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Minutes for the Ordinary Meeting of the Merredin Shire Council held in the Council Chambers, Cnr King/Barrack Streets, Merredin on Tuesday 20 March 2007 at 1.00pm.

ATTENDANCE: Cr KA Hooper – Shire President
Cr RM Crees – Deputy Shire President
Crs JP Townrow; WR Wallace; G Astbury; N Hooper, S Marley, J Jones, M Morris, J Simmonds & D Morley.

Messrs WD Bow, Acting Chief Executive Officer, Manager of Development Services; J Garrett, Manager of Works; E Hooper, Manager of Finance and Administration; D Morris, Acting Manager of Community Services; AM Peters, Personal Assistant
T Martin – Recreation Centre Manager

Mr Doug McGinniss – Nukarni Football Club
Mr Stephen Crook, Mr Andrew Crook – Merredin Districts Lawn Tennis Club.

1.0 OFFICIAL OPENING

The Presiding Member declared the meeting open at 1.02pm.

2.0 PUBLIC QUESTION TIME

Mr Doug McGinniss – Nukarni Football Club, Mr Stephen Crook and Mr Andrew Crook – Merredin Districts Lawn Tennis Club were all present.

Mr McGinniss addressed the meeting and advised he had forwarded a letter to the Councillors for their attention.

Points arising from the discussion were:

- It is expected that Nukarni Football Club will relocate to the Recreation Centre as soon as practical.
- All football club functions are to be held at the Recreation Centre once the Centre is open.
- Council budgets need to be finalised and the MOU with the Nukarni Football Club requires final negotiations and completion.
- Nukarni Football Club will have the use of the clubrooms until the Recreation Centre is up and running.
- Council advised that Merredin Regional Community and Leisure Centre Advisory Committee would discuss and provide answers to Mr McGinniss' questions referred to in his letter of Friday 16 March 2007.
- Mr McGinniss requested that he be present at the next MRC&LC Advisory Committee meeting to be held on Tuesday 27 March 2007.

MINUTES

-
- Ms Tricia Martin, Recreation Centre Manager advised that the MRC&LC Advisory Committee meeting will be closed to the public but suggested that the Committee would invite Mr McGinniss to be present when discussions regarding the relocation of the Nukarni Football Club took place.

Messrs D McGinness, S Crook, A Crook, T Martin Left the meeting at 1.32pm.

3.0 APOLOGIES AND LEAVE OF ABSENCE

Cr Astbury requested leave of absence for the 17 April 2007 Council meeting.

28824 Moved Cr Astbury sec Cr Townrow
That Council approve leave of absence for Cr Astbury for the 17 April 2007 meeting.

CARRIED 11/0

4.0 DISCLOSURE OF INTEREST

Cr Astbury declared a Financial Interest in Item 17.2.

Cr Morris declared an Impartiality Interest in Item 12.1.

5.0 PETITIONS & PRESENTATIONS

Nil

6.0 CONFIRMATION OF MINUTES

6.1 PREVIOUS COUNCIL MEETING

28825 Moved Cr Morley sec Cr Simmonds
That the minutes of Council meeting held on the 20 February 2007 be confirmed as a true and correct record of proceedings.

CARRIED 11/0

7.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

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

- Merredin Medical Centre
- CEO Review

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

- 9.1 FESA - Merredin District Operation Advisory Committee meeting held on 18 September 2006.
- 9.2 Merredin Recreation Community & Leisure Centre Advisory Committee meeting held on 05 February 2007.
- 9.3 Merredin Regional Community and Leisure Centre Advisory Committee meeting Monday 19 February 2007.
- 9.4 Merredin Regional Community and Leisure Centre Management Committee meeting Monday 26 February 2007.
- 9.5 Business and Community Development Committee meeting held on 07 March 2007.

28826

Moved Cr Astbury sec Cr Crees

That the Merredin Shire Council receive the minutes of FESA - Merredin District Operation Advisory Committee meeting held on 18 September 2006; Merredin Recreation Community & Leisure Centre Advisory Committee meeting held on 05 February 2007; Merredin Regional Community and Leisure Centre Advisory Committee meeting Monday 19 February 2007; Merredin Regional Community and Leisure Centre Management Committee meeting Monday 26 February 2007 and the Business and Community Development Committee meeting held on 07 March 2007.

CARRIED 11/0

- 9.3 Merredin Regional Community and Leisure Centre Advisory Committee meeting Monday 19 February 2007.

7.0 Corporate Identity

Moved Cr M. Morris sec E. Carlson

That the committee recommends to Council to adopt the current Merredin logo as the Merredin Regional Community and Leisure Centre logo with the wording Regional Leisure Centre as a title under the logo.



**MERREDIN
REGIONAL LEISURE CENTRE**

CARRIED

28827

Moved Cr Crees sec Cr Morley

That Council adopt the current Merredin logo as the Merredin Regional Community and Leisure Centre logo with the wording Regional Leisure Centre as a title under the logo.

**CARRIED 9/2**

9.4 Merredin Regional Community and Leisure Centre Management Committee meeting Monday 26 February 2007.

5.1.1 Bar Security

Moved Cr M Crees sec G Alp

That the Merredin Regional Community and Leisure Centre Management Committee recommend Council install roller shutters to secure the bar cool-room at the Merredin Regional Community and Leisure Centre.

CARRIED**28828**

Moved Cr Crees sec Cr Morris

That Council install roller shutters to secure the bar cool-room at the Merredin Regional Community and Leisure Centre.

CARRIED 11/0

5.3.1 Landscaping/retaining wall near bowling greens

Moved Cr K. Hooper sc G. McAuliffe

That the Merredin Regional Community and Leisure Centre Management Committee recommend Council install a two tier retaining wall on the east side of the Bowling Greens and a one tier retaining wall on the west side of the bowling green at the Merredin Regional Community and Leisure Centre.

CARRIED 5/3

28829

Moved Cr N Hooper sec Cr Wallace

That Council modify the specifications for the retaining wall around the perimeter of the bowling greens by ;

- *Installing a one tier limestone retaining wall on the east side of the Bowling Greens*
- *Installing a partial second limestone tier located on the east side of the Bowling Greens from the building to the oval light post*
- *Feathering the remaining embankment on the east side of the Bowling Greens out to ground level.*
- *Providing a 3 meters of space from the edge of the Bowling Greens on the west side to the proposed fence-line.*
- *Installing a one tier limestone retaining wall from the fence line on the west side*
- *Providing a further 3 meters of space from the proposed fence –line on the west side for future path development*
- *Feathering the remaining embankment on the west side of the bowling greens out to ground level.*

CARRIED 11/0

Reason:

Following the MRC&LC Advisory Committee recommendation to Council on Monday 26 February 2007:

“Moved Cr K. Hooper sc G. McAuliffe

That the Merredin Regional Community and Leisure Centre Management Committee recommend Council install a two tier retaining wall on the east side of the Bowling Greens and a one tier retaining wall on the west side of the bowling green at the Merredin Regional Community and Leisure Centre.

CARRIED 5/3”

a further meeting of the Advisory Committee on Monday 12 March 2007 was held and as a result of the visual inspection the specifications were modified for the retaining wall around the perimeter of the bowling greens.

9.5 Business and Community Development Committee meeting held on 07 March 2007.

6.2 Pedestrian Access Art Project

Moved Cr Morris sec Cr Hooper
That Business and Community Development Committee recommend to Council that Council consider \$15,000 in the 2007/2008 budget to commence implementation of town centre redevelopment and that the Pedestrian Access Art Project be supported in principal if it is deemed to fit with the overall Town Centre Plan.

CARRIED 3/1

28830

Moved Cr Jones sec Cr Morris
That Council that Council consider \$15,000 in the 2007/2008 budget to commence implementation of town centre redevelopment and that the Pedestrian Access Art Project be supported in principal if it is deemed to fit with the overall Town Centre Plan.

CARRIED 11/0

6.3 Multi Purpose Path In Roy Little Park

Moved Cr Hooper sec Cr Morris
That the BCDC recommend to Council that Council endorse the submission of a funding application to Country Pathways Program for \$50,000 to assist with the construction of a multi purpose path in Roy Little Park and allocate up to \$90,000 in the 2007/08 budget to complete this project.

CARRIED 4/0

28831

Moved Cr Townrow sec Cr Morris
That Council endorse the submission of a funding application to Country Pathways Program for \$50,000 to assist with the construction of a multi purpose path in Roy Little Park and allocate up to \$90,000 in the 2007/08 budget to complete this project.

CARRIED 11/0

10.0 DEVELOPMENT SERVICES

10.1 WHEATBELT HEALTH SERVICE PLAN

Reporting Department: Development Services
Reporting Officer: Frank Ludovico, Chief Executive Officer
Legislation: GR/17/12
File Number:

Background:

Ever since the publication of the Country Health Services Review 2003 and the Health Reform Committees Final Report (Read Report) 2004 there have been calls to detail how the recommendations contained in those reports will be turned into reality and the effect of those recommendations on individual health services within the wheatbelt.

These calls led to the development of Foundations for Country Health Service 2007-2010 (reviewed at Council's December 2006 meeting (CMRef 28761)).

I understand that the Foundations document provided the framework for the Wheatbelt Health Services Plan.

This plan was launched on the 8 March 2007 asking local governments to provide comment by 20 April, 2007.

As health is a continuing issue within the wheatbelt I understand that this document will be reviewed at the WE-ROC and WALGA Zone level. It is appropriate for the Shire of Merredin to consider the plan and provide its comments to the WA Country Health Service, WE-ROC and the Great Eastern Country Zone of WALGA.

The full report is attached under separate cover for Council consideration as **Attachment 10.1A.**

Comment

WACHS have asked us to review their Wheatbelt Health Service Plan in order to determine whether all the issues facing the Wheatbelt have been determined. If these issues are agreed upon then the next phase of the process is to deal with the detailed planning of dealing with these issues.

Generally I found the document quite disappointing. Instead of being a plan which describes the various changes to the health services in the Wheatbelt and how it is intended to move from the current situation to the proposed situation it is generally a document about facts concerning health services within the Wheatbelt.

MINUTES

I consider that the three most important sections of the document are pages 8 and 9 - Reform Agenda, pages 22 and 23 - Health Service gaps and page 25 – Implementation.

I raise the following issues for Council consideration:

Page Number	Heading	Comments
Page 8	REFORM AGENDA 1. Medical Cover	I generally agree with the comments contained in this section regarding the collocating of general practice and hospitals. It makes good sense to put doctors in close proximity to the hospital so they can deal with any emergency situations that arise. It will also improve the relationships between the organisations and will have obvious financial benefits for local governments.
	3. Small Hospitals	Elsewhere in the document (Page 16) it discusses that a number of the health issues in the wheatbelt are preventable and there should be an emphasis within health services to deal with these preventable diseases. How are these smaller communities able to deal with those issues if there is no adequate facility?
	5. Relationship with Midland Health Campus	The expanded role of the Midland Health Campus means that less and less regional services are being provided by the Northam Hospital. It is important that those patients who should be serviced by the Northam Hospital from the Eastern Wheatbelt have a facility of similar service provision. The logical choice is the Merredin Hospital.
Page 9	9. District Hospitals	There is no mention of general practitioners being located within district hospitals. This needs to be clarified. In the case of Merredin locating general practice within that hospital would be extremely beneficial.
Page 9	10. Regional Health Networks	Comments indicate that health networks will provide services in line with its agreed role delineation. Community needs to participate in determining this role delineation so that they are aware of what services will and won't be provided at their local health service.

Page 17	Health Activity and Trends	There is no clarification of the definition of public self-sufficiency so it is difficult to consider what the difference is between wheatbelt self sufficiency of 52.5% and other rural hospitals of at least 70%. There needs to be more explanation in respect to this. Do other hospitals provide more services therefore attracting “custom”?
	Health Activity and Trends <ul style="list-style-type: none"> • (dot point 3 Statistic) 	These statistics are not comparable and therefore is meaningless.
Page 18 and 19	Figures 8 & 9	The figures represented on Page 19 are not explained adequately and therefore we are unable to understand their significance.
Page 22	Health Service Gaps	I generally agree that these are the health services gap within the Wheatbelt.
Page 25	Implementation	I generally believe that providing pilot or demonstration sites will ease some of the anxiety that communities may feel, however are there sufficient resources to run both process systems in parallel before determining whether it is acceptable or not.

I add the following general comments:

I am uncertain how these models will be achieved as every community has demanded that its doctor and its hospital be retained.

A key to the whole Wheatbelt health service delivery is how the health services (Health Department and Local Government) perform. In order to ensure adequate performance it may be appropriate that all these services are managed by one organisation who already has expertise in managing health services and has obligations to ensure that the new model is better than the previous model.

Staff Recommendation:

That Council forward the following comments to the Regional Director of WA Country Health Services – Wheatbelt:

Page Number	Heading	Comments
Page 8	REFORM AGENDA 1. Medical Cover	Council generally agree with the comments contained in this section regarding the collocating of general practice and hospitals. It makes good sense to put doctors in close proximity to the hospital so they can deal with any emergency situations that arise. It will also improve the relationships between the organisations and

MINUTES

		will have obvious financial benefits for local governments.
	3. Small Hospitals	Elsewhere in the document (Page 16) it discusses that a number of the health issues in the wheatbelt are preventable and there should be an emphasis within health services to deal with these preventable diseases. How are these smaller communities able to deal with those issues if there is no adequate facility?
	5. Relationship with Midland Health Campus	The expanded role of the Midland Health Campus means that less and less regional services are being provided by the Northam Hospital. It is important that those patients who should be serviced by the Northam Hospital from the Eastern Wheatbelt have a facility of similar service provision. The logical choice is the Merredin Hospital.
Page 9	9. District Hospitals	There is no mention of general practitioners being located within district hospitals. This needs to be clarified. In the case of Merredin locating general practice within that hospital would be extremely beneficial.
Page 9	10. Regional Health Networks	Comments indicate that health networks will provide services in line with its agreed role delineation. Community needs to participate in determining this role delineation so that they are aware of what services will and won't be provided at their local health service.
Page 17	Health Activity and Trends	There is no clarification of the definition of public self-sufficiency so it is difficult to consider what the difference is between wheatbelt self sufficiency of 52.5% and other rural hospitals of at least 70%. There needs to be more explanation in respect to this. Do other hospitals provide more services therefore attracting "custom"?
	Health Activity and Trends • (dot point 3 Statistic)	These statistics are not comparable and therefore is meaningless.
Page 18 and 19	Figures 8 & 9	The figures represented on Page 19 are not explained adequately and therefore we are unable to understand their significance.
Page 22	Health Service Gaps	Council generally agree that these are the health services gap within the Wheatbelt.
Page 25	Implementation	Council generally believe that providing pilot or demonstration sites will ease some of the anxiety that communities may feel, however are there sufficient resources to run both process systems in parallel before determining whether it is acceptable or not.

28832 Moved Cr Townrow sec Cr Morris

That Council forward the following comments to the Regional Director of WA Country Health Services – Wheatbelt:

Page Number	Heading	Comments
Page 8	REFORM AGENDA 1. Medical Cover	Council generally agree with the comments contained in this section regarding the collocating of general practice and hospitals. It makes good sense to put doctors in close proximity to the hospital so they can deal with any emergency situations that arise. It will also improve the relationships between the organisations and will have obvious financial benefits for local governments.
	3. Small Hospitals	Elsewhere in the document (Page 16) it discusses that a number of the health issues in the wheatbelt are preventable and there should be an emphasis within health services to deal with these preventable diseases. How are these smaller communities able to deal with those issues if there is no adequate facility?
	5. Relationship with Midland Health Campus	The expanded role of the Midland Health Campus means that less and less regional services are being provided by the Northam Hospital. It is important that those patients who should be serviced by the Northam Hospital from the Eastern Wheatbelt have a facility of similar service provision. The logical choice is the Merredin Hospital.
Page 9	9. District Hospitals	There is no mention of general practitioners being located within district hospitals. This needs to be clarified. In the case of Merredin locating general practice within that hospital would be extremely beneficial.
Page 9	10. Regional Health Networks	Comments indicate that health networks will provide services in line with its agreed role delineation. Community needs to participate in determining this role delineation so that they are aware of what services will and won't be provided at their local health service.
Page 17	Health Activity and Trends	There is no clarification of the definition of public self-sufficiency so it is difficult to consider what the difference is between wheatbelt self sufficiency of 52.5% and other rural hospitals of at least 70%. There

MINUTES

		needs to be more explanation in respect to this. Do other hospitals provide more services therefore attracting "custom"?
	Health Activity and Trends • (dot point 3 Statistic)	These statistics are not comparable and therefore is meaningless.
Page 18 and 19	Figures 8 & 9	The figures represented on Page 19 are not explained adequately and therefore we are unable to understand their significance.
Page 22	Health Service Gaps	Council generally agree that these are the health services gap within the Wheatbelt.
Page 25	Implementation	Council generally believe that providing pilot or demonstration sites will ease some of the anxiety that communities may feel, however are there sufficient resources to run both process systems in parallel before determining whether it is acceptable or not.

CARRIED 11/0

10.2 BUILDING STATISTICS REPORT

Reporting Department: Development Services
Reporting Officer: Warren Bow, Manager of Development Services
Legislation: Building Regulations 1989,
 Building Code of Australia 2005
File Number:

Background:

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

Legal Implications:

Various

Budget 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 0.182% of the construction value of the work.

In all cases a minimum fee of \$40.00 is levied.

Approvals:

Building Licence No.	Licence issued to	Address of proposed building	Owner of property	Class of Building Type of Construction
BA01/07	Ben Jardine, 5 Lewis Way, Merredin WA 6415	Lot 950, House No. 18 Coronation St, Merredin WA 6415	Cooperative Bulk Handling Merredin, PO Box 242 Merredin WA 6415	10 (a) – New, steel framed, iron clad outbuilding
BA02/07	D&L King, 6 Caw St, Merredin WA 6415	Lot 678, House No. 6 Caw St, Merredin WA 6415	D&L King, 6 Caw St, Merredin WA 6415	10 (b) – New, fibreglass, below ground swimming pool
BA03/07	EJ & J Pitt, 12 Harling St, Merredin WA 6415	Lot 56, House No. 12 Harling St, Merredin WA 6415	EJ & J Pitt, 12 Harling St, Merredin WA 6415	10 (a) – New, steel framed, iron clad outbuilding
BA04/07	Grant Hutchings, 42 Caw St, Merredin WA 6415	Lot 660, House No. 42 Caw St, Merredin WA 6415	Grant Hutchings, 42 Caw St, Merredin WA 6415	10 (a) – New, steel framed, iron clad outbuilding
BA07/07	Merredin Outdoor, PO Box 792, Merredin WA 6415	Lot 27, House No. 4 Caridi Close, Merredin WA 6415	Chris Shreeve, 4 Caridi Close, Merredin WA 6415	10 (a) – New, steel framed, iron clad outbuilding

Building Licence No.	Licence issued to	Address of proposed building	Owner of property	Class of Building Type of Construction
BA09/07	Jarvis and Rodgers Pty Ltd, PO Box 50 Maddington WA 6989	Lot 65 Fitzpatrick Rd, Hines Hill WA 6413	G Dudgeon, 25 Mawson Cr, Hillarys WA 6025	10 (a) – New, steel framed, iron clad outbuilding

Valuation: \$45,709 Fees: \$240.00
 Progressive from Jan 07: **\$45,709** Progressive from Jan 07: **\$240.00**

Comment:**Officers Recommendation:**

That the Merredin Shire Council receive the January – March 2007 statistics for building licences issued by the Building Surveyor for the previous month

28833

Moved Cr Morris sec Cr Astbury

That the Merredin Shire Council receive the January – March 2007 statistics for building licences issued by the Building Surveyor for the previous month

CARRIED 11/0

**10.3 APPLICATION FOR PLANNING CONSENT – TWO GROUPE
DWELLINGS AT LOT 1020 WOOLGAR AVENUE, MERREDIN,
COLIN G COCKRAM ARCHITECT FOR DEPARTMENT OF
HOUSING AND WORKS**

Reporting Department: Development Services
Reporting Officer: Warren Bow, Manager Development Services
Legislation: Planning and Development Act 2005,
Shire of Merredin Town Planning Scheme No.
1, Residential Design Codes
File Number: P/3274

Background:

An application (PA02/07) has been submitted by Colin G Cockram Architect (the applicant) on behalf of Department of Housing and Works to construct two two bedroom grouped dwellings at Lot 1020 Woolgar Avenue, Merredin (the property).

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

Attachment 10.3A is a site plan showing the proposed location of the grouped dwelling.

Attachment 10.3B shows various elevations and a brief schedule of finishes applicable to the proposed dwellings.

The property is currently occupied by a timber framed, fibro clad, tiled roofed single dwelling.

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

Legal Implications:

Lot 1020 Woolgar Avenue, Merredin is zoned “Residential 1” in accordance with the Shire of Merredin Town Planning Scheme No.1.

A grouped dwelling is a “PS” use within the Residential 1 zone. Such development will require special Council approval and compliance with any conditions imposed by Council.

Any development within the Residential zone is required to comply with the provisions of the Residential Design Codes.

MINUTES**Budget Implications:**

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

The relevant fee applicable to this application for planning consent is \$938.00 which has been not paid by the applicant.

Comment:

As can be seen from the site plan, stormwater drainage and disposal is problematic to the developer due to the natural contours of the property and there being no rear access way to discharge stormwater into.

Discussions with the applicant indicate that the land will be filled and retained at the rear to enable stormwater discharge to Woolgar Ave from the unit two.

The two grouped dwelling proposal complies with all relevant requirements of the RDC (Residential R20) including average lot area, outdoor living and open space requirements, setbacks, car parking and external storage areas.

Officer's Recommendation:

That the Merredin Shire Council grant planning consent to Colin G Cockram Architect, for the Department of Housing and Works, in relation to application for planning consent PA02/07 to construct two two bedroom grouped dwellings at Lot 1020 Woolgar Avenue, Merredin subject to the following conditions –

- 1. All residential building work to be the subject of a building license and comply with the Building Code of Australia 2006;*
- 2. Lot 1020 to be suitably filled and retained at the rear to enable stormwater drainage and disposal onto Woolgar Avenue, Merredin to the satisfaction of the Chief Executive Officer;*
- 3. All retaining walls to be the subject of a building license;*
- 4. The grouped dwellings to be connected to the Water Corporation WA mains sewer; and*
- 5. All fencing on site to be constructed in accordance with Shire of Merredin Local Law No. 7 – Fencing*

28834

Moved Cr Astbury sec Cr Morley

That the Merredin Shire Council grant planning consent to Colin G Cockram Architect, for the Department of Housing and Works, in relation to application for planning consent PA02/07 to construct two two bedroom grouped dwellings at Lot 1020 Woolgar Avenue, Merredin subject to the following conditions –

- 1. All residential building work to be the subject of a building license and comply with the Building Code of Australia 2006;*
- 2. Lot 1020 to be suitably filled and retained at the rear to enable stormwater drainage and disposal onto Woolgar Avenue, Merredin to the satisfaction of the Chief Executive Officer;*
- 3. All retaining walls to be the subject of a building license;*
- 4. The grouped dwellings to be connected to the Water Corporation WA mains sewer; and*
- 5. All fencing on site to be constructed in accordance with Shire of Merredin Local Law No. 7 – Fencing*

CARRIED 11/0

**10.4 DETERMINATION OF TENDER 09 – 06/07 – SALE OF LOT 1144,
HOUSE NUMBER 5 BOWER STREET, MERREDIN**

Reporting Department: Development Services
Reporting Officer: Warren Bow, Manager of Development Services
Legislation: Local Government Act 1995
File Number: P/400, Tender 09-06/07

Background:

Council resolved in December 2006 (**CMRef 28742**) to dispose of the property Lot 1144, House No. 5 Bower Street, Merredin by public tender.

Shire of Merredin Tender 09 – 06/07 was developed for the disposal of this property.

The tender was advertised on 7 February 2007 in *The Wheatbelt Mercury* newspaper.

The closing date for tenders was 4:00pm on Tuesday 6 March 2007, with all tenders being opened at 10:00am on Wednesday 7 March 2007.

Legal Implications:

Compliance with the Local Government Act 1995 and Local Government (Functions and General) Regulations 1996 relating to tenders.

Budget Implications:

Initially in 2006/2007 Council's residential property at Lot 18, House No. 19 (known as No. 21) Priestly Street, Merredin was proposed for sale. However as this property became occupied with new staff, and Lot 1144 Bower Street, Merredin remained unoccupied it was decided to sell the Bower Street property.

\$106,000 was budgeted as income for the sale of the Priestly Street dwelling, with such funds proposed to be used to construct the second grouped dwelling development at Lot 77 Coronation Street, Merredin.

Comment:

Tenders were received from the following –

TENDERER	PRICE (inc GST)
Bradley J and Joeline P Anderson	\$135,000
JL & DL Alberti	\$127,500

All tenders were evaluated against the submitted price.

Officer's Recommendation:

1. *That Council award Tender 09-06/07 for the sale of Lot 1144, House No. 5 Bower Street, Merredin to Bradley J and Joeline P Anderson for the submitted price of \$135,000 inc GST.*
2. *That Council engage Sharon Stivey Settlements to facilitate the sale of the Lot 1144, House No. 5 Bower Street, Merredin*
3. *That Council hold in General Building Reserve the proceeds, less settlement agent fees, of the sale of Lot 1144, House No. 5 Bower Street, Merredin for the construction of the second grouped dwelling at Lot 77 Coronation Street, Merredin in the 2007/2008 financial year.*

28835

Moved Cr Townrow sec Cr Morris

1. *That Council award Tender 09-06/07 for the sale of Lot 1144, House No. 5 Bower Street, Merredin to Bradley J and Joeline P Anderson for the submitted price of \$135,000 inc GST.*
2. *That Council engage Sharon Stivey Settlements to facilitate the sale of the Lot 1144, House No. 5 Bower Street, Merredin*
3. *That Council hold in General Building Reserve the proceeds, less settlement agent fees, of the sale of Lot 1144, House No. 5 Bower Street, Merredin for the construction of the second grouped dwelling at Lot 77 Coronation Street, Merredin in the 2007/2008 financial year.*

CARRIED 7/4

10.5 PROPOSED CONSTRUCTION OF FIRE AND EMERGENCY SERVICES FACILITY – TENURE OF LAND - LOTS 1 AND 2 GREAT EASTERN HIGHWAY, HINES HILL

Reporting Department:	Development Services
Reporting Officer:	Warren Bow, Manager of Development Services
Legislation:	Local Government Act 1995, Land Administration Act 1997; Contaminated Sites Act 2003; Town Planning and Development Act 2005
File Number:	P/6500; 6501

Background:

Council obtained grant funding through Fire and Emergency Services Authority (FESA) to construct a storage building for the Hines Hill Bush Fire Brigade in May 2006.

It was initially proposed to locate such facility on Reserve 19824 on which previously existed the Hines Hill Community Hall and also contains the old disused tennis courts. Council retains a management order over this reserve and it is zoned “recreation” in accordance with the Shire of Merredin Town Planning Scheme No.1.

A site map showing the general Hines Hill area can be seen at **Attachment 10.5A**.

The Hines Hill Bush Fire Brigade (the Brigade) decided against constructing the building on this site, instead wishing to construct such on Lots 1 and 2 Great Eastern Highway, Hines Hill. It appears as if the Brigade was under the mistaken belief that Lots 1 and 2 Great Eastern Highway, Hines Hill (the land) was owned by the Shire of Merredin.

The land is currently owned by Garry Feineler and Company and Kevin Joseph Feineler (dec), however is in the process of being transferred to the Crown. Council may recall that at its Ordinary March 2002 meeting it was resolved (**CMRef 26610**) to waive all outstanding rates and charges on the property and transfer the ownership of the land back to the Crown. This process has not yet been completed.

Correspondence from the Department of Local Government and Regional Development indicates that before the Department of Planning and Infrastructure can formally revert the land back to the Crown, a Statutory Declaration from Council stating that the land is uncontaminated, to comply with the Contaminated Sites Act 2003, is required.

MINUTES

At the time of writing this report no records could be located which indicates the Shire of Merredin has agreed to obtain management of Lots 1 and 2 Great Eastern Highway, Hines Hill.

The Hines Hill Bush Fire Brigade have become quite concerned as to the delays in having their building constructed, with discussions between the Mr Graeme Whitehead (Captain of the Brigade) and the Chief Executive Officer recently bringing this matter to a head.

Legal Implications:

The Shire of Merredin cannot construct the building on behalf of the Hines Hill Bush Fire Brigade on land it does not own or have the care and control of.

There are two options available to Council to obtain ownership or the care and control of Lots 1 and 2 Great Eastern Highway, Hines Hill. These are detailed in the emails received from the Department of Planning and Infrastructure which can be seen as **Attachment 10.5B**.

Subsequent to the completion of the transfer of the land back to the Crown, the two options are –

1. Council purchase Lots 1 and 2 Great Eastern Highway, Hines Hill freehold at current unimproved market value; or
2. A reserve be created over Lots 1 and 2 Great Eastern Highway, Hines Hill for the purpose of “Bush Fire Brigade”, with the management order for the reserve to be with the Shire of Merredin.

Either option will require the town planning scheme zoning of the property to be changed from its current “residential” to “civic and cultural”.

Budget Implications:

Council has no funds allocated in its 2006/2007 budget for the purchase of Lots 1 and 2 Great Eastern Highway, Hines Hill.

The creation of a reserve over the land and management order being transferred to the Shire of Merredin will be at nil cost to Council.

Formal rezoning of the property may take up to one year, with costs of approximately \$5,000. It may be acceptable to have the Shire’s Draft Local Planning Strategy altered to reflect the proposed rezoning.

Comment:

Additional fire water service infrastructure has been installed adjacent to Lots 1 and 2 Great Eastern Highway, Hines Hill by the Water Corporation in preparation for the construction of the building.

Anecdotal evidence suggests that the property has been vacant for nearly fifty years and is unlikely to be contaminated. A formal site inspection will be undertaken by Council’s Environmental Health Officer prior to the submission of the Statutory Declaration.

Advice from the DPI indicates that the sale of the land freehold to the Shire of Merredin may take in excess of twelve months, most probably eighteen. The reservation of the land and transfer of management to the Shire of Merredin could occur in a matter of approximately three weeks; subsequent to the Crown assuming ownership.

The FESA grant must be expended by 30 June 2007 and for this reason option two is recommended.

Officer's Recommendation:

1. *That Council endorse the completion of the transfer of ownership of Lots 1 and 2 Great Eastern Highway, Hines Hill to the Crown.*
2. *That Council alter the town planning zoning of Lots 1 and 2 Great Eastern Highway, Hines Hill in the Shire of Merredin Draft Local Planning Strategy from "Residential 1" to "Civic and Cultural".*
3. *That Council request the Department of Planning and Infrastructure to create a reserve over Lots 1 and 2 Great Eastern Highway, Hines Hill for the purpose of "Bush Fire Brigade" and for the Management Order of such reserve to be issued to the Shire of Merredin, inclusive of the power to lease.*
4. *That Council write to the Hines Hill Bush Fire Brigade and formally advise them of the status of the land tenure of Lots 1 and 2 Great Eastern Highway, Hines Hill and the proposed construction of the Hines Hill Bush Fire Brigade building.*

28836

Moved Cr Jones sec Cr Townrow

1. *That Council endorse the completion of the transfer of ownership of Lots 1 and 2 Great Eastern Highway, Hines Hill to the Crown.*
2. *That Council alter the town planning zoning of Lots 1 and 2 Great Eastern Highway, Hines Hill in the Shire of Merredin Draft Local Planning Strategy from "Residential 1" to "Civic and Cultural".*
3. *That Council request the Department of Planning and Infrastructure to create a reserve over Lots 1 and 2 Great Eastern Highway, Hines Hill for the purpose of "Bush Fire Brigade" and for the Management Order of such reserve to be issued to the Shire of Merredin, inclusive of the power to lease.*
4. *That Council write to the Hines Hill Bush Fire Brigade and formally advise them of the status of the land tenure of Lots 1 and 2 Great Eastern Highway, Hines Hill and the proposed construction of the Hines Hill Bush Fire Brigade building.*

CARRIED 11/0

**10.6 SUBMISSION FROM 510 ARMY CADET UNIT, MERREDIN
REGARDING USE OF LOT 1180 ON RESERVE 23036 KITCHENER
ROAD, MERREDIN**

Reporting Department: Development Services
Reporting Officer: Warren Bow, Manager of Development Services
Legislation: Local Government Act 1995, Land
Administration Act 1997
File Number: CUS/9/3; Res/23036

Background:

At its December 2006 Ordinary meeting Council resolved (**CMRef 28737**) to accept the submission from the 510 Army Cadet Unit, Merredin (ACU) in relation to the use of the former basketball and netball clubrooms Lot 1180 on Reserve 23036, Kitchener Road, Merredin.

The resolution (**CMRef 28737**) also contained various conditions for usage of the building and property that were to be incorporated into a formal lease agreement.

Various conditions of use were proposed to the ACU via correspondence from this office (**Attachment 10.6A**) dated 4 January 2007 with a draft lease agreement prepared.

A response to these conditions was submitted by Lt Mike Kendrick of the ACU and can be seen as **Attachment 10.6B**.

Legal Implications:

A copy of *Council Policy 6.4 – Rental charges for agreements to occupy Council non-residential property* (the Policy) can be seen as **Attachment 10.6C**.

Council Policy 9.12 - Placement of sea containers on land within the townsites of the Shire of Merredin is also relevant to this report. This policy designates the placement of sea containers on land zoned “Reserve” as a “PS” use, that is, not permitted unless special approval obtained from Council.

Budget Implications:

The clubrooms building on the property is valued at \$95,000.

Council allocated \$1,800 in its 2006/2007 budget for maintenance, insurance and utilities for the clubrooms. At the time of writing this report \$1,208 has been allocated to this account.

Clause 13 of Policy 6.4 requires that Council retain responsibility for items such as building insurance, water rates, termite inspection, pesticide application, fire service installation inspection and minor maintenance. This is

MINUTES

to ensure that Council's statutory obligations are met and that a general basic standard of maintenance recurs.

Clause 9 of Policy 6.4 allows Council to levy rental on "community organisations" to enable full cost recovery of the cost incurred by Clause 13.

Council, via resolution (**CMRef 28737**) have agreed to a rental subsidy of \$8,650 to the ACU, with such to be recognised as an in-kind contribution from the Shire of Merredin. A rental of \$1,800 per annum was proposed to be levied on the ACU.

Comment:

The 510 Army Cadet Unit Merredin (ACU) have agreed to remove the basketball/netball posts, comply with the requirements of the Health (Public Buildings) Regulations 1992 and enter into a formal lease for the property for a three year period with an option for an additional two.

The ACU seek approval to locate a sea container on the property and a portable office, contrary to Council's resolution (**CMRef 28737**) on this matter. The ACU propose to paint the sea container in army colours and for it to be screened from view from Kitchener Road. An upgrade of the portable office is also proposed prior to its relocation.

The ACU also propose to pay a reduced rental of \$100 per annum and assume responsibility for all building maintenance, cleaning, removal and disposal of the existing coolroom.

In their submission the ACU detail their current and forecast membership and highlight the social benefits to the Merredin community of their organisation. The ACU "not for profit", do not charge cadets a membership fee and receive only minimal funding from the department of Defence; unlike other regional army cadet units.

In considering the requests from the ACU Council may wish to have regard to the unoccupied status of the buildings and property since the relocation of the basketball and netball associations to the Recreation Ground.

The suitability of the site for the ACU purposes is also relevant, furthermore a similar and more compatible use by any organisation for the purpose of recreation may be difficult to find in future.

The use of the property by the ACU will also relieve the pressures caused by the co-location of the ACU at the Merredin Military Museum.

Clause 11 of Policy 6.4 states that "the Council may upon receipt of written application, by way of resolution, grant a donation in subsidy of the rental amount for "community organisations" and "sporting clubs" where the tenancy grants a demonstrable benefit to the community.

MINUTES

In light of the submission from the ACU Council may wish to alter the conditions of approval conveyed by its resolution at the January 2007 meeting (**CMRef 28737**). Shall Council choose to do such Regulation 10 (2) of the Local Government (Administration) Regulations 1996 applies and an absolute majority is required to revoke Resolution 28737.

Officers Recommendation:

1. *That Council revoke resolution 28737;
(Absolute Majority required)*
2. *That Council permits the 510 Army Cadet Unit Merredin to use the building and grounds at Lot 1180 on Reserve 23036 Kitchener Rd, Merredin (the property) subject to the following conditions –*
 - a) *Prior to the occupation of the property, the 510 Army Cadet Unit take down and remove all basketball/netball poles to the satisfaction of the Chief Executive Officer;*
 - b) *510 Army Cadet Unit Merredin being responsible for maintaining the perimeter fence and hard stand area, to the satisfaction of the Chief Executive Officer;*
 - c) *Approval to place a sea container on the property is granted subject to the following –*
 - i. *Site plan to be submitted indicating the location of the sea container prior to placement;*
 - ii. *Sea container to be painted in standard army camouflage colours prior to the placement;*
 - iii. *Sea container to be located so as not to be seen from Kitchener Road;*
 - iv. *Sea container to be used for storage purposes only;*
 - d) *Permission is refused to relocate the transportable office (currently stored at the Shire of Merredin Depot) to the property;*
 - e) *A minimum annual allocation of \$1800 be made as part of Council's annual budget to cover building insurance, water rates, fire service inspections, termite inspection and minor building maintenance items at the property for the duration of the lease;*
 - f) *Annual rental of the property to be \$100 per annum;*
 - g) *510 Army Cadet Unit Merredin being responsible for compliance with the Health (Public Buildings) Regulations 1992, prior to occupation of the building to the satisfaction of the Chief Executive Officer;*
 - h) *Lease agreement to include "lessee's" and "lessor's" responsibility as per standard Shire of Merredin documentation and determined by the Chief Executive Officer;*
 - i) *Lease agreement being valid for a three year period with a further two year option, at Council's discretion; and*
 - j) *The 510 Army Cadet Unit Merredin be advised of the total in-kind contribution from Council to their relocation to Lot 1180 on Reserve 23036 Kitchener Rd, Merredin being \$1,700 per annum.*
3. *That Council request the 510 Army Cadet Unit Merredin remove the transportable office currently stored at the Shire of Merredin Depot, Telfer Ave, Merredin prior to 30 April 2007.*

28837

Moved Cr Townrow sec Cr Morley
Cr Townrow, Jones, Wallace, N Hooper and Morley supported this motion.

1. *That Council revoke resolution 28737.*

**CARRIED 10/1
ABSOLUTE MAJORITY**

28838

Moved Cr Townrow sec Cr Jones

2. *That Council permits the 510 Army Cadet Unit Merredin to use the building and grounds at Lot 1180 on Reserve 23036 Kitchener Rd, Merredin (the property) subject to the following conditions –*

- a) *Prior to the occupation of the property, the 510 Army Cadet Unit take down and remove all basketball/netball poles to the satisfaction of the Chief Executive Officer;*
- b) *510 Army Cadet Unit Merredin being responsible for maintaining the perimeter fence and hard stand area, to the satisfaction of the Chief Executive Officer;*
- c) *Approval to place a sea container on the property is granted subject to the following –*
 - i *Site plan to be submitted indicating the location of the sea container prior to placement;*
 - ii *Sea container to be painted in standard army camouflage colours prior to the placement;*
 - iii *Sea container to be located so as not to be seen from Kitchener Road;*
 - iv *Sea container to be used for storage purposes only;*
- d) *Permission is refused to relocate the transportable office (currently stored at the Shire of Merredin Depot) to the property;*
- e) *A minimum annual allocation of \$1800 be made as part of Council's annual budget to cover building insurance, water rates, fire service inspections, termite inspection and minor building maintenance items at the property for the duration of the lease;*
- f) *Annual rental of the property to be \$100 per annum;*
- g) *510 Army Cadet Unit Merredin being responsible for compliance with the Health (Public Buildings) Regulations 1992, prior to occupation of the building to the satisfaction of the Chief Executive Officer;*
- h) *Lease agreement to include "lessee's" and "lessor's" responsibility as per standard Shire of Merredin*

-
- documentation and determined by the Chief Executive Officer;*
- i) Lease agreement being valid for a three year period with a further two year option, at Council's discretion; and*
- j) The 510 Army Cadet Unit Merredin be advised of the total in-kind contribution from Council to their relocation to Lot 1180 on Reserve 23036 Kitchener Rd, Merredin being \$1,700 per annum.*
- 3. That Council request the 510 Army Cadet Unit Merredin remove the transportable office currently stored at the Shire of Merredin Depot, Telfer Ave, Merredin prior to 30 April 2007.*

CARRIED 11/0

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10.7 SHIRE OF MERREDIN – LOCAL PLANNING STRATEGY

Reporting Department:	Administration
Reporting Officer:	Colin Connor (Whelans), Warren Bow, Manager of Development Services
Legislation:	Local Government Act 1995 and Planning and Development Act 1995
File Number:	

Background

Whelans (WA) Pty Ltd on behalf of the Shire of Merredin have prepared the 'Draft Shire of Merredin Local Planning Strategy' (Draft LPS).

An LPS is a town planning document that:

- sets out the long term planning direction for the local government
- applies state and regional planning policy
- provides the rationale for zones and other provisions of the town planning scheme.

The Draft LPS was last adopted by the Council at its meeting of 21 March 2006 for a 42 day advertising period which closed on 21 July 2006.

The Draft LPS was forwarded to 23 public agencies for comment, and advertised in the Wheatbelt Mercury newspaper over two consecutive weeks in June 2006.

There are nine submissions on the Draft LPS, one of which is from the Shire itself. The Schedule of Submissions is contained in **Attachment 10.7A**.

A report to the Council to consider the submissions and make recommended modifications to the Draft LPS was presented at the Council meeting of 19 December 2006, and the Council resolved (**CMRef 28735**) as follows:

1. That Council receive the above report:
2. That Council request Whelans (WA) Pty Ltd advice indicating whether the proposed alterations to the draft Shire of Merredin Local Planning Strategy will require referral back to the WAPC and recommencement of adoption process including public advertising.
3. That Council express concern to Whelans (WA) Pty Ltd with regard to the timeliness currency and presented format of the documentation relating to the draft Shire of Merredin Local Planning Strategy.

In addition to the above resolution, the Shire of Merredin forwarded to Whelans a schedule of proposed modifications and an annotated copy of the LPS text to review and consider as further modifications to the Draft LPS.

MINUTES

In relation to Council's resolution No. 2, Whelans advise that the LPS is required to be referred back to the WAPC with submissions and any modifications so that the Commission can endorse the LPS. The WAPC will determine whether the modifications are significant and warrant the LPS being re-advertised. In order to expedite the process it is recommended that the LPS be adopted by the Council with the modifications as proposed in this report.

The Council is now required to consider the LPS in the light of the submissions and either adopt the LPS with or without modification and submit it to the Western Australian Planning Commission for endorsement.

Legal Implications

Council is required to administer and abide by the following town planning legislation: *Planning and Development Act 2005 and the Town Planning and Regulations 1967*

Budget Implications

Consultant's fees payable for further negotiation, administration and document tasks associated with processing of the Draft LPS.

In its 2006/2007 budget Council allocated \$30,150 for town planning control expenses. At the time of writing this report \$28,825 has been allocated to this account.

Comments

Nine submissions were received during the initial advertising period; as such a number of modifications to the Draft LPS are to be made.

Councils attention is drawn to the submission from Paul, Sue and Brendan Bartlett requesting a rezoning of their property at Lot 1 Merredin-Naremben Road, Merredin. Initially this proposal was rejected by Whelans, however it has now been determined by the consultant that such land will be zoned as potential rural residential in the LPS.

Along with the modifications to be made as a result of submissions, a general update of the LPS is required as it is more than five years since it was first prepared. Generally the matters updated include names of organisations and government agencies, the status of development projects and existing developments in the town site and updates to statistical information.

A number of formatting changes are also to be made to the LPS including the addition of some new subheading and including a list of tables and figures.

Updates to the Strategic Plan Merredin Town Site are also to be made to reintroduce all the existing zones and reserves of Scheme No.1 into the legend and onto the plan. Some minor zones and reserves had been omitted for the Strategic Plan Merredin Town Site as the focus was on the main recommended land uses planning designations changes. The omission has caused some confusion and reinstatement should resolve the issue.

A copy, electronic or otherwise, of the LPS has been distributed to Councillors with the March 2007 meeting Agenda and is referred to as **Attachment 10.7C**.

Officers Recommendation

That the Merredin Shire Council resolves to:

- 1) *Receive the Schedule of Submission on the Draft Local Planning Strategy, seen as Attachment 10.7A;*
- 2) *Adopt the Schedule of Modifications, seen as Attachment 10.7B and incorporate such into the Draft Local Planning Strategy;*
- 3) *Adopt the Shire of Merredin Local Planning Strategy, seen Attachment 10.7C;*
- 4) *Submit the Local Planning Strategy to the West Australian Planning Commission for endorsement; and*
- 5) *Advise those persons who made a submission on the Local Planning Strategy of its decisions.*

28839

Moved Cr Morley sec Cr Jones

That the Merredin Shire Council resolves to:

- 1) *Receive the Schedule of Submission on the Draft Local Planning Strategy, seen as Attachment 10.7A;*
- 2) *Adopt the Schedule of Modifications, seen as Attachment 10.7B and incorporate such into the Draft Local Planning Strategy;*
- 3) *Adopt the Shire of Merredin Local Planning Strategy, seen as Attachment 10.7C;*
- 4) *Submit the Local Planning Strategy to the West Australian Planning Commission for endorsement; and*
- 5) *Advise those persons who made a submission on the Local Planning Strategy of its decisions.*

CARRIED 11/0

MINUTES**17.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION**

Late Item 17.1 was brought forward due to W Bow, Acting Chief Executive Officer, Manager of Development Services being present.

17.1 APPLICATIONS FOR PLANNING CONSENT – USES NOT LISTED IN SHIRE OF MERREDIN TOWN PLANNING SCHEME No.1 - BED AND BREAKFAST ESTABLISHMENTS

Reporting Department: Development Services
Reporting Officer: Warren Bow, Manager of Development Services
Legislation: Planning and Development Act 2005, Shire of Merredin Town Planning Scheme No.1
File Number: P/304

Background:

An application has been received to operate a bed and breakfast accommodation business on a commercial property in the Merredin central business district.

The property is zoned “Shop” in accordance with the Shire of Merredin Town Planning Scheme No.1.

A bed and breakfast establishment is a use that is not listed within the zoning and development tables of the Scheme.

Legal Implications:

Clause 2.2.4 of the Scheme states that –

“if a particular use is not listed in the use classes, and it is not included in the general terms of any use class, then the Council shall, upon application to it determine either:

- a) That the use shall be prohibited within the Scheme area; or*
- b) That the use may be permitted within one or more of the zones within the Scheme area.*

The Council shall, in the latter case, decide which of the use symbols shall apply and may impose any conditions or development standards it deems fit.”

The relevant use symbols of the Town Planning Scheme No.1 are -

- “P” – permitted
- “PS” - not permitted unless special approval given by Council subject to conditions being complied with
- “AP” - not permitted unless special approval given after advertising

MINUTES

- “IP” - not permitted unless it is incidental to a predominant use as determined by Council

Budget 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	\$100
More than \$50 000 but not more than \$500 000	0.23% of the estimated cost of development
More than \$500 000 but not more than \$2.5 million	\$1150 + 0.18% for every \$1 in excess of \$500 000
Extractive Industry	\$500

Comment:

The use of residential dwellings for bed and breakfast accommodation is a practice that was uncommon when the Town Planning Scheme No.1 was gazetted (1983) but has increased in popularity since.

The operation of these establishments is generally more common in the “Residential” or “General Farming” zones.

The zoning and development tables of the Scheme refer to a “residential building”; with such being a “P” (permitted) use within the “Hotel” and “Residential 2” zones. The Scheme defines a residential building as –

“A building other than a dwelling house, designed for use for human habitation together with outbuildings as are ordinarily used therewith and the expression includes a hostel, lodging house and a hotel designed primarily for residential purposes.”

Since the inception of the Wheatbelt Tourism Strategy a need for quality accommodation that is not located on the Great Eastern Highway has been identified.

To ensure standard town planning processes are followed for these types of establishments, it is suggested that Council determine that applications to operate bed and breakfast accommodation within the Shire of Merredin be advertised in accordance with the Town Planning Scheme No.1. This procedure includes affixing a notice at the front of the property, publishing a

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notice in the local newspaper and posting or delivering such notice to adjoining and/or other affected land owners advising of the application.

By advertising, Council invites comments and/or objections to be lodged and for land use compatibility issues and town planning matters to be further considered.

Officer's Recommendation:

1. *That the Merredin Shire Council, in accordance with Clause 2.2.4 (a) of the Shire of Merredin Town Planning Scheme No. 1, determine that bed and breakfast accommodation establishments are assigned the following use symbol in the referenced town planning zones –*

<i>Residential 1 -</i>	<i>"AP"</i>
<i>Residential 2 -</i>	<i>"AP"</i>
<i>General Farming -</i>	<i>"AP"</i>
<i>Shop -</i>	<i>"AP"</i>
<i>Civic and Cultural -</i>	<i>"AP"</i>
<i>Stable -</i>	<i>"AP"</i>
<i>Office -</i>	<i>"AP"</i>
<i>Special zones -</i>	<i>"AP"</i>

<i>Tourist -</i>	<i>"P"</i>
<i>Hotel -</i>	<i>"P"</i>

2. *That the Merredin Shire Council, in accordance with Clause 2.2.4 (a) of the Shire of Merredin Town Planning Scheme No. 1, determine that bed and breakfast accommodation establishments be prohibited in the following town planning zones –*

Light Industry
General Industry
Showroom

28840

Moved Cr Jones sec Cr Townrow

1. *That the Merredin Shire Council, in accordance with Clause 2.2.4 (a) of the Shire of Merredin Town Planning Scheme No. 1, determine that bed and breakfast accommodation establishments are assigned the following use symbol in the referenced town planning zones –*

<i>Residential 1 -</i>	<i>“AP”</i>
<i>Residential 2 -</i>	<i>“AP”</i>
<i>General Farming -</i>	<i>“AP”</i>
<i>Shop -</i>	<i>“AP”</i>
<i>Civic and Cultural -</i>	<i>“AP”</i>
<i>Stable -</i>	<i>“AP”</i>
<i>Office -</i>	<i>“AP”</i>
<i>Special zones -</i>	<i>“AP”</i>
<i>Tourist -</i>	<i>“P”</i>
<i>Hotel -</i>	<i>“P”</i>

2. *That the Merredin Shire Council, in accordance with Clause 2.2.4 (a) of the Shire of Merredin Town Planning Scheme No. 1, determine that bed and breakfast accommodation establishments be prohibited in the following town planning zones –*

Light Industry
General Industry
Showroom

CARRIED 11/0

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This Late Item 17.2 was brought forward due to W Bow, Acting Chief Executive Officer, Manager of Development Services being present.

Cr Astbury declared a Financial in Item 17.2 and left the room at 2.30pm.

17.2 APPLICATION FOR PLANNING CONSENT – BED AND BREAKFAST ESTABLISHMENT AND ANTIQUE SHOP AT LOT 114 BATES STREET, MERREDIN, AVRIL E PARKER FOR SELF

Reporting Department: Development Services
Reporting Officer: Warren Bow, Manager Development Services
Legislation: Planning and Development Act 2005,
Shire of Merredin Town Planning Scheme No.
1, Building Code of Australia 2006, Health Act
1911
File Number: P/304

Background:

An application (PA04/07) has been submitted by Avril E Parker (the applicant) to operate a bed and breakfast establishment at Lot 114, No 30 Bates Street Merredin (the property). In addition to the bed and breakfast business, the applicant intends to use the building to operate an antiques shop.

Previous use of the property was as a consulting room, with caretaker's accommodation.

Attachment 17.2A is a submission from the applicant detailing her proposal.

Attachment 17.2B is an area plan taken from the Landgate system, showing the location of the property.

Attachment 17.2C is photograph of the existing Bates St frontage of the property.

The applicant proposes to provide accommodation for up to six persons.

The property is served by Water Corporation sewer mains and all other relevant utilities.

Legal Implications:

The property is zoned "Shop" in accordance with the Shire of Merredin Town Planning Scheme No.1.

A bed and breakfast establishment is a use that is not listed in the "Shop" zone. Prior to considering this item, Council will have been asked to assign a use symbol to bed and breakfast establishments, in accordance with the Scheme. It is felt that advertising this application in accordance with the

MINUTES

provisions of the Scheme is appropriate and will enable comment and any objections on town planning grounds to be considered.

Clause 6.2.2 of the Scheme details the manner in which an application for planning consent is required to be advertised.

The use of the property for an antiques shop is a permitted "P" use in accordance with the Scheme.

A bed and breakfast establishment is classed as a Class 1(b) building in accordance with the Building Code of Australia 2006. Specific safety requirements are imposed under the Building Code of Australia 2006 relating to hard wired smoke detectors and emergency lighting.

Any accommodation business will be the subject of routine inspections and compliance with the Health Act 1911 and associated regulations.

Budget Implications:

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

The relevant fee applicable to this application for planning consent is \$100.00 which has been paid by the applicant.

Comment:

The compatibility of a bed and breakfast establishment or any accommodation generally, within the central business district may be problematic, with particular regard to noise and its various forms in a commercial area.

Unfortunately at the time of writing this report a proper floor plan of the building was not available.

The applicant has been advised that the application will require planning approval which may entail advertising.

Officer's Recommendation:

- 1. That Council support in principle the application for planning consent (PA04/07) submitted by Avril E Parker to operate a bed and breakfast establishment and antiques shop at Lot 114 Bates Street, Merredin.*
- 2. That Council advertise application for planning consent PA04/07 in accordance with Clause 6.2.2 of the Shire of Merredin Town Planning Scheme No.1 and that the matter be referred back to the April 2007 Ordinary Council meeting.*

28841

Moved Cr Townrow sec Morris

1. *That Council support in principle the application for planning consent (PA04/07) submitted by Avril E Parker to operate a bed and breakfast establishment and antiques shop at Lot 114 Bates Street, Merredin.*
2. *That Council advertise application for planning consent PA04/07 in accordance with Clause 6.2.2 of the Shire of Merredin Town Planning Scheme No.1 and that the matter be referred back to the April 2007 Ordinary Council meeting.*

CARRIED 10/0

Cr Astbury entered the meeting at 2.31pm.

E Hooper left the meeting at 2.30pm.

W Bow left the meeting at 2.30pm.

MINUTES

W Bow, J Garrett and E Hooper entered the meeting at 2.31pm

11.0 ENGINEERING SERVICES

11.1 MANAGER OF WORKS – MONTHLY REPORT

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

Background:

Monthly report on operations.

Legal Implications:

Nil

Budget Implications:

Nil

Comment:

Road Construction

Reconstruction of Pollock Avenue and Bates Street, the gravel has been laid and the bitumen has been ordered for the 26 March 2007.

Construction has started on the intersection of Chandler Road and Telfer Avenue with the relocation of a water meter, Telstra cable and fence. One large tree was also removed to allow for the realignment of the intersection.

Road Maintenance

Bitumen patching of rural roads have been undertaken when staff are available.

Water

Due to the lack of summer rains our dam levels are low and watering to parks and gardens has been cut down.

Some lawns are dying as we prioritize which lawns will be watered due to the low water levels of our dams.

The priority of watering is the recreation ground ovals first with Apex Park second and then the Administration area.

MINUTES

The main street is watered from the railway dam so the normal watering program is still in place.

The Council supplies water to schools and bowling clubs, who have been informed that water supplied to them will be reduced. With restrictions in place water is estimated to last to the end of April 2007.

Parks and Gardens

Lawn mowing program ongoing.

Soil samples have been taken in parks and gardens.

Water samples were also taken from our 4 dams and the recycled water dam.

Community

Outside staff provided assistance in the setup and cleanup for the Wheatbelt Relay for Life.

The Shire also assisted North Merredin Primary School for their 100 year celebrations by grading a track to the original school site and lending them equipment for the setup for the reunion night.

Water

Dam #1	10% Full	Capacity	74,455 kilolitres
Dam #2	10% Full	Capacity	71,675 kilolitres
Dam #3	30% Full	Capacity	46,000 kilolitres
Railway Dam	50% Full	Capacity	23,000 kilolitres

Officer's Recommendation:

That the Merredin Shire Council receive the Manager of Works report for March 2007.

28842

Moved Cr Crees sec Cr Townrow

That the Merredin Shire Council receive the Manager of Works report for March 2007.

CARRIED 11/0

11.2 CLOSURE OF A SECTION OF COMBES ROAD

Reporting Department: Engineering
Reporting Officer: James Garrett, Manager of Works
Legislation: Local Government Act 1995
File Number: R234

Background:

At the Council meeting on the 19 December 2006, **(CM Ref 28750)** Council resolved to permanently close a section of Combes Road from the Great Eastern Highway to the access driveway of the Western Power works depot. A new road is to be constructed 50 metres to the east of its present location. **Attachment 11.2A.** A public submission period was held from 27 January 2007 till the 06 March 2007.

The relevant government departments and adjoining land owners affected by the road closure were notified and one reply was received from Main Roads W.A. as can be seen at **Attachment 11.2B.**

Legal Implications:

Council is required in accordance with section 3.50 of the Local Government act 1995 to review submissions received before resolving to permanently close a road. Under section 58 of the land administration Act the minister formally closes the road after considering a submission from the local Government.

Budget Implications:

Nil

Comment:

The realignment of Combes road is necessary as its present position is too close to the Cohn Creek bridge and could become a road safety issue.

Discussions were held with the Shire of Merredin, Water Corporation, Aline East and Western Power to resolve all matters relating to the proposed changes of Combes Road.

Officer's Recommendation:

That Council formally close the section of Combes Road as described in the plan shown at Attachment 11.2A in accordance with Section 3.50 of the Local Government Act 1995 .

28843

Moved Cr Townrow sec Cr Morley

That Council formally close the section of Combes Road as described in the plan shown at Attachment 11.2A in accordance with Section 3.50 of the Local Government Act 1995

CARRIED 11/0

11.3 CLOSURE OF A SECTION OF POLLOCK AVENUE

Reporting Department: Engineering
Reporting Officer: James Garrett, Manager of Works
Legislation: Local Government Act 1995
File Number: R147

Background:

At the Council meeting on the 19 December 2006, (CMRef 28751) Council resolved to permanently close a section of Pollock Avenue from the Great Eastern Highway to the access driveway to the Aline Construction Village. A public submission period was held from 27 January 2007 till the 06 of March 2007. **Attachment 11.3A.**

The relevant government departments and adjoining land owners affected by the partial road closure were notified and one reply was received from Main Roads W.A. as can be seen at **Attachment 11.3B.**

Legal Implications:

Council is required in accordance with Section 3.50 of the Local Government Act 1995 to review submissions received before resolving to permanently close a road. Under Section 58 of the Land Administration Act the Minister formally closes the road after considering a submission from the local Government.

Budget Implications:

Nil

Comment:

The section of Pollock Avenue that is proposed for the road closure is a one way street with access coming from Pollock Avenue onto the Great Eastern Highway. Traffic will be required to use the following routes to access Pollock Avenue from the Great Eastern Highway, Farrar Parade onto Brewery Road or Woolgar Avenue onto Throssell Road.

Officer's Recommendation:

That Council formally close the section of Pollock Avenue from the Great Eastern Highway to the access driveway into the Aline East Construction Village as shown on Attachment 11.3A and in accordance with Section 3.50 of the Local Government Act 1995 .

28844

Moved Cr Townrow sec Cr Morley

That Council formally close the section of Pollock Avenue from the Great Eastern Highway to the access driveway into the Aline East Construction Village as shown on Attachment 11.3A and in accordance with Section 3.50 of the Local Government Act 1995.

CARRIED 10/1

11.4 CLOSURE OF A SECTION OF SALEYARD ROAD

Reporting Department: Engineering
Reporting Officer: James Garrett, Manager of Works
Legislation: Local Government Act 1995
File Number: R183

Background:

At the Council meeting on the 19 September 2006, (CMRef 28639) Council resolved to permanently close a section of Saleyard Road from the northern boundary of the Railway Reserve south to the Great Eastern Highway.

Attachment 11.4A.

A public submission period was held from 27 January 2007 till the 06 March 2007.

The relevant government departments affected by the partial road closure were notified and no replies were received.

Legal Implications:

Council is required in accordance with Section 3.50 of the Local Government Act 1995 to review submissions received before resolving to permanently close a road. Under Section 58 of the Land Administration Act the Minister formally closes the road after considering a submission from the Local Government.

Budget Implications:

Nil

Comment:

Saleyard Road has not been accessible from the Great Eastern Highway for about 30 years since the standard railway line was constructed.

Officer's Recommendation:

That Council formally close Saleyard Road from the northern boundary of the railway reserve to the Great Eastern Highway as can be seen on Attachment 11.4A and in accordance with Section 3.50 of the Local Government Act 1995..

28845

Moved Cr Morley sec Cr Townrow

That Council formally close Saleyard Road from the northern boundary of the railway reserve to the Great Eastern Highway as can be seen on Attachment 11.4A and in accordance with Section 3.50 of the Local Government Act 1995

CARRIED 11/0

11.5 VEHICLE CHANGE OVERS

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

Background:

At the Council meeting on the 20 February 2007 a request was made to change over the Manager for Development Services Vehicle (CMRef 28806). The matter was laid on the table for one month until Council had reviewed the policy on vehicle changeovers. The quote for the vehicle changeover is no longer valid as it was only for 30 days.

Council currently do not have a policy on when vehicles should be changed over.

The practise of changing vehicles every 15,000 kilometres has been in place since 2002 due to low changeover prices to the Shire of Merredin. This practise has enabled us to change over the vehicle at least twice in a financial year.

Current market trends have indicated that this practise is no longer viable due to the higher cost of vehicle change overs.

Some vehicles have been found to travel more kilometres in a financial year than others due to their different areas of work. Senior management vehicles will average about 40,000 kilometres in a 12 month period while utilities and other cars average about 30,000 kilometres in a 12 month period.

Legal Implications:

Nil.

Budget Implications:**Comment:**

Most models of cars or utilities have a 3 year warranty when purchased which would cover the Shire in the event of break downs. Normal service charges would apply to any warranty work.

A better standard of tyre can be included with new vehicle purchases so that more kilometres can be travelled before a new set is required.

When a Shire vehicle is due for changeover it takes approximately 16 to 20 hours work per vehicle for quotes and then the purchase. We currently have 10 light vehicles registered to the Shire of Merredin and so reducing vehicle changeovers would increase efficiency.

Officer's Recommendation:

1. *That Council adopt the following policy in respect to motor vehicle replacement:*
 - a) *That the Merredin Shire Council allow for one changeover of each senior management vehicle each financial year with the practise to be reviewed every twelve months.*
 - b) *That the Merredin Shire Council allow for the changeover of all utilities and other shire cars in the plant reserve every second financial year and the practise to be reviewed every twelve months.*
2. *That the Merredin Shire Council lift the matter of Manager of Development Services – vehicle changeover from the table.*
3. *That Council replace the vehicle for the Manager of Development Services in the 2007/2008 financial year.*

Absolute Majority Required

28846

Moved Cr Jones sec Cr Townrow

1. *That Council adopt the following policy in respect to motor vehicle replacement:*
 - a) *That the Merredin Shire Council allow for one changeover of each senior management vehicle each financial year with the practise to be reviewed every twelve months.*
 - b) *That the Merredin Shire Council allow for the changeover of all utilities and other shire cars in the plant reserve every second financial year and the practise to be reviewed every twelve months.*
2. *That the Merredin Shire Council lift the matter of Manager of Development Services – vehicle changeover from the table.*
3. *That Council replace the vehicle for the Manager of Development Services in the 2007/2008 financial year.*

**CARRIED 8/3
ABSOLUTE MAJORITY**

28847 Moved Cr Morley sec Cr Simmonds
That Council adjourn for afternoon tea.

CARRIED 6/5

Council adjourned for afternoon tea at 2.55pm.

28848 Moved Cr Morris sec Cr Townrow
That Council reconvene the meeting.

CARRIED 11/0

Council recommenced at 3.13pm with D Morris, Acting Manager of Community Services in attendance.

12.0 COMMUNITY SERVICES

Cr Morris declared an Impartiality Interest in Item 12.1.

12.1 2007 – 2010 STRATEGIC PLAN – WHEATBELT AREA CONSULTATIVE COMMITTEE

Reporting Department: Community Development Services
Reporting Officer: Frank Ludovico, Chief Executive Officer
Legislation:
File Number:

Background

The Wheatbelt ACC is in the process of reviewing its 2004-2007 Strategic Plan to develop a new plan for the 2007-2010 period and has requested Council input. They would appreciate feedback on the following areas:

- What are the current issues facing your region?
- What are the emerging issues you believe will have an effect on your region in the period 2007-2010?
- What, if any major infrastructure projects are planned for your region between now and 2010?

Comment

I believe the major issues facing the Merredin and eastern wheatbelt area is to ensure that there is no diminution of services in the region and to continue to grow the region. These services include education, welfare, health, housing and policing.

In Merredin in particular, we are facing issues such as population growth and the consequential need for land both residential and commercial to service this need. Bringing land to the market is both time consuming and expensive and inhibits growth for the region generally.

In respect to emergency issues these are: avenues should be explored; to reduce cost and speed up the process; the effects of global warming, energy demand and supply in the region, ground water salinity and its consequential effect on agricultural land. These issues mean that we need to consider a new paradigm for the supply of energy and water and significant research should be put into using the resources locally available to deal with our local needs.

Another emerging issue is adequately catering for tourism in the Region. In particular quality tourist accommodation. We are putting considerable effort into tourism promotion and if this is not supported by providing quality accommodation in the region there will be no value adding to our efforts.

In respect to infrastructure, the review of the rail network will have a significant impact on local governments within the region. If it is determined

MINUTES

to decommission railways to Bruce Rock, Narembeen and Trayning. A number of local government roads will not be able to deal with the demand that will be placed on them.

Development of a new abattoir in Merredin will also have significant demand on infrastructure both in terms of power, water supply and waste water treatment. The development of the gold mine at Westonia will also have significant impact on infrastructure.

Staff Recommendation

That Council provide the following comments to the Wheatbelt ACC:

1. *There is a need for continuously improving Education, Health, Welfare and housing services.*
2. *The development of land for residential and commercial purpose needs to be sped up and costs reduced so Local Government can facilitate sub divisions.*
3. *Research needs to occur so the Wheatbelt can be self sufficient in its water and energy needs.*
4. *There is a need for the continued use and maintenance of railway infrastructure other wise there will be cost shifting onto Local Government roads.*

28849

Moved Cr Townrow sec Cr Morley

That Council provide the following comments to the Wheatbelt ACC:

1. *There is a need for continuously improving Education, Health, Welfare and housing services.*
2. *The development of land for residential and commercial purpose needs to be sped up and costs reduced so Local Government can facilitate sub divisions.*
3. *Research needs to occur so the Wheatbelt can be self sufficient in its water and energy needs.*
4. *There is a need for the continued use and maintenance of railway infrastructure other wise there will be cost shifting onto Local Government roads.*

CARRIED 11/0

12.2 ACTING MANAGER OF COMMUNITY SERVICES' REPORT

Reporting Department: Administration
Reporting Officer: Debbie Morris – A/Manager of Community Services
Legislation: Local Government Act
File Number:

Background

The following is a list of matters that have been addressed or are provided for information.

Cummins Theatre

With the resignation of the Acting Manager of Cummins Theatre in February 2007, other Community Services staff have been required to carry out all facility hire arrangements, enquiries and bookings relevant to the Cummins Theatre.

The lack of formal arrangements and procedures in place for hirers and users of the Theatre, including the Merredin Repertory Club and Merredin Music Club has come to light. This has prompted the urgent need to develop some conditions and guidelines formalising the hirer's/user's rights and responsibilities, along with those of the Shire, particularly as there are bookings scheduled for March and April 2007.

Therefore Conditions of Hire and Booking Information for the Cummins Theatre have been developed in line with those of the Merredin Regional and Community Leisure Centre, ensuring uniformity for all Council owned buildings.

A draft Memorandum of Understanding has also been developed and presented to the Merredin Repertory Club and Merredin Music Club in an effort to formalise arrangements with these groups.

It is hoped that these arrangements will be finalised by the end of March 2007.

The responsibility for updating and maintaining these arrangements will be those of the Manager of Cummins Theatre once appointed.

Reports for areas within Community Services:**Visitor Servicing**

Report is at **Attachment 12.2A.**

Community and Economic Development

Report is at **Attachment 12.2B.**

Recreation Centre

Report is at **Attachment 12.2C.**

Natural Resource Management

No Report - on Annual Leave.

Library Services

Report is at **Attachment 12.2D.**

Cummins Theatre

No Report – Theatre Manager position vacant

Status Report:

The Action sheet detailing progress of Previous Council Resolutions from March 2004 is **Attachment 12.2E.**

Legal Implications

Compliance with relevant Acts and Local Laws.

Budget Implications

Nil

Comment

Nil

Officer's Recommendation

That the Merredin Shire Council receive the Acting Manager of Community Services report for March 2007.

28850

Moved Cr Crees sec Cr Wallace

That the Merredin Shire Council receive the Acting Manager of Community Services report for March 2007.

CARRIED 11/0

12.3 WEROC NATURAL RESOURCE MANAGEMENT GROUP PLAN

Reporting Department: Natural Resource Management
Reporting Officer: Claire Hamersley - NRMO
Legislation: Local Government Act 1995
File Number:

Background:

The WE-ROC NRM group was formed in August 2006 as an action of the WE-ROC *Future Directions* document. The aim of the group was to develop a strategic Natural Resource Management (NRM) plan for the Wheatbelt Eastern Regional Organisation of Councils' NRM Group.

A workshop, facilitated by consultant Andrew Huffer, was held on the 14th February 2007 at the WEROC meeting at Tammin with NRM Officers, appropriate community members and CEOs to help clarify and articulate the aims and role of this group. The outcomes from this have been documented in a draft Natural Resource Management Group Plan. **Attachment 12.3A.**

The WEROC NRM Group is now requesting feedback from their relevant Council for inclusion in the final Draft Plan, which will be submitted to Council for endorsement in April 2007, then WEROC for endorsement in May 2007.

Legal Implications:

Local Government Act 1995

Budget Implications:

Nil

Comment:

The WEROC NRM Group can be a vehicle to develop, resource and implement large-scale NRM projects across the WEROC area. It is intended to align the WEROC NRM Group meeting dates to the meeting dates of WEROC CEO's, this will enable networking and peer support for members in addition to role of strategy implementation.

The WEROC NRM Group Plan outlines the structure of the group, benefits and opportunities, challenges, focus areas and goals.

Staff believe the Plan addresses all the regional natural resource management priorities identified in the NRM Priorities and Strategic Plan for the Shire of Merredin.

The Plan will provide strategic direction to the WEROC NRM Group. For this reason the Plan should be re-named as Wheatbelt East Regional Organisation of Councils Natural Resource Management Strategic Plan.

Officer's Recommendation:

1. *That Councillors provide the Manager of Community Services with comments to be incorporated into the WEROC NRM Group Plan by 26th March 2007.*
2. *That Council endorse the name of WEROC NRM Strategic Plan in lieu of WEROC NRM Group Plan.*

28851 Moved Cr Townrow sec Cr Morley

1. *That Councillors provide the Manager of Community Services with comments to be incorporated into the WEROC NRM Group Plan by 26th March 2007.*
2. *That Council endorse the name of WEROC NRM Strategic Plan in lieu of WEROC NRM Group Plan.*

CARRIED 11/0

D Morris left the meeting at 3.25pm.

13.0 ADMINISTRATION AND FINANCE

13.1 ROAD TRAUMA REDUCTION – REQUEST FOR FINANCIAL ASSISTANCE

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

Background

Barry Haase MHR, Federal Member for Kalgoorlie has written to Council seeking their financial contribution for a road safety campaign.

Attachment 13.1A.**Financial Implications**

A \$250.00 donation will recognise the local governments, a \$500.00 donation will promote the local government logo and a \$1,000 donation will promote the local governments name and logo.

Council's subscriptions and donations budget for 2007 is \$15,360. As at the end of February 2007 \$13,722 has been spent.

Policy Implications

Council has no policy on donations.

Staff Recommendation

That Council donate \$250.00 to the road trauma reduction campaign from Council's Donation Account.

Absolute Majority Required

Moved Cr Astbury sec Cr N Hooper

That Council donate \$250.00 to the road trauma reduction campaign from Council's Donation Account.

**LOST 2/9
ABSOLUTE MAJORITY**

28852

Moved Cr Morris sec Cr N Hooper

That Council investigate funding opportunities and seek sponsorship for putting on a practical safe driver course in Merredin.

CARRIED 9/2

Cr Wallace left the meeting at 3.53pm.

Cr Marley left the meeting at 3.53pm and did not return.

Emma Hooper left the meeting at 3.55pm.

Emma Hooper entered the meeting at 4.57pm.

Cr Wallace entered the meeting at 3.58pm.

13.2 MOTOR VEHICLE AGREEMENT BY DOCTOR GABRIEL ADENIYI

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

Background

At Council's February 2007 meeting Council discussed provision of a vehicle to Doctor Gabriel Adeniyi.

At Council's February 2007 meeting Council resolved (CMR 28822) to provide \$10,000 per annum for four (4) years towards the purchase of a vehicle of Dr Gabriel Adeniyi's choice with the funds being provided from the Plant Replacement Reserve and a further \$2,000 per annum be provided towards the cost of fuel.

The President and I have had subsequent discussions with Doctor Adeniyi and he has requested that the following points be brought forward for Council consideration:

- He appreciates Council's efforts in terms of provision of housing and workplace.
- He has a family of six people which cannot be legally carried in his existing vehicle.
- His contract with the Shire is five (5) years.
- He is willing to make some minor contribution towards the cost of the vehicle.
- He did have two vehicles and it was Council's decision not to fund the removal of his second vehicle which meant he required a different vehicle. (It was pointed out to Doctor Adeniyi that the Health Department was also not willing to meet the cost of transporting his second vehicle and therefore the responsibility is not totally ours).
- He wishes to drive a Prado as the vehicle will be able to transport his family and he is willing to pay for the higher standard that he wishes.

MINUTES

To reiterate the proposal to Council, the suggested Agreement stipulates that Council provides a vehicle of the Doctors choice for business and full private use within WA. The Doctor then maintains the vehicle subject to the provision of certain allowances (ie fuel) and if the Doctor leaves there is a sliding scale of payment to obtain ownership of the vehicle.

For example if the Doctor leaves after one year he will be required to pay 80% of the purchase cost and so on.

At the end of the five years the Doctor pays \$1.00 and obtains full ownership of the vehicle.

The original basis of this arrangement is that Council provides an amount of money each year for vehicle replacement and if that is not exceeded then it is cost neutral to Council.

Financial Implications

As reported in the February 2007 agenda item, Council's 2006/2007 Budget allows \$6,000 for the changeover of his vehicle. However it is anticipated that in the current climate a Ford Falcon to a Ford Falcon changeover will amount to about \$10,000. Doctor Adeniyi's request is based on a gross cost of \$67,908 (inclusive of GST).

If we follow the motor vehicle provision of agreement developed for Doctor Freeman and allocate \$10,000 per year over the life of Doctor Adeniyi's employment contract of five (5) years, a total of \$50,000 could be made available for the purchase of the vehicle. This leaves \$17,900 to be allocated.

The GST for the transaction is \$5,990 and this is maybe recoupable by the Council. This leaves \$11,918 to be funded.

This can be done in a number of ways, however Doctor Adeniyi has asked that Council provide a loan to him (of up \$10,000) which he repays to us on a fortnightly basis over the five (5) years. This leaves approximately \$2,000 to be funded and perhaps Doctor Gabriel can be given the choice of whether he accepts a lesser standard of vehicle (and therefore a lower purchase price) or he is prepared to fund the extra \$2,000 himself.

In respect to the \$10,000 loan there are a number of ways of looking at this, for example if we use a simple interest formula based on 17%, the total repayment is \$11,700. If the loan repayment is calculated on 17% per annum, compounded fortnightly, the total repayment is \$14,875.

Comment

If Council wishes to alter its determination made at its February 2007 meeting it will need to revoke that motion (at least one third of the number of members, whether vacant or not, inclusive of the mover is required before any motion to be revoke the original can be considered).

This arrangement could be seen as an inducement to retain doctors.

Officer Recommendation

1. *That Council revoke Council Resolution 28822.*

That Council provide \$10,000 per annum for four years towards the purchase of a vehicle of Doctor Gabriel Adeniyi's choice with funding being provided by the Plant Reserve and a further \$2,000 per annum towards the cost of fuel.

(Absolute Majority Required)

2. *That Council purchase a Toyota Prado Grande V6 Four Wheel Drive Wagon for a gross cost of \$67,908 from Merredin Toyota for use by Doctor Gabriel Adeniyi.*

3. *That Council enter into an Agreement for the provision of a motor vehicle for Doctor Gabriel Adeniyi on the basis of Council providing:*

- A) *\$50,000 towards the purchase of a vehicle of Doctor Gabriel Adeniyi's choice*
- B) *The difference between the purchase price and Council's contribution less any GST claimable by Council is reimbursed by Dr Adeniyi on the basis of a loan over 5 year repayable on a fortnightly basis at an interest rate of 17% per annum.*
- C) *with funding being provided by the Plant Reserve*

(Absolute Majority Required)

After lengthy discussion this recommendation was not determined by Council.

13.3 PURCHASING POLICY

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

Background

Changes to the Local Government (Functions and General) Regulations will increase the current tender threshold from \$50,000 to \$100,000. However the new regulations require that Local Governments have a Purchasing Policy for amounts under the new threshold.

The new legislation comes into operation on the 30 March 2007.

Staff have developed a draft policy for Council consideration.

Attachment 13.3A.**Comment**

Staff have used the model document prepared by the Western Australian Local Government Association and other WE-ROC Local Governments (particularly Shire of Bruce Rock) in developing this policy. The staff believe it provides a workable process to improve Council efficiency.

Staff Recommendation

That Council adopt Purchasing Policy as described in Attachment 13.3A.

28853

Moved Cr Morris sec Cr Jones

That Council adopt Purchasing Policy as described in Attachment 13.3A.

CARRIED 10/0

13.4 COMPLIANCE AUDIT RETURN FOR LOCAL GOVERNMENTS

Reporting Department: Administration
Reporting Officer: Frank Ludovico, CEO
Legislation: Local Government Act 1995
File Number: GR/17/19

Background

The 2006 Local Government Compliance Audit Return for the Shire of Merredin is attached. (**Attachment 13.4A**).

The Compliance Audit Return is to assist Councils to monitor how their organisation is functioning. Councillors are required to note the areas of non compliance and endorse appropriate remedial action.

Statutory implications:

Clause 14 and 15 of the Local Government (Audit) Regulations 1996 indicate that a Local Government is to carry out a compliance audit for the period 1st January to 31st December in each year.

Comment

The return is required to be presented to Council for adoption before its submission to the Department of Local Government and Regional Development. The audit period is 1st January 2006 to 31st December 2006.

I wish to advise Council that there are some issues identified regarding non – compliance.

I believe they are all relatively minor and staff have taken corrective measures to ensure future compliance.

Staff Recommendation

That Council adopt the 2006 Local Government Compliance Audit Return for the Shire of Merredin and submit the certified copy to the Director General Department of Local Government and Regional Development.

28854

Moved Cr N Hooper sec Cr Townrow

That Council adopt the 2006 Local Government Compliance Audit Return for the Shire of Merredin and submit the certified copy to the Director General Department of Local Government and Regional Development.

CARRIED 10/0

13.5 CHIEF EXECUTIVE OFFICER'S REPORT

Reporting Department: Administration
Reporting Officer: Frank Ludovico, CEO
Legislation: Local Government Act 1995
File Number:

I present the following report for March 2007:

Workplace Agreement

Consultant Anne Lake met with outside staff on the 21 February 2007 to commence the process of developing a workplace agreement with them. I am awaiting formal feedback from the Consultant in respect to this issue.

Emergency Desktop Exercise

The Emergency Desktop Exercise was conducted on Saturday 24 February 2007 with Councillors Morris, Morley, Works Manager and myself present.

The purpose of the exercise was to assist the response and recovery capacity of Merredin Local Emergency Organisations in the event of an emergency response and recovery situation.

In respect to the Shire of Merredin it became apparent that we need to develop a Recovery Plan as required by the Emergency Management Act 2005.

It was also recognised that a Resource Register of the assets available (both human and mechanical) for use in an emergency situation was required.

The final outcome was there was a need for some clarification in respect to roles of certain agencies. This would need to be dealt with through the Local Emergency Management Committee.

Western Australian Centre for Rural and Remote Medicine

Recently the Shire of Merredin became an ordinary organisation member of the Western Australian Centre for Rural and Remote Medicine Limited and as members of that organisation we are entitled to make nominations for board vacancies.

As this is a new organisation, elections are currently being called for board vacancies. Ordinary organisational members are entitled to nominate two persons, one of whom must be a medical practitioner, the other of whom must be a non-medical practitioner to the board.

If any Councillor is interested in nominating I have appropriate nomination forms.

Ombudsman of Western Australia

In December 2006 staff informally advised Council that Mr Gary Little had made a submission to the Western Australian Ombudsman concerning the requirements of the Shire of Merredin in relation to his subdivision. Staff responded to the queries on 21 December 2006.

The State Ombudsman has written to us on February 2007 (**See Attachment 13.5A**) indicating that because the Ombudsman is precluded by legislation from investigating this matter they have advised Mr Little to either take the matter to the State Administrative Appeal Tribunal or another court of competent jurisdiction.

The purpose of this item is to advise Council formally that Mr Little has referred his issues to the Ombudsman of Western Australia and that we have formally responded to them.

2007 Association Honours

The Western Australian Local Government Association is calling for nominations for the 2007 Honours program. The various honours available are Life Membership, Certificate of Appreciation, Long and Loyal Service Award, Distinguished Service Award.

If Council wishes to make any nominations would you please advise me.

28855

Moved Cr Wallace sec Cr Townrow

That Council investigate and support the nomination of Councillors in the appropriate categories of Life Membership, Certificate of Appreciation, Long and Loyal Service Award, Distinguished Service Award.

CARRIED 10/0

Cost Shifting Forum

I have been advised that a cost shifting forum will be held on Friday 20 April 2007 at the Duxton Hotel in Perth at a cost of \$190.00 per delegate. The purpose of the forum is to discuss the issues surrounding cost shifting, its effects and initiatives currently employed to address it and models of best practice.

I consider it important that Councillors and staff attend this forum. I wish to point out that the Engineering Services Committee meeting is scheduled for that date and it may be appropriate to re-organise that committee meeting to enable Councillors to attend this forum.

Cr N Hooper, Cr Jones and CEO to attend the Forum with Engineering Services Committee meeting to remain at Friday 20 April 2007.

Cost Shifting Register

Still on the issue of cost shifting WALGA has asked local governments to report any cases of cost shifting that have occurred in local governments so that they can calculate the impact of this cost shifting on the entire industry. Staff will be preparing documentation for WALGA to calculate.

Medical Practice / WA Country Health Service MOU

I wish to advise that I participated in an interview for an additional doctor for the Merredin Medical Practice and the Merredin hospital. Whilst the applicant appeared to be suitable he would not be able to immigrate to Australia for a significant period of time.

Annual Rose Bowl Day

Councillors are reminded that the Annual Rose Bowl Day will be held in Merredin on Thursday 29 March 2007.

The day starts will morning tea followed by an inspection of the town and district with an afternoon of bowls.

This event was start by Mr Dick Law Shire Clerk of the Shire of Merredin in 1963 and is an annual competition with the Shires of Corrigin, Bruce Rock, Narembeen and Kondinin.

It would be appreciated if those Councillors interested in participating could advise staff so teams can be organised. We normally nominate two team of 4.

Staff Recommendation

That the Merredin Shire Council receive the Chief Executive Officer's report for March 2007.

28856

Moved Cr Crees sec Cr Townrow

That the Merredin Shire Council receive the Chief Executive Officer's report for March 2007.

CARRIED 10/0

13.6 MONTHLY FINANCE REPORT

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

Background

Each month attached to the Agenda (**this will be made available at the Council meeting**) is the Monthly Financial Report prepared for Council.

Officer's Recommendation:

That the Merredin Shire Council receive the Monthly Finance Report for February 2006.

28857

Moved Cr Morris sec Cr Jones

That the Merredin Shire Council receive the Monthly Finance Report for February 2007.

CARRIED 10/0

13.7 LIST OF ACCOUNTS PAID

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

Background:

A list of accounts paid during the month under delegated authority is presented to Council each month. Refer to **Attachment 13.7A**.

Legal Implications:

Local Government Act and Financial Management Regulations.

Budget Implications:

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

Comment:

Minor changes to the process of Accounts Payable have been made with the inclusion of some payments via Electronic Funds Transfer (EFT). With the recent staff changes, the Chief Executive Officer and the Manager of Finance and Administration are the main signatories, with the Manager of Development Services, Shire President and Deputy Shire President also being signatories in the case of either the Chief Executive Officer or Manager of Finance and Administration being absent.

Officers Recommendation:

That the Merredin Shire Council receive the schedule of accounts as listed, covering cheques as numbered and amounts directly debited from Councils' Municipal Fund Bank Account BSB 066-518 000 000 10 totalling \$838,198.56 and outstanding creditors totalling \$76,320.00.

28858

Moved Cr Crees sec Cr Astbury

That the Merredin Shire Council receive the schedule of accounts as listed, covering cheques as numbered and amounts directly debited from Councils' Municipal Fund Bank Account BSB 066-518 000 000 10 totalling \$838,198.56 and outstanding creditors totalling \$76,320.00.

CARRIED 10/0

15.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

16.0 QUESTIONS BY MEMBERS FOR WHICH DUE NOTICE HAS BEEN GIVEN

17.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

Cr Crees left the meeting at 4.31pm.

Cr Crees entered the meeting at 4.32pm.

Manager of Development Services position.

28859

Moved Cr Morris sec Cr Hooper

That the CEO be authorised to contact persons who expressed an interest in the Manager of Development Services position and negotiate with an increase in the salary package of up to \$5,000.

CARRIED 10/0

18.0 MATTERS BEHIND CLOSED DOORS

- 28860** Moved Cr Jones sec Cr Morley
That Council move behind closed doors to discuss confidential matters (S 5.23(2) Local Government Act).

CARRIED 10/0

Council went behind closed doors at 4.52pm.

W Bow, E Hooper and AM Peters left the meeting at 4.53pm and did not return.

Cr Morris left the meeting at 4.59pm and did not return.

18.1 CEO REVIEW

Reporting Department: Administration
Reporting Officer: Frank Ludovico, CEO
Legislation: Local Government Act 1995
File Number:

Background

On Monday 19 February 2007 Consultant Anne Lake and members of Council undertook the review of the CEO's performance.

Attached is the report of that performance appraisal. (**Attachment 18.1A**).

CEO Comment

Some of the items may not be achievable in the time frames specified if Council does not provide the resources for them to be completed.

Staff Recommendation

That Council adopt the report on the performance appraisal of the CEO of the Shire of Merredin Mr Frank Ludovico by Consultant Anne Lake and the recommendations contained therein.

This recommendation was not determined by Council and will be considered at the April 2007 Council meeting.

- 28861** Moved Cr Simmonds sec Cr N Hooper
That Council come out from behind closed doors.

CARRIED 9/0

Council came out from behind closed doors at 5.25pm.

19.0 CLOSURE

There being no further business the Presiding Member closed the meeting at 5.26pm.