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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 21 August 2007 at 1.00pm.

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

Messrs FB Ludovico, Chief Executive Officer;
S Price, Manager of Community Services;
J Mitchell, Manager of Development Services; and
AM Peters, Personal Assistant

Mr Phil Hastings
Mr Glenn Smith

1.0 OFFICIAL OPENING

The Presiding Member declared the meeting opened at 1.02pm.

2.0 PUBLIC QUESTION TIME

Mr Glenn Smith advised Council that he had purchased the Lot 27 Hay Street property and requested that the demolition order be lifted as he believed the house was structurally sound. He had progressed renovation of the property and estimated a further six months before completion.

3.0 APOLOGIES AND LEAVE OF ABSENCE

Cr J Townrow
Cr J Jones
Cr S Marley

4.0 DISCLOSURE OF INTEREST

Cr Crees declared a Financial Interest in Item 11.9.

5.0 PETITIONS & PRESENTATIONS

6.0 CONFIRMATION OF MINUTES6.1 PREVIOUS COUNCIL MEETING

Confirmation of minutes of meeting held on the 17 July 2007.

29067

Moved Cr Morris sec Cr Morley

That the minutes of Council Meeting held on 17 July 2007 be confirmed as a true and correct record of proceedings.

CARRIED 8/0

7.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION8.0 MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC9.0 RECEIVAL OF MINUTES OF COMMITTEE MEETINGS HELD SINCE THE PREVIOUS MEETING OF COUNCIL

9.1 Wheatbelt Health MOU Working Group held on 21 May, 2007;

9.2 Merredin Local Health Advisory Group Minutes held on 6 June, 2007;

9.3 Central Wheatbelt Visitors Centre held 9 July 2007;

9.4 Merredin Regional Community & Leisure Centre Management Committee held on 24 July, 2007;

There were no recommendations to Council from these Committee meetings.

29068

Moved Cr Morris sec Cr Wallace

That the Merredin Shire Council receive the minutes of Wheatbelt Health MOU Working Group held on 21 May, 2007; Merredin Local Health Advisory Group Minutes held on 6 June, 2007; Central Wheatbelt Visitors Centre held 9 July 2007; and Merredin Regional Community & Leisure Centre Management Committee held on 24 July, 2007.

CARRIED 8/0

Mr Glenn Smith left the meeting at 1.07pm.

10.0 COMMUNITY SERVICES

10.1 MANAGER OF COMMUNITY SERVICES REPORT

Reporting Department: Administration
Reporting Officer: Skye Price – Manager of Community Services
Legislation: Local Government Act 1995
File Number:

Background

The following report is provided for Council's information:

Cummins Theatre

Since undertaking her appointment during mid June 2007, Cummins Theatre Manager appointee Ms Jane Bandurski has worked collaboratively with the Manager Finance and Administration, Emma Hooper and the Manager Community Services to put adequate processes and equipment in place to undertake box office sales.

Jane has been methodically cleaning up storage spaces at Cummins Theatre, with assistance from Manager of Works, Jim Garrett's team members on 19 July 2007. She has been preparing an asset register, identifying potential surplus assets, reviewing condition of auxiliary items and attending to Occupational Health and Safety matters. This has been undertaken in the context of research and development for a range of performing arts occasions, as well as ongoing bookings for the Tivoli Room; and the greater Theatre area.

Merredin Regional Library

Ms Madeleine Carter commenced duties as the Regional Manager Library Services, Monday July 23, 2007, following an intensive two day induction period at the State Library of Western Australia.

Madeleine has been requested to review the layout and collection holdings of the existing Regional Library. She is also familiarising herself with work undertaken to date, related to the proposed library relocation project.

Wendy Davies concluded her work as a Casual Library Officer, Tuesday 14 August 2007. Review of Library Officer position descriptions will be undertaken prior to advertising for a part-time team member and casual team members.

The Manager Community Services undertook all library operational responsibilities on Saturday 22 July 2007 in the absence of relief staff. Until casual library officers are appointed, it is envisaged that the Manager Community Services will be required to undertake additional front-of-house duties at the library indefinitely to relief staff during lunch break entitlements and weekends.

Merredin Regional Community And Leisure Centre

Since the recreation and leisure team relocated from the Telecentre site in Barrack Street to the Merredin Regional Community and Leisure Centre (MRC&LC), the week commencing Monday 2 July 2007 they have been refurbishing the facility for Centre operations.

Recreation Centre Manager Tricia Martin, completed twelve months of service during a significant period of planning and change, on 18 July 2007. Tricia's twelve month report is appended.

It has not yet been decided whether cleaning functions at the facility will be contracted out or whether an in-house cleaning position will be readvertised. There is potential for a cleaning role to be affiliated with Hall Keeping responsibilities including the setting up of equipment and miscellaneous items for functions. A Hall Keeping role could also be linked with Cummins Theatre undertakings.

The Bar Manager/ Functions Coordinator vacancy was readvertised as a flexible role in the *West Australian* newspaper on Saturday 27 July 2007; and the *Mercury-Wheatbelt* paper Wednesday 01 August 2007. Applications closed 10 August 2007. One applicant is currently being considered for the position.

Merredin Senior High School student Brodie Duffield undertook one week of work experience during the week commencing 6 August 2007. He worked closely with Physical Activity Program Coordinator, Jamie-Lee White. Brodie will participate in two more week long blocks during the remainder of Term 3.

The Manager Community Services opened the MRC&LC stadium area for Merredin Netball Association senior games, Saturday 5 August 2007. Shire personnel Emma Hooper and Holly Carlson monitored netball usage for some of the afternoon. MRC&LC Advisory Committee members Erica Carlson and Judy Jeffries were in attendance also. Manager Community Services cleaned rest rooms, water closets and spot spills on the stadium playing surface, prior to suitably locking the facility at the conclusion of the day's inaugural use.

Significant upcoming occasions at the MRC&LC facility include the Avon Hockey Association Dinner, Wednesday 15 August 2007; WA State Government Governor's visit, 22 August; a Department of Sport and Recreation Aquatics Seminar, 11 September; and the Miller Football Medal evening hosted by Nukarni Football Club, September 4, 2007.

Natural Resource Management

Interviews for the Natural Resource Management position were undertaken 24 July 2007. The preferred candidate for the role will undertake an induction and commence normal duties 27 August, 2007.

Liaison has been occurring with Merredin Peak Committee members in regard to the final draft of the Merredin Peak Interpretation Plan, received from Mulloway Studio consultants.

Visitor Services

Visitor Centre Manager, Ms Pam Masters has annual leave from 11 August until 19 August 2007.

Pam Masters and her team have been preparing for *Welcome to Merredin Week* being held from 21 August to 24 August 2007. A wrap-around promotion for the *Mercury-Wheatbelt* newspaper has also been prepared at the instigation of the Visitor Centre Manager and distributed with the 15 August 2007 newspaper.

The annual Merredin Senior High School Chaplaincy auction will be held Wednesday 22 August 2007 at the Central Wheatbelt Visitor Centre. The 2007 fundraising occasion will not be affiliated with Radio West as has been the case in previous years.

Manager Community Services has undertaken Visitor Centre operations and customer service during the Visitor Centre Manager's leave periods and attendance at regional meetings, to relieve casual and part team members, permitting them to have a lunch break.

Community Planning And Economic Development

Jeff Walker concluded his role as Community and Economic Development Project Officer at the end of July 2007 to undertake full-time tertiary study. Jeff's position has been under review in the context of staffing requirements throughout the broader organisation.

A farewell acknowledging Jeff Walker's contribution to the Shire of Merredin occurred at Cummins Theatre, in conjunction with the informal Merredin Music Club monthly performance night, Wednesday 25 July 2007. The farewell also provided Councillors and Shire personnel to see the Merredin Music Club user group undertaking activities at the Cummins Theatre.

Community and Economic Development Officer Debbie Morris had leave from 20 July to 27 July; and 6 August to 10 August 2007.

Current Projects

Maintenance of Shire of Merredin webpage

Regular updates of content including Ranger animal listings, public notices, Shire personnel details, employment vacancies; menu layout; and overview paragraphs pertaining to Community Services unit, as well as public venues.

Central Wheatbelt Visitor Centre expansion

Prepared comprehensive report for Wheatbelt Development Commission funding body, related to precinct planning, project planning, marketing and publicity undertaken to date. Report was dispatched with an invoice for the sum of eleven thousand dollars (\$11,000) inclusive of GST, prior to the due date, at the conclusion of July 2007.

Community Housing Programs proposal

A submission for the Department of Housing and Works Community Housing Programs is currently being prepared in conjunction with Manager Development Services, John Mitchell.

Department of Transport and Regional Services

Ongoing liaison with Department of Transport and Regional Services (DOTARS) policy officers with regard to MRC&LC building project, formal opening, DOTARS representation at opening; and suitable acknowledgement of the funding body.

Community Safety and Crime Prevention Plan

A draft Community Safety and Crime Prevention Plan was distributed from Estill Consultants Pty Ltd on August 8, 2007. Personnel from WE-ROC member Councils are currently reviewing the draft document.

Liaison with Office of Crime Prevention has occurred also, including distribution of correspondence and tax invoice for the sum of twenty-two thousand dollars (\$22,000) inclusive of GST on August 14, 2007.

Road Safety and driver education

A Road Wise grant application is currently being formulated for feedback from Merredin Road Wise Safety officer, Ross Miles related to investigating funding opportunities and seeking sponsorship for a practical safe driver course in Merredin (CMRef28852).

Quotations have been obtained from Drive Safe Australia for regional training in the vicinity of sixteen thousand, five hundred dollars a day (\$16,500) inclusive of GST, for up to twelve participants. Other Perth based driver education providers have indicated that they are not willing to undertake regionally based training and education.

Meetings/Seminars Attended

- Meeting with President Anne Napolitano, Rural Education Forum Australia President, regarding Merredin educational tour as part of Society for Provision of Education in Rural Australia (SPERA) national conference activities, 10 July.
- Meeting with Golden Pipeline Manager Anne Brake and Mark Nevill, Chair Golden Pipeline Council, 11 July;
- Induction for Regional Manager Library Services, Madeleine Carter, 23 July;
- Road Safety Community Engagement Forum, 24 July;
- Performance Development and Review session for Jeff Walker, 24 July;
- Natural Resource Management Officer interviews, 24 July;
- Merredin Regional Community and Leisure Centre (MRC&LC) Management Committee, 24 July;
- Shire of Merredin hosted Merredin Interagency meeting, 8 August;
- Merredin Regional Community and Leisure Centre (MRC&LC) Advisory Committee, 13 August;
- Department of Local Government and Regional Development Official Conduct Workshop, 14 August.

Run for Fun

Jamie-Lee White has made a request to coordinate this event on behalf of the Merredin Chaplaincy with 60% of funds to the Chaplaincy and 40% to the Adventist Relief Agency.

A detailed proposal will be put forward at the September 2007 Council meeting.

MRC&LC Bar Manager Position

A conditional appointment of Ms Jessica Irving has been made for the above position. Ms Irving will commence a three month probationary period whilst, simultaneously undertaking part time Payroll/Rates Officer responsibilities.

Reports from individual Community Services areas:**Library Services**

Report is at **Attachment 10.1A.**

Visitor services

Report is at **Attachment 10.1B.**

Cummins Theatre

Report is at **Attachment 10.1C.**

Community and Economic Development

Report is at **Attachment 10.1D.**

Recreation & leisure services

Report is at **Attachment 10.1E.**

Natural Resource Management

No report – Natural Resource Management Officer's position vacant.

Status Report

The Action sheet detailing progress of Previous Council resolutions from March 2004 onwards is **Attachment 10.1F.**

Legal Implications

Compliance with relevant Acts and Local Laws.

- 29069** Moved Cr Morris sec Cr Morley
That Council transfer \$989.45 income as per Memorandum of Understanding from Merredin Repertory Club recent play into the Cummins Theatre Reserve Fund.

**CARRIED 5/3
ABSOLUTE MAJORITY**

Officer's Recommendation

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

- 29070** Moved Cr Wallace sec Cr Morley
That Merredin Shire Council receive the Manager of Community Services report for August 2007.

CARRIED 8/0

10.2 VOLUNTEERING WA PARTNERSHIP PROPOSAL

Reporting Department:	Community Services
Reporting Officer:	Skye Price – Manager Community Services
Legislation:	Local Government Act 1995
File Number:	Community objective 6, Strategy 1

Background

Volunteering Western Australia (VWA) is the peak body for volunteering in the state. Membership is composed of community groups, non-profit organisations; and a number of local governments. VWA was established in 1989 to undertake a dual facilitation and research role which assists volunteer strengthening. “VWA is involved in research about volunteering, developing innovative strategies to further the volunteering cause; and assisting groups to better manage their community resources”.

VWA has been invited to submit an application to the Wheatbelt Regional Development Commission (WRDC), for funding related to projects which encourage volunteering and in turn, strengthen communities.

The need for a submission has been identified because trends indicate declining volunteerism and increasing populations in the Wheatbelt region. The intended focus of projects will be to attract and retain new volunteers. VWA would like the Shire of Merredin to consider becoming a partner for the submission.

If the Shire of Merredin participates in the partnership and the VWA submission is successful, VWA has suggested that a Reference Group be established, which comprises two community members, a Councillor and community services personnel.

Strategic Implications**Short term priority**

Community objective 5: *Encourage and support community participation*
Strategy 1: *Increase and strengthen the volunteer base within the community*
Action 3: *Support and encourage volunteers through a skills register, training, succession planning*

Medium term priority

Community objective 5: *Encourage and support community participation*
Strategy 1: *Increase and strengthen the volunteer base within the community*
Action 1: *Develop and implement a process to recognize volunteers*

Legal Implications

The Shire of Merredin has public liability insurance for the sum of one hundred million dollars.

Budget Implications

VWA has indicated that the WRDC grant requires matching funds from other sources. However, the Volunteering Secretariat within the Department of Communities is currently making grants of up to five thousand dollars available to regional groups, in order to develop volunteering. These grant monies can be utilised in conjunction with one another. "VWA also has the means to source additional funding, depending on the nature of the projects". No monies have been set aside in the 2007/08 Shire of Merredin budget, for volunteering.

If the project application to the WRDC is successfully funded, annual VWA membership for the sum of one hundred and ten dollars (\$110.00) will be required.

Comment

Volunteering has been identified as a positive initiative for individual, as well as collective health and well being. Positive volunteering experiences assist people to gain a sense of personal satisfaction, as well as new or different skills.

Encouraging volunteers can also be a valuable resource for the Shire of Merredin to foster better social inclusion, to make use of varied skills and attributes amongst people not in full employment; and to progress specific community oriented projects.

If the Shire of Merredin entered a partnership with VWA for submission of a grant application to the WRDC, a positive collaborative approach towards improving volunteer participation would be undertaken with volunteer specialists.

There are a variety of potential projects within the Shire of Merredin that could involve volunteers: Natural Resource Management pursuits, cultural undertakings, as well as recreation and leisure initiatives.

Officer's Recommendation

That the Merredin Shire Council:

- a) approve a partnership arrangement with Volunteering WA for a Wheatbelt Regional Development Commission project submission, designed to attract and retain volunteers;*
- b) endorse payment of one hundred and ten dollars (\$110.00) for an annual membership of Volunteering WA (irrespective of whether or not a partnership arrangement is formulated).*

29071

Moved Cr Astbury sec Cr Morley

That the Merredin Shire Council:

- a) approve a partnership arrangement with Volunteering WA for a Wheatbelt Regional Development Commission project submission, designed to attract and retain volunteers;*
- b) endorse payment of one hundred and ten dollars (\$110.00) for an annual membership of Volunteering WA (irrespective of whether or not a partnership arrangement is formulated) .*

CARRIED 7/1

10.3 INQUIRY RELATED TO WESTERN AUSTRALIA'S WATER RESOURCES

Reporting Department:	Community Services
Reporting Officer:	Skye Price – Manager Community Services
Legislation:	Local Government Act 1995
File Number:	GR/17/42

Background

In June 2005 the Standing Committee on Public Administration commenced an inquiry related to Governance of Western Australia's Water Resources.

The inquiry's terms of reference relate to:

- a) Responsibilities and accountability of public sector agencies, communities and the private sector in governance of water resources;
- b) The legal and regulatory framework and its impact on effective water governance;
- c) Economic and environmental sustainability of the current approach to governance of water resources;
- d) Demand for and equity of allocation of water resources; and
- e) Any other matters deemed relevant.

During the course of the inquiry, comment has been made regarding the adequacy and development of skilled personnel; and technical expertise in Western Australia.

The Committee invites a written submission related to whether Western Australia has the skilled personnel and technical expertise to implement progressive, long term and strategic water resource management; as well as what further action could be taken to improve and develop such expertise.

The formal closing date for submissions is Friday August 24, 2007. However, submissions made after that date will be accepted.

Strategic Implications

Short term priority

Environment objective 4: *Improved environmental management*

Strategy 2: *Use and manage our water resources in a sustainable manner*

Action 6: *Take a pro-active role and work closely with stakeholders to identify and implement best methods of harvesting and utilising water*

Legal Implications

Any submissions belong to the Standing Committee on Public Administration and are confidential until the Committee releases them. A Shire of Merredin submission cannot be disclosed to others without the Committee's permission.

Budget Implications

Nil

Comment

Despite there not being pertinent matters related to technical expertise of personnel affiliated with water resource management, a submission should still be made on this occasion. State government entities should be made aware that the Shire of Merredin already treats and reutilises waste water (e.g. ALine East project). Furthermore, the Shire captures drain water in three dams for parks and gardens use, instead of utilising mains/ scheme water.

Additionally, when the dedicated Natural Resource Management Officer appointee commences normal duties, environmental matters of this nature can be suitably addressed in a comprehensive manner.

Officer's Recommendation

That Merredin Shire Council approve a general submission proactively highlighting the existing sustainable use and management of water resources. The submission should also emphasise that Western Australia state government legislation needs to constructively support positive local government undertakings.

29072

Moved Cr Morley sec Cr Crees

That Merredin Shire Council approve a general submission proactively highlighting the existing sustainable use and management of water resources. The submission should also emphasise that Western Australia state government legislation needs to constructively support positive local government undertakings.

CARRIED 7/1

S Price left the meeting at 1.55pm.

11.0 COMMUNITY, HEALTH, BUILDING, TOWN PLANNING &
ENVIRONMENTAL SERVICES

11.1 DWELLING HOUSE UNFIT FOR HUMAN HABITATION – LOT 27,
HOUSE NUMBER 17 HAY STREET, MERREDIN – CORRIE
WILFRED GARLETT & DEPARTMENT OF HOUSING AND WORKS

Reporting Department: Development Services
Reporting Officer: John Mitchell, Manager of Development Services
Legislation: Health Act 1911 – 1979 as amended, Shire of Merredin Health Local Laws
File Number: P/2046

Background:

At its ordinary October 2004 meeting Council resolved (**CMRef 27676**) to declare the dwelling house at Lot 27, House No. 17 Hay Street, Merredin (the property) unfit for human habitation in accordance with Section 135 of the Health Act 1911 (as amended) (the Act).

The resolution (**CMRef 27676**) also resulted in further Notices being issued under the provisions of Sections 136 and 139 of the Act. Such Notices were served on 4 February 2005.

Correspondence from this office of 25 May 2005 granted an extension of time in which to comply with the requisitions of the Section 139 Notice.

Further correspondence from this office of 15 September 2006 requested the owners complete the outstanding works within 28 days or the matter would be referred to Council.

At its Ordinary December 2006 meeting Council resolved (**CMRef 28745**) revoke the Notice served pursuant to Section 139 of the Health Act 1911 (as amended) on 4 February 2005 in relation to the property.

The resolution (**CMRef 28745**) also resulted in further notice pursuant to Section 137 of the Health Act 1911 (as amended) being served, requiring the owners of Lot 27 Hay Street, Merredin to take down and remove the dwelling from the property within ninety (90) days of the date on such notice.

This notice was served on 5 January 2007 and expired on 5 April 2007.

At the Ordinary meeting of Council held on 15 May 2007 (**CMRef 28943**) it was resolved:

“That Council engage McLeods Barristers and Solicitors to prosecute the owners of Lot 27, House 17 Hay Street, Merredin for non compliance with notice served pursuant to section 137 of the Health Act 1911 (as amended) on

MINUTES

5 January 2007 in relation to the timber framed, iron roofed, fibro board clad dwelling with timber floor board building, with timber framed internal walls, windows and doors on the property”.

The resolution has yet to be acted upon by the Manager, Development Services.

On 20 July 2007 Council received a property enquiry that the dwelling was to be sold to Mr Glenn Smith of 40 Brookton Highway, Kelmscott.

Legal Implications:

The property is currently owned by two parties. Mrs Corrie Wilfred Garlett holds 80% ownership and the Department of Housing & Works holds 20% ownership.

No appeal to the State Administrative Tribunal has been lodged by either owner in relation to this matter.

That Section 139 Notice no longer has force in law as it has been rescinded. Council will need to reissue the Section 139 notice on the new owners if it agrees with recommendation..

Budget Implications:

It is estimated that the successful prosecution of this matter will cost in the vicinity of \$5,000. Under the provisions of section 140 of the Act expenses incurred in carrying out the provisions of any notice may be recovered from the owner(s).

Whilst Council can recover costs the extent of recovery is Court dependent and experience has shown that at most Council will receive \$2,500.

Comment:

On 9th July 2007 a member of the public attended the Administration office seeking to purchase and remediate the dwelling. It was explained that the matter must be dealt with by Council and that the Officer would not support an application unless it was supported by plans, timeframes and specifications. Later that day he attended to advise a for sale and “under offer” sign had been placed on the property.

Subsequently on 9th July 2007 at 16.36hrs the Westate Realty were advised by fax of Council’s resolution.

Mr Smith originally contacted the Manager of Development Services (MDS) on the 10 July 2007 by phone and complained that Council had acted illegally and he would take the matter up with the Premier of WA. He was advised that he had no legal interest in the property when Council resolved to amend the Section 139 Health Act notice to a Section 137 Health Act demolition notice.

On 18 July 2007 Mr Smith attended the Administration office and met with the MDS and was advised that the notice required Council intervention and

resolution. In addition, if the proposed new owner he sought to repair the house, he must submit to Council a specification of repairs and a time frame for the works to be completed. Mr Smith alleged the MDS spoke to his wife prior to the 10 July 2007 and stated that they could rectify the condition of the residence. Whilst acknowledging the conversation the Officer did not say the dwelling could be upgraded; the advice was that it was a Council decision.

Mr Smith has now corresponded (**Attachment 11.1A**) by email requesting that Council remove the demolition order as he personally will be complying with the third schedule Health Act notice.

Mr Smith requests Council to remove the Section 137 Health Act 1911 – 1979 notice requiring the demolition of the dwelling and that he be permitted to comply with the Section 139 Health Act 1911 – 1979 upgrade notice. He has advised the works will be complete by January 2008.

Officer's Recommendation:

- 1) *“That the Health Act 1911 – 1979, Section 137 take down and remove the dwelling notice issued on 5 January 2007 be rescinded.”*

Absolute Majority Required

- 2) *“That Council issue a Section Health Act 139 Notice on the new owner of the property, Mr Glenn Smith to rectify the dwelling by 31 January 2008.”*

29073

Moved Cr Morris sec Cr Morley

<p>Refer CMRef 28745 Part 3 dated 19 December 2006</p>
--

Cr Morris, Cr Simmonds, Cr Morley and Cr N Hooper indicated by a show of hands, their support for the rescission motion.

“That the Health Act 1911 – 1979, Section 137 take down and remove the dwelling notice issued on 5 January 2007 be rescinded.”

CARRIED 8/0

ABSOLUTE MAJORITY

29074

Moved Cr Morris sec Cr Simmonds

“That Council issue a Section Health Act 139 Notice on the new owner of the property, Mr Glenn Smith to rectify the dwelling by 31 January 2008.”

CARRIED 8/0

11.2 APPLICATION FOR PLANNING CONSENT LOT 583, HOUSE NO. 9 CUNNINGHAM STREET, MERREDIN – CARPORT IN FRONT SETBACK AREA

Reporting Department:	Development Services
Reporting Officer:	John Mitchell, Manager of Development Services
Legislation:	Shire of Merredin Town Planning Scheme No. 1, Residential Design Codes, Building Code of Australia 2007
File Number:	P/865

Background:

Mr Ian Cook of 9 Cunningham Street, Merredin is seeking approval in principle for the erection of a carport within the front setback area of the property. Plans (**Attachment 11.2A**) and neighbours support letter are attached (**Attachment 11.2B**).

Legal Implications:

The Residential Design Codes, clause A3.4, acceptable development states that a carport within the front setback area is acceptable providing the width of the carport does not exceed 50% of the frontage at the building line and the construction allows an unobstructed view between the dwelling and street, right of way or equivalent.

The Building Code of Australia 2007, clause 3.7.1.6(d) provides that a carport is exempt from the requirements to fire isolate if 1/3rd of the carport is open and the carport is constructed of non combustible materials. There is no requirement for a parapet wall in this instance. The import of this section is that the posts may be on the boundary however the roof line commences 500mm in from the boundary.

Budget Implications:

Building application and planning application fees are applicable.

No fees have been paid.

Comment:

Council has previously considered similar applications and granted approval.

From the plans supplied it appears that the residence has no access for the placement of a carport or garage adjacent to the residence. An existing garage of approximately 18 square metres is present at the rear of the property.

Officer's Recommendation:

"That Town Planning consent is granted to Mr Ian and Mrs Natalie Cook of 9 Cunningham Street, Merredin to erect a carport within the front setback area of Lot 583 Cunningham Street, Merredin in accordance with the plans submitted, dated Dec 06, JN06023."

29075

Moved Cr Morris sec Cr Crees

"That Town Planning consent is granted to Mr Ian and Mrs Natalie Cook of 9 Cunningham Street, Merredin to erect a carport within the front setback area of Lot 583 Cunningham Street, Merredin in accordance with the plans submitted, dated Dec 06, JN06023."

CARRIED 8/0

11.3 BUILDING STATISTICS REPORT – JUNE 2007 – 30 JULY 2007

Reporting Department: Development Services
Reporting Officer: John Mitchell, Manager of Development Services
Legislation: Local Government (Miscellaneous Provisions) Act 1960, Local Government Act 1995, Building Regulations 1989
File Number:

Background:

To outline the activities of the Building Surveyor to Councillors of the Shire of Merredin for the previous month.

Legal Implications:

Nil

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 building fee of \$40.00 is levied.

Building Licence No.	Licence issued to	Address of proposed building	Owner of property	Class of Building Type of Construction
BA42/07 Licence not issued	Gavin Townsend, 84 Kennedy St, Northam WA 6401	Lot 15, House No 8 Booran South Rd, Merredin WA 6415	IR Wallace, 8 Booran South Rd, Merredin	1A, Dwelling House, 7 bedrooms, Brick and GI
BA43/07	Jeffery Building Trades, 5 Dalton Wy, Merredin WA 6415	Lot 1205, House No 28 Snell St, Merredin WA 6415	Lucius Pty Ltd, 28 Snell St, Merredin WA 6415	Class 1, dwelling extensions front veranda
BA44/07	Erica Carlson, 11 Priestly St, Merredin WA 6415	Lot 52, House No 11 Priestly St, Merredin WA 6415	E & M Carlson, 11 Priestly St, Merredin WA 6415	10(a), free standing steel framed, iron roofed patio
BA45/07	T Robartson, 71 Endersbee St, Merredin WA 6415	Loc 2470 Great Eastern Highway, Merredin WA 6415	T Robartson, 71 Endersbee St, Merredin WA 6415	1(a) new five bed steel framed, clad dwelling
BA46/07	Ross Swarts, Lot 2 Gamenya Ave, Merredin WA 6415	Lot 2 Gamenya Ave, Merredin WA 6415	Staygood Pty Ltd, Lot 2 Gamenya Ave, Merredin WA 6415	10(a), steel framed patio

BA47/07	David Hayes Thompson, 4 Caw St, Merredin WA 6415	Lot 679, House No. 4 Caw St, Merredin WA 6415	David Hayes- Thompson, 4 Caw St, Merredin WA 6415	1(a) extensions, 10(a) steel framed patio and carport
BA48/07	Adrian Irving, 3 Jubilee St, Merredin WA 6415	Lot 991, House No. 3 Jubilee St, Merredin WA 6415	Adrian Irving, 3 Jubilee St, Merredin WA 6415	1(a) extensions, conversion of carport to Habitable
BA49/05	Kevin Joss, Box 374, Merredin WA 6415	Lot 661, House No. 40 Caw St, Merredin WA 6415	Max & Karrin Hayes, 40 Caw St, Merredin WA 6415	10(a), timber framed patio additions
BA50/07	BJ Parker, 12 Muscat St, Merredin WA 6415	Lot 1423, House No. 12 Muscat St, Merredin WA 6415	BJ Parker & LD Smith, 12 Muscat St, Merredin WA 6415	10(a), Steel framed iron roofed patio
BA51/07	Dale Hewson, CSBP, PO Box 345 Kwinana WA 6966	Lot 1 Goldfields Rd, Merredin WA 6415	CSBP Limited, PO Box 345, Kwinana WA 6966	Class 10(a) Loading platform
BA52/07	L Mahoney 6 Mill St, Merredin WA 6415	Lot 55, House No. 112 Barrack St, Merredin WA 6415	L Mahoney, 6 Mill St, Merredin WA 6415	10(a) greenhouse
BA53/07	Stylewoods, 35 Chisholm Cr, Kewdale WA 6105	Lot 10, House No. 1 Bates St, Merredin WA 6415	DJ & KM Beilken, GPO Box 1233 Perth WA 6844	Class 6 Office Fitout
BA54/07	Michael Jackson, 55 Duff St, Merredin WA 6415	Lot 617, House No. 24 Endersbee St, Merredin WA 6415	K Northcott, 24 Endersbee St, Merredin WA 6415	10(a) New Steel framed, clad colorbond garage
BA55/07	Wheatbelt Building & Maintenance, Box 374, Merredin WA 6415	Lot 844, 79 Cunningham St, Merredin WA 6415	W Irving, 79 Cunningham St, Merredin WA 6415	10(a) veranda and carport

Comment:

To date licences with a construction value of \$2,079,648.59 have been issued for the 2007 year with licence fees of \$8,893.63 raised.

Officer's Recommendation:

That the Council of the Shire of Merredin receive the Building Report for June and July 07 comprising the issuing of licences BA 42-07 to BA 55-07.

29076

Moved Cr Simmonds sec Cr Morley

That the Council of the Shire of Merredin receive the Building Report for June and July 07 comprising the issuing of licences BA 42-07 to BA 55-07.

CARRIED 8/0

11.4 DISABILITY ACCESS & INCLUSION PLAN 2007 - 2012

Reporting Department:	Development Services
Reporting Officer:	John Mitchell, Manager of Development Services
Legislation:	Western Australian Disability Services Act 1993, Disability Services Regulations 2004
File Number:	G/17/18 & DBC/3/Disability Access

Background:

It is a requirement of the Disability Services Act that each local government prepare and implement a Disability Access and Inclusion Plan (DAIP) and submit the plan to the Disability Services Commission by 31 July 2007.

A draft DAIP has been prepared. (**Attachment 11.4A**).

Legal Implications:

The provisions of the Disability Services Act 1993 are applicable.

Part five of the Act states:

Part 5 Disability access and inclusion plans by public authorities

27. Application of Part

- (1) This Part applies to public authorities.
- (2) Notwithstanding subsection (1), regulations may declare that this Part does not apply to a specified public authority.

28. Disability access and inclusion plans

- (1) Each public authority must have a disability access and inclusion plan to ensure that in so far as its functions involve dealings with the general public, the performance of those functions furthers the principles in Schedule 1 and meets the objectives in Schedule 2.
- (2) A disability access and inclusion plan must meet any prescribed standards.
- (3) A public authority must lodge its disability access and inclusion plan with the Commission —
 - (a) if the authority was established before the commencement of the Disability Services Amendment Act 2004, without delay;
 - (b) if the authority is established after the commencement of the Disability Services Amendment Act 2004, within 12 months after the day on which it is established.
- (4) A public authority may amend its disability access and inclusion plan at any time.

-
- (5) A public authority may review its disability access and inclusion plan at any time.
- s. 29
- (6) After reviewing its disability access and inclusion plan, a public authority must lodge a report of the review with the Commission in accordance with subsection (7).
- (7) Not more than 5 years is to elapse —
- (a) between the day on which a public authority first lodges its disability access and inclusion plan with the Commission and the day it lodges a report of a review of the plan with the Commission; or
 - (b) between the lodgement of the report of one review of a plan and the lodgement of the report of another review of the plan.
- (8) After reviewing its disability access and inclusion plan, a public authority may amend the plan or prepare a new plan.
- (9) If at any time a public authority amends its disability access and inclusion plan or prepares a new plan, whether after a review or not, it must lodge the amended or new plan with the Commission as soon as practicable after doing so.
- (10) A public authority must undertake public consultation in accordance with the procedure specified in the regulations when preparing, reviewing or amending a disability access and inclusion plan.

Budget Implications:

The proposed DAIP must be advertised and public comment sought. Costs of the advertising are estimated at \$250.00 within the Merredin Mercury.

Additional costs may be incurred if a public meeting is sought regarding the plan.

Comment:

The draft plan has been prepared by the Manager Development Services without input from other departments. There is no information contained within files to indicate if any disability improvement works have been undertaken and what works were proposed and if those works were completed.

The draft plan is in accordance with direction provided by the Disability Services Commission. A copy has been supplied to the local Area Coordinator- Mrs Janice Fox.

The plan should be considered by Council and provided for public comment for a period of 60 days. At the completion of that period the plan should be reconsidered by Council for correction, if required, and adoption.

Officer's Recommendation:

That the draft 2007 – 2012 Disability Access and Inclusion Plan be advertised for public comment, a copy be sent to the local coordinator for comment and that the matter be referred to Council at the completion of the advertising period.

29077

Moved Cr Simmonds sec Cr Astbury

That the draft 2007 – 2012 Disability Access and Inclusion Plan be advertised for public comment, a copy be sent to the local coordinator for comment and that the matter be referred to Council at the completion of the advertising period.

CARRIED 8/0

11.5 DRAFT REHABILITATION PLAN – CHANDLER ROAD LANDFILL SITE – DEPARTMENT OF ENVIRONMENT REQUIREMENT

Reporting Department:	Development Services
Reporting Officer:	John Mitchell, Manager of Development Services
Legislation:	Environmental Protection Act 1986, Environmental Protection (Rural Landfill) Regulations 2002
File Number:	WM/16/2

Background:

At the Ordinary meeting of Council held on 17 July 2007 Council considered a report from the Manager, Development Services (item 11.3) and resolved:

“That Council note the letter of warning from the Department of Environment and Conservation regarding the inspection of the Chandler Road Landfill site and the actions of the administration to rectify the matters raised.”

The Department has also demanded a Rehabilitation Plan of the site.

Legal Implications:

The Environmental Protection (Rural Landfills) Regulations 2002 require the preparation and submission to the Department of a post-closure management plan. The regulations state: -

17. Post-closure plan

- (1) The occupier of a landfill site must prepare and submit to the Chief Executive Officer for approval a post-closure rehabilitation plan, in accordance with subregulation (2), for the site within 18 months of the site being registered under regulation 5B of the Environmental Protection Regulations 1987.

Penalty: \$5 000.

- (2) A post-closure rehabilitation plan is to set out a plan for the rehabilitation of the site after it has ceased to be a landfill site and, in particular, is to specify —
 - (a) options for the use of the site after it has ceased to be a landfill site, and is to specify the preferred option;
 - (b) a conceptual design of the infrastructure needed for the preferred option for the use of the site after it has ceased to be a landfill site;
 - (c) the estimated final contours of the site, after allowing for settlement, and specifying to what extent settlement has been allowed for;
 - (d) the capping materials proposed to be used on the site;
 - (e) a proposed system of drainage of the site;

-
- (f) measures proposed for the protection of the environment and the monitoring of the site; and
 - (g) the estimated period for which the site will require protection and monitoring.

A draft plan has been prepared and appends as **Attachment 11.5A**.

Budget Implications:

The planting of tree species and proposed earth works and final contour plan will require the expenditure of funds. At this time no detailed costings have been prepared. It is envisaged that the funds from the Waste Management Strategy can be used for this rehabilitation purpose.

A plan of the site must be prepared for submission to the Department of Environment. Costs of this site and contour plan are estimated at \$2,000.00.

Monies are allocated annually to continue rehabilitation work (\$5,000 – 2007/2008 Budget) of Council properties.

Comment:

The draft plan will require input from the Natural Resources Management Officer that Council proposes to engage to ensure that the proposed works are adequate for the rehabilitation of the site.

The draft plan has been provided to the Department of Environment for comment before it is formally submitted for approval. The comments received are contained in **Attachment 11.5B**.

The Post Closure plan will require the engagement of a consultant to reproduce the site on paper showing existing and proposed contours. Funds if required can be accessed from the Waste Management Strategy, by absolute majority of Council.

The proposed use of the land when closed is as open space or reserve. There is no intent to reuse the site for construction or public purposes.

Officer's Recommendation:

“That Council acknowledges the draft Post Closure management plan of the Chandler Road landfill site and that the plan be presented to Council again once the Natural Resources Manager has reviewed the plan.”

“That funds of up to \$2,000 for the preparation of the site and contour plan of the Chandler Road landfill Site be accessed from the Waste Management Strategy Reserve.”

Absolute majority required.

29078

Moved Cr Morris sec Cr N Hooper

“That Council acknowledges the draft Post Closure management plan of the Chandler Road landfill site and that the plan be presented to Council again once the Natural Resources Manager has reviewed the plan.”

“That funds of up to \$2,000 for the preparation of the site and contour plan of the Chandler Road landfill Site be accessed from the Waste Management Strategy Reserve.”

**CARRIED 8/0
ABSOLUTE MAJORITY**

11.6 APPLICATION FOR ADVERTISING SIGNAGE

Reporting Department:	Development Services
Reporting Officer:	John Mitchell, Manager of Development Services
Legislation:	Activities in Thoroughfares and Public Places Trading Local Law
File Number:	P/2484

Background:

An application to erect three 6m x 50mm poles with advertising signage has been received from Mr Simon Hutton of Hutton and Northey Sales, Lot 1313, House No. 2 McKenzie Crescent, Merredin.

The application seeks to display New Holland flags in accordance with their Dealer Franchise Agreement. The correspondence is **Attachment 11.6A**.

Legal Implications:

The provisions of the Activities in Thoroughfares and Public Places Trading Local Law are applicable. Clause 3.2 of that local law requires that any advertising sign within 3m of a carriage way requires the issue of a permit by the local government.

In considering the application clause 3.3 of the local law is applicable. Clause 3.3 requires the local government to consider any other signs approved or erected in the vicinity, whether the sign will create a hazard to persons using the thoroughfare and the amount of public liability insurance cover, if any, to be obtained by the applicant.

Budget Implications:

There are no fees applicable to the application.

Comment:

There are various examples of advertising signage on East Barrack Street, Merredin including Nissan, Case, SBS Iama, Toyota, and flag poles carrying advertising signage.

The signage should be included within the existing public liability insurance of the company.

The signage is to be installed within the existing property boundary adjacent to the pylon sign which is still considered public areas.

Officer's Recommendation:

“That the application to erect three 6m flag poles with New Holland advertising signage adjacent to the pylon sign (New Holland) on Lot 1313 McKenzie Crescent, Merredin be approved with the advise that the signage must be included within the standard liability insurance of the business – Hutton and Northey.”

29079

Moved Cr Morris sec Cr Simmonds

“That the application to erect three 6m flag poles with New Holland advertising signage adjacent to the pylon sign (New Holland) on Lot 1313 McKenzie Crescent, Merredin be approved with the advise that the signage must be included within the standard liability insurance of the business – Hutton and Northey.”

CARRIED 8/0

11.7 FIRE AND EMERGENCY SERVICES AUTHORITY – WESTERN AUSTRALIAN EMERGENCY RADIO NETWORK – MEMORANDUM OF UNDERSTANDING AND MANAGEMENT OF EXISTING AND OTHER SITES

Reporting Department: Development Services
Reporting Officer: John Mitchell, Manager of Development Services
Legislation: Local Government Act 1995
File Number: ES/6/1 & GR/17/27

Background:

Correspondence (**Attachment 11.7A**) has been received from VSA property representing the Fire and Emergency Services Authority of WA (FESA) to establish memorandums of understanding with respect to communications structures that contain FESA equipment and antennas either as part of the Western Australian Emergency Radio Network (WAERN) or for local Bushfire or State Emergency Services (SES) communications.

VSA also advises that following introduction of the WAERN project some local governments may wish to transfer ownership of the communications assets to FESA who may in turn accept responsibility for maintenance and replacement of the equipment and structures required.

Copies of the correspondence and a covering letter were sent on 19 July 2007 to Merredin Fire and Rescue, Chief Bush Fire Control Officer and the local State Emergency Services for comment.

At 7 August 2007 no response had been received from the local emergency services groups or personnel.

Legal Implications:

The disposal of property is governed by the Local Government Act 1995, Section 3.58 which requires procedures to be followed to dispose of property. There are exemptions pursuant to the regulations.

Budget Implications:

Budget implications have not been considered at this time. Should Council resolve to consider the offer from VSA Property on behalf of FESA.

Comment:

There are six properties listed (in the attachment) as sites, with FESA infrastructure within them, within Merredin Shire. Effected properties with Council ownership or lease agreements are: -

Merredin Shire Depot;
Merredin SES – Lot 1124 (7) Benson Road: Reserve vested with FESA with a portion leased to Council. A review of the lease indicates Council leases the entire Reserve.

There are two questions that VSA property requests direction on: -

- (1) Does Council seek to enter a Memorandum of Understanding for those sites under Council control or lease agreement?
- (2) Does Council seek to transfer ownership to FESA of those properties?

The site within the Shire Depot is a primary point for storage of Council plant. I am advised that Lot 1124 Benson Road is not developed.

Officer's Recommendation:

"That Council enter a memorandum of understanding with FESA for communication facilities at the Shire Depot and Lot 1124 (7) Benson Street, Merredin.

29080

Moved Cr Simmonds sec Cr Morley

"That Council enter a memorandum of understanding with FESA for communication facilities at the Shire Depot and Lot 1124 (7) Benson Street, Merredin.

CARRIED 8/0

**11.8 APPLICATION FOR TOWN PLANNING CONSENT (IN PRINCIPLE)
LOT 67 HAINES ST. & ACACIA WAY, MERREDIN**

Reporting Department:	Development Services
Reporting Officer:	John Mitchell, Manager of Development Services
Legislation:	Town Planning Scheme No. 1, Residential Design Codes 2002
File Number:	P/106 & PA15-07

Background:

Mr AP Wahlsten has requested town planning consent in principle for the establishment of two 4 bedroom dwellings on lot 71 and 67 Acacia Way, Merredin. Mr Wahlsten's reasons are that he seeks to purchase the lot from the current owner. There are two lots 67 in Acacia Way – 4 Acacia Way - SM Herd. The second lot 67 does not have listings within the property system for the owners.

The application was delivered by hand and the Manager, was not able to review the application before Mr Wahlsten left. No contact details other than an address were left.

The locality map is **Attachment 11.8A**.

Legal Implications:

Lot 71 and 67 are zoned residential 1 – single residential. The average lot size within Acacia Way is 800m². Lot 71 Acacia is 991m² and with the amalgamation of Lot 67 adjacent the two lots excepting Haines street access would be 616m² and 619m² respectively.

The establishment of a second dwelling on a lot zoned Residential 1 – single residential is a PS use – use not permitted unless special approval given by Council and conditions complied with.

Where grouped dwellings are proposed the density is R20 which provides for a minimum lot size of 500m². The application is also compliant with a R15 density code – one above R12.5 the minimum density code for the area.

Two parking bays per dwelling are provided.

The southern dwelling is located within the 6m front setback area.

The minimum open space requirement appears to have been met, though detailed plans will be required to confirm this condition. Similarly a minimum of 30m of outdoor living area will require confirmation.

The owner of lot 67 Acacia has not signed the application forms. The provisions of Council Policy 9.5 – Council setbacks for Residential Dwellings - are applicable. Whilst the applicant has not provided justification for the variation, the placement of the dwelling and compliance with the rear setbacks require an encroachment into the front setback area. The provisions of the Residential Design Codes have been considered.

As this application includes additional variations the matter has been provided to Council.

Budget Implications:

No planning application fees have been paid. The value of construction is \$600,000.

Comment:

There are several other town planning issues to address: -

- 1) the proposed garage to the left unit is within the front 6m setback area and will require offset distances applied to the secondary setback – which becomes a non building area. A planning condition to this effect is required should the application be successful.
- 2) The proposed media room is within the front setback area. From a town planning perspective the calculations for the offsets would need to be included within a planning condition. From a building perspective the walls must achieve a fire resistance level (FRL) of 60/60/60 if within 900mm of the boundary.
- 3) To alleviate potential flooding issues the finished floor level of the dwellings should be a minimum of 300mm above crown of road.

No calculations can be carried out as the draft plans do not reflect the measurements other than boundary clearances.

Lot 71 and 67 Acacia are provided with sewer and water connections. Lot 67 and 71 Acacia require amalgamation prior to commencement of works as buildings will be built across boundaries.

There is precedent for grouped development within the residential 1 zone within the 2006 and 2007 planning register.

Officer's Recommendation:

"That the Shire of Merredin grant approval in principle for the establishment of 2 x 4 bedroom dwellings on Lot 67 and 71 Acacia Way, Merredin subject to the following conditions: -

- a) The two blocks are to be amalgamated prior to a building licence being issued and a new town planning application form completed and signed by the owner of lot 67 Acacia Way, Merredin.*
- b) All required town planning application fees are to be paid and three copies of detailed plans submitted for consideration.*
- c) The two dwellings are to be connected to the Minister's sewer and provided with scheme water supplies.*
- d) No outbuildings can be constructed within the secondary front setback concession area as this area has been used to offset the encroachment into the front setback area.*
- e) Finished floor level of the dwelling shall be 300mm above crown of road".*

29081

Moved Cr Astbury sec Cr Morley

"That the Shire of Merredin grant approval in principle for the establishment of 2 x 4 bedroom dwellings on Lot 67 and 71 Acacia Way, Merredin subject to the following conditions: -

- a) The two blocks are to be amalgamated prior to a building licence being issued and a new town planning application form completed and signed by the owner of lot 67 Acacia Way, Merredin.*
- b) All required town planning application fees are to be paid and three copies of detailed plans submitted for consideration.*
- c) The two dwellings are to be connected to the Minister's sewer and provided with scheme water supplies.*
- d) No outbuildings can be constructed within the secondary front setback concession area as this area has been used to offset the encroachment into the front setback area.*
- e) Finished floor level of the dwelling shall be 300mm above crown of road".*

CARRIED 8/0

Cr Crees declared a Financial Interest in Item 11.9.

Cr Crees left the meeting at 2.10pm.

11.9 PLANNING APPLICATION P11/03, GOLDHOUR PTY LTD, LOT 15 AVON LOCATION 24776, BOORAN SOUTH ROAD, MERREDIN WA 6415

Reporting Department: Development Services
Reporting Officer: John Mitchell, Manager of Development Services
Legislation: Planning & Development Act 2005, Shire of Merredin Town Planning Scheme No. 1
File Number: PA11 – 03, P/7032

Background:

Correspondence has been received from Messrs Hubeck and Messrs Towler seeking what actions the Shire of Merredin proposes regarding the requirement to rehabilitate and drawing attention to correspondence allegedly received from Mr Wallace dated 29 March 2006 advising that rehabilitation works would commence within 3 weeks of that date. The Shire of Merredin did receive a letter dated 29 March 2006 advising of that intent. The letter is a facsimile.

The conditions of approval for the planning application received as PA11/03 and in 2005 as PA02/05 have expired. The applicant – IR Wallace – Goldhour Pty Ltd of PO Box 15, Quairading WA 6383 withdrew PA02/05 by facsimile on 30 November 2005. PA02/05 contained those conditions relating to rehabilitation.

Council resolutions to this matter are contained in: -

- CMRef 27298** – November 2003 – conditions to avoid prosecution for gravel extraction without consent of Local Government.
- CMRef 27324** – 16 Dec 2003 - Conditions of Planning consent
- CMRef 27325** – 16 Dec 2003 – Seeking external advice regarding approval of the application.
- CMRef 27337** – 20 Jan 2004 – Hours of Operation condition
- CMRef 27792** – February 2005 – application for gravel extraction, PA02 – 05 advertised in accordance with legal requirements
- CMRef 27829** – March 2005 – Council will not consider application until all information received.
- CMRef 27866 & CMRef 27867** – 19 April 2005, actions relating to planning consent and “subject to” clauses;

-
- CMRef 27868** – 19 April 2005 – infringement – Extractive Industry Lot 15 Booran Rd;
- CMRef 28054** – 16 August 2005 – endorsement of CEO’s actions in issuing infringement and endorsing further actions if more excavation works are undertaken;
- CMRef 28244** – 20 December 2005 – acknowledgement of withdrawal of PA02 – 05, non payment of application fees.

In 2005 an infringement notice was issued for the failure to obtain a gravel extraction approval from the local government. A notice of admission of claim was forwarded to the Shire of Merredin by the Magistrates Court on 10 November 2005 advising that the Magistrate had entered judgement in the Claimant’s favour for the amount claimed together with interest of \$41.02 totalling \$782.16.

There are numerous pieces of correspondence between the Administration and Goldhour Pty Ltd from the commencement date of the application PA11/03 and 2007 relating to advice of Council’s decisions and seeking commitments from Goldhour to rehabilitate the site. On several occasions Mr Wallace of Goldhour facsimiled correspondence to the Shire of Merredin advising that rehabilitation works had been commenced and was to commence.

Copies of the original planning consent form, letters received from Messrs Towler and Hubeck on 6 August 2007, and the reports submitted to Council relevant to the planning consent are contained in **Attachment 11.9A**.

Legal Implications:

The provisions of the Planning and Development Act 2005 are applicable. Sections 214 and 215 of the Act state: -

214. Directions by responsible authority regarding unauthorised development

- (1) For the purposes of subsections (2) and (3) —
- (a) a development is undertaken in contravention of a planning scheme or an interim development order if the development —
- (i) is required to comply with the planning scheme or interim development order; and
- (ii) is commenced, continued or carried out otherwise than in accordance with the planning scheme or interim development order or otherwise than in accordance with any condition imposed with respect to that development by the responsible authority pursuant to its powers under that planning scheme or interim development order;
- (b) a development is undertaken in contravention of planning control area requirements if the development —
- (i) is commenced, continued or carried out in a planning control area without the prior approval of that development obtained under section 116;
- or
- (ii) is commenced, continued or carried out otherwise than in accordance with the approval referred to in subparagraph (i) or otherwise than in accordance with the conditions, if any, subject to which that approval is given.

-
- (2) *If a development, or any part of a development, is undertaken in contravention of a planning scheme or an interim development order or in contravention of planning control area requirements, the responsible authority may give a written direction to the owner or any other person undertaking that development to stop, and not recommence, the development or that part of the development that is undertaken in contravention of the planning scheme, interim development order or planning control area requirements.*
- (3) *If a development has been undertaken in contravention of a planning scheme or interim development order or in contravention of planning control area requirements, the responsible authority may give a written direction to the owner or any other person who undertook the development —*
- (a) *to remove, pull down, take up, or alter the development;*
- (b) *to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority.*
- (4) *The responsible authority may give directions under subsections (2) and (3)(a) and (b) in respect of the same development and in the same instrument.*
- (5) *If it appears to a responsible authority that delay in the execution of any work to be executed under a planning scheme or interim development order would prejudice the effective operation of the planning scheme or interim development order, the responsible authority may give a written direction to the person whose duty it is to execute the work to execute that work.*
- (6) *A direction under subsection (3) or (5) is to specify a time, being not less than 60 days after the service of the direction, within which the direction is to be complied with.*
- (7) *A person who —*
- (a) *fails to comply with a direction given to the person under subsection (2); or*
- (b) *fails to comply with a direction given to the person under subsection (3) or (5) within the time specified in the direction, or within any further time allowed by the responsible authority, commits an offence.*

215. Responsible authority may remove or alter unauthorised development

- (1) *If—*
- (a) *a notice is served on a person under section 214(2), (3) or (5) and that person fails to —*
- (i) *carry out the directions within the time specified in the notice; or*
- (ii) *apply under section 255 for a review of any direction contained in the notice; or*
- (b) *on an application by that person for a review of any direction contained in the notice, the direction is confirmed or varied and the owner fails to carry out the direction as confirmed or varied within the time specified by the State Administrative Tribunal in the notice given under section 255(2), the responsible authority may itself remove, pull down, take up or alter the development, restore the land as nearly as practicable to its condition immediately before the development started, or execute that work, as it directed that person.*
- (2) *Any expenses incurred by a responsible authority under subsection (1) may be recovered from the person to whom the direction was given as a debt due in a court of competent jurisdiction.*

Budget Implications:

Prosecution costs of the non compliance issue cannot be determined. If the applicant refers the matter to the State Administrative Tribunal the matter can be extended for a further long period of time and cost significantly more. As an estimate it is believed the matter will cost in excess of \$10,000.00.

There is a file note of advice from the ANZ bank following approaches by the Manager of Development Services, **Attachment 11.9B**, which in simple terms indicates that the bank guarantee may not be paid by the ANZ bank. The representative sought for the Manager of Development Services to return the guarantee. A copy of the document is contained in the safe. There are no original signatures on the documents.

Comment:

On 27 April 2007 the Manager of Development Services wrote to Mr Ian Wallace C/- PO Box 15 Quairading regarding a planning application PA06/07 – light industry and temporary accommodation, fire damaged building and to re-raise the matter of the outstanding rehabilitation works and conditions of Planning Consent PA11/03. To date there is no response to that correspondence.

On 6 August 2007 the Manager of Development Services attended the adjoining property – owned by Shane Towler. An inspection of the boundary alignment adjacent to Lot 15 Booran South Rd, Merredin indicated that there was recent excavation and reburial of materials on the south east corner, there is an accumulation of disused machinery and materials within Lot 15 Booran South Rd, Merredin and there appears to be a cement agitator within the sand pit area on the south east corner of the property. On leaving the property heavy vehicle (it was raining heavily) tyre marks were noticed in the dirt road leading into or out of Lot 15 Booran South Road, Merredin. There has been no reduction in the volume of disused materials as shown to Council in attachment 10.5E of the item presented to Council on 17 April 2007. A copy appends in **Attachment 11.9C**.

Council may take action pursuant to Section 3.25 of the Local Government Act 1995 (LGA95) relating to matters specified in Schedule 3.1 of the LGA95 subject to compliance with Section 3.31 of the LGA95 which relates to powers of entry. Schedule 3.1 indicates that notice may be given for disused materials accumulation of a lot.

Correspondence contained within the application file is summarised below: -

Date of Correspondence	From/to	Comments
24 November 2005	Fax from Shire of Merredin to Ian Wallace	Confirming meeting with Shire President, CEO and MDS and points raised (23/11/05 meeting)
30 November 2005	Ian Wallace to Shire of Merredin	Withdrawing all applications and applications for extractive industries
21 December 2005	Shire of Merredin to	Advising of December 2005

	Ian Wallace of Moment Pty Ltd	resolutions of Council and withdrawal of PA02/05
29 March 2006	Ian Wallace to Shire of Merredin, Warren Bow	Advising that rehabilitation works are to commence within three weeks.
4 April 2006	Facsimile to Moment Pty Ltd	Confirming the advice that rehabilitation works to commence in next three weeks and raising concerns of departure from approved rehabilitation plan
6 April 2006	Ian Wallace (fax) to Shire of Merredin	Confirms fax of 4 April 2006 and advises will be able to remove all stockpiles in the area to be rehabilitated. Other matters raised will be considered.
26 September 2006	File Note re Bank Guarantee	Advice from Tyson Allen ANZ bank (03) 86355643 – bank still liable but questioned whether such would be paid in the event of a claim. Fax also sent by MDS on 31 August 2006
10 October 2006	File Note – Aline taking of gravel	Kylie Brierty advised would not be taking gravel from site.
16 October 2006	Shire of Merredin to Ian Ross Wallace	PA11/03 seeking commitment to complete rehabilitation works to Lot 15 Booran South
25 October 2006	IR Wallace JP to Shire of Merredin	Advising that rehabilitation works were commenced within time received request from Aline to take gravel and missed planting window
20 April 2007	Shire of Merredin to Ian Ross Wallace	Granting 28 days to comply with the conditions of planning or the matter would be referred to Council.

Officer's Recommendation:

“That Planning Application PA11/03, PA02/05 and the relevant files be delivered to Council's Solicitors to determine whether legal action can be taken against the owner of Lot 15 Booran South Road, Merredin and the applicant of PA11/03 and PA02/05 for the failure to comply with the planning conditions issued relating to rehabilitation of the location.”

29082

Moved Cr Morris sec Cr Astbury

“That Planning Application PA11/03, PA02/05 and the relevant files be delivered to Council's Solicitors to determine whether legal action can be taken against the owner of Lot 15 Booran South Road, Merredin and the applicant of PA11/03 and PA02/05 for the failure to comply with the planning conditions issued relating to rehabilitation of the location.”

CARRIED 7/0

Cr Crees entered the meeting at 2.17pm.

11.10 APPLICATION FOR PLANNING CONSENT; QUALITY BUILDERS FOR B & J LANE; LOT 1342 WHITFIELD WAY, MERREDIN; FOUR BEDROOM, OFFICE, STEEL FRAMED, CLAD DWELLING

Reporting Department: Development Services
Reporting Officer: John Mitchell, Manager of Development Services
Legislation: Shire of Merredin Town Planning Scheme No.1
File Number: P/3431, PA18/07

Background:

An application to establish a dwelling on Lot 1342 Whitfield Way, Merredin has been received from Quality Builders Pty Ltd of PO Box 303, Kalamunda WA 6926. The land is owned by B & J Lane of Lot 1342 Whitfield Way, Merredin. The locality plan is contained in **Attachment 11.10A**.

The application is not complete in that both owners have not signed the Application for Planning Consent. All other information is provided.

Legal Implications:

The provisions of the Shire of Merredin Town Planning Scheme No.1 are applicable.

Lot 1342 Whitfield Way is zoned “Stables” pursuant to the Scheme. A dwelling is an “IP” use which means that the use is not permitted unless it is incidental to the predominant use as determined by Council.

The Shire of Merredin Policy Manual contains a further policy that requires the external appearance of dwellings within new subdivisions to be clad in brick veneer with iron clad roofs. It is policy 9.10 within Town Planning & Building Control. The policy is unclear; however if Whitfield Way is a new subdivision then the policy is applicable. The dwelling is rusticated weatherboard cladding with a colorbond roof.

Zoning table – “Stables” lists the dwelling as an “IP” use. Building setbacks are required to be 10m from the front boundary, 7.5m from the rear boundary and 5m from the side boundary. The dwelling is located beyond the setback requirements.

There are no local laws dealing with Stables. The provisions of the Health Local Laws 1999 (HLL99), Division 3 – Keeping of Large Animals are applicable.

Division 3 HLL99 requires that any stable be constructed to the requirements of the Building Code of Australia and also requires that the animal not approach within 15m of a dwelling house.

Budget Implications:

Planning fees have been paid.

Comment:

Policy 9.10 is unclear and may cause issues with planning consents through delegated authority. In addition it is generally acceptable to provide, objectives, reasons and advertise the intent to adopt such a policy. It would be appropriate to review this policy.

The policy must survive appeal and legal challenges. As the policy has not been reviewed for some time it is suggested that the policy be reconsidered at this time.

If Council is to comply with the Policy 9.10 then the application should be rejected.

The plans show an office within the dwelling. There is no indication given whether the office is for private use or for work related purposes. The requirement to obtain home occupation approval for work related uses can be placed as advice to the applicant.

Detailed plans of the septic waste disposal will be required pursuant to the Health Act 1911 – 1979 as amended.

Officer's Recommendation:

"That the application for planning consent for establishment of a dwelling on Lot 1342 Whitfield Way, Merredin for B & J Lane comprising a rusticated weatherboard clad new four bedroom dwelling be approved with advice relating to the Home Occupation requirements of the Shire of Merredin Town Planning Scheme No.1 and the requirements to submit Plans for the septic waste disposal."

29083

Moved Cr Morris sec Cr Wallace

That the application for planning consent for establishment of a dwelling on Lot 1342 Whitfield Way, Merredin for B & J Lane comprising a rusticated weatherboard clad new four bedroom dwelling be approved with advice relating to the Home Occupation requirements of the Shire of Merredin Town Planning Scheme No.1 and the requirements to submit Plans for the septic waste disposal.

CARRIED 8/0

ENBLOC WITH ITEMS 10.11 AND 16.2.

11.11 APPLICATION FOR PLANNING CONSENT; QUALITY BUILDERS FOR B POTTER; LOT 1350 WHITFIELD WAY, MERREDIN; FOUR BEDROOM, OFFICE, STEEL FRAMED, CLAD DWELLING

Reporting Department: Development Services
Reporting Officer: John Mitchell, Manager of Development Services
Legislation: Shire of Merredin Town Planning Scheme No.1
File Number: P/1555, PA19/07

Background:

An application to establish a dwelling on Lot 1350 Whitfield Way, Merredin has been received from Quality Builders Pty Ltd of PO Box 303, Kalamunda WA 6926. The land is owned by B Potter, postal address PO Box 359 Merredin WA 6415.

The application and locality plan are contained in **Attachment 11.11A**.

The application is not complete in that the owners have not signed the Application for Planning Consent. All other information is provided.

Legal Implications:

The provisions of the Shire of Merredin Town Planning Scheme No.1 are applicable.

Lot 1350 Whitfield Way is zoned “Stables” pursuant to the Scheme. A dwelling is an “IP” use which means that the use is not permitted unless it is incidental to the predominant use as determined by Council.

The Shire of Merredin Policy Manual contains a further policy that requires the external appearance of dwellings within new subdivisions to be clad in brick veneer with iron clad roofs. It is policy 9.10 within Town Planning & Building Control. The policy is unclear; however if Whitfield Way is a new subdivision then the policy is applicable. The dwelling is rusticated weatherboard cladding with a colorbond roof.

Zoning table – “Stables” lists the dwelling as an “IP” use. Building setbacks are required to be 10m from the front boundary, 7.5m from the rear boundary and 5m from the side boundary. The dwelling is located beyond the setback requirements. The plan will be conditioned to show the side setback dimension to the north perspective to be a minimum of 5m.

The provisions of the Health Local Laws 1999 (HLL99), Division 3 – Keeping of Large Animals are applicable.

Division 3 HLL99 requires that any stable be constructed to the requirements of the Building Code of Australia and also requires that the animal not approach within 15m of a dwelling house.

Budget Implications:

Planning fees have not been paid.

Comment:

Policy 9.10 is unclear and may cause issues with planning consents through delegated authority. In addition it is generally acceptable to provide, objectives, reasons and advertise the intent to adopt such a policy. Does Council seek to review the policy?

The policy must survive appeal and legal challenges. As the policy has not been reviewed for some time it is suggested that the policy be reconsidered at this time.

If Council is to comply with the Policy 9.10 then the application should be rejected.

Detailed plans of the septic waste disposal will be required pursuant to the Health Act 1911 – 1979 as amended.

Officer's Recommendation:

"That the application for planning consent for establishment of a dwelling on Lot 1350 Whitfield Way, Merredin for B Potter comprising a rusticated weatherboard clad new four bedroom dwelling be approved with advice relating to the requirements to submit Plans for the septic waste disposal."

29084

Moved Cr Morris sec Cr Wallace

That the application for planning consent for establishment of a dwelling on Lot 1350 Whitfield Way, Merredin for B Potter comprising a rusticated weatherboard clad new four bedroom dwelling be approved with advice relating to the requirements to submit Plans for the septic waste disposal."

CARRIED 8/0

ENBLOC WITH ITEMS 10.10 AND 16.2.

Item 16.2 was brought forward due to the presence of the Manager of Development Services.

16.2 APPLICATION FOR PLANNING CONSENT; T&R HOMES FOR A COOPER & Ms E MUSCA; LOT 1343 WHITFIELD WAY, MERREDIN; FOUR BEDROOM, OFFICE, STEEL FRAMED, CLAD DWELLING

Reporting Department: Development Services
Reporting Officer: John Mitchell, Manager of Development Services
Legislation: Shire of Merredin Town Planning Scheme No.1
File Number: P/3430, PA20/07

Background:

An application to establish a dwelling on Lot 1343 Whitfield Way, Merredin has been received from T&R Homes Pty Ltd of 105 Kelvin Road, Maddington WA 6109. The land is owned by Mr A Cooper and Ms E Musca of PO Box 456, Merredin.

The locality plans are contained in **Attachment 16.2A**.

The application is complete.

Legal Implications:

The provisions of the Shire of Merredin Town Planning Scheme No.1 are applicable.

Lot 1343 Whitfield Way is zoned “Stables” pursuant to the Scheme. A dwelling is an “IP” use which means that the use is not permitted unless it is incidental to the predominant use as determined by Council.

The Shire of Merredin Policy Manual contains a further policy that requires the external appearance of dwellings within new subdivisions to be clad in brick veneer with iron clad roofs. It is policy 9.10 within Town Planning & Building Control. The policy is unclear; however if Whitfield Way is a new subdivision then the policy is applicable. The dwelling is hardiplank weatherboard cladding with a zinalume roof.

Zoning table – “Stables” lists the dwelling as an “IP” use. Building setbacks are required to be 10m from the front boundary, 7.5m from the rear boundary and 5m from the side boundary. The dwelling is located beyond the setback requirements.

There are no local laws dealing with Stables. The provisions of the Health Local Laws 1999 (HLL99), Division 3 – Keeping of Large Animals are applicable.

Division 3 HLL99 requires that any stable be constructed to the requirements of the Building Code of Australia and also requires that the animal not approach within 15m of a dwelling house.

Budget Implications:

Planning fees of \$626.75 have been paid.

Comment:

Policy 9.10 is unclear and may cause issues with planning consents through delegated authority. In addition it is generally acceptable to provide, objectives, reasons and advertise the intent to adopt such a policy. Does Council seek to review the policy?

The policy must survive appeal and legal challenges. As the policy has not been reviewed for some time it is suggested that the policy be reconsidered at this time.

If Council is to comply with the Policy 9.10 then the application should be rejected.

Detailed plans of the septic waste disposal will be required pursuant to the Health Act 1911 – 1979 as amended.

The land is low lying and recent rains have shown that water can pond and flow across the lots. It is prudent to add a condition that the finished floor level of the dwelling is to be located 300mm above crown of road.

Officer's Recommendation:

“That the application for planning consent for establishment of a dwelling on Lot 1343 Whitfield Way, Merredin for A Cooper & E Musca comprising a weatherboard clad new four bedroom dwelling be approved with the condition that the finished floor level of the dwelling shall be 300mm above crown of road and advice relating to the Home Occupation requirements of the Shire of Merredin Town Planning Scheme No.1 and the requirements to submit Plans for the septic waste disposal.”

29085

Moved Cr Morris sec Cr Wallace

“That the application for planning consent for establishment of a dwelling on Lot 1343 Whitfield Way, Merredin for A Cooper & E Musca comprising a weatherboard clad new four bedroom dwelling be approved with the condition that the finished floor level of the dwelling shall be 300mm above crown of road and advice relating to the Home Occupation requirements of the Shire of Merredin Town Planning Scheme No.1 and the requirements to submit Plans for the septic waste disposal.”

CARRIED 8/0

ENBLOC WITH ITEMS 11.10 AND 11.11.

29086

Moved Cr Morris sec Cr Morley

That Council delegate authority to the CEO to process single residential development planning applications for the current Whitfield Way blocks numbered Lot 1336 to Lot 1350 inclusive .

**CARRIED 8/0
ABSOLUTE MAJORITY**

29087

Moved Cr Morley sec Cr Wallace

That Council waive the planning fees costs on all Whitfield Way lots 1336 – 1350 due to Council being in the process of re-zoning the land to special residential.

**CARRIED 8/0
ABSOLUTE MAJORITY**

J Mitchell left the meeting at 2.30pm.

E Hooper and S Price entered the meeting at 2.35pm.

The following Item 13.5 was brought forward.

13.5 ADMINISTRATION STAFFING

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

Background

With the relatively recent resignations of Mr Daniel Bain and Mr Jeff Walker senior staff have reviewed the staffing situation within the Administration at the Shire of Merredin.

In this review senior staff determined that there was a need for administrative assistance in the Engineering Services area, records management was not up to standard and the financial services area required strengthening.

Specifically in the Engineering Services area there was a need to produce financial reports to assist the Manager of Engineering Services in his control of the section, coordinate traffic counts and reporting those to Council. Assist Manager of Engineering Services in preparing financial reports for the Roads to Recovery, Regional Road Group Acquittals and the filing of those reports. The need for better stock control (including managing goods received and the allocation of stock to the costing ledger). The issuing of purchase orders for the Engineering and Development Services area.

In the Records Management area, whilst filing has been managed by the use of casual staff, issues such as opening mail and responding to that correspondence file allocation, archiving and disposal of records have not been attended to.

In respect to Financial Services, vacancies have finally been filled in this area. With allocation of a number of activities from this area to the Clerical Officer in the Engineering Services area some relief will be achieved.

However the increasing financial activities associated with the Merredin Medical Practice, Cummins Theatre and the Merredin Regional Community & Leisure Centre will create additional workload. Extra resources in this area will enable more of the higher level finance functions to be performed.

In order to stay with Council's 2007/2008 draft budget allocations senior staff propose that the following re-organisation occur.

1. Technical Officer position role be changed to a clerical position which provides clerical support to the Engineering Services area by providing stock control, issue of purchase orders, co-ordination of condition reports for footpaths, playground equipment, road signs etc, obtain quotations for stock materials, fuel etc, process allocation of stock to

MINUTES

general ledger including fuel etc, process invoices for private works and CSR Emoleum contracts.

Whilst we see this position as a full time role it could be slightly reconfigured to a part time role.

2. There is a need to strengthen the Administration & Financial area. By not filling the vacant Community & Economic Development Officer position and creating a new Finance Officer this will be achieved. I believe that this role can be part time approximately on a 50% basis – this may make the position more attractive for prospective applicants.
3. **Records Officer**
Having a dedicated officer to undertake this role is important for the management of Council's records. Once again this role is seen to be part time, on a 50% basis, however the position would require to be in attendance at the office on a daily basis.

Financial Implications

Council has provided funds for a Technical Officer in the Engineering Services area and a Community and Economic Development Officer in the Community Services area in its draft 2007/2008 Budget.

The proposed changes will fit within the funding allocations for these two positions in the draft 2007/2008 budget.

Officer Comment

This proposal should not be seen as a downgrading of the Community and Economic Development activities of Council. Rather it strengthens it by enabling other officers to be freed up so that they can contribute their expertise to this role within the Council.

There are some caveats which need to be placed upon this reorganisation and these are:

- There is a limit to the activities that the current staffing resource can provide and the further expansion into new project areas will require further staffing resource.
- Stability is an important key to Council staff achieving all the projects Council desire and if this continues to be as volatile as it has been in the last two or three years only high priority activities will be able to be achieved.

Staff Recommendation

That Council re-organise its administrative staffing structure by:

1. *Refocussing the role of the Technical Officer to a position of Administrative Assistant to the Engineering Services Area.*
2. *creating a new part time Finance Officer position equivalent to 0.5 FTE;*
3. *creating a new Records Management Officer equivalent to 0.5 FTE .*
4. *disbanding one Community & Economic Development Officer position equivalent to 1 FTE.*

29088

Moved Cr N Hooper sec Cr Crees

That Council re-organise its administrative staffing structure by:

1. *Refocussing the role of the Technical Officer to a position of Administrative Assistant to the Engineering Services Area.*
2. *creating a new part time Finance Officer position equivalent to 0.5 FTE;*
3. *creating a new Records Management Officer equivalent to 0.5 FTE .*
4. *disbanding one Community & Economic Development Officer position equivalent to 1 FTE.*

CARRIED 5/3

Cr Morris voted against the above motion.

E Hooper and S Price left the meeting at 2.58pm.

J Simmonds left the meeting at 2.59pm.

J Garrett entered the meeting at 3.00pm.

J Simmonds entered the meeting at 3.02pm.

12.0 ENGINEERING SERVICES

12.1 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

Talgomine Reserve Road gravel sheeting completed.
South Baandee Road gravel sheeting in progress.

Road Maintenance

Maintenance grading of the north east and south east of the shire complete.
Bitumen patching in progress on town streets

Street sweeping has been in progress.

Road verge and footpath weed spraying in progress.

Recreation Centre

New fence constructed to entry statement.
Landscaping near completion.
Tidy up of construction site ongoing.

Parks And Gardens

Rose pruning has started.
Weed spraying of parks in progress.

Staff

Outside staff workplace agreement voted in and signed off.

Improvement Notice

On the 6 August 2007 the Department of Consumer and Employment Protection issued an improvement notice, after observing one of our employees single-handedly loading our spray unit onto the back of a ute from a stand made from 44 gallon drums.

Notice has been complied with. We now have rings on unit so that it can be lifted by the loader and placed onto the ground when not in use.

Water

Dam #1	70% Full	Capacity	74,455 kilolitres
Dam #2	40% Full	Capacity	71,675 kilolitres
Dam #3	50% Full	Capacity	46,000 kilolitres
Railway Dam	70% Full	Capacity	23,000 kilolitres

Officer's Recommendation:

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

29089

Moved Cr Morris sec Cr Morley

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

CARRIED 8/0

12.2 ROAD IMPROVEMENTS ON THE INTERSECTION OF GOLDFIELD ROAD, CHANDLER ROAD AND TELFER AVENUE

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

Background:

As part of Merredin Shire Council 2006/2007 road program, improvements were made to the Goldfields Road, Chandler Road and Telfer Avenue intersection to improve road safety for vehicles turning onto Telfer Avenue from Chandler Road and Goldfields Road.

On completion of the works a request to Gren Putland the Project Manager of Main Roads W.A. to inspect and review the improvements that were carried out.

The following recommendations were made by Gren Putland as can be seen on **Attachment 12.2A**. Some of these recommendations will require Councils consideration.

- The continuing section of Goldfields/ Chandler Road would benefit from the introduction of a speed zone of 80 km/h just north of Whitfield Way subdivision to the Goomalling-Merredin Road. This would allow for appropriate warning sign treatment for the Telfer Avenue curve.
- An 80 km/h speed zone for Telfer Avenue extending from Chandler Road to the built up area currently zoned 60 km/h. In order to regularise this built up area with adjacent zoning it should be 50 km/h.
- The advanced warning signs and tags to the approach to the Goldfields/Chandler Curve be replaced and duplicated. It is expected that the new tags would assume the value of 60 or 65 km/h after a technical assessment.

Legal Implications:

Nil

Budget Implications:

Nil

Comment:

With 3 blocks from the Whitfield Way subdivision requiring crossovers onto the Chandler Road the current speed zone of 110 km/h should be reduced to improve road safety.

All line marking and signage in the recommendations on **Attachment 12.2B** that are not currently in place are on order and expected to be completed in coming weeks.

Officer's Recommendation:

- 1) *That Council write to Main Roads W.A to state that they concur with the speed zone changes in the recommendations put forward by Gren Putland in Attachment 12.2A.*
- 2) *That Council write to Main Roads W.A. and request that they conduct a technical assessment of the Chandler/Goldfields curve so the correct tag of 60 or 65 km/h can be put in place.*

29090

Moved Cr Morris sec Cr Simmonds

- 1) *That Council write to Main Roads W.A to state that they concur with the speed zone changes in the recommendations put forward by Gren Putland in Attachment 12.2A.*
- 2) *That Council write to Main Roads W.A. and request that they conduct a technical assessment of the Chandler/Goldfields curve so the correct tag of 60 or 65 km/h can be put in place.*

CARRIED 8/0

J Garrett left the meeting at 3.10pm.

E Hooper entered the meeting at 3.12pm.

13.0 FINANCE AND ADMINISTRATION

Item 13.2 was brought forward.

13.2 LIST OF ACCOUNTS PAID

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

Background:

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

Legal Implications:

Local Government Act and Financial Management Regulations.

Budget Implications:

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

Officer's Recommendation:

That the Merredin Shire Council receive the schedule of accounts as listed, covering cheques as numbered and totalling \$600,647.40 and amounts directly debited from Councils Municipal Fund Bank Account BSB 066-518 000 000 10 totalling \$38,517.79 and outstanding creditors totalling \$177,284.71.

29091

Moved Cr Crees sec Cr Wallace

That the Merredin Shire Council receive the schedule of accounts as listed, covering cheques as numbered and totalling \$600,647.40 and amounts directly debited from Councils Municipal Fund Bank Account BSB 066-518 000 000 10 totalling \$38,517.79 and outstanding creditors totalling \$177,284.71.

CARRIED 8/0

29092

Moved Cr Crees sec Cr Simmonds

That Council adjourn for afternoon tea.

CARRIED 8/0

Council adjourned for afternoon tea at 3.26pm.

29093 Moved Cr Astbury sec Cr Simmonds
That Council reconvene the meeting.

CARRIED 7/0

Council meeting recommenced at 4.11pm.

Cr Morris and E Hooper, Manager of Finance and Administration were not in attendance.

13.3 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 August 2007:

Resignation of Councillors

I wish to advise that I have received notices of resignation from Councillor Stephen Marley and Councillor Grant Astbury. Both have indicated that their resignation will be effective October 2007.

In accordance with Section 4.9 of the Local Government Act 1995 the Shire President is able to determine the date of the Extraordinary Election to fill the vacancies. The President has determined that the date for the Extraordinary Election will be the 20 October 2007 (in conjunction with our normal Biannual Election).

I have forwarded this information to the WA Electoral Commission asking them to add these two vacancies to the list of vacancies that need to be filled at Council's 2007 Election.

2007 Electoral Distribution

Being aware that there was some movement in respect to changing the name of the Merredin Electoral District I forwarded a letter on Council's behalf urging the retention of "Merredin". I also suggested that if "Merredin" was unsatisfactory the new Electoral District should be designated "Wheatbelt".

Other comments in respect to the naming of the Merredin Electoral District can be found at www.boundarieswa.com/2007/submissions.

CBH Harvest Mass Management Scheme

I wish to inform Councillors that even though Council did not participate in CBH's 2006/2007 Harvest Mass Management Scheme \$1,069.30 was forwarded to Council as the proceeds from forfeited grain that originated within Council boundaries over the 2006/2007 harvest.

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We have replied to CBH accepting this ex-gratia payment on a without prejudice basis for the maintenance of roads within the district.

Council did not proceed with signing the agreement as we were awaiting advice from WALGA who believed that there were legal implications in participating in the scheme. I am unaware of any movement in this area for the 2007/2008 harvest.

Small Business Centre – North Eastern Wheatbelt.

I wish to advise that Mr David Mallory, the Executive Officer for SBCNEW has resigned effective 10 August 2007. I understand that the committee will be advertising to fill that vacancy.

Merredin Local Health Advisory Group

At Council's 20 February 2007 meeting Cr Townrow and I were nominated to represent the Shire of Merredin at the Merredin Local Health Advisory Group.

This meeting had its inaugural meeting on the 6 June 2007. This unfortunately clashed with Council's BCDC meeting and Councillor Townrow and myself were unable to attend (the minutes of this meeting are contained in this Agenda). At this meeting the CEO without his permission, was elected the Chair of the group. The second meeting of this group occurred on the 9 August 2007 and of the seven (7) people present at that meeting, three (3) were from the Health Department, two (2) were community representatives and the other two were officers of either the Shire of Merredin or other government departments.

I feel most strongly that LHAG should be Chaired by a community member however I am willing to persist in this area in order to try to establish a functioning group.

Merredin Hospital Funding Cut

At Council's 19 June 2007 meeting (**CMRef 29000**) Council determined to write a letter to the WA Country Health Service regarding the funding cut to the Merredin Hospital. (A copy of that letter is at **Attachment 13.3A**). I note with interest that the penultimate paragraph indicates that even though a considerable amount of planning has not occurred, the identified funding of \$9 million is insufficient and the project is planning to go to tender in July 2009.

Previously in the letter it indicated with some force that two planning processes are currently being undertaken and until that is done a business case cannot be prepared for government to fund work at the Merredin hospital. It seems strange that planning has not been complete and that they are aware that funding will be insufficient when they go to tender.

It may be appropriate to follow up this letter in order to determine some of the matters that they have in mind.

Health Services Planning for the Wheatbelt.

Attached for Councillors information is a letter from Allison Cooke – Regional Director of WA Country Health Service – Wheatbelt regarding the recent publicity concerning the provision of health services in the Wheatbelt. **Attachment 13.3B.**

Merredin Regional Community & Leisure Centre

For Council information I advise that the Recreation Centre was made available on the 4 August 2007 for netball for the first time and I understand that it was a very successful outcome.

This marks the first use of the facility for recreational purposes and is a milestone in the life of the Recreation Centre.

The centre will continue to be “opened up” over the forthcoming months for various events.

Shire Ranger

I wish to advise that Council’s Ranger has been nominated WA Ranger of the year with multiple nominations. He is one of three finalists.

Officer’s Recommendation.

Council receive the Chief Executive Officer’s report for August 2007.

29094 Moved Cr Simmonds sec Cr Morley
Council receive the Chief Executive Officer’s report for August 2007.

CARRIED 7/0

E Hooper, Manager of Finance and Administration entered the meeting at 4.15pm.

13.4 VEHICLE FOR DOCTOR SOLA FREEMAN

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

Background

In 2003 Council entered a four (4) year agreement to provide an incentive of a motor vehicle to Doctor Freeman.

The details for the agreement are that at the end of a four (4) year period, subject to the payment of \$1.00 and stamp duty related costs, the vehicle would transfer to Doctor Freeman. The amount to provide this benefit was \$40,000.

This amount was determined on the basis that if Council supplied a vehicle each changeover would be in the vicinity of approximately \$10,000 and over a four (4) year period the change over monies would be “lost”; to provide a benefit to the doctor.

As per the agreement Doctor Sola has purchased his vehicle and now requests the purchase of another vehicle on his behalf.

The vehicle which he has requested is a three litre Nissan Patrol Wagon for a GST exclusive price of \$45,896.00.

Financial Implications

Council has considered providing \$40,000 for the purchase of a new vehicle for Doctor Freeman in its draft 2007/2008 budget.

Officer Comment

The purpose of this agenda item is to determine whether the Council wishes to continue with this arrangement and whether it is prepared to increase its contribution to approximately \$46,000.

Council will recall that at Council’s 20 February 2007 meeting (**CMRef 28822**) and it’s 17 April 2007 meeting (**CMRef 28891**) Council indicated to Doctor Gabriel Adeniyi that Council would only provide \$10,000 per annum for four years for purchasing of the vehicle for his use.

In respect to Doctor Sola Freeman he has been working at Council’s Medical practice since 2003 and for the majority of 2006 almost single handedly provided the medical practitioner Service at the Merredin Medical Centre and the Merredin Hospital. On the basis of this long and dedicated service it might be appropriate to allow the threshold to be increased.

It should also be noted that the Practice is also making a significant loss and wherever possible we should minimise the expenses associated at the Practice.

Staff Recommendation

That Council provides \$10,000 per annum for four (4) years towards the purchase of a vehicle of Doctor Sola Freeman's choice with funding being provided by the Plant Reserve and a further \$2,000 per annum towards the cost of fuel.

29095

Moved Cr N Hooper sec Cr Astbury

That Council provides \$10,000 per annum for four (4) years towards the purchase of a vehicle of Doctor Sola Freeman's choice with funding being provided by the Plant Reserve and an allowance of \$2,000 per annum towards the cost of fuel subject to the satisfactory outcome of the MOU meeting with the Department of Health to be held on Thursday 23 August 2007 and that all conditions of the contract of employment are adhered to.

CARRIED 7/0

13.1 MONTHLY FINANCE REPORT

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

Background

Each month attached to the Agenda (**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 July 2007.

The July 2007 Financial Report was presented at the meeting.

29096

Moved Cr N Hooper sec Cr Astbury

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

CARRIED 7/0

14.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

15.0 QUESTIONS BY MEMBERS FOR WHICH DUE NOTICE HAS BEEN GIVEN

16.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

17.0 MATTERS BEHIND CLOSED DOORS

- 29097** Moved Cr Hooper sec Cr Morley
That Council move behind closed doors to discuss confidential matters (S 5.23(2) Local Government Act).

CARRIED 7/0

Council went behind closed doors at 4.46pm.

E Hooper and Phil Hastings left the meeting at 4.46pm.

J Mitchell entered the meeting at 4.46pm.

J Mitchell left the meeting at 5.00pm.

- 29098** Moved Cr Simmonds sec Cr Wallace
That Council come out from behind closed doors.

CARRIED 7/0

Council came out from behind closed doors at 5.38pm.

17.1 LANDFILL SITE NEARING CAPACITY – CHANDLER ROAD, MERREDIN

- 29099** Moved Cr Crees sec Cr Astbury
“That the Chief Executive Officer be authorised to meet with adjacent landowner to discuss Avon Location 20462 and discuss the purchase of a portion of the location for the purposes of extensions to the Chandler Road landfill site.”

CARRIED 7/0

17.2 REMUNERATION OF DOCTORS

- 29100** Moved Cr Morley sec Cr Astbury
- 1. That Council endorse the action of the Shire President and CEO of offering Dr Adeniyi the reimbursement of his Medical Indemnity Insurance up to the value of \$5,000.*

CARRIED 7/0

- 29101** Moved Cr Morley sec Cr N Hooper
- 2. That Council investigate the remuneration of Doctors Freeman and Adeniyi on a contractor basis for Triage 4&5 and Private Patients (Council fee 20% of billings) and if it is acceptable to the Doctors implement the scheme.*

CARRIED 7/0

29102 Moved Cr Morley sec Cr Astbury

That Council defer their decision on the recommendation below until after the meeting with the Department of Health on Thursday 23 August, 2007.

“3. Council consider remunerating Dr Freeman and Dr Adeniyi Occupational Superannuation (currently 9%) over the Statutory Limit”.

CARRIED 7/0

17.3 MRC&LC RECOGNITION OF MR JOHN GEARING

29103 Moved Cr Wallace sec Cr Astbury

That Mr John Gearing be awarded as the holder of the Number One (1) Ticket as an appropriate commendation in appreciation for the construction of the MRC&LC.

CARRIED 7/0

17.4 SPECIAL MEETING OF COUNCIL

29104 Moved Cr Crees sec Cr Morley

That Council set meeting date of 23 October 2007 to be held for the swearing in of new Councillors, election of Shire President and Deputy Shire President and appointment of Committees and Delegates.

18.0 CLOSURE

There being no further business the Presiding Member closed the meeting at 5.51pm.