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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 16 October 2007 at 1.00pm.

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

Messrs G Parslow, A/Chief Executive Officer; J Mitchell, Manager of Development Services, J Garrett, Manager of Engineering Services; E Hooper, Manager of Finance and Administration; D Morris, Manager of Community Services; and V Green, Personal Assistant, AM Peters.

Mrs Pam Forbes, Ms Maria Young

- 1.0 OFFICIAL OPENING
The Presiding Member declared the meeting open 1.04pm.
- 2.0 PUBLIC QUESTION TIME
Nil
- 3.0 APOLOGIES AND LEAVE OF ABSENCE
Cr S Marley
- 4.0 DISCLOSURE OF INTEREST
Cr Astbury declared a Financial Interest in Items 10.5, 10.6 and 17.1.
Cr John Simmonds declared a Financial Interest in Items 10.5, 10.6 and 17.1.
Cr Wallace declared a Financial Interest in Items 10.5 and 10.6.
- 5.0 PETITIONS & PRESENTATIONS
Nil

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

Confirmation of minutes of Council meeting held on the 18 September 2007.

Cr Morley advised that on Page 58, Motion 29138 his name is spelt incorrectly with an “n” in lieu of a “y”.

29148 Moved Cr Townrow sec Cr Morley
That the minutes of Council Meeting held on the 18 September, 2007 be confirmed as a true and correct record of proceedings
CARRIED 10/0

7.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

Merredin Agricultural Show starting at 9.30am Saturday 20 October, 2007. Vote counting for Local Government Election, the Shire office will be open with a delegate from the WA Electoral Commission responsible for determining the results.

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

17.1 Reserve Price for Auction & update on Doctors' situation.

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

9.1 Senior Staff Review Committee held on 10 September 2007.

9.2 Merredin Regional Community & Leisure Centre Advisory Committee held on 24 September 2007.

9.3 Bush Fire Control Officers meeting held on 28 September 2007.

9.4 Business and Community Development Committee held on 3 October 2007;

29149 Moved Cr Crees sec Cr Townrow
That the Merredin Shire Council receive the minutes of Merredin Senior Staff Review Committee held on 10 September 2007; Merredin Regional Community & Leisure Centre Advisory Committee held on 24 September 2007; Bush Fire Control Officers meeting held on 28 September 2007 and Business and Community Development Committee held on 3 October 2007.
CARRIED 10/0

-
- 9.1 Senior Staff Review Committee
Nil recommendations
- 9.2 Merredin Regional Community & Leisure Centre Advisory Committee held on 24 September, 2007;
Nil recommendations requiring Council determination.
- 9.3 Bush Fire Control Officers meeting held on 28 September 2007
Recommendations are contained in the body of the Agenda (see item 13.8)
- 9.4 Business and Community Development Committee held on 3 October, 2007;

6.3 Banners in the Terrace

Moved Cr Jones sec Cr Crees
That the Business and Community Development Committee recommend to Council that Council endorse extending the Banners in the Terrace School rotation system to include Arts Groups.

CARRIED 3/0

29150

Moved Cr Townrow sec Cr Crees
That Council endorse extending the Banners in the Terrace School rotation system to include Arts Groups.

CARRIED 10/0

6.4 Motorbikes in Reserves

Moved Cr Crees sec Cr Jones
That reserves within the Merredin Shire be closed to motorsport with relevant signage erected and revegetation to commence.

CARRIED 3/0

29151

Moved Cr Townrow sec Cr Morris

That Council endorse that reserves within the Merredin Shire be closed to motorsport with relevant signage erected and revegetation to commence.

WITHDRAWN**29152**

Moved Cr Morris sec Cr Morley

That Council endorse that reserves within the Merredin Shire be closed to motorsport with relevant signage erected and revegetation to commence.

LOST 5/5

President Ken Hooper advised that this item lay on the table until the November meeting.

7.5 Regional Achievement And Community Awards

Moved Cr Jones sec Cr Crees

1. *That the Business and Community Development Committee nominate Councillor Morris, to attend the Regional Achievement and Community Awards Gala Presentation Dinner, 23 November 2007.*

2. *That the BCDC extend a special formal invitation to Central Wheatbelt Visitor Centre Manager, Pam Masters, Tourism Officer Taya Frisch and Tourism Officer Marika Hayden; inviting each of them and a guest to attend the Regional Community Achievement and Community Awards Gala Presentation Dinner, 23 November 2007.*

CARRIED 3/0

29153

Moved Cr Crees sec Cr Townrow

1. That the Business and Community Development Committee nominate Councillor Morris, to attend the Regional Achievement and Community Awards Gala Presentation Dinner, 23 November 2007.

2. That the BCDC extend a special formal invitation to Central Wheatbelt Visitor Centre Manager, Pam Masters, Tourism Officer Taya Frisch and Tourism Officer Marika Hayden; inviting each of them and a guest to attend the Regional Community Achievement and Community Awards Gala Presentation Dinner, 23 November 2007.

CARRIED 10/0

8.0 PTA Houses on Great Eastern Highway

Moved Cr Jones sec Cr Crees

That the Business and Community Development Committee recommend to Council that Council recommend to the PTA for the houses to be demolished.

CARRIED 3/0**29154**

Moved Cr Townrow sec Cr Morris

That Council recommend to the PTA for the vacant houses on Great Eastern Highway between Pereira Drive and Allbuery Streets be demolished.

CARRIED 10/0

10.0 COMMUNITY SERVICES

10.1 MANAGER OF COMMUNITY SERVICES REPORT

Reporting Department: Community Services
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:

Cultural Services And Cummins Theatre

The Shire of Merredin is the auspice organisation for the Merredin Music Club's Country Arts WA arts and cultural organisations funding and assistance program. The grant is for the sum of one thousand dollars (\$1000.00). The monies will essentially permit the Music Club to become incorporated.

Movie screen will be lowered Wednesday October 10, 2007 for a private function to be held 13 October, 2007. Manager Development Services has assessed the structural soundness of the screen. An agenda item has been prepared for Council's consideration (Item number 11.1).

Maintenance undertakings to ensure that differing rooms and auxiliary items at the Theatre are secured; have been identified as a priority. It is imperative for restricted access to be put in place for differing hirers, dependent on whether or not they are making use of the Tivoli Room, main auditorium, or stage area. Manager Development Services is currently assessing existing doors for installation of locks.

An interview occurred with Cummins Theatre Manager, Ms Jane Bandurski following conclusion of three month probationary period, Monday 24 September, 2007. Ms Bandurski's performance has been satisfactory.

Library Services and Merredin Regional Library

An advertisement for a Library Officer vacancy was included in the Wheatbelt-Mercury newspaper 12 September, 2007. The closing date for applications was 19 September, 2007. One formal application was received. An interview will be held to consider the applicant's suitability for the role, the week commencing 15 October, 2007. An expression of interest has been received since applications closed on 4 October, 2007. The resume accompanying the expression of interest has not yet been assessed.

Regional Manager Library Services, Ms Madeleine Carter attended the State Library of Western Australia from 25 September to 28 September, 2007. This involved collection exchange responsibilities and training related to infant literacy which forms part of the *Better Beginnings* state-wide program.

Ms Vicky Carlyon, Public Library Liaison from the Client Services Department of the State Library of Western Australia convened a meeting at the Merredin Regional Community and Leisure Centre Telecentre with library officer invitees from Beacon, Bencubbin, Bruce Rock, Kellerberrin, Mubinbin, Narembeen, Nungarin, Southern Cross, Trayning and Westonia. The meeting provided a networking opportunity as well as formal EBSCO and Britannica database training.

Manager Community Services has been liaising with local resident Mrs Barbara Read in regard to the potential of securing a district local author to talk about a non-fiction book which recounts a period of time that she lived in Africa. The availability of the author is yet to be confirmed.

Recreation, Merredin Regional Community and Leisure Centre

Jamie-Lee White attended Austswim course in Perth, 2 October to 5 October, 2007. Jess Irving and Nicole Irving attended Approved Bar Manager's training course in Perth, 18 and 19 September, 2007.

Holly Carlson had leave from 2 October to 5 October, 2007.

An extension of time related to final reporting for the Physical Activity Taskforce grant (which enabled the appointment of the Physical Activity Program Coordinator for a twelve month duration from May 2007), has been permitted until 18 January, 2007.

Natural Resource Management

Tobias Vudzijena continues to establish a network with formal environmental and land care bodies, as well as local farmers. He has predominantly been focussing on attaining feedback related to the Merredin Peak Interpretation Plan. Please see agenda Item 10.3 recommending that the plan be adopted).

Tourism And Central Wheatbelt Visitor Centre

John Mitchell is currently arranging for the Visitor Centre to relocate during the building works expansion project. The Visitor Centre will deliver services from the former Shire Offices/ Telecentre venue in Barrack Street.

Visitor Centre Manager, Ms Pam Masters' annual performance review was undertaken Tuesday 25 September, 2007.

Community Planning and Economic Development

Pandemic influenza stakeholder registry

Ms Dianne Grigson, Community Nurse, Eastern Wheatbelt Primary Health is currently establishing a register and will be liaising with the Shire of Merredin when more work is undertaken to prepare a suitable management plan, in the event of a pandemic influenza outbreak.

YMCA bus

The YMCA bus will be coming to Merredin Sunday 4 November, 2007 for young people to have a pleasant venue as a meeting place; and an information service. The bus will also be stored at the Shire depot for approximately three days during the week commencing Monday 5 November, 2007.

Offices of Seniors Interests and Volunteering

A representative from the Department for Community Development, Office of Seniors Interests and Volunteering will be undertaking a presentation related to the government benefits and concessions for seniors, ageing well and living independently. The talk will occur at the Senior Centre, 24 October, 2007 at 1:30pm. Shire of Merredin personnel have been liaising with the Office of Seniors Interests and Volunteering as well as the Seniors Centre to ensure that the occasion is a success.

Merredin Playgroup Lotterywest application

The Shire of Merredin has provided formal approval as well as correspondence supporting a Lotterywest grant application for construction of sandpits and installation of playground equipment, at the Throssell Road property.

Staffing

Community and Economic Development Project Officer, Mrs Debbie Morris' annual performance review was undertaken 24 September, 2007.

Skye Price will conclude work responsibilities 12 October, 2007. Debbie Morris will assume Manager of Community Services appointment as of 15 October, 2007.

Current Projects

Department of Transport and Regional Services

Liaison with Department of Transport and Regional Services (DOTARS) policy officers with regard to final reporting and MRC&LC building project reaching completion.

Community Safety and Crime Prevention Plan

Ongoing liaison has been occurring with Estill Consultants Pty Ltd to revise the draft Community Safety and Crime Prevention Plan. The preliminary draft was distributed to WE-ROC members August 8, 2007. A revised plan was distributed October 4, 2007.

Web page management

Regular updates of content including public notices, employment vacancies; menu layout; Shire newsletter, minutes of meetings; and overview paragraphs pertaining to Community Services unit, as well as public venues.

Meetings/Seminars Attended

- Meeting with Merredin Music Club representative, Mr Steve Elliott, 17 September, 2007.
- Business and Community Development Committee, 3 October, 2007.
- Meeting with Playground Solutions representatives, Mr Mike Clark, Mr Bruce Guthrie; and Recreation Centre Manager, Ms Tricia Martin in regard to indoor playground equipment and whether or not it can be utilised. Mr Clark and Mr Guthrie are currently preparing a proposal to incorporate existing equipment with some new items.

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

Report is at **Attachment 10.1F**

Legal Implications

Compliance with relevant Acts and Local Laws.

Officer's Recommendation

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

29155

Moved Cr Morley sec Cr Townrow

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

CARRIED 10/0

10.2 SHIRE OF MERREDIN WITHDRAWAL FROM BE-ACTIVE SPORT AND RECREATION SCHEME

Reporting Department: Community Services
Reporting Officer: Skye Price – Manager Community Services
Legislation: Local Government Act 1995
File Number: RCS/5/3

Background

During the Shire of Merredin budget review meeting held 17 July, 2007 and the Budget adoption meeting 14 August, 2007, Council decided that participation in the Be Active Sport and Recreation scheme (Be-Active) would be withdrawn; and that financial support for the initiative would cease.

Formal correspondence has been received from other Shire Councils that are involved with the Central and Eastern Wheatbelt Be-Active program. Specifically, the Shire of Kellerberrin and the Shire of Yilgarn have expressed disappointment; and called for the Shire of Merredin Council to review its decision related to Be-Active scheme involvement. No correspondence has been forthcoming from the Shire of Bruce Rock, Westonia, or Tammin; the other local government members involved with the scheme. (**Attachment 10.2A**)

However, the Be-Active Management Committee has stipulated that “eight hundred school students will miss out on the activities provided by the Be-Active scheme”. Sports clubs in the Shire of Merredin area will also be exempt from a range of subsidised courses.

Similarly, Chairperson of the Wheatbelt Sports Council Inc, Cheryl Auld has sent correspondence emphasising that all applications made for the Be-Active Scheme are processed through the sporting body. The Wheatbelt Sports Council has indicated that future funding allocations might be jeopardised because of the decision.

Legal Implications

Nil

Budget Implications

The budget allocation for the Be-Active scheme during the 2006/2007 financial year was nine thousand dollars (\$9000.00).

Comment

In contrast to criticism that the Shire of Merredin is evading regional leadership obligations, the Shire of Merredin is appropriately placing an emphasis upon the new Merredin Regional Community and Leisure Centre. The multi-million dollar facility enables the Shire of Merredin to maintain a regional commitment to recreation and leisure. Furthermore, the Shire of Merredin has a responsibility to ensure that the facility has adequate staffing levels and dedicated programs for all demographic groups throughout the broader district. To assist this process, the Shire of Merredin has a dedicated Physical Activity Program Coordinator which is making a concerted effort to ensure greater health and wellbeing, as well as social inclusion and capacity building, for everyone in the greater region.

It is valid to highlight that the Shire of Merredin also continues to provide a professional regional focus with regard to tourism and visitor services, on behalf of the Roe ROC, WE-ROC and NEWROC member Shires through the Central Wheatbelt Visitor Centre.

Additionally, more than thirty sporting clubs exist in the broader Shire of Merredin and to date correspondence has not been received from any of the clubs, about the Council's decision related to Be-Active.

Finally, at the most recent WE-ROC meeting held 5 October, 2007 advised that there are sufficient funds for the Be-Active Scheme to successfully operate for another year.

Officer's Recommendation:

That the Merredin Shire Council acknowledge formal collective feedback related to the decision to withdraw from the Be-Active scheme and respond to correspondence reaffirming the previous decision.

29156

Moved Cr Morris sec Cr Wallace

That Council agree to fund the Be-Active Scheme to the amount of \$7,500.00 for the 2007/08 financial year and that the funds be re-allocated from the SBDC Budget.

**CARRIED 8/2
ABSOLUTE MAJORITY**

REASON: (CMRef 29257 18 December 2007)

“Merredin, as the Regional Centre, should show Regional Leadership and providing this leadership would enable the programme to continue. Provision of these funds would allow the Wheatbelt Region to continue to benefit from the Scheme and would enable regional activities (i.e. Wheatbelt Games) to be held at the Merredin Regional Community & Leisure Centre”.

Cr Townrow left the meeting at 1.42pm.

Cr Townrow entered meeting at 1.43pm.

29157

Moved Cr Jones sec Cr Morley

That the Be-Active Co-ordinator's position description be reviewed and that the management of the position be transferred to the Wheatbelt Sports Council.

CARRIED 8/2

10.3 ADOPTION OF MERREDIN PEAK INTERPRETATION PLAN

Reporting Department:	Community Services
Reporting Officer:	Tobias Vudzijena, Natural Resource Management Officer
Legislation:	Local Government Act 1995
File Number:	

Background:

The Shire of Merredin, in its Strategic Plan (S2-A5) Community- recognises the unique cultural and historic significance of Merredin Peak.

The multiple coincidences around Merredin Peak of,

- a) Merredin Peak as fresh water source for steam trains (1893) and for the Noongar Aboriginal people,
- b) Location of the historic Second World War field Australian General Hospital at base of Merredin Peak for strategic military reasons,
- c) Location of the Aboriginal native reserve and lastly
- d) Pristine forest reserve in close proximity to Merredin townsite make Merredin Peak a rare site with tremendous tourist potential.

In May 2005 Council contracted Community Arts Network West Australia CAN WA to develop a Management Plan for Merredin Peak, which would assist development of the site as a tourist attraction. The Merredin Peak Management Plan was adopted by Council in October 2005 (CMRef. 28137).

CAN (WA) developed management plan recommended

- a) that a Merredin Peak Advisory Committee (MPAC) be established to progress development of Merredin Peak and
- b) the engagement of a consultant firm to develop a Merredin Peak Interpretative Plan.

MPAC was formed in August 2006 comprising a cross section of interested community members. Their first meeting was to consider the selection of a consulting firm to develop the Merredin Peak Interpretation Plan. In November 2006, Mulloway Studios were recommended by the Committee to carry out the Interpretative Plan development.

In July 2006 a funding application was lodged with Lotterywest. Grant approval notification was received in November 2006.

The Malloway report entitled Merredin Peak Interpretation Plan was received in April 2007 and circulated to the Merredin Peak Advisory Committee.

The Executive Summary of the Report is attached. (**Attachment 10.3A**)

Budget Implication

\$5000.00 was received from Lotterywest for the formulation and implementation of the Merredin Peak Interpretation Plan.

Comment

The MPAC members have been slow in submitting comments related to the Merredin Peak Interpretation Plan; though a representative number have submitted written endorsement for the consultant's report.

Merredin Peak has real potential to develop into the main regional tourist attraction. It embodies interesting history and ecologically unspoilt habitat close to Merredin town. The fortuitous linkages are indeed remarkable.

The report which provides a platform for progressing development of Merredin Peak.

Officer's Recommendation

That Council adopt the Merredin Peak Interpretation Plan.

29158

Moved Cr Townrow sec Cr Morris

That Council adopt the Merredin Peak Interpretation Plan.

CARRIED 10/0

10.4 COMMUNITY CHRISTMAS TREE

Reporting Department:	Community Services
Reporting Officer:	Debbie Morris, Community and Economic Development Project Officer
Legislation:	Local Government Act 1995
File Number:	RCS/3/6

Background

The Shire of Merredin has worked in conjunction with the Merredin Business Forum for many years in regard to organising the Merredin Gala Night event.

This involvement was formalised at the 21 December 2004 Council meeting (CM Ref 27737)

That Council co ordinate the conduct of Gala Night each year and it becomes a part of the role of the Community and Economic Development Officer in conjunction with the Merredin Business Forum.

In 2005, in an effort to reinvigorate the enthusiasm in the event, the Merredin Business Forum endorsed hosting the event on a Saturday. The event was known as Harvestival. However feedback from this event was that the event did not lend well to combining the shopping aspect with the community entertainment side of the day. It was also noted at the Harvestival debrief the lack of support by the business community in the form of assisting with the organising of the event as well as on the day. For this reason the Merredin Business forum felt reluctant to commit the event in the future.

In light of the lack of commitment from the Merredin Business Forum, a recommendation was presented to Council in September 2006 and subsequently endorsed (CM Ref 28618)

That Council endorse hosting a shire Community Christmas Festival inclusive of a Children's Christmas Tree and light entertainment in the CBD extending an invitation to businesses to be involved.

Gala Night was held on the evening of Thursday 14th December 2006 and organised by a joint committee with representatives from the Merredin Business Forum and the Shire staff. The event was jointly funded \$2000 by the Merredin Business Forum and Shire respectively. A debrief was held on 21st February 2007 and general feedback was that the event was a success. The Merredin Business Forum was advised to formally write to the Shire to seek support for the 2007 Gala Night, both financial and staff, however this did not eventuate.

The Merredin Business Forum has not been active in 2007 and at the Annual General Meeting on 19th September 2007 the organisation went into recess for twelve months.

Budget Implications

Shire 2007/08 budget allocation of \$1500 for Gala Night (E116421)

Comment

With the Merredin Business Forum in recess, the Shire of Merredin would be responsible for the overall organisation and cost for the Gala Night event. The \$1,500 allocated to this event, would not be sufficient to host the event to a standard that the community have come to expect.

A Children's Christmas Tree was held as part of the 2006 Gala Night with assistance from MADCAPS, which was deemed very successful.

An event of this nature may be an option for 2007, in lieu of Gala Night.

The Merredin Churches Fraternal is holding Carols by Candlelight on Sunday 16th December 2007, commencing at 8.30pm (due to daylight savings) and preceded by a community sausage sizzle on the lawn in front of the Central Wheatbelt Visitor Centre. It would appear practical for Community Christmas Tree event to be scheduled on the same day as the Carols by Candlelight and work to compliment each other so that both events benefit, however the Churches Fraternal are unable to confirm support for the event until their next meeting which is scheduled for 17th October 2007.

It would be great to combine the Community Christmas Tree with Carols by Candlelight, however it is not solely reliant on this occurring and the Christmas Tree can be a stand alone event. The Community Christmas Tree could be conducted at 6pm – 7pm, followed by a community sausage sizzle and some light entertainment and activities for the whole family concluding at 8pm.

Officer's Recommendation

That Council endorse hosting a Community Christmas Tree in December 2007 with the Council budget allocation of \$1,500 (E116421) for Gala Night reallocated to the Community Christmas Tree event.

29159

Moved Cr Astbury

sec Cr Morley

That Council endorse hosting a Community Christmas Tree in December 2007 to be held in the Barrack Street CBD area with the Council budget allocation of \$1,500 (E116421) for Gala Night reallocated to the Community Christmas Tree event.

CARRIED 8/2

Cr Astbury, Cr Simmonds & Cr Wallace declared a Financial Interest in Item 10.5 and left the meeting at 2.20pm.

Ms Maria Young left the meeting at 2.20pm

10.5 **SALE OF LOT 301 & LOT 504 CUMMINGS STREET MERREDIN
PROPOSED SUBDIVISION**

Reporting Department: Community Services
Reporting Officer: Debbie Morris, Community and Economic
Development Project Officer
Legislation: Local Government Act 1995, Section 3.58
File Number: LUP/13/5

Background

At the 18th September 2007 Council meeting, Council endorsed the development of the Carrington Way subdivision; acknowledged the estimated development costs received from David Wills and Associates and GHD; endorsed engaging an Engineer to prepare designs and tender preparations, including addressing the conditions in the Western Australian Planning Commission approval; continue the planning process for Carrington Way subdivision, preparation of a business plan for Council's consideration and undertaking of a Gross Realisation Valuation (CM Ref 29115).

However Council did not endorse the selling of the lots in the Carrington Way subdivision "off the plan" (CMRef 29114).

Therefore to expedite the progression of the subdivision, Council need to determine the method of selling the lots.

Legal Implications

Under section 3.58 of the Local Government Act 1995 any land disposed of by Council can only be undertaken by public auction, public tender, or by private treaty, which has advertising and valuation requirements. If any submissions are received Council is required to consider the submissions

The Department of Local Government and Regional Development advised that Council are authorised to sell property "off the plan" under the Local Government Act 1995.

The Department of Consumer Protection and Landcorp, both advise to engage the Shire's solicitor to prepare the contract agreements for this process.

Budget Implications

Any deposits collected will be retained in a Trust Account until the completion of the subdivision development.

Comment

A business plan has been completed which demonstrates that the proposal is a viable business activity for the Shire of Merredin.

Council is now required to determine the method of sale of the 29 Lots in the proposed Lot 301 & Lot 504 Cummings Street Merredin subdivision in accordance with the Local Government Act 1995 Section 3.58 Disposing of Property and are outlined in the Legal Implications above.

The option of “Selling off the Plan” means entering into a contract to sell property prior to the completion of development.

The contract should include –

- a copy of the proposed subdivision plan
- a copy of the approved plans and specifications
- a description of the “title” proposed to be registered
- an obligation on the developer to complete the development within a specified time frame
- an obligation on the developer to commence construction within a specified time frame
- a mechanism in the contract to deal with “variations”
- a dispute procedure
- a sunset clause, which stipulates the date that the contract comes to an end.
(If settlement cannot occur at the time the sunset clause expires, either party has the right to terminate the contract and any deposit moneys (plus interest) will be returned.

The deposit is usually 10 per cent of the agreed purchase price. The deposit cannot be used until the construction is complete.

Selling “off the plan” would enable Council to guarantee the amount of income for the subdivision prior to outlaying funds for development.

Officer’s Recommendation

1. *That the Merredin Shire Council endorse selling the lots in the proposed Lot 301 & Lot 504 Cummings Street Merredin subdivision “off the plan”.*
2. *That the Merredin Shire Council seek legal advise on the preparation of the relevant contract agreements for selling “off the plan”.*

29160

Council Rescinded
Motion Refer
CMRef 29654
dated 19 August
2008

Moved Cr N Hooper see Cr Crees

~~1. That the Merredin Shire Council endorse selling the lots in the proposed Lot 301 & Lot 504 Cummings Street Merredin subdivision "off the plan".~~

~~2. That the Merredin Shire Council seek legal advise on the preparation of the relevant contract agreements for selling "off the plan".~~

CARRIED 5/2

Mrs Pam Forbes left the meeting at 2.30pm.

Ms Maria Young entered the meeting at 2.33pm.

Cr Astbury, Cr Simmonds & Cr Wallace declared a Financial Interest in Item 10.6 and left the meeting at 2.20pm.

10.6 **BUSINESS PLAN - LOT 301 & LOT 504 CUMMINGS STREET
MERREDIN PROPOSED SUBDIVISION**

Reporting Department: Community Services
Reporting Officer: Debbie Morris, Community and Economic
Development Project Officer
Legislation: Local Government Act 1995, Section 3.59
File Number: LUP/13/5

Background

Before Council can enter into a major land transaction, a business plan needs to be prepared in accordance with section 3.59 of the Local Government Act 1995. The business plan indicates an overall assessment of Council's ability to undertake a major land transaction.

Legal Implications

Local Government Act 1995

Section 3.59 Commercial enterprises by local governments

Before local government –

(a) commences a major land transaction; or

(b) enters into a major land transaction; or

(c) enters into a land transaction that is preparatory to entry into a major land transaction,

it is to prepare a business plan which must address the details outlined in (3) and advertise the plan statewide for a period of not less than 6 weeks.

Budget Implications

The Business Plan outlines the financial forecasts for the development of Lot 301 & Lot 504 Cummings Street Merredin over two (2) financial year periods. (Table below)

The forecasts have been based on the estimated development costs received from GHD, the Gross Realisation Valuation Report received from Independent Valuers and the 2007/08 Shire of Merredin budget allocations.

Council Reserve allocation of \$115,000 is the balance that is predicted to remain from the Land Development Budget allocation at the end of 2007/08.

Land Development Budget allocation consists of \$120,000 which is currently allocated to the purchase of East Barrack Street (which is not likely to be expended in 2007/08) and \$10,000 from sale of Lot 82 Hawker Way.

Roads Funding of \$240,000 is a current allocation in Roads to Recovery.

Additional Income from land sales of \$50,000 is predicted above the budgeted income as a result of various other properties listed for auction.

The proposed expenditure on Interest and Principal Loan repayments have not been included as these amounts will be dependant on the term of the loan, however the expected revenue (sale of lots) will offset these payments in the 2008/09 financial period and \$60,000 has been allowed for any payments necessary in 2007/08.

OPERATING STATEMENT	2007/08	2008/09
Revenue		
- Sale of lots		\$1,692,000
Total Operating Revenue		
Expenditure		
Interest on Loans		
Total Operating Expenditure		
Return to Council		\$1,692,000

CAPITAL STATEMENT	2007/08	2008/09
Source of Funds		
- Council Reserve	\$ 115,000	
- Loan Proceeds	\$ 600,000	
- Land Development Budget allocation	\$ 130,000	
- Carrington Way Budget allocation	\$ 425,000	
- Roads Funding	\$ 240,000	
- Additional income from land sales	\$ 50,000	
Total Capital Revenue	\$1,560,000	
Capital Expenditure		
- Development Costs	\$1,500,000	\$ 77,139
- Principal Loans Repayments		

Total Capital Expenditure	\$1,500,000	\$ 77,139
Net Capital Outlay from General Purpose Funding		

Comment

A business plan has been prepared for the development of Lot 301 & Lot 504 Cummings Street Merredin for residential land subdivision which addresses all items in Section 3.59 (3). (**Attachment 16A**)

The business plan demonstrates that the proposal is a viable business activity for the Shire of Merredin.

Upon Council endorsement, the plan will be advertised in accordance with Local Government Act 1995 Section 3.59 (4).

Officer's Recommendation

That the Merredin Shire Council endorse the Business Plan for a proposed major land transaction - development of Lot 301 & Lot 504 Cummings Street Merredin for residential land subdivision (Attachment 16A)

29161

Moved Cr Morris

sec Cr Townrow

That the Merredin Shire Council endorse the Business Plan for a proposed major land transaction - development of Lot 301 & Lot 504 Cummings Street Merredin for residential land subdivision (Attachment 16A)

CARRIED 7/0

Acting CEO Geoff Parslow left the meeting at 2.41pm.

Acting CEO Geoff Parslow entered the meeting at 2.42pm.

This Item 16.1 was brought forward due to the attendance of D Morris – Manager of Community Services.

Cr Astbury, Cr Wallace and Cr Simmonds re-entered the meeting at 2.40pm

16.1 COMMUNITY SPORT AND RECREATION FACILITIES FUND
(CSRFF)

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

Background

The Western Australian Government provides funds for the ongoing development of sustainable facilities for sport and recreation. This occurs through the Community Sport and Recreation Facilities Fund (CSRFF), which is administered by the Department of Sport and Recreation.

Types of projects considered for funding include upgrade and additional to existing facilities; construction of new facilities; and provision of new or replacement synthetic surfaces.

During July 2007 the CSRFF grant opportunities were promoted. The Department of Sport and Recreation set out a requirement for funding applications to be submitted to relevant local governments, by the last working day in September (September 28, 2007).

Local governments then have the opportunity to assess applications and make recommendations; including ranking applications in priority order for the municipality.

During the current round of funding, no applications from schools or clubs have been forthcoming.

The Shire of Merredin is responsible for lodging applications with the Department of Sport and Recreation by Wednesday October 31, 2007.

Legal Implications

Nil

Budget Implications

The anticipated cost of the project will be one hundred and ten thousand dollars (\$110,000). The Department of Sport and Recreation will provide funding up to the amount of one third of the cost for a project. In this instance the Shire of Merredin would be responsible for seventy-four thousand dollars (\$74,000).

Comment

Despite no community groups, sporting bodies, or schools submitting a CSRFF application, Shire of Merredin Council officers are currently in the process of preparing an application related to a reticulated watering system, at the recreation grounds, located in Bates Street.

Council support for this application is required prior to lodgement with the Department of Sport and Recreation.

Officer's Recommendation

That the Merredin Shire Council acknowledge the application process for the Community Sport and Recreation Facilities Fund; and support the Shire application being submitted by 31 October 2007 for the reticulated watering system, at the Merredin Recreation ground and allocate \$74,000 in the 2008/2009 Shire budget.

Jim Garrett entered the meeting at 2.50pm

29162

Moved Cr Townrow sec Cr Morris

That the Merredin Shire Council acknowledge the application process for the Community Sport and Recreation Facilities Fund; and support the Shire application being submitted by 31 October 2007 for the reticulated watering system, at the Merredin Recreation ground and allocate \$74,000 in the 2008/2009 Shire budget.

CARRIED 9/1

Debbie Morris left the meeting at 2.55pm.

The following Items 12.1, 12.2 and 12.3 were brought forward due to the attendance of James Garrett, Manager of Works.

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.

Comment:

Road Construction:

Construction work has commenced on Chandler Road with gravel sheeting completed and bitumen to be laid in mid November.

Construction work has commenced on Merredin-Narembeen Road and is due for completion in mid November.

Road Maintenance:

Annual Maintenance grading completed.
Bitumen patching progressing.
Tree pruning under power lines ongoing.

Parks And Gardens:

Weed spraying of parks in progress.
Summer mowing program started.
Reticulation installed at lower French Park and Catholic lawn section at cemetery.

Staff Training:

First Aid courses completed by some of the outside staff.

Water:

Sprinkler inspections and maintenance of reticulation system in progress.
Annual pump maintenance near completed.

Current dam water volume

Dam #1	85% Full	Capacity	74,455 kilolitres
Dam #2	55% Full	Capacity	71,675 kilolitres
Dam #3	20% Full	Capacity	46,000 kilolitres
Railway Dam	75% Full	Capacity	23,000 kilolitres

Officer's Recommendation:

That the Merredin Shire Council received the Manager of Engineering Services Report for September 2007.

29163

Moved Cr Crees sec Cr Morley

That the Merredin Shire Council received the Manager of Engineering Services Report for September 2007.

CARRIED 10/0

12.2 HOT MIX ASPHALT TENDER NO 01-07/08

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

Background:

The Shire of Merredin issued tender No 01-07/08 on the 8 September 2007 for approximately 1100 tonne hot mix asphalt to be used in the 2007/2008 road works program..

The following tenders were received.

	TENDERER	PRICE
A	Boral	\$ 228,690 incl. GST. (\$207.90 per tonne)
B	Downer EDI Works	\$ 238,370 incl. GST. (\$216.70 per tonne)
C	Pioneer Road Services	\$ 203,885 incl GST (\$185.35 per tonne)
D	AAA Triple A Asphalt	\$ 240,350 incl GST (\$218.50 per tonne)

The evaluation matrix is attached (**Attachment 12.2A**)

Legal Implications:

nil.

Budget Implications:

Approximately 1100 tonne of hot mix asphalt @ \$192.00 per tonne has been budgeted for in the 2007/2008 road program.

Comment:

Pioneer road services supplied councils asphalt in the 2005/2006 financial year and was to council required standards.

Officer's Recommendation:

That Council award tender 01-07/08 to Pioneer Road Services to supply hot mix asphalt to the Merredin Shire Council @ \$185.35 per tonne including GST for the 2007/2008 financial year.

29164

Moved Cr N Hooper sec Cr Townrow

That Council award tender 01-07/08 to Pioneer Road Services to supply hot mix asphalt to the Merredin Shire Council @ \$185.35 per tonne including GST for the 2007/2008 financial year.

CARRIED 10/0

12.3 HOT BITUMEN TENDER NO 02-06/07

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

Background:

The Shire of Merredin issued tender No 02-07/08 on the 8 September 2007 for approximately 153,402 litres of hot bitumen to be used in the 2007/2008 road works program.

The following tenders were received.

	TENDERER	PRICE
A	Downer EDI Works	\$161,992 incl. GST. (1.056¢ per litre)
B	RNR Contracting	\$ 142,807 incl. GST. (.93¢ per litre)
C	Pioneer Road Services	\$ 141,130 incl. GST (.92¢ per litre)
D	Boral Asphalt	\$ 122,721 incl. GST (.80¢ per litre)

The evaluation matrix is attached (**Attachment 12.3A**)

Legal Implications:

Nil.

Budget Implications:

Approximately 153,402 litres of hot bitumen @ .92¢ per litre has been budgeted for in the 2007/2008 road program.

Comment:

Officer's Recommendation:

That Council award tender 02-07/08 to Boral Asphalt to supply hot bitumen to the Merredin Shire Council @ .80¢ per litre for the 2007/2008 financial year.

29165

Moved Cr Morley

sec Cr Townrow

That Council award tender 02-07/08 to Boral Asphalt to supply hot bitumen to the Merredin Shire Council @ .80¢ per litre for the 2007/2008 financial year.

CARRIED 10/0

Jim Garrett left the meeting at 3.06pm.

29166 Moved Cr Crees sec Cr Townrow
That Council adjourn for afternoon tea.

CARRIED 10/0

Council adjourned for afternoon tea at 3.06pm.

29167 Moved Cr Crees sec Cr Jones
That Council reconvene the meeting.

CARRIED 10/0

Council recommenced at 3.31pm.

John Mitchell, Manager of Development Services was in attendance.

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

11.1 CUMMINS THEATRE – PROJECTION SCREEN

Reporting Department:	Development Services
Reporting Officer:	John Mitchell, Manager of Development Services
Legislation:	Heritage Act 1998, Local Government Act 1995 Occupational Safety and Health Act 1986 Common Law Litigation
File Number:	A305

Background:

Circa 1998 a large projection screen was installed in the Cummins Theatre. Anecdotal advice suggests the screen was initially intended to be installed on stage in such a way that it could be removed when not in use.

The screen was installed suspended from the ceiling of the centre span of the building and has caused defacement of the pressed tin ceiling, which is a notable concern to the Heritage and integrity of the building.

Legal Implications:

The placement of any infrastructure within a Class 9 (Public Building) requires that it conform to the Building Code of Australia and include good workmanlike standards.

The operation of the screen winch system should not create a work hazard as required by the Occupational Safety and Health Act 1984.

The affixement method must be approved by a Structural Engineer.

Section 176 of the Health Act 1911 – 1979 requires that where it is proposed to construct, extend or alter a public building application shall be made to the local government for approval.

Regulation 8(1) of the Building Regulations 1989 requires that the builder give notice to the approving regulatory authority for prior to the commencement of works. Regulation 10 of the Building Regulations 1989 creates the offence for the failure to submit plans to the Building Surveyor.

The Heritage of Western Australia Act 1990 requires that all works be referred to the Heritage Council for consideration and approval. There is no evidence this requirement was adhered to.

A review of the property file and building register shows that no approvals for the erection of the film screen was obtained from the Building Surveyor or the Heritage Council of WA. The system cannot be guaranteed or certified in place. The affixement methods are not good workman like method and the operation of the system causes an occupational safety hazard.

Budget Implications:

No funds have been included within the 2007/08 budget to resolve this issue. The removal of the screen can be handled within budget as it is a labour component only.

Once the correct affixement details are known a costing can be provided to Council. It is anticipated that the costs will not exceed \$3,500.

Comment:

The screen is inoperable without entering the ceiling space of the building. The walkway within the ceiling space has been removed. The screen winch system is located within this area and comprises several lengths of rope and wire. The affixement method is clamps and wire to hold the screen in place. The system comprises four x 5mm thick alloy brackets secured to the ceiling joist by galvanised 10mm bolts (1 per bracket) with a hollow sliding section for the attachment to the screen frame. The section is held in place by washers through the solid portion of the section.

The screen is also utilised by hirers to obscure the seating and projectionist area during private functions. Does Council seek to replace the screen with a suitable backdrop?

The location to work-in is deemed unsafe by the Manager of Development Services due to the lack of walkways, no balustrade, inadequate support and operation system.

Whilst the weight of the screen is unknown it is significant as it has failed in the past causing warping of the screen and further damage to the hinges. The warping is also caused by inadequate and poorly placed guide wires.

Installation of the screen must be supported by documentation of a Structural Engineer and be installed by competent tradespersons with qualifications.

If the screen is to remain it is recommended that it be reinstalled to the stage area with an appropriate winch system capable of being used whilst on ground level. This will greatly add to the cost of the system.

Council consideration as to whether the Theatre is to resume regular screenings is also a factor. Past box office information indicates that the cinema was poorly patronised and community support was inadequate to support the costs of operation.

There are options to the provision of cinemas including mobile cinemas. The Manager of the Theatre has commenced discussions with Mr Phil Skipsey of Bruce Rock to assess the feasibility of the venture.

It is suggested that the screen be removed, a location for the permanent placement for the screen be determined and that the Building Surveyor and Engineer assess and recommend with Heritage Council approval the affixment and safe operation of the screen. In addition the damage to the metal stud ceiling will require repairing.

Advice has been received that grant applications are being considered by the Heritage Council of WA. The conservation plan of the Cummins Theatre has been received and the proposed works for the 2007/08 year form part of the 1000 odd recommendations of the report.

It is proposed to apply for grant funding to supplement the funds allocated by Council towards the required repairs to the Theatre. If successful Council may have funds that can be allocated to other priorities within the Theatre.

Officer's Recommendation:

- 1. That the cinema screen be immediately removed from the hall proper of the Cummins Theatre and not be reinstated.*
- 2. That the Manager of the Cummins Theatre investigates and cost the use of mobile cinemas and provides that information to Council.*

29168

Moved Cr Crees sec Cr Morley

- 1. That the cinema screen be immediately removed from the hall proper of the Cummins Theatre and not be reinstated in its current form.*
- 2. That the Manager of the Cummins Theatre investigates and cost the use of mobile cinemas and other projection options and provides that information to Council.*

CARRIED 10/0

11.2 **DEPARTMENT FOR PLANNING & INFRASTRUCTURE – REQUEST TO AMALGAMATE UCL MUNTADGIN LOTS 11, 12, 13 20, 21 & 22 INTO FREEHOLD LOTS 14 & 19 MUNTADGIN**

Reporting Department: Development Services
Reporting Officer: John Mitchell, Manager of Development Services
Legislation: Land Administration Act 1997
File Number: GR/17/2

Background:

The Department for Planning & Infrastructure has corresponded advising that the owner of lot 14 and 19 Muntadgin – RD Gillin, seeks to amalgamate UCL Lots 11, 12, 13, 20, 21 and 22 into the two lots owned by Mr. Gillin. (Attachment 11.2A)

The Administration has requested Mr. Gillin's reasons for the amalgamation. Mr Foster of the DPI has advised the only information is that the proponent has provided is for residential purposes. There is no overlying proposal for development.

Legal Implications:

There are no legal implications to the Shire of Merredin.

Advice to the Department should include that the development of the land is subject to the provisions of the Shire of Merredin Town Planning Scheme No.1.

Budget Implications:

There are no budget implications.

Comment:

Does Council have a use for the land that may jeopardise Mr Gillin's request. The proponent intends to utilise the land for residential purposes.

Councils' Local Planning Strategy suggests under clause 6.4 that the town of Muntadgin will be recognised as secondary level of settlement within the Shire of Merredin.

In addition the UCL may contain native vegetation that should be protected. Clause 4.4.9 of the local planning strategy September 2007 suggests that the areas of UCL should be assessed to protect native vegetation on such sites.

As there is no proposed development over the land it may not be appropriate for Council to support the release of six lots of land to one person.

The proposed sale will provide a large portion of that section of Muntadgin to one person with no requirement to develop the lots.

Officer's Recommendation:

That the Department for Planning & Infrastructure be advised that the Shire of Merredin provides the following comments with respect to the amalgamation of unallocated crown land Lots 11, 12, 13, 20, 21 & 22 Muntadgin into Lots 14 and 19 Muntadgin: -

- 1. Any development of the land is subject to the requirements of the Shire of Merredin Town Planning Scheme No.1 and the provisions of the Building Code of Australia 2007.*
- 2. Pursuant to Clause 4.4.4 of the Shire of Merredin Local Planning Strategy 2007 the unallocated crown land should be assessed for protection of any native vegetation on the sites.*
- 3. Without a proposed development application the sale of the land to an individual is not supported.*

29169

Moved Cr Astbury sec Cr Morley

That the Department for Planning & Infrastructure be advised that the Shire of Merredin provides the following comments with respect to the amalgamation of unallocated crown land Lots 11, 12, 13, 20, 21 & 22 Muntadgin into Lots 14 and 19 Muntadgin: -

- 1. Any development of the land is subject to the requirements of the Shire of Merredin Town Planning Scheme No.1 and the provisions of the Building Code of Australia 2007.*
- 2. Pursuant to Clause 4.4.4 of the Shire of Merredin Local Planning Strategy 2007 the unallocated crown land should be assessed for protection of any native vegetation on the sites.*
- 3. Without a proposed development application the sale of the land to an individual is not supported.*

CARRIED 10/0

11.3 **OFFER TO PURCHASE: - LOT 201 BATES STREET, MERREDIN;
MICHELLE MURFIT, COUNTRY NOSTAGLIA**

Reporting Department: Development Services
Reporting Officer: John Mitchell, Manager of Development Services
Legislation: Local Government Act 1995; Shire of Merredin Town Planning Scheme No.1
File Number: P3380

Background:

Council has previously offered the above property for sale by tender. The matter was last presented to Council in June 2007. At that meeting Council resolved: -

28984 That Council approve the installation of a "For Sale" sign on Lot 201 Bates Street, Merredin.

Within the 2007/08 budget Council set an expected return of \$120,000 for the sale of the property.

Mrs Michelle Murfit has submitted an offer and planned use document (**Attachment 11.3A**) to purchase the premises for \$100,000 inc GST.

Mrs Murfit seeks to use the premises for either of the following purposes: -

- 1) Office rental with subsidiary accommodation;
- 2) Bed and Breakfast Accommodation.

Legal Implications:

Under section 3.58 of the Local Government Act 1995 any land disposed of by Council can only be undertaken by public auction, public tender, or by private treaty, which has advertising and valuation requirements. If any submissions are received Council is required to consider the submissions.

The Shire of Merredin Town Planning Scheme No.1 permits the use of the dwelling or caretakers dwelling as an "IP" use. The use as a B&B is not stated.

The Local Planning Strategy 2007 (4.3.3 Town Centre) states that a singular town site designation may allow greater flexibility to consider land use and development options for the town centre. Both uses proposed by Mrs Murfit would be considered pursuant to the two documents.

Budget Implications:

The 2007/08 budget indicates an income of \$120,000.00. This estimate was based on Administration knowledge at the time of setting the budget. Council budgeted an income of \$40,000 for the 06/07 year through the tender system. No tenders were received.

The applicant has advised that the price is negotiable. Does Council seek to counter offer.

Funds from the sale were intended for the Land Development Reserve. That reserve is being utilised to develop Carrington Way. There will be a shortfall within this budget if the offered price is accepted.

Comment:

Elders Real Estate has valued the property at between \$100,000 - \$120,000.

The land is proposed to be zoned "Town Centre" pursuant to the Shire of Merredin Local Planning Strategy 2007. The building is Heritage listed and any improvements or works are subject to the approval of the Heritage Council of WA.

The offer includes a requirement for the Shire of Merredin to complete a full termite inspection of the property. No funds have been allowed for this inspection and the expenditure is questioned as there is evidence of termites in the south west wall already which have been previously treated.

It is suggested that Council counter offer to \$110,000 without the termite inspection being undertaken by Council.

Does Council seek to enforce the proposed upgrade of the premises within a time frame? For example once sold there are no guarantees that the works will be undertaken. Whilst Council can control whatever development is proposed on the site through the Town Planning Scheme, any delay in repairs or maintenance will require the issue of an order pursuant to the Local Government (Miscellaneous Provisions) Act 1960.

Officer's Recommendation:

1. *That the offer from Mrs Michelle Murfit to purchase Lot 201 Bates Street for \$100,000 be advertised in accordance with the provisions of Section 3.58 of the Local Government Act 1995. Should no objections be received the Chief Executive Officer is authorised to sign the offer and acceptance document on behalf of the Shire of Merredin for the sum of \$100,000.*

Absolute Majority Required

2. *That Mrs Murfit be advised that the building is heritage listed and that the proposed use as Office, art showroom with ancillary two bedroom accommodation is acceptable to the Shire of Merredin, however a formal application for town planning consent is required.*
3. *That the offer to purchase Lot 201 Bates Street, Merredin is counter offered at \$110,000 and does not include the Shire of Merredin carrying out a termite inspection at the its cost.*

29170

Moved Cr Morris sec Cr Morley

1. *That the offer from Mrs Michelle Murfit to purchase Lot 201 Bates Street for \$100,000 be advertised in accordance with the provisions of Section 3.58 of the Local Government Act 1995. Should no objections be received the Chief Executive Officer is authorised to sign the offer and acceptance document on behalf of the Shire of Merredin for the sum of \$100,000.*

**CARRIED 9/1
ABSOLUTE MAJORITY****29171**

Moved Cr Jones sec Cr Townrow

2. *That Mrs Murfit be advised that the building is heritage listed and that the proposed use as Office, art showroom with ancillary two bedroom accommodation is acceptable to the Shire of Merredin, however a formal application for town planning consent is required.*

CARRIED 9/1

11.4 **OFFER TO PURCHASE: - LOT 18, HOUSE NO 19 PRIESTLY STREET, MERREDIN; MURRAY & SUSAN WESTON**

Reporting Department: Development Services
Reporting Officer: John Mitchell, Manager - Development Services
Legislation: Local Government Act 1995;
File Number: P2826

Background:

The property was budgeted for sale during the 2006/07 year however due to staffing requirements it was not sold.

There has been no advertising of the sale other than a sign placed against the property.

Mrs Nola Allen of Elders Real Estate has provided a valuation of \$150,000 – \$180,000.

Mr Murray and Mrs Susan Weston have submitted an offer (**Attachment 11.4A**) to purchase the premises for \$150,000 inc GST.

Legal Implications:

Under section 3.58 of the Local Government Act 1995 any land disposed of by Council can only be undertaken by public auction, public tender, or by private treaty, which has advertising and valuation requirements. If any submissions are received Council is required to consider the submissions.

Budget Implications:

The 2007/08 budget indicates an income of \$120,000.

Funds from the sale were intended for the Land Development Reserve. That reserve is being utilised to develop Carrington Way.

Comment:

Officer's Recommendation:

That the offer from Mr Murray and Mrs Susan Weston to purchase Lot 18, House No. 19 Priestly Street for \$150,000 be advertised in accordance with the provisions of Section 3.58 of the Local Government Act 1995. Should no objections be received the Chief Executive Officer is authorised to sign the offer and acceptance document on behalf of the Shire of Merredin for the sum of \$150,000.

ABSOLUTE MAJORITY REQUIRED

29172

Moved Cr Townrow

sec Cr Morley

That the offer from Mr Murray and Mrs Susan Weston to purchase Lot 18, House No. 19 Priestly Street for \$150,000 be advertised in accordance with the provisions of Section 3.58 of the Local Government Act 1995. Should no objections be received the Chief Executive Officer is authorised to sign the offer and acceptance document on behalf of the Shire of Merredin for the sum of \$150,000.

**CARRIED 10/0
ABSOLUTE MAJORITY**

11.5 **APPLICATION FOR PLANNING CONSENT – STORAGE OF PLANT – SKIP BIN OPERATION – LOT 123 PARKE STREET, BURRACOPPIN – MR JOE GOEDHART**

Reporting Department: Development Services
Reporting Officer: John Mitchell, Manager of Development Services
Legislation: Shire of Merredin Town Planning Scheme No.1
File Number: P5271

Background:

An application (PA22-07) has been received from Mr Joe Goedhart, owner, lot 123 Parke Street, Burracoppin and is contained in (**Attachment 11.5A**).

Mr Goedhart seeks to store a truck and up to fifty bins, used for building, commercial and industrial site and weekend residential cleanup waste disposal services in and around Merredin. The business will involve customers contacting Mr Goedhart at his residence in Burracoppin.

Legal Implications:

The land is zoned “general farming” zone pursuant to the Shire of Merredin Town Planning Scheme No.1 and is contained within the townsite of Burracoppin. The land immediately adjacent is zoned general farming zone with the land to the south zoned recreation.

The use of the land as general farming has been compromised by the sale of individual titles and the placement of residences within the townsite boundary lots which are zoned “general farming”. There is an assortment of uses and machinery parked within the street currently.

As general farming land the parking of heavy plant and the like would not pose a significant town planning issue. The use as a home occupation is not applicable as those policies were provided for development within the residential zone of the scheme and by virtue of Clause 2.2.3 of the scheme text which specifically excludes the use in another zone if it is not mentioned. The policies are technically applicable by virtue of the current usage of the land and surrounding properties.

Budget Implications:

Town Planning fees of \$123.00 have been paid.

Comment:

The applicant seeks to establish a storage yard for up-to 50 skip bins and telephone inquiry/office for the booking, scheduling and subsequent delivery of skip bins to premises within the Merredin region.

The proposed use is not mentioned within the Shire of Merredin Town Planning Scheme No.1. Council may therefore determine either the use shall be prohibited within the scheme area or the use may be permitted within one or more zones of the scheme area.

The use as storage of plant for hire is compatible with other uses permitted/controlled with conditions within the general farming zone such as rural industry, abattoirs, extractive industry or piggery.

The applicant advises he is prepared to screen the storage area.

It would be advantageous to seek the views of neighbours prior to further considering the application.

In consideration of approval, the following information is provided: -

1. Onsite parking and storage is limited to one 6 wheeler, 10 tonne capacity truck and 50 skip bins of maximum capacity 6m³ each;
2. Storage of the skip bins is to be behind screens such that neighbours and road users cannot see the stored bins;
3. No storage of disused materials or bins containing waste on Lot 123 Parkes Street, Burracoppin is to occur;
4. Advertising of the business is limited to the signage requirements (0.2m²) permitted by the "Home Occupation Policy" of the Shire of Merredin.

As advice to the applicant the following statement will be included on the approval/refusal form:

The disposal of waste to the Shire of Merredin landfill sites is subject to payment of any prescribed fees. No disposal is permitted to the transfer station sites at Burracoppin and Muntadgin. Where loads are separated for recycling lesser fees will be applicable.

Officer's Recommendation:

1. *That the application to establish a skip bin hire business from Lot 123 Parkes Street, Burracoppin be advertised for public comment.*
2. *That subject to no adverse comments the Chief Executive Officer be granted delegated authority to consent to the planning application to establish a skip bin hire business on Lot 123 Parkes Street, Burracoppin with the following conditions: -*
 - a. *Onsite parking and storage is limited to one 6 wheeler, 10 tonne capacity truck and 50 skip bins of maximum capacity 6m³ each;*
 - b. *Storage of the skip bins is to be behind screens such that neighbours and road users cannot see the stored bins;*
 - c. *No storage of disused materials or bins containing waste within Lot 123 Parkes Street, Burracoppin is to occur;*
 - d. *Advertising of the business is limited to the signage requirements (0.2m²) permitted by the "Home Occupation Policy" of the Shire of Merredin.*

ABSOLUTE MAJORITY REQUIRED

29173

Moved Cr Morley sec Cr Astbury

1. *That the application to establish a skip bin hire business from Lot 123 Parkes Street, Burracoppin be advertised for public comment.*
2. *That subject to no adverse comments the Chief Executive Officer be granted delegated authority to consent to the planning application to establish a skip bin hire business on Lot 123 Parkes Street, Burracoppin with the following conditions: -*
 - a. *Onsite parking and storage is limited to one 6 wheeler, 10 tonne capacity truck and 50 skip bins of maximum capacity 6m³ each;*
 - b. *Storage of the skip bins is to be behind screens such that neighbours and road users cannot see the stored bins;*
 - c. *No storage of disused materials or bins containing waste within Lot 123 Parkes Street, Burracoppin is to occur;*
 - d. *Advertising of the business is limited to the signage requirements (0.2m²) permitted by the "Home Occupation Policy" of the Shire of Merredin.*

**CARRIED 10/0
ABSOLUTE MAJORITY**

11.6 **LANDFILL LEVY – REVIEW OF POLICY STATEMENT – WALGA
FAX BACK FORM**

Reporting Department: Development Services
Reporting Officer: John Mitchell, Manager of Development Services
Legislation: Proposed Waste Avoidance & Resource Recovery Bill 2007
File Number: GR/17/11

Background:

An email has been received (**Attachment 11.6A**) – reference 05 037 03 0001, from the Western Australian Local Government Association seeking Council comment on the landfill levy which is currently applicable to major metropolitan and ring council local governments.

Legal Implications:

If the levy is applied to the regional and rural local governments' disposal of waste to landfill incurs a levy of \$6.00/tonne currently payable to the Municipal Waste Advisory Council.

Budget Implications:

Whilst the proposed review does not impact on the Shire of Merredin the payment of the levy would add \$18,000 to the cost of disposal to the Chandler Road site.

Comment:

There are four questions put seeking Council support: -

WALGA Information	Comment	Suggested answer
<p>1) The application of the levy to licensed facilities other than landfills</p> <p>Local Government strongly opposes the application of the levy to waste accepted by licensed premises which have as a primary purpose resource recovery, green waste processing facilities and advanced waste treatment facilities. Does Council fully agree with this proposal?</p>	<p>Currently any waste delivered to a site for disposal or recycling must pay the levy if it is contained within the designated areas.</p>	<p>The Shire of Merredin does not support the application of the levy to sites/product designated for recycling processing, nor does the Shire support the introduction of the levy to regional and rural local government.</p>

<p>2) The application of the levy to non-metropolitan landfills</p> <p>Local Government, in principle, supports the application of the levy to selected non-metropolitan licensed premises which receive over a threshold amount of waste per annum and are thus financially able to be manned and operate a weighbridge on a viable basis. This support is given on the proviso that a significant proportion of the funding derived from the Levy be hypothecated back to those areas for infrastructure and other waste management services. Does Council fully agree with this proposal</p>	<p>It is possible/likely that the Shire of Merredin would qualify for the introduction of the levy. Between 2001–2004 I attended seminars on the levy and it was predicted (from memory) that the levy would increase to over \$25/tonne by 2020.</p>	<p>The Shire of Merredin does not support the introduction of the levy to non-metropolitan landfills which are operated by the local government. Reason: - The costs of transport to recycling centres will only increase, as will wages and fixed operational costs. The introduction of a levy becomes an increasing burden on resources already stretched to comply with legislative changes. Does a small rural population and limited industry provide sufficient risk factor compared to metropolitan landfills</p>
<p>3) Differential Levy for residual waste resulting from resource recovery facilities:</p> <p>Local Government supports the application of a reduced (but not zero) Levy to residual waste produced by facilities whose primary purpose is resource recovery (such as materials recovery facilities (MRF's), green waste processing facilities and advanced waste treatment facilities (AWT's)).</p>	<p>The introduction of the levy to the by-product of recycling activities may impact on local recyclers and is a further imposition on small business.</p>	<p>The Shire of Merredin does not support the application of the levy on non-metropolitan recyclers who have established viable premises within the rural areas.</p>

4) Are there any additional comments you would like to make regarding this policy review.		Left blank for Council input
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Officer's Recommendation:

"That the Shire of Merredin responds to the Landfill Levy – Review of Policy Statement, WALGA Ref 05 037 03 0001 and advise: -

1. *The Shire of Merredin does not support the application of the levy to sites/product designated for recycling processing, nor does the Shire support the introduction of the levy to regional and rural local government.*
2. *The Shire of Merredin does not support the introduction of the levy to non-metropolitan landfills which are operated by the local government. Reason: - The costs of transport to recycling centres will only increase, as will wages and fixed operational costs. The introduction of a levy becomes an increasing burden on resources already stretched to comply with legislative changes. Does a diminishing rural population and limited industry provide sufficient risk factor compared to metropolitan landfills?*
3. *The Shire of Merredin does not support the application of the levy on non-metropolitan recyclers who have established viable premises within the rural areas."*

29174

Moved Cr Jones

sec Cr Townrow

That the Shire of Merredin responds to the Landfill Levy – Review of Policy Statement, WALGA Ref 05 037 03 0001 and advise: -

1. *The Shire of Merredin does not support the application of the levy to sites/product designated for recycling processing, nor does the Shire support the introduction of the levy to regional and rural local government.*
2. *The Shire of Merredin does not support the introduction of the levy to non-metropolitan landfills which are operated by the local government. Reason: - The costs of transport to recycling centres will only increase, as will wages and fixed operational costs. The introduction of a levy becomes an increasing burden on resources already stretched to comply with legislative changes. Does a diminishing rural population and limited industry provide sufficient risk factor compared to metropolitan landfills?*
3. *The Shire of Merredin does not support the application of the levy on non-metropolitan recyclers who have established viable premises within the rural areas.*

CARRIED10/0

11.7 **CURATORS RESIDENCE LOT 624 BATES STREET, MERREDIN – FENCE LINES, LOCATION OF DOUBLE CARPORT**

Reporting Department: Development Services
Reporting Officer: John Mitchell, Manager of Development Services
Legislation: Town Planning Scheme No.1;
 Residential Design Codes 2002,
 Building Regulations 1989
File Number: A325

Background:

Council has budgeted \$20,000 in the 2007/08 budget for the placement of a double carport and new colorbond fence for the above dwelling.

The Plan (**Attachment 11.7A**) appends. Council input is requested into the decision of access, finish and location of fences.

Budget Implications:

The following costings are provided:

Task	Costing	Comment
Bobcat to clean fence line and drive way	\$1,000	Remove rocks, clean fence line make even – works crew
New colorbond std carport double - installed	\$3,632	Outdoor World costing
Gravel driveway, compact	\$750	Works Crew
Waste to landfill site and burial of asbestos fence	\$750	Works Crew and Maintenance Person
Purchase Fence materials	\$5,200	Allow 160 m of fencing
Concrete – fence, cross over	\$750	
Labour fence	\$4,000	
Concrete surface to driveway	\$1,200	
Purchase gates for fence	\$650	
Total	\$17,932	

Comment:

The proposal is to: -

1. Provide a double carport on the south-west side of the residence, front portion – towards Bates Street;
2. Provide a cross over to Bates Street in concrete and the width of the footpath proposed;
3. Provide a hot mix drive way to the carport and a concrete pad to the carport area;
4. Provide a 1.5m colorbond fence to all sides of the dwelling with double gates to the front entry area, a personnel gate to the eastern side of the residence for the curator – to follow existing line;
5. Remove the old carport at the eastern side of the dwelling.

The proposal has been shown to the tenants who are satisfied with the proposed works.

Officer's Recommendation:

That a 1500mm colorbond post and rail fence be placed around the curators residence, Lot 684 Bates Street, Merredin, a carport be located on the south west side of the dwelling and a concrete crossover be installed to accommodate the carport placed within the front setback area.

29175

Moved Cr Townrow sec Cr Morley

That a 1500mm colorbond post and rail fence be placed around the curators residence, Lot 684 Bates Street, Merredin, a carport be located on the south west side of the dwelling and a concrete crossover be installed to accommodate the carport placed within the front setback area.

CARRIED 10/0

11.8 SWIMMING POOL – DIVING BOARD

Reporting Department:	Development Services
Reporting Officer:	John Mitchell, Manager of Development Services
Legislation:	Swimming Pool Regulations 1964
File Number:	CP/8/6

Background:

An inspection of the diving board and stand has shown that the equipment is dangerous and has been closed by the Manager of Development Services. Council input into the rectification actions is sought. (**Attachment 11.8A**)

The item should have been noticed prior to the budget preparation. I did not have sufficient time to complete full inspections of all facilities. Since the inspection on 27 September 2007 the Pool Manager and Manager of Development Services have commenced preparing a complete maintenance report for Council consideration.

Legal Implications:

The general requirements of the Code of Practice for Aquatic Facilities adopted by Regulation allegedly on Friday 5 October 2007 states that the design must be capable of withstanding maximum loadings and be maintained in good working order. In addition under general responsibility for “duty of care” the diving board and stand are incapable of supporting the maximum load and are not in good working order.

Budget Implications:

There has been no budget allocation for the purchase and installation of the diving board. The removal costs are estimated at \$500.00.

Comment:

The condition of the diving board and stand are best described by the photographs below:

Note the split through the aluminium board. A patio tube is preventing flexing of the board further. The board has been repaired on previous occasions and continues to fracture. There is no non slip surface to the board which will create a fall hazard.

The condition of the board would prevent the aluminium being repairable.

All welded surfaces are rusting through the layers of steel. The steps are an abrasion hazard and are severely rusted.

The cost of a new board and stand is \$22,000 + delivery and installation.

There is one supplier in Australia from information received.

The Swimming Pool Regulations 1964 permit the placement of a diving board in 3.05m of water providing the board is within 1000mm of the water surface.

The Code of Practice for Aquatic Facilities requires that the platform, ladders and stairways be self draining and slip resistive.

A comprehensive document is currently being prepared by the Swimming Pool Manager and the Manager of Development Services for presentation to the Chief Executive Officer in January 2008.

Does Council seek for budget provision to be made within this financial year or the 2008/09 financial year for the replacement of the diving board and stand?

Officer's Recommendation:

That the actions of the Manager of Development Services in closing the diving board at the Swimming Pool be endorsed and that the diving board and support system be removed immediately.

29176

Moved Cr Townrow sec Cr Morley

That the actions of the Manager of Development Services in closing the diving board at the Swimming Pool be endorsed and that the diving board and support system be removed immediately.

CARRIED 10/0

11.9 **CONSTRUCTION PROGRAM – LOT 77 CORONATION STREET,
MERREDIN – 1 x 2 BEDROOM DWELLING**

Reporting Department: Development Services
Reporting Officer: John Mitchell, Manager - Development Services
Legislation: Building Code of Australia 2007
File Number: P728

Background:

Council budgeted for construction of a two bedroom residence to be placed at the rear of Lot 77 Coronation Street, Merredin. The purpose of this report is to seek Council approval of the proposed plans. (**Attachment 11.9A**)

Budget Implications:

Costings for the proposed second residence are being obtained. The budget for the project is \$226,000. Works will not proceed beyond planning until full costings are known and provided to Council if exceeding the budgeted amount.

Comment:

Council design endorsement of the attached plans is sought. I am advised that for the previous dwelling constructed by Mr Gearing, the colour selection was left to the builder. Does Council seek to continue that approach? Mr Gearing proposes to retain the roof colour and alternate the brick colour to darker brick work with a lighter striping band.

Officer's Recommendation:

That the plans as presented to the meeting be accepted as the design of the new two bedroom dwelling to be constructed on Lot 77 Coronation Street, Merredin.

29177

Moved Cr Morley sec Cr Morris

That the plans as presented to the meeting be accepted as the design of the new two bedroom dwelling to be constructed on Lot 77 Coronation Street, Merredin.

CARRIED 10/0

11.10 REVIEW OF WASTE MANAGEMENT OPERATIONS

Reporting Department:	Development Services
Reporting Officer:	John Mitchell, Manager - Development Services
Legislation:	Environmental Protection Act 1986 & Regulations, Health Act 1911, Local Government Act 1995
File Number:	WM/11/1

Background:

Council has requested the preparation of a discussion document for waste management options within the Shire of Merredin.

A report was submitted to the Business and Community Development Committee at its meeting held on 4 April 2007 (**CM18864 – April 2007 Council Meeting**). Council resolved to receive the report. A copy of that report is contained in **Attachment 11.10A**. That report highlights those actions to date to address the recommendations contained within the Waste Management Strategy 2002.

In December 2002, a strategy was prepared by the Administration and submitted to Council (**CM26849**). Council resolved: -

That Council receives the Waste Management Strategy report, endorses the recommendations contained in the report, and allocates funds in the 2003/2004 budget for the continued implementation of the strategy, provided Council initiates public consultation in reference to recommendation three (3) contained within the Waste Management Strategy.

The copy of the report within the Development Services section does not specifically identify recommendation three (3) and it is assumed the recommendation relates to either establishing transfer stations in outlying communities, weekly refuse collections services to Muntadgin or the choice of sites.

A copy of the Waste Management Strategy 2002 is available and will be tabled.

For information:

- a) *verge side collection* generally means bulk refuse collection of all materials from households;
- b) *kerbside collection* generally means the provision of ongoing regular MGB collections

Legal Implications:

The introduction of the service to households will require compliance with the tender regulations of the Local Government Act 1995.

Budget Implications:

Budget implications have not been considered in detail within this report. Costings provided are by individuals. Any proposal is subject to the tender requirements of the Local Government Act 1995 and its Regulations.

There has been no 2007/08 budget provision for the provision of a second MGB to residences for recycling. An absolute majority vote is required to release any funds from the Waste Management Levy Reserve to commence a recycling program.

Comment:

The April 2007 report summarised the current operational status of waste management within the Shire of Merredin and provided recommendations of future initiatives and direction.

There is a minimum of 1400 tonnes of domestic waste, 320 tonnes of greenwaste, 520 tonnes of inert and bulk waste, 510 tonnes of industrial and commercial waste and 30,000 litres of controlled liquid waste delivered annually to the Chandler Road site.

Whilst management methods have improved there is limited opportunity to expect the site to continue to receive waste uncompacted and not minimised (recycled) beyond four years which indicates approximately 30,000m³ (approx 10,000 – 16,000 tonnes) of waste will be received. Current estimates are that approximately 3,500 tonnes are received annually. Of this volume approximately 1,000 tonnes of various materials are recycled.

The introduction of a kerbside recycling may reduce that tonnage to landfill by up to 260 tonnes per annum. There is a limited income from recycling markets for the disposal. The income generally is derived from State Government incentives and at most will be several thousands of dollars per annum.

Kerbside Recycling – Domestic/Residential Properties

Summarising the report of April 2007: -

Service	Cost (per week)*	Charge	Requirements & comment
Putrescible Waste Collection – current commitments to Avon Waste	\$43.95 (\$.843)	\$95.00	Standard charges and costs for weekly collection. Balance of funds are allocated to landfill site maintenance and collection of public street and park bins

Kerbside Recycling	\$83.20 – Contractor supplied bin (\$1.60) \$63.44 – MGB's provided by Council (\$1.22)		Nil \$95,000 for 1,900 bins to be purchased by Shire of Merredin
Contractor weekly collection(140l) and fortnightly recycling bin (240L)	\$135.35 (\$2.60)		Contractor supplies the MGB's

* Figures provided by Avon Waste and taken from 2007/08 draft budget.

The April 2007 report recommends that

1. That Council commit to the provision of a fortnightly kerbside recycling service for the Merredin townsite.
2. That Council put out to tender the provision of a fortnightly kerbside recycling service to the Merredin townsite.
3. That Council include kerbside recycling service charges in its 2007/2008 budget as a separate levy to existing domestic and commercial refuse collection charges, with such charges to provide for full cost recovery for the provision of the recycling service.

It is appropriate for Council to consider implementation of kerbside recycling to encourage residents to protect the environment and lengthen the life of the sanitary landfill site.

Tenders can be called to commence a kerbside recycling service.

It is estimated that the kerbside recycling will reduce the tonnages at the landfill site by up to 6 tonnes per week.

There are therefore several options: -

- a) Council supplied MGB's - \$95,000 estimate to purchase bins, \$83.00/annum to empty once per fortnight, standard bin emptied weekly \$43.83/annum. Councils commitment first year - \$299,877, ongoing - \$204,877 + CPI;
- b) Contractor Supplied, \$2.60 – first year commitment - \$257,165, ongoing annual costs \$257,165 + CPI;
- c) In both options (a) & (b) there is a small income component from the disposal of the recyclables to a recognised resource recovery centre.

Within the Waste Management Levy Reserve there is approximately \$92,000 available to commence recycling activities. To introduce the kerbside service from January 2008 will mean there are sufficient funds to use option (b).

2,300 rates notices were issued for the 2007/08 year. Income for the waste management levy for the 2007/08 year is expected to be \$115,000 + 11,500 GST.

Council provides a refuse collection service to approximately 1260 residential properties, 640 commercial services, 127 bulk refuse collection services and 106 street and park bins.

The April 2007 report recommended that the levy be increased to \$60 + GST per property. The new Manager of Development Services was unaware of this resolution when the 2007/08 budget was set. The fees for the levy for the 2007/08 year are \$55.00 (inc GST). Ongoing income from the Waste Management levy could be used to offset the cost of the service for the first six months until June 2008.

Many local governments have introduced fees through the general rates. For example:

<i>Local Government</i>	<i>Fees/ annum to customer</i>	<i>Service Extent</i>
Town of Northam		
Shire of York	\$160 – 140l standard	140l Fortnightly recycling
Shire of Wongan Hills	\$210 - 240l standard	Fortnightly recycling
Shire of Cunderdin	\$230 – 240l standard	fortnightly recycling
Shire of Corrigin	\$170 for 120 l standard, \$230 for 240l standard bin	Fortnightly recycling
Shire of Dowerin		Fortnightly recycling

Standard = 240l putrescible emptied weekly, recycling bin 240l standard : - unless stated.

Current refuse charges are: -

\$95.00 240l Domestic refuse charge

\$100.00 240l Commercial refuse charge

\$430.00 1100l Commercial refuse charge

Other surrounding local governments' standard charges for putrescible waste removal every week vary from \$95 - \$125.00 per service.

The introduction of recycling at the commercial and industrial level will require further investigation and consideration as many businesses operate limited recycling activities dependent on the business operated. Examples include cardboard to local recycler, battery collection, used oil collection and used cooking oils. The administration is currently compiling a list of services provided to each business and their own recycling activities.

Based on 1260 services for the commencement of kerbside recycling till the 30th June 2008, fortnightly collection, contractor supplied MGB's the costs of recycling service collection are: -

1260 services \$1.60 week - \$83.20 per annum (Source – Avon Waste 2nd April 2007) - \$104,832 for a year.

The cost to the resident is \$95.00 – standard refuse disposal + \$83.20 for kerbside recycling - \$178.20 for the provision of the service to the resident per annum.

The cost of the introduction of the service from the 1st March 2008 until the 30 June 2008 is approximately \$26,000. This can be funded from the Waste Management Reserve or by issuing interim rates notices for the remaining portion of the 2007/08 year.

Staff are recommending that Shire fund the first 3 months portion from the Reserve.

Alternatively it maybe appropriate to delay the introduction until 1 July 2008 allowing us to market the proposal and gain Community acceptance of the process and the cost.

The allocation from the waste management levy for the 2007/08 year is

- 1) Replace boundary fence - \$4,500
- 2) Disposal of tyres - \$2,000
- 3) Burial plastic and timber - \$2,000
- 4) Contour map of Chandler Road Site - \$2,000
- 5) Rehabilitation Gravel Pit 33397 - \$6,000
- 6) Subsidy Recycling Initiative - \$10,000
- 7) Transfer Station service - \$16,000
- 8) Donation to Lions – Bins - \$2,000

The budget indicates that transfers to reserves will be \$42,000.00 for the 07/08 year leaving a total of approximately \$92,000 in the reserve.

Any resolution to utilise these funds for the commencement of kerbside recycling will require an absolute majority of Council.

Tender Information

Tender documentation is being prepared. Council input is sought. The following inclusions are suggested: -

- 1) Ownership of the 240l MGB's – Does Council seek to own the MGB's at the end of the contract? It is likely that the term of the contract will increase slightly – potentially eight to ten years, and the cost will increase several cents per week collection. Council will then own the recycling bins. Initial savings of up to \$95,000 based on cost of \$50.00 per bin. (based on 2,000 bins purchase).
- 2) It is proposed to provide the service fortnightly – e.g. second and fourth Thursdays of the month – for ease of public remembering;
- 3) Does Council seek to introduce two levels of charges – those that reduce their putrescible MGB to a 120l and maintain a 240l MGB for recycling receive a lower charge similar to the Shire of Corrigin fees and charges schedule?
- 4) Documentation to include the extent of service currently to residential section of community with the program to extend into the commercial sector once the administration has confirmed and resolved any existing issues relating to current collections of waste within the commercial sector.

Other Methods for Encouraging Recycling

Tip Passes - Within the proposal for tip passes could be an incentive whereby properly separated loads be provided free access. Tip passes and charges initially could be applied for where the user has not separated the loads to reflect recycling initiatives.

Continued support for private recyclers such as the Lions Club of Merredin and/or Daltons recycling facility will ensure that the message of recycling continues to spread. However Council should not be dependent on these types of operations. With respect to the Lions Club – it is volunteer driven. Recently the Club sought for Council to consider a full time employee being engaged to assist the Club. There is also a private sector recycler within the Shire of Merredin.

If consideration of employees to assist recycling ventures is to be given then a further option is to relocate the recycling ventures to the landfill site and provide additional supervision at that site.

Kerbside recycling may also affect the Lions Club of Merredin's recycling activities, however Lions may wish to increase its current commitment to the commercial sector for recycling materials.

Avon Waste's proposal includes disposal of the recyclables to the metropolitan area which will also incur a cost. There may also be a reimbursement through government or recyclers for the disposal of recyclables.

An alternative is to provide the recyclables to the local firms for separation with the provision of an income to Council and accurate records of disposal to be retained for any potential grants or incentives applicable from the State Government.

Town Planning/Building Controls

A further method to encourage recycling is through the placement of planning conditions relating to the provision of recycling bins on sites where more than one residence is constructed and when commercial works are undertaken.

It is not possible to place an environmental condition onto a building licence. Single dwellings on rural and residential lots do not require town planning consent.

The administration has already commenced to place this condition on town planning approvals. This requirement also is reflected in State Government construction through the Department of Housing and Works.

Zero Waste Plans

A further consideration to the provision of waste services to the residents of Merredin is the intended path of the zero waste plans. At this time the local governments have completed phase one which is the gathering of known information. Phase two is the forward planning to introduce zero waste plans.

There is an underlying push to achieve a regional approach to recycling and the disposal of waste. It is likely that any decision will be approximately two years away (2009/2010).

This proposal is uncertain, however a regional approach will ensure that recycling is more viable, providing the markets are retained, however will lead to local governments attempting to retain the venture within their own community.

Landfill Site Management

Existing management of the landfill site is through the local government. There is limited incentive for the employee to enforce the requirements and often the laws are improperly enforced. Examples include sorting of waste – enforcement of separation of recyclables prior to disposal will alleviate disposal concerns, asbestos disposal – failure to obtain the burial fees – persons attend the site, become argumentative and refuse to pay.

Private management of the site with incentives including income sharing will provide for better management and returns from the site.

Council's wages component for the 2007/08 year is \$34,100 of which approximately \$30,000 are attendant's wages. \$24,300 is allocated to plant operation costs. Council currently receives an income of approximately \$30,000 from recycling activities at the site mainly through Sims Metals and Smorgons steel recyclers.

Officer's Recommendation:

- 1) *That the Administration seek alternatives to the operation of the Chandler Road Landfill Site, including private management of the site, prolonging disposal using existing land spaces and costings for the provision of drop of areas for recycling facilities within the site.*
- 2) *That tenders be called for the provision of a kerbside recycling service to domestic properties within the townsites effective from 1 March 2008.*
- 3) *“That a standard condition for town planning consent for applications received includes a reference to the requirement to sort waste created on the site into disposal and recyclables.*
- 4) *That the administration continue research into the provision of recycling bins into the commercial and industrial businesses within the Shire of Merredin and provide recommendations to Council.*
- 5) *That the waste management levy be increased to \$60.00 + GST for the 2008/09 year.*
- 6) *Tender documentation is to include:*
 - a) *Option for sale of MGB's to Council through the contract period and extension of the contract period;*
 - b) *Fortnightly collection of recycling MGB's;*
 - c) *Future inclusion of the commercial sector into the recycling program.*

29178

Moved Cr Townrow sec Cr Crees

1. *That the Administration seek alternatives to the operation of the Chandler Road Landfill Site, including private management of the site, prolonging disposal using existing land spaces and costings for the provision of drop off areas for recycling facilities within the site.*
2. *That tenders be called for the provision of a kerbside recycling service to domestic properties within the townsites effective from 1 July 2008.*
3. *That a standard condition for town planning consent for applications received includes a reference to the requirement to sort waste created on the site into disposal and recyclables.*
4. *That the administration continue research into the provision of recycling bins into the commercial and industrial businesses within the Shire of Merredin and provide recommendations to Council.*
5. *That the waste management levy be increased to \$60.00 + GST for the 2008/09 year.*
6. *Tender documentation is to include:*
 - *Option for sale of MGB's to Council through the contract period and extension of the contract period;*
 - *Fortnightly collection of recycling MGB's;*
 - *Future inclusion of the commercial sector into the recycling program.*

CARRIED 10/0

11.11 MANAGER OF DEVELOPMENT SERVICES REPORT – OCTOBER 2007**Reporting Department:** Development Services**Reporting Officer:** John Mitchell, Manager of Development Services**Legislation:****File Number:**

Clean Up of McKenzie Way, Merredin

LandCorp accepted the quotation submitted by the Shire of Merredin for \$3,500. It is proposed that the works team will attend to the required works over the next few weekends.

Local Planning Strategy

The completed amended copy of the local planning strategy has been submitted to the Western Australian Planning Commission for official consent.

A completed copy has been requested of the Planners – Whelans once consented too, and bound.

Lots 1503 & 1504 Railway Land, Barrack Street, Merredin

Advice has been received from Mr David Gray of Gray and Lewis Planners regarding the road reserve crossing at the eastern end of Barrack Street. Input was sought for a meeting on the 15 October 2007 regarding the extent of road reserve to be dedicated. A fifty metre road reserve across the rail crossing has been provided. This is considered adequate by the PTA and Main Roads for installation of compliant pedestrian crossings and potential road widening in the future.

Does Council seek to have further input?

Western Power has provided to the Public Transport Authority a quotation to segment and underground the power supplies to the various allotments to the Reserves. The quotation is \$63,384.

The Department for Planning and Infrastructure have corresponded seeking a copy of the IT Environmental report dated 29 January 2003 and whether any remedial works or costings have been provided to the Shire of Merredin. Correspondence from the Environmental Protection Authority dated 12 May 2003 indicates that the site is suitable for commercial or industrial development and that a memorial advising against the abstraction of ground water should be issued on each title created.

The correspondence has been responded to.

Planning Application PA19-04; Skiljan – Reserve 20542

Mr Henty Farrar from the Department for Planning & Infrastructure has requested information from the Shire of Merredin relating to the above matter particularly whether or not the landowners permission and signature had been provided.

DPI have been advised that the Shire of Merredin rejected the application because the form was incomplete and that the use was not compatible.

Officer's Recommendation:

Council receive The Manager of Development Services Report for October 2007

Ms Maria Young left the meeting at 4.51pm

29179

Moved Cr Crees

sec Cr Morris

That Council receive The Manager of Development Services Report for October 2007

CARRIED 10/0

11.12 BUILDING STATISTICS REPORT – OCTOBER 2007

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

Background:

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

Legal Implications:

Various

Budget Implications:

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

Building fees are levied for Class 2 – 9 (commercial) buildings at 0.182% of the construction value of the work.

In all cases a minimum fee of \$40.00 is levied. In addition a levy is applied by the Builders Registration Board - \$37.00

Applications/Approvals:

Building Licence No.	Licence issued to	Address of proposed building	Owner of property	Class of Blding
BA63-07*		Lot 6, #7 Boyd St, Merredin WA 6415	HomesWest	1(a)
BA64-07	G Nelson, 37 Bates St, Merredin WA 6415	Lot 1, #37 Bates St, Merredin WA 6415	Lildon Pty Ltd	7
BA65-07	Kalmar Factory Direct, 25 Davison St, Maddington WA 6415	Lot 889, #57 Endersbee St, Merredin WA 6415	R Roberts	1(a) 10(a)
BA66-07	D Murfit, 2 Chedwiggen Rd, Merredin WA 6415	Lot 661, #40 Caw St, Merredin WA 6415	M & K Hayes	10(b)
BA67-07	Gearing Cabinets & Carpenters, PO Box 452 Merredin WA 6415	Lot 421, #85 Haig Rd, Merredin WA 6415	B & S Gearing	10(a)

BA68-07	Kevin Joss, PO Box 374, Merredin WA 6415	Lot 617, #24 Endersbee St, Merredin	C & K Northcott	1(a)
BA69-07* Fees unpaid		Lot 850, #90 Cunningham St, Merredin	J Blackett	10(a)
BA70-07	Famlonga Building Contractors, 102 Golfview Rd, Gnangara WA 6065	Loc 27727, Nth Booran Rd, Merredin WA 6415	K & J Cooper	1(a)

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

Valuation: \$926,368.60

Fees: \$ 3051.82

Progressive: **\$3,632,982.19**

Progressive: **\$13,982.29**

Comment:

BA63-07 and BA69-07 requires more information to be submitted prior to issue of building licences.

Officers Recommendation:

That the Merredin Shire Council receive the September 2007 statistics for building licences issued by the Building Surveyor.

29180

Moved Cr Astbury sec Cr Morris

That the Merredin Shire Council receive the September 2007 statistics for building licences issued by the Building Surveyor.

CARRIED 10/0

Emma Hooper entered the meeting at 4.54pm.

John Mitchell left the meeting at 5.07pm.

**11.13 CONSTRUCTION PROGRAM – LOT 1503 BARRACK STREET,
MERREDIN – 1 x ABLUTION BLOCK**

Reporting Department: Development Services
Reporting Officer: John Mitchell, Manager – Development Services
Legislation: Building Code of Australia 2007
File Number:

Background:

Council budgeted for construction of an Ablution block to be placed adjacent to the Visitors centre, Barrack Street, Merredin. The purpose of this report is to seek Council approval of the proposed plans. The proposed plans are contained in the Attachment.

Budget Implications:

Costings for the proposed construction are being obtained. The budget for the project is \$125,000. Works will not proceed beyond planning until full costings are known and provided to Council if exceeding the budgeted amount.

Comment:

Council design endorsement of the attached plans is sought. I am advised that for previous works constructed by Mr Gearing, the colour selection was left to the builder. Does Council seek to continue that approach?

Officer's Recommendation:

That the plans as presented to the meeting be accepted as the design of the new ablution block to be constructed on Lot 1503 Barrack Street, Merredin.

29181

Moved Cr Morley sec Cr N Hooper

That the plans presented to Council, with the modifications as determined at the meeting, be accepted as the design of the new ablution block to be constructed on Lot 1503 Barrack Street, Merredin.

CARRIED 10/0

13.0 FINANCE AND ADMINISTRATION

13.1 MONTHLY FINANCE REPORT

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

Background

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

Officer's Recommendation:

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

29182

Moved Cr Crees

sec Cr Simmonds

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

CARRIED 10/0

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 \$364,200.02 and amounts directly debited from Councils Municipal Fund Bank Account BSB 066-518 000 000 10 totalling \$245,008.22 and outstanding creditors totaling \$92,495.66.

29183

Moved Cr Crees sec Cr Astbury

That the Merredin Shire Council receive the schedule of accounts as listed, covering cheques as numbered and totalling \$364,200.02 and amounts directly debited from Councils Municipal Fund Bank Account BSB 066-518 000 000 10 totalling \$245,008.22 and outstanding creditors totaling \$92,495.66.

CARRIED 10/0

13.3 DONATION TO THE MERREDIN REGIONAL COMMUNITY AND LEISURE CENTRE

Reporting Department:	Administration
Reporting Councillor:	Frank Ludovico, Chief Executive Officer
Legislation:	Local Government Act 1995
File Number:	RCS/13/1

Background:

For some time members of various Committees have been pursuing donations and sponsorship for the Merredin Regional Community and Leisure Centre.

Mrs Mary Gebert was approached on this matter and has agreed to make a donation of \$50,000 to assist in the funding of the Hydrotherapy Pool asking that the Pool be named to honour Mr Ted Gebert.

Legal Implications:

I understand that there is no legal impediment for accepting this donation or naming of the Hydrotherapy Pool.

Budget Implications:

The cost of the Hydrotherapy Pool is approximately \$90,000. The Lions Club of Merredin has also contributed \$15,000 to this facility (mainly used to fund the chair lift).

Obtaining this donation will reduce the Loan funding required by Council.

Comment:

The contribution would certainly assist Council financially in this project.

A suitable plaque would be required to honour the donation.

Officer's Recommendation:

That Council accepts the \$50,000 donation from Mrs Mary Gebert and agree to name the Hydrotherapy Pool at the Merredin Regional Community and Leisure Centre in honour of Mr Ted Gebert

29184 Moved Cr Townrow sec Cr Morris
That Council accepts the \$50,000 donation from Mrs Mary Gebert and agree to name the Hydrotherapy Pool at the Merredin Regional Community and Leisure Centre in honour of Mr Ted Gebert
CARRIED 10/0

29185 Moved Cr N Hooper sec Cr Morris
That Council spend up to \$2000.00 on a suitable plaque commemorating Mr Ted Gebert
CARRIED 10/0

13.4 **PROPOSED AMENDMENTS TO THE LOCAL GOVERNMENT ACT 1995**

Reporting Department: Administration
Reporting Councillor: Frank Ludovico, Chief Executive Officer
Legislation: Local Government Act 1995
File Number: CM/10/1

Background:

WALGA has written to Council seeking formal feedback on proposed amendments to the Local Government Act 1995. (**Attachment 13.4A**)

Comment:

Detailed below are my comments concerning the issues raised:

No.	Issue	Comments
1	Interpretation – Definition of ‘owner’ – Section 1.4	Support
2	The role of Council – Section 2.7	Support
3	Disqualification for failure to attend meetings – Section 2.25	Support
4	Procedure to determine qualification to retain membership of Council – Section 2.27	Support
5	Taking of gravel and other building materials – Section 3.27 & Schedule 3.2	Support
6	Graffiti Powers of entry – Section 3.28 – 3.36 & schedule 3.2	Support
7	Impounding of shopping trolleys – Disposing of confiscated or uncollected goods – Section 3.47	Support
8	Disposal of Property – Section 3.58	Support
9	Appointment of deputies for Regional Council and Local Government Committees – Section 3.64 & 5.10	Support
10	Cases in which vacant offices can remain unfilled – Section 4.17	Support
11	Eligibility for enrolment – Section 4.30, 4.31, 4.32(4) & 4.39(1)	Support
12	Expiry of claim of eligibility to enrol under Section 4.3 – Section 4.33(1a) & 2	Support
13	Eligibility to be a candidate – Section 4.48(2)	Support
14	Election Gifts – Section 4.59	Support
15	Electors’ general meetings – Section 5.27	Support. Only if ability to hold an Electors’ general meetings is retained.

MINUTES

16	Advertising of CEO & senior employee positions – Section 5.36 & 5.37	Support
17	Superannuation for Employees – Section 5.47	Support
18	Long Service benefits – Section 5.48(1)	Support
19	Proximity interests & disclosure of proximity interests – Section 5.60B & 5.68	Support
20	Financial interests – notifiable gifts – Section 5.62(2)	Support
21	Some interests need not be disclosed – Section 5.63(1)(b)	Support
22	Fees for council members to attend VROC and other external meetings – Section 5.98	Support
23	Fees for Deputies attending meetings – Section 5.98	Support
24	Gifts and other non-monetary benefits for council members – Section 5.98(6)	Support
25	Power to borrow – Section 6.2	Support
26	Valuation and rates on mining and petroleum interests Section 6.28 & 6.29	Support
27	Differential general rates – Section 6.33	Support
28	Rates or service charges recoverable in court – Section 6.56	Support
29	Minister or Departmental CEO may require information – Section 8.2(1)	Support
30	Infringement notices for parking – Section 9.13 & 9.16	Support
31	Requirements for affixing of the common seal – Part 9	Support
32	Provisions about creating, changing the boundaries of and abolishing districts – Schedule 2.1	Support
33	Provisions about the Local government Advisory Board – Schedule 2.5	Support
34	Powers under notices to owners/occupiers of land – Schedule 3.1	Support
35	Other minor drafting matters	

Officer's Recommendation:

That Council advise the WA Local Government Association its comments regarding the Proposed amendments to the Local Government Act 1995.

29186

Moved Cr Crees

sec Cr Morley

That Council advise the WA Local Government Association its comments regarding the Proposed amendments to the Local Government Act 1995.

CARRIED 10/0

13.5 **EASTERN DISTRICT HEALTH ADVISORY COUNCIL (DHAC)**
MEMBERSHIP

Reporting Department:	Administration
Reporting Councillor:	Frank Ludovico, Chief Executive Officer
Legislation:	Local Government Act 1995
File Number:	GR/17/12

Background:

In November 2005 Cr Townrow and the CEO were appointed to represent Council at the Eastern Districts Health Advisory Council (DHAC).

Cr Townrow subsequently resigned from the DHAC.

At Council's February 2007 Council meeting (CMRef 28807) Cr Townrow and the CEO were nominated to represent Council on the Local Health Advisory Group (LHAG).

At Council's September 2007 meeting (CMRef 29139) Council decided to withdraw the Chief Executive Officer from his position as delegate to the District Health Advisory Committee.

The Eastern DHAC was advised of this decision and has asked Council to reconsider this decision (**Attachment 13.5A**)

Legal Implications:

Budget Implications:

Comment:

The Eastern Wheatbelt Health District comprises of the following Hospitals; Bruce Rock, Corrigin, Kellerberrin, Kununoppin, Merredin, Naremben Quairading and Yilgarn.

The Purpose of the DHAC is to:

1. Provide effective community and consumer participation.
2. Improve service safety, quality and access using consumer and carer input.
3. Provide a voice for the community and consumers to WA Country Health Service (WACHS), the Minister for Health, Director General of Health, Chief Executive Officer of WACHS and other senior WACHS staff about country health needs, priorities and services.

-
4. Establish a two-way information exchange by:
 - a. Consumers and community members informing health service providers of priority health issues and offering solutions;
 - b. Service providers giving consumers and the community evidence of priority health needs and suitable service delivery models to improve access, safety and quality.
 5. Influence consumer, community, WACHS and inter-agency links at the local, district, regional and State levels.

Each of these Hospitals has a Local Health Advisory Group (LHAG) that meets at the local level and brings forward any regional issues to the DHAC. All members of the DHAC are members of the LHAG elected by that group to represent them.

Some of these aims have been achieved but in the Merredin situation the LHAG has only been recently formed and nothing has really progressed at this stage.

The withdrawal of the Shire of Merredin CEO should be seen as an opportunity for the Merredin LHAG to elect one of its members to the DHAC.

It is interesting to note that of all the Local Governments covered by the Merredin Hospital only the CEOs of Bruce Rock, Yilgarn and Merredin local governments had representatives on the DHAC. All the rest are community members.

As reported in the CEO Report elsewhere in this agenda other activities are being initiated to deal with service provision at the Merredin Hospital and it would be productive for efforts to be concentrated in this activity than at DHAC.

Of course Council may wish to nominate a member to attend the DHAC meetings.

Officer's Recommendation:

That Council advise the Eastern District Health Advisory Council that representation on the DHAC should come from the Merredin Local Health Advisory Group as is the case with other members of DHAC.

29187

Moved Cr Jones

sec Cr Townrow

That Council advise the Eastern District Health Advisory Council that representation on the DHAC should come from the Merredin Local Health Advisory Group as is the case with other members of DHAC.

Recommendation Withdrawn – Motion to be held over for November meeting.

13.6 **LOCAL EMERGENCY MANAGEMENT COMMITTEE – 2006/2007 ANNUAL REPORT**

Reporting Department: Administration
Reporting Councillor: Frank Ludovico, Chief Executive Officer
Legislation: Local Government Act 1995
File Number: ES/10/2

Background:

Attached is a copy of the 2006/2007 Annual Report for Merredin the Local Emergency Management Committee (**Attachment 13.6A**)

Legal Implications:

Under Section 38 of the Emergency Management Act 2005 a Local Government is required to establish a Local Emergency Management Committee (LEMC). As a LEMC existed in the Shire this Committee continued with the CEO assuming the role of Chairman (with assistance from the Senior Sergeant at the Merredin Police)

Comment:

I understand that the 2006/2007 Annual Report was adopted by the Merredin LEMC and forwarded to the State Emergency Management Committee.

Officer's Recommendation:

That Council receive the 2006/2007 Merredin Local Emergency Management Committee Annual Report

29188

Moved Cr Astbury sec Cr Crees

That Council receive the 2006/2007 Merredin Local Emergency Management Committee Annual Report

CARRIED 10/0

13.7 2007/2008 RATES OBJECTIONS

Reporting Department:	Administration
Reporting Councillor:	Frank Ludovico, Chief Executive Officer
Legislation:	Local Government Act 1995
File Number:	RV/3/2

Background

Attached is a letter signed by a number of ratepayers raising a series of questions regarding the 2007/2008 rates imposed by Council. (**Attachment 13.7A**)

Comments

It would be appropriate to respond to each question:

1. Is the Shire able to change the rate in the dollar for individual properties?
If not, why is this?

Council could use its powers under Section 6.47 of the Local Government Act 1995 to grant a concession or waiver of a rate either at the time of imposing a rate (i.e. Annual Budget) or at a later time. Council is required to identify these properties in its Annual Budget and why the waiver was granted.

Regulation 69A of the Financial Management Regulations indicates "That A local government is not to exercise a power to grant a concession in relation to a rate or service charge under section 6.47 of the Act in circumstances where the concession is based on whether or not, or the extent to which, the land in respect of which the rate or service charge is imposed is occupied by a person who owns the land."

Council would need to develop a policy to ensure equity, probity and consistency.

Any concession would be reflected in a need for the rates to increase over the whole rate base to fund these concessions or waivers.

2. Why have our rates gone up so much when the brochure sent out with the rates states that rural valuations rose 8.5%? Have any rates gone down, and if so what is the reason for this?

Unimproved valuation changes varied from a decrease of 20% to an increase of 1823% so the figure quote is an average of all the valuation changes.

An analysis of the rates indicated 446 properties received a rate increase of 5% or less (of these 44 received a rate decrease), 22 Properties received a rate increase of between 6% and 100% and 26 properties received increases of over 100% (the greatest being 1961%).

Please note the some rating amalgamations caused by purchases of neighbouring property being amalgamated into an existing assessment can skew these figures. This is the case for the 1961% increase property. The next highest increase is 589%.

The Valuer General determines valuations and supplies them to Council, staff are not aware of his exact methodology.

Rates reflect the valuation of the property if valuations increase greater than the average more rates proportionally will be attached to that property. So if valuation changes are lower than the average rates will decrease.

3. Who was the Shire representative who liaised with Landgate for the revaluation? Did they visit all properties whose values increased dramatically? Did they speak to the ratepayers affected? Would those persons be available to attend a meeting to answer these and other queries?

There was no specific person that liaised with Landgate, the previous Manager for Development Services and the Rates/Payroll Officer responded to any requests for information.

Staff are not aware of the exact methodology the Landgate (Valuer General) uses to asses valuations, however they were in Merredin for a period of 2 weeks and we would have expected that they would have examined properties in Merredin.

Officer from the Valuer General can be invited to any public meeting?

4. Does the rates income affect the salary package of the CEO and other staff?

It is the CEO's recollection that this nexus was removed from the Local Government Officers Award in approximately 1989.

The Salary and Allowance Tribunal now provide state wide advice to Councils on the remuneration of Local Government CEO's. In their assessments they consider size of budgets. However they also consider other factors. Their 2007 report states

“Total Reward Packages for CEOs in local government currently include a diversity of reward strategies. The reward package adopted by individual local governments is specific to its business needs, financial constraints and organisational culture. As well, specific attraction and retention issues are addressed. Local governments also exercise discretion in remunerating individual CEOs based on the level of experience and expertise the incumbent brings to the role; the growth in his/her capability over a period of time and specific characteristics of the local government relative to other comparable local governments. It is not the Tribunal’s mandate or intent to restrict this flexibility of design, but to provide guidance to local governments by way of recommended Total Reward Packages”

5. Please would you provide an explanation of all Existing Zones and Reserves and Recommended Land Use Planning Designations as per the Draft Strategic Plan of Merredin Townsite, eg land marked as Special Rural is rated as General Farming and rating category UV2? Has the Strategic Plan been adopted?

Councils Local Planning Strategy contains the definition of land use, a copy of the document can be made available. The Plan has been adopted.

Rate Category UV2 was a rating category that was used when Council used Differential Rating and was used to designate Urban Farm Land. Council stopped using this system of rating in the 2006/2007 year.

Recommendation

That Council respond to the Ratepayers with the information contained in the above report and a meeting be arranged with them and representatives of Landgate.

29189

Moved Cr N Hooper sec Cr Morley

That Council respond to the Ratepayers with the information contained in the above report and a meeting be arranged between Landgate, ratepayers and the Shire of Merredin staff & Councillors.

CARRIED 10/0

13.8 FIRE BREAK ORDER AND APPOINTMENT OF BRIGADE**OFFICERS**

Reporting Department: Community Services
Reporting Officer: Emma Hooper, Manager of Finance & Administration
Legislation: Local Government Act and Local Laws, Bush Fires Act
File Number:

Background:

The Annual General Meeting of the Merredin Shire Bush Fire Control Officers was held on 28 September 2007. Minutes of the meeting are included in the agenda however specific matters relating to the 2007-2008 Fire Break Order and appointment of authorised officers under the Bush Fires Act 1954 require a specific resolution of Council.

Prohibited Burning Times are currently 1st November to 31st January. Restricted Burning Times are from 19th September to 31st October, and 1st February to 15th March.

Legal Implications:

In addition each year a local government may as a measure for preventing the outbreak of a bush fire give notice in writing to an owner or occupier of land situated within the district of the local government requiring him/her or them to comply with the requirements of the Fire Break Order adopted by Council. This is empowered by Section 33 of the Bush Fires Act 1954.

Budget Implications:

Nil

Comment:

In 2006, Council adopted the Fire Break Order and resolved the Order remain in place in successive years unless modified :

“That the Fire Break Order (Attachment 12.11A) be adopted by the Shire of Merredin for the 2006/2007 fire season and future seasons unless modified otherwise.” CM Ref 28764

No amendments to the Fire Break Order were proposed at the 2007 Bush Fire Control Officers Annual General Meeting.

A motion was passed at the Annual General Meeting to put to Council to permanently change the Prohibited Burning Period of the Merredin Shire to extend until 15th February each year and for the period from 16th February to 31 March to be a Restricted Burning Period.

It is recommended Council adopt the schedule of authorised officers and the Fire Break Order to enable gazettal and advertising of this information.

Officer's Recommendation:

1. *Stephen Crook be appointed as the Chief Bush Fire Control Officer for the Shire of Merredin for the 2007/08 fire season*
2. *Graeme Whitehead be appointed as the Deputy Chief Bush Fire Control Officer for the Shire of Merredin for the 2007/08 fire season*
3. *The following people be appointed as Fire Control Officers of the Shire of Merredin for the 2007/08 fire season: -*

<i>P McCrae</i>	<i>R Morton</i>	<i>J Goodier</i>
<i>C Hooper</i>	<i>K Cahill</i>	
<i>G Crees</i>	<i>F Alvaro</i>	
<i>N Edgecombe</i>	<i>R Last</i>	
<i>J Lambert</i>	<i>S Crook</i>	
<i>C Barnett</i>	<i>R Cockram</i>	
<i>R Gray</i>	<i>G Whitehead</i>	
4. *The following people be appointed as Fire Weather Officers of the Shire of Merredin for the 2007/08 fire season:-*

<i>North East</i>	<i>C Barnett</i>
<i>South East</i>	<i>P McCrae</i>
<i>North West</i>	<i>P Fisher</i>
<i>South West</i>	<i>C Hooper</i>
<i>North Central</i>	<i>R Cockram</i>
<i>South Central</i>	<i>N Edgecombe</i>
<i>Central</i>	<i>S Crook</i>
5. *The Shire of Merredin permanently extend the prohibited burning period to 15th February 2008 and extend the restricted burning period to 31st March 2008.*
6. *That the Fire Break Order (Attachment 13.8A) be adopted by the Shire of Merredin for the 2007/2008 fire season and future seasons unless modified otherwise.*

29190

Moved Cr Townrow sec Cr Simmonds

1. *Stephen Crook be appointed as the Chief Bush Fire Control Officer for the Shire of Merredin for the 2007/08 fire season*
2. *Graeme Whitehead be appointed as the Deputy Chief Bush Fire Control Officer for the Shire of Merredin for the 2007/08 fire season*
3. *The following people be appointed as Fire Control Officers of the Shire of Merredin for the 2007/08 fire season: -*

<i>P McCrae</i>	<i>R Morton</i>	<i>J Goodier</i>
<i>C Hooper</i>	<i>K Cahill</i>	
<i>G Crees</i>	<i>F Alvaro</i>	
<i>N Edgecombe</i>	<i>R Last</i>	
<i>J Lambert</i>	<i>S Crook</i>	
<i>C Barnett</i>	<i>R Cockram</i>	
<i>R Gray</i>	<i>G Whitehead</i>	

4. *The following people be appointed as Fire Weather Officers of the Shire of Merredin for the 2007/08 fire season:-*

<i>North East</i>	<i>C Barnett</i>
<i>South East</i>	<i>P McCrae</i>
<i>North West</i>	<i>P Fisher</i>
<i>South West</i>	<i>C Hooper</i>
<i>North Central</i>	<i>R Cockram</i>
<i>South Central</i>	<i>N Edgecombe</i>
<i>Central</i>	<i>S Crook</i>

5. *The Shire of Merredin permanently extend the prohibited burning period to 15th February 2008 and extend the restricted burning period to 31st March 2008.*
6. *That the Fire Break Order (Attachment 13.8A) be adopted by the Shire of Merredin for the 2007/2008 fire season and future seasons unless modified otherwise.*

CARRIED 10/0

13.9 CHIEF EXECUTIVE OFFICER'S REPORT

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

The CEO report for September 2007 is presented below:

Merredin Abattoir

Goodchild Meats have issued a Press Release advising that it does not intend to proceed with the Merredin Abattoir citing development costs, staffing issues and a major supplier withdrawing their level of support in processing stock as the cause for their decision.

Communication (President & CEO) with Mr Greg Goodchild reaffirmed our support for the project and asked if we were able to assist in this matter. He indicated that Council's support had been very much appreciated but there were factors outside Council's control affecting the project.

Small Business Enterprise Centre

I have made contact with the Small Business Development Corporation enquiring of the status of the Merredin Centre. I also advise of the availability of potential offices for the program.

They indicated that a Consultant on 3 month contract would be appointed shortly to establish the Merredin centre. A Committee (Community & Business based) would then be organised to recruit a permanent officer.

Dr Sola Freeman

The Shire President and the CEO met with Dr Freeman on 3 October 2007 to discuss Council's August 2007 (CMRef 29095) decision regarding his vehicle. As a result of the discussion Dr Freeman indicated he did not want to enter into a Deed of Agreement for a new motor vehicle.

His contract specifies the Council will supply a motor vehicle for his use and Ford sedan (previously used by Dr Adeniyi) has been provided for his use.

He also indicated that his remuneration was unsatisfactory but we were unable to come to a conclusion on that matter.

Governance For Wheatbelt Drainage – Wheatbelt Drainage Council

Following on from Councils Submission regarding the Wheatbelt Drainage Council (June 2007 Council CMRef 28998) and a report of the outcome of that consultation was prepared. The Executive Summary is attached for Council information (**Attachment 13.9A**)

Memorandum of Understanding – Shire Of Merredin and WA Country Health Service – Wheatbelt Region – Provision Of Doctor Services

The Shire President and the CEO met with Allison Cooke in order to progress this matter. Several options were discussed, with the most favoured being to consider a model of service provision recently established in Tasmania.

The Tasmanian State Government has recognised its responsibilities for providing Doctors for the community (through a medical practice) and hospitals and developed tender specifications calling for service providers to supply doctors for medical practices and hospitals. A Western Australian company was successful in this initial tender. This has been operating so successfully that other tenders are currently being advertised for other part of Tasmania.

WA Country Health Services – Wheatbelt (WACHS) have been allowed to investigate this model.

This information was presented to the joint meeting of NEWROC and WE-ROC and the groups supported the investigation.

As Doctors from Merredin and Bruce Rock currently service the Merredin Hospital representatives from these two Local Governments along with Allison Cooke will attempt to develop specification and negotiate its acceptance by the Health Department. In the absence of the CEO the current Shire President will need to be involved.

Meetings

The CEO attended the Great Eastern Country Zone of WALGA, WE-ROC Executive, Joint WE-ROC NEWROC Council meetings and Regional Road Group meetings.

Staffing

On 26 September 2007 Anne Lake visited Merredin to discuss various Human Resources issues with Staff. She has prepared a report for the CEO who will address the issues.

Officer's Recommendation:

Council receive the Chief Executive Officer's report for October 2007.

Cr Jones left the meeting at 6.07pm.

-
- 29191** Moved Cr Crees sec Cr Jones
Council receive the Chief Executive Officer's report for October 2007.

CARRIED 9/0

Cr Jones entered the meeting at 6.09pm.

Emma Hooper left the meeting at 6.09pm.

14.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

15.0 QUESTIONS BY MEMBERS FOR WHICH DUE NOTICE HAS BEEN GIVEN

Nil

16.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

- 29192** Moved Cr Morris sec Cr Wallace
That Council move behind closed doors to discuss confidential matters (S 5.23(2) Local Government Act).

CARRIED 9/0

Council went behind closed doors at 6.10pm.

Anne-Marie Peters left the meeting at 6.35pm

Anne-Marie Peters entered the meeting at 6.40pm

Vanessa Green left the meeting at 6.43pm.

Vanessa Green entered the meeting at 6.45pm.

17.0 MATTERS BEHIND CLOSED DOORS

Cr Astbury and Cr Simmonds declared an Financial Interest in Item 17.1 and left the meeting at 6.10pm

17.1 RESERVE PRICES FOR AUCTION

Reporting Department: Administration
Reporting Councillor: Jessica Irving, Rates Officer
Legislation: Local Government Act 1995
File Number: P/2448, P/2447, P/5025, P/2347, P/609, P/328, P/3383, P/1546

29193 Moved Cr Wallace sec Cr Morris

That the reserve price for Lot 93, 15 Limbourne Street, Merredin to be offered for sale at auction on 3 November, 2007 be set at \$2,500.00

That the reserve price for Lot 92, 17 Limbourne Street, Merredin to be offered for sale at auction on 3 November, 2007 be set at \$2,500.00

That the reserve price for Lot 395, 76 Kitchener Road, Merredin to be offered for sale at auction on 3 November, 2007 be set at \$15,000.00

That the reserve price for Lot 25289, 25289 Goomarin Road, Goomarin to be offered for sale at auction on 3 November, 2007 be set at \$1,500.00

That the reserve price for Lot 258, 54 Bates Street, Merredin to be offered for sale at auction on 3 November, 2007 be set at \$10,000.00

That the reserve price for Lot 533, 533 Cohn Street, Merredin to be offered for sale at auction on 3 November, 2007 be set at \$90,000.00

That the reserve price for Lot 147, 3 Nolan Way, Merredin to be offered for sale at auction on 3 November, 2007 be set at \$7,000.00

That the reserve price for Lot 25 Gabo Avenue, Merredin to be offered for sale at auction on 3 November, 2007 be set at \$25,000.00

That the Acting Chief Executive Officer be delegated with the authority to accept prices at or above those indicated above at the property auction on 3 November, 2007.

ABSOLUTE MAJORITY REQUIRED

CARRIED 8/0

Council came out from behind closed doors at 7.09pm.

29194 Moved Cr N Hooper sec Cr Townrow
That Council come out from behind closed doors.

CARRIED 9/0

Cr Astbury and Cr Simmonds entered the meeting at 7.09pm.

18.0 CLOSURE

There being no further business the Presiding member declared the meeting closed at 7.14pm