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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 18 December 2007 at 1.00pm.

ATTENDANCE: Cr KA Hooper – Shire President
Cr RM Crees – Deputy Shire President
Crs S Elliott; M Hayden; A Hooper; M Morris; J Simmonds; JP Townrow (2.14pm); M Young; W Wallace.

Messrs FB Ludovico, 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.

Mr Gavin Townsend

1.0 OFFICIAL OPENING

The Presiding Member declared the meeting open at 1.00pm. Mr John Mitchell, Manager of Development Services and Mrs Debbie Morris, Manager of Community Services were in attendance.

2.0 PUBLIC QUESTION TIME

Cr Crees declared a Financial Interest in the item being discussed during Public Question Time and was not in attendance.

Mr Gavin Townsend addressed Council in relation to his offer to purchase Lot 15 Booran South Road, Merredin.

He made the following comments:

- The Lot would be rehabilitated over 3 years
- The sand pit would be used for own purposes then rehabilitated
- Trees would be planted
- The Lot would be used to garage vehicles
- His activities to date vouched for his proposal
- Neighbours had been consulted and were supportive of his proposal

He would be making a submission to Council to remove the pending legal action (to rehabilitate the land) in relation to the land and the previous operators.

Mr Townsend & Mr John Mitchell, Manager of Development Services left the meeting at 1.11pm.

Cr Crees entered the meeting at 1.12pm.

3.0 APOLOGIES AND LEAVE OF ABSENCE

Cr Forbes has been granted Leave of Absence for the December 2007 and January 2008 Council Meetings.

29255

Moved Cr Wallace

Sec Cr Elliott

That Cr Simmonds be granted Leave of Absence for 15 January 2008 meeting.

CARRIED 9/0

4.0 DISCLOSURE OF INTEREST

Cr Crees declared a Financial Interest in Item 2 Public Question Time.

Cr Wallace declared an Impartiality Interest in Item 9.1.13.0.

Mr Frank Ludovico, Chief Executive Officer declared an Impartiality Interest in Item 11.5

5.0 PETITIONS & PRESENTATIONS

Senior Sergeant Les Evans has requested that he address Council at the 18 January 2008 meeting.

6.0 CONFIRMATION OF MINUTES

6.1 Previous Council Meeting

Confirmation of minutes of Council meeting held on 20 November 2007 subject to:

- **CMRef29205** Page 9 Item 7.3 be amended to read:
That the following be deleted from the motion “the valuation by Independent Valuers in January 2007” and “a current valuation” be added in its place.
- **CMRef29207** Page 9 Item 7.3 be amended to read:
“That Council go behind closed doors to discuss confidential matters (S5.23 (2) Local Government Act).”

29256

Moved Cr Simmonds

Sec Cr A Hooper

That the minutes of Council Meeting held on 20 November 2007 be confirmed as a true and correct record of proceedings subject to the following alternations:

- **CMRef29205** Page 9 Item 7.3 be amended to read:
That the following be deleted from the motion “the valuation by Independent Valuers in January 2007” and “a current valuation” be added in its place.
- **CMRef29207** Page 9 Item 7.3 be amended to read:
“That Council go behind closed doors to discuss confidential matters (S5.23 (2) Local Government Act).”

CARRIED 9/0

6.2 Council Meeting held on 16 October 2007

Council Resolution (CMRef29156) “*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 Absolute Majority, did not contain a reason for differing from the Officer’s Recommendation as required by Administration Regulation 11(da).

The following reason is suggested for insertion into the 16 October 2007 minutes:

Reason:

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.

29257

Moved Cr Morris

Sec Cr Crees

That the minutes of Council Meeting held on 16 October 2007 be amended to include the Reason for differing from the Officer’s Recommendation on Council Resolution CMRef29156 being:

REASON:

“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”.

CARRIED 9/0

7.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

7.1 PTA Houses on Great Eastern Highway

The Shire President thanked Cr Crees, Cr Morris & John Mitchell, Manager of Development Services, for the amount of time spent preparing for & attending the recent PTA department meeting (Refer Item 11.6 & 11.7).

7.2 Mr Geoff Parslow

Cr Crees indicated that on behalf of Council he had personally thanked Geoff Parslow for his time as Acting Chief Executive Officer stating that he enjoyed his time spent in Merredin.

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

17.1 Report on Merredin Medical Centre

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

9.1 Merredin Regional Community and Leisure Centre Advisory Committee Meeting held on 26 November 2007

9.2 Merredin Business and Community Development Committee held on 5 December 2007

9.3 Wheatbelt East Regional Organisation of Councils Meeting held on 27 November 2007

29258

Moved Cr Elliott

Sec Cr Simmonds

That the Merredin Shire Council receive the minutes of the Merredin Regional Community and Leisure Centre Advisory Committee Meeting held on 26 November 2007, the Merredin Business and Community Development Committee held on 5 December 2007 and the Wheatbelt East Regional Organisation of Councils Meeting held on 27 November 2007.

CARRIED 9/0

9.1 Merredin Regional Community and Leisure Centre Advisory Committee

7.0 MRC&LC Administrative Policies (**Attachment 9.1A**)

Moved Cr Crees

Sec E Carlson

That the MRC&LC Advisory Committee recommend Council endorse the following MRC&LC Administrative Policies subject to amendments;

- *Camping on Recreation Grounds*
- *No Smoking*
- *Council Financial Subsidy for Clubs/Associations*
- *Kitchen Costs for Clubs/Associations with MoU's*
- *Function Room Costs for Clubs/Associations with MoU's*
- *Outdoor Club/Associations utilising Indoor Facilities*
- *Recycling*
- *Indoor Playground Food Policy*
- *Facility Costs for Local Schools*
- *Closure of Grandstand Bar*

CARRIED 6/1

-
- 29259** Moved Cr Morris Sec Cr Elliott
That Council adopt the MRC&LC Administrative Policy of Camping on Recreation Grounds.
CARRIED 9/0
- 29260** Moved Cr Morris Sec Cr Crees
That Council adopt the MRC&LC Administrative Policy of No Smoking.
CARRIED 6/3
- 29261** Moved Cr Crees Sec Cr Wallace
That Council adopt the MRC&LC Administrative Policy of Council Financial Subsidy for Clubs/Associations with MoU's.
CARRIED 8/1
- 29262** Moved Cr Crees Sec Cr Wallace
That Council adopt the MRC&LC Administrative Policy of Kitchen Costs for Clubs/Associations with MoU's.
CARRIED 9/0
- 29263** Moved Cr Crees Sec Cr Wallace
That Council adopt the MRC&LC Administrative Policy of Function Room Costs for Clubs/Associations with MoU's.
CARRIED 6/3
- 29264** Moved Cr Crees Sec Cr Elliott
That Council adopt the MRC&LC Administrative Policy of Outdoor Club/Associations utilising Indoor Facilities.
CARRIED 9/0
- 29265** Moved Cr Crees Sec Cr Morris
That Council adopt the MRC&LC Administrative Policy of Recycling.
CARRIED 9/0
- 29266** Moved Cr Crees Sec Cr A Hooper
That Council adopt the MRC&LC Administrative Policy of Indoor Playground Food Policy.
CARRIED 8/1
- 29267** Moved Cr Morris Sec Cr Crees
That Council adopt the MRC&LC Administrative Policy of Facility Costs for Local Schools.
CARRIED 7/2

Cr Townrow entered the meeting at 2.14pm.

Moved Cr Morris Sec Cr Simmonds
That Council adopt the MRC&LC Administrative Policy of Closure of Grandstand Bar.

29268 Moved Cr Elliott Sec Cr Wallace
That the Closure of Grandstand Bar Policy be amended by removing Dot Point 1 regarding minimal patronage from Point 1 of the Policy.
LOST 2/8

29269 Moved Cr Morris Sec Cr Simmonds
That Council adopt the MRC&LC Administrative Policy of Closure of Grandstand Bar.
CARRIED 8/2
ABOLISUTE MAJORITY

9.2 Friday/Saturday Evening Catering

Moved Cr Morris Sec Cr Wallace
That the MRC&LC Advisory Committee recommend Council advertises the lease of the kitchen at the MRC&LC for the provision of evening meals.
CARRIED 7/0

29270 Moved Cr Wallace Sec Cr Crees
That Council advertise the lease of the kitchen at the MRC&LC for the provision of evening meals.
CARRIED 10/0

12.0 Power Box/Canteen Facility (located next to basketball courts) Erica Carlson

Moved E Carlson Sec Cr Morris
That the MRC&LC Advisory Committee recommends Council's Building Project Officer, John Gearing inspects the structural aspects of the power box and canteen facility and provides possible ideas and costings to upgrade this facility.
CARRIED 7/0

29271 Moved Cr Crees Sec Cr Elliott
That Council's Building Project Officer, Mr John Gearing inspect the structural aspects of the power box, external canteen facility and the trotting club bar facilities alongside and provide possible ideas and costings to upgrade this facility to the MRC&LC Advisory Committee.
CARRIED 10/0

Cr Wallace declared an Impartiality Interest in Item 9.1.13.0 as he is a member of the Civic Bowling Club.

13.0 Request from Civic Bowling Club

Moved Cr Morris

Sec D Sutherland

That the MRC&LC Advisory Committee recommends Council permits the Merredin Civic Bowling Club to install a 3 metre x 3 metre shed as indicated in the sketch provided and at the expense of the Merredin Civic Bowling Club.

CARRIED 7/0

The sketch mentioned above is shown in **Attachment 9.1B**

29272

Moved Cr Simmonds

Sec Cr A Hooper

That Council grants permission to the Merredin Civic Bowling Club to install a 3 metre x 3 metre shed as indicated in the sketch provided and at the expense of the Merredin Civic Bowling Club.

CARRIED 9/1

10.0 COMMUNITY SERVICES

10.1 MANAGER OF COMMUNITY SERVICES REPORT

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

Background

The following report is provided for Council's information.

Tourism Services

The second Milestone report has been completed and submitted to the Wheatbelt Development Commission for the Central Wheatbelt Visitor Centre – Building Expansion Grant.

The Tourism Advisory Group (TAG) meeting was held on 6 December 2007 and members of the group were given an overview of the Visitor Servicing budget for 2007/2008 and the budget process. The TAG is keen to assist the Visitor Centre Manager with the 2008/2009 budget.

Library Services

Since the probation review on the 26 November 2007 with Madeleine Carter, interim meetings and written and verbal coaching has been provided by the Manager of Community Services, however Madeleine's performance has not met the requirements of the position. Madeleine's employment has been terminated as of 10 December 2007.

Part time Library Officer's, Pam Last and Sonya Smith have altered their hours of employment to ensure the library remains open to the public the same hours as normal.

A survey on how to improve the patronage to the library was sent out in the Shire newsletters in December 2007.

Recreation Services

Manager of Community Services attended the MRC&LC staff meeting on 22 November 2007. Staff discussed occupational health and safety issues, confidentiality, lock up procedures, booking procedures, staff rosters, time in lieu and leave.

The Recreation Centre Manager and Manager of Community Services conducted Jessica Irving's three month probationary review for Bar Manager/Function Co-ordinator on 29 November 2007.

Regular meetings and communication have occurred between the Recreation Centre Manager and Manager of Community Services regarding staff and centre management, budgets and employment conditions.

The MRC&LC has been well patronised over the past month. The support from volunteers to assist in the Grandstand Bar is extremely pleasing.

The introduction of volunteers in other areas of the Centre will ensure the Centre is used to its full potential and managed successfully.

Natural Resource Management

The Natural Resource Management Officer (NRMO) and Manager of Community Services met on 9 November 2007 and discussed the focus of the position. Background information on a number of projects was provided to the NRMO. This information and the networks that the NRMO has developed will assist in the projects and outcomes the position has been assigned.

Community and Economic Development

An interview was conducted on 19 November 2007 with one applicant for the position of Community and Economic Development Project Officer. Unfortunately the applicant was not successful.

Jeff Walker is working on a casual basis two days a week from 19 November 2007 to mid December 2007.

Jeff has organised the Community Christmas Tree, which is being conducted in conjunction with the Gala Night on 13 December 2007.

Other projects undertaken are the Shire Newsletter, training staff in management of the Shire website, archiving CEDPO records and organisation of the CDO Network meeting proposed for Merredin in December 2007.

Other Community and Economic Development Project Officer's administrative duties and projects are being undertaken by the Manager of Community Services.

Cummins Theatre

The Theatre Manager and Manager of Community Services are looking into a casual technical position for the Theatre as well as volunteer involvement.

The development of a Cultural Plan commenced a number of years ago, with the assistance of Community Arts Network WA (CANWA). The Theatre Manager is currently reviewing the information with the intention of completing the Plan, which will be aligned to the Shire's Strategic Plan.

Manager of Community Services**Staff**

This month a significant amount of time has been spent on providing support and direction to the Community Services Team. This has involved a number of meetings with staff members to discuss budgets and the alignment of activities to the 2007-2012 Shire Strategic Plan.

Carrington Way Subdivision

The Business Plan has been advertised, closing on 14 December 2007. No submissions have been received to date.

Revised Western Power quotation received, with the extension date to 22 February 2008.

A brief for the employment of an Engineer is currently being developed.

Strategic Plan – Action Plan

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

CBD Concept Plans

A proposal has been submitted to Curtin University seeking student involvement with this project.

Community Water Grant

An acquittal for the \$50,000.00 Community Water Grant was completed and is currently being audited.

Community Facilities Grant

An extension has been sought for the \$25,000.00 Community Facilities Grant for the construction of the public toilets.

Meetings/Seminars Attended:

- Merredin Regional Community & Leisure Centre Advisory Committee held on 26 November 2007
- Community Services Team held on 27 November 2007
- Eastern Wheatbelt Early Years Network held on 3 December 2007
- Be Active Management Committee held on 5 December 2007
- Business and Community Development Committee held on 5 December 2007

Reports from individual Community Services areas:

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

Library Services
Report is **Attachment 10.1A**

Cummins Theatre
Report is **Attachment 10.1B**

Merredin Regional Community & Leisure Centre
Report is **Attachment 10.1C**

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

Community and Economic Development
Position Vacant

Legal Implications

Compliance with relevant Acts and Local Laws.

Officer's Recommendation

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

29273

Moved Cr Townrow

Sec Cr A Hooper

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

CARRIED 10/0

10.2 MERREDIN SENIOR CENTRE – COUNCILLOR REPRESENTATION

Reporting Department: Community Services
Reporting Officer: Debbie Morris – Manager, Community Services
Legislation: Local Government Act 1995
File Number: RCS/4/Merredin Senior Centre

Background

There are a number of community groups, representative organisations and working groups that the Merredin Shire Council has Council representation on. The Merredin Senior Centre is one of these community groups.

From 5 May 2003 to 23 October 2007 Cr Townrow has been the Committee representative for the Merredin Shire Council.

At the 23 October 2007 Special Council meeting on Agenda Item 10.3 General Community, the Merredin Senior Centre was included in the Officer's Recommendation, however on **CMRef29200** "That Council appoint the following General Community Committee member and delegates" the Senior Centre was omitted.

A request has been received from the Merredin Senior Centre **Attachment 10.2** requesting a Councillor be delegated to their committee.

Legal Implications

Local Government Act 1995 Section 5.9 & 5.10 (1)

Budget Implications

Nil

Comment

Council is not required in all instances to have a nominated representative on every community group, however the Merredin Senior Centre has had a Councillor delegated to their committee in the past and has also formally requested a Councillor be delegated to their committee.

Officer's Recommendation

*That the Merredin Shire Council appoint Cr _____
as the delegate on the Merredin Senior Centre Committee.*

ABSOLUTE MAJORITY REQUIRED

29274

Moved Cr Elliott

Sec Cr Townrow

*That the Merredin Shire Council appoint Cr Young as the delegate
on the Merredin Senior Centre Committee.*

**CARRIED 10/0
ABSOLUTE MAJORITY**

10.3 CENTRAL AND EASTERN WHEATBELT BE-ACTIVE COORDINATOR'S SCHEME

Reporting Department:	Community Services
Reporting Officer:	Debbie Morris – Manager, Community Services
Legislation:	Local Government Act 1995
File Number:	CM/9/1

Background

The Be-Active Scheme has been operating in the Central and Eastern Wheatbelt for some ten years. The Scheme has been funded through Healthway sponsorship and contributions from the Shires of Bruce Rock, Kellerberrin, Merredin, Tammin and Westonia.

The Shire of Bruce Rock are responsible for all administrative related responsibilities for the scheme; provide office space and a fully maintained vehicle for the Coordinator, administer the scheme and facilitate quarterly meetings with the member Shires at no cost to the participating Councils.

In April 2006 the Shire of Bruce Rock applied for Healthway funding for the Be-Active Coordinator 2006-2009 on behalf of the Central and Eastern Wheatbelt District, including the Shires of Bruce Rock, Kellerberrin, Merredin, Tammin and Westonia.

The application was successful and the sponsorship agreement was signed on 12 December 2006 expiring December 2009.

At the August 2007 Council Budget Meeting, Council resolved that no budget be allocated to the Be-Active Scheme in the 2007/2008 and the Be-Active Sport and Recreation Management Committee were to be advised of this decision due to the employment of a Physical Activity Coordinator at the Merredin Regional Community and Leisure Centre.

In September 2007, letters and emails were received from Shires of Westonia, Tammin, Yilgarn, Kellerberrin, Wheatbelt Sports Council, Be-Active Sport and Recreation Management Committee and Merredin Senior High School expressing their disappointment with the Shire of Merredin's decision to withdraw from the scheme.

The Management Committee outlined a number of relevant points regarding Merredin's withdrawal:

- Be-Active Scheme has assisted clubs gain over \$46,000.00 in the Merredin Shire since 2000.
- The decision conflicts with the Shire of Merredin's commitment to WE-ROC whereby each member Shire committed to furthering regional purposes including as listed under Schedule 2.7 Recreation; improving participation in and awareness of various sporting and recreational activities (i.e. supporting Be-Active Coordinators)

- The effect on the Wheatbelt Sports Council (WSC). The WSC was set up to complement the Be-Active Scheme and act as a body which funding could be applied through. (To date in excess of \$80,000.00 has been received)
- Funding from Healthway which has been secured to November 2009 would be put in jeopardy – the agreement conditions Section 8 – Default states:
An Event of Default occurs if: (e) a change occurs in relation to the financial condition of the Organisation which in the reasonable opinion of Healthway may have a materially adverse effect on the ability of the Organisation to observe it's obligations under this agreement.
If an Event of Default occurs:
(a) Healthway may by notice to the Organisation immediately terminate this agreement.
- Shire budgets are usually adopted by August, which does not allow any time to approach another Shire to join the scheme.
- The budget for the Be-Active Scheme was set from December 2006 – November 2007 with all member contributions allocated. Including \$9000.00 from Shire of Merredin. **Attachment 10.3**

At the 16 October 2007 Council meeting, Council reconsidered the decision to participate in the Be-Active Sport and Recreation Scheme and agreed to continue as a member of the Scheme to the amount of \$7,500.00. **(CMRef29156)**

Council also recommended that the Be-Active Coordinator's position description be reviewed and that the management of the position be transferred to the Wheatbelt Sports Council. **(CMRef29157)**

These items were conveyed to the Be-Active Sport and Recreation Management Committee and discussed at the 5 December 2007 meeting. **Attachment 10.3A**

The Management Committee discussed commitment by Shires to ensure the ongoing viability of the Be-Active Scheme and the obligations to the funding body Healthway. In order to formalise these commitments and obligations a number of documents require Member Shire's endorsement:

- Memorandum of Understanding **Attachment 10.3B**
- December 2007 – November 2008 Budget **Attachment 10.3C**
- Central & Eastern Wheatbelt 'Be-Active' Community Sport and Recreation Scheme – Health Policy **Attachment 10.3D**

Comprehensive reports from the Be-Active Coordinator outlining the current projects and Healthway 'Healthy Club' funding 2001-2008 have been provided. **Attachment 10.3E**

The Be-Active Coordinator role compliments the role of Merredin's Physical Activity Coordinator. The Be-Active Coordinator accesses Department of Sport and Recreation and Healthway funding and interacts with schools, sporting clubs/associations, Shire recreation centres/swimming pool and the general community. The Physical Activity Coordinator's focus is the Physical Activity Plan, which incorporates initiating new programs mainly associated with the Merredin Regional Community and Leisure Centre. Minimal contact is had with schools or the swimming pool and it does not focus on funding or the training and development of clubs/associations/umpires or elite sports people.

Legal Implications

Local Government Act 1995 Section 6.8 (b)

Budget Implications

No budget allocation was made to the Be-Active Scheme in the 2007/2008 budget (*E113230*) however Council approved \$7,500.00 contribution to the Be-Active Scheme for 2007/2008 with funds being reallocated from Business Enterprise Scheme (*E106290*). (**CMRef 29156**)

A further \$1,500.00 is outstanding to fulfil our 2007/2008 Member Shire commitment. Endorsement of additional purpose expenditure of \$1,500.00 is required to be authorised by Absolute Majority.

Comment

The Shire of Merredin is currently a Member Shire in the Central & Eastern Wheatbelt 'Be-Active' Community Sport and Recreation Scheme however has not fulfilled the funding obligation committed to in December 2006.

To ensure the future viability of the Scheme, formalising the commitment of the Member Shires is essential.

Officer's Recommendation

That the Merredin Shire Council:

1. *Endorse the Memorandum of Understanding (Attachment 10.3B) between the Shires of Bruce Rock ("the Administrator") and Kellerberrin, Merredin, Tammin, Westonia, Yilgarn ("the Member Shires") for the Be-Active Coordinator's Scheme for the Central and Eastern Wheatbelt ("the BACS") expiring December 2009.*
2. *Note the Be-Active Community Sport & Recreation Coordinator Budget Overview December 2007 – November 2008 and include budget allocation in 2008/2009 Draft Budget for Council consideration. (Attachment 10.3C)*
3. *Adopt the Central & Eastern Wheatbelt 'Be-Active' Community Sport and Recreation Scheme – Health Policy. (Attachment 10.3D)*
4. *Approve additional expenditure from the 2007/2008 Shire of Merredin budget of \$1,500.00 to the Be-Active Community Sport and Recreation Scheme.*

ABSOLUTE MAJORITY REQUIRED - ITEM 4 ONLY

29275

Moved Cr Morris

Sec Cr Wallace

That the Merredin Shire Council:

1. *Endorse the Memorandum of Understanding (Attachment 10.3B) between the Shires of Bruce Rock ("the Administrator") and Kellerberrin, Merredin, Tammin, Westonia, Yilgarn ("the Member Shires") for the Be-Active Coordinator's Scheme for the Central and Eastern Wheatbelt ("the BACS") expiring December 2009.*
2. *Note the Be-Active Community Sport & Recreation Coordinator Budget Overview December 2007 – November 2008 and include budget allocation in 2008/2009 Draft Budget for Council consideration. (Attachment 10.3C)*
3. *Adopt the Central & Eastern Wheatbelt 'Be-Active' Community Sport and Recreation Scheme – Health Policy. (Attachment 10.3D)*
4. *Approve additional expenditure from the 2007/2008 Shire of Merredin budget of \$1,500.00 to the Be-Active Community Sport and Recreation Scheme.*

CARRIED 8/2

ABSOLUTE MAJORITY - ITEM 4 ONLY

Mr John Mitchell, Manager of Development Services entered the meeting at 2.54pm.

Mrs Debbie Morris, Manager of Community Services left the meeting at 2.57pm.

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

11.1 TOWN PLANNING APPLICATION – COMMENTS – SUBDIVISION LOT 1 & 2 RAILWAY AVENUE, MERREDIN, MR STEPHEN HALE, PO BOX 1095, NORTHAM WA 6401

Reporting Department: Development Services
Reporting Officer: John Mitchell – Manager, Development Services
Legislation: Planning & Development Act 2005, Shire of Merredin Town Planning Scheme No. 1
File Number: P2902

Background

A request to comment on an application (**Attachment 11.1**) to subdivide Lots 1 & 2 Railway Avenue has been provided to the Shire of Merredin Administration from the owner Mr Stephen Hale. The Western Australian Planning Commission has also corresponded seeking Council advice on the proposal.

The application seeks to subdivide the land to provide street frontage to Gamenya Avenue, whereas the current frontage is to Railway Avenue.

Mr Hale seeks to subdivide the land to make better use of the existing dwelling located on lot 1 and extend to the rear of the dwelling which fronts Gamenya Avenue.

Legal Implications

The application is subject to the approval of the Western Australian Planning Commission.

Budget Implications

There are no budget implications.

Comment

Mr Hale seeks to establish a patio and ancillary accommodation unit to the existing dwelling. Insufficient plans have been received to process the building application. In addition the application seeks to cross a boundary which is contrary to the requirements of legislation relating to building and electricity connections.

The application to subdivide is a boundary realignment to permit further improvements and development of the lot.

The Manager has corresponded with Mr Hale to advise that approval in principle for the ancillary accommodation and patio is granted, however the boundary realignment must occur first.

It is recommended that the application for subdivision be agreed to with the condition that properties are to be connected to sewer. All services are available to the proposed lots.

Officer's Recommendation

That the application received from Mr Stephen Hale to realign boundaries to Lots 1 & 2 Railway Avenue, Merredin to create two lots with frontage to Gamenya Avenue, Merredin be supported.

29276

Moved Cr Crees

Sec Cr Townrow

That the application received from Mr Stephen Hale to realign boundaries to Lots 1 & 2 Railway Avenue, Merredin to create two lots with frontage to Gamenya Avenue, Merredin be supported.

CARRIED 10/0

11.2 **APPLICATION FOR PLANNING CONSENT – ADDITIONAL
ACCOMMODATION – TRANSPORTABLE CONSTRUCTION – LOT
1 RAILWAY AVENUE, MERREDIN**

Reporting Department: Development Services
Reporting Officer: John Mitchell – Manager, Development Services
Legislation: Building Regulations 1989, Shire of Merredin
File Number: P2902

Background

An application (**Attachment 11.2**) to establish a prefabricated steel building adjacent to the existing residence and patio under construction has been received from Mr Stephen Hale of Lot 1 Railway Avenue, Merredin.

The unit is second-hand and allegedly in good condition. I have requested photographs of the building for Council consideration. The unit is for the use by family members only. The existing dwelling comprises two bedrooms and the unit is for the older children.

Legal Implications

The Shire of Merredin does not have a second-hand house policy. The placement of the unit on to the back of the existing dwelling connected via a veranda, is acceptable construction pursuant to the Building Regulations 1989.

Budget Implications

Mr Hale has paid application fees of \$123.00 for Council consideration.

Comment

Council can, when the unit is placed on site, require pursuant to Section 408 of the Local Government (Miscellaneous Provisions) Act 1960 require that the building be upgraded.

Mr Hale has advised that the unit will be painted and the land landscaped.

For information, the dwelling on Lot 1 Railway Avenue, Merredin was previously declared unfit for human habitation and was the subject of a decision to commence legal action.

Mr Hale purchased the building and sought permission from Council to renovate and improve the dwelling. This has been achieved and the Manager of Development Services has lifted the Section 135 and 139 Health Act 1911 notice.

The Administration (MDS) is currently preparing a housing policy for Council consideration. Council resolved in September 2007 to consider a policy as presented at that time. I apologise to Council, however time has not permitted the completion of the policy.

The land is subject to an application for subdivision (boundary realignment to Gamenya Avenue). Policy 9.2 requires that the Building Surveyor NOT issue a building licence until proof that the subdivision application will be approved has been received from the Western Australian Planning Commission.

The Manager has provided permission for the storage of the unit pending the outcome of the subdivision application and the application to erect a second hand dwelling component.

Officer's Recommendation

That the application from Mr S. Hale of 1 Railway Avenue, Merredin to construct additional prefabricated accommodation for family members be approved with the following conditions:

- *The land is to be subdivided before development can occur*
- *The dwelling extensions are to be repainted within 3 months of arrival on site and in any case by no later than 30 June 2008*

29277

Moved Cr Morris

Sec Cr Wallace

That the application from Mr S. Hale of 1 Railway Avenue, Merredin to construct additional prefabricated accommodation for family members be approved with the following conditions:

- *The land is to be subdivided before development can occur*
- *The dwelling extensions are to be repainted within 3 months of arrival on site and in any case by no later than 30 June 2008*

CARRIED 10/0

11.3 **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, Development Services
Legislation: Shire of Merredin Town Planning Scheme No. 1
File Number: P5271

Background

At the 16 October 2007 Council meeting the following recommendation was adopted (**CMRef29173**):

That the application to establish a skip bin hire business from Lot 123 Parkes Street, Burracoppin be advertised for public comment.

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:

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

Carried Absolute Majority

Correspondence (**Attachment 11.3**) has been received from Mr K Waters of 121 Parkes Street, Burracoppin objecting to the application.

Legal Implications

In accordance with the provisions of the Shire of Merredin Town Planning Scheme No.1 the application was advertised within the public notices section of the Wheatbelt Mercury on 31 October 2007 with a closing date of 23 November 2007. Correspondence was sent to neighbours adjoining the proposed development.

Budget Implications

There are no budget implications.

Comment

Mr Waters concerns are:

- the belief that Mr Goedhart will not comply with Council conditions of operation
- Apparent neighbour issues: - regarding motor bikes, undone fences, sticks broken up on his driveway
- Land is flood plain and will get worse if approved
- Increased mosquitoes from a dam installed by Mr Goedhart and a neighbour
- Smell and obnoxious odour concerns during summer months

Where Mr Goedhart does not comply with any conditions imposed the provisions of the Planning & Development Act 2005 apply and Council can commence legal action to address any failure.

Issues such as neighbourly disputes involving non related planning matters cannot be considered a justified reason for town planning refusal. Storage of smelly bins should not be an issue as the approval does not permit the applicant to collect any refuse other than building site waste and greenwaste.

As the Administration received submissions opposing the development, the matter is brought back to Council for determination.

Officer's Recommendation

1) That the submission from Mr Waters of 121 Parkes Street, Burracoppin regarding the establishment of the skip bin hire business be acknowledged.

2) That the application to establish a skip bin hire business from Lot 123 Parkes Street, Burracoppin be approved with the following conditions:

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

3) That Mr Waters be advised of Councils decision and his rights regarding the operation of the business.

29278

Moved Cr Townrow Sec Cr Young

1. *That the submission from Mr Waters of 121 Parkes Street, Burracoppin regarding the establishment of the skip bin hire business be acknowledged.*
2. *That the application to establish a skip bin hire business from Lot 123 Parkes Street, Burracoppin be approved with the following conditions:*
 - *Onsite parking and storage is limited to one 6 wheeler, 10 tonne capacity truck and 50 skip bins of maximum capacity 6m³ each*
 - *Storage of the skip bins is to be behind screens such that neighbours and road users cannot see the stored bins*
 - *No storage of disused materials or bins containing waste within Lot 123 Parkes Street, Burracoppin is to occur*
 - *Advertising of the business is limited to the signage requirements (0.2m²) permitted by the “Home Occupation Policy” of the Shire of Merredin.*
3. *That Mr Waters be advised of Councils decision and his rights regarding the operation of the business.*

CARRIED 10/0

**11.4 RELINQUISHMENT OF LEASE – CIVIC BOWLING CLUB –
RESERVE 29098, LOT 1181 THROSSELL ROAD, MERREDIN**

Reporting Department: Development Services
Reporting Officer: John Mitchell - Manager, Development Services
Legislation: Not Applicable
File Number: Lease 6

Background

The Civic Bowling Club has corresponded (**Attachment 11.4**) seeking to relinquish the lease on Reserve 29098, Lot 1181 Throssell Road, Merredin.

Legal Implications

The lease requires the Club to relinquish the building with all fixtures and fittings left in good repair. The club has removed most fittings and the stove/oven and fridge are being privately sold.

There are no relinquishment clauses within the lease.

The lease is due to expire on 3 May 2010.

Budget Implications

Lease fees of \$2.00 per annum.

Comment

The building was inspected by the Manager of Development Services and the Manager of Community Services. The building is in reasonable to good condition and requires little improvement to ensure the building can continue to be used as a public building. The items required are:

- Two exit signs
- Two 9kg fire extinguishers
- One 2.3kg fire extinguisher
- One Fire blanket

Total cost of the above should not exceed \$1,500.00

Officer's Recommendation

That Council agree to the relinquishment of the lease on Reserve 29098, Lot 1181 Throssell Road, Merredin by the Civic Bowling Club from 21 December 2007.

29279

Moved Cr Elliott

Sec Cr Young

That Council agree to the relinquishment of the lease on Reserve 29098, Lot 1181 Throssell Road, Merredin by the Civic Bowling Club from 21 December 2007.

CARRIED 10/0

MINUTES

Mr Frank Ludovico, Chief Executive Officer declared an Impartiality Interest in Item 11.5 as he is a member of the Merredin Church of Christ.

11.5 CIVIC BOWLING CLUB – LEASE

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

Background

At the Ordinary Meeting held on 20 November 2007 Council resolved to advertise the lease of the building to ensure that all community groups were aware of the ability to lease the building.

Advertisements were placed in the Council newsletter recently sent to all households. In addition the advertisement was placed in the Wheatbelt Mercury

Legal Implications

The requirements of the Local Government Act 1995 Section 3.58 – Disposal of Property are applicable. The Management Order provides Council the authority to sub lease the buildings and grounds.

Budget Implications

No budget allocation for an income or expenditure has been budgeted for the 2007/2008 year.

Two fire extinguishers will cost \$500.00. A 2.3kg fire extinguisher and fire blanket are in stock. The Residual Circuit device will cost \$750.00.

Comment

On Monday 10 December 2007 the Manager of Development Services met with Mrs Ann Lambert (Merredin Church of Christ Youth Group) and Vicki Hienj (Home education) and several other Church youth group representatives (Combined Churches) to discuss the sharing of the building to maximise use.

Their proposal (**Attachment 11.5**) is: -

Merredin Church of Christ – Youth Group – Friday nights;

Combined Churches – daily after School – drop in centre;

Home Schooling – several days per week – social interaction of home schooled children.

This proposal will ensure far greater use of the building than a use by one group. All parties have been requested to seek public liability insurance.

The Merredin Church of Christ seeks:

- To lease the building for two years at \$520.00 per annum;
- The Shire to place fire extinguishers and a Residual Circuit Device to all power points.

There appears to be one issue of resource allocation and storage. As is usual with community groups there is dispute regarding the storage of materials used? The Manager of Development Services will attempt to resolve these issues prior to the Council meeting.

Officer's Recommendation

That the Civic Bowling Club building, Reserve 29098, Throssell Road, Merredin be leased to the Merredin Church of Christ, with the condition that the Home Education proposal be included within the lease and be provided adequate storage space, at a lease of \$520.00 per annum.

That the Manager of Development Services arrange for the installation of a Residual Circuit Device into the Civic Bowling Club Reserve 29098, Throssell Road, Merredin.

Mr Frank Ludovico, Chief Executive Officer left the meeting at 3.14pm.

Mr Frank Ludovico, Chief Executive Officer entered the meeting at 3.15pm.

29280

Moved Cr Townrow Sec Cr Young

That the Civic Bowling Club building, Reserve 29098, Throssell Road, Merredin be leased to the Merredin Church of Christ, with the condition that the Home Education proposal be included within the lease and be provided adequate storage space, at a lease of \$520.00 per annum.

That the Manager of Development Services arrange for the installation of a Residual Circuit Device into the Civic Bowling Club Reserve 29098, Throssell Road, Merredin

CARRIED 7/3

11.6 **PUBLIC TRANSPORT AUTHORITY – RESERVE 10359 – MINISTER FOR PLANNING & INFRASTRUCTURE OFFICER BRIEFING – 3 DECEMBER 2007**

Reporting Department: Development Services
Reporting Officer: John Mitchell - Manager, Development Services
Legislation: Not Applicable
File Number:

Background

Councillors will be aware that the Minister for Planning & Infrastructure sought a meeting with Mr Brendon Grylls MLA, and representatives of the Shire of Merredin on Monday 3 December 2007 to discuss the purchase of Reserve 13267 from the Public Transport Authority and the deteriorating condition of the dwellings.

The opportunity to brief the Minister on the progress of Reserve 10359, Lot 1503 and 1504 Barrack Street was provided and a “State of Play” document - Shire of Merredin Purchase – East Barrack Street Subdivision, Reserve 10359, Lot 1504, was produced and submitted.

Councillors Mark Crees and Martin Morris represented Council and the Manager of Development Services attended for Administration support.

Prior to attending the meeting copies of the “State of Play” document (**Attachment 11.6**) were emailed to the President and Acting Chief Executive Officer for comment.

Legal Implications

The document provided to the Minister had not been endorsed by Council as time did not permit the document to be presented to a Council meeting.

The document is a summary of correspondence and actions contained within the Shire of Merredin files. Council endorsement of that action is sought.

Budget Implications

There are no budget implications from this report.

For information the costs of development proposal to date are IT Environmental – Site Assessment for UCL 682 Mitchell Street, Merredin - \$10,288.30 & Whelans Planning Consultants - \$6,837.61.

Comment

Whilst the issue of the purchase of the Reserve 10359 was not the main reason for attending the Minister's office, it was appropriate to discuss the matter at this meeting.

No comment was received from the Minister's representatives other than to review the file and provide a briefing to the Hon. Minister.

Correspondence has been sent to the Minister thanking her for the meeting and providing costings of expenditure to date, asking her to expedite the issue.

It should be noted that the Administration has not been inactive in attempting to convey Council's views to release the land for development.

Officer's Recommendation

That Council receive the Manager of Development Services Report – Shire of Merredin Purchase – East Barrack Street Subdivision, Reserve 10359, Lot 1504, to the Hon. Minister for Planning and Infrastructure.

29281

Moved Cr Townrow

Sec Cr Morris

That Council receive the Manager of Development Services Report – Shire of Merredin Purchase – East Barrack Street Subdivision, Reserve 10359, Lot 1504, to the Hon. Minister for Planning and Infrastructure.

CARRIED 10/0

11.7 MINISTER FOR PLANNING & INFRASTRUCTURE BRIEFING – 3 DECEMBER 2007 – RESERVE 13267 TODD STREET, MERREDIN

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

Background

Councillors will be aware that the Minister for Planning & Infrastructure sought a meeting with Mr Brendon Grylls MLA, and representatives of the Shire of Merredin on Monday 3 December 2007 to discuss the purchase of Reserve 13267 from the Public Transport Authority and the deteriorating condition of the dwellings.

Councillors Mark Crees and Martin Morris represented Council and the Manager of Development Services attended for Administration support. The Minister's representatives were Catherine Bentley & Mark Szabo.

Prior to attending the meeting copies of the "State of Play" document (**Attachment 11.7**) were emailed to the President and Acting CEO for comment.

Legal Implications

The document provided to the Minister had not been endorsed by Council as time did not permit the document to be presented to a Council meeting.

The document is a summary of correspondence and actions contained within the Shire of Merredin files. Council endorsement of that action is sought.

Budget Implications

There are no budget implications within this report.

Comment

The attached summary and discussion pages were prepared by the Manager of Development Services from file records of the Shire of Merredin.

No comment was received from the Minister's representatives other than to review the file and provide a briefing to the Hon Minister. There were obviously raised eyebrows whilst the Shire representatives detailed the history of development.

Correspondence has been sent to the Minister thanking her for the meeting and providing costings of expenditure to date, asking her to expedite the issue.

Several options were provided for the Minister's representatives' consideration as listed below:

- Subdivision Development by PTA: - Development of the ten lots can be estimated using existing development proposals of the Shire of Merredin. Council is currently developing the Carrington Way subdivision which is a 29 lot subdivision. Those indicative costs and quotations received are contained in the briefing notes appending. Based on those costings it is likely that development for subdivision will cost between \$32,000.00 and \$40,000.00 per lot to comply with the WAPC conditions of approval. A total budget of \$400,000.00 to clear the WAPC requirements is estimated. PTA will not recoup expenditure due to land values and repair costs.
- Demolition of 10 Houses by PTA.

The Shire of Merredin also sought for the following to be considered:

- Gifting the land to the Shire of Merredin for development.
- The Shire of Merredin seeks to acquire the reserve to retain the tennis courts in-situ and to potentially use the remaining reserve for residential development.
- PTA demolish the dwellings on Great Eastern Highway which are beyond economical repairs – (weather board framed and clad) and gift the balance of the land, including the houses on Kitchener Road, for redevelopment to the Shire of Merredin free of encumbrances
- PTA undertake environmental clearance obligations for the alleged contamination on the site comprising cinders used to form the oval base and clear any other environmental obligations

The meeting was considered fruitful with Councils' longstanding views being conveyed to the Minister's representatives'.

Brendon Grylls provided a final consideration point after leaving the meeting that a discussion point should be the demolition of the houses at Council expense if we expect to obtain the land and development proposals for no cost.

Officer's Recommendation

That Council endorse the actions of the Shire President and the Manager of Development Services in preparing and submitting the document – Shire of Merredin Purchase – Reserve 13267, Lot 1420 Allbeury Street, Merredin, to the Hon. Minister for Planning and Infrastructure.

29282

Moved Cr Morris

Sec Cr Townrow

That Council endorse the actions of the Shire President and the Manager of Development Services in preparing and submitting the document – Shire of Merredin Purchase – Reserve 13267, Lot 1420 Allbeury Street, Merredin, to the Hon. Minister for Planning and Infrastructure.

CARRIED 10/0

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- 29283** Moved Cr Townrow Sec Cr Simmonds
That Council adjourn for afternoon tea at 3.40pm **CARRIED 10/0**
- 29284** Moved Cr Crees Sec Cr Simmonds
That Council reconvene after afternoon tea at 3.55pm **CARRIED 10/0**
-

11.8 **LIONS CLUB – RECYCLING ACTIVITIES REDUCTION**

Reporting Department:	Development Services
Reporting Officer:	John Mitchell - Manager, Development Services
Legislation:	Nil
File Number:	WM/11/1

Background

The Manager of Development Services met with representatives of the Merredin Lions Club on 10 December 2007 to discuss the state of play with respect to Council's recycling ventures in the future and the need for the Lions Club to focus on other community activities.

The Manager met with Mrs Vicki Moore – Past President; Mr Geoff Brown – President and Mr Mal Harper – Committee Member.

Legal Implications

There are no legal implications from this report.

Budget Implications

There are no known budget implications from this report.

Comment

The Manager of Development Services provided the report that was submitted to Council at the October 2007 meeting regarding recycling options and provided a minute copy of the resolutions of Council.

Of concern to the Club is:

- The inability to program regular transportation of cardboard and glass to metropolitan markets. Whilst the Council heavy plant can assist when going to Perth – this is currently infrequent
- The recycling activities place a substantial drain on a small club and the need for paid staff is becoming evident with extensive collections
- The need to address the community's requirements for service clubs
- The recent commencement of Dalton's Recycling and the Lions Club charter to not compromise a business opportunity

It was explained to the members that Council had considered these very points when formulating a forward direction at the October 2007 meeting. The Members felt heartened that the Council had considered these points and were actively pursuing recycling avenues including kerbside collection.

Those present at the meeting also felt it important that the main players/stakeholders should meet regularly to convey ideas, issues and discuss future directions of the recycling activities.

Officer's Recommendation

That the Manager of Development Services communicate with the main recycling stakeholders within Merredin (Lions Club and Dalton's Recycling) regularly to convey ideas and advise of the future directions and legislation requirements for recycling activities.

29285

Moved Cr Townrow

Sec Cr Crees

That the Manager of Development Services communicate with the main recycling stakeholders within Merredin (Lions Club and Dalton's Recycling) regularly to convey ideas and advise of the future directions and legislation requirements for recycling activities.

CARRIED 10/0

11.9 **APPLICATION FOR HOME OCCUPATION – HOME BASED
PICTURE FRAMING – LYNETTE BLECHYNDEN – 7 CUMMINGS
CRESCENT, MERREDIN**

Reporting Department: Development Services
Reporting Officer: John Mitchell - Manager, Development Services
Legislation: Shire of Merredin Policy 9.12 – Home
Occupation Policy
File Number: P870

Background

An application (**Attachment 11.9**) has been received from Mrs Lynette Blechynden of 7 Cummings Crescent, Merredin to establish a Home Occupation Business – Picture Framing at that address.

Legal Implications

The application is considered compliant with the Home Occupation Policy of the Shire of Merredin.

Budget Implications

Application fees of \$125.00 have been paid.

Comment

Mrs Blechynden has obtained approval of the owners of the dwelling and the Department of Housing and Works who have an interest in the property.

An advertisement has been placed within the Merredin Mercury seeking comment.

Council approval to approve the application through delegated authority is sought providing no adverse comment is received. Where adverse comment is received the matter will be brought back to Council for decision.

Officer's Recommendation

That the application from Lynette Blechynden to establish a Home Occupation – Picture Framing business, 7 Cummings Crescent, Merredin be advertised for public comment. If no adverse comment is received the Chief Executive Officer has delegated authority to approve the Home Occupation – Picture Framing. If adverse comment is received the application shall be referred back to Council.

ABSOLUTE MAJORITY REQUIRED

29286

Moved Cr Townrow Sec Cr Elliott

That the application from Lynette Blechynden to establish a Home Occupation – Picture Framing business, 7 Cummings Crescent, Merredin be advertised for public comment. If no adverse comment is received the Chief Executive Officer has delegated authority to approve the Home Occupation – Picture Framing. If adverse comment is received the application shall be referred back to Council.

**CARRIED 10/0
ABSOLUTE MAJORITY**

**11.10 PROPOSED ABLUTION BLOCK – LOT 1503, RESERVE 10359
BARRACK STREET, MERREDIN – COSTINGS & LOCATION**

Reporting Department: Development Services
Reporting Officer: John Mitchell - Manager, Development Services
Legislation: Not Applicable
File Number:

Background

Council has budgeted \$150,000.00 for the construction of the new toilet block to be constructed within the Barrack Street car park.

Prior to commencement it was promised to Council that the costings would be brought back for evidence/proof that the project could be completed within budget.

Legal Implications

The proposed location and construction of the ablution block is compliant with the Building Code of Australia 2007 and the Building Regulations 1989.

Budget Implications

Two budgets are provided to Council (**Attachment 11.10**). The budgets include improvements and repairs to the “wet pit”.

- Tiled floor wall junction only and above hand basins - \$137,720.00+ GST
- 1.8m tiled areas to all rooms - \$150,578.00+ GST.

Council has budgeted \$125,000.00 for the construction of the ablution block and \$25,000.00 for the connection to sewer. The existing “wet pit” has apparently collapsed and a pump has failed as has the alarm system. Estimates of repair are \$26,000.00.

Comment

The proposed location of the new ablution block is west of the Visitors Centre and within an existing garden bed which has minimal vegetation. The photograph attached (**Attachment 11.10A**) shows the desired location.

Council has previously approved the design of the ablution block.

Officer’s Recommendation

That Council endorse the quotation of \$137,720.00+GST for the tiling to the ablution block and that the proposed location of the ablution block be approximately ten metres west of the Central Wheatbelt Visitor Centre and within an existing garden bed as shown in the attached photograph (Attachment 11.10A).

29287

Moved Cr Morris

Sec Cr Townrow

Motion Rescinded CMRef 29321 15 January 2008
--

That Council endorse the budget of \$150,178.00+GST for the ablution block for tiling to 1.8m and ~~that the proposed location of the ablution block be approximately ten metres west of the Central Wheatbelt Visitor Centre and within an existing garden bed as shown in the attached photograph (Attachment 11.10A).~~

CARRIED 9/1**REASON:**

Additional tiling would reduce the maintenance. The building is located in the centre of town so a high standard was required.

11.11 PROSTITUTION AMENDMENT BILL 2007 – REQUEST FOR COMMENT

Reporting Department:	Development Services
Reporting Officer:	John Mitchell - Manager, Development Services
Legislation:	Prostitution Amendment Bill 2007
File Number:	GR/12/02

Background

Hon. Paul Omodei and the Australian Family Association have corresponded to the President and Chief Executive Officer seeking and demanding that the views of the rate payers be canvassed on the Prostitution Amendment Bill.

Their correspondence and comments are contained in **Attachment 11.11**.

Legal Implications

There are no legal implications for the Shire of Merredin.

Budget Implications

There are no budget implications for the Shire of Merredin.

Comment

Several months ago the Manager of Development Services was approached to provide information on known brothels within Merredin. There are no brothels within the Shire of Merredin as known by either the Environmental Health Officer or the local Police.

The Bill proposed seeks:

- to permit the CEO of the Department of Racing, Gaming and Liquor to approve an existing brothel
- Requires the Local Government to seriously consider an application to establish a brothel within the local government boundaries
- Confirming the existing containment policies of small owner brothels where one or two persons sell themselves

Whilst the correspondence received is emotional the Local Government can control development through the zoning table of the Local Planning Scheme, i.e. Council can specifically restrict development if it wishes and its decision can be supported. In the instance of prostitution the reasons would be fairly obvious.

Council can introduce within the new proposed Local Planning Scheme a specific criterion prohibiting the establishment of brothels within the Shire of Merredin.

Officer's Recommendation

That Council note the correspondence received from the Hon. Paul Omodei and the Australian Family Association.

That Council ensures that Brothels are not a permitted use within the Shire of Merredin proposed Local Planning Scheme No.3.

29288

Moved Cr Crees

Sec Cr Townrow

That Council note the correspondence received from the Hon. Paul Omodei and the Australian Family Association.

CARRIED 10/0**REASON:**

Brothels are not a permitted use in the Model Local Planning Text.

11.12 BUILDING STATISTICS REPORT – NOVEMBER 2007

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

Background

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

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 0.2% of the construction value of the work.

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

Applications/Approvals

Building Licence No.	Licence issued to	Address of proposed building, Description of works	Owner of property	Class of Building
BA79-07	Neil Bill, PO Box 469, Merredin WA 6415	#95 Bates Street, Merredin WA 6415, new s/f garage	S&N Crees	10(a)
BA80-07	Colin Sandercock, 5 Growden St, Merredin WA 6415	Lot 277, #5 Growden St, Merredin WA 6415, new S/f conc floor GI additions to residence and veranda	Colin Sandercock	1(a) & 10(a)
BA81-07	Ben Jardine, 5 Lewis Way, Merredin WA 6415	Lot 29, #12 Haines St, Merredin WA 6415, new S/f GI patio	Kevin Southcott	10(a)
BA82-07	Grant Astbury 17 Woolgar Ave, Merredin WA 6415	Lot 1491, #17 Woolgar Ave, Merredin WA 6415; new f/g b/g pool	Grant Astbury	10(b)

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BA83-07	Stephen Hale, 1 Railway Ave, Merredin WA 6415	1 Railway Ave, Merredin WA 6415; S/f patio and dwelling additions	Stephen Hale	1(a) & 10(a)
BA84-07	Shire of Merredin, PO Box 42 Merredin WA 6415	Lot 77, #69 Coronation St, Merredin WA 6415; new s/f clad, colorbond 2 bed dwelling	Shire of Merredin	1(a)
BA85-07	J Ward, 30 Mitchell St, Merredin WA 6415	Lot 69, #30 Mitchell St, Merredin WA 6415; s/f outbuilding	J Ward	10(a)
BA86-07	J Davies, 60 Endersbee St, Merredin WA 6415	Lot 833, #60 Endersbee St, Merredin WA 6415; New s/f iron roofed carport	J Davies	10(a)
BA87-07	L Maloney, 4 Mills St, Merredin WA 6415	Lot 940, #4 Mills St, Merredin WA 6415	M Maloney, 4 Mills Street, Merredin WA 6415	10(a)
BA88-07	Merredin Outdoor Centre PO Box 792, Merredin WA 6415	Lot 30, #7 Caridi Cl, Merredin WA 6415	G&N Allen	10(b)
BA89-07	A Last, 10 Morton St, Merredin WA 6415	Lot 907, #10 Morton St, Merredin WA 6415	A Last	10(a)
BA90-07	Ross Coles, 32 Endersbee St, Merredin WA 6415	Lot 613, #32 Endersbee St, Merredin WA 6415; New S/f garage	R Coles	10(a)
BA91-07	Shire of Merredin, PO Box 42 Merredin WA 6415	Lot 1 Great Eastern Highway, Hines Hill 6413; New fire station	Shire of Merredin	10

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

Valuation: \$394,979.00
Progressive: **\$4,907,727.19**

Fees: \$ 480.00
Progressive: **\$17,307.78**

Comment

BA83-07: No licence has been issued for the dwelling extensions pending a report to Council at the December 2007 meeting.

Officers Recommendation

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

29289

Moved Cr Crees

Sec Cr Morris

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

CARRIED 10/0

11.13 **PURCHASE UNALLOCATED CROWN LAND – UCL61 MUNTADGIN
– TRANSPORTABLE DWELLING AND HORSE STABLES – MR
TERRY MCQUADE**

Reporting Department: Development Services
Reporting Officer: John Mitchell - Manager, Development Services
Legislation: Shire of Merredin Town Planning Scheme No.1,
Shire of Merredin Health Local Laws 1999;
Building Regulations 1989

File Number:

Background

Advice has been received from the Department for Planning & Infrastructure (**Attachment 11.13**) that Mr Terry McQuade of Northam has expressed an interest in acquiring Muntadgin Lot 61 to relocate his transportable home, build a 600m² shed and establish stables for six horses.

The Department is seeking the Shire of Merredin comments regarding the proposal.

Legal Implications

Health Act 1911 – Shire of Merredin Health Local Laws 1999: Requires a minimum of 4,500m² for the keeping of large animals within gazetted townsites. The land has a minimum of 40,000m². In addition the person requires the written approval of the Council of the Shire of Merredin to keep horses within the gazetted townsite. There are minimum standards for stables which the person must comply with.

Building Regulations 1989: The Regulations require that the dwelling be energy efficient to five stars; detailed building plans must be submitted to the Building Surveyor. Council has no applicable second hand house policy. A policy has been prepared and is to be presented to Council at the January or February 2008 meeting.

Town Planning Scheme No.1: The provisions of the Town Planning Scheme restrict the size of sheds within the gazetted residential zones to 262m². An issue with the policy is that if the land is not zoned residential it is doubtful if the refusal of a building licence for construction of the outbuilding would survive an appeal.

Environmental Protection: The land is mostly “bush” with a small area cleared for the old sale yards. The yard area is substantially reclaimed and the main uprights are all that is left of the yard. The remaining bush comprises gimlet, gum and small melaleuca bushes. There is evidence of regular wildlife tracks and fresh droppings.

There is no information regarding the condition of the dwelling.

Budget Implications

Application fees for approvals are applicable.

Comment

The land is contained within the town site of Muntadgin. The land is opposite the section of Crossland Street containing the Hotel and directly behind the class E storage facilities of CBH.

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.

Council previously considered a request from Mr Gillan to release UCL land in Muntadgin and resolved (**CMRef29169**):

“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:

- 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.*
- 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.*
- Without a proposed development application the sale of the land to an individual is not supported.”*

The Department for Planning & Infrastructure should be advised that the Shire of Merredin does not support the release of UCL 61 Muntadgin as it contains natural bushland.

However the Department is not bound by Council's decision and can approve the sale. In the event that the Department does approve the purchase the applicant should be advised:

- The placement of a transportable dwelling on UCL 61 Muntadgin requires the submission of detailed plans to the Shire of Merredin administration detailing the building as required by the Building Regulations 1989 and providing evidence and certification that the dwelling is compliant with the Building Code of Australia 2007 and in particular the energy efficiency provisions
- The Shire of Merredin will not support the erection of a 600m² outbuilding on a town block for the purposes of outbuilding. Note that Council's policy on outbuilding construction limits the size to 262m² with a wall height of 3300mm and apex at 4200mm
- The placement of stables is subject to an application pursuant to the Shire of Merredin Health Local Laws 1999
- The placement and type of onsite waste disposal is subject to approval by the Environmental Health Officer
- The property shall be subject to the provision of a waste disposal service from the Shire of Merredin contractor – Avon Waste at the fees set per annum by Council

Officer's Recommendation

The Department for Planning & Infrastructure be advised that The Shire of Merredin does not support the release of UCL61 Muntadgin as it is natural bush and is contrary to the Shire of Merredin Clause 4.4.9 which suggests that the areas of UCL should be assessed to protect native vegetation on such sites.

AND

That if the application to purchase UCL 61 from Mr McQuade is to be approved the following advice should be supplied to the applicant:

- *The placement of a transportable dwelling on UCL 61 Muntadgin requires the submission of detailed plans to the Shire of Merredin administration detailing the building as required by the Building Regulations 1989 and providing evidence and certification that the dwelling is compliant with the Building Code of Australia 2007 and in particular the energy efficiency provisions*
- *The Shire of Merredin will not support the erection of a 600m² outbuilding on a town block for the purposes of outbuilding. Note that Council's policy on outbuilding construction limits the size to 262m² with a wall height of 3300mm and apex at 4200mm*
- *The placement of stables is subject to an application pursuant to the Shire of Merredin Health Local Laws 1999*
- *The placement and type of onsite waste disposal is subject to approval by the Environmental Health Officer*
- *The property shall be subject to the provision of a waste disposal service from the Shire of Merredin contractor – Avon Waste at the fees set per annum by Council.*

29290

Moved Cr Townrow Sec Cr A Hooper

The Department for Planning & Infrastructure be advised that The Shire of Merredin does not support the release of UCL61 Muntadgin as it is natural bush and is contrary to the Shire of Merredin Clause 4.4.9 which suggests that the areas of UCL should be assessed to protect native vegetation on such sites.

AND

That if the application to purchase UCL 61 from Mr McQuade is to be approved the following advice should be supplied to the applicant:

- *The placement of a transportable dwelling on UCL 61 Muntadgin requires the submission of detailed plans to the Shire of Merredin administration detailing the building as required by the Building Regulations 1989 and providing evidence and certification that the dwelling is compliant with the Building Code of Australia 2007 and in particular the energy efficiency provisions*
- *The Shire of Merredin will not support the erection of a 600m² outbuilding on a town block for the purposes of outbuilding. Note that Council's policy on outbuilding construction limits the size to 262m² with a wall height of 3300mm and apex at 4200mm*
- *The placement of stables is subject to an application pursuant to the Shire of Merredin Health Local Laws 1999*
- *The placement and type of onsite waste disposal is subject to approval by the Environmental Health Officer*
- *The property shall be subject to the provision of a waste disposal service from the Shire of Merredin contractor – Avon Waste at the fees set per annum by Council.*

CARRIED 10/0

Mr John Mitchell, Manager of Development Services left the meeting at 4.16pm.

12 ENGINEERING SERVICES

Mr Jim Garrett, Manager of Engineering Services entered the meeting at 4.18pm.

12.1 MANAGER OF ENGINEERING SERVICES – MONTHLY REPORT

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

Background

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

Legal Implications

Nil

Budget Implications

Nil

Comment

The Manager of Engineering Services will be on annual leave from Friday 28 December 2007 returning on Monday January 28, 2008.

Road Construction

The bituminizing of Narembeen Road, Chandler Road, Nokaning West Road and the resealing of Hines Hill North Road has been completed.

The tidy up of batters and installation of side drains is under way on Narembeen Road and Chandler Road.

Road Maintenance

Twin Karri are in the process of pruning and mulching the trees on Chandler Road, North West Burracoppin Road and Bicks Road.

Pruning of trees and raking of footpaths along Duff Street and Coronation Street is nearly complete.

Parks And Gardens

The summer mowing program is ongoing.

Current Dam Water Volume

Dam #1	75% Full	Capacity	74,455 kilolitres
Dam #2	35% Full	Capacity	71,675 kilolitres
Dam #3	10% Full	Capacity	46,000 kilolitres
Railway Dam	60% Full	Capacity	23,000 kilolitres

Officer's Recommendation

That the Merredin Shire Council receive the Manager of Engineering Services report for December 2007.

29291

Moved Cr Townrow Sec Cr Morris

That the Merredin Shire Council receive the Manager of Engineering Services report for December 2007.

CARRIED 10/0

Cr Townrow thanked the Operational Work Crew for their assistance on Gala Night held on 13 December 2007.

Council was advised that Cr Crees and Mr Jim Garrett, Manager of Engineering Services, had been elected Chairman and Secretary respectively for the Kellerberrin Regional Sub Group.

Council were advised that Rural Towns Production Bores had been operating since 22 November 2007 and since that time 8000m³ of water had been pumped out. The bores have run dry and the pumps have been temporarily turned off.

12.2 TRAFFIC MANAGEMENT FOR EVENTS

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

Background

On the 17 July 2006 Main Roads W.A. approved the Traffic Management for Events Code of Practice.

The Code of Practice will require the Shire of Merredin to have traffic management practices in place for events that require road closures on its roads.

In the Code of Practice events have been placed in different categories as can be seen on **Attachment 12.2** and there are also procedures that event organisers should go through under the Traffic Management for Events Code of Practice (**Attachment 12.2A**).

The Shire of Merredin currently does not have authority to erect, establish display, alter or take down any road sign of any type for events on its roads because under Regulation 297(2) of the Road Traffic Code 2000 the Commissioner of Main Roads has the authority to erect, establish or display, alter or take down any road sign or traffic control signal. With this authority and in conjunction with statutes and regulations pertaining to the management and control of events by other state and local government authorities, comes a duty of care to facilitate the safe and appropriate use of road signs and devices.

The Commissioner of Main Roads W.A. has requested the Shire of Merredin, sign the Instrument of Authorisation which would authorise the Shire of Merredin and its employees to erect, establish, display, alter or take down such road signs of what ever type or class (except for permanent traffic control signals) as may be required for the purpose and duration of any event subject to an order from the Commissioner of Police pursuant to Part VA of the Road Traffic Act 1974.

Legal Implications

The authorised body will need to develop and implement procedures that will satisfy the Commissioner that traffic management procedures implemented comply with the requirements of the Code.

Budget Implications

There is a cost to the Shire of plant and wages if it is required to draw up a traffic management plan and implement the plan for events. Council need to consider if this is done as a community contribution or cost recovery.

Comment

Under the Code of Practice a person who implements traffic management signs and control devices for events will need Events Traffic Control accreditation or hold a Basic Worksite Traffic Management accreditation.

If a traffic management plan is required a person holding an Advanced Worksite Traffic Management accreditation needs to draw up the plan.

Officer's Recommendation

That the Merredin Shire Council authorise the Chief Executive Officer to sign the Instrument of Authorisation relating to Traffic Management for Events.

29292

Moved Cr Townrow

Sec Cr Wallace

That the Merredin Shire Council authorise the Chief Executive Officer to sign the Instrument of Authorisation relating to Traffic Management for Events.

CARRIED 10/0

Ms Emma Hooper, Manager of Finance & Administration entered the meeting at 4.22pm.

Mr Jim Garrett, Manager of Engineering Services left the meeting at 4.28pm.

13.0 FINANCE AND ADMINISTRATION

13.1 MONTHLY FINANCE REPORT

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

Background

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

Officer's Recommendation

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

29293

Moved Cr Young

Sec Cr Elliott

That the Merredin Shire Council receive the Monthly Finance Report for November 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 13.2**.

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 \$485,182.50 and amounts directly debited from Councils Municipal Fund Bank Account BSB No. 066-518 Account No. 000 000 10 totalling \$36,811.60 and outstanding creditors totalling \$126,918.03.

29294

Moved Cr Crees

Sec Cr Young

That the Merredin Shire Council receive the schedule of accounts as listed, covering cheques as numbered and totalling \$485,182.50 and amounts directly debited from Councils Municipal Fund Bank Account BSB No. 066-518 Account No. 000 000 10 totalling \$36,811.60 and outstanding creditors totalling \$126,918.03.

CARRIED 10/0

13.3 DEBT WRITE OFFS

Reporting Department: Finance and Administration
Reporting Officer: Emma Hooper – Manager, Finance & Administration
Legislation: Local Government Act 1995
File Number: FM/8/2

Background

The debts listed below are no longer considered recoverable.

Legal Implications

S6.12 (1)(c) of Local Government Act 1995 “*Power to defer, grant discounts, waive or write off debts*”. Absolute Majority Required.

Budget Implications

The net effect of the debt write-off is explained in the body of the report.

Comment

Below is the debt proposed for write-off:

DM01	Main Roads	\$104,507.92
	<i>Incorrectly raised</i>	

These invoices were incorrectly raised in June 2006. As a result of current staff investigation and discussion with our auditors, these amounts appear to have arisen due to an accrual being raised and not subsequently reversed on 1 July 2006. This unrecoverable debt was taken into consideration when setting the 2007/2008 budget and therefore the write-off of this amount will not result in a budget deficit of the same magnitude.

Officer’s Recommendation

That the Merredin Shire Council write-off the debt DM01 for Main Roads as listed and totalling \$104,507.92.

ABSOLUTE MAJORITY REQUIRED

29295

Moved Cr Townrow Sec Cr Young

That the Merredin Shire Council write-off the debt DM01 for Main Roads as listed and totalling \$104,507.92.

CARRIED 10/0
ABSOLUTE MAJORITY

MINUTES**13.4 BUDGET PREPARATION AND MEETINGS TIMETABLE 2008/2009**

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

Background

Council passed the following resolution in September 2007 **CMRef29111**
“That Council commence the 2008/2009 Budget process in early February 2008”.

Legal Implications

Nil

Comment

The following Budget Preparation and Meeting Timetable has been prepared in order to define clear milestones in the budget setting process. This timetable has been considered by all Managers.

<u>Budget Preparation and Meetings Timetable</u>	
The indicative budget preparation and concept forums/meetings timetable is as follows. Minor variations may occur.	
• Early February	Budget guidelines, procedures and submission templates issued to staff
• February	Proposed capital works program compiled and considered by senior management
• February	Building Maintenance Inspection Road Inspection
• February	Review Strategic Plan to align the Budget
• Early March	Advertise for Community Group Submissions for Budget Consideration.
• Late March	Completed operational budget templates returned to Finance. Cut-off date for final Community Group Submissions
• Early April	Senior Management considers initial draft of budget
• Late April	First Budget Concept Forum
• Late May	Second Budget Concept Forum
• Late July	Adoption of Budget at Ordinary or Special Council Meeting
• October	Final accounting adjustments to budget carried forward amounts after end of financial year procedures and audit are completed.

Officer's Recommendation

That Council receive the Budget Preparation and Meeting Timetable.

29296

Moved Cr Crees

Sec Cr Townrow

That Council receive the Budget Preparation and Meeting Timetable.

CARRIED 10/0

Ms Emma Hooper, Manager of Finance & Administration left the meeting at 4.57pm.

13.5 CHIEF EXECUTIVE OFFICER'S REPORT

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

The Chief Executive Officer's report for December 2007 is presented below:

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

The Chief Executive Officer commented that the minutes of the Special Elector's Meeting held on 13 November 2007 would be presented to the 18 January 2008 meeting of Council.

Officer's Recommendation

That Council receive the Chief Executive Officer's Report for December 2007.

29297

Moved Cr Townrow

Sec Cr Elliott

That Council receive the Chief Executive Officer's Report for December 2007.

CARRIED 10/0

Cr A Hooper left the meeting at 5.01pm.

Cr A Hooper entered the meeting at 5.03pm.

MINUTES

14.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Cr Simmonds left the meeting at 5.10pm.

Mrs Debbie Morris, Manager of Community Services entered the meeting at 5.10pm.

Cr Simmonds entered the meeting at 5.13pm.

Mrs Vanessa Green, Personal Assistant left the meeting at 5.14pm.

Mrs Vanessa Green, Personal Assistant entered the meeting at 5.16pm.

14.1 OWNERSHIP OF POWER POLES, CBD CENTRE ISLAND

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

Background

While researching the possibilities of having our Shire Christmas decorations displayed in the CBD, I spoke to Kim Cooper from Western Power with regard to a suggestion that he may have some poles that could be erected on the southern side of Barrack Street. During this conversation I asked about the reasoning for Western Power's Policy to decorations of poles in the main street, suggesting that other towns and Shires have banners displayed from power poles.

Mr Cooper advised that Western Power had a blanket policy with regard the Western Power Poles with load mass and pressure applied to the poles. He said that where poles were owned by a Shire the Western Power policy did not necessarily apply.

I then asked why we did not own the poles, as I recalled the Shire purchased the poles in the first place. It was explained that it is Western Power's Ownership Policy that, "the whole of the electrical extension that forms the works carried out in accordance with the proposal is the property of Western Power and Western Power has the right to connect additional customers to any part of the extension".

It is possible to apply for ownership of the poles. However to do this there would need to be further works carried out at the end of each set of poles to provide an independent power supply to the poles. The poles once owned, would have to be maintained by Shire. The poles installed in the street are non-frangible which means they are not designed to break away if struck by a vehicle and they are capable of carrying a greater strain load than the now favoured frangible or easily broken poles. A frangible light pole base is designed to break away when a vehicle strikes it. This lessens the risk of injury to occupants of the vehicle. Frangible supports are also used for Airport Approach Structures. –adjective :easily broken; breakable.

It could be possible over time for metal fatigue to affect these poles however whilst this should be considered, there is a life expectancy with all structures, this information should be available from the pole manufacturer.

Mr Cooper suggested that poles on the Southern side (north side of lawn) of the street would be more beneficial to the aesthetics of the street, I do not agree. We have trees, tables and chairs in the lawn section of the street all these areas are utilized frequently by the public and visitors to our street, we have power poles that run the entire length of the southern side of the lawn area. None of our Townscape plans have included a conglomerate of poles in the lawned area and the Townscape Design Concept has been adopted with the construction of the main street as it is now presented.

Budget Implications

To my knowledge we can apply for the ownership of the poles in the CBD but there would be a cost involved in installing the independent power supply at each end of the poles, the cost of power I believe would remain the same and there would be some cost involved in the maintenance, the Manager of Engineering Services said that Shire already maintain some sections of lighting with in the townsite and there is a budget provision for this maintenance which is not a significant cost to Council.

Member's Recommendation

That Council staff research to possibility of ownership of the power poles erected in the Centre Islands within the CBD.

29298

Moved Cr Townrow

Sec Cr Wallace

That Council staff research to possibility of ownership of the power poles erected in the Centre Islands within the CBD.

CARRIED 7/3

14.2 CAR PARK SECURITY LIGHTING

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

Background

While getting involved with the organisation of Gala Night it became apparent that lighting in the CBD is sometimes inadequate of an evening. Over the past couple of years Council has improved security lighting within the town site, parks and gardens.

On inspection of the Central Business District flood lights are located on a tower opposite IGA, a light points to the Merredin Visitor Centre path way and there are flood lights mounted to power poles that light Apex Park. There are old (and I would guess non functional) lights mounted on poles in the garden sections on the south side of the car park between the Commercial Hotel and Bates Street (4 poles 8 lights).

Power poles run down the length of Barrack Street on the southern side of the lawn. There is no security lighting in the Newfield Shire car park, there are two poles in the eastern side garden that have been used for temporary lighting in the past. On inspection of the lamp poles running east west along Barrack Street, I believe it would be possible to have lights fitted in the same manner as fitted in Apex Park.

With standards and safety issues I am not sure if anything could be done at the Newfields car park unless lights could be mounted on poles running on the northern side of the park (I didn't check this area to see if there were poles located in the area).

Budget Implications

There would be the obvious cost of ongoing power use, don't know if Western Power provide and install the lights.

Member's Recommendation

- *That Council staff research the issue of increasing security lighting in the Barrack Street and Newfields car parks with Western Power*
- *That the existing lights in the southern garden area on Barrack Street be inspected and be removed if they are no longer operational.*

29299

Moved Cr Elliott Sec Cr Young

- *That Council staff research the issue of increasing security lighting in the Barrack Street and Newfields car parks with Western Power*
- *That the existing lights in the southern garden area on Barrack Street be inspected and be removed if they are no longer operational*

CARRIED 8/2

Mrs Debbie Morris, Manager of Community Services left the meeting at 5.32pm.

- 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

16.1 SALE OF LAND – LOT 25289 GOOMARIN ROAD, MERREDIN

Reporting Department: Administration
Reporting Officer: Frank Ludovico – Chief Executive Officer
Legislation: Local Government Act 1995 Section 3.58
File Number:

Background

Council agreed **CMRef29250** at 20 November 2007 meeting that pursuant to the Local Government Act 1995 – Section 3.58(3) to give the required local public notice that it intends to accept the offer of \$2,300.00 from Tracey Anne Kooiman as Trustee for Kay Maureen McDonald for the property at Lot 25289 Goomarin Road, Merredin.

Legal Implications

Refer Local Government Act 1995 – Section 3.58

Budget Implications

Reduction in unpaid rates on the property

Comment

Local public notice as required by the Local Government Act 1995 Section 3.58(3) was given on 28 November 2007 with a closing date of 13 December 2007 for submissions to be made. At the close of this period no submissions were received. Accordingly Council is able to accept this offer.

Officer's Recommendation

That Council accepts the offer of \$2,300.00 from Tracey Anne Kooiman as Trustee for Kay Maureen McDonald for the property at Lot 25289 Goomarin Road, Merredin.

29300

Moved Cr Simmonds Sec Cr Wallace

That Council accepts the offer of \$2,300.00 from Tracey Anne Kooiman as Trustee for Kay Maureen McDonald for the property at Lot 25289 Goomarin Road, Merredin.

CARRIED 10/0

16.2 ANNUAL LEAVE APPLICATION FOR CHIEF EXECUTIVE OFFICER

Reporting Department: Administration
Reporting Officer: Frank Ludovico – Chief Executive Officer
Legislation: Local Government Act 1995 Section 3.58
File Number:

Background

I have been asked by Gideons International to distribute bibles in Argentina between 12-26 April 2008, therefore I seek Council's permission to proceed on Annual Leave from Wednesday 9 April 2008 to Friday 2 May 2008.

Council will need to appoint an Acting Chief Executive Officer.

Officer's Recommendation

1. *That Council approves the Annual Leave for the Chief Executive Officer from Wednesday 9 April 2008 to Friday 2 May 2008.*
2. *That Council appoints _____ as Acting Chief Executive Officer for the period from Wednesday 9 April 2008 to Friday 2 May 2008.*

29301 Moved Cr Morris Sec Cr Crees
That Council approves the Annual Leave for the Chief Executive Officer from Wednesday 9 April 2008 to Friday 2 May 2008.
CARRIED 10/0

29302 Moved Cr Simmonds Sec Cr Hayden
That Council appoints Mr Geoff Parslow as Acting Chief Executive Officer for the period from Wednesday 9 April 2008 to Friday 2 May 2008.
CARRIED 10/0

- 29303** Moved Cr Morris Sec Cr Townrow
That Council go behind closed doors to discuss confidential staff and commercial matters (S5.23(2) Local Government Act 1995).
CARRIED 10/0

Council went behind closed doors at 5.35pm.

17.0 MATTERS BEHIND CLOSED DOORS

17.1 Report on Merredin Medical Centre

Cr Crees left the meeting at 5.36pm.

Cr Crees entered the meeting at 5.39pm.

Cr Simmonds left the meeting at 5.43pm.

Cr Simmonds entered the meeting at 5.46pm.

- 29304** Moved Cr Simmonds Sec Cr Young
That Council come out from behind closed doors.
CARRIED 10/0

Council came out from behind closed doors at 6.07pm.

18.0 CLOSURE

There being no further business the Presiding Member declared the meeting closed at 6.07pm.