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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 21st November 2006 at 1.00pm.

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

Messrs FB Ludovico, Chief Executive Officer;
JA McGovern, Deputy Chief Executive Officer;
WD Bow, Manager of Development Services;
JF Garrett, Manager of Works; AM Peters, Personal Assistant
P Masters, Manager, Merredin Visitors Centre

Mr Ross Crute (Chairman of North Eastern Wheatbelt Travel Association - NEWTravel)
Mr Scott McKenzie (CEO - Shire of Wyalkatchem/CEO NEWROC)

1.0 OFFICIAL OPENING

The Presiding Member declared the meeting open at 1.03pm.

2.0 PUBLIC QUESTION TIME

Nil

3.0 APOLOGIES AND LEAVE OF ABSENCE

Cr G Astbury has leave of absence for meeting of 19 December, 2006.
Apology received from Cr J Simmonds.

4.0 DISCLOSURE OF INTEREST

Cr J Townrow declared a Financial Interest in Item 10.4.
Cr S Marley declared an Impartiality Interest in Item 15.3.

5.0 PETITIONS & PRESENTATIONS

Mr Ross Crute (Chairman of North Eastern Wheatbelt Travel Association - NEWTravel) and Mr Scott McKenzie (CEO - Shire of Wyalkatchem/CEO NEWROC) attended meeting to present a cheque to the value of \$7,000 and signed Memorandum of Understanding between NEWROC and Shire of Merredin.

To enhance the involvement of NEW Travel and NEWROC Member Shires with the Shire of Merredin and the Visitors Centre, in recognition of the essential role of the Visitors Centre to the region generally.

Mr Ross Crute, Mr Scott McKenzie, Ms P Masters left the meeting at 1.10pm..

6.0 CONFIRMATION OF MINUTES6.1 PREVIOUS COUNCIL MEETING**28726**

Moved Cr Townrow sec Cr Morris

*That the Minutes of Council meeting held on the 21 November 2006 be confirmed as a true and correct record of proceedings.***CARRIED 9/0**7.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

Shire President expressed appreciation to those staff who assisted with the organisation of the Desalination Plant Opening earlier in the day.

Cr Morris requested a letter be sent to North Merredin Primary School thanking them for the loan of the marquee at the Desalination Plant opening .

Shire President reported that the Merredin Recreation Community & Leisure Centre fundraising crop had been harvested resulting in a 190 tonne crop.

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

16.1 Dwelling House Unfit for Human Habitation

15.2 Project Managers Report – Merredin Medical Centre

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

9.1 Audit Committee Meeting held 14 November 2006.

Cr K Hooper thanked Cr Jones, Townrow and Morley for their attendance at short notice.

9.2 Merredin Regional Community and Leisure Centre Management Committee meeting held 28 November 2006.

9.3 Business & Community Development Committee meeting held 6 December 2006.

Cr N Hooper thanked Cr D Morley for deputising for the above meeting.

28727

Moved Cr Crees sec Cr Morris

That the Merredin Shire Council receive the minutes of the Audit Committee Meeting held 14 November 2006; Merredin Regional Community and Leisure Centre Management Committee meeting held 28 November 2006 and Business & Community Development Committee meeting held 6 December 2006.

CARRIED 9/0

- 9.2 Merredin Regional Community & Leisure Centre Management Committee meeting held 28 November 2006.

5.1.2 Change Room Floor Coverings

Moved M Crees sec G Alp

That the Merredin Regional Community and Leisure Centre Management Committee recommend Council install an indoor/outdoor carpet in the three change-rooms and the disabled facilities at the Merredin Regional Community.

CARRIED**28728**

Moved Cr Wallace sec Cr Crees

That Council install an indoor/outdoor carpet in the three change-rooms and the disabled facilities at the Merredin Regional Community.

CARRIED 9/0

5.1.3 Tiles and Vinyl

Moved G McAuliffe sec J Arndt

That the Merredin Regional Community and Leisure Centre Management Committee recommend Council install the tiles in the bathroom areas as indicated in Attachment 1 and that a commercial grade vinyl is installed in the kitchen area.

CARRIED**28729**

Moved Cr Wallace sec Cr Crees

That Council install the tiles in the bathroom areas as indicated in Attachment 1 of the Merredin Regional Community and Leisure Centre minutes held 28 November 2006 and that a commercial grade vinyl is installed in the kitchen area.

CARRIED 9/0

5.2.2 Basketball Rings

Moved E Carlson sec G Alp

That the Merredin Regional Community and Leisure Centre Management Committee recommend Council contract Basketball Ringleader to supply and install four glass Basketball Backboards at the Merredin Regional Community and Leisure.

CARRIED

28730

Moved Cr Morris sec Cr Wallace

That Council contract Basketball Ringleader to supply and install four glass Basketball Backboards at the Merredin Regional Community and Leisure.

CARRIED 9/0

9.3 Business & Community Development Committee meeting held 6 December 2006.

7.4 (1) Library (2) Visitor Centre (3) Public Toilets

Moved Cr Townrow sec Cr Morley

That the Business and Community Development Committee recommend to Council that Council give consideration to an overall plan for the Central Business District in Merredin prior to any commitment of relocation of the Merredin Regional Library.

CARRIED 4/0

28731

Moved Cr N Hooper sec Cr Townrow

That Council give consideration to an overall plan for the Central Business District in Merredin prior to any commitment of relocation of the Merredin Regional Library.

CARRIED 9/0

7.5 **Reserve 25640 – Lot 41 Barrack Street**

Moved Cr Morris sec Cr Townrow

That Business and Community Development Committee recommend to Council that Council purchase Lot 41 Barrack Street for \$50,000 (GST inclusive), amalgamate Lot 41 and Lot 22 Barrack Street and amend the northern boundary of Lot 41 to align with Lots 21 & 22 with funds from Land Development Reserve.

CARRIED 4/0

Absolute Majority Required.

28732

Moved Cr Townrow sec Cr Morris

That Council purchase Lot 41 Barrack Street for \$50,000 (GST inclusive), amalgamate Lot 41 and Lot 22 Barrack Street and amend the northern boundary of Lot 41 to align with Lots 21 & 22 with funds from Land Development Reserve.

**CARRIED 9/0
ABSOLUTE MAJORITY**

J McGovern left the meeting at 1.28pm.

J McGovern entered the meeting at 1.29pm.

W Bow entered the meeting at 1.31pm.

MINUTES

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

10.1 SUBDIVISION OF LAND APPLICATION – RESERVE 10359, TODD STREET, MERREDIN – GRAY AND LEWIS FOR DEPARTMENT OF PLANNING AND INFRASTRUCTURE AND PUBLIC TRANSPORT AUTHORITY OF WA

Reporting Department:	Development Services
Reporting Officer:	Warren Bow, Manager Development Services
Legislation:	Local Government Act 1995, Planning and Development Act 2005
File Number:	Res/10359

Background

Council has received correspondence from the West Australian Planning Commission (WAPC) who have received an application from Grey and Lewis Land Use Planners (“the applicant”) on behalf of the Public Transport Authority of Western Australia (PTA) and Department of Planning and Infrastructure (“the owner”) for the subdivision of Reserve 10359, Todd Street, Merredin (“the property”).

Reserve 10359 is a railway reserve, consisting of two lots, Lot 1503 and 1504 Todd St, Merredin. The reserve is located in the Merredin town site on the north side of Great Eastern Highway. The site plan which accompanied the application can be seen as **Attachment 10.1A**.

A plan of the properties taken from the Landgate System can be seen as **Attachment 10.1B**.

The total area of Reserve 10359 is 43.78 hectares with Lot 1503 at 16.73 hectares and Lot 1504 at 27.05 hectares.

The Shire has been negotiating with the PTA (which is seeking to rationalise its landholdings) over the past three years concerning the freehold purchase of portions of this reserve.

Legal Implications

With all applications for subdivision the WAPC seeks comments and feedback from Council in relation to –

- Local Authority zoning
- Local laws in relation to the application
- General comments, conditions that Council may wish to impose as part of the approval

MINUTES

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

Budget Implications

Subdivision clearance condition fees of \$50 per lot payable to the Shire in the event the subdivision proceeds.

Comment

It is proposed to subdivide the reserve into six separate lots. These are identified on **Attachment 10.1A**.

New Lots 1 and 2 are proposed to be purchased freehold by the Shire of Merredin.

Lot 1 is occupied by the business Cliff Haines Tyres, though the new lot does not incorporate the former Westfuel depot and service station.

Lot 2 is occupied by the below referenced businesses/buildings which can be seen on **Attachment 10.1A**.

1. Merredin Outdoor World
2. the Lions Club of Merredin Recycling Depot, overnight shelter and Churches Fraternal storage shed
3. former railways workshop
4. former 510 Cadet Unit buildings
5. former motorcycle club clubrooms

The new Lot 2 covers the area re-zoned in accordance with Shire of Merredin Town Planning Scheme No.1 amendment number two.

New Lot 3 will be transferred to the Shire of Merredin as a reserve for "Recreation and Community Uses".

New Lot 4, the site previously occupied by Westrac, is to be sold freehold to the lessee, this can be seen as item 6 on **Attachment 10.1A**.

New Lots 5 and 6 are to remain as Railway Reserve under the management of the Public Transport Authority. It is noted that the former Westfuel depot and service station is proposed to remain within new Lot 6.

From the submitted plan there appears to have been no formal vehicular access created at the west (Barrack St) railway crossing, west of Apex Park. Currently there is no formal road reserve facilitating access across the railway line. The proposed subdivision presents an opportunity for the creation of such.

Council's attention is drawn to **Attachment 10.1A**. To the north west of the proposed Lot 2; vacant Crown land Lot 682 and Lots 707 and 708 on Reserve 22368 can be seen. The plan also shows the portion of the Barrack Street road

MINUTES

reserve that was closed via resolution (CMRef 28100) at its September 2005 meeting. This is hatched for clarity.

Council requested the purchase of the amalgamated Lot 682 and Reserve 22638 and the closed portion of Barrack Street at its October 2005 meeting (CMRef 28135).

The proposed subdivision of Reserve 10359 does not address these proposals and it is suggested that the amalgamation of this land (Lot 682, Reserve 22638 and the closed portion of Barrack Street) occurs at a later stage so as not to delay the subdivision of Reserve 10359.

It appears as though Mary Street has been identified incorrectly as Duff Street on the proposed subdivisional plan.

A report commissioned by the PTA from ATA Environmental, Environmental Scientists, in July 2006 indicates that certain sections of Lot 1504 on Reserve 10359, in particular the southern section of proposed Lot 2, is contaminated with lead and asbestos.

The Contaminated Sites Act 2004 came into operation and may be applicable to areas of this land subject to this subdivision.

Officer's Recommendation

That Council advise the Western Australian Planning Commission that it supports the proposed subdivision of Lots 1504 and 1503 on Reserve 10359 to create six separate lots in accordance with WAPC Application No. 132934 submitted by Gray and Lewis on behalf of Department of Planning and Infrastructure and the Public Transport Authority of WA, subject to the following conditions –

- 1. The existing west (Barrack St) railway crossing, west of Apex Park, being formalised via the creation of a road reserve through proposed Lot 6;*
- 2. The road separating proposed Lots 1 and 2 identified as Duff Street being properly identified as Mary Street, Merredin.*
- 3. The Department of Environment and Conservation being advised that Lot 1504 of Reserve 10359 is a suspected contaminated site in accordance with the Contaminated Sites Act 2003.*

28733

Moved Cr Marley sec Cr Townrow

That Council advise the Western Australian Planning Commission that it supports the proposed subdivision of Lots 1504 and 1503 on Reserve 10359 to create six separate lots in accordance with WAPC Application No. 132934 submitted by Gray and Lewis on behalf of Department of Planning and Infrastructure and the Public Transport Authority of WA, subject to the following conditions –

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1. *~~The existing west (Barrack St) railway crossing, west of Apex Park, being formalised via the creation of a road reserve through proposed Lot 6;~~*
2. *The road separating proposed Lots 1 and 2 identified as Duff Street being properly identified as Mary Street, Merredin.*
3. *The Department of Environment and Conservation being advised that Lot 1504 of Reserve 10359 is a suspected contaminated site in accordance with the Contaminated Sites Act 2003.*

CARRIED 9/0

W Bow left the meeting at 1.40pm.

W Bow entered the meeting at 1.42pm.

28734

Moved Cr Morris seconded Cr Jones

That Council investigate the purchase of Lot 1503 of Reserve 10359 (i.e. the Railway Reserve) from Mary Street to the Barrack Street West intersection with the Great Eastern Highway on the north side of the railway line.

CARRIED 8/1

10.2 DRAFT SHIRE OF MERREDIN LOCAL PLANNING STRATEGY

Reporting Department: Development Services
Reporting Officer: Warren Bow, Manager of Development Services
Legislation: Planning and Development Act 2005
File Number:

Background:

The Merredin Shire Council adopted the Draft Local Planning Strategy (LPS) at its meeting of 21 September 2004 (CMRef 27628), and forwarded to the Western Australian Planning Commission (WAPC) for certification (consent) to advertise.

The WAPC considered the Draft LPS, and in its decision letter of 14 July 2005 certified the Draft LPS for advertising subject to modifications and consideration of further issues during the advertising period.

At its Ordinary March 2006 meeting Council resolved (CMRef 28349) to adopt the revised and amended LPS and undertake advertising for 42 days.

Upon completion of the advertising period all submissions were collated and forwarded to Council's consultant town planners Whelans (WA) Pty Ltd in July 2006 for determination.

A report on the submissions was received from Whelans on 22 November 2006 and can be seen as **Attachment 10.2A**.

Legal Implications

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

Budget Implications

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

The original draft LPS was developed by Whelans in 2002, with an estimated \$22,500 being spent on its development to date.

Comment:

Subsequent to reviewing the attached report from Whelans, Senior Management and Project Staff undertook a detailed review of the draft LPS document including the proposed LPS strategic plan "scheme map".

Various areas of concern were identified by staff in the draft LPS text. Some of these have been attributed to the relative age of the draft document which relate to information relevant to 2001.

MINUTES

Obviously there has been significant change within the Shire of Merredin since the original development of the LPS.

Staff believe that the LPS in its current form is outdated and warrants significant updating to reflect the current economic climate, positive outlook and position of the Council and its constituents.

As Council are aware there is a requirement for review of all local government town planning documentation once every five years. Had this LPS document been adopted when originally written, it would be due for review in 2007.

A schedule of changes, inaccuracies and queries in relation to the LPS “scheme map” can be seen as **Attachment 10.2B**. This schedule has been referred to Whelans for comment.

The referenced “scheme map” can be seen as **Attachment 10.2C**.

Discussions on this matter with Whelans have ensued and they have been requested to provide the LPS document in a format enabling staff to amend and update such. The revised document will then be referred to Whelans for comment within a prescribed period.

At the time of writing this report it is not clear as to whether Council will need to recommence the formal adoption process again, including advertising. However, staff believe that this is likely, considering the aforementioned changes in **Attachment 10.2D**.

Council’s attention is drawn to the assessment by Whelans of the submission made by Paul, Sue and Brendon Bartlett. An extract of this assessment is contained below.

Submission No. 4

The owners, Paul, Sue and Brendon Bartlett, of Lot 1 Naremben Road corner Hughes Road, Merredin have made a submission to have Lot 1 designated for Special Rural to allow for subdivision into 1 to 2 hectare lots. The submission has not been supported on a number of grounds. Firstly, no assessment has been carried out to determine whether the development of the site for Special Rural can accord with State Town Planning policy for such development. Secondly, the demand for Special Rural has not been adequately established and the areas proposed under the Draft LPS are considered sufficient in the currency of the LPS.

Further background on this matter was sought from Whelans and can be seen as **Attachment 10.2C**.

Council may wish to direct Whelans to designate the relevant area as “Rural Residential” in the LPS which may enable potential subdivision of the area in the future.

Officer's Recommendation:

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

28735

Moved Cr Crees sec Cr Wallace

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

ENBLOC**CARRIED 9/0**

10.3 LOT 533 COHN STREET, MERREDIN – T & K HUNTER – REQUEST TO PURCHASE

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

Background

Attached is a copy of a letter from Tom and Kerry Hunter (**Attachment 10.3A**) expressing an interest in the purchase of Lot 533 Cohn Street, Merredin. (Map at **Attachment 10.3A**).

Town Planning Implications

Lot 533 Cohn Street, Merredin is owned as freehold title by the Shire of Merredin. The land is currently zoned Residential 1 (R12.5/20) which allows for construction of single dwelling house or duplex. The draft Local Planning Strategy designates it as Residential 1.

Lot 533 Cohn Street is serviced by water but not by power. Sewerage disposal can be undertaken onsite due to the size of the block..

Financial Implications

Any funds derived from this sale could be utilised to offset any development costs associated with Carrington Way or East Barrack Street.

Statutory Implications

Under Section 3.58 Council is only able to dispose of land in three ways. By public auction, by public tender or by private treaty. Apart from the Whitfield Way land sales Council has opted to sell land by public tender.

Staff Recommendation

That Council advertise the sale of Lot 533 Cohn Street , Merredin by Public Tender and any funds received be allocated to the Land Development Reserve.

Absolute Majority Required.

Moved Cr Wallace sec Cr Morley

That Council advertise the sale of Lot 533 Cohn Street , Merredin by Public Auction and any funds received be allocated to the Land Development Reserve.

LOST 3/6

Reason: Council is awaiting valuation on Lot 533 Cohn Street.

T & K Hunter are to be informed that Council are awaiting valuations then a decision will be made by Council on the form of disposal.

Cr Townrow declared a Financial Interest in Item 10.4 and left the meeting at 2.16pm.

10.4 COOPERATIVE BULK HANDLING GROUP – SEEKING COUNCIL SUPPORT FOR THE USE OF 2, 4 D HIGH VOLATILE ESTERS WITHIN THE SHIRE OF MERREDIN

Reporting Department: Development Services

Reporting Officer: Warren Bow, Manager of Development Services

Legislation:

File Number:

Background:

Council has received a request from Cooperative Bulk Handling Limited (CBH) to support their application to the Australian Pesticides and Veterinary Medicines Authority (APVMA) to enable the use of 2, 4 D high volatile esters (2, 4 D HVE) in selected West Australian shires during the period December to May for the control of summer weeds. A copy of correspondence from CBH to APVMA can be seen as **Attachment 10.4A**.

The matter has been referred to Council given no formal delegation on this, or similar matters, exist.

Legal Implications and Budget Implications

Nil

Comment:

At the time of writing this report 33 other Shires in the Wheatbelt have submitted their letters of support and have been included on the permit enabling the use of 2, 4 D HVE in their local authority jurisdiction.

Correspondence in support of the application to the APVMA from the Department of Conservation and Environment and the Department of Health can be seen as **Attachment 10.4B**. Given the support for the use of 2, 4 D HVE by the above government departments, and anecdotal evidence obtained on the matter staff see no reason why support should not be given to CBH enabling the use of the 2, 4 D HVE within the Shire of Merredin.

Without the letter of support from the relevant local government, the APVMA are not issuing permits enabling the use of 2, 4 D HVE in that area.

A pro forma letter to be sent from the local government to the APVMA can be seen as **Attachment 10.4C**.

Officer's Recommendation:

That Council write to the Australian Pesticides and Veterinary Medicines Authority in support of the Cooperative Bulk Handling Limited application to enable the use 2, 4 D High Volatile Esters within the area of the Shire of Merredin.

28736

Moved Cr Morley sec Cr Crees

That Council write to the Australian Pesticides and Veterinary Medicines Authority in support of the Cooperative Bulk Handling Limited application to enable the use 2, 4 D High Volatile Esters within the area of the Shire of Merredin.

CARRIED 6/2

Cr Townrow entered the meeting at 2.21pm.

Mr Paul & Mrs Susan Bartlett entered the meeting at 2.26pm.

10.5 EXPRESSION OF INTEREST – FORMER BASKETBALL AND NETBALL CLUBROOM BUILDING AND GROUNDS, LOT 1180 ON RESERVE 23036 KITCHENER ROAD, MERREDIN

Reporting Department: Development Services
Reporting Officer: Warren Bow, Manager of Development Services
Legislation: Local Government Act 1995, Health (Public Buildings) Regulations 1992, Land Administration Act 1997
File Number: CUS/9/3; Res/23036

Background:

At its June 2006 Ordinary meeting Council resolved (**CMRef 28525, 28526**) to call for expressions of interest for the use, management, demolition or removal of the former basketball and netball clubrooms Lot 1180 on Reserve 23036, Kitchener Road, Merredin.

The reserve is under a management order held by the Shire of Merredin for the purpose of recreation.

One expression was received from the 510 Army Cadet Unit Merredin (ACU). This can be seen as **Attachment 10.5A**.

Previous submissions have been received from persons associated with the ACU prior to the advertising of the expression of interest. These can be seen as **Attachment 10.5B**.

Legal Implications:

Section 3.58 of the Local Government Act 1995 prescribes the way in which local government property must be disposed of. Disposal includes by way of sale or lease.

Section 30 of the Local Government (Functions and General) Regulations 1996 details exemptions to the abovementioned section of the Act. This includes where land is disposed of to an organisation of a charitable, education or cultural nature.

The proposed use of the property by the ACU would not warrant a change in purpose of the reserve with Department of Land Information.

Future use of the building in a public nature may require compliance with the provisions of the Health (Public Buildings) Regulations 1992.

Budget Implications:

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

Council allocated \$1,800 in its 2006/2007 budget for maintenance, insurance and utilities for the clubrooms.

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Council policy 6.4 – Rental charges for agreements to occupy Council non-residential property (the policy) prescribes a rate of \$50/m²/year for Government department/agencies. As the ACU operates under the auspices of the Australian Defence Force, this rate may be applicable.

The floor area of this building is calculated at 173m². This would result in an annual rental of \$8,650 for the ACU. It could be argued however that the ACU are a community organisation, as defined by the policy, and as such may be able to apply to Council for a subsidy of the above mentioned rental amount.

The operation of the building as a “public building” would require the expenditure of sufficient funds to achieve statutory compliance with the Health (Public Buildings) Regulations 1992. This would include items such as electrical compliance, emergency lighting, exit signage and exit doors.

Comment:

Correspondence of 12 October 2006 was sent to both the basketball and netball associations advising them that Council was seeking expressions of interest in the future use of the buildings thereon Lot 1180 of Reserve 23036 and that Council retained management of the facilities. No response has been received from either association.

The Department of Sport and Recreation CSRFF grant obtained for the construction of the Merredin Regional Community and Leisure Centre is conditional upon the discontinued use of the former recreation facilities on Reserve 23036. This submission does not compromise this requirement.

The submission from the ACU refers to previous correspondence from others involved in the cadet unit seen as **Attachment 10.5B**. Correspondence from the 2nd Lieutenant of the ACU indicates the proposed improvements, future usage, placement of additional buildings and commitment to maintaining the facilities.

There are benefits to the Merredin Military Museum with the ACU relocating from its current co-located site which are detailed in **Attachment 10.5B**.

Whilst staff believe that the use of the former basketball and netball clubrooms by the ACU would be an appropriate and beneficial partnership various matters need to be resolved prior to formally agreeing to such.

It is suggested that agreement in principle be supported by Council, with the Chief Executive Officer delegated authority to determine the occupancy arrangements and future maintenance responsibilities.

The amenity of the area is not considered to be compromised under the proposal for the ACU to occupy the property, however it may be prudent to keep the surrounding property owners informed of developments.

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Officer's Recommendation:

- 1) *That Council accept the submission from the 510 Army Cadet Unit Merredin in relation to Expression of Interest for the use of the building and grounds formerly used as basketball and netball facilities at Lot 1180 on Reserve 23036, Kitchener Road, Merredin.*
- 2) *That Council determine that the 510 Army Cadet Unit Merredin are a community organisation as per Council policy 6.4 - Rental charges for agreements to occupy Council non-residential property, and that the applicable rental subsidy of \$8,650 be recorded as an "in-kind" contribution from the Shire of Merredin.*
- 3) *That Council agree in principle to the 510 Army Cadet Unit Merredin using the building and grounds formerly used as basketball and netball facilities at Lot 1180 on Reserve 23036, Kitchener Road, Merredin and delegate authority to the Chief Executive Officer to finalise terms of the formal lease agreement, subject to the following terms –*
 - a) *Prior to the occupation of the property, the 510 Army Cadet Unit take down and remove all basketball/netball poles to the satisfaction of the Chief Executive Officer;*
 - b) *510 Army Cadet Unit Merredin being responsible for maintaining the perimeter fence and hard stand area, to the satisfaction of the Chief Executive Officer;*
 - c) *No sea containers are to be placed on the property;*
 - d) *No additional buildings to be relocated onto the property without prior approval and a building license being obtained from the Shire of Merredin;*
 - e) *510 Army Cadet Unit Merredin being responsible for compliance with the Health (Public Buildings) Regulations 1992, prior to occupation of the building to the satisfaction of the Chief Executive Officer;*
 - f) *Lease agreement to include "lessee's" and "lessor's" responsibility as per standard Shire of Merredin documentation and determined by the Chief Executive Officer;*
 - g) *A minimum annual allocation of \$1800 be made as part of Council's annual budget to cover building insurance, water rates, fire service inspections, termite inspection and minor building maintenance items at the property for the duration of the lease;*
 - h) *Annual rental of the building to be equivalent to g) above and in accordance with clause 9. of Council policy 6.4 - Rental charges for agreements to occupy Council non-residential property; and*
 - i) *Lease agreement being valid for a three year period with a further two year option, at Council's discretion.*
- 4) *That subsequent to the formalisation of a lease agreement, Council advise surrounding property owners of the future usage of Lot 1180 on Reserve 23036, Kitchener Road, Merredin.*

28737

Moved Cr Townrow sec Cr Morley

- 1) *That Council accept the submission from the 510 Army Cadet Unit Merredin in relation to Expression of Interest for the use of the building and grounds formerly used as basketball and netball facilities at Lot 1180 on Reserve 23036, Kitchener Road, Merredin.*
- 2) *That Council determine that the 510 Army Cadet Unit Merredin are a community organisation as per Council policy 6.4 - Rental charges for agreements to occupy Council non-residential property, and that the applicable rental subsidy of \$8,650 be recorded as an “in-kind” contribution from the Shire of Merredin.*
- 3) *That Council agree in principle to the 510 Army Cadet Unit Merredin using the building and grounds formerly used as basketball and netball facilities at Lot 1180 on Reserve 23036, Kitchener Road, Merredin and delegate authority to the Chief Executive Officer to finalise terms of the formal lease agreement, subject to the following terms –*
 - a) *Prior to the occupation of the property, the 510 Army Cadet Unit take down and remove all basketball/netball poles to the satisfaction of the Chief Executive Officer;*
 - b) *510 Army Cadet Unit Merredin being responsible for maintaining the perimeter fence and hard stand area, to the satisfaction of the Chief Executive Officer;*
 - c) *No sea containers are to be placed on the property;*
 - d) *No additional buildings to be relocated onto the property without prior approval and a building license being obtained from the Shire of Merredin;*
 - e) *510 Army Cadet Unit Merredin being responsible for compliance with the Health (Public Buildings) Regulations 1992, prior to occupation of the building to the satisfaction of the Chief Executive Officer;*
 - f) *Lease agreement to include “lessee’s” and “lessor’s” responsibility as per standard Shire of Merredin documentation and determined by the Chief Executive Officer;*
 - g) *A minimum annual allocation of \$1800 be made as part of Council’s annual budget to cover building insurance, water rates, fire service inspections, termite inspection and minor building maintenance items at the property for the duration of the lease;*
 - h) *Annual rental of the building to be equivalent to g) above and in accordance with clause 9. of Council policy 6.4 - Rental charges for agreements to occupy Council non-residential property; and*
 - i) *Lease agreement being valid for a three year period with a further two year option, at Council’s discretion.*

- 4) That subsequent to the formalisation of a lease agreement,
Council advise surrounding property owners of the future usage
of Lot 1180 on Reserve 23036, Kitchener Road, Merredin.*

CARRIED 9/0

Mr Paul & Mrs Susan Bartlett left the meeting at 2.40pm.

10.6 SUBDIVISION OF LAND APPLICATION – STEFFANONI, EWING AND CRUICKSHANK PTY LTD FOR MICHAEL WILLING – LOTS 500, 501 FITZPATRICK ROAD, HINES HILL

Reporting Department: Development Services
Reporting Officer: Warren Bow, Manager Development Services
Legislation: Local Government Act 1995, Planning and Development 2005
File Number: P/6146

Background:

Council has received correspondence from the West Australian Planning Commission (WAPC) who have received an application from Steffanoni, Ewing and Cruickshank Pty Ltd (“the applicant”) on behalf of the Michael Willing (“the owner”) for the subdivision of Lots 500 and 501 Fitzpatrick Road, Hines Hill (“the property”). This road is also known as the Hines Hill North Road.

Three separate lots are to be created – Lots, 1, 2 and 3.

The accompanying plan of this application can be seen as **Attachment 10.6A**

A plan of the existing cadastral boundaries, taken from the Landgate System can be seen as **Attachment 10.6B**.

The said land is currently vacant and zoned “General Farming” in accordance with the Shire of Merredin’s Town Planning Scheme No.1 (the Scheme).

Legal Implications:

With all applications for subdivision the WAPC seeks comments and feedback from Council in relation to –

- Local Authority zoning
- Local laws in relation to the application
- General comments, conditions that Council may wish to impose as part of the approval

Budget Implications:

Nil

Comment:

Attachment 10.6C, read in conjunction with the abovementioned Landgate map, explain the proposed subdivision by amalgamation.

The yellow shaded area (Lots 100, 101, 102 and 103) is the railway line and service road.

MINUTES

These yellow shaded lots separate Lots 500 and 501 (shaded green and pink, respectively), resulting in portion of both Lots 500 and 501 being on either side of the railway line and service road. The railway line and service road effectively subdivide these lots.

It is proposed to subdivide off the portion of Lot 501 (shaded pink) that exists to the north of the railway line and service road, and amalgamate such into the portion of Lot 500 (shaded green) north of the railway line and service road, creating Lot 1.

It is proposed to subdivide off the portion of Lot 500 (shaded green) to the south of the railway line and service road, creating Lot 2.

The portion of Lot 501 (shaded pink) to the south of the railway line and service is to become Lot 3, after the subdivision of the aforementioned portion of Lot 501 (shaded pink) to the north of the railway line and service road.

This application is effectively a subdivision by amalgamation and seeks to formalise and simplify the existing land tenures created when the railway line and service road were constructed through resumed private property some time ago.

No re-survey of the subdivision is required as existing cadastral boundaries are to be used.

The existing land use of the properties (hobby farms) is proposed to continue.

Road access is afforded to each of the proposed new lots.

Officer's Recommendation:

That Council advise the West Australian Planning Commission that it has no objection to the subdivision of Lots 500 and 501 Fitzpatrick Road, Hines Hill to create three lots being; Lot 1, Lot 2 and Lot 3 in accordance with WAPC Application No. 133097 submitted by applicant Steffanoni, Ewing and Cruickshank Pty Ltd on behalf of Michael Willing.

28738

Moved Cr Marley sec Cr Morley

That Council advise the West Australian Planning Commission that it has no objection to the subdivision of Lots 500 and 501 Fitzpatrick Road, Hines Hill to create three lots being; Lot 1, Lot 2 and Lot 3 in accordance with WAPC Application No. 133097 submitted by applicant Steffanoni, Ewing and Cruickshank Pty Ltd on behalf of Michael Willing.

CARRIED 9/0

10.7 BUILDING STATISTICS REPORT

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

Background:

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

Legal Implications:

Various

Budget Implications:

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

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

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

Approvals:

Building Licence No.	Licence issued to	Address of proposed building	Owner of property	Class of Building Type of Construction
BA56/06	Mark Leveson-Gower, 19 Endersbee St, Merredin WA 6415	Lot 609, House No. 40 Endersbee St, Merredin WA 6415	Mark and Margaret Leveson-Gower, 19 Endersbee St, Merredin WA 6415	10 (a) – New, steel framed, iron clad outbuilding
BA58/06	Statesman Outdoor, 82 Caw St, Merredin WA 6415	Lot 25, House No. 9 Cowan Way, Merredin WA 6415	G&P Reithmuller, 9 Cowan Way, Merredin WA 6415	10 (a) – New, steel framed, iron roofed attached patio
BA61/06	Greg and Kylie Hassack, 8 Farrar Pde, Merredin WA 6415	Lot 782, House No. 8 Farrar Pde, Merredin WA 6415	Greg and Kylie Hassack, 8 Farrar Pde, Merredin WA 6415	10 (a) – New, steel framed, iron roofed, attached carport and patio

Building Licence No.	Licence issued to	Address of proposed building	Owner of property	Class of Building Type of Construction
BA62/06	Kathy Clark and Peter Harris for Shed Co, 33 Canham Way, Greenwood WA 6024	Lot 510, House No. 24 MacDonald St, Merredin WA 6415	Kathy Clark, 24 MacDonald St, Merredin WA 6415	10 (a) – New, steel framed, iron clad outbuilding
BA64/06	Robert Newton, 74 Barrack St, Merredin WA 6415	Lot 205 Barrack St, Merredin WA 6415	Robert Newton, 74 Barrack St, Merredin WA 6415	10 (a) – Steel framed commercial shop front modifications
BA65/06	Chris Smith, 62 Caw St, Merredin WA 6415	Lot 912, House No. 62 Caw St, Merredin WA 6415	Chris Smith, 62 Caw St, Merredin WA 6415	1 (a), 10 (a) – Steel framed, iron roofed additions to existing dwelling, outbuilding

Valuation: \$64,800.00

Fees: \$340.00

Progressive: **\$5,674,936.00**Progressive: **\$16,594.05****Comment:**Total value of building approvals for 2006 is **\$5,674,936.00**.Total value of building applications for 2006 is **\$5,894,998.00**Total value of building fees levied for 2006 is **\$18,623.94**

Below is a table of comparative building approval figures –

YEAR	VALUE OF BUILDING WORK
2006 (to 12/10/2006)	\$5,674,936.00
2005	\$6,686,499.00
2004	\$2 521 757.00
2003	\$2 784 930.00
2002	\$2 330 874.00
2001	\$3 134 517.00
2000	\$3 789 868.00

Officers Recommendation:

That the Merredin Shire Council receive the November/December 2006 statistics for building licences issued by the Building Surveyor for the previous month

28739

Moved Cr Morris sec Cr N Hooper

That the Merredin Shire Council receive the November/December 2006 statistics for building licences issued by the Building Surveyor for the previous month.

CARRIED 9/0

10.8 CARRINGTON WAY SUBDIVISION

Reporting Department:	Administration
Reporting Officer:	Debbie Morris
Legislation:	Local Government Act
File Number:	LUP/5/5

Background:

In September 2006 in order to progress the development of Carrington Way Sub Division, contact was made with Landcorp regarding the Townsite Development Project (TDP).

Landcorp requested that a proposal including all relevant details be sent to them for consideration. This included - cost estimates, service requirements, photographs, proof of demand, plans and Subdivisional approval. At this time approval from the Western Australian Planning Commission (WAPC) had not been received.

WAPC approval was received in October 2006 and thus the proposal to Landcorp was submitted in November, resulting in frequent contact between the Shire and Landcorp.

The correspondence (email) copied below was presented to the December 6th 2006 BCDC meeting :

“Thank you for recent submission for the release of residential land in Merredin. As discussed, there are a few options to consider in attempting to bring land to the market.

- 1. Carrington Way - Shire agrees to gift land to LC and LC undertakes full development - this is subject to full Cabinet approval as loss will more than likely be greater than \$250k - LC would appoint its own consultants as per our panel of engineers/civil works etc*
- 2. Davies St - LC develops the Crown Land - costs would probably be the same as above - so would be subject to Cabinet approval and also Native Title clearances (might take a bit longer than Carrington to address the Native Title)*
- 3. Shire undertakes development themselves*
- 4. This is an idea we have just discussed in-house - we have not had any approvals and is a concept only at this stage. Shire gifts land to LC (Carrington Way). Shire undertakes the project management ie appoints and administers contracts and consultants - a fee could be charged to LC for this. LC will fund the development - capped at a certain figure, according to estimates provided by Shire. LC will then market and sell the lots.*

Points to consider regarding this:

- *Costs would be significantly less than what LC could do it for considering our high overheads and requirements to use certain consultants - Shire could use its own resources and local contractors to save money*
- *Would not need Cabinet approval if loss less than \$250k*
- *Land will get released more expediently utilising local business*
- *Shire maintains responsibility/control of the project*
- *If costs blow out above the capped figure agreed on - it would be Shires responsibility to fund the shortfall*
- *LC would probably appoint their own engineer to oversee as well - to ensure subdivision in line with our policies etc*

Please note this last option has not been approved. It would need more thorough discussion and a proper agreement in place between Shire and LC. We are happy to discuss in more detail if you think it might be an option for you.

Please let me know what you decide after discussion with council.”

Thanks

*Joanne Mathers
Project Manager
LandCorp*

Point 2 – relating to Davies Street was included because our proposal to Landcorp also sought Landcorp’s view on the development of Unallocated Crown Land (Davies Street) that is partially serviced and may be an opportunity to provide an alternative source of residential land at no cost to Council.

Legal Implications:

Under Section 3.58 of the Local Government Act any land disposed of by Council can only be undertaken by public auction, public tender or by private treaty (which has advertising requirements).

In this case Section 3.59 of the Act also applies. In this section Council is required to prepare and publish a Business Plan before it enters into a major land transaction.

A major land transaction is anything done by the local government for achieving the purpose of the transaction and is more, or is worth more, than \$1 million or 10% of Council’s Operating Expenditure from the previous Financial Year (Reg 7 Function & General Regs). In our case the threshold is \$600,000.

It is estimated that the development of Carrington Way will cost more than \$1 million, and so a Business Plan will be required.

MINUTES

A Business Plan must be advertised statewide for a period of 6 weeks. Any submissions received are required to be considered by Council.

Budget Implications:

The development will cost more than \$1 million.

Based upon our Registration of Interest for land undertaken in July 2006 potential income from land sales could be between \$725,000 and \$1,044,000.

Additionally Council has allocated funds from the Roads to Recovery program to construct the roads in the subdivision (\$210,000 CMRef 28637 September 2006). This will reduce the funding required to undertake the subdivision.

Undertaking the development has not been budgeted for in the 2006/2007 Budget.

Comment:

It is apparent that Council is keen to develop the Carrington Way Subdivision to meet local demand for new residential land.

With no budget allocation in 2006/2007 to develop Carrington Way, options are being investigated for the progress of this subdivision, one of which is the assistance of Landcorp.

Landcorp have indicated their willingness to discuss some options in order to bring this land to the market.

January 2007 has been proposed as a suitable time to convene a meeting between the Shire and Landcorp at Landcorp in Perth.

Another option is to investigate the potential for a private developer to become involved in the project, either developing the land themselves or providing specific expertise in a joint venture with Council.

The attractiveness of using the expertise of professional land developers is that the subdivision of land is likely to occur quickly and without major infrastructure development hold ups. Perceived disadvantages are that costs will be higher, a potential income source to Council may be reduced. However, it is an option worth investigating and it is proposed this be done in tandem with an approach to Landcorp, to ensure Council has relevant information for the decision making process.

Officer's Recommendation:

1. *That Council received the above report on the Carrington Way Subdivision.*
2. *That Council elect Crs.....,
....., to meet with Landcorp in January 2007 to negotiate options for the development of Carrington Way Subdivision.*
3. *That Council direct the Chief Executive Officer to investigate the potential interest and level of involvement of private land developers in the development.*

J McGovern left the meeting at 2.48pm.

28740 Moved Cr Townrow sec Cr Morris
That Council receive the above report on the Carrington Way Subdivision.

CARRIED 9/0

J McGovern entered the meeting at 2.52pm.

28741 Moved Cr Jones sec Cr N Hooper
That Council elect Cr N Hooper, Cr Morris, Cr Crees and Cr K Hooper to meet with Landcorp in late January 2007 to negotiate options for the development of Carrington Way Subdivision.

That Council direct the Chief Executive Officer to investigate the potential interest and level of involvement of private land developers in the development.

CARRIED 9/0

10.9 DISPOSITION OF COUNCIL PROPERTY – LOT 1144 BOWER STREET, MERREDIN

Reporting Department:	Development Services
Reporting Officer:	Warren Bow, Manager of Development Services
Legislation:	Local Government act 1995, Local Government (Functions and General) Regulations 1996
File Number:	P/400

Background:

Council received a report (**CMRef 28439**) in May 2006 regarding the proposed replacement program for Council-owned dwellings.

This report identified the sale of Lot 18, House No. 19 Priestly Street (known as 21 Priestly Street) to fund the construction of the second dwelling of the grouped dwelling development at Lot 77 Coronation Street, Merredin.

Staff changes have seen the dwelling at 21 Priestly Street become occupied by the Shire Accountant.

The dwelling at Lot 1144 (House No. 5) Bower Street, Merredin was designated in the above mentioned report as a residence for the horticulturalist. Notwithstanding advertising the position three times no employee has been secured for the position with alternative arrangements being proposed.

The dwelling was previously occupied by Council's part time and relieving Environmental Health Officer/Building Surveyor from time to time, however has remained vacant for the past five months. The dwelling has also been used to accommodate other relief and contract staff in the past.

It is proposed to offer for sale the dwelling at 5 Bower Street, in lieu of 21 Priestly Street to fund the construction of the second dwelling of the grouped dwelling development at Lot 77 Coronation Street, Merredin

Legal Implications:

Section 3.58 of the Local Government Act 1995 prescribes the way in which local government property must be disposed of. Disposal includes by way of sale, with no exemptions under the provisions of the Local Government (Functions and General) Regulations 1996 applicable.

Accordingly the property must be disposed of by way of public tender, private treaty or public auction.

Budget Implications:

The proceeds of the sale of 5 Bower Street, should be kept in reserve until required for the construction of the second grouped dwelling at Lot 77 Coronation Street, Merredin.

Comment:

It is recommended that Council dispose of the property Lot 1144, House No. 5 Bower Street, Merredin by way of public tender.

Officer's Recommendation:

That Council dispose of the property Lot 1144, House No. 5 Bower Street, Merredin by way of public tender.

28742

Moved Cr Morris sec Cr Morley

That Council dispose of the property Lot 1144, House No. 5 Bower Street, Merredin by way of public tender.

**CARRIED 6/3
ABSOLUTE MAJORITY**

The following Item 16.1 was brought forward due to the attendance of W Bow.

- 28743** Moved Cr Wallace sec Cr Morley
That Council move behind closed doors to discuss commercial matters (S 5.23(2) Local Government Act).
- CARRIED 9/0**

Council went behind closed doors at 3.07pm.

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

Reporting Department: Development Services
Reporting Officer: Warren Bow, Manager of Development Services
Legislation: Health Act 1911 (as amended)
File Number: P/2046

- 28744** Moved Cr Townrow sec Cr Morley
That Council moved out from behind closed doors.
- CARRIED 9/0**

Council moved out from behind closed doors at 3.10pm.

- 28745** Moved Cr Townrow sec Cr Morley
1. *That the Merredin Shire Council advise the owners of Lot 27 Hay Street, Merredin that the previous Notice served pursuant to section 135 of the Health Act 1911 (as amended) on 4 February 2005 remains in force.*
 2. *That the Merredin Shire Council revoke the Notice served pursuant to section 139 of the Health Act 1911 (as amended) on 4 February 2005 in relation to the timber framed, iron roofed, fibro board clad, timber floor board building, with timber framed internal walls, windows and doors at Lot 27 Hay Street, Merredin.*
 3. ~~*That the Merredin Shire Council serve notice pursuant to section 137 of the Health Act 1911 (as amended) on the owners of Lot 27 Hay Street, Merredin requiring them to take down and remove the dwelling from the property within ninety (90) days of the date on such Notice.*~~

Part of Motion Rescinded 21 August 2007 CMRef 29073

-
4. *That the Merredin Shire Council advise the owners of Lot 27 Hay Street, Merredin that section 138 of the Health Act 1911 (as amended) applies and that all material from the property shall be disposed of at the Merredin Refuse Disposal Site, Chandler Rd, Merredin.*

CARRIED 9/0

- 28746** Moved Cr Townrow sec Cr Morley
That Council adjourn for afternoon tea.

CARRIED 9/0

Council adjourned for afternoon tea at 3.11pm.

- 28747** Moved Cr Crees sec Cr Morris
That Council reconvene the meeting.

CARRIED 10/0

Council recommenced the meeting at 3.35pm.

W Bow was not in attendance.

J Garrett entered the meeting at 3.35pm.

11.0 ENGINEERING SERVICES

11.1 MANAGER OF WORKS – MONTHLY REPORT

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

Background:

Monthly report on operations.

Legal Implications:

Nil

Budget Implications:

Nil

Comment:**Road Construction**

Tree pruning on Armstrong Road under way and the road formation works will start in April 2007.

Bitumen works started on the Rec. Centre car park along with Goldfields Road, Narebeen Road, Duff Street and Korbel - Hines Hill Road

Road Maintenance

Summer grading of roads for the harvest period in progress.

Bitumen road patching in progress when staff available.

Tree pruning of trees over power lines on Bates Street near Recreation Ground completed.

Missing and faded street sign replacement underway.

Painting of kerbing on Barrack and Bates Street completed

Pavement failure on Burracoppin Bin Road 85% repaired, new bitumen will be sprayed when bitumen tanker is back in town.

Events

Christmas banners and decorations put in place.

Shire staff helped with the setting up of Gala night and the cleanup the next day.

Parks And Gardens

Lawn mowing program ongoing.
Tidy up of footpaths, islands and parks progressing.

Recreation Ground

Curator working hard to prepare the cricket wickets and tennis courts each week.

Apprentice Mechanic

Keith Langford started work as a apprentice mechanic for the Merredin Shire on the 6 of December

Water

Dam #1	90% Full	Capacity	74,455 kilolitres
Dam #2	95% Full	Capacity	71,675 kilolitres
Dam #3	35% Full	Capacity	46,000 kilolitres
Railway Dam	80% Full	Capacity	23,000 kilolitres

Estimated total in storage: 169,601 Kilolitres

Officer's Recommendation:

That the Merredin Shire Council receive the Manager of Works report for November 2006.

28748

Moved Cr Crees sec Cr Morris

That the Merredin Shire Council receive the Manager of Works report for November 2006.

CARRIED 9/0

**11.2 CLOSURE OF THE INTERSECTION OF CUMMINGS CRESCENT
AND GREAT EASTERN HIGHWAY MERREDIN**

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

Background:

At the Council meeting on the 21 of February 2006, (CM Ref 28314) Council resolved to permanently close the intersection of Cummings Crescent and the Great Eastern Highway in accordance with Section 3.50 of the Local Government Act 1995. A public submission period was held from 22 of March 2006 till the 13 of April 2006.

Letters were sent to all residents of Todd Street West that would be affected by the intersection closure. Only one reply was received as can be seen on **Attachment 11.2A.**

The relevant government departments affected by the intersection closure were also notified, with replies received from the Main Roads W.A and the Department of Land Asset Management Services as can be on **Attachment 11.2B.**

Legal Implications:

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

Budget Implications:

Nil

Comment:

Before road designs are drawn up a road safety audit is conducted. Any concerns of the auditors are then addressed in final road designs. The entrance into Todd Street West at Cummings Crescent and Great Eastern Highway is situated on a curve and it was felt that this entrance should be closed by the road safety auditors. The sight distance for traffic approaching from the west entering Cummings Crescent from the Great Eastern Highway would be a safety concern.

The other entrance to Todd Street West is on a straight section of the Great Eastern Highway and has a better sight distance improving road safety. Therefore this should stay open resolving the safety issues identified by the road safety auditors which are most important.

And whilst we acknowledge Mr Murray's comments it is necessary to resolve the safety issues by closing the intersection.

Officer's Recommendation:

That Council formally close the intersection of Cummings Crescent and the Great Eastern Highway in accordance with Section 3.50 of the Local Government Act 1995 .

28749

Moved Cr Townrow sec Cr Morley

That Council formally close the intersection of Cummings Crescent and the Great Eastern Highway in accordance with Section 3.50 of the Local Government Act 1995 .

CARRIED 9/0

11.3 ROAD CLOSURE – COMBES ROAD

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

Background:

As part of the Great Eastern Highway upgrade from Hines Hill to Walgoolan, Aline East has requested that we formally close a section of Combes Road so a new road can be constructed 50 metres to the east of Combes Roads as can be seen on **Attachment 11.3A** .

As the new road will take it outside the road reserve the Department of Planning and Infrastructure require that Council initiates the creation of a new road and the closure of the existing road.

Legal Implications:

As this would be a permanent road closure Council will need to go through the statutory process under Section 3:50 of the Local Government Act.

Under Section 56 of the Land Administration Act a request needs to be sent to the Minister for approval of the road closure and the naming of a new road needs to go to the Land Information Minister for approval.

Budget Implications:

Nil

Comment:

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

Aline East have had discussions with the Shire of Merredin, Water Corporation and Western Power to resolve all matters relating to the proposed changes of Combes Road. In respect to the naming of the new road it suggests we continue with Combes Road.

Officer's Recommendation:

- 1) *That Council formally close the section of Combes Road in accordance with Section 3.50 of the Local Government Act 1995 .*
- 2) *In accordance with Section 56 of the Land Administration Act Council request the Minister for Land Information to name the new road located near the intersection of Great Eastern Highway and Reserve Number 8228 Combes Road.*

28750

Moved Cr Townrow sec Cr Morris

- 1) *That Council formally close the section of Combes Road in accordance with Section 3.50 of the Local Government Act 1995 .*
- 2) *In accordance with Section 56 of the Land Administration Act Council request the Minister for Land Information to name the new road located near the intersection of Great Eastern Highway and Reserve Number 8228 Combes Road.*

CARRIED 9/0

Cr Jones left the meeting at 3.46pm.

Cr Jones entered the meeting at 3.47pm.

11.4 ROAD CLOSURE – POLLOCK AVENUE

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

Background:

As part of the Great Eastern Highway upgrade from Hines Hill to Walgoolan, Aline East have requested that we formally close a section of Pollock Avenue from Great Eastern Highway to the access driveway for the Aline construction Village on Pollock Avenue (See **Attachment 11.4A**).

The reason given for the request for the road closure was that the sight distance to the east of Pollock Avenue along the Great Eastern Highway was restricted due to the railway crossing signals and signs. The Great Eastern Highway also starts to curve just after the railway crossing. A view of the sight distance can be seen at **Attachment 11.4B**.

Legal Implications:

As this would be a permanent road closure Council will need to go through the statutory process under Section 3:50 of the Local Government Act 1995.

Budget Implications:

Nil

Comment:

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

Traffic counts conducted on Pollock Avenue after the Brewery Road intersection were 356 VPD.

Officer's Recommendation:

That Council formally close the section of Pollock Avenue from the Great Eastern Highway to the access driveway into the Aline East Construction Village as shown on Attachment 11.4A in accordance with Section 3.50 of the Local Government Act 1995 .

28751

Moved Cr Townrow sec Cr Morley

That Council formally close the section of Pollock Avenue from the Great Eastern Highway to the access driveway into the Aline East Construction Village as shown on Attachment 11.4A in accordance with Section 3.50 of the Local Government Act 1995 .

CARRIED 6/3

The following late Item 15.3 was brought forward whilst J Garrett was in attendance.

Cr Marley declared an Impartiality Interest in Item 15.3

15.3 MODIFIED ROUTE ASSESSMENT GUIDELINES FOR RURAL ROADS

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

Background:

Attached is a letter from the Livestock Transporters & Country Bulk Carriers Association of W.A. (**Attachment 15.3A**) requesting financial assistance from the Shire of Merredin to engage a Consultant to prepare a proposal for developing guidelines for a secondary heavy vehicle network in Western Australia.

Before vehicles can use the heavy vehicle road network they must be inspected by Main Roads assessors and at this stage Main Roads do not have the resources to make the necessary assessments to enable routes to be approved.

The request from the Livestock Transporters & Country Bulk Carriers Association of W.A. is aimed at expediting this assessment.

Financial Implications:

Funding could be made available from Council's road maintenance budget.

CEO Comment:

Whilst the comments of the Livestock Transporters & Country Bulk Carriers Association of W.A. show the frustrations being experienced by industry a financial contribution from Local Governments to progress this matter is another clear case of cost shifting and inadequate resourcing by State Government agencies.

If this is a significant issue then Council, through the Association should lobby the Government to provide the necessary resources to enable the appropriate assessments by Main Roads to occur.

28752

Moved Cr Jones sec Cr Crees

That Council

1. *Advise the Livestock Transporters & Country Bulk Carriers Association of W.A. that it supports their request in principle but is unable to provide financial assistance to their project.*
2. *Ask the Western Australian Local Government Association to work with Livestock Transporters & Country Bulk Carriers Association of W.A to petition the Government to provide resources to the assessment of heavy vehicle road network by Main Roads WA as soon as possible.*

CARRIED 9/0

MINUTES

The following late Item 15.4 was brought forward whilst J Garrett was in attendance.

15.4 PROVISION OF SERVICES TO WHITFIELD WAY – TENDER 13 - 05/06

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

Background:

At Council's 21 February 2006 meeting (CMRef 28294) Council awarded the tender for the provision of services to Whitfield Way to the Leeway Group. It was expected that the work would be completed by the 30 June 2006.

Subsequent to this a number of circumstances arose which have significantly delayed the installation of services at Whitfield Way.

A detailed breakdown of these circumstances is attached for Council information. (**Attachment 15.4A**).

The water reticulation portion of the contract has been completed (with the exception of installation of services to lots fronting the Chandler-Merredin Road where the Shire issued an order to Water Corporation – Cost \$3,000). The installation of the power and telephone cables are outstanding.

In an attempt to resolve the issue a telephone conference was held with all parties on 14 December 2006 where the contract was again discussed. (**Attachment 15.4B**).

Essentially the attached documents indicate that there are a number of errors and omissions that occurred that are attributable to all parties of the contract.

Financial Implications

At Council's 15 November 2005 meeting the budget for the Whitfield Way project was discussed. At that meeting it was explained that Council had provided \$300,000 in loan funds and \$32,000 from its Land Development Reserve to undertake the project. However the budgeted cost for the project was \$342,000 (excluding GST) and so Council allocated an additional \$10,000 to complete the project (CMRef 28189).

Unspent funds were brought forward in the 2006/2007 budget (\$85,489). Expenditure to date on the project amounts to about \$262,000. There are also \$13,860 worth of private works accounts that are chargeable to the contractor however this figure is in dispute. Therefore we have either \$80,000 remaining (\$342,000 - \$262,000) or \$66,500 (\$342,000 - \$262,000 - \$13,860) to enable us to complete the project.

According to David Wills & Associates the estimated cost to complete the contract will total \$205,000 against a tender price of \$184,000.

Additionally existing trenches will need to be filled in as well as the installation of ringlock fencing (approximately \$7,000).

With payment of outstanding monies owed to the Leeway Group (approximately \$20,000) the engagement of a new electrical contractor (\$85,000) and the completion of Council works (approximately \$10,000) additional funding of approximately \$35,000 or \$49,000 (depending on the outcome of the private works negotiations) will be required to complete the project.

Current sales have yielded an income of \$385,600. If we add the previous sale of Lot 1350 Whitfield Way for \$32,500, Council's total income for the project is \$418,100.

Allowing an additional expenditure of \$50,000 to complete the project our revenue will exceed expenditure by \$26,100.

CEO Comment

In my discussions with the Contractor and Consulting Engineer I stressed the point that if we all agreed that we are all partially at fault then the Shire of Merredin should not be totally responsible for all the additional expenditure to complete the project.

I am however concerned with the need to service the blocks as soon as possible in order to honour the commitment we have made to the persons who, in good faith, have purchase land on the basis that all services will be available.

I am also conscious of the fact that if we do not reach a settlement acceptable to all parties expenses for legal fees will be added to the project budget.

The figure I quoted is the most pessimistic figure and I hope to be able to negotiate a figure closer to the \$35,000 previously mentioned.

28753

Moved Cr Townrow sec Cr Morris

That Council provide up to an additional \$50,000 from the Land Development Reserve to complete the servicing of land in the Whitfield Way subdivision with funding coming from the Land Development Reserve.

**CARRIED 9/0
ABSOLUTE MAJORITY**

J Garrett left the meeting at 4.05pm.

12.0 ADMINISTRATION, FINANCE & COMMUNITY DEVELOPMENT

12.1 CHIEF EXECUTIVE OFFICER'S REPORT

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

Local Government Elections

I have been advised that the Local Government Amendment Bill 2006 has been passed by the Legislative Assembly which has moved the Ordinary Local Government election date from the first Saturday in May to the third Saturday in October 2007. This will mean that Council's next election will be held on Saturday 20 October 2007. Council is reminded that we have engaged the Electoral Commission to undertake a postal ballot for this election (16 May 2006 - CMRef 28475).

Change in Method of Voting

In order to pass the legislation regarding the change of election timing the Government was forced to split the Local Government Amendment Bill 2006.

The controversial piece of that Bill i.e. the change in voting method has been referred to the Environment and Public Affairs Committee of the Legislative Council to review.

I will be forwarding Council's previous comments made to the Minister for Local Government to this Committee for their consideration.

Local Government Accountability

Attached to this agenda are the findings on the Public Accounts Committee's investigation into Local Government Accountability in Western Australia. The report is being presented to the Government and we are awaiting their response to the report. **Attachment 12.1A.**

Local Government Sustainability – Systemic Sustainability Study

The final report of the WALGA Systemic Sustainability Study has been released and a copy of their 41 recommendations is attached for Council information. **Attachment 12.1B.**

I have also received a Ministerial circular indicating that he is in the process of developing a National Framework for the assessment of Local Government Financial Sustainability.

It seems that the WALGA process and the Minister's process can be amalgamated into a combined action in order to better utilise resources.

WALGA intend to host an industry summit in early 2007 to formalise the position on each of the recommendations and to consider the implementation proposals as developed by the taskforce.

Crime Prevention

At Council's 16 May 2006 meeting (CMRef 28476) Council agreed to enter into a Community Safety and Crime Prevention Partnership with the Office of Crime Prevention and WE-ROC Councils. The Consultant's brief has recently been prepared and will be advertised shortly.

Drainage – Nangeenan North Road

I have been contacted by the Commissioner of Soil Conservation regarding the drainage crossing at Nangeenan North Road. I have indicated that the Commissioner for Soil Conservation needs to approve any work undertaken in that area prior to the Shire of Merredin considering any work in this area.

I suggested that a meeting with all the parties affected by the project should occur early in the New Year so the matter can be finally dealt with.

CEO Review

At the direction of the Shire President, Anne Lake has been engaged to undertake the CEO Review and this will be occurring on the 19 February 2007.

If this date is satisfactory I will confirm with Anne Lake.

Wheatbelt Health Services Plan

Councillors and Staff met with Mr Kim Snowball, Consultant for the Wheatbelt Health Services Plan on Thursday 7 December 2006.

Mr Snowball indicated that he would be submitting a draft plan to WACHS prior to Christmas which would then be made available for public comment in the Wheat belt region.

Points arising from the discussion were:

- Recruitment of doctors in the next five to ten years would become more difficult. After that graduates would increasingly become available to meet the demand;
- New graduates have different expectations being more clinically orientated than administrative;
- There was a need to reinstate obstetrics and other specialized facilities in regional centres such as Merredin;
- Regional Centres such as Merredin provided an opportunity for people to rehabilitate from major surgery (eg cardiac, knee and hip replacements);
- Wheatbelt should be viewed as similar to the metropolitan area except the suburbs are a bit further apart;
- New models were needed for the management of Medical Practices and sharing of the administrative burden amongst practices;

-
- Significant issues in the Wheatbelt especially amongst coastal communities.

We indicated to Mr Snowball that we were happy for Merredin to be used as a pilot for any of the recommendations that may come out of the Health Services Review.

Officer's Recommendation

That the Chief Executive Officer's report for December 2006 be received.

28754

Moved Cr Townrow sec Cr Morley

That the Chief Executive Officer's report for December 2006 be received.

CARRIED 9/0

12.2 ANNUAL ELECTORS MEETING HELD ON 21 NOVEMBER 2006

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

Background

The Annual Electors meeting for the Shire of Merredin was held on the 21 November 2006 and minutes of the meeting are attached for Council information (**Attachment 12. 2A**).

Statutory Implications:

Under Section 5.33 of the Local Government Act all decisions made at an Electors Meeting are to be considered at the next Ordinary Meeting of Council.

Officer's Recommendation:

That the Shire of Merredin receive the minutes of the Annual Electors Meeting held on Tuesday 21 November 2006.

28755

Moved Cr Townrow sec Cr Morris

That the Shire of Merredin receive the minutes of the Annual Electors Meeting held on Tuesday 21 November 2006.

CARRIED 9/0

12.3 LOCAL PUBLIC NOTICE OF 2007 COUNCIL MEETINGS

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

Background:

S 5.25 (g) of the Local Government Act and Regulation 12 of the Local Government (Administration) Regulations 1996 require a local government to give local public notice of the dates of ordinary Council meetings, at least once a year.

On the basis of Council's standing arrangement of holding Ordinary Meetings on the third Tuesday of each month, the following dates will apply in 2007:

2007 Ordinary Council Meetings

16th January 2007	17 th July 2007
20th February 2007	21st August 2007
20th March 2007	18 th September 2007
17th April 2007	16 th October 2007
15th May 2007	20 th November 2007
19th June 2007	18 th December 2007

There is no requirement to give local public notice of Council's Committee meetings.

Legal Implications:

As described.

Officer's Recommendation:

That Merredin Shire Council adopt the following meeting dates for 2007 and advertise by local public notice in accordance with the Local Government Act and Regulations:

<i>2007 Ordinary Council Meetings</i>	
<i>16th January 2007</i>	<i>17th July 2007</i>
<i>20th February 2007</i>	<i>21 August 2007</i>
<i>20th March 2007</i>	<i>18th September 2007</i>
<i>17th April 2007</i>	<i>16th October 2007</i>
<i>15th May 2007</i>	<i>20th November 2007</i>
<i>19th June 2007</i>	<i>18th December 2007</i>

28756

Moved Cr Morris sec Cr Townrow

That Merredin Shire Council adopt the following meeting dates for 2007 and advertise by local public notice in accordance with the Local Government Act and Regulations:

*2007 Ordinary Council Meetings**16th January 2007**20th February 2007**20th March 2007**17th April 2007**15th May 2007**19th June 2007**17th July 2007**21 August 2007**18th September 2007**16th October 2007**20th November 2007**18th December 2007***CARRIED 9/0**

12.4 MEMORANDUM OF UNDERSTANDING – SHIRE OF MERREDIN AND WA COUNTRY HEALTH SERVICE WHEATBELT REGION – PROVISION OF DOCTOR SERVICES

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

Background

With the departures of Doctors Remi and Rayo Adebayo in October 2005 the Shire of Merredin has had difficulty in trying to recruit replacement doctors.

The WA Country Health Service Wheatbelt Region determined to become involved with the recruitment of doctors and in May/June 2006 advertised for the recruitment of two doctors to work as medical practitioners for the Shire of Merredin Medical Practice and as employees at the Merredin Hospital.

The attached Memorandum of Understanding describes the relationship all three parties have with each other. (**Attachment 12.4A**)

For Council information, one doctor recruited under the MOU, Dr Gabriel Adeniyi is expected to be in Merredin mid-December 2006.

The recruitment of the other doctor has been withdrawn and re-advertising for the position is currently occurring.

CEO Comment

This new arrangement between the WA Country Health Service Wheatbelt Region and the Shire of Merredin is an entirely new arrangement with a number of uncertainties.

- Will the rostering suit the hospital?
- Will the doctors achieve adequate remuneration to ensure their retention?
- Will the on call commitment at the hospital be met?

I believe that the two parties have entered into this arrangement with a genuine attempt to resolve some of the medical issues surrounding the provision of a health service in Merredin. The formal adoption of the MOU is a sign of good faith of working together to provide this service.

Recommendation

That the Council endorse the MOU between the Shire of Merredin and the WA Country Health Service Wheatbelt Region.

28757

Moved Cr Jones sec Cr Townrow

That the Council endorse the MOU between the Shire of Merredin and the WA Country Health Service Wheatbelt Region with amendment to No 5.3 of the MOU to include Class 1, 2 & 3 triage categories.

CARRIED 9/0

**12.5 EASTERN DISTRICTS LADIES GOLF ASSOCIATION
- CHAMPIONSHIPS 75TH YEAR CELEBRATIONS
- REQUEST FOR DONATIONS**

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

Background

Attached is a letter from the Kellerberrin Golf Club requesting a donation from Council for the Eastern Districts Ladies Golf Association – 75th Year Celebration for commemorative badges for the delegates and participants of the Championship. **Attachment 12.5A.**

Financial Implications

The budget for Subscriptions and Donations Account is \$15,360. To date \$12,420 has been expended.

Staff Recommendation

That Council donate \$..... to the Eastern Districts Ladies Golf Association for the purchase of commemorative badges for their 75th Association Championship.

Moved Cr Townrow sec Cr Marley

That Council donate \$100.00 to the Eastern Districts Ladies Golf Association for the purchase of commemorative badges for their 75th Association Championship.

LOST 3/6

Moved Cr Townrow sec Cr Marley

That Council donate \$50.00 to the Eastern Districts Ladies Golf Association for the purchase of commemorative badges for their 75th Association Championship.

AMENDMENT

Moved Cr Crees sec Cr Wallace

That Council amend the motion by deleting \$50.00 and inserting \$200.00.

LOST 5/4

28758

Moved Cr Townrow sec Cr Marley

That Council donate \$50.00 to the Eastern Districts Ladies Golf Association for the purchase of commemorative badges for their 75th Association Championship.

CARRIED 5/4

**12.6 REQUEST FOR DONATION FOR THE NORTH MERREDIN
PRIMARY SCHOOL – CENTENARY CELEBRATIONS**

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

Background

I have received a request from the North Merredin Primary School for a donation to install a memorial plaque at the original site of the Merredin Primary School (east of the No 4 Pump Station) to commemorate the centenary of the school to be held in March 2007. (See attachment 12.6A).

Financial Implications

The cost for an acid etched plaque is \$440.00 and the price for an engraved brass plaque is \$638.00.

Council's Donation and Subscriptions budget is \$15,360. To date \$12,420 has been expended.

Staff Recommendation

That Council allocate \$..... for the purchase of a memorial plaque for the North Merredin Primary School Centenary Celebrations in March 2007.

28759

Moved Cr Marley sec Cr Townrow

That Council allocate \$638.00 for the purchase of a memorial plaque for the North Merredin Primary School Centenary Celebrations in March 2007 subject to the inclusion of the Shire of Merredin logo.

CARRIED 7/2

Cr Jones left the meeting at 4.45pm.

Cr Jones entered the meeting at 4.46pm.

12.7 PROVISION OF DOCTOR SERVICES – SHIRE OF MERREDIN AND WA COUNTRY HEALTH SERVICES – WHEATBELT REGION.

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

Background

As discussed in previous agenda papers the Shire of Merredin and the WA Country Health Service – Wheatbelt Region have entered into a joint project for the provision of doctor services in Merredin. Part of this arrangement was that Council would supply two residences and two vehicles for use by Medical Practitioners and the WA Country Health Service would provide the other house and other vehicle. In the letter at **Attachment 12.7A** it explains that this creates administrative difficulties for WACHS and it would be preferential for Council to obtain a residence and vehicle and then on-lease them to WACHS.

It has been suggested that an administrative fee of \$1,000 be paid to the Shire for the inconvenience.

As stated in the letter WACHS had expressed an interest in a long term lease for the property located at Lot 364 Todd Street, Merredin. The owner of the property is Janine Herndl, Practice Manager/Consultant.

Statutory Implications

I understand that there is no legal process required to lease from Mrs Herndl. However the lease to WACHS is covered by Section 3.58 of the Local Government Act. This section requires that any land disposed of by Council can only be undertaken by public auction, public tender or by private treaty (which has advertising requirements).

However Clause 30 (2) (C) of the Local Government (Functions and General) Regulations 1996 indicates that disposal to a State Government organisation is exempt from Section 3.58 of the Local Government Act.

The leasing of the vehicle to WACHS is exempt of the Tender requirements in Section 3.57 of the Local Government Act by clause 11(2)(e) of the Local Government (Functions and General) Regulations 1996.

Financial Implications

I see the arrangement having a neutral effect cost wise. The lease paid to the landlord would be recouped by WACHS. The administrative fee is an appropriate acknowledgement of the additional work we are undertaking.

Whilst the property is vacant Council staff are maintaining the gardens.

Comment

I believe the offer by WA Country Health Service is a significant offer as it recognises that it has a part to play in the supply of doctors for country hospitals and therefore the arrangement should be accepted.

Staff Recommendation

That Council agree to the following proposals effective from the 9 December 2006:

1. *Lease Lot 364 (No 129) Todd Street, Merredin from Mrs Janine Herndl on an initial term of five (5) years at a rental of \$450.00 per week subject to annual CPI review;*
2. *Lease a vehicle for the new Doctor of a similar standard offered by the Shire of Merredin to other medical doctors;*
3. *On-lease Lot 364 (No 129) Todd Street, Merredin to the WA Country Health Service for the agreed rental.*
4. *On-lease to the WA Country Health Service the cost of leasing a motor vehicle for the new doctor.*
5. *Accept an administration fee of \$1,000 per annum subject to CPI review for the administration of the property and vehicle lease.*

28760

Moved Cr Jones sec Cr Townrow

That Council agree to the following proposals effective from the 9 December 2006:

1. *Lease Lot 364 (No 129) Todd Street, Merredin from Mrs Janine Herndl on an initial term of five (5) years at a rental of \$450.00 per week subject to annual CPI review;*
2. *Lease a vehicle for the new Doctor of a similar standard offered by the Shire of Merredin to other medical doctors;*
3. *On-lease Lot 364 (No 129) Todd Street, Merredin to the WA Country Health Service for the agreed rental.*
4. *On-lease to the WA Country Health Service the cost of leasing a motor vehicle for the new doctor.*
5. *Accept an administration fee of \$1,000 per annum subject to CPI review for the administration of the property and vehicle lease.*

CARRIED 9/0

12.8 FOUNDATIONS FOR COUNTRY HEALTH SERVICE 2007 - 2010

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

Background

Attached to this agenda item are selected pages from the draft Foundations for Country Health Service 2007-2010. (**Attachment 12.8A**). This document was developed in response to the recommendations made by the Health Reform Committee in its final report of 2004 (The Reid Report) and the Country Health Services Review 2003.

WA Country Health Service is seeking feedback from Council on the final draft by the 31 December 2006.

They have asked Council to comment in the following areas:

- Are the three key strategic reforms relevant?
- Are the objectives and actions resulting from the strategic direction clear, measurable and relevant and are there any gaps?

CEO Comment

Overall the document concludes that there were three strategic directions for WA Country Health. These were Networking Health Services, Building Healthier Communities and Strengthening and Modernising Country Health. The associated objectives and actions flow from these strategies.

I found the objectives and actions covered the various issues that the Shire of Merredin would have. What I am concerned with is the resultant activity after an action has been completed. For example at Page 55 in the “**Continue implementation of role delineation framework**” objective it states “*review the locations at which aged care, obstetric services and anaesthetic services are provided*”.

That action is entirely appropriate. However what is done once that information is collected and analysed may not be appropriate and has not been explained.

Contrast this with the action at the bottom of Page 55 which states “*establish agreement with the Royal Darwin Hospital to accept inter-hospital patient transfers from the East Kimberley*”. This action gives a clear indication of what is proposed and how it is to be achieved.

The report makes it clear that Merredin is considered an integrated district health service and it should provide the following services:

MINUTES

-
- Diagnostic, Emergency, Acute Inpatient and minor procedural services;
 - Low Risk Obstetrics (where obstetric proceduralist and midwives are available and where the volume supports a safe clinical service);
 - Aged care services (where required);
 - Co-ordination for acute primary and mental health services at district level.

The Foundations for Country Health Service 2007-2010 should be seen as an overarching document that covers all of Country WA.

Currently being prepared by consultants Kim Snowball and Dr Felicity Jefferies is a Wheatbelt Health Services Plan which fits underneath the foundations document. The Wheat belt Health Services Plan is currently being prepared and will be made available to WACHS by the end of December. I understand that this will be distributed to local governments in early 2007 for comment.

I believe the Wheatbelt Health Service Plan is the document that warrants quite detailed examination to ensure that it meets with our community's objectives.

In general I believe the Foundations document provides a satisfactory approach to country health services. I believe that it covers most of the issues we have with health services in country WA.

CEO Recommendation

That Council advise the WA Country Health Service that the strategic direction objectives and actions in the Foundation for Country Health Services 2007-2010 generally deal with the health issues in the Shire of Merredin.

J McGovern left the meeting at 4.50pm.

J McGovern entered the meeting at 4.51pm.

28761

Moved Cr Crees sec Cr Townrow

That Council advise the WA Country Health Service that the strategic direction objectives and actions in the Foundation for Country Health Services 2007-2010 generally deal with the health issues in the Shire of Merredin.

CARRIED 9/0

12.9 'SOLAR OASIS' - HURST REPORT

Reporting Department: Community and Economic Development
Reporting Officer: Jeff Walker
Legislation: Local Government Act 1995
File Number:

Background:

Monash University lecturer and researcher Mr Nathan Hurst was contacted in April 2006 to advise on the viability of some form of 'solar oasis'/ solar-thermal desalination project for Merredin. Following a period of information exchange between Mr Hurst and Shire staff, Mr Hurst felt that such a project could be viable. He was then engaged to research and write a report on Merredin solar-thermal desalination project options.

Mr Hurst (along with Dr Lynne Shandley) visited Merredin for 6 days in August 2006, to spend time assessing local conditions and facilities and to speak with Councillors and other relevant parties. The results of this fieldwork were combined with information gathering done before and after the visit, and the subsequent report, 'Possible uses for Merredin's salty ground water' (dated October 6 2006), has been delivered to the Shire and distributed to Council and Shire management.

Comment:

The report outlines over a dozen potential solutions to the saline groundwater problem. It then lists the options in a table (Page 29) and evaluates them according to cost, probability of success, outputs, economic feasibility and political feasibility. Chapter 3 of the report makes a number of 'next-step' recommendations.

The ideas and options presented provide a well rounded platform for discussion, being a mix of experimental, cutting-edge alternatives, to very simple solutions.

The report's recommendations are limited in design and costings as some of the options presented are not yet commercially available, haven't been implemented full-scale elsewhere, or due to rapid changes in price and materials technology are difficult to quantify. Some options require a period of small-scale field testing in Merredin and suggestions for that have been included in the report.

Although *solar-thermal* investigation was the catalyst for inviting Mr Hurst to Merredin, alternative options presented and discussed since then perhaps provide a different direction.

A concern with some solar-thermal options (using sunlight and salt water to produce electric power for a desalination plant) is that they still leave

MINUTES

questions or problems – What to do with the waste brine? What to do with the fresh water produced? How to afford hire or purchase of desalination unit?

Looking at the other options in the report can counter some of these questions. It would be preferable to harness all of the outputs, both good and bad (including fresh water, brine, heat, electricity, dry algae meal, algal oil, fertilizer, cool air, exhaust); the waste from some processes can be used as fuel for others. A combination of many options will get the best results

Combining options into one large multi-staged system at some sort of ‘*Merredin renewables and desalination complex*’ would maximise all processes, leaving very little waste and the largest amount of benefits. This is covered briefly in recommendation 3.4 (page 31 of the report).

The concept also has terrific tourism and education appeal. Partnerships could easily be created around a trial complex (Merredin Senior High School have expressed interest), making the project one that would have a very good chance of securing funding for setup and expansion.

A good step towards this would be to set up cheap, small trials in partnership with suitable organisations in the community, find out how to adjust the various individual options so they work the most efficiently in local conditions. After the trial period, the options that work the best could be brought together into the ‘renewables and desalination complex’.

It would also be of benefit for the committee to look at the individual options and prioritise them. Maybe the resulting priority list needs to be compared to Council resolution 28232 from Council’s December 2005 meeting, and crossovers identified. Prioritisation will enable staff to pursue partners, funding and opportunities.

Council Resolution 28232

That the Shire of Merredin is in general agreement with the summary of priorities, issues and actions from the Rural Towns Liquid Assets public meeting held on 07 December 2005 and makes specific comments on the following:

- *Priority Action 1.1 - Council’s preferred long term outcomes are selling water to Water Corporation; supplying water to the abattoir; Whyalla type “Solar Oasis” for energy, fresh water and mineral production and aquaculture.*
- *Priority Actions 2.2 – 2.4 need to be expedited*
- *Priority Action 3.4 not supported as this may affect the future growth of the town.*

The Summary of Priorities, Issues and Desirable actions from the RTLA December 2005 public meeting is attached.

CEDPOs have successfully engaged Mr Hurst and supplied him with the information and assistance he needed to complete his report. The project

currently sits with the NRM0 who will need direction from council in terms of priority actions.

Financial Implications:

Depending on the options selected by Council, various amounts and types of grant funding will be available to put those options into practise. It is foreseeable that Council will have to contribute a percentage of the project(s) costs. Specific amounts are not known.

Officer's Recommendation:

That Council trial recommendations 3.3 and 3.5 from 'Possible uses for Merredin's salty ground water' upon negotiation of a partnership with Merredin Senior High School.

That Council recommend and prioritise the following strategies from 'Possible uses for Merredin's salty ground water' for future development.

- A)
- B)
- C)
- D)

28762

Moved Cr Crees sec Cr Townrow

That Council trial recommendations 3.3 and 3.5 from 'Possible uses for Merredin's salty ground water' upon negotiation of a partnership with Merredin Senior High School.

That Council recommend and prioritise the following strategies from 'Possible uses for Merredin's salty ground water' for future development.

- A) *Funding for PhD students to set up some of the projects contained in the Hurst report;*
- B)
- C)
- D)

CARRIED 9/0

12.10 MERREDIN MEDICAL CENTRE – DEBT WRITE-OFFS

Reporting Department: Administration
Reporting Officer: Emma Hooper, Shire Accountant
Legislation: Local Government Act
File Number: FM/D/Write-Offs

Background:

The Merredin Medical Centre Manager, Josie Duffield, has requested approval for write off of debts outstanding. These debts have been pursued through Dun & Bradstreet, with advice that the debts are unrecoverable due to the inability to locate the debtors.

Legal Implications:

S 6.12 (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 list of unrecoverable debts outstanding:

- | | | |
|----|-------------|---------|
| 1. | Keith Jones | \$17.40 |
| 2. | Alan Hayden | \$66.25 |

The letters issued from Dun & Bradstreet requesting the debt be written off and the date the debt is written off, will be left on the patients file so if they attend the practice again, every endeavour to recoup these debts will be made.

Officer’s Recommendation:

That the Merredin Shire Council write off all unrecoverable debts for the Merredin Medical Centre as listed below:

<i>Keith Jones</i>	<i>\$17.40</i>
<i>Alan Hayden</i>	<i>\$66.25</i>
<i>TOTAL</i>	<i>\$83.65</i>

Absolute Majority Required.

28763

Moved Cr Townrow sec Cr N Hooper

That the Merredin Shire Council write off all unrecoverable debts for the Merredin Medical Centre as listed below:

<i>Keith Jones</i>	<i>\$17.40</i>
<i>Alan Hayden</i>	<i>\$66.25</i>
<i>TOTAL</i>	<i>\$83.65</i>

**CARRIED 8/1
ABSOLUTE MAJORITY**

12.11 FIRE BREAK ORDER AND APPOINTMENT OF BRIGADE OFFICERS

Reporting Department: Emergency Services
Reporting Officer: James McGovern, D/Chief Executive Officer
Legislation: Local Government Act 1995
File Number:

Background:

The Annual General Meeting of the Merredin Bush Fire Advisory Committee was held on 29 September 2006. Council adopted the Minutes from that meeting and the Schedule of Office Bearers at the Ordinary Meeting of 17 October 2006.

It is normal for Council to separately adopt the Fire Break Order however this was not brought to Council's attention in the October agenda. The Fire Break Order is at **Attachment 12.11A**

Legal Implications:

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

Budget Implications:

Nil

Comment:

In 2005, Council adopted the Fire Break Order and resolved the Order remain in place in successive years unless modified :

"6. That the Fire Break Order (Attachment 11.6A) be adopted by the Shire of Merredin for the 2005/2006 fire season and future seasons unless modified otherwise." (CM Ref : 28139)

Amendment to the 2006 Fire Break Order adopted by the Bush Fire Advisory Committee occurred, removing the word 'vacant' from the definition of 'Townsite Land'. The purpose and effect of this exclusion is to empower the Shire to investigate the condition of land occupied by a residential dwelling.

Although not practical to inspect the condition of every block of land in the townsite, given the rear of most properties cannot be seen from a drive-by inspection, the Advisory Committee believe it is warranted that the Shire Ranger be given power to compel a landowner to reduce fuel loading in cases where the land is overgrown with flammable material. This will most likely be reported by an adjoining landholder.

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This objective is supported administratively, permitting the Shire Ranger to exercise additional control measures to reduce the chance of a fire on residential townsite properties but not incurring additional patrol obligations.

The community is generally aware of the necessity to maintain land in a safe condition for the duration of the fire season. A specific brochure is distributed with the rates notice each year and although due to timing it does not reflect the Fire Break Order, it does serve a useful purpose in providing general guidance and a reminder that landowners have a responsibility to inspect and address the condition of their property.

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

Officer's Recommendation:

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

28764

Moved Cr Crees sec Cr Townrow

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

CARRIED 9/0

12.12 MONTHLY FINANCE REPORT

Reporting Department: Finance
Reporting Officer: Mr James McGovern, DCEO
Legislation: Local Government Act 1995
File Number:

Background

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

Officer's Recommendation:

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

28765

Moved Cr Crees sec Cr Jones

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

CARRIED 9/0

12.13 LIST OF ACCOUNTS PAID

Reporting Department: Finance
Reporting Officer: Mr James McGovern, D/Chief Executive Officer
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 12.13A**.

Legal Implications:

Local Government Act and Financial Management Regulations.

Budget Implications:

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

Comment:

The process of the accounts for payment has now been finalized with cheques being processed on a fortnightly basis and the main signatories being the Chief Executive Officer and Deputy Chief Executive Officer, with the Shire President and Deputy President also being signatories in the case of the Chief Executive or Deputy being absent.

Officer's Recommendation:

That the Merredin Shire Council receive the schedule of accounts as listed, covering cheques as numbered and totalling \$466,735.22 and outstanding creditors totalling \$127,241.88..

28766

Moved Cr Crees sec Cr Morris

That the Merredin Shire Council receive the schedule of accounts as listed, covering cheques as numbered and totalling \$466,735.22 and outstanding creditors totalling \$127,241.88..

CARRIED 9/0

13.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**14.0 QUESTIONS BY MEMBERS FOR WHICH DUE NOTICE HAS BEEN GIVEN****15.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION**

15.1 DEPUTY CHIEF EXECUTIVE OFFICER'S REPORT

Reporting Department: Administration
Reporting Officer: James McGovern, CEO
Legislation: Local Government Act 1995
File Number:

Visitor Centre Manager's Report

Report is at **Attachment 15.1A.**

Library Managers Report

Report is at **Attachment 15.1B**

Cummins Theatre A/Manager

Report is at **Attachment 15.1C.**

Community and Economic Development Project Officer's Report

Report is at **Attachment 15.1D**

Recreation Centre Manager's Report

Report is at **Attachment 15.1E**

Natural Resource Management Officer's Report

Report is at **Attachment 15.1F.**

Records Management Report

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Statistics (From 16 Nov 06 to 14 Dec 06)

Total Mail In	519
Accounts Received	38
Invoices	224
General	257
Appreciations	1
Complaints	3
Total Mail Out	326

Status Report:

The Action sheet detailing progress of Previous Council Resolutions from March 2004 is **Attachment 15.1G**.

Early Years Project

Council will be aware from previous information that the Shire is a supporter of the Early Years Strategy and an active member of the Eastern Wheatbelt Early Years Network (EWEYN) Reference Group. The objective of Early Years is to address issues and needs of children aged 0 – 8 and their carers, recognising that comprehensive research continues to identify how strongly early life experiences impact on the later health and wellbeing of individuals.

The Wheatbelt Area Consultative Committee as a member of EWEYN, applied for funding from Lotterywest through the Early Years Strategy for a 2 year period, to cover the cost of employing a part-time Project Coordinator. WACC recently informed of their success securing a grant of \$117,672 for this purpose. Shelley Lombardini is the appointed EWEYN Project Coordinator.

The Shire will continue it's involvement in this Strategy by attending Reference Group meetings and providing practical assistance as in the past, for example providing access to Shire premises for workshops and information seminars. There is considerable capacity for the Early Years Project Coordinator to link with the Recreation Centre and cooperatively develop programmes targeting the objectives of the Early Years Strategy.

Cummins Theatre Repertory Club

The reformed Repertory Club hosted a highly successful play 'Jest at the West' in November and December at the Cummins Theatre. The Repertory Club held it's first Annual General Meeting recently, with Mr Greg Shea elected President.

Mr Shea writes to inform the Club intends to develop a Constitution and approach the Shire to develop a Memorandum of Understanding for access and enjoyment of the Cummins Theatre. The Club is aware of the intent to utilise the Theatre for all forms of cultural and arts activities and the MoU will be brought to Council's attention for endorsement once developed.

Change of Name – Department of Land Information

The Department of Land Information informs they will become a Statutory Authority as from 1st January 2007 under the name 'Landgate'. A new corporate brand will be launched and their website address will change to

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www.landgate.wa.gov.au . This department is responsible for dealings in property information, titles and valuations. This action finalises the process commenced some years ago when all land information activity was handled by the Department of Land Administration (DOLA), with this department's activities subsequently distributed between the Department of Land Information (DOLI) and Department of Planning and Infrastructure (DPI).

28767

Moved Cr Jones sec Cr Townrow

That the Deputy Chief Executive Officer's report for December 2006 be received.

CARRIED 9/0

**15.5 SUPPLY, INSTALLATION AND MAINTENANCE OF BEER
DRAWING EQUIPMENT TENDER 07 – 06/07**

Reporting Department: Community Services
Reporting Officer: Patricia Martin, Recreation Centre Manager
Legislation: Local Government Act 1995
File Number:

Background:

The Shire of Merredin issued a tender for the Supply, Installation and Maintenance of Beer Drawing Equipment for the Merredin Regional Community and Leisure Centre on 2nd December 2006.

The successful tenderer will be required to:

1. Supply and install appropriate beer drawing equipment
2. Maintain the beer drawing equipment for the period of the contract
3. Provide a diverse and accessible product range
4. Provide an appropriate promotional package
5. Provide ongoing training to bar staff
6. Comply with all aspects of the evaluation criteria

The successful tenderer will be reporting to the Building Project Manager regarding the supply and installation of the beer drawing equipment and will be reporting to the Recreation Centre Manager regarding future maintenance and supply of product.

The successful tenderer will supply, install and maintain the beer drawing equipment free of charge under contracted terms specifying that the successful tenderer will obtain beer rights for the period and conditions of the contract.

The price basis for the contract relates to the cost of supply and installation of the beer drawing equipment. Cost of the supply of product over the contracted term is not detailed.

The tender was advertised in the West Australian on 02 December 2006. The tender period closed on 18 December 2006 at 12noon.

Tenders were received from:

	TENDERER	PRICE	EVALUATION
A	Swan Brewery / Lion Nathan Australia	\$23,585.57 inc GST	
B	Fosters Australia	\$24,750 inc GST	

Budget Implications:

It was anticipated that the supply and installation of beer drawing equipment services will be provided to the project without a cash outlay by Council.

Comments:

Both companies have a good reputation for quality products and services. Fosters Australia's Port Folio, however, is extensive across a range of suitable product lines.

The length and conditions of the contract between the Shire of Merredin and the successful tenderer for the Beer Drawing Equipment at the Merredin Regional Community and Leisure Centre was considered a major factor in the evaluation process. Fosters Australia stipulated a 5 year contract term in comparison to Swan Brewery / Lion Nathan Australia stipulating a 5 year contract term plus a minimum tap litreage purchase commitment of 56,000.

Other factors were also evaluated and can be viewed on the attached evaluation form (**Attachment 15.5A**)

28768

Moved Cr Morris sec Cr N Hooper

That Council award Tender 07 – 06/07 for the supply, installation and maintenance of beer drawing equipment at the Merredin Regional Community and Leisure Centre to Fosters Australia as per their tender proposal.

CARRIED 9/0

Cr Morris left the meeting at 5.17pm.

28769

Moved Cr Jones sec Cr Townrow

*That Council move behind closed doors to discuss commercial matters (S 5.23(2) Local Government Act).***CARRIED 8/0**

Council went behind closed doors at 5.20pm.

15.2 PROJECT MANAGER'S REPORT – MERREDIN MEDICAL CENTRE**Reporting Department:** Administration**Reporting Officer:** Frank Ludovico, Chief Executive Officer**Legislation:** Local Government Act 1995**File Number:****28771**

Moved Cr Jones sec Cr Townrow

1 The Council allocate \$7,700 for the purchase of equipment as detailed below:

NURSES OFFICE		
Desk and filing cabinet	1	\$ 500.00
Office Chair	1	\$ 200.00
PRACTICE MANAGERS OFFICE		
Desk and filing cabinet	1	\$ 500.00
TREATMENT ROOM (medical hardware)		
Stool Anaesthetic 5 Star Base	1	\$ 298.82
Electronic Bed	1	\$ 2,334.51
Pulse Oximeter	1	\$ 544.50
Nebuliser	1	\$ 149.85
DOCTOR'S ROOMS		
Sphygmomanometer	1	\$ 229.38
COMPUTERS & PRINTERS		
File server	1	\$ 2500.00
Scanner	1	\$ 200.00
Printer (kylie) \$200	1	\$ 200.00
TOTAL		\$ 7,657.06

*2 The Council receive Project Managers report on the Medical Practice.***CARRIED 7/0****ABSOLUTE MAJORITY**

Cr Wallace left the meeting at 5.21pm.

Cr Wallace entered the meeting at 5.24pm.

Cr N Hooper left the meeting at 5.32pm.

Cr N Hooper entered the meeting at 5.35pm.

Cr N Hooper left the meeting at 5.40pm and did not return.

28770 Moved Cr Townrow sec Cr Crees
That Council moved out from behind closed doors.

CARRIED 7/0

Council moved out from behind closed doors at 5.40pm.

16.0 MATTERS BEHIND CLOSED DOORS

16.1 Dwelling House Unfit For Human Habitation

15.2 Project Manager's Report – Merredin Medical Centre

17.0 CLOSURE

There being no further business the presiding Member closed the meeting at 5.45pm.