

# SHIRE OF MERREDIN



*“Heart of the Wheatbelt”*

**MINUTES OF COUNCIL MEETING**

**21 OCTOBER 2008**

**INDEX**

<b>1.0</b>	<b>OFFICIAL OPENING .....</b>	<b>4</b>
<b>2.0</b>	<b>PUBLIC QUESTION TIME.....</b>	<b>4</b>
<b>3.0</b>	<b>APOLOGIES AND LEAVE OF ABSENCE.....</b>	<b>4</b>
<b>4.0</b>	<b>DISCLOSURE OF INTEREST.....</b>	<b>4</b>
<b>5.0</b>	<b>PETITIONS AND PRESENTATIONS .....</b>	<b>4</b>
<b>6.0</b>	<b>CONFIRMATION OF MINUTES.....</b>	<b>5</b>
6.1	Previous Council Meeting .....	5
<b>7.0</b>	<b>ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION .....</b>	<b>5</b>
<b>8.0</b>	<b>MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC .....</b>	<b>5</b>
17.1	Contract Extension - Executive Manager of Engineering Services .....	5
17.2	Transwa Ticket Selling Agent in Merredin .....	5
17.3	Grandstand Bar Prices .....	6
<b>9.0</b>	<b>RECEIVAL OF MINUTES OF COMMITTEE MEETINGS HELD SINCE THE PREVIOUS MEETING OF COUNCIL .....</b>	<b>6</b>
9.1	Central Wheatbelt Visitor Centre MoU Working Group Meeting held on 15 September 2008.....	6
9.2	Merredin Regional Community and Leisure Centre Advisory Committee Meeting held on 22 September 2008.....	6
9.3	WE-ROC Executive Meeting held on 24 September 2008 .....	6
9.4	WALGA Great Eastern Country Zone Meeting held on 25 September 2008.....	6
9.5	Merredin Heritage Management Committee Meeting held on 25 September 2008.....	6
9.6	Merredin Business and Community Development Committee Meeting held on 1 October 2008 .....	6
<b>10.0</b>	<b>COMMUNITY SERVICES .....</b>	<b>10</b>
10.1	Australia Day Event 2009 .....	10
10.2	School Usage Agreement - Cummins Theatre .....	12
<b>11.0</b>	<b>DEVELOPMENT SERVICES .....</b>	<b>15</b>
11.1	Town Planning – Resolution to Prepare a Local Planning Scheme No 6 .....	15
11.2	Reserve 22639 – Liberty Oils - Offer to Purchase – Establishment of a Fuel Depot .....	17
11.3	Town Planning – Application to Establish a Funeral Parlour – Lot 134 Fifth Street, Merredin – Mr Peter Jackson .....	19
11.4	Application for Alfresco Eating Area – Subway – Lot 300 Barrack Street, Merredin & Amendment to Policy 8.18 – Outdoor Eating Areas .....	22
11.5	Town Planning – Non Approved Use – Kennels – General Farming Zone .....	26
11.6	Overlay Development Plan – Stage Two Whitfield Way.....	28
11.7	Overlay Development Plan – Reserves 23036, 27001 & 29098 .....	30

**MINUTES**

---

11.8 Town Planning – Grouped Accommodation – 4 Transportable Dwellings – Lots 71 and 72 Mitchell Street, Merredin; Planning Enterprises Representing Frank Delanotte .....	31
11.9 Building Statistics Return – September 2008.....	34
11.10 Collgar Wind Farm .....	36
11.11 Merredin Abattoirs.....	37
<b>12.0 ENGINEERING SERVICES.....</b>	<b>38</b>
12.1 Hot Bitumen Tender No 01-08/09.....	38
12.2 Hot Mix Asphalt Tender No 02-08/09 .....	39
12.3 Surplus Road to Recovery Funds .....	40
12.4 Main Roads Land Acquisition along Great Eastern Highway from SLK 263 to SLK 285 .....	44
<b>13.0 FINANCE AND ADMINISTRATION .....</b>	<b>45</b>
13.1 Monthly Finance Report.....	45
13.2 List of Accounts Paid .....	46
13.3 Waste Management Queries – Mr Colin F Mowday.....	47
13.4 Request for Financial Assistance – Dr G Adeniyi.....	49
13.5 Security Cameras – Merredin Regional Community and Leisure Centre .....	52
13.6 Australian Council of Local Government Meeting .....	53
13.7 Green Precincts Funding .....	54
13.8 Mobile Phone Use During Council and Committee Meetings .....	55
<b>14.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN .....</b>	<b>55</b>
<b>15.0 QUESTIONS BY MEMBERS FOR WHICH DUE NOTICE HAS BEEN GIVEN.....</b>	<b>56</b>
15.1 Allocation of Unused State Government Land to Local Government .....	56
<b>16.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION.....</b>	<b>59</b>
<b>17.0 MATTERS BEHIND CLOSED DOORS .....</b>	<b>59</b>
17.2 Transwa Ticket Selling Agent in Merredin .....	59
17.1 Contract Extension - Executive Manager of Engineering Services .....	59
17.3 Grandstand Bar Prices .....	60
<b>18.0 CLOSURE .....</b>	<b>60</b>

---

**Minutes for the Ordinary Meeting of the Merredin Shire Council held in the Council Chambers, Corner King and Barrack Streets, Merredin on Tuesday 21 October 2008 commencing at 1.00pm.**

**ATTENDANCE:** Cr KA Hooper – Shire President  
Cr RM Crees – Deputy Shire President  
Crs S Elliott; M Hayden; M Morris; J Simmonds; J Townrow;  
W Wallace; M Young

Messrs FB Ludovico, Chief Executive Officer; J Garrett, Executive Manager of Engineering Services; K Gault, Records Officer; E Hooper, Executive Manager of Finance and Administration; J Mitchell, Executive Manager of Development Services and D Morris, Executive Manager of Community Services

Mr Rodney Thornton, Be Active Coordinator, Central and Eastern Wheatbelt Be Active Scheme

---

1.0 OFFICIAL OPENING

The Presiding Member declared the meeting open at 1.01pm.

2.0 PUBLIC QUESTION TIME

Nil

3.0 APOLOGIES AND LEAVE OF ABSENCE

Cr P Forbes and Cr A Hooper had previously advised of their apologies for this meeting.

4.0 DISCLOSURE OF INTEREST

Cr Morris declared a Financial Interest in Agenda Item 12.3.

Cr Young declared a Financial Interest in Agenda Item 12.3 and an Impartiality Interest in Agenda Item 17.2.

Frank Ludovico declared a Proximity Interest in Agenda Item 12.3.

Cr K Hooper declared a Financial Interest in Agenda Item 13.6.

Cr Crees declared a Financial Interest in Agenda Item 11.10.

Cr Morris entered the meeting at 1.04pm.

5.0 PETITIONS AND PRESENTATIONS

Mr Rodney Thornton, Be Active Coordinator, Central and Eastern Wheatbelt Be Active Scheme, addressed Council to provide an over view of the programs provided by the Be Active Scheme.

Cr Young left the meeting at 1.05pm.

Cr Young entered the meeting at 1.06pm.

Points emerging from the discussion were:

1. Clubs and Associations need to initiate projects he can support with funding opportunities and other resources;
2. Healthway are happy with the Scheme;
3. The need to raise the profile of the Wheatbelt in the eyes of State Associations;
4. Reorganisation of sporting Association boundaries still requires a lot of work;
5. Working with individuals and Council on synthetic Hockey/Tennis Courts

Mr Rodney Thornton left the meeting at 1.35 pm.

#### 6.0 CONFIRMATION OF MINUTES

##### 6.1 Previous Council Meeting

Confirmation of the Minutes of the previous Council Meeting held on 16 September 2008.

**29711** Moved Cr Townrow                      Sec Cr Morris  
*That the minutes of the meeting of Council held on 16 September 2008 be confirmed as a true and correct record of proceedings.*  
**CARRIED 9/0**

#### 7.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

Nil

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

17.1 Contract Extension - Executive Manager of Engineering Services  
Refer to Page 59 for information of this Agenda Item.

17.2 Transwa Ticket Selling Agent in Merredin  
Refer to Page 59 for information on this Agenda Item.

**MINUTES**

---

- 17.3 Grandstand Bar Prices  
Refer to Page 60 for information on this Agenda Item.

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

- 9.1 Central Wheatbelt Visitor Centre MoU Working Group Meeting held on 15 September 2008  
**Attachment 9.1A**
- 9.2 Merredin Regional Community and Leisure Centre Advisory Committee Meeting held on 22 September 2008  
**Attachment 9.2A**
- 9.3 WE-ROC Executive Meeting held on 24 September 2008  
**Attachment 9.3A**
- 9.4 WALGA Great Eastern Country Zone Meeting held on 25 September 2008  
**Attachment 9.4A**
- 9.5 Merredin Heritage Management Committee Meeting held on 25 September 2008  
**Attachment 9.5A**
- 9.6 Merredin Business and Community Development Committee Meeting held on 1 October 2008  
**Attachment 9.6A**

**29712**

Moved Cr Crees

Sec Cr Young

*That Council receive the minutes of the Central Wheatbelt Visitor Centre MoU Working Group Meeting held on 15 September 2008, the Merredin Regional Community and Leisure Centre Advisory Committee Meeting held on 22 September 2008, the WE-ROC Executive Meeting held on 24 September 2008, the WALGA Great Eastern Country Zone Meeting held on 25 September 2008, the Merredin Heritage Management Committee Meeting held on 25 September 2008 and the Merredin Business and Community Development Committee Meeting held on 1 October 2008.*

**CARRIED 9/0**

**MINUTES**

---

9.1 Central Wheatbelt Visitor Centre MoU Working Group

## 5.3 Draft of Design Concept

Moved Ann James                      Seconded Dawn Lancaster  
*That the CWVCWG endorse the draft design concept for the exterior of the Visitor Centre and recommend its adoption to the Shire of Merredin.*

**CARRIED**

Moved Cr Morris                      Sec Cr Elliott  
*That Council endorse the draft design concept for the exterior of the Central Wheatbelt Visitor Centre and recommend its adoption to the Shire of Merredin.*

**LOST 3/6**

9.2 Merredin Regional Community and Leisure Centre Advisory Committee

## 9.2 Memorandum of Understanding between the Merredin Districts Lawn Tennis Club and the Shire of Merredin

Moved Cr Crees                      Seconded D Atkins  
*MRC&LC Advisory Committee endorse the Memorandum of Understanding between the Merredin Districts Lawn Tennis Club and the Shire of Merredin with the inclusion of the following Special Terms of Agreement:  
The MDLTC shall relocate to the MRC&LC facility upon completed installation of a suitable surface.*

**CARRIED 6/0**

**29713**

Moved Cr Crees                      Sec Cr Wallace  
*That Council endorse the Memorandum of Understanding between the Merredin Districts Lawn Tennis Club and the Shire of Merredin with the inclusion of the following Special Terms of Agreement:  
The Merredin Districts Lawn Tennis Club shall relocate to the Merredin Regional Community and Leisure Centre facility upon completed installation of a suitable surface.*

**CARRIED 9/0**





---

## 10.0 COMMUNITY SERVICES

---

### 10.1 AUSTRALIA DAY EVENT 2009

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

---

#### **Background**

An Australia Day breakfast has been hosted by the Merredin the Lions Club in Merredin for many years. The Shire has assisted the Lions Club with this event by providing equipment, labour and by combining other activities that have encouraged community attendance, including - Museums open day, Golden Pipeline celebration at No 4 Pump Station, Olympic Torch banner auction, Thank a Volunteer and Australian Citizenship ceremonies.

The Lions Club approached the Shire in 2007 with the proposal that the Shire host the Australia Day Breakfast in 2008 with support from the Lions Club in the form of \$500.00 contribution towards the cost of the breakfast and the availability of the members to cook on the day. This offer was accepted and the Shire employed Erica Carlson as a casual Project Officer to undertake organising the event.

A report was provided to Council in March 2008 by Erica Carlson (**Attachment 10.1A**) which stated *“that the 2008 Australia Day Breakfast lacked ‘Australia Day’ atmosphere. I understand tradition brings a certain section of the community to this event and then a smaller part are there to get the ‘free BBQ brekkie’ however this needs to be looked at and addressed if you wish this event to continue into the future.*

*The distribution of ‘Australia Day’ merchandise to bring the morning some atmosphere, a change of venue, or the amalgamation of the breakfast with the fun day at the pool, maybe ideas to make this brekkie more appealing to a wider range of the community.”*

With this report in mind and with the Shire allocating funds in the 2008/2009 Budget for an Australia Day event for 2009, some preliminary decisions are required to be made. The Lions Club was approached in regard to the Club’s involvement in the Australia Day celebrations 2009. Correspondence received from the Lions Club in September 2008, outlines their willingness to cook and serve breakfast, but regret the Club is unable to provide financial support. (**Attachment 10.1B**)

Taking into consideration Erica Carlson's comments and recommendations that an alternative Australia Day event and venue may encourage more patriotism and attendance, the Community Services staff considered activities and venues.

It was agreed that an event in the evening at the Merredin Regional Community and Leisure Centre may attract both younger and older members of the community. The event would be focused on "Australian" themes, activities and entertainment and would encourage participation by the whole family. Food and drinks would be available and the Grandstand bar would be open. The Lions Club, along with other community and sporting organisations, would be invited and encouraged to be involved.

#### **Financial Implications**

An allocation of \$1,000.00 has been provided in the 2008/2009 Budget.

#### **Comment**

Due to the lack of Australia Day atmosphere at the Australia Day breakfasts over the past few years, along with the declining number of attendees and the inability of the Lions Club to contribute financially to the event, it is proposed that the Shire host an Australia Day event at the Merredin Regional Community and Leisure Centre in the evening.

The event would feature an Australian theme throughout the activities and entertainment.

#### **Officer's Recommendation**

*That the Merredin Shire Council support an Australia Day event to be held at the Merredin Regional Community and Leisure Centre on Monday 26 January 2009, in the evening in lieu of an Australia Day breakfast event.*

**29717**

Moved Cr Elliott

Sec Cr Townrow

*That Council support an Australia Day event to be held at the Merredin Regional Community and Leisure Centre on Monday 26 January 2009, in the evening in lieu of an Australia Day breakfast event.*

**CARRIED 7/2**

**10.2 SCHOOL USAGE AGREEMENT - CUMMINS THEATRE**

**Reporting Department:** Community Services  
**Reporting Officer:** Jane Bandurski, Manager - Cummins Theatre  
**Legislation:** Local Government Act 1995

---

**Background**

Kath Ward, Principal, Merredin Senior High School (MSHS) has requested Council give consideration to implementing a membership fee for the MSHS for the use of the Cummins Theatre along similar lines to the recently agreed school's membership for the Merredin Regional Community and Leisure Centre (MRC&LC).

As outlined in the attached correspondence, **Attachment 10.3A** the MSHS utilises the Cummins Theatre for a number of recurring events annually, including the school ball, the production, the graduation ceremony as well as other "one off" events like an arts expo.

In 2008, MSHS has booked the theatre for six paid nights, with a week of rehearsal/bump in time being provided free of charge. The income generated from six hires of the Theatre at \$360.00 (community rate) per hire is \$2,160.00. Cummins Theatre already provides \$1,080.00 in rehearsal time for the school production, free of charge and this does not charge for bump-in and bump-out days.

It has also been suggested that a reduced rate of hire be developed for each of the primary schools. Each primary school uses the theatre only once per year, for their end of year concert, they are charged at the community rate of \$360.00 which includes up to a full day free usage of the Theatre for dress rehearsals and setting up.

The matter of bond would also need to be addressed. Although no incidents have occurred with any of the primary schools, there have been numerous issues with damage occurring to the theatre during MSHS hire sessions.

**Statutory Implications**

Local Government Act 1995 Section 6.12.

**Financial Implications**

The hire fee structure for Cummins Theatre was adopted for the 2008/2009 financial year. At the time no separate provisions were made for schools.

**Comment**

A membership fee for MSHS use of MRC&LC has recently been established. This fee is \$1,500.00 for unlimited usage of the oval and indoor courts, and limited use of the meeting and functions rooms.

The Cummins Theatre does not have memberships “as such”, however there is no reason why a School Usage Agreement cannot be considered along similar lines to the MRC&LC memberships.

Given that the MSHS use of the theatre can be anticipated, and each usage would be of the full theatre facilities, it is suggested that the School Usage Agreement for MSHS be set at \$2,000.00. The amount is based on providing six paid usages at a non-commercial rate for hire of the full theatre (\$2,160.00) and associated rehearsal usage free of charge (\$1,080.00), with a discount given for paying the fees as a one off stand-alone payment. The School Usage Agreement could also include one free access for the purposes of rehearsals/bump-in/bump-out for up to six hires.

In addition to the School Usage Agreement, MSHS should still be required to pay the bond fee, as there have been numerous issues with damage on previous occasions.

It would not appear necessary to initiate a School Usage Agreement for primary schools, or provide them with a reduced hire rate, as they only utilise the theatre once a year and the current non-commercial hire fee of \$360.00 does not seem excessive considering that they are provided with free use of the theatre for rehearsals and setting up.

Upon endorsement of the proposed School Usage Agreement of \$2,000.00 annually for the MSHS, the Manager of the Cummins Theatre to negotiate directly with the school in relation to dates and times.

#### **Officer’s Recommendation**

*That Council endorse:*

- 1. A School Usage Agreement with the Merredin Senior High School for \$2,000.00 annually for use of the Cummins Theatre which includes six (6) full theatre usages inclusive of associated rehearsal time and bump-in/bump-out access;*
- 2. That the Cummins Theatre Manager retains the ability to negotiate with the school, their entitlements, within the scope of the set entitlements.*

**ABSOLUTE MAJORITY REQUIRED**

**29718**

Moved Cr Townrow                      Sec Cr Elliott

*That Council endorse:*

1. *A School Usage Agreement with the Merredin Senior High School for \$2,000.00 annually for use of the Cummins Theatre which includes six (6) full theatre usages inclusive of associated rehearsal time and bump-in/bump-out access;*
2. *That the Cummins Theatre Manager retains the ability to negotiate with the school, their entitlements, within the scope of the set entitlements.*

**CARRIED 5/4  
NO ABSOLUTE MAJORITY  
MOTION LOST**

Moved Cr Young                      Sec

*That Council endorse:*

1. *A School Usage Agreement with the Merredin Senior High School for \$1,500.00 annually for use of the Cummins Theatre which includes six (6) full theatre usages inclusive of associated rehearsal time and bump-in/bump-out access;*
2. *That the Cummins Theatre Manager retains the ability to negotiate with the school, their entitlements, within the scope of the set entitlements.*

**LAPSED  
FOR WANT OF A SECONDER**

Moved Cr Townrow                      Sec Cr Young

*That Council endorse:*

1. *A School Usage Agreement with the Merredin Senior High School for \$1,500.00 annually for use of the Cummins Theatre which includes six (6) full theatre usages inclusive of associated rehearsal time and bump-in/bump-out access;*
2. *That the Cummins Theatre Manager retains the ability to negotiate with the school, their entitlements, within the scope of the set entitlements.*

**CARRIED 5/4  
NO ABSOLUTE MAJORITY  
MOTION LOST**

Debbie Morris, Executive Manager of Community Services, left the meeting at 2.10pm.

John Mitchell, Executive Manager of Development Services, entered the meeting at 2.10pm.

**MINUTES**

---

**11.0 DEVELOPMENT SERVICES****9.6 Business and Community Development Committee****7.1 Carrington Way Subdivision****29719**

Moved Cr Townrow Sec Cr Wallace

*That Council amend the proposed Local Planning Scheme No 6 to R30 zoning for the land currently zoned R20 within the town of Merredin.*

**CARRIED 9/0**

---

**11.1 TOWN PLANNING – RESOLUTION TO PREPARE A LOCAL PLANNING SCHEME No 6****Reporting Department:** Development Services**Reporting Officer:** John Mitchell – Executive Manager,  
Development Services**Legislation:** Planning and Development Act 2005**File Reference:** LUP/5/1

---

**Background**

Prior to commencing the local planning strategy the Shire of Merredin was required to resolve to prepare a new local planning scheme pursuant to Section 72 of the Planning and Development Act 2005.

A review of the files shows that the above process was not undertaken.

**Statutory Implications**

The provisions of the Planning and Development Act 2005 are applicable.

**Financial Implications**

There are no direct costs to prepare the resolution.

**Comment**

The resolution to prepare a scheme reflects the extent to which the Shire of Merredin seeks to invoke the scheme. The resolution is to prepare a Local Planning Scheme No.6. A review of the archives filing system shows that between 1974 and 1983 the Shire of Merredin prepared five town planning schemes.

A resolution to prepare a district scheme appends.

**Officer's Recommendation**

*That the Shire of Merredin resolves to make a District Local Planning Scheme No.6 (Attachment 11.1A) and authorises the Chief Executive Officer to sign the resolution to prepare a local planning scheme.*

**29720**

Moved Cr Wallace

Sec Cr Morris

*That Council resolves to make a District Local Planning Scheme No.6 (Attachment 11.1A) and authorises the Chief Executive Officer to sign the resolution to prepare a local planning scheme.*

**CARRIED 9/0**

---

---

**11.2 RESERVE 22639 – LIBERTY OILS - OFFER TO PURCHASE – ESTABLISHMENT OF A FUEL DEPOT**

<b>Reporting Department:</b>	Development Services
<b>Reporting Officer:</b>	John Mitchell – Executive Manager, Development Services
<b>Legislation:</b>	Land Administration Act 1997, Planning and Development Act 2005, Shire of Merredin Town Planning Scheme No.1
<b>File Reference:</b>	R22369

---

---

**Background**

As Councillors are aware Liberty Oils are attempting to locate a suitable site for the establishment of a fuel depot and 24 hour service station within the townsite of Merredin.

Correspondence (**Attachment 11.2A**) was sent to Liberty Oils confirming an update and suggesting several sites, subject to Council approval, for consideration.

A site of interest is the Reserve 22639 which Council has vesting control over. A photograph of the area is shown in (**Attachment 11.2B**)

**Statutory Implications**

To freehold the land to permit development Council will need to approach the Department of Land Information and the Department for Planning and Infrastructure to acquire a portion of, or all of the Reserve. In addition a guided development plan must be prepared for the area of land to be released. The land will need to be rezoned to “Light Industry” to permit the development to proceed.

The location of the fuel depot is subject to the Environmental Protection Authority Guidance for the Assessment of Environmental Factors – Separation Distances between Industrial and Sensitive Land Uses (SLU). The guidance note suggests separation distances of 300 – 500m from SLU’s. SLU’s include caravan parks and the like. It is doubtful that the separation distance can be provided.

Note that the buffer zone of 300m minimum applies to fuel storage above 2000 tonnes and a fixed roof. A floating roof and lesser capacity may reduce the buffer zone to 200m. This may permit establishment into Mackenzie Crescent.

However all such discussion is invalid until an application is received at the Department of Environment and Conservation who will then advise of the required buffer zone after consultation with the Department of Industry and Resources.

**Financial Implications**

The cost of the purchase and rezoning has not been obtained. Rezoning applications and the town planning matters can be reasonably determined at approximately \$4,000.00. Land purchase costs cannot be determined.

**Comment**

Reserve 22639 is vested in the Shire of Merredin as a paddock and saleyards purpose.

To progress the development, if Council agrees, a right of entry to the site to permit the development to proceed must be sought.

If Council is agreeable and Liberty Oils representatives agree potentially Liberty Oils could finance the required town planning matters whilst the various departments assess the application to release the land.

Other sites under consideration are -

- a) Lot 201 Great Eastern Highway – opposite No 4 pump station.
- b) 6MD site – Lot 11084 Great Eastern Highway, Merredin.

The main issues are the pre determined buffer zones. Establishment of the operation into the general farming zone will require a town planning amendment to list the fuel depot within the general framing zone development table.

The matter is raised for discussion and consideration.

**Officer's Recommendation**

1. *That Council proceed to purchase Reserve 22639 free hold.*
2. *That Council proceed with rezoning reserve 22639 to Light Industrial.*
3. *That Council negotiate with Liberty Oils a purchase price for Reserve 22639 and reimburse Council of its cost.*

**29721**

Moved Cr Townrow Sec Cr Young

1. *That Council proceed to obtain Reserve 22639 free hold.*
2. *That Council proceed with rezoning reserve 22639 to Light Industrial.*
3. *That Council negotiate with Liberty Oils a purchase price for Reserve 22639 and reimburse Council of its cost.*

**CARRIED 9/0**

---

---

11.3 **TOWN PLANNING – APPLICATION TO ESTABLISH A FUNERAL PARLOUR – LOT 134 FIFTH STREET, MERREDIN – MR PETER JACKSON**

**Reporting Department:** Development Services  
**Reporting Officer:** John Mitchell, Executive Manager – Development Services  
**Legislation:** Planning and Development Act 2005, Shire of Merredin Town Planning Scheme No 1.  
**File Reference:** A1382

---

---

**Background**

Mr Jackson owns Lots 1 (10) and 134 (14) Fifth Street and operates a funeral parlour as a non conforming use from Lot 1 (10) Fifth Street. Mr Jackson currently utilises the Church on Reserve 13191 as a chapel. (**Attachment 11.3A**) details the land and use around the proposed development.

Mr Jackson has submitted an application – PA18-08 (**Attachment 11.3B**) to convert the residence on Lot 134 Fifth Street to a funeral parlour/chapel/viewing room. Mr Jackson advises that the use of the Church is becoming untenable due to conflict at times with the owners of the Church and that there is occasional conflict with booking functions due to pre-booked functions.

**Statutory Implications**

The Provisions of the Shire of Merredin Town Planning Scheme No.1 are applicable. There is argument that the existing dwelling does not form part of the non conforming use and therefore the application can be refused.

Alternatively Council can consider Part 5 – Non Conforming Use of Land; and treat the application as an extension erection or alteration to the buildings thereon or use thereof. Part 5.2(b) permits the local government, provided the Local Government agreed to the establishment of the use in the first place – can extend the use to the limits imposed by legislation or the scheme.

Additionally Council has resolved to include the land as a special use – funeral parlour within the new Local Planning Scheme No.6. The land uses around the site are commercial, bowling rink and residential.

**Financial Implications**

Application fees of \$345.00 have not been paid. An invoice has been issued.

**Comment**

Mr Jackson advises that the funeral parlour was established in 1931, and Mr Jackson has owned the business since 1985. Council has considered requests from Mr Jackson to provide more modern facilities previously to maintain a reasonable service to his customers. It is apparent that the Shire of Merredin has been aware of the operation as a funeral parlour since the 1980's at least.

It is reasonable to consider that a non-conforming right exists and that tacit approval, at least, has been given by the Shire of Merredin.

Council must determine whether the application will be considered. If Council agrees to consider the application it will be advertised in accordance with the provisions of the Shire of Merredin Town Planning Scheme No.1.

It is requested that if no negative submissions are received that the Chief Executive Officer be delegated authority to approve the application.

**Officer's Recommendation**

1. *That Council determines the application PA18-08 to provide a chapel/viewing room for a funeral parlour on Lot 134 Fifth Street, Merredin as an extension of the non-conforming use pursuant to the Shire of Merredin Town Planning Scheme No.1.*
2. *That the application PA18-08 to establish a funeral parlour/chapel/viewing room on Lot 134 Fifth Street, Merredin be advertised in accordance with Town Planning Scheme No. 1, Clause 6.2.2 – application for special approval for the required period.*
3. *That the Chief Executive Officer be granted delegated authority to consent to the special approval to alter the residence on Lot 34 Fifth Street, Merredin to provide a funeral parlour, viewing area and chapel, after the completion of the advertising period providing no negative comment is received.*
4. *That if negative comment be received that the application PA18-08 be brought back to Council for determination.*

**29722**

Moved Cr Young                      Sec Cr Elliott

- 1. That Council determines the application PA18-08 to provide a chapel/viewing room for a funeral parlour on Lot 134 Fifth Street, Merredin as an extension of the non-conforming use pursuant to the Shire of Merredin Town Planning Scheme No.1.*
- 2. That the application PA18-08 to establish a funeral parlour/chapel/viewing room on Lot 134 Fifth Street, Merredin be advertised in accordance with Town Planning Scheme No. 1, Clause 6.2.2 – application for special approval for the required period.*
- 3. That the Chief Executive Officer be granted delegated authority to consent to the special approval to alter the residence on Lot 34 Fifth Street, Merredin to provide a funeral parlour, viewing area and chapel, after the completion of the advertising period providing no negative comment is received.*
- 4. That if negative comment be received that the application PA18-08 be brought back to Council for determination.*

**CARRIED 9/0  
ABSOLUTE MAJORITY**

---

---

11.4 **APPLICATION FOR ALFRESCO EATING AREA – SUBWAY – LOT 300 BARRACK STREET, MERREDIN & AMENDMENT TO POLICY 8.18 – OUTDOOR EATING AREAS**

**Reporting Department:** Development Services  
**Reporting Officer:** John Mitchell, Executive Manager – Development Services  
**Legislation:** Activities in Thoroughfares and Public Places And Trading Local Law  
**File Reference:** A203

---

---

**Background**

An application (**Attachment 11.4A**) has been received from Mrs Tracey McFarlane, the Proprietor of Subway, Merredin to establish an outdoor eating area adjacent to the existing approved food premises.

The application exceeds the Policy 8.18 of Council and is therefore brought to Council for determination.

**Statutory Implications**

The provisions of the Activities in Thoroughfares and Public Places and Trading Local Law, clause 6.15 – 6.21 and Policy 8.18 are applicable.

Clause 6.17 lists the matters to be considered by Council and permits Council to consider other matters considered relevant by Council. Clauses 6.17(a) - (f) except (d) are complied with.

Clause 6.17(d) requires that the local government considers the provision of toilets. The current seating arrangements at the food premises are a maximum of thirty based on the provision of one male and one female toilet.

The provisions of the Building Code of Australia 2008 require that the premises provide 1 facility for every 20 male and 1 facility for every 20 female employees and patrons. Therefore at any time the food premises have capacity of up to 40 persons.

Policy 8.18 states that the clear footpath area must be 2000mm. The Policy also states that the user insure the area with a \$5,000,000 liability insurance policy over the area. The application seeks a 1500mm clear footpath area. The application is silent on the insurance issue, though the Manager is aware that the owner is aware of this obligation.

Current insurance estimates suggest a minimum public liability insurance premium of \$10,000,000 is appropriate.

**Financial Implications**

Council has set no fees for the consideration of an alfresco area.

It is suggested that the application be treated similar to an application for town planning consent and the minimum fees apply. In addition the annual renewal fee should be similar to the minimum fees applicable. An application and renewal fee of \$125.00 is suggested.

Part 7 of the Local Law permits the Council to determine a relevant fee for the permit.

**Comment**

Mrs McFarlane seeks to utilise the alfresco area outside of normal operating hours as listed below -

Monday – Friday	5.00pm to close
Saturday	2.00pm to close
Sunday	8.00am to close

It is considered appropriate to consider a lesser minimum footpath width. Footpaths can be a minimum of 1200mm by Australian Standard and reduced to 1000mm in certain situations.

The area will be delineated by breeze barriers as shown within the application. It is suggested that Council limit the layout of these to match in with the shop colours only i.e. the appropriate Subway signage.

**Policy 8.18 – Requested Amendments**

*Please note that any recommendation to amend a policy of the Council requires an absolute majority of Council.*

Policy 8.18 states -

1. Manager of Community Services shall approve... (throughout the document);
2. Public liability insurance of \$5,000,000 (Objectives Point 2);
3. Minimum footpath width at all times of 2000mm. (Guidelines Point 6).

The following amendments are recommended: -

1. Delete “Manager of Community Services” wherever it occurs and insert “Executive Manager of Development Services”;
2. Delete the words “\$5,000,000.00” in Objectives point 2 and insert “\$10,000,000.00”;
3. Delete the words “at all times” where it occurs in Guidelines point 6 and insert “during normal trading hours”.

These amendments modernise the policy and permit flexibility for those premises that operate outside normal trading hours of 8.00am – 5.30pm Monday to Friday and 8.00am – 12.00pm Saturday.

**Officer's Recommendation**

1. *That the Shire of Merredin sets a fee for application for permit and renewal of alfresco dining at minimum Town Planning application fees as set by the Town Planning (Fees) Regulations 2000.*
2. *That the application to establish an alfresco dining area at Lot 300, House No. 80 Barrack Street, Merredin be approved with the following conditions -*
  - a. *The number of seats assigned to the premises is 40 based on toilet facilities. The Shire of Merredin will approve up to 12 seats externally as per the attached layout;*
  - b. *Mrs McFarlane to ensure that a public liability insurance premium of \$10,000,000.00 is provided over the public access area and that copies of that policy are lodged with the Shire of Merredin;*
  - c. *The alfresco area for Lot 300 Barrack Street, Merredin is permitted between the hours of 5.00pm and close Monday to Friday, 2.00pm to close Saturday, Sunday – hours of operation;*
  - d. *The chairs, breeze buffers and other infrastructure are to be stored within the premises at all other times;*
  - e. *The breeze barriers shall be the standard subway signage as shown within the submission.*
3. *That Policy 8.18 be amended by -*
  - a. *Delete “Manager of Community Services” wherever it occurs and insert “Executive Manager of Development Services”;*
  - b. *Delete the words “\$5,000,000.00” in Objectives Point 2 and insert “\$10,000,000.00”;*
  - c. *Delete the words “at all times” where it occurs in Guidelines Point 6 and insert “during normal trading hours”.*

**ABSOLUTE MAJORITY REQUIRED**

**29723**

Moved Cr Morris

Sec Cr Wallace

1. *That Council sets a fee for application for permit and renewal of alfresco dining at minimum Town Planning application fees as set by the Town Planning (Fees) Regulations 2000.*
2. *That the application to establish an alfresco dining area at Lot 300, House No. 80 Barrack Street, Merredin be approved with the following conditions -*
  - a. *The number of seats assigned to the premises is 40 based on toilet facilities. The Shire of Merredin will approve up to 12 seats externally as per the attached layout;*
  - b. *Mrs McFarlane to ensure that a public liability insurance premium of \$10,000,000.00 is provided over the public access area and that copies of that policy are lodged with the Shire of Merredin;*
  - c. *The alfresco area for Lot 300 Barrack Street, Merredin is permitted between the hours of 5.00pm and close Monday to Friday, 2.00pm to close Saturday, Sunday – hours of operation;*
  - d. *The chairs, breeze buffers and other infrastructure are to be stored within the premises at all other times;*
  - e. *The breeze barriers shall be the standard subway signage as shown within the submission.*
3. *That Policy 8.18 be amended by -*
  - a. *Delete “Manager of Community Services” wherever it occurs and insert “Executive Manager of Development Services”;*
  - b. *Delete the words “\$5,000,000.00” in Objectives Point 2 and insert “\$10,000,000.00”;*
  - c. *Delete the words “at all times” where it occurs in Guidelines Point 6 and insert “during normal trading hours”.*

**CARRIED 8/1  
ABSOLUTE MAJORITY**

---

**11.5 TOWN PLANNING – NON APPROVED USE – KENNELS – GENERAL FARMING ZONE**

<b>Reporting Department:</b>	Development Services
<b>Reporting Officer:</b>	John Mitchell., Executive Manager – Development Services
<b>Legislation:</b>	Shire of Merredin Town Planning Scheme No. 1; Local Laws – Dogs; Health;
<b>File Reference:</b>	LUP/5/1

---

**Background**

A general query has been received from Mrs Lynette Clark seeking to establish a kennel within the general farming zone (south of Burracoppin) of the Shire of Merredin.

**Statutory Implications**

A review of the town planning scheme shows that a kennel is a non approved use within the general farming zone. However is an IP use within the residential zone, “IP” use implies incidental to predominant use of the land. This classification also implies Council does not seek to approve kennels within residential zones as the kennel use can not be incidental.

The proposed Local Planning Scheme No.6 proposes that animal establishment shall be an “A” use within the general farming zone.

**Financial Implications**

The general query does not incur a statutory fee.

**Comment**

Mrs Clark seeks to inquire whether Council will permit the establishment of a kennel within the general farming zone of the Shire of Merredin.

There are specifications for the establishment of a kennel. These are contained within the Local Law – Dogs and require the minimum land area of 4,000m<sup>2</sup> and separation distances to neighbours.

**Officer’s Recommendation**

*That Mrs Clark be advised that the Shire of Merredin will give serious consideration to the establishment of a kennel within the general farming area providing the requirements of the Dog Local Laws and appropriate legislation are complied with.*

**29724**

Moved Cr Simmonds                      Sec Cr Young

*That Council advise Mrs Lynette Clark that Council will give serious consideration to the establishment of a kennel within the general farming area providing the requirements of the Dog Local Laws and appropriate legislation are complied with.*

**CARRIED 8/1**

Cr Creeves voted against the Motion

**11.6 OVERLAY DEVELOPMENT PLAN – STAGE TWO WHITFIELD WAY**

<b>Reporting Department:</b>	Development Services
<b>Reporting Officer:</b>	John Mitchell, Executive Manager – Development Services
<b>Legislation:</b>	Planning and Development Act 2005, Shire of Merredin Town Planning Scheme No.1
<b>File Reference:</b>	LUP/13/2

---

**Background**

As part of the budget process for 2008/09 Council originally sought for the Executive Manager of Development Services to prepare overlays for the Whitfield Way development (Lot 1335) and the Kitchener (Pool Reserve) Road land.

Two different overlay Development Plans for Whitfield Way. Stage two is contained in **Attachment 11.6A** and **Attachment 11.6B**.

Draft version two has the new road installed completely within the development proposal which then does not require further negotiation with the various government departments.

**Statutory Implications**

There are statutory implications associated with development proposals. These are not discussed at this time. If Council seeks to continue the development proposal a further consolidated report will be prepared for consideration.

**Financial Implications**

Costs of development are estimated at between \$10.00 and \$15.00 per square metre. More detailed costings can be obtained once a final development plan is known.

**Comment**

No funds have been provided for the development other than the overlay plan.

Council input is requested.

**Officer's Recommendation**

*That the draft overlay plan Attachment 11.6B for stage two of Whitfield Way (development of Lot 1335) be adopted and the Administration prepare a detailed report on subdivision cost estimates and submit the report to Council for consideration.*

**29725**

Moved Cr Townrow

Sec Cr Elliott

*That the draft overlay plan as shown in Attachment 11.6B for Stage Two of Whitfield Way (development of Lot 1335) be adopted and the Administration prepare a detailed report on subdivision cost estimates and submit the report to Council for consideration.*

**CARRIED 7/2**

**11.7 OVERLAY DEVELOPMENT PLAN – RESERVES 23036, 27001 & 29098**

**Reporting Department:** Development Services  
**Reporting Officer:** John Mitchell, Executive Manager – Development Services  
**Legislation:** Local Planning Scheme No.3  
**File Reference:** LUP/13/8

**Background**

Council has requested that an overlay development plan be prepared for the Swimming Pool Reserve and adjoining Reserves. **Attachment 11.7A Attachment 11.7B** contains two overlay suggestions.

**Statutory Implications**

Development of the land will require the release of the land by the Department for Planning and Infrastructure after Council provides an overlay development plan and time frame for construction.

**Financial Implications**

Council has allocated funds for the preparation of the overlay within *E109100*.

**Comment**

Two overlays are provided. The first deletes all infrastructure within the Reserve. The Second retains the majority of the existing infrastructure.

Council input is requested.

**Officer’s Recommendation**

*That Council adopt draft overlay plan .....for the development of Reserve 23036, 27001 and 29098 with the following amendments:*

1. ....
2. ....
3. ....

**29726**

Moved Cr Townrow                      Sec Cr Young

*That Council adopt draft overlay plan 11.7A for the development of Reserve 23036, 27001 and 29098 with the following amendments:*

1. *Retain Basketball, Bowling Rink (Southern) Scout Hall into one block.*

**CARRIED 9/0**

---

11.8 **TOWN PLANNING – GROUPED ACCOMMODATION – 4 TRANSPORTABLE DWELLINGS – LOTS 71 AND 72 MITCHELL STREET, MERREDIN; PLANNING ENTERPRISES REPRESENTING FRANK DELANOTTE**

**Reporting Department:** Development Services  
**Reporting Officer:** John Mitchell, Executive Manager – Development Services  
**Legislation:** Planning and Development Act 2005, Shire of Merredin Town Planning Scheme No.1; April 2008 Residential Design Codes  
**File Reference:** A2585

---

**Background**

A town planning application PA17/08 (**Attachment 11.8A**) establish 4 dwellings on Lots 71 and 72 Mitchell Street, has been received from Planning Enterprises representing Mr Frank Delanotte, Park Avenue Homes.

**Statutory Implications**

Lots 71 and 72 Mitchell Street, Merredin are zoned “Residential 1 Zone”. The use as a grouped dwelling development is a PS use – use not permitted unless special approval given by Council and conditions complied with.

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

The application is compliant with the April 2008 Residential Design Codes (R Codes).

There are various examples of Council approving grouped development within the Residential 1 Zone. These examples include grouped developments on Lot 1020 Woolgar Ave, Lot 942 Woolgar, Lot 1486 Endersbee Street, Lot 67 and 71 Acacia, Lot 36 Haines, Lot 941 Mill and Lot 6 Boyd St.

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

**Financial Implications**

The relevant fee applicable to this application for planning consent is \$2,387.00 which has been paid by the applicant.

**Comment**

The applicant seeks to utilise the laneway at the rear of the property as access to the rear dwellings. The laneway is a gravelled surface and will require minor upgrading. The upgrade costs should be borne by the developer.

The dwellings (supplied by Park Avenue Homes) to be constructed are stumped dwellings, weatherboard, clad and rendered.

It is the opinion of the Planner and Planning Consultant that there is no definite authority pursuant to the Shire of Merredin Town Planning Scheme No.1 (TPS1) to require minimum material standards on dwellings.

Clause 6.3.1(d) of TPS1 permits the Council to take into consideration the existing and likely future character and amenity of the neighbourhood. As no area development plans exist and the future would include looking at the rear of the Hardware store it is unlikely that the development would be "harmful or cause injury" to the neighbourhood.

There is no requirement to amalgamate the lots to permit the development as the location of the dwellings does no impact on cadastral boundaries providing normal boundary clearances are maintained.

The Developer should be advised that the Shire of Merredin will not upgrade the rear laneway access to bitumen. The Shire shall maintain the laneway as a gravelled road surface after the developer has paid for the upgrade to a minimum standard. The Executive Manager of Engineering Services is preparing a costing for the works required.

**Officer's Recommendation**

*That the Merredin Shire Council grant planning consent to Planning Enterprises, Town Planning and Development Consultants for Park Avenue Homes, in relation to application for planning consent PA17/08 to construct four three bedroom grouped dwellings on Lots 71 and 72 Mitchell Street, Merredin subject to the following conditions –*

- 1. Developer to meet the costs of grading and gravelling of the rear laneway to Queen Street to maintain a minimal road surface for entry to Lots 71 and 72 Mitchell Street, Merredin;*
- 2. Stormwater drainage shall be to the verge and disposal details including sump pits shall be submitted to the Building Surveyor with the application for a building licence.*
- 3. The grouped dwellings to be connected to the Water Corporation WA mains sewer;*

4. *The applicant too also be advised:*

- a) *All building works shall comply with the Building Code of Australia 2008;*
- b) *Plans of the development shall be submitted to the Water Corporation and Western Power for consideration of headworks component;*

**29727**

Moved Cr Townrow Sec Cr Young

*That Council grant planning consent to Planning Enterprises, Town Planning and Development Consultants for Park Avenue Homes, in relation to application for planning consent PA17/08 to construct four three bedroom grouped dwellings on Lots 71 and 72 Mitchell Street, Merredin subject to the following conditions –*

1. *Developer to meet the costs of grading and gravelling of the rear laneway to Queen Street to maintain a minimal road surface for entry to Lots 71 and 72 Mitchell Street, Merredin;*
2. *Stormwater drainage shall be to the verge and disposal details including sump pits shall be submitted to the Building Surveyor with the application for a building licence.*
3. *The grouped dwellings to be connected to the Water Corporation WA mains sewer;*
4. *The applicant also be advised:*
  - a. *All building works shall comply with the Building Code of Australia 2008;*
  - b. *Plans of the development shall be submitted to the Water Corporation and Western Power for consideration of headworks component;*

**CARRIED 9/0**

**11.9 BUILDING STATISTICS RETURN – SEPTEMBER 2008**

**Reporting Department:** Development Services  
**Reporting Officer:** John Mitchell, Executive Manager –  
 Development Services  
**Legislation:** Building Regulations 1989

**Background**

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

**Statutory Implications**

Building fees are levied for Class 1 and Class 10 (residential) buildings at 0.3182% of the construction value of the work. Building fees are levied for Class 2 – 9 (commercial) buildings at 0.2% of the construction value of the work. In all cases a minimum fee of \$85.00 is levied. In addition a levy is applied by the Builders Registration Board - \$39.00.

**Applications/Approvals**

<b>Building Licence No.</b>	<b>Licence issued to</b>	<b>Address of proposed building, Description of works</b>	<b>Owner of property</b>	<b>Class of Building</b>
<b>BA67-08</b>	Craig Phillips, 2/54 Calais Rd, Scarborough WA 6019	Lot 916 Caw St, Merredin WA 6415; new steel framed outbuilding	Craig Phillips	10(a)
<b>BA68-08</b>	Russel Walsh 28 Kitchener Rd, Merredin WA 6415	Lot 1393 Kitchener Rd, Merredin; new steel framed outbuilding	EL Alldrick, 3 Flinders Cl, Barralup WA	10(a)
<b>BA69-08</b>	Neil Bill, PO Box 469 Merredin WA 6415	Lot 894 Morton St, Merredin WA 6415; new steel framed patio	D Pedrin, 13 Morton St, Merredin WA 6415	10(a)
<b>BA70-08</b>	Merredin Outdoor Centre, PO Box 792 Merredin WA 6415	Lot 28 Priestly St, Merredin WA 6415; new steel framed patio	L Last, 1 Priestly St, Merredin WA 6415	10(a)
<b>BA71-08</b>	Mr Chris Brown, 8 Cummings St, Merredin WA 6415	Lot 7 and 23 Gamenya Ave, Merredin WA 6415; new steel framed, conc floor pesticide storage facility	CBH Pty Ltd, 30 Delhi Street, West Perth WA 6008	10(a)

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

Valuation: \$ 60,100.00

Fees: \$ 425.00

Progressive: \$3,685,397.00

Progressive: \$12,137.39

**Comment**

There are two applications awaiting approval by the Building Surveyor. Other duties have prevented their issue at this time.

**Officer's Recommendation**

*That the Merredin Shire Council receive the September 2008 statistics for building licences issued (BA67-08 to BA71-08) by the Building Surveyor.*

**29728**

Moved Cr Young

Sec Cr Townrow

*That Council receive the September 2008 statistics for building licences issued (BA67-08 to BA71-08) by the Building Surveyor.*

**CARRIED 9/0**

**MINUTES**

---

Cr Crees declared a Financial Interest in this Agenda Item 11.10 and left the meeting at 2.55pm.

---

**11.10 COLLGAR WIND FARM**

**Reporting Department:** Development Services  
**Reporting Officer:** John Mitchell – Executive Manager,  
Development Services  
**Legislation:** Local Government Act 1995  
**File References:** A8068 + Davies - Loc 25271, Rodney Mark Crees - Loc 20724, Peter Crees 20727, RM and PG Crees - Loc 20725, PG Crees - Loc 20726, G Giraudo - Loc 20753, 28125,20750, 20751, 24768, 20218; JC & PJ Lambert - Loc20762, NM Edgecombe - Locs 20771 & 20772, NM & M Edgecombe - L2, BC Pascoe - Loc 25278, JS & RM Meharry - Loc 19112, Janmar Holdings - Loc 20729, BJ Johnston - Loc 20723, P Lynch - Locs 20754 & 27467, S&T Higgins - Loc 27137, MJ Giles - Locs 25298, 20211, 26665, J & K Ward - Loc 18258, P Sutherland - Loc 20730

---

The Executive Manager of Development Services advised Council that the Collgar Wind Farm Pty Ltd had lodged an appeal to the State Administrative Tribunal regarding some of the conditions. These were:

1. Their address was incorrect (they had failed to notify staff of the correct address);
2. Concerns over whether a new approval was required even if the development had commenced but not completed within the two year period;
3. Certain houses that may be affected by electromagnetic interference were derelict and they need to be identified as such in the development approval;
4. Decommissioning the site – clarification of how this can be achieved.

Staff believe these issues are minor and can be dealt with administratively with a formal report to Council to endorse the actions of staff.

Jim Garrett, Executive Manager of Engineering Services, entered the meeting at 2.57pm.

Cr Crees entered the meeting at 3.00 pm.

11.11 Merredin Abattoirs

The Executive Manager of Development Services reported that he had been involved with discussions with the land owners and the Meat Industry Authority regarding the Merredin Abattoirs.

A meeting has been arranged for 29 October 2008 to discuss a development.

John Mitchell, Executive Manager of Development Services, left the meeting at 3.09pm.

---

**12.0 ENGINEERING SERVICES**

---

**12.1 HOT BITUMEN TENDER No 01-08/09**

**Reporting Department:** Engineering Services  
**Reporting Officer:** Jim Garrett – Executive Manager, Engineering Services  
**Legislation:** Local Government Act 1995  
**File Reference:** CM/19/54

---

**Background**

The Shire of Merredin issued Tender No 01-08/09 on the 30 August 2008 for approximately 200,000 litres of hot bitumen to be used in the 2008/2009 road works program.

The following tenders were received.

	<b>TENDERER</b>	<b>PRICE</b>
<b>A</b>	Boral Asphalt	\$ 213,200 incl. GST. (Fixed price) \$ 1.06 per litre
<b>B</b>	RNR Contracting (Option 1)	\$ 330,000 incl. GST. (Fixed Price) \$ 1.65 per litre
<b>C</b>	RNR Contracting (Option 2)	\$ 231,000 incl. GST (Non fixed price) \$ 1.05 per litre
<b>D</b>	Pioneer Road Services	\$ 232,000 incl. GST (Fixed price) \$ 1.27 per litre

The evaluation matrix is attached, (**Attachment 12.1A**)

**Financial Implications**

Approximately 200,000 litres of hot bitumen @ 0.99¢ per litre inc GST has been budgeted for in the 2008/2009 road program. Inclusion of bitumen at this price will not result in the overall road program exceeding the 2008/2009 Budget.

**Comment**

RNR Contracting Option 2 is non-conforming as the tender required a fixed price for term of the contract.

**Officer's Recommendation**

*That Council award Tender 01-08/09 to Boral Asphalt to supply hot bitumen to the Shire of Merredin @ \$1.06 per litre for the 2008/2009 financial year.*

**29729**

Moved Cr Morris

Sec Cr Townrow

*That Council award Tender 01-08/09 to Boral Asphalt to supply hot bitumen to the Shire of Merredin @ \$1.06 per litre for the 2008/2009 financial year.*

**CARRIED 9/0**

**12.2 HOT MIX ASPHALT TENDER No 02-08/09**

**Reporting Department:** Engineering Services  
**Reporting Officer:** Jim Garrett – Executive Manager, Engineering Services  
**Legislation:** Local Government Act 1995  
**File Reference:** CM/19/55

**Background**

The Shire of Merredin issued Tender No 02-08/09 on the 30 August 2008 for approximately 1200 tonne of hot mix asphalt to be used in the 2008/2009 road works program..

The following tenders were received.

	<b>TENDERER</b>	<b>PRICE</b>
<b>A</b>	AAA Triple A Asphalt	\$ 228,800 incl. GST. (\$190.66 per tonne)
<b>B</b>	Pioneer Road Services	\$ 248,820 incl. GST. (\$207.35 per tonne)
<b>C</b>	Boral Asphalt	\$ 300,000 incl. GST (\$250.00 per tonne)

The evaluation matrix is attached, **Attachment 12.2A**.

**Financial Implications**

Approximately 1200 tonne of hot mix asphalt @ \$195.00 per tonne has been budgeted for in the 2008/2009 road program.

**Comment**

Pioneer Road Services have supplied asphalt to the Shire of Merredin over the last two years but some works has not been up to standard expected by the Executive Manager of Engineering Services. AAA Triple A Asphalt has supplied work references that stated their satisfaction with the quality of services provided.

**Officer's Recommendation**

*That Council award tender 01-07/08 to AAA Triple A Asphalt to supply hot mix asphalt to the Merredin Shire Council @ \$190.66 per tonne for the 2008/2009 financial year.*

**29730**

Moved Cr Morris

Sec Cr Elliott

*That Council award Tender 01-07/08 to AAA Triple A Asphalt to supply hot mix asphalt to the Shire of Merredin @ \$190.66 per tonne for the 2008/2009 financial year.*

**CARRIED 9/0**

**MINUTES**

---

Cr Morris and Cr Young both declared a Financial Interest in this Agenda Item 12.3 left the meeting at 3.10pm. Frank Ludovico declared a Proximity Interest in this Agenda Item 12.3.

---

**12.3 SURPLUS ROAD TO RECOVERY FUNDS**

<b>Reporting Department:</b>	Engineering
<b>Reporting Officer:</b>	Jim Garrett - Executive Manager, Engineering Services
<b>Legislation:</b>	Local Government Act 1995

---

**Background**

The Council was allocated \$1,393,479.00 for the 2005 to 2009 Roads to Recovery road funding cycle which ends on June 2009. All monies allocated to the Shire of Merredin from Roads to Recovery in this cycle needs to be spent by March 2009.

After discussions with the coordinator of the Road to Recovery program there is \$61,092.00 of funds available to be allocated to road projects. Council needs to allocate the surplus funds to a project before the end of the quarterly reporting period, which finishes on the 31 October 2008

We have received a letter from Mr Auld (**Attachment 12.3A**) advising in order for Main Roads W.A. to allow Heavy Vehicles to use Allsop Road, they require sections to have works carried out on the vegetation along the road edges to improve road safety. The location of Allsop Road can be seen on **Attachment 12.3B**.

Under Heavy Vehicle Operations guidelines for assessing the suitability of routes for Restricted Access Vehicles for rural roads which the Main Roads assessors will use, roads that have a minimum of 150 vehicles per day require the carriageway to be a minimum of 7.7 metres in width (Carriageway Width is the portion of road that is devoted particularly for the use of vehicles, not the shoulder of the road or the drain).

Roads identified in the vicinity of Allsop Road that also do not have approval under the Restricted Access Vehicle permit system are:

1. Depot Dam Road
2. Norpa Siding Road
3. Old Muntadgin Road from Narembeen Road to Thyne Road
4. Girardo Road
5. Collgar South Road
6. Arnold Road
7. South Booran Road

This amounts to about 52 kilometres of road that needs to have vegetation cleared to have 8 metres carriageway before they can be reassessed by Main Roads W.A.

All of the above roads under the Merredin Shire Rural Road Hierarchy endorsed by Council (**CMRef 28457**) are Category 2 Roads which means they should have an 8 metre carriageway.

The estimated cost to carry out the works is approximately \$2,000.00 a kilometre depending on the thickness of vegetation, the total cost of the works is approximately \$104,000.00.

There has been \$30,000.00 allocated in the 2008/2009 road maintenance budget for vegetation clearing. The roads that are in the maintenance program for this financial year are Allsop Road, Depot Dam Road and the Old Muntadgin Road to bring them out to Category 2 Road.

Some of these roads may be used for the carting of materials in the construction stage of the Collgar Wind Farm. The Executive Manager of Engineering Services has been asked to carry out a road audit with Collgar Wind Farms on the routes that they will be using. A confirmed date for the road audit has not yet been set.

#### **Statutory Implications**

Staff are aware of Council Policy 7.8 which indicates that 100% of Roads to Recovery funds are to be spent on urban roads.

However Staff believe that since the policy was set in March 2002 circumstances such as new heavy vehicle operations for Restricted Access Vehicles for rural roads have come into operation, meaning that gravel rural road standards need to increase. This additional funding provides an opportunity to address issues in the vicinity of Allsop Road.

#### **Financial Implications**

Using the already allocated \$30,000.00 plus the additional Roads to Recovery funds of \$61,092.00, there is \$91,062.00 available to undertake the work.

#### **Comment**

Council's workforce is currently fully engaged with other works so a contractor will be engaged to undertake a large percentage of the works.

Council is required to authorize this work and it maybe appropriate to set an upper limit and allow the works to proceed until that limit is reached trying to ensure work does not finish half way down a road.

Due to the financial cost of vegetation clearing to Council only 2 to 3 roads can be cleared each financial year. The Executive Manager of Engineering Services has identified a number of Roads in the Shire of Merredin that will require vegetation clearing over the next 4 years which may require Council to consider increasing the annual road maintenance budget by \$100,000.00 annually to undertake this work.

**Officer's Recommendation**

1. *Council utilise the surplus Road to Recovery funds of \$61,092.00 use for vegetation clearing to achieve up to a category 2 road of the Merredin Shire Rural Road Hierarchy on the following roads:*

- a. *Norpa Siding Road*
- b. *Girauda Road*
- c. *Collgar South Road*
- d. *Arnold Road*
- e. *South Booran Road*

2. *That Council consider increasing future annual Road Maintenance budgets by \$100,000.00 per annum so that all gravel roads not approved as Restricted Access Vehicle routes can be brought up to the required standard.*

**ABSOLUTE MAJORITY REQUIRED**

**29731**

Moved Cr Townrow

Sec Cr Elliott

1. *Council utilise the surplus Road to Recovery funds of \$61,092.00 use for vegetation clearing to achieve up to a Category 2 road of the Merredin Shire Rural Road Hierarchy on the following roads:*

- a. *Norpa Siding Road*
- b. *Girauda Road*
- c. *Collgar South Road*
- d. *Arnold Road*
- e. *South Booran Road*

2. *That Council consider increasing future annual Road Maintenance budgets by \$100,000.00 per annum so that all gravel roads not approved as Restricted Access Vehicle routes can be brought up to the required standard.*

**CARRIED 8/1  
ABSOLUTE MAJORITY**

Frank Ludovico, Chief Executive Officer, left the meeting at 3.10pm and entered the meeting at 3.11pm.

**29732**

Moved Cr Wallace

Sec Cr Townrow

*That Council reallocated funds from R2R004 Cowan Way \$73,300.00 (asphalt seal), E121700 Mitchell Street \$63,200.00 (drainage) to undertake the asphalt seal of Cummings Crescent, Cummings Street (Great Eastern Highway to Dobson Avenue) and Dobson Avenue (Cummings Street to western end).*

**CARRIED 7/0****ABSOLUTE MAJORITY**

Cr Young entered the meeting at 3.17pm.

Cr Morris entered the meeting at 3.18pm.

---

**12.4 MAIN ROADS LAND ACQUISITION ALONG GREAT EASTERN HIGHWAY FROM SLK 263 TO SLK 285**

**Reporting Department:** Engineering Services  
**Reporting Officer:** Jim Garrett - Executive Manager, Engineering Services  
**Legislation:** Local Government Act 1995

---

**Background**

As part of the Great Eastern Highway upgrade from Hines Hill to Walgoolan some realignment of the Great Eastern Highway from Booran to Burracoppin was needed which required land acquisition for road reserve.

A letter has been received from Main Roads W.A. on the 3 October 2008 (**Attachment 12.4A**) asking if Council would concur with the taking of the land and it be included in the road reserve.

**Comments**

Construction of the Great Eastern Highway has been completed and Main Roads W.A. need to have the realigned sections of highway dedicated as road reserve.

**Officer's Recommendation**

*That the Merredin Shire Council writes a letter to Main Roads W.A. that they concur with the amalgamation of land as shown on Attachments 12.4A*

**29733** Moved Cr Townrow Sec Cr Morris  
*That Council write to Main Roads W.A. stating that they concur with the amalgamation of land as shown on Attachments 12.4A*  
**CARRIED 9/0**

Karen Gault, Records Officer and Jim Garrett, Executive Manager of Engineering Services, left the meeting at 3.20pm.

**29734** Moved Cr Elliott Sec Cr Townrow  
*That Council adjourn the meeting for afternoon tea at 3.20pm.*  
**CARRIED 9/0**

**29735** Moved Cr Elliott Sec Cr Townrow  
*That Council reconvene the meeting at 3.40pm.*  
**CARRIED 9/0**

Emma Hooper, Executive Manager of Finance and Administration, was in attendance.

---

**13.0 FINANCE AND ADMINISTRATION**

---

**13.1 MONTHLY FINANCE REPORT****Reporting Department:** Finance and Administration**Reporting Officer:** Emma Hooper – Executive Manager, Finance and Administration**Legislation:** Local Government Act 1995

---

**Comment**

The attached monthly financial report is provided for Council information.  
**(Attachment 13.1A)**

**Officer's Recommendation**

*That Council receive the Monthly Finance Report for September 2008.*

**29736**

Moved Cr Young

Sec Cr Townrow

*That Council receive the Monthly Finance Report for September 2008.*

**CARRIED 9/0**

**13.2 LIST OF ACCOUNTS PAID**

<b>Reporting Department:</b>	Finance and Administration
<b>Reporting Officer:</b>	Emma Hooper – Executive Manager, Finance and Administration
<b>Legislation:</b>	Local Government Act 1995 and Financial Management Regulations

---

**Background**

The attached list of accounts paid during the month under delegated authority is provided for Council information. (**Attachment 13.2A**)

**Statutory Implications**

Local Government Act 1995 and Financial Management Regulations.

**Financial Implications**

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

**Officer's Recommendation**

*That Council receive the schedule of accounts as listed, covering cheques as numbered and totalling \$319,144.93 and amounts directly debited from Councils Municipal Fund Bank Account BSB 066-518 Account No. 000-000-10 totalling \$200,252.57 and outstanding creditors totalling \$221,230.00.*

**29737**

Moved Cr Crees

Sec Cr Wallace

*That Council receive the schedule of accounts as listed, covering cheques as numbered and totalling \$319,144.93 and amounts directly debited from Councils Municipal Fund Bank Account BSB 066-518 Account No. 000-000-10 totalling \$200,252.57 and outstanding creditors totaling \$221,230.00.*

**CARRIED 9/0**

Emma Hooper, Executive Manger of Administration and Finance, left the meeting at 3.57pm.

---

---

**13.3 WASTE MANAGEMENT QUERIES – MR COLIN F MOWDAY**

**Reporting Department:** Administration  
**Reporting Officer:** Frank Ludovico – Chief Executive Officer  
**Legislation:** Local Government Act 1995  
**File Reference:** WM/16/03

---

**Background**

Attached is a copy of a letter received from Mr Colin F Mowday (**Attachment 13.3A**).

Staff have responded to previous queries, as well as enquiries from Ministerial Offices as a result of letters written to them on this matter.

Staff believe that we have acted in accordance with the law.

**Financial Implications**

Obtaining a legal opinion will cost a minimum of \$3,000.00

Council has available at account E042306 Legal Expenses \$10,000.00 for this type of activity. To date \$843.50 has been expended.

**Comment**

Staff believe that we have complied with the relevant legislation. We know other local governments use the same legislation and similar Health Local Laws for waste management services including recycling.

In respect to the query on GST on the Waste Management Levy, depending on what legislation is used to impose the charge the GST may or may not be attributable. Our records do not clearly provide us with this information.

However the issues raised by Mr Mowday are better addressed by obtaining appropriate legal advice so they can be finally determined.

Obtaining legal advice will allow staff to concentrate on the many other activities Council require to be undertaken.

**Officer's Recommendation**

*That Council forward Mr Colin F Mowday's letter dated 22 September 2008 to Councils solicitors for their advice on the issues raised in the letter.*

**29738** Moved Cr Crees Sec Cr Townrow  
*That the motion be now put.*

**CARRIED 9/0**

Emma Hooper, Executive Manager of Finance and Administration, entered the meeting at 4.07 and left the meeting at 4.10pm.

Moved Cr Young Sec Cr Elliott  
*That Council forward Mr Colin F Mowday's letter dated 22 September 2008 to Councils' solicitors for their advice on the issues raised in the letter.*

**LOST 2/7**

**FOR**  
Cr Elliott  
Cr Young

**AGAINST**  
Cr Hayden  
Cr Crees  
Cr K Hooper  
Cr Morris  
Cr Townrow  
Cr Simmonds  
Cr Wallace

Moved Cr Crees Sec  
*That Council write to the Western Australian Local Government Association concerning the issues raised in the letter from Mr Colin F Mowday dated 22 September 2008.*

**LAPSED  
FOR WANT OF A SECONDER**

**29739** Moved Cr Crees Sec Cr Simmonds  
*That as the matter may have statewide implications, that Council write to the Western Australian Local Government Association concerning the issues raised in the letter from Mr Colin F Mowday dated 22 September 2008 asking for their interpretation and solicitor's advice.*

**CARRIED 8/1**

---

---

**13.4 REQUEST FOR FINANCIAL ASSISTANCE – DR G ADENIYI**

**Reporting Department:** Administration  
**Reporting Officer:** Frank Ludovico – Chief Executive Officer  
**Legislation:** Local Government Act 1995  
**File Reference:** PH/20/02

---

**Background**

On 17 September 2008 the Shire President and the CEO meet with Dr Gabriel Adeniyi to discuss issues at the Merredin Medical Centre.

Issues discussed included how the Practice was progressing, Practice Accreditation, work at the hospital and staffing issues.

On the latter matter Dr Adeniyi advised he was in the process of recruiting a female GP and requested assistance in the form of free housing and a motor vehicle (**Attachment 13.4 A**)

**Financial Implications**

In the 2007/2008 Budget Council Budgeted \$5,000.00 (**\$96.00 per week**) for rental income from 13 Cummings Cres (previously occupied by Dr Freeman). Our research indicates that rental of between \$250.00 - \$300.00 per week is achievable. At this stage it is vacant principally because we have been undertaking maintenance.

Additionally Council has provided subsidies for telephone (\$1,000.00), water and power charges (\$3,150.00) and gardening (\$2,000.00).

These amounts were budgeted for in Councils 2008/2009 Budget.

We have retained the Ford Falcon (40MD) previously used by doctors so a vehicle is available. Previously Council has maintained the vehicle and sometimes provided an allowance for fuel (\$1,000.00) and sometimes not depending on the circumstance. The costs in 2007/2008 was approximately \$1,000.00 and it is expected to be \$1,000.00 higher due to need for new tyres.

These amounts are budgeted for in Councils 2007/2008 Budget.

**Comment**

It is fortunate that Dr Adeniyi has been able to recruit a female GP.

We understand the recruitment costs are quite high (At least \$30,000.00).

In our discussion with Dr Adeniyi we indicated that a number of significant incentives had been provided in the purchase of the Medical Practice such as free use of equipment with the eventual transfer of ownership after two years operation, no lease fees for 2 years and the continue provision of subsidies to him and these had been design to assist the Practice start and grow.

We suggested he discuss the issue with the Wheatbelt GP Network and Country Housing Authority.

We understand that the Country Housing Authority is only able to provide low cost loans for the purchase of housing. Unfortunately grants of up to \$50,000.00 is only provided to Local Governments.

Perhaps Council could apply Policy 2.10 where it allows a 50% discount on the market rental for Council housing occupied by Council Staff. It is acknowledged the new Doctor is not Council Staff, however they will provide an important function in the town and it may be appropriate to make this allowance.

**Officer's Recommendation**

*The Council advise Dr Adeniyi that Council has made a significant contribution to assisting the Merredin Medical Practice by providing the building free of lease payments for two years, free use and eventual transfer Medical Practice Equipment and ongoing subsidies to himself and is unable to provide any additional assistance. Council is prepared to lease 13 Cummings Cres and the Ford Falcon (40MD) to Dr Adeniyi for use by the new doctor at full market rental.*

**AMENDMENT**

Moved Cr Morris

Sec Cr Simmonds

*That the motion be amended by removing the words "full market rental" in the last line and replacing it with the words "50 percent of market rental for a 12 month period".*

**LOST 4/5**

**29740**

Moved Cr Young

Sec Cr Townrow

*The Council advise Dr Adeniyi that Council has made a significant contribution to assisting the Merredin Medical Practice by providing the building free of lease payments for two years, free use and eventual transfer of Medical Practice Equipment and ongoing subsidies to himself and is unable to provide any additional assistance. Council is prepared to lease 13 Cummings Cres and the Ford Falcon (40MD) to Dr Adeniyi for use by the new doctor at full market rental.*

**CARRIED 6/3**

---

**13.5 SECURITY CAMERAS – MERREDIN REGIONAL COMMUNITY AND LEISURE CENTRE**

**Reporting Department:** Administration  
**Reporting Officer:** Frank Ludovico – Chief Executive Officer  
**Legislation:** Local Government Act 1995

---

**Background**

On the weekend of 31 May 2008 damage occurred to northern most bowling rink at the Merredin Regional Community and Leisure Centre (MRC&LC) where several holes puncture the carpet. Estimated damage \$25,000.00 if the carpet section is replaced. It has been repaired by the Bowling Club. A claim has been sent to our insurers.

On the weekend of 21 September 2008 damage was caused to the southern most bowling rink where again several holes puncture the carpet. This has also been repaired by the Bowling Club.

The area is covered by one security camera. In the first incident the area was obscured by middle seating area and in the second incident the image was outside the field of the camera.

Staff have spoke to several companies over this period to install new and improved cameras.

The purchase of any security camera system could cost up to \$40,000.00 plus installation

Staff are considering a modular system where two or three cameras can be purchased and if necessary additional cameras can be added. It is expected initial cost to be about \$25,000.00.

**Financial Implications**

Council's 2008/2009 Budget does not provide for the installation of additional security cameras at the Rec Centre.

Staff have analysed the budget and determined funding is available from the following account *E114050* MRC&LC Electricity and Gas. Expenditure for electricity (\$25,000.00) has also been provided at account *E113051* Merredin Recreation Ground Building Maintenance therefore is available for this project

**Comment**

Whilst staff are still investigating the best system it is important for Council to provide funds so it can installed.

**Officer's Recommendation**

*That Council allocated \$25,000.00 for the purchase and installation of security cameras at the Merredin Regional Community and Leisure Centre with funding coming from E113051 Merredin Recreation Ground Building Maintenance.*

ABSOLUTE MAJORITY REQUIRED

**29741**

Moved Cr Wallace                      Sec Cr Townrow

*That Council allocated \$25,000.00 for the purchase and installation of security cameras at the Merredin Regional Community and Leisure Centre with funding coming from E113051 Merredin Recreation Ground Building Maintenance.*

**CARRIED 9/0  
ABSOLUTE MAJORITY**

13.6 Australian Council of Local Government Meeting

Cr K Hooper declared a Financial Interest in this Agenda Item 13.6 and left the meeting at 4.47pm.

Cr Crees took the Chair.

**29742**

Moved Cr Wallace                      Sec Cr Elliott

*That Council authorise the Shire President and Partner to attend the Australian Council of Local Government Meeting to be held in Canberra on 18 November 2008, and the expenditure be recognised as over budget expenditure.*

**CARRIED 8/0  
ABSOLUTE MAJORITY**

**MINUTES**

---

Cr K Hooper returned to the meeting at 4.50pm and resumed the Chair.

13.7 Green Precincts Funding

Cr Morris indicated a funding opportunity had just arisen where funding was available to initiate water saving projects. The funding round closed in November 2008 and there would be insufficient time to consider the matter at the next Council Meeting and submit a funding application. The suggested projects are valued at \$332,500.00 and \$544,000.00.

Moved Cr Morris

Sec Cr Elliott

*That Council support expression of interest to the Green Precincts Funding for the covering of Dam 1, to reduce evaporation, and the covering of the small evaporation pond with a cover to recover evaporated water.*

Moved Cr Crees

Sec Cr Young

*That Council split the motion so each project can be considered separately.*

**LOST 4/5**

**29743**

Moved Cr Morris

Sec Cr Elliott

*That Council support expression of interest to the Green Precincts Funding for the covering of Dam 1, to reduce evaporation, and the covering of the small evaporation pond with a cover to recover evaporated water.*

**CARRIED 8/1**

Frank Ludovico, Chief Executive Officer, left the meeting at 5.01pm

Cr Young left the meeting at 5.02pm

Frank Ludovico, Chief Executive Officer, entered the meeting at 5.02pm

Cr Young entered the meeting at 5.07pm

13.8 Mobile Phone Use During Council and Committee Meetings

**29744**

Moved Cr Morris

Sec Cr Townrow

*That Council adopt a policy that mobile phones are not to be used in Council or Committee Meetings unless special dispensation is obtained at the start of the meeting.*

**CARRIED 6/3**

14.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

**MINUTES**

---

**15.0 QUESTIONS BY MEMBERS FOR WHICH DUE NOTICE HAS BEEN GIVEN**

---

**15.1 ALLOCATION OF UNUSED STATE GOVERNMENT LAND TO LOCAL GOVERNMENT****Reporting Department:**

Councillor

**Councillor:**

Cr Martin Morris

---

Last year, a delegation from the Merredin Shire Council went to Perth to meet with Brendon Grylls and representative of the then Minister, Alannah MacTiernan, in regard to the condition of the derelict “Railway houses” on the Great Eastern Highway. Part of the proposal put forward by that delegation was for the Government to gift the land and houses to the Shire so that they would be responsible for its development.

At that time, the concept fell on deaf ears.

There are examples of where this has worked in the past, but they have been on specific projects.

With the change of Government and the regional focus being shown, it is now the opportune time to represent the concept, not only for Merredin, but with a more State wide vision.

There needs to be a State Government Policy implemented so that all Local Government Authorities are treated equally.

The State Government should investigate how to implement a State wide policy of how to give Local Government Authorities freehold title of unused and unwanted State Government owned land within the each relevant Local Government boundaries.

Throughout the State, there is a great deal of vacant land that is owned by the State Government. Most of this is of very little commercial value due to its remote location and the subsequent cost of development.

A good example of this is the land that is the control of the Department of Primary Industry. Many towns have large pockets of land that in the past was utilised by Western Australian Government Railways. This land is now vacant with no future Government use envisaged. Quite often this land is in a prime location within the town and is therefore stifling development.

If this land was released at no cost to the Local Government Authority where it is located, that Local Government could develop when it is required.

If there is any income from these developments, those funds can then be used to assist the financing of local projects and infrastructure.

This would have a greater impact than the Royalties For Regions programme that is being implemented by the State Government.

In no way is this seen to replace or impinge on that programme. It is an addition to it as the development of this land will be a long term and ongoing in nature.

**Recommendation:**

*That the Council write to the Minister for Regional Development encompassing the following recommendations:*

- 1. The State Government investigate how to implement a State wide policy of how to give Local Government Authorities freehold title of unused and unwanted State Government owned land within each Local Government's relevant boundaries.*
- 2. Proceeds from the development of this land to be retained by the relevant Local Government Authority to assist in the development of future projects and infrastructure.*

**29745**

Moved Cr Morris

Sec Cr Elliott

*That Council write to the Minister for Regional Development encompassing the following recommendations:*

- 1. The State Government investigate how to implement a State wide policy of how to give Rural Local Government Authorities freehold title of unused and unwanted State Government owned land within each Local Government's relevant boundaries.*
- 2. Proceeds from the development of this land to be retained by the relevant Local Government Authority to assist in the development of future projects and infrastructure.*

**CARRIED 9/0**

**MINUTES**

---

**29746**

Moved Cr Morris

Sec Cr Townrow

*That the following land be identified as the land the Shire of Merredin wished to obtain:*

- 1. Reserve 10359 (East Barrack Street Rail Crossing to Western Barrack Street Rail Crossing);*
- 2. Reserve 13267 (Railway Oval);*
- 3. Reserve 23036, 29098 and 27001 (old Basketball Courts, Swimming Pool);*
- 4. Reserve 22667 (Caw Street);*
- 5. Unallocated Crown land in Davies Street;*
- 6. Reserves 17767 and 44697 McDonald Street;*
- 7. Portion of Reserve 23520 (Golf Clubhouse area);*
- 8. Reserve 28583 (Merritville);*
- 9. Portion of Lot 684 Barrack Street (Hockey Ovals)*

**CARRIED 9/0**

---

16.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

Council acknowledged the passing of Mr Geoff Parslow with our condolences to his family.

17.0 MATTERS BEHIND CLOSED DOORS

**29747**

Moved Cr Young

Sec Cr Elliott

*That Council go behind closed doors to discuss a Commercial in Confidence matter in accordance with Section 5.23 2(c) and (e) of the Local Government Act 1995.*

**CARRIED 9/0**

Council went behind closed doors at 5.37pm.

Karen Gault, Records Officer left the meeting at 5.50pm and did not return.

Cr Young declared an Impartiality Interest in this Agenda Item 17.2 and left the meeting at 5.52pm.

**29748**

Moved Cr Townrow

Sec Cr Crees

*That Council come out from behind closed doors.*

**CARRIED 9/0**

Council came out from behind closed doors at 5.57pm.

17.2 Transwa Ticket Selling Agent in Merredin

**29749**

Moved Cr Crees

Sec Cr Morris

*That Council accept Transwa offer for the Central Wheatbelt Visitor Centre to become the Transwa Ticket Selling Agent as from 3 November 2008, with all associated costs in setting up the Agency being paid by Transwa and the Shire of Merredin receiving 15% commission on all ticket sales.*

**CARRIED 8/0**

Cr Young entered the meeting at 5.58pm.

17.1 Contract Extension - Executive Manager of Engineering Services

**29750**

Moved Cr Morris

Sec Cr Simmonds

*That the contract of the Executive Manager of Engineering Services be extended by 3 years on the same conditions as his existing contract.*

**CARRIED 9/0**

17.3 Grandstand Bar Prices

**29751**

Moved Cr Young

Sec Cr Simmonds

*That Council adopt the Officer's Recommendations as detailed in the Grandstand Bar Prices Report*

**CARRIED 9/0**

18.0 CLOSURE

There being no further business the Presiding Member declared the meeting closed at 6.02pm.