

SHIRE OF MERREDIN



“Heart of the Wheatbelt”

MINUTES OF COUNCIL MEETING

19 JANUARY 2010

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Minutes of the Ordinary Meeting of the Shire of Merredin held in the Council Chambers, Corner King and Barrack Streets, Merredin on Tuesday 19 January 2010 commencing at 1.00pm.

ATTENDANCE: Cr KA Hooper – Shire President
Cr RM Crees – Deputy Shire President
Crs D Crook, P Forbes, A Hooper; M Morris; W Wallace; M Young

G Powell, Chief Executive Officer; V Green, Executive Assistant to Chief Executive Officer; E Growden, Executive Manager of Finance and Administration; J Mitchell, Executive Manager of Development Services; D Morris, Executive Manager of Community Services and T Vudzijena, Natural Resource Management Officer

1.0 OFFICIAL OPENING

The Shire President declared the meeting open at 1.01pm and formally welcomed the new Chief Executive Officer, Greg Powell, to the Shire of Merredin.

Debbie Morris, Executive Manager of Community Services, and Tobias Vudzijena, Natural Resource Management Officer, were in attendance.

2.0 PUBLIC QUESTION TIME

Nil

3.0 APOLOGIES AND LEAVE OF ABSENCE

Cr Forbes requested Leave of Absence from Committee Meetings for February 2010.

30208

Moved Cr Young

Sec Cr Wallace

That Councillor Forbes be granted Leave of Absence from Committee Meetings for February 2010.

CARRIED 8/0

Cr Crees requested Leave of Absence from Council and Committee Meetings for February 2010.

30209

Moved Cr Young

Sec Cr Crook

That Councillor Crees be granted Leave of Absence from Council and Committee Meetings for February 2010.

CARRIED 8/0

Cr Townrow advised her apology for the meeting and requested Leave of Absence from Council and Committee Meetings for the next 3 months being February 2010 to April 2010 inclusive.

- 30210** Moved Cr Crees Sec Cr Young
That Councillor Townrow be granted Leave of Absence from Council and Committee Meetings for the next 3 months being February 2010 to April 2010 inclusive.
- CARRIED 8/0**

4.0 DISCLOSURE OF INTEREST

Cr Young declared a Proximity Interest in Agenda Item 11.4.

5.0 PETITIONS AND PRESENTATIONS

Nil

6.0 CONFIRMATION OF MINUTES

6.1 Previous Council Meeting

Confirmation of the minutes of the previous Council meeting held on 15 December 2009.

Officer's Recommendation

That the minutes of the ordinary Council meeting held on 15 December 2009 be confirmed as a true and correct record of proceedings.

- 30211** Moved Cr Morris Sec Cr Young
That the minutes of the ordinary Council meeting held on 15 December 2009 be confirmed as a true and correct record of proceedings.
- CARRIED 8/0**

7.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

7.1 Grain Rail Freight Meeting

The Shire President advised Council of a meeting involving CBH, WALGA and Transport Industry representatives which will be held in Northam on 29 January 2010 to discuss issues relating to the closure of narrow gauge rail lines and the movement of grain freight within the Wheatbelt and suggested it would be appropriate to further discuss this matter at a later stage of the meeting.

Refer to Page 46 for further information on this Agenda Item.

7.2 Local Government Structural Reform Meeting

The Minister for Local Government and Western Australian Local Government Association representatives will be attending a Local Government Structural Reform Meeting to be held at Ascot Racecourse on Tuesday 9 February 2010. The Shire of Merredin will have 3 attendees, being Cr K Hooper, Cr Wallace and the Chief Executive Officer.

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

17.1 Purchase of Lots 162 – 167 Todd Street, Lots 200, 202 – 205 Allbuery Street and 168 Kitchener Road, Merredin

Refer to Page 42 for information on this Agenda Item.

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

9.1 Merredin/Westonia Liquor Accord Meeting held on 10 November 2009

Attachment 9.1A

9.2 Engineering Services Committee Meeting held on 6 January 2010

Attachment 9.2A

9.3 Merredin Planning and Development Committee Meeting held on 11 January 2010

Attachment 9.3A

9.4 Kellerberrin Sub Regional Road Group Meeting held on 12 January 2010

Attachment 9.4A

30212

Moved Cr Morris

Sec Cr Forbes

That Council receive the minutes of the Merredin/Westonia Liquor Accord Meeting held on 10 November 2009, the Engineering Services Committee Meeting held on 6 January 2010, the Merredin Planning and Development Committee Meeting held on 11 January 2010 and the Kellerberrin Sub Regional Road Group Meeting held on 12 January 2010.

CARRIED 8/0

9.1 Merredin/Westonia Liquor Accord

Nil Recommendations to Council

9.2 Engineering Services Committee8.1 General Business

Moved Cr K Hooper sec Cr J Townrow

That Council write a letter to Main Roads W.A. about the road safety concerns on the Merredin/Bruce Rock Road and ask if or when roads works will be undertaken to rectify problem areas on the Merredin/Bruce Rock Road.

CARRIED 6/0

30213

Moved Cr Young Sec Cr Wallace

That Council write to Main Roads W.A. regarding the road safety concerns on the Merredin/Bruce Rock Road and ask if or when roads works will be undertaken to rectify problem areas on the Merredin/Bruce Rock/York Road.

CARRIED 8/0

Moved Cr M Young sec Cr J Townrow

That Council write a letter to the Public Transport Authority requesting that the concrete tower base be removed as a priority.

CARRIED 6/0

30214

Moved Cr Young Sec Cr Wallace

That Council write to the Public Transport Authority requesting that the lighting tower concrete base located at the Gamenya Avenue, Railway Crossing, Merredin be removed as a priority.

CARRIED 8/0

9.3 Merredin Planning and Development Committee6.1 Action Sheet Items

Moved Cr Forbes sec Cr Morris

That the Planning and Development Committee recommend to Council that Council through the Education Department and other appropriate avenues, request that land bounded by Bates Street, Fifth Street, Duff Street and Coronation Street (North Merredin Primary School) and Reserve 25536 (South Merredin Primary School) be vested in the Shire at no cost.

CARRIED 4/0

30215

Moved Cr Morris Sec Cr Crook

That Council, through the Department of Education and other appropriate avenues, request that the land bounded by Bates Street, Fifth Street, Duff Street and Coronation Street (North Merredin Primary School) and Reserve 25536 (South Merredin Primary School) be vested in the Shire of Merredin at no cost.

CARRIED 8/07.1 Community Concert

Moved Cr Crook sec Cr Forbes

That the Planning and Development Committee recommend to Council that Council endorse:

- 1. hosting a small scale concert in on 27th March 2010 in conjunction with the Merredin Show;*
- 2. committing to an allocation in the 2010/11 budget towards hosting a large scale concert in the 2010/11 financial year.*

CARRIED 4/0**30216**

Moved Cr Morris Sec Cr Crook

That Council endorse:

- 1. hosting a small scale concert on 27 March 2010 to be held in conjunction with the Merredin Show; and*
- 2. committing to an allocation in the 2010/2011 Budget towards hosting a large scale concert in the 2010/2011 year.*

CARRIED 6/27.2 Merredin Gala Night

Moved Cr Forbes sec Cr Morris

- 1. That the Planning and Development Committee recommend to Council that the Shire encourage and support the re-formation of the Merredin Business Forum, in conjunction with the Small Business Centre prior to August 2010.*
- 2. That the Planning and Development Committee recommend to Council that if no Merredin Business Forum or similar group are in existence by September 2010 that the Shire coordinate a Community Christmas Tree in December 2010 in lieu of Gala Night.*

CARRIED 4/0

30217

Moved Cr Wallace Sec Cr Forbes

1. *That Council encourage and support the re-formation of the Merredin Business Forum in conjunction with the Small Business Centre prior to August 2010.*
2. *That if no Merredin Business Forum or similar group are in existence by September 2010 the Shire of Merredin will coordinate a Community Christmas Tree in December 2010 in lieu of Gala Night.*

CARRIED 7/17.3 Aged Accommodation Study

Moved Cr Forbes sec Cr Morris

That the Planning and Development Committee recommend to Council that the Department of Housing and Works be approached regarding transfer of ownership for all joint housing ventures in Merredin to the Shire.

CARRIED 4/0**30218**

Moved Cr Wallace Sec Cr Crook

That Council approach the Department of Housing and Works to seek its views of the future management, financial management, tenancies and eligibility criteria for all joint housing ventures in Merredin.

CARRIED 8/0

REASON: Due to the construction of the Termination Clauses in the current Agreements, Council needs to work with government agencies.

9.4 Kellerberrin Sub Regional Road Group

Nil Recommendations to Council

10.0 COMMUNITY SERVICES

10.1 REQUEST FOR FINANCIAL SUPPORT BY WHEATBELT CATCHMENT ALLIANCE OF WA (INC) FOR A DEEP DRAINAGE BUSINESS PLAN DEVELOPMENT

Reporting Department: Community Services
Reporting Officer: Tobias Vudzijena – Natural Resource Management Officer
Legislation: Local Government Act 1995
File Reference: EM/11/03

Background

Deep Drainage has continued to be a contentious option for managing salinity and water logging.

In the first half of 2008 the Wheatbelt Drainage Council conducted a series of consultation workshops aimed at providing State government with feedback on how the State could support a structured drainage scheme. The Merredin workshop was held on 21 February 2008 at which the Shire of Merredin was represented by the Shire President, Deputy Shire President, Chief Executive Officer and Natural Resource Management Officer.

There has not been a clear policy statement from State Government following these workshops on how the State is going to facilitate Deep Drainage. The Federal Government Caring for Our Country Business Plan 2010-2011 has also not provided a clear position on how salinity is to be addressed. For Western Australia however, the salinity problem continues to be a real challenge and landlocked landholders with no direct access to salt lake systems find it impossible to relieve the salinity and water logging problem by drainage, as this entails charting drainage across neighbouring farms who are not cooperative as it does not benefit them.

The lack of a clear government support mechanism has led some farmers to form alliances to coordinate drainage. The one such grouping is the Wheatbelt Catchment Alliance of WA (Inc) (WCA) which has a wide representation in the Yarra Yarra, Mortlock, Yilgarn, Lockhart, Salt River and Dumbleyung catchments.

This cross catchment alliance is advocating a regional network of deep drains totalling 1,000km which allow landlocked landholders to drain their properties without adversely affecting neighbouring farms. They have developed a fairly detailed plan whose implementation would cost around \$30,000,000.00
Attachment 10.1A.

They have been advised that to receive government funding for the project, they need a professionally developed plan detailing the cost benefit of such a large undertaking. The plan should be robust enough to satisfy the scrutiny of the Treasury Department.

A consultant would be needed to produce such a report and it is for this reason that WCA has approached 16 local governments within the Wheatbelt Catchment for support in the form of a cash contribution of \$2,000.00 each. They have been quoted \$37,500.00, excluding travel expenses, by Keystone Technologies Pty Ltd for the development of a Business Plan. It is indicated that the Wheatbelt Development Commission may be willing to support the shortfall.

Financial Implications

Council's 2009/2010 Budget has an allocation of \$12,000.00 for Saline Water Initiatives at Account *E105090*, of which no funds have been expended to date.

Comments

The issue of drainage has previously come before Council -

| Date | Resolution | Key Elements |
|--------------|--------------------|--|
| 21 Nov 2006 | CMRef 28720 | <ul style="list-style-type: none"> • Need for financing Model • Consolidation of enabling legislation • Need for overall state coordination. |
| 19 June 2007 | CMRef 28998 | <ul style="list-style-type: none"> • Funding to come from State and Federal Government • Risk element to be carried by state • Full consultation before drainage implementation |

Further to the above, Council's Chief Executive Officer, in his written submission to the Wheatbelt Drainage Council, highlighted that Council was not in a position to manage drainage as it had no expertise and was also an affected party as roads and culverts on Shire land also suffer from salinity and water logging.

The objectives of the WCA are justifiable however, as Council represents the totality of farmers, there might be need to confirm if the WCA is representative of all farmers' views. Mr Greg Giles is Merredin's representative on the WCA. It would be hoped that the stakeholder consultations, which are listed as an activity in the proposed Business Plan, would undertake this matter.

The Plan proposes a cost sharing arrangement in which farmers benefiting from arterial drains passing through their land pay a levy, based on the length of drain on their property. This raises the need for a transparent, democratic endorsement process to avoid problems in the future.

The Merredin Land and Conservation District Committee has not been active for some time. As one of the formal farmer representation groups it would have been ideal to have their input on the matter.

The Shire of Merredin is currently part of the WEROC NRM Group, which works closely with the NEWROC NRM Group. Each Group has a Director (a Chief Executive Officer from within the ROC) who provides guidance and direction in regard to Natural Resource Management.

Officer's Recommendation

That Council:

- 1. compliment the Wheatbelt Catchment Alliance of WA Inc for the initiative, support their funding application and provide a \$2,000.00 contribution towards the development of a Business Plan for deep drainage in the Wheatbelt region, namely Yarra Yarra, Mortlock, Yilgarn, Lockhart, Salt River and Dumbleyung catchments; and*
- 2. seek the Wheatbelt East Regional Organisation of Councils Environmental Directorate guidance for ongoing involvement with this project.*

John Mitchell, Executive Manager of Development Services, entered the meeting at 1.26pm.

30219

Moved Cr Young

Sec Cr Forbes

That Council:

- 1. through the Wheatbelt East Regional Organisation of Councils Environmental Directorate provide a \$2,000.00 contribution towards the development of a Business Plan for deep drainage in the Wheatbelt region, namely Yarra Yarra, Mortlock, Yilgarn, Lockhart, Salt River and Dumbleyung catchments and recommend to all Wheatbelt East Regional Organisation of Councils members' that they financially support the project; and*
- 2. compliment the Wheatbelt Catchment Alliance of WA Inc for the initiative in the development of a business plan and support its funding application.*

CARRIED 8/0

REASON: Council believed the matter should be dealt with at a Regional level.

Debbie Morris, Executive Manager of Community Services, and Tobias Vudzijena, Natural Resource Management Officer, left the meeting at 1.36pm.

11.0 DEVELOPMENT SERVICES

11.1 ADOPTION OF THE SHIRE OF MERREDIN WASTE LOCAL LAWS 2009 IN ACCORDANCE WITH SECTIONS 3.11 AND 3.12 OF THE LOCAL GOVERNMENT ACT 1995

| | |
|------------------------------|--|
| Reporting Department: | Development Services |
| Reporting Officer: | John Mitchell – Executive Manager, Development Services |
| Legislation: | Waste Avoidance and Resource Recovery Act 2007, Local Government Act 1995 |
| File Reference: | LE/8/6 |

Background

Since 1911 the Health Act 1911 has been the legislative head of power controlling the provision of Local Government waste services. The development and subsequent adoption of the Waste Avoidance and Resource Recovery Act 2007 (WARR Act), which changed the legislative provisions relating to the Shire's waste services, contained in the Health Local Laws 1999, has meant that these provisions are currently being removed from the Act.

At its April 2009 meeting Council resolved (**CMRef 29940**);

That Council:

1. *Adopt the Shire of Merredin Waste Local Law 2009, as amended with additional alterations, as a draft for consultation, the purpose and effect of which are;*

Purpose: The purpose of this local law is to provide for the administration of waste services, the establishment, provision, use and control of receptacles for the deposit and collection of waste and related matters.

Effect: The effect of this local law is to control the collection and disposal of waste for the benefit of the community and protection of the environment; and,

2. *Advertise the draft Shire of Merredin Waste Local Law 2009, as outlined in Attachment 11.1A as amended, in accordance with Section 3.11 and 3.12 of the Local Government Act 1995, the Waste Avoidance and Resource Recovery Act 2007 and the principles of National Competition Policy.*

This report proposes the finalisation of the adoption of the new Local Law.

AGENDA

Statutory Implications

Section 64 of the WARR Act provides that Local Governments can make Local Laws for the following purposes –

- (a) *the provision and administration of waste services and related matters;*
- (b) *the establishment, provision, use and control of receptacles for the deposit and collection of waste, whether temporary or otherwise;*
- (c) *if a local government itself undertakes or contracts for removal of waste from premises, imposing on the owner or occupier of the premises requirements in connection with the removal so as to facilitate the removal, and prescribing the manner in which the requirement is to be complied with;*
- (d) *if a local government or the holder of a waste collection permit does not itself undertake or contract for removal of waste from premises, imposing on the owner or occupier of the premises a requirement to remove waste from the premises, and prescribing the manner in which the requirement is to be complied with;*
- (e) *if a local government itself undertakes or contracts for the removal of waste, requiring the waste to be placed in waste receptacles provided by the local government;*
- (f) *prescribing intervals at which the contents of the receptacles will be removed by a local government;*
- (g) *requiring the temporary placing of waste receptacles in streets or lanes by owners or occupiers of property for collection of waste, and requiring the replacement of the receptacles on the property;*
- (h) *providing for the maintenance by owners and occupiers of waste receptacles provided by a local government;*
- (i) *providing for the issue of approvals to collect local government waste and remove it from premises;*
- (j) *fixing fees and charges in relation to waste services provided by a local government and the issue of approvals under paragraph (i), and prescribing the persons liable and the method of recovery of amounts not duly paid.*

Although the Waste Local Law is made under the powers of Section 64 of the WARR Act, that Act requires that the Local Government Act 1995 process be used. Sections 3.11 and 3.12 of the Local Government Act 1995 outline procedures for the adoption of Local Laws in accordance with the Act and any other Act, (in this case the WARR Act). The following legislation has impacted upon the draft proposed Local Law;

1. Local Government Act 1995
2. Local Government (Functions and General) Regulations 1996
3. Health Act 1911
4. Shire of Merredin Health Local Laws 1999
5. Waste Avoidance and Resource Recovery Act 2007

AGENDA**Financial Implications**

Direct costs associated with this report will be limited to gazettal fees for the new local law. The preparation of the draft Local Laws has been undertaken via budgeted expenditure. The costs of Gazettal are \$300.00 per page and there are approximately 2 pages of standard print to a Gazette page.

Comment

The introduction of the new WARR Act effectively removes any ability to utilise the Health Act 1911 for the management of waste rubbish and refuse issues. Transitional provisions preserve the current local laws however the review of the Health Local Laws has compelled the removal of these provisions. An amendment to the Health Local Law 1999 was finalised in September 2009, but is yet to be gazetted pending the finalisation of the Waste Local Law.

Following Council's resolution relating to the draft Local Law the Act was advertised in the West Australian on 29 July 2009 and the Wheatbelt Mercury on 12 August 2009. No submissions were received as a result of the advertising. However, the Department of Local Government has raised a number of issues regarding the drafting of Waste Local Laws as a result of advice from the Joint Standing Committee on Delegated Legislation (JSCDL) to the Department of Environment and Conservation. These issues and the relevant comments relating to the same are summarised below:

| Submission | Issue | Comment |
|---|--|---|
| JSCDL issues referred by Department of Local Government | Amend clause 2.3(7)(d) to specify the standard for bin enclosures | Clause removed and subsequent clause renumbered as section relates only to single residential properties and provisions include requirements to screen receptacles from the street. |
| JSCDL issues referred by Department of Local Government | Amend to clause 2.7(3)(a) to expressly state the minimum floor area of "suitable enclosures" | Clause amended to require a minimum of 0.5m ² of floor area per receptacle to be retained in an enclosure |
| JSCDL issues referred by Department of Local Government | Amend clause 2.7(3)(d)(ii) to specify the relevant specifications for the disposal of liquid refuse. | Clause amended to require the installation of a trapped floor waste outlet with a bucket trap discharging to subsoil drainage of at least 0.0125m ³ per square metre of floor area of the enclosure. |

AGENDA

| Submission | Issue | Comment |
|---|---|--|
| JSCDL issues referred by Department of Local Government | Clause 2.11(2)(c) to be amended to state the specification requirements for an incinerator. | There is no longer an Australian Standard for domestic incinerators. Clause amended to remove reference to incinerators. Burning can be permitted with the approval of the Local Government. |

The draft local law has been amended to include the issues raised by the Department of Local Government. (**Attachment 11.1A**). The draft Local Law has also been renamed the *Shire of Merredin Waste Local Law 2010* to reflect the year of adoption for the Local Law.

Although permitted under the WARR Act, no provision for modified penalties had been included in the proposed Local Law and the issue of infringement notices. Penalty provisions have been included, however consideration could be given to infringement provisions in the future.

It is the view of Administration, that the changes made to the Local Law mean that it is not significantly different from the original draft. The Waste Local Law requires the approval of the Executive Director of the Department of Environment and Conservation, before it can be Gazetted. The Local Law will then be published in the Government Gazette and a copy sent to the relevant Minister and the State Parliament Joint Standing Committee on Delegated Legislation.

Officer's Recommendation

1. *That the Department of Local Government submission relating to the proposed Local Law – Shire of Merredin Waste Local Law 2009 be acknowledged;*
2. *That Council note and endorse the minor and necessary changes to the Shire of Merredin Waste Local Law 2009;*
3. *That the Shire of Merredin resolves to make the Local Law – Shire of Merredin Waste Local Law 2010 and forward the Local Law to the Executive Director of the Department of Environment and Conservation for approval; and,*
4. *That, subject to the approval of the Executive Director of the Department of Environment and Conservation, the Local Law and supporting documentation be submitted to the State Law Publisher for Gazettal and the Joint Standing Committee on Delegated Legislation for review and acceptance.*

ABSOLUTE MAJORITY REQUIRED

30220

Moved Cr Morris

Sec Cr Crees

1. *That the Department of Local Government submission relating to the proposed Local Law – Shire of Merredin Waste Local Law 2009 be acknowledged;*
2. *That Council note and endorse the minor and necessary changes to the Shire of Merredin Waste Local Law 2009;*
3. *That the Shire of Merredin resolves to make the Local Law – Shire of Merredin Waste Local Law 2010 and forward the Local Law to the Executive Director of the Department of Environment and Conservation for approval; and,*
4. *That, subject to any further amendments from the Department of Environment and Conservation and the approval of the Executive Director of the Department of Environment and Conservation, the Local Law and supporting documentation be submitted to the State Law Publisher for Gazettal and the Joint Standing Committee on Delegated Legislation for review and acceptance.*

**CARRIED 8/0
ABSOLUTE MAJORITY**

AGENDA

11.2 CHANDLER ROAD LANDFILL SITE – FEES AND CHARGES 2010/2011

| | |
|------------------------------|--|
| Reporting Department: | Development Services |
| Reporting Officer: | John Mitchell – Executive Manager, Development Services |
| Legislation: | Local Government Act 1995, Section 6.16 |
| File Reference: | WM/16/2 |

Background

At its August 2009 meeting Council adopted the following (**CMRef 30078**):

That Council commence on 1 July 2010 that tip passes be introduced for the use of the Chandler Road landfill site on the following basis:

- 1. Four free passes to the landfill site per rates notice. NO new passes to be issued once the pass is fully used or lost;*
- 2. Users of the landfill site pay applicable rates if no tip pass is shown;*
- 3. User pays principle to all large truck users, government departments, specialist waste removal firms (except Avon Waste disposal of Merredin collected waste) and special disposals;*
- 4. Failure to pay requires refusal to allow entry;*
- 5. Illegal disposal/dumping of waste within the Shire of Merredin will result in instigation of legal action pursuant to the Litter Act or Environmental Protection Act 1986 dependent on severity of the illegal disposal or dumping;*
- 6. A precise fee and charge be prepared for the March 2010 meeting for consideration;*
- 7. That from 1 July 2010 Council employ a Landfill Site Supervisor for the operation of the landfill site with an employment period of two years to ensure the new works procedures are implemented;*
- 8. That the intent to implement landfill disposal fees and tip passes be advertised for public comment and that the closing date for submissions be 30 October 2009.*

Advertising of the resolutions of Council occurred to coincide with the adoption of the Strategic Waste Plan and no comment was received. In addition the documentation was available for Council's September 2009 meeting. Since that date individuals have contacted the Administration to enquire as to the issue of disposal and costs. All enquiries have been advised of the intent to charge for entry and the above resolutions. Mixed responses have been received.

The intent of this item is to seek Council input into additional advertising of the resolutions and to commence discussion of the tip fee structure.

AGENDA**Statutory Implications**

Fees for disposal at the site are set through resolution of Council during the budget process pursuant to Section 6.16 of the Local Government Act 1995.

Section 68 of the Waste Avoidance and Resource Recovery Act 2007 permits a local government to set fees in respect of waste management in accordance with Section 6.16 of the Local Government Act 1995.

This matter is brought forward to enable the Executive Manager of Development Services to advertise the intent the levy charges and seek public comment, prepare budget items (income) and prepare office procedures for the new site operation. **Attachment 11.2A** contains examples of fees set during 2008/2009 by various local governments as an indication of charges. The table below suggests fees for 2010/2011 financial year.

TABLE ONE - SUGGESTED DISPOSAL FEES CHANDLER ROAD 2010/11

| Disposal Vehicle | Cost (plus GST) | Comments |
|--|--|--|
| Domestic single axle trailers – level load, cars, station wagons & 4WD | \$15.00 | Unsorted general loads |
| Domestic tandem trailers – level load | \$20.00 | Unsorted general loads |
| Trucks, commercial vehicles, contractor building and construction waste | \$40.00/m ³ | May contain small amounts of soil, metal – i.e. less than 5% |
| Trucks, commercial vehicles, contractor general waste bulk – rusted metal, soil, minor % of greenwaste | \$30.00/m ³ | Contains no commercial, building & demolition waste |
| Greenwaste – households – by s/a trailer, contractor, tandem trailers, trucks | FREE | No contamination |
| Asbestos waste | \$40.00/m ³ or part thereof | Conditions of acceptance apply |
| Used oil waste | 0.16c/litre | Subsidies ceased |
| Sorted recycling waste – steel, glass, cans | FREE | No contamination of vehicles, small volumes disposed off to collection bins or areas on site |
| Sorted plastic recycling waste | FREE | e.g. panels from vehicles, drums that have passed DrumMUSTER audit |

AGENDA

| Disposal Vehicle | Cost (plus GST) | Comments |
|--|---|--|
| Sullage | 0.03c/litre | Licenced Contractors only |
| Animal disposal | \$20.00 each | |
| Controlled Waste – as defined by the EPA | POA – minimum of \$33.00/m ³ | |
| Tyres | Not accepted | |
| Medical Waste | \$40.00/m ³ or part thereof | Provision of separate fences, signage, same day burial |
| Other | Officer | Duties |
| Tip Pass Equivalent | 1 x s/a trailer or 1 x t/a trailer | |
| Inadequately tied/covered loads | First offence, warning; second offence, Litter Act 1979 | |

An advantage of the introduction of fees is potentially the reduction in operating costs reflected to the residents in the second year of operation once income potential is known.

Financial Implications

The majority of income from the site historically has been the disposal of scrap steel which has been stored and on-sold to Sims Metals. This income fluctuates but is estimated at \$40,000.00 per annum which is included within budget annually.

Income from the site should be separately recorded between existing recycling activities of the Shire of Merredin and income received from the allocation of annual fees and charges.

Comment

Adoption of the draft fees will permit the matter to be advertised and the views of the public sought. Whilst it is expected that the adoption will not be positively viewed, the issue will be aired and the public advised of a user pays principle.

The following issues are foreseen:

1. Misuse of the transfer stations at Burracoppin and Muntadgin. Improper and illegal dumping of asbestos, tyres, TV sets, general waste to the ground is occurring at Muntadgin and is becoming expensive to maintain as contractors are used to collect the asbestos and hazardous substances. Originally the Burracoppin site was established to provide a central point for the weekly refuse service collection however it has never been used, though there are occasionally bins in the enclosure. Additionally the site contains tyres, asbestos and greenwaste disposed on the ground. The Administration has had calls from irate persons stating they poured and dumped their waste on the ground in the transfer station and provided unacceptable reasons why.

The Burracoppin site has never had the trailer left insitu and therefore there is no expectation of a service. The Burracoppin transfer station site should be closed from 1 July 2010 and replaced with a kerbside bulk collection service twice annually. Combined with four tip passes and a weekly service collection, the impact to residents should be minimal;

2. Increased patrols around town and close to town reserves by the Ranger for illegal dumping. Experience has shown that the public will continue to dump illegally until a severe penalty is incurred and the word spreads;
3. Introduction in 2010/2011 Budget of verge collections by the Engineering Services Crew. The global view would be a split approach with greenwaste one week, white goods and small quantities of steel the following week and general waste the third week carried out twice per annum to each town including Hines Hill, Nangeenan, Muntadgin and Burracoppin;
4. Increased surveillance of the Muntadgin site for improper disposal with the intent to close the site by July 2011 if the site is continued to be improperly and illegally used.

Officer's Recommendation

1. *That Council adopt the fee structure for advertising purposes as proposed within Table One of this report as the fees and charges for disposal of waste at the Chandler Road Landfill Site.*
2. *That the Burracoppin Transfer Station be closed as from 1 July 2010 and the proposal be advertised and residents notified.*
3. *That the Muntadgin Transfer Station site be monitored and any illegal dumping matters be recorded and presented to Council in March 2011 for a decision whether to continue to maintain a Transfer Station at Muntadgin.*

30221

Moved Cr Forbes

Sec Cr Young

1. *That Council adopt the fee structure for advertising purposes as proposed within Table One of this report as the fees and charges for disposal of waste at the Chandler Road Landfill Site.*
2. *That the Burracoppin Transfer Station be closed as from 1 July 2010 and the proposal be advertised and residents notified.*
3. *That the Muntadgin Transfer Station site be monitored and any illegal dumping matters be recorded and presented to Council in March 2011 for a decision whether to continue to maintain a Transfer Station at Muntadgin.*

CARRIED 8/0

AGENDA

11.3 CHANDLER ROAD LANDFILL SITE – OPERATIONAL GUIDELINES FOR OPERATION 2010 ONWARDS

| | |
|------------------------------|--|
| Reporting Department: | Development Services |
| Reporting Officer: | John Mitchell – Executive Manager, Development Services |
| Legislation: | Waste Avoidance and Resource Recovery Act 2007, Local Government Act 1995 |
| File Reference: | WM/16/2 |

Background

At its August 2009 meeting Council adopted the following (CMRef 30078):

That Council commence on 1 July 2010 that tip passes be introduced for the use of the Chandler Road landfill site on the following basis:

- 1. Four free passes to the landfill site per rates notice. NO new passes to be issued once the pass is fully used or lost;*
- 2. Users of the landfill site pay applicable rates if no tip pass is shown;*
- 3. User pays principle to all large truck users, government departments, specialist waste removal firms (except Avon Waste disposal of Merredin collected waste) and special disposals;*
- 4. Failure to pay requires refusal to allow entry;*
- 5. Illegal disposal/dumping of waste within the Shire of Merredin will result in instigation of legal action pursuant to the Litter Act or Environmental Protection Act 1986 dependent on severity of the illegal disposal or dumping;*
- 6. A precise fee and charge be prepared for the March 2010 meeting for consideration;*
- 7. That from 1 July 2010 Council employ a Landfill Site Supervisor for the operation of the landfill site with an employment period of two years to ensure the new works procedures are implemented;*
- 8. That the intent to implement landfill disposal fees and tip passes be advertised for public comment and that the closing date for submissions be 30 October 2009.*

The intent of this item is to seek Council input into the proposed method of operation of the new site and gain support for the Department of Environment and Conservation (DEC) submission.

Statutory Implications

Prior to opening the new site a works approval must be sought from the DEC. The application must include the operational method, disposal method and post closure operation and maintenance. A copy of that submission is contained in **Attachment 11.3A**.

AGENDA

The failure to operate the site in accordance with the licence and conditions of operation as contained within the Rural Landfill Regulations could result in penalties of \$250,000.00 and a demand to line the site, install monitoring bores, sample air soil and water regularly, recover greenhouse gases produced et al.

Financial Implications

The costs of purchase and development are unknown until the DEC consider and approve the Shire of Merredin application. To date (5 January 2010) the following costs are known:

1. Consultant – Dallywater Consulting – preparation of the submission, research into preferred operation, DEC liaison - \$13,200.00
2. Site works – Council backhoe, six locations test drilled for depth testing – \$303.98;
3. Site Survey – Kraft - \$5,387.98
4. Installation of Bores - \$3,956.70

Anticipated costs of purchase are \$50,000.00. Budget provision within the 2009/2010 year is \$100,000.00 at Account *E101500*.

Additional funds will be required within the 2010/2011 year to complete the works once works approval from DEC is granted. Annually Council will also need to budget for crushing plant for concrete and the like and for treatment of greenwaste.

Estimates are being prepared for budget consideration. Capital items will include water storage facilities, accommodation, furphy tanker, fencing, signage, road systems, drop off area design and construction, and any statutory conditions placed on the works approval.

Comment

The application to DEC relates to a Category 89 Class ii Putrescible Site and this level of classification requires that all waste be observed, scrutinised and inspected prior to disposal to ensure that compliance with disposal regimes are met. Due to the size and disposal method (i.e cell burial) the site would require lining and be classified a Category 89 Class iii. This approach is uneconomical and requires extensive pre and post closure monitoring.

To reduce the cost to the community and to ensure statutory compliance the public drop off area with scrutiny is considered the best practice approach.

The global layout of the site would include: -

1. A fenced public area with disposal areas for a variety of wastes that can be received;
2. The public area will comprise an area of concrete cells for temporary disposal and sorting by Council staff;

AGENDA

3. The areas will be segmented and labelled to receive certain wastes – e.g. greenwaste, steel waste, whitegoods, general waste, C&D waste, putrescible, recycling products – **Attachment 11.3B** shows a generic layout as suggested for Bruce Rock – this method permits the licencing of the site as a Class ii site;
4. Materials recovery facility for on-sale of recycled goods;
5. Potential specialist areas – DrumMUSTER, used oil collection, cardboard recycling, medical waste disposal etc;
6. Access to the general cell area (disposal area) would be limited to bulk disposal by road train after inspection, Council’s waste collection contractor and Council clean up crews;
7. Office building, ablution building and lunch room – this can be achieved by a Donga style building;
8. Immediate rehabilitation of the existing disposal site;
9. Scrape the top soil from the disposal area and store for water diversion, removal of up to 60% of soils, sands and gravels for commercial purposes and town development projects;
10. Process of establishment would be to prepare a major cell benched or sloped to 30 degrees and up-to 8m deep for disposal of non-recyclable waste, covered at least weekly.

The site will be manned by a supervisor with an employee to undertake compliance duties including inspection, ensure correct disposal, regular litter sweeps and general duties associated with the operation of a landfill site.

Council endorsement of the design and operation of the site and the DEC submission is requested.

Officer’s Recommendation

That Council endorse the Landfill Site Extensions Application for Works Approval to the Department of Environment and Conservation dated December 2009 as contained in Attachment 11.3A.

30222

Moved Cr Crees

Sec Cr Young

That Council endorse the Landfill Site Extensions Application for Works Approval to the Department of Environment and Conservation dated December 2009 as contained in Attachment 11.3A.

CARRIED 8/0

AGENDA

11.4 LAND SUBDIVISION – TOWN OF MERREDIN - NEW SUBDIVISION PROJECT

| | |
|------------------------------|--|
| Reporting Department: | Development Services |
| Reporting Officer: | John Mitchell – Executive Manager, Development Services |
| Legislation: | Local Government Act 1995, Local Government (Miscellaneous Provisions) Act 1960 |
| File Reference: | LUP/13/7 |

Background

At its November 2008 meeting Council resolved (**CMRef 29773**) to include the development of Whitfield Way stage two in the 2009/2010 Budget and that the Administration could commence planning of the development in March 2009.

16 lots of the Carrington Way subdivision have been sold and an additional two are under offer. This leaves 8 blocks available for purchase. Council completed the project in February 2009.

Council has considered a report to develop the Reserves in Kitchener Road, Pool Street, Woolgar Avenue and Throssell Road. At its October 2008 meeting Council resolved to adopt Plan 11.7A (**CMRef 29726**) which deletes the Olympic Swimming Pool, but amends the Plan to retain the Scout Hall to one block, the southern bowling rink and the basketball courts. This resolution will need review as the child care facility (MADCAPS) and Civic Bowling Club buildings are not retained. Redevelopment of the existing 50m Olympic pool has also been proposed by Council. The two overlays of this area are contained in **Attachment 11.4A**.

Statutory Implications

Based on known recent costs development of an area greater than 12,000m² will require the preparation of a business plan pursuant to Section 3.59 of the Local Government Act 1995.

Financial Implications

In 2009 Council completed the development of 29 lots commonly called Carrington Way. The cost of development was \$50.00 per square metre inclusive of all infrastructure. In November 2009 a revaluation saw that value rise to \$55.00/m².

For budget purposes and estimate only, the area of land minus 10% should set a reasonable estimate of construction costs.

AGENDA

Comment

Council has requested options to develop land within Merredin. The locality maps of the areas are contained in **Attachment 11.4B**.

Council has considered the following for single residential development: -

1. Reserve 44697 (Shire of Merredin vesting of uses of Shire of Merredin) west of the old golf club building – this land has been leased until February 2012 for cropping – there is no overlay and development would be accordingly slowed;
2. Reserve 22677 (Shire of Merredin vesting as Parks and Gardens) which is already apparently subdivided into 16 x 1,100m² lots - \$800,000.00 estimate;
3. Walder Place and Davies Street (Lots 1343 – 1357 UCL) – 15 lots at 1,012m² - \$900,000.00 estimate;
4. Kitchener Road, Pool Street, Woolgar Ave – 62 lots - \$2,000,000.00;
5. Reserve 42082 Cummings Street – (Shire of Merredin vesting as Parks and Recreation) 7.2ha – a three stage development potential adjacent to the Carrington Way development of 2008/2009 would provide similar size lots and numbers for on-sale.

It is doubtful if Council will realise a fast return on its investment if development of Walder Place occurred. Development of Reserve 22677 may realise a quicker return if the super school development proceeds.

Development of the Kitchener Road site will require a larger budget of nearly \$2 million and this may restrict other projects. The Kitchener Road land could be developed in stages.

In all instances development cannot occur until the land is sold freehold to the Shire of Merredin. This process will require the confirmation of an overlay, subdivision application ready. All proposed developmental land is zoned within the Local Planning Scheme No. 6 as Residential.

Any development overlay would not be considered by the WA Planning Commission (WAPC) until the new local planning scheme is finalised and approved. The WAPC will then provide subdivisional approval.

Private sector discussions suggest that development of Walder Place would not be a positive cash benefit to Council at this time. Development similar to Carrington Way would achieve a reasonable return. A copy of the proposed plan of the development subdivision is included in **Attachment 11.4C**.

Officer's Recommendation

That the Administration:

- 1. pursue as a priority the acquisition of Reserve 42082 for residential development and prepare an overlay of the development for Council consideration as a three stage project.*
- 2. prepare a 5 year plan for the development of residential and industrial land in Merredin, promoting land identified in the Report.*

Cr Forbes left the meeting at 1.56pm.

Cr Forbes entered the meeting at 2.00pm.

Cr Young declared a Proximity Interest in this Agenda Item and left the meeting at 2.03pm.

30223

Moved Cr Crees

Sec Cr A Hooper

That the Administration:

- 1. pursue as a priority the acquisition of Reserve 42082 for residential development and prepare an overlay of the development for Council consideration as a three stage project; and*
- 2. prepare a 5 year plan for the development of residential and industrial land in Merredin, promoting land identified in the Report.*

CARRIED 6/1**30224**

Moved Cr Morris

Sec Cr Crook

That Council take steps to acquire freehold title to Reserve 44697.

CARRIED 7/0

Cr A Hooper left the meeting at 2.09pm.

Cr A Hooper and Cr Young entered the meeting at 2.10pm.

30225

Moved Cr Morris

Sec Cr Wallace

That Council expend up to \$50,000.00 from the Land Development Reserve towards the development of the Whitfield Way Stage Two subdivision.

**CARRIED 8/0
ABSOLUTE MAJORITY**

AGENDA

11.5 TENDER 2 – 09/10 – SALE OF LOT 26 INSIGNIA WAY, MERREDIN – DEREK MASON, PO BOX 125 MERREDIN WA 6415

| | |
|------------------------------|--|
| Reporting Department: | Development Services |
| Reporting Officer: | John Mitchell – Executive Manager, Development Services |
| Legislation: | Local Government Act 1995 |
| File Reference: | Tender 2-09/10 |

Background

The tender was advertised in the West Australian on 3 October 2009.

One tender was received from Mr Derek Mason of Mason Enterprises Pty Ltd.

Statutory Implications

The provisions of Section 3.58 of the Local Government Act 1995 are applicable. These provisions have been complied with. The provisions of Council's tender policy have been complied with.

Financial Implications

Mr Mason offered \$49,000.00 plus GST.

Comment

A market valuation was obtained at \$45,000.00 - \$50,000.00. In support of this, investigations showed that Lots 1316 – 1325 McKenzie Crescent are offered for sale at \$45,000.00 - \$57,000.00 including power and water provision.

Mr Mason has offered no overlay of development however has advised in correspondence that the site will be used for expansion of the transport business – TransPlus. For Council information the adjacent land was developed in 2007 by Mr Mason as a truck depot.

The conditions of tender included: -

1. Demonstration of construction ready operation;
2. Development to comply with the provisions of the Shire of Merredin Town Planning Scheme No. 1;
3. Council is to receive within three months of the acceptance of the tender a planning application for development;
4. The land reverts to Council in two years minus ten percent of purchase price if development does not proceed.

Officer's Recommendation

That the tender from Mr Derek Mason of \$49,000.00 plus GST to purchase Lot 26 Insignia Way, Merredin be accepted and that the conditions of tender be included in the Contract of Sale.

30226

Moved Cr Crees

Sec Cr Crook

That the tender from Mr Derek Mason of \$49,000.00 plus GST to purchase Lot 26 Insignia Way, Merredin be accepted and that the conditions of tender be included in the Contract of Sale.

CARRIED 8/0

AGENDA

11.6 LOT 11 SOUTH AVENUE, MERREDIN – DIVIDING FENCE – LOT 1100 SOUTH AVENUE, MERREDIN

| | |
|------------------------------|--|
| Reporting Department: | Development Services |
| Reporting Officer: | John Mitchell – Executive Manager, Development Services |
| Legislation: | Dividing Fences Act 1961 |
| File Reference: | A3042 |

Background

Ms Kenney, the owner of Lot 1100, 43 South Avenue, Merredin has written requesting that Council contribute towards the cost of the replacement fence separating the dwelling on Lot 1100 South Avenue, Merredin and the Shire owned vacant land Lot 11 South Avenue, Merredin, which was storm damaged in October 2009 (**Attachment 11.6A**).

Lot 10 and 11 South Avenue, Merredin are currently zoned Civic and Cultural and Council has sought to rezone the land to Residential. This will occur in early 2010. A locality plan is also included in Attachment 11.6A.

Statutory Implications

The provisions of the Dividing Fences Act 1961 are applicable. The Act does not bind the Crown. Previously Council has considered similar situations and has provided assistance where the property abutted residential land.

As the two lots owned by Council will be zoned Residential (for on-sale) before 30 June 2010, the matter is presented to Council for determination.

Financial Implications

Ms Kenney has obtained a quotation for 51 metres of 1.6m Colorbond post and rail fencing at \$5,800.00 including GST.

There are no budgeted funds for this proposal. The quotation is considered reasonable. Funds can be accessed from the Building Maintenance Reserve by an absolute majority of Council.

Comment

The existing fence is asbestos and requires proper and controlled disposal. Mrs Kenney is seeking Council involvement in the disposal as the fence was separating the two properties. It is suggested that the fees for disposal be waived in this instance.

A further Agenda Item at this meeting is the adoption of the modified Local Planning Scheme No. 6 which includes the rezoning of Lots 10 and 11 South Avenue, Merredin to Residential to permit the on-sale.

AGENDA

Officer's Recommendation

1. *That Council agree to payment of 50% of the cost of the replacement fence (being \$2,900.00 including GST) between Lot 1100 South Avenue, Merredin and Lot 11 South Avenue, Merredin and to waive asbestos disposal fees for disposal of the asbestos fence.*
2. *That the funds for the fence replacement at Lot 11 South Avenue, Merredin be taken from the Building Maintenance Reserve.*

ABSOLUTE MAJORITY REQUIRED – ITEM 2

30227

Moved Cr Morris

Sec Cr Young

1. *That Council agree to payment of 50% of the cost of the replacement fence (being \$2,900.00 including GST) between Lot 1100 South Avenue, Merredin and Lot 11 South Avenue, Merredin and to waive the asbestos disposal fees for disposal of the asbestos fence.*
2. *That the funds for the fence replacement at Lot 11 South Avenue, Merredin (being \$2,900.00 including GST) be taken from the Building Maintenance Reserve.*

CARRIED 8/0

ABSOLUTE MAJORITY – ITEM 2

AGENDA

11.7 TOWN PLANNING – CARPORT IN FRONT SETBACK AREA – LOT 548 HART STREET – M.A. BARRASS

| | |
|------------------------------|--|
| Reporting Department: | Development Services |
| Reporting Officer: | John Mitchell – Executive Manager, Development Services |
| Legislation: | Town Planning Scheme No. 1, Residential Design Codes |
| File Reference: | A1968 |

Background

An application (**Attachment 11.7A**) to establish a carport in the front setback area of Lot 548, House No. 1 Hart Street, Merredin.

The property is on the corner of Hart Street and French Avenue, Merredin. A locality map is also included in Attachment 11.7A.

Statutory Implications

The provisions of the Residential Design Codes 2008 apply. Clause 6.2.3 A3.3 and A3.4 are applicable.

Financial Implications

Planning fees have not been paid.

Comment

The property is a corner property with the primary street being French Avenue, Merredin. Clause A3.3 permits the placement of a carport within 1.5m of the secondary street.

Clause A3.4 requires clear unobstructed views of the street and that no greater than 50% of the frontage of the dwelling is obstructed. The application meets this criteria.

The applicant has advised that the neighbours are satisfied with the proposal however it has been requested that the neighbour's responses be put in writing prior to any approval being granted.

French Avenue, Merredin is a primary street and access to this street poses a greater risk. Placement of a carport to the west side of the dwelling is contrary to the Road Traffic Act which requires that at least 6 metres be clear to an intersection.

Officer's Recommendation

That the application from M.A. Barrass to construct a carport within the front setback area of Lot 548 Hart Street, Merredin be approved in accordance with plans submitted, subject to completion of the application forms, proof of neighbours sighting and advice and payment of the prescribed fees.

30228

Moved Cr Crook

Sec Cr Forbes

That the application from M.A. Barrass to construct a carport within the front setback area of Lot 548 Hart Street, Merredin be approved in accordance with plans submitted, subject to completion of the application forms, proof of neighbours sighting and advice and payment of the prescribed fees.

CARRIED 8/0

AGENDA

11.8 LOCAL PLANNING SCHEME NO. 6 – RESOLUTION TO ADVERTISE DRAFT SCHEME WITH AMENDMENTS PROPOSED BY WESTERN AUSTRALIAN PLANNING COMMISSION

| | |
|------------------------------|--|
| Reporting Department: | Development Services |
| Reporting Officer: | John Mitchell – Executive Manager, Development Services |
| Legislation: | Planning and Development Act 2005 |
| File Reference: | LUP/5/1 |

Background

At its August 2008 meeting Council resolved (**CMRef 29652**):

- 1. That Council adopt the Scheme Examination Report and the Scheme text and maps (Attachment No. 11.4A) with the amendment to Page 24 of the Scheme Text, Schedule 4 Item 5 stating “Crown Reserve 44697” only and that the Shire President and the Chief Executive Officer be authorised to sign the adoption clause of the text.*
- 2. That Council forward a copy of the Local Planning Scheme No. 3 text and maps to the Environmental Protection Authority for consideration.*
- 3. That Council request the Western Australian Planning Commission permission to advertise the draft Local Planning Scheme No. 3.*

As a result of further investigations by the Executive Manager of Development Services (EMDS), Mr Paul Bashall and the Western Australian Planning Commission (WAPC) the Scheme Number has changed to Local Planning Scheme No. 6.

From September 2008 until January 2009 the Scheme sat with the Environmental Protection Authority awaiting approval to be sent to the WAPC.

From February 2009 until January 2010 the Scheme has been reviewed by the WAPC.

A copy of the amended draft Scheme appends in **Attachment 11.8A**. The required changes are in Red. A copy of the WAPC correspondence summarising the changes append in **Attachment 11.8B**.

Statutory Implications

As the Local Planning Scheme is different to the Scheme presented at the August 2008 meeting Council must resolve to adopt and proceed with the Scheme.

Once the adoption process is complete the Scheme shall be bound, signed and submitted to the Department for advertising purposes.

At the completion of the statutory advertising period the submissions are brought back to Council for consideration.

Financial Implications

The cost of advertising is estimated at \$2,500.00.

Government Gazette printing costs are estimated at \$8,000.00. There is no budget provision for the printing costs within the 2009/2010 Budget.

Comment

The required amendments are minor in nature and do not impact on the intent of Council's planning strategy.

Officer's Recommendation

That Council make the changes as required by the Western Australian Planning Commission to the draft Local Planning Scheme No. 6 and resubmit the Scheme to the Western Australian Planning Commission for advertising purposes.

30229

Moved Cr Wallace

Sec Cr Crees

That Council make the changes as required by the Western Australian Planning Commission to the draft Local Planning Scheme No. 6 and resubmit the Scheme to the Western Australian Planning Commission for advertising purposes.

CARRIED 8/0

11.9 **RESERVES 11222, 22829 AND FORMER RESERVE 16174 – RATIONALISATION AND CHANGE OF PURPOSE TO REFLECT CURRENT USE**

Reporting Department: Development Services
Reporting Officer: John Mitchell – Executive Manager,
Development Services
Legislation: Land Administration Act 1997
File Reference: Reserve Assessment

Background

In November 1993 it appears that Council agreed to the rationalisation of the Reserves 11222, 22829 and former Reserve 16174 due to the Golf Club and cropping occurring for the Football Club. No resolution can be found.

In 1999 an inspection showed that Reserve 16174 was cleared and cropped and correspondence was sent to the Department of Land Administration advising of no objection to the cancellation of the Reserve 16174 and making it available to the owner of Location 11070.

Correspondence, including locality maps, has now been received seeking Council support for the continuation of the rationalisation of the Reserves (**Attachment 11.9A**).

Statutory Implications

The delay was due to Heritage and Native Title investigations.

Financial Implications

There is no cost to Council. Management of the Reserves will require the use of the standard government land lease documents contained within Council's filing system.

Comment

The intent of the proposal is contained within the Departmental correspondence of 25 November 2009.

The proposal permits the status quo to remain and for the Reserve to be cropped under lease agreement.

The site contains good gravel reserves and there is limited or little gravel within the region. Lot 310 contains a reasonable gravel reserve.

Officer's Recommendation

That Council agree to the cancellation of Reserve 22829 for inclusion into Reserve 11222, include Avon Location 16499 in Reserve 11222, redescribe the land to Lots 310, 311, 312 and 313 and change the purpose of the Reserve 11222 to "Recreation and Community Facilities" with the power to sublease and seeks approval to take gravel from Lot 310.

30230

Moved Cr Young

Sec Cr Morris

That Council agree to the cancellation of Reserve 22829 for inclusion into Reserve 11222, include Avon Location 16499 in Reserve 11222, redescribe the land to Lots 310, 311, 312 and 313 and change the purpose of the Reserve 11222 to "Recreation and Community Facilities" with the power to sublease and seeks approval to take gravel from Lot 310.

CARRIED 8/0

AGENDA

**11.10 TOWN PLANNING – OVERSIZE OUTBUILDING – LOT 329
CHEGWIDDEN AVENUE, MERREDIN – B AND R GEARING**

| | |
|------------------------------|--|
| Reporting Department: | Development Services |
| Reporting Officer: | John Mitchell – Executive Manager, Development Services |
| Legislation: | Building Regulations 1989, Council Policy 8.23 |
| File Reference: | A1400 |

Background

An application (**Attachment 11.10A**) has been received from Mr Ben Gearing to erect a 200m² outbuilding of 3.2 metre wall height and 4.26 metre apex height on Lot 329 Chegwidden Avenue, Merredin.

The land is zoned Residential 1 and has a block size of 8,448m².

Statutory Implications

The provisions of Council Policy 8.23 (Outbuildings in Residential Areas) for a block of 8,000m² allows a single outbuilding area of 157m² and a total of 375m² of outbuildings. Apex heights of 4.5 metres and wall heights of 3.6 metres are not exceeded.

The application forms and site plan are required to be submitted prior to the issuing of a building licence.

Financial Implications

Planning fees have not as yet been paid.

Comment

The applicant loses a discount if the matter is not decided by 30 January 2010, hence the reason for the rushed application. The applicant has advised that the shed will be located within the eastern portion of the block. A site plan will be provided at the Council meeting.

Council has approved similar constructions previously.

Walls and doors are constructed from colorbond and the roof is zincalume.

Officer's Recommendation

That Council approve the application from Mr Ben Gearing to construct a 200m² colorbond walled and zinalume roofed outbuilding on Lot 329 Chegwidden Avenue, Merredin in accordance with the plans submitted and labelled W64010912004-3.

30231

Moved Cr Crees

Sec Cr Young

That Council approve the application from Mr Ben Gearing to construct a 200m² colorbond walled and zinalume roofed outbuilding on Lot 329 Chegwidden Avenue, Merredin in accordance with the plans submitted and labelled W64010912004-3.

CARRIED 8/0

AGENDA

This Agenda Item 16.1 was brought forward due to the attendance of John Mitchell, Executive Manager of Development Services.

16.1 **TOWN PLANNING – BOUNDARY RELAXATION – LOT 803 HARLING STREET, MERREDIN – NEW DWELLING; OWNER: MR CRAIG LANE**

Reporting Department: Development Services
Reporting Officer: John Mitchell – Executive Manager, Development Services
Legislation: Residential Design Codes 2008
File Number: A9332-A9335

Background

An application (**Attachment 16.1A**) to erect a dwelling on Lot 803 Harling Street, Merredin has been received from Spadaccini Constructions representing Mr Craig Lane.

The design seeks a boundary clearance relaxation.

Statutory Implications

The required minimum setback pursuant to the Shire of Merredin Town Planning Scheme No. 1 is 7.5 metres. The LPS 6 proposes a minimum boundary setback of 6 metres.

The R codes, for R20 density, suggest a 6 metre clearance for the front boundary.

Financial Implications

Statutory fees of \$132.00 have not been paid.

Comment

Lot 803 Harling Street, Merredin is a component of a subdivision completed in 2008 by Mr Morris Lane. The lots created are smaller than existing lots in Harling Street which average 1,200m². The three additional lots created are each 993m².

The proposal to relax the minimum setback is in keeping with proposed legislation.

Officer's Recommendation

That Council approve the application to relax the boundary setback to 6 metre to permit construction of a dwelling on Lot 803 Harling Street, Merredin.

30232

Moved Cr Crees

Sec Cr Morris

That Council approve the application to relax the boundary setback to 6 metre to permit construction of a dwelling on Lot 803 Harling Street, Merredin.

CARRIED 8/0

AGENDA

This Agenda Item 17.1 was brought forward due to the attendance of John Mitchell, Executive Manager of Development Services.

- 30233** Moved Cr Morris Sec Cr Young
That Council go behind closed doors to discuss a confidential matter in accordance with Section 5.23(2) of the Local Government Act 1995.
CARRIED 8/0

Council went behind closed doors at 2.30pm.

Cr A Hooper left the meeting at 3.02pm.

- 30234** Moved Cr Young Sec Cr Morris
That Council come out from behind closed doors.
CARRIED 7/0

Council came out from behind closed doors at 3.03pm.

- 17.1 Purchase of Lots 162 – 167 Todd Street, Lots 200, 202 – 205 Allbuery Street and 168 Kitchener Road, Merredin

- 30235** Moved Cr Morris Sec Cr Forbes
That Council take no further action to acquire the land and the Administration prepares draft policies to control development to alleviate issues relevant to persons living in close proximity to major traffic routes.
CARRIED 7/0

- 30236** Moved Cr Crees Sec Cr Young
That Council adjourn the meeting at 3.04pm.
CARRIED 7/0

John Mitchell, Executive Manager of Development Services, left the meeting at 3.04pm and did not return.

- 30237** Moved Cr Morris Sec Cr Crook
That Council reconvene the meeting at 3.24pm.
CARRIED 8/0

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

12.0 ENGINEERING SERVICES

Nil Recommendations to Council

13.0 FINANCE AND ADMINISTRATION

13.1 MONTHLY FINANCE REPORT

Reporting Department: Finance and Administration
Reporting Officer: Emma Growden – Executive Manager, Finance and Administration
Legislation: Local Government Act 1995

Comment

The Monthly Finance Report is attached for Council's information. (Attachment 13.1A).

Officer's Recommendation

That Council receive the Monthly Finance Report for December 2009.

30238

Moved Cr Crees

Sec Cr Young

That Council receive the Monthly Finance Report for December 2009.

CARRIED 8/0

AGENDA

13.2 LIST OF ACCOUNTS PAID

| | |
|------------------------------|--|
| Reporting Department: | Finance and Administration |
| Reporting Officer: | Emma Growden – Executive Manager, Finance and Administration |
| Legislation: | Local Government Act 1995 and Financial Management Regulations |

Background

The attached List of Accounts Paid (**Attachment 13.2A**) during the month under Delegated Authority is provided for Council's information.

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 \$237,564.30 and amounts directly debited from Council's Municipal Fund Bank Account BSB 066-518 Account Number 000-000-10 totalling \$335,829.03 and outstanding creditors totalling \$99,863.29.

30239

Moved Cr Young

Sec Cr Forbes

That Council receive the schedule of accounts as listed, covering cheques as numbered and totalling \$237,564.30 and amounts directly debited from Council's Municipal Fund Bank Account BSB 066-518 Account Number 000-000-10 totalling \$335,829.03 and outstanding creditors totalling \$99,863.29.

CARRIED 8/0

Emma Growden, Executive Manager of Finance and Administration, left the meeting at 3.31pm.

AGENDA

14.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

15.0 QUESTIONS BY MEMBERS FOR WHICH DUE NOTICE HAS BEEN GIVEN

Nil

16.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION16.1 Town Planning – Boundary Relaxation – Lot 803 Harling Street, Merredin – New Dwelling; Owner: Mr Craig Lane

Refer to Page 41 for information on this Agenda Item.

16.2 Grain Rail Freight Meeting

As mentioned earlier (refer Page 5) a meeting involving CBH, WALGA and Transport Industry representatives will be held in Northam on 29 January 2010 which will discuss issues relating to the closure of narrow gauge rail lines and the movement of grain freight within the Wheatbelt.

The Shire President sought Council's perspective on this issue to ensure accurate feedback and information could be provided at that meeting.

17.0 MATTERS BEHIND CLOSED DOORS17.1 Purchase of Lots 162 – 167 Todd Street, Lots 200, 202 – 205 Allbuery Street and 168 Kitchener Road, Merredin

Refer to Page 42 for information on this Agenda Item.

Cr Young left the meeting at 4.21pm.

Cr A Hooper left the meeting at 4.24pm.

Cr A Hooper entered the meeting at 4.25pm.

Cr Young entered the meeting at 4.26pm.

18.0 CLOSURE

There being no further business the Shire President declared the meeting closed at 4.26pm.