

SHIRE OF MERREDIN



“Heart of the Wheatbelt”

MINUTES OF COUNCIL MEETING

16 MARCH 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 16 March 2010 commencing at 1.00pm.

ATTENDANCE:

Councillors:	KA Hooper	Shire President
	RM Crees	Deputy Shire President
	D Crook	
	P Forbes	
	A Hooper	
	M Morris	
	W Wallace	
	M Young	
	J Townrow	
Staff:	G Powell	Chief Executive Officer
	J Garrett	Executive Manager of Engineering Services
	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
	J Twomey	Senior Finance Officer
Public:	Janice Whisson, Audine McCrae	

1.0 OFFICIAL OPENING

The Shire President declared the meeting open at 1.00pm.

Janice Whisson, Audine McCrae and Debbie Morris, Executive Manager of Community Services, were in attendance.

2.0 PUBLIC QUESTION TIME

Janice Whisson and Audine McCrae, representing the Lions Club, addressed Council in relation to maintenance and safety concerns at the Lions Club Cardboard Shed, what buildings in Merredin were available for their use as a Club House and the future direction of recycling within the Shire of Merredin.

A meeting would be held between the representatives of the Lions Club and the Chief Executive Officer and Executive Manager of Development Services to discuss the issues further.

Janice Whisson and Audine McCrae left the meeting at 1.16pm and did not return.

3.0 APOLOGIES AND LEAVE OF ABSENCE

Cr Townrow has been granted Leave of Absence for Council Meetings February 2010 to April 2010 inclusive (**CMRef 30210**).

Cr Forbes and Cr A Hooper requested Leave of Absence for the April 2010 Council Meeting.

- 30258** Moved Cr Townrow Seconded Cr Morris
That Cr Forbes and Cr A Hooper be granted Leave of Absence for the April 2010 Council Meeting.

CARRIED 9/0

Cr Morris advised Council that today is the 119th anniversary of the Gazettal of the townsite of Merredin.

4.0 DISCLOSURE OF INTEREST

Cr Crees declared a Proximity Interest in Agenda Items 11.2 and 11.3.

5.0 PETITIONS AND PRESENTATIONS

Nil.

6.0 CONFIRMATION OF MINUTES**6.1 Ordinary Council Meeting**

Confirmation of the minutes of the Ordinary Council Meeting held on 16 February 2010.

Officer's Recommendation / Resolution

- 30259** Moved Cr Forbes Seconded Cr Young
That the minutes of the Ordinary Council Meeting held on 16 February 2010 be confirmed as a true and correct record of proceedings.

CARRIED 9/0

6.2 **Special Council Meeting**

Confirmation of the minutes of the Special Council Meeting held on 25 February 2010.

Officer's Recommendation / Resolution

30260

Moved Cr Morris

Seconded Cr Townrow

That the minutes of the Special Council Meeting held on 25 February 2010 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**

Nil.

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

9.1 **Central Wheatbelt Visitor Centre Working Group Meeting held on 22 February 2010**

Attachment 9.1A

Nil Recommendations to Council – Refer Agenda Item 10.1.

9.2 **Wheatbelt East Regional Organisation of Councils Meeting held on 24 February 2010**

Attachment 9.2A

Nil Recommendations to Council

9.3 **Merredin Heritage Management Committee Meeting held on 25 February 2010**

Attachment 9.3A

Nil Recommendations to Council

- 9.4 Western Australian Local Government Association Great Eastern Country Zone Meeting held on 4 March 2010
Attachment 9.4A

Nil Recommendations to Council

Officer's Recommendation / Resolution

30261

Moved Cr Townrow Seconded Cr Crook

That Council receive the minutes of the Central Wheatbelt Visitor Centre Working Group Meeting held on 22 February 2010, the Wheatbelt East Regional Organisation of Councils Meeting held on 24 February 2010, the Merredin Heritage Management Committee Meeting held on 25 February 2010 and the Western Australian Local Government Association Great Eastern Country Zone Meeting held on 4 March 2010.

CARRIED 9/0

10.0 COMMUNITY SERVICES

10.1 CENTRAL WHEATBELT VISITOR CENTRE MEMORANDUM OF UNDERSTANDING

Reporting Department:	Community Services
Reporting Officer:	Pam Masters – Visitor Centre Manager
Legislation:	Local Government Act 1995
File Reference:	CM/9/1
Disclosure of Interest:	Nil
Attachments:	Changes made to Memorandum of Understanding; Revised Memorandum of Understanding

Background

The Memorandum of Understanding (MoU) between the Shire of Merredin and North Eastern Wheatbelt Regional Organisation of Councils (NEWROC), Wheatbelt East Regional Organisation of Councils (WEROC) and Roe Regional Organisation of Councils (RoeROC) in relation to the Central Wheatbelt Visitor Centre (CWVC) is due to expire on 30 June 2010 after being in operation for three years.

There has been a request by NEWROC that the Shire of Merredin and the ROC Councils commence negotiation regarding their contributions to the operations of the CWVC in February/March so that provisions can be made in their annual budgeting process.

The CWVC Working Group has revised and updated the MoU (**Attachment 10.1A** – Changes made to the MoU and **Attachment 10.1B** – revised MoU) and made the following recommendation at its February 2010 Meeting:

“That once the changes were made the MOU it was to be

- 1. Sent to the Shire of Merredin with a recommendation for adoption*
- 2. The Shire of Merredin to forward the MOU to the ROCs and seek their endorsement.*
- 3. Negotiation of the base fee could then commence between the Shire of Merredin and the ROCs.”*

Comment

In the revised MoU it is suggested that a base level of contribution be negotiated between the Shire of Merredin and the ROCs and that this be indexed annually in relation to the CPI over the three year term of the MoU expiring on 30 June 2013.

The proposed base figure for negotiation could be set at \$1,300.00 as a full contribution and \$650.00 from the Shire of Tammin as a half contribution. This would result in an initial contribution, if agreed to, of \$18,850.00.

The ROCs currently contribute \$16,825.00 (inc. GST) to the operating budget of the CWVC for visitor servicing. The current breakdown being \$1,200.00 each from RoeROC Shires - \$4,000.00 (Corrigin, Kondinin, Kulin, Narembeen), \$1,200.00 from each of the NEWROC Shires - \$7,200.00 (Koorda, Mt Marshall, Mukinbudin, Nungarin, Trayning, Wyalkatchem) and \$1,250.00 from WEROC Shires - \$5,625.00 (Bruce Rock, Kellerberrin, Westonia, Yilgarn) plus a half contribution of \$625.00 from the Shire of Tammin.

Statutory/Policy Implications

Nil.

Financial Implications

The Shire of Merredin, as a member of WEROC, is not required to make a contribution under the MoU, as it already makes significant contribution to the operations and functions of the CWVC.

Current financial contributions received by the Shire of Merredin from the 15 participating Shires under the CWVC MoU are \$16,825.00.

Proposed contributions would introduce uniformity and increase income to the Shire of Merredin to \$18,850.00 for 2010/2011 and CPI indexed annually for a period of three years.

Officer's Recommendation / Resolution

30262

Moved Cr Morris

Seconded Cr Forbes

That Council:

- 1. adopt the revised Memorandum of Understanding between the Shire of Merredin and the North Eastern Wheatbelt Regional Organisation of Councils, the Wheatbelt East Regional Organisation of Councils and the Roe Regional Organisation of Councils for the Central Wheatbelt Visitor Centre as presented in Attachment 10.1A;***
- 2. adopt \$1,300.00 full contribution and \$650.00 half contribution as the base figures for negotiation with the Regional Organisation of Councils' for the next three year term of the Memorandum of Understanding; and***
- 3. forward the revised Memorandum of Understanding to the Regional Organisation of Councils' for consideration and adoption.***

CARRIED 8/1

10.2 MERREDIN HERITAGE PRECINCT INTERPRETATION PLAN

Reporting Department:	Community Services
Reporting Officer:	Debbie Morris – Executive Manager, Community Services
Legislation:	Local Government Act 1995
File Reference:	CP/8/16
Disclosure of Interest:	Nil
Attachments:	Merredin Heritage Precinct Interpretation Plan

Background

In March 2009, the Shire of Merredin engaged the services of consultant Caroline Harben to develop the Heritage Precinct Interpretation Plan. The project was initiated and supported by the Shire of Merredin, with grant funding from Lotterywest.

Caroline attended the March 2009 Heritage Management Committee (HMC) meeting and gave an overview of the scope of works and met with representatives from the Railway and Military Museums and the Visitor Centre Manager to discuss the project and source relevant information.

The project was promoted in the Wheatbelt Mercury in April 2009, which called for community comments.

Regular reports and liaison between Caroline and the HMC occurred over the next few months, which resulted in a draft Plan being received in July 2009.

Comments from the HMC and Laura Gray from the Heritage Council were collated and provided to Caroline in August 2009. Over the next two months details and content was finalised, with constant liaising with the HMC through the Executive Manager of Community Services, resulting in the final Merredin Heritage Precinct Interpretation Plan being received on 23 November 2009 and presented to the HMC at its November 2009 meeting.

At this meeting the HMC requested that the endorsement of the Plan be an agenda item for the January 2010 HMC meeting to allow suitable time for the HMC to read the Plan.

At its 28 January 2010 HMC meeting, the Committee made the following recommendation *“That the Merredin Heritage Management Committee recommend to Council that Council adopt the Merredin Heritage Precinct Interpretation Plan – ATTACHMENT 8.1A”*.

The recommendation was considered by Council at its February 2010 meeting with the following outcome (**CMRef 30243**):

“That Council receive the Merredin Heritage Precinct Interpretation Plan as shown in Attachment 8.1A of the Merredin Heritage Management Committee Minutes of 28 January 2010 and that the matter be brought back to the March 2010 Council Meeting.

REASON: Councillors wanted further time to assess the implications of the Merredin Heritage Precinct Interpretation Plan.”

Comment

The intention of the Merredin Heritage Precinct Interpretation Plan (the Plan) was to provide the Shire of Merredin with a document with a long term implementation plan (5-10 years) for developing interpretive projects linked to stories and themes that are significant to the people of Merredin today and into the future within the Merredin Heritage Precinct.

The Merredin Heritage Precinct is the area of land between Barrack Street and Mary Street, along Great Eastern Highway, which includes the Railway Museum, Military Museum and Pioneer Park.

The Consultant engaged to develop the Plan provided the Committee and community with opportunities to have extensive input into the Plan.

The Plan made interpretive recommendations for improving the Merredin Heritage Precinct based on a staged implementation priority system within each area of the Precinct (Railway Museum, Military Museum and Pioneer Park), as well as “All Sites” collectively.

The Priority System is outlined –

1. Priority 1 projects should be considered in the short term and addressed in 1-2 years as funding and human resources allow;
2. Priority 2 projects should be considered in the medium term and addressed within 3-5 years as funding and human resources allow;
3. Priority 3 projects should be considered in the long term and addressed within 5-10 years.

A full list of the Interpretation Strategy Priorities are listed in pages 38 – 44 of the Plan which also outlines the allocation of responsibility for the development/implementation of the project, which includes the Shire of Merredin, relevant specialists e.g. curator and the Railway and Military Museums respectively.

The projects are varied with some requiring minimal costs and others with estimates of around \$40,000.00 and requiring specialist skills.

Council will need to consider budget allocations and staffing resources for the Shire's areas of responsibility.

Within the Implementation section of the Plan (Section 16, page 110), the following excerpts are stated *"It is essential that all involved recognise that implementation of such a large project should be coordinated by the Shire of Merredin with a dedicated coordinator provided by the Shire. This is due to the fact that the current museums are solely reliant on limited funds and volunteer staffing in declining numbers. The Shire should view the establishment of the Merredin Heritage Precinct as a positive tourism objective with financial and cultural benefit to the community as a whole. The projects required to upgrade the Merredin Heritage Precinct are beyond the capacity of the existing volunteer resources and skill set and hence the Shire will need to take the initiative in order to instigate change.*

Once a dedicated coordinator is provided by the Shire, their role would be to manage the development of the many projects that could be implemented as part of the Interpretation Plan. The coordinator's skill set is likely to involve the ability to draft grant applications and coordinate projects, work with volunteers, committees and consultants and writing skills. Above all the coordinator will need to champion the project as a whole and gain support and funding for the project.

In addition to the coordinator, appointment of relevant specialists may be required for specific tasks e.g. curator, exhibition design and graphic designer, signage producer etc."

These comments summarise the situation for the Heritage Precinct and outline the Shire's role and responsibility. The buildings within the Precinct are owned by the Shire and therefore it is vital that the Shire accepts the responsibility for the future planning of the Precinct.

The Merredin Heritage Precinct Interpretation Plan is a strategic planning document that can be used to plan for the future.

Merredin Railway Station Group is a permanent entry on the State Register of Heritage Places (No 1577 26/2/1999).

Statutory/Policy Implications

Nil.

Financial Implications

There are no financial implications for the adoption of the Interpretation Plan, however implementation of recommendations will require financial allocations.

Officer's Recommendation / Resolution**30263**

Moved Cr Morris

Seconded Cr Townrow

That Council:

- 1. adopt in principle the Merredin Heritage Interpretation Plan as presented in Attachment 10.2A;***
- 2. refer the Merredin Heritage Interpretation Plan to the relevant groups for implementation of their respective projects; and***
- 3. consider the allocation of funds in the 2010/2011 Budget for implementation of the recommendations in the Merredin Heritage Interpretation Plan.***

CARRIED 8/1

10.3 CONSIDERATION FOR PARTICIPATION IN GREENHOUSE GAS EMISSIONS AND ENERGY MONITORING

Reporting Department:	Community Services
Reporting Officer:	Tobias Vudzijena – Natural Resource Management Officer
Legislation:	Local Government Act 1995, National Greenhouse and Energy Reporting Act 2007
File Reference:	EM/8/5
Disclosure of Interest:	Nil
Attachments:	Overview of Western Australian Local Government Association (WALGA)/Greensense Reporting Platform; Report of Launch of Platform

Background

Climate Change is currently active at various levels. It is generally observed that significant variability is evident in terms of declining rainfall and extreme weather events characterised by freak floods, wild fires and temperature extremes.

Main debate is in acceptance of reasons behind the observed changes and therefore the actions necessary to bring a level of control or mitigation to the observed weather variability.

The general consensus for now is that the weather variability is mankind induced and most likely that greenhouse gas emissions, mostly carbon dioxide, is contributing to the adverse climate change. As debate on this is still active, the government in line with the United Nations has adopted the precautionary principle that in the absence of fully accepted science of climate change it would be prudent to accept that action is needed to monitor and reduce, wherever possible, all greenhouse gas emissions.

National Greenhouse and Energy Reporting Overview

The Government introduced the National Greenhouse and Energy Reporting (NGER) Act 2007 to streamline emission and energy reporting. This was done so that response to the call to reduce carbon emissions could be logically prioritised. Response to climate change can be done on a very wide range of levels ranging from individual, home, company and national levels. To bring a sense of scale to emission levels at which corrective steps become necessary, the NGER Act 2007 sets threshold levels at which reporting of emission levels becomes mandatory.

The threshold, starting at 125 kilo tons (kT) of carbon dioxide (CO₂) per annum for corporations in July 2008 reduces to 87.5kT in 2009- 2010 and drops further to 50kT per annum for years 2010-2011 which is the current level.

Shire of Merredin Emissions in relation to NGER Threshold.

The Climate Change Office has an online website which enables calculation of CO₂ emissions based on direct fuel consumption (Scope 1) emissions and electricity consumption (Scope 2) indirect emissions.

Using the latest annualised figures the emission levels for Merredin work out to 0.63kT Scope 1 and 1.30kT Scope 2 emissions which equals 1.93kT per year.

The emission levels for Merredin are therefore only 3.9% of the 50.0kT mandatory reporting threshold level.

Western Australian Local Government Association (WALGA)/Greensense Reporting Platform

WALGA has for some time now been working on equipping WA Councils to respond adequately to the climate change challenges.

In pursuance of this WALGA has entered into an agreement with Greensense, an environmental consulting firm, to create an emissions monitoring platform which would serve Councils by offering a streamlined reporting system (**Attachment 10.3A**). This monitoring platform was launched at WALGA House in Perth on 10 February 2010. A report of this launch is included in **Attachment 10.3B**. Greensense are in a better position to keep track of legislative changes and enable individual Councils to benchmark their energy utilisation efficiency levels against other Councils.

Comment

From the initial scoping calculations Merredin's emission levels are way below the threshold reporting minimum being 3.9% of the 50.0kT CO₂ NGER threshold for corporations.

From a legal point of view there is no direct motivation for Council to participate in the WALGA/Greensense Monitoring platform.

It is however likely that the threshold could be lowered as the need for action becomes clearer to the climate science community.

Participation on the Platform would show Council's commitment to the community in respect to climate change, enables Council to compare against similar sized Councils should they also participate, and gives an external confirmation of Council's performance in terms of energy efficiencies.

Statutory/Policy Implications

Nil at this time. Statutory obligations may change in the future and policy development will be required should Council resolve to participate in the Platform.

Financial Implications

Participation on this platform comes at a cost of \$3,000.00 per annum of which \$700.00 per annum is dedicated to keeping the platform current. A three year time frame is initially proposed for participating Councils, though this can be reviewed on an annual basis.

Officer's Recommendation / Resolution**30264**

Moved Cr Townrow

Seconded Cr Crook

That Council, in the spirit of adopting a proactive stand, joins the Western Australian Local Government Association/Greensense Reporting Monitoring Platform for a period of one year effective from 1 July 2010 and continuation after that to be subject to review should imperatives for climate change action become clearer.

CARRIED 7/2

Debbie Morris, Executive Manager of Community Services, left the meeting at 1.26pm.

11.0 DEVELOPMENT SERVICES

11.1 POLICY - CARRINGTON WAY LAND DEVELOPMENT – CARPORTS/GARAGES UNDER MAIN ROOF

Reporting Department:	Development Services
Reporting Officer:	John Mitchell – Executive Manager, Development Services
Legislation:	Local Government Act 1995, Building Code of Australia 2009
File Reference:	Various
Disclosure of Interest:	Nil
Attachments:	Formbys Lawyers Correspondence, Glossary of Definitions, Carport examples, Connection Types, Memo

Background

At its February 2010 Meeting Council considered the Restrictive Covenant applying to all land within the Carrington Way subdivision and specifically Clause 1.3c which states “carports and garages are under the dwelling main roof” and Council resolved (**CMRef 30244**):

“That the matter of the definition of “under main roof” in the restrictive covenant be referred back to the Administration to seek legal advice on removing clause 1.3c of the restrictive covenant and take steps to do so if the legal advice supports Council’s intent.”

Comment

Attachment 11.1A contains the opinion of Mr Formby - Lawyer, glossary of definitions for buildings, examples of carports and connection types and a memo from the Building Surveyor relating to this matter.

The conclusion of Mr Formby is quoted below:

“Given the Restrictive Covenant is only there until the new Town Planning Scheme comes into effect. It seems to me that the best thing for the Council to do is to consider each application for building approval on its merits and provided the application satisfies the intention of the Council in placing the Restrictive Covenant on the lots in the subdivision, give approval for the development. If this policy is adopted, the risk of action by any adjoining owner is extremely remote.”

The following is suggested as a Policy to guide development in the Carrington Way subdivision in satisfying Clause 1.3c of the Restrictive Covenant:

1. "under main roof" by definition for a skillion roof, the structure would not be able to stand unsupported without attachment to the dwelling e.g. colorbond, two columns, attachment at plate height or gutter fascia affixement;
2. for ornate structures within the front setback area – limited to carports – Clause 3.7.1.6 of BCA09Vol2 – two or more sides open with a physical substantial connection to the dwelling e.g. 4 or 6 brick piers with gabled roof physical connection the gutter;
3. for ornate structures adjacent to the dwelling – gabled roof etc, connection by box gutter or similar.

There are 15 lots of the Carrington Way subdivision are sold, 3 lots are under offer and 9 lots are still available for sale. 2 lots have been retained by Council.

Statutory/Policy Implications

The enforcement of a Restrictive Covenant is a civil matter. The Building Surveyor is bound by the terms of the Building Code of Australia and the Local Government (Miscellaneous Provisions) Act 1960.

Financial Implications

Nil.

Officer's Recommendation / Resolution

30265

Moved Cr Townrow

Seconded Cr A Hooper

1. ***That all applications to establish dwellings on Lots 209 – 216, 229 and 230 Carrington Way, Lots 228, 227, 218 – 226 McGinniss Way and Lots 232 – 237 Cummings Street, Merredin be required to comply with the following Policy which satisfies Council's intention with the requirements for carports and garages under the main roof.***
2. ***That the general terms of intent for the term "under main roof" are:***
 1. ***"under main roof" by definition for a skillion roof the structure would not be able to stand unsupported without the attachment to the dwelling e.g. colorbond, two columns, attachment at plate height or gutter fascia affixement;***

- 2. for ornate structures within the front setback area – limited to carports – Clause 3.7.1.6 of BCA09Vol2 – two or more sides open with a physical substantial connection to the dwelling e.g. 4 or 6 brick piers with gabled roof physical connection the gutter;*
- 3. for ornate structures adjacent to the dwelling – gabled roof etc, connection by box gutter or similar.*
- 3. That Council delegate authority to the Chief Executive Officer to approve applications that meet the criteria outlined in the Policy.*

CARRIED 8/1

ABSOLUTE MAJORITY ITEM THREE

John Mitchell, Executive Manager of Development Services, entered the meeting at 1.28pm.

Cr Crees declared a Proximity Interest in this Agenda Item 11.2 and the following Agenda Item 11.3 and left the meeting at 1.34pm.

11.2 **TOWN PLANNING – APPLICATION TO ESTABLISH AN EXTRACTIVE INDUSTRY – LOCATION 20727 AND 20728 BULLSHEAD ROAD, MERREDIN**

Reporting Department:	Development Services
Reporting Officer:	John Mitchell – Executive Manager, Development Services
Legislation:	Planning and Development Act 2005, Extraction Industries Local Law 2002
File Reference:	A8124; PA4/10
Disclosure of Interest:	Nil
Attachments:	Planning Application; Photos

Background

An application (**Attachment 11.2A**) to establish an extractive industry on Locations 20727 and 20728 has been received from the land owner.

The gravel site (Loc 20728) exists and the sand portion (Loc 20727) has not commenced. Sand extraction is an “extractive industry” in accordance with the Shire of Merredin’s Local Law No. 10 - Extractive Industries.

The land is located within the “General Farming” zone as per the Shire of Merredin Town Planning Scheme No. 1 (the Scheme).

An extractive industry is classed as development and thus requires the planning consent of the Shire of Merredin. An extractive industry is not permitted (“AP”) within the “General Farming” zone unless special approval is given by Council after advertising.

Comment

Local Law 10 – Extractive Industries is pursuant to Section 3.16 is due for review prior to September 2010. Clause 3.1(1) is not applicable as a town planning application has been received.

Having inspected the site and discussed the application with the applicant it is apparent that the proposed extractive industry is on a relatively small scale; operated in effect on as “as needs” basis for the purposes of the Windfarm project. The net effect is to reduce travel costs for the construction process.

It is difficult to foresee any adverse impact, such as dust or noise pollution, that the development would have on adjoining property owners. This gravel site and one other within the road reserve have been utilised by farmers and Council for many years without adverse comment from neighbours.

The proposal will ultimately result in an increase in the number of trees over the excavation area and enhance the floral environment generally. Rehabilitation will form part of the Windfarm project and can be conditioned to be closed at the completion of the construction of the Windfarm project.

At present there is one current extractive industry license in the Shire of Merredin. One site has been closed down and rehabilitated.

It is becoming increasingly difficult for private contractors to source suitable sand pad material to undertake construction work in the Shire. Staff are aware of significant private development projects that are reliant upon the legal availability of sand material for building works.

Currently it is known that there are an additional two sites from which sand is taken for construction purposes and these sites are not licenced. This is being pursued by staff.

Council may wish to delegate authority to the Chief Executive Officer to enable the issuing of planning consent for this application, subsequent to the expiry of the statutory advertising period and due consideration of any valid town planning submissions.

The applicant seeks to remove up to 10,000m³ of sand and up to 25,000m³ of gravel for the total Windfarm project. The gravel has been used to level the two substation bases and will be used to form roads. Council may condition that the site close at the completion of the Windfarm project. Mr Crees seeks to use sand from his property for the Windfarm development as it is weed free and will not introduce new weed species to the area. This is also a town planning condition of the Windfarm development.

A surveyor has been engaged by the Contractor to provide the required levels. At this time it is suggested that a condition of consent be that the maximum depth that the excavation can be is 2.5 metres below existing ground level. This can be included by advice that the Surveyor will confirm this level to an AHD equivalent of the 2.5 metres.

This depth was chosen because gravel extraction has been limited by sheet rock to this depth and for the sand excavation at 2.5 metres deep the area is substantially limited for rehabilitation purposes.

An onsite inspection has shown that:

1. Works for the gravel extraction have been undertaken as a component of the benching for the sub-stations and is within 20 metres of the boundary of the property;
2. The area for gravel extraction is clearly delineated and looks complete the extraction has removed gravel to approximately 2.5 metres below natural ground level and grades can be maintained to ensure no ponding of water within the development at completion;
3. Whilst old sand extraction has occurred there is substantial regrowth indicating 'on-farm use" only.

Photos of the inspection site are included in **Attachment 11.2B**.

Statutory/Policy Implications

The provisions of the Local Law No. 10 – Extractive Industries are applicable. Clause 3.1(1) states that where the use has commenced the application **MUST** be refused.

The provisions of the Planning and Development Act 2005 are applicable. Section 164 and permit the responsible authority to grant its approval for development already commenced. Section 164 (4 and 5) state that the approval does not negate the unlawfulness of the prior commencement of development but permits the continuation of the development as lawful from that approval date.

The application requires the submission of a detailed plan showing Average Height Delineation and final Above Sea Levels are required. The Executive Manager of Development Services has arranged with the Site Manager of the Windfarm project to provide that information.

The applicant has not contacted all adjacent property owners and relevant public authorities as per clause 2.2 (1) (a) of the Local Laws. Council can exempt the applicant from this requirement. In this instance and in any instance where the site is existing and in use the advice to the neighbours seems unwarranted as the operation has already commenced and no complaints have been received.

The application should be locally advertised prior to consent being granted.

Financial Implications

Application fees of \$662.00 have been paid.

Officer's Recommendation / Resolution**30266**

Moved Cr Wallace

Seconded Cr Townrow

- 1. That Council grant approval in principle to the applicant in relation to application for planning consent PA4/10 and the application for extractive industry license to undertake extractive industry operations at Avon Locations 20727 and 20728 Bullshead Road, Merredin.**

- 2. That Council delegate authority to the Chief Executive Officer to determine application for planning consent PA4/10 and the application for extractive industry license submitted by the applicant to undertake extractive industry operations at Avon Locations 20727 and 20728 Bullshead Road, Merredin upon the expiry of the statutory advertising period, subject to the submission of any valid objection on town planning grounds incorporating the following conditions:**
 - 1. Planning consent being valid for a period of three (3) years from the date of approval;**
 - 2. Extractive industry license being valid for a period of one (1) year from the date of approval;**
 - 3. An extractive industry license fee of \$300.00 including GST to be paid annually;**
 - 4. All vehicles involved in extractive industry operations to access the property from the Bullshead Road;**
 - 5. All vehicles involved in extractive industry operations to be advised in writing that the Bullshead Road is a school bus route;**
 - 6. The requirements of Clause 6.1(a) (public notification) of Shire of Merredin Local Law No. 10 - Extractive Industries not be imposed;**
 - 7. Extraction of material not to occur below 2.5 metres of existing ground level and a temporary bench mark shall be installed by the Executive Manager of Development Services to act as the marker for existing natural ground level;**

- 8. Rehabilitation to involve the planting and nurturing of minimum 1,500 oil mallees/hectare and to be completed within 12 months of the conclusion of operations; and*
- 9. All other relevant approvals be obtained from the required agencies.*

**CARRIED 8/0
ABSOLUTE MAJORITY ITEM 2**

Cr Crees had declared a Proximity Interest in this Agenda Item 11.3 and was absent from the Council Chamber when this Item was considered (Refer Page 20).

11.3 TOWN PLANNING – APPLICATION FOR SUBDIVISION – LOCATION 20727 BULLSHEAD ROAD, MERREDIN – ELECTRICITY GENERATION

Reporting Department:	Development Services
Reporting Officer:	John Mitchell – Executive Manager, Development Services
Legislation:	Town Planning Scheme No. 1 and Local Planning Scheme No. 6
File Reference:	A8124
Disclosure of Interest:	Nil
Attachments:	Planning Application

Background

An application (**Attachment 11.3A**) for subdivision of Location 20727 has been received from the Western Australian Planning Commission for comment.

The proposal is to create two additional lots of approximately 1.4876ha and 5.978ha for substations and operations and maintenance compound respectively. Collgar Windfarms are the proponent.

Comment

The application is in keeping with the overall concept presented to Council in 2008 and 2009 for the provision of a Windfarm and substation sites.

The land was previously cleared and used for farming purposes. Development of the area of land has already commenced and at Council's May 2009 meeting resolved (**CMRef 29979**):

"That PA3 – 09, relating to the establishment of an electricity sub-station on Location 20727, Bullshead Norpa Road, Merredin and subsequent subdivision of the land for power generation purposes be approved."

The following issues are listed within the development table as "determined by Council"

1. Whilst the application does not address parking facilities the land is rural and there should be no substantive issues with parking. A recommended condition of approval is that within the Operations and Maintenance Compound that an area be set aside for public parking through the placement of signage.

2. The application does not address landscaping. It is recommended that some landscaping be undertaken. Tree plantings with annual maintenance – water and replacement of dead shrubs etc for three years to establish a buffer zone between the substation and surrounding farm land is a minimal requirement and should be enforced. Density to be 2000 seedlings per hectare with four rows at 3 metre separation between native plantings using local species of shrubs and trees should be required.

The application does not address refuse disposal. A condition of approval should include the provision of a refuse service to both worksites and all waste to be removed to the Shire of Merredin Landfill Site.

Statutory/Policy Implications

The provisions of the Shire of Merredin Town Planning Scheme No. 1 (TPS1) are applicable.

Location 20727 is zoned “General Farming”. The zoning and development table of TPS 1 lists electricity generation as a “PS” use – i.e. use not permitted unless special approval given by Council and conditions complied with.

Financial Implications

Nil.

Officer’s Recommendation / Resolution

30267

Moved Cr Wallace

Seconded Cr Townrow

That the Western Australian Planning Commission be advised that the Shire of Merredin supports the subdivision of Location 20727 into three lots comprising two of 1.487ha and 5.978ha for the purposes of electricity generation with the following conditions of approval:

1. ***provide within the Operations and Maintenance Compound an area designated by signage only for public parking;***
2. ***provide landscaping to the two developments comprising a density of 2000 seedlings per hectare comprising four rows of plantings 3 metres separation between plantings and maintain the plantings for a three year period to ensure survivability; and***
3. ***provide a refuse service to the two new locations comprising the Substation and Operations and Maintenance facility compound and ensure all waste is removed to the Shire of Merredin Landfill Site.***

CARRIED 8/0

Cr Crees entered the meeting at 1.36pm.

**11.4 TOWN PLANNING – TAKE AWAY FOOD PREMISES - LOT 4, HOUSE NO. 19
BATES STREET, MERREDIN – EAGLE BOYS PIZZA**

Reporting Department:	Development Services
Reporting Officer:	John Mitchell – Executive Manager, Development Services
Legislation:	Town Planning Scheme No. 1, Food Act 2008, Food Hygiene Regulations 1993
File Reference:	A285; PA5-10
Disclosure of Interest:	Nil
Attachments:	Planning Application; Locality Map

Background

An application (**Attachment 11.4A**) has been received from Eagle Boys Dial-A-Pizza Australia Pty Ltd, to establish a take away food premises on Lot 4, House Number 19 Bates Street, Merredin. A locality map is contained in **Attachment 11.4B**.

The proposed works are an internal fit-out and shop signage. An inspection on 8 March 2010 determined that there are additional works required before a building licence can be issued.

Comment

The following works are considered necessary to provide a compliant food premises:

1. Remove the timber floor and replace with a concrete floor graded to floor wastes or provide an alternative floor finish suitable to comply with the requirements of the Food Act 2007 and the relevant Food Standards Codes;
2. Provide a grease trap to Water Corporation requirements;
3. Provide staff toilets; and
4. Front door to open towards path of egress and provide disabled access.

The above works have not been included within the proposal. As an alternative the applicant can show a different way to achieve grades and fall with the existing timber floor as a base. This alternative is not recommended as experience has shown that the floor finish required by the Food Act will fail very quickly with high density use.

Pursuant to the Zoning and Development Table the premises must be a minimum of 2,000m², frontage of 40m and a maximum plot ratio of 35%. Car parking bays at a ratio of 1 per linear metre of queuing implies approximately 5 – 8 bays provide onsite. The site is 185m², frontage of 8m and a plot ratio close to 100%. Council can resolve pursuant to Clause 6.7.1 by absolute majority to relax the standards.

It is recommended that Council relax the relevant standard. The proposed Local Planning Scheme No. 6 provides a “D” use – discretion with conditions, whilst a lunch bar is a permitted use.

Statutory/Policy Implications

A take away food premises is a “PS” use within the Town Planning Scheme No. 1. The minimum lot size for a take away food premises is 2,000m². 1 car parking bay per meter of queuing length is required.

Clause 6.7 of the Town Planning Scheme No. 1 permits Council to consider an application not meeting the required standard and applying conditions as Council thinks fit. An absolute majority of Council is required.

Financial Implications

Nil.

Officer’s Recommendation / Resolution

30268

Moved Cr Townrow

Seconded Cr Wallace

That the application to establish a take away food premises from Eagle Boys Dial-A-Pizza Pty Ltd, on Lot 4 House No. 19 Bates Street, Merredin be approved subject to the following conditions:

- 1. remove the timber floor and replace with a concrete floor graded to floor wastes or provide an alternative suitable to the Food Act 2007 and the relevant Food Standards Codes;***
- 2. provide a grease trap to Water Corporation requirements;***
- 3. provide staff toilets; and***
- 4. front door to open towards path of egress and provide disabled access.***

**CARRIED 9/0
ABSOLUTE MAJORITY**

11.5 WHITFIELD WAY STAGE TWO DEVELOPMENT – CONFIRMATION OF DESIGN AND PREPARATION – PLAN THREE OF DEVELOPMENT AND ADOPTION OF BUSINESS PLAN

Reporting Department:	Development Services
Reporting Officer:	John Mitchell – Executive Manager, Development Services
Legislation:	Planning and Development Act 2005, Local Government Act 1995
File Reference:	LUP/13/New File – Whitfield Way Stage Two
Disclosure of Interest:	Nil
Attachments:	Development Plans, Business Plan

Background

At its February 2010 meeting Council sought that an additional plan be prepared highlighting an internal road to separate the lots. The plan is contained in **Attachment 11.5A**. The existing proposed plan of development incorporating all road systems within Lot 1335 Whitfield Way, Merredin appends in **Attachment 11.5B**.

Development of the land is expected to exceed the 10% requirement set by the Local Government Act 1995, Section 3.59. A business plan has been prepared and appends in **Attachment 11.5C** for Council assent.

Recommendations put forward at the February 2010 meeting were withdrawn pending consideration of **Attachment 11.5A**.

Comment

Council endorsement of the subdivision plan is requested. The plan contained in **Attachment 11.5A** provides a road internally and creates three lots with double street frontage. It is doubtful that this plan would be supported by the WA Planning Commission and will create an unusual case of if one (e.g. Lot 11) faces east then is the eastern street the primary and if Lot 10 wants to face west and provides setbacks from that street. The three lots should be reduced in size to six lots or the road placed back on the eastern boundary.

Pioneers names are suggested for ease of achieving approval from the Geographic Naming Committee. It is recommended that the name Maiolo Way be adopted.

The issue of the provision of a bitumen road around Whitfield Way has also been raised. It is recommended that all roads be sealed.

The Shire of Merredin Fencing Local Law requires a minimum of a cockies fence construction – within the Local Law at Schedule 3. It is recommended that the provision of the Local Law apply.

A land valuation will be obtained for the existing land to be included in the sale costs.

It is recommended that the lots be auctioned.

Statutory/Policy Implications

The provisions of the Local Government Act 1995, Section 3.59 and the Planning and Development Act 2005 are applicable.

The overlay must be submitted to the Western Australian Planning Commission for approval.

Section 3.59 of the Local Government Act 1995 requires that the Shire of Merredin prepare and advertise a business plan of development prior to commencing the development or entering a land negotiation for a major trading undertaking.

Financial Implications

Based on estimates of construction costs of the Carrington Way subdivision, the following is provided:

Proposed Works Program	Estimate of Costs Excluding GST
Power costs (\$9,200.00 per block)	\$120,000.00
Water Costs (\$5,000.00 per block)	\$60,000.00
Headworks Component (\$10,000.00 per block)	\$120,000.00
Surveyor (estimate)	\$20,000.00
Engineer Costs	\$75,000.00
Contingencies	\$100,000.00
Land purchase costs or value	Zero – to be included within sale price calculations
Fencing	Incentive to be considered by Council
Road Construction	\$150,000.00
Geotechnical report	\$20,000.00
Planning Costs	\$5,000.00
Totals	\$670,000.00

Notes:

1. Road systems will require the realignment of the existing Goldfields Road which is not on the correct alignment; and
2. Does not allow for a drainage easement or for drainage of the Reserve to the north of the proposed development.

Subdivisional costs are estimated at \$670,000.00 or averaged as \$55,833.00 per block.

Officer's Recommendation / Resolution

30269

Moved Cr Townrow

Seconded Cr Crook

1. ***That the plan of the subdivision incorporating all construction within Lot 1335 Whitfield Way, Merredin as presented in Attachment 11.5B and creating 12 separate lots be adopted as the approved plans of development for Whitfield Way Stage Two.***
2. ***That the Whitfield Way Stage Two development include bitumen road systems to the existing subdivision (Stage One) and the new sealed road to be created.***
3. ***That each lot be fenced in accordance with the provisions of the Shire of Merredin Fencing Local Law – Schedule 3.***
4. ***That the Administration ensure the project, being Whitfield Way Stage Two, is construction ready in July 2010 and that appropriate budget provision be made within the 2010/2011 Budget.***
5. ***That the new road to be created within the Whitfield Way Stage Two development be called Maiolo Way.***
6. ***That the business plan for development of Whitfield Way Stage Two be advertised in accordance with the provisions of the Local Government Act 1995.***

CARRIED 7/2

11.6 TOWN PLANNING – OUTBUILDING POLICY VARIANCE – LOT 604, HOUSE NO. 50 ENDERSBEE STREET, MERREDIN

Reporting Department:	Development Services
Reporting Officer:	John Mitchell – Executive Manager, Development Services
Legislation:	Town Planning Scheme No. 1 Outbuilding Policy
File Reference:	A1268
Disclosure of Interest:	Nil
Attachments:	Planning Application

Background

An application PA6-10 (**Attachment 11.6A**) to establish an oversize outbuilding on Lot 604, House No. 50 Endersbee Street, Merredin has been received from the owner.

Comment

The application is to construct a 120m², 3,000mm wall height, 3,729mm apex outbuilding on Lot 604 Endersbee Street, Merredin.

The application does exceed the single outbuilding requirement by 31m² and the apex height requirement by 129mm.

The application does not exceed the total area of permitted outbuildings and there is precedence for the minor height variance, the most recent being 12 Cummings Street, Merredin and Lot 251 Haines Street, Merredin.

A condition of approval is that no further outbuildings will be approved on the property.

Statutory/Policy Implications

The provisions of the Outbuilding in Residential Areas Policy are applicable.

Lot 604 comprises 1,100m² of land. The policy permits a maximum single building of 94m² with a wall height of 3,000mm and apex of 3,600mm.

Financial Implications

Planning fees of \$132.00 have been paid.

Officer's Recommendation / Resolution**30270**

Moved Cr Townrow Seconded Cr Forbes

That the planning application (PA6-10) from the applicant to establish a 120m² 3,729mm apex height outbuilding on Lot 604, 50 Endersbee Street, Merredin be approved subject to the following conditions:

- 1. sand pad height of the structure is to be minimised so that the total height above natural ground level does not exceed 3,800mm; and***
- 2. that no other application for the establishment of a free standing outbuilding, other than via a direct major attachment to the dwelling for a carport, garage (under main roof) will be approved by the Shire of Merredin.***

CARRIED 9/0

Jim Garrett, Executive Manager of Engineering Services, entered the meeting at 1.50pm.

John Mitchell, Executive Manager of Development Services, left the meeting at 1.54pm.

12.0 ENGINEERING SERVICES

12.1 2010/2011 FIVE YEAR ROAD PROGRAM

Reporting Department:	Engineering Services
Reporting Officer:	Jim Garrett – Executive Manager, Engineering Services
Legislation:	Local Government Act 1995
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	5 Year Road Program

Background

To assist Council in adopting the 2010/2011 road works program for budget purposes, a draft 5 year road program (**Attachment 12.1A**) is developed annually by the Executive Manager of Engineering Services.

Included in the five year road program are the proposed:

1. Road Works
2. Drainage works
3. Footpath works
4. Road Maintenance budget allocations

Funding for the 2010/2011 road program comes from grant money received from the Regional Road Group (RRG) funding pool, Roads to Recovery (R2R2) and Council's own resources.

Roads that are funded from Regional Road Group grants are on a $\frac{2}{3}$ RRG and $\frac{1}{3}$ Council's own resources.

Roads to Recovery road grants are fully funded by R2R2 but may be topped up with Council's own resources.

Comment

The following Regional Road Group road grant funds for the 2010/2011 financial year were endorsed by the Regional Road Group at its February 2010 meeting:

Chandler Road	\$ 36,375.00
Goldfields Road	\$ 42,496.00
Robartson Road	\$159,862.00
Merredin-Naremben Road	\$105,267.00

Statutory/Policy Implications

Nil.

Financial Implications

The 2010/2011 program will be included in the draft 2010/2011 Budget.

Officer's Recommendation / Resolution

- 30271** Moved Cr Townrow Seconded Cr Crook
That Council adopt the draft 2010/2011 5 year road program as presented in Attachment 12.1A.

CARRIED 9/0

Emma Growden, Executive Manager of Finance and Administration, and Jess Twomey, Senior Finance Officer, entered the meeting at 1.57pm.

Jim Garrett, Executive Manager of Engineering Services, left the meeting at 2.02pm.

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
Disclosure of Interest:	Nil
Attachments:	Monthly Financial Report

Background

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

Statutory/Policy Implications

Local Government Act 1995 and Financial Management Regulations.

Financial Implications

As outlined in Attachment 13.1A.

Officer's Recommendation / Resolution

30272 Moved Cr Young Seconded Cr A Hooper

That Council receive the Monthly Finance Report for February 2010.

CARRIED 9/0

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
Disclosure of Interest:	Nil
Attachments:	List of Accounts Paid

Background

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

Statutory/Policy 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 / Resolution

30273 Moved Cr Young Seconded Cr Morris

That Council receive the schedule of accounts as listed covering cheques as numbered and totalling \$146,955.17 and amounts directly debited from Council's Municipal Fund Bank Account BSB 066-518 Account Number 000-000-10 totalling \$256,870.72 and outstanding creditors totalling \$124,064.35.

CARRIED 9/0

13.3 POLICY - FINANCIAL RESERVES

Reporting Department:	Finance and Administration
Reporting Officer:	Emma Growden – Executive Manager, Finance and Administration
Legislation:	Financial Management Regulations
File Reference:	FM/16/1
Disclosure of Interest:	Nil
Attachments:	Financial Reserves Policy

Background

In line with prudent financial management and sound asset management processes it is necessary to develop policy establishing a framework for the establishment and ongoing management of Council Reserves. A draft policy has been developed and is included in **Attachment 13.3A**.

Comment

Reserves are established to set aside funds for specific projects as determined. Every Reserve created must have a specific purpose, and relate to the adopted 'Strategic Plan/Plan for the Future' of Council.

Prior to the creation of a Reserve, Council shall adopt operating parameters in relation to the Reserve which are to set out:

1. The purpose of the Reserve;
2. The basis of calculation for any transfer to the Reserve;
3. The basis of calculation for any transfer from the Reserve; and
4. The proposed allocation of any unexpended balance remaining in the Reserve following completion of the project.

Expenditure from and transfers to Reserves can only be authorised by resolution of Council, specifying the amount of the transfer. No transfer from any Reserve shall exceed the amount of the existing balance of the Reserve at the time of transfer.

Each Monthly Financial Report to Council is to include a Schedule of Reserves, showing:

1. Opening Balance at 1 July;
2. Transfers to Reserve (budgeted and actual);
3. Transfers from Reserve (budgeted and actual); and
4. Closing Balance as at the End of the Month (budgeted and actual).

Interest from Investments will be allocated to each of the Reserve Funds on a percentage weighting basis.

Statutory/Policy Implications

Creation of a new policy for inclusion in the Shire of Merredin Policy Manual.

Financial Implications

The policy will be applied in determining Council budgets from 1 July 2010.

Officer's Recommendation / Resolution

30274

Moved Cr Morris

Seconded Cr Forbes

That Council adopt the Financial Reserves Policy as presented in Attachment 13.3A effective from 1 July 2010.

CARRIED 9/0

13.4 PROPERTY DISPOSAL FOR OUTSTANDING RATES

Reporting Department:	Finance and Administration
Reporting Officer:	Jess Twomey – Senior Finance Officer
Legislation:	Local Government Act 1995
File Reference:	P8515; P8516
Disclosure of Interest:	Nil
Attachments:	Nil

Background

The Shire of Merredin has commenced the process of property disposal by way of the Local Government Act 1995 which states:

“Where rates or service charges are due on rateable land and have not been paid for at least 3 years, a local government may take possession of the land and –

- a) lease the land;*
- b) sell the land;*
- c) transfer the land to the Crown; or*
- d) transfer the land to itself.”*

Comment

The rates department is unable to locate the owner of the below listed properties. The Shire’s debt collection agency Austral Mercantile was requested to perform a skip trace, land titles have been reviewed, correspondence has been forwarded to the last known address but no contact has been able to be made. After all avenues failed to locate the owner Austral Mercantile recommended the Shire commence property disposal using the Local Government Act 1995 methodology.

Correct procedures have been followed regarding the steps needed to ensure the below properties can be auctioned on the agreed date.

Council must set a date for the public auction no less than 3 months and no more than 12 months after the service of the Notice of Payment (Form 4).

The properties recommended for disposal are:

Address: Lot 25 McCallum Street Muntadgin WA 6420

Owner: Kevin William Smith

Amount Outstanding as of 9 March 2010: \$5,867.75

GRV: \$75.00

Last Payment: 7 January 2004 - \$120.00

Address: Lot 26 McCallum Street Muntadgin WA 6420
Owner: Kevin William Smith
Amount Outstanding as of 9 March 2010: \$5,782.45
GRV: \$75.00
Last Payment: 7 January 2004 - \$120.00

Once the auction date is set a state wide public notice will be placed in the West Australian and a local public notice in the Merredin Wheatbelt Mercury advertising the required land details and the auction date.

A memorial of the state wide public notice will be lodged with Landgate over the land titles and a licensed auctioneer will be contacted to commence the auction process.

The Shire of Merredin has imposed a very strict rates collection policy over the last 2 financial years. There are many properties that have significant levels of outstanding rates despite being only minimum rated. These are currently being investigated by staff.

Statutory/Policy Implications

Local Government Act 1995

Financial Implications

Will require a write-off of rates should the full amount outstanding not be recovered by the sale of land. Costs for conducting the auction will also be incurred.

Officer's Recommendation / Resolution

30275

Moved Cr Morris

Seconded Cr Crook

That Council set the auction date of Lot 25 and Lot 26 McCallum Street, Muntadgin WA 6420 for Saturday 22 May 2010.

CARRIED 9/0

This Agenda Item 16.1 was brought forward due to the attendance of Emma Growden, Executive Manager of Finance and Administration.

16.1 **2009/2010 BUDGET REVIEW**

Reporting Department:	Administration and Finance
Reporting Officer:	Emma Growden, Executive Manager Finance and Administration
Legislation:	Local Government Act 1995, Financial Management Regulations
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Nil

Background

Local Governments are required to conduct a Budget Review in accordance with Regulation 33A of the Financial Management Regulations. These Regulations state:

1. *“Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.*
2. *Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.*
3. *A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.*
**Absolute majority required.*
4. *Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.”*

A Budget Review for the period ending 28 February 2010 has been completed and is presented for Council’s consideration.

Comment

In adopting the 2009/2010 Budget, Council, as required, adopted a level of material variances for reporting purposes (**CMRef 30070**). The level of material variance reporting set by Council is \$10,000.00 for income (-) and expenditure (+). Staff have used this variance in their analysis.

The nature of the review is to predict estimates of material variations likely to occur as at 30 June 2010. Variances of less than \$10,000.00 between budgeted and predicted figures (whether expenditure or income) are not considered as part of the overall Budget Review. Variations where the income and expenditure directly offset each other have not been included as there is no net effect on the Budget position.

Review

Staff have reviewed the 2009/2010 Budget document and made the following points:

1. Transfers to/from Reserves will occur in June 2010.
2. Detailed review of Rates Outstanding Debtors is ongoing. Several significant debtors have been recouped due to the properties being on-sold. Several others are in various stages of legal recourse. A strict debt collection policy has been applied in order to minimise the potential for further debt to accrue.
3. Stock on Hand as at 28 February 2010 is at reasonable levels.
4. Carrington Way Subdivision Sales significantly exceeded the conservative budget figures. All profit from these sales has been predicted to be transferred to Land Development Reserve to assist in funding future Land Development.
5. Insurance considered in aggregate is as per budgeted figures.
6. Depreciation figures were best estimate during the budget preparation period. Some variances occur due to the purchase/development of assets later in the year where depreciation was budgeted for the full year.

Variance Analysis*Schedule 3 – General Purpose Funding*

I032510: Interest on Municipal Account: Higher than budgeted (by \$15,000.00) due to Royalties for Regions funds being held and therefore accruing interest for the majority of the financial year.

I03A206/E035060: Legal Costs Recovery of Rates/Court Fees Recovery of Rates: Higher than budgeted due to application of strict debt collection procedures. These charges are recouped against the ratepayer during the debt collection process resulting in a nil net budget effect.

Schedule 4 - Governance

I042492: Proceeds on Sale of Asset Admin: Below budget by \$14,000.00 due to a lower than expected trade value being received for the vehicle.

I042490: Profit on Sale of Asset Admin: Below budget by \$11,000.00 due to the lower than expected trade value being realised for the vehicle.

E041110: Refreshments and Receptions: Below budget by \$12,000.00 due to the Staff Social Club only being established in March 2010, yet budgeted figures allowing for matching of employee contributions for the full year.

E042010: Salaries: Expected to be over budget by \$25,000.00 due to the following factors:

- Higher than budgeted Chief Executive Officer wage
- Payout of previous Chief Executive Officer not budgeted

E042306: Legal Expenses: Expected to be over budget by \$23,000.00 due to an ongoing court case being pursued by the EMDS. This variance is also due to the costs associated with the Carrington Way Sales.

E042999: General Admin Allocated: The variance in this account of approximately \$85,000.00 relates to the Schedule 4 account variances as noted above as these costs are allocated throughout the other Schedules.

Schedule 5 – Law, Order & Public Safety

I051481: ESL Operating Contribution – FESA: This income account exceeds budget by \$13,000.00 due to the additional funds received from FESA for the Korbelka Bush Fire Brigade Vehicle Claim. \$10,000.00 of these funds were allocated for the preparation of the Emergency Management Plan as per **CMRef 30160**.

E052060: Ranger Office Expenses: This account is predicted to exceed budget by \$12,000.00 due to unbudgeted costs associated with the issuance of and legal costs association with Bushfire and other Infringements.

Schedule 7 – Health

No material variances noted.

Schedule 8 – Education and Welfare

No material variances noted.

Schedule 9 – Housing

I092410: Other Housing Rentals: This account is predicted to be under budget by approximately \$23,000.00. This is due to the application of the Staff Rental Housing Policy, allowing staff to receive a 50% discount on the market rent of a Shire property.

Schedule 10 – Community Amenities

I101420: Commercial Refuse Rates: This account is predicted to be under budget by \$16,000.00. This variance highlights that a review is required of both the entities using commercial bins and the invoicing methods to ensure accurate billing and budgeting occurs.

Schedule 11 – Recreation and Culture

I114010: MRC&LC – Grants & Contributions: This account is predicted to be under budget by approximately \$915,000.00 due to the Turf Alliance Project Grant Application for \$800,000.00 being unsuccessful. To date no funds have been received from the Turf Alliance (budgeted \$200,000.00) and these funds are not expected to be received in the current financial year. The Grant for the Outdoor Playground Equipment \$30,000.00 is yet to be submitted and is therefore unlikely to be successful in the current financial year.

I114030: MRC&LC – Stock Sales: This account is predicted to be below budget by approximately \$128,000.00 due to a combination of lower than expected sales and due to inaccurate budgeting.

I114040: MRC&LC – Facility Hire: This account is predicted to be below budget by \$16,000.00 due to lower than expected function hire. This is also contributed to by the amount of usage by organisations who hold MoU's and therefore receive free usage for fixtured events.

I114050: MRC&LC – Program Income: This account is predicted to be below budget by \$42,000.00. No explanation is able to be provided on this account as the budget was set without current staff input as to how the initial figure was determined. It is noted that the Income level for this account is comparative to the prior year.

I113331: Grants – Sport and Recreation: This account is predicted to be over budget by \$72,000.00. This is due mainly to the receipt of an additional \$88,000.00 Grant for the Roy Little Park Trails project.

I116120: Heritage: This account is predicted to be under budget by \$13,000.00 due to no grant income being received for the History Book project. Note that no expenditure has been incurred on this project.

E114040: MRC&LC – Operating Expenses: This account is expected to be over budget by \$28,000.00. This is due to allowing approximately \$30,000.00 for the finalisation of the tavern license for the MRC&LC.

E114050: MRC&LC – Electricity Expenses: This account is expected to be under budget by \$31,000.00. This is due to an overestimate of costs in setting the budget.

E114085: MRC&LC – Stock Purchases: This account is expected to be under budget by \$36,000.00 due to lower than budgeted sales occurring.

E113054: Burracoppin Rec Ground Maintenance: This account is expected to be under budget by \$10,000.00. This is due to the Burracoppin Progress Association failing to provide the acquitted statements of the previous years' funding as requested.

E116012: Building Maintenance Cummins Theatre: This account is expected to be below budget by \$10,000.00 due to the Theatre not expected to be in use for the duration of the financial year. Currently, due to the capital upgrade of the Theatre all costs incurred have been associated with this project.

E116013: Operational Expenses Cummins Theatre: This account is expected to be under budget by \$15,000.00 due to the Theatre not being in operation for the last quarter of the financial year as initially expected.

E116014: Cummins Theatre Performance Expenses: This account is expected to be under budget by \$25,000.00 due to the Theatre not being in operation for the last quarter of the financial year as initially expected.

E116120: Heritage: This account is expected to be under budget by \$22,000.00 due mainly to the History Book project which has not incurred any expenditure this financial year.

Schedule 12 – Transport

I122526: Roads to Recovery Grant: This account is predicted to exceed budget by \$30,000.00 due to additional funds received in the finalisation of the previous five year Roads to Recovery program.

E122100: Road Maintenance: This account is expected to exceed budget by \$62,000.00. This is mainly due to safety requirements in grading additional roads during the year. Additional works, including increasing signage throughout the Shire were also able to be performed due to the additional two staff members allocated.

Schedule 13 – Economic Services

I134031: CWVC Other Revenue Tourism and Promotion: This account is expected to be under budget by \$10,000.00 due to the WEROC Map project not occurring this financial year. There is a correlating decrease in expenditure in account E134130.

I134129: TransWA Income: This account is expected to exceed budget by approximately \$12,000.00. This is due mostly to the budget figures being based on staff's best estimate of the expected proceeds. 2009/2010 is the first full financial year in which the CWVC has been an agent for TransWA.

I132051: Community Development Income: This account is expected to be below budget by \$97,000.00 due to the larger scale community concerts not occurring this financial year. This is due predominantly to new staff being involved in the Community Development team, the time constraints of these staff and other similar events being held within the region.

E134130: Regional Tourism Strategy: This account is expected to be below budget by \$10,000.00 due to the WEROC Map project not occurring this financial year.

E132330: Community Development: This account is expected to be below budget by \$108,000.00 due predominantly to the larger scale community concerts not being held this financial year. This is due predominantly to new staff being involved in the Community Development team, the time constraints of these staff and other similar events being held within the region.

Schedule 14: Other Property and Services

I141225: CSR Maintenance Contract: This account is expected to exceed budget by \$101,000.00. This is due to the CSR Contract being extended for the duration of the financial year. During the budget setting process it was only confirmed that the contract would extend to November 2009. A corresponding increase in expenditure is noted at E141115

I141230: Private Works Income: This account is expected to be below budget by \$24,000.00. This is due to staff time being allocated to the additional CSR Contract and additional road maintenance program and therefore not being available to take on Private Works projects. A corresponding decrease in expenditure is noted at E141110.

I144392: On Road Users Fuel Grant: This account is over budget by \$50,000.00 due to it being omitted from the original budget.

E141110: Private Works: This account is expected to be below budget by \$23,000.00 due to staff time being allocated to the additional CSR Contract and additional road maintenance program and therefore not being available to take on Private Works projects. A corresponding decrease in income is noted at I141230.

E141115: CSR Maintenance Contract: This account is expected to exceed budget by \$29,000.00. This is due to the CSR Contract being extended for the duration of the financial year. During the budget setting process it was only confirmed that the contract would extend to November 2009. A corresponding increase in income is noted at I141225.

E143050: Outside Crew Sick and Holiday Pay: This account is expected to exceed budget by \$27,000.00 due to a number of staff members taking accumulated annual leave. A larger than usual percentage of staff took extended leave over the December/January period.

E143130: Occupational Health and Safety: This account is expected to exceed budget by \$14,000.00 due to additional training requirements and associated costs (travel/accommodation) with regards to the outside work crew.

E143140: Works Staff Housing Building Maintenance: This account is expected to be below budget by \$14,000.00 due to lower levels of maintenance required.

E144010: Fuel and Oils: This account is expected to be under budget by \$49,000.00. This is due to the budget figures being overestimated.

E144030: Parts and Repairs: This account is expected to exceed budget by \$56,000.00. This is due predominantly to the major repairs being required to the Roller and Grader and the payout of previous Mechanic.

Capital Variances

Carrington Way Sales:

Carrington Way Subdivision Sales significantly exceeded the conservative budget figures. An additional seven blocks have been sold in excess of the four budgeted for 2009/2010. This has resulted in increasing proceeds to \$640,000.00. All profit from these sales (\$260,000.00) has been predicted to be transferred to Land Development Reserve to assist in funding future Land Development.

Turf Alliance Project:

This project is not expected to commence in 2009/2010. This is due to the Department of Sport and Recreation Funding (\$800,000.00) not being successful and the postponement of the 2009/2010 Royalties for Regions funding which was to be allocated to this project.

Cummins Theatre:

An additional \$268,000.00 in grants has been received for this project and has, as considered in Council, been allocated to the additional capital upgrade as contained in the initial project plan.

Road Construction:

Chegwidden Road Construction is only expected to be 50% complete at the end of financial year. In light of this, the remaining funds to be expended have been predicted to be transferred into the Carried Over Projects Reserve.

Transfers to Reserves:

Transfers to Reserves are expected to exceed budget by \$437,000.00. This is due predominantly to the additional profit from Carrington Way Subdivision Sales and the transfer to reserve of funds held for Extensions to the Administration Centre (\$116,000.00) and Implementation of the CBD Plan (\$100,000.00) as per **CMRef 30157**.

Transfers from Reserves:

Transfers from Reserves are expected to be below budget by \$69,000.00 due to the following transfers not expected to occur:

- Merrittville Feasibility Study being less than initially budgeted and therefore fully funded by the pledged Merrittville contribution (\$25,000.00).
- Flood Damaged Roads transfer not expected to occur (\$10,000.00).
- Saline Water Initiatives transfer not expected to occur as projects have not been implemented (\$12,000.00).

Overall Budget Effect

The overall effect of the above variances upon the 2009/2010 Annual Budget is a predicted deficit of \$8,000.00. No alterations to the budget are proposed at this stage. It is noted that to enable more accurate assessment to be made it will be required for all budgeted accounts to be submitted with clear cashflow implications (timing of payments/receipts).

Statutory/Policy Implications

Financial Management Regulations.

Financial Implications

Nil.

Officer's Recommendation / Resolution**30276**

Moved Cr Wallace

Seconded Cr Forbes

That Council receive the 2009/2010 Budget Review.**CARRIED 8/1**

Emma Growden, Executive Manager of Finance and Administration, and Jess Twomey, Senior Finance Officer, left the meeting at 2.30pm.

13.5 COMMUNITY FUNDING POLICY

Reporting Department:	Administration
Reporting Officer:	Greg Powell – Chief Executive Officer
Legislation:	Local Government Act 1995
File Reference:	Policy Manual
Disclosure of Interest:	Nil
Attachments:	Community Funding Policy

Background

Council often receives requests for funding from local volunteer and not for profit groups for various projects. To formalise the application and acquittal process a draft policy on Community Funding has been developed (**Attachment 13.5A**).

Comment

The purpose of the policy is to coordinate Council's response to community requests for financial support. It will ensure that Shire funding resources are allocated in a way that is transparent, legal, equitable and that funded projects further the aims and objectives of the Shire and represent responsible use of public monies.

Advertisements calling for Expressions of Interest for Community Funding from interested groups are placed in the Wheatbelt Mercury in March each year as part of the Budget process and it is anticipated that this policy will be in place at the commencement of the 2010/2011 Budget process.

The policy ensures that details on the proposed use of Council funds are provided to Council prior to the funds being expended and that all funds are properly accounted for.

Statutory/Policy Implications

Creation of a new policy for inclusion in the Shire of Merredin Policy Manual.

Financial Implications

Nil at this stage. Any funding provided to a community group will be determined by Council during the Budget deliberation process.

Officer's Recommendation / Resolution

30277 Moved Cr Morris Seconded Cr Townrow

That Council adopt the Policy on Community Funding as presented in Attachment 13.5A effective immediately and provide notification of the Policy in the Expression of Interest advertisements.

CARRIED 9/0

13.6 LOCAL GOVERNMENT STRUCTURAL REFORM

Reporting Department:	Administration
Reporting Officer:	Greg Powell – Chief Executive Officer
Legislation:	Local Government Act 1995
File Reference:	GR/17/36
Disclosure of Interest:	Nil
Attachments:	Nil

Background

At its February 2010 Meeting, Council was provided with information on the State Government's reform agenda and specifically the creation of Regional Transition Groups (RTG) and Regional Collaborative Groups (RCG). Given the uncertainty surrounding the issue, further consideration was deferred until the March Meeting as the Minister's deadline for responding to the RTG initiative is 26 March 2010.

Comment

Subsequent the February 2010 Council Meeting, the Chief Executive Officer contacted the Chief Executive Officers of Councils sharing a common boundary with Merredin and together with the Shire President attended a WEROC Meeting in Tammin on 24 February 2010. Almost universally, there was no support for the Minister's RTG concept and no support for amalgamation. Frustration about the process and the lack of guidelines on reform continues to be expressed.

Although Council may be supportive of reform and indeed may support amalgamation in a form yet to be determined, it becomes difficult to do so when it has no partners in the process. More specifically, although Council may express a willingness to sign the RTG agreement there is little point seen in doing so.

However, there seems to be some support in the region for RCG's. An option to that outlined above could be to support the principle of RCG's in lieu of ROC's so that regional initiatives can be addressed and more importantly, resourced using Royalties for Regions funding. It should however be noted that the Minister does not support the creation of RCG's in areas other than in the north and far east of the State.

Statutory/Policy Implications

There are no implications given that from the officer's recommendation it can be inferred that no action will result from the current process.

Financial Implications

Nil.

Officer's Recommendation / Resolution**30278**

Moved Cr Young

Seconded Cr Wallace

That the Hon Minister for Local Government be advised that although the Shire of Merredin supports local government reform that Council is not prepared to sign an agreement for the creation of a Regional Transition Group as there is little or no likelihood of a Regional Transition Group being formed in this region due to Councils in this region not being prepared to enter into an agreement to do so, however Council would consider joining a Regional Collaborative Group should there be interest in forming such a Group in this region.

CARRIED 9/0

13.7 REVIEW OF COUNCIL COMMITTEES

Reporting Department:	Administration
Reporting Officer:	Greg Powell – Chief Executive Officer
Legislation:	Local Government Act 1995
File Reference:	G/6/17
Disclosure of Interest:	Nil
Attachments:	Nil

Background

At Council's October 2009 meeting, Council resolved that its structure to be as follows (**CMRef 30134** and **CMRef 30135**):

Standing Committees

1. Community, Health, Building, Town Planning, Environmental Services, Business and Community Development Committee (now known as the Planning and Development Committee);
2. Merredin Heritage Management Committee; and
3. Merredin Local Emergency Management Committee.

Occasional Committees

1. Administration and Finance Committee;
2. Engineering Services Committee;
3. Audit Committee;
4. Senior Staff Review Committee;
5. Merredin Bush Fire Advisory Committee;
6. Eric Hind Musical Scholarship Committee; and
7. Merredin Regional Community and Leisure Centre Advisory Committee.

There are a number of other Community Committees to which Council has appointed delegates.

Comment

At its February 2009 Meeting Council agreed to trial an arrangement whereby all matters are considered by Council rather than initially by a Committee. It is suggested that the trial period continue for 6 months to allow for some "fine tuning" and allow all participants to become familiar with the new arrangements.

Standing Committees

In order to initiate the proposal is it recommended that the Planning and Development Committee be abolished and all agenda items to be included in the Council Agenda.

The Merredin Heritage Management Committee is different in that although it is a Standing Committee it has community representation. It is recommended that its status be altered to that of an Advisory Committee and that Council appoints one of its members and a deputy to the Committee. The Committee can determine its meeting frequency.

The Merredin Local Emergency Management Committee needs to meet frequently (monthly) at least until its task of completing the Local Recovery Plan is complete. It may then meet on an occasional basis, to be determined.

Occasional Committees

No need is seen to amend the status, terms of reference or membership of the Occasional Committees at this time.

It is however noted that the need for the Senior Staff Review Committee is to be reviewed by the Chief Executive Officer.

Briefing Sessions

Coinciding with the change outlined above, it is intended to provide some structure to the Briefing Sessions and, where necessary, use them as workshops on specific issues, such as policy development, strategic planning and budget and to meet with consultants and other people/organisations having dealings with Council.

The Sessions can also be used as question and answer sessions on the Agenda and Council matters generally. It is suggested that Briefing Session commence at 10.00am.

Lunch

It is also intended to arrange for lunch to be served "in-house" rather than attending the various cafes and restaurants, although opportunities for local businesses to cater will remain.

Statutory/Policy Implications

Nil.

Financial Implications

Nil.

Officer's Recommendation

1. *That the Planning and Development Committee be abolished.*
2. *That the status of the Merredin Heritage Management Committee be amended to an Occasional Committee and that Council nominate Cr _____ as a delegate and Cr _____ as a deputy to the Committee.*
3. *That the remainder of Council's Occasional Committees remain unaltered but under review.*
4. *That Briefing Sessions commence at 10.00am on Council Meeting Day with a workshop focus.*
5. *That the arrangements for lunch be noted.*

Resolutions

- 30279** Moved Cr Wallace Seconded Cr Young
That the Community, Health, Building, Town Planning, Environmental Services, Business and Community Development Committee (now known as the Planning and Development Committee), the Administration and Finance Committee and the Engineering Services Committee be abolished.
CARRIED 8/1
- 30280** Moved Cr Forbes Seconded Cr Wallace
That the status of the Merredin Heritage Management Committee be amended to an Advisory Committee and that Council nominate Cr Crook as a delegate and Cr Morris as a deputy to the Committee.
CARRIED 8/1
- 30281** Moved Cr Townrow Seconded Cr Wallace
That the remainder of Council's Occasional Committees remain unaltered but under review.
CARRIED 9/0
- 30282** Moved Cr Townrow Seconded Cr Young
That Briefing Sessions commence at 10.00am on Council Meeting Day with a workshop focus.
CARRIED 8/1

13.8 MERREDIN REGIONAL COMMUNITY AND LEISURE CENTRE LIQUOR LICENCE

Reporting Department:	Administration
Reporting Officer:	Greg Powell – Chief Executive Officer
Legislation:	Local Government Act 1995, Liquor Control Act 1988
File Reference:	RCS/13/3
Disclosure of Interest:	Nil
Attachments:	Nil

Background

At its August 2008 meeting Council resolved (**CMRef 29675**) that it obtain a tavern licence for the Merredin Regional Community and Leisure Centre. Although the process was commenced it was not completed. The working file has recently been “re-opened” and enquiries made with Council’s legal advisers on this matter.

Comment

The process is involved and technical, requiring expertise in this area which is a specific and recognised field of legal practice. It has been indicated that the cost of obtaining the licence could be in the vicinity of \$20-30,000.00, depending on whether the granting of the licence was opposed or appealed.

Councillors have been informally advised of the cost and timeframes for obtaining a licence and it has been informally agreed that the matter should be pursued. Council’s legal advisers have been advised accordingly and preliminary steps have been taken.

Statutory/Policy Implications

The Liquor Control Act 1988 regulates the sale, supply and consumption of liquor, the use of premises on which liquor is sold and the services and facilities provided in conjunction with, or ancillary to, the sale of liquor.

Financial Implications

The 2009/2010 Budget does not contain an allocation for this initiative. It is expected that the licence will be finalised before the end of the fiscal year. An absolute majority is required to authorise the expenditure.

Officer's Recommendation / Resolution

30283

Moved Cr Crook

Seconded Cr Morris

That the action taken by the Chief Executive Officer in instructing Council's legal advisers to commence the process necessary for Council to obtain a tavern liquor licence for the Merredin Regional Community and Leisure Centre be endorsed and that expenditure of up to \$30,000.00 be authorised as over budget expenditure.

**CARRIED 8/1
ABSOLUTE MAJORITY**

13.9 LOCAL GOVERNMENT COMPLIANCE AUDIT RETURN 2009

Reporting Department:	Administration
Reporting Officer:	Greg Powell – Chief Executive Officer
Legislation:	Local Government Act 1995
File Reference:	GR/17/19
Disclosure of Interest:	Nil
Attachments:	2009 Compliance Audit Return

Background

The 2009 Local Government Compliance Audit Return for the Shire of Merredin is attached (**Attachment 13.9A**).

The Compliance Audit Return is to assist Councils to monitor how their organisation is functioning. Council is required to note the areas of non-compliance and endorse appropriate remedial action.

Please note the Chief Executive Officer and the relevant Executive Managers completed the Return manually and the Return was transcribed onto the Department of Local Government's electronic system by the Chief Executive Officer's Executive Assistant, Vanessa Green.

Comment

The Return is required to be presented to Council for adoption before its submission to the Department of Local Government. The audit period is 1 January 2009 to 31 December 2009.

The areas of non compliance and the actions taken to rectify these areas are listed below:

Category	No.	Action Taken
Executive Functions	10	This Section is not practical for a large rural local government. Council could take steps to have the section of legislation amended or removed through the WALGA GECZ.
Meeting Process	20	Each Committee Secretariat will be provided with a copy of the Minutes Certification document and a specific process introduced to the Meeting Procedure to ensure the Certification is completed.

Statutory/Policy Implications

Regulations 14 and 15 of the Local Government (Audit) Regulations 1996 indicate the Local Government is to carry out a Compliance Audit for the period 1 January to 31 December in each year.

Officer's Recommendation / Resolution**30284**

Moved Cr Forbes

Seconded Cr A Hooper

That Council adopt the 2009 Local Government Compliance Audit Return for the Shire of Merredin as presented in Attachment 13.9A and submit the certified copy to the Director General of the Department of Local Government.

CARRIED 9/0

This Agenda Item 16.2 was brought forward.

16.2 **STRATEGIC PLANNING**

Reporting Department:	Administration
Reporting Officer:	Chief Executive Officer
Legislation:	Local Government Act 1995
File Reference:	CM/13/4
Disclosure of Interest:	Nil
Attachments:	Curriculum Vitae's of Consultants; Approaches to Strategic, Financial and Asset Management

Background

During informal discussions the need to revise the strategic plan was noted as well as a desire to progress some long term financial planning.

Additionally, it has been recognised at both a Council and Regional Organisation of Councils (ROC) level that progress needs to be made towards developing an asset management system.

The need for all these initiatives have been reinforced in recent correspondence from the Hon Minister for Regional Development and Lands in relation to eligibility for future Royalties for Regions (R4R) funding where both Councils and ROCs will need to have these plans in place in order to secure future funding from the program.

Funding is available to undertake this work through the R4R program although guidelines are yet to be released.

Comment

As previously advised, the Chief Executive Officer has had discussions with consultants experienced in strategic and financial management (SP and LTFS) and asset management (AMP) on developing programmes for the Shire of Merredin. A three stage programme has been developed by the consultants and the Chief Executive Officer and is outlined below.

Phase 1

The first phase would enable the consultants to find out what we already have and what we know and gain a deeper understanding of Council's needs. That would enable the consultants to produce a detailed project plan for phase 2 and preliminary advice on issues and options for the Strategic Plan.

It is recommended doing this phase first rather than jumping straight in to the main project. It is a relatively small scale investment that will give a detailed scope. It is proposed that a SP expert, LTFS expert, AMP expert visit Council as part of phase 1 in early to mid April 2010.

Curriculum Vitae's of the relevant people are attached (**Attachment 16.2A**).

The cost of phase 1 is \$6,000.00 plus disbursements. Details of the disbursements are yet to be determined.

Phase 2

The consultants could assist with AMPs starting in April 2010 and completing by the end of May 2010 for an indicative cost of \$12,000.00 plus disbursements (subject to confirmation in phase 1). Further information on the approach to the AMPs is attached. Apart from a first cut AMPs, we will be left with a prioritised and realistic AMP improvement plan to guide us in phase 3.

The SP would commence in parallel and the LTFS slightly later. The consultants would aim to populate the base case by the end of May/early June 2010. That would leave Council well placed to get on with scenario modelling at the earliest possible time, with the SP and LTFS being in synch. The model will be set up ready to be populated with the scenarios Council wishes to test. This could be completed by the end of July 2010 for an indicative cost of \$18,000.00 (subject to confirmation in phase 1) plus disbursements. Further information on the approach to the LTFS and AMP is attached (**Attachment 16.2B**).

Much of the work of Phase 2 could be done remotely, in communication with staff via e-mail and telephone, with only one visit required.

Phase 3

This would involve implementing the AMP improvement plan and plugging the results back into the LTFS model. Staff may or may not require any further assistance at this point. If we do, options range from a "help desk" or staff mentoring type service to more direct assistance. This could be considered at the conclusion of Phase 2.

Summary

In summary, for an indicative cost of \$36,000 plus disbursements in total, Council would get:

1. Phase 1 report: scope, detailed project plan for SP, AMPs and LTFS, and preliminary advice on issues and options for the SP;
2. A set of AMPs, covering asset classes of parks, roads and property;
3. A prioritised and realistic AMP improvement plan;

4. An excel-based model that would be owned by the Shire of Merredin;
5. A base-case LTFS (i.e. status quo);
6. Scenario modelling in line with future strategic options; and
7. Staff training to ensure the Shire of Merredin is able to continue to use the model.

The consultants have also had experience in working with groups of Councils and would be happy to assist extending this approach within the region, should that opportunity arise.

Statutory/Policy Implications

At this time there are no implications although it is anticipated that some of these initiatives will become mandatory over time.

Financial Implications

The consultants made a number of assumptions in the indicative costings; most notably in the division of work between the consultants and staff. This varies quite a bit from Council to Council. This aspect can be tested at the scoping phase.

The indicative cost for the entire project is around \$36,000.00 plus disbursements. There remains only a small allocation within the current Budget for strategic planning (\$2,500.00) which would allow the procedure to commence. Council would need to authorise further expenditure to at least meet the cost of phase 1.

It should be noted that funding is available through R4R for these initiatives and applications for funding would be submitted to cover the costs of phase 2 and 3 of the project. Further funding could also be included in the 2010/2011 Budget.

The time frames outlined above could be amended to suit funding availability.

Officer's Recommendation / Resolution

30285

Moved Cr Morris

Seconded Cr Crook

- 1. That Council retain Consultants, Morrison Low, to undertake Strategic, Financial and Asset Management Planning with phase 1 to commence as soon as possible and that the expenditure required for phase 1 in excess of the budget allocation be noted and authorised.**
- 2. That the Administration submit applications for funding from the Royalties for Regions program when the guidelines are released to meet the cost of phases 2 and 3 of the project.**

CARRIED 9/0

Cr Young left the meeting at 3.24pm.

30286 Moved Cr Townrow Seconded Cr Crook
That Council adjourn the meeting at 3.25pm.

CARRIED 8/0

30287 Moved Cr Townrow Seconded Cr Morris
That Council reconvene the meeting at 3.36pm.

CARRIED 9/0

This Agenda Item 16.3 was brought forward.

16.3 **TOWN PLANNING – APPLICATION TO CHANGE USE – “PUBLIC PURPOSE – POST OFFICE RESIDENCE” TO “SHOP”**

Reporting Department:	Development Services
Reporting Officer:	John Mitchell - Executive Manager, Development Services
Legislation:	Planning & Development Act 2005, Town Planning Scheme No. 1, Local Planning Scheme No. 6.
File Reference:	A3380
Disclosure of Interest:	Nil
Attachments:	Application and Locality Map

Background

An application to change the use of the land contained with Lot 201 Bates Street, Merredin has been received from the owner.

The application (**Attachment 16.1A**) seeks to change the use from “Public Purposes – Post Office dwelling” to “Shop – Food premises with external bench seating and Art Gallery”. A locality map is contained within the attachment.

Comment

Until June 2007 Council was the owner of the building and sold it via tender to DA and M Murfit. The tender document statements included:

“The Shire of Merredin Local Planning Strategy proposes to zone the property as “Town Centre” allowing for a range of uses, including commercial, retail, shop and similar. Future use of the property will be subject to town planning approval and Council will have regard to the Local Planning Strategy and the commercial zoning of the property in the assessment of such.”

Since that time the premises has been utilised for an art gallery. Local Planning Scheme 6 would approve the application by delegated authority to the Chief Executive Officer.

Seating for 24 persons internally is proposed and up to 6 externally. Use of the street or offsite public areas (footpath) will require the submission of proof of public liability insurances and a Street Trading Licence.

The application:

1. will not adversely affect the occupiers or users of the locality;
2. is proposed within the Local Planning Scheme No. 6 as an approved use and therefore is in keeping with proper and orderly planning; and
3. does not affect the preservation of amenities of the locality and proposes a continuing use of the building within the locality rather than the building having no use.

A secondary toilet facility should be provided as the use of the building is changing from “public purpose” to “shop”. Previous applications did not have to address health and amenity as the use of the premises and its building classification has not changed.

Landscaping has not been addressed. In general terms the land is well maintained. There is a portion of undeveloped land to the north of the building. The land should be landscaped with perimeter trees and shrubs properly maintained.

Statutory/Policy Implications

The provisions of the Shire of Merredin Town Planning Scheme No. 1 (TPS1) are applicable. The Scheme (Zone policy statement) specifically prohibits the land from being used for purposes other than those associated with Commonwealth or State Government instrumentalities purposes. The use table does not reflect the intent to approve any other use.

Clause 6.7 of the TPS1 permits the Council to consider a development that does not comply with a standard or requirement prescribed by the Scheme and it may if it is satisfied that the development would be consistent with the orderly and proper planning of the locality and the non compliance will not have an adverse effect upon occupiers or users of the development or the property or inhabitants of the locality. The absolute majority decision of Council is required.

Local Planning Scheme No. 6 (LPS6) is advertised for public submissions. This implies the document is a draft/suggested replacement document for the existing planning scheme. LPS 6 is a seriously entertained document and Council can take notice of it.

LPS 6 proposes to rezone Lot 201 and Lot 102 Bates Street, Merredin (Post Office) to “Town Centre”. A shop, lunch bar, restaurant are “P” uses.

The building is listed within the State Register of Heritage Places – Permanent Entry. The applicant advises that Ms Laura Grey of the Heritage Council of WA has been involved through the process.

The Administration is aware that the applicant is finishing works and attempting to open in April 2010.

Financial Implications

Planning application fees of \$132.00 have not been paid.

Officer's Recommendation / Resolution

30288 Moved Cr A Hooper Seconded Cr Morris

That pursuant to Section 6.7 of the Shire of Merredin Town Planning Scheme No. 1, having regard to the publically advertised Local Planning Scheme No. 6, consents to the application to establish a "Shop – Lunch Bar" within the building situated on Lot 201 Bates Street, Merredin subject to the following conditions:

- 1. support of the Heritage Council of WA for the proposed changes to the Heritage Listed building;*
- 2. compliance with the provisions of the Health Act 1911 – 1979 as amended for Food Premises and the Building Code of Australia 2009 for the provision of amenities within the building;*
- 3. payment of required statutory fees; and*
- 4. provision of minor landscaping (perimeter trees and shrubs with reticulation) to the satisfaction of the Town Planner within the undeveloped land within Lot 201 Bates Street, Merredin.*

**CARRIED 9/0
ABSOLUTE MAJORITY**

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 2009/2010 Budget Review

Please refer to Page 42 for information on this Agenda Item.

16.2 Strategic Planning

Please refer to Page 60 for information on this Agenda Item.

16.3 Town Planning – Application to Change Use – “Public Purpose – Post Office Residence” to “Shop”

Please refer to Page 64 for information on this Agenda Item.

16.4 May Council Meeting

- 30289** Moved Cr Morris Seconded Cr Crook
That Council amend the May Council meeting date to Friday 21 May 2010 and advertise the change accordingly.

CARRIED 9/0**17.0 MATTERS BEHIND CLOSED DOORS**

Nil.

18.0 CLOSURE

There being no further business the Shire President declared the meeting closed at 4.00pm.