

# SHIRE OF MERREDIN



*“Heart of the Wheatbelt”*

**MINUTES OF ORDINARY COUNCIL MEETING**

**21 DECEMBER 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 21 December 2010 commencing at 1.00pm.**

**ATTENDANCE:**

Councillors:	KA Hooper	Shire President
	RM Crees	Deputy Shire President
	A Carr	
	D Crook	
	P Forbes	
	M Morris	
	W Wallace	
	M Young	
Leave of Absence:	J Townrow	
Staff:	G Powell	Chief Executive Officer
	J Garrett	Executive Manager of Engineering Services
	S Grayston	Acting Executive Manager of Finance and Administration
	V Green	Executive Assistant to Chief Executive Officer
	J Mitchell	Executive Manager of Development Services
	D Morris	Executive Manager of Community Services
Public:	G Wells	

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**1.0 OFFICIAL OPENING**

The Shire President declared the meeting open at 1.00pm.

Mr Wells and Mrs Morris, Executive Manager of Community Services, were in attendance.

**2.0 PUBLIC QUESTION TIME**

Mr Wells addressed Council in relation to the proposed Bike, Car and Tattoo Show. The matter was being considered at Agenda Item 10.1. Confirmation of the Council resolution would be forwarded to Mr Wells for his information and action.

Mr Wells left the meeting at 1.06pm and did not return.

**3.0 APOLOGIES AND LEAVE OF ABSENCE**

Cr Townrow has been granted Leave of Absence for the December 2010 and January 2011 Council Meetings (**CMRef 30463**).

**4.0 DISCLOSURE OF INTEREST**

Cr Morris and Cr Young declared an Impartiality Interest in Agenda Item 10.1.

**5.0 PETITIONS AND PRESENTATIONS**

Martin Morris, representing the Merredin Agricultural Society presented the World Record Certificate received at the 2010 Show to the Shire of Merredin for the world record Mattress attempt and requested that it be displayed in the Grandstand Bar of the Merredin Regional Community and Leisure Centre.

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

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

**Officer's Recommendation / Resolution****30484**

Moved Cr Forbes                      Seconded Cr Young

***That the minutes of the Ordinary Council Meeting held on 16 November 2010 be confirmed as a true and correct record of proceedings.***

**CARRIED 8/0**

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

Nil.

**8.0 MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC****17.1 Merredin Medical Practice**

Refer to Page 81 for information on this Agenda Item.

**17.2 Systems Audit**

Refer to Page 82 for information on this Agenda Item.

**17.3 Staff Superannuation**

Refer to Page 82 for information on this Agenda Item.

**9.0 RECEIVAL OF MINUTES OF COMMITTEE MEETINGS HELD SINCE THE PREVIOUS MEETING OF COUNCIL****9.1 Merredin Heritage Advisory Committee Meeting held on 18 November 2010****Attachment 9.1A****Officer's Recommendation**

***That Council receive the minutes of the Merredin Heritage Advisory Committee Meeting held on 18 November 2010.***

**Resolution (en bloc)****30485**

Moved Cr Wallace

Seconded Cr Young

***That Council receive the minutes of the Merredin Heritage Advisory Committee Meeting held on 18 November 2010, the Wheatbelt East Regional Organisation of Councils Executive Meeting held on 24 November 2010 and the Western Australian Local Government Association Great Eastern Country Zone Meeting held on 25 November 2010.***

**CARRIED 8/0****Committee Recommendation****9.1.5.0 Correspondence In**

Moved Pam Masters

Seconded Rob Endersbee

That the Merredin Heritage Advisory Committee recommend Council draft a letter to Phil Van Der Merwe (Captain, Merredin Fire Station) to advise of the recent heritage listing of the former fire station and request the return of the plaque that was removed when the building was vacated upon completion of the new fire station building.

Carried 3/0**Officer's Recommendation / Resolution****30486**

Moved Cr Forbes

Seconded Cr Young

***That Council advise Merredin Fire and Rescue Services of the recent heritage listing of the former fire station and request the return of the plaque that was removed when the building was vacated upon completion of the new fire station building.***

**CARRIED 8/0**

**Committee Recommendation****9.1.7.1 Heritage Week Activities**

Moved Pam Masters                      Seconded Rob Endersbee  
That the Merredin Heritage Advisory Committee support and recommend to Council that Heritage Week in 2011 incorporate Celebrate WA to make a combined event of 'Celebrate (WA) Merredin Heritage Week'.

Carried 3/0

**Officer's Recommendation / Resolution****30487**

Moved Cr Crook                      Seconded Cr Morris  
***That Council support Heritage Week in 2011 incorporating Celebrate WA to make a combined event of 'Celebrate (WA) Merredin Heritage Week'.***

**CARRIED 8/0**

**Committee Recommendation****9.1.7.2 Rabbit Proof Fence Project**

Moved Rob Endersbee                      Seconded Pam Masters

(a) That the Heritage Advisory Committee request Council endorse the Burracoppin Rabbit Proof Fence Project as described in Attachment1 and above as a community, heritage and tourism project for development over the 2011/2012 and 2012/13 financial years.

(b) That the Heritage Advisory Committee recommend to Council that Council endorse the No 1 Rabbit Proof fence sculpture as an entry statement sign for the eastern gateway to the Shire and liaise with the Shire of Westonia/ Yilgarn to undertake the same.

(c) That the Heritage Advisory Committee recommend to Council that Council budget for this gateway/delineation signage (site 1 as per attachment) in the 2011/2012 budget.

(d) That the Heritage Advisory Committee request Council set aside funding in the 2012/13 budget to provide in kind and monetary support to enable the Project to seek matching funding from grant sources for Sites 3 & 4 (as per attachment).

(e) That the Heritage Advisory Committee seek Council's support for the Shire Project Officer and Visitor Centre Staff to assist in applying for grant funds and sponsorship for the Project as the Project would be a Shire of Merredin Project.

Carried 3/0

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- 30488**      **Officer's Recommendation / Resolution**  
Moved Cr Crees                      Seconded Cr Crook  
***That Council:***
- 1. endorse in principle the Burracoppin Rabbit Proof Fence Project as described in Attachment 1 of the Merredin Heritage Advisory Committee Minutes of 18 November 2010 as a community, heritage and tourism project for development over the 2011/2012 and 2012/2013 financial years;***
  - 2. endorse in principle the No 1 Rabbit Proof Fence sculpture as an entry statement sign for the eastern gateway to the Shire of Merredin subject to the Shire of Westonia/Yilgarn's agreement to undertake the same; and***
  - 3. refer funding for this gateway/delineation signage to the 2011/2012 Budget and 2012/2013 Budget considerations.***
- CARRIED 8/0**

**Note:** All attachments referred to in the above Recommendations are included as an Appendix to the Merredin Heritage Advisory Committee Minutes.

9.2      Wheatbelt East Regional Organisation of Councils Executive Meeting held on 24 November 2010

**Attachment 9.2A**

Nil Recommendations to Council.

9.3      Western Australian Local Government Association Great Eastern Country Zone Meeting held on 25 November 2010

**Attachment 9.3A**

Nil Recommendations to Council.

9.4      Audit Committee Meeting held on 21 December 2010

**Attachment 9.4A**

Refer to Page 79 for consideration of the Committee Recommendation from the Audit Committee.



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**10.0 COMMUNITY SERVICES**

Cr Morris and Cr Young both declared an Impartiality Interest in this Agenda Item 10.1.

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**10.1 PROPOSED MERREDIN BIKE, TATTOO AND CAR SHOW**

<b>Reporting Department:</b>	Community Services
<b>Reporting Officer:</b>	Debbie Morris – Executive Manager, Community Services
<b>Legislation:</b>	Local Government Act 1995; Liquor Licensing Act 1988; Environmental Protection Act 1986; Health Act 1911
<b>File Reference:</b>	RCS/3/Bike Event
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	Nil

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**Background**

Mr Geoff Wells has made two presentations to Council (September 2009 and November 2010) in regard to a Bike, Tattoo and Car Show, which he is proposing to host in March 2012.

Staff met with Mr Wells on Friday 26 November 2010 along with Maria Young, who is on the organising committee, to discuss the event in more detail. Staff were advised that the organising committee is in the process of becoming an incorporated group and would be responsible for the overall event, which includes the security, finances, insurance and all associated activities. Some of the activities being considered are a fire fighting display, dice run for cars and bikes, smashing a car with a sledge hammer, burn outs as well as some activities for younger children.

Mr Wells advised that the committee is looking at options for camping at the Recreation Ground to ensure that no trouble would occur. The options included Nukarni clubrooms for accommodation for one of the bikie groups, lawn opposite for another and possibly the golf course and hockey fields for other groups. These arrangements are still preliminary and will involve communication with the tennis club and the Recreation Centre Manager, as well as the bikie groups themselves.

At the presentation in November 2010, Mr Wells enquired about Council support for a 30m x 30m burnout pad on the eastern side of the oval behind the fence. The Executive Manager of Engineering Services advised Mr Wells at the meeting that this would cost in the vicinity of \$58,000 for the concrete alone. Mr Wells believed he could have the pad made for around \$25,000. Since this meeting Mr Wells met with the Chief Executive Officer and advised that he can have the burnout pad constructed himself with no financial input from Council.

**Comment**

The event overall has merit and would be an event that could attract large numbers of visitors to the town. It is pleasing to see initiative and enthusiasm from someone within the community for an event.

As the event is being organised under the umbrella of the community group (once incorporated), Mr Wells is only seeking the following from Council:

1. support in principle for the event;
2. use of the Recreation Grounds and court areas free of charge; and
3. clarification of the liquor licensing requirements.

The Executive Manager of Development Services provides the following comments in respect to environmental and health issues.

Burnout pads are generally located in isolated areas to prevent the issue of nuisance and noise impacting on residential neighbourhoods. The main issues with these events from this perspective will be the rubberised smelling smoke, noise from engines and safety of patrons attending. The views of Council's insurers should be sought. The Recreation Grounds may not be the most appropriate location for a pad.

The Guidelines for concerts, events and organised gatherings publication issued by the Department of Health places obligations on the event coordinator to ensure the event can occur. In this instance the organiser will need to address/gain approval for:

1. approval to conduct the event pursuant to the public building provisions of the Health Act 1911;
2. Liquor licence application and enforcement;
3. Environmental Protection Act – Environmental Noise Regulation 18 exemption;
4. crowd control and security;
5. accommodation/camping – the Caravan Park and Camping Ground Regulations 1997 permit the placement of tents and vans for periods of up to 3 days per month;

6. food vehicles inspections and approvals; and
7. provision of additional facilities, first aid, fire control and the like.

Adjacent to the west of the Recreation Ground is Merrittville – a retirement village. To the north of the Ground is a grouped development of thirteen houses and a main residential area of the townsite. These factors must be addressed in providing approval for a noise sensitive event.

The Executive Manager of Engineering Services advises that maintenance costs to the oval and the surrounds after the event need to also be factored into the costs to Council. Each year \$5,000 is spent on the football oval decompacting the surface, other events held on oval that involve having trucks or machinery driving across the surface has also resulted in damage to the reticulation system. The organisers should be required to ensure that sufficient bins and litter control measures are in place. The event organisers should also be encouraged to use the area to the north of the football oval.

If a burnout pad was to be constructed in the area as indicated by Mr Wells there would be the additional costs of constructing access roads and viewing areas to the pad.

Staff have investigated other sporting fixtures for the proposed date (long weekend in March 2012) and it appears that cricket and bowls don't have regular fixtures on that weekend.

It would seem reasonable to support this event in principle subject to certain conditions being satisfied.

The conditions that Council should consider include:

1. the organising committee being an incorporated group;
2. adequate insurance for the event provided by the organising committee;
3. the event is fully supported by the Police;
4. approval to conduct the event pursuant to the public building provisions of the Health Act 1911;
5. Liquor licence application and enforcement including crowd control and toilet facilities;
6. Environmental Protection Act – Environmental Noise Regulation 18 exemption;
7. food vehicles inspections and approvals;
8. provision of additional facilities, first aid, fire control and the like;
9. alcohol to be purchased through the Merredin Regional Community and Leisure Centre (as the Tavern Licence should be in place by 2012); and
10. Council is provided with evidence that the funds raised were provided to the proposed recipients.

As it is an event open to the whole community and with all profits being donated to the RFDS, Fire Brigade and St John Ambulance, it would seem appropriate for the venue to be provided free of charge.

With regard to the burnout pad proposal, staff recommend that further information be gathered prior to making a decision as there are currently no plans on the Recreation Ground Master Plan, no formal community consultation has been conducted and there is no budget allocation in the 2010/2011 Budget.

#### **Statutory/Policy Implications**

Regulation 18 of the Environmental Noise Regulations 1997 requires that an application be placed with the Chief Executive Officer of the local government at least 60 days before the event. The local government Chief Executive Officer cannot hold more than 2 non conforming events in a twelve month period unless he is satisfied that the majority of effected persons would not object to the event.

This procedure is to be applied for all concerts and the like at the venue.

The Health (Public Building) Regulations 1992 and the Building Code of Australia are used to ascertain sanitary facility numbers. Based on 2,000 persons and no use of internal toilet facilities bar the disabled facility, 6 full facilities for males, 13 urinals and 14 facilities for females are required.

Use of the burnout pad other than insured organised events is another matter which will require consideration.

#### **Financial Implications**

As there will be minimal Council involvement no costs should be incurred if all conditions are met, however there may be costs associated with the burnout pad.

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

That Council support in principle the proposal to hold a Merredin Bike, Tattoo and Car Show in March 2012 subject to the following conditions:

1. the organising committee becoming an incorporated group;
2. adequate insurance for the event provided by the organising committee;
3. the event being supported by the Police;
4. approval to conduct the event pursuant to the Public Building provisions of the Health Act 1911 including Management Plans for litter control, crowd control, risk management and security;
5. Liquor licence application and enforcement including crowd control and toilet facilities;
6. Environmental Protection Act – Environmental Noise Regulation 18 exemption;

7. food vehicles inspections and approvals;
8. provision of additional facilities, first aid, fire control and the like;
9. alcohol to be purchased through the Merredin Regional Community and Leisure Centre (as the Tavern Licence will be in place by 2012);
10. Council is provided with evidence that the funds raised were provided to the proposed recipients as the venue is provided free of charge; and
11. Council is recognised as a sponsor of the event in all publications and advertising.

**Resolution****30489**

Moved Cr Wallace

Seconded Cr Crook

***That Council support in principle the proposal to hold a Merredin Bike, Tattoo and Car Show in March 2012 subject to the following conditions:***

- 1. the organising committee becoming an incorporated group;***
- 2. adequate insurance for the event provided by the organising committee;***
- 3. the event being supported by the Police;***
- 4. approval to conduct the event pursuant to the Public Building provisions of the Health Act 1911 including Management Plans for litter control, crowd control, risk management and security;***
- 5. Liquor licence application and enforcement including crowd control and toilet facilities;***
- 6. Environmental Protection Act – Environmental Noise Regulation 18 exemption;***
- 7. food vehicles inspections and approvals;***
- 8. provision of additional facilities, first aid, fire control and the like;***
- 9. Council is provided with evidence that the funds raised were provided to the proposed recipients as the venue is provided free of charge; and***
- 10. Council is recognised as a sponsor of the event in all publications and advertising.***

**CARRIED 8/0****REASON:**

The Liquor Control Act 1998 states that it can not be dictated where alcohol for the event could be purchased from.

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**10.2 CUMMINS THEATRE OFFICIAL OPENING FEBRUARY 2011**

<b>Reporting Department:</b>	Community Services
<b>Reporting Officer:</b>	Debbie Morris – Executive Manager, Community Services
<b>Legislation:</b>	Local Government Act 1995
<b>File Reference:</b>	RCS/3/7
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	Nil

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**Background**

At its November 2010 meeting Council resolved (**CMRef 30466**):

*“That Council holds an Official Opening of the Cummins Theatre in February 2011 on a date to be determined with Option 2 as the preferred format and that staff provide a draft program of events to the December 2010 Council meeting.”*

Option 2 was outlined as a cocktail event for dignitaries (funding bodies/organisations, Politicians and Councillors) between 6.00pm and 7.00pm, then open to the community from 7.15pm with the Official Opening (unveiling of plaque) at 7.30pm, followed by cabaret type entertainment. Council indicated that the cabaret be in a format of a ball.

**Comment**

Taking into consideration Parliamentary sitting dates and proposed performers availability, Saturday 5 February 2010 appears the most suitable date for the Official Opening.

A draft structure for the Official Opening of the Cummins Theatre is outlined below.

Cocktail event for dignitaries (funding bodies/organisations, Politicians and Councillors) from 6.00pm – 7.00pm:

1. Doors to the Tivoli Room open at 6.00pm for dignitaries. The guests will be met at the door and presented with a memento and a VIP Free Drinks Card for the later part of the evening and offered complimentary champagne.
2. Background recorded music will be played and a slide show of the Theatre will be running.
3. The bar will be staffed by members of Shire staff for this part of the evening.

4. At 6.15pm the Shire President will officially welcome the guests.
5. After the welcome speech the bar staff will offer guests the choice of wine, beer and hors d'oeuvres.
6. At 7.00pm the Cocktail event winds up in preparation for the Official Opening and unveiling of the plaque.

Open to the community from 7.00pm:

1. At 7.00pm Cummins Theatre outer lights are turned on and the doors opened to allow the public to enter. Slide show will continue to run.
2. Drinks can be purchased from the bar.

Official Opening (unveiling of plaque) on stage at 7.30pm:

1. Shire President to make a speech and outline the project and funding bodies.
2. The plaque to be officially unveiled by the relevant dignitary (protocol on this is still to be determined).

Ball from 8.00pm

1. The band will play three sets:
  - a. older style music 8.00pm to 8.50pm
  - b. rock 'n' roll music 9.05pm to 9.55pm
  - c. modern music 10.10pm to 11.00pm
2. The interval music CD music of the style of the performer

The musicians for the evening have not been confirmed. Music for the evening may be shared between two performers.

It is proposed that Theatre volunteers operate the bar on a roster system so that everyone has the chance to be involved and enjoy the social element of the evening. Volunteers would be dressed in the spirit of the event.

Profit from the sale of drinks will offset some of the costs for the evening.

A light supper will be provided.

Investigations are being made into the availability of Cummins Theatre labelled wine and beer.

It is proposed that the invitations for the Cocktail event be limited to Politicians, funding bodies, Councillors, two representatives from each of the Repertory Club and Friends of Cummins Theatre and selected Shire staff.

#### **Statutory/Policy Implications**

Although not a Statutory Implication, as part of the Funding Agreement the Department of the Environment, Water, Heritage and the Arts, have requested to sight the schedule for the Opening before the event.

#### **Financial Implications**

The expenditure for the Official Opening event has not been specifically budgeted in the 2010/2011 Budget, however there is sufficient funds in Account *E116014* - Cummins Theatre Performance Expenses that can be allocated towards this event. It is estimated that the event will cost in the vicinity of \$8,000. There is potential to recoup some costs through bar sales.

#### **Officer's Recommendation / Resolution**

**30490**

Moved Cr Wallace

Seconded Cr Crook

***That Council endorse the Official Opening of Cummins Theatre to be held on Saturday 5 February 2011 in the format outlined within this Agenda Item with expenditure of up to \$8,000 to come from Account E116014 - Cummins Theatre Performance Expenses.***

**CARRIED 7/1**

Mr Mitchell, Executive Manager of Development Services, entered the meeting at 1.40pm.

Mr Mitchell, Executive Manager of Development Services, left the meeting at 1.42pm.

Mr Mitchell, Executive Manager of Development Services, entered the meeting at 1.44pm.

Mrs Morris, Executive Manager of Community Services, left the meeting at 1.55pm.



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**11.0 DEVELOPMENT SERVICES**

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**11.1 SHOP EXTENSIONS – LOT 6/1 BARRACK STREET, MERREDIN – RELAXATION OF STANDARDS**

<b>Reporting Department:</b>	Development Services
<b>Reporting Officer:</b>	John Mitchell – Executive Manager, Development Services
<b>Legislation:</b>	Town Planning Scheme No. 1
<b>File Reference:</b>	A220
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	Application

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**Background**

An application (PA22/10) has been received on behalf of the owners of Lot 6/1, 98 Barrack Street, Merredin requesting planning consent for shop renovations.

The floor plan, summary of compliance pursuant to Clause 6.3.1 of the Scheme and the application forms are contained in **Attachment 11.1A**.

The matter is referred to Council as a relaxation of the standards set by the Town Planning Scheme No. 1 is required.

**Comment**

A supermarket is a “P” use pursuant to the Shire of Merredin Town Planning Scheme No. 1.

The application involves the renovation of the existing building and the removal of walls permitting use of the shop with access via 96 Barrack Street. The proposal will require the amalgamation of Lots 6 and 61.

The following matters require discussion and resolution:

1. provision of car-parking;
2. provision of bin areas;
3. provision of landscaping;
4. minimum Lot area for development; and
5. fire safety requirements.

In 2009 the land directly behind the supermarket, Lot 600 Mitchell Street, was bituminised to provide additional parking. The area contains the bins for the supermarket which sit to the east of the car-park area. The area comprises 2,607m<sup>2</sup> or the equivalent of over 100 bays including road areas but is unmarked.

The land was subject of discussions regarding the placement of a warehouse for the supermarket since the Officer's appointment with the Shire of Merredin. There is no application for development before the Shire in relation to Lot 600 Mitchell Street, Merredin.

**Statutory/Policy Implications**

The Zoning and Development Table of the Scheme requires that 10 car parking bays per 100m<sup>2</sup> be provided. It is arguable that the area in Mitchell Street can offset any requirement for additional parking requirements determined by the Scheme. It does raise an issue of future developments and the application of payment of costs for offset parking provided and maintained by the local government.

No developer has contributed to the offset costs for parking in the past and, with the exception of industrial premises, Council has not required parking to be addressed. The shop is an existing development.

Council could consider introducing cash in lieu for parking requirements. Clause 6.4 of the Scheme permits the Council to approve a "P" use with or without conditions *relevant to the Zoning and Development Table*. Cash in lieu payments may be applicable under this clause. Costs to develop the car-park at the Recreation Ground were \$270,000 for 80 bays - \$3,375 per bay.

Clause 4.2.7 of the Shire of Merredin Local Law No. 12 – Health permits the Council to direct that a suitable bin enclosure shall be provided to a commercial or industrial premise, or a food premises. There are 4x 240l containers and 3x 1,100l containers for refuse disposal stored on Lot 600 Mitchell Street.

Landscaping requirements are set at 10%. Lot coverage for the renovation is 100%. Compliance is difficult to achieve without removal of part of the existing facade.

Council must, pursuant to the Zoning and Development Table, set a minimum lot area for development. This is a difficult task. The Building Code of Australia suggests that buildings below 30m in length minimise the requirement for secondary exit(s) if the shop exits to street level. Based on a minimum effective frontage of 6m (as set by the Table) the minimum lot should be 180m<sup>2</sup>. Alternatively, Council can advise that each case is based on its merits. In this instance the setting of a minimum is not necessary.

Should the proposal proceed to building approval consideration, an issue with the construction may well be the provision of satisfactory fire fighting facilities. The building is estimated at 2,001.5m<sup>2</sup>, which requires the provision of an automatic smoke exhaust system, emergency lighting systems and fire fighting equipment of a greater standard than that provided for smaller shops. A fire consultant should be required to be appointed to satisfy the requirements of Section D (access and egress) and E (services and equipment) of the Building Code of Australia 2010.

### Financial Implications

Regulatory town planning application fees have been paid.

### Officer's Recommendation

1. That Council is satisfied that:
  1. the relaxation of standards relating to the provision of 46 car parking bays and landscaping would not adversely affect the proper planning of the locality or the occupiers or users of the development or the locality; and
  2. the setting of a minimum lot area for development in the application PA 22/10 is not applicable.
  
2. That the planning application (PA 22/10) to renovate Lot 6/1 Barrack Street, Merredin is approved with the following conditions:
  1. provide a bin area within Lot 600 Mitchell Street, Merredin of sufficient size to accommodate the 3x 1,100l refuse containers in accordance with the provisions of the Shire of Merredin Health Local Law;
  2. provide a fire safety engineer brief to address Sections D and E of the Building Code of Australia 2010;
  3. the applicant is to contribute \$1,000 per parking bay required (\$46,000) towards maintenance and upgrade of the public car park located on Lot 1503 Barrack Street, Merredin; and
  4. Lots 6 and 61 Barrack Street, Merredin are amalgamated.

### Resolution

30491

Moved Cr Morris

Seconded Cr Crook

1. ***That Council is satisfied that:***
  1. ***the relaxation of standards relating to the provision of 46 car parking bays and landscaping would not adversely affect the proper planning of the locality or the occupiers or users of the development or the locality; and***
  2. ***the setting of a minimum lot area for development in the application PA 22/10 is not applicable.***

**2. That the planning application (PA 22/10) to renovate Lot 6/1 Barrack Street, Merredin is approved with the following conditions:**

- 1. provide a bin area within Lot 600 Mitchell Street, Merredin of sufficient size to accommodate the 3x 1,100l refuse containers in accordance with the provisions of the Shire of Merredin Health Local Law;**
- 2. provide a fire safety engineer brief to address Sections D and E of the Building Code of Australia 2010; and**
- 3. Lots 6 and 61 Barrack Street, Merredin are amalgamated.**

**CARRIED 7/1**

**REASON:** Council did not believe cash-in-lieu should be applied at this stage of the application and development process, however the fee would be included for any new development and a Council Policy introduced as such.

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**11.2 ONE NIGHT SHELTER – LOT 1504 BARRACK STREET (EAST), MERREDIN**

<b>Reporting Department:</b>	Development Services
<b>Reporting Officer:</b>	John Mitchell – Executive Manager, Development Services
<b>Legislation:</b>	Building Code of Australia, Health Act 1911 – 1979
<b>File Reference:</b>	CP/8/One Night Shelter Lot 1504 Barrack
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	Supporting Documentation and Floor plan

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**Background**

The one night shelter is located in the Lions Recycling area, Lot 1504 Barrack Street (East), Merredin.

Power and water for the facility are shared by Lions and the Merredin Churches Fraternal. It has been an issue previously.

The building is basic – constructed 1978 with modifications carried out in 2008.

The service was (anecdotal evidence - 1969) initially provided to assist travellers in need through the provision of a caravan at the Shire owned park with Churches Fraternal volunteers maintaining the caravan. In 1978 the shelter was built and allegedly on 17 August 1979 the shelter was officially handed over to the Shire of Merredin.

A history and supporting documentation has been provided by Father Stan Bendkowski and is contained in **Attachment 11.2A**.

**Comment**

The current use of the building is to house travellers in need and crisis accommodation. It is understood that the Police and Churches Fraternal provide keys for access. The Shire Administration holds no keys to the building.

As a result of concerns regarding liability and cost sharing a meeting between Churches Fraternal, Father Bendkowski and the Executive Manager of Development Services determined that the matters to be considered are:

1. the appropriateness and safety associated with the existing building including isolated location, no communication, basic condition of the premise, security and the like; and
2. the level of support for the one night shelter at a local government level.

A floor plan of the shelter is contained in **Attachment 11.2B**. The building is RCD protected. There is no hard wired smoke detector.

The shelter is basic and generally in conformity with the minimum requirements for a motel style accommodation unit. The facility has no heating and cooling methods.

There is funding available for community groups through the Department of Housing – Community Housing, Crisis Accommodation Program. This information will be conveyed to Churches Fraternal.

Council's lease of the land with the Public Transport Authority contains the ability for Council to sub-lease the building.

#### **Statutory/Policy Implications**

The building is contained within Council's building insurance program.

#### **Financial Implications**

Currently the annual tests for RCD's and fire extinguishers; and the building insurance is a component of Council's budget. These costs total \$1,000 per annum.

To resolve other matters an electrical sub meter to the dwelling component is suggested. The building requires a hard-wired smoke detector

#### **Officer's Recommendation / Resolution**

**30492**

Moved Cr Crook

Seconded Cr Carr

***That Council enter into a sub-lease with Churches Fraternal of the one night shelter located in the Lions Recycling area, Lot 1504 Barrack Street (East), Merredin and within the lease provide the maintenance at the Leasee's expense.***

**CARRIED 7/1**

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**11.3 FOOD SAFETY ACT 2008 – REGISTRATION AND INSPECTION OF FOOD PREMISES – APPLICATION OF FEES – 2011/2012 YEAR**

<b>Reporting Department:</b>	Development Services
<b>Reporting Officer:</b>	John Mitchell – Executive Manager, Development Services
<b>Legislation:</b>	Food Safety Act 2008
<b>File Reference:</b>	PH/11/1
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	Nil

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**Background**

The 2008 Act permits a local government to assign fees for the registration and transfer of a licence to operate a food premises. In addition the Act provides that the local government may determine an appropriate fee for annual registration and inspection of food premises based on the time allocation for the Environmental Health Officer (EHO).

Food premises are assigned a risk level based on the food provided for public consumption as low, medium and high risk. For example a delicatessen, e.g. Subway, is a class one food premises, is a medium risk food premises and is inspected at three monthly intervals. A fruit and vegetable store/warehouse is a class five, low risk and may be inspected once annually.

There is one other category – high; for vulnerable persons. EHO's are not qualified to inspect these premises any longer. Hospitals and Senior Citizens Centres lie within this category.

**Comment**

There are 57 registered premises within the Shire of Merredin. 14 are currently closed or exempt from local government inspection. 43 premises are listed for inspections ranging from 2 to 6 visits per annum. All premises are inspected at least once per annum.

**Statutory/Policy Implications**

Inspections of food shops must be undertaken by EHO's or an approved private sector food auditor. In general terms Acts of Parliament provide for "authorised officers", whilst the term is used within the Health Act for other duties an EHO must perform the food premises inspections.

**Financial Implications**

EHO's costs are \$85 per hour including ancillary duties i.e. recording, filing, computer etc. The time taken for each inspection is one hour exclusive of travel.

Contact with regional local governments suggests fees of \$100 for low risk, \$150 for medium risk and \$200 for high risk premises.

The following fees will be raised:

<b>Classification</b>	<b>Premises No.</b>	<b>Income</b>
High Risk	3	\$600 registration per annum
Medium Risk	34	\$5,100
Low Risk	9	\$900

**Officer's Recommendation / Resolution****30493**

Moved Cr Crees

Seconded Cr Forbes

***That Council amends the 2010/2011 Schedule of Fees and Charges by introducing the following inspection fees for food premises pursuant to Section 110 of the Food Act 2008 and advertises these fees accordingly:***

- 1. High Risk Food Premises - \$200.00 valid until 30 June 2011;***
- 2. Medium Risk Food Premises - \$150.00 valid until 30 June 2011;***
- 3. Low Risk Food Premises - \$100.00 valid until 30 June 2011; and***
- 4. Transfer of Notification of Proprietor (Section 107(3)) - \$100.00.***

**CARRIED 8/0**



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**11.4 POLICY 8.23 RELAXATION - OVERSIZE OUTBUILDING – LOT 1064, 13 POLLOCK AVENUE, MERREDIN**

<b>Reporting Department:</b>	Development Services
<b>Reporting Officer:</b>	John Mitchell – Executive Manager, Development Services
<b>Legislation:</b>	Residential Design Codes 2008; Council Policy 8.23 – Outbuildings
<b>File Reference:</b>	A2709
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	Application

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**Background**

An application to erect a carport onto an existing garage has been received from the owner of Lot 1064, 13 Pollock Avenue, Merredin. The application is contained in **Attachment 11.4A**.

An inspection of the site has shown that a half circular shade house has been installed at the rear of the property over a fern and palm treed area. This area measures 100m<sup>2</sup>. Allowing for the proposed carport the plot ratio is not exceeded.

**Comment**

Whilst the shade house is not roofed (BCA 2010) it is technically an outbuilding by the policy definition.

The other outbuilding on site is a 36m<sup>2</sup> garage. The proposed carport will take the existing outbuilding allocation on Lot 1064 to 210m<sup>2</sup>. If the carport was connected to the dwelling the provisions of the outbuilding area policy could not be applied.

The proposed carport does not detract from the property which has been substantially improved recently. The proposed height of the carport (2.4m) is below existing plate height of the dwelling and will not impact on surrounding properties.

**Statutory/Policy Implications**

Council Policy 8.23 – Outbuildings in Residential areas is applicable.

**Financial Implications**

Planning application fees of \$132 have been paid.

**Officer's Recommendation / Resolution****30494**

Moved Cr Wallace

Seconded Cr Crook

***That the provisions of Policy 8.23 be relaxed and the application from the owner of Lot 1064, 13 Pollock Avenue, Merredin to erect a 72m<sup>2</sup> carport onto the existing garage be approved with the advice that no other outbuildings will be considered for approval for erection on the Lot unless an existing outbuilding is removed.***

**CARRIED 8/0**

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**11.5 BUSHFIRE ACT 1956 – APPOINTMENT OF BRIGADE OFFICERS AND DUAL APPOINTMENT OFFICERS FOR 2010/2011 SEASON AND ANNUAL GENERAL MEETING**

<b>Reporting Department:</b>	Development Services
<b>Reporting Officer:</b>	John Mitchell – Executive Manager, Development Services
<b>Legislation:</b>	Bushfires Act 1956
<b>File Reference:</b>	ES/22/1
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	Minutes of Annual General Meeting; Bushfire Order and Gazettal

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**Background**

The Annual General Meeting (AGM) of the Merredin Shire Bush Fire Control Officers was held on 12 October 2010. Minutes of the meeting are included in **Attachment 11.5A**, however specific resolutions of Council are required for the appointment of Officers. A copy of the Bushfire Order 2010 and the Gazettal of Officers is contained in **Attachment 11.5B**.

Prohibited burning times are currently 1 November 2010 to 15 February 2011. Restricted burning times expire 31 October 2010 and commence again from 15 February 2011 to 15 March 2011.

A motion was carried at the meeting to extend the restricted burning period to 15 November 2010 for the Merredin Fire and Rescue only to carry out controlled burns within townsites. A second recommendation sought to extend the period to 30 November 2010.

This was done in consultation with the Chief Executive Officer, Shire President and the Chief Bush Fire Control Officer with notices placed in the local newspaper.

**Comment**

Through my oversight this report was not presented to Council in a timely manner. The actions within the Bushfire Control Officers AGM have been attended to.

Endorsement of those actions is sought.

**Statutory/Policy Implications**

The 2010 Fire Order was gazetted on the 27 August 2010 after consultation with the Chief Bushfire Brigade Officer, Brigade Captains and Council Solicitors. The previous notices were deficient in that they applied to cleared land only.



6. *That Council endorse the extension of the Restricted Burning Period for the Merredin townsite (Gazetted Boundary) from 14 November up to and including 30 November 2010 to allow the Merredin Fire and Rescue only to carry out controlled burns within the Merredin townsite.*
7. *That pursuant to Section 40 of the Bushfires Act 1954 the Shire of Merredin appoints the following Bushfire Control Officers as Dual Fire Control Officers:*
- |                       |                                       |
|-----------------------|---------------------------------------|
| <i>Geoff Ryan</i>     | <i>(Baandee Bush Fire Brigade)</i>    |
| <i>Peter Nicholls</i> | <i>(Doodlakine Bush Fire Brigade)</i> |
| <i>Murray Dixon</i>   | <i>(Narembeen Bush Fire Brigade)</i>  |
| <i>Peter McCrae</i>   | <i>(Muntadgin Brigade)</i>            |
8. *That the Administration pursue the issues relating to the qualifications and appointment of three Fire Control Officers, refresher courses for Fire Control Officer's and the Annual General Meeting of the Merredin Shire Bush Fire Control Officers being held on the 3rd Thursday in March each year with the first being 17 March 2011.*

CARRIED 8/0

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**11.6 POLICY 8.23 RELAXATION – OVERSIZE OUTBUILDING – LOT 35, HOUSE NO. 14 PRIESTLY STREET, MERREDIN**

<b>Reporting Department:</b>	Development Services
<b>Reporting Officer:</b>	John Mitchell – Executive Manager, Development Services
<b>Legislation:</b>	Residential Design Codes 2008; Policy 8.23 – Outbuildings in Residential areas
<b>File Reference:</b>	A2822
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	Application

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**Background**

An application (PA24/10) (**Attachment 11.6A**) has been received from the landowner to erect an oversize outbuilding on Lot 35, House No. 14 Priestly Street, Merredin.

**Comment**

The outbuilding has an area of 96m<sup>2</sup>. The wall height is under the standards set by Policy 8.23. Lot 35 comprises 1,206m<sup>2</sup> and is zoned Residential 1 zone – single residential. The apex height is, on paper, greater (3.89m – 3.6m allowable) than the standards set, however measurement adding on the plan suggests a finished height being below 3.6m.

The existing outbuilding is to be demolished to allow construction of this building. A carport is attached to the dwelling and is therefore exempt from calculations of area of outbuildings.

The application does not exceed the total area of permitted outbuildings and there is precedence for the minor area variance, the most recent being 12 Cummings Street, Lot 251 Haines Street and 50 Endersbee Street.

**Statutory/Policy Implications**

Policy 8.23 permits the erection of 92m<sup>2</sup> single outbuilding with a maximum wall height of 3.0m and plate height of 3.6m. A total of 124m<sup>2</sup> of outbuildings may be constructed on the site.

**Financial Implications**

Statutory fees have been paid.

**Officer's Recommendation / Resolution****30496**

Moved Cr Wallace

Seconded Cr Young

***That the provisions of Policy 8.23 be relaxed and the planning application (PA24-10) from the landowner to establish a 96m<sup>2</sup> 3,894mm apex height outbuilding on Lot 35, 14 Priestly Street, Merredin be approved subject to the following conditions:***

- 1. sandpad height of the structure is to be minimised so that the total height above natural ground level does not exceed 3,894mm; 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.***

**CARRIED 8/0**

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**11.7 HEALTH ACT 1911 – SECTION 135 DELEGATED AUTHORITY – LOCATION  
25250 BURRACOPPIN**

<b>Reporting Department:</b>	Development Services
<b>Reporting Officer:</b>	John Mitchell – Executive Manager, Development Services
<b>Legislation:</b>	Health Act 1911 – 1979 (as amended)
<b>File Reference:</b>	A8128
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	Nil

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**Background**

In April 2010 the occupants of the dwelling situated at the above location contacted the Development Services section to advise of the condition of the dwelling leased to the family.

In summary allegedly the owner had decided to return to the farm and required the family to relocate to a different dwelling of a alleged lower standard. The Environmental Health Officer (EHO) advised the tenant to further discuss the nature of the complaints with the owner and seek a solution.

On 30 September 2010 an inspection determined that the dwelling was so dangerous as to warrant the immediate serving of the notice for safety reasons.

Those reasons, being lack of water and inadequate power supply have been addressed and on 27 October 2010, a further inspection confirmed that advice. Accordingly the declaration of unfit was lifted and the remaining minor works converted to a works schedule.

**Comment**

A further visit on 30 November 2010 to discuss the actions of the complainant resulted in verbal advice from the landowner that the dwelling was no longer required and they sought to advise that the dwelling would only be used as a Class 10 outbuilding for storage and as a workplace ablution facility. It was therefore agreed that the order would lapse until the building was to be used as a dwelling again.

The owners were advised that should they ignore the agreement and lease the building as a dwelling it was likely that the matter would be referred to solicitors for consideration of legal action.



Endorsement of the actions of the Executive Manager of Development Services in lifting the Section 135 Health Act Notice and applying a Works Schedule is sought.

**Financial Implications**

There are no known financial implications to Council at this time.

**Officer's Recommendation / Resolution**

**30497**

Moved Cr Young

Seconded Cr Crees

***That Council endorse the actions of the Executive Manager of Development Services in removing the Section 135 Health Act Notice and reissuing the remaining matters as a Works Schedule.***

**CARRIED 8/0**

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**11.8 HERITAGE COUNCIL – MERREDIN RAILWAY HOUSING PRECINCT – MATTERS RELEVANT TO TOWN PLANNING AND POLICIES RELATING TO RESIDENTIAL AREA**

<b>Reporting Department:</b>	Development Services
<b>Reporting Officer:</b>	John Mitchell – Executive Manager, Development Services
<b>Legislation:</b>	Planning and Development Act 2005, Heritage Act of WA 1990, Town Planning Scheme No. 1
<b>File Reference:</b>	A2288
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	Photographs

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**Background**

An application to erect a free standing carport adjacent to the dwelling situated on Lot 1393, House No. 26 Kitchener Road, Merredin, has been received.

The dwelling is listed within the Register of Heritage Places as a permanent entry. Accordingly the application was referred to the Heritage Council of WA for assessment.

**Comment**

The Heritage Council has recommended that the application be refused on the basis of adverse effect on the streetscape and a report prepared in 2009 by Laura Grey for the Shire of Merredin and the owners of 71 and 79 Todd Street, 18,22,29,33 and 24 Kitchener Road.

The subject land is located in the Railway Housing Precinct as defined by the Heritage Council of WA pursuant to the Heritage Act 1990. According to the Heritage Council of WA, the Shire of Merredin has adopted this Conservation Plan. The Plan determines that Council will not permit development to occur alongside the existing and proposed dwellings within the heritage precinct. There is no record of Council's resolution adopting the Plan as a planning policy. Council will need to determine whether it wants to control development within the area to this extent.

The Conservation Plan seeks to limit all development within the precinct to behind the rear of the dwelling construction line, i.e. approximately 15 to 20m front setback.

Whilst the report refers to the Heritage Precinct as those lots east of Pereira Drive, the Heritage Council Plan within Council files includes the Public Transport Authority land. In either case the heritage housing either side of Pereira Drive should be treated with the same conditions of development and not be severely restricted.

Inspections of the area determine that, within the Kitchener Road precinct, there are 6 current examples of construction structures adjacent to the dwelling. These structures include shade clothed areas, carports, pergolas and garden sheds. The majority of the dwellings have also installed shade cloth to windows, fences and trees to shade the dwellings which the Heritage Council claim this application will adversely affect the streetscape of. One of these has been constructed with the approval of the Heritage Council since the precinct report was commissioned.

The Conservation Plan appears to have been prepared for a minority of the landowners and there is no evidence to support the fact that the document was advertised for public comment; been accepted by the landowners; or that the landowners have actually sighted and understood the document. The Heritage report recommends the use of the dwellings as short term accommodation. This use is prohibited within the residential zone of both the current and proposed planning schemes.

Council's existing carport policies relate to the provisions of the Residential Design Codes 2008.

The enforcement of the plan for development purposes is the Shire of Merredin Town Planning Scheme No. 1 (Scheme 6 is currently with the WA Planning Commission for final approval). Further development will need to be considered within an outline development plan (ODP) which requires an advertising period during which time public submissions are invited.

A summary reading of the 70 page report provides no reasons for the decision other than that the original buildings should be retained. The report encourages the removal of the non-compliant structures. As mentioned, there are a substantial number of structures within this setback area. Two of the owners commissioning the report have structures within the area deemed by the Heritage Council as adverse to the streetscape.

Policy 4.5 (page 61 of the report) states that carports should be open in style and allow an unobstructed view of the dwelling from the street, and setback behind the front setback of the associated house. The application is compliant with this aspect. The policy also states that the carport should be setback from the side boundary where possible. The application is compliant with this component.

The applicant should be advised that Council is bound by the recommendation of the Heritage Council and that any appeal will be referred to the Heritage Council to defend.

**Statutory/Policy Implications**

Section 78 of the Heritage Act 1990 requires that any application for building pursuant to Section 374 and 374AA of the Local Government (Miscellaneous Provisions) Act 1960, whether subject to planning application or not must be provided to the Heritage Council of WA for advice. If the decision making authority does not agree with the Heritage Council there appears to be no appeal right provided.

There are no ODP's or policies applicable to development within the Heritage Precinct area. The Heritage plan makes no references to the setbacks other than to be behind the building line proper. No determined setbacks for guidance are provided within the heritage report.

In this instance it is the opinion of the officer that the Heritage Council advice is inconsistent as previous approvals exist within the Heritage Precinct for similar developments. The photographs contained in **Attachment 11.8A** show the extent of the existing streetscape. It is unlikely that the free standing heritage style carport will detract from the amenity of the area.

Policy 4.3 of the report states that the Shire of Merredin should prepare development guidelines with statutory enforcement of the Town Planning Scheme to provide appropriate and transparent guidelines. There are no policies of development for the precinct and no resolution endorsing or adopting the heritage plan.

The Council will need to carefully consider how it will control existing building envelopes and new dwelling applications for the 14 vacant blocks within the precinct. If Council follows the conservation management plan, new applications will need to follow the same principles, shape, form and style of the fabric of existing buildings. Enforcement is an issue as there are demountables, weatherboard transportable and brick buildings.

The applicant currently parks three to four vehicles on Kitchener Road and a tandem axle trailer. There is no right of way at the rear of the property as referred to within the report as an option to rear of property access to provide off street parking.

The Public Transport Authority are selling the lots fronting Todd Street for less expensive accommodation and the Department's view must also be sought as a landowner.

Council may be required to defend the decision in a State Administrative Tribunal appeal situation. Advice from the Heritage Council suggests that the Department will represent the Shire of Merredin. Therefore Council's level of support for the Plan must be determined.

**Financial Implications**

Building application fees have been paid.

**Officer's Recommendation / Resolution****30498**

Moved Cr Morris

Seconded Cr Wallace

- 1. That Council advise the applicant that it refuses the application for a building licence for a carport as advice received from the Heritage Council is that the carport conflicts with the Heritage Council's Conservation Plan requirements for the Railway Housing Precinct.**
- 2. That the applicant be provided a copy of the Heritage Council's Conservation Plan.**
- 3. That clarification on the status and implementation of the Heritage Council's Conservation Plan be sought and the matter be the subject of a further report to Council.**

**CARRIED 6/2**

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**11.9 MENS SHED – COUNCIL SUPPORT FOR LOCATION AND ASSOCIATED WORKS**

<b>Reporting Department:</b>	Development Services
<b>Reporting Officer:</b>	John Mitchell – Executive Manager, Development Services
<b>Legislation:</b>	Local Government Act 1995
<b>File Reference:</b>	CS/16/17
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	Floor and Site Plan

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**Background**

At its October 2010 meeting Mr J Flockart addressed Council regarding the Men's Shed proposal.

Since that time the Administration has been liaising with the Men's Shed Committee to consider the proposal, suggest locations and determine the extent to which Council support is sought (**Attachment 11.9A**).

A floor plan and suggested site plan are contained in **Attachment 11.9B**.

**Comment**

The group has applied for incorporation.

The suggested site location is the south west portion of the Recreation Centre land in line with the existing poultry sheds but approximately fifty metres from the intersection of Bates and Duff Street, Merredin – north of creek line. The area is allocated within the Recreation Ground Master Plan as "fun-park" in the original and "unallocated" within the proposed Plan for consideration at this meeting (Agenda Item 12.1).

Council assistance with the following is sought:

1. approval of the site location;
2. provide a construction ready sandpad for the shed – estimated value of the sand pad and certification is \$14,000; and
3. provide power and water to the site. Water is a relatively easy component – 100m of 19mm blueline poly in a 600mm trench would cost approximately \$1,000. Power is more difficult to cost and would be estimated at \$5,000 plus meterboard and connections.

In addition the group seeks to consider renewable energy features within the project to lessen the future operational costs of the building.

**Statutory/Policy Implications**

The use of a Men's Shed is in keeping with the vesting of the Reserve. Construction as a large isolated building will minimise the need for fire compliance, though it is recommended that a tanked supply be located nearby either to serve mainly as a rainwater source and for gardens.

**Financial Implications**

Estimates of Council contribution are \$21,000. There are no funds allocated within the 2010/2011 Budget.

**Officer's Recommendation / Resolution****30499**

Moved Cr Crees

Seconded Cr Young

***That Council endorse:***

- 1. the location of the Men's Shed within the south west corner of the Recreation Grounds, Lot 684 Bates Street, Merredin as presented in Attachment 11.9A and refer the matter to the Merredin Sports Council for its information only; and***
- 2. the consideration of funding towards the construction of the Men's Shed in the 2011/2012 Budget considerations.***

**CARRIED 8/0**

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**11.10 LOCAL LAWS – STREET NUMBERING AND NAMING – LANDGATE,  
GEOGRAPHIC NAMING COMMITTEE**

<b>Reporting Department:</b>	Development Services
<b>Reporting Officer:</b>	John Mitchell – Executive Manager, Development Services
<b>Legislation:</b>	Local Government Act 1995
<b>File Reference:</b>	Various
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	Nil

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**Background**

Recently Council was advised at Briefing Session of the required changes to the street numbering for a number of properties. To date 38 letters have been sent to landowners advising of the new street numbers allocated to permit the allocation of numbers to other street residents in the future.

During the process the Geographic Names Committee advised of street naming errors and sought for Council to amend those naming errors. The Landgate maps will be presented at the meeting.

**Comment**

The issues raised are:

1. rename a portion of Barrack Street from Railway Avenue to Gamenya Avenue proper to Gamenya Avenue;
2. rename the portion of Todd Street from Solomon Street to Great Eastern Highway to West Todd Street;
3. rename Barrack Street west of Todd Street to Great Eastern Highway;
4. change the name of Barrack Street east of Duff Street to East Barrack Street;
5. confirm the name Carrington Way for the new subdivision north of Dobson Avenue – this has been confirmed;
6. confirm the name McGinniss Way for the new subdivision north of Dobson Avenue - this has been confirmed;
7. confirm the naming of Coghill Street in the eastern industrial area - this has been confirmed;
8. confirm the naming of Watson Road in the eastern industrial area - this has been confirmed;
9. confirm the naming of Saleyards Road in the eastern industrial area;
10. confirm the naming of Limbourne Street east of Farrar Parade - this has been confirmed;
11. confirm the naming of Langfield Street east of Farrar Parade - this has been confirmed; and
12. confirm the naming of Merino Street east of Farrar Parade - this has been confirmed.



In response the Geographic Naming Committee advised:

1. it would not support the use of words East or West for road names as it is confusing in an emergency. A unique name is required. Considering the emergency services are local persons who have provided a service for many years a further scenario is that a name change could be as confusing to the local emergency services;
2. a unique name is preferred for the western portion of Todd Street. The main issue with Todd Street is that the numbering starts from Solomon Street and works east and west in increasing numbers. In addition that portion of Todd Street is removed from the remaining portion;
3. as Barrack Street is now disjointed it would appear that the best scenario is for the eastern portion of Barrack Street near Duff Street to be renamed as an extension to Mitchell Street;
4. Saleyards Road has not been submitted for approval. Saleyards Road is the road which is dedicated through the railway reserve between Barrack St (east) and Todd Street. The Administration is of the opinion that the road has been approved and the name applied.
5. Renaming Todd Street (West) is relatively easy as it impacts on 15 residential landowners however to address Barrack Street (East) will impact on over thirty businesses.
6. Correctly naming Gamenya Avenue is supported.
7. Correctly naming Great Eastern Highway west of Todd Street is supported.
8. The issue relating to the naming of Saleyards Road will be followed through.

#### **Statutory/Policy Implications**

The Minister for Lands can direct a local government to consider the names applied, refuse the names, place conditions etc pursuant to Part Two Division Three of the Land Administration Act 1997.

#### **Financial Implications**

The costs to Council to carry out all the suggested changes will include the advertising costs, correspondence costs and direct admin time with clients over the issues raised by the proposed changes.

Mr Mitchell, Executive Manager of Development Services, left the meeting at 2.30pm.

Mr Mitchell, Executive Manager of Development Services, entered the meeting at 2.31pm.

Cr Carr and Mr Powell, Chief Executive Officer, left the meeting at 2.34pm.

Cr Carr and Mr Powell, Chief Executive Officer, entered the meeting at 2.35pm.

Cr Carr left the meeting at 2.37pm.

Cr Wallace left the meeting at 2.37pm and did not return.

Cr Carr entered the meeting at 2.38pm.

Cr Young left the meeting at 2.38pm.

**Officer's Recommendation / Resolution**

**30500**

Moved Cr Crees

Seconded Cr Carr

***That Council advertise its intent to seek the following road name changes after the Geographic Naming Committee agrees in principle to the proposed changes:***

- 1. that Council request the Geographic Naming Committee change the name of Barrack Street, west of Railway Avenue to Gamenya Avenue proper to Gamenya Avenue;***
- 2. that Council request the Geographic Naming Committee change the name of Barrack Street, west of Todd Street to Great Eastern Highway;***
- 3. that Council request the Geographic Naming Committee allocate the name Saleyards Road to the road intersecting Reserve 10359, Lot 1504 and Reserve 22639 Lot 798 running north to south. In addition Council seeks that the road be closed south of the railway corridor;***
- 4. that Council request the Geographic Naming Committee change the name of East Barrack Street to Mitchell Street; and***
- 5. that no action be taken at this time regarding the numbering of Todd Street west of Solomon Street.***

**CARRIED 6/0**

Mr Powell, Chief Executive Officer, left the meeting at 2.39pm.

Mr Powell, Chief Executive Officer, entered the meeting at 2.40pm.

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**11.11 CONFIRMATION OF NON CONFORMING USE – DEPARTMENT OF CHILD PROTECTION OFFICES – LOT 356, HOUSE NO. 113 TODD STREET, MERREDIN**

<b>Reporting Department:</b>	Development Services
<b>Reporting Officer:</b>	John Mitchell – Executive Manager, Development Services
<b>Legislation:</b>	Town Planning Scheme No. 1
<b>File Reference:</b>	A1729
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	Correspondence

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**Background**

At its October 2010 meeting Council was advised via the Executive Manager of Development Services' (EMDS) monthly report of the proposal to extend the Department of Child Protection (DCP) offices on Lot 356 Todd Street, Merredin.

In order to progress an extension to the offices Council must acknowledge the use to permit the extension of the building to be considered. Accordingly correspondence has been received, **Attachment 11.11A**, seeking that acknowledgement.

**Comment**

The land is zoned Residential 1 – single residential pursuant to the Shire of Merredin Town Planning Scheme No. 1. The current and previous use of the land has been as an office. Plans within the EMDS office indicate that the original use may have been as an infant health centre.

Preliminary plans of a proposed extension to the offices have been received from Hart Architects. The proposal is to either extend the existing premises or to add a transportable style building to the eastern side. The architect is seeking comment regarding whether the application would be considered as a transportable building.

Council's intent has been to restrict the use of transportable style buildings and second-hand materials. The only example of transportable style development within the non residential zones is in Queen Street (Primary Health). Council has approved, until October 2011, the transportable ablution block to the Commercial Hotel at which time it must be brick lined and gabled roofed.

For consideration of development advice to the applicant should include the following:

1. that the non conforming use of the DCP offices, Lot 356 Todd Street, Merredin be officially registered with the Shire of Merredin pursuant to Clause 5.5 of the Shire of Merredin Town Planning Scheme No. 1;
2. that Council is agreeable to receiving an application to extend the non conforming use comprising additional offices using similar materials to those comprising the building already – brick, veneer, tiled or colorbond roofed on site construction and additional parking on site with directional signs from the road to indicate parking is available on site and that parking on the verge is not acceptable; and
3. that the application to extend the non conforming use is advertised for public comment and those costs are borne by the applicant in conjunction with the applicable statutory fees.

#### **Statutory/Policy Implications**

Part 5 of the Town Planning Scheme No.1 permits the continued use of land for the purpose for which it was being lawfully used at the time the Scheme came into force. Clause 5.2(b) permits Council to acknowledge the non-conforming use prior to permitting extensions to the development to proceed.

#### **Financial Implications**

There are no financial implications for this service.

#### **Officer's Recommendation / Resolution**

30501

Moved Cr Morris

Seconded Cr Crook

1. ***That the use of the building situated on Lot 356, House Number 113 Todd Street, Merredin is recognised by the Shire of Merredin as a non-conforming use for the Department of Child Protection Offices.***
2. ***That Council is prepared to consider an application to extend the non-conforming use on Lot 356 Todd Street, House Number 113 Todd Street, Merredin to permit office extensions in keeping with the character and amenity of the existing building and that the proposed extension of the non-conforming use be advertised at the applicants expense when the application to extend the non-conforming use is received.***
3. ***That the Chief Executive Officer be granted delegated authority to approve the development should plans submitted comply with Resolution 2 above.***

**CARRIED 6/0**

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**11.12 TENDER 4/10 – PROVISION OF CLEANING SERVICES BY CONTRACT**

<b>Reporting Department:</b>	Development Services
<b>Reporting Officer:</b>	John Mitchell – Executive Manager, Development Services
<b>Legislation:</b>	Local Government Act 1995
<b>File Reference:</b>	Tender 4/10
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	Tender documentation

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**Background**

A tender was advertised for the provision of cleaning services to the Shire of Merredin for the period expiring on 1 January 2013.

A copy of the tender, advertisement and supporting documentation is contained in **Attachment 11.12A**.

An advertisement was placed in the Merredin Mercury on 24 November 2010 requesting tenders by 10 December 2010.

**Comment**

Two tenders were received - one from Pettit Cleaning Services and the other from Merredin Cleaning Services.

The tenders and tender comparison notes are contained in **Attachment 11.12B**. Both tenderer's have been advised of the tenders received.

**Statutory/Policy Implications**

The provisions of Section 3.57 of the Local Government Act 1995 are applicable.

**Financial Implications**

Council budgeted \$103,000 for cleaning of Council buildings in various schedules for the 2010/2011 year.

**Officer's Recommendation / Resolution****30502**

Moved Cr Morris

Seconded Cr Crook

***That the tender from Merredin Cleaning Services in response to Tender 4/10 – Provision of Cleaning Contractor Services be accepted.***

**CARRIED 6/0**

Mr Garrett, Executive Manager of Engineering Services, entered the meeting at 2.42pm.

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Mr Garrett, Executive Manager of Engineering Services, left the meeting at 2.43pm.

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11.13 **MERREDIN DISTRICT OLYMPIC SWIMMING POOL – TODDLERS POOL FAILURE**

<b>Reporting Department:</b>	Development Services
<b>Reporting Officer:</b>	John Mitchell – Executive Manager, Development Services
<b>Legislation:</b>	Health Act (Aquatic Facilities) Regulations 2007
<b>File Reference:</b>	CP/8/6
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	Nil

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**Background**

Council may recall that in the 2008/2009 Budget funds were allocated to repair the tiles to the toddler's pool which has substantial cracking at the floor wall junction and expansion joints.

The intent was to consider a major upgrade of the facility within three to four years and patch and repair the pool until the upgrade was commenced. In addition, a report recommended to Council that capital funds of \$50,000 be set aside to fund the capital upgrade. The Reserve allocations were deleted from the following budgets.

Since 2007 Council has considered and approved an improvement program for the pool at its current location. The required repairs to the facility include new shade facilities (rusted column bases), new plant-room (bottom 300mm of walls rusted), new concourse graded to the sumps, replacement of the sub soil drainage and new filter systems to allow for the closing of components of the system during a pump or equipment failure. A maintenance list and scope of works has previously been provided to Council.

**Comment**

Estimates of water loss are 5,000l - 10,000l a day through the two largest expansion joint cracks. There is the potential for the sharpened edges of the standard floor tiles to cause injury.

It is likely that should the deterioration "worsen" the toddler's pool will need to be closed.

Investigations have commenced into a quick temporary fix which may be able to be used under water. Further information will be provided to Council. Council approval to utilise the pool reserve monies, if necessary, will be sought dependent on cost. An absolute majority of Council is required to use those funds.

The concourse continues to settle causing pressure on return lines to the filters and causing ponding of dirty water in close proximity to the pool. Sub soil drainage has failed and requires daily pumping to achieve the current status quo, columns and floor wall junctions of steel structures are rusting.

To facilitate the upgrade of the pool and environs Council will need to budget 1/3<sup>rd</sup> minimum towards a grant application. It is requested that Council budget annually to transfer to Reserves upwards of \$50,000 towards an upgrade of the aquatic facility to permit an application to be considered.

#### **Statutory/Policy Implications**

Upgrade of the pool must comply with the requirements of the Health (Aquatic Facilities) Regulations 2007 and the Code of Practice issued.

#### **Financial Implications**

The current Reserves are \$28,660.

Estimates to repair and modernise the pool vary however a conservative upgrade would be \$1,000,000.

An alternative is to fund the portion of funds within a financial year or upgrade existing with like on a cost minimisation basis.

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

That Council refer an allocation of \$50,000 towards the upgrade of the Merredin District Olympic Swimming Pool to the 2011/2012 Budget considerations.

Cr Young entered the meeting at 2.44pm.

#### **Resolution**

**30503** Moved Cr Morris Seconded Cr Young  
*That Council refer an allocation of \$50,000 towards the upgrade/relocation of the Merredin District Olympic Swimming Pool to the 2011/2012 Budget considerations.*

**CARRIED 5/2**

**REASON:** Council believed that upgrading the pool should not be the only option available.

#### **Resolution**

**30504** Moved Cr Young Seconded Cr Morris  
*That funds be allocated from the Reserve fund for urgent repairs to the Toddlers Pool.*

**CARRIED 7/0**

**11.14 SWIMMING POOL – REQUEST TO RECONSIDER/WAIVE FEES**

<b>Reporting Department:</b>	Development Services
<b>Reporting Officer:</b>	John Mitchell – Executive Manager, Development Services
<b>Legislation:</b>	Local Government Act 1995, Section 6.16
<b>File Reference:</b>	CP/19/2
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	Correspondence

**Background**

A request to waive or reduce the fees at the Olympic Swimming Pool has been received from the Merredin Senior High School. A copy of the email is contained in **Attachment 11.14A**.

**Comment**

Council set the fees at the annual budget meeting. Council anticipates an income of \$34,500. To date the fees for entry have raised \$20,775.75 of which the majority is season passes at \$15,390.30.

A substantial number of children have obtained season passes.

A comparison of the surrounding Council's fee structures is below:

	<b>Merredin</b>	<b>Kellerberrin</b>	<b>Bruce Rock</b>
Adult	\$4.00	\$2.00	\$2.50
Children	\$3.00	\$1.50	\$1.50
Spectator	\$2.00	\$1.00	\$1.50
Pensioners/Student	\$2.00	\$1.50	\$1.50
Season Family	\$225.00	\$150.00	\$220.00
Season Adult	\$120.00	\$80.00	\$122.00
Season Child	\$90.00	\$45.00	\$62.00

Operating losses in excess of \$100,000 for each facility is budgeted. The estimated loss for the Merredin Aquatic Facility is \$129,640.

The correspondence suggests reducing the fees to the old level or potentially the service will be unavailable within the school curriculum for this season.

Reduction of the fees is not supported by the Administration. If the concession is granted incomes from other schools may be the subject of further reports and requests for reductions.



**Statutory/Policy Implications**

It is a decision of Council to waive or reduce the fees set.

The fees were available for viewing from 1 July 2010 onwards. Local information for State Government budgets are set in March to April annually prior to the setting of the local government budgets. An increase in the costs would have been logical to convey to their clients.

**Financial Implications**

The Merredin Senior High School advises the expected income was \$1,740 compared with the new fee for entry of \$3,692.

**Officer's Recommendation / Resolution****30505**

Moved Cr Morris

Seconded Cr Forbes

***That the Merredin Senior High School be advised that a reduction of fees or waiving of the fees will not be considered.***

**CARRIED 7/0**

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**11.15 OFFER TO PURCHASE TWO LOTS – LOTS 360 – 363 TODD STREET, MERREDIN**

<b>Reporting Department:</b>	Development Services
<b>Reporting Officer:</b>	John Mitchell – Executive Manager, Development Services
<b>Legislation:</b>	Local Government Act 1995, Sec 3.58
<b>File Reference:</b>	A1742
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	Letter of Offer and Plan

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**Background**

A request for Council to consider the sale of two of the lots owned by Council on the corner of Allenby and Todd Streets, Merredin (Lots 360 – 363) has been received. A copy of the offer, letter and a sketch plan of operation is contained in **Attachment 11.15A**.

At its October 2010 meeting Council resolved (**CMRef 30448**):

*“That Council supports the proposal and the applicant be advised to submit detailed information on the proposal so that Council can consider the sale of Lots 360-361 Todd Street, Merredin to establish a Motor Vehicle Wash.”*

The applicant has responded and offered \$35,000 for the two lots.

**Comment**

The Shire of Merredin owns freehold Lots 360 – 363 Todd Street, Merredin. This report does not address the matter as a town planning application.

The business is defined as a “Motor Vehicle Wash” or “Car Wash”. It is largely automated allowing 24 hour use. There are no employees proposed. As the development impacts on adjoining residential properties the hours of operation will need to be carefully considered.

In 2009 two lots sold for \$78,000. The sale ultimately failed as another property was provided for the development. The sale of two lots at \$35,000 is not supported by the Administration.

A local real estate agent suggests a value of at least \$30,000 per lot as at December 2010.

**Statutory/Policy Implications**

Lots 360 – 363 are zoned “Tourist” pursuant to Town Planning Scheme No. 1. Lots 360 – 363 will be zoned “Highway Service” pursuant to the Local Planning Scheme No. 6.

A "Motor Vehicle Wash" is a "D" use within the proposed Local Planning Scheme No. 6. A "Car Wash" as defined within the Town Planning Scheme No. 1 is not permissible in the "Tourist" zone.

The sale of land is controlled via Section 3.58 of the Local Government Act 1995.

**Financial Implications**

A local valuation for the sale in 2009 suggested a value of \$35,000 per lot.

**Officer's Recommendation**

That the offer to purchase Lots 362 and 363 Todd Street, Merredin for the purposes of an automatic car wash be declined and the applicant be advised that the sale price of the two lots is \$60,000.

**Resolution**

**30506** Moved Cr Young Seconded Cr Crook  
***That the offer to purchase Lots 362 and 363 Todd Street, Merredin for the purposes of a car wash be declined and the applicant be advised that the sale price of the two lots is \$60,000.***

**CARRIED 7/0**

**REASON:** The proposed car wash is not automatic.

Mr Mitchell, Executive Manager of Development Services, left the meeting at 3.02pm.

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**12.0 ENGINEERING SERVICES**

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**12.1 DRAFT RECREATION GROUND MASTER PLAN**

<b>Reporting Department:</b>	Engineering Services
<b>Reporting Officer:</b>	Jim Garrett – Executive Manager, Engineering Services
<b>Legislation:</b>	Local Government Act 1995
<b>File Reference:</b>	RCS/13/1
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	Correspondence and Plan

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**Background**

At its September 2008 meeting Council endorsed the draft Recreation Ground Master Plan (**CMRef 29695**). Staff had identified that the Plan needed to be updated to include proposed future configurations at the Recreation Ground as a number of projects have been completed from the Plan.

Staff developed a revised draft Plan with the proposed new configurations for Council's consideration at its 21 September 2010 meeting.

Council resolved to endorse the draft Plan as presented and to forward the draft Plan to the Merredin Sports Council (MSC) for comment and input (**CMRef 30421**).

A special meeting of the MSC was held on 7 December 2010 to discuss the draft Plan and to view the proposed long jump pit and shot put areas.

A letter was received from the Secretary of the MSC on 8 December 2010 (**Attachment 12.1A**) with the following motion:

- 1. That the proposed long jump pit, shot put area be situated to the Northern End of the oval. The long jump pit to run east-west.*
- 2. Rubbish bins – to be relocated on the eastern side of the bowling greens*
- 3. Ramp – to be installed on the eastern side on the bowling greens*
- 4. Access to oval:*
- 5. The fire brigade running track to be used as access to the main oval as long as bollards are installed to ensure people don't veer off the track until the end.*
- 6. A double gate needs to be installed on the southern eastern corner of the oval to allow larger machinery through here without waiting for the pile of dirt to be removed.*
- 7. An alternate entry to be arranged at the northern end of the oval, continuing on from the road around the new hockey/tennis surface and golf area.*

8. *Playground: to be situated at the Southern end of the Centre near the outside Courts. However, this area tends to be wet at various times, and this may have to be looked at further.*
9. *We understand that the Master Plan does continually change due to a number of factors and would like to ensure our continued involvement in making these decisions.*

The draft Plan has again been revised to include the position of the jump pit and the shot put area (**Attachment 12.1A**).

#### **Comment**

The works requested in the MCS motion have not been budgeted for in Council's 2010/2011 Budget and will need to be costed and presented to Council for consideration in future budgets.

#### **Statutory/Policy Implications**

Nil.

#### **Financial Implications**

The Plan will assist Council and staff when considering any future budget allocations for the Recreation Ground.

The cost to install the jump pit and shot put area would be approximately \$3,000. The funds for this installation can come from Account E113050 - Merredin Sporting Ground Maintenance in the 2010/2011 Budget.

#### **Officer's Recommendation / Resolution**

**30507**

Moved Cr Carr                      Seconded Cr Forbes

- 1. That Council endorse the revised draft Recreation Ground Master Plan as presented in Attachment 12.1A.**
- 2. That Council recognise the motion passed by the Merredin Sports Council's motion as presented in Attachment 12.1A and instruct staff to carry out costings for Council's consideration in future budgets.**
- 3. That staff install the jump pit and shot put area as presented in Attachment 12.1A with the funds coming from Account E113050 - Merredin Sporting Ground Maintenance in the 2010/2011 Budget.**

**CARRIED 7/0**

Mrs Grayston, Acting Executive Manager of Finance and Administration, entered the meeting at 3.05pm.

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**13.0 FINANCE AND ADMINISTRATION**

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**13.1 MONTHLY FINANCE REPORT**

<b>Reporting Department:</b>	Finance and Administration
<b>Reporting Officer:</b>	Sharon Grayston – Acting Executive Manager, Finance and Administration
<b>Legislation:</b>	Local Government Act 1995
<b>File Reference:</b>	Nil
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	Monthly Finance Report

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**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**

**30508** Moved Cr Morris                      Seconded Cr Carr

***That Council receive the Monthly Finance Report for October 2010.***

**CARRIED 7/0**

**13.2 LIST OF ACCOUNTS PAID**

<b>Reporting Department:</b>	Finance and Administration
<b>Reporting Officer:</b>	Sharon Grayston – Acting Executive Manager, Finance and Administration
<b>Legislation:</b>	Local Government Act 1995 and Financial Management Regulations
<b>File Reference:</b>	Nil
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	List of Accounts Paid

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**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**

**30509** Moved Cr Carr                      Seconded Cr Young

*That Council receive the schedule of accounts as listed, covering cheques as numbered and totalling \$103,699.52 and amounts directly debited from Council's Municipal Fund Bank Account BSB 066-518 Account Number 000-000-10 totalling \$404,931.08 and outstanding creditors totalling \$248,730.61.*

**CARRIED 7/0**

**13.3 REVIEW OF DELEGATIONS REGISTER**

<b>Reporting Department:</b>	Finance and Administration
<b>Reporting Officer:</b>	Sharon Grayston – Acting Executive Manager, Finance and Administration
<b>Legislation:</b>	Local Government Act 1995
<b>File Reference:</b>	Nil
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	Delegations Register

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**Background**

The purpose of the Delegations Register is to delegate some of the functions of Council to the Chief Executive Officer so they can be administered without reference to Council. This enables many routine matters and decisions to be dealt with promptly and efficiently.

At Council's 18 August 2009 meeting (**CMRef 30094**) Council reviewed its Delegations Register with a revised Register being adopted by Council at its 15 December 2009 meeting (**CMRef 30196**). During 2010 a number of policies have been updated which provide delegation to the Chief Executive Officer and are contained within the existing Delegations Register.

**Comment**

There are a number of existing policies listed below which do provide delegated authority to the Chief Executive Officer and are not contained within the Delegations Register however, these policies are due for renewal:

1. Policy 2.6 – Conference, Seminars and Training Courses – General Staff Attendance – adopted 15/01/2008 – **CMRef 29330**;
2. Policy 7.1 – Signs on Road Reserves – adopted 16/09/2008 – **CMRef 29697**;
3. Policy 8.15 – Outdoor Eating Areas – adopted 21/10/2008 – **CMRef 29723**; and
4. Policy 8.19 – Family Care Facilities – adopted 5/09/2000 – **CMRef 27632**.

It is therefore recommended that the current Delegations Register (**Attachment 13.3A**) not be updated at present, although following an update of the policies mentioned above, a further review of the Delegations Register will be necessary.



**Statutory/Policy Implications**

The Local Government Act 1995 Section 5.42 indicates that Council can delegate some of its powers or the discharge of any of its duties to the Chief Executive Officer. A register of Delegations of Authority is required to meet Section 5.46 of the Local Government Act 1995 by being adopted annually.

An absolute majority of Council is required to adopt the Delegations Register.

**Financial Implications**

Nil.

**Officer's Recommendation / Resolution****30510**

Moved Cr Morris

Seconded Cr Crook

***That Council adopt the current Delegations Register as presented in Attachment 13.3A.***

**CARRIED 7/0  
ABSOLUTE MAJORITY**

Mrs Grayston, Acting Executive Manager of Finance and Administration left the meeting at 3.13pm.

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**13.4 PROPOSED CHANGES TO THE OPEN SEASON DECLARATION FOR WESTERN GREY KANGAROOS**

<b>Reporting Department:</b>	Administration
<b>Reporting Officer:</b>	Greg Powell – Chief Executive Officer
<b>Legislation:</b>	Wildlife Conservation Act 1950
<b>File Reference:</b>	EM/01/04
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	Correspondence

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**Background**

Correspondence has been received from the Department of Environment and Conservation (DEC) advising of proposed changes to the Open Season Declaration for Western Grey Kangaroos (**Attachment 13.4A**).

**Comment**

Of particular note is the section concerning the Shire of Merredin on Page 3. The changes proposed are for the current Open Season to be changed to a Close Season. This means that both commercial shooters and property owners must apply to the DEC for the issue of a property-specific damage licence prior to any culling or harvesting of kangaroos taking place.

It is suggested that the proposed change may not be suitable for the Shire and instead that the whole of the Shire be listed as Open Season.

**Statutory/Policy Implications**

Nil.

**Financial Implications**

Nil.

**Officer's Recommendation / Resolution**

- 30511** Moved Cr Young                      Seconded Cr Crook  
***That the Department of Environment and Conservation be advised the Shire of Merredin's preference to be declared a full Open Season area pursuant to Section 14 of the Wildlife Conservation Act 1950.***

**CARRIED 7/0**

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**13.5 POLICY REVIEW – MERREDIN REGIONAL COMMUNITY AND LEISURE CENTRE – DESIGNATED SMOKING AREAS**

<b>Reporting Department:</b>	Administration
<b>Reporting Officer:</b>	Greg Powell – Chief Executive Officer
<b>Legislation:</b>	Tobacco Products Control Regulations 2006; Property Local Law No. 2
<b>File Reference:</b>	Policy Manual
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	Policy; Tobacco Regulations and Local Law

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**Background**

At its November 2010 meeting Council adopted the review of policies for the Merredin Regional Community and Leisure Centre (MRC&LC), excluding the Designated Smoking Areas Policy subject to clarification of the current anti-smoking legislation.

**Comment**

A review of the relevant legislation has revealed that all areas inside and under the main roof of the MRC&LC are required to be smoke-free and Council is also required to take reasonable steps to ensure that smoke from a tobacco product does not enter the building.

The Policy presented to Council at its November 2010 meeting stated that *“the Merredin Regional Community and Leisure Centre, including all fenced off and verandah areas surrounding the complex is a smoke-free environment”*. It is proposed to extend this area to include both bowling greens and their surrounding areas inside the fence line.

Whilst the inside area and the immediate area surrounding the MRC&LC is covered by legislation, adopting the Policy (**Attachment 13.5A**) will provide clear and concise guidelines to staff and, more importantly, patrons on smoking and non-smoking areas around the whole of the Recreation Ground.

The MRC&LC does not currently have “No Smoking” and “Smoking Area” signs and these should be developed and displayed around the MRC&LC to clearly define and inform members of the public where these areas are.

**Statutory/Policy Implications**

Part 3 of the Tobacco Products Control Regulations 2006 are applicable, specifically Clauses 8, 10 and 13 (**Attachment 13.5B**). Additionally, Clause 2.8 of Council’s Property Local Law No. 2 is applicable (**Attachment 13.5B**).

**Financial Implications**

A minor cost will be incurred for the manufacture of the “No Smoking” and “Smoking Area” signs. It is expected that this would be in the vicinity of \$100-200 and could be expended from Account *E114040* – MRC&LC Operating Expenses.

**Officer’s Recommendation / Resolution**

**30512** Moved Cr Carr                      Seconded Cr Crook

***That Council adopt the Designated Smoking Areas of the Merredin Regional Community and Leisure Centre Policy as presented in Attachment 13.5A and that the Administration take steps to ensure staff at the Merredin Regional Community and Leisure Centre are properly inducted in the procedures of the Regulations, Policy and Local Law.***

**CARRIED 6/1**

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**13.6 STATE WELFARE CENTRE – LETTER OF AGREEMENT**

<b>Reporting Department:</b>	Administration
<b>Reporting Officer:</b>	Greg Powell – Chief Executive Officer
<b>Legislation:</b>	Emergency Management Act 2005
<b>File Reference:</b>	ES/13/7
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	Letter of Agreement; Database; ADRA Brochure

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**Background**

The Chief Executive Officer met with Ms Joan Ward, Department of Child Protection (DCP), and Ms Suzanna Cuplovic, Adventist Development and Relief Agency (ADRA) Australia Ltd, on 3 November 2010 to discuss their role, and that of the Shire's, in the event of a large scale emergency or disaster.

In Western Australia, the DCP coordinates services to meet the immediate accommodation, financial, material support and catering needs of people affected by disasters. ADRA is the humanitarian arm of the Seventh-day Adventist Church and, acting under the WA State Welfare Plan, trains coordinators, disaster response team leaders and volunteers throughout WA to assist evacuees with their emergency accommodation needs.

**Comment**

The DCP is seeking the approval of Council for the use of a building/facility which would be used as an evacuation, temporary accommodation and/or disaster relief/recovery centre in the event of an large scale emergency or disaster. A copy of the Agreement and other relevant information is included in **Attachment 13.6A**.

The Shire venue suitable for this purpose is the Merredin Regional Community and Leisure Centre (MRC&LC) as the building includes kitchen, toilet and office facilities as well as large "open" areas suitable for housing a large number of people.

**Statutory/Policy Implications**

Nil.

**Financial Implications**

Any costs incurred for the use of the building, not including incidental damages and wear-and-tear, are covered by the DCP.

**Officer's Recommendation / Resolution****30513**

Moved Cr Forbes

Seconded Cr Morris

***That Council enters into an agreement with the Department of Child Protection for the use of the Merredin Regional Community and Leisure Centre on the terms and conditions outlined in Attachment 13.6A.***

**CARRIED 7/0**

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**13.7 2010 DRY SEASON ASSISTANCE SCHEME FUNDING**

<b>Reporting Department:</b>	Administration
<b>Reporting Officer:</b>	Greg Powell – Chief Executive Officer
<b>Legislation:</b>	Local Government Act 1995
<b>File Reference:</b>	GS/2/33
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	Correspondence

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**Background**

Correspondence has been received from the Minister of Agriculture and Food regarding funding available to local governments under the 2010 Dry Season Assistance Scheme (DSAS) (**Attachment 13.7A**).

Council is eligible to receive \$20,000 which is to be spent on community event(s) of its choice so long as the event(s) are held by 30 November 2011 and foster community spirit and welfare and involve community groups.

The Administration has completed and submitted the necessary forms to obtain this funding.

Council will need to decide how it wishes to allocate the funding.

**Comment**

The correspondence indicates that Council is to work with and encourage community groups and associations such as social support groups, service clubs, grower groups, farm organisations and church groups to join in the organising and conducting of the event(s).

Mr Richard Last, President of the Eastern Districts Football League (EDFL), has approached the Administration with a request for approximately \$5,000 of this funding to be provided to the EDFL to provide buses from surrounding towns into Merredin for the EDFL Mens Health Night to be held on 3 February 2011. Mr Last is hoping to involve players from the West Coast Eagles and Fremantle Dockers in the event which is being organised in conjunction with Country Football.

The Administration has also been approached by Ms Debra Szczecinski, MILAN Therapeutic Services, seeking Council's support of their application for funding under the DSAS. The Administration have provided Ms Szczecinski with a letter of support however Council may wish to provide monetary support for this free counselling service.

Additionally, Cummins Theatre has been approached by Premier Artists advising that Kasey Chambers is touring WA in February 2011 and the date of Friday 18 February 2011 has been offered. The estimated cost of the show, including accommodation, technical crew and production costs, is \$25,000. The Theatre would be responsible for staffing, advertising/promotional and cleaning costs in addition to the aforementioned \$25,000.

Staff have considered other possible uses for the funding such as:

1. an event held in conjunction with Australia Day celebrations;
2. an event held in conjunction with the Merredin Show being held on 16 April 2011;
3. a separate event(s) such as a fun day, seminar or workshop;
4. individual payments made to various community groups and associations to enable them to conduct individual events of their choice; or
5. funding to support the proposed concert in October 2011.

There are pros and cons for each of the options outlined above including timing of the event, ensuring broad participation and supporting events already scheduled as against providing a new opportunity.

As the funding is only available as a "one-off" and is a relatively small amount, for it to be effective it would ideally be allocated to an event or group which would allow a large number of people, from a broad spectrum of the community, to derive a benefit from it.

#### **Statutory/Policy Implications**

Council must adhere to the terms indicated in the application.

#### **Financial Implications**

Nil.

#### **Officer's Recommendation / Resolution**

Moved Cr Carr

Seconded Cr Morris

***That Council allocate the \$20,000 2010 Dry Season Assistance Scheme funding to:***

- 1. a free concert to follow the Merredin Community Show on 16 April 2011 - \$3,000;***
- 2. the Eastern Districts Football League Men's Health Night on 3 February 2011 - \$5,000; and***
- 3. a Shire concert in October 2011 - \$12,000.***

LOST 4/3



**Resolution****30514**

Moved Cr Young

Seconded Cr Crook

***That Council allocate the \$20,000 2010 Dry Season Assistance Scheme funding to:***

- 1. a free concert to follow the Merredin Community Show on 16 April 2011 - \$3,000;***
- 2. the Eastern Districts Football League Men's Health Night on 3 February 2011 - \$5,000; and***
- 3. \$12,000 to an event(s) to be determined pursuant to community consultation.***

**CARRIED 7/0****REASON:**

Council believed the community should have input into the type of event held.

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**13.8 PROPOSED AMENDMENTS TO THE LOCAL GOVERNMENT ACT 1995**

<b>Reporting Department:</b>	Administration
<b>Reporting Officer:</b>	Greg Powell – Chief Executive Officer
<b>Legislation:</b>	Local Government Act 1995
<b>File Reference:</b>	GR/17/11
<b>Disclosure of Interest:</b>	Parts 2 and 7
<b>Attachments:</b>	Nil

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**Background**

The Minister for Local Government has invited Councils to comment on seven (7) proposed amendments to the Local Government Act 1995. The latest amendments to the Act occurred with the introduction of the Local Government (Official Conduct) Amendment Act 2007 and the proclamation of the Local Government Amendment Act 2009.

**Comment**

The Western Australian Local Government Association welcomes this opportunity to provide comment prior to preparation of the drafting instructions and appreciates the influence this consultation process will have in developing amendments to the Local Government Act 1995.

It is therefore of some consequence that this consultation process results in a strong response from the local government sector to ensure comments and feedback are representative of the majority of local governments.

WALGA is requesting that Council gives formal consideration to the following proposals and provides comment by way of Council resolution to WALGA by 7 January 2011.

**1. Reducing Elected Members to between six and nine.****Minister's Proposal**

As part of the reform process, local governments were asked by the Minister for Local Government to consider reducing the number of elected members to between six and nine. The rationale is that a smaller number of elected members will encourage greater competition for positions on Council and contribute to a more strategic decision-making focus by councils. Fifty one local governments have committed to reducing the number to the range requested. Sixty one local governments already have Councillor numbers in this range.

It is proposed that section 2.17 of the Act be amended to reduce the number of elected members to between six and nine. Despite the new permitted range, local governments may continue with existing elected member numbers for up to an eight year period from the October 2011 elections. This will be for two full electoral terms. If they have not made the changes by then, the Local Government Advisory Board would take the action as set out in Schedule 2.1, Clause 6.(3) to implement the necessary change for the 2019 elections.

#### WALGA Comment

The Association has expressed to the Minister on a number of occasions, the continual opposition of this recommendation by the Local Government sector, most recently with the State Council resolving on 12 October 2010:

*“That WALGA;*

*c. Oppose the Local Government Reform Steering Committee Report recommendation 8 concerning prescribing the number of Elected members to between 6 and 9.”*

The reduction in the numbers to this extent would require Elected Members in large metropolitan Councils to become full time Councillors. A significant number of Local Governments have provided the Association with reasoned arguments explaining the detrimental nature of this one size fits all approach.

It has been suggested the Minister engage the Department of Local Government in researching the benefits of this proposal in greater detail, and provide to the sector similarly reasoned arguments in support of this proposal.

#### **Officer’s Comment**

From a “whole of local government” approach, the WALGA position should be supported as other larger Councils have expressed concerns. However, should the Salaries and Allowanced Tribunal set fees for elected members that recognise full time commitment to the position of Councillor, this may influence the sectoral response as it would provide at least some recognition of the commitment.

The proposal to seek additional information from the Department of Local Government (DLG) is supported.

The matter as a whole, is not relevant to the Shire of Merredin as the number of elected members now falls within the proposed limits.

## **2. Salaries and Allowances Tribunal to set the fees for Elected Members.**

### Minister's Proposal

#### Elected Members

At present, the head of power for the setting of elected member fees and allowances is provided under the Act and monetary values are prescribed in Regulations. The Governor approves the setting or amending of these fees and allowances on a recommendation by the Minister for Local Government. Elected member meeting fees have only been amended twice since 1996 and, in both cases, in line with changes to the Consumer Price Index.

It is proposed that the responsibility for the setting of the dollar values for elected member fees and allowances be transferred to the Salaries and Allowances Tribunal, through amendment to the Act and the Salaries and Allowances Tribunal Act 1975. The approach envisaged would be for the Tribunal to provide its advice to the Minister for Local Government, who will then have the final decision about whether the fees and allowances are adopted.

The 2006 Local Government Advisory Board's report into Structural and Electoral Reform, as well as the 2008 WALGA Sustainability Study, both recommended that the Salaries and Allowances Tribunal be responsible for the setting of elected member fees.

Providing for an independent body to set the value of fees and allowances for local government elected members will bring the approach into line with that already in place for State Members of Parliament. In addition, other States have independent tribunals established to set fees and allowances for local government members.

The Minister for Local Government will also retain responsibility for the types of fees, allowances and expenses that elected members can be paid or reimbursed and the circumstances in which they are made.

#### Chief Executive Officers (CEOs)

At present, the Tribunal has a statutory role in making recommendations as to the remuneration to be paid or provided to local government CEOs. These recommendations are to be taken into account by the local government before entering into, or renewing, a contract of employment with a CEO.

It is proposed that the legislation be amended so that local governments are required to ensure the salaries of their CEOs are set within the salary bands recommended by the Tribunal. Similar to that for elected members, the approach envisaged would be for the Tribunal to provide its advice to the Minister for Local Government, who will then have the final decision about whether the salary bands are adopted.

WALGA Comment

Elected Members – It is pleasing to note that the setting of remuneration levels for Elected Members by the Salaries and Allowances Tribunal has not been linked to the State Government’s plan to reduce elected members.

The Association has advocated on this issue since 2004 and reaffirmed this advocacy when State Council considered this matter in light of the 2006 Local Government Advisory Board (LGAB) Report on Structural Reform, subsequently resolving:

*“That recommendation 1.35 of the Local Government Advisory Board report be supported and that the State Government be requested to amend the Local Government Act 1995 accordingly to achieve the following outcome:*

*That the Western Australian Salaries and Allowances Tribunal be given the responsibility for establishing the range of fees and allowances for elected members, with each Local Government having the ability to set a fee within this range. The Tribunal also be required to update the fees and allowances on an annual basis.”*

*(a) That the State Government be requested to amend the Local Government Act accordingly;*

*(b) In the event the Local Government Act 1995 is amended as per the Association’s advocacy:*

- i. that the question of the quantum and extent of Councillor Fees and Allowances be sought from other states with a view of presenting this to the Western Australian Salaries and Allowances Tribunal to support any Association submission on this subject; and*
- ii. that targeted research be undertaken on Councillor responsibilities, level of control and work values, so that these can be extrapolated as industry averages and provided to the Tribunal in further support of any Association submission.”*

Chief Executive Officers (CEOs) – This is a recent addition by the Minister to the Local Government Act amendment proposals and did not feature in the Local Government Reform Steering Committee Report recommendations. WALGA takes a view that Local Governments should retain the general competence power to determine appropriate remuneration levels for their key executive.

**Officer's Comment**

Elected Members – it is apparent that the proposal meets with WALGA's position on remunerating Councillors and provides an independent mechanism for doing so. Council's support for the WALGA (and indeed, the Minister's) position is recommended.

CEOs – A matter open to interpretation is whether the Tribunal would determine salary levels or the value of the salary package. Should it be the latter, then issues of retention, competition and equitability are foreseen.

WALGA's position on each local government retaining competence powers is supported.

**3. New mechanism for the temporary suspension of a Council.**Minister's Proposal

The Department delivers both proactive and reactive assistance and support to Councils to aid them in providing good governance to the people of its district. However, on occasion, division and conflict between Council members, and between Council Members and the administrative officers, arises leading to Councils becoming dysfunctional.

Section 8.19 of the Act provides for the suspension of a Council, however, this only applies where an Inquiry Panel is appointed by the Minister to inquire and report on a local government's operation or affairs within six months of the suspension. The operation of Inquiry Panels has been found to be effective in dealing with serious and systemic governance issues. However, because the Inquiry process can recommend dismissal of a council, it involves a process that is necessarily exhaustive, and correspondingly time consuming and costly. It is estimated that a Panel Inquiry would cost approximately \$1-1.5 million. It is not viewed as being an appropriate mechanism to deal with the type of situations outlined above.

Section 8.15(2) of the Act also provides for a council to be suspended in circumstances where the council has not complied with an order made with respect to the recommendations of an Authorised Inquiry that is conducted pursuant to section 8.3 of the Act. Although less costly and time consuming than a Panel Inquiry, an Authorised Inquiry still typically takes between 6 – 12 months from commencement to completion. As a consequence, an Authorised Inquiry does not provide an immediate response to issues that are detrimentally affecting the operation of the local government.

It is proposed that Part 8 of the Act be amended to provide an alternative mechanism for the Minister to utilise where the Minister becomes aware of significant issues that he or she believes may lead to a breakdown in the effective decision making process of an elected Council. This mechanism will allow for the suspension of a Council and the appointment of a Commissioner to act on behalf of the Council for a maximum period of six months. Prior to the end of this period, the Minister would decide whether to reinstate the Council or to keep it suspended and establish a Panel Inquiry, as required by section 8.19 of the Act.

This new approach is considered to provide a circuit breaker to allow the issues that have arisen to be quickly resolved by the Commissioner and for the Council to be reinstated. The addition of an alternative 'issue resolution' process will enable the Minister to choose the most practical 'suspension' mechanism for each specific circumstance.

Once the Minister becomes aware of a dysfunctional Council, the suspension powers would operate in the following manner. The Minister would request the Department of Local Government to carry out an assessment and provide a report on the issues about a local government that have been brought to his or her attention. Based on this information, the Minister would then decide whether to take any action and, if so, whether the new suspension power would be utilised, or a Panel Inquiry held.

If this new suspension power was used, the Council would be issued a 'notice of intent to suspend' by the Minister and be given a period of 21 days to respond to this notice. If the Minister chose to carry through with the intention to suspend, a Commissioner would be appointed and the elected members of council temporarily suspended for a period of no more than six months. Elected members would continue to receive their meeting allowance.

Prior to the end of the six month suspension, the Minister would either reinstate the Council, or appoint an Inquiry Panel in line with the current section 8.19 of the Act.

In summary, Part 8 would require amendment to incorporate the following steps:

- (a) The Minister issues the Council with a notice of intention to suspend due to issues arising that the Minister believes may lead to a breakdown in the effective decision making process of an elected Council;
- (b) The Council will have a period of 21 days in which to respond to the Minister's notice detailing the Minister's reasons for providing a notice of intention to suspend;

- (c) The Minister would give serious consideration to the reasons provided and determine whether the council should be suspended;
- (d) If the Minister decides to suspend the Council, he or she has the option of suspending and appointing a Commissioner for a maximum period of six months (new power) or if the identified issues are considered so significant that a Commissioner would not be able to resolve them within six months, to immediately appoint an Inquiry Panel (existing power) to investigate the issues; and
- (e) Prior to the end of the six month suspension period, the Minister is to reinstate the Council or appoint a Panel Inquiry.

The Minister is to have the power to require council members to undertake remedial action, such as undergoing training or mediation, during the period of suspension.

#### WALGA Comment

The proposed amendment appears to have its origin in situations the Minister and his Department have encountered, where there was insufficient reason to conduct a Panel Inquiry yet the operations of a Council were affected by internal conflicts that could potentially escalate. From this perspective, WALGA appreciates there may be the need for extraordinary powers to immediately provide to a community, a cost-effective remedy that will lead to the resumption of good governance.

WALGA's policy position on this issue was considered in 2008 where there was support for a mechanism to suspend individual Elected Members rather than an entire Council.

#### **Officer's Comment**

WALGA's comment on the capacity to suspend individual Councillors is supported as an alternative to suspending the entire Council.

The new suspension power would appear to add complexity to already difficult circumstances but would not unjustly penalise a Councillor not directly involved in any matter of concern, and would not be as expensive to administer.

It is suggested that broad support for the proposal be offered with the addition of the power to suspend an individual Councillor.



**4. Require Elected Members to resign when they are elected to State or Commonwealth Parliament.**

Minister's Proposal

The Act provides that if a local government elected member is elected as a Member of Parliament, his or her council position does not become vacant until the next ordinary election day. There is no requirement in the Act, or other legislation, for the local government elected member to resign and, as such, a person can be an elected member of a local government Council and the Western Australian Parliament.

Section 36(1)(b) of the Constitution Acts Amendment Act 1899 requires a member of the WA Parliament to immediately resign when elected to Commonwealth Parliament.

It is proposed to amend the Act to require elected members to immediately resign (or for their position to become automatically vacant) when elected to State or Commonwealth Parliament. This will contribute to appropriate separation of responsibilities and reduce potential conflicts of interest that might arise if representing at a State or Federal and Local level simultaneously.

This will also align with the eligibility requirements for nomination or membership into State and Commonwealth Parliament set by the State Electoral Act 1907 and Constitution Acts Amendment Act 1899.

In 2008, WALGA requested the Minister consider an amendment of this type.

WALGA Comment

The proposal aligns with a State Council resolution of August 2007:

*"That the Minister for Local Government be requested to consider amending the Local Government Act 1995 to require Elected Members to resign from Council immediately upon being declared elected to State or Federal Parliament."*

**Officer's Comment**

This proposal is supported for the reasons stated above.

**5. Restricting the types of local government investments to low risk products such as those with the WA Treasury Corporation, major banks and government bonds.**

Minister's Proposal

The investment options available to local governments were altered in 1997 when the prescribed list of investments in the Trustees Act 1962 was removed and replaced by the 'Prudent Person' rule. This rule is no longer viewed as providing sufficient clarity and guidance in relation to local government investment management policies.

In 2007, it was revealed that eight local governments and two regional local governments had invested in Collateralised Debt Obligations with Lehman Brothers (formerly Grange Securities). This has resulted in multi-million dollar losses by the affected local governments and concerns have been raised in the community about the performance of local governments in this area.

It is proposed to amend the Act to allow for regulations to prescribe the investments that can be made by local government. This will include Government guaranteed and other low risk investments. A requirement for local governments to only invest in these types of products is expected to minimise the investment exposure of local governments and the loss of ratepayer funds.

At this stage, the following forms of investment are being considered to be included in this regulation:

1. a deposit with the Western Australian Treasury Corporation or an investment facility of the Western Australian Treasury Corporation;
2. any public funds or securities issued by, or guaranteed by, the Commonwealth, any State of the Commonwealth or a Territory; and
3. interest bearing deposits with, and/or debentures or bonds issued by, an authorised deposit-taking institution (as defined in the Banking Act 1959 (Cwth)) where the Institution has a Standard & Poor's Rating of A-1+ (short-term) or AA (long term, but excluding subordinated obligations).

Further discussion is proposed to take place between the Department of Local Government, local governments and the WA Treasury Corporation to develop this regulation.

WALGA Comment

There remains subjectivity in the definition of the term 'low risk' in the context of this proposal. The WA Local Government Association supports the sector's right to retain the principle of general competency powers as provided under the Local Government Act 1995, and that Local Governments be allowed to continue to decide for themselves how best to deal with investment opportunities.

**Officer's Comment**

WALGA's position is supported to ensure that the earning potential of invested funds is maximised within certain prudent limits.

**6. Align criminal conviction criteria for Elected Members with that of Western Australian Members of Parliament.**Minister's Proposal

It is proposed to amend the Act to preclude a person who has been convicted of an offence with a statutory penalty of imprisonment for five years or more from standing for election to local government.

This will align the eligibility requirements for local government candidates with those that apply to State Members of Parliament. This requirement will have a positive impact on the calibre of those standing and ultimately representing the community on Council.

These provisions need to be modelled on section 32(1)(b) of the Constitution Acts Amendment Act 1899 whereby a person is disqualified where he or she has been convicted on indictment of an offence for which the indictable penalty was or included:

- (i) imprisonment for life, or
- (ii) imprisonment for more than five years.

Serving elected members with such records will be able to serve out their terms, however, would not be eligible for re-election once the legislation was amended.

WALGA Comment

This proposal is consistent with the Associations policy position.

It is suggested that for true alignment of criteria, the proposal take a holistic approach incorporating all aspects of Candidates/Elected Member qualification and disqualification rather than one aspect of disqualification, namely criminal convictions.

One option would be for this proposal to be broadened to "Align the qualification and disqualification criteria for Local Government election candidates and Elected Members with that of Western Australian Members of State Parliament".

**Officer's Comment**

WALGA's option of aligning all criteria with that of the State is supported.

**7. To limit employee termination payments to one year's salary.**Minister's Proposal

Recent consideration of the current provisions in the Act indicates that it is possible for employees of local governments, including CEOs, to receive up to two years' salary on redundancy. This situation has arisen out of an anomaly in the Act not intended when the Act was developed.

It is proposed that an amendment to regulations to limit payouts to all such employees to a maximum of one year's salary will bring local government provisions into line with Western Australian State and Commonwealth public sector arrangements and would be consistent with organisational practice in other jurisdictions.

This proposal will not effect the two year guarantee of employment as provided for in Clause 11 (4) of Schedule 2.1 of the Act.

WALGA Comment

There is no current Association policy position on this proposal.

**Officer's Comment**

With the prospect of structural reform almost certain across local government, bringing local government provisions in line with other jurisdictions is not seen as relevant as structural reform of the nature and scale that may occur in local government is not often, if ever, seen in other jurisdictions.

There will be wide ranging views across the workforce and depending on both professional and personal circumstances. Similarly, there will be differing views from Councils because of their specific circumstances.

Topics such as this have the potential to destabilise the workforce in the short term, and constrain options in the longer term.

As this appears to be a new initiative and WALGA does not have a policy position it is suggested that a working group comprising WALGA, State Government, professional associations and perhaps the Unions be formed to consider the matter and report back to WALGA within a defined timeframe.

**Statutory/Policy Implications**

The Local Government Act 1995 will be amended should the proposed amendments be endorsed by Parliament.

**Financial Implications**

Nil at this time.

**Officer's Recommendation / Resolution****30515**

Moved Cr Crees

Seconded Cr Carr

***That the Western Australian Local Government Association be advised of Council's response to the proposed amendments to the Local Government Act 1995 using the comments made in the body of this report.***

**CARRIED 7/0**

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**13.9 SHIRE OF MERREDIN ANNUAL REPORT 2009/2010**

<b>Reporting Department:</b>	Administration
<b>Reporting Officer:</b>	Greg Powell – Chief Executive Officer
<b>Legislation:</b>	Local Government Act 1995
<b>File Reference:</b>	Nil
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	Shire of Merredin Annual Report 2009-2010 including Council's Financial Statements to year ended 30 June 2010

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**Background**

Council's Annual Financial statements for the year ended 30 June 2010 have been completed as has the annual audit of the financial statements by Council's auditors, UHY Haines Norton Chartered Accountants.

**Comment**

The Annual Report is included in **Attachment 13.9A**.

Council's Audit Committee will meet with the Auditor to discuss the Annual Financial Statements at 10.00am on Tuesday 21 December 2010. Minutes of the Audit Committee meeting will be tabled at the Council Meeting.

**Statutory/Policy Implications**

The Local Government Act 1995 requires Council to adopt the Annual Report and to set the meeting date for the Annual General Meeting of Electors.

The Chief Executive Officer is required to advertise by local public notice the availability of the Annual Report after it has been adopted by Council (Section 5.55 of the Act). Council is required to give 14 days notice of the Annual Electors Meeting (Section 5.29 of the Act). If the meeting is advertised in the Merredin-Wheatbelt Mercury on 19 January 2011 (being the first edition for the new year), the earliest the meeting could be held would be in the second week of February 2011. This would enable the minutes of the Annual Electors Meeting to be brought to Council's February 2011 meeting for consideration.

The Annual General Meeting of Electors is required to be held not more than 56 days after Council has adopted the Annual Report. If the Annual Report is adopted at this meeting the 56 days would expire on Tuesday 15 February 2011, which is Council's meeting day. In previous years the Annual Electors Meeting has been held on the evening of the Council meeting day.

**Financial Implications**

Nil.

**Officer's Recommendation / Resolution****30516** Moved Cr Young Seconded Cr Crook***That Council:***

- 1. receive the minutes of the Audit Committee Meeting held on Tuesday 21 December 2010;***
- 2. adopt the Shire of Merredin Annual Report for the 2009/2010 financial year and receive the Auditor's Report from UHY Haines Norton Chartered Accountants for the 2009/2010 financial year; and***
- 3. hold its Annual General Meeting of Electors on Tuesday 15 February 2011 commencing at 6.30pm in the Shire Administration Centre.***

**CARRIED 6/1****Resolution****30517** Moved Cr Young Seconded Cr Forbes***That Council adjourn at 3.52pm.*****CARRIED 7/0****Resolution****30518** Moved Cr Crook Seconded Cr Carr***That Council reconvene at 4.20pm.*****CARRIED 6/0**

**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 DECISION****16.1 Merredin Community Resource Centre Lease**

Refer to Page 83 for information on this Agenda Item.

**17.0 MATTERS BEHIND CLOSED DOORS**

- 30519** Moved Cr Morris Seconded Cr Forbes  
***That Council proceed behind closed doors to discuss confidential matters in accordance with Section 5.23(2) of the Local Government Act 1995.***

**CARRIED 6/0**

Council moved behind closed doors at 4.41pm.

Cr Young entered the meeting at 4.41pm.

Cr Carr left the meeting at 5.16pm.

Cr Carr entered the meeting at 5.19pm.

- 30520** Moved Cr Young Seconded Cr Forbes  
***That Council resumes in open session.***

**CARRIED 7/0**

Council moved from behind closed doors at 5.20pm.



17.1 Merredin Medical Practice**Resolution**

30521

Moved Cr Young

Seconded Cr Crook

**1. That the dwelling at 20 Priestly Street, Merredin be made available to the doctor commencing with the Merredin Medical Practice in January 2011 on a rent free basis until conclusion of the Incentive Agreement (9 December 2011) on the condition that:**

- 1. the tenant enters into a tenancy agreement with Council;**
- 2. the tenant is responsible for all utilities and communications charges; and**
- 3. the tenant is to maintain the lawns and gardens.**

**2. That the obligation to provide vehicles to service the needs of the Merredin Medical Practice rests with the Practice and Council denies any obligations in relation to the Toyota Aurion (MD-5950) subsequent to its transfer of ownership.**

**3. That Council will consider extensions to the Merredin Medical Centre and the tenant be requested to provide comment and information on its needs for further consideration by Council.**

**CARRIED 7/0**17.2 Systems Audit**Resolution**

30522

Moved Cr Young

Seconded Cr Morris

**That the information be noted.**

**CARRIED 7/0**17.3 Staff Superannuation**Resolution**

30523

Moved Cr Carr

Seconded Cr Young

**1. That Council reconfirm the 2009 Superannuation Scheme Policy being:**

- 1. that Policy 2.11 be amended to show Council will provide percentage for percentage funding to employees up to a maximum of 3%;**
- 2. a 3% increase in superannuation contributions by Council to all staff that are members of an existing superannuation scheme who have been employed for longer than 12 months effective from the first pay period commencing in July 2009;**

3. *that all staff who become members of a contributory superannuation scheme become entitled to a 3% increase in superannuation contribution by Council once they have completed 12 months service; and*
4. *that all staff members who become members of a contributory superannuation scheme become entitled to a 1% annual increase in superannuation contributions by Council once they have completed 12 months service up to a maximum of 5% to a maximum of 14% including the statutory 9% contribution.*
2. *That Council endorse the additional expenditure of \$10,000 in the 2010/2011 Budget to cover the cost of Council contribution payments.*
3. *That advice be sought, if necessary, on the tax and legal implications.*

CARRIED 7/0

ABSOLUTE MAJORITY – ITEM 2

## **16.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION**

### **16.1 Merredin Community Resource Centre Lease**

#### **Resolution**

**30524**

Moved Cr Young

Seconded Cr Forbes

*That Council agree to the Merredin Community Resource Centre occupying the premises known as the Women's Rest Centre subject to the completion of the formal lease agreement to be ratified at the January 2011 Council meeting.*

CARRIED 7/0

## **18.0 CLOSURE**

There being no further business the Shire President wished everyone a very Merry Christmas and a safe and happy New Year and declared the meeting closed at 5.33pm.