

SHIRE OF MERREDIN



“Heart of the Wheatbelt”

MINUTES OF COUNCIL MEETING

16 JUNE 2009

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MINUTES

Minutes for the Ordinary Meeting of the Shire of Merredin held in the Council Chambers, Corner King and Barrack Streets, Merredin on Tuesday 16 June 2009 commencing at 1.00pm.

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

Messrs FB Ludovico, Chief Executive Officer; J Garrett, Executive Manager of Engineering Services; V Green, Executive Assistant to Chief Executive Officer; E Hooper, Executive Manager of Finance and Administration; J Mitchell, Executive Manager of Development Services and D Morris, Executive Manager of Community Services

Mr Mike Dorizzi, Mrs Jackie Moses

1.0 OFFICIAL OPENING

The Presiding Member declared the meeting open at 1.03pm. Debbie Morris, Executive Manager of Community Services, was in attendance.

2.0 PUBLIC QUESTION TIME

Jackie Moses (Deputy Chairperson of the Merredin Community Resource Centre) addressed Council in relation to Agenda Item 15.1. She indicated she would be happy to answer any questions arising from the discussion.

3.0 APOLOGIES AND LEAVE OF ABSENCE

Cr Simmonds (**CMRef 29789**) and Cr Townrow (**CMRef 29996**) have been granted Leave of Absence for this meeting.

4.0 DISCLOSURE OF INTEREST

Cr Crees declared a Proximity Interest in Agenda Item 11.3 and a Financial Interest in Agenda Item 11.4.

Cr Morris declared an Impartiality Interest in Agenda Item 15.1.

5.0 PETITIONS AND PRESENTATIONS

Merredin Promotional DVD – Refer to Page 10 for information on this Agenda Item.

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

Confirmation of the Minutes of the previous Council Meeting held on 19 May 2009.

30002 Moved Cr Crees Sec Cr Wallace
That the minutes of the meeting of Council held on 19 May 2009 be confirmed as a true and correct record of proceedings.
CARRIED 9/0

15.0 QUESTIONS BY MEMBERS FOR WHICH DUE NOTICE HAS BEEN GIVEN

This Agenda Item 15.1 was brought forward due to the attendance of members of the Public.

15.1 MERREDIN SHIRE COUNCIL AND MERREDIN RESOURCE CENTRE – WORKING ARRANGEMENTS

Reporting Department: Councillors
Reporting Officer: Councillors Stephen Elliott and Maria Young
Legislation: Local Government Act 1995
File Reference: CM/9/1

Background

As Council appointed representatives on the Telecentre committee, we feel obliged to point out some grave concerns we have regarding the current structure of the relationship between the Merredin Shire Council and the Telecentre.

You will recall that we voted against accepting the MOU at the March Council meeting, and at that meeting it was expressed by us that there were areas of the MOU that required attention.

The following information will provide explanation of our concerns and are submitted for your review and appropriate course of action deemed necessary. It is also a concern of ours regarding the working relationship that is "existing" between the Merredin Shire and the Telecentre group, especially relating to;

1. *who does what,*
2. *who is responsible for what,*
3. *the legalities of the relationship and*
4. *the Telecentre management itself.*

Telecentre Constitution

It has been a requirement with any group having a MOU with the Shire of Merredin that the group has a current, approved and authorised constitution under the Associations Act.

Section 17 of the Act states that "*an incorporated association may alter its rules by special resolution but not otherwise*".

Alarmingly, there have been quite a few changes to the Telecentre constitution over the past year relating to adding objectives, changes of name, amending membership categories, etc etc.... and all have been done without a special meeting being called to authorise and approve the proposed changes.

In fact, the latest version of the constitution was submitted in December 2008 after a committee meeting on the 2nd December where a motion was put "*That the constitution titled Merredin Community Telecentre Inc Rules of the Association December 2008 including the new objectives and change of name from Merredin Telecentre Inc to Merredin Community Telecentre Inc be accepted*". This was moved and seconded but no outcome of the vote was recorded.

This was at a normal monthly meeting of the committee, not a meeting called under the requirements of the Act, so therefore the amended constitution is not legal. The constitution was then sent to DOCEP and was received there on 12th January 2009.

We have concerns about this constitution and its implications relating to memberships, as an Incorporated body must have at least 6 financial members to be legitimate (as per the Director of Associations in DOCEP).

When I asked the Telecentre Co-ordinator recently about obtaining a list of the financial members of the Telecentre, she responded with "We don't have one, because all members of the Rec Centre are members of the Telecentre".

This is cause for concern, because the Shire of Merredin receives the monies paid for membership to the Rec Centre, yet the Telecentre seeks to use those members as theirs too. How can a community body claim membership from a Shire run business?

This also seems to be an improper way to circumvent the legal requirement under the Act, and is a questionable practice to maintain membership.

And yet, on the strength of this constitution, a new MOU was agreed to by Council in March.

Telecentre Memorandum of Understanding

Under the heading Terms of the Agreement, there are duties that the Shire undertakes to do which are peculiar to the Telecentre, which are not the same for other incorporated bodies in the Community.

For example;

1. Why does the Shire employ a Telecentre Co-ordinator when that person works full-time for the Telecentre? Why doesn't the Shire contribute only funding towards the Telecentre and let that community group employ its own workforce?
2. Why is the Shire expected to provide relief staff to this group when the Telecentre Co-ordinator is on leave? We don't run this operation so why can't the Telecentre provide their own personnel?
3. Why does the Shire bear the responsibility for the maintenance of all financial transactions and records associated with the Telecentre, including weekly banking, monthly invoices, Profit and Loss statements, BAS and annual auditing? Does it do the same for other community groups? Is it really the Shire's concern to be so much involved in a community group?
4. Why does the Shire have to pay for all internet service provider charges for the Telecentre? Surely that is part of their running costs for which they can source grant funding?
5. Other MOU's with community groups require those groups to have in effect and maintain comprehensive Public Risk insurance policies, yet under this MOU with the Telecentre, the Shire pays for and provides this?
6. Why does the Telecentre have to inform the Shire of its membership base so the Shire can collect the relevant fees?

We note in the Telecentre committee minutes for December 2008 the following: "Both the co-ordinator's Profit and Loss statement (with meeting room hire information)....." What meeting room is hired? The Telecentre have access to their room for free under the MOU. Surely any monies derived for hiring out this room should come back to the Shire?

Working Arrangements

There was a statement made in Council by the Telecentre Chairperson that "the Shire has nothing to do with running the Telecentre". This certainly seems contradictory to the arrangements made with the MOU and the following;

There is a clear indication on the blurred lines of the "arrangement" between the Shire and the Telecentre activities recorded in the minutes of the Telecentre meeting on 18th February where it states; "*Debbie announced that the application for telecentre grant for the Adam Brand concert was successful, however we are advised that these grants are intended for telecentre purposes, not Shire event purposes and future applications will be closely scrutinized*". This was a Shire funded event, arranged through Council..... yet the Telecentre applied for a grant?

MINUTES

Another indication of this is the mention in the same meeting minutes under the heading Structure of Telecentre Management that "*Martin clarified the structure of the telecentre management and that the role of the Telecentre Co-ordinator and the MRCLC Manager is to carry out the decisions of the committee*". The involvement of the MRCLC Manager with the Telecentre activities is surely suspect, as he is appointed by the Shire to run the Rec Centre. His responsibilities are governed by the CEO, not the Telecentre committee.

If it is indeed a community run not-for-profit organisation, why are the fees and charges for services provided to the community by the Telecentre shown in the Shire annual budget? If the Shire does not collect this money for services, why promulgate them?

Merredin on the Move

1. In the minutes of a committee meeting in February 2008, the Telecentre committee agreed "to complete and return documentation required to wind-up Merredin on the Move", even though this is a separate Incorporated body to the Telecentre. I was the mover of this motion, and I since realise this was an inappropriate action for me to participate in. However, the Chair did not advise me of this fact at the time.
2. At the committee meeting on 22nd April 2008, it is recorded that "*The Committee agreed that now that Merredin on the Move is in the final stages of being finalised that the Telecentre Constitution was to be amended and presented to the next Committee meeting for approval*". We ask the question WHY and this is not the correct way to amend a constitution under the Act?
3. At the Telecentre committee meeting on 13th May 2008, it was moved by Debbie Morris to have the old Merredin on the Move accounts audited. This seems to us to be wrong. How can this be arranged at a Telecentre meeting?
4. At a Telecentre committee meeting on 10th June 2008, it was moved by Debbie Morris that the Merredin on the Move accounts be closed off and the balance of money split between three Telecentre accounts (General, Projects and Pet Cemetery). This seems highly questionable, as the Pet Cemetery was something listed as a Merredin on the Move activity, not the Telecentre's. It is also questionable to close down and absorb funds from another Incorporated body without that body (Merredin on the Move) meeting and deciding to wind-up, as well as deciding where any balance of monies are to go to. It was also discussed at this meeting that Merredin on the Move objectives be inserted into the constitution of the Telecentre rules of association.

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5. The minutes of the Telecentre meeting held 2nd September 2008 show that Emma Hooper (Executive Manager Finance of the Merredin Shire) audited the Merredin on the Move accounts from 1/8/07 to 10/6/08 and that she was paid \$100.00 for performing the audit. If the Merredin on the Move accounts were closed on the 10th June 2008, how come the Telecentre is paying the cost of the audit? It is also mentioned that Debbie read out the audit notes and that the report was voted on as accepted. This is not Telecentre business, is it?

Staff Notation

Emma Hooper conducted the Audit in a private capacity and in her own time.

Conclusion

Given all of the above, it seems to us that the Shire of Merredin has two options;

1. Take over the running of the Telecentre entirely and disband the advisory committee, or
2. Back away from all arrangements except to provide \$20,000.00 funding to the Telecentre and let them run their operation according to their rules and the requirements of the Telecentre Supervisory Board. The Telecentre can then lease the room at the Rec Centre.

The current situation is messy, confusing, and concerning. It also appears that the Telecentre is not being managed according to the requirements of the Associations Act of 1987. We need to ask ourselves as Councillors if this is a community group we want to be involved in?

Councillor's Recommendation

That Council

1. *Take over the running of the Telecentre entirely and disband the advisory committee,*
or
2. *Back away from all arrangements except to provide \$20,000.00 funding to the Telecentre and let them run their operation according to their rules and the requirements of the Telecentre Supervisory Board. The Telecentre can then lease the room at the Rec Centre.*

Moved Cr Elliott

Sec Cr Young

That Council back away from all arrangements except to provide \$20,000.00 funding to the Telecentre and let them run their operation according to their rules and the requirements of the Telecentre Supervisory Board. The Telecentre can then lease the room at the Rec Centre.

LOST 2/7

Cr Young left the meeting at 1.35pm.

Cr Young entered the meeting at 1.37pm.

5.0 PETITIONS AND PRESENTATIONS

Debbie Morris played a draft new promotional DVD for Merredin. Feedback would be sought in relation to the content of the DVD prior to the final version being produced.

Frank Ludovico, Chief Executive Officer, left the meeting at 1.40pm.

Frank Ludovico, Chief Executive Officer, entered the meeting at 1.42pm.

Jackie Moses left the meeting at 1.55pm and did not return.

Frank Ludovico, Chief Executive Officer left the meeting at 1.58pm.

Frank Ludovico, Chief Executive Officer, entered the meeting at 1.59pm.

7.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

Nil

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

11.4 Collgar Windfarm – Information Displays

Refer to Page 24 for information on this Agenda Item.

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

9.1 Merredin Recreation Ground Storage Shed Meeting held on 14 May 2009

Attachment 9.1A

9.2 Wheatbelt East Regional Organisation of Councils Executive Meeting held on 20 May 2009

Attachment 9.2A

9.3 Western Australian Local Government Association Great Eastern Country Zone Teleconference Meeting held on 21 May 2009

Attachment 9.3A

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- 9.4 Central Wheatbelt Visitor Centre Working Group Meeting held on 25 May 2009
Attachment 9.4A
- 9.5 Merredin Regional Community and Leisure Centre Advisory Committee Meeting held on 26 May 2009
Attachment 9.5A
- 9.6 Merredin Heritage Management Committee Meeting held on 28 May 2009
Attachment 9.6A
- 9.7 Merredin Business and Community Development Committee Meeting held on 3 June 2009
Attachment 9.7A

30003

Moved Cr Forbes

Sec Cr Wallace

That Council receive the minutes of the Merredin Recreation Ground Storage Shed Meeting held on 14 May 2009, the Wheatbelt East Regional Organisation of Councils Executive Meeting held on 20 May 2009, the Western Australian Local Government Association Great Eastern Country Zone Teleconference Meeting held on 21 May 2009, the Central Wheatbelt Visitor Centre Working Group Meeting held on 25 May 2009, the Merredin Regional Community and Leisure Centre Advisory Committee Meeting held on 26 May 2009, the Merredin Heritage Management Committee Meeting held on 28 May 2009 and the Merredin Business and Community Development Committee Meeting held on 3 June 2009.

CARRIED 9/0

9.1 Recreation Ground Storage Shed

Nil Recommendations to Council

9.2 Wheatbelt East Regional Organisation of Councils

Nil Recommendations to Council

9.3 Western Australian Local Government Association Great Eastern Country Zone

Nil Recommendations to Council

9.4 Central Wheatbelt Visitor Centre Working Group

Nil Recommendations to Council

9.5 Merredin Regional Community and Leisure Centre Advisory Committee

7.1 Old Kiosk Upgrade

Moved Cr W Wallace Sec D Atkins

That the proposed budget 2008/2009 for upgrade of the Old Kiosk be carried forward to the 2009/2010 Budget.

CARRIED 5/0

30004

Moved Cr Young Sec Cr Wallace

That the proposed 2008/2009 Budget for upgrade of the Old Kiosk at the Merredin Recreation Ground be carried forward to the 2009/2010 Budget considerations.

CARRIED 9/0

7.2 Old Tote Bar

Moved Cr W Wallace Sec D Atkins

That the old Tote Bar be demolished.

CARRIED 5/0

30005

Moved Cr Wallace Sec Cr Morris

That the old Tote Bar at the Merredin Recreation Ground be demolished by 30 June 2010.

CARRIED 5/4

7.3 Outdoor Basketball Rings

Moved D Atkins Sec Cr W Wallace

That the 2008/2009 Budget for repairs to the outdoor Basketball rings be carried forward to the 2009/2010 Budget.

CARRIED 5/0

30006

Moved Cr Wallace Sec Cr Hayden

That the 2008/2009 Budget for repairs to the Outdoor Basketball Rings at the Merredin Recreation Ground be carried forward to the 2009/2010 Budget.

CARRIED 9/0

9.1 Nukarni Football Club MoU

Moved D Atkins Sec Cr W Wallace

That the MRC&LC Advisory Committee recommend to Council that the Nukarni Football Club MoU review include under "Special Terms of the Agreement. Subsidise the Nukarni Football Club to cover against a net loss in the 2009 or 2010 season up to the value of \$5000 upon the receipt of a 2009 or 2010 season audited financial statement."

CARRIED 4/1

This Agenda Item 9.5.9.1 was discussed at Agenda Item 11.5. Refer to Page 47 for information on this Agenda Item.

9.2 Sports Council letter re: Cabinets for Memorabilia

Moved D Atkins Sec Cr W Wallace

That the Sports Council be authorised to proceed with the planned Cabinets for Club Memorabilia as described.

CARRIED 5/0

30007

Moved Cr Wallace Sec Cr Morris

That the Merredin Sports Council be authorised to proceed with the planned cabinets for Club Memorabilia at the Merredin Regional Community and Leisure Centre as described.

CARRIED 9/0

9.4 Council Representation on the Sports Council

Moved D Atkins Sec Cr W Wallace

That the Recreation Centre Manager represent the MRC&LC and The Shire of Merredin at Sports Council Meetings.

CARRIED 5/0

30008

Moved Cr A Hooper Sec Cr Wallace

That the Recreation Centre Manager represent the Merredin Regional Community and Leisure Centre and the Shire of Merredin at Merredin Sports Council Meetings.

CARRIED 9/0

9.8 Merredin Community Resource Centre

Moved D Atkins

Sec J Jefferys

Approval is given for the proposed changes (Clarified as temporary) to the Meeting room.

CARRIED 5/0

Note: This involves creating an office for the Regional Resource Coordinator with a counter. It will be funded by Grant Funds.

30009

Moved Cr Crees

Sec Cr Morris

That Council endorse the proposed temporary changes to the Meeting Room at the Merredin Regional Community and Leisure Centre for the Merredin Community Resource Centre.

CARRIED 8/1

9.6 Merredin Heritage Management Committee

8.1 Merredin Military Museum Budget

Moved Rob Endersbee

Sec John Rutherford

That the Merredin Heritage Committee endorse the Budget allocation for the Merredin Military Museum as presented in attachment 8.1a, including items 1, 2, 4 & 5 (\$8000) and make this recommendation to Council for the 2009/2010 budget.

CARRIED 4/0

30010

Moved Cr Morris

Sec Cr Hayden

That Council endorse the budget allocation for the Merredin Military Museum, including items 1, 2, 4 & 5 for \$8,000.00, in the 2009/2010 Budget.

CARRIED 9/0

8.2 Merredin Museum and Historical Society – 2009/2010 Budget

Moved Rob Endersbee

Sec Cr Hayden

That the Merredin Heritage Committee endorse the Budget allocation for the Merredin Railway Museum as presented in attachment 8.2a (\$8000) and make this recommendation to Council for the 2009/2010 budget.

CARRIED 4/0

30011

Moved Cr Morris

Sec Cr Hayden

That Council endorse the budget allocation for the Merredin Railway Museum of \$8,000.00 in the 2009/2010 Budget.

CARRIED 9/0

8.3 Caroline Harben Monthly Report

Moved John Rutherford Sec Cr Hayden

That the Merredin Heritage Committee recommend to Council that \$10,000 be allocated to the Merredin Heritage Committee for implementation of recommendations from the Merredin Heritage Precinct Interpretation Plan.

CARRIED 4/0

Note: The Precinct Interpretation Plan mentioned above is due to be completed in August/September 2009.

30012

Moved Cr Morris Sec Cr A Hooper

That Council allocate \$10,000.00 to the Merredin Heritage Committee for the implementation of the recommendations from the Merredin Heritage Precinct Interpretation Plan.

CARRIED 7/2

9.7 Merredin Business and Community Development Committee

8.1 Wind Farm Promotional Display

Moved Cr Townrow Sec Cr Elliott

That the BCDC recommend to Council that Collgar Windfarm Pty Ltd be advised that the town display shall comprise a covered area with a cross sectional of the turbine blade with a display board either side of the blade, similar in style to the onsite display, with appropriate information relevant to the windfarm operation at a site to be considered by the CBD Planning Committee.

CARRIED 4/0

This Agenda Item 9.7.8.1 was discussed at Agenda Item 11.4. Refer to Page 24 for information on this Agenda Item.

8.3 Community Safety and Crime Prevention Plan - Recreational Activities

Moved Cr Townrow Sec Cr Elliott

That BCDC recommend that staff undertake the following activities - Film Night, Paint Balling and Laser Skirmish to address the problems of youth boredom, criminal activity and antisocial behavior.

CARRIED 4/0**30013**

Moved Cr A Hooper Sec Cr Elliott

That Council staff undertake the following activities - Film Night, Paint Balling and Laser Skirmish - to address the problems of youth boredom, criminal activity and antisocial behavior.

CARRIED 9/0

10.0 COMMUNITY SERVICES

Nil Recommendations to Council

Debbie Morris, Executive Manager of Community Services, left the meeting at 2.35pm.

11.0 DEVELOPMENT SERVICES

11.1 TOWN PLANNING – REQUEST TO PLACE SEATAINER – LOT 48 – 50 HAY STREET, MERREDIN

Reporting Department:	Development Services
Reporting Officer:	John Mitchell – Executive Manager, Development Services
Legislation:	Planning and Development Act 2005, Shire of Merredin Policy 8.22
File Reference:	A2025

Background

An application (**Attachment 11.1A**) has been received from Mr Mike Ivey of 62 Kitchener Road, Merredin to locate a seatainer on Lot 49 Hay Street, Merredin.

Statutory Implications

Lot 49 Hay Street, Merredin is zoned residential pursuant to the Shire of Merredin Town Planning Scheme No. 1.

The Shire of Merredin Policy 8.22 Placement of Seatainers land within the Shire of Merredin is applicable.

Financial Implications

Planning application fees of \$123.00 have not been paid.

Comments

There are three sheds located on the land, which contains an accumulation of military memorabilia located in sheds and on the land. Mr Ivey has stated that a residence will not be constructed on the land whilst he owns it. The use of the land appears to be storage for the Military Museum and Mr Ivey's own large collection.

Existing sheds are not vermin or vector proof and this may lead to damage to the historical clothing.

Mr Ivey advises that the seatainer is vermin proof and water sealed to prevent rot of the clothes. The Executive Manager of Development Services (EMDS) has confirmed with the Military Museum that Mr Ivey is an active member who supplies the memorabilia to the museum for rotation.

Council's Policy prohibits the establishment of the seatainers within residential areas. Part 9 of that Policy permits the Council to consider the application and vary the requirements if it is considered that full compliance with the Policy is impractical or such variation is warranted.

There are three outbuildings located on Lots 48 – 50 Hay Street, Merredin which have an area each of 1012m². In 2004 Council approved (PA14-04) an outbuilding of 3.5m wall height on Lot 49. The volume of outbuildings has not exceeded the maximum allowable limits.

The EMDS would also seek to make comment on the Policy of seatainers and their placement within the townsites. Steel framed and clad outbuildings can be acquired from hardware stores for under \$500.00 for a 12m² building. The standard of construction and materials used is minimal and deterioration of the sheds occurs very quickly. Given time all of the structures deteriorate substantially.

A seatainer is a substantial structure designed to withstand hurricanes and severe storms and at worst look deteriorated over a period of time. With the exception of the name they are compliant with the terms of Council's outbuilding policy, are substantially designed and can be rejuvenated with acrylic paint very quickly. Where the intended use is an outbuilding, as a building surveyor, the EMDS can see no issues with the use of these structures other than the appearance of the structures. The skillion roof can be added to by the insertion of a truss to provide as pitched roof if Council desires the aesthetics to change.

It is suggested that the Placement of Seatainers Policy 8.22 be reviewed in order to clarify this matter.

Officer's Recommendation

- 1. That Mr Mike Ivey be permitted to place and keep military clothing memorabilia in a seatainer, which is to be repainted to a clean, non rusted, light coloured finish, on Lot 49 Hay Street, Merredin.*
- 2. That the seatainer policy be reviewed with the intent of the policy being to require planning consent for the placement within residential zones with conditions of repainting with acrylic paints and the placement of a gabled roof over the structures.*

John Mitchell, Executive Manager of Development Services, entered the meeting at 2.37pm.

30014

Moved Cr Wallace Sec Cr Young

- 1. That Mr Mike Ivey be permitted to place and keep military clothing memorabilia in a seatainer, which is to be repainted to a clean, non rusted, light coloured finish, on Lot 49 Hay Street, Merredin.*
- 2. That the seatainer policy be reviewed with the intent of the policy being to require planning consent for the placement within residential zones with conditions of repainting with acrylic paints and the placement of a gabled roof over the structures.*

CARRIED 9/0

11.2 TOWN PLANNING – SUBDIVISION FARMING LAND – SAND QUARRY EXTRACTIVE INDUSTRY

Reporting Department:	Development Services
Reporting Officer:	John Mitchell – Executive Manager, Development Services
Legislation:	Planning and Development Act 2005, Shire of Merredin Extractive Industry Local Law 2002
File Reference:	A7162

Background

An application (**Attachment 11.2A**) to subdivide the extractive industry – sand quarry from Location 13340 Korbelkulling Road has been received from Mr Paul Kraft, licenced surveyor representing Michael and Tracey Teasdale.

A locality plan is included within the attachment.

Statutory Implications

The Extractive Industries Local Law does not address the potential subdivision of a site, however requires that the site be fenced, photographically defined, temporary bench marked, contoured and rehabilitated.

Western Australian Planning Commission Policy DC2.5 specifically requires that local government protect general farming land. The land is low lying and used as a sand quarry. It is not used nor can it currently be used for general farming purposes.

Comments

The current extractive industries town planning consent expires on 9 December 2010. An inspection of the land shows that the final lower extraction level has not been reached and it is likely that an application to renew/consent to a new extractive industries licence will be received.

The use as an extractive industry is an “AP” use within the Shire of Merredin Town Planning Scheme No. 1 and the proposed use (after 2011) will require advertising prior to a decision being made by Council. Council has already placed substantial conditions on the development of the land.

The site is within a reasonable distance to the local community and is an active source for house pads. Its continued use with environmental restrictions and rehabilitation requirements is currently recommended.

The subdivision will permit the on-sale of the land and represents the owners third subdivision of farming land within the previous two years. The transfer of the extractive industry licence is required to be submitted to the local government for approval.

MINUTES

As the use “extractive industry” is permitted within the scheme zoning table the sub division of the land is also capable of being granted consent.

In consideration of conditions relevant to the application the following is suggested: -

1. Existing planning conditions contained within development approval PA18/05 being endorsed over the use of the land as an Extractive Industry;
2. The land being fenced in accordance with the Shire of Merredin Fencing Local Law 2002;
3. That signage be placed, in accordance with the Shire of Merredin Extractive Industries Local Law 2002 indicating its use and the danger associated with the operation;
4. That the applicant submit a rehabilitation plan for the site and advise of current Above Sea Level (ASL) and that the Relative Level (RL) of 259.0 as per the surveyors plan of drawing 1 December 2005 (Paul Kraft) have not and will not be exceeded.;
5. The Shire of Merredin will not permit the placement of a residence within the development of lot C whilst its use is a quarry.
6. At the completion of the quarry the land is to be rehabilitated to reduce salt intrusion, to reduce the formation of degraded land and to address erosion within the location.

Officer’s Recommendation

That the Western Australian Planning Commission be advised that the Shire of Merredin supports the continued use of the land and subdivision of the land as general farming (lots A & B) and sand extraction (lot C) with the following conditions: -

1. *Existing planning conditions contained within development approval PA18/05 being endorsed over the use of the land as an Extractive Industry;*
2. *The land being fenced in accordance with the Shire of Merredin Fencing Local Law 2002;*
3. *That signage be placed, in accordance with the Shire of Merredin Extractive Industries Local Law 2002 indicating its use and the danger associated with the operation;*
4. *That the applicant submit a rehabilitation plan for the site and advise of current ASL’s and that the RL of 259.0 as per the surveyors plan of drawing 1 December 2005 (Paul Kraft) have not and will not be exceeded.;*
5. *The Shire of Merredin will not permit the placement of a residence within the development of Lot C whilst its use is a quarry;*
6. *At the completion of the quarry the land is to be rehabilitated to reduce salt intrusion, to reduce the formation of degraded land and to address erosion within the location.*

30015

Moved Cr Forbes

Sec Cr Young

That the Western Australian Planning Commission be advised that the Shire of Merredin supports the continued use of the land and subdivision of the land as general farming (lots A & B) and sand extraction (lot C) with the following conditions: -

- 1. Existing planning conditions contained within development approval PA18/05 being endorsed over the use of the land as an Extractive Industry;*
- 2. The land being fenced in accordance with the Shire of Merredin Fencing Local Law 2002;*
- 3. That signage be placed, in accordance with the Shire of Merredin Extractive Industries Local Law 2002, indicating its use and the danger associated with the operation;*
- 4. That the applicant submit a rehabilitation plan for the site and advise of current ASL's and that the RL of 259.0 as per the surveyors plan of drawing 1 December 2005 (Paul Kraft) have not and will not be exceeded.;*
- 5. The Shire of Merredin will not permit the placement of a residence within the development of Lot C whilst its use is a quarry;*
- 6. At the completion of the quarry the land is to be rehabilitated to reduce salt intrusion, to reduce the formation of degraded land and to address erosion within the location.*

CARRIED 9/0

Cr Crees declared a Proximity Interest in this Agenda Item 11.3 and left the meeting at 2.35pm.

11.3 **TOWN PLANNING: HOMESTEAD SUBDIVISION – LOCATION 20763 OGDEN ROAD, BURRACOPPIN; B.J. JOHNSTON**

Reporting Department: Development Services
Reporting Officer: John Mitchell – Executive Manager,
Development Services
Legislation: Planning and Development Act 2005; Shire of
Merredin Town Planning Scheme No.1, DC3.4
WA Planning Commission
File Reference: A8100

Background

An application (**Attachment 11.3A**) to subdivide the homestead from Location 20763 Ogden Road, Burracoppin has been received from Mr Paul Kraft representing the owner – B.J. Johnston. Location 20763 is off Arnold Road, Burracoppin.

Statutory Implications

The provisions of Development Control Policies DC2.5 and DC3.4 apply. Council has a subdivision policy – 8.13 are also applicable.

The application is compliant with the Shire of Merredin Policy 8.13.

Comments

Mr Johnston seeks to create a 3.67Ha Homestead Lot. The Policy as adopted permits the subdivision of the land between 4 and 10 hectares.

The Shire of Merredin supports homestead subdivisions between 4 and 10 hectare but will consider other applications of varying sizes in special circumstances.

Mr Kraft advises that the size has been determined by the location of the dwelling.

The application has not addressed the disposal of household waste issues. A condition of approval is that an appropriate disposal system be approved by the Environmental Health Officer.

Officer's Recommendation

That the Western Australian Planning Commission be advised that the Shire of Merredin supports the size Homestead Lot created and that the following advice should be provided to the applicant: -

1. *The minimum setbacks for the dwelling from the lot boundaries is 20m;*
2. *That the owner of the land must provide a satisfactory suitable off site waste disposal method for domestic waste created at the dwelling. This can be achieved by a trailer with sides and covered and the placement of a 240l mobile refuse bin at the site which is transported to the Shire of Merredin landfill site regularly.*

30016

Moved Cr Forbes

Sec Cr Young

That the Western Australian Planning Commission be advised that the Shire of Merredin supports the size Homestead Lot created and that the following advice should be provided to the applicant: -

1. *The minimum setbacks for the dwelling from the lot boundaries is 20m;*
2. *That the owner of the land must provide a satisfactory suitable off site waste disposal method for domestic waste created at the dwelling. This can be achieved by a trailer with sides and covered and the placement of a 240l mobile refuse bin at the site which is transported to the Shire of Merredin landfill site regularly.*

CARRIED 8/0

MINUTES

Cr Crees declared a Financial Interest in this Agenda Item 11.4 and had previously left the meeting at 2.35pm.

11.4 COLLGAR WINDFARM – INFORMATION DISPLAYS

Reporting Department: Development Services
Reporting Officer: John Mitchell – Executive Manager,
Development Services
Legislation: Local Government Act 1995
File Reference: A8068

Background

At its February 2009 Meeting, Council resolved (**CMRef 29866**): -

1. *That Council formally proceed with accepting Mr George Giraudo's gift of the land comprising approximately 2 hectares within Location 20218 to the Shire of Merredin as Road Reserve for the purposes of a public information and viewing area of the Collgar Windfarm.*
2. *That the viewing area for the Collgar Windfarm be located within Location 20218 Bullshead Norpa Road opposite the Telstra Microwave Tower and comprise a bituminised area for discharging passengers from large vehicle transport, with the remaining land to be graded compacted gravel for an area of parking reducing to road width for access to the site and provided with appropriate signage as determined by the Executive Manager of Engineering Services.*
3. *That Collgar Windfarms prepare a design overlay of the area for approval by the Chief Executive Officer of the Shire of Merredin in keeping with this report.*
4. *That the information display area comprise the design of Emu Downs as shown in Attachment 11.3B with the following displays: -*
 1. *Site location map, Windfarm area and relationship to the town of Merredin;*
 2. *Standard Windfarm information as suggested by Collgar – espousing the benefits of wind generation and general facts;*
 3. *Local tourism display;*
 4. *Native flora and fauna information.*
5. *That the information display area be provided by 30 June 2010 or within six months of the commencement of construction and installation of the wind-towers and turbines, whichever is the sooner.*

And **CMRef 29867**:

That as part of the construction process:

- 1. a Viewing Platform, incorporating a raised boardwalk walkway to the base of the nearest wind-tower be included;*
- 2. Council negotiate with Collgar Windfarms for the public use of the road through a group of wind-towers;*
- 3. Council negotiate with Collgar Windfarms to provide a significant display to be located within the Merredin CBD (e.g. blades, tower or working model) promoting the Windfarm.*

Correspondence was sent to Collgar Windfarm seeking the required information. A response is contained in **Attachment 11.4A**.

Statutory Implications

Common Law principles suggest that access to the sites should be limited. Collgar Windfarm representatives advise that there are substantial public liability and insurance issues relevant to permitting access to the sites.

From a Local Government perspective there are bushfire season restrictions, provision of proper access and maintenance issues.

From a global perspective – terrorism, vandalism and requirement to secure the infrastructure for the future development of the country are also issues relevant to access.

Financial Implications

Collgar Windfarm has agreed to the provision of a viewing platform area in keeping with the design provided for Council consideration at the windfarm location and to the provision of a display within the town site of Merredin.

All life maintenance costs for both viewing areas will be the obligation of the Shire of Merredin.

Comments

Collgar Windfarm (CWF) advises that the windfarms located south of Perth are located on Crown land which negates the issues relevant to private land.

In addition the land is cropped annually. An incident in the late 1990's involved a local government that did not address a fire issue caused by Council operations within the farming area resulting in a \$50 million claim for damages. This is the extent of claim that could be lodged if an incident occurs.

The building surveyor and planner concur with the applicant's view that access to the windfarm site proper is not acceptable for risk management.

The Executive Manager of Development Services has also had meetings with the land owner who has advised that he is totally against access to his land for the viewing platform other than that land allocated for the purpose. Mr Giraudo has verbally advised the viewing platform can be placed elsewhere if the Shire of Merredin chooses to enforce the chosen location with full access.

As the Collgar Windfarm correspondence contains other issues the following is provided for Council advice: -

1. Planning application for the power sub-station has been processed and invoices sent for application fees;
2. The extension of the envelope is being handled as an administration issue and seeking the approval of the land owners to extend the development envelope.

The proposal of Collgar Windfarm Pty Ltd is considered fair and reasonable. Discussions with Ms Lynne Lagan of Investec confirm their commitment to a display as reported at the February 2009 meeting and an additional display for the town of Merredin.

Officer's Recommendation

1. *That part 1 and 2 of CMRef 29867 be rescinded.*
ABSOLUTE MAJORITY REQUIRED
2. *That Collgar Windfarm Pty Ltd be advised that the town display shall comprise a covered area with a cross sectional of the turbine blade with a display board either side of the blade, similar in style to the onsite display, with appropriate information relevant to the windfarm operation.*
3. *That Collgar Windfarm Pty Ltd be advised that the original proposal as submitted (Emu Downs) be the accepted design for the tourist bay and that the infrastructure include a hardstand drop-off area for aged and disabled access.*

30017

Moved Cr Young Sec Cr Elliott
Cr Hayden, Cr Elliott, Cr Young and Cr A Hooper indicated support for the motion.

That Council revoke motion CMRef 29867 part 1 and 2 relating to "That as part of the construction process:

1. *a Viewing Platform, incorporating a raised boardwalk walkway to the base of the nearest wind-tower be included;*
2. *Council negotiate with Collgar Windfarms for the public use of the road through a group of wind-towers; "*

**CARRIED 8/0
ABSOLUTE MAJORITY**

- 30018** Moved Cr Morris Sec Cr Elliott
That Council go behind closed doors to discuss a Commercial in Confidence matter in accordance with Section 5.23(2) of the Local Government Act 1995.

CARRIED 7/1

Council went behind closed doors at 2.44pm.

Mike Dorizzi left the meeting at 2.44pm and did not return.

- 30019** Moved Cr Young Sec Cr Hayden
That Council come out from behind closed doors.

CARRIED 8/0

Council came out from behind closed doors at 3.09pm.

9.7 Merredin Business and Community Development Committee Recommendation (From Page 15)

8.1 Wind Farm Promotional Display

Moved Cr Townrow Sec Cr Elliott
That the BCDC recommend to Council that Collgar Windfarm Pty Ltd be advised that the town display shall comprise a covered area with a cross sectional of the turbine blade with a display board either side of the blade, similar in style to the onsite display, with appropriate information relevant to the windfarm operation at a site to be considered by the CBD Planning Committee.

CARRIED 4/0

- 30020** Moved Cr Young Sec Cr Elliott
- 1. That Collgar Windfarm Pty Ltd be advised that the town display shall comprise a covered area with a cross sectional of the turbine blade, or any other appropriate display/component, with a display board either side of the blade, similar in style to the onsite display, with appropriate information relevant to the windfarm operation.*
 - 2. That Collgar Windfarm Pty Ltd be advised that the original proposal as submitted (Emu Downs) be the accepted design for the tourist bay and that the infrastructure include a hardstand drop-off area for aged and disabled access.*

CARRIED 6/2

- 30021** Moved Cr Morris Sec Cr Wallace
That the site of the Windfarm town display be considered by the CBD Planning Committee.

CARRIED 6/2

30022 Moved Cr Forbes Sec Cr Elliott
That Council adjourn the meeting at 3.15pm.
CARRIED 8/0

30023 Moved Cr Forbes Sec Cr Morris
That Council reconvene the meeting at 3.43pm.
CARRIED 8/0

John Mitchell, Executive Manager of Development Services, and Jim Garrett, Executive Manager of Engineering Services, were in attendance.

30024 Moved Cr Morris Sec Cr Hayden
That Council support the development of legislation in Western Australia to encourage the ongoing financial assistance to local communities from alternative power generation projects (i.e. windfarms).
CARRIED 8/0

Cr Crees entered the meeting at 3.45pm.

11.5 **WASTE MANAGEMENT – DISCUSSION PAPER**

Reporting Department: Development Services
Reporting Officer: John Mitchell – Executive Manager,
Development Services
Legislation: Various
File Number: WM/11/1

Background

Attached is a Discussion Paper relevant to the provision of waste services to the Shire of Merredin (**Attachment 11.5A**). The Paper raise questions and seek basic principles of provision of service.

The Paper has been taken as far as possible by the Executive Manager of Development Services and require general discussion and direction. The Paper is an “in house” document.

Statutory Implications

Local Government Act 1995; Waste Avoidance and Resource Recovery Act 2008.

Financial Implications

Not discussed at this time. In general terms the landfill site extensions and modernisation will cost a minimum of \$250,000.00 - \$350,000.00. These funds are not available at this time.

During the 2009/2010 year it is extremely likely that the land adjacent to the landfill site will be made available to Council. The anticipated cost to Council is \$100,000.00 to purchase the land.

Comments

The Discussion Paper makes several assumptions that require consideration – (basic principles of operation): -

1. That everybody shares the cost of operation of the landfill and waste sites;
2. Everybody shares in post closure, new site development, rehabilitation of gravel sites and the like and the provision of recycling activities;
3. Users of services pay for domestic pick up, commercial pickup, and recycling collection;
4. That producers of waste pay for the disposal of the waste created by their operation.

Is the above correct philosophy?

It also raises questions such as: -

1. Is more waste produced by the town site residents than farmers who use their own facility – though an argument as to legality of farm onsite disposal can be made.
2. Any waste management plan needs to consider the current and future needs of the community in order to identify the costs to enable the charge proposed to be quantified.
3. What should be charged to the different sectors in the community (residential, commercial, industry, agriculture), who is accountable for the costs;
4. Do issues such as extension of service, new facilities, rehabilitation fall under auspices of general rates applied through the Local Government Act 1995 to keep it simple and avoid conflict;
5. Should a waste charge reflect the ongoing collection, operation and maintenance, extensions of infrastructure and rehabilitation costs of the operation of a waste service.
6. Is it time to review fully the 2002/2007 strategy along with the Strategic Waste Plan and set direction, infrastructure requirements, forward budget expenditures and the like

Undoubtedly there are far more questions, issues, costs and the like that require clarification and discussion to achieve a successful outcome.

Council input into the process to date and the anticipated direction is requested to enable the report to be completed and submitted for consideration.

A further issue is the receptacle fee – currently the Shire of Merredin charges \$100.00 per annum and \$135.00 for recycling. For comparison the following is provided: -

Shire	Cost (\$)	Shire	Cost (\$)
Nungarin	135	Tammin	115
Bruce Rock	150	Yilgarn	170 (170 R)
Kellerberrin	106	Westonia	120

MINUTES

As the Discussion Paper advises, the charge does not cover the cost of the service and general rates offset the shortfall.

Another issue is the establishment and operation of the new site – is it to be ad hoc or controlled access to one point with no entry to the majority of the site, concrete cells to dispose or straight to air cells or the like?

Officer's Recommendation

That Council consider the issues raised in the Discussion Paper.

The following issues were raised in discussion:

1. The Waste Management Levy should be retained with a clear definition of its use;
2. Tip passes should be introduced with all ratepayers receiving an entitlement and town site properties are to receive verge collections annually;
3. Illegal dumping concerns and misuse of the transfer stations may lead to severe penalties for dumping misuse issues may result in closure of the transfer stations;
4. Recycling should be contracted at its current location pending Landfill Site extensions, with a gradual shift of all recycling to the Landfill Site;
5. Landfill should be professionally managed to ensure efficient use of space and maximisation of recycling, the management of the site shall include a supervisor with fee collection and enforcement duties, and a salary linked to the income of the landfill site;
6. The Refuse Charge is to remain as an annual charge rather than a rate in the dollar and needs to carry a component for refuse site and transfer station maintenance, land purchase, capital works associated with the disposal of waste and post-closure maintenance of landfill sites;
7. Waste carted by contractors from all properties including local properties for landfill site disposal would be liable for the imposition of charges for disposal;
8. Basic User-pays at the landfill site charges should apply to ensure equity;
9. Any changes to Refuse Management will require a long and extensive public education process prior to implementation;
10. A report on Waste Management would be developed from the Discussion Paper for Council consideration.

John Mitchell, Executive Manager of Development Services, left the meeting at 4.08pm.

John Mitchell, Executive Manager of Development Services, entered the meeting at 4.10pm.

Cr Crees and Vanessa Green, Executive Assistant, left the meeting at 4.33pm.

Vanessa Green, Executive Assistant, entered the meeting at 4.34pm.

Cr Crees entered the meeting at 4.35pm.

John Mitchell, Executive Manager of Development Services, left the meeting at 4.49pm.

MINUTES12.0 ENGINEERING SERVICES12.1 **PLANT PURCHASE – MOTOR GRADER AND BACKHOE LOADER**

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

Background

In the 2008/2009 Budget, an allocation of \$272,000.00 was made for the changeover of one new Grader and \$70,000.00 for the changeover of one new Backhoe from the Plant Replacement Reserve.

Under the Local Government (Functions and General) Regulations, a tender exemption applies to WALGA'S Preferred Supplier Contracts. WALGA has established a preferred supply contract for Heavy Plant, General Plant and Utility Equipment.

A Request for Quote was sent out on 29 April 2009, under the WALGA Preferred Supplier Contract, for the supply of one new Motor Grader and one new Backhoe Loader to the following suppliers:

1. Hitachi Construction Machinery
2. Westrac Pty Ltd
3. CJD Equipment
4. Komatsu Australia

The following quotes (net of trade-in) were received for one new Motor Grader.

	Supplier	PRICE
A	Hitachi Construction Machinery	\$ 308,040 excluding GST
B	Westrac Pty Ltd	\$ 286,842 excluding GST
C	CJD Equipment	\$ 270,969 excluding GST
D	Komatsu Australia	\$ 292,876 excluding GST

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

The quote received from Westrac of \$286,842.00 for a 12M Motor Grader was found to be the best for value. This is \$14,842.00 above the budget for the replacement of the Motor Grader.

The following quotes were received for one new Backhoe Loader.

	Supplier	PRICE
A	Hitachi Construction Machinery	\$ 126,300 excluding GST
B	Westrac Pty Ltd	\$ 126,000 excluding GST
C	CJD Equipment	\$ 125,000 excluding GST
D	Komatsu Australia	\$ 126,043 excluding GST

All quotes received for the Backhoe are between \$55,000.00 and \$56,300.00 above what has been budgeted for in the 2008/2009 financial year.

Staff believe that as the Backhoe has done 5036 machine hours, averages about 850 hours per year and is in a good mechanical condition, its replacement could be deferred until the 2010/2011 financial year.

Financial Implications

If Council were to purchase the 12M Motor Grader from Westrac and defer the changeover of the Backhoe till the 2010/2011, this would leave \$55,158.00 of unspent funds budgeted for in the 2008/2009 financial year in the Plant Replacement Reserve.

Comment

The 12H Caterpillar Grader that is to be traded is 13 years old and has done 11,500 machine hours.

Officer's Recommendation

1. *That Council allocate \$286,842.00 from the Plant Replacement Reserve for the purchase of a 12M Grader from Westrac Pty Ltd.*
2. *That Council defer the replacement of the Shire's Backhoe until the 2010/2011 financial year.*

ABSOLUTE MAJORITY REQUIRED

30025

Moved Cr Elliott

Sec Cr Crees

That Council allocate \$286,842.00 from the Plant Replacement Reserve for the purchase of a 12M Grader from Westrac Pty Ltd.

CARRIED 9/0

ABSOLUTE MAJORITY

30026

Moved Cr Morris

Sec Cr Young

That Council defer the replacement of the Shire's Backhoe until the 2010/2011 financial year.

CARRIED 7/2

ABSOLUTE MAJORITY

12.2 MAIN ROADS WA LAND ACQUISITION – GOOMALLING-MERREDIN ROAD

Reporting Department:	Engineering Services
Reporting Officer:	Jim Garrett – Executive Manager, Engineering Services
Legislation:	Local Government Act 1995, Land Administration Act 1997
File Reference:	R0704

Background

At its April 2008 Meeting, Council concurred with the land acquisition of Mr Warren Crook's property on the Goomalling –Merredin Road (**CMRef 29457**) to its dedication as Road Reserve.

A letter was received from Main Roads WA informing us that Drawing 200410-231 (**Attachment 12.2A**) was not included in the concurrence.

Main Roads WA have requested that Council concur with the acquisition of land as shown on Drawing 200410-231 to its dedication as Road under Section 56 of the Land Administration Act 1997.

Comment

Main Roads WA have completed works to erect a new fence for Mr Crooks on its new alignment.

Officer's Recommendation

That Council concurs with the proposed land excision as shown on Drawing 200410-231 (Attachment 12.2A) for the dedication as Road Reserve under Section 56 of the Land Administration Act 1997.

30027

Moved Cr Morris

Sec Cr Forbes

That Council concurs with the proposed land excision as shown on Drawing 200410-231 (Attachment 12.2A) for the dedication as Road Reserve under Section 56 of the Land Administration Act 1997.

CARRIED 9/0

12.3 MAIN ROADS WA LAND ACQUISITION ALONG GREAT EASTERN HIGHWAY FROM ROBERTSON ROAD TO CROOKS ROAD

Reporting Department:	Engineering Services
Reporting Officer:	Jim Garrett – Executive Manager, Engineering Services
Legislation:	Local Government Act 1995, Land Administration Act 1997
File Reference:	R0702

Background

As part of the Great Eastern Highway upgrade from Hines Hill to Walgoolan some realignment of the Great Eastern Highway from Robertson Road to Crooks Road was needed which required land acquisition for Road Reserve.

A letter has been received from Main Roads W.A. (**Attachment 12.3A**) asking if Council would concur with the taking of the land and to its dedication as Road Reserve under Section 56 of the Land Administration Act 1997.

Comments

Construction of the Great Eastern Highway has been completed and Main Roads W.A. needs to have the realigned sections of Highway dedicated as Road Reserve.

Officer's Recommendation

That Council write to Main Roads W.A. advising they concur with the acquisition of land between Robertson Road and Crooks Road subject to Main Roads WA Drawing 200510-352-2 as shown in Attachment 12.3A.

30028

Moved Cr Morris

Sec Cr Young

That Council write to Main Roads W.A. advising they concur with the acquisition of land between Robertson Road and Crooks Road subject to Main Roads WA Drawing 200510-352-2 as shown in Attachment 12.3A.

CARRIED 9/0

12.4 MAIN ROADS WA LAND ACQUISITION ALONG GREAT EASTERN HIGHWAY FROM SLK 198.4 TO SLK 291.3

Reporting Department: Engineering Services
Reporting Officer: Jim Garrett – Executive Manager, Engineering Services
Legislation: Local Government Act 1995, Land Administration Act 1997

Background

As part of the Great Eastern Highway upgrade from Hines Hill to Walgoolan some realignment of the Great Eastern Highway from Booran to Burracoppin was needed which required land to be dedicated as Road Reserve under section 56 of the Land Administration Act 1997.

A letter has been received from Main Roads W.A. on 18 February 2009 (**Attachment 12.4A**) asking if Council would concur with the taking of the land and that it be dedicated as Road Reserve.

Comments

Construction of the Great Eastern Highway has been completed and Main Roads W.A. needs to have the realigned sections of Highway dedicated as Road Reserve.

Officer's Recommendation

That Council write to Main Roads W.A. advising they concur with the dedication of land, the subject of Deposited Plans Numbered 61188 and 61248, as Road Reserve under Section 56 of the Land Administration Act 1997 as shown on Attachment 12.4A.

30029

Moved Cr Morris

Sec Cr Young

That Council write to Main Roads W.A. advising they concur with the dedication of land, the subject of Deposited Plans Numbered 61188 and 61248, as Road Reserve under Section 56 of the Land Administration Act 1997 as shown on Attachment 12.4A.

CARRIED 9/0

12.5 **LAND ADMINISTRATION ACT 1997, LOCAL GOVERNMENT ACT 1995 – STREET NAMING – LANEWAY BETWEEN ALBUERY STREET AND PEREIRA DRIVE, MERREDIN**

Reporting Department: Engineering Services
Reporting Officer: Jim Garrett – Executive Manager, Engineering Services
Legislation: Local Government Act 1995
File Reference: R13267; R/12/2

Background

At its April 2009 Meeting, Council resolved that the new laneway between Allbuery Street and Pereira Drive created to service the lots created be named Evans Lane (**CMRef 29939**).

An email has been received from the Geographic Names Committee (**Attachment 12.5A**) rejecting Evans Lane as the name for the new laneway as there is a Evans Road in the Nungarin Shire and under the Road Naming Guidelines, to avoid name duplication within local governments or adjoining local governments, a distance of 50km should apply between roads of similar sounding or written names.

The other name suggested for the new laneway at Councils April 2009 Meeting was Byrne Lane as can be seen on **Attachment 12.5B**.

Statutory Implications

A person cannot assign a name to a road unless the name is first approved by Council and then by the Minister for Land Information (penalty \$1,000.00 and a daily penalty of \$100.00)

Comment

Investigations of surrounding Shires have shown that there are no roads or streets with the name Byrne in them.

There is not a list of names available to Council to consider for road naming purposes.

Officer's Recommendation

That the new Laneway be named _____ by Council and be submitted to the Minister for Land Information for approval.

30030

Moved Cr Elliott

Sec Cr Young

That the new Laneway be named Byrne Lane by Council and be submitted to the Minister for Land Information for approval.

CARRIED 6/3

12.6 LAND RESUMPTION ADAMSON ROAD

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

Background

Adamson Road was constructed to access the Merredin Rifle Range and Pistol Club from East Barrack Street as can be seen on the attached map (**Attachment 12.6A**).

Mr Adamson agreed to the resumption of a twenty metre strip of land from the southern boundary of Avon Location 24301 for the purpose of a Road Reserve to allow for access to the Merredin Rifle Range and Pistol Club in April 2008. Mr Adamson was compensated for the land resumed in May 2008 and a letter was sent to State Land and Services requesting that the land be dedicated as Road Reserve.

Correspondence was received from the State Land Services (**Attachment 12.6B**) informing us that Council is required to pass a formal resolution to exclude Lot 1462 on DP 2190987 from Lot 24301 (**Attachment 12.6C**) for the purpose of road dedication to enable road access to the Merredin Rifle Range and Pistol Club.

Comment

Adamson Road was constructed approximately 13 years ago and the dedication of the land as a Road Reserve had been overlooked, until a request was received from Mr Adamson in March 2008 to resolve the matter.

Officer's Recommendation

That Council resolve to exclude Lot 1462 on DP 219087 from Lot 234301 as can be seen on Attachment 12.6C for the purposes of road dedication to enable road access to the Merredin Rifle Range and Pistol Club.

30031

Moved Cr Crees

Sec Cr Young

That Council resolve to exclude Lot 1462 on DP 219087 from Lot 234301 as can be seen on Attachment 12.6C for the purposes of road dedication to enable road access to the Merredin Rifle Range and Pistol Club.

CARRIED 9/0

Jim Garrett, Executive Manager of Engineering Services, left the meeting at 5.04pm.

13.0 FINANCE AND ADMINISTRATION

13.1 MONTHLY FINANCE REPORT – MAY 2009**Reporting Department:** Finance and Administration**Reporting Officer:** Emma Hooper – Executive Manager, Finance and Administration**Legislation:** Local Government Act 1995

Comment

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

Officer's Recommendation

That Council receive the Monthly Finance Report for May 2009.

Emma Hooper, Executive Manager of Finance and Administration, entered the meeting at 5.05pm.

30032

Moved Cr Morris

Sec Cr Young

That Council receive the Monthly Finance Report for May 2009.

CARRIED 8/0

Cr Young left the meeting at 5.04pm.

Cr Young entered the meeting at 5.09pm.

13.2 LIST OF ACCOUNTS PAID

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

Background

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

Statutory Implications

Local Government Act 1995 and Financial Management Regulations.

Financial Implications

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

Officer's Recommendation

That Council receive the schedule of accounts as listed, covering cheques as numbered and totalling \$104,967.03 and amounts directly debited from Council's Municipal Fund Bank Account BSB 066-518 Account Number 000-000-10 totalling \$209,493.18 and outstanding creditors totalling \$187,177.56.

30033

Moved Cr Crees Sec Cr A Hooper

That Council receive the schedule of accounts as listed, covering cheques as numbered and totalling \$104,967.03 and amounts directly debited from Council's Municipal Fund Bank Account BSB 066-518 Account Number 000-000-10 totalling \$209,493.18 and outstanding creditors totalling \$187,177.56.

CARRIED 9/0

MINUTES

13.3 LAND UNDER ROADS – AASB 1051 – POLICY ADOPTION

Reporting Department:	Finance and Administration
Reporting Officer:	Emma Hooper – Executive Manager, Finance and Administration
Legislation:	Local Government (Financial Management) Regulations

Background

This report provides information and guidance to Council regarding the issue of recognition of land under roads which has arisen due to the implementation of the new Australian Accounting Standard AASB 1051 'Land Under Roads'. It is recommended that Council resolve to make a decision under AASB 1051 Paragraph 8 to continue not to recognise the value of Land Under Roads acquired on or before 30 June 2008.

The Australian Accounting Standards Board (AASB) met in November 2007, and agreed to ratify a proposal contained in Exposure Draft (ED) 156. The Board issued ED156 with the intent of dissecting AAS 27 and absorbing its content into the remaining Accounting Standards. It has decided to remove industry specific standards, such as AAS 27, which relates to Financial Reporting by Local Governments. It also took the opportunity to reflect the current International Financial Reporting Standards. The review has resulted in the creation of new Standards with the most applicable being AASB 1051 – Land Under Roads. This standard was created to make clear the treatment of Land Under Roads when AAS 27 is replaced.

Australian Accounting Standard AASB 1051 – Land Under Roads requires Local Governments to disclose in its accounting policy whether it elects to recognise or not, land under roads acquired on or before 30 June 2008 as an asset. Land acquired after 30 June 2008 is to be treated as an asset of the Local Government in accordance with the AASB 116- Property Plant & Equipment. Land under roads is defined as land under roadways, road reserves, footpaths, nature strips and median strips.

Recent changes to the Financial Management Regulations did not amend Regulation 16, which specifically requires Local Governments not to recognise vested Crown land under roads as an asset. In circumstances where there is conflict between the Standards and the Regulations, in accordance with Regulation 4 (2), the Regulations prevail to the extent of any inconsistency.

This inconsistency has potential to cause issues for local government Auditors as they are obliged, by professional standards, to qualify general purpose financial reports where there is a material non-compliance with the Accounting Standards. Such a conflict and potential qualification could be an issue for financial reports ending 30 June 2009.

Electing not to recognise land acquired before 1 July 2008 will greatly reduce the level of conflict between the Standards and the Regulations. The continuation of the protection offered by the Regulations does not override the importance of making this election and its contribution to reducing the potential for a qualified Audit Report in the future.

In order to ensure compliance with the Australian Accounting Standards, due to the lapse in the transitional provisions and the new requirement to comply with AASB 116 and to make an election under AAS B1051, the Department suggests that there is full and proper disclosure in accordance with the Australian Accounting Standards and the regulations in the annual financial statements on the treatment of land under roads.

The Shire of Merredin Auditors, UHY Haines Norton concur with the proposed treatment as per the Department of Local Government and Regional Development's Circular No 05- 2009 dated 9 March 2009 to elect under AASB 1051 not to recognise the value of land under roads acquired prior to 1 July 2008. Such an election would be a resolution of the Council of the Shire of Merredin prior to 30 June 2009.

Statutory Implications

In accordance with Local Government (Financial Management) Regulations (16), Local Governments are specifically required not to recognise Land Under Roads and Financial Management Regulation (4) requires the Financial Management Regulation to prevail.

Land acquired after 30 June 2008 is to be treated as an asset of the Local government in accordance with the AASB 116 - Property Plant, Plant and Equipment.

As per the Australian Accounting Standards Board (AASB) 1051 – Land Under Roads standard requires for an entity to disclose in its accounting policy whether it elects to recognise or not to recognise, as an asset, land under roads acquired on or before 30 June 2008.

Financial Implications

The Standards allow a Local Government to elect to recognise, or not, land under roads acquired before 1 July 2008. This option acknowledges the potentially onerous demands of retrospectively identifying, assessing and measuring land under roads in previous reporting periods. This could have enormous financial implications to the balance sheet and the way the assets are valued.

There is no depreciation on land under roads therefore there will be no impact on the operating statement, however an election not to recognise land under roads will have an impact on Infrastructure Assets. Any election to not recognise the land will appear as a note on the annual financial statements, therefore readers of the statements will be aware of the direction an entity has chosen.

Officer's Recommendation

That Council resolve to:

1. *Not recognise the value of land under roads acquired before 1 July 2008 in accordance with AASB 1051.*
2. *Not recognise a value for land under roads as required by Regulation 16 of the Local Government (Financial Management) Regulations 1996.*
3. *Note that Regulation 4 of the Local Government (Financial Management) Regulations 1996 states that where the Accounting Standard is inconsistent with the provisions of the regulations, the provisions of the regulations prevail to the extent of that inconsistency.*

30034

Moved Cr Elliott

Sec Cr Forbes

That Council resolve to:

1. *Not recognise the value of land under roads acquired before 1 July 2008 in accordance with AASB 1051.*
2. *Not recognise a value for land under roads as required by Regulation 16 of the Local Government (Financial Management) Regulations 1996.*
3. *Note that Regulation 4 of the Local Government (Financial Management) Regulations 1996 states that where the Accounting Standard is inconsistent with the provisions of the regulations, the provisions of the regulations prevail to the extent of that inconsistency.*

CARRIED 9/0

MINUTES

This Agenda Item 16.2 was brought forward due to the attendance of Emma Hooper, Executive Manager of Finance and Administration.

16.2 DEBT WRITE OFF'S

Reporting Department:	Finance and Administration
Reporting Officer:	Emma Hooper – Executive Manager of Finance & Administration
Legislation:	Local Government Act 1995 & Financial Management Regulations

Background

The debts listed below have been through our normal debt recovery process with no resulting payment.

Statutory Implications

Section 6.12 (1) (c) of Local Government Act 1995 'Power to defer, grant discounts, waive or write off debts'. Absolute Majority Required.

Financial Implications

The net effect of the debt write-off is explained in the body of the report. Provision for Doubtful Debts (Debtors) of \$30,000.00 has been made for 2008/2009 with \$323.00 of write offs to date.

Comment**Dr Rayo Adebayo - \$961.64 and Dr Remi Adebayo - \$14,380.41**

This issue relates to the Adebayo's failure to maintain their Medicare numbers. The Shire of Merredin claim it was the Doctors obligation and the Doctors claim it was our obligation. This matter was sent to Austral Mercantile where it progressed through the normal stages of debt recovery before being referred to Valenti Lawyers as the Adebayo's were disputing the amount. After a telephone conversation with Granich Partners (Adebayo's lawyers) and Valenti Lawyers (Shire of Merredin lawyers) no resolution was reached. Valenti Lawyers and Austral Mercantile advised that their opinion regarding this case was that it wasn't going to be cost effective as the Adebayo's were making a counterclaim, and the Shire of Merredin would have to prove this was incorrect to proceed.

Officer's Recommendation

That Council write off the debts as listed above and totalling \$15,342.05.

ABSOLUTE MAJORITY REQUIRED

30035

Moved Cr Elliott

Sec Cr Young

That Council write off the debts as listed above and totalling \$15,342.05.

**CARRIED 9/0
ABSOLUTE MAJORITY**

Emma Hooper, Executive Manager of Finance and Administration, left the meeting at 5.18pm.

13.4 REVIEW OF MEMORANDUM OF UNDERSTANDING - MERREDIN BASKETBALL ASSOCIATION

Reporting Department:	Recreation Services
Reporting Officer:	Peter McDonald – Recreation Centre Manager
Legislation :	Local Government Act 1995
File Reference:	CM/9/1

Background

On completion of the Merredin Regional Community and Leisure Centre (MRC&LC) collocating clubs and organisations entered into Memorandums of Understanding (MoU's) with the Shire of Merredin with Council endorsing these MoU's. The MoU's outlined the responsibilities of both parties in the MRC&LC's use.

Part of the agreement between the two parties is that the MoU's be reviewed on an annual basis.

Comment

The MoU is a standard agreement between the Shire of Merredin and the Sporting or Community Organisation. It varies only in the area of Special Terms of the Agreement.

The changes in relation to the standard part of the agreement are listed below and are reflected in the new MoU document between the Shire of Merredin and the Merredin Basketball Association and form the review undertaken by the Recreation Centre Manager, the MRC&LC Advisory Committee and the Merredin Basketball Association

Review and Evaluation

The parties agreed to review this MoU every two years on 31 March of that year to determine whether the objectives of efficient Centre management, fair and equitable access to the Centre and clear understanding of the responsibilities of the parties were achieved.

Terms of the Agreement

The following undertakings are agreed upon as respective responsibilities of the parties:

The Merredin Basketball Association shall:

9. Undertake full responsibility for all assigned facility access keys in accordance with the key registration application.

In the area of Special Terms of the Agreement the following are changes for the Merredin Basketball Association MoU:

The MRC&LC Advisory Committee recommended at their Meeting held on 28 April 2009:

2. Basketball MoU review. Discussion regarding the need to reschedule matches when washed out. MoU should be adopted with Special Agreement: *Allow the Merredin Basketball Association to negotiate with the Recreation Centre Manager to re-schedule their matches to another night if and when required.*

Special Terms of the Agreement

The following are negotiated undertakings specific to the Shire and Merredin Basketball Association under this MoU:

The Shire Shall -

3. Allow the Merredin Basketball Association to negotiate with the Recreation Centre Manager to re-schedule their matches to another night if and when required.

Officers Recommendation

That Council endorse the reviewed Memorandum of Understanding between the Shire of Merredin and the Merredin Basketball Association.

30036

Moved Cr A Hooper

Sec Cr Wallace

That Council endorse the reviewed Memorandum of Understanding between the Shire of Merredin and the Merredin Basketball Association.

CARRIED 9/0

MINUTES

13.5 REVIEW OF MEMORANDUM OF UNDERSTANDING – NUKARNI FOOTBALL CLUB

Reporting Department:	Recreation Services
Reporting Officer:	Peter McDonald – Recreation Centre Manager
Legislation :	Local Government Act 1995
File Reference:	CM/9/1

Background

On completion of the Merredin Regional Community and Leisure Centre (MRC&LC) collocating clubs and organisations entered into Memorandums of Understanding (MoU's) with the Shire of Merredin with Council endorsing these MoU's. The MoU's outlined the responsibilities of both parties in the Centres use.

Part of the agreement between the two parties is that the Memorandum of Understanding be reviewed on an annual basis.

Comment

The MoU is a standard agreement between the Shire of Merredin and the Sporting or Community Organisation. It varies only in the area of Special Terms of the Agreement.

The changes in relation to the standard part of the agreement are listed below and are reflected in the new MoU document between the Shire of Merredin and the Nukarni Football Club and form the review undertaken by the Recreation Centre Manager, the MRC&LC Advisory Committee and the Nukarni Football Club.

Review and Evaluation

The parties agreed to review this MoU every two years on 31 March of that year to determine whether the objectives of efficient Centre management, fair and equitable access to the Centre and clear understanding of the responsibilities of the parties were achieved.

Terms of the Agreement

The following undertakings are agreed upon as respective responsibilities of the parties:

The Sporting Club shall:

9. Undertake full responsibility for all assigned facility access keys in accordance with the key registration application.

In the area of Special Terms of the Agreement the following are changes for the Nukarni Football Club MoU:

MINUTES

The MRC&LC Advisory Committee decided at its 25 May 2009 meeting *“That the MRC&LC Advisory Committee recommend to Council that the Nukarni Football Club MoU review include under “Special Terms of the Agreement. Subsidise the Nukarni Football Club to cover against a net loss in the 2009 or 2010 season up to the value of \$5,000.00 upon the receipt of a 2009 or 2010 season audited financial statement.”*

Special Terms of the Agreement

The following terms are suggested for deletion as they have been superseded:

1. Assist the Nukarni Football Club, in channelling vehicles that are entering for the purpose of spectating or playing football, past a payment point.
 1. Consult the Nukarni Football Club regarding the construction of the temporary ticket box and the most appropriate location where the ticket box structure can be placed as a collection point on fixtured game days.
 2. Endeavour to complete construction on both the ticket box and erection of ground gates prior to the commencement of the 2008 season.
 3. By erecting temporary closures at the gates if permanent gates are not erected, at the former main entrance to the Recreation Ground, by the first fixtured home game (27 April 2008).
9. Subsidise the Nukarni Football Club to cover against a net loss up to the value of \$5,000.00 upon the receipt of a 2008 season audited financial statement.

The Nukarni Football Club Shall -

2. Undertake full responsibility for all assigned facility access keys in accordance with the key registration application.

The following term is suggested to honour the ongoing nature of this commitment:

9. Subsidise the Nukarni Football Club to cover against a net loss in the 2009 or 2010 season up to the value of \$5,000.00 upon the receipt of a 2009 or 2010 season audited financial statement.”

MINUTES

9.5 Merredin Regional Community and Leisure Centre Advisory Committee Recommendation (From Page 12)**9.1 Nukarni Football Club MoU**

Moved D Atkins Sec Cr W Wallace

That the MRC&LC Advisory Committee recommend to Council that the Nukarni Football Club MoU review include under “Special Terms of the Agreement. Subsidise the Nukarni Football Club to cover against a net loss in the 2009 or 2010 season up to the value of \$5000 upon the receipt of a 2009 or 2010 season audited financial statement.”

CARRIED 4/1

Officers Recommendation

That Council endorse the reviewed Memorandum of Understanding between the Shire of Merredin and the Nukarni Football Club.

30037

Moved Cr Elliott Sec Cr Young

That Council endorse the reviewed Memorandum of Understanding, including under “Special Terms of the Agreement” “Subsidise the Nukarni Football Club to cover against a net loss in the 2009 or 2010 season up to the value of \$5,000.00 upon the receipt of a 2009 or 2010 season audited financial statement.”, between the Shire of Merredin and the Nukarni Football Club.

CARRIED 8/1

13.6 LOCAL GOVERNMENT GRAIN INFRASTRUCTURE WORKING PARTY**Reporting Department:** Administration**Reporting Officer:** Frank Ludovico – Chief Executive Officer

Background

In 2007 The Local Government Grain Infrastructure Working Party was established to investigate the investment required on roads to handle the Grain Freight Task.

The Great Eastern Country Zone (GECZ) of the Western Australian Local Government Association (WALGA) nominated Cr Stan McDonnell (Shire of Kellerberrin Shire President) and Cr Steve Padfield (Shire of Narembeen Shire President) as delegates from this region on that Working Party.

Cr Stephen Padfield has resigned from the membership and the GECZ requests nominations to replace Cr Padfield.

Comment

Local Governments located on the standard gauge railway will be severely affected by changes in marketing and the potential closure of rail lines as both these activities will encourage greater use of road transport to grain handling facilities located on the standard gauge railway line.

It would be appropriate to forward a nominee from the Shire of Merredin to replace Cr Padfield.

Officer's Recommendation

That Council nominate Councillor _____ as the Great Eastern Country Zone's delegate to the Local Government Grain Infrastructure Working Party.

30038

Moved Cr Crees

Sec Cr Young

That Council nominate Councillor Ken Hooper as the Great Eastern Country Zone's delegate to the Local Government Grain Infrastructure Working Party.

CARRIED 9/0

13.7 PROPOSED CLOSURE OF TRAYNING – NUNGARIN – MERREDIN RAILWAY LINE**Reporting Department:** Administration**Reporting Officer:** Frank Ludovico – Chief Executive Officer

Background

On Thursday 5 June 2009 WestNet Rail announced that unless \$50 million was injected into the railway network operations on spurs totalling 340km would stop on 16 June 2009. The affected lines are York to Quairading, Trayning to Nungarin to Merredin, Katanning to Nyabing and Tambellup to Gnowangerup.

WestNet Rail also warned that absence of a funding commitment would cast uncertainty over the rest of the 2300km track.

In response to this, Transport Minister, Simon O'Brien has asked the Freight and Logistics Council to assess the grain industry's transportation needs. The Freight and Logistics Council of Western Australia does not have any representation from Local Government, or PGA or WAFF but includes CBH and WestNet Rail.

It is understood that a sub-group will be established under this Committee to specifically look at grain and that Local Government will be involved in these discussions.

This decision by WestNet Rail was forecast in the WALGA Infopage dated 19 March 2009. (**Attachment 13.7A**).

The latest announcement also follows on from the Grain on Rail – Local Government Communications Strategy that was released by WALGA on 1 March 2009. (**Attachment 13.7B**).

There are a number of implications associated with the proposed closure of the Trayning to Nungarin to Merredin line. There are:

1. Outloading of the Trayning and Nungarin bins will utilise Local Government Roads. It is believed this will particularly affect the Trayning/Kellerberrin area as outloading from Nungarin could be designated to travel along the Merredin to Goomalling Road, which is a State Government Road;
2. The closure of the rail line may divert harvest traffic away from the Trayning / Nungarin bins and onto grain facilities on the standard gauge line. A Local Government would have little control over the routes that this traffic takes;

3. There are a number of other spur lines (i.e. Narembeen and Bruce Rock) and the reaction to these proposed initial closures could generate impetus to deal with these lines in the similar manner;
4. Despite a lobbying campaign, funding from either the State and Federal Government to deal with these issues has not been forthcoming. It is therefore unlikely that additional funding will be forthcoming to deal with upgrading or repairing the damaged roads as a result of rail closures in the short term.

Financial Implications

In 2007 WALGA commissioned Parsons Brinkehoff to undertake a Grain Freight Local Government Road Evaluation Study for the Wheatbelt. The study was to develop a 10 year strategic investment plan for local road network to ensure that local roads are adequate to meet WA grain freight task. This report did not account for any road closures.

This report indicated that approximately \$400 million was required to upgrade roads to meet the grain freight task.

The report indicated that \$14 million will be required in the Shire of Merredin. However, it is noted that the report suggested an upgrade of the Goldfields Road between Hines Hill North Road and the Great Eastern Highway east of Merredin valued at approximately \$7.8 million. As this road runs parallel to the Great Eastern Highway I doubt that Council would support the major upgrade of the Goldfields Road.

I believe the report is useful as it identifies a quantum of funding required and whilst some of the specifics may need refinement there are areas that have been left out of the report that warrant inclusion.

It should be stressed that this report only analysed the grain freight task on the assumption that rail continued to operate.

Comment

In the short term it is considered that the major effect of the closure of the Trayning to Nungarin to Merredin line will be the increase of traffic on Local Government roads between Kellerberrin and Trayning. The focus will be to remove grain to grain receipt points on the standard gauge railway. There may be some spill over affect from grain travelling from Nungarin south on the Hines Hill North Road into Doodlakine and Kellerberrin, however Council should be able to control traffic flow to utilise the Goomalling to Merredin Road (which is a State Government funded road).

The concern is that this is merely the thin edge of the wedge and if this proposal succeeds then there may be other lines affected (i.e. Narembeen and Bruce Rock) that will have a far greater affect on Merredin roads.

There are a number of courses of action that need to be undertaken:

1. Fully engage in the Grain on Rail Local Government Communication Strategy to create political pressure on the issue;
2. Support motions to the Western Australian Local Government Association AGM on the issue (it is understood that the Shire of Nungarin is preparing a motion);
3. Contact the Local Member for Merredin and advise him of Council's concerns in respect to this matter;
4. Organise a delegation of Local Governments to meet with the Ministers for Transport and Regional Development. (It is understood thill will be organised through the GECZ of WALGA).

Officer's Recommendation

That Council:

1. *Fully engage in the Grain on Rail Local Government Communication Strategy to create political pressure on the issue;*
2. *Request the Great Eastern Country Zone of the Western Australian Local Government Association to coordinate a delegation of Local Governments to meet with the Ministers for Transport and Regional Development to discuss the issue of rail closures in the Wheatbelt.*

Vanessa Green, Executive Assistant, left the meeting at 5.26pm.

Vanessa Green, Executive Assistant, entered the meeting at 5.29pm.

30039

Moved Cr Forbes

Sec Cr Young

That Council:

1. *Fully engage in the Grain on Rail Local Government Communication Strategy to create political pressure on the issue;*
2. *Request the Great Eastern Country Zone of the Western Australian Local Government Association to coordinate a delegation of Local Governments to meet with the Ministers for Transport and Regional Development to discuss the issue of rail closures in the Wheatbelt.*

CARRIED 9/0

13.8 ALLOCATION OF UNUSED STATE GOVERNMENT LAND TO LOCAL GOVERNMENT

Reporting Department:	Administration
Reporting Officer:	Frank Ludovico – Chief Executive Officer
Legislation:	Local Government Act 1995
File Reference:	GR/17/38

Background

At Councils October 2008 Meeting (**CMRef 29745**) Council decided to write to the Minister for Regional Development regarding the establishment of a statewide policy to provide rural Local Government authorities freehold title of unused and unwanted State Government-owned land.

The Minister for Regional Development has responded to this request as shown in **Attachment 13.8A**.

Essentially, the Minister's comments can be summarised as developing a statewide policy will take some time but the State Land Services business unit of the Department of Planning and Infrastructure would be happy to work with the Shire of Merredin to achieve outcomes on a case by case basis.

The purpose of this Agenda Item is to update Council on the issue and to consider any further actions in this regard.

Comment

The Business and Community Development Committee have decided to progress the development of aged care accommodation one of its highest priorities. In the investigations that follow, we will be able to ascertain whether a suitable outcome can be achieved.

A similar situation applies to the development of Reserve 10359.

Copies of Council correspondence concerning the development of the statewide policy has been forwarded to WE-ROC and NEW-ROC Local Governments and I understand that this matter will also be pursued by those particular organisations. An option may be to place this issue on the Agenda for the Western Australian Local Government Association AGM to garner support from the wider Local Government community.

Officer's Recommendation

That Council receive the report on the Allocation of Unused State Government Land to Rural Local Governments.

30040

Moved Cr Elliott

Sec Cr Forbes

That Council receive the report on the Allocation of Unused State Government Land to Rural Local Governments.

CARRIED 9/0**30041**

Moved Cr Morris

Sec Cr Forbes

That the issue be put forward as an Agenda Item to the Western Australian Local Government Association Great Eastern Country Zone.

CARRIED 9/0

13.9 STRATEGIC PLAN / PLAN FOR THE FUTURE

Reporting Department: Administration
Reporting Officer: Frank Ludovico – Chief Executive Officer
Legislation: Local Government Administration Regulations
File Reference: CM/13/4

Background

At Council's May 2009 Meeting Council reviewed its Strategic Plan / Plan for the Future for 2007-2012 (CMRef 29993).

The Strategic Plan / Plan for the Future (**Attachment 13.9A**) was advertised in the Wheatbelt Mercury on Wednesday 27 May 2009 and Wednesday 10 June 2009 with a closing date for submissions of Friday 12 June 2009.

Statutory Implications

Clause 19C and Clause 19D of the Local Government Administration Regulations indicates that before Council can adopt the Plan for the Future it must advertise the document calling for public submissions.

Section 1.7 of the Local Government Act 1995 indicated that the Plan needs to be advertised for a minimum period of 1 week.

Comment

At the time of writing this Agenda Item no submissions have been received. If any submissions are received they will be brought to the Council Meeting for consideration.

Officer's Recommendation

That Council adopt the Strategic Plan / Plan for the Future 2007-2012 as shown in Attachment 13.9A.

ABSOLUTE MAJORITY REQUIRED

30042

Moved Cr Elliott

Sec Cr A Hooper

That Council adopt the Strategic Plan / Plan for the Future 2007-2012 as shown in Attachment 13.9A with the addition at Item 2.1.9 of "To encourage a viable and sustainable agricultural industry that retains its important role in the local economy".

**CARRIED 9/0
ABSOLUTE MAJORITY**

This Agenda Item 16.1 was brought forward.

16.1 **COUNCILLOR RESIGNATION – COUNCILLOR JOHN SIMMONDS**

Reporting Department: Administration
Reporting Officer: Frank Ludovico – Chief Executive Officer
Legislation: Local Government Act 1995
File Reference: G/6/5

Background

Councillor John Simmonds has submitted a resignation from the Shire of Merredin effective from the June 2009 Council Meeting (**Attachment 16.1A**).

Statutory Implications

Under Section 4.8 of the Local Government Act 1995, if the office of a Councillor becomes vacant (resignation) an election to fill the office is to be held.

Under Section 4.17(3) if the Local Government has no wards and at least 80% of the number of offices of the members of the Council are still filled, Council may, with the approval of the Electoral Commissioner, allow the vacancy to remain unfilled (Absolute Majority Required).

Comment

The term of office for the position held by Councillor Simmonds ends in October 2009 and it would be inappropriate to go through the process of conducting an extraordinary election to fill the vacancy, because of cost and the candidate would only hold the position for a matter of months before another election process would have to occur.

At Council's April 2009 meeting, Council decided (**CMRef 29592**) to reduce the number of Councillors from 11 to 9 at the October 2009 Local Government Elections. In affect, this means (if approved) that only three of the current five Councillor positions due for election in 2009 will be filled.

This further supports the argument that the position should not be filled prior to the October 2009 Local Government Election.

Officer's Recommendation

That Council seek approval from the WA Electoral Commissioner to allow the vacancy caused by the resignation of Councillor John Simmonds to remain unfilled until the October 2009 Local Government Elections.

ABSOLUTE MAJORITY REQUIRED

30043

Moved Cr Elliott

Sec Cr Crees

That Council seek approval from the WA Electoral Commissioner to allow the vacancy caused by the resignation of Councillor John Simmonds to remain unfilled until the October 2009 Local Government Elections.

**CARRIED 9/0
ABSOLUTE MAJORITY**

This Agenda Item 16.3 was brought forward.

16.3 **MERREDIN REGIONAL COMMUNITY AND LEISURE CENTRE
ADMINISTRATION OFFICER 1FTE**

Reporting Department: Recreation Services
Reporting Officer: Peter McDonald – Recreation Centre Manager
Legislation: Local Government Act 1995
File Reference: P/23/23

Background

In August 2007 the Merredin Regional Community & Leisure Centre (MRC&LC) opened its doors to the public. At its June 2007 Council meeting, Council adopted the MRC&LC Business Plan (**CMRef 28976**). The vision for the MRC&LC is; *“to create a healthy and active community by building strong relationships with key stakeholders and providing quality community, recreation and leisure services for the region.”*

The goals of the Plan required:

1. a high level of customer service at all times
2. effective and efficient Centre management
3. high standards of facility maintenance
4. the development, education and retention of quality staff
5. the provision of quality programs and services to the community
6. the development and implementation of effective marketing
7. retention and increased usage of the facility
8. responsible service of alcohol

In the first 18 months of operation the Centre Management and Staff spent some time finding their feet, implementing the new policies and procedures that had been drawn up. Many of these were an unknown with very little previous history being able to be drawn upon. For various reasons staff retention was very low with high turnovers in all areas compounded by the problem of securing new staff. At its March 2009 Council meeting, Council adopted the 1FTE for the Telecentre Coordinators position (**CMRef 29919**) thereby separating the previous positions of Administration and Telecentre Coordinator and allowing more activity with regard to Telecentre programs and operation.

Statutory Implications

Local Government Officers (WA) Award 1999.

Financial Implications

The current 0.5FTE costs Council approximately \$22,200.00 per annum plus uniform and professional development.

Comments

As indicated in the Shire of Merredin's Strategic Plan (2007-2012), it is considered a core function of the Shire to provide involvement in physical activity coordination and recreation management for the local and surrounding communities.

From its opening the MRC&LC has continued to add new user groups taking this total to 18 and seen heavily increasing usage numbers. In May 2009 there were in excess of 300 separate usage bookings of the MRC&LC by groups or individuals. At the same time an estimated 7807 persons made use of the MRC&LC in their capacity as sportsperson, spectator, function or bar patron or through community programs and events. The staff at the MRC&LC are required to provide assistance in some form or fashion to all of these people through either membership, inquiries or the provision of some service.

This number is continuing to rise as more sports collocate and increasing numbers of programs and community activities are made available. The General Participation of West Australians in sports or physical activities is an average of 64.5% equating to 2292 Merredin residents.

Kulin Recreation Centre, on which the MRC&LC is designed, has a monthly usage of approximately 1600 persons while employing 2FTE and 4 Casual Bar Staff.

Increased usage of the MRC&LC is beyond the current staffing levels with work objectives failing to be met because of the lack of human resources.

Officer's Recommendation

That Council increase the 0.5PTE Administration position at the Merredin Regional Community and Leisure Centre to 1FTE commencing in July 2009.

30044

Moved Cr Crees

Sec Cr Young

That Council increase the 0.5PTE Administration position at the Merredin Regional Community and Leisure Centre to 1FTE commencing in July 2009.

CARRIED 9/0

MINUTES

14.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

15.0 QUESTIONS BY MEMBERS FOR WHICH DUE NOTICE HAS BEEN GIVEN**15.1 Merredin Shire Council and Merredin Resource Centre – Working Arrangements**

Refer to Page 5 for information on this Agenda item

16.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION**16.1 Councillor Resignation – Councillor John Simmonds**

Refer to Page 57 for information on this Agenda Item.

16.2 Debt Write Off's

Refer to Page 43 for information on this Agenda Item.

16.3 Merredin Regional Community and Leisure Centre Administration Officer 1FTE

Refer to Page 59 for information on this Agenda Item.

16.4 Complaints against the Shire of Merredin

The Chief Executive Officer indicated he had received a lengthy request for information from the Department of Local Government and Regional Development, spanning several years and concerning several subjects. The Department were acting on a complaint received from a resident of the Shire. The response would take considerable time to prepare.

30045

Moved Cr Morris

Sec Cr Forbes

That staff account for the time spent dealing with serious, lengthy or frivolous complaints.

CARRIED 9/0

17.0 MATTERS BEHIND CLOSED DOORS**11.4 Collgar Windfarm – Information Displays**

Refer to Page 24 for information on this Agenda Item.

18.0 CLOSURE

There being no further business the Presiding Member declared the meeting closed at 5.55pm.