

SHIRE OF MERREDIN



“Heart of the Wheatbelt”

MINUTES OF COUNCIL MEETING

18 AUGUST 2009

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Minutes for the Ordinary Meeting of the Shire of Merredin held in the Council Chambers, Corner King and Barrack Streets, Merredin on Tuesday 18 August 2009 commencing at 1.00pm.

ATTENDANCE: Cr RM Crees – Acting Shire President
Crs P Forbes, M Hayden; A Hooper; M Morris; J Townrow; W Wallace; M Young (1.06pm)

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; P McDonald, Recreation Centre Manager, J Mitchell, Executive Manager of Development Services and D Morris, Executive Manager of Community Services

Mr Aubrey Tompkin, Mr Kevin Cahill, Mr Peter Cahill, Mr Ross Robartson, Mrs Rosa Robartson and Mr Graeme Whitehead, FESA National Service Medal Recipients

Mrs Rebecca Hutton, Mr Steven Crook and Mr John Goodier, Merredin Tennis and Hockey Turf Alliance

1.0 OFFICIAL OPENING

The Presiding Person declared the meeting open at 1.00pm. Aubrey Tompkin, Kevin Cahill, Peter Cahill, Ross Robartson, Rosa Robartson, Graeme Whitehead and Debbie Morris, Executive Manager of Community Services, were in attendance.

2.0 PUBLIC QUESTION TIME

Nil

3.0 APOLOGIES AND LEAVE OF ABSENCE

Cr K Hooper and Cr Elliott have been granted Leave of Absence for this meeting (CMRef 30046).

4.0 DISCLOSURE OF INTEREST

Cr Morris declared a Financial Interest in Agenda Item 10.2.

Cr Young declared a Financial Interest in Agenda Item 11.1.

5.0 PETITIONS AND PRESENTATIONS**5.1 FESA 2009 National Service Medal Presentation**

A Medal Presentation Ceremony, for the FESA National Service Medal and Service Clasps, was conducted for the recipients of the Hines Hill Bush Fire Brigade. Mr Kevin Southcott was unable to attend the Ceremony.

Cr Young entered the meeting at 1.06pm.

Aubrey Tompkin, Kevin Cahill, Peter Cahill, Ross Robartson, Rosa Robartson and Graeme Whitehead left the meeting at 1.11pm and did not return.

5.2 Merredin Tennis and Hockey Turf Alliance

This Agenda Item 5.2 was postponed awaiting the attendance of all Alliance members. Refer to Page 16 and Page 46 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 21 July 2009.

30075

Moved Cr Townrow Sec Cr A Hooper

That the minutes of the meeting of Council held on 21 July 2009 be confirmed as a true and correct record of proceedings.

CARRIED 8/0

7.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

Nil

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

Nil

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

- 9.1 Western Australian Local Government Association Great Eastern Country Zone Special Meeting held on 14 July 2009
Attachment 9.1A
- 9.2 Merredin Westonia Liquor Accord Meeting held on 17 July 2009
Attachment 9.2A
- 9.3 Engineering Services Committee Meeting held on 21 July 2009
Attachment 9.3A
- 9.4 Merredin Heritage Management Committee Meeting held on 23 July 2009
Attachment 9.4A
- 9.5 Wheatbelt East Regional Organisation of Councils Executive Meeting held on 29 July 2009
Attachment 9.5A
- 9.6 Merredin Business and Community Development Committee Meeting held on 3 August 2009
Attachment 9.6A
- 9.7 Western Australian Local Government Association Great Eastern Country Zone Meeting held on 5 August 2009
Attachment 9.7A

30076

Moved Cr Townrow

Sec Cr Morris

That Council receive the Minutes of the Western Australian Local Government Association Great Eastern Country Zone Special Meeting held on 14 July 2009, the Merredin Westonia Liquor Accord Meeting held on 17 July 2009, the Engineering Services Committee Meeting held on 21 July 2009, the Merredin Heritage Management Committee Meeting held on 23 July 2009, the Wheatbelt East Regional Organisation of Councils Executive Meeting held on 29 July 2009, the Merredin Business and Community Development Committee Meeting held on 3 August 2009 and the Western Australian Local Government Association Great Eastern Country Zone Meeting held on 5 August 2009.

CARRIED 8/0

MINUTES

9.1 Western Australian Local Government Association Great Eastern Country Zone

Nil Recommendations to Council

9.2 Merredin Westonia Liquor Accord

Nil Recommendations to Council

9.3 Engineering Services Committee5.1 Five Year Parks Program (Attachment 1A)

Moved Cr J Townrow Sec Cr M Morris

That the Engineering Services Committee recommend to Council the adoption of the draft Five Year Parks Program with it to be reviewed annually.

CARRIED 5/0

Note: The Draft Five Year Parks Program (listed as Attachment 1A above) is included as an appendix to the Engineering Services Committee Meeting Minutes.

30077

Moved Cr Townrow Sec Cr Young

That Council adopt the draft Five Year Parks Program with it to be reviewed annually.

CARRIED 8/0

6.2 Landfill Site – Introduction of Contractors and Demolition Fees; Private Management and Residential Tip Passes

Moved Cr J Townrow Sec Cr K Hooper

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

CARRIED 5/0

30078

Moved Cr Townrow Sec Cr Morris

1. *That Council commence on 1 July 2010 that tip passes be introduced for the use of the Chandler Road landfill site on the following basis: -*
 - a. *Four free passes to the landfill site per rates notice. NO new passes to be issued once the pass is fully used or lost;*
 - b. *Users of the landfill site pay applicable rates if no tip pass is shown;*
 - c. *User pays principle to all large truck users, government departments, specialist waste removal firms (except Avon Waste disposal of Merredin collected waste) and special disposals;*

-
- d. Failure to pay requires refusal to allow entry;*
 - e. Illegal disposal/dumping of waste within the Shire of Merredin will result in instigation of legal action pursuant to the Litter Act or Environmental Protection Act 1986 dependent on severity of the illegal disposal or dumping.*
- 2. A precise fee and charge be prepared for the March 2010 meeting for consideration.*
 - 3. That from 1 July 2010 Council employ a Landfill Site Supervisor for the operation of the landfill site with an employment period of two years to ensure the new works procedures are implemented.*
 - 4. That the intent to implement landfill disposal fees and tip passes be advertised for public comment and that the closing date for submissions be 30 October 2009.*

CARRIED 8/0

6.3 Authority to use Traffic Signs and Devices for Roadworks on Roads

Moved Cr J Townrow Sec Cr M Morris
That the Engineering Services Committee recommend to Council to formalise the Instrument of Authorisation relating to Traffic Management for works on roads within the Shire with Main Roads W.A.

CARRIED 5/0

Note: The Authorisation referred to in the above Recommendation is included as an appendix (Attachment 1C) to the Engineering Services Committee Meeting Minutes.

30079 Moved Cr Townrow Sec Cr Morris
That Council formalise the Instrument of Authorisation relating to Traffic Management for Works on Roads within the Shire of Merredin with Main Roads W.A.

CARRIED 8/0

9.4 Merredin Heritage Management Committee

Nil Recommendations to Council

9.5 Wheatbelt East Regional Organisation of Councils Executive

Nil Recommendations to Council

9.6 Merredin Business and Community Development Committee

8.2 Merredin Community Awards

Moved Cr Morris Sec Cr Forbes
That the BCDC recommend to Council that Council support and assist in the coordination of the Merredin Community Awards in October 2010.

CARRIED 3/0

30080

Moved Cr Townrow Sec Cr Forbes
That Council support and assist in the coordination of the Merredin Community Awards in October 2010.

CARRIED 8/0

8.3 Gala Night

Moved Cr Morris Sec Cr Forbes
That Council support and assist with the 2009 Gala Night to be held on Thursday 10 December.

CARRIED 3/0

30081

Moved Cr Morris Sec Cr Townrow
That Council support and assist with the 2009 Gala Night to be held on Thursday 10 December 2009.

CARRIED 8/0

9.7 Western Australian Local Government Association Great Eastern Country Zone

Nil Recommendations to Council

Rebecca Hutton, John Goodier and Jim Garrett, Executive Manager of Engineering Services, entered the meeting at 1.20pm.

10.0 COMMUNITY SERVICES

10.1 COMPANION CARD PROGRAM

Reporting Department:	Community Services
Reporting Officer:	Debbie Morris – Executive Manager, Community Services
Legislation:	Local Government Act 1995
File Reference:	CR/24/1

Background

Businesses and local governments have been invited to affiliate with the Companion Card Program.

The Western Australian Companion Card is an initiative funded by the Western Australian Government through the Disability Services Commission, and implemented by National Disability Services WA.

Companion Cards are for people with significant and permanent disabilities (including disabilities related to ageing and psychiatric illness), who need a companion to participate at community venues and activities for the rest of their lives.

The Companion Card is a wallet sized card that has a photograph of the cardholder and identifies that person as someone who requires attendant care support from a companion.

The Companion Card is presented when booking or purchasing a ticket to attend that particular venue or activity. Participating (affiliated) organisations and businesses will recognise the Companion Card and issue the cardholder with a second ticket for their companion at no extra charge.

While the Companion Card addresses some ticketing issues for some people with a disability, the responsibility for providing access to facilities, information and services remains the responsibility of venue and event owners, operators and managers.

Statutory Implications

Western Australian Equal Opportunity Act 1984, Australian Government's Disability Discrimination Act 1992, Shire of Merredin – Disability Access and Inclusion Plan 2007.

Financial Implications

The number of Companion Card uses will be registered at each venue and event and, while no specific Budget allocation was made for this Program, they will be allocated against donations within the 2009/2010 Budget at Account *E041170*.

Comment

The Card has been developed as a tool to assist businesses and local governments to comply with existing disability anti-discrimination legislation and to increase the participation of people with disabilities as active customers in their community and beyond.

Affiliation with the Companion Card Program is free.

Benefits of affiliation:

1. Present a positive public image for the Shire;
2. Meeting social responsibility by incorporating the human rights of people with a disability;
3. Access to an additional, untapped target market of people with a disability deciding to pay for services due to the acceptance of the Companion Card;
4. Prevents complaints of discrimination.

Affiliates agree to:

1. Issue a Companion Ticket at no charge to cardholders from any Australian State or Territory who require a companion to provide attendant care support to participate at their venue or activity;
2. Display the Companion Card logo in a prominent position and/or in promotional material, where possible;
3. Abide by the Companion Card Affiliate Terms and Conditions.

Currently the Companion Card Program has over 4,200 people with significant permanent disabilities already signed up and over 300 affiliated business outlets and local councils supporting the program.

The Companion Card Program was discussed at the July 2009 Community Services staff meeting, where it was supported. Positive feedback was also received from the Recreation Centre Manager and Jan Fox, Disability Services for the implementation of the Program.

The Companion Card Program is an action that addresses Outcome 1 of the Shire's Disability Access and Inclusion Plan (**Attachment 10.1A**).

It is envisaged that the Companion Card Program would be utilised at the Cummins Theatre, Merredin Regional Community and Leisure Centre, Swimming Pool and Shire organised community events.

Further information on the Companion Card Program is available on their website at www.wa.companioncard.org.au.

Officer's Recommendation

That Council become affiliated with the Companion Card Program.

ABSOLUTE MAJORITY REQUIRED

30082

Moved Cr Townrow

Sec Cr Forbes

That Council become affiliated with the Companion Card Program.

CARRIED 8/0

ABSOLUTE MAJORITY

MINUTES

Cr Morris declared a Financial Interest in this Agenda Item 10.2 and left the meeting at 1.21pm.

10.2 **INAUGURAL LOCAL GOVERNMENT AND TOURISM CONFERENCE**

Reporting Department: Community Services
Reporting Officer: Debbie Morris – Executive Manager,
Community Services
Legislation: Local Government Act 1995
File Reference: CM/3/Council

Background

Tourism WA and Local Government Managers Australia (LGMA) are presenting the Inaugural Local Government and Tourism Conference during 8-10 September 2009. The Conference has been specifically designed to offer the opportunity to strengthen the partnership between tourism strategy, community development and Local Government. A highly innovated program will include top quality keynote addresses from high profile overseas, interstate and local speakers. Delegates will also take part in interactive themed field trips.

LGMA President, Michael Parker – *“Tourism plays a major role in the Western Australian economy and in many Local Government districts it is a very significant contributor to the local economy in a variety of way. It is a specialised industry which would benefit enormously from working with a Local Government that is better informed about the needs and requirements of the tourism industry but the reverse is also true; businesses in the tourist industry should also work to understand the roles and responsibilities of their local government.*

LGMA and Tourism WA identified the need for Local Government to become better informed about how to improve and work with the tourism sector to make it a more vibrant industry in all regions throughout the State.”

The Conference will provide participants with a greater understanding of tourism, including engaging and managing their tourism industry.

The Conference Program and other relevant information is included as **Attachment 10.2A**.

Statutory Implications

Local Government Act 1995 Section 6.8 – Absolute Majority required.

Financial Implications

There is no allocation in the 2009/2010 Budget for staff to attend the conference. There is an allocation of \$3,000.00 at Account *E041030* for Councillors - Other Conferences.

Conference costs:

Registration -	LGMA Member - \$649.00	Non Member - \$715.00
Gala Dinner -	\$120.00	
Golf -	\$99.00	
Accommodation –	Resort Room \$185.00, Superior Resort Room \$220.00, King Spa Resort Room \$255.00, Deluxe King Spa Resort Room \$295.00	

Proposed costs:

* Staff	Registration \$649.00,	Gala Dinner \$120.00,
	Accommodation \$555.00 = \$1,324.00	
Councillor	Registration \$715.00,	Gala Dinner \$120.00,
	Accommodation \$555.00 = \$1,390.00	

* Absolute majority required

Comment

The Shire of Merredin's Central Wheatbelt Visitor Centre plays a major role in tourism and visitor servicing for the region and upon discussion with the Visitor Centre Manager, the Local Government and Tourism Conference would be an extremely beneficial event to have representation from the Shire.

The Conference scheduled for 8-10 September 2009 is aimed at Shire Officers' involved in managing tourism. Following discussions with the Visitor Centre Manager, it was suggested that it would be in Council's best interest for only the Executive Manager of Community Services and a Councillor to attend this conference.

As this is the inaugural conference and staff had no prior knowledge that it was going to occur, no budget allocation has been made for staff to attend. Councillors have a budget allocation of \$3,000.00 for Other Conferences at Account E041030 from which this conference can be funded, should Council agree to nominate and send a Councillor.

Officer's Recommendation

That the Executive Manager of Community Services and Councillor _____ attend the Inaugural Local Government and Tourism Conference on 8-10 September 2009 with funding to come from Account E041030.

ABSOLUTE MAJORITY REQUIRED

30083

Moved Cr Townrow Sec Cr A Hooper

That the Executive Manager of Community Services and Councillor Forbes attend the Inaugural Local Government and Tourism Conference on 8-10 September 2009 with funding to come from Account E041030.

**CARRIED 7/0
ABSOLUTE MAJORITY**

Steven Crook and Peter McDonald, Recreation Centre Manager, entered the meeting at 1.27pm.

Cr Morris entered the meeting at 1.30pm.

As all members of the Alliance were now present, this Agenda Item 5.2 was discussed. Refer also to Page 46 for further information on this Agenda Item.

5.2 Merredin Tennis and Hockey Turf Alliance

Representations were made to Council on the Draft Budget for the Project and other information relevant to the proposed Synthetic Surface Courts at the Merredin Regional Community and Leisure Centre.

Rebecca Hutton, Steven Crook, John Goodier and Peter McDonald, Recreation Centre Manager, left the meeting at 2.12pm and did not return.

10.3 DONATIONS/LOANS/SPONSORSHIP – CENTRAL WHEATBELT VISITOR CENTRE

Reporting Department:	Community Services
Reporting Officer:	Debbie Morris – Executive Manager, Community Services
Legislation:	Local Government Act 1995
File Reference:	CM/14/Donations/Loans/Sponsorship

Background

On occasions the Visitor Centre Manager has been approached by businesses, community groups and individuals who are interested in providing donations and sponsorship towards the Visitor Centre, as well as having items on loan to the Visitor Centre for display purposes.

Currently the Shire of Merredin has no policies on which decisions can be made for these requests or the guidelines to establish arrangements or agreements with the potential donors, lenders or sponsors.

Statutory Implications

Local Government Act 1995.

Financial Implications

Local Government Act 1995 – Financial Management (Section 6.15).

Comment

Attachment 10.3A – Donations/Loans/Sponsorship – Central Wheatbelt Visitor Centre Policy outlines the definitions and guidelines that will ensure consistency and fairness is applied to all requests and offers and will allow for a more timely decision making process.

Officer's Recommendation

That Council adopt the Donations/Loans/Sponsorship – Central Wheatbelt Visitor Centre Policy, as shown in Attachment 10.3A, effective immediately.

30084

Moved Cr Townrow

Sec Cr Forbes

That Council adopt the Donations/Loans/Sponsorship – Central Wheatbelt Visitor Centre Policy, as shown in Attachment 10.3A, effective immediately.

CARRIED 8/0

Debbie Morris, Executive Manager of Community Services, left the meeting at 2.14pm.

11.0 DEVELOPMENT SERVICES

Cr Young declared a Financial Interest in this Agenda Item 11.1 and left the meeting at 2.15pm.

11.1 TOWN PLANNING – APPLICATION TO ESTABLISH FUEL TANKER (DIESEL) – LOT 1321 MCKENZIE CRESCENT, MERREDIN – LIBERTY OILS

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. (TPS1), Dangerous Goods Safety Act 2004
File Reference: A3445

Background

Following on from a complaint relating to the storage of fuels on Lot 1321 McKenzie Crescent, Merredin, the Executive Manager of Development Services investigated and determined that Liberty Oils had temporarily placed an (Department of Industry Resources (DOIR)) assessed and approved diesel 75,000 litre storage tank on the property. An application has now been received and has is included, along with a map of the site, as **Attachment 11.1A**.

The land is owned by Rainday Pty Ltd.

Statutory Implications

The provisions of the TPS1 are applicable. Part 6, Clause 6.1.1 and 6.1.3 are relevant. Clause 6.1.3 does not exempt this particular type of development.

The development has occurred and is contrary to planning requirements in that the structure has been placed within the front setback area. In addition, the use as a fuel depot is an “AP” use which requires consent after advertising.

DOIR classify the product a “combustible” and do not require licensing if less than 100,000 litre is stored on site. By definition it is a fuel depot.

Financial Implications

Planning and building application fees have been paid.

Comment

Council has previously consented, in principal, to the establishment of the fuel depot on Lot 1328 McKenzie Crescent, Merredin (December 2008 – **CMRef 29811**).

The structure is “temporary” whilst Liberty Oils source a suitable site for Council consideration. Further information can be provided at the meeting.

The application includes: -

1. Covering letter of application detailing issues;
2. Site plan and detailed drawings of the self bunded fuel tank;
3. Material Safety Data Sheet – Diesel;
4. Cooper Engineering Services Pty Ltd Dangerous Goods Storage Assessment Package;
5. Dangerous Goods Storage Assessment and Risk Assessment Forms.

An onsite inspection confirms the placement of fire extinguishers.

As a minimum, the local fire brigade should be advised of the placement of the fuel tank in case of emergency and emergency contact details should be provided as well as an Emergency Response Plan.

The application should be advertised to ensure conformity with the Shire of Merredin Town Planning Scheme No. 1.

Officer’s Recommendation

1. *That Council note the submission of plans for the establishment of a fuel depot on Lot 1321 McKenzie Crescent, Merredin and advertise the application in accordance with the Town Planning Scheme No. 1.*
2. *That, subject to no negative responses being received, the application to erect a 75,000 litre diesel storage tank on Lot 1321 McKenzie Crescent Merredin be approved by the Chief Executive Officer.*

ABSOLUTE MAJORITY REQUIRED – ITEM TWO

John Mitchell, Executive Manager of Development Services, entered the meeting at 2.13pm.

Jim Garret, Executive Manager of Engineering Services, left the meeting at 2.14pm

30085

Moved Cr Townrow Sec Cr Wallace

1. *That Council note the submission of plans for the establishment of a fuel depot on Lot 1321 McKenzie Crescent, Merredin and advertise the application in accordance with the Town Planning Scheme No. 1.*
2. *That, subject to no negative responses being received, the application to erect a 75,000 litre diesel storage tank on Lot 1321 McKenzie Crescent Merredin be approved by the Chief Executive Officer.*

**CARRIED 7/0
ABSOLUTE MAJORITY ITEM TWO**

Cr Young entered the meeting at 2.18pm.

11.2 **TOWN PLANNING – AMENDMENT THREE – TOWN PLANNING SCHEME NO. 1 – OMNIBUS AMENDMENT – ENVIRONMENTAL PROTECTION AUTHORITY**

Reporting Department:	Development Services
Reporting Officer:	John Mitchell – Executive Manager, Development Services
Legislation:	Town Planning Scheme No.1, Environmental Protection Act 1986, Planning and Development Act 1986
File Reference:	LUP/5/Amend3

Background

At its March 2009 Meeting Council resolved (**CMRef 29902**):

- “1. That the Administration is authorised to prepare an Omnibus Amendment No. 3 to Town Planning Scheme No. 1 to:
 - a. Rezoning of all “general farming” land within the southern side of the town-site of Merredin to “rural residential”;
 - b. Provision of a policy making provision within the Scheme text to permit the setting and adoption of policies relating to planning matters;
 - c. Rezoning of Lots 10 and 11 South Street, Lots 815 and 816 Cunningham Street and Lot 257 Bates Street to “residential” to permit on-sale and development;
 - d. Rezoning of the southern portion of Lot 13086 Gamenya Avenue to “general industry” to permit further development within the industrial area;
 - e. Rezoning of Reserve 44697 from “general farming” to “tourist zone”.
2. That the Shire President and Chief Executive Officer be authorised to sign the Amendment No. 3 to Town Planning Scheme No. 1 and submit the Amendment to the Western Australian Planning Commission.”

Subsequently the Amendment was submitted to the Environmental Protection Authority (EPA) as required by statute.

Advice has been received from the EPA advising that the Amendment raised issues regarding remnant vegetation (**Attachment 11.2A**). Discussions with the EPA indicated that the Amendment may fail, so an arrangement to remove Lot 1 Abattoir Road, Merredin containing remnant vegetation was removed to permit the Amendment to proceed.

At its July 2009 Meeting Council resolved (**CMRef 30062**):

“That Council offer Lots 362 and 363 Todd Street, Merredin for sale, for the establishment of a “shop”, by tender with a preset reserve price and that as conditions of sale, the following applies: -

- 1. That a Traffic Management Plan and a Road Safety Audit is conducted to determine the entry and egress to the fast food restaurant;*
- 2. Bituminised on-site parking and landscaping in accordance with the Shire of Merredin Town Planning Scheme is required;*
- 3. That a Town Planning Scheme Amendment may be required in the short term to permit the development to proceed.”*

As a result of these two items, the Administration determined actions be taken that now require Council endorsement.

Statutory Implications

1. Local Government Act 1995 – endorsement of actions;
2. Planning and Development Act 2005 – support of total Omnibus Amendment.

Financial Implications

The costs of the Amendment are estimated at \$3,000.00. Funds are provided within the 2009/2010 Budget for the completion of the process.

Comment

Lot 1 Abattoir Road, Merredin, containing the remnant vegetation, was removed from the Amendment to permit the majority of the Amendment to proceed. In addition, as the Amendment had not passed EPA scrutiny, the inclusion of the rezoning of Lots 360 – 363 Todd Street, Merredin to “Shop” zone was determined.

The decision to carry out the deletion and insertion was made by the Executive Manager of Development Services (EMDS).

On Wednesday 5 August 2009 the EMDS met with Mrs Katina Marchbank of the Western Australian Planning Commission (WAPC) in Merredin to discuss the Local Planning Scheme No. 6 and the Amendment No. 3 to the Town Planning Scheme No. 1.

At that meeting the opportunity to either fast track the Amendment or the new Scheme was presented and it was agreed that, providing no foreseen issues arose, that the Local Planning Scheme No. 6 was priority.

Accordingly, the Town Planning Consultant has been requested to meet with the WAPC representative and determine if the processing of the new Scheme is the preferred approach. A response is due by 21 August 2009.

Officer's Recommendation

That Council endorse the actions of the Executive Manager of Development Services in deleting Lot 1 Abattoir Road, Merredin from Town Planning Scheme No.1 Amendment No. 3 and the insertion into the Amendment of the rezoning of Lots 360 – 363 Todd Street, Merredin to “Shop”.

30086

Moved Cr Townrow

Sec Cr Wallace

That Council endorse the actions of the Executive Manager of Development Services in deleting Lot 1 Abattoir Road, Merredin from Town Planning Scheme No.1 Amendment No. 3 and the insertion into the Amendment of the rezoning of Lots 360 – 363 Todd Street, Merredin to “Shop”.

CARRIED 8/0

11.3 SUBDIVISION LOT 482 HAINES STREET, MERREDIN, WESTERN AUSTRALIAN PLANNING COMMISSION - REQUEST FOR SUBDIVISION WAIVING OF FEES – MR G LITTLE

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, State Administrative Tribunal Appeal N.301 of 2003
File Reference:	A1923

Background

At Council's 20 May 2008 Meeting Council resolved (**CMRef 29499**):

“That GHD Pty Ltd be advised that the design of the road system for Lot 482 Haines Street, Merredin will be considered when the following information is provided:

- 1. Geotechnical report of the back fill and engineering evidence that the land created is suitable for construction and what if any conditions will be placed on a building design within the development;*
- 2. That the road design shall be to a 1:50 year storm detail;*
- 3. That the road design include footpaths to the lots created;*
- 4. That specifications of the road design be provided to the Shire of Merredin;*
- 5. That details of the retention of backfill to the north and south of the development be provided to the Shire of Merredin and that the information include detailed information of the control of storm water adjacent to the development created by the raised subdivision design and retention of back fill particularly with reference to Lot 481 Haines Street, Merredin;*
- 6. Provide kerbing details to the road created;*
- 7. That the road be named Kowidgh Place as requested by the Geographic Names Committee.”*

Correspondence has been received from Western Australian Planning Commission (WAPC) and includes correspondence from Mr G Little which alleges that Council reneged on the Department of Local Government inquiry and that this forms part of the reason why the WAPC should release the land in stages and waive fees. The Administration can find no reference to any proposed inquiry.

A copy of the previous agenda item is contained in **Attachment 11.3A** and the WAPC correspondence is contained in **Attachment 11.3B**.

Statutory Implications

The subdivision was commenced in 1994 and has been the subject of ongoing litigation and complaint by the applicant since that time.

In 2004 the application was the subject of an appeal to the State Administrative Tribunal (SAT) and an Order with 13 conditions was issued. That order is contained in **Attachment 11.3C**. Mr G Little has not cleared with those conditions.

In May 2008 Council was asked to clear and approve the earthworks and drainage design only which resulted in **CMRef 29499** (see above). Subsequent to this decision Mr G Little complained to SAT and the Crime and Corruption Commission making further accusations against Council.

It is considered appropriate for Council to defend its position and require Mr G Little to prove his claims within his correspondence to the Commission.

Financial Implications

Mr Little has sought that the appropriate application fees not be paid. Each time the local government deals with Mr G Little severe false allegations are laid against Council, the Chief Executive Officer and the Executive Manager of Development Services (EMDS) immediately by Mr G Little. The defence of the Council position takes time which then prevents the EMDS dealing with other matters. The waiving of statutory fees is not supported. This current matter to date has taken 24 hours of reading and research. **CMRef 29499** took 27 hours of work.

Comments

The WAPC has sought any information, comment and/or recommended conditions pertinent to this application.

Since my engagement in October 2006 no substantial works have proceeded on the site. In 2004 the SAT granted approval. The site comprises mounds of clayey earth, old refuse and a half finished residence. If the matter was urgent and necessary the issues would have been resolved by this time.

Throughout the application process Mr G Little has consistently not complied with the minimum requirements for subdivision claiming that the Shire of Merredin has prevented his subdivision from occurring through corrupt actions or in his words *“full four year term... been consumed in a lengthy and expensive argument over the fulfilling of conditions”*.

Substantial time has been spent in preparing reports, researching previous issues and addressing complaints received from the Ombudsman, Crime and Corruption Commission and the State Solicitors Office.

Mr G Little seeks to release the land in stages with five lots released initially. The provision of sewer, water and power is dependent on the number of lots created and the infrastructure for all must be installed prior to the release of the any land. There is insufficient information to support a decision to release blocks in stages.

An inspection of the site was undertaken on 11 August 2009. The inspection determined that the worksite had not been backfilled, the fill had not been engineer approved and the backfill was uncompacted. In addition the development on the north west side is up to 750mm above natural ground level to the surrounding land. There are no retaining walls.

The plans submitted in 2008 do not reflect the requirements for plan and subdivision land infill that were sent to Mr G Little on 23 November 2005 by the Shire of Merredin and 27 October 2006 by the WAPC.

In addition those plans did not: -

1. Provide details of footpath design and installation;
2. Provide a geotechnical report on back fill materials and confirmation in writing by a consulting engineer that the soils used will support the proposed building developments within the subdivision;
3. Reflect the 1 in 50 year storm design. Road grade currently is approximately 1%;
4. Provide detail on the proposed retaining wall adjacent to Lot 481 Haines Street, Merredin or to the Lots (101 – 105) created on Bates Street, Merredin;
5. Provide for the good reinstatement of the existing road intersection to Haines Street, Merredin.
6. Provide details of kerbing of the road created;

Council has not received an application sufficient to provide a decision upon and the consistent delays, false complaints and inaction suggest that the applicant does not have the resources to complete the project. Mr G Little appears misguided through the subdivision process and may not understand the extent of legislation that impacts on these development proposals and therefore considers Council and the Government are against him.

Paragraph four of Mr G Little's letter states that Council reneged on the agreed terms of the SAT determination. This must be addressed as it implies the Council ignores the judicial system and may form part of the WAPC decision process. Mr G Little should be made to justify and defend this statement. It is suggested that the following paragraph be included within any response to the Commission: -

“The Shire of Merredin objects strongly to the statement made by Mr Little regarding the SAT determination decision of 2004 and Council reneging on that decision. The Commission should not include Mr G Little's comment regarding the actions of the Shire of Merredin in its decision process without independent confirmation. In all instances the Shire of Merredin has acted lawfully and in good governance of the community. Mr G Little commenced a subdivision in 1994 and it is not complete in 2009. The laying of blame against the Shire of Merredin or any government department is unjustified and unreasonable.”

The release of the land in stages is also a concern. The soils have not been approved for use as stabilisation base for new dwellings, there is no geotechnical report, what happens if the subdivision lapses? There are low spots within the development that cannot connect to existing disposal systems and other issues, such as overall development plans.

Prior to considering the request for waiving of fees and a staged development, the applicant should submit the information requested in May 2008 for consideration.

Since May 2008, Mr G Little has submitted no information, has, on at least one occasion, complained to the Crime and Corruption Commission about the Shire of Merredin, with no complaints being upheld, been involved in a SAT hearing with WAPC and now wants the subdivision reconsidered without submitting information requested three times previously – in 2005 by the Shire of Merredin, 2006 by the WAPC and again in 2008 by both the Shire of Merredin and the Commission.

Officer's Recommendation

1. *That the Shire of Merredin offers the following information, comment and recommended conditions on the subdivision of Lot 482 Haines Street, Merredin to the Western Australian Planning Commission: -*
 - a. *The Shire of Merredin does not support the waiving of statutory fees against the applicant and will not waive any fees applicable to the development which the Shire of Merredin is lawfully allowed to charge;*
 - b. *No substantial subdivisional works have been undertaken on the site for at least three years by the applicant, even though the State Administrative Tribunal hearing of 2004 permitted works to proceed, since that time the Commission and Council have requested the standard information necessary for subdivisional works approval processes which Mr G Little is yet to provide.*
 - c. *Council requested necessary information (CMRef 49499) to consider the subdivision application in May 2008 following on from a request in 2005 and 2006 by the Shire of Merredin and the Commission – until this is received the application cannot be properly considered;*
 - d. *That Council does not support the comments within Mr G Little's letter relating to process and delays and refutes the comments totally as incorrect and misguided and advises - "The Shire of Merredin objects strongly to the statement made by Mr G Little regarding the State Administrative Tribunal determination decision of 2004 and Council reneging on that decision. The Commission should not include Mr G Little's comment regarding the actions of the Shire of Merredin in its decision process without independent confirmation. In all instances the Shire of Merredin has acted lawfully and in good governance of the community. Mr G Little commenced a subdivision in 1994 and it is not complete in 2009. The laying of blame against the Shire of Merredin or any government department is unjustified and unreasonable."*
2. *That the Commission should seek financial guarantees from the applicant of his ability to fund the project prior to agreeing to the staged development as the project may be long delayed.*

30087

Moved Cr Townrow

Sec Cr Morris

1. *That the Shire of Merredin offers the following information, comment and recommended conditions on the subdivision of Lot 482 Haines Street, Merredin to the Western Australian Planning Commission: -*
 - a. *The Shire of Merredin does not support the waiving of statutory fees against the applicant and will not waive any fees applicable to the development which the Shire of Merredin is lawfully allowed to charge;*
 - b. *No substantial subdivisional works have been undertaken on the site for at least three years by the applicant, even though the State Administrative Tribunal hearing of 2004 permitted works to proceed, since that time the Commission and Council have requested the standard information necessary for subdivisional works approval processes which Mr G Little is yet to provide.*
 - c. *Council requested necessary information (CMRef 49499) to consider the subdivision application in May 2008 following on from a request in 2005 and 2006 by the Shire of Merredin and the Commission – until this is received the application cannot be properly considered;*
 - d. *That Council does not support the comments within Mr G Little's letter relating to process and delays and refutes the comments totally as incorrect and misguided and advises - "The Shire of Merredin objects strongly to the statement made by Mr G Little regarding the State Administrative Tribunal determination decision of 2004 and Council reneging on that decision. The Commission should not include Mr G Little's comment regarding the actions of the Shire of Merredin in its decision process without independent confirmation. In all instances the Shire of Merredin has acted lawfully and in good governance of the community. Mr G Little commenced a subdivision in 1994 and it is not complete in 2009. The laying of blame against the Shire of Merredin or any government department is unjustified and unreasonable.";*
 - e. *That before and after photos be provided to substantiate the Shire of Merredin's position in this matter.*
2. *That the Commission should seek financial guarantees from the applicant of his ability to fund the project prior to agreeing to the staged development as the project may be long delayed.*

CARRIED 8/0

11.4 **TOWN PLANNING – SUBDIVISION LOCATION 26100
FITZPATRICK ROAD, HINES HILL – JBA SURVEYS ON BEHALF
OF MR R LUERS**

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,
Development Control Policy DC2.5
File Number: A6043, A9325

Background

An application, **Attachment 11.4A**, to subdivide land within the general farming zone has been received from JBA Surveys representing Deedering Farming Co. Pty Ltd.

At its July 2009 Meeting, Council considered a report regarding the above farm and resolved (**CMRef 30053**) to support a reduction of lots from three to two for boundary adjustment reasons.

Statutory Implications

The application suggests an additional Lot be created. Location 26100 is across a road reserve and comprises two distinct Lots separated by a road.

Statement of Planning Policy No. 11 Agricultural and Land Use Planning requires that the Local Government not support or permit the ad-hoc fragmentation of rural land.

There is no change in use of the land.

The amendment to the boundaries is not adhoc and uses existing cadastral boundaries to assign boundaries of the land.

Financial Implications

Subdivision application fees of \$128.00 have not been paid.

Comments

The land is salt and erosion effected as can be seen in the photograph of the site contained in **Attachment 11.4B**.

The land is significantly degraded and requires protection from incompatible development and further erosion. A rehabilitation plan of the area is recommended. Dwellings should not be located within the locations created as the land is degraded and the Health Act 1911 restricts the Environmental Health Officer from placing apparatus for the disposal of sewerage into areas of degradation or potential river courses.

A review of the cadastral maps – Nangeenan and Nukarni - shows the lot sizes created by the subdivision are in keeping with the existing lot sizes within the area.

Officer's Recommendation

That the Western Australian Planning Commission be advised: -

1. *That the Shire of Merredin has no objection to the creation of Lots 802 and 803 from Location 26100 Fitzpatrick Road, Hines Hill as shown in JBA Survey Plan Job No. 97517 dated 18 May 2005 attached, but does not support the establishment of dwellings within the two Lots created as the land is degraded and further incompatible development may affect the existing degraded condition of the land.*
2. *That the establishment of an Environmental Rehabilitation Plan of the Location 26100 is recommended.*

30088

Moved Cr Townrow Sec Cr Young

That the Western Australian Planning Commission be advised: -

1. *That the Shire of Merredin has no objection to the creation of Lots 802 and 803 from Location 26100 Fitzpatrick Road, Hines Hill as shown in JBA Survey Plan Job No. 97517 dated 18 May 2005 attached, but does not support the establishment of dwellings within the two Lots created as the land is degraded and further incompatible development may affect the existing degraded condition of the land.*
2. *That the establishment of an Environmental Rehabilitation Plan of the Location 26100 is recommended.*

CARRIED 8/0

**11.5 TOWN PLANNING – GARAGE IN SETBACK AREA – LOT 455
FRENCH AVENUE, MERREDIN – ABFT BM AND RP ENTERPRISES**

Reporting Department:	Development Services
Reporting Officer:	John Mitchell – Executive Manager, Development Services
Legislation:	Residential Design Codes 2008, Shire of Merredin Town Planning Scheme No. 1
File Number:	A1489

Background

An application PA7 – 09 to establish a brick and tiled roofed double garage on Lot 455 French Avenue, Merredin has been received from the owners – ABFT BM and RP Enterprises. The plans and locality plan are contained in **Attachment 11.5A**.

Statutory Implications

The Residential Design Codes 2008, Clause 6.2.3 states that a garage or carport built up to the boundary abutting a private street or right of way which is not the principal frontage of the dwelling with manoeuvring space of at least 6m located immediately in front of the opening to the garage or carport and permanently available.

The property meets these restrictions to be an acceptable development.

Financial Implications

Planning fees of \$132.00 have been paid.

Comment

The street setbacks in Craddock Road are greater than normal.

The dwelling is located in a position that does not permit the placement of a garage within the front setback area. The most logical placement for the garage is adjacent to the laneway in Craddock Road. The placement anywhere else would be a detriment to the condition and visual impact/age of the renovated older style dwelling.

The garage is in keeping with the theme set by the renovations to the dwelling and reflects the heritage significance.

Due to the design of the block, the placement of the garage adjacent to the boundary will not create a visual barrier for other dwellings in Craddock Road, Merredin.

Officer's Recommendation

That PA7-09 to establish a double garage on Lot 455 French Avenue, Merredin on the side boundary adjacent to the laneway in Craddock Road be approved.

30089

Moved Cr Wallace

Sec Cr Townrow

That PA7-09 to establish a double garage on Lot 455 French Avenue, Merredin on the side boundary adjacent to the laneway in Craddock Road be approved.

CARRIED 8/0

11.6 **RECYCLING ACTIVITIES – LIONS CLUB OF MERREDIN AND RECYCLING FOR THE MERREDIN COMMUNITY GROUP – LOT 1504 BARRACK STREET EAST – EXTENT OF RECYCLING ACTIVITIES AND ALLOCATION OF FUNDS RAISED**

Reporting Department: Development Services
Reporting Officer: John Mitchell – Executive Manager,
Development Services
Legislation: Local Government Act 1995, Lease 5317 Public
Transport Authority
File Number: WM/16/3

Background

At its March 2009 Meeting Council resolved (**CMRef 29906**): -

1. *“That the Shire of Merredin agree in principle to the use of the land contained in Western Australian Government Railways Lease 5317, Reserve 10359 by volunteers under Council’s insurance policies and that the Administration fully investigate the potential for the volunteer service of cardboard et al recycling and provide the report to Council at its April 2009 meeting.*
2. *That the Administration prepare a report for Council consideration at its April 2009 meeting to implement disposal fees at the Chandler Road Landfill Site from 1 July 2009.”*

At its May 2009 Meeting Council resolved (**CMRef 29978**): -

1. *That subject to the issues contained within this report being addressed, that Council agree to the commencement of a recycling of cardboard program from the existing sheds located on Lot 1504 Barrack Street East, Merredin using the services of community volunteers.*
2. *That the approval of the Shires of Nungarin, Westonia, Kellerberrin, Yilgarn, Tammin and Bruce Rock be sought to allocate the Shire of Merredin’s Zero Waste Plan component (\$8,000.00) to the remediation and improvements to the cardboard recycling plant.*
3. *That the Waste Management Levy Reserve fund be used to fund the remaining allocation of approximately \$7,000.00 to upgrade the cardboard recycling program works in Barrack Street East, Merredin.*

As a result of Councils resolutions, and the correspondence and newspaper article appended in **Attachment 11.6A**, the matter of sovereignty over recycling components and access has been raised by both parties.

In addition the Recycling for the Merredin Community Group (the Group) has written regarding allocation of funds which requires Council input.

Statutory Implications

The Group has been created as a voluntary not for profit organisation and has pledged through correspondence to distribute the monies raised to the various voluntary groups within Merredin Shire.

The lease arrangements with the Public Transport Authority require that the use of the land be restricted to not for profit organisations or commercial lease rates will be applicable.

Works to bring the shed to a legal compliance level are ongoing and expected to be completed by 30 August 2009.

Financial Implications

The funds raised by the Group are allegedly raised for charity purposes. The Group's correspondence suggests that Council be involved with the decision of which community group receives the funds.

Comments

The Group seeks to expand into all areas of recyclables that currently Lions Club is involved in. The initial use of the shed was for cardboard and plastics, with the existing facility collating glass, tin, metal and paper.

Lions Club seek to retain glass, metal and newspaper collection within their recycling compound.

The potential conflict could see the end of volunteer recycling activities by Lions Club and anecdotally local individuals have stated preferences to use one or the other. In addition, the Group has been requested to clean up the cardboard area – which allegedly now is one person's disused materials. Notice has been served on Mr L Tonkin to clean the area up.

Council initially agreed to the use of the eastern area for cardboard disposal and to permit the Group to commence cardboard recycling activities. In addition the Group was advised that the volunteer component was onsite only and was not to involve collection of the waste product. This now occurs. The site is also being used for the storage of batteries, used oil, tin drums and the like.

It is recommended that the Group be limited on site to plastics, batteries and cardboard and that Lions Club be permitted to continue with glass, metal light gauge and newspaper.

The Group seeks Council involvement in the allocation of the funds received from the recycling activities. As Council has accepted that the Group is voluntary and will donate the funds raised to community groups, Council should assure themselves that this in fact happens. This could be done by the Group supplying annual financial statements to the Administration.

Officer's Recommendation

1. *That Lions Club be restricted to recyclable collections of glass, light gauge metal cans, newspaper.*
2. *That the Recycling for the Merredin Community Group be limited to the collection and recycling of cardboard, plastics and vehicle batteries.*

Council were advised that further information had been received from the Lions Club advising that the Club did not wish to be involved in newspaper recycling, however the Group did wish to be involved. As a result of this information, the Officer's Recommendation was amended.

30090

Moved Cr Townrow

Sec Cr A Hooper

1. *That Lions Club be restricted to recyclable collections of glass, light gauge metal cans.*
2. *That the Recycling for the Merredin Community Group be limited to the collection and recycling of newspaper, cardboard, plastics and vehicle batteries.*

CARRIED 8/0

This Agenda Item 16.2 was brought forward due to the attendance of John Mitchell, Executive Manager of Development Services.

16.2 **TOWN PLANNING – R CODES APPLICATION – LOT 31 YORRELL WAY, MERREDIN – TWO STOREY STEEL FRAMED GALVANISED IRON COLORBOND CLAD DWELLING**

Reporting Department: Development Services
Reporting Officer: John Mitchell – Executive Manager, Development Services
Legislation: Planning and Development Act 2005, Residential Design Codes 2008, Shire of Merredin Town Planning Scheme No.1
File Number: A3325

Background

Mrs Sharon Bailey has made an offer on Lot 31 Yorrell Way, Merredin for purchase on the proviso that the local government, Shire of Merredin, permits the erection of a two storey dwelling.

An application (**Attachment 16.2A**) to establish a two storey dwelling on Lot 31 Yorrell Way, Merredin has been received from Mrs Sharon Bailey. The plans do not contain a site plan however if the structure is placed 2.5m from the northern boundary adjacent to the right of way it is compliant with the R Codes. The front setback will be 7.5m.

A review of the plans determined that there is potential impact pursuant to Part 4 Consultation (4.1(b)) of the Residential Design Codes April 2008.

The owners and designer have been advised that additional plans showing the locations of neighbouring dwelling properties is required and that the application is subject to Council consideration due to the privacy issue.

Copies of the plans have been sent to the neighbours seeking comment on the proposed development. Their comments will not impact upon this decision.

Statutory Implications

Policy 8.20 of the Shire of Merredin Policy Manual states as a guideline that applications of a likely contentious nature are to be referred to Council for consideration.

Financial Implications

As the application is being assessed for R Codes compliance only the minimum fees are applicable pursuant to the Town Planning (Local Government Fees) Regulations 2000 and the preface of the R Codes. Planning application fees have not been paid at the time of writing this report.

Planning application forms have not been signed by the owners. Correspondence has been sent seeking that the forms be completed.

Comment

Acceptable development criteria pursuant to Section 6.8 Privacy Requirements of the R Codes permit the development to occur in the case of unenclosed outdoor active habitable spaces if a minimum setback of 7.5m to the side boundary is maintained. This requirement can be been met.

Pursuant to Clause 6.3.1 of the R Codes 2008 the setback required is 2m. This is calculated by the wall height. In this instance the wall height is the single storey component.

The southern side will require privacy screening of 1m to the upstairs outdoor area to overcome viewing of the neighbouring property when developed.

The external construction feature is colorbond materials.

The house design is not a component of town planning consent.

Setting the dwelling at 2.5m setback northern boundary and 7.5m from Yorrell Way is considered acceptable development pursuant to the R Codes.

The dwelling on Lot 33 Yorrell Way is setback 7.5m. Lot 32 Yorrell Way is vacant land. Lot 30 Yorrell Way comprises 5 government dwelling units.

The land is sloping to Yorrell Way. A minimum sandpad is required. To minimise the effect of the height on neighbours any sandpad shall comprise an excavation.

Officer's Recommendation

That the applicant be advised: -

- 1. that subject to receiving a compliant application for the erection of a two storey dwelling on Lot 31 Yorrell Way, Merredin, the plans of a Country Home 2 of Wide Span Sheds dated 09-07-2009 setback 2.5m from the northern boundary - right of way and 7.5m from Yorrell Way is acceptable with the conditions that the sand pad is to be excavated and that screens are to be provided on the first meter of each wing of the outdoor area to alleviate privacy issues to the neighbouring properties.*
- 2. Detailed site plans, energy efficiency forms and supporting documentation necessary for a building approval are to be submitted to the Administration prior to the issue of the town planning consent and building licence.*

30091

Moved Cr Townrow Sec Cr Young

That the applicant be advised: -

- 1. That subject to receiving a compliant application for the erection of a two storey dwelling on Lot 31 Yorrell Way, Merredin, the plans of a Country Home 2 of Wide Span Sheds dated 09-07-2009 setback 2.5m from the northern boundary - right of way and 7.5m from Yorrell Way is acceptable with the conditions that the sand pad is to be excavated and that screens are to be provided on the first meter of each wing of the outdoor area to alleviate privacy issues to the neighbouring properties.*
- 2. Detailed site plans, energy efficiency forms and supporting documentation necessary for a building approval are to be submitted to the Administration prior to the issue of the town planning consent and building licence.*

CARRIED 8/0

Emma Hooper, Executive Manager of Finance and Administration, entered the meeting at 2.40pm.

John Mitchell, Executive Manager of Development Services, left the meeting at 2.41pm.

12.0 ENGINEERING SERVICES

Nil Recommendations to Council

13.0 FINANCE AND ADMINISTRATION

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

Comment

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

Officer's Recommendation

That Council receive the Monthly Finance Report for July 2009.

30092

Moved Cr A Hooper

Sec Cr Morris

*That Council receive the Monthly Finance Report for July 2009.***CARRIED 8/0**

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 \$142,716.67 and amounts directly debited from Council's Municipal Fund Bank Account BSB 066-518 Account Number 000-000-10 totalling \$327,420.03 and outstanding creditors totalling \$965,138.24.

30093

Moved Cr Forbes

Sec Cr Young

That Council receive the schedule of accounts as listed, covering cheques as numbered and totalling \$142,716.67 and amounts directly debited from Council's Municipal Fund Bank Account BSB 066-518 Account Number 000-000-10 totalling \$327,420.03 and outstanding creditors totalling \$965,138.24.

CARRIED 8/0

13.3 REVIEW OF DELEGATIONS

Reporting Department: Administration
Reporting Officer: Frank Ludovico – Chief Executive Officer
Legislation: Local Government Act 1995
File Number: FM/3/2, P/2/1

Background

The purpose of the Delegations Register is to delegate some of the functions of Council to Council staff so they can be administered without reference to Council. This means that decisions can be made quickly and not consume the time of Council and Council meetings.

Statutory Implications

Local Government Act 1995 Section 5.18 indicates a Local Government must review the delegations it has made at least once in every financial year. Council adopted the current set of delegations at its August 2008 meeting (**CMRef 29670**).

Comment

Council undertook extensive review of the Delegations Register in 2008 via the Senior Staff Review Committee.

Staff have amended the Delegations Register to reflect the current Titles of Executive Staff.

Staff believe Council Delegations to the Chief Executive Officer and others are functioning well. The Delegation Register is attached at **Attachment 13.3A**.

Officer's Recommendation

That Council adopt the Delegation Register as shown in Attachment 13.3A.
ABSOLUTE MAJORITY REQUIRED

Emma Hooper, Executive Manager of Finance and Administration, left the meeting at 2.48pm.

30094

Moved Cr Townrow

Sec Cr Forbes

That Council adopt the Delegation Register as shown in Attachment 13.3A.

CARRIED 8/0
ABSOLUTE MAJORITY

MINUTES

This Agenda Item 16.1 was brought forward.

16.1 LOCAL GOVERNMENT STRUCTURAL REFORM

Reporting Department:	Administration
Reporting Officer:	Frank Ludovico – Chief Executive Officer
Legislation:	Local Government Act 1995
File Reference:	GR/17/36

Background

On February 5 2009 the Minister for Local Government made an announcement “*inviting each of the 139 Councils within Western Australia to embrace the opportunity to voluntarily amalgamate and to voluntarily reduce the total number of elected members of each Council*”.

On 27 February 2009 the Local Government Steering Committee issued Guidelines to assist local governments in their reform process.

The Guidelines identified a five stage process. Stage One – Agreement on need for reform partners. Stage Two – Initial preparatory work for reform submission. Stage Three – Preparation of reform submission. Stage Four – Council endorsement. Stage Five – Reform submission to the Minister for Local Government.

Stage One actions called for the completion of the Local Government Reform Checklist (completed in April 2009 **CMRef 29958**), local governments determining suitable partners for amalgamation (completed 17 February 2009 **CMRef 29889**), consideration of the reduction in the number of elected members. This process was commenced by Council in November 2008 and finally determined on 21 April 2009 (**CMRef 29959** and **CMRef 29960**) where Council has chosen to reduce the number of Shire of Merredin Councillors from 11 to 9.

Stage Two called for the establishment of a Structural Reform Project Team (SRPT). This Team was established on 17 March 2009 (**CMRef 29917**). Subsequently, the Project Team met to consider the preferred amalgamation structure and met or attempted to meet with local governments previously identified to undertake structural reform discussions.

The SRPT prepared a Discussion Paper which was discussed at Council’s July 2009 meeting (**CMRef 30074**).

A Public Meeting was held on 30 July 2009 to allow community input into the Local Government Structural Reform process and the notes of this Forum are included in **Attachment 16.1A**.

Stage Three – due to the lack of other volunteer partners, the SRPT were unable to prepare a detailed assessment.

MINUTES

At the recent Western Australian Local Government Association Local Government Convention the Minister for Regional Development, the Hon Brendon Grylls, clearly indicated to the Convention that the Royalties for Regions funding package clearly contained a regional component which would be provided to local governments that embraced the Structural Reform process. Those that did not would not be able to access these funds.

The Premier also indicated that local governments required significant restructure and thought that the number of local governments “*should be reduced to significantly below 100*”.

As a result of these definitive comments the Minister was asked to allow local governments extra time to develop submissions. We have been advised by WALGA that the Minister has granted this request and is allowing submissions to be made up to 30 September 2009.

In view of the recent changes in circumstances, the SRPT met on 12 August 2009 to discuss the issues.

The SRPT agreed to once again discuss Structural Reform with neighbouring local governments.

The basis of this approach is a more detailed Structural Reform Proposal on which to base discussions (**Attachment 16.1B**).

Council needs to discuss this proposal so it can be forwarded to neighbouring local governments.

Comment

It is clear the Government’s intent from all quarters is Structural Reform.

The Council needs to discuss the attached Structural Reform Proposal and once an agreed position is reached, invite the appropriate local governments to negotiate a proposal for submissions to the Minister for Local Government.

Officer’s Recommendation

That Council adopt the Structural Reform Proposal as shown in Attachment 16.1B as basis for negotiations with the Shires of Bruce Rock, Kellerberrin, Narembeen, Nungarin, Westonia and Yilgarn.

30095

Moved Cr Wallace

Sec Cr Townrow

That Council adopt the Structural Reform Proposal as shown in Attachment 16.1B as basis for negotiations with the Shires of Bruce Rock, Kellerberrin, Narembeen, Nungarin, Westonia and Yilgarn.

CARRIED 8/0

14.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

15.0 QUESTIONS BY MEMBERS FOR WHICH DUE NOTICE HAS BEEN GIVEN

Nil

16.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

16.1 Local Government Structural Reform

Refer to Page 44 for information on this Agenda Item.

16.2 Town Planning – R Codes Application – Lot 31 Yorrell Way, Merredin – Two Storey Steel Framed Galvanised Iron Colorbond Clad Dwelling

Refer to Page 36 for information on this Agenda Item.

16.3 Merredin Tennis and Hockey Turf Alliance

30096

Moved Cr Townrow Sec Cr Morris

That Council will fund the shortfall between the original concept (i.e. synthetic hockey and 9 synthetic tennis courts) and a regional sporting facility (consisting of synthetic hockey/soccer pitch and 12 synthetic tennis courts) by either fundraising, grant allocations, loans or budget allocations.

CARRIED 8/0

17.0 MATTERS BEHIND CLOSED DOORS

Nil

18.0 CLOSURE

There being no further business the Presiding Person declared the meeting closed at 3.50pm. Councillors and staff then attended the Merredin Long Tan Memorial Service.

At 4.40pm Superintendent Bullen from the WA Police Service addressed an informal meeting of Councillors. Points emerging from the discussion were:

1. There are no pressing issues in Merredin;
2. The Police Service may review its regional boundaries as a result of Local Government Structural Reform.