

SHIRE OF MERREDIN



“Heart of the Wheatbelt”

MINUTES OF COUNCIL MEETING

18 NOVEMBER 2008

INDEX

1.0	OFFICIAL OPENING	4
2.0	PUBLIC QUESTION TIME.....	4
3.0	APOLOGIES AND LEAVE OF ABSENCE	4
4.0	DISCLOSURE OF INTEREST	4
5.0	PETITIONS AND PRESENTATIONS.....	5
6.0	CONFIRMATION OF MINUTES.....	5
6.1	Previous Council Meeting	5
7.0	ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION.....	5
7.1	Merredin Fine Arts Society Art Prize.....	5
7.2	Regional Achievement and Community Awards	5
8.0	FINANCE AND ADMINISTRATION (Formally Agenda Item 13.0)	6
8.1	Monthly Finance Report (Formally Agenda Item 13.1).....	6
8.2	List of Accounts Paid (Formally Agenda Item 13.2)	7
8.3	Analysis of Valuation Methods within the Shire of Merredin (Formally Agenda Item 13.3).....	8
8.4	Fire Break Order and Appointment of Fire Brigade Officers (Formally Agenda Item 13.4).....	12
8.4.1	South Burracoppin Fire Brigade Vehicle	15
8.5	Request for Financial Assistance – Swimming Pool Islands (Formally Agenda Item 13.5).....	16
8.6	Group Rating of Unimproved Valuation Land within the Townsite (Formally Agenda Item 13.6).....	18
8.7	Department of Housing and Works – Discussion Paper – Rental Subsidies (Formally Agenda Item 13.7).....	20
8.8	Shire of Merredin Christmas Function (Formally Agenda Item 13.8)	23
9.0	MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC (Formally Agenda Item 8.0)	24
16.1	Chief Executive Officer Performance Review	24
10.0	RECEIVAL OF MINUTES OF COMMITTEE MEETINGS HELD SINCE THE PREVIOUS MEETING OF COUNCIL (Formally Agenda Item 10.0).....	24
10.1	Merredin Heritage Management Committee Meeting held on Thursday 23 October 2008 (Formally Agenda Item 9.1)	24
10.2	Bush Fire Brigade Meeting held on Thursday 23 October 2008 (Formally Agenda Item 9.2).....	24
10.3	Merredin Regional Community and Leisure Centre Advisory Committee Meeting held on Monday 27 October 2008 (Formally Agenda Item 9.3).....	24
10.4	Wheatbelt East Regional Organisation of Councils Council Meeting held on Tuesday 28 October 2008 (Formally Agenda Item 9.4).....	24
10.5	Merredin Local Emergency Management Committee Meeting held on Tuesday 4 November 2008 (Formally Agenda Item 9.5).....	24
10.6	Merredin Business and Community Development Committee Meeting held on Wednesday 5 November 2008 (Formally Agenda Item 9.6).....	24

MINUTES

11.0	DEVELOPMENT SERVICES	28
11.1	Lot 15 Booran South Road – Prosecution Resolution.....	28
17.1	Town Planning – State Administrative Tribunal Hearing DR 403 of 2008; Collgar Windfarm Pty Ltd & Shire of Merredin – PA15-08 Approval Consent – Request to Amend	30
11.2	Share and Care Community Services Group – Request for Donation of Office Space	33
11.3	Lot 1335 Whitfield Way – Budget Costings and Estimates.....	35
11.4	Building Maintenance – Old Town Hall, Lot 1449 Mitchell Street, Merredin – Provision of Disabled Entry Ramp.....	38
11.5	Railway Institute Hall – Lot 3000 Todd Street, Merredin - Offer to Demolish; Mr D Murfit.....	40
11.6	Town Planning – Town Planning Scheme No.1 – Policy 8.24 Seatainer Policy.....	43
11.7	Tamma Park – Closure of Kendall Street.....	45
12.0	COMMUNITY SERVICES (Formally Agenda Item 10.0).....	48
12.1	Purchase of New Lighting Equipment for Cummins Theatre (Formally Agenda Item 10.1).....	48
13.0	ENGINEERING SERVICES (Formally Agenda Item 12.0).....	50
14.0	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....	50
15.0	QUESTIONS BY MEMBERS FOR WHICH DUE NOTICE HAS BEEN GIVEN	51
15.1	Councillor Representation.....	51
16.0	MATTERS BEHIND CLOSED DOORS (Formally Agenda Item 17.0)	53
16.1	Chief Executive Officer Performance Review	53
17.0	URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION (Formally Agenda Item 16.0)	54
17.2	Merrittville Funding Application Assistance	54
17.3	Loan of Shire of Merredin Paintings	54
18.0	CLOSURE	54

MINUTES

Minutes for the Ordinary Meeting of the Shire of Merredin held in the Council Chambers, Corner King and Barrack Streets, Merredin on Tuesday 18 November 2008 commencing at 1.00pm.

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

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

1.0 OFFICIAL OPENING

Due to the absence of the Shire President, Cr K Hooper, the Deputy Shire President, Cr Crees, took the Chair and declared the meeting open at 1.02pm. Emma Hooper, Executive Manager of Finance and Administration and Jess Twomey, Senior Finance Officer, were in attendance.

Cr A Hooper entered the meeting at 1.03pm.

2.0 PUBLIC QUESTION TIME

Nil

3.0 APOLOGIES AND LEAVE OF ABSENCE

Cr K Hooper and Cr Hayden had previously advised their apologies for this meeting.

29752

Moved Cr Young

Sec Cr Elliott

That Council grant Leave of Absence to Cr Townrow for Council and Committee meetings from November 2008 to January 2009 inclusive.

CARRIED 8/0

4.0 DISCLOSURE OF INTEREST

Cr Crees declared a Financial Interest in Agenda Item 11.1 and Agenda Item 17.1.

Frank Ludovico, Chief Executive Officer, declared a Proximity Interest in Agenda Item 9.6.7.3.

5.0 PETITIONS AND PRESENTATIONS

Nil

6.0 CONFIRMATION OF MINUTES6.1 Previous Council Meeting

Confirmation of the Minutes of the previous Council Meeting held on 21 October 2008.

29753

Moved Cr Forbes

Sec Cr Wallace

That the minutes of the meeting of Council held on 21 October 2008 be confirmed as a true and correct record of proceedings.

CARRIED 8/07.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

7.1 Merredin Fine Arts Society Art Prize

Council were advised that the painting acquired by the Shire of Merredin was on display in Council Chamber.

7.2 Regional Achievement and Community Awards

Cr Crees advised Council of the Shire's representation at the Awards Ceremony which was held in Perth on November 7 2008 as the Shire of Merredin was a finalist in the Awards. Unfortunately the Shire of Merredin was not successful, however a framed certificate was provided and this would be displayed in the Administration Centre.

MINUTES

These Agenda Items (formally) 13.1 through to (formally) 13.4 inclusive were brought due to the attendance of Emma Hooper, Executive Manager of Finance and Administration and Jess Twomey, Senior Finance Officer.

8.0 FINANCE AND ADMINISTRATION (Formally Agenda Item 13.0)

8.1 **MONTHLY FINANCE REPORT (Formally Agenda Item 13.1)**

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

Comment

The attached Monthly Financial Report is provided for Council information.
(Attachment 13.1A)

Officer's Recommendation

That Council receive the Monthly Finance Report for October 2008.

29754

Moved Cr Young

Sec Cr Morris

That Council receive the Monthly Finance Report for October 2008.

CARRIED 8/0

8.2 LIST OF ACCOUNTS PAID (Formally Agenda Item 13.2)

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 during the month under delegated authority is provided for Council information. (**Attachment 13.2A**)

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 \$246,934.06 and amounts directly debited from Councils Municipal Fund Bank Account BSB 066-518 Account No. 000-000-10 totalling \$364,251.59 and outstanding creditors totaling \$201,378.82.

29755

Moved Cr Young

Sec Cr Morris

That Council receive the schedule of accounts as listed, covering cheques as numbered and totalling \$246,934.06 and amounts directly debited from Councils Municipal Fund Bank Account BSB 066-518 Account No. 000-000-10 totalling \$364,251.59 and outstanding creditors totaling \$201,378.82.

CARRIED 8/0

8.3 ANALYSIS OF VALUATION METHODS WITHIN THE SHIRE OF MERREDIN (Formally Agenda Item 13.3)

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

Background**UV v GRV Valuations and the Townsite Boundary**

In late 2007 a Special Electors Meeting was held, with Landgate representatives in attendance, to discuss methods of valuation of rural land within the townsite boundary and the reasons behind the Shire's current rating methodology.

The Special Electors Meeting resolved "*That Council set an Unimproved Value rate in the dollar for properties inside the town boundary lower than the Unimproved Value rate in the dollar for properties outside the town boundary*".

In addition to this the following issues were discussed:

1. Investigate the possibility of all land within the town boundary being valued on Gross Realisable Value.
2. Investigate the possibility of differential rating for Rural Land within the townsite, for example a "Hobby Farm Rate".

Another issue to be considered is whether these concepts are to be applied to the Merredin Townsite only, or should include all towns as stipulated in the Town Planning Strategy, incorporating Muntadgin, Burracoppin, Hines Hill, Nangeenan, Nukarni and Korbel. It may be appropriate to review the Town Planning Strategy to determine whether alterations to these townsite boundaries and removal of townsite designations in some instances would be appropriate.

It is arguable that for those towns that do not include any GRV rated land within the designated townsite, and towns that may be argued to not provide 'townsite services' (including street lighting, rubbish collection, mail delivery etc) that the removal of their designation as a town may be appropriate.

In contrast to this issue, the potential for future development and growth of these towns must also be considered.

MINUTES

Following the adoption of these minutes by Council at its January 2008 meeting, the following resolution (**CMRef 29331**) was passed: *“That Council.....request the Chief Executive Officer to obtain indicative Gross Rental Valuations for all properties within the townsite that are currently valued Unimproved and undertake a modelling exercise on the effect of this change in valuation”*.

Statutory Implications*Change of Method of Valuation*

The process for changing the methods of valuation of land as follows is summarised from the Department of Local Government and Regional Development, Local Government Operational Guidelines – Number 02 “Changing Methods of Valuation of Land”.

Under Section 6.28 of the Local Government Act 1995, the Minister for Local Government and Regional Development is responsible for determining the method of valuation of land to be used by a local government as the basis for a rate.

In most instances the Minister has chosen to respond to applications from local governments for changes to valuation methods rather than directing local governments to make changes.

The main steps in changing the valuation method of a property are:

1. Identify land use changes that may affect predominant use.
2. Reviewing predominant use
3. Consulting affected parties
4. Changing the method of valuation.

When determining predominant use the following factors should be considered:

1. Activity on the land. For example, an occupier can keep a small number of animals and undertake some rural activities on a small scale but if the occupier is not ‘deriving their livelihood from “working the land” the predominant use can be said to be residential
2. Development on the land. The nature, scale and extent of the development of a property can give an indication of the nature, scale and intensity of associated uses. They can also affect the capacity for a property to be used for other purposes.
3. Income generated from the use of the property, if any, can be a guide to assessing the predominant use of the land.
4. Town Planning Scheme Restrictions.

In the instance of ‘hobby farms’ being changed from UV to GRV it may be argued that the Predominant Use of the land is residential as the majority of these property owners do not ‘derive their livelihood from working the land’.

MINUTES

Differential Rating

A local government may impose differential general rates according to any, or a combination, of the following characteristics:

1. The purpose for which the land is zoned under a town planning scheme
2. The predominant purpose for which the land is held or used as determined by the local government
3. Whether or not the land is vacant
4. Any other characteristic or combination of characteristic prescribed.

Further investigation would need to occur in order to determine a transparent and appropriate methodology for setting a differential rate for such properties. Factors that would need to be considered include, but are not limited to, the proximity to town and therefore townsite services and the potential for further development and subdivision.

When imposing differential rates it is also required to give local public notice of its intention to do so, which is specifically prescribed under the Local Government Act 1995 Section 6.36.

It should be noted that at Councils 18 April 2006 meeting it was resolved, (CMRef 28417), that Council cease using the differential rating system as of the 2006/2007 Financial Year.

Financial Implications

Based upon the initial indicative values provided, analysis has been performed to determine the effect of altering those properties valuation methods from UV to GRV.

From initial review it appears that the budget implications of changing all Merredin townsite land to be rated by GRV, would be a decrease in rates by approximately \$23,000.00.

Comment

The following items for consideration have been noted by Staff in relation to the above issues:

1. The reduction in rates that would result from this change would be levied across other categories of ratepayers
2. There is potential to leave the valuation method as they are and alter valuations to GRV if and when subdivision occurs
3. The argument can be put that all other blocks within the townsite are rated on GRV so Council should be consistent in this methodology.
4. Consideration would be needed for those property owners who own land within the townsite area whose predominant use is for bona fide agricultural pursuits.
5. Movement to differential rating requires a very robust and transparent process in determining additional rates in the dollar to ensure equity for ratepayers.

6. Review of townsite boundaries may be appropriate in order to determine towns which Council wish to promote development within and to change the official designation of those towns that have no infrastructure reminiscent of a town or no residential housing.
7. It would be appropriate to have a consistent rating methodology applied throughout the designated townsites in the Shire of Merredin. Therefore it would be relevant to obtain indicative GRV valuations for all affected properties.

Officer's Recommendation

1. *That Council request staff to obtain indicative GRV valuations for all townsite land within the Shire of Merredin to enable accurate financial implications to be determined and to then reconsider the issue.*
2. *That Council endorse a review of townsite boundaries and town designations for all towns within the Shire of Merredin.*

Cr A Hooper left the meeting at 1.36pm.

29756

Moved Cr Elliott

Sec Cr Young

1. *That Council request staff to obtain indicative GRV valuations for all townsite land within the Shire of Merredin to enable accurate financial implications to be determined and to then reconsider the issue.*
2. *That Council endorse a review of townsite boundaries and town designations for all towns within the Shire of Merredin.*

CARRIED 4/3

MINUTES

8.4 FIRE BREAK ORDER AND APPOINTMENT OF FIRE BRIGADE OFFICERS (Formally Agenda Item 13.4)

Reporting Department:	Finance and Administration
Reporting Officer:	Emma Hooper – Executive Manager, Finance and Administration
Legislation:	Local Government Act 1995, Local Laws and Bush Fires Act

Background

The Annual General Meeting of the Merredin Shire Bush Fire Control Officers was held on 23 October 2008. Minutes of the meeting are contained within **Attachment 13.4A**, however specific matters relating to the 2008-2009 Fire Break Order and appointment of authorised officers under the Bush Fires Act 1954 require a specific resolution of Council.

Prohibited Burning Times are currently 1 November to 15 February. Restricted Burning Times are from 19 September to 31 October, and 15 February to 15 March.

Statutory Implications

In addition each year a local government may as a measure for preventing the outbreak of a bush fire give notice in writing to an owner or occupier of land situated within the district of the local government requiring him/her or them to comply with the requirements of the Fire Break Order adopted by Council. This is empowered by Section 33 of the Bush Fires Act 1954.

This information has been provided with rates notices in August 2008 and advertised in the Merredin Mercury.

Comment

No amendments to the Fire Break Order were proposed at the 2008 Bush Fire Control Officers Annual General Meeting.

A motion was passed at the Annual General Meeting to put to Council to extend the Prohibited Burning Period for the Shire of Merredin to 1 March 2009, for the 2008/2009 Fire Season only.

The Officer's Recommendation below details the additional motions as passed by the Annual General Meeting.

It is recommended Council adopt the schedule of authorised officers and the Fire Break Order to enable gazettal and advertising of this information.

MINUTES

Officer's Recommendation

1. *Stephen Crook be appointed as the Chief Bush Fire Control Officer for the Shire of Merredin for the 2008/2009 fire season*
2. *Graeme Whitehead be appointed as the Deputy Chief Bush Fire Control Officer for the Shire of Merredin for the 2008/2009 fire season*
3. *The following people be appointed as Fire Control Officers of the Shire of Merredin for the 2008/2009 fire season:*

<i>P McCrae</i>	<i>R Morton</i>	<i>J Goodier</i>
<i>C Hooper</i>	<i>K Cahill</i>	
<i>G Crees</i>	<i>F Alvaro</i>	
<i>N Edgecombe</i>	<i>R Last</i>	
<i>J Lambert</i>	<i>S Crook</i>	
<i>C Barnett</i>	<i>R Cockram</i>	
<i>R Gray</i>	<i>G Whitehead</i>	

4. *The following people be appointed as Fire Weather Officers of the Shire of Merredin for the 2008/2009 fire season:*

<i>North East</i>	<i>C Barnett</i>
<i>South East</i>	<i>P McCrae</i>
<i>North West</i>	<i>P Fisher</i>
<i>South West</i>	<i>C Hooper</i>
<i>North Central</i>	<i>R Cockram</i>
<i>South Central</i>	<i>N Edgecombe</i>
<i>Central</i>	<i>S Crook</i>

5. *The Shire of Merredin extend the prohibited burning period to 1 March 2009 for the 2008/2009 Fire Season only.*
6. *That the Fire Break Order contained within Attachment 13.4A be adopted by the Shire of Merredin for the 2008/2009 fire season and future seasons unless modified otherwise.*
7. *That the Shire of Merredin extend the Restricted Burning Period for the Merredin Townsite (Gazetted Boundary) from 31 October 2008 up to and including 30 November 2008 to allow the Merredin Fire and Rescue Service only to carry out control burns in the townsite.*

MINUTES**29757**

Moved Cr Morris Sec Cr Simmonds

1. *Mr Stephen Crook be appointed as the Chief Bush Fire Control Officer for the Shire of Merredin for the 2008/2009 fire season*
2. *Mr Graeme Whitehead be appointed as the Deputy Chief Bush Fire Control Officer for the Shire of Merredin for the 2008/2009 fire season*
3. *The following people be appointed as Fire Control Officers of the Shire of Merredin for the 2008/2009 fire season:*

<i>P McCrae</i>	<i>R Morton</i>	<i>J Goodier</i>
<i>C Hooper</i>	<i>K Cahill</i>	
<i>G Crees</i>	<i>F Alvaro</i>	
<i>N Edgecombe</i>	<i>R Last</i>	
<i>J Lambert</i>	<i>S Crook</i>	
<i>C Barnett</i>	<i>R Cockram</i>	
<i>R Gray</i>	<i>G Whitehead</i>	

4. *The following people be appointed as Fire Weather Officers of the Shire of Merredin for the 2008/2009 fire season:*

<i>North East</i>	<i>C Barnett</i>
<i>South East</i>	<i>P McCrae</i>
<i>North West</i>	<i>P Fisher</i>
<i>South West</i>	<i>C Hooper</i>
<i>North Central</i>	<i>R Cockram</i>
<i>South Central</i>	<i>N Edgecombe</i>
<i>Central</i>	<i>S Crook</i>

5. *The Shire of Merredin extend the prohibited burning period to 1 March 2009 for the 2008/2009 Fire Season only.*
6. *That the Fire Break Order contained within Attachment 13.4A be adopted by the Shire of Merredin for the 2008/2009 fire season and future seasons unless modified otherwise.*
7. *That the Shire of Merredin extend the Restricted Burning Period for the Merredin Townsite (Gazetted Boundary) from 31 October 2008 up to and including 30 November 2008 to allow the Merredin Fire and Rescue Service only to carry out control burns in the townsite.*

CARRIED 7/0

Cr A Hooper entered the meeting at 1.41pm.

MINUTES

8.4.1 South Burracoppin Fire Brigade Vehicle

Council were advised that the vehicle currently on loan to the South Burracoppin Fire Brigade was being recalled by FESA. The request that FESA reconsider the recall was unsuccessful and it was unlikely that a replacement vehicle would be provided. The South Burracoppin Fire Brigade were also trying to relicence the vehicle as FESA had allowed the license to lapse.

29758

Moved Cr Young

Sec Cr Forbes

That Council advise Fire and Emergency Services Australia that an adequate vehicle for the South Burracoppin Fire Brigade be regarded as its highest priority for vehicle replacement in the Shire of Merredin.

CARRIED 8/0

Emma Hooper, Executive Manager of Finance and Administration and Jess Twomey, Senior Finance Officer, left the meeting at 1.53pm.

MINUTES

These Agenda Items (formally) 13.5 through to (formally) 13.8 inclusive were bought forward due to the attendance of Frank Ludovico, Chief Executive Officer.

8.5 **REQUEST FOR FINANCIAL ASSISTANCE – SWIMMING POOL ISLANDS (Formally Agenda Item 13.5)**

Reporting Department: Finance

Reporting Officer: Frank Ludovico – Chief Executive Officer

File Reference: RCS/13/02

Background

Attached is a letter received from the North Merredin Primary School P & C Association (**Attachment 13.5A**) requesting that Council consider contributing 25% towards the reimbursement of Ms Mary Segond van Banchet for the purchase of two swimming pool islands at a total cost of \$1,430.00.

Staff understand that Ms Segond von Banchet is an in-term swimming teacher and in the 2007-2008 swimming season purchased swimming pool items at her own expense to be used in those swimming classes.

Subsequently, Ms Segond von Banchet sought to be qualified as an infant swimming instructor and is undertaking her practical hours component at the Rec Centre and provided the swimming pool islands being used in that activity.

The Rec Centre has successfully applied for funding to purchase these swimming pool islands for use at the Rec Centre.

Financial Implications

Account *E041170* – Public Relations and Donations – provides for \$1,500.00 of unallocated donations. To date none of this has been allocated. Account *E112012* – Pool Operation Expenses – has an allocation of \$57,360.00. This has been fully allocated, however, a sum of \$360.00 could be located within this Budget.

Comment

It appears to staff that the equipment was purchased for the use during in-term/vacation swimming classes.

Because funding has been successful for the purchase of the swimming pool islands, then there will be no need to use those purchased by Ms Segond von Banchet. Additionally, infant swimming classes have finished for the season and they are not expected to recommence until February/March 2009.

Officer's Recommendation

That Council advise the North Merredin P&C Association and Ms Mary Segond von Banchet that it is unable to provide financial assistance for the purchase of two swimming pool islands.

The Chief Executive Officer advised Council that the funding received was for only one swimming pool island.

29759

Moved Cr Elliott Sec Cr Young
That Council discuss Agenda Item 8.5.

CARRIED 8/0**29760**

Moved Cr Young Sec Cr Wallace
That Council purchase one swimming pool island from Ms Mary Segond von Banchet subject to investigating the conditions of the funding and that the swimming pool island then becomes the Shire of Merredin's property.

CARRIED 7/1

REASON: It is essential that Council provide equipment so children can be taught how to swim safely.

MINUTES

8.6 GROUP RATING OF UNIMPROVED VALUATION LAND WITHIN THE TOWNSITE (Formally Agenda Item 13.6)

Reporting Department:	Finance
Reporting Officer:	Frank Ludovico – Chief Executive Officer
Legislation:	Local Government Act 1995
File Reference:	P7068, P9206 & P9224

Background

In September 2006 Mr John Growden wrote to Council requesting that all farmland held in his name be Group Rated. A map of this land is contained within **Attachment 13.6A**. On researching this matter, it was determined that Mr Growden owns farmland both inside and outside the Nangeenan townsite.

Ordinarily land owned by the same owner, used for the same purpose and is contiguous (i.e. Lots have common boundaries) are Group Rated by the Valuer General and he provides us one valuation for the holding.

However, in the case of Mr Growden, the Valuer General is unable to provide a Group Valuation on the land owned by Mr Growden (i.e. both inside and outside the townsite) because “the methodology of approach will greatly vary and as such it would not be appropriate to amalgamate the two values”. They suggest that the local authority amalgamate the two values into a single assessment.

In researching this matter, staff have found similar cases in Muntadgin and Merredin.

Statutory Implications

Section 6.39 of the Local Government Act 1995 enables Council to combine the two valuations into one assessment.

Financial Implications

The combining of the two separate valuations will have only a marginal effect on the rating income received by Council as most rate assessments produce rates higher than the minimum level. There is only one assessment that is minimum rated and the loss to Council would be approximately \$75.00. The other financial implication with the amalgamation of assessments is that Council’s Waste Management Levy will be reduced and also the Emergency Services Levy.

A total of 12 assessments will be affected and if Group Rating is approved this will be reduced to 5 assessments meaning that Council Waste Management Levy income will reduce by \$420.00.

Comment

Discussed in other papers in this Agenda, is the issue of whether all land within the townsite should be valued on the basis of Gross Rental Valuation (GRV). If this is the case then the different valuation methods will necessitate separate assessments once again.

It could be argued that GRV rating of agricultural land within the townsite of Nangeenan is not appropriate as in reality the town does not provide for all town services. The contrary argument to this is that these townsites exist and in the future this land may be subdivided to meet population growth.

The issue in Merredin is somewhat different where the land affected is considered potential for Rural-Residential land in Council's Local Planning Strategy.

Whilst the original request from Mr Growden dealing with Nangeenan is a relatively simple matter, the principle that would develop from that decision will have an effect in Merredin and will be dependant on the determination made by Council in respect to applying GRV's to all land within the Merredin townsite.

Officer's Recommendation

That Council agree to the Group Rating of holdings which have land both inside and outside of townsites, are contiguous, are of predominately agricultural pursuit and use the same valuation method (i.e. Unimproved Value).

29761

Moved Cr Young

Sec Cr A Hooper

That Council agree to the Group Rating of holdings which have land both inside and outside of townsites, are contiguous, are of predominately agricultural pursuit and use the same valuation method (i.e. Unimproved Value).

CARRIED 8/0

MINUTES

8.7 DEPARTMENT OF HOUSING AND WORKS – DISCUSSION PAPER – RENTAL SUBSIDIES (Formally Agenda Item 13.7)**Reporting Department:** Administration**Reporting Officer:** Frank Ludovico – Chief Executive Officer

Background

Attached is a Discussion Paper (**Attachment 13.7A**) that discusses the return of unused surpluses back to the Department of Housing and Works (DHW) for reuse in other housing projects as there is unprecedented demand for funding in the community housing sector.

The DHW discusses that it has two options. The first is that all reported surpluses would be returned to the DHW for its use at its discretion. The DHW indicates that every funding agreement for community housing indicates that surpluses for joint venture projects may have to be returned to the DHW for their use.

The second option is that Growth and Preferred Providers would not be required to return surpluses, Registered Providers would be able to use surpluses under certain circumstances while Unregistered Providers would have to return their surpluses.

At a meeting with the Merrittville Committee held in June 2008, the DHW outlined its future for community housing. It proposed four categories of providers.

Growth Providers would manage 500+ properties with a constitution dedicated to social housing the strategic long term planning for growth of social housing and compliant with the National Regulation Code for Growth Providers.

Preferred Providers would manage 100+ properties and would be typically church or local government bodies. They would provide housing for specific target groups or a geographical area and also comply with national community housing standards with a business plan indicating future directions, financial stability etc.

Registered Providers typically would be church or local government bodies with no specific property numbers. Once again with a specific target group or a geographical area but no regular allocation of funding and would require a Business Plan, a Succession Plan and also comply with National Community Housing Standards.

MINUTES

Non-Registered bodies could continue to manage existing housing but no further funding would be provided and all surpluses would be returned to the DHW.

The purpose of this registration process is to gain access to State and Federal funding with Victoria, South Australia and Queensland already using this model.

In the discussion it was suggested that the community housing providers in the Wheatbelt could join forces under a regional banner such as the ROC's.

For several months WE-ROC has been attempting to meet with representatives of the DHW to discuss this issue. I understand that at the next WE-ROC Executive Meeting to be held on 25 November 2008, representatives of the DHW will be attending to discuss the future of community housing.

The Shire of Merredin is involved in this process as it controls the Cummings Street (single persons) Units, constructed as a Joint Venture with DHW. Merrittville also was developed with Joint Venture Housing funds and is located on a Council managed Reserve.

Financial Implications

In respect to the Cummings Street Units, Council currently holds \$50,000.00 in reserve. These funds are ostensibly used for maintenance of the buildings and to provide funding for any future project. I understand that Merrittville has significant reserves which they use for maintenance and also for funding of future development.

Statutory Implications

As pointed out in the report, existing funding agreements indicates that surplus funds are available to the DHW if required (Page 10 & 11 of the Discussion Paper).

Comment

WE-ROC is currently preparing a response to this Discussion Paper.

In respect to the Shire of Merredin, I make the following comments:

1. It appears the DHW only wishes to provide funding to large community housing organisations and so not deal with the many small providers through out the state of Western Australia. In effect this means that small community housing projects will not be funded;
2. If small community housing projects are not funded then how are small communities going to provide housing for its community;
3. Large regional community housing providers will have difficulty efficiently managing multiple projects in multiple towns;
4. Professionally managed organisations may be appropriate in certain communities but not all communities;

MINUTES

5. The issue of the equity put into housing projects by the community in the form of funding, land and materials does not seem to have been considered
6. Surpluses have been generated because volunteers have managed facilities so the savings can be used for additional housing, if surpluses are going to be removed then volunteers will cease to become involved and expenditure will increase remove surpluses;
7. Surpluses should be retained in the communities that generated them for future community housing projects. A concept similar to the Royalties for Regions Policy promoted by the National Party of WA;
8. Insufficient time has been provided to comment on the proposal as prescribed in the State and Local Government Partnership Agreement on Communication and Consultation.

Officer's Recommendation

That Council advise the Minister for Housing, the Department of Housing and Works and the Community Housing Coalition of WA that:

- 1. Smaller communities require community housing and funding large community housing organisations may not provide this;*
- 2. Volunteer Management Committees are not considered in the Discussion Paper and if surplus funds accumulated for future expansion projects are removed then volunteers will cease involvement, increasing costs and reducing surpluses;*
- 3. The existing Joint Venture system has met the needs of country communities and should be retained;*
- 4. Surpluses generated in communities should be retained in the community for future community housing projects.*

29762

Moved Cr Simmonds

Sec Cr Young

That Council advise the Minister for Housing, the Department of Housing and Works and the Community Housing Coalition of WA that:

- 1. Smaller communities require community housing and funding large community housing organisations may not provide this;*
- 2. Volunteer Management Committees are not considered in the Discussion Paper and if surplus funds accumulated for future expansion projects are removed then volunteers will cease involvement, increasing costs and reducing surpluses;*
- 3. The existing Joint Venture system has met the needs of country communities and should be retained;*
- 4. Surpluses generated in communities should be retained in the community for future community housing projects.*

CARRIED 8/0

MINUTES**8.8 SHIRE OF MERREDIN CHRISTMAS FUNCTION (Formally Agenda Item 13.8)****Reporting Department:** Administration**Reporting Officer:** Frank Ludovico – Chief Executive Officer**Legislation:** Council Policy 1.13**Background**

Council Policy 1.13 states the following:

That Council provide a joint Christmas Function for Councillors, Council staff and immediate families. The Chief Executive Officer is to place an item on the Council agenda no later than November of each year requesting Council to set a date and location for the function.

Financial Implications

There is an allocation in the 2008/2009 Budget at Account E041110 - Refreshments and Receptions - of \$2,500.00 for the Staff Christmas Function.

Comment

The 2007 Christmas Function was held at the Merredin Regional Community and Leisure Centre (MRC&LC) with approximately 100 people attending.

Staff have been canvassed to determine the preferred date, the type of function and the venue. Further items taken into consideration during this process were the success of the 2007 Christmas Function and the perception that the MRC&LC is a “neutral location” which resulted in the attendance of more staff, particularly the Engineering Services Crew.

The only date available at the MRC&LC is Friday 12 December 2008.

It is therefore proposed that the Annual Christmas Function be held on Friday 12 December 2008 at the MRC&LC in the form of a self-catered BBQ.

Officer’s Recommendation

That the Shire of Merredin Annual Christmas Function be held on Friday 12 December 2008 at the Merredin Regional Community and Leisure Centre in the form of a Shire catered BBQ.

29763

Moved Cr Simmonds

Sec Cr Young

That the Shire of Merredin Annual Christmas Function be held on Friday 12 December 2008 at the Merredin Regional Community and Leisure Centre in the form of a Shire catered BBQ.

CARRIED 6/2

John Mitchell, Executive Manager of Development Services, entered the meeting at 2.15pm.

MINUTES

Cr Young left the meeting at 2.24

9.0 MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC (Formally Agenda Item 8.0)

16.1 Chief Executive Officer Performance Review

10.0 RECEIVAL OF MINUTES OF COMMITTEE MEETINGS HELD SINCE THE PREVIOUS MEETING OF COUNCIL (Formally Agenda Item 10.0)

10.1 Merredin Heritage Management Committee Meeting held on Thursday 23 October 2008 (Formally Agenda Item 9.1)

Attachment 9.1A

10.2 Bush Fire Brigade Meeting held on Thursday 23 October 2008 (Formally Agenda Item 9.2)

Attachment 13.4A

10.3 Merredin Regional Community and Leisure Centre Advisory Committee Meeting held on Monday 27 October 2008 (Formally Agenda Item 9.3)

Attachment 9.3A

10.4 Wheatbelt East Regional Organisation of Councils Council Meeting held on Tuesday 28 October 2008 (Formally Agenda Item 9.4)

Attachment 9.4A

10.5 Merredin Local Emergency Management Committee Meeting held on Tuesday 4 November 2008 (Formally Agenda Item 9.5)

Attachment 9.5A

10.6 Merredin Business and Community Development Committee Meeting held on Wednesday 5 November 2008 (Formally Agenda Item 9.6)

Attachment 9.6A

29764

Moved Cr Wallace

Sec Cr Elliott

That Council receive the minutes of the Merredin Heritage Management Committee Meeting held on Thursday 23 October 2008, the Bush Fire Brigade Meeting held on Thursday 23 October 2008, the Merredin Regional Community and Leisure Centre Advisory Committee Meeting held on Monday 27 October 2008, the Wheatbelt East Regional Organisation of Councils Council Meeting held on Tuesday 28 October 2008 and the Merredin Local Emergency Management Committee Meeting held on Tuesday 4 November 2008.

CARRIED 7/0

10.1 Merredin Heritage Management Committee

Nil Recommendations to Council

10.2 Bush Fire Brigade

These Recommendations are contained within Agenda Item 13.4. Please refer to Page 33 of this Agenda.

10.3 Merredin Regional Community and Leisure Centre Advisory Committee

9.4 Sports Council Proxies

Moved Cr Crees

Sec D Atkins

That the MRC&LC Advisory Committee recommend to Council that Council endorse David Atkins, Erica Carlson and Andrew Crook as the current Merredin Sports Council representatives on the MRC&LC Advisory Committee.

CARRIED 6/0

29765

Moved Cr Wallace

Sec Cr Forbes

That Council endorse Mr David Atkins, Mrs Erica Carlson and Mr Andrew Crook as the current Merredin Sports Council representatives on the Merredin Regional Community and Leisure Centre Advisory Committee.

**CARRIED 7/0
ABSOLUTE MAJORITY**

10.4 Wheatbelt East Regional Organisation of Councils

Nil Recommendations to Council

10.5 Merredin Local Emergency Management Committee

Nil Recommendations to Council

MINUTES**10.6 Merredin Business and Community Development Committee****7.1 CBD Working Party**

Moved Cr Townrow

Sec Cr Morris

That the overall Concept Plan for the Central Business District comprising of the area bounded by Queen, Barrack, Fifth and Mitchell Streets (both sides these roads) consider the following items:

1. *Library Cultural Centre*
2. *Pedestrian Art Project*
3. *Banner Plan*
4. *Arrival Point in Merredin*
5. *Traffic flows*
6. *Visitor Centre Enhancement*
7. *Pedestrian Spaces and Routes*
8. *Expansion of Retail Sector*
9. *Town Square*
10. *Future Business Opportunities*
11. *Townscape*

This Plan is to have a five year planning horizon.

CARRIED 5/0

Cr Young entered the meeting at 2.30pm.

29766

Moved Cr Wallace

Sec Cr Forbes

That the overall Concept Plan for the Central Business District comprising of the area bounded by Queen, Barrack, Fifth and Mitchell Streets (both sides these roads) consider the following items:

1. *Library Cultural Centre*
2. *Pedestrian Art Project*
3. *Banner Plan*
4. *Arrival Point in Merredin*
5. *Traffic flows*
6. *Visitor Centre Enhancement*
7. *Pedestrian Spaces and Routes*
8. *Expansion of Retail Sector*
9. *Town Square*
10. *Future Business Opportunities*
11. *Townscape*

This Plan is to have a five year planning horizon.

CARRIED 7/1

29767

Moved Cr Morris

Sec Cr Simmonds

That Council employ Urban Design Landscape Architecture (being the company who submitted the quote to complete the works) on the condition that the price remain the same as the quote provided.

CARRIED 6/2

Frank Ludovico, Chief Executive Officer, declared Proximity Interest in this Agenda Item 9.6.7.3.

7.3 Carrington Way Subdivision

That the BCDC Committee recommend to Council that Council place tenders for the fencing of lots in the Carrington Way Subdivision.

The Committee did not address the Officer's Recommendation.

Note: This Recommendation 9.6.7.3 was extensively discussed at the Business and Community Development Committee Meeting however the motion was not put.

29768

Moved Cr Young

Sec Cr Forbes

That Council place tenders for the fencing of lots in the Carrington Way Subdivision.

CARRIED 8/0

MINUTES

11.0 DEVELOPMENT SERVICES

Cr Crees declared a Financial Interest in this Agenda Item 11.1 and Agenda Item 17.1 which was bought forward and left the meeting at 2.37pm.

29769

Moved Cr Wallace

Sec Cr Young

*That Cr Simmonds be appointed as the Presiding Member.***CARRIED 7/0**

Cr Simmonds took the Chair at 2.38pm.

11.1 LOT 15 BOORAN SOUTH ROAD – PROSECUTION RESOLUTION**Reporting Department:** Development Services**Reporting Officer:** John Mitchell – Executive Manager,
Development Services**Legislation:** Planning and Development Act 2005**File Reference:** A7032

Background

In 2003 Council provided town planning consent to the establishment of an extractive industry over the land. The consent included conditions relating to rehabilitation.

The matter became protracted and a recommendation to commence legal action against the land owner was presented to Council at its August 2007 meeting when Council resolved (**CMRef 29082**) *“That Planning Application PA11/03, PA02/05 and the relevant files be delivered to Council’s Solicitors to determine whether legal action can be taken against the owner of Lot 15 Booran South Road, Merredin and the applicant of PA11/03 and PA02/05 for the failure to comply with the planning conditions issued relating to rehabilitation of the location.”*

At Council’s December 2007 meeting Mr Gavin Townsend, a potential purchaser of the land addressed Council at Public Question Time and sought for Council to consider the prosecution and a proposal he would bring to Council to rehabilitate the land.

As a result of financial institutions becoming involved it was not possible to condition the sale to Mr Townsend to permit the land to be rehabilitated within a two year period of settlement.

Statutory Implications

The matter was referred to Council’s solicitors and as a result of those actions the sale of the land proceeded.

Financial Implications

Legal costs of approximately \$2,500.00 have been incurred.

Comment

A series of inspections in late August 2008 resulted in the land being contoured, the accumulated disused machinery being removed, and 15,000 seedlings planted. In addition the old burnt out house and general waste around the site has been cleaned up.

The photographs contained in **Attachment 11.1A** show the extent of works completed.

Officer's Recommendation

1. *That Council note the extent of works undertaken by Mr Gavin Townsend on Lot 15 Booran South Road, Merredin to comply with the conditions of Town Planning Consent issued in 2003 and 2005.*
2. *That Council confirms the decision of the Executive Manager of Development Services to withdraw the prosecution and considers the works undertaken by Mr Townsend to remediate the land satisfactory.*

29770

Moved Cr Wallace

Sec Cr Forbes

1. *That Council note the extent of works undertaken by Mr Gavin Townsend on Lot 15 Booran South Road, Merredin to comply with the conditions of Town Planning Consent issued in 2003 and 2005.*
2. *That Council confirms the decision of the Executive Manager of Development Services to withdraw the prosecution and considers the works undertaken by Mr Gavin Townsend to remediate the land satisfactory.*

CARRIED 7/0

MINUTES

This Agenda Item 17.1 was brought forward due to the absence of Cr Crees who declared a Financial Interest in this Agenda Item 17.1 and had left the meeting at 2.37pm.

17.1 **TOWN PLANNING – STATE ADMINISTRATIVE TRIBUNAL HEARING DR 403 of 2008; COLLGAR WINDFARM PTY LTD & SHIRE OF MERREDIN – PA15-08 APPROVAL CONSENT – REQUEST TO AMEND**

Reporting Department: Development Services
Reporting Officer: John Mitchell – Executive Manager, Development Services
Legislation: Planning & Development Act 2005;
File Number: A8068

Background

At the 21 October 2008 Councillors Briefing Session, it was advised that Collgar Windfarms Pty Ltd has lodged an appeal to the State Administrative tribunal seeking amendments to the planning consent issued.

Councillors were advised of the known requested amendments and requested to let the issues rest with the Chief Executive Officer and Executive Manager of Development Services to resolve and report to Council at their completion.

Statutory Implications

On 3 November 2008 the State Administrative Tribunal (SAT) heard an application from Collgar Windfarms and ordered that the amendments to the conditions of approval be varied (**Attachment 17.1A**).

Financial Implications

The SAT application made no judgement to costs which was the agreement of the Executive Manager of Development Services and Collgar Lawyers – Mr Vince Preparo of Freehills.

Comment

The decision to appeal Councils planning approval granted at Councils September 2008 Meeting (**CMRef 29688**) was taken by Collgar Windfarms as their legal advice suggested that scrutiny by third parties (mining company) may endanger any new agreement. Accordingly the matter was submitted to SAT.

Collgar Windfarms sought to change the following: -

1. Delete reference to approval lapsing within two years and replace with new condition ten – “This approval is valid for a period of twenty four months from the date hereon. If development is not commenced within this period a new approval must be obtained before commencing development.”

MINUTES

2. Condition 1p is deleted and replaced with a specific clause relating to the houses – “Collgar Windfarms will offer the owners of houses 15, 16, 17, 18, 19, 20, 38 and 41 (as identified in the Avail Services report “desktop Assessment of Electromagnetic Interference”) a pre windfarm and post windfarm assessment of television reception and will remedy any reception problems at those houses attributable to the presence of the windfarm.”
3. Condition 2 is deleted and replaced with “Removal of all footings to a depth of at least one metre below the natural ground surface or covering footings with at least one metre of overburden at the decommissioning stage of the project.

The required amendments have been made and a new approval consent form issued.

Officer’s Recommendation

That Council endorse the actions of the Administration to alter planning approval conditions relating to the State Administrative Tribunal Hearing 403 of 2008 and the amendments to Planning Approval 15-08 Collgar Windfarm as follows:

1. *The following is inserted as a new condition 10 of the conditions of approval: “This approval is valid for a period of twenty four months from the date hereon. If development is not commenced within this period a new approval must be obtained before commencing development” and the paragraph following advice point 8 is deleted.*
2. *Condition 1(P) of the conditions of approval is deleted and replaced with the following condition: “Collgar Wind Farms will offer the owners of houses 15, 16, 17, 18, 19, 20, 38 and 41 (as identified in the Avail Services report “Desktop Assessment of Electromagnetic Interference”) a pre-wind farm and post-wind farm assessment of television reception and will remedy any reception problems at those houses attributable to the presence of the wind farm”.*
3. *Condition 2 of the conditions of approval is deleted and is replaced with the following condition: "Removal of all footings to a depth of at least 1 metre below the natural ground surface or covering footings with at least 1 metre of overburden at the decommissioning stage of the project”.*

29771

Moved Cr Elliott

Sec Cr Young

That Council endorse the actions of the Administration to alter planning approval conditions relating to the State Administrative Tribunal Hearing 403 of 2008 and the amendments to Planning Approval 15-08 Collgar Windfarm as follows:

- 1. The following is inserted as a new condition 10 of the conditions of approval: "This approval is valid for a period of twenty four months from the date hereon. If development is not commenced within this period a new approval must be obtained before commencing development" and the paragraph following advice point 8 is deleted.*
- 2. Condition 1(P) of the conditions of approval is deleted and replaced with the following condition: "Collgar Wind Farms will offer the owners of houses 15, 16, 17, 18, 19, 20, 38 and 41 (as identified in the Avail Services report "Desktop Assessment of Electromagnetic Interference") a pre-wind farm and post-wind farm assessment of television reception and will remedy any reception problems at those houses attributable to the presence of the wind farm".*
- 3. Condition 2 of the conditions of approval is deleted and is replaced with the following condition: "Removal of all footings to a depth of at least 1 metre below the natural ground surface or covering footings with at least 1 metre of overburden at the decommissioning stage of the project".*

CARRIED 7/0

MINUTES

Cr Crees entered the meeting at 2.43pm.

Cr Simmonds vacated the Chair and Cr Crees resumed the Chair at this juncture.

11.2 SHARE AND CARE COMMUNITY SERVICES GROUP – REQUEST FOR DONATION OF OFFICE SPACE

Reporting Department: Development Services
Reporting Officer: John Mitchell – Executive Manager,
Development Services
Legislation: Council Policy 8.22
File Reference: CR/24/1

Background

Correspondence (**Attachment 11.2A**) has been received from Carol Jones-Lummis, Chief Executive Officer of Share and Care Community Services Group advising of the group's purpose and involvement with the Merredin community.

The group is seeking Council support for the provision of office space within the town of Merredin and that Council provide that office space as a donation to the group.

Statutory Implications

The provisions of Section 3.58 of the Local Government Act 1995 are applicable. The provisions of Policy 8.22 of the Shire of Merredin Adopted Council Policies are applicable. The organisation can be classified as community based. The rental levied on "community organisations" and "sporting clubs" to be for an amount which at least provides full cost recovery of the additional costs that the Council incurs in maintaining and operating the building and its immediate surrounds to the standard required by the organisation.

Financial Implications

Council has budgeted an income from the Old Administration Centre of \$16,200.00 for the 2008/2009 financial year. To date only \$5,200.00 is to be received. Directions, a group proposing to lease the majority of the Old Administration Centre signed a lease in late October 2008. The anticipated income from the Centre is \$11,000.00.

Council has budgeted for the Womens Rest Centre (OandA) \$8,880.00 in the 2008/2009 Budget for the provision of insurance (\$230.00), public toilet cleaning (\$2,500.00), maintenance (\$2,650.00) and utilities (\$3,500.00).

Council's actual expenditure in the 2007/2008 financial year was \$7,853.00.

Comment

A single room at the rear of the Old Administration Centre is available. It is currently being assessed by the Chief Executive Officer for leasing to the Combined University Centre for Rural Health.

Another part of the Old Administration Centre is leased to Wheatbelt Development Commission and to Directions WA. A lease to Share and Care Community Services Group would interfere with the existing Leases as electricity etc is shared and a formula for paying tenants has been prepared.

It is likely that OandA will vacate the building adjacent – 108 Barrack Street, Merredin. Potentially this building can be offered to the Share and Care Community Services Group. Does Council seek to offer the building at no cost?

Officer's Recommendation

That Council advise the Share and Care Community Services Group that it will not offer a building at no cost, however a building may become available shortly and this building - 108 Barrack Street, Merredin – will be at a reduced rental of \$50.00 per week.

29772

Moved Cr Elliott

Sec Cr Young

That Council advise the Share and Care Community Services Group that it will not offer a building at no cost, however a building may become available shortly and this building - 108 Barrack Street, Merredin – will be at a reduced rental of \$50.00 per week.

CARRIED 8/0

Note: This reduction in rental, made to support the Share and Care Community Services Group, equates to a donation of \$2,500.00 annually.

MINUTES

11.3 LOT 1335 WHITFIELD WAY – BUDGET COSTINGS AND ESTIMATES

Reporting Department:	Development Services
Reporting Officer:	John Mitchell – Executive Manager, Development Services
Legislation:	Planning & Development Act 2005, Local Government Act 1995
File Reference:	LUP/13/2 – Stage Two

Background

At Council's 21 October 2008 meeting, Council resolved (**CMRef 29725**) to adopt Plan 11.6B which incorporates all development within Council owned and freehold land. Council has also requested estimates of construction of the development.

Statutory Implications

Section 3.59 of the Local Government Act 1995 states that a business plan is required to be prepared where the costings are estimated at 10% or greater of the previous year expenditure budget. For 2007/2008, the expected expenditure was \$6.7 million.

It is likely that a business plan should be prepared as the expenditure is close to the 10% border line. The business plan for the Carrington Way subdivision can be used as a template.

Development of the land is subject to the Subdivision Developers Guide as issued by the Department of Planning and Infrastructure. The process includes: -

1. Preparation, submission to Western Australian Planning Commission and approval of the overlay development plan for stage two of Whitfield Way;
2. Completion of statutory planning including power, water, communication and road systems;
3. Obtaining various Infrastructure providers approval;
4. Commencement of works.

It is strongly recommended that the overlay plan be provided to the Planning Consultant to enable the overlay to be included within the draft Local Planning Scheme No.6 (the Scheme) and to progress government approvals.

It is not possible to obtain firm quotations for works until the final designs are provided to utility providers.

MINUTES**Financial Implications**

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

Proposed Works Program	Estimate of Costs
Power costs (\$9,200.00 per block)	\$120,000.00
Water Costs (\$5,000.00 per block)	\$60,000.00
Headworks Component (\$10,000.00 per block)	\$120,000.00
Surveyor (estimate)	\$20,000.00
Engineer Costs	\$75,000.00
Contingencies	\$100,000.00
Land purchase costs or value	Zero – to be included within sale price calculations
Fencing	Incentive to be considered by Council
Road Construction	\$100,000.00
Geotechnical report	\$20,000.00
Planning Costs	\$5,000.00
Total	\$620,000.00

Notes:

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

Subdivisional costs are estimated at \$620,000.00 or \$51,666.00 per block.

It is expected that land sales will meet the cost of this subdivision.

Comment

The estimates provided may be reduced dependent on final plans for infrastructure. It is not possible to be more accurate until plans of power, water and communications are prepared and accepted by the Utility providers. Provisional sums of \$100,000.00 are provided for unknown issues that may arise. If unused the cost per block reduces to \$43,333.00 per block.

The road works contingency does not include the required works to address the current alignment issues with the old Goldfields Road. The Executive Manager of Engineering Services advises that the Goldfields Road should intersect with Lukin Street as a T junction. Currently the road angles through the Golf Course reserve as a 60kmh sloping bend.

Officer's Recommendation

1. *That the proposed subdivision costings of Lot 1335 Whitfield Way, Merredin be included within the draft 2009/2010 Budget.*
2. *That the Administration is authorised to include the overlay plan (Version B – road system within Lot 1335) within the draft Local Planning Scheme No. 6 text and plans.*
3. *That the Administration is authorised in May 2009 to call tenders for the provision of engineering services for the Whitfield Way Stage Two Project.*

29773

Moved Cr Wallace

Sec Cr Elliott

1. *That the proposed subdivision costings of Lot 1335 Whitfield Way, Merredin be included within the draft 2009/2010 Budget.*
2. *That the Administration is authorised to include the overlay plan (Version B – road system within Lot 1335) within the draft Local Planning Scheme No. 6 text and plans.*
3. *That the Administration is authorised in March 2009 to call tenders for the provision of engineering services for the Whitfield Way Stage Two Project.*

CARRIED 7/1

REASON: Motion (3) date changed to enable details to be available for 2009/2010 Budget deliberations

11.4 **BUILDING MAINTENANCE – OLD TOWN HALL, LOT 1449
MITCHELL STREET, MERREDIN – PROVISION OF DISABLED
ENTRY RAMP**

Reporting Department: Development Services
Reporting Officer: John Mitchell – Executive Manager,
Development Services
Legislation: Building Code of Australia 2008
File Reference: A2563

Background

Advice has been received from the tenant of the Old Town Hall of two incidents recently where individuals have slipped or stumbled out of the Old Town Hall offices. In one incident the person has been seriously injured.

It is alleged that the incidents occur because the top step is not wide enough if an individual pauses prior to exiting. It is an unsafe situation.

Statutory Implications

Whilst there is no legal imperative on Council to address the situation as the building was constructed in accordance with the relevant standard of the day, there is an obligation to maintain the structure to a standard which does not cause injury to users.

All proposed works to the building will require the approval of the Heritage Council of WA.

The Building Code of Australia 2008 requires the installation of a ramp 1:14, with balustrade support and a platform area at the top of a minimum of 1.2m x 1.2m.

To date unbudgeted expenditure at the Old Town Hall has been replacement of the air conditioner - \$3,500.00.

Financial Implications

No funds have been provided for a ramp at the Old Town Hall within the 2008/2009 Budget. The estimated cost of construction of the ramp is \$4,000.00.

The funds within existing budgets are allocated and works have commenced to complete the tasks set by the budgets.

Comment

Attachment 11.4A contains a drawing of the proposed ramp for Council comment.

The works will require the preparation of plans and the works cannot be completed until all approvals from the Heritage Council of WA are provided.

The building usage should increase over the next several years.

Council must vote as an absolute majority to spend the funds.

Officer's Recommendation

That disabled ramp access be provided to the Old Town Hall, Lot 1449 Mitchell Street, Merredin immediately, recognising the cost as an unbudgeted expense.

ABSOLUTE MAJORITY REQUIRED

29774

Moved Cr Wallace

Sec Cr Simmonds

That disabled ramp access be provided to the Old Town Hall, Lot 1449 Mitchell Street, Merredin immediately, recognising the cost as an unbudgeted expense.

**CARRIED 8/0
ABSOLUTE MAJORITY**

11.5 RAILWAY INSTITUTE HALL – LOT 3000 TODD STREET, MERREDIN - OFFER TO DEMOLISH; MR D MURFIT

Reporting Department: Development Services
Reporting Officer: John Mitchell – Executive Manager,
Development Services
Legislation: Local Government Act 1995
File Reference: A3190

Background

At Council's 18 September 2007 meeting, Council resolved (**CMRef 29125**) *That the timber framed, clad, iron roofed building on Lot 3000 Todd Street, and commonly referred to as the Railway Institute Building be offered for sale and removal from Lot 3000 Todd Street, Merredin within 6 months of the acceptance of an offer and that failing any offers being received the Railway Institute Hall be demolished*".

No tenders were received.

The Administration has actively pursued the relocation and removal of the Railway Institute Hall from the site and has met unofficially with representatives of the Shire of Westonia who proposed working with Mr D Murfit to remove the building and provide components to the Shire of Westonia.

Correspondence (**Attachment 11.5A**) has been received from Mr D Murfit offering to remove the building at no cost to Council with conditions.

Statutory Implications

Demolition of the building must be undertaken by a licenced demolition contractor pursuant to the Occupational Safety and Health Act 1984.

Council offered the building for demolition by tender in September 2007. Pursuant to Section 3.58(3) of the Local Government Act 1995 Council must give state-wide public notice if it agrees to dispose of the Railway Institute Hall to Mr D Murfit.

Financial Implications

There is no budget provision for the demolition of the building. Advertising costs can be accommodated within normal budget provisions.

Comment

The building has been the subject of reports to Council on a regular basis regarding its preservation and retention or relocation to another site. The building is listed as having no heritage significance and no grant funding can be obtained for its upgrade, which is estimated at \$250,000.00 - \$300,000.00.

Mr D Murfit seeks assistance in the following: -

1. Use of a cherry picker free of charge for up to two weeks – if agreed to the use would be subject to the Executive Manager of Engineering Services;
2. Access to assistance of staff to demolish – seeks one days assistance to erect fence and two days operation of the cherry picker for work at heights - Administration does not agree with this condition as staff time is allocated and a full years work is programmed;
3. Six months to remove the building – the Administration see no issues with this request.

Council comment is requested.

Officer's Recommendation

1. *That the Administration confirm with Mr David Murfit that the offer to demolish the Railway Institute Hall still stands if Council staff are unavailable to assist.*
2. *That the offer from Mr David Murfit to remove the Railway Institute Hall situated on Lot 3000 Todd Street, Merredin at no cost, with Conditions 2 and 3 to Council, be advertised in accordance with the Local Government Act 1995.*
3. *That the Chief Executive Officer be delegated authority to agree to the offer of Mr David Murfit subject to there being no objections (other than that building should be retained) to the proposal to allow Mr David Murfit to demolish the Railway Institute Hall at no cost to Council.*

29775

Moved Cr Forbes

Sec Cr Elliott

1. *That the Administration confirm with Mr David Murfit that the offer to demolish the Railway Institute Hall still stands if Council staff are unavailable to assist.*
2. *That the offer from Mr David Murfit to remove the Railway Institute Hall situated on Lot 3000 Todd Street, Merredin at no cost, with Conditions 2 and 3 to Council, be advertised in accordance with the Local Government Act 1995.*
3. *That the Chief Executive Officer be delegated authority to agree to the offer of Mr David Murfit subject to there being no objections (other than that building should be retained) to the proposal to allow Mr David Murfit to demolish the Railway Institute Hall at no cost to Council.*

CARRIED 5/3

29776

Moved Cr Morris

Sec Cr Young

That resolution CMRef 29775 is not actioned for a period of one month allowing for further investigations into funding opportunities to use the Railway Institute Hall materials to rebuild the Old Town Hall, Lot 1449 Mitchell Street, Merredin.

CARRIED 7/1

MINUTES

**11.6 TOWN PLANNING – TOWN PLANNING SCHEME NO.1 – POLICY
8.24 SEATAINER POLICY**

Reporting Department:	Development Services
Reporting Officer:	John Mitchell – Executive Manager, Development Services
Legislation:	Shire of Merredin Town Planning Scheme No. 1
File Reference:	A843

Background

At Council's December 2005 meeting, Council resolved (**CMRef 28248**) to adopt Policy 9.12 – Placement of sea containers on land within the townsite of the Shire of Merredin (the policy).

At that time four properties were identified on which sea containers exist in the Merredin central business district. After discussions with the owners of these properties, correspondence was sent advising of the existence of Council's policy and conveying the option of removing the sea container or applying to Council for formal approval to have such remain. Seatainers remain on site at Lot 31 Mitchell Street and at other locations.

On 18 September 2008 notice was sent to the owner of 12 Cummings Street, Merredin requiring that they comply with the seatainer policy and remove the containers from the residential property. Mr R deWaal has responded and requests Council consideration to retain the seatainers on site for a period of up to 12 months whilst sheds and extensions to the dwelling are undertaken. **Attachment 11.6A** contains the relevant correspondence.

Statutory Implications

There is no provision within the Town Planning Scheme No. 1 to prepare and implement a policy. This power was provided within the Model Scheme Text provisions (State legislation) prepared in 1999.

The Shire of Merredin Local Planning Scheme No. 6 permits the preparation of local planning policies – Clause 2.2

The impact of these statements is that the policy is unenforceable. If the extension is not granted what action can the Administration take to get the seatainers removed? – none; the only action that can be taken is to commence legal action for the failure to obtain a building licence.

It will not be possible to formally act on any Town Planning Policy of the Shire of Merredin until the Local Planning Scheme No. 6 is approved.

Financial Implications

Building application fees of \$85.00 are applicable. Additional fees may be applied dependent on value of the extensions to the dwelling.

Comment

There are no structural (building) reasons for refusing a seatainer within the residential area. The building surveyor must be seen to be enforcing the law equally and justly. There is no legal support for the policy and enforcement is at best problematic.

It is suggested that Council agree to a twelve month extension for Mr R deWaal to construct suitable outbuildings to store his goods and personal belongings.

Officer's Recommendation

That Mr R deWaal of 12 Cummings Street, Merredin be granted a twelve month extension to retain the seatainers on Lot 3, House No. 12 Cummings Street Merredin, to expire on 30 November 2009 to permit the construction of outbuildings on Lot 3, 12 Cummings Street, Merredin.

29777

Moved Cr Elliott

Sec Cr Forbes

That Mr R deWaal of 12 Cummings Street, Merredin be granted a twelve month extension to retain the seatainers on Lot 3, House No. 12 Cummings Street Merredin, to expire on 30 November 2009 to permit the construction of outbuildings on Lot 3, 12 Cummings Street, Merredin.

CARRIED 8/0

MINUTES

11.7 TAMMA PARK – CLOSURE OF KENDALL STREET

Reporting Department:	Development Services
Reporting Officer:	Frank Ludovico - Chief Executive Officer
Legislation:	Land Administration Act 1997, Town Planning Scheme No. 1, Local Planning Scheme No. 6
File Reference:	Reserve 23739

Background

The Wildflower Society of Western Australia (Inc.) Merredin Branch has written to Council requesting the closure of the unmade road, that is an extension of Kendall Road through Reserve 23739 (i.e. Tamma Park) and amalgamate it with the rest of the Reserve (**Attachment 11.7A**).

In December 2002, the Merredin Wildflower Association made a similar request (**CMRef 26844**) however Council did not support the proposal.

The issue was once again raised by the Wildflower Society at an onsite meeting with the Business and Community Development Committee in September 2005. The Committee recommendation to close the road was considered by Council at its October 2005 meeting and once again it was not supported.

At Council's November 2005 meeting (**CMRef 28165**), Council decided to inform the Wildflower Society of its decision not to close the extension of Kendall Street, asking them to reconsider fencing requests and concentrate more on the eastern part of Reserve 23739.

Councillors will be aware that significant effort has been made in rehabilitating and revitalising this parkland area with some \$25,000.00 in funding being provided by the Our Patch (Avon Catchment Council) Grants.

Council must advertise any proposal to close a road for 35 days then consider any submissions before formally requesting to the Minister to close the road.

A plan of the area is attached for Council information (**Attachment 11.7B**).

Statutory Implications

Council's Town Planning Scheme No. 1 zones the area for Recreational Purposes.

Council's Local Planning Scheme No. 6 proposes to zone the area for Recreational Purposes.

Reserve 23739 was created in November 1957 for the purposes of Recreation. Staff have been unable to determine why this was done. A Title search on Lots 799 to 802 reveals that there is no Title for these Lots

In respect to the road closure, Section 58 of the Land Administration Act 1997 applies.

Comment

Staff recollect that in previous discussions on this matter, the reason why the extension of Kendall Street was not closed was to provide access to Lots 802 to 804, in the event that Council wishes to freehold the land and make them available for development.

Looking at the vegetation of the area, Lots 799 to 804 have the best vegetation cover, with a portion of Lot 970 being previously used as a gravel pit/refuse site with significant rehabilitation required.

The work undertaken by the Friends of Tamma Park/Merredin Wildflower Society has been well received with a number of visitors to town commenting on the natural beauty of that area.

Officers' Recommendation

1. *That Council agree to close Kendall Street and incorporate the road into Reserve 23739.*
2. *That the Chief Executive Officer be authorised to process the request for closure of Kendall Street through Reserve 23739 to the Minister for Lands if not adverse submissions are received on the proposal.*

ABSOLUTE MAJORITY REQUIRED

29778

Moved Cr Forbes

Sec Cr Morris

1. *That Council agree to close Kendall Street and incorporate the road into Reserve 23739.*
2. *That the Chief Executive Officer be authorised to process the request for closure of Kendall Street through Reserve 23739 to the Minister for Lands if not adverse submissions are received on the proposal.*

CARRIED 5/3**NOT ABSOLUTE MAJORITY**

Note: The Delegation proposed in Point 2 of the above resolution cannot be actioned as the resolution was not passed by Absolute Majority.

John Mitchell, Executive Manager of Development Services, left the meeting at 3.25pm.

29779

Moved Cr Elliott Sec Cr Young
That Council adjourn the meeting at 3.26pm.

CARRIED 8/0

29780

Moved Cr Elliott Sec Cr Young
That Council reconvene the meeting at 3.48pm

CARRIED 8/0

MINUTES12.0 COMMUNITY SERVICES (Formally Agenda Item 10.0)12.1 **PURCHASE OF NEW LIGHTING EQUIPMENT FOR CUMMINS THEATRE (Formally Agenda Item 10.1)**

Reporting Department: Community Services
Reporting Officer: Jane Bandurski – Cummins Theatre Manager
Legislation: Local Government Act 1995

Background

The lighting equipment at Cummins Theatre is currently limiting the scope of production possible while utilising in house facilities. The equipment is outdated and in exceptionally poor condition, to the extent that currently only approximately 70% of lighting stock is functional or repairable. Not only is this unacceptable by the standards of the local community who hire the venue, it is deterring external groups and companies from considering Cummins Theatre to stage touring productions. Cummins Theatre does not have the volume of lighting stock necessary to stage a professional show, and increasingly touring productions do not tour with their own full complement of lighting stock.

Upon consultation with lighting technician David Ashton of 'All Things Theatre' in Perth, it is recommended that the Theatre purchase new Fresnels to complement the existing stock, thereby increasing the light on stage and creating more options for lighting spread and design. The purchase of this stock will allow for more efficient and suitable standard lighting, and may be supplemented later by additional stock which may be purchased upon the receipt of grant monies as applications are tendered.

As the Theatre is now enjoying increased usage, it is important that adequate equipment and facilities are available in house to service the needs of Hirers. This can be achieved through the purchase of six Fresnels to supplement the equipment already available at the Theatre. Fresnel lights are the standard lighting unit for Theatre and allow for maximum throw and lighting. They can be focused with the use of 'barn doors' (which are included with the unit) and can also be filtered through the use of coloured gels.

The equipment required is:

Quantity	Description	Unit Price (Excl GST)	Total Price (Incl GST)
6	Generic Fresnels including lamp, clamp, barn door and safety chains	\$350.00	\$2,310.00

Financial Implications

The funds are available from Account *E116012* – Cummins Theatre Building Maintenance, as it is a required building upgrade.

Comment

The purchase of supplementary lighting equipment will facilitate ease of use of the Theatre by establishing consistent standards, and providing the opportunity to train people locally in the use of the equipment, thus extending the local skills base.

It will also increase the Theatre's capacity to generate income, while building upon and extending the services available through our Shire.

Officer's Recommendation

That Council approve the purchase of six Fresnels including lamp, clamp, barn door and safety chain at a cost of \$2,310.00 (including GST) allocated from the Cummins Theatre Building Maintenance E116012 Account.

ABSOLUTE MAJORITY REQUIRED

29781

Moved Cr Morris

Sec Cr Young

That Council approve the purchase of six Fresnels including lamp, clamp, barn door and safety chain at a cost of \$2,310.00 (including GST) allocated from the Cummins Theatre Building Maintenance E116012 Account.

**CARRIED 8/0
ABSOLUTE MAJORITY**

- 13.0 ENGINEERING SERVICES (Formally Agenda Item 12.0)
Nil Recommendations to Council

- 14.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN
Nil

MINUTES

15.0 QUESTIONS BY MEMBERS FOR WHICH DUE NOTICE HAS BEEN GIVEN

15.1 COUNCILLOR REPRESENTATION

Reporting Department:	Councillor
Reporting Councillor:	Martin Morris
Legislation:	Local Government Act 1995

Background

If the Merredin Shire was divided into wards, it would be mandatory to review the boundaries and representation at least every 8 years.

Without wards, the situation is not quite as clear as the Act states that Local Governments without wards **may** undertake reviews, as long as there is not more than 8 years between reviews. A bit ambiguous.

Either way, it would be good governance to review our structure.

The attached item (**Attachment 15.1A**) was put before the June 2007 Council meeting by Councillor Grant Astbury.

The recommendations were defeated. As there are no reasons as to why documented in the Minutes and the fact that the meeting was not taped, we can only go on memory as to why this was the case.

I believe that it was because there was insufficient time to adequately consult the community on the issue prior to the October 2007 Local Government Election.

Although we can simply make recommendations to the Local Government Advisory Board on the matter, I believe that there should be community involvement in the decision.

Based on the previous Agenda Item and the fact that we now have ample time to consult the community before the next Local Government Election in October 2009, I submit similar recommendations.

Councillor's Recommendation

1. *That Council undertake a review of Councillor Representation. This review is to be finalised in order to fit in with the time constraints of the 2009 Local Government Election.*
2. *That there be community consultation as part of that process.*

29782

Moved Cr Morris

Sec Cr Wallace

1. *That Council undertake a review of Councillor Representation. This review is to be finalised in order to fit in with the time constraints of the 2009 Local Government Election.*
2. *That there be community consultation as part of that process.*

CARRIED 6/2

MINUTES

16.0 MATTERS BEHIND CLOSED DOORS (Formally Agenda Item 17.0)

16.1 Chief Executive Officer Performance Review

29783

Moved Cr Elliott

Sec Cr Morris

That Council go behind closed doors to discuss a Commercial in Confidence matter in accordance with Section 5.23 2(c) and (e) of the Local Government Act 1995.

CARRIED 8/0

Council went behind closed doors at 4.06pm.

Frank Ludovico, Chief Executive Officer, and Vanessa Green, Executive Assistant, left the meeting at 4.07pm.

29784

Moved Cr Elliott

Sec Cr Young

That Council come out from behind closed doors.

CARRIED 8/0

Council came out from behind closed doors at 4.23pm.

29785

Moved Cr Morris

Sec Cr Forbes

That the Western Australian Local Government Association be employed to undertake the Chief Executive Officer's review to coincide with the employment anniversary date in 2009.

CARRIED 8/0**29786**

Moved Cr Morris

Sec Cr A Hooper

That part of the Chief Executive Officer review process include feedback from the Executive Managers employed by the Shire of Merredin.

CARRIED 8/0

MINUTES

17.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION (Formally Agenda Item 16.0)

17.2 Merrittville Funding Application Assistance

29787

Moved Cr Elliott

Sec Cr Young

That Council assist Merrittville Retirement Village Inc with their 2008/2009 Aged Care funding application through the Department of Health and Ageing with both staff and resources.

CARRIED 8/0

17.3 Loan of Shire of Merredin Paintings

29788

Moved Cr Forbes

Sec Cr Elliott

That the paintings owned by the Shire of Merredin be supplied to Berringa Lodge Frail Aged Hostel with a plaque stating that painting is on loan from the Shire of Merredin.

CARRIED 8/0**18.0 CLOSURE**

There being no further business the Presiding Member declared the meeting closed at 4.38pm.