

SHIRE OF MERREDIN



“Heart of the Wheatbelt”

MINUTES OF COUNCIL MEETING

16 DECEMBER 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
5.1	Australian Council of Local Government Meeting – Canberra, ACT	5
6.0	CONFIRMATION OF MINUTES	5
6.1	Previous Council Meetings	5
7.0	ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION	5
7.1	Performance Review of Chief Executive Officer.....	5
8.0	MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC	6
11.12	Collgar Windfarm	6
17.1	Structure of Organisation	6
9.0	RECEIVAL OF MINUTES OF COMMITTEE MEETINGS HELD SINCE THE PREVIOUS MEETING OF COUNCIL	6
9.1	Merredin Water Working Group Meeting held on 20 October 2008	6
9.2	Merredin Regional Community and Leisure Centre Advisory Committee Meeting held on Monday 24 November 2008.....	6
9.3	Merredin Heritage Committee Meeting held on Thursday 27 November 2008....	6
9.4	Merredin Local Emergency Management Committee Meeting held on Tuesday 2 December 2008	6
9.5	Merredin Business and Community Development Committee Meeting held on Wednesday 3 December 2008.....	6
10.0	COMMUNITY SERVICES	10
10.1	Heritage Plaques.....	10
10.2	Railway Institute Hall	11
11.0	DEVELOPMENT SERVICES	12
11.1	Activities In Thoroughfares And Public Places And Trading– Advertising Signage; Lots 29 And 203 Bates Street – Merredin Furniture And Bedding	12
11.2	Merredin District Olympic Pool; Lot 1180 Throssell Road, Merredin – Maintenance Condition Report – November 2008.....	14
11.3	Change Of Purpose – Reserves 23846 And 34535 – Landfill Site – Chandler Road, Merredin.....	16
11.4	Town Planning – Subdivision Of Rural Land – Avon Location 15629 Neening Road, Hines Hill	18
11.5	Town Planning – Residential Design Codes – Privacy Impact – Two Storey Residence – Lot 26 Caridi Close, Merredin	20
11.6	Bush Fire Act 1954 Infringements	22
11.7	Reserve 13267 – Subdivision Of Railway Houses.....	24

MINUTES

11.8 Refuse Collection Charge – Country Women’s Association Of Western Australia Pty Ltd (Cwa) – 47 Coronation Street, Merredin	26
11.9 Town Planning Report – Delegated Authority	28
11.10 Town Planning – Application To Change Use Of Premises – Computer Sales And Public Amusement – Lot 17, House No. 17 Bates Street, Merredin..	30
11.11 Reserve 36755 (Lot 1329) – Lot 1328 Mckenzie Crescent – Roadworks Access To Barrack Street East - Liberty Oils.....	32
11.12 Collgar Windfarm	34
12.0 ENGINEERING SERVICES	35
12.1 Proclamation Of Great Eastern Highway Realignments At Burracoppin And Nangeenan Townsites.....	35
12.2 Federal Blackspot Funding.....	36
13.0 FINANCE AND ADMINISTRATION.....	37
13.1 Monthly Finance Report.....	37
13.2 List Of Accounts Paid	38
13.3 Regional And Local Community Infrastructure Program	39
13.4 2007 Local Government Elections Review Report	43
13.5 Review Of Councillor Representation.....	44
13.6 Review Of Council’s Strategic Plan / Plan For The Future	46
13.7 Department Of Housing And Works – Discussion Paper – Legislative Framework For Community Housing	48
14.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	51
15.0 QUESTIONS BY MEMBERS FOR WHICH DUE NOTICE HAS BEEN GIVEN.....	51
16.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION.....	51
17.0 MATTERS BEHIND CLOSED DOORS.....	51
17.1 Structure of Organisation	51
18.0 CLOSURE.....	52
18.1 Farewell to Cr Simmonds.....	52

MINUTES

Minutes for the Ordinary Meeting of the Shire of Merredin held in the Council Chambers, Corner King and Barrack Streets, Merredin on Tuesday 16 December 2008 commencing at 1.45pm.

ATTENDANCE: Cr KA Hooper – Shire President
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; D Morris, Executive Manager of Community Services and J Twomey, Senior Finance Officer.

1.0 OFFICIAL OPENING

The Presiding Member welcomed all those present and declared the meeting open at 1.43pm. Debbie Morris, Executive Manager of Community Services was in attendance.

2.0 PUBLIC QUESTION TIME

Nil

3.0 APOLOGIES AND LEAVE OF ABSENCE

Cr Townrow has been granted Leave of Absence for this meeting. (CMRef 29752)

29789

Moved Cr Young Sec Cr Forbes

That Councillor Simmonds be granted Leave of Absence for six months.

CARRIED 10/0

29790

Moved Cr Elliott Sec Cr Young

That Councillor Wallace be granted Leave of Absence for the January 2009 Council Meeting.

CARRIED 10/0

4.0 DISCLOSURE OF INTEREST

Cr Crees declared a Financial Interest in Agenda Item 11.12.

Cr Morris declared a Financial Interest in Agenda Items 11.6, 11.9 and 17.1.

Cr Young declared a Financial Interest in Agenda Item 11.5.

5.0 PETITIONS AND PRESENTATIONS

5.1 Australian Council of Local Government Meeting – Canberra, ACT

The Shire President advised Council that the Meeting held on 18 November 2008 proved very interesting and informative and thanked Council for the opportunity of attending.

6.0 CONFIRMATION OF MINUTES

6.1 Previous Council Meetings

1. Confirmation of the Minutes of the previous Council Meeting held on 18 November 2008.
2. Correction to Page 9 of the Minutes of the 21 October 2008 Council Meeting to replace “Cr Townrow entered the meeting at 1.47pm” with “Cr Young entered the meeting at 1.47pm”.

29791

Moved Cr Elliott Sec Cr Hayden

That the minutes of the meeting of Council held on:

1. *18 November 2008 be confirmed as a true and correct record of proceedings.*
2. *21 October 2008 be corrected on Page 9 to replace “Cr Townrow entered the meeting at 1.47pm” with “Cr Young entered the meeting at 1.47pm”.*

CARRIED 10/0

7.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

7.1 Performance Review of Chief Executive Officer

The Shire President advised Council that contact had been made with Mr John Phillips of WALGA, who was available during the second half of February 2009 to conduct the Performance Review of the Chief Executive Officer.

It was suggested that the Review occur around 19 February 2009 with a 3.00pm start, subject to Mr Phillips’ schedule.

MINUTES

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

11.12 Collgar Windfarm

Refer to Page 34 for information on this Agenda Item.

17.1 Structure of Organisation

Refer to Page 52 for information on this Agenda Item.

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

9.1 Merredin Water Working Group Meeting held on 20 October 2008

Attachment 9.1A

9.2 Merredin Regional Community and Leisure Centre Advisory Committee Meeting held on Monday 24 November 2008

Attachment 9.2A

9.3 Merredin Heritage Committee Meeting held on Thursday 27 November 2008

Attachment 9.3A

9.4 Merredin Local Emergency Management Committee Meeting held on Tuesday 2 December 2008

Attachment 9.4A

9.5 Merredin Business and Community Development Committee Meeting held on Wednesday 3 December 2008

Attachment 9.5A

29792

Moved Cr Crees

Sec Cr Simmonds

That Council receive the minutes of the Merredin Water Working Group Meeting held on 20 October 2008, the Merredin Regional Community and Leisure Centre Advisory Committee Meeting held on Monday 24 November 2008, the Merredin Heritage Committee Meeting held on Thursday 27 November 2008, the Merredin Local Emergency Management Committee Meeting held on Tuesday 2 December 2008 and the Merredin Business and Community Development Committee Meeting held on Wednesday 3 December 2008.

CARRIED 10/0

9.1 Merredin Water Working Group

Nil Recommendations to Council

9.2 Merredin Regional Community and Leisure Centre Advisory Committee

9.3 Reliance Petroleum

Moved E Carlson Sec Cr Wallace
The MRC&LC Advisory Committee endorse the policy for Sponsorship Change of Name with the inclusion of specified amendments as follows:

*Paragraph 1 to read –
The Sponsors of the Merredin Regional Community and Leisure Centre are defined as those who initiated Sponsorship.
Paragraph 4 to read –
To ensure minimisation of changes to Advertising and Promotion of Sponsors at the Merredin Regional Community and Leisure Centre.*

CARRIED 4/1

Moved Cr Wallace Sec Cr Crees
That Council endorse the Merredin Regional Community and Leisure Centre Policy for Sponsorship Change of Name with the inclusion of specified amendments as follows:
*Paragraph 1 to read –
The Sponsors of the Merredin Regional Community and Leisure Centre are defined as those who initiated Sponsorship.
Paragraph 4 to read –
To ensure minimisation of changes to Advertising and Promotion of Sponsors at the Merredin Regional Community and Leisure Centre.*

AMENDMENT

29793 Moved Cr Morris Sec Cr Young
That the following be added to the motion:

3. *That the Guidelines “Exclusion to the Policy is afforded to the Platinum Sponsor – Hutton and Northey. All costs associated with the changes to Advertising for the Platinum Sponsor will be incurred by the Sponsor” be removed from the Policy.*

CARRIED 9/1

THE AMENDMENT BECAME MOTION**29794**

Moved Cr Morris Sec Cr Young

That Council endorse the Merredin Regional Community and Leisure Centre Policy for Sponsorship Change of Name with the inclusion of specified amendments as follows:

- 1. Paragraph 1 to read – The Sponsors of the Merredin Regional Community and Leisure Centre are defined as those who initiated Sponsorship.*
- 2. Paragraph 4 to read – To ensure minimisation of changes to Advertising and Promotion of Sponsors at the Merredin Regional Community and Leisure Centre.*
- 3. That the Guidelines “Exclusion to the Policy is afforded to the Platinum Sponsor – Hutton and Northey. All costs associated with the changes to Advertising for the Platinum Sponsor will be incurred by the Sponsor” be removed from the Policy.*

CARRIED 9/19.3 Merredin Heritage Committee

Nil Recommendations to Council

9.4 Merredin Local Emergency Management Committee

Nil Recommendations to Council

9.5 Merredin Business and Community Development Committee

8.1 Adam Brand Concert

Moved Cr Morris Sec Cr Forbes

That the BCDC recommend to Council that Council:

- 1. Support in principle the Shire hosting three concerts over a two year period.*
- 2. Consider budget allocations in the 2009/10 Shire budget.*

CARRIED 3/0**29795**

Moved Cr Morris Sec Cr Hayden

That Council:

- 1. Support in principle the Shire of Merredin hosting three concerts over a two year period;*
- 2. Consider budget allocations in the 2009/2010 Budget.*

CARRIED 7/3

8.2 Shared Path – Roy Little Park

Moved Cr Forbes Sec Cr Morris

That the BCDC recommend to Council that Council support an application being submitted to the Department of Planning and Infrastructure Regional Bicycle Network (RBN) Local Government Grants for a dual use path in Roy Little Park and an allocation be made in the 2009/10 budget of \$130,000 to complete this project.

CARRIED 3/0

29796

Moved Cr Morris Sec Cr Forbes

That Council support an application being submitted to the Department of Planning and Infrastructure Regional Bicycle Network (RBN) Local Government Grants for a dual use path in Roy Little Park and an allocation be made in the 2009/2010 Budget of \$130,000.00 to complete this project.

CARRIED 7/3

8.3 Christmas Street Decorations and Banners

Moved Cr Morris Sec Cr Forbes

That the BCDC recommend to Council that Council consider an allocation in the 2009/10 budget to purchase and banner poles and erect them in significant areas along with more modern Christmas decorations.

CARRIED 3/0

29797

Moved Cr Morris Sec Cr Wallace

That Council consider an allocation in the 2009/2010 Budget to purchase banner poles and erect them in significant areas along with more modern Christmas decorations.

CARRIED 7/3

MINUTES

10.0 COMMUNITY SERVICES

10.1 HERITAGE PLAQUES

Reporting Department: Community Services
Reporting Officer: Taya Fritsch, Project Officer

Background

At Council's 20 May 2008 meeting, Council endorsed the Shire of Merredin Plaques Policy (**CMRef 29477**). The Policy provides the framework for the installation of all plaques in the Shire of Merredin.

The Plaque Policy has been used by the Merredin Heritage Management Committee in the process of developing Plaque options to be used for Heritage buildings and sites.

The Committee proposed two options looking specifically at the design. **Attachment 10.1A**. Plaque 1 is made of stainless steel. Plaque 2 is enamel grade steel coated in glass. Public feedback was sought on the options, firstly through advertisements in the Wheatbelt Mercury, which received no responses and secondly through personally surveying a number of businesses in the Central Business District (CBD) as well as the Railway and Military Museums. Results of the survey are outlined in **Attachment 10.1B** which indicated that Plaque 2 was preferred.

It is the intention of the Committee to install a Heritage Plaque on the corner of Mitchell and Bates Streets Merredin, at the site of and in recognition of, the Duffs Hotel. This site was requested to be recognised by a former Merredin resident whose parents had a significant association with the Hotel.

The site of the former Duffs Hotel forms part of the CBD Heritage Walk Trail, which is scheduled to be launched in Heritage Week April 2009.

Financial Implications

\$1,000.00 has been allocated in the 2008/2009 Budget for the purchase of a Heritage Plaque (*E116120*). The cost of Plaque 1 is \$590.00 + GST and the cost of Plaque 2 is \$587.00 + GST (four colours). A typical pedestal style frame that holds the plaque at approximately waist height, dependant on whether the location requires it, costs approximately \$250.00.

Comment

The proposed Heritage Plaque (Plaque 2) **Attachment 10.1A** is in line with the Shire's Plaque Policy (2) **Attachment 10.1C** (*Plaques installed by Council or in conjunction with other bodies to provide historical or heritage information*).

The proposed Heritage Plaque (Plaque 2) has community support and has been supported by both the Merredin Heritage Management Committee and was recommended by the Heritage Council.

Council endorsing the Heritage Plaque will enable staff to progress the CBD Heritage Trail project. It will also ensure a coordinated approach and a consistent style to the identification of places throughout the Shire of Merredin.

Officer's Recommendation

1. *That Council endorse Plaque 2 as shown in Attachment 10.1A as the Shire of Merredin Heritage Plaque to be used for all plaques which provide historical or heritage information.*
2. *That Council endorse the installation of a Heritage Plaque at the site of the former Duffs Hotel on the corner of Bates and Mitchell Streets Merredin.*

29798

Moved Cr Wallace

Sec Cr Young

1. *That Council endorse Plaque 2 as shown in Attachment 10.1A as the Shire of Merredin Heritage Plaque to be used for all plaques which provide historical or heritage information.*
2. *That Council endorse the installation of a Heritage Plaque at the site of the former Duffs Hotel on the corner of Bates and Mitchell Streets Merredin.*

CARRIED 10/0

10.2 Railway Institute Hall

The CEO advised as a result of investigations into funding opportunities (CMRef 29776) it was found that without a detailed proposal of what Council was planning funding bodies would not confirm any financial support for using the Railway Institute Hall materials to rebuild the Old Town Hall on lot 1449 Mitchell St Merredin.

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

Debbie Morris, Executive Manager of Community Services, left the meeting at 2.39pm.

MINUTES

11.0 DEVELOPMENT SERVICES

11.1 ACTIVITIES IN THOROUGHFARES AND PUBLIC PLACES AND TRADING– ADVERTISING SIGNAGE; LOTS 29 AND 203 BATES STREET – MERREDIN FURNITURE AND BEDDING

Reporting Department:	Development Services
Reporting Officer:	John Mitchell – Executive Manager, Development Services
Legislation:	Activities in Thoroughfares & Public Places Local Law
File Reference:	LE/7/3

Background

An application (**Attachment 11.1A**) to install an advertising sign in the Newfields car-park garden bed, Lots 29 and 203 Bates Street, Merredin has been received from Merredin Furniture and Bedding. A photograph of the area is shown in **Attachment 11.1B**.

Statutory Implications

The provisions of the Shire of Merredin Activities in Thoroughfares and Public Places and Trading Local Law 2003 are applicable. (**Attachment 11.1C**)

Clause 3.2 of the Local Law requires a permit for a sign of this size and its proposed location.

Comment

The sign is a large area sign – 1.8m x 900mm deep.

Previously Council considered draft signage Local Laws which lapsed. On ground signage within that draft suggested sizes of 1.2m maximum width signage and area of 0.6m².

The current Local Law does not provide a size limitation for on ground signs. The area of the sign proposed is 1.62m². The sign is not proposed as a portable sign.

The sign is not located within the road reserve. The sign is to be located within the garden bed adjacent to Bates Street within Council owned property.

The signage will not create a hazard but may interfere with automatic watering systems at the garden bed.

Council has provided delegated authority to the Chief Executive Officer to approve signage, however whilst the delegation is clear, the application far exceeds the parameters specified within the Local Law.

The Local Law states that Council must consider an application where the signage exceeds 500mm in height or 0.5m² in area.

The signage is to be located within the garden bed adjacent to Bates Street, Merredin. The sign will stand 2.25m above ground level.

Officer's Recommendation

That Council approve the application from Merredin Furniture and Bedding to construct a 1.8m x 900mm sign in the garden bed adjacent to the Newfield carpark as detailed in Attachment 11.1A.

Moved Cr Wallace

Sec Cr Elliott

That Council approve the application from Merredin Furniture and Bedding to construct a 1.8m x 900mm sign in the garden bed adjacent to the Newfield carpark as detailed in Attachment 11.1A.

Vanessa Green, Executive Assistant, left the meeting at 2.43pm.

Vanessa Green, Executive Assistant entered the meeting at 2.45pm.

AMENDMENT

29799

Moved Cr Forbes

Sec Cr Hayden (CMRef 29830 20/1/09)

That the words "1.8m x 900mm" be replaced by "1m²".

CARRIED 7/3

THE AMENDMENT BECAME MOTION

29800

Moved Cr Forbes

Sec Cr Hayden (CMRef 29830 20/1/09)

That Council approve the application from Merredin Furniture and Bedding to construct a 1m² sign in the garden bed adjacent to the Newfield carpark.

CARRIED 6/4

REASON: Council believed the sign area to be too big for that location.

11.2 **MERREDIN DISTRICT OLYMPIC POOL; LOT 1180 THROSSELL ROAD, MERREDIN – MAINTENANCE CONDITION REPORT – NOVEMBER 2008**

Reporting Department: Development Services
Reporting Officer: John Mitchell – Executive Manager, Development Services
Legislation: Health (Aquatic Facilities) Regulations 2007
File Reference: CP/6/3

Background

At Council's November 2008 meeting, the Executive Manager of Development Services advised Council of the leak at the Merredin District Olympic Pool.

Further investigations have been undertaken and a report is contained in **Attachment 11.2A**. In addition, **Attachment 11.2B** contains photographs of the renovations undertaken in the 1990's.

Statutory Implications

The pool is required to be maintained to a certain standard. The leaks add to the overall operational cost of the facility in all areas including chemical usage, cleaning regime and direct water costs. More chemicals are used to balance the water to the required microbiological standard.

Financial Implications

These cannot be determined easily until a competent person has inspected and certified the Merredin District Olympic Pool bowl proper. In addition the recent advice of special grant funding monies has resulted in a proposal for consideration to relocate the Merredin District Olympic Pool to the Recreation Centre. If this is to occur repairing or upgrading the existing facility is superfluous.

An estimate for the Engineer and testing to be performed is \$10,000.00 - \$15,000.00. No budget provision has been made for this test. Council has budgeted a reserve of \$50,000.00. It is requested to utilise these funds to carry out the necessary works.

Additional water costs of \$5,400.00 per annum are estimated if the leaks are not resolved.

Comment

The report is prefaced with the statement that the locations of the leaks are suspected, however additional confirmation is required. The belief is supported by additional evidence including the failure of the plant room floor installed with the 1990's renovation, the failure of the concourse – deep end as shown in the photographs and the constant water component within the sub soil drainage pipe work.

MINUTES

Repairing the leaks to the Merredin District Olympic Pool may be premature if the Merredin District Olympic Pool bowl proper is beyond repair.

Previous experience with certification of pool bowls has been carried out with the assistance of the VDM Group – Mr Clive Bradshaw. The main issue with the Merredin District Olympic Pool is the tiling undertaken does not permit the pool to be properly inspected. In addition the tiles were laid over construction joints and expansion joints which require inspection. The Merredin District Olympic Pool will need core drilling and sampling of the concrete shell.

The estimated cost of this process is \$10,000.00 - \$15,000.00.

The Aquatic Facility Working Group has met and advised Council that the Merredin District Olympic Pool should be retained. Council resolved to accept the minutes and that recommendation (**CMRef 29639**). To ensure Council is fully aware of the extent the Committee has achieved the full report is contained in **Attachment 11.2C**.

As a result of the leak, the Working Party Report due this month cannot be presented as it requires this information to complete the report which will then provide Council with a suggested direction.

The opportunity is taken to advise Council that the following works can be completed at the Merredin District Olympic Pool by September 2009 in keeping with the funding arrangements for the \$100,000.00 Federal Government Grant. A quotation has been provided for the slide repairs, which are valued at \$61,965.50 + GST. In addition, the diving board replacement is valued at \$25,000.00 as provided to Council in October 2007.

Officer's Recommendation

That the Administration engage suitably qualified Engineers prior to June 2009 to assess the structural adequacy of the 50m Merredin District Olympic Pool bowl and provide evidence and documentation on the expected life of the Merredin District Olympic Pool bowl to permit consideration of a major upgrade of the facility.

ABSOLUTE MAJORITY REQUIRED

29801

Moved Cr Crees

Sec Cr Young

That the Administration engage suitably qualified Engineers prior to June 2009 to assess the structural adequacy of the 50m Merredin District Olympic Pool bowl and provide evidence and documentation on the expected life of the Merredin District Olympic Pool bowl to permit consideration of a major upgrade of the facility.

**CARRIED 10/0
ABSOLUTE MAJORITY**

11.3 CHANGE OF PURPOSE – RESERVES 23846 AND 34535 – LANDFILL SITE – CHANDLER ROAD, MERREDIN

Reporting Department: Development Services
Reporting Officer: John Mitchell – Executive Manager,
Development Services
Legislation: Land Administration Act 1997
File Reference: R23846, R34535 and WM/11/1

Background

Recent inspections of the unmanaged reserves within the Shire of Merredin by the Department of Planning and Infrastructure have shown that Council established the landfill site on Chandler Road, Merredin without obtaining a Change of Use and Management Order over the two Reserves.

Correspondence (**Attachment 11.3A**) from the Department of Planning and Infrastructure appends relating to this matter.

Advice by email has been sent to the Department advising of the intent to raise the matter at the December 2008 Council meeting.

Statutory Implications

The use of the reserve is limited to the approved use via the vesting order of the State Government. The above Reserves were listed for gravel extraction and for Clubs Recreation Rifle Range.

In 2002 when the site was established, the use of the Reserves should have been amended.

Financial Implications

The Shire of Merredin is liable for the cost of rehabilitation of the Reserves. Council has already acknowledged this in late 2007 to the Department of Environment and Conservation and provided rehabilitation plans of the land.

Comment

It is necessary for the correct use of the Reserves to be listed and the land should be vested within the local government for the correct purpose.

Officer's Recommendation

That the Department of Planning and Infrastructure be advised that the Shire of Merredin seeks for Reserves 23846 and 34535 to be vested in Council for the purposes of a landfill site.

29802

Moved Cr Crees

Sec Cr Elliott

That the Department of Planning and Infrastructure be advised that the Shire of Merredin seeks for Reserves 23846 and 34535 to be vested in Council for the purposes of a landfill site.

CARRIED 9/1

MINUTES

11.4 TOWN PLANNING – SUBDIVISION OF RURAL LAND – AVON LOCATION 15629 NEENING ROAD, HINES HILL

Reporting Department:	Development Services
Reporting Officer:	John Mitchell – Executive Manager, Development Services
Legislation:	Planning and Development Act 2005, WAPC DC2.5, Shire of Merredin Town Planning Scheme No.1, Shire of Merredin Local Planning Strategy 2007
File Reference:	File to be Created

Background

An application (**Attachment 11.4A**) has been received from the Western Australian Planning Commission (WAPC) by Planning Enterprises representing D.Y.B Lee and FY Chai to subdivide Avon Location 15629 Neening Road, Hines Hill into three lots for general farming purposes, rehabilitation proposals and for lifestyle blocks in the future (Part 8 of WAPC application form). Locality and Plan maps are included in **Attachment 11.4B**.

Statutory Implications

The provisions of the Shire of Merredin Town Planning Scheme No.1 (TPS1) and the Local Planning Strategy 2007 (LPS) are applicable.

The land is zoned general farming. TPS1 Zoning and Development Table states as policy for the general farming zone: –

“...it is intended to protect the economic viability of those areas generally and to preserve the economic viability of those areas generally and to preserve the rural character and appearance of the area. The lot sizes shall be at the discretion of Council based on what is locally accepted as a viable farm unit...”

The Local Planning Strategy 2007 suggests protecting farming land from proposals that might compromise agricultural viability such as ad-hoc subdivision and incompatible land use or development. The strategy does suggest supporting new or innovative agricultural industries where bona fide proposals have specific land requirements.

Whilst not stated within the subdivision proposal Commission Policy DC3.4 allows for the creation of conservation lots in the Wheatbelt agricultural policy area. Given the scarcity of natural vegetation, the Shire of Merredin should support proposals for conservation lots.

Financial Implications

There are no financial implications to the Shire of Merredin pursuant to the Town Planning Scheme. Reviewing the provisions of the Local Government Act 1995 a conservation lot is not rate exempt; however it may be under other legislation.

Comment

The WAPC correspondence states as a purpose the application is to continue broad acre farming and “rehabilitation of degraded land”.

It is worthy to support an application to rehabilitate the salt affected land within the Hines Hill area.

It must also be stated there is no need to subdivide the land to achieve a conservation lot or to continue broad acre farming of the land. The comment of lifestyle living in the longer term future is a relevant component. Council should provide as advice that it will not support the establishment of rural residential lots or semi rural lots within the Hines Hill area.

Lifestyle living in the future is a broad term and existing Policies of the Commission support the establishment of additional housing on farming land to house staff without the need for subdivision.

Council should advise the Commission that it supports the establishment of a conservation lot within Avon Location 15629 Neening Road, Hines Hill, however makes no comment regarding the subdivision of the remaining arable portions of the location.

Officer’s Recommendation

- 1. That the Western Australian Planning Commission be advised that the Shire of Merredin supports the creation of a conservation lot within Avon Location 15629 Neening Road, Hines Hill.*
- 2. That the Shire of Merredin does not support the subdivision of the remaining portions of Avon Location 15629 Neening Road, Hines Hill.*

29803

Moved Cr Crees

Sec Cr Elliott

- 1. That the Western Australian Planning Commission be advised that the Shire of Merredin supports the creation of a conservation lot within Avon Location 15629 Neening Road, Hines Hill.*
- 2. That the Shire of Merredin does not support the subdivision of the remaining portions of Avon Location 15629 Neening Road, Hines Hill.*

CARRIED 9/1

Cr Young declared a Financial Interest in this Agenda Item 11.5 and left the meeting at 3.03pm.

11.5 **TOWN PLANNING – RESIDENTIAL DESIGN CODES – PRIVACY IMPACT – TWO STOREY RESIDENCE – LOT 26 CARIDI CLOSE, MERREDIN**

Reporting Department: Development Services
Reporting Officer: John Mitchell – Executive Manager,
Development Services
Legislation: Shire of Merredin Town Planning Scheme No.1,
R Codes Apr 08
File Reference: P2132

Background

A building application to establish a two storey dwelling on Lot 26 Caridi Close Merredin has been received from Mr Gavin Allen, Registered Builder. A copy of the site plan is contained in **Attachment 11.5A**.

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.

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

The building is retained 1180mm above natural ground level, rather than excavate to provide a level sand pad of lower height. It is an acceptable building practice. There is no proposed retaining wall as a 3:1 batter is engineering correct for retaining fill. Setbacks support the 3:1 batter.

MINUTES

The above building height supports a potential privacy issue to the owners of Lot 27 Caridi Close.

The setback to the side boundary adjacent to Lot 27 Caridi Close is 10m.

The building has an assessed wall height of 4.85m. The minimum setback for the northern boundary is 5.1m. The actual setback from the northern boundary is 10.04m.

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 has been met.

Pursuant to the R Codes a southern boundary setback of 3000mm requires the exercise of Council's discretion. The setback as determined by Table 2b of the R Codes is 5.1m.

However for the purposes of calculation, Figure 2d and Figure 3 of the R Codes states that the setback is measured from the longer setback wall. The actual setback provided is therefore between 4.9m and 5m. Discretion of 200mm is sought. The neighbouring property has the garage adjacent to this boundary and is well setback within the property. The Discretion is recommended. A notation to the plans to show the reason for setback will be provided. In support of the use of the Discretion the following is provided: -

1. There is no privacy issue raised through the reduction of a setback to the southern boundary;
2. Fire resistance levels pursuant to the Building Code of Australia are not affected;
3. There is no impact on the owners of Lot 22 Caridi Close, Merredin.

Officer's Recommendation

That pursuant to Clause 2.5.1 of the Residential Design Codes, April 2008, Council exercise its Discretion and permit a reduction of setback for the southern side boundary between Lot 26 Caridi Close and Lot 22 Caridi Close from 5.1m to 5.0m.

29804

Moved Cr Wallace

Sec Cr Elliott

That pursuant to Clause 2.5.1 of the Residential Design Codes, April 2008, Council exercise its Discretion and permit a reduction of setback for the southern side boundary between Lot 26 Caridi Close Merredin and Lot 22 Caridi Close Merredin from 5.1m to 5.0m.

CARRIED 9/0

MINUTES

Cr Young entered the meeting at 3.09pm.

Cr Morris declared a Financial Interest in this Agenda Item 11.6 and left the meeting at 3.10pm.

11.6 BUSH FIRE ACT 1954 INFRINGEMENTS

Reporting Department: Development Services
Reporting Officer: John Mitchell – Executive Manager,
Development Services
Legislation: Bush Fire Act 1954
File Reference: LE/5/4 (Fire Prevention)

Background

The Development Services section has been informed via the Finance Services section of the Bush Fire meetings of 2007 and 2008 at which: -

1. Previously the volunteers expressed concern at the failure of the Shire of Merredin to enforce the bush fire requirements; 2007
2. That the Ranger perform inspections of properties and issue infringement notices where non compliance is found.

Statutory Implications

Section 33(1) of the Bush Fire Act 1954 permits the local government to issue a general notice within a newspaper circulating in the area requiring them to carry out the necessary works to provide a fire break, or to serve notice to each individual property where a hazard is found.

The Administration has issued the following notices (**Attachment 11.6A**):

1. Rates Notice inclusion to all properties advising of the Bush Fire Act 1954 requirements;
2. Wednesday 29 October 2008 – Official notice in Merredin Mercury;
3. Wednesday 12 November 2008 – general notice in Merredin Mercury advising of proposed inspections and that no warnings would be issued.

Financial Implications

Infringement notices are valued at \$250.00 each.

Comment

The Ranger, where a fair and reasonable effort was being made, gave a verbal or written warning to individuals in October 2008. Recipients of the warnings included farmers, towns people and the airport administration.

MINUTES

At the Rangers conference held in September 2008, McLeod Lawyers provided information regarding warnings that included the statement that for bush fires, infringement notices should be issued as the liability responsibility changes once the warning is issued. The Council could be held liable for damage caused by a fire destroying or damaging adjoining property. The recent garage fire in Coronation Street, Merredin, highlights these issues.

The Administration has had irate and aggressive individuals who have advised they are not paying the infringements.

Representation has been made by the following: -

1. 49 Cunningham Street, Merredin – pictures and correspondence append (**Attachment 11.6B**);
2. 25 Todd Street, Merredin – pictures append (**Attachment 11.6C**);
3. 11 Todd Street, Merredin – pictures and correspondence append (**Attachment 11.6D**);
4. 18 Jellicoe Road, Merredin – pictures append (**Attachment 11.6E**);
5. 4 Muscat Street, Merredin – pictures append (**Attachment 11.6F**).

There are other individuals who have attended the Counter and complained to the Executive Manager of Development Services or Administration staff.

In 2007 only one infringement notice was issued and the ratepayer tore the infringement notice up. Due to the resignation of the Ranger the matter was not followed through. The failure to follow through implies that individuals will ignore the requirements.

Further inspections of the properties shows that, with the exception of 49 Cunningham Street, Merredin, the notices have not been complied with. The Administration could only support withdrawing only this notice.

Officer's Recommendation

That Bush Fire Infringement notices issued for the 2008 season not be withdrawn, with the exception of 49 Cunningham Street Merredin, and that the notices be pursued actively in a court of competent jurisdiction should the infringement notices remain unpaid.

29805

Moved Cr Crees

Sec Cr Forbes

That Bush Fire Infringement Notices issued for the 2008 season not be withdrawn, with the exception of 49 Cunningham Street Merredin, and that the Notices be pursued actively in a court of competent jurisdiction should the Infringement Notices remain unpaid.

CARRIED 9/0

MINUTES

Cr Morris entered the meeting at 3.16pm.

11.7 RESERVE 13267 – SUBDIVISION OF RAILWAY HOUSES

Reporting Department: Development Services

Reporting Officer: John Mitchell – Executive Manager,
Development Services

File Reference: R13267

Background

The issue of demolition of the dwellings fronting Great Eastern Highway has been the subject of several Council discussions recently (Nov 2007, Dec 2007, Feb 2008, (CMRef 29359)).

Initially Council requested the demolition of all dwellings fronting Great Eastern Highway (CMRef 29154) however subsequent discussions with the then Minister proved unsuccessful.

With the change of Government it may be appropriate to bring this original Council decision to the new Minister requesting the demolition of the dwellings.

Statutory Implications

There are no statutory implications associated with this request. Whilst the dwellings are owned by the Public Transport Authority, the Shire of Merredin can take no action to require the upgrade of the dwellings.

Financial Implications

There are no known financial costs to Council. Potentially removing the houses abutting Great Eastern Highway may save Council funds if the houses are not properly repaired and Health Act notices are issued to new owners.

Comment

Potentially Council could request that the dwellings be demolished however smaller lots leaving a longer setback to the new laneway could be retained, i.e. the provision of new dwellings with a minimum offset of road reserve of 10m from Great Eastern Highway as a rear boundary. Alternatively ornate fencing to be provided and that the existing chainmesh fence be removed.

Officer's Recommendation

That Council request the Minister for Regional Development to demolish the dwellings facing onto Great Eastern Highway (Todd Street) within Reserve 13267 and that the chainmesh fence be removed immediately.

29806

Moved Cr Elliott

Sec Cr Hayden

That Council write to the Minister for Transport requesting the demolition of the dwellings facing onto Great Eastern Highway (Todd Street) within Reserve 13267 and that the chainmesh fence be removed immediately and that a copy of the letter be forwarded to the Local Member of Parliament.

CARRIED 10/0

REASON: The correspondence would have been addressed to the incorrect Minister.

11.8 **REFUSE COLLECTION CHARGE – COUNTRY WOMEN’S ASSOCIATION OF WESTERN AUSTRALIA PTY LTD (CWA) – 47 CORONATION STREET, MERREDIN**

Reporting Department: Development Services
Reporting Officer: John Mitchell – Executive Manager, Development Services
Legislation: Waste Avoidance and Resource Recovery (WARR) Act 2007
File Reference: A686

Background

The Administration has corresponded with the CWA local branch regarding payment of the refuse collection charge. Mrs Olston, representing CWA, has corresponded and sought that the matter be brought to Council.

Mrs Olston’s correspondence is contained in **Attachment 11.8A**.

Statutory Implications

The WARR Act permits the placement of a charge for refuse collection pursuant to Section 67 of the Act. The charge incorporates the cost of operation of the refuse collection, landfill site maintenance and street bin collection.

The cost is amortised over all properties within the Shire of Merredin town sites.

The CWA building is located within the townsite of Merredin.

Financial Implications

The cost of the service is \$100.00 per annum. CWA does not pay local government rates to the Shire of Merredin.

Council may wish to make a donation to the CWA. Account *E041170* Public Relations and Donations provides \$1,500.00 for unallocated donations. To date none of these funds have been allocated. Council may also wish to note the previous requests for donations of Facility Hire Fees by the CWA.

Comment

The argument put forward by CWA, whilst having merit, is invalid because the service is available and provided. Whether or not an individual uses the service regularly or not, the service is provided.

Officer's Recommendation

That Country Women's Association of Western Australia be advised that the cost of the service of refuse collection will not be withdrawn.

29807

Moved Cr Elliott Sec Cr A Hooper

That the Country Women's Association of Western Australia be advised that the cost of the service of refuse collection will not be withdrawn.

CARRIED 10/0**29808**

Moved Cr Elliott Sec Cr Young

That Council make a donation to the Country Women's Association of Western Australia in the amount of \$100.00 from Account E041170.

**CARRIED 10/0
ABSOLUTE MAJORITY**

MINUTES

Cr Morris declared a Financial Interest in this Agenda Item 11.9.

11.9 **TOWN PLANNING REPORT – DELEGATED AUTHORITY**

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 (the
Scheme)

Background

The monthly report on the statutory planning activities for the previous month is provided below for Council's information.

Statutory Implications

It is an offence under the Planning and Development Act 2005 (as amended) for any person to use any land or any building or structure thereon contrary to or otherwise than in accordance with the provisions of the Scheme.

Financial Implications

Town Planning fees are levied on applications as per Councils Schedule of Fees and Charges and under the provisions of the Town Planning (Local Government Planning Fees) Regulations 2000.

DETERMINATION OF DEVELOPMENT APPLICATION WHERE THE ESTIMATED COST OF THE DEVELOPMENT (other than for an extractive industry)	FEE (\$)
Not more than \$50,000.00	\$123.00
More than \$50,000.00 but not more than \$500,000	0.23% of the estimated cost of development
More than \$500,000.00 but not more than \$2.5 million	\$1,150.00 + 0.18% for every \$1.00 in excess of \$500 000.00
Extractive Industry	\$615.00

Comment

The following application was recently granted Town Planning consent –

1. Mrs J Moses, Proposed Shop extensions for display and retail sales "P" use – shop within Shop zone – baby clothes and accessories, Lot 51 and 52 Barrack Street, Merredin, value \$200,000.00;

MINUTES

The Chief Executive Officer acting under delegated authority conferred to him by Council Policy 6.2 granted planning consent to the above mentioned application.

Officer's Recommendation

That Council receive the Town Planning Report for November 2008.

29809

Moved Cr Crees

Sec Cr Simmonds

That Council receive the Town Planning Report for November 2008.

CARRIED 10/0

Cr Morris Declared a Financial Interest in this matter. Department of Local Government & Regional Development advice indicates this declaration was not required as the Report did not require a decision of Council but merely receiving a report of delegations previously exercised by Staff.

11.10 TOWN PLANNING – APPLICATION TO CHANGE USE OF PREMISES – COMPUTER SALES AND PUBLIC AMUSEMENT – LOT 17, HOUSE No. 17 BATES STREET, MERREDIN

Reporting Department: Development Services
Reporting Officer: John Mitchell – Executive Manager,
Development Services
Legislation: Shire of Merredin Town Planning Scheme No.1
File Reference: A284

Background

An application to amend the approved use of a building has been received from Mr R deWaal of 12 Cummings Street, Merredin. The application is to amend the use of the building located on Lot 17 Bates Street, Merredin to include a place of amusement.

Statutory Implications

The correct town planning forms have not been completed, however an original signature letter from the owner appends to the application. The minor infraction will be resolved with the applicant.

The change of use is to a “Place of Amusement” which is an “AP” use which requires the Shire of Merredin to advertise the application and seek public comment prior to granting special approval.

Financial Implications

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

Comment

Mr deWaal’s application is contained in **Attachment 11.10A** and he seeks to commence video games, computer games, pool, air hockey and football from the premises as an adjunct to the current business of computer retail sales and repairs.

There are no additional requirements contained within the zoning and development table.

The following points should be considered within the process of approval: -

1. A school based hours policy of no service to school aged children;
2. Restriction on hours of operation;
3. Fire requirements for the egress of children and users during hours of operation.

More detailed plans are required to assess this proposal from a building control perspective.

Officer's Recommendation

1. *That the application from Mr R deWaal to change the approved use of the shop located at Lot 17 Bates Street, Merredin be advertised in accordance with the provisions of the Shire of Merredin Town Planning Scheme No. 1.*
2. *That should no submissions be received, the Chief Executive Officer be delegated authority to approve the application for a change of use to Place of Amusement for the premises located at Lot 17 Bates Street, Merredin with appropriate conditions to address school based hours and refusing access during those hours to children of school ages.*

ABSOLUTE MAJORITY REQUIRED ITEM 2

29810

Moved Cr Elliott

Sec Cr Young

1. *That the application from Mr R deWaal to change the approved use of the shop located at Lot 17 Bates Street, Merredin be advertised in accordance with the provisions of the Shire of Merredin Town Planning Scheme No. 1.*
2. *That should no submissions be received, the Chief Executive Officer be delegated authority to approve the application for a change of use to Place of Amusement for the premises located at Lot 17 Bates Street, Merredin with appropriate conditions to address school based hours and refusing access during those hours to children of school ages.*

CARRIED 10/0

ABSOLUTE MAJORITY ITEM 2

Vanessa Green, Executive Assistant, left the meeting at 3.24pm

Jim Garrett, Executive Manager of Engineering Services and Vanessa Green, Executive Assistant, entered the meeting at 3.25pm.

Cr Forbes left the meeting at 3.26pm

11.11 **RESERVE 36755 (LOT 1329) – LOT 1328 MCKENZIE CRESCENT – ROADWORKS ACCESS TO BARRACK STREET EAST - LIBERTY OILS**

Reporting Department: Development Services
Reporting Officer: John Mitchell – Executive Manager, Development Services
Legislation: Land Administration Act 1997
File Reference: R36755

Background

Landcorp have offered Lot 1328 McKenzie Crescent for sale with a Reserve price of \$95,000.00. The cost and availability has been conveyed to Liberty Oils.

As part of Liberty Oils submission and discussions with Council, Liberty sought to access Barrack Street East via the Reserve 36755. The Reserve is also required for road improvements along Adamson Road.

Statutory Implications

The land has a purpose of Park. The land is denuded and is used as part of the road reserve to access Adamson Road.

The required road works have been considered by the Executive Manager of Engineering Services (EMES) and the proposed plans are contained in **Attachment 11.11A**.

Financial Implications

The request to amend the vesting and management of Reserve 36755 should not cost the Shire of Merredin.

The proposed road works to make the intersection legal and capable of holding the weight of a road train is estimated at \$150,000.00 (this includes the cost of bituminising).

The EMES advises that there are no works that can be deferred as there is grant monies associated with the road works within Council budget.

Comment

Council will need to assess the required works and budget consideration aspects of this project.

It is suggested that the Administration correspond with the Department for Planning and Infrastructure and seek a vesting and management order of the Reserve to the Shire of Merredin.

The Administration has liaised with Liberty Oils to determine when as a minimum access via the reserve would be required. A response had not been received at the time of writing this report.

Council will need to determine the most appropriate course of action regarding budgeting for the works required.

Officer's Recommendation

That the Administration write to the Department of Planning and Infrastructure and request that Reserve 36755 be vested in the Shire of Merredin for the purposes of Road Reserve.

Cr Forbes entered the meeting at 3.30pm.

29811

Moved Cr Wallace

Sec Cr Young

That the Administration write to the Department of Planning and Infrastructure and request that Reserve 36755 be vested in the Shire of Merredin for the purposes of Road Reserve.

CARRIED 10/0

Cr Crees declared a Financial Interest in this Agenda Item 11.12 and left the meeting at 3.36pm.

11.12 Collgar Windfarm

29812 Moved Cr Young 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

Council went behind closed doors at 3.36pm.

Cr A Hooper left the meeting at 3.52pm.

29813 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 3.54pm.

John Mitchell, Executive Manager of Development Services, left the meeting at 3.55pm.

29814 Moved Cr Elliott Sec Cr Simmonds
That Council adjourn the meeting for afternoon tea at 3.55pm.

CARRIED 8/0

29815 Moved Cr Crees Sec Cr Young
That Council recommence the meeting at 4.14pm.

CARRIED 9/0

Cr Crees, Cr A Hooper and Jim Garrett, Executive Manager of Engineering Services, were in attendance.

12.0 ENGINEERING SERVICES

12.1 PROCLAMATION OF GREAT EASTERN HIGHWAY REALIGNMENTS AT BURRACOPPIN AND NANGEENAN TOWNSITES

Reporting Department:	Engineering Services
Reporting Officer:	Jim Garrett – Executive Manager, Engineering Services
Legislation:	Main Roads Act
File Reference:	GR/17/16

Background

As part of the Great Eastern Highway upgrade from Hines Hill to Walgoolan the Great Eastern Highway was realigned through the townsites of Burracoppin and Nangeenan.

Correspondence has been received from Main Roads W.A. dated 3 December 2008 (**Attachment 12.1A**) requesting Council endorse the proclamation of the new alignments as shown on drawings 0821-383-00, 0821-382-00 and 0821-381-00 (**Attachment 12.1B**) as a Highway in accordance with Section 13 of the Main Roads Act and to deproclaim the old alignments.

Council resolved at its 15 April 2008 Meeting to accept responsibility for the old Great Eastern Highway alignments through the townsites of Burracoppin and Nangeenan (**CMRef 29454**).

Officer's Recommendation

That Council write to Main Roads W.A. stating that they concur with the proclamation of the new alignment of Great Eastern Highway as a Highway and to deproclaim the old alignment as a Highway, as detailed in Attachment 12.1B, in accordance with Section 13 of the Main Roads Act.

29816

Moved Cr Young

Sec Cr Wallace

That Council write to Main Roads W.A. stating that they concur with the proclamation of the new alignment of Great Eastern Highway as a Highway and to deproclaim the old alignment as a Highway, as detailed in Attachment 12.1B, in accordance with Section 13 of the Main Roads Act.

CARRIED 9/0

Cr Forbes entered the meeting at 4.15pm.

12.2 Federal Blackspot Funding

Council were advised that correspondence had been received from Main Roads WA indicating the Federal Government had provided additional funding for the Blackspot Programme.

The suggested roads where this funding could be used were:

1. Goldfields / Nungarin Roads
2. Totadgin Hall / Bruce Rock Roads
3. North Hines Hill / Hearle / Pustkuchen Roads
4. Goldfields / South Burracoppin Roads – in conjunction with Shire of Westonia
5. Burracoppin Bin Road Intersection
6. Goomarin / Chandler Roads
7. Hartman / Champion / Burracoppin Roads
8. Robartson / Bruce Rock Roads
9. Gamenya Avenue Railway Crossing

Emma Hooper, Executive Manager of Finance and Administration, and Jess Twomey, Senior Finance Officer, entered the meeting at 4.12pm.

Jim Garrett, Executive Manager of Engineering Services left the meeting at 4.27pm.

13.0 FINANCE AND ADMINISTRATION

13.1 MONTHLY FINANCE REPORT**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 November 2008.

29817

Moved Cr Young

Sec Cr A Hooper

That Council receive the Monthly Finance Report for November 2008.

CARRIED 10/0

MINUTES

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 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 \$189,966.70 and amounts directly debited from Councils' Municipal Fund Bank Account BSB 066-518 Account No. 000-000-10 totalling \$572,331.71 and outstanding creditors totaling \$273,515.92.

29818

Moved Cr Crees

Sec Cr Young

That Council receive the schedule of accounts as listed, covering cheques as numbered and totalling \$189,966.70 and amounts directly debited from Councils' Municipal Fund Bank Account BSB 066-518 Account No. 000-000-10 totalling \$572,331.71 and outstanding creditors totaling \$273,515.92.

CARRIED 10/0

Jim Garrett, Executive Manager of Engineering Services, John Mitchell, Executive Manager of Development Services and Debbie Morris, Executive Manager of Community Services entered the meeting at 4.26pm.

Jess Twomey, Senior Finance Officer, left the meeting at 4.28pm.

MINUTES**13.3 REGIONAL AND LOCAL COMMUNITY INFRASTRUCTURE PROGRAM****Reporting Department:** Administration**Reporting Officer:** Frank Ludovico – Chief Executive Officer**Background**

Councillors will be aware that the Federal Government has provided Local Councils with funding under its Regional and Local Government Infrastructure Program (RLCIP) in the form of two allocations being a \$100,000.00 as of right grant (**Attachment 13.3A**) and a funding pool of \$50million for Strategic Components (**Attachment 13.3B**).

In respect to the \$100,000.00 grant, Councils are required to submit proposals by 30 January 2009 and have the funds spent by 30 September 2009.

In respect to the \$50million special projects grants, the minimum contribution from the Federal Government is \$2million. Applications need to be submitted by 23 December 2008 with projects being ready to commence construction within 6 months of signing the funding agreement (estimated to be March 2009).

Essentially funds can be spent on new construction and major renovations or refurbishment of community assets but not for ongoing costs or transport infrastructure.

In order to expedite this matter, staff shortlisted projects and asked Councillors to prioritise projects. In respect to the \$100,000.00 Councillor priorities are as follows:

Item	Notes	Priority
Storage Shed / Golf Starter Shed at Recreation Ground	Golf have indicated that they wish to move to the Rec Centre before the commencement of the next season (April 2009) and no funding has been provided for upgrading and developing the starter shed building. Additionally, initial discussions with users indicate that the storage shed may need to be larger than it necessarily anticipated.	25%
Cummins Theatre	Significant funds needs to be spent on Cummins Theatre and \$100,000.00 will enable certain projects to commence.	2x 75% + 33%
Cohn Creek Restoration	Funding could be used to undertake all the works associated with this project.	1
Pool Renewal / Refurbishment / Repair	The pool is unable to be used without major refurbishment.	2x 33%

MINUTES

Item	Notes	Priority
Purchase Solar Panels for the Rec Centre	Used to generate our own power	33%
Synthetic Tennis/Hockey Courts	Commenced process of earthworks etc to undertake this project	1
Covering of Evaporation Pond 2 & Dam 2	As per Council resolution, staff have submitted funding applications for the covering of these two areas. Council is required to find \$471,000.00 to progress this project. Staff will know by mid-December if we have passed Expression of Interest stage	
Develop Plans for Library and Cultural Centre		
Commence CBD Enhancement Project	After the planning has been completed, the \$100,000.00 can be used to implement some of the projects detailed	1
Playground Equipment	Purchase of playground equipment for the Indoor Rec Centre or for the outdoor area at the Rec Centre as indicated in the Master Plan	1
Re-Roof Visitor Centre	So that it matches in with new toilet block. This may need to be considered in conjunction with the CBD Enhancement project and plans for the Library / Cultural Centre	
Develop & install new entry statements to the Shire		
Purchase & Install storage tanks at Recreation Centre	This would close the open dam situated on corner of Golf Road & Bates St	
Construct a 4 th Dam to collect rainwater / return of effluent	For the purpose of maintaining our Parks and Gardens	

In respect to the Strategic Component for projects over \$2million, staff have been unable to determine whether a co-contribution is required, except that a co-contribution would be favourably regarded. To develop these applications processes such as a feasibility study, financial plans etc need to be submitted with the application forms. Executive Managers' believe the following projects could be considered. It is noted that there may be some issues in the commencement of these projects within 6 months of receiving funds.

MINUTES

Councillor priorities received to date are detailed below.

Item	Notes	Priority
Merrittville Aged Persons Accommodation	This accommodation would be non restrictive so that current DHW guidelines would not apply to tenants. <u>Note:</u> Merrittville Committee have already signalled that any significant increase in the amount of units in that area will require additional resourcing i.e. one full time staff member to manage and operate the facility	3
Major Swimming Pool upgrade on existing site		2
Major upgrade of Cummins Theatre		4
Construct shops / retail outlets in Mitchell and Bates Street	To extend the shopping precinct and generate income	1
Relocate the Merredin Swimming Pool to the Rec Ground		1
CBD Enhancement	This may be dependant on the plan that is currently being developed	
Construction of Library / Cultural Centre		

Also attached is a letter from the Friends of the Cummins Theatre (**Attachment 13.3C**) which requests that the \$100,000.00 Federal Government Grant be allocated to the refurbishment upgrade of the Tivoli Room.

Comment

Based on the survey the refurbishment of the Pool Slide followed by renovations at the Cummins Theatre appear to be the most preferred projects. Staff estimate the cost of refurbishment of the slide is approximately \$70,000.00 and the remaining funds can be used to undertake the repairs discussed in other Agenda Items.

In respect to the Strategic Component, the most preferred outcome is the major upgrade of Cummins Theatre. The Conservation Plan and the work already undertaken by the Cummins Theatre Working Group should provide staff with sufficient information to develop a submission to the Regional and Local Community Infrastructure Program – Strategic Component.

Also note the WA State Government is intending to make an announcement regarding Royalties for Regions on Tuesday 16 December 2008 and this may have an effect on this issue.

Officer's Recommendation*That Council:*

1. *Allocate the \$100,000.00 Regional and Local Government Infrastructure Program to _____.*
2. *Prepare an application for funding via the Regional and Local Government Infrastructure Program – Strategic Component for _____.*

29819

Moved Cr Morris

Sec Cr Young

That Council prepare an application for funding via the Regional and Local Government Infrastructure Program – Strategic Component for an extension of the Merrittville Retirement Village, away from Department of Housing and Works guidelines.

CARRIED 10/0

Emma Hooper, Executive Manager of Finance and Administration, left meeting at 5.12pm.

Emma Hooper, Executive Manager of Finance and Administration, entered the meeting at 5.14pm.

29820

Moved Cr Simmonds

Sec Cr Forbes

Allocate the \$100,000.00 Regional and Local Government Infrastructure Program to the Slide and the Diving Board at the Merredin District Olympic Pool.

CARRIED 6/4

Cr Young left the meeting at 5.20pm.

On behalf of Council, the Shire President wished all the Executive Managers a safe and Merry Christmas and a Happy New Year.

Jim Garrett, Executive Manager of Engineering Services, Emma Hooper, Executive Manager of Finance and Administration, John Mitchell, Executive Manager of Development Services and Debbie Morris, Executive Manager of Community Services left the meeting at 5.21pm.

Cr A Hooper left the meeting at 5.22pm

13.4 2007 LOCAL GOVERNMENT ELECTIONS REVIEW REPORT

Reporting Department: Administration
Reporting Officer: Frank Ludovico – Chief Executive Officer
Legislation: Local Government Act 1995
File Reference: GR/17/03

Background

The former Minister of Local Government invited representatives from key industry bodies to form a review panel to consider the operational issues relating to the running of the elections. This review is contained within **Attachment 13.4A**.

Comment

The Election Review Panel recommendations appear appropriate with staff not proposing to make any particular comment.

Councillors however, may wish to make some input.

Officer's Recommendation

That Council receive the 2007 Local Government Elections Review Report developed by the Department of Local Government and Regional Development.

29821

Moved Cr Wallace Sec Cr Forbes

That Council receive the 2007 Local Government Elections Review Report developed by the Department of Local Government and Regional Development; however Council requests that the proportional representation voting system be removed.

CARRIED 8/0

MINUTES**13.5 REVIEW OF COUNCILLOR REPRESENTATION**

Reporting Department: Administration
Reporting Officer: Frank Ludovico – Chief Executive Officer
Legislation: Local Government Act 1995

Background

At Council's 18 November 2008 Meeting (**CMRef 29782**), Council agreed to undertake a review of Councillor Representation.

Staff have developed a draft Discussion Paper for Council consideration, so it can be used during the review. (**Attachment 13.5A**)

Statutory Implications

Under Local Government Act 1995 Schedule 2.2 Clause 7, Council must give 6 weeks public notice advising that a review is being carried out and calling for submissions.

Comment

Staff propose the following timelines in respect to this matter.

Activity	Date
Receival of Discussion Paper	16 December 2008
Advertise the Review - The Christmas / New Year period is avoided to ensure maximum exposure. It is the first publication of the Wheatbelt Mercury in 2009.	14 January 2009
Annual Electors Meeting / Community Forum - Issue can be considered at these meetings	Mid-Late February 2009
Submissions Close	27 February 2009
Report to Council	17 March 2009
Report of Council determination to Local Government Advisory Board	27 March 2009
Recommendation of Local Government Advisory Board to Minister	30 April 2009
Governors Approval	30 June 2009

I understand from discussions with the Department that the latest date to change Councillor Representation for the October 2009 election is end of July 2009.

Officer's Recommendation

That Council receive the Review of Councillor Representation Discussion Paper, December 2008 and proceed to advertise the calling for public submissions as required by the Local Government Act 1995.

29822

Moved Cr Crees

Sec Cr Elliott

That Council receive the Review of Councillor Representation Discussion Paper, December 2008 and proceed to advertise the calling for public submissions as required by the Local Government Act 1995.

CARRIED 9/0

MINUTES

13.6 REVIEW OF COUNCIL'S STRATEGIC PLAN / PLAN FOR THE FUTURE

Reporting Department: Administration
Reporting Officer: Frank Ludovico – Chief Executive Officer
Legislation: Local Government Act 1995

Background

Council adopted its Strategic Plan / Plan for the Future at its June 2007 meeting (**CMRef 28980**).

Council is required under Regulation 19C of the Local Government Administration Regulations to review its Strategic Plan / Plan for the Future every two years.

The purpose of this Agenda Item is to determine a timetable for undertaking this review.

Statutory Implications

Clause 19C of the Local Government Administration Regulations apply. In particular, 19C(7) where the electors and ratepayers of the district are to be consulted during the development and when preparing any modifications to the Plan.

Once the Plan has been adopted the Local Government is required to give notice of its adoption and where the Plan may be inspected (Regulation 19D).

Comment

It maybe appropriate to consider the review of the Strategic Plan / Plan for the Future at the Community Forum associated with the Annual Electors Meeting. This Forum devised to “encourage community participation in discussing the future plans of the Shire of Merredin” (**CMRef 29468** April 2008).

Additionally, other items in this Agenda discuss Councillor Representation with a suggestion to incorporate that discussion into this Community Forum.

Unfortunately, the Annual Report will not be available until January 2009. This means that the earliest the Annual Electors / Community Forum can be held is mid-late February 2009.

I believe there are two options in dealing with this issue. Firstly, is to consult the community then Councillors consider these comments when reviewing the final adoption.

The alternative process would be for Council to review the plan, consult the community asking them to provide input into the revised Plan with Council then considering these comments and final adoption.

The benefit of the second approach is that the community can make specific comments on the issues Council believe is significant. The benefit of the first approach is that the consultation may highlight significant issues that Council can respond to.

In terms of timing, the second approach requires Council to undertake a significant amount of work in January 2009 if it intends to present a draft Plan at the February 2009 Community Forum. If the first approach is adopted then the Community Forum can proceed with the Annual Electors Meeting and the Plan can be developed subsequent to that.

With a number of Executive Managers undertaking leave during the January 2009 period, it may be more appropriate to adopt the first approach and undertake the community consultation prior to the reviewing the Strategic Plan / Plan for the Future.

Officer's Recommendation

That Council:

- 1. Undertake extensive advertising campaign calling for public participation in the Community Forum associated with the Annual Electors Meeting / Community Forum.*
- 2. Consider the community comments from the Community Forum in a workshop by Council to review the Strategic Plan / Plan for the Future in late February / early March 2009.*

29823

Moved Cr Young

Sec Cr Elliott

That Council:

- 1. Undertake an extensive advertising campaign calling for public participation in the Community Forum associated with the Annual Electors Meeting / Community Forum.*
- 2. Consider the community comments from the Community Forum in a workshop by Council to review the Strategic Plan / Plan for the Future in late February / early March 2009.*
- 3. That a letter drop be used to inform the community of the forthcoming events of Council.*

CARRIED 9/0

MINUTES

13.7 DEPARTMENT OF HOUSING AND WORKS – DISCUSSION PAPER – LEGISLATIVE FRAMEWORK FOR COMMUNITY HOUSING

Reporting Department:	Administration
Reporting Officer:	Frank Ludovico – Chief Executive Officer
Legislation:	Local Government Act 1995
File Reference:	LUP/02/01 & GR/17/14

Background

The Department of Housing and Works (DHW) indicate they have developed a new proposed legislative framework for Community Housing in Western Australia and are seeking input into the issues described in their Discussion Paper which is contained within **Attachment 13.7A**.

In some ways this Discussion Paper is associated with the Discussion Paper on Rental Surpluses Policy discussed at Councils 20 November 2008 meeting (**CMRef 29762**)

Comment

Staff believe the following comments should be made to the Discussion Paper:

1. It appears that DHW wishes to provide funding to larger community housing organisations and so not deal with the many small providers throughout 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 how are small communities going to provide housing for its community. The needs in regional areas are just as tangible as those in large urban centres.
3. The classifications provided seem to reflect the viewed from a national level. These classifications may not be appropriate for the Western Australian circumstance. How many community / not for profit organisations manage more than 500 properties (Class 1)? How many community / not for profit organisations manage more than 100 properties (Class 2)? The majority of organisations manage less than 100 properties (Class 3) yet “it is intended that certain types of funding or partnerships such as joint venture partnerships to develop new housing will be reserved for Class 1 and in some cases Class 2 providers”.

Effectively, this means Class 3 providers, by and large the majority of community housing providers in regional Western Australia, will be excluded from future funding opportunities.

MINUTES

4. The two year time frame to allow registration may not be sufficient. In the case of introducing new land clearing regulations, the particular Department was flooded with applications and in some cases took several years to process those applications, delaying a number of projects. There needs to be a commitment to provide DHW with sufficient resources so these applications can be processed in a timely manner.
5. The education process to community housing providers needs to improve as many local governments, who are in effect community housing providers within their area, are not aware of the proposed changes being contemplated.
6. DHW needs to understand the particular legal framework under which Local Government operates and so they are unable to easily combine and are unable to form Incorporated Associations to achieve Class 1 or Class 2 registration. In effect meaning they are excluded from future funding opportunities.
7. Power should not be given to the Housing Authority to terminate a lease, joint venture or agreement with an existing community housing provider on the commencement date of the legislation. There must be a transitional period that takes account the particular circumstances of that community housing entity.
8. The philosophical stance of outsourcing currently managed in-house accommodation units may not be appropriate in certain circumstances. If an existing provider is unable or unwilling to form part of the process, what happens to the residents of that particular project? It is more appropriate to have a flexible approach and allow existing local arrangements to continue enabling the service provision to continue.
9. Changing the service provision model to that of a contract management service (in effect, what is proposed in the Discussion Paper) may not achieve the benefits desired. For example, a similar process was undertaken by Main Roads WA and has not been as successful as originally proposed.

Officer Recommendation

That Council advise the Minister for Housing and the Department of Housing and Works of its concerns in the Legislative Framework for Community Housing – Discussion Paper as follows:

- 1. Small communities require community housing and the proposed structure does not account for the Western Australian circumstance;*
- 2. Transitional period of 2 years may be insufficient for current community housing providers to migrate to the new system;*
- 3. Contract management approach considered in the Discussion Paper has been less that successful when tried in other Government enterprises;*
- 4. Current community housing providers in the regions meet the needs of their communities. If the new legislative process is too onerous it will either force the closure of these projects or they will have to revert back to the Department of Housing and Works to manage.*

29824

Moved Cr Forbes

Sec Cr Crees

That Council advise the Minister for Housing and the Department of Housing and Works of its concerns in the Legislative Framework for Community Housing – Discussion Paper as follows:

- 1. Small communities require community housing and the proposed structure does not account for the Western Australian circumstance;*
- 2. Transitional period of 2 years may be insufficient for current community housing providers to migrate to the new system;*
- 3. Contract management approach considered in the Discussion Paper has been less that successful when tried in other Government enterprises;*
- 4. Current community housing providers in the regions meet the needs of their communities. If the new legislative process is too onerous it will either force the closure of these projects or they will have to revert back to the Department of Housing and Works to manage.*

CARRIED 9/0

Cr Young left the meeting at 5.36pm.

MINUTES

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

Nil

17.0 MATTERS BEHIND CLOSED DOORS**17.1 Structure of Organisation****29825**

Moved Cr Elliott

Sec Cr Crees

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 5.37pm.

Cr Young entered the meeting at 5.37pm.

Vanessa Green, Executive Assistant, left the meeting at 5.38pm.

Cr Morris declared a Financial Interest in this Agenda Item 17.1 and left the meeting at 6.25pm.

Cr Forbes left the meeting at 6.25pm.

Cr Forbes entered the meeting at 6.27pm.

29826

Moved Cr

Sec Cr

That Council come out from behind closed doors.

CARRIED 8/0

Council came out from behind closed doors at 6.40pm.

Cr Morris and Vanessa Green, Executive Assistant, entered the meeting at 6.40pm

29827

Moved Cr Young

Sec Cr Wallace

*That the Chief Executive Officer be instructed to review structure of Organisation.***CARRIED 9/0****18.0** CLOSURE**18.1 Farewell to Cr Simmonds**

Cr Simmonds conveyed his thanks to Council for its support during his time as a Councillor and wished everyone well.

The Shire President reiterated those thanks to Cr Simmonds on behalf of Council.

There being no further business, the Presiding Member wished everyone a Merry Christmas and a safe and Happy New Year before declaring the meeting closed at 6.43pm.