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Minutes for the Ordinary Meeting of the Merredin Shire Council held in the Council Chambers, Cnr King/Barrack Streets, Merredin on Tuesday 17 April 2007 at 1.00pm.

ATTENDANCE: Cr KA Hooper – Shire President
Cr RM Crees – Deputy Shire President
Crs J Townrow, W Wallace, N Hooper, G Astbury,
M Morris, J Simmonds & D Morley.

Messrs FB Ludovico, Chief Executive Officer;
W Bow, Manager of Development Services;
J Garrett, Manager of Works;
E Hooper, Manager of Finance and Administration;
S Price, Manager of Community Services; and
AM Peters, Personal Assistant

Jacquie Barton
Phillip Hastings

1.0 OFFICIAL OPENING

The Presiding Member declared the meeting open at 1.01pm.

2.0 PUBLIC QUESTION TIME

Jacquie Barton advised she was in attendance to hear the outcome of Item 10.4 Lot 111 Fifth Street, Merredin.

Phillip Hastings enquired on how his Building/Planning application was proceeding.

The Manager of Development Services spoke with Mr Hastings.

3.0 APOLOGIES AND LEAVE OF ABSENCE

Apology received from Cr J Jones and Cr S Marley.

4.0 DISCLOSURE OF INTEREST

5.0 PETITIONS & PRESENTATIONS

6.0 CONFIRMATION OF MINUTES

6.1 PREVIOUS COUNCIL MEETING

28862

Moved Cr Townrow sec Cr Morley

That the minutes of Council meeting held on 20 March 2007 be confirmed as a true and correct record of proceedings.

CARRIED 9/0

MINUTES7.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION8.0 MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC

- CEO Review
- Proposal for the acquisition of the Merredin Medical Practice by Doctors Adeniyi and Freeman.

Sergeant Les Evans entered the meeting at 1.07pm.

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

- 9.1 Merredin Regional Community and Leisure Centre Management Committee meeting Monday 12 March 2007.
- 9.2 Merredin Regional Community and Leisure Centre Advisory Committee meeting Monday 12 March 2007.
- 9.3 Merredin Regional Community and Leisure Centre Advisory Committee meeting Tuesday 27 March 2007.
- 9.4 Business and Community Development Committee meeting held on 04 April 2007.
- 9.5 Merredin Regional Community and Leisure Centre Advisory Committee meeting Tuesday 10 April 2007.

28863

Moved Cr Astbury sec Cr Crees

That the Merredin Shire Council receive the minutes of Merredin Regional Community and Leisure Centre Management Committee meeting held on Monday 12 March 2007; Merredin Regional Community and Leisure Centre Advisory Committee meeting held on Monday 12 March 2007; Merredin Regional Community and Leisure Centre Advisory Committee meeting held on Tuesday 27 March 2007 and the Business and Community Development Committee meeting held on 04 April 2007.

CARRIED 9/0

- 9.1 Merredin Regional Community and Leisure Centre Management Committee meeting Monday 12 March 2007.

No recommendations to Council.

- 9.2 Merredin Regional Community and Leisure Centre Advisory Committee meeting Monday 12 March 2007.

No recommendations to Council

- 9.3 Merredin Regional Community and Leisure Centre Advisory Committee meeting Tuesday 27 March 2007.

No recommendations to Council.

- 28864** Moved Cr Wallace sec Cr Morris
*That Council receive the minutes of the Merredin Regional
Community and Leisure Centre Advisory Committee meeting
Tuesday 10 April 2007.*

CARRIED 9/0

5.0 PETITIONS & PRESENTATIONS

Sergeant Les Evans addressed Councillors and Staff on the issue of the loss of local youths recently from the Merredin area with alcohol being involved in these deaths. Point arising from the presentation were:

- Police request Council support along with other people to help stop the carnage.
- Local youths who have been directly affected by these deaths have approached the police offering to act as mentors to younger community members, eg Merredin Senior High School students.
- There is a need to work with young people to educate them in responsible alcohol consumption.
- Perhaps liquor permits with conditions (eg Risk Assessments) should be applied to ensure responsible serving of alcohol and getting people home safely.
- Driver training conducted recently was very successful.
- Local attitudes needs to change. There are limited activities in the Merredin region for youth. Young people who are interested could work with Merredin Police.
- Need to set local initiatives (eg handing over car keys once two standard drinks have been consumed).
- Local volunteers are being affected by the deaths of local drivers.
- Amphetamines are also prominent in the Merredin region.

Cr Morris requested a letter of thanks be sent to the Police Minister to express Council's appreciation for the Merredin Police's recent work in dealing with the deaths of these young people.

Sergeant Les Evans left the meeting at 1.25pm.

7.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

President Ken Hooper publicly thanked the Merredin Junior Football Club for a donation of \$2,000 towards the Merredin Leisure Centre.

9.0 RECEIVAL OF MINUTES OF COMMITTEE MEETINGS AND RECOMMENDATIONS (CONT)

9.4 Business and Community Development Committee meeting held on 04 April 2007.

7.5 Welcome To Merredin / Merredin Community Awards / Australia Day / Thank A Volunteer Day

Moved Cr Townrow sec Cr Hooper
That the BCDC recommend to Council that Council support the Merredin Community Awards and provide resources to initiate and coordinate the event.

CARRIED 4/1

28865

Moved Cr Townrow sec Cr Morley
That Council support the Merredin Community Awards and provide resources to initiate and coordinate the event.

CARRIED 8/1

7.2 East Barrack St Update

Moved Cr Townrow sec Cr Astbury
That staff write to the PTA requesting the removal of contaminated section 'K' (as outlined in the ATA Environmental stage 2 Detailed Site Investigation attached) from the area sought for purchase by the Shire of Merredin.

CARRIED 5/0

28866

Moved Cr Morris sec Cr Townrow
That staff write to the PTA requesting the removal of contaminated section 'K' (as outlined in the ATA Environmental stage 2 Detailed Site Investigation attached) from the area sought for purchase by the Shire of Merredin.

CARRIED 9/0

7.3 Townscape Plan & Budget

Moved Cr Morris sec Cr Townrow

That any surplus funds remaining in the Townscape budget after completion of allocated budgeted items be used to purchase and install vandal-proof lighting over the barbecue area in Pioneer Park.

CARRIED 5/0

28867

Moved Cr Townrow sec Cr Morris

That any surplus funds remaining in the Townscape budget after completion of allocated budgeted items be used to purchase and install vandal-proof lighting over the barbecue area in Pioneer Park.

CARRIED 7/2

ABSOLUTE MAJORITY

7.6 Banners In The Terrace

Moved Cr Townrow sec Cr Hooper

That the Business and Community Development Committee endorse the Community and Economic Development Project Officer to implement a school rotation system for Banners in the Terrace.

CARRIED 5/0

28868

Moved Cr Townrow sec Cr Astbury

That the Business and Community Development Committee endorse the Community and Economic Development Project Officer to implement a school rotation system for Banners in the Terrace.

CARRIED 8/1

Moved Cr Townrow sec Cr Morris

That Council move behind closed doors to discuss confidential matters (S 5.23(2) Local Government Act).

WITHDRAWN

10.0 DEVELOPMENT SERVICES**10.2 BUILDING STATISTICS REPORT**

Reporting Department: Development Services
Reporting Officer: Warren Bow, Manager of Development Services
Legislation: Building Regulations 1989,
 Building Code of Australia 2005
File Number:

Background:

To provide to Councillors of the Shire of Merredin details of the Building Licences issued by the Building Surveyor for the previous month.

Legal Implications:

Various

Budget Implications:

Building fees are levied for Class 1 and Class 10 (residential) buildings at 0.3182% of the construction value of the work.

Building fees are levied for Class 2 – 9 (commercial) buildings at 0.182% of the construction value of the work.

In all cases a minimum fee of \$40.00 is levied.

Approvals:

Building Licence No.	Licence issued to	Address of proposed building	Owner of property	Class of Building Type of Construction
BA11/07	J Fletcher, PO Box 570, Merredin WA 6415	Lot 214, House No. 48 Coronation St, Merredin WA 6415	Robert J Main, 48 Coronation St, Merredin WA 6415	10 (a) – New, steel framed, iron roofed, carport additions
BA13/07	Eddy Pearce, 15 Morton St., Merredin WA 6415	Lot 893, House No 15 Morton Street, Merredin WA 6415	Louise Evans, 49 Gordon St, Northam WA 6401	10 (a) – New, steel framed, iron roofed carport additions
BA14/07	Wayne White, 2 Caridi Cl, Merredin WA 6415	Lot 33 (House No. 2) Caridi Cl, Merredin WA 6415	Wayne White, 2 Caridi Cl, Merredin WA 6415	10 (b) – New, fibreglass, below ground swimming pool
BA15/07	Neil Bill, PO Box 272, Merredin WA 6415	Lot 335, House No. 111 Todd St, Merredin WA 6415	M & G Cooper, 111 Todd St, Merredin WA 6415	10 (a) – New steel framed, iron roofed patio

Building Licence No.	Licence issued to	Address of proposed building	Owner of property	Class of Building Type of Construction
BA16/07	Kelly Drew, PO Box 150, Merredin WA 6415	Lot 1506, House No. 77 Cunningham St, Merredin WA 6415	Kelly Drew, 77 Cunningham St, Merredin WA 6415	10 (a) – New steel framed, iron roofed patio & carport
BA17/07	G & R Sutherland, 57 French Ave, Merredin WA 6415	Lot 1149, House No. 57 French Ave, Merredin WA 6415	G & R Sutherland, 57 French St, Merredin WA 6415	10 (a) – New steel framed iron roofed patios

Valuation: \$65,202

Fees: \$263.00

Progressive: **\$110,911.00**
(from 1st January 07)Progressive: **\$503.00****Comment:**

Officers Recommendation:

*That the Merredin Shire Council receive the April 2007 statistics for building licences issued by the Building Surveyor for the previous month.***28869**

Moved Cr N Hooper sec Cr Astbury

*That the Merredin Shire Council receive the April 2007 statistics for building licences issued by the Building Surveyor for the previous month.***CARRIED 9/0**

W Bow entered the meeting at 1.43pm.

**10.1 APPLICATION FOR PLANNING CONSENT TO CONSTRUCT
CARPORT IN FRONT SETBACK AREA – MICHAEL JACKSON FOR
P & D JACKSON, LOT 157 KING STREET, MERREDIN**

Reporting Department:	Development Services
Reporting Officer:	Warren Bow, Manager of Development Services
Legislation:	Local Government Act 1995, Planning and Development Act 2005, Shire of Merredin Town Planning Scheme No.1, Building Regulations 1989
File Number:	P/2248

Background:

An application for planning consent (PA05/07) has been submitted by Michael Jackson (the applicant) for P & D Jackson to construct a steel framed, iron roofed, free-standing carport in the front setback area of their property Lot 157, House No. 11 King Street, Merredin (the property).

A site plan and elevations of the proposed carport which accompanied the application can be seen as **Attachment 10.1A**.

A written submission in support of the application has been received and can be seen as **Attachment 10.1B**.

Legal Implications:

Lot 157 King Street, Merredin is zoned Residential 2 in accordance with the Shire of Merredin Town Planning Scheme No.1. Accordingly, development on such lot is governed by both the Shire of Merredin Town Planning Scheme No.1 and the Residential Design Codes of Western Australia (RDC's).

The RDC's incorporate "deemed to satisfy" and "performance based" standards for development in residential areas. They also enabled local authorities to develop policies to control certain developments more rigidly.

The RDC's enable Local Government to consider applications which do not meet the acceptable development criteria; this is in the form of an application for planning consent.

Budget 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.

The relevant fee of \$100.00 has been paid in this case.

Comment:

The RDC's determine acceptable development for carports as those which –

Are located behind the front street setback line (7.5m)

Occupy less than 50% of the frontage at the building line and allow unobstructed view between the dwelling and any adjoining street or right of way

Allowances can be made for front setback reduction of car parking facilities to be reduced to 4.5m. The proposed setback for this carport is 2.8 metres.

There are no other carports located in the first 4.5 metres of the front setback area along King Street, Merredin.

There are numerous examples in the Merredin townsite where carports in the front setback area of a residential property have previously been approved. These include 28 Hart Street (CMRef 28623), 8 Pioneer Road (CMRef 27641); 8 Haines Street; 21 Craddock Road.

The RDC's provide that consultation of adjoining property owners, and others as deemed necessary, can be undertaken in relation to planning applications that do not comply entirely with the prescribed acceptable development standards.

At the time of writing this report no consultation with the adjoining property owners at lots 158 and 10 King Street, Merredin had been undertaken.

It is proposed to construct the carport out of new steel materials with a Dutch gabled roof.

There is no access along the sides of the dwelling to the rear of the property that would facilitate on-site parking that was not within the front setback area.

Officer's Recommendation:

That the Merredin Shire Council grant approval in relation to PA05/07 submitted by Michael Jackson for the construction of a steel framed, iron roofed double carport within the front street setback area at Lot 157 King Street, Merredin, subject to the following conditions –

- a) *That the applicant consult with and obtain the written consent of the owners of Lots 158 and 10 King St, Merredin prior to the issue of a building licence for the project.*
- b) *Any objection from the owners of Lots 158 and 10 King St, Merredin be submitted in writing to the Shire of Merredin for their consideration at their May 2007 Ordinary meeting.*

28870

Moved Cr Morris sec Cr Astbury

That the Merredin Shire Council grant approval in relation to PA05/07 submitted by Michael Jackson for the construction of a steel framed, iron roofed double carport within the front street setback area at Lot 157 King Street, Merredin, subject to the following conditions –

- a) *That the applicant consult with and obtain the written consent of the owners of Lots 158 and 10 King St, Merredin prior to the issue of a building licence for the project.*
- b) *Any objection from the owners of Lots 158 and 10 King St, Merredin be submitted in writing to the Shire of Merredin for their consideration at their May 2007 Ordinary meeting.*

CARRIED 9/0

10.3 ADOPTION OF SHIRE OF MERREDIN OCCUPATIONAL SAFETY AND HEALTH POLICY; RISK MANAGEMENT POLICY; RISK MANAGEMENT ACTION PLAN

Reporting Department: Development Services
Reporting Officer: Warren Bow, Manager of Development Services
Legislation: Occupational Health and Safety Act 1984
File Number: P/17/Policies

Background:

Council will be aware of the Shire of Merredin's participation in the Regional Risk Co-ordinator scheme operated by Local Government Insurance Services (WA).

Essentially the aim of the Shire of Merredin is to implement risk management systems, incorporating occupational safety and health (OSH), to achieve compliance with current statutory requirements to ensure the safety of all staff, contractors, users of and visitors to Council services and facilities.

Legal Implications:

Compliance with the Occupational Health and Safety Act 1984.

Budget Implications:

Council allocated \$11,000 in its 2006/2007 budget as its contribution to the Regional Risk Co-ordinator scheme.

Comment:

The initial phase of the Management System involves a self audit of existing policies and documentation. This was completed some time ago and resulted in the Shire of Merredin achieving a "Bronze" standard of compliance.

Secondly is the adoption, by Council, of appropriate OSH policies and the relevant risk management action plan, which has been devised in conjunction with the Regional Risk Co-ordinator.

The proposed Shire of Merredin Occupational Safety and Health policy can be seen as **Attachment 10.3A**.

The proposed Shire of Merredin Risk Management Policy can be seen as **Attachment 10.3B**.

The draft Shire of Merredin Risk Management Plan can be seen as **Attachment 10.3C**.

Subsequent to the adoption of the overarching OSH policy, various, more specific policies will be developed and presented to Council for adoption at a later date.

The Risk Management Plan is a dynamic document that staff, in conjunction with the Regional Risk Co-ordinator, continue to address and achieve compliance with.

Officer's Recommendation:

1. *That Council adopt the following policies –*
 - a) *Shire of Merredin Occupational Safety and Health policy seen as Attachment 10.3A*
 - b) *Shire of Merredin Risk Management Policy seen as Attachment 10.3B*
2. *That Council endorse the Shire of Merredin Risk Management Plan seen as Attachment 10.3C.*

28871

Moved Cr Astbury sec Cr Morley

1. *That Council adopt the following policies –*
 - a) *Shire of Merredin Occupational Safety and Health policy seen as Attachment 10.3A*
 - b) *Shire of Merredin Risk Management Policy seen as Attachment 10.3B*
2. *That Council endorse the Shire of Merredin Risk Management Plan seen as Attachment 10.3C.*

CARRIED 9/0

10.4 AMALGAMATION OF UNALLOCATED CROWN LAND LOT 111 FIFTH AVENUE, MERREDIN INTO FREEHOLD LOT 110 FIFTH AVENUE, MERREDIN

Reporting Department:	Development Services
Reporting Officer:	Warren Bow, Manager of Development Services
Legislation:	Land Administration Act 1997; Planning and Development Act 1995, Shire of Merredin Town Planning Scheme No.1
File Number.:	P/1403

Background:

Council will recall the request from the Department of Planning and Infrastructure in August 2006 for comment concerning a request from the owners of Lot 110 Fifth Ave, Merredin to amalgamate vacant unallocated crown land (UCL), Lot 111 Fifth Ave, Merredin into their property.

The owners of Lot 110 Fifth Ave, Merredin are GR & JG Barton.

Council resolved (**CMRef 28586**) to not support the proposal and accordingly advised Department of Planning and Infrastructure, which refused the application from GR & JG Barton.

In August 2006 staff recommended to Council against supporting the proposed amalgamation as it was felt that the creation of a single lot of 2145m² was not consistent with the adjacent lot sizes, and not in keeping with the lot sizes for general single residential development within the Merredin townsite.

Further, it was felt that the creation of a single lot of 2145m² in this residential zoned area may be problematic to its future development or subdivision.

Subsequent discussions with Department of Planning and Infrastructure indicate that it appears that the DPI, with the aim of expediting the sale of UCL to adjoining property owners, merge both the sale and amalgamation of such land into the one process; thus avoiding the potentially time consuming public consultation and competition requirements aligned to outright sale of UCL.

It would appear that the “seeking of comment” correspondence from the DPI to the relevant local authority effectively becomes the “approval” mechanism for proposals from property owners to amalgamate adjoining UCL into their own. This is contrary to normal West Australian Planning Commission (WAPC – also an instrumentality of the DPI) consultation processes for amalgamations where comment from the relevant local authority is received as just that, comment, with the WAPC retaining the final authority to approve/refuse applications.

The owners have made a submission to Council seeking their reconsideration of the proposal. This can be seen as **Attachment 10.4A**.

A site plan of the two lots, which indicates the owners further development proposal for the property can be seen as **Attachment 10.4B**.

It is proposed to create a single lot of area 2145m².

Legal Implications:

Regulation 10 (2) of the Local Government (Administration) Regulations 1996 applies and an absolute majority is required shall Council choose to change its decision and to revoke Resolution 28586.

Budget Implications:

Various

Comment:

As can be seen from the site plan there are gazetted roads in the general area of Lot 110, however none of these are formed, sealed or maintained by Council, except Fifth Ave, which is infrequently maintained to the eastern boundary of Lot 92.

Water and electricity services have recently been installed to Lot 110 and the dwelling thereon has now been complete.

Refuse collection is provided to the area via Council's contractor, Avon Waste.

The property is zoned Residential 1 under the Town Planning Scheme No.1.

There is standard residential development along Farrar Parade (average lot size 1012m², however the land surrounding the property to the east is vacant, with grazing and farmland further east to the town boundary.

There are no plans, in the short term, to develop the road infrastructure in the vicinity of Lot 110 Fifth Ave, Merredin.

Advice received from Landcorp, which is the agency responsible for Crown land development, indicate that the UCL in the general area around Lot 110 is not intended to be sold or developed in the near future.

Officer's Recommendation:

1. *That Council revoke Resolution 28586
(Absolute Majority)*
2. *That Council advise Department of Planning and Infrastructure that it supports the proposed amalgamation of unallocated crown land Lot 111 Fifth Avenue, Merredin into existing freehold Lot 110 Fifth Ave, Merredin and subsequent creation of a single lot of 2145m² in area.*

28872

Moved Cr Morris sec Cr N Hooper
Cr Morris, Astbury, N Hooper and Townrow supported the revoking of this motion.

1. That Council revoke Resolution 28586

“28586 Moved Cr Crees sec Cr Morris
That Council advise Department of Planning and Infrastructure that it does not support the proposed amalgamation of unallocated crown land Lot 111 Fifth Avenue, Merredin into existing freehold Lot 110 Fifth Ave, Merredin and subsequent creation of a single lot of 2145m² in area.

CARRIED 5/4”

**CARRIED 9/0
ABSOLUTE MAJORITY**

28873

Moved Cr Morris sec Cr Townrow

2. That Council advise Department of Planning and Infrastructure that it supports the proposed amalgamation of unallocated crown land Lot 111 Fifth Avenue, Merredin into existing freehold Lot 110 Fifth Ave, Merredin and subsequent creation of a single lot of 2145m² in area.

CARRIED 9/0

10.5 APPLICATION FOR PLANNING CONSENT – TEMPORARY ACCOMMODATION AND LIGHT INDUSTRY AT LOT 15 BOORAN SOUTH ROAD, MERREDIN – GAVIN TOWNSEND OF GBT NOMINEES PTY LTD FOR IAN ROSS WALLACE

Reporting Department:	Development Services
Reporting Officer:	Warren Bow, Manager Development Services
Legislation:	Planning and Development Act 2005, Shire of Merredin Town Planning Scheme No.1; Health Act 1911; Local Government Act 1995; Local Government (Miscellaneous Provisions) Act 1960; Shire of Merredin Local Law No. 10 – Extractive Industries
File Number:	P/7032

Background:

An application (PA06/07) has been submitted by Gavin Townsend of GBT Nominees Pty Ltd (the applicant) on behalf of Ian Ross Wallace (the owner) seeking approval to operate a light industrial business, incorporating temporary accommodation facilities at Lot 15 Booran South Road, Merredin (the property).

Various other “approvals in principle” are also being sought by the applicant from Council in relation to –

- a) the conversion of an outbuilding to a habitable building (single person’s quarters);
- b) extractive industry; and
- c) construction of a single dwelling.

Attachment 10.5A is a submission from the applicant in support of his application.

Attachment 10.5B shows a site plan of the property taken from the Landgate system.

Attachment 10.5C shows an aerial photograph overlay of the property, and is denoted with the relevant existing infrastructure and facilities.

Attachment 10.5D is an aerial photograph showing the distances to adjoining property dwellings.

The property was previously the site of an extractive industry; operated in accordance with Shire of Merredin planning approval PA11/03 and an Extractive Industry license issued on 3 February 2004. These approvals expired on 3 February 2005.

Council will be well aware of the compliance issues, operational difficulties, enforcement requirements and civil matters which related to the operation of said extractive industry and subsequent application for planning consent PA02/05.

Legal Implications:

Lot 15 Booran South Rd, Merredin is zoned “general farming” in accordance with the Shire of Merredin Town Planning Scheme No.1 (the scheme).

The use of general farming land for the operation of a light industry business and temporary accommodation is a use that is not listed in the scheme.

The use of general farming land for the purpose of single person’s accommodation is a use that is not listed in the Shire of Merredin Town Planning Scheme No.1.

The use of general farming land for the operation of an extractive industry is an “AP” use in accordance with the scheme; that is not permitted unless special approval is given by Council after advertising.

The use of general farming land for the construction of a single dwelling is a permitted (“P”) use in accordance with the scheme.

Clause 2.2.4 of the scheme states that –

“if a particular use is not listed in the use classes, and it is not included in the general terms of any use class, then the Council shall, upon application to it determine either:

- a) That the use shall be prohibited within the Scheme area; or*
- b) That the use may be permitted within one or more of the zones within the Scheme area.*

The Council shall, in the latter case, decide which of the use symbols shall apply and may impose any conditions or development standards it deems fit.”

The relevant use symbols of the Town Planning Scheme No.1 are -

- “P” – permitted
- “PS” - not permitted unless special approval given by Council subject to conditions being complied with
- “AP” - not permitted unless special approval given after advertising
- “IP” - not permitted unless it is incidental to a predominant use as determined by Council

MINUTES

It is an offence under the provisions of the Planning and Development Act 2005 to undertake development that is not in keeping with the provisions of a Town Planning Scheme. Penalty is \$50,000.

Budget 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.

The relevant fee applicable to this application for planning consent is \$100.00 which has been paid by the applicant.

Council retains a \$10,000 bank guarantee from the owner of the property in lieu of the completion of rehabilitation requirements relevant to planning approval PA11/03. Estimates have been obtained of the cost to rehabilitate the areas operated as an extractive industry as per the above approval to meet Main Roads WA specifications. It is expected that such work would cost in the vicinity of \$42,000.

A lesser standard of rehabilitation could be achieved up to a cost of \$10,000 however.

Comment:

The policy statement of the Town Planning Scheme No.1 relating to general farming land embraces the broad acre farming objectives of the Shire of Merredin. It is intended to protect the economic viability of those areas generally and to preserve the rural character and appearance of the area.

It can be argued that the Booran area in general, with its smaller lot sizes, numerous dwelling houses and alternative rural lifestyle is already a departure from the intended land use prescribed by the scheme.

The policy statement goes further stating that Council may restrict certain activity, in particular piggeries, that may be detrimental to the amenity of residents in the area.

Light industry and temporary accommodation application -

It is apparent that the applicant is aware of the issues Council have encountered at the property.

The applicant proposes to remediate and improve the land by removing disused machinery (seen as **Attachment 10.5E**) and addressing weed control; restoring its amenity and rural character. However, the compatibility of a light industry business incorporating temporary accommodation in the "general farming" zone has to be questioned; notwithstanding the proposed improvements and work intended to address the previously operated extractive industry and land management, generally, on the property.

MINUTES

Furthermore, the longer term proposal of permanently accommodating staff on the property involved in the light industry business must also be assessed on town planning grounds as a separate matter at a later date.

It is suggested that the best location to operate a light industry business is on land zoned "light industry" as per the scheme within the Merredin townsite. Shall the business be located in this zone the applicant could also apply to Council for approval to operate caretaker's accommodation on a light industry site. A caretakers house is an "IP" use, and would appear appropriate and be likely to gain support from staff for approval.

The applicant is currently operating his business from the property which involves using the property for the storage of vehicles ancillary to the business, the preparation of materials (concrete) for use by the business, administration of the business and for accommodating employees. A photograph of vehicles and machinery involved in the business operations can be seen as **Attachment 10.5F**.

It must be stated however that once the requirement for planning and other approvals was brought the applicants attention significant efforts have been made to comply.

The applicant has suggested that the operation of his business at Lot 15 Booran South Rd is essential as it provides greater security for the expensive equipment, some worth over \$20,000, used in the business.

Former site office amenities "caravans" are being used as temporary accommodation at the property. These can be seen as **Attachment 10.5G**. These "caravans" are de-licensed and rendered incapable of being moved, hence are not covered by the *Caravan Parks and Camping Grounds Regulations 1997*.

The amenities within temporary accommodation comply with the minimum requirements of the Building Code of Australia 2006 and will be connected to an approved septic tank and leach drain system.

It may be appropriate that the application be advertised in accordance with the scheme. This includes to all adjoining property owners and those that were previously consulted concerning the planning applications (PA11/03, PA02/05) for the operation of extractive industries at the property.

All comments or objections must be assessed on town planning grounds.

Whilst the applicant is initially applying for approval for twelve months it is apparent that he has longer term plans for the property, which are dependant on the transfer of ownership of Lot 15. Enabling the business to operate, including the temporary accommodation, for period of twelve months may provide Council with the opportunity to gauge the capability of the applicant to complete his obligations and comply with any conditions imposed on such approval.

Allowing the applicant to operate his light industry business from Lot 15 Booran South Rd, Merredin via formal and conditional approval may provide Council the opportunity to have the property cleaned-up, returned to its pre-2003 condition or better, using the planting of trees, improved land usage and appropriate weed control. This could be of significant benefit to Council and the Booran area and residents in general.

Conversion of outbuilding to habitable building -

The conversion of the existing outbuilding (piggery) to a habitable dwelling is dependant on any Council approval conveyed under section 144 of the Health Act 1911. It would seem unlikely for this approval to be forthcoming until Council has properly considered an application for planning consent to enable Lot 15 Booran South Rd to be used as permanent single person's accommodation.

Appropriate plans, specifications and certifications complying with the Building Code of Australia 2006 and Health Act 1911 would need to be developed before formal consideration.

Extractive industry -

The extraction of sand at the property is occurring and is governed by the Shire of Merredin Local Law No. 10 – Extractive Industries. A formal application, notwithstanding the relatively small amounts of sand being extracted, needs to be submitted to enable assessment by Council.

This needs to occur as a matter of priority.

Construction of single dwelling -

Planning approval to construct a single dwelling on the property is not required, however a building license and approval to install a waste water treatment and disposal system are both required.

A demolition license is required to remove the burnt out former dwelling from the property. This can be seen as **Attachment 10.5H**.

Officer's Recommendation:

1. *That Council, in accordance with Clause 2.2.4 (a) of the Shire of Merredin Town Planning Scheme No. 1, determine that a light industry business and temporary accommodation within the "General Farming" zone is assigned an "AP" use symbol, that is, not permitted unless special approval is given by Council after advertising.*

-
2. *That Council advertise application for planning consent PA06/07 submitted by Gavin Townsend of GBT Nominees Pty Ltd on behalf of Ian Ross Wallace seeking approval to operate a light industrial business, incorporating temporary accommodation facilities for a period of twelve months at Lot 15 Booran South Road, Merredin, in accordance with clause 6.2.2 of the Shire of Merredin Town Planning Scheme No.1.*
 3. *That Council advise Gavin Townsend of GBT Nominees Pty Ltd that –*
 - a) *application for planning consent PA06/07 has been advertised in accordance with the Shire of Merredin Town Planning Scheme No.1 and will be re-considered at Council's Ordinary May 2007 meeting;*
 - b) *all accommodation amenities at Lot 15 Booran South Rd, Merredin shall be connected to an approved system for the treatment and disposal of waste water in accordance with Shire of Merredin approval ST/01/07, within seven (7) days;;*
 - c) *no "approval in principle" is conveyed by the Shire of Merredin to convert an existing outbuilding to an accommodation building for single persons at Lot 15 Booran South Rd, Merredin;*
 - d) *no "approval in principle" is conveyed by the Shire of Merredin to undertake extractive industry operations at Lot 15 Booran South Rd, Merredin and that an application for planning consent and extractive industry license should be submitted forthwith;*
 - e) *an application for planning consent is not required for the construction of a single residential dwelling at Lot 15 Booran South Rd, Merredin; and*
 - f) *a demolition license must be obtained from the Shire of Merredin prior to the demolition of the existing burnt out dwelling at Lot 15 Booran South Rd, Merredin.*

Moved Cr Crees sec Cr Townrow

1. ***That Council, in accordance with Clause 2.2.4 (a) of the Shire of Merredin Town Planning Scheme No. 1, determine that a light industry business and temporary accommodation within the "General Farming" zone is assigned an "AP" use symbol, that is, not permitted unless special approval is given by Council after advertising.***

- 2. That Council advertise application for planning consent PA06/07 submitted by Gavin Townsend of GBT Nominees Pty Ltd on behalf of Ian Ross Wallace seeking approval to operate a light industrial business, incorporating temporary accommodation facilities for a period of twelve months at Lot 15 Booran South Road, Merredin, in accordance with clause 6.2.2 of the Shire of Merredin Town Planning Scheme No.1.*

LOST 3/6

Recommendation number 3 was not acted upon due to Items 1 and 2 being voted upon and motion lost.

Cr Astbury declared a Financial Interest in Item 10.6 and left the room at 2.14pm.

10.6 APPLICATION FOR PLANNING CONSENT – BED AND BREAKFAST ESTABLISHMENT AND ANTIQUE SHOP AT LOT 114 BATES STREET, MERREDIN, AVRIL E PARKER FOR SELF

Reporting Department: Development Services
Reporting Officer: Warren Bow, Manager Development Services
Legislation: Planning and Development Act 2005,
Shire of Merredin Town Planning Scheme No. 1, Building Code of Australia 2006, Health Act 1911; Local Government Act 1995
File Number: P/304

Background:

At its Ordinary March 2007 meeting Council considered an application for planning consent (PA04/07) by Avril E Parker (the applicant) to operate a bed and breakfast establishment and antique shop at Lot 114, No 30 Bates Street Merredin (the property).

Council resolved (**CMRef 28841**) to support the application in principle, advertise in accordance with the Town Planning Scheme No.1 and refer the matter to its Ordinary April 2007 meeting.

Legal Implications:

Compliance with the Shire of Merredin Town Planning Scheme No.1

Section 5.42 of the Local Government Act 1995 conveys the ability of the local government to delegate to the Chief Executive Officer certain powers and duties, notwithstanding those duties specified in Section 5.43. Absolute majority voting is required.

Budget Implications:

Nil

Comment:

Unfortunately the timing of the March and April meetings did not allow the statutory advertising period to be completed prior to 17 April 2007. Hence the application cannot be considered at the Ordinary April 2007 meeting.

To expedite the process, and to ensure that the applicant does not have to wait until Council's Ordinary May 2007 meeting for the matter to be determined it is suggested that the Chief Executive Officer be delegated authority to determine application PA04/07 at the expiry of the advertising period.

Such authority would be limited to where no objections, on town planning grounds, were received.

Officer's Recommendation:

1. *That Council delegate authority to the Chief Executive Officer to approve application for planning consent PA04/07 submitted by Avril E Parker at the expiry of the statutory advertising period, subject to their being no objections received on town planning grounds.
(Absolute Majority required)*
2. *That the Chief Executive Officer refer any objections pertaining to town planning issues received in relation to application for planning consent PA04/07 to Council for determination at the Ordinary May 2007 meeting.*

28874

Moved Cr Morris sec Cr Townrow

1. *That Council delegate authority to the Chief Executive Officer to approve application for planning consent PA04/07 submitted by Avril E Parker at the expiry of the statutory advertising period, subject to their being no objections received on town planning grounds.*
2. *That the Chief Executive Officer refer any objections pertaining to town planning issues received in relation to application for planning consent PA04/07 to Council for determination at the Ordinary May 2007 meeting.*

**CARRIED 8/0
(ABSOLUTE MAJORITY)**

W Bow and Phillip Hastings left the meeting at 2.15pm.

J Barton left the meeting at 2.16pm.

J Garrett entered the meeting at 2.16pm.

Cr Astbury entered the meeting at 2.17pm.

11.0 ENGINEERING SERVICES

11.1 MANAGER OF WORKS – MONTHLY REPORT

Reporting Department: Engineering
Reporting Officer: James Garrett, Manager of Works
Legislation: Local Government Act 1995
File Number:

Background:
Monthly report on operations.

Legal Implications:
Nil

Budget Implications:
Nil

Comment:

Road Construction

Bitumen has been laid on Bates Street and Pollock Avenue ready for the asphalt seal which is scheduled for the 17 April 2007.

Construction on the intersection of Chandler Road and Telfer Avenue is progressing.

Construction has also started on the intersection of West Nokaning Road and Nangeenan North Road.

Road Maintenance

Bitumen patching of rural roads has been undertaken when staff are available.

Recreation Centre Carpark

Light poles have been installed and backfill behind kerbs has been completed.

Work to start on concrete footpath in the first week in May.

Parks And Gardens

Lawn mowing program ongoing.

Garden improvements have been made at the Medical Centre, Library and some of the islands in Fifth Street.

Barbecue, rubbish bins, table and chairs have been installed at Pioneer Park.

Tree pruning is in progress under power lines by local contractor Dave's Tree Services.

Cohn Creek

Our dam catchment area has been cleaned out where pump house is situated.

Water

We are currently pumping from dam 2 so the level of dam1 will rise with the water we receive from the sewerage farm. We should have enough water until the winter rain.

Dam #1	10% Full	Capacity	74,455 kilolitres
Dam #2	10% Full	Capacity	71,675 kilolitres
Dam #3	20% Full	Capacity	46,000 kilolitres
Railway Dam	45% Full	Capacity	23,000 kilolitres

Officer's Recommendation:

That the Merredin Shire Council receive the Manager of Works report for March 2007.

28875

Moved Cr Crees sec Cr Morris

That the Merredin Shire Council receive the Manager of Works report for March 2007.

CARRIED 9/0

**11.2 PROPOSED ROAD CLOSURE AND LAND AMALGAMATION,
HINES HILL**

Reporting Department: Engineering
Reporting Officer: James Garrett, Manager of Works
Legislation: Local Government Act 1995
File Number:

Background:

State Lands Services is investigating a request from the adjoining land owner to purchase the eastern portion of Whitehead Street for amalgamation with Lot 65 Hines Hill as can be seen in **Attachment 11.2A**.

Whitehead Street is an unmade road which joins Fitzpatrick Road and Reserve 39249 which the Shire has care, control and management for the purpose of Gravel & Rubbish Disposal.

As the Shire has control of the road reserve it can prevent any unnecessary damage to vegetation that is on the road reserve and create a buffer between the salt lake and Lot 65 as can be seen on **Attachment 11.2B**.

State Land Services are asking if Council would advise that it is willing to close the eastern portion of Whitehead Street as shown on **Attachment 11.2A**. It would also like to know what associated costs (Advertising, Administration and Legal) the Shire may attribute to the applicant if State Land Services was to proceed with this proposal.

Legal Implications:

Nil

Budget Implications:

Nil

Comment:

State Land Services have not indicated why the applicant wishes to purchase the land.

Some gypsum mining has been carried out in reserve 39249 and an access road may be required if any future gypsum mining was to go ahead.

Officer's Recommendation:

That the Merredin Shire Council advise State Land Service that it is unwilling to close the eastern portion of Whitehead Street and have it amalgamated with Lot 65 Hines Hill as shown on Attachment 11.2A.

28876

Moved Cr Townrow sec Cr Morris

That the Merredin Shire Council advise State Land Service that it is unwilling to close the eastern portion of Whitehead Street and have it amalgamated with Lot 65 Hines Hill as shown on Attachment 11.2A.

CARRIED 9/0

Jim Garrett departed the meeting at 2.29pm.

12.0 COMMUNITY SERVICES

**12.1 MERREDIN REGIONAL COMMUNITY LEISURE CENTRE
MANAGEMENT PLAN**

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

Background

At Council's 19 July 2005 Council meeting (CMRef 27995) Council agreed to adopt the first draft of the Merredin Regional Community and Leisure Centre Management Plan. This plan outlines the objectives, roles and aims of the proposed Merredin Regional Community and Leisure Centre Advisory Committee.

At Council's 16 January 2007 meeting (CMRef 28788) Council appointed members of the Advisory Committee and determined the purpose of that committee.

At the Advisory Committee meeting held on the 19 February 2007 and the 10 April 2007 the committee reviewed the Management Plan previously adopted by Council. The revised Plan is attached. **Attachment 12.1A.**

The Management Plan gives the Advisory Committee certain powers (ie termination of membership) and therefore it needs to be open to the public. The Advisory Committee is aware of this issue and accepts this requirement.

When creating the Advisory Committee (16 Jan 2007 **CMRef 28788**) Council did not specifically delegate the responsibility for the issues contained in the Management Plan so this will need to be done.

Staff Recommendation

1. *That Council adopt the Merredin Regional Community & Leisure Centre Management Plan.*
2. *In addition to the purposes of the Recreation Centre Management Advisory Committee determined on 16 January 2007 Council adds the following:*

“to deal with the matters prescribed to it in the Merredin Regional Community and Leisure Centre Management Plan”.

Absolute Majority Required

28877

Moved Cr N Hooper sec Cr Morris

1. ***That Council adopt the Merredin Regional Community & Leisure Centre Management Plan.***
2. ***In addition to the purposes of the Recreation Centre Management Advisory Committee determined on 16 January 2007 Council adds the following:***

“to deal with the matters prescribed to it in the Merredin Regional Community and Leisure Centre Management Plan”.

**CARRIED 7/2
ABSOLUTE MAJORITY**

E Hooper left the meeting at 2.38pm.

12.2 WATER GROUP CONFIDENTIALITY AGREEMENT

Reporting Department: Community and Economic Development
Reporting Officer: Jeff Walker, Project Officer
Legislation: Local Government Act 1995
File Number:

Background:

Merredin Shire Council's Water Working Group is investigating many options for uses of Merredin's groundwater. One option that has been investigated has resulted in a potential trialling partnership with a sustainable water treatment company. This company requires that a Confidentiality Agreement be signed before any further discussion or progress can be pursued.

Legal Implications:

As per the Confidentiality Agreement.

Budget Implications:

Nil at present – signing this agreement will only allow Council to progress with investigation. There is no commitment to any works or financial input. This may come under a separate agreement/contract at a later time.

Comment:

Signing this Confidentiality Agreement allows further investigation and information sharing to take place. This process may ultimately result in an offer of a partnership between Council and the company concerned to trial a water treatment system in Merredin. Council will be consulted if and when that opportunity arises. The Confidentiality Agreement is to give the Shire access to further information only; it is not committing Shire or Council to any works.

As the water group progresses with investigating options, the requirement to sign confidentiality agreements may continue. This is the second such agreement to be considered relating to groundwater options investigation (**CMRef 28725, November 2006**):

28725 Moved Cr Simmonds sec Cr Townrow
That Council sign the confidentiality agreement with the Watercycle Company to investigate the use of Merredin's saline groundwater.

CARRIED 11/0

Officer's Recommendation:

That Council approve the CEO to negotiate and/or sign the Confidentiality Agreement with Jeroen van der Sluijs to investigate the use of Merredin's saline groundwater.

28878

Moved Cr Townrow sec Cr Morley

That Council approve the CEO to negotiate and/or sign the Confidentiality Agreement with Jeroen van der Sluijs to investigate the use of Merredin's saline groundwater.

CARRIED 9/0

E Hooper entered the meeting at 2.43pm.

12.3 ACTING MANAGER OF COMMUNITY SERVICES' REPORT

Reporting Department:	Administration
Reporting Officer:	Debbie Morris – A/Manager of Community Services
Legislation:	Local Government Act
File Number:	

Background

The following is a list of matters that have been addressed or are provided for information.

Cummins Theatre

Community Services staff have been overseeing the bookings and activities at the Cummins Theatre for the month of March 2007.

Memorandum of Understandings have been negotiated and agreed upon with the Merredin Repertory Club and Merredin Music Club. These are presented to Council for endorsement – (See agenda item 12.4)

The Conditions of Hire and Booking Information package has been completed. **Attachment 12.3A.**

Lotterywest advised the Shire earlier this year, that until an acquittal of the successful Performing Arts – Regional Audience Development Grant to the Cummins Theatre Board in 2004 has been completed, the Shire of Merredin will not receive any further funding from Lotterywest.

The Cummins Theatre Board were notified of this issue in January 2007, however the Board members lacked the information to complete the acquittal. Therefore staff met with Peter Carden (the Theatre Board's voluntary accountant) in March 2007 to address the situation.

I believe we now have sufficient information to be able to acquit the 2004 grant, which will be completed by 30th April 2007.

Library

Wendy Davies commenced on 13th March as Temporary Casual Library Officer following the resignation of temporary part-time employee Jenny Doncon. Ian Stone submitted resignation effective from 4th May 2007 to take up a position at the City of Bayswater.

Visitor Servicing

Budgets have been reviewed for the areas of Visitor Centre Building Maintenance (E132120), Visitor Centre Operating (E132121), Visitor Centre Manager – 4 Cohn Street (E132127) and Regional Tourism Strategy (E132130).

Recreation Centre

Staff met in March to review the funding, sponsorships and donations for the Recreation Centre.

A financial spreadsheet has been developed to assist with the completion of progress reports and acquittals to relevant funding bodies:

Lotterywest - \$400,000, DOTARS - \$600,000, DOTARS (MADCAPS) - \$111,000

Staff have also updated the list of sponsors and donations to ensure correct recognition is awarded and relevant invoicing of pledged amounts is undertaken.

Strategic Plan

Draft Strategic Plan will be completed and presented to Council at the April 2007 meeting.

Reports for areas within Community Services:**Visitor Servicing**

Report is at **Attachment 12.3B.**

Community and Economic Development

Report is at **Attachment 12.3C.**

Recreation Centre

Report is at **Attachment 12.3D.**

Natural Resource Management

Report is at **Attachment 12.3E.**

Library Services

Report is at **Attachment 12.3F.**

Cummins Theatre

No Report – Theatre Manager position vacant

Status Report:

The Action sheet detailing progress of Previous Council Resolutions from March 2004 is **Attachment 12.3G.**

Legal Implications

Compliance with relevant Acts and Local Laws.

Officer's Recommendation

That the Merredin Shire Council receive the Acting Manager of Community Services report for April 2007.

28879

Moved Cr Astbury sec Cr Crees

*That the Merredin Shire Council receive the Acting Manager of
Community Services report for April 2007.*

CARRIED 9/0

**12.4 MEMORANDUMS OF UNDERSTANDING – MERREDIN
REPERTORY CLUB AND MERREDIN MUSIC CLUB**

Reporting Department: Administration
Reporting Officer: Debbie Morris – Community & Economic
Development Project Officer
Legislation: Local Government Act
File Number:

Background

At the 18th May 2004 Ordinary Council Meeting the following motions were carried:

That a new agreement be drawn up between the Shire of Merredin & the Cummins Theatre Board Inc regarding the use of the Cummins Theatre and performing arts development, clarifying roles and responsibilities between the Shire of Merredin, shire staff and the Cummins Theatre Board. (CM Ref 27491)

That Cr Endersbee, Cr Clydesdale-Gebert and the Deputy Chief Executive Officer act as the negotiating working party to progress a new management agreement for the Cummins Theatre. (CM Ref 27493)

On 14th June 2004 the Cummins Theatre Inc (Theatre Board) wrote to the Shire thanking the Deputy Chief Executive Officer for attending their meeting and acknowledge the Shire taking back the responsibility of running the Theatre. They were closing off all operational accounts pertaining to the Board and supported the concept of forming a Local Arts Council.

A meeting was held on 26th July 2004 with members of the Theatre Board to discuss the formation of a Performing Arts Council.

At the 21st September, 2004 Ordinary Council Meeting the following motion was carried:

- 1 That the Merredin Shire Council receive the report entitled 'Cummins Theatre Management Review'.*
- 2 That the Merredin Shire Council adopt the proposed Cummins Theatre management structure as detailed in the body of this report.*
- 3 That the Merredin Shire Council agree to establish a Memorandum of Understanding with a newly constituted 'Performing Arts Council' (or similar designation) in accordance with the principles detailed in the body of this report.*
- 4 That the Merredin Shire Council formally assume responsibility for the custody, management and maintenance of all property presently contained within the Cummins Theatre, formerly the property of the Merredin Repertory Club.*

-
- 5** *That the Merredin Shire Council impose the Schedule of Fees and Charges in relation to hire of the Cummins Theatre facility and property, as detailed in the body of this report, in accordance with Section 6.16 (3) of the Local Government Act 1995.*
- 6** *That the Merredin Shire Council :*
- *establish an informal Working Group for the purpose of drafting a Cummins Theatre Management Plan, in accordance with the Working Group Scope and Role as detailed in the body of this report; and*
 - *Invite membership to this informal Working Group as proposed in the body of this report. (CM Ref 27640)*

Some informal meetings took place in 2006 in an endeavour to encourage the reformation of a Merredin Repertory Club and formation of a new Music Group with the ultimate goal of establishing a Performing Arts Council.

The Merredin Repertory Club advised the Shire in October 2006 of their intent to officially reform and the need to establish a formal Memorandum of Understanding between the Shire and the Club.

In December 2006 interested community members informally met to discuss the formation of a Music Group which came to fruition on 24th January 2007 with the official formation of the Merredin Music Club.

The Merredin Music Club wrote to the Shire in February 2007 expressing their interest in formalising arrangements between the Shire and the Club in regard to the use of the Cummins Theatre.

Draft Memorandum of Understandings were developed and presented to the Merredin Repertory Club and Merredin Music Club in early March 2007. After some discussions, all parties have agreed to the attached Memorandum of Understandings. **Attachments 12.4A & 12.4B**

Legal Implications

In accordance with Local Government Act 1995 Section 6.17 - Setting the level of fees and charges

Budget Implications

2007/08 Budget consideration

Comment

The Memorandum of Understandings with the Merredin Repertory Club and Merredin Music Club were developed primarily with the intention of clarifying and formalising the roles and responsibilities of both the groups that are using the Cummins Theatre and the Shire, as owner of the building and responsible for the maintenance and management.

MINUTES

However, to encourage more performance and cultural activities in the Cummins Theatre, incentives have been incorporated in both the Memorandum of Understandings.

The Memorandum of Understandings are to reviewed on an annual basis.

It was evident throughout the discussions with both groups that there was some apprehension of the necessity of forming a Performing Arts Council and the relevant responsibilities associated with the Council. As a result, it was agreed to the formation of a Cummins Theatre Advisory Group, which would operate along the lines to the Tourism Advisory.

Once the new Theatre Manager is appointed the structure of this Advisory Group can be determined.

Officer's Recommendation

That the Merredin Shire Council endorse the attached Memorandum of Understanding with the Merredin Repertory Club and the attached Memorandum of Understanding with the Merredin Music Club for a twelve month period commencing April 2007.

Moved Cr Simmonds sec Cr Morley

That the Merredin Shire Council endorse the attached Memorandum of Understanding with the Merredin Repertory Club and the attached Memorandum of Understanding with the Merredin Music Club for a twelve month period commencing April 2007.

LOST 2/7

28880

Moved Cr Morris sec Cr N Hooper

That the Merredin Shire Council endorse the attached Memorandum of Understanding with the Merredin Repertory Club and the attached Memorandum of Understanding with the Merredin Music Club for a six month period with an option for a further six months commencing April 2007.

CARRIED 7/2

12.5 ASSOCIATIONS INCORPORATION BILL 2006 (the Green Bill)

Reporting Department: Administration
Reporting Officer: Debbie Morris – Community & Economic
Development Project Officer
Legislation: Local Government Act
File Number:

Background

Legislation has been in place since 1895 to incorporate associations in Western Australia – Associations Incorporation Act 1987.

The State Government is reviewing the Associations Incorporations Act 1987 and tabled the Associations Incorporation Bill 2006 (the Green Bill) in the Legislative Assembly on 30th November 2006.

Proposed reforms to the Act aim to balance community expectations about the regulation of incorporated associations with the foundation principle that responsibility for the internal management of an incorporated association rests with the members of that group.

The Department of Consumer and Employment Protection is seeking written public submissions on the Draft legislation by 30th April 2007.

A Consultation Guide outlines the twenty two (22) key issues and proposed changes. (**Attachment 12.5A**).

Legal Implications

Compliance with relevant Acts and Local Laws.

Budget Implications

Nil

Comment

The Community Development Officers Network took the initiative to evaluate the Associations Incorporation Bill 2006 and the effect of the proposed changes to community groups within the Wheatbelt.

After reviewing the amendments and considering the CDO Network comments, I believe the proposed changes are designed to meet the needs of today's incorporated association and their members, while maintaining fair regulation and accountability.

Officer's Recommendation

That the Merredin Shire Council complete a submission in support of the proposed amendments outlined in the Associations Incorporation Green Bill by 30th April 2007.

28881

Moved Cr Simmonds sec Cr Astbury

That the Merredin Shire Council complete a submission in support of the proposed amendments outlined in the Associations Incorporation Green Bill by 30th April 2007.

CARRIED 8/1

13.0 ADMINISTRATION AND FINANCE

13.1 CHIEF EXECUTIVE OFFICER'S REPORT

Reporting Department: Administration
Reporting Officer: Frank Ludovico, CEO
Legislation: Local Government Act 1995
File Number:

I present the following report for April 2007:

Country Eastern Country Zone – Ordinary Meeting – Grain Transport Working Group

Along with Cr Simmonds I attended the Great Eastern Country Zone meeting held in Dowerin. There seems to be considerable movement in respect to grain transport issue and at the Zone Meeting Mr Paul Hamersley from the Department of Planning and Infrastructure addressed the meeting concerning the Grain Freight Network Review. Notes from that discussion and a copy of a Grain Freight Network Review scenario is attached to this item (**Attachment 13.1A**)

The Zone agreed to nominate Cr Clauson, President of the Shire of Mt Marshall and Cr Padfield, President of Shire of Narembeen to form a working party with representatives from the Central Zone and the Avon Midland Zone to discuss the issues associates with the Grain Freight Network Review.

Annual Rose Bowl Day

The event was a successful one with the Shire of Bruce Rock running out winners with three wins out of four matches followed by Kondinin. The Shire of Merredin was placed fifth at the end of the day. I would like to thank Councillors and staff for such a successful day which provided a great opportunity for networking and showcasing the activities in the Shire of Merredin. Next year the Rose Bowl will be held in the Shire of Bruce Rock.

Local Government (Official Conduct Amendment Bill 2005)

I wish to advise that this new legislation was passed by Parliament on the 21 March 2007 and the legislation is now awaiting royal assent. For Councillors information I have provided a copy of the WALGA Info Page, WALGA Briefing Paper and the Ministerial Circular in the Information Bulletin so Councillors can be aware of the new legislation. I understand it will come into force prior to the next ordinary elections in October 2007.

Whitfield Way

The new contractor appears to be making very good progress with the installation of underground power and is expected to complete his work by the 13 April 2007. I am now trying to ascertain when the power will be connected by Western Power.

In respect of the previous contractors attempts to resolve his claim for payment I advise that these are progressing.

North Eastern Wheatbelt Small Business Centre

At our committee meeting held on the 5 April 2007 it was decided that the old Shire Offices would no longer be required and the committee would be revamping its existing offices near the corner of Bates and Mitchell Street.

Northam Saleyards

Following my report to the 20 February 2007 meeting the Shire of Northam has prepared a proposal to the Minister for Agriculture seeking funding for the project. A copy of their report has been provided to us for our records.

Bushfire Advisory Committee

A post season Bushfire Advisory Committee meeting was held on the 30 March 2007 where the outcome of the 2006/2007 season was reviewed. Also discussed at that meeting was the Risk to Resourcing model prepared by Fire and Emergency Services Authority. This model attempts to provide the resources required by each fire brigade based on the fire risk associated with that brigade. These resources include machinery, sheds etc.

The brigades were asked to provide statistics on the nature and type of fires (or standby for fires) that they have attended in the last three years in order to support the resources required.

Once this has been developed it will be presented to Council for ratification and then forwarding to FESA.

Officer's Recommendation:

That Council adopt the Chief Executive Officers report for the month of January 2006.

28882

Moved Cr Morley sec Cr Simmonds

That Council adopt the Chief Executive Officers report for the month of April 2007.

CARRIED 9/0

13.2 ANNUAL GENERAL MEETING - WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION

Reporting Department: Administration
Reporting Officer: Frank Ludovico, CEO
Legislation: Local Government Act 1995
File Number: GR/17/11

Background

The Annual General Meeting of the Western Australian Local Government Association will be held on Sunday 5 August, 2007.

The Western Australian Local Government Association has requested any member motions to be submitted to the Association by Friday 15 June 2007.

Comment:

The purpose of this item is to ascertain from Council whether they have any items to be forwarded to the Association's Annual General Meeting. This will enable staff to prepare a draft for Council consideration.

Officer's Recommendation:

That Council advise staff of any agenda items it wishes to forward to the 2007 Annual General Meeting of the Western Australian Local Government Association.

REASON: The recommendation was not put as Council did not wish to bring any items forward to the Annual General Meeting of the Western Australian Local Government Association therefore no vote was taken.

13.3 ANNUAL BUDGET REVIEW

Reporting Department: Finance and Administration
Reporting Officer: Emma Hooper, Manager of Finance and Administration
Legislation: Local Government Act 1995
File Number:

Background

Regulation 33A of the Local Government (Financial Management) regulations 1996 (FM Regulations) requires that Council conducts a budget review prior to the 31 March each year.

As we have been unable to produce this document due to staff shortages and computer problems it is suggested that a Special Meeting of Council be arranged to consider the budget review with the preferred date being 30 April 2007.

Officer's Recommendation:

*That Council convene a Special Council Meeting on the _____
to consider the 2006/2007 Budget Review.*

28883

Moved Cr Morris sec Cr Astbury

*That Council convene a Special Council Meeting on Monday 30th
April 2007 at 7.00pm to consider the 2006/2007 Budget Review.*

CARRIED 9/0

13.4 LIST OF ACCOUNTS PAID

Reporting Department: Finance and Administration
Reporting Officer: Emma Hooper, Manager of Finance and Administration
Legislation: Local Government Act & Financial Management Regulations
File Number:

Background:

A list of accounts paid during the month under delegated authority is presented to Council each month. Refer to **Attachment 13.4A**.

Legal Implications:

Local Government Act and Financial Management Regulations.

Budget Implications:

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

Comment:

Minor changes to the process of Accounts Payable have been made with the inclusion of some payments via Electronic Funds Transfer (EFT). With the recent staff changes, the Chief Executive Officer and the Manager of Finance and Administration are the main signatories, with the Manager of Development Services, Shire President and Deputy Shire President also being signatories in the case of either the Chief Executive Officer or Manager of Finance and Administration being absent.

Officers Recommendation:

That the Merredin Shire Council receive the schedule of accounts as listed, covering cheques as numbered and amounts directly debited from Councils' Municipal Fund Bank Account BSB 066-518 000 000 10, totaling \$407,094.31 and outstanding creditors totaling \$146,947.00.

28884

Moved Cr Crees sec Cr N Hooper

That the Merredin Shire Council receive the schedule of accounts as listed, covering cheques as numbered and amounts directly debited from Councils' Municipal Fund Bank Account BSB 066-518 000 000 10, totaling \$407,094.31 and outstanding creditors totaling \$146,947.00.

CARRIED 9/0

3.0 APOLOGIES AND LEAVE OF ABSENCE

Cr Wallace requested leave of absence for the 15 May 2007 Council meeting.

28885 Moved Cr N Hooper sec Cr Townrow
That Cr Wallace be granted a leave of absence for the 15 May 2007 meeting.
CARRIED 9/0

28886 Moved Cr Townsend sec Cr Astbury
That Council adjourn for afternoon tea.
CARRIED 9/0

Council adjourned for afternoon tea at 3.24pm.

28887 Moved Cr Morris sec Cr Astbury
That Council reconvene the meeting.
CARRIED 9/0

Council meeting recommenced at 3.46.

28888 Moved Cr Morris sec Cr Astbury
That Council move behind closed doors to discuss confidential matters (S 5.23(2) Local Government Act).
CARRIED 9/0

Council went behind closed doors at 3.47pm.

S Price, E Hooper and AM Peters left the meeting at 3.48pm .

Cr Morris left the meeting at 4.25pm and did not return.

F Ludovico, CEO left the meeting at 4.36pm.

F Ludovico, E Hooper and S Price entered the meeting at 4.37pm.

28889 Moved Cr Astbury sec Cr Morley
That Council come out from behind closed doors and adjourned to inspect the Merredin Regional Community & Leisure Centre.
CARRIED 8/0

Council came out from behind closed doors and adjourned at 5.07pm.

28890 Moved Cr Astbury sec Cr Townrow
That Council reconvene the meeting.
CARRIED 8/0

Council meeting recommenced at 5.50pm.

E Hooper and S Price were not in attendance.

18.0 MATTERS BEHIND CLOSED DOORS

18.3 MOTOR VEHICLE AGREEMENT BY DOCTOR GABRIEL ADENIYI

Reporting Department: Finance and Administration
Reporting Officer: Frank Ludovico, Chief Executive Officer
Legislation: Local Government Act 1995
File Number:

Background

At Council's February 2007 meeting Council discussed provision of a vehicle to Doctor Gabriel Adeniyi.

At Council's February 2007 meeting Council resolved (CMR 28822) to provide \$10,000 per annum for four (4) years towards the purchase of a vehicle of Dr Gabriel Adeniyi's choice with the funds being provided from the Plant Replacement Reserve and a further \$2,000 per annum be provided towards the cost of fuel.

Following Council's March 2007 meeting Dr Gabriel was advised that Council had not altered its decision.

Dr Gabriel has asked me to refer a different proposal to Council for its consideration. He requests that Council provide \$10,000 per year for the term of his contract, up front for the supply of a vehicle. The difference between the purchase price of the vehicle and Council's contribution will be met by Dr Gabriel.

Dr Gabriel is still interested in purchasing a Toyota Prado Grande V6 Four Wheel Drive Wagon with a purchase price of \$ 67,908

Financial Implications

As reported in the February 2007 agenda item, Council's 2006/2007 Budget allows \$6,000 for the changeover of his vehicle. However it is anticipated that in the current climate a Ford Falcon to a Ford Falcon changeover will amount to about \$10,000. Doctor Adeniyi's request is based on a gross cost of \$67,908 (inclusive of GST).

If we follow the motor vehicle provision of agreement developed for Doctor Freeman and allocate \$10,000 per year over the life of Doctor Adeniyi's employment contract of five (5) years, a total of \$50,000 could be made available for the purchase of the vehicle. This leaves \$17,900 to be allocated.

The GST for the transaction is \$5,990 and this is may be recoupable by the Council. This leaves \$11,918 to be funded by Dr Gabriel.

Comment

If Council wishes to alter its determination made at its February 2007 meeting it will need to revoke that motion (at least one third of the number of members, whether vacant or not, inclusive of the mover is required before any motion to be revoke the original can be considered).

This arrangement could be seen as an inducement to retain doctors.

Officer Recommendation

1. *That Council revoke Council Resolution 28822.*

That Council provide \$10,000 per annum for four years towards the purchase of a vehicle of Doctor Gabriel Adeniyi's choice with funding being provided by the Plant Reserve and a further \$2,000 per annum towards the cost of fuel.

(Absolute Majority Required)

2. *That Council purchase a Toyota Prado Grande V6 Four Wheel Drive Wagon for a gross cost of \$67,908 from Merredin Toyota for use by Doctor Gabriel Adeniyi.*

3. *That Council enter into an Agreement for the provision of a motor vehicle for Doctor Gabriel Adeniyi on the basis of Council providing:*

- A) *\$50,000 towards the purchase of a vehicle of Doctor Gabriel Adeniyi's choice*
- B) *The difference between the purchase price and Council's contribution less any GST claimable by Council is reimbursed by Dr Adeniyi.*
- C) *with funding being provided by the Plant Reserve*

(Absolute Majority Required)

28891

Moved Cr Astbury sec Cr Townrow

That Council reaffirm its decision from the 20 February 2007 Council meeting (CMRef 28822):

“That Council provide \$10,000 per annum for four years towards the purchase of a vehicle of Doctor Gabriel Adeniyi's choice with funding being provided by the Plant Reserve and a further \$2,000 per annum towards the cost of fuel.”

CARRIED 6/2

MINUTES

**9.0 RECEIVAL OF MINUTES OF COMMITTEE MEETINGS AND
RECOMMENDATIONS (CONT)**

9.5 Merredin Regional Community and Leisure Centre Advisory
Committee meeting Tuesday 10 April 2007.

7.1.2 Financial Subsidy

*Moved Cr W. Wallace sec Cr M. Morris
Recommend to Council to subsidise the Nukarni Football Club
to cover against a net loss up to the value of \$5000 upon the
receipt of a 2007 season audited financial statement.*

CARRIED 4/1

28892

Moved Cr Wallace sec Cr N Hooper

***Council to subsidise the Nukarni Football Club to cover against a net
loss up to the value of \$5000 upon the receipt of a 2007 season
audited financial statement.***

CARRIED 6/2

7.2

MRC&LC Bowling Club Identity Meeting

*Moved Cr M. Morris sec Cr W. Wallace
Recommends to Council that a meeting is organised between
the Executive Committee Members of the three Bowling Clubs
in Merredin and the Shire to discuss the future of Bowls in
Merredin.*

CARRIED 6/0

28893

Moved Cr Wallace sec Cr N Hooper

***Council organise a meeting between the Executive Committee
Members of the three Bowling Clubs in Merredin and the Shire to
discuss the future of Bowls in Merredin.***

CARRIED 8/0

9.0

**Use Of MRC&LC Facility for Exclusive Functions Eg.
Weddings**

*Moved E. Carlson sec D. Sutherland
That the MRC&LC Advisory Committee recommend that
Council does not book weddings in the Merredin Regional
Community and Leisure Centre for 2007 to enable the Centre
to become sufficiently operational.*

CARRIED 6/0

28894

Moved Cr Townrow sec Cr Astbury

***That Council does not book weddings in the Merredin
Regional Community and Leisure Centre for 2007 to enable
the Centre to become sufficiently operational.***

CARRIED 7/1

10.0 Occasional Liquor Licences Located On The Merredin Recreation Grounds, eg Agricultural Show

Moved Cr M. Crees sec Cr W. Wallace

The MRC&LC Advisory Committee recommends that Council does not agree to permit the supply, sale or consumption of alcohol at the Merredin Recreation unless there are exceptional circumstances as determined by the Chief Executive Officer.

CARRIED 6/0

28895

Moved Cr Townrow sec Cr N Hooper

That Council does not agree to permit the supply, sale or consumption of alcohol at the Merredin Recreation Ground unless there are exceptional circumstances as determined by the Chief Executive Officer.

CARRIED 8/0

**18.2 PROPOSAL FOR THE ACQUISITION OF THE MERREDIN
MEDICAL PRACTICE BY DOCTORS ADENIYI AND FREEMAN.**

Reporting Department: Administration
Reporting Councillor: Frank Ludovico, Chief Executive Officer
Legislation: Local Government Act 1995
File Number: PH/20/2

Background:

For a number of weeks the Shire President and I have been discussing with Doctors Adeniyi and Freeman the acquisition of the Merredin Medical Practice by these two Doctors.

To this end a document has been prepared that is the skeleton of an agreement. This is attached (**Attachment 18.2A**)

Legal Implications:**Budget Implications:**

The acquisition of the Medical Practice by the Doctors will remove the significant contribution Council makes to the running of the Practice.

The proposal still commits Council to providing housing, motor vehicles and other “incentives”. Typically this cost will be in the vicinity of \$25,000 to \$35,000 per year depending on the type of activity in building maintenance area etc.

There are significant Employee leave entitlements (about \$54,000) mostly cash back by Council reserves. It has been suggested that Council retain these funds and repay the Medical Centre when these staff go on leave.

A similar arrangement currently applies to Long Service Leave when staff work in different local governments. When an employee proceeds on leave an invoice is sent to the previous Local Government and the claim is met. The previous Local Government is only required to meet the entitlement generated at that rate of pay whilst at that Local Government

Comment:

The provision of medical services is not one of Council’s core responsibilities.

Council has taken on this role because the other spheres of Government have abrogated their responsibility in this area.

Allowing the Doctors to acquire the Practice could remove this activity from Council.

However Council's community service obligations means we need to ensure (to the best of our ability) that the Practice remains sustainable and able to operate in the long term. This is the reason why the provisions of incentives are retained in the proposal.

I consider the proposal requires further fine tuning and then drafting into a legal document by our solicitors.

The purpose of this item then is to consult with Council on the proposal, obtain feed back and ascertain whether this is the direction it wishes to take.

Officer's Recommendation:

That Council consider the Proposal for the Acquisition of the Merredin Medical Practice by Doctors Adeniyi and Freeman.

28896

Moved Cr Wallace sec Cr N Hooper

That Council agree in principle to consider the Proposal for the Acquisition of the Merredin Medical Practice by Doctors Adeniyi and Freeman.

CARRIED 8/0

CONFIDENTIAL

18.1 CEO REVIEW

Reporting Department: Administration
Reporting Officer: Frank Ludovico, CEO
Legislation: Local Government Act 1995
File Number:

Staff Recommendation

That Council adopt the report on the performance appraisal of the CEO of the Shire of Merredin Mr Frank Ludovico by Consultant Anne Lake and the recommendations contained therein.

28897

Moved Cr Crees sec Cr Townrow

That Council adopt the report on the performance appraisal of the CEO of the Shire of Merredin Mr Frank Ludovico by Consultant Anne Lake and the recommendations contained therein as amended..

Cr N Hooper left the meeting at 6.25pm.

15.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

15.1 SHIRE OF MERREDIN – “DRAFT” STRATEGIC PLAN 2007 -2012

Reporting Department: Administration
Reporting Officer: Debbie Morris – Community & Economic
Development Project Officer
Legislation: Local Government Act
File Number:

Background

Through the 2004/2005 Principal Activities Plan and Annual Budget process, Council identified the need to develop a new 10 Year Strategic Plan for the Shire of Merredin, as the previous Strategic Plan was from 2000 – 2005.

Council allocated \$30,000 in the 2004/2005 budget to develop the new Strategic Plan.

In December 2004, Council awarded the Strategic Plan tender to South West People Care. *(CM Ref 27757)*

Mr John Wilkins from South West People Care commenced the consultation process in March 2005. This involved workshops with Councillors, staff and community members, with the final workshop being held in October 2005

A “draft” Strategic Plan from South West People Care was received in January 2006 and staff commenced reviewing the document. This reviewed document was presented to Councillors at a strategic planning meeting in April 2006 for their input and comments. The Community Development Team and Deputy CEO, in May 2006 commenced re-editing the draft Strategic Plan.

During 2006 the Wheatbelt Area Consultative Committee conducted a number of workshops focusing on Building a Stronger Wheatbelt. These workshops provided an opportunity to determine some regional strategic directions.

From these workshops, a community forum was held in Merredin in November 2006 to discuss some of the outcomes from these regional workshops and the role Merredin should play in ensuring they are achieved. The advantages and opportunities identified at this forum were presented to Council. Council endorsed the inclusion of these in the “draft” Strategic Plan. *(CM Ref 28701)*

A strategic planning workshop was held on the 3rd April 2007 for Councillors and Senior Staff to review and prioritise the “draft” Strategic Plan, which would also be utilised for the Plan for the Future document that is required to be completed by 30th June 2007 under the Local Government Act 1995 Section 5.56.

Legal Implications

In accordance with Local Government Act 1995 Section 5.56

Budget Implications

2007/08 Budget considerations

Comment

In order to determine the priorities and relevant timelines for the actions in the “draft” Strategic Plan, Councillors were provided with a list of the actions that were either identified in the “draft” Strategic Plan or at the strategic planning workshop on 3rd April 2007 to rate and prioritise in Short Term, Medium Term and Long Term and provide any feedback or comments.

The following scoring system was used for each of the Short Term, Medium Term and Long Term.

Number one priority = 20 points to Number twenty priority = 1 point.

Points were totalled in their individual terms, with the highest score being first priority. The Short Term priorities were listed in the Plan, followed by the Medium Term (those already included in Short Term were automatically removed from the Medium Term). Then the Long Term priorities excluding those already listed in Short or Medium Term. **Attachment 15.1A.**

The Short Term priorities were relatively evenly spread between the three Key Result Areas – Community, Economy and Environment, as well as the areas of responsibility, which will ensure the actions are achievable.

The Short Term priorities will also become the basis of the Shire of Merredin’s 2007 Plan for Future.

In order to finalise the Shire of Merredin Strategic Plan **Attachment 15.1B** it is necessary to advertise the “draft” Strategic Plan for public comment. It is proposed that public comment be open from 25th April 2007 to 11th May 2007 to enable assessment of the comments and endorsement of the Strategic Plan/Plan for the Future at the 15th May 2007 Council meeting.

Officer’s Recommendation

That the Merredin Shire Council endorse the “draft” Shire of Merredin Strategic Plan/Plan for the Future as presented and make the “draft” Shire of Merredin Strategic Plan available for public comment form 25th April 2007 to 11th May 2007.

28898

Moved Cr Crees sec Cr Simmonds

That the Merredin Shire Council endorse the “draft” Shire of Merredin Strategic Plan/Plan for the Future as presented and make the “draft” Shire of Merredin Strategic Plan available for public comment form 25th April 2007 to 11th May 2007.

CARRIED 7/0

16.0 QUESTIONS BY MEMBERS FOR WHICH DUE NOTICE HAS BEEN GIVEN

17.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

18.0 MATTERS BEHIND CLOSED DOORS

19.0 CLOSURE

There being no further business the Presiding Member declared the meeting closed at 6.35pm.