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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 15 May 2007 at 1.00pm.**

**ATTENDANCE:** Cr KA Hooper – Shire President  
Cr RM Crees – Deputy Shire President  
Crs JP Townrow; G Astbury; N Hooper, S Marley,  
J Simmonds (1.10pm), M Morris & D Morley.

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

Mr Andrew Peters – Landmark, Merredin  
Mr Phil Hastings

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1.0 OFFICIAL OPENING

The Presiding Member declared the meeting open at 1.07pm

2.0 PUBLIC QUESTION TIME

Mr Andrew Peters – Regional Sales and Operation Manager – Landmark Merredin addressed the meeting requesting permission to run a multi breed sheep sale in Merredin with up to 150 rams on 4 September 2007.

Landmark would like this sale to become an annual event to be held exclusively in Merredin.

J Simmonds entered the meeting at 1.14pm.

After initial consultation with the Stud Merino Breeders Association Landmark were advised the Ram Shed was unavailable for the sale. Landmark now wish to apply for permission to erect a marquee on the oval adjacent to the Recreation Centre for the sale in September 2007.

Landmark requested that the Shire investigate and advise the ownership of the Ram Shed for future use as an all breeds ram selling complex.

Emma Hooper left the meeting at 1.16pm.

A Peters left the meeting at 1.19pm.

Mr Phil Hastings advised Council that he had retired from the WA Police Force and was now a resident of Merredin.

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He was enthusiastic about local government and had become a member of the Merredin Agricultural Society.

3.0 APOLOGIES AND LEAVE OF ABSENCE

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

4.0 DISCLOSURE OF INTEREST

Cr Morris declared an Impartiality Interest in Item 8.1.  
Cr Morris declared an Impartiality Interest in Item 12.3.

5.0 PETITIONS & PRESENTATIONS

Nil

6.0 CONFIRMATION OF MINUTES

6.1 PREVIOUS COUNCIL MEETING

Confirmation of minutes of meeting held on the 17 April 2007.

**28901**

Moved Cr Townrow sec Cr Morris

*That the minutes of Council Meeting held on 17 April 2007 be confirmed as a true and correct record of proceedings.*

**CARRIED 10/0**

6.2 SPECIAL COUNCIL MEETING

Confirmation of minutes of Special Meeting held on the 30 April 2007.

**28902**

Moved Cr Townrow sec Cr Crees

*That the minutes of Special Council Meeting held on 30 April 2007 be confirmed as a true and correct record of proceedings.*

**CARRIED 10/0**

2.0 PUBLIC QUESTION TIME (CONT)

Mr Steve Hales and Ms Angela Thomas entered the meeting at 1.24pm.

Mr Hales and Ms Thomas addressed the Council regarding Item 17.1 dwelling house unfit for human habitation – Lots 1, 2 Railway Avenue, Merredin.

Owners requested that Council consider removing the demolition order so they can renovate the property up to an inhabitable living standard.

Owners have commenced work on the house to the point of securing it to prevent vandalism and have cleared the block with renovations set to be completed within three months using local tradesmen.

Their intention is to place a family into the completed residence and either sell the vacant block next door or build a new home on it.

Mr Steve Hales and Ms Angela Thomas left the meeting at 1.32pm.

7.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

Meeting of Regional Superintendents of Police to follow Council meeting at Café 56 at 7.00pm.

President K Hooper, Cr Morris and F Ludovico, CEO to attend.

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

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

- 9.1 Senior Staff Review Committee meeting held 23 April 2007;
- 9.2 WE-ROC Ordinary meeting held on 24 April, 2007;
- 9.3 Merredin Regional Community & Leisure Centre Management Committee held on 24 April, 2007;
- 9.4 Merredin Heritage Management Committee meeting held 26 April 2007;
- 9.5 Engineering Services Committee meeting held on 30 April 2007;
- 9.6 Business and Community Development Committee meeting held on 2 May 2007.

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**28903**

Moved Cr Townrow sec Cr Astbury

*That the Merredin Shire Council receive the minutes of the Senior Staff Review Committee meeting held 23 April 2007; WE-ROC Ordinary meeting held on 24 April, 2007; Merredin Regional Community & Leisure Centre Management Committee held on 24 April, 2007; Merredin Heritage Management Committee meeting held 26 April 2007; Engineering Services Committee meeting held on 30 April 2007 and the Business and Community Development Committee meeting held on 2 May 2007.*

**CARRIED 10/0**

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- 9.1 Senior Staff Review Committee meeting held 23 April 2007;  
No Recommendations
- 9.2 WE-ROC Ordinary meeting held on 24 April, 2007;  
No Recommendations
- 9.3 Merredin Regional Community & Leisure Centre Management Committee held on 24 April, 2007;  
No recommendations
- 9.4 Merredin Heritage Management Committee meeting held 26 April 2007;

S Price left the meeting at 1.24pm.

S Price entered the meeting at 1.25pm.

**7.1 Merredin Heritage Management Committee – Structure & Purpose**

Moved Mr John Rutherford Sec Cr Townrow  
*The Merredin Heritage Management Committee recommend that Council endorse the Merredin Heritage Management Committee as a Committee of Council under the current committee structure and purpose until the Local Government Elections in October 2007.*

CARRIED 3/0

**28904** Moved Cr Townrow sec Cr Morris  
*That Council endorse the Merredin Heritage Management Committee as a Committee of Council under the current committee structure and purpose until the Local Government Elections in October 2007.*

**CARRIED 10/0**

The CEO tabled a letter from the Merredin Museum and Historical Society requesting the appointment of a new proxy for Mr J Rutherford.

**28905** Moved Cr Townrow sec Cr Morris  
*That Council endorse the nomination of Ms Pam Masters as the new proxy for Mr John Rutherford on the Merredin Heritage Management Committee.*

**CARRIED 10/0**

**8.2 Merredin Heritage Management Budget 2007/08**

Moved Cr Townrow

Sec Mr John Rutherford

*That the Merredin Heritage Management Committee recommend to Council that Council endorse surplus funds remaining in the 2006/07 Council budget allocation of \$20,000 for Heritage be carried forward into the 2007/08 budget.*

CARRIED 3/0**28906**

Moved Cr Townrow sec Cr Morris

*That Council endorse surplus funds remaining in the 2006/07 Council budget allocation of \$20,000 for Heritage be carried forward into the 2007/08 budget.*

**CARRIED 10/0**

Moved Cr Townrow sec Mr John Rutherford

*That the Merredin Heritage Management Committee recommend to Council that Council endorse surplus funds that were remaining in 2005/06 Council budget allocation for Heritage be carried forward into the 2007/08 budget.*

CARRIED 3/0**28907**

Moved Cr Townrow sec Cr Morris

*That Council endorse surplus funds that were remaining in 2005/06 Council budget allocation for Heritage be carried forward into the 2007/08 budget.*

**CARRIED 6/4**

E Hooper left the meeting at 1.44pm.

E Hooper entered the meeting at 1.47pm.

9.5 Engineering Services Committee meeting held on 30 April 2007;

**4.1 Update by Aline East on design proposals for Great Eastern Highway.**

Moved Cr K Hooper sec Cr Townrow

*That the Engineering Services Committee recommend to Council that :*

1. *Council advise Main Roads WA and Aline East that the proposed upgrade of the Great Eastern Highway did not adequately address the flooding problems associated with the highway adjacent to the Railway and Military Museums (French Avenue, Allenby Street and Woolgar Avenue) and between Law Street and Allbeury Street.*
2. *The intersection designed with Barrack Street West and Great Eastern Highway should be adequate to allow easy flow of truck traffic heading west on the Great Eastern Highway turning north into Barrack Street.*

CARRIED 5/0

**28908**

Moved Cr Townrow sec Cr Morris

*That Council advise Main Roads WA and Aline East that:*

1. *the proposed upgrade of the Great Eastern Highway did not adequately address the flooding problems associated with the highway adjacent to the Railway and Military Museums (French Avenue, Allenby Street and Woolgar Avenue) and between Law Street and Allbeury Street.*
2. *the intersection designed with Barrack Street West and Great Eastern Highway should be adequate to allow easy flow of truck traffic heading west on the Great Eastern Highway turning north into Barrack Street.*
3. *the sealed car park at the Railway Museum needs to be extended to the Military Museum in a westerly direction up to French Avenue.*
4. *the Information Bay east of Merredin needs to be positioned and erected correctly.*

CARRIED 10/0



**4.3 Revised Five Year Road program.**

Moved Cr Simmonds sec Cr Townrow

*That the 2007/08 Five Year Road Program as attached be adopted.*

CARRIED 5/0

**4.4 Ten year plant replacement program**

Moved Cr Townrow sec Cr K Hooper

*That the 2007/2008 Ten Year Plant Replacement Program as attached be adopted.*

CARRIED 5/0

**28909**

Moved Cr Crees sec Cr Townrow

**1.** *That the 2007/08 Five Year Road Program as attached be adopted.*

**2.** *That the 2007/2008 Ten Year Plant Replacement Program as attached be adopted.*

CARRIED 10/0

**ENBLOC**

7.0 Curator's Residence - Merredin Recreation Ground

Moved Cr Wallace sec Cr K Hooper

*That Council write a letter to the Curator indicating that at the completion of the construction of the Merredin Regional Community & Leisure Centre that commercial cleaners will attend to the cleaning of the residence currently occupied by the Curator.*

CARRIED 5/0

**28910**

Moved Cr Jones sec Cr Simmonds

*That Council write a letter to the Curator indicating that at the completion of the construction of the Merredin Regional Community & Leisure Centre that commercial cleaners will attend to the cleaning of the residence currently occupied by the Curator.*

CARRIED 10/0

9.6 Business and Community Development Committee7.7 Update on Chegwidden Avenue – Realignment  
of Road Reserve, Land Tenure Issues

Moved Cr Morris

Sec Cr Townrow

1. *That Committee recommend to Council –*
  - a) *that the Department of Planning and Infrastructure be advised that Council seeks to realign the Chegwidden Avenue, Merredin north of Barr Street to Rees Street only;*
  - b) *the closure of the existing Chegwidden Avenue, Merredin road reserve from north of Barr Street to Rees Street;*
  - c) *the creation of a new 20 metre road reserve and realignment of Chegwidden Ave on the existing gravel road from north of Barr Street to Rees Street; and*
  - d) *the facilitation of an equal value land exchange whereby landowners affected by the realignment of Chegwidden Ave obtain ownership of portion of the redundant road reserve adjoining their property.*
2. *That Committee recommend to Council the allocation of \$10,000 in its 2007/2008 budget for surveyors fees and other administrative costs to progress the realignment of Chegwidden Avenue from north of Barr Street to Rees Street.*

CARRIED 3/0**28911**

Moved Cr Crees sec Cr Jones

1. ***That Council –***
  - a) ***advise the Department of Planning and Infrastructure that Council seeks to realign the Chegwidden Avenue, Merredin north of Barr Street to Rees Street only;***
  - b) ***close the existing Chegwidden Avenue, Merredin road reserve from north of Barr Street to Rees Street;***
  - c) ***create a new 20 metre road reserve and realignment of Chegwidden Ave on the existing gravel road from north of Barr Street to Rees Street; and***
  - d) ***facilitate an equal value land exchange whereby landowners affected by the realignment of Chegwidden Ave obtain ownership of portion of the redundant road reserve adjoining their property.***
2. ***That Council allocate \$10,000 in its 2007/2008 budget for surveyors fees and other administrative costs to progress the realignment of Chegwidden Avenue from north of Barr Street to Rees Street.***

CARRIED 10/0

## 7.5 A New History of Merredin

Moved Cr Crees

Sec Cr Townrow

*That the BCDC recommend to Council that Council endorse an Expression of Interest for submission to Lotterywest at the appropriate time. The submission will be for Community Histories Grant funding program for research and writing of a new history of Merredin. Council will need to budget at least \$30,000 should the application be successful.*

CARRIED 3/0

**28912**

Moved Cr Jones sec Cr Morris

*That Council endorse an Expression of Interest for submission to Lotterywest at the appropriate time. The submission will be for Community Histories Grant funding program for research and writing of a new history of Merredin. Council will need to budget at least \$30,000 should the application be successful.*

**CARRIED 8/2**

Merredin Regional Community & Leisure Centre Advisory Committee held on Monday 14 May 2007.

Cr Morris declared an Impartiality Interest in Item 8.1.

**28913****8.1 Formal Opening of the MRC&LC.**

Moved Cr Jones sec Cr N Hooper

*That Federal and State parliamentary members, sponsors and associated dignitaries be invited to attend the Recreation Centre on Friday 19<sup>th</sup> for a formal cocktail party with the official opening to be held in conjunction with the Merredin Agricultural Show late afternoon on the 20 October, 2007.*

**CARRIED 6/4**

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10.0 COMMUNITY, HEALTH, BUILDING, TOWN PLANNING & ENVIRONMENTAL SERVICES

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10.1 APPLICATION FOR PLANNING CONSENT – ROBERT ENDERSBEE FOR PHILLIP JOHN HASTINGS - CONSTRUCTION OF OVERHEIGHT OUTBUILDING AT LOT 413 FRENCH AVE, MERREDIN

<b>Reporting Department:</b>	Development Services
<b>Reporting Officer:</b>	Warren Bow, Manager of Development Services
<b>Legislation:</b>	Planning and Development Act 2005, Residential Design Codes, Shire of Merredin Policy number 9.8, Outbuildings in Residential Areas.
<b>File Number:</b>	P/1481

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**Background:**

An application for planning consent (PA07/07) has been received from Robert Endersbee (the applicant) on behalf of Phillip John Hastings (the owner) for the proposed construction of a 66m<sup>2</sup> steel framed, colorbond clad outbuilding on Lot 413, house number 18 French Ave, Merredin (the property).

The applicant proposes a wall height of 3.5m and a ridge height of 4.05m.

The property is zoned “Residential” in accordance with the Shire of Merredin Town Planning Scheme No.1 and has an area of 1039m<sup>2</sup>.

The owner is seeking to construct the outbuilding for domestic purposes only, specifically to accommodate ex-military vehicles. Matching the height and roof line of the proposed outbuilding to the existing dwelling is also intended. The applicant made a submission in support of his application which can be seen as **Attachment 10.1A**.

The property is a corner lot and the outbuilding is proposed to be constructed adjacent to the boundary fronting Throssell Road.

The applicant has also consulted with the owner of the adjoining property, Lot 412 (house No. 16) French Ave, Merredin; who has provided a letter of support which can be seen as **Attachment 10.1B**.

A site plan showing the proposed location of the outbuilding can be seen as **Attachment 10.1C**.

A property view map of the area highlighting the relevant lot, obtained from the Landgate System, can be seen as **Attachment 10.1D**.

**Legal Implications:**

The Shire of Merredin has an “Outbuildings in Residential Areas Policy”

The Policy specifies the maximum wall height and maximum ridge height of outbuildings on a lot with an area of 1039m<sup>2</sup> to be 3.0m and 3.6m respectively.

The Residential Design Codes (RDC) require buildings with a wall length greater than nine metres to be setback a minimum of 1500mm from a rear or side property boundary.

**Budget Implications:**

Town Planning fees are levied on applications as per Council's Schedule of Fees and Charges. This application attracts a fee of \$100.00 which has been paid by the applicant.

**Comment:**

The applicants adjoining neighbour has raised no objection to the proposed overheight outbuilding.

Council has a responsibility to protect local residents from developments not in keeping with the Residential zone. The prescriptive parameters relating of Council's Policy relating to outbuilding height are not complied with in this application.

The general objective of Council's Policy, however, of maintaining amenity of the residential area is not compromised given:

- a) compliance of the outbuilding with the prescribed maximum area requirements;
- b) the relatively minor nature of non-compliance;
- c) the compliant setbacks of the proposed building;
- d) the on-site location of the proposed outbuilding and its low impact on adjoining property owners;
- e) the proposed outbuilding will be constructed of new colorbond materials;
- f) the affected adjoining residential property owner has no objection to the proposal; and
- g) the outbuilding will take the place of an existing unapproved structure.

Officer's Recommendation:

*That Council grant planning consent in relation to application PA07/07 to Robert Endersbee for Phillip John Hastings to construct a 66m<sup>2</sup> outbuilding, with a wall height of 3.5m and a ridge height of 4.05m at Lot 413 French Ave, Merredin.*

**28914**

Moved Cr Morris sec Cr Townrow

*That Council grant planning consent in relation to application PA07/07 to Robert Endersbee for Phillip John Hastings to construct a 66m<sup>2</sup> outbuilding, with a wall height of 3.5m and a ridge height of 4.05m at Lot 413 French Ave, Merredin.*

**CARRIED 10/0**

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**10.2 APPLICATION FOR PLANNING CONSENT – TWO GROUPED DWELLINGS AT LOT 1 MERREDIN-NAREMBEEN ROAD, MERREDIN - PAUL, SUE AND BRENDON BARTLETT**

**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  
**File Number:** P/7015

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**Background:**

An application (PA08/07) has been submitted by Paul, Sue and Brendon Bartlett (the applicants) to construct two four bedroom, two bathroom grouped dwellings at Lot 1 Merredin-Narembreen Road, Merredin (the property).

A grouped dwelling is defined by the Residential Design Codes (RDC) as “a dwelling that is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or vertically above another”.

**Attachment 10.2A** is a site plan showing the proposed location of the grouped dwelling.

**Attachment 10.2B** shows a floor plan and various elevations of the proposed dwellings.

The property is currently unimproved land, save for the steel and iron shed to the north west of the property. An aerial overlay plan of the area taken from the Landgate system can be seen as **Attachment 10.2C**.

The property is 22.4 hectares in area and is proposed to be serviced with all relevant utilities.

**Legal Implications:**

Lot 1 Merredin-Narembreen Road, Merredin is zoned “General Farming” in accordance with the Shire of Merredin Town Planning Scheme No.1.

In December 2003 Council resolved (**CMRef 27311**) in accordance with Clause 2.2.4 of the Scheme to determine that a grouped dwelling in the general farming zone is a “PS” use – that special approval is required and conditions complied with.

**Budget Implications:**

Town Planning fees are levied on applications as per Council’s 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 \$1,150.00 which has not been paid by the applicant.

**Comment:**

Regrettably the applicant has commenced construction of the building pads for the proposed dwellings, which is both a presumption of approval and contravention of the Local Government (Miscellaneous Provisions) Act 1960.

As can be seen from the site plan, sufficient area exists for the development, however as the grouped dwellings are not located in the residential zone, the Residential Design Codes do not apply, thus removing the requirements for open space, setbacks, carparking etc.

The location of waste water treatment and disposal systems and access ways are indicated on the site plan.

Access to the dwellings is proposed along Hughes Road.

The applicants have advised that they intend to subdivide the land at a later date.

**Officer's Recommendation:**

*That the Merredin Shire Council grant planning consent to Paul, Sue and Brendon Bartlett in relation to application for planning consent PA08/07 to construct two four bedroom, two bathroom grouped dwellings at Lot 1 Merredin-Naremben Road, Merredin subject to the following conditions –*

- 1. All residential building work to be the subject of a building license and comply with the Building Code of Australia 2007;*
- 2. Each dwelling to be connected to a separate system for the treatment of sewage, as approved by the Environmental Health Officer;*
- 3. Each dwelling is to be used for domestic residential purposes only;*
- 4. All fencing on site to be constructed in accordance with Shire of Merredin Local Law No. 7 – Fencing*

**28915**

Moved Cr Townrow sec Cr Morris

*That the Merredin Shire Council grant planning consent to Paul, Sue and Brendon Bartlett in relation to application for planning consent PA08/07 to construct two four bedroom, two bathroom grouped dwellings at Lot 1 Merredin-Narembeen Road, Merredin subject to the following conditions –*

- 1. All residential building work to be the subject of a building license and comply with the Building Code of Australia 2007;*
- 2. Each dwelling to be connected to a separate system for the treatment of sewage, as approved by the Environmental Health Officer;*
- 3. Each dwelling is to be used for domestic residential purposes only;*
- 4. All fencing on site to be constructed in accordance with Shire of Merredin Local Law No. 7 – Fencing*

**CARRIED 10/0**



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**10.3 CENTRAL WHEATBELT RANGER SERVICE – ENDORSEMENT OF MEMORANDUM OF UNDERSTANDING, 2007/2008 BUDGET**

**Reporting Department:** Development Services  
**Reporting Officer:** Warren Bow, Manager of Development Services  
**Legislation:** Various  
**File Number:**

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**Background:**

The Shire of Merredin administers the Central Wheatbelt Ranger Service (CWRS) of which there are currently seven other member local governments; these being the Shires of Wyalkatchem, Koorda, Mukinbudin, Westonia, Narembeen, Bruce Rock and Corrigin.

Twice yearly meetings are held to determine operational matters, set budgets and discuss membership and the future of the CWRS.

It was determined by the member Shires to develop a Memorandum of Understanding (MoU) to formalise the commitment of the members to the CWRS, to ensure its future viability and to determine service delivery objectives, membership and formalise funding arrangements.

A copy of the MoU can be seen as **Attachment 10.3A**.

**Legal Implications:**

Council's are required to administer and enforce a variety of Acts and Local Laws. The employment of the Ranger is integral to this function of local government and covers statutes such as Local Government Act 1995, Local Government (Miscellaneous Provisions) Act 1960, Dog Act 1976, Litter Act 1979, Bush Fires Act 1954 and the Control of Vehicle (Off Road Areas) Act 1978 and various Local Laws.

**Budget Implications:**

Previously the members of the CWRS have met in April and adopted a draft budget, which was then referred back to the relevant Councils for inclusion into their budgets. This process has been formalised in the MoU.

A copy of the budget adopted by the CWRS at its 30 April 2007 meeting can be seen as **Attachment 10.3B**.

As can be seen, each constituent pays a proportional fee of \$3,910 for a 4.5% membership of the CWRS.

Council has allocated in the 2006/2007 budget of \$83,226 for the ranger service, with direct costs of \$48,619 attributed to the shared scheme. The balance of costs relate to Merredin specific operations of the Ranger (pound maintenance, animal control expenses), allowances for the potential loss on

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sale of the vehicle, depreciation of assets and Activity Based Costing allocations.

Council has budgeted to receive funds of \$26,180 from participating Councils.

**Comment:**

At its meeting of 30 April 2007, the CWRS resolved to incorporate the Shire of Nungarin into the CWRS.

The provision of the CWRS is an example of the Shire of Merredin's regional focus, with all current constituents extremely satisfied with the performance of Ranger, Brian Willcox and the CWRS in general.

Officer's Recommendation:

1. *That Council endorse the Central Wheatbelt Ranger Service Memorandum of Understanding seen as Attachment 10.3A.*
2. *That Council receive the Central Wheatbelt Ranger Service 2007/2008 budget seen as Attachment 10.3B and incorporate such into the Shire of Merredin 2007/2008 budget under Schedule 5 – Law, Order and Public Safety.*

**28916**

Moved Cr Townrow sec Cr Morley

1. *That Council endorse the Central Wheatbelt Ranger Service Memorandum of Understanding seen as Attachment 10.3A.*
2. *That Council receive the Central Wheatbelt Ranger Service 2007/2008 budget seen as Attachment 10.3B and incorporate such into the Shire of Merredin 2007/2008 budget under Schedule 5 – Law, Order and Public Safety.*

**CARRIED 8/2**

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**10.4 PROPOSED CODE OF PRACTICE FOR THE DESIGN, CONSTRUCTION, OPERATION, MANAGEMENT AND MAINTENANCE OF AQUATIC FACILITIES**

<b>Reporting Department:</b>	Development Services
<b>Reporting Officer:</b>	Warren Bow, Manager of Development Services John Mitchell, Environmental Health Officer
<b>Legislation:</b>	Health Act 1911
<b>File Number:</b>	PH/9/Swimming pools

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**Background:**

Council will be aware that the Department of Health of Western Australia (DoH) in conjunction with a working group comprising industry stakeholders have been working on new legislation to replace the Health (Swimming Pools) Regulations 1964 for nearly ten years.

The new legislation is proposed to take the form of new regulations and a referenced Code of Practice for the Design, Construction, Operation, Management and Maintenance of Aquatic Facilities (CoP).

Various drafts of the CoP have been presented to Council previously, with a submission made from this office in May 2004 to the working group which addressed fencing and security, first aid facilities, water testing, patron supervision, special requirements for water slides and minimum age entry.

At a recent regional Environmental Health Officer meeting representatives from the DoH provided an overview of the current CoP to local government delegates. Various items within the document raised concerns amongst the group.

The current document can be viewed at –

[http://www.health.wa.gov.au/envirohealth/water/docs/Code\\_of\\_Practice\\_Aquatic\\_Facilities.pdf](http://www.health.wa.gov.au/envirohealth/water/docs/Code_of_Practice_Aquatic_Facilities.pdf)

**Attachment 10.4A** details the classification of aquatic facilities as per the Code of Practice.

The following prescriptions of the CoP are of concern to this office –

- a) Strata company pools are classified as Group Four facilities, however the regulations are only applied to strata developments with more than 30 units. The CoP does not apparently apply to strata complexes with less than 30 units.
- b) Slide pool entry and exit points must be supervised by personnel holding emergency care qualifications. This is in addition to the Swimming Pool Manager. (Page 44 of CoP)
- c) The minimum age of unsupervised entry into a facility is 10 years of age. The Department will not accept the Royal Life Saving Society of WA (RLSSWA) qualification as acceptable to verify a child can swim.

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- Children having reached stage six or seven of the RLSSWA qualifications are deemed capable of swimming – this can be achieved at eight years of age. In other examples through the CoP, the Department accepts the RLSSWA comment or code relevant to the topic heading (such as Emergency Plans, maintenance manuals, operational guidelines) however it does not accept RLSSWA qualifications in relation to patron swimming ability. (Page 50 of CoP)
- d) The prescribed ratio of patron supervision is 100:1. There is no stipulation whether this refers to patrons in or out of the water. The Department are yet to clarify this point, which has serious ramifications for staffing levels at Council's facility.
  - e) Clause 7.10 of page 50 of the CoP states that - "*Supervisors shall not be assigned duties that would distract them from supervising patrons or program participants at all times, or inhibit their ability to provide immediate assistance to patrons or program participants in distress*". This also has serious ramifications where single operator facilities are run by local government involving the Swimming Pool Manager maintaining plant room equipment, water quality, general grounds condition, operating kiosk, taking admissions etc.
  - f) The proprietor shall maintain safe speeds on the slide. The safe speed is not defined prescriptively.
  - g) Additional chemical tests including calcium hardness, total alkalinity, total dissolved solids. The existing kits will not carry out these tests and new kits to the value of \$1,000 may be required.

**Legal Implications:**

Once gazetted the new regulations will enable the CoP to be enforceable, thus requiring local government operated aquatic facilities, and privately owned aquatic facilities at hotels, motels, caravan parks and residential colleges to comply.

**Budget Implications:**

Council, since 2003/2004, have already commenced allocating funds in their annual budgets to comply with the best practice supervision requirements of aquatic facilities. This is in the form of employing lifeguards and a relief Swimming Pool Manager for large events (Australia Day at the Pool, Welcome to Merredin, extreme heat weather events) and heavy patronage days.

Council in its 2006/2007 budget allocated \$136,423 for the operation of its swimming pool, with income of \$30,733 received for the 2006/2007 season at the time of writing this report.

It can be expected that, upon commencement and compliance with the extra supervision requirements of the CoP for water slides, an increase in the employee costs at swimming pool will result, unless the operation of the slide is severely curtailed.

The issue of patron ratio supervision and determination of what other duties of a Swimming Pool Manager would "not distract or inhibit their response to

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emergency situations” will also have a bearing on local government swimming pool operational budgets.

**Comment:**

It is anticipated that the responsibility for the enforcement of this legislation will be assigned to local government Environmental Health Officers.

Notwithstanding the requirements on local government to comply, the CoP will be particularly onerous on existing privately owned “public” aquatic facilities. This office is of the opinion however, that requiring the upgrade of certain privately owned “public” aquatic facilities in the Shire of Merredin to comply with the basics such as water quality and first aid equipment is a positive move in the interests of public health and safety.

The DoH has classified all local government pools as Group One facilities.

Under Group Four classification the CoP ignores development of less than 30 units and does not require those facilities to comply with the legislation in any form. For example a strata title body can construct a 25m aquatic facility similar to many other local government facilities; and providing the number of units is less than 30, they do not have to comply.

WALGA represented local government on the working group.

Council will need to determine to what extent compliance will occur. It is unlikely that the Swimming Pool Manager will pay an additional person to operate the kiosk, as this facility is offered as an inducement to the position as part of the salary package, with all profits remaining with the operator. The placement of vending machines as an alternative has been investigated however it is believed the incidence of vandalism, especially out of hours, will increase.

The impact of the proposed legislation on the indoor swimming pool at the Merredin Regional Community and Leisure Centre will be minimal, with the staff structure and qualifications thereof already being determined with a view to complying with the CoP. The indoor pool will be classed as a Group Three facility.

Officer’s Recommendation:

*That Council –*

- 1. advise the Department of Health of its objections to the Code of Practice for the Design, Construction, Operation, Management and Maintenance of Aquatic Facilities;*
- 2. refer the matter to WEROC and NEWROC*
- 3. write to the Minister for Local Government, Minister for Health, Brendon Grylls, Parliamentary Member for Merredin, and the Western Australian Local Government Association and advise of their objections to the Code of Practice for the Design, Construction, Operation, Management and Maintenance of Aquatic Facilities.*

**28917**

Moved Cr Townrow sec Cr Morley

*That Council –*

- 1. advise the Department of Health of its objections to the Code of Practice for the Design, Construction, Operation, Management and Maintenance of Aquatic Facilities;*
- 2. refer the matter to WEROC and NEWROC*
- 3. write to the Minister for Local Government, Minister for Health, Brendon Grylls, Parliamentary Member for Merredin, and the Western Australian Local Government Association and advise of their objections to the Code of Practice for the Design, Construction, Operation, Management and Maintenance of Aquatic Facilities.*

**CARRIED 10/0**

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**10.5 DECLARATION OF DWELLING HOUSE UNFIT FOR HUMAN HABITATION – LOT 3, HOUSE NUMBER 12 CUMMINGS STREET, MERREDIN - MS AMALIA FEINELER**

**Reporting Department:** Development Services  
**Reporting Officer:** Warren Bow, Manager of Development Services  
John Mitchell, Environmental Health Officer  
**Legislation:** Health Act 1911 (as amended),  
**File Number:** P/843

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**Background:**

Council's Environmental Health Officer, John Mitchell noted the dilapidated condition of the dwelling at Lot 3 Cummings Street, Merredin (the property). An inspection was undertaken with the Ranger, Brian Willcox, following through on issues relating to the keeping of chickens and general waste within the yard.

The property is owned by Ms Amalia Feineler of 13 French Ave, Merredin.

The property is in a poor condition and want of repair. The property presents a risk to the health and safety of the tenants. The inspection found: -

- 1) The electricity supply is inadequate, appears to fluctuate and occasionally lose power. No earth rod could be found to the dwelling. No residual current device is installed and evidence of overheating fuses was identified. This represents a breach of the Shire of Merredin Local Law 12 – Health;
- 2) There is no stove provided within the kitchen. This represents a breach of the Shire of Merredin Local Law 12 – Health;
- 3) The floor in the bedroom, north side, comprises pavers laid on dirt. This represents a breach of the Shire of Merredin Local Law 12 – Health;
- 4) The ceiling in the bedroom has sagged and is holed indicating water problems within the roof space. This represents a breach of the Shire of Merredin Local Law 12 – Health;
- 5) The roof is rusting and internally there is evidence of leaks;
- 6) External walls are damaged;
- 7) There is no mechanical ventilation in the bathroom/WC as required by legislation. This represents a breach of the Shire of Merredin Local Law 12 – Health;
- 8) There is an accumulation of disused materials comprising car bodies, metal sheeting, glass ware, old fencing components, car engine parts and general household waste within the yards. This represents a breach of Section 3.25 of the Local Government Act 1995.

Photographs of the property taken during a recent inspection can be seen as **Attachment 10.5A**.

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Correspondence was sent to the property owner and tenants, identifying the above mentioned issues. A period of notice was afforded the owner in which to contact the Environmental Health Officer and advise of proposed corrective measures.

At the time of writing this report no submission from the owners had been received.

**Legal Implications:**

Section 135 of the Health Act 1911 (as amended) (the Act) enables a Local Government to declare a dwelling house unfit for human habitation.

Further sections of the Act enable a Local Government to order a dwelling house that has been declared unfit for human habitation –

- a) Not be inhabited or occupied until further notice
- b) Be repaired by the owner to the satisfaction of the Local Government.
- c) Be removed by the owner and the land suitably cleaned and materials disposed of to the satisfaction of the Local Government.

Section 140 of the Act enables a Local Government to act where the owner of a dwelling house declared unfit for human habitation, has failed to comply with the requisitions of an order to repair or remove said dwelling house.

**Budget Implications:**

Where acting pursuant to Section 140 of the Act, a Local Government may recover the costs incurred in undertaking such action.

**Comment:**

On Tuesday 24 April 2007 the Environmental Health Officer met with Ms Feineler to address correspondence sent to her on 18 April 2007.

A follow-up inspection of the property was undertaken on 2 May 2007 – a copy of the relevant file note completed by the Environmental Health Officer can be seen as **Attachment 10.5B**.

Ms Feineler advised she would rather declare the house unfit for human habitation than repair the dwelling at this time.

Ms Feineler advised that she is considering demolishing the dwelling.

Once the dwelling has been declared unfit for human habitation a full inspection of the dwelling will be undertaken to assess the complete level of non-compliance with the Health Act 1911, Shire of Merredin Local Law 12 - Health and Building Code of Australia 2006.

An appropriate schedule of repairs would then be developed and form part of a notice under the provisions of section 139 of the Health Act 1911.



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**Officer's Recommendation:**

1. *That Council declare the timber framed, iron roofed, weather board clad, timber floor board building, with timber framed internal walls, windows and doors at Lot 3, House Number 12 Cummings Street, Merredin unfit for human habitation in accordance with section 135 of the Health Act 1911 (as amended).*
2. *That Council serve notice pursuant to section 139 of the Health Act 1911 (as amended) on the owner of Lot 3, House Number 12 Cummings Street, Merredin requiring that repairs to the property be completed within 90 days of the date of the notice.*
3. *That Council, subject to the appeal provisions and expiry of any specified time frames contained within any order served on the owner of Lot 3, House Number 12 Cummings Street, Merredin, invoke the provisions of section 140 of the Health Act 1911 (as amended) and undertake to repair or remove the dwelling house located thereon and make good the land at the property.*

**28918**

Moved Cr Townrow sec Cr Morley

1. ***That Council declare the timber framed, iron roofed, weather board clad, timber floor board building, with timber framed internal walls, windows and doors at Lot 3, House Number 12 Cummings Street, Merredin unfit for human habitation in accordance with section 135 of the Health Act 1911 (as amended).***
2. ***That Council serve notice pursuant to section 139 of the Health Act 1911 (as amended) on the owner of Lot 3, House Number 12 Cummings Street, Merredin requiring that repairs to the property be completed within 90 days of the date of the notice.***
3. ***That Council, subject to the appeal provisions and expiry of any specified time frames contained within any order served on the owner of Lot 3, House Number 12 Cummings Street, Merredin, invoke the provisions of section 140 of the Health Act 1911 (as amended) and undertake to repair or remove the dwelling house located thereon and make good the land at the property.***

**CARRIED 10/0**

**10.6 BUILDING STATISTICS REPORT**

Reporting Department: Development Services  
 Reporting Officer: Warren Bow, Manager of Development Services  
 Legislation: Building Regulations 1989,  
 Building Code of Australia 2006  
 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 building 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
BA18/07	John and Debbie Crockett, 12 Farrar Pde, Merredin WA 6415	Lot 784, House No. 12 Farrar Pde, Merredin WA 6415	John and Debbie Crockett, 12 Farrar Pde, Merredin WA 6415	10 (a) – New, steel framed, iron roofed patio
BA19/07	R & S Geier, 11 Jubilee St, Merredin WA 6415	Lot 987, House No. 11 Jubilee St, Merredin WA 6415	Merredin Outdoor, PO Box 792, Merredin WA 6415	10 (a) – New, steel framed, iron clad outbuilding
BA21/07	RJ & CA Pettit, 56 South St, Merredin WA 6415	Lot 993, House No. 56 South St, Merredin WA 6415	RJ Pettit, 56 South Ave, Merredin WA 6415	10 (a) – New steel framed iron roofed patio
BA22/07	Kalan Cunningham, 17 Cunningham St, Merredin WA 6415	Lot 587, House No. 17 Cunningham St, Merredin WA 6415	Kalan Cunningham, 17 Cunningham 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
BA23/07	Department of Housing & Works, 99 Plain Street, East Perth WA 6000	Lot 859, House No. 78 Endersbee St, Merredin WA 6415	Merredin Outdoor, PO Box 792, Merredin WA 6415	10 (a) – New steel framed iron roofed patios
BA25/07	Elizabeth Walker, 36 Golf Rd, Merredin WA 6415	Lot 13, House No. 36 Golf Rd, Merredin WA 6415	Elizabeth Walker, 36 Golf Rd, Merredin WA 6415	10 (b) – New fibreglass below ground swimming pool

Valuation: \$39,180

Progressive: **\$150,091.00**

Fees: \$240.00

Progressive: **\$743.00****Comment:**

Figures are for calendar year 2007.

Total value of applications received in 2007 to date - **\$510, 540.00**Total value of fees received in 2007 to date - **\$1,934.16**

## Officer's Recommendation:

*That the Merredin Shire Council receive the April 2007 statistics for building licences issued by the Building Surveyor for the previous month***28919**

Moved Cr Jones sec Cr Townrow

*That the Merredin Shire Council receive the April 2007 statistics for building licences issued by the Building Surveyor for the previous month.***CARRIED 10/0**

J Garrett entered the meeting at 3.00pm.

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**11.0 ENGINEERING SERVICES**

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**11.1 MANAGER OF WORKS – MONTHLY REPORT**

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

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**Background:**

Monthly report on operations.

**Legal Implications:**

Nil

**Budget Implications:**

Nil

**Comment:****Road Construction**

Asphalt and kerbing has been laid on Bates Street with back filling of kerb in progress.

Kerbing laid on Pollock Avenue with back filling of kerb in progress.

Chandler Road intersection, Nokaning West Road intersection and floodways on Narembeen Road and South Burracoppin Road is proposed to be bituminized on 16 May 2007.

Concrete footpath on Golf Road to be laid after pathways are laid in the Recreation Centre carpark.

**Road Maintenance**

Maintenance grading in the North Burracoppin area of the Shire is under way to repair flood damage. Waiting for Main Roads WA to inspect roads that were damaged so that we may be able to apply for flood damage funding.

**Recreation Centre**

Concrete footpaths to be laid in the carpark from the 17 May 2007.

Lawn has been laid on the oval side of the Recreation Centre from the retaining wall down to oval.

Parks And Gardens

Tree pruning is still in progress under power lines by local contractor Dave's Trees Services. About 350 trees in the Merredin Shire have been identified by Active Tree Services, (Western Power's contractor) as needing pruning or removal to be clear of power lines.

Tenders

Tenders have been advertised for water truck replacement.

Water

Pumping out of our dams has stopped due to the low water levels and the costs associated with hiring pumps to retrieve the last metre of water.

Three pumps are installed in the main drain for the harvest of water when it rains.

Dam #1	8.5% Full	Capacity	74,455 kilolitres
Dam #2	7% Full	Capacity	71,675 kilolitres
Dam #3	20% Full	Capacity	46,000 kilolitres
Railway Dam	35% Full	Capacity	23,000 kilolitres

Officer's Recommendation:

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

**28920** Moved Cr Townrow sec Cr Morley  
*That the Merredin Shire Council receive the Manager of Works report for April 2007.*

**CARRIED 10/0**

J Garrett left the meeting at 3.09pm.

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**12.0 COMMUNITY SERVICES**

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**12.1 CENTRAL WHEATBELT VISITORS CENTRE - MOU**

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

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**Background**

At Council's 18 July 2006 meeting (CMRef 28576) Council entered into a Memorandum of Understanding with the NEWROC group of Councils for Visitors Servicing. Council also called for the establishment of a Terms of Reference and an Advisory Group to become involved in the new arrangement.

At Council's January 2007 meeting (CMRef 28787) Council asked to review the Terms of Reference under the MOU with the NEWROC group of Councils. During this period the staff were also discussing this issue with WE-ROC. A draft combined MOU incorporating both NEWROC and WE-ROC (and providing for any other ROC to join) has now been prepared.

Since that time, the situation has matured somewhat, and it is appropriate that the original MOU be re-visited, and perhaps combined with the other ROC/s participating. The thinking on a number of issues has changed and grown.

An issue that has not been resolved, is the requirement in the original MOU, for the Shire of Merredin to establish a formal Committee under the Local Government Act, to act as an Advisory Committee, with no delegated powers. However, there are constraints that make this an unattractive option –

- administrative requirements – formal appointment, minutes, etc
- need for tourism people to declare interest, when it is their input at those times when it is needed
- ability to expand or contract as needed
- appointment to the Committee should be by name, and cannot be by reference removing flexibility (i.e. the Shire could not appoint “a NEWROC representative”, but should specify the person's name)

Matters that have developed since the original MOU –

- a) Committee Establishment – rather than a formal Committee established by the Shire of Merredin under the Local Government Act, it is suggested that the new MOU establish a joint ROCs Working Group, with the Shire of Merredin, an as of right member. As a joint

**MINUTES**

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ROCs group, the Act does not apply. This avoids the compliance issues, still entrenches the participation of the ROCs, ensures transparency of proceedings due to review by multiple organisations, and allows the Working Group to seek advice from whomever they choose. Ownership and responsibility of the Central Wheatbelt Visitor Centre is not compromised, but remains clearly with the Shire.

- b) Membership of Committee (Working Group) – originally one, proposed to expand to two from the Shire of Merredin, and from each participating ROC, plus two non-voting ex-officio. These members are intended to be one from each MOU partner, plus one community member with experience or interest in tourism. It is felt that this will give a broader base of knowledge and more stable representation for each partner. This arrangement was accepted by the ROC Executive Groups in March 2007.
- c) New MOU Partners – must be a ROC, and may join by exchange of letters. The new MOU recognises that the various travel associations should be the obvious source of community representation.
- d) Shire of Merredin – the only individual Local Government to be a partner in the MOU, being the owners and managers of the Central Wheatbelt Visitors Centre, and bearing the vast bulk of the financial load of CWVC operation.
- e) Multiple ROC membership – the situation of Westonia, and potentially Bruce Rock is recognised and provided for.
- f) Working Group structure and responsibilities – Pam Masters developed a document that outlined the structure of the Working Group, and various responsibilities, targets and aims etc. The document was intensively reviewed by representatives of the Shire of Merredin, NEWROC and WE-ROC in February 2007.

The document was then recommended to the Councils of the two ROCs and approved in late February 2007. It is proposed that the document be included as a Schedule to the MOU.

- g) Visitors Centre name – at the February 2007 Meetings of the ROC Councils approval was given to the recommended name change from *Merredin and Districts Visitors Centre* to become the *Central Wheatbelt Visitors Centre*. The change of name has now been registered and the Manager is in the process of arranging graphic design and signage.
- h) Visitors Centre Manager – increased levels of consistent involvement with the Travel Associations of the region and valuable contributions to projects and activities, such as the NEW Travel map.

The draft CWVC MOU attached (**Attachment 12.1A**), combines the provisions of the original MOUs signed by NEWROC and WE-ROC. The changes made reflect the developments and changes in thinking over the past 12 months, recognise the progress made, and are essentially amendments to terminology. The variations are –

- Committee to Working Group
- Working Group is joint ROCs initiative, not a formal Committee under the Act
- representation increased from one to two, and provision for deputy representatives
- dual ROC membership provided for (Westonia and Bruce Rock)
- participating Councils pay full (ten Shires), half (Tammin) or no contribution (Merredin).

The current MOUs between NEWROC and WE-ROC will expire on 30 June 2007 automatically, unless extended by letters of agreement.

Accordingly, there is no possibility of conflict should a new MOU be adopted, to apply from 1 July 2007, and the previous MOU permitted to lapse.

#### **Comment**

In order to expedite this matter it may be appropriate for Council to determine its representatives for the Working Group.

Clause 7b of the MOU indicates that a Councillor from the Shire of Merredin is to be the Chairperson of the group and a community member needs to be selected for their expertise. I understand that the Tourism Advisory Group discussed this matter at its meeting on the 3 May 2007 and have recommended Mrs Michelle Murfit.

#### Staff Recommendation

1. *That Council adopt the Memorandum of Understanding between the Shire of Merredin, the North Eastern Wheatbelt Regional Organisation of Councils and the Wheatbelt East Regional Organisation of Councils for the Central Wheatbelt Visitors Centre.*
2. *That Council nominate Councillor..... as the Chairman of the Central Wheatbelt Visitors Centre MOU Working Group and Mrs Michelle Murfit as the Community Member to the Central Wheatbelt Visitors Centre MOU Working Group.*



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- 28921** Moved Cr Townrow sec Cr Morris  
1. *That Council adopt the Memorandum of Understanding between the Shire of Merredin, the North Eastern Wheatbelt Regional Organisation of Councils and the Wheatbelt East Regional Organisation of Councils for the Central Wheatbelt Visitors Centre.*

**CARRIED 10/0**

- 28922** Moved Cr Simmonds sec Cr Morley  
2. *That Council nominate Councillor Martin Morris as the Chairman of the Central Wheatbelt Visitors Centre MOU Working Group and Mrs Michelle Murfit as the Community Member to the Central Wheatbelt Visitors Centre MOU Working Group.*

**CARRIED 10/0**

- 28923** Moved Cr Crees sec Cr Morley  
*That Council adjourn for afternoon tea.*

**CARRIED 10/0**

Council adjourned for afternoon tea at 3.10pm.

- 28924** Moved Cr Townrow sec Cr Morris  
*That Council reconvene the meeting.*

**CARRIED 9/0**

Council reconvened the meeting at 3.20

Cr Simmonds was not in attendance.

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**12.2 WE-ROC NATURAL RESOURCE MANAGEMENT STRATEGIC PLAN**

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

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**Background**

At Council's March 2007 meeting, staff tabled the WE-ROC Natural Resource Management Strategic Plan for Council comment.

**Attachment 12.2A.**

Council decided (**CMRef 28851**) to allow Councillors to provide comments to the Manager of Community Services by the end of March 2007.

This would enable Council to endorse the Plan at its April 2007 meeting and then forward it to WE-ROC for endorsement in May 2007.

No additional comments have been received from Councillors and therefore the purpose of this agenda item is to endorse the Plan for submission to WE-ROC.

There was some discussion at WE-ROC that once it had endorsed the Plan it would be advertised to the region for comment. This still needs to be clarified.

**Comment**

Council needs to endorse the plan so we may forward it to WE-ROC for their endorsement.

Cr Simmonds entered the meeting at 3.21pm.

**Officer's Recommendation**

*That Council endorse the WE-ROC Natural Resource Management Strategic Plan as per Attachment 12.2A.*

**28925** Moved Cr Townrow sec Cr Crees  
***That Council endorse the WE-ROC Natural Resource Management Strategic Plan as per Attachment 12.2A.***

**CARRIED 9/0**

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Cr Morris declared an Impartiality Interest in Item 12.3.

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### 12.3 **COMMUNITY BUS**

**Reporting Department:** Community Services  
**Reporting Officer:** Debbie Morris, CEDPO  
**Legislation:** Local Government Act 1995  
**File Number:**

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#### **Background**

September 2005 Council meeting (CMRef 28074).

*That Council undertake an analysis of current Community bus availability and consult with Community Groups to see whether they would use a Community Bus.*

In early 2006 the Wheatbelt Area Consultative Committee (WACC) conducted a survey *“Youth Entertainment and Transport in the Wheatbelt”* and *“Suggestions for How People Could Improve Youth Access to Transport & Entertainment in Wheatbelt Communities”*.

Shire of Merredin’s results and comments were –

- ***“Youth Entertainment and Transport in the Wheatbelt”***  
Transport is not such an issue for youth in town, kids outside town do face difficulties. Due to the number of buses already in the district, it is more difficult to prove there is a need to funding providers. Lack of a community bus is currently a missing link in the community. Kids in the community make their own entertainment.”
- ***“Suggestions for How People Could Improve Youth Access to Transport & Entertainment in Wheatbelt Communities”***  
There is a need specifically for a Youth Co coordinator in the area. There is currently no real group to drive youth. When the YMCA bus was visiting, it had a qualified youth worker on board. There is no-one in the local community who can provide youth with impromptu counselling, general youth information and organise general youth information and organise general activities. A community bus is needed, when kids travel away to go to camps with Youth Group, the cost to hire a bus for this is ridiculous. A community bus hire rate would probably be more reasonable.

In June 2006 the Shire conducted a ***“Community Bus Survey”*** with community groups. Thirty one (31) organisations responded, including seventeen (17) community groups, eight (8) sporting groups, five (5) schools and one (1) other group.

The results were as follows:

- ***Does your organisation have a need for a community bus?***  
*Yes – 24      No – 6      No answer – 1*
  
- ***How often would your organisation use a community bus and would it generally be week days or weekends?***  
*Answers varied – sporting groups generally weekends, schools generally week days and community groups both weekends and week days.*
  
- ***Would you be prepared to pay a hire fee of around \$1 per kilometre plus refuel the bus upon return?***  
*Yes – 20      No 3      No answer – 8*

The above information was submitted in an agenda item to the September 2006 Council meeting for Council to consider the purchase of a community bus in the 2007/08 budget. Council were also advised of the opportunity to access Lotterywest funding for a community bus.

CM Ref 28654

***That Council consider funding for the purchase of a community bus in its 2007/08 Shire budget.***

CM Ref 28655

***That Council staff develop an agenda item on management procedures and comparisons in buying or leasing a community bus.***

#### **Legal Implications**

Regulation 10 (2) of the Local Government (Administration) Regulations 1996 an absolute majority is required to revoke a Council resolution.

This revocation needs the support of four (4) Councillors before proceeding.

#### **Budget Implications**

Nil

#### **Comment**

Some preliminary research with the Shires of Kellerberrin, Wongan Ballidu, Corrigin, Northam, Mount Marshall and Quairading has commenced regarding the management procedures and maintenance costs for their Shire owned community buses.

However staff are reluctant to continue with further research into the comparisons of buying or leasing of a community bus following the extremely low priority rating it received in the strategic planning process.

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The community bus project did not rate in the top twenty short term or medium term priorities by Council, which means any cost comparisons provided to Council now, will not be valid in twelve months, when only the short term priorities are due to be completed.

Officer's Recommendation

*That the Merredin Shire Council revoke the following Resolutions:*

28654            Moved Cr Crees sec Cr Astbury  
*That Council consider funding for the purchase of a community bus in its 2007/08 Shire budget*

28655            Moved Cr N Hooper sec Cr Simmonds  
*That Council staff develop an agenda item on management procedures and comparisons in buying or leasing a Community Bus.*

*ABSOLUTE MAJORITY REQUIRED*

**28926**            Moved Cr Townrow sec Cr Morley  
Crs Morley, Townrow, Jones and Astbury supported this motion.

*That the Merredin Shire Council revoke the following Resolutions:*

**28654**            Moved Cr Crees sec Cr Astbury  
*That Council consider funding for the purchase of a community bus in its 2007/08 Shire budget*

**28655**            Moved Cr N Hooper sec Cr Simmonds  
*That Council staff develop an agenda item on management procedures and comparisons in buying or leasing a Community Bus.*

**CARRIED 8/1  
ABSOLUTE MAJORITY**

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**12.4 ROYAL FLYING DOCTOR SERVICE FUNDRAISING EVENT**

**Reporting Department:** Administration  
**Reporting Officer:** Skye Price – Manager of Community Services  
**Legislation:** Local Government Act 1995  
**File Number:**

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**Background:**

The Royal Flying Doctor Service (RFDS) intends to hold a fundraising event in Merredin during October 2007. The event is scheduled for a three day period on Friday 26<sup>th</sup>, Saturday 27<sup>th</sup> and Sunday 28<sup>th</sup> of the month.

A “War and Peace” theme has been adopted to complement Merredin’s historical background. It has been estimated that seven hundred people will partake in the weekend activities.

The tentatively planned program will incorporate a movie night, as well as a light opera concert and a gala dinner at Cummins Theatre. Commercial businesses and tourism sites including the Country Nostalgia Gallery and the Military Museum will also be formally involved.

The RFDS is seeking use of the Cummins Theatre, recreation grounds and the new Merredin Regional Community and Leisure Centre for the duration of the fundraising event.

Specifically the organisation has requested the following:

1. Approval for camping at the recreation grounds on Friday 26<sup>th</sup> and Saturday 27<sup>th</sup> of October;
2. Use of ablution facilities;
3. Potential use of kitchen facilities;
4. Provision of additional rubbish bins at the recreation grounds and removal of the bins at the conclusion of the event;
5. A reduced fee for the hire of Cummins Theatre on Friday 26<sup>th</sup> and Saturday 27<sup>th</sup> of October.

**Legal Implications:**

Nil

**Budget Implications:**

The usual cost for hiring the Cummins Theatre is \$363.00 (including GST) per day, for a non-commercial group.

A fee structure for use of kitchen facilities and the function room at the MRC&LC are not yet finalised.

**Comment:**

The Royal Flying Doctor Service is an invaluable health care provider for regional centres and rural communities. The October fundraising event will enable promotion of the unique service and assist with the ongoing necessity to raise funds for the service's operation.

The fundraising event will also provide benefits for the Merredin community. Visitors will have the opportunity to appreciate Merredin's commercial precinct, tourist destinations and recreation facilities, whilst simultaneously contributing financially; and supporting economic development.

Furthermore, the event correlates with fulfilment of (the Draft Strategic Plan) Community objective 2, Strategy 1: *Foster vibrant activities and events that bring the community together*; and Action 1: *Support community events and activities*.

**Officer's Recommendation:**

*That Council offer support for the Royal Flying Doctor Service event in October 2007 by:*

- a) *Approving free camping at the recreation grounds for Royal Flying Doctor Service event participants, on Friday 26<sup>th</sup> and Saturday 27<sup>th</sup> of October 2007;*
- b) *Approving use of the Cummins Theatre venue free of charge, during the period from Friday 26<sup>th</sup>, until Sunday 28<sup>th</sup> of October inclusive.*

*Absolute Majority Required.*

Cr Simmonds entered the meeting at 3.29pm.

Moved Cr Morris sec Cr N Hooper

*That Council offer support for the Royal Flying Doctor Service event in October 2007 by:*

- a) *Approving free camping at the recreation grounds for Royal Flying Doctor Service event participants, on Friday 26<sup>th</sup> and Saturday 27<sup>th</sup> of October 2007;*
- b) *Approving use of the Cummins Theatre venue free of charge, during the period from Friday 26<sup>th</sup>, until Sunday 28<sup>th</sup> of October inclusive.*

**WITHDRAWN****28927**

Moved Cr Townrow sec Cr Astbury

*That Item 12.4 lay on the table until June 2007 when further information can be provided by Manager of Community Services regarding the Royal Flying Doctor Fundraising Event.*

**CARRIED 9/1**

**12.5 COUNTRY WOMEN'S ASSOCIATION ANNUAL HOMEMAKER  
EVENT**

**Reporting Department:** Administration  
**Reporting Officer:** Skye Price – Manager of Community Services  
**Legislation:** Local Government Act 1995  
**File Number:**

**Background:**

The Country Women's Association – Eastern Districts intends to hold the Annual Homemaker event in Merredin during 2007. The group would like to utilise the Cummins Theatre for the occasion on August 9<sup>th</sup>, 2007.

The Shire of Westonia and the Shire of Kellerberrin have previously provided their halls free of charge for the annual event.

**Legal Implications:**

Nil

**Budget Implications:**

The usual cost for hiring the Cummins Theatre is \$363.00 (including GST) per day, for a non-commercial group.

**Comment:**

The Country Women's Association (CWA) "aims to improve the conditions for country women and children and tries to make life better for women and their families, especially those women living in rural and remote Australia". Providing support for the CWA event ensures that the non-profit community organisation is able to raise funds for a variety of health oriented causes.

Providing a suitable venue for the CWA event ensures that Community objective 2, Strategy 1, Action 1, *Support community events and activities* is fulfilled. Similarly, the mandate to *(i)increase the social and cultural activities within the Cummins Theatre* (Community objective 6, Strategy 1, Action 3) is also applicable.

**Officer's Recommendation:**

*That Council donate the hire fee for Cummins Theatre for the Country Women's Association Annual Homemaker event on 9 August 2007.*  
 Absolute Majority Required

**28928**

Moved Cr Simmonds sec Cr Morley

*That Council donate the hire fee for Cummins Theatre for the Country Women's Association Annual Homemaker event on 9 August 2007.*

**CARRIED 10/0  
 ABSOLUTE MAJORITY**



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**12.6 MANAGER OF COMMUNITY SERVICES REPORT**

**Reporting Department:** Administration  
**Reporting Officer:** Skye Price – Manager of Community Services  
**Legislation:** Local Government Act 1995  
**File Number:**

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The following information is presented:

**Cummins Theatre**

The recruitment and selection process for the Cummins Theatre Manager position has concluded. It is anticipated that the successful incumbent will commence normal duties during June 2007.

Community and Economic Development Project Officers have continued to coordinate Cummins Theatre bookings and events during April 2007.

**Merredin Regional Library**

Mr Ian Stone, Regional Manager Library Services, concluded his tenure on Friday 4<sup>th</sup> May, 2007. Recruitment and selection for an alternative Regional Manager Library Services is currently being undertaken.

**Merredin Regional Community and Leisure Centre**

Jamie-Lee White commenced in the new role of Physical Activity Program Coordinator on Wednesday 2<sup>nd</sup> May, 2007. Holly Carlson commenced in the Administration and Telecentre Coordinator role on Thursday 10 May, 2007.

**Natural Resource Management**

The Natural Resource Management Officer, Claire Hamersley, concluded her tenure on Wednesday 18<sup>th</sup> April, 2007.

**Visitor Services**

Marika Hayden will complete Certificate III Tourism (Visitor Information Services) on 15<sup>th</sup> May, 2007.

A public notice calling for interested members of the public to participate in the Tourism Advisory Group “Tourism Think Tank” was promoted in the *Mercury Wheatbelt*, on Wednesday April 11.

**Strategic Plan**

The draft Strategic Plan / Plan for the Future has been open for public comment from April 25, until May 11, 2007.

Reports from individual Community Services areas:

**Library Services**

Report is at **Attachment 12.6A.**

**Visitor Services**

Report is at **Attachment 12.6B.**

**Cummins Theatre**

No report – Cummins Theatre Manager appointment currently in progress.

**Community and Economic Development**

Report is at **Attachment 12.6C.**

**Recreation & Leisure Services**

Report is at **Attachment 12.6D.**

**Natural Resource Management**

No report – Natural Resource Management Officer's position currently vacant.

**Status Report**

The Action sheet detailing progress of Previous Council resolutions from March 2004 onwards is **Attachment 12.6E.**

**Legal Implications**

Compliance with relevant Acts and Local Laws.

Officer's Recommendation

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

**28929** Moved Cr Simmonds sec Cr Townrow  
*That the Merredin Shire Council receive the Manager of Community Services report for May 2007.*

**CARRIED 10/0**

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**12.7 YMCA MOBILE YOUTH CENTRE**

**Reporting Department:** Community Services  
**Reporting Officer:** Jeff Walker  
**Legislation:** Local Government Act 1995  
**File Number:**

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**Background**

The YMCA Mobile Youth Centre (or 'Youth Bus') service has previously been engaged by the Shire for youth development, most recently in late 2005.

After an inactive period in 2006, the Mobile Youth Centre has received support from the Western Australian Regional Initiatives Scheme (WARIS), allowing them to continue this service from term 3 of the 2007 school year.

The service provides two qualified youth workers, fun recreational activities, information, support, and resources. It encourages development of life and interpersonal skills, with access to a range of physical, artistic or electronic activities, either self-directed or group-structured. The bus is a safe base from which young people can recreate in a variety of positive ways, at a central venue, visible to the community. The target group is 10 – 17 years of age.

By developing positive relationships with youth, workers consult with them about their needs. A report after 6 months and 12 months informs how many young people attended, what activities and workshops were undertaken, and what issues and concerns the Shire's young people have.

Other agencies such as police and church groups are often encouraged to attend, to promote a team approach with the mobile centre acting as the catalyst.

In Central Wheatbelt areas it is envisaged that the bus will make one complete round every school term (4 visits a year), either after school or over weekends. A Mobile Youth Centre has previously operated within 16 Central Wheatbelt Shires where 3,124 young people participated in the project; it is a tried and tested concept.

This service has proved to be popular with local councils as being a preventative and pro-active program in reducing anti social behaviours.

Most Mobile Youth Centre visits to Merredin were hosted at Apex Park, next to the Skate park, to combine the two activities. The bus has also been positioned at the pool during summer, in front of the Visitors Centre and also at the Merredin Show.

**Legal Implications**

Nil

**Budget Implications**

The YMCA has indicated that it costs approximately \$550.00 per visit to bring this service to Merredin, and is requesting a part-contribution from Council.

**Comment**

For 2007/2008 the YMCA are seeking financial contributions primarily to cover fuel costs, and are also seeking accommodation / billet housing support for the workers. Recognising that billeting/accommodation is not an option for the Merredin Shire, perhaps a contribution towards fuel can be considered.

Supplying fuel directly to the bus from the Shire depot is a possibility, but this option complicates financial / accountability procedures for the Shire, and a cash contribution would be preferable.

Feedback received regarding the program is very positive from both parents and young people and it is felt that the bus is very beneficial to Merredin youth. When the bus attended Merredin during 2005, it was well supported, attracting 20-30 youth visits on each occasion. The service is very self sufficient and requires little organisation by the Shire to host the bus.

This relates to the Draft Strategic Plan - Community Objective 6:

Strategy 1- *“Support the provision of a range of healthy leisure, recreation, entertainment, cultural and lifestyle opportunities”*

Action 1: *“Provide recreation and leisure facilities and programs to cater for all sectors of the community”*

A relatively small measure of financial support for the Mobile Youth Centre service is a fulfilment of both the strategy and the action above.

Community Objective 1, Strategy 2; Action 2 also applies to this item:

*“Identify the social and cultural needs of the community and provide adequate facilities and services including: Youth, Aged, Disabled, Indigenous”*

The Mobile Youth Service directly satisfies this action; it identifies needs through consultation, and provides a service to Youth.

**Officer’s Recommendation**

*That Council consider an allocation of \$600 in the 2007/2008 budget to assist the YMCA in bringing the Mobile Youth Centre service to Merredin.*

**28930**

Moved Cr Townrow sec Cr Morley

***That Council consider an allocation of \$600 in the 2007/2008 budget to assist the YMCA in bringing the Mobile Youth Centre service to Merredin.***

**CARRIED 9/1**

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**13.0 FINANCE AND ADMINISTRATION**

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**13.1 CALL FOR BOARD NOMINATIONS – WHEATBELT DEVELOPMENT COMMISSION**

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

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**Background**

The Wheatbelt Development Commission is currently advertising for Local Government (1 position) and Ministerial (2 positions) appointments to the Board of the Commission. The positions are for a three (3) year term.

The role of the Wheatbelt Development Commission is to coordinate and promote economic development within the region with the Commission's aims being to maximise job creation, broaden local economies, identifying the need for infrastructure services, providing information and advice to business and ensuring access to government services.

Attached is a nomination form. **Attachment 13.1A.**

**CEO Comment**

Representation on the Wheatbelt Development Commission would provide insight and input into the roles, responsibilities and activities of the Wheatbelt Development Commission and could provide advocacy for the Central Wheatbelt area.

**Officer's Recommendation**

*That Council nominate ..... to the Wheatbelt Development Commission Board.*

Cr Marley left the meeting at 3.52pm.

Cr Marley entered the meeting at 3.54pm.

**28931** Moved Cr Morris sec Cr Simmonds  
*That Council nominate Councillor Julie Townrow to the Wheatbelt Development Commission Board.*

**CARRIED 10/0**

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**13.2 ALINE EAST – GREAT EASTERN HIGHWAY UPGRADE USE OF WATER**

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

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**Background**

At Council's 30 April 2007 Budget Review meeting Council discussed the application of funds that had been received as a result of sale of water to Aline East for the Great Eastern Highway upgrade project.

At Council's February 2006 (**CMRef 28284**) and Council's May 2006 (**CMRef 28448**) meetings, Council resolved to sell water to Aline East for the Great Eastern Highway upgrade project. Council did not determine where those funds were to be allocated.

**Financial Implications**

From the period January 2006 to June 2006, \$22,350 was received from the sale of this water. These funds were not specifically allocated and simply formed part of our opening and closing balance at the 30 June 2006.

From July 2006 to present, \$39,471 has been received.

**Comment**

In discussions during February 2006, Aline East had offered to renovate and improve Dam No 3 (located on the western side of the CBH facility) in exchange for the use of water. Staff understand that the commodity would enable Council to determine where these funds could be utilised. There was also some discussion in utilising these funds for the Merredin Regional Community & Leisure Centre project.

From a staff point of view a number of suggestions have come forward. Firstly the funds could be allocated to the MRC&LC project therefore reducing the amount of funds coming from general revenue or loan funding. Secondly the funds could be placed into a reserve for the purposes of maintaining the MRC&LC. Thirdly the funds could be placed into another reserve for maintenance of the Cummins Theatre or expansion of the Visitors Centre or other similar project and, lastly the funds could be placed in a reserve for the purposes of economic development which would provide Council with funds to undertake research and development into initiatives designed to use the saline water below Merredin or other similar type activities.

The funds received prior to the 30 June 2006 formed part of the opening and closing balances of Council's accounts and therefore could be utilised by simply drawing down these funds and allocating them as Council determines.

## Officer's Recommendation

*That Council allocates the funds from the sale of water to the Great Eastern Highway upgrade project for .....*

Moved Cr Townrow sec Cr Morris

1. *That Council allocates half of the income from the sale of water to the Great Eastern Highway upgrade project for research and development into initiatives designed to use the saline water below Merredin or similar type environmental projects (Saline Water Initiatives Reserve) with the balance of the funds to be allocated to the Plant Reserve.*
2. *That Council seek matching funds from grants and/or private funding sources to develop initiatives for the use of the saline water below the Shire of Merredin.*

**AMENDMENT****28932**

Moved Cr Crees sec Cr Marley

*That the motion be amended by replacing the word "half" with "\$50,000".*

5/5

The President exercised casting his vote.

**CARRIED 6/5**

**THE AMENDMENT BECAME THE MOTION.****28933**

Moved Cr Crees sec Cr Marley

1. *That Council allocates \$50,000 of the income from the sale of water to the Great Eastern Highway upgrade project for research and development into initiatives designed to use the saline water below Merredin or similar type environmental projects (Saline Water Initiatives Reserve) with the balance of the funds to be allocated to the Plant Reserve.*
2. *That Council seek matching funds from grants and/or private funding sources to develop initiatives for the use of the saline water below the Shire of Merredin.*

**CARRIED 9/1**

Cr Morris left the meeting at 4.10pm.

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**13.3 SUBDIVISIONAL COSTS – LOT 24 CROOKS ROAD, MERREDIN**

**Reporting Department:** Administration  
**Reporting Officer:** Frank Ludovico, CEO  
**Legislation:** Local Government Act 1995  
**File Number:** P9212

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**Background**

At Council's August 2005 meeting Council agreed to purchase Lot 24 Crooks Road from B & K Whitehead (**CMRef 28036**) and to on sell a portion of that lot to Co-operative Bulk Handling (**CMRef 28038**). Since that time the subdivisional processes have been initiated and slowly worked through. In Council's 2006/2007 Budget an allowance of \$5,000 was made for headworks charges. In August 2006 the Water Corporation was paid \$3,712 for their headworks charges for the subdivision of the lot.

At Council's September 2006 meeting Council discussed the headworks charge from Western Power which amounted to \$8,779. Council approved that payment (**CMRef 28621**) with a balance of the funds coming from the Land Development Reserve.

Recently an invoice was received from Paul Kraft & Associates (Licensed Surveyors) for their professional services rendered in the surveying and processing of the subdivision of Lot 24 Crooks Road, this amounted to \$6,754.

**Financial Implications**

As the budget for the subdivision has been exceeded, additional funding is required. The opening balance of the Land Development Reserve was \$232,103.

An amount of \$386,000 has been received from the Whitfield Way lot sales. Approximately \$134,000 has been received from the sale of 5 Bower Street. It is not anticipated that the \$120,000 allocated for the purchase of East Barrack Street land will occur this financial year.

Council at its January 2007 meeting (**CMRef 28792**) allocated \$50,000 from the Land Development Reserve to complete the servicing of the Whitfield Way subdivision. This leaves a grand total of \$702,103 available to meet this expense.

**Comment**

I believe that this is the last action that is required to finally subdivide this lot and staff have now applied for the two titles associated with the subdivision. Once these titles have been received we will be on selling a lot to CBH. The advertising of the sale by private treaty has been completed and determined by Council at its January 2006 meeting (**CMRef 28268**).



## Officer's Recommendation

*That Council authorise the transfer of up to \$7,000 from the Land Development Reserve to meet the costs of surveying and subdividing Lot 24 Crooks Road.*

Absolute Majority Required.

**28934**

Moved Cr Townrow sec Cr Morley

*That Council authorise the transfer of up to \$7,000 from the Land Development Reserve to meet the costs of surveying and subdividing Lot 24 Crooks Road.*

**CARRIED 9/0  
ABSOLUTE MAJORITY**

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**13.4 CHIEF EXECUTIVE OFFICER'S REPORT**

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

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I present the following report for May 2007:

**Great Eastern Country Zone – WALGA – Grain Transport Working Group – (Ref R/15/01)**

At Council's April 2007 meeting I indicated that a working group had been formed by the Wheatbelt Zones of WALGA to address the outcomes of the grain freight network review.

This committee has met and attached to this item is a copy of the 23 April 2007 minutes. **Attachment 13.4A.**

A consequence of the Grain Freight Review indicated that \$150 million was required to spend on local roads in order to cater for the increase in freight resulting from the review. The committee has formed delegations to meet Western Australian State, Federal and Shadow Ministry Members of Parliament in order to press their case for funding for the roads that would be affected by the review.

**Lot 24 Crooks Road**

I was approached by members of the Merredin Sports Council to allow cropping on Lot 24 Crooks Road for 2007, so funds could be derived for the Merredin Regional Community & Leisure Centre project.

I approved the use of the land and subsequent enquiries with the Department of Local Government indicated that as the arrangement was only for a short term duration and the group fell within the bounds of Regulation 30(2)(b) of the Function and General Regulations (ie charitable, benevolent, recreation or sporting organisation) the proposal was an exempt disposition of land.

I have contacted CBH who have indicated that they are prepared to allow the Merredin Sports Council to utilise the land for community cropping in the short term. When the land is sold to CBH arrangements will need to be made with them.

I will need to arrange an agreement with the Merredin Sports Council in respect to provision of firebreaks, maintenance of fencing and weed control.

**Staff Recommendation**

*That Council endorse the actions of the CEO of allowing the Merredin Sports Council to utilise Lot 24 Crooks Road for the purposes of community cropping for 2007.*

**28935**

Moved Cr Crees sec Cr Townrow

*That Council endorse the actions of the CEO of allowing the Merredin Sports Council to utilise Lot 24 Crooks Road for the purposes of community cropping for 2007.*

**CARRIED 9/0****Cost Shifting Seminar**

I attended the Cost Shifting Seminar with the Shire President and Cr Neil Hooper on the 20 April 2007.

A number of issues which arose from this seminar which were applicable to the Shire of Merredin. These were: Council needs to prepare Asset Management Plans in order to ascertain assets it controls, the standard at which it wishes to maintain those assets and the funding required to keep them at that standard. The determination of those issues will have a significant effect on Council's sustainability.

The seminar reported also that the construction of recreation facilities only represented 10% of the whole life cost of those facilities (assuming bare earth, back to bare earth) costings.

I will be making contact with the Department of Sport and Recreation Officers who prepared this report to see whether they can assist us with the preparation of an Assets Management Document for the Merredin Regional Community & Leisure Centre.

WALGA is also attempting to develop templates that will assist local government in this planning process.

The seminar also noted that according to the Systemic Sustainability Report Councils were underrating to the tune of \$122 million. Unfortunately there was no detail of which local governments were in this position.

**Meeting with Doctors**

The President and I have had several meetings with Doctors Freeman and Adeniyi in respect to remuneration, vehicle agreements and other arrangements at the Merredin Medical Centre.

I wish to inform Council that Doctor Adeniyi has accepted Council's proposal of \$40,000 and now wishes to purchase a Toyota Aurion Presara V6 Sedan for a total cost of \$41,646 instead of a Toyota Prado Grande V 6 four wheel drive wagon.

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I believe Council's resolution of April 2007 (**CMRef 28891**) which indicates "that Council provide \$10,000 per annum for four years towards the purchase of a vehicle of Dr Adeniyi's choice with funding being provided from the Plant Replacement Reserve and a further \$2,000 per annum to provide for the cost of fuel" gives me the latitude to purchase this vehicle and enter into the vehicle purchasing arrangement as described.

**Local Emergency Management Committee**

I have been attending the Local Emergency Management Committee meetings and am slowly working with the Merredin Police to develop dialogue for the Merredin Local Emergency Management Committee Plan.

**Interim Audit**

Council received its interim audit on the 2 May 2007 and whilst a formal report has not been received at this stage, it has been indicated that there has been a significant improvement in compliance in the 2006/2007 year.

**Application to clear native vegetation – Lot 684 Bates Street – Golf Club**

I wish to advise that the Department of Environment and Conservation is seeking further information in respect to our land clearing application. As a consequence, I have met with Mr Paul Blechynden, the local Manager of the Department of Environment and Conservation.

I will be arranging meetings with the Merredin Golf Club to seek clarification of issues raised from that meeting.

**Defamation of the Shire of Merredin**

As per Council's instructions on the 30 April 2007 (**CMRef 28900**) I have made an official report to the WA Police Service regarding the comments published on the Commercial Hotel website.

Additionally I have forwarded a copy of the material to Council's Solicitors for their review.

Informal feedback from the Police states that WA Police Department policy does not progress defamation actions and recommends that the matter be dealt with by a Civil Court. Their normal response would be to encourage the cessation of the publication of material which did occur.

Similar preliminary comments have been received from Council's Solicitors indicating that their first action would be to cease the publication of the material and if that was achieved it would limit any claim.

**Officer's Recommendation**

*That the Chief Executive Officer's report for May 2007 be received.*

**28936**

Moved Cr Townrow sec Cr Crees

*That the Chief Executive Officer's report for May 2007 be received.*

**CARRIED 9/0**

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**13.5 72 BARRACK STREET - REFUND**

**Reporting Department:** Administration  
**Reporting Councillor:** Frank Ludovico, Chief Executive Officer  
**Legislation:** Local Government Act 1995  
**File Number:** P/200

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**Background:**

Mrs Lyn Donovan, Proprietor, of Holmsens Shoes Merredin wrote to Council regarding her approved objection to the Valuer General's Office requesting Council refund the overpaid amount of rates to 2000. (**Attachment 13.5A**)

After investigating the legalities of this request the Rates Officer wrote back Mrs Donovan explaining that the objection only applied to the financial year in which the objection was lodged. Mrs Donovan has contacted Council requesting the decision to be reassessed. (**Attachment 13.5B**)

It should be noted that the rate record has been amended for the current financial year 2006/2007 and the required refund processed.

**Legal Implications:**

The Local Government Act 1995 Section 6.39 – states a Local Government may amend the rate record for the 5 years preceding the current financial year.

**Budget Implications:**

If Council was to grant the refund as requested from 2000 the amount would be \$1,228. The refund for a 5 year period would be \$1,061.34

**Comment:**

The advice from the Valuer General's Office indicates the objection only applies to the financial year in which the objection was lodged.

If the refund is allowed Council should taken into account all the other allowed objections which have taken place in the last 5 years that maybe applicable to previous years.

The Local Government Act 1995 states that Council can only amend the rate record for the preceding 5 years perhaps recognising that these situations do occur.

Council could agree with the request of Mrs Donovan and refund her the full amount. It is suggested that if this is proposed it should be made as an ex gratia payment on a "Without Prejudice" basis to recognise the special circumstances associated with this case.

**Officer's Recommendation:**

*That Council amend the rate record for Lot 35, 72 Barrack Street by reducing the valuation to \$12,480 from 01/07/2001 and refund \$1,061.34.*

**ABSOLUTE MAJORITY REQUIRED**

**28937**

Moved Cr Jones sec Cr Townrow

*That Council amend the rate record for Lot 35, 72 Barrack Street by reducing the valuation to \$12,480 form 01/07/2001 and refund \$1,061.34.*

**CARRIED 8/1  
ABSOLUTE MAJORITY**

**13.6 MONTHLY FINANCE REPORT**

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

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**Background**

Each month attached to the Agenda is the Monthly Financial Report prepared for Council.

Officer's Recommendation:

*That the Merredin Shire Council receive the Monthly Finance Report for April 2007.*

**28938**

Moved Cr Jones sec Cr Morley

*That the Merredin Shire Council receive the Monthly Finance Report for April 2007.*

**CARRIED 9/0**

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**13.7 LIST OF ACCOUNTS PAID**

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

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**Background:**

A list of accounts paid during the month under delegated authority is presented to Council each month. (*This will be made available at the Council meeting*).

**Legal Implications:**

Local Government Act and Financial Management Regulations.

**Budget Implications:**

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

## Officer's Recommendation:

*That the Merredin Shire Council receive the schedule of accounts as listed, covering cheques as numbered and amounts directly debited from Council's Municipal Fund bank Account BSB 066-518 000 000 10 totalling \$740,740.24 and outstanding creditors totalling \$130,960.43.*

**28939**

Moved Cr Morley sec Cr Townrow

*That the Merredin Shire Council receive the schedule of accounts as listed, covering cheques as numbered and amounts directly debited from Council's Municipal Fund bank Account BSB 066-518 000 000 10 totalling \$740,740.24 and outstanding creditors totalling \$130,960.43.*

**CARRIED 9/0**



14.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

15.0 QUESTIONS BY MEMBERS FOR WHICH DUE NOTICE HAS BEEN GIVEN

16.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

**28940** Moved Cr Crees sec Cr Simmonds  
*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 4.26pm.

P Hastings, E Hooper and S Price left the meeting at 4.27pm.

**28941** Moved Cr Morley sec Cr Townrow  
*That Council come out from behind closed doors.*

**CARRIED 9/0**

Council came out from behind closed doors at 5.15pm.

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**17.0 MATTERS BEHIND CLOSED DOORS**

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**17.1 DWELLING HOUSE UNFIT FOR HUMAN HABITATION – LOTS 1, 2  
RAILWAY AVENUE, MERREDIN – AP THOMAS AND SP HALE**

**Reporting Department:** Development Services  
**Reporting Officer:** Warren Bow, Manager of Development Services  
**Legislation:** Health Act 1911 (as amended)  
**File Number:** P/2902

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**28942** Moved Cr N Hooper sec Cr Astbury

**1. That Council advise SP Hale and AP Thomas that it will not enforce the requisitions of the notice served pursuant to section 137 of the Health Act 1911 (as amended) on 5 January 2007 in relation to the dwelling at Lots 1, 2 Railway Ave, Merredin for a period of three and a half months, expiring 31 August 2007, subject to completion of the following works –**

- a) Repair and maintain all roofs, guttering and downpipes in a good state of repair, clean and free of obstruction;**
- b) Replace any missing, broken, decayed or termite-eaten timber or other deteriorated material in any verandah, roof, walls, steps, handrails, floors or other supports with material of sound quality;**
- c) Comply with the directions of an Environmental Health Officer to treat the premises for the purpose of destroying any termites;**
- d) Maintain, repair or replace any flashings, or ant caps which are missing or defective;**
- e) Repair and maintain all ventilators in good order and repair;**
- f) Replace, repair and maintain all floors even in surface and free from cracks;**
- g) Replace, repair and maintain all ceilings, internal wall finishes, skirtings, architraves, and other fixtures and fittings complete with smooth unbroken surfaces;**
- h) Repair and maintain all doors and windows in good working order and weatherproof condition;**
- i) Repair and maintain all pipes, fittings and fixtures connected with water supply, drainage or sewerage so that they comply in all respects with the provisions of the Metropolitan Water Supply, Sewerage and Drainage Act 1909 and any other legal requirements to which they are subject;**

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- j) Repair and maintain all electrical wiring, gas services and fittings to comply in all respects with the requirements of the Office of Energy;*
  - k) Install kitchen benches, sinks, cooking appliances, counters and associated plumbing and electrical fixtures. Maintain these benches, sinks and counters to keep them free from cracks and crevices and easily cleanable.*
  - l) Ensure that a suitable supply of hot and cold water is available to the kitchen, laundry and bathroom of the house; and*
  - m) Remove, repair, cleanse or treat the premises so as to eliminate any structure or thing which may afford access or harbourage to rodents, insects and other pests.*
- 2. That Council advise SP Hale and AP Thomas that non completion of the above works by 31 August 2007 will result in the re-issuing of a notice in accordance with section 137 of the Health Act 1911 (as amended) requiring the demolition and removal of the dwelling at Lots 1, 2 Railway Ave, Merredin.*

**CARRIED 9/0**

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**17.2 DWELLING HOUSE UNFIT FOR HUMAN HABITATION – LOT 27,  
HOUSE NUMBER 17 HAY STREET, MERREDIN – CORRIE  
WILFRED GARLETT / DEPARTMENT OF HOUSING & WORKS**

**Reporting Department:** Development Services  
**Reporting Officer:** Warren Bow, Manager of Development Services  
**Legislation:** Health Act 1911 (as amended)  
**File Number:** P/2046

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**28943** Moved Cr Jones sec Cr Townrow  
*That Council engage McLeods Barristers and Solicitors to prosecute the owners of Lot 27, House 17 Hay Street, Merredin for non compliance with notice served pursuant to section 137 of the Health Act 1911 (as amended) on 5 January 2007 in relation to the timber framed, iron roofed, fibro board clad dwelling with timber floor board building, with timber framed internal walls, windows and doors on the property.*

**CARRIED 9/0**

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**17.3 SALE OF LAND FOR OUTSTANDING RATES – SETTING OF  
RESERVE PRICES**

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

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**28944** Moved Cr Morley sec Cr Townrow  
*That Council set the reserve prices for Lot 395, 76 Kitchener Road, Lot 93, 15 Limbourne Street, Lot 92, 17 Limbourne Street and Avon Location 25289 as per Attachment 17.3A with any excess of funds over disbursements to be transferred to the Land Development Reserve.*

**CARRIED 9/0**

**28945** Moved Cr Townrow sec Cr Morley  
*That Council include Lot 258, 54 Bates Street, Merredin in the lots for auction with the reserve price set as per valuation.  
Attachment 17.3A*

**CARRIED 9/0**

**17.4 DR SOLA FREEMAN - REMUNERATION**

**Reporting Department:** Administration  
**Reporting Councillor:** Frank Ludovico, Chief Executive Officer  
**Legislation:** Local Government Act 1995  
**File Number:** Personal File

Moved Cr Marley sec Cr Townrow

*That Council offer Dr Freeman and "ex gratia" payment of \$3,000 as settlement for the loss of remuneration whilst he did not have a provider number for working at the Merredin Hospital.*

**LOST 3/6**

**28946**

Moved Cr Marley sec Cr N Hooper

*That Council offer Dr Sola Freeman an ex gratia payment of \$3,000 as settlement for the loss of remuneration whilst he did not have a provider number for working at the Merredin Hospital subject to the following condition:*

- 1. That the remuneration rate of triage 4 and 5 and private patients be paid at 70% plus 9% superannuation and processed in accordance with his current contract with the Shire of Merredin.*

**CARRIED 7/2**

**ABSOLUTE MAJORITY**

**28947**

Moved Cr Marley sec Cr N Hooper

*That Council advise Dr Gabriel Adeniyi that the remuneration rate for triage 4 and 5 and private patients be set at 65% plus 9% superannuation and processed through the Merredin Medical Centre bank accounts in accordance with his contract with the Shire of Merredin.*

**CARRIED 7/2**

**ABSOLUTE MAJORITY**

J Jones left the meeting at 5.40pm.

**18.0 CLOSURE**

The Presiding Member declared the meeting closed at 5.42pm.