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

**ATTENDANCE:** Cr KA Hooper – Shire President  
Cr RM Crees – Deputy Shire President  
Crs JP Townrow; WR Wallace; G Astbury; J Jones, S Marley,  
M Morris & D Morley.

Messrs FB Ludovico, Chief Executive Officer;  
S Price, Manager of Community Services; and  
AM Peters, Personal Assistant

Phillip Hastings

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1.0 OFFICIAL OPENING

The Presiding Member declared the meeting opened at 1.04pm.

2.0 PUBLIC QUESTION TIME

3.0 APOLOGIES AND LEAVE OF ABSENCE

Cr Neil Hooper

Cr J Simmonds has leave of absence for meeting of 17 July 2007.

4.0 DISCLOSURE OF INTEREST

Cr Astbury declared a Financial Interest in Item 10.2.

Cr Morley declared an Impartiality Interest in item 11.4.

Cr Marley declared a Financial Interest in Item 11.7.

CEO, F Ludovico declared an Impartiality Interest in Item 13.6.

5.0 PETITIONS & PRESENTATIONS

Mr Mark Sutton of Aline East to make his presentation during the later stages of this Council meeting. See Page 65.

6.0 CONFIRMATION OF MINUTES6.1 PREVIOUS COUNCIL MEETING

Confirmation of minutes of meeting held on the 19 June 2007.

**29012** Moved Cr Morley Sec Cr Townrow  
*That the minutes of Council Meeting held on 19 June 2007 be confirmed as a true and correct record of proceedings subject to the amendment of Motion No: 29007*

*“That a letter of thanks be sent to Mr Attila Menschelyi, Regional Manager–Wheatbelt, Department of Housing and Works for attending Council meeting”*

*with the following information to be added:*

*“and for staff to proceed with the application for joint venture housing with Department of Housing and Works in the construction of additional single person dwellings and additional units at Merritville Retirement Village”.*

**CARRIED 9/0**

7.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

The President stressed to Council the importance of all matters which occur “in camera” to remain confidential.

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

Merredin Medical Practice discussions.

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

- 9.1 Merredin Regional Community & Leisure Centre **Advisory** Committee held on 11 June, 2007;
- 9.2 Merredin Regional Community & Leisure Centre **Management** Committee held on 26 June, 2007;
- 9.3 Merredin Heritage Management Committee meeting held 28 June 2007;
- 9.4 Business and Community Development Committee meeting held on 4 July 2007.
- 9.5 Merredin Regional Community & Leisure Centre **Advisory** Committee held on 09 July, 2007;
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**29013**

Moved Cr Townrow sec Cr Wallace

*That the Merredin Shire Council receive the minutes of Merredin Regional Community & Leisure Centre Advisory Committee held on 11 June, 2007; Merredin Regional Community & Leisure Centre Management Committee held on 26 June, 2007; Merredin Heritage Management Committee meeting held 28 June 2007; Business and Community Development Committee meeting held on 4 July 2007; and Merredin Regional Community & Leisure Centre Advisory Committee held on 09 July, 2007;*

**CARRIED 9/0**

- 9.1 Merredin Regional Community & Leisure Centre **Advisory** Committee held on Monday 11 June 2007.

Items presented in the Agenda had been dealt with at Council's June 2007 Council meeting (CMRef 28969 – 28973).

- 9.2 Merredin Regional Community & Leisure Centre **Management** Committee held on 26 June, 2007

Nil Recommendations

9.3 Merredin Heritage Management Committee meeting held 28 June 2007

6.0 **BUSINESS ARISING FROM PREVIOUS MINUTES**

**6.4 Release of PTA land –**

Moved John Rutherford                      Sec Rob Endersbee  
*“That the Merredin Heritage Management Committee recommend to Council that Council endorse actions to escalate the release of Public Transport Authority land within the Merredin Shire.”*

CARRIED 3/0

**29014** Moved Cr Townrow sec Cr Morley  
*That Council endorse actions to escalate the release of Public Transport Authority land within the Merredin Shire.*  
**CARRIED 9/0**

9.4 Business and Community Development Committee meeting held on 4 July 2007.

7.3 **PROPOSED TOWNSCAPE PLAN & BUDGET 2007/08**

Moved Cr Townrow                      sec Cr Morris  
*That the Business and Community Development Committee recommend to Council that Council consider the Proposed Townscape Projects and relevant budget allocations in the draft 2007/08 Shire budget.*

CARRIED 3/1

**29015** Moved Cr Townrow sec Cr Morley  
*That Council consider the Proposed Townscape Projects and relevant budget allocations in the draft 2007/08 Shire budget.*  
**CARRIED 8/1**

7.6 **PROMOTIONAL DVD**                      **Jeff Walker**

Moved Cr Morris                      sec Cr Townrow  
*That the Business and Community Development Committee recommend to Council that Council allocate \$10,000 in the 2007/08 draft budget towards the production of a promotional DVD for Merredin.*

CARRIED 4/0

- 29016** Moved Cr Morris sec Cr Townrow  
*That Council allocate \$10,000 in the 2007/08 draft budget towards the production of a promotional DVD for Merredin.*

**CARRIED 7/2**

- 9.5 Merredin Regional Community & Leisure Centre Advisory Committee held on 09 July, 2007

**9.0 COST OF KITCHEN FOR CLUBS**

*Moved Cr M. Morris, sec E. Carlson  
That the MRC&LC Advisory Committee recommend to Council that clubs and associations which have entered into a Memorandum of Understanding for utilising the MRC&LC are not charged for the use of the kitchen as a kiosk, but are charged at 50% of Council's adopted fees and charges for an event.*

**CARRIED 6/0**

- 29017** Moved Cr Wallace sec Cr Crees  
*That clubs and associations which have entered into a Memorandum of Understanding for utilising the MRC&LC are not charged for the use of the kitchen as a kiosk, but are charged at 50% of Council's adopted fees and charges for an event.*

**CARRIED 8/1**

**10.0 COST OF FUNCTION ROOM FOR CLUBS**

*Moved E. Carlson, sec Cr M. Crees  
That the MRC&LC Advisory Committee recommend to Council that clubs and associations which have entered into a Memorandum of Understanding for utilising the MRC&LC are not charged for the use of the Grandstand Bar, for an event.*

**CARRIED 5/1**

- 29018** Moved Cr Crees sec Cr Wallace  
*That clubs and associations which have entered into a Memorandum of Understanding for utilising the MRC&LC are not charged for the use of the Grandstand Bar, for an event.*

**CARRIED 8/1**

- 29019** Moved Cr Townrow sec Cr Wallace  
*That Council re-advertise the MRC&LC Bar Manager's position with an increase in salary of between \$48,000 to \$53,000.*

**CARRIED 9/0**

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**10.0 COMMUNITY SERVICES**

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**10.1 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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**Background**

The following report is provided for Council's information.

**Cummins Theatre**

The Cummins Theatre Manager appointee Ms Jane Bandurski commenced her tenure, Monday 18 June 2007. Jane has undertaken her work responsibilities in an extremely conscientious and professional manner. She has established a positive rapport with the Merredin Repertory Club and Merredin Music Club, the two Memorandum of Understanding signatory groups that make use of Cummins Theatre. Jane is liaising with Manager Development Services, John Mitchell in regard to maintenance and conservation of the Cummins Theatre. She is also proactively establishing a calendar of performing arts events for the remainder of 2007 and beyond.

**29020**

Moved Cr Morris sec Cr Townrow

*That Council return the ownership of all costumes located at Cummins Theatre to the Merredin Repertory Club with the responsibility of maintenance and repairs, upkeep, laundry costs, storage cataloguing and care and control to be carried out by the Merredin Repertory Club.*

**CARRIED 9/0**

**Merredin Regional Library**

Ms Madeleine Carter will commence duties as the Regional Manager Library Services, Monday 23rd July 2007. This will follow an intensive two day induction period at the State Library of Western Australia. Madeleine will be relocating from Broome. She has extensive experience in academic and special libraries, professional Associate membership of the Australian Library and Information Association; and a Graduate Diploma of Urban Planning. Madeleine is also intending to undertake a Master of Library Science by distance education.

**Merredin Regional Community And Leisure Centre**

Ms Tricia Martin and her team moved from the Telecentre site in Barrack Street to the Merredin Regional Community and Leisure Centre, the week commencing Monday 2 July 2007. With the assistance of Jim Garrett's works staff the process was straight forward.



**MINUTES**

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Since that time new Telecentre PCs have been configured and installed. Telephones are now operational and the hydro-therapy pool is functional. Point of Sale computers are also being installed in the bar and reception areas.

Cleaning functions at the facility will be contracted out because no applicants were forthcoming for the part-time cleaning position. Also, despite the bar vacancy being readvertised as a flexible role with an altered job title as Bar Manager/ Functions Coordinator, the two candidates withdrew their applications.

**Natural Resource Management**

The Natural Resource Management position was advertised in the Mercury Wheatbelt newspaper Wednesday 20 June 2007 and The West Australian newspaper Saturday 24 June 2007. Two suitable candidates will be invited to participate in interviews to further consider their suitability for the position.

Personnel have been advised that an Our Patch funding application for \$4288.00 (inclusive of GST) was successful for environmental works at Merredin Peak Reserve and Aboriginal Lands Trust (ALT) Reserve.

**Visitor Services**

Taya Fritsch's recommenced duties as a Tourism officer Monday 2 July, 2007 following the conclusion of maternity leave.

Roe Tourism have resolved to join as signatories to the Central Wheatbelt Visitor Centre Memorandum of Understanding. Specifically, the Shires of Narembeen, Kondinin and Corrigin have agreed to contribute \$1000.00 each. Bruce Rock is already a party and Kulin has declined to participate because of affiliations with other groups.

**Officer's Recommendation**

*That Council approve Roe ROC's inclusion in the Central Wheatbelt Visitor Centre Memorandum of Understanding.*

**29021**

Moved Cr Morris sec Cr Crees

***That Council approve Roe ROC's inclusion in the Central Wheatbelt Visitor Centre Memorandum of Understanding.***

**CARRIED 9/0**

**Community Planning and Economic Development**

Jeff Walker will conclude his role as Community and Economic Development Project Officer at the end of July 2007 to undertake full-time tertiary study. Jeff's position will be reviewed in the context of staffing requirements throughout the broader organisation.

## **Current Projects**

### Central Wheatbelt Visitor Centre expansion

Manager Development Services, John Mitchell, Building Contractor, John Gearing, Visitor Centre Manager, Pam Masters; and Manager Community Services have been undertaking preliminary work related to the Central Wheatbelt Visitor Centre expansion project. John Gearing has also been liaising with VDM Engineering with regard to plans and structural requirements associated with the existing building. Manager of Community Services will prepare a report for the Wheatbelt Development Commission funding body related to project undertakings to date, by the end of July 2007.

### Community Housing Programs proposal

A submission for the Department of Housing and Works Community Housing Programs is currently being prepared.

### Department of Transport and Regional Services

Liaison with Department of Transport and Regional Services (DOTARS) policy officers enabled release of \$50,000 prior to MRC&LC building project reaching completion.

### Community Safety and Crime Prevention Plan

Liaison occurred with Estill Consultants Pty Ltd to convene the Community Safety and Crime Prevention Plan public forum on 20th June. Since that time the Manager of Community Services convened successful sessions at the South Merredin Primary School with Year 5 and 6; as well as Year 7 students. The sessions sought feedback from youth, about their perceptions and suggestions related to community safety in Merredin township; and throughout the greater Shire.

### Meetings/Seminars Attended

- Convened Community Services team meeting, 25 June.
- Shire of Merredin web page meeting, 25 June.
- Merredin Regional Community and Leisure Centre (MRC&LC) Management Committee, 26 June.
- Business and Community Development Committee (BCDC), 4th July.
- Tourism Advisory Group, 5 July.
- Merredin Regional Community and Leisure Centre (MRC&LC) Advisory Committee, 9 July.
- Central Wheatbelt Visitor Centre Working Group, 9 July.
- Weekly Merredin Regional Community and Leisure Centre (MRC&LC) building meetings.
- Conducted series of budget meetings with Community Services personnel, during June and early July.

**Reports from individual Community Services areas:****Library Services**

No report – Regional Manager Library Services appointee is yet to commence normal duties.

**Visitor services**

Report is at **Attachment 10.1A.**

**Cummins Theatre**

Report is at **Attachment 10.1B.**

**Community and Economic Development**

Report is at **Attachment 10.1C.**

**Recreation & Leisure Services**

Report is at **Attachment 10.1D.**

**Natural Resource Management**

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

**Status Report**

The Action sheet detailing progress of Previous Council resolutions from March 2004 onwards is **Attachment 10.1E.**

**Legal Implications**

Compliance with relevant Acts and Local Laws.

## Officer's Recommendation

*That Council receive the Manager of Community Services report for July 2007.*

**29022**

Moved Cr Crees sec Cr Townrow

*That Council receive the Manager of Community Services report for July 2007.*

**CARRIED 9/0**

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Cr Astbury declared a Financial Interest in Item 10.2.

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## 10.2 FUTURE LAND DEVELOPMENT

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

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### **Background**

Following the Department for Planning and Infrastructure population projections for the Shire of Merredin, indicating a turn around from decline to modest growth in the next 15 years with an expected 2000 more people living in Merredin by 2021, a report was presented to Council in September 2006 outlining all Shire owned land that could be developed or sold. A new report is at **Attachment 10.2A**.

This resulted in offering for sale Lot 147 Nolan Way, Lot 82 Hawker Way and Lot 368 Todd Street by public tender. Council accepted a tender for Lot 82 Hawker Way and resolved to auction Lot 147 Nolan Way and retain Lot 368 Todd Street for a possible Joint Venture with Department of Housing and Works.

However the current most sought after land is that in the proposed Carrington Way subdivision. Council has identified the need to “*make land available for commercial and industrial enterprise and residential development*” as its No 1 Short Term priority in the Strategic Plan 2007-2012.

Update on the development of Carrington Way:

- Two estimates for the cost of developing the services have been received -David Wills and Associates and GHD. Landcorp financed the report from GHD;
- Landcorp indicated their interest in a partnership to develop the subdivision;
- An Electrical Design (inclusive of Western Power quotations) is due to be completed by the end of July;
- A Geotechnical Site Investigation has been completed with a report due by the end of July;
- A Site/Feature Survey and Precalculation Plan by Whelans is due by the end of July;
- Private House/Land developers have expressed interest in either developing the subdivision on their own or via a joint venture with the Shire.

Other areas of land, not owned by the Shire, were also identified as potential sites that could be developed and these are being followed through the relevant channels to endeavour to expedite the release of residential land.

One of these areas is Davies Street, which has sewerage and water already connected leaving power the only service still to be connected. This land is Unallocated Crown Land (UCL) and requires Native Title clearance conducted prior to becoming available. Landcorp can assist with the Native Title search, however require a decision from the Shire outlining the intentions for the Carrington Way subdivision prior to any progression with Davies Street.

Other areas that have been identified and reported to Council in September 2006 included:

**Eaton Way, Nolan Way, Duggan Way, Hawker Way:**

- Chegwiddden Way alignment needs to be completed;
- an overall subdivision concept plan required for the area;
- Duggan Way has not been constructed;
- Hawker Way alignment needs to be completed when subdivision plan done and some lots are on a Reserve

**Flockart Place:**

- UCL lots
- No road construction
- No water or sewerage services

**Fourth Avenue/Limbourne Street/Langford Street:**

- UCL lots
- No water or sewerage services

**Legal Implications**

Local Government Act 1995

**Budget Implications**

An allocation of \$10,000 in the 2007/08 Shire budget for planning and advertising.

**Comment**

Since the report to Council in September 2006 other potential land development sites have been identified:

- Lot 1335 Whitfield Way (7.08 ha)
- Reserve 17767 (Cnr Telfer and Golf Roads - 13.03 ha)
- Lot 160 King Street (Shire owns Lot 159 King Street)
- Lots 10 & 11 South Avenue (Old Lutheran Church and car park)

Development of all identified sites would still leave a shortfall of residential land and therefore future planning is vitally important for the Shire's progress and sustainability.

## Officer's Recommendation

1. *That Council endorse not entering a partnership with Landcorp for the development of the proposed Carrington Way subdivision.*
2. *That Council endorse staff to commence negotiations with Landcorp for the development of UCL Lots in Davies Street, Merredin.*
3. *That Council endorse the immediate progression of Lot 1335 Whitfield Way as a proposed residential subdivision."*
4. *That Council endorse calling for Expressions of Interest for both Lots 10 & 11 South Avenue Merredin.*
5. *That Council endorse progressing the Shire ownership of Reserve 17767 with the intention of a proposed residential subdivision.*

Additional information was presented at the Council meeting regarding Landcorp (**Attachment 10.2**).

**29023** Moved Cr Morris sec Cr Townrow  
*That Council endorse not entering a partnership with Landcorp for the development of the proposed Carrington Way subdivision.*  
CARRIED 8/1

**29024** Moved Cr Townrow sec Cr Morris  
*That Council endorse staff to commence negotiations with Landcorp for the development of UCL Lots in Davies Street, Merredin.*  
CARRIED 8/1

**29025** Moved Cr Townrow sec Cr Morris  
*That Council endorse the immediate progression of Lot 1335 Whitfield Way as a proposed special rural residential subdivision."*  
CARRIED 9/0

Cr Astbury left the meeting at 2.15pm.

**29026** Moved Cr Townrow sec Cr Jones  
*That Council endorse calling for Expressions of Interest for both Lots 10 & 11 South Avenue Merredin.*  
CARRIED 5/3

Cr Astbury entered the meeting at 2.23pm.

**29027** Moved Cr Jones sec Cr Morley  
*That Council endorse progressing the Shire ownership of Reserve 17767 with the intention of a proposed residential subdivision.*  
CARRIED 9/0

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**10.3 LOT 25 GABO AVENUE, MERREDIN**

**Reporting Department:** Community Services  
**Reporting Officer:** Debbie Morris  
**Legislation:** Local Government Act 1995  
**File Number:** CUS/9/3 & P1546

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**Background**

Lot 25 Gabo Avenue has been owned by the Shire of Merredin since 8 July 1992.

In January 2000 the Shire received an expression of interest from Simmonds Food Corporation Pty Ltd to purchase Lot 25 Gabo Avenue and Lot 26 Insignia Way, with the intention of constructing a grain receival and storage facility.

A market appraisal of \$15,000 for Lot 25 Gabo Avenue (2.010 ha) and \$10,000 for Lot 26 Insignia Way (1.78 ha) was provided by Wesfarmers in 2000.

Council motions relating to Lot 25 Gabo Avenue, Merredin are as follows:

15<sup>th</sup> February 2000

CM Ref 25636

*“That Council offer Lots 25 & 26 Insignia Way, Merredin for sale by public tender in accordance with Section 3.58 of the Local Government Act 1995”.*

21<sup>st</sup> March 2000

CM Ref 25672

*“That Council accept the tender of \$50,000 from Simmonds Food Corporation for the sale of Lots 25 & 26 Insignia Way, Merredin and that the funds be directed to the Property Development Reserve Fund, subject to the payment of a 10% deposit by the 30<sup>th</sup> April 2000 and the setting of a firm settlement date.”*

16<sup>th</sup> November 2004

CM Ref 27726

*“That the Merredin Shire Council support the undertaking of negotiations between Council Representatives and CBH relating to the CBH Merredin receival point expansion on the following general basis;*

- 1. Support for development of a one way road via existing rail reserve.*
- 2. Preferred development of storage facilities to the North & West of existing CBH facilities.*
- 3. In principle support to the sale of Lot 19 Gabo Ave, 25 & 26 Insignia Way*
- 4. Appropriate consideration given to Environmental issues (i.e. Cohn Creek)*
- 5. The entry and exit points to the facility to be via Crooks Road*

19<sup>th</sup> July 2005

CM Ref 27997

*“(i) That the Committee recommend to Council that a meeting be arranged with the Minister for Planning and Infrastructure to discuss the delays caused by red tape relating to the land development by CBH in East Barrack Street.*

*“(ii) That at the Committee recommend to Council that a meeting be arranged with CBH to discuss the sale of lots 19, 25 Gabo Avenue and 26 Insignia Way.*

*“(iii) That the Committee recommend to Council to advise CBH that if they are interested in purchasing the adjoining block Lot 24 Crooks Road that they deal direct with Mr and Mrs Whitehead.”*

16<sup>th</sup> August 2005

CM Ref 28034

*“That the meeting move behind closed doors to discuss the matter of CBH land acquisition, in accordance with S 5.23 2 (c) and (e) of the Local Government Act, 1995”*

CM Ref 28035

*“That the meeting move out from behind closed doors.”*

CM Ref 28036

*“That Council offer to purchase Lot 24 Crooks Road, Merredin from B and K Whitehead for agreed price subject to Shire of Merredin receiving a signed agreement from CBH to purchase the agreed portion of Lot 24.”*

CM Ref 28037

*“That Council agree to sell Lots 19 and 21 Gabo Avenue and Lot 23 Bungulla Road, Merredin to CBH by private treaty at agreed market valuation plus costs.”*

CM Ref 28038

*“That should CBH agree to purchase portion of Lot 24 Crooks Road, Merredin then Council will process the sale by private treaty.”*

CBH have indicated they have no further interest in Lot 25 Gabo Avenue or Lot 26 Insignia Way, partially due to the Goldfields Water Supply pipeline passing through the two lots. Although the pipe is not above the ground, it still prohibits any permanent development where it is located. **Attachment 10.3A.**

The Shire received an application from Mr Doug Geier on the 25<sup>th</sup> June 2007 to purchase Lot 25 Gabo Avenue. The correspondence had no details of the purpose or intentions for the property. Staff made contact with Mr Geier, who indicated he would utilise the property for storing machines and trucks.

**Legal Implications**

Section 3.58 - Local Government Act 1995



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**Budget Implications**

Nil

**Comment**

Over a period of time, interest in Lot 25 Gabo Avenue, has been shown by various potential purchasers, including Simmonds Food Corporation Pty Ltd, CBH and Karni Engineering, who currently own Lot 17 and 500 (section of the former Lot 17) Gabo Avenue.

Although Mr Doug Geier has made application to purchase Lot 25 Gabo Road, a practical decision would be to offer the property for sale by Public Tender. This would enable any other prospective buyers to have the opportunity to express an interest in the property.

**Officer's Recommendation**

*That Council offer Lot 25 Gabo Road, Merredin for sale by public tender in accordance with Section 3.58 of the Local Government Act 1995.*

**29028**

Moved Cr Wallace sec Cr Astbury

***That Council offer Lot 25 Gabo Road, Merredin for sale by auction Shire owned blocks for sale in accordance with Section 3.58 of the Local Government Act 1995.***

**CARRIED 8/1**

Cr Marley left the meeting at 2.28pm.

Cr Marley entered the meeting at 2.29pm.

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**10.4 ADRIAN BURTON & CO TELEVISION SERVICE; AND SBS TELEVISION BROADCASTING TOWER**

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

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**Background**

Adrian Burton and Co Television Service is a Merredin based commercial organisation, involved with telecommunications

In June 2004, Adrian Burton wrote to the Shire requesting consideration be given to reimbursement of expenses for his services. The expenses had been incurred from July 2000 to June 2003, for the location and maintenance of the SBS transmitter at his business premises. Specifically, he cited power requirements, maintenance, use of tower, supply of antenna facilities and co-axial cable, as out of pocket expenses. Mr Burton suggested that financial arrangements with WIN might be a guide for suitable monetary reimbursement figures.

The SBS transmitter was housed at Adrian Burton and Co's business premises for a period of time because the Shire had received an SBS licence in early 1999; and subsequently purchased a transmitter for SBS television. It was anticipated that the service would be operational in July 1999, co-locating with WIN television's tower situated in Gamenya Avenue. However, WIN's agreement with Westrail did not permit a sub-letting arrangement.

In January 2000 funding opportunities for SBS television and radio became available. The then Shire CEO sought assistance from Adrian Burton to prepare the funding application and to identify suitable sites for a tower to collectively provide WIN, SBS and GWN services.

At the request of the Shire, Adrian Burton agreed to house the SBS transmitter at his business premises, whilst progress and negotiations occurred for the community to have a dedicated and permanent SBS services tower. It was anticipated that the arrangement would be short-term.

However, establishment of a suitable tower on Reserve 23739 (O'Connor Street) was not completed until November 2003. Television Black Spot Program Funding assisted the process.

In January 2004 a five year lease agreement with WIN was signed for the use of the tower on Reserve 23739. WIN had previously paid Westrail \$3000 per year for the site at Gamenya Avenue, plus electricity and an air conditioner. Adrian Burton suggested in February 2004 that the Shire could potentially institute a similar leasing fee arrangement, for access to the new SBS tower.

**MINUTES**

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In July 2004 Adrian Burton wrote to the Shire requesting consideration be given to reimbursement of expenses relating to the location and maintenance of the SBS tower from July 2000, until June 2003.

The Shire responded, stating that there was no record of a contractual agreement; and requesting that supporting documentation be furnished, to substantiate his claim. Adrian Burton's subsequent response conceded that no formal contract had been in place. Mr Burton elaborated that the service was originally installed following a verbal request from the then CEO. "It was anticipated that the service would only be for a few months until funds became available". Following provision of two years maintenance costs; and electricity costs for the duration of three years, Mr Burton stated that he had anticipated "...at least a note of appreciation; and an offer of a small ex-gratia payment" for his company's efforts.

Further correspondence between the Shire and Adrian Burton occurred. The final letter to Mr Burton reiterated that there was no evidence of an agreement, that the matter had been raised with Councillors, there was no support for his request and the matter was considered as having officially concluded. The correspondence also referred to the Shire having to spend \$2600.00 since June 2004, for repairs to the SBS housing in O'Connor Street, due to poor quality construction works originally undertaken.

Adrian Burton most recent claims stipulated specifically that the Shire had incurred a debt with his organisation. Mr Burton emphasised that re-broadcasting services cost approximately \$3000.00 per annum during the period that he provided services. He referred to ongoing service and equipment maintenance, as well as a professional television re-transmission antenna for the value of \$900.00. He stated that service contracts for television re-transmission usually cost approximately \$1000.00 per annum. He totalled the value of works as being in the order of \$13,500.

**Legal Implications**

Nil

**Budget Implications**

Funds to appease Adrian Burton and Co Television Service; and to restore good will might be deemed suitable on a once-off occasion.

There is \$2220.30 in an SBS television trust fund that was brought forward 1 July 1997.

**Comment**

Whilst Adrian Burton and Co Television Service was not legally obliged to provide SBS television transmission and maintenance services from their organisational premises, the commercial entity undertook the good will gesture for a long duration of time, almost three years whilst an alternative site was identified and suitably prepared.

Adrian Burton and Co Television Service bore financial costs that it would not have otherwise incurred. Furthermore, a verbal arrangement was in place between the then Shire of Merredin CEO and Adrian Burton for the research and development processes associated with grant funding applications, procurement of suitable transmission sites, as well as provision of equipment, labour and maintenance.

Mr Burton reasonably inferred that provision of services from his commercial premises would be for a short duration of time. Some financial restitution would be legitimate for expenses and maintenance of the SBS television transmission services.

Typical leasing arrangements for television transmission services cost approximately \$3000.00 per annum. Service contracts are in the vicinity of \$1000.00 per annum. If the Shire had paid for Mr Burton's services during the said period, they would have been \$12,000.00, plus sundry equipment and labour costs.

#### Officer's Recommendation

1. *That Council endorse preparation and distribution of a formal letter of correspondence acknowledging the contributions that Adrian Burton and Co Television Service made towards enabling and maintaining SBS television transmission services between 2000 and 2003; and apologising that the matter was not addressed swiftly when first raised;*
2. *That Council approve payment of a once-off figure for the amount of \$6,500 (approximately fifty per cent of costs incurred) for Adrian Burton and Co Television Service, as reimbursement for services during the period from 2000, until 2003.*

*(Absolute majority required)*

J Mitchell entered the meeting at 2.34pm.

Moved Cr Morris sec Cr Wallace

1. ***That Council endorse preparation and distribution of a formal letter of correspondence acknowledging the contributions that Adrian Burton and Co Television Service made towards enabling and maintaining SBS television transmission services between 2000 and 2003; and apologising that the matter was not addressed swiftly when first raised;***
2. ***That Council approve payment of a once-off figure for the amount of \$13,500 for Adrian Burton and Co Television Service, as reimbursement for services during the period from 2000, until 2003.***

5/4

**President ruled NOT AN ABSOLUTE MAJORITY**

**LOST 5/4**

**29029** Moved Cr Marley sec Cr Townrow

1. *That Council endorse preparation and distribution of a formal letter of correspondence acknowledging the contributions that Adrian Burton and Co Television Service made towards enabling and maintaining SBS television transmission services between 2000 and 2003; and apologising that the matter was not addressed swiftly when first raised;*
2. *That Council approve payment of a once-off figure for the amount of \$6,500 (approximately fifty per cent of costs incurred) for Adrian Burton and Co Television Service, as reimbursement for services during the period from 2000, until 2003.*

**CARRIED 7/2  
ABSOLUTE MAJORITY**

**Cr Morris voted against this motion.**

S Price left the meeting at 2.40pm.

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

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11.1 KAREN TIMBERLAKE & BRIAN WILLCOX – REQUEST TO ESTABLISH ANIMAL SHELTER, PTA LEASE 5300, PORTION LOT 1504 BARRACK ST, MERREDIN

**Reporting Department:** Development Services  
**Reporting Officer:** John Mitchell, Manager - Development Services  
**Legislation:** Shire of Merredin Town Planning Scheme No.1,  
Health Act 1911 - Health Local Laws 1999,  
PTA Lease5300  
**File Number:** CUS/9/3

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**Background**

A request to establish an Animal Shelter within Lot 1504 Barrack Street, Merredin has been received from Karen Timberlake and Brian Willcox. The correspondence is contained within **Attachment 11.1A**.

At the Ordinary Meeting of Council held on 19 June 2007 (**CMRef 28992**) Council resolved to renew Lease 5300 with the Public Transport Authority. The new lease documents are with the Manager of Development Services for consideration. Lot 1504 has multiple zonings including Light Industrial, Showroom and Recreation.

**Legal Implications**

The PTA Lease 5300 permits the use of the land for Clubhouse/community purposes. Mr Jim Mullins of Burgess Rawson has been contacted for clarification.

**Budget Implications**

There are no budget implications.

**Comment**

The use of the premises for an Animal Shelter is best defined within the Shire of Merredin Town Planning Scheme No. 1 as a Veterinary Hospital.

By definition the term means land or a building or buildings used for or in conjunction with the treatment of sick animals and includes the accommodation of such animals whether or not the buildings are used as a veterinary clinic.

The location is within the town planning scheme zones for “Showroom” or “Light Industrial”. I can be no more precise due to the location and old maps. A veterinary hospital is a permitted use within these zones. Pursuant to the scheme text a veterinary hospital does not have to engage a Veterinarian to operate.

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Ms Timberlake has advised in writing that the intent of the shelter is for native animals. **Attachment 11.1B.**

If Council is to approve the proposal it is suggested that the following conditions of operation should be considered: -

- the applicant is to obtain and provide copies to the Shire of Merredin of all necessary licences from the relevant government departments to shelter native animals;
- No domestic animals are allowed to be sheltered at the premises;
- Fences shall be erected around the property or areas where the animals will be housed sufficient to retain the animals.
- The premises are subject to the provisions of the Shire of Merredin Local Laws 12 – Health;
- The applicant shall submit plans and specifications to the Environmental Health Officer of the animal shelter showing how animals will be housed and the manner in which the animals will be cared for.
- The term of the lease, subject to Public Transport Authority approval, is for one year.
- The applicant shall indemnify the Shire of Merredin and the Public Transport Authority against any claim arising from the use of the land.

#### Officer's Recommendation

*That the applicants, Ms Karen Timberlake and Mr Brian Willcox make application for town planning consent to operate the Animal Shelter as a Veterinary Hospital on Lot 1504 Barrack Street, Merredin.*

*That subject to the approval of the Public Transport Authority, the applicant be granted a lease of a portion of Lot 1504, formally known as the Merredin Touring Club subject to the following conditions: -*

- *the applicant is to obtain and provide copies to the Shire of Merredin of all necessary licences from the relevant government departments to shelter native animals;*
- *No domestic animals are allowed to be sheltered at the premises;*
- *Fences shall be erected around the property or areas where the animals will be housed sufficient to retain the animals.*
- *The premises are subject to the provisions of the Shire of Merredin Local Laws 12 – Health;*
- *The applicant shall submit plans and specifications to the Environmental Health Officer of the animal shelter showing how animals will be housed and the manner in which the animals will be cared for.*
- *The term of the lease, subject to Public Transport Authority approval, is for one year.*
- *The applicant shall indemnify the Shire of Merredin and the Public Transport Authority against any claim arising from the use of the land.*

**29030**

Moved Cr Morris sec Cr Crees

*That the applicants, Ms Karen Timberlake and Mr Brian Willcox make application for town planning consent to operate the Animal Shelter as a Veterinary Hospital on Lot 1504 Barrack Street, Merredin.*

*That subject to the approval of the Public Transport Authority, the applicant be granted a lease of a portion of Lot 1504, formally known as the Merredin Touring Club subject to the following conditions: -*

- *the applicant is to obtain and provide copies to the Shire of Merredin of all necessary licences from the relevant government departments to shelter native animals;*
- *No domestic animals are allowed to be sheltered at the premises;*
- *Fences shall be erected around the property or areas where the animals will be housed sufficient to retain the animals.*
- *The premises are subject to the provisions of the Shire of Merredin Local Laws 12 – Health;*
- *The applicant shall submit plans and specifications to the Environmental Health Officer of the animal shelter showing how animals will be housed and the manner in which the animals will be cared for.*
- *The term of the lease, subject to Public Transport Authority approval, is for one year.*
- *The applicant shall indemnify the Shire of Merredin and the Public Transport Authority against any claim arising from the use of the land.*

**CARRIED 9/0**



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**11.2 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>	John Mitchell, Manager - Development Services
<b>Legislation:</b>	Health Act 1911 – 1979 as amended
<b>File Number:</b>	PH/9/Swimming pools

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**Background:**

At the May 2007 meeting Council considered a report from the Manager of Development Services (**CMRef 28917**) relating to the proposed Code of Practice for Management and Maintenance of Aquatic Facilities and resolved:

-

***That Council –***

- *advise the Department of Health of its objections to the Code of Practice for the Design, Construction, Operation, Management and Maintenance of Aquatic Facilities;*
- *refer the matter to WEROC and NEWROC*
- *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.*

The matter has been raised at the WE-ROC meeting held at Southern Cross and at Trayning.

**Legal Implications:**

The Code of Practice is to be supported by a new regulation that enacts the code of practice. Requests for copies of the regulations have been submitted to the Health Department.

**Budget Implications:**

The legislation is expected to add approximately \$10,000 to the operational costs of the Aquatic Centre.

**Comment:**

At the meeting held in Southern Cross the Health Department representative advised that normal duties associated with sole operated public pools, such as receipt of monies and the like, did not compromise supervision of the patrons.

Of concern is the wording of the code of practice which states that the supervisor shall have no other duties. It is considered that if an incident occurs the legal ramifications of the wording will result in local government being held accountable.

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Whilst the Shire of Merredin has not yet corresponded with the relevant Ministers, the WE-ROC meeting has resolved to raise the matter further with WALGA and the Minister. I am aware that the local Member of Parliament is aware of local government's concern with the proposed legislation and that WE-ROC and several local governments have requested copies of the proposed regulations that will enact the code of practice. The regulations should be subject to local government scrutiny before being presented to Parliament.

WE-ROC has now raised several other concerns with the proposed code of practice and WALGA and regional local government are meeting to further discuss these matters. The major issue now is that whilst the Department advises that other duties, pursuant to Section 7 of the Code, do not include the taking of monies and general kiosk duties, the legislation states there shall be no other duties and there will be ramifications should a coroners inquest be instigated.

The other impact to the Shire of Merredin is the operation of the slide. The Code of Practice requires that the entry and exit of the flume be supervised. A suggested method for supervision is the installation of a remote camera at the top of the slide. Correspondence has been sent to the Environmental Health Branch seeking clarification

A further implication of the Code of Practice is the requirement pursuant to section 5.5 which requires that a basic water quality level be maintained over the off season months to prevent the growth of algae and to ensure the bodies of water do not give off objectionable odours, become a breeding ground or create a nuisance. This adds substantially to the cost of operation. These costs have been budgeted for within the 2007/08 budget.

All of the issues raised within this report have been conveyed to WE-ROC.

Officer's Recommendation:

*That Council note the actions taken to date by the Administration in relation to the proposed Code of Practice for the design, construction and maintenance of aquatic facilities and seek continued support from the Local Member of Parliament to ensure that the introduction of the Code does not unjustifiably impact on Council's operation of the Shire of Merredin Memorial Swimming Pool.*

**29031**

Moved Cr Astbury sec Cr Wallace

***That Council note the actions taken to date by the Administration in relation to the proposed Code of Practice for the design, construction and maintenance of aquatic facilities and seek continued support from the Local Member of Parliament to ensure that the introduction of the Code does not unjustifiably impact on Council's operation of the Shire of Merredin Memorial Swimming Pool.***

**CARRIED 9/0**

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**11.3 CHANDLER ROAD LANDFILL SITE – LETTER OF WARNING –  
NON COMPLIANCE – ENVIRONMENTAL PROTECTION ACT 1986**

**Reporting Department:** Development Services  
**Reporting Officer:** John Mitchell, Manager - Development Services  
**Legislation:** Environmental Protection Act 1986,  
Environmental Protection (Rural Landfills)  
Regulations 2002  
**File Number:** GR/17/1

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**Background**

During the week commencing 28 May 2007 the Department of Environment and Conservation conducted an audit of the Chandler Road Sanitary Landfill Site.

As a result of the inspection Council has been issued a legal warning for non compliance with the Environmental Protection (Rural Landfill) Regulations 2002 for storing materials within 35m of the boundary of the site. The Department correspondence is contained in **Attachment 11.3A**.

In addition the Department advised that stockpiles of reclaimed materials exceeding two metres in height must be removed. There are three stockpiles.

**Legal Implications**

The Shire of Merredin is in breach of Regulation 9(a) of the Rural Landfill Regulations which states; -

9. Separation of waste from water and site boundary  
Unless otherwise approved in writing, the occupier of a landfill site must ensure that there is no waste within —

- (a) 35 metres from the fence surrounding the site;
- (b) 100 metres of any surface water body at the site; or
- (c) 3 metres of the highest level of the water table aquifer at the site.

Penalty: \$5 000.

**Budget Implications**

Budget provision has been made for the following: -

- 1. Burial of all stockpiles of waste onsite except for the waste metal;
- 2. Replacement of the boundary fence – already completed.
- 3. Additional signage for the waste asbestos and clinical waste disposal points.
- 4. Removal of the tyre stockpile.

**Comment**

The three stockpiles are: -

1. Scrap metal – Sims have been contacted to remove the stockpile onsite.
2. Plastic recyclables – the waste has been budgeted for burial. To remove the waste is a cost to Council. Recycling contractors in the metropolitan area will take the waste at no cost only. The administration is reviewing potential recycling markets for the plastics at no cost to Council.
3. Timber products – only green-waste can be burnt onsite. The timber products are considered potential pollutants and cannot be burnt. Allowance has been made in the budget to bury the timber waste products.

There is also an accumulation of disused tyres that must be removed.

In addition the boundary fences were in disrepair and were budgeted for replacement within the 200/08 budget. As a result of the inspection by the Department the Manager, Development Services arranged for the replacement of the fence.

The Administration has written seeking a reduction in boundary clearances for the storage of reclaimed materials.

**Officer's Recommendation**

*That Council note the letter of warning from the Department of Environment and Conservation regarding the inspection of the Chandler Road Landfill Site and the actions of the Administration to rectify the matters raised.*

**29032**

Moved Cr Wallace sec Cr Crees

*That Council note the letter of warning from the Department of Environment and Conservation regarding the inspection of the Chandler Road Landfill Site and the actions of the Administration to rectify the matters raised.*

**CARRIED 9/0**

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Cr Morley declared an Impartiality Interest in Item 11.4

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**11.4 LIONS CLUB OF MERREDIN – REQUEST FOR FUNDING OF RECYCLING ACTIVITIES**

**Reporting Department:** Development Services  
**Reporting Officer:** John Mitchell, Manager - Development Services  
**Legislation:** Environmental Protection Act 1986, Health Act 1911  
**File Number:** WM/16/3

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**Background:**

The Lions Club of Merredin has corresponded requesting Council consideration of the engagement of a Shire Employee (**Attachment 11.4A**) to assist with recycling activities. In addition the Club is requesting that Council provide additional funding for the construction of recycling cages (**Attachment 11.4B**).

Costings for the materials for the cages is contained in **Attachment 11.4C**. Material costs are \$1936.92. Funds from the Waste Management Strategy can be used for this purpose.

**Legal Implications:**

The Department of Environment (DOE) has introduced the Zero Waste Plans (ZWP) which will require that all local governments commence addressing waste minimization activities. The intent of ZWP is to restrict waste disposal and introduce recycling activities that benefit the environment. By 2020 it is proposed that no waste be buried. Each Council is required by the 30 July 2007 to have prepared stage one documentation for a grant to prepare the ZWP Plan.

At this time the Shire of Merredin has not fully considered the best approach to commence recycling activities as required by the Zero Waste Plan. Council has registered to attend the Waste Management Conference to be held in September 2007.

Recycling activities are controlled by the Department and advice received from the DOE suggests that the sites should be licenced if they receive more than 500 tonnes in one year or stock piles exceed 2m in height.

**Budget Implications:**

No budget provision has been made for the employment of an additional person at the Landfill Site or to commence recycling activities within the town.

The funds for the purchase of materials for the cages can be obtained from the Waste Management Strategy reserve.

**Comment:**

Council is currently considering the application to establish a privately operated recycling depot at Lot 59 Railway Parade, Merredin. The operations proposed by the Lions Club and the private venture are in direct competition.

To date (9 July 2007) no negative comment has been received regarding the establishment of the recycling depot at Railway Parade.

In considering funding the engagement of a full time employee to commence recycling activities Council may need to address: -

1. Funding for the position – funds are available from the Waste Management Strategy Reserve. In addition the position will require a vehicle for collection purposes.
2. Is there sufficient work for the full time position? Should the position support the Lions Club recycling activities or assist all recycling activities within the Shire.
3. Is the engagement of an employee the best approach to addressing recycling requirements?
4. Who will receive the funds raised from the recycling activities? Sims Metals currently recycles waste metal from the landfill site and the income from this activity is approximately \$20,000 - \$30,000 per annum.
5. Does Council seek to support the private venture into recycling?
6. Can the Lions Club maintain the enthusiasm for recycling over a long period of time?
7. Market sustainability!

At the Business and Community Development Committee Meeting held on 2<sup>nd</sup> May 2007, the previous Manager presented a review of waste management options and operations. The Committee sought from Council a recommendation to commence a fortnightly household recycling collection. Full costings and further information relating to that meeting are contained in **(Attachment 11.4D)**.

Alternatives at this time could include the placement of crushers/compactors at high volume producers of waste recyclable products and the introduction of a bulk refuse recycling collection. A further example is the placement of recycling bins throughout the community or to individual premises. Metropolitan Councils are considering the introduction of scales whereby the normal 240l bin waste is charged and the second 120l bin containing recycling products is not charged.

A further alternative is to consider part time employment to collect recycling products on set days of the week.

At this time it may be appropriate for Council to attend the Waste Conference and consider a strategy for recycling activities based on advice received from the conference and implemented schemes already tried and true.

In addition the Department is requiring that local governments prepare Zero Waste Management plans which will assist the Council prepare a recycling strategy that maximises recycling activities within the town of Merredin. The engagement of employees to commence recycling operations should then be considered within the proposed Zero Waste plans to be implemented.

Officer's Recommendation:

1. *That \$2,000 is allocated from the Waste Management Strategy Reserve in the 2007/2008 budget to assist the Lions Club for construction of recycling cages.*

*(Absolute majority required).*

2. *That the Lions Club of Merredin be advised that:*
  - i. *Funds to the value of up to \$2,000 to erect the recycling cages will be made available from the Waste management Strategy reserve.*
  - ii. *That the Shire of Merredin will consider the employment of staff for recycling activities once the formulation of a Zero Waste Management Plan as required by the Department of Environment is completed.*

**29033**

Moved Cr Jones sec Cr Townrow

1. ***That up to \$2,000 is allocated from the Waste Management Strategy Reserve in the 2007/2008 budget to assist the Lions Club for construction of recycling cages.***
2. ***That the Lions Club of Merredin be advised that:***
  - i. ***Funds up to the value of \$2,000 to erect the recycling cages will be made available from the Waste management Strategy reserve.***
  - ii. ***That the Shire of Merredin will consider the employment of staff for recycling activities once the formulation of a Zero Waste Management Plan as required by the Department of Environment is completed.***

**CARRIED 9/0  
ABSOLUTE MAJORITY**

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**11.5 WESTERN AUSTRALIAN PLANNING COMMISSION REF 135035,  
SUBDIVISION LOT 1 NAREMBEEN ROAD, MERREDIN**

<b>Reporting Department:</b>	Development Services
<b>Reporting Officer:</b>	John Mitchell, Manager - Development Services
<b>Legislation:</b>	Planning and Development Act 1005, Shire of Merredin Town Planning Scheme No.1, State Planning Policies 2.5 & 3.4
<b>File Number:</b>	P7015

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**Background**

An application for subdivision of Lot 1 Narembreen Road, Merredin on behalf of the Bartlett family (**Attachment 11.5A**) has been received from the Western Australian Planning Commission.

The Commission is seeking Council comment prior to considering the application.

Lot 1 Narembreen Road is not within the town boundaries of Merredin.

**Legal Implications**

The land is currently zoned general farming pursuant to the Shire of Merredin Town Planning Scheme No.1.

State Planning Policy 2.5 (SPP2.5) – Agricultural and Rural Land Use Planning does not support the rezoning or subdivision unless consideration is given to both onsite and offsite impacts in accordance with clause 5.2.3 which requires that the application contain information identifying: -

- a) environmental values and any environmental risks;
- b) the potential for land use conflict;
- c) the potential impacts and restrictions on allowed uses on adjacent or nearby locations; and
- d) the separation distances and/or buffers relating to a potentially incompatible land use which need to be provided on-site and the appropriate conditions relating to subdivision and development.

The proposed use within the 2007 local planning strategy is to convert the land to rural residential, which implies pursuant to clause 5.3.2 of SPP2.5 that the lot sizes should range from 1ha to 4ha.

**Budget Implications**

There are no budget implications at this time. Should the subdivision application be approved Council will receive rates for four properties.



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**Comment**

A Local Planning Strategy was endorsed by Council at the Ordinary meeting held on 20 March 2007 (**CMRef 28839**). The strategy addressed within section 4.2.1 the issues contained within SPP2.5 and concluded that the Shire of Merredin remains open to subdivision or intensification of land holdings in the general farming area, however when assessing such proposals shall have regard to:

- a decline in the population in the general farming area with a trend towards bigger farms for economies of scale;
- Retention of viable parcels of land for broad acre farming and other general farming activities;
- Existing services within the general farming area;
- Demonstrated demand for smaller rural lot development within the general farming area; and
- Availability of adequate residential and existing rural residential land in and near the Merredin town-site to accommodate persons seeking to locate or relocate in the Shire on non farming properties.

In 2001 community town planning workshops identified rural residential land as a priority.

The land is adjacent to the town boundaries.

Council has approved of the placement of two residences for the owner(s) of the property at the Ordinary meeting of Council held in May 2007.

In consideration of the application: -

1. the land is proposed to be rezoned to rural residential as identified within the local planning strategy 2007 and in keeping with the community workshops of 2001 which identified land adjacent to the town boundaries as a priority land development for rural residential lifestyles;
2. The land is adjacent to the townsite of Merredin and in accordance with SPP2.5 has been assessed against the criteria for redevelopment as minimal impact.
3. Council's proposed lot sizes; in accordance with the 2007 local planning strategy is a minimum of 2ha. The proposed lot sizes - 5.606ha. WAPC Policy advises maximum sizes should be 4ha. Considering soil conditions (gravely clay) for the Shire of Merredin a larger lot will assist with absorption for waste disposal through leach drains.
4. The lots are outside of normal refuse collection contracts with Avon Waste and the owners should satisfy the Environmental Health Officer that suitable arrangements for household waste disposal have been made with the Shire of Merredin or its contractor.

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**Officer's Recommendation**

*That the Shire of Merredin advise the Western Australian Planning Commission that application 135035, Lot 1 Naremben Road, Merredin is supported for the following reasons and with point four as a condition suggested if the application is approved: -*

1. *The land is proposed to be rezoned to rural residential as identified within the local planning strategy 2007 and in keeping with the community workshops of 2001 which identified land adjacent to the town boundaries as a priority land development for rural residential lifestyles;*
2. *The land is adjacent to the townsite of Merredin and in accordance with SPP2.5 has been assessed against the criteria for redevelopment as minimal impact.*
3. *Council's proposed lot sizes; in accordance with the 2007 local planning strategy is a minimum of 2ha. The proposed lot size - 5.606ha. WAPC Policy advises maximum sizes should be 4ha. Considering soil conditions (gravely clay) for the Shire of Merredin a larger lot will assist with absorption for waste disposal through leach drains.*
4. *The lots are outside of normal refuse collection contracts with Avon Waste and the owners should satisfy the Environmental Health Officer that suitable arrangements for household waste disposal have been made with the Shire of Merredin or its contractor.*

**29034**

Moved Cr Townrow sec Cr Morris

*That the Shire of Merredin advise the Western Australian Planning Commission that application 135035, Lot 1 Naremben Road, Merredin is supported for the following reasons and with point four as a condition suggested if the application is approved: -*

1. *The land is proposed to be rezoned to rural residential as identified within the local planning strategy 2007 and in keeping with the community workshops of 2001 which identified land adjacent to the town boundaries as a priority land development for rural residential lifestyles;*
2. *The land is adjacent to the townsite of Merredin and in accordance with SPP2.5 has been assessed against the criteria for redevelopment as minimal impact.*
3. *Council's proposed lot sizes; in accordance with the 2007 local planning strategy is a minimum of 2ha. The proposed lot size - 5.606ha. WAPC Policy advises maximum sizes should be 4ha. Considering soil conditions (gravely clay) for the Shire of Merredin a larger lot will assist with absorption for waste disposal through leach drains.*
4. *The lots are outside of normal refuse collection contracts with Avon Waste and the owners should satisfy the Environmental Health Officer that suitable arrangements for household waste disposal have been made with the Shire of Merredin or its contractor.*

**CARRIED 9/0**

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**11.6 WESTERN AUSTRALIAN PLANNING COMMISSION -  
SUBDIVISION LOT 516 MACDONALD STREET, MERREDIN -****COMMENTS**

**Reporting Department:** Development Services  
**Reporting Officer:** John Mitchell, Manager - Development Services  
**Legislation:** Town Planning & Development Act 2005,  
**File Number:** P2462

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**Background**

The Western Australian Planning Commission has corresponded (**Attachment 11.6A**) seeking comment from the Shire of Merredin regarding the proposal.

Lot 516 MacDonald St, Merredin is zoned single residential with a R12.5 coding.

**Legal Implications**

The provisions of the Shire of Merredin Town Planning Scheme No.1 are applicable. The application is in keeping with the requirements of the scheme.

**Budget Implications**

There are no budget implications. Development of this type will result in additional rates being levied for the provision of services to the lots.

**Comment**

The applicant seeks to create four lots from the existing lot with areas of 1038m<sup>2</sup> and three x 1041m<sup>2</sup>. The lot sizes are in keeping with the amenity of the area. The scheme map overlay for development of the area suggests a development of this type.

The lots will require the provision of sewer which is within 91 metres of the site. Section 82 of the Health Act 1911 – 1979 as amended permits the local government to require connection.

The owners of the lots are still required by the provisions of the Health Act 1911 – 1979, and the Building Regulations 1989 to submit plans for local government consideration of any development proposed for the lots.

**Officer's Recommendation:**

*That the Western Australian Planning Commission (ref 135223) be advised that the Shire of Merredin supports the subdivision of lot 516 MacDonald Street, Merredin into four lots of sizes 1041m<sup>2</sup> and 1038m<sup>2</sup> providing the lots are connected to sewer.*

**29035**

Moved Cr Morris sec Cr Townrow

*That the Western Australian Planning Commission (ref 135223) be advised that the Shire of Merredin supports the subdivision of lot 516 MacDonald Street, Merredin into four lots of sizes 1041m<sup>2</sup> and 1038m<sup>2</sup> providing the lots are connected to sewer.*

**CARRIED 9/0**

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Cr Marley declared a Financial Interest in Item 11.7 and left the meeting at 2.55pm.

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**11.7 APPLICATION FOR PLANNING CONSENT – SETBACK LOT NO 1414, HOUSE NO. 6 ELLIS ROAD, MERREDIN**

**Reporting Department:** Development Services  
**Reporting Officer:** John Mitchell, Manager - Development Services  
**Legislation:** Town Planning Scheme No.1, Residential Design Codes  
**File Number:** P1184

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**Background**

An application (PA12/07) (**Attachment 11.7A**) to establish a veranda and portion of a carport within the front setback area has been received from Ms BA Low of Lot 1414, House No.6 Ellis Road, Merredin.

Lot 1414, House No.6 Ellis Road is zoned single residential in accordance with the Shire of Merredin Town Planning Scheme No. 1.

**Legal Implications**

The provisions of the Residential Design Codes (RDC), Clause 3.2.1 are applicable. The provisions of the Shire of Merredin Town Planning Scheme No.1, Zoning and Development Table – Single Residential are applicable.

The Scheme requires a 7.5m front setback. The average setback within Ellis Street is 6.4m. There is no rear lane access to the properties.

**Budget Implications**

There are no budget implications.

**Comment**

Clause 3.2.1 of the RDC permits the development with the approval of the local government providing the following criteria are met: -

- corresponding to the average of the setback of existing dwellings on each side fronting the same street; or in accordance with figure one, reduced by up to 50% provided that the area of any building including a carport or garage, intruding into the setback area is compensated for by at least an equal area of contiguous open space between the setback line and a line drawn parallel to it twice the setback distance; or
- a grouped dwelling...
- a single house...
- a single house or grouped dwelling has its main frontage to a communal street, right of way or shared pedestrian or vehicle accessway, the street setback may be reduced to 2.5m, or 1.5m to a porch, veranda, balcony or the equivalent.

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Area one on the proposed development is 40.05m<sup>2</sup>. Area two is 41.6m<sup>2</sup>. The dwelling is in reasonable condition and the inclusion of a veranda and carport would further improve the appearance of the property.

Photographs of the property append. It is believed the construction of a veranda would not detract from the amenity of the area. Further the RDC's permit the installation of open structures of this type within the setback areas.

Application fees have not been paid. The applicant has been requested to complete an application form.

A condition of approval is that the open space (area 2) behind the setback line must be maintained clear and unimproved as compensation for the encroachment into the front setback area.

Officer's Recommendation

*That application PA12/07 to construct a veranda and carport on a setback of 4.2m to the Dwelling on Lot 1414, House No.6 Ellis Road, Merredin be approved subject to the offset area (west side of dwelling) as marked in red on the approved plans is maintained as clear open space.*

**29036**

Moved Cr Townrow sec Cr Morris

*That application PA12/07 to construct a veranda and carport on a setback of 4.2m to the Dwelling on Lot 1414, House No.6 Ellis Road, Merredin be approved subject to the offset area (west side of dwelling) as marked in red on the approved plans is maintained as clear open space.*

**CARRIED 8/0**

Cr Marley entered the meeting at 2.56pm.

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**11.8 WESTERN AUSTRALIAN PLANNING COMMISSION –  
CONDITIONAL SUBDIVISIONAL APPROVAL – LOTS 1503, 1504  
BARRACK ST, MERREDIN**

**Reporting Department:** Development Services  
**Reporting Officer:** John Mitchell, Manager - Development Services  
**Legislation:** Planning & Development Act 2005  
**File Number:**

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**Background:**

Council has received correspondence from the West Australian Planning Commission (WAPC) who have received an application from Gray and Lewis Land Use Planners (“the applicant”) on behalf of the Public Transport Authority of Western Australia (PTA) and Department of Planning and Infrastructure (“the owner”) for the subdivision of Reserve 10359, Todd Street, Merredin (“the property”). WAPC have advised (**Attachment 11.8A**) of a conditional approval of the subdivision of the lots into six lots.

Reserve 10359 is a railway reserve, consisting of two lots, Lot 1503 and 1504 Todd St, Merredin. The reserve is located in the Merredin town site on the north side of Great Eastern Highway. The site plan which accompanied the application can be seen as **Attachment 11.8B**.

The Shire has been negotiating with the PTA (which is seeking to rationalise its landholdings) over the past three/four years concerning the freehold purchase of portions of this Reserve.

A report commissioned by the PTA from ATA Environmental, Environmental Scientists, in July 2006 indicates that certain sections of Lot 1504 on Reserve 10359, in particular the southern section of proposed Lot 2, is contaminated with lead and asbestos.

At the 19 December 2006 meeting Council resolved: -

*CM 28733 - That Council advise the Western Australian Planning Commission that it supports the proposed subdivision of Lots 1504 and 1503 on Reserve 10359 to create six separate lots in accordance with WAPC Application No. 132934 submitted by Gray and Lewis on behalf of Department of Planning and Infrastructure and the Public Transport Authority of WA, subject to the following conditions –*

- 1. The existing west (Barrack St) railway crossing, west of Apex Park, being formalised via the creation of a road reserve through proposed Lot 6;*
- 2. The road separating proposed Lots 1 and 2 identified as Duff Street being properly identified as Mary Street, Merredin.*

3. *The Department of Environment and Conservation being advised that Lot 1504 of Reserve 10359 is a suspected contaminated site in accordance with the Contaminated Sites Act 2003*

The conditions of approval relevant to the local government are: -

- 9) The existing west (Barrack Street) railway crossing, west of Apex Park, being formalised by the creation of a road reserve.
- 10) The road separating proposed lots 1 and 2 identified as Duff Street being properly identified as Mary Street.

The Commission has provided the following Advice relevant to the subdivision:

Lots 4 and 5 will need to be zoned and reserved appropriately prior to the Commission's endorsement of a Deposited Plan.

In other words, the subdivision cannot proceed until the Commission is satisfied that the land is appropriately zoned in the Shire's Town Planning Scheme

This position is expanded by the Commission in the following Advice to local government) -

*Lots 4 and 5 should be rezoned to reflect the intent and development of the land. Otherwise, the lots will be dual zoned which will create difficulty in determining the relevant development requirements for any future development applications.*

It is understood that the Commission requires that:

- o Lot 4 which is partly Light Industry Zone and Local Reserve for Recreation is to be wholly within the Light Industry Zone; and
- o Lot 5 which is partly Local Reserve for Recreation and Local Reserve for Public Utility is to be wholly within Local Reserve for Public Utility.

**Legal Implications:**

Council is required to administer and abide by the following town planning legislation: *Planning and Development Act 2005* and the *Town Planning Regulations 1967*.

In 2004 Council initiated an amendment to the Shire of Merredin Town Planning Scheme No.1 to facilitate appropriate land use and settlement pattern for landholdings east of Merredin town centre. The amendment was adopted by Council and subsequently submitted to the WAPC.



**MINUTES**

Advice received on 8 May 2007 from the WAPC is that the Commission will not approve the subdivision contrary to the current zoning of the land. It is understood that the concerns mostly relate to classification in the Scheme of Local Reserves. Whilst Council is interested in the purchase of new lots 1 and 2 the Commission only considers subdivisions as an entirety.

Quotations to address the required amendments are being sought. David Gray, representing PTA has advised of costs of \$2,500 + advertising (newspapers and Government Gazette) and any Shire costs.

**Budget Implications:**

The required amendment is expected to cost \$2,500 and take at least 12 months to resolve.

**Comment:**

It is proposed to subdivide the Reserve into six separate lots. These are identified on the attachments.

New Lots 1 and 2 are proposed to be purchased freehold by the Shire of Merredin.

Lot 1 is occupied by the business Cliff Haines Tyres, though the new lot does not incorporate the former Westfuel depot and service station.

Lot 2 is occupied by the below referenced businesses/buildings which can be seen on the attachments.

1. Merredin Outdoor World;
2. the Lions Club of Merredin Recycling Depot, overnight shelter and Churches Fraternal storage shed;
3. former railways workshop;
4. former 510 Cadet Unit buildings;
5. former motorcycle club clubrooms (potential site for native animal care facility).

The new Lot 2 covers the area re-zoned in accordance with Shire of Merredin Town Planning Scheme No.1 amendment number two. New Lot 3 will be transferred to the Shire of Merredin as a reserve for "Recreation and Community Uses". New Lot 4, the site previously occupied by Westrac, is to be sold freehold to the lessee. New Lots 5 and 6 are to remain as Railway Reserve under the management of the Public Transport Authority. It is noted that the former Westfuel depot and service station is proposed to remain within new Lot 6.

Condition 9 of the approval will require the involvement of the Public Transport Authority and WestNet Rail and will be a time consuming process. If the excision is approved the survey will be included within the Crown land survey instructions for the whole subdivision.

The Amendment as required by the Commission is considered to be critical to minimise further delays in the resolution of subdivision and land matters including the Shire's acquisition of land.

The amendment to the newly created lot 4 is required as there is a dual zoning applicable. Whilst TPS1 amendment 2 proposed new zonings to the lot 4 the zoning does not apply to the entire new lot created. As the lot is to be sold to Westrac the dual zoning may cause issues with future planning proposals.

New Lot 5 has dual zoning of recreation and public utility.

Discussions with Mr David Gray of Gray & Lewis Land Use Planners on 11 July 2007 determined that the Officer of the WAPC believes the advice to local government may not have been required and is currently researching whether the State Planning Commission required the amendment.

In order to ensure that sale of the lots to the Shire of Merredin and private persons progresses as quickly as possible (if the amendment is required), this agenda item has been prepared.

The issue of shared payment of preparation of the requested amendment is a further question. The matter has been raised with the PTA and Mr David Grey. An answer cannot be provided as the Officer; Mr Russell Wellington of PTA is on annual leave till the end of July 2007. As Council is paying full commercial rates for the land there is an avenue for PTA to pay for the amendment.

Accordingly the recommendation is written to permit the Administration or PTA to initiate an amendment for Council consideration.

Officer's Recommendation:

1. That the Council resolves under section 75 of the Planning and Development Act 2005 to permit an amendment to Town Planning Scheme 1, to rezone portions of Lots 1503 and 1504 Barrack Street, Merredin as required by the Western Australian Planning Commission under subdivision application 132934 to remove dual zonings on newly created lots 4 and 5.
2. *That the draft amendment to rezone portion of Lot 1504 Barrack Street, Merredin be presented to Council for consideration.*

**29037**

Moved Cr Townrow sec Cr Morley

1. **That the Council resolves under section 75 of the Planning and Development Act 2005 to permit an amendment to Town Planning Scheme 1, to rezone portions of Lots 1503 and 1504 Barrack Street, Merredin as required by the Western Australian Planning Commission under subdivision application 132934 to remove dual zonings on newly created lots 4 and 5.**
2. ***That the draft amendment to rezone portion of Lot 1504 Barrack Street, Merredin be presented to Council for consideration.***

**CARRIED 9/0**

**11.9 BUILDING STATISTICS REPORT**

**Reporting Department:** Development Services  
**Reporting Officer:** John Mitchell, Manager of Development Services  
**Legislation:** Building Regulations 1989,  
Building Code of Australia 2006  
**File Number:**

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Nil Report.

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The following late items were brought forward due to the presence of Mr J Mitchell, Manager of Development Services.

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**16.1 APPLICATION FOR PLANNING CONSENT – BED & BREAKFAST ACCOMMODATION – LOT 203, NO 39 DUFF STREET, MERREDIN, B & R McNABB**

<b>Reporting Department:</b>	Development Services
<b>Reporting Officer:</b>	John Mitchell, Manager of Development Services
<b>Legislation:</b>	Shire of Merredin Town Planning Scheme No.1, Town Planning and Development Act 2005, Building Code of Australia 2007, Health Act 1911 – 1979 as amended, Shire of Merredin Local Law 12 - Health
<b>File Number:</b>	P/1120

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**Background:**

An application (PA09/07) has been submitted by Brett Maxwell & Rhonda Pat McNabb (the applicant) to operate a bed and breakfast establishment at Lot 203, No 39 Duff Street Merredin (the property).

Previous use of the property was as a dwelling/residence.

**Attachment 16.1A** is a submission from the applicant detailing their proposal.

The applicant proposes to provide accommodation for up to four persons.

The property is served by Water Corporation sewer mains and all other relevant utilities.

**Legal Implications:**

The property is zoned “Residential” in accordance with the Shire of Merredin Town Planning Scheme No.1.

A bed and breakfast establishment is a use that is not listed in the “Residential 1 – Single Residential” zone.

Council has assigned a use symbol to bed and breakfast establishments, in accordance with the Scheme. CM 28840 provides that the use within the “Residential 1 - Single Residential” is an “AP” use.

Clause 6.2.2 of the Scheme details the manner in which an application for planning consent is required to be advertised. These provisions have been complied with.

**MINUTES**

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A bed and breakfast establishment which accommodates less than 12 persons is classed as a Class 1(b) building in accordance with the Building Code of Australia 2007. Specific safety requirements are imposed under the Building Code of Australia 2007 relating to hard wired smoke detectors and emergency lighting. The application is to accommodate up to four persons. The B&B if approved will not be licenced as a lodging house pursuant to the Health Act 1911 – 1979 as by definition the term lodging house applies when more than 6 persons are to be accommodated.

Any accommodation business will be the subject of routine inspections and compliance with the Health Act 1911 and associated regulations.

**Budget Implications:**

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

The relevant fee applicable to this application for planning consent is \$230.00 which has not been paid by the applicant.

**Comment:**

The application was advertised within the Merredin Mercury on 16 May 2007. Correspondence was sent to the neighbours – Alford, Stirrat & Burton. Mr Alford responded advising that they liked a good laugh every day, that he had not made any application for a B&B and that the property was not his! No other comments or submissions were received. The submission period closed on 8 June 2007.

The application is to accommodate up to four persons at any one time. The potential impact to the amenity of the residential zone is: -

- 1) Two – four additional persons;
- 2) 1 – 2 additional vehicles.

It is the opinion of the Manager, Development Services that the use is compatible with the residential use. The accommodation space is limited and car parking spaces can be provided within the premises. Two parking spaces are considered sufficient for this development.

**Officer's Recommendation:**

That Council note the advertising of the Town Planning application to establish a proposed Bed and Breakfast on Lot 203, No. 39 Duff Street, Merredin and that no comments were received.

That Council grant town planning consent to Brett and Rhonda McNabb to establish a bed and breakfast accommodation facility on lot 203, No.39 Duff Street, Merredin with the following condition: -

- 1) Provide two car parking bays within the development

**29038**

Moved Cr Morris sec Cr Morley

*That Council note the advertising of the Town Planning application to establish a proposed Bed and Breakfast on Lot 203, No. 39 Duff Street, Merredin and that no comments were received.*

*That Council grant town planning consent to Brett and Rhonda McNabb to establish a bed and breakfast accommodation facility on lot 203, No.39 Duff Street, Merredin with the following condition: -*

*1) Provide two car parking bays within the development.*

**CARRIED 9/0**

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**16.2 MUNTADGIN COMMUNITY RECREATION CENTRE – REQUEST FOR SUPPORT – PROPOSED EXTENSIONS**

**Reporting Department:** Development Services  
**Reporting Officer:** John Mitchell, Manager of Development Services  
**Legislation:** Building Code of Australia 2007, Health Act 1911, Health (Public Buildings) Regulations 1991  
**File Number:**

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**Background:**

Mrs Nadia Wanless, Secretary, Muntadgin progress Association has corresponded (Attachment 16.2A) seeking support from Council for the proposed extensions to the Muntadgin Community Recreation Centre.

**Legal Implications:**

Reserve 38225 is vested in the Shire of Merredin. A photograph of the reserve showing the buildings is contained in Attachment 16.2B.

The application when submitted for a building licence will require input from Fire and Emergency Services.

**Budget Implications:**

The Muntadgin Progress Association is not seeking funding from Council for the extensions.

The Muntadgin Progress Association is requesting additional annual funds from Council as the costs to maintain the building are increasing. The Association is seeking a contribution from Council of \$10,000 per annum.

**Comment:**

The Association seeks to add a storage room to the north side of the building with entry through the hall proper. The extensions are proposed in steel framed with colorbond sheeting. I would recommend that the minimum pitch be increased to avoid backflow in strong winds through the flashing.

The extensions would be classed as a 9b as a plant room, machinery room, lift room or the like must have the same classification as the mains structure.

**Officer's Recommendation:**

*That the Shire of Merredin advise the Muntadgin Progress Association that the proposed extensions to the Muntadgin Community Recreation Centre, lot 66, Reserve 38335 Wogarl Muntadgin Rd, comprising a large storage room are supported.*



**29039**

Moved Cr Crees sec Cr Morris

*That the Shire of Merredin advise the Muntadgin Progress Association that the proposed extensions to the Muntadgin Community Recreation Centre, lot 66, Reserve 38335 Wogarl Muntadgin Rd, comprising a large storage room are supported.*

**CARRIED 8/1**

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**16.3 APPLICATION FOR PLANNING CONSENT – LIQUID FERTILISER RECEIVAL – LOT 1 GOLDFIELDS ROAD, MERREDIN.**

<b>Reporting Department:</b>	Development Services
<b>Reporting Officer:</b>	John Mitchell, Manager of Development Services
<b>Legislation:</b>	Planning & Development Act 2005, Shire of Merredin Town Planning Scheme No.1
<b>File Number:</b>	P/3284

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**Background:**

Council has received an application for the establishment of a liquid fertiliser receival, storage and despatch facility from Mr Dale Hewson on behalf of CSBP Limited on Lot 1 Goldfields Road, Merredin. The tanks have been established onsite and CSBP are seeking retrospective approval.

I do not believe there was any intent to avoid the requirements of the Shire of Merredin.

Information supporting the application appends as Attachment 16.3A.

As the application has been received after establishment the matter is referred to Council for approval.

**Legal Implications:**

Lot 1 Goldfields Road is zoned “general industry” in accordance with the Shire of Merredin Town Planning Scheme No.1.

The Scheme text does not specifically list the proposed use of the land. The most appropriate use classification is as “general industry” which is defined as “any industry other than a hazardous industry, light industry, a noxious industry, and extractive industry, a rural industry or a service industry. This use is a “P” (permitted) use within the scheme text.

General industry requires buffer zones as defined within the EPA Guidance Note No.3 separation distances between industry and sensitive land uses. Fertiliser plants require separation of between 300m and 1000m dependent on the types of chemicals stored.

The location of the tanks is approximately 350m from the boundary of the property.

**Budget Implications:**

The value of the project is \$245,000. Application fees have not been paid, however Mr Hewson confirms that the required fees of \$563.50 will be paid.

**Comment:**

The development proposal is in two stages. Stage one is the installation of 10 x 63Kl fibreglass tanks within a polyethylene lined earth bund of 110% volume. A second stage may occur in the future taking the total tank capacity to 25 tanks.

All despatch product is handled through a loading platform arrangement which discharges back into the bunded area. The bunded area is subject to the requirements of the Department of Environment and Department of Industry and Resources.

The product is corrosive to corrugated and light gauge metals.

The application also advises that the proposal has been approved by the Department of Environment, and that copies of that approval should be lodged with Council. To date no approval has been supplied.

It is felt that the proposal will have minimal impact on the environment in relation to noise generation or visual impact and there will be no land clearing associated with the development.

Plans have also been submitted for the building licence application phase.

**Officer's Recommendation:**

*That Council grant planning consent to CSBP Limited for the establishment of 10 x 63Kl fertiliser tanks on Lot 1 Goldfields Road, Merredin.*

J Garrett entered the meeting at 3.15pm.

**29040**

Moved Cr Crees sec Cr Wallace

*That Council grant planning consent to CSBP Limited for the establishment of 10 x 63Kl fertiliser tanks on Lot 1 Goldfields Road, Merredin.*

**CARRIED 9/0**

J Mitchell left the meeting at 3.16pm.

F Ludovico left the meeting at 3.17pm.

F Ludovico entered the meeting at 3.18pm.

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12.0 ENGINEERING SERVICES

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12.1 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

Talgomine Reserve Road gravel sheeting near complete.  
South Baandee road construction will start soon.

Road Maintenance

Maintenance grading around the Muntadgin area completed.  
Grading has commenced on the roads west of Narembeen Road.

Street sweeping is in progress.

Recreation Centre

Landscaping has commenced with the reticulation in place and lawn area being laid.

Tree and shrub planting is in progress.

Parks And Gardens

Rose pruning has started.

Reticulation at Lower French Park and Cemetery to be completed over the next few weeks.

Staff

Tim Hayden was successful in being appointed as the new Apprentice Mechanic.

Water

Dam #1	35% Full	Capacity	74,455 kilolitres
Dam #2	20%Full	Capacity	71,675 kilolitres
Dam #3	40% Full	Capacity	46,000 kilolitres
Railway Dam	60% Full	Capacity	23,000 kilolitres

## Officer's Recommendation

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

**29041**

Moved Cr Crees sec Cr Townrow

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

**CARRIED 9/0**

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The following Item 13.4 was brought forward due to the presence of Mr J Garrett, Manager of Works.

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**13.4 WORKPLACE AGREEMENT – ENGINEERING SERVICES**

**Reporting Department:** Administration  
**Reporting Councillor:** Frank Ludovico, Chief Executive Officer  
**Legislation:** Local Government Act 1995  
**File Number:** P/7/5

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**Background:**

Attached to this Agenda is a Draft Collective Workplace Agreement that has been developed through negotiations with Consultant Anne Lake, the Engineering Services staff and Senior Management (**Attachment 13.4A**).

The development of this Workplace Agreement has been identified as a priority in the CEO's Annual Performance Review.

**Legal Implications**

Nil.

**Budget Implications:**

The Agreement is for a five year period and proposes to provide for salary increases of 10% on signing the Agreement and 5% per year for the next 4 years. If CPI is higher the higher amount will be paid.

This amounts to \$85,600 in 2007/2008 and approximately \$288,600 over the 5 years.

It is important to note that these increases replace National Wage adjustments. This means that a majority of the \$288,600 figure would be payable anyway because of Award adjustments.

**Comment:**

Important clauses in the Agreement are:

1. Clause 5. A Consultative Committee will be established to improve communications.
2. Clause 7. Behaviour of Crew members is clearly identified and tied to the Agreement.
3. Clause 12. Is designed so we can finish the job and not come back the next day – an improvement in efficiency.
4. Clause 15. Is designed to improve efficiency.

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5. Clause 21.3. Provides management with a list of those employees who are willing to work overtime and attend call outs. Providing certainty for management and improving crew relationships.
  6. Clause 22. Defines how any competitive tendering will occur.
  7. Clause 26. Enables the development of an Alcohol and Drug testing policy as a measure to improve workplace safety.
  8. Clause 28. Enables the “cashing out” of some annual leave. This will reduce our leave liability.
  9. Clause 29. Recognises good service by rewarding employees who do not exploit sick leave provisions by developing a sliding scale paying out sick leave. Currently when an employee leaves sick leave is not paid out.
  10. Clause 31 removes the 2 Local Government Public Holidays (ie extra day at New Years and Easter Tuesday).
  11. Clause 34, provides for Council to contribute to employee superannuation if they do not contribute 5%. Currently Council contributes 3% super over the occupation scheme if employees contribute 5% of their own funds. This proposal indicates that Council will match on a 1:1 basis up to 3% for any employee who can only contribute 1% - 3 of his own funds.

Overall I believe that the agreement gives Council a number of benefits, these are:-

- A workforce that feels that they are being treated fairly
- A workforce where morale has improved
- Provides for an attractive rate of pay in order to make recruiting easier.
- Establishes a formal process for dispute settlement
- Records in writing the fact that if employees believe the project can be complete with an additional hour or so work, they may after consultation with the supervisor, elect to finish the project with self-authorized overtime.
- Clearly identifies the protective clothing requirement
- Considers the safety of staff during call outs
- Involves staff in the consideration of new Plant and Equipment
- Provides for a reward of a pay out of some sick leave hours when they leave the shire to the permanent Shire staff who by their continued presence on a day to day basis contribute to the smooth running of routine tasks by providing the person power and expertise without exploiting sick leave.
- Has created two days of employment by removing two Local Government days in lieu.

If Council agree to the Workplace Agreement it will become operational by the end of July 2007.

Officer's Recommendation:

*The Council adopt the Shire of Merredin Employees Collective Agreement 2007.*

- 29042** Moved Cr Crees sec Cr Wallace  
*The Council adopt the Shire of Merredin Employees Collective Agreement 2007.*  
**CARRIED 9/0**

- 29043** Moved Cr Townrow sec Cr Astbury  
*That Council adjourn for afternoon tea.*  
**CARRIED 9/0**

Council adjourned for afternoon tea at 3.27pm.

- 29044** Moved Cr Morley sec Cr Townrow  
*That Council reconvene the meeting.*  
**CARRIED 9/0**

Council meeting recommenced at 3.56pm.

Cr Morris and J Garrett were not in attendance.

E Hooper, Manager of Finance and Administration was in attendance.



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**13.0 FINANCE AND ADMINISTRATION**

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**13.1 MONTHLY FINANCE REPORT**

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

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**Background**

Each month attached to the Agenda (Refer to **Attachment 13.1A**) is the Monthly Financial Report prepared for Council.

Officer's Recommendation:

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

**29045** Moved Cr Townrow sec Cr Morley  
*That the Merredin Shire Council receive the Monthly Finance Report for June 2007.*

**CARRIED 8/0**

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**13.2 LIST OF ACCOUNTS PAID**

**Reporting Department:** Finance and Administration  
**Reporting Officer:** Emma Hooper, Manager Finance & Administration  
**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. **(Refer to Attachment 13.2A).**

**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 totalling \$596,769.54 and amounts directly debited from Councils Municipal Fund Bank Account BSB 066-518 000 000 10 totalling \$187,130.72 and outstanding creditors totalling \$817,471.58.*

**29046**

Moved Cr Crees sec Cr Morley

*That the Merredin Shire Council receive the schedule of accounts as listed, covering cheques as numbered and totalling \$596,769.54 and amounts directly debited from Councils Municipal Fund Bank Account BSB 066-518 000 000 10 totalling \$187,130.72 and outstanding creditors totalling \$817,471.58.*

**CARRIED 8/0**

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**13.3 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 July 2007:

**Northam Saleyards Project**

The Minister for Agriculture has advised the Shire of Northam that he will not provide any assistance for the Northam Saleyards project. (**Attachment 13.3A**)

With the recent amalgamation of the Shire and Town of Northam no response has been made whether they intend to continue with the project.

**Proposed Electoral Boundaries June 2007.**

Attached is an extract from the Electoral Distribution Commissioners showing the proposed electoral boundaries for the Agricultural Region and the Merredin Electorate for the next State Election (**Attachment 13.3B**)

If Council wishes to make a submission concerning these proposed boundaries they must be submitted prior to 30 July 2007.

**No 4 Pump Station - Centre of Excellence in Sustainable Desert Timbers**

Met with representatives of the National Trust WA and Industry Partners to progress a development for this facility.

Project partners seemed very enthusiastic and are preparing submissions for funding of project feasibility.

**Saline Water Initiatives**

The Second International Salinity Forum is to be held in Adelaide in March 2008 and the RTLA project group have submitted an abstract of the "Desalination Project in Merredin" in order to be selected to make a presentation to the Forum. The Abstract is attached for Council information (**Attachment 13.3C**)

**Potentially Libellous Website**

I wish to advise Council that a website previously discussed contains new material that could be libellous to the Shire.

I have sent a copy of the contents to our solicitors for comment and requesting them to send a letter to remove the material offensive to the Shire.

**Special Facilities License**

I wish to advise that Council have been officially granted a Special Facilities – Sports Arena License for the Merredin Regional Community and Leisure Centre.

We have been unsuccessful in obtaining a Bar Manager/ Functions Co-ordinator for the Centre. We are working with the Advisory Committee to develop a solution to this problem.

**Medicare Provider Number – Dr Sola Freeman**

I have received a response from WACHS indicating they are not prepared to make any further payments as they have no record of any application being received at their office.

I have replied providing them with additional information, again a seeking financial contribution.

**Memorandum of Understanding – Shire of Merredin and WA Country Health Service – Wheatbelt Region – Provision of Doctor Services**

WACHS has written to Council indicating they would be prepared to meet with Council August 2007 to discuss the MOU.

They also advise they were “approached by a suitable doctor to work part time at the Merredin Hospital”. “This would meet both our current aspirations for the provision of doctors in Merredin” enabling a reduction of the commitment of Drs Adeniyi and Freeman at the Merredin Hospital.

**Relieving CEO**

I wish to inform Council that Mr Trevor Ruland has withdrawn his application to the Relieving CEO (CMRef 29009 June 2007).

In consultation with the Shire President I have “booked” Mr Jeff Parslow (the other applicant). Council will need to formally appoint him.

Officer’s Recommendation.

*That due to the withdrawal of Mr Trevor Ruland, Council appoints Mr Jeff Parslow as Relieving Chief Executive Officer for the Shire of Merredin between the period 08 October 2007 and 08 December 2007.*

Officer’s Recommendation.

*Council receive the Chief Executive Officer’s report for July 2007.*

**29047**

Moved Cr Crees sec Cr Townrow

***That due to the withdrawal of Mr Trevor Ruland, Council appoints Mr Jeff Parslow as Relieving Chief Executive Officer for the Shire of Merredin between the period 08 October 2007 and 08 December 2007.***

***Council receive the Chief Executive Officer’s report for July 2007.***

**ENBLOC**

**CARRIED 8/0**

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**13.5 COUNCILLOR MEETING FEES**

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

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**Background:**

With the change in date for Council Elections it would be appropriate to review the current method of payment for Councillor Meeting Fees.

The current practice pays Councillors their full entitlement at the beginning of each Financial Year.

This may have been appropriate with elections occurring in May but with the change in Election Date to October this should be reviewed.

This also has implications in respect to the Local Government allowances paid to Presidents and Deputy Presidents.

**Legal Implications:**

Section 5.98 of the Act specifies that an elected member is entitled to be paid a fee for attending a Council or Committee meeting.

However the Act is silent on how this should occur and the period for which the fees are entitled to be paid (ie if the fee is not claimed in a Financial Year is the liability extinguished). Informal advice on this matter indicates they can be claimed back to the Councillors commencement date.

To assist in this matter the Department of Local Government & Regional Development has developed Local Government Operational Guideline – number 15 (Full text available at [www.dlgrd.wa.gov.au/Publications/Docs/GuidelineNo15\\_MeetingFees.pdf](http://www.dlgrd.wa.gov.au/Publications/Docs/GuidelineNo15_MeetingFees.pdf)). This document discusses these issues at Paragraphs 24 – 28. (**Attachment 13.5A**)

**Budget Implications:**

A clear policy would enable staff to better manage the payment of Councillor Meeting Fees.

**Comment:**

It is suggested that Councillor Meeting Fees be paid every 4 months in arrears. So the first payment would occur in November for the July to October period.

This suggestion would resolve any changes to Council membership (inc Presidents and Deputy Presidents) that occur as a result of an election.

It would also assist when Councillors resign their position.

The suggested policy is:

“That the payment of Councillor Meeting Fees, President’s Local Government Allowance and Deputy President’s Local Government Allowance occur every 4 months in arrears in accordance with the following table.

<b>Period</b>	<b>Payment Date</b>
July – October	November
November – February	March
March – June	June

Councillors are also encouraged to submit claims for Travelling, Childcare, and Telecommunication expenses to coincide with this time table.”

Officer’s Recommendation:

*That Council adopt the following “Payment of Meeting Fees Policy”.*

*“That the payment of Councillor Meeting Fees, President’s Local Government Allowance and Deputy President’s Local Government Allowance occur every 4 months in arrears in accordance with the following table.*

<i>Period</i>	<i>Payment Date</i>
<i>July – October</i>	<i>November</i>
<i>November – February</i>	<i>March</i>
<i>March – June</i>	<i>June</i>

**29048**

Moved Cr Jones sec Cr Morley

*That Council adopt the following “Payment of Meeting Fees Policy”.*

*“That the payment of Councillor Meeting Fees, President’s Local Government Allowance and Deputy President’s Local Government Allowance occur every 4 months in arrears in accordance with the following table.*

<i>Period</i>	<i>Payment Date</i>
<i>July – October</i>	<i>November</i>
<i>November – February</i>	<i>March</i>
<i>March – June</i>	<i>June</i>

#### AMENDMENT

Moved Cr Wallace sec Cr Townrow

*That Council pay to each Councillor meeting sitting fees six monthly in arrears (eg April and October).*

**CARRIED 6/2**

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**29049** Moved Cr Wallace sec Cr Townrow

*That Council adopt the following "Payment of Meeting Fees Policy".*

*"That the payment of Councillor Meeting Fees occur six (6) monthly in arrears every October and April of each year with payment of President's Local Government Allowance and Deputy President's Local Government Allowance be paid on request .*

**CARRIED 8/0**

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F Ludovico, Chief Executive Officer declared an Impartiality Interest in Item 13.6.

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**13.6 APPLICATION FOR RATE EXEMPTION**

**Reporting Department:** Administration  
**Reporting Councillor:** Jessica Irving, Rates Officer  
**Legislation:** Local Government Act 1995  
**File Number:** P/1789

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**Background:**

Council has received an application for rate exemption. (**Attachment 13.6A**)

Investigation proves the statement of claim regarding previous Pastor's exemptions to be correct.

**Legal Implications:**

The Local Government Act 1995 Section 6.26 – states land used or held exclusively by a religious body as a place to worship or in relation to that worship, a place of residence of a minister of religion, a convent, nunnery or monastery, or occupied exclusively by religious brotherhood or sisterhood.

Council can waiver rates under Section 6.47 of the local Government Act. This must be reported in Council's Budget.

**Budget Implications:**

If Council was to grant the exemption as requested they would have to adjust the rate calculation for the financial year 2007/2008 to accommodate the loss of \$600 to \$900.

**Comment:**

The Local Government Act stipulates that the property has to be owned by the Church to be exempt from payment of rates.

Council should be aware that a rate exemption has previously been allowed for the Church of Christ's Pastor who has owned his property in Merredin.

**Officer's Recommendation:**

*That Council grant rate exemption on 11 Growden Street, Merredin as it is the residence of a Minister of religion effective 1<sup>st</sup> July 2007 and amend the Rate Book accordingly.*

**ABSOLUTE MAJORITY REQUIRED**



- 29050** Moved Cr Astbury sec Cr Morley  
*That Council grant rate exemption on 11 Growden Street, Merredin whilst it is owned and occupied by the Minister of Religion effective 1<sup>st</sup> July 2007 and amend the Rate Book accordingly.*

**CARRIED 7/1  
ABSOLUTE MAJORITY**

Emma Hooper left the meeting at 4.55pm.

Mr Mark Sutton entered the meeting at 4.55pm.

J Garrett entered the meeting at 4.57pm.

#### 5.0 PETITIONS & PRESENTATIONS

Mr Mark Sutton, Aline East addressed Council and the following issues were discussed:

- Aline East would be vacating the Aline East Village Accommodation and offices within the next three weeks.
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- Aline East had undertaken over \$280,000 of improvements to the accommodation village and would be placing this property onto the market for sale.
- The workshop in McKenzie Crescent will be retained for their use until January 2008.
- Crew would be moving to Moorine Rock to re-construct 12 kilometres of the Great Eastern Highway and will be based at Southern Cross during this time.
- In Sept/Oct a 4 kilometre section west of Walgoolan Bridge would be completed.
- Also in Sept/Oct, Merredin town section of Great Eastern Highway would be completed.
- Crew would move to Kellerberrin townsite in early January 2008 with works to be completed in April/May 2008.
- The Aline East Alliance will become obsolete at this time.

The plans for upgrading the Great Eastern Highway in the Merredin Townsite were discussed and points emerging were:

- Council's concern regarding the "west" Barrack Street and Great Eastern Highway intersection had been addressed.
- As Council had requested additional drainage had been installed to cater for stormwater runoff.
- Carpark at Railway Museum had been redesigned.
- Side grates will be installed to reduce drain blockages.

J Garrett left the meeting at 5.09pm.

J Garrett entered the meeting at 5.10pm.

Council made the following comments:

- Entry into Mary Street for vehicles travelling east to west should have a turning pocket similar to the Barrack Street "west" intersection.
- Entry into South Road for vehicles travelling west to east should have a turning pocket.
- Sealed carpark in front of Railway Museum should be extended west to French Avenue.
- A sealed carpark area should be constructed in front of and to the west of the Military Museum.
- There was a safety concern for vehicles parking in the turning pocket on the northern side of the Great Eastern Highway in front of Chicken Treat. It appears there are not many practical solutions.
- It was suggested making a portion of the old highway adjacent to the Water Corporation offices (ie on the northern side of the Great Eastern Highway east of Mary Street) as an attractive parking area for trucks may assist.
- The drainage capture point at Woolgar Avenue needs to be opened up to the highway.

Cr Astbury left the meeting at 5.27pm.

Cr Astbury entered the meeting at 5.30pm.

Mr Mark Sutton requested that Council revise the plans for Great Eastern Highway upgrade and advise Aline East.

Aline East will be back for a final signoff prior to their departure to Kellerberrin.

Aline East did not purchase any water through the Water Corporation. Only underground and desalinated water was used.

The Shire President thanked Mr Mark Sutton for his attendance.

Mr Mark Sutton left the meeting at 5.52pm.

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

Items 16.1, 16.2, 16.3 were moved forward to follow Item 11.8 of the Manager of Development Services agenda items.

J Garrett and P Hastings left the meeting at 5.52pm .

17.0 MATTERS BEHIND CLOSED DOORS

17.1 RENUMERATION OF DOCTORS

The CEO indicated he had received a letter from Dr Adeniyi responding to Councils June 2007 decision (**CMRef 29101**).

**29051** Moved Cr Townrow sec Cr Astbury  
*That Council move behind closed doors to discuss confidential matters (S 5.23(2) Local Government Act).*

**CARRIED 8/0**

Council went behind closed doors at 5.52pm.

Cr Marley left the meeting at 5.53pm.

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Cr Marley entered the meeting at 5.54pm.

**29052** Moved Cr Crees sec Cr Morley  
*That Council come out from behind closed doors.*

**CARRIED 8/0**

Council came out from behind closed doors at 6.15pm.

**29053** Moved Cr Astbury sec Cr Marley  
*That Council endorse the following recommendations of the CEO:*

*Council*

- *Reaffirms its decision to seek 20% remuneration from Private Patients.*
- *Council is willing to apply for a new Medicare number and when that is received to process future transactions through that number.*
- *Council is willing to allow individual access to the billings area in the Medical Director Software providing there is no access to the billings information of other Doctors.*

**CARRIED 8/0**

16.4 MERREDIN REGIONAL COMMUNITY AND LEISURE CENTRE  
OPENING

Cr S Marley enquired as to the recognition of contributors to the Merredin Regional Community & Leisure Centre.

He was advised that the Merredin Regional Community & Leisure Centre Management Committee was dealing with this issue.

18.0 CLOSURE

There being no further business the Presiding Member declared the meeting closed at 6.25pm.