

NOTICE OF MEETING

Councillors:

Please be Advised that the next meeting of the

Merredin Shire Council

Will be held on

Tuesday 17th January 2005 commencing at

- 11.00am with a discussion period
- 12.00pm lunch – BP Travelstop
- 1.00pm commencement of Council Meeting

FB Ludovico

Chief Executive Officer

12th January 2006

Disclaimer

The advice and information contained herein is given by and to the Council without liability or responsibility for its accuracy. Before placing any reliance on this advice or information, a written inquiry should be made to the Council giving entire reasons for seeking the advice or information and how it is proposed to be used.

Please note this agenda contains recommendations which have not yet been adopted by Council.

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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 January 2005 at 1.00pm.

ATTENDANCE: Cr KA Hooper – Shire President
Cr RM Crees – Deputy Shire President
Crs JP Townrow; J Jones; WR Wallace; SJ Marley; G Astbury;
N Hooper & M Morris.

Messrs FB Ludovico; Chief Executive Officer, JA McGovern, Deputy Chief Executive Officer; WD Bow, Manager of Development Services; JF Garrett, A/Manager of Works; AM Peters, Personal Assistant

1.0 OFFICIAL OPENING

The Presiding member declared the meeting open at 1.06pm.

2.0 PUBLIC QUESTION TIME

In accordance with section 5.24 of the Local Government Act 1995, a 15 minute public question time is made available to allow members of the public the opportunity of questioning Council on matters concerning them.

Brooke Marshall - Reporter from the Wheatbelt Mercury Newspaper entered the meeting at 1.16pm.

Mr James (Sam) Teasdale entered the Council Chambers at 1.06pm.

Mr James Teasdale: re clearing of land.

Mr Teasdale questioned whether any residents of the Shire have a say in the clearing of vegetation on the eastern side of the Recreation Ground and on the south side of Golf Road.

The Shire President responded that residents do have a say in what clearing is to be done but would not envisage a public meeting being held.

Mr Teasdale suggested that his understanding of the Town Planning Scheme No 1 was that there was to be no clearing of land on Shire reserves.

CEO Frank Ludovico advised Mr Teasdale that staff would research the documents and advise Council.

Mr Teasdale provided petitions signed by up to 130 residents which was received by the CEO and also advised that it seemed only a handful of golf club members wanted to clear the reserve but they were a minority in a population of 3,000. Mr Teasdale felt that all residents should be included in the decision making process as salinity was also a concern and the smaller timber is as important as the larger timber.

Mr James Teasdale left the meeting at 1.17pm.

3.0 APOLOGIES AND LEAVE OF ABSENCE

Cr J Simmonds

4.0 DISCLOSURE OF INTEREST

Cr Astbury declared an Impartiality interest in Item 11.

5.0 PETITIONS & PRESENTATIONS

6.0 CONFIRMATION OF MINUTES

6.1 PREVIOUS COUNCIL MEETING

Confirmation of minutes of meeting held on the 20 December 2005 with the following amendments being made to Resolution 28220:

The deletion of "1 x Volleyball" from the South Court and "1 x Tennis" from the North Court.

28257

Moved Cr Wallace Cr N Hooper

That the minutes of the meeting held on the 20 December 2005 with the following amendments being made to Resolution 28220:

The deletion of "1 x Volleyball" from the South Court and "1 x Tennis" from the North Court.

CARRIED 9/0

28258

Moved Cr Crees seconded Cr Jones

That the courts have two badminton court footings added to the north court.

CARRIED 8/1

7.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

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

- Aline East Great Eastern Highway upgrade – use of water.
UNDER SEPARATE COVER

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

9.1 COMMITTEE MINUTES

Merredin Heritage Management Committee Meeting held on 15 December 2005.

Moved Cr Townrow sec Cr G Astbury

That the Heritage Management Committee recommend to Council that they utilise the \$1,000 currently allocated to the website in the 2005/2006 budget to commence improvements to the website and look at allocating additional funds in the 2006/2007 budget.

Moved M Ivey sec Rob Endersbee

Committee source a quote and purchase paving based on the most cost effective quote and install paving as per Heritage Management Committee's plan of Pioneer Park.

28259

Moved Cr Wallace sec Cr Morris

That the Merredin Shire Council receive the minutes of the Merredin Heritage Committee Meeting held on the 15 December 2005.

CARRIED 9/0

28260

Moved Cr Astbury sec Cr Jones

That the Merredin Shire Council utilise the \$1,000 currently allocated to the website in the 2005/2006 budget to commence improvements to the website and look at allocating additional funds in the 2006/2007 budget.

That the Merredin Shire Council source a quote and purchase brick paving based on the most cost effective quote and install brick paving as per Heritage Management Committee's plan of Pioneer Park.

CARRIED 7/2

Cr Morris departed the left the meeting at 1.37pm.

10.0 ADMINISTRATION, FINANCE & COMMUNITY DEVELOPMENT

10.1 CHIEF EXECUTIVE OFFICER'S REPORT

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

I present the following report for January 2006:

- Participated in interviews for the new Business Enterprise Centre (now known as Small Business Centre North Eastern Wheatbelt Manager).
- Received response from the Shire of Nungarin concerning funding request for Merredin Regional Community and Leisure Centre. *“have elected not to contribute financially to the project”*. A copy of that is attached for Council information. (**Attachment 10.1A**)
- Asked CBH if we are able to utilise Lot 24 Crooks Road for cropping for the Merredin Regional & Community Leisure Centre if CBH does not require the property in the short term.
- Extra-Ordinary Election
On the 11 January 2006 a State Wide notice calling for enrolments for owners and occupiers who are not on the Western Australian State Electoral Roll will be placed. Advertisements calling for nomination will appear on the 25 January 2006 with a nomination period open between the 31 January and 7 February 2006.
- Have had several meetings with A-Line East concerning water usage detailed comments are in the agenda item attached to this agenda.
- President and I met with Health Department, WACRRM & Division of General Practice to discuss recruitment of new doctor to Merredin. The outcome is that they would assist with advertising and promoting the practice.

Officer's Recommendation:

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

28261

Cr Jones sec N Hooper

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

CARRIED 8/0

Cr Morris returned to the meeting at 1.38pm.

Moved Cr Crees sec Cr W Wallace

Cr Crees, Cr Wallace, Cr Astbury and Cr Marley supported this motion.

That Resolution 28212 from the 20 December 2005 minutes be rescinded.

That Mr Terry McCoy be advised that approval will not be granted to run Markets in Merredin and suggest that he may consider operating the markets at major community events throughout the year.

carried (5/4)

LOST

LOST AS IT WAS NOT AN ABSOLUTE MAJORITY

10.2 ANNUAL ELECTORS MEETING HELD ON 20 DECEMBER 2005.

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

Background

The Annual Electors meeting for the Shire of Merredin was held on the 20 December 2005 and minutes of the meeting are attached for Council information.

Statutory Implications:

Under Section 5.33 of the Local Government Act all decisions made at an Electors Meeting are to be considered at the next Ordinary Meeting of Council.

Comment:

It is pleasing to note that apart from the receipt of the various reports presented to the meeting the only motion recorded was a vote of thanks in the Council.

Officer's Recommendation:

That the Shire of Merredin receive the minutes of the Annual Electors Meeting held on Tuesday 20 December 2005.

Cr Marley advised that:

1. He should be recorded in the attendance register; and
2. Apology from Mr P Marley was received. This should have been recorded as an apology from Mr D Morley.

28262

Moved Cr Jones sec Cr N Hooper

That the Shire of Merredin receive the minutes of the Annual Electors Meeting held on Tuesday 20 December 2005.

CARRIED 9/0

10.3 ACTING DEPUTY CHIEF EXECUTIVE OFFICER'S REPORT

Reporting Department:	Administration
Reporting Officer:	Natalie Purdy – Acting Deputy Chief Executive Officer
Legislation:	Local Government Act
File Number:	

Visitor Centre Manager's Report

Visitor Centre Manager's report is at **Attachment 10.3A.**

Library Managers Report

The Library Manager is currently on annual leave.

Community and Economic Development Officer's Report

Community and Economic Development Officer's report is at **Attachment 10.3B.**

Cummins Theatre Manager's Report

The Cummins Theatre Manager is currently on annual leave.

Records Management

STATISTICS (From 14th December -10th January inclusive)

Total Mail In	463
Accounts Received	59
Invoices	183
General	216
Appreciations	2
Complaints	3
Total Mail Out	976

**Summary of Publications Available for Perusal
Attachment 10.3C****Status Report:**

The Action sheet detailing progress of Previous Council Resolutions from December 2005 is **Attachment 10.3D.**

Officer's Recommendation

That the Acting Deputy Chief Executive Officer's report for January 2006 be received.

28263

Moved Cr N Hooper sec Cr M Morris

That the Acting Deputy Chief Executive Officer's report for January 2006 be received.

CARRIED 9/0

10.4 MONTHLY FINANCE REPORT

Reporting Department: Finance
Reporting Officer: Natalie Purdy – Acting Deputy Chief Executive Officer
Legislation: Local Government Act 1995
File Number:

Background

Each month attached to the Agenda (Refer to **Attachment 10.4A**) is the Monthly Financial Report prepared for Council.

Recent amendments to the Local Government (Financial Management) Regulations 1996, gazetted on 31 March 2005 and effective from 01 July 2005 have repealed the existing regulations (34 and 35) relating to monthly and quarterly/triannual financial reports.

The new regulation requires local government to prepare each month a statement of financial activity, as per the attached report pro forma. This statement is intended to report on the sources and applications of funds for the month in question.

Officer's Recommendation:

That the Merredin Shire Council receive the Monthly Finance Report for December 2005.

28264

Moved Cr Morris sec Cr Wallace

That the Merredin Shire Council receive the Monthly Finance Report for December 2005.

CARRIED 9/0

10.5 LIST OF ACCOUNTS PAID

Reporting Department: Finance
Reporting Officer: Natalie Purdy – Acting Deputy Chief Executive Officer
Legislation: Local Government Act & Financial Management Regulations
File Number:

Background:

A list of accounts paid during the month under delegated authority is presented to Council each month. Refer to **Attachment 10.5A**

Legal Implications:

Local Government Act and Financial Management Regulations.

Budget Implications:

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

Comment:

The process of the accounts for payment has now been finalized with cheques being processed on a fortnightly basis and the main signatories being the Chief Executive Officer and Deputy Chief Executive Officer, with the Shire President and Deputy President also being signatories in the case of the Chief Executive or Deputy being absent.

Officer's Recommendation:

That the Merredin Shire Council receive the schedule of accounts as listed, covering cheques as numbered and totalling \$303,758.67 and amount directly debited from Councils Municipal Fund Bank Account BSB 066-518 000 000 10 totalling \$148,270.00 and to endorse trust cheques totalling \$513.96 and outstanding creditors totalling \$77,838.35

28265

Moved Cr Morris sec Cr Crees

That the Merredin Shire Council receive the schedule of accounts as listed, covering cheques as numbered and totalling \$303,758.67 and amount directly debited from Councils Municipal Fund Bank Account BSB 066-518 000 000 10 totalling \$148,270.00 and to endorse trust cheques totalling \$513.96 and outstanding creditors totalling \$77,838.35

CARRIED 9/0

11.0 HEALTH, BUILDING, ENVIRONMENTAL SERVICES & TOWN PLANNING

11.1 TOWN PLANNING SCHEME NO. 2 – REQUEST BY GARY LITTLE TO UNDERTAKE WORKS – LOT 482 HAINES STREET

Reporting Department: Administration
Reporting Officer: Frank Ludovico, Chief Executive Officer
Legislation: Local Govt (Miscellaneous Provisions) Act 1960
File Number: CUS/9/2

Background:

In September 2005 Mr Little approached me to provide fill between the edge of the road pavement and his lot boundary (Lot 482 Haines Street). Mr Gary Little claimed that as Council has care and control of this portion of the road and Council should be responsible to bring the level of the verge up to the level of his subdivided land.

At a subsequent meeting held in November 2005 with Messrs Gary and Mr Roy Little concerning the subdivision it was pointed out that staff believed that it was the developer's responsibility to bring the road verge up to the level of the blocks being subdivided.

At that meeting it was indicated that we were concerned with the fill being placed on the lot as it may have an effect on the drainage of Lot 481 to the north of his proposed subdivision and Council would require a plan showing the effect of the subdivision on Lot 481 in particular and in general Council's storm water drainage system.

A copy of a plan of the area is attached (**Attachment 11.1A**) and a copy of the letter sent to Mr Little in this regard is also attached. (**Attachment 11.1B**)

Mr Little has requested that I raise the issue of the requested works with Council indicating that my decision is unreasonable. A copy of Mr Little's letter is attached (**Attachment 11.1C**).

Legal Implications:

Section 3.53 of the Local Government Act 1995 indicates that Local Government is responsible for controlling and managing thoroughfares.

At the Town Planning Appeal Tribunal in Gary Little versus the Western Australian Planning Commission No 301 of 2003 which dealt with issues pertaining to Town Planning Scheme No 2 and the subdivision of Lot 481, 482 and 483 (now subdivided to form Lot 250 and 251), approval for the subdivision proposed for Lot 481 was granted with a number of conditions. Condition 5 indicates the land be filled and/or drained at the appellants cost to the satisfaction of the Western Australian Planning Commission (Local

Government) and any elements and/or reserves necessary for the implementation thereof be provided by the appellant free of cost.

When undertaking the subdivision of MacKenzie Crescent, Land Corporation provided detailed plans indicating the effect of storm water from their proposed subdivision and the effect it would have on Council's drainage system.

Financial Implications:

The actual cost of undertaking the backfill to bring the level of the verge up to the level of the road in Haines Street is approximately \$3,000 requiring the lifting of Water Corporation valves and Telstra telephone pits.

Comment:

Staff believe it is normal practice for developers to provide fill in the right road verges to "blend in" with their subdivision.

Staff are also concerned that raising the level of the road verge will effect drainage from Lot 481 and may exacerbate any inundation that may occur on that lot.

Staff believe that this issue needs to be tied in with the overarching issue of drainage from the subdivision and the effect that it may have on adjacent land holders. Mr Little has not advised us on how he intends to deal with this issue.

Staff Recommendation:

- 1. That Council advise Mr Gary Little that it believes it is the developers responsibility to bring the level of the road verge up to the level of the subdivided land; and*
- 2. Further Mr Gary Little be advised that he needs to provide Council with details of the storm water drainage in his proposed subdivision and its effect on storm water drainage in the area, particularly Lot 481 Haines Street and how it will be dealt with.*

28266

Moved Cr Marley sec Cr Jones

- 1. That Council advise Mr Gary Little that it believes it is the developers responsibility to bring the level of the road verge up to the level of the subdivided land; and*
- 2. Further Mr Gary Little be advised that he needs to provide Council with details of the storm water drainage in his proposed subdivision and its effect on storm water drainage in the area, particularly Lot 481 Haines Street and how it will be dealt with.*

CARRIED 9/0

11.2 RESERVE 11223 – CORNER OF KNUNGAJIN-MERREDIN ROAD AND NUKARNI EAST ROAD

Reporting Department: Administration
Reporting Officer: Frank Ludovico, Chief Executive Officer
Legislation: Local Govt (Miscellaneous Provisions) Act 1960
 Health Act 1911
File Number: Res 11223

Background:

At Council's 15 November 2005 meeting Council resolved to obtain further information regarding amalgamations of Reserves 11223, 16612 and 14472 (CMRef 28182).

Attached to this item is a copy of a letter from the Water Corporation indicating that the land will not become rateable if the reserves are amalgamated. **(See attachment 11.2A).**

Also at the 15 November 2005 meeting (CMRef 28173) Council rescinded a June 1992 Resolution (CMRef 22842) where the three reserves 11223, 16612 and 14472 were requested to be amalgamated and be retained for the purposes of gravel supply.

In September 2005 the Department of Planning and Infrastructure wrote to Council asking us to consider taking over all these reserves for the purpose of landscape protection.

The purpose of each reserve is detailed below:

No	Purpose	Vesting
11223	Camping and Public Utility	Minister for Works
14472	Gravel	Shire of Merredin
16612	Water	Waters & Rivers Commission

Attached to this document is a plan and aerial photograph showing the location and situation of the reserves. **(Attachment 11.2B)**

I understand that in June/July 2004 over 20,000 trees were planted on Reserves 11223 and 16612 in order to rehabilitate them.

Staff consider the altering of the vesting of Reserves 11223 and 16612 is appropriate. Council has done rehabilitation work on the reserves and they may be useful in the future for the acquiring of seeds that can be used for the rehabilitation of other areas.

In respect to Reserve 14472, staff are concerned that there is a lack of gravel resource in the area and it may be appropriate to retain the reserve in its current vesting until this resource is utilised. Bearing in mind that if gravel exists in the reserve it may also be located on the adjoining cleared farm land.

There may be some implications in the future management such as fire management, prevention of dumping of rubbish and other issues that will create an expense to Council.

Officer's Recommendation:

That Council requires amalgamations of Reserve 11223, (Camping and Public Utility) and Reserve 16612 (Water) into one reserve for the purpose of landscape protection.

28267

Moved Cr N Hooper sec Cr M Morris

That Council amalgamate Reserve 11223, (Camping and Public Utility) and Reserve 16612 (Water) into one reserve for the purpose of landscape protection.

CARRIED 9/0

11.3 LOT 24 CROOKS ROAD - SALE TO CO-OPERATIVE BULK HANDLING

Reporting Department: Administration
Reporting Officer: Frank Ludovico, Chief Executive Officer
Legislation: Local Govt (Miscellaneous Provisions) Act 1960
File Number:

Background:

At Council's 16 August 2005 meeting (CMRef 28034) Council agreed to purchase Lot 24 Crooks Road from B & K Whitehead subject to CBH agreeing to purchase a portion of Lot 24.

Also at that Council meeting Council determined (CMRef 28036) that should CBH agree to purchase portion of Lot 24 Crooks Road then Council will process the sale by private treaty.

Mr & Mrs Whitehead and CBH agreed to the arrangement and on the 12 December 2005 Council obtained a certificate of title for Lot 24 Crooks Road.

In order to progress that sale to CBH, Council on the 7 December 2005 published a notice in the Merredin Mercury indicating its intention to dispose of portion Lot 24 Crooks Road to CBH and in accordance with Section 3.58 of the Local Government Act inviting submissions in regard to the proposed disposal. Closing date for submissions was Friday 23 December 2005.

Council did not receive any submissions in respect to the disposal of property.

Statutory Implications:

Section 3.58 of the Local Government Act indicates that Council needs to consider any submissions made on the transaction. As this is not applicable the transaction can proceed.

Comment:

As determined by Council at its 20 December 2005 meeting (CMRef 28213) the request to subdivide Lot 24 Crooks Road has been sent to Paul Kraft Surveyors for processing. Once this has been undertaken a formal land transfer can occur.

Officer's Recommendation:

That Council authorise the CEO to complete the contract for the sale of the eastern portion of Lot 24 Crooks Road to CBH once the formal subdivision of the lot has occurred.

28268

Moved Cr Morris sec Cr Wallace

That Council authorise the CEO to complete the contract for the sale of the eastern portion of Lot 24 Crooks Road to CBH once the formal subdivision of the lot has occurred.

CARRIED 9/0

11.4 RAILWAY INSTITUTE HALL – EXPRESSION OF INTEREST – TENDER NO 12 / 05-06 – REMOVAL OF THE RAILWAY INSTITUTE HALL.

Reporting Department: Administration
Reporting Officer: Frank Ludovico, Chief Executive Officer
Legislation: Local Govt (Miscellaneous Provisions) Act 1960
Health Act 1911
File Number: **Tender No 12**

Background:

At Council's 15 November 2005 staff presented a report to Council regarding Council reports and determinations on the Hall since January 2003.

Council determined (CMRef 28188) to call for expressions of interest for the removal of the Merredin Railway Institute Hall.

An advertisement was placed in the Merredin Mercury on the 7 December 2005 and also the West Australian on 14 December 2005 asking interested persons to lodge an expression of interest by 12 noon on the 6 January 2006.

No submissions were received.

Financial Implications:

The cost of demolishing the buildings is approximately \$15,000. This amount has not been allowed for in Council's 2005/2006 budget.

Comment:

Council needs to determine what its intentions are in respect to the building. If Council intends to remove the building then it can authorise that process by absolute majority acknowledging that there is not funding in the 2005/2006 budget.

Council may choose to wait until the 2006/2007 financial year and provide funding in that budget for the removal of the hall.

Officer's Recommendation:

1. *That the Merredin Shire Council as a result of receiving no expressions of interest in relation to the Railway Institute Hall, undertake demolition of the said building.*
2. *That the Merredin Shire Council allocate sufficient funds in its 2006/2007 budget to facilitate the demolition of the Railway Institute Hall.*

Moved Cr Crees sec Cr Jones

That the Merredin Shire Council as a result of receiving no expressions of interest in relation to the Railway Institute Hall, undertake demolition of the said building whilst retaining the front façade in storage.

LOST 3/6

28269

Moved Cr Jones sec Cr Townrow

That staff research funding opportunities for extensions to the Merredin Medical Centre extensions with a view to developing concept plans incorporating the Railway Institute Hall.

CARRIED 7/2

11.5 RESERVE 10359 BARRACK STREET, MERREDIN – VALUATION FOR PURCHASE OF LAND

Reporting Department:	Administration
Reporting Officer:	Frank Ludovico, Chief Executive Officer
Legislation:	Local Govt (Miscellaneous Provisions) Act 1960
File Number:	Reserve 10359

Background:

Over a number of years Council has been pursuing the rationalisation of railway land in Merredin.

At Council's 19 July 2005 meeting it again discussed issues in respect to Reserve 10359.

Part of this process has been the promulgation of Town Planning Scheme No 1 - Amendment No 2 which has finally been processed (17 May 2005 meeting CMRef27925).

I understand that Council was informed in October 2000 that the value for a portion of Reserve 10359 was \$90,000 and at Council's 19 July 2005 meeting it decided to request the Public Transport Authority of Western Australia expedite the acquisition of the portion of Reserve 10359 as it is prepared to purchase the reserve immediately for \$90,000.

A letter has been received from VSA Property (a consultant working for the Public Transport Authority) indicating that the Valuer General has determined that the October 2005 valuation for the property is \$120,000 exclusive of gst.

Legal Implications:

Section 3.59 of the Local Government Act and Clause 9 of the Local Government (Functions and General) Regulations may apply to this issue.

A business plan may be required to be prepared if the land or the commercial transactions involving the land is valued at \$1,000,000 or 10% of the operating expenditure incurred by the Local Government from its Municipal Fund in the last completed financial year. (In the case of the Shire of Merredin 10% of operating expenditure is possibly \$555,000).

Budget Implications:

Council has allowed \$90,000 for the purchase of the property in its 2005/2006 budget (to be funded from the Land Development Reserve).

Opportunities to fund this \$30,000 shortfall may arise when the proceeds from the sale of portion of Lot 24 Crooks Avenue occurs.

Some of the shortfall could be funded from the sale of Whitfield Way subdivision if it occurs within the current financial year.

Comment:

I believe that some successful lobbying occurred with Western Power in respect to the Whitfield Way subdivision and believe that it would be appropriate for Council to meet with appropriate personnel with the view of persuading them that their valuation may not be appropriate.

Staff Recommendation:

That Council meet with representatives of the Public Transport Authority and VSA Property and attempt to negotiate a lower price for purchase of Reserve 10359 Barrack Street.

Brooke Marshall from Mercury departed the meeting at 3.46pm.

W Bow departed the meeting at 2.42pm.

W Bow returned to the meeting at 2.44pm.

28270

Moved Cr Morris sec Cr Wallace

That Council meet with representatives of the Public Transport Authority and VSA Property and attempt to negotiate a lower price for purchase of Reserve 10359 Barrack Street.

CARRIED 9/0

11.6 FUTURE USE OF BUILDING AT LOT 461 ON KINDERGARTEN RESERVE 22564, THROSSELL ROAD, MERREDIN – FORMER THROSSELL ROAD PRE-PRIMARY SCHOOL

Reporting Department: Development Services
Reporting Officer: Warren Bow, Manager of Development Services
Legislation: Local Government Act 1995, Health (Public Buildings) Regulations 1992
File Number: CP/07/07

Background:

The buildings and land at Lot 461 Throssell Road, Merredin (the property) are located on School Site Kindergarten Reserve 22564 and are owned by the Shire of Merredin. The property was previously leased to the Department of Education.

The Department of Education recently advised that the property would no longer be required for the purposes of a pre-primary school. The Department indicate that an on-site kindergarten/pre-primary school facility will be located at South Merredin Primary School for the commencement of the 2006 school year. Subsequent to this advice, the building and property have been vacated.

The property is located on a “Public Purpose – Kindergarten” reserve, according to the Shire of Merredin Town Planning Scheme No.1.

Reserve 22564 is vested with the Shire of Merredin for the purpose of “School Site Kindergarten”.

The future use of the property warrants consideration by Council, with the various ideas put forward to date including relocation of Merredin Playgroup Inc. to the property, sale of the property, demolition of the buildings and construction of Shire of Merredin owned-dwelling.

Legal Implications:

All development must comply with the Shire of Merredin Town Planning Scheme No.1 for Public Purpose Reserve land.

Any departure from the existing use of the land will require changes to the management order and approval from Department of Land Information.

Budget Implications:

Council allocated \$945.00 in its 2005/2006 budget for maintenance, insurance and a termite inspection. Previously all major maintenance at the property was undertaken by the Department of Housing and Works.

The Department of Education previously paid rental of \$670.00 per year.

Estimates provided by Council's Building Project Manager indicate that over \$30,000 in improvements would need to be made if the building was to be re-occupied. The amount of expenditure will be determined by the future use of the building. The works include reconstruction of roof, replacement of glass panels with safety glass, replacement of roof plumbing and construction of an access ramp for persons with disability.

The operation of the building as a "public building" would require the expenditure of sufficient funds to achieve statutory compliance with the Health (Public Buildings) Regulations 1992. This would include items such as electrical compliance, emergency lighting, exit signage and exit doors. Estimates for this work are up to \$10,000.

Comment:

The building is currently well fitted-out for use as a "playgroup" with vinyl flooring, large open play areas, offices and separate rooms, children's ablution facilities, cooking and washing facilities, air conditioning etc.

The continued use of the building, for whatever purpose, would not only require significant capital investment but on-going building maintenance expenditure also.

Discussions with the Department of Housing and Works indicate that approximately \$11,000 has been expended on the building over the past two years. This relates to items such as routine maintenance, tree management, playground equipment management, replacement of ceilings, replacement of hot water system, air conditioner maintenance and roof plumbing.

Council is spending over \$350,000.00 to incorporate an "Indoor Playground/Early Childhood" area into the Merredin Regional Community and Leisure Centre, complete with ablution facilities for small children and ancillary amenities.

One of the over arching principals behind the construction of the Merredin Regional Community and Leisure Centre is the centralisation of services and facilities. Some discussion has occurred with representatives of the Merredin Playgroup Inc concerning the relocation of their operations to the Merredin Regional Community and Leisure Centre.

To this end no formal submission or response has been received from the Merredin Playgroup Inc. concerning the future use of Council buildings for "playgroup" use.

Another proposal is to demolish the building and construct a house for staff or freehold the land and sell it.

Officer's Recommendation:

That the Merredin Shire Council call for expressions of interest in using, demolishing or relocating the building at Lot 461 Throssell Road.

28271

Moved Cr N Hooper sec Cr W Wallace

That the Merredin Shire Council call for expressions of interest in using, demolishing or relocating the building at Lot 461 Throssell Road.

CARRIED 6/3

11.7 BUILDING STATISTICS REPORT

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

Background:

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

Legal Implications:

Various

Budget Implications:

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

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

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

Approvals:

Building Licence No.	Licence issued to	Address of proposed building	Owner of property	Class of Building Type of Construction
BA94/05	Chris Brown, 8 Cumming St Merredin WA 6415	Lot 84, House No. 38, Jackson Way, Merredin WA 6415	M & C Forward, 38 Jackson Way, Merredin WA 6415	10 (a) New steel framed, iron roofed attached patio
BA95/05	EW Douglas, 45 White St, Burracoppin WA 6421	Lot 147, House No. 45 White St, Burracoppin WA 6415	EW Douglas, 45 White St, Burracoppin WA 6421	10 (a) New, steel framed, iron clad outbuilding
BA96/05	Merredin Outdoor Centre, PO Box 792, Merredin WA 6415	Lot 7, House No. 19, Pioneer Road, Merredin WA 6415	Erica Carlson, 19 Pioneer Rd, Merredin WA 6415	10 (a) New, steel framed, iron clad outbuilding
BA97/05	Merredin Outdoor Centre, PO Box 792, Merredin WA 6415	Lots 950, 951, House No. 18 Coronation St, Merredin WA 6415	Co-operative Bulk Handling, PO Box 2, Merredin WA 6415	10 (a) New, steel framed, iron clad patio

Building Licence No.	Licence issued to	Address of proposed building	Owner of property	Class of Building Type of Construction
BA98/05	B&K Manning, Lot 75 O'Connor St, Merredin WA 6415	Lot 75 O'Connor St, Merredin WA 6415	B&K Manning, Lot 75 O'Connor St, Merredin WA 6415	10 (a) New, steel framed, iron clad outbuilding

Valuation: \$44,798.00

Fees: \$200.00

Progressive: \$6,731,297.00

Progressive: \$8,948.32

Comment:

At the time of writing this report applications for building license submitted in 2005 and pending the submission of additional information prior to the issuing of a building license totalled \$33,815.00 in value.

Four building applications have been submitted in 2006. It is expected that these will be approved prior to Council's ordinary January 2006 meeting.

Officers Recommendation:

That the Merredin Shire Council receive the 2005 statistics for building licences issued by the Building Surveyor.

28272

Moved Cr Jones sec Cr Morris

That the Merredin Shire Council receive the 2005 statistics for building licences issued by the Building Surveyor.

CARRIED 9/0

Cr Astbury declared an impartiality interest in Item No. 8

11.8 APPLICATION FOR PLANNING CONSENT – USE NOT LISTED IN SHIRE OF MERREDIN TOWN PLANNING SCHEME NO. 1 – FIRE AND EMERGENCY SERVICES STATION

Reporting Department: Development Services
Reporting Officer: Warren Bow, Manager of Development Services
Legislation: Town Planning and Development Act 1928,
 Shire of Merredin Town Planning Scheme No. 1, Residential Design Codes
File Number: P/2542, P/2541

Background:

An application for planning consent has been submitted on behalf of the Fire and Emergency Services Authority of WA (FESA) by Architectural Design Studio (WA) Pty Ltd to construct a new fire and emergency services volunteer station at Lots 108/109 Mitchell Street, Merredin (the property).

The property is currently owned by the Merredin Club Inc, with ownership proposed to be transferred to FESA in the near future. The two separate lots are proposed for amalgamation. The application will be processed upon resolution of these matters.

The fire and emergency services volunteer station incorporates an appliance room, office, communications area, training room, store room and amenities. Proposed plans can be seen as **Attachment 11.8A**.

The property is located in the “Civic and Cultural” zone of the Shire of Merredin Town Planning Scheme No.1 (the scheme).

A fire and emergency services volunteer station is a use not listed within the Civic and Cultural zone of the scheme.

The policy statement detailing acceptable development within the “Civic and Cultural” zone includes a “wide range of community uses which are generally cultural, recreational nature are permitted within this zone. Typical uses include libraries, churches, halls, indoor recreation activities, private schools, pre-schools and infant health facilities”.

Legal Implications:

Clause 2.2.4 of the Scheme states that –

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

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

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

The relevant use symbols contained in the scheme are listed below -

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

A fire station is listed in the scheme as a “P” use upon land zoned “Public Purpose Reserve”.

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.

Comment:

Other properties and uses within the “Civic and Cultural” zone include the Merredin Club Inc, bowling greens, St Mary’s Primary School, Merredin Church of Christ and Merredin Playgroup (former Lutheran Church)

It is felt that an emergency services station is not beyond the description of permitted development within the “Civic and Cultural” zone. Council should however retain discretion when assessing any application for such development.

Officer’s Recommendation:

That the Merredin Shire Council, in accordance with Clause 2.2.4 (a) of the Shire of Merredin Town Planning Scheme No. 1, determine -

- a. that an emergency services station is not permitted unless special approval is given by Council and conditions complied with within the Scheme area; and*
- b. designate an emergency services station development as a “PS” use within the Scheme area.*

28273

Cr Morris sec Cr Jones

That this item lay on the table until the February 2006 meeting following discussions between Council representatives and Government Ministers.

CARRIED 7/2

28274

Moved Cr Marley sec Cr Morris

That Council write to the applicant advising that Council delegates will be meeting with Government Ministers to discuss this issue.

CARRIED 6/3

11.9 ACTIVITIES IN THOROUGHFARES-PLACEMENT OF ADVERTISING SIGNAGE AND DISPLAY OF GOODS

Reporting Department:	Development Services
Reporting Officer:	Warren Bow, Manager of Development Services
Legislation:	Local Government Act 1995, Shire of Merredin Local Law No. 3 – Activities in Thoroughfares And Public Places and Trading
File Number:	L&E/8/Thoroughfares

Background:

Council adopted the Shire of Merredin Local Law No. 3 – Activities in Thoroughfares and Public Places and Trading (the local laws) in September 2002.

The issue of advertising, more specifically the placement of “sandwich board” advertising and the displaying of goods and equipment on footpaths and thoroughfares have been on-going for some time.

A survey of the Barrack and Bates Street business district of the Merredin townsite indicates that up to 15 businesses are using the thoroughfare for either the display of goods (clothes, shoes, bicycles, equipment) or the placement of advertising signage (sandwich boards).

Council records indicate that written approval, although no formal permit under the local laws, has been issued to only one of these businesses.

Legal Implications:

Part 2 of the local laws specifies certain activities that may be allowed, with a permit, on a thoroughfare. This includes placing of any thing that may cause obstruction. The display of goods for sale is incorporated into this definition.

Part 3 of the local laws deals with the placement of advertising signage on thoroughfares.

A thoroughfare includes a footpath and road verge.

Budget Implications:

There are no fees assigned to these local laws for any application for a permit.

There are modified penalties for prescribed offences contained within these local laws.

Comment:

The matter of displaying goods for sale on a thoroughfare can easily be addressed via the issue, or refusal, of a permit under the local laws. The permit may incorporate conditions such as

- fee to be paid
- duration of permit,
- responsibility for rectification, remediation or restoration of thoroughfare as a result of the permitted activity
- location of permitted activity
- times during which the activity is permitted
- payment of deposit or bond
- provision of public liability insurance
- provision of indemnity of local government

The matter of placement of advertising signage on a thoroughfare is more detailed within the local laws.

Part 3 of the local laws can be seen as **Attachment 11.9A**.

Clause 3.2 (3) (a) states that an advertising sign shall not be placed on a footpath. A footpath is defined as –

“an area that is open to the public that is designated for, or has as one of its main uses, use by pedestrians”

Clause 3.2 (3) (c) states that an advertising sign shall not be placed within three metres of a carriageway. A carriageway is defined as –

“a portion of a road that is improved, designed or ordinarily used for vehicular traffic, and includes the shoulders, and areas, including embayments, at the side or centre of the carriageway, used for the stopping or parking of vehicles; and, where a road has 2 or more of those portions divided by a median strip, the expression means each of those portions, separately”

A survey of the footpaths along Barrack and Bates Streets reveal a range in widths of 3.3m – 3.75m. These measurements were taken from the property boundary to the edge of the footpath/road. In most cases the property boundary is the external fabric of the building on the property.

If Council defines the width of a “footpath” it may address the prohibition of advertising signage prescribed by clause 3.2 (3) (a) of the local laws, and enable the placement of advertising signage on the formed concrete thoroughfare. This would specifically relate to the formed concrete footpaths along Barrack and Bates Streets, Merredin.

Two diagrammatic examples of how a footpath may be defined can be seen as **Attachment 11.9B** and **Attachment 11.9C**.

Defining the footpath in this manner may allow businesses to place advertising signage on the non-footpath area. As per **Attachment 11.9B**, it is suggested

that the first 1000mm outside the property boundary not be classified as the footpath.

In most cases sandwich board advertising, if placed abutting the adjacent property, will comply with the three metre setback from carriageway requirements of the local law.

Where this is not possible Council may wish to seek an amendment to its local law to reduce the three metre setback. Such amendment would not be supported by staff.

Clause 3.4 of the local laws details the standard conditions of approval for the placement of a sandwich board sign. Council's attention is drawn to clause 3.4 (b) which allows only one sign per business.

It is proposed to write to all businesses currently displaying goods for sale and/or placing advertising signage on thoroughfares and advise them of the requirement to obtain a permit to do so. Primarily this is a risk management measure with the aim of reducing Council's liability in relation to its thoroughfares.

Voting Requirements

Absolute Majority

Officer's Recommendation:

1. *That the Merredin Shire Council, for the purposes of administering Part 3 of the Shire of Merredin Local Law No. 3 – Activities in Thoroughfares and Public Places and Trading define a “footpath” within Barrack and Bates Streets, Merredin thoroughfares as -*

“that portion of formed concrete area, commencing no less than 1000mm away from the adjacent property boundary and finishing at the formed concrete/carriageway junction, as per Attachment 11.9B

2. *That the Merredin Shire Council delegate authority to the Chief Executive Officer to determine applications for a permit made in accordance with Shire of Merredin Local Law No. 3 – Activities in Thoroughfares and Public Places and Trading.*

DCEO J McGovern left the meeting at 3.10pm.

28275

Moved Cr Jones sec Cr Townrow

1. *That the Merredin Shire Council, for the purposes of administering Part 3 of the Shire of Merredin Local Law No. 3 – Activities in Thoroughfares and Public Places and Trading define a “footpath” within Barrack and Bates Streets, Merredin thoroughfares as -*

“that portion of formed concrete area, commencing no less than 1000mm away from the adjacent property boundary and finishing at the formed concrete/carriageway junction, as per Attachment 11.9B

2. *That the Merredin Shire Council delegate authority to the Chief Executive Officer to determine applications for a permit made in accordance with Shire of Merredin Local Law No. 3 – Activities in Thoroughfares and Public Places and Trading.*

**CARRIED 9/0
ABSOLUTE MAJORITY**

12.0 ENGINEERING SERVICES**12.1 ACTING MANAGER OF WORKS – MONTHLY REPORT**

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

Background:

Monthly report on operations.

Legal Implications:

Nil

Budget Implications:

Nil

Comment:Road Construction

Road construction to restart 30th January 2006 on Bates Street

Road Maintenance

Maintenance grading in progress north west corner of shire.
 Bitumen patching in progress

Parks and Gardens

Summer mowing program in progress.

Tree pruning under power lines to commence on 16th January 2006 to comply with new Western power regulation. A total of 191 trees will be required to be pruned. It is estimated it will take about 5 weeks to complete.

Water

Dam #1	85% Full	Capacity 106 million litres
Dam #2	75% Full	Capacity 111 million litres
Dam #3	40% Full	Capacity 56 million litres
Railway Dam	80% Full	Capacity 23 million litres

Officer's Recommendation:

That the Merredin Shire Council receive the Acting Manager of Works report for January 2006.

28276

Moved Cr Morris sec Cr Crees

That the Merredin Shire Council receive the Acting Manager of Works report for January 2006.

CARRIED 9/0

12.2 REVIEW OF WA'S DEFAULT OPEN SPEED LIMIT

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

Background:

The Western Australian Local Government Association has asked Council to consider reducing the default open speed limit from 110kms per hour to 100kms per hour on existing non-speed zoned roads.

The definition of existing non-speed zoned roads are roads that are outside built up areas that have not been subject to an engineering assessment by Main Roads WA resulting in speed limit signs being installed along them (speed zoned roads).

A working party of the Road Safety Council Officers Support Group, Officer Road Safety, Main Roads WA, Western Australian Local Government Association and the Police Department have investigated this matter and have sent a survey to Council. This is attached for Council information.

Comment:

The documentation indicates that roads to which the default limit applies are typically unsealed roads or narrow sealed roads in rural areas and any change to the default limit will not affect speed limits on other roads that Main Roads has assessed and are signed.

The various issues are effectively discussed in **Attachment 12.2A**.

Regardless of any comments or signage it is important that the overarching issue concerning safety is, that drivers drive to the conditions that are on the road at the time and the setting of default speed limits for non-speed zoned roads is of secondary importance.

In respect to the response to the survey I believe Council should not support the default open speed limit being reduced from 110kms per hour to 100 kms per hour on existing non-speed zoned roads as the default speed limit should remain constant throughout the state. However it should be made clear that even though the default speed limit says 110kms per hour drivers need to drive vehicles according to the conditions at the time.

Officer's Recommendation:

1. *That Council not support the reduction of the existing non-speed zone roads to 100kms per hour.*
2. *That Council advise WALGA that regardless of the default speed limit, drivers need to drive vehicles according to the conditions that exist on the road at the time they are using the road.*

28277

Moved Cr Jones sec Cr Townrow

1. *That Council not support the reduction of the existing non-speed zone roads to 100kms per hour.*
2. *That Council advise WALGA that regardless of the default speed limit, drivers need to drive vehicles according to the conditions that exist on the road at the time they are using the road.*

CARRIED 9/0

12.3 PONTIFEX ROAD

Reporting Department: Engineering
Reporting Officer: James Garrett, Acting Manager of Works
Legislation: Local Government Act 1995
File No:

Back Ground

At the council meeting on 18 October Council discussed the future of Pontifex Road (CMRef 28146). I have been in contact with Mrs. Pontifex and asked for their opinion on the potential effect of the closure of Pontifex Road.

Have received correspondence from Mrs. Pontifex and Mr. M.Steber (See Attachments 12.3A) suggesting all they want is a serviceable road for local farming machinery and access to their properties.

Comment

Pontifex Road is graded under our current road maintenance program but is not passable in the winter months due to flooding in the lake areas. With the volume of water passing through the lake system it is not practical to install culverts.

Access to Baandee Lake for skiing is more practical from the eastern side of the lake on Ski Lake Road not down Pontifex Road.

Officers Recommendation

That Council:

- 1) *designate Pontifex Road as a dry weather road only;*
- 2) *grade Pontifex Road at the end of winter each year; and.*
- 3) *obtain a costing for the construction of a flood crossing in the lake area.*

28278

Moved Cr Crees sec Cr Townrow

That Council:

- (1) *designate Pontifex Road as a dry weather road only;*
- (2) *grade Pontifex Road at the end of winter each year; and*
- (3) *obtain a costing for the construction of a flood crossing in the lake area.*

CARRIED 8/1

Moved Cr Crees sec Cr Astbury

That Council adjourn for afternoon tea at 3.16pm.

CARRIED 9/0

Moved Cr Astbury sec Cr N Hooper

That Council recommence the meeting at 3.40 .

CARRIED 9/0

13.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

14.0 QUESTIONS BY MEMBERS FOR WHICH DUE NOTICE HAS BEEN GIVEN

15.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

15.1 ALINE EAST – LEASE OF MAIN ROADS COMPOUND – RESERVE 34551

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

Background:

At Council's 17 May 2005 meeting (CMRef 27918) Council agreed to enter into a lease with Main Roads WA for access to their works compound on Reserve 34551 MacKenzie Crescent.

Council has been using this compound since it secured a contract with CSR Emoleum Road Services with the provision of road maintenance patrols in 2002.

Aline East has requested use of the compound for their vehicles until they finish their contract in 2007.

Financial Implications:

The monthly rental for the property is \$250.00 per month with a \$500.00 bond.

I have had informal communication with Aline East and they are prepared to pay \$350.00 per month for access to the depot.

Comment:

The two man crew and their equipment can be easily accommodated in the Shire Depot. The rental of the depot to Aline East will assist them as they upgrade the Great Eastern Highway.

Staff Recommendation:

That Council agree to enter into a lease with Aline East for the works compound at Reserve 34551 MacKenzie crescent for \$350.00 per month until the current works on upgrading Great Eastern Highway is completed.

28279

Moved Cr Jones sec Cr Morris

That Council agree to enter into a lease with Aline East for the works compound at Reserve 34551 MacKenzie crescent for \$350.00 per month until the current works on upgrading Great Eastern Highway is completed.

**CARRIED 8/1
ABSOLUTE MAJORITY**

15.2 TEMPORARY CLOSURE OF PARKING ACCESS – BARRACK STREET WEST OF THE MERREDIN VISITOR’S CENTRE

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

Background:

At Council’s 18 October 2005 meeting (CMRef 28117) Council decided to temporarily close the carpark entrance off Barrack Street west of the Visitor’s Centre with sandbags and monitor the traffic flow for a two month period.

Under Section 3.50 of the Local Government Act temporary closure of a thoroughfare exceeding four (4) weeks requires advertising and a notice sent to service departments and adjoining landholders. A notice was placed in the Merredin Wheatbelt Mercury on the 14 December 2005 as well as letters to the adjoining landholders. Closing dates for submissions was 11 January 2006.

One submission was received and is attached for Council information.

The temporary closure of a carpark will commence from the 23 January 2006.

Comment:

The one submission received supports the closure and I therefore recommend that we proceed with the two month trial period.

Staff Recommendation:

That Council proceed with the temporary closure of the carpark entrance off Barrack Street west of the Merredin Visitor’s Centre with sandbags and monitor the traffic flow for a two month period commencing 23 January 2006.

28280

Moved Cr Townrow sec Cr Astbury

That Council proceed with the temporary closure of the carpark entrance off Barrack Street west of the Merredin Visitor’s Centre with sandbags and monitor the traffic flow for a two month period commencing 23 January 2006.

CARRIED 6/3

15.3 LOCAL PUBLIC NOTICE OF 2006 COUNCIL MEETINGS

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

Background:

S 5.25 (g) of the Local Government Act and Regulation 12 of the Local Government (Administration) Regulations 1996 require a local government to give local public notice of the dates of ordinary Council meetings, at least once a year.

'12. Public notice of council or committee meetings — s. 5.25(g)

(1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which —

(a) the ordinary council meetings; and

(b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public,

are to be held in the next 12 months.'

On the basis of Council's standing arrangement of holding Ordinary Meetings on the third Tuesday of each month, the following dates will apply in 2006, (excluding this meeting) :

2006 Ordinary Council Meetings

21st February 2006

21st March 2006

18th April 2006

16th May 2006

20th June 2006

18th July 2006

15th August 2006

19th September 2006

17th October 2006

21st November 2006

19th December 2006

There is no requirement to give local public notice of Council's Committee meetings (i.e Administration, Finance and Town Planning) as these are held on an occasional or as needs basis directed by Council and will be subject to public notice close to the time of meeting.

Legal Implications:

As described.

Budget Implications:

Nil

Officer's Recommendation:

That Merredin Shire Council adopt the following meeting dates for 2006 and advertise by local public notice in accordance with the Local Government Act and Regulations:

2006 Ordinary Council Meetings

21st February 2006

21st March 2006

18th April 2006

16th May 2006

20th June 2006

18th July 2006

15th August 2006

19th September 2006

17th October 2006

21st November 2006

19th December 2006

Voting Requirement:

Simple Majority

28281

Moved Cr Jones sec Cr Townrow

That Merredin Shire Council adopt the following meeting dates for 2006 and advertise by local public notice in accordance with the Local Government Act and Regulations:

2006 Ordinary Council Meetings

21st February 2006

21st March 2006

18th April 2006

16th May 2006

20th June 2006

18th July 2006

15th August 2006

19th September 2006

17th October 2006

21st November 2006

19th December 2006

CARRIED 9/0

16.0 MATTERS BEHIND CLOSED DOORS**28282**

Moved Cr Astbury sec Cr Wallace

That the meeting proceed behind closed doors for the following matter to be discussed, in accordance with S 5.23 2© and (e) of the Local Government Act, 1995.

CARRIED 9/016.1 ALINE EAST – Gt EASTERN H'WAY UPGRADE – USE OF WATER

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

Background:

At Councils 20 December 2005 meeting Council considered an item concerning the use of water by Aline East in the upgrade of Great Eastern H'Way.

The President, A/Works Manager and I met with the Aline East's Manager on 5 January 2006 in Merredin and on 9 January 2006 the President and I met with Aline East and Dept of Agriculture in Perth to discuss the various issues.

The outcomes of these meetings are as follows:

- i.) Total water requirement for season one is about 60,000kl.
- ii.) Three tanks of about 270kl will be located on the old Truck Wash Down Bay (Res 32848). One for effluent water, one for saline water the other for fresh water (ex Dam 3)
- iii.) The old Truck Wash Down Bay (Res 32848) to be use as a filling point for water carts.
- iv.) As it will take some time for tanks to arrive water will be drawn from Dam 3 for next few weeks to meet current requirements.
- v.) An application needs to be submitted to Health Department for use of effluent water.
- vi.) Agriculture Dept will be responsible for routing saline water to the Old Wash Down bay.
- vii.) Agriculture Department will commence the process of locating and installing 4 additional water bores in Merredin (as discussed at the public meeting on 7 December 2005) as part of the Liquid Assets project.
- viii.) Council will be responsible for routing Effluent water to the Wash Down Bay.
- ix.) Aline East will purchase the tanks for the Wash Down Bay
- x.) Provision of water in second season will be dependent on who is prepared to operate the desalinisation plant.

- xi.) Desalination plant may not be required if season one arrangements remain in place. We informed the meeting that we want to utilise Dam 3 and Effluent water in season two for shire purposes.
- xii.) Aline East were generally supportive of paying a lump sum in the vicinity of \$200,000 for all of the water supplies for both seasons, with Council bearing the cost of supplying the water.
- xiii.) Cost of desalinating water is about 2.37 per kilolitre on a two year lease, fully maintained assuming input water costs of zero.
- xiv.) Determining a price for water on a kilolitre basis would enable season one and season two requirements to be split.
- xv.) If water sources cannot meet Aline East requirements then as a fall back option Water Corporation water will be used.

Comment

At Councils 18 September 2001 meeting (CMRef 26386) Council discussed supplying water to St Mary's School with water from Council's independent water supply scheme, and decided that for all schools "a rate equivalent to a percentage of the charge levied by the Water Corporation" be used. At the Engineering Service Committee meeting (4 September 2001) a rate of 25% of Water Corporation rate to Community Groups and 75% for other cases was discussed.

At Councils 19 February 2002 meeting (CMRef 26576) the above motion was amended to "exempt Merredin Shire sports and community groups" from water charges from Council's independent water supply.

The Schools were subsequently levied a rate equivalent to 75% of the then Water Corporation charge for water (although the Education Ministry required more justification than a percentage of the Water Corporation charge).

Based on this information we could consider a precedent has been established.

According to the Water Corporation website Country Commercial water rates in Merredin are for first 300kL - \$1.125 per kl and over 300kl \$2.006 per kl. Additionally there is a Service charge of \$461 - \$25,982 depending on the size of the pipe providing the service. So as an example 75% of the rate could be \$1.50per kl.

The complicating factor in this discussion is the long term outcome of the Liquid Assets project. If the economical use of desalinated water is an outcome of the Liquid Assets project then it maybe appropriate to invest in a Desalination Plant and use it for the Aline East project now and other projects later.

If there is no economical use then proceeds from the sale of the water to Aline East could be used for other projects (Recreation Centre, Carrington Way subdivision etc etc)

It is my view that we are aware of the current requirement of Aline East for Year 1 and so selling water from Dam 3, Effluent Ponds and saline water under Merredin for \$1.50 per kilolitre in season one is reasonable.

In respect to season two, investigations will need to commence as soon as possible to determine an outcome. However there are too many unknowns at this stage to make a firm recommendation to Council. These unknowns include:

- a) are what is the detailed cost of operating and maintaining a desalinisation plant
- b) who is going to operate it and
- c) is there a long term need for desalinated water.

Voting Requirements

Absolute Majority

Officer's Recommendation:

That Council agree to supply water from Councils Independent Water Supply Scheme and saline water under Merredin at a price of \$1.50 per kl.

28283 Moved Cr Crees sec Cr Wallace
That the meeting move out from behind closed doors.

CARRIED 9/0

28284 Moved Cr N Hooper sec ~~Cr N Hooper~~ Cr Crees
That Council agree to supply water from Councils Independent Water Supply Scheme and saline water under Merredin at a price of \$1.50 per kl for Season 1.

**CARRIED 9/0
ABSOLUTE MAJORITY**

[CMRef 28285](#) dated 21 February 2006 – alteration to seconder of above motion.

17.0 CLOSURE

The Presiding Member closed the meeting at 4.15pm.