

INDEX

1.0	OFFICIAL OPENING	3
2.0	PUBLIC QUESTION TIME	3
3.0	APOLOGIES AND LEAVE OF ABSENCE	3
4.0	DISCLOSURE OF INTEREST	3
5.0	PETITIONS & PRESENTATIONS	3
6.0	CONFIRMATION OF MINUTES	3
6.1	Previous Council Meeting	3
7.0	ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION	4
8.0	MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC	4
16.1	Reserve 10359 Barrack Street, Merredin – Valuation For Purchase Of Land.	4
16.2	State Administrative Tribunal – Shire of Merredin V Mark Thomas Thompson – House Unfit For Human Habitation.	4
9.0	RECEIVAL OF MINUTES OF COMMITTEE MEETINGS HELD SINCE THE PREVIOUS MEETING OF COUNCIL	4
9.1	WE-ROC Council meeting held 22 March 2006;	4
9.2	WALGA – Great Eastern Country Zone meeting held on 24 March 2006;.....	4
9.3	Merredin Regional Community & Leisure Centre Management Committee meeting held 28 March 2006; and.....	4
9.4	Business & Community Development Committee meeting held 5 April 2006.....	4
11.0	HEALTH, BUILDING, ENVIRONMENTAL SERVICES & TOWN PLANNING	6
11.1	Heritage Loan Scheme Review	6
11.2	Building Statistics Report.....	8
11.3	Subdivision Of Land Application – Co-Operative Bulk Handling Ltd For Bp Australia Ltd, Lot 3 Gamenya Ave, Merredin	10
11.4	Application For Planning Consent – Office Building At Lot 3 Gamenya Ave, Merredin, Co-Operative Bulk Handling.....	12
11.5	Amalgamation Of Land Application – Complex Land Solutions For Rainday Pty Ltd, Lot 23 Coghill St, Merredin	17
11.6	Application For Planning Consent – Fire And Emergency Services Station, Lots 108/109 Mitchell Street, Merredin	19
11.7	Subdivision Of Land Application – Paul Kraft And Associates For Shire Of Merredin, Lot 24 Crooks Road, Merredin.....	21
11.8	Draft Policy – Rental Of Council Owned Non-Residential Buildings	23
11.9	Future Management Of Reserve 31681, Muntadgin-Wogarl Rd, Muntadgin – Former Muntadgin Primary School Site – Muntadgin Progress Association	24
11.10	Merredin Regional Community And Leisure Centre - Tender 17 – 05/06 – Supply And Installation Of Roof And Roof Plumbing	26
11.11	Merredin Regional Community And Leisure Centre - Tender 18 – 05/06 – Supply And Installation Of Aluminium Doors And Windows	28
11.12	Proposed Disposal – Reserve 13627 Merredin	30

15.0	URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION	33
15.1	Discussion Draft – “A New Building Act For Western Australia”	33
16.0	MATTERS BEHIND CLOSED DOORS	39
16.1	Reserve 10359 Barrack Street, Merredin – Valuation For Purchase Of Land	39
16.2	State Administrative Tribunal – Shire Of Merredin V Mark Thomas Thompson – House Unfit For Human Habitation	39
12.0	ENGINEERING SERVICES	42
12.1	Heavy Haulage Transport Route, Gamenya Avenue – Disposal Of Light Tower	42
12.2	Manager Of Works – Monthly Report	45
12.3	Land Acquisition – Crooks Road	46
10.0	ADMINISTRATION, FINANCE & COMMUNITY DEVELOPMENT	47
10.1	Chief Executive Officer’s Report	47
10.2	We-Roc – Employment Of An Executive Officer	50
10.3	Annual General Meeting – Western Australian Local Government Association	51
10.4	Shire Of Northam – Saleyards Shareholding	52
10.5	Deputy Chief Executive Officer’s Report	54
10.6	2005/2006 Budget Review	58
10.7	Monthly Finance Report	59
10.8	List Of Accounts Paid	60
10.9	Debt Write-Offs – Soil Conservation Service Charge	61
10.10	Debt Write-Offs	63
10.11	Review Of Differential Rating	65
10.12	Construction Of Ses Equipment Shed	68
10.13	Community Facilities Grants Program	70
10.14	Draft Strategic Plan	73
15.0	URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION	76
15.2	Wireless Broadband Mou	76
13.0	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	78
14.0	QUESTIONS BY MEMBERS FOR WHICH DUE NOTICE HAS BEEN GIVEN	78
15.0	URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION	78
16.0	MATTERS BEHIND CLOSED DOORS	79
	Refer Page 39	79
17.0	CLOSURE	79

Minutes for the Ordinary Meeting of the Merredin Shire Council held in the Council Chambers, Cnr King/Barrack Streets, Merredin on Tuesday 18 April 2006 at 1.00pm.

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

Messrs FB Ludovico; Chief Executive Officer, JA McGovern, Deputy Chief Executive Officer; WD Bow, Manager of Development Services (part of meeting); JF Garrett, Manager of Works (part of meeting); NJ Purdy, Senior Finance Officer (part of meeting); AM Peters, Personal Assistant.

1.0 OFFICIAL OPENING

The Presiding Member declared the meeting open at 1.07pm.

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.

3.0 APOLOGIES AND LEAVE OF ABSENCE

Cr SJ Marley has leave of absence for meeting of 18 April, 2006.

4.0 DISCLOSURE OF INTEREST

Cr Morris declared an Impartiality Interest in Items 9.3, 10.9, 10.10 and 15.2

Cr Jones declared an Impartiality Interest in Item 10.13.

Cr Astbury declared an Impartiality Interest in Item 11.9

Cr Townrow declared a Financial Interest in Item 15.2.

5.0 PETITIONS & PRESENTATIONS

Nil

6.0 CONFIRMATION OF MINUTES

6.1 PREVIOUS COUNCIL MEETING

Confirmation of minutes of meeting held on the 21 March 2006.

28373

Moved Cr Townrow sec Cr Wallace

That the minutes of the meeting held on the 21 March 2006 be confirmed as a true and correct record of proceedings.

CARRIED 10/0

7.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

Medical Practice Review – Thursday 12 April, 2006.

Geraldton Roads Forum - Cr K Hooper, Cr M Crees, Jim Garrett.

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

16.1 Reserve 10359 Barrack Street, Merredin – Valuation For Purchase Of Land.

16.2 State Administrative Tribunal – Shire of Merredin V Mark Thomas Thompson – House Unfit For Human Habitation.

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

9.1 WE-ROC Council meeting held 22 March 2006;

9.2 WALGA – Great Eastern Country Zone meeting held on 24 March 2006;

9.3 Merredin Regional Community & Leisure Centre Management Committee meeting held 28 March 2006; and

9.4 Business & Community Development Committee meeting held 5 April 2006.

28374

Moved Cr Townrow sec Cr Crees

That the Merredin Shire Council receive the minutes of the WE-ROC Council meeting held 22 March 2006; WALGA – Great Eastern Country Zone meeting held on 24 March 2006; Merredin Regional Community & Leisure Centre Management Committee meeting held 28 March 2006; and Business & Community Development Committee meeting held 5 April 2006.

CARRIED 10/0

9.3 **Merredin Regional Community and Leisure Centre Committee Minutes**

Cr Morris declared an Impartiality Interest in Item 9.3

6.4 Telecentre Proposal

Moved Cr G Astbury sec Cr W Wallace

That the Committee recommend that the Merredin Shire Council favourably consider the proposal for the Merredin Telecentre to relocate to the Merredin Regional Community & Leisure Centre.

CARRIED 8/0

28375 Moved Cr M Crees sec Cr Astbury
That the Merredin Shire Council give ‘in principle’ support for the Merredin Telecentre to relocate to the Merredin Regional Community & Leisure Centre.

CARRIED 10/0

28376 Moved Cr Hooper sec Cr Jones
The Merredin Shire Council permit Telecentre to extend lease at Old Municipal Chambers for an additional six (6) months period from 1 July 2006 at the existing rental.

CARRIED 9/1

9.4 **Business & Community Development Committee Minutes**

6.6 Accommodation and land zoning and availability

28377 Moved Cr Townrow sec Cr N Hooper
That Visitor Centre Manager Pam Masters be requested to attend the meeting and that the matter lay on the table until after the adjournment.

CARRIED 10/0

Refer to Resolution 28379 (Page 40)

J McGovern, DCEO left the meeting at 1.57pm.

F Ludovico, CEO left the meeting at 1.59pm.

F Ludovico, CEO entered the meeting at 2.00.

J McGovern, DCEO entered the meeting 2.03pm.

28378 **Notice of Motion**
Cr Morris proposed the following Notice of Motion:
That a Notice of Motion be presented to Council via an agenda item at the May 2006 meeting to disband all Standing Committees due to the Committee decisions being re-considered at each Council meeting.

W Bow entered the meeting at 2.05pm.

7.3 Local Planning Strategy

W Bow advised comments on the LPS to the consultant now would be best option, rather than waiting until LPS is finalised.

Zoning of the old basketball courts and railway oval area as “development” needs to be considered.

Following Items under Section 11 of the Agenda brought forward.

11.0 HEALTH, BUILDING, ENVIRONMENTAL SERVICES & TOWN PLANNING

11.1 HERITAGE LOAN SCHEME REVIEW

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

Background

The Local Government Heritage Loan Scheme was launched in July 2003 to provide low interest loans for heritage conservation works. This scheme was reviewed in 2005 where a number of options for the future of this scheme.

The options supported by the governing board essentially redefines the scheme to provide a subsidy for interest on any loan taken for heritage purposes (subject to prior approval) from the financial institution of Council's choice (previously only one provider). This is detailed in **Attachment 11.1A**.

A "joining fee" of .05% of rate revenue or \$25,000 whichever is the lesser amount is required before Local Governments can participate in the scheme.

Council considered becoming a member of this scheme at its 16 September 2003 meeting (**CMRef 27182**) and also at its 19 April 2005 meeting (**CMRef 27869**) and on both occasions Council declined to participate in the Heritage Loan Scheme.

WALGA has requested Council's opinion regarding the restructure and request Council complete a survey form.

Comment:

I believe the name of the scheme should be changed to (Question D) Heritage Interest Subsidy Scheme and I believe it is important that any loan scheme is independent of a single financial institution as it enables individual local governments to negotiate the best deal that they can.

Of course Council may not wish to participate in the survey.

Staff Recommendation

1. *That Council supports the renaming of the Heritage Loan Scheme to the Heritage Interest Subsidy Scheme; and*
2. *Council support the resolution of the heritage Loan Scheme governing body to develop a loan scheme independent of a single financial institution.*

J McGovern left the meeting at 2.33pm.

28380

Moved Cr Morris sec Cr Simmonds

That Council –

1. *Supports the renaming of the Heritage Loan Scheme to the Heritage Interest Subsidy Scheme; and*
2. *Supports the resolution of the Heritage Loan Scheme governing body to develop a loan scheme independent of a single financial institution.*

CARRIED 9/1

11.2 BUILDING STATISTICS REPORT

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

Background:

To provide to Councillors of the Shire of Merredin details of the Building Licences issued by the Building Surveyor for the previous period, March 2006 – April 2006.

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
BA04/06	Jim Fletcher, PO Box 570, Merredin WA 6415	Lot 21 Coghill St, Merredin WA 6415	Department of Conservation and Land Management, 33 Bates St, Merredin WA 6415	7 (b) – 3 x steel framed, iron clad, commercial storage buildings
BA09/06	Kate & Andrew Farson, 50 Wandoo Cr, Wongan Hills WA 6603	Lot 1140, House No. 62 South Ave, Merredin WA 6415	Kate & Andrew Farson, 50 Wandoo Cr, Wongan Hills WA 6603	1 (a) – Timber and steel framed additions to existing dwelling
BA10/06	Clayton Murray, 19 Todd St, Merredin WA 6415	Lot 8, House No. 19 South Ave, Merredin WA 6415	Clayton Murray, 19 Todd St, Merredin WA 6415	10 (a) – New, steel framed, iron clad outbuilding

Building Licence No.	Licence issued to	Address of proposed building	Owner of property	Class of Building Type of Construction
BA11/06	Barbara Reed, PO Box 373, Merredin WA 6415	Lot 1353, House No. 70 Pollock Ave, Merredin WA 6415	Barbara Reed, PO Box 373, Merredin WA 6415	10 (a) – New, steel framed, free standing patio
BA14/06	Spadaccini Constructions, 42 Throssell St, Northam WA 6401	Lot 942, House No. 7 Woolgar Ave, Merredin WA 6415	Department of Housing and Works, 99 Plain St, East Perth WA 6004	1 (a) – 3 x 2 bedroom, steel framed, weatherboard clad grouped dwellings

Valuation: \$653,200.00
 Progressive: **\$697,700.00**

Fees: \$2,115.10
 Progressive: **\$2,355.10**

Comment:

Officers Recommendation:

That the Merredin Shire Council receive the March/April 2006 statistics for building licences issued by the Building Surveyor for the previous period.

28381

Moved Cr Astbury sec Cr Morris

That the Merredin Shire Council receive the March/April 2006 statistics for building licenses issued by the Building Surveyor for the previous period.

CARRIED 10/0

11.3 SUBDIVISION OF LAND APPLICATION – CO-OPERATIVE BULK HANDLING LTD FOR BP AUSTRALIA LTD, LOT 3 GAMENYA AVE, MERREDIN

Reporting Department: Development Services
Reporting Officer: Warren Bow, Manager Development Services
Legislation: Local Government Act 1995, Town Planning and Development Act 1928
File Number: P/1560

Background:

The West Australian Planning Commission (WAPC) have received an application from Lee Nilan for Co-operative Bulk Handling Ltd (“the applicant”) on behalf of BP Australia for the subdivision of Lot 3 Gamenya Ave, Merredin. The WAPC seek comment from Council on this proposal.

The accompanying plan of this application can be seen as **Attachment 11.3A**.

The said land is currently operated as a bulk fuel storage depot with an office, an outbuilding, storage building and above ground tanks to the eastern aspect.

The land is zoned “General Industry” in accordance with the Shire of Merredin’s Town Planning Scheme No.1 (the Scheme).

The applicant is proposing to create two separate lots of 1.83 hectares and 8404m² respectively from an original parcel of land of size 2.0234 hectares.

A plan of the property taken from the Landgate System can be seen as **Attachment 11.3B**.

Legal Implications:

With all applications for subdivision the WAPC seeks comments and feedback from Council in relation to –

- Local Authority zoning
- Local laws in relation to the application
- General comments, conditions that Council may wish to impose as part of the approval

Budget Implications:

Comment:

An application for planning consent has been received from CBH to develop the proposed western lot of 8404m² into an office facility. This area of land is currently vacant and already fenced.

The proposed dimensions of the two proposed lots comply with the minimum lot area and frontage requirements for the relevant zone.

Officer's Recommendation:

That Council advise the West Australian Planning Commission that it has no objection to the subdivision of Lot 3 Gamenya Ave, Merredin to create two lots of area 1.183ha and 8404m² respectively in accordance with WAPC Application No. 130635 by applicant Co-operative Bulk Handling Ltd for BP Australia Ltd.

28382

Moved Cr Townrow sec Cr Wallace

That Council advise the West Australian Planning Commission that it has no objection to the subdivision of Lot 3 Gamenya Ave, Merredin to create two lots of area 1.183ha and 8404m² respectively in accordance with WAPC Application No. 130635 by applicant Co-operative Bulk Handling Ltd for BP Australia Ltd.

CARRIED 10/0

11.4 APPLICATION FOR PLANNING CONSENT – OFFICE BUILDING AT LOT 3 GAMENYA AVE, MERREDIN, CO-OPERATIVE BULK HANDLING

Reporting Department: Development Services
Reporting Officer: Warren Bow, Manager Development Services
Legislation: Town Planning and Development Act 1928,
Shire of Merredin Town Planning Scheme
No. 1,
File Number: P/1560

Background:

An application (PA03/06) has been submitted by Co-operative Bulk Handling (CBH- the applicant) to construct and operate a new 465m² office building at Lot 3 Gamenya Ave, Merredin (the property). The property is currently owned by BP Australia Ltd.

A letter of application from CBH can be seen as **Attachment 11.4A**. From this letter it can be seen that CBH intend to purchase a portion of Lot 3, once subdivided, from BP Australia Ltd.

The property is located in the General Industry zone as per the Shire of Merredin Town Planning Scheme No. 1 (the scheme).

An office is given an “IP” use symbol under the provisions of the scheme, which means that it is not permitted unless it is incidental to a predominant use as determined by Council.

Attachment 11.4B is a site plan showing the proposed location of the office building.

Attachment 11.4C shows proposed elevations and floor plan of the office.

A large aerial photograph of the area will be displayed for Councillors at the April 2006 meeting. An area map taken from the Landgate system can be seen as **Attachment 11.4D**.

Legal Implications:

It is an offence under the Town Planning and Development Act 1928 (as amended) for any person to use any land or any building or structure thereon contrary to or otherwise than in accordance with the provisions of the Scheme.

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.

DETERMINATION OF DEVELOPMENT APPLICATION WHERE THE ESTIMATED COST OF THE DEVELOPMENT (other than for an extractive industry)	FEE (\$)
Not more than \$50 000	\$100
More than \$50 000 but not more than \$500 000	0.23% of the estimated cost of development
More than \$500 000 but not more than \$2.5 million	\$1 150 + 0.18% for every \$1 in excess of \$500 000

The relevant fee applicable to this application for planning consent is \$1230.00

Comment:

As CBH are not the legal owners of Lot 3 Gamenya Ave, Merredin they are not able to make formal application for planning consent pertaining to the property. To expedite the process however, the application has been referred to Council for “approval in principle”.

Council must first determine that the office development is incidental to a predominant use. Generally, an office in the general industry zone would be located on the same lot as the “general industry” operations and would be ancillary to such. However in the case of this application from CBH the office is located on a separate lot; directly across a road (Gamenya Ave).

Council’s consultant town planner (Whelans) indicate a condition to amalgamate the separate lots on which an office building and general industry operations exist, where such are determined to be incidental, would normally be standard. In this proposal however the lots are separated by a road; accordingly any amalgamation may not be acceptable to the West Australian Planning Commission.

It is reasonable to determine that the office will only be operated in conjunction with CBH operations in the area; however a condition of any approval can be imposed allowing the office to be used only in conjunction with CBH grain handling and associated operations.

Council should also consider the impact that establishing a new office, identified as accommodating CBH’s current and future staff requirements for Merredin, at this location given the on-going issues concerning traffic management and safety and possible closure of Gamenya Ave.

The matter of CBH establishing offices within the proposed East Barrack Street subdivision has previously been discussed at Council level but it has been difficult to progress the subdivision.

Council may wish to impose conditions on the determination of the proposed office being incidental to the predominant grain handling operations. These may include –

- CBH to develop and submit to Council an overall traffic management plan, incorporating grain delivery routes and staff traffic management measures.
- CBH to improve the general appearance of Lots 23 and 7 with the removal of redundant buildings, removal of caravan, registration or removal of temporary accommodation facilities, general tidying of the area and construction of fencing.
- CBH making a financial contribution to the reconstruction of Gamenya Ave adjacent to Lots 23 and 7.
- All stormwater from the new development to be directed into existing drains and not adversely impact on Council property.

The proposed location of the offices complies with the requirements of the scheme with regard to setbacks and plot ratio.

Landscaping and car parking requirements, as per the scheme, have also been adequately addressed.

Officer's Recommendation:

1. *That Council determine that the proposal by Co-operative Bulk Handling to construct and operate an office building at Lot 3 Gamenya Ave, Merredin is incidental to the predominant use, being bulk grain handling operations, of the adjacent Lots 23 and 7 Gamenya Ave, Merredin*
2. *That Council grant planning approval in principal to Co-operative Bulk Handling, in relation to application for planning consent PA03/06, to construct and operate an office building at Lot 3 Gamenya Ave, Merredin.*
3. *That Council delegate authority to the Chief Executive Officer to issue formal planning consent to Co-operative Bulk Handling, in relation to application for planning consent PA03/06, to construct and operate an office building at Lot 3 Gamenya Ave, Merredin subject to –*
 - a) *Co-operative Bulk Handling obtaining formal possession of portion of Lot 3 Gamenya Ave, Merredin, or obtaining written approval from BP Australia Ltd permitting development thereon;*
 - b) *Co-operative Bulk Handling to develop and submit to Council an overall traffic management plan, incorporating grain delivery routes and staff traffic management;*
 - c) *Co-operative Bulk Handling to improve the general appearance of Lots 23 and 7 with the removal of redundant buildings, removal of caravan, registration or removal of*

- temporary accommodation facilities, general tidying of the area and construction of fencing;*
- d) *Seek a financial contribution from Co-operative Bulk Handling for the reconstruction of Gamenya Ave adjacent to Lots 23 and 3;*
 - e) *All stormwater from the new development to be directed into existing drains to the satisfaction of the Chief Executive Officer prior to proceeding so as to not adversely impact on Council property; and*
 - f) *All building work to comply with the provisions of the Building Code of Australia 2005 and Health Act 1911 and associated legislation*

ABSOLUTE MAJORITY REQUIRED

28383Moved Cr Townrow sec Cr Astbury (*en bloc* motion)

1. *That Council determine that the proposal by Co-operative Bulk Handling to construct and operate an office building at Lot 3 Gamenya Ave, Merredin is incidental to the predominant use, being bulk grain handling operations, of the adjacent Lots 23 and 7 Gamenya Ave, Merredin*
2. *That Council grant planning approval in principal to Co-operative Bulk Handling, in relation to application for planning consent PA03/06, to construct and operate an office building at Lot 3 Gamenya Ave, Merredin.*
3. *That Council delegate authority to the Chief Executive Officer to issue formal planning consent to Co-operative Bulk Handling, in relation to application for planning consent PA03/06, to construct and operate an office building at Lot 3 Gamenya Ave, Merredin subject to –*
 - a) *Co-operative Bulk Handling obtaining formal possession of portion of Lot 3 Gamenya Ave, Merredin, or obtaining written approval from BP Australia Ltd permitting development thereon;*
 - b) *Co-operative Bulk Handling to develop and submit to Council an overall traffic management plan, incorporating grain delivery routes and staff traffic management;*
 - c) *Co-operative Bulk Handling to improve the general appearance of Lots 23 and 7 with the removal of redundant buildings, removal of caravan, registration or removal of temporary accommodation facilities, general tidying of the area and construction of fencing;*
 - d) *Seek a financial contribution from Co-operative Bulk Handling for the reconstruction of Gamenya Ave adjacent to Lots 23 and 3;*

- e) *All stormwater from the new development to be directed into existing drains to the satisfaction of the Chief Executive Officer prior to proceeding so as to not adversely impact on Council property; and*
- f) *All building work to comply with the provisions of the Building Code of Australia 2005 and Health Act 1911 and associated legislation*

**CARRIED 10/0
ABSOLUTE MAJORITY**

28384

Moved Cr Jones sec Cr Townrow

That Council seek the long term plans from Cooperative Bulk Handling for the Merredin Grain Handling Facility.

CARRIED 10/0

J McGovern entered the meeting at 2.46pm.

11.5 AMALGAMATION OF LAND APPLICATION – COMPLEX LAND SOLUTIONS FOR RAINDAY PTY LTD, LOT 23 COGHILL ST, MERREDIN

Reporting Department: Development Services
Reporting Officer: Warren Bow, Manager Development Services
Legislation: Local Government Act 1995, Town Planning and Development Act 1928
File Number: P/3552

Background:

Council has received correspondence from the West Australian Planning Commission (WAPC) who have received an application from Complex Land Solutions (“the applicant”) on behalf of the Rainday Pty Ltd for the amalgamation of Lots 22, 23 and 24 Coghill Street, Merredin (“the property”).

The accompanying plan of this application can be seen as **Attachment 11.5A**.

The said land is currently unoccupied and was recently developed into separate lots by Landcorp as part of WAPC approved subdivision 124311.

The land is zoned “General Industry” in accordance with the Shire of Merredin’s Town Planning Scheme No.1 (the Scheme).

The applicant is proposing to create two separate lots of 3.6029 hectares and 2.4674 hectares respectively from an original parcel of land of size 6.0705 hectares.

A plan of the property taken from the Landgate System can be seen as **Attachment 11.5B**.

Legal Implications:

With all applications for subdivision the WAPC seeks comments and feedback from Council in relation to –

- Local Authority zoning
- Local laws in relation to the application
- General comments, conditions that Council may wish to impose as part of the approval

Budget Implications:

Various

Comment:

Council’s consultant town planner (Whelans) indicate that there would be no valid reason to object to this proposal; notwithstanding its recent subdivisional development.

Stormwater management has previously been identified as a potential problem on this property. The owner should be advised of their responsibility to ensure that stormwater be contained on site or measures taken to ensure that it does not adversely impact on adjoining property.

Officer's Recommendation:

That Council advise the West Australian Planning Commission that it has no objection to the amalgamation of Lots 22, 23 and 24 Coghill St, Merredin to create one lot of area 8705m² in accordance with WAPC Application No. 130840 submitted by applicant Complex Land Solutions for Rainday Pty Ltd, subject to the owner assuming all responsibilities for on-site stormwater management.

28385

Moved Cr Morris sec Cr Townrow

That Council advise the West Australian Planning Commission that it has no objection to the amalgamation of Lots 22, 23 and 24 Coghill St, Merredin to create one lot of area 8705m² in accordance with WAPC Application No. 130840 submitted by applicant Complex Land Solutions for Rainday Pty Ltd, subject to the owner assuming all responsibilities for on-site stormwater management.

CARRIED 10/0

11.6 APPLICATION FOR PLANNING CONSENT – FIRE AND EMERGENCY SERVICES STATION, LOTS 108/109 MITCHELL STREET, MERREDIN

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
Public Works Act 1902
File Number: P/2542, P/2541

Background:

Council will recall the application for planning consent, referred to its ordinary January 2006 meeting, submitted by Architectural Design Studios (WA) Pty Ltd on behalf of Fire and Emergency Services Authority of WA (FESA) to construct an emergency services building at Lots 108/109 Mitchell Street, Merredin.

Council resolved (**CMRef 28273**) for the matter to lay on the table whilst other issues were resolved.

Legal Implications:

It has been determined that the works the subject of the application for planning consent are “public works” as defined by the Public Works Act 1902. “Public work” and “work” mean and include buildings and structures required for fire brigade purposes.

Clause 6.1.3 (b) of the Shire of Merredin Town Planning Scheme No.1 (the scheme) determines that public works are exempt from the requirements to obtain planning consent from Council.

Section 32 of the Town Planning and Development Act 1928 determines that public work should be in keeping with the town planning scheme of the local authority and that Council be consulted in the formulation of the public work.

There are however no development standards applicable to building/structures for fire brigade purposes.

Budget Implications:

As the development does not require planning consent, Council cannot levy the \$1,410.00 application fees that would normally accompany such an application.

Council building fees are also not applicable to any building development on the property.

Comment:

The property is located in the “Civic and Cultural” zone of the scheme. A fire and emergency services volunteer station is a use not listed within the Civic and Cultural zone of the scheme.

The development of this type of building within such zone would normally be the subject of a determination by Council.

The proposed location of the offices, as per the submitted plans, complies with the requirements of the “Civic and Cultural” zone with regard to setbacks and plot ratio.

Landscaping and car parking requirements, as per the scheme, have also been adequately addressed.

Council resolved (**CMRef 28298**) at its ordinary February 2006 meeting to register no objection to the proposed amalgamation of Lots 108, 109 Mitchell St, Merredin.

Officer’s Recommendation:

1. *That the matter of application for planning consent – Fire and Emergency Services Station, Lots 108 and 109 Mitchell Street, Merredin be lifted from the table.*
2. *That Council endorse the development of a fire and emergency services station on Lots 108, 109 Mitchell St, Merredin in accordance with the plans and specifications submitted by Architectural Design Studio (WA) Pty Ltd on behalf of FESA.*

28386

Moved Cr Townrow sec Cr Morley (*en bloc* motion)

1. *That the matter of application for planning consent – Fire and Emergency Services Station, Lots 108 and 109 Mitchell Street, Merredin be lifted from the table.*
2. *That Council endorse the development of a Fire and Emergency Services station on Lots 108 & 109 Mitchell St, Merredin in accordance with the plans and specifications submitted by Architectural Design Studio (WA) Pty Ltd on behalf of FESA.*

CARRIED 8/2

11.7 SUBDIVISION OF LAND APPLICATION – PAUL KRAFT AND ASSOCIATES FOR SHIRE OF MERREDIN, LOT 24 CROOKS ROAD, MERREDIN

Reporting Department: Development Services
Reporting Officer: Warren Bow, Manager Development Services
Legislation: Local Government Act 1995, Town Planning and Development Act 1928
File Number: P/9212

Background:

Council will be aware of its recent purchase, from CB Whitehead Pty Ltd, of Lot 24 Crooks Road, Merredin (the property) (**CMRef 28034**).

It was proposed to subdivide the property and sell portion of such to Co-operative Bulk Handling Ltd (CBH).

The West Australian Planning Commission (WAPC) have received an application from Paul Kraft and Associates (“the applicant”) on Council’s behalf for the subdivision of the property, and accordingly seeks comment.

The accompanying plan of this application can be seen as **Attachment 11.7A**.

The said land is currently unimproved and has previously been used for cropping purposes.

The land is zoned “General Industry” in accordance with the Shire of Merredin’s Town Planning Scheme No.1 (the Scheme).

The applicant is proposing to create two separate lots of 52.83 hectares and 19.65 hectares respectively from an original parcel of land of size 72.48 hectares.

A plan of the property taken from the Landgate System can be seen as **Attachment 11.7B**.

Legal Implications:

With all applications for subdivision the WAPC seeks comments and feedback from Council in relation to –

- Local Authority zoning
- Local laws in relation to the application
- General comments, conditions that Council may wish to impose as part of the approval

Budget Implications:

Nil

Comment:

As can be seen from the plan the proposed boundary will follow the existing pipeline; formalising what was in effect two previously separate lots.

Officer's Recommendation:

That Council advise the West Australian Planning Commission that it has no objection to the subdivision of Lot 24 Crooks Rd, Merredin to create two lots of area 52.83ha and 19.65ha respectively in accordance with WAPC Application No. 130598 submitted by applicant Paul Kraft and Associates.

28387

Moved Cr Townrow sec Cr Wallace

That Council advise the West Australian Planning Commission that it has no objection to the subdivision of Lot 24 Crooks Rd, Merredin to create two lots of area 52.83ha and 19.65ha respectively in accordance with WAPC Application No. 130598 submitted by applicant Paul Kraft and Associates.

CARRIED 10/0

11.8 DRAFT POLICY – RENTAL OF COUNCIL OWNED NON-RESIDENTIAL BUILDINGS

Reporting Department: Development Services
Reporting Officer: Warren Bow, Manager of Development Services
Legislation: Local Government Act 1995
File Number:

Background:

Council has requested (**CMRef 27978**) the formulation of a policy to standardise rental charges levied on organisations who occupy Council owned non-residential buildings.

Legal Implications:

Section 3.58 of the Local Government Act 1995 prescribes the way in which local government property must be disposed of. Disposal includes by way of lease.

Section 30 of the Local Government (Functions and General) Regulations 1996 details exemptions to the abovementioned section of the Act. This includes where land is disposed of to a department of the State; groups of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature.

Budget Implications:

Various

Comment:

Attachment 11.8A is a draft Policy for Council's perusal.

Attachment 11.8B are the appendices to the Policy.

Officer's Recommendation:

That Council receive the above report incorporating the draft Policy 6.4 – "Rental charges for agreements to occupy Council non-residential property" and provide comments to staff.

28388

Moved Cr Townrow sec Cr Morley

That Council discuss draft Policy 'Rental Of Council Owned Non-Residential Buildings' at the May 2006 meeting.

CARRIED 7/3

Cr Astbury declared an Impartiality Interest in Item 11.9.

11.9 FUTURE MANAGEMENT OF RESERVE 31681, MUNTADGIN-WOGARL RD, MUNTADGIN – FORMER MUNTADGIN PRIMARY SCHOOL SITE – MUNTADGIN PROGRESS ASSOCIATION

Reporting Department: Development Services
Reporting Officer: Warren Bow, Manager of Development Services
Legislation: Land Administration Act 1997
File Number: R/31681

Background:

The matter of the future management of Reserve 31681 on which the Muntadgin Primary school once existed was considered by Council at its December 2005 meeting (**CMRef 28245**). Council indicated it is unwilling to assume management of the reserve.

Subsequently, the Muntadgin Progress Association (MPA) made a submission to the Department of Education and Training, offering to undertake the management of the site. Their submission can be seen as **Attachment 11.11A** and details the improvements they wished to remain on site, under their management.

Unfortunately the MPA are not able to obtain management orders for Crown reserve land.

The Muntadgin Progress Association have asked Council to reconsider this matter, given that it is now proposed to remove all major buildings from the site. The MPA are proposing to maintain the site as “public park land and memorial gardens”.

Council is able to obtain the management order (vesting) of reserve land; the MPA request that this be done on their behalf. Council would then have the ability to convey the management responsibilities of Reserve 31681, via written agreement, to the MPA, at no cost to Council.

Legal Implications:

Budget Implications:

Any formal agreement with the Muntadgin Progress Association concerning the management of Reserve 31681 should be cost neutral to Council, save for minor administrative costs.

Comment:

Should Council, or any other appropriate authority, be unwilling to obtain the management order for Reserve 31681 the Department of Housing and Works

would, in conjunction with Landcorp, dispose of the property and offer the land for sale by public tender.

The MPA would then have the ability to obtain the property freehold, however it is unlikely that they have the financial capability to do so.

Officer's Recommendation:

That Council advise the Department of Planning and Infrastructure, Department of Education and Training and the Muntadgin Progress Association that it is willing to obtain the management order for Reserve 31681, Wogarl-Muntadgin Rd, Muntadgin for the purpose of "Public Open Space" subject to the following –

1. *Management order for Reserve 31681 to convey the ability to the Shire of Merredin to lease; and*
2. *Muntadgin Progress Association entering into a formal lease agreement with the Shire of Merredin whereby all costs incurred in maintaining the property to be borne by the Muntadgin Progress Association.*

28389

Moved Cr Townrow sec Cr Simmonds

That Council advise the Department of Planning and Infrastructure, Department of Education and Training and the Muntadgin Progress Association that it is willing to obtain the Management Order for Reserve 31681, Wogarl-Muntadgin Rd, Muntadgin for the purpose of "Public Open Space" subject to the following –

1. *Management Order for Reserve 31681 to convey the ability to the Shire of Merredin to lease; and*
2. *Muntadgin Progress Association entering into a formal lease agreement with the Shire of Merredin whereby all costs incurred in maintaining the property to be borne by the Muntadgin Progress Association.*

CARRIED 10/0

11.10 MERREDIN REGIONAL COMMUNITY AND LEISURE CENTRE - TENDER 17 – 05/06 – SUPPLY AND INSTALLATION OF ROOF AND ROOF PLUMBING

Reporting Department: Development Services
Reporting Officer: Warren Bow, Manager of Development Services
John Gearing, Building Project Manager
Legislation: Local Government Act 1995
File Number: Tender 17 – 05/06

Background:

To facilitate the construction of the Merredin Regional Community and Leisure Centre various components of the project were put to tender. Shire of Merredin Tender 17 – 05/06 Supply and installation of roof and roof plumbing. Tender 17 – 05/06 was advertised on Saturday 25 March 2006 in *The West Australian* newspaper. The closing date for tenders was 4:00pm on Monday 10 April 2006. There were no Tenders received on the closing date.

Legal Implications:

Part 4 clause 11 (2)(c)(i) of the Local Government (Functions and General) Regulations 1996 states a local government does not have to publicly invite tenders if, within the last six months it has publicly invited tenders for the supply of goods or services, but no tender was received that met the tender specifications.

Budget Implications:

Nil

Comment:

Given that no compliant tender for Tender 17 05/06 was received, Council is able to deal directly with suppliers of the relevant goods and services; in this instance, contractors capable of supplying and installing aluminium doors and windows.

Officer's Recommendation:

- 1. That Council receive the report titled Merredin Regional Community And Leisure Centre - Tender 17 – 05/06 – Supply And Installation Of Roof And Roof Plumbing.*
- 2. That Council acknowledge that no compliant tender was received in relation to Tender 17 – 05/06 Supply and Installation of Roof and Roof Plumbing in accordance with Part 4 clause 11 (2) (c) (i) of the Local Government (Functions and General) Regulations 1996 delegate authority to staff to negotiate with contractors to supply and install roof and roof plumbing for the Merredin Recreation Centre up to the budget figure.*

(Absolute Majority Required)

28390

Moved Cr Morris sec Cr Jones

1. *That Council receive the report entitled 'Merredin Regional Community And Leisure Centre - Tender 17 – 05/06 – Supply And Installation Of Roof And Roof Plumbing'.*

2. *That Council acknowledge that as no compliant tender was received in relation to Tender 17 – 05/06 Supply and Installation of Roof and Roof Plumbing, in accordance with Part 4 clause 11 (2) (c) (i) of the Local Government (Functions and General) Regulations 1996 delegate authority to staff to negotiate with contractors to supply and install roof and roof plumbing for the Merredin Recreation Centre up to the budget figure.*

**CARRIED 10/0
ABSOLUTE MAJORITY**

**11.11 MERREDIN REGIONAL COMMUNITY AND LEISURE CENTRE -
TENDER 18 – 05/06 – SUPPLY AND INSTALLATION OF
ALUMINIUM DOORS AND WINDOWS**

Reporting Department: Development Services
Reporting Officer: Warren Bow, Manager of Development Services
John Gearing, Building Project Manager
Legislation: Local Government Act 1995
File Number: Tender 18 – 05/06

Background:

To facilitate the construction of the Merredin Regional Community and Leisure Centre various components of the project were put to tender. Shire of Merredin Tender 18 – 05/06 Supply and installation of aluminium doors and windows. Tender 18 – 05/06 was advertised on Saturday 25 March 2006 in *The West Australian* newspaper. The closing date for tenders was 4:00pm on Monday 10 April 2006. There were no Tenders received on the closing date.

Legal Implications:

Part 4 clause 11 (2)(c)(i) of the Local Government (Functions and General) Regulations 1996 states a local government does not have to publicly invite tenders if, within the last six months it has publicly invited tenders for the supply of goods or services, but no tender was received that met the tender specifications.

Budget Implications:

Nil

Comment:

Given that no compliant tender for Tender 18 05/06 was received, Council is able to deal directly with suppliers of the relevant goods and services; in this instance, contractors capable of supplying and installing aluminium doors and windows.

Officer's Recommendation:

- 1. That Council receive the report Titled Merredin Regional Community And Leisure Centre - Tender 18 – 05/06 – Supply And Installation Of Aluminium Doors And Windows.*
- 2. That Council acknowledge that no compliant tender was received in relation to Tender 18 – 05/06 Supply and Installation of Aluminium Doors and Windows in accordance with Part 4 clause 11 (2) (c) (i) of the Local Government (Functions and General) Regulations 1996 delegate authority to staff to negotiate with contractors to supply and install aluminium doors and windows for the Merredin Recreation Centre up to the budget figure.*

(Absolute Majority Required)

28391

Moved Cr Wallace sec Cr N Hooper

1. *That Council receive the report entitled 'Merredin Regional Community And Leisure Centre - Tender 18 – 05/06 – Supply And Installation Of Aluminium Doors And Windows'.*

2. *That Council acknowledge that as no compliant tender was received in relation to Tender 18 – 05/06 Supply and Installation of Aluminium Doors and Windows, in accordance with Part 4 clause 11 (2) (c) (i) of the Local Government (Functions and General) Regulations 1996 delegate authority to staff to negotiate with contractors to supply and install aluminium doors and windows for the Merredin Recreation Centre up to the budget figure.*

**CARRIED 10/0
ABSOLUTE MAJORITY**

11.12 PROPOSED DISPOSAL – RESERVE 13627 MERREDIN

Reporting Department:	Administration
Reporting Officer:	Frank Ludovico, CEO
Legislation:	Local Government Act 1995
File Number:	R13627

Background

VSA Property acting on behalf of the Public Transport Authority has written to Council regarding the sale of Reserve 13627 to the Shire of Merredin.

Attachment 11.12A.

Essentially they indicate in the letter that they are willing to sell the Railway Sports Ground and the old railway residential area for \$250,000 and \$340,000 respectively.

The residential component is not appropriately serviced by sewer. The PTA believe the cost of providing sewer to the properties would be approximately \$150,000 and are prepared to reduce the market value by this amount if we agree to the proposal.

The whole portion of the land can be purchased for \$440,000 subject to a current valuation.

Recent advice has been received from VSA Property indicating that Council may consider taking over the sports ground as a reserve whilst the residential component may be converted to survey strata (avoiding the service costs except underground power) which they are proposing to pursue with PTA. Strata survey means treating the area like a group dwelling or residential unit development. The area will be one lot but with different strata titles. This will avoid installing a new sewer.

Under Council's Local Planning Strategy the area fronting onto Great Eastern Highway is "Potential" High Service. This means the area will retain its residential zoning but Council would entertain the alternate High Service use subject to a Development Concept Plan being approved by Council. A subsequent re-zoning application would then need to be made to allow the new development.

Proceeding with a Strata Survey could affect Councils intentions for the area.

Council discussed this issue at its 19 July 2005 meeting in conjunction with the acquisition of Reserve 10359 (East Barrack Street subdivision) and determined only to follow up the acquisition of Reserve 10359 and not Reserve 13259.

Comment

The acquisition of the Railway Sports Ground has a number of advantages and disadvantages. The additional area will need to be maintained by Council which involves mowing, weed control etc. An advantage may be that if Council has control of the land and if some future development arises then it can freehold the lot and develop it.

In respect to the residential land it may be advisable for a private developer to enter this market and allow them to deal with the issues. I see very little profit in purchasing existing properties, installing sewer and then reselling the land following all the compliance issues contained in the Local Government Act.

An important consideration is the zoning of the area and whether the suggestion by VSA to Survey Strata the properties fronting the Great Eastern Highway is acceptable.

In my view the new VSA proposal has merit as it will progress the matter and attempt to provide development opportunities for the area.

Recommendation:

That Council advise VSA Property as agents for the Public Transport Authority :

1. *The Council is prepared to accept a management order or the portion of Reserves 13627 bounded by Haig, Tomlinson, Kitchener and Gilmore Roads known as Railways Sportsground for the purpose of recreation.*
2. *That Council is not prepared to purchase the portion of Reserve 13627 bounded by Kitchener Road, Pereira Drive, Allbeury Street and the Great Eastern Highway.*
3. *That the portion of Reserve 13627 bounded by Kitchener Road, Pereira Drive, Allbeury Street and the Great Eastern Highway is zoned "residential" and Council would entertain an application for a Survey Strata development.*

Moved Cr Simmonds sec Cr Wallace

That Council advise VSA Property as agents for the Public Transport Authority.

1. *The Council is prepared to accept a management order or the portion of Reserves 13627 bounded by Haig, Tomlinson, Kitchener and Gilmore Roads known as Railways Sportsground for the purpose of recreation.*
2. *That Council is not prepared to purchase the portion of Reserve 13627 bounded by Kitchener Road, Pereira Drive, Allbeury Street and the Great Eastern Highway.*
3. *That the portion of Reserve 13627 bounded by Kitchener Road, Pereira Drive, Allbeury Street and the Great Eastern Highway is zoned "residential" and Council would entertain an application for a Survey Strata development.*

LOST 0/10

REASON:

Council has no interest in assuming additional land management responsibilities as it has other priorities.

Moved Cr Jones sec -

That Council write to VSA Property and advise that Council is not interested in purchasing portion of Reserve 13627 known as the Railways Sportsground at this point in time however the Council would entertain the idea of strata survey and may reconsider in the future.

MOTION WITHDRAWN BY THE MOVER

Item 15.1 brought forward whilst W Bow was in attendance.

15.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

15.1 DISCUSSION DRAFT – “A NEW BUILDING ACT FOR WESTERN AUSTRALIA”

Reporting Department: Development Services
Reporting Officer: Warren Bow, Manager of Development Services
Legislation: Local Government (Miscellaneous Provisions) Act 1960
File Number:

Background:

The Western Australian Government, through the Department of Housing and Works (DHW) and Department of Consumer and Employment Protection (DOCEP) is carrying out a significant review of building legislation, resulting in the release, for public comment, of the “Discussion Draft”.

The review covers building standards, the building approvals process, practitioner standards and registration of practitioners (eg. building surveyors) and also includes proposed changes to legislation such as the Local Government (Miscellaneous Provisions) Act 1960, Builders’ Registration Act 1939 and others.

The proposed reforms relate to the following summarised areas –

- Whole of State coverage – self explanatory.
- Covering of all buildings including the Crown, which were previously exempt.
- Clearer definition of what constitutes a building.
- Determination of License Issuing Authorities (LIA’s) (local government, State government or special authorities) and ensuring that only LIA’s issue building licenses and retain primary responsibility for the management of risk aligned to buildings and the issuing of occupancy approvals.
- Contestability amongst suitably qualified professionals in certifying compliance with the Building Code of Australia – enabling building surveyors, engineers, architects to certify plans as compliant, thus removing the need, in for assessment of building plans and applications.
- Separate and streamlined processes for assessing designs for compliance and issuing building licenses, including a simple notification process for some minor structures (eg. patios, fences, outbuildings).

- Risk based approach to assessment of license and inspection requirements, including the need to provide evidence of all necessary approvals; not just Building Code of Australia compliance.
- Requirements to obtain compliance certification for all buildings prior to occupancy.
- Process for assessment and approval of building works carried out without a building license.
- Nationally agreed accreditation framework for building surveyors qualified to assess applications for building licenses.
- Registration requirements for a range of industry practitioners.

Legal Implications:

A full copy of the “Discussion Draft” and accompanying can be located at website www.dhw.wa.gov.au/buildingactwa Other documentation to be read in conjunction with the above is the Local Government (Miscellaneous Provisions) Amendment Bill 2005 - with additional information on Suggested Transitional Provisions for Adopting the National Accreditation Framework for Building Surveyors.

The Amendment Bill provides for:

1. A mechanism to approve retrospectively the buildings that have been constructed illegally.
2. Regulating the qualifications to be held by building surveyors performing functions under the *Local Government (Miscellaneous Provisions) Act 1960*. The intent of these amendments is to permit the alignment of the required qualifications with the national accreditation framework developed by the Australian Building Codes Board. This provides an opportunity to address some of the recommendations made by the Deputy State Coroner, in her findings of an Inquest into the death of a 9 year old girl in a house that collapsed in December 2002. It also provides an opportunity to meet some of the State’s national competition policy obligations by providing greater contestability and flexibility of building certification services.
3. Removing the ability of unqualified people, such as a local government elected councillors, to resolve to approve a building licence application, without first obtaining the advice of an appropriately qualified and experienced person.
4. Clarifies more clearly the existing definition of what is a private swimming pool for the purposes of applying the swimming pool barrier requirements.
5. Repealing of certain sections of the Act and increasing fines capable of being imposed under the Act. The maximum and daily penalties for building without a licence have been increased from \$5000 and \$200 per day to \$50000 and \$5000 per day. The maximum and daily penalties for permitting the occupation of an unauthorised building have been increased from \$400 and \$16 per day to \$4000 and \$160 per day.

Budget Implications:

Various

Comment:

The proposed changes will impact on all building departments within local government.

The proposed changes will severely and adversely affect rural local governments for two main reasons, these being the introduction of mandatory inspections during the construction of buildings and the proposed framework for the qualifications of License Issuing Authority building practitioners (building surveyors).

Mandatory building inspections -

The exact number and stage of building work at which it is proposed to require mandatory inspections is not contained in the "Discussion Draft". It is proposed that such will be contained in aligned regulations. Common opinion amongst building surveyors is that the mandatory inspections will be required, for example on a residential building site on which a dwelling is being constructed, at the following stages –

- Set out
- Prior to placement of concrete for footings and slabs
- Wall plate height
- Prior to the fixing of roof sheeting/cover
- Prior to occupation

These inspections must be carried out by a certified building practitioner, which includes engineer, architect and/or qualified building surveyor. This however, does not actually include a builder.

The local government may have the ability to charge for the inspection undertaken by its (qualified) building surveyor. The prime concern however would be the time imposition on the local government employee undertaking the inspection and the assumed liability that the required "certification" of each stage of the building would convey to Council.

Alternatively, the local government may require the mandatory inspections to be undertaken by a building practitioner. A cost to the owner would be incurred. For inspections undertaken in the Shire of Merredin this would be in the vicinity of \$300 - \$500 per inspection.

Proposed framework for the qualifications of building practitioners -

The National Accreditation Framework was developed by the Australian Building Codes Board in order to promote consistency in regulatory processes in Australia. The Western Australian Government is committed to the National Accreditation Framework and the *Local Government (Miscellaneous Provisions) Amendment Bill 2005* makes it possible for the Government to adopt that Framework.

The National Accreditation Framework promotes a two-tier building surveyor accreditation. The Level 1 building surveyor is one who is allowed to practice in an unrestricted fashion and in order to do that must have a degree qualification in building surveying (or equivalent) as well as three years of relevant experience. The Level 2 building surveyor is restricted to assessing and certifying compliance of buildings that are no more than three storeys and 2000 m² in total floor area and in order to do that must have an advanced diploma in building surveying (or equivalent) as well as 2 years of relevant experience.

The Framework also recognises people that can have their experience and qualifications assessed through a formal “recognition of prior learning” process as being equivalent to either the degree or advance diploma in building surveying.

Unfortunately there are no indications in the “Discussion Draft” as to what form or the content of which this “recognition of prior learning” will take. *This is the main concern for Environmental Health Officer/Building Surveyors currently employed by local government in regional areas.*

In summary the proposal would exclude those persons who do not have formal building surveyor qualifications from practising as a License Issuing Authority building surveyor; regardless of prior experience or knowledge. There are no formal courses of study offered by educational institutions in Western Australia in building surveying.

Officer’s Recommendation:

That Council endorse a submission to the Department of Housing and Works on the “Discussion Draft – A New Building Act for Western Australia”, with a copy to be forwarded to the State parliamentary Member for Merredin, Brendan Grylls containing the following points –

- 1. That an independent study on the financial impact of the proposed legislative changes on rural and regional Local Governments be undertaken;*
- 2. That an independent study be undertaken in to the placement and qualifications of all practicing building surveyors within Western Australia and compare the results of such a study with the effects of the proposed Australian Building Codes Board framework in Western Australia;*
- 3. That the DHW, in conjunction with the Department of Education and Training, develop a nationally recognised training course/program, at a minimum of Associate Diploma status, in building surveying to be offered at a tertiary education level within Western Australia;*
- 4. That practising local government building surveyors who do not possess formal building surveying qualifications, but have extensive experience (minimum five years delegated authority) and knowledge should achieve a level two building surveyor status in the proposed accreditation framework;*

5. *That the DHW develop and publish an assessment framework to apply to building surveyors wishing to have a “recognised prior learning” assessment undertaken; and*
6. *That the DHW direct funding towards their Building Control Branch for the employment of suitably qualified building surveyors to provide technical assistance, professional development courses and training programs to local government building surveyors, especially those in the regional areas, upon adoption of the new Building Act for Western Australia and thereafter for the betterment of the building industry.*

28392

Moved Cr Morris sec Cr Jones

That Council endorse a submission to the Department of Housing and Works on the “Discussion Draft – A New Building Act for Western Australia”, with a copy to be forwarded to the State parliamentary Member for Merredin, Brendan Grylls containing the following points –

1. *That an independent study on the financial impact of the proposed legislative changes on rural and regional Local Governments be undertaken;*
2. *That an independent study be undertaken in to the placement and qualifications of all practicing building surveyors within Western Australia and compare the results of such a study with the effects of the proposed Australian Building Codes Board framework in Western Australia;*
3. *That the DHW, in conjunction with the Department of Education and Training, develop a nationally recognised training course/program, at a minimum of Associate Diploma status, in building surveying to be offered at a tertiary education level within Western Australia;*
4. *That practising local government building surveyors who do not possess formal building surveying qualifications, but have extensive experience (minimum five years delegated authority) and knowledge should achieve a level two building surveyor status in the proposed accreditation framework;*
5. *That the DHW develop and publish an assessment framework to apply to building surveyors wishing to have a “recognised prior learning” assessment undertaken; and*
6. *That the DHW direct funding towards their Building Control Branch for the employment of suitably qualified building surveyors to provide technical assistance, professional development courses and training programs to local government building surveyors, especially those in the regional areas, upon adoption of the new Building Act for Western Australia and thereafter for the betterment of the building industry.*

CARRIED 6/4

28393 Moved Cr Crees sec Cr Morris
That the meeting proceed behind closed doors to discuss confidential commercial in confidence, legal advice in confidence and Medical Practice Report in accordance with S 5.23 2(c) and (e) of the Local Government Act, 1995.

CARRIED 10/0

The meeting moved behind closed doors at 3.23pm.

28394 Moved Cr Crees sec Cr Townrow
That the meeting move out from behind closed doors.

CARRIED 10/0

The meeting came out from behind closed doors at 3.48pm.

J McGovern left the meeting at 3.46pm.

16.0 MATTERS BEHIND CLOSED DOORS

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

Reporting Department: Administration
Reporting Officer: Mr Frank Ludovico, CEO
Legislation: Local Government Act 1995
File Number: R10359

28395

Moved Cr Crees sec Cr Wallace

*That Council proceed with the purchase of portion of Reserve 10359 from the Public Transport Authority for \$120,000 gst exclusive with funding to come from the following accounts:
 \$90,000 from the Land Development Reserve.
 \$30,000 from the Land Development Reserve.*

**CARRIED 9/1
 ABSOLUTE MAJORITY**

16.2 STATE ADMINISTRATIVE TRIBUNAL – SHIRE OF MERREDIN v MARK THOMAS THOMPSON – HOUSE UNFIT FOR HUMAN HABITATION

Reporting Department: Development Services
Reporting Officer: Warren Bow, Manager of Development Services
Legislation: Health Act 1911, State Administrative Tribunal Act 2004
File Number: LS/5/2

28396

Moved Cr Crees sec Cr Morley

1. *That Council write to the State Administrative Tribunal and request the appeal relating to Lot 1 Railway Ave, Merredin be determined.*

CARRIED 10/0

28397

Moved Cr Townrow sec Cr Morley

2. *That Council, should the State Administrative Tribunal not determine the appeal on the matter relating to Lot 1 Railway Ave, Merredin commence action pursuant to Section 137 of the Health Act 1911 requiring the owner to take down the house at Lot 1 Railway Ave, Merredin.*

CARRIED 8/2

J McGovern entered the meeting at 3.52pm.

P Masters entered the meeting at 3.52pm.

J Garrett MW entered the meeting at 4.05pm.

P Masters left the meeting at 4.12pm.

J McGovern left the meeting at 4.12pm.

28398 Moved Cr Simmonds sec Cr Townrow
That the meeting adjourn at 4.12pm.

CARRIED 10/0

28399 Moved Cr Crees sec Cr Morris
That the meeting reconvene at 4.24pm.

CARRIED 10/0

The meeting recommenced at 4.24pm without the attendance of DCEO J McGovern.

Manager of Works Jim Garrett entered the meeting at 4.25pm.

9.4 **Business & Community Development Committee Minutes**

6.6 Accommodation and land zoning and availability.

Moved Cr Hooper sec Cr Jones
That the Business and Community Development Committee recommend that Council endorse Officer's Recommendations No 1 & 2:

1. *That Council, in its Planning Document, set aside the above land for tourism accommodation purposes in Merredin townsite.*
2. *That Council join with Tourism WA to conduct an Accommodation Needs Study to provide hard data that would enable a business proposal to be developed and prepare a path to assist an intending investor. Cost to Council 2006/07 budget would be \$5,000 to be matched by Tourism WA with \$5,000.*

CARRIED 4/0

7.3 Local Planning Strategy

Moved Cr Jones sec Cr Morris
That the Business and Community Development Committee recommend that Council request staff bring to Council meeting on the 18 April 2006 a report identifying land to be zoned – Development, to facilitate flexible future land uses for the purpose of amending L.P.S.

CARRIED 4/0

28379 Moved Cr Jones sec Cr Townrow
That Manager of Development Services, W Bow provide a report identifying land to be zoned 'Development' to facilitate flexible future land uses for the purpose of amending Local Planning Strategy to the Business and Community Development Committee.

CARRIED 10/0

28401

Moved Cr Morris sec Cr Astbury

That Council invite Lance Hardy, Tourism WA to attend the next Business and Community Development Committee meeting on Wednesday 3 May 2006.

CARRIED 10/0

J McGovern entered the meeting at 4.36pm.

12.0 ENGINEERING SERVICES

12.1 HEAVY HAULAGE TRANSPORT ROUTE, GAMENYA AVENUE – DISPOSAL OF LIGHT TOWER

Reporting Department: Administration
Reporting Officer: Frank Ludovico, CEO
Legislation: Local Government Act 1995
File Number: R/21/3

Background

Council has discussed the heavy haulage transport route along Gamenya Avenue on a number of occasions.

At Council's 19 October 2004 meeting (**CMRef 27661**) Council resolved the following:

“That the Merredin Shire Council resolve to adopt Option 1 as presented by Roadworks Engineering with the repositioning of the lighting tower and realignment of the intersection of the narrow gauge railway line and for CBH grain receivals to be via Crooks Road. This resolution will be reviewed after twelve months”.

Subsequent to that meeting Council wrote to Westnet Rail seeking clarification of the arrangements which exist relating to the lighting tower.

Westnet Rail responded by indicating that there was no formal agreement in place. They also indicated that there is no longer a requirement for the lighting tower and it may be possible to have it removed by a third party.

At Councils 17 May 2005 meeting (**CMRef 27930**) Council resolved to advise Westnet Rail that Council was keen to remove the lighting tower and suggested that a tender could be developed for the removal of tower.

Westnet Rail responded on the 4 January 2006 indicating *“that the land on which the tower sits is not part of the Westnet Rail lease entered into with the Government in December 2000. From that time the tower has not been part of the railway infrastructure and is not owned by Westnet Rail”.*

Following that response staff wrote to the Public Transport Authority concerning the matter and their response indicates *“that they had been advised that the tower is not the property of the Public Transport Authority, is not used by ourselves or Westnet Rail for rail operations.”* Both these letters are attached at **Attachment 12.1A**.

I believe the time has now come for Council to make a determination in this matter to proceed with the removal of the tower or to leave the matter as is.

Comment:

I am aware that Council had some substantial discussions over the Gamenya Avenue situation. Points I believe Council need to consider are:

- The Road Safety Audit has indicated that accessing the CBH Grain Handling facility by Gamenya Avenue creates safety issues for the residents on the road and in particular with the intersection of the narrow gauge railway to Nungarin.
- Main Roads WA support restricting heavy vehicle access along the road and have recently recommenced negotiations with Council in respect to developing an alternate route to the Merredin CBH facility via Goldfields Road.
- This alternate route proposes the realignment of the Goomalling/Merredin Road in the vicinity of the Goldfields Road intersection to allow sufficient stacking distance between the railway line and the Goomalling/Merredin Road for trucks travelling west on the Goldfields Road.
- CBH have applied for planning approval to construct an office building on the western portion of Lot 3 Gamenya Avenue. If this is approved increased traffic is very likely on Gamenya Avenue.
- Council is awaiting advice from CBH in respect to the development of their site following the acquisition of part of Lot 24 Crooks Road. This may effect traffic flow along Gamenya Avenue.
- Any actions concerning Gamenya Avenue will effect a number of businesses using this road for access (Ross's Diesel, Westfuel, Merredin Motel, Wormald etc).
- Improvements on the Great Eastern Highway at the Crooks Road intersection and Council improvements on the Goldfields, Crooks and Gabo Roads are all designed to make access to the CBH Grain Handling Facility via the western end of the facility.

Council may need to meet with interested parties to ascertain additional information from the above matters.

Council's resolution of 17 May 2005 (**CMRef 27661**) clearly indicate that Council wishes to reposition the light tower and with the information obtained from Westnet Rail and the Public Transport Authority both indicating that the tower is no longer their responsibility I believe that the only way to proceed is for Council to develop a tender calling for the sale and/or removal of the light tower in order to progress this matter.

As discussed at Councils 17 May 2005 meeting (**CMRef 27930**) the specification would require the removal of the light tower including the removal of the concrete footings and backfilling to ground level.

Financial Implications:

I am unable to determine if this tender will result in income for the Council or a cost to the Council.

Legal Implications:

Even though Westnet Rail clearly indicate that the land is not owned by them, anecdotal evidence indicates that when the tower was in use for other activities i.e. television broadcasting the power accounts were submitted to Westnet Rail for payment. I suspect that in the transfer of ownership between the various parties it may have been inadvertently omitted from the asset register.

Recommendation:

That Council advertise a tender for the sale and/or removal of the light tower adjacent to the Gamenya Avenue and Nungarin railway spur.

28402

Moved Cr Simmonds sec Cr Wallace

That Council advertise a tender for the sale and/or removal of the light tower adjacent to the Gamenya Avenue and Nungarin railway spur.

CARRIED 10/0

12.2 MANAGER OF WORKS – MONTHLY REPORT

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

Background:

Monthly report on operations.

Legal Implications:

Nil

Budget Implications:

Nil

Comment:Road Construction

- Bitumen has been laid on Bates Street, Gabo Way and South Hines Hill Road.
- Kerbing will be laid in the 2 weeks time on Bates Street.
- Drainage work has been undertaken on the intersection of Golf Road and Haines Street.
- Road construction has started on Goldfields Road.

Road Maintenance

- Tree pruning and mulching has been carried out on Hearle Road and Old Muntadgin (between Alsop and Koonadgin Road) by Twinkarri tree pruning services.
- Maintenance grading of water damaged roads ongoing.

Parks And Gardens

- Deadheading of roses in progress .
- Spraying of caltrop on footpaths in progress.

Water

Dam #1	95% Full	Capacity	74,455 kilolitres
Dam #2	65% Full	Capacity	71,675 kilolitres
Dam #3	90% Full	Capacity	46,000 kilolitres
Railway Dam	100% Full	Capacity	23,000 kilolitres

Officer's Recommendation:

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

28403

Moved Cr Crees sec Cr Townrow

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

CARRIED 10/0

12.3 LAND ACQUISITION – CROOKS ROAD

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

Background:

As part of the Great Eastern Highway upgrade from Hines Hill to Walgoolan all major intersections onto the highway are to be upgraded to accommodate heavy vehicle traffic. At some of these intersections land acquisition is required.

The Crooks Road intersection with the Great Eastern Highway is to be upgraded to accommodate heavy vehicle access to C.B.H. grain terminal as can be seen on **Attachment 12.3A**.

Main Roads W.A. require a letter of consent from Council for the acquisition of 2572m² of land on Reserve 10366 (where the evaporation ponds are situated) as can be seen on **Attachment 12.3B** to accommodate the intersection upgrade.

Legal Implications:

Council is the registered land owner of Reserve 10366 and will need to sign a letter of consent for the land acquisition to take place.

Budget Implications:

Nil

Comment:

The corner of the land that is to be acquired currently has a problem with water pooling, which would be rectified with the upgrade of the intersection with improved drainage.

Officer's Recommendation:

That the Merredin Shire Council sign a letter of consent for the acquisition of 2572 m² of land on reserve number 10366 for Main Roads W.A.

28404

Moved Cr Townrow sec Cr Simmonds

That the Merredin Shire Council sign a letter of consent for the acquisition of 2572 m² of land on reserve number 10366 for Main Roads W.A.

CARRIED 10/0

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 April 2006:

Aline East – Water Initiative

The President, Manager of Works and I met with Aline East to discuss the progress of Stage 1 and to commence planning for Stage 2.

Essentially four additional bores will be installed in town, with a pipeline to the three tanks on Gabo Rd. There the saline water will be desalinated for use on the Great Eastern H'Way upgrade project. It is anticipated that Dam 3 or Effluent water will not be used in stage 2.

Aline East are investigating the hiring a packet desalination plant. The Liquid Assets project is meeting the cost of installing the bores and pipeline.

Once these factors are determined Council need to consider the price of water to the project, in accordance with its January 2006 resolution (**CMRef 28284**)

Wheatbelt North Regional Road Group – Consultant to prepare submissions

At Council's 20 September 2005 meeting (**CMRef 28099**) Council agreed to participate in a consultancy to prepare a submission to the Minister for Planning and Infrastructure on road funding required to preserve the road asset in the Wheatbelt North and Wheatbelt South Regional road groups.

A regional meeting was held in Northam on 27 March 2006 to meet and brief the Consultants on the issues in the Wheatbelt. It is anticipated a draft will be prepared shortly.

Merredin and Community Recreation and Leisure Centre – Shire of Westonia

The President, Deputy CEO and I made a presentation to the Shire of Westonia community on 30 March 2006 regarding the Merredin and Community Recreation and Leisure Centre.

I believe the presentation received a positive hearing from the community. The Shire will be undertaking a survey to determine the views of the community so a contribution to the project will be considered in its 2006/2007 Budget deliberations.

Local Government Managers Australia – Zone meeting

The Deputy CEO and I attended the Central Wheatbelt Zone of the LGMA on 31 March 2006.

Liquor Licensing - Merredin and Community Recreation and Leisure Centre

Attended a two days course in order to qualify to become the Licensee of the Merredin and Community Recreation and Leisure Centre. I successfully completed the course.

A number of issues arise from the course, the most important being the development of a new Liquor Act. This has implications as to which license Council should apply for. I intended to prepare a report the next meeting of Merredin and Community Recreation and Leisure Centre Committee to discuss the issue.

We are intending to apply for a Special Facilities License which enables flexible hours of trading and no sign in of patrons, but precludes sale of package drinks. A Club license requires sign in of patrons (by a member) but with the ability to sell package drinks. It was suggested that with changes to the legislation a Tavern license maybe the more appropriate license.

I am still investigating these matters.

Rose Bowl

We had a successful day in Corrigin, coming fifth from five participating Councils. Shire of Narembeen won the day. The event will be hosted by the Shire of Merredin in 2007.

Wheatbelt North Regional Road Group – Kellerberrin Sub-Group – Multi Criteria Analysis

In an effort to standardise applications for funding the Wheatbelt North Regional Roads Group is revising its road funding application processes, including updating its Multi Criteria Analysis (MCA) application form.

The MCA process evaluates a project submitted for funding under a number of different criteria such as traffic volume and type, safety, drainage, school bus route, road train route, regional development and a number of other criteria. These factors are calculated and weighted to produce a score that can be used to rank the project against each other.

The Sub Group believed that this ranking should only occur within each individual Sub Group as it would be very difficult to obtain meaningful results when comparing costal and non costal and regional centres. This appears to be supported by the Wheatbelt North Regional Road Group.

The allocation to the Sub Groups will be on the basis of the value of Road Asset Preservation value of Councils in that Sub Group. The Sub Group will also be designating the maximum amount of funding any Council can receive.

The Sub Group believe that the new procedures will better justify our applications for Road funding and see that there will be only minor changes to our funding allocations.

Merredin Medical Practice – Due Diligence Review

A meeting to discuss the Draft Report was initially scheduled to be held on 6 April 2006 however this has been re-scheduled to 13 April 2006. I will provide a verbal report of the outcomes of the meeting to Council and then follow up with detailed report at the next meeting.

Wheatbelt Development Commission – Submission to Local Government Structural & Electoral Reform

The Wheatbelt Development Commission has release its submission to the Local Government Structural & Electoral Reform review. This is contained in Councils Information Bulletin.

Attached to this report is a copy of a newspaper article on the matter.

Attachment 10.1A.

I am aware that Mr Singe has been invited to attend the next WE-ROC meeting scheduled for Wednesday 26 April 2006 in Kellerberrin to explain his comments.

Annual Leave

I will be proceeding on annual leave between 19 and 25 April 2006 the Deputy CEO will be acting in my position whilst I away.

Officer's Recommendation:

That Council receive the Chief Executive Officers report for the month of April 2006.

28405 Moved Cr Morley sec Cr Simmonds
That Council receive the Chief Executive Officers report for the month of April 2006.

CARRIED 10/0

Cr Jones indicated she was unable to continue as Deputy for Cr Marley at the Regional Road Group meetings.

28406 Moved Cr Simmonds sec Cr Morris
That Council appoint Cr Crees as Deputy to Cr Marley as Council's Regional Road Group meeting representative.

**CARRIED 8/2
ABSOLUTE MAJORITY**

James McGovern left the meeting at 5.05pm.

10.2 WE-ROC – EMPLOYMENT OF AN EXECUTIVE OFFICER

Reporting Department: Administration
Reporting Officer: Frank Ludovico, CEO
Legislation: Local Government Act 1995
File Number: GR / 9 / 7

Background

At Councils 21 March 2006 meeting Council received the minutes of the WE-ROC Council meeting held on the 22 February 2006 (**CMRef 28331**). Unfortunately staff did not bring forward a proposal for Council consideration.

Extract of the minutes concerning the employment of an Executive Officer for WE-ROC is attached. **Attachment 10.2A.**

Financial Implications:

The cost of employing an Executive officer will be shared equally between Councils and would amount to approximately \$2,500 to \$3,500 per annum.

Comment:

Administration follow up and processing of WE-ROC matters would certainly be assisted by employing a paid Executive Officer. If Mr Mitchell is appointed then his experience with the Great Eastern Zone of WALGA and NEWROC would be of assistance to the WE-ROC organisation.

I support the appointment of an Executive Officer and believe that the financial contribution will be repaid by a more effective and professional approach to WE-ROC activities.

Recommendation:

That Council allocate \$3,500 in its 2006/2007 budget for the employment of an Executive Officer for the WE-ROC organisation.

28407

Moved Cr Townrow sec Cr Simmonds

That Council allocate \$3,500 in its 2006/2007 budget for the employment of an Executive Officer for the WE-ROC organisation.

CARRIED 10/0

J McGovern, DCEO entered the meeting at 5.06pm.

N Purdy, Senior Finance Manager entered the meeting at 5.06pm.

10.3 ANNUAL GENERAL MEETING – WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION

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

Background

The Annual General Meeting of the Western Australian Local Government Association will be held on Sunday 6 August, 2006.

The Western Australian Local Government Association has requested any member motions to be submitted to the Association by Friday 16 June 2006.

Comment:

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

Officer's Recommendation:

That Council advise staff of any agenda items it wishes to forward to the 2006 Annual General Meeting of the Western Australian Local Government Association.

No Council Motion. Suggestions for discussion issues include :

- Development cost of land
- Purchasing reserve land for development
- Subsidies for land development in the Wheatbelt

10.4 SHIRE OF NORTHAM – SALEYARDS SHAREHOLDING

Reporting Department:	Administration
Reporting Officer:	Frank Ludovico, CEO
Legislation:	Local Government Act 1995
File Number:	GR/9/1

Background

At Councils 21 June 2005 meeting (**CMRef 27955**) Council discussed the Northam Saleyards Shareholding. Council decided to write to the Shire of Northam indicating that Council fully supports the project in principle but is unable to make a financial contribution to the project.

The Shire of Northam has again written to Council asking them to reconsider its decision to contribute to the saleyards.

Comment

I note on Page 10 of their report it is only expected that Merredin will provide 1.5% of the expected yarding at Northam. I also note some inconsistencies between page 7 and page 11 of their report. **See attachment 10.4A.**

The project does provide an opportunity for Council to develop an external source of income however this could be tempered by the future of the Muchea Saleyards and the effect it may have on the proposal.

Contact with one local agent indicate that approximately 13,000 sheep per annum travel to the Midland Saleyards.

In determining this proposal Council need to consider what programs will need to be adjusted if funds are called upon in the event that the proposal does not make a profit and the risk of that occurring.

Council has a number of significant developments occurring at this point in time and a number awaiting development and it may be more important to utilise any funds that we may have available to progressing these particular projects.

On the other hand obtaining an alternate source of income could be used to develop those projects. An additional benefit could be to the residents who may use saleyards and the reduction in freight charges that may be applicable with a venue in Northam rather than Midland or Muchea.

Officer's Recommendation:

That Council advise the Shire of Northam that it is unable to participate in the northern saleyards project.

28409

Moved Cr Crees see Cr Townrow

~~*That Council advise the Shire of Northam that it is unable to participate in the northern saleyards project.*~~

~~**CARRIED 9/1**~~

Motion Rescinded CMRef 28669 dated 19 September 2006
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10.5 DEPUTY CHIEF EXECUTIVE OFFICER'S REPORT

Reporting Department: Administration
Reporting Officer: James McGovern – D/ Chief Executive Officer
Legislation: Local Government Act

Merredin Regional Community and Leisure Centre Update

See spreadsheets – **Attachment 10.5A**

Visitor Centre Manager's Report

Visitor Centre Manager's report is at **Attachment 10.5B**

Library Managers Report

Library Manager's report is at Attachment **10.5C**

March Statistics:

Issues & renewals	2,555
Interlibrary loan requests	141
OPAC searches	1,111
New & reregistered members	66
Total current members	2,189

Cummins Theatre A/Manager

Cummings Theatre A/Managers report is at **Attachment 10.5D**.

Records Management Report

Statistics (From 16 March 12 Apr 2006)

Total Mail In 725
Accounts Received 45
Invoices 213
General 450
Appreciations 2
Complaints 15
Total Mail Out 942

New Staff

Council is informed of the recent employment of a number of new staff following resignations and maternity leave.

Community and Economic Project Officer – Mr Jeff Walker appointed to this position for temporary 12 month period. Jeff has a great deal of community development involvement, principally as a volunteer. He has recently worked at the Merredin Senior High School as an Education Support Assistant and operated his own business as a guitar tutor.

Jeff is a member of Merredin Telecentre Board and is presently studying toward a Bachelor of Arts at Murdoch University majoring in English and Creative Arts.

Library Services Officer – Ms Jenny Doncon appointed to this position on temporary 12 month basis. Jenny has a background in administration and is the Wheatbelt regional representative of the Breastfeeding Association. Jenny is presently studying toward a Graduate Diploma in Library and Information Studies through Curtin University.

Visitor Centre Officer – Ms Taya Fritsch appointed to this position on permanent basis. Taya has a background in graphic design, advertising, administration and until recently self-employed together with her partner operating a small business. Taya is a recent arrival to Merredin and has travelled extensively throughout Australia.

Cummins Theatre – Mr John Robartson commenced work on 31 March 2006 and will remain as the Acting Manager until Richard Salisbury-Sexton's return from long service leave early July. The Shire is grateful for the ongoing assistance Richard is providing despite being on leave, volunteering to assist John with set-up for events. Council is advised that it was incorrectly reported in last month's agenda that John is working part-time, his arrangement is actually temporary full-time.

Advice on a suitable traineeship has not come to hand yet, Mr Bob Campbell from CCI Employfast reassuring that if a traineeship can be arranged it may be back-dated to John's commencement, to ensure the Shire receives full benefit.

Present Vacancies

Some interviews for the Natural Resource Management Officer occurred at the end of last week and an appointment will be announced to Council as soon as made.

The Merredin Regional Community and Leisure Centre Manager position was advertised extensively with a closing date of 28 April. The Recreation Centre Management Committee will determine an interview process to be conducted early May 2006.

Early Years Strategy

The Early Years Strategy promotes early intervention in areas of literacy, social interaction and health and the Shire would like to consider how programs such as Better Beginnings and the Physical Activity Plan can work to meet these outcomes. Deputy Chief Executive Officer and Regional Library Manager will meet with Ginny Dadd from the Early Years Strategy to discuss the Better Beginnings programme (**CMRef 28357**).

Ian Stone has discussed 'Better Beginnings' with his contemporaries already operating the program and has information on a number of innovative ways to encourage good reading habits in young children, improving literacy interaction between parents and children and attracting and retaining young readers to the library. All of these objectives are fundamental to a meaningful regional library service and there is optimism that a good working relationship with Early Years Strategy will improve levels of service and community involvement.

YMCA Youth Mobile Bus Funding

In the March 2006 round of meetings, Council resolved to lay on the table a request from YMCA to fund the operation of the mobile youth bus service (Ref : CM28367) pending further information. A definitive response has yet to be received from YMCA at the time of preparing the agenda, and it is anticipated the matter will be brought to the May 2006 round of meetings.

Rates Procedure

Council has been advised that a Rates Recovery Procedure is being developed to guide staff in a consistent approach to dealing with rates debtor, with an emphasis on early action to prevent the accrual of chronic rate debts. The Deputy Chief Executive Officer has Delegated Authority to Impose Rates and Charges under Delegation 203 :

"The Deputy Chief Executive Officer is delegated authority to exercise all of the powers and duties of the local government in respect to the service of the rate notice as contained in the Local Government Act 1995 S6.39 to 6.63 and 6.65 to 6.79 inclusive."

Council will note the exclusion of delegated authority in relation to S6.64 of the Local Government Act – 'Action to be Taken' as this is the power to sell land in the event no rate payments are received for a period in excess of 3 years, and all such cases are referred to Council as occurred in November 2005.

The attached Rates Recovery Procedure (**Attachment 10.5E**) and associated explanatory flowcharts have been tested over the past few months and are of great assistance to staff when explaining the Shire has a consistent approach to debt recovery.

This information is provided to inform Council of administrative procedure under delegated authority and it is to be noted the attached documentation is not intended to be adopted as Policy, rather a guiding procedural document that may be updated and improved as staff acquire greater knowledge and training in current rates debt collection procedures.

Status Report:

The Action sheet detailing progress of Previous Council Resolutions from March 2004 is **Attachment 10.5F**.

Officer's Recommendation

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

28410

Moved Cr Jones sec Cr Townrow

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

CARRIED 10/0

10.6 2005/2006 BUDGET REVIEW

Reporting Department: Financial Services
Reporting Officer: James McGovern, D/Chief Executive Officer
Legislation: Local Government Act 1995
File Number:

Background:

A new requirement was introduced in recent amendments to the Local Government Act and Regulations, that local governments are to conduct a budget review :

33A. Review of budget

1) Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.

(2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.

(3) A council is to consider a review submitted to it and is to determine whether or not to adopt the review, any parts of the review or any recommendations made in the review.*

**Absolute majority required.*

(4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

A Budget Review for the period ending 31 March 2006 has been completed and is presented for Council consideration as an **Attachment 10.6A** under separate cover.

Comment:

In September 2005, Council adopted a level of material variances for reporting purposes (CM 28087). The level of material variance reporting set by Council is \$5,000 for income (-) and expenditure (+).

The nature of the review is to predict estimates of material variations likely to occur at the close of business on 30 June 2006. Also listed are items that have been authorised by Council for expenditure which have not been included within the current Budget. Items of less than \$5,000 (whether expenditure or income) are not considered as part of the overall Budget Review. Variations where the income and expenditure directly offset each other have not been included as obviously there is no net effect on the Budget position.

Officer's Recommendation:

That Council consider the 2005/2006 Budget Review.

28411

Moved Cr Hooper sec Cr Townrow

That Council receive the 2005/2006 Budget Review.

CARRIED 10/0

10.7 MONTHLY FINANCE REPORT

Reporting Department: Finance
Reporting Officer: Mr James McGovern, DCEO
Legislation: Local Government Act 1995
File Number:

Background

Each month attached to the Agenda (Refer to **Attachment 10.7A**) 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 March 2006.

28412

Moved Cr Morris sec Cr Townrow

That the Merredin Shire Council receive the Monthly Finance Report for March 2006.

CARRIED 10/0

10.8 LIST OF ACCOUNTS PAID

Reporting Department: Finance
Reporting Officer: Mr James McGovern, D/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 10.8A**.

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 \$501,053.80 and amount directly debited from Councils Municipal Fund Bank Account BSB 066-518 000 000 10 totalling \$198,778.61 endorse trust cheques totalling \$579.02 and outstanding creditors totalling \$86,419.34.

28413

Moved Cr Morris sec Cr Townrow

That the Merredin Shire Council receive the schedule of accounts as listed, covering cheques as numbered and totalling \$501,053.80 and amount directly debited from Councils Municipal Fund Bank Account BSB 066-518 000 000 10 totalling \$198,778.61 endorse trust cheques totalling \$579.02 and outstanding creditors totalling \$86,419.34.

CARRIED 10/0

Cr Morris declared an Impartiality Interest in Item 10.9

10.9 DEBT WRITE-OFFS – SOIL CONSERVATION SERVICE CHARGE

Reporting Department: Finance
Reporting Officer: Natalie Purdy, Senior Finance Officer
Legislation: Local Government Act
File Number: FM / 8 / 2

Background:

In 2002/2003 it was agreed that the Merredin Shire Council on behalf of the Merredin Land Conservation District Committee would levy a Soil Conservation Service Charge against all rateable properties within the shire. This charge was also raised over the following two financial years, 2003/2004 and 2004/2005 at \$15 per rateable assessment.

Legal Implications:

S 6.12 (1) (c) of Local Government Act 1995 'Power to defer, grant discounts, waive or write off debts'. Absolute Majority Required.

Budget Implications:

The nett effect of the debt write-off is explained in the body of the report.

Comment:

Below is the list of unrecoverable debts outstanding:

DA03	J Adlam	\$15.00
DA30	C & E Argyropoulos	\$60.00
DA59	P & L Adamson	\$45.00
DA76	R & S Ashwin	\$75.00
DB48	C Bullas & A Macey	\$15.00
DC09	J Craig & K Dempster	\$15.00
DC88	W Carvell	\$45.00
DF48	I Ferguson & M Roberts	\$30.00
DG13	J & N Ghirardi	\$15.00
DG23	M Gosden & R Bishop	\$15.00
DG51	M Garwood	\$120.00
DG59	L Garlett	\$10.00
DH09	R Hewitt	\$15.00
DH71	K Hunt & J Hood	\$15.00
DK21	J Kermode	\$45.00
DK34	C Kellett	\$15.00
DL05	W Last	\$15.00
DL63	M & M Leveson-Gower	\$30.00
DL71	R Loader & R Bell	\$15.00
DO08	B Olcorn	\$45.00
DP05	D & E Payne	\$15.00
DP23	R Puk	\$60.00
DP50	R Pascoe	\$30.00

DP54	R Pope	\$15.00
DS15	J Skuthorpe	\$45.00
DS42	R Slater	\$15.00
DV11	R Vincent & T Dunn	\$15.00
DW58	P Winkcup	\$90.00
DY04	P & A Young	\$45.00
DY09	B Young & R McCallum	\$15.00
DB104	C & N Ball	\$15.00
DB130	M Bill	\$15.00
DB137	I Burton	\$15.00
DC198	K & M Carlson	\$45.00
DC210	D & J Watts	\$15.00
DM142	J Martin & S Marsh	\$15.00
DM245	R McCallum	\$30.00
DM263	J Manera	\$45.00
DM297	C Mowday	\$45.00
DM301	J Mader	\$25.00
DP156	S Parker	\$15.00
DP159	T & J Pepper	\$45.00
DP189	W & I Pointon	\$30.00
DS120	G Smith	\$45.00
DS355	K & K Smith	\$30.00
DW105	G Waterton	\$15.00
		<u>\$1445.00</u>

All of the above debtors were sent to Dun & Bradstreet with no result in payment. Dun & Bradstreets recommendation to us was to write off the debt as it was uneconomical to further the debt collection process.

Despite the cost associated with debt collection fees the Shire staff believed it was appropriate to at least attempt to recover the above debts, to honour the commitment of those members of the community who did pay this levy over its three year duration.

The Merredin Land Conservation District Committee have been sent a letter informing them of this agenda item and the possible loss of \$1,445.00 income from the Soil Conservation Service Charge.

Officer's Recommendation:

That the Merredin Shire Council write off the Soil Conservation Service Charge debts as listed above and totalling \$1,445.00

Absolute Majority Required.

28414

Moved Cr Townrow sec Cr Morley

That the Merredin Shire Council write off the Soil Conservation Service Charge debts as listed above and totalling \$1,445.00

CARRIED 6/4

ABSOLUTE MAJORITY

10.10 DEBT WRITE-OFFS

Reporting Department: Finance
Reporting Officer: Natalie Purdy, Senior Finance Officer
Legislation: Local Government Act
File Number: FM/8/2

Background:

The debts listed below have been through our normal debt recovery process with no result in payment.

Legal Implications:

S 6.12 (1) (c) of Local Government Act 1995 'Power to defer, grant discounts, waive or write off debts'. Absolute Majority Required.

Budget Implications:

The nett effect of the debt write-off is explained in the body of the report.

Comment:

Below is the list of unrecoverable debts outstanding:

DA76	R & S Ashwin <i>3 years commercial refuse rates 1997-2000</i>	\$725.00
DB56	H Bilston <i>Kerbing & Construction of driveway – now bankrupt</i>	\$485.00
DH31	K Hayden <i>Dog Infringements</i>	\$433.92
DR60	Vanessa Ryan <i>Litter Infringement Notice</i>	\$200.00
DS37	P Semple & W Davey <i>2004/2005 Swimming Pool licence</i>	\$11.00
DS53	State Salinity Council <i>Presumed desalination project claim – staff have attempted to identify why this debt was raised however it dates beyond 1998 and no trace of its origin can be found.</i>	\$1863.93
DT02	Kelly Thompson <i>Dog Infringement Notice</i>	\$100.00
DW69	Shane Wilkinson <i>Litter Infringement Notice</i>	\$200.00
DH107	Donna Hayden <i>Dog Infringement Notices & Solicitors Fees</i>	\$1316.52
DM263	John Manera <i>Commercial Refuse Rates – bankrupt</i>	\$525.00
DP159	T & J Pepper <i>Bush Fire Infringement Notice</i>	\$200.00
		<u>\$6060.37</u>

All of the above debtors were sent to Dun & Bradstreet with no result in payment. Dun & Bradstreets recommendation to us was to write off the debt as it was uneconomical to further the debt collection process.

Officer's Recommendation:

That the Merredin Shire Council write off the above debts as listed and totalling \$6,060.37.

Absolute Majority Required.

28415

Moved Cr Townrow sec Cr Astbury (*en bloc* motion)

1. *That the Merredin Shire Council issue summons through the Local Court for the following debtors totalling \$3186.44:*

<i>DA76</i>	<i>R & S Ashwin</i>	<i>\$ 725.00</i>
<i>DH31</i>	<i>K Hayden</i>	<i>\$ 433.92</i>
<i>DR60</i>	<i>Vanessa Ryan</i>	<i>\$ 200.00</i>
<i>DS37</i>	<i>P Semple & W Davey</i>	<i>\$ 11.00</i>
<i>DT02</i>	<i>Kelly Thompson</i>	<i>\$ 100.00</i>
<i>DW69</i>	<i>Shane Wilkinson</i>	<i>\$ 200.00</i>
<i>DH107</i>	<i>Donna Hayden</i>	<i>\$1316.52</i>
<i>DP159</i>	<i>T & J Pepper</i>	<i><u>\$ 200.00</u></i>
		<i><u>\$3186.44</u></i>

2. *That the Merredin Shire Council write off the debts as listed below totalling \$2873.93*

<i>DB56</i>	<i>H Bilston</i>	<i>\$ 485.00</i>
<i>DS53</i>	<i>State Salinity Council</i>	<i>\$1863.93</i>
<i>DM263</i>	<i>John Manera</i>	<i><u>\$ 525.00</u></i>
		<i><u>\$2873.93</u></i>

**CARRIED 10/0
ABSOLUTE MAJORITY**

Reason : Council was satisfied with information presented at the meeting, however it decided a further option to summons debtors through the Local Court should be attempted.

10.11 REVIEW OF DIFFERENTIAL RATING

Reporting Department:	Financial Services
Reporting Officer:	Frank Ludovico, Chief Executive Officer James McGovern, Deputy Chief Executive Officer
Legislation:	Local Government Act 1995
File Number:	

Background:

In the course of adopting recent Annual Budgets, the Shire has failed to comply on some occasions to meet requirements of the Local Government Act in relation to public notification requirements (**CMRef: 28051**). For this reason, it was decided to assess the impact and effect of the present system of levying rates and prospects of returning to a general rating system based on a rate in the dollar multiplied by a properties Gross Rental Value (GRV) or Unimproved Value (UV) supplied by the Valuer General's Office.

The initial step in this process was an investigation to determine when and why the Merredin Shire Council introduced differential rating however this proved to be fruitless, there being no information within the Shire's available records management or electronic records systems.

The rating system is the means by which Council is able to raise sufficient revenue to pay for the services it provides. The methodology is designed to ensure that all property owners make a reasonable rate contribution, taking into account an owner's ability to pay, and limiting inequitable contributions. Many local governments determine a wholly equitable rating system based on GRV and UV is a difficult task, and differentiating rating provides a means to equalise contributions.

In accordance with Section 6.33 of the Local Government Act 1995, a local government may impose differential general rates according to one, or a combination, of the following characteristics —

- the purpose for which the land is zoned under a town planning scheme in force under the Town Planning and Development Act 1928;
- the predominant purpose for which the land is held or used as determined by the local government;
- whether or not the land is vacant land.

The Shire of Merredin imposes differential rates on the basis of land zoning under the existing Town Planning Scheme. The use of this system is aimed to reduce the burden of comparatively high rates in some rateable zones by recalculating the rate in the dollar and moving a minor percentage of rates from one zone to another.

Legal Implications:

The Local Government Act prescribes a process for adopting a differential rating system, but does not specify a process for the phasing out of differential rating.

Budget Implications:

The objective of any process to phase out differential rates would be to ensure there is no negative impact upon the rate raising capacity of Council.

Comment:

For Council to consider phasing out a differential rating system, it must also consider the financial effect upon properties with comparatively different values.

The table below summarises a calculation of the effect of adopting a single rate in the dollar for GRV properties (0.10198) and UV properties (0.020569). The minimum rate of \$350.00 prevails and is incorporated into the calculation.

As can be seen, there is a negative (higher rate) total effect upon some zones and positive (lower rate) effect within the remainder, whilst achieving an overall balance in the total rates raised.

The calculations are based on the budget income from the 2005/2006 budget.

Zoning	Valuation	Current Rates	New Rates	Difference
Residential 1	GRV	624624	607304	(17,320)
Residential 2	GRV	15662	23810	8,148
Tourist	GRV	28870	33997	5,127
Hotel	GRV	10092	17367	7,275
Shop	GRV	71069	76808	5,739
Office	GRV	9064	8042	(1,022)
Showroom	GRV	24322	21620	(2,702)
Civic & Culture	GRV	9182	9542	360
Light industry	GRV	5245	4812	(433)
Gen Industry	GRV	64333	60639	(3,693)
Public purpose	GRV	12790	11476	(1,315)
Recreation	GRV	1458	1294	(164)
General Farming	UV	869037	867710	(1,327)
Urban Farmland	UV	10914	12365	1,451
Mining	UV	2574	2450	(124)
TOTAL		1759237	1759236	(1)

Issues to be considered in the context of this exercise include the effect of the rise and fall in rates payments due to the inability to recalculate the rate in the dollar as possible under a differential system. Samples of the financial impact on GRV properties follows :

- The decreased rates total in the Residential 1 zone represents a rates decrease averaging \$11.50 per property
- The increased rates total in Residential 2 zone represents a rates rise averaging \$173.36 per property
- The increased rates total in Tourist zone represents a rates rise averaging \$102.54 per property
- The increased rates total in Hotel zone represents a rates rise averaging \$1,818.75 per property
- The increased rates total in Shop zone represents a rates rise averaging \$97.27 per property

Samples of the financial impact on UV properties follows :

- The decreased rates total in General Farming zone represents a rates decrease averaging \$2.066 per property
- The increased rates total in Urban Farmland zone represents a rates rise averaging \$43.97 per property

This exercise indicates the immediate phasing out of a differential rates system unfavourably burdens property owners in some zones on a comparative basis. As a consequence, some property owners will suffer substantial increases in rates under a general rating system, raising concerns as to their capacity to pay and continue to operate a trading entity (i.e. hotel, shop, tourist zone businesses).

Officer's Recommendation:

That Merredin Shire Council receive the report entitled 'Differential Rating Review'

28416 Moved Cr Crees sec Cr Jones
That Merredin Shire Council receive the report entitled 'Differential Rating Review'

CARRIED 10/0

28417 Moved Cr Jones sec Cr Morley
That the Merredin Shire Council cease using the differential rating system as of 2006/2007 financial year.

CARRIED 6/4

10.12 CONSTRUCTION OF SES EQUIPMENT SHED

Reporting Department: Administration
Reporting Officer: James McGovern, D/Chief Executive Officer
Legislation: Local Government Act 1995
File Number:

Background:

This request was held over pending the outcome of co-location discussions with Merredin emergency services.

The State Emergency Service occupies the former Vehicle Licensing premises at Benson Street and has progressively upgraded this facility to meet their needs. SES recently received funding to erect an equipment shed to house \$200,000 worth of vehicles and trailers.

Paul Igglesden, District Manager FESA Operational Services writes to request the Shire project manage financial aspects of the construction of the shed. The Shire has a pre-existing arrangement under the Emergency Service Levy to manage SES operating and capital funding allocating each financial year.

FESA inform contractors have been selected to erect the shed, and it is therefore a matter for the Shire to raise invoices and include expenditure in the annual ESL acquittal process.

Legal Implications:

Nil

Budget Implications:

The project budget is approximately \$60,000 and whilst the income offsets expenditure, a resolution of Council by Absolute Majority is required:

6.8. Expenditure from municipal fund not included in annual budget -

(1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure;

(a) is incurred in a financial year before the adoption of the annual budget by the local government;

(b) is authorised in advance by resolution; or*

(c) is authorised in advance by the mayor or president in an emergency.

* Absolute majority required.

Comment:

No administrative objections are raised.

Officer's Recommendation:

That Merredin Shire Council inform Fire and Emergency Service Authority it agrees to project manage financial aspects of the construction of an equipment shed at the State Emergency Service property on Benson Street, Merredin.

Voting Requirement : Absolute Majority

28418

Moved Cr Townrow sec Cr Morley

That Merredin Shire Council inform Fire and Emergency Service Authority it agrees to project manage financial aspects of the construction of an equipment shed at the State Emergency Service property on Benson Street, Merredin.

**CARRIED 10/0
ABSOLUTE MAJORITY**

Cr Jones declared an impartiality interest in Item 10.13.

10.13 COMMUNITY FACILITIES GRANTS PROGRAM

Reporting Department: Administration
Reporting Officer: Mrs Debbie Morris, Community Officer
Legislation: Local Government Act
File Number: G/9/CFGP

Background:

The Community Facilities Grants Funding Program was established to provide funds for community facilities in public places. The State Government has allocated a total of \$2million over a four year period to help fund the capital cost of such facilities. An amount of \$1million has been allocated in 2006-07 for the Program.

The Program is administered through the Department of Local Government and Regional Development.

All local governments, incorporated community organisations and indigenous communities in regional areas are eligible to apply.

No more than one grant will be provided to any one organisation in the same funding round.

Legal Implications:

Nil

Budget Implications:

The Community Facilities Grants Funding Program offers grants of between \$2,000 and \$25,000.

The Program requires a cash contribution by the applicant.

Council would therefore need to allocate the required funds that exceed the \$25,000 in the 2006/07 budget.

Comment:

Funding is available for capital works that provide facilities for public use, such as:

- Public toilets and nursing rooms
- Public playgrounds, includes equipment, located in parks, ovals and public open spaces
- Shelter for public facilities such as playgrounds, public swimming pools and cemeteries
- Tourist information signs
- Rubbish bins
- Youth facilities

Funding is not available for:

- Recurring maintenance or operational costs of existing facilities
- Non-fixed equipment
- Landscaping
- Organisations located in the Metropolitan area
- Commonwealth or State Government Agencies
- Private or for profit organisations
- Community groups that do not provide public access to facilities eg. Sporting clubs, daycare centres and playgroups

Of the 63 successful applications in 2004/05, 16 were Wheatbelt applications receiving \$222,380 for a variety of projects.

Merredin has a number of projects that could be assisted by the Community Facilities Grant Program including:

- Public Toilets
- Playground equipment
- Youth facilities
- Tourist signage
- Shelter for public facilities

In order to determine a priority a number of factors need to be considered.

- **Public Toilets** – Council has not determined if a new ablution facility is warranted. The Shire Project Officer does not currently have time to commit to designing and costing a facility.
- **Playground Equipment** – Apex Park was refurbished with playground equipment in 2004/05. Play equipment is in the process of being relocated from the Recreation Ground to Jellicoe Park leaving no playground equipment at the Recreation Ground.
- **Youth Facilities** – There are no current youth projects.
- **Tourist Signage** – the Business and Community Development Committee are currently progressing information signage, which is budgeted in 2005/06 under Townscape.
- **Shelter for Public Facilities** – The Shire were successful in 2004 under the Community Facilities Grant Program for shade sails over the play equipment in Apex Park. No other location has been identified as needing shelter at this stage.

With the Shire's current priority being the construction of the Merredin Regional Community Recreation & Leisure Centre, funding to assist with obtaining outdoor playground equipment would be timely and of benefit to the overall provision of facilities at the Recreation Ground.

Playground equipment would meet the funding priority area of "support youth activities" and would therefore be the recommended project and application for Community Facilities Grant.

Officer's Recommendation:

That Council endorse the submission of an application for the 2006 Community Facilities Grants Funding for Playground Equipment at the Merredin Recreation Ground and allocate relevant funds in the 2006/07 budget for this project.

Moved Cr Townrow sec Cr Astbury

That Council endorse the submission of an application for the 2006 Community Facilities Grants Funding for Playground Equipment at the Merredin Recreation Ground and allocate relevant funds in the 2006/07 budget for this project.

LOST 3/7

28419

Moved Cr Townrow sec Cr Morris

That Council apply for funding and allocate Shire funds for new ablution facilities at the Merredin Visitors Centre and source other funding to complete the project.

CARRIED 8/2

28420

Moved Cr Townrow sec Cr Jones

That Council present application on behalf of the Merredin Playgroup Association for the construction of a new roof at Throssell Road Kindergarten as a second priority to the application for the Merredin Visitors Centre ablution facilities

CARRIED 8/2

Cr Astbury left the meeting at 6.49pm and did not return.

10.14 DRAFT STRATEGIC PLAN

Reporting Department: Administrative Services
Reporting Officer: James McGovern, Deputy Chief Executive Officer
Legislation: Local Government Act 1995
File Number:

Background:

In December 2004, Council engaged consultant South West People Care under a public tender process to assist preparation of the 2005 – 2015 Strategic Plan (Ref : CM27757).

Mr John Wilkins as the Principal of the company, conducted a series of public consultation workshops in March and April 2005 with a follow-up session with Council on 22 October 2005.

The outcome from this process was delivered by Mr Wilkins in December 2005, all Councillors being provided with a copy of the document.

Since that time, senior staff have worked to refine the document to reflect the essence of matters discussed and known inputs and priorities as described at the public consultation sessions, using staff notes from these meetings as a reference.

The attached Draft Strategic Plan (**Attachment 10.14A**) is presented in amended format with what staff believe to be the key strategic issues retained and re-formatted. Council will note that no effort has been made to address the strategic statement introductory notes from the original as the focus of staff attention was developing a sound strategic planning document and this turned out to be a lengthy process. The ‘front end’ of the Strategic Plan will flow from the information contained within and will therefore be addressed once there is agreement on the draft.

Legal Implications:

Recent amendments to the Local Government Act replaced the need to publish a Principal Activities Plan with a new requirement to prepare a Plan for the Future –

S5.56 ‘A local government is to plan for the future of the district’.

Budget Implications:

In 2004/2005 Council budgeted \$30,000 for the Strategic Planning process. The consultant’s tendered value was \$15,000 with one payment of \$7,240 in 2004/2005. Council carried over an amount of \$10,000 for the completion of the Strategic Plan, with an additional \$2,500 set aside for information dissemination. Arrangements for final payment have yet to be made.

Comment:

Staff noted the original Draft Strategic Plan document contained repetition of strategies, and actions and references from unknown sources. Added to this, staff believed the format was not consistent with the general aim of the community consultation process, which promoted the sessions and attempted to capture public feedback on the basis of areas of interest with sub headings, which were :

- Environment
 - Natural Resource Management
 - Water Resource Management
 - Environmental Protection
 - Economic Opportunities
 - Waste Management Strategy
- Infrastructure
 - Asset Management
 - Land Development
- Business and Tourism
 - Business Development
 - Tourism Development and Promotion
- Community
 - Volunteers
 - Education
 - Youth
 - Seniors
 - Health
- Corporate Governance
 - Planning for the Future
 - Elected Members
 - Policies, Procedures and Compliance
 - Town Planning
 - Staff Retention
 - Financial Management
 - Regional Centre
 - Positive Promotion
- Recreation/Arts/Lifestyle
 - Recreation
 - Arts
 - Lifestyle

It was foremost in the mind of staff that for any Strategic Plan to be a success, it must be embraced and valued by the community for whom it is written. Reintroducing the above categories was regarded as necessary so that any member of the public participating in the consultation process could easily find the outcomes from their area of interest. Importantly, any person not involved, yet interested in the Council's Plan, could readily understand Council's priorities in much the same way.

With many references from the original document not contained in the attached Draft, Councillors can find the original placement of strategies by following the original numbering system, retained in the left hand column of each strategy.

It is not suggested or anticipated that the Draft Strategic Plan will reach its final form as a direct consequence of a review at this meeting. It is recommended this meeting be used as an interactive opportunity for Councillors to question the inclusion or exclusion of particular strategy statements, assess the wording of strategies (clarity being a key to understanding) and reach some consensus on whether certain strategies are best left excluded, reworded, deleted or reintroduced from the Draft.

Once this process of discussion and agreement is complete (albeit this may take a number of meetings), staff will attend to drafting and specifying particular actions that will help Council achieve the agreed strategies, and assign each a priority level.

Officer's Recommendation:

That Merredin Shire Council consider the Draft Strategic Plan 2006-2015

28421

Moved Cr Jones sec Cr Morley

That Council conduct a workshop on the evening of 16 April, 2006 at 7.30pm to discuss Draft Strategic Plan 2006 - 2015.

CARRIED 6/3

Cr N Hooper left the meeting at 6.50pm.

Cr N Hooper entered the meeting at 6.52pm.

J McGovern, DCEO departed the meeting at 6.56pm and did not return.

N Purdy departed the meeting at 6.57pm and did not return.

Cr Townrow declared a Financial Interest in Item 15.1
Cr Morris declared an Impartiality Interest in Item 15.1
Cr Townrow left the meeting at 7.03pm.

15.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

15.2 WIRELESS BROADBAND MOU

Reporting Department: Administration
Reporting Councillor: Frank Ludovico, Chief Executive Officer
Legislation: Local Government Act 1995
File Number: GR/9/1

Background:

At Councils 20 December 2005 meeting (CMRef 28227) Council entered into a Memorandum of Understanding with Broadband Net and Comdek and WE-ROC for the provision of wireless broadband infrastructure and services.

Since that time Broadband Net has identified the bushfire radio mast located at the China Southern WA Flying College - Merredin Airport as a suitable location for broadcasting wireless broadband.

Broadband Net has developed a licensing agreement for the use of the tower at the Merredin Airport.

Essentially the agreement indicates that Broadband Net will pay the Council \$500.00 per year (plus GST) licence fee for the use of the tower plus any ongoing power consumption. The agreement also provides that Broadband Net will need to ensure that the equipment on the tower is not affected by their operations. If the agreement is terminated then they need to reinstate the tower to its original condition. The term of the agreement is ten (10) years.

In researching this item it was noted that Council did not develop a lease or license over the area near the radio tower containing bushfire equipment at the Merredin Airport when it was sold to China Southern Flying College, so consequently China Southern's permission was requested in order to proceed with this MOU. China Southern has agreed to the installation of the equipment on the tower and access by Broadband Net to the equipment.

Legal Implications:

I believe Council need to enter into a formal arrangement to protect the bushfire radio infrastructure and staff are proceeding with developing a licence with China Southern Flying College to formalise current practice.

Under section 3.58 of the Local Government Act any disposal of land (including leasing or licensing) must be undertaken by Public Tender, Auction or Private Treaty. I believe the most effective way to complete this arrangement is to deal with the disposal by Private Treaty.

Budget Implications:

Income of \$500 per year will be generated.

Comment:

I believe that it is important for Council to agree to the licence so that wireless broadband services can be provided to residents outside the townsite.

It may be worthwhile to enter into a 3 year license with an option for a further 3 years. With the change in technology it maybe inappropriate to enter into a 10 year arrangement. I asked Broadband Net whether this is acceptable and they have agreed to the change in term.

Officer's Recommendation:

- 1. That Council enter into a license with Broadband Net for use of a portion of the Radio Hut and Tower at the China Southern WA Flying College - Merredin Airport for the purpose of wireless broadband distribution for a 3 year license plus a 3 year option all other matters are as per their license agreement subject to advertising the disposal as per section 3.58 of the Local Government Act 1995.*
- 2. That if no adverse responses are received from advertising the License to Broadband Net for use of a portion of the Radio Hut and Tower at the China Southern WA Flying College - Merredin Airport for the purpose of wireless broadband distribution, the CEO is authorised to proceed with the land disposal.*

ABSOLUTE MAJORITY REQUIRED FOR RECOMMENDATION 2.

28422

Moved Cr Jones sec Cr N Hooper

1. *That Council enter into a license with Broadband Net for use of a portion of the Radio Hut and tower at the China Southern WA Flying College – Merredin Airport for the purpose of wireless broadband distribution for a 3 year license plus a 3 year option all other matters are as per their license agreement subject to advertising the disposal as per Section 3.58 of the Local Government Act 1995.*
2. *That if no adverse responses are received from advertising the License to Broadband Net for use of a portion of the Radio Hut and Tower at the China Southern WA Flying College – Merredin Airport for the purpose of wireless broadband distribution, the CEO is authorised to proceed with the land disposal.*

**CARRIED 8/0
ABSOLUTE MAJORITY**

Cr Townrow entered the meeting at 7.12pm.

15.3 Extractive Industries Local Law

It was indicated that the Council's Extractive Industries Local Law is having a detrimental affect on the building industry in Merredin, as it was affecting the supply of sand and gravel.

28423

Moved Cr Crees sec N Hooper

That staff investigate the ramifications for and against the rescinding of the Gravel Extractive Industries Licence Local Law procedures.

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

Refer Pages 33 - 38

16.0 MATTERS BEHIND CLOSED DOORS

Refer Page 39

17.0 CLOSURE

There being no further business the Presiding Member declared the meeting closed at 7.10pm.