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**Minutes for the Ordinary Meeting of the Merredin Shire Council held in the
Council Chambers, Cnr King/Barrack Streets, Merredin on Tuesday 16 May 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 (2.05pm); JF Garrett, Manager of Works
(4.05pm) and AM Peters, Personal Assistant

Mr Richard Newman, Dept of Housing & Works
Ms Sonya Kimbar, Wheatbelt Mercury

-
- 1.0 **OFFICIAL OPENING**
The Presiding Member declared the meeting open at 1.03pm.
- 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 16 May, 2006.
- 4.0 **DISCLOSURE OF INTEREST**
Cr Wallace declared an Impartiality Interest in Item 9.6 (Receival of Engineering Services Committee Minutes) (Item 7.5).
Cr Morris declared an Impartiality Interest in Item 10.1.
Cr Morris declared an Impartiality Interest in Item 10.2.
Cr Morris declared an Impartiality Interest in Item 10.3.

Cr Morris declared an Impartiality Interest in Item 10.4
Cr Morris declared an Impartiality Interest in Item 11.3
CEO – F Ludovico declared a Financial Interest in Item 11.4.
MW – J Garrett declared a Financial Interest in Item 12.4
MW – J Garrett declared a Financial Interest in Item 12.5.

5.0 PETITIONS & PRESENTATIONS

Richard Newman, Acting Manager, Dept of Housing and Works.

New Regional Manager to commence on the 1st July, 2006.

Construction Program:

- 20 dwelling units planned for Merredin.
- Difficulty in attracting tenderers for construction contracts.
- Tenders for six (6) units closed without receiving any tenders.
- Keen to encourage interest for new units.
- Refurbishment program – four in the last twelve months. Have made some spot purchases.
- Refurbishing plan in progress throughout the State. Capital funds have been transferred to the refurbishment of new units.
- New units generally replacing aged stock. Relatively low level of demand.

Priority assessed clients:

- DHW attempt to place families in locations they will receive needed support.
- Aim is to have one community house in every 9 private houses.

Joint Venture Housing:

- 37 joint venture units in Merredin. No-one on the waiting list at the moment, particularly seniors.
- Housing ventures driven by need assessed on waiting list. DHW do not respond to future demand driven by corporate developments (ie abattoir).

Vacant Stock:

- DHW do not keep dwellings vacant for long periods due to vandalism.
- DHW do not enforce relocation of families to Merredin, it is their choice to do so.

Strategic Alliance:

- New leaving program – through Land Start Branch. Aim is to achieve general upgrade and improve dysfunctional housing stock (eg Coolbellup, Kwinana) .
- Generally a revitalisation process, now under way in Moora. Renovation of existing housing, is not new building program.

DHW encourage Shire to tender for future construction projects.

GEHA – Housing required for DCD & CALM for placements into private housing via lease agreements.

Golf Road/Haines Street Units: Aware of hold up with development of units and in regular contact with K Loxton of Goldfields homes.

Richard Newman left the meeting at 1.46pm.

J McGovern left the meeting at 1.46pm.

6.0 CONFIRMATION OF MINUTES

6.1 PREVIOUS COUNCIL MEETING

Confirmation of minutes of meeting held on the 18 April 2006 with the following amendment being made:

That Council alter **Reserve Number 13627** to read **Reserve Number 13267** where ever it occurs throughout **Item No 11.12** on Pages 30 to 32 of the 18 April 2006 Minutes.

J McGovern entered the meeting at 1.51pm.

28424

Moved Cr Townrow sec Cr Crees

That the minutes of the meeting held on the 18 April 2006 be confirmed as a true and correct record of proceedings with the following amendments:

That Council alter Reserve Number 13627 to read Reserve Number 13267 where ever it occurs throughout Item No 11.12 on Pages 30 to 32 of the 18 April 2006 Minutes.

CARRIED 10/0

7.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

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

- 16.1 Valuation Of Land – Lots 360 – 363 Todd St, Merredin
- 16.2 Valuation Of Land – Reserve 44697, Bordered By Golf Rd, Telfer Av, Macdonald St, Merredin
- 15.4 Aline East – Gt Eastern Highway Upgrade – Use Of Water

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

- 9.1 Emergency Services meeting held on 21 March 2006.
- 9.2 Merredin Regional Community & Leisure Centre Management Committee meeting held 18 April 2006;
- 9.3 Merredin Heritage Management Committee meeting held 20 April, 2006:
- 9.4 WE-ROC Council meeting held on 26 April 2006;
- 9.5 Business & Community Development Committee meeting held 3 May 2006.
- 9.6 Engineering Services Committee meeting held 9 May 2006.

28425

Moved Cr Wallace sec Cr Morris

That the Merredin Shire Council receive the minutes of the Emergency Services meeting held on 21 March 2006; Merredin Regional Community & Leisure Centre Management Committee meeting held 18 April 2006; Merredin Heritage Management Committee meeting held 20 April, 2006; WE-ROC Council meeting held on 26 April 2006; Business & Community Development Committee meeting held 3 May 2006 and Engineering Services Committee meeting held 9 May 2006.

CARRIED 10/0

9.2 Merredin Regional Community and Leisure Centre Committee Minutes

Moved Cr K Hooper sec Cr M Crees

That Merredin Regional Community and Leisure Centre Management Committee nominate F Ludovico (CEO) or J McGovern (DCEO) and Andrew Crook (Acting Presiding Member), Erica Carlson (Committee

Member) and Marlene Renton (Department of Sport and Recreation - or leisure industry professional) to form a panel to interview and select successful applicant.

CARRIED 7/0

Moved Cr K Hooper sec D Crook

That the Merredin Regional Community and Leisure Centre Management Committee recommend Council endorse Merredin Golf Course Plan No 3 (attached) as final layout, to be immediately referred to the Department of Environment for clearing approval.

CARRIED 7/0

28426

Moved Cr Townrow sec Cr Wallace

That Merredin Regional Community and Leisure Centre Management Committee nominate F Ludovico (CEO) or J McGovern (DCEO) and Andrew Crook (Acting Presiding Member), Erica Carlson (Committee Member) and Marlene Renton (Department of Sport and Recreation - or leisure industry professional) to form a panel to interview and select successful applicant.

28427

That Council endorse Merredin Golf Course Plan No 3 (attached) as final layout, to be immediately referred to the Department of Environment for clearing approval.

CARRIED 10/0

9.3 Merredin Heritage Management Committee

Moved Rob Endersbee sec Cr G Astbury

That Merredin Heritage Management Committee recommend to Council to include the bridge lighting and security in the 2006/2007 budget to the value of \$3,000 to \$4,000.

CARRIED 4/0

28428

Moved Cr Astbury sec Cr Townrow

That Council include the bridge lighting and security in the 2006/2007 budget to the value of \$3,000 to \$4,000.

CARRIED 10/0

9.6 Business & Community Development Committee.

6.2 Whitfield Way Sub Division - Marketing Plan
(See Plan attached to BCDC Minutes)

Moved Cr Morris sec Cr Townrow

That the Business and Community Development Committee recommend to Council that Council accept Whitfield Way Marketing Plan with omission of sale by tender and replace with sale by private treaty, handled by the Shire and the inclusion of 5 year completion building clause in the conditions of sale.

CARRIED 4/0

Moved Cr Townrow sec Cr Morris

That the Business and Community Development Committee recommend to Council that Council set valuations of the Whitfield Way lots by using February 2003 valuations plus 10%.

CARRIED 4/0

Moved Cr Townrow sec Cr Morris

That the Business and Community Development Committee recommend to Council that Council allocate \$5000 from Land Development Reserve fund for marketing of Whitfield Way.

CARRIED 4/0

28429

Moved Cr Townrow sec Cr Morris

That Council accept Whitfield Way Marketing Plan with omission of sale by tender and replace with sale by private treaty, handled by the Shire and the inclusion of 5 year completion building clause in the conditions of sale.

CARRIED 9/1

ABSOLUTE MAJORITY

28430

Moved Cr Townrow sec Cr Morris

That Council set valuations of the Whitfield Way lots by using February 2003 valuations plus 10%.

CARRIED 9/1

ABSOLUTE MAJORITY

28431

Moved Cr Townrow sec Cr Morris

That Council allocate \$5000 from Land Development Reserve fund for marketing of Whitfield Way.

CARRIED 9/1

ABSOLUTE MAJORITY

W Bow entered the meeting at 2.05pm.

7.5 Library/Old Shire Office – Briefing Paper

Moved Cr Townrow sec Cr Crees

That the Business and Community Development Committee recommend to Council that Concept Plans be developed for Lots 41 & 42 Barrack Street for the purposes of a Cultural Centre for Visitor Servicing, Library, Arts, items of Memorabilia or commercial development.

CARRIED 4/0

28432

Moved Cr Jones sec Cr Townrow

That Concept Plans be developed for Lots 41 & 42 Barrack Street for the purposes of a Cultural Centre for Visitor Servicing, Library, Arts, Items of Memorabilia or commercial development.

CARRIED 10/0

Following Items under Section 11.0 of the Agenda brought forward.

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

11.1 FINANCING OF DOCTORS IN RURAL AREAS

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

Background

Attached to this agenda item is a copy of a letter from the Shire of Kondinin and a copy of a letter to Mr Brendan Grylls MLA from the Minister for Health (**See Attachment 11.1A**).

The Shire of Kondinin has asked Council to consider the comments by the Minister for Health on the last page of his letter.

Financial Implications

The Shire of Merredin provides subsidies in the forms of housing and vehicles of over \$50,000 per annum. In addition, because we own and operate the Merredin Medical Practice, in 2003/2004 and 2004/2005 the operating losses of approximately \$70,000 and \$20,000 respectively were also incurred.

Comment

I believe the Shire of Merredin has become involved with the Merredin Medical Practice and subsidisation of doctors because of the failure of private enterprise and the health system generally to provide this service to the community.

The comment by the Minister that Local Government has accepted the cost of financing private doctor businesses in order to assure their ratepayers of a local medical service is entirely true. This is because of the failure of the medical system to provide these services. Local Governments have stepped in to effectively subsidise the State Government Health System.

It needs to be recognised that the doctors supported by Local Governments also operate in Health Department hospitals and without those doctors the Health Department run hospitals would not be able to function.

Staff Recommendation

That Council write to the Minister for Health concerning the financing of doctors in rural areas making the following points:

- *The subsidisation of doctors has been forced upon Local Government due to the health system's inability to deal with the issues.*
- *Health Department Hospitals require doctors and if it was not for Local Government involvement in doctor recruitment the Health Department would not be able to provide their service.*
- *The Health Department has to become more involved in the recruitment and retention of doctors in rural Western Australia in order to meet their statutory obligations in service provision at hospitals and health care for the community.*
- *Local Governments are in total providing a significant subsidy to the Health Department which is increasingly affecting the economic viability of Local Governments.*

28433

Moved Cr Astbury sec Cr Townrow

- *That Council write to the Minister for Health concerning the financing of doctors in rural areas making the following points:*
- *The subsidisation of doctors has been forced upon Local Government due to the health system's inability to deal with the issues*

-
- *Health Department Hospitals require doctors and if it was not for Local Government involvement in doctor recruitment the Health Department would not be able to provide their service.*
 - *The Health Department has to become more involved in the recruitment and retention of doctors in rural Western Australia in order to meet their statutory obligations in service provision at hospitals and health care for the community.*
 - *Local Governments are in total providing a significant subsidy to the Health Department which is increasingly affecting the economic viability of Local Governments.*

CARRIED 10/0

11.2 MERREDIN MEDICAL PRACTICE

Reporting Department: Administration
Reporting Officer: Frank Ludovico, Chief Executive Officer
Legislation: Local Government Act 1995
File Number: CR / 17 / 27

Background

At the 18 April 2006 meeting in matters behind closed doors Council was informed that the Dr Jameson review of the Merredin Medical Practice produced a draft report for discussion.

Council also informed that a meeting would be held with members of the study group (ie Western Australian Country Health Service, Central Wheatbelt Divisions of General Practice and Western Australian Centre for Rural and Remote Medicine) to discuss the draft recommendations.

Subsequent to the Council meeting we received a letter from WACRAM detailing the way forward in order to progress the recommendations. **(See Attachment 11.2A).**

On the 27 April 2006 a meeting with doctors and staff at the Merredin Medical Practice occurred and attached to this agenda item is a copy of the notes emanating from that meeting. **(See attachment 11.2B).**

Financial Implications

I do not believe obligations placed on the Shire as detailed on the 26 April, 2006 letter are more than we currently provide at the Merredin Medical Practice.

Comment

I believe that the employment of a Project Officer (fully funded by WACRAM) will help the practice move forward.

It will assist in changing the perception about the Merredin Medical Practice to a more positive one and therefore it will be useful in attracting additional doctors to the practice or make it sufficiently attractive to establish as a separate commercial entity.

Staff Recommendation

That Council support the employment of a Project Manager with experience in Practice Management to work with the Merredin Medical Practice full time for a period of three (3) months to oversee the operations of the practice and improve it by way of improved practices, improved income generating strategies and additional training as detailed in the WACRRM letter of the 26 April, 2006.

28434

Moved Cr Townrow sec Cr Morley

That Council support the employment of a Project Manager with experience in Practice Management to work with the Merredin Medical Practice full time for a period of three (3) months to oversee the operations of the practice and improve it by way of improved practices, improved income generating strategies and additional training as detailed in the WACRRM letter of the 26 April, 2006.

CARRIED 10/0

Cr Morris declared an Impartiality Interest in Item 11.3

11.3 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:

At its Ordinary meeting of April 2006 a draft policy concerning rental of Council owned non-residential buildings was presented to Council.

Council resolved to discuss the report at its Ordinary May 2006 meeting (**CMRef 28388**).

Council 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 11.3A** is a draft policy for Council's perusal.**Attachment 11.3B** 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 comment.

28435

Moved Cr Astbury sec Cr N Hooper

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

CARRIED 10/0

J McGovern left the meeting at 2.42pm.

28436

Moved Cr Morris sec Cr N Hooper

That Council amend the draft "Rental charge for agreements to occupy Council non residential property" by:

- 1. classifying organisations such as the Telecentre and MADCAPS as Community groups; and*
- 2. include an extra clause being: Clause 18 - Annual inspection to be undertaken by Council.*

CARRIED 10/0**28437**

Moved Cr Jones sec Cr Morris

That Council adopt the "Rental charges for agreement to occupy Council non-residential property" policy as amended.

CARRIED 10/0

F Ludovico declared a Financial Interest in item 11.4.

11.4 APPLICATION TO PLACE SIGNAGE ON COUNCIL ROAD VERGE, ADJACENT TO LOT 15 BARRACK STREET (EAST) MERREDIN – ELDERS LIMITED MERREDIN

Reporting Department: Development Services
Reporting Officer: Warren Bow, Manager of Development Services
Legislation: Local Government Act 1995, Shire of Merredin
Local Law No 3 - Thoroughfares
File Number: P/240

Background:

An application has been received from Elders Limited Merredin (the applicant) to place advertising signage on the road verge immediately adjacent to their business premises, Lot 15 Barrack Street (East) Merredin.

A written submission and site plan submitted by the applicant can be seen as **Attachment 11.4A**.

Planning consent to erect the pylon sign was granted by Council at their Ordinary November 2005 meeting (**CMRef 28195**).

Legal Implications:

Compliance with Shire of Merredin Local Law No3 – Thoroughfares (local laws)

Budget Implications:

Nil

Comment:

Council approval for the erection of pylon signage on a road verge adjacent to an existing business has previously been granted to Merredin Nissan (**CMRef 27719**) and Donovan Ford (**CMRef 27767**) at Lot 2 Mary St, Merredin.

The local laws require all signage on thoroughfares to be setback a minimum three metres away from any carriageway.

Officer's Recommendation:

That the Merredin Shire Council grants permission to Elders Limited Merredin Group for the construction of a 3.4 metre high pylon sign on the road verge adjacent to Lot 15 Barrack St, Merredin as per plans submitted as (Attachment 11.4A), subject to the following conditions –

- a) A building licence be obtained for the construction of the pylon sign and that the design of such be certified by a practising structural Engineer.*
- b) That the Shire of Merredin is specifically indemnified by the public Liability insurance held by Elders Limited Merredin; and*
- c) That Elders Limited Merredin is wholly responsible for maintenance of the sign to the satisfaction of the Chief Executive Officer .*
- d) That the sign located three (3) metres away from the Barrack Street carriageway.*

28438

Moved Cr Morris sec Cr Crees

That the Merredin Shire Council grants permission to Elders Limited Merredin Group for the construction of a 3.4 metre high pylon sign on the road verge adjacent to Lot 15 Barrack St, Merredin as per plans submitted as (Attachment 11.4A), subject to the following conditions –

- a) A building licence be obtained for the construction of the pylon sign and that the design of such be certified by a practising structural Engineer.*
- d) That the Shire of Merredin is specifically indemnified by the public Liability insurance held by Elders Limited Merredin; and*

- e) *That Elders Limited Merredin is wholly responsible for maintenance of the sign to the satisfaction of the Chief Executive Officer .*
- d) *That the sign located three (3) metres away from the Barrack Street carriageway.*

CARRIED 10/0

11.5 DRAFT COUNCIL HOUSING REPLACEMENT PROGRAM

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

Background:

Council's "annual" building maintenance inspection was undertaken on 17 March 2006. It was generally felt that the day was of benefit to Councillors to familiarise themselves with both the location and condition of Council's built assets and also the occupancy status.

During the course of the day various needs were identified and suggestions made as to the maximisation of Council's residential assets, both built and land. This report attempts to collate these and provide a draft housing replacement program, mindful of staff housing needs.

Attachment 11.5A is the draft Housing Replacement Program (the program).

Legal Implications:

Nil

Budget Implications:

The following summary information derived from the program is provided for Councillor information –

	2005/2006	Proposed 2010/2011
Value of housing stock	\$2,310,000	\$2,430,000
Number of dwellings	14	12

Average value of dwellings	\$165,000	\$202,500
Average age of dwellings	20 years	10.75 years

The expected return on the sale of existing Council properties over the five year period is \$875,000.

The proposed capital investment in housing replacement over the five year period is \$1,005,000. Each year of the program, except 2010/2011, requires cash investment.

No capital appreciation or depreciation has been assigned to current housing stock over period of the program.

Newly constructed housing stock has been assigned an average 8% increase in value for the first year after construction to reflect market value as opposed to construction value.

To accommodate the proposed main entry into the Merredin Regional Community and Leisure Centre it is proposed to dispose of the dwelling at Lot 684 Bates St, Merredin.

Comment:

Whilst each property has been assigned to a staff position it is expected that these designations will vary dependant on staff movements, changes and requirements.

Discretion concerning the provision of housing to employees will remain with the Chief Executive Officer.

The proposed location of the grouped dwellings as survey strata lots (rear of 5 Bower street and 21 Priestly Street) is a new strategy aimed at maximising value of existing Council-owned land assets.

As an alternative Council may wish to purchase new land or use existing vacant land to develop the grouped dwellings thereon, as per the Lot 77 Coronation Street development.

Officer's Recommendation:

That Council receive the report titled "Draft Council Housing Replacement Program" and provide comment to staff.

28439

Moved Cr Crees sec Cr Astbury

That Council receive the report titled “Draft Council Housing Replacement Program” and provide comment to staff.

CARRIED 10/0

11.6 EXTRACTIVE INDUSTRIES

Reporting Department: Development Services
Reporting Officer: Warren Bow, Manager of Development Services
Legislation: Shire of Merredin Town Planning Scheme No.1,
Local Law No. 10 – Extractive Industries, Local
Government Act 1995

File Number:

Background:

Council have requested (**CMRef 28423**) staff investigate the ramifications of rescinding Shire of Merredin Local Law 10 – Extractive Industries (the local laws).

Legal Implications:

Council’s solicitors advise that revoking the local laws has no effect on current licenses and approvals, including conditions, issued whilst such local laws were in force.

This means that previous licenses issued under the provisions of the local laws remain in force and Council can apply relevant conditions.

If Council were to revoke the local laws it is possible that matters pertaining to extractive industries could be solely administered under the provisions of the Town Planning Scheme No.1 and Council policy.

Extractive industry operations are “development” as per the Shire of Merredin Town Planning Scheme No.1 and accordingly require planning consent.

It should be considered however that Council does not have the ability to adopt or enforce town planning policies under the provisions of the current Town Planning Scheme No.1.

The process to revoke the local laws is similar to that of adopting local laws, and may take up to six months to complete.

Budget Implications:

Various

Comment:

Council must question the reasons why it adopted the local laws initially in 2002.

The purpose of the local laws, as stated in the Council minutes at the time they were adopted were to -

- *prohibit the carrying on of an extractive industry unless by authority of a licence issued by the local government;*
- *regulate the carrying on of the extractive industry in order to minimise damage to the environment, roads and other peoples health and property;*
and
- *provide for the restoration and reinstatement of any excavation site.*

The local laws have proven difficult and extremely time consuming to administer. Their effectiveness is debatable.

A general policy could be formulated, based on the major provisions of the extractive industry local laws such as site location, excavation proposal and rehabilitation. The policy could be based on achieving performance outcomes, rather than prescriptive requirements.

Council could determine the extent and complexity of information required to accompany any application made for planning consent to undertake extractive industry operations. Such requirements could be written into the policy.

In considering any application for planning consent Council could take into account factors such as proximity to occupied residential property, general location, neighbour (adjoining and otherwise) consultation, advertising, volume of material to be extracted, type of material to be extracted, type of operation

(commercial or private), level of associated infrastructure (vehicles, traffic volumes, plant) and rehabilitation requirements.

All formal planning consent approvals could be issued subject to conditions, having regard for the aforementioned factors. Planning conditions are enforceable under the provisions of the Act and contravention of such can lead to fines of up to \$5000.

Council is aware of the perception in the community that the local laws are hindering development by making it illegal to remove any quantity of material (gravel or sand) without the necessary extractive industry license.

Revoking the local laws will not solve all the problems associated with extractive industries; which are notorious in local government circles for producing problems. Some form of enforcement tool must remain to ensure that problem situations can be administered.

In the past, Council have attempted, unsuccessfully, via proposed amendments to the local laws, to make the application requirements less onerous on proponents wishing to extract and/or trade small amounts of material.

Over the past three years the opportunity has existed for landowners and/or contractors to obtain the necessary planning approvals and extractive industry licenses which would have enabled them to legally extract and trade an in-demand material on a commercial basis.

Over those years Council staff have frequently provided advice to contractors on the process of obtaining such approvals and offered assistance to explain and navigate the administrative processes.

To this end only one person has endeavoured to undertake the process and obtain the approvals, whilst Council continues to receive complaints about the negative impact of the local law requirements.

It is important for Council to retain some control over this issue, with particular regard for rehabilitation requirements and to ensure the protection of property owners affected by extractive industry operations.

Officer's Recommendation:

That Council receive the report titled "Extractive Industries"

28440

Moved Cr Morris sec Cr Townrow

That Council receive the report titled "Extractive Industries"

CARRIED 10/0

**11.7 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:

At its Ordinary Aril 2006 meeting Council resolved (**CMRef 28391**) to delegate authority to staff to negotiate with contractors for the supply and installation of aluminium doors and windows at the Merredin Regional Community and Leisure Centre up to the budget figure.

A quotation received from Viewmaster Aluminium Products was received for the price of \$70,486.00 plus GST. This figure is \$3,470.00 or five percent above the original budget figure of \$67,016.00 plus GST.

Legal Implications:

As the quotation is above the budget figure staff are reluctant to act outside the extent of their delegated authority.

Accordingly the matter has been referred back to Council.

Budget Implications:

The original budget estimate was received over 12 months ago. The contractor has justified the price increase to Council's Building Project Manager.

Comment:

A copy of the quotation can be seen as **Attachment 11.7A**.

To this end there have been no other quotations received for the relevant works.

Officer's Recommendation:

That Council engage Viewmaster Aluminium Products to undertake the supply and installation of aluminium doors and windows at the Merredin Regional Community and Leisure Centre for the price of \$70,486.00 plus GST.

Absolute Majority Required

28441

Moved Cr Morris sec Cr Wallace

That Council engage Viewmaster Aluminium Products to undertake the supply and installation of aluminium doors and windows at the Merredin Regional Community and Leisure Centre for the price of \$70,486.00 plus GST.

**CARRIED 10/0
ABSOLUTE MAJORITY**

11.8 BUILDING STATISTICS REPORT

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

Background:

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

Legal Implications:

Various

Budget Implications:

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

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

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

Approvals:

Building Licence No.	Licence issued to	Address of proposed building	Owner of property	Class of Building Type of Construction
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BA13/06	Merredin Outdoor Centre, PO Box 792, Merredin WA 6415	Lot 249, House No. 26 Duff St, Merredin WA 6415	GEHA, 44 Mitchell St, Merredin WA 6415	10 (a) – Steel framed attached patios
BA15/06	Timothy McGillivray, 2 Duff St, Merredin WA 6415	Lot 237, House No. 2 Duff St, Merredin WA 6415	Timothy McGillivray, 2 Duff St, Merredin WA 6415	10 (a) – Two steel framed attached patios
BA16/06	Wheatbelt Building and Maintenance, PO Box 654 Merredin WA 6415	Lot 246, House No. 20 Duff St, Merredin WA 6415	P & V Garwood, 20 Duff St, Merredin WA 6415	10 (a) – Steel framed, attached carport

Building Licence No.	Licence issued to	Address of proposed building	Owner of property	Class of Building Type of Construction
BA17/06	Tampico Pty Ltd t/a Dempster Steel, PO Box 284 Northam WA 6401	Lot 3 Gamenya Ave, Merredin WA 6415	Co-operative Bulk Handling Group, 30 Delhi St, West Perth WA 6005	5 – Steel framed, iron clad commercial office building
BA18/06	Triton Building Company Pty Ltd, PO Box 25 Bruce Rock WA 6418	Lot 1486 House No. 84 Endersbee St, Merredin WA 6415	Department of Housing and Works, 99 Plain St, East Perth WA 6004	1 (a) (i) – Two, timber framed, weatherboard clad grouped dwellings
BA19/06	Phillip Musca, 25 Growden St, Merredin WA 6415	Lot 267, House No. 25 Growden St, Merredin WA 6415	Phillip Musca, 25 Growden St, Merredin WA 6415	10 (a) – Steel framed, iron clad outbuilding
BA21/06	Jason Branley, PO Box 669, Merredin WA 6415	Lot 553, House No. 11 Hart St, Merredin WA 6415	Jason Branley, PO Box 669, Merredin WA 6415	10 (a) – Steel framed, attached patio

Valuation: \$854,920.00

Fees: \$2,192.34

Progressive: \$1,552,620.00

Progressive: \$4,547.44

Comment:

Officers Recommendation:

That the Merredin Shire Council receive the April 2006 statistics for building licences issued by the Building Surveyor for the previous month

28442

Moved Cr Morris sec Cr Simmonds

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

CARRIED 10/0

15.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

Following Item under Section 15.2 of the Agenda brought forward.

15.2 MERREDIN REGIONAL COMMUNITY AND LEISURE CENTRE - TENDER 21 – 05/06 – SUPPLY AND INSTALLATION OF MECHANICAL SERVICES

Reporting Department: Development Services
Reporting Officer: Warren Bow, Manager of Development Services
John Gearing, Building Project Manager
Legislation: Local Government Act 1995
File Number: RCS/13/1

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 21 – 05/06 related to the supply and installation of mechanical services.

Tender 21 – 05/06 was advertised on Wednesday 19 April 2006 in *The West Australian* newspaper.

The closing date for tenders was 4:00pm on Friday 12 May 2006, with tenders being opened after 4:30pm on such date.

All tenders were be required to comply with the following criteria -

- (1) Compliance with the specification contained in the Tender
- (2) Compliance with the conditions of the Tender
- (3) Compliance with the required date for the commencement of the services
- (4) Compliance and completion of the Price Schedule
- (5) Financial capacity to perform the contract
- (6) Submission of schedule of insurances

Legal Implications:

Compliance with the Local Government Act 1995 and Local Government (Functions and General) Regulations 1996 relating to tenders.

Budget Implications:

The budget figure for the supply and installation of mechanical services for the Merredin Regional Community and Leisure Centre project is \$71,555.00 (inc GST).

Based on the submitted tenders (over) Council should be prepared for Tender 21 – 05/06 to significantly exceed budget estimates.

Comment:

Tenders were received from –

- KD Aire Mechanical Services Pty Ltd \$164,234.40 (inc GST)
- Merredin Refrigeration and Gas \$90,744.50 (inc GST)
- Diamond Industries \$153,142.00 (inc GST)

All tenders were evaluated using the following qualitative assessment criteria -

- (a) Adjusted price
- (b) Demonstrated capability in similar projects
- (c) Ability to undertake and complete works within the proposed construction programme
- (d) Demonstrated commitment to Occupational Safety and Health requirements and risk management practices

Attachment 15.2 shows the results of the written assessment undertaken by the Council's Building Project Manager.

It is noted that the air conditioning units and evaporative units proposed by Merredin Refrigeration and Gas are different to those specified in the tender. Discussions with the mechanical services consultant indicate that requiring the specified "Daikin" refrigerated units and "Braemar" evaporative units may increase the overall price.

All other tenderers have been given the opportunity to clarify their tender to ensure their submitted price is based on the same mechanical service equipment. At the time of writing this report the information was yet to be received.

The original price submitted with the tender from Merredin Refrigeration and Gas is over Council's budget estimates by \$19,189.50 or 26.82%.

Council should be aware that any revised price, incorporating provision of "Daikin" and "Braemar" units, from Merredin Refrigeration and Gas is likely to be higher than their original tender price. Also any reduction in revised price from KD Aire Mechanical Services Pty Ltd and Diamond Industries is likely to be

in the vicinity of a few thousand dollars, making relatively little difference in comparative tender prices.

Voting Requirements:

Absolute majority

Officer's Recommendation:

1. *That Council receive the report titled MERREDIN REGIONAL COMMUNITY AND LEISURE CENTRE - TENDER 21 – 05/06 – SUPPLY AND INSTALLATION OF MECHANICAL SERVICES.*
2. *That Council endorse the actions of staff in applying Part 4 clause 18 (4a) of the Local Government (Functions and General) Regulations 1996 in relation to Tender 21 – 05/06.*
3. *That Council delegate authority to the Technical Sub-committee of the Merredin Regional Community and Leisure Centre committee to determine the supply of installation of mechanical services at the Merredin Regional Community and Leisure Centre.*
(Absolute Majority Required)

28443

Moved Cr N Hooper sec Cr Morris

1. *That Council receive the report titled MERREDIN REGIONAL COMMUNITY AND LEISURE CENTRE - TENDER 21 – 05/06 – SUPPLY AND INSTALLATION OF MECHANICAL SERVICES.*
2. *That Council endorse the actions of staff in applying Part 4 clause 18 (4a) of the Local Government (Functions and General) Regulations 1996 in relation to Tender 21 – 05/06.*
3. *That Council delegate authority to the Technical Sub-committee of the Merredin Regional Community and Leisure Centre committee to determine the supply of installation of mechanical services at the Merredin Regional Community and Leisure Centre.*

**CARRIED 10/0
ABSOLUTE MAJORITY**

Following Item under Section 15.3 of the Agenda brought forward.

**15.3 MERREDIN REGIONAL COMMUNITY AND LEISURE CENTRE -
TENDER 22 – 05/06 – SUPPLY AND INSTALLATION OF CEILINGS**

Reporting Department: Development Services
Reporting Officer: Warren Bow, Manager of Development Services
John Gearing, Building Project Manager
Legislation: Local Government Act 1995
File Number: RCS/13/1

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 22 – 05/06 related to the supply and installation of ceilings.

Tender 22 – 05/06 was advertised on Wednesday 19 April 2006 in *The West Australian* newspaper.

The closing date for tenders was 4:00pm on Friday 12 May 2006, with tenders being opened after 4:30pm on such date.

All tenders were be required to comply with the following criteria -

- (1) Compliance with the specification contained in the Tender
- (2) Compliance with the conditions of the Tender
- (3) Compliance with the required date for the commencement of the services
- (4) Compliance and completion of the Price Schedule
- (5) Financial capacity to perform the contract
- (6) Submission of schedule of insurances

Legal Implications:

Compliance with the Local Government Act 1995 and Local Government (Functions and General) Regulations 1996 relating to tenders.

Budget Implications:

The budget figure for the supply and installation of ceilings for the Merredin Regional Community and Leisure Centre project is \$77,451.00 (inc GST).

Comment:

Tenders were received from –

- Darryn Grant Fibrous Plastering \$77,125.00 (inc GST)

Attachment 15.3 shows the results of the written assessment undertaken by the Council's Building Project Manager.

The price submitted with the tender from Darryn Grant Fibrous Plastering is under Council's budget estimates by \$326.00 or 0.4%.

Officer's Recommendation:

That the Merredin Shire Council award tender 22 - 05/06 – Supply and installation of ceilings to Darryn Grant Fibrous Plastering for the net amount of tender \$77,125.00 (inc GST).

28444

Moved Cr Jones sec Cr Astbury

That the Merredin Shire Council award tender 22 - 05/06 – Supply and installation of ceilings to Darryn Grant Fibrous Plastering for the net amount of tender \$77,125.00 (inc GST).

CARRIED 10/0

28445

Moved Cr Crees sec Morris

That the meeting proceed behind closed doors to discuss items that are commercially in confidence:

Item 16.1 Valuation Of Land – Lots 360 – 363 Todd St, Merredin;

Item 16.2 Valuation Of Land – Reserve 44697, Bordered By Golf Rd, Telfer Av, Macdonald St, Merredin; and

Item 15.4 Aline East – Gt Eastern Highway Upgrade–Use Of Water

CARRIED 10/0

Sonya Kimbar left the meeting at 3.18pm.

The meeting moved behind closed doors at 3.19pm

Following Items under Section 16.0 of the Agenda brought forward.

16.0 MATTERS BEHIND CLOSED DOORS

16.1 VALUATION OF LAND – LOTS 360 – 363 TODD ST, MERREDIN

28446 Moved Cr Crees sec Cr N Hooper
That Council receive the report titled “Valuation of Land – Lots 360 – 363 Todd Street, Merredin”

16.2 VALUATION OF LAND – RESERVE 44697, BORDERED BY GOLF RD, TELFER AV, MACDONALD ST, MERREDIN

28447 Moved Cr Crees sec Cr N Hooper
That Council receive the report titled “Valuation of Land – Reserve 44697, bordered by Golf Rd, Telfer Av, Macdonald St, Merredin”

MDS, W Bow departed the meeting at 3.25pm

Late Item 15.4 brought forward whilst behind closed doors.

15.4 ALINE EAST – GT EASTERN H’WAY UPGRADE – USE OF WATER

28448 Moved Cr Crees sec Cr N Hooper
That Council agreed to supply water from saline water under Merredin at a price of \$.50 per kl with power costs to be met by Aline East.

28449 Moved Cr Simmonds sec Cr Astbury
That the meeting move out from behind closed doors.

CARRIED 10/0

The meeting came out from behind closed doors at 3.39pm

28450 Moved Cr Simmonds sec Cr Astbury
That the meeting adjourn at 3.41pm.

CARRIED 10/0

28451 Moved Cr Morris sec Cr Townrow
That the meeting reconvene at 4.24pm.

CARRIED 10/0

Ms Sonya Kimbar and MW Jim Garrett were in attendance.

12.0 ENGINEERING SERVICES

12.1 REVIEW OF STATE ROAD FUNDS TO LOCAL GOVERNMENT AGREEMENT

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

Background

WALGA has asked Council to comment on the current state road funds to the Local Government Agreement and issues it wishes to address for the next agreement. A background paper and survey questions is attached as **Attachment 12.1A**.

Comment

I believe the change in grant allocation methodology from 100% asset preservation to 75% asset preservation and 25% population factor and allowing for a minimum allocation of \$1 million to regional road groups and the creation of funding for special category roads has reduced funding to Council because funds have moved to more populated areas of the Great Southern and South West.

The Minister for Planning and Infrastructure has already signalled her intention to alter the grant allocation methodology to 70% asset preservation model and 30% population. This will have a significant detrimental effect to areas without a significant population base i.e. one ward.

Therefore I would suggest to Council that we argue that the grant funding methodology be reinstated to 100% asset preservation as it is more important to maintain the road and the traffic it carries.

In respect to using other factors in determining distribution methodology I consider that components such as road length environment, road use, isolation, urbanisation, unit costs, gross regional product are all valid components for a formula however I would question the cost of collecting such data and whether adding these factors will in fact improve the grant distribution methodology. In other words we may spend a significant amount of time collecting the data to apply to the formula which will have no net effect in funding distribution.

If this is the route that we must travel then it would be appropriate to see the effect of using these components in formulae and for them to be widely discussed through Local Government before implementation.

In respect to Special Category Funding for timber, aglime, grain or roads I believe that the allocation of these funds within the original road group funding pool actually reduced funds to regional road groups specifically the Wheatbelt North and South Regional Road Groups.

If this Special Category Funding is to be retained then it should be funded above and beyond the Regional Road Group funding pool (ie new money).

The industries mentioned certainly provide significant employment and other economic activity to the state and with State Governments' current surpluses providing \$2 million for Special Category Roads over and above Regional Road Group funding would be of little effect to their overall budgets.

Staff Recommendation

That Council advise the Western Australian Local Government Association that it has the following views on the review of State Road Funds to Local Government Agreement:

- *The grant distribution methodology should be altered to 100% asset preservation for rural road project grants.*
- *The cost of collecting information for different components for inclusion into a funding formula would outweigh the benefits of using the asset preservation model.*
- *Special Category Road Funding should be retained however funding should be from funding sources outside the Regional Road Group pool (ie new money).*

28452 Moved Cr Jones sec Cr Townrow

That Council advise the Western Australian Local Government Association that it has the following views on the review of State Road Funds to Local Government Agreement:

- *The grant distribution methodology should be altered to 100% asset preservation for rural road project grants.*
- *The cost of collecting information for different components for inclusion into a funding formula would outweigh the benefits of using the asset preservation model.*
- *Special Category Road Funding should be retained however funding should be from funding sources outside the Regional Road Group pool (ie new money).*

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

Background:

Monthly report on operations.

Legal and Budget Implications:

Nil

Comment:Road Construction

- Hotmix asphalt has been laid on Gabo Road.
- A delay with the works on Bates Street due to waiting for materials and backhoe working on Whitfield Way subdivision.
- Electrical and water trenching started on Whitfield Way
- Goldfields Road(blackspot) construction in progress.

Road Maintenance

- Bitumen shoulder grading in progress on Narembeen Road.
- Tree pruning under power lines ongoing.

Parks And Gardens

- Whipper snipping and slashing of town streets in progress.
- Spraying of footpaths in progress.

Water

Dam #1	90% Full	Capacity	74,455 kilolitres
Dam #2	65% Full	Capacity	71,675 kilolitres
Dam #3	85% Full	Capacity	46,000 kilolitres
Railway Dam	95% Full	Capacity	23,000 kilolitres

Officer's Recommendation:

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

28453

Moved Cr Townrow sec Cr Morris

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

CARRIED 10/0

12.3 CAR PARK ENTRANCE CLOSURE – BARRACK STREET

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

Background:

Council temporarily closed the entrance to the car park on the western side of the visitor centre and the middle island in Barrack Street adjacent to the car park entrance for a two month period from the 24 January to the 24 March 2006.

The purpose of the temporary closure was to get community feed back and ascertain whether a permanent closure is warranted.

Only two responses from the public were received as can be seen on **Attachment 12.3A**.

On the 24 February 2006 a traffic safety inspection was carried out at midday by Lachlan Millar a road safety auditor from Millar and Associates, Gren Putland from Main Roads W.A. and Jim Garrett from the Shire Of Merredin. The report can be seen in **Attachment 12.3B**.

It was concluded that there does not appear to be a safety reason to close the existing car park entrance. However potential conflicts would be reduced if the median on Barrack Street was closed to restrict entry to car park to left in and left out . As can be seen on plan in **Attachment 12.3C**.

At Council's 21 March 2006 meeting (CMRef 28360) Council decided to remove the sandbags from the car park entrance but retain the sandbags in the middle island.

Legal Implications:

Council is not obliged to advertise the permanent closure of the middle island, however it may be prudent to do so.

Budget Implications:

\$2,500.00 to kerb and brick pave median strip.

Comment:

The median strip on Barrack Street has been left closed and the car park entrance opened since the 24 March 2006. No public response to the median strip closure has been received.

Officer's Recommendation:

That the Merredin Shire Council permanently close the middle island on Barrack Street adjacent to the car park entrance to the western side of the Visitor Centre.

28454 Moved Cr Townrow sec Cr N Hooper

That the Merredin Shire Council permanently close the middle island on Barrack Street adjacent to the car park entrance to the western side of the Visitor Centre.

CARRIED 10/0

MW J Garrett declared a Financial Interest in Item 12.4.

12.4 TRACTOR TENDER NO 19-05/06

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

Background:

I have a financial interest in this report because my son works for Hutton and Northey Sales and lives under my roof.

The Shire of Merredin issued tender No 19-05/06 for one tractor in the 60 to 75 kw range on the 1 April 2006. Tenders closed on the 21 April 2006.

The following tenders were received.

	TENDERER	PRICE
A	Ag Implements Merredin	\$63,966.00 incl. GST (6220 SE 66KW)
B	Boya Equipment	\$62930.00 incl. GST (ME 8200 DHC 61.2 KW)
C	Hutton Northey Sales	\$60,683.00 incl. GST (TLA-80-A 60KW)
D	Hutton and Northey Sales	\$65,328.00 incl GST (TLA-90-A 67 KW)
E	Hutton and Northey Sales	\$67,821.00 incl GST (TLA-100-A 75KW)
F	Hutton and Northey Sales	\$56,904.98 incl GST (TD 95D 69KW)
G	Hutton and Northey Sales	\$74,728.90 incl GST (TSA DELTA 100A 74KW)

The evaluation matrix is attached, (**Attachment 12.4A**)

Legal Implications:

Nil.

Budget Implications:

Council have allocated \$70,000.00 for the change over of tractor.

Comment:

Hutton and Northey Sales, New Holland TLA-100-A tractor according to specifications supplied would be more suited to the Councils daily operations.

Officer's Recommendation:

That Council award tender 19-05/06 for the supply of one New Holland TLA-100-A tractor from Hutton and Northey Sales for a change over price of \$67,821.00 incl GST.

28455

Moved Cr Townrow sec Cr Morley

That Council award tender 19-05/06 for the supply of one New Holland TLA-100-A tractor from Hutton and Northey Sales for a change over price of \$67,821.00 incl GST.

CARRIED 9/1

MW J Garrett declared a Financial Interest in Item 12.5.

12.5 TRACTOR TENDER NO 20-05/06

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

Background:

I have a financial interest in this report because my son works for Hutton and Northey Sales and lives under my roof.

On the 1 April 2006 the Shire of Merredin issued tender No 20-05/06 for one tractor in the 80 to 90 kw range. Tenders closed on the 21 April 2006.

The following tenders were received.

	TENDERER	PRICE
A	Ag Implements Merredin	\$73,143.00 incl. GST (6520 SE, 85kw)
B	Boya Equipment	\$57,575.00 incl. GST (M105 SDC, 78kw)
C	Hutton Northey Sales	\$70,660.48.00 incl.GST(TSA DELTA 110A, 82kw)
D	Hutton and Northey Sales	\$71,927.00 incl GST (TSA DELTA 115A, 85kw)

The evaluation matrix is attached, **Attachment 12.5A.**

Legal Implications:

Nil.

Budget Implications:

Council have allocated \$60,000.00 for the change over of tractor.

Comment:

The tractors more suited for Council's daily operation according to the matrix exceed the budget allocation of \$60,000.

As council owns two skid loaders, one with 4500 hours on the clock and the other with 350 hours on the clock it was decided not to trade the Case skid steer loader until it reached the hours recommended on Council's plant replacement program, which is 6000 hours. Machine could take up to three years to reach 6000 hours. Council allocated \$65,000 in the 05/06 budget for changeover of the skid steer load.

This would compensate for the change over price of the tractor.

Hutton and Northey Sales, New Holland TSA DELTA 115A tractor according to specifications supplied would be more suited to the Council's daily operations.

Officer's Recommendation:

That Council award tender 20-05/06 for the supply of one New Holland TSA DELTA 115A tractor from Hutton and Northey Sales for a change over price of \$71,927.00 incl GST.

Absolute Majority Required.

28456

Moved Cr Townrow sec Cr Morris

That Council award tender 20-05/06 for the supply of one New Holland TSA DELTA 115A tractor from Hutton and Northey Sales for a change over price of \$71,927.00 incl GST.

**CARRIED 8/2
ABSOLUTE MAJORITY**

9.0 RECEIVAL OF MINUTES (CONTINUED)

9.7 Engineering Services Committee

7.2 Functional Road Hierarchy (Attachment 7.2)

The Committee discussed the draft Functional Road Hierarchy and suggested the following amendments:

Baandee South Road – Category 4 to Category 3

Fewster Road – Category 4 to Category 3

Nukarni West Road between Wills Road and Merredin/Knungajin Road – Category 4 to Category 3

Korbel East Road between Korbelka and Totadgin Hall Road – Category 3 to Category 2

Bryant Road between Totadgin Hall Road to Koonadgin South Road – Category 3 to Category 2.

Koonadgin South Road - Category 3 to Category 2

Koonadgin Road from Davies Road to Burracoppin South Road – Category 3 to Category 2

Clark Road between Hooper Road and Hendrick Road – Category 3 to Category 2

Spring Well Valley Road between Bulls Head Road and Goldfields Road – From Category 3 to Category 2.

The Committee requested that the written descriptions of the road contain details of the current standard of the road.

Moved Cr Simmonds sec Cr Morley

That the Engineering Services Committee recommend to Council that Council adopt the draft Functional Road Hierarchy as amended.

CARRIED 6/0

28457

Moved Cr Townrow sec Cr Morley

That Council adopt the draft Functional Road Hierarchy with the following amendments:

Baandee South Road – Category 4 to Category 3

Fewster Road – Category 4 to Category 3

Nukarni West Road between Wills Road and Merredin/Knungajin Road – Category 4 to Category 3

Korbel East Road between Korbelka and Totadgin Hall Road – Category 3 to Category 2

Bryant Road between Totadgin Hall Road to Koonadgin South Road – Category 3 to Category 2.

Koonadgin South Road - Category 3 to Category 2

Koonadgin Road from Davies Road to Burracoppin South Road – Category 3 to Category 2

Clark Road between Hooper Road and Hendrick Road – Category 3 to Category 2

Spring Well Valley Road between Bulls Head Road and Goldfields Road – From Category 3 to Category 2.

CARRIED 10/0

7.3 Five Year Roads Program (Attachment 7.3)

It was indicated that Council need to make adequate provision for the finishing off of the Indoor Recreation Centre by providing a sealed car park and appropriate landscaping. This should be considered in our 2006/2007 budget. There may be a need to remove roads funded by our own resources to undertake this work.

Moved Cr K Hooper sec Cr Morley

That the Engineering Services Committee recommend to Council that Council adopt the 2006/2007 Five (5) Year Roads Program.

CARRIED 6/0

28458

Moved Cr Crees sec Cr Townrow

That Council adopt the 2006/2007 Five (5) Year Roads Program.

CARRIED 10/0

7.4 Ten Year Plant Replacement Program (Attachment 7.4)

Moved Cr Townrow sec Cr K Hooper

That the Engineering Services Committee recommends to Council that Council adopt the 2006/2007 Ten (10) Year Plant Replacement Program.

CARRIED 4/2

28459

Moved Cr Townrow sec Cr Crees

That Council adopt the 2006/2007 Ten (10) Year Plant Replacement Program.

CARRIED 7/3

Cr Wallace declared an Impartiality Interest in Item 7.5.

- 7.5 Re alignment of the Goomalling/Merredin Road near the Goldfields Road intersection. (Attachment 7.5)

Moved Cr Simmonds sec Cr Townrow

That Engineering Services Committee recommends to Council the adoption of the design for improvements at the intersection of Goldfields Rd and Goomalling/Merredin Rd as detailed in the Roadswest Engineering Group drawing R1370-INT1 and request MRWA to undertake the improvement works.

CARRIED 5/1**28460**

Moved Cr Townrow sec Cr Crees

That Council adopt the design for improvements at the intersection of Goldfields Rd and Goomalling/Merredin Rd as detailed in the Roadswest Engineering Group drawing R1370-INT1 and request MRWA to undertake the improvement works.

CARRIED 10/0

- 7.6 Deep drainage – requests by Mr B McGellin for deep drainage work at Endersbee Road. (Attachment 7.6)

Moved Cr K Hooper sec Townrow

That the Engineering Services Committee recommend to Council that Council provides the following level of support for Mr B McGellin for assistance in the construction of a crossing on Endersbee Road:

Proponent cost –

- *Installation of a 300 mm diameter pipe capable of being emersed in saline water to the satisfaction of the Manager of Works.*
- *To dig the trench at their cost.*
- *To undertake all traffic management control.*
- *To ensure that appropriate public liability insurance is held over the works; and*
- *that all services are located prior to works being undertaken.*

Shire contribution –

- *That Council backfill and stabilise the trench dug for the drain and reinstate the road up to the value of \$4,000 being 50% of the total cost of Council supplying piping, excavating the road and reinstating the road.*

CARRIED 6/0

28461 Moved Cr Townrow sec Cr Crees

That Council provides the following level of support for Mr B McGellin for assistance in the construction of a crossing on Endersbee Road:

Proponent cost –

- *Installation of a 300 mm diameter pipe capable of being emersed in saline water to the satisfaction of the Manager of Works.*
- *To dig the trench at their cost.*
- *To undertake all traffic management control.*
- *To ensure that appropriate public liability insurance is held over the works; and*
- *that all services are located prior to works being undertaken.*

Shire contribution –

- *That Council backfill and stabilise the trench dug for the drain and reinstate the road up to the value of \$4,000 being 50% of the total cost of Council supplying piping, excavating the road and reinstating the road.*

CARRIED 10/0

Moved Cr K Hooper sec Cr Townrow

That the matter of a deep drainage policy be deferred until the committee analyses the outcome of the assistance package proposed for Mr McGellin.

CARRIED 6/0

28462 Moved Cr Townrow sec Cr Morley

That the matter of a deep drainage policy be deferred until the committee analyses the outcome of the assistance package proposed for Mr McGellin.

CARRIED 10/0

Liquid Assets – Rural Towns

It was reported that it appeared that the Rural Towns Liquid Assets project were not utilising local services when undertaking work in Merredin i.e. current drilling program.

Moved Cr K Hooper sec Cr Morley

That the Engineering Services Committee recommend to Council that Council request the Chief Executive Officer to express concern that local contractors have not been given the opportunity to submit a price for undertaking the current drilling program in Merredin.

CARRIED 6/0

28463

Moved Cr Crees sec Cr Wallace

That Council request the Chief Executive Officer to express concern that local contractors have not been given the opportunity to submit a price for undertaking the current drilling program in Merredin.

CARRIED 10/0

Moved Cr Townrow sec Cr Morley

That Council recommend to Aline East that Option B is the preferred option for Hines Hill.

MOTION WITHDRAWN WITH CONSENT OF SECONDER

28464

Moved Crees sec Cr N Hooper

That Council recommend to Aline East that Option A is the preferred option for Hines Hill on the basis that visitor parking improvements are incorporated into works.

CARRIED 8/2

J Garrett left the meeting at 4.40pm.

6.3 Services to all Shire Owned Vacant Land

Moved Cr Townrow sec Cr Morris

That the Business and Community Development Committee recommend to Council that Council sell Lot 507 MacDonald Street, Merredin.

CARRIED 3/1

28465 Moved Cr Townrow sec Cr N Hooper
That Council sell Lot 507 MacDonald Street, Merredin.
CARRIED 9/1

Moved Cr Morris sec Cr Townrow
That the Business and Community Development Committee recommend to Council that Council sell Lot 507 MacDonald Street, Merredin by private treaty at a value provided by local real estate agent as soon as possible.
CARRIED 3/1

Moved Cr Townrow sec Cr Morris
That Council sell Lot 507 MacDonald Street, Merredin by private treaty at a value provided by local real estate agent as soon as possible.

AMENDMENT TO MOTION

28466 Moved Cr Jones sec Cr Wallace
That the words “private treaty” be replaced by “tender” and the words “at a value provided by a local real estate agent as soon as possible” be deleted.
CARRIED 7/3

THE AMENDMENT BECAME THE MOTION

28467 *That Council sell Lot 507 MacDonald Street, Merredin by tender.*
CARRIED 8/2

Moved Cr Townrow sec Cr Morris
That the Business and Community Development Committee recommend to Council that Council relocate Dr Sola Freeman from 13 Cummings Crescent, in consultation with Dr Freeman, to another suitable house as soon as possible, while the house at 13 Cummings Crescent is structurally assessed by a structural engineer and relevant repairs conducted.
CARRIED 4/0

28468 Moved Cr Jones sec Cr Townrow
That Council relocate Dr Sola Freeman from 13 Cummings Crescent, in consultation with Dr Freeman, to another suitable house as soon as possible, while the house at 13 Cummings Crescent is structurally assessed by a structural engineer and relevant repairs conducted.
CARRIED 10/0

Moved Cr Townrow sec Cr Crees

That Council sell Lot 258 (54) Bates Street, Merredin by private treaty as soon as possible at a value provided by local real estate agent.

CARRIED 4/0

28469

Moved Cr Jones sec Cr Hooper

That Council sell Lot 258 (54) Bates Street, Merredin by tender.

CARRIED 8/2

REASON: This will be the same process as the sale of Lot 507 McDonald Street, Merredin.

7.3 Solar Oasis

Moved Cr Morris sec Cr Crees

That the Business and Community Development Committee recommend that Council endorse Officer's Recommendations.

- *That the Committee recommend Council progress with investigating potential application of a Solar Oasis strategy.*
- *That the Committee recommend Council extend an invitation to Nathan Hurst to present information on potential applications of a Solar Oasis project utilising desalinated ground water.*
- *That the Committee recommend Council allocate funds for this, coming from the Rural Towns Program account E105090.*

CARRIED 4/0

Sonya Kimbar left the meeting at 5.04pm.

28470

Moved Cr Crees sec Cr Townrow

That Council endorse the Officer's Recommendations:

- *That Council progress with investigating potential application of a Solar Oasis strategy.*
- *That Council extend an invitation to Nathan Hurst to present information on potential applications of a Solar Oasis project utilising desalinated ground water.*
- *That Council allocate funds for this, coming from the Rural Towns Program account E105090.*

CARRIED 9/1

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 May 2006:

Local Government Structural and Electoral Reform in Western Australia

I have provided a memo to Councillors containing extracts of the report for their perusal. I intend to consult with other Local Governments and bring a report to Council at its June 2006 Council meeting.

Validation of Rates

I am pleased to advise that in the Government Gazette dated 28 April 2006 the Governor validated the imposition of differential rates from the financial years ended 30 June 2003 to 30 June 2005 inclusively.

Western Australian Centre for Rural and Remote Medicine (WACRAM)

I have been advised by WACRAM that they will be conducting a consultation process in the Wheatbelt area between the 22 and 23 May 2006 *“in order to better engage with the rural doctors and clarify the issues and opportunities for greater involvement and ultimately improve country health services”*.

The outcomes of the meetings will be collated and discussed by a reference group and feedback will be provided to participants.

The WACRAM will be attending the Merredin Medical Practice on the 23 June 2006.

Merredin Hospital – Visit by Director General of Health – Mr Neale Fong

On Thursday 4 May 2006 the President and myself attended a function at the Merredin Regional Hospital held in order to meet Mr Neale Fong, Director General of Health.

We and a number of other participants were able to express to him the need to improve the Merredin Hospital to regional standard in order to provide better health services for the residents of the Central Eastern Wheatbelt.

Aline East – Combes Drive intersection.

At Council's March 2006 meeting (CMRef 28362) Council requested that Aline East seal the proposed car park adjacent to the historic pump station No 4. I am pleased to advise that Aline East have agreed to that request.

Grant Facilities Program

At Councils April 2006 meeting (CMRef 28420) Council decided to present an application on behalf of the Merredin Playgroup Association on construction of new roof at Throssell Road Kindergarten as a second priority to the application for the Merredin Visitors Centre ablution facilities.

I wish to advise that I was unable to comply with this request on the following basis:

- The Community Facilities Grant Program only allows for one application to be submitted for each Local Government; and
- I understand that a similarly named grant is available from Lotteries West and this may have led to some confusion at the Council meeting.

I have complied with Council minute resolution (CMRef 28419) and an application for funding for ablution facilities at the Merredin Visitors Centre has been sent.

For Council information the application cost estimate totals \$150,000 and if successful, Council will need to allocate \$125,000 in its budget to undertake the project, exclusive of site works, landscape and de-commissioning existing ablutions. (It has not been determined whether sewerage needs to be provided nor has the cost of remodelling the existing Visitors Centre, it is anticipated that this will cost in the vicinity of an additional \$50,000).

Maximum grant available from this grants scheme is \$25,000.

Merredin Abattoir

The President, Deputy President and CEO met with Mr Greg Goodchild on Tuesday 9 May 2006 to discuss the Merredin Abattoir. Points from the discussion were:

- Starting work force of 95 building up to 135 in three (3) years.
- Aiming to process 3,000 sheep per day
- Likely start up date in November 2007
- Still awaiting final approval for processing contracts.
- Seeking Council support for project and funding applications to Wheatbelt ACC
- AQIS to provide meat inspection service.

Officer's Recommendation:

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

J McGovern left the meeting at 5.15pm.

28471

Moved Cr Crees sec Cr Townrow

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

CARRIED 10/0

Cr Morris declared an Impartiality Interest in Item 10.2

10.2 MERREDIN & DISTRICTS AGRICULTURAL SOCIETY 2006 – REQUEST FOR ASSISTANCE

Reporting Department: Administration
Reporting Officer: Frank Ludovico, CEO
Legislation: Local Government Act 1995
File Number: RCS/13/1 - RCS/4/16

Background

Merredin & Districts Agricultural Society has written to Council requesting assistance in staging the Annual Show which is to be held on the 21 October 2006. (See attachment 10.2A).

Budget Implications

Council's hire fee for the oval is \$132.00 per day. Indications are that at least \$7,000 will be required to hire portable toilets, marquees and power distribution boxes.

Comment

In view of some of the delays being experienced in obtaining trades I believe that it will be highly unlikely that the Merredin Regional & Community Leisure Centre will be open by the 21 October 2006.

Similar assistance was provided to the Merredin & Districts Agricultural Society in 2005. From a budget of \$6,700 I estimate approximately \$5,000 was spent (\$3,600) in identifiable invoices and approximately \$1,400 in other invoices not separately identifiable (eg Merredin Electrics).

The request for a distribution box on the eastern side of the ground will create additional expense and therefore a budget of approximately \$7,000 would be appropriate.

Unfortunately the construction of the new Merredin Regional & Community Leisure Centre will not be complete at the time of the Agricultural Show however I believe that it is appropriate for Council to offer some level of support to the Agriculture Society.

Voting Requirements

Absolute majority for Recommendation 1.

Officer Recommendation:

1. *That Council waiver the Recreation Ground hire fees for the Merredin Agricultural Show on the 21 October 2006.*
2. *That Council provide up to \$7,000 cash for the provision of portable toilets, marquees and power distribution boxes in its 2006/2007 budget for the Merredin Agricultural Show 2006.*

28472

Moved Cr Townrow sec Cr Astbury

*That Council waiver the Recreation Ground hire fees for the Merredin Agricultural Show on the 21 October 2006.***CARRIED 10/0
ABSOLUTE MAJORITY****28473**

Moved Cr Morris sec Cr Simmonds

*That Council provide up to \$7,000 cash for the provision of portable toilets, marquees and power distribution boxes in its 2006/2007 budget for the Merredin Agricultural Show 2006.***CARRIED 9/1**

Cr Morris declared an Impartiality Interest in Item 10.3

**10.3 WHEATBELT AREA CONSULTATIVE COMMITTEE – FOCUS ON
WHEATBELT REGIONAL CENTRES – 21 JUNE 2006 MEETING**

Reporting Department: Administration
Reporting Officer: Frank Ludovico, CEO
Legislation: Local Government Act 1995
File Number: GR / 5 / 1

Background

Council has received an invitation from the Wheatbelt ACC to attend a meeting of Regional Local Governments to discuss the perception of rural decline and the social and financial wellbeing of the region.

(Attachment 10.3A)

The meeting is designed for Regional Local Governments only (i.e. Northam, Narrogin, Merredin, Moora, Dandaragan and Wongan Hills). The Wheatbelt ACC seek our input into the design of the workshop.

I understand that the workshop will be held in Northam on 21 June 2006. Also attached is a copy of a letter from the Town of Northam on this matter.
(Attachment 10.3B).

Comment

It became apparent through the Small Town Survival / Building a Stronger Wheatbelt Workshop process that regional centres are confronted with issues that were far different to other local governments in the region. I see the development of this forum for regional centres to be an ideal opportunity to discuss issues confronting us openly and frankly.

In previous workshops discussion has focused on:

- a) defining the sub regional communities of interest where there is a natural fit geographically and administratively;
- b) bringing in local strategic plans, priorities and objectives to work across the shire and town boundaries to see how the region/sub region is functioning and whether it could function more effectively and efficiently;
- c) exploring the opportunities for towns to use their comparative advantage and not compete for every service and facility but agree to hold a “niche” in a particular area and to develop that niche.
- d) examining future economic development areas both within and beyond our agricultural base that will create future local jobs economic vitality and business opportunities

- e) exploring opportunities for towns to collaborate on items like events so there is no duplication of events on the same weekend using volunteers in the region and not burning out volunteers in each town, resource sharing and joint marketing;
- f) working towards a common vision for sub region in terms of where the sub region can be in 2003 and beyond contributing to the overall regional vision.

I believe that these factors should also be considered in the regional centres workshop.

Additionally regional centres need to understand that they provide leadership in their sub region and the workshop should contain a segment on this aspect of their role.

Of course Councillors may wish other items to be included in the workshop.

In respect to attendance I believe a number of Councillors and senior staff should attend this meeting as it will have important implications for the future.

Staff Recommendation

1. *That Council inform the Wheatbelt ACC that Councillors and four senior staff from the Shire of Merredin will be attending their "Focus on Wheatbelt Regional Centres Workshop" on the 21 June 2006.*
2. *That the workshop suggestions contained in the above report be considered for the meeting on the 21 June 2006.*

28474

Moved Cr Simmonds

sec Cr Townrow

1. *That Council inform the Wheatbelt ACC that Cr Townrow, Cr Morley, Cr Crees, Cr K Hooper, Cr Simmonds, Cr Wallace and four senior staff from the Shire of Merredin will be attending their "Focus on Wheatbelt Regional Centres Workshop" on the 21 June 2006.*
2. *That the workshop suggestions contained in the above report be considered for the meeting on the 21 June 2006.*

CARRIED 10/0

Cr Morris declared an Impartiality Interest in Item 10.4

10.4 2007 LOCAL GOVERNMENT ELECTIONS

Reporting Department: Administration
Reporting Officer: Frank Ludovico, CEO
Legislation: Local Government Act 1995
File Number: G / 7 / 10

Background

The next bi-annual election for Local Governments is scheduled for 2007. For the Shire of Merredin six (6) Councillor positions will become vacant. Those Councillors are Cr Ken Hooper, Cr Mark Crees, Cr Neil Hooper, Cr Janelle Jones, Cr Julie Townrow and Cr David Morley.

The Western Australian Electoral Commissioner has written to Council indicating they are prepared to act as a returning officer at Council's 2007 elections (See **Attachment 10.4A**)

Their quotation to conduct the election is \$12,500 plus GST.

Legal Implications

The Local Government Act 1995 provides for Councils to resolve to conduct the 2007 elections by postal vote and for the Electoral Commissioner to be responsible for the conduct of the election (Section 4.61 and 4.20 (4) respectively).

Before Council can appoint the Electoral Commissioner as Council must first obtain the written agreement of the Electoral Commissioner (Section 4.20(4)). This has been preempted by the Commissioner where it indicates in his letter "*the current procedure required by the Local Government Act 1995 is that my written agreement has to be obtained before the vote is taken. To facilitate the process, you can take this letter as my agreement to be responsible for the conduct of the ordinary elections in 2007 for the Shire of Merredin in accordance with Section 4.20 (4) of the Local Government Act 1995, together with any other elections or polls that may be required. My agreement is subject to the proviso that the Shire of Merredin also wishes to have the election undertaken by the Western Australian Electoral Commissioner as a postal election*".

If Council wishes to appoint the Electoral Commissioner to conduct the 2007 elections and for it to be conducted by postal voting a decision needs to be made eighty (80) days prior to the holding of the 2007 elections. If the election is scheduled for the first Saturday in May 2007 (5th May 2007) then the last day to appoint the Electoral Commissioner is the 14 February 2007.

If the electoral provisions are altered as has been indicated by the Minister and the election is held on the third Saturday in October (20 October 2007) then Council does not need to make a decision until the beginning of August 2007.

Budget Implications

The total cost for the 2001 in-person election conducted by Council staff for five (5) Councillors was approximately \$4,000.

The total cost for the 2003 postal election conducted by the Western Australian Electoral Commissioner was \$10,000. The cost for the 2005 postal election for five (5) Councillors conducted by the Western Australian Electoral Commissioner was \$6,340.

The cost for the 2006 in-person Extra-ordinary Election conducted by Council staff for one Councillor was \$756.

If Council were to conduct an in-person election for 2007 based on six (6) vacancies then the following estimate has been prepared.

Advertising	\$2,500
Staff for polling day (Location – Merredin)	\$2,500
Stationery	\$1,000
Postage	\$1,700
<u>Total Cost</u>	<u>\$8,700</u>

Comment

The voter turnout figures for the previous mentioned elections were:

2001	73%
2003	56.61%
2005	No election required
2006	Extra-ordinary (No election required).

The advantages of using the Western Australian Electoral Commission is that Administration Staff will be released from the workload associated with conducting an election and it is also be seen to be independent of Council.

Of course, it is not necessary for Council to make a determination at this point as if the election is moved to October 2007 then there will be no need to provide funds for the election in the 2006/2007 budget.

It is suggested that the bi-annual election of Councillors should be undertaken by the Western Australian Electoral Commission by postal ballot. This offers Council the following advantages:

- a postal ballot has a higher elector turnout;
- is seen to be independent from Council; and
- relieves administration staff of the workload associated with the election process.

Whilst the cost seems excessive it is simply the cost of democracy.

Voting Requirements

Absolute majority required.

Officer Recommendation

1. *That the Merredin Shire Council declare in accordance with Section 4.20 (4) of the Local Government Act 1995 the Electoral Commissioner be responsible for the conduct of the 2007 Ordinary Elections together with any other elections or polls which may also be required; and*
2. *That the Merredin Shire Council declare in accordance with Section 4.61 (2) of the Local Government Act 1995 that the method of conducting the election will be as a postal election.*

28475

Moved Cr Jones sec Cr Townrow

1. *That the Merredin Shire Council declare in accordance with Section 4.20 (4) of the Local Government Act 1995 the Electoral Commissioner be responsible for the conduct of the 2007 Ordinary Elections together with any other elections or polls which may also be required; and*
2. *That the Merredin Shire Council declare in accordance with Section 4.61 (2) of the Local Government Act 1995 that the method of conducting the election will be as a postal election.*

**CARRIED 9/1
ABSOLUTE MAJORITY**

10.5 COMMUNITY SAFETY AND CRIME PREVENTION PARTNERSHIP AGREEMENT - OFFER OF FUNDING

Reporting Department: Administration
Reporting Officer: Frank Ludovico, CEO
Legislation: Local Government Act 1995
File Number: GR / 17 / 20

Background

The Office of Crime Prevention has written to the Shire of Merredin with an opportunity to enter into Community Safety and Crime Prevention Partnership Agreement with the State Government.

Upon establishment of a Partnership Agreement with the Shire of Merredin we will receive a \$10,000 grant to be used to develop a Local Community and Safety Crime Prevention Plan.

Upon the adoption of the plan the Shire of Merredin will receive a \$20,000 incentive grant to assist with the implementation of key strategies prioritised in the plan. Unused funding from the planning grant can be used in the implementation of plans. A copy of the Letter of Offer and Partnership Agreement is attached. **(See Attachment 10.5A)** Funding of \$1,200 per year is also provided to Council to provide administrative support to the committee.

This issue has been discussed at WE-ROC and there is broad support for a regional approach to this issue. The Shire of Bruce Rock have agreed to undertake the regional co-ordination role.

I understand that a Merredin Safer WA Committee existed in the past but was disbanded mid-2004.

I understand that the structure of this crime prevention partnership is essentially different as the group will receive up front funding to develop plans and assist with the implementation of those plans rather than competitive bidding for funding for projects.

However one issue remains and that is the formation of a committee to be responsible to oversee the implementation of the plans.

Legal Implications

Establishment of a Council Committee must be done in accordance with Section 5.8 of the Local Government Act and will be subject to the usual procedures and or accountabilities.

Comment

In discussing this issue at WE-ROC the proposal is that the WE-ROC Councils engage a consultant to develop local plans for each local government. This consultant will consult with local communities and develop individual local plans. It is expected that economies of scale will be achieved if this process is adopted.

In this way if a regional initiative is determined then this can be implemented at that level.

In respect to committee I am advised by the Office of Crime Prevention that as a minimum there should be representation by the Police, Department of Community Development and the Shire of Merredin. However there should also be representation across the whole community which includes youth, seniors, education, Justice Department or Justice of the Peace group.

It has been suggested that perhaps an existing organisation can be utilised to undertake this role rather than creating a new committee.

I understand that Committees cannot be incorporated under the Office of Crime Prevention (as was the case in the Safer WA program).

The creation of a committee will create another overhead for the administration and is not really supported. However with a committee meeting fee of \$1,200 a year perhaps a contractor such as the Merredin Telecentre could be utilised to develop agendas, take minutes and distribute them. The partnership clearly indicates that it is the Shire of Merredin's role to "*support, coordinate and administer the local community safety and crime prevention partnership*".

Officer's Recommendation

1. *That Council enter into Community Safety and Crime Prevention Partnership agreement with the Office of Crime prevention.*
2. *That Council consider the formation of Community Safety and Crime Protection Committee.*

28476 Moved Cr Morris sec Cr Crees

1. *That Council enter into Community Safety and Crime Prevention Partnership agreement with the Office of Crime Prevention.*
2. *That Council consider the formation of Community Safety and Crime Protection Committee.*

CARRIED 9/1

10.6 PROMOTION COMMITTEE FOR LEE KERNAGHAN IN CONCERT

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

Background

Council is formally advised that we have been approached by promoters of Lee Kernaghan for a concert to be held in Merredin on the 5 August 2006.

A group of interested persons met on Monday 8 May, 2006 to discuss the various issues associated with the concert.

These included contract details, venue for the event and the creation of a committee to coordinate the event.

The committee did not accept the original contract provided by the Producer and has drafted a new document which is more favourable to Merredin for consideration by the producer.

Once this has been negotiated it will be considered by Council for adoption.

Essentially the revised contract lowers the fee for the promotion of the event and introduced a sliding scale of commissions that increase to 50% of ticket sales.

Other conditions such as concert cancellation have also been significantly altered to reduce the risk for Council.

The meeting considered that utilising part of the E type Grain Handling Facility would be an ideal location. We are awaiting CBH approval to use it.

The next alternative is the Merredin Recreation Ground. An onsite meeting occurred on 10 May 2006 and it was determined that an ideal site would be the tennis court area.

This area already has fencing and facilities that can be used for serving food and beverages. It also will cause minimal disruption to the sporting activities operating on the day on other parts of the Recreation Ground.

With the concert occurring early August there would be at least three months to bring the courts back up to suitable playing conditions.

The second alternative is the old basketball courts in the south western corner of the Recreation Ground.

In discussing the need for an organising committee, the meeting suggested that it should become a committee of Council. If Council is to be heavily involved with the financing of the function it should be managing and co-ordinating the event.

Legal Implications

Under Section 5.9 of the Local Government Act Council is able to appoint a committee of Council comprising of Council members and other persons.

Section 5.17 (1) (c) (ii) the Act indicates that a committee comprising of Council members and other persons can be delegated powers or duties necessary or convenient for the proper management of an event of which the Local Government is involved. Therefore Council can create a committee to manage the Lee Kernaghan concert.

Financial Implications

The promoter has asked Council to underwrite the event.

It is difficult to quantify budgets as there are negotiations occurring. However it may be appropriate to give the Committee a provisional budget so planning can commence until budgets have been finalised. This can be then formally accepted by Council.

It is hoped that the event will be successful and produce a profit but an amount of expenditure needs to occur before ticket sales will generate revenue.

Once contract negotiations have occurred this can be clarified. However time is of the essence and a months delay between Council meetings will cause problems in organising the event. May I suggest a preliminary budget of \$5,000.

Comment

The membership of the Committee could be two or three interested Councillors and a number of interested community members supported by a number of staff members.

I consider the purpose of the committee is to investigate, plan, organise and conduct the Lee Kernaghan in Concert Event within the budget parameters approved by Council.

In respect to tenure there was some discussion as to the event being the beginning of a regular and annual event in Merredin. It is my view that at the conclusion of this event the situation can be reviewed and if it is deemed appropriate to develop the event into an annual function then the title and powers of this committee can be amended to reflect this.

I wish to formally advise Council that the input required by Council in order to stage this event will be enormous and as such I envisage the Project Team be

almost fully engaged in staging this event. This will have consequences for the other activities proposed for the Project Team. I also wish to advise Council that at this period of time also coincides with the development of budgets, annual financial statements etc which are also necessary for the operations of Council.

Voting Requirements : By absolute majority.

Staff Recommendation

1. *That Council establish the Promotion Committee for Lee Kernighan in Concert as follows:*

Membership

Cr J Townrow

Cr _____

Cr _____

and five (5) community members.

Deputies

Cr _____

Cr _____

Quorum - At least 50% of the members.

Meeting Cycle - As required

Purpose - I consider the purpose of the committee is to investigate, plan, organise and conduct the Lee Kernighan in Concert Event within the budget parameters approved by Council.

Tenure - After the Lee Kernighan in Concert has been conducted and all the financial acquittals made the promotion committee for the Lee Kernighan in Concert Committee will cease.

2. *That Council allow the Merredin Tennis Courts to be utilised for the lee Kernaghan Concert on 5 August 2006 on the proviso that the grounds will be brought up to playing condition by the first Tennis Club fixture.*
3. *That Council provide a preliminary budget of \$5,000 to the Promotion Committee for Lee Kernaghan in Concert.*

28477

Moved Cr Morris sec Cr Townrow

That Council underwrite the event as required under the contract agreement with \$55,000 to be allocated in the 2006/2007 budget.

CARRIED 9/1**28478**

Moved Cr Townrow sec Cr Morris

1. That Council establish the Promotion Committee for Lee Kernaghan in Concert as follows:

Membership*Cr J Townrow**Cr M Morris*

and five (5) community members being Marcus Watson, Kerry Kretschmer, Stephanie Adlam, Kerrie Scott, Jim Willcox, Richard Salisbury-Sexton.

Deputies

Cr K Hooper, Cr Crees, Cr Astbury, C Marley, Cr N Hooper, Cr Wallace, Cr Simmonds, Cr Morley, Cr Jones.

Quorum - *At least 50% of the members.*

Meeting Cycle- *As required*

Purpose - *I consider the purpose of the committee is to investigate, plan, organise and conduct the Lee Kernaghan in Concert Event within the budget parameters approved by Council.*

Tenure - *After the Lee Kernaghan in Concert has been conducted and all the financial acquittals made the promotion committee for the Lee Kernaghan in Concert Committee will cease.*

2. That Council provide a preliminary budget of \$5,000 to the Promotion Committee for Lee Kernaghan in Concert.

**CARRIED 8/2
ABSOLUTE MAJORITY**

28479

Moved Cr Townscape sec Cr Morris

That a Special Meeting of Council be held on Monday 29 May 2006 commencing at 6.30pm to discuss possible venues for the Lee Kernaghan Concert.

CARRIED 9/1

10.7 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 spreadsheet – **Attachment 10.7A**

Loan - Staff have approval for a loan of \$700,000 through Treasury Corporation, as proposed in the Budget Review.

Grants – Funding bodies are now seeking acquittal information and progress reports in relation to construction progress. A claim for reimbursement on expenditure will be lodged with the Dept of Sport and Recreation in June.

Business & Community Development Committee

See spreadsheet – **Attachment 10.7B**

Visitor Centre Manager's Report

Visitor Centre Manager's report is at **Attachment 10.7C**

Library Managers Report

Library Manager's report is at **Attachment 10.7D**

March Statistics:

Issues & renewals	2,520
Interlibrary loan requests	122
OPAC searches	788
New & reregistered members	94
Total current members	2,200

Cummins Theatre A/Manager

Cummins Theatre A/Manager's report is at **Attachment 10.7E**

New Staff**Natural Resource Management Officer**

Claire Hamersley has been appointed to the position of Natural Resource Management Officer, commencing week of 22 May.

Indigenous Tourism Trainee – In December 2005, Council resolved to support an Indigenous Traineeship Scheme Certificate III in Tourism (Visitor Information Services) provided with funding from Tourism WA and Dept of Employment and Workplace Relations and Education and Training (CM Ref: 28237). Ms Marika Hayden has been appointed to the position and will commence work on Monday 15th May. Visitor Centre Manager and DCEO will draft a suitable induction and training program to ensure Ms Hayden gets exposure to relevant areas of the Shire's operations, as it relates to her studies and the objectives of the traineeship.

Records Management Report

Statistics (From 13 April to 11 May 2006)

Total Mail In	557
Accounts Received	34
Invoices	209
General	302
Appreciations	1
Complaints	11
Total Mail Out	342

Status Report:

The Action sheet detailing progress of Previous Council Resolutions from March 2004 is **Attachment 10.7F**.

Officer's Recommendation

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

28480

Moved Cr Crees sec Cr Astbury

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

CARRIED 10/2

10.8 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 10.8A**) 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.

Comment

As per Council's request please note that the monthly financial report will now include the following items:

- Outstanding Rates Report
- List of Grants and Contributions received (as per the rate setting statement)
- Outstanding Debtors over \$5,000

Officer's Recommendation:

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

28481

Moved Cr Simmonds sec Cr Townrow

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

CARRIED 10/0

Cr Astbury left the meeting at 6.26pm.

10.9 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 10.9A**.

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 \$408,237.43 and amount directly debited from Councils Municipal Fund Bank Account BSB 066-518 000 000 10 totalling \$127,062.48 endorse trust cheques totalling \$2,145.71 and outstanding creditors totalling \$74,937.02.

28482

Moved Cr Townrow sec Cr Morris

That the Merredin Shire Council receive the schedule of accounts as listed, covering cheques as numbered and totalling \$408,237.43 and amount directly debited from Councils Municipal Fund Bank Account BSB 066-518 000 000 10 totalling \$127,062.48 endorse trust cheques totalling \$2,145.71 and outstanding creditors totalling \$74,937.02.

CARRIED 9/0

10.10 2005/2006 BUDGET REVIEW – RESERVE TRANSFERS

Reporting Department: Financial Services
Reporting Officer: Natalie Purdy, Senior Finance Officer
Legislation: Local Government Act 1995
File Number:

Background:

The following reserve adjustments to the 2005/2006 Budget were reported to Council as part of the Budget Review at the April 2006 meeting. Council is required to authorise such adjustments in accordance with S6.8 of the Local Government Act 1995.

Comment:

As per the Budget Review presented to Council in April, 2006, the following recommendations were included within the review, therefore the end of year figure estimated from the review will not alter. Adoption of the following recommendation will permit reserve transfers to be processed.

Legal Implications:

Absolute Majority is required.

Officer's Recommendation:

1. That Council transfer \$44,169 to the Plant Replacement Reserve, being for monies received from the Energy Credits Scheme.
2. That Council transfer to the Land Development Reserve profits obtained from the sale of the following properties:
 - a. \$10,000 – Sale of Lot 1 Merredin – Naremben Road
 - b. \$45,000 – Sale of blocks on Bungulla Road & Gabo Avenue
3. That Council transfer to the Recreation Facilities Reserve all monies obtained through the sale of Independent Water.
4. That Council transfer to the Building Maintenance Reserve extra income received from private rentals of Council housing.
5. That Council transfer remaining funds from the Coronation Street housing project to the General Building Reserve.
6. That Council transfer any profit gained from the sale of Lot 24 Crooks Road to the Land Development Reserve.
7. That Council transfer to the Cumming Street Units Reserve any income received that exceeds expenditure.
8. That Council transfer to the Plant Reserve all profit gained on General Private Works and the Emoleum contract.

28483

Moved Cr Jones sec Cr Simmonds

1. *That Council transfer \$44,169 to the Plant Replacement Reserve, being for monies received from the Energy Credits Scheme.*
2. *That Council transfer to the Land Development Reserve profits obtained from the sale of the following properties:*
 - a. *\$10,000 – Sale of Lot 1 Merredin – Narembeen Road*
 - b. *\$45,000 – Sale of blocks on Bungulla Road & Gabo Avenue*
3. *That Council transfer to the Recreation Facilities Reserve all monies obtained through the sale of Independent Water.*
4. *That Council transfer to the Building Maintenance Reserve extra income received from private rentals of Council housing.*
5. *That Council transfer remaining funds from the Coronation Street housing project to the General Building Reserve.*
6. *That Council transfer any profit gained from the sale of Lot 24 Crooks Road to the Land Development Reserve.*
7. *That Council transfer to the Cumming Street Units Reserve any income received that exceeds expenditure.*
8. *That Council transfer to the Plant Reserve all profit gained on General Private Works and the Emoleum contract.*

**CARRIED 9/0
ABSOLUTE MAJORITY**

10.11 MERREDIN MEDICAL CENTRE - DEBT WRITE-OFFS

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

Background:

The following debts listed were identified as being incorrect or incorrectly raised against the patient.

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 debt to be written off and the reasoning:

Nora Mackay Initially the fee's were overcharged by Dr Adebayo. A portion was paid by the clients Medicare and Health Care Fund but a portion was left outstanding. The family disputed this with the Medical Centre and the client has now been deceased for a period of time.

Amount Outstanding: \$611.90

Jeanette Zoitti This fee was charged incorrectly as the appointment was made when the results could have been given over the phone.

Amount Outstanding: \$29.60

Kay Bush This fee was charged incorrectly as the appointment was for after care of the original appointment.

Amount Outstanding: \$40.85

Officer's Recommendation:

That the Merredin Shire Council write off the above debts as listed and totalling \$682.35

Absolute Majority Required.

28484

Moved Cr Jones sec Cr Hooper

That the Merredin Shire Council write off Merredin Medical Centre debts for Nora McKay \$611.90, Jeanette Zoitte \$29.60 and Kay Bush totalling \$682.35

**CARRIED 7/2
ABSOLUTE MAJORITY**

10.12 PROPOSED DRAFT POLICIES – VEHICLE CROSSOVERS AND WATER MANAGEMENT

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

Background

Council is presently considering the most appropriate means of disposing of land at the Whitfield Way subdivision. In the course of discussing the process through the Business and Economic Development Committee on 3rd May 2006 the Committee identified the need to ensure Council policies were in place to match the land description disclosures, particularly relating to crossovers and water management, recommending :

That staff develop a Crossover Policy and Water Management Plan Policy for Residential Developments to be presented to the May 2006 Council Meeting.

Comment**1. Crossover Policy**

Council had a crossover policy under a former suite of Council Policies, however this is no longer in effect. A new draft Policy is presented for Council consideration as **Attachment 10.12A**

Legal Implications

Crossings from public thoroughfares to private land is regulated under Schedule 9.1 clause 7.2 of the Local Government Act. Approval, specifications and obligations to repair crossings are governed under Regulations 12 and 13 of the Local Government (Uniform Local Provisions) Regulations 1996. Regulation 15 states a local government must share 50% of the cost of a standard crossing (as specified by the local government) for the first crossing only.

Budget Implications

Council will be required to budget an amount sufficient to cover the Shire's costs associated with the development of first crossings onto newly developed properties, being the draft Policy specification for a minimum urban (\$150.00) and rural (\$100.00) standard crossing multiplied by the number of dwellings expected to be approved in each category in the course of the financial year.

2. Water Management Policy

The draft Water Management Policy is intended to ensure Council's commitment to environmentally and socially responsible water management strategies is formally embodied.

Statistics indicate the following average use of water in the average household:

Bathroom	-	20%
Toilets	-	18%
Laundry	-	13%
Kitchen	-	6%
Garden	-	43%

The draft Policy aims to encourage community involvement in waterwise strategies by requesting landowners constructing new residential premises and those significantly remodelling existing residential premises, to inform Council of intentions to incorporate water saving devices and practices.

Considerable information is available with regard to waterwise practices, however the Shire is generally unaware of the intentions of landowners or their level of awareness of rebate schemes and availability of devices such as rainwater tanks, stormwater reuse systems (e.g. Rainbank), 'AAA' rated appliances and water efficient plumbing. The Policy will empower staff to seek this information and provide information and direction as to the best options for water wise practices. **(See Attachment 10.12B)**

Legal Implications

No legislation governs the use of water saving devices, however the opportunity to be informed of developer intentions improves the Shire's capacity to make landowners aware of rebate schemes offered by the State Government.

Budget Implications

Nil

Officer's Recommendation

That Council receive the report entitled 'Proposed Draft Policies – Vehicle Crossovers and Water Management' and consider the policies for adoption.

28485 Moved Cr Townrow sec Cr Simmonds
That Council receive the report entitled 'Proposed Draft Policies – Vehicle Crossovers and Water Management' and consider the policies for adoption.

CARRIED 9/0

28486 Moved Cr Morris Cr Townrow
That Council adopt the Draft Policy – Vehicle Crossovers and Water Management for residential property.

CARRIED 8/1

14.0 QUESTIONS BY MEMBERS FOR WHICH DUE NOTICE HAS BEEN GIVEN

15.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

15.1 DRAFT WHEATBELT HEALTH MEMORANDUM OF UNDERSTANDING

Reporting Department:

Reporting Officer: Frank Ludovico

Legislation: Local Government Act 1995

File Number:

Background:

At the March 2006 meeting of Great Eastern Country Zone of WALGA it was resolved that a MOU be prepared between Wheatbelt Local Governments (through their respective WALGA Zones), the WA Country Health Service (WACHS), Central Wheatbelt Division of General Practice and The Wheatbelt Development Commission (WDC) in order to facilitate communication between the groups.

Attached is a copy of the Zones Executive Officers report on the meeting held to discuss the issue and a copy of the Draft MOU. **Attachment 15.1A**

Comment:

Whilst the MOU merely indicates that the parties will “communicate, consult and work together on health related issues and project” I think a very important step in the working relationship has been taken.

The MOU acknowledges that Local Governments are very important in the provision of Health services in the Region. It also indicates that WACHS should also consult Local Government (through their WALGA Zones) rather than only consulting with the Wheatbelt Development Commission on health issues in the Wheatbelt.

It is also hoped that this improved communication process will improve the understanding between respective Local Governments of the health issues that affect each individual Councils.

The Group may appear too cumbersome and it could be, but it is the start of a process that can produce many benefits.

At least it will keep the pressure on WACHS to continue its Strategic Planning processes during the recruitment process for a new Regional Director.

Officer's Recommendation:

That Council endorse the Draft 4.1 of the Wheatbelt Health Memorandum Of Understanding between Great Eastern Country Zone of WALGA, the WA Country Health Service (WACHS), Central Wheatbelt Division of General Practice and The Wheatbelt Development Commission (WDC)

28487

Moved Cr Crees sec Cr Morris

That Council endorse the Draft 4.1 of the Wheatbelt Health Memorandum Of Understanding between Great Eastern Country Zone of WALGA, the WA Country Health Service (WACHS), Central Wheatbelt Division of General Practice and The Wheatbelt Development Commission (WDC).

CARRIED 9/1

13.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

13.1 DISBANDMENT OF STANDING COMMITTEES

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

Background

Cr Morris has requested 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 committee decisions being reconsidered at each Council meeting (CMRef 28378).

Statutory Implications

Section 5.8 of the Local Government Act 1995 indicates that a Local Government may establish committees “to assist the Council and to exercise the powers and discharge the duties of the Local Government that can be delegated to committees”.

Other sections of the Local Government Act describe and define the operations and power of committees.

Comment

In respect to definition of “Standing Committee” I would interpret this to mean the following committees:

- Community, Health, Building, Town Planning and Environmental Services Committee
- Administration and Finance Committee
- Engineering Services Committee
- Senior Staff Review Committee
- Business and Community Development Committee
- Merredin Heritage Management Committee

Council operates a number of other committees that I would not consider Standing but Statutory or for Specific Purpose. These are:

- Audit Committee (establishment required by Section 7.1A of the Local Government Act).
- Merredin Shire Bushfires Advisory Committee
- Merredin Regional Community and Leisure Centre Committee
- Merredin Medical Centre Board
- Eric Hind Musical Scholarship Committee

These committees were established at the 17 May 2005 Special Council meeting (CMRef 27905) and an extract of the minutes showing the purpose of each committee is attached. (**Attachment 13.1A**) I recognise that membership has changed however the purpose and function of the committee has not.

I wish to make final comments about the Notice of Motion.

1. The purpose of committees are to assist Council in its deliberations unless specifically delegated to undertake certain functions. This by definition means that Council can review committee decisions.
2. If Committee decisions are continually and thoroughly re-examined then there are issues that need to be resolved.
3. Administratively holding committee meetings at different times of the months smoothes the workload so the peaks and troughs of agenda and minute preparation are evened out.
4. Abandonment of standing committees will mean items will be presented directly to Council for a determination and therefore Council meetings by definition will need to be increased in length.
5. A review of Committee discussions / recommendations by Council enables additional information to be sought or additional consideration to occur on matters which can then be brought to the Council meeting.
6. Committees need to be aware that most of their decisions are merely recommendations to Council and until those recommendations are determined by Council staff are unable to act on the matters.

NOTICE OF MOTION

That Council disband all standing Committees due to committee decisions being reconsidered at each Council meeting.

NOTICE OF MOTION

That Council disband all standing Committees due to committee decisions being reconsidered at each Council meeting.

WITHDRAWN BY CR MORRIS

17.0 CLOSURE

The Presiding Member closed the meeting at 6.35pm.