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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 20 June 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, S Marley & D Morley.

Messrs FB Ludovico; Chief Executive Officer, JA McGovern, Deputy Chief Executive Officer; WD Bow, Manager of Development Services (2.01pm); JF Garrett, Manager of Works (3.37pm); AM Peters, Personal Assistant

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

28498

Moved Cr Astbury sec Cr W Wallace

That Merredin Shire Council grant leave of absence to Cr John Simmonds for the Ordinary Council meeting of 18 July 2006.

CARRIED 11/0

Cr S Marley has leave of absence for meeting of 18 July 2006.

4.0 DISCLOSURE OF INTEREST

Cr Morris declared an Impartiality Interest in Item 10.15.

Cr Astbury declared a Proximity Interest in Item 11.9.

Cr Morris declared an Impartiality Interest in Item 11.9.

Cr Morris declared an Impartiality Interest in Item 11.6.

5.0 PETITIONS & PRESENTATIONS

Nil

6.0 CONFIRMATION OF MINUTES

6.1 PREVIOUS COUNCIL MEETING

Confirmation of minutes of meeting held on the 16 May 2006.

6.2 SPECIAL COUNCIL MEETING
Confirmation of minutes of Special Meeting held on the 29 May 2006.

6.3 MRC&LC – TECHNICAL SUB COMMITTEE MEETING
Confirmation of minutes of Technical Sub Committee Meeting held on 23 May, 2006.

6.1 PREVIOUS COUNCIL MEETING

28499

Moved Cr Crees sec Cr Simmonds

That the minutes of Council Meeting held on the 16 May 2006 be confirmed as a true and correct record of proceedings.

CARRIED 11/0

6.2 SPECIAL COUNCIL MEETING

28500

Moved Cr Astbury sec Cr Morris

That the minutes of Special Meeting held on the 29 May 2006 be confirmed as a true and correct record of proceedings.

CARRIED 11/0

6.3 MRC&LC – TECHNICAL SUB COMMITTEE MEETING

28501

Moved Cr Crees sec Cr Morris

That the minutes of Technical Sub Committee Meeting held on 23 May, 2006 be confirmed as a true and correct record of proceedings.

CARRIED 11/0

7.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

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

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

9.1 Merredin Regional Community & Leisure Centre Management Committee meeting held 23 May 2006;

9.2 WE-ROC Executive Group meeting held on 31 May 2006;

9.3 Lee Kernaghan Promotion Committee Meeting held on 2nd June 2006;

MINUTES

- 9.4 Business & Community Development Committee meeting held 7 June, 2006;
- 9.5 Lee Kernaghan Promotion Committee Meeting held on 13 June 2006.

28502

Moved Cr Jones sec Cr Townrow

That the Merredin Shire Council receive the minutes of the Merredin Regional Community & Leisure Centre Management Committee meeting held 23 May 2006; WE-ROC Executive Group meeting held on 31 May 2006; Lee Kernaghan Promotion Committee Meeting held on 2nd June 2006; Business & Community Development Committee meeting held 7 June, 2006; Lee Kernaghan Promotion Committee Meeting held on 13 June 2006.

CARRIED 11/0

ENBLOC

Merredin Heritage Management Committee.

6.1 2006/2007 Planning Process

The May 2006 Council agenda did not include the following recommendation of the Merredin Heritage Management Committee, which is a result of the committee's planning process and identification of project priorities in 2006/2007.

<u>Item</u>	<u>Allocated Heritage Budget</u>	<u>Additional Shire Budget</u>	<u>Total</u>
Pioneer Park Pavers	\$2,500	\$750	\$3,250
Pioneer Park Bridge	\$3,000	\$750	\$3,750
Military Museum Fencing	\$3,000		\$3,000
Matching Funding (i.e. Work for the Dole – 06/07 Programme)	\$2,500		\$2,500
Pioneer Park and Museum – lighting and security	\$4,000		\$4,000
Railway Museum / Pioneer Park Precinct Maintenance		\$2,500	\$2,500
Military Museum Maintenance		\$1,000	\$1,000
Total	\$15,000	\$5,000	\$20,000

Moved R Endersbee sec Cr G Astbury

That the Merredin Heritage Management Committee recommend Council adopt the funding and activity priorities as detailed in the above report, for inclusion in the 2006/2007 Annual Budget.

CARRIED 4/0

28503

Moved Cr Townrow sec Cr Astbury

That Council adopt the funding and activity priorities as detailed in the above report for inclusion in the 2006/2007 Annual Budget.

CARRIED 11/0

- 9.1 Merredin Regional Community and Leisure Centre Committee Minutes

Recreation Centre Parking

Moved Cr Wallace sec Cr Morris

That the Merredin Regional Community and Leisure Centre Management Committee recommend to Council that a Planning Sub-Group be formed to commence Master Plan for the Merredin Recreation Ground car parking area.

CARRIED 8-0

28504

Moved Cr Townrow sec Cr N Hooper

That Council form a Planning Sub-Group to commence Master Plan for the Merredin Recreation Ground car parking area.

CARRIED 11/0

Moved Cr Wallace sec Cr K Hooper

That the Merredin Regional Community and Leisure Centre Management Committee recommend to Council that the Planning Sub-Committee is to consist of Jim Garrett Manager of Works, G McAuliffe, Cr G Astbury, Cr M Morris, Cr Wallace and Mrs Donna Crook.

CARRIED 8-0

28505

Moved Cr Townrow sec Cr Hooper

That Council endorse the decision that the Planning Sub-Committee is to consist of Jim Garrett Manager of Works, G McAuliffe, Cr G Astbury, Cr M Morris, Cr Wallace and Mrs Donna Crook.

CARRIED 11/0

Liquor Licensing Course

Moved Cr Wallace sec Cr Astbury

That the Merredin Regional Community and Leisure Centre Management Committee recommend that, with the information that has subsequently been provided, Council apply for a Tavern Licence.

CARRIED 8-0

28506

Moved Cr Jones sec Cr Townrow

That the matter of applying for a Tavern Licence for the Merredin Regional Community & Leisure Centre lay on the table pending consultation and more information from the Department of Racing Gaming & Liquor.

CARRIED 6/5

THE ITEM LAY ON THE TABLE

Disused land and buildings

Moved Cr Morris sec G McAuliffe

That the Merredin Regional Community and Leisure Centre Management Committee recommend that Council call for Registrations of Interest for the use of the old Civic Bowling Club.

CARRIED 8-0

Please refer to Item 11.9 for comprehensive report on future use of this and other vacated properties.

9.4 Business & Community Development Committee Meeting

4.1 **Presentation by Tourism WA Regional Manager for Wheatbelt Mr Lance Hardy – Destination Development Strategy, Landbank, Strata Titling Report, Land Briefcase.**

Moved Cr Morris sec Cr Townrow

That the Business and Community Development Committee recommend to Council that Council develop a Local Tourism Planning Strategy, and that Tourism WA be approached for assistance in developing this strategy .

CARRIED 5/0

28507

Moved Cr Morris sec Cr Townrow

That Council develop a Local Tourism Planning Strategy, and that Tourism WA be approached for assistance in developing this strategy .

CARRIED 9/2

Moved Cr Hooper sec Cr Townrow

That the Business and Community Development Committee recommend to Council that staff be directed to develop a submission for Lot 1335 to be zoned exclusively for tourism, for inclusion in the Local Tourism Planning Strategy.

CARRIED 4/1

28508

Moved Cr Townrow sec Cr N Hooper

That Council staff be directed to develop a submission for Reserve 22645 to be zoned exclusively for tourism for inclusion in the Local Tourism Planning Strategy.

CARRIED 10/1

REASON: Property incorrectly identified in committee recommendation.

Moved Cr Morris sec Cr Crees

That the Business and Community Development Committee recommend to Council that Reserve 44697 (at the south end of MacDonald Street) be included in the submission to zone lots exclusively for tourism, for inclusion in the Local Tourism Planning Strategy.

CARRIED 3/2

Moved Cr Townrow

That Council substitute Reserve 44697 (at the south end of MacDonald Street) for Lot 1351 (UCL) Whitfield Way in the submission to zone lots exclusively for tourism for inclusion in the Local Tourism Planning Strategy.

MOTION LAPSED FOR WANT OF A SECONDER.

28509

Moved Cr Wallace sec Cr Morris

That Council include Reserve 44697 (at the south end of MacDonald Street) in the submission to zone lots exclusively for tourism, for inclusion in the Local Tourism Planning Strategy.

CARRIED 6/5

7.1 **Rural Towns – Liquid Assets Project**

Moved Cr Morris sec Cr Hooper

That the information in the Rural Towns Liquid Assets report 'Options for Water Utilisation and Reuse: Merredin' is inadequate to properly evaluate the Solar Oasis project and Nathan Hurst be invited to Merredin as per resolution 28470 (May 2006).

CARRIED 5/0

28510

Moved Cr Morris sec Cr Astbury

That the information in the Rural Towns Liquid Assets report 'Options for Water Utilisation and Reuse: Merredin' is inadequate to properly evaluate the Solar Oasis project and Nathan Hurst be invited to Merredin as per resolution 28470 (May 2006).

CARRIED 11/0

Moved Cr Townrow sec Cr Morris

That the Business and Community Development Committee receive the Rural Towns Liquid Assets report 'Options for Water Utilisation and Reuse: Merredin' reluctantly, noting that it had not met Committee expectations. Representatives of the RT-LA Project Team are to be invited to present the report at the Merredin Shire Council 20th June 2006 meeting.

CARRIED 5/0

28511

Moved Cr Astbury sec Cr N Hooper

That the Business and Community Development Committee receive the Rural Towns Liquid Assets report 'Options for Water Utilisation and Reuse: Merredin' reluctantly, noting that it had not met Committee expectations. Representatives of the RT-LA Project Team are to be invited to present the report at the Merredin Shire Council at its meeting on the 18th July, 2006.

CARRIED 11/0

REASON: The RTLA Project Team were unable to attend the 20/6/06 Council meeting.

7.2 **East Barrack Street Development & Carrington Way Subdivision**

Moved Cr Morris sec Cr Townrow

That the Business and Community Development Committee accept the East Barrack Street Development Registration of Interest pro-forma and the Carrington Way Subdivision Registration of Interest pro-forma.

CARRIED 5/0

28512

Moved Cr Townrow sec Cr Crees

That the Business and Community Development Committee accept the East Barrack Street Development Registration of Interest pro-forma and the Carrington Way Subdivision Registration of Interest pro-forma.

CARRIED 11/0

9.5 **Lee Kernaghan Promotion Committee Meeting - 13 June 2006.**

4.1 **Relocation of Lee Kernaghan Concert Venue**

Moved Cr Morris sec Cr Townrow

That the Lee Kernaghan Promotion Committee recommend to Council that Council rescind the motion (CMRef 28491) of the Special Council meeting held on Monday 29 May 2006

whereby Council determined that the Lawn Tennis Courts at the Recreation Ground be the location for the concert in favour of adopting the recommendation to re-locate the Lee Kernaghan Concert to the Hockey Field Venue.

CARRIED 5/0

28513

Moved Cr Townrow sec Cr Astbury

Supported by Cr Wallace, Cr Townrow, Cr N Hooper & Cr Marley. (Regulation 10.1(b) of the Local Government (Administration) regulations 1996.

That Council rescind the motion (CMRef 28491) of the Special Council meeting held on Monday 29 May 2006 whereby Council determined that the Lawn Tennis Courts at the Recreation Ground be the location for the concert in favour of adopting the recommendation to re-locate the Lee Kernaghan Concert to the Hockey Field Venue.

CARRIED 11/0

ABSOLUTE MAJORITY

W Bow, MDS entered the meeting at 2.01pm.

The following Item 9.5 follows Item 12.3 – Page 45

Moved Cr Morris sec Cr Townrow

That the Lee Kernaghan Promotion Committee recommend to Council that Council as part of its budget planning include the cost of fencing to upgrade fencing on the northern and southern sides of the hockey field in keeping with the existing fencing along the western boundary of the hockey field

CARRIED 4/0

28514

Moved Cr Crees sec Cr Astbury

That the above item lay on the table to follow Item 12.3.

CARRIED 11/0

Following Items under Section 11.0 of the Agenda brought forward.

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

11.1 LOT 1498 – RESERVE 46698 CARIDI CLOSE.

Reporting Department: Administration
Reporting Officer: Frank Ludovico - Chief Executive Officer
Legislation: Local Government Act
File Number:

Background

Christine Caridi has written to Council indicating that the Caridi family were under the impression that Lot 1498 Caridi Close was land belonging to the family in freehold and a title search now reveals that the land is a reserve vested in Council for the purpose of public recreation. Mrs Caridi contends that the land should never have been made a reserve and belongs to them outright.

Mrs Caridi indicates that they have been paying rates on the land since September 2000 and have maintained the lot since then. In addition they have constructed a perimeter limestone wall costing \$20,000.

Mrs Caridi asks what action can they take to gain back the title deeds which they thought they were possessed. A copy of her letter is attached.

Attachment 11.1A.

Statutory Implications

The oldest record of this subdivision was at Council's 16 February 1999 Council meeting (CMRef 25339) where Council gave preliminary support to the subdivision of Lot 529 Snell Street, Merredin as per the plan submitted.

In May 1999 WA Planning Commission gave the Caridi family conditional subdivisional approval, which clearly showed a requirement for Public Open Space.

MINUTES

In July 2000 the Western Australian Planning Commission approved the survey of the subdivision and the lot in question is clearly indicated as a reserve for recreation.

At Council's 19 November 2002 meeting (CMRef 26821) Council decided to advise the Department of Land Administration that it accepts a management order over Lot 25 Caridi Close a Public Recreation Reserve in accordance with Town Planning and Development Act 1928 (Section 20A).

On the 11 November 2003 Council was advised by Department of Land Information that Lot 1498 (formerly Lot 25) has been set aside as Reserve 46698 for the purpose of public recreation.

There is no question that proper legal process was followed.

Council can initiate action to freehold Lot 1498 Caridi Close. However because it is public open space created through the Town Planning and Development Act 1928 Section 20A (Public Open Space Provision) then the Department of Land Information requires certain actions to occur before this can be undertaken.

These actions include obtaining support from the residents involved in the subdivision, advertising generally for public comment especially from residents in that general area and obtaining favourable comment from the Western Australian Planning Commission. If satisfactory, then the Department of Land Administration is able to sell the block to Council for a nominal sum (possibly \$500 to \$1,000) with a requirement that the proceeds from the subsequent sale be deposited in a trust account which is to be used for recreation purposes.

I am aware that there are provisions where developers can make a financial contribution to the Local Government in lieu of providing public open space however there appears to be no record of this being considered by Council.

Financial Implications

Council's rate book indicates that \$1,936.88 has been paid as rates on this block since September 2000. Based on 2% per annum interest, \$85.23 could be made payable as compensation. I am unable to determine why this occurred.

The record clearly indicates that the land is a reserve vested in the Council and refunding the rates paid by the Caridi family is entirely appropriate. I am unable to determine why rates were levied on this property.

In respect to the limestone wall. The limestone wall covers a length of approximately 130 metres being the southern boundary for Lots 22, 1498 and 21 of that subdivision. Based on that length Council's portion of the total cost would be only 30 metres of the 130 metres, approximately \$4,600.

MINUTES

Comment

This matter has taken some time to bring to Council as extensive searches of Council records have occurred.

Conversations with the various parties indicate different recollections. The CEO at the time clearly recalls advising the Caridi Family that Public Open Space was required. Christine Caridi clearly recollects that Council was not prepared to take over the responsibility and maintenance of the park.

At Council's meeting on the 19 November 2002 Council did not provide an option to consider seeking a cash contribution in lieu of public open space. Council clearly resolved to accept a management order over the lot for public open space.

I also accept there is confusion in respect to the tenure of the property with the receipt of rate notices for five years.

There is a mechanism to freehold the land however it is a contention of the Caridi family to "*gain back the title deeds in our own entity as we thought we had all the time*" and they may not be amenable to paying market rates for the land (although Council adopting a private treaty process could clearly indicate why a discount against a market rental had been applied and would need to deal with any submissions that may be made).

From a Council point of view Council is creating a public open space in the Carrington Way subdivision which may alleviate the need for an area in Caridi Close. The retention of the public open space lot in Caridi Close will cause future management issues for Council.

I seek Council's advice as to their preferred course of action.

Conclusion

From my point of view the refund of the rates is entirely appropriate as is the refund for the cleanup of the lot.

The free holding of the lot will take some delicate negotiations with the Department of Land Information and WA Planning Commission but could be achievable. This depends whether the Caridi family are prepared to pay an additional amount for the lot.

There is of course the opportunity to freehold the land and sell the lot on the open market and use the funds for own purposes.

In respect to the retaining wall, if Council decides to sell the lot on the open market then perhaps a contribution would be appropriate. If Council determined to come to an arrangement with the Caridi family then it may not be appropriate.

Staff Recommendation

That Council:

1. *Refund all the rates paid on Lot 1498 Reserve 46698;*
2. *That Council commence action to acquire freehold title Lot 1498 Reserve 46698; and*
3. *That Council enter into negotiations with the Caridi family as to the value of land they are prepared to pay for Lot 1498 and return the matter to Council for their consideration.*

28515

Moved Cr Morris sec Cr Townrow

That Council:

1. *Refund all the rates paid on Lot 1498 Reserve 46698;*
2. *That Council commence action to acquire freehold title Lot 1498 Reserve 46698; and*
3. *That Council enter into negotiations with the Caridi family as to the value of land they are prepared to pay for Lot 1498 and return the matter to Council for their consideration.*

**CARRIED 8/3
ABSOLUTE MAJORITY**

11.2 REQUEST FOR REDUCTION OF CLEAN-UP CHARGES – PETER BANI – DEMOLITION OF FORMER BURRACOPPIN PRIMARY SCHOOL

Reporting Department: Development Services
Reporting Officer: Warren Bow, Manager of Development Services
Legislation: Local Government Act 1995
File Number: CUS/9/2

Background:

Prior to the establishment of the Burracoppin Waste Transfer Station on Reserve 22946 in April 2005, the former Burracoppin Primary School buildings were removed from the site as part of demolition license DA01-05.

An agreement was made with the demolition contractor, Mr EG Lindquist, whereby the Shire of Merredin would remove all non-salvage items at the completion of the demolition works. A copy of the relevant correspondence can be seen as **Attachment 11.2A**.

Regrettably Mr Lindquist's sub-contractor, Mr Peter Bani (who actually undertook the demolition works), did not leave the site in the agreed condition, with various materials not left in manageable piles and asbestos material inadequately wrapped.

As a result, the clean-up of the site undertaken by Council's works staff took over one and a half days to complete – the original estimate from Council's Manager of Works, Keith Dickerson was that the clean-up should only take half a day.

Accordingly, the contractor was charged \$500.00 to cover Council's costs.

This matter has remained in dispute since, with a submission asking Council to accept \$250.00 as payment for the outstanding amount being submitted by Messrs Lindquist and Bani. This can be seen as **Attachment 11.2B**.

Legal Implications:

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

Budget Implications:

\$250.00 of the outstanding amount has been paid.

Comment:

The agreement and requirements for the condition of the site, post-demolition, was made with the demolition contractor, Mr Lindquist. These requirements were allegedly not conveyed to the sub-contractor who undertook the demolition works.

The demolition of the former Burracoppin Primary School buildings ultimately did not cost Council anything. An initial quote received from another approved demolition contract indicated that the cost would be over \$10,000.

Voting Requirements:

If Council chooses to write-off the outstanding debt, an absolute majority is required

Officer's Recommendation:

That Council, in accordance with the provisions of section 6.12 (1) (c) of the Local Government Act 1995, write-off the outstanding debt of \$250.00 for Mr EG Lindquist levied as clean up charges for the former Burracoppin Primary School demolition site.

28516

Moved Cr N Hooper sec Cr Morris

That Council, in accordance with the provisions of section 6.12 (1) (c) of the Local Government Act 1995, write-off the outstanding debt of \$250.00 for Mr EG Lindquist levied as clean up charges for the former Burracoppin Primary School demolition site.

**CARRIED 8/3
ABSOLUTE MAJORITY**

**11.3 SUBDIVISION OF LAND APPLICATION – WHELANS PTY LTD
FOR SHIRE OF MERREDIN – LOTS 301 AND PT LOT 504
CUMMINGS STREET, MERREDIN**

Reporting Department: Development Services
Reporting Officer: Warren Bow, Manager Development Services
Legislation: Local Government Act 1995, Town Planning
and Development Act 1928
File Number: LUP / 13 / 5

Background:

Council has received correspondence from the West Australian Planning Commission (WAPC) who have received an application from Whelans (WA) Pty Ltd (“the applicant”) on behalf of the Shire of Merredin for the subdivision of Lot 301 and part Lot 504 Cummings St, Merredin (“the property”).

This subdivision is commonly known as the Carrington Way subdivision.

As per the WAPC standard referral procedures, this subdivision has been referred to Council for comment, notwithstanding that it is the Shire of Merredin’s development. Accordingly the subdivision will be treated in the same manner as all subdivisions applications referred to Council.

A letter providing background information from the applicant to the WAPC can be seen as **Attachment 11.3A.**

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

The said land is currently vacant and zoned “Residential 1” in accordance with the Shire of Merredin’s Town Planning Scheme No.1 (the Scheme).

The applicant is proposing to create 29 residential lots ranging in area from 710m² to 1221m².

Legal Implications:

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

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

Budget Implications:

There will be numerous budget implications to Council upon approval of this subdivision, but these are not relevant at this referral stage.

Comment:

All lots comply with the minimum lot area and orientation requirements of Council's Town Planning Scheme No.1 and the Residential Design Codes.

At its Ordinary Meeting in March 2006 Council adopted (**CMRef 28348**) a revised proposed subdivisional plan for the Carrington Way subdivision and resolved to authorise Whelans to submit the application to the WAPC on their behalf.

Discussion with the WAPC indicate that as the Shire of Merredin is the owner of the subdivision they will assign conditions normally imposed by Council in relation to drainage, road access, thoroughfares and open space requirements.

Officer's Recommendation:

That Council advise the West Australian Planning Commission that it has no objection to the subdivision of Lot 301 and part Lot 504 Cummings Street, Merredin to create 29 lots in accordance with WAPC Application No. 131401 submitted by applicant Whelans (WA) Pty Ltd on behalf of the Shire of Merredin.

28517

Moved Cr Morris sec Cr Astbury

That Council advise the West Australian Planning Commission that it has no objection to the subdivision of Lot 301 and part Lot 504 Cummings Street, Merredin to create 29 lots in accordance with WAPC Application No. 131401 submitted by applicant Whelans (WA) Pty Ltd on behalf of the Shire of Merredin.

CARRIED 11/0

MINUTES**11.4 CENTRAL WHEATBELT RANGER SERVICE – APPOINTMENT OF SHIRE RANGER, BRIAN WILLCOX**

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

Background:

Subsequent to the departure of former Shire of Merredin Ranger Mike Sims, Mr Brian Willcox has been appointed to the position of Ranger.

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

Legal Implications:

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

As part of formally authorising enforcement officers, Council needs to have a formal resolution recorded in the Council minutes. Subject to Council resolution, the following Notice will be published in the Government Gazette to legally establish Mr Brian Willcox as an authorised officer for the Shire of Merredin.

Appointment of Authorised Officers

It is hereby notified for public information that Brian Alan Willcox has been appointed by the Council of the Shire of Merredin as an Authorised Officer to enforce the provisions of the following:-

- Local Government (Miscellaneous Provisions) Act 1960
- Local Government Act 1995
- Caravan Parks and Camping Grounds Act 1995
- Dog Act 1976 and Regulations
- Bush Fires Act 1954 and Regulations
- The Litter Act 1979
- Control of Vehicles (Off Road Areas) Act 1978 and Regulations (as amended)
- And applicable Shire of Merredin Local Laws

The authorisation of Michael Paul Sims is hereby revoked

Frank B Ludovico
Chief Executive Officer

Budget Implications:

The Ranger's position is a full time position and the operation of the CWRS is fully budgeted by Council.

Each constituent local government pays the Shire of Merredin a proportionate fee for service of 5% or \$3,413.

Comment:

Brian Willcox commenced employment with the Shire of Merredin on 29 May 2006.

Officer's Recommendation:

1. *That the Merredin Shire Council appoint Mr Brian Alan Willcox as an Authorised Officer to enforce the provisions of the following legislation:*

- *Local Government (Miscellaneous Provisions) Act 1960;*
- *Local Government Act 1995;*
- *Caravan Parks and Camping Grounds Act 1995;*
- *Dog Act 1976 and Regulations;*
- *Bush Fires Act 1954 and Regulations;*
- *The Litter Act 1979;*
- *Control of Vehicles (Off Road Areas) Act 1978 and Regulations (as amended);*
- *Applicable Shire of Merredin Local Laws; and*
- *That the previous authorisation of Michael Paul Sims be revoked.*

28518

Moved Cr Morris sec Cr Morley

That the Merredin Shire Council appoint Mr Brian Alan Willcox as an Authorised Officer to enforce the provisions of the following legislation:

- *Local Government (Miscellaneous Provisions) Act 1960;*
- *Local Government Act 1995;*
- *Caravan Parks and Camping Grounds Act 1995;*
- *Dog Act 1976 and Regulations;*
- *Bush Fires Act 1954 and Regulations;*
- *The Litter Act 1979;*
- *Control of Vehicles (Off Road Areas) Act 1978 and Regulations (as amended);*
- *Applicable Shire of Merredin Local Laws; and*
- *That the previous authorisation of Michael Paul Sims be revoked.*

CARRIED 11/0

11.5 SUBDIVISION OF LAND APPLICATION – PAUL KRAFT AND ASSOCIATES FOR BOBYVON PTY LTD – AVON LOCATIONS 3891, 9091, BAANDEE SOUTH RD, KORBEL

Reporting Department: Development Services
Reporting Officer: Warren Bow, Manager Development Services
Legislation: Local Government Act 1995, Town Planning and Development Act 1928
File Number: GR/17/6; P/7045

Background:

Council has received correspondence from the West Australian Planning Commission (WAPC) who have received an application from Paul Kraft and Associates (“the applicant”) on behalf of the Bobbyvon Pty Ltd for the subdivision of Avon Locations 3891 and 9091 Baandee South Rd, Korbel (“the property”).

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

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

The applicant is proposing to create two separate lots of 187.72 hectares and 83.82 hectares from an original parcel of land of size 271.72 hectares.

A plan of the existing cadastral boundaries, taken from the Landgate System can be seen as **Attachment 11.5B**.

Legal Implications:

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

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

Budget Implications:

Comment:

It can be seen from the attachments that the applicant wishes to formalise the separation of the two lots by Baandee South Road.

The property owner proposes the continuation of agricultural use of the property after subdivisional approval.

The proposed lots sizes comply with the requirements of the “General Farming” zone.

Officer's Recommendation:

That Council advise the West Australian Planning Commission that it has no objection to the subdivision of Avon Locations 3891 and 9091 Baandee South Road, Korbel to create two lots being; Lot A Baandee South Rd of size 187.72 hectares and Lot B Baandee South Rd of size 83.82 hectares in accordance with WAPC Application No. 131155 submitted by applicant Paul Kraft and Associates on behalf of Bobbyon Pty Ltd..

28519

Moved Cr Crees sec Cr Morris

That Council advise the West Australian Planning Commission that it has no objection to the subdivision of Avon Locations 3891 and 9091 Baandee South Road, Korbel to create two lots being; Lot A Baandee South Rd of size 187.72 hectares and Lot B Baandee South Rd of size 83.82 hectares in accordance with WAPC Application No. 131155 submitted by applicant Paul Kraft and Associates on behalf of Bobbyon Pty Ltd..

CARRIED 11/0

Cr Morris declared an Impartiality Interest in Item 11.6.

11.6 APPLICATION FOR PLANNING CONSENT – THIRTEEN GROUPED DWELLINGS AT LOT 36 HAINES STREET, MERREDIN - SULCON PTY LTD

Reporting Department: Development Services
Reporting Officer: Warren Bow, Manager of Development Services
Legislation: Planning and Development Act 2005; Shire of Merredin Town Planning Scheme No.1; Residential Design Codes
File Number: PA04/06; P/1901

Background:

Council will recall an application for planning consent to construct 13 grouped dwellings on Lot 36 Haines St, Merredin, previously submitted by Goldfields Homes on behalf of Sulcon Pty Ltd (the applicant) in June 2004.

This application was considered by Council at its July 2004 Ordinary meeting (**CMRef 27579**), where support in principle was granted by Council, subject to certain conditions.

Council will also recall Mr Kim Loxton, principal of Sulcon Pty Ltd, addressing Council at its December 2004 Ordinary meeting regarding the matter of drainage for the proposed development. Council resolved (**CMRef 27731**) to assume responsibility for drainage upgrade works on the corner of Golf Road and Haines Street, Merredin to ensure adequate stormwater management capabilities for the proposed development. These works have been recently completed.

Numerous discussions and negotiations involving the Chief Executive Officer, Deputy Chief Executive Officer, Manager of Development Services and applicant ensued over the past 18 months.

Subsequently, correspondence was received from the applicant dated 30 May 2006 (**Attachment 11.6A**) requesting the withdrawal of the 2004 application for planning consent (PA07/04) and re-submitting a revised application for planning consent to construct 13 grouped dwellings on Lot 36 Haines St, Merredin (PA04/06).

A site plan of the proposed development can be seen as **Attachment 11.6B**. An A1 size plan of the development will be displayed at the June 2006 Ordinary Council meeting.

The proposed floor plans and elevations of the 13 grouped dwellings can be seen as **Attachment 11.6C**.

Legal Implications:

MINUTES

Lot 36 Haines St, Merredin is zoned “Residential 1” in accordance with the Shire of Merredin Town Planning Scheme No.1. A grouped dwelling is a “PS” use within the Residential 1 zone. Such development will require special Council approval and compliance with any conditions imposed by Council.

Any development within the Residential zone is required to comply with the provisions of the Residential Design Codes.

Budget Implications:

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

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

The value of the development is listed by the applicant as \$1,900,000.00. This equates to an application fee of \$3670.00 which has been paid by the applicant.

The value of the 2004 application was listed as \$1,767,700.00, resulting in a fee of \$3,431.00, which was also paid by the applicant.

The original application was referred to Council’s town planning consultant Whelans.

The applicant is requesting the refund of any unused portion of the application fees paid for the 2006 application. The original fees for the 2004 application have definitely been consumed by our consultant’s charges and staff time spent on the assessment of the application and extensive pursuit of this development. It could be argued however, that the fees paid for the assessment of the 2006 application are excessive, considering the development is almost identical to the 2004 proposal and has not required reference to Council’s consultant.

Council may wish to offer the developer an incentive in the form of partial or entire refund of the application fees levied on the 2006 application, upon practical completion of the development.

Comment:

The applicant, Kim Loxton of Sulcon Pty Ltd has contracted Nobel Homes to undertake the development on his behalf. The 2004 development was proposed to be constructed by Goldfields Homes.

Various matters within the original 2004 application were identified as not complying with the requirements of the Residential Design Codes and the Shire of Merredin Town Planning Scheme No.1. These were negotiated with the applicant over time, with revised plans being submitted by Nobel Homes in May 2006.

A copy of the assessment of the 2006 application can be seen as **Attachment 11.6D**.

The items identified as requiring amendment in the above mentioned assessment have been addressed by the applicant.

Officer's Recommendation:

That Council grant planning consent to Sulcon Pty Ltd, in relation to application for planning consent PA04/06, to construct 13 brick veneer, iron roofed grouped dwellings at Lot 36 Haines Street, Merredin subject to –

- 1. All building work, including patios, to be the subject of a building license and comply with the Building Code of Australia 2006;*
- 2. All building work to comply with the Health Act 1911 and ancillary legislation;*
- 3. A geo-technical report by a suitably qualified person be provided to Council indicating site soil conditions of Lot 36 Haines St prior to the issuing of relevant building licenses;*
- 4. All dwellings to be connected to the Water Corporation WA sewer;*
- 5. Internal roadway access to dwellings 8 – 13 to be constructed to the satisfaction of the Chief Executive Officer;*
- 6. Off-site parking to be provided in accordance with details as contained in drawing A-1.0;*
- 7. All fencing to be new, iron sheeting colourbond (or equivalent) as per details contained in drawing A-2.0;*
- 8. Where post and rail fencing used, the structural members shall be located internally and not to be visible from any street to which the fence is parallel.*
- 9. All street cross overs to be constructed to the satisfaction of the Chief Executive Officer;*
- 10. A receptacle for the storage of non-builders waste and litter to be placed on site during the construction of the dwellings; and*
- 11. All Council thoroughfares to be reinstated to the satisfaction of the Chief Executive Officer.*

28520

Moved Cr Marley sec Cr Townrow

That Council grant planning consent to Sulcon Pty Ltd, in relation to application for planning consent PA04/06, to construct 13 brick veneer, iron roofed grouped dwellings at Lot 36 Haines Street, Merredin subject to –

- 1. All building work, including patios, to be the subject of a building license and comply with the Building Code of Australia 2006;*
- 2. All building work to comply with the Health Act 1911 and ancillary legislation;*
- 3. A geo-technical report by a suitably qualified person be provided to Council indicating site soil conditions of Lot 36 Haines St prior to the issuing of relevant building licenses;*
- 4. All dwellings to be connected to the Water Corporation WA sewer;*
- 5. Internal roadway access to dwellings 8 – 13 to be constructed to the satisfaction of the Chief Executive Officer;*
- 6. Off-site parking to be provided in accordance with details as contained in drawing A-1.0;*
- 7. All fencing to be new, iron sheeting colourbond (or equivalent) as per details contained in drawing A-2.0;*
- 8. Where post and rail fencing used, the structural members shall be located internally and not to be visible from any street to which the fence is parallel.*
- 9. All street cross overs to be constructed to the satisfaction of the Chief Executive Officer;*
- 10. A receptacle for the storage of non-builders waste and litter to be placed on site during the construction of the dwellings; and*
- 11. All Council thoroughfares to be reinstated to the satisfaction of the Chief Executive Officer.*

CARRIED 11/0

11.7 APPLICATION FOR PLANNING CONSENT – DEMOLITION OF PART EXISTING BUILDING, COMMERCIAL BUILDING EXTENSIONS AT LOTS 1313, 1314 MCKENZIE CRESCENT, MERREDIN – ECHUCA NOMINEES PTY LTD

Reporting Department: Development Services
Reporting Officer: Warren Bow, Manager of Development Services
Legislation: Planning and Development Act 2005; Shire of Merredin Town Planning Scheme No.1;
File Number: PA05/06; P/2484

Background:

Council has received an application for planning consent from Echuca Nominees Pty Ltd (the applicant) to demolish part of an existing commercial building and undertake significant commercial building extensions on Lot 1313 McKenzie Cr, Merredin (the property).

The relevant A1 size site plans and elevations will be displayed for Councillors information at the Ordinary June 2006 meeting.

The property is occupied by the Merredin branch of Hutton and Northey Sales and Service.

The building project work is proposed to be undertaken by Highline Ltd Commercial Division.

The application relates to the construction of 2183m² of commercial building extensions including showroom, workshop, office and training sections. The resultant total building area on the property, excluding a detached storage building, will be 3273m².

Legal Implications:

Lots 1313/1314 McKenzie Crescent are zoned “Light Industry” in accordance with the Shire of Merredin Town Planning Scheme No.1.

Light industry, showroom and workshop uses are designated “P” use symbols within the Light Industry zone. Such development is permitted.

Council policy 6.2 conveys authority to the Chief Executive Officer to approve planning consent applications where the proposed use is classified as “P”; however the nature and extent of this development has resulted in staff referring to Council for formal approval.

Budget Implications:

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

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

The value of the development is listed by the applicant as \$900,000.00. This equates to an application fee of \$1879.00 which has been paid by the applicant.

Comment:

Discussions with the project builder and representatives of the applicant have addressed various Building Code of Australia 2006 compliance matters and effluent and liquid waste disposal issues.

The overall size of the proposed building 3273 m² renders the fire safety and building setback requirements more onerous on the applicant.

The existing effluent and liquid waste disposal system does not comply with the relevant legislation.

The above matters could be overcome with an amalgamation of the two lots; however the applicant has indicated that this is not to their satisfaction.

Notwithstanding the issues that have arisen, it is recommended that Council approve the application, subject to various conditions.

Officer's Recommendation:

That Council grant planning consent to Echuca Nominees Pty Ltd, in relation to application for planning consent PA05/06, to demolish part existing building and construction of commercial building extensions at Lots 1313 and 1314 McKenzie Crescent, Merredin subject to –

- 1. All building work to comply with the Building Code of Australia 2006;*
- 2. The builder, in accordance with Regulations 11(2) of the Building Regulations 1989, shall deposit plans of sufficient detail with the Fire and Emergency Services Authority (FESA) to determine compliance with the Building Code of Australia 2006;*
- 3. Access for people with disabilities to be afforded in accordance with Part D3 of the Building Code of Australia 2006;*

MINUTES

-
4. *Fire hydrant(s) complying with AS2419.1 and Part E1 of the Building Code of Australia 2006 to be installed to service the building on Lot 1313 McKenzie Cr;*
 5. *All effluent and liquid waste to be disposed of via existing leach drain system located on Lot 1314 McKenzie Cr;*
 6. *Prior to any future sale of Lot 1314 McKenzie Cr, a caveat to be placed on the property requiring the leach drains thereon servicing Lot 1313 McKenzie Cr to be decommissioned and a new, Council approved system for the treatment and disposal of effluent and liquid waste is to be installed on Lot 1313 McKenzie Cr;*
 7. *Any future buildings located on Lot 1314 McKenzie Cr Building to maintain a building setback of 18m to the north wall of the proposed workshop on Lot 1313 McKenzie Cr;*
 8. *Where the setback prescribed by 7. (above) cannot be maintained, the north wall of the proposed workshop on Lot 1313 McKenzie Cr is to be fire rated to comply with clause 4 of Specification C1.1 of the Building Code of Australia 2006;*
 9. *Prior to any future sale of Lot 1314 McKenzie Cr, a caveat shall be placed thereon the property requiring a minimum five metre building exclusion zone, adjacent to the southern boundary of Lot 1313 McKenzie Cr, to ensure the 18m building setback of the proposed workshop;*
 10. *All stormwater from the new development to be directed into existing drains to the satisfaction of the Chief Executive Officer so as to not adversely impact on Council property;*
 11. *All building work to comply with the provisions of the Health Act 1911 and associated legislation;*
 12. *Landscaping to the satisfaction of the Chief Executive Officer; and*
 13. *Parking as per the requirements of the Shire Town Planning Scheme No.1.*

28521

Moved Cr Crees sec Cr Morley

That Council grant planning consent to Echuca Nominees Pty Ltd, in relation to application for planning consent PA05/06, to demolish part existing building and construction of commercial building extensions at Lots 1313 and 1314 McKenzie Crescent, Merredin subject to –

1. ***All building work to comply with the Building Code of Australia 2006;***
2. ***The builder, in accordance with Regulations 11(2) of the Building Regulations 1989, shall deposit plans of sufficient detail with the Fire and Emergency Services Authority (FESA) to determine compliance with the Building Code of Australia 2006;***
3. ***Access for people with disabilities to be afforded in accordance with Part D3 of the Building Code of Australia 2006;***
4. ***Fire hydrant(s) complying with AS2419.1 and Part E1 of the Building Code of Australia 2006 to be installed to service the building on Lot 1313 McKenzie Cr;***
5. ***All effluent and liquid waste to be disposed of via existing leach drain system located on Lot 1314 McKenzie Cr;***

-
6. *Prior to any future sale of Lot 1314 McKenzie Cr, a caveat to be placed on the property requiring the leach drains thereon servicing Lot 1313 McKenzie Cr to be decommissioned and a new, Council approved system for the treatment and disposal of effluent and liquid waste is to be installed on Lot 1313 McKenzie Cr;*
 7. *Any future buildings located on Lot 1314 McKenzie Cr Building to maintain a building setback of 18m to the north wall of the proposed workshop on Lot 1313 McKenzie Cr;*
 8. *Where the setback prescribed by 7. (above) cannot be maintained, the north wall of the proposed workshop on Lot 1313 McKenzie Cr is to be fire rated to comply with clause 4 of Specification C1.1 of the Building Code of Australia 2006;*
 9. *Prior to any future sale of Lot 1314 McKenzie Cr, a caveat shall be placed thereon the property requiring a minimum five metre building exclusion zone, adjacent to the southern boundary of Lot 1313 McKenzie Cr, to ensure the 18m building setback of the proposed workshop;*
 10. *All stormwater from the new development to be directed into existing drains to the satisfaction of the Chief Executive Officer so as to not adversely impact on Council property;*
 11. *All building work to comply with the provisions of the Health Act 1911 and associated legislation;*
 12. *Landscaping to the satisfaction of the Chief Executive Officer; and*
 13. *Parking as per the requirements of the Shire Town Planning Scheme No.1.*

CARRIED 11/0

11.8 TOWN PLANNING REPORT

Reporting Department:	Development Services
Reporting Officer:	Warren Bow, Manager of Development Services
Legislation:	Planning and Development Act 2005, Shire of Merredin Town Planning Scheme No.1 (the Scheme)
File Number:	LUP/13/5

Background:

To outline the statutory planning activities of the Development Services section to Councillors of the Shire of Merredin for the period 1 January 2006 – June 2006.

Legal Implications:

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

Budget Implications:

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

Comment:

Attachment 11.8A details the nature of all applications for planning consent processed in 2006.

Officer's Recommendation:

That the Merredin Shire Council receive the Town Planning report for June 2006.

28522

Moved Cr Crees sec Cr Morris

That the Merredin Shire Council receive the Town Planning report for June 2006.

CARRIED 11/0

Cr Jones left the meeting at 2.40pm.

W Bow left the meeting at 2.41pm.

Cr Jones entered the meeting at 2.41pm.

W Bow entered the meeting at 2.42pm.

Cr Morris departed the meeting at 2.42pm.

Cr Morris entered the meeting at 3.44pm.

Cr Jones entered the meeting at 3.44pm.

Cr Morris declared an Impartiality Interest in Item 11.9.

Cr Astbury declared a Proximity Interest in Item 11.9 and departed the meeting at 3.45pm.

11.9 FUTURE USE OF VARIOUS COUNCIL BUILDINGS – FORMER POST OFFICE MASTERS HOUSE, FORMER BASKETBALL AND NETBALL CLUBROOMS AND MERREDIN CIVIC BOWLING CLUB BUILDING

Reporting Department: Development Services
Reporting Officer: Warren Bow, Manager of Development Services
Legislation: Local Government Act 1995, Health (Public Buildings) Regulations 1992
 Building Code of Australia 2005
File Number: Various

Background

The future of the below listed Council-owned buildings and land need to be determined.

PROPERTY DESCRIPTION	ADDRESS	OCCUPIER	OWNERSHIP	TPS ZONING
former Lutheran Church building	Lots 10 and 11, South Ave, Merredin	Vacant	Building vested with the Shire on land owned by the Shire	Civic and Cultural
former basketball and netball clubrooms	Lot 1180 of Reserve 23036, Kitchener Road, Merredin	Vacant	Joint ownership of buildings between Shire of Merredin and Merredin Basketball and Merredin Netball Associations	Recreation Reserve
Merredin Civic Bowling Club Inc premises	Lot 1181 on Reserve 29098, Throssell Road, Merredin	Land and building leased to Merredin Civic Bowling Club Inc.	Shire owned building on Club Premises Reserve 29098 vested with the Shire of Merredin.	Recreation Reserve
Former Post Office Masters house	Lot 201 Bates Street, Merredin	Youth Project Officer, Wheatbelt ACC	Shire owned building and land	Public Purpose Reserve

Some interest, both formal and informal has been expressed in the future management and occupancy of the above buildings.

MINUTES**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 sale or 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 an organisation of a charitable, education or cultural nature.

A change in use of the reserve may require changes to the management order for the reserve incorporating approval to lease; such would need to be approved by the Department of Planning and Infrastructure Land Asset Management Services.

Any Council purchase of reserve land must also go through a formal process.

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

Budget Implications:

Various

Nominal amounts are allocated within Council's budget for the maintenance, utility costs, compliance inspections and insurances of the former Lutheran Church building and basketball and netball clubrooms.

The maintenance, insurance and operation of the building occupied by the Merredin Civic Bowling Club Inc building is entirely funded by Merredin Civic Bowling Club Inc. leaving Council with no current financial obligations.

Councillors who attended the annual building maintenance inspection will recall the condition of the former Post Office Masters house. For some time the condition of the former Post Office Masters house has been a concern to staff. Council allocated \$10,000 for a capital upgrade of the building in its 2005/2006 budget. Quotations were obtained to undertake works such as replacement of carpets (\$5,268), internal repainting (\$23,430) and external repainting (\$7,450). Other items such as refurbishment of kitchen and other amenities are also warranted.

Comment:

It is a condition of the CSRFF funding for the new Recreation Centre that Council will demolish existing recreational infrastructure being vacated by sporting clubs. The Shire is seeking an amendment to this condition in terms of permitting the vacated land to be available for use by non-recreational community groups.

The 510 Army Cadet Unit, with support from the Merredin Military Museum, have requested that the former basket ball and netball clubroom buildings be made available to their organisation.

MINUTES

Any future use of the building on Lot 1181 on Reserve 29098, Throssell Road, Merredin would be subsequent to the vacation of the premises and relinquishing of the lease by the Merredin Civic Bowling Club Inc.

The former Post Office Masters house is located on the Heritage Council of WA's register of heritage places, as part of the "Post Office group". The sale of this building is not prohibited by its listing, nor are alterations to the building itself.

Retaining and maintaining this building will continue to be a costly exercise to Council, notwithstanding the estimated \$60,000.00 capital investment it requires to bring it up to a satisfactory standard.

Officer's Recommendation:

1. *That Council advertise for expressions of interest for non- recreational community purpose use, management, demolition or removal of the below listed properties -*
 - *former Lutheran Church building, Lots 10 and 11, South Ave, Merredin*
 - *former basketball and netball clubrooms, Lot 1180 of Reserve 23036, Kitchener Road, Merredin*
 - *Merredin Civic Bowling Club Inc premises, Lot 1181 on Reserve 29098, Throssell Road, Merredin*
2. *That Council resolve to sell by tender the former Post Office Masters house at Lot 201 Bates Street, Merredin in accordance with the provisions of the Local Government Act 1995.*

28523

Moved Cr Wallace sec Cr Jones

That Merredin Shire Council sell Lots 10 and 11, South Avenue, Merredin by auction immediately.

CARRIED 9/1

Cr Astbury having no proximity interest in the following resolution re-entered the meeting at 2.48pm.

28524

Moved Cr Marley sec Cr Morris

That Merredin Shire Council obtain a valuation on Lots 10 & 11, South Avenue, Merredin from local real estate agent.

CARRIED 10/1

Cr Astbury left the meeting at 2.51pm.

28525

Moved Cr Crees sec Cr Wallace

That Council advertise for Expressions of Interest for non-recreational community purpose use, management, demolition or removal of the below listed properties -

- *former basketball and netball clubrooms, Lot 1180 of Reserve 23036, Kitchener Road, Merredin*
- *Merredin Civic Bowling Club Inc premises, Lot 1181 on Reserve 29098, Throssell Road, Merredin.*
- *That the above lots be advertised both locally and in the West Australian newspaper.*

CARRIED 9/1

Cr Astbury entered the meeting at 3.02pm.

Officer's Recommendation Number 2 lay on the table to be discussed following afternoon tea adjournment. (See CMRef 28530)

28526

Moved Cr Morris sec D Morley

That the Expressions of Interest for Lot 1180 of Reserve 23036 and Lot 1181 on Reserve 29098 invite applicants to provide details of proposed development, use, development timetable and price.

CARRIED 9/1

11.10 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
BA22/06	AP & SM Trunfio, 6 Priestly St, Merredin WA 6415	Lot 31, House No. 6 Priestly St, Merredin WA 6415	AP & SM Trunfio, 6 Priestly St, Merredin WA 6415	10 (a) – New, steel framed, iron clad outbuilding/habitable room
BA24/06	DC Grigson, 4 Jellicoe Rd, Merredin WA 6415	Lot 442, House No. 4 Jellicoe Rd, Merredin WA 6415	DC Grigson, 4 Jellicoe Rd, Merredin WA 6415	10 (a) – New, steel framed, iron roofed carport
BA25/06	LR & PA Lee, 12 Colin St, Merredin WA 6415	Lot 70, House No. 12 Colin St, Merredin WA 6415	LR & PA Lee, 12 Colin St, Merredin WA 6415	10 (a) – New, steel framed, iron clad outbuilding
BA26/06	Wheatbelt Building and Maintenance, PO Box 654 Merredin WA 6415	Lot 100, House No. 24 Golf Rd, Merredin WA 6415	S Sander & T Rogers, 24 Golf Rd, Merredin WA 6415	1 (a) – Timber framed, iron roofed additions to existing dwelling

Building Licence No.	Licence issued to	Address of proposed building	Owner of property	Class of Building Type of Construction
BA27/06	Merredin Outdoor Centre, PO Box 792, Merredin WA 6415	Lot 6, House No. 2 Cowan Way, Merredin WA 6415	M Harper, 2 Cowan Way, Merredin WA 6415	10 (a) – New, steel framed, iron roofed attached patio
BA28/06	B Manning, 53 French Ave, Merredin WA 6415	Lot 1130, House No. 53 French Ave, Merredin WA 6415	B Manning, 53 French Ave, Merredin WA 6415	10 (a) – New, steel framed, iron clad outbuilding
BA29/06	Merredin Outdoor Centre, PO Box 792, Merredin WA 6415	Lot 43, House No. 96 Parkes St, Burracoppin WA 6421	D & H Perrin, 43 Parkes St, Burracoppin WA 6421	10 (a) – New, steel framed, iron clad outbuilding
BA30/06	Paul Bartlett for Bartlett Building Company, 2 Oats St, Merredin WA 6415	Lot 40 Oats St, Merredin WA 6415	P & S Bartlett for Merredin Caravan Park and Av-A-Rest Village, 2 Oats St, Merredin WA 6415	3 – Eight new, steel framed, iron roofed, fibro clad accommodation units

Valuation: \$323,540.00
Progressive: **\$1,876,160.00**

Fees: \$877.48
Progressive: **\$5,424.92**

Comment:

Comparison half calendar year building approval statistics are contained below –

- 2003 - **\$1,650,052.00**
- 2004 - **\$1 175 190.00**
- 2005 - **\$1 078 052.00**

Officers Recommendation:

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

28527

Moved Cr Townrow sec Crees

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

CARRIED 10/0

28528 Moved Cr Simmonds sec Cr Morley
That the meeting adjourn for afternoon tea at 3.08pm.
CARRIED 10/0

28529 Moved Cr Crees sec Cr Marley at 3.37
That the meeting reconvene at 3.37pm.
CARRIED 10/0

Cr N Hooper was not in attendance when meeting resumed.
J Garrett, MDS was in attendance when meeting resumed.

The following item continues on from discussions held prior to afternoon tea.
Recommendation No. 2 was discussed and voted on. (See CMRef 28530)

Cr Morris declared an Impartiality Interest in Item 11.9.

Cr Astbury declared a Proximity Interest in Item 11.9 and departed the meeting at 3.45pm.

11.9 FUTURE USE OF VARIOUS COUNCIL BUILDINGS – FORMER POST OFFICE MASTERS HOUSE, FORMER BASKETBALL AND NETBALL CLUBROOMS AND MERREDIN CIVIC BOWLING CLUB BUILDING

Reporting Department: Development Services
Reporting Officer: Warren Bow, Manager of Development Services
Legislation: Local Government Act 1995, Health (Public Buildings) Regulations 1992
 Building Code of Australia 2005
File Number: Various

Officer's Recommendation:

2. *That Council resolve to sell by tender the former Post Office Masters house at Lot 201 Bates Street, Merredin in accordance with the provisions of the Local Government Act 1995.*

28530 Moved Cr Morris sec Cr Morley
That Council resolve to sell by tender the former Post Office Masters house at Lot 201 Bates Street, Merredin in accordance with the provisions of the Local Government Act 1995 and that any submitted tender shall include detailed submissions on the proposed use, operation and building redevelopment, incorporating time frames for such.
CARRIED 9/1

MINUTES

Following Items under Section 12 .0 of the Agenda brought forward.

12.0 ENGINEERING SERVICES

12.1 MANAGER OF WORKS – MONTHLY REPORT

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

Background:

Monthly report on operations.

Legal Implications:

Nil

Budget Implications:

Nil

Comment:

Road Construction

- Drainage near completion on Bates Street, Kerbing to be laid around the 23rd of June.
- Construction work started on Pitt Road.
- Goldfields Road (blackspot) construction will be completed when trenches filled in on Whitfield Way project.

Caw Street

After letters received from the P& C of South Merredin Primary and the school bus drivers about the parking on French Avenue. A meeting was held with the school bus contractors on the 4 of May 2006 to discuss their safety concerns.

Following the discussion and input from the contractors a plan was drawn up to alleviate the safety concerns of the bus drivers as can be seen on

Attachment 12.1A.

They requested:

- a nib be placed at the driveway entrance to the school on French Avenue.
- The angle parking be changed to parallel parking on French Avenue.
- The 3 parking bays on the south side of Caw Street be extended to accommodate more parking.

MINUTES

There is only enough room to accommodate 7 parking bays.

The northern side of Caw Street will have 20 parking bays painted in.

Copies of the plans were sent to the president of the P & C and the Principle of the South Merredin Primary School on the 31 May 2006 for their comments.

Road Maintenance

- Maintenance grading in progress south east of the shire.
- Weed spraying of bitumen shoulders in progress.

Parks And Gardens

- Clean up of laneways in progress.
- Tree planting complete on Caw Street and the cul-de-sac at the end of Bates Street.
- Some drain cleaning has commenced.
- Spraying of footpaths in progress.

Water

Dam #1	95% Full	Capacity	74,455 kilolitres
Dam #2	70% Full	Capacity	71,675 kilolitres
Dam #3	100% Full	Capacity	46,000 kilolitres
Railway Dam	100% Full	Capacity	23,000 kilolitres

Officer's Recommendation:

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

28531

Moved Cr Morris sec Cr Townrow

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

CARRIED 10/0

12.2 REPAIRS FOR CATERPILLAR 950 LOADER

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

Background:

Council has a 950 front end loader with 9,400 hours on the clock. It is due for a change over in the 06/07 budget.

On the 19 of May the operator reported he had lost 4th gear, after inspection from our mechanic Mick Fiegert it was found that the number 3 clutch had failed.

He was instructed to get quotes to repair the transmission because Council have not got the equipment to carry out the required repairs.

We received two replies with quotes, one from Westrac Equipment which was \$32,579.63 including gst and the other from Action Mining Services which was \$20,327 plus gst. Both prices could vary up or down after inspection of transmission when it is dismantled.

We also have the additional cost of transporting loader to and from Perth for the repairs it is estimated to be about \$2,340.

Legal Implications:

Nil

Budget Implications:

Repairs and transport of loader estimated to be \$24,700 have not been budgeted for and could be transferred from the plant replacement reserve as we are not replacing our Case Skid Steer loader which is in the 05/06 budget for \$65,000. I feel that the Case Skid Steer does not need replacing at this time

Comment:

As the loader is to be replaced in the coming months I have contacted plant equipment salesmen about trading loader as is. Their comments were to do a fair and proper appraisal for the trade of the machine they would have to see it working.

With having to go through the tender process for the purchase delivery of new machine, Council could not expect to see a new machine until about October or November 2006 depending on availability of new loaders.

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This would mean that we would only have one loader to carry out Council works for the next 5 months. It is good management practise to have all plant ready for changeover in proper working order.

Absolute majority required

Officer's Recommendation:

That Council accept the quote from Action Mining Services for the repairs to the Caterpillar 950 loader and allow funds for this work in the 2006/2007 budget.

28532

Moved Cr Crees sec Cr Simmonds

That Council accept the quote from Action Mining Services for the repairs to the Caterpillar 950 loader and allow funds for this work in the 2006/2007 budget.

**CARRIED 8/2
ABSOLUTE MAJORITY**

12.3 DELEGATED AUTHORITY - ADVERTISING SIGNS ON HIGHWAYS AND MAIN ROADS

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

Background:

On the 3 of December 1998 a request for delegated authority for roadside advertising signs was signed and sent to Main Roads W.A. as can be seen on **Attachment 12.3A.**

Delegated authority of roadside advertising requires Council to police advertising signs placed along all roads under the control of Main Roads W.A. in the Shire of Merredin.

Council is required to keep a register of advertising signs and charge an annual fee of \$70.00 per sign.

Many signs have been placed on the highway within the Shire's area of delegated authority however signs have been erected without consultation or approval of Council. It is therefore recommended the requirement to approve signage on the highway be returned to Main Roads WA as they ultimately have management responsibility.

Legal Implications:

Council can relinquish the delegated authority of road side advertising signs back to Main Roads W.A. at any time.

Budget Implications:

Nil

Comment:

Council is required to send letters for the removal of any illegal advertising signs along the highway and main roads or remove the signs.

Council currently do not have any signs registered.

As Council currently does not have a signage policy in place we believe it is appropriate for Main Roads WA to monitor advertising signs on highways and main Roads.

Officer's Recommendation:

That the Merredin Shire Council relinquish the delegated authority for roadside advertising signs on highways and main roads back to Main Roads WA.

28533

Moved Cr Crees sec Cr Jones

That the Merredin Shire Council relinquish the delegated authority for roadside advertising signs on highways and main roads back to Main Roads WA.

CARRIED 9/1

The following Item 9.7 is continued from page 10.

9.7 Lee Kernaghan Promotion Committee Meeting - 13 June 2006.

4.1 Relocation of Lee Kernaghan Concert Venue

28534

Moved Cr Townrow sec Cr Wallace

Supported by: Cr Morris, Cr Townrow, Cr Jones & Cr Wallace.
(Regulation 10.1 (b) of the Local Government (Administration) Regulations 1996.

That Council rescind motion 28494 of the Special Council Meeting Minutes held on Monday 29th May 2006:

“Council advise Nukarni Football Club that it will consider a post concert reimbursement if necessary, provided there is evidence that the expected income from the Nukarni Football Club and Burracoppin Football Club derby is not achieved”.

CARRIED 10/0

ABSOLUTE MAJORITY

Moved Cr Morris sec Cr Townrow

That the Lee Kernaghan Promotion Committee recommend to Council that Council as part of its budget planning include the cost of fencing to upgrade fencing on the northern and southern sides of the hockey field in keeping with the existing fencing along the western boundary of the hockey field

CARRIED 4/0

28535

Moved Cr Townrow sec Cr Morris

That Council as part of its budget planning include the cost of fencing to upgrade fencing on the northern and southern sides of the hockey field in keeping with the existing fencing along the western boundary of the hockey field to be completed prior to 5th August, 2006.

CARRIED 10/0

Cr Morris left the meeting at 4.30pm.

Cr Morris entered the meeting at 4.31pm.

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 June 2006:

Sale of Water to Aline East

I am pleased to advise Council that Aline East have accepted Council's offer to purchase ground water at a cost of 50 cents per kilolitre and meet any power costs associated with the operating of the desalinisation plant.

Merredin/Narembeen/Kondinin Road

I met with the CEO's of the Shires of Kondinin and Narembeen on 1st June to discuss the possibility of developing a joint project to the Strategic Funding component from Auslink. The submission period from this program has ended for this financial year and so the purpose of the meeting was to discuss how we can be prepared for future funding opportunities.

The group believe that it is appropriate for the engagement of a consulting engineer to develop an upgrading program for the road and use those figures in any future submissions to Auslink or other funding programs.

It is intended that we develop a specification for the calling of quotations to undertake this investigation. It is anticipated that this would cost in the vicinity of \$2,000 to \$3,000 for each local government.

The group hope that their individual work staff can be utilised in undertaking the work and therefore retain the funds within the local community.

If Council is supportive of this idea their allocation will be considered in the 2006/2007 budget.

Radio Hut and Tower at China Southern WA Flying College – Merredin Air Field – Advertisement to Lease.

I wish to inform Council that the advertisement regarding the Shire of Merredin entering into a licence with Broadband Net for the use of the radio hut and tower at China Southern WA Flying College – Merredin Air Field for the purpose of the wireless broadband distribution for a three year lease plus a three year option resulting in no public submissions.

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Therefore in accordance with Council minutes resolution 28422 (18 April 2006 Council meeting) I will sign the deed and forward to Broadband Net.

Valuations

I wish to inform Councillors that the annual revaluation of unimproved values has been received. Across the board valuation increases are approximately 32.5%. The range of increases varies between 25% and 40%.

I also wish to inform Council that the GRV revaluation will not be occurring until 2006/2007 for implementation from the 1st July 2007.

Merredin Senior Highschool

Both myself and the Deputy CEO were invited by the senior English class at the Merredin Senior Highschool to discuss the new Merredin Regional Community & Leisure Centre, health services and activities for youth.

We found the students very interested in these activities and we are looking forward to seeing their report on the discussions.

Public Accounts Committee

I wish to inform Councillors that the Public Accounts Committee will be holding public meetings into Local Government Accountability in Western Australia in Northam on the 25 July, 2006.

Council made a submission to this committee in October 2005 (CMRef 28122). Would you please advise me if any Councillors are interested in attending the hearing.

Energy Audit

WALGA is conducting an audit of energy use within Local Governments in an attempt to obtain discounts for electricity tariffs. We have supplied WALGA with the necessary details and authorisations so they can investigate whether any savings can be made by the Shire of Merredin.

CEO Quarterly Performance Report

At the CEO's Performance Review a number of dynamic indicators were developed for achievement by the CEO for the next twelve month period.

Attached to this item is a quarterly report on the progress of each of those performance indicators. **Attachment 10.1A.**

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Avon Catchment Council – Community Board Member Elections

The Avon Catchment Council indicates that nominations for members to the board opens on the 12 June and closes on the 7 July 2006. As a result of the restructure six community board positions are available, two positions each for Avon, Yilgarn and Lockhart sub catchments. CEO's of Local Governments or Chairpersons of LCDC's are required to endorse any applications that are forwarded to the Avon Catchment Council.

A copy of the advertisement is attached for Council information.

Attachment 10.1B.

Officer's Recommendation:

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

28536 Moved Cr Crees sec Cr Astbury

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

CARRIED 10/0

10.2 AGRICULTURE PROTECTION BOARD – NOMINATIONS FOR ZONE CONTROL AUTHORITIES

Reporting Department: Administration
Reporting Officer: Frank Ludovico - Chief Executive Officer
Legislation: Local Government Act
File Number:

Background

The Agriculture Protection Board has written to Council seeking nomination for Zone Control Authorities. For the Merredin Zone Councillor Campbell Mathew Hudson and Mr Alexander Frederick Mullins (Trayning) and Mr Mark Crees (Merredin) are board members whose terms expire on the 1st August 2006.

The Board would be pleased to receive no later than 30 June 2006 details of Councils nominee or alternate nominee or deputy including a brief CV for new nominees.

Legal Implications

The Agriculture and Related Resource Protection Act 1976 requires that nominations be sought from Local Government and active producer associations within each zone.

CEO Comment

I have been unable to determine whether Council has made a nomination for Zone Control Authority in the past.

Staff Recommendation

That Council nominate Councillor to the Merredin Zone Control Authorities for the Agriculture Protection Board.

28537

Moved Cr Jones sec Cr Morris

That Council nominate Councillor Mark Crees to the Merredin Zone Control Authorities for the Agriculture Protection Board.

CARRIED 10/0

10.3 REGISTRATION OF VOTING DELEGATES – WALGA ANNUAL GENERAL MEETING

Reporting Department: Administration
Reporting Officer: Frank Ludovico - Chief Executive Officer
Legislation: Local Government Act
File Number:

Background

WALGA has asked that Council advise them of the two voting delegates for the Annual General Meeting of the Western Australian Local Government Association.

Council's delegates to the Great Eastern Country Zone of the Western Australian Local Government Association is Councillor Ken Hooper and Councillor Marley. I believe that Cr Marley will not be attending the 2006 Annual Conference.

At Council's April 2006 Council meeting the issue of developing agenda items for the Annual General Meeting was discussed. No formal resolution was made however it was suggested that the following items be brought forward:

- Development costs of land;
- Purchasing reserve land for development; and
- Subsidies for land development in the Wheatbelt.

In discussing these matters with the President and the Secretary of the Great Eastern Zone of WALGA it was felt that a more coordinated approach through WE-ROC and Zones would better develop a proposal and garner the support required to achieve a successful outcome.

Staff Recommendation

That Council nominate Councillor.....and Councillor..... as voting delegates for the Shire of Merredin at the Western Australian Local Government Associations Annual General Meeting.

28538 Moved Cr Jones sec Cr Morris
That Council nominate Councillor K Hooper and Councillor Crees as voting delegates for the Shire of Merredin at the Western Australian Local Government Associations Annual General Meeting.
CARRIED 10/0

10.4 LOCAL GOVERNMENT REFORM IN WESTERN AUSTRALIA – ENSURING FUTURE SUSTAINABILITY OF COMMUNITIES

Reporting Department: Administration
Reporting Officer: Frank Ludovico - Chief Executive Officer
Legislation: Local Government Act
File Number:

Background

At Council's 20 December 2005 meeting (**CMRef 28223**) Council made a submission to the Local Government reform in Western Australia – Ensuring Future Sustainability of Communities enquiry.

In April 2006 the Local Government Advisory Board released a report entitled "Ensuring the Future Sustainability of Communities" which reported on its findings and the submissions made concerning the issue.

On the 8th May 2006 I provided Councillors with copies of the pages that specifically concerned Merredin and the Wheatbelt Region as well as a copy of all the recommendations contained in the report.

Attached to this agenda item is a copy of the questionnaire that the Local Government Advisory Board would like Local Governments to complete in order to provide a response on the April 2006 report. (**See attachment 10.4A**)

Comment

The report on a number of occasions (Pages 63 & 124) indicates that the Shire of Merredin is not part of any regional organisation of Councils. I believe that Council needs to clearly indicate that the Shire of Merredin was the prime mover in the establishment of the Wheatbelt East – Regional Organization of Councils and without the dedicated work of Councils previous Chief Executive Officer, WE-ROC may not have been established.

The report seems to be very much in favour of regional co-operation and the identification of three regional centres (Merredin, Katanning and Narrogin) as not being members of a Regional Grouping either questions the relationship of the regional centres to its neighbours or the relationship between neighbours to regional centres.

Whilst this may be the case in other regional centres Merredin certainly has embraced the issue of regional cooperation and is actively pursuing this through WE-ROC, tourism initiatives, sporting, environmental health and animal control.

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In respect to the Local Government Advisory Board questionnaire I have appended a draft to this agenda for Council's consideration.

I have only made comments on issues which directly affect the Shire of Merredin believing it is inappropriate to discuss issues such as the structural reform of the western suburbs etc.

Staff recommendation

That Council advise the Western Australian Local Government Advisory Board that:

1. *The Shire of Merredin was a prime instigator of the WE-ROC organization and is an active participant in the organisation.*
2. *The report attached as Attachment 10.4A be forwarded to the Western Australian Local Government Advisory Board as the Shire of Merredin response to Ensuring the Future Sustainability of Communities – April 2006 report.*

J McGovern left the meeting at 4.43pm.

J McGovern entered the meeting at 4.44pm.

28539

Moved Cr Jones sec Cr Wallace

1. *That Council advise the Western Australian Local Government Advisory Board that the Shire of Merredin was a prime instigator of the WE-ROC organization and is an active participant in the organization; and*
2. *The report (Attachment 10.4A) as amended be forwarded to the Western Australian Local Government Advisory Board as the Shire of Merredin response to Ensuring the Future Sustainability of Communities – April 2006 report.*

CARRIED 10/0

10.5 SYSTEMIC SUSTAINABILITY STUDY – WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION

Reporting Department: Administration
Reporting Officer: Frank Ludovico - Chief Executive Officer
Legislation: Local Government Act
File Number:

Background

In April 2006 Western Australian Local Government Association issued an initial discussion paper and a call for submissions on the Systemic Sustainability Study on Local Governments in Western Australia. A copy of the study document is attached for Council information. (**Attachment 10.5A**).

WALGA has invited local governments to make submissions based on the terms of reference (Page 5 of the report) to the study team by the 7th July 2006.

Comment

Terms of Reference seem to be similar to the Local Government Advisory Board enquiry into Ensuring the Future Sustainability of Communities which Council dealt with at its 20 December 2005 meeting (CMRef 28223).

Other issues have not previously been addressed and comment is required.

I have developed a draft report which is attached to the Agenda for Council perusal. **Attachment 10.5B**

Staff Recommendation

That Council forward its submission to the Western Australian Local Government Association Systemic Sustainability study as attached.

28540 Moved Cr Jones sec Cr Townrow
That Council forward its submission to the Western Australian Local Government Association Systemic Sustainability study as attached.
CARRIED 10/0

Cr Marley departed the meeting at 4.48pm.

Cr Marley entered the meeting at 4.50pm.

MINUTES**10.6 RECOGNITION OF NAIDOC WEEK**

Reporting Department: Councillor
Reporting: Cr Julie Townrow
Legislation: Local Government Act
File Number:

Background:

NAIDOC celebrations are held around Australia in the first full week in July to celebrate the history, culture and achievements of Aboriginal and Torres Strait Islander people.

NAIDOC originally stood for 'National Aborigines and Islanders Day Observance Committee'. This committee was once responsible for organising national activities during NAIDOC Week and its acronym has become the name of the week itself.

The week is celebrated not just in the Indigenous community, but also in increasing numbers of government agencies, schools, local councils and workplaces.

Wherever you live, taking part in NAIDOC Week is a great way to celebrate Indigenous culture. NAIDOC has its origins in the fight for Aboriginal rights that began to gather pace in the 1920s and 1930s. In those years, organisations such as the Australian Aborigines Progress Association, the Australian Aborigines League, and the Aborigines Progressive Association were established to draw attention to the living conditions suffered by Aboriginal people and their lack of citizenship rights.

In 1937 activists William Cooper and William Ferguson joined forces to plan a 'Day of Mourning' for 26 January 1938, the 150th anniversary of British settlement of Australia. Around 1000 Aboriginal people attended a conference on that day, and the following week a deputation presented the Prime Minister with a proposed national policy for Aboriginal people. (This was rejected because the Commonwealth then had no constitutional responsibility for Aboriginal affairs.) Cooper also wrote to the National Missionary Council of Australia (NMCA) seeking its support in promoting a permanent annual Aborigines Day. From 1940 the NMCA encouraged churches to observe the Sunday before the Australia Day weekend as 'Aboriginal Sunday'. In 1955 the NMCA changed the date to the first Sunday in July.

In 1957 a National Aborigines Day Observance Committee (NADOC) was formed with support and cooperation from Federal and State governments, the churches and major Indigenous organisations. Its aim was to promote Aboriginal Sunday as a day to focus community attention on the nation's Aboriginal people. After the 1967 Aboriginal Referendum and the establishment in 1972 of a Federal Department of Aboriginal Affairs, the

MINUTES

national focus on Indigenous issues increased significantly. In 1974 NADOC became an all-Indigenous committee, and in 1975 extended Aboriginal Day to National Aborigines Week.

In 1985 NADOC agreed to change the dates of the week from July to September and in 1988 the committee's name was changed to NAIDOC—National Aborigines and Islanders Day Observance Committee—to acknowledge Torres Strait Islander people.

In 1991 the committee decided to shift the celebrations back to the first week in July (Sunday to Sunday) starting from 1992. The committee was wound up in the mid-1990s, when the Aboriginal and Torres Strait Islander Commission (ATSIC) assumed control of NAIDOC Week, making decisions on the theme, venue and poster.

NAIDOC stands for National Aboriginal and Islander Day of Celebration and build bridges between Indigenous and non-Indigenous Australians. **NAIDOC** celebrates the survival of Indigenous culture and the Indigenous contribution to modern Australia. All Australians are encouraged to participate in **NAIDOC** Week activities.

In addition to the many local activities, NAIDOC celebrations traditionally have a 'national focus':

Recommendation :

1. *That the Shire of Merredin include the purchase of two flag poles in their 2006/07 Budget, to be installed per requirements to fly all necessary National State and local flags.*
2. *That the Shire of Merredin diarize the need to raise the NAIDOC flag during the first week of July each year.*

28541

Moved Cr Townrow sec Cr Astbury

1. *That the Shire of Merredin include the purchase of two flag poles in their 2006/07 Budget, to be installed per requirements to fly all necessary National State and local flags.*
2. *That the Shire of Merredin diarize the need to raise the NAIDOC flag during the first week of July each year.*

CARRIED 7/3

10.7 ROADS TO RECOVERY SUPPLEMENTARY FUNDING

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

Background

The second Roads to Recovery Programme commenced in the 2005-06 financial year. The Shire of Merredin will receive \$348,370 per annum for the 4 year term of the programme ending 2008/09.

The Federal Minister for Local Government, Territories and Roads has advised that local governments will receive additional supplementary funds equivalent to one year's payment. It is stipulated a programme of works will need to be submitted to the Federal Department of Transport and Regional Services (DOTARS) by 30 September 2006, although the funds need not be spent until 2008/09.

The supplementary funds are subject to a number of conditions similar to the original R2R2 Programme. The programme also has strict requirements including an annual CEO's Report with an audited financial statement to include a certification to the effect that:

- (i) the Programme funds have been used for roads expenditure;
- (ii) the Council has maintained expenditure on roads from its own resources;
- (iii) signs have been erected in accordance with the Guidelines; and
- (iv) other conditions set out in the Conditions and Guidelines have been complied with.

Comments

The Ministerial media statement informs the purpose of the supplementary programme is a one-off additional payment aimed at expediting the maintenance of ageing transport infrastructure.

It is a specific condition of the supplementary programme that local governments agree to the conditions of acceptance. The timing of supplementary road works must be determined by 30 September 2006 and will be the subject of a future Engineering and Works report.

Officer's Recommendation

That Merredin Shire Council :

- a) accepts the Roads to Recovery supplementary funding; and*
- b) express its appreciation to the Federal Minister for Local Government, Territories and Roads for the supplementary Roads to Recovery Funds.*

28542

Moved Cr Jones sec Cr Townrow

That Merredin Shire Council :

- a) accepts the Roads to Recovery supplementary funding; and*
- b) express its appreciation to the Federal Minister for Local Government, Territories and Roads for the supplementary Roads to Recovery Funds.*

CARRIED 10/0

MINUTES**10.8 DEPUTY CHIEF EXECUTIVE OFFICER'S REPORT**

Reporting Department: Administration
Reporting Officer: James McGovern, CEO
Legislation: Local Government Act 1995
File Number:

Merredin Regional Community and Leisure Centre Update

Tricia Martin has been appointed as Merredin Regional Community and Leisure Centre Manager and will commence work on 18th July. Tricia will visit Merredin on 27th June to attend the Recreation Centre Management Committee meeting.

Visitor Centre Manager's Report

Report is at **Attachment 10.8A**

Library Managers Report

Report is at **Attachment 10.8B**

Cummins Theatre A/Manager

Report is at **Attachment 10.8C**

Community and Economic Development Project Officer's Report

Report is at **Attachment 10.8D**

Natural Resource Management Officer's Report

Report is at **Attachment 10.8E**

Records Management Report

Statistics (From 12 May to 14 June 2006)

Total Mail In	730
Accounts Received	42
Invoices	229
General	459
Appreciations	3
Complaints	5
Total Mail Out	632

Status Report:

The Action sheet detailing progress of Previous Council Resolutions from March 2004 is **Attachment 10.8F**.

Budget Timetable

Shire staff are developing the 2006/2007 budget and propose to conduct a workshop with Councillors to assess the recommendations for the operating budget on Wednesday 19 July, 2006 at 11.00am. Staff will then be in a position to prepare the budget for adoption at a Special Council meeting to be held on Monday 31 July 2006.

Financial Management System

Council budgeted \$57,500 in the 2005/2006 Annual Budget for Information Technology replacement, and specifically a new financial management system. Shire staff investigated available systems over a period of months, receiving quotes from present financial system provider, IT Vision and current auditing firm UHY Haines Norton. Both companies produce software solutions for small to medium sized local governments.

IT Vision is one of three suppliers on the Western Australian Local Government Association's (WALGA) Preferred Supplier Panel for Small/Medium sized Councils. This panel contract enabled Council to evaluate and select the supplier without having to go through a tender process, as provided for under regulation 11 (2)(b) of the Local Government (Functions and General) Regulations 1996. As matters stand, the quote from IT Vision was under the threshold for compulsory tendering, approximately \$45,000

It is considered IT Vision SynergySoft offers the best value for money package, with full integration of all modules in a web browser-based platform and relative ease of transference of existing data, a common problem when migrating between different financial management systems.

The UHY Haines Norton system did not feature on the WALGA Panel, is not a fully integrated system (i.e. rating system is separate to finance module, requiring double entry of information) and operates in a modified 'Quick Books' environment. It is interesting to note at least one small wheatbelt local government already utilising an 'off the shelf' financial management package favour this product. Alternative packages available through the WALGA Panel include Technology One and Civica (Authority), both regarded as suitable for medium to large local governments and priced accordingly.

Following the Shire's system assessment in November 2005, the question of whether WEROC local governments should consider a common accounting platform was raised. NEWROC local governments adopted a similar perspective. Representatives from many of the WEROC/NEWROC local governments attended an information session hosted by the Shire of Kellerberrin in March 2006 to assess the IT Vision product.

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As a result of the combined investigation of financial management systems by WEROC and NEWROC local governments, some Councils have now resolved to commit financially to SynergySoft, these being the Shires of Narembeen, Trayning and Mount Marshall. These local governments will now join the Shire of Merredin in concurrently implementing the new financial management system, as early as November 2006. Joint installation as a group with these Local Governments will deliver the economies of scale due to savings in minimising training and implementation costs.

2006/2007 Emergency Service Levy Allocation

Fire and Emergency Service Authority write to advise the following allocation for the Shire of Merredin in the coming financial year :

Bush Fire Brigades

Operating Grant - \$19,444

Capital Grant (Hines Hill Brigade 2 bay fire station) - \$36,000

State Emergency Service

Operating Grant - \$15,150

Capital Grant (Troop Carrier) - \$60,000

The allocation of funding for a fire station is pleasing considering the difficulties local government is experiencing gaining approval for buildings since the introduction of the ESL, priority being given to firefighting appliances. A meeting with Hines Hill Bush Fire Brigade members will be held to discuss placement of the station.

Council is also notified that Fire and Emergency Services Authority have agreed to a request dating to October 2005, for the Shire to call public tenders for the disposal of the former Burracoppin and Hines Hill fast attack units. Both Brigades received refurbished units last year and requested the local community be given the chance to bid for these vehicles, to be used as on-farm firefighting equipment, not as part of the Brigades' equipment. It is a condition of tendering that the reserve prices set by FESA must be achieved. The Shire will recoup the administrative costs associated with the tender procedure.

Physical Activity Plan and Grant Funding

As reported, the Regional Be Active Coordinator is engaged to prepare the Shire's Physical Activity Plan (CM Ref 28306) and has informed the anticipated date for completion is August 2006.

Anticipating the completion of the Plan, an application was made to the Physical Activity Task Force (PATF) for grant funding to for the role of a Physical Activities Coordinator, with the primary intention being acquire funding to develop programmes and activities identified in the Plan. PATF recently approved funding of \$16,500 (gst incl) for this purpose. It is intended this funding will assist the newly appointed Recreation Centre Manager to plan for physical activities.

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Department of Sport and Recreation – Club Development Officer

The Department of Sport and Recreation released a new grant scheme in May 2006, for local government interested in appointing a Club Development Officer. The grant recognises that club development has not been a priority for state sporting bodies, nor have they had the capacity or expertise to deliver tangible club development at the local level.

Funding is available for Club Development Officer salaries with a suggested range of \$40,000 to \$45,000 per annum. Positions may be applied for a period up to 3 years. No financial commitment is necessarily required of applying local governments, but in-kind support in terms of management, equipment, IT and work venue is to be supplied.

The Merredin Sports Council was recently consulted in the opportunity to apply for a position and agree there is a need and justification to support clubs and associations in Merredin with their individual development. Advice from the Department of Sport and Recreation is that a Club Development Officer may also be tasked to assist non-sporting associations, and this may be an additional incentive to pursue this grant.

Much discussion is required, particularly involving the new Recreation Centre Manager, as to the application and logistical impact of sourcing a grant for this position. However, it is felt the opportunity to obtain a fully-funded resource to assist in the critical developmental role of clubs in Merredin, is too good an opportunity to pass up. Council is also reminded that as for any other grant, a successful application need not be accepted. An application will be prepared by the closing date of 16 June 2006.

The Be-Active Management Committee discussed this Scheme recently and agreed to apply for funding so that the Be-Active Coordinator incorporates some club development roles. However the committee agreed that Merredin would not benefit from this application and was better suited to an individual application for a dedicated Club Development Officer to service the Merredin district.

Cummins Theatre – Repertory Club

In response to interest from members of the community, meetings were held at the Cummins Theatre on 29th May and 19th June to gauge interest in re-forming repertory club to engage in live theatre. Council will recall the Repertory Club, also the former management body of the Cummins Theatre, ceased it's activities in the early 1990's after approximately 30 years of live theatre.

Of recent times, there has been some interest in re-establishing live theatre and the Shire facilitated a meeting of interested community members on 29th May 2006. Those present had some degree of theatrical experience, in Merredin and other communities. Their impression of the Theatre, store of costumes, staging, property and venue was that the Cummins Theatre had many

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advantages not enjoyed by other theatre companies and venues of which they had past involvement.

It was decided a general public meeting would be publicised and hosted at the Theatre on 19th June 2006, to provide a first opportunity for community members to attend and for the direction and timing of re-establishing live Theatre to be discussed. Inevitably, there will be further meetings to discuss the future of live theatre, and consider the potential to branch out into other forms of performing arts such as music, fine arts and cultural activities.

Cummins Theatre – Grant Funding

The Shire recently received 2 LotteryWest grants pertaining to the Cummins Theatre :

- Conservation Plan : Council resolved in October 2005 to apply for funding to prepare an updated Conservation Plan for the Cummins Theatre (CMRef 28123). The previous Plan was completed in 1994 and the new Plan will update the architectural information and prepare Council for application to funding bodies, that often require applicants to show evidence a recent Conservation Plan has been completed. Palassis Architects anticipate conducting the work in August 2006 and the Shire has a December 2006 deadline for report completion, when the Commonwealth National Heritage Investment Initiative applications open.
- Equipment Grant : The Shire was granted an amount of \$3,000 for a new mobile public address system, to be housed at the Cummins Theatre. The new system will be available for both Theatre and external public functions around the Shire, particularly those previously serviced by the Shire's PA housed in the Function Room, which has insufficient amplification for major outdoor events such as Australia Day (bbq and pool) and Welcome to Merredin. The Shire acknowledges the assistance of Mr Phil Skipsey from Bruce Rock, in sourcing and supplying the new system.

Country Housing Authority Grant Application

The Shire of Merredin has made application to the current round of Country Housing Authority (CHA) assistance grants for \$50,000 funding to construct the new Recreation Centre Manager's residence at 69 Coronation Street. The Shire has just completed construction of the Visitor Centre Manager's residence at this address, partially funded with a \$50,000 CHA grant approved in 2005. The present residence was constructed on this block with an additional residence planned for the southern portion, hence a strata type construction. The same design plan will be utilised for the new residence.

The Manager of Development Services recently reported the 2006/2007 Housing Stock Plan, including construction of a residence on this property. It is expected the construction costs will approximate \$150,000.

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The timing of the announcement of successful grants is not known, however the previous CHA funding round was announced within 3 months of close of submissions.

Officer's Recommendation

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

Budget meeting to be held on Wednesday 19 July 2006 at 11.00am.

Cr N Hooper entered the meeting at 5.12pm.

28543

Moved Cr Simmonds sec Cr Wallace

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

CARRIED 11/0

10.9 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 10.9A**) is the Monthly Financial Report prepared for Council.

Officer's Recommendation:

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

28544

Moved Cr Morris sec Cr Morley

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

CARRIED 11/0

10.10 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 10.10A**.

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 \$406,939.65 and amount directly debited from Councils Municipal Fund Bank Account BSB 066-518 000 000 10 totalling \$123,825.15 endorse trust cheques totalling \$2,642.34 and outstanding creditors totalling \$38,896.36.

28545

Moved Cr N Hooper sec Cr J Simmonds

That the Merredin Shire Council receive the schedule of accounts as listed, covering cheques as numbered and totalling \$406,939.65 and amount directly debited from Councils Municipal Fund Bank Account BSB 066-518 000 000 10 totalling \$123,825.15 endorse trust cheques totalling \$2,642.34 and outstanding creditors totalling \$38,896.36.

CARRIED 11/0

10.11 2006/2007 SCHEDULE OF FEES AND CHARGES

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

Background

Shire staff are progressively working toward the development of the Annual Budget for adoption in July 2006. Part of the process has been completed, with the assessment of the Schedule of Fees and Charges brought to Council's attention (**Attachment 10.11A**).

Comment

Staff with management responsibility for sections of the Schedule of Fees and Charges provided input to levels of revenue required to meet the cost of providing services.

One relatively 'cosmetic' alteration to the Schedule is rounding of total cost to assist front counter cash transactions.

Generally, staff are satisfied the comprehensive review of the Schedule in preparation for the 2004/2005 Annual Budget brought services charges up to a level that reimbursed the cost of providing services. Proposed increases or additions reflect necessary adjustments to keep pace with the cost of providing services, or include previously unrecorded items such as a more complete list of Shire plant applied to private works.

Officer's Recommendation

That the Merredin Shire Council endorse the attached Schedule of Fees and Charges and include in the 2006/2007 Annual Budget document to be formally adopted in accordance with Section 6.16(3) of the Local Government Act 1995.

28546

Moved Cr Jones sec Cr Morley

That the Merredin Shire Council endorse the attached Schedule of Fees and Charges and include in the 2006/2007 Annual Budget document to be formally adopted in accordance with Section 6.16(3) of the Local Government Act 1995.

CARRIED 11/0

MINUTES**10.12 CUMMINS THEATRE SUCCESSION PLANNING – TRAINEESHIP OPPORTUNITY**

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

Background:

Council is aware of the absence on long service leave of the Cummins Theatre Manager, Richard Salisbury-Sexton until August 2006, with Jonathon Robartson fulfilling the role of Duty Manager during the period of leave.

Shire management is conscious of the need to consider succession planning at the Theatre given the unique nature of this position and relative shortage of suitably experienced and trained facility managers. Shire positions are inevitably vacated and in the instance of the Theatre, it should not be taken for granted that a suitable Theatre Manager will be identified in the normal course of staff recruitment.

The process of engaging Mr Robartson (via the Work for the Dole scheme) and developing a training programme that has prepared him for the role of Duty Manager has been a success, in no small part due to the efforts of Mr Salisbury-Sexton. This effort has been developed one step further, with investigation of the availability of a suitable traineeship to further improve the skills of Mr Robartson, and consequently offer to Council the opportunity or commit to a succession plan for the Cummins Theatre.

Contact with both C Y O'Connor TAFE and registered training organisation CCI Employfast, Northam has resulted in the offer to engage Mr Robartson in a mix of Certificate III in Meetings and Events and Certificate II in Tourism. This course of study appears most appropriate to the role of the Theatre Manager, with any gaps in course information most likely to be adequately compensated with ongoing direction and tutelage by Mr Salisbury-Sexton.

For Council to commit to this traineeship, it is necessary for Mr Robartson to be employed on at least a part-time basis (minimum 25 hours per week or 0.5 FTE). Council will obtain traineeship payments to cover a portion of employment cost.

Employment costs are set out below :

Cummins Theatre Trainee - Level 2.1 (0.5 FTE)	\$14,656 (\$15 per hour)
less Traineeship Funding	(\$4,000)
2006/2007 Budget Implication	\$10,656

Comment:

It is brought to Council's attention this report does propose a succession plan for the Cummins Theatre Manager, but does not inform Council of the timing of succession. Whilst Mr Salisbury-Sexton is open with Shire management in regard to the inevitability of retirement, Council is informed it does not follow that the completion of the traineeship will be immediately followed by succession, nor that entering into a traineeship will necessarily lead to a reduction in hours worked by the Cummins Theatre Manager. Timing of staff retirement is a matter for the individual employee to determine.

Council may question the wisdom of engaging Mr Robartson in a traineeship prior to the immediate need to replace the Cummins Theatre Manager. Mr Robartson is aware that a decision to commence a traineeship is no guarantee of ongoing employment; no traineeship conducted by the Shire carries this guarantee.

However, Mr Robartson has shown a great deal of application to the role of Duty Manager and has left alternative employment in favour of working for the Shire at the crucial time of absence of Mr Salisbury-Sexton, with only the reassurance that Council will be approached with a proposal of engaging him in a traineeship.

Further, it is reiterated there is no suggestion of an on-going commitment to the employment of Mr Robartson beyond the traineeship period (i.e. 2006/2007 budget) with Council to determine this issue in the context of human resource requirements of the Cummins Theatre in 2007/2008. However the prospect of having an individual who is a resident of Merredin, trained and experienced in operations of the Cummins Theatre is a convincing argument for the traineeship to be offered to Mr Robartson.

It is recommended that Council offer this traineeship opportunity to Mr Robartson, with funding allocated in the 2006/2007 budget.

Legal Implications:

A traineeship is a written undertaking from the Shire to support an individual with employment whilst they comply with study obligations. An individual is not tied to this arrangement and can decline to continue with a traineeship.

Budget Implications:

As stated in the body of the report.

Officer's Recommendation:

That Council :

1. *Receive the report entitled 'Cummins Theatre Succession Planning – Traineeship Opportunity';*
2. *Consider allocating funding in the 2006/2007 Annual Budget to employ Mr Jonathon Robartson as Cummins Theatre trainee on 0.5 (full time equivalent) basis as described in the body of this report; and*
3. *Consider engaging Mr Jonathon Robartson in a traineeship with registered training organisation CCI EmployFast, as described in the body of this report.*

28547 Moved Cr Astbury sec Cr Townrow

That Council :

1. *Receive the report entitled 'Cummins Theatre Succession Planning – Traineeship Opportunity';*
2. *Consider allocating funding in the 2006/2007 Annual Budget to employ Mr Jonathon Robartson as Cummins Theatre trainee on 0.5 (full time equivalent) basis as described in the body of this report; and*
3. *Consider engaging Mr Jonathon Robartson in a traineeship with registered training organisation CCI EmployFast, as described in the body of this report.*

CARRIED 11/0

MINUTES**10.13 WINDOW ON THE WHEATBELT INTERPRETATION CENTRE**

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

Background

The Shire of Toodyay writes to seek in principle Council support for the development of a ‘Window on the Wheatbelt’ interpretation centre to be located in a recently purchased heritage building adjacent to the Toodyay Visitor Centre.

As can be seen from the attached correspondence (**Attachment 10.13A**) the Shire of Toodyay intends that the Centre will provide visitors with a range of information about the unique facets for the wheatbelt. The Shire believe the location is most suitable for this development due to the high visitation rates in Toodyay.

The Shire of Toodyay needs to demonstrate regional support for the project to assist with seeking grant funding for research, consultation and business planning.

Comments

This matter has been discussed with Visitor Centre Manager, Pam Masters for a local perspective and as the representative on the Pioneers Pathway Route Group, which met and discussed this matter on 9th June. The following comments are the joint view of the Shire of Merredin and the Pioneers Pathway Route Group, underpinning the Officer’s Recommendation.

Support for this initiative is not recommended for the following reasons :

1. **Authenticity :** The wheatbelt region has a different origin to the Avon Valley, developed at different times and has a different agricultural base. It is recognised the concept attempts to draw visitors from the Avon Valley into the region, but concepts of this type work best where the activity occurs and are usually out of place in another context (i.e. Mining Hall of Fame).
2. **Comparative Advantage :** A town such as Cunderdin would be a more advantageous location as the natural geographic gateway to the wheatbelt. Other advantages include existing farm lifestyle pavilion, agricultural machinery and natural wheatbelt landscape. It is also located close by augmenting wheatbelt interpretations, for example the Tammin hydrology model which tells the story of the rise of salinity. Toodyay has it’s own, different story such as indigenous, environmental and convict history, much of which is yet to be told.
3. **Regional Cooperation :** Toodyay was an initial partner in the Pioneers Pathway, an iconic historical trail through wheatbelt towns. It is

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understood part of the reason for withdrawing from the Pioneer Pathway Route Group was lack of association with the wheatbelt.

There is a lack of confidence the Shire of Toodyay is capable of working cooperatively in a broad regional context, as would be necessary to adequately develop this all-embracing concept.

Officer's Recommendation

That Merredin Shire Council inform the Shire of Toodyay it does not support the development of the 'Windows on the Wheatbelt' Interpretation Centre as they feel such a centre would be more appropriately located in a Wheatbelt community.

28548

Moved Cr Marley sec Cr Astbury

That Merredin Shire Council inform the Shire of Toodyay it does not support the development of the 'Windows on the Wheatbelt' Interpretation Centre as they feel such a centre would be more appropriately located in a Wheatbelt community.

CARRIED 11/0

**10.14 REGISTER OF HERITAGE PLACES – AUSTRALIAN GENERAL
HOSPITAL AND RAILWAY DAM**

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

Background

In March 2006, Council was informed the Heritage Council of WA was in the process of listing Railway Dam at Merredin Peak on the Register of Heritage Places. The Shire has been informed by a letter dated 8th June that both the Railway Dam and Australian General Hospital at Merredin Peak will be considered for listing at a meeting of the Register Committee of the Heritage Council on a date to be announced.

The purpose of this report is to seek formal Council support of the proposed listing on the Register and to provide Council with opportunity to make comment that may be provided to the Register Committee at the meeting. The Heritage Council advises a local government representative may participate in the Register Committee meeting to bring forward views on the proposed listing. The local government representative will have voting rights at this meeting.

Comment

The following information from the Heritage Council informs of the consequence of a listing on the Register of Heritage Places. It is provided to assist Council's understanding of the consequences, and to help shape comment Council may wish referred to the Register Committee.

'If a place is included in the State Register of Heritage Places, any changes or works that may affect that place's significance are required to be referred to the Heritage Council for advice. This does not mean a place can not be changed. In fact, the Heritage Council supports practical changes and new compatible uses. The Heritage Council's role is to ensure that any proposed changes do not have an adverse impact on the significant values of a place.'

The Heritage Council can also provide advice on proposed development of non registered places. However, in these instances the advice is for consideration only and is not binding. The process of gaining Heritage Council advice on proposed development to a heritage place is called a development referral.'

Previous discussion with the Heritage Council regarding Railway Dam related to the ongoing use of the dam for town reticulation supply purposes. The Council expects the present use to continue at the Shire's discretion and that heritage listing will not affect the working nature of the site.

It is regarded as a benefit of heritage listing that the value and permanency of a site is recognised beyond local appreciation, and has the potential to attract available grant funding for maintenance, conservation and interpretation. Register of Heritage Place status is a prerequisite for funding from the Heritage Council, LotteryWest Heritage grants and the Commonwealth National Heritage Investment Initiative. The timing of Heritage Listing will assist ongoing development of the Merredin Peak Management Plan, which is at the stage of investigating grant opportunities to progress with community consultation based recommendations.

It is recommended that Council support the proposed heritage listing of the two sites. It is open for Council to provide comment on the proposal to provide to the Register Committee, and to amend the Officer's Recommendation accordingly to reflect Council's views.

Officer's Recommendation

1. *That the Merredin Shire Council support the listing of Railway Dam (P13523) and Australian General Hospital (P13516) sites on the Register of Heritage Places.*
2. *That the Merredin Shire Council advise the Heritage Council of WA that it wishes to retain the use of the Railway Dam for town reticulation purposes.*

28549

Moved Cr Jones sec Cr Townrow

1. *That the Merredin Shire Council support the listing of Railway Dam (P13523) and Australian General Hospital (P13516) sites on the Register of Heritage Places.*
2. *That the Merredin Shire Council advise the Heritage Council of WA that it wishes to retain the use of the Railway Dam for town reticulation purposes.*

CARRIED 10/1

Cr Morley left the meeting at 5.54pm.

Cr Morley entered the meeting at 5.59pm.

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Cr Morris declared an Impartiality Interest in Item 10.15.

10.15 MERREDIN TELECENTRE MEMORANDUM OF UNDERSTANDING

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

Background

In March 2006, the Merredin Regional Community and Leisure Centre Management Committee recommended that Council support a proposal from the Merredin Telecentre Management Committee to relocate to the Merredin Regional Community and Leisure Centre. Council considered this in April 2006, resolving (CM Ref. 28375)

‘That the Merredin Shire Council give ‘in principle’ support for the Merredin Telecentre to relocate to the Merredin Regional Community and Leisure Centre.’

Since this resolution, a meeting with the Telecentre Management Committee resulted in the drafting of a Memorandum of Understanding (**Attachment 10.15**). This document is based upon the Memorandum of Understanding adopted by the Merredin Shire Council in for clubs and associations utilising and sharing facilities at the Recreation Centre (CMRef 28221) with additional assistance and input from the Department of Local Government as part of it’s Telecentre Network focus.

The draft MoU is regarded by parties to represent the spirit of cooperation and mutual benefit that is intended under the initial proposal from the Telecentre. It encompasses the type of agreement the Shire will reach with many other groups and organisations, recreational and community-based alike, that will relocate to the Merredin Regional Community and Leisure Centre.

Comment

Main features of the MoU are :

- Ensuring the Telecentre has flexibility and autonomy to deliver a valuable service to the community from the new Centre;
- Parties will share cost of Telecentre Coordinator salary (\$20,000 each) recognising that 50% of the Coordinator’s role will encompass administrative duties under direction of the Shire of Merredin;
- Undertaking that the Telecentre has reasonable access to the Centre to permit it’s membership conduct activities, at no rental charge;
- Ownership of all Telecentre furniture and equipment will transfer to the Shire of Merredin for the period of occupancy;
- Parties will work cooperatively to ensure both the Telecentre and Recreation Centre are managed to provide maximum benefit to the community.

Some fine-tuning of the agreement is required (i.e. provision of relief staff), together with the development of a position description. This joint position description will be vehicle that ties the two parties together and defines the roles and responsibilities of the shared employee.

Any future re-wording is most likely to reflect logistical or administrative arrangements and is expected to be relatively minor in nature, with the principles of agreement contained within the draft document. It is recommended Council endorse this Memorandum of Understanding, with the Chief Executive Officer authorised to progress the document through to final completion and reporting to Council any major alterations to the draft MoU.

In addition to recommending the MoU be endorsed by Council, it is also recommended that Council revisit the resolution from the April 2006 meeting (CMRef 28376) to charge the Telecentre rental in the ongoing period of occupancy at the Old Municipal Chamber, prior to relocating to the Merredin Regional Community and Leisure Centre.

The determination of the Memorandum of Understanding confirms the Telecentre Management Committee's willingness to both occupy, and provide services to, the Recreation Centre. Physical relocation can not occur for some months and it is believed that providing the use of the Old Municipal Chamber supports the spirit of the agreement and offsets a financial burden placed upon the Telecentre. Permitting the Telecentre to direct income to specific activities will benefit the community and will not unduly affect the Shire's revenue stream.

Officer's Recommendation

That Merredin Shire Council :

1. *Endorse the Memorandum of Understanding between the Shire of Merredin and Merredin Telecentre;*
2. *Authorise the Chief Executive Officer to determine final draft of Memorandum of Understanding, with major variations referred to Council for consideration; and*
3. *Permit the Merredin Telecentre to continue to occupy the Old Municipal Chambers from 1 July 2006 for nil rental, until such time as relocation to the Merredin Regional Community and Leisure Centre is possible.*

Moved Cr Astbury sec Cr Simmonds

28550 *That Merredin Shire Council :*

1. *Endorse the Memorandum of Understanding between the Shire of Merredin and Merredin Telecentre;*
2. *Authorise the Chief Executive Officer to determine final draft of Memorandum of Understanding, with major variations referred to Council for consideration; and*
3. *Permit the Merredin Telecentre to continue to occupy the Old Municipal Chambers from 1 July 2006 for nil rental, until such time as relocation to the Merredin Regional Community and Leisure Centre is possible.*

**CARRIED 9/2
ABSOLUTE MAJORITY**

13.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

14.0 QUESTIONS BY MEMBERS FOR WHICH DUE NOTICE HAS BEEN GIVEN

15.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

16.0 MATTERS BEHIND CLOSED DOORS

17.0 CLOSURE

The Presiding Member closed the meeting at 6.10pm.