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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 19th September 2006 at 1.00pm.

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

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

Mrs Susanne Dennings, Mallee Fowl Presenter
Vic London, Mal Harper

Sonya Kimber, Merredin Wheatbelt Mercury

1.0 OFFICIAL OPENING

The Presiding Member declared the meeting open at 1.02pm.

2.0 PUBLIC QUESTION TIME

Mr Vic London advised the meeting that his previous list of questions still had not been answered.

The CEO advised that the Merredin District Hospital inspected their equipment every six months and any further queries should be directed to the Hospital.

Mr London questioned :

- residents were being charged for rubbish at the tip.
- GST was being charged on waste management and rubbish
- Shire employees have housing subsidies
- Medical Centre Doctors

Mr London also indicated that he was disappointed with the service at the Merredin Visitors Centre.

Shire President and Chief Executive Officer responded to Mr London indicating:

- charges were required for current and future maintenance of rubbish tips.

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-
- GST was imposed by Federal legislation and Council was required to impose it.
 - employment packages need to be appropriate to attract good staff
 - attracting and retaining doctors if difficult
 - evidence from tourists and other Local Governments indicates the Visitor Centre is providing an excellent service.

Sonya Kimber, Merredin Wheatbelt Mercury entered the meeting at 1.13pm.

Vic London left the meeting at 1.14pm.

3.0 APOLOGIES AND LEAVE OF ABSENCE

Cr J Jones has leave of absence for meeting of 19 September, 2006.

4.0 DISCLOSURE OF INTEREST

Cr Mark Crees declared an Impartiality Interest in Item 10.9.

Cr Julie Townrow declared a Financial Interest in Item 9.0 -
(9.4 Lee Kernaghan Committee meeting minutes)

5.0 PETITIONS & PRESENTATIONS

Mallee Fowl Presentation - Mrs Susanne Dennings.

Provided an overview of the report on Malleefowl. (**Attachment 5A**).

Susanne Dennings and Mal Harper left the meeting at 1.44pm.

6.0 CONFIRMATION OF MINUTES

6.1 PREVIOUS COUNCIL MEETING

28611

Moved Cr Crees sec Cr Astbury

That the minutes of Council meeting held on the 15 August 2006 be confirmed as a true and correct record of proceedings.

CARRIED 10/0

W Bow, Manager of Development Services entered the meeting at 1.51pm.

7.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

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

- 9.0 Senior Staff Review Committee
- 10.0 State Administrative Tribunal – Shire of Merredin vs Mark Thomson
- 12.6 Memorandum of Understanding – Shire of Merredin and WACRRM
- 12.18 Shire of Northam – Saleyards Shareholding.

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 22 August 2006;
- 9.2 WE-ROC Meeting held on 23 August 2006.
- 9.3 Business & Community Development Committee meeting held 6 September, 2006;
- 9.4 Lee Kernaghan Committee meeting held 5 September, 2006.
- 9.5 Senior Staff Review Committee held 21 August 2006.

28612

Moved Cr Morley sec Cr Wallace

That the Merredin Shire Council receive the minutes of the Merredin Regional Community & Leisure Centre Management Committee meeting held 22 August 2006; WE-ROC Meeting held on 23 August 2006; Business & Community Development Committee meeting held 6 September, 2006; Lee Kernaghan Committee meeting held 5 September, 2006 and Senior Staff Review Committee held 21 August 2006.

CARRIED 10/0**9.1 Merredin Regional Community & Leisure Centre Management Committee meeting held 22 August 2006.**

- 5.2 Deputy Chief Executive Officer's Report
 - Recreation Ground Master Plan

Moved Cr Morris sec G McAuliffe

That the Merredin Regional Community & Leisure Centre Committee recommend to Council the following:

- a) *orientation of bowling as far as practical be north/south; and*
- b) *provision for third rink be east of northern most rink.*

CARRIED 5/1

28613

Moved Cr Wallace sec Cr N Hooper

That Council adopt the following recommendations that the:

- a) *orientation of bowling rinks, as far as practical, be north/south; and*
- b) *provision for the third rink be east of northern most rink.*

CARRIED 10/0

9.3 Business & Community Development Committee meeting held 6th September 2006.

7.2 Whitfield Way Sub Division Update

Moved Cr N Hooper sec Cr Morris

*That the Business and Community Development Committee recommend to Council that Council offer the Whitfield Way blocks for sale from 1st November 2006.***CARRIED 4/0****28614**

Moved Cr Astbury sec Cr N Hooper

*That Council offer the Whitfield Way blocks for sale from 1st November 2006.***CARRIED 10/0**

Moved Cr Morris sec Cr N Hooper

*That the Business and Community Development Committee recommend to Council that Council add GST to the price of each Whitfield Way block for sale.***CARRIED 4/0****28615**

Moved Cr N Hooper sec Cr Morris

*That Council add GST to the price of each Whitfield Way block for sale.***CARRIED 10/0**

Moved Cr Morris sec Cr N Hooper

*That the Business and Community Development Committee recommend that Council incorporate a consequential clause to the absolute caveat on titles pertaining to the building period of 5 years from sale of the land, to the effect that the Shire of Merredin has discretion to buy back land not meeting the terms of the caveat, at the original purchase price paid to the Shire by the landowner.***CARRIED 4/0**

28616

Moved Cr Morris sec Cr Crees

That Council incorporate a consequential clause to the absolute caveat on titles pertaining to the building period of 5 years from sale of the land, to the effect that the Shire of Merredin has discretion to buy back land not meeting the terms of the caveat, at the original purchase price paid to the Shire by the landowner.

CARRIED 7/3**7.5 Small Town Survival/Shaping the Future of the Wheatbelt**

Moved Cr Townrow sec Cr Morris

That the Business and Community Development Committee recommend to Council that the Council commit to supporting and implementing the specific sub-regional actions in the Merredin Shire:

- *Local Government representatives to undertake community consultation via a public meeting. (To be done within six weeks)*
- *Then reconvene with their findings at the local ROC level.*
- *Identify and then implement specific actions by Shires, individuals, industry groups and businesses.*

CARRIED 4/0**28617**

Moved Cr Morris sec Cr Astbury

That Council commit to supporting and implementing the specific sub-regional actions in the Merredin Shire:

- *Local Government representatives to undertake community consultation via a public meeting. (To be done within six weeks)*
- *Then reconvene with their findings at the local ROC level.*
- *Identify and then implement specific actions by Shires, individuals, industry groups and businesses.*

CARRIED 9/1**7.7 Gala Night/Harvestival/Christmas Event**

Moved Cr Morris sec Cr Townrow

That the Business and Community Development recommend to Council that Council endorse hosting a Shire Community Christmas Festival inclusive of a Children's Christmas Tree and light entertainment in the CBD extending an invitation to businesses to be involved.

CARRIED 4/0**28618**

Moved Cr Townrow sec Cr Morley

That Council endorse hosting a Shire Community Christmas Festival inclusive of a Children's Christmas Tree and light entertainment in the CBD extending an invitation to businesses to be involved.

CARRIED 10/0

9.4 Lee Kernaghan Committee meeting held 5 September, 2006.

Cr Townrow declared a Financial Interest in Item 9.4 and left the meeting at 2.05pm.

6.1 Financial Report

There was discussion as to the underwriting of additional activities by Cr Townrow, and the overall consensus was that the underwriting would be required to cover \$1,357 loss for the Ute Muster sideshow rides/activities. The original commitment was to underwrite sideshow rides/activities only, which showed a loss of \$2780

28619

Moved Cr Marley sec Cr Wallace

That Council write-off the loss on the Other Activities area of \$1,357.00 from the Lee Kernaghan Financial Statement.

**CARRIED 8/1
ABSOLUTE MAJORITY**

Cr Townrow entered the meeting at 2.17pm.

MINUTES

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

10.1 DRAFT WHEATBELT HEALTH – MEMORANDUM OF UNDERSTANDING

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

Background

At Council's 16 May, 2006 meeting (CMRef 28487) Council endorsed Draft 4.1 of the Wheatbelt Health Memorandum of Understanding between the great Eastern Country Zone of WALGA and the WA Country Health Services (WACHS), Central Wheatbelt Division of General practice and the Wheatbelt Development Commission.

Subsequent to that resolution significant negotiations have occurred regarding the MOU.

Version 8 has now been prepared as the final draft for endorsement by Local Governments in the Wheatbelt. (**Attachment 10.1A**).

I am informed by the Zone Secretary Mr Niel Mitchell, the main difference between the two documents is at Clause 2.1 (c). Essentially Local Governments wished WA Country Health Service to take full responsibility for providing health services in the Wheatbelt. WACHS did not agree to this proposal and refused to sign the document if this clause remained hence the revised clause.

It is viewed that the revised clause clearly puts WACHS in the "front line" as providing health services to the wheatbelt however recognising that Councils do have a part to play but very clearly stating that there will be no cost shifting to local Government.

The overriding purpose of the MOU is to create a structure for ongoing discussion and consultation and the MOU will provide the framework in which these discussions can take place.

The inter-governmental agreement signed by Federal State and Local Governments in April 2006 was appended to the document so that State and Federal agencies would acknowledge the framework for interaction between the three spheres of government in Australia. Particularly where it is acknowledged that any consequential financial impact of vacations of responsibilities to Local Government by State and Federal governments need to be considered within the capacity of Local Governments to undertake these new duties.

Comment

I believe that the development of an MOU has improved communications with the respective agencies concerning health and the ratification of the MOU is an important step to the development of a new relationships in the provision of health services in the wheatbelt.

Once individual Local Governments have endorsed the MOU it will be brought to the Country Zones of WALGA for ratification and then for signature for other parties.

Recommendation

That Council endorse Draft 8 of the Wheatbelt Health Memorandum of Undertanding between the Great Eastern Country Zone of WALGA, the WA Country Health Service, the Central Wheatbelt Divisions of General Practice and the Wheatbelt Development Commission.

28620

Moved Cr Morris sec Cr Simmonds

That Council endorse Draft 8 of the Wheatbelt Health Memorandum of Undertanding between the Great Eastern Country Zone of WALGA, the WA Country Health Service, the Central Wheatbelt Divisions of General Practice and the Wheatbelt Development Commission.

CARRIED 10/0

10.2 HEADWORKS UNDERGROUND CONNECTION CHARGES FOR LOT 24 CROOKS ROAD, MERREDIN

Reporting Department: Administration
Reporting Officer: Frank Ludovico, Chief Executive Officer
Legislation:
File Number: P9212

Background

At Council's August 2005 meeting Council agreed to purchase Lot 24 Crooks Road from B & K Whitehead (CMRef 28036) and to on-sell a portion of that lot to Cooperative Bulk Handling (CMRef 28038).

Since that time the subdivisional process has been initiated and slowly worked through.

In Council's 2006/2007 Budget, an allowance of \$5,000.00 was made for headworks charges. In August 2006 a cheque for \$3,712.00 was sent to the Water Corporation for their headworks charges on the subdivision of Lot 24.

Recently Western Power advised that payment is required for headworks charges on the lot and the amount payable is \$8,779 GST included.

Western Power have indicated that, according to their policies, because the lot subdivided for CBH usage is over 50 hectares (52.83 ha) Council is not required to provide a connection to the lot. However for lots smaller than this their policy indicates that because the land is classified industrial it should be serviced with 200/LA per hectare. The provision of this power would be enormously expensive and impractical.

Negotiations have occurred with Western Power and it has been agreed to provide 63 amps of transformer capacity to the lot. This connection has the capacity to go to CT metering in the future and the customer would only have to purchase additional transformer capacity within the cable and existing transformer units. Western Power intend to provide this service from the transformer unit located at Lot 113 Gabo Avenue (Karni Engineering).

Financial Implications

Only \$1,288.00 is available from the headworks allocation made in the budget. In order to progress this matter funding will be required from the Land Development Reserve. The opening balance of this reserve was \$232,103. It is anticipated that \$320,000 worth of income would be received from the sale of Whitfield Way lots and \$120,000 will be spent from this reserve to purchase East Barrack Street land, leaving a balance of approximately \$433,000, if budgeted activity takes place. It is proposed that the \$7,491 required to meet the Western Power account be transferred from the Land Development Reserve.

Voting

Absolute majority required.

Recommendation

That Council accept the quotation from Western Power for the headworks/servicing of Lot 24 Crooks Road with electric power for \$8,779 and transfer \$7,491 from the Land Development Reserve to meet these costs.

28621

Moved Cr Morris sec Cr Astbury

That Council accept the quotation from Western Power for the headworks/servicing of Lot 24 Crooks Road with electric power for \$8,779 and transfer \$7,491 from the Land Development Reserve to meet these costs.

**CARRIED 10/0
ABSOLUTE MAJORITY**

**10.3 APPLICATION FOR PLANNING CONSENT – G & V O’NEILL -
CONSTRUCTION OF OVERSIZED OUTBUILDING AT LOT 634
ENDERSBEE ST, MERREDIN**

Reporting Department: Development Services
Reporting Officer: Warren Bow, Manager of Development Services
Legislation: Town Planning and Development Act 1928,
Residential Design Codes 2002, Shire of
Merredin Policy number 9.8, Outbuildings in
Residential Areas.
File Number: P/1207

Background:

At its Ordinary meeting in June 2005 Council considered an application for planning consent (PA05/05) from Gary and Vicki O’Neill (the applicants) for the proposed construction of an 85m² outbuilding on Lot 634, House No. 11, Endersbee St, Merredin (the property).

Council resolved (**CMRef 27970**) to refuse planning consent on the basis that the proposal did not comply with *either the Residential Design Codes or Councils “Outbuildings in Residential Areas Policy”*

Further discussions on this matter with Mr Gary O’Neill have lead to a revised proposal that the applicants have asked be again referred to Council.

The applicant is still seeking to construct the 85m² outbuilding as a small workshop, garage and personal storage area.

Furthermore, the applicant is seeking Council approval for a wall height of 3.6m, as opposed to the 3.0m permitted by the relevant policy. This is to enable the storage of Mr O’Neill’s work vehicle.

A submission in support of the proposed oversized outbuilding from the adjoining property owner at 13 Endersbee St can be seen as **Attachment 10.3A.**

A site plan showing the proposed location of the outbuilding extension can be seen as **Attachment 10.3B.**

Legal Implications:

The property is zoned “Residential” in accordance with the Shire of Merredin Town Planning Scheme No.1 and has an area of 1027m².

The Shire of Merredin has an “Outbuildings in Residential Areas Policy”

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The maximum permissible area of a single outbuilding, as per the above Policy, on a lot with an area of 1027m² is 94m²; with a maximum total outbuilding area of 125m².

The Residential Design Codes (RDC) require buildings with a wall length greater than nine metres to be setback a minimum of 1500mm from a rear or side property boundary.

Budget Implications:

The relevant planning fees (\$100.00) have been paid by the applicant.

Comment:

Approval of the 85m² proposed outbuilding will result in a total outbuilding area of 195m²; which exceeds the total outbuilding (125m²) parameters of Council's policy by 56%.

The applicant now intends to demolish the "small shed" 24m² indicated on the site plan (**Attachment 10.3B**). This would bring the total outbuilding area on the property to 171m² which still exceeds the maximum total outbuilding area permitted on a 1027m² residential property.

When this matter was considered by Council in June 2005 the enclosed gable roofed carport of 46m² area was included in the calculations for total outbuilding area. Generally carports are not considered outbuildings, however in this particular instance the carport is enclosed and attached to the dwelling; accordingly the covered roof area was included in the outbuilding calculation.

The applicant submits that the enclosed carport will no longer be fully enclosed after the removal of the "small shed" and the proposed detachment of the carport from the dwelling. Furthermore, the applicant submits that the carport building is will then no longer classified as an outbuilding and that its roofed area should not be included in the calculations of total outbuilding area on the property.

The exclusion of the 46m² carport in the total outbuilding calculations reduces the total outbuilding area to 125m², which complies with Council policy.

The requirements of site coverage prescribed by the RDC are complied with in relation to this proposal. A minimum of 55% open space must be provided in the residential zone. Including the proposed outbuilding, open space of 61% is retained on the property.

Council approval under the provisions of the RDC to locate the outbuilding less than 1500mm (actually 750mm) from the rear boundary would be recommended in this instance, subject to adequate line of vision requirements being maintained to the rear laneway.

The outbuilding is to be steel framed with "Sandbank" colorbond walls and "Cottage green" colorbond roof sheeting.

Officer's Recommendation:

That Council grant planning consent, in relation to planning application PA05/05, to Gary and Vicki O'Neill to construct an 85m² outbuilding with a wall height of 3.6m and a rear setback of 750mm at Lot 634 Endersbee St, Merredin.

28622

Moved Cr Wallace sec Cr Simmonds

That Council grant planning consent, in relation to planning application PA05/05, to Gary and Vicki O'Neill to construct an 85m² outbuilding with a wall height of 3.6m and a rear setback of 750mm at Lot 634 Endersbee St, Merredin.

CARRIED 10/0

10.4 APPLICATION FOR PLANNING CONSENT TO CONSTRUCT CARPORT IN FRONT SETBACK AREA – T & M WALTON-CHERIE, LOT 542 HART STREET, MERREDIN

Reporting Department: Development Services
Reporting Officer: Warren Bow, Manager of Development Services
Legislation: Local Government Act 1995, Planning and Development Act 2005, Shire of Merredin Town Planning Scheme No.1, Building Regulations 1989
File Number: P/2007

Background:

An application for planning consent (PA13/06) has been submitted by T & M Walton-Cherie (the applicant) to construct a steel framed, iron roofed, free-standing carport in the front setback area of their property Lot 542, House No.28 Hart St, Merredin.

A site plan and elevations of the proposed carport which accompanied the application can be seen as **Attachment 10.4A**.

A written submission in support of the application has been received and can be seen as **Attachment 10.4B**.

Legal Implications:

Lot 542 Hart St, Merredin is zoned Residential 1 in accordance with the Shire of Merredin Town Planning Scheme No.1. Accordingly, development on such lot is governed by both the Shire of Merredin Town Planning Scheme No.1 and the Residential Design Codes of Western Australia (RDC's).

The RDC's incorporate "deemed to satisfy" and "performance based" standards for development in residential areas. They also enabled local authorities to develop policies to control certain developments more rigidly.

The RDC's enable Local Government to consider applications which do not meet the acceptable development criteria; this is in the form of an application for planning consent.

Budget Implications:

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

The relevant fee of \$100.00 has been paid in this case.

Comment:

The RDC's determine acceptable development for carports as those which –

Are located behind the front street setback line (7.5m)

Occupy less than 50% of the frontage at the building line and allow unobstructed view between the dwelling and any adjoining street or right of way

Allowances can be made for front setback reduction of carparking facilities to be reduced to 4.5m.

There are numerous examples in the Merredin townsite where carports in the front setback area of a residential property has previously been approved. These include 8 Pioneer Road; 8 Haines Street; 21 Craddock Road.

There are no other carports located in the front setback area along Hart Street , Merredin.

The RDC's provide that consultation of adjoining property owners, and others as deemed necessary, can be undertaken in relation to planning applications that do not comply entirely with the prescribed acceptable development standards.

The applicant has been asked to consult with the adjoining property owners at lots 541 and 543 Hart St. At this stage no submissions have been received.

It is proposed to construct the carport with a single pitch roof, to match the existing pitch of the building additions to the dwelling on the western elevation of the property.

The proposed carport is replace a pre-existing shade cloth structure and is to be constructed over an existing hard standing, formalising carparking arrangements on the property.

There is no access down the sides of the dwelling to the rear of the property.

Officer's Recommendation:

That the Merredin Shire Council grant approval to T & M Walton-Cherie for the construction of a steel framed, iron roofed freestanding carport within the front street setback area, with a setback of 3.6 metres at Lot 542 Hart Street, Merredin subject to the following conditions –

- a) *That the applicant obtain the written consent of the owners of Lots 542 and 543 Hart St, Merredin prior to the issue of a building licence for the project.*
- b) *Any objection from the owners of Lots 542 and 543 Hart Street, Merredin be submitted in writing to the Shire of Merredin for their consideration at their November 2006 ordinary meeting.*
- c) *That the external walls of the carport be unenclosed on all sides.*

28623

Moved Cr Wallace sec Cr Astbury

That the Merredin Shire Council grant approval to T & M Walton-Cherie for the construction of a steel framed, iron roofed freestanding carport within the front street setback area, with a setback of 3.6 metres at Lot 542 Hart Street, Merredin subject to the following conditions –

- a) *That the applicant obtain the written consent of the owners of Lots 542 and 543 Hart St, Merredin prior to the issue of a building licence for the project.*
- b) *Any objection from the owners of Lots 542 and 543 Hart Street, Merredin be submitted in writing to the Shire of Merredin for their consideration at their November 2006 ordinary meeting.*
- c) *That the external walls of the carport be unenclosed on all sides.*

CARRIED 10/0

10.5 SALE OF LOTS 10, 11 SOUTH AVE, MERREDIN – FORMER LUTHERAN CHURCH SITE

Reporting Department: Development Services
Reporting Officer: Warren Bow, Manager of Development Services
Legislation: Local Government Act 1995; Various
File Number: P/3044

Background:

Subsequent to the relocation of Merredin Playgroup Inc to the building on Reserve 22564 Throssell Road, Merredin it was decided (**CMRef 28523**) by Council at its Ordinary June 2006 meeting to sell Lots 10 and 11 South Ave, Merredin (the property) by auction.

The former Lutheran Church building is located on the property.

Prior to the sale of the property Council requested (**CMRef 28524**) that valuations of the property from local real estate agents be obtained.

Following the June 2006 meeting Elders and Landmark agents were requested to forward to the Shire a valuation on both of these lots.

After some consideration these agents advised that as the Lots were zoned “Civic and Cultural” in accordance with Shire of Merredin Town Planning Scheme No.1, there was a degree of difficulty in placing a valuation on them and suggested that if the blocks were re-zoned residential they would be able to gain good prices for both lots.

Council’s consultant town planners, Whelans, were contacted and advised the following:

- Council should consider re-zoning both lots to “*residential*”.
- Re-zoning could be done within 12 months to the current Town Planning Scheme (as the new one will not be finalized by then)
- The cost to re-zone would be \$5,000 approx.
- Consider using Whelans to provide an assessment on the best possible use for the Church building.

Legal Implications:

Any development on the property would be governed by the relevant town planning and building legislation.

At its Ordinary meeting in April 2004 Council resolved (**CMRef 27452**) to designate the use symbol “PS” for the development of grouped dwelling(s) within the Civic and Cultural zone, meaning that a grouped dwelling is not permitted unless special approval is given by Council. This effectively enables a grouped dwelling application in the Civic and Cultural zone to be referred to Council for approval.

Budget Implications:

In its 2006/2007 budget Council allocated \$30,150 to town planning control expenses.

Comment:

An area plan of the property taken from the Landgate system can be seen as **Attachment 10.5A.**

The current zoning of the property has proved problematic to its sale.

Local agents have been requested to provide valuations of the property were it to be zoned residential; at the time of writing this report no valuations had been received.

Shall this information become available prior to the meeting it will be presented. Councillors should be aware of the commercial nature of this information which may require the meeting to be closed to the public and/or for declarations of interest.

The civic and cultural zoning of the former Lutheran Church site (Lot 11) also presents problems to any person wishing to possibly redevelop or use the building thereon for alternative purposes (eg. bed and breakfast).

The zoning and development table relevant to the civic and cultural zone of the Town Planning Scheme No.1 can be seen as **Attachment 10.5B.**

Officer's Recommendation:

That Council engage Whelans Town Planners to initiate the re-zoning of Lots 10 and 11 South Avenue, Merredin from "Civic and Cultural" to "Residential" in accordance with Shire of Merredin Town Planning Scheme No.1

28624

Moved Cr Wallace sec Cr N Hooper

That Council engage Whelans Town Planners to initiate the re-zoning of Lots 10 and 11 South Avenue, Merredin from "Civic and Cultural" to "Residential 2" zoning in accordance with Shire of Merredin Town Planning Scheme No.1

CARRIED 10/0

Reason: Council determined to adopt "Residential 2" zoning to permit higher density development on the land.

10.6 SUBDIVISION OF LAND APPLICATION – RESERVE 13267, TODD STREET, MERREDIN – GRAY AND LEWIS FOR PUBLIC TRANSPORT AUTHORITY OF WA

Reporting Department:	Development Services
Reporting Officer:	Warren Bow, Manager Development Services Colin Connor, Consultant Town Planner
Legislation:	Local Government Act 1995, Planning and Development Act 2005
File Number:	Res/13267

Background

Council has received correspondence from the West Australian Planning Commission (WAPC) who have received an application from Grey and Lewis Land Use Planners (“the applicant”) on behalf of the Public Transport Authority of Western Australia (PTA) (“the owner”) for the subdivision of Reserve 13267, Todd Street, Merredin (“the property”).

Reserve 13267 is located in the Merredin town site on the south side of Great Eastern Highway. The site plan which accompanied the application can be seen as **Attachment 10.6A**.

A plan of the properties taken from the Landgate System can be seen as **Attachment 10.6B**.

The reserve is 6.7214 hectares in area and comprises 12 former railway workers houses which front Great Eastern Highway and Kitchener Avenue, and the Railways Tennis and Lawn Bowls club facilities on the south side of Kitchener Avenue.

The southern portion of Reserve 13267 is a former railway institute sports oval but is not being utilised. Zoning of the area is split between recreation reserve (oval and Railways Tennis and Lawn Bowls) and residential (12 former railway workers houses).

The Shire was approached by the PTA (which is seeking to rationalise its landholdings) in late July 2005 and April 2006 to acquire all or part of the Reserve 13267 as either freehold or reserved land. The Shire has expressed to PTA that it would not be interested in acquiring land not intended for public purposes.

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

MINUTES

General comments, conditions that Council may wish to impose as part of the approval

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

Budget Implications

Subdivision clearance condition fees of \$50 per lot payable to the Shire in the event the subdivision proceeds.

A potential cash in lieu of public open space contribution may be payable to the Shire. With all residential subdivisions public open space comprising 10 percent of the residential zoned land needs to be reserved; alternatively a cash contribution may be paid.

Comment

The subdivision proposes to create 16 lots between 1301m² and 1605m² for residential lots (12 with existing houses), and a balance lot of 3.73 hectares south of Kitchener Road containing the tennis court and lawn bowls facilities and disused oval. The vesting of the 3.73 hectares lot is to be maintained by the PTA.

The subdivision also proposes to dedicate portions of Reserve 13267 as road reserve to complete Kitchener Road and formally create Gilmore Road. Although, both these roads are constructed they are not currently officially road reserves.

The 16 lots are zoned residential R12.5/R20 under the Shire of Merredin District Planning Scheme No. 1, with the R12.5 applying to single houses and the R20 to group dwellings. The lot sizes proposed comply with the R12.5 code, however other R Code requirements i.e., setbacks will need to be adhered to.

The balance 3.73 hectares lot south of Kitchener Road is Recreation reserve under Scheme No. 1. The future status of the surplus land needs to be considered under the Draft Local Planning Strategy (which has completed advertising) if any of the balance area is not intended for Recreation.

It is noted that the portion of Reserve 13267 corresponding to the proposed lots fronting to Great Eastern Highway is designated as potential Highway Service in the Draft Local Planning Strategy. This designation may need to be revisited as the fragmentation of the land via a subdivision and its eventual sale to individual owners, would make implementation of a future Highway Services area excessively problematic.

The subdivision proposal seeks to formalise what is already on the ground.

MINUTES

The subdivision has been forwarded to the Shire's consultant town planners, Whelans, who have recommended that the subdivision be approved subject to conditions.

Officer's Recommendation

That Council advise the Western Australian Planning Commission that it has no objections to the proposed subdivision of Reserve 13267 subject to the following conditions and advice notes being imposed -

1. *Those lots not fronting an existing road being provided with frontage to a constructed road(s) connected to constructed road(s) to the local road system and such road(s) being constructed and drained at the applicant/owners cost and being shown on the diagram/plan of survey as road(s).*
2. *Street corners within the subdivision are to be truncated to the standard truncation of 8.5 metres*
3. *All buildings having the necessary clearance from the new boundaries as required by the relevant Town Planning Scheme.*
4. *Notification pursuant to the Planning and Development Act 2005, is to be placed on the Certificated of Title of the proposed lots(s) fronting to Great Eastern Highway advising of a hazard or other factor, Notice of this Notification is to be included on the Deposited Plan. The notification is to state as follows:*

“This lot is located adjacent to Great Eastern Highway and may be subject to noise and vibration associated with vehicle traffic.”
5. *An area of land equivalent to 10 percent of the residential zoned land under the Shire of Merredin Town Planning Scheme No.1 being shown on the Deposited Plan as a Reserve for Recreation and vested in the crown and such land to be ceded free of cost and without any payment to the Crown.*

Advice Notes - In regard to Condition 5, the local government is prepared to accept a cash-in-lieu of public open space contribution.

J McGovern left the meeting at 2.39pm.

28625

Moved Cr Astbury sec Cr Morris

That Council advise the Western Australian Planning Commission that it has no objections to the proposed subdivision of Reserve 13267 subject to the following conditions and advice notes being imposed -

1. *Those lots not fronting an existing road being provided with frontage to a constructed road(s) connected to constructed road(s) to the local road system and such road(s) being constructed and drained at the applicant/owners cost and being shown on the diagram/plan of survey as road(s).*
2. *Street corners within the subdivision are to be truncated to the standard truncation of 8.5 metres*
3. *All buildings having the necessary clearance from the new boundaries as required by the relevant Town Planning Scheme.*
4. *Notification pursuant to the Planning and Development Act 2005, is to be placed on the Certificated of Title of the proposed lots(s) fronting to Great Eastern Highway advising of a hazard or other factor, Notice of this Notification is to be included on the Deposited Plan. The notification is to state as follows:*

“This lot is located adjacent to Great Eastern Highway and may be subject to noise and vibration associated with vehicle traffic.”
5. *In lieu of the 10% Public Open Space requirement Council is prepared to accept an equivalent cash contribution .*

CARRIED 10/0

REASON: Reserve 13267 is adjacent to the subdivision which services the Public Open Space requirement.

**10.7 APPLICATION FOR PLANNING CONSENT – WJ BARTLETT -
CONSTRUCTION OF OVERHEIGHT OUTBUILDING AT LOT 925
WOOLGAR AVE, MERREDIN**

Reporting Department: Development Services
Reporting Officer: Warren Bow, Manager of Development Services
Legislation: Planning and Development Act 2005,
Residential Design Codes 2002, Shire of
Merredin. Policy number 9.8, Outbuildings in
Residential Areas.
File Number: P/3209

Background:

An application for planning consent (PA14/06) has been received from Wayne Bartlett (the applicant) for the proposed construction of a 90m² steel framed, colorbond clad outbuilding on Lot 925, house number 5 Woolgar Ave, Merredin (the property).

The applicant proposes a wall height of 3.5m and a ridge height of 4.1m.

The property is zoned “Residential” in accordance with the Shire of Merredin Town Planning Scheme No.1 and has an area of 1089m².

The applicant is seeking to construct the outbuilding for domestic purposes only, specifically to accommodate a caravan. The applicant made a submission in support of his application which can be seen as **Attachment 10.7A**.

The applicant has also consulted with the owner of the adjoining property, Lot 924 (house No. 3) Woolgar Ave, Merredin; who has provided a letter of support which can be seen as **Attachment 10.7B**.

A site plan showing the proposed location of the outbuilding can be seen as **Attachment 10.7C**.

A property view map of the area highlighting the relevant lot, obtained from the Department of Land Information’s Landgate System, can be seen as **Attachment 10.7D**.

Legal Implications:

The Shire of Merredin has an “Outbuildings in Residential Areas Policy”

The maximum permissible area of a single outbuilding, as per the above Policy, on a lot with an area of 1089 is 94m²; with a maximum total outbuilding area of 125m².

MINUTES

The Policy also specifies that the maximum wall height and maximum ridge height of outbuildings on a lot with an area of 1089m² to be 3.0m and 3.6m respectively.

The Residential Design Codes (RDC) require buildings with a wall length greater than nine metres to be setback a minimum of 1500mm from a rear or side property boundary.

Budget Implications:

Town Planning fees are levied on applications as per Councils Schedule of Fees and Charges. This application from attracts a fee of \$100.00 which has been paid by the applicant.

Comment:

The applicants adjoining neighbour has indicated support of the proposed overheight outbuilding.

Council has a responsibility to protect local residents from developments not in keeping with the Residential zone. The prescriptive parameters relating of Council's Policy relating to outbuilding height are not complied with in this application.

The general objective of Council's Policy, however, of maintaining amenity of the residential area is not compromised given:

- a) compliance of the outbuilding with the prescribed maximum area requirements;
- b) the relatively minor nature of non-compliance;
- c) the compliant setbacks of the proposed building;
- d) the on-site location of the proposed outbuilding at the rear of the lot;
- e) the proposed outbuilding will be constructed of new colorbond materials;
- f) the affected adjoining residential property owner has no objection to the proposal; and
- g) the property also adjoins a three unit grouped dwelling development.

Officer's Recommendation:

That Council grant planning consent in relation to application PA14/06 to Wayne Bartlett to construct an 90m² outbuilding, with a wall height of 3.5m and a ridge height of 4.1m at Lot 925 Woolgar Ave, Merredin.

28626

Moved Cr Astbury sec Cr Morris

That Council grant planning consent in relation to application PA14/06 to Wayne Bartlett to construct an 90m² outbuilding, with a wall height of 3.5m and a ridge height of 4.1m at Lot 925 Woolgar Ave, Merredin.

CARRIED 10/0

10.8 FUTURE LAND DEVELOPMENT

Reporting Department:	Administration
Reporting Officer:	Debbie Morris
Legislation:	Local Government Act
File Number:	LUP/5/L

Background:

As part of the long term planning direction for the Shire of Merredin, Council has undertaken preparation of a Strategic Plan and Local Planning Strategy which will establish the future direction of the growth and development of the Shire for a period of 10 – 15 years.

One of the Key Objectives Council identified in the Strategic Plan was Land Development and the need to investigate strategies to develop additional residential land at a reasonable cost.

For this to occur, future potential land sites suitable for residential development need to be identified.

However there are a multitude of factors that can influence the site selection including - zoning, costs to develop, environmental issues, buffer zones, protection of agricultural land, potential new industries, local market demand, state market trends, private developers etc.

The Draft Local Planning Strategy makes reference to the Department for Planning and Infrastructure population projections for the Shire of Merredin, indicating a turn around from decline to modest growth in the next 15 years with an expected 2000 more people living in Merredin by 2021.

Although the Town Planning Scheme No 1 identified around 1011 vacant blocks and potential blocks within the townsite, which could cater for population increase to the year 2016, there has been residential subdivisions established providing estate style developments.

It is acknowledged that there have been some new houses built on vacant blocks which are scattered throughout the townsite, however there appears a preference for the new subdivision options, as well as rural/residential properties. The rural/residential preference is not only a Merredin trend, but state-wide, with values increasing 40-70% within the past year on rural/residential properties in regional areas, the Williams area in particular. *(This information was provided by Murray Barker, Valuer Generals Office)*

Legal Implications:

Local Government Act 1995

Section 3.58 Disposing of Property

- (2) Except as stated in this section, a local government can only dispose of property to –
- (a) the highest bidder at public auction; or
 - (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.
- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property –
- (a) it gives local public notice of the proposed disposition
- and*
- (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

Budget Implications:

Nil

Comment:

The interest in availability of residential land from the community, via Registration of Interest for Carrington Way and the continual enquiries via phone or in person to the Shire regarding the release of blocks in the Whitfield Way subdivision is a positive indication that quality residential blocks are in demand.

With the value of building licences at \$2,268,510 in August 2006, the projected increase in population and the anticipated development of new industries and businesses in Merredin, there is a necessity to initiate planning for future land developments.

Identifying and releasing affordable building blocks is a long process and therefore requires planning well before demand reaches breaking point.

Metropolitan residents are currently looking to the regional areas to reside for a number of different reasons, change of lifestyle, safe retirement location or affordable living. The Valuers General Officer, Murray Barker stated that the larger rural/residential properties are the preferred option in the regional areas. This needs to be taken into consideration when identifying proposed land development sites.

Taking into consideration the objectives in the Shire Strategic Plan and the recommendations in the Local Planning Strategy it would appear that there is a need to identify sites that accommodate different necessities.

There are a number of options available to Council which include – Shire development of Shire owned land, Private Developer develop Shire owned

MINUTES

land, encouragement of development of vacant Crown Land, encouragement of development of Private Land.

Council need to consider the costs to develop land and whether there is opportunity to continually recover costs and/or make a profit.

As there is no budget allocation for Land Development in 2006/07 other than Whitfield Way, I would recommend that Council consider the following actions within this financial year –

1. Offer for sale four blocks in Eaton Way, Hawker Way and Nolan Way that have road access (purchasers to connect their own power). This will provide and indication of the interest in this area of town.
2. Encourage Landcorp to develop and offer for sale the Davies Street blocks.
3. Develop a professional Investment Proposal/Package to attract private developers to invest and develop subdivisions or estates with Crown Land blocks.
4. Staff to provide a comprehensive report on Land Development in Merredin to Council by March 2007 to enable Council to make the necessary decisions and budget considerations for the 2007/08 budget.

Information on some of the possible future land development locations is provided for Council's interest.

SHIRE OWNED VACANT LAND – ZONED RESIDENTIAL**Attachment 10.8****CARRINGTON WAY**

In June 2006 David Wills and Associates provided a report and cost estimates for the subdivision - \$700,000 plus GST. The payment of Water Corporation headworks and other fees and charges adds a further \$225,500 to provide a total cost of approximately \$950,000 (\$32,800 per lot) plus GST.

With no budget allocation to develop this sub division other options are currently being investigated – firstly with Landcorp and the Townsite Development Projects.

EATON WAY / HAWKER WAY / DUGGAN WAY / NOLAN WAY

Vacant blocks -

14 blocks in Eaton Way (Lots 131, 132, 133, 134, 135, 136, 137,138, 139, 140, 149, 150, 151, 152)

3 blocks in Hawker Way (Lots 78, 79, 82)

6 blocks in Duggan Way (Lots 88, 89, 90, 91, 92, 93)

1 block in Nolan Way (Lot 147)

Road in Eaton Way not developed past Lot 139.

Road in Hawker Way not developed past Lot 175.

Services

- Water is connected to all properties.
- Power is not connected to any properties.
- Sewerage is not connected to any properties. Plan indicates the nearest sewer line on the corner of Barr Street and Chegwidden Avenue.

CHEGWIDDEN WAY

Lots 1, 2 & 10 are zoned Residential, however have not been sub divided. There is also an issue with Chegwidden Way road alignment that would require rectifying prior to any release of blocks.

Services

- Water is connected to Lot 10 however extensions would be required for Lots 1 & 2.
- Power is connected to these properties.
- Sewerage is not connected to any properties. Plan above indicates the nearest sewer line on the corner of Barr Street and Chegwidden Avenue.

VACANT CROWN LAND – ZONED RESIDENTIAL**DAVIES STREET / WALDER PLACE / LEFROY STREET**

There are currently 21 vacant Crown Land blocks in this area.

Services

- Water is connected to all properties.
- Power is not connected to any of these properties.
- Sewerage is connected to all properties.

FLOCKART PLACE

There are 12 vacant blocks in Flockart Place zoned Residential.

Services

- Water connection not confirmed.
- Power connection not confirmed.
- Sewerage is not connected to any properties.

FOURTH AVENUE / LIMBOURNE STREET AREA

There are a number of vacant blocks in this area zoned Residential.

Services

- Water connection not confirmed.
- Power connection not confirmed.
- Sewerage is not connected to some properties.

Officer's Recommendation:

"That Council endorse the following actions

- 1. Offer for sale by Public Tender four blocks in Eaton Way, Hawker Way and Nolan Way that have road access (purchasers to connect their own power). This will provide an indication of the interest in this area of town.*
- 2. Encourage Landcorp to develop and offer for sale the Davies Street blocks.*
- 3. Develop a professional Investment Proposal/Package to attract private developers to invest and develop subdivisions or estates with Crown Land blocks.*
- 4. Staff to provide a comprehensive report on Land Development in Merredin to Council by March 2007 to enable Council to make the necessary decisions and budget considerations for the 2007/08 budget."*

J McGovern entered the meeting at 2.46pm.

28627 Moved Cr Marley sec Cr N Hooper

"That Council endorse the following actions

- 1. Offer for sale by Public Tender four blocks in Eaton Way, Hawker Way and Nolan Way that have road access (purchasers to connect their own power). This will provide an indication of the interest in this area of town.*
- 2. Encourage Landcorp to develop and offer for sale the Davies Street blocks.*
- 3. Develop a professional Investment Proposal/Package to attract private developers to invest and develop subdivisions or estates with Crown Land blocks.*
- 4. Staff to provide a comprehensive report on Land Development in Merredin to Council by March 2007 to enable Council to make the necessary decisions and budget considerations for the 2007/08 budget."*

CARRIED 9/1

MINUTES

Cr Mark Crees declared an Impartiality Interest in Item 10.9

10.9 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
BA32/06	Cepi and Drakeford Builders, 5 Endersbee St, Merredin WA 6415	Lot 949, House No. 7 Mill St, Merredin WA 6415	Mike Kendrick, 7 Mill St, Merredin WA 6415	1 (a) – Timber framed additions to existing dwelling
BA39/06	Andrew Draffin for Wheatbelt Steel, PO Box 4 Kalannie WA 6468	Lot 25 Doyle St, Merredin WA 6415	BG & G Nicoletti, PO Box 380, Merredin WA 6415	7b – New, steel framed, iron clad commercial storage building
BA44/06	Harry Kent, RMB 10 Kent Rd, Bodallin WA 6424	Lot 14 Booran South Rd, Merredin WA 6415	Harry Kent, RMB 10 Kent Rd, Bodallin WA 6424	1 (a) – New, steel framed, iron roofed, Hardiflex clad, dwelling
BA46/06	Steve Hendriks, PO Box 694, Merredin WA	Lot 4, House No 32 Cohn St, Merredin WA 6415	Steve Hendriks, PO Box 694, Merredin WA 6415	10 (a) – New, steel framed, iron clad outbuilding

	6415			
Building Licence No.	Licence issued to	Address of proposed building	Owner of property	Class of Building Type of Construction
BA47/06	Simon Ghirardi, 8 Mill St, Merredin WA 6415	Lot 938, House No. 8 Mill St, Merredin WA 6415	Simon Ghirardi, 8 Mill St, Merredin WA 6415	1 (a) – Timber framed, iron roofed additions to existing dwelling
BA48/06	RM Crees, PO Box 229, Merredin WA 6415	Avon Loc 20732, Crees Rd, South Burracoppin WA 6421	RM Crees, PO Box 229, Merredin WA 6415	1 (a) – Timber framed, iron roofed additions to existing dwelling
BA49/06	Cotswold Homes Pty Ltd t/a Nobel Homes, 43 Furniss Rd, Darch WA 6065	Lot 36 Haines St (cnr Golf and Cowan), Merredin WA 6415	Sulcon Pty Ltd, PO Box 1322, Canning Bridge WA 6153	1 (a) – 13 x new, timber framed, brick veneer, iron roofed grouped dwellings
BA51/06	S & R Hutton, PO Box 57, Merredin WA 6415	Lot 402, Todd St, Merredin WA 6415	S & R Hutton, PO Box 57, Merredin WA 6415	10 (b) – New, above ground dwelling pool
BA52/06	Merredin Outdoor Centre, PO Box 792, Merredin WA 6415	Lot 1211, House No. 6 Warne St, Merredin WA 6415	The Perth Diocesan Trustees, Floor 2 Law Chamber Building, 573 Hay St, Perth WA 6000	10 (b) – New, steel framed, iron roofed, patio additions

Valuation: \$3,085,766.00
Progressive: **\$5,354,276.00**

Fees: \$9,704.70
Progressive: **\$16,547.48**

Comment:

Officers Recommendation:

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

28628

Moved Cr Morris sec Cr Morley

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

CARRIED 10/0

10.10 UNAPPROVED CARPORT CONSTRUCTION – LOT 15 PRINCESS STREET, LOT 622 ENDESBEE STREET, MERREDIN – DEPARTMENT OF HOUSING AND WORKS

Reporting Department:	Development Services
Reporting Officer:	Warren Bow, Manager of Development Services
Legislation:	Local Government (Miscellaneous Provisions) Act 1960, Building Regulations 1989, Shire of Merredin Town Planning Scheme No.1
File Number:	P/2862; P/1220

Background:

In June 2006 staff became aware of the construction of carports at Lot 15 (23a & 23b) Princess Street, Merredin and Lot 622 (14) Endersbee Street, Merredin which were not the subject of a building license.

The properties are owned by the Department of Housing and Works (DHW).

The carports are steel framed, gabled roofed, open sided structures with colourbond roof sheeting and gutters.

The carports are constructed within the front setback areas of the relevant properties.

Legal Implications:

It is an offence under the provisions of the Building Regulations 1989 (the regulations) and the Local Government (Miscellaneous Provisions) Act 1960 (the Act) to undertake building work without first making application to, and obtaining a building license from, the local government.

Lot 15 Princess St and Lot 622 Endersbee St, Merredin are zoned Residential 1 in accordance with the Shire of Merredin Town Planning Scheme No.1. Accordingly, development on such lot is governed by both the Shire of Merredin Town Planning Scheme No.1 and the Residential Design Codes of Western Australia (RDC's).

The RDC's determine acceptable development for carports as those which –

Are located behind the front street setback line (7.5m)

Occupy less than 50% of the frontage at the building line and allow unobstructed view between the dwelling and any adjoining street or right of way

Previously, Council have required an application for planning consent to enable the construction of carports within the front setback are of residential property.

MINUTES

Legal action under the provisions of the Act is available to Council, which involves serving Notice in accordance with section 401(c).

A building license can not be issued for building work that has already been commenced or completed.

Budget Implications:

Various

Comment:

Inspection of the carports indicated that they had been well constructed and appeared structurally sound. Furthermore, the carports were of satisfactory appearance.

It is apparent however that the carport at 23a Princess St, Merredin is setback only 4.0m, where the required setback is generally 4.5m.

Correspondence was sent to the DHW advising them of the contravention of the applicable legislation and seeking –

Plans (site plan, floor plan, two elevations) and specifications (material sizes, footing details, connection details) of the carports;
Property inspection report fees of \$137.50 being paid;
Names and addresses of the builder(s) responsible for the construction of the carports being forwarded to this office; and
Statutory declaration(s) being made by the builder(s) responsible for the construction of the carports, that the carports were in fact built in accordance with the plans submitted (as per 1. above).

The above information and fees have been received, with the relevant plans and specifications deemed acceptable.

Responses from DHW on this matter can be seen as **Attachment 10.10A**.

The responsible builders were –

Gearing Cabinets and Carpenters, PO Box 452, Merredin WA 6415
Bullcreek Building Company, 10 Minchin Pl, Bullcreek WA 6149

Given the nature of the building works, verification of the construction details by the builders and general appearance of the carports it is proposed to not issue legal Notices against the owner or builder(s).

It is suggested that Council formally acknowledge the existence of these carports, whilst advising the DHW that it accepts no current or future legal liability for these carports.

Officer's Recommendation:

That Council advise the Department of Housing and Works that it –

acknowledges that carports have been constructed at Lot 15 Princess Street, Merredin and Lot 622 Endersbee Street, Merredin without formal building licenses;

will make record on the relevant property files of Lot 15 Princess Street, Merredin and Lot 622 Endersbee Street, Merredin of the existence of unapproved carports;

will not pursue further legal action on this matter; and

accepts no current or future liability in relation to these carports.

That Council write to –

Gearing Cabinets and Carpenters, PO Box 452, Merredin WA 6415; and Bullcreek Building Company, 10 Minchin Pl, Bullcreek WA 6149

and advise of the need to obtain building licenses for building work within the Shire of Merredin, prior to commencing such, and that future unapproved building work will result in the instigation of legal action under the provisions of the Local Government (Miscellaneous Provisions) Act 1960.

28629

Moved Cr Marley sec Cr Simmonds

That Council advise the Department of Housing and Works that it –

- *acknowledges that carports have been constructed at Lot 15 Princess Street, Merredin and Lot 622 Endersbee Street, Merredin without formal building licenses;*
- *will make record on the relevant property files of Lot 15 Princess Street, Merredin and Lot 622 Endersbee Street, Merredin of the existence of unapproved carports;*
- *will not pursue further legal action on this matter; and*
- *accepts no current or future liability in relation to these carports.*

and that Council write to –

- *Gearing Cabinets and Carpenters, PO Box 452, Merredin WA 6415; and*
- *Bullcreek Building Company, 10 Minchin Pl, Bullcreek WA 6149*
- *and advise of the need to obtain building licenses for building work within the Shire of Merredin, prior to commencing such, and that future unapproved building work will result in the instigation of legal action under the provisions of the Local Government (Miscellaneous Provisions) Act 1960.*

ENBLOC

CARRIED 10/0

Sonya Kimber left the meeting at 2.55pm.

The following Item 10.11 was brought forward due to the attendance of Manager of Development Services.

- 28630** Moved Cr Astbury sec Cr N Hooper
*That Council go behind closed doors to discuss a legal issue
(Section 5.23(2) LGA).*

CARRIED 10/0

Council went behind closed doors at 2.58pm.

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

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

Background:

Council will be aware of the matter involving the declaration of the house at Lot 1 Railway Ave, Merredin (the property) as unfit for human habitation under the provisions of the Health Act 1911 (**CMRef 27803**).

Council will also be aware that the owner of the property, Mr Mark Thomas Thompson (the applicant), appealed the issuing of the notice (application for review); subsequently the matter has been with the State Administrative Tribunal (SAT) for the past fifteen months.

On 16 August 2006 the matter was finally determined by SAT. The following is taken from the order made by the presiding Member –

“The decision to issue the Notices dated 21 March 2005 under s135 and s139 of the Health Act 1911 is affirmed and the application for review is dismissed.”

Legal Implications:

At its Ordinary meeting in April 2006 Council resolved (**CMRef 28397**) to commence action pursuant to section 137 of the Health Act 1911 (the Act), requiring the owner to take down the house at Lot 1 Railway Ave, Merredin in the event that SAT not determine this matter.

MINUTES

SAT have now determined the matter of the appeal by the owner of the property against the section 135 and 139 Notices, in favour of the Shire of Merredin.

This is however not the end of this matter, with further action required by Council to ultimately require the removal of the dwelling on the property via the service of a new Notice under section 137 of the Act.

Normal appeal provisions under the Act are afforded to the property owner in relation to any new Notice.

Shall Council wish to issue a new Notice it should also rescind the existing section 139 Notice.

The section 135 Notice remains in force, as this is the Notice which declares that the dwelling on the property is unfit for human habitation.

Budget Implications:

Following through a Notice under section 137 of the Act, notwithstanding the appeal process through SAT, will require the engagement of Council's solicitors and associated costs.

If the requisitions of the Notice are not complied with and unless the property owner can disprove the validity of the section 137 Notice or that the service of such was unjust and/or unlawful, he will commit an offence for which penalties are applicable.

Ultimately, if the owner of the property fails to comply with the requisitions of the section 137 Notice, Council, upon application to and obtaining orders there from the Magistrates Court, can enter onto the land, remove the house and recover the costs incurred in doing so.

Comment:

It is recommended that Council afford the property owner, Mark Thomas Thompson, the opportunity to demolish the dwelling on the property, within a specified time period, prior to the issuing of a section 137 Notice under the Act.

It is also recommended that Council formally advise Mr Thompson of the impending legal action that may result in significant fines and Council demolishing the dwelling at Lot 1 Railway Ave, Merredin and recovering the costs in doing so.

Officer's Recommendation:

1. *That Council write to Mark Thomas Thompson, being the owner of Lot 1 Railway Ave, Merredin requesting that the dwelling on the property be demolished within 28 days and the property be made good to the satisfaction of the Chief Executive Officer.*
2. *That the matter be referred to Council at its Ordinary November 2006 meeting.*

- 28631** Moved Cr Townrow sec Cr Astbury
That Council come out from behind closed doors.

CARRIED 10/0

Council came out from behind closed doors at 2.59pm.

- 28632** Moved Cr Astbury sec Cr Crees
1. *That Council write to Mark Thomas Thompson, being the owner of Lot 1 Railway Ave, Merredin requesting that the dwelling on the property be demolished within 28 days and the property be made good to the satisfaction of the Chief Executive Officer.*
 2. *That the matter be referred to Council at its Ordinary November 2006 meeting.*

CARRIED 10/0

Sonya Kimber entered the meeting at 3.00pm.

- 28633** Moved Cr Astbury sec Cr Morley
That Council adjourn for afternoon tea at 3.00pm.

CARRIED 10/0

The meeting adjourned at 3.00pm.

- 28634** Moved Cr Astbury sec Cr Wallace
That Council reconvene the meeting.

CARRIED 9/0

The meeting was reconvened at 3.24pm.

Cr Townrow was not in attendance.
Jim Garrett, Manager of Works was in attendance.

11.0 ENGINEERING SERVICES

11.1 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

Widening of the bitumen edges of South Burracoppin Road completed and floodway to be bituminized late October.

Construction of new bowling greens under way. Construction of new Recreation Centre car park to start in two weeks so drainage can commence.

Waiting on quotes from contractors to concrete the footpath on Golf Road.

Due to wet weather, road construction has been delayed by 1 week.

Road Maintenance

Maintenance grading north of the Shire near complete.

Weed slashing of road verges in progress when staff available.

Bitumen patching ongoing.

Parks And Gardens

Lawn mowing program for the summer months has started.

Tidy up of footpaths, islands and parks progressing.

Roy Little Park, Apex Park, Hockey oval and the football oval to be aerated in late September. Thatching of the football oval to take place at the same time.

MINUTES

Second pump has been installed in the pump shed at Roy Little Park to improve the watering of Roy Little Park, Apex Park and the lawns along the Highway.

Townscape

Waiting for quotes from contractors to concrete the pads for the bar-b-cue, table and chairs at the pioneer park.

Banner poles have been erected.

Whitfield Way

Waiting for electrical contractor to lay cables and install transformers.

Community

Two truck loads of glass from the Lions Recycling Centre were transported to Perth for the Lions Club.

The recreation ground curator spend three days marking out the running track on the football oval. The Merredin Senior High School requested some sand for long jump pits and it was delivered and then will be picked up after.

Rehabilitation

The gravel pit used by the Council on Frank Alvaro's property was levelled and 2000 trees planted. Other gravel pits around the Shire are currently being costed for future rehabilitation.

Water

All of Councils dams are at full capacity.

Dam #1	100% Full	Capacity	74,455 kilolitres
Dam #2	100% Full	Capacity	71,675 kilolitres
Dam #3	105% 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 September 2006.

Cr Townrow entered the meeting at 3.25pm.

28635

Moved Cr Wallace sec Cr Simmonds

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

CARRIED 10/0

11.2 ROAD NAMING – LOCALITY OF BOORAN

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

Background:

As part of the Great Eastern Highway upgrade from Hines Hill to Walgoolan it has been brought to our attention that two roads have not been formally named in the locality of Booran.

One of these roads intersects onto the Great Eastern Highway as can be seen on **Attachment 11.2A**. This road needs to be named for the purpose of road signage and the construction of an intersection with the Great Eastern Highway. This road is sign posted as South Booran Road which is incorrect as South Booran Road is situated 500 metres to the west along Great Eastern Highway.

The other road currently runs from the Goldfields pipeline south to the driveway on Duffields property as can be seen on **Attachment 11.2B**.

Under the (Land Administration Act 1997) Council is required to approve a name for the road and submit the name to the Minister of Land Information for approval.

Guidelines for the naming of roads can be seen on **Attachment 11.2C**.

Legal Implications:

A person cannot assign a name to a road unless the name is first approved by Council and then by the Minister for Land Information. (penalty \$1,000 and a daily penalty of \$100)

Budget Implications:

Nil

Comment:

The naming of the two roads will help in the rural street addressing that has currently been undertaken in the Shire of Merredin. The rural street addressing for the properties located on the two unnamed roads are situated on the Great Eastern Highway which may be confusing for emergency and other services.

Officer's Recommendation:

- 1) *That the road shown on Attachment 11.2A be named by the Merredin Shire Council and be submitted to the Minister for Land Information for approval.*
- 2) *That the road shown on Attachment 11.2B be named by the Merredin Shire Council and be submitted to the Minister for Land Information for approval.*
- 3) *The residents of the road shown on Attachment be approached and asked to submit a name for Councils approval and then be submitted to the Minister for Land Information for approval.*
- 4) *The residents of the road shown on Attachment be approached and asked to submit a name for Councils approval and then be submitted to the Minister for Land Information for approval.*

Cr Marley left the meeting at 3.32pm.

Cr Marley entered the meeting at 3.33pm.

28636 Moved Cr Townrow sec Cr Morley

- 1) *That the road shown on Attachment 11.2A be named Gebert Road by the Merredin Shire Council and be submitted to the Minister for Land Information for approval.*
- 2) *That the road shown on Attachment 11.2B be named Newport Road by the Merredin Shire Council and be submitted to the Minister for Land Information for approval.*

CARRIED 9/1

11.3 ADDITIONAL ROADS TO RECOVERY FUNDS

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

Background:

At Council's 20 June 2006 meeting (CMRef 28542) Council was informed that in the Commonwealth Budget announced on the 9th May 2006, an additional \$45m in funding was made to the Roads to Recovery Program for Councils in Western Australia.

Merredin Shire council will receive \$348,370 of this funding.

Council will be required to submit a works schedule for the additional funds by the 30 September 2006 to be completed by June 2009.

Roads submitted can be reviewed and removed off the list and resubmitted at a later date.

Roads that should come into consideration for the additional Road to Recovery funding as can be seen on **Attachment 11.3A and 11.3B.**

Townsite

- Carrington Way from Cummings Crescent to Dobson Way (reconstruct, seal, footpaths, drainage and kerb) \$210,000
- Endersbee Street from Woolgar Avenue to Pollock Avenue (reconstruct, seal and kerb)\$60,000
- Fifth Street from Barrack Street to Growden Street(reconstruct, seal, kerb and improve drainage)\$195,000
- Barrack Street East from Telfer Avenue to Great Eastern Highway (reconstruct, seal and kerb). \$87,000
- Farrar Parade from Great Eastern Highway to Brewery Road (reconstruct, seal and kerb).\$98,000
- Brewery Road from Farrar Parade to Pollock Avenue (Reconstruct, seal and kerb) \$65,000
- Pereira Drive from Great Eastern Highway to Kitchener Road (reconstruct, seal and kerb) \$50,000

TOTAL \$765,000

MINUTES

Rural Roads

- Robartson Road from Great Eastern Highway to Bruce Rock Road (reconstruct and seal to 7 metres to accommodate for heavy vehicles). Is currently on the 2025 RRG submission and we are still waiting to see if it has been accepted.
- Abattoir Road (reconstruct and seal to 7metres to accommodate heavy vehicles). Is currently on the 2025 RRG submission and we are still waiting to see if it has been accepted.\$198,000
- Totadgin Hall Road from Bruce Rock Road to West Colgar Road(reconstruct and seal to 6.1 metres).\$95,000
- Downsborough (Gravel sheet)\$60,000
- South Booran Road (Gravel sheet various sections)\$45,000
- Goomarin Nukarni Road from Goomalling-Merredin Road to Payne Road (gravel sheet).\$60,000
- Goldfields Road from North Hines Hill Road to Crooks Road (reconstruct and gravel).\$82,000
- Coulahan Road from South Baandee Road to Doodlakine-Bruce Rock Road (reconstruct and gravel sheet).\$84,000
- Springwell Valley Road, various sections from Johnston Road to Bulls Head Road (reconstruct and gravel sheet).\$65,000
- West Muntadgin Road from Narembeen Road to Crossland Street (reconstruct and gravel sheet) \$60,000

TOTAL \$1,044,000.

Legal Implications:

Nil

Budget Implications:

Council will have until June 2009 to expend the \$348,000 and acquit the funds.

Comment:

In March 2002 (CMRef 26585) Council resolved in principle that Roads to Recovery funds would be used 100% on urban roads.

The road works subject to the extra funding can be included in the road program.

Staff have recommended Carrington Road as our contribution to the subdivision development. Abattoir Road is also recommended in order to support the proposed development of the Abattoir whilst the total cost is \$198,000 only \$150,000 remains after allocating funds to Carrington Road. The remaining \$48,000 can be made available by revising our current five year program.

Officer's Recommendation:

That the Merredin Shire Council include Carrington Way construct and seal \$210,000 and Abattoir Road reconstruct and widen \$150,000 in the works schedule for the Roads to Recovery Supplementary Funding and have it included in the 2007/2008 financial year road program .

28637

Moved Cr Townrow sec Cr Astbury

That the Merredin Shire Council include Carrington Way construct and seal \$210,000 in the works schedule for the Roads to Recovery Supplementary Funding and have it included in the 2007/2008 financial year road program .

CARRIED 9/1

28638

Moved Cr Marley sec Cr Simmonds

That the Merredin Shire Council include Farrar Parade and Chegwidden Road reconstruct and widen \$138,000 in the works schedule for the Roads to Recovery Supplementary Funding and have it included in the 2007/2008 financial year road program .

CARRIED 9/1

REASON: Other funding sources were being pursued for Abattoir Road.

11.4 ROAD CLOSURE – SALEYARD ROAD

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

Background:

As part of the Great Eastern Highway upgrade from Hines Hill to Walgoolan, Aline East has requested that we formally close Saleyard Road.

The Saleyard Road reserve runs from East Barrack Street to Great Eastern Highway (near the old Ampol Service Station) as can be seen on **Attachment 11.4A**.

The standard gauge railway line crosses Saleyard Road with no road crossing in place. Saleyard Road was never officially closed when the standard gauge line was constructed.

Aline East have requested that we close part or all of Saleyard Road so an intersection does not have to be designed or constructed where it intersects the Great Eastern Highway.

Legal Implications:

As this would be a permanent road closure Council will need to go through the statutory process under Section 3:50 of the Local Government Act.

Budget Implications:

Nil

Comment:

Saleyard Road has not been accessible from the Great Eastern Highway for about 30 years since the standard railway line was constructed.

Officer's Recommendation:

- 1) *That Council initiate the process for formally closing Saleyard Road as described in Attachment 11.4A.*

28639

Moved Cr Townrow sec Cr Morley

That Council initiate the process for formally closing Saleyard Road by installing a cul-de-sac north of the Railway reserve as seen on Attachment 11.4A.

CARRIED 10/0

11.5 AGGREGATE TENDER NO 01 – 06/07

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

Background:

The Shire of Merredin issued Tender No 01-06/07 on the 5 August 2006 for approximately 1928 tonne of aggregate to be used in the 2006/2007 road works program

The following tenders were received.

	TENDERER	PRICE
A	Windchester Industries	\$ 121,880.00
B	M.H Carr Contracting	\$ 91,416.00

The evaluation matrix is at **Attachment 11.5A**.

Legal Implications:

Nil.

Budget Implications:

Approximately 1928 tonne of aggregate @ \$ 48.00 per tonne has been budgeted for in the 2006/2007 road program.

Comment:

M.H. Carr Contracting is a non conforming tender as can be shown on the evaluation matrix.

As this only leaves one tenderer and Council have a sufficient stockpile of aggregate in stock to cover the over budget amount. There is only a need to order aggregate up to the budgeted amount of \$88,704 from the successful tenderer.

Officer's Recommendation:

- 1) *That Council award tender 01-06/07 to Winchester Industries to supply aggregate to the Merredin Shire Council for the 2006/2007 financial year at \$61.00 per tonne..*

Moved Cr Morris sec Cr Simmonds

That Council award tender 01-06/07 to Winchester Industries to supply aggregate to the Merredin Shire Council for the 2006/2007 financial year at \$61.00 per tonne.

LOST 1/9

28640

Moved Cr Marley sec Cr Townrow

That Council accept no Tender for supply of aggregate.

CARRIED 9/1

11.6 HOT BITUMEN TENDER NO 02 – 06/07

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

Background:

The Shire of Merredin issued tender No 02-06/07 on the 5 August 2006 for approximately 159,198 litres of hot bitumen to be used in the 2006/2007 road works program..

The following tenders were received.

	TENDERER	PRICE
A	Bitumen Emulsions	\$ 133,726.32 incl. Gst. (non fixed price)
B	RNR Contracting	\$ 138502.26 incl. Gst. (non Fixed Price)
C	Pioneer Road Services	\$ 128,884.00 + Gst (fixed price)
D	Boral	\$ 145,347.00 incl Gst (fixed price)

The evaluation matrix is at **Attachment 11.6A.**

Legal Implications:

Nil.

Budget Implications:

Approximately 159,198 litres of hot bitumen @ .78¢ per litre has been budgeted for in the 2006/2007 road program.

This equates to an overrun of \$20,700 approximately: Careful monitoring of the projects will enable us to remain within budget overall.

Comment:

Bitumen Emulsions and RnR Contracting tenders are non conforming as the tender requires a fixed price for term of the contract.

Officer's Recommendation:

- 1) *That Council award tender 02-06/07 to Pioneer Road Services to supply hot bitumen to the Merredin Shire Council @ .91¢ per litre for the 2006/2007 financial year.*

28641

Moved Cr Townrow sec cr Morley

That Council award tender 02-06/07 to Pioneer Road Services to supply hot bitumen to the Merredin Shire Council @ .91¢ per litre inclusive of gst for the 2006/2007 financial year.

CARRIED 9/1

11.7 HOT MIX ASPHALT TENDER NO 03 - 06/07

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

Background:

The Shire of Merredin issued tender No 03-06/07 on the 5 August 2006 for approximately 1200 tonne hot mix asphalt to be used in the 2006/2007 road works program..

The following tenders were received.

	TENDERER	PRICE
A	Boral	\$ 234,000 incl. Gst.
B	Emoleum Works	\$ 208,322 incl. Gst.
C	Pioneer Road Services	\$ 209,880 incl Gst

The evaluation matrix is at **Attachment 11.7A.**

Legal Implications:

Nil.

Budget Implications:

Approximately 1200 tonne of hot mix asphalt @ \$156.00 per tonne has been budgeted for in the 2006/2007 road program.

This equates to an over run of \$22,800 careful monitoring of projects will enable us to remain in budget overall.

Comment:

Pioneer Road Services supplied Councils asphalt in the 2005/2006 financial year and was to Council's required standards.

Officer's Recommendation:

- 1) *That Council award tender 03-06/07 to Pioneer Road Services to supply hot mix asphalt to the Merredin Shire Council @ \$175.00 per tonne for the 2006/2007 financial year.*

28642

Moved Cr Simmonds sec Cr Crees

That Council award tender 03-06/07 to Pioneer Road Services to supply hot mix asphalt to the Merredin Shire Council @ \$175.00 per tonne for the 2006/2007 financial year.

CARRIED 10/0

11.8 BURRACOPPIN TOWNSITE – GREAT EASTERN HIGHWAY REALIGNMENT

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

Background:

As part of the Great Eastern Highway upgrade from Hines Hill to Walgoolan, Aline East have submitted design package 9 for the realignment of Great Eastern Highway through the Burracoppin Townsite as can be seen on **Attachment 11.8A.**

This design is in the preliminary stage and Council may wish to have some input into changes that they think should take place before the final design.

Legal Implications:

Nil

Budget Implications:

Nil

Comment:

There have been requests in the past to make a track through the bush from North West Burracoppin Road to the Burracoppin - Champion Road for farm machinery.

Farmers have indicated that they feel it is unsafe to drive machinery onto the Great Eastern Highway from North West Burracoppin Road, drive two hundred metres east down the highway and turn left onto the Springwell Valley Road.

Officer's Recommendation:

- 1) *That the Merredin Shire Council advise Aline Line East of any design changes they require..*
- 2) *That the Engineering and Services Committee meet with Aline East to discuss the design for the realignment of the Great Eastern Highway through the townsite of Burracoppin.*

28643

Moved Cr Astbury sec Cr Marley

- 1) *That the Merredin Shire Council advise Aline Line East of any design changes they require.*

- 2) *That the Engineering and Services Committee meet with Aline East to discuss the design for the realignment of the Great Eastern Highway through the townsite of Burracoppin.*

CARRIED 10/0

Cr Morris left the meeting at 4.24pm.

11.9 WHEEL LOADER – TENDER 04 - 06/07

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

Background:

The Shire of Merredin issued tender No 04-06/07 for one wheel loader in the 140 to 190 kw range on the 5 August 2006. Tenders closed on the 22 August 2006.

The following machines in the tenders that were suited to the daily operations of the Shire of Merredin were:

	TENDERER	PRICE
A	CJD Equipment	One Volvo 110E \$181,500 incl. GST (\$163,350 Excl. Gst without rippers)
B	Westrac	One 950 HSW Caterpillar \$201,294.00 incl. GST (\$181,164.60 Excl. Gst without rippers)
C	Hitachi	One John Deere 644G \$203,500.00 incl. GST (\$185,000 Excl. Gst without rippers)
D	BT Equipment	One Kawasaki 85ZV \$261,024.00 incl GST (234,922 Excl. Gst without rippers)
E	Earthwest	One Hyundai HL 760-7 \$140,170.00 incl GST (\$126,153 Excl. Gst without rippers)
F	Komatsu	One Komatsu WA 380 \$255,183.98 incl GST With rippers (\$189,578 Excl. Gst and without rippers)
G	Ovest Machinery	\$95,018 for outright purchase

The evaluation matrix is at **Attachment 11.9A**.

Legal Implications:

Nil.

Budget Implications:

Council have allocated \$185,000.00 in the budget for the change over of the loader.

Comment:

To help in the evaluation process, an inspection of the machines that met councils requirements was carried out by Jim Garrett the Manager of Works, Mick Fiegert the Shire Mechanic and Wayne James our Loader Operator.

It was found that Komatzu WA 380 and the Caterpillar 950 HSW showed more value for money than other tenderers as can be seen on the attachment.

The Komatzu WA 380 comes with a easy ride system and a automatic greasing system which are standard on all Komatzu loaders. An easy ride system is designed to stop the bouncing of machines when they are transporting or working across uneven grounds.

The Komatzu WA 380 was test driven at the Shire of Wyalkatchem in one of their gravel pits and was found to be suited to our operations. The easy ride system was found to help the machine stay stable on uneven surfaces and help in operator comfort.

The Caterpillar 950 HSW loader was test driven in Perth under working conditions and found to have the same capabilities as the Komatzu loader.

The Caterpillar 950 HSW that was test driver had an easy ride system. This system is an optional extra on Caterpillar machines as is the automatic greasing system and is not included in the machine tendered.

The cost of these optional extras are approximately \$23,000

The tender price is \$4,578 above the budget for the changeover of the loader and additional funds will have to be taken out of the plant reserve so the officers recommendation will require a absolute majority.

Officer's Recommendation:

That Council award tender 04-06/07 for the supply of one New wheel loader for the change over price of \$189,578.00 Excl GST. to Komatzu for one Komatzu WA 380 loader.

28644

Moved Cr Townrow Cr Astbury

That Council award tender 04-06/07 for the supply of one New wheel loader for the change over price of \$189,578.00 Excl GST. to Komatzu for one Komatzu WA 380 loader with additional funds coming from the Plant Reserve.

**CARRIED 8/1
ABSOLUTE MAJORITY**

11.10 SELF PROPELLED ROTARY MOWER – TENDER 05 - 06/07

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

Background:

The Shire of Merredin issued tender No 05-06/07 for one Self Propelled Rotary Mower in the 20-25 H.P. range on the 5 August 2006. Tenders closed on the 22 August 2006. Only one tender was received, that was from T-QUIP with a range of four mowers to choose from.

The four mowers were:

	TENDERER	PRICE
1	Toro Z-Master 593	\$20,000
2	Toro Groundmaster 3280 D 2WD	\$23,000
3	Toro Groundmaster 3280 D 4WD	\$26,000
4	Toro Groundmaster 228 4WD	\$27,110

The evaluation matrix on the tenderer is at **Attachment 11.10A**.

Legal Implications:

nil.

Budget Implications:

Council have allocated \$37,000.00 for the change over of the self propelled rotary mower.

Comment:

Jim Garrett the Manager of Works, Mick Fiegert the Shire Mechanic and Kerrie Dunn our Mower Operator inspected the four mowers to see which mower was more suited the daily operations of the Shire.

The Toro Groundmaster 3280 4WD was the one more suited to our daily operations. The seat on the mower was found to be not suitable for an operator who would be seated in it for a prolonged periods of time. A more suitable seat for operator comfort would cost an extra \$1,200 above the tendered price.

Officer's Recommendation:

That Council award tender 05-06/07 for the supply of one New Toro Groundmaster 3280D 4WD for the change over price of \$26,000 incl GST plus \$1,200 for a more ergonomic operator seat to T-QUIP.

28645

Moved Cr Marley sec Cr Townrow

That Council award tender 05-06/07 for the supply of one New Toro Groudmaster 3280D 4WD for the change over price of \$26,000 incl GST plus \$1,200 for a more ergonomic operator seat to T-QUIP.

CARRIED 9/0

Jim Garrett, Manager of Works left the meeting at 4.33pm.

MINUTES

12.0 ADMINISTRATION, FINANCE & COMMUNITY DEVELOPMENT

12.1 CHIEF EXECUTIVE OFFICER'S REPORT

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

Long Tan Day Dedication

The dedication of the Long Tan Memorial in Merredin on the 18 August 2006 was a very successful event. Full credit goes to the Wheatbelt Vietnam Veterans.

New Software Installation

With the departure of Council's Senior Finance Officer and the difficulty in finding a replacement for that position I have re-allocated some of my duties to the Deputy Chief Executive Officer and the Community Project Team so that I can take over the project management of the new software installation.

Tasks such as the purchase of the East Barrack Street land, development of funding applications, the development of Carrington Way subdivision and the work associated with Whitfield Way land advertising have now been allocated to the Community Project team.

Wheatbelt Agcare

I attended an information session with Councillor Townrow on the new funding arrangements for Wheatbelt Agcare.

Previously Financial Counsellors were funded by the Commonwealth employed by individual Agcare committees throughout the State. There were a number of governance issues with this model and the Federal Government recently advertised a tender for the management of these seven Financial Counsellors. The State Association of Financial Counsellors won the tender and now employ all seven Financial Counsellors (with full funding coming from the Commonwealth).

The circumstances in respect to the Family Counsellor remain the same where funding is received by the local committee from the Department of Community Development.

The Wheatbelt Agcare organisation continue to encourage Local Governments to support this vital service.

Aline East Water Initiative

It is expected that the desalinisation plant will be installed in late September 2006 with the plant coming into operation by the 18 October 2006. It is intended to have an official opening of the plant in mid-November 2006.

Education Forum

I attended an education forum initiated by Brendon Grylls MLA on the 5th September 2006 to discuss educational options available in rural areas.

Points emerging from the discussion were:

- Reverend Peter Laurence, Chairman of the Anglican Schools Commission indicated that Merredin was not being considered by that organisation for a high school.
- The Education Act strictly prohibited establishment of a school where the population growth was not occurring and would have an effect on the numbers at the government run high school.
- A number of parents were frustrated with the lack of choice in the curriculum being offered by the Merredin Senior High School.
- Catholic High Schools/Colleges required a catchment of approximately 40,000 people as they only allows somewhere between 30% to 40% non-catholic enrolment.
- Significant funds were moving out of the Wheatbelt on an annual basis to Perth based colleges. It was reported that in one wheatbelt town approximately \$1.3 million worth of fees were being paid to Perth based education institutions. If these funds could be utilised for a Wheatbelt College it would be beneficial to the whole area.
- It was pointed out that the Merredin Senior High school did have a good reputation and needed to be more proactive with advertising the standards achieved and the range of options offered.

I estimated that approximately 100 people were in attendance.

In response to a question by Brendon Grylls regarding pursuing a Wheatbelt Grammar College or raising the standard at the Merredin Senior Highschool the feedback was that more effort should be placed in raising the standard of the Merredin Senior High school as it would be easier to achieve than establishing a Wheatbelt Grammar College.

Great Eastern Country Zone of WALGA

I wish to advise that the Shire President, Deputy President and myself will be attending the Annual Waste and Recycling Conference on the date of the forthcoming Zone Conference on the 22 September 2006 at Wyalkatchem. Are any Councillors available to attend this meeting on behalf of Council?.

Wheatbelt Drainage Proposal

At the 2006 Annual Conference of the Western Australian Local Government Association significant discussion occurred regarding a Wheatbelt Drainage Proposal.

I wish to inform Council that a meeting has tentatively been arranged for the 30 October 2006 in Kellerberrin to discuss the issues.

Officer's Recommendation

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

28646

Moved Cr Townrow sec Cr Morley

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

CARRIED 9/0

12.2 WE-ROC MEMORANDUM OF UNDERSTANDING

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

Background

At Council's 20 July 2006 meeting (CMRef 27557) Council endorsed the WE-ROC Memorandum of Understanding. This agreement was for an initial period commencing the 17 March 2004 expiring in March 2005.

As the operation has extended past this expiry date it is appropriate that the existing MOU be reviewed at the July 2006 meeting of the Executive. The current MOU was briefly discussed with no issues of concerns being raised.

Amendments suggested or required to the previous MOU –

- Amend date on title page
- Delete Recital A, as it is irrelevant, referring to a Regional Local Government
- Clause 4 –
 - o – replace here and elsewhere the words “Establishment Agreement” throughout, with the words “Memorandum of Understanding”,
 - o delete definition of “Initial Period” as term is now included in clause 8
 - o delete definition of “Minister”, as not referred to anywhere within the MOU
- clause 5.1 (a) – Simplify and clarify intention
- clause 5.2 –
 - o remove reference to appointment as the members of WE-ROC are ex-officio under clause 5.1 (a),
 - o insert CEO into 5.2 (a), for consistency with Councillor member
- clause 5.3 (1) – delete reference to “operative date” as it does not occur anywhere else
- clause 5.4 –
 - o (1) – delete reference to point (b) of 5.3 (1) as it no longer exists
 - o (2) – new provision so that elections are not held every time the MOU is renewed, but existing office holders continue
- clause 5.7 –
 - o replace the word “NEWROC” here and elsewhere, with the word “WE-ROC”
 - o amendment to “WE-ROC” for consistency

-
- clause 6.1 –
 - o amendment required for provision of a general subscription or contribution following appointment of Executive Officer, and further specifying that the contribution is in equal shares.
 - clause 8 – title amended to “Term and Termination”
 - o inclusion of term of agreement being 1 July 2006 to 30 June 2008, previously unspecified except by definition of “Initial Period” in clause 4
 - o numbering corrected
 - clause 9.1 – deletion of initial period limitation as irrelevant
 - clause 9.2 –
 - o at the moment, Member Shires are effectively required to give a minimum 18 months notice of withdrawal from the MOU
 - o amended so that a minimum of six months notice is required

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- clause 9.3 – as per clause 9.2
 - clause 10 (2) – amended so that a new member can join at any time, existing provisions require the new member to make contribution as agreed
 - clause 11.1 – delete unnecessary words
 - clause 13 – replacing previous footnote for consistency with clause 10
- Schedule 1 – delete necessary section

The amended Memorandum of Understanding is attached for Council information. **Attachment 12.2A.**

Legal Implications

Nil

Financial Implications

Nil

Comment

I believe that the WE-ROC grouping has been developing over the years and is now at a point where it can go out and achieve some important initiatives within the region. I therefore commend the signing of the new MOU.

Officers Recommendation

That Council endorse the Wheatbelt Eastern Regional Organisation of Councils Memorandum of Understanding dated 1st July 2006 to 30 June 2008.

28647

Moved Cr Marley sec Cr Townrow

That Council endorse the Wheatbelt Eastern Regional Organisation of Councils Memorandum of Understanding dated 1st July 2006 to 30 June 2008.

CARRIED 9/0

12.3 EMERGENCY MANAGEMENT ACT – WE-ROC PARTNERING AGREEMENT

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

Background

At Council's August 2006 Council meeting Police Inspector Walker addressed Council on Emergency Partnering Agreements regarding neighbouring Local Governments. Council resolved (CMRef 28594) to support a Regional Emergency Management Partnering Agreement.

WE-ROC has developed a draft Partnering Agreement for Council consideration. (**Attachment 12.3A**)

Comment

I think the Partnering Agreement formalises arrangements that are currently in place simply quantifying what good neighbours do.

In respect to representation to the WE-ROC Recovery Group, once the Merredin Local Emergency Management Committee is re-established I believe there will be a need for at least one elected member on that committee. This Councillor could then be Council's representative on the WE-ROC Recovery Group.

Recommendation

That Council endorse the WE-ROC Partnering Agreement for the provisions of mutual aid for recovery during emergencies draft version 2.

28648

Moved Cr Townrow sec Cr Astbury

That Council endorse the WE-ROC Partnering Agreement for the provisions of mutual aid for recovery during emergencies draft version 2.

CARRIED 9/0

12.4 MERREDIN REGIONAL COMMUNITY AND LEISURE CENTRE – HOUSE MANAGEMENT POLICY, CODE OF CONDUCT AND MANAGEMENT PLAN.

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

Background

In developing an application for Liquor License for the Merredin Regional Community & Leisure Centre, Council needs to develop a House Management Policy, Code of Conduct and a Management Policy in order to progress the Liquor Licensing Application.

Staff have purchased pro-forma documents from Lavan Legal a company that has extensive experience in the Liquor Licensing area and provides legal advice to Clubs WA. These documents are attached as **Attachment 12.4A and 12.4B.**

Legal requirements

Under Section 5 (1)(b) of the Liquor Licensing Act 1998 the primary objects of the Act are to minimise harm or ill-health caused to people or any group of people due to the use of liquor.

This has led the Director of Liquor Licensing to develop a harm minimization policy to ensure that each establishment selling liquor has a house management policy, a code of conduct and a management policy.

Comment

It would be appropriate for Council to adopt these policies so the Liquor Licensing Application can progress. Once the Recreation Centre has been operating for a period of time these policies will need to be reviewed and tailored to our specific requirements.

Recommendation

That Council adopt the House Management Policy, Code of Conduct and Management Policy in respect to a Special Facilities Licence at the Merredin Regional Community & Leisure Centre.

28649

Moved Cr Marley sec Cr Townrow

That Council adopt the House Management Policy, Code of Conduct and Management Policy in respect to a Special Facilities Licence at the Merredin Regional Community & Leisure Centre.

CARRIED 9/0

**12.5 WE-ROC NATURAL RESOURCE MANAGEMENT GROUP –
STRATEGIC PLAN DEVELOPMENT**

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

Background

Natural Resource Management officers working in WE-ROC Councils met in August 2006 in order to progress NRM within the region. It was decided based on NEW-ROC experiences that an effective workable and strategic plan was required. (**Attachment 12.5A**)

The group has requested that each Council provide \$1,000 so a facilitator can be employed to conduct workshops to develop a plan. Additionally at least one Councillor from each Shire should be available to participate in this workshop.

Financial Implications

Council has not specifically allowed for any funds for a WE-ROC Natural Resource Management Strategic Plan in its 2006/2007 budget.

Comment

I believe it is appropriate that some sort strategic plan is developed for our NRM Officers as this will be of benefit to funding applications as well as input into the Shire of Merredin's own strategic plan.

It would also be appropriate for Council to designate a Councillor to attend the workshop on behalf of the Shire of Merredin.

Voting Requirement

Absolute Majority Required for Recommendation 1.

Recommendation

1. *That Council allow \$1,000 for the development of a WE-ROC Natural Resource Management Strategic Plan recognising this as unbudgeted expenditure.*
2. *That Council nominate Councillor..... to represent the Shire of Merredin at the WE-ROC Natural Resource Management Strategic Plan Workshop.*

28650

Moved Cr Townrow sec Cr Morley

That Council allow \$1,000 for the development of a WE-ROC Natural Resource Management Strategic Plan recognising this as unbudgeted expenditure.

**CARRIED 9/0
ABSOLUTE MAJORITY**

28651

Moved Cr Wallace sec Cr N Hooper

That Council nominate Councillor David Morley to represent the Shire of Merredin at the WE-ROC Natural Resource Management Strategic Plan Workshop.

CARRIED 9/0

12.6 MERREDIN MEDICAL PRACTICE – DUE DILIGENCE REVIEW

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

Background

At Council's 16 May 2006 meeting Council were informed that the Due Diligence Review performed by Dr Jamieson of the Merredin Medical Practice had resulted in the consortium made up of the Western Australian Country Health Service, Central Wheatbelt Divisions of General Practice, the West Australian Centre for Rural and Remote Medicine and the Shire determining that a Project Officer should be employed at the Merredin Medical Practice to improve the operations and to implement the recommendations of the Jamieson Report (CMRef 28434). The Project Officer is being fully funded by WACRRM.

The Project Manager commenced working at the Medical Centre on the 11 September 2006. In order to make efficient use of her time the Memorandum of Understanding between the Shire and WACRRM was developed so her outcomes can be measured.

The purpose of this report is for Council to endorse the MOU with WACRRM. (**Attachment 12.6A - which is under separate cover**).

Financial Implications

The Project Officer will be employed by WACRRM and they will also provide a vehicle for her use. From Council's part I have offered the provision of fuel for this vehicle whilst undertaking official duties at the Medical Practice.

Officers Recommendation

That Council endorse the actions of the Chief Executive Officer by signing the Memorandum of Understanding with Western Australian Centre for Remote and Rural Medicine for the employment of the Project Officer at the Merredin Medical Practice.

28652

Moved Cr Townrow sec Cr Morley

That Council endorse the actions of the Chief Executive Officer by signing the Memorandum of Understanding with Western Australian Centre for Remote and Rural Medicine for the employment of the Project Officer at the Merredin Medical Practice.

CARRIED 9/0

12.7 SYSTEMIC SUSTAINABILITY STUDY – WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION

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

Background

At Councils June 2006 meeting (CMRef 28540) Council agreed to forward a submission to the Western Australian Local Government Association Systemic Sustainability Study. The purpose of this study was to consider the future of Local Governments in Western Australia.

An interim report has been produced and is attached for Council information. (**Attachment 12.7A**).

It is also proposed to conduct a forum at Bruce Rock on the 28 September 2006 between 1.00pm and 4.00pm to discuss some of the issues highlighted in the discussion paper. WALGA is also offering to provide Council with an individualised Sustainability Report at the cost of \$500.00.

Comment

From my point of view the most important chapters of the study are the Executive Summary – Chapter 2 and Chapter 7.

I believe that it would be appropriate for Council to purchase an individualised report so it can focus on our particular situation and how we can improve it.

I also believe that it would be appropriate for a number of Councillors to attend the Forum in Bruce Rock on the 28 September.

I understand that some of the issues that will be discussed at the Bruce Rock Forum are:

- Capacity, capability and skills challenges facing the industry;
- The challenge of securing and maintaining sound infrastructure and quality services for communities;
- Financial viability;
- Incentives that may be necessary for implementing effective change;
- Policies and practices that would encourage sustainability throughout the local government sector;
- Institutional arrangements that may be needed to support the future development of local government in this state; and
- Role clarity and partnering with State and Federal governments.

Any comments on this issue would be appropriate so that delegates could take them to the 28 September 2006 meeting.

Recommendation

1. *That Council purchase a Systemic Sustainability Report individualised for the Shire of Merredin at a cost of \$500.00.*
2. *That Councillors....., and attend the Wheatbelt Systemic Sustainability Forum at Bruce Rock on the 28 September, 2006.*

Sonya Kimber left the meeting at 4.51pm.

Sonya Kimber entered the meeting at 4.54pm.

28653

Moved Cr Morley sec Cr Townrow

1. *That Council purchase a Systemic Sustainability Report individualised for the Shire of Merredin at a cost of \$500.00.*
2. *That Councillors Crees, Townrow and N Hooper attend the Wheatbelt Systemic Sustainability Forum at Bruce Rock on the 28 September, 2006.*

CARRIED 9/0

12.8 COMMUNITY BUS

Reporting Department: Community & Economic Development
Reporting Officer: Debbie Morris, CEDPO
Legislation: Local Government Act 1995
File Number:

Background

In August 2005 the BCDC requested that an analysis of current community bus availability be conducted including consultation with community groups to see whether they would use a community bus.

In early 2006 the Wheatbelt Area Consultative Committee conducted a Transport Needs Assessment and Suggestions for Improvement for **Youth** in the Wheatbelt. These results were presented at the May 2006 BCDC meeting.

Needs Assessment	
Merredin	<ul style="list-style-type: none"> ➤ Transport is not such an issue for youth in town. Kids outside town do face difficulties. Shire is currently looking into the feasibility of a community bus to seat 22. Due to the number of buses already in the district, it is more difficult to prove there is a need to funding providers. Lack of a Community Bus is currently a missing link in the community. ➤ Kids in the community make own entertainment. ➤ Kids need to make the fun that they want it to be.
Suggestions for Improvement	
Merredin	<ul style="list-style-type: none"> ➤ There is a need specifically for a Youth Coordinator in the area. There is currently no real group to drive youth. When the YMCA Bus was visiting, it had a qualified youth worker on board. There is no-one in the local community who can provide youth with impromptu counselling, general youth information and organise general activities. ➤ A Community Bus. When kids travel away to go to camps with Youth Group, the cost to hire a bus for this is ridiculous. A Community Bus hire rate would probably be more reasonable.

(Listed below)

As this assessment only involved youth, a survey of all community and sporting groups in the Merredin Shire was conducted in June 2006. A summary of the results are listed below.

SUMMARY OF COMMUNITY BUS SURVEY JUNE 2006

31 Organisations responded to the survey consisting of –

- 8 Sporting groups
- 17 Community organizations
- 5 Schools (including 1 P & C)
- 1 Government Group (Merredin Interagency Group)

Q – “Does your organization have a need for a community bus?”

Results – 24 Yes
6 No
1 No answer (St John Ambulance)

Q “How often would your organization use a community bus and would it generally be week days or weekends?”

Results - varied – sporting groups generally nominating weekends
schools generally nominating week days
community organisations both weekends and week days

Q “Would you be prepared to pay a hire fee of around \$1per Km plus refuel the bus upon return?”

Results - 20 Yes
3 No
8 No answer (but comments indicated \$1 per Km was to expensive)

Both the WACC Assessment and the Community Survey indicate a need for a community bus in Merredin.

This information provides Council with sufficient data to consider a community bus in the 2007/08 budget.

Funding for a community bus is available through Lotterywest. Up to 90% of the purchase price is available, however Local Governments are expected to contribute more than the 10%. There may also be funding available through the Department of Veterans Affairs due to the high number of Vietnam Veterans in this region.

\$511.80 is currently held in Trust at the Shire towards a community bus, which were proceeds from fundraising and donations some years ago.

In order to progress any funding options, there needs to be a financial commitment from Council.

Officers Recommendation

That Council consider funding for the purchase of a community bus in its 2007/08 Shire budget.

28654 Moved Cr Crees sec Cr Astbury
That Council consider funding for the purchase of a community bus in its 2007/08 Shire budget

CARRIED 8/1

28655 Moved Cr N Hooper sec Cr Simmonds
That Council staff develop an agenda item on management procedures and comparisons in buying or leasing a Community Bus.

CARRIED 9/0

12.9 DEPUTY CHIEF EXECUTIVE OFFICER'S REPORT

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

Visitor Centre Manager's Report

Report is at **Attachment 12.9A**

Library Managers Report

Report is at **Attachment 12.9B.**

Cummins Theatre A/Manager

Report is at **Attachment 12.9C.**

Community and Economic Development Project Officer's Report

Report is at **Attachment 12.9D.**

Natural Resource Management Officer's Report

Report is at **Attachment 12.9E.**

Records Management Report

Statistics (From 17 Aug to 14 Sept 2006)

Total Mail In	629
Accounts Received	100
Invoices	255
General	356
Appreciations	5
Complaints	3
Total Mail Out	1917

Status Report:

The Action sheet detailing progress of Previous Council Resolutions from March 2004 is **Attachment 12.9F.**

Officer's Recommendation

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

28656

Moved Cr Crees sec Cr Wallace

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

CARRIED 9/0

12.10 MERREDIN SENIOR HIGH SCHOOL LEAVERS CEREMONY

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

Background:

Merredin Senior High School Awards Committee representative Vicki Herbert writes to ask that Council sponsor an award to the value of \$70.00 for the Leaver's Ceremony on Friday 27th October 2006. Council is also requested to nominate a Council representatives (plus partner) to attend the Award Ceremony and present the award sponsored by Council. (**Attachment 12.10A**)

Legal Implications:

Nil

Budget Implications:

The 2006/2007 Annual Budget includes a \$2,000 allocation in a/c E041170 'Public Relations – Community Donations and Sponsorship'. Council has sponsored the Leaver's Award in the past however there is no specific budget allocation for this purpose therefore a resolution of Council for expenditure is required.

Officer's Recommendation:

That Council sponsor the Merredin Senior High School Leaver's Ceremony award to the value of \$70.00 funded from a/c E041170 'Public Relations and Donations' and nominate Cr _____ to attend as Council's representative at the Leavers Ceremony on Friday 27th October 2006.

28657

Moved Cr Wallace sec Cr Townrow

That Council sponsor the Merredin Senior High School Leaver's Ceremony award to the value of \$70.00 funded from a/c E041170 'Public Relations and Donations' and nominate President Cr Ken Hooper to attend as Council's representative at the Leavers Ceremony on Friday 27th October 2006.

CARRIED 9/0

12.11 COMMUNITY DONATION – MANGOWINE CONCERT 2006

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

Background:

Mangowine Concert Committee Sponsorship Manager Gary Coumbe writes to seek Council's financial support for the annual Mangowine Concert to be held on 30 September 2006.

The requested sponsorship amount is \$250.00 with Council to receive 2 VIP tickets to the event plus recognition as an event sponsor.

Legal Implications:

Nil

Budget Implications:

The 2006//2007 Annual Budget includes a \$2,000 allocation in a/c E041170 'Public Relations – Community Donations and Sponsorship'. Council has sponsored this event in past years however there is no specific budget allocation for this purpose therefore a resolution of Council for expenditure is required.

Comment:

The purpose of this item is to obtain Council approval for expenditure from the relevant account for sponsorship and donations. Council has contributed to this regionally significant event each year since 2001 and no administrative objections are raised. Council may also wish to informally determine who will represent the Shire at the Mangowine Concert.

Officer's Recommendation:

That Council provide sponsorship to the value of \$250.00 to the Mangowine Concert Committee, funded from a/c E041170 'Public Relations and Donations'.

28658

Moved Cr Townrow sec Cr Morley

That Council provide sponsorship to the value of \$250.00 to the Mangowine Concert Committee, funded from a/c E041170 'Public Relations and Donations'.

CARRIED 5/4

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12.12 STATE BARRIER FENCE UPGRADE REPORT

Reporting Department: Natural Resource Management
Reporting Officer: Claire Hammersley, NRM
Legislation: Local Government Act 1995
File Number:

Background

The State Barrier Fence (SBF), was erected along the eastern fringe of the then agricultural region to protect it from Rabbits. The fence spans 1170km from the Zuytdorp Cliffs near Kalbarri to Jerdacuttup east of Ravensthorpe. It is maintained by the Agricultural Protection Board (APB) and the Department of Agriculture and Food (DAFWA) and serves to minimise the impact of emus on the agricultural region in Western Australia.

In recent years, between Mt Marshall and Esperance, there has been an increase in the presence of wild dog activity. There is a call for upgrading the fence to a true vermin proof fence that will keep out emus and wild dogs.

The APB has formed a committee: State Barrier Fence Management Advisory Committee (SBFMAC to provide the APB and the DAFWA with a whole-of-industry and community perspective whilst reviewing the effectiveness and efficiency of the current fence. In addition to considering alternatives such as upgrading the fence to a fully vermin proof fence and investigate possible extensions to the existing fence in the South Yilgarn and Esperance areas). The expected life of the fence would be 30 years. After this, it is expected that the fence would need to be replaced over the following decade.

A cost-benefit analysis was done that investigated the potential benefit of upgrading the entire SBF. (**Attachment 12.12A**) The scope of the project related to the benefit cost savings on the number of stock lost and killed, improved lambing percentages, increased stock carrying by farmers adjacent to the fence in the southern half and saved crops from emus in the northern half. From this it was clear there were substantial benefits to be gained by the agriculture/pastoral industries whether upgrading the fence entirely or employing more doggers, however, a number of questions were raised in this process that the SBFMAC wanted industry and community members to consider (p2 of the *Cost Benefit Analysis Summary* attachment).

Consultation

I spoke with and received an email from Mr Barry Davies regarding the State Barrier Fence Upgrade with a number of questions that I had regarding the options for the SBF.

I spoke with Mr Paul Blechynden on 1 September 2006 with regards to the following question:

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Q) Should the upgrading and construction of a wild dog fence become the preferred option, what will happen to the currently employed doggers?

A) Should a complete dog proof fence be the chosen option (given nothing has been decided upon), there will still be a need for a certain level of control through the employment of doggers on the western side of the fence.

Statutory Environment

N/A

Policy Implications

N/A

Financial Implications

The cost of this fence has been allocated a figure of \$14,61,250 which will still allow for an estimated benefit of millions per annum to the agriculture/pastoralism industry, with 'flow-on' effects for the state. There is concern as to who will be asked to fund the construction and maintenance of the fence; LGAs, private landholders, State or Federal Governments or a combination of any/all of these.

LGAs?

With reference to LGAs, it would seem a huge financial impost on any local government body; which LGAs will fund the project; who benefits from this – does this involve Merredin? Do shires along the fence fund this and how do they recover their costs – through rates and over what period? If this comes through rates, how do they rate their landholders – do only rural landholders have a rise in rates? Where does the benefit stop from having a SBF – Westonia, Yilgarn, Merredin, Narembeen, Kellerberrin, Bruce Rock?

It is due to the impracticality of answering these questions; most notably where do Wheatbelt LGAs find the funds and *which* LGAs find the funds, that LGAs should not be funding the upgrade/construction of the SBF.

Individual Landholders?

Individual landholders and the industry in general do not feel that funding the SBF construction/upgrade will be feasible due to potential benefits from having the fence possibly being consumed by construction costs.

State Funding

With biosecurity being controlled by the Department of Agriculture and Food/APB, the State Government would be the logical decision as to who provides the funding for this project.

Q) Why should tax payers in areas of the state that the fence does not effect, or who will have minimal benefit from the fence, be responsible for paying for it given that it will have a very direct impact on only the immediate few along the fence and shires closest?

A) It is obvious that some landholders and shires are going to benefit more than others from the construction of a fence due to it passing through their land or very nearby. The fact remains that the fence, when constructed, will

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have to be placed somewhere (on *somebody's* property and through *some shires*) and cannot be placed solely on land that is owned by the State (i.e. all taxpayers). This leads to the following point:

b) Taxpayers as a whole should pay because;

There are numerous projects across the states that benefit industries other than agriculture and as tax payers, the general expectation is that tax contributions support components of them. Agriculture is one of the largest industries in Western Australia. It provides employment, supports community services, lifestyles and most importantly provides food and trade to our state and country; therefore contributing to the WA's income. (In 2005-2006 agriculture provided just over \$4 billion to the state's economy through agricultural exports which is 8% of the state's exports by value (Arapis, M., 2006)). It is in the best interest of the State Government to support an industry that is important to Western Australia's wellbeing; the State Government should fund this State Barrier Fence project.

Alternative Options for Best Cost (as opposed to an entire dog-proof fence)?

Would a combination of Wild Dog Fence and Doggers in varied locations be more appropriate than a full wild dog fence along the entire route?

If a combination of a wild dog fence and doggers was the option chosen, then current doggers employed may be forced to relocate to positions along the fence where their services may be more effectively used.

This question will be answered by those in the industry (Agricultural). With no facts or figures to draw on, the logical conclusion is that a fence would be theoretically 100% effective in that dogs would not pass from the eastern to the western sides and vice-versa. Money spent would be well spent.

Q) In the instance where a Wild Dog fence may be the chosen option for the entire length, what happens to currently employed doggers?

A) It has been indicated that there will still be a requirement/need for doggers to remain on the western side of the fence.

Extra Doggers Only?

The benefit cost ratios of extra doggers without a fence compared with the value of sheep appear to be slightly higher, indicating that agriculture would in fact benefit more from this option. However, certain figures cannot be added into the cost-benefit analysis such as depreciation tax over the life of the fence, and, the fact that landholders may increase the stock numbers that they are carrying if more doggers are employed. Therefore, the figures for the employment of extra doggers don't address unquantifiable factors and indicate that the employment of doggers may be less effective than the construction of a dog-proof fence.

Strategic Implications

The primary concern for the Shire of Merredin is the potential impact of 'who pays?' If the state government will not pay for this entire project, it is thought

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that the cost may fall on LGAs and/or private landholders. In this instance, where LGAs are asked to contribute, we might need to consider the following:

1. Do we support the construction the entire fence being dog-proof?
2. How does this benefit us?
3. How much do we contribute as a regional centre, yet not having any tangible gains from the construction/upgrading of this fence?
4. What other ways could we show our support for this project given
 - a) it's a positive for the agricultural industry that our shire is based on, *and*
 - b) still indicate our support for the project to neighbouring regional shires where the fence will be located and hence have greatest affect?

Officer Comment

There are clear benefits that the fence brings to the region and the agricultural industry and this is clear from the cost-benefit analysis that has been presented by the SBFMAC.

The main issues presented to the Merredin Shire Council are how should the fence upgrade/construction look (fence, doggers or combination) and how should the construction be funded/maintained?

Given that we are a regional shire, we need to consider that we may be asked to contribute to funding this (along with other LGAs) at some level no matter what the chosen outcome is: combination of doggers and dog-proof fence, complete construction/maintenance of the entire fence to make it dog-proof, or only employing doggers.

Recommendation

That the Merredin Shire Council support the upgrading of the State Barrier Fence by replying that it supports in principle the upgrading of the State Barrier Fence to be entirely dog-proof and that the construction/maintenance of the State Barrier Fence be fully funded by the WA State Government.

28659

Moved Cr Marley sec Cr Crees

That the Merredin Shire Council support the upgrading of the State Barrier Fence by replying that it supports in principle the upgrading of the State Barrier Fence to be entirely dog-proof and that the construction/maintenance of the State Barrier Fence be fully funded by the WA State Government.

CARRIED 9/0

Cr Wallace left the meeting at 5.13pm.

12.13 SBS SELF-HELP RE-TRANSMISSION SUBSIDY SCHEME

Reporting Department: Community and Economic Development
Reporting Officer: Jeff Walker, Project Officer
Legislation: Local Government Act 1995
File Number:

Background:

The SBS Self-help scheme assists communities that do not currently have access to SBS Radio programs to provide retransmission of SBS radio programming in their local area, by providing funding assistance for the cost of setting up a local retransmission facility.

SBS will contribute 100% funding for costs of equipment and installation up to \$25,000 upon successful application to the scheme. The average cost for a community the size of Merredin is around \$15,000; verbal quotes received by staff come very close to this figure.

Legal Implications:

By entering into the scheme, Council would agree to maintain the service for a 5 year period.

Budget Implications:

A 5 year ACMA (Australian Communications and Media Authority) apparatus license costs \$224. There is an ongoing yearly maintenance cost of approximately \$2500; a cost which is considerably lowered if maintenance is performed by maintainers of existing broadcast equipment. This possibility has been discussed with parties that conduct existing maintenance, and this can easily be done.

Comment:

Depending on the consultant quoting, the application (both to SBS and the ACMA), setup and maintenance can be almost entirely handled by the consultant, with the Shire simply double-checking and signing the agreements.

If the application to the scheme is successful, installation can go ahead. Once the service is successfully on-air, a letter is written to SBS advising them that the service is up and running. A Shire-generated invoice is included, requesting the amount that is being charged by the consultant. SBS pay that amount to the Shire. The Shire then pays the consultant.

It seems that this SBS Radio service can be established for Merredin at extremely minimal cost, and with a minimum of Shire time devoted to it.

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The SBS committee dealing with the applications meets twice a year, with the next round in October 2006. If Council would like to see this service provided, an application and quotes can be submitted to this round of funding.

Officer's Recommendation:

That Council approve the lodging of an application to the SBS Self-help Retransmission Subsidy Scheme, and related applications to broadcast authorities.

28660

Moved Cr Crees sec Cr Morley

That Council approve the lodging of an application to the SBS Self-help Retransmission Subsidy Scheme, and related applications to broadcast authorities.

CARRIED 7/1

12.14 DEEMING OF ASSETS

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

Background

Recent amendments to Australian Accounting Standards as part of the transition to Australian Equivalents to International Financial Reporting Standards (AIFRSs) allows us to deem assets carried at a re-valued amount as at 1 July 2004 (date of transition) to be their cost. This will mean, in future, the assets will no longer be subject to regular revaluations to ensure their value is fairly stated at balance date. Rather, they will be subject to annual impairment tests which, in the case of not-for-profit entities, is far less onerous. Consequently, it would make for a more efficient reporting environment to deem those assets carried at a re-valued amount as at 1 July 2004 to be their cost.

Comment

It is a recommendation of Shire auditors Haines Norton that the method of asset deeming be in accordance with the following resolution.

Officer Recommendation

That the Merredin Shire Council adopt the revalued carrying amount of the Schedule of the Shire's assets and is deemed to be their cost upon transition to the new account standards as at 1 July 2004. In future, these will be subject to impairment testing in accordance with Australian Accounting Standards.

Cr Wallace entered the meeting at 5.16pm.

28661

Moved Cr Crees sec Cr N Hooper

That the Merredin Shire Council adopt the revalued carrying amount of the Schedule of the Shire's assets and is deemed to be their cost upon transition to the new account standards as at 1 July 2004. In future, these will be subject to impairment testing in accordance with Australian Accounting Standards.

CARRIED 9/0

MINUTES**12.15 MEDICAL CENTRE – DEBT WRITEOFFS**

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

Background

The Merredin Medical Centre Manager Josie Duffield has requested approval for write-off of outstanding debts.

These debts were incurred by patients seen at the Merredin Hospital. Unfortunately Dr Freeman did not provide any written documentation and therefore a patient file was not created. Under Health Department regulations fees for services to these patients can not be claimed as the documentation has not been completed. Unfortunately a retrospective provision of documentation is unacceptable to the Health Department.

Legal Implications

Section 6.12 (1) (c) of the Local Government Act 1995 gives Council the power to write-off debts by absolute majority.

Budget Implications

The effect of the debt write-off will reduce the income potential to Council.

Comment

The unrecoverable debts are listed below with no further details available.

NAME	AMOUNT
Mr Randall	\$34.87
Mr Badcock	\$34.87
Mrs Kent	\$59.62
Mrs Randall	\$34.87
Mrs Jones	\$59.62
Mrs Magill	\$34.87
Mr McLernon	\$34.87
	\$293.59

This matter will be brought to Dr Freemans attention.

Voting Requirement

Absolute Majority Required.

Officer's Recommendation

That Council write-off all recoverable debts for the Merredin Medical Centre as listed below:

<i>NAME</i>	<i>AMOUNT</i>
<i>Mr Randall</i>	<i>\$34.87</i>
<i>Mr Badcock</i>	<i>\$34.87</i>
<i>Mrs Kent</i>	<i>\$59.62</i>
<i>Mrs Randall</i>	<i>\$34.87</i>
<i>Mrs Jones</i>	<i>\$59.62</i>
<i>Mrs Magill</i>	<i>\$34.87</i>
<i>Mr McLernon</i>	<i>\$34.87</i>
	<i><u>\$293.59</u></i>

Cr Marley left the meeting at 5.17pm.

Cr Marley entered the meeting at 5.19pm.

28662

Moved Cr Simmonds sec Cr Astbury

That Council write-off all recoverable debts for the Merredin Medical Centre as listed below:

<i>NAME</i>	<i>AMOUNT</i>
<i>Mr Randall</i>	<i>\$34.87</i>
<i>Mr Badcock</i>	<i>\$34.87</i>
<i>Mrs Kent</i>	<i>\$59.62</i>
<i>Mrs Randall</i>	<i>\$34.87</i>
<i>Mrs Jones</i>	<i>\$59.62</i>
<i>Mrs Magill</i>	<i>\$34.87</i>
<i>Mr McLernon</i>	<i>\$34.87</i>
	<i><u>\$293.59</u></i>

**CARRIED 7/2
ABSOLUTE MAJORITY**

12.16 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 (**this will be made available at the Council meeting**) is the Monthly Financial Report prepared for Council.

Officer's Recommendation:

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

There was no Monthly Finance Report made available due to staffing issues and the need to reflect adjustments made during the 2005/2006 audit.

12.17 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 12.17A**.

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 \$1,095,204.00 and amount directly debited from Councils Municipal Fund Bank Account BSB 066-518 000 000 10 totalling \$123,162.69 endorse trust cheques totalling \$734.88 and outstanding creditors totalling \$56,830.14.

28663

Moved Cr Crees sec Cr Morley

That the Merredin Shire Council receive the schedule of accounts as listed, covering cheques as numbered and totalling \$387,400.48 from Council's Municipal Fund.

CARRIED 9/0

Reason: Incorrect figures were in the agenda item.

13.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

- 28664** Moved Cr Astbury sec Cr Simmonds
That Council go behind closed doors to discuss a legal issue (Section 5.23 (2) LGA).

CARRIED 9/0

Council went behind closed doors at 5.32pm.

- 28665** Moved Cr Astbury sec Cr Simmonds
That Council come out from behind closed doors.

CARRIED 9/0

Council come out from behind closed doors at 6pm.

13.1 SKILJAN CASE

Reporting Department: Development Services
Reporting Officer: Warren Bow, Manager of Development Services
Legislation: Health Act 1911, State Administrative Tribunal Act 2004

File Number:

-
- 28666** Moved Cr Simmonds sec Cr Marley
That Council delegate authority to the Chief Executive Officer, to determine and finalise all conditions relating to the Skiljan planning approval.

CARRIED 9/0
ABSOLUTE MAJORITY

13.2 SHIRE OF NORTHAM – SALEYARDS SHAREHOLDING

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

Background

At Council's 21 June 2005 meeting (CMRef 27955) Council discussed the Northam Saleyards shareholding.

Council decided to write to the Shire of Northam indicating that Council fully supported the project in principal but was unable to make a financial contribution on the project.

At Council's 18 April 2006 meeting Council reconsidered the issue and advised the Shire of Northam that it was unable to participate in the Northam Saleyards project. (CMRef 28409).

At Council's August 2006 meeting following a presentation by Councillor Bert Llewellyn – Northam Shire President, Council decided, based on further information that it supports the Northam Saleyard Project in principle subject to the clarification of ownership structure, the review of legal documentation and favourable discussions with other stakeholders (CMRef 28610).

Legal Implications

Attached to this agenda item (**Attachment 12A**) is a draft Joint Venture Agreement for the Northam Saleyards.

Important clauses are:

- Clause 6 - which indicates that each Joint Venturer is liable in the percentage proportion for contributions to the repayment of the loan to undertake the project.
- Clause 7 - if a Joint Venture partner fails to make a contribution when it is called upon the remaining Joint Venturers can make up the difference but the defaulting Joint Venturer will be charged interest at the rate of 6% or commercial overdraft rates. Alternatively the defaulting Joint Venturer's share of the profits will be used to meet any financial contribution.
- Clause 8 - if the joint venture is wound up, capital shall be returned to the partners in the same proportion as their original financial contribution.

MINUTES

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- Clause 9 - Shire of Northam agrees to lease the land to the Joint Venturer and that the land will be subdivided and sold to the Joint Venture apportioned to their contribution.
- Clause 13 - Management . The Management Committee will be made up of one member per Joint Venturer with the voting entitlement to be one vote per \$100,000.00 capital contribution. The Management Committee will meet on a monthly basis and the quorum at any meeting will be three of the Joint Venturers.
- Note: If the management Committee is established under the Local Government Act 1995 each member is only entitled to one vote of equal value (S 5.21(1)).
Local Governments are prohibited from forming or acquiring a body corporate (S3.60).
- Clause 17 - The Joint Venturers will appoint an Operations Manager who will be responsible for the day to day operation of the saleyard.
- Clause 19 - the Joint Venturers are unable to lease, sell or sign their portion of the Joint Venture without the permission of the other Joint Venturers.

Financial Implications

Figures presented by Cr Llewellyn are attached (**Attachment 12B**)

Based on the figures providing \$100,000 underwriting to the project this would amount to a potential liability of approximately \$8,500 per annum if the full amount is called upon.

It may be appropriate for Council to budget for this amount each year and if it is not called upon to place this in a reserve. The accumulation of this reserve can then be used for capital upgrades that will invariably occur at the saleyards or when the saleyards project is ended for some other activity.

Comment

I contacted Mr Goodchild and he has indicated that at this stage he is not concerned with the Northam Saleyards proposal.

My conversations with other Local Governments who are participating in this proposal is that they are viewing it as an investment into the future of their district. Provision of saleyards in Northam will provide economic benefits to their rural businesses. They are therefore viewing funding of this proposal as a grant.

In respect to the Joint Venturer Agreement conversations with the CEO of the Shire of Northam indicates that the final wording has not been completed and if the Shire of Merredin wishes to participate in the project then they can

become involved with the discussions to hammer out an agreement that is acceptable to all parties.

I am particularly concerned about Clause 13 – Management, as having the correct Governance structure in place is important.

Providing management to the group using the Local Government Act has advantages in that the processes are familiar with Local Governments, however the voting entitlements proposed cannot be accommodated within that structure i.e. in the Local Government everybody has an equal vote.

Developing a separately incorporated grouping also has advantages and disadvantages. It provides a structure that can handle different voting entitlements but there is an associated cost with administering such an organisation and it could be ultra vires to the Act..

Ultimately it is up to Council to determine whether they wish to participate in the project or not. If Council is interested then the appropriate agreements and mechanisms can be negotiated to meet legal and governance requirements.

Recommendation

1. *That Council rescind Motion 28406 :*
“That Council advise the Shire of Northam that it is unable to participate in the Northam Saleyard Project”.

Absolute Majority Required.

2. *That Council advise the Shire of Northam that it is prepared to underwrite \$100,000 of the total project cost subject to negotiating a satisfactory Management Agreement.*

28669

Moved Cr N Hooper sec Cr Crees

Refer CMRef 28409 dated 18 April 2006

N Hooper, Cr Crees, Cr Wallace and Cr Simmonds supported the rescission of motion number 28406.

That Council rescind Motion 28406 :
“That Council advise the Shire of Northam that it is unable to participate in the Northam Saleyard Project”.

**CARRIED 6/3
ABSOLUTE MAJORITY**

28670

Moved Cr Crees sec Cr Simmonds

That Council advise the Shire of Northam that it is prepared to underwrite \$100,000 of the total project cost subject to negotiating a satisfactory Management Agreement.

CARRIED 6/3

- 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 6.16pm.