



SHIRE OF MERREDIN

16 September 2014

Minutes of Ordinary Council Meeting

Held in Council Chambers
Corner King & Barrack Street's, Merredin



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Shire of Merredin
Ordinary Meeting of Council Minutes
Tuesday 16 September 2014



1. Official Opening

The President welcomed those in attendance and declared the meeting open at 3.03pm.

2. Public Question Time

Nil

3. Record of Attendance / Apologies and Leave of Absence

3.1 Councillors:

Cr KA Hooper	Shire President
Cr RM Crees	Deputy President
Cr BJ Anderson	
Cr CA Blakers	
Cr JP Flockart	
Cr DN Hayes-Thompson	
Cr MD Willis	
Cr ML Young	

3.2 Executive:

R McCall	Acting Chief Executive Officer (CEO)
S Lowe	Media & Communications Officer
J Mitchell	Executive Manager of Development Services

3.3 Members of the Gallery: S Adams; C Alvaro; T Chesson; C de Lacy; M Gill, Merredin-Wheatbelt Mercury; C Mitchell

3.4 Apologies: G Powell, CEO
V Green, EA to CEO

3.5 Approved Leave of Absence: Cr TS Thomas (CMRef 81410)

4. Disclosure of Interest

Nil

5. Applications for Leave of Absence

Nil

6. Petitions and Presentations

Nil

Officer's Recommendation / Resolution

Moved: Cr Crees

Seconded: Cr Young

81428 That the minutes of the Wheatbelt Health MoU Group Meeting held 5 August 2014, the Wheatbelt East Regional Organisation of Councils Meeting held 20 August 2014 and the Great Eastern Country Zone Meeting held 21 August 2014 be received.

CARRIED 8/0

Mal Gill and Salome Adams entered the meeting at 3.11pm.

11.	Recommendations from Committee Meetings for Council consideration
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Nil

12. Officer's Reports – Development Services

12.1 Lots 89 and 90 Gamenya Avenue, Merredin – Completion of Works Orders

Development Services



Responsible Officer:	John Mitchell, Executive Manager of Development Services
Author:	Rebecca Bowler, Environmental Health Officer
Legislation:	Local Government Act 1995; Health Act 1911
File Reference:	A1563
Disclosure of Interest:	Nil
Attachments:	Nil
Maps / Diagrams:	Nil

Purpose of Report



Executive Decision



Legislative Requirement

Background

In October 2007 the owner of Lots 89 & 90 Gamenya Avenue, Merredin was requested to commence removal of all disused materials from the property. Subsequently a Section 3.25 Notice was issued on 24 October 2007. Since the initial request a considerable number of inspections have been undertaken and correspondence written resulting in the reissuing of the Section 3.25 Notice on 13 May 2011.

In February 2013, the Shire's Environmental Health Officer wrote to the owner stating that the disused materials were to be removed by 28 February 2013 to avoid legal action. The owner made a considerable effort to clean up the two blocks with weekly progress monitored for around 2 months. The owner then became unwell and the cold weather halted the clean-up progress.

In early November 2013 access to the property was requested for inspection purposes to determine whether the re-issuing of a notice under the Local Government Act 1995 was necessary. The inspection was conducted and it was determined that a notice was required to be issued. The then Executive Manager of Development Services (EMDS) took the lead on the matter in 2013 and sought legal advice on how the matter should proceed. Shortly after that time the then EMDS resigned from the Shire of Merredin and the Section 3.25 notice has not yet been issued.

In its present state the house is likely to be unfit for human habitation and an internal inspection should be undertaken. If the dwelling is deemed unfit for human habitation it must be remediated to either a habitable standard or demolished. A notice under the Health Act 1911 is required to be issued prior to Council taking this action.

Comment

It is proposed that upon reinspection of the property to ascertain the list of disused items, Council will issue both the Local Government Act 1995 and Health Act 1911 notices (Health Act 1911 notice only issued if required), provide 30 days to meet the requirements of the notice(s) before acting to remove all the disused materials.

No further extensions or grace periods should be considered.

Policy Implications

Nil

Statutory Implications

Section 3.25 of the Local Government Act 1995 permits the local government to issue a notice where there is a breach of Schedule 3.1 Division 1 of the Act (e.g. accumulation of disused materials). Section 3.32 of the Local Government Act 1995 details the procedures which must be followed to issue the notice. Section 3.26(2) permits the local government to do anything that it considers necessary to achieve, as far as practicable, the purpose for which the notice was given.

Section 135 of the Health Act 1911 permits the local government to issue a notice where a dwelling is deemed unfit for human habitation (i.e. does not meet the mandatory requirement for the provision of basic amenities). Section 140 of the Health Act 1911 permits a local government to carry out the terms of the notice and recover all expenses from the owner of the property.

Council will be requested by the Administration to complete the terms of the notice and recover expenses in a court of competent jurisdiction.

Strategic Implications

Service Area: 3.1 Environmental Health

Activities: Property compliance and carrying out of legislative duties

Link to Vision: Liveable

Link to Strategic Priorities: Nil

Service Level: Property compliance

Service Level Change: Nil

Sustainability Implications

➤ [Asset Management Plan](#)

Nil

➤ Long Term Financial Plan

Housing/property compliance with legislated requirements will need to be factored into long term operational and service provision considerations as inspections occur to ensure adequate budget is allocated to resolve the matters.

➤ Workforce Plan

Nil

Financial Implications

The failure for the owner to comply can result in the local government carrying out the works of the notice and recouping the costs from a court of competent jurisdiction. Costs to perform the works are estimated at \$15,000. There are no funds included in the 2014/15 Budget for these works.

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation

1. That the Local Government Act 1995 Section 3.25 notice issued against the owner of Lots 89 and 90 Gamenya Avenue, Merredin on 13 May 2011 be withdrawn due to their age and that upon entering and confirming the extent of the non-compliance from the 2013 inspection the Administration reissue the notice in accordance with the provisions of the Local Government Act 1995.
2. That the Executive Manager of Development Services and the Environmental Health Officer perform an inspection of the dwelling on Lots 89 and 90 Gamenya Avenue, Merredin to determine compliance with the Health Local Laws 1999 and pursuant to the provisions of the Health Act 1911-1979.

Resolution

Moved: Cr Young

Seconded: Cr Blakers

That the item be moved to next month's agenda.

LOST 2/6

Councillors Blakers and Young voted in favour of the motion.
Councillors Hooper, Crees, Anderson, Flockart, Hayes-Thompson and Willis
voted against the motion.

Resolution

Moved: Cr Crees

Seconded: Cr Hayes-Thompson

- 81429**
- 1. That the Local Government Act 1995 Section 3.25 notice issued against the owner of Lots 89 and 90 Gamenya Avenue, Merredin on 13 May 2011 be withdrawn due to their age and that upon entering and confirming the extent of the non-compliance from the 2013 inspection the Administration reissue the notice in accordance with the provisions of the Local Government Act 1995.**
 - 2. That the Executive Manager of Development Services and the Environmental Health Officer perform an inspection of the dwelling on Lots 89 and 90 Gamenya Avenue, Merredin to determine compliance with the Health Local Laws 1999 and pursuant to the provisions of the Health Act 1911-1979.**

CARRIED 6/2

Councillors Hooper, Crees, Anderson, Flockart, Hayes-Thompson and Willis
voted in favour of the motion.
Councillors Blakers and Young voted against the motion.

12.2 Lot 25 Goldfields Road, Hines Hill – Completion of Works Orders

Development Services



Responsible Officer:	John Mitchell, Executive Manager of Development Services
Author:	Rebecca Bowler, Environmental Health Officer
Legislation:	Local Government Act 1995; Health Act 1911
File Reference:	A9230
Disclosure of Interest:	Nil
Attachments:	Nil
Maps / Diagrams:	Nil

Purpose of Report



Executive Decision



Legislative Requirement

Background

Acting on complaints received from neighbours and local Police, the Ranger and Executive Manager of Development Services inspected Lot 25 Goldfields Road, Hines Hill on 6 December 2010. The inspection determined that a Section 3.25 Local Government Act 1995 notice was required to be issued. A notice was issued on 8 December 2010.

A letter was received from the owner of the property on 8 February 2011 requesting a time extension beyond the 30 days given in the notice. This extension was granted. There have been numerous inspections carried out over the past 4 years, however no attempt has been made to clear the land of the collapsed dwelling and disused materials.

The collapsed dwelling, in its present state, is unfit for human habitation. If a dwelling is deemed unfit for human habitation it must be remediated to either a habitable standard or demolished, a notice under the Health Act 1911 will need to be issued in this case.

Comment

The complaints were:

1. neighbours concerned about the illegal camping occurring in the dilapidated garage left on the property;
2. accumulation of potentially stolen goods within the unsecured garage;
3. chemical Toilet compartment in an old half demolished house is used and unsanitary;
4. unlicensed vehicles on the block and their use on the road system; and
5. components of relocated house stored on 44 gallon drums – a danger to children who may wander through the unsecured property.

An inspection of the site on 11 October 2011 showed that the work notice had not been complied with. An inspection of the site on 28 August 2014 showed that the work notice has still not been complied with.

It is proposed that upon reinspection of the property to ascertain the list of disused items, Council will issue both the Local Government Act 1995 and Health Act 1911 notices (Health Act 1911 notice only issued if required), provide 30 days to meet the requirements of the notice(s) before acting to remove all the disused materials. This action is taken due to the age of the notice.

No further extensions or grace periods should be considered.

Policy Implications

Nil

Statutory Implications

Section 3.25 of the Local Government Act 1995 permits the local government to issue a notice where there is a breach of Schedule 3.1 Division 1 of the Act (e.g. accumulation of disused materials). Section 3.32 of the Local Government Act 1995 details the procedures which must be followed to issue the notice. Section 3.26(2) permits the local government to do anything that it considers necessary to achieve, as far as practicable, the purpose for which the notice was given.

Section 135 of the Health Act 1911 permits the local government to issue a notice where a dwelling is deemed unfit for human habitation (i.e. does not meet the mandatory requirement for the provision of basic amenities). Section 140 of the Health Act 1911 permits a local government to carry out the terms of the notice and recover all expenses from the owner of the property.

Council will be requested by the Administration to complete the terms of the notice and recover expenses in a court of competent jurisdiction.

Strategic Implications

Service Area: 3.1 Environmental Health

Activities: Property compliance and carrying out of legislative duties

Link to Vision: Liveable

Link to Strategic Priorities: Nil

Service Level: Property compliance

Service Level Change: Nil

Sustainability Implications

- [Asset Management Plan](#)

Nil

- [Long Term Financial Plan](#)

Housing/property compliance with legislated requirements will need to be factored into long term operational and service provision considerations as inspections occur to ensure adequate budget allocations to resolve the matter.

➤ [Workforce Plan](#)

Nil

Financial Implications

The failure for the owner to comply can result in the local government carrying out the works of the notice and recouping the costs from a court of competent jurisdiction. Costs to perform the works are estimated at \$10,000. There are no funds included in the 2014/15 Budget for these works.

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Crees

Seconded: Cr Willis

81430

1. That the Local Government Act 1995 Section 3.25 notice issued against the owner of Lot 25 Goldfields Road, Hines Hill on 8 December 2010 be withdrawn due to its age and that upon entering and confirming the extent of the non-compliance from the 2011 inspection the Administration reissue the notice in accordance with the provisions of the Local Government Act 1995.
2. That the Chief Executive Officer declare the dwelling at Lot 25 Goldfields Road, Hines Hill unfit for human habitation under a Health Act 1911 Section 135 notice and order its demolition and removal from the land.

CARRIED 7/1

12.3 Building Act 2011 – Use of Delegation – Council Endorsement of Actions Taken

Development Services



Reporting Officer:	Executive Manager of Development Services
Author:	John Mitchell
Legislation:	Local Government Act 1995; Building Act 2011
File Reference:	DBC/14/1
Disclosure of Interest:	Nil
Attachments:	November 13 – August 14 Monthly Building Returns
Maps / Diagrams:	Nil

Purpose of Report



Executive Decision



Legislative Requirement

Background

Council has provided delegated authority to the Chief Executive Officer and subsequently to the Building Surveyor to issue compliant building and demolition permits. A requirement of the delegations is that the Council must consider and endorse (if correct) the use of that delegation. Clause 5.46(3) requires a person to whom a power or duty is delegated must keep records in accordance with regulations in relation to the exercise of that power or the discharge of that duty.

Comment

A review of the items presented to Council since November 2013 shows that no report has been presented to Council. Accordingly Council endorsement of the issue of the building permits for the period 1 November 2013 until 31 August 2014 is sought.

Copies of the returns submitted to Australian Bureau of Statistics (ABS), Building Commission, Department of Consumer & Employment Protection, Worksafe and Commerce for the above periods appends ([Attachment 12.3A](#)).

Policy Implications

All building and demolition applications were considered and resolved within statutory processing periods as required by the Building Act 2011.

Statutory Implications

In accordance with the Building Act 2011 building returns for building permits, occupancy permits and demolition permits are submitted to ABS, Building Commission and others monthly.

Strategic Implications

Service Area: 3.2 Building Regulation
Activities: Building Compliance
Link to Vision: Liveable
Link to Strategic Priorities:
Service Level: Meet all legislated requirements
Service Level Change: No service level change

Sustainability Implications

➤ Asset Management Plan

Nil

➤ Long Term Financial Plan

Nil

➤ Workforce Plan

Nil

Financial Implications

Nil

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Crees

Seconded: Cr Anderson

81431 That Council endorse the actions of the Building Surveyor in issuing Building Permits BA 42 – 13 and 43 – 13, BA 1 – 14 to BA 10 – 14, DP 01 (2014), MD 11 (2014) – MD 24 (2014) inclusive for the period 1 December 2013 to 31 August 2014.

CARRIED 8/0

12.4 Local Planning Scheme No. 6 – Planning Register and Use of Delegation

Development Services



Reporting Officer:	Executive Manager of Development Services
Author:	John Mitchell
Legislation:	Local Government Act 1995
File Reference:	Delegations Register
Disclosure of Interest:	Nil
Attachments:	Nil
Maps / Diagrams:	Nil

Purpose of Report



Executive Decision



Legislative Requirement

Background

Council has provided delegated authority to the Chief Executive Officer and subsequently to the Building Surveyor (EMDS) to approve applications for planning consent where the use is a "P" use pursuant to Table 1 Zoning Table of the Shire of Merredin Local Planning Scheme No. 6. A requirement of the delegations is that the Council must consider and endorse (if correct) the use of that delegation. Clause 5.46(3) requires a person to whom a power or duty is delegated must keep records in accordance with regulations in relation to the exercise of that power or the discharge of that duty.

Comment

A review of the agenda items for the Development Services Section determined that there has not been an advice to Council since before December 2013.

One application has been processed for planning consent which was the subject of a report to Council by the previous EMDS – one bedroom unit in Lots 2 & 40 Todd Street Merredin (Ave-a-Rest-Village). The current EMDS issued the permit on 21 July 2014 from an application date of 23 April 2013.

Two applications relate to the Shire of Merredin and storage facilities at the Recreation Centre – storage shed adjacent to the existing hockey field and a second is to be received from the fire brigade volunteers. Planning consent for the hockey storage facility has been granted.

The EMDS is in discussions with Farmpower Pty Ltd regarding a demountable office placed on site in Mitchell Street, Merredin, Mr C Crooks regarding a further 1000m² class 8 industrial building in Gabo Avenue, Merredin and with the management of Ross's Diesel regarding a similar proposal.

Policy Implications

Nil

Statutory Implications

The use of delegated authority requires that Council be informed of that use and a register be maintained. The register is incomplete and will be updated and properly maintained over the next month.

Strategic Implications

Service Area: 3.3 Town Planning

Activities: Administration of Local Planning Scheme No. 6

Link to Vision: Liveable

Link to Strategic Priorities:

Service Level: As determined by legislation

Service Level Change: Nil

Sustainability Implications

➤ [Asset Management Plan](#)

Nil

➤ [Long Term Financial Plan](#)

Nil

➤ [Workforce Plan](#)

Nil

Financial Implications

Nil

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation

That Council endorse the actions of the Administration in issuing planning consent for the following development proposals:

1. PA 01 (2014) – Merredin Tourist Park Lots 2 & 40 Todd Street, Merredin – F Delanotte, 1 x 1 bedroom unit value \$80,000; and
2. PA 02 (2014) – Merredin Recreation Grounds Lot 684 Bates Street, Merredin – new storage facility - \$45,000.00.

Resolution

Moved: Cr Crees

Seconded: Cr Young

81432 That Council endorse the actions of the Administration in issuing planning consent for the following development proposals:

1. PA 01 (2014) – Merredin Tourist Park Lots 27 & 40 Todd Street, Merredin – F Delanotte, 1 x 1 bedroom unit value \$80,000; and
2. PA 02 (2014) – Merredin Recreation Grounds Lot 684 Bates Street, Merredin – new storage facility - \$45,000.00.

CARRIED 8/0

Reason

The lot number for the Merredin Tourist Park was printed incorrectly in the agenda. The correction appears in the resolution.

12.5 Local Planning Scheme No. 6 – Policy – Sea Containers

Development Services



Reporting Officer:	Executive Manager of Development Services
Author:	John Mitchell
Legislation:	Planning & Development Act 2005; Building Act 2011; Shire of Merredin Local Planning Scheme No. 6
File Reference:	LUP/5/11; Policy Manual
Disclosure of Interest:	Nil
Attachments:	Proposed Policy
Maps / Diagrams:	Nil

Purpose of Report



Executive Decision



Legislative Requirement

Background

The Executive Manager of Development Services (EMDS) has been reviewing applications for the erection of sea containers in town sites having received three recent enquiries. The current policy was last reviewed in 2005 and is now out of date and not enforceable.

The EMDS has been asked to consider sea containers in the residential zone of Burracoppin and the light industrial land in McKenzie Crescent, Merredin.

Comment

The existing policy requires updating to reflect the requirements of the Local Planning Scheme No. 6 and a review of the policy's application and relevance. An amended policy with tracked changes appends ([Attachment 12.5A](#)).

There is no size limit placed on the sea container. There are three distinct sizes being 20 foot, 30 foot and 40 foot. Council will need to determine whether to limit the size of the sea container.

Recently an application in another local government highlighted the construction methods and strength of the containers. Additionally, the unit was freshly painted and was considered a stronger shed than standard designed outbuilding varieties available on the open market. In many situations the use of a sea container for storage of family's belongings is more practical than providing a site built shed, as the sea container can be used to relocate the family when they leave the premise.

Council will need to determine whether to consider the approval of sea containers as outbuildings in residential zones.

Policy Implications

The current policy is outdated and not enforceable.

Statutory Implications

The removal of the policy means the Building Surveyor will consider each application for placement of sea containers on land on its merits pursuant to the Building Act 2011. There will be no planning consideration and, pursuant to the Building Act 2011 if an engineer structurally certifies the outbuilding sea container and it is compliant with the Building requirements, it will be issued a building permit.

Strategic Implications

Service Area: Town Planning

Activities: Administration of Local Planning Scheme No.6

Link to Vision: Liveable

Link to Strategic Priorities: Town Enhancement

Service Level: As determined by legislation and the Local Planning Scheme

Service Level Change: No change

Sustainability Implications

- Asset Management Plan

Nil

- Long Term Financial Plan

Nil

- Workforce Plan

Nil

Financial Implications

Advertising Costs of approximately \$500.00

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Crees

Seconded: Cr Anderson

81433 That the draft Local Planning Policy 8.21 – Placement of Sea Containers be advertised in accordance with Clause 2.4 of the Shire of Merredin Local Planning Scheme No. 6 and at the completion of advertising the matter be brought back to Council for consideration.

CARRIED 8/0

12.6 Local Planning Scheme No. 6 – Signage Policy – Council Owned and Controlled Lands

Development Services



Reporting Officer:	Executive Manager of Development Services
Author:	John Mitchell
Legislation:	Planning & Development Act 2005; Shire of Merredin Local Planning Scheme No. 6
File Reference:	LUP/5/11; Policy Manual
Disclosure of Interest:	Nil
Attachments:	Draft Policy
Maps / Diagrams:	Nil

Purpose of Report



Executive Decision



Legislative Requirement

Background

At the Ordinary meeting of Council held July 2014 Council considered a request from the Merredin Men's Shed Committee to erect a 24m² sign on the fence abutting Bates Street, Merredin which advertised the group, location and sponsors.

The Executive Manager of Development Services is advised that Council sought a policy to deal with signage placed on Council controlled/vested reserves and in particular the Recreation Ground, Lot 684 Bates Street, Merredin.

Comment

A draft policy ([Attachment 12.6A](#)) has been prepared which incorporates the assumed views of Council and through discussions with Shire of Merredin staff. The draft is for guidance only and should be thoroughly reviewed to incorporate Council's views and intent.

The application of the policy can only occur on reserves vested with the local government.

Policy Implications

There is no policy to resolve applications for signage on Council vested reserves. Currently the provisions of Schedule 5 of the Local Planning Scheme No. 6 are used to resolve applications.

Statutory Implications

The provisions of Clause 2.4 of the Shire of Merredin Local Planning Scheme No. 6 must be followed. The draft policy is advertised for a minimum of 21 days to seek public submissions and at the completion of the public period the policy is again reviewed by Council considering the submissions received.

An option for consideration is a local law made pursuant to the Local Government Act 1995. A Local Law – Signs will address all signage including commercial, industrial and residential zone signage. A previous example presented to Council around 2004 was declined by Council as excessive. A hard copy will be presented to the meeting. This policy covered all signage including real estate signage.

Strategic Implications

Service Area: 3.3 Town Planning

Activities: Administration of Local Planning Scheme No. 6

Link to Vision: Liveable

Link to Strategic Priorities: Nil

Service Level: As determined by the Local Planning Scheme

Service Level Change: No change

Sustainability Implications

➤ Asset Management Plan

Nil

➤ Long Term Financial Plan

Nil

➤ Workforce Plan

Nil

Financial Implications

Advertising costs of \$500 which are contained within the 2014/15 Budget.

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation

That the draft Policy as included in Attachment 12.6A be refined with the following additions/modifications:

1. _____

and then advertised in accordance with the provisions of Clause 2.4 of the Shire of Merredin Local Planning Scheme No. 6 and that the submissions and draft policy be brought back to Council for further consideration.

Resolution

Moved: Cr Anderson

Seconded: Cr Willis

81434 That the draft Policy as included in Attachment 12.6A be refined with any reasonable additions/modifications supplied to the Executive Manager of Development Services before 30 September 2014, and then advertised in accordance with the provisions of Clause 2.4 of the Shire of Merredin Local Planning Scheme No. 6 and that the submissions and draft policy be brought back to Council for further consideration.

CARRIED 8/0

Reason

Council requested further time to consider additions/modifications to the Policy.

12.7 Local Planning Scheme No. 6 – Application to Place Temporary Building – Lot 3 Mitchell Street, Merredin

Development Services



Reporting Officer:	Executive Manager of Development Services
Author:	John Mitchell
Legislation:	Local Planning Scheme No. 6
File Reference:	A9234
Disclosure of Interest:	Nil
Attachments:	Application Form, Letter of Support, Sketch of site showing location of building
Maps / Diagrams:	Map of A9234 (Attachment 12.7A)

Purpose of Report



Executive Decision



Legislative Requirement

Background

In June 2014 the Acting Executive Manager of Development Services (EMDS) received an email from Mr Rob Brandis of Farmpower Pty Ltd to discuss a development proposal on Lot 3 Mitchell Street, Merredin. Several operational issues were also reviewed and discussed.

Further inspections determined that a transportable building had been placed on site and no planning approval had been granted.

Farmpower's letter and site plan append ([Attachment 12.7B](#)). The applicant seeks consent to place a transportable building on site for a period of twelve months.

Comment

Council previously considered an application for a temporary building at property ID – A186. Subsequently the owner advised that they would not comply with the planning conditions assigned to PA 13-09. In failing to follow through Council has created a precedence for the Administration as there is now a belief that the Shire of Merredin will not enforce the Acts of Parliament that it was promulgated to comply with. Council cannot use the failure of the previous application as a reason to not consider this application.

Mr Brandis, representing Farmpower Pty Ltd, has written and sought Council consent to place a transportable building (PA 04 (2014)) on Lot 3 Mitchell Street, Merredin as a temporary office whilst the premises are renovated and extended to house the increase in staff and to handle the increase in parts, service and machinery. The EMDS has requested a Statutory Declaration relating to the use of the building and its subsequent removal.

The proposal is to place a 12m x 4m transportable office 6m in front of the existing buildings, 4m from boundary (west) and 10m from the front boundary (south). All required setbacks and separation distances are met. The application does not require Department of Fire Emergency Services input as it is a standalone building with 6m separation and under 500m².

Any bond that Council seeks to condition to a development can be either in the form of a bank guarantee or a monetary deposit into the Trust Account. Council is obligated to provide the interest payable on the bond but is not obligated to find the highest interest rate.

An amount of \$5,000 is considered appropriate as it will cover the costs of the removal of the transportable office should the applicant not comply.

Bank Guarantees are not foolproof and accessing the funds can prove difficult if the applicant determines that way.

In considering the application Council may wish to apply the following conditions: -

1. A bond of \$5,000 be paid to the Shire of Merredin as a surety that the structure will be removed at the completion of the term;
2. That the applicant complete a statutory declaration which states that Farmpower Pty Ltd agree to remove the transportable office by 1 December 2015;
3. That whether full development occurs or not that the transportable office shall be removed from the site before 1 December 2015;
4. That detailed plans of the office and a properly drawn site plan be submitted to the Administration for approval and records;
5. That application fees of \$441 are paid before Form 9 (Determination of Application for Planning Consent) is signed by the Chief Executive Officer; and

That the transportable office be provided with access in conformity with the National Construction Code 2014 and AS1428 – Design for access and mobility.

Policy Implications

Nil

Statutory Implications

Delegated authority has been provided to the Chief Executive Officer to approve compliant applications with a “P” use. In this instance the application is to place a temporary building on site for a period of twelve months.

Lot 3 Mitchell Street, Merredin is zoned “light industry” pursuant to the Shire of Merredin Local Planning Scheme No. 6. This application is to erect a temporary office (a class 5 building) which is associated with a Service Industry, Showroom and Motor vehicle repair business which are “P” uses for the “light industry” zone.

Council is entitled to approve or decline the application with or without conditions. As previous experience has shown there are times that an applicant does not comply, the introduction of the condition of a bond may be applicable to ensure development is compliant.

Strategic Implications

Service Area: 3.3 Town Planning

Activities: Administration of Local Planning Scheme No. 6

Link to Vision: Liveable

Link to Strategic Priorities:

Service Level: As determined by legislation and the Local Planning Scheme

Service Level Change: No service level change

Sustainability Implications

➤ Asset Management Plan

Nil

➤ Long Term Financial Plan

Nil

➤ Workforce Plan

Nil

Financial Implications

Planning fees of \$441 apply (as the development has commenced) and have not been paid.

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Young

Seconded: Cr Blakers

81435 That the application (PA 04 (2014)) to place a temporary transportable office of dimensions 12m x 4.2m on Lot 3 Mitchell Street, Merredin be approved subject to the following conditions:

1. A bond of \$5,000 be paid to the Shire of Merredin as a surety that the structure will be removed at the completion of the term;
2. That the applicant complete a statutory declaration which states that Farmpower Pty Ltd agree to remove the transportable office by 1 December 2015;
3. That whether full development occurs or not that the temporary transportable office located on Lot 3 Mitchell Street, Merredin shall be removed from the site before 1 December 2015;

4. That detailed plans of the office and a properly drawn site plan be submitted to the Administration for approval and records;
5. That application fees of \$441 applicable to PA 04 (2014) are paid before Form 9 (Determination of Application for Planning Consent) is signed by the Chief Executive Officer; and
6. That the transportable office be provided with access in conformity with the National Construction Code 2014 and AS1428 – Design for access and mobility.

CARRIED 8/0

12.8 Land Administration Act 1997 – Sale of Pedestrian Accessway – Lot 55 Pioneers Road, Merredin

Development Services



Reporting Officer:	Executive Manager of Development Services
Author:	John Mitchell
Legislation:	Land Administration Act 1997; Local Government Act 1995
File Reference:	Lot 55 Pioneers Road, Merredin
Disclosure of Interest:	Nil
Attachments:	Local Planning Scheme No. 6 Plan
Maps / Diagrams:	Nil

Purpose of Report



Executive Decision



Legislative Requirement

Background

The Administration has been approached by the owners of 19 Pioneers Road, Merredin to assist with the purchase of Lot 55 Pioneers Road (CT 2765-842) from the State Housing Commission. Previously Council has been approached by Mr Scott Wilson of 20 Pioneers Road to purchase the small area of land (pedestrian accessway) around Pioneer Cemetery. Both parties sought to purchase the land for the purposes of dwelling extension and lifestyle improvements.

The land in question is undeveloped and within the existing cyclone mesh fence line of the cemetery. The pictures below detail the condition as at September 2014:



20 Pioneers Road



19 Pioneers Road

The cemetery is “closed” and only existing grave sites can be used to bury kin whom already have family buried there. No further grave sites are permitted therefore no further expansion of the site can occur.

Comment

A Local Planning Scheme No. 6 plan of the Pioneer Cemetery appends ([Attachment 12.8A](#)).

The plan clearly shows the pedestrian accessway which is not part of the cemetery lot. The lot is owned by the State Housing Commission as a freehold lot. Currently Council maintains the land as it is within the fence lines of the cemetery. Technically it is unlawful possession of lands and a fence should be installed to separate the cemetery from Lot 55 Pioneers Road, Merredin.

The proposal affects four landowners as it will not be possible to purchase a component of the lot only. If the proposal is to proceed the agreement of the four landowners should be required. The land cannot be used for any development and is not used as an accessway.

The process would take approximately one year to achieve.

Policy Implications

Nil

Statutory Implications

As the land is State Government owned, the process of release to the public involves the use of Section 52 of the Land Administration Act 1997 which permits the local government to acquire freehold land which has been designated for public purposes.

Council can then on sell the land to interested parties pursuant to Section 3.58 (Disposal of Property) of the Local Government Act 1995 which permits the sale of the land by private treaty providing full disclosure occurs in a local newspaper before sale of the land occurs.

Strategic Implications

Service Area: 3.3 Town Planning

Activities: General Enquiries

Link to Vision: Liveable

Link to Strategic Priorities: Nil

Service Level: As determined by legislation

Service Level Change: No change

Sustainability Implications

➤ [Asset Management Plan](#)

Nil

➤ [Long Term Financial Plan](#)

Nil

➤ Workforce Plan

Nil

Financial Implications

Council will need to purchase the land at a cost yet to be determined. Council will need to determine whether to add any overheads or administration costs, other than advertising costs and any costs incurred through the purchase of that land, to the proposal if it is to proceed.

It is appropriate for the proposed owners to deposit funds towards the project and enter a formal agreement to purchase the land when it becomes available.

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Crees

Seconded: Cr Young

81436

1. That the Administration seek costings from the State Housing Commission to acquire Lot 55 Pioneers Road, Merredin providing those costings can be obtained at no charge; and
2. That the applicant be advised that to acquire the land Council will need to purchase Lot 55 Pioneers Road, Merredin in entirety and on sell which requires the owners of 1194 Lewis Way, Merredin and Lot 10 Boyd Street, Merredin to also agree to the purchase of that component of Lot 55 Pioneers Road, Merredin and that Council agrees to act as intermediate for the purchase of Lot 55 Pioneers Road, Merredin on the following basis of:
 - a. each party seeking to purchase the land agrees in writing to purchase the portion of Lot 55 Pioneers Road, Merredin which adjoins their property;
 - b. each party seeking to purchase the land pays a deposit of the cost of the valuation of the land to Council prior to commencement of the process towards the costs of acquisition; and
 - c. each party seeking to purchase the land agrees to meet the final costs of the subdivision and amalgamation process associated with Lot 55 Pioneers Road, Merredin.

CARRIED 8/0

John Mitchell left the meeting at 3.54pm and did not return.

Note

While there was some conjecture on the correct naming of Pioneers {Pioneer} Road, as Landgate has the road registered as "Pioneers Road" that is how it is listed in this item.

13.	Officer's Reports - Engineering Services
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Nil items to report

14. Officer's Reports – Corporate and Community Services

14.1 List of Accounts Paid

Corporate Services



Responsible Officer:	Kim Chua, Executive Manager of Corporate Services
Author:	Coco Shi, Finance Officer
Legislation:	Local Government Act 1995 and Local Government (Financial Management) Regulations 1996
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	List of Accounts Paid
Maps / Diagrams:	Nil

Purpose of Report

Executive Decision

Legislative Requirement

Background

The attached List of Accounts Paid ([Attachment 14.1A](#)) during the month under Delegated Authority is provided for Council's information.

Comment

Nil

Policy Implications

As outlined in the Local Government Act 1995 and Local Government (Financial Management) Regulations 1996.

Statutory Implications

As outlined in the Local Government Act 1995 and Local Government (Financial Management) Regulations 1996.

Strategic Implications

Nil

Sustainability Implications

- Asset Management Plan

Nil

- Long Term Financial Plan

Nil

- Workforce Plan

Nil

Financial Implications

All liabilities settled have been in accordance with the Annual Budget provisions. It should be noted that outstanding Creditors total \$121,038.28.

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Young

Seconded: Cr Blakers

81437 That the schedule of accounts as listed, covering cheques, EFT's, bank charges, directly debited payments and wages, as numbered and totalling \$636,228.28 from Council's Municipal Fund Bank Account and \$655.42 from Council's Trust Account be received.

CARRIED 8/0

14.2 Monthly Finance Report

Corporate Services



Responsible Officer:	Kim Chua, Executive Manager of Corporate Services
Author:	Coco Shi, Finance Officer
Legislation:	Local Government Act 1995 and Local Government (Financial Management) Regulations 1996
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Monthly Finance Report
Maps / Diagrams:	Nil

Purpose of Report



Executive Decision



Legislative Requirement

Background

The Monthly Finance Report is attached for Council's information ([Attachment 14.2A](#)).

Comment

Nil

Policy Implications

As outlined in the Local Government Act 1995 and Local Government (Financial Management) Regulations 1996.

Statutory Implications

As outlined in the Local Government Act 1995 and Local Government (Financial Management) Regulations 1996.

Strategic Implications

Service Area: 5.3 - Governance and Corporate Services
Activities: Finance and Asset Management
Link to Vision: Developing
Link to Strategic Priorities: Civic Leadership
Service Level: Financial management meets all legislated requirements
Service Level Change: No service level change

Sustainability Implications

- Asset Management Plan

Nil

- Long Term Financial Plan

Compliance with the Local Government (Administration) Regulations 1996 and to also give Council some direction in regards to its management of finance over an extended period of time.

- Workforce Plan

Nil

Financial Implications

As outlined in [Attachment 14.2A](#).

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Young

Seconded: Cr Blakers

81438 That the Monthly Finance Report for August 2014 be received.

CARRIED 8/0

Councillor Hayes-Thompson left the meeting at 4.04pm.

15. Officer's Reports – Administration

15.1 Christmas/New Year Opening Hours

Administration



Responsible Officer:	Greg Powell, Chief Executive Officer
Author:	Vanessa Green, Executive Assistant to CEO
Legislation:	Local Government Act 1995
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Nil
Maps / Diagrams:	Nil

Purpose of Report

Executive Decision Legislative Requirement

Background

For the last few years Council venues have closed during the Christmas/New Year period as it is an extremely quiet period with minimal public visitations and phone enquiries. It is common for many residents of the Shire to travel elsewhere at this time of year with many other businesses also closing.

A number of staff have substantial leave accruals and therefore it is preferential that staff are encouraged to utilise this time to spend with family and friends.

Comment

Council offices will be closed on Thursday 25 and Friday 26 December 2014 and Thursday 1 January 2015 as recognised public holidays. It is therefore requested that Shire venues remain closed from Monday 29 to Wednesday 31 December 2014 inclusive as well as Friday 2 January 2015.

The opening times for all venues over the Christmas/New Year period will be extensively advertised and circulated in advance.

On-call arrangements will be put in place prior to the proposed Christmas closure to ensure emergencies can be responded to. Senior staff will be available on mobile phone and emergency contact details will also be advertised.

Policy Implications

Nil

Statutory Implications

Nil

Strategic Implications

Service Area: Nil

Activities: Nil

Link to Vision: Nil

Link to Strategic Priorities: Nil

Service Level: Nil

Service Level Change: Nil

Sustainability Implications

➤ Asset Management Plan

Nil

➤ Long Term Financial Plan

Nil

➤ Workforce Plan

Nil

Financial Implications

Staff will be required to take time in lieu, annual leave or accrued rostered days off. These costs are contained within the 2014/15 Budget.

Voting Requirements



Simple Majority



Absolute Majority

Councillor Hayes-Thompson returned to the meeting at 4.06pm.

Officer's Recommendation / Resolution

Moved: Cr Young

Seconded: Cr Blakers

81439 That Council venues close for the Christmas/New Year period from Thursday 25 December 2014 to Friday 2 January 2015 inclusive and that the hours of operation and emergency contacts be extensively advertised to the community.

CARRIED 8/0

15.2 Delegations from Council to the Chief Executive Officer - Review

Administration



Responsible Officer:	Greg Powell, Chief Executive Officer
Author:	Vanessa Green, Executive Assistant to CEO
Legislation:	Local Government Act 1995 (Section 5.42)
File Reference:	Delegations Register
Disclosure of Interest:	Nil
Attachments:	Delegations Register
Maps / Diagrams:	Nil

Purpose of Report



Executive Decision



Legislative Requirement

Background

Section 5.42 of the Local Government Act 1995 (LGA) states that a local government may delegate certain powers and duties to the Chief Executive Officer (CEO) and that any such delegation is to be made in writing. This enables many routine matters and decisions to be dealt with promptly and efficiently without further reference to Council. Section 5.46 of the LGA requires these delegations to be reviewed once every financial year.

Comment

While the Delegations Register was last reviewed in February 2014, with the recent appointment of Mr John Mitchell to the position of Executive Manager of Development Services a further review was considered necessary. A copy of the "tracked changes" Delegations from Council to the CEO Register (the Register) is included in [Attachment 15.2A](#).

The changes to the Register are mainly concerned with the Building and Health departments however some other minor changes to reflect current position titles and to correct typographical errors have also been made.

Policy Implications

Nil

Statutory Implications

Nil

Strategic Implications

Service Area: 5.2 Strategic Advice, General Management & Governance
Activities: Compliance Return
Link to Vision: Developing
Link to Strategic Priorities: Civic Leadership
Service Level: Nil
Service Level Change: No service level change

Sustainability Implications

➤ [Asset Management Plan](#)

Nil

➤ [Long Term Financial Plan](#)

Nil

➤ [Workforce Plan](#)

Nil

Financial Implications

Nil

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Anderson

Seconded: Cr Crees

81440 That the Delegations from Council to the Chief Executive Officer Register as included in Attachment 15.2A be adopted.

CARRIED 8/0

16.	Motions of which Previous Notice has been given
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Nil

17.	Questions by Members of which Due Notice has been given
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Nil

18.	Urgent Business Approved by the Person Presiding or by Decision
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Nil

19.	Matters Behind Closed Doors
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Nil

20.	Closure
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There being no further business the President thanked those in attendance and declared the meeting closed at 4.10pm.