

SHIRE OF MERREDIN



“Heart of the Wheatbelt”

MINUTES OF ORDINARY COUNCIL MEETING

17 July 2012

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Minutes of the Ordinary Meeting of the Shire of Merredin held in the Council Chambers, Corner King and Barrack Streets, Merredin on Tuesday 17 July 2012 commencing at 1.00pm.

ATTENDANCE:

Councillors:	D Crook	Shire President
	M Morris	Deputy Shire President
	RM Crees	
	DN Hayes-Thompson	
	KA Hooper	
	T McFarlane	from 2.11pm
	D Morris	
	W Wallace	
Apologies	BJ Anderson	
Staff:	G Powell	Chief Executive Officer
	E Arnold	Executive Manager Corporate and Community Services
	M Ioppolo	Executive Manager Development Services
	L Wyatt	Executive Assistant to Chief Executive Officer

1.0 OFFICIAL OPENING

The President declared the meeting open at 1.00pm. Messrs Victor London and Mario Ioppolo were present.

2.0 PUBLIC QUESTION TIME

Mr Victor London requested a breakdown of the expenditure and revenue for the recycling charges. He was under the impression that residents would own the bins after a period of time and requested clarification after learning this is not the case.

Mr London believed that pensioners should not be required to pay for a service that was underutilised ie: the amount of collections were in excess of pensioner needs.

The Chief Executive Officer advised Mr London he would respond to his queries in writing with a full disclosure of Council's position on this matter.

Mr London left the meeting at 1.07pm

3.0 APOLOGIES AND LEAVE OF ABSENCE

Cr Bradley Anderson had tendered his apologies for this meeting because of work commitments.

4.0 DISCLOSURE OF INTEREST

Financial interest – Cr Debbie Morris declared an interest in Item 13.5: Community Resource Centre Relocation and 13.6: MOU Merredin Agricultural Society.

5.0 PETITIONS AND PRESENTATIONS

Nil

6.0 CONFIRMATION OF MINUTES

6.1 Ordinary Council Meeting

Confirmation of the minutes of the Ordinary Council Meeting held on 19 June 2012.

30917

Moved: Cr D Morris

Seconded: Cr K Hooper

Officer's Recommendation

That the minutes of the Ordinary Council Meeting held on 19 June 2012 be confirmed as a true and correct record of proceedings.

CARRIED 7/0

7.0 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

Nil

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

Nil

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

9.1 Minutes of Great Eastern Country Zone meeting held in Bruce Rock on Thursday 28 June 2012

[Attachment 9.1A](#)

30918

Moved: Cr M Morris

Seconded: Cr D Morris

Officers Recommendations:

That the minutes of the Great Eastern Country Zone Meeting held in Bruce Rock on Thursday 28 June 2012 be received.

CARRIED 7/0

10.0 **DEVELOPMENT SERVICES**

10.1 **BUILDING SERVICES – POLICIES 8.7, 8.8 AND 8.22 UPDATE**

Reporting Department:	Development Services
Reporting Officer:	Mario Ioppolo
Legislation:	The Shire of Merredin Local Planning Scheme No 6. Planning and Development Act 2005 The Town Planning Regulations 1967 The State Planning Policy 3.1 – Residential Design Codes Building Code of Australia 2012
File Reference:	
Disclosure of Interest:	Nil
Attachments:	The Shire of Merredin’s Policy 8.7 Outbuildings – set backs. Policy 8.8 Outbuildings in Residential Areas. Policy 8.22 Outbuildings in Residential Areas. (Original) Policy 8.22 Outbuildings in Residential Areas. (Updated)

Background:

A cursory look at the Shire’s Policy Manual revealed that three policies are dealing with Outbuildings:

1. Policy 8.7 Outbuildings – set backs,
2. Policy 8.8 Outbuildings in Residential Areas, and
3. Policy 8.22 Outbuildings in Residential Areas.

The content of these could be updated into one policy.

Comment:

It would be prudent to incorporate all three outbuilding policies into one policy in order to delete duplication, the need for cross referencing, the possibility of errors and whilst updating the policy, to address the potential of reflective materials causing a nuisance to neighbouring property owners.

The 3 Policies are:

1. Refer to [Attachment 10.1A](#) – Policy 8.7 Outbuildings – set backs:

Policy 8.7 Outbuildings – set backs The main content of this policy can be incorporated into *Policy 8.22 Outbuildings in Residential Areas* and can be rescinded.

2. Refer to [Attachment 10.1B](#) – Policy 8.8 Outbuildings in Residential Areas:

Policy 8.8 Outbuildings in Residential Areas is obsolete in part of its content and redundant in other areas and can be rescinded.

3. Refer to [Attachment 10.1C](#) - Policy 8.22 Outbuildings in Residential Areas (Original):

Policy 8.22 Outbuildings in Residential Areas [to be updated and incorporate the main content of *Policy 8.7 Outbuildings – set back* and address reflective materials issues.]

An undated version is included as [Attachment 10.1D](#) - Policy 8.22 Outbuildings in Residential Areas. (Updated)

Statutory/Policy Implications:

Nil

Financial Implications:

Nil.

30919

Moved: Cr K Hooper

Seconded: Cr M Crees

Officer's Recommendation:

That Policy 8.7 Outbuildings – setbacks and Policy 8.8 Outbuildings in Residential Areas be rescinded and that the updated version of Policy 8.22 Outbuildings in Residential Areas be adopted.

CARRIED 7/0

10.2 **BUILDING SERVICES – BREACH OF PLANNING CONDITIONS – M.R. GOODCHILD – COMMERCIAL HOTEL, LOT 24 HSE No. 62 BARRACK STREET, MERREDIN**

Reporting Department:	Development Services
Reporting Officer:	Mario Ioppolo
Legislation:	The Shire of Merredin Local Planning Scheme No 6. Planning and Development Act 2005 The Town Planning Regulations 1967
File Reference:	A186
Disclosure of Interest:	Nil
Attachments:	Copy of Planning Consent, dated 24 November 2009; Email from M. Goodchild, dated 28 June 2012

Background:

An Approval for Planning Consent was issued on the 24 November 2009 ([Attachment 10.2A](#)) for a transportable ablution block to the rear (north west) corner of the existing Commercial Hotel at lot 24 house number 62 Barrack Street, Merredin, owner M.R. Goodchild, subject to conditions. Part condition follows:

Placement of the ablution block is valid for two years and the ablution block must be replaced with a brick and iron roofed structure or the unit clad with brick and a false gabled iron roof by 31 October 2011.

The owner sought a time extension and by a Council resolution on the 18 October 2011, the time was extended to the 30 June 2012.

An email ([Attachment 10.2B](#)) was received by Council from the owner on the 28 June 2012 and in part, requested that the use of limestone cladding be used in lieu of the brick cladding required in the conditions of Planning Approval.

Comment:

The Executive Manager of Development Services (EMDS) and the Environmental Health Officer visited the site on the 12 July 2012 and met with the owner Michael Goodchild and Kate Goodchild.

The EMDS's attempts to seek the owner's intention to resolve this matter were met with a strong verbal - not going to build the gabled roof.

As time has now lapsed and the owner has verbally stated he is not going to comply with the conditions of Planning Consent, Council is left with the following possibilities:

1. Ignore the matter. Not considered as an option for in the short term it will set a precedent. In the long term it will have legal ramifications on Council for not enforcing legislation; or
2. Seek legal advice to prepare a prosecution for failing to comply with conditions of Planning Consent; or
3. To advise the owner that should they not comply with the conditions of Planning Consent by (30 days) that legal action will be instigated against them without further notice.

Should Council wish to consider the alternative cladding request i.e. to substitute the required brick cladding condition of approval for limestone cladding, then staff will advise the owner to provide a formal submission.

Statutory/Policy Implications:

Nil

Financial Implications:

Legal fees.

- 30920** Moved: Cr M Crees Seconded: Cr M Morris
Officer's Recommendation:
That staff advise the owner that should he not comply with the conditions of Planning Consent within 30 days, that legal action will be instigated against him without further notice.
CARRIED 7/0

Mario Ioppolo left the meeting at 1.30pm.

- 30921** Moved: Cr D Hayes-Thompson Seconded: Cr W Wallace
That Council suspend standing orders at 1.30pm
CARRIED 7/0

- 30922** Moved: Cr M Crees Seconded: Cr D Hayes-Thompson
That Council resume standing orders at 1.49pm.
CARRIED 7/0

11.0 ENGINEERING SERVICES

Nil

12.0 CORPORATE AND COMMUNITY SERVICES

12.1 LIST OF ACCOUNTS PAID

Reporting Department:	Finance & Administration
Reporting Officer:	Evelyn Arnold
	Finance and Administration
Legislation:	Local Government Act 1995 & Financial Management Regulations
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	List of Accounts Paid

Background

The attached List of Account Paid ([Attachment 12.1A](#)) during the month under Delegated Authority is provided for Council's information.

Statutory/Policy Implications

Local Government Act 1995 and Financial Management Regulations.

Financial Implications

All liabilities settled have been in accordance with the Annual Budget provisions. It should be noted that outstanding creditors total \$184,832.24.

30923 Moved: Cr M Crees Seconded: Cr Hooper

Officer's Recommendation

That Council receive the schedule of accounts as listed, covering cheques, EFT's, bank charges, directly debited payments and wages, as numbered and totalling \$829,944.40 from Council's Municipal Fund Bank Account.

CARRIED 7/0

12.2 **MONTHLY FINANCE REPORT**

Reporting Department:	Finance and Administration
Reporting Officer:	Evelyn Arnold
Legislation:	Local Government Act 1995
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Monthly Finance Report

Background

The Monthly Finance Report is attached for Council's information.
[\(Attachment 12.2A\)](#)

Comment

This report does not reflect Council's final position at the end of the financial year. Some invoices are yet to be paid and adjustments and accruals are to be accounted for.

Statutory/Policy Implications

Local Government Act 1995 and Financial Management Regulations.

Financial Implications

As outlined in [Attachment 12.2A](#).

30924

Moved: Cr W Wallace

Seconded: Cr K Hooper

Officer's Recommendation

That Council receive the Monthly Finance Report as at 30 June 2012.

CARRIED 7/0

12.3 **POLICY REVIEW: 5.13 PURCHASED SHOWS – CUMMINS THEATRE**

Reporting Department:	Administration
Reporting Officer:	Evelyn Arnold – Executive Manager of Corporate and Community Services
Legislation:	Local Government Act 1995
File Reference:	Council Policy Manual 5.13
Disclosure of Interest:	Nil
Attachments:	Policy 2.13 Purchased Shows – Cummins Theatre (Attachment 12.3A)

Background

Council last reviewed the purchasing policy in June 2011 (**CMRef 30632**). The recent review of the policy has highlighted areas which require clarification.

Comment

The reviewed policy at Attachment 12.3A. The notable changes are;

1. The removal of the \$50,000 compulsory budget allocation. This still provides robust guidelines and a firm ongoing commitment from Council, but allows for the greater budgetary flexibility and an annual review based on future commitments.
2. The consultation requirements for show selection have been broadened to include all relevant stakeholders. This allows the Theatre Manager more scope when engaging in community consultation.

Statutory/Policy Implications

Local Government Act 1995 and the Local Government Regulations 1996 (amended 2007).

Financial Implications

Nil.

30925

Moved: Cr K Hooper

Seconded: Cr M Crees

Officer's Recommendation

That Council adopts the policy Purchased Shows – Cummins Theatre 5.13.

CARRIED 7/0

NB: The Policy 5.13: Purchased Shows – Cummins Theatre as attached varies from that attached to the Agenda as agreed at the Council Meeting.

12.4 **HERITAGE ADVISORY COMMITTEE REVIEW**

Reporting Department:	Administration
Reporting Officer:	Evelyn Arnold – Executive Manager of Corporate and Community Services
Legislation:	Local Government Act 1995
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Nil

Background

The Heritage Advisory Committee was formed as a committee of council to assist in overseeing the budgetary allocations for the Military and Railway Museums, as well as any projects with a heritage interest. More recently that has included advising Council on the concept and formation of a heritage precinct in Merredin.

Comment

The Merredin Museum and Historical Society is allocated \$3,000 to put towards the maintenance of the museum buildings. Recently, the heritage precinct project has progressed to develop a conceptual brand design. This has raised the question of the role of the heritage committee and a number of reasons why the committee may no longer be required.

Budgetary control of the financial allocation is monitored by the Shire Accountant and the purchase order process. The allocation should be driven by Council's asset management system. Decreasing attendance at committee meetings resulted in the need to advertise for new members. However, this has failed to gain any new community members for the committee. Committee members do not feel the committee is an effective forum any more. Progress has been too slow for members.

The Community Liaison Officer has recently engaged in a series of informal consultation sessions, on the precinct branding and other projects. This process has allowed for discussion with a broad range of interested community members. This appears to be a more effective means of gaining feedback and/or community support from a wider representative group. This consultation process could be effective for other Council proposals, grant applications and ideas for community improvements. Consultation required by Council can be achieved by using wider community reference groups eg. Merredin Museum and Historical Society (inc), Merredin Men's Shed, Senior Citizens and Merredin Repertory Club, Wheatbelt Business Network.

Recommendations for any proposal, for example the heritage precinct branding and any other project in the precinct plan, will be presented to Council for endorsement and adoption.

There may be cost benefits, effective time management and resource efficiencies to be realised when considering the need for continuing with the present heritage advisory committee.

Council may wish to consider adopting a formal communication and consultation protocol for both its and the community's guidance.

Statutory/Policy Implications

Nil.

Financial Implications

Nil.

Cr McFarlane entered the meeting at 2.11pm

30926 Moved: Cr K Hooper Seconded: Cr M Crees

Officer's Recommendation

- 1. That the Heritage Advisory Committee be disbanded and that project focus groups be formed on a needs basis to develop future projects.**
- 2. That staff investigate the development of a communications protocol for Council and report back to Council in due course.**

30927 Moved: Cr M Morris Seconded: Cr D Morris

Amendment

- 1. That the Heritage Advisory Committee be disbanded and that project focus groups be formed on a needs basis to develop future projects.**
- 2. That staff investigate the development of a communications protocol for Council and report back to Council in due course.**
- 3. That the matter lay on the table until the August Council meeting to permit consultation with stakeholders.**

**THE AMENDMENT WAS PUT AND CARRIED 6/2
THE AMENDMENT BECAME THE MOTION WAS PUT AND CARRIED 6/2**

13.0 ADMINISTRATION

13.1 STRATEGIC COMMUNITY PLAN – DRAFT FOR PUBLIC COMMENT

Reporting Department:	Administration
Reporting Officer:	CEO
Legislation:	Local Government Act 1995
File Reference:	
Disclosure of Interest:	Nil
Attachment:	Strategic Community Plan

Background

Staff have been working with consultants to finalise the draft of the Strategic Community Plan. A working draft was previously provided to Councillors for information.

Comment

The final draft is at [Attachment 13.1A](#). Since the initial draft previously circulated, it has been referred to the Department of Local Government for comment. These comments have been incorporated into the attachment. Further work has been undertaken to generally refine the document.

Before the document can be finalised it should be advertised and circulated for comment for a non-statutory period of say 21 days. Comments can be considered and the document reworked if necessary.

All statistical data from the 2011 census will be updated prior to final adoption of the Plan.

Statutory/Policy Implications

Nil

Financial Implications

Nil

Evelyn Arnold left the meeting at 2.25pm

30928 Moved: Cr M Morris Seconded: Cr D Morris

Officer's Recommendation

That the final draft Strategic Community Plan be advertised for a period of 21 days with any submissions received within that period being considered by Council prior to final adoption of the Plan.

CARRIED 8/0

13.2 **MRC& LC – GRANDSTAND BAR – OPERATIONAL OPTIONS**

Reporting Department:	Administration
Reporting Officer:	CEO/Manager MRC&LC
Legislation:	Local Government Act 1995
File Reference:	
Disclosure of Interest:	Nil
Attachments:	Nil

Background

Council has operated the Bar since the MRC&LC opened in 2007. This has proven to be problematic with a lack of consistency in staff and the facility has not attracted the expected patronage. The new licensing arrangements have not resulted in an increase in trade. The Bar is a target of criticism whether rightly earned or not and by association, this is criticism of Council as an entity. It may be an opportune time to examine the options open to Council on the longer term operation of the Bar.

Comment

There are a number of options open to Council.

1. Do nothing. This is an option. The Bar can continue to operate under the control of Council with a hope that things will “smooth out” with more volunteers, some stability in staffing and increased patronage. There is some potential for this to occur but there are a number of variables that cannot be controlled. Council may be prepared to “wait and see” for a further 12 month and determine whether general trade has picked up and the effects of the new synthetic surface are positive on trade.
2. Hand over to the Sports Council. As the function of the Bar is to service the needs of the sporting clubs specifically and the sporting community generally, if the management of the Bar was more closely aligned with its users then some of the issues currently experienced may dissipate. When the Sports Council has either the inclination or the capacity to undertake this role is a matter for discussion.
3. Lease the Bar. This is more complex than the option above. Arrangements would have to be made with the Liquor Licensing Authority, responsibility for utilities costs would need to be determined, as well as use of the kitchen and ablution facilities and their cleaning. There are also staff implications. It would also be difficult to determine a lease but market forces could prevail. Council could call for expressions of interest before progressing this option if it is the preferred option.

Statutory/Policy Implications

There are a number of legal, policy and operational issues that would need to be worked through depending on which option is adopted.

Financial Implications

Any arrangement would need to be either revenue neutral or positive.

30929 Moved: Cr D Hayes-Thompson Seconded: Cr M Morris

Officer's Recommendation

- 1. *That the Sports Council be approached to ascertain whether it is interested in operating the Grandstand Bar.***
- 2. *That should the Sports Council not express interest, expressions of interest be called to operate the Grandstand Bar and kitchen.***

CARRIED 7/1

13.3 **COUNCIL MEETINGS – PROPOSED CHANGE OF COMMENCEMENT TIME**

Reporting Department: Administration
Reporting Officer: CEO
Legislation: Local Government Act 1995
File Reference:
Disclosure of Interest: Nil
Attachments: Nil

Background

At the last briefing session changing the commencement time of the Council meeting from 1pm to 3pm was considered. There was no informal consensus on the matter and hence it is before Council for formal consideration.

Comment

Council can resolve to amend the time, date and place of a meeting on either a temporary or permanent basis. Changes must be advertised.

This is a matter for Council to determine and therefore a recommendation one way or the other is difficult. The circumstances of each Councillor will determine the collective outcome.

Statutory/Policy Implications

Nil

Financial Implications

Nil

Officer's Recommendation

That Council determine by resolution whether the commencement time of ordinary Council meetings will alter from 1.00pm to 3.00pm

30930

Moved: Cr M Morris

Seconded: Cr McFarlane

Resolution

That Council amend the commencement time of ordinary Council meetings from 1.00pm to 3.00pm for a three month trial period.

CARRIED 5/3

13.4 **RESERVE No 28563 BATES STREET - MERRITVILLE (INC) – LEASE**

Reporting Department:	Administration
Reporting Officer:	CEO
Legislation:	Local Government Act, Land Act
File Reference:	
Disclosure of Interest:	Nil
Attachments:	Correspondence

Background

Council entered into a lease with Merritville in 1984 over Reserve 28563 for a period of 21 years expiring in 2015.

The Management Board now seeks a further lease over the land for the same purpose. A copy of the correspondence can be found at [Attachment 13.4A](#).

Comment

The maximum term of the current lease and any new arrangement is constrained by the Management Order to a term of 21 years. There would appear to be no option to extend the current lease and therefore a new lease will be required.

Council is further constrained by the provisions of the Local Government Act 1995 as detailed below.

Associated with the lease is a complex joint venture agreement between Homeswest, Council and the lessee. It would be prudent should Council agree to a new lease to advise Homeswest accordingly.

Statutory/Policy Implications

The relevant provisions of the Local Government Act 1995 are as follows:

3.58. Disposing of property

(1) In this section —

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;

property includes the whole or any part of the interest of a local government in property, but does not include money.

(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 —*

- (i) describing the property concerned; and*
- (ii) giving details of the proposed disposition; and*
- (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*

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.*

(4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —

- (a) the names of all other parties concerned; and*

- (b) the consideration to be received by the local government for the disposition; and*

- (c) the market value of the disposition —*

- (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*

- (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*

(5) This section does not apply to —

- (a) a disposition of an interest in land under the [Land Administration Act 1997](#) section 189 or 190; or*

- (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or*

- (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*

- (d) any other disposition that is excluded by regulations from the application of this section.*

Section 3.58(3) is of relevance.

Financial Implications

Council may wish to have the costs of lease preparation reimbursed by Merritville (Inc)

30931 Moved: Cr K Hooper Seconded: Cr W Wallace

Officer's Recommendation

That Council agrees in principle to entering into a new lease arrangement with Merritville Retirement Village (Inc) for a period of 21 years subject to the following:

- 1. the proposal being referred to Homeswest for its information and comment;*
- 2. conditional upon no adverse comment being received from Homeswest, the proposal be advertised in accordance with S3.58(3) of the Local Government Act 1995; and*
- 3. the lease being approved by the Hon Minister for Lands in accordance with the Management Order.*

CARRIED 8/0

Cr D Morris and Cr M Morris declared an interest in this item but requested permission to remain in the meeting and participate in the discussion. The Councillors left the meeting at 2.50pm.

30932 Moved: Cr McFarlane Seconded:
That Councillors M and D Morris be permitted to remain in the meeting and participate in the discussion.
LAPSED FOR WANT OF A SECONDER

13.5 **MERREDIN COMMUNITY RESOURCE CENTRE - RELOCATION**

Reporting Department: Administration
Reporting Officer: CEO
Legislation: Local Government Act 1995
File Reference:
Disclosure of Interest: Nil
Attachment: Email from Merredin CRC Co-ordinator+
[\(Attachment 13.5A\)](#)

Background

At its June meeting, Council resolved as follows:

30916 Moved: Cr Hayes-Thompson Seconded: Cr M Crees
That Council agrees in principle to the Merredin Community Resource Centre entering into a rent free lease for a term of 3 years conditional upon renovations being completed at its cost and that the CEO be delegated authority to finalise arrangements.

Subsequent to this decision, further representations from the Merredin CRC have been received. It is again requested that Council agree to a minimum five (5) year lease on a rent free basis.

Comment

As stated previously the CRC would undertake to upgrade the premises to as yet unknown value but could potentially reach \$100,000 over a period of time (up to 10 years). Additionally, almost \$70,000 has been spent on the building currently occupied by the CRC which would be to the benefit of Council should the CRC relocate.

Recent advice from the CRC is that the Wheatbelt Development Commission may be prepared to relocate into the building now occupied by the CRC. Further the CRC has been verbally advised that it has been successful in obtaining the Centrelink "agency" for Merredin which is currently located in the old Council Chambers.

There are a number of options available to Council.

1. The position adopted by Council at its last Council meeting could remain.

2. The Merredin CRC could be permitted to relocate to the old Council Chambers on a rent free basis.
3. The Merredin CRC could be permitted to relocate conditional upon the Wheatbelt Development Commission agreeing to relocate and pay a market rental for the old Women's Rest Centre. Further, the rent forgone from the old Council Chambers (currently \$13,200pa approximately) could be offset by improvements to the building. Once the limit has been reached, a rental, either at commercial rates or subsidised, could be paid by the CRC.

It could be argued that CRC's are unable to pay a rental and that the precedent set by other Councils in providing office accommodation free of charge should apply. It could be argued that circumstances in Merredin offer a different environment for the CRC than in smaller towns and a different arrangement should apply.

Statutory/Policy Implications

Nil

Financial Implications

There are financial implications associated with this issue. They are centred around the lease payments currently being received by Council and foregone in the future and the effect of any upgrade to the buildings may have.

Officer's Recommendation

1. ***That Minute No 30916 be rescinded.
(Requires support from at least three Councillors).***
2. ***That the Merredin CRC be offered a five year lease of the old Council Chambers at a value of \$13200pa indexed annually offset by building upgrades with extensions to the initial term dependent on further expenditure on the building.***
3. ***That the offer outlined in 2 above be dependent on agreement from the Wheatbelt Development Commission to relocate to the building currently occupied by the CRC at a commercial rental;
and***
4. ***The offer outlined in 2 above be on commercial terms with the exception of the lease payment with all utilities and minor maintenance being at the cost of the CRC.***

30933 Moved: Cr W Wallace Seconded: Cr McFarlane
Resolution
That Minute No 30916 be rescinded.

CARRIED 4/2

30934 Moved: Cr Hooper Seconded: Cr Wallace
Resolution
1. That the Merredin CRC be offered a five year lease of the old Council Chambers at a value of \$12000pa indexed annually offset by building upgrades with extensions to the initial term dependent on further expenditure on the building.

2. The offer outlined in 1 above be on commercial terms with the exception of the lease payment with all utilities and minor maintenance being at the cost of the CRC.

CARRIED 6/0

Cr D Morris and Cr M Morris entered the meeting at 3.12pm

Cr D Morris and Cr M Morris declared an interest in this item but requested permission to remain in the meeting and participate in the discussion. Cr D Crook declared an interest affecting impartiality in this item due to her membership of the Merredin Show Committee.

Cr D Morris and Cr M Morris left the meeting at 3.14pm

30935 Moved: Cr T McFarlane Seconded: W Wallace
That Councillors D and M Morris be permitted to remain in the meeting and participate in the discussion.

CARRIED 3/3

The Shire President Exercised a Casting Vote in the affirmative.

Cr D Morris and Cr M Morris returned to the meeting 3.16pm.

13.6 **MEMORANDUM OF UNDERSTANDING – MERREDIN AGRICULTURAL SOCIETY**

Reporting Department: Administration
Reporting Officer: CEO
Legislation: Local Government Act 1995
File Reference:
Disclosure of Interest: Nil
Attachment: Policy 6.4
Camping on Merredin Recreation Grounds

Background

Following the 2012 Merredin Show, it is opportune to review the current MOU.

Comment

A number matters require clarification and/or amendment because of changes to legislation and on-ground experience from both the 2011 and 2012 Shows. They are outlined below. They will be included, subject to endorsement by Council, into a revised MOU document.

It should be noted that these matters have not been discussed with representatives of the Agricultural Society.

Stallholders Permit

As part of stallholder application process to the Merredin Agricultural Society Show, ALL stallholders (including promotional stalls eg. New Holland, A.I.M, Landmark etc.) are to fill out an 'Application for a Stallholders or Street Traders Permit'. Fees are not applicable for the one off Show event.

Food Stallholders

A 'Food Act 2008 Notification/Registration Form' is to be filled out in addition to the Application for a Stallholders or Street Traders Permit'. This form is

required to be filled out whether the applicant is wishing to sell the one off 'low risk' jams and cupcakes or is involved in a full scale 'medium-high risk' food van business.

If the food business is already a 'registered' food business, a copy of that food business's 'Food Act 2008, section 110(6) Certificate of Registration of a Food Business is required to be submitted with the completed 'Food Act 2008 Notification/ Registration Form'. All forms and applications along with any required additional information are to be submitted via the Merredin Agricultural Society to the Shire of Merredin's Environmental Health Officer at least 30 days in advance of the Show.

A general inspection of all food businesses/stalls will take place either the day before the Show or on the day of the event itself.

The cost of any required food preparation area/food business inspection (other than the one inspection conducted on the day or the day before the Show) is to be covered by the stall holders permit applicant.

Communications Protocol

Any problems or enquires associated with stallholders, public building matters, waste management or other Environmental Health concerns on the day of the show should be directed, firstly, to the Shire of Merredin's Environmental Health Officer (contact details to be provided to show organisers).

Any problems or enquiries relating to the Merredin Regional Community & Leisure Centre facility should be directed to the Centre Manager (contact details to be provided to show organisers).

Caravan and Camping Grounds

In the event that staff associated with mobile businesses wish to 'camp' on/near the Show site, written correspondence requesting a designated 'temporary camping' location must be received at the Shire of Merredin no less than 30 days in advance of the Show. A request for access to facilities should also be included if required. If caravans are to be used by mobile business staff then an indication of how the owner intends to deal with the waste should be included.

Those wishing to camp must adhere to all guidelines pertaining to Council Policy 6.4 "Camping on Merredin Recreation Grounds". A copy of the Policy is at [Attachment 13.6A](#)

Waste management

All rubbish associated with the Show is the responsibility of the Merredin Agricultural Society. This includes all waste from bins (and overflow), firework cartridges and rubbish from community stall holders and mobile business operators. It will apply to the entire MRC&LC precinct utilised for the purpose of the Show.

Merredin Agricultural Society is to pay for and arrange the extra pick up of the waste receptacles that are associated with the Merredin Regional Community & Leisure Centre. This cost will also cover the use of any additional receptacles that are used/required above what is already contracted to be pick up by Avon Waste. Notice is to be given to Avon Waste, Merredin Regional Community & Leisure Centre Management and the Shire of Merredin's Environmental Health Officer no less the 30 days prior to the 'Show' regarding the requirement for the additional waste pickup.

Public Liability Insurance

Merredin Agricultural Society is to assume public liability for all stallholders to the value of \$20 million. A copy of the policy is to be provided.

Kitchen Usage

Merredin Agricultural Society will not hire out the Kitchen to a third party as a stall holder for the duration of the Show. Due to the use of facility resources (power, water & gas) and the requirement of extra cleaning this area will fall under the jurisdiction of the Merredin Regional Community & Leisure Centre in accordance with the approved schedule of Council Fees and Charges pertaining to the MRC&LC.

Any stall holders interested in booking the kitchen for the duration of the show should be directed to MRC&LC administration staff.

Extra Staff

Any requirement for Merredin Regional Community & Leisure Centre staff time to assist with set up, clean up or to be on site for the duration of the Show will be charged to the 'Merredin Agricultural Society' on a cost recovery basis. Works staff may be available for certain activities (delivery of fencing, marking reticulation lines) prior to the Show without charge.

MRC&LC Facility Access

The Merredin Agricultural Society must delegate one person the responsibility of MRC&LC security for the duration of the Show. This person will be required to open and lock up the facility and activate/deactivate the security system as and when required. They will also be required to ensure all areas are secured. The Merredin Agricultural Society will agree not to enter the 'No Access' areas for the duration of this time, including cool room, bar managers office, Administration Offices and small storage area between the male and female ablutions on the East side of the facility.

Extra Cleaning

Any additional cleaning required to MRC&LC facilities following the Show that is in excess of what is expected from a normal 'public event' will be charged on a cost recovery basis to the Merredin Agricultural Society.

Indoor Stadium Usage

All stallholders and displays on the indoor stadium must have adequate rubber stoppers on all chair and table legs in order to maintain the integrity

of the sports floor. The Merredin Agricultural Society will ensure all stall holders adhere to this requirement. Any furniture requiring extra protection must use the MRC&LC carpet squares available for this purpose.

No food and drink stalls are permitted on the Indoor Stadium.

The Merredin Agricultural society will encourage 'show' patrons NOT take food or drinks (other than water) onto the indoor stadium for the duration of the event.

Statutory/Policy Implications

Nil

Financial Implications

A non-operational issue not considered above related to whether the facilities will be made available to the Merredin Agricultural Society on a free of charge basis. Council may wish to consider charging for the use of the facility on either a commercial or further subsidised basis.

Cr D Morris and Cr M Morris left the meeting at 3.38pm

Officer's Recommendation

- 1. That Council determine a position on fees and charges for Merredin Agricultural Shows.***
- 2. That the information contained in this report form the basis for discussions with the Merredin Agricultural Society to finalise a new MOU.***

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Moved: Cr W Wallace

Seconded: Cr McFarlane

Resolution

- 1. That the Merredin Agricultural Society be permitted use of the facilities and kitchen with the exception of bar and the administration area at no cost.***
- 2. That the information contained in this report form the basis for discussions with the Merredin Agricultural Society to finalise a new MOU.***

CARRIED 6/0

Cr D Morris and Cr M Morris returned to the meeting at 3.42pm

14.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

15.0 QUESTIONS BY MEMBERS FOR WHICH DUE NOTICE HAS BEEN GIVEN

Nil

16.0 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

Nil

17.0 MATTERS BEHIND CLOSED DOORS

Nil

18.0 CLOSURE

There being no further business the President declared the meeting closed at 3.45pm.