

SHIRE OF
MERREDIN
INNOVATING THE WHEATBELT

AGENDA

Ordinary Council Meeting

To be held in Council Chambers
Corner King & Barrack Street's, Merredin
Tuesday, 15 December 2020
Commencing 4.00pm



Notice of Meeting



Dear President and Councillors,

The next Ordinary Meeting of the Council of the Shire of Merredin will be held on Tuesday, 15 December 2020 in the Council Chambers, corner of King and Barrack Streets, Merredin. The format of the day will be:

2.00pm Briefing Session

4.00pm Council Meeting

A handwritten signature in black ink that reads 'Mark Dacombe'. The signature is written in a cursive, flowing style.

MARK DACOMBE
TEMPORARY CHIEF EXECUTIVE OFFICER
11 December 2020

DISCLAIMER

PLEASE READ THE FOLLOWING IMPORTANT DISCLAIMER BEFORE PROCEEDING:

Statements or decisions made at this meeting should not be relied or acted on by an applicant or any other person until they have received written notification from the Shire. Notice of all approvals, including planning and building approvals, will be given to applicants in writing. The Shire of Merredin expressly disclaims liability for any loss or damages suffered by a person who relies or acts on statements or decisions made at a Council or Committee meeting before receiving written notification from the Shire.

The advice and information contained herein is given by and to Council without liability or responsibility for its accuracy. Before placing any reliance on this advice or information, a written inquiry should be made to Council giving entire reasons for seeking the advice or information and how it is proposed to be used.

Common Acronyms Used in this Document	
WEROC	Wheatbelt East Regional Organisation of Councils
GECZ	Great Eastern Country Zone
WALGA	Western Australian Local Government Association
CEACA	Central East Aged Care Alliance
T/CEO	Temporary Chief Executive Officer
DCEO	Deputy Chief Executive Officer
EMDS	Executive Manager of Development Services
EMES	Executive Manager of Engineering Services
EMCS	Executive Manager of Corporate Services
MCO	Media and Communications Officer
EA	Executive Assistant to CEO
LPS	Local Planning Scheme
LGIS	Local Government Insurance Services
SRP	Strategic Resource Plan
CBP	Corporate Business Plan
CSP	Community Strategic Plan
MRCLC	Merredin Regional Community and Leisure Centre
CWVC	Central Wheatbelt Visitors Centre
MoU	Memorandum of Understanding

Shire of Merredin
Ordinary Council Meeting
4:00pm Tuesday, 15 December 2020



1. Official Opening

2. Record of Attendance / Apologies and Leave of Absence

Councillors:

Cr JR Flockart	President
Cr AR Butler	
Cr LN Boehme	
Cr PR Patroni	
Cr MJ McKenzie	
Cr RA Billing	
Cr RM Manning	
Cr PM Van Der Merwe	

Staff:

M Dacombe	T/CEO
A Brice	EA
C Brown	EMCS
A Prnich	DCEO
P Zenni	EMDS
C Shotter	EMES
K Hall	MCO

Members of the Public:

Apologies:

Approved Leave of Absence: Cr MD Willis

3. Public Question Time

Members of the public may submit questions up to 2pm on the day of the meeting by emailing ea@merredin.wa.gov.au

4. Disclosure of Interest

5. Applications of Leave of Absence

6. Petitions and Presentations

7. Confirmation of Minutes of Previous Meetings

7.1 [Ordinary Council Meeting held on 17 November 2020](#)

8. Announcements by the Person Presiding without discussion

9. Matters for which the Meeting may be closed to the public

19.1 [Chief Executive Officer Recruitment and Selection Process](#)

19.2 [Confidential - Appointment of Temporary Chief Executive Officer](#)

10. Receipt of Minutes of Committee Meetings

10.1 [Rural Water Council Meeting held 3 July 2020](#)

10.2 [WEROC Inc. Annual General Meeting held 26 November 2020](#)

10.3 [WEROC Inc. Board Meeting held 26 November 2020](#)

10.4 [Eastern Wheatbelt Biosecurity Group Annual General Meeting held 1 October 2020](#)

10.5 [Wheatbelt North Regional Road Group - Kellerberrin Sub-Group Held 7 December 2020](#)

10.6 [Great Eastern Country Zone Meeting held 26 November 2020](#)

10.7 [Local Emergency Management Committee Minutes held 26 November 2020](#)

11. Recommendations from Committee Meetings for Council consideration

12. Officer's Report – Development Services

12.1 [Lot 111 \(No 12\) Mitchell Street Merredin – Development Application for Material Storage Shed and Caretaker's Dwelling](#)

12.2 [LOCAL PLANNING SCHEME NO. 6 – Subdivision Application WAPC Application No 160083 – Lot No 482 Haines Street](#)

12.3 [Lot 20761 Collgar West Road Merredin - Application for Development Approval \(Telecommunications Infrastructure\)](#)

12.4 [Lot 18258 Old Muntadgin Road Norpa - Application for Development Approval \(Telecommunications Infrastructure\)](#)

13. Officer's Report – Engineering Services

- 13.1 [Award of eQuotes Tender – Grader](#)
- 13.2 [Award of eQuotes Tender – Backhoe](#)
- 13.3 [Award of eQuotes Tender – Water Truck](#)
- 13.4 [Explaurum Operations Pty Ltd \(Ramelius Resources\) – Traffic Route Proposal](#)

14. Officer's Reports – Corporate and Community Services

- 14.1 [List of Accounts Paid](#)
- 14.2 [Statement of Financial Activity](#)
- 14.3 [Proposed Australia Day Sundowner](#)

15. Officer's Reports - Administration

- 15.1 [Chief Executive Officer Recruitment and Review Policy – Policy 2.30](#)
- 15.2 [Merredin Regional Community and Leisure Centre User Group Fees and Contributions Working Party](#)
- 15.3 [Shire of Merredin Municipal Heritage Inventory Review](#)

16. Motions of which Previous Notice has been given

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

18. Urgent Business Approved by the Person Presiding of by Decision

19. Matters Behind Closed Doors

- 19.1 [Chief Executive Officer Recruitment and Selection Process](#)
- 19.2 [Confidential - Appointment of Temporary Chief Executive Officer](#)

20. Closure

7. Confirmation of Minutes of the Previous Meetings

- 7.1 Ordinary Council Meeting held on 17 November 2020
[Attachment 7.1A](#)

Voting Requirements

- Simple Majority Absolute Majority

Officer's Recommendation / Resolution

That the Minutes of the Ordinary Council Meeting held on 17 November 2020 be confirmed as a true and accurate record of proceedings.

8. Announcements by the Person Presiding without discussion

9. Matters for which the Meeting may be closed to the public

- 19.1 [Chief Executive Officer Recruitment and Selection Process](#)
19.2 [Confidential - Appointment of Temporary Chief Executive Officer](#)

10. Receipt of Minutes of Committee Meetings

- 10.1 Rural Water Council Meeting held 3 July 2020
[Attachment 10.1A](#)
- 10.2 WEROC Inc. Annual General Meeting held 26 November 2020
[Attachment 10.2A](#)
- 10.3 WEROC Inc. Board Meeting held 26 November 2020
[Attachment 10.3A](#)
- 10.4 Eastern Wheatbelt Biosecurity Group Annual General Meeting held 1 October 2020
[Attachment 10.4A](#)
- 10.5 Wheatbelt North Regional Road Group - Kellerberrin Sub-Group Held 7 December 2020
[Attachment 10.5A](#)
- 10.6 Great Eastern Country Zone Meeting held 26 November 2020
[Attachment 10.6A](#)
- 10.7 Local Emergency Management Committee Minutes held 26 November 2020
[Attachment 10.7A](#)

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation / Resolution

That the Minutes of the following Committees be received:

- Rural Water Council Meeting held 3 July 2020;
- WEROC Inc. Annual General Meeting held 26 November 2020;
- WEROC Inc. Board Meeting held 26 November 2020;
- Eastern Wheatbelt Biosecurity Group Annual General Meeting held 1 October 2020;
- Wheatbelt North Regional Road Group - Kellerberrin Sub-Group Held 7 December 2020;
- Great Eastern Country Zone Meeting held 26 November 2020; and
- Local Emergency Management Committee Minutes held 26 November 2020.

11.

Recommendations from Committee Meetings for Council consideration

Nil

12. Officers' Reports - Development Services

12.1 Lot 111 (No 12) Mitchell Street Merredin – Development Application for Material Storage Shed and Caretakers Dwelling

Development Services



Responsible Officer:	Peter Zenni, EMDS
Author:	Peter Zenni, EMDS
Legislation:	Shire of Merredin Local Planning Scheme No 6.
File Reference:	A2545
Disclosure of Interest:	Nil
Attachments:	Attachment 12.1A – Application for development approval and supporting documentation

Purpose of Report



Executive Decision



Legislative Requirement

Background

The Shire of Merredin has received an application for development (planning) approval for the use of an existing shed for the storage of building materials and the use of an existing house as a caretaker's dwelling at Lot 111 (No 12) Mitchell Street, Merredin.

Comment

The owner of Lot 111 (No 12) Mitchell Street, Merredin has advised that both the house and large shed have been located on the property for many years, originally used as a plasterboard factory and in more recent times as a plant nursery and \$2 gift shop. He has also confirmed that the property has been vacant in excess of 6 months.

An inspection of Councils property records relating to Lot 111 (No 12) Mitchell Street, Merredin reveals that the Shire of Merredin Council issued planning consent (PA07/11) on 26th May 2020 for use of the premises as a Shop – Auctioneers Premises.

The planning consent makes no mention of the house located on the property.

Statutory Requirements

Lot 111 (No 12) Mitchell Street is zoned 'Town Centre' under the Shire of Merredin Local Planning Scheme No. 6 (LPS).

The proposed building material storage falls under 'Warehouse/storage' use in the zoning tables forming part of the LPS. Warehouse/storage is a 'D' use in a Town Centre zoned area. This means that the activity is not permitted unless the local government has exercised its discretion by granting development approval.

The proposed activity will be limited to the storage of building materials associated with a local carpentry/ building business and minor repairs to the business owners own vehicles or equipment. There will be no manufacturing or wholesale/retail activities undertaken from the premises as all carpentry/building related activities take place off site.

There are no noise sensitive premises in the immediate vicinity, and it is believed that the proposed use of the shed for storage purposes will not have an adverse impact on the amenity of the surrounding area.

The existing house located on the property has been vacant in excess of a 6-month period. single dwellings are an X use in a Town Centre zone under the LPS.

Even if the original house was a lawful use, by virtue of it being left vacant in excess of the 6-month period specified by the LPS, it has lost its non-conforming use rights and as such it can no longer be used purely for dwelling purposes.

The applicant has indicated that she wishes to use the existing house as a caretaker's dwelling in direct association with the use of the shed for storage purposes as added security for the materials being stored therein. It is proposed that the applicant's eldest son will reside in the caretaker's dwelling.

A caretaker's dwelling is a "D" use under the LPS in a 'Town Centre' zone meaning that its use is not permitted unless the Shire of Merredin Council has exercised its discretion by granting development approval.

The LPS stipulates that only one caretaker's dwelling is permitted on a lot, and that it shall be located at the rear of the lot and have a maximum floor area of 100m².

Given that the existing house is already on the property in question it is suggested that the Shire of Merredin whilst being mindful of the intention of the LPS with regard to caretaker's dwelling provisions approve the use of the existing house as a caretaker's dwelling.

There is a minor risk involved in setting a precedent with the Shire Council using its discretion and providing some flexibility with respect to approving the use of the existing house for a caretaker's dwelling.

The risk is minimal and can be explained on the basis that the house in question is an existing structure that has been on the property for many years and otherwise it will not be able to be used legally for its intended purpose and as such is likely to fall into disrepair and ultimately require demolition and removal.

Furthermore, the LPS specifically allows for discretion by Council in accordance with Clause 4.5 of the LPS, which states as follows;

4.5 VARIATIONS TO SITE AND DEVELOPMENT STANDARDS AND REQUIREMENTS

4.5.1 *Except for development in respect of which the Residential Design Codes apply, if a development is the subject of an application for development approval and does not comply with a standard or requirement prescribed under the Scheme, the local government may, despite the non-compliance, approve the application unconditionally or subject to such conditions as the local government thinks fit.*

4.5.2 *In considering an application for development approval under this clause, where, in the opinion of the local government, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is the subject of consideration for the variation, the local government is to —*

consult the affected parties by following one or more of the provisions for advertising uses under clause 64 of the deemed provisions; and AMD 5 GG 04/07/17

have regard to any expressed views prior to making its determination to grant the variation.

4.5.3 *The power conferred by this clause may only be exercised if the local government is satisfied that —*

approval of the proposed development would be appropriate having regard to the criteria set out in clause 67 of the deemed provisions; and AMD 5 GG 04/07/17 the non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality

In order to ensure that the caretaker's dwelling is only used for that purpose and not for future residential use it is suggested that the development approval for the use of the house as a caretaker's dwelling be conditional on the use being limited to the applicant's family members or employees.

The owner of the property should also be formally advised that any non-conforming use rights under the LPS with respect to the house have expired and that a single house is an X use under the LPS.

Policy Implications

Nil

Statutory Implications

Compliance with the Shire of Merredin Local Planning Scheme No.6

Strategic Implications

➤ Strategic Community Plan

Zone: Economy and Growth
Zone Merredin Seeks new opportunities for growth and strives to
Statement: develop rich and multifaceted economy.
Key Priority 2.3 Supporting initiatives from local businesses for growth

➤ Corporate Business Plan

Key Action: 4.1.1 Continue to upgrade the Integrated Planning Framework, meet statutory requirements of the Local Government Act and Regulations and regulatory obligations required under other regulations
Directorate: Development Services
Timeline: Ongoing

Sustainability Implications

➤ Strategic Resource Plan

Nil

➤ Workforce Plan

Directorate: Nil
Activity: Nil
Current Staff: Nil
Focus Area: Nil
Strategy Code: Nil
Strategy: Nil
Implications: Nil

Risk Implications

There is a minor risk involved in setting a precedent with the Shire Council using its discretion and providing some flexibility with respect to approving the use of the existing house for a caretakers dwelling.

Financial Implications

The relevant development application fees have been paid.

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation

That Council:

1. Grant Development (Planning) Approval for the use of the shed on the premises located at Lot 111 (No 12) Mitchell Street, Merredin for storage of building materials and equipment and the use of the existing house located at Lot 111 (No 12) Mitchell Street, Merredin as a caretaker's dwelling, subject to;
 - a. The use of the shed being limited to the storage of building materials and equipment only, no manufacturing or wholesale/retail activities to be undertaken from the premises.
 - b. The use of the caretaker's dwelling being limited to the applicant's family members or employees.
 - c. The development approval relates only to the use of the shed on the premises located at Lot 111 (No 12) Mitchell Street, Merredin for storage of building materials and equipment and the use of the existing house located at Lot 111 (No 12) Mitchell Street, Merredin as a caretaker's dwelling and does not relate to any other development.
2. Notify the owner of Lot 111 (No 12) Mitchell Street, Merredin that any non-conforming use rights under the LPS with respect to the house located on the property have expired and that a single house is an X use under the LPS.

**12.2 LOCAL PLANNING SCHEME NO. 6 – Subdivision Application WAPC
Application No 160083 – Lot No 482 Haines Street**

Development Services



Responsible Officer:	Peter Zenni - EMDS
Author:	Paul Bashall - Planwest
Legislation:	Planning & Development Act 2005, Local Planning Scheme No. 6 – Shire of Merredin
File Reference:	A1923
Disclosure of Interest:	Nil
Attachments:	Attachment 12.2A – WAPC Referral Attachment 12.2B – Supporting documentation

Purpose of Report



Executive Decision



Legislative Requirement

Background

The WA Planning Commission (WAPC) has referred a proposed subdivision to the Council for its comments and requirements prior to it making a determination on the proposal.

The subject land is Lot 482 Haines Street in Merredin. The land dimensions are about 190 metres between Haines Street and Bates Street, and about 100 metres measuring 1.9223 hectares.

Figure 1 provides a location plan of the proposed subdivision in relation to the Merredin townsite. The lot in area and is located about 1.5 kilometres north of Great Eastern Highway.

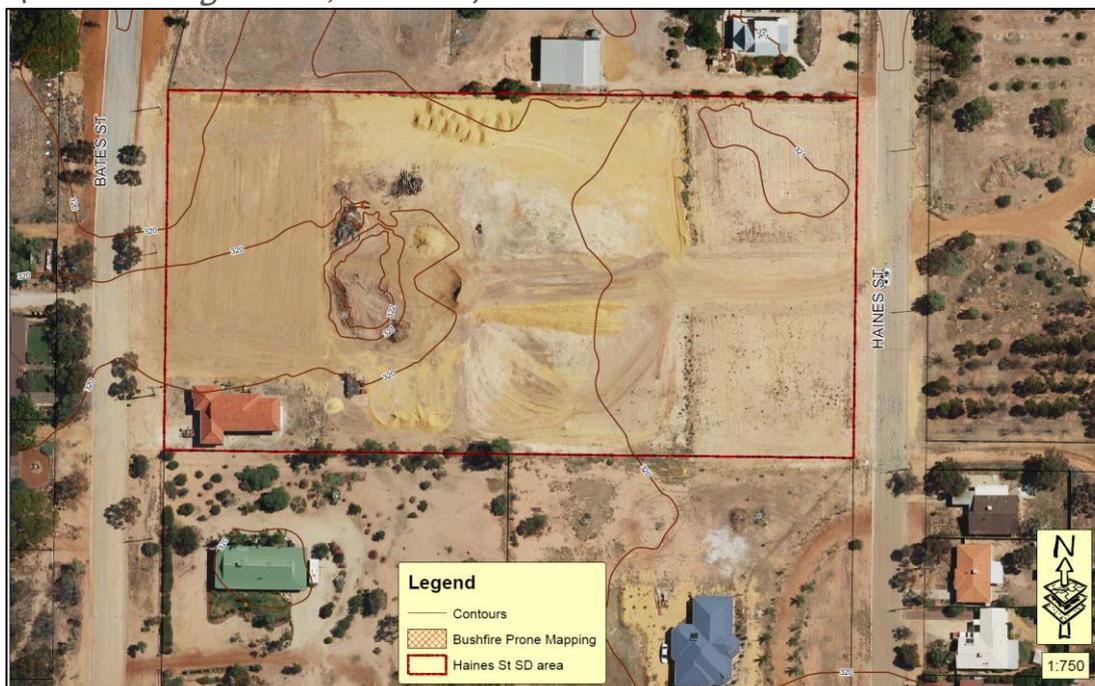
Figure 2 shows an enlargement of the subject land. The property is currently vacant other than a new house built on the South West corner of the land.

In 2004 a subdivision approval was granted by the WA Planning Commission (via the Town Planning Appeal Tribunal) for the creation of 18 lots. The current subdivision application basically mirrors the same design.

Figure 1 - Location Plan
(Source: Landgate, DPLH, Planwest)



Figure 2 - Aerial Photograph of the Subject Land
(Source: Google Earth, Planwest)



Previous Subdivision Approval

A subdivision design shown in Figure 3 was approved on appeal in 2004. This approval has long since expired.

Figure 3 - Previous Subdivision Approval
Source: Applicant

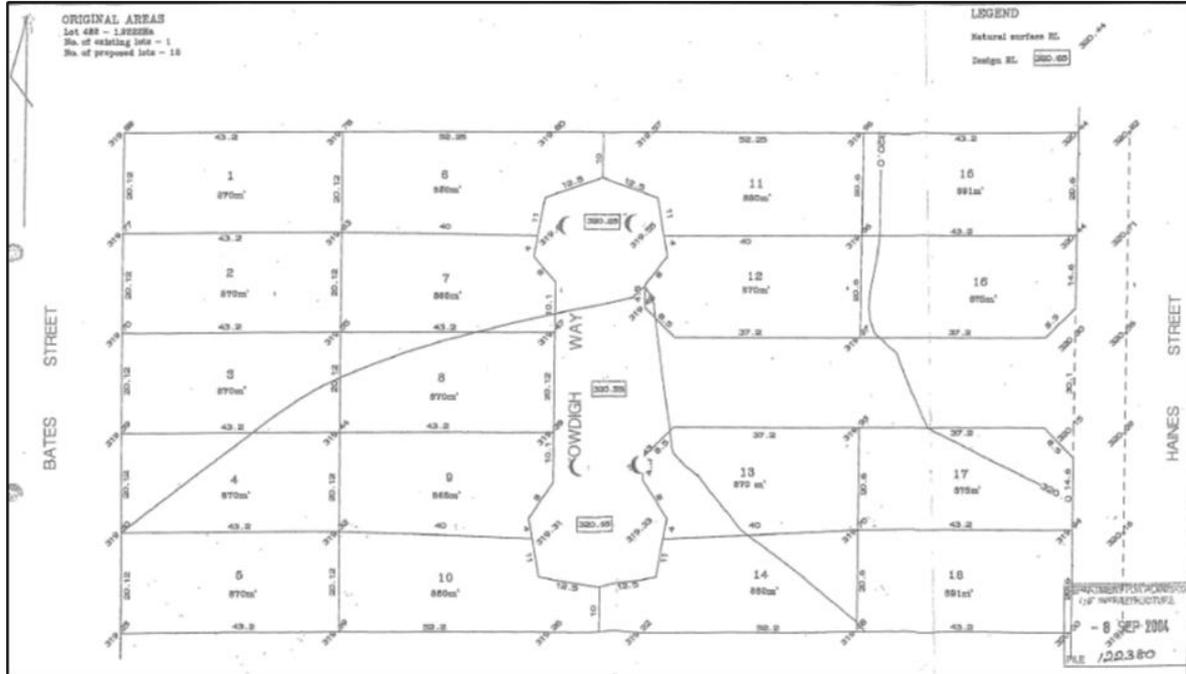
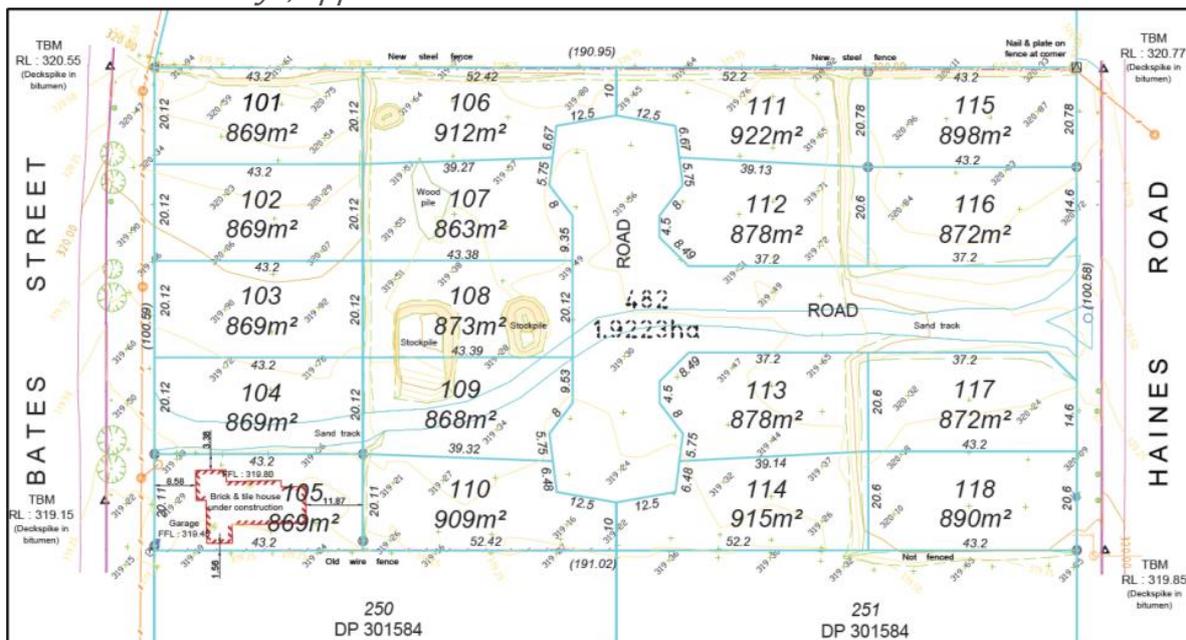


Figure 4 provides a copy of the current proposed subdivision.

Figure 4 - Proposed Subdivision Extract
Source: RM Surveys, applicant



The minor difference appears to be adherence to a condition in the 2004 approval that required each lot should have a minimum road frontage of 17m.

The 2004 subdivision approval was issued with 13 conditions, nearly all of which are standard servicing requirements. Condition 7 required a minimum lot size of 700m², and condition 8 required the 17m frontage as mentioned.

Condition 4 required 1,922m² to be vested in the Crown for Public Open Space (POS), however a footnote, or advice to the appellant, indicates that the WAPC approves a cash-in-lieu payment of POS.

The report accompanying the application indicates (and confirmed by Council records) that a payment of \$1,500 was made to the Council – presumably during the subdivision validity period.

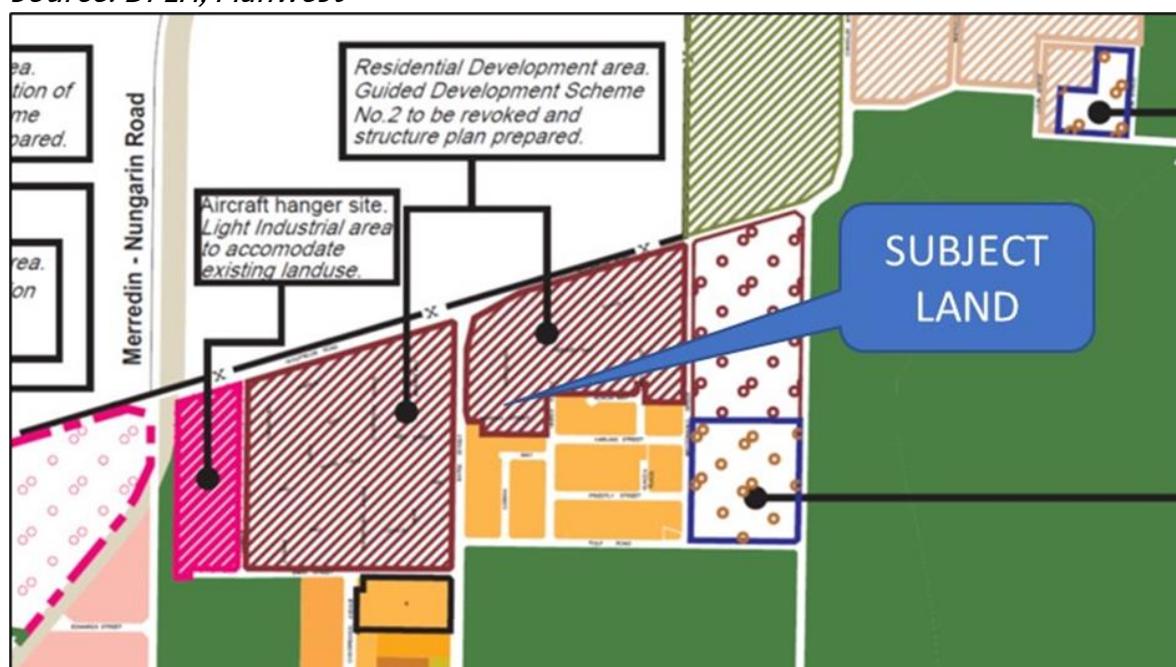
Bushfire Prone Areas

The land is not affected by the bushfire prone mapping.

Local Planning Strategy

The Merredin Local Planning Strategy (the Strategy) was endorsed by the WAPC on the 14th August 2007. Figure 5 provides an extract from the Strategy map.

Figure 5 - Local Planning Strategy Extract
Source: DPLH, Planwest



The Strategy designates these large areas of undeveloped residential land as 'Residential Development' and requires that these areas be the subject of a structure plan.

The primary reason for a structure plan in these areas is to ensure that the development of larger vacant properties synchronise their respective road systems with each other to provide a coordinated and workable access network.

Local Planning Scheme

The Shire of Merredin Local Planning Scheme No 6 (the Scheme) was gazetted on the 24 June 2011. The subject land is zoned Residential with a Residential Density Code (R-Code) of R10/30.

Figure 6 provides the Scheme designations of, and around, the subject land.

Figure 6 - Local Planning Scheme

Source: DPLH, Planwest



This split density means that the density will be R10 unless the land is deep sewered. In this case the land can be deep sewered making the maximum density R30. The R30 density allows for a minimum average lot size of 300m².

The subject land is also included in a Development Area. These Scheme states;

4.9 DEVELOPMENT AREAS

Subdivision and development of land included in a Development Area, as shown on the Scheme Map, shall be subject to the preparation of a

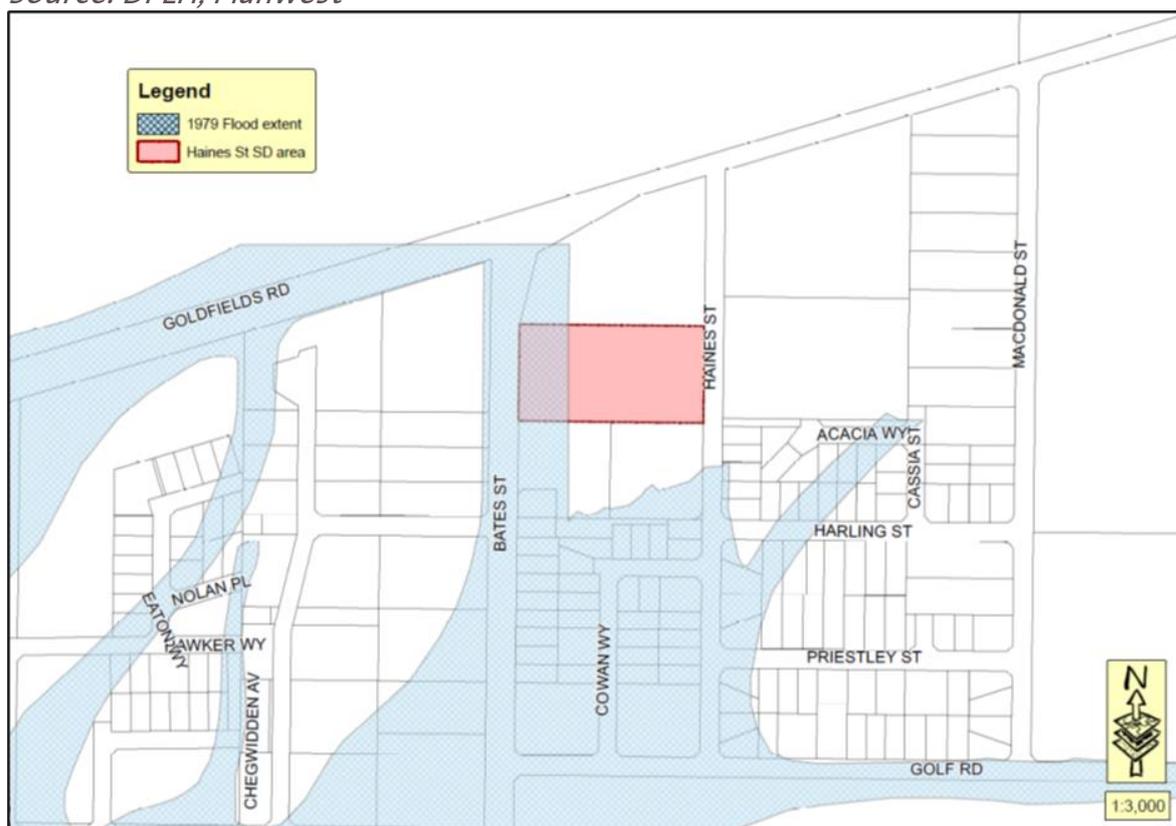
Structure plan for the area in accordance with Part 4 of the deemed provisions.

Floodway

According to Council information, the western part of the subject land has previously been the subject of flooding. Figure 7 provides this information as recorded by a flood that occurred in February 1979.

Figure 7 - Area of Flooding in 1979

Source: DPLH, Planwest



The applicant should be made aware of this information in order that the appropriate measures can be taken to design the subdivision to avoid any impact should this event be repeated. Alternatively, a notification should be placed on the new titles affected by this mapping.

Comment on Subdivision

The previous WAPC approval is acknowledged, however since that approval, many circumstances have changed including a new Strategy and Scheme.

There are several concerns with the proposed subdivision, however there is debate about the appropriateness of State and local planning intervention on issues like design and density.

There is little doubt that a subdivision will be approved however the following issues need careful consideration.

1. Density

The existing design is far from achieving the existing R30 density Code. This code has a minimum average lot size of 300m². The proposed design achieves an average lot size of 833m².

There is no justification offered in the information supporting the subdivision, to suggest that the proposed lot sizes are targeting a specific market demand. Whilst it is acknowledged that 300m² lots may have a limited appeal in a country town, there is a case for lots smaller than the 833m² lots offered.

In addition, there is no discussion in the application about how an increased density could be achieved without reliance on battle-axe lots.

One of the objectives of Development Control Policy (DC 2.2) is ‘to facilitate the supply of residential lots in regular shapes and sizes that reflect the statutory provisions of local planning Schemes’.

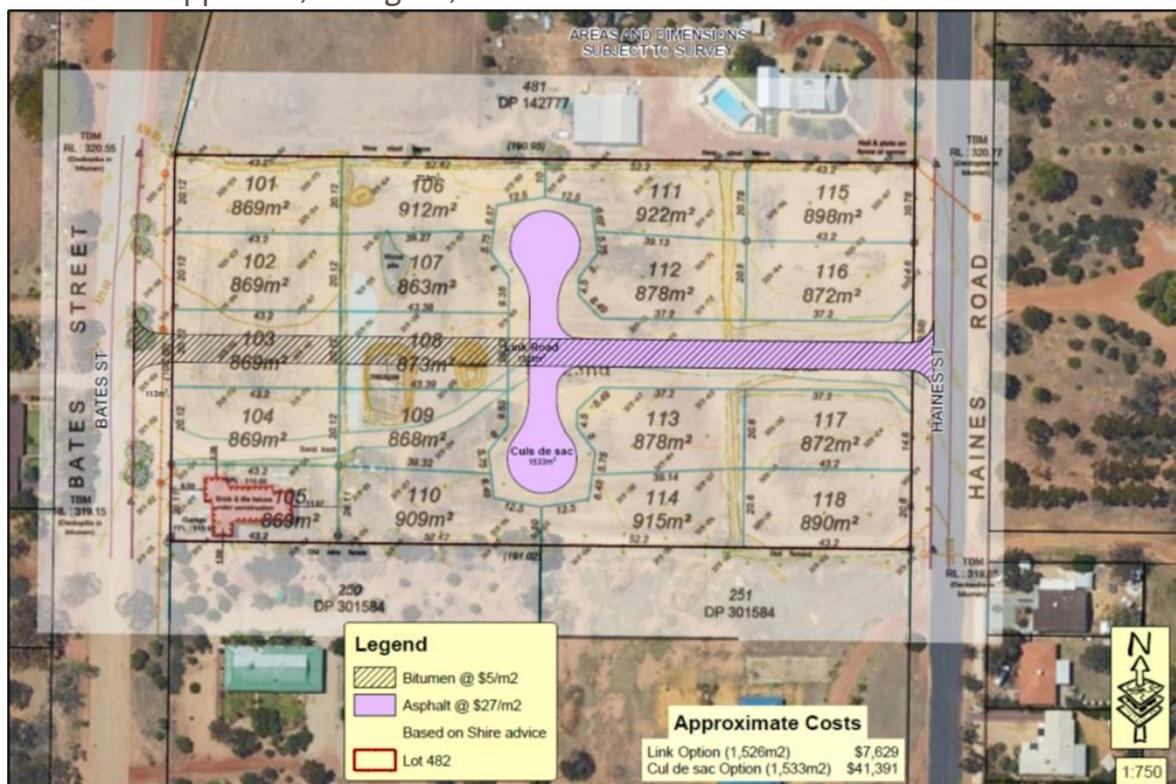
2. Design and Structure Plan

The applicant argues that a Structure Plan is unnecessary. The design (like the 2004 version) plans a dual head cul-de-sac design. Culs-de-sac are not only more expensive to build but, more importantly from the Council’s viewpoint, more expensive to maintain in the long term.

Figure 8 shows two roadway options, the application design (culs de sac) and a link roadway.

Figure 8 - Roadway Options

Source: Applicant, Landgate, Planwest



The Council engineers have advised that that the cul de sac option would need to be asphalt construction as the turning circles are hard on the road surface especially with trucks – of which there will be a weekly rubbish truck.

The design shown in Figure 8 is only an example for calculations, however the design does follow liveable neighbourhoods ‘Guidelines for the Design and Geometric Layout of Residential Roads (June 1998) in terms of cul de sac sizes, road widths and truncations.

The Council engineer estimates the difference between bitumen seal (at \$5/m²) and asphalt (at \$27/m²) is \$22/m². This results in a difference of over \$30,000 in construction costs and a significant extra ongoing cost to Council when the road is handed over.

Although not strictly legislated, culs-de-sac do not sit well with escaping in the case of a disaster at the entrance, and provide little to achieve permeability through the area generally.

The east-west orientation of every lot is a debateable topic of whether the traditional north-south oriented lots achieve better solar benefits.

A redesign with a simple road connecting Haines Street to Bates Street not only allows for more lots, but also helps the permeability of the design. Figure 9 shows an example of a redesign.

Figure 9 - Example of a Redesign

Source: Landgate, DPLH, Planwest



If a redesign was considered (as shown) to provide an east-west road connecting Haines Street with Bates Street, it would;

- a. Negate the need to prepare a Structure Plan.
- b. Cost less in road construction.
- c. Cost less in the long term for the Council to maintain.
- d. Provide better solar orientation for the lots (debateable).
- e. Allow for a variety of lot sizes and increase the lot yield (via lot widths).
- f. Provide for permeability and simplify access to lots.

A less favoured compromise may be for the proposed culs de sac design to be modified to provide the future option for the culs de sac to be connected to the larger lots north and south of the subject land.

This option will still require the culs de sac to be fully constructed as there would be no time frame on the future development of the lots abutting north and south. The other issues with this option are that;

- The connection from the lots north and south may never occur if they are developed with a link road (similar to that shown in Figure 8).

- The design of the future connection to the north will need to provide a setback for the existing shed, and
- The culs de sac roadways would still need to be fully constructed.

3. Development Costs

Discussions have occurred between the applicant and Planwest regarding the issues raised opposing the proposed subdivision design. The applicant agreed with these issues and subsequently had further discussions with the owner.

Those subsequent discussions with the owner were not fruitful. The owner has stated that he is determined to maintain the original design as;

- a. a significant amount has already been invested in the fill on the site that suits the original design, and
- b. he believes (mistakenly) that he can subdivide several lots facing existing roads (Haines and Bates) without the need to construct the proposed road.

In response to these points, the following comments are offered.

- a. The areas of fill required for the site in a redesign will only be a minor change to the application design. The cost of relocating this fill (from the culs-de-sac heads to the western end of the connecting road near Bates Street) would be minor compared with the better lot yield and expected high road costs of the application design.

It appears that additional fill has been carted to the site since the previous subdivisional approval had lapsed. These works have therefore been carried out without approval – creating an offence (Memo dated 29 Feb 2012 from relieving EHO to CEO).

- b. Following a meeting between Planwest, Shire officers and an officer from the Department of Planning, Lands and Heritage, it was made clear that it was unlikely that the WAPC would allow single lots to be created without guarantees that the road would be built. The more lots that are created without contributing to the road costs, the more burden increases on the fewer remaining lots to construct the road. This burden makes it less likely that those remaining lots will be created in the shorter term.

The WAPC's Operational Policy 1.1 – specifically part 3.5 - deals with super lots and the requirement for a structure plan.

4. Public Open Space

The 2004 WAPC approval agreed to cash-in-lieu of POS. Although the subdivision never proceeded, \$1,500 was received by the Council to satisfy the cash-in-lieu payment and (according to Shire records) was never returned.

It is the writer's view that, because the proposed subdivision was never completed, the \$1,500 should either be returned to the owner (who happens to be the same owner as was in 2004), or be considered a credit towards a new valuation for the 1,922m2 POS area to complete the new cash-in-lieu assessment (along with any lost interest) – if the WAPC agrees to cash-in-lieu again.

Policy Implications

Nil

Statutory Implications

Compliance with Planning & Development Act 2005, Local Planning Scheme No. 6 – Shire of Merredin.

Strategic Implications

The only implications of supporting the subdivision design as submitted – without a Structure Plan - is the precedent for not requiring a Structure Plan on the remaining larger undeveloped lots. Without a Structure plan there is no clear coordination of the network design for the areas that most need a guide to manage future planning and design.

➤ Strategic Community Plan

Zone: Economy and Growth
Zone Merredin Seeks new opportunities for growth and strives to
Statement: develop rich and multifaceted economy.
Key Priority 2.3 Supporting initiatives from local businesses for growth

➤ Corporate Business Plan

Key Action: 4.1.1 Continue to upgrade the Integrated Planning Framework, meet statutory requirements of the Local Government Act and Regulations and regulatory obligations required under other regulations
Directorate: Development Services
Timeline: Ongoing

Sustainability Implications

➤ Strategic Resource Plan

Nil

➤ Workforce Plan

Directorate: Nil
Activity: Nil
Current Staff: Nil
Focus Area: Nil

Strategy Code: Nil
Strategy: Nil
Implications: Nil

Risk Implications

The WAPC is the approving body with respect to applications for subdivision and or amalgamation. Accordingly, any associated appeal related to a decision to refuse an application for subdivision will be addressed by the WAPC.

Financial Implications

There are long-term financial implications if the dual-headed cul-de-sac is approved. These features are more difficult to maintain and will remain the Council's responsibility forever.

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation

That the Council advises the WAPC that, notwithstanding the WAPC's previous approval of the subdivision in 2003, it does not support the proposed subdivision (Ref: 160083), and recommends that the application be refused for the following reasons;

1. The application has not been the subject of a Structure Plan as required by the Scheme (clause 4.11.2).
2. The design is not consistent with current planning and design principles.
3. The proposal for two culs-de-sac heads configuration will create an unnecessary and on-going financial burden for the Council to maintain in the future.
4. The design does not support permeability.
5. The design provides no connectivity with surrounding land in the event of a disaster that may prevent an exit from the properties that rely on access from the culs-de-sac.
6. The design makes no attempt to provide a desirable method of achieving a higher density in the future.

However, the Council advises the WAPC that it would be prepared to support a redesign of the property to achieve the principles of coordinated design, permeability, reduced on-going road maintenance costs, better disaster planning and a design that may provide for a better variety of lot sizes and orientation.

12.3 Lot 20761 Collgar West Road Merredin - Application for Development Approval (Telecommunications Infrastructure)

Development Services



Responsible Officer:	Peter Zenni, EMDS
Author:	As above
Legislation:	Planning and Development Act 2005
File Reference:	Shire of Merredin Local Planning Scheme No 6.
Disclosure of Interest:	Local Government Act 1995
Attachments:	Attachment 12.3A – Confidential – Application for development approval and associated details

Purpose of Report

Executive Decision

Legislative Requirement

Background

The Shire of Merredin has received an application for development approval for the erection of telecommunications infrastructure at Lot 20761 Collgar West Road, Merredin. The application has been marked as being ‘commercial in confidence’ and as such is being considered as a confidential item in accordance with Section 5.23 of the Local Government Act 1995.

Comment

The proposed telecommunications infrastructure will comprise of a single 30m telecommunications tower and single 20-foot sea container housing telecommunications equipment and will be located at Lot 20761 Collgar West Road, Merredin. The property in question is zoned “general farming” in accordance with the Shire of Merredin Local Planning Scheme No. 6. (LPS).

The proposed telecommunications infrastructure is a “D” use in a general farming zone and as such the proposed development is not permitted by the LPS unless Council decides to use its discretion and approve the application. The proposed telecommunications infrastructure will be located on a farming property and will not interfere with the use of the property for farming purposes. There are no

sensitive premises in the vicinity and there should be no adverse impact on the amenity of the surrounding area as a result of the proposed development. The Shire of Merredin Council has previously granted development approval for the installation of telecommunication infrastructure in the general farming zone within the Shire.

The proposed development incorporates the use of a 20-foot sea container for housing telecommunications equipment.

Council has a local planning policy in place which controls movable buildings (including sea containers) and which requires that an application for development (planning) consent be lodged with Council.

Whilst sea containers under Council's policy on movable buildings are not permitted in residential areas, they can be permitted by Council in other (non-residential) zoned areas.

Council Local Planning Policy No.1 – Moveable Buildings, states as follows;

“The Council may give special consideration for the use of ‘containers’ outside the townsite areas of the Shire. In these circumstances the Council will need to be satisfied that there is no viable alternative to the use of these structures, and that the location of these ‘containers’ will not detract from the amenity of the locality.” In this case the lot is zoned ‘general farming’, the size and location of the lot will minimise any impact on the visual amenity of the surrounding area.

The objectives of the Council Local Planning Policy No.1 – Moveable Buildings, are as follows;

- a) *To maintain high amenity standards of buildings, especially within the residential areas in the Townsites of the Shire.*
- b) *To ensure that the visual aesthetics of residential areas are not compromised by the introduction of moveable buildings that are generally out of character with the predominant housing style in the locality.*
- c) *To ensure that moveable buildings, established within the Shire, do not use materials considered by Council to be unacceptable (eg. Asbestos).*
- d) *To avoid the erection and use of extensive areas of moveable structures for accommodating temporary workforces, or other businesses or company activities, in inappropriate areas.*
- e) *To prevent the introduction of housing, or other structures, that are designed to be used on a temporary or short stay basis and that may detract from the standards already established in the residential areas of the Townsites.*
- f) *To protect the visual amenity of the urban environment by not permitting the establishment, storage or use of ‘containers’ within the non-residential areas of the townsite.*

The proposed development does not contravene any of the objectives of the Shire policy on moveable buildings.

The Shire of Merredin Council has previously granted development approval for the placement of sea containers in general farming zoned areas for storage purposes.

The proposed development incorporates Class 10a and 10b structures (non-habitable buildings – sea container and mast/antenna) under the National Construction Codes (BCA). The construction of Class 10 structures outside of town site boundaries within the Shire of Merredin does not require a building permit. However, it is the responsibility of the applicant to ensure that the proposed structures comply with all structural requirements specified by the relevant Australian Standards.

Policy Implications

Compliance with Shire of Merredin Local Planning Scheme Policy No. 1 – Moveable Buildings

Statutory Implications

Compliance with the Shire of Merredin Local Planning Scheme No.6

Strategic Implications

➤ Strategic Community Plan

Zone: Economy and Growth
Zone Merredin seeks new opportunities for growth and strives to
Statement: develop rich and multifaceted economy
Key Priority 2.3 Supporting initiatives from local businesses for growth

➤ Corporate Business Plan

Key Action: 4.1.1 Continue to upgrade the Integrated Planning Framework, meet statutory requirements of the Local Government Act and Regulations and regulatory obligations required under other regulations
Directorate: Development Services
Timeline: Ongoing

Sustainability Implications

➤ Strategic Resource Plan

Nil

➤ Workforce Plan

Directorate: Nil
Activity: Nil
Current Staff: Nil

Focus Area: Nil
Strategy Code: Nil
Strategy: Nil
Implications: Nil

Risk Implications

Nil

Financial Implications

The relevant planning application fees have been paid.

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation

That Council:

1. Grant development approval for the erection of telecommunication infrastructure comprising of a single 30m telecommunications tower and a single 20-foot sea container housing telecommunications equipment at Lot 20761 Collgar West Road, Merredin, as outlined in attachment 19.1A.
2. Advise the applicant that the proposed development incorporates Class 10a and 10b structures (non-habitable buildings – sea container and mast/antenna) under the National Construction Codes (BCA). The construction of Class 10 structures outside of town site boundaries within the Shire of Merredin does not require a building permit. However, it is the responsibility of the applicant to ensure that the proposed structures comply with all structural requirements specified by the relevant Australian Standards.

12.4 Lot 18258 Old Muntadgin Road Norpa - Application for Development Approval (Telecommunications Infrastructure)

Development Services



Responsible Officer:	Peter Zenni, EMDS
Author:	Peter Zenni, EMDS
Legislation:	<i>Planning and Development Act 2005 Shire of Merredin Local Planning Scheme No 6. Local Government Act 1995</i>
File Reference:	A8161
Disclosure of Interest:	Nil
Attachments:	Attachment 12.4A – Confidential – Application for development approval and associated details

Purpose of Report



Executive Decision



Legislative Requirement

Background

The Shire of Merredin has received an application for development approval for the erection of telecommunications infrastructure at Lot 18258 Old Muntadgin Road, Norpa. The application has been marked as being ‘commercial in confidence’ and as such is being considered as a confidential item in accordance with Section 5.23 of the Local Government Act 1995.

Comment

The proposed telecommunications infrastructure will comprise of a single 30m telecommunications tower and single 20-foot sea container housing telecommunications equipment and will be located at Lot 18258 Old Muntadgin Road, Norpa. The property in question whilst being used for general farming related purposes forms part of **Special Use – Wind Farm** and **Special Control Area 4** as identified in the Shire of Merredin Local Planning Scheme No. 6. (LPS).

The applicable LPS provisions relating to Special Control Area 4, state as follows;

5.5.3 Application Requirements

Despite any other provisions of the Scheme development approval is required for all use and development including a single house.

5.5.4 Development Requirements

In addition to other provisions of the Scheme, all development shall be determined by the local government based on advice received from the environmental protection agency.

5.5.5 referral of Applications

All development shall be referred to the environmental protection agency for advice.

As such the proposed development will need to be referred to the EPA for comment.

The Special Use Zone objectives forming part of the Scheme, state as follows;

3.2.8.3 To provide an area where special uses can be operated under the specific control of the local government in order to maintain the safety, health and welfare of surrounding users.

The proposed telecommunications infrastructure will be located on a farming property and will not interfere with the use of the property for farming purposes. There are no sensitive premises in the vicinity and there should be no adverse impact on the amenity of the surrounding area as a result of the proposed development.

The proposed development incorporates the use of a 20-foot sea container for housing telecommunications equipment.

Council has a local planning policy in place which controls movable buildings (including sea containers) and which requires that an application for development (planning) consent be lodged with Council.

Whilst sea containers under Council's policy on movable buildings are not permitted in residential areas, they can be permitted by Council in other (non-residential) zoned areas.

Council Local Planning Policy No.1 – Moveable Buildings, states as follows;

“The Council may give special consideration for the use of ‘containers’ outside the townsite areas of the Shire. In these circumstances the Council will need to be satisfied that there is no viable alternative to the use of these structures, and that the location of these ‘containers’ will not detract from the amenity of the locality.” In this case the lot whilst the lot in question forms part of SCA4 it is being used for general farming activities, size and location of the lot will minimise any impact on the visual amenity of the surrounding area.

The objectives of the Council Local Planning Policy No.1 – Moveable Buildings, are as follows;

- a) To maintain high amenity standards of buildings, especially within the residential areas in the Townsites of the Shire.*
- b) To ensure that the visual aesthetics of residential areas are not compromised by the introduction of moveable buildings that are generally out of character with the predominant housing style in the locality.*
- c) To ensure that moveable buildings, established within the Shire, do not use materials considered by Council to be unacceptable (eg. Asbestos).*
- d) To avoid the erection and use of extensive areas of moveable structures for accommodating temporary workforces, or other businesses or company activities, in inappropriate areas.*
- e) To prevent the introduction of housing, or other structures, that are designed to be used on a temporary or short stay basis and that may detract from the standards already established in the residential areas of the Townsites.*
- f) To protect the visual amenity of the urban environment by not permitting the establishment, storage or use of ‘containers’ within the non-residential areas of the townsite.*

The proposed development does not contravene any of the objectives of the Shire policy on moveable buildings.

The proposed development incorporates Class 10a and 10b structures (non-habitable buildings – sea container and mast/antenna) under the National Construction Codes (BCA). The construction of Class 10 structures outside of town site boundaries within the Shire of Merredin does not require a building permit. However, it is the responsibility of the applicant to ensure that the proposed structures comply with all structural requirements specified by the relevant Australian Standards.

Policy Implications

Compliance with Shire of Merredin Local Planning Scheme Policy No. 1 – Moveable Buildings

Statutory Implications

Compliance with the Shire of Merredin Local Planning Scheme No.6

Strategic Implications

➤ Strategic Community Plan

Zone:	Economy and Growth
Zone	Merredin seeks new opportunities for growth and strives to
Statement:	develop rich and multifaceted economy
Key Priority	2.3 Supporting initiatives from local businesses for growth

➤ **Corporate Business Plan**

Key Action: 4.1.1 Continue to upgrade the Integrated Planning Framework, meet statutory requirements of the Local Government Act and Regulations and regulatory obligations required under other regulations

Directorate: Development Services

Timeline: Ongoing

Sustainability Implications

➤ **Strategic Resource Plan**

Nil

➤ **Workforce Plan**

Directorate: Nil

Activity: Nil

Current Staff: Nil

Focus Area: Nil

Strategy Code: Nil

Strategy: Nil

Implications: Nil

Risk Implications

Nil

Financial Implications

The relevant planning application fees have been paid.

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation

That Council:

1. Refer the application for development approval to the Environmental Protection Agency for advice;
2. Subject to no adverse advice being received from the Environmental Protection Agency with respect to the proposed development, authorises the Chief Executive Officer to grant development approval on behalf of Council for the erection of telecommunication infrastructure comprising of a single 30m telecommunications tower and a single 20-foot sea container housing telecommunications equipment at Lot 18258 Old Muntadgin Road, Norpa, as outlined in attachment 19.2A; and

3. Advise the applicant that the proposed development incorporates Class 10a and 10b structures (non-habitable buildings – sea container and mast/antenna) under the National Construction Codes (BCA). The construction of Class 10 structures outside of town site boundaries within the Shire of Merredin does not require a building permit. However, it is the responsibility of the applicant to ensure that the proposed structures comply with all structural requirements specified by the relevant Australian Standards.

13. Officers' Reports - Engineering Services

13.1 Award of eQuotes Tender – Grader

<h2 style="margin: 0;">Engineering Services</h2>  <div style="display: inline-block; vertical-align: middle; text-align: left;"> <p style="margin: 0; font-size: small;">SHIRE OF MERREDIN INNOVATING THE WHEATBELT</p> </div>	
Responsible Officer:	Calvin Shotter, EMES
Author	Calvin Shotter, EMES
Legislation:	<i>Local Government Act 1995</i> <i>Local Government (Functions and General) Regulations 1996</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 13.1A – Confidential - List of eQuotes or evaluation matrix

Purpose of Report

Executive Decision

Legislative Requirement

Background

The Shire requires that a replacement Road Grader to be purchased. The current grader was purchased in 2009 and is scheduled for replacement. As such, a detailed specification was developed to ensure the most appropriate machine for Merredin be purchased.

In accordance with the Shire of Merredin Purchasing Policy – 3.12 and Regulation 11 (2) (f) the Local Government (Functions and General) Regulations 1996, this purchase can be made via the WALGA preferred Supplier arrangement, which is exempted from public tender process.

The tendering process has been initiated via the WALGA preferred supplier eQuotes system, which is in accordance with using “Tender Exempt WALGA preferred Supplier arrangement” guidelines within the Purchasing Policy and the Local Government (Function and General) Regulations 1996.

The value of the purchase exceeds the Chief Executive Officer’s delegation limit and requires a resolution of Council to progress the purchase.

A Request for Quote (RFQ) being Reference Number: VP210398 supply of Road Grader was issued via the WALGA Preferred Supplier eQuotes on the October 19, 2020. The RFQ utilised selection criteria set out under the category of 'Plant and Machinery Equipment'. Three WALGA preferred suppliers were requested to provide quotations of which three were received from the following:

1. WesTrac
2. John Deere Limited
3. Komatsu Australia

The RFQ closed to submissions on November 4 2020 and the aforementioned suppliers each submitted a quotation in accordance with the RFQ.

Comment

The evaluation of the submissions was conducted in accordance with the purchasing policy and incorporated the "value for money" assessment incorporating the whole of life cost, technical requirements and service delivery.

The evaluation of the submissions was undertaken by Calvin Shotter (EMES) and Troy Davies (Construction Supervisor). The evaluation spreadsheet is included in the attachments. During the evaluation, the following was noted:

- It was determined that all submissions were compliant with the specified criteria.
- Supplier 1's machine is the preference of the operators and is the same as the machine currently owned.
- Supplier 1's price although not the cheapest of the compliant machines offers the best value for money when the principles of value for money are applied.
- Supplier 1 has a full service/parts facility located in Perth.
- Supplier 1 has a proven track record with service and support.

The consultation for this process has been undertaken with the Executive Manager Engineering Services, Construction Supervisor, and works crew.

Policy Implications

Council Policy 3.12 – Purchasing Policy. This Policy outlines how the Shire of Merredin will deliver best practice in the purchasing of goods, services and works that align with the principles of transparency, probity and good governance whereby establishing efficient, effective, economical and sustainable procedures in all purchasing activities. This Policy was used to undertake the procurement process via WALGA eQuotes. This policy also establishes the evaluation requirement for Council procurement.

Statutory Implications

This procurement process has been completed in accordance with section 3.75 of the *Local Government Act 1995* and the Regulation 11 (2)(f) of the *Local Government (Functions and General) Regulations 1996*.

Strategic Implications

➤ Strategic Community Plan

Zone: Zone 6 – Transport and networks
Zone Statement: Merredin provides transport networks that connect it locally, nationally and internationally.
Key Priority 6.1 – Developing and maintaining a road hierarchy and providing an appropriate level of service for the road network.

➤ Corporate Business Plan

Key Action: 6.1.2 – Advocate for improved road infrastructure networks across the region.
Directorate: Engineering Services
Timeline: 2020/2021

Sustainability Implications

➤ Strategic Resource Plan

Nil

➤ Workforce Plan

Directorate: Nil
Activity: Nil
Current Staff: Nil
Focus Area: Nil
Strategy Code: Nil
Strategy: Nil
Implications: Nil

Risk Implications

Adoption of this item has been evaluated against the Shire of Merredin's Risk Management Policy 3.24 - Risk Matrix. The perceived level of risk is considered to be low risk and can be managed by the routine procedures.

Financial Implications

Council has set aside funds in the 2020/2021 annual budget process and this is identified in the Capital Expenditure Program. The expense for this purchase for the Grader is within budget and contained within COA 4120330.

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation

That Council awards RFQ VP210398 to the supplier 'WesTrac Pty Ltd' for the purchase of a Cat 140 Grader for the sum of \$384,930.00 (ex GST).

13.2 Award of eQuotes Tender – Backhoe

Engineering Services



Responsible Officer:	Calvin Shotter, EMES
Author:	Calvin Shotter, EMES
Legislation:	<i>Local Government Act 1995</i> <i>Local Government (Functions and General) Regulations 1996</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 13.2A – Confidential - List of eQuotes or evaluation matrix

Purpose of Report

Executive Decision

Legislative Requirement

Background

The Shire requires that a replacement Backhoe to be purchased. The current backhoe was purchased in 2010 and is scheduled for replacement. As such, a detailed specification was developed to ensure the most appropriate machine for Merredin be purchased.

In accordance with the Shire of Merredin Purchasing Policy – 3.12 and regulation 11 (2) (f) the Local Government (Functions and General) Regulations 1996, this purchase can be made via the WALGA preferred Supplier arrangement, which is exempted from public tender process.

The tendering process has been initiated via the WALGA preferred supplier eQuotes system, which is in accordance with using “Tender Exempt WALGA preferred Supplier arrangement” guidelines within the Purchasing Policy and the Local Government (Function and General) Regulations 1996.

A request for quotation Request for Quote (RFQ) being Reference Number: VP210399 supply of Backhoe was issued via the WALGA Preferred Supplier eQuotes on the October 19, 2020. The RFQ utilised selection criteria set out under the category of ‘Plant and Machinery Equipment’. Seven WALGA preferred suppliers

were requested to provide quotations of which five were received from the following:

1. Construction Equipment Australia
2. WesTrac Pty Ltd
3. CASE
4. Komatsu Australia
5. John Deere Limited

The RFQ closed to submission on November 4 2020 and the aforementioned suppliers submitted a quotation in accordance with the RFQ.

Comment

The evaluation of the submissions was conducted in accordance with the purchasing policy and incorporated the “value for money” assessment incorporating the whole of life cost, technical requirements and service delivery.

The evaluation of the submissions was undertaken by Calvin Shotter (EMES) and Troy Davies (Construction Supervisor). The evaluation spreadsheet is included in the attachments. During the evaluation, the following was noted:

- It was determined that all submissions were compliant with the specified criteria.
- Supplier 1’s submission is from a local dealer who has a proven record of service and support.
- Supplier 1 also has a full service/parts facility located in Perth for back up and support.
- Supplier 1 although not the cheapest provides more horse power, a few extra features and offers good value for money.

The consultation for this process has been undertaken with the Executive Manager Engineering Services and Construction Supervisor.

Policy Implications

Council Policy 3.12 – Purchasing Policy. This Policy outlines how the Shire of Merredin will deliver best practice in the purchasing of goods, services and works that align with the principles of transparency, probity and good governance whereby establishing efficient, effective, economical and sustainable procedures in all purchasing activities. This Policy was used to undertake the procurement process via WALGA eQuotes. This policy also establishes the evaluation criteria for Council procurement.

Statutory Implications

This procurement process has been completed in accordance with section 3.75 of the *Local Government Act 1995* and the Regulation 11 (2)(f) of the *Local Government (Functions and General) Regulations 1996*.

Strategic Implications

➤ Strategic Community Plan

Zone: Zone 6 – Transport and networks
Zone Statement: Merredin provides transport networks that connect it locally, nationally and internationally.
Key Priority: 6.1 – Developing and maintaining a road hierarchy and providing an appropriate level of service for the road network.

➤ Corporate Business Plan

Key Action: 6.1.2 – Advocate for improved road infrastructure networks across the region.
Directorate: Engineering Services
Timeline: 2020/2021

Sustainability Implications

➤ Strategic Resource Plan

Nil

➤ Workforce Plan

Directorate: Nil
Activity: Nil
Current Staff: Nil
Focus Area: Nil
Strategy Code: Nil
Strategy: Nil
Implications: Nil

Risk Implications

Adoption of this item has been evaluated against the Shire of Merredin's Risk Management Policy 3.24 - Risk Matrix. The perceived level of risk is considered to be low risk and can be managed by the routine procedures.

Financial Implications

Council has set aside funds in the 2020/2021 annual budget process and this is identified in the Capital Expenditure Program. The expense for this purchase for the Backhoe is within budget and contained within COA 4120330.

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation

That Council awards RFQ VP210399 to the supplier 'Ag Implements Merredin' for the purchase of a JCB 3CX Elite Backhoe for the sum of \$175,000.00 (ex GST).

13.3 Award of eQuotes Tender – Water Truck

Engineering Services



Responsible Officer:	Calvin Shotter, EMES
Author:	Calvin Shotter, EMES
Legislation:	<i>Local Government Act 1995</i> <i>Local Government (Functions and General) Regulations 1996</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 13.3A – Confidential - List of eQuotes or evaluation matrix

Purpose of Report

Executive Decision

Legislative Requirement

Background

The Shire requires that a replacement Water Truck (450 hp) to be purchased. The current truck was purchased in 2013 and is scheduled for replacement. As such, a detailed specification was developed to ensure the most appropriate machine for Merredin be purchased.

In accordance with the Shire of Merredin Purchasing Policy – 3.12 and regulation 11 (2) (f) the Local Government (Functions and General) Regulations 1996, this purchase can be made via the WALGA preferred Supplier arrangement, which is exempted from public tender process.

The tendering process has been initiated via the WALGA preferred supplier eQuotes system, which is in accordance with using “Tender Exempt WALGA preferred Supplier arrangement” guidelines within the Purchasing Policy and the Local Government (Function and General) Regulations 1996.

A Request for Quote (RFQ) being Reference Number: VP210402 supply of Water Truck was issued via the WALGA Preferred Supplier eQuotes on the October 19, 2020. The RFQ utilised selection criteria set out under the category of ‘Trucks and Associated Equipment’ Seven WALGA preferred suppliers were requested to provide quotations of which four were received from the following:

1. Daimler Trucks Perth
2. Hino Motor Sales Australia
3. Isuzu Australia

The RFQ closed to submission on November 4 2020 and each of the aforementioned suppliers submitted a quotation in accordance with the RFQ.

Comment

The evaluation of the submissions was conducted in accordance with the purchasing policy and incorporated the “value for money” assessment incorporating the whole of life cost, technical requirements and service delivery.

The evaluation of the submissions was undertaken by Calvin Shotter (EMES) and Troy Davies (Construction Supervisor). The evaluation spreadsheet is included in the attachments. During the evaluation, the following was noted:

- It was determined that not all submissions were compliant with the specified criteria.
- Supplier 1 had a two submissions one conforming and one nonconforming.
- Supplier 3’s price is the cheapest of the compliant machines and offers the best value for money when the principles of value for money are applied.
- Supplier 3 has a full service/parts facility located in Perth.
- Supplier 3 has a proven track record with service and support.

The consultation for this process has been undertaken with the Executive Manager Engineering Services and Construction Supervisor.

Policy Implications

Council Policy 3.12 – Purchasing Policy. This Policy outlines how the Shire of Merredin will deliver best practice in the purchasing of goods, services and works that align with the principles of transparency, probity and good governance whereby establishing efficient, effective, economical and sustainable procedures in all purchasing activities. This Policy was used to undertake the procurement process via WALGA eQuotes. This policy also establishes the evaluation criteria for Council procurement.

Statutory Implications

This procurement process has been completed in accordance with section 3.75 of the *Local Government Act 1995* and the Regulation 11 (2)(f) of the *Local Government (Functions and General) Regulations 1996*.

Strategic Implications

➤ Strategic Community Plan

Zone: Zone 6 – Transport and networks
Zone Statement: Merredin provides transport networks that connect it locally, nationally and internationally.
Key Priority 6.1 – Developing and maintaining a road hierarchy and providing an appropriate level of service for the road network.

➤ Corporate Business Plan

Key Action: 6.1.2 – Advocate for improved road infrastructure networks across the region.
Directorate: Engineering Services
Timeline: 2020/2021

Sustainability Implications

➤ Strategic Resource Plan

Nil

➤ Workforce Plan

Directorate: Nil
Activity: Nil
Current Staff: Nil
Focus Area: Nil
Strategy Code: Nil
Strategy: Nil
Implications: Nil

Risk Implications

Adoption of this item has been evaluated against the Shire of Merredin's Risk Management Policy 3.24 - Risk Matrix. The perceived level of risk is considered to be low risk and can be managed by the routine procedures.

Financial Implications

Council has set aside funds in the 2020/2021 annual budget process and this is identified in the Capital Expenditure Program. The expense for this purchase for the truck is within budget and contained within COA 4120330.

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation

That Council awards RFQ VP210402 to the supplier 'Major Motors PTY LTD' for the purchase of a GIGA 240-460 IZUZU truck for the sum of \$235,820.00 (ex GST).

13.4 Explaurum Operations Pty Ltd (Ramelius Resources) – Traffic Route Proposal

<h2 style="margin: 0;">Engineering Services</h2> 	
Responsible Officer:	Calvin Shotter, EMES
Author:	Calvin Shotter, EMES
Legislation:	<i>Local Government Act 1995</i> <i>Local Government (Functions and General) Regulations 1996</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 13.4A – Explaurum Traffic Route Proposal

Purpose of Report

Executive Decision

Legislative Requirement

Background

Council approval is required for the “Traffic Route Proposal” for the use of the Merredin-Narembeen Road to haul ore from Tampia Hill Operations from the Shire’s southern boundary to Great Eastern Highway. Approval with a number of conditions, as listed below, is proposed.

Note the Tampia Hill Mine will be operated by Explaurum Operations Pty Ltd which is a wholly owned subsidiary of ASX listed Ramelius Resources.

Comment

The "Tampia Gold Project" mine is located 12km south-east of Narembeen and 100km south of the Edna May gold mine, in the Wheatbelt region. Explaurum is intending to haul the Tampia ore to the Edna May mill, which is approximately 140km haulage distance from the Tampia mine site. Executives of Ramelius met with the previous Executive Manager Engineering Services and management on several occasions, and presented the Tampia Gold Project at a Council briefing on 21 January 2020.

The use of the Merredin Shire’s section of the haul route and a road upgrade and usage agreement have been discussed in some detail at these meetings.

Explaurum Operations Pty Ltd has selected a 100t triple road train system and identified a haulage route to transport the ore to Edna May for processing. This will be a Performance Based System (PBS) using triple road trains 42m in length.

Explaurum advise the planned operation is to haul 750,000t of ore annually, which equates to approximately 20 round trips per day. Trucking will operate 365 days per year, 24 hours per day, on 2 x 12 hr shift rotation basis. Start times will be staggered to maintain spacing between road trains. These road trains are highly regulated, and the loading systems are calibrated to prevent over loading. Strict compliance with all regulations will be enforced. The PBS vehicles are not permitted to deviate from the agreed route. The use of PBS triple road trains will require approval by Main Roads WA (MRWA) Heavy Vehicle Operations, who will in turn require the local Shires to support the application. Operation is governed by MRWA Heavy Vehicle Operations in Perth.

Four intersections in the Narembeen and Merredin Shires require upgrading including the intersection at Merredin-Narembeen Road and Great Eastern Highway, and Merredin-Narembeen Road and Bulls Head Road, in the Shire of Merredin. Upgrade costs of these intersections will be met by the Explaurum Operations Pty Ltd.

Road Upgrade and Usage agreements will be entered into between Tampia and each of the three shires, Narembeen, Merredin, and Westonia. A Heavy haulage toll agreement will be entered into with MRWA for haulage of +300,000tpa on Great Eastern Highway.

Explaurum Operations Pty has submitted a traffic route proposal similar in format to that entered into with the Shire of Narembeen. The proposed agreement has been discussed with the Shire of Narembeen officers to ensure consistency of approach.

The draft agreement provides:

1. That prior to commencing any road works subject to this agreement, the Shire's Chief Executive Officer in conjunction with the Executive Manager Engineering Services approve the design drawings and construction documentation related to the road and intersection upgrades as follows:
 - a) Intersection of Bulls Head Road and Merredin-Narembeen Road; and
 - b) Intersection of Merredin-Narembeen Road and Great Eastern Highway.
2. That appropriate RAV ratings and associated conditions, required by MRWA Heavy Vehicle Services (HVS), be adhered to;
3. That Explaurum Operations Pty Ltd and their haulage contractor comply with the Western Australian Road Traffic Act and its Regulations;
4. That the road train haulage is approved on the basis of operating 24 hour 7 day a week basis;
5. That the Shire of Merredin Executive Manager Engineering Services receive on

- a weekly basis a specific Ore Haulage Operations Report to include, but not be limited to:
- a) The date;
 - b) Truck movements per day;
 - c) Total quantity of ore carted;
 - d) Vehicle identification;
 - e) Trip start and finish times; and
 - f) Driver details.
6. That a specific Operational Safety Management Plan (OSMP) for the heavy haulage task be prepared by Explaurum Operations Pty Ltd and reviewed by the Shire of Merredin prior to commencing any haulage operations. The OSMP must include but not be limited to the following:
- All plant and equipment to be used on public roads shall meet all necessary statutory requirements and have registration, licences or certification with the drivers/operators at all times.
 - All road maintenance plant and equipment shall be fitted with a rotating flashing lamp, reversing beeper and fire extinguisher.
 - All drivers shall be the holder of a current Western Australian driver's licence appropriate to the vehicle being driven.
 - Incident and Emergency Response Plan.
 - Hazard Identification, Risk Assessment and Controls.
 - Specific Inductions.
 - Consultation Communication and Reporting.
 - Audit Plan of the OSMP to include attendance by Shire of Merredin Representative as required.
7. All drivers of haulage vehicles to comply with any reasonable verbal or written directives, if any, issued by the Shire of Merredin's Chief Executive Officer or Executive Manager Engineering Services;
8. Re-instatement of any road damage (in addition to normal road maintenance) directly related to the movement of Explaurum Operations Pty Ltd haulage contractor's road trains, or any other operational vehicles, to be the responsibility of, and costs borne by, Explaurum Operations Pty Ltd;
9. That a routine road maintenance program and associated procedures satisfying the requirements of the Shire of Merredin be developed with the Executive Manager Engineering Services prior to road haulage commencing;
10. That a purpose traffic management plan for any roadworks, be prepared by an appropriately accredited person in accordance with MRWA requirements and submitted to the Shire of Merredin prior to any roadworks commencing;
11. That a financial contribution for future maintenance costs be paid to the Shire of Merredin by Explaurum Operations Pty Ltd in accordance with WALGA and ARRB publication: 'User Guide Estimating the Incremental Cost Impact on Sealed Local Roads from Additional Freight Tasks May 2015 Version No 1, on the Merredin- Naremben Road (SLK 0.00 – SLK 36.48) calculated as follows:

¹ [Estimating the Incremental Cost Impact on Sealed Local Roads from Additional Freight Tasks](#)

Total project tonnage – 2,467,487 tonnes
Planned Annual Tonnage – 750,000 tonnes
Distance – 36.48km (Merredin Shire haul route section only)
Duration 3.3 years
Annual Cost = \$295,700
Simplified to \$0.0108 / t / km invoiced and paid monthly

12. That Explaurum Operations Pty Ltd agree to indemnify the Shire from and against, and must pay the Shire on demand as a debt, the amount of any direct claim, damage, cost, expense, loss (excluding indirect or consequential loss or damage) or liability which the Shire may suffer with or in relation to the operation of road trains and road maintenance equipment by Explaurum Operations Pty Ltd under this letter;
13. Explaurum Operations Pty Ltd's liability to indemnify the Shire as set out above will be reduced proportionately to the extent that an act or omission by a third party or the Shire of Merredin or a breach of the Shire of Merredin's statutory obligations has contributed directly to the loss, damage, expense, injury, disease, illness, death or other liability; and
14. That any procedural or material non-compliance with any of the above conditions may result in any of the approvals being withdrawn provided that the Shire of Merredin must not withdraw approval pursuant to this clause unless it has first provided Explaurum Operations Pty Ltd a reasonable opportunity to remedy any alleged non-compliance and such breach remains unremedied or, where remediation is not applicable, unaddressed by Explaurum Operations Pty Ltd, at the end of the period specified in the notice from the Shire of Merredin.

Policy Implications

The proposed agreement is consistent with Policy 7.12 Heavy Vehicle Cost Recovery Policy for sealed Roads.

Statutory Implications

Local Government Act 1995

Strategic Implications

➤ Strategic Community Plan

Zone: Zone 6 – Transport and networks
Zone Statement: Merredin provides transport networks that connect it locally, nationally and internationally.
Key Priority 6.1 – Developing and maintaining a road hierarchy and providing an appropriate level of service for the road network.

➤ Corporate Business Plan

Key Action: 6.1.2 – Advocate for improved road infrastructure networks across the region.

Directorate: Engineering Services

Timeline: 2020/2021

Sustainability Implications

➤ Strategic Resource Plan

Nil

➤ Workforce Plan

Directorate: Nil

Activity: Nil

Current Staff: Nil

Focus Area: Nil

Strategy Code: Nil

Strategy: Nil

Implications: Nil

Risk Implications

Adoption of this item has been evaluated against the Shire of Merredin's Risk Management Policy 3.24 - Risk Matrix. The perceived level of risk is low risk and can be managed by the routine procedures.

Financial Implications

The future impact on the Shire road network is substantial and the proposed agreement provides for the required upgrades to the Shire road network and puts in place a financial contribution for future maintenance costs to be applied to Ramelius Resources Ltd in accordance with WALGA and ARRB guidelines.

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation

That Council:

1. Approve the use of the Merredin-Narembeen Road being Shire of Merredin's controlled road, to haul ore from Tampia Hill Operations in the Shire of Narembeen through the Shire's southern boundary located at SLK 36.48 on the Merredin Narembeen Rd, to the Great Eastern Highway subject to the following conditions:-
 - a) That prior to commencing any road works subject to this agreement, the Shire's Chief Executive Officer in conjunction with the Executive Manager Engineering Services approve the design drawings and construction documentation related to the road and intersection upgrades listed below:
 - i) Intersection of Bulls Head Road and Merredin-Narembeen Road; and

- ii) Intersection of Merredin-Naremben Road and Great Eastern Highway.
- b) That appropriate RAV ratings and associated conditions, as applied on the above roads by MRWA Heavy Vehicle Services (HVS) be adhered to.
- c) Explaurum Operations Pty Ltd and their haulage contractor to comply with the Western Australian Road Traffic Act and its Regulations.
- d) That the road train haulage task is approved on the basis of operating on a 24-hour 7 day a week basis.
- e) That the Shire of Merredin Executive Manager Engineering Services receive on a weekly basis a specific Ore Haulage Operations Report to include, but not be limited to:
 - i) the date;
 - ii) Truck movements per day;
 - iii) Total quantity of ore carted;
 - iv) Vehicle identification;
 - v) Trip start and finish times; and
 - vi) Driver details.
- f) That a specific Operational Safety Management Plan (OSMP) for the heavy haulage task be prepared by Explaurum Operations Pty Ltd and reviewed by the Shire of Merredin prior to commencing any haulage operations. The OSMP must include but not limited to the following:
 - All plant and equipment to be used on public roads shall meet all necessary statutory requirements and have registration, licences or certification with the drivers/operators at all times.
 - All road maintenance plant and equipment shall be fitted with a rotating flashing lamp, reversing beeper and fire extinguisher.
 - All drivers shall be the holder of a current Western Australian driver's licence appropriate to the vehicle being used.
 - Incident and Emergency Response Plan.
 - Hazard Identification, Risk Assessment and Controls.
 - Specific Inductions.
 - Consultation Communication and Reporting.
 - Audit Plan of the OSMP to include attendance by Shire of Merredin Representative as required.
- g) All drivers of haulage vehicles to comply with any reasonable verbal or written directives, if any, issued by the Shire of Merredin's Chief Executive Officer or Executive Manager Engineering Services.
- h) Re-instatement of any road damage (in addition to normal road maintenance) directly related to the movement of Explaurum Operations Pty Ltd haulage contractor's road trains, or any other operational vehicles, to be the responsibility of, and costs borne by, Explaurum Operations Pty Ltd.
- i) That a routine road maintenance program and associated procedures satisfying the requirements of the Shire of Merredin be developed with the Executive Manager Engineering Services prior to road haulage commencing.

- j) That a purpose traffic management plan for any roadworks, be prepared by an appropriately accredited person in accordance with MRWA requirements and submitted to the Shire of Merredin prior to any roadworks commencing.
- k) That a financial contribution for future maintenance costs be paid to the Shire of Merredin by Explaurum Operations Pty Ltd in accordance with WALGA and ARRB publication: User Guide Estimating the Incremental Cost Impact on Sealed Local Roads from Additional Freight Tasks May 2015 Version No 1, on the Merredin- Narembeen Road (SLK 0.00 – SLK 36.48) calculated as follows:

Total project tonnage – 2,467,487 tonnes
Planned Annual Tonnage – 750,000 tonnes
Distance – 36.48km (Merredin Shire haul route section only)
Duration 3.3 years
Annual Cost = \$295,700
Simplified to \$0.0108 / t / km invoiced and paid monthly

- l) That Explaurum Operations Pty Ltd agree to indemnify the Shire of Merredin from and against, and must pay the Shire of Merredin on demand as a debt, the amount of any direct claim, damage, cost, expense, loss (excluding indirect or consequential) or liability which the Shire of Merredin may suffer with or in relation to the operation of road trains and road maintenance equipment by Explaurum Operations Pty Ltd under this letter;
 - m) Explaurum Operations Pty Ltd's liability to indemnify the Shire of Merredin as set out above will be reduced proportionately to the extent that an act or omission by a third party or the Shire of Merredin or a breach of the Shire of Merredin's statutory obligations has contributed directly to the loss, damage, expense, injury, disease, illness, death or other liability; and
 - n) That any procedural or material non-compliance with any of the above conditions may result in any of the approvals being withdrawn provided that the Shire of Merredin must not withdraw approval pursuant to this clause unless it has first provided Explaurum Operations Pty Ltd a reasonable opportunity to remedy any alleged non – compliance and such breach remains unremedied or, where remediation is not applicable, unaddressed by Explaurum Operations Pty Ltd, at the end of the period specified in the notice from the Shire of Merredin.
- 2) Authorise the Chief Executive Officer and the Shire President to execute the agreement under seal.

14. Officers' Reports – Corporate and Community Services

14.1 List of Accounts Paid

Corporate Services



Responsible Officer:	Charlie Brown, EMCS
Author:	Charlie Brown, EMCS
Legislation:	<i>Local Government Act 1995, Local Government (Financial Management) Regulations 1996</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 14.1A – List of Accounts

Purpose of Report

Executive Decision

Legislative Requirement

Background

The attached list of Accounts Paid during the Month of November under delegated Authority is provided for Council's information.

Comment

Nil

Policy Implications

Nil

Statutory Implications

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

Strategic Implications

➤ Strategic Community Plan

Zone: Zone 4 – Communications & Leadership
Zone Statement: Merredin Council engages with its Community and leads by example.
Key Priority: 4.1 – Ensuring all planning, reporting and resourcing is in accordance with the best practice, compliance and statutory requirements.

➤ Corporate Business Plan

Key Action: 4.1.1 – Continue to update the Integrated Planning Framework, meet statutory requirements of the Local Government Act and regulations and regulatory obligations required under other regulations.
Directorate: Corporate Services
Timeline: Ongoing

Sustainability Implications

➤ Strategic Resource Plan

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

➤ Workforce Plan

Directorate: Nil
Activity: Nil
Current Staff: Nil
Focus Area: Nil
Strategy Code: Nil
Strategy: Nil
Implications: Nil

Risk Implications

Council would be contravening the Local Government Act 1995 and Local Government (Financial Management) Regulations 1996 should this item not be presented to Council.

Financial Implications

All liabilities settled have been in accordance with the Annual Budget provisions.

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation

That the schedule of accounts paid as listed, covering cheques, EFT's, bank charges, directly debited payments and wages, as numbered and totalling \$670,960.06 from Council's Municipal Fund Bank Account and \$1,028.60, from Council's Trust Account be endorsed by Council.

14.2 Statement of Financial Activity

Corporate Services



Responsible Officer:	Charlie Brown, EMCS
Author:	Charlie Brown, EMCS
Legislation:	<i>Local Government Act 1995 Local Government (Financial Management) Regulations 1996</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 14.2A - Statement of Financial Activity Attachment 14.2B - Detailed Statements Attachment 14.2C - Investment Statement Attachment 14.2D - Capital Works Progress Attachment 14.2E - Variances by Sub Program

Purpose of Report



Executive Decision



Legislative Requirement

Background

The Statement of Financial Activity, which includes the Detailed Schedules, Statement of Financial Activity, Current Ratios, Capital Expenditure Report, and Investment Register, are attached for Council's information.

Comment

The statements are in a slightly different format this year, with a more detailed summary sheet on page 3. Included as a separate attachment is Variances by Sub Program. This is in place of note 15 Variance by Program. It is felt a more meaningful explanation can be given at sub program level than at program.

Income reports a 2% variance on anticipated budget expectations, whilst Operating Expenditure shows a 15% deficit on anticipated expenditure. This should flatten out over the coming months as projects get started.

Capital Expenditure

A detailed look at capital expenditure can be found in note 8, as well as attachment 14.2 (D) showing levels of expenditure.

Policy Implications

Nil

Statutory Implications

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

Strategic Implications

➤ Strategic Community Plan

Zone: Zone 4 – Communications & Leadership
Zone Statement: Merredin Council engages with its Community and leads by example.
Key Priority: 4.1 – Ensuring all planning, reporting, and resourcing is in accordance with best practice, compliance, and statutory requirements.

➤ Corporate Business Plan

Key Action: 4.1.1 – Continue to update the Integrated Planning Framework, meet statutory requirements of the Local Government Act and Regulations and regulatory obligations required under other regulations.
Directorate: Corporate Services
Timeline: Ongoing

Sustainability Implications

➤ Strategic Resource Plan

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

➤ Workforce Plan

Directorate: Nil
Activity: Nil
Current Staff: Nil
Focus Area: Nil
Strategy Code: Nil
Strategy: Nil
Implications: Nil

Risk Implications

The Financial Activity report is presented monthly and provides a retrospective picture of the activities at the Shire. Contained within the report is information pertaining to the financial cost and delivery of strategic initiatives and key projects.

To mitigate the risk of budget over-runs or non-delivery of projects, the Chief Executive Officer has implemented internal control measures such as regular Council and management reporting and a quarterly process to monitor financial performance against budget estimates. Materiality reporting thresholds have been established at half the adopted Council levels, which equate to \$10,000 for operating budget line items and \$10,000 for capital items, to alert management prior to there being irreversible impacts.

It should also be noted that there is an inherent level of risk of misrepresentation of the financials through either human error or potential fraud. The establishment of control measures through a series of efficient systems, policies and procedures, which fall under the responsibility of the CEO as laid out in the *Local Government (Financial Management Regulations) 1996* regulation 5, seek to mitigate the possibility of this occurring. These controls are set in place to provide daily, weekly, and monthly checks to ensure that the integrity of the data provided is reasonably assured.

Financial Implications

The adoption on the Monthly Financial Report is retrospective. Accordingly, the financial implications associated with adopting the Monthly Financial Report are nil.

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation

That in accordance with Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, the Statement of Financial Activity and the Investment Report for the period ending 30 November 2020 be received.

14.3 Proposed Australia Day Sundowner

Community Services



Responsible Officer:	Andrina Prnich, Deputy CEO
Author:	Andrina Prnich, Deputy CEO
Legislation:	<i>Local Government Act 1995</i>
File Reference:	
Disclosure of Interest:	Nil
Attachments:	Nil

Purpose of Report



Executive Decision



Legislative Requirement

Background

On Australia Day 2020, the Cummins Theatre hosted a Fringe Festival event in the evening which was well received by the community. The Shire's Community Development team were anticipating delivery of another Australia Day event this year in the form of a sundowner, initially intended at the gardens outside the Tivoli Room. This event was complementary to the annual CRC Australia Day breakfast and sausage sizzle at the Merredin District Olympic Pool.

At its Ordinary Council Meeting held 20 October 2020, Council resolved to:

- a. authorise the CEO to arrange the temporary closure of Barrack Street, for the maximum of period five months to allow for the development of the Public Piazza Pilot Project;
- b. accept the RAC grant offer of \$58,197;
- c. note that the \$20,805 contribution will be a charge on budget item RC135 Barrack Street Capital

The Shire is currently acting on this Council resolution and the launch of Stage One of the piazza is scheduled for Thursday, 17 December 2020. With the opening of this new and exciting space, the opportunity to hold a low-key sundowner event has been reconsidered and now proposed within the piazza.

Due to the traditionally extremely hot January day, the Sundowner will commence from 7pm with a modern rural atmosphere to include pallet lounges, food trucks, beverages, grassed area for picnic rugs and beanbags, stage for live local entertainment and marquees for shade. The Sundowner will aim to engage young adults to encourage social participation and will build upon other activities to be held on the day including the community pool party.

Comment

For Australia Day 2021 the National Australia Day Council (NADC) is aiming to encourage celebrations to occur in a COVID safe environment. Events can be a new or existing public event or activity, a community activity or an online engagement.

For the purpose of assisting eligible event organisers to ensure Australia Day 2021 events proceed and that the events are able to be held in a COVID safe environment, the NADC, with the assistance of the Australian Government, announced grants of up to \$20,000 (GST exclusive) through the COVID Safe Australia Day Program (Program).

With recent challenges seen across Australia, including drought, floods, Black Summer bushfires and the coronavirus pandemic, Australia Day 2021 will be a day to reflect, respect, celebrate and, now more than ever, mark our nation's resilience and the ability of Australians to rise to meet these extraordinary challenges.

The NADC grants were offered to support events that allow communities to come together and reflect, respect and celebrate the individual and collective efforts of Australians who put the wellbeing of others before themselves, supported their communities in a time of need and rose to the challenges of an extraordinary year.

Local, state and territory government entities, were eligible to apply for this grant. The Shire of Merredin submitted a grant application to the National Australia Day Council (NADC), to hold a low-key sundowner event within the piazza. This funding has now been conditionally approved by the NADC.

The event funding allows for purchase of marketing materials; additional cleaning and sanitiser supplies; hire additional public restrooms, bar service as well as hard event infrastructure (marquees, furniture).

The Shire will arrange for background music, bar service, and liaise with local food operators so that patrons can purchase their food items and enjoy this time with their families and friends, within the piazza space. All refreshments are to be purchased by patrons.

Policy Implications

Nil

Statutory Implications

Local Government Act 1995

Public Health Act 2016

Road Traffic Act 1974

Strategic Implications

➤ Strategic Community Plan

Zone: Community and Culture

Zone Statement: Merredin is rich in cultural diversity, performing and fine arts and a variety of sports available for both residents and visitors.

Key Priority: Supporting and facilitating engagement in the arts in all their forms

➤ Corporate Business Plan

Key Action: Provide facilities and services for arts and cultural programs

Directorate: Community Development

Timeline: Ongoing

Sustainability Implications

➤ Strategic Resource Plan

This Project is a low cost – low risk opportunity for the Shire. The Project will minimise risk to the Shire's long term financial and asset management by allowing the community to test the opportunity of developing a public piazza within the CBD, before any significant outlay is made and ensuring that plans are made to suit future event space infrastructure within the CBD.

➤ Workforce Plan

Directorate: Community Services

Activity: Community Development

Current Staff: 2 FTE +

Focus Area: Attract and Retain Outstanding People

Strategy Code: 1.4

Strategy: Provide appropriate training and development opportunities

Implications: This project will have a direct impact on the Community Services directorate.

Risk Implications

This project provides Council with a low-risk opportunity to test the success of a public piazza along Barrack Street.

Financial Implications

This Project will require in-kind support by the Shire with the financial contribution being limited to costs of live entertainment. This is not likely to be a significant cost and will be dealt with in the Budget Review.

Conditional approval has been given from NADC for a total of \$17,022.

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation

That Council resolve to:

- a. Accept the National Australia Day Council grant offer of \$17,022;
- b. Increase Job CD004 Australia Day by \$17,022; and
- c. Increase 13130810 Other Economic Grants by \$17,022.

15. Officers' Reports – Administration

15.1 Chief Executive Officer Recruitment and Review Policy – Policy 2.30

<h2 style="margin: 0;">Administration</h2> 	
Responsible Officer:	Mark Dacombe, T/CEO
Author:	Mark Dacombe, T/CEO
Legislation:	<i>Local Government Act 1995</i>
File Reference:	
Disclosure of Interest:	Nil
Attachments:	Attachment 15.1A - Draft Policy 2.30

Purpose of Report



Executive Decision



Legislative Requirement

Background

The recruitment, appointment and management of the Chief Executive Officer is the responsibility of the elected Council. There are specific legislative requirements that must be complied with and making the right appointment to the position is a critical factor in the Council and community achieving their vision and aspirations through implementation of the Strategic Community Plan.

Comment

The recruitment, performance and termination of CEOs are matters that are receiving close attention by the State Government in the current review of the Local Government Act. The underlying reason for this focus at State level is that the costs in financial, reputational and organisational disruption of something going wrong in the processes of recruitment and termination of CEOs by Councils can be very significant.

A professionally run process, whether it is recruitment or termination, significantly impacts the stability of the organisation and reputation of the Council in the community.

The adoption of a CEO employment and review policy aids transparency of the process and therefore confidence in the outcome.

There are two different approaches to a Council's management of the process. The first is that the full Council conducts the recruitment and review processes and makes recommendations to the Council for action. This does present logistical challenges co-ordinating a process that may require multiple meetings of a number of people. It does have the advantage that all elected members have participated and had the opportunity to contribute to the process of decision making, raising the possibility of stronger support for the outcomes.

The alternative approach of appointing a committee would have a smaller number of elected members directly involved. It is logistically simpler and may be quicker as a result. The downside is that members not directly involved may not have the same level of support and commitment to the outcomes.

The attached policy has been prepared on the basis of the full Council conducting the CEO recruitment, management and termination processes. If the Council prefers to pursue a committee model the draft policy can be modified to accommodate that approach.

When it was initially mooted that the Council adopt a policy for this purpose officers believed that regulations governing the process would have been promulgated by the State Government by now. That has not happened, rather some related issues have been subject to further consultation with the local government sector.

It is suggested that this policy, if adopted, should be reviewed in the light of the regulations on CEO recruitment, management and termination that are finally passed in the new year.

Policy Implications

Nil

Statutory Implications

The relevant statutory provisions are as follows:

Section 5.36 of the *Local Government Act 1995* states the following:

5.36. Local government employees

- (1) *A local government is to employ —*
 - (a) *a person to be the CEO of the local government; and*
 - (b) *such other persons as the council believes are necessary to enable the functions of the local government and the functions of the council to be performed.*
- (2) *A person is not to be employed in the position of CEO unless the council —*
 - (a) *believes that the person is suitably qualified for the position; and*
 - (b) *is satisfied* with the provisions of the proposed employment contract.*

** Absolute majority required.*
- (3) *A person is not to be employed by a local government in any other position unless the CEO —*
 - (a) *believes that the person is suitably qualified for the position; and*
 - (b) *is satisfied with the proposed arrangements relating to the person's employment.*
- (4) *Unless subsection (5A) applies, if the position of CEO of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement is to contain such information with respect to the position as is prescribed.*
- (5A) *Subsection (4) does not require a position to be advertised if it is proposed that the position be filled by a person in a prescribed class.*
- (5) *For the avoidance of doubt, subsection (4) does not impose a requirement to advertise a position before the renewal of a contract referred to in section 5.39.*

[Section 5.36 amended by No. 49 of 2004 s. 44; No. 17 of 2009

Part 4 of the *Local Government (Administration) Regulations* states the following:

18A. Vacancy in position of CEO or senior employee to be advertised (Act s. 5.36(4) and 5.37(3))

- (1) *If a position of CEO, or of a senior employee, of a local government becomes vacant, the local government is to advertise the position in a newspaper circulating generally throughout the State unless it is proposed that the position be filled by —*
 - (a) *a person who is, and will continue to be, employed by another local government and who will fill the position on a contract or contracts for a total period not exceeding 5 years; or*
 - (b) *a person who will be acting in the position for a term not exceeding one year.*
- (2) *An advertisement referred to in sub regulation (1) is to contain —*

- (a) the details of the remuneration and benefits offered; and*
- (b) details of the place where applications for the position are to be submitted; and*
- (c) the date and time for the closing of applications for the position; and*
- (d) the duration of the proposed contract; and*
- (e) contact details for a person who can provide further information about the position; and*
- (f) any other information that the local government considers is relevant.*

[Regulation 18A inserted: Gazette 31 Mar 2005 p. 1037-8; amended: Gazette 19 Aug 2005 p. 3872; 3 May 2011 p. 1594.]

18B. Contracts of CEOs and senior employees, content of (Act s. 5.39(3)(c))

For the purposes of section 5.39(3)(c), a contract governing the employment of a person who is a CEO, or a senior employee, of a local government is to provide for a maximum amount of money (or a method of calculating such an amount) to which the person is to be entitled if the contract is terminated before the expiry date, which amount is not to exceed whichever is the lesser of—

- (a) the value of one year's remuneration under the contract; or*
- (b) the value of the remuneration that the person would have been entitled to had the contract not been terminated.*

[Regulation 18B inserted: Gazette 13 May 2005 p. 2086.]

18C. Selection and appointment process for CEOs

The local government is to approve a process to be used for the selection and appointment of a CEO for the local government before the position of CEO of the local government is advertised.

[Regulation 18C inserted: Gazette 31 Mar 2005 p. 1038.]

Strategic Implications

➤ **Strategic Community Plan**

Zone: Zone 4 Community and Leadership

Zone Statement: Merredin Council engages with its Community and leads by example.

Key Priority: 4.1 – Ensuring all planning, reporting and resourcing is in accordance with best practice, compliance and statutory requirements.

➤ **Corporate Business Plan**

Key Action: Nil

Directorate:

Timeline:

Sustainability Implications

➤ **Strategic Resource Plan**

Nil

➤ **Workforce Plan**

Directorate: Nil

Activity:

Current Staff:

Focus Area:

Strategy Code:

Strategy:

Implications:

Risk Implications

The appointment of a CEO is an important function of the Council and one that has significant organisational and reputational risks. To mitigate these risks the recruitment and selection process must be conducted in a sound and compliant manner. Adoption of this policy will assist in making the CEO recruitment and review process transparent generating confidence in the process and outcome.

Financial Implications

Nil

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation

That the Council:

- Adopt Policy 2.30 Chief Executive Officer Recruitment and Review Policy.

15.2 Merredin Regional Community and Leisure Centre User Group Fees and Contributions Working Party

Administration



Responsible Officer:	Mark Dacombe, T/CEO
Author:	Mark Dacombe, T/CEO
Legislation:	<i>Local Government Act 1995</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 15.2A – Terms of Reference Attachment 15.2B – Letter Sports Council Attachment 15.2C – Minute Extract October 2019

Purpose of Report



Executive Decision



Legislative Requirement

Background

To advise the Council on the resolution of matters of concern to the Shire of Merredin, Belgravia Leisure and the Merredin Sports Council, including, but not limited to:

- the basis on which the Sports Clubs using the MRCLC are charged;
- any alternative methods of charging;
- the basis on which contributions are required from Clubs towards the renewal of sports infrastructure (surfaces);
- approaches to increasing participation in the various sports and administration of the clubs;
- developing a shared understanding of the respective operational responsibilities of Belgravia, the Shire and the Clubs;
- any other matters that the Working Party members agree should be addressed; and
- any other matters that the Council refers to the Working Party.

The Terms of Reference requested the Working Party to report by 4 December 2020 to enable any recommendations to be considered by the Council at the December Ordinary Meeting.

Comment

The Working Party has met three times since it was created and progress is being made in the following areas:

Fees: Belgravia Leisure submitted a proposal based on charging by the hour for usage. The Sports Council submitted a proposal for a structure based on multiple factors.

Respective responsibilities of the parties: The Sports Council's fees proposal is contingent on a Memorandum of Understanding (MOU), being entered into by Belgravia, the Shire and the Clubs, that establishes an agreement regarding levels of service.

At the meeting of the Working Party held on 7 December 2020 it was agreed that more work needs to be done to complete the draft MOUs for further discussion, input from Belgravia and the Shire, and agreement. The next meeting to progress matters will be 8th January 2021.

In the meantime, it was agreed that Belgravia Leisure could invoice the winter sports fees for 2019/20 subject to discrepancies in the figures being corrected by the Council. Note that the amount to be invoiced will be as resolved by the Council in October 2019 less the 50% concession allowed by Belgravia Leisure. It was also noted by the Working Party that Merredin Men's Hockey had not played at all during the winter season.

Although the time allowed for the Working Party to report has been exceeded it is considered that good progress is being made. *The time, energy and effort being invested by the Merredin Sports Council in identifying and documenting the user groups' requirements is acknowledged.* The parties are committed to reaching a mutually acceptable outcome to the issues in contention.

It is recommended therefore that the time for the working party to complete its work be extended and that the Working Party be reviewed at the February 2021 Ordinary Council meeting.

Policy Implications

The resolution of all matters related to the MRCLC may require new policy development or amendment of existing policies depending on the package of measures required. Consideration will be given to this when the report of the Working Party is available.

Statutory Implications

The recommendations are consistent with the Council’s legal obligations under the *Local Government Act 1995*.

Strategic Implications

➤ Strategic Community Plan

Priorities and Strategies for Change

Whilst not yet formally adopted the Council’s draft strategic priorities include “Development of sport and recreation – infrastructure and participation”. This specifically envisages the Shire working with Department of Local Government, Sport and Cultural Industries, State sport organisations and local clubs to increase participation at player and Committee level.

➤ Corporate Business Plan

Key Action: N/A

Directorate:

Timeline:

Sustainability Implications

➤ Strategic Resource Plan

Nil pending the report of the Working Party

➤ Workforce Plan

Directorate: Nil

Activity: Nil

Current Staff: Nil

Focus Area: Nil

Strategy Code: Nil

Strategy: Nil

Implications: Nil

Risk Implications

The main risk is that the working party fails to arrive at agreed recommendations.

Financial Implications

Nil pending the report of the Working Party.

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation

That the Council:

1. Note the progress being made by the Working Party in addressing the issues contained in the Terms of Reference
2. Extend the reporting date for the Working Party to 16 February 2021
3. Note that Belgravia Leisure will invoice the winter sports users in accordance with the fees set by the Council in October 2019 less the 50% concession granted to reflect COVID-19 disruption as follows:

Club	2019/20 (Council resolution Oct 2019)
Burracoppin Football Club	\$5,469.78
Merredin Junior Football	\$2,431.01
Merredin Junior Hockey Association	\$3,038.77
Merredin Hockey Club	\$3,038.77
<i>Merredin Men's Hockey*</i>	<i>\$3,038.77</i>
Merredin Netball Association	\$9,116.30
Burracoppin Hockey Club	3,038.77
Nukarni Football Club	\$5,469.78
Merredin Golf Club	\$2,431.01

*Note advice that Merredin Men's Hockey did not play in winter 2020.

15.3 Shire of Merredin Municipal Heritage Inventory Review

Administration



Responsible Officer:	Peter Zenni, EMDS
Author:	Mark Dacombe, T/CEO
Legislation:	<i>Heritage Act 2018</i>
File Reference:	GR/17/5
Disclosure of Interest:	Nil
Attachments:	Nil

Purpose of Report



Executive Decision



Legislative Requirement

Background

At the Ordinary Council Meeting held on 15 September 2020 the Council considered a report on the review of the Shire of Merredin Municipal Heritage Inventory which had been undertaken in order to prepare a Local Heritage Survey for adoption by Council.

After the presentation from the consultant and Executive Manager the Council decided to hold the matter over. The resolution was:

CMRef# 82601

That Council:

1. Receive the provided information; and
2. Hold over consideration of the officer's recommendation until the November OCM to enable a workshop to be held to consider the detailed Heritage listing proposals and the nature of the public engagement to be undertaken.

Comment

The Council's briefing session workload has been such that it has not been possible to hold the workshop and report back in accordance with the Council's directive.

There is no statutory time pressure to complete this work and so it is proposed that the workshop be held at one of the Council's February briefings, subject to the consultant's availability, and that the matter be reported back to Council no later than the March Ordinary Council meeting.

Policy Implications

Nil

Statutory Implications

Compliance with the *Heritage Act 2018*

Strategic Implications

➤ Strategic Community Plan

Zone: Communication & Leadership
Zone Statement: Merredin Council engages with its Community and leads by example.
Key Priority: Ensuring all planning, reporting and resourcing is in accordance with best practice, compliance and statutory requirements.

➤ Corporate Business Plan

Key Action: 4.1.1 – Continue to update the Integrated Planning Framework, meet statutory requirements of the Local Government Act and Regulations and regulatory obligations required under other regulations.
Directorate: Development Services
Timeline: On-going

Sustainability Implications

➤ Strategic Resource Plan

Nil

➤ Workforce Plan

Directorate: Nil
Activity:
Current Staff:
Focus Area:
Strategy Code:
Strategy:
Implications:

Risk Implications

Nil

Financial Implications

Nil

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation

That Council:

1. Receive the provided information;
2. Hold over consideration of the officer's recommendation until the March 2021 Ordinary Council Meeting to enable a workshop to be held to consider the detailed Heritage listing proposals and the nature of the public engagement to be undertaken.

16. Motions of which Previous Notice has been given

Nil

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

Nil

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

19. Matters Behind Closed Doors

19.1 Chief Executive Officer Recruitment and Selection Process

Administration



Responsible Officer:	Mark Dacombe, T/CEO
Author:	Mark Dacombe, T/CEO
Legislation:	<i>Local Government Act 1995</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 19.1A - Proposals from Recruitment

19.2

Confidential - Appointment of Temporary Chief Executive Officer

Administration



Responsible Officer:	Mark Dacombe, T/CEO
Author:	Mark Dacombe, T/CEO
Legislation:	<i>Local Government Act 1995</i>
File Reference:	Nil
Disclosure of Interest:	Mark Dacombe is currently Temporary CEO
Attachments:	<u>Attachment 19.2A</u> – Letter of Engagement

20.

Closure

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