



SHIRE OF
MERREDIN
INNOVATING THE WHEATBELT

MINUTES

Ordinary Council Meeting

Held in Council Chambers
Corner King & Barrack Street's, Merredin
Tuesday, 16 March 2021
Commencing 4.00pm



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



Shire of Merredin March Ordinary Council Meeting

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Shire of Merredin
Ordinary Council Meeting
4:00pm Tuesday, 16 March 2021



1. Official Opening

The President acknowledged the Traditional Owners of the land on which we meet today and paid her respects to the Elders past and present. The President then welcomed those in attendance and declared the meeting open at 4.02pm.

2. Record of Attendance / Apologies and Leave of Absence

Councillors:

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

Staff:

M Dacombe	T/CEO
A Prnich	DCEO
G Garside	AEMCS
P Zenni	EMDS
C Shotter	EMES
A Brice	EA

Members of the Public: Inspector Heath Soutar, Bev Flockart, Lyn Sayers, Maria Young, Julie Nicoletti

Apologies: Nil

Approved Leave of Absence: Nil

The President introduced Inspector Heath Soutar, the new Officer in Charge at Merredin Police Station. Inspector Soutar addressed the Council introducing himself. The President invited Inspector Soutar to arrange with the CEO a quarterly informal meeting with Council.

3. Public Question Time

One member of the public left the Chambers at 4:08pm and did not return.

Julie Nicoletti of Merredin

Q: Why was it decided to close the main street?

A: The Shire President advised Mrs Nicoletti that the Piazza arose as a result of community consultation on the Strategic Community Plan. A number of people thought that closing of Barrack Street during the COVID crisis had shown the benefits of having a mall in the CBD. The opportunity arose to obtain grant funding through RAC to test the ideas out. With RAC's support the concept of the Piazza was developed and is now in trial. The President also advised that the trial would end on 31 March and in the few days after that, the infrastructure would be removed and the road opened.

The TCEO added that the views of the public and information gathered through the trial would be considered in the plans for the CBD development that the Shire is now seeking funding for. There are no current plans to permanently mall either Barrack or Bates Streets.

4. Disclosure of Interest

One member of the public left the Chambers at 4.16pm and did not return.

Cr Butler declared an Impartiality Interest in Item 12.1 and 15.1

Cr Patroni declared an Impartiality Interest in Item 12.1, 15.1 and 15.2

Cr Manning declared an Impartiality Interest in Item 12.2

5. Applications of Leave of Absence

Nil

6. Petitions and Presentations

Nil

7. Confirmation of Minutes of Previous Meetings

7.1 Ordinary Council Meeting held on 16 February 2021
Attachment 7.1A

Voting Requirements

Simple Majority

Absolute Majority

Officers Recommendation / Resolution

Moved: Cr Boehme

Seconded: Cr McKenzie

82687 That the Minutes of the Ordinary Council Meeting held on 16 February 2021 be confirmed as a true and accurate record of proceedings.

CARRIED 9/0

8. Announcements by the Person Presiding without Discussion

The Shire President spoke to Council regarding her activities since the Ordinary Council Meeting on 16 February 2021.

- 9 February - Council Briefing Session
- 18 February - Webinar presentation by Auditor General
- 19 February - Webinar, DAP Panel member training session
- 22 February - Great Eastern Country Zone Meeting. Kellerberrin
- 22 February - WEROC Meeting. Kellerberrin
- 23 February - CEACA Meeting. Kellerberrin
- 24 February - WALGA Webinar Integrated Planning and Reporting
- 2 March - CEO Recruitment Panel Interviews
- 3 March - EMCS Recruitment Panel Interview
- 4 March - EMCS Recruitment Panel Interview
- 8 March - Wheatbelt North Regional Roads Group Meeting. Northam
- 9 March - Council Briefing Session
- 15 March - Welcome address to Rural Health Medical students. Merredin

The Rural Health medical students immersion programme is a terrific example of Wheatbelt regional towns working together, through the auspice of WEROC and other organisations, to highlight to Curtin and Notre Dame universities medical students the advantages of Wheatbelt communities.

The programme could not be rolled out without local residents hosting the students for the time that they are here in Merredin. Thanks must be extended to these wonderful Merredin residents who open up their homes and lives to the medical students for the week. It must be noted that some of these great community members host more than one student, and often on an annual basis.

I had the opportunity of welcoming the medical students to Merredin, at the beginning of the programme. At the welcome it was particularly inspiring for me to witness 2 young Njaki Njaki Nyoongar people assist, with great confidence and humility, at the welcoming. Phoebe Hayden gave Welcome to Country, and her brother Chris performed the didgeridoo. We are fortunate as a community to have such young people in our midst.

9. Matters for Which the Meeting may be Closed to the Public

- 19.1 Appointment of Chief Executive Officer
- 19.2 Appointment of Executive Manager Corporate Services

10. Receipt of Minutes of Committee Meetings

- 10.1 Great Eastern Country Zone Meeting held on 22 February 2021
Attachment 10.1A

- 10.2 Wheatbelt East Regional Organisation of Councils Inc. Board Meeting held on 22 February 2021
Attachment 10.2A

Voting Requirements

- Simple Majority Absolute Majority

Officers Recommendation / Resolution

Moved: Cr Willis **Seconded:** Cr Patroni

- 82688** That the Minutes of the following committee meetings be received;
- Great Eastern Country Zone Meeting held on 22 February 2021, and
 - Wheatbelt East Regional Organisation of Councils Inc. Board Meeting held on 22 February 2021.

CARRIED 9/o

11. Recommendations from Committee Meetings for Council Consideration

- 11.1 Audit Committee meeting held on 16 March 2021

Audit Committee's Recommendation

Moved: Cr McKenzie **Seconded:** Cr Boehme

- 82689** That Council:
1. receives the 2020 Compliance Audit Return;
 2. adopts the 2020 Audit Return for the period 1 January 2020 to 31 December 2020 as contained in Attachment 6.1A
 3. authorises the Shire President and Chief Executive Officer to sign the joint certification and submit the completed 2020 Compliance Audit Return, and any additional information explaining or quantifying the compliance audit, to the Department of Local Government, Sport and Cultural Industries by 31 March 2021.

CARRIED 9/o

Note:

- Finance Q11 – Change response to N/A & comment to audit not yet completed by 31 December delayed by regulation changes
- Integrated Planning & Reporting Q1 – Date of adoption for comment section
- Optional Q4 – Change response to N/A & confirm prior to lodgement

12. Officers' Reports - Development Services

12.1 Lot 684 Bates Street – Proposed Historical Town Generator Cover at the Merredin Community Men's Shed

Cr Butler and Cr Patroni declared an Impartiality Interest in Item 12.1

<h2>Development Services</h2>		
Responsible Officer:	Peter Zenni, EMDS	
Author:	Peter Zenni, EMDS	
Legislation:	Shire of Merredin Local Planning Scheme No 6.	
File Reference:	A325	
Disclosure of Interest:	Nil	
Attachments:	Attachment 12.1A – Application for development approval and associated plans and specifications	

Purpose of Report

Executive Decision

Legislative Requirement

Background

The Shire of Merredin has received an application from the Merredin Community Men's Shed for development (planning) approval for the construction of a free-standing open sided cover to house a historical town generator on Lot 684 Bates Street, Merredin.

Comment

The proposed development consists of the construction of a free-standing open sided cover to house a historical town generator.

Strategic

The proposal is consistent with the current as well as longer-term use of the area.

Statutory

The property located on Lot 684 Bates Street, Merredin, is designated 'Parks and Recreation Local Scheme Reserve' under the Shire of Merredin Local Planning Scheme No.6. (LPS).

Clause 2.4 of the LPS states that in determining an application for planning approval the local government is to have due regard to the ultimate purpose intended for the reserve and that in the case of land reserved for the purposes of a public authority, the local government is to consult with that authority before determining an application for planning approval.

In this case the objectives of the Local Planning Scheme No. 6 relating to a Park and Recreation Local Reserve areas follows;

- To provide for formal and structured recreational activities and sporting facilities that are deemed appropriate to service the surrounding residents
- To provide for passive recreational uses, parklands, amenities and buffer areas that are deemed appropriate for use and enjoyment by the surrounding residents.
- To provide for drainage purposes in a park setting.

The proposed development does not contravene the above objectives and complements the current long-term use of the area.

The land in question is owned freehold by the Shire of Merredin and is leased to the Men's Shed.

The proposed free-standing open sided cover will be used to house and protect the historical generator.

The historical generator will be located on site for display purposes only and will not be operational at any time.

The Shire of Merredin Council recently granted development (planning) approval for the construction of a very similar free-standing structure to house the Men Shed's historical tractor on the lot in question.

The free-standing cover will require a building permit from the Shire of Merredin before any building work can commence on site.

Policy Implications

Nil

Statutory Implications

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

Strategic Implications

➤ Strategic Community Plan

Theme:	Economy and Growth
Service Area	Merredin is a place of choice for business investment and for new residents settling to enjoy a balanced lifestyle and employment opportunities.
Objective:	

➤ 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 development application fees have been paid.

Voting Requirements



Simple Majority



Absolute Majority

Officers Recommendation / Resolution

Moved: Cr Van Der Merwe

Seconded: Cr Boehme

82690

That Council;

- 1. Grant development (planning) approval for the construction of a free-standing open sided cover to house a historical town generator at the Merredin Men's Shed premises on Lot 684 Bates Street, Merredin, as outlined in attachment 12.1A; and**
- 2. Advise the applicant that this approval does not constitute a building permit and that an application for a building permit for the construction of the proposed free-standing open sided cover must be submitted to the Shire of Merredin and be approved before any building work can commence on site.**

CARRIED 9/0

12.2 Proposed Surrender of Leases N105512 and N105513 (Lots 70 and 71 on Deposited Plan 148421) Nukarni

Cr Manning declared an Impartiality Interest in Item 12.2

<h1>Development Services</h1> 	
Responsible Officer:	Peter Zenni, EMDS
Author:	Peter Zenni, EMDS
Legislation:	Shire of Merredin Local Planning Scheme No 6.
File Reference:	A5045 & A9494
Disclosure of Interest:	Nil
Attachments:	Attachment 12.2A – Associated correspondence property location details and site photos

Purpose of Report



Executive Decision



Legislative Requirement

Background

The Shire of Merredin has been approached by the Department of Planning Lands and Heritage (DPLH) regarding proposed surrender of 2 existing leases in the Nukarni townsite back to the State of WA and requesting comments from the Shire of Merredin on whether it would be interested in managing a reserve made up of the land forming part of Lots 70 and 71 on deposited Plan 148421.

Comment

The Department of Planning, Lands and Heritage (DPLH) are currently considering a proposal for the surrender of two crown leases, both in the name of Enid Joy Crook, being:

- Crown Lease 997/1928 (Document No. N105512) – Lot 70 on Deposited Plan 148421; and
- Crown Lease 1071/1928 (Document No. N105513) – Lot 71 on Deposited Plan 148421.

DPLH is currently considering future tenure options for the land, which may include adding both Lot 70 and 71 into a crown reserve.

In order for DPLH to consider the land's future tenure further, it has requested the Shire of Merredin to provide comment on the proposal including whether they would be interested in managing a reserve made up of Lots 70 and 71 on Deposited Plan 148421.

The land in question is located within the Nukarni townsite boundary and is zoned ‘General farming’ under provisions of the Shire of Merredin Local Planning Scheme No 6. (LPS). The general farming zoning precludes most land uses apart those relating to a primary dwelling, associated outbuildings and farming related activities.

The lots in question are too small in area to be utilised as a viable land parcel for general farming activities.

Should the Shire of Merredin agree to taking over the management of the proposed reserve from the State of WA it would be responsible for managing the land in question including incurring associated costs related to bush fire management activities such as provision and maintenance of fire breaks etc.

Given the current zoning and limitations on potential development and use of the land it is not economically viable for the Shire of Merredin to accept the management of the land in question.

The Shire of Merredin is currently commencing a review of its LPS and Local Planning Strategy and as part of this review it could potentially change the zoning of the land to allow for additional uses that would allow for civic, cultural and recreational facilities.

However, the process of the LPS review is likely to take at least 18 months to complete and any expenditure by the Shire of Merredin on the development of any civic, cultural or recreational facilities would detract from the long-standing principle of the Shire centralising and maintaining viable facilities of this type in the Merredin townsite.

Such development would also be contrary to the Shire of Merredin Local Planning Strategy which specifies as one of its aims, the following;

“Discourage settlement of Nukarni Townsite that would require provision of community and service infrastructure currently unavailable. Promote use and development to support the rural economy.”

A search of Council records reveals that the question of the Shire of Merredin accepting management of Lots 70 and 71 on Deposited Plan 148421 arose previously in early 2011, with the Shire CEO replying as follows;

“At this point the Shire of Merredin would like to support the continuation of the rehabilitation work which the Crook family, with the support of the Merredin LCDC would like to take as it is a good case of farmers taking ownership for restoration of lands.

The Shire of Merredin will review the offer of a management order for “Revegetation and Parklands” if the planned actions between the DEC and the Crook family encounter some obstacles.”

Policy Implications

Nil

Statutory Implications

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

Strategic Implications

➤ Strategic Community Plan

N/A

➤ 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

Nil, providing the Shire of Merredin declines to accept management of the proposed reserve land.

Voting Requirements

Simple Majority

Absolute Majority

Officers Recommendation / Resolution

Moved:

Seconded:

ooooo

That Council;

- 1. Advises the Department Planning Lands and Heritage (DPLH) that it declines the offer to manage a reserve made up of Lots 70 and 71 on Deposited Plan 148421; and**
- 2. Suggests to DPLH that due to the current zoning of the land under the Shire of Merredin Local Planning Scheme No.6 and the small parcel size of the lots in question, consideration should be given to the lots being offered for sale to adjacent landholders instead of the creation of a crown reserve.**

Resolution

Moved: Cr Willis

Seconded: Cr Butler

82691

That Council;

- 1. Advises the Department Planning Lands and Heritage (DPLH) that it declines the offer to manage a reserve made up of Lots 70 and 71 on Deposited Plan 148421.**

CARRIED 9/0

Reason

Councillor Willis did not move the second part of the Officer's recommendation as he considered the land is not suitable for agricultural farming as it does not adjoin neighbouring farming blocks.

12.3 Proposed Land Exchange Involving Portion of Reserve 32846 and Portion of Lot 22 on Deposited Plan 9945 (CBH Freehold) Merredin

Development Services



Responsible Officer:	Peter Zenni, EMDS
Author:	Peter Zenni, EMDS
Legislation:	Shire of Merredin Local Planning Scheme No 6.
File Reference:	A1543
Disclosure of Interest:	Nil
Attachments:	Attachment 12.3A – Associated correspondence property location details and site photos

Purpose of Report



Executive Decision



Legislative Requirement

Background

The Shire of Merredin has been approached by the Department of Planning Lands and Heritage (DPLH) regarding a proposed land exchange incorporating Portion of Reserve 32846 and Portion of Lot 22 on Deposited Plan 9945.

Comment

The proposed land swap finalises a longstanding process relating to the development of Lot 22 Gabo Avenue Merredin by Cooperative Bulk Handling (CBH) and associated realignment of Cohn Creek.

On the 29 February 2009, the Shire of Merredin Executive Manager Development Services, Mr John Mitchell wrote to the then Department of Planning and Infrastructure advising that;

“Whilst the Shire of Merredin has no objection to the release of the drainage portion of reserve 32846 to Cooperative Bulk Handling, the issue has been raised of protection of the entire Cohn Creek portion through Lot 22 Gabo Avenue. The E type silos were placed in position without the approval of the Shire of Merredin.

Cohn Creek forms the major component of town drainage and the creek extends some 2km west and 4km east of this location.

It is required that CBH relinquish the creek diversion around the E type silos to the Shire of Merredin as a reserve for the purposes of drainage. To keep the matter moving the Shire of Merredin will accept a management order over the land created.”

A review of Council records reveals that the Shire of Merredin subsequently received an application for planning approval which was supported by a Site Drainage Report submitted by CID Consultants relating to the Merredin Receiving Point Site Development.

On 8th of November 2011 the Shire of Merredin granted planning approval for the **“Realignment of Cohn Creek, provision of open type storage facilities, sealing of ground areas and storm water management control”**.

On 15th July the Shire of Merredin received a referral from the Western Australian Planning Commission (WAPC) seeking comment from the Shire of Merredin with respect to an application for a subdivision which would allow for the creation of a new lot reflecting the realignment of Cohn Creek along the North West portion of the existing Lot 22 Gabo Avenue Merredin.

At its meeting held on 16th August 2011 the Shire of Merredin Council resolved as follows;

CMRef #30681

“That the Western Australian Planning Commission be advised that the Shire of Merredin supports the proposal to realign the Cohn Creek (completed 1999) providing the comments within the Merredin Receiving Point 2010 Site Development – Site Drainage Report and an email from Terry Brooks dated June 27, 2011 12.04pm are included as advice to the applicant.”

Subsequently the WAPC subdivisional approval has lapsed.

The current DPLH land swap proposal will rectify the alignment of a “Drainage” Reserve 32846, which will now be located in part of the CBH-owned freehold Lot 22 on Plan 9945 by:

- Excising a 9774m² portion of Lot 1286 on Plan 9945 from “Drainage” Reserve 32846 and adding it into Lot 22 on Plan 9945.
- Excising a 9818m² portion of the CBH-owned freehold Lot 22 on Plan 9945 and adding the land into Reserve 32846.

It should be noted that the Shire currently has a management order over Reserve 32846. With this in mind DPLH is seeking advice from the Shire of Merredin on;

1. Whether it will consent to the abovementioned excision of land from Reserve 32846.
2. Whether it will accept management of the new portion of land that will be added into Reserve 32846 on an ‘as is’ basis.

The proposed new portion of land that will be added into reserve 32846 incorporating the realigned Cohn Creek also contains part of compensating basin servicing the CBH grain storage area. This will need to be considered and addressed as part of renewed subdivisional application, but in the meantime it offers a minor complication.

Given that the proposed land swap tidies up the anomaly associated with development over the existing reserve area, will more accurately reflect the existing

Cohn Creek drainage arrangements and be in line with both the previously Council supported subdivisional approval as well as correspondence from the Shire of Merredin confirming willingness to accept the management order over the land created, it is suggested that Council offer its support in principle for the proposed land swap as well as confirm its willingness to accept management of the new portion of the land incorporating the realigned Cohn Creek drainage reserve subject to the Shire of Merredin not being responsible for any maintenance of the existing CBH compensating basin.

Policy Implications

Nil

Statutory Implications

Nil

Strategic Implications

➤ Strategic Community Plan

Theme:	Economy and Growth
Service Area Objective:	Merredin is a place of choice for business investment and for new residents settling to enjoy a balanced lifestyle and employment opportunities.

➤ 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

Nil, the proposed land swap and management order reflect existing arrangements.

Voting Requirements



Simple Majority



Absolute Majority

Officers Recommendation / Resolution

Moved: Cr Billing

Seconded: Cr McKenzie

82692

That Council;

1. **Advises the Department Planning Lands and Heritage that it consents to the land swap incorporating;**
 - **Excising a 9774m2 portion of Lot 1286 on Plan 9945 from “Drainage” Reserve 32846 and adding it into Lot 22 on Plan 9945.**
 - **Excising a 9818m2 portion of the CBH-owned freehold Lot 22 on Plan 9945 and adding the land into Reserve 32846.**
2. **Advises the Department Planning Lands and Heritage that it will accept management of the new portion of land that will be added into Reserve 32846 on an ‘as is’ basis, subject to the Shire of Merredin not being responsible for any maintenance of the existing CBH compensating basin.**

CARRIED 9/0

13. Officers' Reports - Engineering Services

13.1 Explaurum Operations Pty Ltd (Ramelius Resources) – Road Use Agreement

<h2>Engineering Services</h2>		 SHIRE OF MERREDIN INNOVATING THE WHEATBELT
Responsible Officer:	Mark Dacombe, TCEO	
Author:	Mark Dacombe, TCEO	
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 – Road Use Agreement	

Purpose of Report



Executive Decision



Legislative Requirement

Background

On 15 December 2020 the Council approved a “Traffic Route Proposal” 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. The approval was given with conditions that now form the content of the agreement.

At the Council meeting the Chief Executive Officer was asked about the inclusion of a dispute resolution clause. The Council was advised that the agreement was quite straight forward and that in the event of non-compliance approval would be withdrawn.

Comment

Subsequent consideration of the matter and discussion with WALGA indicates that across the local government sector some agreements have included dispute resolution clauses and some have not. Our neighbours, for example, do not.

In discussion with Explaurum we have agreed that our document would be enhanced by the inclusion of a dispute resolution clause and we have agreed on the appropriate

wording. The purpose of this item is to formally add the new clause and execute the agreement.

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

Theme:	Transport and networks
Service Area Objective:	The Shire's road system, footpaths and cycle trails are well maintained and safe.
Priorities and Strategies for Change:	Development of a Road hierarchy and ten year capital works plan to establish clear, transparent and affordable priorities to meet the needs of residents and industry.

➤ 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 appropriate checks on compliance with the agreement.

Financial Implications

There are no financial implications arising from inclusion of the dispute resolution clause.

Voting Requirements

Simple Majority

Absolute Majority

Officers Recommendation / Resolution

Moved: Cr Manning

Seconded: Cr Patroni

82693 That Council

1. Approve that the road use agreement adopted at the Ordinary Meeting held on 15 December 2020 be amended to include the following provision:
"Any dispute or difference arising out of or in connection with this Agreement shall be determined as follows:
 - a. Each party will appoint a senior officer with authority to negotiate a resolution.
 - b. If the parties cannot resolve the matter in accordance with a. then the dispute or difference will be determined by the appointment of a single arbitrator to be appointed by the President (or his/her nominee) of the Western Australia Chapter of the Chartered Institute of Arbitrators.
 - c. In the event of the appointment of an arbitrator the arbitration will be conducted in accordance within the rules of the Chartered Institute of Arbitrators. The decision will be final, with cost allocation the responsibility of the arbitrator.
 - d. Regardless of any dispute, both parties must continue to perform their obligations under this Agreement."
2. Authorise the Chief Executive Officer and the Shire President to execute the agreement under seal.

CARRIED 9/0

14. Officers' Reports – Corporate and Community Services

14.1 List of Accounts Paid

<h2>Corporate Services</h2> 	
Responsible Officer:	Geoff Garside, EMCS
Author:	Geoff Garside, 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 Paid

Purpose of Report

Executive Decision

Legislative Requirement

Background

The attached list of Accounts Paid during the Month of February 2021 under delegated Authority is provided for Council's information and endorsement.

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 Statement:

Key Priority: Governance

➤ Corporate Business Plan

Key Action: Deliver long term financial planning for asset replacement and new capital projects

Directorate: 2

Timeline: Continue to provide prudent financial controls and compliance systems

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

Officers Recommendation / Resolution

Moved: Cr Billing

Seconded: Cr Boehme

82694

That the schedule of accounts paid during February 2021 as listed, covering cheques, EFT's, bank charges, directly debited payments and wages, as numbered and totalling \$676,488.15 from Council's Municipal Fund Bank Account and \$0, from Council's Trust Account be endorsed by Council.

CARRIED 9/o

14.2 Budget Amendments

Corporate Services



Responsible Officer:	Geoff Garside, EMCS
Author:	Geoff Garside, EMCS
Legislation:	Local Government Act 1995, Local Government (Financial Management) Regulations 1996
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Nil

Purpose of Report



Executive Decision



Legislative Requirement

Background

Budget amendments are recommended to authorise expenditure that has not previously been presented to Council.

Comment

Budget Amendments

The following budget amendments are recommended:

GL/Job	Description	Current Budget	Variation Amount	Revised Budget	Reason
NEW	Grant Income – SEMC AWARE	\$0	(\$29,000)	(\$29,000)	SEMC Aware grant for Shire of Merredin Risk Management Process and LEMA Review
2050200	Animal Control Operating Expenditure ANIMAL – Employee Costs	\$84,855	(\$7,200)	\$77,655	Ranger Salary Savings
NEW	Other Law Order & Public Safety Operating Expenditure – LEMA Review	\$0	\$36,200	\$36,200	Shire of Merredin contribution to undertake Shire of Merredin Risk Management Process and LEMA Review
2110352	Management Contract	\$282,531	\$19,149	\$301,680	Sports Club fees difference
2130642	ECON DEV Projects	\$57,000	(\$19,149)	\$37,851	Reduction in budget

DFES has indicated support for the Shire of Merredin Risk Management Process and LEMA Review, subject to the Shire's co-contribution of \$7,200. The operating grant income and operating expenditure relating to the Shire of Merredin Risk Management Process and LEMA Review have not been included in the current budget. Authorisation of the operating expenditure is required to proceed. An adjustment is required to accommodate the reduction in Sports Club fees approved at the February Council Meeting.

Policy Implications

Nil

Statutory Implications

Authorisation of expenditure - the Local Government Act 1995 Part 6 Division 4 s6.8 (1) requires the local government not to incur expenditure from its Municipal Fund for an additional purpose except where the expenditure:

(b) Is authorised in advance by resolution*

“Additional purpose” means a purpose for which no expenditure estimate is included in the local government's annual budget.

*requires an absolute majority of Council.

Strategic Implications

➤ Strategic Community Plan

N/A

➤ Corporate Business Plan

Key Action: Deliver long term financial planning for asset replacement and new capital projects

Directorate: 2

Timeline: Continue to provide prudent financial controls and compliance systems

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

If Council does not adopt the budget amendments the work will not proceed in the form of the recommendation.

Financial Implications

If Council does not adopt the budget amendments the opportunity to receive one grant may be missed.

Voting Requirements

Simple Majority

Absolute Majority

Officers Recommendation / Resolution

Moved: Cr McKenzie

Seconded: Cr Patroni

82695

That Council:

1. Approve the following budget amendments:

- a. Increase new income account for Grant Income – SEMC AWARE from \$0 by (\$29,000) to (\$29,000);
- b. Decrease operating expenditure GL 2050200 Animal Control Employee Costs from \$84,855 by (\$7,200) to \$77,655;
- c. Increase new operating expenditure account for Other Law Order & Public Safety – LEMA Review from \$0 by \$36,200 to \$36,200;
- d. Increase GL 2110352 Management Contract from \$282,531 by \$19,149 to \$301,680; and
- e. Decrease GL 2130642 ECON DEV Projects from \$57,000 by (\$19,149) to \$37,851.

CARRIED 9/0

14.3 Appointment of Bush Fire Control Officer

Corporate Services



Responsible Officer:	Andrina Prnich, DCEO
Author:	Andrina Prnich, DCEO
Legislation:	<i>Bush Fires Act 1954</i>
File Reference:	ES1/1
Disclosure of Interest:	Nil
Attachments:	Nil

Purpose of Report



Executive Decision



Legislative Requirement

Background

Appointment of Fire Control Officer

Pursuant to Section 38 of the *Bush Fires Act 1954*,

Local government may appoint bush fire control officer

(1) A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.

(2A) The local government shall cause notice of an appointment made under the provisions of subsection (1) to be published at least once in a newspaper circulating in its district.

Comment

The Shire of Merredin Ranger, who was also appointed as the Shire of Merredin Bush Fire Control Officer (FCO), has recently ceased employment with the Shire. As the Shire has now entered into its Restricted Burning Period, the need for the appointment of a suitably qualified Bush Fire Control Officer is imperative to the operational needs of the Shire. Further, the FCO is required to play a key role in supporting the local Bush Fire Brigade Services in the event of a bushfire incident.

It is proposed that Council authorise Mr Calvin Shotter, Executive Manager Engineering Services (EMES), as a Fire Control Officer (FCO) for the Shire of Merredin. Mr Shotter has undergone prior training in the area of Fire Control and Bush Fire Fighting. In addition, Mr Shotter has performed FCO duties in previous Local Government roles.

The restricted burning permit periods applies between 18 February to 16 March 2021. In the event that this is extended (as was the case in 2020) or that substantial training will be required before the new Ranger can fulfil this role, the appointment of Mr Shotter, will ensure the employment of a paid FCO within the Shire's workforce.

Upon appointment of a new Ranger, further assessment will be made in relation to the candidates training and experience before seeking approval for the appointed officer to take on the role of FCO.

The appointment of the EMES to the role of FCO is appropriate to the capacity and capability of the organisation given his past experience and training and also given the Shire's current Local Emergency Management Arrangements designates the EMES in the role of Local Recovery Coordinator.

Policy Implications

Nil

Statutory Implications

Nil

Strategic Implications

➤ Strategic Community Plan

Zone:	Zone 1 – 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:	1.5 - Building resilience and the capacity to manage natural and man-made emergency events

➤ Corporate Business Plan

Key Action:	1.5.2 - Support local emergency services
Directorate:	Community Services
Timeline:	Ongoing

Sustainability Implications

➤ Strategic Resource Plan

The Strategic Resource Plan includes consideration of resourcing for Fire Prevention and Other Law, Order and Public Safety.

➤ Workforce Plan

Directorate: Community Services
Activity: Ranger Services
Current Staff: 1 FTE
Focus Area: 3.0 – Enhance the workplace safety culture
Strategy Code: 3.6
Strategy: Ensuring that all staff are adequately trained in workplace safety
This is an interim measure until a newly appointed Ranger is trained and able to fulfil this role. Mr Shotter has extensive prior experience and is able to take on this role as a temporary solution.
Implications:

Risk Implications

The appointment of the Fire Control Officer, will ensure a paid member of staff is responsible for issuing various permits to burn, undergoing firebreak inspections, thus minimising the likelihood of any major or catastrophic fire events within the local government area.

Financial Implications

If a fire incident were to occur outside of normal business hours, and the EMES, in their FCO position was required to attend the event, this would be managed as an expectation within the EMES contract, similar to the existing obligations as Local Recovery Coordinator.

Voting Requirements

Simple Majority Absolute Majority

Officers Recommendation / Resolution

Moved: Cr Boehme **Seconded:** Cr Patroni

ooooo **That Council:**

- 1. In accordance with Sections 38(1) and 38(2A) of the Bush Fire Act 1954, appoint Mr Calvin Shotter as a fire control officer for the Shire of Merredin and give notice of the appointment by publishing it in a newspaper circulated in the district.**

CARRIED 9/0

15. Officer's Reports - Administration

15.1 Reserve 17767 and Lot 1443, Merredin – Expression of Interest to Lease

Cr Patroni & Cr Butler declared an Impartiality Interest in Item 15.1

<h2>Administration</h2>		
Responsible Officer:	Mark Dacombe, T/CEO	
Author:	Mark Dacombe, T/CEO	
Legislation:	<i>Local Government Act 1995</i>	
File Reference:	R17767; A9702	
Disclosure of Interest:	Nil	
Attachments:	Nil	

Purpose of Report

Executive Decision

Legislative Requirement

Background

Reserve 17767 and Lot 1443, being the area bounded by Golf Road, Telfer Avenue, Old Goldfields Road and McDonald Street, has been leased to the Merredin Men's Shed (MMS) for the purposes of cropping and/or grazing since April 2012, determined through an expression of interest (EOI) process.

Council has considered this matter previously at its April 2012 meeting (CMRef 30856), February 2015 meeting (CMRef 81521), March 2015 meeting (CMRef 81538), January 2018 (CMRef 82114), February 2019 (CMRef 82312) and April 2020 (CMRef 82544) where it was resolved:

That Reserve 17767 and Lot 1443 Merredin, be leased to the Merredin Men's Shed Inc. for a period of one year expiring at the end of February 2021 at a cost of \$400 per year (\$200 per lot) for the purposes of cropping and/or grazing with the costs of preparing and maintaining firebreaks during the fires season to be borne by the Merredin Men's Shed Inc.

With the lease expiring in February 2021 EOIs were again sought from community organisations for the lease of Reserve 17767 and Lot 1443.

As in previous years, EOIs were to acknowledge lease fees of at least \$200 per annum or better are applicable and the cost of preparing and maintaining firebreaks during the fire season shall be borne by the lessee. Submissions were invited for one year and for five years so that the Council may consider agree to a multi-year

arrangement to provide more certainty to proponents and obviate the need for an annual process.

In the event that the Council agrees to a longer term a provision will be included in the agreement for early termination for any reason should the Council so determine.

A provision will also be included requiring the lessee to undertake their cropping activities in a manner that minimises any inconvenience to residents in the area, with particular reference to any burning activities.

Comment

Submissions close on 12 March 2021 and a separate report will be circulated and published detailing submissions received.

Policy Implications

There are no policy implications.

Statutory Implications

Section 3.58 of the Local Government Act 1995 is applicable. Regulations 22-24 of the Local Government (Functions and General) Regulations 1996 are applicable.

Strategic Implications

➤ Strategic Community Plan

Priorities and Strategies for Change N/A

➤ Corporate Business Plan

Key Action: 1.6.1 – Support community groups to deliver activities and services to the community effectively and sustainably
Directorate: 1.6.2 – Support community groups that recognise and celebrate positive community achievements
Community 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 are no significant risks to the Shire in entering into a lease agreement for cropping purposes on the subject reserves.

Financial Implications

There will be a small financial return to the Shire.

Voting Requirements



Simple Majority



Absolute Majority

Officers Recommendation / Resolution

Moved: Cr Boehme

Seconded: Cr McKenzie

82697

That Council approve;

- 1. The lease of Reserve 17767 and Lot 1443 Merredin, to the Merredin Community Men's Shed Inc. for a period of five years expiring at the end of February 2026 at a cost of \$500 per year for the purposes of cropping and/or grazing with the costs of preparing and maintaining firebreaks during the fires season to be borne by the Merredin Community Men's Shed Inc.;**
- 2. The inclusion in the agreement of an early termination with notice for any reason that the Council may determine;**
- 3. That the Merredin Community Men's Shed Inc. be requested to ensure that the cropping/grazing be carried out in a manner ensuring minimal inconvenience to residential neighbours.**

CARRIED 8/1

Amended Resolution

Moved: Cr Billing

Seconded:

ooooo

That Council approve;

- 1. The lease of Reserve 17767 and Lot 1443 Merredin, to the Merredin Community Men's Shed Inc. for a period of five years expiring at the end of February 2026 at a cost of \$500 per year for the purposes of cropping and/or grazing with the costs of preparing and maintaining firebreaks during the fires season to be borne by the Merredin Community Men's Shed Inc.;**

2. The inclusion in the agreement of an early termination with notice for any reason that the Council may determine;
3. That the Merredin Community Men's Shed Inc. be imposed to ensure that the cropping/grazing be carried out in a manner that does not impact the health and well-being of neighbouring properties caused by burning, weed control, pest control, cropping or grazing activities.

LAPSED FOR WANT OF A SECONDER

The substantive motion was then put and carried.

Foreshadowed Motion by Cr Billing

Moved:

Seconded:

ooooo

That Council approve;

1. The lease of Reserve 17767 and Lot 1443 Merredin, to the Merredin Community Men's Shed Inc. for a period of two years expiring at the end of February 2023 at a cost of \$500 per year for the purposes of cropping and/or grazing with the costs of preparing and maintaining firebreaks during the fires season to be borne by the Merredin Community Men's Shed Inc.;
2. The inclusion in the agreement of an early termination with notice for any reason that the Council may determine;
3. That the Merredin Community Men's Shed Inc. be requested to ensure that the cropping/grazing be carried out in a manner ensuring minimal inconvenience to residential neighbours.

Note: As the substantive motion was carried the foreshadowed motion was NOT then moved.

15.2 Shire Owned Residential Properties

*Three members of the public left the Chambers at 5:23pm and did not return.
 Cr Patroni declared an Impartiality Interest in Item 15.2*

Administration	
Responsible Officer:	Mark Dacombe, T/CEO
Author:	Mark Dacombe, T/CEO
Legislation:	Local Government Act 1995
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 15.2A – Policy Number 2.10 Council Staff Housing Attachment 15.2B – Confidential Report – Property Valuations 15 Residential Properties



Purpose of Report

- Executive Decision
 Legislative Requirement

Background

The Council owns 15 residential properties for the purpose of housing of staff. The Council governs the use and management of the houses through Policy 2.10 Council Staff Housing. The policy does not determine how the houses are allocated or the positions for which housing may be provided. These matters are managed by the Chief Executive Officer who is responsible under Section 5.41 of the Local Government Act 1995 for the employment, management supervision, direction and dismissal of employees.

The current practice is that housing is offered for all Executive Management staff, and some management positions. In addition, recruitment for some hard to fill specialist positions is enhanced by the ability to offer housing.

The Council has in place a residential property maintenance program which ensures that houses are maintained but the housing stock is ageing and inevitably with the passage of time is becoming dated, less attractive and more costly to maintain.

Comment

Consideration of housing for a new Chief Executive Officer (CEO) has put a particular spotlight on the matter of staff housing. The house designated for the CEO at 16 Dobson Street, Merredin has not been occupied by a CEO or an Executive staff member for a number of years. It requires extensive renovation that may not add

significantly to the value of the property. Along with six other properties in the portfolio, the age of the house is pre-2000.

There has been discussion at Council briefings regarding the possible building of a new CEO residence on Lot 1498 Caridi Close, Merredin. This lot is owned by the Shire and is located in an area appropriate for executive housing. In this context the CEO was requested to give consideration to the matter of staff housing and the existing housing stock. In preparation for formal consideration of the matter a comprehensive valuation report on the 15 residential properties was commissioned in November 2020. This is provided to Councillors but at this stage the details should remain confidential while the Council determines its position and marketing strategy for any possible sales.

It is considered that the provision of housing remains a significant factor in the recruitment of staff without which it would be more difficult to recruit some positions. A range of options is available to the Council to provide assistance for housing including:

- a. Council owned residential property
- b. Leasing of privately owned property for occupation by a Council staff member
- c. Housing allowance to assist with the private rental of a property.

It is considered that all these options should remain available to the CEO to assist in the recruitment and retention of staff and to allow flexibility in making arrangements to suit prospective staff members.

It is proposed that the Council move forward by adopting an approach that will:

- a. Ensure that staff housing at an appropriate standard is available for the purposes of assisting the recruitment and retention of staff into key roles;
- b. Commence a process of renewal and upgrading of the Council stock;
- c. Enable the Council to determine the appropriate number of housing units, and their configurations, that should be held in the housing portfolio;
- d. Ensure the Council obtains the optimum value in any property transactions that it undertakes.

The following actions are recommended:

1. Obtain a valuation for Lot 1498 Caridi Close, Merredin;
2. Invite tenders for the design and build of a 4 bedroom, 2 Bathroom executive home on Lot 1498 Caridi Close. This will entail the preparation of tender specifications for approval by the Council before advertising;
3. Invite local real estate agents to submit quotations for the sale of six existing houses constructed earlier than 2000. The quotations to include details of their proposed marketing strategy to obtain maximum value. The addresses of the properties to remain confidential in the interim. (Note: this does not include the house currently utilised for housing “travelling players” which should be the subject of a separate report);
4. Request the Chief Executive Officer to report further on the optimum number of houses that should be held in the portfolio, how many (if any) of the houses for sale should be replaced, and the process for doing so.

5. Examine as part of the asset management planning for the portfolio a replacement program for the newer houses currently held.
6. Request the Chief Executive Officer to review Policy 2.10 Council Staff Housing and report to Council.

Policy Implications

The provision of staff housing is governed under Policy 2.10 Staff Housing last reviewed 19 February 2013.

Statutory Implications

Section 3.58 of the Local Government Act 1995 is applicable.

Strategic Implications

➤ Strategic Community Plan

- 2.1.2 The Shire of Merredin is a place of choice for business investment and for new residents settling to enjoy a balance lifestyle and employment opportunities

➤ Corporate Business Plan

To be addressed in the current review of the Corporate Business Plan.

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

Taking these initial steps as part of a process is considered low risk. It will initiate a number of actions that will require risk assessment and mitigation at each step of the way. There is some public perception risk in proposing the building of a new residence. This should be addressed by communicating the proposal in the context of rationalising the Council holdings and maximising the value of the assets whilst ensuring the Shire is competitive in attracting and retaining suitable staff.

Financial Implications

It is proposed that the initiatives be funded by a combination of reserves held for the purpose, funds realised through sales, and pursuit of grants if available. Council recently sold a house at 20 Priestley Street. This settled on 18 January 2021 with funds placed in reserve. An offer to purchase Lot 1498 Caridi Close was received mid-February. The person making the offer has been advised that the lot has been withdrawn from sale pending Council review.

Voting Requirements

Simple Majority

Absolute Majority

Officers Recommendation / Resolution

Moved: Cr Flockart

Seconded: Cr Boehme

ooooo

That Council instruct the Chief Executive Officer to;

- 1. Obtain a valuation from a suitably qualified registered valuer for Lot 1498 Caridi Close, Merredin;**
- 2. Prepare documentation to invite tenders for the design and build of a 4 bedroom, 2 Bathroom executive home on Lot 1498 Caridi Close for approval by the Council before advertising;**
- 3. Invite local real estate agents to submit quotations for the sale of six existing houses constructed earlier than the year 2000. The quotations are to include details of the agent's proposed marketing strategy to obtain maximum value. The addresses of the properties to remain confidential in the interim. (Note: this does not include the house currently utilised for housing “travelling players” which should be the subject of a separate report);**
- 4. Report further on the optimum number of houses that should be held in the portfolio including how many (if any) of the houses for sale should be replaced and the process for doing so; and**
- 5. Examine, as part of the asset management planning for the portfolio, the replacement program for the newer houses currently held and not included in the above recommendations.**
- 6. Review Policy 2.10 Council Staff Housing and report to Council.**

Amendment

Moved: Cr McKenzie

Seconded: Cr Butler

82698

That Council instruct the Chief Executive Officer to;

- 1. Obtain a valuation from a suitably qualified registered valuer for Lot 1498 Caridi Close, Merredin;**

- 2. Engage local real estate agents to determine the availability and value of suitable executive housing within the Merredin townsite.**
- 3. Report to Council preliminary estimates for the construction of a 4 bedroom, 2 bathroom executive home on an appropriate lot within the Merredin townsite;**
- 4. Invite local real estate agents to submit quotations for the sale of six existing houses constructed earlier than the year 2000. The quotations are to include details of the agent's proposed marketing strategy to obtain maximum value. The addresses of the properties to remain confidential in the interim. (Note: this does not include the house currently utilised for housing “travelling players” which should be the subject of a separate report);**
- 5. Report further on the optimum number of houses that should be held in the portfolio including how many (if any) of the houses for sale should be replaced and the process for doing so; and**
- 6. Examine, as part of the asset management planning for the portfolio, the replacement program for the newer houses currently held and not included in the above recommendations.**
- 7. Review Policy 2.10 Council Staff Housing and report to Council.**

CARRIED 8/1

The amendment was then put as the substantive motion and carried.

15.3 Reserve 29700 – Hunts Dam – Relinquishment of Management Order

Administration



Responsible Officer:	Mark Dacombe, T/CEO
Author:	Mark Dacombe, T/CEO
Legislation:	<i>Local Government Act 1995</i>
File Reference:	R29700
Disclosure of Interest:	Nil
Attachments:	Attachment 15.3A - Hunts Dam Nature Based Campground Feasibility – Business Case Attachment 15.3B - Minute Extract 21 November 2017 Attachment 15.3C - Minute Extract 15 August 2017

Purpose of Report



Executive Decision



Legislative Requirement

Background

Council considered this matter at its August 2017 meeting and resolved that the matter lay on the table (CMRef 82016). It was considered again at the Council's November 2017 meeting where it was resolved (CMRef 82083):

That subject to Njaki Njaki Aboriginal Cultural Tours submitting a Business Plan and Feasibility Study for the conduct of its tourism venture to the satisfaction of Council, the Department of Planning, Lands and Heritage be advised Council supports the relinquishment of the Management Order for Reserve 29700 to enable a 5 year performance based lease being agreed between the State and Njaki Njaki Aboriginal Cultural Tours for the conduct of its tourism venture.

Since that time further discussions have been held with Department of Lands (the Department) and Njaki Njaki Aboriginal Cultural Tours (NNACT).

Where additional information to that included in the previous reports is known it is detailed here, otherwise the information from the previous report remains current.

Comment

NNACT engaged the services of “Market Trade”, business planning consultants of Fremantle, with the support of the Western Australian Indigenous Tourism Operators Council (WAITOC), to prepare their “Feasibility – Business Case” for their Hunts Dam Nature Based Campground proposal.

A comprehensive business plan (attached) dated June 2019 was completed and submitted to the Shire in March 2020. There was some delay occasioned by COVID exigencies, followed by discussions with NNACT at officer level. A Council briefing was held in February 2021 attended by Messrs Mick Hayden and Michael Hayden representing NNACT.

The Business Case confirms the potential benefits identified by the Council in 2017.

The business case as presented is comprehensive. It addresses all aspects of interest to the Council including; development concept, its place in the tourism offering in the Wheatbelt, demand, business structure, staging, funding and risk. Most importantly it demonstrates the opportunities for Aboriginal participation in local economic development and contribution to the overall economy of Merredin.

The ultimate proof of the concept is in the creation of a successful business meeting all of the objectives envisaged. The business case as presented confirms that the project is both feasible and highly desirable. It meets the Council's requirements stated in the resolution of November 2017.

The business case does make it clear that the project, to be viable, is a long-term proposition. The five year stipulation in the Council's November 2017 resolution would be a significant impediment to the realisation of the concept but could be addressed through the provisions of a long term performance based lease.

The next step having met the Council's business case requirement is for the Council to agree to relinquish the Management Order that it holds for Reserve 29700. This will enable NNACT to enter into negotiations with the State to lease the reserve. The Council would not be party to these negotiations but would continue to hold the Management Order until such time as the lease was agreed. Should lease terms not be able to be agreed the Council would continue to hold the Management Order.

In agreeing to relinquish the Management Order and in lieu of the 2017 resolution five year lease stipulation it is recommended the Council suggest to the Department of Planning, Lands and Heritage and NNACT that any lease be subject to the achievement of agreed milestones in the establishment of the Hunts Dam Nature based campground which could for example include that certain specified developments be operational within 5 years of executing the lease.

The section below headed "Strategic Community Plan" (SCP) shows the strong alignment of this proposed action with the newly adopted SCP.

Policy Implications

Nil

Statutory Implications

Nil

Strategic Implications

➤ Strategic Community Plan

The Draft Strategic Community Plan includes “Priorities and Strategies for Change”. The relevant provisions are:

Community and Culture

Priority:

Development of cultural life: infrastructure and spaces; activation; and celebration of Njaki Njaki Noongar culture

Strategy for Change:

Partnering with Njaki Njaki Noongar leaders on the visibility of their heritage and living culture

Economy and Growth

Priority:

Tourism product development, including cultural tourism

Strategy for Change:

Collaborate with the Njaki Njaki Noongar and other relevant organisations to develop cultural tourism

Priority:

Strengthening the economy through local business development

Strategy for Change:

Collaborate with the Njaki Njaki Noongar people and the wider Aboriginal community to develop local Aboriginal businesses

Communication and Leadership

Priority:

The Shire has a strong working relationship with the Njaki Njaki Traditional Owners and other Aboriginal community members

Strategy for Change:

Work with Njaki Njaki Noongar people and wider Aboriginal community to develop and implement a Reconciliation Action Plan. (This action is relevant to the future process of developing a RAP)

➤ Corporate Business Plan

Nil

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 relinquishing of the Management Order may attract some public comment however it is a critical step in the process of enabling the development of an Aboriginal business with the potential to create significant benefits to the wider economic fabric of Merredin and should be communicated as such to mitigate any negative comment.

There is a risk that the MO will be relinquished, a lease by the State Government being issued to NNACT and the development not being realised. This risk is not one that the Council can mitigate beyond making the suggestion to the Department of Planning, Lands and Heritage that there be some performance criteria applying to the lease. It is considered that this risk should not deter the Council from agreeing to the proposal.

Financial Implications

There are no negative financial implications of this proposal. Currently the Shire is not maintaining the Reserve. At some point it will be necessary to incur expenditure on the maintenance and perhaps development of the Reserve. If the MO is relinquished that will remove this future potential liability.

Voting Requirements

Simple Majority Absolute Majority

Officers Recommendation / Resolution

Moved: Cr Boehme **Seconded:** Cr McKenzie

82699

That Council;

- 1. Notes the preparation and submission by Njaki Njaki Aboriginal Cultural Tours of the Hunts Dam Nature Based Campground Feasibility – Business Case – June 2019 demonstrating the potential viability of the proposal;**
- 2. Notes that the proposal represents strong alignment with the Strategic priorities and strategies for change of the Council set out in the newly adopted Strategic Community Plan;**
- 3. Confirms that the Business Case and Feasibility Study as submitted is satisfactory to meet the terms of the Council’s resolution 82038 of November 2017;**

- 4. Confirms that Council supports the relinquishment of the Management Order for Reserve 29700 to enable a performance based lease to be agreed between the State and Njaki Njaki Aboriginal Cultural Tours for the conduct of its tourism venture; and**
- 5. Proposes to the State Government that the lease include provisions for substantial progress on the implementation of the development within a five year period from execution of the lease.**

CARRIED 9/0

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 of by Decision

Nil

19.1 Appointment of Chief Executive Officer

A Brice, G Garside, A Prnich, C Shotter and P Zenni left the Chambers at 5:35pm and did not return.

<h3>Administration</h3>		
Responsible Officer:	Mark Dacombe, T/CEO	
Author:	Mark Dacombe, T/CEO	
Legislation:	<i>Local Government Act 1995</i>	
File Reference:	N/A	
Disclosure of Interest:	Nil	
Attachments:	Attachment 19.1A – Confidential Selection Report Attachment 19.1B – Employment Contract Attachment 19.1C – Total Remuneration Calculation Attachment 19.1D – Application Pack	

Voting Requirements

Simple Majority

Absolute Majority

Officers Recommendation / Resolution

Moved: Cr Butler

Seconded: Cr Patroni

82701 That Council;

1. Note that the process for the recruitment of the Chief Executive Officer was conducted in accordance with Council Policy 2.30 CEO Recruitment and Review Policy;
2. Approve the Position Description confirmed by the Panel and used for the recruitment, and note that this will be incorporated into the Employment Contract without amendment;
3. Accept the report of the Selection Panel as submitted by Beilby Downing Teal;
4. Is of the belief that the recommended applicant is suitably qualified for the position of Chief Executive Officer;
5. Approve the making of an offer of employment to the applicant recommended by the Selection Panel;
6. Approve the proposed terms of the contract of employment to be entered into by the Shire of Merredin and the applicant, being:
 - a) as set out in the draft Employment Contract attached

and:

- b) on financial terms as set out in Schedule 2 of the Contract;**
- 7. Authorise the Shire President to present the approved offer to the applicant;**

Note that should the applicant negotiate an employment contract containing terms different to the approved terms then a further resolution of the Council approving the negotiated terms will be required.

CARRIED 7/2

19.2 Appointment of Executive Manager Corporate Services

Administration



Responsible Officer:	Mark Dacombe, T/CEO
Author:	Mark Dacombe, T/CEO
Legislation:	<i>Local Government Act 1995</i>
File Reference:	N/A
Disclosure of Interest:	Nil
Attachments:	Nil

Voting Requirements



Simple Majority



Absolute Majority

Officers Recommendation / Resolution

Moved: Cr McKenzie **Seconded:** Cr Van Der Merwe

82702 **That Council, pursuant to section 5.37(2) Of the Local Government Act 1995, accepts the recommendation of the Temporary Chief Executive Officer to employ the preferred candidate, as the Executive Manager Corporate Services on a contract of employment, subject to the terms and conditions as determined by the Temporary Chief Executive Officer.**

CARRIED 9/0

