

SHIRE OF
MERREDIN
INNOVATING THE WHEATBELT

MINUTES

Ordinary Council Meeting

Held by Zoom Video Conference
Tuesday 21 April 2020
Commencing 4.00pm



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Common Acronyms Used in this Document

TCEO	Temporary Chief Executive Officer
CBP	Corporate Business Plan
CEACA	Central East Aged Care Alliance
CEO	Chief Executive Officer
CSP	Community Strategic Plan
CWVC	Central Wheatbelt Visitors Centre
DCEO	Deputy CEO
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 & Communications Officer
MoU	Memorandum of Understanding
MRCLC	Merredin Regional Community and Leisure Centre
SRP	Strategic Resource Plan
WALGA	Western Australian Local Government Association
WEROC	Wheatbelt East Regional Organisation of Councils

Shire of Merredin
Ordinary Council Meeting
4.00pm Tuesday 21 April 2020



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 welcomed those in attendance and declared the meeting open at 4.02pm

2. Record of Attendance / Apologies and Leave of Absence

Councillors:

Presiding Member	Cr JR Flockart	(by Zoom video link)
Members	Cr MD Willis	(by Zoom video link)
	Cr RA Billing	(by Zoom video link)
	Cr LN Boehme	(by Zoom video link)
	Cr AR Butler	(by Zoom video link)
	Cr RM Manning	(by Zoom video link)
	Cr MJ McKenzie	(by Zoom video link)
	Cr PR Patroni	(by Zoom video link)
	Cr PM Van Der Merwe	(by Zoom video link)

Staff

T/CEO	M Dacombe	(by Zoom video link)
EA to CEO	M Ivanetz	(by Zoom video link)
DCEO	A Prnich	(by Zoom video link)
EMCS	C Brown	(by Zoom video link)
EMDS	P Zenni	(by Zoom video link)

Members of the Public: Nil

Apologies: Nil

Approved Leave of Absence: Nil

3. Public Question Time

Question: Narelle Driscoll – Is it possible to ban smoking down the Main Street – shop side please. Many smokers stand out the front and smoke goes into the stores. Also no smoking if in line at IGA waiting to enter the store as its very uncomfortable for other people.

Answer: The TCEO took the question on notice. A response will be provided to Narelle Driscoll and included in the agenda and minutes of the May Ordinary Council Meeting.

4. Disclosure of Interest

Cr Patroni declared an impartiality interest in item 12.2 and item 15.1

Cr Butler declared an impartiality interest in item 12.2 and item 15.1

5. Applications for Leave of Absence

Nil

6. Petitions and Presentations

Nil

7. Confirmation of Minutes of the Previous Meetings

7.1 Ordinary Council Meeting held on 17 March 2020

[Attachment 7.1A](#)

7.2 Special Council Meeting held on 2 April 2020

[Attachment 7.2A](#)

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Boehme

Seconded: Cr Patroni

82534 That the Minutes of the Ordinary Council Meeting held on 17 March 2020 and the Special Council Meeting held on 2 April 2020 be confirmed as a true and accurate record of proceedings.

CARRIED 9/o

10. Receipt of Minutes of Committee Meetings

10.1 Local Emergency Management Committee Meeting held on 24 March 2020

[Attachment 10.1A](#)

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Patroni

Seconded: Cr Butler

82535 That the Minutes of the Local Emergency Management Committee Meeting held on 24 March 2020 be received.

CARRIED 9/o

11. Recommendations from Committee Meetings for Council consideration

Nil

12. Officer's Reports - Development Services

12.1 Proposed Storage Shed – Lot 1 Totadgin Hall Road (Metro Power Solar Farm)

Development Services		 SHIRE OF MERREDIN INNOVATING THE WHEATBELT
Responsible Officer:	Peter Zenni, EMDS	
Author:	Peter Zenni, EMDS	
Legislation:	Shire of Merredin Local Planning Scheme No 6. Building Act 2011	
File Reference:	A7112	
Disclosure of Interest:	Nil	
Attachments:	Attachment 12.1A – Development Application and Supporting Documentation	

Purpose of Report

Executive Decision

Legislative Requirement

Background

The Shire of Merredin has received an application for Development (Planning) Approval for a proposed storage shed to be located at Lot 1 Totadgin Hall Road Merredin.

Comment

In September 2017 the Shire of Merredin Council granted Development Approval for the construction of the Metro Power Solar Farm at Lot 1 Totadgin Hall Road Merredin. A 'solar farm' use is not listed in the Shire of Merredin Local Planning Scheme No.6 (LPS) zoning tables and as such the development approval for the solar farm was granted following public advertising.

The land in question is zoned as 'General Farming' under the LPS.

The proposed storage shed will be 180m² in area with a maximum height of 4.858m will replace a previously demolished farm shed and will be used for the storage of farm equipment as well as solar farm components.

Strategic

The proposal is incidental to the operations of the Metro Power Solar Farm and as such consistent with the current as well as longer-term use of the area.

Statutory

The construction of the proposed storage shed requires Development Approval. The proposed storage shed will be incidental to the previously approved solar farm. A 'solar farm' use is not listed in the Shire of Merredin Local Planning Scheme No.6 (LPS) zoning tables.

Clause 4.4.2 of the Scheme states that *'if a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may -*

- (a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted;*
- (b) determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 9.4 in considering an application for planning approval; or*
- (c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.*

As the proposed storage shed is incidental to the already approved solar farm and is of low impact to the visual amenity of the surrounding area it is suggested and recommended that the Shire of Merredin grant development approval.

Impacts

Visual Amenity

There will be minimal impact to the visual amenity of the surrounding area due to the sheds minimal size and location on site.

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 Statement: Merredin seeks new opportunities for growth and strives to 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 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: 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

Development Application fees have been paid.

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Willis

Seconded: Cr McKenzie

82536 That Council:

1. **Grants Development (Planning) Approval for the construction of a storage shed on Lot 1 Totadgin Hall Road, Merredin as outlined in attachment 12.1A**
2. **Advises the applicant that whilst a building permit is not required from the Shire of Merredin for any class 10a structure outside of a town boundary, the structure must still comply with all relevant Australian Standards mandated by the National Construction Code (BCA).**

CARRIED 9/0

Cr Patroni declared an impartiality interest in this item 12.2

Cr Butler declared an impartiality interest in item this 12.2

12.2 Lot 684 Bates Street – Proposed Vintage Tractor Cover at the Merredin Community Men’s Shed

Development Services		 SHIRE OF MERREDIN INNOVATING THE WHEATBELT
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 12.2A – 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 for development (planning) approval for the construction on Lot 684 Bates Street, Merredin of a free-standing cover to house the Men’s Shed vintage tractor.

Comment

The proposed development consists of the construction of a free-standing cover to house the Merredin Community Men’s Shed vintage tractor.

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 cover will be used to house and protect from the sun an internationally renowned tractor that has become a significant part of Merredin's manufacturing and agricultural history.

In support of the application, Mr Peter McCrae - President of the Merredin Community Men's Shed states as follows;

“As a men's shed, we want to make every effort to preserve this aspect of Merredin's rich history, and, consistent with many of the other historical items housed at the shed, the Acremaster tractor will become a focal point for many visitors to the town.”

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

Zone: Economy and Growth

Zone Statement: Merredin seeks new opportunities for growth and strives to 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 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: 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

Officer's Recommendation / Resolution

Moved: Cr Van Der Merwe

Seconded: Cr Boehme

82537 That Council:

1. **Grant development (planning) approval for the construction of a free-standing cover to house the Merredin Community Men's Shed vintage tractor, as outlined in attachment 12.2A;**
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 cover must be submitted to the Shire of Merredin and be approved before any building work can commence on site.**

CARRIED 9/0

12.3 Lot 500 Gamenya Avenue – Proposed Installation of Water Corporation Monitoring Bores

Development Services		 SHIRE OF MERREDIN <small>INNOVATING THE WHEATBELT</small>
Responsible Officer:	Peter Zenni, EMDS	
Author:	Peter Zenni, EMDS	
Legislation:	Shire of Merredin Local Planning Scheme No 6.	
File Reference:	A1570	
Disclosure of Interest:	Nil	
Attachments:	Attachment 12.3A – Water Corporation Correspondence.	

Purpose of Report

- Executive Decision
 Legislative Requirement

Background

The Shire of Merredin has received correspondence from Mr David Morgan and Mr Owen Hoar acting on behalf of the Water Corporation seeking consent from the Shire of Merredin for installation of 3 ground water monitoring bores adjacent to the Water Corporation wastewater treatment plant. The proposed water monitoring bores would be located on Lot 500 Gamenya Avenue, Merredin.

Comment

The Water Corporation is undertaking environmental site assessments (ESAs) at wastewater treatment plants (WWTP) across Western Australia in support of an Environmental Risk (ER) program of works. The overarching purpose of the ER program is to evaluate potential environmental and human risks associated with current operations at WWTP sites. Although the Corporation has preferentially located proposed intrusive locations within land owned by the Corporation, in some instances there is a requirement to undertake works on adjacent land parcels owned by the Shire or private landholders.

Lot 500 Gamenya Avenue, Merredin is owned freehold by the Shire of Merredin. The land in question is zoned ‘General Farming’ under the Shire of Merredin Local Planning Scheme No. 6 (LPS) and the bulk of the lot is also subject to the LPS Special Control Area 2 requirements due to the proximity to the Water Corporation wastewater treatment plant.

Strategic

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

Statutory

The Water Corporation is exempt from requirements to obtain a Development (Planning) Approval with respect to the installation of water services related infrastructure. The land in question is owned by the Shire of Merredin freehold and as such the Water Corporation is seeking consent from the Shire of Merredin to permit the installation of the monitoring bores.

Impacts

Environmental

The land in question incorporates Cohn Creek which has previously been affected by the discharge of effluent from the Water Corporation wastewater treatment plant into the Cohn Creek water system.

The Water Corporation is in the process of installing ground water monitoring bores adjacent to its wastewater treatment plants to get a better understanding of potential environmental impacts associated with wastewater treatment plant activities. This work will provide additional information on potential contamination of the surrounding ground water and as such promote environmental and public health considerations.

Infrastructure and Asset Maintenance

The proposed ground water monitoring bores will be installed by Water Corporation contractors who will be undertaking the required work in accordance with OHS requirements. Once installed the bores will be protected with lockable metal covers to prevent unauthorised access.

Any installation of the proposed ground water monitoring bores, their maintenance and subsequent decommissioning should be at the sole cost of the Water Corporation.

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 Statement: Merredin seeks new opportunities for growth and strives to 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 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: 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

No costs should be incurred by the Shire of Merredin in consenting to the creation of the proposed easement.

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Butler

Seconded: Cr Patroni

82538 That Council;


1. Consents to the Water Corporations request for the installation of 3 ground water monitoring bores on Lot 500 Gamenya Avenue, Merredin as shown in attachment 12.3A, subject to:

All costs associated with the installation, maintenance and eventual decommissioning of the ground water monitoring bores being borne solely by the Water Corporation;

2. Advises the Water Corporation that it is required to obtain all applicable statutory approvals prior to carrying out the bore installation work on site.

CARRIED 9/o

12.4 Proposed Lease Agreement - Optus Mobile Pty Ltd Portion of Lot 200 Barrack Street Merredin.

Development Services		 SHIRE OF MERREDIN <small>INNOVATING THE WHEATBELT</small>
Responsible Officer:	Peter Zenni, EMDS	
Author:	Peter Zenni, EMDS	
Legislation:	<i>Local Government Act 1995</i>	
File Reference:	L/67	
Disclosure of Interest:	Nil	
Attachments:	Attachment 12.4A – Draft Lease Agreement	

Purpose of Report

- Executive Decision
 Legislative Requirement

Background

The current lease agreement between the Shire of Merredin and Optus Mobile Pty Ltd for the storage and operation of telecommunications infrastructure on portion of Lot 200 (Previously Lot 22) Barrack Street expires on 18th September 2020. Optus Mobile Pty Ltd is now seeking to enter into a new lease agreement with the Shire of Merredin to permit the ongoing storage and operation of telecommunications infrastructure on portion of Lot 200 Barrack Street Merredin.

Comment

Lot 200 Barrack Street, Merredin is owned by the Shire of Merredin. The Lot is zoned ‘Town Centre’ under the Shire of Merredin Local Planning Scheme No.6. Lot 200 is currently subject to a number of leases in place including those between the Shire of Merredin and the Merredin Community Resource Centre (community purposes) as well as between the Shire of Merredin and (individually) Optus, Telstra and Broadcast Australia (telecommunications infrastructure).

The Existing lease between the Shire of Merredin and Optus Mobile Pty Ltd is due to expire on the 18th September 2020. This lease agreement has been in place for 10 years and was preceded by a previous lease agreement in effect from 2000 to 2010.

The proposed lease will be in place for a period of twenty (20) years and allow for the ongoing storage and operation of Optus telecommunications infrastructure in the Merredin area. The lease documentation has been checked by McLeod’s Barristers & Solicitors and is ready to be executed upon approval of Council.

Policy Implications

Nil

Statutory Implications

Compliance with *Local Government Act 1995*

Strategic Implications

➤ Strategic Community Plan

Zone: Economy and Growth

Zone Statement: Merredin seeks new opportunities for growth and strives to 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

By entering into the proposed lease agreement, the Shire of Merredin will receive an income from the lease payments and ensure that there is an ongoing provision of essential telecommunications infrastructure in the Merredin area.

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Boehme

Seconded: Cr Willis

82539 That Council;

1. In accordance with Section 3.58 of the Local Government Act 1995 advertise for public comment the proposal to lease a portion of Lot 200 Barrack Street, Merredin to Optus Mobile Pty Ltd for a period of 20 years commencing on the 19th day of September 2020; and
2. Subject to no adverse comments being received during the advertising period agree to enter into a lease agreement with Optus Mobile Pty Ltd as per the draft lease agreement forming part of attachment 12.4A
3. Authorise the Shire President and Chief Executive Officer to execute the lease agreement by signing the lease agreement on behalf of Council and attaching the Shire seal to the lease agreement.

CARRIED 9/0

12.5 Proposed Light Industrial Scheme Amendment Ptn Lot 301 Adamson Road, MERREDIN

Development Services		 SHIRE OF MERREDIN INNOVATING THE WHEATBELT
Responsible Officer:	Peter Zenni, EMDS	
Author:	Paul Bashall, Planwest (WA) Pty Ltd	
Legislation:	Local Planning Scheme No 6 – Amendment No 7	
File Reference:	A5001	
Disclosure of Interest:	Nil	
Attachments:	Attachment 12.5A – Scheme Amendment documents to rezone portion of Lot 301 Adamson Rd, Merredin from ‘General Farming’ to ‘Light Industry’; and Re-classifying the portion of Adamson Rd, Merredin fronting Lots 301 & 525 from Local Scheme Reserve ‘Parks and Recreation’, ‘Light Industry’ zone and ‘General Farming’ zone to ‘No Zone’.	

Purpose of Report

- Executive Decision Legislative Requirement

Background

INTRODUCTION

The Shire of Merredin seeks the WA Planning Commission’s support and the Hon. Minister’s approval to a Scheme Amendment that seeks to rezone portion of Lot 301 Adamson Rd, Merredin from ‘General Farming’ to ‘Light Industry’; and Re-classifying the portion of Adamson Rd, Merredin fronting Lots 301 & 525 from Local Scheme Reserve ‘Parks and Recreation’, ‘Light Industry’ zone and ‘General Farming’ zone to ‘No Zone’.

BACKGROUND

The Shire of Merredin Scheme No 6 was gazetted on 24 June 2011. The Scheme is consistent with the Model Scheme Text as outlined in the Town Planning Regulations.

This Amendment has been requested by McIntosh & Son, a major machinery sales and service provider and employer for the town and the region. The Company

established a branch in Merredin in 2016, and now considers that the lot on which the business operates is insufficient for its long-term needs.

The applicant confirms that Merredin is an important regional centre with a demonstrated need for a full range of agricultural machinery, equipment, parts and servicing. The purpose of this proposal is to secure the long-term future of McIntosh & Son. Securing and supporting the growth of such businesses is consistent with Council's Local Planning Strategy and its Strategic Community Plan.

The location of this site is ideal as it adjoins an existing light industrial estate and will have only one neighbour on both the northern and eastern sides. It will also have good and close access to the main road system without requiring direct access to it.

The second part of this Amendment is to remove the reservation and zonings from Adamson Road reserve. This is a corrective procedure as the reservation and zonings should not extend into the road reserve.

The overall size of Lot 301 is 99.9ha, with the portion proposed to be excised and rezoned is approximately 13.27ha in area. Lot 301 is owned by Mr Arthur Adamson with a contract of sale to McIntosh Holdings Pty Ltd for the portion proposed to be rezoned.

LOCATION

Lot 301 is located at the eastern end of the Merredin townsite, adjoining an existing light industrial area that separates it from the residential and commercial parts of the townsite. **Figure 1** provides a location plan of the proposed site in relation to the Merredin Townsite area.

FIGURE 1 – LOCATION PLAN

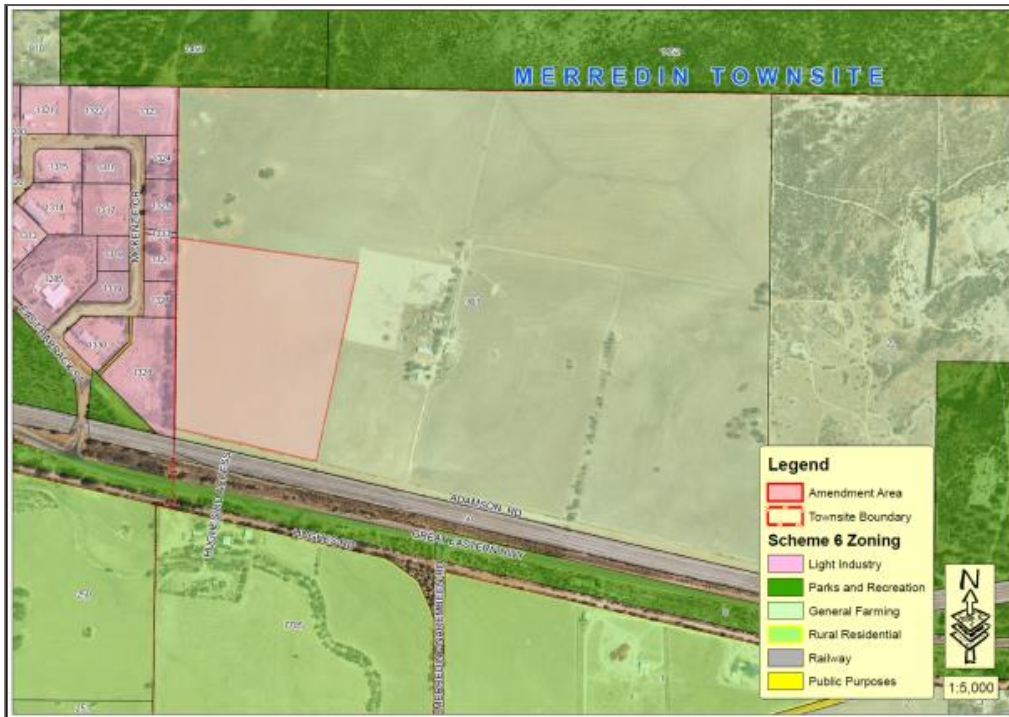


Source: Landgate, Planwest

The subject land has frontage to Adamson Rd on its southern side. Adamson Rd is constructed to an unsealed standard along the property frontage. It is also proposed to have a 2m frontage to a 10m wide reserve (R48082 or Lot 1333) which contains power lines leading from McKenzie Crescent to the farmhouse on Lot 301.

Figure 2 shows an aerial photograph of the whole property with Scheme 6 classifications overlaid. **Figure 3** shows a closer view of the land to be rezoned.

FIGURE 2 – PROPERTY PLAN



Source: Nearmap, Landgate, Planwest

FIGURE 3 – SUBJECT LAND



Source: Nearmap, Landgate, Planwest

EXISTING DEVELOPMENT

As can be seen in Figure 3, Lot 301 is a cleared site used for agricultural purposes (cropping). It contains a dwelling and supporting outbuildings. The portion proposed to be excised and rezoned contains none of the existing infrastructure. The existing house will be approximately 160m east of the eastern edge of the area proposed to be rezoned.

To the north of the proposed rezoning area is an existing cropping area that will remain as part of the balance 86ha (approx.) farm. To the west is the existing industrial estate. To the south, on the other side of Adamson Rd, is a railway and then Great Eastern Hwy reserves.

EXISTING LOCAL PLANNING SCHEME

The subject land is currently zoned General Farming and abuts an existing Light Industry area. The land on the south side of Great Eastern Highway is zoned Rural Residential and is likely to be developed with a few houses in the future. As the uses within the light industrial area must not have any undue impact on sensitive uses, the proposal is not likely to affect any of the surrounding uses.

As can be seen in Figure 2 the land abutting the north side of Lot 301 is reserved for Parks and Recreation.

The amendment is considered to be a Standard Amendment as suggested by the applicant.

EXISTING LOCAL PLANNING STRATEGY

The existing Strategy does not earmark this area for any change of use however the proposal appears to have some merit. Although the proposal is outside the townsite boundary, this has little impact on the practical use of the land in the future.

It is recommended that - if the Council adopts this amendment, and the amendment reached final approval - that the Local Planning Strategy be adjusted to reflect this change.

FUTURE DEVELOPMENT

The applicant states that the land can be serviced with water, power and communications. The applicant has recently submitted a subdivision application to amalgamate the subject land with Lot 525 (see separate report). Indications from the WA Planning Commission officers are that both the subdivision and rezoning will be supported.

Although the applicant has also indicated that the property will be amalgamated with an adjoining lot (Lot 525) to provide constructed road frontage to the newly zoned area, there is no guarantee that this will occur. The construction of Adamson Road, which will service only the newly zoned area, should be at the cost of the property owner. If the subdivision does not eventuate there should be no obligation on the Council to construct the road.

There is no obligation for the owner to subdivide the newly zoned area before it can be used for light industrial uses.

The Scheme amendment process is completely separate from the subdivision of land. The provision of a constructed road frontage is normally imposed as a condition of subdivision, as a scheme amendment cannot impose conditions for servicing.

In the unlikely event that the subdivision does not eventuate, but the rezoning does, the Council could impose a condition on the development approval (DA) of the newly zoned area that requires Adamson Road to be constructed. Although not preferable, this is an option.

CONCLUSION

The Amendment has merit for the following reasons;

- The proposal will not create a significant loss to the stock of rural/agricultural land in the Shire.
- Although the area to be rezoned is not in the Merredin townsite, it is adjacent to the existing light industrial area.
- The proposal will provide a larger site for light industrial uses.
- There will likely be an increase in rates.
- There is little risk to the Council in supporting this proposal.

Comment

Nil

Policy Implications

Nil

Statutory Implications

Compliance with the Shire of Merredin Local Planning Scheme No 6 and compliance with *Planning and Development (Local Planning Schemes) Regulations 2015*.

Strategic Implications

➤ [Local Planning Strategy](#)

The Council's Local Planning Strategy indicates no change to the current status of the land.

[Strategic Community Plan](#)

Zone: Economy and Growth

Zone Statement: Merredin seeks new opportunities for growth and strives to 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 applicant has paid the Scheme Amendment application fees.

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Patroni


Seconded: Cr McKenzie

82540 That Council;

1. adopts the Scheme Amendment No 7 as submitted and refers the proposal to the EPA in accordance with section 81 of the Planning and Development Act 2005.
2. Authorizes the Executive Manager of Development Services to process the Amendment through to advertising.
3. On receiving environmental clearance from the EPA, circulate the amendment to all the servicing agencies, including the WA Planning Commission, as part of the advertising of the Amendment.

CARRIED 9/o

12.6 Proposed Subdivision for Light Industrial Area Ptn Lot 301 and Lot 525 Adamson Road, MERREDIN.

<h2>Development Services</h2>		 <p>SHIRE OF MERREDIN INNOVATING THE WHEATBELT</p>
Responsible Officer:	Peter Zenni, EMDS	
Author:	Paul Bashall, Planwest (WA) Pty Ltd	
Legislation:	Subdivision	
File Reference:	A5001	
Disclosure of Interest:	Nil	
Attachments:	Attachment 12.6A – Proposed subdivision to amalgamate portion of Lot 301 and Lot 525 Adamson Road, Merredin .	

Purpose of Report

Executive Decision

Legislative Requirement

Background

INTRODUCTION

The WAPC has referred a proposed subdivision to the Council for its comments and requirements prior to it making a determination. The proposed subdivision does not seek to create any additional lots but does realign the boundary between two lots. Often these boundary adjustments are termed a ‘subdivision and amalgamation’, however under the terms of the Planning and Development Act, an amalgamation is a type of subdivision.

The two lots are Lot 301 Adamson Road, a General Farming lot of about 100ha, and Lot 525 Adamson Road, a Light Industry lot of about 2.3ha.

BACKGROUND

The same applicant has lodged a Scheme Amendment proposal (Amendment No7) to rezone about 13 ha of Lot 301 Adamson Road from General Farming to Light Industry.

The officer recommendation is to support the initiation of this amendment as it is likely to promote further industrial activity in Merredin and would not significantly impact the supply of farming land in the district.

One of the issues raised in that report is that the portion of Lot 301 to be rezoned will only have access to Adamson Road which is not currently constructed to an acceptable urban standard to Lot 301.

The Council is supportive of new or expanded industrial activity in Merredin and considers that where the construction of road infrastructure (in this case to service Lot 301) related to a subdivision is of direct benefit almost exclusively to the proposed development the costs should be borne by the property owner or developer.

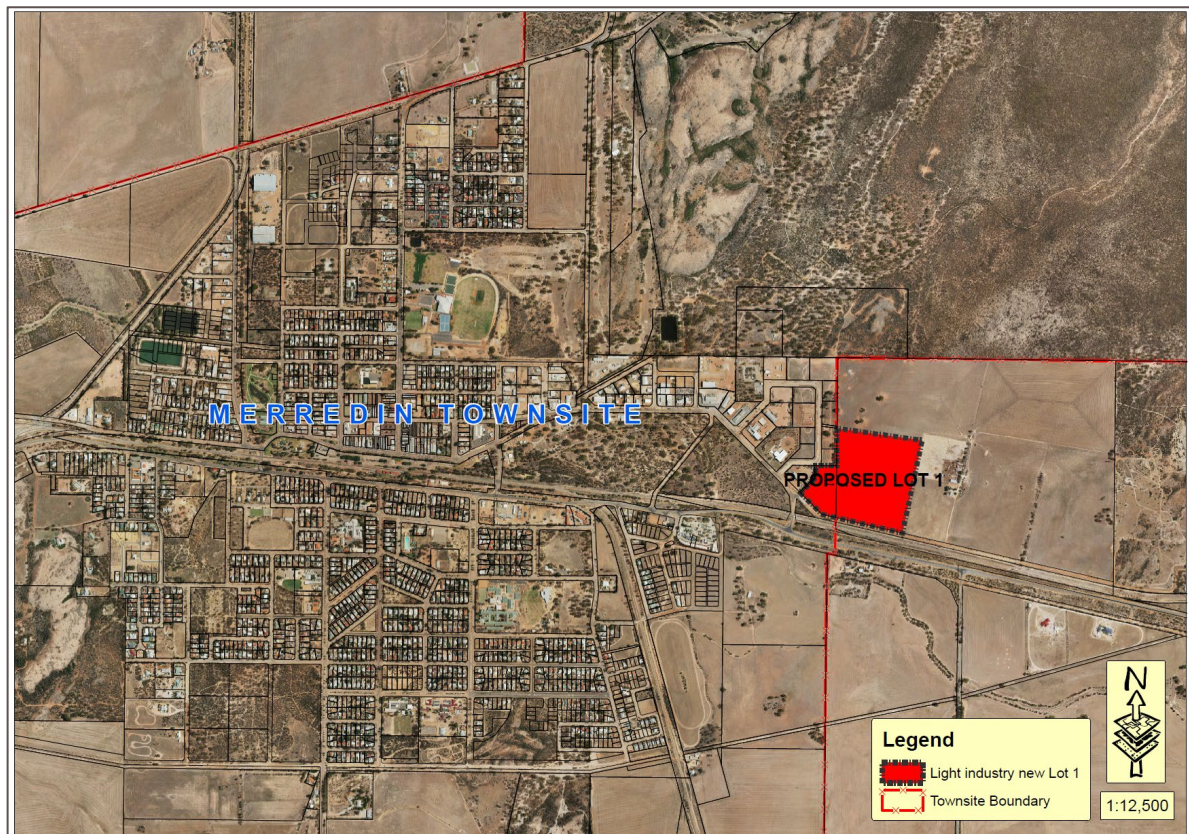
The proponents have proposed that this portion (to be rezoned) be amalgamated to lot 525 Adamson Road as this lot already has frontage to McKenzie Crescent (already constructed) and a 50m portion of Adamson Road that is also partly constructed.

Indications from WA Planning Commission officers are that both the Scheme Amendment and subdivision will be supported.

LOCATION

Lot 301 is located at the eastern end of the Merredin townsite, adjoining an existing light industrial area that separates it from the residential and commercial parts of the townsite. **Figure 1** provides a location plan of the **proposed** new light industrial lot in relation to the Merredin Townsite area (this assumes that both the rezoning and subdivision are approved).

FIGURE 1 – LOCATION PLAN



Source: Landgate, Planwest

Adamson Rd remains unconstructed for most of its length which means that none of frontage of Lot 301 to Adamson Road is constructed.

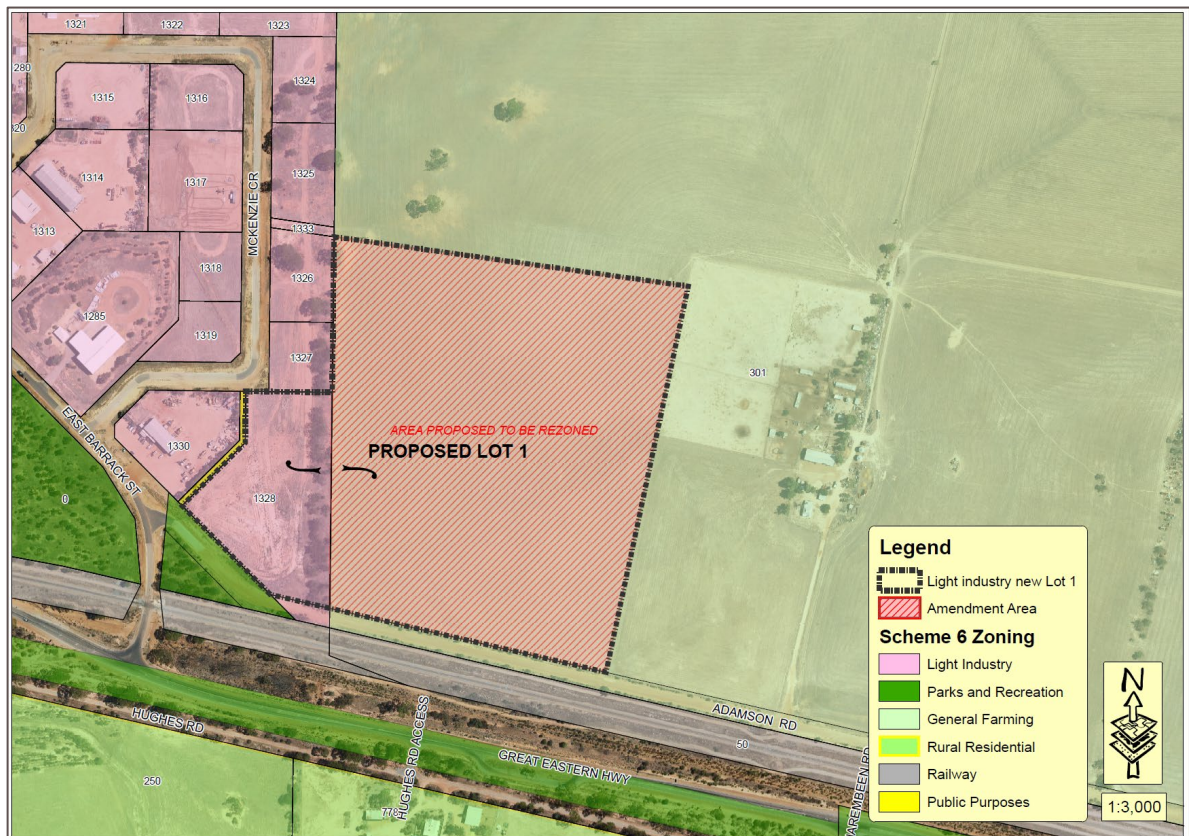
Figure 2 shows an aerial photograph of the proposed new lot with Scheme 6 classifications overlaid.

EXISTING DEVELOPMENT

As can be seen in **Figure 2**, Lot 301 is a cleared site used for agricultural purposes (cropping). It contains a dwelling and supporting outbuildings. The portion proposed to be excised and rezoned contains none of the existing infrastructure. The existing house will be approximately 160m east of the eastern edge of the area proposed new Lot 1.

To the north of the proposed rezoning area is an existing cropping area that will remain as part of the balance 86ha (approx.) farm. To the west is the existing industrial estate. To the south, on the other side of Adamson Rd, is a railway and then Great Eastern Hwy reserves.

FIGURE 2 – PROPOSED SUBDIVISION



EXISTING LOCAL PLANNING SCHEME

The area to be rezoned (cross-hatched in **Figure 2**) is currently zoned General Farming and abuts an existing Light Industry area to the west.

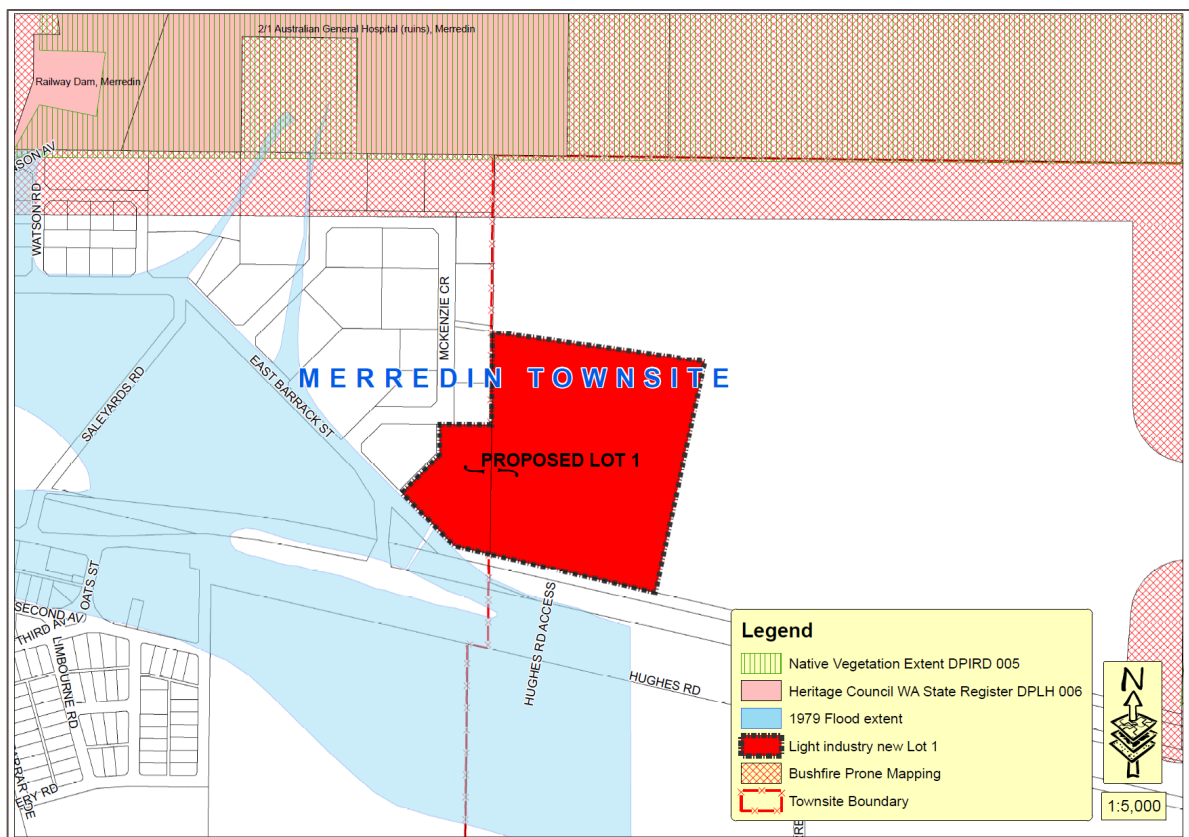
ITEMS IDENTIFIED BY WAPC AS OTHER FACTORS

The WAPC has identified several factors that have been recorded from its data base as being potential factors that may need to be considered when it

determines this subdivision application. These factors include the following – some of which are recorded in **Figure 3**.

- The northern parts of Lot 301 are within the Bushfire Prone mapping; however, the proposed subdivision sees no change in the status of this land.
- Place No 13516 (Australian General Hospital (ruins)) of the State Heritage Office database is not impacted by the proposed subdivision.
- The 1979 flood event in the Merredin townsite does not impact the proposed subdivision.
- There is no evidence of any impact from MRWA or PTA requirements.
- There are no apparent recordings of threatened fauna buffers, threatened ecological communities or rare flora in this area.

FIGURE 3 – OTHER FACTORS MAP



Source: WA Data, Planwest

DISCUSSION

There are several scenarios for this proposed subdivision and rezoning;

- 1. That the subdivision (and amalgamation) is approved ahead of the rezoning**

The change of ownership does not alter the development options on the land. It is acceptable to have a single lot with portions zoned differently. The

permissibility of uses over the zoned areas are still required to comply with the Scheme provisions.

2. That the rezoning is approved but not the subdivision

In this case the Council can only impose a condition on a development approval (DA) application requiring the development to be serviced with an appropriately constructed road connected to the town's road system.

3. That both the rezoning and subdivision are refused

This scenario will leave the situation as it is today.

4. That the rezoning and subdivision are approved

If the rezoning receives the Minister's final approval, the Amendment will be gazetted, and the land will be rezoned.

However, if the WAPC approves the subdivision it will be subject to various conditions - all of which the applicant must satisfy. These conditions are likely to include items like road frontage, water supply, drainage, etc. This approval will probably be valid for 3 years during which the conditions must be satisfied, and a survey diagram lodged with Landgate.

If the applicant decides not to proceed with the subdivision approval (for whatever reason) there is no mechanism to enforce the subdivision and the lot boundaries will remain as they are.

In the latter circumstance the Council will then have the option to impose a condition on any development approval (DA) to construct Adamson Road to an appropriate standard to service light industrial uses.

The issue remains that conditions can be imposed on a subdivision, but not on a Scheme amendment.

RECOMMENDATION

That the Council supports the proposed subdivision subject to standard conditions, including the construction and/or upgrading of road frontage to the new lot to the satisfaction of the local government.

	Comment
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Nil

	Policy Implications
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Nil

	Statutory Implications
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Compliance with the Shire of Merredin Local Planning Scheme No 6 and compliance with *Planning and Development (Local Planning Schemes) Regulations 2015*.

	Strategic Implications
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➤ **Local Planning Strategy**

The Council's Local Planning Strategy indicates no change to the current status of the land.

➤ **Strategic Community Plan**

Zone: Economy and Growth
Zone Statement: Merredin seeks new opportunities for growth and strives to 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

Nil

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Willis

Seconded: Cr Van Der Merwe

82541 That the Council;

1. supports the subdivision subject to the following conditions;
 - a) Satisfactory arrangements being made with the local government for the full cost of upgrading and/or construction of Adamson and McKenzie Roads to service Lot 301 subdivision to a standard appropriate for light industrial traffic (Local Government).
 - b) The land being filled, stabilised, drained and/or graded as required to ensure that:
 - i. lots can accommodate their intended development; and
 - ii. finished ground levels at the boundaries of the lot(s) the subject of this approval match or otherwise coordinate with the existing and/ or proposed finished ground levels of the land abutting; and
 - iii. stormwater is contained on-site, or appropriately treated and connected to the local drainage system. (Local Government).
 - c) Arrangements being made with a licensed water provider for the provision of a suitable water supply service to each of the lot(s) shown on the approved plan of subdivision. (Water Corporation).
 - d) Suitable arrangements being made for connection of the land to the comprehensive district drainage system at the landowner/applicant's cost. (Local Government).
 - e) Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specification of Western Power for the provision of an electricity supply to the lot(s) shown on the approved plan of subdivision. (Western Power).
 - f) Suitable arrangements being made with the local government for the provision of vehicular crossover(s) to service the lot(s) shown on the approved plan of subdivision. (Local Government).

CARRIED 9/o

13. Officer's Reports - Engineering Services

14. Officers Reports – Corporate and Community Services

14.1 List of Accounts Paid

<h2>Corporate Services</h2>		 <p>SHIRE OF MERREDIN <small>INNOVATING THE WHEATBELT</small></p>
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 Paid	

Purpose of Report

- Executive Decision
 Legislative Requirement

Background

The attached List of Accounts Paid during the month of March under Delegated Authority is provided for Council’s information.

Comment

Nil

Policy Implications

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

Statutory Implications

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

Strategic Implications

➤ **Strategic Community Plan**

Zone: Zone 4 – Communication & 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**

Nil

➤ **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* if this item was not 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 / Resolution

Moved: Cr McKenzie

Seconded: Cr Patroni

82542 That the schedule of accounts paid as listed, covering cheques, EFT's, bank charges, directly debited payments and wages, as numbered and totalling \$904,139.01 from Council's Municipal Fund Bank Account and \$596.68, from Council's Trust Account be endorsed by Council.

CARRIED 9/o

14.2 Statement of Financial Activity

<h2>Corporate Services</h2>		 <p>SHIRE OF MERREDIN INNOVATING THE WHEATBELT</p>
Responsible Officer:	Charlie Brown, EMCS	
Author:	Charlie Brown, ECMS	
Legislation:	<i>Local Government Act 1995; Local Government (Financial Management) Regulations 1996</i>	
File Reference:	Nil	
Disclosure of Interest:	Nil	
Attachments:	<p>Attachment 14.2A - Statement of Financial Activity</p> <p>Attachment 14.2B – Detailed Statements</p> <p>Attachment 14.2C – Monthly Investment Report</p> <p>Attachment 14.2D – Financial Ratios</p> <p>Attachment 14.2E – Capital Expenditure</p>	

Purpose of Report

- Executive Decision
 Legislative Requirement

Background

The Statement of Financial Activity, which includes the Detailed Schedules, Statement of Financial Position, Current Ratios and Investment Register, are attached for Council’s information.

Comment

Operating Income and Expenditure is consistent with Council’s YTD Budget with Operating Income showing a 1% variance to budget estimates and Expenditure showing an 8% variance.

Capital Expenditure

A detailed look at capital expenditure can be found in Note 7 and a separate attachment showing Capital Expenditure is also attached for your information.

Others

Councillors will note a new look in attachment 14.2 (B) with accounts numbers and jobs, changing to the standard COA numbering system. This has been a work in progress for the last 3 months and is now completed.

Policy Implications

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

Statutory Implications

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

Strategic Implications

➤ Strategic Community Plan

Zone: Zone 4 – Communication & 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 give Council some direction in regard to 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.

In order 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 of the Monthly Financial Report is retrospective. Accordingly, the financial implications associated with adopting the report are nil.

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Butler

Seconded: Cr Willis

82543 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 31 March 2020 be received.

CARRIED 9/0

15. Officer's Reports – Administration

Cr Patroni declared an impartiality interest in item 15.1

Cr Butler declared an impartiality interest in item 15.1

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

Administration		 SHIRE OF MERREDIN INNOVATING THE WHEATBELT
Responsible Officer:	Mark Dacombe, T/CEO	
Author:	Mark Dacombe, T/CEO	
Legislation:	Local Government Act 1995	
File Reference:	R17767; A9702	
Disclosure of Interest:	Nil	
Attachments:	Attachment 15.1A – Expression of Interest in Shire Land - Submission	

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) and February 2019 (CMRef 82312) 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 2020 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 fire season to be borne by the Merredin Men's Shed Inc.

With the lease expiring in February 2020. 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, the cost of preparing and maintaining firebreaks

during the fire season shall be borne by the lessee and the term of the lease will be for 1 year.

The EOI was advertised in the Phoenix on 27 March 2020 and closed at 4 pm on Friday 3 April 2020. One submission was received and is included in the Attachment.

Comment

As highlighted in the MMS's submission, the cropping program ensures that the MMS remains a viable 'not for profit community organisation proud that the proceeds from the sale of the grain are able to be used to provide additional resources for their members such as heating and air-conditioning in the shed, tools, equipment, and activities such as taking members on excursions at little or no cost to members, some of whom are pensioners.

Being the only submission received, and due to the above community benefit described, it is recommended that the MMS be granted the lease for a further period to the end of February 2021.

Policy Implications

Nil

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

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: 1.6 – Supporting and strengthening community groups and volunteers

➤ 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

Annual lease fees of \$400 per annum would be received.

Financial Implications

Nil

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Van Der Merwe

Seconded: Cr Willis

82544

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.

CARRIED 9/o

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

Nil

19. Matters Behind Closed Doors

Nil

Cr Patroni left the meeting at 4.47pm

Cr Patroni returned to the meeting at 4.48pm

20. Closure

The Presiding Member checked with each attendee and confirmed that all attendees remained connected and in attendance for the duration of the electronic meeting, with the following in attendance.

Cr MD Willis

Cr RA Billing

Cr LN Boehme

Cr AR Butler

Cr RM Manning

Cr MJ McKenzie

Cr PR Patroni

Cr PM Van Der Merwe

There being no further business the President then thanked those in attendance and declared the meeting closed at 4.49pm

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