

SHIRE OF
MERREDIN
INNOVATING THE WHEATBELT

AGENDA

Ordinary Council Meeting

To be held in Council Chambers
Corner King & Barrack Street's Merredin
Tuesday 18 August 2020
Commencing 4.30pm



Notice of Meeting



Dear Shire President and Councillors,

The next Ordinary Meeting of the Council of the Shire of Merredin will be held on Tuesday 18 August 2020 in the Council Chambers, Corner of King and Barrack Street's, Merredin. The format of the day will be:

2.00pm Briefing Session

4.30pm Council Meeting

MARK DACOMBE
TEMPORARY CHIEF EXECUTIVE OFFICER

13 August 2020

DISCLAIMER

PLEASE READ THE FOLLOWING IMPORTANT DISCLAIMER BEFORE PROCEEDING:

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

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

It should be noted that the Attachment hyperlinks will not be functional from this document when sourced from the Shire of Merredin's website. Attachment copies can be obtained by contacting Melissa Ivanetz on 08 9041 1611 or ea@merredin.wa.gov.au.

Common Acronyms Used in this Document

T/CEO	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
4.30pm Tuesday 18 August 2020



1. Official Opening

2. Record of Attendance / Apologies and Leave of Absence

Councillors:

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

Staff

M Dacombe	T/CEO
M Ivanetz	EA to CEO
A Prnich	DCEO
C Brown	EMCS
P Zenni	EMDS

Members of the Public:

Apologies:

Approved Leave of Absence:

3. Public Question Time

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

4. Disclosure of Interest

5. Applications for Leave of Absence

6. Petitions and Presentations

7. Confirmation of Minutes of the Previous Meetings

7.1 [Ordinary Council Meeting held on 21 July 2020](#)

7.2 [Special Council Meeting held on 28 July 2020](#)

8. Announcements by the Person Presiding without discussion

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

10. Receipt of Minutes of Committee Meetings

10.1 [Wheatbelt Eastern District Health Advisory Committee Meeting held on 9 June 2020](#)

11. Recommendations from Committee Meetings for Council consideration

Nil

12. Officers' Reports – Development Services

12.1 [Lot 7 \(No 19\) Pioneers Road Proposed Garage and Associated R-Codes Variation](#)

12.2 [Lot 503 Gabo Avenue Merredin – Request to Extend the Time to Determine Development Application Relating to CBH Grain Handling Facilities](#)

12.3 [Proposed Light Industrial Scheme Amendment Ptn Lot 301 Adamson Road, Merredin](#)

13. Officers' Reports – Engineering Services

Nil

14. Officers' Reports – Corporate and Community Services

14.1 [List of Accounts Paid](#)

14.2 [Statement of Financial Activity](#)

14.3 [Appointment of Bush Fire Control Officer](#)

15. Officers' Reports – Administration

15.1 [Voting Delegates to the 2020 WALGA Annual General Meeting](#)

15.2 [Designated Senior Employees](#)

15.3 [Delegation to Chief Executive Officer – Council Facility Hire Charges](#)

15.4 [Governance Health Check Review](#)

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

20. Closure

7. Confirmation of Minutes of the Previous Meetings

7.1 Ordinary Council Meeting held on 21 July 2020

[Attachment 7.1A](#)

7.2 Special Council Meeting held on 28 July 2020

[Attachment 7.2A](#)

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation / Resolution

That the Minutes of the Ordinary Council Meeting held on 21 July 2020 and the Special Council Meeting held on 28 July 2020 be confirmed as a true and accurate record of proceedings.

10. Receipt of Minutes of Committee Meetings

10.1 Wheatbelt Eastern District Health Advisory Committee Meeting held on 9 June 2020

[Attachment 10.1A](#)

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation / Resolution

That the Minutes of the following Committees be received:


- Wheatbelt Eastern District Health Advisory Committee Meeting held on 9 June 2020.

11. Recommendations from Committee Meetings for Council consideration

Nil

12. Officers' Reports - Development Services

12.1 Lot 7 (No 19) Pioneers Road Proposed Garage and Associated R-Codes Variation

<h2 style="color: #0056b3;">Development Services</h2>		 <p>SHIRE OF MERREDIN <small>INNOVATING THE WHEATBELT</small></p>
<p>Responsible Officer:</p> <p>Author:</p> <p>Legislation:</p> <p>File Reference:</p> <p>Disclosure of Interest:</p> <p>Attachments:</p>	<p>Peter Zenni, EMDS</p> <p>Peter Zenni, EMDS</p> <p>Shire of Merredin Local Planning Scheme No 6.</p> <p>A2701</p> <p>Nil</p> <p><u>Attachment 12.1A</u> – Application for Development Approval (R-Code Variation), associated plans and specifications</p>	

Purpose of Report

- Executive Decision
 Legislative Requirement

Background

The Shire of Merredin has received an application for development (planning) approval relating to the construction of a proposed garage and associated R-Codes variation on Lot 7 (No 19) Pioneers Road, Merredin.

Comment

Wayne's Design & Drafting have submitted an application for development (planning) approval to allow the construction of a garage on Lot 7 (No 19) Pioneers Road, Merredin.

Garages and other outbuildings associated with an existing dwelling are normally exempt from requiring development (planning) approval from the local authority, subject to compliance with the Residential Design Codes (R-Codes) setback requirements.

Clause 5.2.1 of the Residential Design Codes relates to setbacks for garages and carports and states as follows;

Deemed-to-comply

Development satisfies the following deemed-to-comply requirements- C1.1 Garages setback 4.5m from the primary street except that the setback may be reduced:

- i. In accordance with Figure 8b where the garage adjoins a dwelling provided the garage is at least 0.5m behind the dwelling alignment (excluding any porch, verandah or balcony); or.***
- ii. To 3m where the garage allows vehicles to be parked parallel to the street. The wall parallel to the street must include openings.***

The proposed development does not comply with the Deemed to Comply provisions of the R-Codes and as such it requires development approval from Council. Council can use its discretion and approve the development incorporating an R-Codes variation in accordance with the R-Codes Design Principles (performance-based criteria). Which stipulate the following;

Design Principles

Development demonstrates compliance with the following design principles (P)

P1 The setting back of carports and garages to maintain clear sight lines along the street and not to detract from the streetscape or appearance of dwellings; or obstruct views of dwellings from the street and vice versa.

The applicant in support of the proposed R-Codes variation provides the following information;

“The proposed garage is for the last lot along the street, with the street being a cul-de-sac, no through road. There is therefore no pedestrian, or continuing vehicle traffic that would otherwise warrant a 4.5. setback to maintain clear sight lines along the street.

The proposed garage is to be attached to the existing house on the east side by way of a wall that continues the same cladding profile and colour, with two highlight windows in the wall. This provides visual appearance from the street that the garage is part of the house. The lot is 21.83m wide with the majority of the house being the primary focus point, not the garage.

The approval of this R-Codes variation will not set a precedent for other properties to have the same. The development on this lot is a unique circumstance with the house being the last house at the end of a cul-de-sac.”

The EMDS has discussed this application in detail with representatives from the Western Australian Planning Commission and supports the granting of an R-Codes variation in this case, on the following basis;

The R-Codes Design Principles allow for an R-Codes variation to the Deemed to Comply provisions on the basis that the proposed outbuilding location will not detract from the streetscape or the visual amenity of residents or neighbouring properties.

The proposed garage have minimal impact on sight lines or the visual amenity of the surrounding area as it will be located on the last block forming part of a cul-de-sac. There is no scope for the creation of additional residential lots that would be affected by the development as the lot in question adjoins Pioneer Cemetery. Owners of the adjacent properties have confirmed in writing that they have no

objection to the construction of the proposed garage on Lot 7 (No 19) Pioneers Road, Merredin.

Policy Implications

Nil

Statutory Implications

Compliance with the Planning and Development Act 2005

Compliance with the Building Act 2011

Strategic Implications

➤ Strategic Community Plan

Zone: Communication & Leadership

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

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

➤ Corporate Business Plan

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

Directorate: Development Services

Timeline: 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

Officers' Recommendation / Resolution

That Council:

- 1. Grants development (planning) approval for the construction of the proposed garage and associated R-Codes variation on Lot 7 (No 19) Pioneers Road, Merredin, as outlined in attachment 12.1A;**
- 2. Advises the applicant that the granting of development approval does not constitute a building permit, and that an application for a building permit must be submitted to the Shire of Merredin and be approved before any building work can commence on site;**
- 3. Authorises the Executive Manager Development Services to issue a building permit for the construction of the proposed garage on Lot 7 (No 19) Pioneers Road, Merredin, as outlined in attachment 12.1A; subject to compliance with the relevant provisions of the Building Act 2011 and the National Construction Code (BCA).**

12.2 Lot 503 Gabo Avenue Merredin Request to Extend the Time to Determine Development Application Relating to CBH Grain Handling Facilities.

<h2 style="margin: 0;">Development Services</h2>		
Responsible Officer:	Peter Zenni, EMDS	
Author:	Peter Zenni, EMDS	
Legislation:	Planning and Development Act 2005 Planning and Development (Local Planning Schemes) Regulations 2015 Shire of Merredin Local Planning Scheme No 6.	
File Reference:	A9247	
Disclosure of Interest:	Nil	
Attachments:	Attachment 12.2A – Development Application and Related Correspondence	

Purpose of Report

- Executive Decision
 Legislative Requirement

Background

The Shire of Merredin has received a formal request from Mr Tim Dolling, on behalf of CBH to extend the statutory timeframe to determine the development application and the associated deletion of a development condition as previously lodged by CBH relating to the CBH grain handling facility located at Lot 503 Gabo Avenue Merredin, to 30th September 2020.

Comment

In response to an application from Mr Tim Dolling lodged on behalf of Co-operative Bulk Handling (CBH) for an extension to an existing Temporary Development Approval for development at the CBH grain handling facility located at Lot 503 Gabo Avenue Merredin relating to the upgrade of the existing CBH receival and storage facilities, as well as an associated request for deletion of condition 2 forming part of the original Temporary Development Approval, The Shire of Merredin Council considered the matter as a confidential item at the Special Council meeting held on 28th July 2020, where it resolved as follows;

Cr Ref: 82583 That Council Resolves:

- 1. The information be received;**
- 2. The application submitted by CBH for an extension as well as amendment to the current temporary Development Approval be brought back to Council for its consideration at the ordinary meeting of Council in August 2020, and**
- 3. The Shire CEO in consultation with the Shire President, with appropriate technical support, be authorised to negotiate with CBH to develop a mutually acceptable agreement on a strict confidentiality basis to address road related infrastructure upgrades for consideration by Council.'**

In line with the above Council resolution the Shire CEO has made initial contact with senior representatives from CBH.

The application for an extension to the existing Temporary Development Approval was formally lodged on the 26th June 2020. The Shire of Merredin has a statutory timeframe of 60 days to consider the application, unless this timeframe is extended by agreement in writing by both the parties the application is automatically deemed to be refused with potential subsequent appeals to SAT.

On the 2nd July 2020, the Shire also received a written request to delete condition 2 forming part of the temporary Development Approval.

Clause 75 of the Planning and Development (Local Planning Schemes) Regulations 2015, states the following;

Time for deciding application for development approval

(1) The local government must determine an application for development approval –

(a) If the application is advertised under clause 64 or a copy of the application is provided to a statutory, public or planning authority under clause 66 – within 90 days of the receipt of the application; or

(b) Otherwise – within 60 days of the receipt of the application and the material that is required to accompany the application referred to in clause 63; or

(c) In either case – within a longer time agreed in writing between the applicant and the local government.

(2) If the local government has not made the determination in the time referred to in subclause (1) the local government is to be taken to have refused to grant the development approval.

Given the commencement of the negotiation process between Shire of Merredin and CBH representatives, it is beneficial to extend the statutory timeframe to determine the development application and the associated deletion of a development condition as previously lodged by CBH relating to the CBH grain handling facility located at Lot 503 Gabo Avenue Merredin, to 30th September 2020.

Policy Implications

Nil

Statutory Implications

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

Compliance with the Planning and Development Act 2005

Strategic Implications

➤ Strategic Community Plan

Zone: Communication & Leadership

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

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

➤ Corporate Business Plan

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

Directorate: Development Services

Timeline: 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 application fees have been paid.

Voting Requirements



Simple Majority




Absolute Majority

Officers' Recommendation / Resolution

That Council;

- 1. Agree to the CBH request to extend the statutory timeframe to determine the development application and the associated deletion of a development condition as previously lodged by CBH relating to the CBH grain handling facility located at Lot 503 Gabo Avenue Merredin, to 30th September 2020.**
- 2. Notify CBH in writing of Councils resolution to extend the above timeframe.**

12.3 Proposed Light Industrial Scheme Amendment Ptn Lot 301 Adamson Road, Merredin

Development Services		 <p>SHIRE OF MERREDIN INNOVATING THE WHEATBELT</p>
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 12.3A – Associated Documentation	

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

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

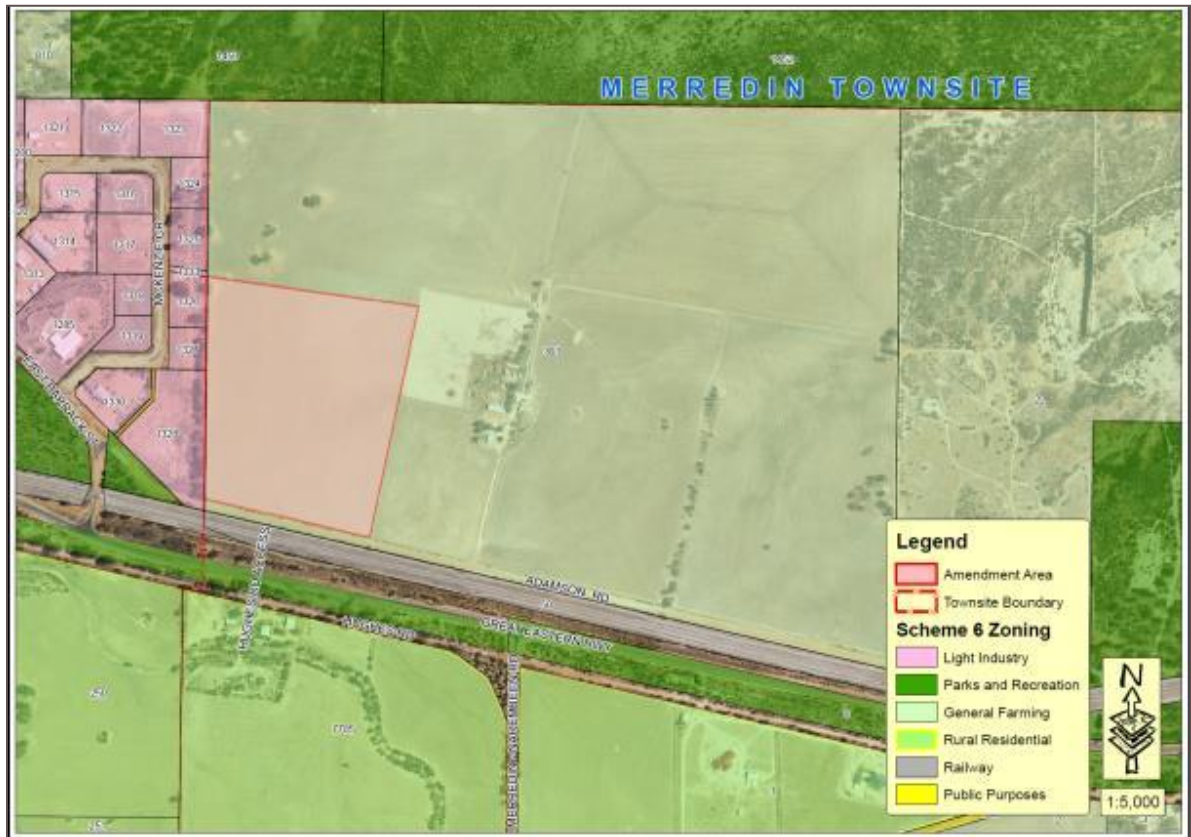


Source: Landgate, Planwest

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. It is important that the Council is not obligated to construct Adamson Road to service the newly zoned area if the subdivision does not eventuate, as this for the benefit of a single owner at the cost of the ratepayers.

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 outside 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.

EPA REFERRAL

On 24th April 2020 the Amendment was referred to the EPA in accordance with section 81 of the Planning and Development Act 2005. On 13th May the EPA determined that the Amendment need not be assessed (and is clear to proceed).

Attachment A provides a copy of this advice.

ADVERTISING

On 5th June 2020 the Amendment was advertised in the Phoenix paper that is circulated in the area inviting submissions until 20th July 2020 (about 46 days)

Attachment B provides a copy of this advertisement. Advice of the Amendment was forwarded to the following;

- AR Adamson
 - BP & MN Bartlett
 - D & H Adamson
 - Department of Health
 - DFES
 - DMV Jelinek
 - DPLH
 - Main roads WA
 - Mcintosh Holdings Pty Ltd
 - PK & SM Bartlett
 - PTAWA
 - Quantum Super Investments Pty Ltd
 - Rainday Pty Ltd
 - Telstra
 - WA Land Authority
 - Water Corporation
 - Western Power
-

SUBMISSIONS

During the advertising period the Council received seven submissions. None of the submissions opposed the Amendment. A copy of these submissions is included in **Attachment C**.

A schedule of these submissions, including a summary and recommendations, is contained in **Attachment D**.

Policy Implications

Nil

Statutory Implications

Compliance with the Planning and Development Act 2005

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

Strategic Implications

➤ Strategic Community Plan

Zone: Economy & 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

Nil

Voting Requirements



Simple Majority



Absolute Majority

Officers' Recommendation / Resolution

That Council;

- 1. Notes all seven submissions received during the advertising period for the Shire of Merredin Local Planning Scheme No 6 – Amendment No 7.**
- 2. Supports the Scheme Amendment No 7 without modification in accordance with regulation 50 (3) (a) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**
- 3. Requests the WA Planning Commission;**
 - consider the attached documents;**
 - convey its support for the Amendment by submitting the documents and recommendations to the Minister in accordance with section 87(1) of the Act.**

13. Officers' Reports - Engineering Services

14. Officers' Reports – Corporate and Community Services

14.1 List of Accounts Paid

<h2>Corporate Services</h2>		 <p>SHIRE OF MERREDIN INNOVATING THE WHEATBELT</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 July under Delegated Authority is provided for Council's information.

Comment

Nil

Policy Implications

Nil

Statutory Implications

As outlined in the *Local Government Act 1995* and *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 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

That the schedule of accounts paid as listed, covering cheques, EFT's, bank charges, directly debited payments and wages, as numbered and totalling \$767,142.45 from Council's Municipal Fund Bank Account and \$1,108.01, from Council's Trust Account be endorsed by Council.

14.2 Statement of Financial Activity

<h2>Corporate Services</h2>		
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:	<u>Attachment 14.2A</u> - Statement of Financial Activity <u>Attachment 14.2B</u> – Detailed Statements <u>Attachment 14.2C</u> – Monthly Investment Report <u>Attachment 14.2D</u> – Capital Works	

Purpose of Report

- Executive Decision
 Legislative Requirement

Background

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

Comment

The statements are in a slightly different format this year, with a more detailed summary sheet on page 3. Attachment 14.2 (D) is the breakdown of all capital expenditure and how those works are funded for your information.

Capital Expenditure

A detailed look at capital expenditure can be found in note 8.

Policy Implications

Nil

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.

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

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

Financial Implications

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

Voting Requirements

Simple Majority

Absolute Majority

Officers' Recommendation / Resolution

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 July 2020 be received.

14.3 Appointment of Bush Fire Control Officer

<h2>Corporate Services</h2>		 SHIRE OF MERREDIN <small>INNOVATING THE WHEATBELT</small>
Responsible Officer:	Andrina Prnich, DCEO	
Author:	Stacey Jaskiewicz, Ranger	
Legislation:	<i>Bush Fires Act 1954</i>	
File Reference:	Es1/1	
Disclosure of Interest:	Nil	
Attachments:	Attachment 14.3A – Fire Control Officer Certificate	

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.

At the 19 May 2020 Ordinary Council Meeting, an item was presented to Council recommending:

2. *That, in accordance with Sections 38(1) and 38(2A) of the Bush Fire Act 1954, appoint Ms Stacey Jaskiewicz 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*

At the meeting, the TCEO advised that he wished to withdraw Recommendation 2 in order to give further consideration to necessary training.

Comment

Appointment of Fire Control Officer

Ms Stacey Jaskiewicz was appointed as the Shire of Merredin Ranger in March 2020. The Ranger position requires active involvement in fire control and other emergency service duties.

It is proposed that Council authorise Ms Jaskiewicz as a Fire Control Officer (FCO) for the Shire of Merredin. Following discussion with the officer regarding prior training, the Temporary Chief Executive Officer is satisfied that the appropriate training has been completed. In addition, other optional training recommended by DFES includes the Bush Fire Fighting Course and Introduction to Bush Fires course which are yet to be scheduled. These will be booked in as soon as available.

The restricted burning permit periods will occur between 16 September to 31 October 2020 and, 18 February to 16 March 2021. In anticipation, the appointment of Ms Jaskiewicz as an FCO will ensure the employment of a paid FCO within the Shire's workforce.

Appointment of the Ranger as a FCO will also enable the officer to exercise various special powers under Section 39 of the Bush Fire Act 1954 including to enter land, buildings or private property, issue permits to burn and take the necessary actions to ensure that fire breaks are maintained. This is key to ensuring successful and timely completion of fire break inspections and issuing of permits in the upcoming peak season.

Policy Implications

Nil

Statutory Implications

Nil

Strategic Implications

➤ Strategic Community Plan

Zone: Zone 1 -
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
Implications: No further implications to existing Ranger resourcing

Risk Implications

Appointment of Fire Control Officer

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 Ranger, in their FCO position was required to attend the event, the time spent by the Ranger would be paid as 'over-time' or added to their 'time-in-lieu'.

Voting Requirements

Simple Majority

Absolute Majority

Officers' Recommendation / Resolution

That Council, in accordance with Sections 38(1) and 38(2A) of the *Bush Fire Act 1954*, appoint Ms Stacey Jaskiewicz 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

15. Officers' Reports – Administration

15.1 Voting Delegates to the 2020 WALGA Annual General Meeting

<h2>Administration</h2>		 <p>SHIRE OF MERREDIN INNOVATING THE WHEATBELT</p>
Responsible Officer:	Mark Dacombe, T/CEO	
Author:	Melissa Ivanetz, EA to CEO	
Legislation:	Nil	
File Reference:	Nil	
Disclosure of Interest:	Nil	
Attachments:	Nil	

Purpose of Report

Executive Decision Legislative Requirement

Background

All Member Councils are entitled to be represented by 2 voting delegates at the Annual General Meeting (AGM) of WALGA. The AGM is generally held during the Local Government Conference in the first week September 2020.

WALGA has called for registrations for the voting delegates and proxy voting delegates. Only registered delegates or proxy registered delegates are permitted to exercise voting entitlements on behalf of Member Councils.

Comment

Traditionally the voting delegates for the Shire of Merredin have been the representatives on the WALGA Great Eastern Country Zone, in this case Councillor Flockart and Councillor Willis.

The program for the Annual General Meeting has recently been released, and as registrations for the Meeting as a whole are yet to be submitted Council may wish to nominate other Councillors as its voting delegates and proxy voting delegates.

Policy Implications

Nil

Statutory Implications

Nil

Strategic Implications

➤ Strategic Community Plan

Zone: Nil
Zone Statement: Nil
Key Priority: Nil

➤ Corporate Business Plan

Strategy: Nil
Action#: Nil
Action: Nil
Directorate: Nil
Timeline: 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

Nil

Financial Implications

Nil

Voting Requirements

Simple Majority

Absolute Majority

Officers' Recommendation / Resolution

That Councillor Flockart and Councillor Willis be appointed as voting delegates and Temporary Chief Executive Officer Mark Dacombe as proxy voting delegate, at the 2020 Annual General Meeting of the WA Local Government Association and those registrations be submitted accordingly.

15.2 Designated Senior Employees

Administration		 SHIRE OF MERREDIN INNOVATING THE WHEATBELT
Responsible Officer:	Mark Dacombe, T/CEO	
Author:	Mark Dacombe, TCEO	
Legislation:	Local Government Act 1995	
File Reference:	Nil	
Disclosure of Interest:	Nil	
Attachments:	Nil	

Purpose of Report

Executive Decision

Legislative Requirement

Background

Council Policy 1.2 Senior Employees currently designates the following positions as Senior Employees:

Chief Executive Officer

Deputy Chief Executive Officer

Executive Manager Engineering Services

Executive Manager Development Services.

Comment

The position of Executive Manager Corporate Services is also a member of the Senior Management Group reporting directly to the Chief Executive Officer. There is no recorded reason why this position is not currently a “Designated Senior Employee”. It appears to be an oversight that should be corrected for the sake of consistency.

Policy Implications

It is proposed to amend Policy 1.2 Senior Employees to include the position of Executive Manager Corporate Services.

Statutory Implications

Section 5.37 of the Local Government Act 1995 provides:

(1) A local government may designate employees or persons belonging to a class of employee to be senior employees.

(2) The CEO is to inform the council of each proposal to employ or dismiss a senior employee, other than a senior employee referred to in section 5.39(1a), and the council may accept or reject the CEO's recommendation but if the council rejects a recommendation, it is to inform the CEO of the reasons for its doing so.

(3) Unless subsection (4A) applies, if the position of a senior employee of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement is to contain such information with respect to the position as is prescribed.

(4A) Subsection (3) does not require a position to be advertised if it is proposed that the position be filled by a person in a prescribed class.

(4) For the avoidance of doubt, subsection (3) does not impose a requirement to advertise a position where a contract referred to in section 5.39 is renewed.

Strategic Implications

➤ Strategic Community Plan

Zone: Nil
Zone Statement: Nil
Key Priority: Nil

➤ Corporate Business Plan

Strategy: Nil
Action#: Nil
Action: Nil
Directorate: Nil
Timeline: 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

Nil

Financial Implications

Nil

Voting Requirements



Simple Majority



Absolute Majority

Officers' Recommendation / Resolution

That the Council:

Pursuant to Section 5.37 of the Local Government Act 1995 designate the position of Executive Manager Corporate Services as a "Senior Employee" and amend Policy 1.2 Senior Employees accordingly.

15.3 Delegation to Chief Executive Officer – Council Facility Hire Charges

<h2>Administration</h2>		
Responsible Officer:	Mark Dacombe, T/CEO	
Author:	Mark Dacombe T/CEO	
Legislation:	Nil	
File Reference:	Nil	
Disclosure of Interest:	Nil	
Attachments:	Attachment 15.3A – Extract from Delegations Manual	

Purpose of Report

Executive Decision
 Legislative Requirement

Background

The Chief Executive Officer currently has delegated authority to waive or discount hire fees for the Cummins Theatre and the Merredin Regional Community and Leisure Centre. These circumstances are limited to events that generally benefit the community and the applicant is a not for profit organisation.

Comment

During the recent strategic community engagement there has been strong support expressed for the Shire to take an active role in supporting and assisting the establishment and growth of businesses in Merredin. While the Council is yet to take decisions on its response to the community sentiment it is apparent that one area where the Council might take a role is in making available currently under utilised assets such as the commercial kitchen at the Cummins Theatre to genuine start up business at a concessional rate in limited circumstances.

It is proposed that the Chief Executive Officer be delegated authority to waive or discount fees where:

1. the request is from a genuine start-up business as evidenced by a completed business plan;
2. the proponent is Merredin based and intends the business to be registered in and operate from Merredin;
3. the proponent will, in future marketing, acknowledge the support of the Shire of Merredin;

4. the premises are left after use in the same clean and tidy condition as at the commencement of the use;
5. the proposed use can be scheduled in a manner that does not compromise any existing bookings at the venue;
6. the maximum concession under this delegation to any start-up business proponent is \$1,500 in total.

In the event that a proponent wishes to extend the use beyond the scope of this delegation the Council will consider an application on its merits.

Policy Implications

Nil

Statutory Implications

Local Government Act 1995 Section 5.42 & Section 6.12(1)(c)

Strategic Implications

➤ Strategic Community Plan

Zone: 2 Economy and Growth
Zone Statement: Merredin seeks new opportunities for growth and strives to develop a rich and multifaceted economy.
Key Priority: 2.3 Supporting initiatives from local businesses for growth.

➤ Corporate Business Plan

Strategy: Supporting initiatives from local businesses for growth
Action#: 2.3.1
Action: Support the business community to revitalise the CBD to support all business development in Merredin
Directorate: Chief Executive Officer
Timeline: On-going

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 key risk is that the initiative will be perceived as providing an unfair competitive advantage to existing businesses. This risk is mitigated by the very limited nature of the concession provided under the delegation. It is targeted at genuine start-up businesses that need facilities to test their business idea and is not intended to provide premises for on-going use.

Financial Implications

As proponents are unlikely to pay the full commercial rate for the hire of the facilities it is expected that this initiative will provide some income that is not currently being received.

Voting Requirements

Simple Majority

Absolute Majority

Officers' Recommendation / Resolution

That the Council:

1. **Adopt Delegation DL4.7A Concessions to Business Start-ups delegating to the Chief Executive Officer:**

The authority to make concessions by way of waiver or discount of hire charges for Council facilities up to a maximum of \$1,500 to bona fide start-up businesses to enable them to test their business idea without incurring significant cost.
2. **Require that the Chief Executive Officer in exercising this delegation to observe the following conditions:**
 - a) the proponent must be a genuine start-up business as evidenced by a completed business plan;
 - b) the proponent is Merredin based and intends the business to be registered in and operate from Merredin;
 - c) the proponent will, in future marketing, acknowledge the support of the Shire of Merredin;
 - d) the premises are left after use in the same clean and tidy condition as at the commencement of the use;
 - e) the proposed use can be scheduled in a manner that does not compromise any existing bookings at the venue;
 - f) the maximum concession under this delegation to any start-up business proponent is \$1,500 in total.
3. **Note that where a proponent has received the maximum concession under this delegation they are not precluded from submitting an application for further use of the facility to the Council and the request will be considered on its merits.**

15.4 Governance Health Check Review

<h2>Administration</h2>		 <p>SHIRE OF MERREDIN INNOVATING THE WHEATBELT</p>
Responsible Officer:	Mark Dacombe, T/CEO	
Author:	Mark Dacombe, TCEO	
Legislation:	<i>Local Government Act 1995; Local Government (Audit) Regulations 1996</i>	
File Reference:	GR/17/19	
Disclosure of Interest:	Nil	
Attachments:	Attachment 15.4A – Minutes of the Audit Committee Meeting 17 March 2020, including Gary Martin’s report	

Purpose of Report

Executive Decision

Legislative Requirement

Background

In November 2019 the Council resolved by way of Minute 82474:

That Council authorises the Acting Chief Executive Officer to engage Local Government Consultant Gary Martin to undertake a preliminary governance health assessment of general compliance of the organisation and the appropriateness and effectiveness of the procedures of the Shire.

The then Acting Chief Executive Officer engaged Mr Martin accordingly, including to independently conduct the review work for the 2019 Compliance Audit Return for the purpose of identifying whether any more structured governance review may be desirable.

Mr Martin submitted a single report entitled “Notes to the Review of the Compliance Audit Return Shire of Merredin 2019”.

Mr Martin’s report was submitted to the 17 March 2020 meeting of the Audit Committee which recommended:

That the Audit Committee recommends to the Council:

- 1. that it receives the 2019 Compliance Audit Return;**
- 2. that it adopts the 2019 Audit Return for the period 1 January 2019 to 31 December 2019 as contained in Attachment 6.1A;**

3. that it authorises the Shire President and Chief Executive Officer to sign the joint certification and submit the completed 2019 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 2020; and 4. that it notes the two areas of non-compliance and the actions being taken by the Chief Executive Officer to address these areas.

The Audit Committee recommendation was adopted by the Council at its Ordinary Meeting held on 17 March 2020.

While the Audit Committee recommendation addressed the matter of the Compliance Audit Return it did not formally accept Mr Martin's conclusion that "...the requirement for a wider Governance Review seems unnecessary, unless the Council has any specific objective for such a review".

Comment

Mr Martin undertook his initial field work in December 2019. The Compliance Audit work was undertaken between 20th and 23rd January 2020. At that time several key staff with the knowledge to assist the review had either left the employment of the Shire or were on leave. This did cause some initial issues in obtaining the necessary explanations. These were however addressed and all explanations provided to Mr Martin.

Undertaking the Compliance Audit (CAR) work at the same time as the brief to consider the need for a Governance Health Check Review provided Mr Martin with a framework for addressing the assignment. He concluded that "The CAR process has also confirmed that the Shire is basically operating in a sound manner and that the issues identified do not reflect any systemic problem".

Since Mr Martin's report we have completed a review under Regulation 5(2) of the Local Government (Financial Management) Regulations. This Regulation requires the CEO to review the appropriateness and effectiveness of the local government's financial management systems every three years. The report will be submitted to the next meeting of the Audit Committee. The interim annual audit has also been undertaken for the financial year 2019/20.

Given Mr Martin's findings and the subsequent review and audits of the Shire's systems it is recommended that the Council formally conclude the matter by resolving to accept Mr Martin's conclusion that a "wider Governance Review seems unnecessary".

Policy Implications

Nil

Statutory Implications

Nil

Strategic Implications

➤ Strategic Community Plan

Zone: Nil
Zone Statement: Nil
Key Priority: Nil

➤ Corporate Business Plan

Strategy: Nil
Action#: 4.1.1
Action: 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

The objective of the CAR is about identifying risks to the organisation where noncompliant activities may have taken place enabling processes and procedures to be developed or reviewed and amended if required. Undertaking this process together with his own enquiries assisted Mr Martin undertake his preliminary assessment as to whether a wider Governance Health Check was required.

Financial Implications

Nil

Voting Requirements

Simple Majority

Absolute Majority

Officers' Recommendation / Resolution

That the Council:

Resolves, having considered Mr Gary Martin's conclusions set out in the report entitled "Notes to the Review of the Compliance Audit Return Shire of Merredin 2019", and having noted the other available mandatory regulatory processes for obtaining assurance, that a wider Governance review is unnecessary at this time.

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

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

19.	Matters Behind Closed Doors
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20.	Closure
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