

SHIRE OF
MERREDIN
INNOVATING THE WHEATBELT

AGENDA

Ordinary Council Meeting

To be held in Council Chambers
Corner King & Barrack Street's, Merredin
Tuesday, 15 June 2021
Commencing 4.00pm



Notice of Meeting



Dear President and Councillors,

The next Ordinary Meeting of the Council of the Shire of Merredin will be held on Tuesday, 15 June 2021 in the Council Chambers, corner of King and Barrack Streets, Merredin. The format of the day will be:

1.30pm	Audit Committee Meeting
2.30pm	Briefing Session
4.00pm	Council Meeting

MARK DACOMBE
TEMPORARY CHIEF EXECUTIVE OFFICER
11 June 2021

DISCLAIMER

PLEASE READ THE FOLLOWING IMPORTANT DISCLAIMER BEFORE PROCEEDING:

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

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

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



Shire of Merredin June Ordinary Council Meeting

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Shire of Merredin
Ordinary Council Meeting
4:00pm Tuesday, 15 June 2021



1. Official Opening

2. Record of Attendance / Apologies and Leave of Absence

Councillors:

Cr JR Flockart	President
Cr MD Willis	Deputy 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
A Prnich	DCEO
G Garside	EMCS
C Shotter	EMES
P Zenni	EMDS
A Brice	EA

Members of the Public:

Apologies:

Approved Leave of Absence: NIL

3. Public Question Time

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

4. Disclosure of Interest

5. Applications of Leave of Absence

6. Petitions and Presentations

7. Confirmation of Minutes of Previous Meetings

- 7.1 Ordinary Council Meeting held on 18 May 2021
Attachment 7.1A

Voting Requirements

- Simple Majority Absolute Majority

Officers Recommendation

That the Minutes of the Ordinary Council Meeting held on 18 May 2021 be confirmed as a true and accurate record of proceedings.

8. Announcements by the Person Presiding without Discussion

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

10. Receipt of Minutes of Committee Meetings

Nil

11. Recommendations from Committee Meetings for Council Consideration

- 11.1 Audit Committee Meeting held on 15 June 2021

12. Officers' Reports - Development Services

12.1 Use of Commercial Grade Food Trailer for the Production of Packaged Food (Granola) on Lot 12577 Merredin – Nungarin Road Merredin

Development Services	
Responsible Officer:	Peter Zenni, EMDS
Author:	Peter Zenni, EMDS
Legislation:	<i>Shire of Merredin Local Planning Scheme No 6. Food Act 2008</i>
File Reference:	A9665
Disclosure of Interest:	Nil
Attachments:	Attachment 12.1A – Application for development approval and associated documentation



Development Services

Purpose of Report

Executive Decision

Legislative Requirement

Background

The Shire of Merredin has received an application for development (planning) approval for the placement and use of a commercial grade food trailer on Lot 12577 Merredin – Nungarin Road, Merredin.

Comment

The proposed commercial grade food trailer will be used to add value to the existing farm business through the production and packaging of granola utilising locally grown oats and other grains whilst achieving compliance with requirements of the *Food Act 2008* relating to the fit out of food business related premises.

Statutory Requirements

Shire of Merredin Local Planning Scheme No.6

Lot 12577 Merredin – Nungarin Road, Merredin is zoned 'General Farming' under the Shire of Merredin Local Planning Scheme No. 6 (LPS).

The proposed placement and use of a commercial grade food trailer on Lot 12577 Merredin – Nungarin Road, Merredin is not specifically listed as a use class in the zoning tables forming part of the LPS.

Clause 3.4.2 of the LPS states as follows;

“If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Tables 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 therefore follow the advertising procedures of Clause 64 of the deemed provisions in considering an application for development approval; or**
- c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.”**

The proposed activity will be directly related to the preparation and packaging of product sourced from “General Farming” zoned property and is seen as value adding to the existing farm related activity. The proposed activity will be limited to the production, packaging and wholesale of granola products. There will be no retail component or any adverse impact that would prejudice the amenity of the surrounding area.

Clause 3.4.2 of the LPS states the objectives of the “General Farming” zone, which are as follows;

- ***To provide for a range of rural pursuits that are compatible with the capability of the land and retain the rural character and amenity of the locality.***
- ***To protect land from urban uses that may jeopardise the future use of that land for other planned purposes that are compatible with the zoning.***
- ***To support sustainable farming practices and the retention of remnant vegetation.***
- ***To prevent any development that may affect the viability of a holding.***
- ***To encourage small scale, low impact tourist accommodation in rural locations.***
- ***To encourage a diversification of rural activities that will reduce the dependency of the rural sector on traditional crops.***
- ***To support the creation of homestead lots in accordance with adopted Local Planning Policy.***
- ***To support mining activities where an environmental management plan has been prepared and is acceptable to the local government and the Environmental Protection Authority.***
- ***To preclude the disposal of used tyres or any other material that may be detrimental to the quality of the land.***

The proposed placement and use of a commercial grade food trailer on Lot 12577 Mererdin – Nungarin Road, Merredin for the production and packaging of granola utilising locally grown oats and other grains will not contravene the objectives of the LPS with respect to “General farming” zoned property.

Food Act 2008

The food trailer will need to comply with the provisions of the *Food Act 2008* and the associated Food Safety Standards relating to the fit out of food premises. The food

van will be inspected by the Shire's Environmental Health Officers for compliance and once deemed suitable form part of the food business registration.

The food trailer will be placed in close proximity to the existing farmhouse thus allowing access and use of existing toilet facilities.

Health Act 1911/Environmental Protection Act 1986

The food trailer is fitted with its own water tank, electrical generator, hot water system and gas bottles, making it a stand-alone self-sufficient unit. There will be no discharge of trade waste associated with the use of the trailer on site.

Building Act 2011

The food trailer is a registered vehicle and as such there is no compliance requirements with respect to the *Building Act 2011*.

Policy Implications

Nil

Statutory Implications

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

Strategic Implications

➤ Strategic Community Plan

Theme: 2. Economy and Growth

Service Area Objective: 2.1. Economic Development
2.1.2. Merredin is a place of choice for business investment and for new residents settling to enjoy a balanced lifestyle and employment opportunities.

Priorities and Strategies for Change: N/A

➤ Corporate Business Plan

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

Directorate: Development Services

Timeline: Ongoing

Sustainability Implications

➤ Strategic Resource Plan

Nil

➤ Workforce Plan

Directorate: Nil

Activity: Nil

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

Risk Implications

Nil

Financial Implications

The relevant development application fees have been paid.

Voting Requirements



Simple Majority



Absolute Majority

Officers Recommendation

That Council;

- 1. Grant development (planning) approval for the placement and use of a commercial grade food trailer on Lot 12577 Merredin – Nungarin Road, Merredin for production and packaging of granola utilising locally grown oats and other grains as per attachment 12.1A, subject to;**
 - a. The use of the food trailer being limited to the production and packaging of granola; and**
 - b. The sale of the granola product being by way of wholesale only.**
- 2. Advises the applicant that the food business activity incorporating the commercial grade food trailer must comply with requirements of the *Food Act 2008*.**

13. Officers' Reports - Engineering Services

Nil

14. Officers' Reports – Corporate and Community Services

14.1 List of Accounts Paid

<h1>Corporate Services</h1> 	
Responsible Officer:	Geoff Garside, AEMCS
Author:	Geoff Garside, AEMCS
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 May 2021 under delegated Authority is provided for Council's information and endorsement.

Comment

Nil

Policy Implications

Nil

Statutory Implications

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

Strategic Implications

➤ Strategic Community Plan

Theme: N/A

Service Area Objective:

Priorities and Strategies
for Change:

➤ Corporate Business Plan

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

Directorate: 2

Timeline: Continue to provide prudent financial controls and compliance systems

Sustainability Implications

➤ Strategic Resource Plan

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

➤ Workforce Plan

Directorate: Nil

Activity: Nil

Current Staff: Nil

Focus Area: Nil

Strategy Code: Nil

Strategy: Nil

Implications: Nil

Risk Implications

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

Financial Implications

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

Voting Requirements

Simple Majority

Absolute Majority

Officers Recommendation

That the schedule of accounts paid during May 2021 as listed, covering cheques, EFT's, bank charges, directly debited payments and wages, as numbered and totalling \$789,563.84 from Council's Municipal Fund Bank Account and \$0, from Council's Trust Account be endorsed by Council.

14.2 Statement of Financial Activity (April 2021)

<h1>Corporate Services</h1> 	
Responsible Officer:	Geoff Garside, AEMCS
Author:	Geoff Garside, AEMCS
Legislation:	<i>Local Government Act 1995, Local Government (Financial Management) Regulations 1996</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 14.2A – Statement of Financial Activity Attachment 14.2B – Detailed Statements Attachment 14.2C – Investment Statement (Not yet available) Attachment 14.2D – Capital Works Progress Attachment 14.2E – Variances by Sub Program

Purpose of Report

Executive Decision

Legislative Requirement

Background

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

As well as the financial statements, budget amendments are recommended to authorise expenditure that has not previously been approved by Council.

Comment

Capital Expenditure

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

Attachment 14.2 (E) reports variances by Sub Program, making it easier to drill down on variances to a greater degree.

Budget Amendments

The following budget amendments are recommended:

GL/Job	Description	Current Budget	Variation Amount	Revised Budget	Reason
GL 2120211	ROADM – Road Maintenance - Built-up Areas	\$1,231,210	(\$19,153)	\$1,212,057	Savings on road maintenance due to focus on grant-funded road construction.
GL 2110352	REC - Management Contract MRCLC	\$301,680	\$19,153	\$320,833	Budget increase to give effect to Council resolution setting MRCLC User Group Fees and contributions (Minute 82684 – February 2021)

Policy Implications

Nil

Statutory Implications

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

Strategic Implications

➤ Strategic Community Plan

Theme: N/A

Theme Statement:

Service Area Objective:

➤ Corporate Business Plan

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

Directorate: 2

Timeline: Continue to provide prudent financial controls and compliance systems

Sustainability Implications

➤ Strategic Resource Plan

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

➤ Workforce Plan

Directorate: Nil

Activity: Nil

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

Risk Implications

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

That in accordance with Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, the Statement of Financial Activity and the Investment Report for the period ending 30 April 2021 be received.

15. Officer's Reports - Administration

15.1 Delegations Register Review - 2020/21

<h1>Administration</h1>		
Responsible Officer:	Mark Dacombe, T/CEO	
Author:	Mark Dacombe, T/CEO	
Legislation:	<i>Local Government Act 1995</i>	
File Reference:	Delegations Register	
Disclosure of Interest:	Nil	
Attachments:	Attachment 15.1A – Delegations Register	

Purpose of Report

Executive Decision

Legislative Requirement

Background

The Delegations Register is required to be reviewed at least once in every financial year.

Comment

The Council has reviewed its Strategic Community Plan (SCP) at the April Ordinary Council Meeting (CMRef 82725) and is currently working on the Corporate Business Plan and budget that will give effect to the SCP. It is proposed that no changes are made to the Delegations Register at this time. Once the Corporate Business Plan is adopted it is proposed that a review of the Delegations Register be undertaken to determine if there should be any changes to assist the Council more effectively deliver on its work program.

Policy Implications

There are no policy implications arising from adopting the delegations register unchanged at this time. It is noted that staff are currently working on the program for review of policies. It is possible that this review will identify delegations that require consequential amendment.

Statutory Implications

Section 5.42 of the *Local Government Act 1995* states that a number of the local government's powers and duties can be delegated to the CEO. Section 5.43 of the Act details the limitations on those delegations. The review has been conducted within those legislative requirements. An absolute majority of Council is required to adopt the Delegations Register.

The separate legislation referenced in the individual delegations is also applicable.

As required by Section 5.46(3) of the *Local Government Act 1995*, the use of exercising the delegated authority is to be reported to Council, which is done as an attachment to the Manager's Reports provided under separate cover to Council each month.

Section 5.46(2) of the Act requires the Council to review the delegations at least once in every financial year. The Delegations Register was last reviewed at the 16 June 2020 Ordinary Meeting of the Council (CMRef82569).

Strategic Implications

➤ Strategic Community Plan

Theme: 4. Communication and Leadership

Service Area Objective: 4.1. Decision Making
4.2.3. The Council is well informed in their decision-making, supported by a skilled administration team who are committed to providing timely, strategic information and advice

Priorities and Strategies for Change: N/A

➤ Corporate Business Plan

Key Action: Continue to work with business networks to identify opportunities for programs that support small business (Business Local, Progress Associations, Wheatbelt Business Network)

Directorate: Office of the CEO

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

By not conducting the review and adopting the Register Council would be in breach of the *Local Government Act 1995*.

Financial Implications

Nil

Voting Requirements


Simple Majority

Absolute Majority

Officers Recommendation

That Council adopt, pursuant to Section 5.42 of the *Local Government Act 1995*, the Delegations Register as presented in Attachment 15.1A.

15.2 Annual Report 2019/2020 – Adoption & Annual Electors Meeting

<h1>Administration</h1>		 SHIRE OF MERREDIN INNOVATING THE WHEATBELT
Responsible Officer:	Mark Dacombe, T/CEO	
Author:	Mark Dacombe, T/CEO	
Legislation:	<i>Local Government Act 1995</i>	
File Reference:	Nil	
Disclosure of Interest:	Nil	
Attachments:	Attachment 15.2A – Annual Report 2019/20	

Purpose of Report



Executive Decision



Legislative Requirement

Background

The annual financial statements for the year ended 30 June 2020 have been completed, as has the annual audit of the financial statements by the Auditor General. The 2019/20 Annual Report is attached.

Comment

Local governments are required to adopt the annual report prior to 31 December each year (S5.54(1) of the Act). Where the auditor's report is not available in time for the Annual Report to be accepted by 31 December the annual report is to be accepted no later than 2 months after the auditor's report becomes available. Local governments are required to conduct an annual electors meeting (AEM) not more than 56 days after adopting the report.

Considering the above legislative timeline, if the 2019/20 Annual Report is adopted at Council's June 2021 meeting, the AEM must be held on or prior to 4 August 2019.

Council has previously held the AEM following an Ordinary Council Meeting. It is proposed that the AEM for the 2019/20 financial year be held on Tuesday, 20 July 2021 commencing at 6.00 pm.

Pursuant to Section 7.9 of the *Local Government Act 1995* (the 'Act'), an Auditor is required to examine the accounts and annual financial report submitted by a local government for audit.

The Auditor is also required to prepare a report thereon and forward a copy of that report to:

1. The Mayor or President.
2. The Chief Executive Officer; and the Minister for Local Government.
3. Furthermore, in accordance with Regulation 10(4) of the *Local Government (Audit) Regulations 1996*, where it is considered appropriate to do so, the Auditor may prepare a Management Report to accompany the Auditor's Report, which is also to be forwarded to the persons specified in Section 7.9 of the Act. The Management Report provides an overview of the audit process and outcomes, whilst also identifying any matters that, whilst generally not material in relation to the overall audit of the financial report, are nonetheless considered relevant to the day to day operations of Council.

Policy Implications

Nil

Statutory Implications

Nil

Strategic Implications

➤ Strategic Community Plan

Theme: 4. Communications and Leadership
Service Area Objective: 4.7. Integrated Planning and Reporting
4.7.1 The Shire is committed to ongoing consultation to ensure that the reporting associated with the State's Integrated Planning Framework is in line with the community's vision for the town and its surrounds

Priorities and Strategies
for Change:

➤ 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 the *Local Government (Audit) Regulations 1996* if this item was not considered by Council.

Financial Implications

Nil

Voting Requirements

Simple Majority

Absolute Majority

Officers Recommendation

That Council:

- 1. Adopt the 2019/20 Annual Report as attached, and receive the Auditor's Report and Management Report from the Auditor General for the 2019/20 financial year; and**
- 2. Holds its Annual General Meeting of Electors on 20 July 2021 at 6.00pm in the Council Chambers.**

16. Motions of which Previous Notice has been given

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

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

19. Matters Behind Closed Doors

20. Closure

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