

SHIRE OF
MERREDIN
INNOVATING THE WHEATBELT

AGENDA

Ordinary Council Meeting

To be held in Council Chambers
Corner King & Barrack Street's, Merredin
Tuesday, 28 June 2022
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, 28 June 2022 in the Council Chambers, corner of King and Barrack Streets, Merredin. The format of the day will be:

2.00pm	Briefing Session
4.00pm	Council Meeting
~6:00pm	Briefing Session

LISA CLACK
CHIEF EXECUTIVE OFFICER
24 June 2022

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
CEO	Chief Executive Officer
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
ES	Executive Support Officer
GECZ	Great Eastern Country Zone
LGIS	Local Government Insurance Services
LPS	Local Planning Scheme
MCO	Media and Communications Officer
MoU	Memorandum of Understanding
MP	Manager of Projects
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 June Ordinary Council Meeting

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Shire of Merredin
Ordinary Council Meeting
4:00pm Tuesday, 28 June 2022



1. Official Opening

2. Record of Attendance / Apologies and Leave of Absence

Councillors:

Cr M McKenzie	President
Cr L Boehme	Deputy President
Cr R Billing	
Cr D Crook	
Cr J Flockart	
Cr R Manning	
Cr P Patroni	
Cr M Simmonds	
Cr P Van Der Merwe	

Staff:

L Clack	CEO
C Townsend	A/DCEO
L Mellor	A/EMCS
P Zenni	EMDS
D Hay-Hendry	A/EMES
M Wyatt	EA/ES

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.

The following question was sent through as an email enquiry and requested to be brought before Council during public question time.

I have been reading about all changes going to take place around Merredin town site

Myself and lots of others go walking, jogging etc

I drove through Pingelly recently a small country town and was surprised to see this outdoor exercise area, well maintained and very inviting.

I think Merredin could benefit from something like this, and I know we have a 24/7 gym which I go to but an outdoor exercise outlet would be beneficial to residents.

Roy Little Park or Apex Play Park would be two areas that could be considered.

Just a suggestion from a ratepayer

Norma Henderson

The Chief Executive Officer provides the following comment, and details will be provided to Ms Henderson:

The plans for public open space across the CBD have undergone significant consultation over a number of years.

Most recently, at its September 2021 ordinary meeting, Council received a range of submissions made by members of the public on three key consultation exercises associated with the CBD redevelopment (specifically the Public Piazza Pilot Project; Town Centre Concept Plan; and the Apex Park Redevelopment).

At that time, there was no strong community sentiment expressed in relation to exercise style equipment. While not strictly linked to any key consultation program, it is noted that representatives from at least two key government agencies have also expressed similar interest for the Shire to consider equipment in the CBD. Current plans do not include equipment of this nature.

However, there may be scope to consider this feedback in later stages of the revitalisation of Apex Park or the wider CBD Redevelopment. Further, with detailed designs for Apex Park currently under way, staff can again consider the appropriateness of such equipment within the design.

This will of course be dependent on final scope, considering budget, ongoing maintenance, and the overall benefits that this equipment may have to the community. This can be reviewed and reported back to Council when 50% designs and final detailed designs are returned to Council as per CMRef82754.

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 24 May 2022
Attachment 7.1A
- 7.2 Special Council Meeting held on 31 May 2022
Attachment 7.2A

Voting Requirements

- Simple Majority Absolute Majority

Officers Recommendation

That the following Minutes be confirmed as true and accurate records of proceedings;

1. Ordinary Council Meeting held on 24 May 2022.
2. Special Council Meeting held on 31 May 2022.

8. Announcements by the Person Presiding without Discussion

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

- 19.1 Lot 461 (No 1) Throssell Road Merredin – Freehold Purchase of the Property by the Shire of Merredin.
- 19.2 Community Funding Application for 2022/23
- 19.3 REED Annual Donation
- 19.4 Nangeenan Hall
- 19.5 Chief Executive Officer Probation Review
- 19.6 Chaplain Service Donation
- 19.7 Partnership with Merredin Youth Committee & Merredin Blue Light Unit
- 19.8 Regional Development Australia Wheatbelt – Partnership

10. Receipt of Minutes of Committee Meetings

- 10.1 Minutes of the Rural Water Council of WA Annual General Meeting
Attachment 10.1A

Voting Requirements

- Simple Majority Absolute Majority

Officer's Recommendation

THAT Council RECEIVE the minutes of the Rural Water Council of WA Annual General Meeting

11. Recommendations from Committee Meetings for Council Consideration

11.1 Audit Committee Meeting held on 28 June 2022 Attachment 11.1A


Officers Recommendation

THAT Council;

- 1. RECEIVES the attached Minutes of the Audit Committee Meeting held on 28 June 2022 attached as Attachment 11.1A; and**
- 2. ADOPTS the recommendations contained within.**

12. Officer’s Reports - Development Services

12.1 Shire of Merredin Municipal Heritage Inventory Review

<h2 style="color: #0056b3;">Development Services</h2> 	
Responsible Officer:	Peter Zenni, EMDS
Author:	As above
Legislation:	<i>Heritage Act 2018</i> <i>Planning and Development Act 2005</i>
File Reference:	GR/17/5
Disclosure of Interest:	Nil
Attachments:	Attachment 12.1A – DRAFT Local Heritage Survey and Heritage List

Purpose of Report

Executive Decision

Legislative Requirement

Background

The Shire of Merredin has engaged heritage consultant Ms Laura Gray (Heritage Intelligence (WA)) to undertake a review of the Shire of Merredin Municipal Heritage Inventory to prepare a Local Heritage Survey and Heritage List for adoption by Council.

Comment

A review of the Municipal Heritage Inventory is a requirement of the Heritage Act 2018. Municipal Heritage Inventories have been renamed “Local Heritage Surveys”. This review is in accordance with the Part 8 of the Heritage Act 2018 that is essentially the same guidelines as the 1990 Act requirements, including the identification of the “Heritage List”.

The review is undertaken in consideration of the Department of Planning, Lands and Heritage’s Heritage Council guidelines, “Criteria for the Assessment of Local Heritage Places and Areas” as recommended in State Planning Policy 3.5 Historic Heritage Conservation.

The original 1999 Municipal Inventory of Heritage seems to have been re-stated and updated in the Shire’s review in 2009, listing the same 59 places.

The draft 2022 Local Heritage Survey includes most of those 59 places with an additional 98 new places included in the draft for review that totals 154 places.

Assessments determine levels of significance for each place in consideration of the overall context of the Shire's towns and district. The levels of significance are consistent with the required categories (Heritage Act 2018).

Category 1: Exceptional Significance-Register of Heritage Places '**Heritage List**'.

Essential to the heritage of the Shire of Merredin.

Category 2: Considerable significance '**Heritage List**'.

Very important to the heritage of the Shire of Merredin.

Category 3: Some/moderate significance. No constraints.

Contributes to the heritage of the Shire of Merredin.

Category 4: Little significance. No constraints.

Some community interest to the heritage of the Shire of Merredin.

Substantiation of the heritage value of heritage places is the foundation for understanding a place and inclusion in the Local Heritage Survey. Almost every place in the review has been photographed, although historical research has been mostly limited to the published history of Merredin and existing documents.

Of those 154 (place records), 12 places are entered on the State's Register of Heritage Places: Category 1, and 57 places are Category 2. Both categories form the "Heritage List" (69 places).

As part of the review process the Shires Heritage Consultant, Ms Laura Gray has held discussions with representatives of the Merredin Historical Society as well as attending a meeting with the public held at the Shire of Merredin Council chambers on the 11th of March 2020. The public meeting was advertised in the Phoenix on the 28th February 2020. This meeting was attended and received input from;

- Rob Endersbee;
- Roy Butler;
- Jim Flockart;
- Romolo Patroni;
- Sean Martin;
- Mal Harper;
- Julie & Mike Townrow;
- Debbie Morris;
- Gillian Ovans;
- John Tuppen;
- Laura Gray;
- Mark Dacombe;
- Peter Zenni.

Following the public meeting, the Shire of Merredin advertised the review of its Municipal Heritage Inventory in the Phoenix on 27th March 2020, and called for nominations by members of the public of places for inclusion in the Shire of Merredin Municipal Heritage Inventory (Local Heritage Survey).

In response, several submissions were received from members of the public. In addition Ms Laura Gray undertook a comprehensive assessment of places of historical significance and interest to the local community. As a result of this process a considerable number of new

places (98) are included in the proposed Local Heritage Survey. A number of places are in Merredin townsite, but most are of the places are throughout the district, predominantly sites such as railway sidings and schools.

The findings and recommendation of the MHI were presented to Council at its briefing session held on 15th September 2020, where Ms Laura Gray presented her findings to the Council, following which at its ordinary meeting Council considered the matter and resolved as follows;

RES 82601

“That Council;

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

Council further considered the matter at its ordinary meeting held on 15th December 2020, and resolved as follows;

RES 82659

“That Council;

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

Council further considered the matter at its ordinary meeting held on 20th April 2021, and resolved as follows;

RES 82724

“That Council;

- 1. Receive the provided information; and**
- 2. Hold over consideration of the officer’s recommendation until a date to be set by the CEO in consultation with the Shire President to enable a workshop to be held to consider the detailed Heritage listing proposals and the nature of the public engagement to be undertaken.”**

On the 15th of March 2022, Shire of Merredin Councillors and Executive Staff participated in a workshop led by Ms Laura Gray. The workshop outlined the listings stemming from the public consultation and work undertaken by Ms Gray and incorporated into the proposed Local Heritage Survey, including the proposed Heritage List.

Discussion ensued in relation to the need for protections for premises identified as part of the proposed Heritage List. Of particular importance is the proposed Heritage List that has planning implications; it comprises categories 1 and 2, being State registered places (category 1) and places considered of considerable importance to the Shire of Merredin and worthy of built heritage conservation (category 2).

Categories 3 and 4 have been assessed as lesser significance and consequently have no implications.

A Local Heritage Survey is not a statutory instrument and has no standing at law or statutory enforcement provisions. A Heritage List is a statutory instrument and has the protections offered by the “Deemed” provisions of the regulations.

The Shire of Merredin has commenced a review of its Local Planning Scheme No. 6 (LPS) via the preparation of a Report of Review, which is currently being considered by the Western Australian Planning Commission (WAPC). The Report of Review has highlighted as one of the objectives of the reviewed LPS being the protection of places of Aboriginal cultural and historical significance.

The “Deemed” provisions of the Planning and Development (Local Planning Schemes) Regulations 2015, form part of the Shire of Merredin LPS.

Schedule 2 Part 3 Clause 8 of the Regulations sets out the process for establishing and maintaining a heritage List and the mode of entering and removing places from the Heritage List and associated consultation processes.

Clause 8 states as follows;

Heritage List

(1) The local government must establish and maintain a heritage list to identify places within the Scheme area that are of cultural heritage significance and worth of built heritage conservation.

(2) A heritage list established under clause (1) must set out a description of each place and the reason for its entry on to the heritage list.

(2A) The local government must ensure that an up-to-date copy of the heritage list is published in accordance with Clause 87.

(2B) Subclause (2A) is an ongoing publication requirement for the purposes of clause 87 (5) (a).

(3) The local government must not enter a place in or remove a place from, the heritage list or modify the entry of a place in the heritage list unless the local government –

(a) Notifies in writing each owner and occupier of the place and provides each of them with a description of the place and the reasons for the proposed entry; and

(b) Invites each owner and occupier to make submissions on the proposal within a period specified in the notice; and

(c) Carries any other consultation the local government considers appropriate; and

(d) Following any consultation and consideration of the submissions made on the proposal, resolves that the place be entered in the heritage list with or without modification, or that the place be removed from the heritage list.

(3A) The period of making submissions specified in the notice under subclause (3) (b) must not be less than the period of 21 days after the day on which notice is given under subclause 93) (a).

(4) If the local government enters a place in the heritage list or modifies an entry of a place in the heritage list the local government must give notice of the entry or

modification to –

(a) the Heritage Council of Western Australia; and

(b) each owner and occupier of the place.

The Shire’s Executive Manager of Development Services (EMDS) has spoken with both Ms Cath Meaghan, Director Wheatbelt Planning Team - Department of Planning Lands and Heritage (DPLH) as well as Mr Callum Crofton, Manager Heritage Support Services DPLH who have confirmed that proposed development relating to a Category 2 place on the Heritage List **does not** require a referral to the Heritage Council.

The only places that require a referral by the Shire to DPLH’s Heritage Council are development applications relevant to Category 1: Register of Heritage Places.

Any development application relating to a premises entered on to the Heritage List (category 2) would be at the local governments discretion and would enable provision of specialist advice to the local government authority on any significant or contentious issues.

The entry of a place onto the Heritage List would remove existing development approval exemptions forming part of the “Deemed” provisions and require applications for development approval to be lodged with the local government for all development proposals including demolition or construction of any outbuildings or minor works, including things like walls, patios, pergolas, water tanks, verandahs, decks, swimming pool, shade sails, carports etc, thus giving the local government more control over the nature of the proposed development.

The “Deemed” provisions do not seek to prevent development but provide the opportunity to consider the impact on the heritage value of the place, and if necessary, discuss options for amending a development if significant impacts are identified.

Policy Implications

Nil

Statutory Implications

Compliance with the *Heritage Act 2018*.

Strategic Implications

➤ Strategic Community Plan

Theme:	4. 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 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

Building application fees have been paid.

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation

That Council:

- 1. RECEIVE the provided information;**
- 2. ADOPT the Draft Shire of Merredin Local Heritage Survey 2022;**
- 3. NOTIFY owners and occupiers of premises to be entered into the Shire of Merredin Heritage List and invite each owner and occupier to make submissions on the proposal in accordance with Schedule 2 Part 3 Clause 8 of the Planning and Development (Local Planning Schemes) Regulations 2015; and,**
- 4. REQUIRE all submissions received during the notice period to be brought back to Council for consideration, prior to finalisation and final adoption of the Shire of Merredin Heritage List and its publication in accordance with Clause 87 of the Planning and Development (Local Planning Schemes) Regulations 2015.**

12.2 Lot 6 (No 15) Todd Street Merredin – Building Application for an Over Height Domestic Patio

<h3>Development Services</h3> 	
Responsible Officer:	Peter Zenni, EMDS
Author:	As above
Legislation:	Shire of Merredin Policy Manual, Policy 8.22 – Outbuildings in Residential Areas.
File Reference:	A3169
Disclosure of Interest:	Nil
Attachments:	Attachment 12.2A – Application for building permit and associated plans and specifications.

Purpose of Report



Executive Decision



Legislative Requirement

Background

The Shire of Merredin has received an application for a building permit for an over height domestic patio on Lot 6 (No 15) Todd Street, Merredin.

Comment

The owner of Lot 6 (No 15) Todd Street, Merredin wishes to construct an over height domestic patio.

Lot 6 (No 15) Todd Street, Merredin is zoned “Residential” under the Shire of Merredin Local Planning Scheme No. 6 (LPS).

The proposed domestic patio will have an overall area of 58.8m² and a maximum height of 4.64m above ground level.

Policy Implications

The Shire of Merredin Policy Manual, Policy 8.22 – Outbuildings in Residential Areas permits the Shires Executive Manager of Development Services to approve outbuildings in residential areas as long as their height, size and aggregate total area of all outbuildings complies with Policy Table 8.22.

In this case the Policy stipulates maximum ridge height of 3.9m.

As such the Executive Manager of Development Services does not possess delegated authority to approve the application and therefore the matter has been referred to Council for its consideration.

The objectives of the Shire of Merredin Policy Manual, Policy 8.22 – Outbuildings in Residential Areas are as follows;

“To ensure a level of consistency with the size, the height and setbacks of outbuildings in residential areas, to minimise any adverse impact on the amenity to neighbouring property owners and to contribute towards the aesthetics of the streetscape.”

Council has previously approved the construction of oversized outbuildings on a lot in a residential area within Merredin.

Any oversized outbuilding has the potential to detract from the streetscape and Council’s decision to support or not support the proposed development should be guided by previous Council decisions (precedent), the provisions of its Policy as well as feedback from adjoining property owners who may be affected by the development.

It should be noted that the proposed domestic patio will be located at the rear of the property behind the existing house. The pitch and height of the roof forming part of the existing house will help to minimise visual impact from the Todd Street frontage.

The applicant in support of the application has provided the following information;

- There is an existing decking structure under where the patio is to be built that is 300mm above ground level;
- The patio requires a minimum of 2.1m in head height clearance from the floor level of the existing deck to the underside of the pitching beam;
- The Engineer specified pitching beam is 381mm in height;
- The patio roof is timber framed and is to be pitched at 26⁰ which is similar to an average house roof.

Furthermore, the applicant has provided written confirmation from the adjoining landowners that they have no objection to the construction of the proposed over height domestic patio.

Statutory Implications

The proposed patio will be built on top of the existing decking and above the existing septic tank. The proposed patio will not be enclosed. The Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974, would normally preclude a structure being built over and existing septic tank. In this case the Shire of Merredin has received written confirmation that the decking structure and proposed footings are in excess of 1.2 meters away from the septic tank and that the septic tank will be accessible for servicing and repair purposes. As such the proposed structure will not be placing a side load on the septic tank and the septic tank will continue to be accessible for maintenance purposes thus complying with regulatory requirements.

Strategic Implications

➤ Strategic Community Plan

Theme: 5 Places and Spaces
Service Area Objective: 5.4 Town Planning and Building Control
5.4.2 The Shire has a current local planning scheme and associated strategy which is flexible and able to suitably guide future residential and industrial growth
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

Building application fees will need to be paid before the building application can be processed by the Shire of Merredin.

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation

That Council AUTHORISE the Executive Manager Development Services to issue a building permit for the construction of the proposed over heigh domestic patio on Lot 6 (No 15) Todd Street, Merredin, as outlined in Attachment 12.2A, subject to compliance with the relevant provisions of the Building Act 2011 and the National Construction Code (BCA).

12.3 Lot 7 (No 17) Todd Street Merredin – Development and Building Application for an Over Height Domestic Shed

<h2 style="margin: 0;">Development Services</h2> 	
Responsible Officer:	Peter Zenni, EMDS
Author:	As above
Legislation:	Shire of Merredin Policy Manual, Policy 8.22 – Outbuildings in Residential Areas. Shire of Merredin Local Planning Scheme No. 6 Residential Design Codes <i>Planning and Development Act 2005</i>
File Reference:	A3169
Disclosure of Interest:	Nil
Attachments:	Attachment 12.3A – Application for development approval and building permit as well as associated plans and specifications.

Purpose of Report



Executive Decision



Legislative Requirement

Background

The Shire of Merredin has received an application for development approval and a building permit for an over height domestic shed on Lot 7 (No 17) Todd Street, Merredin.

Comment

The owner of Lot 7 (No 17) Todd Street, Merredin wishes to construct an over height domestic shed to store his horse truck, horse float and scissor lift.

Lot 7 (No 17) Todd Street, Merredin is zoned “Residential” under the Shire of Merredin Local Planning Scheme No. 6 (LPS).

The proposed shed will be located at the rear of the property and will have an overall area of 108m² have a wall height of 3.6m and a maximum height at the top of the ridge of 4.294m.

Policy Implications

The Shire of Merredin Policy Manual, Policy 8.22 – Outbuildings in Residential Areas permits the Shires Executive Manager of Development Services to approve outbuildings in residential areas as long as their height, size and aggregate total area of all outbuildings complies with Policy Table 8.22.

In this case the Policy also stipulates a maximum wall height of 3.0m and maximum ridge height of 3.9m.

As such the Executive Manager of Development Services does not possess delegated authority to approve the application and therefore the matter has been referred to Council for its consideration.

The objectives of the Shire of Merredin Policy Manual, Policy 8.22 – Outbuildings in Residential Areas are as follows;

“To ensure a level of consistency with the size, the height and setbacks of outbuildings in residential areas, to minimise any adverse impact on the amenity to neighbouring property owners and to contribute towards the aesthetics of the streetscape.”

Council has previously approved the construction of oversized sheds as well as development that exceeded the overall aggregate area for all outbuildings on a lot in residential areas within Merredin, including using its discretion to approve an oversized shed on a standard residential block that had a maximum wall height of 4.0m and maximum ridge height of 4.749m.

Any over height building has the potential to detract from the streetscape and Council’s decision to support or not support the proposed development should be guided by previous Council decisions (precedent), the provisions of its Policy as well as feedback from adjoining property owners who may be affected by the development.

It should be noted that the proposed shed will be located at the rear of the property.

The applicant in support of the application has provided the following information;

- The shed will not be used for habitable purposes;
- The shed will be used for domestic storage of horse truck, horse float, scissor lift.

Furthermore, the applicant has provided written confirmation from the adjoining landowners that they have no objection to the construction of the proposed over height domestic shed.

Statutory Implications

Regulation 61 of the Planning and Development (Local Planning Schemes) Regulations 2015, exempt development relating to the construction of an outbuilding (shed) in a residential area providing the outbuilding is incidental to (associated with) an existing dwelling, not in a heritage -protected place and the works comply with the deemed-to-comply provisions of the R-Codes.

In this case the proposed shed will be located on a vacant Lot (Lot 7 Todd Street, Merredin) immediately adjacent to the neighbouring Lot where the owners house is located (Lot 6 Todd Street, Merredin). Both of the Lots in question are in the same ownership and are group rated by the Shire of Merredin.

Western Australian Planning Commission (WAPC) fact sheet on “outbuildings” recommends that the land use associated with outbuildings/sheds in residential areas in the absence of a dwelling be considered as “Warehouse/Storage”. A land use which is not permitted by the Shire of Merredin Local Planning Scheme No. 6 (LPS) in a residential zoned area.

The intention being, to preclude the development and use of non-compatible “commercial” activities in residential areas. In this case there exists a very unusual circumstance whereby the predominant land use is associated with an existing dwelling located on a Lot immediately adjoining that on which the proposed over height domestic shed will be located.

Shires EMDS has discussed this circumstance with members of the WAPC Wheatbelt Support Team and has received advice that the matter can be resolved by linking the two Lots and associated land uses together via a conditional development approval, requiring the amalgamation of the two Lots in question in to one. The Shire’s EMDS has discussed this option with the applicant and has been advised that they intend to amalgamate the two Lots in any case as they are already group rated by the Shire of Merredin.

The Shire of Merredin Local Planning Scheme No.6 (LPS) objectives for the ‘Residential Zone’ are as follows;

- ***To provide for a high standard of residential development and residential character.***
- ***To provide for predominantly residential development with a variety of housing to meet the needs of different household types through the application of the Residential Design Codes of Western Australia.***
- ***Non-residential uses shall only be compatible in character, scale and operation with the predominant residential use.***
- ***A non-residential use shall only be permitted if the use does not detract from the amenity of the area.***

It should be noted that considered in isolation, given the proposed location of the over height domestic shed being at the rear of the Lot, it will not prejudice future residential development on the frontage of the Lot. Once the two Lots have been amalgamated the land use will be in complete conformity with provisions of the LPS.

In addition, written confirmation has been received from the adjoining landowners that they have no objection to the construction of the proposed over height domestic shed on the Lot in question.

Strategic Implications	
➤ Strategic Community Plan	
Theme:	5 Places and Spaces
Service Area Objective:	5.4 Town Planning and Building Control 5.4.2 The Shire has a current local planning scheme and associated strategy which is flexible and able to suitably guide future residential and industrial growth
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

Development application fees have been paid. Building application fees will need to be paid before the building application can be processed by the Shire of Merredin.

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation

That Council:

1. **GRANT development (planning) approval for the proposed over height domestic shed on Lot 7 (No 17) Todd Street, Merredin as outlined in Attachment 12.3A; subject to the amalgamation of Lot 7 (No 17) Todd Street, Merredin and Lot 6 (No 15) Todd Street, Merredin;**
2. **ADVISE the applicant that the granting of development approval does not constitute a building permit and that an application for a building permit for the proposed shed and lean-to must be submitted to the Shire of Merredin and be approved before any construction work can commence on site; and**
3. **AUTHORISE the Executive Manager Development Services to issue a building permit for the construction of the proposed shed on Lot 7 (No 17) Todd Street, Merredin, as outlined in Attachment 12.3A, subject to compliance with the relevant provisions of the Building Act 2011 and the National Construction Code (BCA).**

13. Officer's Reports - Engineering Services

13.1 Minor Amendment to Capital Budget – Bulls Head Road

<h2>Engineering Services</h2> 	
Responsible Officer:	Daniel Hay-Hendry, Manager of Projects (A/EMES)
Author:	As above
Legislation:	<i>Local Government Act 1995</i> <i>Local Government (Financial Management) Regulations 1996</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Nil

Purpose of Report

Executive Decision

Legislative Requirement

Background

In the 2021/22 financial year, the Shire was allocated \$106,915 ex GST through Regional Road Group (RRG) funding for the widening of Bulls Head Road between the intersection of Merredin Narembeen and Bulls Head Road and the Collgar Wind Farm viewing area, Straight Line Kilometre (SLK) 0.00 – SLK 8.80.

This project was nominated for RRG funding by the Administration in August 2020. RRG funded projects require the respective Local Government Authority to contribute a minimum of one third of the total project cost. The total project budget is \$160,374 ex GST, with the Shire of Merredin's contribution being \$53,459 ex GST. To expend the RRG funds, the project needed to be completed by 30th June 2022.

A suitable, qualified and experienced contractor was engaged to complete the widening. The Contractor required 5mm blue metal for the widening to achieve a high-quality finish, which was sourced from a local quarry to reduce costs.

The local quarry subsequently had mechanical issues and was not able to provide 5mm blue metal. The Administration was not notified of this issue until the Widening Contractor had mobilised to Merredin.

Comment

To ensure that the works were completed this financial year and that the Contractor did not have to demobilise a remobilise at cost to the Shire, 5mm blue metal was sourced from an alternative supplier.

The alternative material supplier charged additional freight costs, which increased the total project cost to be above the allocated project budget.

The Administration is therefore seeking Council approval to amend the project budget to align with the total project cost. The total project cost is \$166,405 ex GST which equates to a variance of \$6,031 (3.6% variance) over the original project budget. At the time, the works proceeded without Council approval as they were considered urgent works, due to the contractor already being mobilised and the requirement to complete the project before the end of financial year.

The table below summarises the contracted costs to Council:

Description	Cost (ex GST)
Widening Contract Value	\$132,805
Original Material Supply Contract Value	\$21,400
Original Material Supply Contract Value	-\$21,400
Alternative Material Supply Contract Value	\$33,600
Sub total	\$166,405
Project Budget	\$160,374
Shortfall	-\$6,031

The Administration recommends that \$6,031 ex GST is transferred from General Ledger (GL) 4120143 to RRG003 to address the current shortfall.

While the variation is minor, as a capital project, Council should vary the total allocated budget as a governance consideration. As such, approval is now sought for this amendment.

Policy Implications

Council Policy 3.8 – Implementing the budget.

Statutory Implications

Nil

Strategic Implications

➤ Strategic Community Plan

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

➤ Corporate Business Plan

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

Directorate: Engineering Services

Timeline: 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

Council has set a materiality reporting threshold for financial variances of \$20,000. Through its monthly reporting the Administration have been reporting at half the adopted Council levels. This is equal to \$10,000 for operating budget line items and \$10,000 for capital items.

As the exceedance in this case is under \$10,000, within 10% of the Project Budget (variance of 3.6%), and funds are available within other accounts to cover the additional expenditure the financial risk of making this change is very low.

However, exceeding a capital project budget without Council approval presents a governance risk to the organisation, as such it is recommended that Council approves the amended project budget to allow for the additional \$6,031 to be recognised.

Financial Implications

A capital budget of \$160,374 has been allocated in the 2020/21 financial year for this project (GL RRG003). The Administration are recommending increasing this budget to \$166,405 in line with the actual project costs. To meet the shortfall, it is proposed that unspent funds in 4120143 are reallocated to cover the shortfall. The proposed amendment is shown in the table below:

Account	Description	Current Budget	Amendment	Revised Budget
RRG003	Bullshead Road (Rrg)	\$160,374.00	+\$6,031	\$166,405.00
4120143	ROADC - Roads Outside BUA - Formed - Council Funded Mun	\$124,000	-\$6,031	\$117,969

Voting Requirements

Simple Majority

Absolute Majority

Officers Recommendation

That Council APPROVE additional funding for the 2021/22 Regional Road - Group Bulls Head Road Project (RRG003), with the associated budget amendment shown in the table below:

Account	Description	Current Budget	Amendment	Revised Budget
RRG003	Bullshead Road (Rrg)	\$160,374.00	+\$6,031	\$166,405.00
4120143	ROADC - Roads Outside BUA - Formed - Council Funded Mun	\$124,000	-\$6,031	\$117,969

14. Officers' Reports – Corporate and Community Services

14.1 Statement of Financial Activity (May 2022)

<h2>Corporate Services</h2>		
Responsible Officer:	Lindon Mellor, A/EMCS	
Author:	As above	
Legislation:	<i>Local Government Act 1995, Local Government (Financial Management) Regulations 1996</i>	
File Reference:	Nil	
Disclosure of Interest:	Nil	
Attachments:	Attachment 14.1A – Statement of Financial Activity Attachment 14.1B – Detailed Statements Attachment 14.1C – Capital Works Progress	

Purpose of Report

Executive Decision

Legislative Requirement

Background

The Statement of Financial Activity, Detailed Statements, Capital Works Progress and Management Report are attached for Council's information.

Comment

Statement of Financial Activity

Regulation 34 of the Local Government (Financial Management) Regulations requires the Shire to prepare a monthly statement of financial activity for consideration by Council within 2 months after the end of the month of the report.

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: Nil
Service Area Objective: Nil
Priorities and Strategies for Change: Nil

➤ 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 Council in accordance with Regulation 34 of the Local Government (Financial Management) Regulations 1996, receive the Statement of Financial Activity and the Investment Report for the period ending 31 May 2022.

14.2 List of Accounts Paid – May 2022

<h1>Corporate Services</h1> 	
Responsible Officer:	Lindon Mellor, A/EMCS
Author:	As above
Legislation:	<i>Local Government Act 1995, Local Government (Financial Management) Regulations 1996</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 14.2A - Payments Listing May 2022

Purpose of Report

Executive Decision

Legislative Requirement

Background

The attached list of Accounts Paid during the Month of May 2022 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: Nil

Service Area Objective: Nil

Priorities and Strategies Nil
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 Council RECEIVE the schedule of accounts paid during May 2022 as listed, covering cheques, EFT's, bank charges, directly debited payments and wages, as numbered and totalling \$589,035.40 from Council's Municipal Fund Bank Account and NIL from Council's Trust Account.

14.3 Winter Sports User Groups Fee and Charge

<h2>Community Services</h2> 	
Responsible Officer:	Chloe Townsend, DCEO
Author:	As above
Legislation:	<i>Local Government Act 1995</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Nil

Purpose of Report

Executive Decision

Legislative Requirement

Background

In April 2022, Council received correspondence from the Winter Sports Working Group requesting that the Shire of Merredin and Belgravia Leisure consider waiving or reducing the venue hire fees.

Alternatively, the club proposed they could be included in the current annual fee that the Burracoppin and Nukarni Football Clubs pay under their respective Memoranda of Understanding (MoU). The final part of the request was that applicable fees for the 2023 season be set now, so that the associated clubs can have adequate time to forward plan and fundraise for the respective fees.

Based on the initial assumed schedule, the fees quoted at that time were \$4,082.50 (Nukarni) and \$5,715.50 (Burracoppin) with free use of outdoor courts for training. At the Ordinary Council Meeting held on the 26 April 2022, Council resolved to adopt a fee of \$3,000 per financial year, for the next two years for both the Burracoppin and Nukarni Netball Clubs (CMref 82898).

However, the Clubs and Belgravia Leisure have since advised, that with revised fixtures and training sessions, this initial cost estimate has gone down significantly.

Only three hours are required to play their home games, and each side will play seven home games in the season. Further, the Nukarni team will require one hour of training per week incurring an additional charge, whereas previously, all training was intended to be carried out on the outdoor courts where no fee would be applied.

Based on this, the new charges applicable to each club are listed below.

	Comment
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Fees and Charges

Staff consider the reduced fee a positive outcome for the new sides. The new fees are listed below, noting that all per hour rates as part of the endorsed annual fees and charges:

	Nukarni		Burracoppin		
	Court Rate	\$35.00	Court Rate	\$35.00	
	Number of Hours per week	2	Number of Hours per week	2	
	Number of Weeks	7	Number of Weeks	7	
	Subtotal	\$490.00	Subtotal	\$490.00	
Competition	Staff Hire Rate	\$81.00	Competition	Staff Hire Rate	\$81.00
	Staff Hours (3 hour minimum)	3		Staff Hours (3 hour minimum)	3
	Number of Weeks	7		Number of Weeks	7
	Subtotal	\$1,701.00		Subtotal	\$1,701.00
	Competition Total	\$2,191.00		Competition Total	\$2,191.00
	Rate	\$35.00		Total	\$2,191.00
Training	Number of Hours per week	1			
	Number of Weeks	14			
	Training Total	\$490.00			
	No additional staff required				
	Total	\$2,681.00			

To further reduce costs, both netball sides questioned the need for the Centre to be staffed and requested this be reconsidered. The Administration considers provision of a staff member in the Centre during games ensures consistency and a higher level of service that sports groups have been striving to receive for some time. The Administration and Belgravia also recognise the risk associated with hiring out an unstaffed facility and as such a minimum level of staffing is still recommended.

However, the Administration recognises the impact of fees with a small membership base may significantly impact on the initial viability of each of the two Clubs. As in interim measure, while the clubs trial the winter sports proposal, the Administration is proposing Council subsidise the cost, by paying the fees associated with staffing the facility for both teams to a maximum of 21 hours each (this is based on the current fixtures).

Initial information is that this proposal will improve the satisfaction of the clubs with the proposed outcome, the winter sports trial can continue without a significant financial burden, and the centre will run at a reduced risk as staff are still present.

The recommendation from the Administration, however, is that this is not an ongoing arrangement, and instead recommends that Council advise the Clubs that staffing and court hire costs will apply without subsidy for the following season.

In summary, given winter sports fixtures are being trialled this year, and membership of both the Clubs is currently low - while the membership base is developed by Nukarni and Burracoppin during Year One, the Administration is recommending the below:

1. Court hire is charged as per the rate set in the fees and charges for training and games played for the Nukarni and Burracoppin Netball sides.
2. For the 2022 netball season, additional staffing costs, based on the current fixtures are paid for by Council, to a maximum of \$1,701 for each of the two clubs.

3. Council notes this will cost Council up to \$3402 for the 2022 season. This is in addition to the \$21,000 annual donation paid for the other sporting user groups, bringing the total subsidy for sporting club use of the MRCLC to \$24,402.
4. Council notes that for the 2023 season, additional staffing required is to be paid for by the two clubs at the rate set in the fees and charges.

Policy Implications

Nil

Statutory Implications

Local Government Act 1995.

This proposed resolution will replace the fee amount initially set as part (3) of Council Resolution 82898.

As the fees being charged to the sporting groups are already included in the adopted fees and charges, there is no longer a requirement to advertise the fees as required in the April item.

The subsidy will be budgeted for in the 2022/23 annual budget.

Strategic Implications

➤ Strategic Community Plan

Theme: Community and Culture
Service Area: Community Sports and Infrastructure
Service Area Objective: Sporting clubs are thriving in membership and volunteers, with an appropriate standard of facilities and other support services.

➤ Corporate Business Plan

Key Action: Nil
Directorate: Community Services
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

If Council does not support the subsidy for both Nukarni and Burracoppin Netball Clubs there is a risk the fees levied will not be able to be met by the players and the clubs may withdraw from the winter sports competition.

Financial Implications

Nil

Voting Requirements

Simple Majority


Absolute Majority

Officers Recommendation

That Council:

1. **ADOPT the proposed fee structure set below, and NOTE and that this will be fixed for the 2022 and 2023 seasons in the 21/22 and 22/23 financial years;**
 - a. **Court hire is charged as per the rate set in the fees and charges for training and games played for the Nukarni and Burracoppin Netball clubs.**
 - b. **For the 2022 netball season, additional staffing costs, based on the current fixtures are paid for by Council, to a maximum of \$1,701 for each of the two clubs.**
 - c. **For the 2023 season, additional staffing required is to be paid for by the two clubs at the rate set in the fees and charges.**
2. **NOTES the new netball sides will align, respectively, with the Burracoppin Football and Nukarni Football Memoranda of Understanding, currently with the Merredin Sports Council for comment, and that this will be reviewed after the 2021-22 financial year;**
3. **NOTES Items 1 and 2 above, will replace Council Resolution CMRef 82898 from the Ordinary Council meeting of 26 April 2022; and**
4. **NOTES an allocation of \$3,402 will be included in the draft 2022/23 budget to implement Item 1(b) of this resolution.**

14.4 Gateway Merredin Festival – Closeout Report and Review

<h3>Community Services</h3> 	
Responsible Officer:	Chloe Townsend, A/DCEO
Author:	Andrina Prnich, DCEO
Legislation:	<i>Local Government Act 1995</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 14.4A – Gateway Merredin Festival Report

Purpose of Report



Executive Decision



Legislative Requirement

Background

The Shire of Merredin, in conjunction with many community members and organisations, successfully delivered the inaugural Gateway Merredin Festival from Friday the 24th September 2021 to Sunday the 26th of September 2021.

At the ordinary meeting held 22 February 2022, it was resolved that Council:

1. Note the findings of the Gateway Merredin Closeout Report and return the matter for further workshopping at a Council briefing session in April; and
2. Notes that the Gateway Merredin Event will not be held in 2022.

Comment

A report has now been prepared to evaluate the successes and learnings established in the delivery of the inaugural Gateway Merredin Festival (Attachment 14.4A).

In February 2022, Council used an earlier draft of the report which was used to make an informed decision as to whether to proceed with the Gateway Merredin Festival in years to come.

Data and modelling highlights that up to 1,000 people were in attendance across the three-day festival period and delivered an economic impact of more than \$248,000 worth of direct spending in Merredin.

The festival income totalled \$117,610 and was led by seed funding from the Shire of Merredin and was built upon from various sources including grants, ticket sales and sponsorship from more than 25 generous local businesses in Merredin.

A thorough breakdown of the event program outlines how the festival delivered and/or supported 17 event opportunities alongside 16 community organisations in Merredin. Further to this, the report creates a framework to explain how each event was operationally delivered, and what level of planning and task responsibility was carried out by the Shire of Merredin alongside the community, to ensure the success of each event.

Gateway Merredin Festival attracted the support of 15 highly committed members of the Merredin community, and they played a vital role in working committees and/or performing volunteer duties throughout the festival weekend.

A post-event survey revealed 90% of respondents are likely to return next year, and 80% thought that the festival was either 'excellent' or 'good'.

The report provides evidence that Merredin is a worthy destination for a major festival event, with the community capacity to deliver. However, there are a number of factors associated with Shire of Merredin resourcing, funding opportunities and the current project delivery which will impact ability to deliver an event of this magnitude in 2022.

Council Workshop

In accordance with the February 2022 Council resolution, staff held a workshop with Council in April 2022. Through this workshop, council expressed their desire to continue developing this event, acknowledging further work was required to determine if this would be annual or less frequent given the impacts on Shire resources.

Council recognise that this event provides the opportunity for Merredin to be marketed, as a place to visit or reside, to the state as a destination and that the flow on economic impacts would be beneficial to the community.

There was an expressed desire to pursue opportunities to combine the weekend with other key events, for example the Merredin Show so that families that would ordinarily travel from around the region to attend for a day trip, may decide to stay on for additional activities that could be held late into the evening or on the days before or after the event.

The benefits achieved by those events run predominantly by community organisations, volunteers and local business is recognised as a key success factor for the previous festival, and the possible continuation of this event. While the Shire administration can facilitate working parties and work to secure grants and sponsorship to assist, there is the potential for this event to be more successful if it is led and run by the community.

Summary and Recommendations

It is recommended the report of the outcomes from Gateway - included as Attachment 14.4A is provided as a public document to stakeholders and community.

The inaugural program met many of the objectives and established a framework for what can continue to become a more successful event is now in place.

In consideration of the factors above, Council agreed that a 2022 event would not be possible due to funding opportunity timelines and resourcing. The administration will now work with interested parties to establish a concept and business plan for the next Gateway Merredin event.

Policy Implications

Nil

Statutory Implications

Local Government Act 1995

Strategic Implications

➤ Strategic Community Plan

Theme: 1. Community and Culture
Service Area: 1.1. Events, Arts and Culture
1.1.1. A community that is engaged in a variety of inclusive events, arts and other cultural activities which enrich their community experience and increase their sense of belonging
Priorities and Strategies for Change: Nil

➤ Corporate Business Plan

Key Action: Support community organisations to provide art and cultural activities and events that celebrate and recognise the diversity and uniqueness of Merredin
Directorate: Community Services
Timeline: Ongoing

Sustainability Implications

➤ Strategic Resource Plan

The Shire has a number of major projects being realised in the current and following financial year/s. This has a critical impact on current resourcing as outlined within this report.

➤ Workforce Plan

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

Risk Implications

There will be a reputational risk in proceeding with a 2022 event – likelihood of failure unless delivered with considerably reduced scope. Likewise, there will be a reputational risk of cancelling indefinitely – likelihood of community dissatisfaction given this has been their

priority for some time and local community groups and businesses are now invested in the event.

Financial Implications

Nil

Voting Requirements



Simple Majority



Absolute Majority

Officers Recommendation

That Council:

- 1. RECEIVES this report; and**
- 2. AUTHORISES the CEO to publish the 2021 Gateway Merredin Closeout Report as a public document on the Shire of Merredin website.**

14.5 Capital Projects 2022/2023

<h3>Corporate Services</h3>		
Responsible Officer:	Lindon Mellor A/EMCS	
Author:	Lisa Clack CEO	
Legislation:	<i>Local Government Act 1995</i> <i>Local Government</i> <i>(Financial Management) Regulations 1996</i>	
File Reference:	Nil	
Disclosure of Interest:	Nil	
Attachments:	Attachment 14.5A – Capital Projects 22/23 (Confidential)	

Purpose of Report



Executive Decision



Legislative Requirement

Background

During the Annual Budget Review for the 2021/22 financial year, significant amendments were made to a series of capital projects.

This includes the reduction of the anticipated \$6 million CBD project expenditure for the Town Square, and Pioneer and Apex parks, as construction and the associated expenditure will not all be completed in the current financial year and will instead continue into the 2022/23 financial year.

Reserve transfers, grant income and new loan income related to the CBD projects were also reduced to match expenditure and change to project phasing.

Council were advised the same overall funding will be required to complete the projects. As a result, the CBD project components still to be completed will be raised as capital items in the draft budget for the 2022/23 financial year. This will include the associated WATC loan.

Council was also advised to continue to deliver on these projects, a further item will be brought to Council, outlining the capital amounts that have been amended during budget review for these specific priority projects, and seeking Council's endorsement for appropriate funding for these to be included within the drafting of the 2022/2023 Annual Budget, and for works to continue in the interim.

While it is usual for a Local Government to continue to spend operational funds prior to the adoption of the annual budget, it is unusual for capital projects to continue, unless there is an existing resolution of Council to be implemented such as an existing contract or tender.

The purpose of this report is to now seek the endorsement for those key projects to enable works to continue prior to the adoption of the annual budget.

Comment

The capital projects for which endorsement is sought for inclusion in the draft budget for the 2022/23 financial year, and for works to continue prior to the adoption of the budget are shown in Confidential Attachment 14.5A, and are as follows:

1. CBD Projects (Pioneer Park, Town Square, APEX Park):

The CBD Projects which will continue during the period prior to the adoption of the budget include the construction of Pioneer Park, and the design for both Town Square and APEX Park.

Both of these are covered by existing contracts for work, with tenders previously awarded by Council. As such, although the budget was amended, s5.41(c) of the Local Government Act requires CEO to cause Council decisions to be implemented Council. This would include a contract/tender determined by Council, which would otherwise be a risk of a breach. In this case, the following Council Resolutions, and tender awards apply:

- Award of Contract – RFT 03 2021/22 Pioneer Park Revitalisation (Retendered). Resolution 82902.

That Council;

1. *RECEIVES the report of the Tender Panel for RFT 03 2021/22 Pioneer Park Revitalisation (Retendered) at Attachment 19.2A;*
2. *APPROVES the Tender Panel's recommendations that a Contract be entered into with The Artisan Co WA Pty Ltd for RFT 03 2021/22 Pioneer Park Revitalisation (Retendered) for a total value \$1,599,343.41 ex GST; and,*
3. *AUTHORISE the Shire President and Chief Executive Officer to apply the Shire of Merredin common seal to the Contract between the Shire of Merredin and The Artisan Co WA Pty Ltd for RFT 03 2021/22 Pioneer Park Revitalisation (Retendered) for a total value of \$1,599,343.41 ex GST.*

- Award of Contract – RFT 01 2021/22 Detailed Design Services, Apex Park & Merredin Town Square. Resolution 82887.

That Council;

1. *RECEIVES the report of the Tender Panel for RFT 01 2021/22 Detailed Design Services, Apex Park & Merredin Town Square at Attachment 19.1A;*
2. *APPROVES the recommendations as contained within the Section 8, Recommendations, of Attachment 19.1A – RFT 01 2021/22 Confidential Recommendation Report; and*
3. *AUTHORISES the Shire President and Chief Executive Officer to apply the Shire of Merredin common seal to the Contract between the Shire of Merredin and Place Laboratory for RFT 01 2021/22 Detailed Design Services, Apex Park & Merredin Town Square as outlined in Attachment 19.1A – RFT 01 2021/22 Confidential Recommendation Report.*

As the project is planned to be funded with a combination of grant funding, WATC loan, municipal funding and reserves, the Administration is seeking the matched budgets and

continued commitment to the overall project budgets as per Confidential Attachment 14.5A be included in the draft 2022/23 budget. The total amounts remain the same for the total project expenditure as previously endorsed by Council through both the budget and various Council resolutions on the projects. There may be a further requirement to vary the budget for APEX park should the project phasing change, or if additional grant funding current being sought is secured. If this is the case – the project amounts will be varied during mid-year budget review.

2. WaterSmart Farms

The WaterSmart Farms proposal was considered by Council in February 2022.

A preliminary cost estimate for the works for the Council portion of the project is likely to be up to \$150,000, with grant funding sought for \$100,000 of the funds, and the remaining \$50,000 contribution coming from municipal funds.

Council supported the Administration in submitting a proposal for the WaterSmart Farms Project and noted, should the proposal be successful, a formal agreement would be brought back to Council for approval before the project proceeds further. It was proposed, that a detailed design and accurate cost estimate based on the operating parameters of the equipment will be developed for submission at the same time.

The Administration has been advised the Shire has been successful in it's EOI for the WaterSmart farms desalination unit, and is currently negotiating on the partnership arrangement. A detailed cost estimate has been developed for the works, and a grant application submitted to the Community Water Supply Program for \$100,000 towards the project.

- The Council resolution related to providing in-principle support for the project, was;

That Council:

1. *Supports in principle, the Shire of Merredin entering into a partnership agreement with the Department of Primary Industries and Regional Development for the WaterSmart Farms project as outlined in this report, subject to the agreement of both parties*
2. *Authorises the Chief Executive Officer to submit an Expression of Interest to the Department of Primary Industries and Regional Development WaterSmart Farms project, to install a desalination unit in Merredin in line with the proposal outlined in this report, and,*
3. *Notes, that if the Expression of Interest is successful a further report will be submitted to Council to consider the partnership agreement, and for acceptance of associated project budget.*

Given the project is supported in principle, and negotiations are underway for both the partnership with WaterSmart Farms and CWSP grant funding, support to include the project in the draft budget, and commence works if needed prior to the adoption of the budget is sought.

As with the CBD project the amounts are confirmed in Confidential Attachment 14.5A.

The partnership agreement and confirmation of costs will still return to Council as a report prior to the commencement of the project. Of note, should the grant application not be accepted, the intent is to amend the scope of works so the municipal expenditure remains as budgeted.

3. Merredin-Narrembeen Road

This project has been supported by Council during budget discussions in previous years, and is part of the Shire of Merredin's priority projects for the Wheatbelt Secondary Freight Network which was committed to approximately two years ago.

Funds expended prior to the adoption of the budget include the continuation of geotechnical investigations required, soil testing and pavement design.

Council was previously made aware of the need to delay the project at the April 2022 meeting, where Council resolved;

That Council:

1. *APPROVE the delay of major capital works upgrades to Merredin-Narrembeen Road in the 2021-22 financial year to the 2022-23 financial year.*
2. *AUTHORISE the Administration to request Wheatbelt Secondary Freight Network Steering Committee carry forward the 2021-22 allocated funding of \$884,520.32 (ex GST) towards Merredin-Narrembeen Road upgrade from the Wheatbelt Secondary Freight Network to the 2022-23 financial year.*

While Council have supported the delay into the 2022/23 financial year, and the carry forward of the allocated funding, there is a need for the design and geotechnical investigations to occur prior to the adoption of the budget. Wheatbelt Secondary Freight Network have informally confirmed the carry forward of the funds. Figures are provided in Confidential Attachment 14.5A.

4. Merredin Cemetery

As part of a previous Community Water Supply Project, infrastructure at the Merredin Cemetery has been upgraded to reticulate the site with recycled water. However, the original scope of works omitted fencing for the project, which creates a potential safety risk for the community and liability for Council. This element of the project has not previously been considered by Council, however, could be considered a variation of the original scope for the capital budget, which was supported and adopted as part of the 2021/22 budget (PC030A).

An amount of \$7,000 is sought to be included in the draft budget, and given the safety risk, support is sought for this item to be progressed prior to the budget adoption for the fencing. The remainder of the project is completed.

Policy Implications

With the exception of the Cemetery project listed above, the existing Council resolutions for each of the project show Council support for each of the relevant projects, for inclusion in the draft budget.

While there are instruments available under the Local Government Act for the Administration to proceed with some of the elements above (such as existing contracts and tenders), from a governance perspective it is more appropriate for the Administration to advise Council of all proposed capital projects which may incur expenditure prior to the adoption of the budget, and seek Council endorsement for these items to be included in the draft budget, and authorisation for the expenditure with a resolution.

Additionally, it allows the Administration to confirm the amounts to be included in the 2022/23 budget.

Statutory Implications

s6.8. (1) A local government is not to incur expenditure from its municipal fund which is not included in its annual budget except where the expenditure —

(a) is incurred in a financial year before the adoption of the annual budget by the local government;

(b) is authorized in advance by resolution*;

* Absolute majority required.

s5.41(c) requires CEO to cause Council decisions to be implemented. This would include a contract/tender determined by Council

Strategic Implications

➤ Strategic Community Plan

Theme: Communication and Leadership

Service Area: Decision Making

Priorities and Strategies for Change: The Shire is progressive while exercising responsible stewardship of it's built, natural and financial resources.

Sustainability Implications

➤ Strategic Resource Plan

Nil

➤ Workforce Plan

Directorate: Nil

Activity: Nil

Current Staff: Nil

Focus Area: Nil

Strategy Code: Nil

Strategy: Nil

Implications: Nil

Risk Implications

There is a corporate governance risk if capital projects are progressed without a clear Council resolution supporting the project and expenditure.

Financial Implications

The capital projects will be included in the draft 2022/23 annual budget.

Voting Requirements

Simple Majority

Absolute Majority


Officers Recommendation

That Council:

- 1. ENDORSE provision being made for the following projects in the draft 2022/23 annual budget as per Confidential Attachment 1, totalling \$7,882,915:**
 - a. CBD Redevelopment - Pioneer Park and Town Square**
 - b. APEX Park Revitalisation**
 - c. WaterSmart Farms Desalination Project**
 - d. Cemetery Improvement – security fencing**
 - e. Merredin Naremben Road Reconstruction; and,**
- 2. AUTHORISES the Chief Executive Officer to expend funds on the listed capital projects at Item 1 prior to the adoption of the 2022/23 Annual Budget, where the expenditure is considered necessary to either;**
 - a. meet project and funding timelines, or**
 - b. where a safety risk is present.**

15. Officers' Reports - Administration

15.1 Status Report – June 2022

<h1>Administration</h1> 	
Responsible Officer:	Lisa Clack, CEO
Author:	Meg Wyatt, EA
Legislation:	<i>Local Government Act 1995</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 15.1A – Status Report – June 2022

Purpose of Report



Executive Decision



Legislative Requirement

Background

The Status Report is a register of Council resolutions that are allocated to the Shire staff for actioning. When staff have progressed or completed any action in relation to Council's decision, comments are provided until the process is completed or superseded by more recent Council resolutions.

Comment

In the interest of increased transparency and communication with the community, the status report is provided for information.

Policy Implications

Nil

Statutory Implications

Nil

Strategic Implications

➤ Strategic Community Plan

Theme: 4. Communication and Leadership
Service Area Objective: 4.4 Communications
4.4.1 The Shire is continuously working to maintain efficient communication, providing open, transparent and factual information, through a variety of channels
Priorities and Strategies for Change: Nil

➤ Corporate Business Plan

Key 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

That Council RECEIVES the Status Report on Council Resolutions for June 2022.

15.2 Sustainable Economic Growth for Regional Australia (SEGRA) Conference

<h3>Administration</h3>		
Responsible Officer:	Lisa Clack, CEO	
Author:	As above	
Legislation:	Nil	
File Reference:	Nil	
Disclosure of Interest:	Nil	
Attachments:	Nil	

Purpose of Report



Executive Decision



Legislative Requirement

Background

The 2022 Sustainable Economic Growth for Regional Australia (SEGRA) Conference will be held at Paranapple Convention Centre, Devonport TAS on Wednesday 31 August to Friday, 2 September 2022.

SEGRA is an annual conference that aims to assist regional, rural and remote Australia to source and identify the techniques, skills and issues they need to address which will help achieve successful economic growth and development.

SEGRA acts to provide end to end value to regional Australia using a systems approach to:

- Raise the profile of regions as essential parts of Australia’s national outlook.
- Empower regions to be responsible for their own destinies
- Identify ideas, regional issues and opportunities
- Influence policy by encouraging evidence based responses and supporting practice based research and projects
- Promote regional connectivity

Councillors have previously expressed an interest in attending this conference, and as such the information on the conference was circulated to Councillors earlier in June requesting that Councillors inform the Administration if they were interested in attending so a Council report could be prepared. The current policy requires a report to be submitted to Council for Councillors to undertake interstate travel on behalf of the Shire. The policy also recommends a limit of two Councillors travel to each requested conference, unless resolved by Council.

Comment

Cr Julie Flockart has expressed an interest in attending the conference, which will be held in Tasmania from 31 August to 2 September 2022. There is currently an early-bird discount available on tickets which expires on 30 June.

Other Councillors have also previously expressed an interest in attending.

There is traditionally a budget allocated for Councillor training and expenses (Members – Training and Development; 2040104), and travel (Members – Travel and Accommodation; 2040109) which will meet the costs associated with sending up to two Councillor delegates, as per the policy recommendation. Should Council wish to send additional attendees, the travel costs can be included in the draft 2022/23 budget.

In terms of the value of the conference, the SEGRA goals are well aligned to the goals of the Shire of Merredin as a regional hub, and to addressing the challenges of economic development in the regions.

Policy Implications

Under the current policy (1.20 – Councillor Training and Professional Development Policy), should Councillors wish to attend an interstate conference, a Councillor is required to submit a request to the CEO, and a Council report will be prepared to consider the request.

Additionally, unless resolved by Council, a maximum of two Councillor delegates should attend any interstate event.

Statutory Implications

Nil

Strategic Implications

➤ Strategic Community Plan

Theme: Economy and Growth

Service Area Objective: The Shire of Merredin is the place of choice for business investment and for new residents

➤ Corporate Business Plan

Key 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

Can be met within existing and draft budget allocations.

Voting Requirements



Simple Majority



Absolute Majority

Officers Recommendation

That Council;

- 1. SUPPORT sending a delegation of (number) to the 2022 SEGRA Conference, consisting of (number) of Elected Members; and**
- 2. APPROVE the attendance of Cr Julie Flockart and Cr _____ at the 2022 SEGRA conference.**

15.3 Audit

If required this will be tabled as a late item.

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 or by Decision

19. Matters Behind Closed Doors

In accordance with Section 5.23 (2) (a), (b), (c) and (d) of the Local Government Act 1995 Council will go Behind Closed Doors to discuss these matters.

19.1 Lot 461 (No 1) Throssell Road Merredin – Freehold Purchase of the Property by the Shire of Merredin.

19.2 Community Funding Application for 2022/23

19.3 REED Annual Donation

19.4 Nangeenan Hall

19.5 Chief Executive Officer Probation Review

19.6 Chaplain Service Donation

19.7 Partnership with Merredin Youth Committee & Merredin Blue Light Unit

19.8 Regional Development Australia Wheatbelt – Partnership

20. Closure

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