

SHIRE OF
MERREDIN
INNOVATING THE WHEATBELT

MINUTES

Ordinary Council Meeting

Held in Council Chambers
Corner King & Barrack Street's, Merredin
Thursday, 25 August 2022
Commencing 4.00pm



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
GO	Governance Officer
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 August Ordinary Council Meeting

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Shire of Merredin
Ordinary Council Meeting
4:00pm Thursday, 25 August 2022



1. Official Opening

The President acknowledged the Traditional Owners of the land on which we meet today, the Njaki Njaki people of the Nyoongar Nation and paid his respects to Elders past, present and emerging. The President then welcomed those in attendance and declared the meeting open at 4:10pm.

2. Record of Attendance / Apologies and Leave of Absence

Councillors:

Cr M McKenzie	President
Cr R Billing	
Cr D Crook	Deputy President
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 Boehme	EMCS
L Mellor	A/EMCS
D Hay-Hendry	A/EMES
M Wyatt	EA/ES
O Mellor	GO

Members of the Public:

Apologies: P Zenni, EMDS

Approved Leave of Absence:

3. Election of the Deputy President

Following the resignation of Cr Leah Boehme, the President declared the role of Deputy President vacant, and called for nominations for the position of Deputy President of the Council, for the remainder of the current term until October 2023.

The Deputy Mayor or Deputy President is to be elected by the Council under Schedule 2.15, of the *Local Government Act 1995*.

The Chief Executive Officer is to act as Returning Officer for the electoral process. The election must be conducted by the Chief Executive Officer in accordance with the prescribed procedure.

In essence, the election will be conducted as follows:

1. Nomination forms have been previously provided to all Councillors to assist with the election process and, where possible, should be lodged with the Chief Executive Officer prior to the commencement of the meeting.
2. The Chief Executive Officer will, however, announce the closing time for the submission of nominations at the commencement of the meeting and will continue to receive nomination forms up until that time.
3. If a Councillor is nominated by another Councillor, then the Chief Executive Officer is not to accept the nomination unless the nominee has confirmed to the Chief Executive Officer, either verbally or in writing, that he or she is willing to be nominated for the office.
4. If more than one nomination is received, then Councillors will be required to vote on the matter by secret ballot.

The Chief Executive Officer advised that she received 1 nomination for the positions of Deputy President, being for Councillor Crook.

She then called for further nominations. No further nominations being received, the Chief Executive Officer accordingly declared Councillor Crook elected unopposed, to the office of Deputy President for the Shire of Merredin for a term expiring in October 2023.

3.1 Declaration by the Deputy President

Lisa Clack, Chief Executive Officer witnessed the Declaration of the Deputy President.

Councillor Crook, having been elected to the position of Deputy President of the Shire of Merredin, made her Declaration of Office before Lisa Clack, CEO, and then assumed the Deputy role at 4:17pm.

3.2 Position at the Council Table

Council's Standing Orders Local Law Clause 8.2 states:

"Members to occupy own seats

- (1) At the first meeting held after each election day, the Council shall allot a position at the Council table to each member.*
- (2) Each member is to occupy his or her allotted position at each Council meeting."*

With the resignation of Cr Boehme, there is an opportunity to change the currently allocated seating.

The positions of President, CEO and Executive Managers are already set.

The remaining Councillors are requested to indicate their preference for seating positions.

In the event that a consensus cannot be reached, then a draw will be conducted by the Chief Executive Officer to allocate seating in the Council Chambers.

Once seating positions have been determined, Councillors will continue to occupy the same position at all meetings of Council, until such time as there is a call by a majority of the Councillors for a re-allotment of positions, or until the next local government election.

All Councillors elected to remain in their existing seats with no changes to positions.

3.3 Election of Delegates and Deputy Delegates to Committees

With the resignation of Cr Boehme, there is a need to reallocate her position on committees. It is recommended that the remainder of Committee positions remain unchanged.

In accordance with Section 5.10 of the *Local Government Act 1995*, a Councillor is entitled to be a member on any committee of their choice, even though that may exceed the quorum.

Additionally, the President is entitled to be a member on any committee of their choice, even though that may exceed the quorum. The CEO is entitled to be on (or appoint a representative to) any committee having employee representation.

In respect the Deputy Delegates, Council protocol appoints the Councillors who are not members to the committee as Deputy Delegates to enable their attendance and participation in committee meetings to ensure quorums.

Council Policy 1.19 – Election of Committees and Representatives is applicable.

3.4 Shire of Merredin Audit Committee

Current Members: Cr Boehme, Cr Patroni, Cr Crook, Cr McKenzie, Cr Manning

Deputies: All other Councillors

Membership: 5 Councillors

Quorum: 3 Councillors

Purpose: Regulation 16 of the Local Government (Audit) Regulations 1996 states:

“An audit committee —

(a) is to provide guidance and assistance to the local government —

(i) as to the carrying out of its functions in relation to audits carried out under Part 7 of the Act; and

(ii) as to the development of a process to be used to select and appoint a person to be an auditor; and

(b) may provide guidance and assistance to the local government as to —

(i) matters to be audited; and

(ii) the scope of audits; and

(iii) its functions under Part 6 of the Act; and

	(iv) the carrying out of its functions relating to other audits and other matters related to financial management; and
	(c) is to review a report given to it by the CEO under regulation 17(3) (the CEO’s report) and is to –
	(i) report to the council the results of that review; and
	(ii) give a copy of the CEO’s report to the council.”

Meeting Cycle: At least once annually to recommend adoption of the Annual Report and Compliance Audit Return, and at least once every three years to recommend adoption of the CEO’s Report.

Voting Requirements

Simple Majority

Absolute Majority

Resolution

Moved: Cr Crook

Seconded: Cr Billing

82983

That in accordance with Sections 5.10, 5.11A and 7.1A of the *Local Government Act 1995*, Councillor Flockart, to replace the appointment of former Cr Boehme as a delegate to the Shire of Merredin Audit Committee, with no change to the other appointed representatives and Deputies.

CARRIED 8/0

L Boehme, EMCS left the Chambers at 4:21pm

3.5 Western Australian Local Government Association Great Eastern Country Zone (GECZ)	
Current Members:	Cr McKenzie, Cr Crook
Deputies:	Cr Boehme
Membership:	Shires of Bruce Rock, Cunderdin, Dowerin, Kellerberrin, Kondinin, Koorda, Merredin, Mt Marshall, Mukinbudin, Narembeen, Nungarin, Tammin, Trayning, Westonia, Wyalkatchem and Yilgarn
Quorum:	8
Purpose:	<ol style="list-style-type: none">1. To provide a united voice for Local Governments in the GECZ;2. To work collectively to enhance the sustainable social, environmental and economic development of the GECZ at strategic and project levels;3. To promote the profile of Local Government within the region encompassed within the GECZ;4. To speak on behalf of Local Governments in the GECZ;5. To elect, nominate and appoint Committees and representatives of the Zone to other organisations,6. To enter into agreements, formal or informal, with organisations having similar aims and objectives,7. To represent the views of Local Governments within the GECZ at the State Council of the Association;8. To do all and any such other things as in the opinion of the Zone may conveniently be carried on by the Zone or which promote or assist or are incidental or conducive to the attainment of these objects or any of them, or anything considered beneficial to the Zone; and9. To use the property and income of the Zone solely for the promotion of the objects or purposes of the Zone. No part of the property or income of the Zone may be paid or otherwise distributed, directly or indirectly, to members of the Zone, except in good faith in the promotion of those objects or purposes.
Meeting Cycle:	GECZ Committee and Executive Committee meetings, generally on the Thursday prior to State Council meetings or as otherwise agreed from time to time

Voting Requirements

Simple Majority

Absolute Majority

Resolution

Moved: Cr Flockart

Seconded: Cr Simmonds

82984

That, in accordance with Sections 5.10 and 5.11A of the Local Government Act 1995, Councillor McKenzie and Councillor Crook be appointed as delegates to the Western Australian Local Government Association Great Eastern Country Zone, with Councillor Patroni appointed as Deputy.

CARRIED 8/0

4. Public Question Time

Nil

5. Disclosure of Interest

Cr Patroni declared an Impartiality Interest in Item 12.3.

Cr Billing declared a Proximity Interest in Item 19.4.

6. Applications of Leave of Absence

Nil

7. Petitions and Presentations

Nil

8. Confirmation of Minutes of Previous Meetings

- 8.1 Ordinary Council Meeting held on 26 July 2022
Attachment 8.1A
- 8.2 Special Council Meeting held on 2 August 2022
Attachment 8.2A
- 8.3 Special Council Meeting held on 9 August 2022
Attachment 8.3A
- 8.4 Special Council Meeting held on 12 August 2022
Attachment 8.4A

Voting Requirements

Simple Majority

Absolute Majority

Resolution

Moved: Cr Manning

Seconded: Cr Flockart

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

82985

1. Ordinary Council Meeting held on 26 July 2022;
2. Special Council Meeting held on 2 August 2022 with amendments
3. Special Council Meeting held on 9 August 2022; and
4. Special Council Meeting held on 12 August 2022.

CARRIED 8/0

Minutes of Special Council Meeting held on 2 August 2022 confirmed with amendments as submitted by Cr Flockart.

9. Announcements by the Person Presiding without Discussion

Meetings and events attended by the President since the last Ordinary Meeting on 26 July 2022:

- Attended weekly meetings with the CEO
- Attended regular briefings provided by Executive staff relating to current projects
- Attended Merredin Volunteer Fire Brigade AGM Dinner
- 18 August 2022 - Attended Long Tan Service
- 23 August 2022 - Attended Bringing Dowerin Downtown event in Perth

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

- 19.1 Tender RFT05-2021/22 Provision of Ranger Services to the Shire of Merredin
- 19.2 Country Music Event – Request for Fee Waiver
- 19.3 Disposal of Land
- 19.4 Pioneer Park – Design Services Expenditure
- 19.5 Recommendation Report RFQ-02-2022/23
- 19.6 Options for dealing with Councillor vacancy

11. Receipt of Minutes of Committee Meetings

- 11.1 Minutes of the Audit Committee Meeting held on 25 August 2022
Attachment 11.1A

Voting Requirements

Simple Majority

Absolute Majority

Resolution

Moved: Cr Patroni

Seconded: Cr Crook

82986 THAT Council RECEIVE the minutes of the Audit Committee Meeting held on 25 August 2022.

CARRIED 8/0

L Boehme, EMCS returned to the Chambers at 4:33pm

The order of the meeting was changed, with Items 11, and Item 11.2 being considered following an adjournment as per Item 20.

11.2 Recommendations from Committee Meetings for Council Consideration

Voting Requirements

Simple Majority

Absolute Majority

Resolution

Moved: Cr Billing

Seconded: Cr Van Der Merwe

That Council:

82987

1. **ADOPT** the 2020/21 Annual Report as attached in Attachment 6.1A, and receive the Auditor's Opinion Package attached as Attachment 6.1B, including Audited Financial Report for the year ending June 30 2021, Audit Opinion, Transmittal Letter to CEO, and Management Response – Shire of Merredin from the Office of the Auditor General for the 2020/21 financial year;
2. **NOTES** the Shire of Merredin response to the Office of the Auditor General in the document Management Response – Shire of Merredin as part of Attachment 6.1B, and **NOTES** the Audit committee will receive regular updates on the agreed actions.
3. **ADOPT** the 2020/21 Annual Report (Attachment 6.1A), and receipt of the Auditor's Opinion Package (Attachment 6.1A), including Audited Financial Report for the year ending June 30 2021, Audit Opinion, Transmittal Letter to CEO, and Management Response – Shire of Merredin from the Office of the Auditor General for the 2020/21 financial year; and,
4. **HOLDS** an Annual General Meeting of Electors on 27 September 2022 at 6.00pm in the Council Chambers.

CARRIED 8/0

The order of the meeting was changed, with Items 11, and Item 11.2 being considered following an adjournment as per Item 20.

12. Officer's Reports - Development Services

12.1 Lot 503 Gabo Avenue Merredin – Proposed Upgrades to CBH Grain Handling Facilities

<h2>Development Services</h2> 	
Responsible Officer:	Peter Zenni, EMDS
Author:	As above
Legislation:	Shire of Merredin Town Planning Scheme No 6.
File Reference:	A9247
Disclosure of Interest:	Nil
Attachments:	Attachment 12.1A – Application for development approval and associated plans and specifications.

Purpose of Report

Executive Decision

Legislative Requirement

Background

The Shire of Merredin has received an application for development (planning) approval from Mr Timothy Roberts lodged on behalf of Co-operative Bulk Handling (CBH) for proposed development at the CBH grain handling facility located at Lot 503 Goldfields Road (actually Gabo Avenue) Merredin. The proposed development is aimed at upgrading the existing CBH receival and storage facilities in Merredin.

Comment

The proposed development consists of 2 new additional open grain storage bulkheads (1 x 44,540 tonne storage capacity, 1 x 39,200 tonne storage capacity), 2 x 500 tph drive-over-grid stackers, internal access roads and associated drainage works.

It should be noted that on 17th July 2018 the Shire of Merredin Council previously issued development approval for an internal gravel road and 9 open bulkhead storage facilities. 2 of these bulkhead storage facilities were never constructed and are now the subject of the current development application.

Strategic

The subject land is designated ‘General Industry’. The proposal is consistent with the longer-term use of the area and complements the existing open grain storage bulkhead infrastructure already in existence on the site.

Statutory

Lot 503 Gabo Avenue is zoned General Industry under the Shire of Merredin Local Planning Scheme No.6. (LPS). The proposed falls within an ‘Industry – Rural’ land use which is a ‘P’ use under the LPS.

Impacts

Environmental

The proposed development is consistent with the objectives for a general industrial area where these types of activities are considered appropriate. Any visual, noise or dust impacts are not considered to be significant.

Traffic

The application supporting documentation incorporates a Traffic Impact Statement (TIS) from SHAWMAC. The purpose of the TIS was to determine the traffic impact of the proposed expansion on the surrounding road network and ascertain if any adverse impacts were associated with the proposal.

The TIS assessment was undertaken in accordance with the Western Australian Planning Commission (WAPC) Transport Impact Assessment Guidelines Volume 4 – Individual Developments (TIA Guidelines).

The TIS assessment conducted by SHAWMAC concludes that:

- **The traffic generated by the site during harvest periods is expected to be in order of 303 movements out daily with about 30 movements in and out during peak hours.**
- **The estimated traffic generation can be accommodated within the capacity of the adjacent road network**
- **The additional traffic generated by the site is not considered to increase the likelihood of crashes to unacceptable levels.**
- **The seal and carriageway widths of the surrounding road network generally meet the relevant RAV network requirements with the exception of the slight seal width deficiency in Crooks Road, South of Gabo Avenue, which is considered acceptable in this instance.**
- **There is sufficient sight distance at the site exit onto Gabo Avenue.**

In 2018, as part of a previous application for development approval on the site in question, the Shire of Merredin Council sought formal confirmation from CBH with respect to the estimated maximum annual grain tonnages to be received at the Merredin CBH facility over the next five (5) to ten (10) years.

In response CBH has provided the following advice;

Merredin receival site:

- **Has 500,000 tonnes of storage capacity with average receivals of 350,000 tonnes.**
- **Receivals (in the catchment zone) are forecast to grow to an average of 410,000 over the next 5 years (forecast subject to assumed yield growth).**
- **As a result of closing non-Network Strategy sites (ie Burracoppin, Hines Hill and Nungarin) and additional 55,000 tonnes are expected to flow in to Merredin.**
- **Merredin will have the sufficient storage capacity to handle forecast receivals of 465,000 tonnes of receivals at harvest.**
- **In addition, and as we do now, an approximate 240,000 tonnes will be hubbed in to the site. From surrounding Network Strategy sites, outside of harvest, resulting in approximately – 700,000 tonnes being railed from Merredin.**

Discussions held at that time with Tony Shaw (SHAWMAC) and more recently with Mr James Bridge (SHAWMAC) confirm that the existing road infrastructure network will more than adequately cater for the proposed tonnages and will not require any improvements.

Storm Water Management

Storm water management has been previously addressed via a drainage strategy that incorporated widening of the existing storm water basin adjacent to Gabo Avenue and provision of a high-level overflow feature feeding into a new drainage basin to be located on the Western portion of the site.

The original CBH Merredin Drainage Strategy is based on the flowing assumptions:

- **Drainage Strategy based on capturing the 1 in 100 year ARI for the site**
- **The drainage basin volume was determined by assessing all storm durations and the infiltration rate (0.00001m/s for sandy clay) and the critical storm duration was determined to be the 12hour storm.**
- **The basin is required to accommodate 24619m³. The basin accommodates a volume of 24720m³ with 300mm freeboard**
- **As the capacity of the existing basins on site are unknown it has been assumed that the proposed drainage basin 1 will accommodate the runoff from the entire site.**
- **Coefficient of runoff 0.9 for sealed areas (including bulkheads, marshalling yard and road network) and 0.6 for unsealed areas.**
- **Basins have 300mm freeboard (1.5m deep basin and water depth set at 1.2m)**

A subsequent report by BG&E Resources dated 28/07/2022 assessing the proposed development and incorporating potential additional stormwater infrastructure (pavement trap drains, expansion of existing basin and subsoil drainage system) concludes that the existing drain profiles are maintained and there is sufficient capacity to convey additional runoff from the proposed open bulkhead storage expansion for 20%AEP event.

Statutory - Building Requirements

The previous application for development approval for the 9 open bulkhead storage facilities was followed by an application for a building permit and the granting of the said building permit by the Shire of Merredin.

Some local government authorities still call for building permits to be obtained for open bulkhead storage facilities, but subsequent to the original application the Shire of Merredin

has sought and obtained clarification from the Building Commission that these are not considered buildings (roofed structures), nor incidental structures (associated with a building) and as such do not require a building permit from the Shire of Merredin prior to their erection on site.

Policy Implications

Nil

Statutory Implications

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

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 update the Integrated Planning Framework, meet statutory requirements of the Local Government Act and Regulations and regulatory obligations required under other regulations
Directorate:	Development Services
Timeline:	Ongoing

Sustainability Implications

➤ Strategic Resource Plan

Nil

➤ Workforce Plan

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

Risk Implications

Nil

Financial Implications

The relevant development application fees have been paid.

Voting Requirements



Simple Majority



Absolute Majority

Resolution

Moved: Cr Flockart

Seconded: Cr Patroni

That Council:

82988

- 1. GRANTS Development (Planning) Approval for 2 additional open grain storage bulkheads (1 x 44,540 tonne storage capacity, 1 x 39,200 tonne storage capacity), 2 x 500 tph drive-over-grid stackers, internal access roads and associated drainage works on Lot 503 Gabo Avenue Merredin, as outlined in Attachment 12.1A; and**
- 2. ADVISES the applicant that whilst the open grain storage bulkheads are not considered buildings or incidental structures and as such are not subject to building permit requirements, they still must be constructed in accordance with relevant Australian Standards.**

CARRIED 8/0

12.2 Lot 18 (No 70) Barrack Street – Proposed Caretakers Dwelling

<h3>Development Services</h3> 	
Responsible Officer:	Peter Zenni, EMDS
Author:	As above
Legislation:	Shire of Merredin Local Planning Scheme No 6. <i>Building Act 2011</i> <i>Health (Miscellaneous Provisions) Act 1911</i>
File Reference:	A189
Disclosure of Interest:	Nil
Attachments:	Attachment 12.2A – Application for development approval and associated plans and specifications.

Purpose of Report

Executive Decision

Legislative Requirement

Background

The Shire of Merredin has received an application for development (planning) approval from Mr Shain Forth for a caretaker's dwelling at Lot 18 (No 70) Barrack Street, Merredin.

Comment

Strategic

The proposal is consistent with the current as well as longer-term use of the area. The proposed development is incidental to the primary use and will not detract from the amenity of the area.

Statutory – Planning Requirements

The property located on Lot 18 (No 70) Barrack Street, Merredin, is zoned 'Town Centre' under the Shire of Merredin Local Planning Scheme No.6 (LPS).

In this case the objectives of the Local Planning Scheme No. 6 relating to a 'Town Centre' zone are as follows;

- To maintain a consolidated, compact and accessible town centre area for a mix of business and retail use.
- To provide for a range of uses to ensure maximum occupation of land and buildings, even when uses may be interim or transitional.

- To retain Merredin townsite as the focus for commercial, office, civic, and cultural and service functions.
- To provide for a high level of community services.
- To maintain safety and efficiency of traffic flows and provide for adequate facilities for the storage and circulation of vehicles;
- To preclude the storage of bulky and unsightly goods where they may be in public view.
- To provide for and encourage mixed use developments to capitalise on the central location.
- To maintain the compatibility with the general streetscape for all new buildings in terms of scale, height style, materials, street alignment and design of facades.
- To provide street furniture, planting and sheltered places for pedestrians.
- To encourage the provision of public art to improve the amenity and ambiance of the town centre area.
- To reduce uses attracting large volumes of heavy vehicle traffic other than to service retail outlets.
- To provide for residential uses only where the residential uses are combined with a commercial use, e.g. hotel, or where the residential uses occupy a floor level where it is impracticable or inappropriate to establish a shop or office.

Caretaker's Dwelling

A caretaker's dwelling is a 'D' use in a Town Centre zone, which means that it is not permitted unless the Shire of Merredin Council has used its discretion by granting development approval.

The LPS stipulates the following in relation to a caretaker's dwelling;

- A caravan is not permitted as a caretaker's dwelling for either permanent or temporary occupation;
- Only a single caretaker's dwelling shall be permitted on each lot and it shall be located at the rear of the lot.
- The local government will not support the subdivision or development of land that will
 - Allow the dwelling to be sold separately from the predominant use of the land;
 - Restrict the use of the land.
- A caretaker's dwelling shall have a maximum floor area of 100m² measured from the external face of the walls.

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

The proposed caretaker's dwelling will be incidental to and used in association with the principal activity on the lot which is the local jeweller's business in Merredin.

Statutory – Building Requirements

A change in use of the premises automatically incurs a change in the building classification of the premises and requires that portion of the premises to be brought into compliance with

current standards. This includes access to facilities, the provision of a dedicated kitchen, laundry, bathroom, the provision of natural lighting and ventilation as well as fire separation between the areas of the building subject to the different building classifications.

In accordance with provisions of the *Building Act 2011*, a BA1 (externally certified) building application will need to be lodged with the Shire of Merredin and be approved before any building works can commence on site. Once building approvals have been issued and the work has been completed, the external certifying Building Surveyor will have to submit a Certificate of Construction Compliance (CCC) to the Shire of Merredin thus allowing for an Occupancy Permit to be issued by the Shire of Merredin, allowing the use of a portion of the building as a Class 4 (habitable) building - caretaker's residence.

Statutory - Health Requirements

Many of the requirements forming part of the National Construction Code (BCA) replicate provisions stipulated by the *Health (Miscellaneous Provisions) Act 1911* and the Shire of Merredin Health Local Laws with respect to the provision of and access to services and facilities including a dedicated kitchen, laundry, bathroom, toilet facility as well as natural lighting and ventilation.

In addition, Section 144 of the *Health (Miscellaneous Provisions) Act 1911*, stipulates the following;

Building not erected as dwelling not to be converted in to one

No person shall convert into or adapt or use as a dwelling any building not originally constructed or erected as a dwelling-house, and no person shall let, or lease, or sublet, or sub lease, or to otherwise permit, whether for any consideration or gratuitously, the use of, the building as a dwelling, without having first obtained the consent of the local government of the district in which the building is situated, and complied (in case a conditional consent is given) with such conditions as the local government has seen fit to impose.

The relevant provision of and access to services and facilities will be addressed through the associated building approval processes, but the Shire of Merredin in addition to issuing development approval for use of a portion of the premise located at Lot 18 (No 70) Barrack Street, Merredin, as a caretaker's dwelling will also need to grant consent for the proposed activity in accordance with Section 144 of the *Health (Miscellaneous Provisions) Act 1911*.

Policy Implications

Nil

Statutory Implications

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

Compliance with the *Building Act 2011*

Compliance with the *Health (Miscellaneous Provisions) Act 1911*

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

The relevant development application fees have been paid.

Voting Requirements



Simple Majority



Absolute Majority

Resolution

Moved: Cr Simmonds

Seconded: Cr Van Der Merwe

That Council:

1. **GRANTS Development (Planning) Approval for the construction and use of a portion of the property located at Lot 18 (No 70) Barrack Street, Merredin, as a caretaker's dwelling, as outlined in Attachment 12.2A subject to:**
 - a) The use of the caretaker's dwelling being valid only whilst it is incidental to an approved business-related activity on the lot in question;
2. **GRANTS consent in accordance with Section 144 of the Health (Miscellaneous Provisions) Act 1911, for the use of a portion of the building located at Lot 18 (No 70) Barrack Street, Merredin for dwelling purposes, subject to compliance with provisions of the Shire of Merredin Health Local Laws.**
3. **ADVISES the applicant that this development approval does not constitute a building permit and that an application for a building permit will need to be lodged with the Shire of Merredin and be approved before any building works can commence on site; and**
4. **ADVISES the applicant that the building cannot be used as a Class 4 (Habitable) Building – Caretaker's Dwelling, until such time as the Shire of Merredin has issued an Occupancy Permit for the building permitting its use.**

82989

CARRIED 8/0

12.3 Lot 200 (No 108) Barrack Street – Proposed Storage Shed Merredin CRC

Cr Patroni declared an Impartiality Interest in this Item.

<h3>Development Services</h3>		
Responsible Officer:	Peter Zenni, EMDS	
Author:	As above	
Legislation:	Shire of Merredin Local Planning Scheme No 6.	
File Reference:	A225	
Disclosure of Interest:	Nil	
Attachments:	Attachment 12.3A – Application for development approval and associated plans and specifications.	

Purpose of Report

Executive Decision

Legislative Requirement

Background

The Shire of Merredin has received an application for development (planning) approval from Ms Melinda Brown on behalf of the Merredin Community Resource Centre for the construction of a small storage shed on Lot 200 (No 108) Barrack Street, Merredin. The shed is to be used for the storage of furniture associated with Merredin Community Resource Centre activities.

Comment

Strategic

The proposal is consistent with the current as well as longer-term use of the area. The proposed development is incidental to the primary use and will not detract from the amenity of the area.

Statutory – Planning Requirements

The property located on Lot 200 (No 108) Barrack Street, Merredin, is zoned ‘Town Centre’ under the Shire of Merredin Local Planning Scheme No.6 (LPS).

In this case the objectives of the Local Planning Scheme No. 6 relating to a ‘Town Centre’ zone are as follows;

- To maintain a consolidated, compact and accessible town centre area for a mix of business and retail use.

- To provide for a range of uses to ensure maximum occupation of land and buildings, even when uses may be interim or transitional.
- To retain Merredin townsite as the focus for commercial, office, civic, and cultural and service functions.
- To provide for a high level of community services.
- To maintain safety and efficiency of traffic flows and provide for adequate facilities for the storage and circulation of vehicles.
- To preclude the storage of bulky and unsightly goods where they may be in public view.
- To provide for and encourage mixed use developments to capitalise on the central location.
- To maintain the compatibility with the general streetscape for all new buildings in terms of scale, height style, materials, street alignment and design of facades.
- To provide street furniture, planting and sheltered places for pedestrians.
- To encourage the provision of public art to improve the amenity and ambiance of the town centre area.
- To reduce uses attracting large volumes of heavy vehicle traffic other than to service retail outlets.
- To provide for residential uses only where the residential uses are combined with a commercial use, e.g. hotel, or where the residential uses occupy a floor level where it is impracticable or inappropriate to establish a shop or office.

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

The land in question is owned freehold by the Shire of Merredin and houses the old administration building, women's rest centre building, the old library building as well as several sheds and telecommunications infrastructure.

The proposed shed will be used for storage of furniture associated with Merredin Community Resource Centre activities on Lot 200 (No 108) Barrack Street, Merredin.

Statutory – Building Requirements

The proposed shed is less than 10m² in area and is no higher than 2.4 m and as such will not require a building permit from the Shire of Merredin as it attracts an exemption under Schedule 4 of the Building Regulations 2012, which state the following;

Description of building permit for which building permit is not required

Construction, erection, assembly or placement of a freestanding Class 10a building that-

- a) has a floor area not exceeding 10m²; and*
- b) is no more than 2.4m in height; and*
- c) is not located in wind region C or D as defined in AS 1170.2*

Whilst there is no requirement to document the placement of the proposed storage shed via a building permit, the building still has to comply with the relevant structural standards. The most important consideration relating a lightweight structure of this type is to ensure that it

is properly secured to the ground so that it does not blow away and pose a hazard during a strong wind event. The EMDS has discussed this consideration with the applicant and the information provided indicates that the building will be properly secured to the ground.

Lease Considerations

The Merredin Community and Resource Centre Inc currently holds 3 leases with the Shire of Merredin associated with the use of the old administration building and women's rest centre building on Lot 200 (No 108) barrack Street, Merredin. There is already an existing shed on the premises which is currently used by the Merredin CRC which is not in an area subject to a lease agreement in place between the Merredin CRC and the Shire of Merredin.

It is suggested that in the absence of a lease agreement with respect to the area where the proposed storage shed will be located, the proposed development be approved on the understanding that should the Merredin CRC cease its activity at some stage in the future, the storage shed will remain on site as Shire of Merredin property.

Policy Implications

Nil

Statutory Implications

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

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

The relevant development application fees have been paid.

Voting Requirements



Simple Majority



Absolute Majority

Resolution

Moved: Cr McKenzie

Seconded: Cr Simmonds

That Council:


1. GRANTS Development (Planning) Approval for the construction of a small storage shed on Lot 200 (No 108) Barrack Street, Merredin, as outlined in Attachment 12.3A; and
2. ADVISES the applicant that this approval is subject to the following conditions;
 - a) The shed structure being properly secured to the ground so that it does not blow away and pose a hazard during a strong wind event; and
 - b) Upon cessation of activity by the Merredin Community Resource Centre the storage shed will remain on site as Shire of Merredin property

82990

CARRIED 8/0

13. Officer's Reports - Engineering Services

13.1 Variation to PTA Licence to Occupy

<h2>Engineering Services</h2> 	
Responsible Officer:	Daniel Hay-Hendry, A/EMES
Author:	As above
Legislation:	<i>Local Government Act 1995</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 13.1A – Licence(s) to Occupy L7465, L7466 and L7467 (Confidential) Attachment 13.1B – Letters of Variation Attachment 13.1C – Shire of Merredin Lease Plan

Purpose of Report

Executive Decision

Legislative Requirement

Background

The Shire of Merredin is currently a party to three Licence to Occupy agreements with the Public Transport Authority (PTA), these are Licence to Occupy L7467, L7466, and L7465. These Licences cover parts of 45 Barrack Street, which includes Apex Park, the car park area off Barrack Street, Town Square, Pioneer Park, and the museum sites.

The Licences also enable the Shire to offer sub-licence agreements to the Military and Railway Museums. The current agreements are for a 10-year period which commenced in July 2017 and are therefore due to expire in July 2027.

Under the existing Licence to Occupy agreements, approval is required from the PTA (as the landowners) before any works can be undertaken within a licenced area. As part of the PTA approval process, designs for Pioneer Park have been submitted to PTA's property manager and representative Burgess Rawson.

Following this submission, it was identified that the boundary of the works for the revitalisation of Pioneer Park exceeded the Shire's current Licence to Occupy. As such, a variation to increase the area of L7465 is required, refer to **Attachment 13.1A – Licence(s) to Occupy L7465, L7466, and L7467** for the existing Licence agreement.

Comment

The current Eastern and Western boundary of the Pioneer Park Revitalisation scope of works sits outside of the Shire's current Licence to Occupy L7465. In conjunction with providing approval for the Pioneer Park Revitalisation works to proceed the PTA's property manager has updated L7465 and the overall Shire Merredin Lease Plan to reflect the increase in leased area.

Additionally, Licences L7467 and L7466, have had minor changes to the leased area, which have been identified (not related to the Pioneer Park project), which require updating.

Therefore, the total changes in area for each respective licence is as follows:

- L7465 current area is 18,973 m² and this has now been varied to 19,647.88m²
- L7466 current area is 13,461 m² and this has now been varied to 13,461.20m²
- L7467 current area is 64,903 m² and this has now been varied to 65,231.33m²

The Letters of Variation can be seen at **Attachment 13.1B – Letters of Variation**, and the Lease Plan can be seen at **Attachment 13.1C – Shire of Merredin Lease Plan**. The increase in area in L7465 through this variation will capture the entirety of Pioneer Park, the additional areas are identified as Sections D and E in the revised Lease Plan, **Attachment 13.1C – Shire of Merredin Lease Plan**.

The Administration recommends that the variations to the existing Licences be accepted by Council to allow the entire Pioneer Park area to be captured under the lease agreement.

Policy Implications

Nil

Statutory Implications

The *Land Administration Act 1997* allows for State Government entities to lease land under a licence to occupy, including for Local Government Authorities.

Strategic Implications

➤ Strategic Community Plan

Zone: Theme 5: Places and Spaces

Zone Statement: 5.2 Parks and Gardens

Key Priority: Improve public open space

➤ Corporate Business Plan

Key Action: Nil

Directorate: 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 the variations to Licence L7465 is not accepted by Council, the Shire will have completed unapproved works on land outside of the Shire’s Licenced area. It would be within the PTA legal right to claim damages from the Shire of Merredin and the area could be required to be reinstated to its original condition.

Financial Implications

The Shire currently carries out ongoing maintenance in the areas that are proposed to be captured in the variation to the existing agreements and has budgeted as such. The inclusion of these areas in the Shire’s Licence agreements with the PTA would have no additional cost implications to the Shire.

Voting Requirements

Simple Majority

Absolute Majority

Resolution

Moved: Cr Billing

Seconded: Cr Crook

That Council;

82991

- 1. AGREES to the changes to variations to area, between the Shire of Merredin and Public Transport Authority of Western Australia as outlined in Licence(s) to Occupy L7465, L7466 and L7467 at Attachment 13.1A, and Letters of Variation at Attachment 13.1B; and,**
- 2. AUTHORISES the Chief Executive Officer and the Shire President to sign the Letters of Variation at Attachment 13.1B – Letters of Variation for Licence to Occupy L7465, L7466, and L7467 between the Shire of Merredin and the Public Transport Authority and apply the Shire of Merredin common seal.**

CARRIED 8/0

14. Officers' Reports – Corporate and Community Services

14.1 Statement of Financial Activity – June 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, and Capital Works Progress 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

Resolution

Moved: Cr Billing

Seconded: Cr Patroni

82992

That Council in accordance with Regulation 34 of the Local Government (Financial Management) Regulations 1996, receive the Statement of Financial Activity for the period ending 30 June 2022.

CARRIED 8/0

14.2 Statement of Financial Activity – July 2022

<h1>Corporate Services</h1> 	
Responsible Officer:	Leah Boehme, 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 – Statement of Financial Activity Attachment 14.2B – Detailed Statements Attachment 14.2C – Capital Works Progress

Purpose of Report

Executive Decision

Legislative Requirement

Background

The Statement of Financial Activity, Detailed Statements, and Capital Works Progress 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

Resolution

Moved: Cr Patroni


Seconded: Cr Billing

82993

That Council in accordance with Regulation 34 of the Local Government (Financial Management) Regulations 1996, receive the Statement of Financial Activity for the period ending 31 July 2022.

CARRIED 8/0

14.3 List of Accounts Paid – July 2022

<h2>Corporate Services</h2> 	
Responsible Officer:	Leah Boehme, 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 14.3A - Payments Listing July 2022

Purpose of Report

Executive Decision

Legislative Requirement

Background

The attached list of Accounts Paid during the Month of July 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

Resolution

Moved: Cr Billing

Seconded: Cr Crook

82994

That Council RECEIVE the schedule of accounts paid during July 2022 as listed, covering cheques, EFT's, bank charges, directly debited payments and wages, as numbered and totaling \$936,014.50 from Council's Municipal Fund Bank Account and \$1,502.75 from Council's Trust Account.

CARRIED 8/0

14.4 CEACA – 2022/23 Annual Membership Fees

<h3>Corporate Services</h3>		
Responsible Officer:	Lindon Mellor, A/EMCS	
Author:	As above	
Legislation:	Nil	
File Reference:	Nil	
Disclosure of Interest:	Nil	
Attachments:	Nil	

Purpose of Report



Executive Decision



Legislative Requirement

Background

The Shire of Merredin has been a member of the Central East Accommodation & Care Alliance Inc (CEACA) since its formation in 2012. CEACA was originally established to conduct research in conjunction with the Wheatbelt Development Commission (WDC) and Regional Development Australia (RDA) Wheatbelt, which found there was significant under-resourcing of housing, health care beds and other age-appropriate related resources across the region.

Royalties for Regions grants ensured funding for the construction of 71 two-bedroom units across 11 Shires in the Central East Wheatbelt Region. All 71 CEACA units were designed in accordance with the Liveable Housing Guidelines, which have been developed by industry leaders in consultation with community members and provide assurance that a home is easier to access, navigate and live in, as well more cost effective to adapt when life's circumstances change.

With the 71 units completed and tenanted, CEACA's focus has moved to investigating and developing partnerships and models to provide better care services across the region. CEACA is also looking at the possibility of managing accommodation owned by certain Member Shires and the possible expansion of CEACA units.

Although originally formed by 11 local governments, the current CEACA membership has reduced to 8 partnership Council's. The CEACA's current membership includes the Shires of Brue Rock, Kellerberrin, Merredin, Mount Marshall, Mukinbudin, Westonia, Wyalkatchem, Yilgarn.

This item was tabled by Council at the July Ordinary Council Meeting due to Councillors requiring further information. On August 9th two Executive members of CEACA, Mr Tuck

Waldron (Independent Chair) and Mr Richard Marshall (CEO), attended a Council briefing session to provide an update on the current position of CEACA and its potential plans moving forward. Councillors were able to ask a number of clarifying questions in regard to the finances and management of CEACA. The item is now being resubmitted for approval.

Comment

Since 2015 all member Shires have paid an annual contribution towards membership with CEACA which increased to \$20,000 in 2018 and has not changed since.

In the CEACA management committee meeting held on 30 May 2022, the Management accounts to 31 March 2022 were tabled, showing a surplus of \$213,317. The draft budget for 2022/23 financial year was also provided with two options of CEACA membership fees. Two scenarios of \$15,000 or \$20,000 contribution by Council's were put forward to the management committee for consideration. Discussion ensued, with a concern from several members around Shires leaving the CEACA membership group due to value for money.

It was resolved that the Management Committee to reduce the membership fee for the 2022-23 year to \$15,000 per Shire, on the condition that the eight (8) remaining CEACA Member Shires remain as CEACA Members.

As CEACA housing does provide a service to the Shire of Merredin community and membership has been an on-going commitment of Council, it is recommended that Council continue to support CEACA. An allowance for the annual membership fee of \$15,000 has been made within the 2022/23 financial year budget. The Administration recommends Council authorise the CEO to pay associated membership fees.

Policy Implications

Nil

Statutory Implications

Nil

Strategic Implications

➤ Strategic Community Plan

Theme: Nil

Service Area Objective: Nil

Priorities and Strategies for Change: Nil

➤ Corporate Business Plan

Key Action: 4.4.1 - Maximise advocacy benefits with membership of Great Eastern Country Zone, Wheatbelt East Regional Organisation of Councils, Western Australian Local Government Association and CEACA

Directorate: Office of CEO

Timeline: 2018-2022

Sustainability Implications

➤ Strategic Resource Plan

Nil as all assets and responsibilities belong to CEACA Inc, not the Shire of Merredin.

➤ Workforce Plan

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

Risk Implications

If Council do not support membership to CEACA, it risks the organisation becoming unable to develop further and continue to provide its services across the Wheatbelt.

Additionally, by the Shire of Merredin withdrawing from CEACA, this will increase the cost to surrounding Shires which may impact existing relationships and partnerships.

Financial Implications

Membership cost of \$15,000. If other Councils choose to withdraw from CEACA, then this membership cost may increase to \$20,000.

Voting Requirements

Simple Majority

Absolute Majority

Resolution

Moved: Cr McKenzie

Seconded: Cr Patroni

That Council;


82995

- 1. AUTHORISE the CEO to pay the annual CEACA membership fees to a total of \$15,000; and**
- 2. NOTES there is budget available within account 2040141 (Members – Subscriptions & Publications Mun) for this item.**

CARRIED 8/0

15. Officers' Reports - Administration

15.1 Status Report – August 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 – August 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

Resolution

Moved:

Cr Simmonds

Seconded:

Cr Flockart

82996

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

CARRIED 8/0

16. Motions of which Previous Notice has been given

Nil

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

Nil

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

Nil

19.1 Tender RFT05-2021/22 Provision of Ranger Services to the Shire of Merredin

Development Services



Responsible Officer:	Peter Zenni, EMDS
Author:	As above
Legislation:	<i>Local Government Act 1995</i> <i>Local Government (Functions and General) Regulations 1996</i>
File Reference:	CM/19/91
Disclosure of Interest:	Nil
Attachments:	Attachment 19.1A – Confidential Recommendation Report

Voting Requirements

Simple Majority

Absolute Majority

Resolution

Moved: Cr Crook

Seconded: Cr Flockart

That Council:

82998

1. RECEIVES the report of the Tender panel for RFT 05 – 2021/22 for the provision of Ranger Services to the Shire of Merredin;
2. APPROVES the recommendations as contained within Attachment 19.1A – Confidential Recommendation Report;
3. AUTHORISES the Shire President and CEO to sign and apply the Shire of Merredin common seal on a contract for a minimum value of \$333,450 between the Shire of Merredin and WA Contract Ranger Services P/L for the provision of Ranger Services, subject to receipt of the following;
 - a. WA Contract Ranger Service OHS Safety Record/Incident Register
 - b. WA Contract Ranger Service Dedicated Resources Schedule, and,
4. NOTES there is already an existing budget allocation for this contract in 22/23 annual budget in GL 2050216.

CARRIED 8/0

19.2 Country Music Event – Request for Fee Waiver

Community Services



Responsible Officer:	Chloe Townsend A/DCEO
Author:	Leanne Bryant MCC
Legislation:	<i>Local Government Act 1995</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 19.2A – Merredin Country Music email – 22 July 2022 Attachment 19.2B – Policy 5.9 Cummins Theatre – Waived of Discounted Hire Fees

Voting Requirements



Simple Majority



Absolute Majority

Officer Recommendation

That Council;

- 1. ENDORSES to waive the hire fees for the use of the Cummins Theatre venue and the event trailer for the Merredin Country Music weekend event 2022 to the value of \$2,250; and**
- 2. NOTES with the approval to waive the fee, the event will acknowledge the Shire in promotional material published.**

Cr Flockart MOVED the Officer recommendation subject to the following amendments:

- 3. CONDITIONS the approved fee waiver as per Items 1&2 above, on the application being auspiced by a not-for-profit organisation.*

Resolution

Moved: Cr Flockart

Seconded: Cr Billing

That Council;

82999

- 1. ENDORSES to waive the hire fees for the use of the Cummins Theatre venue and the event trailer for the Merredin Country Music weekend event 2022 to the value of \$2,250; and**
- 2. NOTES with the approval to waive the fee, the event will acknowledge the Shire in promotional material published.**
- 3. CONDITIONS the approved fee waiver as per Items 1&2 above, on the application being auspiced by a not-for-profit organisation**

CARRIED 8/0

19.3 Disposal of Land

Corporate Services



Responsible Officer:	Lindon Mellor, A/EMCS
Author:	As above
Legislation:	<i>Local Government Act 1995</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 19.3A - Offer Lot 1326 Mackenzie Cres Attachment 19.3B - Offer 19 Maiolo Way Attachment 19.3C - Valuation Report - Mackenzie Cres Attachment 19.3D - Valuation Report - Maiolo Way Attachment 19.3E – Public Advertisement

Voting Requirements



Simple Majority



Absolute Majority

Officer Recommendation

That Council;

1. **COUNTEROFFER** the offer received from Josh Thompson for Assessment A9526, Lot 1326, 71 Mackenzie Crescent, Merredin WA 6415 for a value of \$40,000;
2. **ACCEPT** the offer of \$40,000 from Gary Anderson for Assessment A3460, Lot 106, 19 Maiolo Way, Merredin WA 6415; and
3. **AUTHORISES** the Chief Executive Officer and the Shire President to negotiate and execute a Contract of Sale and apply the Shire of Merredin common seal to the agreed contract, should the prospective purchasers wish to proceed based on the values and property assessment numbers as listed in Items 1 and 2 of this resolution.

CARRIED

Cr Flockart MOVED the Officer Recommendation subject to the following amendments:

4. SUBJECT to the successful sale as per item 1 to 3 (inclusive) above, Council resolves to:

a) ACCEPT the unbudgeted expenditure of the listed amounts at items 1&2 into the cash backed building reserve (c) building reserve

b) AMENDS the 2022/23 Annual Budget to reflect the additional income as per Item 4(a) above will be accepted into GL 9673301.

	Resolution
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Moved: Cr Flockart

Seconded: Cr Crook

That Council;

83000

- 1. COUNTEROFFER the offer received from Josh Thompson for Assessment A9526, Lot 1326, 71 Mackenzie Crescent, Merredin WA 6415 for a value of \$40,000;**
- 2. ACCEPT the offer of \$40,000 from Gary Anderson for Assessment A3460, Lot 106, 19 Maiolo Way, Merredin WA 6415; and**
- 3. AUTHORISES the Chief Executive Officer and the Shire President to negotiate and execute a Contract of Sale and apply the Shire of Merredin common seal to the agreed contract, should the prospective purchasers wish to proceed based on the values and property assessment numbers as listed in Items 1 and 2 of this resolution.**
- 4. SUBJECT to the successful sale as per item 1 to 3 (inclusive) above, Council resolves to:**
 - a) ACCEPT the unbudgeted expenditure of the listed amounts at items 1&2 into the cash backed building reserve (c) building reserve**
 - b) AMENDS the 2022/23 Annual Budget to reflect the additional income as per Item 4(a) above will be accepted into GL 9673301.**

CARRIED 8/0

19.4 Pioneer Park – Design Services Expenditure

Cr Billing declared a Proximity Interest in this Item and left the Chambers at 5:10pm.

<h3>Engineering Services</h3>		
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	

Voting Requirements



Simple Majority



Absolute Majority

Resolution

Moved: Cr Flockart

Seconded: Cr Patroni

That Council;

83001

1. NOTES variation VO05 has increased the total contract value between the Shire of Merredin and Place Laboratory for the Detailed Design of Pioneer Park to \$201,069.00 ex GST;
2. NOTES this within the existing 2022/23 allocated budget PC007 – CBD Redevelopment; and
3. APPROVE the Administration, if required, to accept any further variations which do not result in the total contract value between the Shire of Merredin and Place Laboratory exceeding \$216,000.00 ex GST for the design and construction services associated with the revitalisation of Pioneer Park in line with the existing budget allocation for the provision of these services.

CARRIED 7/0

Cr Billing returned to the Chambers at 5:12pm.

19.5 Recommendation Report RFQ-02-2022/23

<h1>Community Services</h1> 	
Responsible Officer:	Chloe Townsend, A/DCEO
Author:	As above
Legislation:	<i>Local Government Act 1995</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 19.5A – Recommendation Report RFQ-02-2022/23 – MRCLC Operation Management Review

Voting Requirements



Simple Majority



Absolute Majority

Resolution

Moved: Cr Crook

Seconded: Cr Flockart

That Council;

83002

1. RECEIVES the report of the Panel for RFQ-02-2022/23 MRCLC Operation Management Review at Attachment 19.5A;
2. APPROVES the recommendations as contained within the Section 8, Recommendations, of Attachment 19.5A – RFQ-02-2022/23 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 Naja Business Consulting Services for RFQ-02-2022/23 MRCLC Operation Management Review as outlined in Attachment 19.5A – RFQ-02-2022/23 Confidential Recommendation Report, for the following:
 - a) A base lump sum price of \$41,734.00 (ex GST); and
 - b) Schedule of rates for additional services (per hour), for a total value of up to \$8,000 (ex GST).

CARRIED 7/1

19.6 Options for dealing with Councillor vacancy

<h1>Administration</h1>		 SHIRE OF MERREDIN INNOVATING THE WHEATBELT
Responsible Officer:	Lisa Clack, CEO	
Author:	Lisa Clack, CEO	
Legislation:	Local Government Act, 1995	
File Reference:	Nil	
Disclosure of Interest:	Nil	
Attachments:	Nil	

Voting Requirements

Simple Majority

Absolute Majority

Resolution

Moved: Cr McKenzie

Seconded: Cr Patroni

That Council;

83003

1. SEEKS the approval of the Western Australian Electoral Commissioner for the current Shire of Merredin Councillor vacancy to remain vacant until the ordinary election day of October 2023;
2. NOTES the proposed Local Government reform may result in a change to Councillor numbers which would mean the vacancy would not be filled; and
3. NOTES a further report will be provided to Council should the Western Australian Electoral Commissioner not allow the vacancy to be held as proposed in Item 1 and 2 above.

CARRIED 8/0

Council Resolution

Moved: Cr McKenzie **Seconded:** Cr Billing

83004 That Council return from Behind Closed Doors at 5:21pm, resume Standing Orders and that the resolutions being passed in the confidential session be confirmed in open meeting.

CARRIED 8/0

Council Resolution

Moved: Cr McKenzie **Seconded:** Cr Flockart

83005 That Council move to AJOURN the Ordinary Council Meeting for a 10 minute recess at 5:23pm, with the meeting to reconvene at 5:33pm for the purpose of Council reviewing the Audit Committee minutes prior to considering the recommendations of the Committee.

This is moved under the Shire of Merredin Standing Orders: PART 16 – ADJOURNMENT OF MEETING 16.1 Meeting may be adjourned. The Council or a Committee may decide to adjourn any meeting to a later time on the same day, or to any other day.

CARRIED 8/0

20. Adjournment

The meeting was adjourned from 5:23pm, and reconvened at 5:33pm.

As order of the meeting was changed to consider Item 11.2 at the end of the meeting, Council then returned to Item 11.2 for consideration and resolution. On the resolution of Item 11.2, Council then returned to Item 21. For the closure of the meeting.

21. Closure

There being no further business, the President thanked those in attendance and declared the meeting closed at 5:37pm.

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