



SHIRE OF
MERREDIN
INNOVATING THE WHEATBELT

AGENDA

Ordinary Council Meeting

To be held in Council Chambers Corner
King & Barrack Streets, Merredin
Tuesday, 27 June 2023
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, 27 June 2023 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

LISA CLACK
CHIEF EXECUTIVE OFFICER
23 June 2023

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
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



June Ordinary Council Meeting

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Shire of Merredin
Ordinary Council Meeting
4:00pm Tuesday, 27 June 2023



1. Official Opening

2. Record of Attendance / Apologies and Leave of Absence

Councillors:

Cr M McKenzie	President
Cr D Crook	Deputy President
Cr R Billing	
Cr P Patroni	
Cr M Simmonds	
Cr P Van Der Merwe	

Staff:

L Clack	CEO
L Boehme	EMCS
L Mellor	EMES
P Zenni	EMDS
M Wyatt	EO

Members of the Public:

Apologies: Cr R Manning

Approved Leave of Absence: Cr J Flockart

3. Public Question Time

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

4. Disclosure of Interest

5. Applications for Leave of Absence

6. Petitions and Presentations

7. Confirmation of Minutes of Previous Meetings

- 7.1 Ordinary Council Meeting held on 23 May 2023
Attachment 7.1A
- 7.2 Special Council Meeting held on 11 May 2023
Attachment 7.2A
- 7.3 Special Council Meeting held on 16 May 2023
Attachment 7.3A
- 7.4 Special Council Meeting held on 13 June 2023
Attachment 7.4A

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation

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

1. Ordinary Council Meeting held on 23 May 2023;
2. Special Council Meeting held on 11 May 2023;
3. Special Council Meeting held on 16 May 2023; and
4. Special Council Meeting held on 13 June 2023.

8. Announcements by the Person Presiding without Discussion

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

- 20.1 Community Funding Applications for 2023/24
- 20.2 Growing Regions Program – Letter of Support

10. Receipt of Minutes of Meetings

11. Recommendations from Committee Meetings for Council Consideration

12. Officer's Reports – Development Services

12.1 Lot 327 (No 80) Bates Street Merredin - Building Application for an Over Height Domestic Shed/Garage

<h2>Development Services</h2> 	
Responsible Officer:	Peter Zenni, EMDS
Author:	As above
Legislation:	<i>Building Act 2011</i> Shire of Merredin Policy Manual, Policy 8.22 – Outbuildings in Residential Areas. <i>Residential Design Codes</i>
File Reference:	A346
Disclosure of Interest:	Nil
Attachments:	Attachment 12.1A - Application for building approval and supporting documentation.

Purpose of Report



Executive Decision



Legislative Requirement

To recommend to Council that it authorises the Executive Manager Development Services (EMDS) to issue a building permit for the construction of an over height domestic shed/garage on Lot 327 (No 80) Bates Street, Merredin.

Background

The Shire of Merredin (the Shire) has received an application for a building permit for an over height domestic shed/garage on Lot 327 (No 80) Bates Street, Merredin.

Comment

The owner of Lot 327 (No 80) Bates Street, Merredin, wishes to construct an over height domestic shed/garage on the premises to store their caravan and vehicles which form part of their personal activities. The proposed domestic shed will also be used for hobbies associated with vintage vehicle rebuilds.

Lot 327 (No 80) Bates Street, Merredin, has an area of 8448m² and is zoned "Residential" under the Shire's Local Planning Scheme No. 6 (LPS).

The proposed domestic shed/garage will be located at the rear of the property behind the existing house, with an overall enclosed area of 120m².

The proposed domestic shed/garage will have a wall height of 4.0m and a maximum height at the top of the ridge of 4.879m.

Policy Implications

The Shire's Policy Manual, Policy 8.22 – Outbuildings in Residential Areas permits the Shire's EMDS to approve outbuildings in residential areas as long as their height, size and aggregate total area of all outbuildings complies with the table in Policy 8.22.

As the Lot in question has a land area of 8448m², the requirements of the Policy in relation to both the maximum area of an individual outbuilding as well as the maximum area of the aggregate of all outbuildings will be complied with, however in this case the Policy stipulates a maximum outbuilding wall height of 3.6m and maximum ridge height of 4.5m.

As such the EMDS 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's 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 oversized/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 domestic shed/garage will be located at the rear of the property behind the existing house. The location of the domestic shed/garage on what is a large lot (8448m²) will help to minimise visual impact from the Bates Street frontage.

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

"As requested, following is a description of use of the shed.

No. 1 Storage of caravan that requires 4 meter clearance.

No. 2 Storage and Workshop for vintage vehicle rebuild, including Willys Jeep and International 4-wheel drive Scout. These are private and personal projects.

No. 3 To enable the above, a 2.5 meter vehicle hoist will be installed. This requires approximately 4.2 meters clearance to operate effectively.

No. 4 Space for work benches and tools."

In support of their application, the applicant has provided written confirmation from the adjoining property owners of 88 Bates Street, Merredin, and 72-74 Bates Street, Merredin, confirming that they have no objection to the construction of the over height domestic shed/garage.

As part of the Shire’s due diligence checks, on Tuesday, 16 May 2023, the EMDS spoke with the owners of the below addresses which are the immediately adjoining properties and confirmed that they have no objection to the construction of an over height 12m x 10m x 4.879m domestic shed/garage;

- Adjoining property owner of 42 Chegwiddden Avenue, Merredin.
- Adjoining property owner of 88 Bates Street, Merredin.
- Adjoining property owner of 72-74 Bates Street, Merredin.

Statutory Implications

Compliance with *Building Act 2011*.

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:	Nil

∅ 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

Risk Implications

Risk implications associated with building approval being granted by the Shire for the proposed over height domestic shed/garage are considered low given the proposed location, the large size of the lot in question, as well as confirmation from owners of the immediately adjoining properties that they have no objection to the construction of the over height domestic shed/garage.

Financial Implications

Building application fees have been paid.

Voting Requirements



Simple Majority



Absolute Majority

Officers Recommendation

That Council:

- 1. AUTHORISES the Executive Manager Development Services to issue a building permit for the construction of an over height domestic shed/garage on Lot 327 (No 80) Bates Street, Merredin, as outlined in Attachment 12.1A, subject to compliance with the relevant provisions of the Building Act 2011 and the National Construction Code (BCA);**
- 2. ADVISES the applicant that the shed must not be used for any commercial/business activities; and**
- 3. ADVISES the applicant of the need to comply with the provisions of the Environmental Protection (Noise) Regulations 1997.**

12.2 Lot 20742 Bulls Head Road Norpa - Application for Development Approval Grouped Dwelling

<h3>Development Services</h3>		
Responsible Officer:	Peter Zenni, EMDS	
Author:	As above	
Legislation:	Shire of Merredin Local Planning Scheme No.6 <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> <i>Health (Miscellaneous) Provisions Act 1911</i> Shire of Merredin Health Local Laws	
File Reference:	A9627	
Disclosure of Interest:	Nil	
Attachments:	Attachment 12.2A - Application for development approval and supporting documentation.	

Purpose of Report

Executive Decision

Legislative Requirement

To recommend to Council that it grants development (planning) approval for the erection of two (grouped) dwellings on Lot 20742 Bulls Head Road, Norpa.

Background

The Shire of Merredin (the Shire) has received an application for development (planning) approval for the erection of two (grouped) dwellings on 20742 Bulls Head Road, Norpa.

Comment

Statutory Requirements - Planning Considerations

Shire officers became aware of unauthorised development and building works associated with the erection of two (2) grouped dwellings on Lot 20742 Bulls Head Road, Norpa.

Development is the definition of which includes use, works or both use and works, requiring development approval from the relevant planning authority. Unauthorised development constitutes an offence under the *Planning and Development Act 2005* and attracts significant penalties. The legislation also provides the ability for the local planning authority (in this case, the Shire) to approve unauthorised development.

The builder in question who is a relative of the owner of the premises upon which the unauthorised development has taken place, was formally requested to cease any further building works and apply to the Shire for the relevant development (planning) and building

approvals. The builder in question confirmed that all further works would cease and that an application for relevant development (planning) and building approvals would be lodged with the Shire.

Subsequently the Shire has received an application for development (planning) approval for two (2) grouped dwellings on Lot 20742 Bulls Head Road, Norpa, for consideration.

Lot 20742 Bulls Head Road, Norpa, is zoned 'General Farming' under the Shire's Local Planning Scheme No.6 (LPS).

Until fairly recently, the placement of a second or subsequent (grouped) dwelling on a single lot in a general farming zoned area was not permitted under the LPS.

This changed with the gazettal of Amendment No. 4 to the LPS which occurred on 6 April 2018, and which had the following effect;

Modified Table One – Zoning Table by deleting the 'X' against 'grouped dwelling' in a General farming zone and inserting a 'D1', and adding a footnote to Table as follows;

'1 Subject to clause 4.13'.

Clause 4.13- deleted paragraph 2 and replaced it with the following-

'In the 'General Farming' zone, the erection of more than one (1) single house per lot will generally not be supported. The local government may, at its discretion, approve the erection of one (1) additional dwelling on a rural lot, provided that;

- a) the total number of dwellings on the lot will not exceed three(3) dwellings;*
- b) the additional dwelling complies with the setback requirements not less than those specified for the residential Design Code R2;*
- c) the lot has an area of not less than 40 hectares;*
- d) it can be demonstrated that the additional dwelling is for workers or family members employed for primary production activities on the lot;*
- e) adequate provision of potable water for, and disposal of sewerage from, the additional dwelling can be demonstrated;*
- f) the additional dwelling will not adversely detract from the rural character and amenity of the area or conflict with primary production on the subject lot or adjoining land;*
- g) access to the existing road network is to be provided for any additional dwelling and shared with any existing dwelling where practicable;*
- h) the existence of more than one dwelling on a lot in the 'General Farming' zone shall not be considered by itself to be sufficient grounds for subdivision.'*

Notwithstanding provisions of Clause 4.13 of the LPS and associated limitation on the number of grouped dwellings on a rural lot, Clause 4.5 of the LPS states as follows;

4.5 VARIATIONS TO SITE AND DEVELOPMENT STANDARDS AND REQUIREMENTS

4.5.1 Except for development in respect of which the Residential Design Codes apply, if a development is the subject of an application for development approval and does not comply with a standard or requirement prescribed under the Scheme, the local government may, despite the non-compliance, approve the application unconditionally or subject to such conditions as the local government thinks fit.

4.5.2 In considering an application for development approval under this clause, where, in the opinion of the local government, the variation is likely to affect any owners or occupiers in

the general locality or adjoining the site which is the subject of consideration for the variation, the local government is to –

a) consult the affected parties by following one or more of the provisions for advertising uses under clause 64 of the deemed provisions; and AMD 5 GG 04/07/17

b) have regard to any expressed views prior to making its determination to grant the variation.

4.5.3 The power conferred by this clause may only be exercised if the local government is satisfied that –

a) approval of the proposed development would be appropriate having regard to the criteria set out in clause 67 of the deemed provisions; and AMD 5 GG 04/07/17

b) the non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality

With respect to the above requirements, the EMDS makes the following comments;

- a) The total number of dwellings following the approval of this application and erection of the proposed dwelling on the lot will be three (3) dwellings, thus achieving alignment with Clause 4.13 of the LPS (with respect to the maximum number of dwellings permitted on a rural lot). Given that the land in question is not zoned residential, the use of the grouped dwellings will be limited to farm workers being accommodated for farm related work on the property in question, and the proposed development will not adversely impact on the rural character of the locality, the proposed development can be supported by Council.
- b) The placement location of the proposed dwellings on the lot will comply with the required setback requirements.
- c) The lot in question has an area of 330 hectares.
- d) The additional dwellings are being erected on site for use by workers who will be engaged in the operation of the farm for primary production purposes.
- e) The additional dwellings will be provided with mains water supply and onsite effluent disposal facilities in compliance with requirements of the *Health (Miscellaneous Provisions) Act 1911*.
- f) The additional dwellings will not adversely affect the rural character and the amenity of the locality, nor have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.
- g) Existing road network will be utilised to gain access to the additional dwellings.

Statutory Requirements – Bush Fire Attack Level

The two grouped dwellings are located within the Department of Fire and Emergency Services (DFES) Bush Fire Prone Area and as such required a Bush Fire Attack Level (BAL) assessment to be undertaken. The BAL assessment carried out by STRUCTERRE Consulting dated 27 April 2023 determined the Bush Fire Attack Level to be FZ (Fire Zone). Development in an area subject to a BAL FZ is not normally permitted. In this case a subsequent BAL assessment has been undertaken following the development of a Bush Fire Management Plan, aimed at addressing fire risks and implementation of fire mitigation measures. Subject to compliance with the provision of the Bush Fire Management Plan, the BAL assessment will be reduced to BAL 19.

Accordingly, any development approval should be conditional on the implementation of the Bush Fire Management Plan by the applicant and the owners of the property.

Statutory Requirements – Building Act Considerations

Building work including the placement or erection of a building or incidental structure on land is subject to building permit requirements. Unauthorised building work constitute an offence under the *Building Act 2011* and attracts significant penalties. The legislation also provides the ability for the relevant enforcement agency (in this case, the Shire) to approve unauthorised building work. In this case the builder will need to apply to the Shire for relevant building permits to complete the building work or supply the Shire with a Certificate of Building Compliance from a registered Building Surveyor, thus allowing the Shire to issue a Building Approval Certificate for the unauthorised building work.

Statutory Requirements Health Act considerations

A dwelling house must comply with requirements specified by the *Health (Miscellaneous Provisions Act 1911* and the Shire’s Health Local Laws, including the supply of a suitable supply of potable water to the house as well as the installation of an approved onsite effluent disposal system.

In this case the potable water supply will be provided through mains water supply, in addition a rainwater tank will be provided on site. The applicant has also advised that in the near future, the Shire will receive an application for the installation of an onsite effluent disposal system.

Policy Implications

Nil

Statutory Implications

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

Compliance with the *Building Act 2011*.

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

Compliance with Shire of Merredin Health Local Laws.

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:	Nil

∅ Corporate Business Plan

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

Directorate: Development Services

Timeline: Ongoing

Sustainability Implications

∅ Strategic Resource Plan

Nil

Risk Implications

Given that the development and building works commenced without relevant approvals from the Shire, the Shire can refuse the development application and require the demolition and removal of the unauthorised development/building work. However, as the unauthorised development complies with the LPS with respect to grouped dwelling development on rural zoned land and the unauthorised building works can be brought in to compliance with the National Construction Code (BCA), it is believed that Council should grant development (planning) approval in this case, as the proposed development will be genuinely used to house workers associated with farming activity and will be of benefit to the property owner as well as the local community through access to Merredin shops, recreational facilities and other services by the additional workforce housed on the property.

Financial Implications

The relevant development application fees (including statutory penalties) have been paid.

Voting Requirements



Simple Majority



Absolute Majority

Officers Recommendation

That Council:

- 1. GRANTS development (planning) approval for the erection of two (grouped) dwellings on Lot 20742 Bulls Head Road, Norpa, as outlined in Attachment 12.2A, subject to;**
 - a) The ongoing use of the dwellings being limited to workers or family members who will be engaged in the operation of the farm for primary production purposes;**
 - b) Provision of potable water to the dwellings via mains water supply or suitable onsite rainwater tank storage;**
 - c) The connection of the dwellings to an onsite effluent disposal system in accordance with requirements of the Health (Miscellaneous Provisions) Act 1911;**
 - d) Implementation and ongoing compliance with recommendations forming part of Bush Fire Management Plan Reference Number 230601 prepared by BPAD Bush Fire Planning & Design dated 31/05/2023, and specifically Table 4 (Schedule of**

Implementation & Management Responsibilities) which identifies the following bushfire protection measures to be implemented by the applicant/landowner;

- **Install and maintain an Asset Protection Zone for the dwellings.**
The Asset Protection Zone is to extend a minimum 20m from the building walls, veranda posts, attached structures and/or any adjacent structure within 6m of the buildings.
Selective clearing, thinning and/or modification to native vegetation is required to establish the Asset Protection Zone.
The required Asset Protection Zone standards from the Guidelines for Planning in Bushfire Prone Areas are detailed in Appendix 2;
- **Install and maintain a driveway suitable for access by firefighting appliances. The driveway is to incorporate a minimum 4m trafficable surface.**
Clearance from vegetation or other obstacles, such as fencing, is required to a min. 6m horizontally (width) and 4.5m vertically (height).
Turnaround capability for firefighting appliances is required within 30m of the dwellings and may be provided by a loop driveway.
The required driveway standards from the Guidelines for Planning in Bushfire Prone Areas are detailed in Appendix 3;
- **Install and maintain a compliant tank with 20,000L firefighting water supply.**
The water tank is to be non-combustible with approved fittings and the outlet valve located within 4m of a hard stand suitable for firefighting appliances.
The required water tank standards from the Guidelines for Planning in Bushfire Prone Areas are detailed in Appendix 4;
- **Ensure the development is constructed to the applicable standards of *AS3959 Construction of Buildings in Bushfire-prone Areas*. The BAL rating is to be reassessed for the Building Permit Application, after the Asset Protection Zone is established; and**

2. ADVISES the applicant that;

- a) **The granting of planning approval does not constitute a building permit and that an application for a building permit or a Certificate of Building Compliance must be submitted to the Shire of Merredin for all building work; and**
- b) **An application for an on-site effluent disposal system must be submitted to the Shire of Merredin and be approved before any work on the installation of the effluent disposal system can commence on site.**

13. Officer's Reports – Engineering Services

13.1 Policy Review – 3.23 Asset Management Policy

<h2>Engineering Services</h2>		
Responsible Officer:	Lindon Mellor, EMES	
Author:	As above	
Legislation:	<i>Local Government Act 1995</i>	
File Reference:	Nil	
Disclosure of Interest:	Nil	
Attachments:	Attachment 13.1A – 3.23 Asset Management Policy (track changes) Attachment 13.1B – 3.23 Asset Management Policy (final)	

Purpose of Report



Executive Decision



Legislative Requirement

For Council to consider a revision to Policy - 3.23 Asset Management Policy, which is used to guide the Shire of Merredin's (the Shire) strategic asset management practices. This Policy applies to all the Shire's assets and will guide the development of the future Asset Management Strategy and Plans.

Background

The Shire's Asset Management Policy was last reviewed in June 2013. As part of the 2021/22 Audit, it was noted as an audit finding that this policy was due to be reviewed and updated to reflect current asset management practices.

While the general content of the policy was comprehensive compared to other local governments, it did not fully align with current asset management practices or Integrated Planning and Reporting (IPR) Framework.

The review aims to address the current position the Shire is in along its asset management journey, whilst trying to take a realistic approach and setting a direction for the future. As the Administration already has a Road Hierarchy and three (3) asset management plans well into development, this Policy aims to align a consistent approach for development of the Asset Management Strategy and future plans.

Comment

During the review of the policy, a number of key changes were made. The main points of note include:

- The structure was updated to reflect the current Shire policy template;
- Information within the policy was relocated within the different sections to make it clear what the policy was setting out to achieve, while trying to keep the original intent where relevant;
- Several items and statements were removed due to not being relevant to the policy or not being accurate to current asset management practices;
- Information was updated in relation to the current Integrated Planning and Reporting (IPR) requirements;
- The 'Asset Management Objectives' table was renamed to goals, so as not to cause confusion with the objectives of the policy. The asset management goals under Section 5 refer to the desired outcomes of planning development process and the objectives of the policy are set out in Section 4.
- Five (5) guiding principles have been added, alongside the existing vision and goals to assist the policy to provide direction, while the Asset Management Strategy is in development;
- Policy commitments have been updated to provide more realistic goals that align with the current position the Shire is in along its asset management planning journey; and
- Minor additions to the Responsibility and Accountability section to make things clearer.

The intent of the above changes is to bring the policy up to date, making it easier to implement across the organisation, set a strong direction for the future, as well as meeting the requirements of the *Local Government (Functions and General) Regulations 1996*.

Policy Implications

Changes to Policy 3.23, as documented in Attachment 13.1A and B.

Statutory Implications

As outlined in the *Local Government Act 1995* and *Local Government (Functions and General) Regulations 1996*.

Strategic Implications

Ø Strategic Community Plan

Theme:	4. Communication and Leadership
Service Area Objective:	4.2 Decision Making 4.2.2 The Shire is progressive while exercising responsible stewardship of its built, natural and financial resources
Theme:	5. Places and Spaces
Service Area Objective:	5.3.2 The Shire is continually improving its asset management practices
Priorities and Strategies for Change:	Nil

∅ Corporate Business Plan

Key Action: Nil

Directorate: Nil

Timeline: Nil

Sustainability Implications

∅ Strategic Resource Plan

Nil

Risk Implications

By not accepting the current review to the Policy, Council is likely to receive this item as an audit finding in the future. The changes made are not believed to change the direction set by the original Policy, only make it clearer and more accurate to the current position Council is along the journey.

Financial Implications

There is no cost related to the review of this Policy, however there will be financial implications moving forward relating to the outputs of strategic asset management planning and it's impacts on the Long-Term Financial Plan.

Voting Requirements

Simple Majority

Absolute Majority

Officers Recommendation

That Council;

1. **NOTES** the review of Policy 3.23 Asset Management Policy as per Attachment 13.1A; and
2. **ENDORSES** Policy 3.23 Asset Management Policy as per Attachment 13.1B.

14. Officer's Reports – Corporate Services

14.1 Statement of Financial Activity – May 2023

<h2>Corporate Services</h2>		 SHIRE OF MERREDIN INNOVATING THE WHEATBELT
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 14.1A – Statement of Financial Activity Attachment 14.1B – Detailed Statements Attachment 14.1C – Capital Works Progress Attachment 14.1D – Investment Report	

Purpose of Report



Executive Decision



Legislative Requirement

For Council to receive the Statements of Financial Activity and Investment Report for the month of May 2023, and be advised of associated financial matters.

Background

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

Comment

Statement of Financial Activity

Regulation 34 of the *Local Government (Financial Management) Regulations 1996* requires the Shire of Merredin (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. These reports are included at Attachments 14.1A to D inclusive.

Policy Implications

Nil

Statutory Implications

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

Strategic Implications

Ø Strategic Community Plan

Theme:	4. Communication and Leadership
Service Area Objective:	4.2.2 The Shire is progressive while exercising responsible stewardship of its built, natural and financial resources
Priorities and Strategies for Change:	Nil

Ø Corporate Business Plan

Key Action:	Nil
Directorate:	Nil
Timeline:	Nil

Sustainability Implications

Ø 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.

Risk Implications

The Statement of Financial Activity 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 (CEO) 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 Statement of Financial Activity is retrospective. Accordingly, the financial implications associated with adopting this are nil.

Voting Requirements



Simple Majority



Absolute Majority

Officers Recommendation

That Council RECEIVE the Statements of Financial Activity and Investment Report for the period ending 31 May 2023, in accordance with Regulation 34 of the Local Government (Financial Management) Regulations 1996.

14.2 List of Accounts Paid – May 2023

<h2 style="margin: 0;">Corporate Services</h2> 	
Responsible Officer:	Leah Boehme, EMCS
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:	Attachment 14.2A – Payments Listing May 2023

Purpose of Report

Executive Decision

Legislative Requirement

For Council to receive the schedule of accounts paid for the month of May 2023.

Background

The attached list of accounts paid during the month of May 2023, 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: 4. Communication and Leadership

Service Area Objective: 4.2.2 The Shire is progressive while exercising responsible stewardship of its built, natural and financial resources
Priorities and Strategies for Change: Nil

∅ Corporate Business Plan

Key Action: Nil
Directorate: Nil
Timeline: Nil

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.

Risk Implications

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

Financial Implications

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

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation

That Council RECEIVE the schedule of accounts paid during May 2023 as listed, covering cheques, EFT's, bank charges, directly debited payments and wages, as numbered and totaling \$1,588,872.06 from Council's Municipal Fund Bank Account and \$0 from Council's Trust Account.

14.3 2023/24 Differential General Rates and Minimum Payments Submissions

<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:	Nil

Purpose of Report

Executive Decision

Legislative Requirement

For Council to consider any submissions received in response to providing local public notice and advertising the proposed differential rating model intended for the 2023/24 financial year.

Background

Section 6.2 of the *Local Government Act 1995* (the Act) requires each local government to prepare and adopt a budget for the Municipal Fund to 30 June the following year. A required component of the setting of the budget is the consideration of rate revenue for the year to meet the estimate of the budget deficiency.

Council resolved at the Special Council Meeting held on 11 May 2023, to adopt the differential rates for advertising for the 2023/24 financial year. (CMRef 83153)

“That Council;

- 1. ADOPT for draft budget purposes, Option Four as stated in the item, as the differential rate in the dollar and minimum payments for Unimproved Value rated properties for the Shire of Merredin, subject to finalisation of the draft 2023/24 Annual Budget and the establishment of the funding shortfall required from imposition of rates on Gross Rental Value rated properties;*
- 2. ADVERTISE its intention to levy differential rates on Unimproved Value properties for the 2023/24 Budget, and advise the public of the availability of the Shire of Merredin’s 2023/24 Differential Rating Objects and Reasons (updated to suit the option selected by Council), in accordance with section 6.36 of the Local Government Act 1995; and*

3. *NOTES any public submissions received in response to Item 2 above, will be presented to Council for consideration prior to adoption of the 2023/24 Rates.”*

The proposed differential rates were set as per Option Four:

Unimproved Value	Minimum	Rate in \$
UV1 – Rural	\$1,130.00	0.01918
UV2 – Urban Rural	\$1,130.00	0.03712
UV3 – Mining	\$200.00	0.03654
UV4 – Power Generation Gen	\$1,130.00	0.03513
UV5 – Special Use Airstrip	\$1,130.00	0.03513

Comment

A notice seeking submissions to the proposed differential rates for 2023/24 was advertised on 12 May 2023. The closing date for submissions was 5 June 2023. No submissions were received.

During the preparation of the draft budget and subsequent rates modelling, it will be necessary to adjust the rate in the dollar for UV rate classes to continue to conform to section 6.33 (3) of the *Local Government Act 1995* due to the recent Landgate revaluations. The updated Differential Rate in the dollar values will be presented as part of budget adoption.

Ministerial approval will not be required as no differential general rate will be more than twice the lowest differential general rate imposed by the local government.

Policy Implications

Nil

Statutory Implications

Section 6.33 of the *Local Government Act 1995* allows for local governments to differentially rate properties.

Section 6.33 (3) of the *Local Government Act 1995* outlines “*In imposing a differential general rate a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.*”

There will be no requirement for Council to apply for Ministerial approval.

Section 6.35 of the *Local Government Act 1995*:

6.35. Minimum payment

(1) *Subject to this section, a local government may impose on any rateable land in its district a minimum payment which is greater than the general rate which would otherwise be payable on that land.*

(2) *A minimum payment is to be a general minimum but, subject to subsection (3), a lesser minimum may be imposed in respect of any portion of the district.*

(3) *In applying subsection (2) the local government is to ensure the general minimum is imposed on not less than —*

- (a) 50% of the total number of separately rated properties in the district; or
 - (b) 50% of the number of properties in each category referred to in subsection (6), on which a minimum payment is imposed.
- (4) A minimum payment is not to be imposed on more than the prescribed percentage of –
- (a) the number of separately rated properties in the district; or
 - (b) the number of properties in each category referred to in subsection (6), unless the general minimum does not exceed the prescribed amount.
- (5) If a local government imposes a differential general rate on any land on the basis that the land is vacant land it may, with the approval of the Minister, impose a minimum payment in a manner that does not comply with subsections (2), (3) and (4) for that land.
- (6) For the purposes of this section a minimum payment is to be applied separately, in accordance with the principles set forth in subsections (2), (3) and (4) in respect of each of the following categories –
- (a) to land rated on gross rental value; and
 - (b) to land rated on unimproved value; and
 - (c) to each differential rating category where a differential general rate is imposed.

[Section 6.35 amended by No. 49 of 2004 s. 61.]

Section 53 of the Local Government (Financial Management) Regulations 1996 sets the Prescribed amount in Relation to Minimums.

53. Amount prescribed for minimum payment (Act s. 6.35(4))

The amount prescribed for the purposes of section 6.35(4) is \$200.

Strategic Implications	
∅ Strategic Community Plan	
Theme:	4. Communication and Leadership
Service Area Objective:	4.2 Decision Making 4.2.2 The Shire is progressive while exercising responsible stewardship of its built, natural and financial resources
Priorities and Strategies for Change:	Nil
∅ Corporate Business Plan	
Key Action:	Nil
Directorate:	Nil
Timeline:	Nil
Sustainability Implications	
∅ Strategic Resource Plan	
Nil	

Risk Implications

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

Financial Implications

The proposed Differential Rates Model will result in the required rates revenue for the 2023/2024 Annual Budget

Voting Requirements

Simple Majority

Absolute Majority

Officers Recommendation

That Council NOTES that no submissions were received regarding the proposed 2023/24 Differential General Rates and Minimum Payments.

15. Officer's Reports – Community Services

Nil

16. Officer's Reports – Administration

16.1 Status Report – June 2023

<h2>Administration</h2>		 SHIRE OF MERREDIN INNOVATING THE WHEATBELT
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 16.1A – Status Report – June 2023	

Purpose of Report



Executive Decision



Legislative Requirement

For Council to consider the updated Status Report for June 2023.

Background

The Status Report is a register of Council Resolutions that are allocated to the Shire's Executive Staff for actioning. When the Executive Staff have progressed or completed any action in relation to the Council Resolution, comments are provided until the process is completed or superseded by a further Council Resolution.

Comment

In the interest of increased transparency and communication with the community and Council, 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

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 2023.

16.2 Corporate Business Plan 2022/23 – 2025/26

<h2 style="color: #0056b3;">Administration</h2> 	
Responsible Officer:	Lisa Clack, CEO
Author:	As above
Legislation:	<i>Local Government Act 1995</i> <i>Local Government (Administration) Regulations 1996</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 16.2A – Shire of Merredin Corporate Business Plan 2022/23-2025/26

Purpose of Report

- Executive Decision
 Legislative Requirement

For Council to adopt the Shire of Merredin Corporate Business Plan 2022/23 – 2025/26.

Background

All Local Government’s in Western Australia are required to produce a plan for the future, using the integrated planning and reporting framework - which includes a Strategic Community Plan and a Corporate Business Plan (*Local Government Act 1995 s5.56(1)*).

The development of a corporate business plan (CBP) is a requirement of all local governments in Western Australia under the *Local Government (Administration) Regulations 1996*.

Under the Regulations, corporate business plans must:

- set out priorities for dealing with the objectives and aspirations of the community;
- cover a period of at least four years;
- govern internal business planning;
- reference resourcing plans/strategies (for example asset management, workforce planning, long-term financial planning); and,
- be reviewed every year.

Comment

The proposed Shire of Merredin Corporate Business Plan 2022/23-2025/26 is attached as Attachment 16.2A to this report.

The Shire of Merredin (the Shire) adopted its latest Strategic Community Plan (SCP) in 2021, which was developed following extensive consultation with the community and sets out what the Shire aims to achieve over the next ten years.

The attached plan is the first Corporate Business Plan to be aligned to the new strategies within the new Strategic Community Plan.

It operationalises the actions needed to deliver the Strategic Community Plan and outlines Council's key priorities and the resources required for delivery. This provides a transparent and accountable framework showing what the community can expect from the Shire in the short to medium term for our services and projects.

The attached document should be considered a framework, which describes the services the Shire provides, the Shire's priority major and strategic projects, funding arrangements (where known), and how the Shire's services and projects align to our Strategic Community Plan – and our overall aspirations. Resourcing inputs and measuring the plan are also described.

Although the plan has a four-year time horizon, Council will note that the projects and inputs primarily represent the Shire's priorities within the next one to two years, although where the details of priority projects are known for future years, this information has been included. As the Shire develops other supporting plans as inputs, the information and costings in the plan will also improve over time. This includes information and budgets drawn from asset management plans, workforce plans, and the Shire's Long-Term Financial Plan.

To show alignment to our Strategic Community Plan, the Shire has realigned the services, projects and activities of the plan to the key themes, goals and outcomes of the new Strategic Community Plan.

The plan will be reviewed with updated inputs annually, and for 2023/24 this update will occur following the adoption of the annual budget.

It is recommended that the plan be adopted subject to minor design changes, which will allow images to be changed, or other small updates to occur without returning it to Council.

Policy Implications

Now this framework has been developed and aligned to the Strategic Community Plan, the annual review of the Corporate Business Plan will provide an annual opportunity for the Shire to reassess forecasted timeframes and budgets for its projects and priorities.

This will assist in improving the accountability, transparency, and sustainable delivery of the Shire's services and projects.

Statutory Implications

Section 5.56(1) of the *Local Government Act 1995*.

Regulation 19DA of the *Local Government (Administration) Regulations 1996*.

Strategic Implications

∅ Strategic Community Plan

Theme: 4. Communication and Leadership

Service Area Objective: 4.7 Integrated Planning and Reporting

4.7.1 The Shire is committed to ongoing consultation to ensure that the reporting associated with the State's IPR, is in line with the community vision for the town and its surrounds.

Priorities and Strategies
for Change:

Nil

Risk Implications

The Shire will be non-compliant with the legislative requirements should it not adopt a CBP.

Financial Implications

The CBP priorities are set within the annual budget.

Voting Requirements



Simple Majority



Absolute Majority

Officers Recommendation

That Council;

- 1. ADOPTS the Corporate Business Plan 2022/23 - 2025/26, subject to minor design changes; and**
- 2. AUTHORISES the Chief Executive Officer to give public notice that the Corporate Business Plan 2022/23 - 2025/26 has been adopted.**

17. Motions of which Previous Notice has been given

17.1 Notice of Motion - Mr. Edward Johnston Award

<h2>Councillor Notice of Motion</h2>		
Councillor:	Cr Mark McKenzie	
Author:	As above	
Legislation:	<i>Local Government Act 1995</i>	
File Reference:	Nil	
Disclosure of Interest:	Nil	
Attachments:	Nil	

Motion

That Council:

1. APPROVES the creation of a new Council Award for Outstanding Volunteer Service and Contribution to Community;
2. ENDORSES the name of the award to be the 'Mr Edward Johnston Award'; and
3. RECOMMENDS the Mr Edward Johnston Award be presented alongside the Auspire Community Citizen of the Year Awards on the 26 January each year.

Reason

Cr McKenzie gave his reason for the motion as the below:

The Council is currently considering how best to honour a community member who held a volunteer role within the Shire for more than 20 years. This community member has volunteered across a number of roles for the Shire for more than 35 years and should be acknowledged for their dedication and outstanding service to the community.

From the discussions held at the 23 May 2023 Council briefing session regarding this community member, it is in my view that the Council currently does not have an award that appropriately recognises service for volunteers.

I have pondered a 'Citizen of the Year Award' for many years – an award that doesn't have to be presented every year but is able to capture volunteers who have dedicated many years of service to the Shire. While I appreciate that we already have the Freeman recognition, due to the nature of this prestigious award being reserved for very rare circumstances, I do believe

we should have an alternative award available if a worthy recipient is identified, who may not meet the criteria for a Freeman nomination.

In addition, I would like to take this opportunity to recognise and honour the late Edward 'Eddy' Johnston, Merredin's last known WWII veteran who sadly passed away recently on 15 May 2023, by naming this new award the Mr Edward Johnston Award.

Background

There is currently only one award that is able to be granted on behalf of the Shire of Merredin Council for outstanding contributions made to community - the Honorary Freeman of the Shire of Merredin. This title may be bestowed upon community members demonstrating outstanding and exceptional contribution to the Shire or community. As per Policy 1.18, the conferring of the honour of the Freeman of the Shire of Merredin can only occur in rare and exceptional circumstances to maintain both the significance and prestige of the title. To be considered for a nomination, the nominee must have given extensive and distinguished service to the Shire or community in a largely voluntary capacity. The nominee must have made an outstanding contribution to the Shire or community such that the nominee's contribution can be seen to stand above the contributions made by most other people.

While the above is the only Council driven award, the Shire also holds an annual subscription for the Auspire Community Citizen of the Year Awards held annually on Australia Day, 26 January. These awards are community driven, and a person requires a nomination from a community member to be considered. There are currently four categories including:

- Citizen of the Year;
- Senior Citizen of the Year (over 65);
- Young Citizen of the Year (under 25); and
- Active Citizenship (Event or Group).

While Council do collectively decide the winners for the Auspire Awards, they are unable to nominate due to a conflict of interest associated with being on the awards panel.

It is important to note that it is not unusual for Local Governments to create their own Award to be presented alongside the Auspire Awards - for example, the Town of Bayswater includes an Outstanding Women in Leadership category in their Community Citizen awards.

Based on the motion from Cr McKenzie, should Council wish to support the motion, the Shire could create an award and name it in honour of Mr Johnston. Mr Johnston joined the Army in 1942. He was sent to Papua New Guinea at the age of 19 and was assigned to the Signals Corp. He was in the Battle of Milne Bay at the same time as the Kokoda Army stopped the Japanese Army advance into Australia - the first land defeat of the Japanese forces in World War II. He was Merredin's last known WWII veteran.

Mr Johnston was heavily involved in community life from the time he arrived in town in 1955 until his passing in 2023. He served as secretary for the Civic Bowling Club in the 70s, and then a further 25 years as treasurer. He also served as worshipful master and secretary at the Merredin Lodge for 46 years, the treasurer of the Merredin Agricultural Society for 10 years, treasurer for the South Merredin Primary School P&C for 11 years, and treasurer of the Berringa Frail Ages Lodge for 3 years.

This award would allow Council to appropriately recognise the volunteers and community members who have given many years of service.

Officer Comment

While the Administration are supportive of the creation of a Council Award to be named in Mr Johnstons honour, it would be advisable to ensure that there is a distinct separation between this award and the Citizen of the Year Award, which runs as part of the Auspire Community Citizen of the Year awards which recognises outstanding service and community contribution from the previous year only.

It is recommended that Council create an award for 'Outstanding Volunteer Service and Contribution to Community' to be awarded alongside the Auspire Community Citizen of the Year Awards on Australia Day, 26 January, each year which recognises ongoing service and community contribution over extended periods.

Nominations for this award may be submitted by Council Members and Executive Staff ONLY, with the final decision to be made by Council.

Alternatively, Council may decide to allow for community members to submit nominations in line with the Auspire Awards. Should this be the preferred method, advertising for the award would commence in August, with nominations to be received from 1 September until 31 October each year, however this is not the recommended approach.

Statutory Implications

Nil

Strategic Implications

∅	Strategic Community Plan
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Theme:	Nil
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Service Area Objective:	Nil
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Priorities and Strategies for Change:	Nil
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Risk Implications

Nil

Financial Implications

Cost of a physical award being made.

Voting Requirements

Simple Majority

Absolute Majority

Councillor Recommendation

That Council:

1. **APPROVES** the creation of a new Council Award for Outstanding Volunteer Service and Contribution to Community;
2. **ENDORSES** the name of the award category to be the 'Mr Edward Johnston Award';
3. **NOTES** nominations for this award may be submitted by Council Members and Executive Staff only; and
4. **RECOMMENDS** the Mr Edward Johnston Award be presented alongside the Auspire Community Citizen of the Year Awards on the 26 January each year.

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

Nil

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

Nil

20. Matters Behind Closed Doors

20.1 Community Funding Applications for 2023/24

20.2 Growing Regions Program – Letter of Support

21. Closure

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