

SHIRE OF  
**MERREDIN**  
INNOVATING THE WHEATBELT

# MINUTES

## Ordinary Council Meeting

Held in Council Chambers  
Corner King & Barrack Street's, Merredin  
Tuesday, 18 July 2023  
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



## July Ordinary Council Meeting

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Shire of Merredin  
Ordinary Council Meeting  
4:00pm Tuesday, 18 July 2023



**1. Official Opening**

The President acknowledged the Traditional Owners of the land on which we meet today, and paid his respects to Elders past, present and emerging. The President then welcomed those in attendance and declared the meeting open at 4:03pm.

**2. Record of Attendance / Apologies and Leave of Absence**

**Councillors:**

Cr M McKenzie	President
Cr D Crook	Deputy President
Cr J Flockart	
Cr R Manning	Via Zoom
Cr P Patroni	
Cr M Simmonds	Via Zoom
Cr P Van Der Merwe	

**Staff:**

L Clack	CEO
C Brindley-Mullen	EMS&C
L Boehme	EMCS
P Zenni	EMDS
M Wyatt	EO

**Members of the Public:** A Martin 4:00pm – 4:29pm

**Apologies:** Cr R Billing

**Approved Leave of Absence:**

*Cr Manning and Cr Simmonds attendance via Zoom was approved by the Shire President in advance in accordance with Regulation 14C.2(b) of the Local Government (Administration) Amendment Regulations 2022.*

**3. Public Question Time**

*Cr McKenzie asked A Martin if he had any questions for public question time. A Martin advised he had no questions and was present to observe an item he had an interest in.*

**4. Disclosure of Interest**

Nil

**5. Applications for Leave of Absence**

Nil

## 6. Petitions and Presentations

Nil

## 7. Confirmation of Minutes of Previous Meetings

- 7.1 Ordinary Council Meeting held on 27 June 2023  
Attachment 7.1A

### Voting Requirements



Simple Majority



Absolute Majority

### Resolution

**Moved:** Cr Van Der Merwe                      **Seconded:** Cr Crook

**83191**

**That the minutes of the Ordinary Council Meeting held on 27 June 2023 be confirmed as a true and accurate record of proceedings.**

**CARRIED 7/0**

## 8. Announcements by the Person Presiding without Discussion

Nil

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

- 20.1 Disposal of Land  
20.2 Rateable Property Assessment A1760 – Lot 145 Todd Street – Request to Reimburse Charges

## 10. Receipt of Minutes of Meetings

- 10.1 Minutes of the Great Eastern Country Zone Meeting held 20 June 2023  
Attachment 10.1A  
10.2 Minutes of the Wheatbelt East Regional Organisation of Councils Inc. Board Meeting held on 28 June 2023  
Attachment 10.2A (CONFIDENTIAL)

### Voting Requirements



Simple Majority



Absolute Majority

### Resolution

Moved: Cr Patroni

Seconded: Cr Flockart

That Council;

83192

1. RECEIVE the minutes of the Great Eastern Country Zone Meeting held 20 June 2023; and
2. RECEIVE the minutes of the Wheatbelt East Regional Organisation of Councils Inc. Board Meeting held on 28 June 2023.


CARRIED 7/0

## 11. Recommendations from Committee Meetings for Council Consideration

Nil

## 12. Officer's Reports – Development Services

### 12.1 Proposed Licence Agreement – Temporary Access to Portion of Reserve 32849 Lot 1287 Insignia Way Merredin (ARC Infrastructure)

<h2>Development Services</h2>		
<b>Responsible Officer:</b>	Peter Zenni, EMDS	
<b>Author:</b>	As above	
<b>Legislation:</b>	<i>Land Administration Act 1997</i> <i>Local Government Act 1995</i>	
<b>File Reference:</b>	A3465/Reserve File 32849	
<b>Disclosure of Interest:</b>	Nil	
<b>Attachments:</b>	Attachment 12.1A – Licence to Use and Occupy Land Agreement and Associated Documentation (CONFIDENTIAL)	

#### Purpose of Report



Executive Decision



Legislative Requirement

To recommend to Council that it grants temporary access to Portion of Reserve 32849, Lot 1287 Insignia Way, Merredin, to ARC Infrastructure and authorises the Shire President and Chief Executive Officer (CEO) to execute the associated Licence to Use and Occupy Land Agreement on behalf of the Shire of Merredin (the Shire).

#### Background

The Shire has been approached by representatives of ARC Infrastructure seeking permission for temporary access to Portion of Reserve 32849, Lot 1287 Insignia Way, Merredin. ARC Infrastructure is proposing to enter into a Licence to Use and Occupy Land Agreement with the Shire for the temporary access and use of portion of the Reserve for works associated with the Merredin Turnout Replacement Plan.

#### Comment

ARC Infrastructure is currently in the process of preparing to undertake works forming part of the Merredin Turnout Replacement Plan. As part of these works, ARC Infrastructure have identified a suitable portion of land immediately adjacent to the Railway Corridor which would meet their needs for the temporary set down of equipment.

ARC infrastructure has indicated that the proposed activity will compose of three stages – Prep Works, Shut Down, and Clean Up, and will consist of access to and temporary use of a cleared portion of the existing Reserve.

ARC Infrastructure is proposing to install a temporary compacted gravel pad that will support concrete and steel railway members which will be assembled together and lifted in to place on to the Railway Reserve by several large cranes.

Whilst ARC Infrastructure have requested a 30-day period in order to access and undertake preparatory works on the site, the actual works (construction) component will take less than 48 hours and as such, attracts an exemption under the *Planning and Development (Local Planning Schemes) Regulations 2015* from the need to obtain development approval from the local planning authority. The scope of the works forming part of the 48-hour window is identified in the Merredin Turnout Replacement Plan forming part of Attachment 12.1A.

Reserve 32849, Lot 1287 Insignia Way, Merredin is owned by the State of Western Australia with a vesting via a Management Order in the Shire of Merredin, for the purposes of ‘Town Reclaimed Water Supply’. The land in question is identified as ‘Parks and Recreation Local Scheme Reserve’ under the Shire of Merredin Local Planning Scheme No.6.

Arc Infrastructure, at the request of the Shire have approached the Department of Planning, Lands and Heritage (DPLH) to confirm that it does not oppose the proposed works on State owned land. ARC Infrastructure have been provided with the following email advice from DPLH;

*“Thank you for your email regarding access to a portion of Reserve 32849, being Lot 1287 on plan 9945.*

*As identified, Reserve 32849 is under a management order to the Shire of Merredin, placing the Reserve under their care, control and management.*

*When the Department of Planning, Lands and Heritage grants access to Crown Land, this is usually done by way of a licence, which can be a timely process that includes referrals.*

*Therefore, any permission to grant access for a short duration over a small portion of a managed Reserve, as is being requested is deferred to the management body.”*

Based on this advice, ARC Infrastructure wish to progress the matter and have supplied the Shire with a Licence to Use and Occupy Land Agreement. The Agreement consists of standard terms and conditions and identifies both the portion of the Reserve as well as the period of time to which the Agreement applies.

It should be noted that a site meeting held between ARC Infrastructure representatives, the Shire’s Executive Manager of Development Services (EMDS), and the Shire’s Manager of Projects (MP), identified that the pipe forming part of the Shire’s desalination plant runs above ground through the area subject to the proposed licence agreement with the need to implement associated protection measures to prevent damage to the pipe. ARC Infrastructure have indicated that they are prepared to temporarily bury the pipe at their cost and to either leave it buried following completion of the works or reinstate it above ground. At this stage the preference of the Shire is to leave the pipe buried following the completion of the works.

#### **Policy Implications**

Compliance with Shire of Merredin Policy 3.13 - Use of Common Seal.

#### **Statutory Implications**

Compliance with the *Land Administration Act 1997*.



Compliance with the *Local Government Act 1995*.

### Strategic Implications

∅ Strategic Community Plan

Theme: 4. Communication and Leadership  
Service Area Objective: 4.2 Decision Making  
4.2.3 The Council is well informed in their decision-making, supported by a skilled administration team who are committed to providing timely, strategic information and advice  
Priorities and Strategies for Change: Nil

### Sustainability Implications

∅ Strategic Resource Plan

Nil

### Risk Implications

Risk implications are minimal as the portion of the land in question is already cleared. ARC Infrastructure has indicated that it will implement all necessary measures to prevent damage to the pipework forming part of the Shire's desalination plant. As the land will be under the control of ARC Infrastructure during the 30-day period forming part of the licence to occupy land agreement, ARC Infrastructure will be responsible for the day-to-day management of this area. As part of the conditions forming part of granting access to ARC Infrastructure to the land in question, ARC Infrastructure will be reminded of its responsibility to secure the site and comply with all relevant work health and safety requirements.

### Financial Implications

Nil

### Voting Requirements



Simple Majority



Absolute Majority

### Resolution

Moved: Cr Crook

Seconded: Cr Patroni

That Council;

1. **PERMITS** the temporary access to Portion of Reserve 32849, Lot 1287 Insignia Way, Merredin by ARC Infrastructure for the purposes of undertaking works identified in the Merredin Turnout Replacement Plan as outlined in Attachment 12.1A;
2. **ENDORSES** the Licence to Use and Occupy Land Agreement as per Attachment 12.1A;
3. **AUTHORISES** the Shire President and Chief Executive Officer to apply the Shire of Merredin Common Seal to the Licence to Use and Occupy Land Agreement as outlined in Attachment 12.1A;
4. **ADVISES** ARC Infrastructure that the above endorsement is subject to compliance with all relevant work health and safety requirements, including restricting access to the site to prevent unauthorised access during the construction phase of the works forming part of the Merredin Turnout Replacement Plan;
5. **REQUIRES** ARC Infrastructure to ensure that all necessary measures are implemented to prevent damage to Shire of Merredin infrastructure; and
6. **REQUIRES** ARC Infrastructure to undertake a photographic survey of the Portion of Reserve 32849, Lot 1287 Insignia Way, Merredin, subject of the Licence to Use and Occupy Land Agreement, prior to commencement, and immediately following completion of the works forming part of the Merredin Turnout Replacement Plan, and the photographic survey is to be supplied to the Shire of Merredin.

83193

CARRIED 7/0

## 12.2 Lot 38 McCallum Street, Muntadgin - Application for Development Approval Transportable Dwelling

<h3>Development Services</h3>	
<b>Responsible Officer:</b>	Peter Zenni, EMDS
<b>Author:</b>	As above
<b>Legislation:</b>	Shire of Merredin Local Planning Scheme No.6 <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> <i>Local Planning Scheme Policy No.1 – Moveable Buildings</i>
<b>File Reference:</b>	A8518
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	Attachment 12.2A - Application for development approval and supporting documentation (CONFIDENTIAL)



### Purpose of Report

Executive Decision



Legislative Requirement

To recommend to Council that it grants development (planning) approval for the placement of a single transportable dwelling on Lot 38 McCallum Street, Muntadgin.

### Background

The Shire of Merredin (the Shire) has received an application for development (planning) approval for the placement of a single transportable dwelling on Lot 38 McCallum Street, Muntadgin.

### Comment

#### Statutory Requirements - Planning Considerations

Lot 38 McCallum Street, Muntadgin, is zoned as a 'Townsite' under the Shire of Merredin Local Planning Scheme No.6 (LPS).

A single house is a 'D' use in a Townsite zone – which means that the use is not permitted unless the local government has exercised its discretion by granting development approval.

In this case, the placement of a single dwelling on the lot in question will complement the adjoining land uses and will not adversely impact the amenity of the surrounding area.

#### Local Planning Scheme Policy No.1 – Moveable Buildings

The proposed transportable dwelling is being relocated from another site and as such is subject to policy requirements specified by the Shire of Merredin LPS Local Planning Scheme Policy No.1 – Moveable Buildings.

The objectives of the Local Planning Scheme Policy No.1 – Moveable Buildings, are as follows;

- a) To maintain high amenity standards of buildings, especially within the residential areas in the townsites of the Shire.
- b) To ensure that the visual aesthetics of residential areas are not compromised by the introduction of moveable buildings that are generally out of character with the predominant housing style in the locality.
- c) To ensure that the moveable buildings, established within the Shire, do not use materials considered by the Council to be unacceptable (eg. asbestos).
- d) To avoid the erection and use of extensive areas of moveable structures for accommodating temporary workforces, or other business or company activities, in inappropriate areas.
- e) To prevent the introduction of housing, or other use structures, that are designed to be used on a temporary or short stay basis and that may detract from the standards already established in the residential areas of the Townsites.
- f) To protect the visual amenity of the urban environment by not permitting the establishment, storage or use of 'containers' within the non-industrial areas of the townsite.

The placement of the transportable dwelling on Lot 38 McCallum Street, Muntadgin will be in accordance with relevant setback requirements specified by the Residential Design Codes and will meet the objectives specified by the Shire of Merredin LPS Local Planning Scheme Policy No.1 – Moveable Buildings.

The Shire has received confirmation that the transportable dwelling was originally constructed in 2008 and does not contain any asbestos materials.

#### **Statutory Requirements – Bush Fire Attack Level**

The transportable dwelling will be 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 12 June 2023 determined the Bush Fire Attack Level to be BAL – 19, thus allowing the placement of the transportable dwelling on site subject to the applicable building permit requirements.

#### **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. In this case the builder will need to apply to the Shire for relevant building permit to place the transportable dwelling on site at Lot 38 McCallum Street, Muntadgin.

#### **Statutory Requirements Health Act considerations**

A dwelling house must comply with requirements specified by the *Health (Miscellaneous) Provisions Act 1911* and the Shire of Merredin 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. 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

### Sustainability Implications

∅ Strategic Resource Plan

Nil

### Risk Implications

The risk implications are considered to be low as the development will comply with provisions of the Shire of Merredin LPS Local Planning Scheme Policy No.1 – Moveable Buildings, will complement the adjoining land uses and will not adversely impact the amenity of the surrounding area.

### Financial Implications

The relevant development application fees have been paid.

### Voting Requirements



Simple Majority



Absolute Majority

### Resolution

Moved: Cr Patroni

Seconded: Cr Van Der Merwe

That Council:

1. GRANTS development (planning) approval for the placement of a single transportable dwelling on Lot 38 McCallum Street, Muntadgin, as outlined in Attachment 12.2A; and
2. ADVISES the applicant that;
  - a) The granting of planning approval does not constitute building permit and that an application for a building permit must be submitted to the Shire of Merredin and be approved prior to commencement of any building work on site; 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.

83194

CARRIED 7/0

**12.3 Road Closure Associated with Proposed Purchase of Land Portion of Coghill Street, Merredin – Merredin Freightlines**

<h2 style="color: #0056b3;">Development Services</h2> 	
<b>Responsible Officer:</b>	Peter Zenni, EMDS
<b>Author:</b>	As above
<b>Legislation:</b>	<i>Land Administration Act 1997</i> <i>Land Administration Regulations 1998</i>
<b>File Reference:</b>	A582, A583, A584, A3210
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	Attachment 12.3A – Request for Road Closure and Supporting Documentation (CONFIDENTIAL) Attachment 12.3B – Surveyed Plan Showing Location of Road and Future Disposition of Land After the Road Has Been Closed (CONFIDENTIAL) Attachment 12.3C – Public Consultation Submissions Received (CONFIDENTIAL) Attachment 12.3D – Public Consultation Correspondence sent to adjoining property owners (CONFIDENTIAL) Attachment 12.3E – Public Consultation photographic evidence of public notices

**Purpose of Report**

- Executive Decision
  Legislative Requirement

To recommend to Council that it approach the Minister responsible for the administration of the *Land Administration Act 1997*, requesting the closure of a portion of the gazetted road identified as the parcel of land with a Polygon ID Number 3150496, forming portion of Coghill Street extending between Watson Road and Doyle Street, Merredin, as outlined in Attachment 12.3B.

**Background**

The Shire of Merredin (the Shire) has been approached by the proprietors of Merredin Freightlines who have requested the support from the Shire for the closure of a portion of the gazetted road identified as the parcel of land with a Polygon ID Number 3150496, forming portion of Coghill Street extending between Watson Road and Doyle Street, Merredin, as outlined in Attachment 12.3B.

The subject land is straddled to the north and south by freehold land owned by the proprietors of Merredin Freightlines, who have expressed an interest in the purchase of this

land, in order to facilitate its amalgamation with the remainder of their existing properties and allow for future development.

#### Comment

Council considered the matter at the April Ordinary Council Meeting held on Tuesday, 18 April 2023, where it resolved as follows (CMRef 83139);

*“That Council:*

- 1. ADVERTISE in accordance with Section 58 (3) of the Land Administration Act 1997, a notice of motion (published in a newspaper circulating in the district) its intention to resolve to approach the Minister responsible for the administration of the Land Administration Act 1997, requesting the closure of a portion of the gazetted road identified as the parcel of Land with a Polygon ID Number 3150496, forming portion of Coghill Street extending between Watson Road and Doyle Street, Merredin, as outlined in attachment 12.3B and*
- 2. CONSIDER all submissions received by the Shire of Merredin following the public advertising period.”*

In line with the above resolution, the Shire placed an advert in the Phoenix on Thursday, 18 May 2023, giving public notice of its intention to approach the Minister and request the closure of the road in question and calling for any objections to be made in writing to the Chief Executive Officer (CEO) on or before Thursday, 22 June 2023.

In addition, the Shire gave written notice to the owners of the surrounding properties as well as relevant government agencies and utility providers. The Shire also erected a sign at the entry points to the road in question incorporating the public notice, as well as placing the public notice on the Shire website and the Administration Building foyer notice board.

At the expiry of the public comment/objection period 6 submissions were received, these have been listed below:

1. Department of Biodiversity, Conservation and Attractions (DBCA) – Advised they had no objection to the closure of Coghill Street.
2. Department of Fire and Emergency Services (DFES) – Advised that they will endeavour to provide a response by 22 June 2023. No such response has been received from DFES to date.
3. Department of Water and Environmental Regulation (DWER) – Advised that they assessed the proposed road closure and has no objection.
4. Main Roads Western Australia (MRWA) – Advised that they have no objection to the closure of the portion of Coghill Street.
5. Water Corporation – Advised that they have no objection to the proposed land action as it does not affect any of their services.
6. Western Power – Advised they do not process referrals of this nature, however, the Dial Before You Dig checks and information provided by the land surveyor involved in the preparation of the land disposition information reveals that there are no Western Power services affected by the proposed road closure.



While there is no further requirement for Council to consider the closure of the gazetted road once this is referred to the Minister, should the Minister agree, there may be a future requirement for an item to come to Council, to consider the amalgamation of the blocks.

### Policy Implications

Nil

### Statutory Implications

Compliance with the *Land Administration Act 1997*.

Compliance with the *Land Administration Regulations 1998*.

### Strategic Implications

Ø Strategic Community Plan

Theme:	4. Communication and Leadership
Service Area Objective:	4.2 Decision Making 4.2.3 The Council is well informed in their decision-making, supported by a skilled administration team who are committed to providing timely, strategic information and advice
Priorities and Strategies for Change:	Nil

### Sustainability Implications

Ø Strategic Resource Plan

Nil

### Risk Implications

Risk implications are minimal as the land in question is supplementary to Shire needs as road infrastructure. In addition, following the statutory 35-day public notification/advertising period and notification of adjoining landowners, no objections to the proposed closure of portion of Coghill Street were received by the Shire.

### Financial Implications

Nil, the proprietors of Merredin Freightlines have confirmed that they will cover all costs that the Shire may incur as part of their request for the road closure and associated public advertising process.

### Voting Requirements



Simple Majority



Absolute Majority

### Resolution

Moved: Cr McKenzie


Seconded: Cr Crook

**83195**

That Council RESOLVE in accordance with section 58 (1) of the Land Administration Act 1997, to approach the Minister responsible for the administration of the Land Administration Act 1997, requesting the closure of a portion of the gazetted road identified as the parcel of land with a Polygon ID Number 3150496, forming portion of Coghill Street extending between Watson Road and Doyle Street, Merredin, as outlined in Attachment 12.3B.

**CARRIED 7/0**

**12.4 Lot 27627 (No 844) Hendrick Road Muntadgin - Application for Development Approval Grouped Dwelling**

<h2>Development Services</h2> 	
<b>Responsible Officer:</b>	Peter Zenni, EMDS
<b>Author:</b>	As above
<b>Legislation:</b>	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
<b>File Reference:</b>	A8084
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	Attachment 12.4A - Application for development approval and supporting documentation (CONFIDENTIAL)

### Purpose of Report

Executive Decision

Legislative Requirement

To recommend to Council that it grants development (planning) approval for the placement and use of a single (grouped) dwelling on Lot 27627 (No 844) Hendrick Road, Muntadgin.

### Background

The Shire of Merredin (the Shire) has received an application for development (planning) approval for the placement and use of a single (grouped) dwelling on Lot 27627 (No 844) Hendrick Road, Muntadgin.

### Comment

#### Statutory Requirements - Planning Considerations

Shire officers became aware of unauthorised development and building work associated with the placement of a single (grouped dwelling) on Lot 27627 (No 844) Hendrick Road, Muntadgin.

The definition of development includes use or 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 of Merredin) to approve unauthorised development.

The owners of the property in question have engaged a local draftsman to provide all relevant supplementary documentation to allow the Shire to consider approving the unauthorised development, as well as to obtain the required retrospective building approvals.

Subsequently, the Shire has received an application for development (planning) approval for a single (grouped) dwelling on Lot 27627 (No 844) Hendrick Road, Muntadgin, for consideration by Council.

Lot 27627 (No 844) Hendrick Road, Muntadgin, is zoned 'General Farming' under the Shire of Merredin Local Planning Scheme No.6 (LPS).

Until 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.'*

With respect to the above requirements, the Executive Manager Development Services (EMDS) makes the following comments;

1. The total number of dwellings following the approval of this application and placement of the proposed dwelling on the lot will be two (2), 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.

2. The placement location of the proposed dwellings on the lot will comply with the required setback requirements.
3. The lot in question has an area of 640 hectares.
4. The additional dwelling will be used by workers who will be engaged in the operation of the farm for primary production purposes.
5. The additional dwelling will be provided with potable water supply and onsite effluent disposal facilities in compliance with requirements of the *Health (Miscellaneous Provisions) Act 1911*.
6. The additional dwelling 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.
7. The existing road network will be utilised to gain access to the additional dwellings.

### **Local Planning Scheme Policy No.1 – Moveable Buildings**

The proposed additional (grouped) dwelling is a transportable building, built by Fox Modular and as such is subject to policy requirements specified by the Shire of Merredin LPS Local Planning Scheme Policy No.1 – Moveable Buildings.

The objectives of the Local Planning Scheme Policy No.1 – Moveable Buildings, are as follows;

- a) To maintain high amenity standards of buildings, especially within the residential areas in the Townsites of the Shire.
- b) To ensure that the visual aesthetics of residential areas are not compromised by the introduction of moveable buildings that are generally out of character with the predominant housing style in the locality.
- c) To ensure that the moveable buildings, established within the Shire, do not use materials considered by the Council to be unacceptable (eg. asbestos).
- d) To avoid the erection and use of extensive areas of moveable structures for accommodating temporary workforces, or other business or company activities, in inappropriate areas.
- e) To prevent the introduction of housing, or other use structures, that are designed to be used on a temporary or short stay basis and that may detract from the standards already established in the residential areas of the Townsites.
- f) To protect the visual amenity of the urban environment by not permitting the establishment, storage or use of 'containers' within the non-industrial areas of the townsite.

The transportable dwelling is a brand-new building and will comply with requirements of the National Construction Codes (BCA) as well as objectives the Shire's policy on Moveable Buildings.

### **Statutory Requirements – Bush Fire Attack Level**

The grouped dwelling is located within the 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 BAL – 40. Development in an area subject to a BAL - 40 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 29.

Accordingly, any development approval should be conditional on the implementation of the Bush Fire Management Plan by 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 constitutes an offence under the *Building Act 2011* and attracts very significant penalties. The legislation also provides the ability for the relevant enforcement agency (in this case, the Shire of Merredin) to approve unauthorised building work. In this case, the property owners will need to 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 of Merredin 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 can be provided through mains water supply or a suitable onsite water storage tank. 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**

The proposed additional (grouped) dwelling is a transportable building, built by Fox Modular and as such is subject to policy requirements specified by the Shire of Merredin LPS Local Planning Scheme Policy No.1 – Moveable Buildings.

The proposed transportable dwelling will be a brand-new building and will comply with requirements of the National Construction Codes (BCA) as well as objectives of the Shire's policy on Moveable Buildings.

### **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 & Building Control

5.4.2 The Shire has 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

#### Sustainability Implications

∅ Strategic Resource Plan

Nil

#### Risk Implications

Given that the development and building work 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 recommended that Council grant development (planning) approval in this case. 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

## Resolution

Moved: Cr Flockart

Seconded: Cr McKenzie

That Council:

1. GRANTS development (planning) approval for the placement and use of a single grouped dwelling on Lot 27627 (No 844) Hendrick Road, Muntadgin, as outlined in Attachment 12.4A, subject to;
  - a) The ongoing use of the dwelling 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; and
  - d) Implementation and ongoing compliance with recommendations forming part of Bush Fire Management Plan Reference Number 230608 prepared by BPAD Bush Fire Planning & Design dated 20 June 2023, and specifically Table 3 (Schedule of Implementation & Management Responsibilities) which identifies the following bushfire protection measures to be implemented by the landowner;
    - i. Install and maintain an Asset Protection Zone for the dwelling. The Asset Protection Zone is to extend a minimum 21m from all building elevations, measured from walls, veranda posts, attached structures and/or any adjacent structure within 6m of the dwelling. All vegetation within the APZ, including existing and any future landscaping, plantings and /or re-vegetation, is required to comply. A defendable space with 3m width is required immediately surrounding the dwelling. Any fencing within the APZ is required to comply. The positioning of any domestic gas cylinder within the APZ is required to comply. The required Asset Protection Zone standards from the Guidelines for Planning in Bushfire Prone Areas are detailed in Appendix 2;
    - ii. Install and maintain a compliant driveway suitable for access by firefighting appliances. The driveway is to incorporate a min. 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). A compliant

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vehicle turnaround point is required within 30m of the dwelling. The required driveway standards from the Guidelines for Planning in Bushfire Prone Areas are detailed in Appendix 3;

- iii. Install and maintain a compliant tank with 10,000L firefighting water supply. The water tank is to be non-combustible with approved valve and fittings. The water tank outlet valve is to be located within 4m of a vehicle 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; and
  - iv. 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 approval and that an application for 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.

CARRIED 7/0

## 12.5 Lot 21 (No 106) Barrack Street, Merredin - Application for Development Approval Telecommunications Infrastructure

<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>
File Reference:	A224
Disclosure of Interest:	Nil
Attachments:	Attachment 12.5A - Application for development approval and supporting documentation (CONFIDENTIAL)

### Purpose of Report



Executive Decision



Legislative Requirement

To recommend to Council that it grants development (planning) approval for the erection of telecommunication infrastructure on Lot 21 (No 106) Barrack Street, Merredin.

### Background

The Shire of Merredin (the Shire) has received an application for development (planning) approval for the erection of telecommunications infrastructure on Lot 21 (No 106) Barrack Street, Merredin, consisting of;

- One (1) 1800mm, one (1) 1200mm and one (1) 900mm radiocommunications parabolic antennas on new steelwork mounted to Telstra existing lattice tower at 42m, 42m, 32m height respectively;
- Installation of three (3) outdoor units (ODU's); and
- Associated ancillary equipment, feeder cabling and works within the existing equipment shelter.

### Comment

#### Statutory Requirements - Planning Considerations

Lot 21 (No 106) Barrack Steet, Merredin, is zoned 'Town Centre' under the Shire of Merredin Local Planning Scheme No.6 (LPS).

Telecommunications Infrastructure is a 'D' use in a Town Centre zone – which means that the use is not permitted unless the local government has exercised its discretion by granting development approval.

In this case the erection of the proposed telecommunications infrastructure on the property in question will complement the existing land use and will not adversely impact the amenity of the surrounding area.

### **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. In this case the supporting structure is already in existence and the proposed development will not require a building permit to be obtained from the Shire.

### **Statutory Requirements Public Health Considerations**

The applicant has confirmed that the facility will comply with Australian government regulations in relation to emission of electromagnetic energy (EME) as per requirements of the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA).

#### **Policy Implications**

Nil

#### **Statutory Implications**

Compliance with 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 & Building Control  
5.4.2 The Shire has 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

#### **Sustainability Implications**

∅ Strategic Resource Plan

Nil

#### **Risk Implications**

The risk implications are considered to be low as the development will comply with relevant statutory requirements and will complement the existing land use on the property.

#### **Financial Implications**

The relevant development application fees have been paid.

### Voting Requirements



Simple Majority



Absolute Majority

### Resolution

Moved: Cr Flockart

Seconded: Cr Crook

That Council GRANTS development (planning) approval for the erection of telecommunications infrastructure on Lot 21 (No 106) Barrack Street, Merredin, consisting of:

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- a) One (1) 1800mm, one (1) 1200mm and one (1) 900mm radiocommunications parabolic antennas on new steelwork mounted to Telstra existing lattice tower at 42m, 42m, 32m height respectively;
- b) Three (3) outdoor units (ODU's); and
- c) Associated ancillary equipment, feeder cabling and works within the existing equipment shelter, as outlined in Attachment 12.5A.

CARRIED 7/0

## 13. Officer's Reports – Engineering Services

### 13.1 Proposed Easement – Synergy EV Charging Station

<h2>Engineering Services</h2>		
Responsible Officer:	Lisa Clack, CEO	
Author:	Daniel Hay-Hendry, MP	
Legislation:	<i>Local Government Act 1995</i>	
File Reference:	Nil	
Disclosure of Interest:	Nil	
Attachments:	Attachment 13.1A – Easement Plan	

#### Purpose of Report



Executive Decision



Legislative Requirement

For Council to support the creation of an easement over part of Lot 1503 (45) Barrack Street, Merredin, for the proposed installation of the Synergy EV Charging Station adjacent to the Town Centre of Merredin as part of the State Government's EV fast charging network.

#### Background

In November 2021, Synergy approached the Shire of Merredin (the Shire) requesting an appropriate location of the installation and operations of a fast electric vehicle (EV) charging station in Merredin as part of the State Government's proposed \$21 million EV fast charging network, which involves installing EV chargers at select locations throughout the State.

The State Government announcement indicates the project is intended to create Australia's longest EV fast charging network by installing charging stations at 49 locations across the state. Installation of the charging stations was scheduled to begin in November 2022, with the network fully operational by January 2024.

The additional power demand will require the installation of a district substation transformer which will be provided and installed by Western Power. These works will include the installation of underground high voltage (HV) cabling connecting the closest power pole to the transformer. Additionally, Synergy will be installing underground low voltage (LV) cabling from the substation to the adjacent charging units.

Council has previously provided in principle support for the installation of the Synergy Electric Vehicle charging station at Lot 1503 (45) Barrack Street, Merredin, located within the carpark west of the Town Centre (CMRef 83043).

## Comment

The Shire has received a request from Synergy seeking consent for the creation of an easement over part of Lot 1503 (45) Barrack Street, Merredin, for the installation of the proposed Synergy EV Charging Station. The easement is required by Western Power as per Attachment 13.1A – Easement Plan for the location of underground high voltage cabling, to complete the installation of a 315kVA district transformer, that will feed the proposed Synergy EV Charging Station and the Town Centre.

Lot 1503 (45) Barrack Street, Merredin is designated 'Local Scheme Reserve Public Purposes – Car Park' under the Shire of Merredin Local Planning Scheme No.6. The proposed Synergy EV Charging Station and associated easement compliments the existing use of the area.

The parcel of land forming Lot 1503 (45) Barrack Street, Merredin is also a designated Reserve (Reserve No 10359) for the purposes of 'Railway' and vested with the Minister for Railways, with the Public Transport Authority (PTA) being the responsible agency.

There is an existing licensing agreement (L7467) in place between the Shire and the PTA which states that;

*"The Licensed area may only be used for parking and beautification subject to the Licensee obtaining all relevant written approvals from all Authorities for the use of the Licensed Area for this purpose"*

The Shire's Executive Manager of Development Services (EMDS) has liaised with officers from the Department of Planning, Lands and Heritage (DPLH) in relation to the creation of the proposed easement and has been advised that as the Shire is one of the principal interested parties, formal confirmation from the Shire of its support for the creation of the proposed easement is crucial in order for the DPLH to consider an application for the creation of any easement.

As the proposed installation of the Synergy EV Charging Station will be no cost to the Shire for installation, operation or maintenance, the Administration considers the installation, alongside the soon to be developed Town Centre, an opportunity which should be supported. This project aligns with the sustainability objectives within the Shire's Strategic Community Plan 2020-2030, and as a designated stop on the Government Fast Charge Network, will also potentially create flow on economic benefits as travellers may use local businesses while making a stop to charge their vehicle.

To allow Synergy to develop and operate the proposed EV charging station on the planned site, including carrying out the associated power connection works, an easement will need to be created. It should also be noted that this easement will also be needed to enable the power supply upgrade for the Town Centre revitalisation works.

Based on the information above, the Administration recommends that Council support the creation of the proposed easement and authorise the Administration to liaise with the relevant parties and agencies for the creation of an easement as per Attachment 13.1A – Easement Plan.

**Policy Implications**

Nil

**Statutory Implications**

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

**Strategic Implications**

∅ Strategic Community Plan

Theme: 2. Economy and Growth  
 Service Area Objective: 2.3 CBD  
 2.3.1 The Merredin town centre is strengthened as a regional centre, serving the needs of the Merredin Community and surrounding catchment.

Priorities and Strategies for Change: Nil

Theme: 3. Environment and Sustainability  
 Service Area Objective: 3.3 Environmental Planning  
 3.3.1 Land use planning respects our natural assets and ensures limited impact on climate change

Priorities and Strategies for Change: Nil

Theme: 4. Communication and Leadership  
 Service Area Objective: 4.3 Advocacy  
 4.3.2 The Shire continues to advocate for infrastructure and services which meet the need of its business and residential community

Priorities and Strategies for Change: Nil

Theme: 5. Places and Spaces  
 Service Area Objective: 5.1 Streetscapes  
 5.1.1 The Merredin CBD has been significantly upgraded and is well maintained and representative of the regional status that it holds

Priorities and Strategies for Change: Priority 5.1 Revitalise the Merredin CBD

∅ Corporate Business Plan

Major Project: Linked to priority major project – revitalisation of the CBD, Stage 2: Redevelopment of Town Centre and relocation of fit out of the Central Wheatbelt Visitor Centre.

**Sustainability Implications**

∅ Strategic Resource Plan

Nil

### Risk Implications

Nil

### Financial Implications

There is no cost to the Shire associated with the installation and operation of the proposed Synergy EV Charging Station, including the establishment of the required easement.

### Voting Requirements



Simple Majority



Absolute Majority

### Resolution

Moved: Cr Patroni

Seconded: Cr Flockart

That Council;

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1. **SUPPORT** in principle the creation of an easement over portion of Lot 1503 (45) Barrack Street, Merredin, as per Attachment 13.1A – Easement Plan, to enable the installation of a 315kVA district transformer, that will feed the proposed Synergy EV Charging Station and the Town Centre;
2. **AUTHORISES** the Chief Executive Officer to provide consent, and negotiate with the Department of Planning, Land and Heritage and Synergy as required, for the creation of an easement over portion of Lot 1503 (45) Barrack Street, Merredin, as per Attachment 13.1A – Easement Plan, subject to the agreement of all parties; and
3. **NOTES** that a Deed of Easement documentation will need to be finalised between the relevant parties once an agreement is reached.

**CARRIED 7/0**



## 14. Officer's Reports – Corporate Services

### 14.1 List of Accounts Paid – June 2023

<h2>Corporate Services</h2>		 SHIRE OF <b>MERREDIN</b> INNOVATING THE WHEATBELT
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 14.1A - Payments Listing June 2023	

#### Purpose of Report

Executive Decision

Legislative Requirement

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

#### Background

The attached list of accounts paid during the month of June 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

**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

**Resolution**

Moved: Cr Crook

Seconded: Cr Van Der Merwe


83199

That Council RECEIVE the schedule of accounts paid during June 2023 as listed, covering cheques, EFT's, directly debited payments and wages, as numbered and totaling \$1,489,399.09 from Council's Municipal Fund Bank Account and \$0 from Council's Trust Account.

CARRIED 7/0

## 15. Officer's Reports – Community Services

### 15.1 Pioneers' Pathway - Extension of Memorandum of Understanding

<h2>Community Services</h2>		
Responsible Officer:	Codi Brindley-Mullen, EMS&C	
Author:	As above	
Legislation:	Nil	
File Reference:	Nil	
Disclosure of Interest:	Nil	
Attachments:	Attachment 15.1A – Current Signed Pioneers' Pathway MOU 2020- 2023	

#### Purpose of Report



Executive Decision



Legislative Requirement

For Council to consider the extension to the Pioneers' Pathway Memorandum of Understanding (MoU) including a financial contribution of \$3,500 (ex GST) per annum.

#### Background

The Pioneers' Pathway Advisory Group (PPAG) was established in the late 1990s as a Shire of Goomalling Council Sub-Committee and comprises of the six Member Councils who share a common interest in the Pioneers' Pathway and regional boundaries (Shire of Dowerin, Shire of Goomalling, Shire of Merredin, Shire of Nungarin, Shire of Toodyay, and the Shire of Wyalkatchem).

Pioneers' Pathway aims to work collaboratively with Councils along the Pioneers' Pathway developing tourism in the region by promoting the self-drive trail from Perth to Merredin, reminiscing the path of pioneers during the gold rush of the Eastern Goldfields.

At the May Ordinary Council Meeting held on 19 May 2020 Council resolved the following (CMRef 82553):

*That Council;*

- 1. Notes the withdrawal of the Shire of Trayning from the MoU and supports the signing of the new Pioneers' Pathway MOU 2020-2023,*
- 2. That, in accordance with Sections 5.10 and 5.11A of the Local Government Act 1995 and Section 5 clause 2 iii of the draft MoU, Councillor Butler be appointed as delegate*

*to the Pioneers Pathway Advisory Committee, with all other Councillors appointed as Deputies.*

### Comment

The MoU between the Member Councils was renewed in 2020 and expires 30 June 2023.

The PPAG met on 8 June 2023 to discuss:

- Renewal of the MOU;
- Future direction of Pioneers' Pathway; and
- Annual financial contribution.

It was recommended to extend the MoU for a 12-month period (1 July 2023 to 30 June 2024) and retain the annual financial contribution of \$3,500 (ex GST) which consists of \$1,500 for product development and maintenance and \$2,000 for a part-time Executive Officer.

The PPAG's target for the next six months is to determine the future direction of Pioneers' Pathway.

The proposed strategic objectives within the MoU shown in Attachment 15.1A will be reviewed in February 2024.

### Policy Implications

Nil

### Statutory Implications

Nil

### Strategic Implications

∅ Strategic Community Plan

Theme: 2. Economy & Growth

Service Area Objective: 2.2 Tourism  
2.2.2 The Shire works closely with businesses and other community groups to actively support and develop visitor growth

Priorities and Strategies for Change: Nil

### Sustainability Implications

∅ Strategic Resource Plan

Nil

### Risk Implications

Nil

### Financial Implications

Extending the Pioneers' Pathway MoU for a further 12 months would result in \$3,500 (ex GST) needing to be included in the 2023/24 Annual Budget.

**Voting Requirements**



Simple Majority



Absolute Majority

**Resolution**

**Moved: Cr Crook**

**Seconded: Cr McKenzie**


**83200**

**That Council ENDORSES the extension of the existing Pioneers' Pathway Memorandum of Understanding for an additional 12 months (30 June 2024) at a financial contribution of \$3,500 for the period.**

**CARRIED 7/0**

## 16. Officer's Reports – Administration

### 16.1 Status Report – July 2023

<h2>Administration</h2>		 <b>SHIRE OF MERREDIN</b> 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 – July 2023	

#### Purpose of Report



Executive Decision



Legislative Requirement

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

#### Background

The Status Report is a register of Council Resolutions that are allocated to the Shire of Merredin's (the Shire) 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

### Sustainability Implications

∅ Strategic Resource Plan

Nil

### Risk Implications

Nil

### Financial Implications

Nil

### Voting Requirements



Simple Majority



Absolute Majority

### Resolution

Moved: Cr McKenzie

Seconded: Cr Van Der Merwe

**83201**

That Council RECEIVES the Status Report on Council Resolutions for July 2023.

**CARRIED 7/0**

## 16.2 Elected Member Training and Development Register 2022/23

<h1>Administration</h1> 	
Responsible Officer:	Lisa Clack, CEO
Author:	Meg Wyatt, EO
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 – Elected Member Training and Development Register 2022/23

### Purpose of Report

Executive Decision

Legislative Requirement

For Council to receive a report on the training and development undertaken by Elected Members during the 2022/23 financial year.

### Background

On 16 September 2019, with the introduction of new provisions contained within the *Local Government Act 1995* (the Act), local governments must prepare a report for each financial year on the training completed by elected members in that financial year.

New sections 5.126 and 5.127 of the Act were introduced around elected member training and reporting, as follows:

*“5.126 Training for council members*

*(1) Each council member must complete training in accordance with regulations.*

*(2) Regulations may –*

*a) prescribe a course of training; and*

*b) prescribe the period within which training must be completed; and*

*c) prescribe circumstances in which a council member is exempt from the requirement in subsection (1); and*

*d) provide that contravention of subsection (1) is an offence and prescribe a fine not exceeding \$5000 for the offence.*

*5.127 Report on training*



(1) A local government must prepare a report for each financial year on the training completed by council members in the financial year.

(2) The CEO must publish the report on the local government's official website within 1 month after the end of the financial year to which the report relates."

The *Local Government (Administration) Regulations 1996* prescribes the Council Member Essentials training as being the mandatory training (as per section 5.126(1) of the Act) that Elected Members must complete within their first 12 months of office. The Council Member Essentials training consists of the following modules:

- Understanding Local Government;
- Serving on Council;
- Meeting Procedures;
- Conflicts of Interest; and
- Understanding Financial Reports and Budgets.

To enable Elected Members to develop and maintain skills and knowledge relevant to their role, the Shire of Merredin (the Shire) also has Policy 1.20 – Councillor Training and Professional Development Policy which includes provisions around Elected Member attendance at conference and training events within Australia and overseas.

#### Comment

Local Government is a complex entity and makes significant decisions that affect the local governments continued sustainability and community outcomes. It is imperative that Elected Members have the appropriate skills to be able to undertake their roles to the best of their ability, these skills are enhanced through the training and development offered to them throughout their term of office.

The Minister for Local Government and the WA State Parliament recognise the need for Elected Members to undertake continual professional development in fulfilling their role of public office. The introduction of mandatory training requirements into the *Local Government Act 1995* and the need for local governments to adopt a policy in relation to Elected Member continual professional development support these views.

With the introduction of new provisions within the *Local Government Act 1995*, local governments must prepare a report for each financial year on the training completed by Elected Members in that financial year. The report must be placed on the Shire's website within one month after the end of the financial year in which the report relates.

The report as shown in Attachment 16.2A highlights the training and development undertaken by the Shire's Elected Members during the 2022/23 financial year, and details not only the mandatory training required under the Act, but also any conferences and training events attended by Elected Members under Policy 1.20 – Councillor Training and Professional Development Policy.

Mandatory training is required to be completed within a 12-month period by those Elected Members who were elected to office in the 2021 Local Government Elections. Other Elected Members can undertake the mandatory training if they so wish, however, they are not required to do so. The mandatory training is valid for five years once they have been completed, meaning Elected Members are only required to undertake the training at every second election.

Elected Members can also undertake their own personal and professional development outside of the training and development offered by the Shire.

### Policy Implications

Policy 1.20 – Councillor Training and Professional Development Policy.

### Statutory Implications

*Local Government Act 1995.*

*Local Government (Administration) 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
Priorities and Strategies for Change:	Nil

### Risk Implications

Should Council not note the report on Elected Member training, the Shire will not comply with the requirements in section 5.127 of the *Local Government Act 1995*.

### Financial Implications

The attendance of conferences and other training events for Elected Members is accommodated for in the Shire's annual budget, for the 2022-23 financial year an amount of \$50,000 was allocated. The cost of elected member attendance to various conferences and training events for the 2022/23 financial year as listed in Attachment 16.2A was \$7,913.64. However, the actual amount is higher than this as some of the amounts were prepaid in the previous financial year.

### Voting Requirements

Simple Majority

Absolute Majority

### Resolution

Moved: Cr Patroni

Seconded: Cr Flockart

That Council;

83202

1. NOTES the training and development undertaken by Elected Members during the 2022/23 financial year, as detailed in Attachment 16.2A; and
2. NOTES the 2022/23 Elected Member Training and Development Register, as detailed in Attachment 16.2A will be placed on the Shire of Merredin website.

CARRIED 7/0

**17. Motions of which Previous Notice has been given**

Nil

**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**

In accordance with section 5.23 (2)(b)(c)(e)(ii)(iii), of the *Local Government Act 1995* Council will go Behind Closed Doors to discuss these matters.

*A Martin left the Council Chambers at 4:29pm and did not return.*

**Council Decision**

**Moved:** Cr Van Der Merwe                      **Seconded:** Cr Flockart

**83203**                      **That Council move Behind Closed Doors and that Standing Orders be suspended at 4:31pm.**

**CARRIED 7/0**

**Reason**

That matters related to the personal affairs of any person, a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting, and a matter that if disclosed would reveal information that has commercial value to a person or information about the business, professional, commercial or financial affairs of a person were to be discussed.

## 20.1 Disposal of Land

### Community Services



Responsible Officer:	Leah Boehme, EMCS
Author:	As above
Legislation:	<i>Local Government Act 1995</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 20.1A – Offers to purchase 29 McCallum Street, Muntadgin Attachment 20.1B – Valuation report Attachment 20.1C – Advertisement Phoenix Newspaper

#### Voting Requirements



Simple Majority



Absolute Majority

#### Resolution

**Moved:** Cr Van Der Merwe                      **Seconded:** Cr Patroni

**That Council;**

**83204**

- 1. ACCEPT** the offer received for Assessment A8522, Lot 29, McCallum Street, Muntadgin WA 6420 for a value of \$5,000; and
- 2. AUTHORISE** the Chief Executive Officer and the Shire President to execute a Contract of Sale and apply the Shire of Merredin Common Seal to the agreed contract.

**CARRIED 7/0**

## 20.2 Rateable Property Assessment A1760 – Lot 145 Todd Street – Request to Reimburse Charges

### Administration



Responsible Officer:	Leah Boehme, EMCS
Author:	As above
Legislation:	<i>Local Government Act 1995</i> <i>Rates and Charges (Rebates and Deferments) Act 1992</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Nil

### Voting Requirements

Simple Majority

Absolute Majority

### Resolution

Moved: Cr McKenzie

Seconded: Cr Patroni

That Council;

83205

1. DOES NOT ENDORSE the request received from a ratepayer to reimburse 'Rubbish Commercial 3.0m3' charges for Assessment 1760 of \$4270 for the 2022/23 financial year; and
2. AUTHORISE the Chief Executive Officer to write to the ratepayer advising Council has considered the request, and the outcome of the request, as per the above.

CARRIED 7/0



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