



SHIRE OF  
**MERREDIN**  
INNOVATING THE WHEATBELT

# AGENDA

## Ordinary Council Meeting

To be held in Council Chambers Corner  
King & Barrack Streets, Merredin  
Tuesday, 22 August 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, 19 September 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  
15 September 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.

<b>Common Acronyms Used in this Document</b>	
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
WERO	Wheatbelt East Regional Organisation of Councils



## September Ordinary Council Meeting

<b>1.</b>	<b>Official Opening</b> .....	<b>4</b>
<b>2.</b>	<b>Record of Attendance / Apologies and Leave of Absence</b> .....	<b>4</b>
<b>3.</b>	<b>Public Question Time</b> .....	<b>4</b>
<b>4.</b>	<b>Disclosure of Interest</b> .....	<b>4</b>
<b>5.</b>	<b>Applications for Leave of Absence</b> .....	<b>4</b>
<b>6.</b>	<b>Petitions and Presentations</b> .....	<b>5</b>
<b>7.</b>	<b>Confirmation of Minutes of Previous Meetings</b> .....	<b>5</b>
<b>8.</b>	<b>Announcements by the Person Presiding without Discussion</b> .....	<b>5</b>
<b>9.</b>	<b>Matters for which the Meeting may be Closed to the Public</b> .....	<b>5</b>
<b>10.</b>	<b>Receipt of Minutes of Meetings</b> .....	<b>5</b>
<b>11.</b>	<b>Recommendations from Committee Meetings for Council Consideration</b> .....	<b>6</b>
<b>12.</b>	<b>Officer's Reports – Development Services</b> .....	<b>7</b>
12.1	Development Application – Repairs to the Nangeenan Hall Lot 155 Marley Close Nangeenan.....	7
<b>13.</b>	<b>Officer's Reports – Engineering Services</b> .....	<b>16</b>
<b>14.</b>	<b>Officer's Reports – Corporate and Community Services</b> .....	<b>17</b>
14.1	Statement of Financial Activity – July 2023.....	17
14.2	List of Accounts Paid – August 2023.....	20
14.3	Business Continuity Plan Review .....	22
14.4	MRCLC Proposed Budget Amendments, and Reserve Transfer and Fees & Charges .....	25
<b>15.</b>	<b>Officer's Reports – Administration</b> .....	<b>28</b>
15.1	Status Report – September 2023 .....	28
15.2	Regional Christmas Trading Hours .....	30
15.3	Council Bi-Annual Dinner Function.....	33
<b>16.</b>	<b>Motions of which Previous Notice has been given</b> .....	<b>35</b>
<b>17.</b>	<b>Questions by Members of which Due Notice has been given</b> .....	<b>35</b>
<b>18.</b>	<b>Urgent Business Approved by the Person Presiding or by Decision</b> .....	<b>35</b>
<b>19.</b>	<b>Matters Behind Closed Doors</b> .....	<b>36</b>
19.1	Award of Tender RFT01 2022-23 Merredin Water Tower Conservation Works .....	36
19.2	Endorsement of Apex Park & Merredin Town Centre Detailed Designs .....	36
19.3	Award of Contract – RFQ01 2023/24 Sealing Works Merredin – Narembeen Rd.....	36
<b>20.</b>	<b>Closure</b> .....	<b>36</b>

Shire of Merredin  
Ordinary Council Meeting  
4:00pm Tuesday, 19 September 2023



**1. Official Opening**

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

**Councillors:**

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

**Staff:**

L Clack	CEO – Via Zoom
A Tawfik	EMES
C Brindley-Mullen	EMS&C
L Boehme	EMCS
P Zenni	EMDS
M Wyatt	EO

**Members of the Public:**

**Apologies:**

**Approved Leave of Absence:** Cr D Crook - Deputy President

*Cr Billing, Cr Flockart and Cr Manning's 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. The attendance of CEO Ms Clack as an observer, in order to clarify any required items Council has, as appropriate, was also approved by the Shire President.*

**3. Public Question Time**

Members of the public may submit questions up to 2:00pm on the day of the meeting by emailing [ea@merredin.wa.gov.au](mailto: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 22 August 2023

Attachment 7.1A

*\*Note: there has been an amendment to a policy number cited in an agenda item, which has resulted in a non-material amendment to the resolution for Item 14.3 in the Minutes and Attachment 14.3A. The policy number was incorrect and has been amended to the correct policy number.*

### Voting Requirements



Simple Majority



Absolute Majority

### Officer's Recommendation

**That the Minutes of the Ordinary Council Meeting held on 22 August 2023 be confirmed as true and accurate records of proceedings.**

## 8. Announcements by the Person Presiding without Discussion

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

- 19.1 Award of Tender RFT01 2022-23 Merredin Water Tower Conservation Works
- 19.2 Endorsement of Apex Park & Merredin Town Centre Detailed Designs
- 19.3 Award of Contract – RFQ01 2023/24 Sealing Works Merredin – Naremben Rd

## 10. Receipt of Minutes of Meetings

- 10.1 Minutes of the Local Emergency Management Committee held on 3 August 2023.  
Attachment 10.1A
- 10.2 Minutes of the Great Eastern Country Zone Meeting held on 21 August 2023.  
Attachment 10.2A
- 10.3 Minutes of the Wheatbelt East Regional Organisation of Councils Inc Board Meeting held on 4 September 2023.  
Attachment 10.3A

### Voting Requirements



Simple Majority



Absolute Majority

### Officer's Recommendation

#### That Council;

1. **RECEIVE** the minutes of the Local Emergency Management Committee Meeting held 3 August 2023;
2. **RECEIVE** the minutes of the Great Eastern Country Zone Meeting held 21 August 2023; and
3. **RECEIVE** the minutes of the Wheatbelt East Regional Organisation of Councils Inc Board Meeting held on 4 September 2023.

### 11. Recommendations from Committee Meetings for Council Consideration

Nil

## 12. Officer's Reports – Development Services

### 12.1 Development Application – Repairs to the Nangeenan Hall Lot 155 Marley Close Nangeenan

<h2>Development Services</h2>		 SHIRE OF <b>MERREDIN</b> INNOVATING THE WHEATBELT
Responsible Officer:	Peter Zenni, EMDS	
Author:	As above	
Legislation:	Shire of Merredin Local Planning Scheme No.6 <i>Health (Miscellaneous Provisions) Act 1911</i> <i>Building Act 2011</i>	
File Reference:	A6511	
Disclosure of Interest:	Nil	
Attachments:	Attachment 12.1A – Development application and supporting documentation (CONFIDENTIAL)	

#### Purpose of Report

Executive Decision

Legislative Requirement

For Council to consider granting development (planning) approval for works associated with repairs to the Nangeenan Hall on Lot 155 Marley Close Merredin incorporating extensions to the northern side and eastern side of the Nangeenan Hall, including;

- Ablution facilities;
- Commercial kitchen;
- Bar area;
- Campers' kitchen;
- Alfresco area;
- Onsite effluent disposal system;
- Access for persons with disability;
- Onsite parking;
- Recreation area;
- Sea container for storage purposes; and
- Rainwater tanks

#### Background

The Nangeenan Hall was opened in 1912. For many years the Nangeenan Hall was owned by the Shire of Merredin (the Shire). In 2002, the Shire entered into an MOU with a community member for the upkeep of the hall.

The community member fell ill and ultimately passed away, with the Nangeenan Hall falling into disrepair.

Because of concerns associated with the condition of the Nangeenan Hall, the Shire issued a Notice in March 2012 under provisions of the *Health Act 1911* requiring the provision of certain fixtures and onsite effluent disposal system.

In February 2016, this was followed by an Unfit for Human Habitation Notice issued by the Shire under provisions of the *Health Act 1911*.

Notices issued under provisions of the *Health Act 1911* - now the *Health (Miscellaneous Provisions) Act 1911* are binding on any subsequent owners/occupiers of the property and are still in force to this day.

In 2018, the Nangeenan Progress Group made a request to the Shire to purchase the property, with the intention to restore the Nangeenan Hall, however it appears that no action was taken at the time.

In May 2021, the Nangeenan Hall was purchased for \$15,000. Subsequently the Shire received an application for development approval for staged works incorporating the partial demolition of the dilapidated and structurally unsound northern portion of the Nangeenan Hall (which previously housed the kitchen and ablution facilities), the erection of a temporary wall and replacement of deteriorated roof sheeting.

The Shire issued development approval for the proposed works on 12 July 2022 and a demolition permit for the removal of the dilapidated portion of the building on 8 September 2022. The works in question have now been completed.

Subsequently the Shire has received an application for development (planning) approval for the next stage of the works associated with repairs to the Nangeenan Hall. The proposed works include extensions to the northern side and eastern side of the Nangeenan Hall, incorporating the areas noted in the purpose of the report.

#### Comment

The Nangeenan Hall is located on Lot 155 Marley Close Nangeenan. Lot 155 Marley Close is zoned 'Townsite' under the Shire of Merredin Local Planning Scheme No.6 (LPS).

The proposed works associated with repairs to the Nangeenan Hall require development approval from the Shire. In determining whether to grant development approval and impose any associated development conditions Council needs to be mindful of a number of considerations relating to statutory compliance, these being;

#### **Development (Planning) Compliance**

##### **Land Use Considerations**

It should be noted that whilst the proposed works require development approval, the use of the Nangeenan Hall for community purposes has been preexisting and dates to the original construction of the Nangeenan Hall in 1912.

The proposed works will in part replace the original facilities which formed part of the Nangeenan Hall and were subject to demolition following the Nangeenan Hall falling into disrepair.

### **Heritage Considerations**

With the recent adoption by Council of the Shire of Merredin Local Heritage List, the Nangeenan Hall being identified as a Category 2 Place of Significance requires development approval and consideration of potential impact of the development on the heritage value of the Nangeenan Hall.

Given that the Nangeenan Hall is currently subject of an ‘Unfit for Human Habitation Notice’ partly due to the lack of suitable ablution facilities, the proposed works are essential to saving the viability of the Nangeenan Hall and its future use by the local community.

The proposed works will to a large extent replace previously existing facilities albeit in a form that complies with current statutory requirements. Furthermore, the proposed works will be fully enclosed and located at the northern side of the Nangeenan Hall, thus minimising any visual impact from the primary frontage and limiting any impact on the streetscape and heritage value of the building. In addition, the proposed extension will be covered in a mural highlighting horses and carts, and, historical equipment.

The proposed alfresco area on the eastern side of the Nangeenan Hall will improve the Halls functionality with minimal visual impact as the alfresco area will be provided with a half wall from stone materials matching those of the Nangeenan Hall and utilising bricks with local heritage value in the construction of the supporting pillars.

The Shire’s Heritage Consultant has concerns about the intrusive nature of the proposed entry structure with a recommendation that it be removed completely from the approval process. The Shires Executive Manager Development Services has discussed this matter with the applicant and clarified that provision of access for persons with a disability under the relevant standards does not require the provision of a covered walkway. The applicant has agreed on that basis not to proceed with the covered walkway at the front of the Nangeenan Hall.

### **Bush Fire Management Plan**

Lot 155 Marley Close is partially located in an area identified as being bushfire prone. The portion of the block subject to the proposed works does not encroach into the bush fire prone area and as such is not subject to BAL assessment requirements. However, given use of the building and potential for significant numbers of persons to be gathered in the building at any one time, it is felt that the applicant should develop and implement a bush fire management plan, identifying fuel reduction methods, emergency egress for patrons as well as access for emergency services.

### **Parking Considerations**

The use of the Nangeenan Hall falls into what is considered under the Shire of Merredin Local Planning Scheme No.6 as a ‘Community Purpose’ land use.

The Shire of Merredin LPS, Table Two – Development Table, specifies the minimum number of onsite carparking bays required. In this case the table specifies 1 car parking bay for every 4 persons whom the building is designed to accommodate.

Maximum accommodation numbers of assembly (public) buildings are determined by the 3, utilising several criteria relating to the provision of aggregate exit width, floor space and toilet facilities identified in the National Construction Code (BCA). Based on the proposed new toilet

facilities being the limiting factor the maximum occupancy for the Nangeenan Hall would be limited to 200 persons. Accordingly, the Shire of Merredin LPS would require the provision of 50 onsite carparking bays. The requirement for onsite carparking bays is aimed at minimising disruption to traffic and access and egress from adjoining properties associated with people parking on the road, road verges and adjoining properties.

The Shire of Merredin LPS incorporates Local Planning Policy No.7 – Car Parking Cash in Lieu Payments that has been used in the past for development such as the Merredin Dental Clinic and the relocation of the Karis Medical Centre. In both cases the development was in the Merredin CBD in close proximity to ample street parking facilities.

The Shire needs to balance the requirements of the Shire of Merredin LPS and possibility of setting of unwanted precedents against the fact that the use of the Nangeenan Hall has not changed since its construction in 1912, in those days car parking requirements were not a legislative requirement with most persons travelling on horseback or horse drawn buggy. Given that the use has not changed it may be seen as quite harsh to now require compliance with current requirements. Nangeenan Hall is located on the last block along Marley Close and has quite a wide frontage with possible carparking on both sides of the road. Additionally, it is unlikely that the Nangeenan Hall would be filled to capacity on a regular basis. More likely it will be used regularly by small groups of people with large functions being held on an intermittent basis.

Council has the ability to vary requirements of the LPS by virtue of Clause 4.5 Variations to Site and Development Standards and Requirements, which states as follows;

*4.5.1 Except for development in respect of which the Residential Design Codes apply, if the development is 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*
- b) have regard to any expressed views prior to making its determination to grant the variation.*

*4.5.3 The power conferred by the 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*
- b) the non-compliance will not have an adverse effect on the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.*

As such it is suggested that car parking arrangements are addressed via the provision of dedicated car parking bays and bays for persons with a disability onsite, with the need to develop and implement a car parking management plan whenever the occupancy of the Nangeenan Hall exceeds 50 persons. The car parking management plan must be to the

satisfaction of the local authority. This will place the onus on the property owner/occupier to ensure that car parking is managed in a manner which will not adversely impact on the health, welfare and amenity of the locality.

The Shire's Executive Manager Engineering Services (EMES) has provided comment that significant space for car parking exists on the road verge adjacent to the frontage of Lot 155 Marley Close (northern side) as well as on the southern side of Marley Close. The use of this area for car parking could be supported subject to there being no parking allowed on the turning point of Marley Close (eastern extremity) or adjacent to the Great Eastern Highway itself. If permitted by the Shire this could form a basis for the car parking management plan.

### **Stormwater Management**

Stormwater will be retained on site and prevented from discharging on to adjoining properties.

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

The proposed placement of a sea container on site for storage purposes is subject to policy requirements specified by the Shire of Merredin LPS Local Planning Scheme Policy No.1 – Moveable Buildings.

*The objectives of 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.*

It should be noted that the location of the proposed sea container will limit its visibility from the street frontage as it will be screened from sight by existing shed and vegetation. The large size of the Lot also mitigates some of the impact. This will not be out of character as a portion of Nangeenan is already being used for semi industrial purposes - relating to Marly Transport activities. The Lot is not R coded and as such gives the Council more discretion in variation from existing LPS policy on relocatable structures. The location the proposed placement of the sea container onsite will not adversely impact on the amenity of the surrounding area. Whilst the Shire of Merredin Local Planning Policy on Movable Buildings precludes the placement of sea containers within a townsite, this is more applicable to mainly residential areas such as those within the Merredin townsite and it is believed that the Shire should

approve the proposed placement of the sea container on site utilising its discretion under Clause 4.5 of the LPS, previously highlighted in respect to parking considerations.

### **Food Act Compliance**

All food preparation, handling and storage areas must comply with requirements of the *Food Act 2008* and applicable food safety standards including relevant fit out requirements. The commercial kitchen and bar area are automatically captured by this requirement (alcoholic beverages are considered food products under this legislation).

Trade waste (commercial kitchen washdown, sinks, washing machine, glass washer, etc) will require a grease trap and a dedicated onsite effluent disposal system.

### **Health Act Compliance**

#### **Unfit for Human Habitation Notice and Associated Health Act Notice.**

The unfit for human habitation notice issued in 2016 and the other notice issued under the *Health Act 1911* in 2012 are still in force and binding on the current owner/occupier. Both notices relate to the lack of suitable ablution facilities and an approved onsite effluent disposal system. The proposed works will address both issues and permit the Notices to be removed by the Shire.

In the absence of the Notices being removed the Nangeenan Hall cannot be inhabited or occupied by any person. Similarly, whilst the Unfit for Human Habitation Notice is in force, the Shire cannot issue the required Certificate of Approval permitting the use of the Nangeenan Hall as a public building, and the Director of Liquor Licensing will not authorise a liquor license for the premises.

### **Public Building Requirements**

The use of the Nangeenan Hall by the public means that the building is considered an assembly building under the National Construction Code (BCA) – Class 9b building, as well as a public building under the *Health (Miscellaneous Provisions) Act 1911*. Public buildings cannot be used or occupied in the absence of a valid Certificate of Approval which specifies the maximum occupancy of a public building. In this case following relevant development approvals being granted by the Shire, the proponent will need to ensure that a building permit is obtained from the Shire allowing a Registered Builder to undertake the building work in question. Once the building work has been completed and the building complies with the requirements of the *Health (Public Buildings) Regulations 1992*, the owner/occupier will be able to apply for a Certificate of Approval from the Shire.

### **Onsite Effluent Disposal System Considerations**

Lot 155 Marley Close, Nangeenan is not connected and cannot be connected to mains sewer. As such suitable onsite effluent disposal facilities will need to be provided to cater for the disposal of both human generated waste (toilets, showers, hand basins, etc) as well as trade waste (commercial kitchen washdown, sinks, washing machine, glass washer, etc).

### **Environmental Protection Act Compliance**

#### **Noise Management Plan**

Shire Authorised Officers are tasked under provisions of the *Environmental Protection Act 1986* with control of equipment generated noise. The *Environmental Protection (Noise) Regulations 1997* provide for assigned noise levels the exceedance of which constitutes an offence under the Act.

The assigned noise levels are very restrictive when it comes to noise associated with amplified stereo equipment, especially at night and in proximity to noise sensitive premises.

Given that the Nangeenan Hall will be used for public functions and events this may result in noise related complaints being lodged with the Shire. As such the proponent should be required to prepare and implement a noise management plan aimed at limiting amplified music noise emissions from the premises and thus minimise any adverse impacts on the adjoining property owners/occupiers.

### **Trade Waste Considerations**

Trade waste (commercial kitchen washdown, sinks, washing machine, glass washer, etc) will require a grease trap and a dedicated onsite effluent disposal system.

### **Caravan Park and Camping Grounds Act**

Discussions with the Applicant relating to the proposed redevelopment of the Nangeenan Hall and adjacent property indicate that in the long term the Applicants will wish the Shire to consider an application for development approval for a caravan park facility to allow for 48-hour stopover by transient caravanners. The *Caravan Park and Camping Grounds Act 1995* and associated regulations require the provision of certain onsite facilities such as a camper's kitchen and ablution facilities. Whilst the development application for the development and use of the site as a caravan park is yet to be submitted, the facilities forming part of the current development application are being provided to not only cater for the use of the Nangeenan Hall but also a possible future caravan park facility.

### **Building Act Considerations**

The proposed development approval does not constitute a building permit and a building permit will need to be obtained from the Shire before any building works can commence onsite. Once the building works have been completed an application for a Certificate of Occupancy will need to be submitted to the Shire. Once a Certificate of Occupancy has been issued and all other relevant approvals obtained, the Nangeenan Hall will be able to be used by the public.

### **Policy Implications**

Compliance with Local Planning Scheme Policy No.1 – Moveable Buildings

### **Statutory Implications**

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

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

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

### Sustainability Implications

∅ Strategic Resource Plan

Nil

### Risk Implications

Given that the use of Nangeenan Hall is not changing and that the proposed development both addresses heritage considerations and brings the Nangeenan Hall into compliance with statutory requirements, providing risks relating to public nuisance associated with carparking and noise emissions are addressed via suitable carparking and noise management plans, the risk implications are deemed to be low.

### Financial Implications

The relevant development application fees have been paid.

### Voting Requirements



Simple Majority



Absolute Majority

### Officer's Recommendation

**That Council:**

**1. GRANT development (planning) approval for works associated with repairs to the Nangeenan incorporating extensions to the northern side and eastern side of the Nangeenan Hall, including;**

- Ablution facilities;
- Commercial kitchen;
- Bar area;
- Campers kitchen;
- Alfresco area;
- Onsite effluent disposal system;
- Access for persons with disability;
- Onsite parking;
- Recreation area;
- Sea container for storage purposes;
- Rainwater tanks

**on Lot 155 Marley Close, Nangeenan, as outlined in Attachment12.2A, subject to;**

- a) **The development and implementation of a bush fire management plan to the satisfaction of the Shire of Merredin;**
- b) **The development and implementation of a car parking management plan to the satisfaction of the Shire of Merredin;**

- c) **The development and implementation of a noise management plan to the satisfaction of the Shire of Merredin;**
- d) **All stormwater being retained onsite;**
- e) **The proposed covered walkway to the front of the Nangeenan Hall not being permitted and as such NOT forming part of this development approval;**

**2. ADVISE the Applicant:**

- a) **The granting of development approval does not constitute a building permit and that an application for a building permit for the proposed building work must be submitted to the Shire of Merredin and be approved before any building work can commence on site;Nangeenan Hall cannot be occupied until such time as the Shire of Merredin has removed the existing unfit for human habitation notices from the premises and issued both an Occupancy Permit as well as Certificate of Approval for the building;**
- b) **The need to comply with the Food Act 2008. Fit out plan for the commercial kitchen, bar area and any areas where food products are stored, handled or manufactured are to be supplied to the Shire of Merredin as part of the application for a building permit. Food business registration must be obtained from the Shire of Merredin before any sale of food products takes place;**
- c) **All trade waste must be disposed of in accordance with the Environmental Protection Act 1986;**
- d) **An application for the installation of a suitable onsite effluent disposal system must be submitted to the Department of Health and be approved before any work on the installation of the effluent disposal system can commence onsite;**
- e) **That this development approval does not relate to the operation of caravan park facility and that separate approvals and associated licenses will need to be obtained from the Shire of Merredin before the site can be used for caravan park related purposes; and**
- f) **The need to comply with the provisions of the Environmental Protection (Noise) Regulations 1997; and**

**3. NOTE that following the successful completion of the required works, the unfit for human habitation notices will be removed from the premises;**

### **13. Officer's Reports – Engineering Services**

Nil

## 14. Officer's Reports – Corporate and Community Services

### 14.1 Statement of Financial Activity – July 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 – 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 July 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 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

∅ 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

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 Statements of Financial Activity is retrospective. Accordingly, the financial implications associated with adopting this are nil.

### Voting Requirements



Simple Majority



Absolute Majority

### Officer's Recommendation

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

**14.2 List of Accounts Paid – August 2023**

<h2 style="margin: 0;">Corporate Services</h2> 	
<b>Responsible Officer:</b>	Leah Boehme, EMCS
<b>Author:</b>	As above
<b>Legislation:</b>	<i>Local Government Act 1995</i> <i>Local Government (Financial Management) Regulations 1996</i>
<b>File Reference:</b>	Nil
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	Attachment 14.2A – Payments Listing August 2023

**Purpose of Report**

- Executive Decision
  Legislative Requirement

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

**Background**

The attached list of accounts paid during the month of August 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

#### Officer's Recommendation

**That Council RECEIVE the schedule of accounts paid during August 2023 as listed, covering cheques, EFT's, directly debited payments and wages, as numbered and totaling \$1,247,081.29 from the Merredin Shire Council Municipal bank account and \$0 from the Merredin Shire Council Trust bank account.**

### 14.3 Business Continuity Plan Review

<h2>Corporate Services</h2> 	
<b>Responsible Officer:</b>	Leah Boehme, EMCS
<b>Author:</b>	As above
<b>Legislation:</b>	<i>Local Government (Audit) Regulations 1996</i>
<b>File Reference:</b>	Nil
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	14.3A – Business Continuity Plan September 2023 – changes accepted (CONFIDENTIAL) 14.3B - Business Continuity Plan September 2023 – track changes (CONFIDENTIAL) 14.3C – Business Continuity Plan December 2018 (CONFIDENTIAL)

#### Purpose of Report



Executive Decision



Legislative Requirement

To inform Council that the Business Continuity Plan (BCP) for the Shire of Merredin has been reviewed and updated.

#### Background

In accordance with Regulation 17 of the *Local Government (Audit) Regulations 1996*, there is a requirement for the Shire of Merredin (the Shire) to ‘have a current and effective Business Continuity Plan which is tested from time to time.’

The initial Plan was drafted in 2015, with a final Plan published in January 2017. Reviews then occurred in February 2018 and December 2018 (Attachment 14.3C). The Plan has not been reviewed or tested since that time and is therefore overdue for review.

While it is not a legislative requirement for Council to endorse the plan, a plan is part of the Regulation 17 requirements, so has been submitted for Council to note this process has been completed, and the Shire now has an up-to-date document.

#### Comment

The BCP has undergone a major review, with a number of updates occurring. The key changes of note are listed below.

- Updated to match current Shire branding.

- Update to key employment personnel.
- Difference between the terms ‘Shire’ and ‘Council’ have been made consistent throughout the document (Council referring to the Council, Shire referring to the Shire of Merredin as an organisation).
- Updates to current processes and practices.
- General formatting of the document has also been completed.
- A review of probability and impact of risks has been undertaken and some minor changes have occurred.
- Recovery activation procedures have been added to show steps that need to occur in the event of a disaster.
- Continuity of operations information has also been added to be referred to in the event of an emergency. This has been broken into Day 1, Day 3, Day 5, Day 10 and Day 20 actions to occur.
- Key contacts (Internal and External) have been included for ease of access in a disaster.

The track changes version of the revised plan is attached at Attachment 14.3B, with the changes accepted version attached at Attachment 14.3A.

This Plan will require regular updates moving forward to ensure that key contacts remain current and relevant. As these updates will be frequent and regular, these updates will be completed without returning the plan to Council for consideration and information. Moving forward, the frequency of updates will be reported via the Audit Committee as part of the Reg 17 information updates.

Once Councillor elections have been completed a revised copy of the Plan will be disseminated to all staff, with printed copies being provided to members of the Management Recovery Team (MRT) and placed at each Shire venue.

The Plan will also be provided to the Shire’s WHS Committee once updated.

#### Policy Implications

Nil

#### Statutory Implications

As outlined in the *Local Government (Audit) Regulations 1996*

#### Strategic Implications

Ø Strategic Community Plan

Theme: 4. Communication and Leadership

Service Area Objective: Nil

Priorities and Strategies for Change: Nil

#### Sustainability Implications

Ø Strategic Resource Plan

Nil

#### Risk Implications

If this Plan was not updated, the Shire would not be adhering to the requirements outlined in Regulation 17 of the *Local Government (Audit) Regulations 1996*. The Shire would also be at risk of long-term closure and disruption of service should a disaster occur and staff not be aware of the necessary steps to follow.

#### Financial Implications

Nil

#### Voting Requirements



Simple Majority



Absolute Majority

#### Officer's Recommendation

**That Council;**

- 1. NOTE the review of the Shire of Merredin Business Continuity Plan September 2023, as presented in Attachment 14.3A, and,**
- 2. NOTE the attached Plan will be updated regularly to ensure it remains current.**

**14.4 MRCLC Proposed Budget Amendments, and Reserve Transfer and Fees & Charges**

<h2 style="color: #0070C0;">Community Services</h2> 	
<b>Responsible Officer:</b>	Leah Boehme, EMCS
<b>Author:</b>	As above
<b>Legislation:</b>	<i>Local Government Act 1995</i> <i>Local Government (Financial Management) Regulations 1996</i>
<b>File Reference:</b>	Nil
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	Nil

**Purpose of Report**

- Executive Decision
  Legislative Requirement

For Council to consider amendments to the 2023/24 Annual Budget, including transfer of funds from the Building Reserve GL 9673301.

**Background**

After a process of consultation and engagement with the Merredin community, Council made the decision to not award a tender for the management of the Merredin Regional Community and Leisure Centre (MRCLC) (CMRef 83223). This means that the management of the facility will be brought back in-house.

Prior to taking over the facility, a team of staff from the Shire of Merredin (the Shire) were convened to assess the current state of the Recreation Centre facility and ascertain immediate maintenance required to bring the Centre up to an improved standard.

Local trades have been contacted to provide quotes for issues needing immediate attention. Costs to complete these works are still being finalised however are estimated to be around \$100,000. The current budget will be insufficient and therefore the Administration are recommending that \$80,000 be transferred from the Building Reserve GL 9673301 to a newly created account that will be used to pay for major maintenance and replacement required to ensure the centre is ready to re-open under the Shire banner. The new account will be named “REC - MRCLC Initial Maintenance and Repairs.”

The proposed changes are outlined in the table below:

<b>Account number/ GL</b>	<b>Description</b>	<b>Current budget</b>	<b>Change</b>	<b>Revised budget</b>
9673301	Building Reserve	\$1,123,227	(\$80,000)	\$1,043,227

New account	REC – MRCLC Initial Maintenance and Repairs	and \$0	\$80,000	\$80,000
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The Building Reserve made a total \$88,719 in interest throughout the 2022/23 financial year, so the proposed transfer will have minimal impact on the overall balance.

**Comment**

**Budget Amendment and Reserve Transfer**

As the Shire is taking over operations of the MRCLC from 1 October 2023, and the new team will not yet be recruited, a team has been formed to assist with this.

The approach incorporates two streams:

1. Set up the operations of the MRCLC so we can run the operations of the Centre.
2. Begin to improve the facility maintenance and management so the Shire can bring this important community asset back to the expected standard.

The team will have responsibility for all logistics to take over and commence the operations of the Centre until the new Manager and team start.

On Wednesday, 6 September 2023 a team of staff members started Phase One of the inspection of the MRCLC. The team are in the process of identifying the issues that may need to be rectified and any major repairs may be required.

Assessments have been completed to determine the needs for some major maintenance repairs. Therefore, we are recommending to Council to transfer funds from our Building Reserve to facilitate this process.

**Fees and Charges**

On 2 August 2022, Council endorsed the 2022/23 Fees and Charges for the MRCLC (CMRef 82973). These Fees and Charges are currently in place and will remain in operation, until the fees and charges are reviewed in the coming months.

**Policy Implications**

Policy 3.18 – Financial Reserves

**Statutory Implications**

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

6.8. (1) A local government is not to incur expenditure from its municipal fund which is not included in its annual budget except where the expenditure (b) is authorized in advance by resolution\*;

**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**

If the necessary maintenance and repairs are not carried out, the facility could become dangerous to patrons. Delaying the maintenance and repairs could also lead to more costly rectification being necessary in future.

**Financial Implications**

The Building Reserve currently has a balance of \$1,123,227. Transfer of \$80,000 to cover necessary maintenance and repairs, would still leave \$1,043,227 in the reserve. The purpose of this reserve is ‘To be utilised to fund future building construction and major maintenance within the Shire of Merredin.’

**Voting Requirements**

Simple Majority  Absolute Majority

**Officer’s Recommendation**

That Council:

1. APPROVES the creation of a new GL in Function 11 Recreation & Culture, under the ‘Other Recreation and Sport – 11.103’ area, titled ‘REC - MRCLC Initial Maintenance and Repairs’;
2. APPROVES the transfer of \$80,000 from the Building Reserve account (9673301) to the newly created account listed at Item 1, as per the table below, for the purpose of rectifying maintenance and repair issues at the MRCLC;

Account number	Description	Current balance/ budget	Change	Revised budget
9673301	Building Reserve	\$1,123,227	(\$80,000)	\$1,043,227
New account	REC – MRCLC Initial Maintenance and Repairs	\$0	\$80,000	\$80,000

3. NOTES the existing MRCLC Fees & Charges will remain in operation until the fees are reviewed and returned for Council endorsement.

## 15. Officer's Reports – Administration

### 15.1 Status Report – September 2023

<h2>Administration</h2>		 SHIRE OF <b>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 15.1A – Status Report – September 2023	

#### Purpose of Report



Executive Decision



Legislative Requirement

For Council to consider the updated Status Report for September 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

### Officer's Recommendation

**That Council RECEIVES the Status Report on Council Resolutions for September 2023.**

## 15.2 Regional Christmas Trading Hours

<h1>Administration</h1>		
<b>Responsible Officer:</b>	Lisa Clack, CEO	
<b>Author:</b>	As above	
<b>Legislation:</b>	<i>Local Government Act 1995</i>	
<b>File Reference:</b>	Nil	
<b>Disclosure of Interest:</b>	Nil	
<b>Attachments:</b>	Attachment 15.2A – 2023-24 Regional Extended Trading Package Attachment 15.2B – Non Metropolitan Local Government Application for Extended Trading Hours	

### Purpose of Report



Executive Decision



Legislative Requirement

For Council to consider extension of regional Christmas trading hours.

### Background

Local Governments were advised on 14 September 2023, the Department of Mines, Industry Regulation and Safety – Consumer Protection (DMIRS) has extended the opportunity for regional extended trading hours for local businesses over the Christmas/New Year period during 2023.

On 25 August 2023, the Government approved trading extensions for the Perth metropolitan area over the 2023 Christmas period and for public holidays in 2024.

The package approved by the Minister will enable general retail shops in the Perth metropolitan area to trade from 8am to 6pm on Saturdays, Sundays and on public holidays between 9 December 2023 and 31 December 2023, with Christmas Day being the only day of closure, and from 7am to 9pm from 18 December 2023 to 22 December 2023.

The Minister has also granted approval for general retail shops in the metropolitan area to trade from 8am to 6pm on the New Year's Day (1 January 2024), Australia Day (26 January 2024), Labour Day (6 March 2024), Easter Monday (1 April 2024), Western Australia Day (3 June 2024) and King's Birthday (23 September 2024) public holidays.

In addition to the decision taken by the Minister in respect to the metropolitan area, the Minister has also agreed to an extended trading package being offered to regional Local Government Authorities, that is based on the standard metropolitan area trading hours.

Should Local Governments wish to take this up, then it is a matter of advising the Department.

Should this be implemented, general retail shops within Merredin will be able to trade from 8am to 6pm on Saturdays, Sundays and public holidays, other than on Christmas day which will be a closed day, between 9 December and 31 December 2023, from 8am to 9pm from Monday 11 December 2023 to Friday 15 December 2023, from 7am to 9pm from Monday 18 December to Friday 22 December 2023 and from 8am to 6pm on each of the public holidays. The attached '2023-24 Regional Extended Trading Package' document (Attachment 15.2A) details the specific times and dates of the extensions.

As is the case with all extended trading variation, the decision to open or not during the additional hours provided will be at the discretion of individual retailers.

Should the Shire of Merredin (the Shire) wish to take this up, DMIRS require notification by Wednesday 27 September 2023.

Local Government Authorities that choose to accept this package are requested to notify the Department of Mines, Industry Regulation and Safety – Consumer Protection of their decision by no later than Wednesday 27 September 2023. Acceptance of this offer can be made by return email.

#### Comment

Extended Trading hours have not been considered by Council since 2018.

Previously, related decisions have been as follows:

- At the June 2016 Ordinary Council Meeting, Council considered a request to extend the general retail trading hours for Merredin to Monday, Tuesday, Wednesday, Friday and Saturday 7am-8pm, Thursday 7am-9pm, and Sunday and Public Holidays 9am-6pm (CMRef 81794). The request was approved by the Minister for Commerce on 8 December 2016 and was Gazetted shortly thereafter.
- As a result of the new trading hours applicable for all retail outlets in Merredin, it was suggested that no further extension to the hours was required for the 2017/18 Christmas/New Year period, with Council resolving as such at its October 2017 meeting (CMRef 82063).
- This was then decided again at the October 2018 Ordinary Council Meeting to advise the Department of Commerce that the Shire of Merredin will not be varying its previously approved standard retail trading hours for the 2018/19 Christmas/New Year period (CMRef 82274).

This item has not come to Council again since. In previous discussions with the Department of Commerce in 2018, and as the trading hours for Merredin are already quite broad, and it only offers a difference of a few hours, it was suggested that no further extension to the trading hours is required. It should be noted that retail outlets are not permitted to open on Christmas Day.

Therefore, the Officer's Recommendation is the same as that adopted by Council at its October 2018 meeting. As in previous year's, the decision to open or not during the trading hours is entirely at the discretion of the individual retailer.

As there is limited opportunity for consultation with retailers for this, it is suggested a broader conversation be held within the next 12 months with the business community on hours of operation, which can include feedback on the Christmas period to confirm the overall current trading hours are fit for purpose and do not require the Shire to advocate for further

amendment. As part of this conversation, consideration can also be given to any additional requirements for the Christmas / New Year period.

### Policy Implications

Nil

### Statutory Implications

Nil

### Strategic Implications

Ø Strategic Community Plan

Theme: 2. Economy and Growth

Service Area Objective: 2.1 Economic Development

Priorities and Strategies  
for Change: Nil

### Sustainability Implications

Ø Strategic Resource Plan

Nil

### Risk Implications

Nil

### Financial Implications

Nil

### Voting Requirements



Simple Majority



Absolute Majority

### Officer's Recommendation

That Council;

1. **ADVISE** the Department of Mines, Industry Regulation and Safety – Consumer Protection that the Shire of Merredin will not be varying its previously approved standard retail trading hours for the 2023/24 Christmas/New Year period; and
2. **NOTES** the Shire of Merredin will consult with retailers in the current year to confirm current general trading hours remain suitable for the locality.

### 15.3 Council Bi-Annual Dinner Function

## Administration



Responsible Officer:	Lisa Clack, CEO
Author:	Meg Wyatt, EA
Legislation:	<i>Local Government Act 1995</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Nil

#### Purpose of Report



Executive Decision



Legislative Requirement

For Council to set the date of the bi-annual dinner function to formally recognise the contributions of all Councillors to the Shire of Merredin, to farewell and acknowledge retiring Councillors and welcome the newly elected Councillors.

#### Background

Every two years Council hold a formal dinner function following the local government elections to formally recognise the contributions of all Councillors to the Shire of Merredin, to farewell and acknowledge retiring Councillors and welcome the newly elected Councillors.

The 2021 formal dinner function was held on Thursday 4 November in the Tivoli Room at the Cummins Theatre, commencing at 6:45pm.

#### Comment

This year, the 2023 local government elections will be held on Saturday, 21 October 2023. The Administration have provided the below options for a date for the 2023 formal dinner function which will be held in the Tivoli Room at the Cummins Theatre, commencing at 6:30pm:

- Thursday, 2 November 2023
- Thursday, 9 November 2023
- Thursday, 16 November 2023
- Thursday, 23 November 2023
- Tuesday, 28 November 2023 after the Council Meeting.

If the Tivoli Room is unavailable the Administration will find alternative locations and bring them back to Council in a briefing session.

A formal invitation will be sent out to the below people:

- Retiring Councillors and partner/guest
- Newly elected Councillors and partner/guests
- CEO and partner/guest
- Executive Managers and partners/guests

Once the date is confirmed the Administration will book the Tivoli Room and arrange catering.

#### Policy Implications

Policy 1.13 Council Bi-Annual Dinner Function

#### Statutory Implications

Nil

#### Strategic Implications

∅ Strategic Community Plan

Theme: Nil

Service Area Objective: Nil

Priorities and Strategies  
for Change: Nil

#### Sustainability Implications

∅ Strategic Resource Plan

Nil

#### Risk Implications

Nil

#### Financial Implications

The cost of the function is currently unknown however there is money allocated in the 2023/24 Annual Budget against GL 2040211 OTH GOV – Civic Functions, Refreshments & Receptions which will be used for the function.

#### Voting Requirements



Simple Majority



Absolute Majority

#### Officer's Recommendation

That Council NOTE that the Council Bi-Annual Dinner Function, pursuant to Policy 1.13 will be held in the Tivoli Room at the Cummins Theatre on \_\_\_\_\_ 2023.

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

Nil

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

Nil

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

Nil

**19. Matters Behind Closed Doors**

**19.1 Award of Tender RFT01 2022-23 Merredin Water Tower Conservation Works**

**19.2 Endorsement of Apex Park & Merredin Town Centre Detailed Designs**

**19.3 Award of Contract – RFQ01 2023/24 Sealing Works Merredin – Narembeen Rd**

**20. Closure**

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