

SHIRE OF
MERREDIN
INNOVATING THE WHEATBELT

AGENDA

Ordinary Council Meeting

To be held in Council Chambers Corner
King & Barrack Streets, Merredin
Tuesday, 26 March 2024
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, 26 March 2024 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

JOHN MERRICK
TEMPORARY CHIEF EXECUTIVE OFFICER
21 March 2024

DISCLAIMER

PLEASE READ THE FOLLOWING IMPORTANT DISCLAIMER BEFORE PROCEEDING:

Statements or decisions made at this meeting should not be relied or acted on by an applicant or any other person until they have received written notification from the Shire. Notice of all approvals, including planning and building approvals, will be given to applicants in writing. The Shire of Merredin expressly disclaims liability for any loss or damages suffered by a person who relies or acts on statements or decisions made at a Council or Committee meeting before receiving written notification from the Shire.

The advice and information contained herein is given by and to Council without liability or responsibility for its accuracy. Before placing any reliance on this advice or information, a written inquiry should be made to Council giving entire reasons for seeking the advice or information and how it is proposed to be used.

| Common Acronyms Used in this Document | |
|--|--|
| CBP | Corporate Business Plan |
| CEACA | Central East Accommodation & Care Alliance Inc |
| CEO | Chief Executive Officer |
| CSP | Community Strategic Plan |
| CWVC | Central Wheatbelt Visitors Centre |
| EO | Executive Officer |
| EMCS | Executive Manager Corporate Services |
| EMDS | Executive Manager Development Services |
| EMES | Executive Manager Engineering Services |
| EMS&C | Executive Manager Strategy & Community |
| 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 |



March Ordinary Council Meeting

| | | |
|------------|--|-----------|
| 1. | Official Opening | 4 |
| 2. | Record of Attendance / Apologies and Leave of Absence | 4 |
| 3. | Public Question Time | 4 |
| 4. | Disclosure of Interest | 4 |
| 5. | Applications of Leave of Absence..... | 4 |
| 6. | Petitions and Presentations | 5 |
| 7. | Confirmation of Minutes of Previous Meetings..... | 5 |
| 8. | Announcements by the Person Presiding without Discussion | 5 |
| 9. | Matters for which the Meeting may be Closed to the Public..... | 5 |
| 10. | Receipt of Minutes of Meetings | 5 |
| 11. | Recommendations from Committee Meetings for Council Consideration | 5 |
| 12. | Officer’s Reports – Development Services..... | 6 |
| 12.1 | Application for Subdivision (WAPC 164637) Lot No 17113, 17944 Depot Dam Road Merredin | 6 |
| 12.2 | Application for Development Approval – Lot 5 Robartson Rd, Merredin Proposed Battery Energy Storage System (BESS)..... | 9 |
| 13. | Officer’s Reports – Engineering Services | 19 |
| 13.1 | Asset Management Plan – Road Hierarchy..... | 19 |
| 14. | Officer’s Reports – Corporate and Community Services | 23 |
| 14.1 | Statement of Financial Activity – February 2024..... | 23 |
| 14.2 | List of Accounts Paid – February 2024 | 26 |
| 14.3 | Budget Review 2 – March 2023..... | 28 |
| 15. | Officer’s Reports – Administration | 33 |
| 15.1 | Status Report – March 2024 | 33 |
| 16. | Motions of which Previous Notice has been given | 35 |
| 17. | Questions by Members of which Due Notice has been given | 35 |
| 18. | Urgent Business Approved by the Person Presiding or by Decision | 35 |
| 19. | Matters Behind Closed Doors..... | 35 |
| 19.1 | Award of Contract – RFQ05 2023-24 Sealing Works | 35 |
| 19.2 | Appointment of Chief Executive Officer..... | 35 |
| 20. | Closure..... | 35 |

Shire of Merredin
Ordinary Council Meeting
4:00pm Tuesday, 26 March 2024



1. Official Opening

2. Record of Attendance / Apologies and Leave of Absence

Councillors:

| | |
|--------------------|------------------|
| Cr M McKenzie | President |
| Cr R Manning | Deputy President |
| Cr B Anderson | |
| Cr H Billing | |
| Cr D Crook | Via Zoom |
| Cr L O'Neill | |
| Cr M Simmonds | |
| Cr P Van Der Merwe | |

Staff:

| | |
|-----------|-------|
| J Merrick | T/CEO |
| L Boehme | EMCS |
| A Tawfik | EMES |
| P Zenni | EMDS |
| M Wyatt | EO |
| A Bruyins | GO |

Members of the Public:

Apologies: C Brindley-Mullen, EMS&C

Approved Leave of Absence:

Cr Crook'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.

3. Public Question Time

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

4. Disclosure of Interest

5. Applications of Leave of Absence

6. Petitions and Presentations

Nil

7. Confirmation of Minutes of Previous Meetings

- 7.1 Ordinary Council Meeting held on 27 February 2024
Attachment 7.1A

Voting Requirements

- Simple Majority Absolute Majority

Officer's Recommendation

That the Minutes of the Ordinary Council Meeting held on 27 February 2024 be confirmed as a true and accurate record 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 Contract – RFQ05 2023-24 Sealing Works
19.2 Appointment of Chief Executive Officer

10. Receipt of Minutes of Meetings

- 10.1 Minutes of the Great Eastern Country Zone Meeting held on 22 February 2024
Attachment 10.1A
10.2 Minutes of the Wheatbelt East Regional Organisation of Councils (WEROC) Board Meeting held on 6 March 2024
Attachment 10.2A

Voting Requirements

- Simple Majority Absolute Majority

Officer's Recommendation


That Council;

- 1. RECEIVE the Minutes of the Great Eastern Country Zone Meeting held on 22 February 2024; and**
- 2. RECEIVE the Minutes of the Wheatbelt East Regional Organisation of Councils (WEROC) Board Meeting held on 6 March 2024.**

11. Recommendations from Committee Meetings for Council Consideration

12. Officer's Reports – Development Services

12.1 Application for Subdivision (WAPC 164637) Lot No 17113, 17944 Depot Dam Road Merredin

| <h2>Development Services</h2> | |  |
|-------------------------------|--|---|
| Responsible Officer: | Peter Zenni, EMDS | |
| Author: | As above | |
| Legislation: | <i>Planning and Development Act 2005</i> Shire of Merredin Local Planning Scheme No.6 | |
| File Reference: | A7049 | |
| Disclosure of Interest: | Nil | |
| Attachments: | Attachment 12.1A – WAPC Referral and Associated Documentation | |

Purpose of Report



Executive Decision



Legislative Requirement

To recommend to Council that it advises the Western Australian Planning Commission (WAPC) that it has no objection to the proposed subdivision of Lot 17113 and Lot 17994 Depot Dam Road, Merredin.

Background

An application for subdivision of land located approximately 15 kilometres southeast of the Merredin townsite, has been referred to the WAPC for approval. The WAPC is seeking comments from Council prior to issuing a determination on the application.

The proposed subdivision will result in a boundary realignment resulting in 2 new Lots. Lot 1 (72.8ha) which will contain all existing building and structures and Lot 2 (315.1ha) which will contain the balance of the rural land.

Comment

Planning Considerations

The land in question is zoned General Farming (Rural). All existing buildings incorporating the farmhouse and sheds will be located on the proposed Lot 1. There are currently no buildings located on the proposed Lot 2.

The WAPC Development Control Policy 3.4 – Subdivision of Rural Land as well as provisions of the Shire of Merredin Local Planning Scheme No. 6 highlight the need to maintain the viability and rural character of the land in question.

In this case, the boundary realignment will not result in the creation of any additional Lots but rather consolidate the portion of the property containing remnant vegetation and structures on one Lot and the balance of the land which is viable for farming purposes on the other Lot.

Bush Fire Management

A portion of the property subject to the subdivision application (boundary realignment) is identified as being bushfire prone. The Shire has received the following advice from the WAPC with respect to bushfire related considerations particular to this application.

Vegetation present within the lots is classified as being bushfire prone by the Fire and Emergency Services Commissioner. State Planning Policy 3.7: Planning in bushfire prone areas (SPP 3.7) would normally require that a subdivision proposal provide detail to address bushfire risk management. However, clause 2.6 of the Guidelines for Planning in Bushfire Prone Areas (v.1.4) exempts proposals that do not result in the intensification of land use or an increased bushfire threat to people, property and infrastructure. Considering the nature of the proposal (boundary rationalisation), SPP 3.7 does not apply in this instance and the requirement for additional bushfire studies is not required to support the proposal.

Furthermore, should future development be proposed there is sufficient cleared area within the balance lot which would be capable of achieving a BAL-29 or less.

Road Access

Lot 17113 currently has road access from the Depot Dam Road whilst Lot 17994 which is under the same ownership as Lot 17113 appears to be currently landlocked. Following the proposed subdivision (boundary realignment), both Lots 1 and 2 will have potential road access from the Depot Dam Road.

Policy Implications

Compliance with WAPC Development Control Policy 3.4 – Subdivision of Rural Land.

Statutory Implications

Compliance with the *Planning and Development Act 2005*.

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

Strategic Implications

∅ Strategic Community Plan

| | |
|---------------------------------------|---|
| Theme: | 5. Places and Spaces |
| Service Area Objective: | 5.4 Town Planning & 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 |

∅ Corporate Business Plan

Theme: 5. Places and Spaces.
Priorities: Nil
Objectives 5.4 Town Planning & 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.

Sustainability Implications

∅ Strategic Resource Plan

Nil

Risk Implications

Nil

Financial Implications

Nil

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation

That Council **ADVISES** the Western Australian Planning Commission that it has no objection to the proposed subdivision of Lot 17113 and Lot 17944 Depot Dam Road, Merredin, (WAPC Application No: 164637) resulting in the creation of two new lots, proposed Lot 1 (72.8ha) and proposed Lot 2 (315.1ha), as identified in Attachment 12.1A, subject to;

1. the proposed boundaries not encroaching upon any existing structures or onsite effluent disposal facilities; and
2. all new Lots being connected to a constructed road.

12.2 Application for Development Approval – Lot 5 Robartson Rd, Merredin Proposed Battery Energy Storage System (BESS)

| | |
|--|---|
| <h2 style="margin: 0;">Development Services</h2>  | |
| Responsible Officer: | Peter Zenni, EMDS |
| Author: | Paul Bashall – Planwest (WA) Pty Ltd |
| Legislation: | <i>Planning and Development Act 2005</i> Shire of Merredin Local Planning Scheme No.6 |
| File Reference: | A9722 |
| Disclosure of Interest: | Nil |
| Attachments: | Attachment 12.2A - Development Application and Supporting Documentation. Attachment 12.2B - Responsible Authority Report (RAR). Attachment 12.2C – Submissions to Proposal. |

Purpose of Report



Executive Decision



Legislative Requirement

To recommend to Council that it advises Joint Development Assessment Panel (JDAP) of its support of the development application and of its recommendation to JDAP, that it approves the application for development approval (DA) for the proposed battery energy storage system (BESS) on a portion of Lot 5 Robartson Road, Merredin.

The vehicle to transmit the Council’s recommendation is by the way of a Responsible Authority Report (RAR). A copy of this RAR is attached to this Item (Attachment 12.2B).

Background

An application has been received for development approval (DA) from Land Insights, Planning Consultants, on behalf of Nomad Energy for the proposed BESS.

Lot 5 Robartson Road is located approximately 7.5km south-west of the centre of Merredin and comprises a land area of approximately 61.51ha. Only a small portion (approximately 4ha) of this Lot, immediately adjacent to the Merredin Terminal sub-station, will be used for the development.

The subject site is an agricultural property, that does not contain any areas of remnant vegetation and is currently used for cropping and sheep grazing purposes.

Figure 1 provides a location plan of the site.

The proposed development is costed at \$220m and consists of the battery energy storage system facility that is comprised of battery packs, inverters, transformers and control systems, and the associated high voltage substation and additional switch room(s)/control building(s),

laydown areas, staff car parking, firefighting equipment, internal roads and a perimeter fence. The Battery Energy Storage System Project will be connected to Western Power’s transmission network at the adjacent Merredin Terminal.

FIGURE 1 – LOCATION PLAN



Source: Planwest, ESRI

The accompanying report states that the Shire of Merredin (the Shire) has become the renewable energy centre for the Wheatbelt and Western Australia. It pioneered wind turbines and solar farms, generating green energy to replace greenhouse gas emitting sources, and now the next iteration is in the storage and redistribution of this energy via battery energy storage systems.

Nomad Energy (the owner of the project) is an Australian company that has developed more than 500MW of renewable energy projects globally, including Western Australia’s largest operational solar farm (Merredin Solar Farm).

Nomad Energy has partnered with Atmos Renewables on this project. Atmos Renewables are one of the top 5 largest owner/operators of utility-scale renewable energy facilities in Australia and currently holds generation assets with a gross capacity in excess of 1.7GW. A core feature of the Nomad – Atmos partnership is the intent to develop, build, own and operate the assets they develop. This strategy demonstrates their long-term approach to the assets, the local communities in which they are situated and to the electricity market this project will ultimately support.

The proximity to Western Power’s Merredin Terminal substation was a key consideration when the site was selected and will result in relatively minor works being required to connect the proposed facility to the South West Interconnector System. The battery energy storage system facility will be accessed off Robertson Road and will be securely fenced.

The land is surrounded predominantly by other agricultural properties to the north and west, Western Power’s Merredin Terminal to the south and Merredin Solar Farm to the east/southeast. The subject site is in close proximity to other energy infrastructure assets, being the Merredin Energy dual-fuel peaking plant and Merredin Solar Farm (the largest operating solar farm in Western Australia).

Figure 2 shows the site plan with Bushfire Prone mapping data (DFES), a 150m assessment area and the battery development extent area.

FIGURE 2 – EXTRACT FROM DA SITE PLAN



Source: Land Insights, Bushfire Prone Planning, DFES, Planwest

The closest sensitive receptor is over 2km away from the site. To the south and west of the subject site sits the energy infrastructure assets mentioned previously, to the north east of the subject site at Lot 15490 is a lot reserved for parks and recreation under the Shire of Merredin Local Planning Scheme No.6, known as Merredin Nature Reserve. The applicant considers that, given the nature of the facility, it is unlikely that there will be any offsite impacts and the balance of the Lot will be retained for rural / agricultural purposes.

The DA is accompanied by a comprehensive Bushfire Management Plan (BMP) prepared by Bushfire Prone Planning. Although Lot 5 is affected by the Bushfire Prone mapping, the proposed development site is about 200m from the nearest mapped area (as per DFES data). Notwithstanding this distance, the BMP is deemed necessary as the proposed use class is considered a high-risk land use.

The BMP deals with risk issues that are better assessed by agencies specialising in these areas rather than from a planning perspective. During the advertising period, the DA will be forwarded to DFES, amongst others, for comment.

The BMP looks at:

- Assessment of potential bushfire impact;
- Environmental conservation;
- Assessment of the development's ability to acceptably mitigate bushfire risk through application of required and/or additional bushfire protection measures; and
- Creation of responsibilities to implement and maintain protection measures.

Council considered the application for development approval at the January Ordinary Council Meeting held 23 January 2024, where Council resolved the below (CMRef 83312);

That Council

1. *NOTES the receipt of the application for Development Approval for the proposed Battery Energy Storage System to be located on a portion of Lot 5 Robartson Road, Merredin;*
2. *ADVISES the Development Assessment Panel of the application for Development Approval by forwarding the lodged documentation;*
3. *ADVERTISES the application for Development Approval for a period of 21 days for public submissions, neighbours and agencies being advised of the advertising period. These agencies, amongst others, will include:*
 - a. *Department of Fire and Emergency Services (DFES);*
 - b. *Department of Water and Environmental Regulation (DWER);*
 - c. *Environmental Protection Authority (EPA);*
 - d. *Department of Biodiversity, Conservation and Attraction (DBCA);*
 - e. *Western Power (WP);*
 - f. *Civil Aviation Safety Authority (CASA); and*
4. *NOTES that all submissions received during the advertising period will be brought back to Council for its consideration prior to submitting its Responsible Authority Report to the Development Assessment Panel for its determination.*

Footnotes

1. *The applicant is advised that Council will consider all submissions received during the advertising period, however it is likely to require at least the following conditions;*
 - *The submission and approval of a dedicated Construction Management Plan, including a transport impact assessment, details showing the proposed interim and longer-term facilities including building/structure setbacks, carparking facility, landscaping/screening etc;*
 - *The submission and approval of a dedicated Drainage Management Plan;*
 - *The design and location of on-site effluent systems for the construction phase, as well as the longer term;*
 - *The removal of all construction infrastructure once the facility has been completed to the satisfaction of the local government; and*
 - *The approval of any crossovers required by the development;*
2. *The applicant is advised that granting of development approval does not constitute a building permit and that an application for relevant building*

- permits must be submitted to the local government and be approved before any work requiring a building permit can commence on site;*
- 3. The applicant is advised that effluent disposal facilities will require an application for the installation or construction of an apparatus for the treatment of sewage to be submitted to the local government, and be approved, before any work can commence on the installation of an onsite effluent disposal system; and*
 - 4. The applicant is advised of the need for compliance with the local government annual Firebreak Notice.*

Comment

The proposed development:

- Is consistent with the Council’s ambition to be a centre for renewable energy systems;
- Is logically located close to the source of renewable power systems;
- Is located near an entry point to the national power grid;
- Is more than 200m from the nearest bushfire prone area;
- Will have no impact on remnant vegetation, flora or fauna; and
- Will cause minimal loss of agricultural land.

The other matters to be considered include:

- Disruption during construction;
- Public and aviation safety;
- Noise; and
- Visual impact.

Strategic Considerations

The existing Shire of Merredin Local Planning Strategy (the Strategy) does not provide many details outside the main townsite area of Merredin. The district map of the Strategy designates the subject land as ‘General Agriculture Zone’. At the time of drafting the Strategy, renewables were not a significant land use that required consideration.

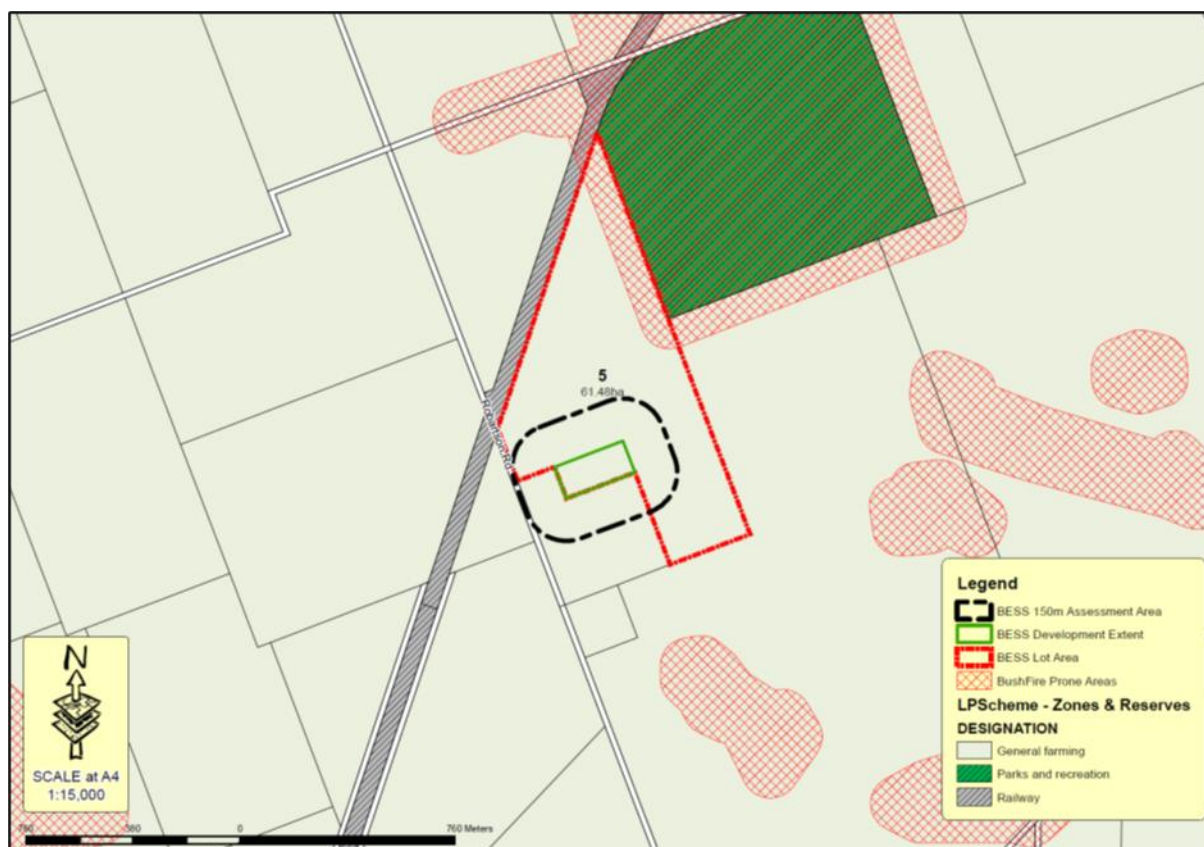
Storm Water Management

Storm water management will need to be addressed via a drainage strategy that is acceptable to the Shire’s engineers. This will ensure that any drainage from the site will be managed on the site and will not impact any neighbouring properties or public infrastructure like roadways, road reserves and other reserves.

Statutory Considerations

Figure 3 provides an extract from the Local Planning Scheme No 6 (the Scheme) showing the subject land zoned ‘General Farming’.

FIGURE 3 – SCHEME MAP EXTRACT (and BUSHFIRE PRONE MAPPING)



Source: Landgate, DPLH, Planwest

Table 1– Zoning Table in the Scheme does not specifically list a use class for battery storage, however there are two options of dealing with the proposal.

The first is to accept the use as falling within the use class of ‘Service utility’ which is defined as -

Service utility - means any work or undertaking constructed or maintained by a service authority or the local government as may be required to provide water, sewerage, electricity, gas, drainage, waste, communications or other similar services.

A service utility is a ‘D’ use in a General Farming zone. A ‘D’ use means that the use is not permitted unless the local government has exercised its discretion by granting development approval. It may be argued that the service utility proposed is not constructed by a service authority or a local government.

The second option is to treat the proposed use class as a use not listed. Clause 3.4.2 of the Scheme states that;

If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may –

- a. determine that the use is consistent with the objectives of the particular zone and is therefore permitted;*
- b. determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 64 of the deemed provisions in considering an application for development approval; or*

- c. determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.*

In either option the proposal will need to be advertised to invite submissions from service agencies and the public.

Environmental Impact

The proposal affects about 4 hectares of general farming land of the 61-hectare lot. The area not affected by the proposed development will continue to be used for rural and agricultural purposes.

The BMP provides an assessment of the bushfire risk and suggests certain measures that need to be adopted to minimise the potential bushfire risk.

The DA provides a visual assessment that concludes that the new infrastructure will not have a significant visual impact on the environment given its proximity to the existing power terminal. Prior to a determination of the DA there may need to be a requirement for landscaping where the Shire considers the views from public places that will be detrimentally impacted.

The DA discusses the preparation of a Construction Management Plan (CMP) that will coordinate phases of the development including, temporary accommodation, laydown areas, access for delivery of equipment and temporary ablutions and amenities.

The detail of the CMP will need to be prepared and implemented to the satisfaction of the local government to ensure all temporary works and structures are removed on completion of the construction.

The CMP will need to include a Transport Impact Assessment that is prepared and implemented to the satisfaction of the local government. This will ensure minimal damage to local road infrastructure, maintain safety while accessing the site and minimise any impact to local drainage systems.

Building Requirements

The Shire has previously sought and obtained clarification from the Building Commission that power storage containers (batteries) are not considered buildings (roofed structures), nor incidental structures (associated with a building) and as such do not require a building permit from the Shire prior to their erection on site. However, buildings that will house staff and are accessible by the public such as site offices etc, will still require building permits from the Shire.

Policy Implications

Nil

Statutory Implications

Consistent with Scheme No.6 requirements for advertising and Councils resolution, a notice was published in the West Australian newspaper on 3 February 2024 inviting submissions to the BESS proposal before 26 February 2024.

There were no submissions received other than those from the servicing agencies shown in Attachment 12.2C.

In addition to the public invitation, several agencies were specifically contacted regarding the proposed development. Four responses were received including, CASA (Civil Aviation Safety Authority), DPIRD (the Department of Primary Industries and Regional Development) and DBCA (Department of Biosecurity, Conservation and Attractions).

DFES (Department of Fire and Emergency Services) requested an extension to the submission period due to its extreme demand for emergency services during this period. The Shire granted this extension.

A subsequent email (dated 11 March 2024) from DFES indicates that it has not reviewed the BMP as it has not formally been referred to the Department. Referrals are only received by DFES where the development is affected by the Bushfire Prone mapping.

CASA and DBCA indicated that they had no issues with the proposed development, whilst DPIRD requested that a Drainage Management Plan be prepared for the site.

Schedules of these submission (and copies of the submissions) are shown in Attachment 12.2C.

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| | Strategic Implications |
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|---|--------------------------|
| ∅ | Strategic Community Plan |
|---|--------------------------|

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|---------------------------------------|---|
| 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 |

| | |
|---|-------------------------|
| ∅ | Corporate Business Plan |
|---|-------------------------|

| | |
|-------------|---|
| Theme: | 5. Places and Spaces. |
| Priorities: | Nil |
| Objectives | 5.4 Town Planning & 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. |

| | |
|--|------------------------------------|
| | Sustainability Implications |
|--|------------------------------------|

| | |
|---|-------------------------|
| ∅ | Strategic Resource Plan |
|---|-------------------------|

Nil

| | |
|--|--------------------------|
| | Risk Implications |
|--|--------------------------|

Although the development site is about 200m from the nearest bushfire prone area (as per DFES data) the proposed use class is considered a high-risk land use. Compliance with the recommendations of the BMP is critical to minimising the fire risk on an on-going basis.

| | |
|--|-------------------------------|
| | Financial Implications |
|--|-------------------------------|

The relevant development application fees have been paid.

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation

That Council:

1. **ENDORSES** the Shire of Merredin Responsible Authority Report forming part of Attachment 12.2B;
2. **SUBMITS** the endorsed Shire of Merredin Responsible Authority Report to the Development Assessment Panel Secretariat;
3. **RECOMMENDS** that the Regional Joint Development Assessment Panel resolves to:
 - a. **ACCEPT** that the Development Assessment Panel Application reference DAP/24/02631 is appropriate for consideration as a "Use not listed" land use and compatible with the objectives of the zoning table in accordance with Clause 3.4.2 (b) of the Shire of Merredin Local Planning Scheme No. 6; and
 - b. **APPROVE** Development Assessment Panel Application reference DAP/24/02631 and accompanying plans (Attachment 12.1A) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the Planning and Development (Local Planning Schemes) Regulations 2015, and the provisions of Clause 3.4.2 (b) of the Shire of Merredin Local Planning Scheme No. 6, subject to the following conditions:
 - i. The submission and approval of a dedicated Construction Management Plan, including a transport impact assessment, details showing the proposed interim and longer-term facilities including building/structure setbacks, carparking facility, landscaping/ screening etc, to the satisfaction of the local government;
 - ii. The removal of all construction infrastructure once the facility has been completed to the satisfaction of the local government;
 - iii. The preparation and lodgement of a Drainage Management Plan to contain all drainage on site to the satisfaction of the local government;
 - iv. The design and location of on-site effluent systems, for the construction phase as well as the longer term, to be designed and located to the satisfaction of the local government;
 - v. Compliance with the Bushfire Management Plan dated 14 December 2023 recommendations (including the Bushfire Risk Assessment & Management Report); and
 - vi. Any new crossover to Robartson Road shall be located and constructed to the satisfaction of the local government.

Advice Notes

- 1 If the development, subject of this approval, is not substantially commenced within a period of 24 months from the date of the approval, the approval will lapse and be of no further effect. For the purposes of this condition, the term "substantially

commenced” has the meaning given to it in the *Planning and Development (Local Planning Schemes) Regulations 2015* as amended from time to time.

- 2 If an applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.**
- 3 The applicant is advised that granting of development approval does not constitute a building permit and that an application for relevant building permits must be submitted to the Shire of Merredin and be approved before any work requiring a building permit can commence on site.**

13. Officer's Reports – Engineering Services

13.1 Asset Management Plan – Road Hierarchy

| Engineering Services | |
|-------------------------|---|
| Responsible Officer: | Amer Tawfik, EMES |
| Author: | As above |
| Legislation: | <i>Local Government Act 1995</i> |
| File Reference: | Nil |
| Disclosure of Interest: | Nil |
| Attachments: | Attachment 13.1A – Merredin Interim Asset Management Plan |



Purpose of Report



Executive Decision



Legislative Requirement

The purpose of this report is for Council to:

- Adopt a road hierarchy for Shire of Merredin (the Shire) roads;
- Formalise the Shire Road Register and advertised it for public comments; and
- Adopt the proposed Interim Asset Management Plan in relation to roads, footpaths, and kerbs.

These will inform the Shire Financial Plan for the maintenance and capital renewal over the next 10 years.

Background

Council instructed the Shire Chief Executive Officer (CEO) to develop a management plan for its assets in order to provide financial stability, mitigate risks and provide a road map for long term sustainability. The document included as Attachment 13.1A, provides the details requested in addition to a proposed functional classification for Shire roads and footpaths.

Comment

Attachment 13.1A – Merredin Interim Asset Management Plan aims to provide a system to address several requirements in relation to managing shire roads, footpath, and kerbs. The following is a high-level summary of the main items covered in the attached plan.

Proposed Road Hierarchy

The aim of adopting a road hierarchy for Shire roads is to establish a roadway grouping which enables the State Government and the Shire to plan and implement various construction, maintenance, and management projects. The proposed Shire Road Hierarchy is listed below.

| ID | Road Hierarchy | Role |
|---|----------------------|--|
| Rural – Non-Built-Up Areas | | |
| 1 | Regional Distributor | Provide Link between major roads and regions |
| 2 | Local Distributor | Provides a mixed function that includes traffic mobility and property access |
| 3 | Access Rd | Provide access to property and residence |
| 4 | Access Rd (Minor) | Provide access to one or two rural properties |
| Urban – Built-Up Areas (Local Towns) | | |
| 5 | Local Distributor | Provides a mixed function that includes traffic mobility and property access |
| 6 | Access Rd | Provide access to property and residence |
| 7 | Laneway | Provide access to back of property |

Based on the above proposed Shire Road Hierarchy, Attachment 13.1A, includes a proposed inspection and maintenance frequency.

Proposed Footpath Classification

The footpath surface includes three types, concrete, seal, and cobblestone. The footpath classification proposed includes the following two types:

- High use footpaths - located in the town centre on Barrack St and Bates St.
- Moderate use footpath representing all other footpaths in Merredin.

Shire Road Register

The existing register is scattered between finance, engineering and what was done historically. The aim is to adopt a formal asset register for roads managed by the Shire. In addition, Attachment 13.1A provide guidelines and the process to be followed when there is a need to add new roads to the Shire’s register.

Restricted Access Vehicle Network (RAV)

The majority of Shire roads are classified as RAV4, which has a maximum length of 27.5m and maximum load limit of 88.5 tonne. Some of the roads within the Shire are classified as RAV7, which allows for 36.5m maximum length and 108.5 tonne maximum load. There are demands on opening more of the Shire network to enable RAV7 access. Additional improvements are required to accommodate the upgrade, such as wider intersections to accommodate the swept path for a longer truck and additional strengthening required at kerbed intersection to provide lateral support preventing potential kerb rollover.

Road Cross Section

The Asset Management Plan includes recommended design cross sections to provide consistency and uniformity for Shire roads, especially in terms of providing sufficient table drains, lane and shoulder width required for the various road classifications.

Funding Sources

The Asset Management Plan lists the recurring funding sources the Shire receives for road maintenance and renewals, in addition to other grant funding available for road projects.

Asset Renewal Plan

The Asset Management Plan includes a forecast for expenditure on capital works projects over the next 10 years.

Policy Implications

Nil

Statutory Implications

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

Strategic Implications

∅ Strategic Community Plan

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

∅ Corporate Business Plan

| | |
|-------------|-----|
| Theme: | Nil |
| Priorities: | Nil |
| Objectives | Nil |

Sustainability Implications

∅ Strategic Resource Plan

Nil

Risk Implications

Through adopting an Asset Management Plan, Council will reduce its risk as it will formalise processes in terms of asset inspection, routine maintenance and long-term renewal programs.

Financial Implications

The proposed Plan will mitigate the risk of assets not being able to deliver service, through maintaining Shire roads in good conditions through proactive maintenance and renewal programs.

The interim Asset Management Plan will aid Council's efforts to demonstrate compliance with regulation. Council will be in a better position to priorities long term sustainability, and it will promote public accountability.

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation

That Council:


- ADOPT the proposed road hierarchy listed in the table below;**

| ID | Road Hierarchy | Role |
|---|----------------------|--|
| Rural - Non Built-Up Areas | | |
| 1 | Regional Distributor | Provide Link between major roads and regions |
| 2 | Local Distributor | Provides a mixed function that includes traffic mobility and property access |
| 3 | Access Rd | Provide access to property and residence |
| 4 | Access Rd (Minor) | Provide access to one or two rural properties |
| Urban - Built Up Areas (Local Towns) | | |
| 5 | Local Distributor | Provides a mixed function that includes traffic mobility and property access |
| 6 | Access Rd | Provide access to property and residence |
| 7 | Laneway | Provide access to back of property |

- AUTHORISE the Chief Executive Officer to publish Shire Road Register for public comments, prior to formally adopting by Council.**
- ADOPT the proposed Merredin Interim Asset Management Plan.**

14. Officer’s Reports – Corporate and Community Services

14.1 Statement of Financial Activity – February 2024

| | |
|---|---|
| <h2>Corporate Services</h2>  | |
| Responsible Officer: | Leah Boehme, EMCS |
| Author: | As Above |
| Legislation: | <i>Local Government Act 1995</i> <i>Local Government (Financial Management) Regulations 1996</i> |
| File Reference: | Nil |
| Disclosure of Interest: | Nil |
| Attachments: | Attachment 14.1A – 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 February 2024, 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

∅ Corporate Business Plan

Theme: 4. Communication and Leadership
Priorities: Nil
Objectives: 4.2 Decision Making

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 10% or \$10,000 whichever is greater, for operating and capital, 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 29 February 2024 in accordance with Regulation 34 of the Local Government (Financial Management) Regulations 1996.

14.2 List of Accounts Paid – February 2024

| | |
|---|---|
| <h3>Corporate Services</h3>  | |
| Responsible Officer: | Leah Boehme, EMCS |
| Author: | As above |
| Legislation: | <i>Local Government Act 1995</i> <i>Local Government (Financial Management) Regulations 1996</i> |
| File Reference: | Nil |
| Disclosure of Interest: | Nil |
| Attachments: | Attachment 14.2A - Payments Listing February 2024 |

Purpose of Report

Executive Decision

Legislative Requirement

For Council to receive the schedule of accounts paid for the month of February 2024.

Background

The attached list of accounts paid during the month of February 2024, under Delegated Authority, is provided for Council's information and endorsement.

Comment

Nil

Policy Implications

Nil

Statutory Implications

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

Strategic Implications

∅ Strategic Community Plan

Theme:

4. Communication and Leadership

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

Priorities and Strategies for Change: Nil

∅ Corporate Business Plan

Theme: 4. Communication and Leadership

Priorities: Nil

Objectives: 4.2 Decision Making

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 February 2024 as listed, covering cheques, EFT's, directly debited payments and wages, as numbered and totaling \$1,138,129.18 from the Merredin Shire Council Municipal bank account and \$0 from the Merredin Shire Council Trust bank account.

14.3 Budget Review 2 – March 2023

| | |
|---|---|
| <h2>Corporate Services</h2>  | |
| Responsible Officer: | Leah Boehme, EMCS |
| Author: | As above |
| Legislation: | <i>Local Government Act 1995</i> <i>Local Government (Financial Management) Regulations 1996</i> |
| File Reference: | Nil |
| Disclosure of Interest: | Nil |
| Attachments: | Attachment 14.3A – Budget Review March 2024 Attachment 14.3B – Budget Review Explanation Notes (CONFIDENTIAL) |

Purpose of Report

Executive Decision



Legislative Requirement

The purpose of this report is to inform Council of proposed budget amendments as part of the statutory budget review. The review is based on the year-to-date budget figures at 29 February 2024.

Background

Regulation 33A of the *Local Government (Financial Management) Regulations 1996* provides that the Council is required to conduct a review of its approved annual budget after considering the changes in its operating environment since the beginning of the financial year, with a view to forecasting the financial impacts likely to arise for the remainder of the year. This is required to be completed between 1 January and the last day of February in each financial year.

Comment

Council is required to consider the submitted budget review and make a determination in relation to the outcomes and recommendations.

The review of the 2023/24 Annual Budget has been completed. A number of variations to existing budget allocations have been identified and included in the revised budget, which can be found in Attachment 14.3A.

It should be noted that actual costs presented in this document are representative of February 2024 end of month figures.

Issues and options considered.

The budget review has comprised of:

- a review of the adopted budget and an assessment of actual results to date against that budget;
- an assessment and projection of likely results over the remainder of the financial year against the adopted budget; and
- Consideration of any issues not provided for in the adopted budget that may need to be addressed.

The review of the adopted budget has taken into account what has transpired in the first two-thirds of the year, the likely operating environment over the remaining part of the year under prevailing economic conditions, and the most likely impact on the Council's financial position.

The focus of this review has been on ensuring that there is sufficient operational capacity to deliver the services, projects and budgeted programs as set out in the adopted 2023/24 Annual Budget and to accommodate events and issues that have arisen since budget adoption.

The most significant variations between the original adopted budget and the revised budget are as follows:

Surplus Brought Forward

As the 2022/23 Audit had been completed prior to Budget Review 1, surplus figures were amended in the previous review.

Operating Income and Expenditure

Throughout the budget, a range of amendments are proposed. The key items of note are presented below.

Income

- Both interest earned accounts have seen more funds received than predicted. The reserve interest account is receiving around \$20,000 per month, with the municipal interest account \$13,000. It should be noted that as our municipal funds decrease as projects progress, this will reduce.
- Roads Grant income has been amended to reflect the currently predicted program. WSFN in particular will see a large decrease from the original budget, due to advice from WSFN to not complete any further 2023/24 projects while funding signoff has yet to occur. The Shire will continue to finalise outstanding works from 2021/22 and 2022/23 as this funding is available immediately.
- There has been an increase to income account 3100620 – PLAN – Planning Application Fees due to a number of large applications this year.

Expenditure

- 2040116 – MEMBERS – Election Expenses has been partially reduced, however the electoral commission has been unable to confirm the final cost for the Shire's special election to date.
- Minor amendments have been made through the Emergency Services – Bush Fire Brigade area to allow for purchase of clothing stock. Essential repairs were also completed to the Hines Hill station water tank that were not anticipated.

- It is proposed that \$5000 of the PEST – Pest Control Programs (2070553) be earmarked as a contribution to the WEROC Corella Management Program. NRM (Karl and Jacqui visited the Shire and made a request in January. They have asked WEROC Shire's for \$10,000, however as the year is mostly over, they requested \$5,000 for the remainder of the financial year.
- Operation and Maintenance Accounts in the housing area have been reviewed and adjusted where necessary. Savings have been utilised to complete repairs on a water leak in the ensuite of 16 Dobson Way. BM030 has been increased to cover the estimated cost of these repairs. W0245 – Housing Maintenance, has also been increased to allow for unforeseen maintenance that may arise.
- 2100652 – PLAN – Consultants has been increased due to a large number of Building applications and to finalise the Local Planning Scheme and Strategy reviews. These funds have been offset by an increase to income account 3100620 – PLAN – Planning Application Fees from a number of large applications this year.
- 21001920 – SAN – Depreciation has had a large increase due to the infrastructure revaluations being processed at the completion of last year and extra items being depreciated to this account.
- During Budget Review 1, extra funds were added to 2110200 SWM AREAS – Salaries to cover a relief manager and handover period. These funds were not all required. It is proposed that the available funds from this account be moved to capital and earmarked for use on required maintenance and renewal projects at the Swimming Pool facility. Should these not be completed prior to 30 June 2024, the proposal would be to roll the funds to the 2024/25 Annual Budget to allow works to occur prior to the commencement of the new pool season.
- A surplus in 2110300 – REC – Employee Costs will be likely, due to the MRCLC not yet being fully staffed and only a small portion of the financial year remaining. It is proposed that \$50,000 is transferred to capital in preparation for capital works to be required moving forward.
- W0060 Corporate Business Systems has been increased to allow for the implementation of electronic rates, infringement and customer service synergy modules that we do not currently have access to.
- 2140304 – PWO – Training and Development has been significantly increased due to current expenditure being higher than budgeted. This has seen significant training occur for outside staff.
- 2140411 – POC – External Plant & Repairs has been increase by \$15,000 to allow for repairs to a truck.

Capital Expenditure

Capital expenditure has various proposed amendments, the main items are outlined below:

- LC022 – Merredin Landfill – Generator Purchase has been increased utilising funding from DC000 – Drainage Replacement GL.
- \$50,000 has been added to the MRCLC (Capital) account from savings made in the MRCLC employee costs expense account.
- The pool septic system upgrade and pool filtration project were both completed for slightly less than budgeted.

- \$50,000 has been added to a new account, Swimming Pool (Capital). These funds have come from savings in the Swim Areas employee costs.
- \$30,000 has been moved from an operational account to allow for the purchase of a new pump for Dam 1. PC030 is where the funds have been allocated.

Further explanation of the proposed amendments can be found in Confidential Attachment 14.3B.

Policy Implications

Nil

Statutory Implications

As outlined in the *Local Government Act 1995* and *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. 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 |

∅ Corporate Business Plan

| | |
|-------------|--|
| Theme: | 4. Communication and Leadership. |
| Priorities: | P4.3 Maximising the value of Shire Assets. |
| Objectives: | Nil |

Sustainability Implications

∅ Strategic Resource Plan

Nil

Risk Implications

Compliance with the *Local Government (Administration) Regulations 1996* and to ensure Council have direction regarding the management of finances over an extended period of time.

Financial Implications

Suggested amendments to the 2023/24 Annual Budget, as outlined in Attachment 14.3A.

Voting Requirements

Simple Majority

Absolute Majority


Officer's Recommendation

That Council;

1. **APPROVES** the review of the 2023/24 Annual Budget (Budget Review 2) as at 29 February 2024;
2. **AUTHORISES** the recommended budget amendments, as detailed in Attachment 14.3A; and
3. **PROVIDES** a copy of the 2023/24 Annual Budget Review and determination to the Department of Local Government, Sport and Cultural Industries, in accordance with Regulation 33A of the Local Government (Financial Management) Regulations 1996.

15. Officer's Reports – Administration

15.1 Status Report – March 2024

| <h2>Administration</h2> | |  SHIRE OF MERREDIN INNOVATING THE WHEATBELT |
|-------------------------|---|--|
| Responsible Officer: | 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 – March 2024 | |

Purpose of Report



Executive Decision



Legislative Requirement

For Council to consider the updated Status Report for March 2024.

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

∅ Corporate Business Plan

Theme: 4. Communication and Leadership
Priorities: Nil
Objectives 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

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 March 2024.

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 Contract – RFQ05 2023-24 Sealing Works

19.2 Appointment of Chief Executive Officer

20. Closure

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