

# **AGENDA**

# **Ordinary Council Meeting**

To be held in Council Chambers Corner King & Barrack Streets, Merredin Tuesday, 20 August 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, 20 August 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

CRAIG WATTS
CHIEF EXECUTIVE OFFICER
16 August 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				
СВР	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			
МСО	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			



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# Shire of Merredin Ordinary Council Meeting 4:00pm Tuesday, 20 August 2024



#### 1. Official Opening

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

#### **Councillors:**

Cr M McKenzie President

Cr B Anderson

Cr H Billing

Cr D Crook

Cr L O'Neill

Cr M Simmonds

Cr P Van Der Merwe

#### Staff:

C Watts CEO
L Boehme EMCS
A Tawfik EMES
C Brindley-Mullen EMS&C
P Zenni EMDS
M Wyatt EO
A Bruyns GO

Members of the Public:

**Apologies:** Cr R Manning - Deputy President

**Approved Leave of Absence:** 

#### 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

Confirmation of Minutes of Previous Meetings			
Ordinary Council Meeting held on 30 July 2024 Attachment 7.1A Special Council Meeting held on 6 August 2024 Attachment 7.2A			
Voting Requirements			
Simple Majority Absolute Majority			
Officer's Recommendation			
That the following Minutes be confirmed as true and accurate records of proceedings:  1. Ordinary Council Meeting held on 30 July 2024; and  2. Special Council Meeting held on 6 August 2024.			
Announcements by the Person Presiding without Discussion			
Matters for which the Meeting may be Closed to the Public			
Award of Contract – RFQ02 2024-25 Sealing Works  Award of Contract – RFQ03 2024-25 Pavement Stabilisation Works			
Receipt of Minutes of Meetings			
Minutes of the Wheatbelt East Regional Organisation of Councils (WEROC) Inc Meeting held on 31 July 2024. Attachment 10.1A			
Voting Requirements			
Simple Majority Absolute Majority			
Simple Majority Absolute Majority			
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That Council RECEIVE the minutes of the Wheatbelt East Regional Organisation of Councils (WEROC) Inc Meeting held on 31 July 2024

11. Recommendations from Committee Meetings for Council Consideration

#### 12. Officer's Reports – Development Services

12.1 Application for Development Approval Proposed Office Building, Toilet Room and Associated Infrastructure – Lot 141 (No 38) Railway Avenue Merredin

# **Development Services**



Responsible Officer:	Peter Zenni, EMDS
Author:	As above
Legislation:	Planning and Development Act 2005 Shire of Merredin Local Planning Scheme No.6
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 12.1A – Development Application and Supporting Documentation (CONFIDENTIAL)

Purpose of Report
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Executive Decision	Legislative Requiremen
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For Council to consider granting development (planning) approval for a proposed office building (14.42m x 4.22m), proposed toilet room, proposed improvements to the Fire Resistance Level to the existing workshop, proposed concrete ramp, proposed new septic system, proposed carparking, landscaping and fencing to be situated on Lot 141 (No 38) Railway Avenue, Merredin.

#### Background

Lot 141 (No 38) Railway Avenue, Merredin is owned by the applicant who operates his business from an existing workshop located on the property.

At some time in early 2021 the Shire of Merredin (the Shire) Executive Manager of Development Services (EMDS) became aware that a transportable office building had been placed on site at Lot 140 (No 38) Railway Avenue, Merredin, without valid development or building approvals.

On 15 February 2021 a meeting was held on site and attended by the Shire's EMDS and Asset Management Officer (AMO), the previous property owner, and the applicant.

The meeting was aimed at clarifying the status of the unauthorised works, associated remedial and retrospective approval measures and commitments from all parties relating to timeframes for the submission of required documentation to commence the retrospective approval process.

A subsequent email dated 7 April 2021 was sent by the EMDS to the applicant as a reminder of the commitments made during the 15 February 2021 site meeting and highlighted the need for retrospective approvals from the Shire with a focus on the following matters;

- Lodgement of an application for development approval including confirmation as to the presence or lack thereof of any asbestos materials in the transportable office building as per Councils Policy on Moveable Buildings;
- Information relating to the provision of suitable landscaping to the frontage of the Lot to act as a screen, buffer to minimise any visual impact;
- Lodgement of a Certificate of Building Compliance and an application for an Occupancy Permit together with supporting documentation that would allow the Shire to issue a Building Approval Certificate; and
- Information addressing issues associated with the existing onsite effluent disposal system crossing property boundaries.

Subsequently, the Shire considered an application for development approval for a proposed office building (14.45 m x 4.22 m), proposed verandah with decking, concrete ramp, proposed patio (9 m x 6 m), proposed new septic system, proposed carparking, landscaping and fencing to be situated on Lot 141 (No 38) Railway Avenue, Merredin, at its meeting held on 26 April 2022, when it resolved as follows (CMRef 82892);

#### That Council:

- 1. Grant development (planning) approval for a proposed office building (14.45m x 4.22m), proposed verandah with decking, concrete ramp, proposed patio (9m x 6m), proposed new septic system, proposed carparking, landscaping and fencing to be situated on Lot 141 (No 38) Railway Avenue, Merredin, as outlined in attachment 12.1A, subject to;
  - a) Provision of suitable landscaping to the satisfaction of the Shire of Merredin, along the frontage adjacent to Railway Avenue, as well as along the Southern boundary of the Lot, as identified in Wayne's Design and Drafting, Drawing No 2 of Job 21012, dated March 2022.
  - b) Provision of hardstand carparking bays including a dedicated car parking bay for persons with a disability as identified in Wayne's Design and Drafting, Drawing, No 2 of Job 21012, dated March 2022.
  - c) The applicant being responsible for all costs associated with the ongoing maintenance of crossovers used to access Lot 140 (No 38) Railway Avenue, Merredin.
- 2. Advises the applicant of the following;
  - This development approval does not constitute a building permit. An application for a building permit must be lodged with the Shire of Merredin and be approved before any building work can commence on site.
  - Compliance is required with provisions of the National Constriction Code (BCA) and relevant standards including disability access requirements and associated provision of suitable toilet facilities.
  - The new office building must not be occupied until such time as the Shire of Merredin has issued an Occupancy Permit for use of the building.

- The existing workshop plumbing and drainage services must be disconnected from the leaching component located on the adjacent Lot and the Workshop provided with a suitable effluent disposal system wholly located on Lot 140 (No 38) Railway Avenue, Merredin.
- An application for an onsite effluent disposal system will need to be submitted to the Shire of Merredin and be approved before any work on the installation of an onsite effluent disposal system can commence on site.
- All new fencing on the property must comply with requirements specified by the Shire of Merredin Local Laws Relating to Fencing;

#### Comment

The development approval issued by the Shire has now expired without the completion of the relevant works. The applicant has now lodged a new application for development approval for the office building (14.42m x 4.22m) albeit relocated to a slightly different location on site, proposed concrete ramp, proposed portable accessible unisex toilet room, proposed new septic system, proposed carparking, proposed improvements of the Fire Resistance Level to the existing workshop, landscaping and fencing to be situated on Lot 141 (No 38) Railway Avenue, Merredin.

#### **Statutory Requirements**

#### Shire of Merredin Local Planning Scheme No.6

Lot 141 (No 38) Railway Avenue, Merredin is zoned 'Light Industrial" under the Shire of Merredin Local Planning Scheme No. 6 (LPS). An 'Office' is a "D" use under the LPS. This means that the proposed office development is not permitted unless the local government has exercised its discretion by granting development approval.

#### Shire of Merredin Local Planning Policy No. 1 – Moveable Buildings.

The proposed office and toilet room are a skid mounted, moveable buildings.

The Shire of Merredin Local Planning Policy No. 1 – Moveable Buildings, in part states as follows;

The Council will only permit donga type structures for uses other than residential uses where it considers the use or establishment of the structure will not be in conflict with the objectives of this policy"

The objectives of the policy being;

- 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 (E.G 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 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 proposed development will not contravene the abovementioned objectives, will be in a light industrial zoned area and will have minimal impact on the visual amenity of the surrounding locality. This will be further reduced using appropriate landscaping. The proposed development will not be out of character when compared to existing development on adjacent properties on Railway Avenue and will complement the operation of the existing workshop.

#### **Building Act 2011**

The skid mounted, moveable office building has been placed on site without valid building approvals. Ordinarily this would be resolved via an externally provided Certificate of Building Compliance (CBC) which would then allow the Shire to issue an Occupancy Permit, thus formalising the approval process and giving certainty to all parties involved.

In this case, the moveable office building will have to be relocated on site and placed in a new position to achieve a minimum separation from the side boundary of at least 3.0 meters. This removes the need to undertake additional work on the external cladding associated with National Construction Code (BCA) Fire Resistance Level (FRL) requirements.

The existing workshop has been identified as being located within the 3.0m meter setback required by the NCC from the adjacent side boundary and as such will require additional work to achieve the required FRL.

The moveable buildings which will house the proposed office and toilet room will require appropriate tie downs following relocation on site as well as provision of access and services in accordance with AS 1428.1 – mobility and access standards relating to persons with a disability.

Due to the need for additional works (relocation of office building on site) as well as placement onsite of new toilet room, construction of access ramp etc, the proposed building works are best addressed via an externally certified building application (BA2) being submitted to the Shire. The BA2 application must be accompanied by a Certificate of Design Compliance (CDC) which will reference all relevant documentation specifying the scope of proposed works to bring the buildings into compliance with the NCC-BCA.

Once the required building works have been completed the certifying Building Surveyor will submit a Certificate of Construction Compliance (CCC) to the Shire, thus allowing for an Occupancy Permit to be issued formally permitting the occupancy and use of the building.

#### Health (Miscellaneous Provisions) Act 1911

The septic system servicing the ablution facility forming part of the existing workshop crosses the boundary on to the adjacent Lot. This is in contravention of statutory requirements where the services and onsite effluent disposal facilities must be located on the one Lot.

The existing workshop plumbing, and drainage services will need to be disconnected from the leaching component located on the adjacent Lot and the workshop and proposed toilet room

will require connection to a suitable effluent disposal system wholly located on Lot 140 (No 38) Railway Avenue, Merredin.

#### **Impacts**

#### Environmental (Noise)

The proposed office building will be located on a light industrial zoned site and will be incidental to the existing workshop facility. There is an existing noise sensitive premises (residential dwelling at 40 Railway Avenue) which enjoys non-conforming use rights under the LPS, but given the existing zoning, limited number of workers on site and nature of office related activities there should be no unreasonable noise emissions associated with the proposed development activity. This is exemplified by the fact that the activities associated with the existing workshop operations have been in place for several years but have not resulted in any complaints lodged with the Shire.

#### Environmental (Waste/Nuisance)

The Shire of Merredin Local Planning Scheme Policy No. 1 precludes the movement into the Shire of any relocatable buildings containing unacceptable materials (asbestos). The Shire has received confirmation that the relocatable office building does not contain asbestos materials.

#### Road Infrastructure

The Shire's Executive Manager Engineering Services (EMES) has confirmed that vehicular traffic associated with the use of the premises will not pose a hazard to other road users. There are only a couple of employees engaged on the site and any heavy vehicles accessing the property will be limited in nature. There is also sufficient turning space on the Lot for heavy vehicles thus ensuring that they will not be forced to reverse back on to Railway Avenue. The costs associated with the ongoing maintenance of crossovers in adjacent to the property in question will be borne by the applicant.

#### Conclusion

Given that the proposed development does not differentiate markedly from previous development approvals granted by the Shire in light industrial zoned areas, the limited potential for any impact on the amenity of the surrounding locality and compliance with the Shire's Local Planning Policy on Moveable Buildings, it is the view of the EMDS that the development application should be granted development approval.

If the officers recommendation is adopted by Council, this will require the lodgement of relevant applications for a building permit for the proposed building works. If these are not forthcoming prior to the nominal expiry of the development approval the Shire will have the option of issuing Building Orders requiring the removal of any unauthorised buildings from the site.

#### **Policy Implications**

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

### **Statutory Implications**

Compliance with the Planning and Development Act 2005.

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

#### **Strategic Implications**

#### Ø 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

#### Ø Corporate Business Plan

Theme: 5. Places and Spaces

Priorities: Nil

Objectives: 5.4 Town Planning & Building Control

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**

Ø Strategic Resource Plan

Nil

#### **Risk Implications**

Development approval and building related compliance are statute-based requirements. In this case the Shire has previously granted development approval for essentially the same development on the site in question and the approved work has not been completed within the 2-year timeframe. Risks associated with the Shire issuing a further development approval are considered low (3) based on the likelihood (1) and consequence (3) of adverse events associated with the proposed development. This risk will be eliminated by adopting the Officer's Recommendation.

#### **Financial Implications**

Development application fees have been paid.

	Voting Requirements	
Simple N	1ajority	Absolute Majority
	Officer's Recommendation	

#### **That Council:**

- GRANTS development (planning) approval for a proposed office building (14.42m x 4.22m), proposed toilet room, proposed improvements to the Fire Resistance Level to the existing workshop, proposed concrete ramp, proposed new septic system, proposed carparking, landscaping and fencing to be situated on Lot 141 (No 38) Railway Avenue, Merredin, as outlined in Attachment 12.1A, subject to;
  - a. The development (planning) approval being valid for a period of twelve (12) months from the date of it being issued;
  - Provision of suitable landscaping to the satisfaction of the Shire of Merredin, along the frontage adjacent to Railway Avenue, as well as along the Southern boundary of the Lot, as identified in Wayne's Design and Drafting, Drawing No 23039, dated July 2024;
  - Provision of carparking bays including a dedicated hardstand car parking bay for persons with a disability as identified in Wayne's Design and Drafting, Drawing, No Drawing No 23039, dated July 2024;
  - The applicant being responsible for all costs associated with the ongoing maintenance of crossovers used to access Lot 140 (No 38) Railway Avenue, Merredin;

#### 2. ADVISES the applicant of the following;

- This development approval does not constitute a building permit. An application for a building permit must be lodged with the Shire of Merredin and be approved before any building work can commence on site;
- Compliance is required with provisions of the National Constriction Code (BCA) and relevant standards including disability access requirements and associated provision of suitable toilet facilities;
- c. The new office building must not be occupied until such time as the Shire of Merredin has issued an Occupancy Permit for use of the building;
- d. The existing workshop plumbing and drainage services must be disconnected from the leaching component located on the adjacent Lot and the workshop and toilet room connected to a suitable effluent disposal system wholly located on Lot 140 (No 38) Railway Avenue, Merredin;
- e. An application for an onsite effluent disposal system will need to be submitted to the Shire of Merredin and be approved before any work on the installation of an onsite effluent disposal system can commence on site; and
- f. All new fencing on the property must comply with requirements specified by the Shire of Merredin Local Laws Relating to Fencing.

# 13. Officer's Reports – Engineering Services

Nil

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

### 14.1 Proposed Budget Amendment

# **Corporate Services**



Responsible Officer:	Leah Boehme, EMCS
Author:	As above
Legislation:	Local Government Act 1995 Local Government (Financial Management) Regulations 1996
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Nil

	Executive Decision	Legislative Requirement

For Council to consider a proposed budget amendment, as detailed in this report.

### **Background**

The 2024/24 Annual Budget for the Shire of Merredin was adopted at a Special Council Meeting on 6 August 2024.

A change in the staffing requirements of the Merredin Regional Community and Leisure Centre (MRCLC) to a sports club volunteer basis requires that funds be moved from the 'REC – Employee Costs' account to a new expenditure account that clubs will be paid from for their volunteer's time.

#### Comment

#### **Budget Amendments**

The following budget amendments are recommended:

GL/Job	Description	Current Budget	Variation Amount	Revised Budget
2110300	REC – Employee Costs	\$616,300	(\$20,000)	\$596,300

2110351	REC – Sporting & Community Group Contributions	\$0	\$20,000	\$20,000	
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The above-mentioned amendment is recommended to allow the payment of sporting clubs who provide volunteers to work in the bar, restaurant and canteen at the MRCLC. A rate of \$30 per volunteer, per hour, has been agreed.

**Policy Implications** 

Nil

#### **Statutory Implications**

Authorisation of expenditure - the *Local Government Act 1995* Part 6 Division 4 s6.8 (1) requires the local government not to incur expenditure from its Municipal Fund for an additional purpose except where the expenditure:

(b) Is authorised in advance by resolution\*

"Additional purpose" means a purpose for which no expenditure estimate is included in the local government's annual budget.

## **Strategic Implications**

#### Ø Strategic Community Plan

Theme: 4. Communication and Leadership

Service Area Objective: 4.2.2 The Shire is progressive while exercising responsible

stewardship of its built, natural and financial resources

Priorities and Strategies

for Change:

Nil

#### Ø Corporate Business Plan

Theme: 4. Communication and Leadership

Priorities: Nil

Objectives: 4.2 Decision Making

#### **Sustainability Implications**

#### Ø Strategic Resource Plan

Compliance with the *Local Government (Administration) Regulations 1996* and to also give Council some direction regarding its management of finance over an extended period of time.

#### **Risk Implications**

There is a compliance risk associated with this item as the Shire would be contravening the *Local Government Act 1995* if this Item was not presented to Council. The risk rating is considered to be low (4), which is determined by a likelihood of unlikely (2) and a consequence of minor (2). This risk will be eliminated by the adoption of the Officer's Recommendation.

<sup>\*</sup>requires an absolute majority of Council.

### **Financial Implications**

As funds have been budgeted for the payment of casuals working in the MRCLC Bar and Restaurant, and these funds are being redirected to allow for the payment of clubs, there will be no financial impact on the Organisation.

	Voting Requirements	
Simple Majority		Absolute Majority
	Officer's Recommendation	

#### That Council APPROVE the proposed budget amendment, as detailed below:

GL/Job	Description	Current Budget	Variation Amount	Revised Budget
2110300	REC – Employee Costs	\$616,300	(\$20,000)	\$596,300
2110351	REC – Sporting & Community Group Contributions	\$0	\$20,000	\$20,000

# 14.2 List of Accounts Paid – July 2024

# **Corporate Services**



Responsible Officer:	Leah Boehme, EMCS	
Author:	As above	
Legislation:	Local Government Act 1995 Local Government (Financial Management) Regulations 1996	
File Reference:	Nil	
Disclosure of Interest:	Nil	
Attachments:	Attachment 14.2A - Payments Listing July 2024	

	Purpose of Report	
Executiv	e Decision	Legislative Requirement

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

#### **Background**

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

	Comment	
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Nil

Policy Implications

Nil

# Statutory Implications

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

			Strategic Implications
Ø	Ø Strategic Community Plan		

Theme:

4. Communication and Leadership

Service Area Objective: 4.2.2 The Shire is progressive while exercising responsible

stewardship of its built, natural and financial resources

**Priorities and Strategies** 

for Change:

Nil

#### Ø Corporate Business Plan

Theme: 4. Communication and Leadership

Priorities: Nil

Objectives: 4.2 Decision Making

#### **Sustainability Implications**

#### Ø Strategic Resource Plan

Compliance with the *Local Government (Administration) Regulations 1996* and to also give Council some direction regarding its management of finance over an extended period of time.

#### **Risk Implications**

There is a compliance risk associated with this item as the Shire would be contravening the Local Government Act 1995 and Local Government (Financial Management) Regulations 1996 if this Item was not presented to Council. The risk rating is considered to be low (4), which is determined by a likelihood of unlikely (2) and a consequence of minor (2). This risk will be eliminated by the adoption of the Officer's Recommendation.

#### **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 July 2024 as listed, covering cheques, EFT's, directly debited payments and wages, as numbered and totaling \$2,743,004.37 from the Merredin Shire Council Municipal bank account and \$0 from the Merredin Shire Council Trust bank account.

15.	Officer's Reports – Administration
Nil	
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 – RFQ02 2024-25 Sealing Works
19.2	Award of Contract – RFQ03 2024-25 Pavement Stabilisation Works
20.	Closure

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