

SHIRE OF
MERREDIN
INNOVATING THE WHEATBELT

AGENDA

Ordinary Council Meeting

To be held in Council Chambers Corner
King & Barrack Streets, Merredin
Tuesday, 17 December 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, 17 December 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
12 December 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



December Ordinary Council Meeting

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Shire of Merredin
Ordinary Council Meeting
4:00pm Tuesday, 17 December 2024



1. Official Opening

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2. Record of Attendance / Apologies and Leave of Absence

Councillors:

Cr D Crook	President
Cr R Manning	Deputy President
Cr B Anderson	
Cr H Billing	
Cr M McKenzie	
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 Bruyys	GO

Members of the Public:

Apologies:

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

Nil

7. Confirmation of Minutes of Previous Meetings

- 7.1 Ordinary Council Meeting held on 26 November 2024
Attachment 7.1A

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation

That the Minutes of the Ordinary Council Meeting held 26 November 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 – RFQ10 2024-25 Crooks Rd – Asphalt Surfacing
19.2 CEO Probation Review and Key Performance Indicators
19.3 Cummings Street Units – Request to Transfer Reserve Funds

10. Receipt of Minutes of Meetings

- Minutes of Wheatbelt East Regional Organisation of Councils Inc Annual General Meeting held on 28 November 2024.
Attachment 10.1A
- Minutes of the Wheatbelt East Regional Organisation of Councils Inc Board Meeting held on 28 November 2024.
Attachment 10.2A
- Minutes of the Audit Committee Meeting held on 29 November 2024.
Attachment 10.3A
- Minutes of the Audit Committee Meeting held on 17 December 2024.
Attachment 10.4A (*to be circulated prior to the meeting*)

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation

That Council:

1. **RECEIVE the minutes of the Wheatbelt East Regional Organisation of Councils Inc Annual General Meeting held on 28 November 2024;**
2. **RECEIVE the minutes of the Wheatbelt East Regional Organisation of Councils Inc Board Meeting held on 28 November 2024;**
3. **RECEIVE the minutes of the Audit Committee Meeting held on 29 November 2024;**
and
4. **RECEIVE the minutes of the Audit Committee Meeting held on 17 December 2024**

11. Recommendations from Committee Meetings for Council Consideration

12. Officer's Reports – Development Services

12.1 Endorsement of Shire of Merredin Local Planning Strategy and Omnibus Amendment

<h2>Development Services</h2>		 SHIRE OF MERREDIN INNOVATING THE WHEATBELT
Responsible Officer:	Peter Zenni, EMDS	
Author:	Paul Bashall – Planwest (WA) Pty Ltd	
Legislation:	<i>Planning and Development Act 2005</i> <i>Shire of Merredin Local Planning Scheme No.6</i>	
File Reference:	CM/19/93	
Disclosure of Interest:	Nil	
Attachments:	Attachment 12.1A – Local Planning Scheme 6 Amendment 8 - Omnibus Amendment, and Local Planning Strategy Pt 1 & 2	

Purpose of Report

Executive Decision

Legislative Requirement

For Council to consider that it;

1. Endorse the Shire of Merredin Local Planning Scheme No 6 (the Scheme) Amendment (No 8 – Omnibus) in accordance with the modifications required by the WA Planning Commission;
2. Endorse the Shire of Merredin Local Planning Strategy (the 2024 Strategy) in accordance with the modifications required by the WA Planning Commission; and
3. Proceed to advertising of both documents in accordance with the Deemed Provisions.

Background

The *Planning and Development Act 2005* requires a local planning scheme to be reviewed every five years. Although there is some flexibility in this review period, the Council resolved to review its Scheme because it was originally gazetted in 2011. In accordance with the Regulations 2015 (*Planning and Development (Local Planning Schemes) Regulations 2015*) the Council prepared a 'Report of Review'. This was adopted by the Council on 22 February 2022 and duly forwarded to the WA Planning Commission (WAPC) for approval.

On 27 May 2022 the WAPC approved the Report of Review that also sort to concurrently amend several components of the Local Planning Strategy (the Strategy). The Strategy was prepared in 2007.

Although not specified at the time of the WAPC approval of the Report of Review, the Strategy is now required to comply with the latest format and content. The task of rewriting the Strategy has subsequently been completed and was brought before the Council for approval prior to forwarding the document to the WAPC for approval.

Unlike a Scheme that is a statutory document and requires the Minister's final approval, the Strategy is only a strategic document that only requires the WAPC's endorsement.

Local Planning Strategy

The Strategy has been duly updated to reflect changes to State Planning Policies and the same components that are included in the Omnibus amendment.

Probably the most significant of these changes are those that relate to future industrial areas. This reflects the Shire of Merredin's (the Shire) awareness of the benefit of ensuring a potential supply of land in the various sectors, not only to provide a choice of residential options, but also in providing a variety of employment areas and workplaces.

Omnibus Amendment

The Scheme Amendment is determined to be a 'Complex' amendment needing specific advertising requirements as set out in the Regulations 2015.

Principally, the Amendment seeks to make 15 changes reflected in the Strategy, as summarised below (Parts 'a' to 'o'). The details and explanation of the changes are contained in the amendment documentation attached as Attachment 12.1A.

Parts a) to Part j) relate to amendments to the Scheme maps, and in some cases connected amendments to the Scheme text.

- a) To rezone several lots in the townsites of Burracoppin, Nangeenan and Nukarni from 'Parks and recreation' or 'General farming' to 'Townsite' with new R10 density codes.
- b) Reclassifying Lot 377 and portion of Lot 1 Kitchener Road, Merredin, from 'Residential' to 'Special Use - Place of Worship' and deleting the R10/30 density code accordingly.
- c) Reclassifying Lot 461 Throssell Road, Merredin, from 'Public purposes – Kindergarten' to 'Residential' with an R-Code of 'R10/30'.
- d) Rezoning lots around the Lukin/Goldfields Road area, Merredin, from 'General farming' and 'Special use – Tourist development' to 'Special Residential' and 'Parks and Recreation'.
- e) Reclassifying Crown Reserve 29700 Chandler-Merredin Road, Merredin, from 'Public Purposes – Public use' to 'Special use – Tourist development'.
- f) Rezoning Lots 4, 5 and 20261 Merredin-Narembeen Road, Merredin, from 'Special use – Airstrip' and 'General agriculture' to 'Special use' – Airstrip Mixed Use with modified Special Control Area provisions.
- g) Reclassifying Lot 26740 Chandler-Merredin Road, Merredin, from 'Public purposes – Public use' to 'Special use - Concrete batching plant'.
- h) Deleting the Development Area shown on the Scheme Map in the area surrounded by Farrar Parade, Third Avenue, Second Avenue, Marino Street and Fifth Avenue, Merredin.
- i) Reclassifying portion Lot 501 Bates, Duff and Coronation Streets, Merredin, from 'Public purposes – Civic and cultural' to 'Residential' with an R-Code of R80, and 'Parks and recreation'.

- j) Rezoning of Lots 503 and 601 Goldfields Road, Lot 504 Gabo Avenue, Lot 602 Gamenya Avenue, and the northern portions of Lots 82 Adamson Road, Merredin, from 'General farming' to 'General industry', and the southern portion of Lot 82 Adamson Road, Merredin, from 'General farming' to 'Light industry'

The following Parts relate to Scheme text amendments only:

- k) Amending Table One – Zoning Table by amending the permissibility of a Convenience Store from an 'A' use in the Residential zone to an 'X' use in the Residential zone.
- l) Amending Schedule One – Dictionary of Defined Words and Expressions by deleting, and then adding, updated definitions of several words and expressions of tourism related use classes.
- m) Amending Table One – Zoning Table by amending the permissibility of a 'Grouped dwelling' from an 'X' use in the 'Town centre' zone to an 'A' use in the 'Town centre' zone.
- n) Adding new provisions relating to Renewable energy facilities to provide definitions and requirements for development approval applications and superseding existing wind farm provisions.
- o) Amending the text of Special Control Areas by making the referral all applications to the Environmental Protection Authority (EPA) from obligatory to discretionary.

Comment

These proposed changes to the Strategy and Scheme (text and mapping) have previously been presented and discussed with the Council and are aimed to improve the currency of the Scheme. Following Council's consideration, the Amendment was forwarded to the EPA for review. The EPA determined that the proposals did not need to be assessed.

The Amendment was also forwarded to the WAPC for approval to advertise. The WAPC responded by requiring many very minor changes but has now agreed to allow both the Strategy and Omnibus Amendment to be advertised.

Strategic Considerations

The existing Shire of Merredin Local Planning Strategy (the 2007 Strategy) has been reviewed concurrently with the Omnibus Amendment and seeks to identify areas where future residential options and industrial areas could be created.

Environmental Impact

The proposals considered in the Omnibus amendment are not considered to be environmentally sensitive and was not required to be assessed by the EPA.

Advertising Requirements

The Deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* determine the advertising requirements for Schemes, amendments and strategies.

The Omnibus Amendment is required to be advertised for at least 60 days as it is a 'Complex' amendment.

The Strategy is required to be advertised for 21 days; however, it is suggested that the Scheme Amendment and Strategy be advertised together resulting in a 60-day advertising for the Strategy.

Policy Implications

Nil, however, the local planning policies will be reviewed following the completion of the Omnibus amendment.

Statutory Implications

Compliance with the *Planning and Development Act 2005*.

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

The Omnibus amendment is classified as a Complex amendment and will need to be advertised for 60 days – or a longer period approved by the WAPC.

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

The proposed LPS Omnibus Amendment has received clearance from the EPA and the WAPC for advertising. Both the Omnibus Amendment and Local Planning Strategy are based on good planning principles and allow for the controlled growth of Merredin for the next 10 -15 years. Both the Omnibus Amendment and Local Planning Strategy will be advertised for public comment. The risk rating is considered to be Low (3), which is determined by a likelihood of Rare (1) and a consequence of Moderate (3). This risk will be eliminated by the adoption of the Officer's Recommendation.

Financial Implications

The cost of the proposed Omnibus amendment is a component of the Shire’s planning obligations to maintain the currency of its local planning strategy and scheme and has been allowed for as part of the Shire’s 2024/25 Annual Budget.

Voting Requirements



Simple Majority




Absolute Majority

Officer’s Recommendation

That Council;

- 1. ENDORSES Amendment No 8 (Omnibus amendment as attached) to the Shire of Merredin Local Planning Scheme No. 6;**
- 2. RESOLVES to advertise the Omnibus Amendment for a period of at least 60 days in accordance with the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*;**
- 3. ENDORSES the Shire of Merredin Local Planning Strategy 2024 (as attached); and**
- 4. RESOLVES to advertise the Shire of Merredin Local Planning Strategy 2024 for a period of 60 days in accordance with the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*;**

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

<h3>Development Services</h3> 	
Responsible Officer:	Peter Zenni, EMDS
Author:	As above
Legislation:	<i>Planning and Development Act 2005</i> <i>Shire of Merredin Local Planning Scheme No.6</i>
File Reference:	A9722
Disclosure of Interest:	Nil
Attachments:	Attachment 12.2A – Development Approval (DA) application seeking variation to existing development approval, Supporting Documentation and DA application Form.

Purpose of Report



Executive Decision



Legislative Requirement

For Council to consider approving the application for Development Approval (DA) lodged by Land Insights, Planning consultants, on behalf of Nomad Energy for a variation to an already-approved battery energy storage system (BESS) on a portion of Lot 5 Robartson Road, Merredin.

Background

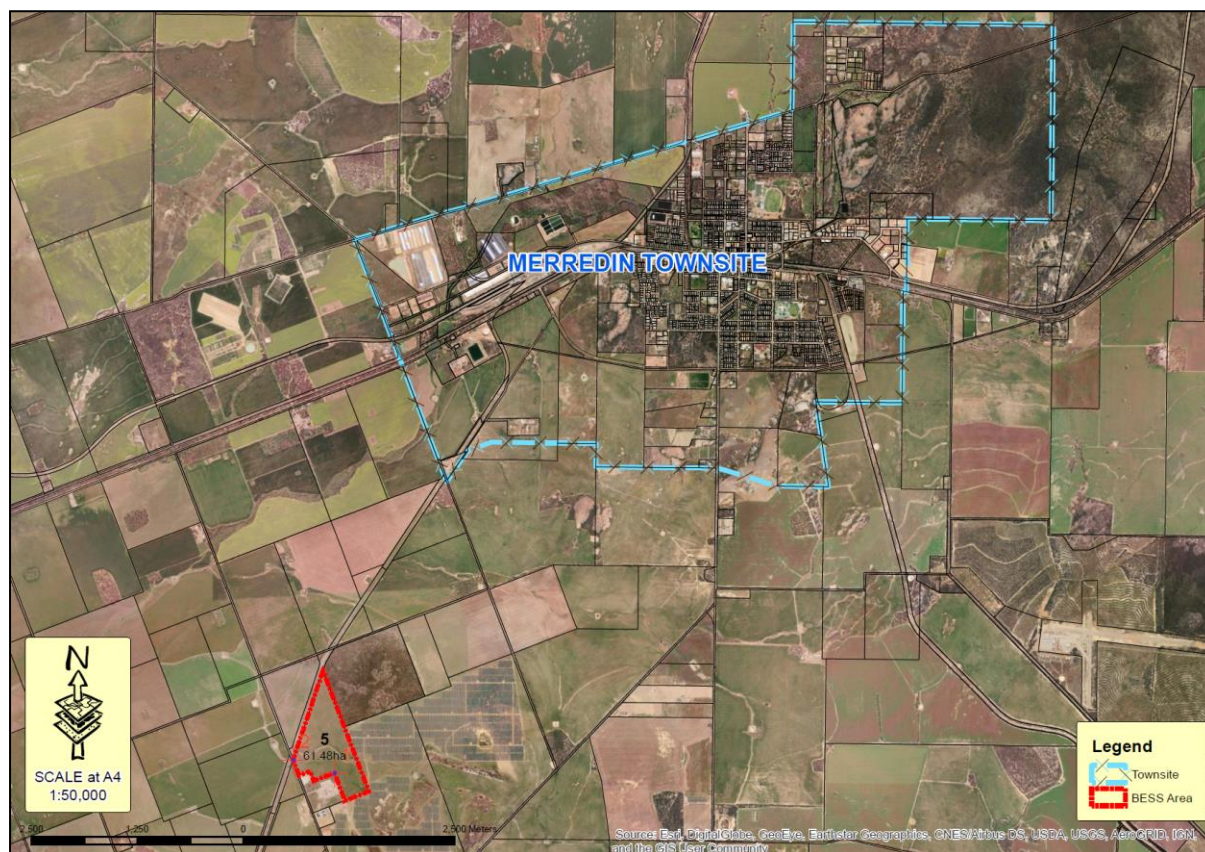
A DA (Development Approval) was granted for the BESS by the Regional Development Assessment Panel (RDAP) on 18 April 2024 (DAP Ref: 24/02631) subject to conditions. The applicant states that further design refinements of the project have been undertaken since the approval resulting in minor changes to the layout of the project to achieve optimal design and operation of the facility. In addition, some changes are resulting from compliance with third party assessment (eg. Bushfire Management Plan). It should also be noted that these minor changes are improvements in the layout and design and are contained wholly within the proposed Lot in which the existing approved development footprint occurs.

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, 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 in relation to Merredin townsite.

FIGURE 1 – LOCATION PLAN



Source: Planwest, ESRI

The BESS project will be connected to Western Power’s transmission network at the adjacent Merredin Terminal.

The original report stated that the Shire of Merredin (the Shire) has become the renewable energy focus 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 (BESS).

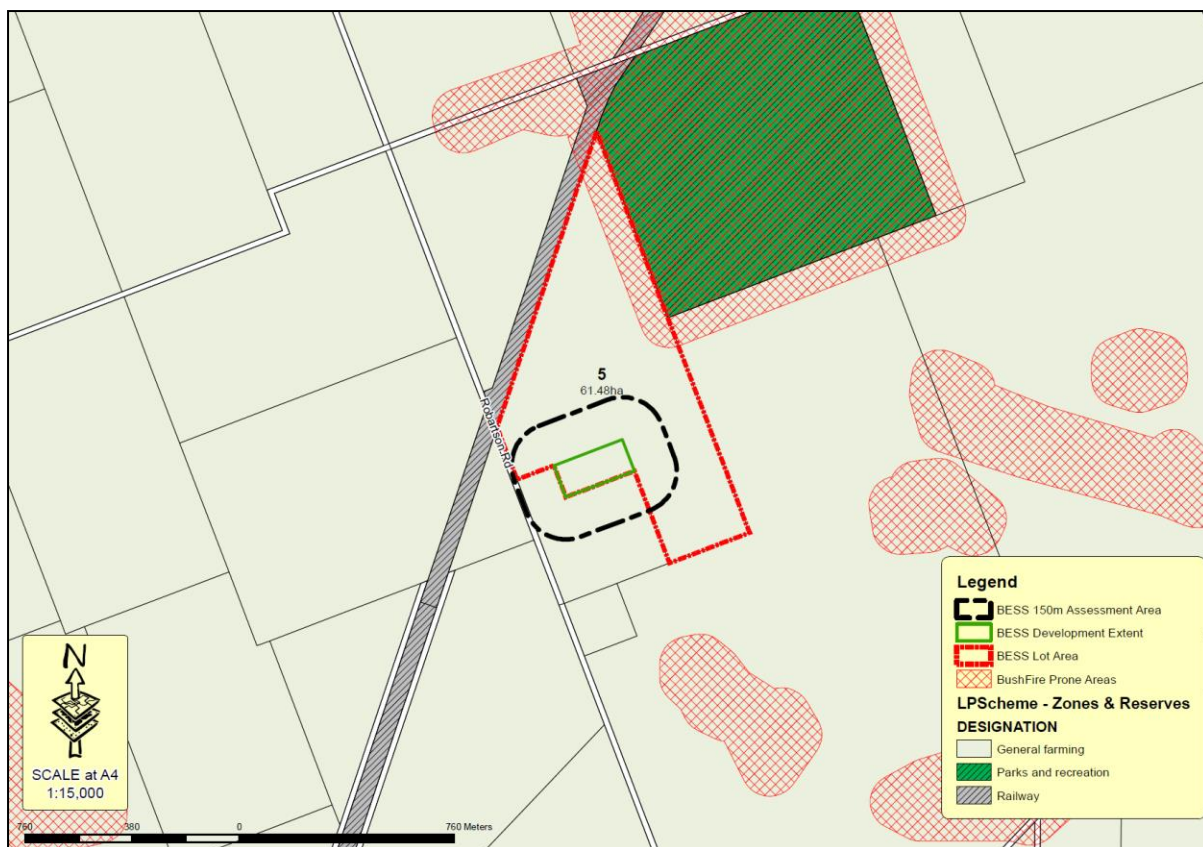
The proximity to Western Power’s Merredin Terminal substation was a key consideration when the site was originally selected and results in relatively minor works being required to connect the proposed facility to the South West Interconnector System (SWIS). The BESS facility will be accessed off Robartson 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).

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.

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

FIGURE 2 – BUSHFIRE PRONE MAPPING AND SCHEME EXTRACT



Source: LandInsights, Bushfire Prone Planning, DFES, Planwest

The DA was 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, including the modified plan, is about 200m from the nearest mapped area (as per DFES data). Notwithstanding this distance, the BMP was deemed necessary as the proposed use class is considered a high-risk land use.

The proposed development is comprised of

- 110 – 120 Battery containers.
- 6 Ring Main Units (RMU's) and 28 MV Transformers.
- A HV/MW Switchyard.
- A Western Power relay room.
- Substation (with bunding to approved standards).
- Parking for workers for both the construction and post construction phase.
- Operation and Maintenance building.
- Spare parts building.
- Internal roads (built to the required standards of both the Shire and Bushfire Requirements).
- Firefighting Infrastructure (to standards outlined in the Bushfire Management Plan).

- Development to support the construction phase.

Comment

The proposed variation rearranges certain facilities within the development site; however, the relocation of these components does not change the impact of the proposed development generally. In addition, some of the redesigned elements result from the need to comply with conditions – like the BMP and Westen Power requirements.

The revised layout remains consistent with the Shire’s ambition to be a centre for renewable energy systems; will have no impact on remnant vegetation, flora or fauna; and will cause minimal loss of agricultural land.

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

A condition of development requires that storm water management be addressed via a drainage strategy that is acceptable to the Shire’s engineers. This ensures 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 2 includes an extract from the Local Planning Scheme No 6 (the Scheme) showing the subject land zoned ‘General Farming’.

The DA was approved by RDAP using the ‘uses not listed’ provision of the Scheme. Under section 17A of the *Planning and Development (Development Assessment Panels) Regulations 2011* (DAP Regulations), the local government is authorised to determine variations to a DA that has already been assessed by a DAP.

In addition, changes to the Planning Framework that have come into effect as of 1 July 2024 allow an applicant to lodge an application for development approval directly with the relevant local government rather than going through the previously mandated DAP process.

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.

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.

Conditions of Approval

The conditions of the DA imposed by JDAP remain relevant and will apply to the amended DA.

Policy Implications

Nil

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

The proposed changes to the original design are minor in nature as well as improve the overall safety of the proposed development due to the inclusion of additional firefighting infrastructure. The improvements in the layout and design and are contained wholly within the proposed Lot in which the existing approved development footprint occurs. The original application was advertised for public comment as well as being referred to various government agencies. The risk rating is considered to be Low (3), which is determined by a likelihood of Rare (1) and a consequence of Moderate (3) of adverse events associated with the proposed development taking place. This risk will be eliminated by the adoption of the Officer's Recommendation.

Financial Implications

Development application fees have been paid.

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation

That Council

1. **GRANTS development approval in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, for proposed variation to the Development Assessment Panel (DAP) approval granted on 18 April 2024 (DAP Ref: 24/02631), for the Battery Energy Storage System in Robartson Road, Merredin, as outlined in Attachment 12.2A, subject to the following conditions;**
 - a) **If the development, the subject of this approval, is not substantially commenced within a period of 4 years 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;**
 - b) **The submission and approval of a dedicated Construction Management Plan (CMP), 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;**
 - c) **The removal of all construction infrastructure once the facility has been completed to the satisfaction of the local government;**
 - d) **The preparation and lodgement of a Drainage Management Plan (DMP) to contain all drainage on site to the satisfaction of the local government;**
 - e) **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;**
 - f) **Compliance with the Bushfire Management Plan (BMP) dated 14 December 2023 recommendations (including the Bushfire Risk Assessment & Management Report);**
 - g) **Any new crossover to Robartson Road shall be located and constructed to the satisfaction of the local government; and**
2. **ADVISES the Development Assessment Panel of Council's determination on this matter.**

Advice Notes

- 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.
- 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.

12.3 Application for Subdivision (WAPC No 201013) Lot 25266 Goldfields Road Merredin

Development Services



Responsible Officer:	Peter Zenni, EMDS
Author:	As above
Legislation:	<i>Planning and Development Act 2005</i> <i>Shire of Merredin Local Planning Scheme No.6</i>
File Reference:	A5002
Disclosure of Interest:	Nil
Attachments:	Attachment 12.3A – WAPC Referral Documentation.

Purpose of Report



Executive Decision



Legislative Requirement

For Council to consider that it advises the Western Australian Planning Commission (WAPC) that it has no objection to the proposed subdivision of Lot 25266 Goldfields Road, Merredin (WAPC Application No: 201013) resulting in the creation of two new Lots, proposed Lot 1 (6.53ha) and proposed Lot 2 (603.07ha).

Background

An application for subdivision of land located approximately 6 kilometres northeast of the Merredin townsite, has been lodged with the WAPC for approval. The WAPC is seeking comments from Council prior to issuing a determination on the application.

The proposed subdivision will subdivide existing Lot 25266 Goldfields Road, Merredin into 2 new Lots. Proposed Lot 1 (6.53ha) which will contain existing farmhouse and associated structures (Homestead Lot) and proposed Lot 2 (603.07ha) which will contain the balance of the rural land.

Comment

Planning Considerations

The land in question is zoned General Farming (Rural) under the Shire of Merredin Local Planning Scheme No.6 (the Scheme).

The WAPC Development Control Policy 3.4 – Subdivision of Rural Land as well as provisions of the Scheme highlight the need to maintain the viability and rural character of the land in question.

With respect to the creation of a homestead Lot, Development Control Policy 3.4 – Subdivision of Rural Land, states as follows;

The creation of homestead lots is intended to allow primary producers to continue to occupy their dwelling when they cease to farm, and provide settlement opportunities in areas where land fragmentation is limited and unlikely to increase. Homestead lots are to be created in a manner that is consistent with the rural character of the landscape of a locality. Homestead lots may be facilitated through boundary rationalisation or the creation of a new lot.

Homestead lots may therefore be created to enable an approved existing house on a rural lot to continue to be occupied provided that;

- a) The land is in the DC 3.4 Homestead lot policy area;*
- b) The homestead lot has an area between one and four hectares, or up to 20 hectares to respond to the landform and include features such as existing outbuildings, services or water courses;*
- c) There is an adequate water supply for domestic land management and fire management purposes;*
- d) The dwelling is connected to a reticulated electricity supply or an acceptable alternative demonstrated;*
- e) The homestead lot has access to a constructed public road;*
- f) The homestead lot contains an existing residence that can achieve an appropriate buffer from adjoining rural land uses;*
- g) a homestead lot has not been excised from the farm in the past;*
- h) the balance lot is suitable for the continuation of the rural land use, and generally consistent with the prevailing lot sizes, where it can be shown that this is consistent with the current farming practices at the property; and*
- i) the dwelling on a homestead lot must be of a habitable standard and may be required to be certified as habitable by the local government.*

In this case, given the Lot sizes in question, their location and existing infrastructure on the Lots, it is believed that the proposed subdivision meets the required criteria in that the viability of the rural land is not jeopardised and at the same time the creation of the homestead Lot will not generate any undue additional need for government and community services.

Bush Fire Management

WAPC State Planning Policy 3.7 - Planning in Bushfire Prone Areas states that in cases of an application for a subdivision in a bush fire prone area where the Bushfire Attack Level (BAL) is identified as higher than BAL-12.5, a bushfire management plan is required.

DFES bush fire prone area mapping clearly shows that the existing farmhouse is several hundred meters away from the affected area. In addition, as the proposed subdivision will not result in the intensification of development, provisions of WAPC State Planning Policy 3.7 - Planning in Bushfire Prone Areas, do not apply in this case.

Road Access

Lot 25266 Goldfields Road, Merredin currently has road access from Goldfields Road. Following the proposed subdivision, both Lots 1 and 2 will have potential road access from Goldfields 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 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

Subdivisional processes are statute-based requirements subject to approval of the WAPC with comments from various stakeholders including the relevant local government authority. Risks associated with the Shire not opposing the proposed subdivision are considered to be Low (3), which is determined by a likelihood of Rare (1) and a consequence of Moderate (3) of adverse events associated with the proposed development taking place. This risk will be eliminated by the adoption of the Officer's Recommendation.

Financial Implications

Nil

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation

That Council **ADVISES** the Western Australian Planning Commission (WAPC) that it has no objection to the proposed subdivision of Lot 25266 Goldfields Road, Merredin (WAPC Application No: 201013) resulting in the creation of two new lots, proposed Lot 1 (6.53ha) and proposed Lot 2 (603.07) Goldfields Road, Merredin, as identified in Attachment 12.3A, 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 via crossovers to the satisfaction of the Shire of Merredin.

13. Officer's Reports – Engineering Services

Nil

14. Officer’s Reports – Corporate and Community Services

14.1 Statement of Financial Activity – November 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 consider and receive the Statements of Financial Activity and Investment Report for the month of November 2024, and be advised of associated financial matters, including consideration of proposed budget amendments.

Background

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

Comment

Statement of Financial Activity

Regulation 34 of the *Local Government (Financial Management) Regulations 1996* requires the Shire of Merredin (the Shire) to prepare a monthly statement of financial activity for consideration by Council within 2 months after the end of the month of the report. These reports are included at Attachments 14.1A to D inclusive.

It should be noted that fixed asset reconciliations are delayed annually until the sign off of the Annual Financial Statement by the Office of the Auditor General.

Budget Amendments

Upon entry of the amendments authorised at the November Ordinary Council Meeting, it was discovered that three cells in the Budget Review 1 document presented to Council had formula errors that meant proposed amendments were not shown. These amendments were included in the functions area of the document, contributing to the overall balanced budget that was presented. As these items were not specified to Council in the Budget Review 1 document, the Administration would like to highlight these to Council prior to amending in the Shire’s finance system. All three changes were to income accounts and are outlined below.

GL/Job	Description	Current Budget	Variation Amount	Revised Budget
3050221	ANIMAL – Animal Registration Fees	\$5,000	(\$1,000)	\$4,000
3120120	ROADC – TRANSWA Footpath Funding Mun	\$0	\$12,500	\$12,500
3120201	ROADC – Road Contribution Income	\$80,000	\$50,000	\$130,000

Further to the above, an error has been identified with the entry of the Financials Assistance Grants income payment split. The General funding income was allocated to roads, with the roads funding income allocated to the general account. As all funds are being utilised in the general funding of Shire operations, this change is recommended purely to ensure accurate receipting.

GL/Job	Description	Current Budget	Variation Amount	Revised Budget
3030210	GEN PUR – Financial Assistance Grant - General	\$100,076	\$196,842	\$296,918
3030211	GEN PUR – Financial Assistance Grant - Roads	\$296,918	(\$196,842)	\$100,076

Finally, extra funds required for works to the Water Tower were omitted from Budget Review 1, due to a decision being made just prior to the Budget Review being presented to Council. An extra \$50,000 is required to cover works necessary to rectify extra cracking that has been identified and to cover the cost to paint the existing logos, pending Heritage Council approval.

During Budget Review 1 the income from the SAN – Other Income (Landfill fees and charges) was significantly reduced due to the income to 31 October being much lower than anticipated for that time of the financial year. Since the Budget Review it was discovered that invoicing for the new financial year had not yet been completed due to several periods of staff absence. All invoicing has now been completed to date and roughly \$38,000 worth of income will be received. As there is still more than half of the financial year remaining, it is safe to assume that revenue in this account will reach \$55,000, which will offset the funds required for the Water Tower extra works.

GL/Job	Description	Current Budget	Variation Amount	Revised Budget
3100135	SAN – Other Income	\$5,000	\$50,000	\$55,000

NEW – PC041C	Water Tower - SoM	\$0	\$50,000	\$50,000
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Policy Implications

Nil

Statutory Implications

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

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.

*requires an absolute majority of Council.

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

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.

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

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

In regard to the proposed budget amendments, the suggested amendments relating to the formula errors have already been accounted for in the current \$67 surplus.

The changes relating to extra expenditure on the water tower have been covered by a significant increase to the landfill income account. These offset, and therefore have no effect on the bottom line.

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation


That Council:

- 1. RECEIVE the Statements of Financial Activity and Investment Report for the period ending 30 November 2024 in accordance with Regulation 34 of the Local Government (Financial Management) Regulations 1996; and**
- 2. APPROVES amendments to the Shire of Merredin 2023/24 Annual Budget as per the following table, pursuant to section 6.8(1(b)) of the Local Government Act 1995:**

GL/Job	Description	Current Budget	Variation Amount	Revised Budget
3050221	ANIMAL – Animal Registration Fees	\$5,000	(\$1,000)	\$4,000

3120120	ROADC – TRANSWA Footpath Funding Mun	\$0	\$12,500	\$12,500
3120201	ROADC – Road Contribution Income	\$80,000	\$50,000	\$130,000
3030210	GEN PUR – Financial Assistance Grant - General	\$100,076	\$196,842	\$296,918
3030211	GEN PUR – Financial Assistance Grant - Roads	\$296,918	(\$196,842)	\$100,076
3100135	SAN – Other Income	\$5,000	\$50,000	\$55,000
NEW – PC041C	Water Tower - SoM	\$0	\$50,000	\$50,000

14.2 List of Accounts Paid – November 2024

<h1>Corporate Services</h1> 	
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 November 2024

Purpose of Report

Executive Decision

Legislative Requirement

For Council to consider and receive the schedule of accounts paid for the month of November 2024.

Background

The attached list of accounts paid during the month of November 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

There is a compliance risk associated with this Item as the Shire of Merredin (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 November 2024 as listed, covering cheques, EFT's, directly debited payments and wages, as numbered and totaling \$2,825,119.06 from the Merredin Shire Council Municipal bank account and \$0 from the Merredin Shire Council Trust bank account.

14.3 Various Policy Review – Merredin District Olympic Swimming Pool

<h2 style="margin: 0;">Community Services</h2> 	
Responsible Officer:	Codi Brindley-Mullen, EMS&C
Author:	As above
Legislation:	<i>Local Government Act 1995</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 14.3A - Policy 5.2 - Swimming Pool – Operational Hours Variation Attachment 14.3B - Policy 5.3 - Public Swimming Pool Patrons Aquatic Rules for Use Attachment 14.3C - Policy 5.6 - Hire of the Merredin District Olympic Swimming Pool Facilities Attachment 14.3D - Policy 5.8 - Public Swimming Pool Behaviour Policy

Purpose of Report

- Executive Decision
 Legislative Requirement

For Council to consider adopting the revised policies which relates to the operations of the Merredin District Olympic Swimming Pool (MDOSP).

Background

A variety of policies from the MDSOP area need reviewing as this has not been undertaken for a number of years.

This review will ensure that the Administration are adhering to the policies in place and the community and visitor expectations are concise and transparent.

Comment

The Policies have been reviewed to better reflect current practices, with a number of updates occurring. The key changes include:

- Addition of sections to match the current template:
 - Policy Purpose
 - Policy Scope
 - Legislative Requirements

- Policy Statement
- Key Policy Definitions
- Roles and Responsibilities
- Monitor and Review
- Broadening of details to ensure the policy is clear.
- Use of term 'Aquatic Coordinator', to reflect the current organisation structure.

Policy Implications

Policy 5.2 - Swimming Pool – Operational Hours Variation.

Policy 5.3 - Public Swimming Pool Patrons Aquatic Rules for Use.

Policy 5.6 - Hire of the Merredin District Olympic Swimming Pool Facilities.

Policy 5.8 - Public Swimming Pool Behaviour Policy.

Statutory Implications

As outlined in the *Local Government Act 1995*.

Strategic Implications

∅ Strategic Community Plan

Theme:	4. Communication and Leadership
Service Area Objective:	4.2 Decision Making 4.2.1 Council is equipped with appropriate technology, allowing for better public accessibility to the Council Chambers
Priorities and Strategies for Change:	Nil

∅ Corporate Business Plan

Theme:	4. Communication and Leadership
Priorities:	Nil
Objectives:	Nil

Sustainability Implications

∅ Strategic Resource Plan

Nil

Risk Implications

If these policies are not reviewed and the proposed changes adopted, it would mean that the Administration are in breach of their current practices.

Financial Implications

Nil known at this stage.

Voting Requirements



Simple Majority



Absolute Majority


Officer's Recommendation

That Council;

1. **ADOPTS Policy 5.2 – Swimming Pool – Operational Hours Variation with changes as presented in Attachment 14.3A;**
2. **ADOPTS Policy 5.3 – Public Swimming Pool Patrons Aquatic Rules for Use with changes as presented in Attachment 14.3B;**
3. **ADOPTS Policy 5.6 – Hire of the Merredin District Olympic Swimming Pool Facilities with changes as presented in Attachment 14.4C; and**
4. **ADOPTS Policy 5.8 – Public Swimming Pool Behaviour Policy with changes as presented in Attachment 14.3D.**

15. Officer’s Reports – Administration

15.1 Status Report – December 2024

<h1>Administration</h1> 	
Responsible Officer:	Craig Watts, CEO
Author:	Meg Wyatt, EO
Legislation:	<i>Local Government Act 1995</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 15.2A – Status Report – December 2024

Purpose of Report

- Executive Decision
 Legislative Requirement

For Council to consider the updated Status Report for December 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

Ø 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

Ø 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

Ø Strategic Resource Plan

Nil

Risk Implications

There is a reputational risk associated with this Item, as it may be perceived that the Shire is not acting upon or implementing the decisions of Council. The risk rating is considered to be Low (1), which is determined by a likelihood of Rare (1) and a consequence of Insignificant (1). This risk will be eliminated by the adoption of the Officer's Recommendation.

Financial Implications

Nil

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation

That Council RECEIVES the Status Report on Council Resolutions for December 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 – RFQ10 2024-25 Crooks Rd – Asphalt Surfacing

19.2 CEO Probation Review and Key Performance Indicators

19.3 Cummings Street Units – Request to Transfer Reserve Funds

20. Closure

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