



SHIRE OF
MERREDIN
INNOVATING THE WHEATBELT

AGENDA

Ordinary Council Meeting

To be held in Council Chambers
Corner King & Barrack Street's, Merredin
Tuesday 24 October 2017
Commencing 3.00pm



Notice of Meeting



Dear Elected Members,

The next Ordinary Meeting of the Council of the Shire of Merredin will be held on Tuesday 24 October 2017 in the Council Chambers, Corner King & Barrack Streets, Merredin. The format of the day will be:

- | | |
|--------|---|
| 1.00pm | Briefing Session (including discussions with Auditor, Mr Marius Van Der Merwe, viewing of State Records Office Recordkeeping Training video for Elected Members and discussion of Growing Wheatbelt Tourism Strategy) |
| 3.00pm | Council Meeting (including swearing in of Councillors Elect) |
| 6.00pm | Annual Electors Meeting |

GREG POWELL
CHIEF EXECUTIVE OFFICER

19 October 2017

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.

It should be noted that the Attachment hyperlinks will not be functional from this document when sourced from the Shire of Merredin's website. Attachment copies can be obtained by contacting Vanessa Green on 08 9041 1611 or ea@merredin.wa.gov.au.

Common Acronyms Used in this Document

WEROC	Wheatbelt East Regional Organisation of Councils
GECZ	Great Eastern Country Zone
WALGA	Western Australian Local Government Association
CEACA	Central East Aged Care Alliance
CEO	Chief Executive Officer
DCEO	Deputy CEO
EMDS	Executive Manager of Development Services
EMES	Executive Manager of Engineering Services
EMCS	Executive Manager of Corporate Services
EA	Executive Assistant to CEO
LPS	Local Planning Scheme
LGIS	Local Government Insurance Services
SRP	Strategic Resource Plan
CBP	Corporate Business Plan
CSP	Community Strategic Plan
MRCLC	Merredin Regional Community and Leisure Centre
CWVC	Central Wheatbelt Visitors Centre
MoU	Memorandum of Understanding

Shire of Merredin
Ordinary Council Meeting
3:00pm Tuesday 24 October 2017



1. Official Opening

In accordance with Clause 3 of Schedule 2.3 of the *Local Government Act 1995* the Chief Executive Officer is to preside at the meeting until the office of President is filled.

2. Record of Attendance / Apologies and Leave of Absence

Councillors:

Cr BJ Anderson
Cr LN Boehme
Cr RM Crees
Cr MA Crisafio
Cr KA Hooper

Councillors Elect:

To be determined by the election to be held 21 October 2017

Staff

G Powell	CEO
R McCall	Deputy CEO
P Zenni	EMDS
V Green	EA to CEO

Members of the Public: G Banks JP

Apologies:

Approved Leave of Absence: Nil

3. Swearing In of Councillors Elect

In accordance with Section 2.29 of the *Local Government Act 1995*, Mrs Gloria Banks, JP will swear in the Councillors Elect.

4. Election of President

The CEO will call for nominations for the position of President of the Council, for the ensuing 2 years.

5. Declaration by the President

Mrs Gloria Banks, JP will witness the declaration of the President.

6. Election of the Deputy President

The President will call for nominations for the position of Deputy President of the Council, for the ensuing 2 years.

7. Declaration by the Deputy President

Mrs Gloria Banks, JP will witness the declaration of the Deputy President.

8. Draw for the Position at the Council Table

Council's Standing Orders Local Law Clause 8.2 states:

"Members to occupy own seats

- (1) At the first meeting held after each election day, the Council shall allot a position at the Council table to each member.*
- (2) Each member is to occupy his or her allotted position at each Council meeting."*

A draw will be conducted for the position at the Council table, or Councillors may wish to retain their existing seating position.

9. Public Question Time

10. Election of Delegates and Deputy Delegates to Committees

- 10.1 [Shire of Merredin Audit Committee](#)
- 10.2 [Shire of Merredin Bush Fires Advisory Committee](#)
- 10.3 [Eric Hind Scholarship Committee](#)
- 10.4 [Shire of Merredin Local Emergency Management Committee \(LEMC\)](#)
- 10.5 [Western Australian Local Government Association Great Eastern Country Zone \(GECZ\)](#)
- 10.6 [Wheatbelt East Regional Organisation of Councils \(WEROC\)](#)
- 10.7 [Wheatbelt North \(WBN\) Regional Road Group \(RRG\)](#)
- 10.8 [Wheatbelt East District Operational Advisory Committee – Bush Fire Service WA](#)
- 10.9 [Merredin Land Conservation District Committee](#)
- 10.10 [Merredin Local Health Advisory Group \(LHAG\)](#)
- 10.11 [Mid-West/Wheatbelt Joint Development Assessment Panel \(JDAP\)](#)
- 10.12 [Skeleton Weed Local Action Group \(LAG\)](#)

10.13 [Central East Aged Care Alliance \(CEACA\) Inc](#)

10.14 [Wheatbelt Communities Inc](#)

10.15 [General Community Committees](#)

11. Disclosure of Interest

12. Applications for Leave of Absence

13. Petitions and Presentations

14. Confirmation of Minutes of the Previous Meetings

14.1 [Ordinary Council Meeting held on 19 September 2017](#)

14.2 [Special Council Meeting held on 3 October 2017](#)

15. Announcements by the Person Presiding without discussion

16. Matters for which the Meeting may be closed to the public

17. Receipt of Minutes of Committee Meetings

17.1 [CEACA Committee Meeting held on 6 September 2017](#)

18. Recommendations from Committee Meetings for Council consideration

Nil

19. Officer's Reports – Development Services

19.1 [Local Planning Scheme No. 6 - Amendment No. 4 – Consideration of Submissions](#)

19.2 [Lot 133 Railway Avenue, Merredin – Compliance with Health Act 1911 Requirements – Keeping of Cattle](#)

19.3 [First Interim State Public Health Plan](#)

20. Officer's Reports – Engineering Services

20.1 [Request for the Internment of Ashes at Pioneer Cemetery](#)

21. Officer's Reports – Corporate and Community Services

21.1 [List of Accounts Paid](#)

21.2 [Statement of Financial Activity](#)

21.3 [St John Ambulance – Request for Donation of Landfill Site Fees](#)

22. Officer's Reports – Administration

22.1 [Regional Christmas Trading Hours](#)

22.2 [Policy 1.15 – Councillor Tablets](#)

22.3 [Lot 101 Maiolo Way, Merredin – Request for Extension of Building Caveat](#)

22.4 [Council Meeting Dates for 2018](#)

23. Motions of which Previous Notice has been given

24. Questions by Members of which Due Notice has been given

25. Urgent Business Approved by the Person Presiding or by Decision

26. Matters Behind Closed Doors

27. Closure

10. Election of Delegates and Deputy Delegates to Committees

In accordance with Section 5.10 of the *Local Government Act 1995*, a Councillor is entitled to be a member on any committee of their choice, even though that may exceed the quorum. Additionally, the President is entitled to be a member on any committee of their choice, even though that may exceed the quorum. The CEO is entitled to be on (or appoint a representative to) any committee having employee representation.

In respect the Deputy Delegates, Council protocol appoints the Councillors who are not members to the committee as Deputy Delegates to enable their attendance and participation in committee meetings to ensure quorums.

Council Policy 1.19 – Election of Committees and Representatives is applicable.

10.1	Shire of Merredin Audit Committee
Current Members:	Cr Anderson, Cr Flockart, Cr Hooper, Cr Young
Deputies:	All other Councillors
Membership:	5 Councillors
Quorum:	3 Councillors
Purpose:	Regulation 16 of the <i>Local Government (Audit) Regulations 1996</i> states: <i>“An audit committee —</i> (a) <i>is to provide guidance and assistance to the local government —</i> (i) <i>as to the carrying out of its functions in relation to audits carried out under Part 7 of the Act; and</i> (ii) <i>as to the development of a process to be used to select and appoint a person to be an auditor; and</i> (b) <i>may provide guidance and assistance to the local government as to —</i> (i) <i>matters to be audited; and</i> (ii) <i>the scope of audits; and</i> (iii) <i>its functions under Part 6 of the Act; and</i> (iv) <i>the carrying out of its functions relating to other audits and other matters related to financial management; and</i> (c) <i>is to review a report given to it by the CEO under regulation 17(3) (the CEO’s report) and is to —</i> (i) <i>report to the council the results of that review; and</i> (ii) <i>give a copy of the CEO’s report to the council.”</i>

Meeting Cycle:	At least once annually to recommend adoption of the Annual Report and Compliance Audit Return, and twice bi-annually to recommend adoption of the CEO's Report.
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Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation

That in accordance with Sections 5.10, 5.11A and 7.1A of the *Local Government Act 1995*, Councillors _____, _____, _____, _____ and _____ be appointed as delegates to the Shire of Merredin Audit Committee, with all other Councillors appointed as Deputies.

10.2	Shire of Merredin Bush Fires Advisory Committee	
Current Members:	Cr Flockart	
Deputies:	All other Councillors	
Membership:	1 Councillor and Fire Control Officers	
Quorum:	3 Members	
Purpose:	To enable the communication and coordination of bush fire related matters within the Shire	
Meeting Cycle:	At least twice annually	
Voting Requirements		

- Simple Majority
 Absolute Majority

Officer's Recommendation

That, in accordance with Sections 5.10 and 5.11A of the *Local Government Act 1995* and Section 67 of the *Bush Fires Act 1954*, Councillor _____ be appointed as delegate to the Shire of Merredin Bush Fires Advisory Committee, with all other Councillors appointed as Deputies.

10.3	Eric Hind Scholarship Committee	
Current Members:	Cr Blakers	
Deputies:	All other Councillors	
Membership:	1 Councillor and 2 community members	
Quorum:	3 Members	
Purpose:	To award the Eric Hind Music Scholarship as per Council Policy 3.10	
Meeting Cycle:	Once annually (if required)	
Voting Requirements		

- Simple Majority
 Absolute Majority

Officer's Recommendation

That, in accordance with Sections 5.10 and 5.11A of the *Local Government Act 1995*, Councillor _____ be appointed as delegate to the Eric Hind Scholarship Committee, with all other Councillors appointed as Deputies.

10.4	Shire of Merredin Local Emergency Management Committee (LEMC)	
Current Members:	Cr Flockart	
Deputies:	All other Councillors	
Membership:	Shire of Merredin	Cr Flockart (Chair)
	Shire of Merredin	Kim Friis, Senior Ranger (Executive Officer)
	WA Police	Officer in Charge, Supervisor
	Dept for Child Protection & Family Support	District Emergency Services Officer
	Department of Parks and Wildlife	Regional Wildlife Officer
	SEMC Secretariat	Community Emergency Management Officer
	Merredin Volunteer Bushfire Brigades	Chief Bushfire Control Officer
	Merredin Volunteer Fire and Rescue Service	Brigade Captain, Brigade Lieutenant
	Mental Health Services	District Manager
	China Southern WA Flying College	General Manager
	Merredin Hospital	Hospital Services Manager, Nurse Manager
	Primary Health Eastern	Manager
	Disability Services Commission	District Manager Midlands, Local Area Coordinator
	Water Corporation	Operations Manager
	Department of Agriculture & Food	Local Manager
	Western Power	Operations Manager
	Main Roads WA	Local Manager
	St John Ambulance	Sub-Branch Manager

Quorum:	N/A
Purpose:	Regulation 39 of the <i>Emergency Management Act 2005</i> states: <i>“The functions of a local emergency management committee are, in relation to its district or the area for which it is established —</i> <i>(a) to advise and assist the local government in ensuring that local emergency management arrangements are established for its district;</i> <i>(b) to liaise with public authorities and other persons in the development, review and testing of local emergency management arrangements; and</i> <i>(c) to carry out other emergency management activities as directed by the SEMC or prescribed by the regulations.”</i>
Meeting Cycle:	Quarterly

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation

That, in accordance with Section 5.10s and 5.11A of the *Local Government Act 1995*, Councillor _____ be appointed as Chair and Delegate to the Shire of Merredin Local Emergency Management Committee, with all other Councillors appointed as Deputies.

10.5	Western Australian Local Government Association Great Eastern Country Zone (GECZ)
<p>Current Members:</p> <p>Deputies:</p> <p>Membership:</p> <p>Quorum:</p> <p>Purpose:</p> <p>Meeting Cycle:</p>	<p>Cr Hooper, Cr Willis</p> <p>Cr Crees</p> <p>Shires of Bruce Rock, Cunderdin, Dowerin, Kellerberrin, Kondinin, Koorda, Merredin, Mt Marshall, Mukinbudin, Narembeen, Nungarin, Tammin, Trayning, Westonia, Wyalkatchem and Yilgarn</p> <p>8</p> <ol style="list-style-type: none">1. To provide a united voice for Local Governments in the GECZ;2. To work collectively to enhance the sustainable social, environmental and economic development of the GECZ at strategic and project levels;3. To promote the profile of Local Government within the region encompassed within the GECZ;4. To speak on behalf of Local Governments in the GECZ;5. To elect, nominate and appoint Committees and representatives of the Zone to other organisations,6. To enter into agreements, formal or informal, with organisations having similar aims and objectives,7. To represent the views of Local Governments within the GECZ at the State Council of the Association;8. To do all and any such other things as in the opinion of the Zone may conveniently be carried on by the Zone or which promote or assist or are incidental or conducive to the attainment of these objects or any of them, or anything considered beneficial to the Zone; and9. To use the property and income of the Zone solely for the promotion of the objects or purposes of the Zone. No part of the property or income of the Zone may be paid or otherwise distributed, directly or indirectly, to members of the Zone, except in good faith in the promotion of those objects or purposes. <p>GECZ Committee and Executive Committee meetings, generally on the Thursday prior to State Council meetings or as otherwise agreed from time to time</p>

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation

That, in accordance with Sections 5.10 and 5.11A of the *Local Government Act 1995*, Councillor _____ and Councillor _____ be appointed as delegates to the Western Australian Local Government Association Great Eastern Country Zone, with Councillor _____ appointed as Deputy.

10.6 Wheatbelt East Regional Organisation of Councils (WEROC)	
Current Members:	Cr Hooper
Deputies:	Cr Crees
Membership:	Shires of Bruce Rock, Kellerberrin, Merredin, Westonia and Yilgarn
Quorum:	3
Purpose:	<ol style="list-style-type: none">1. To endeavour to carry out the Regional Purposes in a manner which enhances and assists in the advancement of the region;2. To form a strategic alliance for the retention of infrastructure, community services and population, increased funding for development and maintenance/improvement of local road networks, economic development initiatives, promotion and marketing initiatives, retention of health services, salinity and environment and general local government industry issues;3. To encourage cooperation and resource sharing on a regional basis; and4. Not to detract from the relationships an individual Shire holds within its community, with the State and Federal governments and other entities it interacts with in the course of usual business.
Meeting Cycle:	WEROC Council & Executive alternate monthly meetings
Voting Requirements	

Simple Majority

Absolute Majority

Officer's Comment

In accordance with Sections 5.1(a)&(b) of the WEROC MoU, the President and CEO of the Participant Member Council are members of WEROC. The Participant may appoint one elected member and one officer as a deputy who are able to attend meetings and temporarily act in place of either member.

Officer's Recommendation

That, in accordance with Sections 5.10 and 5.11A of the *Local Government Act 1995*, the President be appointed as delegate to the Wheatbelt East Regional Organisation of Councils with Councillor _____ appointed as Deputy.

10.7 Wheatbelt North (WBN) Regional Road Group (RRG)	
Current Members:	Cr Crees
Deputies:	Cr Willis
Membership:	Shires of Chittering, Cunderdin, Dalwallinu, Dandaragan, Dowerin, Gingin, Goomalling, Kellerberrin, Koorda, Merredin, Moora, Mt Marshall, Mukinbudin, Northam, Nungarin, Tammin, Toodyay, Trayning, Victoria Plains, Westonia, Wyalkatchem, Wongan-Ballidu, Yilgarn and York
Quorum:	N/A
Purpose:	The WBN RRG is provided with State funding from a number of categories contained within the State Road Funds to Local Government Agreement with the RRG able to prioritise, allocate and approve its funding to specific local road projects.
Meeting Cycle:	Twice annually
Voting Requirements	

Simple Majority

Absolute Majority

Officer's Recommendation

That, in accordance with Sections 5.10 and 5.11A of the *Local Government Act 1995*, Councillor _____ be appointed as delegate to the Wheatbelt North Regional Road Group with Councillor _____ appointed as Deputy.

10.8	Wheatbelt East District Operational Advisory Committee – Bush Fire Service WA	
Current Members:	Cr Flockart	
Deputies:	N/A	
Membership:	Chief Bush Fire Control Officers or Deputy Chief Bush Fire Control Officers and the Chief Executive Officer or delegate from the Shires of Bruce Rock, Kellerberrin, Koorda, Merredin, Mt Marshall, Mukinbudin, Narembeen, Nungarin, Tammin, Trayning, Westonia and Yilgarn	
Quorum:	5 local governments	
Purpose:	<ol style="list-style-type: none"> 1. To represent and protect the interests of the Local Governments, Volunteer Bush Fire Brigades and Volunteers within those Local Governments. As a representative committee, provide advice, direction and develop recommendations for fire management in the functional areas of Equipment, Training, Prevention, and Operational Preparation and Response. 2. Identify strategic directions for the region through representation on the Volunteer Bush Fire Brigade Advisory Committee, Volunteer Vehicle and Equipment Advisory Committee, Volunteer Firefighting Training Advisory Group and other State, Regional and Operational Committees as may be formed. 	
Meeting Cycle:	At least twice per year	
Voting Requirements		
<input type="checkbox"/> Simple Majority <input checked="" type="checkbox"/> Absolute Majority		

Officer’s Recommendation

That, in accordance with Sections 5.10 and 5.11A of the *Local Government Act 1995*, Councillor _____ be appointed as delegate to the Wheatbelt East District Operational Advisory Committee – Bush Fire Service WA with Councillor _____ appointed as Deputy.

10.9 Merredin Land Conservation District Committee	
Current Members:	Cr Flockart
Deputies:	N/A
Membership:	1x representative of the Commissioner of Soil and Land or their nominee 1x Councillor for the Shire of Merredin 3x representatives of the Western Australian Farmers Federation Inc. and 10x persons who are actively engaged in, affected by or associated with, land use in the District.
Quorum:	A majority of members constitutes a quorum
Purpose:	To manage activities within in the Merredin Land Conservation District including undertaking land conservation works, promoting soil conservation programs and providing advice to the Department of Agriculture and Feed WA on land use issues.
Meeting Cycle:	As required
Voting Requirements	

Simple Majority

Absolute Majority

Officer's Comment

Members of the Committee will hold office for a 3 year term, which is published in the Government Gazette.

Officer's Recommendation

That, in accordance with Sections 5.10 and 5.11A of the *Local Government Act 1995* and Sections 22 and 23 of the *Soil and Land Conservation Act 1945*, Councillor _____ be appointed as delegate to the Merredin Land Conservation District Committee with Councillor _____ appointed as Deputy.

10.10 Merredin Local Health Advisory Group (LHAG)	
Current Members:	Cr Blakers
Deputies:	Cr Young
Membership:	The LHAG membership should reflect and have the capacity to represent community and consumer diversity. Membership should be drawn from, but not limited to, consumers, local government and health related professionals and agencies. The Health Service Manager will be a member. Number of members for Merredin LHAG is 6 - 10.
Quorum:	5 members
Purpose:	To provide a forum for: <ol style="list-style-type: none"> 1. ongoing communication and interaction between WA Country Health staff and community members; and 2. development of workable solutions for local health service related issues.
Meeting Cycle:	Bi-monthly
Voting Requirements	

Simple Majority

Absolute Majority

Officer's Comment

The LHAG has not been active of late, as being able to conduct regular meetings and attract community interest and members to the Group has proven difficult. However, as local health services are important to our community it is recommended that Councillor representation on the LHAG be maintained, so that in the event the LHAG recommences, a Councillor appointment is already known

Officer's Recommendation

That, in accordance with Sections 5.10 and 5.11A of the *Local Government Act 1995*, Councillor _____ be appointed as delegate to the Merredin Local Health Advisory Group Committee with Councillor _____ appointed as Deputy.

10.11 Mid-West/Wheatbelt Joint Development Assessment Panel (JDAP)	
Current Members:	Cr Crees, Cr Hooper
Deputies:	Cr Young
Membership:	Shires of Beverley, Boddington, Brookton, Bruce Rock, Carnamah, Chapman Valley, Chittering, Coolgardie, Coorow, Corrigin, Cuballing, Cue, Cunderdin, Dalwallinu, Dandaragan, Dowerin, Dumbleyung, Dundas, Esperance, Greater Geraldton, Gingin, Goomalling, Irwin, Kalgoorlie-Boulder, Kellerberrin, Kondinin, Koorda, Kulin, Lake Grace, Laverton, Leonora, Merredin, Meekatharra, Menzies, Mingenew, Moora, Morawa, Mt Magnet, Mt Marshall, Mukinbudin, Murchison, Narembeen, Narrogin, Ngaanyatjarraku, Northam, Northampton, Nungarin, Pingelly, Quairading, Ravensthorpe, Sandstone, Tammin, Three Springs, Toodyay, Trayning, Victoria Plains, Wagin, Wandering, West Arthur, West Arthur, Westonia, Wickepin, Williams, Wiluna, Wongan-Ballidu, Wyalkatchem, Yalgoo and Yilgarn.
Quorum:	3 members
Purpose:	To determine development applications within a certain type and value threshold through consistent, accountable, and professional decision-making.
Meeting Cycle:	As required – DAP’s only meet when there is a DAP application to determine. Local government representatives will only sit on the panel when the application(s) being determined by the panel have been made under their local planning scheme.

Voting Requirements

- Simple Majority
 Absolute Majority

Officer’s Comment

Regulation 29 of the *Planning and Development (Development Assessment Panels) Regulations 2011* states that a DAP member holds office for the term specified in the member’s Ministerial instrument of appointment. Current members are Councillors Crees and Hooper whose term expires on 26 July 2018, hence they must retain their membership to the JDAP.

However, Council is required to appoint up to 2 Alternate Members, and have their appointment accepted by the Minister. Due to the low number of JDAP applications likely for the Shire of Merredin it is recommended to appoint just 1 Alternate Member.

Officer's Recommendation

That Councillor _____ be nominated as Alternate Members for the Shire of Merredin on the Mid-West/Wheatbelt Joint Development Assessment Panel and their nomination be submitted to the Minister for Planning for consideration.

10.12 Skeleton Weed Local Action Group (LAG)	
Current Members:	Cr Flockart
Deputies:	Cr Willis
Membership:	Shires of Merredin, Nungarin and Trayning
Quorum:	5 members
Purpose:	<ol style="list-style-type: none">1. Promote awareness of the locations of known skeleton weed infestations;2. Discuss the management and eradication techniques described in the Skeleton Weed Best Practice Guidelines;3. Share knowledge on the success/failure of alternative management techniques for skeleton weed;4. Coordinate searching where appropriate;5. Discuss issues and provide information and recommendations on future program to GIMC;6. Provide input into management of local non-compliance issues; and7. Formulate a local/regional strategy to deal with skeleton weed within the framework of the State-wide program
Meeting Cycle:	2-3 times per annum
Voting Requirements	

Simple Majority

Absolute Majority

Officer's Recommendation

That, in accordance with Sections 5.10 and 5.11A of the *Local Government Act 1995*, Councillor _____ be appointed as delegates to the Skeleton Weed Local Action Group with Councillor _____ appointed as Deputy.

10.13 Central East Aged Care Alliance (CEACA) Inc	
Current Members:	Cr Hooper
Deputies:	Mr Greg Powell
Membership:	1 person resident in and appointed by the Council in the each of the following Shires - Bruce Rock, Kellerberrin, Koorda, Merredin, Mt Marshall, Mukinbudin, Trayning, Westonia, Wyalkatchem and Yilgarn.
Quorum:	50% of membership plus 1
Purpose:	<ol style="list-style-type: none">1. To capture economic benefit in the Wheatbelt by providing older people with the necessary services and infrastructure to remain living in their community of interest;2. To provide housing for an ageing population in the CEACA Region;3. To secure funding from various sources for the construction of housing;4. To manage the housing across the Region, including its tenants and sale;5. To maintain the housing constructed in the Region; and6. To ensure the ongoing viability and increase the number of accommodation units across the Region as required.
Meeting Cycle:	Quarterly with Executive Committee Meetings held within a similar timeframe, or as required.

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation

That, in accordance with Sections 5.10 and 5.11A of the *Local Government Act 1995*, Councillor _____ be appointed as delegate to the Central East Aged Care Alliance (CEACA) Inc with Mr Greg Powell appointed as Deputy.

10.14 Wheatbelt Communities Inc	
Current Members:	Cr Hooper, Mr Greg Powell
Deputies:	Cr Crees, Mrs Rebecca McCall
Membership:	<ol style="list-style-type: none">1. Two (2) persons resident in the Shire of Bruce Rock and appointed by the Council of the Shire of Bruce Rock;2. Two (2) persons resident in the Shire of Kellerberrin and appointed by the Council of the Shire of Kellerberrin;3. Two (2) persons resident in the Shire of Merredin and appointed by the Council of the Shire of Merredin;4. Two (2) persons resident in the Shire of Westonia and appointed by the Council of the Shire of Westonia; and5. Two (2) persons resident in the Shire of Yilgarn and appointed by the Council of the Shire of Yilgarn.
Quorum:	50% of Members plus 1
Purpose:	<ol style="list-style-type: none">1. To create an environment of sustainable growth in the Central Eastern Wheatbelt Region;2. To facilitate the economic development and social wellbeing of the Central Eastern Wheatbelt Region;3. To identify the economic needs of the Central Eastern Wheatbelt Region and make these needs known to key decision makers in Government and private enterprise;4. To foster cooperative and joint venturing initiatives between Members and appropriate partners on projects of mutual benefit or to further joint interests;5. To concentrate available resources on seeking solutions to identified mutual problems and achieve savings in resources that can be gained through cooperative effort; and6. To promote economic development within the Central Eastern Wheatbelt Region.
Meeting Cycle:	Quarterly

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation

That, in accordance with Sections 5.10 and 5.11A of the *Local Government Act 1995*, Councillor _____ and Mr Greg Powell be appointed as delegates to Wheatbelt Communities Inc with Councillor _____ and Rebecca McCall appointed as Deputies.

10.15 General Community Committees

Officer's Comment

There are a number of other community committees which have Councillor representation and these, along with the current Council representative, are listed below:

Committee	Council Representative
Museum and Historical Society	Cr Blakers
Merritville Retirement Village	Cr Hooper
MADCAPS Child Care Centre	Cr Boehme
Rural Water Council	Cr Crees and Cr Flockart
Merredin Heritage Committee	Cr Blakers
Doorways	Cr Crisafio
Merredin Residential College	Cr Crees

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation

That, in accordance with Sections 5.10 and 5.11A of the *Local Government Act 1995*:

1. Councillor _____ be appointed to the Museum and Historical Society Committee;
2. Councillor _____ be appointed to the Merritville Retirement Village Committee;
3. Councillor _____ be appointed to the MADCAPS Child Care Centre Committee;
4. Councillor _____ be appointed to the Rural Water Council;
5. Councillor _____ be appointed to the Doorways Committee;
6. Councillor _____ be appointed to the Merredin Residential College Committee; and
7. Councillor _____ be appointed to the Merredin Heritage Committee.

14. Confirmation of Minutes of the Previous Meetings

14.1 Ordinary Council Meeting held on 19 September 2017

[Attachment 14.1A](#)

14.2 Special Council Meeting held on 3 October 2017

[Attachment 14.2A](#)

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation

That the Minutes of the Ordinary Council Meeting held on 19 September 2017 and the Special Council Meeting held on 3 October 2017 be confirmed as a true and accurate record of proceedings.

17. Receipt of Minutes of Committee Meetings

17.1 CEACA Committee Meeting held on 6 September 2017

[Attachment 17.1A](#)

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation

That the Minutes of the CEACA Committee Meeting held on 6 September 2017 be received.

Officer's Comment

While no recommendations requiring Council consideration are included in the minutes of the CEACA Committee Meeting it is worth noting the formal vote of thanks to the Shire of Merredin included at Item 8.3.

19. Officer's Reports - Development Services

19.1 Local Planning Scheme No. 6 – Amendment No. 4 – Consideration of Submissions

Development Services



Responsible Officer:	Peter Zenni, EMDS
Author:	Paul Bashall, PlanWest
Legislation:	<i>Planning and Development Act 2005</i> , Shire of Merredin Local Planning Scheme No. 6
File Reference:	LUP/5/15
Disclosure of Interest:	Nil
Attachments:	Attachment 19.1A – Amendment No. 4 Report Attachment 19.1B – Submission

Purpose of Report

Executive Decision

Legislative Requirement

Background

In August 2015, Council adopted an 'Omnibus amendment' to the Local Planning Scheme No. 6 (CMRef 81620). This amendment was designed to address various changes that were not identified in the drafting of the new scheme. For various reasons the amendment was not progressed at the time.

The proposals sought to:

1. modify Table 1 – Zoning Table to permit 'Group Housing' in a General Rural zone as a 'D' use, and insert provisions to outline conditions under which group housing may be approved in a General Rural zone;
2. reclassify Lots 45 and 46 Plimpton Street, Burracoppin, from 'Parks and Recreation' local scheme reserve to 'Townsite' zone with a residential density code of 'R10/30'; and
3. 3) reclassify Crown Reserve 13876 Bates Street, Merredin, from 'Public Purposes – Primary School' local scheme reserve to 'Public Purposes – Civic and Cultural' local scheme reserve and 'Residential' zone with a residential density code of 'R10/50'; as more clearly shown on the scheme amendment maps.

Comment

The amendment was advertised in the Phoenix on Friday 4 August 2017 with a closing date of 18 September 2017. At the close of submissions one submission was received.

The submission was from CEACA Inc relating to the reclassification of the primary school site. A copy of the submission is attached.

At the time of drafting the amendment the eastern part of the school site was to be used for residential purposes – primarily aged persons accommodation. However, since the drafting of the amendment documents Council has decided that the western portion is better located for the proposed development.

Council considered the CEACA development application at its May 2017 meeting (CMRef 81972) which included a resolution to progress with the amendment to the scheme.

The accommodation is to be developed by CEACA Inc for the aged persons in the community and is therefore consistent with the existing ‘Public Purpose’ designation, however it is considered appropriate that the land be reclassified to ‘Residential’ to more accurately reflect the use.

The provision of this accommodation encourages the elderly to be able to stay in town in ‘age-appropriate’ housing, rather than relocate to another community.

The alignment of the Residential component of this part of the Amendment aligns with the site features survey and the plans drawn for the development of the aged persons’ accommodation. The following shows the proposed development for 28 units.



Policy Implications

Nil

Statutory Implications

Planning and Development Act 2005

Strategic Implications

➤ Strategic Community Plan

Vision Element: Developing
Strategic Goal: The population and economic base is expanding sustainably
Key Priority: Economic Development

➤ Corporate Business Plan

Strategy: SP.D1.3 – Promote new commercial and industrial development through appropriate zoning of land, provision of suitable infrastructure and efficient and effective business approval processes.

Action #: 1
Action: Regular review of Merredin Town Planning Scheme No. 6
Directorate: Development Services
Timeline: Ongoing

Sustainability Implications

➤ Strategic Resource Plan

There are no implications to the Strategic Resource Plan stemming from the proposed development.

➤ Workforce Plan

Directorate: Nil
Activity: Nil
Current Staff: Nil
Focus Area: Nil
Strategy Code: Nil
Strategy: Nil
Implications: Nil

Risk Implications

Nil

Financial Implications

Advertising costs have been factored into the 2017/18 Budget.

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation

That Council:

1. uphold the submission lodged by CEACA Inc and modify Amendment No. 4 accordingly to reflect the current aged persons' accommodation layout;
2. adopt the amendment for Final Approval; and
3. forward the Amendment Documents to the WA Planning Commission;
 - a. with a copy of the advice from the Environmental Protection Authority;
 - b. with details of when and how the advertising was conducted;
 - c. with copies of any submissions received; and
 - d. with a request for the WA Planning Commission's recommendation for the Minister for Planning's Final Approval.

19.2 Lot 133 Railway Avenue, Merredin – Compliance with Health Act 1911 Requirements – Keeping of Cattle

Development Services



Responsible Officer:	Peter Zenni, EMDS
Author:	As above
Legislation:	<i>Health (Miscellaneous Provisions) Act 1911</i> ; Fly Eradication Regulations; Shire of Merredin Health Local Law 1999
File Reference:	A2924
Disclosure of Interest:	Nil
Attachments:	Attachment 19.2A – Correspondence and Photo

Purpose of Report



Executive Decision



Legislative Requirement

Background

Staff are currently pursuing breaches of the Shire of Merredin Health Local Law 1999 relating to the keeping of cattle at Lot 133 Railway Avenue, Merredin.

Comment

On 29 May 2017, the EMDS met with the owner of Lot 133 Railway Avenue, Merredin and discussed concerns relating to the keeping of 3 cows at the property and the associated build-up of manure which was likely to give rise to fly breeding activity in the warmer months. The EMDS pointed out the provisions of the Health Local Law 1999 including the need to obtain Council approval for the keeping of cows on the property, the need to provide suitable stable facilities and the need to pick up all manure on a daily basis and place it in a suitable manure receptacle.

The owner of the property gave a verbal commitment to remove the cows from the property and relocate them to a farming property within a period of 60 days.

This verbal commitment was confirmed in correspondence from the EMDS to the owner of the property dated 29 May 2017.

The owner then contacted the Environmental Health Officer, sought and was granted a further term of 30 additional days to relocate the cows from the property.

The EMDS contacted the owner on 5 September 2017 regarding his intentions to the removal of the cows and was advised that the cows would not be relocated from the property.

The EMDS then wrote to the owner on 5 September 2017, giving a further period of 14 days in which to remove the cows, warning that failure to do so may result in the matter being referred to Council's solicitor for legal action.

At the time of preparing this report the cows were still at the property. The build-up of the deposited manure is an ongoing concern now that we are moving in to the warmer months of the year, which will promote fly breeding activity.

The Shire of Merredin has been more than reasonable with respect to its approach to this issue, but the failure by the owner of the property to comply with the provisions of the Shire of Merredin Health Local Law 1999 and the Fly Eradication Regulations has left no option but to pursue this matter on a legal footing.

Policy Implications

Nil

Statutory Implications

The Shire of Merredin Health Local Law 1999 states:

“Division 3 – Keeping of Large Animals

5.3.2 (1) An owner or occupier of premises within the gazetted townsites shall not keep a horse, cow or large animal on those premises unless registered by the Council.

(2) No person shall allow a greater number of approved animals on the premises than the number for which those premises are registered.

(3) The occupier required by this section to register the premises for the keeping of approved animals shall make application to the council in the form prescribed in Schedule 12 for that purpose and for every application for original registration shall lodge plans, drawings and particulars in duplicate of those premises for which registration is required.

(4) An application for the establishment of a stable must be accompanied by a written notice from each of the owners and occupiers of the land adjoining and adjacent to the property to be registered, that they have no objection to the establishment of a stable on the land referred to in the application.

(5) Upon receipt of such application the Council shall cause the premise to be inspected by an Environmental Health Officer and reported in respect to their proposed compliance with this section.

(6) If upon the application and report being submitted to Council it shall appear to the Council that such application for registration should be granted, it shall upon being paid the registration fee prescribed in Schedule 14 register such premises subject to registration, and to issue the applicant a certificate of registration in the form set out in Schedule 13.

(7) Every certificate of registration shall remain in force until 30 June next following the date of issue and thereafter during the period of every annual renewal and no longer, but may be sooner suspended or cancelled by the Council for any breach of these local laws which relate to the premises of the occupier.

(8) For every initial registration, there shall be paid to Council by each applicant the fee prescribed in Schedule 14 for each premise. For every renewal of registration there shall be paid to the council by each applicant the fee prescribed in Schedule 14 for each premise.

(9) If any person in whose name a premise is registered desires to have the same transferred to any other person, the proposed transferee shall make application to the Council together with the fee prescribed in Schedule 14. If the Council approves such application it shall register the premise in the name of the transferee.

(10) An owner or occupier of premises who has approval to keep a horse, cow or large animal shall provide for its use a stable or with Council approval a shelter.

(11) Every stable shall –

(a) comply with the Building Code including the submission of plans and specifications to Council for approval

(b) have a proper separate stall –

(i) for each horse or cow; and

(ii) the floor area of which shall be a minimum of 6 square metres;

(c) have each wall and roof constructed of an impervious material;

(d) provide adequate ventilation;

(e) have a floor, the upper surface of which shall –

(i) be raised at least 75 millimetres above the surface of the ground;

(ii) be constructed of cement, concrete or other materials approved by the Environmental Health Officer; and;

(iii) have a fall of 1 in 100 to a drain which shall empty into a trapped gully situated outside the stable and shall discharge in a manner approved by the Environmental Health Officer.

(12) The owner or occupier of premises on which a stable is located shall-

(a) Maintain the stable in a clean condition and clean wash and disinfect it when so directed by an Environmental Health Officer;

(b) keep all parts of the stable so far as possible free from flies or other vectors of disease by spraying with a residual insecticide or other effective means; and

(c) when so ordered by the Environmental Health Officer, spray the stable, or such parts as may be directed with a residual insecticide.

Manure Receptacle

5.3.3 An owner or occupier of premises on which an approved animal is kept shall-

(a) provide in a position convenient to the stable a receptacle for manure, which is constructed of smooth, impervious, durable, easily cleanable material and, provided

with a tight fitting cover, and with no part of the receptacle base being lower than the surface of the adjoining ground;

(b) keep the lid of the receptacle closed except when manure is being deposited or removed;

(c) cause the receptacle to be emptied at least once a week and as often as may be necessary to prevent it becoming offensive or a breeding place for flies or other vectors of disease;

(d) keep the receptacle so far as possible free from flies or other vectors of disease by spraying with a residual insecticide or other effective means; and

(e) cause all manure produce on the premises to be collected daily and placed in the receptacle.”

The Fly Eradication Regulations states:

“An owner or occupier of any land or premises shall not place, throw or leave, or permit or cause to be placed, thrown or left, on the land or premises any waste food, manure, refuse, garbage, waste matter or other matter whatsoever, which is likely to attract or be a breeding place for flies, unless that waste food, manure, refuse, garbage, waste matter or other matter is covered, protected, treated or dealt with in such a manner as to effectively prevent it attracting or being a breeding place for flies.”

Strategic Implications

➤ Strategic Community Plan

Vision Element: Developing
Strategic Goal: The population and economic base is expanding sustainably
Key Priority: Economic Development

➤ Corporate Business Plan

Strategy: SP.D1.3 – Promote new commercial and industrial development through appropriate zoning of land, provision of suitable infrastructure and efficient and effective business approval processes.
Action #: 1
Action: Regular review of Merredin Town Planning Scheme No. 6
Directorate: Development Services
Timeline: Ongoing

Sustainability Implications

➤ Strategic Resource Plan

Nil

➤ Workforce Plan

Directorate: Nil
Activity: Nil
Current Staff: Nil

Focus Area: Nil
Strategy Code: Nil
Strategy: Nil
Implications: Nil

Risk Implications

Given the Shire of Merredin involvement to date in trying to resolve this issue, failure to pursue a breach of the Shire of Merredin Health Local Law 1999 and Fly Eradication Regulations at this stage may have broader implications in dealing with any future breaches of legislation enforced by the Shire of Merredin.

Financial Implications

There is a budgetary allocation for expenses associated with court related legislative enforcement provisions.

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation

That the Shire of Merredin commence legal action against the owner of Lot 133 Railway Avenue, Merredin for breaches of the Shire of Merredin Health Local Law 1999 and Fly Eradication Regulations.

19.3 First Interim State Public Health Plan

Development Services



Responsible Officer:	Peter Zenni, EMDS
Author:	As above
Legislation:	Public Health Act 2016
File Reference:	PH/14/5
Disclosure of Interest:	Nil
Attachments:	Attachment 19.3A – State Public Health Plan

Purpose of Report



Executive Decision



Legislative Requirement

Background

The Department of Health has recently released for public comment an interim State Public Health Plan aimed at highlighting the State Governments Key Priorities for Public Health in to the 21st Century and assisting Local Governments in identifying public health priorities at the local level.

Comment

The *Public Health Act 2016* establishes a new framework that has significant implications for the way Local Government will operate in the public health system in Western Australia, including new responsibilities and expectations placed on local governments, such as:

1. Then need to initiate, support and manage public health planning for its local government district (i.e. in accordance with the Act and the *Local Government Act 1995*).
2. The need to develop and implement policies and programmes (Local Health Plans) to achieve the objects of this Act within its local government district.
3. The need to perform the functions that are conferred on local governments by or under this Act.
4. The need to administer and enforce this Act within its local government district in accordance with the objects and principles of this Act.

The *Public Health Act 2016* introduces the obligation for the Chief Health Officer to prepare a State Health Plan. This plan sets the priorities of the State Government in respect to public health for all West Australians.

The State Health Plan will

1. identify public health needs in Western Australia,
2. include an examination of data relating to the health status and health determinants in the State,
3. establish objectives and policy priorities for promotion, improvement and protection of public health in the State, and identify how these objectives are proposed to be achieved, and
4. describe how the Chief Health Officer will work with local governments and other bodies (undertaking public health initiatives, projects and programmes) to achieve the objectives and policy priorities; and
5. include a strategic framework for the identification, evaluation and management of public health risks in the State and any other matters relating to public health risks in the State –
 - a. that the Chief Health Officer considers appropriate to include in the plan; or
 - b. that are required to be included in the plan by the regulations.

Part 5 of the *Public Health Act 2016* sets out the obligation for the Chief Health Officer to make the first State Public Health Plan available no later than 12 months from the commencement of Stage 5 (foreseen as coming in to effect in 3 – 5 years' time).

The Department of Health has recently released for comment an interim State Public Health Plan highlighting the State Governments Key Priorities for Public Health in to the 21st Century and assisting Local Governments in identifying public health priorities in preparation for the future adoption and implementation of Local Public Health Plans.

It should be noted that traditionally local governments have been required to discharge public health related functions in accordance with the *Health Act 1911* and associated regulations, these functions have been for the most part regulatory in nature and in many cases complaints based.

The new *Public Health Act 2016* broadens the focus of local government involvement with respect public health through the requirement to implement Local Public Health Plans that will complement the State Public Health Plan.

The interim State Public Health Plan as released for public comment highlights the need for involvement in;

1. health promotion activities
2. combating mortality and morbidity associated with lifestyle related diseases
3. good nutrition
4. physical activity

5. oral health
6. mental health
7. immunisation
8. alcohol/tobacco usage reduction
9. provision of suitable housing/reduction in overcrowding

The interim State Public Health Plan does not provide clear guidance to local governments on service provision requirements nor does it address issues associated with identifying and providing additional funding to cover costs of local government involvement in the implementation of non-traditional public health related activities.

Whilst it can be argued that local Councils are in the best position to lead and coordinate public health planning and service delivery for their communities at the local level any such involvement will require provision of additional resources.

It could also be argued that in the absence of such additional resources being made available to local governments by the State Government, the new Local Health Plan requirements forming part of the *Public Health Act 2016*, are an attempt at shifting costs and responsibilities for public health related service delivery (that has been traditionally undertaken by the State) on to the local government sector.

Policy Implications

Nil

Statutory Implications

Compliance with the *Public Health Act 2016*.

Strategic Implications

➤ Strategic Community Plan

Vision Element: Liveable

Strategic Goal: Merredin has the services, facilities, characteristics and heritage that continue to make Merredin a great place to live and contribute to a liveable region

Key Priority: Town Enhancement

➤ Corporate Business Plan

Strategy: SP.L4.1 – Enhance the public amenity and functionality of Merredin

SP.E1.1 - Minimise waste production

Action #: 1

Action: Investigate and enforce compliance regards unlawful activities that are detrimental to the environment

Directorate: Development Services

Timeline: Ongoing

Sustainability Implications

➤ Strategic Resource Plan

Nil

➤ Workforce Plan

Directorate: Nil
Activity: Nil
Current Staff: Nil
Focus Area: Nil
Strategy Code: Nil
Strategy: Nil
Implications: Nil

Risk Implications

Potential financial burden of implementing public health requirements at the local level and potential liability associated with failure to implement these requirements to a satisfactory level.

Financial Implications

The financial implications are unknown at this stage but will relate to minimum service delivery requirements mandated upon local governments under the new public health arrangements.

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation

That the Shire of Merredin advise the Chief Health Officer of the Department of Health that:

- 1. it is concerned about its ability to absorb the costs associated with service delivery of the public health priorities identified in the First Interim State Public Health Plan; and**
- 2. the Shire of Merredin expects that the State Government:**
 - 1. will formulate a State Public Health Plan that clearly identifies Local Government responsibilities and required performance levels with respect to public health related service delivery;**
 - 2. funds the development and implementation of Local Public Health Planning, and any changes needed to prepare Local Government for their role in public health service delivery;**
 - 3. commits to timely delivery of the State Public Health Plan, and programs that support the State Public Health Plan; and**

- 4. delivers initiatives focusing on workforce planning aimed at increasing the availability, attraction and retention of suitably qualified and experienced personnel involved in public health service delivery at the State and Local Government level.**

20. Officer's Reports - Engineering Services

20.1 Request for the Internment of Ashes at Pioneer Cemetery

Engineering Services



Responsible Officer:	Mike Hudson, EMES
Author:	As above
Legislation:	<i>Local Government Act 1995; Cemeteries Act 1986; Cemeteries Local Law</i>
File Reference:	ICS20172127; PH/6/1
Disclosure of Interest:	Nil
Attachments:	Attachment 20.1A - Correspondence

Purpose of Report

- Executive Decision Legislative Requirement

Background

A request for permission to intern ashes into the Pioneer Cemetery has been received. The applicant wishes to intern her father's ashes into the grave of his parent located in Plot E32 of the Anglican section of the Merredin Pioneer Cemetery.

Comment

The Local Laws do not preclude the interment of ashes at the Pioneer Cemetery, but all recent applications have been referred to Council for resolution.

The Shire of Merredin Cemeteries Local Law references “the Board” as the Shire of Merredin. Section 3 of the Local Laws states:

“3) An authorised officer may place the ashes of a deceased person in a cemetery in accordance with the Board approval provided:

(a) the person requesting the placement of the ashes has the permission of the Board; and

(b) the ashes are placed within an area set aside for that purpose by the Board.

(4) An authorised officer may place the ashes of a deceased person within a grave in accordance with the Board approval, provided the person requesting the placement of the ashes has the written permission of the Board and the approval of the holder of the right of burial of the grave.”

Policy Implications

Nil

Statutory Implications

As detailed in Comment above.

Strategic Implications

➤ Strategic Community Plan

Vision Element: Nil
Strategic Goal: Nil
Key Priority: Nil

➤ Corporate Business Plan

Strategy: Nil
Action #: Nil
Action: Nil
Directorate: Nil
Timeline: Nil

Sustainability Implications

➤ Strategic Resource Plan

Nil

➤ Workforce Plan

Directorate: Nil
Activity: Nil
Current Staff: Nil
Focus Area: Nil
Strategy Code: Nil
Strategy: Nil
Implications: Nil

Risk Implications

Nil

Financial Implications

Burial fees are applicable as per the 2017/18 Schedule of Fees and Charges and are yet to be paid.

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation

That the right to intern the ashes of the late Mr James Maurice Garrett into Plot Number E32 of the Anglican section of the Merredin Pioneer Cemetery be granted.

21. Officer's Reports – Corporate and Community Services

21.1 List of Accounts Paid

<h2>Corporate Services</h2>		 SHIRE OF MERREDIN INNOVATING THE WHEATBELT
Responsible Officer:	Charlie Brown, EMCS	
Author:	As above	
Legislation:	<i>Local Government Act 1995; Local Government (Financial Management) Regulations 1996</i>	
File Reference:	Nil	
Disclosure of Interest:	Nil	
Attachments:	Attachment 21.1A - List of Accounts Paid	

Purpose of Report

Executive Decision

Legislative Requirement

Background

The attached List of Accounts Paid during the month of September 2017 under Delegated Authority is provided for Council's information.

Comment

Nil

Policy Implications

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

Statutory Implications

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

Strategic Implications

➤ Strategic Community Plan

Vision Element: Developing
Strategic Goal: The population and economic base is expanding sustainably
Key Priority: Governance

➤ Corporate Business Plan

Strategy: SP.D4.3 – Practice prudent management of financial resources
Action #: 1
Action: Deliver long term financial planning for asset replacement and new capital projects
Action #: 2
Action: Continue to provide prudent financial controls and compliance systems
Directorate: Corporate Services

Sustainability Implications

➤ Strategic Resource Plan

Nil

➤ Workforce Plan

Directorate: Nil
Activity: Nil
Current Staff: Nil
Focus Area: Nil
Strategy Code: Nil
Strategy: Nil
Implications: Nil

Risk Implications

Council would be contravening the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996* if this item was not presented to Council.

Financial Implications

All liabilities settled have been in accordance with the Annual Budget provisions

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation

That the schedule of accounts paid as listed, covering cheques, EFT's, bank charges, directly debited payments and wages, as numbered and totalling \$734,677.61 from Council's Municipal Fund Bank Account and \$3,681.56 from Council's Trust Account be received.

21.2 Statement of Financial Activity

<h2>Corporate Services</h2>		 SHIRE OF MERREDIN INNOVATING THE WHEATBELT
Responsible Officer:	Charlie Brown, EMCS	
Author:	As above	
Legislation:	<i>Local Government Act 1995; Local Government (Financial Management) Regulations 1996</i>	
File Reference:	Nil	
Disclosure of Interest:	Nil	
Attachments:	Attachment 21.2A - Statement of Financial Activity	

Purpose of Report

Executive Decision

Legislative Requirement

Background

The Statement of Financial Activity, which includes the Detailed Schedules, Statement of Financial Position, Current Ratios and Investment Register, are attached for Council's information.

Comment

Operating Income and Expenditure is mainly consistent with Council's YTD Budget, however at this stage of the financial year it is difficult to make any comment.

Capital Expenditure

A detailed look at capital expenditure can be found in Note 13.

Others

Councillors may note the discrepancy with the Trust Bank, Note 4 against the trust summary on Note 12.

These currently show a \$17,175.35 variance and this mostly relates to invoices raised on behalf of CEACA Inc for site works on Stage I and Stage II. Once the invoices are paid this variance will not be reported.

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

Vision Element: Developing
Strategic Goal: The population and economics base is expanding sustainably
Key Priority: Governance

➤ Corporate Business Plan

Strategy: SP.D4.3 – Practice prudent management of financial resources
Action #: 1
Action: Deliver long term financial planning for asset replacement and new capital projects
Action #: 2
Action: Continue to provide prudent financial controls and compliance systems
Directorate: Corporate Services
Timeline: Ongoing

Sustainability Implications

➤ Strategic Resource Plan

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

➤ Workforce Plan

Directorate: Nil
Activity: Nil
Current Staff: Nil
Focus Area: Nil
Strategy Code: Nil
Strategy: Nil
Implications: Nil

Risk Implications

Council would be contravening the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996* if this item was not presented to Council.

Financial Implications

As outlined in Attachment 21.2A.

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation

That in accordance with Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, the Statement of Financial Activity and the Investment Report for the period ending 30 September 2017 be received.

21.3 St John Ambulance – Request for Donation of Landfill Site Fees

Administration



Responsible Officer:	Charlie Brown, EMCS
Author:	Vanessa Green, EA to CEO
Legislation:	<i>Local Government Act 1995</i>
File Reference:	A2581
Disclosure of Interest:	Nil
Attachments:	Attachment 21.3A - Quote

Purpose of Report

Executive Decision

Legislative Requirement

Background

In August 2017 a request was received from St John’s Ambulance Merredin Sub Centre (SJAM) to waive/donate the landfill site fees incurred as a result of the demolition of the old SJAM building.

Comment

In a quote from the demolition contractor to SJAM dated June 2017 the landfill site fees were estimated to be in the vicinity of \$6,000-\$10,000. The actual amount invoiced by the Shire to SJAM in September 2017 was \$8,494 including GST. The quote indicates the fees were expected to be paid by SJAM, not the demolition contractor. SJAM have paid the invoice in full.

In requesting the donation SJAM notes the following:

1. SJAM is run by volunteers who offer their time to ensure the Merredin community have a 24/7 ambulance service;
2. SJAM is reliant on funds from calls attended, memberships, donations and fundraising which is used to maintain ambulances, equipment and all emergency materials needed to attend to patients;
3. SJAM receive no financial assistance from St John’s Ambulance;
4. SJAM volunteers have worked hard to source funding to enable the building of the new Sub Centre, which is in the vicinity of \$800,000. This includes grants from Royalties for Regions and Lotterywest; and

5. as a community organisation that offers an extremely important service to the community, the request to waive/donate the landfill site fees would allow the funds to be spent on either better facilities in the new Sub Centre, such as ambulances, equipment, materials or training of the volunteers.

Staff requested the project budget, as well as the latest audited financial statements from SJAM and these have been provided. The documents detail the project budget as follows:

Preparation & planning (draughtsman)	\$15,000	
Demolition & fees	\$40,000	
Construction	\$995,000	
Subtotal – Cost		\$1,050,000
External funding (Lotterywest)	\$205,000	
External funding (Royalties for Regions)	\$230,000	
Sub-Centre contribution	\$500,000	
Committee & community in-kind*	\$115,000	
Subtotal - Income		\$1,050,000

* note in-kind includes factors such as committee time to arrange funding and manage the project, site work (sand pad and tree removal), fee reductions, and discounts on services from local tradesmen (e.g. air-conditioning).

From the Balance Sheet provided it would appear there is sufficient funds held by SJAM to adequately cover the abovementioned Sub-Centre contribution, suggesting there is no reason for Council to provide additional funding towards the project.

In considering SJAM's request it is worth noting no funds are specifically allocated in the 2017/18 Budget for such a waiver/donation. Should Council wish to provide either a full or partial waiver/donation of the fees it would result in a reduction of the income received against Waste Management and Recycling account.

Council should also be aware of the projected deficit in the 2017/18 Budget (estimated at around \$98,000) as a result of significant decreases in funding Council received from the Federal Government's Financial Assistance Grants and the State Government's Roads allocation. The FAGs decrease was a result of a reduction in the 2016 Census population data affecting the GST revenue which was passed onto local government. The Roads allocation was decreased as a result of the successful disallowance motion on the local government vehicle licence concessions.

As SJAM have paid the invoice for the landfill fees in full, and the income from the demolition/landfill fees was not factored into the 2017/18 Budget, an option for Council may be to refund either part or all of the fees back to SJAM, similar to process utilised for the development application fees for the CEACA Inc project.

While the critical and valuable service SJAM provides to the community is recognised and commended, given the abovementioned fiscal pressures on Council's Budget it is proposed that the matter be considered as part of the 2017/18 Budget review, which is expected to be presented to Council in early 2018.

Policy Implications

Nil

Statutory Implications

Section 6.12 of the *Local Government Act 1995* states that a local government may waive, or grant concessions in relation to any amount of money or write off any amount of money which is owed to the local government.

An absolute majority resolution of Council is required.

Strategic Implications

➤ Strategic Community Plan

Vision Element: Nil
Strategic Goal: Nil
Key Priority: Nil

➤ Corporate Business Plan

Strategy: Nil
Action #: Nil
Action: Nil
Directorate: Nil
Timeline: Nil

Sustainability Implications

➤ Strategic Resource Plan

Nil

➤ Workforce Plan

Directorate: Nil
Activity: Nil
Current Staff: Nil
Focus Area: Nil
Strategy Code: Nil
Strategy: Nil
Implications: Nil

Risk Implications

Nil

Financial Implications

As listed in Comment above.

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation

That the matter of a donation to St John's Ambulance Merredin Sub Branch for landfill site fees be considered with the 2017/18 Budget Review.

22. Officer's Reports – Administration

22.1 Regional Christmas Trading Hours

Administration



Responsible Officer:	Greg Powell, CEO
Author:	Vanessa Green, EA to CEO
Legislation:	<i>Local Government Act 1995</i>
File Reference:	GR/17/61
Disclosure of Interest:	Nil
Attachments:	Attachment 22.1A - Correspondence

Purpose of Report



Executive Decision



Legislative Requirement

Background

Correspondence has been received from Department of Commerce extending the opportunity for the Shire of Merredin to adopt a package of trading hours for local businesses over the Christmas/New Year period.

Comment

In previous years Council has considered the trading hours and resolved to accept the trading hours as proposed by the Department of Commerce. However, as suggested in the correspondence, this has not been the case for a number of local governments and hence there are no hours proposed by the Department.

At its June 2016 meeting Council considered a request to extend the general retail trading hours for Merredin to Monday – Saturday 7am-8pm and Sunday and Public Holidays 9am–6pm (CMRef 81794). The request was approved by the Minister for Commerce on 8 December 2016 and appeared in the Government Gazette shortly thereafter.

As a result of these new trading hours allowed for all retail outlets in Merredin it is suggested that no further extension is required for the Christmas/New Year period.

As in previous year's, the decision to open or not during the trading hours is entirely at the discretion of the individual retailer.

Policy Implications

Nil

Statutory Implications

Nil

Strategic Implications

➤ Strategic Community Plan

Vision Element: Nil

Strategic Goal: Nil

Key Priority: Nil

➤ Corporate Business Plan

Strategy: Nil

Action #: Nil

Action: Nil

Directorate: Nil

Timeline: Nil

Sustainability Implications

➤ Strategic Resource Plan

Nil

➤ Workforce Plan

Directorate: Nil

Activity: Nil

Current Staff: Nil

Focus Area: Nil

Strategy Code: Nil

Strategy: Nil

Implications: Nil

Risk Implications

Nil

Financial Implications

Nil

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation

That the Department of Commerce be advised the Shire of Merredin will not vary its previously approved standard retail trading hours for the 2017/18 Christmas/New Year period, being Monday – Saturday 7am-8pm and Sunday and Public Holidays 9am–6pm.

Note: Retail outlets are required to close on Christmas Day

22.2 Policy 1.15 – Councillor Tablets

Administration



Responsible Officer:	Greg Powell, CEO
Author:	Vanessa Green, EA to CEO
Legislation:	<i>Local Government Act 1995</i>
File Reference:	Policy Manual
Disclosure of Interest:	Nil
Attachments:	Attachment 22.2A – Policy 1.15

Purpose of Report



Executive Decision



Legislative Requirement

Background

Policy 1.15 – Councillor Tablets has been reviewed following the upcoming changeover in IT equipment, with a “tracked changes” version attached for Council’s information.

Comment

The review incorporates the change from Windows tablets to iPads. The iPads will be available to Councillors for the November 2017 meeting.

The iPads have been set up to enable easy access to the apps necessary for Councillors to access documents such as agendas and minutes, their Councillor email address and calendar. The iPads have also been established with a 5GB data limit to enable internet access to Council documents, email etc when outside a wifi environment.

It should be noted that 5GB is considered adequate for Councillors to fulfil their role and therefore all excess data charges above that limit will be invoiced to Councillors.

Councillors will be required to either set up or use their own iTunes account to purchase any additional apps and to back up and update the iPads when necessary.

Councillors will be given the option to have their Councillor email address and calendar set up on their personal mobile phones, while understanding that the data costs for doing so are the responsibility of the Councillor.

Policy Implications

An update to the Policy and Policy Manual is required as indicated in the attachment.

Statutory Implications

Nil

Strategic Implications

➤ Strategic Community Plan

Vision Element: Developing
Strategic Goal: The population and economic base is expanding sustainably
Key Priority: Governance

➤ Corporate Business Plan

Strategy: SP.D4.1 – Implement accountable and good governance
Action #: 2
Action: Ensure policies, procedures and practice are effective, transparent and aligned with program delivery
Directorate: Corporate Services
Timeline: Ongoing

Sustainability Implications

➤ Strategic Resource Plan

Nil

➤ Workforce Plan

Directorate: Nil
Activity: Nil
Current Staff: Nil
Focus Area: Nil
Strategy Code: Nil
Strategy: Nil
Implications: Nil

Risk Implications

Nil

Financial Implications

Costs for the equipment have been included in the 2017/18 Budget.

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation

That Policy 1.15 – Councillor iPads, as presented in Attachment 23.2A, be adopted.

22.3 Lot 101 Maiolo Way, Merredin – Request for Extension of Building Caveat

Administration



Responsible Officer:	Greg Powell, CEO
Author:	Vanessa Green, EA to CEO
Legislation:	<i>Local Government Act 1995</i>
File Reference:	A9458
Disclosure of Interest:	Nil
Attachments:	Nil

Purpose of Report



Executive Decision



Legislative Requirement

Background

Lot 101 Maiolo Way, Merredin was sold in April 2012 with settlement occurring in May 2013. The property was the only lot sold in the initial auction of the Whitfield Way Stage 2 (WWS2) residential development.

One of the purchase conditions on the WWS2 development is the construction of an approved development on the property being complete within 5 years of the settlement of the purchase of the property. A caveat is placed on the Certificate of Title for the Lot registering this condition.

The condition further states that should the buyer (being the present owners) fail to complete construction of the approved development within 5 years after settlement then the seller (being the Shire of Merredin) may give to the buyer notice requiring the buyer to transfer the property to the seller (the Notice of Option).

Upon receipt of the Notice of Option the buyer will sell the property to the seller and the seller will purchase the property for the lower of:

1. the purchase price; or
2. a valuation of the property as provided by the Valuer General of Western Australia at the request of the seller (the Default Sale Agreement).

Under the Default Sale Agreement the property will be sold by the buyer free of encumbrances.

With a settlement date of May 2013, the 5 year construction timeframe on the property expires in May 2018. Staff wrote to the owners in March 2017 as it was thought opportune to remind them of the condition, thus allowing them enough time to action the matter appropriately. A response was received in September 2017 requesting an extension to the condition timeframe.

The owners advise that multiple attempts have been made to sell the property, and that they no longer live in the area. The owners plan to put the property on the market again through an agent as soon as possible, and have requested a 3 year extension to the condition.

Comment

While the price paid for the property in 2012 represented the value of the land at the time, the recent sale of lots within WWS2 were at a markedly reduced price from that paid for Lot 101.

The original sale of the Whitfield Way Stage 1 properties contained the same building condition. This meant that should a property have been on-sold following its initial purchase from Council, the new owners would be under the same time restriction (i.e. if the property was on-sold after being owned for 2 years the new owners would have 3 years in which to comply with the building condition).

In this case, the building condition timeframe expires in 7 months. Should the current owners be able to sell the property it would be reasonable to assume that it would be impossible for any new owners to comply with the building condition within such a timeframe. It would also likely detract interest from anyone thinking of purchasing the property.

As mentioned above, the current owners have requested a 3 year extension to the building condition. The extension timeframe considers the time expected to sell the property while allowing enough time for the new owners to either comply with the condition and/or submit an application for a building permit.

On accepting a building permit the new owners would have 2 years in which to construct an approved dwelling. For example, if an extension of 3 years is approved and the property sells in 1 year, the new owners would have 2 years in which to comply with the building condition. Should they be issued a building permit 18months into that 2 year period, they would have 2 years from that time to complete the dwelling.

In making the Officer's Recommendation the following has been taken into consideration:

1. it is not considered to be in Council's best interests to re-purchase the lot, which it would then have to sell, as Council still has its own lots available for purchase;
2. there are no funds available in the 2017/18 Budget to purchase the property;
3. with the property being one of the last more elevated blocks within the subdivision there could be more interest in the property as opposed to the other lots still available;

4. the current owners aren't looking to move back to the area and therefore would not be likely to build on the property, whereas a new owner would increase development within the subdivision; and
5. further development within the subdivision could attract more buyers for the remaining other Council owned lots.

Policy Implications

Nil

Statutory Implications

The conditions of sale as a legally binding document apply.

Strategic Implications

➤ Strategic Community Plan

Vision Element: Nil
Strategic Goal: Nil
Key Priority: Nil

➤ Corporate Business Plan

Strategy: Nil
Action #: Nil
Action: Nil
Directorate: Nil
Timeline: Nil

Sustainability Implications

➤ Strategic Resource Plan

Nil

➤ Workforce Plan

Directorate: Nil
Activity: Nil
Current Staff: Nil
Focus Area: Nil
Strategy Code: Nil
Strategy: Nil
Implications: Nil

Risk Implications

In approving the request for an extension, it could set a precedent for the other lots within WWS2, should the owners of the other lots request the same.

In not approving the request, Council would be obliged to enforce its option to purchase back the property and therefore ultimately re-own another lot within WWS2.

Financial Implications

Should Council wish to enforce its option to purchase back the property, it would be for the lower of either the purchase price (\$80,000) or a valuation of the property as provided by the Valuer General. A valuation has not been obtained for the property as, in accordance with the sale conditions, this would be at Council's expense.

Additionally, there are no funds allocated in the 2017/18 Budget for the purchase of any property, nor any valuations. However, an option may be to take the funds from the Land and Development Reserve, which has adequate funds available.

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation

That Council grant an extension of 3 years, expiring in May 2021, to the building condition timeframe as included in the original contract of sale agreement for Lot 101 Maiolo Way, Merredin.

22.4 Council Meeting Dates for 2018

Administration



Responsible Officer:	Greg Powell, CEO
Author:	Vanessa Green, EA to CEO
Legislation:	<i>Local Government Act 1995; Local Government (Administration) Regulations 1996</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Nil
Maps / Diagrams:	Nil

Purpose of Report



Executive Decision



Legislative Requirement

Background

Council considered the matter of its 2018 meeting dates at its September 2017 meeting resolving (CMRef 82036) that the matter lay on the table to enable the new Council to decide its preferred meeting dates and times.

The matter is presented, unchanged, again here for consideration.

In accordance with Regulation 12(1) of the *Local Government (Administration) Regulations 1996*, at least once each year a local government is to give local public notice of the dates, times and place at which the Ordinary Meetings of Council are to be held in the next 12 months.

As such, the Shire of Merredin is required to advertise the meeting dates for the Ordinary Meetings of Council for 2018.

Comment

In previous years the Ordinary Meetings of Council have been held on the third Tuesday of every month commencing at 3.00pm. Council may wish to revise the day on which the Meetings are held and/or their commencement time, though the Officer's Recommendation makes the assumption that Council does not wish to make any changes.

Policy Implications

Policy 1.11 - Council Meetings applies.

Statutory Implications

Regulation 12(1) of the *Local Government (Administration) Regulations 1996* applies.

Strategic Implications

➤ Strategic Community Plan

Vision Element: Developing
Strategic Goal: The population and economic base is expanding sustainably
Key Priority: Governance

➤ Corporate Business Plan

Strategy: SP.D4.1 – Implement accountable and good governance
Action #: 2
Action: Ensure policies, procedures and practice are effective, transparent and aligned with program delivery
Directorate: Corporate Services
Timeline: Ongoing

Sustainability Implications

➤ Strategic Resource Plan

Nil

➤ Workforce Plan

Directorate: Nil
Activity: Nil
Current Staff: Nil
Focus Area: Nil
Strategy Code: Nil
Strategy: Nil
Implications: Nil

Risk Implications

Council would be contravening the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996* if it did not consider and comply with this item.

Financial Implications

Funds are included in the 2017/18 Budget to cover any costs associated with conducting Council meetings, and to advertise and promote the dates of Council meetings.

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation

That the 2018 Ordinary Meetings of Council be held in the Council Chambers of the Shire Administration Centre on the following dates commencing at 3.00pm:

Tuesday 16 January 2018;	Tuesday 17 July 2018;
Tuesday 20 February 2018;	Tuesday 21 August 2018;
Tuesday 20 March 2018;	Tuesday 18 September 2018;
Tuesday 17 April 2018;	Tuesday 16 October 2018;
Tuesday 15 May 2018;	Tuesday 20 November 2018; and
Tuesday 19 June 2018;	Tuesday 18 December 2018

and the above dates be advertised to the community.

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