

SHIRE OF  
**MERREDIN**  
INNOVATING THE WHEATBELT

# MINUTES

## Ordinary Council Meeting

Held in Council Chambers  
Corner King & Barrack Street's, Merredin  
Tuesday 21 November 2017



## 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

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Shire of Merredin  
Ordinary Council Meeting  
Tuesday 21 November 2017



**1. Official Opening**

The President welcomed all those in attendance and declared the meeting open at 3.09pm.

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

**Councillors:**

Cr KA Hooper	President
Cr MD Willis	Deputy President
Cr BJ Anderson	
Cr LN Boehme	
Cr RM Crees	
Cr MA Crisafio	
Cr JR Flockart	
Cr AR Butler	
Cr PR Patroni	

**Staff**

G Powell	CEO
R McCall	DCEO
C Brown	EMCS (between 3.42pm – 4.05pm)
P Zenni	EMDS (until 3.42pm)
V Green	EA to CEO

**Members of the Public:** Nil

**Apologies:** Nil

**Approved Leave of Absence:** Nil

**3. Public Question Time**

Nil

**4. Disclosure of Interest**

Councillor Flockart declared an Impartiality Interest in Items 11.1 and 12.2.

Councillor Butler declared an Impartiality Interest in Item 12.2.

## 5. Applications for Leave of Absence

Nil

## 6. Petitions and Presentations

Nil

## 7. Confirmation of Minutes of the Previous Meetings

7.1 Ordinary Council Meeting held on 24 October 2017

[Attachment 7.1A](#)

7.2 Annual Electors Meeting held on 24 October 2017

[Attachment 7.2A](#)

## Officer's Comment

While no resolutions were made at the Annual Electors Meeting the following topics and actions are noted:

Topic	Action
6.1 – Merredin Tourist Park / 24hr RV Friendly Stopover Site	<p>The matter was reviewed previously with a report presented to Council's February 2017 meeting (<a href="#">Refer here</a>).</p> <p>However, given the comments at the meeting, the review will be refreshed with a report presented to Council for consideration in the future.</p>
6.2 – Lion's Club Cardboard Presses	<p>Staff have contacted Lion's Club representatives to ascertain the current situation and will follow up with Merredin Freightlines to determine the location of the press(es).</p>
6.3 – Clean up of old trees, gardens and land	<p>Street and garden trees are being cleared and removed in line with the Parks and Gardens operational schedule.</p> <p>The Department of Fire and Emergency Services, who have funding to clean up the Crown land within the Shire, have been contacted in relation to their schedule on clearing vacant Crown land (i.e. PTA land opposite the western town entry) prior to the bush fire season.</p> <p>The prohibited burning period has been extended to enable these clean ups to occur.</p>

Topic (Cont.)	Action (Cont.)
6.4 – CEACA Inc	<p>A meeting with the Minister for Regional Development and CEACA Inc representatives occurred on Wednesday 8 November 2017.</p> <p>While no clear indication has been provided by the Minister on whether the project will proceed as originally envisaged, further work is being done and additional information supplied to the Minister in support of the project.</p> <p>An outcome is expected by the end of November.</p>
6.5 – Status of the Proposed Gym at MRCLC	No action required from staff. The matter lies with Belgravia Leisure.
6.6 - Footpaths	Council’s footpath program is completed on a level of priority (i.e. where there are no footpaths) and where possible, additional works carried out to repair existing paths.
6.7 – Road Maintenance	<p>Council’s road program is completed as per the 10 year plan subject to funding and weather constraints.</p> <p>The supply of gravel from farmers for roadworks would always be welcome and new products and/or technology will continue to be investigated and used to improve productivity and results.</p>
6.8 – Thanks and Recognition	The kind sentiments are noted by Councillors and staff.

**Voting Requirements**

Simple Majority

Absolute Majority

**Officer’s Recommendation / Resolution**

**Moved:** Cr Crees

**Seconded:** Cr Anderson

**82069 That:**

1. the Minutes of the Ordinary Council Meeting held on 24 October 2017 be confirmed as a true and accurate record of proceedings, and the minutes of the Annual Electors Meeting held on 24 October 2017 be received; and

2. the actions from the Annual Electors Meeting, as detailed above, be noted.

CARRIED 9/0

**8. Announcements by the Person Presiding without discussion**

The President thanked Councillor Willis for officiating at this morning's Official Openings of Lenihan Park Nature Playground and Merredin Library Memorabilia Room.

**9. Matters for which the Meeting may be closed to the public**

Nil

**10. Receipt of Minutes of Committee Meetings**

- 10.1 Minutes of the Merredin Local Emergency Management Committee Meeting held on 18 October 2017  
[Attachment 10.1A](#)
- 10.2 Minutes of the Bush Fire Brigades Pre-season Meeting held on 19 October 2017  
[Attachment 10.2A](#)
- 10.3 Minutes of the WEROC Council Meeting held on 25 October 2017  
[Attachment 10.3A](#)

**Voting Requirements**

- Simple Majority  Absolute Majority

**Officer's Recommendation / Resolution**

**Moved:** Cr Flockart **Seconded:** Cr Willis

**82070** That the Minutes of the Merredin Local Emergency Management Committee Meeting held on 18 October 2017, the Bush Fire Brigades Pre-season Meeting held on 19 October 2017 and the WEROC Council Meeting held on 25 October 2017 be received.

CARRIED 9/0



Councillor Flockart declared an Impartiality Interest in this Item 11.

## 11. Recommendations from Committee Meetings for Council consideration

### 11.1 Bush Fire Brigades Pre-season Meeting held on 19 October 2017 – General Business – Bush Fire Brigades Volunteer Training

#### Committee Recommendation

**Moved:** J Flockart

**Seconded:** C Miller

That the previous motion adopted at the Bush Fire Control Officers Preseason Meeting held on the 16<sup>th</sup> of March 2016 relating to the provision and implementation of standard operating procedures and the provision and implementation of basic training for Bush Fire Volunteers be rescinded.

CARRIED

#### Officer's Comment

One third of Council Members, including the mover, are required to indicate support for the rescission motion. The decision to rescind the motion must be by Absolute Majority.

Councillors Willis, Anderson, Crees and Flockart indicated support for the rescission motion.

#### Voting Requirements

Simple Majority

Absolute Majority

#### Officer's Recommendation / Resolution

**Moved:** Cr Crees

**Seconded:** Cr Flockart

**82071** That Council resolve to rescind motion CMRef 81762 which states:

***“That:***

- 1. Standard Operating Procedures be developed for the Volunteer Bushfire Brigades, to be implemented over a two year period to achieve full compliance for insurance and bushfire fighting purposes; and***
- 2. the required basic training of volunteers, to include the two types of training and to a standard acceptable to the Shire of Merredin, be undertaken within two years.”***

CARRIED BY ABSOLUTE MAJORITY 9/0

#### Reason

The Brigade volunteers are not able to complete the training within the timeframe specified in Point 2 of the resolution.

### Voting Requirements

Simple Majority

Absolute Majority

### Committee Recommendation

**Moved:** J Flockart

**Seconded:** N Edgecombe

That the Shire of Merredin approach DFES and request that training be provided to Merredin BFB volunteers sometime during the second and third weeks of August 2018.

CARRIED

### Officer's Recommendation / Resolution

**Moved:** Cr Boehme

**Seconded:** Cr Flockart

**82072** That the Department of Fire and Emergency Services be requested to provide training to the Merredin Bush Fire Brigade volunteers during the second and third weeks of August 2018.

CARRIED 8/1

**12. Officer's Reports - Development Services**

**12.1 Lot 5 Gamenya Avenue, Merredin – Application for Planning Approval – Storage Shed**

## Development Services



<b>Responsible Officer:</b>	Peter Zenni, EMDS
<b>Author:</b>	As above
<b>Legislation:</b>	Local Planning Scheme No. 6
<b>File Reference:</b>	A9204
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	<a href="#">Attachment 12.1A</a> – Application and Plans

### Purpose of Report

Executive Decision

Legislative Requirement

### Background

An Application for Development Approval has been received for the construction of a storage shed at Lot 5 Gamenya Avenue, Merredin.

### Comment

Lot 5 Gamenya Avenue, Merredin is zoned 'General Industry' under the LPS6. The proposed storage shed will be used to store personal items such as caravans, trailers and other large equipment.

The storage shed will only be used for storage purposes and proposed changes (if any) to the future use of the shed will require additional Development Approvals to be obtained from the Shire of Merredin at that time.

The proposed development is situated within the LPS6 Special Control Area 2 (SCA 2) and as such requires referral for comment to the Environmental Protection Agency.

### Policy Implications

Nil

### Statutory Implications

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

### 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

Nil

### Financial Implications

The relevant planning application fees have been paid.

### Voting Requirements

Simple Majority

Absolute Majority

## Officer's Recommendation / Resolution

**Moved:** Cr Patroni

**Seconded:** Cr Crees

- 82073**
1. That Development Approval be granted for the construction of a storage shed on Lot 5 Gamenya Avenue, Merredin, as per the plans forming part of Attachment 12.1A, subject to the applicant obtaining the relevant clearances for the proposed development from the Environmental Protection Authority.
  2. That the applicant be advised of the following:
    - a. the granting of planning approval does not constitute a building permit and that an application for a building permit must be submitted to the Shire of Merredin and be approved before any work can commence on site;
    - b. the approved use of the storage shed is for “storage purposes” only. Any proposed changes to the use of the storage shed in the future will require a separate development application approval to be obtained from the Shire of Merredin; and
    - c. it is the applicant’s responsibility to effectively manage drainage/water runoff from the property to ensure the development does not result in damage to any adjoining properties or infrastructure.

**CARRIED 9/o**

Councillors Butler and Flockart declared an Impartiality Interest in this Item 12.2.

**12.2 Reserve 10359, Lot 1503 – Merredin Museum and Historical Society Inc (MMHS) - Proposed Lease Agreement**

<h2>Development Services</h2>		
<b>Responsible Officer:</b>	Peter Zenni, EMDS	
<b>Author:</b>	As above	
<b>Legislation:</b>	<i>Local Government Act 1995</i>	
<b>File Reference:</b>	CM/9/1; L	
<b>Disclosure of Interest:</b>	Nil	
<b>Attachments:</b>	<a href="#">Attachment 12.2A</a> - Draft Lease Agreement & Map <a href="#">Attachment 12.2B</a> - MoU	

**Purpose of Report**



Executive Decision



Legislative Requirement

**Background**

Now that leases with the Public Transport Authority of Western Australia (PTAWA) have been finalised, negotiations with other organisations occupying the land have commenced in order to finalise sub-lease arrangements.

**Comment**

The property located on Reserve 10359, Lot 1503, Portions “A” and “B” is owned by the PTAWA and the Shire has received a Licence to Occupy the land from the PTAWA (Licence No L7465).

There currently exists a MoU between the Shire and the MMHS for the use of this property. The proposed lease would replace the existing MoU and commence the process of standardising all agreements in place between the Shire and users of land forming part of PTAWA Licence No L7465.

The proposed lease is for a 5 year period, commencing 1 December 2017 and expiring 30 November 2022, with an option to renew the lease for a further period expiring 30 June 2027.

As part of the preparation of the proposed lease agreement staff met with members of the MMHS. Discussions centred on the importance of the role played by the MMHS and how the activities of its members strengthen and maintain the cultural heritage of the Merredin area.

The implementation of a formal lease agreement between the Shire and the MMHS will provide certainty with respect to the ongoing use of the land in question for MMHS purposes.

### Policy Implications

Nil

### Statutory Implications

Compliance with the *Local Government Act 1995*.

### 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

By entering in to the proposed lease agreement the Shire of Merredin will receive an income from the lease payments to partially offset operational expenditure incurred by Council over the term of the lease, and ensure that the premises is tenanted and looked after on an ongoing basis.

## Voting Requirements

Simple Majority

Absolute Majority

## Officer's Recommendation

That:

1. the role played by the Merredin Museum and Historical Society Inc in strengthening and maintaining the cultural heritage of the Merredin area be recognised; and
2. subject to obtaining the relevant approvals from the Public Transport Authority of Western Australia, Council:
  - a. agree to enter in to a new lease agreement with the Merredin Museum and Historical Society Inc for the property located on Reserve 10359, Lot 1503 Portions "A" and "B" known as the Merredin Museum and Historical Society as per the draft lease agreement presented in Attachment 12.2A; and
  - b. authorise the President and Chief Executive Officer to execute the lease agreement by signing the lease agreement on behalf of Council and attaching the common seal.

## Resolution

**Moved:** Cr Anderson

**Seconded:** Cr Boehme

**82074 That:**

1. **the role played by the Merredin Museum and Historical Society Inc in strengthening and maintaining the cultural heritage of the Merredin area be recognised; and**
2. **subject to obtaining the relevant approvals from the Public Transport Authority of Western Australia, and clarifying the mapped lease area, Council:**
  - a. **agree to enter in to a new lease agreement with the Merredin Museum and Historical Society Inc for the property located on Reserve 10359, Lot 1503 Portion "C" known as the Merredin Museum and Historical Society as per the draft lease agreement presented in Attachment 12.2A; and**
  - b. **authorise the President and Chief Executive Officer to execute the lease agreement by signing the lease agreement on behalf of Council and attaching the common seal.**

**CARRIED 9/0**

## Reason

The MMHS is located on Portion C as shown on the map included in the lease document.



**12.3 Lot 1 Totadgin Hall Road, Merredin – Proposed Solar Farm**

## Development Services



<b>Responsible Officer:</b>	Peter Zenni, EMDS
<b>Author:</b>	As above
<b>Legislation:</b>	<i>Planning and Development Act 2005</i> ; Local Planning Scheme No. 6
<b>File Reference:</b>	A7112
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	<a href="#">Attachment 12.3A</a> - Application

### Purpose of Report



Executive Decision



Legislative Requirement

### Background

At its September 2017 meeting, Council approved the development application (DA) for a 960kW solar facility on Lot 1 Totadgin Hall Road, Merredin (CMRef 82022).

The applicant has now approached the Shire with a new DA seeking an amendment to the original development approval.

### Comment

The original application for the solar facility resulted in concerns being raised with respect to the proposed location of the solar arrays and a request by an adjoining property owner for the development to be moved further into the Lot to minimise the impact on the visual amenity of the surrounding area.

The applicant indicated he would consult Western Power about the feasibility of relocating the development further into the Lot, and the availability and costs associated with the provision of any additional infrastructure that would be required in order to make the relocation viable.

The applicant has now confirmed that Western Power have enabled the relocation of the proposed development from the original approved location further into the Lot.

Accordingly the applicant seeks a variation to the original DA granted by Council, on the following basis;

1. relocation of the proposed solar facility from the original approved location on the North East portion of the lot to a new location on the South East portion of the block;
2. provision of a temporary set down area that will house equipment during the construction of the solar facility;
3. the creation of a new crossover onto Totadgin Hall Road; and
4. the use of cement mounting blocks instead of pile driving posts to secure the solar panel arrays in place.

The proposed relocation of the solar facility to the South East corner of the lot will address the visual amenity impact issues raised during the public advertising submission period by residents living on properties located to the North of the Lot. The applicant has provided advice that due to the topography of the land at the proposed location, the solar facility will not be visible from the South.

The relocation of the proposed solar facility will require the provision of an additional crossover onto Totadgin Hall Road as well as obtaining clearing permits from the Department of Water and Environmental Regulation.

#### **Policy Implications**

Council has no direct policy on the establishment of a solar farm, however it has been supportive of the establishment of sustainable energy sources through its approval of the Collgar Wind Farm and the recent 100MW Stellata Energy solar farm development application.

#### **Statutory Implications**

Compliance with the *Planning and Development Act 2005* and the Shire of Merredin Local Planning Scheme No.6.

#### **Strategic Implications**

Council's Local Planning Strategy is silent on alternative energy production, including solar power, and includes no reference to any opposition to such facilities providing the loss to rural production is minimised. The proposal states that the land will continue to be grazed with sheep after construction is complete.

#### ➤ **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

The development of this facility will be a minimal risk to Council. As with any development, initial construction may increase traffic however this is not considered to be significant given the scale of the development.

### Financial Implications

The applicant paid the original application fees. In this case, as the applicant is seeking a variation to the original DA the fees are not calculated on the value of the development but rather costs associated with staff time taken to process the application. These will be calculated once all the relevant documentation relating to the DA (variation) has been finalised. The applicant will be required to pay these fees prior to receiving the approval.

### Voting Requirements



Simple Majority



Absolute Majority

### Officer's Recommendation / Resolution

**Moved:** Cr Anderson

**Seconded:** Cr Flockart

**82075** That the amended Development Application for a 960kW solar facility on Lot 1 Totadgin Hall Road, Merredin be approved subject to:

1. the decision constituting planning approval only and being valid for a period of 2 years from the date of approval. If the subject development is not substantially commenced within the 2-year period, the approval shall lapse and be of no further effect;
2. the development is to take place in accordance with the approved plans and supporting documentation, unless modified by a condition

- attached to this approval; access, and egress, to the site from Totadgin Hall Road, and any internal road works and car parking shall be located and constructed to the satisfaction of the local government, and shall include all drainage and signage. Crossovers in the vicinity of the water pipeline shall comply with a crossover design approved by the Water Corporation of Western Australia. Costs of equipment and construction shall be borne by the applicant;
3. the applicant shall effectively manage drainage/water runoff from the property to ensure that the development does not result in damage to any adjoining properties or infrastructure; and
  4. the applicant shall seek and obtain all required clearing permits from the Department of Water and Environmental Regulation.

**Advice Notes:**

1. Advise the applicant 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.
2. All Building work must comply with the National Construction Codes (NCC- Building Code of Australia), including Bush Fire Attack Level requirements.
3. The applicant is advised that as the proposed work is near energised electrical installations and powerlines, the person in control of the work site must ensure that no person, plant or material enters the 'Danger Zone' of an overhead powerline or other electrical network assets. The 'Danger Zone' is set out in *Western Australian Occupational Safety and Health Regulations 1996* - specifically Reg 3.64. Any information provided by Western Power should not be used in isolation and reference to the *Occupational Safety and Health Act 1984* and *Occupational Safety and Health Regulations 1996* is required. These documents outline WorkSafe WA requirements for working near electricity.
4. The applicant is advised of the need for annual bushfire compliance.
5. The location of the crossover onto Totadgin Hall Road be in a location specified by Council to ensure adequate line of site is maintained.

**CARRIED 9/o**

P Zenni, EMDS, left the meeting at 3.42pm and did not return.

C Brown, EMCS, entered the meeting at 3.42pm.

**13. Officer's Reports - Engineering Services**

Nil items to report

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

**14.1 Strategic Resource Plan 2016 – 2031 Review**

<h2 style="margin: 0;">Corporate Services</h2> 	
<b>Responsible Officer:</b>	Charlie Brown, EMCS
<b>Author:</b>	As above
<b>Legislation:</b>	<i>Local Government Act 1995; Local Government (Administration) Regulations 1996</i>
<b>File Reference:</b>	Nil
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	<a href="#"><u>Attachment 14.1A</u></a> –Strategic Resource Plan 2016-2031
<b>Maps / Diagrams:</b>	Nil

**Purpose of Report**

- Executive Decision
  Legislative Requirement

**Background**

Council adopted the Corporate Plan in May 2016 (CMRef 81787). The Long Term Financial Plan (LTFP) and the Asset Management Plan (AMP) form part of this plan. The plan comprising the LTFP and the AMP is called the Strategic Resource Plan, and as it is classified as an informing plan, is not needed to be formally adopted by Council.

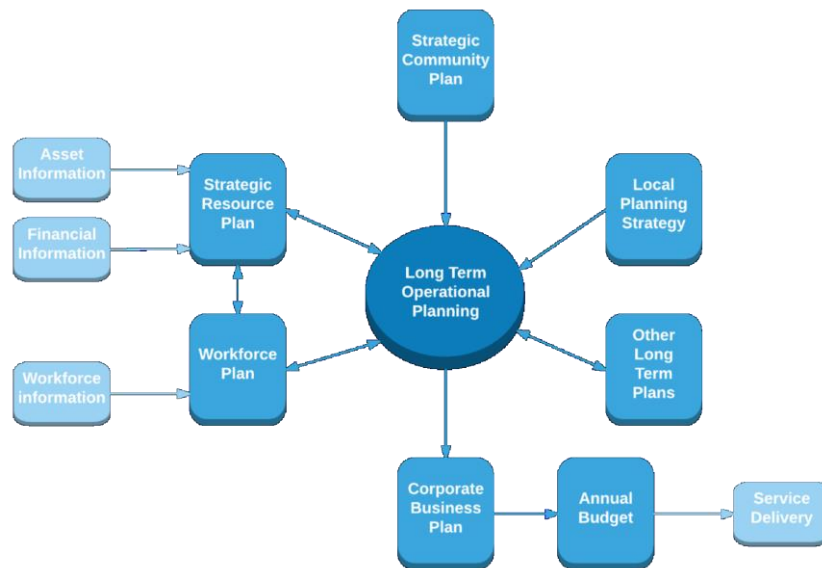
**Comment**

The LTFP has been reviewed and it is considered that current end of year figures (2016/17) are in accordance with the LTFP where a comparison can be made.

The Plan is attached for Council's information.

The purpose of presenting this to Council is multi-faceted. The IPR suite is to be reviewed over the coming months. Elsewhere in this agenda are the results of the recently conducted community survey which is essentially the report card on performance over the previous two years.

The inter-relationship between the IPR documentation is outlined in the following diagram.



The LTFP outlines the financial framework within which Council is working into the future. Should a change of focus or direction be required this document will require reviewing and the financial projections and assumptions re-cast. It would appear community expectations are in accordance with the LTFP and therefore it is still valid in its projections. Performance has been analysed by staff as stated above and again the projections reconfirmed.

In the overall context of Council's shorter term activities, the mid-year financial review will assess whether the current budget should be amended and then work will commence in March/April 2018 on the 2018/19 Budget which will be based on the assumptions in the LTFP. Therefore the LTFP is an important document in supporting Council's deliberations.

### Policy Implications

Nil

### Statutory Implications

The *Local Government Act 1995* Section 5.56 and the *Local Government (Administration) Regulations* Section 19DA apply.

#### ***“19DA. Corporate business plans, requirements for (Act s. 5.56)***

- (1) A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.*

- (3) *A corporate business plan for a district is to —*
- (a) *set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government’s priorities for dealing with the objectives and aspirations of the community in the district; and*
  - (b) *govern a local government’s internal business planning by expressing a local government’s priorities by reference to operations that are within the capacity of the local government’s resources; and*
  - (c) *develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.*
- (4) *A local government is to review the current corporate business plan for its district every year.*
- (5) *A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government’s strategic community plan.*
- (6) *A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine\* whether or not to adopt the plan or the modifications.*
- \*Absolute majority required.*
- (7) *If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.”*

	<b>Strategic Implications</b>
➤ <b>Strategic Community Plan</b>	

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

➤ <b>Corporate Business Plan</b>	
----------------------------------	--

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  
 Directorate: 2  
 Timeline: Continue to provide prudent financial controls and compliance systems

	<b>Sustainability Implications</b>
➤ <b>Strategic Resource Plan</b>	

Nil



➤ **Workforce Plan**

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

**Risk Implications**

Nil. Legislation requires a complete review every 4 years

**Financial Implications**

Nil

**Voting Requirements**



Simple Majority



Absolute Majority

**Officer's Recommendation / Resolution**

**Moved:** Cr Patroni

**Seconded:** Cr Anderson

**82076** That the information presented relating to the Long Term Financial Plan and the Asset Management Plan, which makes up the Strategic Resource Plan, be noted.

**CARRIED 9/0**

**14.2 List of Accounts Paid**

<h2>Corporate Services</h2>		 SHIRE OF <b>MERREDIN</b> INNOVATING THE WHEATBELT
<b>Responsible Officer:</b>	Charlie Brown, EMCS	
<b>Author:</b>	As above	
<b>Legislation:</b>	<i>Local Government Act 1995; Local Government (Financial Management) Regulations 1996</i>	
<b>File Reference:</b>	Nil	
<b>Disclosure of Interest:</b>	Nil	
<b>Attachments:</b>	<a href="#">Attachment 14.2A</a> - List of Accounts Paid	

**Purpose of Report**



Executive Decision



Legislative Requirement

**Background**

The attached List of Accounts Paid during the month of October 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 / Resolution**

**Moved:** Cr Willis **Seconded:** Cr Crees

**82077** That the schedule of accounts paid as listed, covering cheques, EFT's, bank charges, directly debited payments and wages, as numbered and totalling \$688,741.47 from Council's Municipal Fund Bank Account and \$2,569.41 from Council's Trust Account be received.

**CARRIED 9/o**

**14.3 Statement of Financial Activity**

<h2>Corporate Services</h2>		 SHIRE OF <b>MERREDIN</b> INNOVATING THE WHEATBELT
<b>Responsible Officer:</b>	Charlie Brown, EMCS	
<b>Author:</b>	As above	
<b>Legislation:</b>	<i>Local Government Act 1995; Local Government (Financial Management) Regulations 1996</i>	
<b>File Reference:</b>	Nil	
<b>Disclosure of Interest:</b>	Nil	
<b>Attachments:</b>	<a href="#">Attachment 14.3A</a> - 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 \$2,225.35 variance and this relates to invoices raised for Trust Bonds.

**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 14.3A.

### Voting Requirements



Simple Majority



Absolute Majority

### Officer's Recommendation / Resolution

**Moved:** Cr Boehme

**Seconded:** Cr Crisafio

**82078** 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 31 October 2017 be received.

**CARRIED BY ABSOLUTE MAJORITY 9/0**

C Brown, EMCS, left the meeting at 4.05pm and did not return.

**14.4 Lot 71 Main Street, Burracoppin - Unpaid Rates - A5082**

<h2>Corporate Services</h2>		 SHIRE OF <b>MERREDIN</b> INNOVATING THE WHEATBELT
<b>Responsible Officer:</b>	Charlie Brown, EMCS	
<b>Author:</b>	As above	
<b>Legislation:</b>	<i>Local Government Act 1995; Local Government (Financial Management) Regulations 1996</i>	
<b>File Reference:</b>	A5082	
<b>Disclosure of Interest:</b>	Nil	
<b>Attachments:</b>	<a href="#">Attachment 14.4A</a> – Correspondence	
<b>Maps / Diagrams:</b>	Nil	

### Purpose of Report

Executive Decision

Legislative Requirement

### Background

Correspondence has been received from the wife of the owner of Lot 71 Main Street, Burracoppin, advising she wishes to relinquish all rights to the property.

### Comment

No rates have been paid on the property for the last 3 years. The wife of the registered owner has advised that the owner passed away intestate and that since that time the rates have been paid by his daughter. However, the daughter has now stopped doing so and it was only the initiation of debt collection proceedings which lead to locating the wife.

Council has three options:

1. revert the land ownership to the Shire of Merredin;
2. revert the land ownership to the Crown; or
3. sell the land to recoup the outstanding rates.

It is assumed there would be other outstanding debts as well as the rates, such as water rates, associated with the property. These amounts are not known.

Should Council adopt option 1, it is assumed there would be other outstanding utilities, as well as the rates (which total \$9,104.69 as at 30 October 2017), which would then become a liability for the Shire.

Option 2 seems the most logical.

With Option 3, based on current land values, should a buyer for this land be found, the sale would not result in sufficient funds to repay current outstanding rates and other liabilities.

#### Policy Implications

Nil

#### Statutory Implications

As outlined in the *Local Government Act 1995*:

##### **“6.64. Actions to be taken**

- (1) *If any rates or service charges which are due to a local government in respect of any rateable land have been unpaid for at least 3 years the local government may, in accordance with the appropriate provisions of this Subdivision take possession of the land and hold the land as against a person having an estate or interest in the land and —*
  - (a) *from time to time lease the land; or*
  - (b) *sell the land; or*
  - (c) *cause the land to be transferred to the Crown; or*
  - (d) *cause the land to be transferred to itself.*
- (2) *On taking possession of any land under this section, the local government is to give to the owner of the land such notification as is prescribed and then to affix on a conspicuous part of the land a notice, in the form or substantially in the form prescribed.*
- (3) *Where payment of rates or service charges imposed in respect of any land is in arrears the local government has an interest in the land in respect of which it may lodge a caveat to preclude dealings in respect of the land, and may withdraw caveats so lodged by it.*

##### **6.74. Power to have land re-vested in Crown if rates in arrears 3 years**

- (1) *If land is —*
  - (a) *rateable land; and*
  - (b) *vacant land; and*
  - (c) *land in respect of which any rates or service charges have been unpaid for a period of at least 3 years,*

*the local government in whose district the land is situated may apply in the form and manner prescribed to the Minister to have the land re-vested in the Crown in right of the State.*
- (2) *The Minister is to consider the application and the circumstances surrounding the application and may grant or refuse the application.*



- (3) *If the application is granted the Minister is to execute a transfer or conveyance of the land to the Crown and is to deliver the transfer or conveyance to the Registrar of Titles or the Registrar of Deeds and Transfers, as the case requires, for registration.*
- (4) *Upon the delivery of the transfer or conveyance Schedule 6.3 clause 8 has effect in relation to the exercise of the power referred to in subsection (1)."*

### 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  
Directorate: 2  
Timeline: Continue to provide prudent financial controls and compliance systems

### 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* should this item not be presented to Council.

### Financial Implications

Loss of revenue, amounting to \$915 per annum (2017/18 Minimum Rated).

### Voting Requirements

Simple Majority

Absolute Majority

### Officer's Recommendation / Resolution

**Moved:** Cr Butler

**Seconded:** Cr Flockart

**82079** That application be made to the Minister for Local Government to have the land being Lot 71 Main Street, Burracoppin re-vested in the Crown in accordance with Sections 6.64 and 6.74 of the *Local Government Act 1995*.

**CARRIED 9/0**

**14.5 Markyt Community Scorecard Report – September 2017**

<h2 style="margin: 0;">Corporate Services</h2> 	
<p><b>Responsible Officer:</b></p> <p><b>Author:</b></p> <p><b>Legislation:</b></p> <p><b>File Reference:</b></p> <p><b>Disclosure of Interest:</b></p> <p><b>Attachments:</b></p>	<p>Rebecca McCall, DCEO</p> <p>As above</p> <p><i>Local Government Act 1995</i></p> <p>CM/13/4</p> <p>Nil</p> <p><a href="#">Attachment 14.5A</a> - Markyt Community Scorecard Report – September 2017</p> <p><a href="#">Attachment 14.5B</a> - Markyt Industry Standards 2017 – Merredin Subset; Responses 2015 &amp; 2017 Summary Comparison</p>

**Purpose of Report**



Executive Decision



Legislative Requirement

**Background**

The IPR planning and monitoring cycle is continuous. The planning cycle requires all local governments to undertake a major Strategic Review every four years. The Shire of Merredin’s first Strategic Review was undertaken in 2015/16. Council adopted the reviewed IPR Suite of Plans to include the:

1. Corporate Business Plan 2015/16 – 2018/19;
2. Strategic Community Plan 2015/16-2025/26;
3. Strategic Resource Plan 2016-2031; and
4. Workforce Plan 2015/16 – 2018/19.

The planning cycle requires a minor Strategic Review every two years and as part of this process the Shire of Merredin conducts a biennial community survey. While a community survey is not a requirement, local governments are increasingly using a survey as an integral part of their monitoring and reporting to supplement engagement activity.

Since the implementation of integrated planning, the Shire has run three community surveys (in 2013, 2015 and 2016).

### Comment

In August 2017, the Shire of Merredin administered a MARKYT Community Scorecard to evaluate community priorities and measure Council's performance against key indicators in the Strategic Community Plan 2015/16 -2025/26.

Printed scorecards were distributed to all listed residential properties. A total of 234 residents submitted a response. The Markyt Community Scorecard Report – September 2017 outlines the strategic insights, benchmarking, community priorities and the study, and is presented for Council's information.

### Policy Implications

Nil

### Statutory Implications

All local governments are required to produce a plan for the future under S5.56 (1) of the *Local Government Act 1995*.

### 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 #: 1  
Action: Monitor, report and review IPR Suite of Plans  
Directorate: Corporate Services  
Timeline: Ongoing

### Sustainability Implications

#### ➤ Strategic Resource Plan

The Strategic Resource Plan 2016-2031 outlines the Shire of Merredin's long term financial commitments and strategies to manage Council's assets.

#### ➤ Workforce Plan

Directorate: Chief Executive Officer  
Activity: All Activity Areas  
Current Staff: 52  
Focus Area: All Focus Areas  
Strategy Code: AR  
Strategy: Attraction and Retention  
Implications: It is anticipated that the workforce will remain the same

### Risk Implications

The adoption, implementation and monitoring of the IPR Suite of Plans provides a mechanism to:

1. deliver accountable and measureable outcomes;
2. deliver services and manage assets that can sustain the community; and
3. manage systems with the rigour of process and integrity of data to accurately reflect asset management costs.

### Financial Implications

There are financial implications to Council in relation to this item as the suite of plans recognise outcomes. Identified outcomes from the IPR Suite of Plans are factored into the Council's Strategic Resource Plan 2016-2031.

### Voting Requirements



Simple Majority



Absolute Majority

### Officer's Recommendation / Resolution

**Moved:** Cr Boehme

**Seconded:** Cr Anderson

**82080** That the Markyt Community Scorecard Report – September 2017 be received.

**CARRIED 9/0**

**15. Officer's Reports – Administration**

**15.1 Delegations Register Review**

## Administration



<b>Responsible Officer:</b>	Greg Powell, CEO
<b>Author:</b>	Vanessa Green, EA to CEO
<b>Legislation:</b>	<i>Local Government Act 1995</i>
<b>File Reference:</b>	Delegations Register
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	<a href="#">Attachment 15.1A</a> – Delegations Register

### Purpose of Report

Executive Decision

Legislative Requirement

### Background

In accordance with Section 5.46 of the *Local Government Act 1995*, the Delegations Register has been reviewed.

### Comment

A major review of the Delegations Register was conducted in December 2016 (CMRef 81893) with a number of amendments made at that time.

This current review has found no further amendments are required.

### Policy Implications

Nil

### Statutory Implications

Section 5.42 of the *Local Government Act 1995* states that a number of the local government's powers and duties can be delegated to the CEO. Section 5.43 of the Act details the limitations on those delegations. The review has been conducted within those legislative requirements.

An absolute majority of Council is required to adopt the Delegations Register.

The separate legislation referenced in the individual delegations is also applicable.

### Strategic Implications

#### ➤ Strategic Community Plan

Vision Element: Developing  
Strategic Goal: The population and economic base is expanding sustainably  
Key Priority: Civic Leadership, Advocacy and Regional Collaboration

#### ➤ 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

By not conducting the review and adopting the Register Council would be in breach of the *Local Government Act 1995*.

### Financial Implications

Nil

### Voting Requirements



Simple Majority



Absolute Majority

### Officer's Recommendation / Resolution

**Moved:** Cr Willis

**Seconded:** Cr Flockart

**82o81** That the Delegations Register, as presented in Attachment 15.1A, be adopted.

**CARRIED BY ABSOLUTE MAJORITY 9/o**

**15.2 Wheatbelt Development Commission Board – Local Government Nominations**

## Administration



<b>Responsible Officer:</b>	Greg Powell, CEO
<b>Author:</b>	Vanessa Green, EA to CEO
<b>Legislation:</b>	<i>Local Government Act 1995</i>
<b>File Reference:</b>	GR/17/10
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	<a href="#">Attachment 15.2A</a> – Application Form and Circular 2009/20

### Purpose of Report



Executive Decision



Legislative Requirement

### Background

Two local government vacancies exist for appointment to the Board of the Wheatbelt Development Commission (WDC).

The WDC drives strategic partnerships that deliver jobs growth and maximises leverage from private and government investment. Details of the WDC's purpose and priorities can be found at [www.wheatbelt.wa.gov.au](http://www.wheatbelt.wa.gov.au).

The Minister for Regional Development will make the appointments to the Board with terms of appointment ranging up to 3 years.

Applicants will be considered against the following criteria:

1. Elected Members of Wheatbelt Local Government;
2. understand key issues impacting the development of the region;
3. demonstrate involvement in either the economic, and/or social development of the region; and
4. the ability to work cooperatively to achieve agreed goals across a wide range of issues and stakeholders.

Nominations are open until 4pm on 18 December 2017.

There are 7 members on the Board, 6 appointed by the Minister for Regional Development through this and other processes, and the WDC's Chief Executive Officer as an ex-officio, voting member.



The Board is responsible for strategic direction, discussion of policy issues and organisational performance, whilst the CEO is responsible for the operation of the WDC.

The Board meets bi-monthly in various regional locations. The dates for 2018 are currently being set. An agenda is provided at least a week prior to these scheduled meetings.

All meals and accommodation are provided. There is a standard sitting fee and travel costs are covered for eligible board members, refer to the Premier Circular No. 2009/20 State Government Boards and Committees which is included in the attachment.

A range of material is sent out, often for general information between meetings to keep board members informed. Guest speakers attend board meetings and cover a range of topics relevant to the Wheatbelt.

The Local Government nominees must be endorsed by the Council of which they are currently a member, hence Council may wish to nominate up to 2 Councillors for a position on the WDC Board.

A copy of the application form, which would be completed in consultation with staff, is included in the attachment.

#### Comment

Representating the interests of Merredin specifically, and the eastern Wheatbelt generally, is seen as important particularly in the current climate of cost-shifting to local government, reduced services and funding, and the apparent lack of interest from a State level in the region.

At its April 2016 meeting Council endorsed the nomination of Mrs Julie Flockart as a community member to the WDC Board for consideration by the then Minister (CMRef 81771). After some personal reflection Mrs Flockart decided not to submit an application.

As Councillor Flockart is now an Elected Member, Council may wish to endorse the nomination again, subject to acceptance by Councillor Flockart, or Council may wish to make another nomination.

#### Policy Implications

Nil

#### Statutory Implications

Nil

#### Strategic Implications

##### ➤ Strategic Community Plan

Vision Element: Developing  
Strategic Goal: The population and economic base is expanding sustainably  
Key Priority: Civic Leadership, Advocacy and Regional Collaboration

➤ Corporate Business Plan

Strategy: SP.D3.1 – Collaborate with neighbouring Shires (and beyond) for the benefit of the region as a whole  
Action #: 1  
Action: Continue to progress regional collaboration by participating in Wheatbelt East Regional Organisation of Councils strategies and other similar regional partnerships  
Directorate: Office of the CEO  
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**

Nil

**Voting Requirements**



Simple Majority



Absolute Majority

**Officer's Recommendation / Resolution**

**Moved:** Cr Crees

**Seconded:** Cr Boehme

**82082** That Council endorse the nomination of Councillor Flockart for consideration by the Minister for Regional Development as a Board Member (Local Government) of the Wheatbelt Development Commission.

**CARRIED 9/0**

**15.3 Reserve 29700 – Hunts Dam – Consideration of Petition and Proposed Uses**

## Administration



<b>Responsible Officer:</b>	Greg Powell, CEO
<b>Author:</b>	Vanessa Green, EA to CEO
<b>Legislation:</b>	<i>Local Government Act 1995</i>
<b>File Reference:</b>	R29700
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	<a href="#">Attachment 15.3A</a> – August Minutes Extract

### Purpose of Report



Executive Decision



Legislative Requirement

### Background

Council considered this matter at its August 2017 meeting and resolved that the matter lay on the table (CMRef 82016). A copy of the Minutes extract and attachments from that report is provided for Council's information.

Since that time further discussions have been held with Department of Lands (the Department) and Njaki Njaki Aboriginal Cultural Tours (NNACT).

Where additional information to that included in the previous report is known it is detailed here, otherwise the information from the previous report remains current.

### Comment

In considering the matter at its August meeting, concern was raised around the right of public access to the Reserve should Council relinquish control of the Management Order (MO).

NNACT has advised that should its proposal proceed public access would not be possible for a number of reasons. These include:

1. the proposed layout of the site and facilities over the whole Reserve area;
2. the responsibility for public liability and insurance costs for members of the public who may be on the Reserve but not as part of the NNACT activities; and
3. the duty of care requirements on NNACT for the security and welfare of the participants in NNACT's activities on site.

Should the Officer's Recommendation be supported by Council, and a lease agreed between the State and NNACT, access to the site by general members of the public would cease, as would be the case with any other private property or privately managed property.

Therefore, in making its resolution Council needs to consider whether or not maintaining public access to the Reserve is the most critical factor in this matter.

In relation to paragraph 11 of the August report regarding the 'power to lease', the Department has since advised that as the MO does not contain a 'power to lease' option, the amendment of the MO to include such would require a future act process under the *Native Title Act 1993*. Therefore Option 5 of the previous report could not occur until such time as that process was completed. The Department advises that would usually take "*at least 12 months*" before such time as any further progress on the matter could be made. Therefore it is not considered a viable option.

The Department has also advised it will not consider the relinquishment of the MO without the future tenure being agreed as the State does not want unmanaged land. This means that should for whatever reason a lease not be able to be agreed between the State and NNACT, Council automatically retains the MO of the site i.e. Council only relinquishes the MO of the Reserve at the point in which a lease is agreed and signed.

There is no guarantee that a lease could be agreed and, should that scenario occur, Council would retain the MO of the Reserve thus allowing it the option to reconsider the request to improve access to the Reserve at that time should it wish to do so.

NNACT has advised it met with various Departmental staff on Friday 15 September 2017 which included the portfolios of Lands, Tourism, and Aboriginal Affairs to discuss the proposal and tenure of the Reserve. NNACT indicated those discussions were positive, and being in favour of the proposal.

NNACT further advise, should its proposal proceed it intends to invite school groups and corporate organisations (being local, national and international) to participate in activities on the site, with various length tours and camps proposed.

It is considered that the NNACT proposal is unique, certainly in the Wheatbelt region, and could have far-reaching benefits for Merredin and the region, aside from just a tourism perspective. These could include:

1. the empowerment of the Aboriginal population by providing a venture in which they can participate, learn, collaborate and grow in the many different skills and activities associated with operating the venture;
2. the opportunity to showcase the local Aboriginal population's connection with their country, aiding in an increased sense of ownership and belonging;
3. by doing so there is the possibility for a decreased crime rate, an increased school attendance rate, as well as in other general community activities, as the children and families are included and involved in the venture; and

4. aiding in increased reconciliation amongst the community and wider population as a result of sharing a greater understanding between cultures.

The Officer's Recommendation takes into account the same considerations as those presented in the previous report, with the addition of the following:

1. it is believed there is little benefit to be gained in Council expending funds and resources (which it doesn't currently have) to improve access to the Reserve at this time, if ultimately it would not retain the MO of the site;
2. it appears there is support for the NNACT proposal at a State level, which could ultimately result in the Reserve being compulsory acquired by the State;
3. Council retains the MO of the Reserve until the point of when a lease is agreed between the State and NNACT, and should a lease not be agreed the MO of the Reserve is maintained by Council;
4. there is no guarantee that a lease will be agreed between the State and NNACT as this would depend on the satisfaction of each party to the clauses and conditions specified in the lease (note, the Shire would not be involved in discussions surrounding the lease as that is a matter between the State and NNACT);
5. NNACT are able to progress their proposal, developing business plans and funding applications, with some level of certainty over tenure of the site (subject to a lease being agreed);
6. by providing 'in principle' support subject to a lease being agreed and the proposal being approved, Council has the option to withdraw that support should either of those conditions not be achieved;
7. should a lease not be able to be agreed between the parties Council has the option of reconsidering the matter of improving access to the Reserve at that point in time should there be sufficient demand from the public to do so; and
8. if NNACT's proposal were to proceed and prosper it could be argued that favourable benefits could be gained by the wider community and other businesses in the town and region as a result.

#### Policy Implications

Nil

#### Statutory Implications

Nil

#### 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.D1.5 – Facilitate further development of local and regional tourism  
Action #: 1  
Action: Implementation of identified strategies in the CWVC Business Plan  
Directorate: Community Development  
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**

There is little change to the Risk Implications to Council from the previous report, except that should Council resolve not to relinquish the MO on the Reserve, an option available to NNACT is to seek compulsory acquisition of the site from the Shire by the Minister for Lands.

Although compulsory acquisition is not common, and NNACT would need to justify that doing so would be “*in the community interest*”, it could be argued that as NNACT’s proposal aligns to a number of current State priorities such as increasing local jobs in the regions, increasing and improving tourism in the regions, and increasing and improving opportunities for indigenous ventures and economic development in the regions, the State would look favourably on NNACT’s proposal.

**Financial Implications**

Should Council endorse the Officer’s Recommendation below, there are no financial implications to Council.

Should Council resolve differently to the Officer’s Recommendation financial implications may be applicable, certainly should improving access to the Reserve be the chosen option, with suggested costs indicated in the previous report. Council would need to determine where these funds would be sourced. Otherwise, the exact financial implications would depend on Council’s resolution.

## Voting Requirements

Simple Majority

Absolute Majority

## Officer's Recommendation

**Moved:** Cr Crees

**Seconded:** Cr Crisafio

That:

1. the Department of Planning, Lands and Heritage be advised Council supports in principle the relinquishment of the Management Order for Reserve 29700, subject to:
  - a. a lease being agreed between the State and Njaki Njaki Aboriginal Cultural Tours for the conduct of its tourism venture; and
  - b. Njaki Njaki Aboriginal Cultural Tours submitting plans for the conduct of its tourism venture to the satisfaction of Council; and
2. Mr Peter Gerrand be advised of the outcome of the assessment of the petition to open or improve the access road into Hunts Dam.

## Amendment/Resolution

**Moved:** Cr Patroni

**Seconded:** Cr Butler

**82083** That subject to Njaki Njaki Aboriginal Cultural Tours submitting a Business Plan and Feasibility Study for the conduct of its tourism venture to the satisfaction of Council, the Department of Planning, Lands and Heritage be advised Council supports the relinquishment of the Management Order for Reserve 29700 to enable a 5 year performance based lease being agreed between the State and Njaki Njaki Aboriginal Cultural Tours for the conduct of its tourism venture.

**CARRIED 9/0**

**The Amendment became the Motion and was put**

**CARRIED 9/0**

## Reason

Council wished to obtain further specific information in relation to the proposed conduct of the venture prior to relinquishing the Management Order, and sought to specify the term and intent of any proposed lease between the State and Njaki Njaki Aboriginal Cultural Tours.

### Voting Requirements

Simple Majority

Absolute Majority

### Officer's Recommendation / Resolution

**Moved:** Cr Crees

**Seconded:** Cr Willis

**82084** Mr Peter Gerrand be advised of the outcome of the assessment of the petition to open or improve the access road into Hunts Dam.

**CARRIED 9/0**

### 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

Nil

### 20. Closure

There being no further business the President thanked all those in attendance and declared the meeting closed at 4.50pm.