

SHIRE OF  
**MERREDIN**  
INNOVATING THE WHEATBELT

# MINUTES

## Ordinary Council Meeting

Held in Council Chambers  
Corner King & Barrack Street's, Merredin  
Tuesday 20 March 2018



### Common Acronyms Used in this Document

WERO	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 20 March 2018



**1. Official Opening**

The President welcomed those in attendance and declared the meeting open at 3.00pm.

**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	(from 3.24pm)
Cr JR Flockart	
Cr PR Patroni	

**Staff**

G Powell	CEO (until 4.12pm)
R McCall	Deputy CEO (until 4.07pm)
P Zenni	EMDS (until 3.38pm)
V Green	EA to CEO (until 4.12pm)

**Members of the Public:** R Miles (until 3.27pm); P Van Der Merwe (until 3.17pm)

**Apologies:** Nil

**Approved Leave of Absence:** Cr AR Butler (CMRef 82108)

**3. Public Question Time**

3.1 Merredin Volunteer Fire and Rescue Service – Storage Shed

Mr Phil Van Der Merwe addressed Council regarding point 1 of Council's February 2018 resolution which requested the Merredin Volunteer Fire and Rescue Service (MVFRS) to reconsider the location of the storage shed to the south side of the running track (CMRef 82112).

Mr Van Der Merwe advised that locating the shed on the southern side of the running track would be unworkable due to a number of factors and that locating the shed on the northern side of the running track would

allow for much more functionality of the MVFRS' facilities.

3.27pm – P Van Der Merwe left the meeting and did not return.

#### 4. Disclosure of Interest

G Powell, CEO, declared a Financial Interest in Item 19.2

#### 5. Applications for Leave of Absence

5.1 The CEO advised that Councillor Crisafio had requested Leave of Absence via email for the April 2018 Meetings.

##### Voting Requirements

Simple Majority  Absolute Majority

#### Councillor's Recommendation / Resolution

**Moved:** Cr Patroni **Seconded:** Cr Anderson

**82131 That Councillor Crisafio be granted Leave of Absence for the April 2018 Meetings.**

**CARRIED 7/0**

5.2 Councillor Willis requested Leave of Absence for the May 2018 Meetings.

##### Voting Requirements

Simple Majority  Absolute Majority

#### Councillor's Recommendation / Resolution

**Moved:** Cr Boehme **Seconded:** Cr Crees

**82132 That Councillor Willis be granted Leave of Absence for the May 2018 Meetings.**

**CARRIED 7/0**

#### 6. Petitions and Presentations

Nil

#### 7. Confirmation of Minutes of the Previous Meetings

7.1 Ordinary Council Meeting held on 20 February 2018  
[Attachment 7.1A](#)

##### Voting Requirements

Simple Majority  Absolute Majority

### Officer's Recommendation / Resolution

**Moved:** Cr Flockart

**Seconded:** Cr Crees

**82133** That the Minutes of the Ordinary Council Meeting held on 20 February 2018 be confirmed as a true and accurate record of proceedings.

**CARRIED 7/o**

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

Nil

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

19.1 Staff – Legal Expenses

Refer to [Page 55](#) for the resolution of this Item

19.2 Staff – Chief Executive Officer – Performance Appraisal – 2017

Refer to [Page 55](#) for the resolution of this Item

### 10. Receipt of Minutes of Committee Meetings

10.1 CEACA Committee Meeting held on 1 November 2017

[Attachment 10.1A](#)

10.2 Merredin Local Emergency Management Committee Meeting held on 14 February 2018

[Attachment 10.2A](#)

10.3 Audit Committee Meeting held on 20 March 2018

**Tabled at the meeting**

### Voting Requirements



Simple Majority



Absolute Majority

### Officer's Recommendation / Resolution

**Moved:** Cr Crees

**Seconded:** Cr Willis

**82134** That the Minutes of the Central East Aged Care Alliance Inc Meeting held on 1 November 2017, the Merredin Local Emergency Management Committee Meeting held on 14 February 2018 and the Audit Committee Meeting held on 20 March 2018 be received.

**CARRIED 7/o**

3.24pm – Councillor Crisafio entered the meeting.

## 11. Recommendations from Committee Meetings for Council consideration

### 11.1 Audit Committee Meeting held on 20 March 2018

#### Voting Requirements

Simple Majority

Absolute Majority

## 6.1 2017 Compliance Audit Return

### Committee's Resolution

Moved: Cr Anderson

Seconded: Cr Flockart

82129 That the Audit Committee:

1. receives the 2017 Compliance Audit Return; and
2. recommends to Council that it adopt the 2017 Compliance Audit Return and it be submitted to the Department of Local Government, Sport and Cultural Industries by 31 March 2018.

CARRIED 4/o

#### Voting Requirements

Simple Majority

Absolute Majority

### Council Resolution

Moved: Cr Boehme

Seconded: Cr Willis

**82135 That Council adopt the 2017 Compliance Audit Return and it be submitted to the Department of Local Government, Sport and Cultural Industries by 31 March 2018.**

CARRIED 8/o

## 6.2 Local Government Auditing Reforms

### Committee's Resolution

Moved: Cr Flockart

Seconded: Cr Patroni

82130 That:

1. the information on the changes to the *Local Government Act 1995*, *Local Government (Audit) Regulations 1996* and *Local Government (Financial Management) Regulations 1996* in relation to the Auditor General conducting local government financial and performance audits and the change in the role of the Audit Committee, be noted; and
2. this matter be considered again once more information is available from either the Department of Local Government, Sport and



Cultural Industries or the Office of the Auditor General.

CARRIED 4/0

### Voting Requirements

Simple Majority

Absolute Majority

### Council Resolution

**Moved:** Cr Flockart

**Seconded:** Cr Patroni

**82136 That:**

1. the information on the changes to the *Local Government Act 1995, Local Government (Audit) Regulations 1996 and Local Government (Financial Management) Regulations 1996* in relation to the Auditor General conducting local government financial and performance audits and the change in the role of the Audit Committee, be noted; and
2. this matter be considered again once more information is available from either the Department of Local Government, Sport and Cultural Industries or the Office of the Auditor General.

CARRIED 8/0

*This item was considered after Item 10 but has been recorded in the appropriate order of the Agenda.*

**11.2 Merredin Local Emergency Management Committee Meeting held on 14 February 2018**

### Voting Requirements

Simple Majority

Absolute Majority

### Resolution

**Moved:** Cr Patroni

**Seconded:** Cr Willis

**82137 That Council support the Merredin Local Emergency Management Committee reducing the number of meetings held to 2 meetings per year, with one meeting being held in the evening and the other meeting being held during the day.**

CARRIED 8/0

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

**12.1 Lot 425 (No. 10) Craddock Road, Merredin – Home Occupation Application – Wheatbelt Driving School**

## 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>	A807
<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 has been received for a home occupation approval relating to a driving school to be conducted from Lot 425 (No. 10) Craddock Road, Merredin. The application is attached.

### Comment

Lot 425 (No. 10) Craddock Road, Merredin is zoned 'Residential' under the Local Planning Scheme No. 6. The proposed home occupation is a 'D' use and as such requires development approval from Council. The applicant advises that the business will operate from a single room at the residence. The driving school will provide supervised driving instruction throughout the Wheatbelt area.

The applicant advises the driving school will operate between the hours of 5am to 10pm all year round with the exception of Good Friday and Christmas Day.

The hours of operation have been chosen to:

1. accommodate for travelling time to and from supervised driving lessons throughout and outside the Wheatbelt;
2. allow for variations of sunrise and sunset times;
3. accommodate the compulsory 5 hours of night time supervised driving instruction; and

4. allow students to have supervised driving instruction on long weekends and public and school holidays.

The applicant has indicated that as the service will be provided throughout the Wheatbelt area more time will be spent away from Merredin than in the Merredin area. The applicant has also indicated that driving school activities will be limited to students utilising the driving school vehicle and as such students will not be accessing the property for driving school related activities.

Given the type of activity in question there should be minimal impact on the amenity of the surrounding area.

The applicant has supplied correspondence from the owner of the adjoining property confirming they have no objection to the proposed home occupation activity taking place. The applicant also advises there will be no advertising signage erected.

#### 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: 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

Planning application fees have been paid.

### Voting Requirements



Simple Majority



Absolute Majority

### Officer's Recommendation / Resolution

**Moved:** Cr Flockart

**Seconded:** Cr Boehme

**82138** That development consent be granted for the proposed home occupation business (Wheatbelt Driving School) to be conducted from Lot 425 (No. 10) Craddock Road, Merredin, subject to:

1. the applicant obtaining a valid home occupation permit from the Shire of Merredin;
2. the home occupation business operation being limited to one room of the premises;
3. the home occupation business operation being limited to the hours of 5.00am to 10.00pm all year round with the exception of Good Friday and Christmas Day; and
4. all student related driving activities taking place outside of the vicinity of the premises.

**CARRIED 8/o**

*3.17pm – R Miles left the meeting and did not return.*

*3.17pm – P Zenni, EMDS, left the meeting.*

*3.18pm – P Zenni, EMDS, entered the meeting.*

**12.2 Lot 1 (No. 44-45) Gamenya Avenue, Merredin – Application for Development Approval - Dangerous Goods Container and Waste Oil Tank**

## 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>	A1549
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	<a href="#">Attachment 12.2A</a> – Application and Plans

### Purpose of Report



Executive Decision



Legislative Requirement

### Background

An application has been received for development approval for the erection of a dangerous goods container (incorporating the use of a sea container) and a waste oil tank at Lot 1 (No. 44-45) Gamenya Avenue, Merredin.

### Comment

The proposed dangerous goods container and waste oil tank will be located at Lot 1 (No. 44-45) Gamenya Avenue, Merredin which is zoned “Light Industry” in accordance with the Local Planning Scheme No. 6. The proposed dangerous goods container incorporates the use of a fully enclosed and bunded sea container, purpose made for this type of activity.

Council has a local planning policy which controls movable buildings (including sea containers) which requires an application for planning consent be lodged with Council.

Whilst sea containers under Council’s policy are permitted in “industrial” zoned areas, the said policy does not delegate the granting of development approval for sea containers to staff and as such the application is referred to Council.

Council’s Local Planning Policy No.1 – Moveable Buildings (LPP1), states:

*“The Council will not permit the storing or use of a ‘container’, as defined above, within a townsite area, other than in the areas zoned ‘industrial’. Council considers the appearance, scale, and materials of these structures to be inappropriate for use in an urban environment, and therefore in conflict with the objectives of the Scheme.”*

The objectives of LPP1 are as follows:

1. *“To maintain high amenity standards of buildings, especially within the residential areas in the Townsites of the Shire.*
2. *To ensure that the visual aesthetics of residential areas are not compromised by the introduction of moveable buildings that are generally out of character with the predominant housing style in the locality.*
3. *To ensure that moveable buildings, established within the Shire, do not use materials considered by Council to be unacceptable (eg. Asbestos).*
4. *To avoid the erection and use of extensive areas of moveable structures for accommodating temporary workforces, or other businesses or company activities, in inappropriate areas.*
5. *To prevent the introduction of housing, or other structures, that are designed to be used on a temporary or short stay basis and that may detract from the standards already established in the residential areas of the Townsites.*
6. *To protect the visual amenity of the urban environment by not permitting the establishment, storage or use of ‘containers’ within the non-industrial areas of the townsite.”*

The proposed development does not contravene any of the objectives of the policy on moveable buildings.

In addition, the proposed location of the sea container and waste oil tank and the nature and size of adjoining lots in the area mean there is likely to be minimal impact on the amenity of the surrounding area.

#### **Policy Implications**

Compliance with LPP1 on movable buildings as mentioned above.

#### **Statutory Implications**

Compliance with the 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 Flockart

**Seconded:** Cr Willis

**82139**

1. That development approval be granted for the erection of a dangerous goods container (incorporating the use of a sea container) and a waste oil tank at Lot 1 (No. 44-45) Gamenya Avenue, Merredin as per the plans presented in Attachment 12.2A.
2. That the applicant be advised of the following:
  1. that the granting of development approval does not constitute a building permit, and that an application for a building permit for the proposed dangerous goods container must be lodged with the Shire of Merredin and be approved before any work can commence on site; and
  2. that the storage of materials in the dangerous goods container must at all times comply with requirements specified by the Department of Mines, Industry Regulation and Safety.

**CARRIED 8/o**

**12.3 Local Planning Scheme No. 6 - Amendment No. 6 - Merredin Motel**

## Development Services



<b>Responsible Officer:</b>	Peter Zenni, EMDS
<b>Author:</b>	Paul Bashall, Planwest
<b>Legislation:</b>	Local Planning Scheme No. 6
<b>File Reference:</b>	A2022; A3403; A3404
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	<a href="#">Attachment 12.3A</a> – Proposed Scheme Amendment <a href="#">Attachment 12.3B</a> – Correspondence

### Purpose of Report



Executive Decision



Legislative Requirement

### Background

#### Introduction

The Shire of Merredin seeks the WA Planning Commission's support and the Hon. Minister's approval to a Scheme Amendment that seeks to amend Schedule Two — Additional Uses by adding a new additional use to allow 'Motel accommodation' on Lots 719, 720 and 971 Hay Street, Merredin, with conditions and adding a new interpretation for motel accommodation. The documentation is attached.

This Amendment has been prepared to address what may be an anomaly in the Scheme whereby the owners of the three lots, the subject of this amendment, have been paying commercial rates for several years with the belief that the zoning reflected the rating base.

#### Existing Scheme

The subject land is currently zoned "Residential" with a density code of R10/30. This split coding provides for a density of R10 (about 1 dwelling per 1,000m<sup>2</sup>) where the land is unsewered.

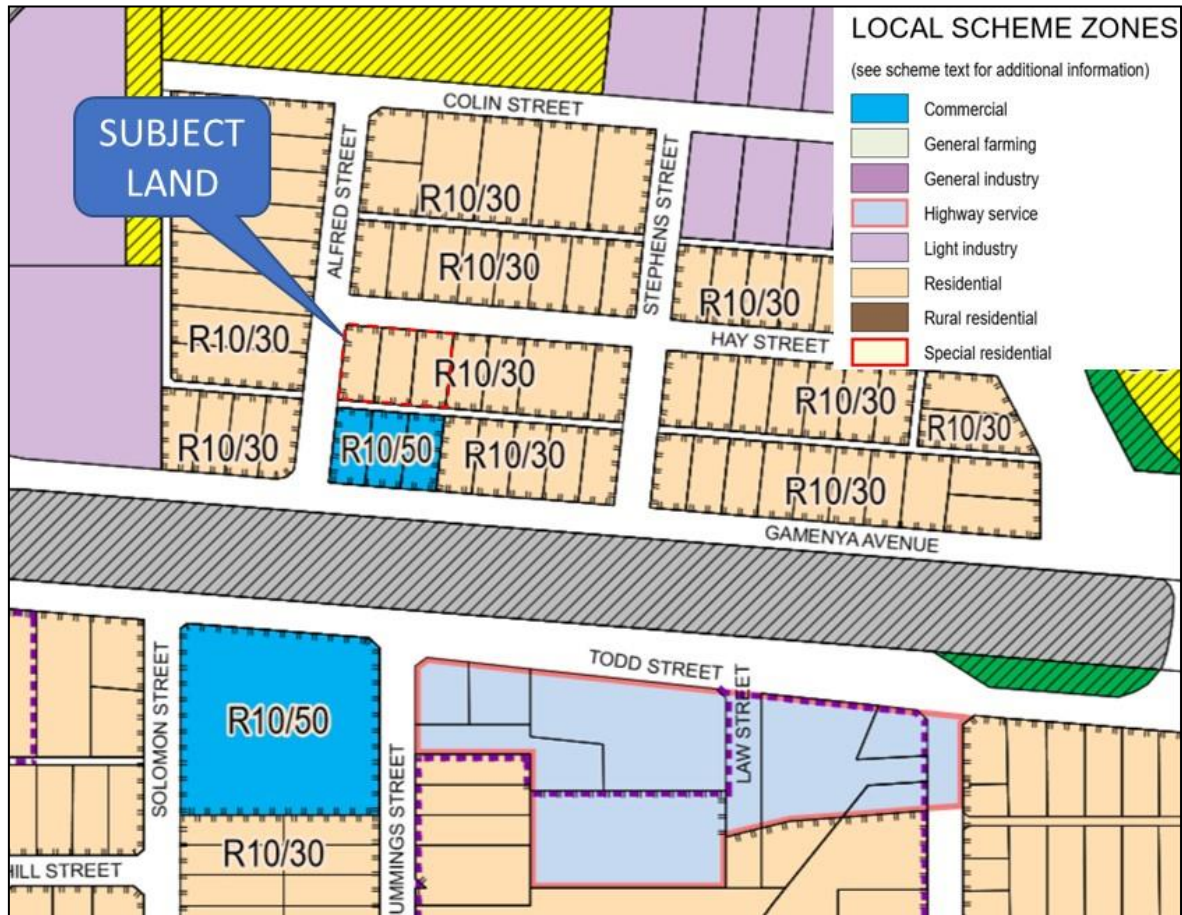
Where deep sewerage is available a density of R30 (about 3 dwellings per 1,000m<sup>2</sup> or 300m<sup>2</sup> per dwelling) can be permitted. This land has deep sewerage available. The three lots combined amount to 3,033m<sup>2</sup>, which could support up to 10 dwelling units.



The existing motel development, to the south of the subject land, is currently zoned “Commercial” with an R10/50 density code.

An extract from the Scheme is shown in Figure 1.

FIGURE 1 – Existing Scheme



Source: DPLH, Planwest

Schedule Two of the Scheme provides for additional uses.

Clause 3.5 – Additional Uses, states the following:

*“Despite anything contained in the Zoning Table, the land specified in Schedule 2 may be used for the specific use or uses that are listed in addition to any uses permissible in the zone in which the land is situated subject to the conditions set out in Schedule 2 with respect to that land.”*

Currently there are no additional uses in this Schedule.

### Existing Land Use

The subject land is currently vacant and remains as three separate lots. As can be seen in Figure 2, the existing Motel is located immediately south of the three lots. The land on the west side of Alfred Street is occupied by 2 houses – only one of which faces the side of Lot 719. The other lots on the west side of Alfred Street, north of these two houses, are vacant.

The land facing the subject land on Hay Street is developed as a storage yard with no houses facing the subject land or Hay Street. Some other lots in Hay Street, east of the subject land, are occupied by residences.

The subject land is relatively flat and is mostly devoid of vegetation – other than a single tree. There are several street trees on the verges abutting the land.

FIGURE 2 – Subject Land and Motel Development



Source: DPLH, Landgate, Planwest

### Proposed Amendment

The alternatives for this amendment are to:

1. either rezone the subject land to “Commercial” – consistent with the Motel site zoning; or
2. to allow for an additional use of motel accommodation in addition to the uses already permitted under the existing Residential zone.

The disadvantage to the first option is that other commercial uses would be permitted in an essentially residential area. The second option permits the development of only the residential component of the motel development to be permitted on the subject land.

The proposed additional use does not impact the existing residential development potential of the land. Should the development of motel accommodation not be viable, residential could be allowed according to the existing zoning.

The conditions attached to Schedule 2 are designed to:

1. restrict the building height of the motel accommodation to 2 stories to ensure the built environment is consistent with the surrounding residential amenity;
2. restrict vehicular access to either Hay Street or the right of way; and
3. require that Lots 719, 720 and 971 Hay Street be amalgamated with Lots 16-18 Gamenya Avenue prior to the consideration of any Development Approval application for motel accommodation.

By necessity the term 'Motel accommodation' has been added to Schedule One - Dictionary of Defined Words and Expressions as follows:

*“**Motel accommodation**” means the residential component of an operating motel that accommodates guests in cabins, chalets or cottages, and is made available for patrons for a period of less than 3 months.”*

### **Development**

At this time, the owners of the subject land are also the owners of the 3 lots (Lots 16-18 Gamenya Avenue) on which the existing motel is located (motel lots). Council has initiated this amendment at the owners' request.

However, if the owners were to construct the motel accommodation on the subject land, the motel lots and the subject land would need to be amalgamated into a single lot. The reason for this requirement is that motel units built on the subject land would not be consistent with the Building Code of Australia (BCA) without the motel component.

For example, motel units traditionally do not have a laundry as they use a communal facility provided by the motel. Without the motel, the motel units would simply be ensuite bedrooms – an entity not provided for in the BCA – and therefore could not be supported by Council.

Under the provisions of the existing zoning (which will remain unchanged with this amendment), each of the three lots the subject of this amendment has the capacity to support 3 dwelling units, or up to 10 dwelling units if the 3 lots were amalgamated.

### **Comment**

The proposed amendment will provide the owners with the option of using the 3 lots on Hay Street for residential use (as currently zoned) or for the accommodation component of a motel.

The motel accommodation development option will require:

1. amalgamation of all of the lots (six in total) as a single lot;
2. restricting vehicular access to either the laneway or Hay Street; and
3. a height limit of 2 stories to maintain the amenity of Hay Street as a residential street.

It should be noted the owners assessment of the rating of the land comprising the motel and the vacant lot is incorrect, as the motel is rated as a motel as one assessment, and the 3 vacant lots are rated as vacant land attracting the minimum rate.

### Policy Implications

There are no direct policy implications as the owners can currently develop the site with up to 10 dwelling units (if the three lots are amalgamated).

### Statutory Implications

#### State

The proposal is designed to facilitate, or encourage, development.

#### Local Government

The Local Planning Scheme No. 6 currently allows for residential development but would prohibit motel accommodation in a Residential zone. Motel and holiday accommodation are not permitted uses in a Residential zone.

### 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

The development of the land for either motel accommodation or residential implies no additional risk.

### Financial Implications

The applicant has agreed to reimburse Council for fees and charges relating to this amendment.

### Voting Requirements



Simple Majority



Absolute Majority

### Officer's Recommendation / Resolution

**Moved:** Cr Patroni

**Seconded:** Cr Crisafio

**82140**

**1. That Council:**

1. adopt Amendment No. 6 of the Shire of Merredin Local Planning Scheme No. 6; and
  2. refers Amendment No. 6 to the Environmental Protection Authority for environmental clearance (Section 81 *Planning and Development Act 2005*).
2. That once acceptable Environmental Protection Authority advice is received, Council advertise the Amendment in accordance with the Standard Amendment procedures as outlined in the *Planning and Development (Local Planning Schemes) Regulations 2015*.

**CARRIED 8/o**

**12.4 Lot 194 Robartson Road, Merredin and Lot 19444 Bruce Rock-Merredin Road, Merredin – Application for Development Approval – Solar Farm Facility**

## Development Services



<b>Responsible Officer:</b>	Peter Zenni, EMDS
<b>Author:</b>	Paul Bashall, Planwest
<b>Legislation:</b>	Local Planning Scheme No. 6
<b>File Reference:</b>	A9516
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	<a href="#">Attachment 12.4A</a> – Correspondence and Plans

### Purpose of Report



Executive Decision



Legislative Requirement

### Background

#### Introduction

On 22 March 2017 Land Insights (Planning Consultant) applied for Development Approval (DA) on behalf of Stellata Energy for a 120MV solar farm on land about 5 kilometres south south-west of Merredin townsite. The site is composed of two lots - Lot 194 (294.2ha) and Lot 19444 (237.77ha) with a total of 532ha. Lot 194 is traversed by a series of easements for power lines.

These lots face Bruce Rock-Merredin Road with Lot 194 on the intersection with Robartson Road. Abutting the north-west corner of the property is the existing Merredin Power Station and 220/132kV Substation.

#### Determination by Joint Development Assessment Panel (JDAP)

As the proposal was over \$10m the JDAP was responsible for making the determination on the DA. As part of the JDAP process Council was required to provide a responsible authority report (RAR) to the JDAP. Council determined that, because the development is a significant facility for the Shire and district, it was advertised prior to forwarding the RAR to JDAP. There were 5 submissions received during the advertising period.

On 22 June 2017 JDAP resolved to approve the application subject to 7 conditions and 6 Advice Notes. Most conditions were to be *'to the satisfaction of the local government'*.

Condition No. 2 states:

*“The development is to take place in accordance with the approved plans and supporting documentation, unless modified by a condition attached to this approval.”*

This indicates that, where a condition has been imposed that requires changes to the plan submitted, they could be considered as part of the approved plan.

### Form 2

Under the provisions of the *Planning and Development (Development Assessment Panel) Regulations 2011*, an applicant may request an amendment to the approval.

These Regulations allow the applicant to choose either the JDAP or Council to approve a Form 2 application, regardless of the fact that JDAP made the original determination.

On 9 March 2018 the applicant lodged a Form 2 with Council requesting its approval for several changes to the proposal. The Form 2 has been signed by the applicant and the owner, and states that the amendments *‘would not substantially change the development approved.’*

Although the applicant has expressed its opinion that the majority of the modifications result from works required to satisfy conditions, it is clearly not the case in several of the changes requested – hence the request for a Form 2 application.

### Existing Land Use

The land is currently used for cropping and occasional grazing purposes and is almost completely cleared of vegetation. Figure 1 shows an aerial view of the property showing the few remaining areas of vegetation.

FIGURE 1 – Aerial view of the site



Source: Landgate, Planwest

### Summary of Proposed Development as originally submitted

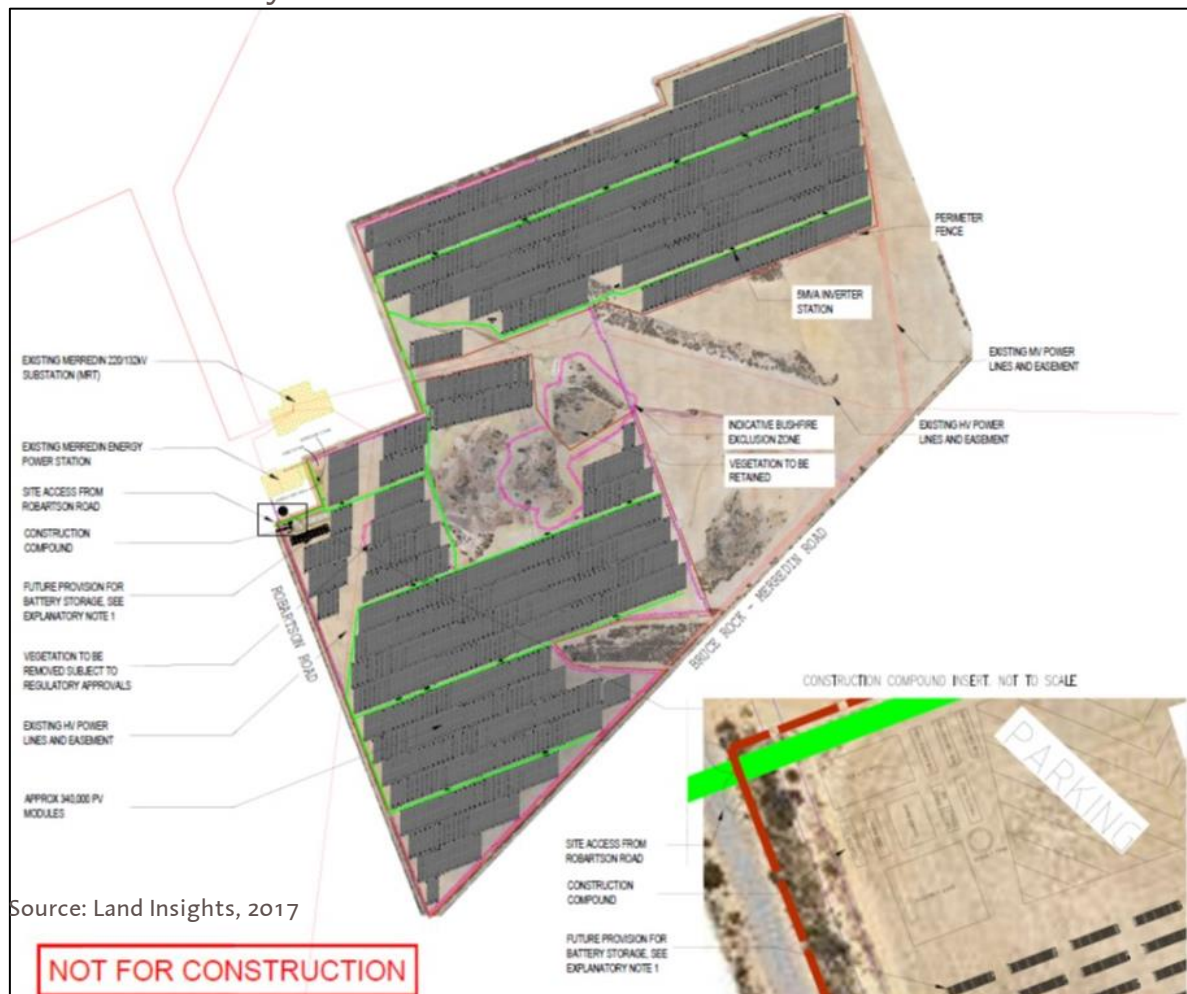
The proposed solar farm will have a generation capacity of approximately 120MW (AC) via the use of between 360,000 and 400,000 tracking solar panels and associated infrastructure, including photo voltaic modules, piles and framework, inverters (and associated housings), transformers (and associated housings), substations (including circuit breakers and metering), underground cabling, overhead wires, perimeter fence, CCTV (at entrance and adjacent to substations), battery storage, spares storage building and maintenance compound.

The DA application was to consist of the 120MW (DC) of generation and up to 50MWh of battery storage. The development was to cover the entirety of Lot 194 Robartson Road, and the north-western corner of Lot 19444 Bruce Rock-Merredin Road as shown on the Indicative Layout Plan (Figure 2).

Construction was forecast to possibly be in up to two phases. The generation equipment will all be constructed in one campaign, with the battery storage in a subsequent stage.

Once fully operational, the landowner will have access to most of the site for sheep grazing. This will assist in maintaining the ongoing agricultural use of the site and will also assist in keeping grass levels low for bushfire management purposes.

FIGURE 2 – Site Layout



Source: Land Insights, 2017



Part of the initial development includes some temporary development on site that will be required during the construction phase of the project. This includes the development of a construction compound and two or three satellite site offices. The satellite site offices spread across the site are likely to include a meeting room, lunch room, toilets and ablution facilities.

**Proposed Modifications**

The applicant has included a Schedule of Changes summarised below.

No	Element of Project	Approved Development	Proposed Amendment
1	Area of Panels	Area proposed for panels: 365 ha	Area proposed for panels: 404 ha (an increase of 11 %)
2	Maximum Height of Panels	2.8m	4.01m (maximum height only reached for 1 – 2hrs at dawn/dusk)
3	Number of Panels	Between 360,000 – 400,000	Up to 410,000 Increase is due to power optimisation of inverters and represents a 2.5% increase from the previous upper limit.
4	Row Spacing	5.2-7.0m	12-14m Increase is due to change in module arrangement from one in portrait to two in portrait per row
5	Arrangement of Battery Location and other incidental development	Battery Compound south of Construction Compound	Battery Compound east of Construction Compound

**Modification to panels**

The modification to panels (and panel arrays) includes several aspects including the location, number of panels, height of panels and row spacing.

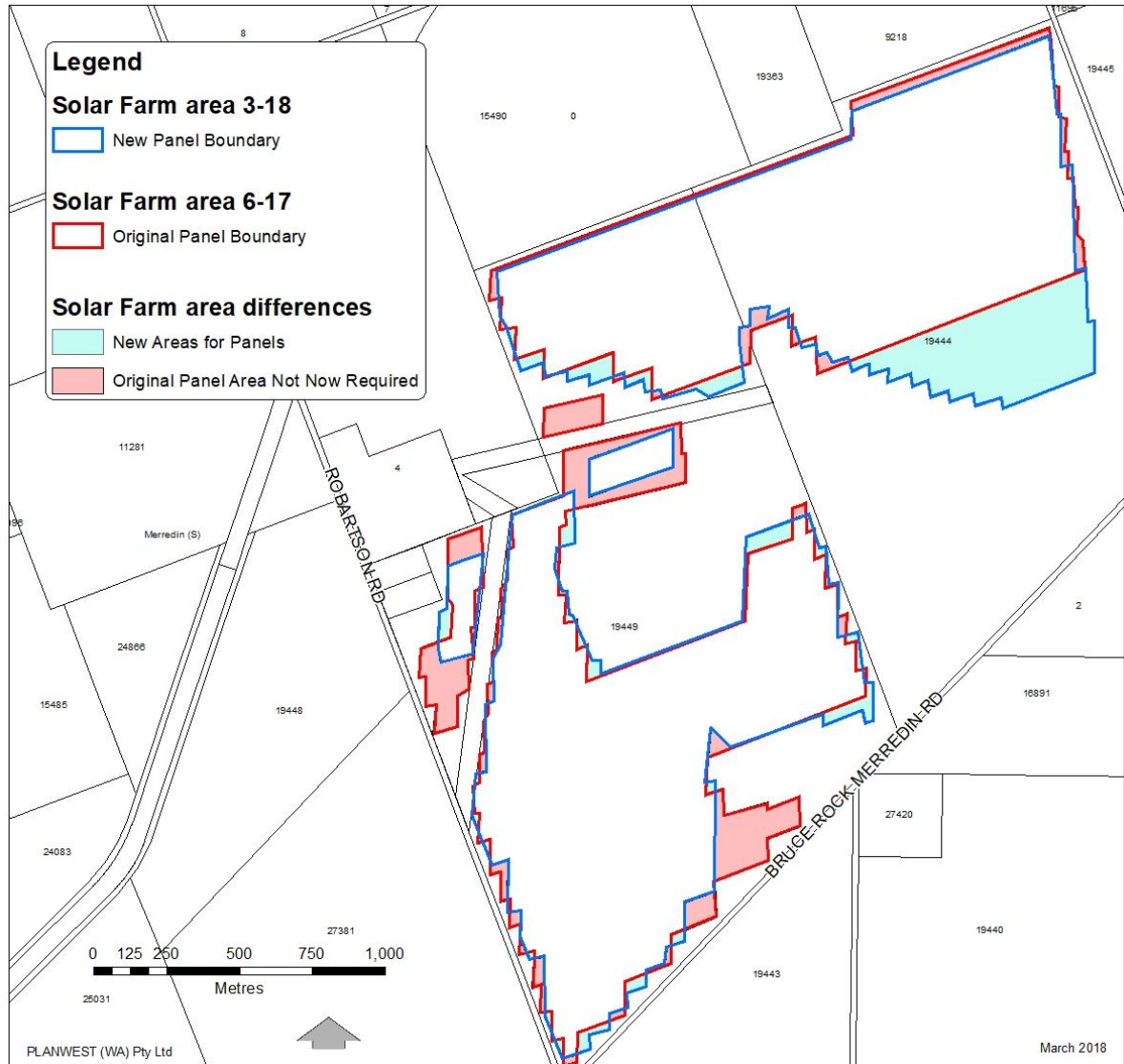
*1. Location of panel infrastructure*

The reconfiguration of the layout of the panel groups appears to have resulted partly from the preparation of a Stormwater Management Plan (SWMP), and partly due to the adoption of a different, more efficient, mounting and tracking system. An analysis of the changes is shown in Figure 3 where the red areas are no longer required for panel infrastructure, and the blue areas are new areas.

As the figure shows, the new areas are mostly further away from external boundaries and are therefore considered less likely to have an additional impact from the already approved version.

The applicant has stated that the panels will now be further away from the nearest dwelling (located south of the Bruce Rock-Merredin Road (Lot 27420)). The distance has increased from 230 metres to 360 metres. In addition, the new configuration will have less visual impact from the north and south directions as the panel arrays will be aligned north-south.

FIGURE 3 – Change in Panel Locations



## 2. Height of panels

Due to a 'design optimisation process' the panel arrays will be much higher for 1-2 hours in the morning and evening (to catch the rising and sinking sun). This will increase the panel array height from 2.8 to 4.01 metres. Although this increase is significant, it is considered unlikely to impact the amenity of any existing residence in the area. This increase in height is more likely to provide for continued sheep grazing on the land – at the same time reducing the potential for bushfires. The height of panels appears to be unrelated to any condition imposed by JDAP.

### *3. Number of panels*

The increase of 2.5% of the number of panels approved is not considered to be as important as the extent of the panel arrays and is therefore not considered to be a significant planning issue. The increase in the number of panels appears to be unrelated to any conditions imposed by JDAP.

### *4. Row spacing*

The applicant has stated that row spacing of 5.2m-7 metres will increase to 12m-14 metres due to the new configuration. The applicant also states that the change in design will not only have technical benefits but also reduce earthworks on the site during construction. This increase in row spacing may reduce the visual impact of the facility from a north or south aspect and is unlikely to be noticed in an east or west aspect. The spacing of rows of panels appears unrelated to any condition imposed by JDAP.

### **Other development**

The plan approved by JDAP showed a configuration of the RCR office, change room, battery location, carpark, crib room, Merredin site office, 3 'sub contractors' rectangles, toilets, first aid, assembly quad and a 10,000 litre water tank.

The new plan shows a completely different location of these elements. The battery location has been relocated to the east of the Western Power substation, a relocated sub-station and workshop. Other components have been realigned or reshaped.

It is unlikely that these changes have resulted from any conditions imposed by JDAP.

From a planning viewpoint these changes are not considered significant, however there may be several building requirements that will need to be considered prior to the issue of any building license.

### **Comment**

Whilst there are no new outstanding planning issues identified in the changes sought in the Form 2 application, the applicant needs to be advised that the conditions that were imposed by JDAP in June 2017, still apply.

These conditions still require details to be submitted to Council's satisfaction – particularly in relation to Condition 3 and 6; and that they must relate to the approved plan (ie the plan as submitted in this Form 2).

The applicant should also be reminded that the documents prepared for stormwater, bushfire, risk management and the construction management plan all need to relate to the new plan as submitted in this Form 2 application.

### **Policy Implications**

Nil

## Statutory Implications

The statutory implications remain unchanged from the original application determined June 2017 that are as follows.

### State

The proposal is consistent with State objectives of encouraging the development of sustainable energy sources.

### Local Government

The Local Planning Scheme No. 6 includes the land in the 'Rural' zone. Figure 3 provides an extract from the Scheme (Source: Land Insights/DoP).

The Scheme has no definition for a 'solar farm' and refers to the Model Scheme Text for the majority of its definitions. As a solar farm is an unlisted use it may be considered as a discretionary use for which the DA of a local government is required and the public advertising procedures apply.

Clause 4.4.2 of the Scheme states:

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

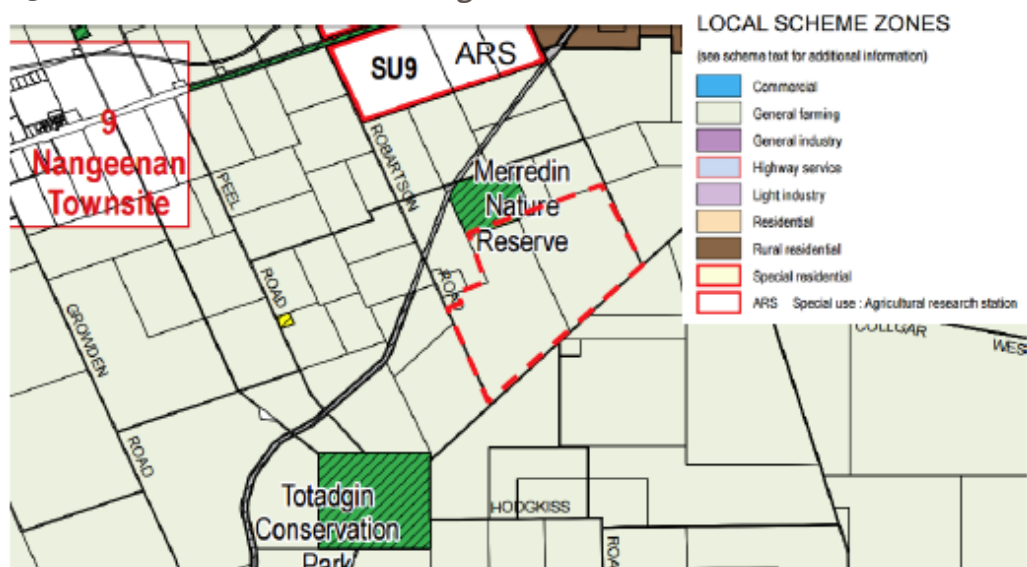
*(a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted;*

*(b) determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 9.4 in considering an application for planning approval; or*

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

It was considered that sub-clause b) should apply as the development is a significant facility for the Shire and district and needed to be considered by all agencies and nearby neighbours.

FIGURE 3 – Extract from Local Planning Scheme No. 6



## Strategic Implications

### ➤ Local Planning Strategy

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. Initial construction traffic may require some maintenance of local roads; however, the longer-term benefits outweigh these short term costs.

## Financial Implications

The applicant has paid the Form 2 DA fee.

## Voting Requirements

Simple Majority

Absolute Majority

## Officer's Recommendation / Resolution

**Moved:** Cr Crees

**Seconded:** Cr Crisafio

### **82141** That Council:

1. approves the proposed changes included in the Form 2 Development Approval application dated 9 April 2018 and plan Aoo6577-GN-ooo-DWG-oo1 Revision D as presented in Attachment 12.4A, subject to the following:

#### Conditions:

1. The decision constitutes planning approval only and is valid for a period of 4 years from the date of the JDAP approval (22 June 2017). If the subject development is not substantially commenced within the 4 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;
3. prior to the issue of building permits or any development being undertaken on site, the applicant shall submit to the local government details of the permanent facilities on the site, including building structure setbacks, car parking, and administration facilities to the satisfaction of the local government;
4. prior to the issue of building permits or any development being undertaken on site, the applicant shall submit to the local government a stormwater management plan to the satisfaction of the local government, and that the site should be managed at all times in accordance with the approved stormwater management plan;
5. prior to the issue of building permits or any development being undertaken on site, the applicant shall prepare and submit a Bushfire Management Plan (including the management of emergency evacuation and risk management planning for employees) to the satisfaction of the local government to ensure the necessary bushfire risk mitigation measures are in place;
6. prior to the issue of a Building Permit, or any development being undertaken on-site, the applicant shall submit to the local government a Construction Management Plan and secure

**approval for:**

- a. the location, drainage and surfacing standards for the site access tracks that constitute fire access tracks under the Bushfire Management Plan;
- b. the delivery and storage of construction materials and equipment to the site;
- c. the management of the bushfire risk on the site during the construction period;
- d. the parking arrangements and provision of temporary amenities for contractors and subcontractors;
- e. the management and storage of stormwater from site works, material lay down areas, internal roads, buildings and car parking areas within the site;
- f. the extent of earthworks proposed on-site, the method of stabilising those earthworks and any on-going management required to prevent wind or water borne erosion;
- g. a road condition survey detailing any maintenance work required to public roads to facilitate transport activities for the construction of the solar farm;
- h. the removal of all construction infrastructure and materials once the facility has been completed;
- i. other matters likely to impact on surrounding properties; and
- j. the management of construction waste.

The Construction Management Plan shall be implemented at all times during the construction phase; and

7. crossovers, access, and egress, to the site from Robartson 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. Costs of equipment and construction shall be borne by the applicant.

**Advice Notes:**

1. The applicant is advised that granting of development approval does not constitute a building permit and that an application for relevant building permits must be submitted to the Shire of Merredin and be approved before any work requiring a building permit can commence on site;
2. effluent disposal facilities will require an application for the installation or construction of an apparatus for the treatment

- of sewage to be submitted to the Shire of Merredin;**
- 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 Regulation 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 in accordance with the site's Bushfire Management Plan and the Shire of Merredin annual bushfire notice;**
  - 5. no structure or effluent disposal system is to be constructed across the boundary of the two lots; and**
  - 6. the design and location of on-site effluent systems for the construction phase as well as the longer term to be in accordance with the local government's requirements.**
- 2. notifies the Midwest/Wheatbelt Joint Development Assessment Panel of Council's determination of the Form 2.**

**CARRIED 8/o**

*3.38pm - P Zenni, EMDS, left the meeting and did not return.*



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

Nil items to report

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

**14.1 List of Accounts Paid**

<h2>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 (Financial Management) Regulations 1996</i>
<b>File Reference:</b>	Nil
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	<a href="#">Attachment 14.1A</a> - List of Accounts Paid

**Purpose of Report**

- Executive Decision
  Legislative Requirement

**Background**

The attached List of Accounts Paid during the month of February 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 Patroni

**Seconded:** Cr Boehme

**82142** That the schedule of accounts paid as listed, covering cheques, EFT's, bank charges, directly debited payments and wages, as numbered and totalling \$1,140,125.48 from Council's Municipal Fund Bank Account and \$954.95 from Council's Trust Account be received.

**CARRIED 8/o**

## 14.2 Statement of Financial Activity

<h1>Corporate Services</h1>		 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> - 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. The mid-year review has addressed some minor over and under expenditures with some budget profiles now needing adjustment.

### 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 \$2,025.35 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

The Financial Activity Report is presented monthly and provides a retrospective picture of the activities at the Shire. Contained within the report is information pertaining to the financial cost and delivery of strategic initiatives and key projects.

In order to mitigate the risk of budget over-runs or non-delivery of projects, the CEO has implemented internal control measures such as regular Council and management reporting and a quarterly process to monitor financial performance against budget estimates.

Materiality reporting thresholds have been established at half the adopted Council levels, which equate to \$10,000 for operating budget line items and \$10,000 for capital items, to alert management prior to there being irreversible impacts.

It should also be noted that there is an inherent level of risk of misrepresentation of the financials through either human error or potential fraud. The establishment of control measures through a series of efficient systems, policies and procedures, which fall under the responsibility of the CEO as laid out in the *Local Government (Financial Management Regulations) 1996* Regulation 5, seek to mitigate the possibility of this occurring. These controls are set in place to provide daily, weekly and monthly checks to ensure that the integrity of the data provided is reasonably assured.

### Financial Implications

The adoption of the Monthly Financial Report is retrospective. Accordingly, the financial implications associated with adopting the Monthly Financial Report are nil.

### Voting Requirements

Simple Majority

Absolute Majority

### Officer's Recommendation / Resolution

**Moved:** Cr Anderson

**Seconded:** Cr Willis

**82143** 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 28 February 2018 be received.

**CARRIED BY ABSOLUTE MAJORITY 8/0**

**14.3 Policy 5.13 – Cummins Theatre – Purchased Shows**

## Community Services



<b>Responsible Officer:</b>	Rebecca McCall, DCEO
<b>Author:</b>	As Above
<b>Legislation:</b>	<i>Local Government Act 1995</i>
<b>File Reference:</b>	Policy Manual
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	<a href="#">Attachment 14.3A</a> – Policy 5.13

### Purpose of Report



Executive Decision



Legislative Requirement

### Background

The purpose of Policy 5.13 is to provide guidelines and resources that will enable the Theatre Manager to plan and deliver entertainment from the Cummins Theatre.

### Comment

In accordance with the Shire of Merredin's Risk Management Framework policies are to be reviewed biennially.

Policy 5.13 relating to Cummins Theatre – Purchased Shows has been reviewed.

### Policy Implications

An update of the Policy and Policy Manual is required as indicated in the Attachment.

### Statutory Implications

*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 #: 2  
Action: Ensure policies, procedures and practices 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**

Nil

**Voting Requirements**

Simple Majority

Absolute Majority

**Officer's Recommendation / Resolution**

**Moved:** Cr Boehme

**Seconded:** Cr Crisafio

**82144** That Policy 5.13 – Cummins Theatre – Purchased Shows, as presented (and amended) in Attachment 14.3A, be adopted.

**CARRIED 8/o**



**14.4 Policy 5.12 – Cummins Theatre – Donations, Loans and Sponsorships**

## Community Services



<b>Responsible Officer:</b>	Rebecca McCall, DCEO
<b>Author:</b>	As Above
<b>Legislation:</b>	<i>Local Government Act 1995</i>
<b>File Reference:</b>	Policy Manual
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	<a href="#">Attachment 14.4A</a> – Policy 5.12

### Purpose of Report

Executive Decision  Legislative Requirement

### Background

The purpose of Policy 5.12 is to provide the Theatre Manager and potential donors, lenders and sponsors with definitions and guidelines in relation to donations, loans and sponsorship for Cummins Theatre.

### Comment

In accordance with the Shire of Merredin's Risk Management Framework policies are to be reviewed biennially.

Policy 5.12 relating to Cummins Theatre – Donations, Loans and Sponsorships has been reviewed.

### Policy Implications

An update of the Policy and Policy Manual is required as indicated in the Attachment.

### Statutory Implications

*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 #: 2  
Action: Ensure policies, procedures and practices 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**

Nil

**Voting Requirements**

Simple Majority

Absolute Majority

**Officer's Recommendation / Resolution**

**Moved:** Cr Flockart

**Seconded:** Cr Crisafio

**82145** That Policy 5.12 – Cummins Theatre – Donations, Loans and Sponsorships, as presented (and amended) in Attachment 14.4A, be adopted.

**CARRIED 8/o**

**14.5 Policy 5.9 – Cummins Theatre – Waivered or Discounted Hire Fees**

## Community Services



<b>Responsible Officer:</b>	Rebecca McCall, DCEO
<b>Author:</b>	As Above
<b>Legislation:</b>	<i>Local Government Act 1995</i>
<b>File Reference:</b>	Policy Manual
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	<a href="#">Attachment 14.5A</a> – Policy 5.9

### Purpose of Report



Executive Decision



Legislative Requirement

### Background

The purpose of Policy 5.9 - Cummins Theatre –Waivered or Discounted Hire Fees is to encourage and support increased community use of the Cummins Theatre.

### Comment

In accordance with the Shire of Merredin’s Risk Management Framework policies are to be reviewed biennially.

Policy 5.9 relating to Cummins Theatre –Waivered or Discounted Hire Fees has been reviewed.

### Policy Implications

An update of the Policy and Policy Manual is required as indicated in the Attachment.

### Statutory Implications

*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 #: 2  
Action: Ensure policies, procedures and practices 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**

Nil

**Voting Requirements**



Simple Majority



Absolute Majority

**Officer's Recommendation**

That Policy 5.9 – Cummins Theatre – Waivered or Discounted Hire Fees, as presented (and amended) in Attachment 14.5A, be adopted.

**Motion**

**Moved:** Cr Crisafio

**Seconded:** Cr Patroni

That Policy 5.9 – Cummins Theatre – Waivered or Discounted Hire Fees, as presented (and amended) in Attachment 14.5A, be adopted.

**MOTION WITHDRAWN**

## Resolution

**Moved:** Cr Boehme

**Seconded:** Cr Flockart

**82146** That Policy 5.9 – Cummins Theatre – Waivered or Discounted Hire Fees be referred to staff for further consideration.

**CARRIED 8/o**

## Reason

Council wanted to ensure that funds from any future donations were retained by individuals or organisations located within or providing services to the Shire of Merredin.

## 15. Officer's Reports – Administration

### 15.1 Lot 3000 (No. 91) Todd Street, Merredin – Proposed Sale of Merredin Medical Centre

## 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>	A3190
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	<a href="#">Attachment 15.1A</a> – Correspondence <a href="#">Attachment 15.1B</a> – Valuation

### Purpose of Report

Executive Decision

Legislative Requirement

### Background

Lot 3000 (No. 91) Todd Street, Merredin is Council owned land containing the Merredin Medical Centre (MMC) building and parking lot, and also includes the land upon which the Railway Institute Hall previously stood. The MMC has been leased on a commercial basis to Dr Gabriel Adeniyi since July 2008.

The current lease is due to expire on 30 June 2018 and there are no provisions for an extension of the lease for a further term. Correspondence was sent to Dr Adeniyi in mid-January 2018 to ascertain whether Dr Adeniyi would be seeking to enter into a new lease for the MMC, or alternatively be interested in purchasing the property. Dr Adeniyi replied advising his interest in pursuing the purchase of the MMC. This correspondence is attached.

### Comment

The building is purpose built as a medical centre and is ideally situated on the highway and in close proximity to the Hospital.

Council has a number of options:

#### Option 1

Council continues to own the property with a lease to Dr Adeniyi.

This option maintains the property as Council's asset however as such Council is responsible for the ongoing capital and structural maintenance of the premises. There are also costs associated with staff time in negotiating and managing the lease, building inspections and the like. Additionally, this option does not align with Council's intended rationalisation of properties. However, Council would receive an income from the commercial lease payments.

### **Option 2**

Council sells the property to Dr Adeniyi.

This option achieves no ongoing costs for Council and no ongoing staff time associated with negotiating and managing the lease, building inspections and the like. It also aligns with Council's rationalisation of properties, with the money allocated to the maintenance etc of the premises either being transferred to Reserve or spent elsewhere in the community. However, Council would no longer receive an income from the commercial lease payments (although the property would then become rateable with Dr Adeniyi being responsible for the rate payments).

### **Option 3**

Council continues to own the property and manages the practice itself.

While Council were involved in managing the practice prior to July 2008, it is considered unlikely that Council would take over management of the practice again, employing doctors and other staff as well as the provision of housing and vehicles.

Similarly, the MMC has seemingly be run and managed well since the building has been leased to Dr Adeniyi and the practice provides a valuable service to the community of Merredin and surrounding region with many services, and visiting specialists, available. It is envisaged that this would be likely to continue.

Therefore, as Dr Adeniyi's offer to purchase the MMC is at a price in accord with a sworn valuation it is recommended that Council accept Dr Adeniyi's offer to purchase the property.

### **Policy Implications**

Nil

### **Statutory Implications**

Section 3.58 of the *Local Government Act 1995* is applicable and states:

**“3.58. Disposing of property**

(1) *In this section —*

**dispose** includes to sell, lease, or otherwise dispose of, whether absolutely or not;

**property** includes the whole or any part of the interest of a local government in property, but does not include money.

(2) *Except as stated in this section, a local government can only dispose of property to —*

- (a) *the highest bidder at public auction; or*
  - (b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*
- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*
- (a) *it gives local public notice of the proposed disposition —*
    - (i) *describing the property concerned; and*
    - (ii) *giving details of the proposed disposition; and*
    - (iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*
  - and*
  - (b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
- (a) *the names of all other parties concerned; and*
  - (b) *the consideration to be received by the local government for the disposition; and*
  - (c) *the market value of the disposition —*
    - (i) *as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*
    - (ii) *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*
- (5) *This section does not apply to —*
- (a) *a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or*
  - (b) *a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or*
  - (c) *anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*
  - (d) *any other disposition that is excluded by regulations from the application of this section.”*

In accordance with Section 3.58(3) local public notice was provided in the Phoenix on 16 February 2018 with a closing date of 7 March 2018. No submissions were received.

In accordance with Section 3.58(4) a valuation jointly paid for by the MMC and the Shire was obtained from Burgess Rawson and is attached. The advertisement which appeared in the Phoenix complies with the requirements of Section 3.58(4).



## 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: Key Assets

### ➤ Corporate Business Plan

Strategy: SP.L2.2 - Investigate opportunities to consolidate Shire owned facilities and collocate services

Action #: 1

Action: Review and implementation and rationalisation options for recreational and community facilities and services

Directorate: Community Development

Timeline: Ongoing

## Sustainability Implications

### ➤ Strategic Resource Plan

If the medical centre is sold Council would no longer be responsible for the maintenance costs associated with the building.

### ➤ Workforce Plan

Directorate: Nil

Activity: Nil

Current Staff: Nil

Focus Area: Nil

Strategy Code: Nil

Strategy: Nil

Implications: Nil

## Risk Implications

Should the sale not proceed Council would be responsible for the ongoing costs associated with the land and buildings.

Should Dr Adeniyi decide not to purchase the property and not enter into a new lease for the property Council could be required to advertise for and manage a new tenant.

## Financial Implications

There is no income allocated in the 2017/18 Budget from the sale of the Medical Centre. Should the sale proceed, Council will receive additional income of \$300,000 (less settlement agent and statutory fees etc). It is proposed this income be transferred to the Buildings Reserve.

If the property is sold, Council would no longer receive income from the lease payments but would be entitled to rate the property and therefore receive such payments.

### Voting Requirements

Simple Majority

Absolute Majority

### Officer's Recommendation / Resolution

**Moved:** Cr Boehme

**Seconded:** Cr Crees

**82147 That:**

1. Council note the valuation report provided by Burgess Rawson dated 30 January 2018 for Lot 3000 (No. 91) Todd Street, Merredin commonly known as the Merredin Medical Centre;
2. Council accepts the offer of \$300,000 from Gabriel Adeniyi Pty Ltd (trading as Merredin Medical Centre) to purchase Lot 3000 (No. 91) Todd Street, Merredin in accordance with the valuation report;
3. the income received from the sale of Lot 3000 (No. 91) Todd Street, Merredin be transferred to the Buildings Reserve; and
4. the President and Chief Executive Officer be authorised to sign the Contract of Sale and Transfer of Land for Lot 3000 (No. 91) Todd Street, Merredin to Gabriel Adeniyi Pty Ltd (trading as Merredin Medical Centre).

**CARRIED BY ABSOLUTE MAJORITY 7/1**

## 15.2 Representation on the Eastern District Health Advisory Council

### 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/10/12
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	<a href="#">Attachment 15.2A</a> – Correspondence <a href="#">Attachment 15.2B</a> – EDHAC Guidelines and Term of Reference

#### Purpose of Report



Executive Decision



Legislative Requirement

#### Background

Correspondence has been received from the Eastern District Health Advisory Council (EDHAC) seeking 2 representatives to join the EDHAC. The correspondence is attached.

#### Comment

In seeking representatives, the EDHAC is hoping to engage members of the community in the health activities and services provided in their communities, and to enable those members to be the “eyes and ears” of their community. The representatives sought can either be Councillors or general members of the community not otherwise involved in Council.

Council has appointed representatives to the Merredin Local Health Advisory Group (LHAG) being Councillor Patroni as Delegate and Councillor Anderson as the Deputy (CMRef 82047). However, as the correspondence suggests, the LHAG has been inactive recently.

The EDHAC meets bi-monthly at Merredin Hospital and attendees include various representatives from WA Country Health Services and other agencies. The EDHAC’s Term of Reference and Guidelines is attached, which provides further information.

Expressions of interest were distributed through the Shire's Facebook page with interest received. Further information on those discussions can be provided to the meeting.

Council may wish to nominate a Councillor(s) and/or a community member(s) to the EDHAC.

### Policy Implications

Policy 1.19 – Election of Committees and Representatives is applicable.

### 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

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: Health Facilities and Services

#### ➤ Corporate Business Plan

Strategy: SP.D3.3 – Advocate for State infrastructure and service investments to enhance the functioning of the Eastern Wheatbelt

Action #: 1  
Action: Work collaboratively with relevant State agencies to plan for future service infrastructure needs

Directorate: Office of the CEO

Timeline: Ongoing

Strategy: SP.L1.1 – Continue to take a proactive advocacy role to support the provision of medical facilities and services to meet the needs of the local and regional community

Action #: Nil

Action: Nil

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**

Without community or Council representation on the EDHAC Merredin could miss an opportunity to “have its voice heard”.

**Financial Implications**

Nil

**Voting Requirements**

Simple Majority

Absolute Majority

**Officer's Recommendation / Resolution**

**Moved:** Cr Flockart

**Seconded:** Cr Willis

**82148** That Councillor Patroni and Ms Megan Harrod be nominated for appointment to the Eastern District Health Advisory Council.

**CARRIED BY ABSOLUTE MAJORITY 8/0**

**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**

18.1 South Western Wireless Network – Expansion of Network

The CEO advised Council that Mr Leigh Ballard addressed WEROC recently regarding expanding the South Western Wireless (SWW) network from Merredin to the south and west thereby picking up the balance of the Shire and other WEROC Councils, with indicative costs provided. These were distributed to Councillors via email on Monday 19 March 2018.

Grant funding was available for the project however there is some urgency due to the short timeframe in which SWW have to submit a funding application.

SWW are seeking support from the WEROC Councils to be involved in the project.

**Voting Requirements**



Simple Majority



Absolute Majority

**Resolution**

**Moved:** Cr Flockart

**Seconded:** Cr Willis

**82149 That:**

1. a letter of support be provided to South Western Wireless for the purpose of a grant application to expand the communication network to the south and west of the Shire of Merredin, and across the WEROC Councils; and
2. the matter of further involvement and financial support be considered should the grant application be successful.

**CARRIED 7/1**

4.07pm - R McCall, DCEO, left the meeting and did not return.

**19. Matters Behind Closed Doors**

In accordance with Section 5.23(a) of the *Local Government Act 1995* Council went Behind Closed Doors to discuss matters affecting employees.

## Resolution

**Moved:** Cr Crees

**Seconded:** Cr Boehme

**82150** That Council move Behind Closed Doors at 4.11pm.

**CARRIED 8/o**

4.12pm - G Powell, CEO, declared a Financial Interest in Item 19.2 and left the meeting and did not return.

V Green, EA to the CEO, left the meeting and did not return.

## Resolution

**Moved:** Cr Crees

**Seconded:** Cr Patroni

**82151** That Council return from Behind Closed Doors at 4.27pm.

**CARRIED 8/o**

19.1 Staff – Legal Expenses

### Voting Requirements

Simple Majority

Absolute Majority

## Resolution

**Moved:** Cr Boehme

**Seconded:** Cr Crees

**82152** That the Officer's Recommendation be adopted.

**CARRIED BY ABSOLUTE MAJORITY 8/o**

19.2 Staff – Chief Executive Officer – Performance Appraisal - 2017

### Voting Requirements

Simple Majority

Absolute Majority

## Resolution

**Moved:** Cr Boehme

**Seconded:** Cr Patroni

**82153** That Council:

1. receives the Performance Review Report and endorses the overall performance rating for the Chief Executive Officer for the review period February 2017 to February 2018 as “Satisfactory”;
2. endorses the amended key result areas and outcomes for 2018;
3. schedules a review of the key result areas on 17 July 2018 following completion of the Shire's Strategic Community Plan;

4. schedules the next review to be completed by 28 February 2019. The review process is to continue to include facilitation of interviews by the appointed consultant with elected members to obtain their feedback;
5. receives the Remuneration Report; and
6. notes the Salaries and Allowances Tribunal Determination of 11 April 2017 (effective 1 July 2017).

**CARRIED BY ABSOLUTE MAJORITY 8/0**

## Resolution

**Moved:** Cr Crees

**Seconded:** Cr Patroni

**82154** That Council authorises an increase to the Chief Executive Officer's total reward package of 2% effective from 5 January 2018.

**CARRIED BY ABSOLUTE MAJORITY 5/3**

## 20. Closure

There being no further business the President thanked those in attendance and declared the meeting closed at 4.29pm.