



SHIRE OF
MERREDIN
INNOVATING THE WHEATBELT

MINUTES

Ordinary Council Meeting

Held in Council Chambers
Corner King & Barrack Street's,
Merredin Tuesday, 18 April 2023
Commencing 4.00pm



Common Acronyms Used in this Document

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



April Ordinary Council Meeting

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Shire of Merredin
Ordinary Council Meeting
4:00pm Tuesday, 18 April 2023



1. Official Opening

The President acknowledged the Traditional Owners of the land on which we meet today, the Njaki Njaki people of the Nyoongar Nation and paid his respects to Elders past, present and emerging. The President then welcomed those in attendance and declared the meeting open at 4:01pm.

2. Record of Attendance / Apologies and Leave of Absence

Councillors:

Cr M McKenzie	President
Cr D Crook	Deputy President
Cr J Flockart	
Cr R Manning	
Cr P Patroni	
Cr M Simmonds	

Staff:

L Clack	CEO
C Townsend	A/DCEO
L Boehme	EMCS – Via Zoom
L Mellor	EMES
P Zenni	EMDS
M Wyatt	EO
O Mellor	GO

Members of the Public: Nil

Apologies: Nil

Approved Leave of Absence: Cr R Billing, Cr P Van Der Merwe

3. Public Question Time

Nil

4. Disclosure of Interest

Nil

10. Receipt of Minutes of Meetings

- 10.1 Minutes of the Audit Committee Meeting held 4 April 2023.
Attachment 10.1A

Voting Requirements



Simple Majority



Absolute Majority

Resolution

Moved: Cr Patroni

Seconded: Cr Manning

83136

That Council RECEIVE the minutes of the Audit Committee Meeting held 4 April 2023.

CARRIED 6/0

11. Recommendations from Committee Meetings for Council Consideration

Nil

12. Officer's Reports - Development Services

12.1 Lot 49 (No 549) Robartson Road - Application for Development Approval Grouped Dwelling

<h2>Development Services</h2>		
Responsible Officer:	Peter Zenni, EMDS	
Author:	As above	
Legislation:	Shire of Merredin Local Planning Scheme No.6 <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> <i>Health (Miscellaneous) Provisions Act 1911</i> Shire of Merredin Health Local Laws	
File Reference:	A9722	
Disclosure of Interest:	Nil	
Attachments:	Attachment 12.1A - Application for development approval and supporting documentation (Confidential) Attachment 12.1B - Local Planning Scheme Policy No.1 – Moveable Buildings	

Purpose of Report

Executive Decision

Legislative Requirement

To recommend to Council that it grants development (planning) approval for a second (grouped) dwelling on Lot 49 (No 549) Robartson Road, Nangeenan.

Background

The Shire of Merredin (the Shire) has received an application for development (planning) approval for the placement of a second (grouped) dwelling on Lot 49 (No 549) Robartson Road, Nangeenan.

Comment

Statutory Requirements - Planning Considerations

Lot 49 (No 549) Robartson Road, Nangeenan is zoned 'General Farming' under the Shire of Merredin Local Planning Scheme No.6 (LPS).

Until recently, the placement of a second (grouped) dwelling on a single lot in a general farming zoned area was not permitted under the LPS.

This changed with the gazettal of Amendment No. 4 to the LPS which occurred on 6 April 2018, and had the following effect;

Modified Table One – Zoning Table by deleting the ‘X’ against ‘grouped dwelling’ in a General farming zone and inserting a ‘D1’, and adding a footnote to Table as follows;

‘1 Subject to clause 4.13’.

Clause 4.13- deleted paragraph 2 and replaced it with the following-

‘In the ‘General Farming’ zone, the erection of more than one (1) single house per lot will generally not be supported. The local government may, at its discretion, approve the erection of one (1) additional dwelling on a rural lot, provided that;

- a. the total number of dwellings on the lot will not exceed three(3) dwellings;*
- b. the additional dwelling complies with the setback requirements not less than those specified for the residential Design Code R2;*
- c. the lot has an area of not less than 40 hectares;*
- d. it can be demonstrated that the additional dwelling is for workers or family members employed for primary production activities on the lot;*
- e. adequate provision of potable water for, and disposal of sewerage from, the additional dwelling can be demonstrated;*
- f. the additional dwelling will not adversely detract from the rural character and amenity of the area or conflict with primary production on the subject lot or adjoining land;*
- g. access to the existing road network is to be provided for any additional dwelling and shared with any existing dwelling where practicable;*
- h. the existence of more than one dwelling on a lot in the ‘General Farming’ zone shall not be considered by itself to be sufficient grounds for subdivision.’*

With respect to the above requirements, the following comments have been made;

- a. The total number of dwellings following the approval of this application and placement of the proposed dwelling on the Lot will be two (2) dwellings.
- b. The placement location of the proposed dwelling on the Lot will comply with the required setback requirements;
- c. The Lot in question has an area of 102 hectares.
- d. The additional dwelling is being placed on the Lot for use by family members who will be engaged in the operation of the farm for primary production purposes.
- e. The additional dwelling will be provided with mains water supply and onsite effluent disposal facilities in compliance with requirements of the *Health (Miscellaneous Provisions) Act 1911*.
- f. The additional dwelling will not adversely affect the rural character and the amenity of the locality.
- g. Existing road network will be utilised to gain access to the additional dwelling.

Local Planning Scheme Policy No.1 – Moveable Buildings

The proposed additional dwelling is a transportable building, built by TR Homes and as such is subject to policy requirements specified by the Shire of Merredin LPS Local Planning Scheme Policy No.1 – Moveable Buildings.

The objectives of Planning Scheme Policy No.1 – Moveable Buildings, are as follows;

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

The proposed transportable dwelling will be a brand-new building and will comply with requirements of the National Construction Codes (BCA) as well as objectives of Council's policy on moveable buildings.

Statutory Requirements – Building Act Considerations

Building work including the placement or erection of a building or incidental structure on land is subject to building permit requirements. An application for a building permit must be submitted to the Shire and be approved before any building work can commence on site.

Statutory Requirements Health Act considerations

A dwelling house must comply with requirements specified by the *Health (Miscellaneous) Provisions Act 1911* and the Shire of Merredin Health Local Laws, including the supply of a suitable supply of potable water to the house as well as the installation of an approved onsite effluent disposal system.

In this case, the potable water supply will be provided through mains water supply, in addition a rainwater tank will be provided on site. The applicant has also advised that in the near future, the Shire will receive an application for the installation of an onsite effluent disposal system.

Policy Implications

The proposed additional dwelling is a transportable building, built by TR Homes and as such is subject to policy requirements specified by the Shire of Merredin LPS Local Planning Scheme Policy No.1 – Moveable Buildings.

The proposed transportable dwelling will be a brand-new building and will comply with requirements of the National Construction Codes (BCA) as well as objectives of Council's policy on moveable buildings.

Statutory Implications

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

Compliance with the *Building Act 2011*.

Compliance with *Health (Miscellaneous Provisions) Act 1911*.

Compliance with Shire of Merredin Health Local Laws.

Strategic Implications

∅ Strategic Community Plan

Theme:	5. Places and Spaces
Service Area Objective:	5.4 Town Planning & Building Control 5.4.2 The Shire has current local planning scheme and associated strategy which is flexible and able to suitably guide future residential and industrial growth
Priorities and Strategies for Change:	Nil

∅ Corporate Business Plan

Key Action:	4.1.1 Continue to upgrade the Integrated Planning Framework, meet statutory requirements of the Local Government Act and Regulations and regulatory obligations required under other regulations
Directorate:	Development Services
Timeline:	Ongoing

Sustainability Implications

∅ Strategic Resource Plan

Nil

Risk Implications

Risk implications are minimal as the proposed activity complies with relevant legislative requirements. Should Council refuse to grant development approval, the decision would be open to an appeal to the State Administrative Tribunal, with strong likelihood that the appeal would result in the decision to refuse the application, being overturned.

Financial Implications

The relevant development application fees have been paid.

Voting Requirements

Simple Majority

Absolute Majority

Resolution

Moved: Cr Manning

Seconded: Cr Flockart

That Council:

1. **GRANTS development (planning) approval for a second (grouped) dwelling on Lot 49 (No 549) Robartson Road, Nangeenan as outlined in Attachment 12.1A, subject to;**
 - a. **The ongoing use of the dwelling being limited to workers or family members who will be engaged in the operation of the farm for primary production purposes;**
 - b. **Provision of potable water to the dwelling via mains water supply or suitable onsite rainwater tank storage; and**
 - c. **The connection of the dwelling to an onsite effluent disposal system in accordance with requirements of the Health (Miscellaneous Provisions) Act 1911; and**
2. **ADVISES the applicant that;**
 - 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 building work can commence on site; and**
 - b. **An application for an on-site effluent disposal system must be submitted to the Shire of Merredin and be approved before any work on the installation of the effluent disposal system can commence on site.**

83137

CARRIED 6/0

12.2 Lot 40 (No 2) Oats Street Merredin – Merredin Tourist Park Application for Development Approval Transportable Accommodation Unit

<h3>Development Services</h3>		
Responsible Officer:	Peter Zenni, EMDS	
Author:	As above	
Legislation:	Shire of Merredin Local Planning Scheme No.6 <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> <i>Caravan Parks and Camping Grounds Regulations 1997</i> <i>Health (Miscellaneous Provisions) Act 1911</i>	
File Reference:	A2506	
Disclosure of Interest:	Nil	
Attachments:	Attachment 12.2A - Application for development approval and supporting documentation (Confidential) Attachment 12.2B - Local Planning Scheme Policy No.1 – Moveable Buildings	

Purpose of Report



Executive Decision



Legislative Requirement

To recommend to Council that it grants development (planning) approval for the placement of a transportable accommodation unit at the Merredin Tourist Park, Lot 40 (No 2) Oats Street, Merredin.

Background

The Shire of Merredin (the Shire) has received an application for development (planning) approval from a person acting on behalf of Delacorp Pty Ltd and Surisa Properties Pty Ltd (trading as the Merredin Tourist Park) for the placement a transportable accommodation unit at the Merredin Tourist Park, Lot 40 (No 2) Oats Street, Merredin.

Comment

Statutory Requirements - Planning Considerations

Lot 40 (No 2) Oats Street, Merredin is zoned 'Highway Service' under the Shire of Merredin Local Planning Scheme No.6 (LPS).

The Lot currently contains the Merredin Tourist Park which operates as a registered Caravan Park in accordance with the *Caravan Parks and Camping Grounds Act 1995* and the *Caravan Parks and Camping Grounds Regulations 1997*.

A caravan park is zoned as a “D” use under Highway Service zoning which means that the use is not permitted unless the local authority has used its discretion to approve the development.

It should be noted that the Merredin Tourist Park has been operating for a number of years and the Shire has previously granted development (planning) approval on a number of occasions for development within the Merredin Tourist Park. The proposed development under consideration is incidental to the caravan park use.

The area where the proposed transportable accommodation building is proposed to be located currently incorporates powered caravan sites. The relevant legislation restricts the types of buildings that can be placed on a ‘caravan site’ and accordingly, the caravan sites in question will need to be deleted from the caravan park facility licence prior to the placement of the transportable accommodation unit on the portion of the lot in question.

The use of the transportable accommodation building will be subject to ongoing compliance with registration and operational requirements specified by lodging house provisions forming part of the *Health (Miscellaneous Provisions) Act 1911*.

The proposed transportable unit is captured by the Shire of Merredin Local Planning Scheme Policy No.1 – Moveable Buildings. This policy provides delegation to the Executive Manager Development Services (EMDS) to grant development (planning) approval on behalf of Council for transportable and relocatable structures where dwellings are permitted. In this case the transportable accommodation unit is not considered a dwelling (residential use) as it will be used for short term accommodation at a caravan park (commercial activity) and as such, the application is being referred to Council for its consideration.

Local Planning Scheme Policy No.1 – Moveable Buildings

The proposed transportable unit is subject to policy requirements specified by the Shire of Merredin LPS Local Planning Scheme Policy No.1 – Moveable Buildings.

The objectives of Planning Scheme Policy No.1 – Moveable Buildings, are as follows;

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

The proposed transportable unit will be a brand-new building and will comply with requirements of the National Construction Codes (BCA) as well as objectives of Councils policy on moveable buildings.

The proposed transportable unit will be screened from view by other buildings and infrastructure already existing on the Lot as well as the perimeter fence will limit its impact on the visual amenity of the surrounding area.

The Shire of Merredin has previously granted development (planning) approval for the placement of transportable accommodation units at the Merredin Tourist Park.

Statutory Requirements – Building Act Considerations

Building work including the placement or erection of a building or incidental structure on land is subject to building permit requirements. An application for a building permit must be submitted to the Shire and be approved before any building work can commence on site.

Policy Implications

The proposed accommodation unit is a transportable building and as such is subject to policy requirements specified by the Shire of Merredin LPS Local Planning Scheme Policy No.1 – Moveable Buildings.

The proposed transportable unit will be a brand-new structure and will comply with requirements of the National Construction Codes (BCA) as well as objectives of Councils policy on moveable buildings.

Statutory Implications

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

Compliance with the *Building Act 2011*.

Compliance with *Health (Miscellaneous Provisions) Act 1911*.

Compliance with Shire of Merredin Health Local Laws.

Strategic Implications

∅ Strategic Community Plan

Theme:	5. Places and Spaces
Service Area Objective:	5.4 Town Planning & Building Control 5.4.2 The Shire has current local planning scheme and associated strategy which is flexible and able to suitably guide future residential and industrial growth
Priorities and Strategies for Change:	Nil

∅ Corporate Business Plan

Key Action:	4.1.1 Continue to upgrade the Integrated Planning Framework, meet statutory requirements of the Local Government Act and Regulations and regulatory obligations required under other regulations
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Directorate: Development Services

Timeline: Ongoing

Sustainability Implications

∅ Strategic Resource Plan

Nil

Risk Implications

Risk implications are minimal as the proposed activity complies with relevant legislative requirements. Should Council refuse to grant development approval, the decision would be open to an appeal to the State Administrative Tribunal, with strong likelihood that the appeal would result in the decision, being overturned.

Financial Implications

The relevant development application fees have been paid.

Voting Requirements



Simple Majority



Absolute Majority

Resolution

Moved: Cr Crook

Seconded: Cr Flockart

That Council:

1. **GRANTS development (planning) approval to the Applicant on behalf of the Applicant (trading as the Merredin Tourist Park) for the placement of a transportable accommodation unit on Lot 40 (No 2) Oats Street, Merredin as outlined in Attachment 12.2A; and**
2. **ADVISES the applicant of the following;**
 - a. **The Caravan Parks and Camping Grounds Regulations 1997 restrict the types of buildings that can be placed on a caravan site and accordingly the sites in question will need to be deleted from the caravan park facility licence (and as such will no longer be able to be used to house caravans) prior to the placement of the transportable accommodation unit on the portion of the Lot in question;**
 - b. **The granting of development (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 building work can commence on site; and**
 - c. **The use of the transportable accommodation unit will be subject to compliance with registration and ongoing operational requirements of the lodging house provisions forming part of the Health (Miscellaneous Provisions) Act 1911.**

83138

CARRIED 6/0

12.3 Road Closure Associated with Proposed Purchase of Land Portion of Coghill Street Merredin – Merredin Freightlines

<h2 style="color: #0056b3;">Development Services</h2> 	
Responsible Officer:	Peter Zenni, EMDS
Author:	As above
Legislation:	<i>Land Administration Act 1997</i> <i>Land Administration Regulations 1998</i>
File Reference:	A582, A583, A584, A3210.
Disclosure of Interest:	Nil
Attachments:	Attachment 12.3A – Request for Road Closure and Supporting Documentation (Confidential) Attachment 12.3B – Surveyed Plan Showing Location of Road and Future Disposition of Land After The Road Has Been Closed

Purpose of Report



Executive Decision



Legislative Requirement

To recommend to Council that in accordance with Section 58 (3) of the *Land Administration Act 1997*, the Shire of Merredin (the Shire) advertise via a notice of motion (published in a newspaper circulating in the district) its intention to resolve to approach the Minister responsible for the administration of the *Land Administration Act 1997*, requesting the closure of a portion of the gazetted road identified as the parcel of land with a Polygon ID Number 3150496, forming portion of Coghill Street extending between Watson Road and Doyle Street, Merredin, as outlined in Attachment 12.3B.

Background

The Shire of Merredin has been approached by the proprietors of Merredin Freightlines who have requested the support from the Shire for the closure of a portion of the gazetted road identified as the parcel of land with a Polygon ID Number 3150496, forming portion of Coghill Street extending between Watson Road and Doyle Street, Merredin, as outlined in Attachment 12.3B.

Comment

The subject land forms part of a gazetted road (Polygon ID Number 3150496). The subject land is straddled to the north and south by freehold land owned by the proprietors of Merredin Freightlines, who have expressed an interest in the purchase of this land, in order

to facilitate its amalgamation with the remainder of their existing properties and allow for future development.

Properties owned by the proprietors of Merredin Freightlines that adjoin the portion of Coghill Street that is subject to the request for road closure are:

- Lot 300 (No 7) Watson Road, Merredin;
- Lot 5 (No 1) Coghill Street, Merredin;
- Lot 1227 (No 2) Coghill Street, Merredin;
- Lot 1228 (No 3) Coghill Street, Merredin.

It should be noted that should the proposed closure of the portion of Coghill Street take place, Lot 1227 (No 2) Coghill Street will be landlocked and that any decision recommending the closure of this portion of Coghill Street should be conditional on the amalgamation of Lot 1227 (No 2) with either Lot 1228 (No 3) Coghill Street or Lot 5 (No 1) Coghill Street, thereby providing the land with road access.

Subsequently, this concern has been addressed via a surveyed plan prepared by Scanlan Surveys - Drawing 8796/23/1 (forming part of Attachment 12.3B). This identifies the portion of Coghill Street subject to the requested road closure as well as showing the future disposition of the land following the road closure, and incorporating the overall subdivision/amalgamation of the above mentioned Lots together with the closed portion of Coghill Street, into a single Lot (Lot 101).

For the proprietors of Merredin Freightlines to have the ability to purchase the land in question, the gazetted road will have to be formally closed by the responsible Minister in accordance with the applicable statutory processes.

Statutory Requirements (Land Administration Act 1997)

Section 58. Closing roads

(1) When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.

(2) When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.

(3) A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.

(4) On receiving a request delivered to him or her under subsection (2), the Minister may, if he or she is satisfied that the relevant local government has complied with the requirements of subsections (2) and (3) —

(a) by order grant the request; or

(b) direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or

(c) refuse the request.

(5) If the Minister grants a request under subsection (4) —

(a) the road concerned is closed on and from the day on which the relevant order is registered; and

(b) any rights suspended under section 55(3)(a) cease to be so suspended.

(6) When a road is closed under this section, the land comprising the former road —

(a) becomes unallocated Crown land; or

(b) if a lease continues to subsist in that land by virtue of section 57(2), remains Crown land.

Statutory Requirements (Land Administration Regulations 1998)

9. Local government request to close road permanently (Act s. 58(2)), requirements for

For the purposes of preparing and delivering under section 58(2) of the Act a request to the Minister to close a road permanently, a local government must include with the request —

(a) written confirmation that the local government has resolved to make the request, details of the date when

the relevant resolution was passed and any other information relating to that resolution that the Minister may require; and

(b) sketch plans showing the location of the road and the proposed future disposition of the land comprising the road after it has been closed; and

(c) copies of any submissions relating to the request that, after complying with the requirement to publish the relevant notice of motion under section 58(3) of the Act, the local government has received, and the local government's comments on those submissions; and

(d) a copy of the relevant notice of motion referred to in paragraph (c); and

(e) any other information the local government considers relevant to the Minister's consideration of the request; and

(f) written confirmation that the local government has complied with section 58(2) and (3) of the Act.

The proprietors of Merredin Freightlines have been advised of the following;

1. The need to formally approach the Shire stating interest in and reasons for purchasing the said land and seeking support from the Shire for formal closure of the road.
2. That if Council supports the request, it would need to (subject to compliance with Section 58 of the *Land Administration Act 1997* and Regulation 9 of the *Land Administration Regulations 1998*) request the Minister responsible for administration of the *Land Administration Act 1997* to close the road.
3. That prior to making such a request, the Shire would need to formally advertise for public comment its intention to resolve that it request the Minister to close the road, following which it would need to formally consider all submissions received during the 35 day advertising period before determining whether to proceed with the request to the Minister to close the road.

The land parcel under consideration consists of the unformed portion of Coghill Street, Merredin, is unlikely to be ever used as a road and has no practical value to the Shire.

The existing light industrial blocks in the area are already serviced by the existing formed road network consisting of Watson Road, Doyle Street and the formed part of Coghill Street.

The proprietors of Merredin Freightlines have confirmed that they will reimburse the Council for any costs associated with statutory advertising forming part of the process of the proposed road closure as well any unexpected costs associated with officer time involved in this process.

The closure of the portion of Coghill Street and the subsequent purchase and amalgamation of the land in to one Lot will allow for future growth and development of a local business.

Policy Implications

Nil

Statutory Implications

Compliance with the Shire of Merredin Local Planning Scheme No.6, and the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Strategic Implications

∅ Strategic Community Plan

Theme:	5. Places and Spaces
Service Area Objective:	5.4 Town Planning & Building Control 5.4.2 The Shire has current local planning scheme and associated strategy which is flexible and able to suitably guide future residential and industrial growth
Priorities and Strategies for Change:	Nil

∅ Corporate Business Plan

Key Action:	4.1.1 Continue to upgrade the Integrated Planning Framework, meet statutory requirements of the Local Government Act and Regulations and regulatory obligations required under other regulations
Directorate:	Development Services
Timeline:	Ongoing

Sustainability Implications

∅ Strategic Resource Plan

Nil

Risk Implications

Risk implications are minimal as the land in question is supplementary to Shire needs as road infrastructure. The Shire will have a better understanding of any concerns that may arise following the statutory 35-day public notification/advertising period. Any submissions received will be brought back to Council for its consideration and will be assessed on their merits at that time.

Financial Implications

Nil. The proprietors of Merredin Freightlines have confirmed that they will cover all costs that the Shire of Merredin may incur as part of their request for the road closure and associated public advertising process. There is an administrative fee as part of the Shire's fees and charges which can be used to recoup costs.

Voting Requirements



Simple Majority



Absolute Majority

Resolution

Moved: Cr McKenzie

Seconded: Cr Patroni

That Council:

83139

1. **ADVERTISE** in accordance with Section 58 (3) of the Land Administration Act 1997, a notice of motion (published in a newspaper circulating in the district) its intention to resolve to approach the Minister responsible for the administration of the Land Administration Act 1997, requesting the closure of a portion of the gazetted road identified as the parcel of Land with a Polygon ID Number 3150496, forming portion of Coghill Street extending between Watson Road and Doyle Street, Merredin, as outlined in Attachment 12.3B; and
2. **CONSIDER** all submissions received by the Shire of Merredin following the public advertising period at a subsequent Council meeting.

CARRIED 6/0

13. Officer's Reports - Engineering Services

Nil

14. Officers' Reports – Corporate Services

14.1 Statement of Financial Activity – March 2023

<h2>Corporate Services</h2>		 SHIRE OF MERREDIN INNOVATING THE WHEATBELT
Responsible Officer:	Leah Boehme, EMCS	
Author:	As above	
Legislation:	<i>Local Government Act 1995, Local Government (Financial Management) Regulations 1996</i>	
File Reference:	Nil	
Disclosure of Interest:	Nil	
Attachments:	Attachment 14.1A – Statement of Financial Activity Attachment 14.1B – Detailed Statements Attachment 14.1C – Capital Works Progress Attachment 14.1D – Investment Report	

Purpose of Report

Executive Decision

Legislative Requirement

For Council to receive the Statements of Financial Activity and Investment Report for the month of March 2023, and be advised of associated financial matters.

Background

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

Comment

Statement of Financial Activity

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

Budget Amendments

The following budget amendment is recommended:

GL/Job	Description	Current Budget	Variation Amount	Revised Budget
4120790	Watersmart Farms – Desalination Project -Capital	\$150,000	(\$10,000)	\$140,000
2120800 (new)	Watersmart Farms – Desalination Project -Operating	\$0,000	\$10,000	\$10,000

The Shire of Merredin (the Shire) has partnered with WaterSmart Farms for the installation of a small-scale desalination unit in Merredin. Community Water Supply (CWS) will contribute \$99,021 towards the project and the Shire will contribute \$50,979.

The \$150,000 total funding for the project is currently budgeted within WC002, which is a capital account, however, a portion of the project will need to be budgeted as operational expenditure.

The proposed budget amendment will transfer \$10,000 of the budgeted funds for the project from the existing capital account to a newly created operating account to ensure the correct accounting treatments are applied throughout the project.

Policy Implications

Nil

Statutory Implications

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

Strategic Implications

∅ Strategic Community Plan

Theme: 4. Communication and Leadership
 Service Area Objective: 4.2.2 The Shire is progressive while exercising responsible stewardship of its built, natural and financial resources
 Priorities and Strategies for Change: Nil

∅ Corporate Business Plan

Key Action: Nil
 Directorate: Nil
 Timeline: Nil

Sustainability Implications

∅ Strategic Resource Plan

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

Risk Implications

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

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

Materiality reporting thresholds have been established at 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.

In relation to the proposed budget amendment, if this was not completed, there would be a potential risk to the Shire that the upcoming audit would identify incorrect accounting treatment of the operational transactions relating to the Desalination Project.

Financial Implications

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

Voting Requirements

Simple Majority

Absolute Majority

Resolution

Moved: Cr Flockart

Seconded: Cr Crook

That Council;

1. RECEIVE the Statements of Financial Activity and Investment Report for the period ending 31 March 2023, in accordance with Regulation 34 of the Local Government (Financial Management) Regulations 1996; and
2. APPROVES the amendments to the Shire of Merredin's 2022-2023 Annual Budget as per the following table, pursuant to section 6.8(1(b)) of the Local Government Act 1995:

83140

GL/Job	Description	Current Budget	Variation Amount	Revised Budget
4120790	Watersmart Farms – Desalination Project - Capital	\$150,000	(\$10,000)	\$140,000
2120800 (new)	Watersmart Farms – Desalination Project - Operating	\$0,000	\$10,000	\$10,000

CARRIED 6/0

14.2 List of Accounts Paid – March 2023

<h3>Corporate Services</h3> 	
Responsible Officer:	Leah Boehme, EMCS
Author:	As above
Legislation:	<i>Local Government Act 1995</i> <i>Local Government (Financial Management) Regulations 1996</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 14.2A - Payments Listing March 2023

Purpose of Report

Executive Decision

Legislative Requirement

For Council to receive the schedule of accounts paid for the month of March 2023.

Background

The attached list of Accounts Paid during the Month of March 2023 under Delegated Authority is provided for Council's information and endorsement.

Comment

Nil

Policy Implications

Nil

Statutory Implications

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

Strategic Implications

∅ Strategic Community Plan

Theme:

4. Communication and Leadership

14.3 Endorsement of Proposed Fees and Charges

<h2>Corporate Services</h2> 	
Responsible Officer:	Leah Boehme, EMCS
Author:	As above
Legislation:	<i>Local Government Act 1995, Local Government (Financial Management) Regulations 1996</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 14.3A – Schedule of Fees and Charges 2023/24 Attachment 14.3B – Fees and Charges Changes Highlighted Attachment 14.3C – Cummins Theatre Fees and Charges

Purpose of Report

Executive Decision

Legislative Requirement

For Council to consider and then provide in-principle endorsement of the proposed Shire of Merredin Schedule of Fees and Charges for 2023/24.

Background

Section 6.16 of the *Local Government Act 1995* (Imposition of fees and charges) enables a local government to apply fees and charges for the goods or services it provides, to recover costs. Section 6.16 (3) directs local governments to impose Fees and Charges when adopting the Annual Budget.

The schedule included as Attachment 14.3A – Schedule of Fees and Charges 2023/24, proposes fees and charges for in-principle adoption only at this stage, and will assist towards the preparation of the 2023/24 Annual Budget. Formal adoption of the fees and charges occurs as part of the budget adoption process, which is scheduled to occur in July 2023.

Comment

The proposed schedule of fees and charges for 2023/24 is included as Attachment 14.3A.

The overall format of the Fees and Charges document has not changed from the previous years, however, a detailed review of a number of service areas has resulted in several proposed fee and charge changes.

The general principles applied by the Administration to the development of the proposed schedule for next financial year is as follows:

- A 4% increase per charge, rounded to the nearest 50c has been applied as standard across the Shire’s fees and charges, unless the amount is statutory (and therefore unable to be changed), or there is an operational reason for a changed fee to apply.
- Statutory fees and charges have been checked, and confirmed as accurate, with no changes required for the 23/24 financial year.
- Where there is a recommended change greater or less than 4%, the recommended rate and the relevant factors which have impacted the recommendation are described.

Attachment 14.3B – Fees and Charges Changes Highlighted outlines the proposed changes that are above or below the 4% rise and includes comments, where necessary, against any requested increase / decrease, new fees, or fees to be removed.

Policy Implications

Nil

Statutory Implications

Local Government Act 1995, Part 6 - Financial management (Division 5 - Financing local government activities) (Subdivision 2 - Fees and charges) 6.16. Imposition of fees and charges.

Section 5 (2)(b) of the *Local Government (Financial Management) Regulations 1996* requires the CEO to ‘assist the Council to undertake reviews of fees and charges regularly (and not less than once in every financial year)’

Strategic Implications

∅ Strategic Community Plan

Theme:	4. Communication and Leadership
Service Area Objective:	4.2.2 The Shire is progressive while exercising responsible stewardship of its built, natural and financial resources
Priorities and Strategies for Change:	Nil

∅ Corporate Business Plan

Key Action:	Nil
Directorate:	Nil
Timeline:	Nil

Sustainability Implications

∅ Strategic Resource Plan

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

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

Adopting the proposed fees and charges as detailed below, will allow estimated anticipated revenue for the 2023/24 financial year to be calculated for budgeting purposes.

Voting Requirements

Simple Majority

Absolute Majority

Resolution

Moved: Cr Simmonds

Seconded: Cr Patroni

That Council:

83142

1. PROVIDES its in-principle endorsement of the Schedule of Fees and Charges 2023/24, included as Attachment 14.3A to the report; and
2. INCLUDES the proposed schedule within the drafting of the Shire's 2023/2024 Annual Budget for further consideration.

CARRIED 6/0

15. Officers' Reports – Community Services

15.1 Community Funding Policy Review (Policy 3.19 – Community Funding)

<h2>Corporate Services</h2>		
Responsible Officer:	Chloe Townsend, A/DCEO	
Author:	As above	
Legislation:	<i>Local Government Act 1995</i>	
File Reference:	Nil	
Disclosure of Interest:	Nil	
Attachments:	Attachment 15.1A – Policy 3.19 Community Funding (Current) Attachment 15.1B – Policy 3.19 Community Funding Program (Revised) Attachment 15.1C – Community Funding Program Guidelines Attachment 15.1D – DRAFT proposed Annual Grant Application Form Attachment 15.1E – DRAFT proposed Quick Grant Application Form	

Purpose of Report



Executive Decision



Legislative Requirement

The purpose of this report is to update Policy 3.19 - Community Funding. As requested by Council, the proposed policy revision aims to provide a more equitable, consistent and transparent community funding framework for the Shire of Merredin.

Background

Policy 3.19 - Community Funding was adopted in March 2010 and the last detailed review was conducted in January 2017. In 2022, a holistic review of the approach taken by the Shire of Merredin when distributing community funding was undertaken.

This report proposes an updated policy, with associated guidelines.

Draft application forms are attached to the report to provide Council an insight into the proposed operations of the revised policy. The Attachments to this item should be considered

a suite of documents, that will be implemented if the proposed policy change is endorsed by Council.

	Comment
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The aims of the Community Funding Program (CFP) in the revised documents, have remained similar to previous years. The main change is that the proposed CFP now has three (3) categories.

These are:

1. Recurring Annual Community Funding Commitments
2. Annual Grants
3. Quick Grant

The Administration proposes updates to these grants and categories to make the criteria clearer and allow the community to better understand the process. The updated policy also ensures the Administration and Council can make informed decisions on the applications received. In each case, the grant commitments described as a total dollar (\$) value, may consist of cash contribution, in-kind support or waivers. They may also be a combination of these.

The below table details the grant categories, a brief description of each category, the explanation of the proposed amendments and examples of applications for activities the Shire of Merredin may choose to fund under each category.

CFP category	Brief description	Explanation	Examples
1. Recurring Annual Community Funding Commitments	Ongoing funded activities which are listed in the Shire’s Annual Budget.	<p>To reduce red tape and community burden, there are identified annual funding commitments which are proposed for Council to include as individual budget lines, in Function 8 – Other Education in the Annual Budget, where community funding commitments are currently shown.</p> <p>Of note to Council:</p> <ol style="list-style-type: none"> 1. Council would be approving the funding as part of the adoption of the Annual Budget. 2. Groups that are successfully grant funded for activities, would still be required to appropriately acquit the grant to the same standard as the Annual Grant. 	<p>The Shire is proposing the following be included as Annual Budget items:</p> <p>Merredin College \$230</p> <p>Merredin Show \$10,000</p> <p>Merredin CRC \$6,350</p>

<p>2. Annual Grant</p>	<p>The Annual Grant is open once per year and is the Shire’s largest funding opportunity. The grant provides cash, in-kind contributions and waivers to organisations.</p>	<p>This grant has remained very similar to previous years, with minimal changes occurring.</p>	<p>It is anticipated the Shire will continue to receive similar applications as the category has not changed significantly.</p>
<p>3. Quick Grant</p>	<p>The Quick Grant is proposed as a quick turnaround grant which provides cash, in-kind contributions and waivers to organisations. Organisations can receive multiple Quick Grants per financial year, but to a cumulative maximum total of \$2,500 per financial year.</p>	<p>This grant will provide a formal approach for the variety of community funding requests the Shire receives each year, outside of the Annual Grant funding round.</p> <p>The approach provides a structure that offers transparency, consistency and equity as well as allowing the Administration to approve the applications under delegation within the Policy/ Guidelines.</p> <p>Without the requirement to provide a Council report for each request received, there will be significant reduction in the lead time required and red tape, which will increase efficiency for the community and the Shire..</p> <p>For note, it is common practice in some Local Governments to offer a smaller grant fund which the Administration approves.</p>	<p>Examples applications for this grant vary. The following requests the Shire has received in the past 12 months that would be eligible for this grant include:</p> <ul style="list-style-type: none"> • Country Music Weekend • Seniors Games • School donation requests • Carols by Candlelight

Budget Impact

The budget allocations for the community funding have been consistent for several years, and the approved requests have not exceeded the budgeted amount. The intention of this policy update is not to increase the community funding allocation, but rather to streamline processing.

The Administration recommends the budget allocation remains at \$40,000 per financial year, as has been the norm in recent years. It is recommended the budget amount would be allocated in the follow steps:

1. Recurring Annual Community Funding Commitments included in the budget, with the total being deducted from the \$40,000 allocation.
2. The Annual Grant would be considered by Council, with the understanding that the total amount available for allocation are the funds remaining once the Annual Community Funding Commitments have been deducted. Consideration would also need to be given to quarantining a set amount of funds to allow payment for Quick Grant submissions received throughout the year.
3. Quick Grants would be considered per application, and in-line with remaining budget allocation.

If the Shire was to receive grant requests which exceeded the budget allocation, the Administration would be able to submit a report to Council with a recommendation for Council's consideration.

Policy and Guideline

The proposed policy update provides the strategic approach to overall grant funding, with the associated Community Funding Program Guidelines providing the operational direction and approach.

This allows the Shire to be more flexible with its approach to community funding, allowing it to adjust to community need and reducing 'red tape'. The Administration recognised that in the past, requests for funding may have had merit and been worthy of assistance but did not meet the requirements of the existing policy.

Instead of making exceptions to allow these to be considered, the operational details provided in the guideline allows the CEO the discretion to amend the guidelines to suit community needs.

Any changes are anticipated to be minimal and infrequent and would only be made in-line with the policy intent. Council will receive updates on any internally endorsed changes through the Manager's Report or briefing sessions.

Timelines for this policy review

The Administration recognises the delay in completing the review of this policy for Council, and that the Annual Grant would normally have been advertised during March 2023.

The Community Funding Grant (which would now become the Annual Grant, if the policy changes are endorsed) is usually advertised in mid-March, with applications closing at the end of April. This allows the Administration to review the grants and put an agenda item to Council in May/June for consideration. Endorsed grants are then used to inform the budget build for the upcoming financial year.

If Council endorses the proposed policy, the following is proposed:

- Recurring Annual Community Funding Commitments would be added to the budget build for 2023/24. The applications for the Annual Grant would be open from 24 April until 2 June 2023 and the agenda item would be brought to the June Ordinary

Council Meeting for consideration, and relevant budget considerations would be made.

If Council does not endorse the proposed policy, the following approach is recommended:

- The current policy will be used, along with the existing application forms. The grant will follow the same timelines with applications open from 24 April to 2 June 2023 and the agenda item would come to the June Ordinary Council Meeting for consideration. The policy review would be revisited based on Council feedback, and brought back to Council for consideration after July 2023.

Other considerations

The Administration acknowledges Council had raised consideration of funding individuals as part of the community funding program review. For example, the ability to apply for financial support to attend sporting competitions.

While considered, this has not been recommended for inclusion in this iteration of the policy. The proposed review will allow incorporated sporting associations to apply for grants and schools but does not include individuals' ability to apply at this time, until the impact and uptake of the Quick Grants category is understood on the available budget.

It is recommended that Council take a watching brief of the update of this policy iteration first, and then assesses the demand and cost impacts of introducing another grant which allows individuals to apply once the policy has been in operation for a year.

Policy Implications

Review of Policy 3.19. Should the policy be endorsed, the Shire of Merredin Delegation Register will be aligned with the policy changes, and brought back to Council for endorsement.

Statutory Implications

Local Government Act 1995 S5.42 and S6.12(1)(c).

Strategic Implications

∅ Strategic Community Plan

Theme:	4. Communication and Leadership
Service Area Objective:	4.2 Decision Making
Priorities and Strategies for Change:	The Shire is progressive while exercising responsible stewardship of its built, natural and financial resources

∅ Corporate Business Plan

Key Action:	Nil
Directorate:	Nil
Timeline:	Nil

Sustainability Implications

∅ Strategic Resource Plan

Nil

Risk Implications

Nil

Financial Implications

As described in the report, the Community Funding Program requires an allocation in the budget. This policy review does not propose any changes or additional financial implications.

The policy review is expected to improve efficiencies and reduce ‘red tape’ which will reduce administrative staff time and streamline processes for community groups.

Voting Requirements

Simple Majority

Absolute Majority

Resolution

Moved: Cr Crook

Seconded: Cr Flockart

That Council;

83143

1. **NOTES the review of Policy 3.19 – Community Funding, as per Attachment 15.1A and 15.1B;**
2. **ENDORSES Policy 3.19 – Community Funding Program, as per Attachment 15.1B;**
3. **NOTES the Community Funding Program Guidelines, as per attachment 15.1C;**
4. **ENDORSE the allocations in the Recurring Annual Community Funding Commitments as;**
 - a. **Merredin Show**
 - b. **Merredin College**
 - c. **Merredin Community Resource Centre; and**
5. **NOTES the items endorsed at part 4 above, will be included in the draft 2023/24 Annual Budget.**

CARRIED 6/0

16. Officers' Reports – Administration

16.1 Status Report – April 2023

<h2>Administration</h2>		 SHIRE OF MERREDIN INNOVATING THE WHEATBELT
Responsible Officer:	Lisa Clack, CEO	
Author:	Meg Wyatt, EA	
Legislation:	<i>Local Government Act 1995</i>	
File Reference:	Nil	
Disclosure of Interest:	Nil	
Attachments:	Attachment 16.1A – Status Report – April 2023	

Purpose of Report



Executive Decision



Legislative Requirement

For Council to consider the updated Status Report for April 2023.

Background

The Status Report is a register of Council Resolutions that are allocated to the Shire's Executive Staff for actioning. When the Executive Staff have progressed or completed any action in relation to the Council Resolution, comments are provided until the process is completed or superseded by a further Council Resolution.

Comment

In the interest of increased transparency and communication with the community and Council, the Status Report is provided for information.

Policy Implications

Nil

Statutory Implications

Nil

17. Motions of which Previous Notice has been given

Nil

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

Nil

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

Nil

20.1 CEACA Project Finalisation

<h3>Corporate Services</h3>		 SHIRE OF MERREDIN INNOVATING THE WHEATBELT
Responsible Officer:	Leah Boehme, EMCS	
Author:	As above	
Legislation:	Nil	
File Reference:	Nil	
Disclosure of Interest:	Nil	
Attachments:	Nil	

Voting Requirements



Simple Majority



Absolute Majority

Resolution

Moved: Cr Flockart

Seconded: Cr McKenzie

That Council;

83146

1. NOTES the acceptance of the Final Report for the Central Eastern Aged Care Alliance (CEACA) Stage 2 Seniors Housing Project - Proj-1215-0279-1 project, finalising the project and releasing the Shire of Merredin from its obligations related to the financial management of the project; and
2. NOTES the payment of \$381,171.42 from the Shire of Merredin (GL 9341903 – Grants Received in Advance (Current)) to CEACA Inc, severing financial ties between the Shire of Merredin and CEACA.

CARRIED 6/0

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