

SHIRE OF
MERREDIN
INNOVATING THE WHEATBELT

MINUTES

Ordinary Council Meeting

Held in Council Chambers
Corner King & Barrack Street's, Merredin
Tuesday, 17 August 2021
Commencing 4.00pm



Common Acronyms Used in this Document	
CBP	Corporate Business Plan
CEACA	Central East Accommodation & Care Alliance Inc
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
GECZ	Great Eastern Country Zone
LGIS	Local Government Insurance Services
LPS	Local Planning Scheme
MCO	Media and Communications Officer
MoU	Memorandum of Understanding
MRCLC	Merredin Regional Community and Leisure Centre
SRP	Strategic Resource Plan
T/CEO	Temporary Chief Executive Officer
WALGA	Western Australian Local Government Association
WEROC	Wheatbelt East Regional Organisation of Councils



Shire of Merredin August Ordinary Council Meeting

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2. Approves the Department of Primary Industries and Regional Development Office, 75 York Road, Northam as a suitable place for Councillor Manning's attendance in accordance with Regulation 14A(4) of the *Local Government (Administration) Regulations 1996*.

CARRIED 8/o

3. Public Question Time

Nil

4. Disclosure of Interest

Cr Butler declared an Impartiality Interest in Item 12.2.

Cr Van Der Merwe declared an Impartiality Interest in Item 14.2.

5. Applications of Leave of Absence

Cr Willis requested a Leave of Absence for 24 August 2021.

Cr Patroni requested a Leave of Absence for 24 August 2021.

Resolution

Moved: Cr Boehme **Seconded:** Cr McKenzie

82778 That Councillor Willis be granted a Leave of Absence for 24 August 2021.

CARRIED 9/o

Moved: Cr Boehme **Seconded:** Cr Butler

82779 That Councillor Patroni be granted a Leave of Absence for 24 August 2021.

CARRIED 9/o

6. Petitions and Presentations

Nil

7. Confirmation of Minutes of Previous Meetings

7.1 Ordinary Council Meeting held on 20 July 2021
Attachment 7.1A

7.2 Annual Electors Meeting held on 20 July 2021
Attachment 7.2A

7.3 Special Council Meeting held 27 July 2021
Attachment 7.3A

Voting Requirements



Simple Majority



Absolute Majority

9. Matters for Which the Meeting may be Closed to the Public

Nil

10. Receipt of Minutes of Committee Meetings

- 10.1 Bushfire Control Officers Annual General Meeting held 18 March 2021
Attachment 10.1A
- 10.2 Wheatbelt East Regional Organisation of Councils Meeting held 23 June 2021
Attachment 10.2A
- 10.3 Wheatbelt North Regional Road Group – Kellerberrin Sub-Group Meeting held 17 July 2021
Attachment 10.3A

Voting Requirements



Simple Majority



Absolute Majority

Resolution

Moved: Cr Billing

Seconded: Cr Boehme

82781

That the Minutes of the following committee meetings received;

- **Bushfire Control Officers Annual General Meeting held 18 March 2021;**
- **Wheatbelt East Regional Organisation of Councils Meeting held 23 June; and**
- **Wheatbelt North Regional Road Group – Kellerberrin Sub-Group Meeting held 17 July 2021.**

CARRIED 9/0

11. Recommendations from Committee Meetings for Council Consideration

Nil

12. Officers' Reports - Development Services

12.1 Proposed Workshop, Showroom, Office Development and 2 Sheds on Lot 525 and portion of Lot 301 Adamson Road Merredin

<h2>Development Services</h2>		
Responsible Officer:	Peter Zenni, EMDS	
Author:	Paul Bashall, Planwest (WA) Pty Ltd	
Legislation:	Shire of Merredin Local Planning Scheme No 6.	
File Reference:	A263	
Disclosure of Interest:	Nil	
Attachments:	Attachment 12.1A – Development Approval (DA) Application Form, Covering Letter, Certificate of Title, and Plans.	

Purpose of Report

The purpose of this report is to inform the Council of factors to consider when it determines the Development Approval (DA) application received for an industrial development for McIntosh and Sons in Merredin.



Executive Decision



Legislative Requirement

Background

Introduction

The Shire of Merredin has received a Development Application from Quality Design Solutions (QDS), on behalf of McIntosh and Sons, for a new workshop, showroom and office development comprising a total floor area of 4,931.00m² and 2 large sheds (1,600m² each) on Lots 525 (2.33ha) and portion of Lot 301 (13.1ha) Adamson Road, Merredin. The proposed development will allow the existing McIntosh business to relocate from 52 Mitchell Street, Merredin, to cater for their growing business.

Existing land use and land configuration

The land on which the development is proposed is made up of two portions of land. These two portions will become a single lot when the current subdivision approval is finally endorsed by the WA Planning Commission (the Commission).

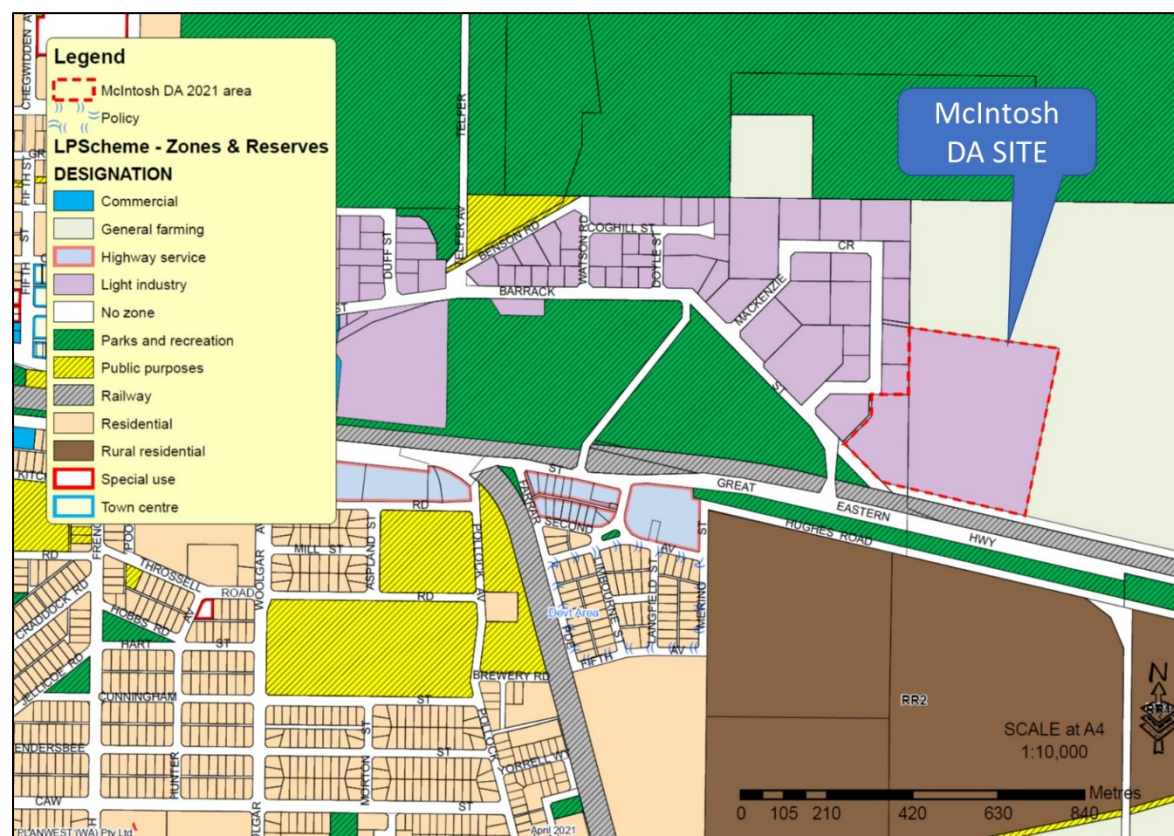
On 19th October 2019, the Commission conditionally approved a subdivision of Lot 301 (99ha) Adamson Road, and Lot 525 Adamson Road and Mackenzie Crescent to

create a new lot of 15.6ha (as shown as the 'McIntosh DA SITE' in Figure 1). Figure 1 also provides a context of the McIntosh DA site in relation to the Merredin townsite.

The McIntosh DA site is currently vacant land; however, the proposed development cannot be constructed and used until such time as the subdivision has been finally approved (ie. all the subdivision conditions have been cleared).

These subdivision conditions include road construction, the land being filled and drained, and water and power supplies, each to the satisfaction of the relevant authorities.

FIGURE 1 – LOCATION PLAN



Source: DPLH, Planwest

Proposed Development

The applicant has provided a description of the following key elements;

- The main building will consist of a 2,500.00m² workshop, 1,192.00m² of storage, 435.00m² of incidental showroom and 534.00m² of incidental offices.
- Also proposed is 2 large 80x20m sheds of 1,600m² each.
- Construction of 30 on-site care parking bays to service the parking demand generated by the proposed use and development on the land.
- Installation of landscaping in support of the new development. A detailed landscaping plan will be provided with the building permit application.
- The front facade of the new building has been designed to comprise the use of a simple but bold materials/colours, to enhance the appearance of the building when viewed from the street.

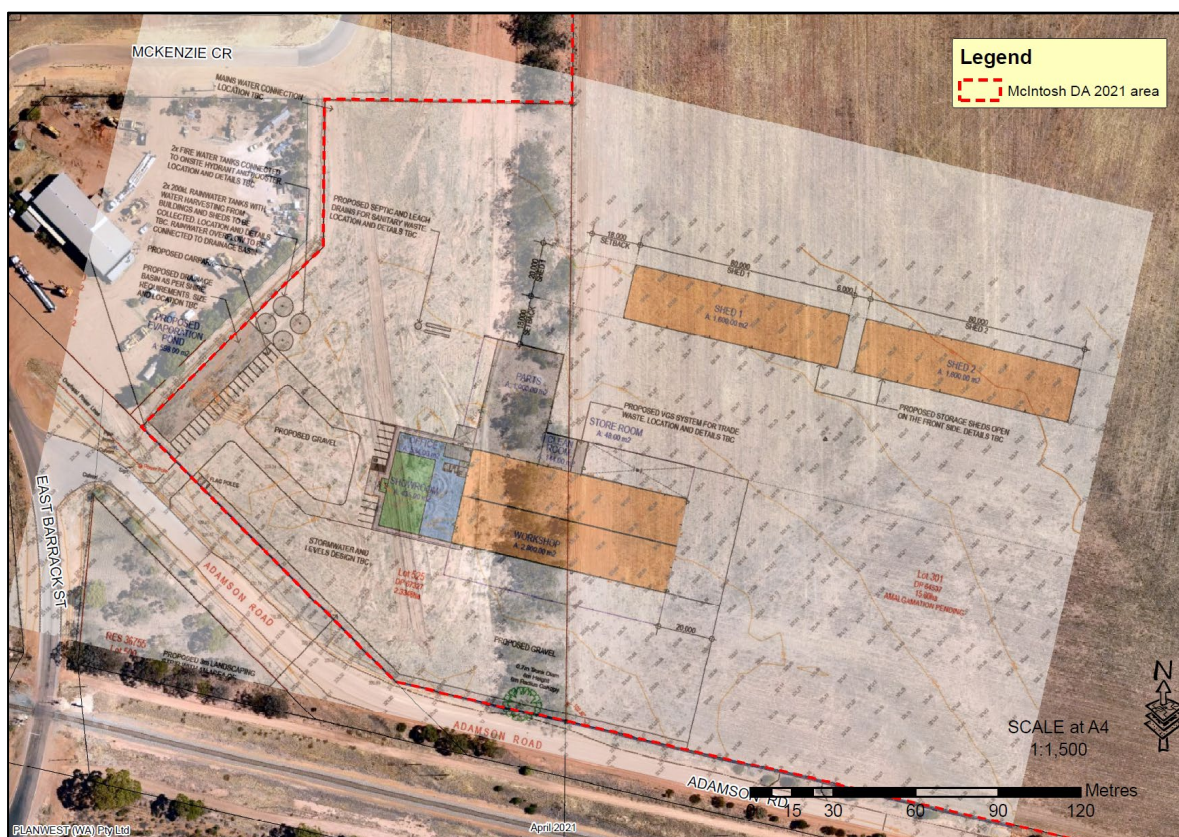
- Typical operating hours for similar developments in the area will be Monday to Friday 7.00am to 5.00pm and on Saturday from 8.00am to 12.00pm.
- The current business operates with 12 staff and plan to increase to 15 staff within the next two years.

Figure 2 provides an aerial photograph of the site area overlain with the site plan of the proposed development as submitted with the DA. This clearly demonstrates that the proposed development will be located across the lot boundaries of the two existing lots.

The proposed development includes a 600m² sump located on the western edge of the property with four 200,000 litre tanks – 2 for firefighting and 2 for rainwater harvested from the buildings. Much of the area that is not carparking around the buildings is shown as ‘Stormwater and Levels Design TBC’ and are shown as ‘gravel’.

The proposed sump abuts a 6m drainage reserve connecting McKenzie Crescent to Adamson Road. The Reserve (R 36756) is vested with DPLH for ‘Drainage’ purposes.

FIGURE 2 – AERIAL PHOTOGRAPH



Source: Landgate, DA, Planwest

Figure 3 shows the facade of the proposed development as viewed from the entry access off Adamson Road.

FIGURE 3 – PROPOSED NEW DEVELOPMENT FACADE



Source: DA, Planwest

The plans show that several trees will need to be removed from the boundary between the two existing lots. There are no plans submitted for landscaping.

Comment

McIntosh & Son consists of eleven dealerships across Western Australia, Queensland and Victoria, specialising in the sales and service of agricultural and construction machinery.

The proposed development is a significant investment in Merredin and is supported in principle. The development costs are set at \$3m and will reinforce Merredin as one of Company's main distribution centres.

There are a few unresolved issues that are subject to further detail and will be best addressed through the imposition of conditions.

These issues include the following.

1. **The finalisation of the subdivision.** This is required as buildings are not permitted to be built across lot boundaries, so the DA approval will be contingent on the Commission's final endorsement of the necessary survey documents. This will only occur when all the subdivisional conditions have been fulfilled to the satisfaction of each agency responsible for the conditions.
2. **Drainage.** The area of land the subject of the subdivision is very large and therefore may be subject to significant drainage issues as a condition of the subdivision. The development site will need to be self-sufficient for on-site drainage including evidence that the gravel areas, sump and water storage areas are adequately designed.
3. **Effluent.** There are no details or evidence about the operation and location of the septic tanks and leach drains. These are subject to further detail.

Policy Implications

Nil

Statutory Implications

All development is required to comply with the provisions of the Shire of Merredin Local Planning Scheme No 6 and the Planning and Development (Local Planning Schemes) Regulations 2015.

The subject land is zoned ‘Light Industry’ as shown in extract of the Scheme mapping as shown in Figure 1.

The relevant objectives of the ‘Light Industry’ zone include,

- To provide for service industries and light industries that will not have a detrimental effect on nearby residential or other sensitive uses.
- To preclude the storage of bulky and unsightly goods where they may be in public view.
- To ensure the appropriate use of setback areas and the provision of landscaping to the local government’s satisfaction.
- To allow light and service industries that are compatible with nearby uses.
- To provide areas with easy access and parking.
- To minimise land use conflicts and address environmental impacts.

The development is included in the definition of ‘Industry’, however, as the impacts of the activities can be mitigated, avoided or managed, the uses fall within the definition of ‘Industry -light’.

A ‘Industry -light’ use class is permitted in a Light Industry zone (see Table 1 – Zoning Scheme).

Setbacks for light industrial uses are 7.5 metres from the front (street) and rear. The proposed setbacks are well in excess of this requirement.

Landscaping needs to be applied to at least 10% of the site.

Parking requirements vary according to the floor space of the activity, or the number of employees.

Showroom 435m ²	1 bay per 100m ²	4.35bays
Office 534m ²	1 bay per 30m ²	17.8 bays
Storage/workshop	1 bay per 2 employees (15)	7.5 bays

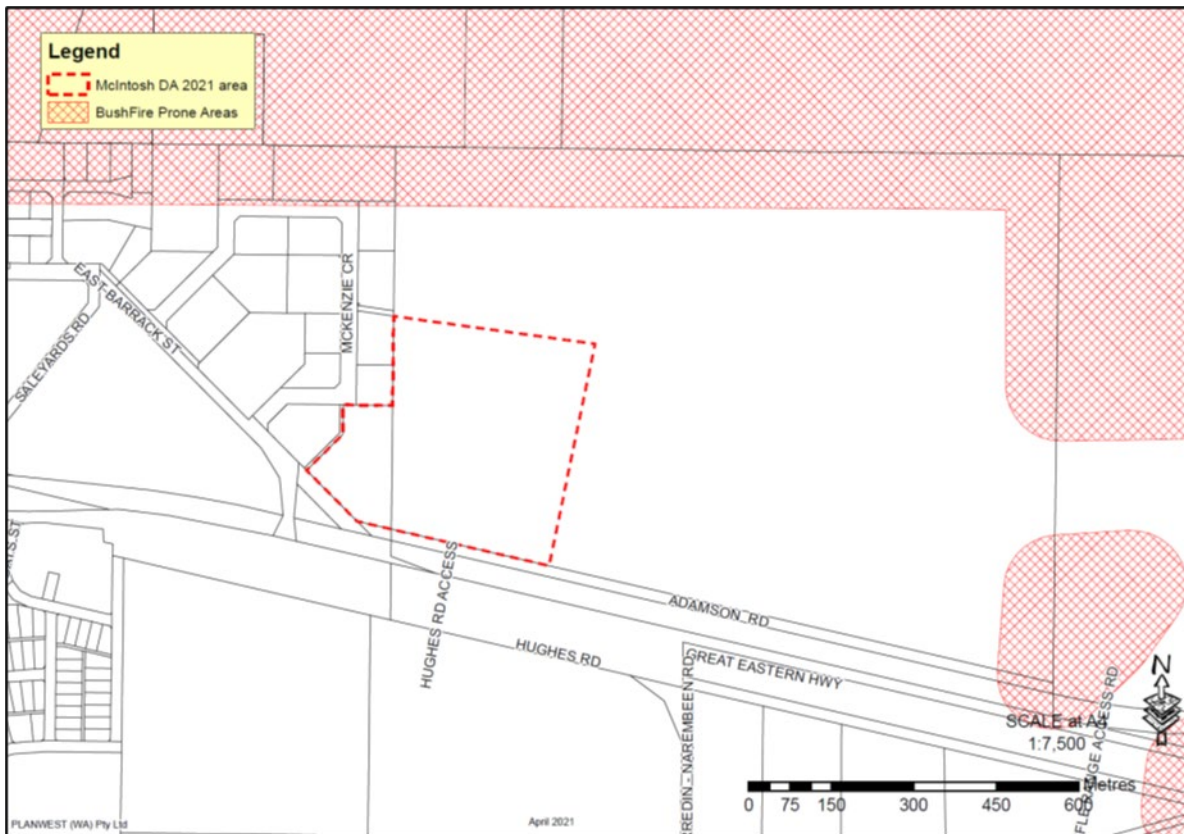
This totals 29.65 bays and complies with the 30 bays shown on the DA plans. The allocation of disability bays will be subject to the Building Code of Australia (BCA).

Effluent and drainage requirements will be subject to further detail as assessment is determined through the BCA and health regulations.

Although the greater lot (301) is affected by the Bushfire Prone mapping, the area of the new lot is not affected. As this DA relates to the proposed lot, a bushfire management plan is not considered necessary. The BCA requirements will ensure compliance with the safety requirements.

Figure 4 shows the extent of the Bushfire Prone mapping areas in relation to the proposed development lot.

FIGURE 4 – BUSHFIRE PRONE MAPPING



Source: DFES Planwest

Strategic Implications

➤ Strategic Community Plan

Theme: 5. Places and Spaces
 Service Area Objective: 5.4. Town Planning and Building Control
 5.4.2. The Shire has a 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: N/A

➤ 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

➤ 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 applicant has paid the Development Approval application fees.

Voting Requirements

Simple Majority Absolute Majority

Resolution

Moved: Cr McKenzie **Seconded:** Cr Van Der Merwe

82782

That Council;

1. **Grants Development (Planning) Approval for the proposed workshop, showroom and office development, and two 1,600m² sheds on Lot 525 and Portion of Lot 301 Adamson Road, Merredin as outlined in attachment 12.1A, subject to the following conditions:-**
 - a) **Prior to commencement of development Lot 525 and Portion of Lot 301 Adamson Road are amalgamated so that the development is wholly contained within the one Lot;**
 - b) **No development is to occur over an existing lot boundary;**
 - c) **The provision of a bitumen seal carpark incorporating 30 vehicle parking bays as well as a dedicated vehicle parking bay for people with a disability in accordance with the National Construction Code (Building Code of Australia) access requirements, that is provided with signage, permanent surface and appropriate markings;**
 - d) **The preparation and implementation of a Landscaping Plan to the satisfaction of the local government;**

- e) **The preparation and implementation of a Drainage Plan, with all site drainage being designed and constructed to the satisfaction of the local government;**
 - f) **Compliance with provisions of the Shire of Merredin Fire Break Order/Notice.**
 - g) **All onsite effluent disposal systems to be designed and constructed in accordance with the requirements of the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974, to the satisfaction of the Department of Health and the local government; and**
- 2. Advises the applicant that:-**
- a) **If the development, the subject of this approval, is not substantially commenced within a period of 24 months from the date of the approval, the approval will lapse and be of no further effect. For the purposes of this condition, the term ‘substantially commenced’ has the meaning given to it in the Planning and Development (Local Planning Schemes) Regulations 2015 as amended from time to time;**
 - b) **Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first being sought and obtained;**
 - c) **The granting of this approval does not constitute a building permit and an application for a building permit must be submitted to the Shire of Merredin and be approved before any work can commence on site;**
 - d) **An application for a building permit must incorporate comments from the DFES Commissioner;**
 - e) **The completed building will not be able to be occupied until such time as the Shire of Merredin has issued an occupancy permit for use of the building;**
 - f) **Any trade waste generated in the workshop and wash down bay must be disposed of in accordance with requirements specified by the Department of Water and Environment Regulation; and**
 - g) **If an applicant is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with Part 14 of the Planning and Development Act 2005.**

CARRIED 9/o

12.2 Lot 684 Bates Street – Proposed Merredin Community Garden Shed

Cr Butler declared an Impartiality Interest in this Item 12.2.

<h1>Development Services</h1> 	
Responsible Officer:	Peter Zenni, EMDS
Author:	Peter Zenni, EMDS
Legislation:	Shire of Merredin Local Planning Scheme No 6.
File Reference:	A325
Disclosure of Interest:	Nil
Attachments:	Attachment 12.2A – Application for development approval and associated plans and specifications

Purpose of Report

Executive Decision

Legislative Requirement

Background

The Shire of Merredin has received an application from Giuliana Nicoletti for development (planning) approval for the construction of a shed to be used for storage of gardening supplies and equipment associated with Merredin Community Garden activities on Lot 684 Bates Street, Merredin.

Comment

Strategic

The proposal is consistent with the current as well as longer-term use of the area.

Statutory

The property located on Lot 684 Bates Street, Merredin, is designated 'Parks and Recreation Local Scheme Reserve' under the Shire of Merredin Local Planning Scheme No.6. (LPS).

Clause 2.4 of the LPS states that in determining an application for planning approval the local government is to have due regard to the ultimate purpose intended for the reserve and that in the case of land reserved for the purposes of a public authority, the local government is to consult with that authority before determining an application for planning approval.

In this case the objectives of the Local Planning Scheme No. 6 relating to a Parks and Recreation Local Reserve are as follows:-

- To provide for formal and structured recreational activities and sporting facilities that are deemed appropriate to service the surrounding residents;
- To provide for passive recreational uses, parklands, amenities and buffer areas that are deemed appropriate for use and enjoyment by the surrounding residents; and
- To provide for drainage purposes in a park setting.

The proposed development does not contravene the above objectives and complements the current long-term use of the area.

The land in question is owned freehold by the Shire of Merredin and has been used for Merredin Community Garden related activities for several years.

The proposed shed will be used for storage of gardening supplies and equipment associated with Merredin Community Garden activities.

The shed will require a building permit from the Shire of Merredin before any building work can commence on site.

Policy Implications

Nil

Statutory Implications

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

Strategic Implications

➤ Strategic Community Plan

Theme: 2. Economy and Growth
Service Area Objective: 2.1. Economic Development
2.1.2. The Shire of Merredin is a place of choice for business investment and for new residents settling to enjoy a balance lifestyle and employment opportunities
Priorities and Strategies for Change: N/A

➤ 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

➤ 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 development application fees have been paid.

Voting Requirements



Simple Majority



Absolute Majority

Resolution

Moved: Cr Boehme

Seconded: Cr Patroni

82783

That Council;

- 1. Grants Development (Planning) Approval for the construction of a shed to be used for storage of gardening supplies and equipment associated with Merredin Community Garden activities on Lot 684 Bates Street, Merredin, as outlined in attachment 12.2A; and**
- 2. Advises the applicant that this approval does not constitute a building permit and that an application for a building permit for the construction of the proposed shed must be submitted to the Shire of Merredin and be approved before any building work can commence on site.**

CARRIED 9/o

13. Officers' Reports - Engineering Services

Nil

14. Officers' Reports – Corporate and Community Services

14.1 List of Accounts Paid

<h2>Corporate Services</h2>		 SHIRE OF MERREDIN INNOVATING THE WHEATBELT
Responsible Officer:	Geoff Garside, EMCS	
Author:	Geoff Garside, EMCS	
Legislation:	<i>Local Government Act 1995, Local Government (Financial Management) Regulations 1996</i>	
File Reference:	Nil	
Disclosure of Interest:	Nil	
Attachments:	Attachment 14.1A - List of Accounts Paid	

Purpose of Report

Executive Decision

Legislative Requirement

Background

The attached list of Accounts Paid during the Month of July 2021 under delegated Authority is provided for Council's information and endorsement.

Comment

The attachment provided is an interim listing for July. Whilst it includes all payments made by EFT and cheque, credit card transactions and bank charges have not yet been processed due to illness in the Finance team. An updated listing will be provided prior to the meeting.

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: N/A

Service Area Objective:

Priorities and
Strategies for Change:

➤ Corporate Business Plan

Key Action: Deliver long term financial planning for asset replacement and new capital projects

Directorate: 2

Timeline: Continue to provide prudent financial controls and compliance systems

Sustainability Implications

➤ Strategic Resource Plan

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.

➤ Workforce Plan

Directorate: Nil

Activity: Nil

Current Staff: Nil

Focus Area: Nil

Strategy Code: Nil

Strategy: Nil

Implications: Nil

Risk Implications

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

Financial Implications

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

Voting Requirements



Simple Majority



Absolute Majority

Resolution

Moved: Cr Willis

Seconded: Cr McKenzie

82784

That the schedule of accounts paid during July 2021 as listed, covering cheques, EFT's, bank charges, directly debited payments and wages, as numbered and totaling \$1,254,605.70 from Council's Municipal Fund Bank Account and \$0, from Council's Trust Account be endorsed by Council.

CARRIED 9/0

14.2 Appointment of Bush Fire Control Officer

Cr Van Der Merwe declared an Impartiality Interest in this Item 14.2.

<h1>Community Services</h1> 	
Responsible Officer:	Andrina Prnich, DCEO
Author:	Andrina Prnich, DCEO
Legislation:	<i>Bush Fires Act 1954</i>
File Reference:	ES1/1
Disclosure of Interest:	Nil
Attachments:	Nil

Purpose of Report

Executive Decision

Legislative Requirement

Background

Appointment of Fire Control Officer

Pursuant to Section 38 of the *Bush Fires Act 1954*,

Local government may appoint bush fire control officer

(1) A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.

(2A) The local government shall cause notice of an appointment made under the provisions of subsection (1) to be published at least once in a newspaper circulating in its district.

Comment

Appointment of Fire Control Officer

The former Shire of Merredin Executive Manager Engineering Services, Mr Calvin Shotter, was also appointed as the Shire of Merredin Bush Fire Control Officer (FCO). As the Shire is fast approaching its Restricted Burning Period, the need for the appointment of a suitably qualified Bush Fire Control Officer is imperative to the

operational needs of the Shire. Further, the FCO is required to play a key role in supporting the local Bush Fire Brigade Services in the event of a bushfire incident.

It is proposed that Council authorise Ms Sheree Lowe, Emergency Services Officer (ESO), as a Fire Control Officer (FCO) for the Shire of Merredin. Ms Lowe is an experienced member of the Merredin Volunteer Fire and Rescue Service brigade, currently holding position of Lieutenant. She is a trained and experienced DFES trainer/assessor and has actively assisted with a range of complex bushfires in WA and NSW.

Ms Lowe is enrolled to undergo Fire Control Officer training in September 2021.

The restricted burning permit periods applies between 16 September 2021 and 31 October 2021 (and again from 18 February 2022 and 16 March 2022). The appointment of Ms Lowe will ensure the employment of a paid FCO within the Shire's workforce.

The appointment of the ESO to the role of FCO is appropriate to the capacity and capability of the organisation given her past experience and impending training along with the key deliverables pertaining to the ESO position.

Policy Implications

Nil

Statutory Implications

Nil

Strategic Implications

➤ Strategic Community Plan

Theme:	1. Community and Culture
Service Area Objective:	1.3. Community Safety 1.3.1. The Shire, Local Emergency Services and wider community working together to prevent bushfires and other emergencies as well as being well placed to respond and recover in such events
Priorities and Strategies for Change:	N/A

➤ Corporate Business Plan

Key Action:	1.5.2 - Support local emergency services
Directorate:	Community Services
Timeline:	Ongoing

Sustainability Implications

➤ Strategic Resource Plan

The Strategic Resource Plan includes consideration of resourcing for Fire Prevention and Other Law, Order and Public Safety.

➤ Workforce Plan

Directorate:	Community Services
Activity:	Emergency Services
Current Staff:	0.5 FTE
Focus Area:	3.0 – Enhance the workplace safety culture
Strategy Code:	3.6
Strategy:	Ensuring that all staff are adequately trained in workplace safety
Implications:	No further implications to existing ESO resourcing

Risk Implications

Appointment of Fire Control Officer

The appointment of the Fire Control Officer, will ensure a paid member of staff is responsible for issuing various permits to burn, undergoing firebreak inspections, thus minimising the likelihood of any major or catastrophic fire events within the local government area.

Financial Implications

If a fire incident were to occur outside of normal business hours, and the ESO, in their FCO position was required to attend the event, the time spent by the ESO would be paid as 'over-time' or added to their 'time-in-lieu'.

Voting Requirements

Simple Majority Absolute Majority

Resolution

Moved: Cr McKenzie **Seconded:** Cr Willis

82785 That Council, in accordance with Sections 38(1) and 38(2A) of the *Bush Fire Act 1954*, appoint Ms Sheree Lowe as a fire control officer for the Shire of Merredin and give notice of the appointment by publishing it in a newspaper circulated in the district.

CARRIED 9/0

15. Officer's Reports - Administration

Nil

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 of by Decision

Nil

19. Matters Behind Closed Doors

Nil

20. Closure

There being no further business, the President thanked those in attendance and declared the meeting closed at 4.30pm.

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