

SHIRE OF  
**MERREDIN**  
INNOVATING THE WHEATBELT

# MINUTES

## Ordinary Council Meeting

Held in Council Chambers  
Corner King & Barrack Street's, Merredin  
Tuesday 19 November 2019  
3.00pm



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### Common Acronyms Used in this Document

CBP	Corporate Business Plan
CEACA	Central East Aged Care Alliance
CEO	Chief Executive Officer
CSP	Community Strategic Plan
CWVC	Central Wheatbelt Visitors Centre
DCEO	Deputy CEO
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 & Communications Officer
MoU	Memorandum of Understanding
MRCLC	Merredin Regional Community and Leisure Centre
SRP	Strategic Resource Plan
WALGA	Western Australian Local Government Association
WEROC	Wheatbelt East Regional Organisation of Councils

Shire of Merredin  
Ordinary Council Meeting  
3.00pm Tuesday 19 November 2019



**1. Official Opening**

The President welcomed those in attendance and declared the meeting open at 3:02pm.

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

**Councillors:**

Cr JR Flockart	President
Cr MD Willis	Deputy President
Cr RA Billing	
Cr LN Boehme	
Cr AR Butler	
Cr RM Manning	
Cr PR Patroni	
Cr PM Van Der Merwe	

**Staff**

K Bartley	A/CEO
Charlie Brown	EMCS
Mike Hudson	EMES
P Zenni	EMDS
M Ivanetz	EA to CEO
K Hall	MCO

**Members of the Public:** Nil

**Apologies:** Cr MJ McKenzie

**Approved Leave of Absence:** Nil

**3. Public Question Time**

Nil

**4. Disclosure of Interest**

Councillor Manning declared an Impartiality Interest in item 12.2  
Councillors Butler and Patroni declared and Impartiality Interest in item 12.3

**5. Applications for Leave of Absence**

Nil

**6. Petitions and Presentations**

Nil

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

7.1 Ordinary Council Meeting held on 22 October 2019  
[Attachment 7.1A](#)

7.2 Special Council Meeting held on 5 November 2019  
[Attachment 7.2A](#)

**Voting Requirements**



Simple Majority



Absolute Majority

**Officer's Recommendation / Resolution**

**Moved:** Cr Boehme

**Seconded:** Cr Manning

**82455** That the Minutes of the Ordinary Council Meeting held on 22 October 2019 and Special Council Meeting held on 5 November 2019 be confirmed as a true and accurate record of proceedings.

**CARRIED 8/o**

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

Nil

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

Nil

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

10.1 CEACA Management Committee Meeting held on 2 October 2019  
[Attachment 10.1A](#)

10.2 EWBG Annual General Meeting held on 16 October 2019  
[Attachment 10.2A](#)

10.3 EWBG Committee of Management Meeting held on 16 October 2019  
[Attachment 10.3A](#)

10.4 Wheatbelt Communities Inc Meeting held on 30 October 2019  
[Attachment 10.4A](#)

10.5 WEROC Council Meeting held on 30 October 2019  
[Attachment 10.5A](#)

**Voting Requirements**



Simple Majority



Absolute Majority

**Officer's Recommendation / Resolution**

**Moved:** Cr Willis

**Seconded:** Cr Van Der Merwe

**82456** That the Minutes of the CEACA Management Committee Meeting held on 2 October 2019, EWBG Annual General Meeting held on 16 October 2019,EWBG Committee of Management Meeting held on 16 October 2019, Wheatbelt Communities Inc Meeting held on 30 October 2019 and WEROC Council Meeting held on 30 October 2019 be received.

**CARRIED 8/o**

**11.**

**Recommendations from Committee Meetings for Council consideration**

Nil

## 12. Officer's Reports - Development Services

### 12.1 Shire of Merredin Disability Access and Inclusion Plan (DAIP) Review

Development Services		
<b>Responsible Officer:</b>	Peter Zenni, EMDS	
<b>Author:</b>	Peter Zenni, EMDS	
<b>Legislation:</b>	<i>Disability Services Act 1993</i>	
<b>File Reference:</b>	CM/16/1	
<b>Disclosure of Interest:</b>	Nil	
<b>Attachments:</b>	<a href="#">Attachment 12.1A</a> – DAIP 2015-2020, DAIP Review Timelines and Action Plan, DAIP Review Questionnaire.	

#### Purpose of Report

Executive Decision

Legislative Requirement

#### Background

Under provisions of the *Disability Services Act 1993* local governments are required to review the Disability Access and Inclusion Plan (DAIP) every five years.

#### Comment

The purpose of this report is obtain endorsement from Council to commence the review of the Shire of Merredin DAIP. The Shire of Merredin Council last considered its DAIP at its meeting held on Tuesday 15th September 2015, where it resolved as follows;

**CMRef 81631**

***‘That the Shire of Merredin Access & Inclusion Plan 2015-2020 as presented in Attachment 12.2A be adopted.’***

The Shire of Merredin DAIP 2015-2020 will expire in October 2020. The process of the DAIP review requires to commence so that comments forming part of the review process and the development of associated goals and objectives forming part of a new 2020-2025 DAIP, can be incorporated in to the 2020/21 annual financial budget.

The DAIP provides a framework through which local governments can create accessible and inclusive communities. The development and periodic review of the DAIP ensures that it remains relevant to the needs of the community and

ensures that people with a disabilities can access information and services provided by local governments in Western Australia. It supports the services to facilitate increased independence, opportunities and inclusion for people with disabilities in the community.

The review of the DAIP must involve public consultation (requires statutory advertising) and liaising with relevant stakeholders and must focus on 7 key DAIP outcomes, these being;

1. People with disability have the same opportunities as other people to access the services of, and any events organised by, a public authority.
2. People with disability have the same opportunities as other people to access the buildings and other facilities of a public authority.
3. People with disability receive information from a public authority in a format that will enable them to access the information as readily as other people are able to access it.
4. People with disability receive the same level and quality of service from the staff of a public authority as other people receive from the staff of that public authority.
5. People with disability have the same opportunities as other people to make complaints to a public authority.
6. People with disability have the same opportunities as other people to participate in any public consultation by a public authority.
7. People with a disability have the same opportunities as other people to obtain and maintain employment with a public authority.

Addressing the above outcomes as part of the Shires DAIP review will not only benefit people with disability but also seniors in the community that may be experiencing mobility, hearing and visual difficulties. As well the general community from increased social and economic participation of people with disabilities and seniors.

Shire officers put together a proposed DAIP review timelines and actions document as well as a questionnaire calling for input from people with a disability, individuals and organisations.

#### **Consultation**

The Shire has also obtained feedback from the Department of Communities Senior Policy and Planning Officer, Mr Richard Struik confirming that the process outlined in the proposed DAIP review timelines and actions document complies with statutory requirements of the *Disability Services Act and Regulations*.

#### **Policy Implications**

Nil

#### **Statutory Implications**

Compliance with *Disability Services Act 1993*

## Strategic Implications

### ➤ Strategic Community Plan

Zone: Community & Leadership  
Zone Statement: Merredin Council engages with its community and leads by example.  
Key Priority: Ensuring all planning, reporting and resourcing is in accordance with best practice, compliance and statutory requirements

### ➤ Corporate Business Plan

Key Action: 4.1.1 - Continue to update 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

The Shire of Merredin is required to review its DAIP every five years. Failure to do so is a breach of legislative requirements.

## Financial Implications

Financial implications will be considered as part of the preparation of the 2020/21 financial budget and will focus on the provision of additional outcomes identified in the consultation process.

Existing and new staff will also be provided with additional training on how to properly interact and provide support and services for people with disability.

### Voting Requirements



Simple Majority



Absolute Majority

### Officer's Recommendation / Resolution

**Moved:** Cr Boehme

**Seconded:** Cr Butler

**82457 That Council:**

1. **Endorses the commencement of the process of reviewing the Disability Access and Inclusion Plan;**
2. **Gives public notice of the commencement of the review, seeking public submissions; and**
3. **Following the completion of the public consultation, receive a further report on the outcomes of the public consultation process and a Draft Disability Access and Inclusion Plan for Council consideration.**

**CARRIED 8/o**

Councillor Manning declared an Impartiality Interest in this Item 12.2.

**12.2 Proposed Gravel Quarry – Lot 812 Great Eastern Highway, Burracoppin**

<h2>Development Services</h2>		 SHIRE OF <b>MERREDIN</b> INNOVATING THE WHEATBELT
<b>Responsible Officer:</b>	Peter Zenni, EMDS	
<b>Author:</b>	Paul Bashall, Planwest (WA) Pty Ltd	
<b>Legislation:</b>	Shire of Merredin Local Planning Scheme No 6	
<b>File Reference:</b>	A5220	
<b>Disclosure of Interest:</b>	Nil	
<b>Attachments:</b>	<a href="#">Attachment 12.2A</a> – Development application and attachments	

### Purpose of Report

Executive Decision                       Legislative Requirement

### Background

Mr Derek Mason (on behalf of Derek Mason Superannuation Fund) has applied for Development Approval (DA) for an extractive industry (gravel quarry) on Lot 812 Great Eastern Highway, Burracoppin located about 5 kilometres west of Burracoppin townsite

### Comment

#### Introduction

The gravel quarry proposes to occupy the southern portion of Lot 812, which is in total over 145 hectares in area. The proposed quarry area is located between the Great Eastern Highway on the east and the railway on the west and is about 500m north of Goldfields Road. The proposed operation will cover less than 10% of the lot area. The entrance to the project site is via the bitumised portion of the Goldfields Road to the west of the Great Eastern Highway.

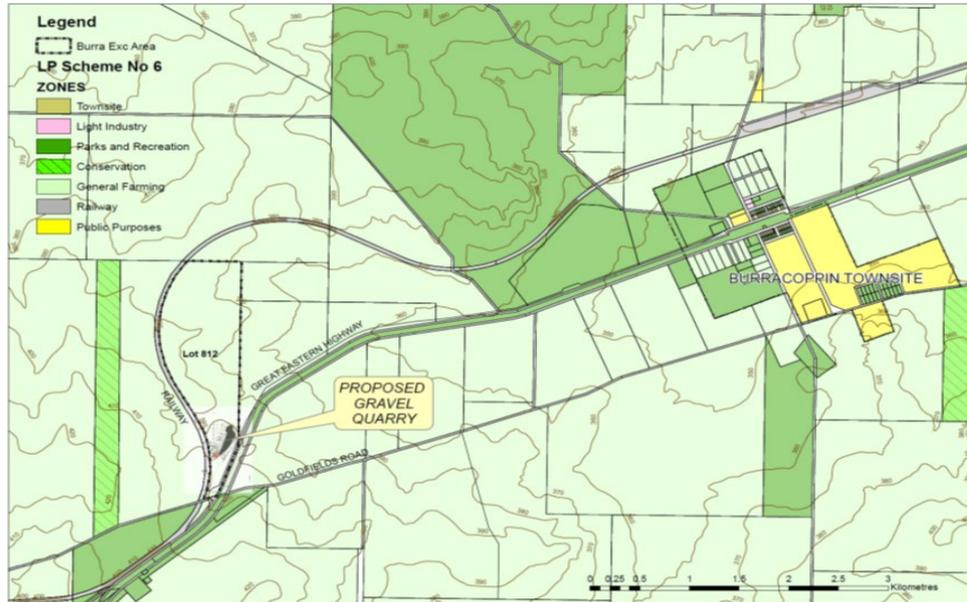
The land is zoned 'General Farming' in the Shire of Merredin Local Planning Scheme No 6 (the Scheme). A location plan is shown in Figure 1.

#### Existing land use

The report accompanying the DA states that "the majority of the area (approximately 70%) is completely cleared of vegetation and would be immediately suitable for farming. The southern portion was completely cleared however has sustained a few years of regrowth."

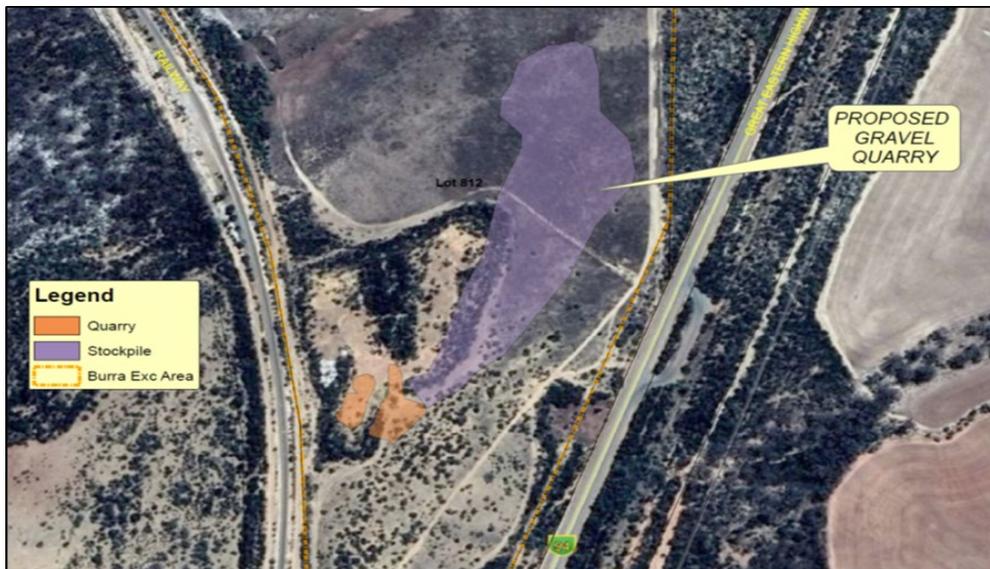
The land appears to be currently unused and has no structures on the area of the proposed quarry. The DA does not include any new structures. **Figure 2** provides an aerial photograph of the site area and the approximate area of works.

**FIGURE 1 – LOCATION PLAN**



Source: DPLH, Planwest

**FIGURE 2 – AERIAL PHOTOGRAPH**



Source: Google, DA, Planwest

### **Extractive Industry Licence**

Prior to the lodgement of the DA, the applicant submitted an Extractive Industry Licence Application for approval to operate the quarry under the Shire of Merredin Local Law No. 10 – Extractive Industries.

In accordance with Shire of Merredin Local Law No. 10 – Extractive Industries, notice of the application was given to and called for comment from the surrounding property owners. The Department of Water and Environmental

Regulation (DWER) and Department of Primary Industries and Regional Development (DPIRD), Public Transport authority (PTA), Water Corporation (WC), Western Power (WP), Telstra and Main Roads (MRWA).

The Shire also placed an advertisement in The Phoenix on Friday, 27<sup>th</sup> September 2019 calling for public submissions with respect to the application.

At the close of the public submission period 4 submissions were received, these being from;

#### **Department of Water and Environmental Regulation (DWER)**

Which noted that there are minor waterways present on the site and it is within a proclaimed surface water area. As such, stormwater needs to be managed to ensure that contaminated stormwater is retained on the site and uncontaminated stormwater is diverted around the gravel pit. DWER requested details on the location of the gravel extraction activities and the stormwater management on the site.

The applicant responded stating that the historical quarry will capture all of the meteoric runoff from the pit area. The applicant also advised that it has a simple, affordable and effective plan to use the direct quarry runoff for both better rehabilitation of the historical pit and progressive rehabilitation of the current proposed Burracoppin Gravel Quarry.

#### **Department of Primary Industry and Regional Development (DPIRD)**

Which advised that it does not object to the proposed extraction of gravel at the above-mentioned lot, but offers the following comments:

- This proposal should be referred to the Department of Biodiversity, Conservation and Attractions (DBCA) for assessment of the impacts on the residual native vegetation.
- The Shire may wish to seek further information from the proponent in relation to access roads for the site to assess traffic and safety risks.
- The proponent should prepare a rehabilitation plan for the site for when extraction is completed.
- The proponent should prepare a Weed Management Plan to prevent the spread of weeds.

#### **Water Corporation**

Advised that sewerage or water services are unavailable to this area and, as the proposed extractive industry does not impact the Corporation's infrastructure or operations, it raises no objection.

#### **Main Roads Western Australia**

Responded as follows;

As detailed in the application the development will have access from the property onto Goldfields Road prior to entering Great Eastern Highway. The sight distances at the Goldfields Road intersection with Great Eastern Highway have been checked and are in excess of 300m to the west and 500m to the east.

Goldfields Road is not RAV rated at this location and from the submission Main Roads is unable to determine whether the proposed vehicles are RAV vehicles. If

the intention of the development is to use RAV vehicles the applicant will be required to apply for Goldfields Road to be added to the appropriate RAV network. Improvements maybe required at the intersection to ensure the swept paths of the proposed vehicles are provided for.

The number and frequency of vehicle movements as provided in the submission of a maximum of 33 per day is not expected to have an adverse impact on the Main Roads network and therefore no additional turning lanes or acceleration lanes are required.

Based on the information provided Main Roads has no objections to the proposed extractive licence.

No other submissions were received.

### **Proposed Development**

The applicant has stated in the DA that to reduce double handling of the gravel, the mining plan is to compartmentalise the mining into 6 panels of approximately 50m in length, South to North.

The overburden and topsoil from each mining panel, 1 panel at a time, will be stockpiled on the eastern side of the excavation as shown in Figure 4 below.

It is planned that the scrub, the topsoil and the overburden contained within the pit boundary for each separate panel will be removed, scraped off using either a front end loader or an excavator.

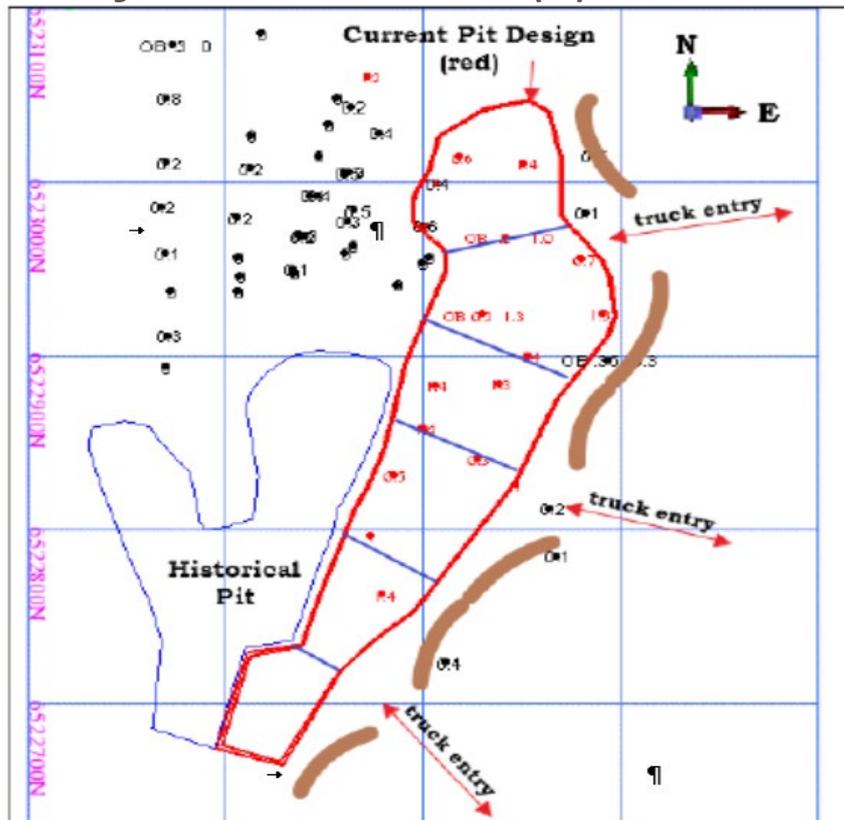
The topsoil will then be stored in windrows, at a distance of approximately 10m east of the final planned pit design. The plan is to allow the excavator to excavate the gravel from the last slice of the panel and side-cast onto the strip between the pit design and the windrow enabling access for trucks to remove the remaining excavated gravel.

The ore will be mined in strips approximately 10 m wide starting from the west and stockpiling the ore on the eastern side. Once a 50m (S-N) panel of gravel is removed the plan is to immediately rehabilitate the exhausted panel of the quarry.

### **Rehabilitation**

The applicant further states that rehabilitation will be completed by pushing the scrub remnants, the topsoil and the overburden back into the shallow excavation and then scarifying and seeding the remnant surface and the quarry to promote regrowth.

**FIGURE 3 – PLAN SHOWING TOPSOIL (TS) and OVERBURDEN (OB) AREAS**



Source: DA extract

### Project roads

The DA report identifies the existing farm track that will be upgraded and used as the mine road. Truck turning areas will be required within the lease and will be constructed at the windrow openings to enable access for trucks to cart the stockpiled gravel to customers.

### Number and size of trucks and the route leaving site

The applicant estimates the maximum number of truck movements may be set at 2,000 tonnes per day this equates to 33 trucks per day.

The trucks that will be used are 50 to 60 tonne side and rear tippers, truck and trailer. They are industry standard trucks for the Wheatbelt, and they will either go east on the Great Eastern Highway or they will head west.

Gravel use is widespread throughout the Wheatbelt and the gravel will likely be used by farmers, small business and the local government.

### Improvements

The applicant states that there are no plans for any buildings, water supply, treatment plant, tanks or other improvements to be built on the mining project.

### Drainage

The applicant states that the proposed quarry sits on the shoulder of a broad and gently sloping hill and as such has excellent drainage into an existing dry creek bed.

On completion the quarry should present an excellent trap for modest amounts of meteoric water. There will not be enough volume for standing pools or dams of water however there will be ample volumes of water to promote regrowth in the rehabilitation areas.

The existing historical pit is the exact template for what will happen once the Burracoppin Gravel Quarry is exhausted. The existing historical quarry is stable and presents no erosional issues.

### Traffic and Transport

Access will be through a farm boundary gate, in the southern portion of the property, via the bitumised portion of the Goldfields Highway, north of the Great Eastern Highway (refer Figure 4 below).

**FIGURE 4 – PROPOSED ACCESS TO SITE**



DA

The current gate and access in this area will be widened and flattened to a more acute angle to ensure trucks entering and exiting will not disrupt the constitution of the bitumised Goldfields Highway by turning sharply. (Refer Figure 5)

Appropriate signage will also be placed to the east and west on the Great Eastern Highway to increase traffic awareness of entering and exiting trucks.

### Operations

The facility will be autonomous once operational. It will be an unmanned site which is remotely managed. As a result, there will be no need for parking, septic tanks or access roads. Maintenance will be contracted to a person operating from Merredin.

### Visual Impact

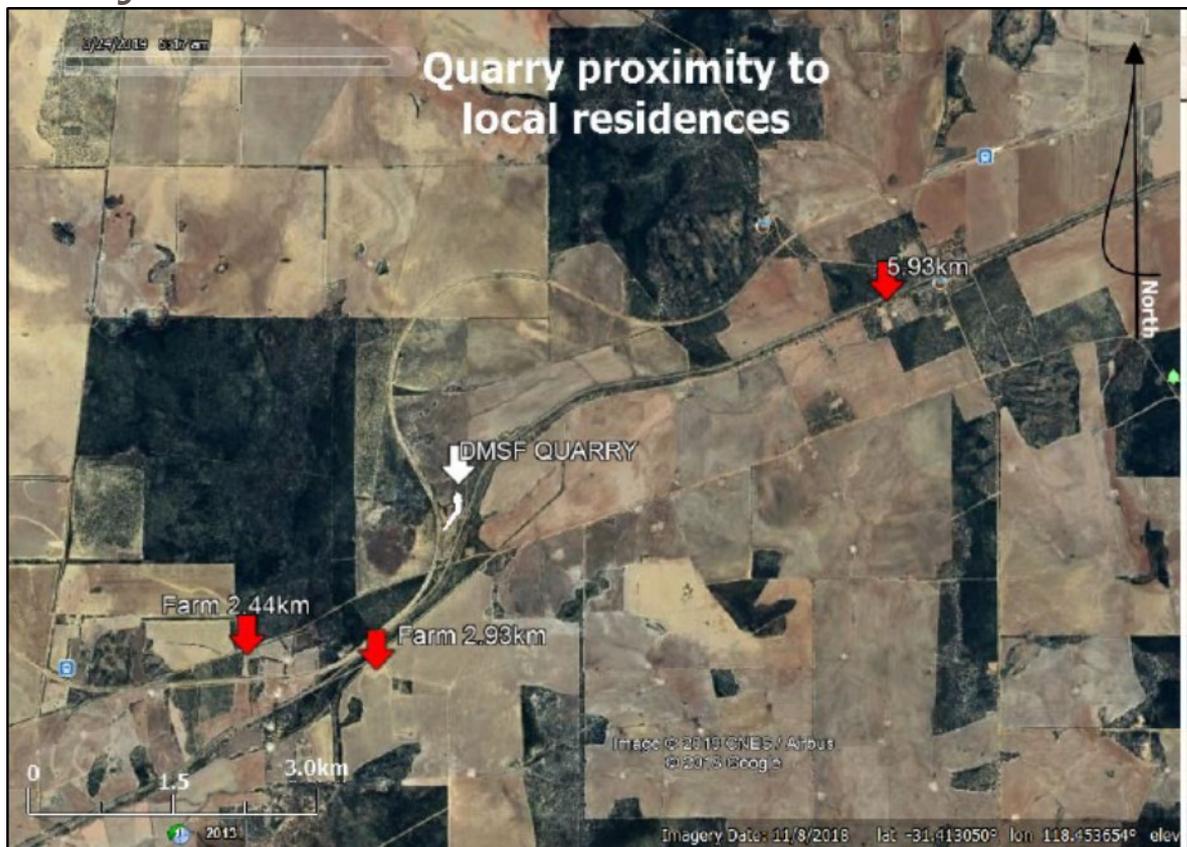
The land in this locality is relatively flat. As such, it is unlikely that the operations will be visible from the Highway unless the perimeter vegetation is disturbed. Stockpiles may be discernible during operations, however on completion of the quarry these will be removed and the visual impact from public places will not be noticed.

### Environmental Assessment

#### Nearest Residences

Figure 5 shows the location of the nearest residence to the Burracoppin Quarry. The residence to the west is at a distance of 2.44km to the quarry gate. The closest residence within the township of Burracoppin is at a distance of 5.93km from the quarry gate.

**FIGURE 5 – NEAREST SENSITIVE USES**



Source: DA

### Sand drift and dust

The applicant does not expect sand drift to present an issue as there is no distinct sand that will be mined. The gravel to be mined has a proportion of inherent clay and once the stocks get wet the clay forms a crust which inhibits the creation of large volumes of dust that might create an issue.

Also, the quarry is approximately 100m from the boundary fence therefore is highly unlikely to impact outside of the farm.

There are no adjacent neighbours within 2km, only the highway to the east and the railway to the west.

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There will be signage at the main and only entrance to the project. The signage will stipulate the personal protective equipment (PPE) measures to be used by personnel on site and approved visitors whilst the quarry is operational.

**Erosion**

The proposed quarry will be mined to a maximum depth of 2.2 m with the walls on a slope angle of 45 degrees. The natural rill angle for this material is 38 degrees therefore the potential peripheral erosion of the pit is close to nil.

**Watercourse siltation**

This is not applicable. There is a creek bed nearby however this is for rain event runoff and does not contain water for 99.99 % of the year.

**Dangers to the General Public**

The proposal includes that signage will be provided at the main, entrance to the project restricting access to the site and warning of potential hazards. The signage will stipulate the personal protective equipment (PPE) measures to be used by personnel on site and approved visitors whilst the quarry is operational.

**Bushfire Management Plan**

Much of the property is included in the Bushfire Prone Mapping as shown in Figure 6. For this reason, the applicant will need to prepare a Bushfire Management plan in accordance with State Planning Policy 3.7 – Planning in Bushfire Prone Areas.

**FIGURE 6 – BUSHFIRE PRONE AREAS**



**Source:** DPLH, DA, Planwest

The DA proposal complies with the details as outlined in the Extractive License and is considered acceptable as, on completion, will revert back to general farming and pastoral uses.

Because the Extractive License application has already been advertised, additional advertising of the DA is not deemed necessary.

At present there is only one other extractive industry licence in place in the Shire of Merredin however this activity relates primarily to the extraction of sand and not gravel.

Accordingly, it is becoming increasingly difficult for contractors to source suitable materials for large development projects within the Shire.

The approval of this application will enable gravel materials to be sourced within the Shire for use as part of future development projects.

## Policy Implications

The Council has no direct policy on the extraction of basic raw materials providing they comply with the requirements of rehabilitation, access, and other environmental considerations.

## Statutory Implications

### State

The proposal is consistent with state objective to capitalise on the extraction and appropriate use of basic raw materials.

### Local Government

The Local Planning Scheme No 6 includes the land in the 'General Farming' zone. The Scheme classifications of the surrounding areas are shown in **Figure 1**.

Mining Operations are a 'D' use in a General Farming zone. ('D' means that the use is not permitted unless the local government has exercised its discretion by granting development approval).

## Strategic Implications

### ➤ Strategic Community Plan

Zone: Economy and Growth

Zone Statement: Merredin seeks new opportunities for growth and strives to develop rich and multifaceted economy

Key Priority: 2.3 Supporting initiatives from local businesses for growth

### ➤ Corporate Business Plan

Key Action: 4.1.1 - Continue to update 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

The development of this facility will be a minimal risk to the Council. As with any extraction industry there will be increased traffic during operations, however this increase is probably not going to be sustained over the longer term and should be considered as just another primary industry.

### Financial Implications

The applicant has paid the Development Approval application fees

### Voting Requirements



Simple Majority



Absolute Majority

### Officer's Recommendation / Resolution

**Moved:** Cr Patroni

**Seconded:** Cr Van Der Merwe

**82458** That Council grants development approval for an extractive industry (gravel quarry) on Lot 812 Great Eastern Highway, Burracoppin as per attachment 12.2A, subject to the following conditions;

1. This Development Approval is valid for a period of five (5) years from the date of approval;
2. The extractive industry license will be valid for a period of one (1) year from the date of approval;
3. The payment of an annual extractive industry license fee of \$300 (does not include GST) to the local government;
4. The preparation of a Rehabilitation Plan to the satisfaction of the local government;
5. The payment of a bond or bank guarantee for the sum of \$10,000 being lodged with the local government as security for applicant/operator compliance with rehabilitation commitments prior to the commencement of sand and gravel extraction operations;
6. The preparation of a Traffic Management Plan approved by Main Roads WA and the local government requiring all loaded vehicles involved in extractive industry operations to ingress and egress from the property utilising Goldfields Road;
7. Prior to commencing development, a vehicle crossover is to be constructed to the specification and satisfaction of the local government.
8. Any vehicle involved in extractive industry operations will not be permitted on Goldfields Road during school bus hours;

9. The hours of operation of extractive industry operations are to be restricted to 7:00am to 6:00pm Monday to Friday and 8:00am to 5:00pm Saturday and Sunday and not at all on Public Holidays;
10. Prior to commencing development, the applicant must submit and have approved by the local government, and thereafter implement to the satisfaction of the local government, a Construction Management Plan addressing the following matters:
  - a. How materials and equipment will be delivered and removed from the site;
  - b. How materials and equipment will be stored on the site;
  - c. Parking arrangements for contractors;
  - d. Construction waste disposal strategy and location of waste disposal bins;
  - e. Details of cranes, large trucks or similar equipment which may block public thoroughfares during construction;
  - f. How risks of wind and/or water borne erosion and sedimentation will be minimised during and after the works;
  - g. Stormwater management plans, details, calculations; and
  - h. Other matters likely to impact on the surrounding properties.
11. The applicant must prepare a Bushfire Management Plan to the satisfaction of the local government..
12. The applicant must implement all of the recommendations contained in the Bushfire Management Plan as approved by the local government for the duration of the development.
13. The applicant must refer the proposal to the Department of Biodiversity, Conservation and Attractions (DBCA) for assessment of the impacts on the residual native vegetation.
14. All other relevant statutory consents or approvals or permits be obtained from the relevant statutory authority prior to commencing works.

#### **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 local government and be approved before any work requiring a building permit can commence on site.

- 2. The applicant is advised that a Development Approval does not negate the need for an Extractive Industry Licence**

**CARRIED 8/o**

Councillors Butler and Patroni declared an Impartiality Interest in this Item 12.3.

**12.3 Lot 200 Barrack Street Merredin Community Resource Centre – Review of Existing Lease Agreements**

<h2>Development Services</h2>		
<b>Responsible Officer:</b>	Peter Zenni, EMDS	
<b>Author:</b>	Peter Zenni, EMDS	
<b>Legislation:</b>	<i>Local Government Act 1995</i>	
<b>File Reference:</b>	L/47 L/63	
<b>Disclosure of Interest:</b>	Nil	
<b>Attachments:</b>	<a href="#">Attachment 12.3A</a> – Correspondence	

**Purpose of Report**

- Executive Decision                       Legislative Requirement

**Background**

The Shire of Merredin has been approached by the Merredin Community Resource Centre (MCRC) Management Committee seeking a review of the rental terms of the existing lease agreements in place between the MCRC and the Shire of Merredin.

**Comment**

In seeking a review of the rental terms, the MCRC management committee highlights the following;

- The MCRC has contributed via significant expenditure of funds on upgrades to the Old Council Chambers Building.
- Important role played by MCRC in community advocacy and provision of services for people of Merredin and the surrounding community.
- Cost benefits of the MCRC role that would otherwise be expected to be provided by the Shire of Merredin or be left unfilled with resulting impacts on the community: and
- The fact that other lease agreements between the Shire and other non for profit group are based on a minimal rental of \$520 per year.

**Leases**

The Merredin Community Resource Centre currently holds three (3) leases with the Shire of Merredin, these being;

### **Lease 1**

Lease 47 - Merredin CRC – formerly the Old Council Chambers Building.

At its May 2014 Ordinary Meeting, Council resolved (CMRef 81352) as follows;

***“That, subject to the requirements of the Local Government Act 1995, the Merredin Community Resource Centre be permitted to occupy the premises known as the old Council Chambers, Lot 200 Barrack Street, Merredin subject to the following:***

- 1. Execution of a commercial lease for a term of five years with an option of a further five year term;***
- 2. No rental applicable for the first term but a minimum of \$60,000 being expended on refurbishment of the building over the term or a sum that ensures refurbishment to the satisfaction of Council and that a rental on a sliding scale apply to the second term of five years to ensure 100% of a commercial rent is paid in the final year; and***
- 3. Confirmation of the expenditure of \$60,000 on the Women’s Rest Centre evidenced by way of invoices.”***

Subsequently, following public advertising the Lease was executed by both parties with an initial term from 1 March 2015 expiring on 29 February 2020, with provision for a further five (5) year term commencing on 1 March 2020 and expiring on 28 February 2025.

Rent provisions forming part of this lease are as follows;

‘No rental applicable for the first term but a minimum of \$60,000 being expended on refurbishment of the building over the term or a sum that ensures refurbishment to the satisfaction of Council and that a rental on a sliding scale apply to the further term of five years to ensure 100% of a commercial rent is paid in the final year.’

### **Lease 2**

Lease 63 – Merredin CRC – Women’s Rest Centre.

At its June 2016 Ordinary Meeting, Council resolved (CMRef 81799), as follows;

***“That Council:***

- 1. In accordance with section 3.58 of the Local Government Act 1995 the proposal to lease the Women’s rest centre under a commercial lease to the Merredin Community Resource Centre on a no rental arrangement until February 2020 with the Merredin Community resource Centre being responsible for all outgoings and day to day maintenance costs be advertised for public comment and***
- 2. If no negative comment is received, the execution of a commercial lease on the Women’s Rest Centre, located at Lot 200 Barrack Street, Merredin to the Merredin Community Resource Centre be approved subject to the following:***
  - 1. Execution of a commercial lease until February 2020 under the same terms as the Merredin Community Resource Centre’s lease of the old Council Chambers;***
  - 2. the Women’s Rest Centre is taken on an “as is” basis with no further improvements or modifications to be undertaken during the lease period at Council’s expense;***

3. ***No rental applicable for the term but all outgoings and day to day maintenance expenses for the Women’s Rest Centre to be the responsibility of the Merredin Community Resource Centre (Note: any use of the building beyond the initial term will be subject to amendment of the lease of the old Council Chambers with payment of a commercial lease on a sliding scale over a further term of five years); and***
4. ***Confirmation of the expenditure of the old Council Chambers evidenced by way of invoices.”***

Subsequently, following public advertising the Lease was executed by both parties with an initial term from 1 August 2016 expiring on 29 February 2020, with provision for a further five (5) year term commencing on 1 March 2020 and expiring on 28 February 2025.

Rent provisions forming part of this lease are as follows;

*‘No rental is applicable for the first term, with a rental on a sliding scale applying to the further term of five years to ensure 100% of a commercial rent is paid in the final year.’*

### **Lease 3**

Lease 47 – Merredin CRC – portion of the Old Council Chambers Building previously leased to the Wheatbelt Development Commission.

At its August 2018 Ordinary meeting, Council resolved (CMRef 82236) as follows;  
**“That Council:**

1. ***in accordance with Section 3.58 of the Local Government Act 1995 the proposal to lease the remaining portion of the old Council Chambers, previously occupied by the Wheatbelt Development Commission, under a commercial lease to the Merredin Community Resource Centre on a rental of \$520 per annum until February 2020 with the Merredin Community Resource Centre being responsible for all outgoings and day to day maintenance costs to be advertised for public comment; and***
2. ***if no negative comment is received, the Chief Executive Officer to be authorised to execute a commercial lease on the remaining portion of the old Council Chambers previously occupied by the Wheatbelt Development Commission, located at Lot 200 Bararck Street, Merredin to the Merredin Community Resource Centre subject to the following:***
  1. ***execution of a commercial lease until February 2020 under the same terms as the Merredin Community Resource Centre’s current lease of the old Council Chambers (with the exclusion of the rental fee);***
  2. ***the remaining portion of the old Council Chambers is taken on an “as is” basis with no further improvements or modifications to be undertaken during the lease period at Council expense; and***
  3. ***a rental fee of \$520 per annum be applicable with all outgoings and day to day to be applicable with all outgoings and day to day maintenance expenses for the remaining portion of the old Council Chambers to be the responsibility of the Merredin Community Resource Centre (Note: any use of the building beyond the initial term will be subject to amendment of the lease of the old Council Chambers with payment of a***

***commercial lease on a sliding scale over a further term of five years in line with CMRef 81352 and CMRef 81799).***

Subsequently, following public advertising the Lease executed by both parties with an initial term from 2 October 2018 expiring on 29 February 2020, with provision for a further five (5) year term commencing on 1 March 2020 and expiring on 28 February 2025.

Rent provisions forming part of this lease are as follows;

*‘\$43.33 per month (\$520 per annum) payable monthly in advance, with the first payment due on the Commencement Date, with a rental on a sliding scale applying to the further term of five years to ensure 100% of a commercial rent is paid in the final year.’*

**Additional Information**

**Outgoings**

All three (3) leases provide for the Lessee to pay all outgoings or charges of any kind, assessed or incurred in respect of the Premises, or the Lessee’s use or occupation of the Premises, including but not limited to, any rate, installation, meter, rental or consumption charge.

**Sub Lease to Max Employment/Max Solutions**

The area forming part of Lease 63 – Women’s Rest Centre is currently sublet by the Merredin Community Resource Centre to Max Employment/Max Solutions. The terms of the sub lease are based on a rental of \$200.00 per week through to 29th February 2020, with an option to extend dependent on sublessor’s ability to lease the premises.

**MCRC Financial Position**

The current financial position of the MCRC is a strong. As shown in the MCRC Financial Report for the year ending 30 June 2019, the existing cash assets minus liabilities equal \$278,952.19. These funds are being held in term deposits but have not been allocated to any specific purpose and can be drawn upon at any time.

**Existing Lease Rental Financial Implications**

The Shire of Merredin has obtained an indicative commercial rate for the properties in question on the basis of their zoning, location and age and type of construction. This rate is between \$75 and \$100 per square metre (average \$87.5/m<sup>2</sup>).

The lettable areas for the two properties are as follows;

Old Council Chambers – 330m<sup>2</sup>

Women Rest Centre – 94m<sup>2</sup>

The existing lease provisions relating to a sliding scale ensuring 100% of a commercial rent by the fifth year would have the following financial impact;

Year	Old Council Chambers	Women's Rest Centre
Year One	\$5,775.00	\$1,645.00
Year Two	\$11,550.00	\$3,290.00
Year Three	\$17,325.00	\$4,935.00
Year Four	\$23,100.00	\$6,580.00
Year Five	\$28,875.00	\$8,225.00

**(\*indicative figures from Licensed Valuer)**

Should Council wish to retain the existing lease rental provisions, the Shire of Merredin would need to obtain a formal valuation for the properties in question, however the above values should serve for initial indicative purposes.

**Long Term Concerns**

The importance of the role played by the MCRC in providing advocacy and support to the Merredin community and region. They provide access to government and community services and information and undertaking community, business and economic development activities is recognised as are concerns relating to the viability of Community Resource Centres generally given the lack of certainty relating to ongoing support for CRC activity from the WA State Government.

Some of these concerns have been partially addressed via a recent media release from the office of the Hon Alannah MacTiernan MLC, which states that the State Government has offered a two-year contract extension for all 89 CRC's currently funded on a contract basis, and continued grant funding for 13 CRC's which operate on ongoing grants.

At the same time it needs to be pointed out that the MCRC entered in to the existing lease arrangements and executed the applicable leases in full knowledge of the applicable rental terms. A review of these arrangements and any move away from away from the existing commercial rental provisions will have an impact on income received by the Shire and influence future budgets and as such impact ratepayers as a whole.

**Options**

**Option 1**

Retain existing lease rental provisions as is. This will have a significant financial impact on the MCRC, however by retaining the existing rental terms forming part of the existing lease agreements the Shire of Merredin will receive an income from the lease payments in addition to ensuring that the premises are tenanted and looked after on an ongoing basis.

**Option 2**

Subject to approval by both parties enter in to a deed of variation to the existing lease agreement rental clauses limiting the lease rental payments for each of the three (3) separate lease to \$520.00 per annum (total of \$1,560.00 annually)

Given the strong financial position of the MCRC and the fact that it is operating as a viable commercial entity and cannot be compared with other community (non for profit) organisations which do not generate a significant income, this option is not supported by the Shire Officers.

The Shire of Merredin is legally required to obtain a valuation for the property in question as the use of the premises by a third party under a lease agreement does not attract and exemption from applicable rates and charges.

### Conclusion

The Senior Management Group believe that the existing lease rental provisions should continue to apply (Option 1).

The Senior Management Group do not support the proposed revised lease rental provisions in (Option 2).

It should be noted that any variation to the terms of the existing leases (Option 2) will require agreement of both parties via a deed of variation and will require compliance with provisions of Section 3.58 of the *Local Government Act 1995* relating to the disposal of property and require public advertising prior to being finalised.

### Policy Implications

Nil

### Statutory Implications

Compliance with the *Local Government Act 1995*

### Strategic Implications

#### ➤ Strategic Community Plan

Zone: Economy and Growth

Zone Statement: Merredin seeks new opportunities for growth and strives to develop rich and multifaceted economy

Key Priority: 2.3 Supporting initiatives from local businesses for growth

#### ➤ Corporate Business Plan

Key Action: 2.3.2 – Continue to work with business networks to identify opportuning-ties for programs that support local business (Business Local, Progress Associations, Wheatbelt Business Network)

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**

Should the Shire of Merredin retain the current rental terms forming part of the existing leases in place with the MCRC it may place additional pressure on the viability of the MCRC resulting in adverse community reaction. Should the viability of the MCRC be jeopardised, there may be a community expectation that some of the community related functions currently managed by the MCRC be undertaken by the Shire of Merredin.

A move away from away from the existing commercial rental provisions will have an impact on income received by the Shire and influence future budgets and as such impact ratepayers as a whole.

**Financial Implications**

By retaining the existing rental terms forming part of the existing lease agreements the Shire of Merredin will receive an income from the lease payments in addition to ensuring that the premises are tenanted and looked after on an ongoing basis.

However, what also needs to be taken in to consideration is that should the viability of the MCRC be jeopardised, there may be a community expectation that some of the community related functions currently managed by the MCRC be undertaken by the Shire of Merredin. This would have a direct impact on service delivery and associated cost impost on the Shire of Merredin.

**Voting Requirements**



Simple Majority



Absolute Majority

**Officer's Recommendation / Resolution**

**That Council:**

- 1. declines to vary the lease rental provisions with respect to existing leases in place between the Merredin Community and Resource Centre and the Shire of Merredin, relating to property located at Lot 200 Barrack Street Merredin.**
- 2. advise in writing the Merredin Community and Resource Centre Committee of its decision in relation to this matter.**

**There being no mover or seconder, the MOTION LAPSED**

### Alternative Recommendation

**Moved:** Cr Patroni

**Seconded:** Cr Butler

**82459** That the agenda item for 12.3 be adjourned to further discussion at the Ordinary December 2019 Council Meeting.

**CARRIED 8/o**

**Moved:** Cr Willis

**Seconded:** Cr Boehme

**82460** That the Standing Orders be suspended to enable this matter to be discussed further at 3:18pm.

**CARRIED 8/o**

**Moved:** Cr Boehme

**Seconded:** Cr Van Der Merwe

**82461** That Standing Orders resume at 3:25pm.

**CARRIED 8/o**

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

**13.1 Plant Asset Management Review**

<h2>Engineering Services</h2>		
<b>Responsible Officer:</b>	Mike Hudson, EMES	
<b>Author:</b>	Mike Hudson, EMES	
<b>Legislation:</b>	<i>Local Government Act 1995</i>	
<b>File Reference:</b>	Nil	
<b>Disclosure of Interest:</b>	Nil	
<b>Attachments:</b>	<p><a href="#"><b>Attachment 13.1A</b></a> – Accingo Report</p> <p><a href="#"><b>Attachment 13.1B</b></a> – Accingo recommendations for consideration</p>	

**Purpose of Report**

Executive Decision                       Legislative Requirement

**Background**

Representatives from Accingo, an asset management consultancy, met with the Wheatbelt East Regional Organisations of Councils (WEROC) Executive on Wednesday 28 March 2018 to discuss its asset management concept and the potential value it may offer WEROC. During the presentation an overview of Accingo’s asset management platform was provided. The platform has been developed to decrease asset holding costs and improve the availability of local talent pools within regional areas.

Accingo, through discussions with regional WA local governments over the course of the last decade have identified there is potential value in undertaking an in depth, independent view of assets, from purchase to sale and how learnings and efficiencies adopted in industry can be applied to WEROC for its financial benefit.

The WEROC Executive commissioned Accingo and the following items were identified in the report, focusing on the following;

- Physical asset review
- Utilisation data / Purchasing / Selling

- Reporting and analysis of assets

Additional revenue / cost reduction potential

Comment
---------

Further to the report Accingo has included a series of recommendations for consideration.

The recommendations are based on prior learnings and experience of asset management 'best practice' principles revised on Accingo's understanding of local government activities and requirements and focus on providing a foundation in which to generate cost savings and improved financial position of the WEROC shires.

### **Recommendations**

**1) Asset identification standardisation**

It is currently undertaken by the shire, the only variance being that Synergy requires the letter "P" to be the first identifying letter to identify the asset as plant.

This recommendation is supported by Officers.

**2) Purchase and sale process review**

This is currently undertaken by the shire. The assets remain on Synergy but identified as inactive. New assets are recorded on receipt to ensure that the asset is correctly booked against a job cost number and fuels and servicing can be booked to the plant item.

This recommendation is supported by Officers.

**3) Standardisation of depreciation rates & useful life**

The shire is able to work with a uniform set of depreciation rates and adopt the accepted uniform useful life expectations. This is departing from our current practices because we assess and adjust end of life figures annually.

This recommendation is supported by Officers.

**4) Review of underperforming assets**

This practise is currently undertaken by the Shire of Merredin on an ongoing basis. There are going to be assets such as wheel loaders that are critical during construction works and the daily operations of the refuge site that will never achieve the utilisation figures mentioned in the recommendations.

This recommendation is supported by Officers.

**5) Implementation of technology solution**

This is currently being undertaken by the shire.

This recommendation is supported by Officers.

## 6) **Centralisation of asset/ asset management**

This is the recommendation that could have the greatest impact on Shire operations. It is the officer's opinion that the proposed model doesn't go far enough in providing the details on how the system would operate. To be able to effectively analyse the proposal it is imperative to know what are the proposed cost sharing arrangements that may impact on all 5 Councils.

At what level is the plant maintained and how are the associated maintenance and repair costs distributed amongst the WEROC group. There is no information on the overarching management of the plant other than the mention of a WEROC asset resource centre. The report doesn't state the depth at which the proposal was analysed and it can't ascertain if the consultants looked at the mechanics of construction and maintenance works because with any works there will be items of plant that will never be fully utilised, but are essential to the overall works operations.

Stages 3 and 4 of this recommendation mentions hire agreements with reputable hiring companies (panel contract) and a proposed WEROC asset resource centre controlling all of the equipment.

Expanding these points further, the officer recommends that the consultants look further at a complete hire system removing the need for the shires to own and maintain any of their plant requirements. Given that a complete hire system demonstrates cost efficiencies and provided that there is certainty of supply, a fully developed 'hire only' model would provide increased flexibility and productivity improvements for the shires by being able to access plant and equipment not currently or readily available on a as need basis.

Recommendation 6 supported however further analysis is required by the consultant.

It must be noted of the following to support this concept:

- Minor changes are relatively easy to accommodate when the final model is agreed and accepted by all members.
- The whole concept as proposed by the Accingo recommendations is dependent on agreement and adoption by all WEROC members

### **Policy Implications**

The adoption of the report and associated recommendations will require new policies to be developed and adopted. Inter-shire cooperation guidelines are essential to effectively implement the proposed asset centralisation and to effectively manage the associated cost sharing arrangements. The policies will have to be consistent across all WEROC members. Existing asset management strategies and associated policies will have to fundamentally change to accommodate the proposed pooled resources.

## Statutory Implications

Nil

## Strategic Implications

### ➤ Strategic Community Plan

Zone: Zone 4 – Community and Leadership  
Zone Statement: Merredin Council engages with its Community and lead by example  
Key Priority: 4.4 – Advocating and lobbying effectively on behalf of the community.

### ➤ Corporate Business Plan

Key Action: 4.4.2 – Increase collaboration amongst stakeholders and surrounding local governments to improve local and regional service delivery and identify opportunities.  
Directorate: Engineering Services  
Timeline: Ongoing

## Sustainability Implications

### ➤ Strategic Resource Plan

The proposal has the potential to negatively impact the 15 year planned Asset Renewal Expenditure as identified in the Strategic Resource Plan 2019-2034. (Increased spend on asset replacement to meet the revised useful life expectations).

### ➤ Workforce Plan

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

## Risk Implications

The risks associated with the potential of a reduction in available plant and centralised asset pool are outlined in the report and are summarised by Accingo as follows:

- Seasonal work all at one time
- Lack of physical ownership means that scheduled & unscheduled works may not be performed
- Trust
- Who pays for what

- Future budgets & funds will be negatively impacted.

From a Plant Managers perspective, the Officer would be concerned with the overall condition of the plant and at what level the plant is maintained. In the advent of breakdowns, how are the costs distributed and how the costs are managed for hired replacement plant.

The risk can also be identified by who owns the plant, if WEROC members cease the cooperative approach and revert to direct plant management.

#### Financial Implications

Potential for an increase and/or decrease in the operational budget depending on the final model adopted by WEROC.

#### Voting Requirements



Simple Majority



Absolute Majority

#### Officer's Recommendation / Resolution

**Moved:** Cr Willis

**Seconded:** Cr Patroni

#### **82462** That Council

1. supports the recommendations 1 to 5 in principal advising the WEROC Executive Officer to progress discussions with regards to the implementation of these recommendations; and
2. requests for the WEROC Executive Officer to investigate the financial viability of a total hire model as detailed in recommendation 6.

**CARRIED 8/o**

**14. Officers Reports – Corporate and Community Services**

**14.1 List of Accounts Paid**

<h2>Corporate Services</h2>		 <p>SHIRE OF <b>MERREDIN</b> INNOVATING THE WHEATBELT</p>
<b>Responsible Officer:</b>	Charlie Brown, EMCS	
<b>Author:</b>	Charlie Brown, EMCS	
<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 October 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**

Zone: Zone 4 – Communication & Leadership  
Zone Statement: Merredin Council engages with its Community and leads by example.  
Key Priority: 4.1 – Ensuring all planning, reporting and resourcing is in accordance with best practice, compliance and statutory requirements.

➤ **Corporate Business Plan**

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

**Sustainability Implications**

➤ **Strategic Resource Plan**

Nil

➤ **Workforce Plan**

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

**Risk Implications**

Council would be contravening the *Local Government Act 1995* and *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

**Officer's Recommendation / Resolution**

**Moved:** Cr Van Der Merwe

**Seconded:** Cr Willis

**82463** That the schedule of accounts paid as listed, covering cheques, EFT's, bank charges, directly debited payments and wages, as numbered and

**totalling \$1,211,352.63 from Council's Municipal Fund Bank Account and \$0.00, from Council's Trust Account be endorsed by Council.**

**CARRIED 8/o**

**14.2 Statement of Financial Activity**

<h2>Corporate Services</h2>		 <p><b>SHIRE OF MERREDIN</b>  <small>INNOVATING THE WHEATBELT</small></p>
<b>Responsible Officer:</b>	Charlie Brown, EMCS	
<b>Author:</b>	Charlie Brown, ECMS	
<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>	<p><a href="#">Attachment 14.2A</a> - Statement of Financial Activity</p> <p><a href="#">Attachment 14.2B</a> – Detailed Statements</p> <p><a href="#">Attachment 14.2C</a> – Monthly Investment Report</p> <p><a href="#">Attachment 14.2D</a> – Financial Ratios</p> <p><a href="#">Attachment 14.2E</a> – Capital Expenditure</p>	

**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 consistent with Council’s YTD Budget with Operating Income consistent with budget estimates and Expenditure showing a 8% variance.

It is expected that the expenditure variance will even out over the next months to show a clearer picture.

**Capital Expenditure**

A detailed look at capital expenditure can be found in Note 8 and as a separate attachment.

**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

Zone: Zone 4 – Communication & Leadership  
Zone Statement: Merredin Council engages with its Community and leads by example.  
Key Priority: 4.1 – Ensuring all planning, reporting and resourcing is in accordance with best practice, compliance and statutory requirements.

#### ➤ Corporate Business Plan

Key Action: 4.1.1 – Continue to update the Integrated Planning Framework, meet statutory requirements of the Local Government Act and Regulations and regulatory obligations required under other regulations.  
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 Chief Executive Officer 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 Report are nil.

#### Voting Requirements

Simple Majority

Absolute Majority

#### Officer's Recommendation / Resolution

**Moved:** Cr Manning

**Seconded:** Cr Boehme

**82464** That in accordance with Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, the Statement of Financial Activity and the Investment Report for the period ending 31 October 2019 be received by Council.

**CARRIED 8/o**

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

**15.1 Nominations for delegations for the Minister for Planning's consideration to the Mid-West/Wheatbelt Joint Development Assessment Panel**

<h2>Administration</h2>		 <p><b>SHIRE OF          MERREDIN</b>          INNOVATING THE WHEATBELT</p>
<b>Responsible Officer:</b>	Kellie Bartley, A/CEO	
<b>Author:</b>	Kellie Bartley, A/CEO	
<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>	<p><b><u>Attachment 15.1A</u></b> – JDAP LG Member Nomination Form</p> <p><b><u>Attachment 15.1B</u></b> – DAPS Map – Mid-West/Wheatbelt Region</p>	

**Purpose of Report**

- Executive Decision
  Legislative Requirement

**Background**

Development Assessment Panels (DAP) commenced operation in Western Australia in July 2011. The Shire of Merredin forms part of the Mid-West/Wheatbelt Joint Development Assessment Panel, which comprises of Cr Crees and Cr Hooper as delegates and Cr Willis as Alternative Member.

Joint Development Assessment Panels (JDAP) comprises of a mix of technical experts and Local Government representatives with the power to determine for development under the following circumstances:

- where a proposed development has an estimated value of \$10 million or over; or
- where a proposed development has an estimated value between \$2 million \$10 million or more and the applicant opts in to have the application determined by the JDAP.

Under the DAP Regulation 26 of the *Planning and Development (Development Assessment Panels) Regulations 2011*, a Local Government is responsible for nominating four (4) Councillors, two (2) as DAP members and two (2) as alternative members.

At the October 2019 Ordinary Council Meeting, the Officer's report acknowledged that Councillors Crees and Hooper where to retain their membership and that Council Resolution (CMRef 82434) recommends:

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

**CARRIED BY ABSOLUTE MAJORITY 9/0**

However, with the recent 2019 Council elections, the membership will be required to recommend Elected Members that are currently serving on Council. This was an oversight by officers.

The correspondence received from the Director General, Department Planning, Lands and Heritage seeks new membership nomination from each local government. While the current term expires 26 January 2020, the letter from the Director General is asking for nomination to be received by 8 November 2019.

Officers have confirmed with JDAP that although this period has passed that the nominations will be accepted on Council recommendation at the November 2019 council meeting.

#### Comment

The purpose of this report is for Council to consider nominating Local Government representatives for the Minister for Planning's consideration to sit on the Mid-West/Wheatbelt Joint Development Assessment Panel.

The Director General of the Western Australia Planning Commission has written to all local governments on 10 October 2019. The letter notes that changes to the JDAP membership may be required as a result of changes to Council following the 2019 ordinary local government elections.

The correspondence seeks JDAP member nominations, noting the current term of JDAP members expires on 26 January 2020. Accordingly, new membership is requested for a term ending 26 January 2022.

Officers recommend Council nominate the necessary JDAP members for Ministerial consideration, to ensure the Shire has its full membership on the JDAP. This being two local council members, and two alternative local council members.

#### Policy Implications

Nil

#### Statutory Implications

The *Planning and Development (Development Assessment Panels) Regulations 2011* provides the legislative framework associated with JDAP's.

### Strategic Implications

#### ➤ Strategic Community Plan

Zone: Zone 4 – Communication & Leadership  
Zone Statement: Merredin Council engages with its Community and leads by example.  
Key Priority: 4.1 – Ensuring all planning, reporting and resourcing is in accordance with best practice, compliance and statutory requirements.

#### ➤ Corporate Business Plan

Key Action: 4.1.1 – Continue to update the Integrated Planning Framework, meet statutory requirements of the Local Government Act and Regulations and regulatory obligations required under other regulations.  
Directorate: Office of 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

The risk has been assessed as low.

### Financial Implications

There is no financial implications resulting from this report.  
Meeting fees and training costs are paid by the State Government.

### Voting Requirements

Simple Majority

Absolute Majority

### Officer's Recommendation / Resolution

**Moved:** Cr Boehme

**Seconded:** Cr Billing

**82465 That Council :**

**Resolves that the Acting Chief Executive Officer write to the Secretariat of the Development Assessment Panel advising the Minister of the Shire's nominations to the Mid-West/Wheatbelt Joint Development Assessment Panel for the term ending 26 January 2022:**

<b>Member</b>	<b>Councillor Nominated</b>
<b>Member 1</b>	<b>Cr Flockart</b>
<b>Member 2</b>	<b>Cr Willis</b>
<b>Alternative Member 1</b>	<b>Cr Manning</b>
<b>Alternative Member 2</b>	<b>Cr Butler</b>

**CARRIED 8/o**

**15.2 Council Meeting Dates for 2020**

<h2>Administration</h2>		 <p>SHIRE OF <b>MERREDIN</b> INNOVATING THE WHEATBELT</p>
<b>Responsible Officer:</b>	Kellie Bartley, A/CEO	
<b>Author:</b>	Kellie Bartley, A/CEO	
<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 15.2A</a> – Council Meeting Dates 2020 – Option 1 <a href="#">Attachment 15.2B</a> – Council Meeting Dates 2020 – Option 2 <a href="#">Attachment 15.2C</a> – Other councils	

**Purpose of Report**

- Executive Decision                       Legislative Requirement

**Background**

The *Local Government Act 1995* requires a local government, at least once a year, to give local public notice of the dates, times and places at which Ordinary Meetings of Council are held within the next 12 months.

All Committee and Council meetings are held in the Council Chambers at the Shire of Merredin Administration Building at Corner King & Barrack Streets, Merredin.

In accordance with Regulation 12 of the *Local Government (Administration) Regulation's 1996*, an advertisement will be placed in the local community paper. In addition, this advertisement will be placed on the Shire's website and on the Shire's notice boards.

**Comment**

There are a number of options that Council can consider when deciding Council meeting dates/structure for 2020. These are, but not limited to; what day; what time; whether Council has briefings; the frequency of meetings; and which week of the month.

In setting times for meetings, consideration should be given to:

- **Impact for Councillors** – Councils in Western Australia are not full time. The majority of Shire of Merredin Councillors work full time and have family responsibilities. They attend to Council obligations in addition to these roles. Councillor's duties are not limited to Council meetings and in many cases, a number of weeknights and weekends are occupied with Council obligations.

One of the principle roles of a Councillor is to participate in the decision making process at Council meetings. Maximum Councillor attendance is important for debate and decision-making. Council's primary consideration to setting meeting times should be the availability of councillors and the optimal time to ensure effective decision-making.

- **Public Attendance** – meeting times of Council are during work hours and should be optimised for all the community. It is consideration that any one meeting time will not suit all sections of the community.
- **Impact for Senior Staff** – Longer meetings, if started later, will extend later into the evening. This may have impacts on Councillors and rostering of staff who attend meetings and potential Occupational Health and Safety impacts if meetings extend late into the evening.

Councillors should consider the suitability of meetings that extend into the later part of the evening, and how this impacts on them, members of the public and staff, and whether good decision making can still occur later in the night.

### Options and Implications

- **Day:** Monday, Tuesday, Wednesday, Thursday, Friday  
Council currently meets on a Tuesday. Majority of local governments meet on a Tuesday with some meeting on Mondays, Wednesdays.
- **Start Time:** Between the hours of 8.30am and 6pm.  
Council currently meets at 3pm; this varies between individual local governments in the Wheatbelt Region.
- **Agenda Briefings;** Yes or No  
Council currently does not have an agenda briefing session. WALGA advised that having an agenda briefing session a week before the Council meeting, which is closed to the public.
- **Frequency:** 1 a month, 2 a month; every 3 or 4 weeks.  
The option for 1 a month suits the Shire of Merredin and no further discussion is required for this option.
- **Cycle:** 1<sup>st</sup> week, 2<sup>nd</sup> week, 3<sup>rd</sup> week, 4<sup>th</sup> week, last week.
- Shire of Merredin currently has their Council meetings on the 3<sup>rd</sup> week of the month. Council may choose to trial a preferred week.
- Consideration also needs to be given to Council committees and Citizenship Ceremonies.

### **Option 1**

1. That Council meets on the 3<sup>rd</sup> Tuesday of the Month.
2. That Council meetings commence at 3pm.
3. That Briefing sessions are to be held on the 1<sup>st</sup> Tuesday of each month at 6pm and on the 3<sup>rd</sup> Tuesday of the month at 1pm.
4. That Audit Committee is held prior to the commencement of briefing sessions on the 3<sup>rd</sup> Tuesday of the month (as required).

### **Option 2**

1. That Council meets on the 4<sup>th</sup> Tuesday of the Month.
2. That Council meetings commence at (Time to be decided).
3. That Policy Concept Forums (previously known as Briefing Sessions) are to be held on the 1<sup>st</sup> and 2<sup>nd</sup> Tuesday of each month at 5pm.
4. That Agenda Settlement is to be held on the 3<sup>rd</sup> Tuesday of the month at 5pm.
5. That Audit Committee is held prior to the commencement on 4<sup>th</sup> Tuesday of the month (when required).

The benefits for using informal and formal meetings (Policy Concept Forums/Agenda Settlement) will improve the local government by the following outcomes:

- Forum for Elected Members/Staff to discuss and develop ideas and strategies.
- Elected Members can review progress before a matter comes for decision.
- Strategy can be refined and fine-tuned.
- Team Approach – Council and Administration
- Efficiency
  - \* Administration has clearer understanding of the Council's direction
  - \* Decisions less likely to be deferred or delayed
  - \* Options, opportunities, risks better understood
- Committee and Council meetings focus on decision making

Should Council consider Option 2 it will increase the number of sessions from 2 to 4, allowing for 2 Policy Concept Forums and an agenda settlement evenings.

In accordance with section 5.25 (1)(g) the *Local Government Act 1995* and Regulation 12 of the *Local Government (Administration) Regulations 1996*, Council is required to endorse the proposed meeting dates and give local public notice of the purpose, date and time of Committee and Council meetings to be held over the following 12 month period.

### **Policy Implications**

This item is aligned with legislation and therefore not related to any policies.

### Statutory Implications

Section 5.25 (1) (g) of the *Local Government Act 1995* provides for giving of public notices of the date and agenda for Council or Committee meetings.

Regulation 12(1) of the *Local Government (Administration) Regulation's 1996* provides:-

*"(1) At least once each year a local government is to give local public notice of the dates on which a time and place at which-*

*(a) The ordinary council meetings; and*

*The committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to the members of the public, are to be held in the next 12 months."*

### Strategic Implications

#### ➤ Strategic Community Plan

Zone: Zone 4 – Communication & Leadership  
Zone Statement: Merredin Council engages with its Community and leads by example.  
Key Priority: 4.2 – Council engaging broadly and proactively with the community

#### ➤ Corporate Business Plan

Key Action: 4.2.1 – Support Councillor engagement at functions and events  
Directorate: All directorates  
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 risk is relative low however the statutory risk would be non-compliance should the local government does not proceed to advertise or support this item.

### Financial Implications

The cost of advertising in the local paper will form part of this item which is currently budgeted in the 2019/20 annual budget.

### Voting Requirements

Simple Majority  Absolute Majority

### Officer's Recommendation / Resolution

#### That Council :

1. That Council meets on the \_\_\_\_ Tuesday of the Month.
2. That Council meetings commence at \_\_\_\_ pm.
3. That Council has closed agenda briefing sessions on the \_\_\_\_ Tuesday of the month.
4. That, commencing on Tuesday \_\_\_\_ Feb, Policy Concept forums be held on the remaining Tuesdays of the month, except those that are public holidays and the month where a 5 week occurs.
5. That Audit Committee be held on the 3rd Tuesday of the month commencing at 1pm.

### Resolution

**Moved:** Cr Boehme **Seconded:** Cr Willis

**82466** That the Standing Orders be suspended to enable this matter to be discussed further at 3:33pm.

**CARRIED 7/o**

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

**82467** That Standing Orders resume at 3:56pm.

**CARRIED 8/o**



**Moved:** Cr Boehme

**Seconded:** Cr Van Der Merwe

**82468 That Council :**

1. That Council meets on the 3<sup>rd</sup> Tuesday of the Month.
2. That Council meetings commence at 4 pm.
3. That Audit Committee be held on the 3<sup>rd</sup> Tuesday of the month commencing at 1pm.

**Reason:** Further discussion is required by CEO and Elected members regarding briefing sessions.

**CARRIED 7/0**

**15.3 Shire of Merredin Christmas/New Year Opening Hours**

<h2>Administration</h2>		
<b>Responsible Officer:</b>	Kellie Bartley, A/CEO	
<b>Author:</b>	Kellie Bartley, A/CEO	
<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>	Nil	

**Purpose of Report**

Executive Decision                       Legislative Requirement

**Background**

For the last few years most Council venues have closed during the Christmas/New Year period as it is an extremely quiet period with minimal public visitations and phone enquires. It is also common for many residents of the Shire to travel elsewhere at this time of year with many other businesses also closing.

**Comment**

The Christmas Day public holiday will be observed on Wednesday 25 December 2019 with Boxing Day public holiday being observed on Thursday 26 December 2019, meaning Council offices will be closed on both these days. Similarly, the New Year's Day public holiday will be observed on Wednesday 1 January 2020 meaning Council offices will also be closed on that day.

It is therefore requested that the Shire venues close from 12 noon Tuesday 24 December 2019 to Wednesday 1 January 2020 inclusive. The venues will reopen as usual on Thursday 2 January 2020.

The opening times for all venues over the Christmas/New Year period will be extensively advertised and circulated in advance.

As per previous years, on-call arrangements will be put in place prior to the proposed Christmas closure to ensure emergencies can be responded to. Senior staff will be available on mobile phone and emergency contact details will also be distributed where required.

**Policy Implications**

Nil

**Statutory Implications**

Nil

**Strategic Implications**

➤ **Strategic Community Plan**

Zone: Nil  
Zone Statement: Nil  
Key Priority: Nil

➤ **Corporate Business Plan**

Key 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**

As mentioned Senior staff will be available on mobile and if required for any major emergencies relevant staff will be called if required.

**Financial Implications**

Staff will be required to take time in lieu, annual leave or accrued rostered days off. These costs are contained within the 2019/20 budget.

**Voting Requirements**



Simple Majority



Absolute Majority

### Officer's Recommendation / Resolution

**Moved:** Cr Van Der Merwe

**Seconded:** Cr Patroni

**82469 That Council :**

**Adopts that all Shire venues for the Christmas/New Year period from 12 noon 24 December 2019 to Wednesday 1 January 2020 inclusive with the hours of operation and emergency contacts advertised to the community**

**CARRIED 8/0**

<b>16.</b>	<b>Motions of which Previous Notice has been given</b>
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Nil

<b>17.</b>	<b>Questions by Members of which Due Notice has been given</b>
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Nil

<b>18.</b>	<b>Urgent Business Approved by the Person Presiding or by Decision</b>
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Nil

<b>19.</b>	<b>Matters Behind Closed Doors</b>
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Nil

<b>20.</b>	<b>Closure</b>
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Prior to closing the meeting the President acknowledged this meeting as being the last for Ms Kellie Bartley who is leaving the Shire of Merredin. The President thanked Ms Bartley for her support to Council and dedication to the role during her time with the Shire.

There being no further business the President then thanked those in attendance and declared the meeting closed at 4:07pm.

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