

SHIRE OF
MERREDIN
INNOVATING THE WHEATBELT

MINUTES

Ordinary Council Meeting

Held Council Chambers
Corner King & Barrack Street's, Merredin
Tuesday, 15 December 2020
Commencing 4.00pm



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Common Acronyms Used in this Document	
WEROC	Wheatbelt East Regional Organisation of Councils
GECZ	Great Eastern Country Zone
WALGA	Western Australian Local Government Association
CEACA	Central East Aged Care Alliance
T/CEO	Temporary Chief Executive Officer
DCEO	Deputy Chief Executive Officer
EMDS	Executive Manager of Development Services
EMES	Executive Manager of Engineering Services
EMCS	Executive Manager of Corporate Services
MCO	Media and Communications Officer
EA	Executive Assistant to CEO
LPS	Local Planning Scheme
LGIS	Local Government Insurance Services
SRP	Strategic Resource Plan
CBP	Corporate Business Plan
CSP	Community Strategic Plan
MRCLC	Merredin Regional Community and Leisure Centre
CWVC	Central Wheatbelt Visitors Centre
MoU	Memorandum of Understanding

Shire of Merredin
Ordinary Council Meeting
4:00pm Tuesday, 15 December 2020



1. Official Opening

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

2. Record of Attendance / Apologies and Leave of Absence

Councillors:

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

Staff:

M Dacombe	T/CEO
A Brice	EA
C Brown	EMCS
A Prnich	DCEO
P Zenni	EMDS
C Shotter	EMES

Members of the Public: 2

Apologies: Nil

Approved Leave of Absence: Nil

3. Public Question Time

4. Disclosure of Interest

Councillor Billing declared an Indirect Financial Interest in Item 12.4 and a Financial Interest in Item 14.3.

Councillor Butler declared an Impartiality Interest in Item 12.1.
T/CEO M Dacombe declared a Direct Financial Interest in Item 19.2.

5. Applications of Leave of Absence

Councillor Van Der Merwe, Councillor Billing and Councillor Willis requested a Leave of Absence for January 2021.

Voting Requirements

Simple Majority Absolute Majority

Councillor's Recommendation / Resolution

Moved: Cr Patroni **Seconded:** Cr Boehme

82642 That Councillor Van Der Merwe, Councillor Billing and Councillor Willis be granted a Leave of Absence for the January 2021 Ordinary Council Meeting.

CARRIED 9/o

6. Petitions and Presentations

7. Confirmation of Minutes of the Previous Meetings

7.1 Ordinary Council Meeting held on 17 November 2020
[Attachment 7.1A](#)

Voting Requirements

Simple Majority Absolute Majority

Officer's Recommendation / Resolution

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

82643 That the Minutes of the Ordinary Council Meeting held on 17 November 2020 be confirmed as a true and accurate record of proceedings.

CARRIED 9/o

8. Announcements by the Person Presiding without discussion

The Shire President informed Councillors that she attended the following meetings and events;

- 18 November – MRCLC Working Group Meeting, Merredin;
- 23 November – CEACA Meeting, Kellerberrin;
- 25 November – Breakfast meeting with the Chair, CEO and representatives of Grain Growers Alliance, WDC and DPIRD

regarding the Drought Resilience Business Case Proposal, Merredin;

- 25 November – Great Eastern Country Zone Meeting, Merredin;
- 25 November – WEROC AGM and General Meeting, Merredin;
- 25 November – LEMC Meeting, Merredin;
- 28 November – Official opening of the Southern Cross Swimming Pool, Southern Cross;
- 2 December – Farewell afternoon tea with OIC Merredin Police Mark Tobiassen and his wife Glenys;
- 4 December – Meeting with CEO, EMES and Cr Patroni to discuss Kellerberrin Regional Road Group agenda, Merredin;
- 5 December – Staff and Councillors Christmas Party, Merredin;
- 7 December – Kellerberrin Regional Road Sub Group Meeting, Zoom, Merredin;
- 7 December – MRCLC Working Group Meeting, Merredin;
- 7 December – WBN Business After Hours, Merredin;
- 8 December – Gala Night Working Group Meeting, Merredin;
- 9 December – Wheatbelt Development Commission Board Meeting – Local Government Representative, Northam;
- 14 December – CEACA Executive Meeting, Zoom, Merredin; and
- 14 December – Australia Day Awards Meeting, Merredin.

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

19.1 [Chief Executive Officer Recruitment and Selection Process](#)

19.2 [Confidential - Appointment of Temporary Chief Executive Officer](#)

10. Receipt of Minutes of Committee Meetings

10.1 Rural Water Council Meeting held 3 July 2020

[Attachment 10.1A](#)

10.2 WEROC Inc. Annual General Meeting held 26 November 2020

[Attachment 10.2A](#)

10.3 WEROC Inc. Board Meeting held 26 November 2020

[Attachment 10.3A](#)

10.4 Eastern Wheatbelt Biosecurity Group Annual General Meeting held 1 October 2020

[Attachment 10.4A](#)

10.5 Wheatbelt North Regional Road Group - Kellerberrin Sub-Group Held 7 December 2020

[Attachment 10.5A](#)

10.6 Great Eastern Country Zone Meeting held 26 November 2020

[Attachment 10.6A](#)

10.7 Local Emergency Management Committee Minutes held 26 November 2020

[Attachment 10.7A](#)

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Willis

Seconded: Cr Patroni

82644 That the Minutes of the following Committees be received:

- Rural Water Council Meeting held 3 July 2020;
- WEROC Inc. Annual General Meeting held 26 November 2020;
- WEROC Inc. Board Meeting held 26 November 2020;
- Eastern Wheatbelt Biosecurity Group Annual General Meeting held 1 October 2020;
- Wheatbelt North Regional Road Group - Kellerberrin Sub-Group Held 7 December 2020;
- Great Eastern Country Zone Meeting held 26 November 2020; and
- Local Emergency Management Committee Minutes held 26 November 2020.

CARRIED g/o

11. Recommendations from Committee Meetings for Council consideration

Nil

12. Officers' Reports - Development Services

12.1 Lot 111 (No 12) Mitchell Street Merredin – Development Application for Material Storage Shed and Caretakers Dwelling

Cr Butler declared an Impartiality Interest in this Item 12.1

<h2>Development Services</h2>		 SHIRE OF MERREDIN INNOVATING THE WHEATBELT
Responsible Officer:	Peter Zenni, EMDS	
Author:	Peter Zenni, EMDS	
Legislation:	Shire of Merredin Local Planning Scheme No 6.	
File Reference:	A2545	
Disclosure of Interest:	Cr Butler – Impartiality Interest	
Attachments:	Attachment 12.1A – Application for development approval and supporting documentation	

Purpose of Report



Executive Decision



Legislative Requirement

Background

The Shire of Merredin has received an application for development (planning) approval for the use of an existing shed for the storage of building materials and the use of an existing house as a caretaker's dwelling at Lot 111 (No 12) Mitchell Street, Merredin.

Comment

The owner of Lot 111 (No 12) Mitchell Street, Merredin has advised that both the house and large shed have been located on the property for many years, originally used as a plasterboard factory and in more recent times as a plant nursery and \$2 gift shop. He has also confirmed that the property has been vacant in excess of 6 months.

An inspection of Councils property records relating to Lot 111 (No 12) Mitchell Street, Merredin reveals that the Shire of Merredin Council issued planning consent

(PA07/11) on 26th May 2020 for use of the premises as a Shop – Auctioneers Premises.

The planning consent makes no mention of the house located on the property.

Statutory Requirements

Lot 111 (No 12) Mitchell Street is zoned ‘Town Centre’ under the Shire of Merredin Local Planning Scheme No. 6 (LPS).

The proposed building material storage falls under ‘Warehouse/storage’ use in the zoning tables forming part of the LPS. Warehouse/storage is a ‘D’ use in a Town Centre zoned area. This means that the activity is not permitted unless the local government has exercised its discretion by granting development approval.

The proposed activity will be limited to the storage of building materials associated with a local carpentry/ building business and minor repairs to the business owners own vehicles or equipment. There will be no manufacturing or wholesale/retail activities undertaken from the premises as all carpentry/building related activities take place off site.

There are no noise sensitive premises in the immediate vicinity, and it is believed that the proposed use of the shed for storage purposes will not have an adverse impact on the amenity of the surrounding area.

The existing house located on the property has been vacant in excess of a 6-month period. single dwellings are an X use in a Town Centre zone under the LPS.

Even if the original house was a lawful use, by virtue of it being left vacant in excess of the 6-month period specified by the LPS, it has lost its non-conforming use rights and as such it can no longer be used purely for dwelling purposes.

The applicant has indicated that she wishes to use the existing house as a caretaker’s dwelling in direct association with the use of the shed for storage purposes as added security for the materials being stored therein. It is proposed that the applicant’s eldest son will reside in the caretaker’s dwelling.

A caretaker’s dwelling is a “D” use under the LPS in a ‘Town Centre’ zone meaning that its use is not permitted unless the Shire of Merredin Council has exercised its discretion by granting development approval.

The LPS stipulates that only one caretaker’s dwelling is permitted on a lot, and that it shall be located at the rear of the lot and have a maximum floor area of 100m².

Given that the existing house is already on the property in question it is suggested that the Shire of Merredin whilst being mindful of the intention of the LPS with

regard to caretaker's dwelling provisions approve the use of the existing house as a caretaker's dwelling.

There is a minor risk involved in setting a precedent with the Shire Council using its discretion and providing some flexibility with respect to approving the use of the existing house for a caretaker's dwelling.

The risk is minimal and can be explained on the basis that the house in question is an existing structure that has been on the property for many years and otherwise it will not be able to be used legally for its intended purpose and as such is likely to fall into disrepair and ultimately require demolition and removal.

Furthermore, the LPS specifically allows for discretion by Council in accordance with Clause 4.5 of the LPS, which states as follows;

4.5 VARIATIONS TO SITE AND DEVELOPMENT STANDARDS AND REQUIREMENTS

4.5.1 *Except for development in respect of which the Residential Design Codes apply, if a development is the subject of an application for development approval and does not comply with a standard or requirement prescribed under the Scheme, the local government may, despite the non-compliance, approve the application unconditionally or subject to such conditions as the local government thinks fit.*

4.5.2 *In considering an application for development approval under this clause, where, in the opinion of the local government, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is the subject of consideration for the variation, the local government is to —*

consult the affected parties by following one or more of the provisions for advertising uses under clause 64 of the deemed provisions; and AMD 5 GG 04/07/17

have regard to any expressed views prior to making its determination to grant the variation.

4.5.3 *The power conferred by this clause may only be exercised if the local government is satisfied that —*

approval of the proposed development would be appropriate having regard to the criteria set out in clause 67 of the deemed provisions; and AMD 5 GG 04/07/17

the non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality

In order to ensure that the caretaker's dwelling is only used for that purpose and not for future residential use it is suggested that the development approval for the

use of the house as a caretaker's dwelling be conditional on the use being limited to the applicant's family members or employees.

The owner of the property should also be formally advised that any non-conforming use rights under the LPS with respect to the house have expired and that a single house is an X use under the LPS.

Policy Implications

Nil

Statutory Implications

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

Strategic Implications

➤ Strategic Community Plan

Zone: Economy and Growth
Zone Merredin Seeks new opportunities for growth and strives to
Statement: 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 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

There is a minor risk involved in setting a precedent with the Shire Council using its discretion and providing some flexibility with respect to approving the use of the existing house for a caretakers dwelling.

Financial Implications

The relevant development application fees have been paid.

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Boehme

Seconded: Cr Van Der Merwe

82645 That Council:

1. **Grant Development (Planning) Approval for the use of the shed on the premises located at Lot 111 (No 12) Mitchell Street, Merredin for storage of building materials and equipment and the use of the existing house located at Lot 111 (No 12) Mitchell Street, Merredin as a caretaker's dwelling, subject to;**
 - a. **The use of the shed being limited to the storage of building materials and equipment only, no manufacturing or wholesale/retail activities to be undertaken from the premises.**
 - b. **The use of the caretaker's dwelling being limited to the applicant's family members or employees.**
 - c. **The development approval relates only to the use of the shed on the premises located at Lot 111 (No 12) Mitchell Street, Merredin for storage of building materials and equipment and the use of the existing house located at Lot 111 (No 12) Mitchell Street, Merredin as a caretaker's dwelling and does not relate to any other development.**
2. **Notify the owner of Lot 111 (No 12) Mitchell Street, Merredin that any non-conforming use rights under the LPS with respect to the house located on the property have expired and that a single house is an X use under the LPS.**

CARRIED 9/0

**12.2 LOCAL PLANNING SCHEME NO. 6 – Subdivision Application WAPC
Application No 160083 – Lot No 482 Haines Street**

Two members of the public left the Chambers at 4.16pm and did not return

Development Services



Responsible Officer:	Peter Zenni - EMDS
Author:	Paul Bashall - Planwest
Legislation:	<i>Planning & Development Act 2005, Local Planning Scheme No. 6 – Shire of Merredin</i>
File Reference:	A1923
Disclosure of Interest:	Nil
Attachments:	Attachment 12.2A – WAPC Referral Attachment 12.2B – Supporting documentation

Purpose of Report



Executive Decision



Legislative Requirement

Background

The WA Planning Commission (WAPC) has referred a proposed subdivision to the Council for its comments and requirements prior to it making a determination on the proposal.

The subject land is Lot 482 Haines Street in Merredin. The land dimensions are about 190 metres between Haines Street and Bates Street, and about 100 metres measuring 1.9223 hectares.

Figure 1 provides a location plan of the proposed subdivision in relation to the Merredin townsite. The lot in area and is located about 1.5 kilometres north of Great Eastern Highway.

Figure 2 shows an enlargement of the subject land. The property is currently vacant other than a new house built on the South West corner of the land.

In 2004 a subdivision approval was granted by the WA Planning Commission (via the Town Planning Appeal Tribunal) for the creation of 18 lots. The current subdivision application basically mirrors the same design.

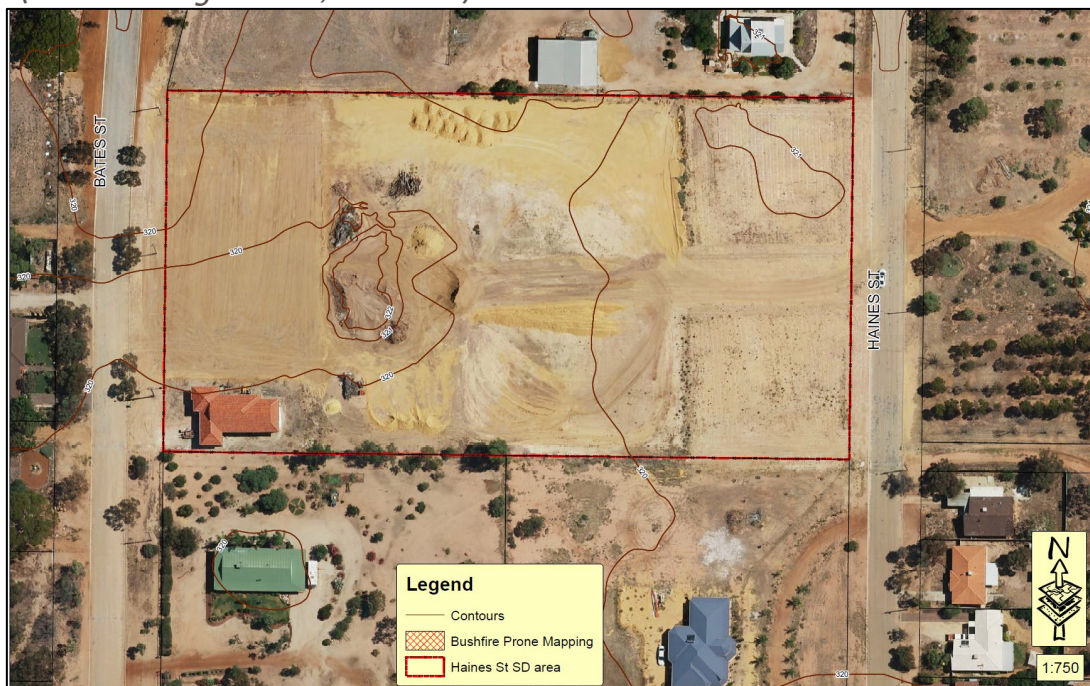
Figure 1 - Location Plan

(Source: Landgate, DPLH, Planwest)



Figure 2 - Aerial Photograph of the Subject Land

(Source: Google Earth, Planwest)



Previous Subdivision Approval

A subdivision design shown in Figure 3 was approved on appeal in 2004. This approval has long since expired.

Figure 3 - Previous Subdivision Approval

Source: Applicant

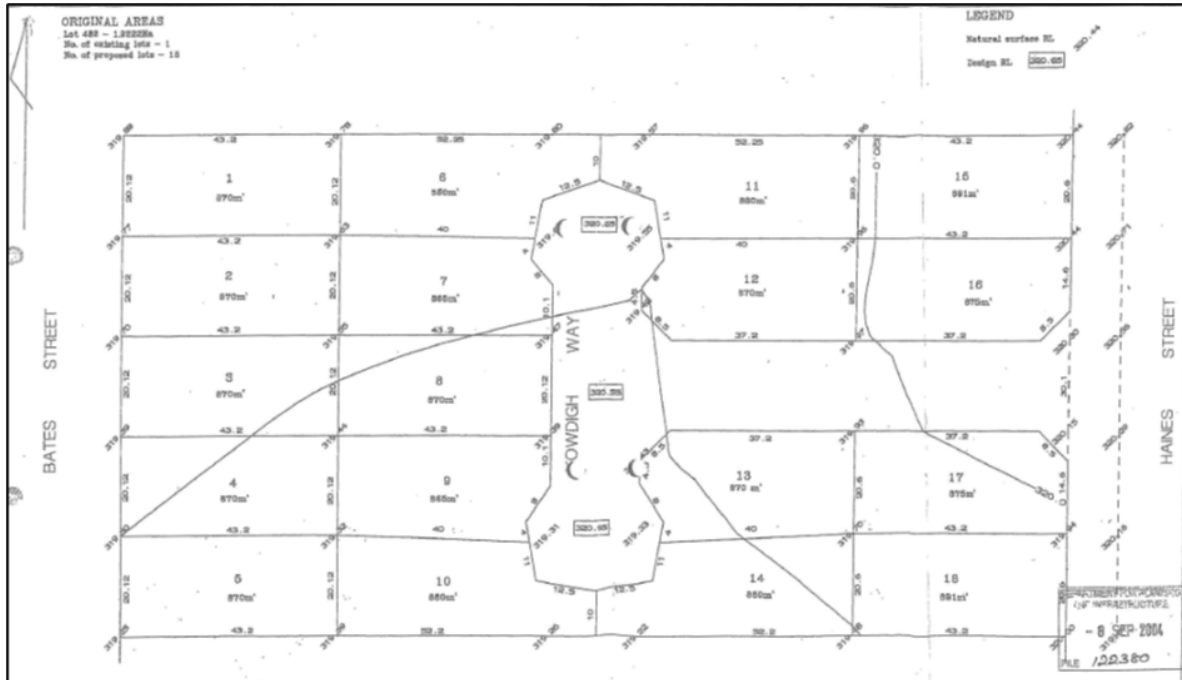
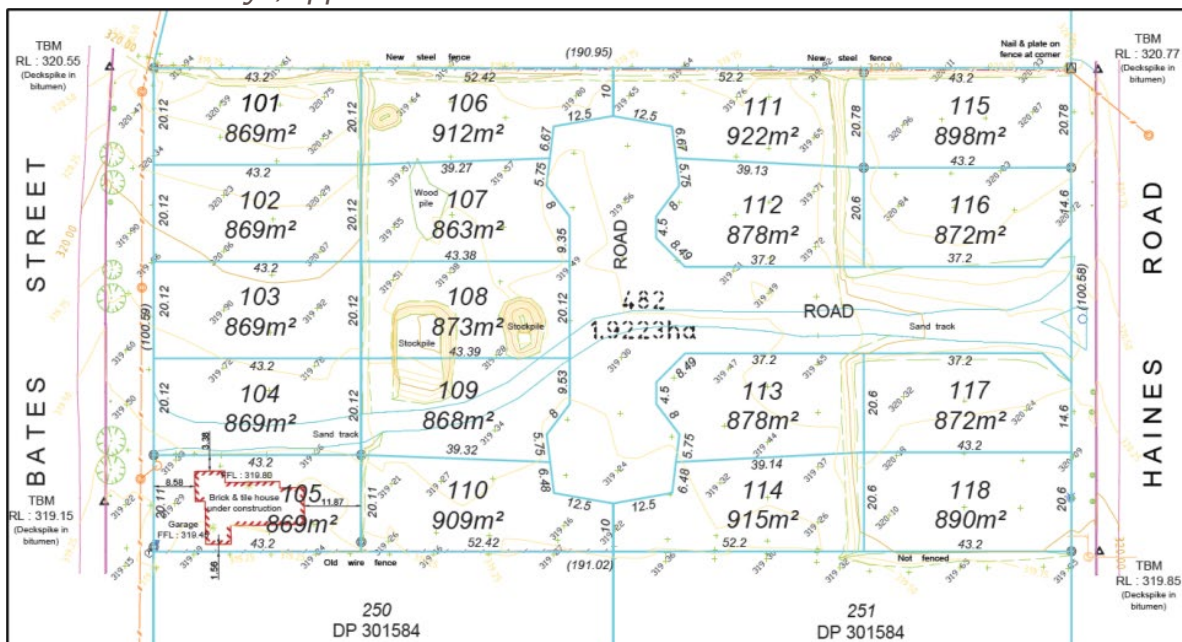


Figure 4 provides a copy of the current proposed subdivision.

Figure 4 - Proposed Subdivision Extract

Source: RM Surveys, applicant



The minor difference appears to be adherence to a condition in the 2004 approval that required each lot should have a minimum road frontage of 17m.

The 2004 subdivision approval was issued with 13 conditions, nearly all of which are standard servicing requirements. Condition 7 required a minimum lot size of 700m², and condition 8 required the 17m frontage as mentioned.

Condition 4 required 1,922m² to be vested in the Crown for Public Open Space (POS), however a footnote, or advice to the appellant, indicates that the WAPC approves a cash-in-lieu payment of POS.

The report accompanying the application indicates (and confirmed by Council records) that a payment of \$1,500 was made to the Council – presumably during the subdivision validity period.

Bushfire Prone Areas

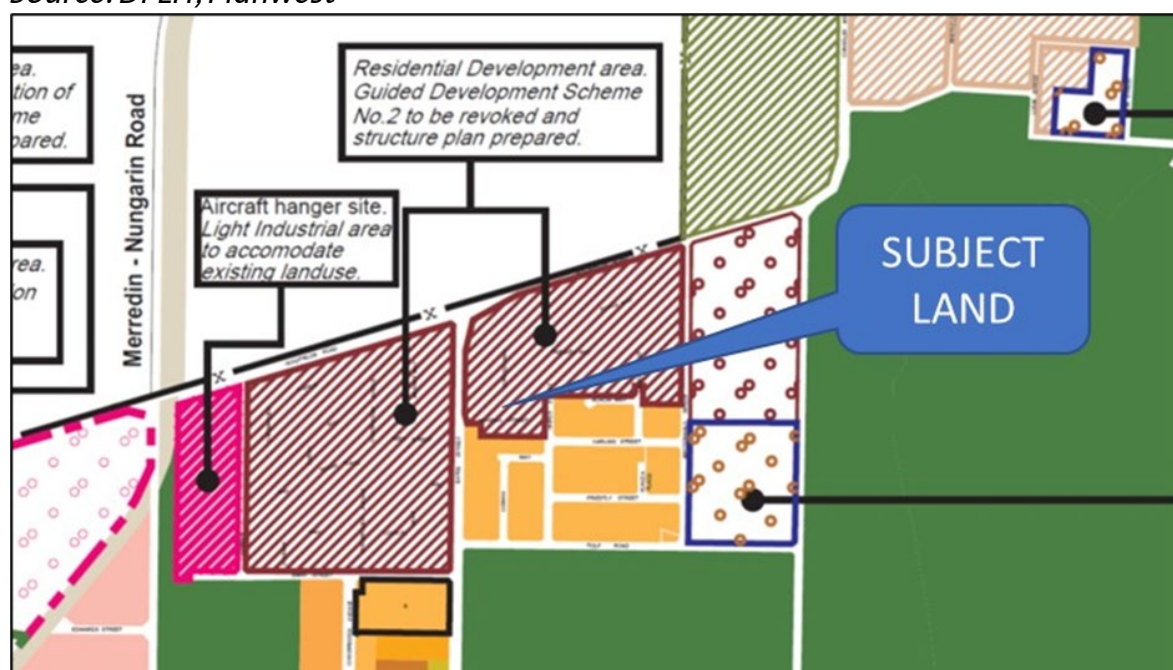
The land is not affected by the bushfire prone mapping.

Local Planning Strategy

The Merredin Local Planning Strategy (the Strategy) was endorsed by the WAPC on the 14th August 2007. Figure 5 provides an extract from the Strategy map.

Figure 5 - Local Planning Strategy Extract

Source: DPLH, Planwest



The Strategy designates these large areas of undeveloped residential land as 'Residential Development' and requires that these areas be the subject of a structure plan.

The primary reason for a structure plan in these areas is to ensure that the development of larger vacant properties synchronise their respective road systems with each other to provide a coordinated and workable access network.

Local Planning Scheme

The Shire of Merredin Local Planning Scheme No 6 (the Scheme) was gazetted on the 24 June 2011. The subject land is zoned Residential with a Residential Density Code (R-Code) of R10/30.

Figure 6 provides the Scheme designations of, and around, the subject land.

Figure 6 - Local Planning Scheme

Source: DPLH, Planwest



This split density means that the density will be R10 unless the land is deep sewered. In this case the land can be deep sewered making the maximum density R30. The R30 density allows for a minimum average lot size of 300m².

The subject land is also included in a Development Area. These Scheme states;

4.9 DEVELOPMENT AREAS

Subdivision and development of land included in a Development Area, as shown on the Scheme Map, shall be subject to the preparation of a

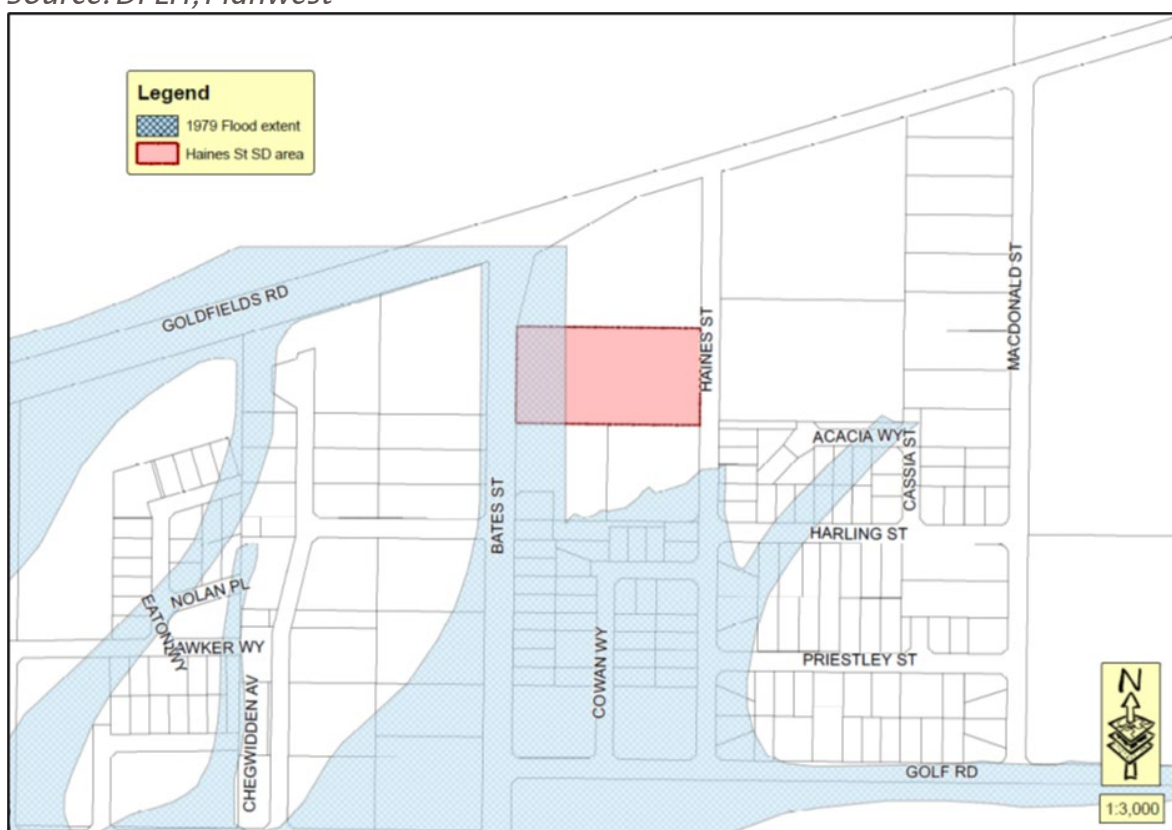
Structure plan for the area in accordance with Part 4 of the deemed provisions.

Floodway

According to Council information, the western part of the subject land has previously been the subject of flooding. Figure 7 provides this information as recorded by a flood that occurred in February 1979.

Figure 7 - Area of Flooding in 1979

Source: DPLH, Planwest



The applicant should be made aware of this information in order that the appropriate measures can be taken to design the subdivision to avoid any impact should this event be repeated. Alternatively, a notification should be placed on the new titles affected by this mapping.

Comment on Subdivision

The previous WAPC approval is acknowledged, however since that approval, many circumstances have changed including a new Strategy and Scheme.

There are several concerns with the proposed subdivision, however there is debate about the appropriateness of State and local planning intervention on issues like design and density.

There is little doubt that a subdivision will be approved however the following issues need careful consideration.

1. Density

The existing design is far from achieving the existing R30 density Code. This code has a minimum average lot size of 300m². The proposed design achieves an average lot size of 833m².

There is no justification offered in the information supporting the subdivision, to suggest that the proposed lot sizes are targeting a specific market demand. Whilst it is acknowledged that 300m² lots may have a limited appeal in a country town, there is a case for lots smaller than the 833m² lots offered.

In addition, there is no discussion in the application about how an increased density could be achieved without reliance on battle-axe lots.

One of the objectives of Development Control Policy (DC 2.2) is ‘to facilitate the supply of residential lots in regular shapes and sizes that reflect the statutory provisions of local planning Schemes’.

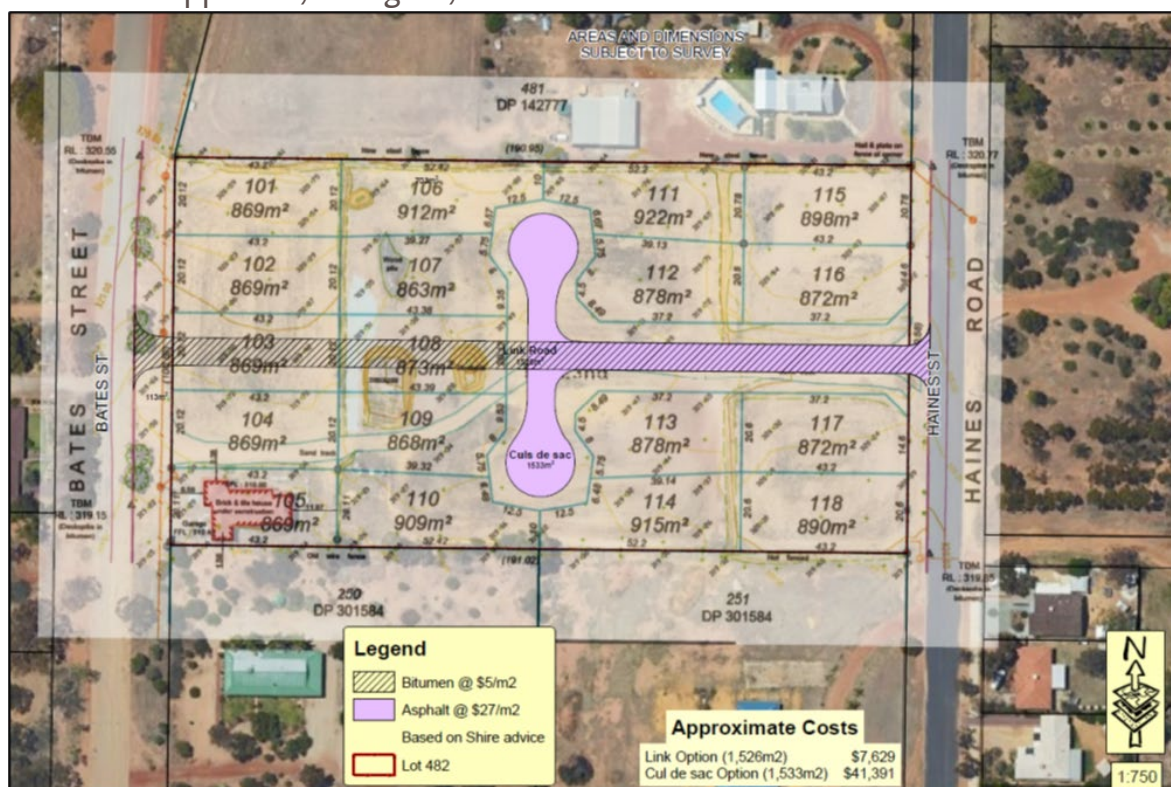
2. Design and Structure Plan

The applicant argues that a Structure Plan is unnecessary. The design (like the 2004 version) plans a dual head cul-de-sac design. Culs-de-sac are not only more expensive to build but, more importantly from the Council’s viewpoint, more expensive to maintain in the long term.

Figure 8 shows two roadway options, the application design (culs de sac) and a link roadway.

Figure 8 - Roadway Options

Source: Applicant, Landgate, Planwest



The Council engineers have advised that that the cul de sac option would need to be asphalt construction as the turning circles are hard on the road surface especially with trucks – of which there will be a weekly rubbish truck.

The design shown in Figure 8 is only an example for calculations, however the design does follow liveable neighbourhoods 'Guidelines for the Design and Geometric Layout of Residential Roads (June 1998) in terms of cul de sac sizes, road widths and truncations.

The Council engineer estimates the difference between bitumen seal (at \$5/m²) and asphalt (at \$27/m²) is \$22/m². This results in a difference of over \$30,000 in construction costs and a significant extra ongoing cost to Council when the road is handed over.

Although not strictly legislated, culs-de-sac do not sit well with escaping in the case of a disaster at the entrance, and provide little to achieve permeability through the area generally.

The east-west orientation of every lot is a debateable topic of whether the traditional north-south oriented lots achieve better solar benefits.

A redesign with a simple road connecting Haines Street to Bates Street not only allows for more lots, but also helps the permeability of the design. Figure 9 shows an example of a redesign.

Figure 9 - Example of a Redesign

Source: Landgate, DPLH, Planwest



If a redesign was considered (as shown) to provide an east-west road connecting Haines Street with Bates Street, it would;

- a. Negate the need to prepare a Structure Plan.
- b. Cost less in road construction.
- c. Cost less in the long term for the Council to maintain.
- d. Provide better solar orientation for the lots (debateable).
- e. Allow for a variety of lot sizes and increase the lot yield (via lot widths).
- f. Provide for permeability and simplify access to lots.

A less favoured compromise may be for the proposed culs de sac design to be modified to provide the future option for the culs de sac to be connected to the larger lots north and south of the subject land.

This option will still require the culs de sac to be fully constructed as there would be no time frame on the future development of the lots abutting north and south. The other issues with this option are that;

- The connection from the lots north and south may never occur if they are developed with a link road (similar to that shown in Figure 8).

- The design of the future connection to the north will need to provide a setback for the existing shed, and
- The culs de sac roadways would still need to be fully constructed.

3. Development Costs

Discussions have occurred between the applicant and Planwest regarding the issues raised opposing the proposed subdivision design. The applicant agreed with these issues and subsequently had further discussions with the owner.

Those subsequent discussions with the owner were not fruitful. The owner has stated that he is determined to maintain the original design as;

- a. a significant amount has already been invested in the fill on the site that suits the original design, and
- b. he believes (mistakenly) that he can subdivide several lots facing existing roads (Haines and Bates) without the need to construct the proposed road.

In response to these points, the following comments are offered.

- a. The areas of fill required for the site in a redesign will only be a minor change to the application design. The cost of relocating this fill (from the culs-de-sac heads to the western end of the connecting road near Bates Street) would be minor compared with the better lot yield and expected high road costs of the application design.

It appears that additional fill has been carted to the site since the previous subdivisional approval had lapsed. These works have therefore been carried out without approval – creating an offence (Memo dated 29 Feb 2012 from relieving EHO to CEO).

- b. Following a meeting between Planwest, Shire officers and an officer from the Department of Planning, Lands and Heritage, it was made clear that it was unlikely that the WAPC would allow single lots to be created without guarantees that the road would be built. The more lots that are created without contributing to the road costs, the more burden increases on the fewer remaining lots to construct the road. This burden makes it less likely that those remaining lots will be created in the shorter term.

The WAPC's Operational Policy 1.1 – specifically part 3.5 - deals with super lots and the requirement for a structure plan.

4. Public Open Space

The 2004 WAPC approval agreed to cash-in-lieu of POS. Although the subdivision never proceeded, \$1,500 was received by the Council to satisfy the cash-in-lieu payment and (according to Shire records) was never returned.

It is the writer's view that, because the proposed subdivision was never completed, the \$1,500 should either be returned to the owner (who happens to be the same owner as was in 2004), or be considered a credit towards a new

valuation for the 1,922m2 POS area to complete the new cash-in-lieu assessment (along with any lost interest) – if the WAPC agrees to cash-in-lieu again.

Policy Implications

Nil

Statutory Implications

Compliance with Planning & Development Act 2005, Local Planning Scheme No. 6 – Shire of Merredin.

Strategic Implications

The only implications of supporting the subdivision design as submitted – without a Structure Plan - is the precedent for not requiring a Structure Plan on the remaining larger undeveloped lots. Without a Structure plan there is no clear coordination of the network design for the areas that most need a guide to manage future planning and design.

➤ Strategic Community Plan

Zone: Economy and Growth
Zone Merredin Seeks new opportunities for growth and strives to
Statement: 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 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

The WAPC is the approving body with respect to applications for subdivision and or amalgamation. Accordingly, any associated appeal related to a decision to refuse an application for subdivision will be addressed by the WAPC.

Financial Implications

There are long-term financial implications if the dual-headed cul-de-sac is approved. These features are more difficult to maintain and will remain the Council's responsibility forever.

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Flockart

Seconded: Cr Willis

82646 That the Council advises the WAPC that, notwithstanding the WAPC's previous approval of the subdivision in 2003, it does not support the proposed subdivision (Ref: 160083), and recommends that the application be refused for the following reasons;

1. The application has not been the subject of a Structure Plan as required by the Scheme (clause 4.11.2).
2. The design is not consistent with current planning and design principles.
3. The proposal for two culs-de-sac heads configuration will create an unnecessary and on-going financial burden for the Council to maintain in the future.
4. The design does not support permeability.
5. The design provides no connectivity with surrounding land in the event of a disaster that may prevent an exit from the properties that rely on access from the culs-de-sac.
6. The design makes no attempt to provide a desirable method of achieving a higher density in the future.

However, the Council advises the WAPC that it would be prepared to support a redesign of the property to achieve the principles of coordinated design, permeability, reduced on-going road maintenance costs, better disaster planning and a design that may provide for a better variety of lot sizes and orientation.

CARRIED 9/o

12.3 Lot 20761 Collgar West Road Merredin - Application for Development Approval (Telecommunications Infrastructure)

Development Services



Responsible Officer:	Peter Zenni, EMDS
Author:	As above
Legislation:	<i>Planning and Development Act 2005</i>
File Reference:	Shire of Merredin Local Planning Scheme No 6.
Disclosure of Interest:	Local Government Act 1995
Attachments:	Attachment 12.3A – Confidential – Application for development approval and associated details

Purpose of Report

Executive Decision

Legislative Requirement

Background

The Shire of Merredin has received an application for development approval for the erection of telecommunications infrastructure at Lot 20761 Collgar West Road, Merredin. The application has been marked as being ‘commercial in confidence’ and as such is being considered as a confidential item in accordance with Section 5.23 of the Local Government Act 1995.

Comment

The proposed telecommunications infrastructure will comprise of a single 30m telecommunications tower and single 20-foot sea container housing telecommunications equipment and will be located at Lot 20761 Collgar West Road, Merredin. The property in question is zoned “general farming” in accordance with the Shire of Merredin Local Planning Scheme No. 6. (LPS).

The proposed telecommunications infrastructure is a “D” use in a general farming zone and as such the proposed development is not permitted by the LPS unless Council decides to use its discretion and approve the application. The proposed telecommunications infrastructure will be located on a farming property and will not interfere with the use of the property for farming purposes. There are no

sensitive premises in the vicinity and there should be no adverse impact on the amenity of the surrounding area as a result of the proposed development. The Shire of Merredin Council has previously granted development approval for the installation of telecommunication infrastructure in the general farming zone within the Shire.

The proposed development incorporates the use of a 20-foot sea container for housing telecommunications equipment.

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

Whilst sea containers under Council's policy on movable buildings are not permitted in residential areas, they can be permitted by Council in other (non-residential) zoned areas.

Council Local Planning Policy No.1 – Moveable Buildings, states as follows;

“The Council may give special consideration for the use of ‘**containers**’ outside the townsite areas of the Shire. In these circumstances the Council will need to be satisfied that there is no viable alternative to the use of these structures, and that the location of these ‘**containers**’ will not detract from the amenity of the locality.”

In this case the lot is zoned ‘general farming’, the size and location of the lot will minimise any impact on the visual amenity of the surrounding area.

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

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

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

The Shire of Merredin Council has previously granted development approval for the placement of sea containers in general farming zoned areas for storage purposes.

The proposed development incorporates Class 10a and 10b structures (non-habitable buildings – sea container and mast/antenna) under the National Construction Codes (BCA). The construction of Class 10 structures outside of town site boundaries within the Shire of Merredin does not require a building permit. However, it is the responsibility of the applicant to ensure that the proposed structures comply with all structural requirements specified by the relevant Australian Standards.

Policy Implications

Compliance with Shire of Merredin Local Planning Scheme Policy No. 1 – Moveable Buildings

Statutory Implications

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

Strategic Implications

➤ Strategic Community Plan

Zone: Economy and Growth
Zone Merredin seeks new opportunities for growth and strives to
Statement: 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 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 planning application fees have been paid.

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Patroni

Seconded: Cr Boehme


82647 That Council:

1. Grant development approval for the erection of telecommunication infrastructure comprising of a single 30m telecommunications tower and a single 20-foot sea container housing telecommunications equipment at Lot 20761 Collgar West Road, Merredin, as outlined in attachment 19.1A.
2. Advise the applicant that the proposed development incorporates Class 10a and 10b structures (non-habitable buildings – sea container and mast/antenna) under the National Construction Codes (BCA). The construction of Class 10 structures outside of town site boundaries within the Shire of Merredin does not require a building permit. However, it is the responsibility of the applicant to ensure that the proposed structures comply with all structural requirements specified by the relevant Australian Standards.

CARRIED 9/0

12.4 Lot 18258 Old Muntadgin Road Norpa - Application for Development Approval (Telecommunications Infrastructure)

Cr Billing declared an Indirect Financial Interest in this Item 12.4

<div style="display: flex; justify-content: space-between; align-items: center;"> Development Services  </div>	
Responsible Officer:	Peter Zenni, EMDS
Author:	Peter Zenni, EMDS
Legislation:	<i>Planning and Development Act 2005 Shire of Merredin Local Planning Scheme No 6. Local Government Act 1995</i>
File Reference:	A8161
Disclosure of Interest:	Cr Billing – Indirect Financial Interest
Attachments:	<u>Attachment 12.4A</u> – Confidential – Application for development approval and associated details

Purpose of Report

- Executive Decision
 Legislative Requirement

Background

The Shire of Merredin has received an application for development approval for the erection of telecommunications infrastructure at Lot 18258 Old Muntadgin Road, Norpa. The application has been marked as being ‘commercial in confidence’ and as such is being considered as a confidential item in accordance with Section 5.23 of the Local Government Act 1995.

Comment

The proposed telecommunications infrastructure will comprise of a single 30m telecommunications tower and single 20-foot sea container housing telecommunications equipment and will be located at Lot 18258 Old Muntadgin Road, Norpa. The property in question whilst being used for general farming related purposes forms part of **Special Use – Wind Farm** and **Special Control Area 4** as identified in the Shire of Merredin Local Planning Scheme No. 6. (LPS).

The applicable LPS provisions relating to Special Control Area 4, state as follows;

5.5.3 Application Requirements

Despite any other provisions of the Scheme development approval is required for all use and development including a single house.

5.5.4 Development Requirements

In addition to other provisions of the Scheme, all development shall be determined by the local government based on advice received from the environmental protection agency.

5.5.5 referral of Applications

All development shall be referred to the environmental protection agency for advice. As such the proposed development will need to be referred to the EPA for comment.

The Special Use Zone objectives forming part of the Scheme, state as follows;

3.2.8.3 To provide an area where special uses can be operated under the specific control of the local government in order to maintain the safety, health and welfare of surrounding users.

The proposed telecommunications infrastructure will be located on a farming property and will not interfere with the use of the property for farming purposes. There are no sensitive premises in the vicinity and there should be no adverse impact on the amenity of the surrounding area as a result of the proposed development.

The proposed development incorporates the use of a 20-foot sea container for housing telecommunications equipment.

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

Whilst sea containers under Council's policy on movable buildings are not permitted in residential areas, they can be permitted by Council in other (non-residential) zoned areas.

Council Local Planning Policy No.1 – Moveable Buildings, states as follows;

“The Council may give special consideration for the use of ‘**containers**’ outside the townsite areas of the Shire. In these circumstances the Council will need to be satisfied that there is no viable alternative to the use of these structures, and that the location of these ‘**containers**’ will not detract from the amenity of the locality.” In this case the lot whilst the lot in question forms part of SCA4 it is being used for general farming activities, size and location of the lot will minimise any impact on the visual amenity of the surrounding area.

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

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

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

The proposed development incorporates Class 10a and 10b structures (non-habitable buildings – sea container and mast/antenna) under the National Construction Codes (BCA). The construction of Class 10 structures outside of town site boundaries within the Shire of Merredin does not require a building permit. However, it is the responsibility of the applicant to ensure that the proposed structures comply with all structural requirements specified by the relevant Australian Standards.

Policy Implications

Compliance with Shire of Merredin Local Planning Scheme Policy No. 1 – Moveable Buildings

Statutory Implications

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

Strategic Implications

➤ **Strategic Community Plan**

Zone: Economy and Growth
Zone Merredin seeks new opportunities for growth and strives to
Statement: 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 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 planning application fees have been paid.

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Boehme

Seconded: Cr Willis

82648 That Council:

1. Refer the application for development approval to the Environmental Protection Agency for advice;
2. Subject to no adverse advice being received from the Environmental Protection Agency with respect to the proposed development, authorises the Chief Executive Officer to grant development approval on behalf of Council for the erection of

telecommunication infrastructure comprising of a single 30m telecommunications tower and a single 20-foot sea container housing telecommunications equipment at Lot 18258 Old Muntadgin Road, Norpa, as outlined in attachment 19.2A; and

- 3. Advise the applicant that the proposed development incorporates Class 10a and 10b structures (non-habitable buildings – sea container and mast/antenna) under the National Construction Codes (BCA). The construction of Class 10 structures outside of town site boundaries within the Shire of Merredin does not require a building permit. However, it is the responsibility of the applicant to ensure that the proposed structures comply with all structural requirements specified by the relevant Australian Standards.**

CARRIED 9/0

13. Officers' Reports - Engineering Services

13.1 Award of eQuotes Tender – Grader

<h2 style="margin: 0;">Engineering Services</h2> 	
Responsible Officer:	Calvin Shotter, EMES
Author	Calvin Shotter, EMES
Legislation:	<i>Local Government Act 1995</i> <i>Local Government (Functions and General) Regulations 1996</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	<u>Attachment 13.1A</u> – Confidential - List of eQuotes or evaluation matrix

Purpose of Report

- Executive Decision
 Legislative Requirement

Background

The Shire requires that a replacement Road Grader to be purchased. The current grader was purchased in 2009 and is scheduled for replacement. As such, a detailed specification was developed to ensure the most appropriate machine for Merredin be purchased.

In accordance with the Shire of Merredin Purchasing Policy – 3.12 and Regulation 11 (2) (f) the Local Government (Functions and General) Regulations 1996, this purchase can be made via the WALGA preferred Supplier arrangement, which is exempted from public tender process.

The tendering process has been initiated via the WALGA preferred supplier eQuotes system, which is in accordance with using “Tender Exempt WALGA preferred Supplier arrangement” guidelines within the Purchasing Policy and the Local Government (Function and General) Regulations 1996.

The value of the purchase exceeds the Chief Executive Officer’s delegation limit and requires a resolution of Council to progress the purchase.

A Request for Quote (RFQ) being Reference Number: VP210398 supply of Road Grader was issued via the WALGA Preferred Supplier eQuotes on the October 19, 2020. The RFQ utilised selection criteria set out under the category of ‘Plant and Machinery Equipment’. Three WALGA preferred suppliers were requested to provide quotations of which three were received from the following:

1. WesTrac
2. John Deere Limited
3. Komatsu Australia

The RFQ closed to submissions on November 4 2020 and the aforementioned suppliers each submitted a quotation in accordance with the RFQ.

Comment

The evaluation of the submissions was conducted in accordance with the purchasing policy and incorporated the “value for money” assessment incorporating the whole of life cost, technical requirements and service delivery.

The evaluation of the submissions was undertaken by Calvin Shotter (EMES) and Troy Davies (Construction Supervisor). The evaluation spreadsheet is included in the attachments. During the evaluation, the following was noted:

- It was determined that all submissions were compliant with the specified criteria.
- Supplier 1’s machine is the preference of the operators and is the same as the machine currently owned.
- Supplier 1’s price although not the cheapest of the compliant machines offers the best value for money when the principles of value for money are applied.
- Supplier 1 has a full service/parts facility located in Perth.
- Supplier 1 has a proven track record with service and support.

The consultation for this process has been undertaken with the Executive Manager Engineering Services, Construction Supervisor, and works crew.

Policy Implications

Council Policy 3.12 – Purchasing Policy. This Policy outlines how the Shire of Merredin will deliver best practice in the purchasing of goods, services and works that align with the principles of transparency, probity and good governance whereby establishing efficient, effective, economical and sustainable procedures in all purchasing activities. This Policy was used to undertake the procurement process via WALGA eQuotes. This policy also establishes the evaluation requirement for Council procurement.

Statutory Implications

This procurement process has been completed in accordance with section 3.75 of the *Local Government Act 1995* and the Regulation 11 (2)(f) of the *Local Government (Functions and General) Regulations 1996*.

Strategic Implications

➤ Strategic Community Plan

Zone: Zone 6 – Transport and networks
Zone Statement: Merredin provides transport networks that connect it locally, nationally and internationally.
Key Priority 6.1 – Developing and maintaining a road hierarchy and providing an appropriate level of service for the road network.

➤ Corporate Business Plan

Key Action: 6.1.2 – Advocate for improved road infrastructure networks across the region.
Directorate: Engineering Services
Timeline: 2020/2021

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

Adoption of this item has been evaluated against the Shire of Merredin's Risk Management Policy 3.24 - Risk Matrix. The perceived level of risk is considered to be low risk and can be managed by the routine procedures.

Financial Implications

Council has set aside funds in the 2020/2021 annual budget process and this is identified in the Capital Expenditure Program. The expense for this purchase for the Grader is within budget and contained within COA 4120330.

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Van Der Merwe

Seconded: Cr McKenzie

82649 That Council awards RFQ VP210398 to the supplier 'WesTrac Pty Ltd' for the purchase of a Cat 140 Grader for the sum of \$384,930.00 (ex GST).

CARRIED 9/o

13.2 Award of eQuotes Tender – Backhoe

Engineering Services



Responsible Officer:	Calvin Shotter, EMES
Author:	Calvin Shotter, EMES
Legislation:	<i>Local Government Act 1995</i> <i>Local Government (Functions and General) Regulations 1996</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	<u>Attachment 13.2A</u> – Confidential - List of eQuotes or evaluation matrix

Purpose of Report

Executive Decision

Legislative Requirement

Background

The Shire requires that a replacement Backhoe to be purchased. The current backhoe was purchased in 2010 and is scheduled for replacement. As such, a detailed specification was developed to ensure the most appropriate machine for Merredin be purchased.

In accordance with the Shire of Merredin Purchasing Policy – 3.12 and regulation 11 (2) (f) the Local Government (Functions and General) Regulations 1996, this purchase can be made via the WALGA preferred Supplier arrangement, which is exempted from public tender process.

The tendering process has been initiated via the WALGA preferred supplier eQuotes system, which is in accordance with using “Tender Exempt WALGA preferred Supplier arrangement” guidelines within the Purchasing Policy and the Local Government (Function and General) Regulations 1996.

A request for quotation Request for Quote (RFQ) being Reference Number: VP210399 supply of Backhoe was issued via the WALGA Preferred Supplier eQuotes on the October 19, 2020. The RFQ utilised selection criteria set out under the category of ‘Plant and Machinery Equipment’. Seven WALGA preferred suppliers

were requested to provide quotations of which five were received from the following:

1. Construction Equipment Australia
2. WesTrac Pty Ltd
3. CASE
4. Komatsu Australia
5. John Deere Limited

The RFQ closed to submission on November 4 2020 and the aforementioned suppliers submitted a quotation in accordance with the RFQ.

Comment

The evaluation of the submissions was conducted in accordance with the purchasing policy and incorporated the “value for money” assessment incorporating the whole of life cost, technical requirements and service delivery.

The evaluation of the submissions was undertaken by Calvin Shotter (EMES) and Troy Davies (Construction Supervisor). The evaluation spreadsheet is included in the attachments. During the evaluation, the following was noted:

- It was determined that all submissions were compliant with the specified criteria.
- Supplier 1’s submission is from a local dealer who has a proven record of service and support.
- Supplier 1 also has a full service/parts facility located in Perth for back up and support.
- Supplier 1 although not the cheapest provides more horse power, a few extra features and offers good value for money.

The consultation for this process has been undertaken with the Executive Manager Engineering Services and Construction Supervisor.

Policy Implications

Council Policy 3.12 – Purchasing Policy. This Policy outlines how the Shire of Merredin will deliver best practice in the purchasing of goods, services and works that align with the principles of transparency, probity and good governance whereby establishing efficient, effective, economical and sustainable procedures in all purchasing activities. This Policy was used to undertake the procurement process via WALGA eQuotes. This policy also establishes the evaluation criteria for Council procurement.

Statutory Implications

This procurement process has been completed in accordance with section 3.75 of the *Local Government Act 1995* and the Regulation 11 (2)(f) of the *Local Government (Functions and General) Regulations 1996*.

Strategic Implications

➤ Strategic Community Plan

Zone: Zone 6 – Transport and networks
Zone Statement: Merredin provides transport networks that connect it locally, nationally and internationally.
Key Priority: 6.1 – Developing and maintaining a road hierarchy and providing an appropriate level of service for the road network.

➤ Corporate Business Plan

Key Action: 6.1.2 – Advocate for improved road infrastructure networks across the region.
Directorate: Engineering Services
Timeline: 2020/2021

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

Adoption of this item has been evaluated against the Shire of Merredin's Risk Management Policy 3.24 - Risk Matrix. The perceived level of risk is considered to be low risk and can be managed by the routine procedures.

Financial Implications

Council has set aside funds in the 2020/2021 annual budget process and this is identified in the Capital Expenditure Program. The expense for this purchase for the Backhoe is within budget and contained within COA 4120330.

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Van Der Merwe

Seconded: Cr Patroni

82650 That Council awards RFQ VP210399 to the supplier 'Ag Implements Merredin' for the purchase of a JCB 3CX Elite Backhoe for the sum of \$175,000.00 (ex GST).

CARRIED 9/0

13.3 Award of eQuotes Tender – Water Truck

Engineering Services



Responsible Officer:	Calvin Shotter, EMES
Author:	Calvin Shotter, EMES
Legislation:	<i>Local Government Act 1995</i> <i>Local Government (Functions and General) Regulations 1996</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	<u>Attachment 13.3A</u> – Confidential - List of eQuotes or evaluation matrix

Purpose of Report

Executive Decision

Legislative Requirement

Background

The Shire requires that a replacement Water Truck (450 hp) to be purchased. The current truck was purchased in 2013 and is scheduled for replacement. As such, a detailed specification was developed to ensure the most appropriate machine for Merredin be purchased.

In accordance with the Shire of Merredin Purchasing Policy – 3.12 and regulation 11 (2) (f) the Local Government (Functions and General) Regulations 1996, this purchase can be made via the WALGA preferred Supplier arrangement, which is exempted from public tender process.

The tendering process has been initiated via the WALGA preferred supplier eQuotes system, which is in accordance with using “Tender Exempt WALGA preferred Supplier arrangement” guidelines within the Purchasing Policy and the Local Government (Function and General) Regulations 1996.

A Request for Quote (RFQ) being Reference Number: VP210402 supply of Water Truck was issued via the WALGA Preferred Supplier eQuotes on the October 19, 2020. The RFQ utilised selection criteria set out under the category of ‘Trucks and Associated Equipment’ Seven WALGA preferred suppliers were requested to provide quotations of which four were received from the following:

1. Daimler Trucks Perth
2. Hino Motor Sales Australia
3. Isuzu Australia

The RFQ closed to submission on November 4 2020 and each of the aforementioned suppliers submitted a quotation in accordance with the RFQ.

Comment

The evaluation of the submissions was conducted in accordance with the purchasing policy and incorporated the “value for money” assessment incorporating the whole of life cost, technical requirements and service delivery.

The evaluation of the submissions was undertaken by Calvin Shotter (EMES) and Troy Davies (Construction Supervisor). The evaluation spreadsheet is included in the attachments. During the evaluation, the following was noted:

- It was determined that not all submissions were compliant with the specified criteria.
- Supplier 1 had a two submissions one conforming and one nonconforming.
- Supplier 3’s price is the cheapest of the compliant machines and offers the best value for money when the principles of value for money are applied.
- Supplier 3 has a full service/parts facility located in Perth.
- Supplier 3 has a proven track record with service and support.

The consultation for this process has been undertaken with the Executive Manager Engineering Services and Construction Supervisor.

Policy Implications

Council Policy 3.12 – Purchasing Policy. This Policy outlines how the Shire of Merredin will deliver best practice in the purchasing of goods, services and works that align with the principles of transparency, probity and good governance whereby establishing efficient, effective, economical and sustainable procedures in all purchasing activities. This Policy was used to undertake the procurement process via WALGA eQuotes. This policy also establishes the evaluation criteria for Council procurement.

Statutory Implications

This procurement process has been completed in accordance with section 3.75 of the *Local Government Act 1995* and the Regulation 11 (2)(f) of the *Local Government (Functions and General) Regulations 1996*.

Strategic Implications

➤ Strategic Community Plan

Zone: Zone 6 – Transport and networks
Zone Statement: Merredin provides transport networks that connect it locally, nationally and internationally.
Key Priority 6.1 – Developing and maintaining a road hierarchy and providing an appropriate level of service for the road network.

➤ Corporate Business Plan

Key Action: 6.1.2 – Advocate for improved road infrastructure networks across the region.
Directorate: Engineering Services
Timeline: 2020/2021

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

Adoption of this item has been evaluated against the Shire of Merredin's Risk Management Policy 3.24 - Risk Matrix. The perceived level of risk is considered to be low risk and can be managed by the routine procedures.

Financial Implications

Council has set aside funds in the 2020/2021 annual budget process and this is identified in the Capital Expenditure Program. The expense for this purchase for the truck is within budget and contained within COA 4120330.

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Billing

Seconded: Cr Willis

82651 That Council awards RFQ VP210402 to the supplier 'Major Motors PTY LTD' for the purchase of a GIGA 240-460 IZUZU truck for the sum of \$235,820.00 (ex GST).

CARRIED 9/o

13.4 Explaurum Operations Pty Ltd (Ramelius Resources) – Traffic Route Proposal

A Prnich left the Chambers at 4.37pm and did not return

Engineering Services



Responsible Officer:	Calvin Shotter, EMES
Author:	Calvin Shotter, EMES
Legislation:	<i>Local Government Act 1995</i> <i>Local Government (Functions and General) Regulations 1996</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 13.4A – Explaurum Traffic Route Proposal

Purpose of Report

Executive Decision

Legislative Requirement

Background

Council approval is required for the “Traffic Route Proposal” for the use of the Merredin-Naremben Road to haul ore from Tampia Hill Operations from the Shire’s southern boundary to Great Eastern Highway. Approval with a number of conditions, as listed below, is proposed.

Note the Tampia Hill Mine will be operated by Explaurum Operations Pty Ltd which is a wholly owned subsidiary of ASX listed Ramelius Resources.

Comment

The "Tampia Gold Project" mine is located 12km south-east of Naremben and 100km south of the Edna May gold mine, in the Wheatbelt region. Explaurum is intending to haul the Tampia ore to the Edna May mill, which is approximately 140km haulage distance from the Tampia mine site. Executives of Ramelius met with the previous Executive Manager Engineering Services and management on several occasions, and presented the Tampia Gold Project at a Council briefing on 21 January 2020.

The use of the Merredin Shire’s section of the haul route and a road upgrade and usage agreement have been discussed in some detail at these meetings.

Explaurum Operations Pty Ltd has selected a 100t triple road train system and identified a haulage route to transport the ore to Edna May for processing. This will be a Performance Based System (PBS) using triple road trains 42m in length.

Explaurum advise the planned operation is to haul 750,000t of ore annually, which equates to approximately 20 round trips per day. Trucking will operate 365 days per year, 24 hours per day, on 2 x 12 hr shift rotation basis. Start times will be staggered to maintain spacing between road trains. These road trains are highly regulated, and the loading systems are calibrated to prevent over loading. Strict compliance with all regulations will be enforced. The PBS vehicles are not permitted to deviate from the agreed route. The use of PBS triple road trains will require approval by Main Roads WA (MRWA) Heavy Vehicle Operations, who will in turn require the local Shires to support the application. Operation is governed by MRWA Heavy Vehicle Operations in Perth.

Four intersections in the Narembeen and Merredin Shires require upgrading including the intersection at Merredin-Narembeen Road and Great Eastern Highway, and Merredin-Narembeen Road and Bulls Head Road, in the Shire of Merredin. Upgrade costs of these intersections will be met by the Explaurum Operations Pty Ltd.

Road Upgrade and Usage agreements will be entered into between Tampia and each of the three shires, Narembeen, Merredin, and Westonia. A Heavy haulage toll agreement will be entered into with MRWA for haulage of +300,000tpa on Great Eastern Highway.

Explaurum Operations Pty has submitted a traffic route proposal similar in format to that entered into with the Shire of Narembeen. The proposed agreement has been discussed with the Shire of Narembeen officers to ensure consistency of approach.

The draft agreement provides:

1. That prior to commencing any road works subject to this agreement, the Shire's Chief Executive Officer in conjunction with the Executive Manager Engineering Services approve the design drawings and construction documentation related to the road and intersection upgrades as follows:
 - a) Intersection of Bulls Head Road and Merredin-Narembeen Road; and
 - b) Intersection of Merredin-Narembeen Road and Great Eastern Highway.
2. That appropriate RAV ratings and associated conditions, required by MRWA Heavy Vehicle Services (HVS), be adhered to;
3. That Explaurum Operations Pty Ltd and their haulage contractor comply with the Western Australian Road Traffic Act and its Regulations;
4. That the road train haulage is approved on the basis of operating 24 hour 7 day a week basis;

5. That the Shire of Merredin Executive Manager Engineering Services receive on a weekly basis a specific Ore Haulage Operations Report to include, but not be limited to:
 - a) The date;
 - b) Truck movements per day;
 - c) Total quantity of ore carted;
 - d) Vehicle identification;
 - e) Trip start and finish times; and
 - f) Driver details.
6. That a specific Operational Safety Management Plan (OSMP) for the heavy haulage task be prepared by Explaurum Operations Pty Ltd and reviewed by the Shire of Merredin prior to commencing any haulage operations. The OSMP must include but not be limited to the following:
 - All plant and equipment to be used on public roads shall meet all necessary statutory requirements and have registration, licences or certification with the drivers/operators at all times.
 - All road maintenance plant and equipment shall be fitted with a rotating flashing lamp, reversing beeper and fire extinguisher.
 - All drivers shall be the holder of a current Western Australian driver's licence appropriate to the vehicle being driven.
 - Incident and Emergency Response Plan.
 - Hazard Identification, Risk Assessment and Controls.
 - Specific Inductions.
 - Consultation Communication and Reporting.
 - Audit Plan of the OSMP to include attendance by Shire of Merredin Representative as required.
7. All drivers of haulage vehicles to comply with any reasonable verbal or written directives, if any, issued by the Shire of Merredin's Chief Executive Officer or Executive Manager Engineering Services;
8. Re-instatement of any road damage (in addition to normal road maintenance) directly related to the movement of Explaurum Operations Pty Ltd haulage contractor's road trains, or any other operational vehicles, to be the responsibility of, and costs borne by, Explaurum Operations Pty Ltd;
9. That a routine road maintenance program and associated procedures satisfying the requirements of the Shire of Merredin be developed with the Executive Manager Engineering Services prior to road haulage commencing;
10. That a purpose traffic management plan for any roadworks, be prepared by an appropriately accredited person in accordance with MRWA requirements and submitted to the Shire of Merredin prior to any roadworks commencing;
11. That a financial contribution for future maintenance costs be paid to the Shire of Merredin by Explaurum Operations Pty Ltd in accordance with WALGA and ARRB publication: ¹User Guide Estimating the Incremental Cost Impact on Sealed Local Roads from Additional Freight Tasks May 2015 Version No 1, on

¹ [Estimating the Incremental Cost Impact on Sealed Local Roads from Additional Freight Tasks](#)

the Merredin- Narembeen Road (SLK 0.00 – SLK 36.48) calculated as follows:

Total project tonnage – 2,467,487 tonnes

Planned Annual Tonnage – 750,000 tonnes

Distance – 36.48km (Merredin Shire haul route section only)

Duration 3.3 years

Annual Cost = \$295,700

Simplified to \$0.0108 / t / km invoiced and paid monthly

12. That Explaurum Operations Pty Ltd agree to indemnify the Shire from and against, and must pay the Shire on demand as a debt, the amount of any direct claim, damage, cost, expense, loss (excluding indirect or consequential loss or damage) or liability which the Shire may suffer with or in relation to the operation of road trains and road maintenance equipment by Explaurum Operations Pty Ltd under this letter;
13. Explaurum Operations Pty Ltd's liability to indemnify the Shire as set out above will be reduced proportionately to the extent that an act or omission by a third party or the Shire of Merredin or a breach of the Shire of Merredin's statutory obligations has contributed directly to the loss, damage, expense, injury, disease, illness, death or other liability; and
14. That any procedural or material non-compliance with any of the above conditions may result in any of the approvals being withdrawn provided that the Shire of Merredin must not withdraw approval pursuant to this clause unless it has first provided Explaurum Operations Pty Ltd a reasonable opportunity to remedy any alleged non - compliance and such breach remains unremedied or, where remediation is not applicable, unaddressed by Explaurum Operations Pty Ltd, at the end of the period specified in the notice from the Shire of Merredin.

Policy Implications

The proposed agreement is consistent with Policy 7.12 Heavy Vehicle Cost Recovery Policy for sealed Roads.

Statutory Implications

Local Government Act 1995

Strategic Implications

➤ **Strategic Community Plan**

Zone: Zone 6 – Transport and networks

Zone Statement: Merredin provides transport networks that connect it locally, nationally and internationally.

Key Priority 6.1 – Developing and maintaining a road hierarchy and providing an appropriate level of service for the road network.

➤ **Corporate Business Plan**

Key Action: 6.1.2 – Advocate for improved road infrastructure networks across the region.
Directorate: Engineering Services
Timeline: 2020/2021

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

Adoption of this item has been evaluated against the Shire of Merredin's Risk Management Policy 3.24 - Risk Matrix. The perceived level of risk is low risk and can be managed by the routine procedures.

Financial Implications

The future impact on the Shire road network is substantial and the proposed agreement provides for the required upgrades to the Shire road network and puts in place a financial contribution for future maintenance costs to be applied to Ramelius Resources Ltd in accordance with WALGA and ARRB guidelines.

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr McKenzie

Seconded: Cr Patroni

82652 That Council:

1. Approve the use of the Merredin-Naremben Road being Shire of Merredin's controlled road, to haul ore from Tampia Hill Operations in the Shire of Naremben through the Shire's southern boundary located at SLK 36.48 on the Merredin Naremben Rd, to the Great Eastern Highway subject to the following conditions:-
 - a) That prior to commencing any road works subject to this agreement, the Shire's Chief Executive Officer in conjunction with the Executive Manager Engineering Services approve the

design drawings and construction documentation related to the road and intersection upgrades listed below:

- i) Intersection of Bulls Head Road and Merredin-Narembeen Road; and**
 - ii) Intersection of Merredin-Narembeen Road and Great Eastern Highway.**
- b) That appropriate RAV ratings and associated conditions, as applied on the above roads by MRWA Heavy Vehicle Services (HVS) be adhered to.**
 - c) Explaurum Operations Pty Ltd and their haulage contractor to comply with the Western Australian Road Traffic Act and its Regulations.**
 - d) That the road train haulage task is approved on the basis of operating on a 24-hour 7 day a week basis.**
 - e) That the Shire of Merredin Executive Manager Engineering Services receive on a weekly basis a specific Ore Haulage Operations Report to include, but not be limited to:**
 - i) the date;**
 - ii) Truck movements per day;**
 - iii) Total quantity of ore carted;**
 - iv) Vehicle identification;**
 - v) Trip start and finish times; and**
 - vi) Driver details.**
 - f) That a specific Operational Safety Management Plan (OSMP) for the heavy haulage task be prepared by Explaurum Operations Pty Ltd and reviewed by the Shire of Merredin prior to commencing any haulage operations. The OSMP must include but not limited to the following:**
 - All plant and equipment to be used on public roads shall meet all necessary statutory requirements and have registration, licences or certification with the drivers/operators at all times.**
 - All road maintenance plant and equipment shall be fitted with a rotating flashing lamp, reversing beeper and fire extinguisher.**
 - All drivers shall be the holder of a current Western Australian driver's licence appropriate to the vehicle being used.**
 - Incident and Emergency Response Plan.**
 - Hazard Identification, Risk Assessment and Controls.**
 - Specific Inductions.**
 - Consultation Communication and Reporting.**
 - Audit Plan of the OSMP to include attendance by Shire of Merredin Representative as required.**

- g) All drivers of haulage vehicles to comply with any reasonable verbal or written directives, if any, issued by the Shire of Merredin’s Chief Executive Officer or Executive Manager Engineering Services.**
- h) Re-instatement of any road damage (in addition to normal road maintenance) directly related to the movement of Explaurum Operations Pty Ltd haulage contractor’s road trains, or any other operational vehicles, to be the responsibility of, and costs borne by, Explaurum Operations Pty Ltd.**
- i) That a routine road maintenance program and associated procedures satisfying the requirements of the Shire of Merredin be developed with the Executive Manager Engineering Services prior to road haulage commencing.**
- j) That a purpose traffic management plan for any roadworks, be prepared by an appropriately accredited person in accordance with MRWA requirements and submitted to the Shire of Merredin prior to any roadworks commencing.**
- k) That a financial contribution for future maintenance costs be paid to the Shire of Merredin by Explaurum Operations Pty Ltd in accordance with WALGA and ARRB publication: User Guide Estimating the Incremental Cost Impact on Sealed Local Roads from Additional Freight Tasks May 2015 Version No 1, on the Merredin- Naremben Road (SLK 0.00 – SLK 36.48) calculated as follows:**

Total project tonnage – 2,467,487 tonnes

Planned Annual Tonnage – 750,000 tonnes

Distance – 36.48km (Merredin Shire haul route section only)

Duration 3.3 years

Annual Cost = \$295,700

Simplified to \$0.0108 / t / km invoiced and paid monthly

- l) That Explaurum Operations Pty Ltd agree to indemnify the Shire of Merredin from and against, and must pay the Shire of Merredin on demand as a debt, the amount of any direct claim, damage, cost, expense, loss (excluding indirect or consequential) or liability which the Shire of Merredin may suffer with or in relation to the operation of road trains and road maintenance equipment by Explaurum Operations Pty Ltd under this letter;**
- m) Explaurum Operations Pty Ltd.’s liability to indemnify the Shire of Merredin as set out above will be reduced proportionately to the extent that an act or omission by a third party or the Shire of Merredin or a breach of the Shire of Merredin’s statutory**

- obligations has contributed directly to the loss, damage, expense, injury, disease, illness, death or other liability; and
- n) That any procedural or material non-compliance with any of the above conditions may result in any of the approvals being withdrawn provided that the Shire of Merredin must not withdraw approval pursuant to this clause unless it has first provided Explaurum Operations Pty Ltd a reasonable opportunity to remedy any alleged non – compliance and such breach remains unremedied or, where remediation is not applicable, unaddressed by Explaurum Operations Pty Ltd, at the end of the period specified in the notice from the Shire of Merredin.

2. Authorise the Chief Executive Officer and the Shire President to execute the agreement under seal.

CARRIED 9/0

There was brief discussion on the establishment of a Reserve Fund Account to hold funds paid by Explaurum Operations Pty Limited for future maintenance and construction costs on the Merredin- Naremben Road. The TCEO recommended appropriate wording incorporated into the following resolution.

Moved: Cr Flockart

Seconded: Cr Boehme

82653 That a reserve fund be created to accommodate any Funds that are in excess on expenditure in relation to the income received from Explaurum Operations Pty Ltd in regards to maintenance and construction costs on the Merredin-Naremben Road.

Reserve Name “Roads Construction Merredin-Naremben Road”

Purpose “Future maintenance and construction of the Merredin-Naremben Road.”

CARRIED 9/0

14. Officers' Reports – Corporate and Community Services

14.1 List of Accounts Paid

Corporate Services



Responsible Officer:	Charlie Brown, EMCS
Author:	Charlie Brown, 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

Purpose of Report

Executive Decision

Legislative Requirement

Background

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

Comment

Nil

Policy Implications

Nil

Statutory Implications

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

Strategic Implications

➤ Strategic Community Plan

Zone: Zone 4 – Communications & 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 the 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 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

Officer's Recommendation / Resolution

Moved: Cr Willis

Seconded: Cr Van Der Merwe

82654 That the schedule of accounts paid as listed, covering cheques, EFT's, bank charges, directly debited payments and wages, as numbered and totalling \$670,960.06 from Council's Municipal Fund Bank Account and \$1,028.60, from Council's Trust Account be endorsed by Council.

CARRIED 9/o

14.2 Statement of Financial Activity

Corporate Services



Responsible Officer:	Charlie Brown, EMCS
Author:	Charlie Brown, EMCS
Legislation:	<i>Local Government Act 1995 Local Government (Financial Management) Regulations 1996</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 14.2A - Statement of Financial Activity Attachment 14.2B - Detailed Statements Attachment 14.2C - Investment Statement Attachment 14.2D - Capital Works Progress Attachment 14.2E - Variances by Sub Program

Purpose of Report



Executive Decision



Legislative Requirement

Background

The Statement of Financial Activity, which includes the Detailed Schedules, Statement of Financial Activity, Current Ratios, Capital Expenditure Report, and Investment Register, are attached for Council's information.

Comment

The statements are in a slightly different format this year, with a more detailed summary sheet on page 3. Included as a separate attachment is Variances by Sub Program. This is in place of note 15 Variance by Program. It is felt a more meaningful explanation can be given at sub program level than at program.

Income reports a 2% variance on anticipated budget expectations, whilst Operating Expenditure shows a 15% deficit on anticipated expenditure. This should flatten out over the coming months as projects get started.

Capital Expenditure

A detailed look at capital expenditure can be found in note 8, as well as attachment 14.2 (D) showing levels of expenditure.

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

Zone: Zone 4 – Communications & 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 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

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.

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

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Billing

Seconded: Cr Manning

82655 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 30 November 2020 be received.

CARRIED 9/o

14.3 Proposed Australia Day Sundowner

Cr Billing declared a Financial Interest in this Item 14.3

Cr Billing left the Chambers at 5.01pm

<h2>Community Services</h2>		 SHIRE OF MERREDIN INNOVATING THE WHEATBELT
Responsible Officer:	Andrina Prnich, Deputy CEO	
Author:	Andrina Prnich, Deputy CEO	
Legislation:	<i>Local Government Act 1995</i>	
File Reference:	Nil	
Disclosure of Interest:	Cr Billing – Financial Interest	
Attachments:	Nil	

Purpose of Report

Executive Decision

Legislative Requirement

Background

On Australia Day 2020, the Cummins Theatre hosted a Fringe Festival event in the evening which was well received by the community. The Shire's Community Development team were anticipating delivery of another Australia Day event this year in the form of a sundowner, initially intended at the gardens outside the Tivoli Room. This event was complementary to the annual CRC Australia Day breakfast and sausage sizzle at the Merredin District Olympic Pool.

At its Ordinary Council Meeting held 20 October 2020, Council resolved to:

- a. authorise the CEO to arrange the temporary closure of Barrack Street, for the maximum of period five months to allow for the development of the Public Piazza Pilot Project;
- b. accept the RAC grant offer of \$58,197;
- c. note that the \$20,805 contribution will be a charge on budget item RC135 Barrack Street Capital

The Shire is currently acting on this Council resolution and the launch of Stage One of the piazza is scheduled for Thursday, 17 December 2020. With the opening of this

new and exciting space, the opportunity to hold a low-key sundowner event has been reconsidered and now proposed within the piazza.

Due to the traditionally extremely hot January day, the Sundowner will commence from 7pm with a modern rural atmosphere to include pallet lounges, food trucks, beverages, grassed area for picnic rugs and beanbags, stage for live local entertainment and marquees for shade. The Sundowner will aim to engage young adults to encourage social participation and will build upon other activities to be held on the day including the community pool party.

Comment

For Australia Day 2021 the National Australia Day Council (NADC) is aiming to encourage celebrations to occur in a COVID safe environment. Events can be a new or existing public event or activity, a community activity or an online engagement.

For the purpose of assisting eligible event organisers to ensure Australia Day 2021 events proceed and that the events are able to be held in a COVID safe environment, the NADC, with the assistance of the Australian Government, announced grants of up to \$20,000 (GST exclusive) through the COVID Safe Australia Day Program (Program).

With recent challenges seen across Australia, including drought, floods, Black Summer bushfires and the coronavirus pandemic, Australia Day 2021 will be a day to reflect, respect, celebrate and, now more than ever, mark our nation's resilience and the ability of Australians to rise to meet these extraordinary challenges.

The NADC grants were offered to support events that allow communities to come together and reflect, respect and celebrate the individual and collective efforts of Australians who put the wellbeing of others before themselves, supported their communities in a time of need and rose to the challenges of an extraordinary year.

Local, state and territory government entities, were eligible to apply for this grant. The Shire of Merredin submitted a grant application to the National Australia Day Council (NADC), to hold a low-key sundowner event within the piazza. This funding has now been conditionally approved by the NADC.

The event funding allows for purchase of marketing materials; additional cleaning and sanitiser supplies; hire additional public restrooms, bar service as well as hard event infrastructure (marquees, furniture).

The Shire will arrange for background music, bar service, and liaise with local food operators so that patrons can purchase their food items and enjoy this time with their families and friends, within the piazza space. All refreshments are to be purchased by patrons.

Policy Implications

Nil

Statutory Implications

Local Government Act 1995

Public Health Act 2016

Road Traffic Act 1974

Strategic Implications

➤ Strategic Community Plan

Zone: Community and Culture

Zone Statement: Merredin is rich in cultural diversity, performing and fine arts and a variety of sports available for both residents and visitors.

Key Priority: Supporting and facilitating engagement in the arts in all their forms

➤ Corporate Business Plan

Key Action: Provide facilities and services for arts and cultural programs

Directorate: Community Development

Timeline: Ongoing

Sustainability Implications

➤ Strategic Resource Plan

This Project is a low cost – low risk opportunity for the Shire. The Project will minimise risk to the Shire's long term financial and asset management by allowing the community to test the opportunity of developing a public piazza within the CBD, before any significant outlay is made and ensuring that plans are made to suit future event space infrastructure within the CBD.

➤ Workforce Plan

Directorate: Community Services

Activity: Community Development

Current Staff: 2 FTE +

Focus Area: Attract and Retain Outstanding People

Strategy Code: 1.4

Strategy: Provide appropriate training and development opportunities

Implications: This project will have a direct impact on the Community Services directorate.

Risk Implications

This project provides Council with a low-risk opportunity to test the success of a public piazza along Barrack Street.

Financial Implications

This Project will require in-kind support by the Shire with the financial contribution being limited to costs of live entertainment. This is not likely to be a significant cost and will be dealt with in the Budget Review.

Conditional approval has been given from NADC for a total of \$17,022.

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Patroni

Seconded: Cr Boehme

82656 That Council resolve to:

- a. Accept the National Australia Day Council grant offer of \$17,022;
- b. Increase Job CD004 Australia Day by \$17,022; and
- c. Increase 13130810 Other Economic Grants by \$17,022.

CARRIED 8/o

Cr Billing returned to the Chambers at 5.03pm

15. Officers' Reports – Administration

15.1 Chief Executive Officer Recruitment and Review Policy – Policy 2.30

<h2 style="margin: 0;">Administration</h2> 	
Responsible Officer:	Mark Dacombe, T/CEO
Author:	Mark Dacombe, T/CEO
Legislation:	<i>Local Government Act 1995</i>
File Reference:	
Disclosure of Interest:	Nil
Attachments:	Attachment 15.1A - Draft Policy 2.30

Purpose of Report

- Executive Decision
 Legislative Requirement

Background

The recruitment, appointment and management of the Chief Executive Officer is the responsibility of the elected Council. There are specific legislative requirements that must be complied with and making the right appointment to the position is a critical factor in the Council and community achieving their vision and aspirations through implementation of the Strategic Community Plan.

Comment

The recruitment, performance and termination of CEOs are matters that are receiving close attention by the State Government in the current review of the Local Government Act. The underlying reason for this focus at State level is that the costs in financial, reputational and organisational disruption of something going wrong in the processes of recruitment and termination of CEOs by Councils can be very significant.

A professionally run process, whether it is recruitment or termination, significantly impacts the stability of the organisation and reputation of the Council in the community.

The adoption of a CEO employment and review policy aids transparency of the process and therefore confidence in the outcome.

There are two different approaches to a Council's management of the process. The first is that the full Council conducts the recruitment and review processes and makes recommendations to the Council for action. This does present logistical challenges co-ordinating a process that may require multiple meetings of a number of people. It does have the advantage that all elected members have participated and had the opportunity to contribute to the process of decision making, raising the possibility of stronger support for the outcomes.

The alternative approach of appointing a committee would have a smaller number of elected members directly involved. It is logistically simpler and may be quicker as a result. The downside is that members not directly involved may not have the same level of support and commitment to the outcomes.

The attached policy has been prepared on the basis of the full Council conducting the CEO recruitment, management and termination processes. If the Council prefers to pursue a committee model the draft policy can be modified to accommodate that approach.

When it was initially mooted that the Council adopt a policy for this purpose officers believed that regulations governing the process would have been promulgated by the State Government by now. That has not happened, rather some related issues have been subject to further consultation with the local government sector.

It is suggested that this policy, if adopted should be reviewed in the light of the regulations on CEO recruitment, management and termination that are finally passed in the new year.

Policy Implications

Nil

Statutory Implications

The relevant statutory provisions are as follows:

Section 5.36 of the *Local Government Act 1995* states the following:

5.36. Local government employees

- (1) A local government is to employ —
 - (a) a person to be the CEO of the local government; and
 - (b) such other persons as the council believes are necessary to enable the functions of the local government and the functions of the council to be performed.
- (2) A person is not to be employed in the position of CEO unless the council —
 - (a) believes that the person is suitably qualified for the position; and
 - (b) is satisfied* with the provisions of the proposed employment contract.

*Absolute majority required.
- (3) A person is not to be employed by a local government in any other position unless the CEO —
 - (a) believes that the person is suitably qualified for the position; and
 - (b) is satisfied with the proposed arrangements relating to the person's employment.
- (4) Unless subsection (5A) applies, if the position of CEO of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement is to contain such information with respect to the position as is prescribed.
- (5A) Subsection (4) does not require a position to be advertised if it is proposed that the position be filled by a person in a prescribed class.
- (5) For the avoidance of doubt, subsection (4) does not impose a requirement to advertise a position before the renewal of a contract referred to in section 5.39.

[Section 5.36 amended by No. 49 of 2004 s. 44; No. 17 of 2009

Part 4 of the *Local Government (Administration) Regulations* states the following:

18A. Vacancy in position of CEO or senior employee to be advertised (Act s. 5.36(4) and 5.37(3))

- (1) If a position of CEO, or of a senior employee, of a local government becomes vacant, the local government is to advertise the position in a newspaper circulating generally throughout the State unless it is proposed that the position be filled by —
 - (a) a person who is, and will continue to be, employed by another local government and who will fill the position on a contract or contracts for a total period not exceeding 5 years; or
 - (b) a person who will be acting in the position for a term not exceeding one year.
- (2) An advertisement referred to in sub regulation (1) is to contain —

- (a) *the details of the remuneration and benefits offered; and*
- (b) *details of the place where applications for the position are to be submitted; and*
- (c) *the date and time for the closing of applications for the position; and*
- (d) *the duration of the proposed contract; and*
- (e) *contact details for a person who can provide further information about the position; and*
- (f) *any other information that the local government considers is relevant.*

[Regulation 18A inserted: Gazette 31 Mar 2005 p. 1037-8; amended: Gazette 19 Aug 2005 p. 3872; 3 May 2011 p. 1594.]

18B. Contracts of CEOs and senior employees, content of (Act s. 5.39(3)(c))

For the purposes of section 5.39(3)(c), a contract governing the employment of a person who is a CEO, or a senior employee, of a local government is to provide for a maximum amount of money (or a method of calculating such an amount) to which the person is to be entitled if the contract is terminated before the expiry date, which amount is not to exceed whichever is the lesser of—

- (a) *the value of one year's remuneration under the contract; or*
- (b) *the value of the remuneration that the person would have been entitled to had the contract not been terminated.*

[Regulation 18B inserted: Gazette 13 May 2005 p. 2086.]

18C. Selection and appointment process for CEOs

The local government is to approve a process to be used for the selection and appointment of a CEO for the local government before the position of CEO of the local government is advertised.

[Regulation 18C inserted: Gazette 31 Mar 2005 p. 1038.]

Strategic Implications

➤ **Strategic Community Plan**

Zone: Zone 4 Community and 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: Nil

Directorate:

Timeline:

Sustainability Implications

➤ **Strategic Resource Plan**

Nil

➤ **Workforce Plan**

Directorate: Nil

Activity:

Current Staff:

Focus Area:

Strategy Code:

Strategy:

Implications:

Risk Implications

The appointment of a CEO is an important function of the Council and one that has significant organisational and reputational risks. To mitigate these risks the recruitment and selection process must be conducted in a sound and compliant manner. Adoption of this policy will assist in making the CEO recruitment and review process transparent generating confidence in the process and outcome.

Financial Implications

Nil

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Butler

Seconded: Cr Manning

82657 That the Council:

- **Adopt Policy 2.30 Chief Executive Officer Recruitment and Review Policy.**

CARRIED 9/0

15.2

Merredin Regional Community and Leisure Centre User Group Fees and Contributions Working Party

Administration



Responsible Officer:	Mark Dacombe, T/CEO
Author:	Mark Dacombe, T/CEO
Legislation:	<i>Local Government Act 1995</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 15.2A – Terms of Reference Attachment 15.2B – Letter Sports Council Attachment 15.2C – Minute Extract October 2019

Purpose of Report



Executive Decision



Legislative Requirement

Background

To advise the Council on the resolution of matters of concern to the Shire of Merredin, Belgravia Leisure and the Merredin Sports Council, including, but not limited to:

- the basis on which the Sports Clubs using the MRCLC are charged;
- any alternative methods of charging;
- the basis on which contributions are required from Clubs towards the renewal of sports infrastructure (surfaces);
- approaches to increasing participation in the various sports and administration of the clubs;
- developing a shared understanding of the respective operational responsibilities of Belgravia, the Shire and the Clubs;
- any other matters that the Working Party members agree should be addressed; and
- any other matters that the Council refers to the Working Party.

The Terms of Reference requested the Working Party to report by 4 December 2020 to enable any recommendations to be considered by the Council at the December Ordinary Meeting.

Comment

The Working Party has met three times since it was created and progress is being made in the following areas:

Fees: Belgravia Leisure submitted a proposal based on charging by the hour for usage. The Sports Council submitted a proposal for a structure based on multiple factors.

Respective responsibilities of the parties: The Sports Council's fees proposal is contingent on a Memorandum of Understanding (MOU), being entered into by Belgravia, the Shire and the Clubs, that establishes an agreement regarding levels of service.

At the meeting of the Working Party held on 7 December 2020 it was agreed that more work needs to be done to complete the draft MOUs for further discussion, input from Belgravia and the Shire, and agreement. The next meeting to progress matters will be 8th January 2021.

In the meantime, it was agreed that Belgravia Leisure could invoice the winter sports fees for 2019/20 subject to discrepancies in the figures being corrected by the Council. Note that the amount to be invoiced will be as resolved by the Council in October 2019 less the 50% concession allowed by Belgravia Leisure. It was also noted by the Working Party that Merredin Men's Hockey had not played at all during the winter season.

Although the time allowed for the Working Party to report has been exceeded it is considered that good progress is being made. *The time, energy and effort being invested by the Merredin Sports Council in identifying and documenting the user groups' requirements is acknowledged.* The parties are committed to reaching a mutually acceptable outcome to the issues in contention.

It is recommended therefore that the time for the working party to complete its work be extended and that the Working Party be reviewed at the February 2021 Ordinary Council meeting.

Policy Implications

The resolution of all matters related to the MRCLC may require new policy development or amendment of existing policies depending on the package of measures required. Consideration will be given to this when the report of the Working Party is available.

Statutory Implications

The recommendations are consistent with the Council’s legal obligations under the *Local Government Act 1995*.

Strategic Implications

➤ Strategic Community Plan

Priorities and Strategies for Change

Whilst not yet formally adopted the Council’s draft strategic priorities include “Development of sport and recreation – infrastructure and participation”. This specifically envisages the Shire working with Department of Local Government, Sport and Cultural Industries, State sport organisations and local clubs to increase participation at player and Committee level.

➤ Corporate Business Plan

Key Action: N/A

Directorate:

Timeline:

Sustainability Implications

➤ Strategic Resource Plan

Nil pending the report of the Working Party

➤ Workforce Plan

Directorate: Nil

Activity: Nil

Current Staff: Nil

Focus Area: Nil

Strategy Code: Nil

Strategy: Nil

Implications: Nil

Risk Implications

The main risk is that the working party fails to arrive at agreed recommendations.

Financial Implications

Nil pending the report of the Working Party.

Voting Requirements



Simple Majority



Absolute Majority

Officer’s Recommendation / Resolution

Moved: Cr McKenzie

Seconded: Cr Manning

82658 That the Council:

1. **Note the progress being made by the Working Party in addressing the issues contained in the Terms of Reference**
2. **Extend the reporting date for the Working Party to 16 February 2021**
3. **Note that Belgravia Leisure will invoice the winter sports users in accordance with the fees set by the Council in October 2019 less the 50% concession granted to reflect COVID-19 disruption as follows:**

Club	2019/20 (Council resolution Oct 2019)
Burracoppin Football Club	\$5,469.78
Merredin Junior Football	\$2,431.01
Merredin Junior Hockey Association	\$3,038.77
Merredin Hockey Club	\$3,038.77
Merredin Men’s Hockey	\$3,038.77
Merredin Netball Association	\$9,116.30
Burracoppin Hockey Club	\$3,038.77
Nukarni Football Club	\$5,469.78
Merredin Golf Club	\$2,431.01

CARRIED 9/o

15.3 Shire of Merredin Municipal Heritage Inventory Review

Administration



Responsible Officer:	Peter Zenni, EMDS
Author:	Mark Dacombe, T/CEO
Legislation:	<i>Heritage Act 2018</i>
File Reference:	GR/17/5
Disclosure of Interest:	Nil
Attachments:	Nil

Purpose of Report



Executive Decision



Legislative Requirement

Background

At the Ordinary Council Meeting held on 15 September 2020 the Council considered a report on the review of the Shire of Merredin Municipal Heritage Inventory which had been undertaken in order to prepare a Local Heritage Survey for adoption by Council.

After the presentation from the consultant and Executive Manager the Council decided to hold the matter over. The resolution was:

CMRef# 82601

That Council:

1. Receive the provided information; and
2. Hold over consideration of the officer's recommendation until the November OCM to enable a workshop to be held to consider the detailed Heritage listing proposals and the nature of the public engagement to be undertaken.

Comment

The Council’s briefing session workload has been such that it has not been possible to hold the workshop and report back in accordance with the Council’s directive.

There is no statutory time pressure to complete this work and so it is proposed that the workshop be held at one of the Council’s February briefings, subject to the consultant’s availability, and that the matter be reported back to Council no later than the March Ordinary Council meeting.

Policy Implications

Nil

Statutory Implications

Compliance with the *Heritage Act 2018*

Strategic Implications

➤ Strategic Community Plan

Zone: Communication & 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: On-going

Sustainability Implications

➤ Strategic Resource Plan

Nil

➤ Workforce Plan

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

Risk Implications

Nil

Financial Implications

Nil

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Billing

Seconded: Cr Butler

82659 That Council:

1. **Receive the provided information; and**
2. **Hold over consideration of the officer's recommendation until the March 2021 Ordinary Council Meeting to enable a workshop to be held to consider the detailed Heritage listing proposals and the nature of the public engagement to be undertaken.**

CARRIED 9/0

16. Motions of which Previous Notice has been given

Nil

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

Nil

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

Council Decision

Moved: Cr Flockart

Seconded: Cr Boehme

82660 That Council accept the matter of the building of the second platform at the Merredin railway station as urgent business at this meeting as Mr Laurie Graham MLC has advised the President that an approach to the Minister for Transport may assist to expedite approval for construction by ARC Infrastructure.

CARRIED 9/o

Council Decision

Moved: Cr Boehme

Seconded: Cr Patroni

82661 That the CEO be instructed to write to the Minister for Transport seeking her assistance in obtaining the approval of ARC Infrastructure to the construction of the second platform at the Merredin railway station.

CARRIED 9/o

19. Matters Behind Closed Doors

In accordance with Section 5.23 (2) (c) of the *Local Government Act 1995* Council went Behind Closed Doors to discuss this matter.

Council Decision

Moved: Cr Boehme

Seconded: Cr Billing

82662 That Council move Behind Closed Doors at 5:25pm.


CARRIED 9/0

Reason

Note: The reason for moving behind closed doors was to consider;
19.1 – a contract that may be entered into by Council, and
19.2 – a matter affecting an employee.

19.1 Chief Executive Officer Recruitment and Selection Process

*C Brown, C Shotter and P Zenni left the Chambers at 5.24pm and did not return.
Cr Boehme left the Chambers at 5.34pm and returned at 5.37pm.*

<h1>Administration</h1>		 SHIRE OF MERREDIN INNOVATING THE WHEATBELT
Responsible Officer:	Mark Dacombe, T/CEO	
Author:	Mark Dacombe, T/CEO	
Legislation:	<i>Local Government Act 1995</i>	
File Reference:	Nil	
Disclosure of Interest:	Nil	
Attachments:	Attachment 19.1A - Proposals from Recruitment	

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Billing

Seconded: Cr McKenzie

82663 That Council:


1. Confirms the recruitment of the permanent CEO will be conducted in accordance with the process set out in Policy 2.30 CEO Recruitment and Review Policy.
2. Appoints Beilby Downing Teal as the recruitment consultants to assist the Council in the recruitment process.
3. Note that a budget adjustment will be required and the CEO requested to report the details when the final WALGA account is confirmed.

CARRIED 9/0

19.2 Appointment of Temporary Chief Executive Officer

T/CEO M Dacombe declared a Direct Financial Interest in this Item 19.2.

MDacombe left the Chambers at 5:44pm

<h1>Administration</h1>		 SHIRE OF MERREDIN INNOVATING THE WHEATBELT
Responsible Officer:	Mark Dacombe, T/CEO	
Author:	Mark Dacombe, T/CEO	
Legislation:	<i>Local Government Act 1995</i>	
File Reference:	Nil	
Disclosure of Interest:	Mark Dacombe is currently Temporary CEO	
Attachments:	Attachment 19.2A – Letter of Engagement	

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr McKenzie

Seconded: Cr Willis

82664 That Council:

1. Note that the current employment engagement of Mr Mark Dacombe, Temporary Chief Executive Officer will, by virtue of the provisions of the *Local Government Act 1995*, terminate on 12 January 2021,
2. Being satisfied that Mr Mark Dacombe is suitably qualified to hold the position of Temporary Chief Executive Officer of the Shire of Merredin appoint him to the position effective from 13 January 2021 until Council's permanent appointee takes up the position,
3. The Shire President be authorised to execute a new Letter of Engagement under the same terms and conditions as the current arrangement.

CARRIED 9/0

Council Decision

Moved: Cr Boehme

Seconded: Cr Billing

82665 That Council return from Behind Closed Doors at 5:49pm and that the resolutions being passed in the confidential session be confirmed in open meeting.

CARRIED 9/0

MDacombe returned to the Chambers at 5:49pm

20. Closure

There being no further business, the President thanked those in attendance and declared the meeting closed at 5:50pm.

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SHIRE OF
MERREDIN
INNOVATING THE WHEATBELT

MINUTES

Ordinary Council Meeting

Held in Council Chambers
Corner King & Barrack Street's, Merredin
Tuesday, 17 November 2020
Commencing 4.00pm



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Common Acronyms Used in this Document	
WEROC	Wheatbelt East Regional Organisation of Councils
GECZ	Great Eastern Country Zone
WALGA	Western Australian Local Government Association
CEACA	Central East Aged Care Alliance
T/CEO	Temporary Chief Executive Officer
DCEO	Deputy Chief Executive Officer
EMDS	Executive Manager of Development Services
EMES	Executive Manager of Engineering Services
EMCS	Executive Manager of Corporate Services
MCO	Media and Communications Officer
EA	Executive Assistant to CEO
LPS	Local Planning Scheme
LGIS	Local Government Insurance Services
SRP	Strategic Resource Plan
CBP	Corporate Business Plan
CSP	Community Strategic Plan
MRCLC	Merredin Regional Community and Leisure Centre
CWVC	Central Wheatbelt Visitors Centre
MoU	Memorandum of Understanding

Shire of Merredin
Ordinary Council Meeting
4:00pm Tuesday, 17 November 2020



1. Official Opening

The President acknowledged the Traditional Owners of the land on which we meet today and paid her respects to the Elders past and present. The President then welcomed those in attendance and declared the meeting open at 4.06pm.

2. Record of Attendance / Apologies and Leave of Absence

Councillors:

Cr JR Flockart	President
Cr AR Butler	
Cr LN Boehme	
Cr PR Patroni	
Cr MJ McKenzie	
Cr RA Billing	
Cr RM Manning	
Cr PM Van Der Merwe	

Staff:

M Dacombe	T/CEO
A Prnich	DCEO
C Brown	EMCS
C Shotter	EMES
P Zenni	EMDS
K Hall	MCO

Members of the Public: Nil

Apologies: Nil

Approved Leave of Absence: Cr MD Willis, Deputy President

3. Public Question Time

Nil

4. Disclosure of Interest

Nil

5. Applications of Leave of Absence

Nil

6. Petitions and Presentations

Nil

7. Confirmation of Minutes of the Previous Meetings

7.1 Ordinary Council Meeting held on 20 October 2020

[Attachment 7.1A](#)

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Patroni

Seconded: Cr Van Der Merwe

82629 That the Minutes of the Ordinary Council Meeting held on 20 October 2020 be confirmed as a true and accurate record of proceedings.

CARRIED 8/o

8. Announcements by the Person Presiding without discussion

The Shire President informed Councillors that she attended the following events;

17 October – Wheatbelt Business Network Business Excellence Awards, Cummins Theatre, Merredin

21 October – Tourism WA Deep Dive Workshop Cummins Theatre, Merredin

21 October – DEMC Northam Apology

23 October – Year 12 Graduation Ceremony, Merredin College

24 October – Army Cadets Recruitment Day, Merredin (Received certificate of appreciation on behalf of SOM)

29 October – WALGA Breakfast with Director Generals, Kings Park, Perth

5 November – WDC Board Meeting (Local Government Board member representative), Jurien Bay

6 November – MRCLC Committee Meeting with Sports Council/Belgravia, Merredin

12 November – WALGA Great Eastern Council Zone Executive Meeting

17 November – Give A Hoot, Don't Pollute Water Refill Station Launch Opening

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

19.1 Chief Executive Officer Recruitment and Selection Process

10. Receipt of Minutes of Committee Meetings

10.1 Bush Fire Advisory Committee Pre-Season Meeting held on 15 October 2020

Attachment 10.1A

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Manning

Seconded: Cr McKenzie

82630 That the Minutes of the Bush Fire Advisory Committee Pre-Season Meeting held on 15 October 2020 be received.

CARRIED 8/o

11. Recommendations from Committee Meetings for Council consideration

Nil

12. Officers' Reports - Development Services

12.1 Lot 501 Cnr Neening and Goldfields Roads, Hines Hill – Application for Development Approval, Placement On Site of two Sea Containers For Storage Purposes

Development Services 	
Responsible Officer:	Peter Zenni, EMDS
Author:	Peter Zenni, EMDS
Legislation:	<i>Shire of Merredin Local Planning Scheme No 6.</i>
File Reference:	A9511
Disclosure of Interest:	Nil
Attachments:	<p>Attachment 12.1A - Application for development approval and associated documentation.</p> <p>Attachment 12.1B – Local Planning Scheme Policy No. 1 - Movable Buildings</p>
Maps / Diagrams:	Aerial image of lot in question.

Purpose of Report

- Executive Decision
 Legislative Requirement

Background

The Shire of Merredin has received an application for development approval for the placement of two sea containers to be used for storage purposes on site at Lot 501 Cnr Neening and Goldfields Road, Hines Hill.

Comment

The two sea containers will be located at Lot 501 Cnr Neening and Goldfields Roads, Hines Hill, which is zoned 'general farming' in accordance with the Shire of Merredin Local Planning Scheme No. 6 (LPS).

The sea containers will be used for the secure storage of personal items, with plans for a future house and shed to follow in due course.

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

Whilst sea containers under Council's policy on movable buildings are not permitted in residential areas, they can be permitted by Council in other (non-residential) zoned areas.

Council Local Planning Policy No.1 – Moveable Buildings, states as follows;

“The Council may give special consideration for the use of ‘**containers**’ outside the townsite areas of the Shire. In these circumstances the Council will need to be satisfied that there is no viable alternative to the use of these structures, and that the location of these ‘**containers**’ will not detract from the amenity of the locality.”

In this case the lot is zoned ‘general farming’, the size and location of the lot will minimise any impact on the visual amenity of the surrounding area. In addition, the applicant advises that ***“to lessen the visual impact, despite the large setback from the road, it is our intention to paint the containers in a neutral colour to further blend in with the surrounding landscape, as well as utilising some kind of screening.”***

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

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

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

The Shire of Merredin Council has previously granted development approval for the placement of sea containers in general farming zoned areas for storage purposes.

Policy Implications

Compliance with Shire of Merredin local planning policy on movable buildings

Statutory Implications

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

Strategic Implications

➤ Strategic Community Plan

Zone: Communication and Leadership
Zone Merredin Council engages with its community and leads by
Statement: 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 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

Officer's Recommendation / Resolution

Moved: Cr Boehme

Seconded: Cr McKenzie

82631 That Council

1. **Grant development approval for the placement of two sea containers for storage purposes on site at Lot 501 Cnr Neening and Goldfields Roads, Hines Hill, as per the plans forming part of Attachment 12.1A.**
2. **Advises the applicant, that;**
 - **The proposed development will be classified as a Class 10a structure (non-habitable building) under the National Construction Code (BCA). The construction of Class 10a structures outside of town site boundaries within the Shire of Merredin does not require a building permit. However, it is the responsibility of the applicant to ensure that the proposed structure complies with all structural requirements specified by the relevant Australian Standards.**
 - **The proposed sea containers may only be used for storage purposes and must not be used for habitation at any time.**

CARRIED 8/o

13. Officers' Reports - Engineering Services

Nil

14. Officers' Reports – Corporate and Community Services

14.1 List of Accounts Paid

<h2 style="margin: 0;">Corporate Services</h2> 	
Responsible Officer:	Charlie Brown, EMCS
Author:	Charlie Brown, 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 October under Delegated Authority is provided for Council's information.

Comment

Nil

Policy Implications

Nil

Statutory Implications

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

Strategic Implications

- [Strategic Community Plan](#)

Zone: Zone 4 – Communications & 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 the 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 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

Officer's Recommendation / Resolution

Moved: Cr McKenzie

Seconded: Cr Van Der Merwe

82632 That the schedule of accounts paid as listed, covering cheques, EFT's, bank charges, directly debited payments and wages, as numbered and totalling \$759,616.30 from Council's Municipal Fund Bank Account and \$6,087.25, from Council's Trust Account be endorsed by Council.

CARRIED 8/o

14.2 Statement of Financial Activity

Corporate Services



Responsible Officer:	Charlie Brown, EMCS
Author:	Charlie Brown, EMCS
Legislation:	<i>Local Government Act 1995, Local Government (Financial Management) Regulations 1996</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	<p>Attachment 14.2A - Statement of Financial Activity</p> <p>Attachment 14.2B - Detailed Statements</p> <p>Attachment 14.2C - Investment Statement</p> <p>Attachment 14.2D - Capital Works Progress</p> <p>Attachment 14.2E - Variances by Sub Program</p>

Purpose of Report



Executive Decision



Legislative Requirement

Background

The Statement of Financial Activity, which includes the Detailed Schedules, Statement of Financial Activity, Current Ratios, Capital Expenditure Report, and Investment Register, are attached for Council's information.

Comment

The statements are in a slightly different format this year, with a more detailed summary sheet on page 3. Included as a separate attachment is Variances by Sub Program. This is in place of note 15 Variance by Program. It is felt a more meaningful explanation can be given at sub program level than at program.

Income reports a 0.36% increase above anticipated budget expectations, whilst Operating Expenditure shows a 15.30% deficit on anticipated expenditure. This should flatten out over the coming months as projects get started.

Capital Expenditure

A detailed look at capital expenditure can be found in note 8, as well as Attachment 14.2D showing levels of expenditure.

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

Zone: Zone 4 – Communications & 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 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

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.

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

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Butler

Seconded: Cr Billing

82633 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 2020 be received.

CARRIED 8/o

14.3 Proposed Public Piazza Pilot Project Budget Adjustment

Community Services



Responsible Officer:	Andrina Prnich, Deputy CEO
Author:	Andrina Prnich, Deputy CEO
Legislation:	<i>Local Government Act 1995; Local Government (Financial Management) Regulations 1996</i>
File Reference:	CM82627
Disclosure of Interest:	Nil
Attachments:	Nil

Purpose of Report

Executive Decision

Legislative Requirement

Background

At its Ordinary Council Meeting held 20 October 2020, Council resolved (Minute 82627) to:

- a) authorise the CEO to arrange the temporary closure of Barrack Street, for the maximum of period five months to allow for the development of the Public Piazza Pilot Project;
- b) accept the RAC grant offer of \$58,197;
- c) note that the \$20,805 contribution will be a charge on budget item RC135 Barrack Street Capital

Comment

To provide for the implementation of the above resolution it is now necessary to make the appropriate budget provision.

The total project expenditure of \$79,002 (\$58,197+\$20,805) will be a charge on RC135 Barrack Street Capital. The grant will be reflected by increasing CO131201330 ROADC other Contributions & Donations by \$58,197. The shortfall of \$20,805 will be provided from RCo00 Expenditure to be Allocated.

Policy Implications

Nil

Statutory Implications

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

Strategic Implications

➤ Strategic Community Plan

Zone: Economy and Growth
Zone Statement: Merredin seeks new opportunities for growth and strives to develop a rich and multifaceted economy
Key Priority: Developing and maintaining local government infrastructure that increases the potential for business development and investment

➤ Corporate Business Plan

Key Action: Implement the CBD redevelopment project: Stages 2 and 3 (improve the functionality and amenity of Barrack and Bates Streets)
Directorate: Engineering Services
Timeline: Ongoing

Sustainability Implications

➤ Strategic Resource Plan

This Project is a low cost – low risk opportunity for the Shire. The Project will minimise risk to the Shires long term financial and asset management by allowing the community to test the opportunity of developing a public piazza within the CBD, before any significant outlay is made.

➤ Workforce Plan

Directorate: Engineering Services, Community Services
Activity: Construction and Maintenance; Community Development
Current Staff: 2 FTE +
Focus Area: Attract and Retain Outstanding People
Strategy Code: 1.4
Strategy: Provide appropriate training and development opportunities
Implications: This project will have a direct impact on the Community Services and Engineering Services directorates. Resources will be required from Community Development, Maintenance and Construction with direct project management by both the Deputy CEO and Executive Manager Engineering Services, with opportunities to train staff in this area. This will be integrated into current workload and may directly impact delivery of some services.

Risk Implications

Failing to make this budget adjustment would potentially breach the provisions of the Local Government (Financial Management) Regulations 1996.

Financial Implications

This Project requires a Shire contribution of \$20,805.

The project cost including contingency was initially estimated at \$104,002 and \$83,197 was sought from RAC through their 'Reinvigorating Streets and Spaces Fund'.

Conditional approval has been given from RAC for a total of \$58,197. This will not impact the Shire's contribution as the reduced funding relates specifically to one project element with a very high specification. Shire officers will review the scope of this element and provide for an adequate solution within these budgetary parameters.

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Boehme

Seconded: Cr McKenzie

82634 That Council:


a) Amend the 2020/21 budget to:

- i. Increase CO131201330 ROADC other Contributions & Donations by \$58,197;**
- ii. Increase Job RC135 Barrack Street Construction by \$79,002; and**
- iii. Allocate the balance of \$20,805 being the Council's contribution from RCo00 Expenditure to be Allocated (\$450,000).**

CARRIED 8/o

15. Officers' Reports – Administration

15.1 Councillors and Staff Christmas Function – Review of Policy

<h2>Administration</h2>		 SHIRE OF MERREDIN INNOVATING THE WHEATBELT
Responsible Officer:	Mark Dacombe, T/CEO	
Author:	Mark Dacombe, T/CEO	
Legislation:	<i>Local Government Act 1995</i>	
File Reference:	Nil	
Disclosure of Interest:	Nil	
Attachments:	Attachment 15.1A – Current Policy Attachment 15.1B – Proposed Policy	

Purpose of Report



Executive Decision



Legislative Requirement

Background

Each year Council provides a Christmas function for Councillors and staff to celebrate the season and acknowledge the work achieved throughout the year.

Council policy 1.12 – Annual Christmas Function States that an agenda item be presented to council by no later than November each year requesting Council confirm the date and venue of the function.

An agenda item was submitted to the October 2020 ordinary meeting of the Council where it was resolved (Minute 82621):

- 1. That the Shire of Merredin 2020 Christmas function for Councillors, staff and their partners be held at Merredin Bowling Club on Saturday 5th of December 2020, and**
- 2. That the relevant policy 1.12 be reviewed at the November Council Meeting to include dependent children and that they be included in the 2020 Christmas Function, and**
- 3. That the policy be further reviewed to consider the supply and payment of alcohol.**

CARRIED 6/1

Comment

The Council resolution 82621 was subsequently discussed by the TCEO with staff across the organisation where the consensus expressed was:

1. Staff welcome the inclusion of dependent children in the event;
2. Staff appreciate a modest allowance of alcohol limited to beer and wine at the Christmas function.

A small working party of staff has been set up to plan this year's event taking account of the staff feedback and the Council's resolution.

In the same context a draft amended Policy 1.12 is attached for consideration by the Council.

Policy Implications

Policy 1.12 – Annual Christmas Function has been reviewed in accordance with the Council's resolution 82621.

Statutory Implications

Council's Code of Conduct applies

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

Nil

Financial Implications

An allocation is included in the 2020/21 Annual Budget for the function

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr McKenzie

Seconded: Cr Van Der Merwe

82635 That Council:

Adopt the reviewed Policy 1.12 Councillors and Staff Christmas Function providing for:


“The Council to provide a joint Christmas Function for Councillors, employees, and their partners/spouses and dependent children.

Where the format of the function is such that the service of alcohol is appropriate a limit of two drinks per person, limited to beer or wine, will be provided within the cost of the function. Any such function will be conducted in accordance with the responsible service of alcohol guidelines.”

The CEO is to place an item on the Council agenda no later than November of each year requesting Council to confirm a date, location and format for the function”.

CARRIED 7/1

15.2 Merredin Regional Community and Leisure Centre User Group Fees and Contributions Working Party

<h1>Administration</h1>		 SHIRE OF MERREDIN INNOVATING THE WHEATBELT
Responsible Officer:	Mark Dacombe, T/CEO	
Author:	Mark Dacombe, T/CEO	
Legislation:	<i>Local Government Act 1995</i>	
File Reference:	Nil	
Disclosure of Interest:	Nil	
Attachments:	Attachment 15.2A - Terms of Reference	

Purpose of Report



Executive Decision



Legislative Requirement

Background

At the October Ordinary meeting the Council considered a report on MRCLC User Group Fees and Contributions.

The Council also confirmed the fees for the 2020/21 financial year and established a Working Party to consider the outstanding matters and report back to Council at the Ordinary Council Meeting in December.

It was resolved (82622):

That Council:

1. **Approves the 2020/21 fee structure without any increase over the 2019/20 fees. (Fee table inserted)**
2. **Declines the request from the Merredin Sports Council to waive the balance of the 2020/21 winter sports fees on the grounds a substantial discount has already been provided;**
3. **Agrees to work with the Merredin Sports Council and, where appropriate, with Belgravia Leisure on the outstanding matters:**
 - a) **the possible restructure of the fees for 2020/21**
 - b) **Sports Clubs contribution to sports infrastructural renewals**
 - c) **Addressing performance under the contract**
4. **Establish a working party comprising of Councillors Flockart and McKenzie, the T/CEO and DCEO, and invite two representatives from Belgravia**

Leisure and two representatives from the Merredin Sports Council, to consider the outstanding matters and report back to Council at the Ordinary Council Meeting in December.

Comment

Since the Council meeting draft Terms of Reference have been circulated to the parties and considered by the Working Party. These are now submitted for the approval of the Council.

Merredin Regional Community and Leisure Centre User Group Fees and Contributions Working Party – Terms of Reference

Membership

Shire of Merredin: Councillor Julie Flockart (Shire President), Councillor Mark McKenzie, TCEO Mark Dacombe, DCEO Andrina Prnich

Belgravia Leisure: Two representatives to be appointed

Merredin Sports Council: Two representatives to be appointed

Chairperson

The Working Party will be Chaired by the Shire President

Officers Responsible

Chief Executive Officer
Deputy Chief Executive Officer

Meeting Schedule

The first meeting will be set by the Shire of Merredin after which the Working Party will determine its meetings schedule

Meeting Location

Council Chambers, Merredin or the Merredin Regional Community and Leisure Centre

Quorum

Four (4) members of the Working Group including at least one member from each of the three organisations.

Delegated Authority

Nil

1. NAME

The name of the Working Party is the Merredin Regional Community and Leisure Centre (MRCLC) User Group Fees and Contributions Working Party (The Working Party)

2. PURPOSE

To advise the Council on the resolution matters of concern to the Shire of

Merredin, Belgravia Leisure and the Merredin Sports Council, including, but not limited to:

- the basis on which the Sports Clubs using the MRCLC are charged
- any alternative methods of charging
- the basis on which contributions are required from Clubs towards the renewal of sports infrastructure (surfaces)
- approaches to increasing participation in the various sports and administration of the clubs
- developing a shared understanding of the respective operational responsibilities of Belgravia, the Shire and the Clubs
- any other matters that the Working Party members agree should be addressed
- any other matters that the Council refers to the Working Party.

3. ESTABLISHMENT

The Working Group was established by the Council by resolution on 20 October 2020 and will terminate when the report and recommendations are submitted to the Council, unless the Council decides otherwise.

4. MEMBERSHIP

4.1 General

The Council will appoint two (2) Elected Members to the Working Group who are entitled to one vote each, and two senior staff members who will be non-voting members. Belgravia Leisure and Merredin Sports Council will be invited to appoint two (2) representatives each who will be entitled to one vote each.

4.2 Tenure of Membership

Where a person is appointed as a member of the Working Party the person's membership continues until:

- The person's appointment is withdrawn by the organisation nominating
- The Working Party is disbanded by the Council
- The person resigns from membership of the Working Party

Staff may be appointed by the Chief Executive Officer to support the work of the Working Party and may be removed by the CEO.

5. WORKING PARTY

5.1 Chairperson

The Chairperson of the Working Party will be the Shire President

5.2 Secretariat

A Shire Officer will undertake this administrative role

6. MEETINGS

6.1 Working Group Meetings

The first meeting will be set by the Shire of Merredin after which the Working Party will determine its meetings schedule.

6.2 Quorum

Four (4) members of the Working Group including at least one (1) member from each of the three (3) organisations.

6.3 Voting

Voting shall be by consensus or by a show of hands as directed by the Chairperson.

6.4 Notes of the Meetings

The CEO is to ensure that notes of the meeting proceedings are kept.

The Meeting Notes may be confirmed by a majority of members present at the meeting in writing via email, after the completion of the meeting. Once Meeting Notes have been confirmed by members, they are to be included in the Information Bulletin.

Recommendations requiring Council action arising from the Meeting Notes shall be presented to Council at the next Ordinary Council Meeting.

6.5 Members Interests to be Disclosed

Members of the Working Group are required to disclose their financial interests and complete a Disclosure form where relevant for all meetings in person and approvals via email, as per the provisions of the Local Government Act Section 5.65-5.70 with respect to disclosure of financial, impartiality or proximity interests. 5.65. Members' interests in matters to be discussed at meetings to be disclosed.

7. LIMITATIONS

The Working Party considerations are limited by the provisions of the contract between the Council and Belgravia Leisure.

The Working Party does not have any delegated authority.

8. REPORTING REQUIREMENT

The Working Party is requested to submit its report by 4 December 2020 to enable recommendations to be considered by the Council at its OCM on 15 December 2020.

It has also been noted that the resolution confirming the fees contains an error that requires to be corrected. The Council declined the request to waive the

balance of the “2020/21” winter sports fees. This should refer to the “2019/20” winter sports fees. There is a consequential amendment to 2020/21 winter sports fees required.

Policy Implications

The resolution of all matters related to the MRCLC may require new policy development or amendment of existing policies depending on the package of measures required. Consideration will be given when the report of the Working Party is available.

Statutory Implications

The recommendations are consistent with the Council’s legal obligations under the *Local Government Act 1995*.

Strategic Implications

➤ Strategic Community Plan

Priorities and Strategies for Change	Whilst not yet formally adopted the Council’s draft strategic priorities include “Development of sport and recreation – infrastructure and participation”. This specifically envisages the Shire working with Department of Local Government, Sport and Cultural Industries, State sport organisations and local clubs to increase participation at player and Committee level.
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➤ Corporate Business Plan

Key Action: N/A
Directorate:
Timeline:

Sustainability Implications

➤ Strategic Resource Plan

Nil pending the report of the Working Party

➤ Workforce Plan

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

Risk Implications

The main risk is that the working party fails to arrive at agreed recommendations.

Financial Implications

Nil pending the report of the Working Party

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Boehme

Seconded: Cr McKenzie

82636 That Council:

1. **Adopts the Terms of Reference for the Merredin Community and Leisure Centre User Group Fees and Contributions Working Party:**

“Merredin Regional Community and Leisure Centre User Group Fees and Contributions Working Party – Terms of Reference

Membership

Shire of Merredin: Councillor Julie Flockart (Shire President), Councillor Mark McKenzie, TCEO Mark Dacombe, DCEO Andrina Prnich

Belgravia Leisure: Two representatives to be appointed

Merredin Sports Council: Two representatives to be appointed

Chairperson

The Working Party will be Chaired by the Shire President

Officers Responsible

Chief Executive Officer
Deputy Chief Executive Officer

Meeting Schedule

The first meeting will be set by the Shire of Merredin after which the Working Party will determine its meetings schedule

Meeting Location

Council Chambers, Merredin or the Merredin Regional Community and Leisure Centre

Quorum

Four (4) members of the Working Group including at least one member from each of the three organisations.

Delegated Authority

Nil

1. NAME

The name of the Working Party is the Merredin Regional Community and Leisure Centre (MRCLC) User Group Fees and Contributions Working Party (The Working Party)

2. PURPOSE

To advise the Council on the resolution matters of concern to the Shire of Merredin, Belgravia Leisure and the Merredin Sports Council, including, but not limited to:

- the basis on which the Sports Clubs using the MRCLC are charged
- any alternative methods of charging
- the basis on which contributions are required from Clubs towards the renewal of sports infrastructure (surfaces)
- approaches to increasing participation in the various sports and administration of the clubs
- developing a shared understanding of the respective operational responsibilities of Belgravia, the Shire and the Clubs
- any other matters that the Working Party members agree should be addressed
- any other matters that the Council refers to the Working Party.

3. ESTABLISHMENT

The Working Group was established by the Council by resolution on 20 October 2020 and will terminate when the report and recommendations are submitted to the Council, unless the Council decides otherwise.

4. MEMBERSHIP

4.1 General

The Council will appoint two (2) Elected Members to the Working Group who are entitled to one vote each, and two senior staff members who will be non-voting members. Belgravia Leisure and Merredin Sports Council will be invited to appoint two (2) representatives each who will be entitled to one vote each.

4.2 Tenure of Membership

Where a person is appointed as a member of the Working Party the person's membership continues until:

- The person's appointment is withdrawn by the organisation nominating

- **The Working Party is disbanded by the Council**
- **The person resigns from membership of the Working Party**

Staff may be appointed by the Chief Executive Officer to support the work of the Working Party and may be removed by the CEO.

5. WORKING PARTY

5.1 Chairperson

The Chairperson of the Working Party will be the Shire President

5.2 Secretariat

A Shire Officer will undertake this administrative role

6. MEETINGS

6.1 Working Group Meetings

The first meeting will be set by the Shire of Merredin after which the Working Party will determine its meetings schedule.

6.2 Quorum

Four (4) members of the Working Group including at least one (1) member from each of the three (3) organisations.

6.3 Voting

Voting shall be by consensus or by a show of hands as directed by the Chairperson.

6.4 Notes of the Meetings

The CEO is to ensure that notes of the meeting proceedings are kept.

The Meeting Notes may be confirmed by a majority of members present at the meeting in writing via email, after the completion of the meeting. Once Meeting Notes have been confirmed by members, they are to be included in the Information Bulletin.

Recommendations requiring Council action arising from the Meeting Notes shall be presented to Council at the next Ordinary Council Meeting.

6.5 Members Interests to be Disclosed

Members of the Working Group are required to disclose their financial interests and complete a Disclosure form where relevant for all meetings in person and approvals via email, as per the provisions of the Local Government Act Section 5.65-5.70 with respect to disclosure of financial, impartiality or proximity interests. 5.65. Members’ interests in matters to be discussed at meetings to be disclosed.

7. LIMITATIONS

The Working Party considerations are limited by the provisions of the contract between the Council and Belgravia Leisure.

The Working Party does not have any delegated authority.

8. REPORTING REQUIREMENT

The Working Party is requested to submit its report by 4 December 2020 to enable recommendations to be considered by the Council at its OCM on 15 December 2020.”

2. Rescinds that part of resolution 82622 that reads:

“Declines the request from the Merredin Sports Council to waive the balance of the 2020/21 winter sports fees on the grounds a substantial discount has already been provided”

and replace it with:

“Declines the request from the Merredin Sports Council to waive the balance of the 2019/20 winter sports fees on the grounds a substantial discount has already been provided”.

3. Approve the consequential adjustment to the winter sports fees for 2020/ 21

Club	2019/20 (charged rate)	2020/21
Burracoppin Football Club	\$5,209.31	\$5,209.31
Merredin Junior Football	\$2,315.25	\$2,315.25
Merredin Junior Hockey Association	\$2,894.06	\$2,894.06
Merredin Men’s Hockey Club	\$2,894.06	\$2,894.06
Merredin Netball Association	\$9,261.00	\$9,261.00
Merredin Women’s Hockey Club	\$2,894.06	\$2,894.06
Nukarni Football Club	\$5,209.31	\$5,209.31

CARRIED 8/o

15.3 Shire of Merredin Christmas / New Year's Opening Hours

<h2>Administration</h2>		
Responsible Officer:	Andrina Prnich, DCEO	
Author:	Gabriella Rechichi, ASO	
Legislation:	<i>Local Government Act 1995; Local Government (Financial Management) Regulations 1996</i>	
File Reference:	Nil	
Disclosure of Interest:	Nil	
Attachments:	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 Friday, 25 December 2020. As Boxing Day will fall on a Saturday, the public holiday will be observed on Monday, 28 December 2020, meaning Council offices will be closed on both of these days. Similarly, the New Year's Day public holiday will be observed on Friday, 1 January 2021 meaning Council offices will also be closed on that day.

It is therefore proposed that the Shire venues close from 12 noon Thursday, 24 December 2020, to Friday, 1 January 2021 inclusive. The venues will reopen as usual on Monday, 4 January 2021.

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

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 off in lieu, annual leave or accrued rostered days off. These costs are contained within the 2020/21 budget.

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Patroni

Seconded: Cr Boehme

82637 That Council:

Approves the closure of all Shire venues for the Christmas/New Year period from 12 noon Thursday, 24 December 2020 to Monday, 4 January 2021, with the exception of the Merredin Landfill and Resource Recovery Site which will be closed only on Friday, 25 December 2020, and Friday, 1 January 2021, and the Merredin District Olympic Swimming Pool which will be closed on Friday, 25 December 2020, with the hours of operation and emergency contacts advertised to the community.

CARRIED 8/o

15.4 2021 Council Meeting Dates

<h2>Administration</h2>		 SHIRE OF MERREDIN INNOVATING THE WHEATBELT
Responsible Officer:	Andrina Prnich, DCEO	
Author:	Gabriella Rechichi, ASO	
Legislation:	<i>Local Government Act 1995; Local Government (Financial Management) Regulations 1996</i>	
File Reference:	Nil	
Disclosure of Interest:	Nil	
Attachments:	Attachment 15.4A – 2021 Council Meeting Dates	

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 2021. 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 principal 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 8.30 am and 6:00 pm.

Council currently meets at 4.00 pm; this varies between individual local governments in the Wheatbelt Region.

- **Agenda Briefings;**

Council currently holds an agenda briefing session prior to the Council meeting, which is closed to the public.

- **Frequency:** 1 a month, 2 a month; every 3 or 4 weeks.

Council currently meets on a 1 a month basis, which suits Council.

- **Cycle:** 1st week, 2nd week, 3rd week, 4th week, last week.

Shire of Merredin currently has their Council meetings on the 3rd week of the month.

Consideration also needs to be given to Council committees and Citizenship Ceremonies.

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

(b) 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 2020/21 annual budget.

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Boehme

Seconded: Cr Patroni

82638 That Council:

1. Meets on the 3rd Tuesday of the Month on the following dates in 2021: 19 January, 16 February, 16 March, 20 April, 18 May, 15 June, 20 July, 17 August, 21 September, 19 October, 16 November; and 14 December;
2. Meetings commence at 4:00 pm; and
3. Has a closed agenda briefing sessions on the 3rd Tuesday of the month commencing at 2.00 pm

CARRIED 7/1

Reason

4. That Audit Committee be held on the 3rd Tuesday of the month commencing at 1:00 pm.

The CEO requested that point 4 be removed from the Officer's Recommendation

Amendment

Moved: Cr Billing

Seconded:

ooooo That Council:

1. Meets on the 3rd Tuesday of the Month on the following dates in 2021: 19 January, 16 February, 16 March, 20 April, 18 May, 15 June, 20 July, 17 August, 21 September, 19 October, 16 November; and 14 December;
2. Meetings commence at 5:00 pm; and
3. Has a closed agenda briefing sessions on the 3rd Tuesday of the month commencing at 3.00 pm.

The amendment lapsed for want of a seconder.

16.	Motions of which Previous Notice has been given
------------	--

Nil

17.	Questions by Members of which Due Notice has been given
------------	--

Nil

18.	Urgent Business Approved by the Person Presiding or by Decision
------------	--

Nil

19. Matters Behind Closed Doors

Council Decision

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

82639 That Council move behind closed doors at 4.34pm.

Note: The reason for moving behind closed doors was to enable a contract for recruitment services to be entered into.

CARRIED 8/o

C Brown, P Zenni, A Prnich, and C Shotter left the chambers at 4.34pm and did not return

19.1 Chief Executive Officer Recruitment and Selection Process

Administration



Responsible Officer:	Mark Dacombe, T/CEO
Author:	Mark Dacombe, T/CEO
Legislation:	<i>Local Government Act 1995</i>
File Reference:	Nil
Disclosure of Interest:	Officer is the Temporary CEO
Attachments:	Nil

Voting Requirements

Simple Majority Absolute Majority

M Dacombe left the Chambers at 4.40pm and returned at 4.46pm

C Brown entered the room momentarily and then left the Chambers again at 4.48pm

M Dacombe left the Chambers at 4.51pm and returned at 4.54pm

Officer's Recommendation / Resolution

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

82640 That Council confirms the initial process for the recruitment and selection of the Chief Executive Officer by:

1. **Noting suitably qualified recruitment professionals have been requested to quote to assist the Council in the recruitment process for the Chief Executive Officer.**
2. **Noting a draft policy for the recruitment of the Chief Executive Officer is being prepared for consideration by the Council.**

CARRIED 8/o

Council Decision

Moved: Cr Boehme

Seconded: Cr Patroni

82641 That Council return from Behind Closed Doors at 5.03pm and that the resolution being passed in the confidential session be confirmed in open meeting.

CARRIED 8/o

20. Closure

There being no further business, the President thanked those in attendance and declared the meeting closed at 5.05pm.

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