

SHIRE OF  
**MERREDIN**  
INNOVATING THE WHEATBELT

# AGENDA

## Ordinary Council Meeting

To be held in Council Chambers Corner  
King & Barrack Streets, Merredin  
Tuesday, 23 January 2024  
Commencing 4.00pm



# Notice of Meeting



Dear President and Councillors,

The next Ordinary Meeting of the Council of the Shire of Merredin will be held on Tuesday, 23 January 2024 in the Council Chambers, corner of King and Barrack Streets, Merredin. The format of the day will be:

2:00pm Briefing Session

4:00pm Council Meeting

CODI BRINDLEY-MULLEN  
ACTING CHIEF EXECUTIVE OFFICER  
19 January 2024

## DISCLAIMER

### PLEASE READ THE FOLLOWING IMPORTANT DISCLAIMER BEFORE PROCEEDING:

Statements or decisions made at this meeting should not be relied or acted on by an applicant or any other person until they have received written notification from the Shire. Notice of all approvals, including planning and building approvals, will be given to applicants in writing. The Shire of Merredin expressly disclaims liability for any loss or damages suffered by a person who relies or acts on statements or decisions made at a Council or Committee meeting before receiving written notification from the Shire.

The advice and information contained herein is given by and to Council without liability or responsibility for its accuracy. Before placing any reliance on this advice or information, a written inquiry should be made to Council giving entire reasons for seeking the advice or information and how it is proposed to be used.

<b>Common Acronyms Used in this Document</b>	
CBP	Corporate Business Plan
CEACA	Central East Accommodation & Care Alliance Inc
CEO	Chief Executive Officer
CSP	Community Strategic Plan
CWVC	Central Wheatbelt Visitors Centre
EO	Executive Officer
EMCS	Executive Manager of Corporate Services
EMDS	Executive Manager of Development Services
EMES	Executive Manager of Engineering Services
EMS&C	Executive Manager Strategy & Community
ES	Executive Support Officer
GECZ	Great Eastern Country Zone
GO	Governance Officer
LGIS	Local Government Insurance Services
LPS	Local Planning Scheme
MCO	Media and Communications Officer
MoU	Memorandum of Understanding
MP	Manager of Projects
MRCLC	Merredin Regional Community and Leisure Centre
SRP	Strategic Resource Plan
WALGA	Western Australian Local Government Association
WERO	Wheatbelt East Regional Organisation of Councils



## January Ordinary Council Meeting

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Shire of Merredin  
Ordinary Council Meeting  
4:00pm Tuesday, 23 January 2024



**1. Official Opening**

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

**Councillors:**

Cr M McKenzie	President
Cr R Manning	Deputy President
Cr B Anderson	
Cr H Billing	
Cr D Crook	
Cr M Simmonds	
Cr P Van Der Merwe	

**Staff:**

L Clack	CEO
A Tawfik	EMES
C Brindley-Mullen	EMS&C
L Boehme	EMCS
P Zenni	EMDS
M Wyatt	EO

**Members of the Public:**

**Apologies:**

**Approved Leave of Absence:**

**3. Public Question Time**

Members of the public may submit questions up to 2pm on the day of the meeting by emailing [ea@merredin.wa.gov.au](mailto:ea@merredin.wa.gov.au).

**4. Disclosure of Interest**

**5. Applications of Leave of Absence**

**6. Petitions and Presentations**

Nil

## 7. Confirmation of Minutes of Previous Meetings

- 7.1 Ordinary Council Meeting held on 11 December 2023  
Attachment 7.1A

### Voting Requirements

- Simple Majority  Absolute Majority

### Officer's Recommendation

**That the Minutes of the Ordinary Council Meeting held on 11 December 2023 be confirmed as a true and accurate record of proceedings.**

## 8. Announcements by the Person Presiding without Discussion

## 9. Matters for which the Meeting may be Closed to the Public

Nil

## 10. Receipt of Minutes of Meetings

- 10.1 Minutes of the Audit Committee Meeting held on 23 January 2024.  
Attachment 10.1A (*to be circulated prior to the meeting*)

### Voting Requirements

- Simple Majority  Absolute Majority

### Officer's Recommendation

**That Council RECEIVE the Minutes of the Audit Committee Meeting held 23 January 2024.**

## 11. Recommendations from Committee Meetings for Council Consideration

### Voting Requirements

- Simple Majority  Absolute Majority

### Audit Committee Recommendation – Audit Committee Meeting held 23 January 2024

*Please note this Recommendation will be added to the Agenda after the Audit Committee Meeting on 23 January 2024.*

## 12. Officer’s Reports – Development Services

### 12.1 Development Application – Lot 503 Gabo Avenue, Merredin – Proposed Upgrades to CBH Grain Handling Facilities

<h2 style="margin: 0;">Development Services</h2> 	
Responsible Officer:	Peter Zenni, EMDS
Author:	Paul Bashall – Planwest (WA) Pty Ltd
Legislation:	<i>Planning and Development Act 2005</i> Shire of Merredin Local Planning Scheme No.6
File Reference:	A9247
Disclosure of Interest:	Nil
Attachments:	Attachment 12.1A - Development Application and Supporting Documentation (CONFIDENTIAL) Attachment 12.1B - Site Photos and Check Dam Details

#### Purpose of Report



Executive Decision



Legislative Requirement

To recommend to Council that it grant conditional development (planning) approval for various upgrades to the Co-operative Bulk Handling (CBH) terminal located at Lot 503 Gabo Avenue, Merredin.

#### Background

An application has been received for development approval (DA) from CBH for \$8m of upgrades at the CBH grain handling facility located at Lot 503 Gabo Avenue, Merredin. The proposed development is aimed at upgrading the existing CBH receival and storage facilities in Merredin.

The Merredin site is a critical network site for CBH and is the largest receival site in the region. The terminal has had an extensive history of changes, upgrades and issues regarding the operation and maintenance surrounding the land.

The DA is accompanied by; a DA form, a delegated authority to apply for the DA, a covering letter, a Certificate of Title, several detailed drawings, a site plan, a traffic management statement by engineering consultants, a Stormwater Management Plan, and an assurance that noise and dust will be managed and monitored in accordance with regulations.

#### Comment

The proposed CBH DA upgrades include:



1. Installation of 3x Auger grids and Conveyor Loading Systems, and necessary adjustments to existing pavements to suit drainage requirements and pavement tie-ins;
2. Maintaining the position of northern drain (north of Open Bulk Heads (OBH) 09-14), requiring OBHs to be shortened by 10.5m to accommodate new grids and by-pass;
3. Shorten recent emergency storage Temporary Bulk Heads (TBH) 99 by 25m to accommodate altered traffic path for the Drive Over Grid in-loading trucks. Frame footings for affected frames to be re-done;
4. Removal of recent emergency storage TBH 98 and install access road for stacking to the grid (OBH 09/10);
5. Milling and asphalt sealing of OBH 12-14 at existing levels;
6. Upgrade to 1.8m frames to OBH 12-14, including frame footings; and
7. Necessary drainage works to accommodate the stormwater runoff from the works, including open drains, culverts and drainage basins.

Figure 1 shows the location of the subject land.

**FIGURE 1 – LOCATION PLAN**



**Source:** Landgate, ESRI, Planwest

As can be seen in the aerial photograph in Figure 1, the subject land abuts rural land to the north (outside the townsite boundary), vacant land to the west and east, and various industrial uses to the south.

Figure 2 shows the site plan attached to the DA.

The covering letter with the DA notes that there will be a net decrease in the overall capacity of the terminal. The increase in the height (and therefore capacity) of the three OBHs shown cross-hatched in the site plan, are off-set by the removal of a complete OBH that was located

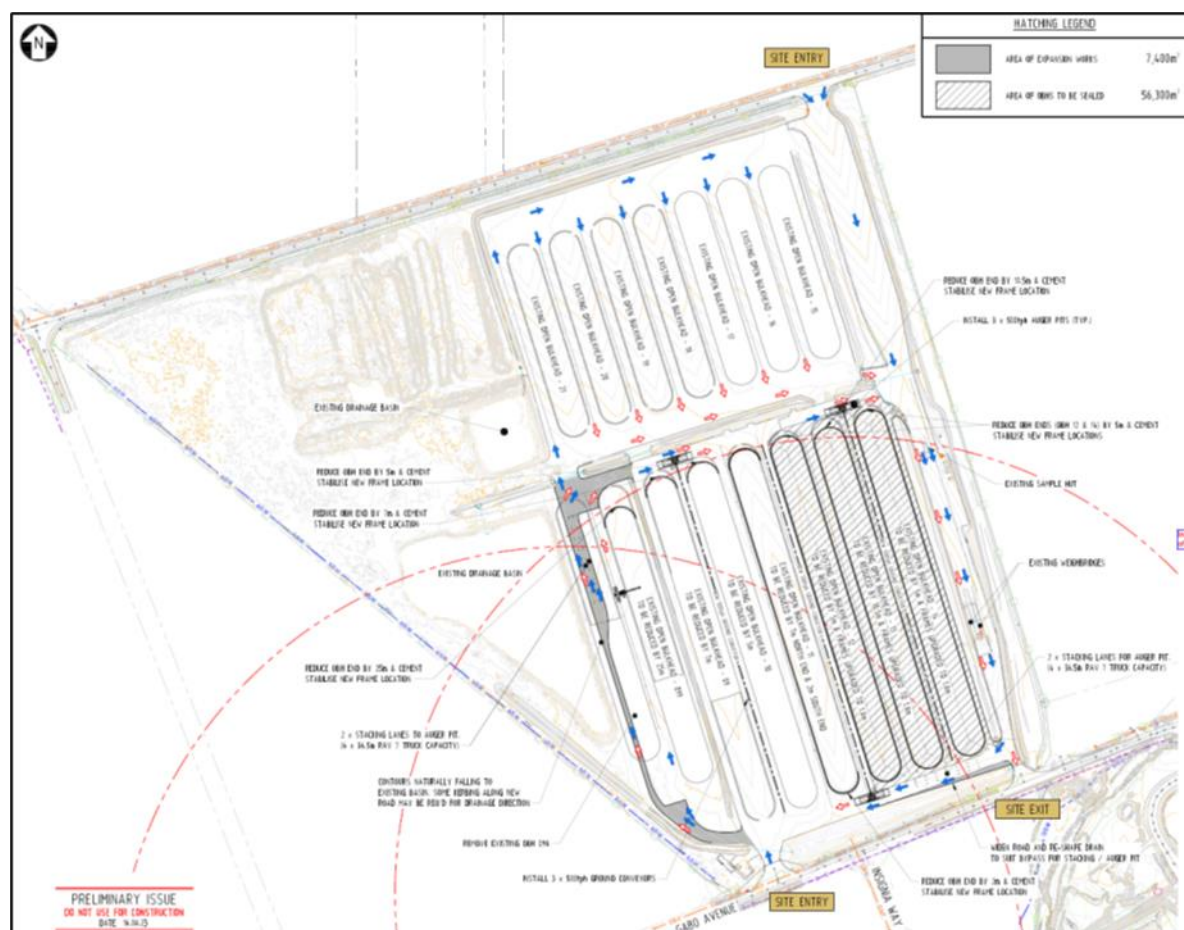


on the western end of the south row of OBHs, and the slight reduction of the lengths of the OBHs west of the three OBHs mentioned.

CBH calculates the net decrease in capacity to be around 30,700 tons.

Based on this net reduction of capacity, CBH and its consultants state that a transport assessment is not required.

**FIGURE 2 – EXTRACT FROM DA SITE PLAN**



Source: CBH, Planwest

### Strategic Considerations

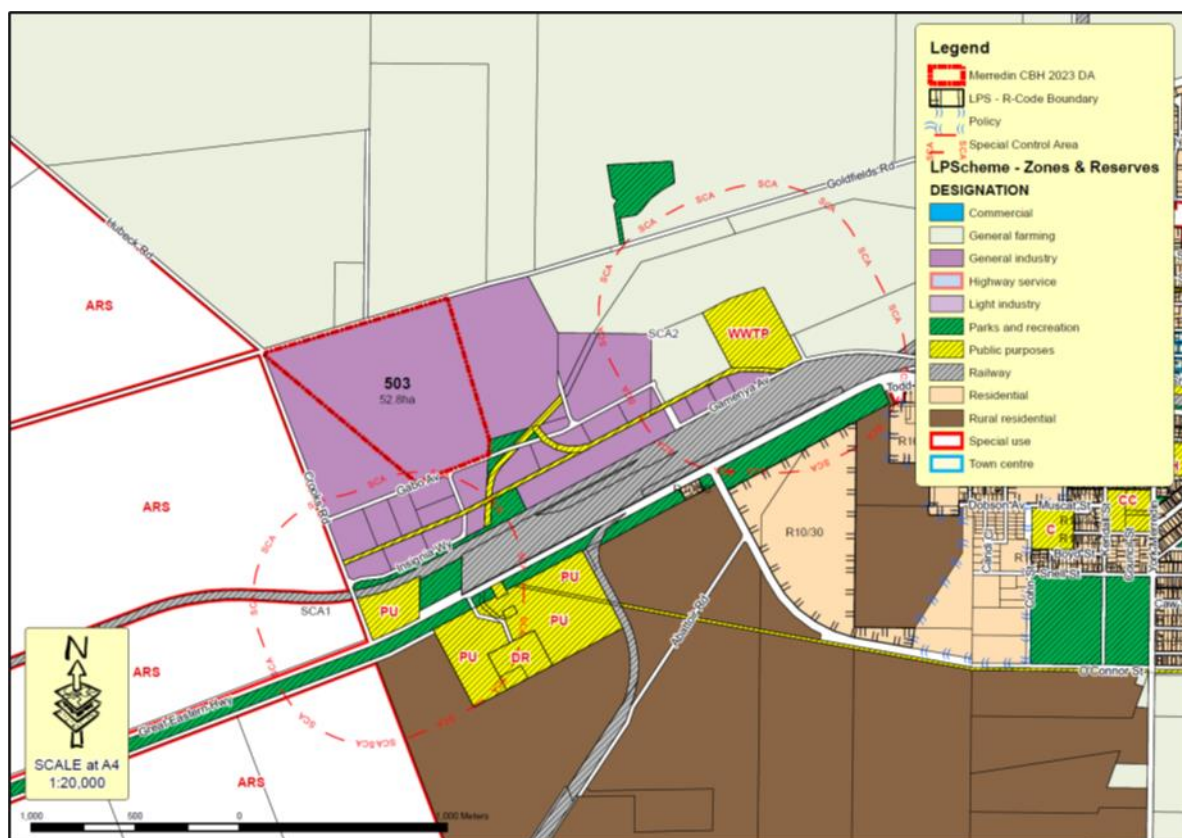
The subject land is designated 'General Industry' in the Shire of Merredin Local Planning Strategy (the Strategy). The proposal is consistent with the longer-term use of the area and is unlikely to change in the current review of the Strategy.

Whilst the Council is supportive of the CBH operations and employment benefits for the Shire of Merredin (the Shire), it has an obligation to ensure that the external impact of any operations are to be minimised. This includes impacts of traffic, drainage, dust, and noise.

### Statutory Considerations

Surrounding zones are shown in Figure 3 and include 'General industry' and 'Rural'. The latter zone only occurs on the northern boundary and is outside the Townsite boundary.

**FIGURE 3 – SCHEME MAP EXTRACT**



**Source:** Landgate, DPLH, Planwest

The proposed development falls within an 'Industry – Rural' land use which is a 'P' use under the Shire of Merredin Local Planning Scheme (the Scheme). As stated, Lot 503 Gabo Avenue, Merredin is zoned 'General Industry' in the Scheme.

A very small portion of the land is affected by a Special Control Area (SCA) in the south west corner of the property. This SCA is designed to protect sensitive uses from any impacts of the drainage sump located between the railway and the Highway.

### **Environmental Impact**

The proposed development is consistent with the objectives for a General Industry area where these types of activities are considered appropriate. Any increase in visual, noise or dust impacts from the new upgrades are not considered to be significant. Regardless of the proposed works, the operators have a continuing obligation to comply with dust and noise standards.

### **Traffic Impact**

The proposed upgrades will result in a net decrease in capacity by around 30,700 tons. As such there will be no additional traffic movements to and from the site. A previous DA noted that the existing road infrastructure network will more than adequately cater for the proposed tonnages and will not require any improvements.

This was based on supporting documentation forming part of a Traffic Impact Statement (TIS) from SHAWMAC Consulting Civil and Traffic Engineers (SHAWMAC). The purpose of the TIS was to determine the traffic impact of the proposed expansion on the surrounding road network and ascertain if any adverse impacts were associated with the proposal.

The TIS assessment was undertaken in accordance with the Western Australian Planning Commission (WAPC) Transport Impact Assessment Guidelines Volume 4 – Individual Developments (TIA Guidelines).

The TIS assessment conducted by SHAWMAC concluded that:

- The traffic generated by the site during harvest periods is expected to be in the order of 303 movements out daily, with about 30 movements in and out during peak hours.
- The estimated traffic generation can be accommodated within the capacity of the adjacent road network.
- The additional traffic generated by the site is not considered to increase the likelihood of crashes to unacceptable levels.
- The seal and carriageway widths of the surrounding road network generally meet the relevant RAV network requirements with the exception of the slight seal width deficiency in Crooks Road, south of Gabo Avenue, which is considered acceptable in this instance.
- There is sufficient sight distance at the site exit onto Gabo Avenue.

In 2018, as part of a previous application for development approval on the site in question, the Shire sought formal confirmation from CBH with respect to the estimated maximum annual grain tonnages to be received at the Merredin CBH facility over the next five (5) to ten (10) years.

In response CBH provided the following advice;

Merredin receival site:

- Has 500,000 tonnes of storage capacity with average receivals of 350,000 tonnes.
- Receivals (in the catchment zone) are forecast to grow to an average of 410,000 over the next 5 years (forecast subject to assumed yield growth).
- As a result of closing non-Network Strategy sites (ie Burracoppin, Hines Hill and Nungarin) an additional 55,000 tonnes are expected to flow into Merredin.
- Merredin will have the sufficient storage capacity to handle forecast receivals of 465,000 tonnes of receivals at harvest.
- In addition, and as we do now, an approximate 240,000 tonnes will be hubbed into the site. From surrounding Network Strategy sites, outside of harvest, resulting in approximately – 700,000 tonnes being railed from Merredin.

Discussions held at that time with staff at SHAWMAC confirmed that the existing road infrastructure network will more than adequately cater for the proposed tonnages and will not require any improvements.

### **Storm Water Management**

Storm water management has been previously addressed via a drainage strategy that incorporated widening of the existing storm water basin adjacent to Gabo Avenue and provision of a high-level overflow feature feeding into a new drainage basin on the Western portion of the site.

The original CBH Merredin Drainage Strategy is based on the following assumptions:

- Drainage Strategy based on capturing the 1 in 100 year average recurrence interval (ARI) for the site.

- The drainage basin volume was determined by assessing all storm durations and the infiltration rate (0.00001m/s for sandy clay) and the critical storm duration was determined to be the 12-hour storm.
- The basin is required to accommodate 24619m<sup>3</sup>. The basin accommodates a volume of 24720m<sup>3</sup> with 300mm freeboard.
- As the capacity of the existing basins on site are unknown, it has been assumed that the proposed drainage basin 1 will accommodate the runoff from the entire site.
- Coefficient of runoff 0.9 for sealed areas (including bulkheads, marshalling yard and road network) and 0.6 for unsealed areas.
- Basins have 300mm freeboard (1.5m deep basin and water depth set at 1.2m).

A subsequent report by BG&E Resources dated 28 July 2022 assessed the then proposed development which incorporated potential additional stormwater infrastructure (pavement trap drains, expansion of existing basin and subsoil drainage system) concluded that the existing drain profiles will be maintained and there is sufficient capacity to convey additional runoff for 20% annual exceedance probability (AEP) event.

The current development application incorporates a Stormwater Management Plan prepared by SHAWMAC dated 2 November 2023.

The Plan clarifies the general strategy for stormwater management for the site as well as a number of recommendations in relation to drainage infrastructure.

### **General Strategy**

In general, the adopted approach involves the upgrade of existing drains and culverts, or installation of new drains and culverts as required, to direct runoff from the upgraded OBH's and roads to the existing south western basin.

New drains and culverts have been designed to comply with CBH design criteria as per CBH TS10A Design Specification for the 20-year ARI event.

### **Pavement Swales**

New pavement swales at the new proposed auger pits have been designed to convey stormwater between the auger pits and frames for the 20-year ARI. As a result, bulkheads are required to be reduced further than identified on the PFS concept to ensure the frames are relocated outside of the 20-year ARI event extents. The additional frame reduction has been allowed for as part of the detailed design.

Pavement swales have been designed with a smooth horizontal deviation from the existing swale alignment to direct stormwater between the auger pit and frames.

A gully pit and pipe has been proposed within the pavement swale prior to the Auger Pit ramp, as per CBH recent requests on other projects, to reduce the flow past the ramp.

### **Unsealed to Sealed Sections**

At the north and south ends of the proposed access road, there are existing unsealed pavement swales being directed over proposed new seal areas. It is proposed to locally regrade the unsealed areas to direct the unsealed pavement drains to proposed drains/culverts.

There is also a small catchment to the south of TBH 099, near the tie in to the existing sealed area of OBH 09, where CBH have requested that an open drain is not to be installed to allow vehicles to traverse between the sealed and unsealed section. Therefore, the proposed access

road has been lifted and the unsealed area locally graded/filled in with a pavement swale to direct stormwater away from the sealed area and to the proposed drains/culverts.

As per preliminary advice from the geotechnical consultant (WSP), the proposed seal and required pavement has been extended an additional 1m into the unsealed area to protect the joint.

As part of the detailed design, the following measures have been proposed:

- General / New Works:
  - Kerbing and grouted rock kerb openings/spillways for proposed OBH unsealed to sealed upgrades sections.
  - New required pavement swales directed to kerbs and grouted rock kerb openings/spillways.
  - Surface stormwater from proposed access road, within existing temporary TBH 098 being removed, directed by sheet flow to existing downstream existing earth windrows and rock/cement stabilised spillways.
  - Grouted rock protection at all new proposed culverts and headwalls.
- Item 1 – Culvert E Outlet Shoulder Scouring:
  - Kerbing and grouted rock kerb openings/spillways controlling stormwater into existing drain.
- Item 2 – Drain 4: Full extent of drain between Culvert E and Culvert G (Basin inlet) is scouring along drain batters. Hydraulic design has estimated that this section of drain the highest 20-year ARI velocity of 1.4m/s, whereas all other drains that are not experiencing scour have less than 1m/s. Therefore, the following options have been proposed and included in the tender for pricing comparison and consideration:
  - Option 1: Grouted/mortared rock protection.
  - Option 2: 200mm well graded compacted material/gravel.
  - Option 3: 500mm loose facing rock on geofabric.
  - Option 4: Concrete canvas liner.
- Item 3 – Culvert L Inlet:
  - Grouted rock protection proposed at new proposed culvert and headwalls.
- Item 4a & 4b – Emergency Bulkhead Shoulder Scouring: The existing temporary/emergency unsealed bulkheads OBH15-21 have been designed with pavement swales that are directed concentrated flows to a soft section of earthworks batter that slopes at approximately 1:8 to the existing central east west drain. Therefore, the following has been proposed:
  - Installation of earth windrows with rock spillways have been proposed to control and direct stormwater into the central east west drain.
- Item 5 – Existing Drain between Culvert B and A: There is some existing minor scouring within the existing drain between Culvert B and A. Therefore, the following has been proposed:
  - New proposed Culvert B has been sized with low velocity (<0.2m.s).
  - Regrading, shaping and compaction of existing drain as required.
- Drain 1 and 5 Regrading: As discussed previously in Section 3.1.1, it is proposed to regrade the existing Drain 1 and 5 to ensure a minimum 300mm freeboard to the OBH 14 access road pavement subgrade. The proposed new drain vertical grade is flatter than the existing grade and has an estimated 20-year ARI velocity of less than 0.7m/s.



The existing drain currently does not show signs of significant scour however, the regrading could potentially expose insitu material that is more susceptible to scour. It is recommended that further geotechnical investigations are undertaken to assess the underlying insitu material and potential erodibility of the material to confirm if additional scour protection is required.

The Shire's Executive Manager Engineering Services (EMES) and Executive Manager Development Services (EMDS), accompanied by the CBH Regional Operations Manager, carried out an inspection of the site on Friday, 15 December 2023.

The inspection was designed to identify key stormwater management infrastructure and clarify the extent of the proposed drainage improvement works.

The decision to inspect the site was in response to two assumptions forming part of the report which raised some concerns with respect to the effectiveness of the proposed stormwater management strategy and potential impacts on adjoining Lot 502 Gabo Avenue, Merredin, which is owned by the Shire of Merredin. The assumptions in question are as follows;

- The undeveloped catchment north west of the site typically falls to the west at 0.3% grade and stormwater would typically collect in localised low spots within the area and/or be directed to the western boundary of the site and into the adjacent lot.
- The existing basin has been checked to ensure it is adequate to store the 100 ARI event. For the purpose of the 100 ARI assessment, it is assumed the basin is empty. As previously directed by CBH, a spillway drain has also been designed from the north west corner of the basin to allow basin overflow in extreme events to overtop into the existing unused area of the site to the north west where it can be managed by CBH and reduce potential discharge in the neighbouring lot to the south west.

The site inspection revealed the following;

- Scouring in a number of stormwater drains directing storm water into the main drainage basin.
- Silt deposition and partial blockage of culverts directing the storm water from the stormwater drains into the main drainage basin.
- Scour and erosion on western and north western portion of the main drainage basin.

This has highlighted the need for the development and implementation of a maintenance schedule for drainage channels, culverts and drainage basin as the system currently is not working at peak efficiency. This is being compounded by the fact that the main drainage basin is already holding water and the original 100 ARI assessment criteria can only be met on the assumption that the drainage basin is empty at the time of a 1 in a 100 year flood event.

Concerns raised by the EMES in a subsequent conversation with the author of the SHAWMAC Stormwater Management Plan, clarified that the recommendations forming part of the Plan were aimed at addressing the scour and erosion issues in the stormwater drains and prevent additional silt build up in the main drainage basin.

Concerns relating to possible overtopping of the main drainage basin are being addressed in part by the provision of an overflow discharge area in the Northwest portion of Lot 503 Gabo Avenue, Merredin and in part by a Department of Water and Environmental Regulation project being undertaken in conjunction with the Shire of Merredin and CBH, comprising of the installation of a solar pump into the main CBH drainage basin to pump water during daylight hours into the Shire stormwater storage network, thus both reducing risk of

overtopping of the main storage basin and providing additional water resources for Shire irrigation purposes.

Based on the documentation provided in support of the development application, subsequent site visit and telephone conversations, the EMDS and EMES are of the belief that the submitted Stormwater Management Plan does not address a number of matters of relevance and should be revised and resubmitted to the Shire for its consideration and approval. The areas to be addressed by the revised Stormwater Management Plan are to include;

- Development and Implementation of a dedicated maintenance schedule for drainage channels, culverts and drainage basins.
- Removal of all silt build up from existing culverts and areas adjacent to existing culverts forming part of the stormwater discharge into the drainage basins.
- Installation of check dams to existing stormwater drains.
- The facilitation by CBH of relevant landowner approvals to allow for the transfer of stormwater from its drainage basin into the Shire of Merredin water catchment system as per Department of Water and Environmental Regulation (DWER) “Merredin CBH Solar Pump & Pipe” project.
- The drainage basin being pumped out so that it does not hold any water prior to the winter season, thus achieving the 100 ARI criteria.

### Building Requirements

The Shire has previously sought and obtained clarification from the Building Commission that open bulk storage containers are not considered buildings (roofed structures), nor incidental structures (associated with a building) and as such do not require a building permit from the Shire prior to their erection on site.

### Policy Implications

Nil

### Statutory Implications

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

### Strategic Implications

∅ Strategic Community Plan

Theme:	4. Communication and Leadership
Service Area Objective:	4.2 Decision Making 4.2.3 The Council is well informed in their decision-making, supported by a skilled administration team who are committed to providing timely, strategic information and advice.
Priorities and Strategies for Change:	Nil

∅ Corporate Business Plan

Theme:	5. Places and Spaces.
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Priorities: Nil

Objectives 5.4 Town Planning & Building Control.  
5.4.2 The Shire has a current local planning scheme and associated strategy which is flexible and able to suitably guide future residential and industrial growth.

#### Sustainability Implications

∅ Strategic Resource Plan

Nil

#### Risk Implications

Minimal – unless there is stormwater discharge onto Lot 502 Gabo Avenue, Merredin (owned by the Shire). This is considered unlikely providing compliance with the revised Stormwater Management Plan, including the development and implementation of a dedicated maintenance schedule for the drainage system.

#### Financial Implications

The relevant development application fees have been paid.

### Voting Requirements



Simple Majority



Absolute Majority

### Officer's Recommendation

#### That Council:

1. **GRANTS conditional development (planning) approval for works and use on Lot 503 Gabo Avenue, Merredin, incorporating;**
  - a. **Installation of 3x Auger grids and Conveyor Loading Systems and necessary adjustments to existing pavements to suit drainage requirements and pavement tie-ins;**
  - b. **Maintaining the position of northern drain (north of Open Bulk Heads) 09-14), requiring Open Bulk Heads to be shortened by 10.5m to accommodate new grids and by-pass;**
  - c. **Shortening recent emergency storage Temporary Bulk Head 99 by 25m to accommodate altered traffic path for the Drive Over Grid in-loading trucks. Frame footings for affected frames to be re-done;**
  - d. **Removal of recent emergency storage Temporary Bulk Head 98 and install access road for stacking to the grid (Open Bulk Head 09-10);**
  - e. **Milling and asphalt sealing of Open Bulk Head 12-14 at existing levels;**
  - f. **Upgrade to 1.8m frames to Open Bulk Head 12-14, including frame footings;**
  - g. **Necessary drainage works to accommodate the stormwater runoff from the works, including open drains, culverts and drainage basins, as outlined in Attachment 12.1A, subject to;**
    - i. **The development and implementation of a revised Storm Water Management Plan to the satisfaction of the Shire of Merredin;**
    - ii. **The area forming part of the development approval shall not be used until such time as all recommendations in the revised Stormwater Management Plan have been implemented in full to the satisfaction of the Shire of Merredin.**
2. **AUTHORISES the Shire of Merredin Executive Manager Engineering Services to approve a revised Stormwater Management Plan that is considered to be satisfactory on behalf of Council;**
3. **ADVISES the applicant that if the development, the subject of this approval, is not substantially commenced within a period of 24 months from the date of the approval, the approval will lapse and be of no further effect. For the purposes of this condition, the term “substantially commenced” has the meaning given to it in the Planning and Development (Local Planning Schemes) Regulations 2015 as amended from time to time; and**
4. **ADVISES the applicant that if the applicant is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination.**

## 12.2 Application for Development Approval – Lot 5 Robartson Rd, Merredin Proposed Battery Energy Storage System (BESS)

<h3>Development Services</h3> 	
<b>Responsible Officer:</b>	Peter Zenni, EMDS
<b>Author:</b>	Paul Bashall – Planwest (WA) Pty Ltd
<b>Legislation:</b>	<i>Planning and Development Act 2005</i> Shire of Merredin Local Planning Scheme No.6
<b>File Reference:</b>	A9722
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	Attachment 12.2A - Development Application and Supporting Documentation

### Purpose of Report



Executive Decision



Legislative Requirement

To recommend to Council that it notes the application for development approval (DA) for the proposed battery energy storage system on a portion of Lot 5 Robartson Road, Merredin, and approves the advertising of the DA for public comment prior to submitting its Responsible Authority Report (RAR) to the Development Assessment Panel (DAP) for its determination.

### Background

An application has been received for development approval (DA) from Land Insights, Planning Consultants, on behalf of Nomad Energy.

Lot 5 Robartson Road is located approximately 7.5km south-west of the centre of Merredin and comprises a land area of approximately 61.51ha. Only a small portion (approximately 4ha) of this lot, immediately adjacent to the Merredin Terminal sub-station, will be used for the development.

The subject site is an agricultural property, that does not contain any areas of remnant vegetation and is currently used for cropping and sheep grazing purposes.

Figure 1 provides a location plan of the site.

The proposed development is costed at \$220m and consists of the battery energy storage system facility that is comprised of battery packs, inverters, transformers and control systems, and the associated high voltage substation and additional switch room(s)/control building(s), laydown areas, staff car parking, firefighting equipment, internal roads and a perimeter fence. The Battery Energy Storage System Project will be connected to Western Power's transmission network at the adjacent Merredin Terminal.

**FIGURE 1 – LOCATION PLAN**



**Source:** Planwest, ESRI

The accompanying report states that the Shire of Merredin (the Shire) has become the renewable energy centre for the Wheatbelt and Western Australia. It pioneered wind turbines and solar farms, generating green energy to replace greenhouse gas emitting sources, and now the next iteration is in the storage and redistribution of this energy via battery energy storage systems.

Nomad Energy (the owner of the project) is an Australian company that has developed more than 500MW of renewable energy projects globally, including Western Australia's largest operational solar farm (Merredin Solar Farm).

Nomad Energy has partnered with Atmos Renewables on this project. Atmos Renewables are one of the top 5 largest owner/operators of utility-scale renewable energy facilities in Australia and currently holds generation assets with a gross capacity in excess of 1.7GW. A core feature of the Nomad – Atmos partnership is the intent to develop, build, own and operate the assets they develop. This strategy demonstrates their long-term approach to the assets, the local communities in which they are situated and to the electricity market this project will ultimately support.

The proximity to Western Power's Merredin Terminal substation was a key consideration when the site was selected and will result in relatively minor works being required to connect the proposed facility to the South West Interconnector System. The battery energy storage system facility will be accessed off Robartson Road and will be securely fenced.

The land is surrounded predominantly by other agricultural properties to the north and west, Western Power's Merredin Terminal to the south and Merredin Solar Farm to the east/southeast. The subject site is in close proximity to other energy infrastructure assets, being



the Merredin Energy dual-fuel peaking plant and Merredin Solar Farm (the largest operating solar farm in Western Australia).

Figure 2 shows the site plan with Bushfire Prone mapping data (DFES), a 150m assessment area and the battery development extent area.

**FIGURE 2 – EXTRACT FROM DA SITE PLAN**



**Source:** Land Insights, Bushfire Prone Planning, DFES, Planwest

The closest sensitive receptor is over 2km away from the site. To the south and west of the subject site sits the energy infrastructure assets mentioned previously, to the north east of the subject site at Lot 15490 is a lot reserved for parks and recreation under the Shire of Merredin Local Planning Scheme No.6, known as Merredin Nature Reserve. The applicant considers that, given the nature of the facility, it is unlikely that there will be any offsite impacts and the balance of the Lot will be retained for rural / agricultural purposes.

The DA is accompanied by a comprehensive Bushfire Management Plan (BMP) prepared by Bushfire Prone Planning. Although Lot 5 is affected by the Bushfire Prone mapping, the proposed development site is about 200m from the nearest mapped area (as per DFES data). Notwithstanding this distance, the BMP is deemed necessary as the proposed use class is considered a high-risk land use.

The BMP deals with risk issues that are better assessed by agencies specialising in these areas rather than from a planning perspective. During the advertising period, the DA will be forwarded to DFES, amongst others, for comment.

The BMP looks at:

- Assessment of potential bushfire impact;
- Environmental conservation;

- Assessment of the development’s ability to acceptably mitigate bushfire risk through application of required and/or additional bushfire protection measures; and
- Creation of responsibilities to implement and maintain protection measures.

### Comment

The proposed development:

- Is consistent with the Council’s ambition to be a centre for renewable energy systems;
- Is logically located close to the source of renewable power systems;
- Is located near an entry point to the national power grid;
- Is more than 200m from the nearest bushfire prone area;
- Will have no impact on remnant vegetation, flora or fauna; and
- Will cause minimal loss of agricultural land.

The other matters to be considered include:

- Disruption during construction;
- Public and aviation safety;
- Noise; and
- Visual impact.

### Strategic Considerations

The existing Shire of Merredin Local Planning Strategy (the Strategy) does not provide many details outside the main townsite area of Merredin. The district map of the Strategy designates the subject land as ‘General agriculture zone’. At the time of drafting the Strategy, renewables were not a significant land use that required consideration.

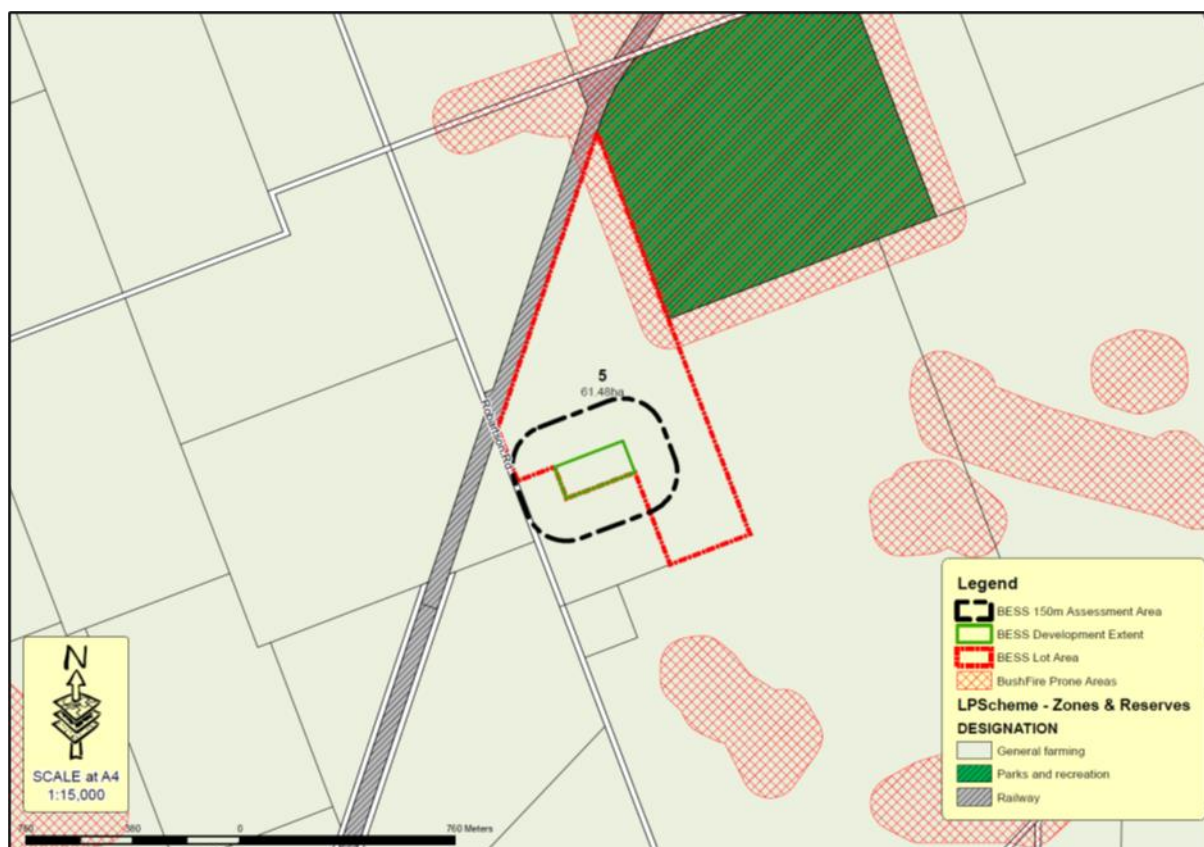
### Storm Water Management

Storm water management will need to be addressed via a drainage strategy that is acceptable to the Shire’s engineers. This will ensure that any drainage from the site will be managed on the site and will not impact any neighbouring properties or public infrastructure like roadways, road reserves and other reserves.

### Statutory Considerations

Figure 3 provides an extract from the Local Planning Scheme No 6 (the Scheme) showing the subject land zoned ‘General Farming’.

**FIGURE 3 – SCHEME MAP EXTRACT (and BUSHFIRE PRONE MAPPING)**



**Source:** Landgate, DPLH, Planwest

Table – Zoning Table in the Scheme does not specifically list a use class for battery storage, however there are two options of dealing with the proposal.

The first is to accept the use as falling within the use class of 'Service utility' which is defined as -

*Service utility - means any work or undertaking constructed or maintained by a service authority or the local government as may be required to provide water, sewerage, electricity, gas, drainage, waste, communications or other similar services.*

A service utility is a 'D' use in a General Farming zone. A 'D' use means that the use is not permitted unless the local government has exercised its discretion by granting development approval. It may be argued that the service utility proposed is not constructed by a service authority or a local government.

The second option is to treat the proposed use class as a use not listed. Clause 3.4.2 of the Scheme states that;

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

- a. *determine that the use is consistent with the objectives of the particular zone and is therefore permitted;*
- b. *determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 64 of the deemed provisions in considering an application for development approval; or*



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

In either option the proposal will need to be advertised to invite submissions from service agencies and the public.

### **Environmental Impact**

The proposal affects about 4 hectares of general farming land of the 61-hectare lot. The area not affected by the proposed development will continue to be used for rural and agricultural purposes.

The BMP provides an assessment of the bushfire risk and suggests certain measures that need to be adopted to minimise the potential bushfire risk.

The DA provides a visual assessment that concludes that the new infrastructure will not have a significant visual impact on the environment given its proximity to the existing power terminal. Prior to a determination of the DA there may need to be a requirement for landscaping where the Shire considers the views from public places will be detrimentally impacted.

The DA discusses the preparation of a Construction Management Plan (CMP) that will coordinate phases of the development including, temporary accommodation, laydown areas, access for delivery of equipment and temporary ablutions and amenities.

The detail of the CMP will need to be prepared and implemented to the satisfaction of the local government to ensure all temporary works and structures are removed on completion of the construction.

The CMP will need to include a Transport Impact Assessment that is prepared and implemented to the satisfaction of the local government. This will ensure minimal damage to local road infrastructure, maintain safety while accessing the site and minimise any impact to local drainage systems.

### **Building Requirements**

The Shire has previously sought and obtained clarification from the Building Commission that power storage containers (batteries) are not considered buildings (roofed structures), nor incidental structures (associated with a building) and as such do not require a building permit from the Shire prior to their erection on site. However, buildings that will house staff and are accessible by the public such as site offices etc will still require building permits from the Shire.

### **Policy Implications**

Nil

### **Statutory Implications**

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

### **Strategic Implications**

∅ Strategic Community Plan

Theme: 4. Communication and Leadership

Service Area Objective: 4.2 Decision Making

4.2.3 The Council is well informed in their decision-making, supported by a skilled administration team who are committed to providing timely, strategic information and advice.

∅	Corporate Business Plan
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Theme: 5. Places and Spaces.  
Priorities: Nil  
Objectives 5.4 Town Planning & Building Control.  
5.4.2 The Shire has a current local planning scheme and associated strategy which is flexible and able to suitably guide future residential and industrial growth.

### Sustainability Implications

∅	Strategic Resource Plan
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Nil

### Risk Implications

Although the development site is about 200m from the nearest bushfire prone area (as per DFES data) the proposed use class is considered a high-risk land use. Compliance with the recommendations of the BMP is critical to minimising the fire risk on an on-going basis.

### Financial Implications

The relevant development application fees have been paid.

### Voting Requirements

Simple Majority  Absolute Majority

### Officer's Recommendation

That Council:

1. **NOTES** the receipt of the application for Development Approval for the proposed Battery Energy Storage System to be located on a portion of Lot 5 Robartson Road, Merredin;
2. **ADVISES** the Development Assessment Panel of the application for Development Approval by forwarding the lodged documentation;
3. **ADVERTISES** the application for Development Approval for a period of 21 days for public submissions, neighbours and agencies being advised of the advertising period. These agencies, amongst others, will include:
  - a. Department of Fire and Emergency Services (DFES);
  - b. Department of Water and Environmental Regulation (DWER);
  - c. Environmental Protection Authority (EPA);
  - d. Department of Biodiversity, Conservation and Attraction (DBCA);
  - e. Western Power (WP);
  - f. Civil Aviation Safety Authority (CASA); and


4. **NOTES that all submissions received during the advertising period will be brought back to Council for its consideration prior to submitting its Responsible Authority Report to the Development Assessment Panel for its determination.**

#### **Footnotes**

1. **The applicant is advised that Council will consider all submissions received during the advertising period, however it is likely to require at least the following conditions;**
  - **The submission and approval of a dedicated Construction Management Plan, including a transport impact assessment, details showing the proposed interim and longer-term facilities including building/structure setbacks, carparking facility, landscaping/ screening etc;**
  - **The submission and approval of a dedicated Drainage Management Plan;**
  - **The design and location of on-site effluent systems for the construction phase, as well as the longer term;**
  - **The removal of all construction infrastructure once the facility has been completed to the satisfaction of the local government; and**
  - **The approval of any crossovers required by the development;**
2. **The applicant is advised that granting of development approval does not constitute a building permit and that an application for relevant building permits must be submitted to the local government and be approved before any work requiring a building permit can commence on site;**
3. **The applicant is advised that effluent disposal facilities will require an application for the installation or construction of an apparatus for the treatment of sewage to be submitted to the local government, and be approved, before any work can commence on the installation of an onsite effluent disposal system; and**
4. **The applicant is advised of the need for compliance with the local government annual Firebreak Notice.**

## 13. Officer's Reports – Engineering Services

### 13.1 Budget Amendments – Roads to Recovery & Regional Road Group

<h2>Engineering Services</h2>		
Responsible Officer:	Amer Tawfik, EMES	
Author:	As above	
Legislation:	<i>Local Government Act 1995</i>	
File Reference:	Nil	
Disclosure of Interest:	Nil	
Attachments:	Nil	

#### Purpose of Report



Executive Decision



Legislative Requirement

The purpose of this report is for Council to review and endorse proposed amendments to the 2023/24 Capital Works Budget, in relation to Roads to Recovery (R2R) and Regional Road Group (RRG).

#### Background

The Shire of Merredin (the Shire) 2023/24 Annual Budget was adopted on 1 August 2023. During the budget development process several assumptions were made in relation to expected funding from R2R and RRG. A recent review of these items has identified the following:

- At the time of the preparation of the 2023/24 Annual Budget, only the planned R2R allocation was included and a further \$37,000 was left in the 'to be allocated' line;
- An increase to the Works Program on Goldfields Road requires an amendment to be made to both the related income and expense accounts;
- Funds are required to be allocated from R2R funding for necessary works to Nokaning West Road; and
- Amendments are required to some of the General Ledger (GL) numbers currently used in the budget to correctly reflect the asset type that R2R and RRG funding is allocated to. Previously, a number of R2R job numbers were allocated to the 'ROADC - Roads Outside Built Up - Gravel - Regional Road Group' GL that were not works to gravel roads.

In addition, the review concluded that co-funded projects utilising both R2R and RRG funding should have separate job numbers for each funding source. For example, if selected works are funded by multiple funding bodies, a separate job number should be allocated for each funding body. This will make the process for reporting and acquittals more efficient and transparent moving forward.

**Comment**

A review of the roads allocations in the Capital Budget identified the following issues that require amendment:

- All R2R funded projects for the 2023/24 financial year need to be allocated under GL 4120145 – ROADC – Roads Outside Built Up Area – Sealed – Roads to Recovery, rather than where they are currently allocated in GL 4120144, 4120146 and 4120147.
- Built-up areas represent streets within Shire Townships (e.g. Merredin). Outside built-up areas represent rural roads (e.g. Nukarni East Road). All R2R funds are to be allocated to works completed on rural sealed roads in the 2023/24 Road Program.
- Works to Goldfields Road needs to be allocated under GL 4120149 – ROADC – Roads Outside Built-up Area – Sealed – Regional Road Group, rather than GL 4120150 – ROADC – Roads Outside Built up – Gravel – Regional Road Group. The R2R funded portion of the Goldfields Road works is allocated in GL 4120145.
- The proposed work on Goldfields Road this financial year is to upgrade and strengthen a sealed section of this road and no allocation is proposed for any gravelled sections.
- The RRG funding split is 2/3 from State Government, and 1/3 from the Shire. R2R funding is used to cover the Shire’s 1/3 contribution towards these projects. To improve transparency, reporting and acquittals, a new approach is proposed by creating separate job numbers to represents R2R expenditure on these RRG co-funded projects.
- The RRG funding included in the budget was revised during the October Budget Review, as detailed in the table below. Further amendments are required due to an increased program.

Road Name	Initial Funding	October Budget Review	Revised Funding Figure	Reason for Change
RRG - Goldfields Rd	\$486,800	\$556,900	\$606,900	The initial budget increased due to an underspend on the same road during the 2022/23 FY

- As this is the final year of the five-year R2R funding cycle, the Shire is tasked with expending all remaining allocated funds prior to the end of the financial year. To allow these funds to be spent, the proposed budget amendment includes an item described as “To be Allocated” (Job R2R000) to allow for the total available funding for the Shire from the R2R program to be accessed. The funds will be used to cover potential cost overruns, such as increased price of oil, which will have direct impact on sealing costs. Alternatively, should surplus funding be available, it could be allocated towards one (1) or more of the following projects:
  - Culvert Replacement – Hines Hills Rd;
  - Vegetation trimming – Nokaning East Rd;
  - Edge Break Repairs – Totadgin Hall Rd;

The intention would be to brief Council, if and when there will be a need to expend the unallocated R2R budget, either to meet increased costs on approved projects or for new projects such as the above to be commenced.

A summary of the proposed budget amendments required to reflect the use of correct GLs, changes to Goldfields Road funding, addition of Nokaning West Road to the program and additional job numbers being allocated that explicitly represent the 1/3 Shire contribution using R2R funding, is outlined below:

Account	Job	Description	2023/24 Current Budget	Amendment	New Budget
4120144		<b>ROADC - Roads Built Up Area - Roads to Recovery</b>			
	R2R000	R2R To be allocated	\$37,000	-\$37,000	\$0
4120145		<b>ROADC - Roads Outside BUA - Sealed - Roads to Recovery</b>			
	R2R017	R2R Fewster Rd - Resurfacing	\$104,600	\$0	\$104,600
	R2R013	R2R Nukarni East Rd - Resurfacing	\$0	\$72,600	\$72,600
	R2R014	R2R Nukarni West Rd - Resurfacing	\$0	\$56,100	\$56,100
	R2R063	R2R Korbekka Rd - Resurfacing	\$0	\$99,400	\$99,400
	R2R072	R2R Crooks Road	\$0	\$54,100	\$54,100
	R2R090	R2R Goldfields	\$0	\$202,300	\$202,300
	R2R003	R2R Bullshead Road	\$0	\$53,400	\$53,400
	R2R001	R2R Chandler Merredin Road	\$0	\$27,300	\$27,300
	R2R012	R2R Nokanning West Road	\$0	\$35,200	\$35,200
	R2R000	R2R To be allocated	\$0	\$94,500	\$94,500
4120146		<b>ROADC - Roads Outside - Gravel - Roads to Recovery</b>			
	R2R013	R2R Nukarni East Rd - Resurfacing	\$72,600	-\$72,600	\$0
4120147		<b>ROADC - Roads Outside BUA - Formed - Roads to Recovery</b>			
	R2R063	R2R Korbekka Rd - Resurfacing	\$99,400	-\$99,400	\$0
	R2R014	R2R Nukarni West Rd - Resurfacing	\$56,100	-\$56,100	\$0
4120149		<b>ROADC - Roads Outside Built Up Area - Sealed - Regional Road Group</b>			
	RRG001	RRG Chandler-Merredin - Resurfacing	\$81,500	-\$27,300	\$54,200
	RRG003	Bullshead Road (RRG)	\$160,000	-\$53,400	\$106,600
	RRG072	Crooks Road (RRG)	\$162,200	-\$54,100	\$108,100
	RRG090	Goldfields Road (RRG)	\$0	\$404,600	\$404,600
4120150		<b>ROADC - Roads Outside Built Up - Gravel - Regional Road Group</b>			
	RRG090	Goldfields Road (RRG)	\$566,900	-\$566,900	\$0
			\$1,340,300	\$132,700	\$1,473,000
3120110		<b>ROADC - Regional Road Group Grants (MRWA)</b>	\$646,900	\$26,700	\$673,600
3120111		<b>ROADC - Roads to Recovery Grant</b>	\$693,200	\$106,000	\$799,200
				\$132,700	

Please note that the proposed expenditure amendments above are offset by additional revenue that will be received from RRG and R2R in GLs 3120110 and 3120111. There will be no effect on the Shire's surplus/deficit.

**Policy Implications**

Nil

### Statutory Implications

As outlined in the *Local Government Act 1995* and *Local Government (Functions and General) Regulations 1996*.

### Strategic Implications

#### ∅ Strategic Community Plan

Theme:	4. Communication and Leadership
Service Area Objective:	4.2 Decision Making 4.2.2 The Shire is progressive while exercising responsible stewardship of its built, natural and financial resources
Priorities and Strategies for Change:	Nil
Theme:	5. Places and Spaces
Service Area Objective:	5.3.2 The Shire is continually improving its asset management practices
Priorities and Strategies for Change:	Nil

### Sustainability Implications

#### ∅ Strategic Resource Plan

Nil

### Risk Implications

Risk implications will be mitigated by accepting the proposed budget amendments, the Shire will be able to spend all available funding for the 2023/24 financial year; this will increase the Shire's credibility with R2R and RRG funding bodies.

### Financial Implications

The financial impacts from increased funding allocation to the Shire is potential cash flow issues as there is a lag between completing the work and receiving allocated funding from RRG and R2R. This potentially could place pressure on the Shire's finances for a duration of one to two months.



**Voting Requirements**

Simple Majority

Absolute Majority

**Officer's Recommendation**

**That Council ENDORSES the proposed amendments to the 2023/24 Capital Works Program in relation to projects funded by Regional Road Group and Roads to Recovery, as listed in the table below:**

Account	Job	Description	2023/24 Current Budget	Amendment	New Budget
4120144		<b>ROADC - Roads Built Up Area - Roads to Recovery</b>			
	R2R000	R2R To be allocated	\$37,000	-\$37,000	\$0
4120145		<b>ROADC - Roads Outside BUA - Sealed - Roads to Recovery</b>			
	R2R017	R2R Fewster Rd - Resurfacing	\$104,600	\$0	\$104,600
	R2R013	R2R Nukarni East Rd - Resurfacing	\$0	\$72,600	\$72,600
	R2R014	R2R Nukarni West Rd - Resurfacing	\$0	\$56,100	\$56,100
	R2R063	R2R Korbalka Rd - Resurfacing	\$0	\$99,400	\$99,400
	R2R072	R2R Crooks Road	\$0	\$54,100	\$54,100
	R2R090	R2R Goldfields	\$0	\$202,300	\$202,300
	R2R003	R2R Bullshead Road	\$0	\$53,400	\$53,400
	R2R001	R2R Chandler Merredin Road	\$0	\$27,300	\$27,300
	R2R012	R2R Nokanning West Road	\$0	\$35,200	\$35,200
	R2R000	R2R To be allocated	\$0	\$94,500	\$94,500
4120146		<b>ROADC - Roads Outside - Gravel - Roads to Recovery</b>			
	R2R013	R2R Nukarni East Rd - Resurfacing	\$72,600	-\$72,600	\$0
4120147		<b>ROADC - Roads Outside BUA - Formed - Roads to Recovery</b>			
	R2R063	R2R Korbalka Rd - Resurfacing	\$99,400	-\$99,400	\$0
	R2R014	R2R Nukarni West Rd - Resurfacing	\$56,100	-\$56,100	\$0
4120149		<b>ROADC - Roads Outside Built Up Area - Sealed - Regional Road Group</b>			
	RRG001	RRG Chandler-Merredin - Resurfacing	\$81,500	-\$27,300	\$54,200
	RRG003	Bullshead Road (RRG)	\$160,000	-\$53,400	\$106,600
	RRG072	Crooks Road (RRG)	\$162,200	-\$54,100	\$108,100
	RRG090	Goldfields Road (RRG)	\$0	\$404,600	\$404,600
4120150		<b>ROADC - Roads Outside Built Up - Gravel - Regional Road Group</b>			
	RRG090	Goldfields Road (RRG)	\$566,900	-\$566,900	\$0
			\$1,340,300	\$132,700	\$1,473,000
3120110		<b>ROADC - Regional Road Group Grants (MRWA)</b>	\$646,900	\$26,700	\$673,600
3120111		<b>ROADC - Roads to Recovery Grant</b>	\$693,200	\$106,000	\$799,200
				\$132,700	

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

### 14.1 Statement of Financial Activity – November 2023

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

#### Purpose of Report

Executive Decision

Legislative Requirement

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

#### Background

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

#### Comment

#### Statement of Financial Activity

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

#### Policy Implications

Nil

### Statutory Implications

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

### Strategic Implications

Ø Strategic Community Plan

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

### Sustainability Implications

Ø Strategic Resource Plan

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

### Risk Implications

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

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

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

It should also be noted that there is an inherent level of risk of misrepresentation of the financials through either human error or potential fraud.

The establishment of control measures through a series of efficient systems, policies and procedures, which fall under the responsibility of the CEO as laid out in the *Local Government (Financial Management Regulations) 1996* regulation 5, seek to mitigate the possibility of this occurring.

These controls are set in place to provide daily, weekly, and monthly checks to ensure that the integrity of the data provided is reasonably assured.

### Financial Implications

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

### Voting Requirements



Simple Majority




Absolute Majority

### Officer's Recommendation

**That Council RECEIVE the Statements of Financial Activity and Investment Report for the period ending 30 November 2023 in accordance with Regulation 34 of the Local Government (Financial Management) Regulations 1996.**

## 14.2 Statement of Financial Activity – December 2023

<h1>Corporate Services</h1> 	
<b>Responsible Officer:</b>	Leah Boehme, EMCS
<b>Author:</b>	As above
<b>Legislation:</b>	<i>Local Government Act 1995</i> <i>Local Government (Financial Management) Regulations 1996</i>
<b>File Reference:</b>	Nil
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	Attachment 14.2A – Statement of Financial Activity Attachment 14.2B – Detailed Statements Attachment 14.2C – Capital Works Progress Attachment 14.2D – Investment Report

### Purpose of Report

Executive Decision

Legislative Requirement

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

### Background

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

### Comment

#### Statement of Financial Activity

Regulation 34 of the *Local Government (Financial Management) Regulations 1996* requires the Shire of Merredin (the Shire) to prepare a monthly statement of financial activity for consideration by Council within two (2) months after the end of the month of the report. These reports are included at Attachments 14.2A to D inclusive.

### Policy Implications

Nil

### Statutory Implications

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

### Strategic Implications

Ø Strategic Community Plan

Theme: 4. Communication and Leadership

Service Area Objective: 4.2.2 The Shire is progressive while exercising responsible stewardship of its built, natural and financial resources

Priorities and Strategies for Change: Nil

### Sustainability Implications

Ø Strategic Resource Plan

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

### Risk Implications

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

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

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

It should also be noted that there is an inherent level of risk of misrepresentation of the financials through either human error or potential fraud.

The establishment of control measures through a series of efficient systems, policies and procedures, which fall under the responsibility of the CEO as laid out in the *Local Government (Financial Management Regulations) 1996* regulation 5, seek to mitigate the possibility of this occurring.

These controls are set in place to provide daily, weekly, and monthly checks to ensure that the integrity of the data provided is reasonably assured.

### Financial Implications

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

### Voting Requirements

Simple Majority


Absolute Majority

### Officer's Recommendation

**That Council RECEIVE the Statements of Financial Activity and Investment Report for the period ending 31 December 2023 in accordance with Regulation 34 of the Local Government (Financial Management) Regulations 1996.**



**14.3 List of Accounts Paid – November 2023**

<h2 style="margin: 0;">Corporate Services</h2> 	
<b>Responsible Officer:</b>	Leah Boehme, EMCS
<b>Author:</b>	As above
<b>Legislation:</b>	<i>Local Government Act 1995</i> <i>Local Government (Financial Management) Regulations 1996</i>
<b>File Reference:</b>	Nil
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	Attachment 14.3A - Payments Listing November 2023

**Purpose of Report**

- Executive Decision
  Legislative Requirement

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

**Background**

The attached list of accounts paid during the month of November 2023, under Delegated Authority, is provided for Council’s information and endorsement.

**Comment**

Nil

**Policy Implications**

Nil

**Statutory Implications**

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

**Strategic Implications**

∅ Strategic Community Plan

Theme: 4. Communication and Leadership

Service Area Objective: 4.2.2 The Shire is progressive while exercising responsible stewardship of its built, natural and financial resources

Priorities and Strategies for Change: Nil

#### Sustainability Implications

∅ Strategic Resource Plan

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

#### Risk Implications

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

#### Financial Implications

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

#### Voting Requirements


Simple Majority

Absolute Majority

#### Officer's Recommendation

That Council **RECEIVE** the schedule of accounts paid during **November 2023** as listed, covering cheques, EFT's, directly debited payments and wages, as numbered and totaling **\$2,250,459.21** from the Merredin Shire Council Municipal bank account and **\$0** from the Merredin Shire Council Trust bank account.

## 14.4 List of Accounts Paid – December 2023

<h3>Corporate Services</h3> 	
<b>Responsible Officer:</b>	Leah Boehme, EMCS
<b>Author:</b>	As above
<b>Legislation:</b>	<i>Local Government Act 1995</i> <i>Local Government (Financial Management) Regulations 1996</i>
<b>File Reference:</b>	Nil
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	Attachment 14.4A - Payments Listing December 2023

### Purpose of Report

Executive Decision

Legislative Requirement

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

### Background

The attached list of accounts paid during the month of December 2023, under Delegated Authority, is provided for Council's information and endorsement.

### Comment

Nil

### Policy Implications

Nil

### Statutory Implications

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

### Strategic Implications

∅ Strategic Community Plan

Theme:

4. Communication and Leadership

Service Area Objective: 4.2.2 The Shire is progressive while exercising responsible stewardship of its built, natural and financial resources

Priorities and Strategies for Change: Nil

### Sustainability Implications

∅ Strategic Resource Plan

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

### Risk Implications

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

### Financial Implications

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

### Voting Requirements

Simple Majority

Absolute Majority

### Officer's Recommendation

That Council RECEIVE the schedule of accounts paid during December 2023 as listed, covering cheques, EFT's, directly debited payments and wages, as numbered and totaling \$898,646.19 from the Merredin Shire Council Municipal bank account and \$0 from the Merredin Shire Council Trust bank account.

## 14.5 Purchasing exemption – Grandstand Bar & Restaurant

<h3>Community Services</h3> 	
<b>Responsible Officer:</b>	Codi Brindley-Mullen, EMS&C
<b>Author:</b>	Melissa Warren, Recreation & Aquatics Manager
<b>Legislation:</b>	<i>Local Government Act 1995</i> <i>Local Government (Financial Management) Regulations 1996</i>
<b>File Reference:</b>	Nil
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	Attachment 14.5A – Potential Quote (CONFIDENTIAL) Attachment 14.5B - Policy 3.12 - Purchasing Policy

### Purpose of Report



Executive Decision



Legislative Requirement

To seek Council approval to undertake an alternative purchasing process specified under the Shire of Merredin (the Shire) Purchasing Policy, to allow for the purchase of food and alcohol to stock the Merredin Regional Community & Leisure Centre (MRCLC) Grandstand Bar and Restaurant (Grandstand).

### Background

In October 2023, the Shire took the management of the MRCLC back inhouse after seven years of outsourced management. This included the management and operation of the Grandstand.

Throughout the process of bringing the MRCLC operations back inhouse, it was identified that having the Grandstand operating for the local sporting groups and the broader community was a key priority.

Since October, the bar and restaurant facility has not been functional due to the complexities that arose around the facilities liquor license. On 8 January 2024, the liquor license was granted, which now allows for the reopening of the bar. To facilitate this in a timely and efficient manner, the Administration is seeking to undertake an alternative purchasing process for the purpose of sourcing and purchasing stock for the bar and restaurant.

### Comment

Now that approval has been granted for the liquor license it is important to have the Grandstand operational as soon as practicable. The Shire's Purchasing Policy states that;

*“In any case, where there is no relevant current contract, each purchasing activity is to assess the Purchasing Value based upon the following considerations:*

*(b) The estimated total expenditure for the proposed supply including the value of all contract extension options and where applicable, the total cost of ownership considerations.”*

With this in mind, a long-term contract would likely have a value of greater than \$250,000, which requires a tender process to be completed before purchasing can be authorised. To run a tender process, it may take several months, therefore it would see the Grandstand remain closed to the public for a longer period.

Should Council agree to have the Administration undertake an alternative process on this occasion, the Administration will treat the initial stock purchase as a one-off purchasing process and meet the requirements of the Purchasing Policy for a purchase of between \$6,001 and \$20,000. This will see the Administration seek three (3) quotes from suitable suppliers for the provision of stock for the facility.

The Administration has already sourced a product list from an approved supplier, being Liquor Traders Australia, who has serviced the Grandstand previously and developed a quote to stock the Grandstand as shown in Attachment 14.5A.

As the operational business requirements of the Grandstand regarding stock turnover are not yet known by the Shire, we will be assessing this in the initial months and will utilise this data should a formal tender process be required. This will likely occur in approximately nine to twelve months. Following this process, it allows the Administration time to understand the operational needs of the business, complete assessment of stock sales, assess the estimated financial implication on the Shire.

If deemed necessary, on completion of the review of the Grandstand Bar & Restaurant operations, a tender process will then be undertaken.

### Policy Implications

Under the current Purchasing Policy (3.12), purchases with an accumulative over three (3) years of greater than \$250,000 require a tender process be completed.

### Statutory Implications

Compliance with the *Local Government (Administration) Regulations 1996*.

### Strategic Implications

Ø Strategic Community Plan

Theme:	1. Community and Culture
Service Area Objective:	1.2.1 – Sporting Clubs are thriving in membership and volunteers, with an appropriate standard of facilities and other support events
Priorities and Strategies for Change:	Development of sport and recreation: infrastructure and participation. Development of the MRCLC as the main hub for sports and recreation in Merredin.
Theme:	2. Economy and Growth

Service Area Objective: 2.1.3 - Job and training opportunities are available in Merredin to community members who are entering the workforce.  
2.2.1 – Visitors to the Shire are well serviced and accommodated, with opportunities that leverage our historic, cultural environment and natural assets

Priorities and Strategies for Change: Nil

Theme: 4. Communication and Leadership

Service Area Objective: 4.1.2 – The council works closely with the community to successfully achieve projects or outcomes that deliver the community’s vision for Merredin.

Priorities and Strategies for Change: Maximising the value of the Shire assets.

**Sustainability Implications**

∅ Strategic Resource Plan

Nil

**Risk Implications**

If Council do not agree to the alternative process than the Grandstand will remain closed to the public until the tender process is undertaken.

**Financial Implications**

Funds for the purchase of stock are budgeted in GL 2110353.

**Voting Requirements**

Simple Majority

Absolute Majority


**Officer’s Recommendation**

**That Council;**

- 1. APPROVE an alternative process be undertaken for the purchase of stock to allow the operations of the Grandstand Bar and Restaurant to commence; and**
- 2. INSTRUCTS the Chief Executive Officer to have the Administration undertake a full review of the operations of the Grandstand Bar & Restaurant within twelve months.**

## 15. Officer's Reports – Administration

### 15.1 Status Report – January 2024

<h1>Administration</h1>		 <b>SHIRE OF MERREDIN</b> INNOVATING THE WHEATBELT
Responsible Officer:	Lisa Clack, CEO	
Author:	Meg Wyatt, EA	
Legislation:	<i>Local Government Act 1995</i>	
File Reference:	Nil	
Disclosure of Interest:	Nil	
Attachments:	Attachment 15.1A – Status Report – January 2024	

#### Purpose of Report



Executive Decision



Legislative Requirement

For Council to consider the updated Status Report for January 2024.

#### Background

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

#### Comment

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

#### Policy Implications

Nil

#### Statutory Implications

Nil

#### Strategic Implications



∅ Strategic Community Plan

Theme: 4. Communication and Leadership  
Service Area Objective: 4.4 Communications  
4.4.1 The Shire is continuously working to maintain efficient communication, providing open, transparent and factual information, through a variety of channels  
Priorities and Strategies for Change: Nil

**Sustainability Implications**

∅ Strategic Resource Plan

Nil

**Risk Implications**

Nil

**Financial Implications**

Nil

**Voting Requirements**



Simple Majority



Absolute Majority

**Officer's Recommendation**

**That Council RECEIVES the Status Report on Council Resolutions for January 2024.**

## 15.2 Proposed Changes to the CEACA Constitution

<h1>Administration</h1>		
Responsible Officer:	Lisa Clack, CEO	
Author:	Meg Wyatt, EA	
Legislation:	Nil	
File Reference:	Nil	
Disclosure of Interest:	Nil	
Attachments:	Attachment 15.2A – CEACA draft Constitution with tracked changes Attachment 15.2B – Explanatory Memorandum	

### Purpose of Report



Executive Decision



Legislative Requirement

For Council to consider, and agree a voting position on the Central East Aged Care Alliance (CEACA) constitutional change, scheduled to be voted on at the proposed CEACA member's meeting to be held 19 February 2024.

### Background

A revised Constitution was presented to Council at its August Ordinary Council Meeting, held 22 August 2023. The primary changes that were shown in the revised Constitution were focussed on broadening the objectives of CEACA's purpose, membership changes requiring minimum commitment term (3 years) and, changes to the disposal of property should CEACA wind up, to meet legislative requirements. Council endorsed the proposed changes to the CEACA Constitution (CMRef 83221).

CEACA has now provided a draft Constitution for the consideration of Member Councils.

### Comment

The proposed changes to the CEACA constitution are outlined in Attachments 15.2A and B, which include a copy of the draft Constitution (with tracked changes) and explanatory notes that provide some commentary around the changes.

The proposed changes to the CEACA Constitution can be divided into three (3) categories:

1. Changes required to comply with registered Community Housing Provider (CHP) status;
2. Changes related to a 3-year membership term from 1 July 2023; and
3. Various other changes discussed and agreed by the Management Committee.

Following the Management Committee meeting held on 6 November 2023, CEACA have worked with the Registrar for Community Housing Providers (CHP) and the solicitors for CEACA, to finalise the proposed amendments to the Constitution.

Overall, none of the proposed amendments are considered contentious, and will improve the alignment and partly de-risk Councils involvement. Therefore, the Administration is recommending the changes are supported.

### Policy Implications

Nil

### Statutory Implications

Nil

### Strategic Implications

∅ Strategic Community Plan

Theme: 4. Communication and Leadership

Service Area Objective: 4.2 Decision Making  
4.2.2 The Shire is progressive while exercising responsible stewardship of its built, natural and financial resources.

Priorities and Strategies for Change: Nil

CEACA Strategy Implications:

The broadening of CEACA's purpose, is likely to mean the future of the organisation will be directed towards securing of further housing, including potentially for social housing, or low-income housing.

While this is an area of need, this will mean CEACA is unlikely to broaden its service scope in aged care, which had been an area of interest previously for Council. Instead, it will continue be focussed on the development of infrastructure. This is consistent with the general approach in the last 12-18 months, where CEACA has acted as a facilitator offering briefings from service providers to Local Government, for Local Government to consider extending their services and approach.

### Sustainability Implications

∅ Strategic Resource Plan

Nil

### Risk Implications

The appointed Council Member on CEACA is listed as a Board Member or a Non-Executive Director on the ACNC registration for the organisation. This role has a level of responsibility and accountability for the governance and financial stability of the organisation. The changes to the Constitution assist to reduce any associated risk.

### Financial Implications

The risk to the Shire of Merredin of increased membership fees due to other Shires withdrawing, are reduced with the membership changes.

**Voting Requirements**



Simple Majority



Absolute Majority

**Officer's Recommendation**

**That Council ENDORSES the proposed changes to the draft CEACA Constitution, as per Attachment 15.2A.**

**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**

**19.1 Recruitment of Chief Executive Officer – Appointment of Independent Panel Member**

**19.2 Funding Agreement and Variation of Licence – Merredin Water Tower**

**20. Closure**

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