



SHIRE OF
MERREDIN
INNOVATING THE WHEATBELT

MINUTES

Ordinary Council Meeting

Held by Zoom Video Conference
Tuesday 19 May 2020
Commencing 4.00pm



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Common Acronyms Used in this Document

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

Shire of Merredin
Ordinary Council Meeting
4.00pm Tuesday 19 May 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 welcomed those in attendance and declared the meeting open at 4.04pm

2. Record of Attendance / Apologies and Leave of Absence

Councillors:

Presiding Member	Cr JR Flockart	(by Zoom Video link)
Members	Cr MD Willis	(by Zoom Video link)
	Cr RA Billing	(by Zoom Video link)
	Cr LN Boehme	(by Zoom Video link)
	Cr AR Butler	(by Zoom Video link)
	Cr RM Manning	(by Zoom Video link)
	Cr MJ McKenzie	(by Zoom Video link)
	Cr PR Patroni	(by Zoom Video link)
	Cr PM Van Der Merwe	(by Zoom Video link)

Staff

T/CEO	M Dacombe	(by Zoom Video link)
EA to CEO	M Ivanetz	(by Zoom Video link)
DCEO	A Prnich	(by Zoom Video link)
EMCS	C Brown	(by Zoom Video link)
EMDS	P Zenni	(by Zoom Video link)

Members of the Public: Nil

Apologies: Nil

Approved Leave of Absence: Nil

3. Public Question Time

Questions Taken on Notice from Previous Meeting – 21 April 2020

Ms Narelle Driscoll of Merredin had submitted the following question.

Question: Is it possible to ban smoking down the Main Street – shop side please. Many smokers stand out the front and smoke goes into the stores. Also, no smoking if in line at IGA waiting to enter the store as its very uncomfortable for other people.

Answer 1: The TCEO took the question on notice. A response will be provided to Narelle Driscoll and included in the agenda and minutes of the May Ordinary Council Meeting.

Answer 2: Tobacco Products Control Act 2006 and the Tobacco Products Control Regulations prohibit the use of tobacco products inside enclosed public places, with penalties for both the smoker as well as the owner/occupier of the enclosed public place. There are restrictions on smoking within 5 metres of an entrance to an enclosed public place. The Shire has no powers to enforce this. Creation of a by-law is possible however as the queuing issue has been a relatively short-term issue and there is no evidence of a widespread problem an educative approach has been taken to address the problem and signs are being provided to business owners.

Mr Grant Stainer of Merredin submitted the following question.

Question: In May 2019, in the course of development the CEACA housing estate two groundwater monitoring bores on Fifth Street frontage, namely o6MDTC10D and o6MDTC10S were ripped up and destroyed.

These piezometres were installed as part of the Rural Towns Program by the then Department of Agriculture and Food WA (DAFWA), a project in which the Merredin Shire was a participant. The destruction of these piezometres ignores all the expense and effort that was involved in installing these bores and impedes the ability to undertake monitoring of groundwater levels underneath the town. It is also an offence under section 21 of the Soil and Land Conservation Act 1945 for these groundwater monitoring bores to be removed.

In my view, the Merredin Shire should arrange the immediate replacement of these piezometres, followed by invoicing those involved to recoup the costs on a full cost recovery basis so that the shire is not out of pocket. As per best practice, drill logs should also be completed and samples taken each metre for the new bores.

I did raise this issue at the time, but as far as I am aware, there has been no action taken in relation to this.

Note: In reading this question the TCEO said that he had slightly modified the wording as the question as submitted contained an allegation as to the responsible party.

Answer: The TCEO took the question on notice. The matter will be investigated and a response will be provided to Mr Grant Stainer and included in the agenda and minutes of the June Ordinary Council Meeting.

4. Disclosure of Interest

Councillor Manning declared an Impartiality Interest in item 12.2.

Councillor Flockart and Butler declared a Financial Interest in Item 12.2.

Councillors Butler and Patroni declared an Impartiality Interest in item 14.6.

Councillors Butler and Patroni declared an impartiality interest in item 15.4

5. Applications for Leave of Absence

Nil

6. Petitions and Presentations

Nil

7. Confirmation of Minutes of the Previous Meetings

7.1 Ordinary Council Meeting held on 21 April 2020

[Attachment 7.1A](#)

7.2 Audit Committee Meeting held on 21 April 2020

[Attachment 7.2A](#)

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Boehme

Seconded: Cr Willis

82545 That the Minutes of the Ordinary Council Meeting held on 21 April 2020 and Audit Committee Meeting held on 21 April 2020 be confirmed as a true and accurate record of proceedings.

CARRIED 9/0

8. Announcements by the Person Presiding without discussion

It's National Volunteers Week.

I would like to take this opportunity to acknowledge those people in our community who give so much of themselves so that the Shire of Merredin can be an even better place to live.

The Shire of Merredin has always been full of supportive and wonderful volunteers.

The impact of COVID-19, being part of our lives over the past months, has highlighted the commitment of our community volunteers.

The generosity of people's time to help others that have been struggling and feeling isolated has been overwhelming and heart-warming.

Its wonderful to see our community coming together during this unprecedented time.

I would like to thank all of our volunteers who consistently step up and support our community your generosity and commitment is noticed and acknowledged.

Thank you to all our volunteers.

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

Nil

10. Receipt of Minutes of Committee Meetings

- 10.1 Rural Water Council of WA (Inc) Meeting held by Teleconference on 20 March 2020
[Attachment 10.1A](#)
- 10.2 Special State Council Meeting held on 27 March 2020
[Attachment 10.2A](#)
- 10.3 Shire of Merredin Local Emergency Management Committee Meeting held by Videoconference on 23 April 2020
[Attachment 10.3A](#)
- 10.4 Great Eastern Country Zone Meeting held by Videoconference on 30 April 2020
[Attachment 10.4A](#)
- 10.5 State Council Summary Meeting held by Videoconference on 6 May 2020
[Attachment 10.5A](#)
- 10.6 Shire of Merredin Local Emergency Management Committee Community Support Sub-Committee Meeting held by Videoconference on 7 May 2020
[Attachment 10.6A](#)

Voting Requirements

- Simple Majority Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Flockart

Seconded: Cr Butler

82546 That the Minutes of the following Committees be received:

- Rural Water Council of WA (Inc) Meeting held by Teleconference on 20 March 2020
- Special State Council Meeting held on 27 March 2020
- Shire of Merredin Local Emergency Management Committee Meeting held by Videoconference on 23 April 2020
- Great Eastern Country Zone held by Videoconference on 30 April 2020
- State Council Summary Minutes held by Videoconference on 6 May 2020
- Shire of Merredin Local Emergency Management Committee Community Support Sub-Committee Meeting held by Videoconference on 7 May 2020

CARRIED 9/o

11. Recommendations from Committee Meetings for Council consideration

Nil

12. Officer's Reports - Development Services

12.1 Lot 51 (No 2) Harling Street – Proposed Carport and Associated R-Codes Variation

<h2 style="margin: 0;">Development Services</h2>		
<p>Responsible Officer:</p> <p>Author:</p> <p>Legislation:</p> <p>File Reference:</p> <p>Disclosure of Interest:</p> <p>Attachments:</p>	<p>Peter Zenni, EMDS</p> <p>Peter Zenni, EMDS</p> <p><i>Planning and Development Act 2005</i></p> <p>Residential Design Codes</p> <p>Shire of Merredin Policy Manual, Policy 8.22 – Outbuildings in Residential Areas</p> <p>A1927</p> <p>Nil</p> <p><u>Attachment 12.1A</u> – Application for development approval (R-Code Variation) and associated plans and specifications.</p>	

Purpose of Report

- Executive Decision
 Legislative Requirement

Background

The Shire of Merredin has received an application for development (planning) approval relating to the construction of a proposed carport and associated R-Codes variation on Lot 51 (No 2) Harling Street Merredin.

Comment

Tompkin Engineering have submitted an application for development (planning) approval to allow the construction of a carport on Lot 51 (No 2) Harling Street, Merredin.

Carports and other outbuildings associated with an existing dwelling are normally exempt from requiring development (planning) approval from the local authority, subject to compliance with the Residential Design Codes (R-Codes) setback and site coverage requirements.

Table 2A of the R-Codes specifies that walls with no major openings (doors/windows) must be located 1.5 metres from an adjoining boundary for any buildings with a wall length greater than 9 metres. The proposed carport is an

extension of an existing garage which is currently located within 1.0 metres of the side boundary. By continuing the existing garage building line it is not possible to achieve the 1.5-meter side boundary setback. As such the proposed development requires development approval from Council incorporating an R-Codes variation, allowing for the reduced side setback.

The R-Codes Design Principles allow for an R-Codes variation to the Deemed to Comply provisions on the basis that the proposed outbuilding location will not detract from the streetscape or the visual amenity of residents or neighbouring properties.

The proposed carport by virtue of it continuing the existing building line will have minimal impact on the visual amenity of the surrounding area. The owners of the adjoining properties have confirmed in writing that they have no objection to the construction of the proposed carport on Lot 51 (No 2) Harling Street, Merredin.

Policy Implications

The construction of the proposed carport will require a building permit from the Shire of Merredin

The Shire of Merredin Policy 8.22 – Outbuildings in Residential Areas, permits the Shires Executive Manager of Development Services to approve outbuildings in residential areas as long as their height, size and aggregate total area of all outbuildings complies with Policy Table 8.22.

In this case the Policy stipulates a maximum aggregate total area for outbuildings at 97m² as well as a maximum height at the wall of 3.0 metres and at the ridge of 3.6 metres.

Upon construction of the proposed carport the overall aggregate total area of outbuildings will be 100.25m², the maximum height at the wall of 3.05 metres and at the ridge of 3.893 metres, therefore slightly exceeding the limits specified by Policy 8.22.

As such the Executive Manager of Development Services does not possess delegated authority to approve a future building application for the proposed carport.

Council has previously approved the construction of over height and oversize outbuildings as well as development that exceed the overall aggregate area for all outbuildings on a lot, in residential areas within Merredin.

The objectives of the Shire of Merredin Policy 8.22 – Outbuildings in Residential Areas are as follows;

“To ensure a level of consistency with the size, the height and setbacks of outbuildings in residential areas, to minimise any adverse impact on the amenity to neighbouring property owners and to contribute towards the aesthetics of the streetscape.”

The proposed development will not contravene the objectives of the Shire of Merredin Policy 8.22 – Outbuildings in Residential Areas.

There is only a very minimal exceedance of the overall total aggregate area for outbuildings on the lot as well as the maximum wall and ridge height parameters specified by Policy 8.22 and the owners of the adjacent properties have confirmed that they have no objection to the construction of the proposed carport.

By granting development approval for the proposed carport, Council will allow the Executive Manager Development Services to grant a building permit for the construction of the proposed carport without the need to bring the building application back to Council for its consideration following its lodgement with the Shire of Merredin.

Statutory Implications

Compliance with the *Planning and Development Act 2005*

Compliance with the *Building Act 2011*

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: 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

Development Application fees have been paid.

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Patroni

Seconded: Cr Van Der Merwe

82547 That Council:

1. Grants development (planning) approval for the construction of the proposed carport on Lot 51 (No 2) Harling Street, Merredin, as outlined in attachment 12.1A;
2. Advises the applicant that the granting of development approval does not constitute a building permit, and that an application for a building permit must be submitted to the Shire of Merredin and be approved before any building work can commence on site;
3. Authorises the Executive Manager Development Services to issue a building permit for the construction of the proposed carport on Lot 51 (No 2) Harling Street, Merredin, as outlined in attachment 12.1A, subject to compliance with the relevant provisions of the Building Act 2011 and the National Construction Code (BCA).

CARRIED 9/o

Councillors Flockart and Butler declared a financial interest in this item 12.2,

Councillor Manning declared and impartiality interest in this item 12.2

Councillor Willis Deputy President has taken the chair at 4.23 pm

The Executive Assistant, meeting administrator Melissa Ivanetz placed Councillor Flockart and Councillor Butler back into the waiting room at 4.24 pm and advised Councillor Willis proceedings could continue.

12.2 Lot 1 (No 41) Last Road Nukarni – Proposed Farm Stay

Development Services		 SHIRE OF MERREDIN INNOVATING THE WHEATBELT
Responsible Officer:	Peter Zenni, EMDS	
Author:	Peter Zenni, EMDS	
Legislation:	<i>Planning and Development Act 2005</i>	
File Reference:	A5142	
Disclosure of Interest:	Nil	
Attachments:	<u>Attachment 12.2A</u> – Application for development approval and associated supporting documentation	

Purpose of Report

Executive Decision

Legislative Requirement

Background

The Shire of Merredin has received an application for development (planning) approval for a proposed Farm Stay on Lot 1 (No 41) Last Road, Nukarni.

Comment

Lot 1 (No 41) Last Road, Nukarni is zoned 'General Farming' under the Shire of Merredin Local Planning Scheme No.6 (LPS).

The applicant of the proposed Farm Stay in support of the application provides the following information;

“We have a 3-bedroom, 2-bathroom T&R transportable house on our hobby farm at 41 Last Road Nukarni. The house was occupied by my mother until last year when she moved in to permanent care at Berringa Lodge. The house is 17 years old and was relocated to our property in 2009. We had Shire approval for this to occur and the house is connected to mains water, power, solar hot water and septic system. There are three water tanks that catch water from the main roof,

however this water is solely used for watering the garden. As a farm stay the house would accommodate a maximum of 6 people at any one time. We already have included some access rails and ramps to accommodate my mother's frailty so the house has some disability access inclusion elements."

A review of Shire records reveals that on the 1st October 2009, the Shire of Merredin issued a development approval to M & J Fegan for a second dwelling on a farming location subject to the following condition;

'Dwelling is approved for use by family members or on farm workers only.'

The development approval was issued at that time under the Shire of Merredin Town Planning Scheme No.1.

It should be noted that the current Shire of Merredin Local Planning Scheme No.6 places similar provisions and limitations with respect to **grouped dwellings** in 'General farming' zoned areas.

It should also be noted that the applicant complied with the condition of approval as it applied to a **grouped dwelling** for a period of 10 years with the second dwelling being used by a family member. With the family member now relocating from the property the house is not going to be used and will potentially fall into disrepair.

The applicant now seeks to utilise the dwelling for **'Farm Stay'**, a change of use which requires consideration by Council of the application, on its merits.

Statutory Requirements

The proposed Farm Stay is not specifically listed as a use class in the zoning tables forming part of the LPS. The closest use class related is that of 'Bed and Breakfast' which is a 'D' use in a General Farming zoned area. This means that the activity is not permitted unless the local government has exercised its discretion by granting development approval.

Clause 3.4.2 of the LPS states as follows;

"If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Tables 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 therefore 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."***
-

The proposed Farm Stay will utilise existing power, water, effluent disposal and road access infrastructure. The proposed farm stay will be of low impact and not place additional demand on Council services or be prejudicial to the amenity of the surrounding area.

Clause 3.2.11 of the LPS specifies the Scheme objectives for the General Farming Zone including;

- To encourage small scale, low impact tourist accommodation in rural locations;
- To encourage diversification of rural activities that will reduce the dependency of the rural sector on traditional crops.

The proposed development meets the Scheme objectives for the General Farming zone, is low impact in nature and utilises existing infrastructure. As such it is recommended that Council utilises its discretion and approves the proposed Farm Stay activity on Lot 1 (No 41) Last Road Nukarni.

Impacts

Environmental (Noise)

The property in question is 25 Hectares in area, the applicant advises that the nearest dwellings on adjoining farming properties are approximately 800m away and there should be no noise impact on the surrounding properties associated with the proposed farm stay activity.

Environmental (Waste/Nuisance)

The farm stay will consist of an existing house that is provided with mains water and power supply, the farm Stay will be limited to a maximum of 6 guests and is unlikely to generate additional waste above that which would normally be associated with family use of a dwelling. No nuisances are foreseen that would give rise to concerns or affect the amenity of the surrounding area.

Road Infrastructure

The Farm stay will consist of an existing dwelling which is already serviced by an existing road to the property as well as an internal road system on the property. There will be no impact on the existing road system associated with the farm stay activity.

Building Legislation Requirements

Whilst requirements of the Building Act 2011 and associated Australian Standards are not a planning consideration, they are enforceable by the Shire of Merredin, as such both Council and the applicant must be mindful of the need to comply with these requirements. Unlike a Bed and Breakfast activity where a residence is primarily used for residential (class 1a) purposes by the home owner with a minor component of the building use relating to the Bed and Breakfast activity, in this case the building in question will be fully used for the Farm Stay activity with the associated change in building classification to that of a (Class 1b) building.

As such the applicant will need to ensure that the building complies with the relevant requirements of the new building classification with special focus on compliance with AS 1428.1 - Design for Access and Mobility. The applicant has indicated that the existing building has already been partially brought into compliance with this standard by virtue of the previous occupier's age/frailty resulting in the provision of access rails and ramps. The building must be provided with hard wired smoke detectors/alarms and residual current devices (RCDs). These requirements relate to life safety measures and **must** be completed before the building is used for Farm Stay activities.

Health Act Requirements

The use of a dwelling for the accommodation of more than 6 persons for hire or reward constitutes a lodging house under provisions of the Health (Miscellaneous Provisions) Act 1911 and the Shire of Merredin Health Local Laws. Lodging house provisions require the registration of a lodging house by the local authority as well as requiring the provision of additional structural requirements including separate male and female toilet and bathroom facilities. They also require for a keeper of the lodging house or their approved representative to reside on the premises at all times.

Given that the house only comprises of 3 bedrooms the applicant has indicated that no more than 6 guests are going to be accommodated at the Farm Stay at any one time. As such the lodging house provisions do not apply in this case.

Food Act Requirements

The applicant has provided advice that food will not be offered for sale or form part of the Farm Stay accommodation and as such provisions of the Food Act 2008 do not apply in this case.

Policy Implications

Nil

Statutory Implications

Compliance with the *Planning and Development Act 2005*

Compliance with the *Building Act 2011*

Health (Miscellaneous Provisions) Act 1911

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: 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 McKenzie

Seconded: Cr Van Der Merwe

82548 That Council:

1. Grants development (planning) approval for the proposed Farm Stay on Lot 1 (No 41) Last Road, Nukarni as outlined in attachment 12.2A, subject to,
 - No more than 6 guests being accommodated at the Farm Stay at any one time;
 - The building being fitted with hard wired smoke detectors/alarms and residual current devices (RCD's); and
2. Advises the applicant that the building used for the Farm Stay activity will need to be brought into compliance with requirements of the Building Act 2011 and the relevant Australian Standards

within a period of 2 years from the date of this development (planning) approval.

CARRIED 7/0

The Executive Assistant, meeting administrator accepted Councillor Flockart and Councillor Butler back into the meeting at 4.27p.

Councillor Flockart Shire President resumed the chair at 4.27pm.

12.3 Lot 1338 (No 4497) Chandler, Merredin Road – Building Application for Proposed Open Sided Lean-to Shed Extension

<h2>Development Services</h2>		 <p>SHIRE OF MERREDIN INNOVATING THE WHEATBELT</p>
Responsible Officer:	Peter Zenni, EMDS	
Author:	Peter Zenni, EMDS	
Legislation:	Shire of Merredin Policy Manual, Policy 8.22 – Outbuildings in Residential Areas. <i>Building Act 2011.</i>	
File Reference:	A3423	
Disclosure of Interest:	Nil	
Attachments:	Attachment 12.3A – Application for building approval and associated plans and specifications	

Purpose of Report

- Executive Decision Legislative Requirement

Background

The Shire of Merredin has received an application for building approval for an extension to an existing shed at Lot 1338 (No 4497) Chandler - Merredin Road, Merredin.

Comment

The owner of Lot 1338 (no 4497) Chandler - Merredin Road, Merredin wishes to construct a 122m2 open sided lean-to addition to an existing shed on the premises to store his vehicles and personal items.

The existing shed is located at the rear of the property and there should be no impact on the visual amenity of the surrounding area.

The owners of the adjoining properties have confirmed that they have no objection to the construction of the proposed extension to the existing shed at Lot 1338 (no 4497) Chandler - Merredin Road, Merredin.

The existing shed is serviced by a large rainwater tank for the capture and storage of rainwater runoff from the shed roof.

Policy Implications

The Shire of Merredin Policy 8.22 – Outbuildings in Residential Areas, permits the Shires Executive Manager of Development Services to approve outbuildings in residential areas as long as their height, size and aggregate total area of all outbuildings complies with Policy Table 8.22.

In this case the Policy stipulates a maximum area for an individual building at 157m² and the aggregate total area at 375m².

The existing shed is 302m² in area and is the only outbuilding on the Lot at this time and received planning approval for its construction from the Shire of Merredin Council in July 2015.

The maximum area for the individual building as well as the overall aggregate total area upon construction of the proposed shed extensions (424m²) will exceed the limits specified by Policy 8.22.

As such the Executive Manager of Development Services does not possess delegated authority to approve this application and therefore the matter has been referred to Council for its consideration.

Council has previously approved the construction of over height and oversize sheds as well as development that exceed the overall aggregate area for all outbuildings on a lot, in residential areas within Merredin.

The objectives of the Shire of Merredin Policy Manual, Policy 8.22 – Outbuildings in Residential Areas are as follows;

“To ensure a level of consistency with the size, the height and setbacks of outbuildings in residential areas, to minimise any adverse impact on the amenity to neighbouring property owners and to contribute towards the aesthetics of the streetscape.”

It should be noted that although the individual as well as total aggregate area of the outbuilding will exceed the provisions of the Policy, the exceedance of the total aggregate area will not be significant (424m² vs 375m²), in addition the development will take place on a large lot of 8,450m² and will still comply with the minimum setback as well as open space provisions of the Residential Design Codes. The owners of the adjacent properties have confirmed that they have no objection to the construction of the proposed carport.

The proposed development will **not** contravene the objectives of the Shire of Merredin Policy 8.22 – Outbuildings in Residential Areas.

The Shires Executive Manager Development Services has spoken with the applicant in relation to the use of the outbuilding and has received confirmation that the outbuilding will be used for storage of vehicles, personal items and for barbeques and other family activities.

Statutory Implications

Compliance with the *Building Act 2011*

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: 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

Building application fees have been paid

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Patroni

Seconded: Cr McKenzie

82549 That Council:

Authorises the Executive Manager Development Services to issue a building permit for the proposed open sided lean-to extension to an existing shed on Lot 1338 (no 4497) Chandler - Merredin Road, Merredin as outlined in attachment 12.3A, subject to compliance with the relevant provisions of the Building Act 2011 and the National Construction Code (BCA).

CARRIED 9/0

13. Officer's Reports - Engineering Services

14. Officer's Reports – Corporate and Community Services

14.1 List of Accounts Paid

Corporate Services		 SHIRE OF MERREDIN INNOVATING THE WHEATBELT
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 April under Delegated Authority is provided for Council's information.

Comment

Nil

Policy Implications

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

Statutory Implications

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

Strategic Implications

➤ **Strategic Community Plan**

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

➤ **Corporate Business Plan**

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

Sustainability Implications

➤ **Strategic Resource Plan**

Nil

➤ **Workforce Plan**

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

Risk Implications

Council would be contravening the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996* if this item was not 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 Flockart

Seconded: Cr Willis

82550 That the schedule of accounts paid as listed, covering cheques, EFT's, bank charges, directly debited payments and wages, as numbered and totalling \$1,313,655.58 from Council's Municipal Fund Bank Account be endorsed by Council.

CARRIED 9/0

14.2 Statement of Financial Activity

<h2>Corporate Services</h2>		 <p>SHIRE OF MERREDIN INNOVATING THE WHEATBELT</p>
Responsible Officer:	Charlie Brown, EMCS	
Author:	Charlie Brown, ECMS	
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 – Monthly Investment Report</p> <p>Attachment 14.2D – Financial Ratios</p> <p>Attachment 14.2E – Capital Expenditure</p>	

Purpose of Report

Executive Decision Legislative Requirement

Background

The Statement of Financial Activity, which includes the Detailed Schedules, Statement of Financial Position, Current Ratios and Investment Register, are attached for Council’s information.

Comment

Operating Income and Expenditure is consistent with Council’s YTD Budget with Operating Income showing a 1% variance to budget estimates and Expenditure showing an 4% variance.

Capital Expenditure

A detailed look at capital expenditure can be found in Note 7 and a separate attachment showing Capital Expenditure is also attached for your information.

Others

Councillors will note a new look in attachment 14.2 (B) with accounts numbers and jobs, changing to the standard COA numbering system. This has been a work in progress for the last 3 months and is now completed.

Policy Implications

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

Statutory Implications

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

Strategic Implications

➤ Strategic Community Plan

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

➤ Corporate Business Plan

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

Sustainability Implications

➤ Strategic Resource Plan

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

➤ Workforce Plan

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

Risk Implications

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

In order to mitigate the risk of budget over-runs or non-delivery of projects, the Chief Executive Officer has implemented internal control measures such as regular Council and management reporting and a quarterly process to monitor financial performance against budget estimates. Materiality reporting thresholds have been established at half the adopted Council levels, which equate to \$10,000 for operating budget line items and \$10,000 for capital items, to alert management prior to there being irreversible impacts.

It should also be noted that there is an inherent level of risk of misrepresentation of the financials through either human error or potential fraud. The establishment of control measures through a series of efficient systems, policies and procedures, which fall under the responsibility of the CEO as laid out in the *Local Government (Financial Management Regulations) 1996* regulation 5, seek to mitigate the possibility of this occurring. These controls are set in place to provide daily, weekly and monthly checks to ensure that the integrity of the data provided is reasonably assured.

Financial Implications

The adoption of the Monthly Financial Report is retrospective. Accordingly, the financial implications associated with adopting the report are nil.

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Butler

Seconded: Cr Van Der Merwe

82551 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 April 2020 be received.

CARRIED 9/0

14.3 Differential Rates 2020/21

<h2>Corporate Services</h2>		 <p>SHIRE OF MERREDIN <small>INNOVATING THE WHEATBELT</small></p>
Responsible Officer:	Charlie Brown, EMCS	
Author:	Charlie Brown, ECMS	
Legislation:	<i>Local Government Act 1995; Local Government (Financial Management) Regulations 1996</i>	
File Reference:	RV/07/01	
Disclosure of Interest:	Nil	
Attachments:	Attachment 14.3A – Objects and Reasons	

Purpose of Report

- Executive Decision
 Legislative Requirement

Background

Local governments are empowered to impose differential general rates subject to compliance with Section 6.33 of the *Local Government Act 1995*.

Differential rating provides Council with flexibility in the level of rates being raised from specifically identified properties or groups of properties within the community. It is common for Councils to base differential rating for properties on Town Planning Scheme zonings however other criteria such as land use may be used.

Once a budget deficiency has been determined, and after taking into consideration the objectives of the Strategic Community Plan and Corporate Business Plan, a rating strategy and proposed differential general rates in the dollar can be determined. Rates should not be increased by a fixed amount without due consideration of the deficiency. Unless Ministerial approval is given, the amount expected to be raised through all types of local government rates must be within 90% to 110% of the deficiency of the budget (s6.34). This acts to limit the amount that may be raised by rates, but only in proportion to the expenditure requirement determined by the local government, and not in the manner of a set cap on the maximum level of income which can be raised through rates.

Council is required to give local public notice prior to imposing any differential general rates, or any minimum payment applying to a differential rate category, for a minimum of 21 days. Council does, however, have the discretion to vary

the rate in the dollar and minimum rate during its budget deliberations without having to re-advertise the changes.

Before local public notice is given, proposed rates should be determined by Council, along with the objects and reasons providing justification for each differential general rate or minimum payment. It is important that these provide sufficient supporting information to electors and ratepayers or local governments may be asked to re-advertise by the Minister for Local Government (the Minister).

Utilising the above scenario, Rates Modelling indicates a 3.0% overall increase in rate revenue compared to the 2020/21 budgeted rate income.

Due to the current situation (COVID-19) Council agreed to not raise rates for the 2020/21 financial year.

Currently, Differential Rating does not apply to properties utilising Gross Rental Valuations.

The table of Rates (Unimproved Valuations) proposed for the 2020/21 financial year is set out below:

Unimproved Value	Minimum Rate	Rate in \$
UV1 – Rural	\$1,110.00	0.01930
UV2 – Urban Rural	\$1,110.00	0.03110
UV3 – Mining	\$200.00	0.03680
UV4 - Special Zone Wind Farm & Power Generation	\$1,110.00	0.03680
UV5 – Special Use Airstrip	\$1,110.0	0.03680

Category	Rate in the \$		Minimum Rate		Rateable Valuations 20/21	Rates Revenue (Inc Mins) 19/20	Estimated Revenue (Inc Mins) Minimums 20/21
	19/20	20/21	19/20	20/21			
UV1 Rural	1.9300	1.9300	1,110	1,100	89,020,600	1,799,814	1,799,814
UV2 Urban Rural	3.1100	3.1100	1,110	1,110	4,454,650	159,853	159,853
UV3 Mining	3.6800	3.6800	200	200	71,067	3,782	3,782
UV4 Special Zone	3.6800	3.6800	1,110	1,110	4,370,500	161,950	161,950
UV5 Special Use	3.6800	3.6800	1,110	1,110	162,000	5,962	5,962
Total					98,078,817	2,131,362	2,131,362

Comment

These calculations have been made using the valuations supplied by Landgate Valuation Services for 2020/2021 it is not expected that any changes will be made before the adoption of the 2020/2021 Budget.

The recent amendment to introduce Part 10 to the Local Government Act permits the Minister for Local Government to make Ministerial Orders to modify or suspend specified provisions of the Act or associated Regulations while a state of emergency declaration is in force.

- If adopting a minimum rate or rate in the dollar no higher than that imposed in 2019/20, then there is no need to advertise differential rates.
- Only requirement is to place a notice on your website.

Policy Implications

Nil

Statutory Implications

Section 6.33 of the *Local Government Act 1995* allows for local governments to differentially rate properties.

Section 6.35 of the *Local Government Act 1995*:

6.35. *Minimum payment*

- (1) *Subject to this section, a local government may impose on any rateable land in its district a minimum payment which is greater than the general rate which would otherwise be payable on that land.*
- (2) *A minimum payment is to be a general minimum but, subject to subsection (3), a lesser minimum may be imposed in respect of any portion of the district.*
- (3) *In applying subsection (2) the local government is to ensure the general minimum is imposed on not less than —*
 - (a) *50% of the total number of separately rated properties in the district; or*
 - (b) *50% of the number of properties in each category referred to in subsection (6),**on which a minimum payment is imposed.*
- (4) *A minimum payment is not to be imposed on more than the prescribed percentage of —*
 - (a) *the number of separately rated properties in the district; or*
 - (b) *the number of properties in each category referred to in subsection (6),*

unless the general minimum does not exceed the prescribed amount.

- (5) *If a local government imposes a differential general rate on any land on the basis that the land is vacant land it may, with the approval of the Minister, impose a minimum payment in a manner that does not comply with subsections (2), (3) and (4) for that land.*
- (6) *For the purposes of this section a minimum payment is to be applied separately, in accordance with the principles set forth in subsections (2), (3) and (4) in respect of each of the following categories —*
- (a) *to land rated on gross rental value; and*
 - (b) *to land rated on unimproved value; and*
 - (c) *to each differential rating category where a differential general rate is imposed.*

[Section 6.35 amended by No. 49 of 2004 s. 61.]

Section 53 of the *Local Government (Financial Management) Regulations 1996* sets the Prescribed amount in Relation to Minimums.

53. *Amount prescribed for minimum payment (Acts. 6.35(4))*

The amount prescribed for the purposes of section 6.35(4) is \$200.

Strategic Implications

➤ **Strategic Community Plan**

Vision Element: Development
Strategic Goal: The population and economic base is expanding sustainably
Key Priority: Governance

➤ **Corporate Business Plan**

Key Action: SP.D4.4 – Practice prudent management of financial resources
Action#: 2
Action: Continue to provide prudent financial controls and compliance systems
Directorate: Corporate Services
Timeline: Ongoing

Sustainability Implications

➤ **Strategic Resource Plan**

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

➤ **Workforce Plan**

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

Risk Implications

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

Financial Implications

Adopting the differential model as detailed below will result in rates revenue in accordance with Council's adopted Long Term Financial Plan.

Voting Requirements

Simple Majority Absolute Majority

Item 14.3 was deferred to the last matter on the agenda
A break from proceeding was taken at 5.20pm for discussions.

The Ordinary Meeting resumed at 5.25pm

Officer's Recommendation

Moved: Cr **Seconded:** Cr

ooooo That Council:

1. adopt for draft budget purposes the following differential rate in the dollar and minimum payments for Unimproved Value rated properties, subject to finalisation of the draft 2020/21 Budget and the establishment of the funding shortfall required from imposition of rates on Gross Rental Value rated properties:

Unimproved Value	Minimum Rate	Rate in \$
UV1 – Rural	\$1,110.00	0.01930
UV2 – Urban Rural	\$1,110.00	0.03110
UV3 – Mining	\$200.00	0.03680
UV4 - Special Zone Wind Farm & Power Generation	\$1,110.00	0.03680
UV5 – Special Use Airstrip	\$1,110.00	0.03680

2. in accordance with Section 6.36 of the *Local Government Act 1995*, advertise its intention to levy differential rates on Unimproved Value properties for the 2020/21 Budget on council's website the availability of the Shire of Merredin's 2020/21 Differential Rating Objects and Reasons.

Resolution

Note: To enable further consideration to be given to the matter of applying a differential to the Solar Farm property the Council Resolved:

Moved: Cr Flockart

Seconded: Cr Boehme

82552 That consideration of Item 14.3 be adjourned for further discussions at the Special Council Meeting to be held at 6.30pm on 26 May 2020.

CARRIED 9/o

14.4 Pioneers' Pathway - Renewal of Memorandum of Understanding

Community Services



Responsible Officer:	Andrina Prnich, DCEO
Author:	As above
Legislation:	Local Government Act 1995
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 14.4A – Pioneers' Pathway Advisory Committee Meeting Minutes April 2020

Purpose of Report

Executive Decision Legislative Requirement

Background

Pioneers' Pathway aims to work collaboratively with Councils along the Pioneers' Pathway route (from Toodyay to Merredin) developing tourism in the region by promoting a self-drive trail from Perth reminiscing the path of pioneers during the gold rush of the eastern goldfields.

The original Pioneers' Pathway project commenced in 2001 and was launched in 2004. The project was funded through the Wheatbelt Development Commission in partnership with the Shires of Toodyay, Goomalling, Dowerin, Wyalkatchem, Trayning, Nungarin and Merredin. Each Shire have since made annual financial contribution towards the upkeep and marketing of the trail.

The Pioneers' Pathway Advisory Committee (PPAC) comprises seven local governments who share a common interest and regional boundaries.

At its Ordinary Council Meeting (OCM) held 21 February 2017, Council resolved:

“That:

- 1. the Pioneers Pathway Review prepared by Wayfound, as presented in Attachment 14.6A, be noted;**
- 2. Council supports the existing funds of \$42,490 for Pioneers Pathway being utilised to implement the recommendations identified in the Review;**

- 3. the committee present to the partnering Councils by May 2017 detailed costings to employ an executive officer for the purpose of future marketing initiatives and trail upgrading for a 5 year period commencing July 2017; and**
- 4. Council not commit to future support of the Pioneers Pathway until the information outlined in point 3 above is received and the position of other partnering Councils is known.”**

Upon this resolution, the PPAC invested in the feasibility review by Wayfound. The findings of this report instilled confidence in the initiative, specifically around its economic benefits for the region. An action plan was put forward to each of the participating Shires which included the employment of an Executive Officer to project manage the Pioneer Pathway initiative, research and develop a range of new marketing collateral including signage/interpretive information and Create a Memorandum of Understanding (MOU) between the contributing Councils.

At the OCM held 21 March 2017, Council resolved:

“That:

- 1. Council supports the ongoing annual financial contribution of \$1,500 for Pioneers Pathway product development and maintenance for a minimum of 3 years;**
- 2. Council supports the additional financial contribution of \$2,000 to employ an executive officer to project manage the Pioneers Pathway initiative for a minimum of 3 years;**
- 3. the Pioneers Pathway action plan prepared by the Stakeholder committee, as presented in Attachment 14.4A, be noted; and**
- 4. Council will opt out of the Pioneers Pathway initiative if a commitment from all 7 Councils is not forthcoming by 31 March 2017.”**

Subsequently, an Executive Officer was employed by the PPAC and an MOU was drafted and executed for the period 1 July 2017 – 30 June 2020.

At its OCM held 17 April 2018, Council resolved:

“That:

- 1. the Pioneers’ Pathway Strategic Operational Plan 2018-21, as presented in Attachment 14.5A, be adopted; and**
- 2. the Pioneers’ Pathway 2017-18 Annual Progress Summary, as presented in Attachment 14.5B, be received.”**

In consideration of the current Pioneers’ Pathway MoU being due to conclude at 30th June 2020, at its OCM held 17 March 2020, Council resolved:

“That Council:

-
1. Supports the signing of the new Pioneers' Pathway MOU 2020-2023, subject to the following changes:
 - a. correct Section 3 clause 2a (vii) so that it reads: 'Work with other Local and Regional Tourism Organisations to identify and engage in opportunities of benefit to tourism in the region.'
 - b. Correct Section 3 clause 2a (ix) so that it reads: 'The Pioneers' Pathway Advisory Group will have a nominated Chairperson who will be elected annually from the Member Councils 'delegates.'
 - c. correct Section 5 clause 2a (xi) so that it reads: 'Work with entities as represented by (but not limited to) Local Tourism Associations, Chambers of Commerce, special interest groups and industry associations to develop tourism at a local level.'
 - d. correct Section 9 so that it reads: 'If any dispute arises between the parties carrying out the principles of this Memorandum of Understanding, the parties will resolve that difference or dispute between them in good faith.'
 - e. correct page format/numbering in Section 11
 - f. correct formatting under Schedule A so that the words 'Strategic Areas, are listed below' is continued on the same line of the preceding text.
 - g. correct typographical errors in Table titled 'Performance Indicator' including the capitalisation of Member Council and replacing 'of' with 'on' in relation to social media activity.
 - h. correct double-up in relation to meeting attendance in Schedule D Point
 - i. correct Schedule D Point 3 (bullet point 5) so that it reads: 'Meetings will be held 3-4 times per year for 2 hours, hosted on rotation by each Member Council.'
 - j. inclusion of page numbers on the MOU document.
 2. Council supports the ongoing annual financial contribution of \$1,500 for Pioneers Pathway product development and maintenance for a minimum of 3 years.
 3. Council supports the additional financial contribution of \$2,000 to employ an executive officer to project manage the Pioneers Pathway initiative for a minimum of 3 years.
 4. Council will opt out of the Pioneers Pathway initiative if a commitment from all 7 Councils is not forthcoming by 30 April 2020.
 5. The CEO be requested to report to the next meeting of the council on the appointment of a council representative".
-

Comment

Withdrawal of Shire of Trayning from MOU

Following Council's resolution at its OCM held 17 March 2020, the PPAC met on 23 April 2020. At the PPAC meeting, an email from the Shire of Trayning was presented, indicating its withdrawal from the MOU.

As a result, the following discussion was tabled within the minutes (refer Attachment 1):

Discussion was held by those present, as the Shire of Trayning will be withdrawing from the Pioneers' Pathway at the conclusion of the current MoU the following was resolved:

- *To seek funding variations as required and that the Shire of Trayning would not be eligible for any of the eligible allocated grant funding to the amount of \$18,400.00 from Building Better Regions Fund and the Lotterywest under the existing MoU.*
- *Request that the Shire of Trayning remove all current Pioneers' Pathway signage located within the Shire of Trayning (various roadside markers and signs in Information Bay).*
- *That the Shire of Trayning would not receive reimbursement/refund on any of its [annual] contribution into the Pioneers' Pathway Development fund held by the Shire of Goomalling [for the remainder of 19/20 Financial Year].*

In light of this development the Pioneers' Pathway Advisory Group will notify all other member Councils of this outcome and provide opportunity for a review of the proposed future MoU that does not include the Shire of Trayning as a stakeholder until the 31 May 2020.

In addition to the above, it was also noted that:

All Shires can submit a request for additional funds up to \$18,400.00 for their Pioneers' Pathway site (to be allocated out of the Shire of Trayning allocation) for consideration by the Pioneers' Pathway Advisory Group before 31 May 2020.

The Shire has sought further information from the PPAC's Executive Officer in order to establish whether there would be any other financial or resourcing implications for each Shire as a result of Trayning's withdrawal.

The Executive Officer has advised that there would be no change to the level of service by the Executive Officer which will remain at six hours per week. It is noted that the Shire of Goomalling, who has traditionally employed the Executive Officer as their own staff member, has now opted to move this position to a contract. The Executive Officer has advised that the details relating to this contract are currently being finalised with the Shire of Goomalling in order to change the officer from an employee arrangement to a contractor. With COVID-19 being the Shire of Goomalling's priority at present, this process has been delayed however the following information has been provided via email by the Executive Officer:

The financial implications of the Shire of Trayning withdrawing are:

- 1. A total decrease of \$3,500.00 from total yearly budget from \$24,500.00 to \$21,000.00.*
- 2. A decrease in the annual Trail Development and Marketing Plan budget of \$1,500.00 per year from \$10,500.00 to \$9,000.00. We have not yet identified specifically where we will actually make these deductions, it will compromise the ability to continue our marketing of the Pioneers' Pathway as we do now. The Pioneers' Pathway Advisory Group set the marketing budget annually (usually in adopted in June/July), my first recommendation would be to reduce press advertising, focus more on social media and work on developing collaborations to better leverage marketing outcomes.*
- 3. A reduction by \$2,000.00 available for engaging personnel to assist the Pioneers' Pathway Advisory Group to achieve outcomes in the MOU from \$14,000.00 to \$12,000.00 per annum. It is my expectation that from changing from an employee to a contractor the Advisory Group through the Shire of Goomalling will be able to negotiate an outcomes-based contract, not an hourly rate based contract for around \$1,000.00-\$1,100.00 per month [plus travel costs].*

In the minutes the Advisory Group have recommended that we trial this for a 12 month period and then review how it is working for all parties.

While there will be a compromised marketing budget as a result of the withdrawal of the Shire of Trayning from the MOU, there are \$18,400 of grants money that can be re-distributed to the other Shires. However, the distribution will not necessarily be equally distributed and individual member councils will need to put proposals forward by 31 May 2020. The Shire of Merredin will put a proposal forward for a further \$3,000 of this grant money in order to increase the scope of the interpretive display panels which are proposed be designed and installed for display in the Tivoli Room.

Election of Delegate and Deputy Delegates to Committee to PPAC

The pioneers' Pathway MOU provides for a delegate to be nominated by each member of Council.

In respect the Deputy Delegates, Council protocol appoints the Councillors who are not members to the committee as Deputy Delegates to enable their attendance and participation in committee meetings to ensure quorums. Council Policy 1.9 – Election of Committees and Representatives is applicable.

Included within the draft Pioneers Pathway MOU, is an outline of the role of each Member Council for the duration of the MOU, which includes (though is not limited to) the following:

- *Annually nominate a Council (Councillor or Staff member) delegate to be a member of the Pioneers' Pathway Advisory Group.*
- *Support the involvement of relevant Council staff in appropriate Pioneers' Pathway Advisory Group activities.*

At present, there are no Shire of Merredin Councillors delegated for this committee and the Central Wheatbelt Visitor Centre Manager attends these meetings as a staff representative.

Pioneers Pathway Advisory Committee	
	Nil
	Nil
	Shire of Dowerin Shire of Merredin Shire of Nungarin Shire of Toodyay Shire of Wyalkatchem Shire of Goomalling
	Four
	To have an effective independent body for the Member Councils that works collectively and must maximise the impact of its marketing resources (time, money and relationships) to better promote the Pioneers' Pathway Self Drive Trail
	3-4 times a year

Policy Implications

Nil

Statutory Implications

Nil

Strategic Implications

➤ **Strategic Community Plan**

Zone: Zone 2: Economy & Growth
 Zone Statement: Merredin seeks new opportunities for growth and strives to develop a rich and multifaceted economy
 Key Priority: 2.4 - Facilitating and strengthening the development of local and regional tourism
 2.5 - Continuing to work with key partners to promote digital and internet connectivity across the region

➤ **Corporate Business Plan**

Key Action: 2.4.2 Collaborate with tourism stakeholders to increase the tourism profile of Merredin and the wider region
Directorate: Community Services
Timeline: 18/19 – 21/22

Sustainability Implications

➤ **Strategic Resource Plan**

The Strategic Resource Plan includes Council's annual financial commitment to Pioneers' Pathway.

➤ **Workforce Plan**

Directorate: Community Services
Activity: Tourism Services
Current Staff: 2 FTE
Focus Area: 2.0 – Create a sustainable workplace with well-developed succession planning
Strategy Code: 2.1
Strategy: Encourage internal appointments
Implications: No further implications to existing Central Wheatbelt Visitor Centre (CWVC) resourcing. The CWVC Manager attends the Pioneers' Pathway Advisory Group – the Pioneer's Pathway project is a cross-regional initiative that needs to be undertaken independently.
Council may elect to nominate a representative to join the CWVC manager at future meetings.

Risk Implications

Without further investment the future of Pioneers' Pathway is at risk with the likelihood of removing the trail. With other competing trails within the Wheatbelt, the six participating Shires could experience further reduction in visitor numbers resulting in decreased economic and social benefits for each of the townships the trail passes.

Financial Implications

The signed execution of the MOU will require the Shire of Merredin to continue its ongoing annual financial contribution of \$3,500 for a minimum of 3 years, commencing 1 July 2020. This comprises \$1,500 per annum for Pioneers' Pathway Self Drive Trail Development and Marketing and \$2,000 per annum for the employment of personnel (Executive Officer) to assist the Pioneers' Pathway Advisory Group.

The PPAC Executive Officer advises that the \$3,500 financial contribution which was budgeted for as the Shire of Trayning's contribution to the MoU, will not impact the committee in an adverse manner. As outlined in the comment section of this report, there is now a larger pool of grant funding to be shared across each Shire.

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation

Moved: Cr

Seconded: Cr

ooooo That Council;

1. Notes the withdrawal of the Shire of Trayning from the MoU and supports the signing of the new Pioneers' Pathway MOU 2020-2023,
2. That, in accordance with Sections 5.10 and 5.11A of the Local Government Act 1995 and Section 5 clause 2 iii of the draft MoU, Councillor _____ be appointed as delegate to the Pioneers Pathway Advisory Committee, with all other Councillors appointed as Deputies.

Resolution

Moved: Cr McKenzie

Seconded: Cr Billing

82553 That Council;

1. Notes the withdrawal of the Shire of Trayning from the MoU and supports the signing of the new Pioneers' Pathway MOU 2020-2023,
2. That, in accordance with Sections 5.10 and 5.11A of the Local Government Act 1995 and Section 5 clause 2 iii of the draft MoU, Councillor Butler be appointed as delegate to the Pioneers Pathway Advisory Committee, with all other Councillors appointed as Deputies.

CARRIED 9/0

14.5 Postponement of Bush Fire Brigade Annual General Meeting and Appointment of Bush Fire Control Officer

Community Services



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

Purpose of Report



Executive Decision



Legislative Requirement

Background

Annual General Meeting

Pursuant to Section 3.6 of the *Shire of Merredin Bush Fire Brigades Local Law*,

‘Holding of annual general meeting;

A bush fire brigade is to hold its annual general meeting during the month of March each year’

Due to the unforeseen circumstances surrounding the 2020 COVID-19 pandemic, the annual general meeting (AGM) scheduled for 18 March 2020 was postponed. All bush fire control officers were advised via email correspondence on 18 March 2020 that:

*‘...after careful consideration, the Shire of Merredin is cancelling all non-essential meetings. As such, **today’s meeting has been cancelled.***

*In order to meet the relevant statutory requirements, we wish to confirm that **ALL** bush fire control officer positions **remain as they currently stand** until the AGM can be held. If you have any **objection** to this, please advise by **5.00pm, Thursday 19 March 2020**. If no response is received by then, this will be accepted as non-objection.*

As no objection was received, the existing office bearers have agreed that these positions will remain in place.

Appointment of Fire Control Officer

Pursuant to Section 38 of the Bush Fire Act 1954,

Local government may appoint bush fire control officer

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

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

Comment

Annual General Meeting

Following the postponing of the AGM, the Shire made contact with the Chief Bush Fire Control Officer as soon as staff were in a position to re-schedule a meeting. However, by this time the peak farming 'seeding' season had commenced in the local area. As such, staff have been advised that this meeting cannot practically take place prior to mid-June 2020. As a result, it is proposed that Council endorse a variation to Section 3.6 of the *Shire of Merredin Bush Fire Brigades Local Law* to permit the holding of the AGM to be postponed to Tuesday 23 June 2020, where the election of office bearers for the 2020/21 fire season will be determined amongst other AGM matters.

Appointment of Fire Control Officer

Ms Stacey Jaskiewicz was appointed as the Shire of Merredin Ranger in March 2020. The Ranger position requires active involvement in fire control and other emergency service duties.

Upon completion of appropriate training (i.e. Fire Control Officer Course being held by Department of Fire & Emergency Services [DFES], with the next available course currently scheduled for 15 August 2020), it is proposed that Council authorise Ms Jaskiewicz as a Fire Control Officer for the Shire of Merredin. Other training recommended by DFES includes the Bush Fire Safety Awareness (BSA) Course and Bush Fire Fighting Skills (BFS) course which are yet to be scheduled following the 2020 COVID-19 pandemic restrictions. These will be booked in as soon as available.

The appointment of Ms Jaskiewicz as a Fire Control Officer will ensure the employment of a paid fire control officer within the Shire's workforce.

Appointment of the Ranger as a Bush Fire Control Officer will also enable the officer to exercise various special powers under Section 39 of the *Bush Fire Act 1954* including to extinguish or prevent from spreading a bush fire; enter land, buildings or private property, issue permits to burn and take the necessary actions to ensure that fire breaks are maintained.

Policy Implications

Nil

Statutory Implications

Nil

Strategic Implications

➤ Strategic Community Plan

Zone: Zone 1:
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: 1.5 - Building resilience and the capacity to manage natural and man-made emergency events

➤ Corporate Business Plan

Key Action: 1.5.1 - Manage the operations of the Local Emergency Management Advisory Committee
1.5.2 - Support local emergency services
Directorate: Community Services
Timeline: Ongoing

Sustainability Implications

➤ Strategic Resource Plan

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

➤ Workforce Plan

Directorate: Community Services
Activity: Ranger Services
Current Staff: 1 FTE
Focus Area: 3.0 – Enhance the workplace safety culture
Strategy Code: 3.6
Strategy: Ensuring that all staff are adequately trained in workplace safety
Implications: No further implications to existing Ranger resourcing

Risk Implications

Annual General Meeting

With the peak fire season now over, the delay in the AGM will have minimal impact on the Shires risk framework.

Appointment of Fire Control Officer

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

Financial Implications

As a local government officer registered as a DFES volunteer, there will be no cost to the Shire for the Ms Jaskiewicz to undergo the necessary training through DFES. If a fire incident were to occur outside of normal business hours, and the Ranger, in their FCO position was required to attend the event, the time spent by the Ranger would be paid as 'over-time' or added to their 'time-in-lieu'.

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation

Moved: Cr

Seconded: Cr

ooooo That Council:

1. Note that due to the exigencies of the COVID-19 emergency the Annual General Meeting (AGM) of the Bush Fire Brigades was not held during March as required by the (*Shire of Merredin Bush Fire Brigades Local Law*) and that the AGM will be held prior to 30 June 2020.
2. That, in accordance with Sections 38(1) and 38(2A) of the Bush Fire Act 1954, appoint Ms Stacey Jaskiewicz as a fire control officer for the Shire of Merredin and give notice of the appointment by publishing it in a newspaper circulated in the district

The TCEO advised that he wished to withdraw Recommendation 2 in order to give further consideration to necessary training.

Resolution

Moved: Cr Van Der Merwe

Seconded: Cr Boehme

82554 That Council:

1. Note that due to the exigencies of the COVID-19 emergency the Annual General Meeting (AGM) of the Bush Fire Brigades was not held during March as required by the (*Shire of Merredin Bush Fire Brigades Local Law*) and that the AGM will be held prior to 30 June 2020.

CARRIED 9/0

Councillors Butler and Patroni declared and impartiality interest in this item 14.6

14.6 Community Funding Application for 2020/21 Budget Consideration

<h2>Community Services</h2>		
Responsible Officer:	Andrina Prnich, DCEO	
Author:	Andrina Prnich, DCEO	
Legislation:	<i>Local Government Act 1995</i>	
File Reference:	2020/21 Budget	
Disclosure of Interest:	Nil	
Attachments:	Attachment 14.6A – Applications Received Attachment 14.6B – Evaluation Table	

Purpose of Report



Executive Decision



Legislative Requirement

Background

Council adopted Policy 3.19 – Community Funding at its March 2012 meeting (CMRef 30277) which coordinates Council’s response to community requests for financial support. It also ensures that Shire funding resources are allocated in a way that is transparent, compliant, equitable and that funded projects further the aims and objectives of the Shire and represent responsible use of public monies.

The aims of the Shire of Merredin’s Community Funding Program are:

1. to encourage the development of services, facilities and events that meet identified community needs;
2. to promote active participation of local residents in community initiatives and the development of skills, knowledge and opportunities;
3. to provide assistance to the community to develop initiatives and services that support the Shire of Merredin’s own objectives; and
4. to enhance the image of the Shire of Merredin within the community.

The following groups are eligible for funding support:

1. incorporated non-for-profit organisations based within the Shire of Merredin;

2. incorporated non-for-profit organisations undertaking projects for the benefit of the Shire of Merredin’s residents and whose primary aim is the improvement of the quality of life of the community; and
3. non-incorporated community groups under the auspices of an incorporated organisation.

	Comment
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The Shire advertised in the Phoenix Community Newspaper (28th February and 13th March 2020 editions) for expressions of interest from not-for-profit, incorporated community groups and organisations with project and program needs which will be considered by Council when developing the 2020/21 Budget. The following applications were received. A detailed summary is included as Attachment 14.6B;

Organisation	Project	Amount Requested \$	Recommended Support \$
Avon Community Services	School Holiday Program for youth of Merredin, are particularly for those at risk. <ul style="list-style-type: none"> - Opportunity to leave their potentially unsafe homes and socialise in a safe environment. - 25-30 youth to attend the various activities 	\$2,108	\$2,108
Merredin Community Resource Centre	Hosting of three community events: <ul style="list-style-type: none"> - Seniors Luncheon, - Australia Day Breakfast, - Thank a Volunteer event. 	\$6,308	\$6,308
Merredin SES	GPS Upgrade for Vehicle Navigation equipment: <ul style="list-style-type: none"> - Adding to the handheld / Field Navigation capabilities. - Calls are not restricted to Shire of Merredin but go as far as Shires of Dalwallinu and across the Wheatbelt. 	\$4,011	\$4,011

Wheatbelt Agcare Community Support Services Inc	<ul style="list-style-type: none"> - Rural Family Counselling Services: - Provide free, confidential mobile Family Counselling to individuals, couples and families experiencing challenging and/or stressful situations - Current client list is approximately 80 with up to 160 clients counselled annually 	\$1,000	\$1,000
TOTAL		\$13,427	\$13,427

Policy Implications

The consideration of these submissions are under the guidance of Council Policy 3.19 – Community Funding.

Statutory Implications

As outlined in the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996* with regards to the Draft 2020/21 Budget. Council Policy 3.19 – Community Funding applies to this process. All submissions require to be incorporated bodies or “auspicing” under an incorporated association.

Strategic Implications

➤ **Strategic Community Plan**

Zone: Community & Cultural
 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: 1.6 – Supporting and strengthening community groups, organisations and volunteers.

➤ **Corporate Business Plan**

Key Action: 1.6.1 – Support community groups to deliver activities and services to the community effectively and sustainably.
 1.6.2 – Support community groups that recognise and celebrate positive community achievements.
 Directorate: Community Services
 Timeline: 2020/21 Budget timeframe

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 minimal risk to the Shire. If the submissions are not considered there is a risk that the outlined events may not progress unless the organisations can identify another source of financial assistance.

Financial Implications

In the 2019/20 financial year the amount of \$31,617 of cash and in-kind community grant funding was endorsed by Council. Therefore, the proposed amount for the 2020/21 year has decreased by \$18,190. This decrease is likely due to a number of organisations being unable to respond to the application process in a timely manner as a result of COVID-19. With more pressing matter at hand for most organisations, particularly at a time when several of the events were only days away from being held, the drop in submissions are a reflection of this unprecedented event.

Two significant events that were to be held within the COVID-19 restriction period were the Merredin Show and Song Fest. Requests were made by each representing organisation for the funds allocated to these events be 'carried over' to the 20/21 financial year. There are a number of other events that the Shire would have typically expected submissions for. Several of these activities will be attracting tourism, economic growth for local and regional business to the region along with promoting Merredin as a place to visit across a variety of spectrums. Coming out of the 2020 COVID-19 Pandemic, there will be greater emphasis to find opportunities for such activities which stimulate the local economy.

In response to the decrease in submissions over the latest round of submissions, it is recommended that empathetic consideration be given for the undue strain caused to various organisations during this time. In addition to this, Council may also wish to consider seeking community driven opportunities to stimulate the local economy, encourage tourism and the development of community resilience

15. Officer's Reports – Administration

15.1 Appointment of Temporary CEO as Shire Representative WEROC and CEACA

Administration



Responsible Officer:

Mark Dacombe, TCEO

Author:

Mark Dacombe, TCEO

Legislation:

Section 5.10 Local Government Act 1995

File Reference:

Disclosure of Interest:

Nil

Attachments:

Nil

Purpose of Report

Executive Decision

Legislative Requirement

Background

The Shire of Merredin as a member is entitled to appoint delegates to WEROC Inc and Central East Aged Care Alliance Inc (CEACA). In October 2019 the following appointments were made:

WEROC Inc

Delegate: Councillor Flockart

Delegate: Mr Greg Powell

Central East Aged Care Alliance Inc (CEACA)

Delegate: Councillor Flockart

Deputy: Mr Greg Powell

Comment

With the retirement of Mr Greg Powell and the appointment of a Temporary CEO it is important to maintain continuity of representation on these organisations. To this end it is proposed that Temporary CEO Mark Dacombe be appointed to replace Mr Greg Powell as a delegate to WEROC Inc and the Deputy Delegate to CEACA Inc

Policy Implications

This proposal is consistent with Council Policy 1.9 Election of Committees and Representatives.

Statutory Implications

There are no statutory implications.

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

N/A

➤ Workforce Plan

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

Risk Implications

Should the Council not fill the vacancies created by the retirement of the former CEO the Council will not have the full representation it is entitled to on each of these two organisations.

Financial Implications

Nil

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Patroni

Seconded: Cr McKenzie

82556 That in accordance with Sections 5.10 and 5.11A of the *Local Government Act 1995* Mr Mark Dacombe be appointed as:

- 1) a delegate to the Wheatbelt East Regional Organisation of Councils Inc.
- 2) the Deputy delegate to the Central East Aged Care Alliance (CEACA).

CARRIED 9/0

15.2 Policy Manual Review – Policy 1.19 - Public Question Time

Administration



Responsible Officer:	Mark Dacombe, TCEO
Author:	Melissa Ivanetz EA to CEO
Legislation:	<i>Local Government Act 1995</i>
File Reference:	Policy Manual
Disclosure of Interest:	Nil
Attachments:	Attachment 15.2A – Policy 1.19 Public Question Time

Purpose of Report



Executive Decision



Legislative Requirement

Background

Public Question Time is governed by the Local Government Act 1995 and the Local Government (Administration) Regulations 1996. A recent amendment to the Regulations provides for electronic meetings to be held in the event of a civil emergency or a public health emergency. In these cases the Council is to determine how questions are to be received and dealt with at the meeting.

Comment

In response to the requirement to address the issue of Public Question Time in the event of emergencies officers have determined that a policy providing a clear process for the submission of and responding to questions would provide certainty for the public. Accordingly, the attached policy has been developed for the purpose. Once adopted it will be added to the Shire website with appropriate forms to facilitate the submission of questions.

Policy Implications

This is a new policy that will provide a clear description of the procedure for members of the public to submit questions and receive answers from the Council.

Statutory Implications

Section 5.24 Local Government Act 1995

1. Time is to be allocated for questions to be raised by members of the public and responded to at:
 - (a) every ordinary meeting of council; and
 - (b) such other meeting of councils of committees as may be prescribed.
2. Procedures and the minimum time to be allocated for the asking of and responding to questions raised by members of the public at council or committee meeting are to be in accordance with regulations.

Local Government (Administration) Regulation 6 provides that the minimum length of time for asking of and responding to questions for ordinary council meetings is 15 minutes. The Shire of Merredin Standing Orders Local Law provides that time for asking of and responding to questions is included at every council and committee meeting.

Local Government (Administration) Regulation 7 provides that the procedures for the asking of and responding to questions raised by members of the public at a meeting of Council or one of its committees are to be determined by the person presiding at the meeting or by a majority of members of the council or committee present at the meeting if they disagree with the person presiding.

Local Government (Administration) Regulation 14E(4) provides that where a council holds an electronic meeting the procedure for public question time is modified so that the council or committee allocates time for raising questions by members of the public that are submitted in accordance with a process determined by the council.

Strategic Implications

➤ Strategic Community Plan

Zone: 4

Zone Statement: Merredin Council engages with its Community and leads by example

Key Priority: Council engaging broadly and proactively in the community.

➤ Corporate Business Plan

Key Action:

Directorate:

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

Nil

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Boehme

Seconded: Cr Butler

82557 That policy 1.19 – Public Question Time be adopted as follows:

Objective

Public Question Time is a means by which members of the public can seek responses from the Council or one of its committees about issues affecting the Shire of Merredin that are of concern to them. It assists the public to be better informed about the governing of their district and it provides the local government with a mechanism to identify issues of importance in the community.

Local Government (Administration) Regulation 6 provides that the minimum length of time for asking of and responding to questions for ordinary council meetings is 15 minutes. The Shire of Merredin Standing Orders Local Law provides that time for asking of and responding to questions is included at every council and committee meeting.

Local Government (Administration) Regulation 7 provides that the procedures for the asking of and responding to questions raised by members of the public at a meeting of Council or one of its committees are to be determined by the person presiding at the

meeting or by a majority of members of the council or committee present at the meeting if they disagree with the person presiding.

Local Government (Administration) Regulation 14E(4) provides that where a council holds an electronic meeting the procedure for public question time is modified so that the council or committee allocates time for raising questions by members of the public that are submitted in accordance with a process determined by the council.

The implementation procedures detailed in this policy have been prepared in accordance with the applicable Regulations.

Policy

1. Time Frame

Council or one of its committees may close public question time prior to the expiry of 15 minutes if there are insufficient questions to occupy that time.

The extension of question time beyond the minimum time is at the discretion of the Presiding Person

2. Prior to the Meeting

Members of the public shall be requested to register their intention to ask a question by submitting the online form available on the Shire of Merredin website, or completing the form provided in the Council Chambers (for Council meetings) or the relevant Committee Room (for committee meetings).

3. During the Meeting

(a) The Presiding Person will open Public Question Time with a brief statement of the procedures including:

- the period of time set aside for question time;**
- the requirement to address all questions to the Presiding Person;**
- the request to provide in writing a person's name, address, and details of question(s) generally in the form specified in Parts 1 and 2 attached;**
- the availability of the written procedures in the Council Chambers or Committee Room;**
- people will be called to ask their question in the order they have registered;**
- any person who has not registered will be given an**

- opportunity to ask a question after those who have registered;**
 - **each person is initially allowed to ask no more than two questions or four minutes total time to ensure an equal and fair opportunity is provided to all persons wishing to address Council or the committee;**
 - **the right of each person, if they have further questions, to return to the end of the queue.**
- (b) The Presiding Person will then request people to come forward in the order they registered. At this time a person is required to:**
- **state their name and address; and**
 - **present their question.**
- (c) If a person has several questions, or has a question that is lengthy or complex, and has not provided such in writing on the form specified in Parts 1 and 2 attached, he or she will be requested to write any question(s) down and hand them to the Chief Executive Officer or his nominee to ensure an accurate summary of the question(s) can be included in the minutes of the meeting.**
- (d) The Presiding Person then determines who is to respond to the question. The Presiding Person may:**
- **respond personally to the question asked**
 - **refer the question to another member for a response;**
 - **refer the question to an employee (through the CEO) for a response;**
 - **choose to take the question on notice; or**
 - **choose not to accept the question.**
- (f) If a question relating to a matter in which a relevant person (a member or an employee) has an interest is directed to that relevant person, he or she will:**
- **declare that he or she has an interest in the matter; and**
 - **allow another person to respond to the question.**
- (g) If a person has used up their allowed number of questions or time the Presiding Person will ask if they**

have any more questions; if they do their request will be noted and placed at the end of the queue (if applicable) and they will be asked to resume their seat in the public gallery.

- (h) The next person on the list is called.**
- (i) The original registration list is worked through until exhausted; after that the Presiding Person will call upon any other persons who did not register if they have a question (e.g. people might have arrived after the meeting started).**
- (j) When such people have asked their questions the Presiding Person may, if time permits, provide an opportunity for those who have already asked a question to ask further questions.**
- (k) The Presiding Person declares Public Question Time closed following the expiration of the allocated time period or where there are no further questions. However, the Presiding Person has the discretion to allow more than the minimum time for questions if required.**

4. Following the Meeting

Council and its committees are required to include a summary of the questions asked and responses given in the minutes of the meeting. If a person asked a question that needed to be taken on notice, he or she will receive a written response to the question where the person has provided contact details. This response will be included in the minutes of the following meeting.

5. Who can ask Questions?

Any member of the public can ask questions, not just an elector or people who live in the district.

Elected members do not ask questions during Public Question Time as they have other opportunities to obtain information.

6. What Kind of Questions can be Asked?

During an ordinary meeting of Council, any questions affecting the operations of the Shire may be asked, including the business listed on the agenda for a particular meeting. A response will not be provided to questions that do not relate to a matter affecting the Shire.

During a special meeting of Council only questions relating to the purpose of the meeting may be asked.

At committee meetings only questions relating to the purpose of the committee or meeting may be asked.

7. Repetitive Questions

If a person attempts to ask a question that, in the Presiding Person's opinion, has been satisfactorily responded to at that or an earlier meeting, the person will be advised accordingly. Where necessary, the person will be referred to the minutes of the relevant meeting.

8. Making Statements

If a person attempts to use question time to make statements rather than ask questions, he or she will be asked by the Presiding Person to "state their question" or may be assisted in phrasing their question.

However, if it is necessary that a statement preface the question in order to place the question in context then that statement should be brief.

9. Questions Requiring Considerable Research

If a question is raised which requires considerable research, then the Presiding Person is at liberty to point out when a response to a question would require a substantial commitment of the Shire's resources.

The Presiding Person may invite the person seeking the information to reconsider their request or refer the matter to the CEO for action following the meeting. The CEO can then arrange for the information to be provided or can determine in accordance with the Local Government Act 1995 that provision of the information would be an unreasonable impost upon the Shire and refuse to provide it.

10. Inappropriate Questions

If a member of the public provides a written question or attempts to ask a question which is considered to be offensive or defamatory in nature, he or she will be advised by the Presiding Person that the question will not be considered. To do so would expose the Shire to possible legal action for republishing defamatory remarks. In such circumstances, but depending on the question, the person may be invited to rephrase their question.

Similarly, the Presiding Person will refuse to accept inappropriate questions, such as those containing defamatory remarks, offensive language or questioning the competency of members or employees.

If a person does attempt to ask a question considered inappropriate or not in good faith, the Presiding Person will rule the question out of order, and it will not be recorded in the minutes.

The Presiding Person will also refuse to accept questions that relate to the personal affairs or actions of council members or employees.

Finally, the Presiding Person may refuse to accept questions relating to confidential matters, legal advice, legal proceedings or other legal processes; or that have been answered by earlier questions or questions at a previous meeting.

11. Questions Asked in Absentia

Where a person submits a question in writing for Public Question Time but fails to attend the meeting, the Presiding Person will not accept the question. In such cases the CEO will treat the question as an item of correspondence, which will be answered in the normal course of business of the organisation. It will not be recorded in the minutes.

12. Questions Asked that do not Comply with Procedures

Questions from members of the public that do not comply with these procedures or do not abide by a ruling of the Presiding Person, or where the member of the public behaves in a manner that is disrespectful of the Presiding Person, Council or committee, or refuse to abide by any direction from the Presiding Person, will be ruled 'out of order', and the question will not be recorded in the minutes.

13. Questions at Electronic Meetings

Where an electronic meeting is held the procedures outlined in this policy are amended to provide as follows:

Members of the public are invited to submit questions for Public Question Time by 2.00pm on the day of the Council meeting.

If the council or committee determines at the meeting to respond to the question, the question and answer will be read aloud during the 15-minute allocated time for Public Question Time, and these will also be recorded in the Council Minutes.

If these questions cannot be readily answered at or during the meeting, the council will take the question on notice and respond either by letter or at the next council meeting.

The Council may decide at the meeting in the event of a public health emergency, state of emergency or direction issued under the Public Health Act 2016 or the Emergency Management Act 2005, it is not appropriate to respond to the question at the meeting.

CARRIED 9/o

15.3 Electronic Meetings and Additional Briefings

Administration



Responsible Officer:	Mark Dacombe TCEO
Author:	Mark Dacombe TCEO
Legislation:	<i>Local Government Act 1995</i>
File Reference:	
Disclosure of Interest:	Nil
Attachments:	Attachment 15.3A - Letter Hon David Templeman MLA

Purpose of Report



Executive Decision



Legislative Requirement

Background

At the Special Council meeting held on 2 April 2020 the Council resolved by Minute Nr 82531 to:

1. Hold the Ordinary Council meetings scheduled for April and May by video conference in accordance with Regulation 14D and 14E of the Local Government (Administration) Regulations 1996;
2. ...
3. Hold additional briefings on 7 April, 28 April, 5 May (12 May) and 26 May at 5.30pm to enable Councillors to be regularly updated on progress with the COVID-19 emergency and recovery.
4. Review the means of conducting future Council meetings and the need for weekly briefings at the May Ordinary Council Meeting;
5. ...

Comment

Now that the restrictions are being eased Local Governments are being encouraged by the State Government to return to in-person Council meetings and to open facilities where social distancing requirements can be made.

Council staff are now planning the safe reopening of facilities which in most cases require "COVID-19 Safety Plans" to be put into place.

It is proposed that the Council revert to in-person meetings from the Ordinary Council Meeting to be held on 16 June 2020.

The additional briefings were decided upon to enable Councillors to be regularly updated on progress with the COVID-19 emergency and recovery. Over the next few weeks we will also be focused on the strategic review and the budget.

It is proposed therefore to continue the weekly briefings on a Tuesday from 5.30 pm finishing no later than 7.30 pm to provide a manageable program for Councillors whilst covering the range of material that will require input and guidance. Briefings from and including 26 May are proposed to be held in-person.

Policy Implications

None identified.

Statutory Implications

The proposals contained in this report are consistent with the provisions of the *Local Government Act 1995 and Regulations*

Strategic Implications

➤ Strategic Community Plan

Zone: 4 Communication and Leadership
Zone Statement: 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: N/A
Directorate: N/A
Timeline: N/A

Sustainability Implications

➤ Strategic Resource Plan

N/A

➤ Workforce Plan

Directorate: Chief Executive Officer

Risk Implications

Reverting to in-person meetings carries some risk of exposure to COVID-19 to Councillors, staff and members of the public. This risk will be mitigated by the application of social distancing requirements.

Financial Implications

Nil

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation

Moved: Cr

Seconded: Cr

ooooo That Council:

1. Hold the Ordinary Council meeting scheduled for 4.00pm on 16 June 2020 and subsequent 2020 Council meetings in person in the Council Chambers, Corner King and Barrack Streets, Merredin.
2. Continue to hold weekly briefings on Tuesdays at 5.30 pm with the exception of the briefing held prior to the monthly Council meeting which will commence at 2.00pm. The need for the weekly briefing sessions be reviewed at the June Ordinary Meeting.

Resolution

Moved: Cr Boehme

Seconded: Cr Manning

82558 That Council:

1. Hold the Ordinary Council meeting scheduled for 4.00pm on 16 June 2020 and subsequent 2020 Council meetings in person in the Council Chambers, Corner King and Barrack Streets, Merredin. Unless in the opinion of the Shire President and TCEO the meeting should be held by video conference.
2. Continue to hold weekly briefings on Tuesdays at 5.30 pm with the exception of the briefing held prior to the monthly Council meeting which will commence at 2.00pm. The need for the weekly briefing sessions be reviewed at the June Ordinary Meeting.

CARRIED 9/0

Councillors Butler and Patroni declared an impartiality interest in item 15.4

15.4 Lot 200 Barrack Street, Merredin Community Resource Centre – Review of Existing Lease Agreements

Administration



Responsible Officer:	Mark Dacombe, TCEO
Author:	Mark Dacombe, TCEO
Legislation:	<i>Local Government Act 1995</i>
File Reference:	L/47L/63
Disclosure of Interest:	Nil
Attachments:	Nil

Purpose of Report



Executive Decision



Legislative Requirement

Background

At the November 2019 Ordinary Council Meeting the Council considered a request by the Merredin Community Resource Centre (MCRC) to review the rental terms of the existing Lease agreements in place between the MCRC and the Shire of Merredin.

The Council resolved:

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

The matter was not further considered at the December 2019 meeting as officers were undertaking further work and research on the matter. A further delay was occasioned by changes in the Acting CEO position and subsequently the COVID-19 emergency.

There are three leases at issue:

- i) Lease 47 – Merredin CRC – formerly the Old Council Chambers Building – expired 29 February 2020 with a further five-year term commencing on 1 March 2020.

Rental provisions for this lease are:

No rental applicable for the first term but a minimum of \$60,000 being expended on refurbishment of the building over the term or a sum that ensures refurbishment to the satisfaction of Council and that a rental on a

sliding scale apply to the further term of five years to ensure 100% of a commercial rent is paid in the final year.

ii) Lease 63 – Merredin CRC – Women’s Rest Centre expired 29 February 2020 with provision for a further five-year term commencing on 1 March 2020. Rental provisions for this lease are:

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

iii) Lease 47 – Merredin CRC – portion of the Old Council Chambers Building previously leased to the Wheatbelt Development Commission – expired 29 February 2020,

with provision for a further five-year term commencing on 1 March 2020. Rental provisions for this lease are:

\$43.33 per month payable monthly in advance, with the first payment due on the commencement date. With a rental on a sliding scale applying to the further term of five years to ensure 100% of a commercial rent is paid in the final year.

Comment

In seeking a review of the rental terms, the MCRC management committee made the following submission:

- The MCRC has contributed via significant expenditure of funds on upgrades to the Old Council Chambers Building;
- Important role played by MCRC in community advocacy and provision of services for people of Merredin and the surrounding community;
- Cost benefits of the MCRC role that would otherwise be expected to be provided by the Shire of Merredin or be left unfilled with resulting impacts on the community; and
- The fact that other lease agreements between the Shire and other not for profit groups are based on a minimal rental of \$520 per year.

In November 2019 the Council was provided with the following indicative figures obtained from a Licensed Valuer:

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

To apply the current lease rental provisions, the Council would need to obtain a formal valuation for the properties in question.

COVID-19 Emergency

The impact of COVID-19 has created a range of uncertainties and needs including:

- Demand for CRC services
- Role of the Shire in recovery
- Impact on Shire rates and other revenue
- Impact on commercial property market

It is certain that the recovery and regeneration phases of the situation will require an integrated, multi-sector approach. The value of the partnership between the Shire and the MCRC, along with other parties, has been demonstrated through the initial emergency management phase and the nature of these relationships is likely to develop further through the next phases.

It is noted that on 8 May 2020 the Minister for Primary Industries and Regional Development announced that in the light of the COVID-19 emergency the state government would renew all CRC contracts until 30 June 2022 and that officials would be working on developing the contract model to apply 1 July 2022 until 30 June 2027.

To “allow the dust to settle “, and for the issues to be re-evaluated it is proposed to allow a rent holiday for the period 1 March 2020 to 30 September 2020. During this period it is proposed that the MCRC pay the minimum rental for not for profit groups.

Policy Implications

Council of the day policy is reflected in the rental provisions of the leases. It is open to the Council to review that in the light of current circumstances.

Statutory Implications

There are no statutory implications.

Strategic Implications

➤ **Strategic Community Plan**

Zone:2 Economy and Growth

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

Key Priority: 2.3 Supporting initiatives from local businesses for growth

➤ **Corporate Business Plan**

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

Directorate: Development Services

Timeline: Ongoing

Sustainability Implications

➤ **Strategic Resource Plan**

Nil

➤ **Workforce Plan**

Directorate: Chief Executive Officer

Risk Implications

The key risk is that 30 September will arrive and that no progress has been made on a permanent solution on any rental (or other conditions) payable. It is proposed that this risk is mitigated by requesting the Chief Executive Officer to put in place a process to develop the on-going relationship with the MCRC and resolve the rental issue prior to 30 September 2020.

Financial Implications

By allowing the proposed rental holiday based on the indicative figures contained in this report the Council will forego \$3,722 during the period in question. This income had not been budgeted for.

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Van Der Merwe

Seconded: Cr Willis

82559 **That the Council:**

1. Note that Leases 47 and 63 expired on 29 February 2020 and that these have rolled over into a new lease period with new terms and conditions for rental;
2. Note that the Merredin Community Resources Centre has asked that the new rent terms be reviewed and reduced;
3. Note that the operating and economic environments have changed significantly since the original lease agreements were executed;
4. Agree to a rent holiday from 1 March 2020 until 30 September 2020 during which the Merredin Community Resource Centre will pay a nominal rental of \$520 pa for each of Lease 47 and 63
5. Request the Chief Executive Officer to develop the on-going relationship with the Merredin Community Resource Centre including addressing the rental arrangements to apply 1 October 2020 to 28 February 2025.

CARRIED 9/0

15.5 Central Eastern Aged Care Alliance (CEACA)

Administration



Responsible Officer:	Mark Dacombe TCEO
Author:	Mark Dacombe TCEO
Legislation:	<i>Local Government Act 1995</i>
File Reference:	CS/16/20
Disclosure of Interest:	Nil
Attachments:	Attachment 15.5A - Minutes of CEACA Management Committee 2 October 2019

Purpose of Report



Executive Decision



Legislative Requirement

Background

At its October 2019 Ordinary Meeting the Council received the minutes of the meeting of the CEACA Management Committee held on 2 October 2020. At that meeting the Committee resolved to seek a variation to the original Funding Assistance Agreement (FAA) to provide for 71 houses to be built to be reduced from 72. The reduction of one house was reflected in four being built in the Shire of Koorda rather than five. This resulted from a reduction in the funds available from the State Government.

The 71 houses have been built.

Comment

The reduction in the number of houses to be built has been agreed with the responsible officer at the Department of Primary Industries and Regional Development and to finalise their process for final approval, consent from the Shire of Merredin is required as signatory to the FAA. After this adjustment has been made there will be approximately \$200,000 of State funds remaining and the CEACA Management Committee has proposed to the Department that this be invested in solar energy infrastructure.

Policy Implications

There are no policy implications.

Statutory Implications

There are no Statutory implications.

Strategic Implications

➤ Strategic Community Plan

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

➤ Corporate Business Plan

Key Action:4.4.1 Maximise advocacy benefits with membership of Great Eastern Country Zone, Wheatbelt East Regional Organisation of Councils, Western Australian Local Government Association of CEACA.
Directorate: Office of the CEO
Timeline: Ongoing

Sustainability Implications

➤ Strategic Resource Plan

Nil

➤ Workforce Plan

Directorate: Chief executive Officer
Activity: Nil
Current Staff: Nil
Focus Area: Nil
Strategy Code: Nil
Strategy: Nil
Implications: Nil

Risk Implications

There are no identified risks from agreeing to this request.

Financial Implications

Council holds funds on behalf of CEACA and as the project is completed these will be expended with any surplus being transferred to CEACA as at 30 June. There are no direct financial implications of the Shire agreeing to this request.

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr McKenzie

Seconded: Cr Butler

82560 That the Council request the Department of Primary Industries and Regional Development to amend the CEACA Financial Assistance Agreement to provide for the building of 71 houses instead of 72.

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

Nil

19. Matters Behind Closed Doors

Nil

20. Closure

The Presiding Member checked with each attendee and confirmed that all attendees remained connected and in attendance for the duration of the electronic meeting, with the following in attendance.

Cr MD Willis

Cr RA Billing

Cr LN Boehme

Cr AR Butler

Cr RM Manning

Cr MJ McKenzie

Cr PR Patroni

Cr PM Van Der Merwe

There being no further business the President then thanked those in attendance and declared the meeting closed at 5.33pm

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