

SHIRE OF
MERREDIN
INNOVATING THE WHEATBELT

MINUTES

Ordinary Council Meeting

Held in Council Chambers
Corner King & Barrack Street's, Merredin
Tuesday, 22 August 2023
Commencing 4.00pm



Common Acronyms Used in this Document

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



August Ordinary Council Meeting

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Shire of Merredin
Ordinary Council Meeting
4:00pm Tuesday, 22 August 2023



1. Official Opening

The Deputy President acknowledged the Traditional Owners of the land on which we meet today, and paid her respects to Elders past, present and emerging. The Deputy President then welcomed those in attendance and declared the meeting open at 4:00pm.

2. Record of Attendance / Apologies and Leave of Absence

Councillors:

Cr D Crook	Deputy President
Cr R Billing	
Cr J Flockart	
Cr R Manning	
Cr M Simmonds	Via Zoom
Cr P Patroni	
Cr P Van Der Merwe	

Staff:

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

Members of the Public:

Apologies: Cr M McKenzie

Approved Leave of Absence:

Cr Simmonds attendance via Zoom was approved by the Shire President in advance in accordance with Regulation 14C.2(b) of the Local Government (Administration) Amendment Regulations 2022.

3. Public Question Time

Nil

4. Disclosure of Interest

Cr Billing declared a Proximity Interest in Item 12.2.

5. Applications for Leave of Absence

Voting Requirements



Simple Majority



Absolute Majority

Resolution

Moved: Cr Patroni

Seconded: Cr Billing

83208

That Councillor Crook be granted Leave of Absence for the September Ordinary Council Meeting 2023.

CARRIED 6/0

6. Petitions and Presentations

Nil

7. Confirmation of Minutes of Previous Meetings

7.1 Ordinary Council Meeting held on 18 July 2023

Attachment 7.1A

7.2 Special Council Meeting held 1 August 2023

Attachment 7.2A

Voting Requirements



Simple Majority



Absolute Majority

Resolution

Moved: Cr Billing

Seconded: Cr Flockart

83209

That the following Minutes be confirmed as true and accurate records of proceedings:

1. Ordinary Council Meeting held on 18 July 2023; and
2. Special Council Meeting held on 1 August 2023.

CARRIED 7/0

8. Announcements by the Person Presiding without Discussion

Nil

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

20.1 MRCLC – Tender Evaluation

20.2 Rates and Charges Write-off

10. Receipt of Minutes of Meetings

- 10.1 Minutes of the Eastern Wheatbelt Biosecurity Group Board Meeting held 12 June 2023.
Attachment 10.1A
- 10.2 Minutes of the Rural Water Council of WA Annual General Meeting held on 11 April 2023.
Attachment 10.2A (CONFIDENTIAL)

Voting Requirements



Simple Majority



Absolute Majority

Resolution

Moved: Cr Manning

Seconded: Cr Patroni

That Council;

83210

1. RECEIVE the minutes of the Eastern Wheatbelt Biosecurity Group Board Meeting held 12 June 2023; and
2. RECEIVE the minutes of the Rural Water Council of WA Annual General Meeting held on 11 April 2023.

CARRIED 7/0

11. Recommendations from Committee Meetings for Council Consideration

Nil

12. Officer's Reports – Development Services

12.1 Lot 4 (No 32) Cohn Street Merredin - Development Application for an Oversized Domestic Shed

<h2>Development Services</h2>		
Responsible Officer:	Peter Zenni, EMDS	
Author:	As above	
Legislation:	<i>Planning and Development Act 2005</i> Shire of Merredin Policy Manual, Policy 8.22 – Outbuildings in Residential Areas. Residential Design Codes	
File Reference:	A610	
Disclosure of Interest:	Nil	
Attachments:	Attachment 12.1A - Application for development approval and supporting documentation (CONFIDENTIAL)	

Purpose of Report



Executive Decision



Legislative Requirement

To recommend Council grant development (planning) approval for the construction of an oversized domestic shed on Lot 4 (No. 32) Cohn Street, Merredin.

Background

The Shire of Merredin (the Shire) has received an application for a development (planning) approval for an oversized domestic shed on Lot 4 (No. 32) Cohn Street, Merredin.

Comment

The owner of Lot 4 (No. 32) Cohn Street, Merredin wishes to construct an oversized domestic shed on the premises to store his caravan as well as various passenger vehicles which form part of his personal activities. The proposed oversized domestic shed will also be used for hobbies associated with metal machining and vehicle restoration projects.

Lot 4 (No. 32) Cohn Street, Merredin is zoned "Residential" under the Shire of Merredin Local Planning Scheme No. 6 (LPS).

The proposed oversized domestic shed will have an area of 300m² and a maximum height at the top of the ridge of 5.5m

Policy 8.22 – Outbuildings in Residential Areas permits the Shire’s Executive Manager of Development Services (EMDS) 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 single outbuilding area of 157m². The Policy also stipulates a maximum ridge height of 4.5m.

As such the EMDS does not possess delegated authority to approve the application and therefore the matter has been referred to Council for its consideration.

The objectives of 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.”

Council has previously approved the construction of oversized sheds and other outbuildings in residential areas within Merredin, including using its discretion to approve an oversized shed on a standard residential block that had a maximum wall height of 4.0m and maximum ridge height of 4.879m. Council has also approved an oversized outbuilding with an area of 400m² on one of the Residential blocks in the Whitfield Way subdivisions.

Any oversized building has the potential to detract from the streetscape and Council’s decision to support or not support the proposed development should be guided by previous Council decisions (precedent), the provisions of its Policies, as well as feedback from adjoining property owners who may be affected by the development.

The proposed oversized domestic shed will be located at the rear of the property behind the existing house. Lot 4 (No. 32) Cohn Street, Merredin is a larger residential block, being 5070m² in area. The immediately adjoining properties also consist of larger residential blocks and the land directly opposite Lot 4 (No. 32) Cohn Street forms part of Tamma Parkland which is unlikely to be developed. All of these circumstances contribute to minimising any visual impact on the amenity of the surrounding area that may otherwise be the case in an area consisting of standard quarter acre residential blocks.

It should also be noted that although the single maximum area of outbuilding and maximum height criteria will exceed the provisions of Policy 8.22, the proposed shed will still comply with the minimum open space provisions of the Residential Design Codes.

The applicant in support of the application has provided the following information:

The reasons for the need to build and oversized shed are as follows;

“Storage of 2 caravans, one that is mine and the other my father in laws, my van a semi off road with considerable height and length.

Storage of camper trailer I own.

Storage of six cars I own, some of which are for future restoration projects and others to maintain current condition.

Storage of 3 more classic cars I intend to purchase on completion of shed as an investment for the future and to travel to car shows/events. I have approached the current owner of these vehicles but have nowhere to store them at present under cover and as they are in excellent condition cannot be stored outside. I intend to install at least one hoist in the shed to increase storage room, one car on the hoist and another under it, which is one of the reasons I need extra height.

Storage of Chamberlin 9G tractor I have inherited from my late father and intend to restore in the future.

Storage of a car trailer and a closed in trailer I own.

Storage of a Mercedes Benz bus that I own that I intend to convert into a mobile accommodation/tow vehicle to tow my cars to events. The bus is almost 4m high to the top of the air conditioner so I need a 4,1m high opening to fit in the shed which results in a 5.5m high ridge at 7-degree roof pitch.

My day-to-day work life has changed in the last two years and I now work four hours a day five days a week, this has had a negative effect on my mental health and I have identified that I need to fill the gap in my days. I have many skills that I have not been utilising so I have decided to put them to use and pursue my passion of cars for future investment and my own wellbeing. I have worked on cars, built sheds, patios, painted, fixed and made things all my life and have enjoyed a tremendous self-worth doing these things, so its time to enjoy my hobbies again.”

Regulation 61 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, exempt development relating to the construction of an outbuilding (shed) in a residential area providing the outbuilding is not in a heritage protected place and the works comply with the deemed-to-comply provisions of the R-Codes. The proposed development is not in a heritage protected place.

The deemed-to-comply provisions relating to outbuildings specify among other things a ridge height that does not exceed 4.2m. As the ridge height for the proposed shed will be 5.5m there is an automatic requirement for an application for development approval to be lodged with the Shire.

It should be noted that exceedance of the deemed-to-comply provisions of the R-Codes is in itself not a justification for refusing a development application. It simply requires that Council formally consider the application as a development matter and gives Council the ability to seek formal submissions on the application for development approval.

Regulation 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, states that a local government must advertise an application that does not comply with the Scheme (R-Code requirements form part of the LPS). For the purposes of advertising the local government may give notice of the proposed development to owners of properties in the vicinity of the development, who in the opinion of the local government, are likely to be affected by the granting of the development approval.

The Shire has given written notice to the owners of the land immediately adjacent to Lot 4 (No. 32) Cohn Street, Merredin, advising them of the application for development approval and supplying each with a copy of the information relating to the proposed development. The notice also advises that they have an opportunity to lodge an objection to the proposed development with the Shire.

At the expiration of the statutory 14-day notice period the Shire has received nil submissions with respect to the proposed development.

The Shire’s EMDS has also personally spoken to the owners of the following adjoining properties;

- 31 Snell Street, Merredin – confirmed no objection to proposed oversized domestic shed.

- 28 Cohn Street, Merredin – confirmed no objection to proposed oversized domestic shed.
- 33 Snell Street, Merredin – confirmed no objection to proposed oversized domestic shed.
- 44 Cohn Street, Merredin – confirmed no objection to proposed oversized domestic shed.
- 30 Cohn Street, Merredin – confirmed no objection to proposed oversized domestic shed.

Policy Implications

Policy 8.22 – Outbuildings in Residential Areas as described in the report.

Statutory Implications

Regulation 61 of the *Planning and Development (Local Planning Schemes) Regulations 2015*

The implications are outlined in the comment section of the report.

Strategic Implications

∅ Strategic Community Plan

Theme:	5. Places and Spaces
Service Area Objective:	5.4. Town Planning and Building Control 5.4.2 The Shire has a current local planning scheme and associated strategy which is flexible and able to suitably guide future residential and industrial growth
Priorities and Strategies for Change:	Nil

Risk Implications

Risk implications associated with the development (planning) approval being granted by the Shire of Merredin for the proposed over oversized domestic shed are considered low given that the proposed oversized domestic shed will be located at the rear of the property behind the existing house. Lot 4 (No. 32) Cohn Street, Merredin is a larger residential block, being 5070m² in area. The immediately adjoining properties also consist of larger residential blocks and the land directly opposite Lot 4 (No. 32) Cohn Street forms part of Tamma Parkland which is unlikely to be developed. All of these circumstances contribute to minimising any visual impact on the amenity of the surrounding area that may otherwise be the case in an area consisting of standard quarter acre residential blocks.

In addition, formal notice has been given to the owners of adjoining properties with no objections being lodged with the Shire in relation to the proposed development.

Discussions with officers from the Department of Planning, Lands and Heritage indicate that the Residential Design Codes are in the process of being reviewed/amended and this will allow more flexibility for local authorities to approve larger sheds in residential areas as a reflection of changing lifestyles, including hobbies and storage of larger equipment such as boats, caravans etc.

Financial Implications

The relevant development application fees have been paid.

Voting Requirements



Simple Majority



Absolute Majority

Resolution

Moved: Cr Billing

Seconded: Cr Van Der Merwe

That Council;

1. GRANT development (planning) approval for the proposed oversized domestic shed on Lot 4 (No. 32) Cohn Street, Merredin as outlined in Attachment 12.1A;
2. ADVISE the applicant that the granting of development approval does not constitute a building permit and that an application for a building permit for the proposed oversized domestic shed must be submitted to the Shire of Merredin and be approved before any construction work can commence on site;
- 83211 3. AUTHORISE the Executive Manager Development Services to issue a building permit for the construction of the proposed oversized domestic shed on Lot 4 (No. 32) Cohn 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);
4. ADVISE the applicant that the shed must not be used for any commercial/business activities; and
5. ADVISE the applicant of the need to comply with the provisions of the Environmental Protection (Noise) Regulations 1997.

CARRIED 7/0

12.2 Shire of Merredin Heritage List

Cr Billing declared a Proximity Interest in this Item and left the Chambers at 4:12pm.

<h1>Development Services</h1> 	
Responsible Officer:	Peter Zenni, EMDS
Author:	As above
Legislation:	<i>Heritage Act 2018 Planning and Development Act 2005 Planning and Development (Local Planning Schemes) Regulations 2015</i>
File Reference:	GR/17/5
Disclosure of Interest:	Nil
Attachments:	Attachment 12.2A – Shire of Merredin Heritage List (CONFIDENTIAL) Attachment 12.2B – Submissions Received During the Consultation Period (CONFIDENTIAL)

Purpose of Report



Executive Decision



Legislative Requirement

To recommend to Council that it adopts the Shire of Merredin Heritage List as outlined in Attachment 12.2A.

Background

Council adopted the draft Shire of Merredin Local Heritage Survey on 28 June 2022, following a lengthy consultation process (CMRef 82928):

That Council:

- 1. Receive the provided information;*
- 2. Adopt the Draft Shire of Merredin Local Heritage Survey;*
- 3. Notify owners and occupiers of premises to be entered into the Heritage List, and invite each owner and occupier to make submissions on the proposal in accordance with Schedule 2 Part 3 Clause 8 of the Planning and Development (Local Planning Schemes) Regulations 2015; and,*
- 4. Require all submissions received during the notice period to be brought back to Council for consideration, prior to finalisation and final adoption of the Shire of Merredin Heritage List and its publication in accordance with Clause 87 of the Planning and Development (Local Planning Schemes) Regulations 2015.*

A review of the Municipal Heritage Inventory is a requirement of the *Heritage Act 2018*. Municipal Heritage Inventories have been renamed “Local Heritage Surveys”. This review must be in accordance with the Part 8 of the *Heritage Act 2018*, that is essentially the same guidelines as the 1990 Act requirements, including the identification of the “Heritage List”.

The review was undertaken in consideration of the Department of Planning, Lands and Heritage’s Heritage Council guidelines, “Criteria for the Assessment of Local Heritage Places and Areas” as recommended in State Planning Policy 3.5 Historic Heritage Conservation.

The original 1999 Municipal Inventory of Heritage had been re-stated and updated in the Shire’s review in 2009, listing the same 59 places.

The Shire of Merredin (the Shire) engaged a heritage consultant Ms Laura Gray (Heritage Intelligence (WA)) to undertake a review of the Shire of Merredin Municipal Heritage Inventory to prepare a Local Heritage Survey and Heritage List for adoption by Council.

The draft 2022 Local Heritage Survey included most of those 59 places with an additional 98 new places included in the draft for review that totals 157 places.

Assessments determine levels of significance for each place in consideration of the overall context of the Shire’s towns and district. The levels of significance are consistent with the required categories (*Heritage Act 2018*):

- **Category 1:** Exceptional Significance-Register of Heritage Places ‘Heritage List’. Essential to the heritage of the Shire of Merredin.
- **Category 2:** Considerable significance ‘Heritage List’. Very important to the heritage of the Shire of Merredin.
- **Category 3:** Some/moderate significance. No constraints. Contributes to the heritage of the Shire of Merredin.
- **Category 4:** Little significance. No constraints. Some community interest to the heritage of the Shire of Merredin.

Substantiation of the heritage value of heritage places is the foundation for understanding a place and inclusion in the Local Heritage Survey. Almost every place in the review has been photographed, although historical research has been mostly limited to the published history of Merredin and existing documents.

Of those 157 (place records), 12 places are entered on the State’s Register of Heritage Places: Category 1, and 55 places are Category 2. Both categories formed the “Draft Heritage List” (67 places).

As part of the review process the Shire’s Heritage Consultant, Ms Laura Gray held discussions with representatives of the Merredin Historical Society as well as attending a meeting with the public held at the Shire of Merredin Council Chambers on 11 March 2020. The public meeting was advertised in the Phoenix on 28 February 2020. This meeting was well attended (12 attendees and 2 staff) and input was received from those in attendance.

Following the public meeting, the Shire advertised the review of its Municipal Heritage Inventory in the Phoenix on 27 March 2020, and called for nominations by members of the public of places for inclusion in the Shire of Merredin Municipal Heritage Inventory (Local Heritage Survey).

In response, several submissions were received from members of the public. In addition, Ms Laura Gray undertook a comprehensive assessment of places of historical significance and interest to the local community. As a result of this process a considerable number of new

places (98) were included in the Draft Local Heritage Survey. A number of these places are in the Merredin townsite, but some of the places are located throughout the district.

The findings and recommendation on the Draft Local Heritage Survey were presented to Council at its briefing session held on 15 September 2020, where Ms Laura Gray presented her findings to Council, following the briefing session at the Ordinary Council Meeting Council considered the matter and resolved the below (CMRef 82601);

That Council;

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

Council further considered the matter at the Ordinary Council Meeting held on 15 December 2020, and resolved the below (CMRef 82659);

That Council;

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

Council further considered the matter at the Ordinary Council Meeting held on 20 April 2021, and resolved the below (CMRef 82724);

That Council;

- 1. Receive the provided information; and*
- 2. Hold over consideration of the officer's recommendation until a date to be set by the CEO in consultation with the Shire President to enable a workshop to be held to consider the detailed Heritage listing proposals and the nature of the public engagement to be undertaken.*

On 15 March 2022, Shire Councillors and Executive Staff participated in a workshop led by Ms Laura Gray. The workshop outlined the listings stemming from the public consultation and work undertaken by Ms Gray and incorporated into the proposed Local Heritage Survey, including the proposed Heritage List.

Discussion ensued in relation to the need for protections for premises identified as part of the proposed Heritage List. Of particular importance is the proposed Heritage List that has planning implications; it comprises categories 1 and 2, being State registered places (category 1) and places considered of considerable importance to the Shire and worthy of built heritage conservation (category 2).

Categories 3 and 4 have been assessed as lesser significance and consequently have no implications.

A Local Heritage Survey is not a statutory instrument and has no standing at law or statutory enforcement provisions. A Heritage List is a statutory instrument and has the protections offered by the "Deemed" provisions of the regulations.

The Shire has commenced a review of its Local Planning Scheme No. 6 (LPS) via the preparation of a Report of Review, which has been considered and accepted by the Western Australian Planning Commission (WAPC). The Report of Review has highlighted as one of the

objectives of the reviewed LPS being the protection of places of Aboriginal cultural and historical significance.

The “Deemed” provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, form part of the Shire of Merredin LPS.

Schedule 2 Part 3 Clause 8 of the Regulations sets out the process for establishing and maintaining a Heritage List and the mode of entering and removing places from the Heritage List and associated consultation processes.

Clause 8 states as follows;

Heritage List

(1) The local government must establish and maintain a heritage list to identify places within the Scheme area that are of cultural heritage significance and worth of built heritage conservation.

(2) A heritage list established under clause (1) must set out a description of each place and the reason for its entry on to the heritage list.

(2A) The local government must ensure that an up-to-date copy of the heritage list is published in accordance with Clause 87.

(2B) Subclause (2A) is an ongoing publication requirement for the purposes of clause 87 (5) (a).

(3) The local government must not enter a place in or remove a place from, the heritage list or modify the entry of a place in the heritage list unless the local government –

(a) Notifies in writing each owner and occupier of the place and provides each of them a description of the place and the reasons for the proposed entry; and

(b) Invites each owner and occupier to make submissions on the proposal within a period specified in the notice; and

(c) Carries any other consultation the local government considers appropriate; and

(d) Following any consultation and consideration of the submissions made on the proposal, resolves that the place be entered in the heritage list with or without modification, or that place be removed from the heritage list.

(3A) The period of making submissions specified in the notice under subclause (3) (b) must not be less than the period of 21 days after the day on which notice is given under subclause 93) (a).

(4) If the local government enters a place in the heritage list or modifies an entry of a place in the heritage list the local government must give notice of the entry or modification to –

(a) the Heritage Council of Western Australia; and

(b) each owner and occupier of the place.

The Shire’s Executive Manager of Development Services (EMDS) has spoken with the Director of the Wheatbelt Planning Team - Department of Planning Lands and Heritage (DPLH) as well as the Manager of the Heritage Support Services DPLH who have confirmed that proposed development relating to a Category 2 place on the Heritage List does not require a referral to the Heritage Council.

The only places that require a referral by the Shire to DPLH’s Heritage Council are development applications relevant to Category 1: Register of Heritage Places.

Any development application relating to a premises entered on to the Heritage List (category 2) would be at the local governments discretion and would enable provision of specialist advice to the local government authority on any significant or contentious issues.

The entry of a place onto the Heritage List would remove existing development approval exemptions forming part of the “Deemed” provisions and require applications for development approval to be lodged with the local government for all development proposals including demolition or construction of any outbuildings or minor works, including things like walls, patios, pergolas, water tanks, verandahs, decks, swimming pool, shade sails, carports etc, thus giving the local government more control over the nature of the proposed development.

The requirement to obtain development approval under the “Deemed” provisions does not seek to prevent development, but provide the opportunity to consider the impact on the heritage value of the place, and if necessary, discuss options for amending a development if significant impacts are identified.

Comment

In line with Council’s Resolution 82928, Shire officers wrote to all owners and occupiers of places identified for entry into the Shire of Merredin Heritage List and invited each owner and occupier to make submissions on the proposal in accordance with Schedule 2 Part 3 Clause 8 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Following the notification period, the Shire received twelve (12) submissions in relation to the proposed inclusion of premises into the Shire of Merredin Heritage List.

The received submissions were forwarded to the Shire’s Heritage Consultant, Ms Laura Gray for consideration prior to finalising a recommendation to Council.

The submissions and Laura Gray’s comments and recommendations form part of confidential Attachment 12.2B.

Based on the submissions, Laura Gray has provided several recommendations which result in a minor change to the listing of 3 Places, previously identified in the Shire of Merredin Local Heritage Survey as a Category 2 - having considerable significance, to Category 3 – some/moderate significance.

The next step in the process is for the Council to adopt the Shire of Merredin Heritage List and to advise the Heritage Council of Western Australia as well as the owners and occupiers of the relevant places of their inclusion in the Shire of Merredin Heritage List.

Including a place on the Heritage List gives the place recognition and statutory protection under the Shire of Merredin LPS.

Conserving Heritage Places will ensure the community can remain closely connected to its history and heritage.

Policy Implications

Nil

Statutory Implications

Compliance with *Heritage Act 2018*.

Compliance with *Planning and Development Act 2005*.

Compliance with *Planning and Development (Local Planning Schemes) Regulations 2015*.

	Strategic Implications
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∅ Strategic Community Plan

Theme:	5. Places and Spaces
Service Area Objective:	5.4. Town Planning and Building Control 5.4.2 The Shire has a current local planning scheme and associated strategy which is flexible and able to suitably guide future residential and industrial growth
Priorities and Strategies for Change:	Nil

	Sustainability Implications
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∅ Strategic Resource Plan

Nil

	Risk Implications
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Council's decision to enter a premises into its Heritage Survey like any decision of a local authority is subject to an application for a review of the decision to the State Administrative Tribunal. Whilst a potential for review of Council's decision exists, based on the advice of the Shire's Heritage Consultant the Shire would be in a strong position to defend any review process. By entering historically significant places on to its Heritage List, Council will ensure the community can remain closely connected to its history and heritage through the preservation of such places for future generations.

	Financial Implications
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Expenditure associated with the preparation and implementation of the Heritage List forms part of the 2023/24 Annual Budget.

Voting Requirements

Simple Majority

Absolute Majority

Resolution

Moved: Cr Patroni

Seconded: Cr Simmonds

That Council:

1. RECEIVE the provided information;
2. Pursuant to Schedule 2 Part 3 Clause 8 (3) (d) of the Planning and Development (Local Planning Schemes) Regulations 2015, ADOPT the Shire of Merredin Heritage List as outlined in Attachment 12.2A;
3. NOTE that the Heritage List incorporates the following modifications, following receipt of correspondence forming part of the submissions period;
 - a) Modification of Heritage Listing relating to 30 Bates Street Merredin, by updating the place record and history information to reflect that the place did not house the Commonwealth Bank and (former) Residence but that it in fact housed the English, Scottish & Australian Bank (ES&A) and (former) residence and retain the place on the Shire of Merredin Heritage List as a Category 2 (Considerable Significance);
 - b) Modification of Heritage Listing relating to 11 Cummings Street Merredin, by changing it from a Category 2 (Considerable Significance) to a Category 3 (Some/Moderate Significance – No Constraints) and retaining the Listing on the Shire of Merredin Local Heritage Survey;
 - c) Modification of Heritage Listing relating to the Old Brewery House, Pollock Avenue Merredin, by updating the place record and history information with the correct address (60 Pollock Avenue Merredin) and retain the place on the Shire of Merredin Heritage List as a Category 2 (Considerable Significance);
 - d) Modification of Heritage Listing relating to the Hines Hill Hotel (former) Great Eastern Highway Hines Hill, by changing it from a Category 2 (Considerable Significance) to a Category 3 (Some/Moderate Significance – No Constraints) and retaining the Listing on the Shire of Merredin Local Heritage Survey;
 - e) Modification Heritage Listing relating to the Old Growden's Farmhouse Ruin, Great Eastern Highway Nangeenan, by changing it from a Category 2 (Considerable Significance) to a Category 3 (Some/Moderate Significance – No Constraints) and retaining the Listing on the Shire of Merredin Local Heritage Survey;
4. Pursuant to Schedule 2 Part 3 Clause 8 (4) (a) and (b) of the Planning and Development (Local Planning Schemes) Regulations 2015, GIVE

83212

NOTICE to the Heritage Council of Western Australia and each owner and occupier of a place of its entry into the Shire of Merredin Heritage List.

- 5. Pursuant to Schedule 2 Part 12 Clause 87 of the Planning and Development (Local Planning Schemes) Regulations 2015, PUBLISH the Shire of Merredin Heritage List on the Shire of Merredin website; and**
- 6. NOTE the associated modifications to the previously adopted Shire of Merredin Local Heritage Survey.**

CARRIED 6/0


Cr Billing returned to the Chambers at 4:17pm.

13. Officer's Reports – Engineering Services

Nil

14. Officer’s Reports – Corporate Services

14.1 Statement of Financial Activity – June 2023

<h1>Corporate Services</h1> 	
Responsible Officer:	Leah Boehme, EMCS
Author:	As above
Legislation:	<i>Local Government Act 1995</i> <i>Local Government (Financial Management) Regulations 1996</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 14.1A – Statement of Financial Activity Attachment 14.1B – Detailed Statements Attachment 14.1C – Capital Works Progress Attachment 14.1D – Investment Report

Purpose of Report

- Executive Decision
 Legislative Requirement

For Council to receive the Statements of Financial Activity and Investment Report for the month of June 2023, and be advised of associated financial matters, including consideration of proposed budget amendments, and proposed changes to the 2023/24 Schedule of Fees and Charges.

Background

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

Additionally, a proposed amendment to the Emergency Services Levy (ESL) – Bush Fire Brigade (BFB) and ESL – State Emergency Service (SES) areas of the budget has also been included. These amendments are required due to confirmation of 2023/24 funding by the Department of Fire and Emergency Services (DFES).

It is also recommended that Council approve an amendment to the ESL BFB – Plant & Equipment <\$1,200 GL 2050586 to allow for the immediate purchase of respirators for the Shire of Merredin’s (the Shire) seven Bush Fire Brigades.

Four errors have also been identified in the advertised 2023/24 Schedule of Fees and Charges and therefore corrections are submitted for Councils endorsement.

	Comment
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Statement of Financial Activity

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

It should be noted that the June 2023 monthly financial report is an unaudited version of the year end position and further end of year processes will impact the final financial statements.

Budget Amendments

The following budget amendments are recommended:

GL/Job	Description	Current Budget	Variation Amount	Revised Budget	Reason
3050610 Income	ESL SES – Operating Grant	\$14,000	\$12,801	\$26,801	Line Item 9 approved purchases - approved by DFES via email
2050669 Expenditure	ESL SES – Plant & Equipment \$1,200 to \$5,000 per item	\$0	(\$12,801)	(\$12,801)	Line Item 9 approved purchases - approved by DFES via email
2050510 Income (reduction)	ESL BFB – Operating Grant	(\$69,200)	\$3,721	(\$65,479)	2021/22 Underspend reduction to 2023/24 funding
2050510 Income	ESL BFB – Operating Grant	(\$65,479)	(\$1,884)	(\$67,363)	2022/23 Overspend expected to be returned in early 2024
2050586 Expenditure	ESL BFB – Plant & Equipment <\$1,200	\$3,000	\$4,837	\$7,837	Purchase of 14 respirators (2 per brigade) as advised as a requirement by DFES
	Muni Surplus/ Deficit	\$0	(\$6,674)	(\$6,674)	Though the above will result in the budget showing an overall deficit, this will be amended during the October/ November Budget Review.

The above-mentioned amendments are recommended due to confirmation from the Department of Fire and Emergency Services (DFES) on approved Line Item 9 purchases for the SES for the 2023/24 financial year.

An adjustment to the BFB funding due to an underspend in 2021/22 of \$3,721 (ex GST) has affected the predicted income for the 2023/24 financial year, however it is expected that \$1,884 (ex GST) will be paid to the Shire once the 2022/23 acquittal has been completed (due 31 August 2023) in recognition of an overspend in that financial year.

It has also been recommended by DFES that local governments in charge of bushfire brigades purchase respirators for their brigades to ensure the safety of volunteers. These items were not approved under the Line Item 9 area for the 2023/24 Local Government Grant Scheme (LGGS) funding, due to the value of each individual respirator costing under \$1,500 (ex GST) and purchases not being able to be bundled to increase the value. Should the Shire experience an overspend in the 2023/24 financial year, it will be repaid to the Shire by DFES in the 2024/25 financial year.

Though the above will result in the 2023/24 budget showing an overall deficit of \$6,674, this will be amended during the October/ November Budget Review.

Fee and Charges Amendments

The following amendments to the advertised 2023/24 Schedule of Fees and Charges are recommended:

Account	Description	Unit	GST	Total (incl GST)	GST	Notes
Existing Fee/Charge						
3100135	Asbestos Containing Material – minimum charge	Per m3	\$2.97	\$32.70	Y	By appointment, minimum charge 0.5m3
Proposed Fee/Charge						
3100135	Asbestos Containing Material – minimum charge	Per m3	\$3.13	\$34.50	Y	By appointment, minimum charge 0.5m3

An error was made in the initial document, whereby the charge stated was not equal to half the per m3 rate.

Account	Description	Unit	GST	Total (incl GST)	GST	Notes
Existing Fee/Charge						
3130821	Community Standpipe Charges – p/kL	Per kL	\$0.00	\$0.00	Y	
Proposed Fee/Charge						

3130821	Community Standpipe Charges – p/kl	Per kL		At cost + 10%	Y	
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Account	Description	Unit	GST	Total (incl GST)	GST	Notes
Existing Fee/Charge						
3130821	Commercial Standpipe Charges (Class 9) – p/kl	Per kL	\$0.00	\$0.00	Y	
Proposed Fee/Charge						
3130821	Commercial Standpipe Charges (Class 9) – p/kl	Per kL		At cost + 10%	Y	

Account	Description	Unit	GST	Total (incl GST)	GST	Notes
Existing Fee/Charge						
3130821	Commercial Standpipe Charges (Class 15) – p/kl	Per kL	\$0.00	\$0.00	Y	
Proposed Fee/Charge						
3130821	Commercial Standpipe Charges (Class 15) – p/kl	Per kL		At cost + 10%	Y	

Charges for water accessed via Shire standpipes was incorrectly listed at \$0.00, however this should have read 'At Cost + 10%'.

Policy Implications

Nil

Statutory Implications

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

Strategic Implications

Ø Strategic Community Plan

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

Priorities and Strategies Nil
for Change:

Sustainability Implications

∅ Strategic Resource Plan

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

Risk Implications

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

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

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

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

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

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

Financial Implications

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

Voting Requirements

Simple Majority

Absolute Majority

Resolution

Moved: Cr Van Der Merwe Seconded: Cr Patroni

That Council:

1. RECEIVE the Statements of Financial Activity and Investment Report for the period ending 30 June 2023 in accordance with Regulation 34 of the Local Government (Financial Management) Regulations 1996;
2. APPROVES amendments to the Shire of Merredin 2023/24 Annual Budget as per the following table, pursuant to section 6.8(1(b)) of the Local Government Act 1995:

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GL/Job	Description	Current Budget	Variation Amount	Revised Budget	Reason
3050610 Income	ESL SES – Operating Grant	\$14,000	\$12,801	\$26,801	Line Item 9 approved purchases - approved by DFES via email
2050669 Expenditure	ESL SES – Plant & Equipment \$1,200 to \$5,000 per item	\$0	(\$12,801)	(\$12,801)	Line Item 9 approved purchases - approved by DFES via email
2050510 Income (reduction)	ESL BFB – Operating Grant	(\$69,200)	\$3,721	(\$65,479)	2021/22 Underspend reduction to 2023/24 funding
2050510 Income	ESL BFB – Operating Grant	(\$65,479)	(\$1,884)	(\$67,363)	2022/23 Overspend expected to be returned in early 2024
2050586 Expenditure	ESL BFB – Plant & Equipment <\$1,200	\$3,000	\$4,837	\$7,837	Purchase of 14 respirators (2 per brigade) as advised as a requirement by DFES

	Muni Surplus/ Deficit	\$0	(\$6,674)	(\$6,674)	
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3. AMENDS the Shire of Merredin 2023/24 Schedule of Fees and Charges as per the following table:


Account	Description	Unit	GST	Total (incl GST)	GST	Notes
Existing Fee/Charge						
3100135	Asbestos Containing Material – minimum charge	Per m3	\$2.97	\$32.70	Y	By appointment, minimum charge 0.5m3
Proposed Fee/Charge						
3100135	Asbestos Containing Material – minimum charge	Per m3	\$3.13	\$34.50	Y	By appointment, minimum charge 0.5m3
Existing Fee/Charge						
3130821	Community Standpipe Charges – p/kL	Per kL	\$0.00	\$0.00	Y	
Proposed Fee/Charge						
3130821	Community Standpipe Charges – p/kL	Per kL		At cost + 10%	Y	
Existing Fee/Charge						
3130821	Commercial Standpipe Charges (Class 9) – p/kL	Per kL	\$0.00	\$0.00	Y	
Proposed Fee/Charge						
3130821	Commercial Standpipe Charges (Class 9) – p/kL	Per kL		At cost + 10%	Y	
Existing Fee/Charge						
3130821	Commercial Standpipe Charges	Per kL	\$0.00	\$0.00	Y	

	(Class 15) – p/kL					
Proposed Fee/Charge						
3130821	Commercial Standpipe Charges (Class 15) – p/kL	Per kL		At cost + 10%	Y	

4. **NOTES** the changes will be incorporated into the 2023/2024 Schedule of Fees and Charges for the Shire of Merredin;
5. **APPROVES** advertising the changes to the fees and charges as per Item 4 above, in accordance with the Local Government Act 1995; and,
6. **INITIATES** the changes to the fees and charges as per Item 3, upon completion of Item 5 of the recommendation above.

CARRIED 7/0

14.2 List of Accounts Paid – July 2023

<h3>Corporate Services</h3> 	
Responsible Officer:	Leah Boehme, EMCS
Author:	As above
Legislation:	<i>Local Government Act 1995</i> <i>Local Government (Financial Management) Regulations 1996</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 14.2A – Payments Listing July 2023

Purpose of Report

Executive Decision

Legislative Requirement

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

Background

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

Comment

Nil

Policy Implications

Nil

Statutory Implications

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


Strategic Implications

∅ Strategic Community Plan

Theme:

4. Communication and Leadership

14.3 Policy Review – Work Health and Safety

<h2>Corporate Services</h2> 	
Responsible Officer:	Leah Boehme, EMCS
Author:	As above
Legislation:	<i>Local Government Act 1995</i> <i>Work Health and Safety Act 2020</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 14.3A – Policy 2.32 - Work Health and Safety Policy Attachment 14.3B – Old Occupational Safety and Health Policy

Purpose of Report



Executive Decision



Legislative Requirement

For Council to consider an updated policy which is utilised to outline work health and safety requirements within the Organisation. This policy will be added to the Shire of Merredin Policy Manual.

Background

Proposed Policy 2.32 – Work Health and Safety, outlines the Shire of Merredin’s (the Shire) commitment to providing a safe and healthy workplace for all workers and visitors. It highlights the responsibilities of both the Organisation and the staff to ensure that the workplace remains as safe as is reasonably practicable and meets the requirements of the *Work Health and Safety Act 2020*.

Previously the Occupational Safety and Health Policy was not included in the Shire’s Policy Manual, a copy of the previous policy has been attached at Attachment 14.3B for Council’s information.

It should be noted that the proposed policy has been approved at an Executive level and had input from both the Shire’s Work Health and Safety (WHS) Representatives during the drafting stage.

Comment

The policy has been developed in line with the new Work Health and Safety Legislation and has had references to the update included throughout. A key change has been the inclusion of psychosocial hazards.

It is important that the Shire documents its commitment to work health and safety and reviews this regularly. By making this a policy of Council, it will become part of the regular review of policies and ensure that it stays front of mind.

Once adopted, the policy will be publicised on the Shire’s website within the Policy Manual and will be disseminated to all staff. It will also form part of the Shire’s induction of new staff moving forward.

The updated Policy will be communicated to staff and necessary training will be completed to embed Work Health and Safety Practices across the organisation.

Policy Implications

The new policy will be included in the Shire of Merredin Policy Manual and will require review and return to Council at regular intervals moving forward.

Statutory Implications

As outlined in the *Local Government Act 1995*, *Work Health and Safety Act 2020* and *Work Health and Safety (General) Regulations 2022*.

Strategic Implications

∅ Strategic Community Plan

Theme: 4. Communication and Leadership

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

Priorities and Strategies for Change: Nil

Sustainability Implications

∅ Strategic Resource Plan

Nil

Risk Implications

Without a current and public facing document, the Shire would have a higher risk of not meeting its work health and safety requirements. Ensuring all staff understand their obligations minimises the potential risks that could be faced.

Financial Implications

Nil

However, it should be noted that funds have been budgeted in both 2140225 – ADMIN – WHS and 2140330 – PWO – WHS and Toolbox Meeting towards work health and safety requirements.

Voting Requirements



Simple Majority



Absolute Majority

Resolution

Moved: Cr Patroni


Seconded: Cr Flockart

83215

That Council ADOPT Policy 2.32 – Work Health and Safety, as presented in Attachment 14.3A.

CARRIED 7/0

14.4 Information Statement Review

<h3>Corporate Services</h3>		
Responsible Officer:	Leah Boehme, EMCS	
Author:	As above	
Legislation:	<i>Freedom of Information Act 1992</i>	
File Reference:	Nil	
Disclosure of Interest:	Nil	
Attachments:	14.4A – Information Statement 23/24	

Purpose of Report

Executive Decision

Legislative Requirement

For Council to note the update to the Shire of Merredin (the Shire) Information Statement for 2023/24.

Background

It is a compliance requirement of the *Freedom of Information Act 1992* (FOI Act) that the Shire publish an up-to-date Information Statement every 12 months. The Shire last published an update in 2020/21.

Comment

The Shire's Information Statement has recently been reviewed and updated and is attached at Attachment 14.4A for Council's information.

Key changes included:

- formatting and aesthetic changes to ensure keeping with the Shire's marketing brand;
- references to current Shire strategic documents;
- updated organisational structure;
- reduction in number of Councillors from nine to eight;
- update to Shire documents list; and
- removal of fax as a means of communication.

The updated Information Statement will be publicised on the Shire of Merredin website and communicated to staff.

Policy Implications

Nil

Statutory Implications

Freedom of Information Act 1992 - Part 5 - Publication of information about agencies s.96
Information statement, each agency to publish annually

(1) An agency (other than a Minister or an exempt agency) has to cause an up-to-date information statement about the agency to be published in a manner approved by the Minister administering this Act —

- (a) within 12 months after the commencement of this Act; and
- (b) at subsequent intervals of not more than 12 months.

s.97 Information statement and internal manual, each agency to make available etc.

(1) An agency (other than a Minister or an exempt agency) has to cause copies of —

- (a) its most up-to-date information statement; and
- (b) each of its internal manuals,

to be made available for inspection and purchase by members of the public but may delete any exempt matter from those copies.

(2) An agency has to provide a copy of its information statement to the Commissioner as soon as is practicable after the statement is published under section 96.

Strategic Implications

∅ Strategic Community Plan

Theme: Nil

Service Area Objective: Nil

Priorities and Strategies for Change: Nil

Sustainability Implications

∅ Strategic Resource Plan

Nil

Risk Implications

Failing to review the Information Statement annually is a compliance risk.

Financial Implications

Nil

Voting Requirements



Simple Majority



Absolute Majority

Resolution

Moved: Cr Manning

Seconded: Cr Flockart


That Council

83216

1. NOTE the review of the Shire of Merredin Information Statement 2023/24, as presented in Attachment 14.4A, in accordance with Part 5 of the Freedom of Information Act 1992; and
2. NOTE the Shire of Merredin Information Statement 2023/24 will be forwarded to the Commissioner by the Chief Executive Officer, in accordance with Part 5 of the Freedom of Information Act 1992.

CARRIED 7/0

14.5 Equal Employment Opportunity Management Plan and Policy Review

<h2 style="margin: 0;">Corporate Services</h2> 	
Responsible Officer:	Leah Boehme, EMCS
Author:	As above
Legislation:	<i>Local Government Act 1995</i> <i>Equal Opportunity Act 1984</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 14.5A – Policy 2.28 Equal Employment Opportunity (track changes) Attachment 14.5B – Policy 2.28 Equal Employment Opportunity (changes accepted) Attachment 14.5C – Equal Employment Opportunity Management Plan 2023 – 2025 Attachment 14.5D – Equal Employment Opportunity Management Plan 2018 - 2020

Purpose of Report



Executive Decision



Legislative Requirement

For Council to consider the updated Equal Employment Opportunity Management Plan (EEOMP) and Equal Employment Opportunity Policy.

Background

In accordance with the *Equal Opportunity Act 1984*, section 145 (2) (a-h) there is a requirement for the Shire of Merredin (the Shire) to develop an EEOMP outlining goals and strategies in key areas to eliminated discrimination in the workplace. The initial EEOMP was developed in 2015, with the last review occurring in 2018 (Attachment 14.5D). That EEOMP expired in 2020 and therefore is overdue for review.

Further to the development of the EEOMP, a policy was drafted and taken to Council for adoption in February 2018. This policy has not been reviewed since its adoption.

Comment

Both the Equal Employment Opportunity Management Plan and Policy have been reviewed with a number of updates occurring. The key changes of note from each document are listed below.

EEOMP

- Updated to match current Shire branding.
- Addition of Acknowledgement of Country.
- Minor changes to the measures in Strategy One.
- Minor change to Measure 3.1.1 in Strategy Three.
- Change to Action 4.1 and Measure 4.3.1 in Strategy Four.
- Minor wording changes to Measure 6.4.1 and Action 6.3 in Strategy Six.
- Correction of typo in Action 6.1 (stall corrected to staff).

EEO Policy

- Update to match current Shire template.
- Change of name from Equal Opportunity Employment to Equal Employment Opportunity as per legislation.
- Addition of Legislative Requirements section – *Equal Opportunity Act (1984)*.
- Update of related policies and procedures to match current documents.
- Addition of Roles and Responsibilities and Monitor and Review sections.

The Policy details the Shire’s commitment to providing equal employment opportunities and recognises the Shire’s legal obligations under the *Equal Opportunity Act 1984* to actively promote equal employment opportunity based on merit to ensure that discrimination does not occur.

The Policy applies to all elected members, employees and contractors of the Shire.

The updated Plan will be implemented and Policy will be communicated to staff. The necessary training will be completed, and processes put in place to embed Equal Employment Opportunity Principles across the organisation.

Policy Implications

Policy 1.1 Code of Conduct for Council Members, Committee Members and Candidates

Policy 2.19 - Bullying, Discrimination & Harassment

(Staff) Policy 1.16 – Grievances, Investigations & Resolution

(Staff) Policy 1.17 – Disciplinary Policy

(Staff) Policy 1.20 – Parental Leave Policy

Statutory Implications

As outlined in the *Local Government Act 1995 and Equal Opportunity Act 1994*, section 145 (2) (a-h).

Strategic Implications

∅ Strategic Community Plan

Theme: 4. Communication and Leadership

Service Area Objective: Nil

Priorities and Strategies Nil
for Change:

Sustainability Implications
∅ Strategic Resource Plan

Nil

Risk Implications

Without this Policy and supporting ECOMP the Shire would not be adhering to the requirements outlined in the *Equal Opportunity Act 1984*.

Financial Implications

Nil

Voting Requirements

Simple Majority Absolute Majority

Resolution

Moved: Cr Van Der Merwe Seconded: Cr Patroni

That Council:

83217

1. ADOPT Policy 2.28 – Equal Employment Opportunity, as presented in Attachment 14.5B; and
2. ADOPT the Equal Employment Opportunity Management Plan 2023 – 2025, as presented in Attachment 14.5C.


CARRIED 7/0

15. Officer's Reports – Community Services

Nil

16. Officer's Reports – Administration

16.1 Status Report – August 2023

<h1>Administration</h1>		 SHIRE OF MERREDIN INNOVATING THE WHEATBELT
Responsible Officer:	Lisa Clack, CEO	
Author:	Meg Wyatt, EA	
Legislation:	<i>Local Government Act 1995</i>	
File Reference:	Nil	
Disclosure of Interest:	Nil	
Attachments:	Attachment 16.1A – Status Report – August 2023	

Purpose of Report



Executive Decision



Legislative Requirement

For Council to consider the updated Status Report for August 2023.

Background

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

Comment

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

Policy Implications

Nil

Statutory Implications

Nil

Strategic Implications

Ø Strategic Community Plan

Theme: 4. Communication and Leadership

Service Area Objective: 4.4 Communications
4.4.1 The Shire is continuously working to maintain efficient communication, providing open, transparent and factual information, through a variety of channels

Priorities and Strategies for Change: Nil

Sustainability Implications

Ø Strategic Resource Plan

Nil

Risk Implications

Nil

Financial Implications

Nil

Voting Requirements



Simple Majority



Absolute Majority

Resolution

Moved: Cr Flockart

Seconded: Cr Van Der Merwe

83218

That Council RECEIVES the Status Report on Council Resolutions for August 2023.

CARRIED 7/0

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

<h1>Administration</h1> 	
Responsible Officer:	Lisa Clack, CEO
Author:	Leah Boehme, EMCS
Legislation:	<i>Local Government Act 1995</i> <i>Local Government (Financial Management) Regulations 1996</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Nil

Purpose of Report



Executive Decision



Legislative Requirement

For Council to note the proposed Shire of Merredin (the Shire) Christmas / New Year's opening hours.

Background

For a number of years, the majority of the Shire venues have closed during the Christmas / New Year period as it is usually an extremely quiet time with minimal public visitations and phone enquires.

It is also common for many residents of the Shire to travel elsewhere at this time of year, with many other businesses in town also closing.

Comment

The Christmas Day public holiday will be observed on Monday, 25 December 2023 with the Boxing Day public holiday being observed on Tuesday, 26 December 2023, meaning Council offices will be closed on both of these days.

Similarly, the New Year's Day public holiday will be observed on Monday, 1 January 2023 meaning Council offices will also be closed on that day.

Council is advised that Shire venues will close from 1pm Friday, 22 December 2023 to Monday 1 January 2023 inclusive. The venues will reopen as usual on Tuesday, 2 January 2023. There will be some exceptions to this and Council will be informed closer to the period.

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

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

Policy Implications

Nil

Statutory Implications

Nil

Strategic Implications

Ø Strategic Community Plan

Theme: 4. Communication and Leadership

Service Area Objective: 4.2 Decision Making
4.2.3 The Council is well informed in their decision-making, supported by a skilled administration team who are committed to providing timely, strategic information and advice

4.4 Communications

4.4.1 The Shire is continuously working to maintain efficient communication, providing open, transparent and factual information, through a variety of channels

Priorities and Strategies for Change: Nil

Risk Implications

Senior staff will be available via mobile phone during the closure period, and if required for any major emergencies, relevant staff will be contacted. On-call arrangements will be made for essential staff.

Financial Implications

Staff will be required to take time off in lieu, annual leave or accrued rostered days off during the period. These costs are contained within the 2023/24 Annual Budget.

Voting Requirements



Simple Majority



Absolute Majority

Resolution

Moved: Cr Flockart

Seconded: Cr Billing


That Council;

83219

1. NOTES the closure of the Shire Administration Office from 1pm Friday, 22 December 2023 to the morning of Tuesday, 2 January 2024, with closures at other facilities to be determined closer to the period; and
2. NOTES information relating closures will be advertised to community in December, including hours of operation and emergency contact information.

CARRIED 7/0

16.3 WALGA Constitution

<h1>Administration</h1> 	
Responsible Officer:	Lisa Clack, CEO
Author:	As above
Legislation:	Nil
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 16.3A - Notice of Proposed Amendments to the Association Constitution Attachment 16.3B - 20 December 2022 Minutes Extract – WALGA Best Practice Governance Review Consultation Paper Item

Purpose of Report



Executive Decision



Legislative Requirement

For Council to agree on a voting position on the Western Australian Local Government Association (WALGA) notice of constitutional change, scheduled to be voted on at the WALGA Annual General Meeting (AGM) in September 2023.

Background

Following the WALGA Governance model review conducted throughout 2022 and 2023, a change to the WALGA constitution is required for the proposed new governance model to be implemented.

The attached WALGA agenda item (Attachment 16.3A) will be presented for the consideration of members at the 2023 WALGA AGM to be held on Monday, 18 September at Crown Perth.

Under the existing Association Constitution (extracted below), an amendment to the Constitution requires a resolution passed by a special majority of both State Council and Members at a General Meeting. The requirements for this are also outlined in Attachment 16.3A.

In order to give the best effect to the change, two alternative resolutions are being presented for consideration at the AGM. This was agreed at the 5 July State Council meeting where it was resolved to put two items to Members at the 2023 WALGA AGM:

1. To consider a new Constitution to give effect to an alternate governance model; and
2. To amend the Constitution to retain the current governance model with necessary changes.

During the AGM, the item recommending a new Constitution to give effect to the alternate model will be presented first, as only one version of the Constitution can be endorsed.

If that item does not receive 75 percent approval from Members, the item recommending amendments to the current Constitution but otherwise maintaining the current governance model will be presented.

Comment

Council is now asked to arrive at a position to inform the voting, for the two voting delegates representing the Shire of Merredin (the Shire) at the WALGA AGM. The voting delegates are Cr Patroni and the Chief Executive Officer (CEO), however the CEO will be changed out for a Councillor should a second Councillor nominate to attend prior to the deadline for advice of voting delegates (Friday, 8 September 2023).

The proposed new Constitution is to give effect to an alternate governance model for WALGA as per the Best Practice Governance Review Final Report.

- The alternate governance model would establish a new Board above the existing State Council and Zone structure.
- Membership of the Board would be drawn from State Council representatives, as well as the option to appoint up to 3 ‘independent’ Members.
- The Board would be responsible for the overall governance of WALGA, including financial oversight and strategic direction.
- The role of State Council under the new model would primarily be focused on policy development and advocacy priorities.

Council considered the revised governance model at its December 2022 meeting, where it resolved the below (CMRef 83075):

That Council ADVISE WALGA that it;

- 1. ENDORSES Option 1 from the 5 provided models, subject to the following proposed amendments:*
 - a) The number of board members should remain at 11, with only 1 or 2 independents, and independents should be non-voting;*
 - b) The rotation of the President role between Metropolitan and Regional LGAs should remain as part of the board charter; and*
 - c) If Zone meetings are to only be held twice per year, the meeting should consider ways of advocating on matters of regional importance in an alternative format such as workshop sessions between relevant State and Local Government staff in addition to the meeting agenda; and*
- 2. ADVISES whichever is the preferred model identified at the conclusion of this initial consultation, further consultation should be held with WALGA member Councils on the details and implementation of the selected model.*

The revisions following the initial consultation period do take into account the concerns of Council.

- Part (a) of the Shire of Merredin Council resolution has been addressed with the appointment of three independents, now being changed to ‘up to three’.
- Part (b) has been considered with the inclusion of alternate constituency in several places in the document. This includes equal Metropolitan and Country representation

(each are described as a constituency in the revised Constitution). Throughout, State Council and the Board composition is based upon the principle that there should be equal representation from both Constituencies. This includes the President and Deputy President being from alternative constituencies, and rotating Presidency.

- Part (c) is not specified in either version, as this is determined offline rather than within the Constitution. This is also the case in the current version.

Given the primary considerations from the Shire of Merredin have been included in the revised model, and are generally consistent with the position of the Shire from the December 2022 meeting, the Administration considers the constitutional change is appropriate to be supported. No remaining concerns have been identified with the new Constitution. The new version (as presented in WALGA resolution one) appears fit for purpose, and has streamlined some of the legacy issues from the previous Constitution, so can be supported. The number of Zone meetings is not defined in either version.

However – should the first resolution not be supported, and the governance model is not changed, then the support of the second Item is required, to allow for required changes and updates to the Constitution without the creation of a Board and changes to the model. Therefore the proposed resolution supports endorsing Item 1 as the primary position of the Shire of Merredin, but also allows delegates to vote on the required amendments with no changes to the governance structure should the first Item be lost.

Policy Implications

Nil

Statutory Implications

Nil

Strategic Implications

∅ Strategic Community Plan

Theme: 4. Communication and Leadership

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

Priorities and Strategies for Change: Nil

Risk Implications

Changes to WALGA and its constitution appear to have addressed the risks originally identified by Council. The issues associated with the regularity of meetings is not specified in the Constitution.

Financial Implications

Nil

Voting Requirements

Simple Majority

Absolute Majority

Resolution

Moved: Cr Patroni

Seconded: Cr Flockart


That Council;

83220

1. ENDORSES Item 1, a new WALGA Constitution, as per Attachment 16.3A, as the primary option to be supported with a yes vote for Shire of Merredin Voting Delegates at the WALGA Annual General Meeting, to be held September 18 2023; and
2. SUPPORTS Shire of Merredin Voting Delegates to vote yes for Item 2, a revised WALGA constitution, as per Attachment 16.3A, should the resolution as per Item 1 (above) be lost.

CARRIED 7/0

16.4 Proposed Changes to the CEACA Constitution

<h1>Administration</h1> 	
Responsible Officer:	Lisa Clack, CEO
Author:	As above
Legislation:	Nil
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 16.4A – CEACA revised constitution Attachment 16.4B – CEACA revised constitution explanatory notes

Purpose of Report



Executive Decision



Legislative Requirement

For Council to consider, and agree a voting position on the Central East Aged Care Alliance (CEACA) constitutional change, scheduled to be voted on at the CEACA member's meeting in late August 2023.

Background

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

The primary changes are focussed on broadening the objectives of CEACA's purpose, membership changes requiring minimum commitment term (3 years), and, changes to the disposal of property should CEACA wind up to meet legislative requirements.

Comment

The proposed changes to the CEACA constitution are outlined in Attachments 16.4A and B, which include a copy of the revised Constitution (with tracked changes) and explanatory notes that provide some commentary around the changes.

Details of the three main areas of change are;

1. Scope of service/ purpose amendment;
Broadening of the purpose to include disadvantaged people, in addition to aged care. This is currently part of the CEACA listing as an Australian Charities and Not-for-Profits Commission (ACNC) registered charity, however is not represented in the Constitution of the organisation. This change now aligns the Constitution and the charity registration. This also allows for a broader scope for the organisation to seek funding for additional infrastructure projects.

2. Membership changes;
 This requires a financial commitment from Member Councils for a three year term. This is to ensure Councils are committed to the overall objectives of the organisation rather than having infrastructure developed and then exiting.
3. Disposal of property;
 This is an update to the listed legislative requirements for the organisation to dispose of property to an organisation with a similar purpose at the wind up of the organisation. This is a requirement to keep charity status, and has previously been part of the Constitution, however has been updated for clarity and to meet the ACNC requirements. However, investment into property with a social and community return, but no financial return is something Council should be considering for future funding requests for additional infrastructure. Council is aware of this, and noted it as part of its resolution in January 2022 (CMRef 82859):

2. NOTES that should CEACA be wound-up, no assets will be distributed to any member Shires, but be distributed to a similar charitable entity (or entities), as per clause 29 of the CEACA constitution;

Given this change is an update of wording, Council has previously been made aware of this, and the CEACA project meets a specific community need, this element should be considered a legislative update.

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

	Policy Implications
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Nil

	Statutory Implications
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Nil

	Strategic Implications
∅ Strategic Community Plan	

Theme:	4. Communication and Leadership
Service Area Objective:	4.2 Decision Making 4.2.2 The Shire is progressive while exercising responsible stewardship of its built, natural and financial resources.
Priorities and Strategies for Change:	Nil

CEACA Strategy Implications:

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

While this is an area of need, this will mean CEACA is unlikely to broaden its service scope in aged care, which had been an area of interest previously for Council. Instead, it will continue be focussed on the development of infrastructure. This is consistent with the

general approach in the last 12-18 months, where CEACA has acted as a facilitator offering briefings from service providers to Local Government, for Local Government to consider extending their services and approach.

Risk Implications

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

Financial Implications

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

Voting Requirements



Simple Majority



Absolute Majority

Resolution

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

83221 **That Council ENDORSES the proposed changes to the CEACA Constitution, as per Attachment 16.4A.**

CARRIED 7/0

17. Motions of which Previous Notice has been given

Nil

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

Nil

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

Nil

20. Matters Behind Closed Doors

In accordance with section 5.23 (2)(b)(c)(e)(ii)(iii), of the *Local Government Act 1995* Council will go Behind Closed Doors to discuss these matters.

Council Decision

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


83222 **That Council move Behind Closed Doors and that Standing Orders be suspended at 4:33pm.**

CARRIED 7/0

Reason

That matters related to the personal affairs of any person, a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting, and a matter that if disclosed would reveal information that has commercial value to a person or information about the business, professional, commercial or financial affairs of a person were to be discussed.

20.1 MRCLC – Tender Evaluation

<h3>Community Services</h3>		 SHIRE OF MERREDIN INNOVATING THE WHEATBELT
Responsible Officer:	Codi Brindley-Mullen, EMS&C	
Author:	As above	
Legislation:	Local Government Act 1995	
File Reference:	MRC/13/1	
Disclosure of Interest:	Nil	
Attachments:	Attachment 20.1A – Recommendation Report	
Voting Requirements		

Simple Majority

Absolute Majority

Resolution

Moved: Cr Flockart

Seconded: Cr Van Der Merwe

That Council;

1. **DECLINE** to accept any tender submissions for RFT02 2022/2023 for Operation and Management of the Merredin Regional Community & Leisure Centre;
2. **INSTRUCT** the CEO to:
 - a. **ADVISE** unsuccessful tenderers of the outcome;
 - b. **PROVIDE** the service by alternate means within the allocated 2023/2024 budget provision GL 2110353;
 - c. **AUTHORISES** the CEO to seek and negotiate a short-term extension of one or two months from Belgravia Leisure, to ensure service continuity during changeover, within the existing budget; and
3. **NOTES** that as this recommendation is still subject to negotiation, the details of the Recommendation will remain confidential, and contained within this report until negotiations are concluded.

83223

During debate, an Alternative Motion was moved by Cr Billing, and seconded by Cr Crook.

Alternative Motion

Moved: Cr Billing

Seconded: Cr Crook

That Council;

- 1. DECLINE to accept any tender submissions for RFT02 2022/2023 for Operation and Management of the Merredin Regional Community & Leisure Centre;**
- 2. INSTRUCT the CEO to:**
 - a. ADVISE unsuccessful tenderers of the outcome;**
 - b. PROVIDE the service by alternate means within the allocated 2023/2024 budget provision GL 2110353;**
- 3. NOTES that as this recommendation is still subject to negotiation, the details of the Recommendation will remain confidential, and contained within this report until negotiations are concluded.**

83224

LOST 3/4

Cr Billing gave the reason for his motion to remove part (c as being to enable the Administration to focus on procedure development rather than contract renegotiations which would provide the best solution to the community in the minimum time.

20.2 Rates and Charges Write-off

Corporate Services



Responsible Officer:	Leah Boehme, EMCS
Author:	As above
Legislation:	<i>Local Government Act 1995</i> <i>Rates and Charges (Rebates and Deferments) Act 1992</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Nil

Voting Requirements

Simple Majority

Absolute Majority

Resolution

Moved: Cr Billing

Seconded: Cr Patroni

83226

That Council APPROVE the request to write-off the outstanding rates and charges currently owing on Assessments A9242 and A9243, totaling \$4,687.10.

CARRIED 7/0

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