



SHIRE OF  
**MERREDIN**  
INNOVATING THE WHEATBELT

# MINUTES

## Ordinary Council Meeting

Held in Council Chambers  
Corner King & Barrack Street's, Merredin  
Tuesday, 23 November 2021  
Commencing 4.00pm



<b>Common Acronyms Used in this Document</b>	
CBP	Corporate Business Plan
CEACA	Central East Accommodation & Care Alliance Inc
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
GECZ	Great Eastern Country Zone
LGIS	Local Government Insurance Services
LPS	Local Planning Scheme
MCO	Media and Communications Officer
MoU	Memorandum of Understanding
MRCLC	Merredin Regional Community and Leisure Centre
SRP	Strategic Resource Plan
CEO	Chief Executive Officer
WALGA	Western Australian Local Government Association
WEROC	Wheatbelt East Regional Organisation of Councils



## Shire of Merredin November Ordinary Council Meeting

<b>1. Official Opening</b> .....	<b>4</b>
<b>2. Record of Attendance / Apologies and Leave of Absence</b> .....	<b>4</b>
<b>3. Public Question Time</b> .....	<b>4</b>
<b>4. Disclosure of Interest</b> .....	<b>4</b>
<b>5. Applications of Leave of Absence</b> .....	<b>5</b>
<b>6. Petitions and Presentations</b> .....	<b>5</b>
<b>7. Confirmation of Minutes of Previous Meetings</b> .....	<b>5</b>
<b>8. Announcements by the Person Presiding without discussion</b> .....	<b>5</b>
<b>9. Matters for which the Meeting may be closed to the public</b> .....	<b>5</b>
<b>10. Receipt of Minutes of Committee Meetings</b> .....	<b>6</b>
<b>11. Recommendations from Committee Meetings for Council consideration</b> .....	<b>6</b>
<b>12. Officer's Report – Development Services</b> .....	<b>7</b>
12.1 Proposed Advertising Signage - Merredin Railway Museum and Historical Society ....	7
12.2 30-34 Gamenya Avenue – Development Application for Pergola/Gazebo with Reduced Front Setback .....	11
12.3 40 Duff Street – Development Application for an Oversized Domestic Shed .....	15
12.4 4 Kitchener Road Merredin - Development Application for an Oversized Domestic Shed and Lean-to .....	19
<b>13. Officer's Report – Engineering Services</b> .....	<b>24</b>
<b>14. Officer's Reports – Corporate and Community Services</b> .....	<b>25</b>
14.1 List of Accounts Paid .....	25
14.2 Statement of Financial Activity .....	27
14.3 CBD Redevelopment Projects .....	31
<b>15. Officer's Reports – Administration</b> .....	<b>38</b>
15.1 Councillors and Staff Christmas Function .....	38
15.2 Wheatbelt Development Commission Board – Local Government Nominations .....	41
15.3 Local Roads and Community Infrastructure (LRCI) Program - Phase 3 .....	44
<b>16. Motions of which Previous Notice has been given</b> .....	<b>48</b>
<b>17. Questions by Members of which Due Notice has been given</b> .....	<b>48</b>
<b>18. Urgent Business Approved by the Person Presiding or by Decision</b> .....	<b>48</b>
<b>19. Matters Behind Closed Doors</b> .....	<b>48</b>
<b>20. Closure</b> .....	<b>48</b>

Shire of Merredin  
Ordinary Council Meeting  
4:00pm Tuesday, 23 November 2021



### 1. Official Opening

The President acknowledged the Traditional Owners of the land on which we meet today, the Njaki Njaki people of the Nyoongar Nation and paid his respects to Elders past, present and emerging. The President then welcomed those in attendance and declared the meeting open at 4:08pm.

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

**Councillors:**

Cr M McKenzie	President
Cr L Boehme	Deputy President
Cr R Billing	
Cr C Crook	
Cr J Flockart	
Cr R Manning	
Cr P Patroni	
Cr M Simmonds	
Cr P Van Der Merwe	

**Staff:**

L Clack	CEO
A Prnich	DCEO
G Garside	EMCS
L Mellor	EMES
P Zenni	EMDS
A Brice	EA
M Wyatt	ES

**Members of the Public:** 2

**Apologies:**

**Approved Leave of Absence:**

### 3. Public Question Time

Nil

### 4. Disclosure of Interest

Cr Patroni declared a Proximity Interest in Item 12.3.  
Cr Manning declared an Impartiality Interest Item 15.2.  
Lisa Clack, CEO, declared an Impartiality Interest in Item 14.3.

## 5. Applications of Leave of Absence

Nil

## 6. Petitions and Presentations

Nil

## 7. Confirmation of Minutes of Previous Meetings

7.1 Ordinary Council Meeting held on 19 October 2021  
Attachment 7.1A

### Voting Requirements



Simple Majority



Absolute Majority

### Resolution

**Moved:** Cr Boehme **Seconded:** Cr Manning

**82823** **That the Minutes of the Ordinary Council Meeting held on 19 October 2021 be confirmed as a true and accurate record of proceedings.**

**CARRIED 9/0**

## 8. Announcements by the Person Presiding without Discussion

Cr McKenzie read the following into the public record:

*In the future I would like to honour members of the Merredin Community who had died, whether in Merredin or other parts of the state. I have an example of a person who is an example to others and a person who committed to the Wheatbelt including Merredin.*

*I am extremely honoured to speak today about an outstanding member of our community who passed away 3 weeks ago. Jean Poole worked throughout the wheatbelt for others and was recognised by receiving the Order of Australia Medal. When receiving this honour at Government House, the Governor read the following.*

*Mrs Poole was a Nursing Sister and Voluntary worker in the Shires of Westonia, Merredin and Southern Cross for more than 20 years. An organiser of annual low-cost holidays for senior citizens until 1990. A board member of St. Michael's Residential College, attached to the Merredin Senior High School since 1979. A member of the Anglican Vestry of the Southern Cross / Westonia parish for 14 years and rector's warden for many years and synod representative for 10 years to date. She was President of CWA Eastern Division for three years and served in all other positions, was the leader of the catering committee and member of the Westonia Landcare Committee.*

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

Nil

## 10. Receipt of Minutes of Committee Meetings

- 10.1 Eastern Wheatbelt Biosecurity Group Meeting held 29 September 2021  
Attachment 10.1A
- 10.2 Local Emergency Management Meeting held 7 October 2021  
Attachment 10.2A
- 10.3 Bush Fire Advisory Committee Meeting held 14 October 2021  
Attachment 10.3A
- 10.4 Eastern Wheatbelt District Health Advisory Committee Meeting held 20  
October 2021  
Attachment 10.4A

### Voting Requirements

- Simple Majority  Absolute Majority

### Resolution

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

- 82824** That the Minutes of the following committee meetings be received;
- Eastern Wheatbelt Biosecurity Group Meeting held 29 September 2021;
  - Local Emergency Management Meeting held 7 October 2021;
  - Bush Fire Advisory Committee Meeting held 14 October 2021;
- and
- Eastern Wheatbelt District Health Advisory Committee Meeting held 20 October 2021.

**CARRIED 9/o**

## 11. Recommendations from Committee Meetings for Council Consideration

- 11.1 Local Emergency Management Committee Meeting held 7 October 2021

### Resolution

**Moved:** Cr Flockart **Seconded:** Cr Crook

- 82825** The Local Emergency Management Committee recommends that the Council;
1. Endorse the draft Local Emergency Management Arrangements for public consultation;
  2. Return any material changes to LEMC via a special meeting; and
  3. Notes that any minor or immaterial changes will be circulated to the committee via email.

**CARRIED 9/o**

## 12. Officers' Reports - Development Services

### 12.1 Proposed Advertising Signage - Merredin Railway Museum and Historical Society

<h2 style="margin: 0;">Development Services</h2> 	
<b>Responsible Officer:</b>	Peter Zenni, EMDS
<b>Author:</b>	Peter Zenni, EMDS
<b>Legislation:</b>	Shire of Merredin Local Planning Scheme No 6. <i>Heritage Act 2018</i>
<b>File Reference:</b>	Nil
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	Attachment 12.1A – Application for development approval and associated plans and specifications.

#### Purpose of Report

Executive Decision

Legislative Requirement

#### Background

The Shire of Merredin has received an application for development approval from the Merredin Museum and Historical Society for the placement of external advertising signage adjacent to the Merredin Railway Museum building located on Portion of Reserve 10359, Lot 1503 (No 45) Barrack Street, Merredin.

#### Comment

The proposed development consists of the erection of 2 tin advertising signs (2,7m high x 3.62m wide and 1.725m high and 11.4m wide) adjacent to the exterior of the Merredin Railway Museum building. The signs are aimed at improving the experience for visitors to the Merredin Railway Museum and are in line with the overall Interpretation and Design Concept Plan for the Merredin Railway Museum.

The proposal is consistent with the current as well as longer-term use of the area.

#### Statutory

The Merredin Railway Museum is located on Portion of Reserve 10359, Lot 1503 (No 45) Barrack Street, Merredin is designated 'Railway Local Scheme Reserve' under the Shire of Merredin Local Planning Scheme No.6. (LPS).

Clause 2.4 of the LPS states that in determining an application for planning approval the local government is to have due regard to the ultimate purpose intended for the reserve and that in the case of land reserved for the purposes of a public authority, the local government is to consult with that authority before determining an application for planning approval.

In this case the objectives of the Local Planning Scheme No. 6 relating to a Railway Local Reserve areas follows;

- **To provide land and facilities for railway purposes and associated activities.**
- **To protect land from activities considered inappropriate to the successful continued operation of railway infrastructure.**

The proposed development does not contravene the above objectives and complements the current as well as long-term use of the area.

The land in question is owned by the State of WA and is a reserve vested in the Public Transport Authority (PTA).

The development application has been signed by the Executive Director Infrastructure Planning and Land Services on behalf of the PTA. The Shires Executive Manager Development Services (EMDS) has spoken with a representative of the PTA and confirmed that the PTA supports the application as lodged by the applicant with the Shire of Merredin.

The Merredin Railway Station Group (Incorporating the Railway Museum) is listed (Place Number 01577) on the State Heritage Council Register of premises with a high historical significance to the Western Australian Community.

As such any proposed development automatically triggers mandatory development approval provisions under the Shire of Merredin Local Planning Scheme No.6 and requires referral of the proposed development to the Department of Planning, Lands and Heritage for consideration of potential Heritage related impacts.

### Policy Implications

Nil

### Statutory Implications

Compliance with the Shire of Merredin Local Planning Scheme No.6 and the *Heritage Act 2018*.

### 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:	N/A



➤ Corporate Business Plan

Key Action: 4.1.1 Continue to upgrade the Integrated Planning Framework, meet statutory requirements of the Local Government Act and regulations and regulatory obligations required under other regulations

Directorate: Development Services

Timeline: Ongoing

**Sustainability Implications**

➤ Strategic Resource Plan

Nil

➤ Workforce Plan

Directorate: Nil

Activity: Nil

Current Staff: Nil

Focus Area: Nil

Strategy Code: Nil

Strategy: Nil

Implications: Nil

**Risk Implications**

Nil

**Financial Implications**

The relevant development application fees have been paid.

**Voting Requirements**

Simple Majority

Absolute Majority

**Resolution**

**Moved:** Cr Simmonds

**Seconded:** Cr Van Der Merwe

**82826**

**That Council Grant Development Approval for the erection of two tin advertising signs (2.7m high x 3.62m wide and 1.725m high and 11.4m wide) on Portion of Reserve 10359, Lot 1503 (No 45) Barrack Street, Merredin, adjacent to the exterior of the Merredin Railway Museum building as outlined in attachment 12.1A, subject to the following conditions;**

- 1. The proposed development being referred to the Department of Planning, Lands and Heritage for comment;**

- 2. Confirmation being received by the Shire of Merredin from the Department of Planning, Lands and Heritage that it has no objection to the proposed development taking place; and**
- 3. Compliance with Arc Infrastructure requirements as detailed in the email from Stella Seo (Arc Infrastructure Project Engineer) dated 28th October 2021.**

**CARRIED 9/o**

**12.2 30-34 Gamenya Avenue – Development Application for Pergola/Gazebo with Reduced Front Setback**

## Development Services



<b>Responsible Officer:</b>	Peter Zenni, EMDS
<b>Author:</b>	Peter Zenni, EMDS
<b>Legislation:</b>	Shire of Merredin Local Planning Scheme No 6. <i>Planning and Development Act 2005</i>
<b>File Reference:</b>	A1566
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	Attachment 12.2A – Application for development approval and associated plans and specifications

### Purpose of Report



Executive Decision



Legislative Requirement

### Background

The Shire of Merredin has received an application for development approval for the construction of a pergola/gazebo on Lot 16 (No 30-34) Gamenya Avenue, Merredin.

Lot 16 (No 30-34) Gamenya Avenue, Merredin is zoned “Commercial” under the Shire of Merredin Local Planning Scheme No. 6 (LPS).

The property in question is used for the operation of the Gumtree Motel and Restaurant which is registered as a lodging house with the Shire of Merredin.

### Comment

#### Strategic

The proposed development complements the existing use of the land for motel purposes and is consistent with the strategic direction of Council and the ongoing development of the locality.

#### Statutory

The proposed development does not comply with the minimum front setback requirements mandated by the LPS (Table two – Development Table) which requires a minimum front setback of 11 metres to any Motel related development.

The setback requirement is designed to minimise visual impact of development on the amenity of the surrounding area, notwithstanding that this is in a commercial zoned area.

The proposed development must be considered with respect to potential impact on the occupiers and users of the adjacent lots. In this case the impact of the development will be minimal for the following reasons;

1. The large size of the lot that is subject to the proposed development;
2. The proposed patio/gazebo is an open structure and will not have significant impact on the visual amenity of the surrounding area;
3. The existing perimeter wall and trees along the property boundary adjacent to Gamenya Avenue will act to screen the structure from view from the Gamenya Road frontage; and
4. Previous existence of structures adjacent to the proposed location, these now have been removed as part of the proposed development taking place.

The Shire of Merredin Council does have the ability to vary the setback requirement in accordance with Clause 4.5 of the LPS – **Variation to Site and Development Standards and Requirements**, which states as follows;

#### **4.5 VARIATIONS TO SITE AND DEVELOPMENT STANDARDS AND REQUIREMENTS**

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

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

**a) consult the affected parties by following one or more of the provisions for advertising uses under clause 64 of the deemed provisions; and**

**AMD 5 GG 04/07/17**

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

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

**a) approval of the proposed development would be appropriate having regard to the criteria set out in clause 67 of the deemed provisions; and**

**AMD 5 GG 04/07/17**

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

In this case the Residential Design Codes (R Codes) do not apply as the proposed development relates to a commercial activity (Motel) and not a residential use.

The proposed pergola/gazebo will be an integral part of the motel operations and will improve the functionality of the area as well as providing shade to the users of the facility.

Given the minimal impact on the adjacent properties and the streetscape it is suggested that the Shire of Merredin Council approve application for development approval for the proposed pergola/gazebo incorporating a reduced front setback.

It should be noted that in addition to development requirements the relevant provisions of the National Construction Code (BCA) apply in this case as the pergola/gazebo is considered a building in its own right.

### Policy Implications

Nil

### Statutory Implications

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

### 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:	N/A

#### ➤ Corporate Business Plan

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

### Sustainability Implications

#### ➤ Strategic Resource Plan

Nil

#### ➤ Workforce Plan

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

### Risk Implications

Nil

### Financial Implications

The relevant development application fees have been paid.

### Voting Requirements



Simple Majority



Absolute Majority

### Resolution

**Moved:** Cr Van Der Merwe

**Seconded:** Cr Boehme

**82827** That Council;

1. Grant development approval for the proposed pergola/gazebo on Lot 16 (No 30-34) Gamenya Avenue, Merredin, incorporating a reduced front setback as outlined in attachment 12.2A; and
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 pergola/gazebo must be submitted to the Shire of Merredin and be approved before any construction work can commence on site.

**CARRIED 9/0**

## 12.3 40 Duff Street – Development Application for an Oversized Domestic Shed

Cr Patroni declared a Proximity Interest in this Item 12.3 and left the chambers at 4:25pm.

<h2>Development Services</h2>		
<b>Responsible Officer:</b>	Peter Zenni, EMDS	
<b>Author:</b>	Peter Zenni, EMDS	
<b>Legislation:</b>	Shire of Merredin Policy 8.22 – Outbuildings in Residential Areas Shire of Merredin Local Planning Scheme No.6 Residential Design Codes <i>Planning and Development Act 2005</i>	
<b>File Reference:</b>	A9410	
<b>Disclosure of Interest:</b>	Nil	
<b>Attachments:</b>	Attachment 12.3A – Application for development approval and associated plans and specifications	

### Purpose of Report

Executive Decision

Legislative Requirement

### Background

The Shire of Merredin has received an application for development approval for the construction of an oversized domestic shed on Lot 800 (No 40) Duff Street, Merredin.

### Comment

The property in question currently consists of two separate but adjacent lots - Lot 1 (No 50) Bates Street, which is a vacant lot fronting Bates Street and Lot 2 (No 40) Duff Street, with an existing house on the lot fronting Duff Street. The proposed shed consists of a fully enclosed portion as well as a half open garage/carport. The structure will be used for storage of domestic items as well as an outdoor living/patio area.

Lot 1 (No 50) Duff Street and Lot 2 (No 40) Duff Street, Merredin are zoned “Residential” under the Shire of Merredin Local Planning Scheme No. 6 (LPS).

The owner of both of the lots is also the applicant with respect to the development application for the oversized shed. The lots in question have recently been surveyed and an application for the amalgamation of the two lots has been lodged with the Western Australian Planning Commission (WAPC). The WAPC has indicated that the

amalgamation approval process will take approximately 3 months with the resulting creation of a new lot – lot 800 (No 40) Duff Street, Merredin.

Subsequent to this report the Shire of Merredin has received a referral for comment from the WAPC with respect to the proposed amalgamation.

The proposed outbuilding has an overall area of 120m<sup>2</sup>.

### Policy Implications

The Shire of Merredin Policy Manual, 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 single outbuilding area of 94m<sup>2</sup> and an aggregate total area for the lot to be 125m<sup>2</sup>. The actual area of the shed upon construction will be 120m<sup>2</sup>

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

Council has previously approved the construction of oversized 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 single maximum area of outbuildings will exceed the provisions of the Policy once the proposed shed is constructed, the maximum wall height and ridge height of the proposed shed will comply with the Policy and the development on the lot will still comply with the minimum open space provisions of the Residential Design Codes.

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

### Statutory Implications

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 deemed-to-comply provisions relating to outbuildings among other things stipulate that an outbuilding should not encroach in to the primary or secondary street setback. In this case as the two lots are as yet to be formally amalgamated the



proposed shed location will contravene the deemed-to-comply provisions and as such there is an automatic requirement for an application for development approval to be lodged with the Shire of Merredin.

It should be noted that upon the completion of the amalgamation process the newly created lot will front Duff Street with the proposed location of the shed conforming with the deemed-to-comply provisions pertaining to front and side street setbacks.

In addition, the newly created lot will only have one immediately adjacent residential property (38 Duff Street), with the northern boundary of the new lot adjoining the Shires open drain reserve, the eastern boundary adjoining Bates Street and the Men's Shed and the southern boundary adjoining Duff Street and the Merredin Dog Park.

The owner of the adjoining property at 38 Duff Street, Merredin, has confirmed in writing that she has no objection to the construction of the proposed shed on Lot 800 (No 40) Duff Street, Merredin.

### 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:	N/A

#### ➤ Corporate Business Plan

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

### Sustainability Implications

#### ➤ Strategic Resource Plan

Nil

#### ➤ Workforce Plan

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

Implications: Nil

### Risk Implications

Nil

### Financial Implications

The relevant development application fees have been paid.

### Voting Requirements



Simple Majority



Absolute Majority

### Resolution

**Moved:** Cr Crook

**Seconded:** Cr Boehme

**82828** That Council;

1. Grant development approval for the proposed oversized domestic shed on Lot 800 (No 40) Duff Street, Merredin as outlined in attachment 12.3A, subject to the following condition;
  - a. Prior to commencement of development Lot 1 (No 50) Bates Street and Lot 2 (No 40) Duff Street are amalgamated so that the development is wholly contained on the one Lot.
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 shed must be submitted to the Shire of Merredin and be approved before any construction work can commence on site; and
3. Authorise the Executive Manager Development Services to issue a building permit for the construction of the proposed shed on Lot 800 (No 40) Duff Street, 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 8/o**

*Cr Patroni returned to the chambers at 4:29pm.*

**12.4 4 Kitchener Road Merredin - Development Application for an Oversized Domestic Shed and Lean-to**

<h2 style="margin: 0;">Development Services</h2> 	
<b>Responsible Officer:</b>	Peter Zenni, EMDS
<b>Author:</b>	Peter Zenni, EMDS
<b>Legislation:</b>	Shire of Merredin Policy 8.22 – Outbuildings in Residential Areas Shire of Merredin Local Planning Scheme No.6 Residential Design Codes <i>Planning and Development Act 2005</i>
<b>File Reference:</b>	A2266
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	Attachment 12.4A – Application for development approval and associated plans and specifications

**Purpose of Report**

- Executive Decision
  Legislative Requirement

**Background**

The Shire of Merredin has received an application for development approval for an oversized domestic shed and lean-to on Lot 174 (No 4) Kitchener Road, Merredin.

**Comment**

The owner of Lot 174 (No 4) Merredin wishes to construct an oversized domestic shed and lean-to on the premises to store his caravan as well as various passenger vehicles and motorcycles which form part of his personal activities. The proposed domestic shed and lean-to will also be used for hobbies associated with metal machining/woodwork/restoration projects.

Lot 174 (No 4) Kitchener Road, Merredin is zoned “Residential” under the Shire of Merredin Local Planning Scheme No. 6 (LPS).

The proposed shed and lean-to will be located at the rear of the property behind the existing house. The proposed shed has an overall enclosed area of 136m<sup>2</sup> with the additional lean-to having an open area of 64m<sup>2</sup> (200m<sup>2</sup> total outbuilding area).

The proposed shed will have a wall height of 4.0m and a maximum height at the top of the ridge of 4.749m

## Policy Implications

The Shire of Merredin Policy Manual, 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 single outbuilding area of 117m<sup>2</sup> and aggregate total area for all outbuildings on the lot to be 156m<sup>2</sup>. The Policy also stipulates a maximum wall height of 3.0m and maximum ridge height of 3.9m.

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

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.”***

Council has previously approved the construction of oversized sheds as well as development that exceeded the overall aggregate area for all outbuildings on a lot 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 4.57m.

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 Policy as well as feedback from adjoining property owners who may be affected by the development.

It should be noted that the proposed shed and lean-to will be located at the rear of the property behind the existing house. The pitch and height of the roof forming part of the existing house will help to minimise visual impact from the Kitchener Road frontage.

It should also be noted that although the single maximum area of outbuilding and maximum height criteria will exceed the provisions of the Policy, the proposed shed and lean-to 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;

***“Having suffered in the past from severe depressive episodes I have found that an active mind and using my hands to build, improve, repair things has helped in many ways better deal with the mental issues that I have to deal with. In this I have found hobbies in metal machining/woodwork/restoration projects is helping in ways that keep me interested and engaged. Some of my equipment takes up a fair amount of room and hence also the want of the larger space. My use of my shed and equipment is for entirely personal use and not used for monetary benefit.”***

## Statutory Implications

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 4.749m there is an automatic requirement for an application for development approval to be lodged with the Shire of Merredin.

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 of Merredin has given written notice to the owners of the land immediately adjacent to Lot 174 (No 4) Kitchener Road, 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 of Merredin.

At the expiration of the statutory 14-day notice period the Shire of Merredin **has received one submission** from the Area Manager of the Department of Communities (Housing), stating that they have **no objection** to the proposed development.

## 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:	N/A

### ➤ Corporate Business Plan

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

### Sustainability Implications

#### ➤ Strategic Resource Plan

Nil

#### ➤ Workforce Plan

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

### Risk Implications

Nil

### Financial Implications

The relevant development application fees have been paid.

### Voting Requirements

Simple Majority  Absolute Majority

### Resolution

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

**82829** That Council;

1. Grant development approval for the proposed oversized domestic shed and lean-to on Lot 174 (No 4) Kitchener Road, Merredin as outlined in attachment 12.4A;
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 shed and lean-to must be submitted to the Shire of Merredin and be approved before any construction work can commence on site;
3. Authorise the Executive Manager Development Services to issue a building permit for the construction of the proposed

**shed and lean-to on Lot 174 (No 4) Kitchener Road, Merredin, as outlined in attachment 12.4A, subject to compliance with the relevant provisions of the Building Act 2011 and the National Construction Code (BCA);**

- 4. Advises the applicant that the shed must not be used for any commercial/business activities; and**
- 5. Advises the applicant of the need to comply with the provisions of the Environmental Protection (Noise) Regulations 1997.**

**CARRIED 9/0**

### **13. Officers' Reports - Engineering Services**

Nil



## 14. Officers' Reports – Corporate and Community Services

### 14.1 List of Accounts Paid

<h2>Corporate Services</h2>		 SHIRE OF <b>MERREDIN</b> INNOVATING THE WHEATBELT
<b>Responsible Officer:</b>	Geoff Garside, EMCS	
<b>Author:</b>	Geoff Garside, EMCS	
<b>Legislation:</b>	<i>Local Government Act 1995</i> <i>Local Government (Financial Management) Regulations 1996</i>	
<b>File Reference:</b>	Nil	
<b>Disclosure of Interest:</b>	Nil	
<b>Attachments:</b>	Attachment 14.1A - Payments Listing Oct 2021	

#### Purpose of Report

Executive Decision

Legislative Requirement

#### Background

The attached list of Accounts Paid during the Month of October 2021 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: Nil

Service Area Objective: Nil

Priorities and Strategies Nil  
for Change:

➤ Corporate Business Plan

Key Action: Deliver long term financial planning for asset replacement and new capital projects

Directorate: 2

Timeline: Continue to provide prudent financial controls and compliance systems

**Sustainability Implications**

➤ Strategic Resource Plan

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

➤ Workforce Plan

Directorate: Nil

Activity: Nil

Current Staff: Nil

Focus Area: Nil

Strategy Code: Nil

Strategy: Nil

Implications: Nil

**Risk Implications**

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

**Financial Implications**

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

**Voting Requirements**

Simple Majority

Absolute Majority

**Resolution**

**Moved:** Cr Manning

**Seconded:** Cr Patroni

**82830**

**That Council receive the schedule of accounts paid during October 2021 as listed, covering cheques, EFT's, bank charges, directly debited payments and wages, as numbered and totaling \$1,369,808.79 from Council's Municipal Fund Bank Account and \$193.64, from Council's Trust Account.**

**CARRIED 9/o**

## 14.2 Statement of Financial Activity

<h1>Corporate Services</h1> 	
<b>Responsible Officer:</b>	Geoff Garside, EMCS
<b>Author:</b>	Geoff Garside, EMCS
<b>Legislation:</b>	<i>Local Government Act 1995, Local Government (Financial Management) Regulations 1996</i>
<b>File Reference:</b>	Nil
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	Attachment 14.2A – Statement of Financial Activity Attachment 14.2B – Detailed Statements Attachment 14.2C – Investment Statement Attachment 14.2D – Capital Works Progress Attachment 14.2E – Variances by Sub Program

### Purpose of Report

Executive Decision

Legislative Requirement

### Background

The Statement of Financial Activity and Investment Register are attached for Council's information.

### Comment

#### Statement of Financial Activity

Regulation 34 of the Local Government (Financial Management) Regulations 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.

Please note: the figures in the October 2021 financial reports as presented in the attachments are provisional. There are still year-end transactions and adjustments that need to be completed before the financial statements for the year ended 30 June 2021 can be finalised for audit. These adjustments may have an impact on the reported figures for the 2021-22 year. In addition, some functions like depreciation are unable to be run before the prior-year is finalised.

#### Budget Amendments

The following budget amendments are recommended:

GL/Job	Description	Current Budget	Variation Amount	Revised Budget	Reason
2050387	OLOPS – Other Expenditure	\$0	\$755	\$755	Shire of Merredin contribution to emergency bedding supply storage cage at Merredin Regional Community and Leisure Centre
2050352	OLOPS - Consultants	\$6,200	(\$755)	\$5,445	Local Emergency Management Review consultant savings

The Department of Communities has requested support from the Shire of Merredin to pay a 50% contribution towards storage for a PPE kit and bedding for evacuation purposes for the 2021/ 2022 season and beyond. The current quote is for \$1,550 and both organisations are proposed to contribute \$775 each. In the future, if the Department of Communities no longer require equipment to be stored at the centre, the cage will remain at the centre. Belgravia Leisure have indicated that the cage can be stored with other cages at the centre. There is currently no Emergency Management equipment budget and an adjustment is required to accommodate this cost.

GL/Job	Description	Current Budget	Variation Amount	Revised Budget	Reason
2040186	Members – Expensed Minor Asset Purchases (Operating)	0	\$5,000	\$5,000	Devices (laptop/iPad) for two new Councillors.
4040130	Members – Plant & Equip (Capital)	\$71,000	(\$5,000)	\$66,000	Original budget for Chambers tech upgrade, new chairs and device replacement.

Two new devices (laptop/iPad) are required. The value is below the \$5,000 threshold to capitalise as an asset, so a transfer of funds from Capital to Operating is required to facilitate.

### 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: Nil

Theme Statement: Nil

Service Area Objective: Nil

➤ Corporate Business Plan

Key Action: Deliver long term financial planning for asset replacement and new capital projects  
Directorate: 2  
Timeline: Continue to provide prudent financial controls and compliance systems

**Sustainability Implications**

➤ Strategic Resource Plan

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

➤ Workforce Plan

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

**Risk Implications**

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

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

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

### Financial Implications

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

### Voting Requirements

Simple Majority

Absolute Majority

### Resolution

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

**82831**      **That Council;**

1. In accordance with Regulation 34 of the Local Government (Financial Management) Regulations 1996, receive the Statement of Financial Activity and the Investment Report for the period ending 31 October 2021; and
2. Approve the following amendments to the 2021-22 budget:
  - a. Increase operating expenditure GL 2050387 Other Law Order & Public Safety (OLOPS) – Other Expenditure from \$0 by \$755 to \$755;
  - b. Decrease operating expenditure GL 2050352 Other Law Order & Public Safety (OLOPS) – Consultants from \$6,200 by (\$755) to \$5,445;
  - c. Increase operating expenditure GL 2040186 Members – Expensed Minor Asset Purchases from \$0 by \$5,000 to \$5,000; and
  - d. Decrease capital expenditure GL Members Plant & Equipment from \$71,000 by (\$5,000) to \$66,000.

**CARRIED 9/0**

### 14.3 CBD Redevelopment Projects

*Lisa Clack, CEO, declared and Impartiality Interest in this Item 14.3.*

<h2 style="color: #0056b3;">Community Services</h2> 	
<b>Responsible Officer:</b>	Andrina Prnich, DCEO
<b>Author:</b>	Andrina Prnich, DCEO
<b>Legislation:</b>	<i>Local Government Act 1995</i>
<b>File Reference:</b>	Nil
<b>Disclosure of Interest:</b>	Impartiality Interest - CEO
<b>Attachments:</b>	Nil

#### Purpose of Report

Executive Decision

Legislative Requirement

#### Background

Council has been considering the redevelopment of the CBD precinct since at least 2008. Based on extensive community consultation, the main areas of focus have been two major infrastructure projects. These projects are defined within the overall redevelopment staging program as Stage 1 (Pioneer Park and Merredin Town Square) and Stage 2a (Apex Park).

In February 2021, to secure funding for the proposed Stage 1 (Pioneer Park and Merredin Town Square) works, Council resolved to endorse the reviewed town centre redevelopment concept plan for public consultation and, to direct the CEO to carry out the necessary work required to submit a Building Better Regions Fund (BBRF) application.

In May 2021, Council resolved to allocate Phase Two of the Local Roads and Community Infrastructure Program (\$470,500) to partially fund the redevelopment of Stage 2a (Apex Park).

Since this time, the Shire has been progressing its planning for both Stage 1 and 2a projects.

In October 2021, the Shire received notice that its BBRF application had been successful and its request for \$2.139m in funding would be granted with a dollar-for-dollar funding match by the Shire.

The funding, now secured through the BBRF and LRCI programs, is a significant achievement for the Shire and its long-term aspirations to redevelop its CBD.

## Comment

With Council now securing a large portion of the required resources it can move swiftly forward with the CBD precinct redevelopment.

The significant funding currently available to the Shire presents an opportunity to make key decisions around investing in high quality development/s, setting a precedent for the remainder of the CBD revitalisation and reduce ongoing maintenance and replacement costs.

Furthermore, the deadlines for LRCI funding have been changed, which means Council can now be more strategic about the approach in the staging and funding of the Stage 2a (Apex Park) works.

In consideration of the size and magnitude of Stage 1 and 2a of the CBD revitalisation program, a set of key recommendations are now presented for Council to continue in moving both projects forward:

1. Invest in dedicated Project Manager;
2. Adjust project funding and budget allocations; and
3. Ensure staging, timeframes and resourcing are aligned with the BBRF submission.

The steps taken to forming the above recommendations are presented herein.

### **CBD Stage 1 (Pioneer Park and Merredin Town Square)**

Stage 1 works is estimated to cost \$4.2m. With an assumed cost of design fees at 15% of project cost, the Shire was careful not to over-commit to design contracts until funding was secured.

To ensure that the project was investment ready once funding was confirmed, the project was divided into three identifiable sub-projects and detailed design has progressed for Stage 1a (Pioneer Park).

The other two sub-projects would only be progressed if funding was secured.

The 2021-22 budget indicates the \$4.26m project construction budget (\$2.139m dollar for dollar matched funding sources being Shire of Merredin and BBRF) and it was highlighted during the budgeting process that this did not include design or project management fees. An assumption was made to utilise a portion (15%) of this budget for detailed design and investigatory fees with the understanding that the budget would be adjusted once funds were secured.

Another key assumption, for progressing the development, was that the Shire would fund and procure a dedicated Project Manager if the BBRF or other funding was confirmed.

To fund the design fees and new Project Manager position, it is proposed that the shortfalls be considered holistically, with consideration of several emerging project considerations relevant to Stage 2 (Apex Park).

### **CBD Stage 2a (Apex Park)**

The Apex Park concept plan, endorsed for consultation in June 2021 and, at large, widely accepted by the community, was anticipated to cost \$1.6m (+/- 15%).



With an initial deadline for the Phase 2 LRCI funding program of 31 December 2021, the consultant was requested to advise what aspects of the project could be delivered within the time and budget constraints. Though recognised as the least significant for meeting the community's aspirations for the park, the park entrance, carpark modifications and youth space (not including the skate park) were selected. For internal purposes, these sub-projects have been referred to as Apex Park Stage 1a and b.

Planning for Apex Park Stage 1a and b has now progressed to 100% detailed design and reviewed by an independent quantity surveyor. The costing for Stage 1a and b is now estimated at \$1.4m and the overall project at \$2.5m.

The variation in cost is primarily attributed to the WA construction boom currently transpiring, significantly affecting prices across the State. Some cost increases incurred relate to an increased scope from the original concept plan (eg. change from limestone to concrete footpaths, additional scope to incorporate universal access and dual cables to the flying fox.).

In the interim, the Shire received notification from the Department of Infrastructure, Transport, Regional Development and Communications, advising that all LRCI Phase 2 projects could be extended to 30 June 2022.

Previous staging for Apex Park was determined by choosing the only viable option to be designed and constructed by December 2021 in order to meet the LRCI funding requirements. With the change to this deadline, the project lead can reconsider the priorities of the staging to an outcome better aligned with community priorities.

The Apex Park project is one which is likely to be highly attractive to funding bodies, and additional funding may be secured within six months of completing detailed design. Given this, it is not recommended that Council resolve to take further borrowings to meet the funding shortfall, and instead notes that the Shire will seek grant funding to meeting the remaining shortfall.

### **Summary**

As highlighted there is currently significant funding opportunities (BBRF and LRCI stimulus funding) available to progress the CBD redevelopment and, with the ability to ensure both projects are delivered to a quality that will limit or reduce ongoing maintenance costs.

Both projects are currently resourced by Executive Manager positions and this does impose some risk on project cost, quality and timeframes. There is an urgent need to now resource the two major projects with a dedicated Project Manager.

In light of the recent BBRF announcement, the changes to LRCI Phase 2 project deadlines and the assumptions made in progressing both CBD Stage 1 and 2a works to date, a proposed variation to the project funding is now sought for approval by Council.

It is proposed that Council opt to move the LRCI Phase 2 funds (\$470,500), currently allocated to Stage 2a (Apex Park), across to Stage 1 (Pioneer Park and Merredin Town Square). This will fund a significant portion of the shortfall now required to progress the CBD Stage 1 development to construction, however a further \$194,000 this financial year and \$70,000 next financial year will need to be identified to complete the project. While the shortfall in funding will be sought from cost savings from

within the project, should this be unsuccessful the Shire is confident the remaining shortfall of \$194,000 in the 2021-22 annual budget can be found from the delay of other scheduled capital works during mid-year budget review where current market pressures and resource pressures are likely to delay works into next financial year. Should Council not choose to delay some capital works, the project budget shortfall can be met with additional borrowings.

In this option, Council will be able to ensure that CBD Stage 1 can be delivered successfully, setting a precedent for future stages and making best use of the significant funding source available through the BBRF grant. It will also help provide validation to funding bodies on the Shires ability to deliver on this project and aid in obtaining future funding.

This will reduce the risk of losing any available funds and ensure the Shire of Merredin can enjoy the full benefits of all funding currently available.

This option will also allow further time and interrogation of funding opportunities and project budget efficiencies to ensure Apex Park is delivered to its full potential, meeting community expectations. As outlined, this project is expected to be highly attractive to funding bodies once detailed designs are substantially progressed. Even if the Shire stages the Apex Park project, it will be in a better position to select elements which have more impact and align better with community priorities.

It is also noted that Council is now required to allocate Phase 3 Local Roads and Community Infrastructure Program projects, the subject of a separate report to be considered by Council.

### Policy Implications

Nil

### Statutory Implications

*Local Government Act 1995*

### Strategic Implications

#### ➤ Strategic Community Plan

- |                         |   |
|-------------------------|---|
| Theme:                  | 3. Environment and Sustainability   |
| Service Area Objective: | 3.1. Environmental Management   |
|                         | 3.1.1. The Shire of Merredin observes a number of sustainable water and energy harvesting, conservation and usage practices                   |
| Service Area Objective: | 3.3. Environmental Planning   |
|                         | 3.3.1. Land use planning respects our natural assets and ensures limited impact on climate change   |
| Theme:                  | 4. Communication and Leadership   |
| Service Area Objective: | 4.1. Community Engagement   |
|                         | 4.1.1. The Shire regularly engages with its community and, in return, communicates the information gathered in a clear and transparent manner |

Theme: 5. Places and Spaces

Service Area Objective: 5.1. Streetscapes  
 5.1.1. The Merredin CBD has been significantly upgraded and is well maintained and representative of the regional status that it holds

Service Area Objective: 5.2. Parks and Gardens  
 5.2.1. Parks within the Shire are maintained to a high standard, with adequate facilities for community members of all ages and abilities

Priorities and Strategies for Change: Nil

➤ Corporate Business Plan

Key Action: Nil

Directorate: Nil

Timeline: Nil

**Sustainability Implications**

➤ Strategic Resource Plan

Nil

➤ Workforce Plan

Objectives: 1.0 Attract and retain outstanding people

Action: 1.1 Implement progressive workplace practices  
 The creation of one new FTE is proposed in this recommendation. This new resource will be required to deliver and manage the day-to-day project management tasks associated with the two major projects (along with planning at the overarching program level). Either a new employee or contractor will be considered for the role.

**Risk Implications**

A summary of risks and proposed mitigation strategies are outlined below:

No.	Risk	Likelihood	Consequence	Risk Score	Strategies on Risk
1.	Failure to retain/utilise all available funding	Possible	Major	High	<ul style="list-style-type: none"> <li>Resource project to ensure delivery timeframes on track</li> <li>Ensure demonstrated consultation to funding bodies when seeking external funds</li> </ul>
2.	Reputational Damage if project costs and timelines are	Possible	Major	High	<ul style="list-style-type: none"> <li>Continue to monitor pricing and resource project to ensure no unnecessary delays to projects (if WA</li> </ul>

	increased/lengthened				construction boom continues) • Continue to openly communicate on project progress/delays with community, funding bodies and other stakeholders
3.	Reputational Damage if facility does not meet community expectations	Possible	Minor	Low	• Utilise funding to best ability and ensure highest quality delivered within budgets available • Introduce a range of communication strategies to ensure community is informed and consulted on project designs and staging

### Financial Implications

To deliver Stage 1 (Pioneer Park and Town Square), the Shire will need to fund a further \$194,000 this financial year and \$70,000 in 2022-23 financial year, in addition to the reallocation of the \$470,500 LRCI Phase 2 funds recommended within this report. This shortfall will be sought from cost savings from within the project. Should this be unsuccessful the Shire is confident the remaining shortfall can be found from the delay of other scheduled capital works during mid-year budget review where current market and resource pressures are likely to delay works into next financial year. Should Council not choose to delay some capital works, the project budget shortfall can be met with additional borrowings.

The Stage 2a Apex Park project construction costings are now estimated at \$2.5m, which is \$900k higher than budgeted. Stage 2a is likely to be highly attractive to funding bodies, and additional funding may be secured within six months of completing detailed design. It may be possible that some of the \$1.1m Phase 3 LRCI funds (the subject matter of a separate report to be considered by Council) may be used to fund this shortfall. Thus, it is recommended that Council seek grant funding rather than taking further borrowings to meet the funding shortfall.

### Voting Requirements

- Simple Majority
  Absolute Majority

### Resolution

**Moved:** Cr Manning                      **Seconded:** Cr Patroni

**82832 That Council;**

- 1. Resolve to adjust the project funding and 2021-22 annual budget to reallocate the Local Roads and Community Infrastructure Program (Phase 2) Stage 2a (Apex Park) to Stage**

- 1 (Pioneer Park and Town Square) and make the following adjustments accordingly:**
  - a. Reduce PCoo1 by \$470,500**
  - b. Increase PCoo3 by \$470,500;**
- 2. Note that the intent of this motion will replace Council’s resolution to allocate the Local Roads and Community Infrastructure fund (Round 2) to Stage 2a (Apex Park), dated 18 May 2021, as this has since been implemented and that the Department of Infrastructure, Transport, Regional Development and Communications will need to be contacted to confirm that the funds are to be reallocated to Stage 1 (Pioneer Park and Town Square);**
- 3. Authorise the CEO to appoint a suitably qualified Project Manager to oversee the delivery of the CBD revitalisation projects namely Stage 1 (Pioneer Park and Town Square) and Stage 2a (Apex Park);**
- 4. Note that the additional \$194,000 shortfall required to fund the Stage 1 (Pioneer Park and Town Square) designs and the appointment of a Project Manager will be outlined within the mid-year budget review;**
- 5. Note the CEO will continue progressing Stage 2a (Apex Park) detailed designs and full costing for Council endorsement, in line with Council’s resolution dated 6 July 2021; and**
- 6. Authorises the CEO to continue actively seeking additional funding for Stage 2a (Apex Park) as detailed designs are developed.**

**CARRIED 9/o**

## 15. Officer's Reports - Administration

### 15.1 Councillors and Staff Christmas Function

<h1>Administration</h1> 	
<b>Responsible Officer:</b>	Lisa Clack, CEO
<b>Author:</b>	Ashleigh Brice, EA
<b>Legislation:</b>	<i>Local Government Act 1995</i>
<b>File Reference:</b>	Nil
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	Nil

#### Purpose of Report



Executive Decision



Legislative Requirement

#### Background

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

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

#### Comment

Last year the function was held at the Merredin Bowling Club, and in years prior to that Merredin Palace Chinese Restaurant, the Commercial Hotel, Merredin Regional Community and Leisure Centre (MRCLC), Cummins Theatre, the Civic Function Room/Roy Little Park and the Northside Tavern.

Both the Merredin Bowling Club and MRCLC have advised they are available on Saturday 11 December 2021.

#### Policy Implications

Policy 1.12 Annual Christmas Function states:

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

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

As per last year, drink tokens will be monitored by the venue bar staff.

### Statutory Implications

Council’s Code of Conduct applies.

### Strategic Implications

#### ➤ Strategic Community Plan

Theme: Nil

Service Area Objective: Nil

Priorities and Strategies for Change: Nil

#### ➤ Corporate Business Plan

Key Action: Nil

Directorate: Nil

Timeline: Nil

### Sustainability Implications

#### ➤ Strategic Resource Plan

Nil

#### ➤ Workforce Plan

Directorate: Nil

Activity: Nil

Current Staff: Nil

Focus Area: Nil

Strategy Code: Nil

Strategy: Nil

Implications: Nil

### Risk Implications

Nil

### Financial Implications

An allocation is included in the 2021/22 Annual Budget for the function.

### Voting Requirements

Simple Majority

Absolute Majority

### Resolution

**Moved:** Cr Crook

**Seconded:** Cr Manning

**82833** That Council confirms that the Shire of Merredin 2021 Christmas function for Councillors, staff and their families be on Saturday 11 December 2021 at either;

1. Merredin Bowling Club; or
2. Merredin Regional Community & Leisure Centre.

With a final location to be advised out of session once final costs have been determined.

**CARRIED 9/0**



## 15.2 Wheatbelt Development Commission Board – Local Government Nominations

Cr Manning declared an Impartiality Interest in this Item 15.2.

<h1>Administration</h1>		 SHIRE OF <b>MERREDIN</b> INNOVATING THE WHEATBELT
<b>Responsible Officer:</b>	Lisa Clack, CEO	
<b>Author:</b>	Ashleigh Brice, EA	
<b>Legislation:</b>	Local Government Act 1995	
<b>File Reference:</b>	GR/17/10	
<b>Disclosure of Interest:</b>	Nil	
<b>Attachments:</b>	Attachment 15.2A – Nomination Form	

### Purpose of Report



Executive Decision



Legislative Requirement

### Background

Two local government vacancies exist for appointment to the Board of the Wheatbelt Development Commission (WDC).

The WDC drives strategic partnerships that deliver jobs growth and maximises leverage from private and government investment. Details of the WDC's purpose and priorities can be found at [www.wheatbelt.wa.gov.au](http://www.wheatbelt.wa.gov.au).

The Minister for Regional Development will make the appointments to the Board with terms of appointment ranging up to 3 years.

Applicants will be considered against the following criteria:

1. Elected Members of Wheatbelt Local Government;
2. understand key issues impacting the development of the region;
3. demonstrate involvement in either the economic, and/or social development of the region; and
4. the ability to work cooperatively to achieve agreed goals across a wide range of issues and stakeholders.

Nominations close 4pm on 7 December 2021.

There are 7 members on the Board, 6 appointed by the Minister for Regional Development through this and other processes, and the WDC's Chief Executive Officer as an ex-officio, voting member.

The Board is responsible for strategic direction, discussion of policy issues and organisational performance, whilst the CEO is responsible for the operation of the WDC.

The Board meets bi-monthly in various regional locations. The dates for 2021 are currently being set. An agenda is provided at least a week prior to these scheduled meetings.

All meals and accommodation are provided. There is a standard sitting fee and travel costs are covered for eligible board members.

A range of material is sent out, often for general information between meetings to keep board members informed. Guest speakers attend board meetings and cover a range of topics relevant to the Wheatbelt.

The Local Government nominees must be endorsed by the Council of which they are currently a member, hence Council may wish to nominate up to 2 Councillors for a position on the WDC Board.

A copy of the application form, which would be completed in consultation with staff, is included in the attachment.

#### Comment

Representing the interests of Merredin specifically, and the eastern Wheatbelt generally, is seen as important particularly in the current climate of cost-shifting to local government, reduced services and funding, and the apparent lack of interest from a State level in the region.

At its November 2017 meeting Council endorsed the nomination of Mrs Julie Flockart as an Elected Member to the WDC Board for consideration by the then Minister (CMRef 81771). Given the complex nature of Development Commission business nominees which are standing board members are usually preferred to ensure business continuity for the board of the Commission. Given Cr Flockart is a current serving board member it is recommended that Council endorse her nomination for a further term. Council may also wish to nominate a second Councillor for consideration. The final appointment of board members will be at the Minister's discretion.

#### Policy Implications

Nil

#### Statutory Implications

Nil

#### Strategic Implications

➤ Strategic Community Plan

Theme: Nil

Service Area Objective: 2.1. Economic Development

Priorities and  
Strategies for Change:

2.1.2. The Shire of Merredin is a place of choice for business investment and for new residents settling to enjoy a balance lifestyle and employment opportunities  
Nil

➤ Corporate Business Plan

Key Action: 4.4. Advocating and lobbying effectively on behalf of the community  
4.4.2. Increase collaboration amongst stakeholders and surrounding local governments to improve local and regional service delivery and identify opportunities

Directorate: Office of the CEO

Timeline: Ongoing

**Sustainability Implications**

➤ Strategic Resource Plan

Nil

➤ Workforce Plan

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

**Risk Implications**

Nil

**Financial Implications**

Nil

**Voting Requirements**

Simple Majority

Absolute Majority

**Resolution**

**Moved:** Cr Boehme

**Seconded:** Cr Billing

**82834** That Council endorse the nomination of Councillor Flockart for consideration by the Minister for Regional Development as a Board Member (Local Government) of the Wheatbelt Development Commission.

**CARRIED 9/0**

### 15.3 Local Roads and Community Infrastructure (LRCI) Program - Phase 3

<h2>Administration</h2>		 SHIRE OF <b>MERREDIN</b> INNOVATING THE WHEATBELT
<b>Responsible Officer:</b>	Lisa Clack, CEO	
<b>Author:</b>	Lisa Clack, CEO	
<b>Legislation:</b>	<i>Local Government Act 1995</i>	
<b>File Reference:</b>	Nil	
<b>Disclosure of Interest:</b>	Nil	
<b>Attachments:</b>	Nil	

#### Purpose of Report



Executive Decision



Legislative Requirement

The Australian Government has committed to a third Phase 3 of the Local Roads and Community Infrastructure (LRCI) Program in the 2021-22 Budget to boost Australia's economic recovery from COVID-19.

The purpose of the LRCI Program is to support local councils to deliver priority local road and community infrastructure projects across Australia, supporting jobs and the resilience of local economies to help communities bounce back from the COVID-19 pandemic.

The Shire of Merredin has been offered an allocation of \$1,147,470 in this round of funding. A grant agreement has been forwarded with an invitation to nominate projects to the Federal Government for approval.

Project construction can commence after January 2022, once project nominations are approved by the Department with a full works schedule required to be submitted by 30 June 2022. Nominated projects are required to be physically completed by 30 June 2023. Should these timeframes not be met, the Australian Government may withdraw funding.

Under Phase 3, Eligible Funding Recipients will be required to maintain their overall capital spending on roads and community infrastructure, funded by their own revenue, at or above their 2021-22 capital spending level, and proof of maintaining capital expenditure may be a requirement for an Eligible Funding Recipient to receive their full Phase 3 funding allocation.

Projects are required to be publicly accessible, and examples provided for nominations are parks, playgrounds, footpaths and roads. It should be noted that LRCI funding is unable to be used for design documentation or project support. It can

only be used for capital expenditure. It is unknown if there will be any further funding rounds in the 2022/23 Federal Budget.

### Comment

While the Administration considered number of unfunded projects for nomination, the eligibility criteria of the funding limits which projects which can be considered and delivered in the timeframe.

The overall CBD development project is the most suitable project for consideration for this funding. With appropriate human resourcing, the two projects of CBD Stage One works of Pioneer Park and Merredin Town Square, and for APEX Park are the projects most likely to meet the requirement of providing a detailed works schedule by 30 June 2022.

Changes to the proposed funding of CBD redevelopment projects are subject to a separate report at Agenda item 14.3. Within this report, it is recommended a previous round of LRCI funding (Phase Two funding of \$470,500) is reallocated to the CBD Stage one works of Pioneer Park and Merredin Town Square. Should Council support the recommended changes, this amendment will mean the CBD Stage One works have sufficient allocated budget to progress to construction.

To allow the development of APEX park to continue, it is recommended the \$1.147m from the LRCI Phase 3 be accepted by the Shire of Merredin, and the amount nominally allocated to the APEX park redevelopment. Eligible Community Infrastructure Projects for Phase 3, include playgrounds and skate parks and it is likely the project will meet the LRCI Phase 3 requirements.

This provides just under half of the estimated capital for the APEX Park construction (estimated \$2.5m), however with partial funding secured, Stage 2a (Apex) is likely to be highly attractive to funding bodies, and additional funding may be secured within six months of completing detailed design.

There are a number of complexities and interdependencies around the funding arrangements for the LRCI Phase 2 and 3 funding allocations, with the reallocation of Phase 2 (\$470,500) subject to both the decision of Council, and agreement from the Department.

To mitigate the risk of any time delays should either Council, or the Department not support the reallocation of Phase Two funding, the Administration is seeking flexibility in the projects to be nominated for Phase 3 funding, authorising the CEO to nominate either of the two CBD projects.

Should both Council and the Department support the re-allocation of Phase 2 LRCI funding, the project nominated will be APEX Park.

Should either party not support the reallocation, the CBD Stage One (Pioneer Park and Merredin Town Square) will be nominated for Phase 3. It should be noted should this occur, there is a risk that Phase 2 deadlines will not be met, risking the funding, as Apex Park is unable to be progressed in the timeframe.

### Policy Implications

Nil

## Statutory Implications

*Local Government Act 1995.*

The voting requirement for this item is Absolute Majority.

## Strategic Implications

### ➤ Strategic Community Plan

Theme:	3. Environment and Sustainability
Service Area Objective:	3.1. Environmental Management 3.1.1. The Shire of Merredin observes a number of sustainable water and energy harvesting, conservation and usage practices
Service Area Objective:	3.3. Environmental Planning 3.3.1. Land use planning respects our natural assets and ensures limited impact on climate change
Theme:	4. Communication and Leadership
Service Area Objective:	4.1. Community Engagement 4.1.1. The Shire regularly engages with its community and, in return, communicates the information gathered in a clear and transparent manner
Service Area Objective:	3.3. Environmental Planning 3.3.1. Land use planning respects our natural assets and ensures limited impact on climate change
Theme:	5. Places and Spaces
Service Area Objective:	5.1. Streetscapes 5.1.1. The Merredin CBD has been significantly upgraded and is well maintained and representative of the regional status that it holds
Service Area Objective:	5.2. Parks and Gardens 5.2.1. Parks within the Shire are maintained to a high standard, with adequate facilities for community members of all ages and abilities
Priorities and Strategies for Change:	Nil

### ➤ Corporate Business Plan

Key Action:	Nil
Directorate:	Nil
Timeline:	Nil

## Sustainability Implications

### ➤ Strategic Resource Plan

Nil

➤ Workforce Plan

Implications:

The creation of one FTE has been proposed to manage the two major projects, and planning at the overall program level as part of separate agenda item 14.3. If supported by Council, this means a suitably qualified resource will be in place, enabling the Shire to deliver the program requirements within the required timeframe to secure the funding.

**Risk Implications**

If another project outside of the CBD Redevelopment projects is selected, given current resource levels, it may not be able to be scoped, and a compliant works schedule submitted to the Department prior to June 30, 2022 to secure the Phase 3 funding.

**Financial Implications**

The CBD redevelopment projects have allocations in the 2021/22 Annual Budget.

**Voting Requirements**

Simple Majority

Absolute Majority

**Resolution**

**Moved:** Cr Boehme

**Seconded:** Cr Van Der Merwe

**82835**

**That Council;**

1. **APPROVE the acceptance of the Local Roads and Community Infrastructure Program Grant for an amount of \$1,147,470.**
2. **Notes the project(s) nominated to the Federal Government will be the CBD Redevelopment projects of either;**
  - a. **Apex Park; or**
  - b. **CBD redevelopment - Pioneer Park and Merredin Town Square.**

**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**

There being no further business, the President thanked those in attendance and declared the meeting closed at 4:44pm.



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