

SHIRE OF
MERREDIN
INNOVATING THE WHEATBELT

MINUTES

Ordinary Council Meeting

To be held in Council Chambers
Corner King & Barrack Street's, Merredin
Tuesday, 28 February 2023
Commencing 6.30pm



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



February Ordinary Council Meeting

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Shire of Merredin
Ordinary Council Meeting
6:30pm Tuesday, 28 February 2023



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 6:34pm.

2. Record of Attendance / Apologies and Leave of Absence

Councillors:

Cr M McKenzie	President
Cr D Crook	Deputy President
Cr R Billing	
Cr R Manning	
Cr P Patroni	
Cr M Simmonds	
Cr P Van Der Merwe	

Staff:

L Clack	CEO
C Townsend	A/DCEO
L Boehme	EMCS
L Mellor	EMES
P Zenni	EMDS
M Wyatt	EA
O Mellor	GO

Members of the Public:

Apologies: Cr J Flockart

Approved Leave of Absence:

3. Public Question Time

Nil

4. Disclosure of Interest

Cr McKenzie, CEO, Lisa Clack, EMES, Lindon Mellor and GO, Olivia Mellor declared an Impartiality Interest in Item 19.1.

Cr Billing declared a Proximity Interest in Item 13.1.

5. Applications for Leave of Absence

Resolution

Moved: Cr McKenzie **Seconded:** Cr Patroni

83096 That Councillor Billing and Councillor Van Der Merwe be granted Leave of Absence for the April Ordinary Council Meeting held on 18 April 2023.

CARRIED 5/0

6. Petitions and Presentations

Nil

A/DCEO, Chloe Townsend left the Chambers at 6:38pm.

A/DCEO, Chloe Townsend returned to the Chambers at 6:40pm.

7. Confirmation of Minutes of Previous Meetings

7.1 Ordinary Council Meeting held on 24 January 2023

Attachment 7.1A

7.2 Special Council Meeting held 21 February 2023

Attachment 7.2A

Voting Requirements



Simple Majority



Absolute Majority

Resolution

Moved: Cr Patroni **Seconded:** Cr Simmonds

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

83097

1. Ordinary Council Meeting held on 24 January 2023; and
2. Special Council Meeting held on 21 February 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

19.1 Event Attendance Approval 2023 IPWEA WA Excellence Awards

10. Receipt of Minutes of Meetings

- Minutes of the Local Emergency Management Committee Meeting held 2
10.1 February 2023
Attachment 10.1A
- Minutes of the Great Eastern Country Zone Meeting held 13 February 2023
10.2 Attachment 10.2A
- Minutes of the Wheatbelt East Regional Organisation of Councils Inc. held on 22
10.3 February 2023
Attachment 10.3A

Voting Requirements



Simple Majority



Absolute Majority

Resolution

Moved: Cr Crook

Seconded: Cr Van Der Merwe

That Council;

- 83098
1. RECEIVE the minutes of the Local Emergency Management Committee Meeting held 2 February 2023;
 2. RECEIVE the minutes of the Great Eastern Country Zone Meeting held 13 February 2023; and
 3. RECEIVE the minutes of the Wheatbelt East Regional Organisation of Councils Inc. held on 22 February 2023.


CARRIED 7/0

11. Recommendations from Committee Meetings for Council Consideration

Nil

12. Officer’s Reports - Development Services

12.1 Policy Review - Policy 8.6, Policy 8.10, Policy 8.12 & Policy 8.14

<h2 style="margin: 0;">Development Services</h2> 	
Responsible Officer:	Peter Zenni, EMDS
Author:	As above
Legislation:	<i>Local Government Act 1995</i> <i>Shire of Merredin Local Planning Scheme No.6</i>
File Reference:	CM/14/1
Disclosure of Interest:	Nil
Attachments:	Attachment 12.1A - Policy 8.6 – Shade Type Structures Between Dwelling and Boundary Fence Attachment 12.1B - Policy 8.10 – Commercial Vehicles in Residential Areas Attachment 12.1C – Policy 8.12 – Residential Use Attachment 12.1D – Policy 8.14 – Delegation of Building Approval

Purpose of Report



Executive Decision



Legislative Requirement

The purpose of this report is to recommend to Council that it adopts the proposed changes to Policy 8.12 and 8.14 and rescinds Policy 8.10, thereby aligning the Shire of Merredin’s (the Shire) Policy Framework with existing statutory provisions.

Background

In accordance with the Shire’s Risk Management Framework and the *Local Government Act 1995* policies are to be reviewed biennially.

The Administration have commenced a process of reviewing relevant policies and will bring them to Council for consideration as each review is completed.

The policies submitted for Council consideration in this report are:

- Policy 8.6 – Shade Type Structures Between Dwelling and Boundary Fence
- Policy 8.10 – Commercial Vehicles in Residential Areas

- Policy 8.12 – Residential Use
- Policy 8.14 – Delegation of Building Approval

Comment

The purpose of Policy 8.6 – Shade Type Structures Between Dwelling and Boundary Fence, is to give property owners the choice of enhancing the amenity of their property by providing shade protection to their dwellings without having to obtain Local Authority approval.

The purpose of Policy 8.10 – Commercial Vehicles in Residential Areas, is to allow for controlled commercial vehicle parking subject to local amenities not being adversely affected.

The purpose of Policy 8.12 – Residential Use, is to provide for and promote the existence of small businesses that are able to operate within existing residential areas. Provide a flexible approach to the assessment of applications for people wanting to undertake a home-based activity and recognise the advantages of home-based activities to the community.

The purpose of Policy 8.14 – Delegation of Building Approval, is to facilitate the approval of building applications with the minimum delay of time.

It is suggested that the following recommendations relating to changes to the above-mentioned policies be adopted by Council;

Policy 8.6 – Shade Type Structures Between Dwelling and Boundary Fence

It is recommended that the Policy, as is stands, remains unchanged however is placed into the new policy template.

Policy 8.10 – Commercial Vehicles in Residential Areas

The Policy in question does not have a statutory head of power and is not enforceable at law. This could possibly be addressed via the current review of the Shire of Merredin Local Planning Scheme No.6 and the adoption of a specific local planning policy. However, it is believed that the current statutory provisions relating to vehicle control and land use are adequately addressed via;

- Shire of Merredin Local Laws relating to Parking and Parking Facilities as well as Activities in Throughfares and Public Places and Trading;
- Shire of Merredin Local Planning Scheme No.6 - Permissibility Table restrictions with respect to “Transport Depot” land use in residential areas; and
- *Environmental Protection (Noise) Regulations 1997.*

Accordingly, it is recommended that the policy be rescinded.

Policy 8.12 – Residential Use

The Policy in question in part provides guidance with respect to processes associated with the assessment of development applications relating to activities in residential areas including specific references to “Home Occupation” and “Home Office”.

An amendment to the *Planning and Development (Local Planning Schemes) Regulations 2015*, which came into effect on 15 February 2021, removed the requirement for development approval to be sought from a local planning authority for “Home Occupation” and “Home Office” development.

Accordingly, there is no longer a head of power that would enable the Shire of Merredin to control this type of development and as such the current policy needs to be amended to remove any reference to “Home Occupation and “Home Office” development.

The remainder of the policy is relevant, and it is recommended to remain unchanged.

Policy 8.14 - Delegation of Building Approval

This Policy reflects existing provisions forming part of the Shire of Merredin Delegations Register (Delegation 2.4 – Building Permit) which delegates authority to the Chief Executive Officer (CEO) and the Executive Manager Development Services (EMDS) (as sub-delegate), to issue building permits on behalf of Council.

The issuing of building permits is subject to statutory controls and timeframes stipulated by law. All building permit approvals are recorded on the Shire of Merredin Building Permit Database, on the Attain database, and reported to the WA Building Commission.

With the adoption of the *Building Act 2008*, the term Building Licence has now been replaced with the term Building Permit.

Accordingly, it is recommended that the existing Policy be amended to reflect this change in terminology. The remainder of the policy is relevant and is recommended to remain unchanged.

Policy Implications

The proposed changes to Policy 8.12 and 8.14 and the rescinding of Policy 8.10 will align the Shire’s Policy Framework with existing statutory provisions.

Statutory Implications

Compliance with the *Local Government Act 1995* and the *Planning and Development Act 2005*.

Strategic Implications

∅ Strategic Community Plan

Theme:	5. Places and Spaces
Service Area Objective:	5.4 Town Planning & Building Control 5.4.2 The Shire has 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

∅ Corporate Business Plan

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

Sustainability Implications

∅ Strategic Resource Plan

Nil

∅ Workforce Plan

Directorate: Nil

Activity: Nil

Current Staff: Nil

Focus Area: Nil

Strategy Code: Nil

Strategy: Nil

Implications: Nil

Risk Implications

The Shire of Merredin can only control development matters within its municipal district where there exists a statutory head of power. The proposed changes to Policy 8.12 and 8.14 and the rescinding of Policy 8.10 will align the Shire’s Policy Framework with existing statutory provisions, and ensure the policies are supported by an enforceable framework. Unenforceable provisions and policy statements from the reviewed policies have been removed.

Financial Implications

Nil

Voting Requirements

Simple Majority

Absolute Majority

Resolution

Moved: Cr Patroni

Seconded: Cr Simmonds


That Council;

1. **NOTES** the review of the following policies:
 - a) **Policy 8.6 – Shade Type Structures Between Dwelling and Boundary Fence;**
 - b) **Policy 8.10 – Commercial Vehicles in Residential Areas;**
 - c) **Policy 8.12 – Residential Use; and**
 - d) **Policy 8.14 – Delegation of Building Approval;**
2. **ADOPTS** the following revised policies with minor amendments:
 - a) **Policy 8.6 – Shade Type Structures Between Dwelling and Boundary Fence; without any changes to the Policy with the exception of it being moved into a new format as outlined in Attachment 12.1A;**
 - b) **Policy 8.12 – Residential Use, incorporating changes to the Policy as outlined in Attachment 12.1C; and**
 - c) **Policy 8.14 – Delegation of Building Approval, incorporating changes to the Policy as outlined in Attachment 12.1D; and**
3. **RESCINDS** Policy 8.10 – Commercial Vehicles in Residential Areas

83099

CARRIED 7/0

12.2 Request for Comment Relating to Proposed Lease over Lot 26740 Chandler - Merredin Road Merredin.

<h3>Development Services</h3> 	
Responsible Officer:	Peter Zenni, EMDS
Author:	As above
Legislation:	Shire of Merredin Local Planning Scheme No.6 <i>Land Administration Act 1997</i> <i>Environmental Protection Act 1986</i>
File Reference:	A5048
Disclosure of Interest:	Nil
Attachments:	Attachment 12.2A - Correspondence from the Department of Planning, Lands and Heritage and associated documents.

Purpose of Report



Executive Decision



Legislative Requirement

To recommend to Council that it responds to a request from the Department of Planning, Land and Heritage (DPLH) advising it has no objection to a proposed five (5) year lease being issued to Holcim Australia Pty Ltd (Holcim) for the operation of a concrete batching plant on Lot 26470 Chandler - Merredin Road, Merredin, subject to ongoing compliance with relevant provisions of the *Environmental Protection Act 1986*.

Background

The Shire of Merredin has received correspondence from DPLH advising that it is considering a request for a new lease over property located on Lot 26740 (on Deposited Plan 158701) Chandler-Merredin Road, Merredin and are requesting comment from the Shire of Merredin (the Shire) with respect to this proposal.

Comment

The property in question is owned by the State of Western Australia with an existing lease to Holcim due to expire 30 September 2023.

DPLH representatives advise that Holcim submitted a request to DPLH (then Department of Lands and Regional Development), in May 2013, to exercise the option of a further ten (10) year lease term extending the expiration date to 30 September 2023.

DPLH advises that no further term is provided for in the existing lease and that Holcim has advised DPLH that it requires a new lease over the property for a five (5) year term commencing 1 October 2023 for the Permitted Use 'Concrete Batching Plant'.

DPLH is now seeking comments from the Shire on the Holcim request for a new lease of Lot 26740 Chandler-Merredin Road, Merredin, for a term of five (5) years with the permitted use of 'Concrete Batching Plant'.

Development (Planning) Considerations

Search of Shire records relating to the property in question fails to identify a development approval having been issued for a concrete batching plant type activity on the property in question. This possibly could be a result of relevant documentation having been misfiled or lost over time. It is also possible that an application for development approval was never sought from the Shire in the first place and therefore not issued. As such it is difficult to confirm that the 'Concrete Batching Plant' is a permitted use.

This matter is further complicated by the fact that under the Shire of Merredin Local Planning Scheme No. 6 (LPS), the property located on Lot 26740 Chandler - Merredin Road, Merredin, is identified as a Local Scheme Reserve – Public Purposes (Public Utility).

Under the LPS a person must not commence or carry out development on a Local Reserve without first having obtained development approval from the Shire.

Objectives of Local Reserves specified by the LPS with respect to a Public Purposes Local Reserve are as follows;

- *To provide for public facilities, civic and cultural uses and other purposes required to service urban development.*
- *To protect land from activities considered inappropriate to the successful continued use of public purposes, civic and cultural facilities.*

The recently commenced review of the LPS has identified the current application of a Local Planning Scheme Reserve - Public Purposes nomenclature to the site, to be an anomaly that can be addressed as part of the proposed LPS Omnibus Amendment. This can be done by the incorporation of a 'Special Use - Concrete Batching Plant' zone for the property in question.

Shire records, whilst failing to identify a specific development approval for the Concrete Batching Plant do reveal that the Shire was aware of some form of activity on the property at least as far back as November 2006, having received written correspondence from the then Department of Planning and Infrastructure with respect to an existing lease in place between the Department of Planning and Infrastructure and Readymix Holdings Pty Ltd of Canning Highway, Victoria Park.

Environmental Considerations

The concrete batching plant by virtue of its operational activity and the associated potential for environmental impacts is subject to regulatory and licensing controls of the Department of Water and Environmental Protection (DWER) as well as the Environmental Protection Authority (EPA) as mandated by the *Environmental Protection Act 1986*.

Given that the Shire of Merredin is currently aware of the activity in question, the fact that the activity supports a local business as well as provides services to the local community and has not been subject to any complaints lodged with the Shire, it is suggested that the Shire of Merredin advises DPLH, that it has no objection to the proposed five (5) year lease being issued to Holcim Australia Pty Ltd for the operation of a concrete batching plant on Lot 26470 Chandler - Merredin Road, Merredin, subject to ongoing compliance with relevant provisions of the *Environmental Protection Act 1986*.

Policy Implications

Nil

Statutory Implications

Compliance with *Planning and Development Act 2005*.

Strategic Implications

∅ Strategic Community Plan

Theme:	5. Places and Spaces
Service Area Objective:	5.4 Town Planning & Building Control 5.4.2 The Shire has 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

∅ 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

Given that the Shire is currently aware of the activity in question, the fact that the activity supports a local business as well as provides services to the local community, has not been subject to any complaints lodged with the Shire and is subject to DWER and EPA control mechanisms, the risk implication are deemed to be minimal.

Financial Implications

Nil

Voting Requirements



Simple Majority



Absolute Majority

Resolution

Moved: Cr Billing

Seconded: Cr Crook

That Council;

83100

- 1. ADVISES the Department of Planning, Lands and Heritage that it has no objection to the proposed five (5) year lease being issued to Holcim Australia Pty Ltd for the operation of a concrete batching plant on Lot 26470 (on Deposited Plan 158701) Chandler - Merredin Road, Merredin, subject to ongoing compliance with relevant provisions of the Environmental Protection Act 1986; and**
- 2. NOTES the land use anomaly for Lot 26470 will be considered as part of the proposed LPS Omnibus Amendment currently underway.**

CARRIED 7/0

13. Officer's Reports - Engineering Services

13.1 Date Palm Removal

Cr Billing declared a Proximity Interest in this Item and left the Chambers at 6:47pm.

<h2>Engineering Services</h2>		
Responsible Officer:	Lindon Mellor, EMES	
Author:	Daniel Hay-Hendry, MP	
Legislation:	<i>Local Government Act 1995</i>	
File Reference:	Nil	
Disclosure of Interest:	Nil	
Attachments:	Attachment 13.1A – Municipal Inventory Information Attachment 13.1B – Location Map	

Purpose of Report



Executive Decision



Legislative Requirement

For Council to authorise the removal of the date palm located within Lot 1503 (45) Barrack Street, Merredin listed on the current Shire of Merredin Municipal Heritage Inventory as part of the CBD Redevelopment.

Background

The current Shire of Merredin Municipal Heritage Inventory lists a number of trees located within the Merredin town site. This includes several date palms located on Barrack and Mitchell Streets (LGA Reference Number 78/36). The Municipal Inventory Information can be seen at Attachment 13.1A – Municipal Inventory Information.

Palm trees were commonly used in the Australian landscape to contrast with indigenous flora and signify a focus of activity such as a farmhouse or public park. The date palms located on Barrack and Mitchell Streets have therefore been deemed to have social and historical significance. However, some of the date palms located on Barrack Street will impact works to be completed as part of the CBD Redevelopment.

Amended concept designs for the revitalisation of the Merredin town centre as part of the CBD Redevelopment were discussed, and anecdotally supported by Councillors during the briefing session prior to the Ordinary Council Meeting on 27 September 2022.

As the Detailed Designs have progressed following the acceptance, it has become apparent that one of the date palms located within Lot 1503 (45) Barrack Street, identified within Attachment 13.1B – Location Map; will need to be removed as part of the revitalisation works to enable access into the carpark, east of the town centre, to enable the concept to progress as planned.

Comment

As the existing date palms located near the current Central Wheatbelt Visitor Centre (CWVC) are listed within the Shire’s Municipal Heritage Inventory, their protection is encouraged through the Shire’s current Town Planning Scheme. However, it is within Council’s power to allow the removal of the trees should it be deemed the best interest of the community.

One of the date palms located within Lot 1503 (45) Barrack Street, identified within Attachment 13.1B – Location Map; will need to be removed as part of the revitalisation works to enable access into the carpark east of the town centre. Not removing this tree will significantly impact access into the eastern side of the carpark, which has been part of the design from the original inception.

As part of the revitalisation works, the date palm would be photographically documented prior to its removal, which is in line with the recommendations of the Municipal Inventory.

It should be noted that these trees are not listed on the State Register of Heritage Places and have not been included in the new Draft Shire of Merredin Local Heritage Survey 2022, which was adopted by Council in draft pending consultation, at the June 2022 Ordinary Council Meeting CMRef 82928. Additionally, as the trees are not native, a clearing permit is not required for their removal.

The Administration recommends that Council authorise the photographic documentation and removal of the date palm located within Lot 1503 (45) Barrack Street, identified with Attachment 13.1B – Location Map.

While approval is sought from Council now for the removal of the date palm, to allow the detailed designs to be completed, the works will not be conducted until the redevelopment of the town centre commences.

As such, the Administration will include information on the removal of the date palm in the communications plan for the CBD Redevelopment project.

Policy Implications

Nil

Statutory Implications

Nil

Strategic Implications

∅ Strategic Community Plan

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

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

Items listed in the Municipal Heritage Inventory are subject to Council review. As the date palms are not listed on the State Register of Heritage Places and their removal does not require a clearing permit under the *Environmental Protection Act 1986*. If endorsed by Council the removal of one date palm does not present any compliance risks.

There is a minor risk that there may be some negative public comments due to the Shire removing an existing tree. As an early measure the Administration has engaged with the local chapter of the Wildflower Society of Western Australia who were supportive of the Shire removing the tree given the benefit to the CBD Redevelopment project. Additionally, information on the removal of the date palm will be included in the communications plan for the project.

Financial Implications

The removal of the one date palm will be completed as part of the revitalisation of the Merredin town centre. An adequate budget is allocated within account PC007 to complete these works.

Voting Requirements

Simple Majority

Absolute Majority

Resolution

Moved: Cr Crook

Seconded: Cr Patroni

That Council

83101


1. AUTHORISE the removal of one date palm located at Lot 1503 (45) Barrack Street, as identified within Attachment 13.1B – Location Map; and
2. NOTES photographic documentation of the date palm will occur prior to removal in line with the recommendation of the Shire of Merredin Municipal Heritage Inventory.

CARRIED 6/0

Cr Billing returned to the Chambers at 6:49pm.

14. Officers' Reports – Corporate and Community Services

14.1 Statement of Financial Activity – January 2023

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

Purpose of Report



Executive Decision



Legislative Requirement

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

Background

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

Comment

Statement of Financial Activity

Regulation 34 of the *Local Government (Financial Management) Regulations 1996* requires the Shire 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.

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: Nil

Service Area Objective: Nil

Priorities and Strategies
for Change: Nil

Ø 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

Ø Strategic Resource Plan

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

Risk Implications

The Statement of Financial Activity is presented monthly and provides a retrospective picture of the activities at the Shire of Merredin (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 of 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 Manning


Seconded: Cr Billing

83102

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

CARRIED 7/0

14.2 List of Accounts Paid – January 2023

<h2 style="margin: 0;">Corporate Services</h2> 	
Responsible Officer:	Leah Boehme, EMCS
Author:	As above
Legislation:	<i>Local Government Act 1995</i> <i>Local Government (Financial Management) Regulations 1996</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 14.2A - Payments Listing January 2023

Purpose of Report

- Executive Decision
 Legislative Requirement

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

Background

The attached list of Accounts Paid during the Month of January 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: Nil

Service Area Objective: Nil
Priorities and Strategies for Change: 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.

Risk Implications

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

Financial Implications

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

Voting Requirements



Simple Majority



Absolute Majority

Resolution

Moved: Cr Patroni

Seconded: Cr Billing


83103

That Council RECEIVE the schedule of accounts paid during January 2023 as listed, covering cheques, EFT's, bank charges, directly debited payments and wages, as numbered and totaling \$649,508.24 from Council's Municipal Fund Bank Account and \$238.95 from Council's Trust Account.

CARRIED 7/0

15. Officers' Reports - Administration

15.1 Status Report – February 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 15.1A – Status Report – February 2023	

Purpose of Report



Executive Decision



Legislative Requirement

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

Background

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

Comment

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

Policy Implications

Nil

Statutory Implications

Nil

Strategic Implications

∅ Strategic Community Plan

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

∅ 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

Nil

Voting Requirements



Simple Majority



Absolute Majority

Resolution

Moved: Cr Manning

Seconded: Cr Billing

83104

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

CARRIED 7/0

15.2 Local Government Election 2023

<h1>Administration</h1> 	
Responsible Officer:	Lisa Clack, CEO
Author:	As above
Legislation:	<i>Local Government Act 1995</i>
File Reference:	G/7/10
Disclosure of Interest:	Nil
Attachments:	Attachment 15.2A – Correspondence from the Electoral Commissioner Attachment 15.2B – Correspondence from Hon. John Carey MLA

Purpose of Report



Executive Decision



Legislative Requirement

For Council to consider the proposal from the Electoral Commissioner to run the 2023 local government election for the Shire of Merredin (the Shire).

Background

The next local government ordinary elections are to be held on Saturday 21 October 2023. Council is required to determine the method for conducting the elections and who will be responsible for conducting the elections.

The *Local Government Act 1995* (the Act) provides that a Council may decide whether or not to conduct a postal election or hold a voting in person election. If a Council decides to conduct a postal election, the Electoral Commissioner must conduct the election.

The current procedure required by the Act is that the written agreement of the Electoral Commissioner is required prior to the vote by Council being taken. To facilitate the process, the Electoral Commissioner has written to the Shire agreeing to be responsible for the conduct of the ordinary elections in 2023 for the Shire in accordance with section 4.20(4) of the Act, together with any other elections or polls that may also be required. This agreement is also subject to the proviso that the Shire also wishes to have the election undertaken by the Western Australian Electoral Commission (WAEC) as a postal election.

The Shire of Merredin Council 2017, 2019, and 2021 elections were administered by the Electoral Commissioner and conducted using the postal method.

Comment

Elections conducted by the WAEC utilises their resources and expertise in conducting elections and also ensures the impartiality and integrity of the election process.

For many years the WAEC has conducted the local government elections for the Shire of Merredin as a postal election with a good response from voters being achieved. The advantages of using the WAEC to conduct the election include:

1. A postal ballot has a higher elector turnout;
2. It is seen to be independent from Council; and
3. It relieves Administration staff of the workload associated with the election process.

It is therefore proposed that the WAEC again conduct the 2023 Local Government Ordinary Election via postal vote.

Policy Implications

Nil

Statutory Implications

Sections 4.20(4) and 4.61(2) of the *Local Government Act 1995* apply in appointing the WAEC to conduct the election on behalf of the Shire of Merredin.

Strategic Implications

∅ Strategic Community Plan

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
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

There are possible risks associated with the delayed lodgement and therefore receipt of voting packages with a regional postal service.

Accordingly, it is recommended Council mitigate this risk by opting for the additional cost for the Australia Post Priority Service for the lodgement of election packages estimated to be \$500. This will reduce the delivery time by approximately one week, and increase the time electors have to consider and submit their votes.

Financial Implications

The estimated cost for the WAEC to conduct the 2023 election via postal ballot is \$24,000 including GST based on an estimated four positions.

If Council opt for the Australia Post Priority Service for the lodgement of election packages, an additional amount of \$500.00 will be incurred. The details for the costs involved for the WAEC to run the election can be found in Attachment 15.2A.

The WAEC is required by the Act to conduct local government elections on a full cost recovery bases and it is important to note that what they have provided is an estimate only and may vary depending on a range of factors including, the cost of materials or number of replies received.

It also may be impacted by any decision from the Local Government Advisory Board on the Ward and Representation Review and proposed implementation plan submitted by the Shire, as this will impact on the number of positions up for election.

The basis for charges is all materials at cost and a margin on staff time only. Should a significant change in this figure become evident prior to or during the election, the Shire will be advised as early as possible.

An allocation will need to be made in the 2023/24 Budget for the WAEC's costs, as well as additional advertising expenditure should Council wish to advertise locally in addition to the legislated State-wide advertising included as part of the WAEC quotation.

Voting Requirements

Simple Majority

Absolute Majority

Resolution

Moved: Cr Billing

Seconded: Cr Crook

That Council;

83105

1. **DECLARE** in accordance with section 4.20(4) of the Local Government Act 1995 the Electoral Commissioner be responsible for the conduct of the 2023 ordinary election together with any other elections or polls which may be required;
2. **DECIDE** in accordance with section 4.61(2) of the Local Government Act 1995 that the method of conducting the 2023 election be as a postal election;
3. **ADVISE** the Electoral Commissioner that Council opts for priority Australia Post delivery service for the lodgement of election packages; and
4. **NOTES** the associated costs of conducting the 2023 Ordinary Elections will be included in the draft 2023-24 budget.

CARRIED 7/0

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

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

Council Decision

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

83106

That Council move Behind Closed Doors and that Standing Orders be suspended at 6:56pm.

CARRIED 7/0

Reason

That matters related to a contract entered into, or which may be entered into, by the local government, information that has a commercial value to a person, and information about the business, professional, commercial or financial affairs of a person were to be discussed.

19.1 Event Attendance Approval 2023 IPWEA WA Excellence Awards

Gifts relating to attendance at an event where the attendance has been approved by Council in accordance with the Council endorsed Attendance at Events Policy are specifically excluded from conflict-of-interest provisions (section 5.62(1B)) of the Act.

However, to support transparency in decision making, Council Members and the CEO may disclose an impartiality interest detailing proposed attendance at an event, when the relevant matter is considered by Council.

Cr McKenzie, CEO, Lisa Clack, EMES, Lindon Mellor and GO, Olivia Mellor declared an Impartiality Interest in this Item.

The Presiding Member confirmed with Council prior to the discussion of this Item, there was no objection to him presiding over this Item based on the above.

<h3>Administration</h3>		
Responsible Officer:	Lisa Clack, CEO	
Author:	Meg Wyatt, EO	
Legislation:	Nil	
File Reference:	Nil	
Disclosure of Interest:	CEO, Lisa Clack, EMES, Lindon Mellor, GO, Olivia Mellor	
Attachments:	Nil	

Voting Requirements

Simple Majority

Absolute Majority

Resolution

Moved: Cr Crook

Seconded: Cr Van Der Merwe

That Council;

1. **ACCEPT** the two tickets provided by IPWEA for the finalists in the IPWEA WA Excellence Awards at an estimated total value of approximately \$300;
- 83107 2. **APPROVE** the attendance of Chief Executive Officer, Lisa Clack, and Shire President, Cr Mark McKenzie, at the 2023 IPWEA WA Excellence Awards using the provided tickets; and
3. **NOTES** under Policy 1.21 the CEO may accept, and allocate additional tickets, should they become available where there is not an intervening Council meeting.

CARRIED 7/0

Council Resolution

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

83108 **That Council return from Behind Closed Doors at 7:01pm, resume Standing Orders and that the resolutions being passed in the confidential session be confirmed in open meeting.**

CARRIED 7/0

20. Closure

There being no further business, the President thanked those in attendance and declared the meeting closed at 7:02pm.

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