

SHIRE OF
MERREDIN
INNOVATING THE WHEATBELT

AGENDA

Ordinary Council Meeting

To be held in Council Chambers Corner
King & Barrack Streets, Merredin
Tuesday, 17 September 2024
Commencing 4.00pm



Notice of Meeting



Dear President and Councillors,

The next Ordinary Meeting of the Council of the Shire of Merredin will be held on Tuesday, 17 September 2024 in the Council Chambers, corner of King and Barrack Streets, Merredin. The format of the day will be:

2:00pm Briefing Session

4:00pm Council Meeting

CRAIG WATTS
CHIEF EXECUTIVE OFFICER
12 September 2024

DISCLAIMER

PLEASE READ THE FOLLOWING IMPORTANT DISCLAIMER BEFORE PROCEEDING:

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

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

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
EO	Executive Officer
EMCS	Executive Manager Corporate Services
EMDS	Executive Manager Development Services
EMES	Executive Manager Engineering Services
EMS&C	Executive Manager Strategy & Community
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



September Ordinary Council Meeting

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Shire of Merredin
Ordinary Council Meeting
4:00pm Tuesday, 17 September 2024



1. Official Opening

2. Record of Attendance / Apologies and Leave of Absence

Councillors:

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

Staff:

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

Members of the Public:

Apologies:

Approved Leave of Absence:

3. Public Question Time

Members of the public may submit questions up to 2pm on the day of the meeting by emailing ea@merredin.wa.gov.au.

4. Disclosure of Interest

5. Applications of Leave of Absence

6. Petitions and Presentations

Nil

7. Confirmation of Minutes of Previous Meetings

- 7.1 Ordinary Council Meeting held on 20 August 2024
Attachment 7.1A
- 7.2 Special Council Meeting held on 10 September 2024
Attachment 7.2A

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation

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

- 1. Ordinary Council Meeting held on 20 August 2024; and**
- 2. Special Council Meeting held on 10 September 2024.**

8. Announcements by the Person Presiding without Discussion

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

- 19.1 Disposal of Land
- 19.2 Disposal of Land
- 19.3 RFT 01 – 2024/2025 Strategic Recreation Master Plan (SRMP) and Recreation Infrastructure Asset Management Plan (RIAMP)

10. Receipt of Minutes of Meetings

- 10.1 Minutes of the Eastern Wheatbelt Biosecurity Group Annual General Meeting held on 16 October 2023.
Attachment 10.1A
- 10.2 Minutes of the Eastern Wheatbelt Biosecurity Group Board Meeting held on 27 March 2024.
Attachment 10.2A
- 10.3 Minutes of the Wheatbelt North Regional Road Group Kellerberrin Sub-Group Meeting held on 6 August 2024.
Attachment 10.3A
- 10.4 Minutes of the Great Eastern Country Zone Meeting held on 15 August 2024.
Attachment 10.4A

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation


That Council:

1. **RECEIVE** the minutes of the Eastern Wheatbelt Biosecurity Group Annual General Meeting held on 16 October 2023;
2. **RECEIVE** the minutes of the Eastern Wheatbelt Biosecurity Group Board Meeting held on 27 March 2024;
3. **RECEIVE** the minutes of the Wheatbelt North Regional Road Group Kellerberrin Sub-Group Meeting held on 6 August 2024; and
4. **RECEIVE** the minutes of the Great Eastern Country Zone Meeting held on 15 August 2024.

11. Recommendations from Committee Meetings for Council Consideration

12. Officer's Reports – Development Services

12.1 Application for Subdivision (WAPC 200641) Lot 23306 Hines Hill Road Korbel

<h2>Development Services</h2>		 SHIRE OF MERREDIN INNOVATING THE WHEATBELT
Responsible Officer:	Peter Zenni, EMDS	
Author:	As above	
Legislation:	<i>Planning and Development Act 2005</i> Shire of Merredin Local Planning Scheme No.6	
File Reference:	A7219	
Disclosure of Interest:	Nil	
Attachments:	Attachment 12.1A – WAPC Referral Documentation	

Purpose of Report



Executive Decision



Legislative Requirement

For Council to consider the proposed advice to the Western Australian Planning Commission (WAPC) that it has no objection to the proposed subdivision of Lot 23306 Hines Hill Road, Korbel (WAPC Application No: 200641) resulting in the creation of two new lots, proposed Lot 110 (4.67ha) and proposed Lot 111 (60.0797ha).

Background

An application for subdivision of land located approximately 10 kilometres south of the Hines Hill townsite, has been lodged with the Western Australian Planning Commission for approval. The WAPC is seeking comments from Council prior to issuing a determination on the application.

The proposed subdivision will divide existing Lot 23306 Hines Hill Road, Korbel into 2 new Lots. Lot 110 (4.67ha) which will contain all existing building and structures (homestead Lot) and Lot 111 (60.0797ha) which will contain the balance of the rural land.

Comment

Planning Considerations

The land in question is zoned General Farming (Rural) in the Shire of Merredin Local Planning Scheme No.6 (the Scheme). All existing buildings incorporating the farmhouse and sheds will be located on the proposed Lot 110. There are currently no buildings located on the proposed Lot 111.

The WAPC Development Control Policy 3.4 – Subdivision of Rural Land as well as provisions of the Scheme highlight the need to maintain the viability and rural character of the land in question.

With respect to the creation of a homestead lot, Development Control Policy 3.4 – Subdivision of Rural Land, states as follows:

The creation of homestead lots is intended to allow primary producers to continue to occupy their dwelling when they cease to farm, and provide settlement opportunities in areas where land fragmentation is limited and unlikely to increase. Homestead lots are to be created in a manner that is consistent with the rural character of the landscape of a locality. Homestead lots may be facilitated through boundary rationalisation or the creation of a new lot”

Homestead lots may therefore be created to enable an approved existing house on a rural lot to continue to be occupied provided that;

- a) The land is in the DC 3.4 Homestead lot policy area;*
- b) The homestead lot has an area between one and four hectares, or up to 20 hectares to respond to the landform and include features such as existing outbuildings, services or water courses;*
- c) There is an adequate water supply for domestic land management and fire management purposes;*
- d) The dwelling is connected to a reticulated electricity supply or an acceptable alternative demonstrated;*
- e) The homestead lot has access to a constructed public road;*
- f) The homestead lot contains an existing residence that can achieve an appropriate buffer from adjoining rural land uses;*
- g) a homestead lot has not been excised from the farm in the past;*
- h) the balance lot is suitable for the continuation of the rural land use, and generally consistent with the prevailing lot sizes, where it can be shown that this is consistent with the current farming practices at the property; and*
- i) the dwelling on a homestead lot must be of a habitable standard and may be required to be certified as habitable by the local government.*

In this case, given the Lot sizes in question, their location and existing infrastructure on the Lots, it is believed that the proposed subdivision meets the required criteria in that the viability of the rural land is not jeopardised and at the same time the creation of the homestead Lot will not generate any undue additional need for government and community services.

Bush Fire Management

The supporting documentation forwarded to the Shire of Merredin (the Shire) by the WAPC incorporates correspondence from RM Surveys – Licensed Surveyors, requesting an exemption from requirements to supply a Bush Fire Attack Level (BAL) assessment on the basis that:

- the proposed subdivision will not result in intensification or development of land use; and
- the proposed subdivision will not result in increased occupancy by employees, or increased bushfire risk as the land use will continue as broadacre farming.

WAPC State Planning Policy 3.7 - Planning in Bushfire Prone Areas states that in cases of an application for a subdivision in a bush fire prone area where the BAL is identified as higher than BAL-12.5, a Bushfire Management Plan is required.

On 28 August 2024, the Shire’s Executive Manager Development Services (EMDS) spoke with the Planning Officer at Department of Planning, Lands and Heritage who is processing this application on behalf of the WAPC, and discussed the fact that the DFES bush fire prone mapping website identifies the vegetation located on the Hines Hill road verge adjacent to the property as being the only bush fire prone area, with the vast majority of the existing Lot 23306 Hines Hill Road, Korbek not being identified as bush fire prone.

Accordingly, the indication from the WAPC is that they will grant an exemption in this case and not require a BAL assessment to be undertaken. This makes sense given the very limited extent of the area identified as being bush fire prone and the routine requirement for a BAL assessment to be undertaken as part of any future development application processes.

Site Soil Evaluation

The correspondence from RM Surveys – Licensed Surveyors, also refers to the onsite effluent disposal system servicing the existing dwelling, querying the need for a Site Soil Evaluation (SSE) which would routinely be required as part of a subdivisional application process associated with the creation of new lots. In this case the existing septic system has been in the ground for some time and is functioning well. In addition, there is ample space for the provision of a replacement, or an additional onsite effluent disposal system should the need arise. As such the EMDS concurs that a formal SSE is not warranted in this case.

Road Access

Lot 23306 Hines Hill Road, Korbek currently has road access from Hines Hill Road. Following the proposed subdivision, both Lots 110 and 111 will have potential road access from Hines Hill Road.

Policy Implications

Compliance with WAPC Development Control Policy 3.4 – Subdivision of Rural Land

Statutory Implications

Compliance with the *Planning and Development Act 2005*.

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 & 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

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

Sustainability Implications

∅ Strategic Resource Plan

Nil

Risk Implications

Subdivisional processes are statute-based requirements subject to approval of the WAPC with comments from various stakeholders including the relevant local government authority. Risks associated with the Shire not opposing the proposed subdivision are considered low (3) based on the likelihood (1) and consequence (3) of adverse events associated with the proposed subdivision taking place.

Financial Implications

Nil

Voting Requirements



Simple Majority




Absolute Majority

Officer's Recommendation

That Council **ADVISES** the Western Australian Planning Commission (WAPC) that it has no objection to the proposed subdivision of Lot 23306 Hines Hill Road, Korbel (WAPC Application No: 200641) resulting in the creation of two new Lots, proposed Lot 110 (4.67ha) and proposed Lot 111 (60.0797ha), Hines Hill Road, Korbel, as identified in Attachment 12.1A, subject to;

1. The proposed boundaries not encroaching upon any existing structures or onsite effluent disposal facilities; and
2. All new Lots being connected to a constructed road via crossovers to the satisfaction of the Shire of Merredin.

12.2 Application for Subdivision (WAPC 200671) Lot 49 Robartson Road Nangeenan

<h3>Development Services</h3> 	
Responsible Officer:	Peter Zenni, EMDS
Author:	As above
Legislation:	<i>Planning and Development Act 2005</i> Shire of Merredin Local Planning Scheme No.6
File Reference:	A9722
Disclosure of Interest:	Nil
Attachments:	Attachment 12.2A – WAPC Referral Documentation

Purpose of Report



Executive Decision



Legislative Requirement

For Council to consider the proposed advice to the Western Australian Planning Commission (WAPC) that it has no objection to the proposed subdivision of Lot 49 Robartson Road, Nangeenan (WAPC Application No: 200671) resulting in the creation of two new Lots, proposed Lot 1 (4.53ha) and proposed Lot 2 (96.68ha).

Background

An application for subdivision of land located approximately 5 kilometres southwest of the Merredin townsite, has been lodged with the WAPC for approval. The WAPC is seeking comments from Council prior to issuing a determination on the application.

The proposed subdivision will divide existing Lot 49 Robartson Road, Nangeenan into 2 new Lots. Lot 1 (4.53ha) which will contain all existing buildings and structures (homestead Lot) and Lot 2 (96.68ha) which will contain the balance of the rural land.

Comment

The land in question is zoned General Farming (Rural) in the Shire of Merredin Local Planning Scheme No 6 (the Scheme). All existing buildings incorporating the farmhouses and sheds will be located on the proposed Lot 1. There are currently no buildings located on the proposed Lot 2.

The WAPC Development Control Policy 3.4 – Subdivision of Rural Land, as well as provisions of the Scheme highlight the need to maintain the viability and rural character of the land in question.

With respect to the creation of a homestead Lot, Development Control Policy 3.4 – Subdivision of Rural Land, states as follows;

The creation of homestead lots is intended to allow primary producers to continue to occupy their dwelling when they cease to farm, and provide settlement opportunities in areas where land fragmentation is limited and unlikely to increase. Homestead lots are to be created in a manner that is consistent with the rural character of the landscape of a locality. Homestead lots may be facilitated through boundary rationalisation or the creation of a new lot”

Homestead lots may therefore be created to enable an approved existing house on a rural lot to continue to be occupied provided that;

- a) The land is in the DC 3.4 Homestead lot policy area;*
- b) The homestead lot has an area between one and four hectares, or up to 20 hectares to respond to the landform and include features such as existing outbuildings, services or water courses;*
- c) There is an adequate water supply for domestic land management and fire management purposes;*
- d) The dwelling is connected to a reticulated electricity supply or an acceptable alternative demonstrated;*
- e) The homestead lot has access to a constructed public road;*
- f) The homestead lot contains an existing residence that can achieve an appropriate buffer from adjoining rural land uses;*
- g) a homestead lot has not been excised from the farm in the past;*
- h) the balance lot is suitable for the continuation of the rural land use, and generally consistent with the prevailing lot sizes, where it can be shown that this is consistent with the current farming practices at the property; and*
- i) the dwelling on a homestead lot must be of a habitable standard and may be required to be certified as habitable by the local government.*

Normally, given the Lot sizes in question, their location and existing infrastructure on the Lots, the proposed subdivision would meet the required criteria in that the viability of the rural land is not jeopardised. In this case there are additional considerations relating to the recent placement of grouped dwelling onto Lot 49 Robartson Road, Nangeenan.

Statutory Planning Considerations

Lot 49 (No 549) Robartson Road, Nangeenan is zoned ‘General Farming’ under the Scheme.

Until fairly recently the placement of a second (grouped) dwelling on a single lot in a general farming zoned area was not permitted under the Scheme.

This changed with the gazettal of Amendment No. 4 to the Scheme which occurred on 6 April 2018, and which had the following effect:

Modified Table One – Zoning Table by deleting the ‘X’ against ‘grouped dwelling’ in a General farming zone and inserting a ‘D¹’, and adding a footnote to Table as follows;

¹ Subject to clause 4.13’.

Clause 4.13- deleted paragraph 2 and replaced it with the following-

- a) the total number of dwellings on the lot will not exceed three(3) dwellings;*

- b) the additional dwelling complies with the setback requirements not less than those specified for the residential Design Code R2;*
- c) the lot has an area of not less than 40 hectares;*
- d) it can be demonstrated that the additional dwelling is for workers or family members employed for primary production activities on the lot;*
- e) adequate provision of potable water for, and disposal of sewerage from, the additional dwelling can be demonstrated;*
- f) the additional dwelling will not adversely detract from the rural character and amenity of the area or conflict with primary production on the subject lot or adjoining land;*
- g) access to the existing road network is to be provided for any additional dwelling and shared with any existing dwelling where practicable;*
- h) the existence of more than one dwelling on a lot in the 'General Farming' zone shall not be considered by itself to be sufficient grounds for subdivision.*

In April 2023, the Shire of Merredin (the Shire) received an application for development approval for a transportable dwelling to be located on Lot 49 Robartson Road, Nangeenan. As this was the second dwelling on the Lot, the Shire considered the application in line with provisions of the Scheme and resolved the following at the April Ordinary Council Meeting held 18 April 2023 (CMRef 83137):

That Council:

- 1. GRANTS development (planning) approval for a second (grouped) dwelling on Lot 49 (No 549) Robartson Road, Nangeenan as outlined in attachment 12.1A, subject to;*
 - 1. The ongoing use of the dwelling being limited to workers or family members who will be engaged in the operation of the farm for primary production purposes;*
 - 2. Provision of potable water to the dwelling via mains water supply or suitable onsite rainwater tank storage; and*
 - 3. The connection of the dwelling to an onsite effluent disposal system in accordance with requirements of the Health (Miscellaneous Provisions) Act 1911; and*
- 2. ADVISES the applicant that;*
 - a) The granting of planning approval does not constitute a building permit and that an application for a building permit must be submitted to the Shire of Merredin and be approved before any building work can commence on site.*
 - b) An application for an on-site effluent disposal system must be submitted to the Shire of Merredin and be approved before any work on the installation of the effluent disposal system can commence on site.*

Subsequently the Shire received applications and issued the required building and health approvals for the placement of the transportable dwelling onsite and the installation of the septic system.

The transportable dwelling has now been placed onsite and the septic system installed in accordance with Shire approvals.

The current application for subdivision which will result in the creation of the two proposed new Lots, and specifically proposed Lot 1 (4.53ha) which will contain the 2 grouped dwellings is contrary to Clause 4.13 c of the Scheme, which states that:

In the 'General Farming' zone, the erection of more than one (1) single house per lot will generally not be supported. The local government may, at its discretion, approve the erection of one (1) additional dwelling on a rural lot, provided that;

c) the lot has an area of not less than 40 hectares;

There is a further complication arising from the existing development approval and specifically the condition stipulated therein that:

The ongoing use of the dwelling being limited to workers or family members who will be engaged in the operation of the farm for primary production purposes

The creation of the new Lots will allow for the sale of the remaining portion of the original Lot 49 Robartson Road, Nangeenan, proposed Lot 2 (96.68ha) to another party.

Council Discretion

Clause 4.5 of the Scheme specifically allows for discretion by Council, 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

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

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

The property in question is not subject to R Code provisions (except the R2 setback provisions). In this case, the matter being considered by Council is as a result of a subdivision application referral process and is not in response to an application for development approval that has been lodged by an applicant with Council.

Whilst the above Clause of the Scheme does not strictly apply in this case, it does show that Council in principle does possess the ability to vary Scheme requirements with respect to development on a case-by-case basis.

Council prior to responding to the WAPC should be aware of setting precedents that could be used by other proponents with respect to future development.

This concern should be weighed against the potential impacts of Council's decision not to support the application for subdivision on the applicant, the current housing crisis being experienced in the wheatbelt generally, and the Shire's role in trying to arrest the movement of community members away from Merredin to other areas.

With respect to an application for subdivision, the WAPC is the deciding authority and is guided in its decision by Development Control Policy 3.4 – Subdivision of Rural Land.

The Shire's Executive Manager of Development Services (EMDS) has discussed this matter with the Director of the Regional South Planning Team as well as the Case Officer, who has provided the following response:

Thank you for your time this morning. Following on from our conversation, I have discussed further with the team and provide the following advice.

The general consensus is that the proposal generally meets the provisions of clause 6.6 of DC 3.4 for the creation of homestead lots. Given the location of the second dwelling on the lot, it is evident that the occupants are utilising it to support the existing farming activities that are occurring within the balance lot. The applicant, surveyor Duncan Wilson has also confirmed that the second dwelling is being occupied by persons whom are currently involved in the farming of the balance lot, consistent with the objectives of clause 4.13 of the Shire of Merredin Local Planning Scheme No.6 (Scheme).

As a result of the proposed homestead, it is noted that the two existing dwellings will not be located on a lot greater than 40ha however, the purpose of the additional dwelling remains unchanged and therefore in this sense is consistent with the overarching objectives of the General Farming zone, and with the provisions for grouped dwellings under clause 4.13 of the Scheme.

It should also be noted that clause 6.6 of DC 3.4 allows the WAPC (as one-off applications) to consider the creation of multiple homestead lots where there are a number of existing approved dwellings on a rural lot. As the two existing dwellings are to be located within the proposed homestead lot, this will reduce fragmentation of rural land and result in a better planning outcome creating one additional homestead lot, instead of two. Homestead lots can only be created once at a specific location, and as such the creation of further homestead lots, at this location in the future will not be supported.

As this is a somewhat unique situation it is unlikely that precedent will be established. However, as grouped dwellings are discretionary land uses, the Shire has the ability to scrutinize future applications for grouped dwellings more closely and apply appropriate conditions where necessary.

Bush Fire Management

The DFES website which identifies bush fire prone areas reveals that the proposed Lot 1 which contains all the structures is not located within a bush fire prone area, with a small portion of proposed Lot 2, currently vacant and used for cropping purposes falling within the bushfire prone area.

Road Access

Lot 49 Robartson Road, Nangeenan, currently has road access from Robartson Road. Following the proposed subdivision, both Lots 1 and 2 will have potential road access from Robartson Road.

Policy Implications

Compliance with WAPC Development Control Policy 3.4 – Subdivision of Rural Land

Statutory Implications

Compliance with the *Planning and Development Act 2005*.

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 & 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

Theme: 5. Places and Spaces

Priorities: Nil

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

Sustainability Implications

∅ Strategic Resource Plan

Nil

Risk Implications

Subdivisional processes are statute-based requirements subject to approval of the WAPC with comments from various stakeholders including the relevant local government authority. In this case the risk is associated with the Shire not opposing the proposed subdivision are considered low (3) based on the likelihood (1) and consequence (3) of adverse events associated with the proposed subdivision taking place.

Financial Implications

Nil

Voting Requirements



Simple Majority



Absolute Majority


Officer's Recommendation

That Council **ADVISES** the Western Australian Planning Commission (WAPC) that it has no objection to the proposed subdivision of Lot 49 Robartson Road, Nangeenan (WAPC Application No: 200671) resulting in the creation of two new Lots, proposed Lot 1 (4.53ha) and proposed Lot 2 (96.68ha) Robartson Road, Nangeenan, as identified in Attachment 12.2A, subject to;

1. the proposed boundaries not encroaching upon any existing structures or onsite effluent disposal facilities; and
2. all new Lots being connected to a constructed road via crossovers to the satisfaction of the Shire of Merredin.

13. Officer's Reports – Engineering Services

13.1 Date Palm Removal

<h2>Engineering Services</h2>		 SHIRE OF MERREDIN INNOVATING THE WHEATBELT
Responsible Officer:	Craig Watts CEO	
Author:	As above	
Legislation:	<i>Local Government Act 1995</i>	
File Reference:	Nil	
Disclosure of Interest:	Nil	
Attachments:	Attachment 13.1A – Location Map	

Purpose of Report



Executive Decision



Legislative Requirement

For Council to consider the removal of the date palm located on the southern side of Barrack Street, Merredin (opposite IGA) listed on the current Shire of Merredin Municipal Heritage Inventory.

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. A date palm located in this area has grown into power lines causing arcing and a small fire, with the tree subsequently trimmed to minimise the immediate risk.

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 any or all of the trees should it be deemed the best interest of the community.

The date palm located opposite the IGA supermarket is located adjacent to power lines and has been trimmed to ensure the fronds do not impact on the transmission lines. Prior to trimming, this tree had impacted on the power lines leading to a small fire caused by electrical arcing. Concerns have been raised in relation to the severity of the trimming works, and the continued risk it presents when the fronds again grow to make contact with power lines, presenting a danger to the public.

The date palm will require further works to maintain the safe, uninterrupted operation of the power network. To ensure that power utility services are uninterrupted, and to ensure that the tree does not become a danger to the public, removal of the tree is sought.

To expedite any necessary works to maintain public safety and infrastructure, authorisation to remove the tree from the municipal heritage inventory and lop the tree is sought. Prior to its removal, the date palm would be photographically documented which is in line with the recommendations of the Municipal Inventory.

It should be noted that the date palms on Barrack Street 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 date palm is not native, a clearing permit is not required the removal.

The Administration recommends that Council authorise the photographic documentation and removal of the identified date palm located within Barrack Street, identified with Attachment 13.1A – Location Map.

Policy Implications

Nil

Statutory Implications

Nil. As the date palm is not listed on the State Register of Heritage Places and their removal does not require a clearing permit under the *Environmental Protection Act 1986*.

Strategic Implications

Ø 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

Ø Corporate Business Plan

Theme:	5. Places and Spaces
Priorities:	Nil
Objectives	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

Sustainability Implications

∅ Strategic Resource Plan

Nil

Risk Implications

Items listed in the Municipal Heritage Inventory are subject to Council review. If endorsed by Council the removal of one date palm does not present any compliance risks.

There is a reputational risk associated with this item as its growth will continue to affect power lines and present a fire risk. The risk rating is considered to be moderate (8) which is determined by a likelihood of possible (4) and a consequence of minor (2).

This risk will be eliminated by the adoption of the Officer's Recommendation.

Financial Implications

The removal of the one date palm will be completed as part of the operational maintenance within the Merredin town centre.

Voting Requirements



Simple Majority



Absolute Majority


Officer's Recommendation

That Council

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

14. Officer's Reports – Corporate and Community Services

14.1 Statement of Financial Activity – July 2024

<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 July 2024, and be advised of associated financial matters, including consideration of proposed budget amendments.

Background

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

Comment

Statement of Financial Activity

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

Budget Amendments

The following budget amendments are recommended:

GL/Job	Description	Current Budget	Variation Amount	Revised Budget	Reason
R2R140	Coronation St (R2R)	\$0	\$16,500	\$16,500	Works from the 2023/24 program were not completed until July 2024
3120111	ROADC - Roads to Recovery Grant	\$993,000	\$16,500	\$1,009,500	

The above-mentioned amendments are recommended due to works that were expected to be completed in June 2024 being delayed due to weather. Although a purchase order was issued in the 2023/24 financial year for the works, the delay was not accounted for during the budget development process and so funds were not placed into the Coronation Street (R2R) account. Works have now been completed and the invoice received.

Advice from Roads to Recovery is that these works are still eligible for funding from the 2023/24 allocation, due to Local Governments having six months post funding end to finalise works.

Our Audit firm have confirmed that though the works can be acquitted as part of the 2023/24 Roads to Recovery audit, funds need to be allocated in the Shire’s 2024/25 budget to match the expenditure that has been incurred.

Policy Implications

Nil

Statutory Implications

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

Strategic Implications

Ø Strategic Community Plan

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

Ø Corporate Business Plan

Theme: 4. Communication and Leadership
 Priorities: Nil
 Objectives: 4.2 Decision Making

Sustainability Implications

Ø Strategic Resource Plan

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

Risk Implications

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

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

Materiality reporting thresholds have been established at 10% or \$10,000 whichever is greater, for operating and capital, 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.

There is a compliance risk associated with this item as the Shire would be contravening the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996* if this Item was not presented to Council. The risk rating is considered to be low (4), which is determined by a likelihood of unlikely (2) and a consequence of minor (2). This risk will be eliminated by the adoption of the Officer's Recommendation.

Financial Implications

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

In regard to the proposed budget amendments, the addition of expenditure to the operational account has been offset with an increase to the expected Roads to Recovery income and therefore does not have any overall impact on the budget.

Voting Requirements

Simple Majority

Absolute Majority


Officer's Recommendation

That Council:

1. **RECEIVE** the Draft Statements of Financial Activity and Investment Report for the period ending 31 July 2024 in accordance with Regulation 34 of the Local Government (Financial Management) Regulations 1996; and
2. **APPROVES** amendments to the Shire of Merredin 2024/25 Annual Budget as per the following table, pursuant to section 6.8(1(b)) of the Local Government Act 1995:

GL/Job	Description	Current Budget	Variation Amount	Revised Budget	Reason
R2R140	Coronation St (R2R)	\$0	\$16,500	\$16,500	Works from the 2023/24 program were not completed until July 2024
3120111	ROADC - Roads to Recovery Grant	\$993,000	\$16,500	\$1,009,500	

14.2 List of Accounts Paid – August 2024

<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 August 2024

Purpose of Report

- Executive Decision
 Legislative Requirement

For Council to receive the schedule of accounts paid for the month of August 2024.

Background

The attached list of accounts paid during the month of August 2024, under Delegated Authority, is provided for Council’s information and endorsement.

Comment

Nil

Policy Implications

Nil

Statutory Implications

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

Strategic Implications

∅ Strategic Community Plan

Theme: 4. Communication and Leadership

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

Priorities and Strategies for Change: Nil

∅ Corporate Business Plan

Theme: 4. Communication and Leadership

Priorities: Nil

Objectives: 4.2 Decision Making

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

There is a compliance risk associated with this item as the Shire would be contravening the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996* if this Item was not presented to Council. The risk rating is considered to be low (4), which is determined by a likelihood of unlikely (2) and a consequence of minor (2). This risk will be eliminated by the adoption of the Officer's Recommendation.

Financial Implications

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

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation

That Council RECEIVE the schedule of accounts paid during August 2024 as listed, covering cheques, EFT's, directly debited payments and wages, as numbered and totaling \$2,513,152.97 from the Merredin Shire Council Municipal bank account and \$0 from the Merredin Shire Council Trust bank account.

14.3 Treatment of Reserve Bank Account Interest

<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:	Nil

Purpose of Report

Executive Decision

Legislative Requirement

For Council to consider the treatment of interest received on the Shire of Merredin’s (the Shire’s) Reserve Bank Account moving forward and a proposed budget amendment related to interest repayments on the Shire’s liquidity loan.

Background

Liquidity Loan Interest

In January 2024 an item was brought to Council in relation to the tender for the Apex Park and Town Centre redevelopments. As part of this, funding options were presented and the need for a liquidity loan to be applied for as a contingency measure was discussed. The item stated:

- *Authorisation for the CEO to advertise the intent to take out a Liquidity Loan, and subsequently apply for the loan, as part of, to address forecast cashflow needs.*
- *Amendment of the 2023/23 Annual Budget to allow the interest earned across the Shire’s reserves to be used to offset the cost of the interest accrued from the proposed liquidity loan.*

Council resolved (CMRef 83285):

That Council;

10. APPROVES the amendment to the 2023/24 Annual Budget as per the below table:

<i>Account</i>	<i>Description</i>	<i>Current Budget</i>	<i>Amendment</i>	<i>Revised Budget</i>
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<i>NEW</i>	<i>Liquidity Loan - Interest</i>	<i>\$0</i>	<i>\$80,000</i>	<i>\$80,000</i>
<i>3030245</i>	<i>GEN PUR – Interest Earned – Reserve Funds</i>	<i>-\$110,000</i>	<i>-\$80,000</i>	<i>-\$190,000</i>

As the \$80,000 was not expended in the 2023/24 financial year, due to draw down on the liquidity loan not being required, the funds were rolled into the 2024/25 budget and are currently sitting in GL 2110401 – REC – Liquidity Loan – Interest Mun.

General Interest on Reserve Bank Account

Currently, the calculations for how the monthly account interest is divided amongst the reserve accounts is completed based on the total dollar amount in each reserve. The higher the balance of the reserve, the greater percentage (%) of interest that reserve account attracts. What this means is that accounts with larger balance gain significantly more of the interest each month and grow exponentially bigger than all the other reserve accounts with lower balances.

Reserve figures as at 30 June 2024 are:

- Employee Entitlement = \$385,891.26.
- Apex Park Redevelopment = \$311,600.46 (total will be drawn down on completion of annual financials).
- Information and Communication Technology (ICT) = \$268,809.50.
- Declared Disaster = \$257,404.98.
- Cummings Street Units = \$48,035.86 (up to \$7k to be drawn down for repairs to units – remainder will be transferred to Dept of Communities).
- Recreation Development = \$948,352.06.
- Waste Management = \$389,948.95.
- Unspent Grants = \$383,659.50.
- Road Construction Merredin – Narembreen Rd = \$811,151.72.
- Plant Replacement = \$556,813.48.
- Building Reserve = \$1,078,682.14.
- Land and Development = \$1,638,173.29.

It should be noted that some 2023/24 reserve transfers have yet to be completed. These will be done in the coming month as part of the completion of the annuals once grant income and expenditure has been finalised.

Currently the Shire receives around \$20,000 in interest on the reserve account per month. In July 2024 this was divided across the accounts as per the current arrangement and saw funds shared out as per the below:

- Employee Entitlement = \$1,189.39.
- Apex Park Redevelopment = \$960.41.
- Information and Communication Technology (ICT) = \$828.52.
- Declared Disaster = \$793.37.

- Cummings Street Units = \$148.06.
- Recreation Development = \$2,923.00.
- Waste Management = \$1,202.01.
- Unspent Grants = \$1,182.51.
- Road Construction Merredin – Narembreen Rd = \$2,500.13.
- Plant Replacement = \$1,716.21.
- Building Reserve = \$3,324.71.
- Land and Development = \$5,049.16.

The actual interest received for July 2024 and August 2024 was higher than the budgeted figure and revised budgets listed in the proposed resolution have taken these actual figures into account for the reserve accounts that will not receive interest from September 2024.

Within the next 12 to 18 months there are three reserves that the Shire envisage drawing funds down from. These are:

- Information and Communication Technology (ICT) Reserve – for a new whole of organisation Enterprise Resource Planning (ERP) system (IT system).
- Recreation Development Reserve – for resurfacing and other required actions at the MRCLC.
- Building Reserve – For major maintenance and capital works required on Shire building assets.

It is likely that the replacement of the Shires ERP will cost between \$500,000 and \$750,000 and will need to occur as soon as possible. The current system is receiving less support and causing a number of issues for the organisation. There is currently only \$268,809.50 in this reserve – leaving a significant shortfall to be found to allow the project to progress.

Comment

Liquidity Loan Interest

As the majority of the Apex Park and Town Centre works have now been completed and invoiced, it is the belief of the Administration that the liquidity loan will not need to be drawn down, and therefore no interest repayments will be required to be made. This means that the \$80,000 allocated at 'GL 2110401 – REC – Liquidity Loan – Interest Mun' is no longer required and the funds can be reallocated back to the reserve accounts.

Options for Transfer of Funds:

1. Return to all reserve accounts on the same basis split as is currently practiced, based on the balance of each reserve.
2. Direct the funds into the reserve accounts that will be used in the coming periods. These would be the ICT, Building and Recreation Reserves. This could be done with a 1/3, 1/3, 1/3 approach.
3. Direct the funds into the ICT Reserve in preparation for the replacement of the Shire's ERP.
4. Direct 50% of the funds to the ICT Reserve and 25% to each of the Building and Recreation Reserves.

The Administration preference is Option 3 - that the total of the \$80,000 no longer required to make interest payments be moved to the ICT Reserve in readiness for the transition of the Shire's ERP system.

General Interest on Reserve Bank Account

As described in the background, currently the reserve accounts with higher balances attract larger portions of the monthly interest received. A number of these accounts are not planned to be utilised in the immediate future.

Options Moving Forward:

1. Continue as is with interest split based on balances of each reserve.
2. Direct the interest received into the reserve accounts that will be used in the coming periods. These would be the ICT, Building and Recreation Reserves. This could be done with a 1/3, 1/3, 1/3 approach.
3. Direct all the interest into the ICT Reserve in preparation for the replacement of the Shire's ERP.
4. Direct 50% of the interest to the ICT reserve and 25% to each of the building and recreation reserves.

The Administration recommend that either Option 3 or 4 would be preferable.

It should be noted that interest allocated to the Cummings Street Units Reserve will need to stay as budgeted until settlement occurs to ensure compliance with the current agreement. However, as the balance of this reserve is minimal, little interest will be attracted.

Policy Implications

Nil

Statutory Implications

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

Strategic Implications

∅ Strategic Community Plan

Theme:	4. Communication and Leadership
Service Area Objective:	4.2.2 The Shire is progressive while exercising responsible stewardship of its built, natural and financial resources 4.2.3 The Council is well informed in their decision-making, supported by a skilled administration team who are committed to providing timely, strategic information and advice
Priorities and Strategies for Change:	Nil

∅ Corporate Business Plan

Theme:	4. Communication and Leadership
Priorities:	Nil

Objectives: Nil

Sustainability Implications
∅ Strategic Resource Plan

Nil

Risk Implications

There is a compliance risk associated with this Item as the Shire would be contravening the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996* if this Item was not presented to Council. The risk rating is considered to be low (4), which is determined by a likelihood of unlikely (2) and a consequence of minor (2). This risk will be eliminated by the adoption of the Officer’s Recommendation.

Financial Implications

Liquidity Loan Interest

As described above, the \$80,000 is no longer required to pay interest expenses on the liquidity loan, due to the loan not being drawn down. This money was originally sourced by quarantining interest funds from the reserve account over a period of months at the start of 2024 and therefore should be returned to the reserve bank account if not required for the purpose that was put forward in the Council resolution.

General Interest on Reserve Bank Account

As there is no expense associated with this portion of the Item, there is no financial implication on the Shire. However, as the allocation of interest funds is proposed to be different to that presented in the 2024/25 Annual Budget, the change should be facilitated by a Council resolution.

Voting Requirements

- Simple Majority Absolute Majority

Officer’s Recommendation

That Council:

1. **APPROVES** the transfer of \$80,000.00 from GL 2110401 – REC – Liquidity Loan – Interest Mun to the Information and Communication Technology Reserve account (196736010), as per the table below; and

<i>Account number</i>	<i>Description</i>	<i>Current balance/ budget</i>	<i>Change</i>	<i>Revised budget</i>
2110401	REC – Liquidity Loan – Interest Mun	\$80,000.00	-\$80,000.00	\$0
196736010	ICT Reserve – Accumulation Mun	\$268,809.50	\$80,000.00	\$348,809.50


2. **APPROVES** proposed budget amendments (as per the table below) that allows interest received on the Shire of Merredin’s Reserve Bank Account to be split to the

Shire of Merredin’s reserve accounts on the following basis from September for the remainder of the 2024/25 financial year:

- **Current percentage for Cummings Street Units Reserve remains as budgeted until settlement has occurred and the reserve is closed;**
- **50% of remaining monthly interest received to the Information and Communication Technology (ICT) Reserve;**
- **25% of remaining monthly interest received to the Recreation Development Reserve; and**
- **25% of remaining monthly interest received to the Building Reserve.**

<i>Account number</i>	<i>Description</i>	<i>Current budget</i>	<i>Change</i>	<i>Revised budget</i>
4030381	INVEST – Interest Employee Entitlement Reserve	\$10,900.00	-\$8,600	\$2,300.00
4030383	INVEST – Interest Plant Replacement Reserve	\$15,740.00	-\$12,340	\$3,400.00
4030385	INVEST – Interest Land and Development Reserve	\$46,280.00	-\$36,200	\$10,000.00
4030387	INVEST – Interest Declared Disaster Reserve	\$7,280.00	-\$5,680	\$1,600.00
4030390	INVEST – Interest Waste Management Reserve	\$11,020.00	-\$8,620	\$2,400.00
4030391	INVEST – Interest Unspent Grants Reserve	\$10,840.00	-\$8,640	\$2,200.00
4030394	INVEST – Interest Apex Park Redevelopment Reserve	\$8,800.00	-\$7,000	\$1,800.00
4030395	INVEST – Interest Road Construction - Merredin Narembeen Reserve	\$22,920.00	-\$17,920	\$5,000.00
4030389	INVEST – Interest Cummings Street Units Reserve	\$1,360.00	No change	\$1,360.00
4030384	INVEST – Interest Building Reserve	\$30,480.00	\$12,350	\$42,480.00
4030386	INVEST – Interest ICT Reserve	\$7,600.00	\$78,060	\$85,000.00
4030393	INVEST – Interest Recreation Development Reserve	\$26,800.00	\$16,030	\$42,480.00

14.4 Policy 4.7 Use of Shire and DFES fire appliances

<h2 style="margin: 0;">Community Services</h2> 	
Responsible Officer:	Codi Brindley-Mullen, EMS&C
Author:	Sheree Lowe, ESO
Legislation:	<i>Local Government Act 1995</i> <i>Bush Fires Act 1954</i> <i>Bush Fires Regulations 1954</i> <i>Work Health and Safety Act 2020</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 14.4A - Policy 4.7 – Use of Shire and DFES fire appliances Attachment 14.4B - DFES SOP 3.3.1 Respond Under Emergency Conditions

Purpose of Report

- Executive Decision
 Legislative Requirement

For Council to consider the adoption of a policy to set minimum standard and expectations in relation to Shire of Merredin (the Shire) fire appliances which may not previously have been explicitly stated.

Background

It has been identified that the Shire does not have a policy in relation to expectations for operation and maintenance of Department of Fire & Emergency Services (DFES) supplied appliances allocated to Shire Bush Fire Brigades.

Comment

The purpose of Policy 4.7 is to provide clear guidelines for the use of Shire Fire Appliances by Bush Fire Brigade volunteers. DFES terms a vehicle being used for firefighting purposes as an appliance.

This Policy aims to rectify issues that have been identified during the recent annual service of the fire appliances. It was identified that not all of the appliances were being maintained to an appropriate standard. One (1) appliance required significant repairs to bring it back up to an operational standard, including the replacement of a number of essential firefighting items which had been removed from that appliance. The Shire has never explicitly set out its

expectations regarding the care, maintenance and use of firefighting appliances by the brigades.

There have also been instances where Shire appliances have been used or taken outside of the district by Bush Fire Volunteers without the knowledge of or authorisation of the Chief Bush Fire Control Officer, the Emergency Services Officer or the Chief Executive Officer.

Policy Implications

Proposed new Policy 4.7 – Use of Shire and DFES fire appliances as shown in Attachment 14.4A.

Statutory Implications

As outlined in the *Local Government Act 1995* and *Local Government (Functions and General) Regulations 1996*. The *Bush Fires Act 1954* designates that a local government may establish a bush fire brigade as part of its organisation and equip each brigade with appliances, equipment and apparatus. Although supplied by DFES under the Local Government Grant Scheme, the fire appliances are vehicles registered to and owned by the Shire.

Strategic Implications

∅ Strategic Community Plan

Theme:	1. Community and Culture
Service Area Objective:	1.3 Community Safety 1.3.1 The Shire, Local Emergency Services and wider community working together to prevent bushfires and other emergencies as well as being well placed to respond and recover in such events
Priorities and Strategies for Change:	Community Safety

∅ Corporate Business Plan

Theme:	1. Community and Culture
Priorities:	P1.3 Community Safety
Objectives:	1.3 Community Safety 1.3.1 The Shire, Local Emergency Services and wider community working together to prevent bushfires and other emergencies as well as being well placed to respond and recover in such events

Sustainability Implications

∅ Strategic Resource Plan

Nil

Risk Implications

There is a compliance risk associated with this Item, if this Policy is not adopted. The risk rating is considered to be moderate (8) which is determined by a likelihood of likely (4) and a consequence of minor (2).

This risk will be eliminated by the adoption of the Officer’s Recommendation. It has been proposed to make it clearer and more comprehensive to Bush Fire Brigade members.

Financial Implications

This Policy does not have any financial implications associated with it, though if it is not adopted by Council there is a financial risk. The Local Government Grant Scheme allocates funding from the State to Local Government for bush fire expenses. The Bush Fire Brigades may not understand the minimum standards expected by Council on the use of DFES appliances and therefore can impose financial implications to Council if the appliances are not maintained or items require replacement/repair which may not be recoverable via the scheme.

Voting Requirements



Simple Majority



Absolute Majority

Officer’s Recommendation

That Council ADOPTS Policy 4.7 - Use of Shire and DFES fire appliances, as presented in Attachment 14.4A.

15. Officer's Reports – Administration

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

<h2>Corporate Services</h2>		
Responsible Officer:	Craig Watts, CEO	
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:	Nil	

Purpose of Report



Executive Decision



Legislative Requirement

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

Background

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

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

Comment

The Christmas Day public holiday will be observed on Wednesday, 25 December 2024 with the Boxing Day public holiday being observed on Thursday, 26 December 2024, meaning Shire offices and most facilities will be closed on both of these days.

Similarly, the New Year's Day public holiday will be observed on Wednesday, 1 January 2024 meaning Shire offices and most facilities will also be closed on that day.

Council is advised that the Administration intends for Shire venues to close from Monday, 23 December 2024 to Monday 1 January 2023 inclusive. The venues will reopen as usual on

Thursday, 2 January 2025. There will be some exceptions to this, such as the Landfill and Swimming Pool, with Council to be informed closer to the period.

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

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

Policy Implications

Nil

Statutory Implications

Nil

Strategic Implications

∅ Strategic Community Plan

Theme:	4. Communication and Leadership
Service Area Objective:	4.2 Decision Making 4.2.3 The Council is well informed in their decision-making, supported by a skilled administration team who are committed to providing timely, strategic information and advice 4.4 Communications 4.4.1 The Shire is continuously working to maintain efficient communication, providing open, transparent and factual information, through a variety of channels
Priorities and Strategies for Change:	Nil

∅ Corporate Business Plan

Theme:	4. Communication and Leadership
Priorities:	Nil
Objectives:	4.2 Decision Making

Sustainability Implications

∅ Strategic Resource Plan

Nil

Risk Implications

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

There is a reputational risk associated with this Item due to the closure of various Shire facilities reducing services to the community. The risk rating is considered to be low (3), which is determined by a likelihood of possible (3) and a consequence of insignificant (1).

Financial Implications

Staff will be required to take time off in lieu, annual leave or accrued rostered days off during the period. These costs are contained within the 2024/25 Annual Budget.

Voting Requirements



Simple Majority




Absolute Majority

Officer's Recommendation

That Council;

1. **NOTES the closure of the Shire Administration Office from and including Monday, 23 December 2024 to the morning of Thursday, 2 January 2025, with closures at other facilities to be determined closer to the period; and**
2. **NOTES information relating closures will be advertised to community in early December, including hours of operation and emergency contact information.**

15.2 Status Report – September 2024

<h1>Administration</h1>		 SHIRE OF MERREDIN INNOVATING THE WHEATBELT
Responsible Officer:	Craig Watts CEO	
Author:	Meg Wyatt, EO	
Legislation:	<i>Local Government Act 1995</i>	
File Reference:	Nil	
Disclosure of Interest:	Nil	
Attachments:	Attachment 15.2A – Status Report – September 2024	

Purpose of Report



Executive Decision



Legislative Requirement

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

Background

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

Comment

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

Policy Implications

Nil

Statutory Implications

Nil

Strategic Implications

∅ Strategic Community Plan

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

∅ Corporate Business Plan

Theme: 4. Communication and Leadership
Priorities: Nil
Objectives 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

Sustainability Implications

∅ Strategic Resource Plan

Nil

Risk Implications

There is a reputational risk associated with this Item, as it may be perceived that the Shire is not acting upon or implementing the decisions of Council. The risk rating is considered to be low (1), which is determined by a likelihood of rare (1) and a consequence of insignificant (1). This risk will be eliminated by the adoption of the Officer's Recommendation.

Financial Implications

Nil

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation

That Council RECEIVES the Status Report on Council Resolutions for September 2024.

15.3 Regional Christmas Trading Hours

<h1>Administration</h1>		 SHIRE OF MERREDIN INNOVATING THE WHEATBELT
Responsible Officer:	Craig Watts CEO	
Author:	Meg Wyatt, EO	
Legislation:	<i>Local Government Act 1995</i>	
File Reference:	Nil	
Disclosure of Interest:	Nil	
Attachments:	Attachment 15.3A – 2024-25 Regional Extended Trading Package Attachment 15.3B – Non Metropolitan Local Government Application for Extended Trading Hours	

Purpose of Report



Executive Decision



Legislative Requirement

For Council to consider the 2024/25 Regional Christmas trading hours.

Background

Local Governments were advised on 11 September 2024, the Department of Mines, Industry Regulation and Safety – Consumer Protection (DMIRS) has extended the opportunity for regional extended trading hours for local businesses over the Christmas/New Year period during 2024.

On 27 August 2024, the Minister for Commerce, approved trading extensions for the Perth metropolitan area over the 2024 Christmas period and for public holidays in 2025.

The package approved by the Minister will enable general retail shops in the Perth metropolitan area to trade from 8am to 6pm on Saturdays, Sundays and on public holidays between 7 December 2024 and 29 December 2024, with Christmas Day being the only day of closure, and from 7am to 9pm on weekdays from 14 December 2024 to 24 December 2024.

The Minister has also granted approval for general retail shops in the metropolitan area to trade from 8am to 6pm on the New Year's Day (1 January 2025), Australia Day (27 January 2025), Labour Day (3 March 2025), Easter Monday (21 April 2025), Western Australia Day (2 June 2025) and King's Birthday (29 September 2025) public holidays.

In addition to the decision taken by the Minister in respect to the metropolitan area, the Minister has also agreed to an extended trading package being offered to regional Local Government Authorities, that is based on the standard metropolitan area trading hours.

Acceptance of this proposal will not require any further action on the Shire of Merredin's (the Shire) part.

Should the Shire accept this offer, general retail shops within Merredin will be able to trade from 8am to 6pm on Saturdays, Sundays and public holidays, other than on Christmas day which will be a closed day, between 7 December and 29 December 2024, from 8am to 9pm from Monday 9 December 2024 to Friday 13 December 2024, from 7am to 9pm on weekdays from Monday 16 December to Tuesday 24 December 2024 and from 8am to 6pm on each of the public holidays outlined above. The attached '2024-25 Regional Extended Trading Package' document details the specific times and dates of the extensions.

As is the case with all extended trading variations, the decision to open or not during the additional hours provided will be at the discretion of individual retailers.

Local Government Authorities that choose to accept this package are requested to notify the Department of Mines, Industry Regulation and Safety – Consumer Protection of their decision by no later than Wednesday, 27 September 2024. Acceptance of this offer can be made by return email.

Comment

Extended Trading hours were considered by Council in 2023, were Council resolved the below (CMRef 83237):

That Council;

- 1. ADVISE the Department of Mines, Industry Regulation and Safety – Consumer Protection that the Shire of Merredin will not be varying its previously approved standard retail trading hours for the 2023/24 Christmas/New Year period; and*
- 2. NOTES the Shire of Merredin will consult with retailers in the current year to confirm current general trading hours remain suitable for the locality.*

Previously, related decisions have been as follows:

- At the June 2016 Ordinary Council Meeting, Council considered a request to extend the general retail trading hours for Merredin to Monday, Tuesday, Wednesday, Friday and Saturday 7am-8pm, Thursday 7am-9pm, and Sunday and Public Holidays 9am-6pm (CMRef 81794). The request was approved by the Minister for Commerce on 8 December 2016 and was Gazetted shortly thereafter.
- As a result of the new trading hours applicable for all retail outlets in Merredin, it was suggested that no further extension to the hours was required for the 2017/18 Christmas/New Year period, with Council resolving as such at its October 2017 meeting (CMRef 82063).
- This was then decided again at the October 2018 Ordinary Council Meeting to advise the Department of Commerce that the Shire of Merredin will not be varying its previously approved standard retail trading hours for the 2018/19 Christmas/New Year period (CMRef 82274).

In previous discussions with the Department of Commerce, and as the trading hours for Merredin are already quite broad, and it only offers a difference of a few hours, it was suggested that no further extension to the trading hours was required. It should be noted that retail outlets are not permitted to open on Christmas Day.

Therefore, the Officer's Recommendation is the same as that adopted by Council at its September 2023 meeting. As in previous year's, the decision to open or not during the trading hours is entirely at the discretion of the individual retailer.

As there is limited opportunity for consultation with retailers for this, it is suggested that retailers are advised of the trading hours and asked that if there are any issues or feedback on the hours to make the Shire Administration aware.

Policy Implications

Nil

Statutory Implications

Nil

Strategic Implications

∅ Strategic Community Plan

Theme: 2. Economy and Growth
Service Area Objective: 2.1 Economic Development
Priorities and Strategies for Change: Nil

∅ Corporate Business Plan

Theme: 2. Economy and Growth
Priorities: Nil
Objectives 2.1 Economic Development

Sustainability Implications

∅ Strategic Resource Plan

Nil

Risk Implications

There is a reputational risk associated with this Item, as it may be perceived that the Shire is restricting commercial trade if it does not support the extended trading hours. The risk rating is considered to be low (1), which is determined by a likelihood of rare (1) and a consequence of insignificant (1). This risk will be eliminated by the adoption of the Officer's Recommendation.

Financial Implications

Nil

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation

That Council;

- 1. ADVISE the Department of Mines, Industry Regulation and Safety – Consumer Protection that the Shire of Merredin will not be varying its previously approved standard retail trading hours for the 2024/25 Christmas/New Year period; and**
- 2. ADVISE retailers of the amendment to general trading hours over the 2024/25 Christmas/New Years period, confirming that the decision to open or not during the trading hours is entirely at their discretion.**

16. Motions of which Previous Notice has been given

Nil

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

Nil

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

Nil

19. Matters Behind Closed Doors

19.1 Disposal of Land

19.2 Disposal of Land

19.3 RFT 01 – 2024/2025 Strategic Recreation Master Plan (SRMP) and Recreation Infrastructure Asset Management Plan (RIAMP)

20. Closure

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