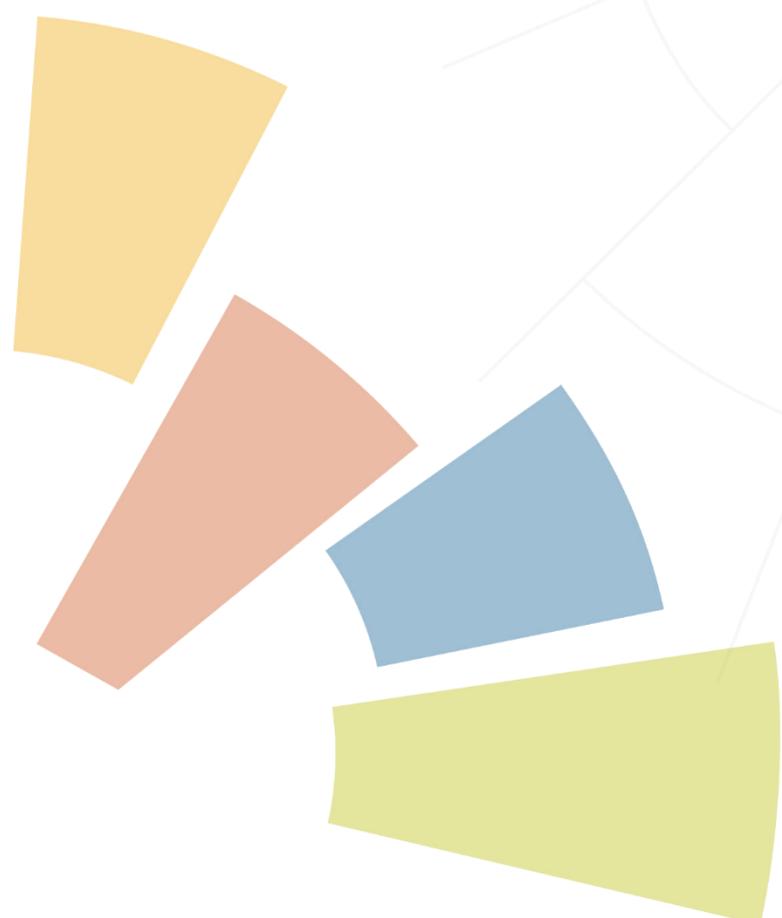


SHIRE OF  
**MERREDIN**  
INNOVATING THE WHEATBELT

# MINUTES

## Special Council Meeting

Held in Council Chambers  
Corner King & Barrack Street's, Merredin  
Thursday, 16 May 2023  
Commencing 6.00pm



| <b>Common Acronyms Used in this Document</b> |  |
|--|--|
| 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                        |



## Shire of Merredin Special Council Meeting

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Shire of Merredin  
Special Council Meeting  
6:00pm Tuesday, 16 May 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 6:00pm.

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

### Councillors:

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

### Staff:

|          |      |
|----------|------|
| L Clack  | CEO  |
| L Mellor | EMES |
| L Boehme | EMCS |
| P Zenni  | EMDS |
| M Wyatt  | EO   |
| O Mellor | GO   |
| R Austen | HR   |

### Members of the Public:

A McCrae, P McCrae, Y Gray, C Wild, B Anderson, K White, L Watson

### Apologies:

Cr R Manning

### Approved Leave of Absence:

### Voting Requirements



Simple Majority



Absolute Majority

### Resolution

Moved: Cr Crook

Seconded:

Cr Patroni

#### That Council:

1. **APPROVES** Councillor Flockart's attendance at the May 2023 Special Council Meeting via video conference in accordance with Regulation 14C.(2)(b) of the Local Government (Administration) Amendment Regulations 2022;
2. **NOTES** that Councillor Flockart has confirmed the location from which she intends to attend the meeting, and the equipment she intends to use to attend the meeting, are suitable to be able to effectively engage in deliberations and communications during the meeting, in accordance with Regulation 14C(5) of the Local Government (Administration) Amendment Regulations 2022; and
3. **NOTES** that Councillor Flockart has declared via email, that confidentiality can be maintained for the closed portion of the meeting, should any part of the meeting be required to move behind closed doors in accordance with Regulation 14CA(5) of the Local Government (Administration) Amendment Regulations 2022.

83154

CARRIED 6/0

### 3. Public Question Time

The following question was submitted prior to the commencement of the Special Council Meeting by Ms Lesley Watson in reference to Item 10.1, Attachment 10.1C - Appendix 2: Indicative Sporting User Group Required Hours.

**Ms Lesley Watson of Merredin.**

**Question:** Can you please provide further information on the consultation that occurred with sporting groups around the required sporting hours? There are a number of sports that have not been detailed, particularly during summer, including athletics and cricket. The football hours on the weekend seem to be short as well, as junior football has not been included. Indicative hours for basketball are in excess of what was required last season, and the anticipated requirements moving forward.

*Answer: The Administration has been advised that hours were developed based on a combination of advice from sporting groups (provided on request) and bookings from the past 12 months.*

*Based on the advice received by Ms Watson via email on 16 May 2023, the information in the Appendix may be incorrect, the Shire has corresponded with all sporting group, and requested*

*each provides further details on anticipated hours of use, by close of business Monday 22 May 2023 to enable this to be incorporated into the Indicative Sporting User Group Required Hours.*

*Of note – the intention is these are indicative hours which will be seasonably variable, and potentially subject to change based on the needs of the user groups. In the draft tender scope, it has been noted. Prospective tenderers have been asked to address this in 1.5.1 – Annual Business Plan to be submitted):*

*There is some flexibility in the spread of hours of operation, however there needs to be consideration towards minimum hours required for training and game time for regular user groups, plus allowances for other programming and events.*

*Contract negotiations with the new provider (if applicable) could capture changed sports needs as required prior to finalisation.*

*Where it is identified some sporting groups may be overserved, this can potentially be allocated to other sports and days if needed during discussions.*

The following questions were asked by community members during the meeting:

**Ms Kat White of Merredin**

**Question: In relation to the times in the tender document, in Part A it states the time was a two year contract with the possibility to extend, and in Part B it states it was a five year contract. Why is there a difference?**

*Answer: The difference is related to the styles and types of service. As a commercial lease for the Bar and Restaurant, the minimum we can provide legally is five years.*

*However the service provision either as a package with the Bar and Restaurant plus the operations, or the Operations, requirements we decided to provide the option of a two year contract plus the option to extend for two years. This allows time for the contractor to embed the service and for Council and Community to assess if the service provision is meeting expectations. If the contract is not meeting these expectations, then the shorter term gives us the option to make the changes if necessary.*

**Question: Are contractors unable to apply for the bar lease only? I am a bit weary of the options and am trying to understand how it will work if things do not go well from a bar side of things.**

*Answer: The advice we have been given is that a five year contract is the minimum for a commercial lease.*

**Ms Yvonne Gray of Merredin**

**Question: Is there any option to have the bar and kitchen on a different lease or contract to the sporting side of the centre?**

*Answer: Yes. The tender is set out in three options for people to respond to. Option one includes both the recreation side and the bar and restaurant. Option two is just for the contractor to run the recreation services. Option three is just for the contractor to run the bar and restaurant through a lease. These options have been advertised together however the legal instruments to execute them are slightly different.*

### **Ms Lesley Watson of Merredin**

**Question: Has consideration been given to the extent of the operations of the recreation centre and who is to manage the external grounds for sporting clubs, will it fall under the contract or will it come back to the Shire?**

*Answer: In terms of the spaces required to be managed – this is outlined in an attachment to the tender.*

*In terms of the responsibilities for each element currently provided as service agreements under the MOU it is mixed and varied according to the sport and the arrangements. There is going to be a certain level of requirements for sports which will be undertaken by the contractor and there will be elements that apply to sporting groups, and the Shire.*

*The MOUs with the Sporting Clubs are proposed to be negotiated as a three-way agreement, which is partly defined in the tender scope.*

*It is undefined in terms of specifics at the moment. Part of the tender scope gives the ability for discussions to be held between all three parties, and in the presentation given by NAJA to Council and the community, examples of this were given.*

**Question: Is any agreement between the contractor and sporting group going to be monitored by the Shire and will there be KPIs set for how the individual agreements are managed.**

*Answer: The intention is that the Shire will be more actively involved. There are currently no KPIs set for them however we are happy to take this on notice and build these in as part of those discussed.*

### **Mr Cameron Wild of Merredin**

**Question: Does the Shire have no interest or capacity in running the recreation centre anymore?**

*Answer: This has been a review process, the next agreed step by Council was to go to tender and as part of that the Shire will do inhouse costs. There was a Notice of Motion by a Councillor last Thursday which did discuss possibility of going inhouse and not going to tender, however that Motion was lost.*

**Question: Has Belgravia put any interest forward that they want to tender again?**

*Answer: There has been no indication sought by the Shire of any intention to tender as the tender has not yet been released.*

### **Mr Peter McCrae of Merredin**

**Question: I would like to thank the Shire for attending to the road defect out at Totadgin Hall where the bitumen had come to bits, it is a school bus route so that you for attending to it. There is also a tree obscuring the crossroad sign and a bush near Brad Atkinsons that is creeping onto the road if someone could please tend to this.**

*Answer: We note the thanks and will pass this on to the outdoor crew. We will take the sign and bush on notice.*

**Question: What happens if we go out to tender, we don't get any tenders and Belgravia are the only ones that tender for it, will they be allowed to take it on again?**

*Answer: This is a competitive and open process that has been genuinely tendered. Depending on price and the suitability of the business plan, it could be deemed suitable once assessed. In that circumstance we may go into another contract with them, however in the tender document it does state that Council may choose to not proceed with any tender or may decide to go inhouse. This will be subject to the evaluation process.*

**Ms Kate White of Merredin**

**Question: The Notice of Motion put forward last week, was that put forward after the current Belgravia Manager resigned? Would it be considered again now that they have resigned?**

*Answer: The Motion was lost, this means it would not be able to be considered for another 3 months unless the Motion changes significantly. The Shire has not been advised of the resignation of the Manager.*

#### **4. Disclosure of Interest**

Cr Billing declared an Impartiality Interest in Item 10.1.

#### **5. Applications of Leave of Absence**

Nil

#### **6. Petitions and Presentations**

Nil

#### **7. Announcements by the Person Presiding without Discussion**

Nil

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

Nil

#### **9. Urgent Business Approved by the Person Presiding or by Decision**

Nil

## 10. Officers' Report – Community Services

### 10.1 Draft MRCLC Operation Management Scope

*Cr Billing declared an Impartiality Interest in this Item.*

|   |   |
|---|---|
| <h2 style="color: #0056b3;">Community Services</h2>  |   |
| <b>Responsible Officer:</b>   | CEO   |
| <b>Author:</b>  | As above  |
| <b>Legislation:</b>   | <i>Local Government Act 1995<br/>Local Government (Functions and General) Regulations 1996</i>  |
| <b>File Reference:</b>  | Nil   |
| <b>Disclosure of Interest:</b>  | Nil   |
| <b>Attachments:</b>   | Attachment 10.1A – Draft Tender Scope<br>Attachment 10.1B - (Confidential) Appendix 1 Draft Management Agreement<br>Attachment 10.1C - Appendix 2 Indicative Sporting User Group Required Hours |

#### Purpose of Report



Executive Decision



Legislative Requirement

The purpose of this report is to seek Council approval to approve the scope of the MRCLC tender to meet the requirements of Council Resolution 83111.

#### Background

The Shire of Merredin commenced an Operation Management Review of the Merredin Regional Community and Leisure Centre (MRCLC) in August 2022. The Review was initiated by the current service providers contract nearing the end, as well as the community and Council identifying the need for a management review.

The Review was completed by independent consultant NAJA. NAJA commenced a community consultation process in September 2022, with an online survey receiving over 130 responses, as well as a number of workshops held in person with Merredin sporting groups, Merredin Sports Council, key stakeholders, and Council.

Initial findings were the service was not meeting community expectations, however, this was primarily attributable to the style and scope of the service specifications of the contract originally set by the Shire not aligning with community expectations.

In order to finalise the review, NAJA has drafted a scope of service for the MRCLC which sets a new level of service going forward which is more aligned with community expectations for the facility. The new scope includes estimated facility operating hours, staffing requirements and levels of service to be provided to the sports.

The proposed next step is for the service to then be tendered based on the new service level, with an in-house price also developed, so Council could make a decision to either continue with an outsourced service model based on the tender submissions received, or if none were received, or none were suitable compared to the in-house costing, the Council could consider operating the service inhouse.

#### **Comment**

At a Special Council Meeting of March 2023, Council approved an extension of the MRCLC Operational Review, and as part of the resolution noted, the Administration will seek approval from Council by resolution, for the specifications for the Operations and Management tender for the MRCLC (CMRef 83111).

The draft scope of service is attached as Attachment 10.1A, with the Management agreement and indicative sporting hours included as 10.1B and 10.1C respectively.

Please note that the draft management contract is included as a confidential attachment, as this will form a commercial agreement with the preferred tenderer and publishing the attachment publicly may affect the Shire's ability to negotiate. The intent of the current resolution is to endorse the scope, and therefore level of service which will be described as part of the tender.

The tender remains subject to minor amendments as some of the data required to meet the lease requirements is still under development.

#### **Policy Implications**

Nil.

#### **Statutory Implications**

*Local Government Act 1995.*

*Local Government (Functions and General) Regulations 1996.*

|  |                               |
|--|-------------------------------|
|  | <b>Strategic Implications</b> |
|--|-------------------------------|

|   |                          |
|---|--------------------------|
| ∅ | Strategic Community Plan |
|---|--------------------------|

|                                       |   |
|---------------------------------------|---|
| Theme:                                | 1. Community and Culture  |
| Service Area                          | 1.2 Community Sports and Infrastructure   |
| Objective:                            |   |
| Priorities and Strategies for Change: | 1.2.1 Sporting clubs are thriving in membership and volunteers, with an appropriate standard of facilities and other support services |

|   |                         |
|---|-------------------------|
| ∅ | Corporate Business Plan |
|---|-------------------------|

|              |     |
|--------------|-----|
| Key Action:  | Nil |
| Directorate: | Nil |
| Timeline:    | Nil |

|  |                          |
|--|--------------------------|
|  | <b>Risk Implications</b> |
|--|--------------------------|

If the Officer's Recommendation is not accepted, this may result in delays to the project delivery schedule.

|  |                               |
|--|-------------------------------|
|  | <b>Financial Implications</b> |
|--|-------------------------------|

The outcome of this process will need to be addressed in the 2023/24 budget.

### Voting Requirements

Simple Majority

Absolute Majority

### Resolution

Moved: Cr Flockart

Seconded: Cr Van Der Merwe

That Council;

1. **APPROVES** the Shire of Merredin to advertise the Management of the MRCLC based on the draft service review conducted by NAJA consulting which was presented to Council and Community on 9 May 2023;
2. **APPROVES** in principle the draft specifications for the Operations and Management tender for the MRCLC as per Attachment 10.1A to this report to meet the requirements of Council Resolution 83111;
3. **NOTES** this draft is approved subject to minor amendments and changes by the Administration prior to release and as required as clarification during the tender process; and
4. **NOTES** advice to community members and sporting groups will be that the specification at Attachment 10.1A is subject to a tender process and subsequent negotiations, and as such should not be considered as the final approved service level.

83155

**CARRIED 6/1**

**11. Motions of which Previous Notice has been given**

Nil

**12. Questions by Members of which Due Notice has been given**

Nil

**13. Matters Behind Closed Doors**

Nil

**14. Closure**

There being no further business, the President thanked those in attendance and declared the meeting closed at 6:26pm.

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