

SHIRE OF  
**MERREDIN**  
INNOVATING THE WHEATBELT

# AGENDA

## Ordinary Council Meeting

To be held in Council Chambers Corner  
King & Barrack Streets, Merredin  
Tuesday, 22 October 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, 22 October 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  
18 October 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



## October Ordinary Council Meeting

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Shire of Merredin  
Ordinary Council Meeting  
4:00pm Tuesday, 22 October 2024



**1. Official Opening**

*This meeting is being recorded on a digital audio device to assist with minute taking purposes. The public is reminded that copying or distribution of any part of the recording is not permitted. The Shire reserves all rights in relation to its copyright. Audio contained in a recording must not be altered, reproduced or republished without the written permission of the Shire and in accordance with Section 8.5 of the Shire of Merredin Standing Orders Local Law 2017, no person is to use any electronic, visual or audio recording device or instrument to record the proceedings of the Council or a Committee without the written permission of the Council.*

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

**Councillors:**

Cr D Crook	President
Cr R Manning	Deputy President
Cr B Anderson	
Cr H Billing	
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 Bruyys	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](mailto: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 17 September 2024

Attachment 7.1A

7.2 Special Council Meeting held on 24 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 17 September 2024; and**
- 2. Special Council Meeting held on 24 September 2024.**

## 8. Announcements by the Person Presiding without Discussion

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

Nil

## 10. Receipt of Minutes of Meetings

- Minutes of the Central East Accommodation & Care Alliance Inc Management Committee Meeting held on 26 August 2024.  
Attachment 10.1A
- Minutes of the Wheatbelt East Regional Organisation of Councils Inc Board Meeting held on 11 September 2024.  
Attachment 10.2A
- Minutes of the Central East Accommodation & Care Alliance Inc Management Committee Meeting held on 30 September 2024.  
Attachment 10.3A
- Minutes of the Central East Accommodation & Care Alliance Inc Members Meeting held on 30 September 2024.  
Attachment 10.4A
- Minutes of the Audit Committee Meeting held on 22 October 2024.  
Attachment 10.5A (*to be circulated prior to the meeting*)

### Voting Requirements



Simple Majority



Absolute Majority

### Officer's Recommendation


#### That Council:

1. **RECEIVE** the minutes of the Central East Accommodation & Care Alliance Inc Management Committee Meeting held on 26 August 2024;
2. **RECEIVE** the minutes of the Wheatbelt East Regional Organisation of Councils Inc Board Meeting held on 11 September 2024;
3. **RECEIVE** the minutes of the Central East Accommodation & Care Alliance Inc Management Committee Meeting held on 30 September 2024;
4. **RECEIVE** the minutes of the Central East Accommodation & Care Alliance Inc Members Meeting held on 30 September 2024; and
5. **RECEIVE** the minutes of the Audit Committee Meeting held on 22 October 2024.

## 11. Recommendations from Committee Meetings for Council Consideration

## 12. Officer's Reports – Development Services

### 12.1 WAPC Subdivision Application No 200837 – Proposed Amalgamation of Lot 888 (No 78) Caw Street and Lot 887 (No 80) Caw Street Merredin

<h2>Development Services</h2>		
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:	A547/A549	
Disclosure of Interest:	Nil	
Attachments:	Attachment 12.1A – WAPC Referral Documentation	

#### Purpose of Report



Executive Decision



Legislative Requirement

For Council to consider advice to the Western Australian Planning Commission (WAPC) that it has no objection to the proposed amalgamation of Lot 888 (No 78) Caw Street and Lot 887 (No 80) Caw Street Merredin.

#### Background

An application for subdivision (amalgamation) of land located on Lot 888 (No 78) Caw Street and Lot 887 (No 80) Caw Street Merredin, has been lodged with the WAPC for approval. The WAPC is seeking comments from Council prior to issuing a determination on the application.

#### Comment

The land in question comprises of two lots - Lot 888 (No 78) Caw Street and Lot 887 (No 80) Caw Street Merredin. Both Lots are zoned "Residential R10/R30" under the Shire of Merredin Local Planning Scheme No. 6 (the Scheme) and front Caw Street.

Lot 888 (No 78) Caw Street has been developed and incorporates an existing dwelling and associated outbuildings.

Lot 887 (No 80) Caw Street has also been developed and incorporates an existing dwelling and associated outbuildings.

The owner of both the Lots in question has applied to the WAPC for the amalgamation of the two lots into one single lot.



The resulting Lot will house 2 dwellings considered a “Grouped Dwelling” which is a “P” Use under the Scheme.

The new Lot will be located in a bushfire prone area but as there is no intensification of development on the land, the provisions of SPP 3.7 - Planning in Bushfire Prone Areas, does not apply in this case.

The new Lot will have proper access to a sealed road and existing buildings will achieve correct setbacks as per requirements of the “R Codes”.

The Shire of Merredin (the Shire) Executive Manager Development Services (EMDS) has queried the annotation on the submitted Form 1A – Preliminary Approval Application stating that the proposed use of the development will be “Rural Living”, as this is inconsistent with the “Residential” zoning applicable to the existing Lots as well as the proposed new Lot.

The Shire EMDS has received confirmation that this was made in error by the applicant and that WAPC, the applicant and the property owner are all aware of the existing “Residential” zoning and associated development requirements forming part of the Scheme.

### Policy Implications

Nil

### Statutory Implications

Compliance with the *Planning and Development Act 2005*.

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

### Strategic Implications

#### Ø 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

#### Ø 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

#### Ø Strategic Resource Plan

Nil

### Risk Implications

Subdivisional (amalgamation) 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 (amalgamation) are considered low 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 that it has no objection to the proposed subdivision application (WAPC No 200837) resulting in the amalgamation of Lot 888 (No 78) Caw Street and Lot 887 (No 80) Caw Street, Merredin as identified in Attachment 12.1A**

### **13. Officer's Reports – Engineering Services**

Nil

## 14. Officer's Reports – Corporate and Community Services

### 14.1 Statement of Financial Activity – August 2024

<h2>Corporate Services</h2>		
<b>Responsible Officer:</b>	Leah Boehme, EMCS	
<b>Author:</b>	As above	
<b>Legislation:</b>	<i>Local Government Act 1995</i> <i>Local Government (Financial Management) Regulations 1996</i>	
<b>File Reference:</b>	Nil	
<b>Disclosure of Interest:</b>	Nil	
<b>Attachments:</b>	Attachment 14.1A – 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 August 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 to prepare a monthly statement of financial activity for consideration by Council within 2 months after the end of the month of the report. These reports are included at Attachments 14.1A to D inclusive.

It should be noted that fixed asset reconciliations are delayed annually until the sign off of the Annual Financial Statement by the Office of the Auditor General.

## Budget Amendments

The following budget amendments are recommended:

GL/Job	Description	Current Budget	Variation Amount	Revised Budget	Reason
2140187	PRIVATE – Other Expenses	\$12,000	\$36,000	\$48,000	Approved works (CMRef 83370) did not include a budget amendment
3140120	PRIVATE – Private Works Income	\$12,000	\$36,000	\$48,000	

The above-mentioned amendments are recommended after Council resolved to approve the request to open a section of Bailey Rd at its Ordinary Council Meeting held on 30 April 2024. The cost has been passed onto the person who made the request, however this income, and the associated expenses related to the works were not budgeted, meaning that a budget amendment is required.

As the increase is to both the income and related expense accounts, there is no impact on the overall budget.

### 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 of Merredin (the Shire). Contained within the report is information pertaining to the financial cost and delivery of strategic initiatives and key projects.

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

Materiality reporting thresholds have been established at 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 of 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 income and expenditure to the Private Works GLs 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 August 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
2140187	PRIVATE – Other Expenses	\$12,000	\$36,000	\$48,000	Approved works (CMRef 83370) did not include a budget amendment
3140120	PRIVATE – Private Works Income	\$12,000	\$36,000	\$48,000	

**14.2 List of Accounts Paid – September 2024**

<h2 style="margin: 0;">Corporate Services</h2> 	
<b>Responsible Officer:</b>	Leah Boehme, EMCS
<b>Author:</b>	As above
<b>Legislation:</b>	<i>Local Government Act 1995</i> <i>Local Government (Financial Management) Regulations 1996</i>
<b>File Reference:</b>	Nil
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	Attachment 14.2A - Payments Listing September 2024

**Purpose of Report**

- Executive Decision
  Legislative Requirement

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

**Background**

The attached list of accounts paid during the month of September 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 of Merredin (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 September 2024 as listed, covering cheques, EFT's, directly debited payments and wages, as numbered and totaling \$864,857.05 from the Merredin Shire Council Municipal bank account and \$0 from the Merredin Shire Council Trust bank account.

## 15. Officer's Reports – Administration

### 15.1 Proposed New Policy – Recording of Council Meetings

<h2>Corporate Services</h2>		
<b>Responsible Officer:</b>	Craig Watts, CEO	
<b>Author:</b>	Meg Wyatt, EO	
<b>Legislation:</b>	<i>Local Government Act 1995</i> <i>Local Government (Administration) Regulations 1996</i> <i>Local Government Amendment Act 2023</i>	
<b>File Reference:</b>	Nil	
<b>Disclosure of Interest:</b>	Nil	
<b>Attachments:</b>	Attachment 15.1A – Policy 1.22 Recording of Council Meetings	

#### Purpose of Report

Executive Decision

Legislative Requirement

For Council to consider a proposed new policy relating to the recording and publication of recordings of Council Meetings for consideration.

#### Background

As Council would be aware, the *Local Government Amendment Bill 2023* has passed through Parliament delivering the first tranche of the most significant changes to the local government sector in WA in more than twenty-five (25) years.

The changes include (amongst other things):

1. Introduction of optional preferential voting.
2. Aligning the size of Councils with the size of the population of each local government area.
3. Enabling reforms to the Owners and Occupiers Roll to prevent the use of 'sham leases', addressing critical findings of the City of Perth Inquiry.
4. Setting State-wide caretaker periods during Ordinary Council elections (2025 election)
5. Setting standardised Council Meeting procedures.
6. Mandating live streaming and audio recording of Council meetings.
7. Establishing mandated communications agreements between Elected Members and the Administration.

8. Requiring all local governments to publish information through online registers, including registers that disclose information about leases, grants, and goods and services contracts.
9. Introducing new requirements for the publication of performance indicators and results for all Chief Executive Officers, with provision for limited exemptions for sensitive matters.

In reference to point 6, based upon a local government's banding by the Salaries and Allowances Tribunal, the Band 1 and 2 local governments will need to live stream meetings of Council. Band 3 and 4 local governments will need to audio record their meetings and publish that audio recording on the local government's website. The Shire of Merredin (the Shire) is a Band 3 local government.

The change is intended to make local government meetings more transparent and to improve the accountability of Elected Members by ensuring records are available of what was said at meetings on items for debate.

#### Comment

The Shire has not undertaken audio recording of its Council Meetings as it has not been a legislated requirement.

Part 2A of the *Local Government (Administration) Regulations 1996*, titled "Electronic broadcasting and video or audio recording of council meetings", will apply to all formal meetings of Council held on or after 1 January 2025.

A policy has been developed which details the approach to audio recording of in-person Council Meetings. A copy of the policy is presented as Attachment 15.1A.

For the Shire, the Regulations mean:

- Audio recordings of Council Meetings will need to be made publicly available on the Shire's website (excluding parts of the meetings which are closed to the public) for a minimum of five (5) years.
- The 'usual meeting place' for Council Meetings will be the Council Chambers located at the Shire Administration Office to allow for audio technology to be used.
- Recordings of the confidential parts of the meeting will still be made, however these will not be accessible to the public.

The Regulations will require, at a minimum, an audio recording to be made in which the quality of the recording must be sufficient to allow persons to listen effectively to the deliberations and communications of the meeting's proceedings. In the case of a technical failure, an improvised recording must be attempted as reasonably practicable. Where that is not possible the local government is to provide a notice on its website which states:

1. That it was not possible for a recording of the meeting or part of the meeting to be made with the usual technology available and explain the reasons why; and
2. That an improvised recording was made by means other than the usual technology as well as how the improvised recording was made, the deficiencies in the recording and an explanation of the reasons for those deficiencies.

To ensure that all Elected Members, Administration Staff and Members of the Public who attend the meetings are aware of the recording, the Agenda Template will be modified to

include a statement by the Presiding Member to advise that the meeting is being audio recorded.

### Policy Implications

Nil. The Shire website will be updated if the proposed Policy is adopted by Council.

### Statutory Implications

Regulations 14I to 14K of the *Local Government (Administration) Regulations 1996* are applicable and state:

#### *14I. Local governments to make recordings of council meetings*

##### *(1) A local government must —*

*(a) make a recording of every meeting of its council in accordance with subregulation (2); and*

*(b) make the recording publicly available —*

*(i) within 14 days after the meeting day; and*

*(ii) until, at least, the end of the period of 5 years after the meeting day;*

*and*

*(c) retain the recording until, at least, the end of the period of 5 years after the meeting day; and*

*(d) provide a copy of the recording to the Departmental CEO if the Departmental CEO requests a copy under subregulation (11)(a) during —*

*(i) the period of 5 years after the meeting day; or*

*(ii) any longer period during which the local government retains the recording or any copy of it.*

#### *14J. Informing members of public of broadcasting or recording*

*A local government must take reasonable steps to ensure that members of the public attending a meeting of its council are informed beforehand of the following, as applicable —*

*(a) that the meeting will be publicly broadcast;*

*(b) that a recording of the meeting will be made. Example for this regulation: Members of the public could be informed by means of a notice displayed in a prominent place near or inside the meeting room.*

#### *14K. Defamation*

*(1) A local government is not liable to an action for defamation in relation to any of the following done by the local government as required or authorised under this Part —*

*(a) publicly broadcasting a meeting;*

*(b) making a recording of a meeting;*

*(c) making a recording of a meeting publicly available;*

*(d) retaining a recording of a meeting or a copy of a recording;*

(e) providing a copy of a recording of a meeting to the Departmental CEO.

(2) In subregulation (1), references to a meeting include a part of a meeting.”

### 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 compliance risk associated with this Item as the Shire would be contravening the *Local Government Act 1995*, *Local Government (Financial Management) Regulations 1996*, *Local Government Amendment Act 2023* if this Item was not presented to Council. The risk rating is considered to be Moderate (6), which is determined by a likelihood of Unlikely (2) and a consequence of Moderate (3). 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 ADOPT the proposed new policy, Policy 1.22 Recording of Council Meetings as presented in Attachment 15.1A.**

## 15.2 2025 Council Meeting and Audit Committee Meeting Dates

<h1>Administration</h1> 	
Responsible Officer:	Craig Watts CEO
Author:	Meg Wyatt, EO
Legislation:	<i>Local Government Act 1995;</i> <i>Local Government (Financial Management) Regulations 1996</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 15.2A – 2025 Council & Audit Committee Meeting Dates Calendar

### Purpose of Report



Executive Decision



Legislative Requirement

For Council to consider the proposed 2025 Council Briefing Session dates, Ordinary Council Meeting and Audit Committee Meeting dates as per Attachment 15.2A.

### Background

The *Local Government Act 1995* requires a local government, at least once a year, to give local public notice of the dates, times and places at which Ordinary Meetings of Council are held within the next 12 months.

All Committee and Council meetings are held in the Council Chambers at the Shire of Merredin (the Shire) Administration Building at Corner King and Barrack Streets, Merredin.

In accordance with Regulation 12 of the *Local Government (Administration) Regulations 1996*, an advertisement will be placed in the local community paper. In addition, this advertisement will be placed on the Shire's website and on the Shire's notice boards.

### Comment

For the past 2 years the Ordinary Council Meetings have been held on the fourth Tuesday of every month commencing at 4.00pm.

Council also currently holds two agenda briefing sessions a month which are closed to the public. In 2021, these briefing sessions were held on the first Tuesday of the month at 5.30pm, and prior to the Council meeting on the third Tuesday of the month at 2pm. In 2022 and 2023 the first briefing session of the month was held on the second Tuesday each month instead

of the first Tuesday. Councillors agreed that holding the first briefing session of the month on the second Tuesday was the preferred option.

Council may wish to revise the day on which the meetings and briefings are held and/or their commencement time.

For 2024, the Administration did not take a strict approach to keeping to the second and fourth Tuesday of each month, this was to help give consideration to school holidays and public holidays. The Administration has taken the same approach for 2025.

Accordingly, in the attached proposal, the Administration have taken into account public holidays and school holidays when scheduling the dates and have tried to work the meetings around these dates.

Where possible the Administration have tried to keep a week between meetings, however this was not possible for the months of July as the Briefing Session is brought forward due to school holidays, and December as the Ordinary Council Meeting has been brought forward due to school holidays, however this date may change closer to the event, depending on the Office of the Auditor General’s deadlines for the acceptance of the Annual Report and Annual Financials.

The Administration have also included dates for the Audit Committee Meetings to ensure we are compliant. They will be held before the Council Meetings in February, May, August, and November at 1:30pm. If further Audit Committee Meetings need to be held these will be advertised.

Further to this, Council is advised that the current proposed changes to the *Local Government Act 1995* (tranche 2) includes provisions whereby all local government Audit Committees will be re-named “Audit, Risk and Improvement Committees” (ARICs). ARICs will be required to have an independent presiding member to ensure a level of neutrality and impartial oversight in chairing these meetings. An independent presiding member must be a person who is not an elected member of a local government or an employee of the local government. If a deputy presiding member is appointed, they must also be independent.

The Department of Local Government, Sport and Cultural Industries considers that the introduction of an independent presiding member provides an opportunity for increased community confidence in a local government’s financial and risk management. The Shire will consider advertising for nominations to this position in due course, with the nomination/s to be endorsed at an Ordinary Council Meeting.

#### Policy Implications

Nil

#### Statutory Implications

Section 5.25 (1) (g) of the *Local Government Act 1995* provides for giving of public notices of the date and agenda for Council or Committee meetings.

Regulation 12(1) of the *Local Government (Administration) Regulation’s 1996* provides: -

“(1) At least once each year a local government is to give local public notice of the dates on which a time and place at which-

(a) the ordinary council meetings; and

*(b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to the members of the public, are to be held in the next 12 months.”*

### Strategic Implications

#### ∅ Strategic Community Plan

Theme:	4. Communication and Leadership
Service Area Objective:	4.1. Community Engagement. 4.1.1. The Shire regularly engages with its community and, in return, communicates the information gathered in a clear and transparent manner.
Priorities and Strategies for Change:	Nil

#### ∅ Corporate Business Plan

Theme:	4. Communication and Leadership
Priorities:	Nil
Objectives	4.1. Community Engagement. 4.1.1. The Shire regularly engages with its community and, in return, communicates the information gathered in a clear and transparent manner.

### 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*, 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 cost of advertising in the local paper will form part of this Item which is currently budgeted in the 2024/25 Annual Budget under GL 120401400 MEMBERS – Advertising & Promotion. Payments for the presiding member of the ARIC are determined by the state government, and will be drawn from the existing Elected Members budget stream if this becomes necessary during the 2024/25 financial year.



### Voting Requirements



Simple Majority



Absolute Majority

### Officer's Recommendation

#### That Council;

1. **MEETS** for Ordinary Council Meetings at 4.00pm according to the dates as shown in Attachment 15.2A;
2. **HOLDS** confidential agenda briefing sessions at 5.30pm, and prior to the Monthly Ordinary Meetings commencing at 2.00 pm as per the dates shown in Attachment 15.2A;
3. **HOLDS** an Audit Committee Meeting before the Ordinary Council Meetings in February, May, August and November at 1:30pm; and
4. **NOTES** that the Administration will seek nominations for an independent chairperson for the Audit Committee / Audit Risk and Improvement Committee once amendments to the Local Government Act 1995 are confirmed.

## 15.3 Nominations for Committees

<h1>Administration</h1>		 SHIRE OF <b>MERREDIN</b> 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:	Nil	

### Purpose of Report



Executive Decision



Legislative Requirement

For Council to consider Cr McKenzie's request to stand down as representative of the Shire of Merredin (the Shire) on the Wheatbelt North Regional Road Group (WBN RRG) and Western Australian Local Government Association (WALGA) Great Eastern Country Zone (GECZ) committee, and for replacement nominations to be considered.

### Background

At its 24 October 2023 meeting, Council endorsed Cr McKenzie and Cr Manning to be appointed as Shire delegates to the WALGA GECZ, with Cr Crook appointed as deputy. At the same meeting, Council endorsed Cr McKenzie to be appointed as the delegate to the WBN RRG with Cr Crook as Deputy.

Cr McKenzie has contacted the Chief Executive Officer (CEO) to advise that due to business commitments, he has been unable to attend previous meetings and several upcoming meetings, therefore has suggested that another Elected Member be endorsed in his place.

### Comment

The WALGA GECZ aims to provide a united voice for all 16 local governments within the Zone, working collectively to enhance social, environmental and economic development within the Zone at strategic and project levels, promoting the profile of local government in the region and speaks on behalf of GECZ members. The group meets bi-monthly with the location generally alternating between Kellerberrin and Merredin with meetings held on a Thursday in the middle of the month, in February, April, June, August and November. The next meeting is proposed to be held on 14 November 2024 in Merredin.

The WBN RRG is provided with State funding from a number of categories contained within the State Road Funds to Local Government Agreement with the RRG able to prioritise, allocate and approve its funding to specific local road projects. It meets twice a year in Northam, usually in late Feb/Early March and then in August/September.

Although there are Deputies for each of these committees, Cr McKenzie has suggested that another Elected Member be nominated to ensure that there is a Councillor present at these meetings. The CEO attends the GECZ meetings, however, is not a voting delegate. The Executive Manager Engineering Services also attends RRG meetings.

### Policy Implications

Policy 1.9 Election of Committees and Representatives is applicable.

### Statutory Implications

Nil

### Strategic Implications

#### ∅ Strategic Community Plan

Theme:	4. Communication and Leadership
Service Area Objective:	4.6.1 - The Shire is proactive in seeking out regional collaboration and partnership opportunities which seek to benefit the Shire of Merredin and the wider eastern wheatbelt region
Priorities and Strategies for Change:	Nil

#### ∅ Corporate Business Plan

Theme:	4. Communication and Leadership
Priorities:	Nil
Objectives	4.6.1 - The Shire is proactive in seeking out regional collaboration and partnership opportunities which seek to benefit the Shire of Merredin and the wider eastern wheatbelt region

### Sustainability Implications

#### ∅ Strategic Resource Plan

Nil

### Risk Implications

There is a reputational risk associated with not having adequate representation on external committees. 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**

Nil

**Voting Requirements**

Simple Majority

Absolute Majority

**Officer's Recommendation**

**Option 1:**

**That Council:**

1. **ENDORSE Councillor \_\_\_\_\_ to replace Councillor McKenzie as a delegate for the Western Australian Local Government Association Great Eastern Country Zone.**
2. **ENDORSE Councillor \_\_\_\_\_ to replace Councillor McKenzie as a delegate for the Wheatbelt North Regional Road Group.**

**Option 2:**

**That Council RETAINS Councillor McKenzie as delegate for both the Western Australian Local Government Association Great Eastern Country Zone and Wheatbelt North Regional Road Group.**

## 15.4 WEROC Workforce Housing

<h1>Administration</h1> 	
<b>Responsible Officer:</b>	Craig Watts, CEO
<b>Author:</b>	As above
<b>Legislation:</b>	<i>Local Government Act 1995</i>
<b>File Reference:</b>	Nil
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	Attachment 15.4A – Preliminary Scope of Works (CONFIDENTIAL)

### Purpose of Report



Executive Decision



Legislative Requirement

For Council to consider financially supporting Wheatbelt East Regional Organisation of Councils (WEROC) to develop a business case in support of a submission to the Department of Communities for housing funding.

### Background

Several WEROC Shires have previously collaborated with North Eastern Wheatbelt Region of Councils (NEWROC) Shires to develop a business case, incorporating demand analysis, market and planning analysis, economic modelling, and cost benefit analysis to support funding applications to the Department of Communities for workforce housing. The Shire of Merredin did not contribute to this body of work, however WEROC is seeking to prepare an updated “ready to go” business case template to Department of Treasury specifications for each Shire’s priority housing project.

### Comment

To respond to market failure, an approach geared at enabling market-led solutions to land development and housing construction is required. Breaking down barriers to investment will be a key part of this. The WEROC project will focus on identifying the development options and intervention actions needed to meet workforce accommodation needs.

Progressing region-specific housing solutions to-date has been limited by a lack of data, quantified demand by location, and the absence of feasibility tested development options and models for delivery. The workforce housing project will consider stakeholder engagement, gap analysis, feasibility testing, development capacity assessment, and amended economic modelling and cost benefit analysis.

This project therefore aims to build the evidence base needed to inform next-step actions and investment-ready projects, enabling completion of a business case template (to Treasury Specifications) utilising the WA Government Business Case Template, including:

1. Project Purpose, including Introduction, Background and Context;
2. Strategic Options Identification and Analysis, including potential solutions and preferred project options; and
3. Project evaluation, including summary of cost benefit analysis and feasibility.

Part of the demand analysis and business case were completed in 2023 in support of an application for Growing Regions funding, so would be as start of an application for state funding. Advice from Wheatbelt Development Commission officers suggested that the Shires should complete the feasibility testing and development capacity assessment work needed to support project options for priority sites, as this work will ultimately inform and underwrite the Cost Benefit Analysis and Business Case. They consider this information as being essential to present a competitive application, with the work forming a compelling evidence base and narrative to decision makers.

Quotes for the works have been received by WEROC estimating that the Shire's contribution would be between \$9,428 and \$14,142 depending on the number of shires involved in the project and the consultants engaged. The Shires of Bruce Rock, Kellerberrin and Tammin have already contributed to the project. Funding for the project is not currently budgeted, and would potentially require Council to divert funds from existing projects and works at budget review.

Housing within Merredin, like many regional areas within WA, is suffering from a housing shortage with few new residential constructions being undertaken over the past 5 to 10 years. This lack of housing is stifling growth of the Town, including economic development and business diversification. Attraction and retention of a stable workforce is also adversely affected by the lack of affordable housing and rental accommodation.

The provision of housing and diversion of ratepayer funding for social and workforce housing is not the core business of local government. The Shire has previously supported the likes of Central East Accommodation and Care Alliance (CEACA) and partnered with the Department of Communities for social and aged persons housing, though is seeking to return management of several properties to the Department (located on Cummings Street).

Rather than committing funds and resources to constructing housing for others, the Shire would be better placed to support and advocate for workforce housing and social housing, leaving the State Government to apply funding and programs to support residential growth within the private market, meet community need and support social housing development, and addressing the current failure of the housing market. This project is expected to provide the data and insights to further support the advocacy role.

Combining this approach with the current works to review and implement a new Town Planning Scheme and Strategy, the Shire will be well placed to support private investment and governmental investment in housing. There are a number of land parcels within existing residential areas of Merredin identified within the scheme review which could be activated to support this land development which the Shire could advocate for inclusion in any future applications rather than outlaying a financial contribution.

Consideration should also be given to the timeliness and currency of the information contained within the completed report. Current loans and projects underway would preclude the Shire from funding any future builds until 2026/27, meaning that any data collected, and

reporting issued by the project would still be relevant, however may not be current at the time that the Shire is ready to invest in housing. It would still be of value in any grant application. Prioritisation of the Shire’s own needs to support attraction and retention of staff, rather than expending funds to support the private sector and public sector housing stocks should also be factored into deliberations.

**Policy Implications**

Nil

**Statutory Implications**

Nil

**Strategic Implications**

∅ Strategic Community Plan

Theme:	4. Communication and Leadership
Service Area Objective:	4.6.1 - The Shire is proactive in seeking out regional collaboration and partnership opportunities which seek to benefit the Shire of Merredin and the wider eastern wheatbelt region
Priorities and Strategies for Change:	Nil

∅ Corporate Business Plan

Theme:	4. Communication and Leadership
Priorities:	Nil
Objectives	4.6.1 - The Shire is proactive in seeking out regional collaboration and partnership opportunities which seek to benefit the Shire of Merredin and the wider eastern wheatbelt region

**Sustainability Implications**

∅ Strategic Resource Plan

Nil

**Risk Implications**

There is a reputational risk associated with this Item as the Shire could be viewed as not taking steps to support action to address the housing shortages within the Wheatbelt, and perception of a lack of leadership from the Shire as a key regional centre. 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

WEROC have indicated that they are seeking a contribution of between \$9,428 and \$14,142 from each local government. If Council supported the project, this would be unbudgeted funds, requiring funding to be allocated at the budget review.

### Voting Requirements

Simple Majority

Absolute Majority

### Officer's Recommendation

#### That Council:

1. **SUPPORTS the WEROC Workforce Housing Investigation Project;**
2. **ALLOCATES funding toward the project, to be included as part of the November Budget Review as listed in this report; and**
3. **INFORMS WEROC that the Shire is not currently in a position to expend further funds towards lobbying for, or constructing housing for the private and public sectors, and is unlikely to be in a position to fund external housing builds for the next 4 financial years.**



## 15.5 Cemetery Headstone Exemption

<h1>Administration</h1>		
Responsible Officer:	Craig Watts CEO	
Author:	As above	
Legislation:	<i>Local Government Act 1995</i>	
File Reference:	Nil	
Disclosure of Interest:	Nil	
Attachments:	Attachment 15.5A - Diagram of Headstone	

### Purpose of Report



Executive Decision



Legislative Requirement

For Council to consider approving a headstone which extends over two gravesites which exceeds the design specifications as detailed in the Shire of Merredin (the Shire) Cemeteries Local Law 2002.

### Background

A request has been received from a local funeral director seeking approval to install two headstones which share a lengthened plinth which does not comply with the specifications for monuments. The funeral director is seeking approval to install a 2.4 metre wide monument base.

### Comment

Two related family members have been interred at the Shire Cemetery in adjoining graves within the grassed section. The family has requested the installation of a single plinth measuring 2.4 metres wide by 300mm deep by 200mm high on which two separate headstones will be installed, as shown in the attachment. The size of both headstones proposed to be installed is compliant with the Cemeteries Local Law 2002.

Local Law 7.13 Specification of Monuments states that:

*(1) All monuments in the lawn section of a cemetery shall:...*

*(c) comply with the following specifications:*

*(i) the overall height of the monument above the original surface of the grave shall not exceed 1.05m;*

*(ii) the height of the base of the monument above the original surface of the grave shall not be less than 150mm nor more than 450mm;*

*(iii) the width of the base of the monument shall not exceed 1.20m;*

*(iv) the depth of the base of the monument shall not exceed 300mm;*

Other than the width of the base, the proposed monument is compliant with the provisions of the Cemeteries Local Law 2002.

As the graves are located adjacent to each other, with the family members sharing the same surname, the Shire Administration is supportive of this application. The proposal is the equivalent of 2 separate 1.2m wide monuments, and the installation will not require any specific maintenance or adversely affect cemetery operations by staff members.

#### Policy Implications

Nil

#### Statutory Implications

Local Law 7.13 of the Shire's Cemeteries Local Law 2002 is applicable as this specifies the type and size of monuments within the lawn area of the Cemetery.

#### Strategic Implications

##### Ø Strategic Community Plan

Theme: 5. Places and Spaces

Service Area Objective: 5.2.2 – The Shire of Merredin's Public Cemetery is well planned for, attractive and respectful.

Priorities and Strategies for Change: Nil

##### Ø Corporate Business Plan

Theme: 5. Places and Spaces

Priorities: Nil

Objectives 5.2.2 – The Shire of Merredin's Public Cemetery is well planned for, attractive and respectful.

#### Sustainability Implications

##### Ø Strategic Resource Plan

Nil

#### Risk Implications

There is a reputational risk associated with this Item due to Council setting a precedent in relation to the installation of an oversized memorial within the grassed area of the Cemetery. The risk rating is considered to be Low (1) which is determined by a likelihood of Unlikely (1) and a consequence of Minor (1). This risk will be mitigated by Council endorsing the Officer Recommendation and ensuring that a consistent approach is applied, the appearance of the area is maintained, and providing more efficient maintenance.

**Financial Implications**

Nil

**Voting Requirements**



Simple Majority




Absolute Majority

**Officer's Recommendation**

That Council **SUPPORTS** an exemption to enable the installation of a 2.4m wide monumental plinth to extend over plots 31F and 32F of the General Lawn North section of the Merredin Cemetery.

**15.6 WALGA position paper – Local Government Elections**

<h2 style="margin: 0;">Administration</h2> 	
<b>Responsible Officer:</b>	Craig Watts CEO
<b>Author:</b>	As above
<b>Legislation:</b>	<i>Local Government Act 1995</i>
<b>File Reference:</b>	Nil
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	Attachment 15.6A - WALGA Local Government Election Advocacy Paper

**Purpose of Report**

- Executive Decision
  Legislative Requirement

For Council to consider the Western Australian Local Government Association’s (WALGA) current and alternative advocacy positions as they relate to local government elections.

**Background**

The Shire of Merredin (the Shire) Administration has been requested by WALGA to consider several advocacy positions in relation to the legislative reforms to the Local Government Election Process as detailed in the *Local Government Act 1995*. WALGA are seeking input from local governments by 28 October 2024 for inclusion in their December 2024 State Council Agenda.

**Comment**

Based on the review of 5 ordinary local government election cycles, WALGA has undertaken analysis and developed a report which has included the rising costs of performing an election charged by the Western Australian Electoral Commission (WAEC). Although WALGA has previously surveyed local governments, advice from Council is being sought to confirm the Shire’s current position in relation to:

- 1) Participation in elections (Voluntary or Compulsory voting).
- 2) Term of Office (two year spill, or all out after four years).
- 3) Voting method (first past the post vs optional preferential voting).
- 4) Internal elections (first past the post vs optional preferential voting).
- 5) Voting Accessibility.
- 6) Method of Election of Mayor.

A synopsis of the WALGA advocacy position and the Shire Administration’s response is provide in the following table:

<b>Consideration</b>	<b>WALGA position</b>	<b>Shire Administration response</b>
Participation	Supports retention of voluntary voting	Support retention of voluntary voting
Term of Office	Four-year terms with a two-year spill (as current system)	Four-year terms with a two-year spill
Voting Method	First past the Post	First past the Post
Internal Election	First past the Post	First past the Post
Voting accessibility	Supports online, postal and in person voting	Supports online, postal and in person voting
Method of Election of Mayor	Supports Councils determining method by absolute majority	Supports Council’s determining method by absolute majority, or retaining election by Councillors for smaller Local Governments

Although voter participation in local government elections is generally low, forcing compulsory voting may cause voter backlash and create a greater regulatory and enforcement burden which then increases cost to the Shire.

Retaining a four-year term with a two-year spill ensures continuity of knowledge and decision making, rather than the Administration trying to build all Elected Members understanding of current issues/applications and local government processes.

Optional Preferential Voting as used in the previous local government election extended the election process with several local governments not receiving an outcome for several days after close of election. First past the post is a simpler and quicker voting means, which is more suitable for regional and rural local governments and reduces “factional” politics.

Although the opinion is not being sought, the Shire Administration also believes that the monopoly on election services (held by the WAEC) should be opened to provide alternative means of conducting an election which may reduce the ever increasing costs borne by the Shire.

First past the post for internal elections for the positions of Shire President and Deputy President provides a similar benefit. The Shire Administration supports a variety of voting options which provides a broader opportunity for electors to participate in elections. Current legislative requirements specify that Band 1 and Band 2 Councils must have a popularly elected Mayor or Shire President. As a Band 3 Council, the Shire is not required to elect the Mayor by popular vote. Council should retain the right to determine the election process for Mayor or Shire President, or retain the ability to hold a vote of Councillors to elect the Mayor or Shire President.

### Policy Implications

Nil

### Statutory Implications

*Local Government Amendment Act 2023* is applicable as the advocacy position relates to the new provisions.

### Strategic Implications

#### ∅ Strategic Community Plan

Theme: 4. Communication and Leadership  
Service Area Objective: 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 reputational risk associated with this Item caused by not providing a response and the potential for the Shire to be unable to meet community expectations, leading to perception that the Shire has no opinion on the matter. 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 receiving and noting the progress report

### Financial Implications

Nil

### Voting Requirements



Simple Majority



Absolute Majority

### Officer's Recommendation

That Council **SUPPORTS** the adoption the following Local Government Election Advocacy Positions:

1. **PARTICIPATION** – Council **SUPPORTS** voluntary voting at Local Government elections (WALGA advocacy position 1a);
2. **TERMS OF OFFICE** - Council **SUPPORTS** continuation of four-year terms with a two year spill (WALGA advocacy position 1a);
3. **VOTING METHODS** - Council **SUPPORTS** First Past the Post (FPTP) as the preferred voting method for general elections (WALGA advocacy position 3a);
4. **INTERNAL ELECTIONS** - Council **SUPPORTS** First Past the Post (FPTP) as the preferred voting method for all internal elections (WALGA advocacy position 4a);
5. **VOTING ACCESSIBILITY** - Council **SUPPORTS** online, postal and in person voting (WALGA advocacy position 5); and
6. **METHOD OF ELECTION OF MAYOR** - Council **SUPPORTS** determining method by absolute majority, or retaining election by Councillors for smaller Local Governments (WALGA advocacy position 1b); and
7. **POSTAL ELECTIONS** - Council **SUPPORTS** the WALGA position that the *Local Government Act 1995* should be amended to allow the Australian Electoral Commission (AEC) and any other third party provider including Local Governments to conduct postal elections.

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

Nil

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

Nil

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

Nil

**19. Matters Behind Closed Doors**

Nil

**20. Closure**



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