

SHIRE OF  
**MERREDIN**  
INNOVATING THE WHEATBELT

# MINUTES

## Ordinary Council Meeting

Held in Council Chambers  
Corner King & Barrack Street's, Merredin  
Tuesday, 25 January 2022  
Commencing 4.00pm



Common Acronyms Used in this Document	
CBP	Corporate Business Plan
CEACA	Central East Accommodation & Care Alliance Inc
CEO	Chief Executive Officer
CSP	Community Strategic Plan
CWVC	Central Wheatbelt Visitors Centre
DCEO	Deputy Chief Executive Officer
EA	Executive Assistant to CEO
EMCS	Executive Manager of Corporate Services
EMDS	Executive Manager of Development Services
EMES	Executive Manager of Engineering Services
ES	Executive Support Officer
GECZ	Great Eastern Country Zone
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



## Shire of Merredin January Ordinary Council Meeting

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Shire of Merredin  
Ordinary Council Meeting  
4:00pm Tuesday, 25 January 2022



## 1. Official Opening

The President acknowledged the Traditional Owners of the land on which we meet today, the Njaki Njaki people of the Nyoongar Nation and paid his respects to Elders past, present and emerging. The President then welcomed those in attendance and declared the meeting open at 4:04pm.

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

### Councillors:

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

### Staff:

L Clack	CEO
G Garside	EMCS
L Mellor	EMES
P Zenni	EMDS
D Hay-Hendry	MP
A Brice	EA
M Wyatt	ES

### Members of the Public:

**Apologies:** A Prnich - DCEO

**Approved Leave of Absence:**

## 3. Public Question Time

Nil.

## 4. Disclosure of Interest

Cr Flockart declared an Impartiality Interest in Item 12.1.

Lisa Clack, CEO, declared a Financial Interest in both Items 15.2 and 19.2.

## 5. Applications of Leave of Absence

Nil.

## 6. Petitions and Presentations

Nil.

## 7. Confirmation of Minutes of Previous Meetings

7.1 Ordinary Council Meeting held on 14 December 2021  
Attachment 7.1A

### Voting Requirements



Simple Majority



Absolute Majority

### Resolution

**Moved:** Cr Manning

**Seconded:** Cr Crook

**82847**

**That the Minutes of the Ordinary Council Meeting held on 14 December 2021 be confirmed as a true and accurate record of proceedings.**

**CARRIED 9/0**

## 8. Announcements by the Person Presiding without Discussion

Meetings and events attended by the President since the last Ordinary Meeting on 14 December 2021:

- 2 interviews with Triple M - Around the Towns segment;
- Liaison with the Director of Learning Horizons regarding CEO KPI's;
- Liaison with Sports Council/Belgravia about sports recommencing on 1 February 2022, subject to Government advice;
- Meeting with the Deputy President and CEO regarding CEO KPI's;
- Weekly meetings with CEO; and
- Meeting with CEO and Cr Crook regarding possible relocation of the Visitors Centre.

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

19.1 – CEACA – Transfer of Assets at Completion of Project

19.2 – Proposed CEO Contract Amendment

## 10. Receipt of Minutes of Committee Meetings

Nil


## 11. Recommendations from Committee Meetings for Council Consideration

Nil

## 12. Officers' Reports - Development Services

### 12.1 Draft WALGA Submission on Short Term Accommodation

*Cr Flockart declared an Impartiality Interest in this item 12.1.*

<h2>Development Services</h2>		 <b>SHIRE OF MERREDIN</b> INNOVATING THE WHEATBELT
<b>Responsible Officer:</b>	Peter Zenni, EMDS	
<b>Author:</b>	Peter Zenni, EMDS	
<b>Legislation:</b>	Shire of Merredin Local Planning Scheme No 6., <i>Planning and Development Act 2005</i>	
<b>File Reference:</b>	GR/17/11	
<b>Disclosure of Interest:</b>	Nil	
<b>Attachments:</b>	Attachment 12.1A – WAPC draft Planning for Tourism Statement and Guidelines, draft WALGA submission on Short Term Accommodation	

#### Purpose of Report



Executive Decision



Legislative Requirement

#### Background

In 2019 the Parliamentary Standing Committee on Economics and Industry held an enquiry into short-stay accommodation. The enquiry received submissions from accommodation venue providers, the Australian Hotels Association, Tourism Industry, various local government authorities and so on.

The Standing Committee's work looked at a practical framework with respect to emerging forms of accommodation such as Airbnb, its impact on the tourism industry and links between short-stay accommodation and rental affordability. The Committee received over 350 written submissions from a range of stakeholders, most of whom supported greater regulation of short-stay accommodation.

The WA Economics and Industry Standing Committee's final report into Short-Stay Accommodation contained the following recommendations, identifying the need to;

- Implement a mandatory state-wide registration scheme
- Require online platforms such as Airbnb to display a valid registration number for short term rentals

- Ensure that online platforms be required to provide data on all short-term rental properties listed in Western Australia to the Government agency with primary responsibility for the registration scheme
- Establish an information sharing mechanism between State and Local Government authorities
- Set and impose penalties for non-compliance
- Manage complaints about short term rentals
- Enforce compliance with Local Government control

In response to the report's recommendations, the Western Australian Planning Commission (WAPC) recently released for public comment the draft 'Position Statement – Planning for Tourism' and the draft 'Planning for Tourism Guidelines'.

These documents have been reviewed by the Western Australian Local Government Association (WALGA), which in turn has prepared a draft 'Submission on Short-Term Accommodation'. The purpose of this report is for Council to consider endorsing the WALGA draft position.

#### Comment

The WALGA draft Submission on Short-Term Accommodation identifies main issues concerning local governments with respect to emerging forms of short-term accommodation. WALGA's draft Submission incorporates the following comments;

"The emergence and rapid rise of the 'sharing economy', which utilises peer-to-peer platforms to rapidly connect customers and service providers, has produced several challenges to Local Government. In particular, platforms that support short-term rental accommodation offer these services in residential buildings and neighbourhoods that have not been designed to accommodate or provide these services.

The growth in short-term rental accommodation platforms and associated services has been rapid: however, planning legislation that governs short-term accommodation in Western Australia has not been revised since 2009. The absence of adequate State Government guidance about how to manage these services has been challenging to some Local Governments, which has led to many local governments regulating short-term accommodation through their local planning framework and the Local Government Act 1995."

WALGA has welcomed the recent release of the draft Position Statement – Planning for Tourism and associated Guidelines for public consultation. However, it has highlighted its concern that there has not been any consultation with Local Government or WALGA prior to the release of the position statement.

WALGA as part of its draft submission has indicated that;

"The Association does support the establishment of a state-wide registration scheme. Local Governments have indicated strong support for a scheme and the benefits it would bring to the regulation of short-term accommodation in their localities. However, given the limited detail provided, the Association support for the scheme is conditional upon inclusion of the following features:

1. All hosted and un-hosted short-term accommodation must be required to be registered with the scheme before being able to advertise the property

2. All peer-to-peer platforms that seek to let short-term accommodation must be regulated the scheme as a host platform
3. Obligations of registration for both hosts and platforms must be clear and appropriated infringements and compliance tools should be embedded in the regulatory framework
4. Local Governments must be able to maintain the ability to require the provision of additional information and impose additional licensing or operational requirements, depending on their circumstances
5. Local governments must be able to set fees commensurate with the cost of providing the services for any role undertaken as part of the scheme, and
6. Local governments must have access to all necessary data collected by the scheme to adequately manage the potential impacts of short-term accommodation providers and to ensure local requirements are being met by hosts.”

WALGA as part of its draft Submission on Short-Term Accommodation makes the following recommendations:-

- 1) **Establish an intergovernmental working group to guide the establishment of a state-wide registration scheme, which includes Local Government as a key stakeholder to ensure that the experience and knowledge of the sector informs the schemes formulation.**
- 2) **Establish a state-wide registration scheme for short-term accommodation and peer-to-peer platforms, conditional upon the inclusion of the following features:**
  - a) **All hosted and un-hosted short-term accommodation must be required to be registered with the scheme before being able to advertise the property**
  - b) **All peer-to-peer platforms that seek to let short-term accommodation must be regulated the scheme as a host platform**
  - c) **Obligations of registration for both hosts and platforms must be clear and appropriated infringements and compliance tools should be embedded in the regulatory framework**
  - d) **Local Governments must be able to maintain the ability to require the provision of additional information and impose additional licensing or operational requirements, depending on their circumstances**
  - e) **Local governments must be able to set fees commensurate with the cost of providing the services for any role undertaken as part of the scheme, and**
  - f) **Local governments must have access to all necessary data collected by the scheme to adequately manage the potential impacts of short-term accommodation providers and to ensure local requirements are being met by hosts.**
- 3) **Remove exemptions for ‘unhosted accommodation’ until the details of the state-wide registration scheme are finalised and deemed sufficient to adequately manage the impacts of short-term accommodation.**

#### Policy Implications

Nil

#### Statutory Implications



### Strategic Implications

#### ➤ Strategic Community Plan

Theme: 5. Places and Spaces  
Service Area Objective: 5.4. Town Planning and Building Control  
5.4.2. The Shire has a current local planning scheme and associated strategy which is flexible and able to suitably guide future residential and industrial growth  
Priorities and Strategies for Change: N/A

#### ➤ Corporate Business Plan

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

### Sustainability Implications

#### ➤ Strategic Resource Plan

Nil

#### ➤ Workforce Plan

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

### Risk Implications

Nil

### Financial Implications

Nil

### Voting Requirements



Simple Majority



Absolute Majority

<b>Resolution</b>
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**Moved:** Cr Patroni

**Seconded:** Cr Simmonds

**82848**


**That Council:**

1. Notes WALGA's draft Submission on Short-Term Accommodation included in Attachment 12.1A; and
2. Advises WALGA, that Council;
  - a. Supports WALGA's comments and recommendations forming part of its draft Submission on short-term Accommodation; and
  - b. The Shire of Merredin position is that there is a need for effective regulation of this form of short-term accommodation.

**CARRIED 9/0**

## 13. Officers' Reports - Engineering Services

### 13.1 Affixing Common Seal BBRF Grant Agreement

<h2>Engineering Services</h2>		
<b>Responsible Officer:</b>	Lindon Mellor, EMES	
<b>Author:</b>	Daniel Hay-Hendry, Manager of Projects	
<b>Legislation:</b>	<i>Local Government Act 1995</i>	
<b>File Reference:</b>	Nil	
<b>Disclosure of Interest:</b>	Nil	
<b>Attachments:</b>	Nil	

#### Purpose of Report

Executive Decision

Legislative Requirement

#### Background

The Building Better Regions Fund (BBRF) supports the Australian Government's commitment to drive economic growth and build stronger regional communities into the future. The Round 5 Infrastructure Projects Stream supports investment ready projects that provide economic and social benefits for regional and remote areas.

In October 2021, the Shire received notice that its BBRF Round 5 application had been successful in its request for \$2,139,309 for the revitalisation of the Merredin Town Square and Pioneer Park. The funding has been granted, with the understanding there would be a dollar-for-dollar funding match by the Shire, and this forms part of the grant agreement.

#### Comment

A draft grant agreement is currently being finalised by the Department of Infrastructure, Transport, Regional Development and Communications for the formal acceptance of the grant.

The acceptance of the grant has been built into several previous Council resolutions, including the approval of the 2021/2022 Budget.

However, to finalise this process, the Administration is seeking Council authorisation for the acceptance of the BBRF grant of \$2,139,309, and to formally execute the grant agreement including the application of the Common Seal.

## Policy Implications

### 3.13 Use of Common Seal

The Shire President and the CEO be jointly authorised to affix the Shire’s Common Seal to documents for dealings initiated by Council resolution in accordance with Clause 19.1 of the Shire of Merredin Standing Orders Local Laws.

General authority to apply the Common Seal could be assumed under Clause 19.1(2) given that Council has allocated provision in the Annual Budget and that grant funds will reduce or offset Council’s financial commitment to capital or operating expenditure. However, in this case, given the amount of the grant, the Administration is recommending a specific Council resolution to be in place to formalise this particular agreement, as part of the transparency and accountability of this project.

## Statutory Implications

*Local Government Act 1995*

## Strategic Implications

### ➤ Strategic Community Plan

Theme:	5. Places and Spaces
Service Area Objective:	5.1. Streetscapes 5.1.1. The Merredin CBD has been significantly upgraded and is well maintained and representative of the regional status that it holds
Service Area Objective:	5.2. Parks and Gardens 5.2.1. Parks within the Shire are maintained to a high standard, with adequate facilities for community members of all ages and abilities

### ➤ Corporate Business Plan

Key Action:	2.3.1 Support the business community to revitalise the CBD to support all business development in Merredin
Directorate:	Engineering Services
Timeline:	21/22

## Sustainability Implications

### ➤ Strategic Resource Plan

Nil

### ➤ Workforce Plan

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

Strategy Code: Nil  
Strategy: Nil  
Implications: One FTE has been created to manage the CBD redevelopment and Apex Park Projects, enabling the Shire to deliver the program requirements within the required timeframe to secure the funding. This role is to be partially funded by the BBRF grant.

#### Risk Implications

If the BBRF grant is not accepted, alternative funding will be required for the revitalisation of Pioneer Park and Town Square as part of the CBD Redevelopment Project, or the project would not be able to go ahead.

#### Financial Implications

The CBD redevelopment projects have allocations in the 2021/22 Annual Budget. The BBRF grant was identified as grant funding as part of the budget.

#### Voting Requirements



Simple Majority



Absolute Majority

#### Resolution

**Moved:** Cr Flockart

**Seconded:** Cr Boehme


**82849**

**That Council:**

- 1. APPROVE the acceptance of the Building Better Regions Fund Round 5 Grant for an amount of \$2,139,309 (excluding GST) for the Merredin Town Square Revitalisation Project.**
- 2. AUTHORISE the Shire President and Chief Executive Officer to apply the Shire of Merredin common seal to the BBRF grant agreement between the Shire of Merredin and the Federal Department of Infrastructure, Transport, Regional Development and Communications in accordance with the above.**

**CARRIED 9/0**

## 13.2 Pioneer Park Car Park & Pullover Bay

<h3>Engineering Services</h3>		
<b>Responsible Officer:</b>	Lindon Mellor, EMES	
<b>Author:</b>	Daniel Hay-Hendry, Manager of Projects	
<b>Legislation:</b>	<i>Local Government Act 1995</i>	
<b>File Reference:</b>	Nil	
<b>Disclosure of Interest:</b>	Nil	
<b>Attachments:</b>	Attachment 13.2A – Car Park & Pullover Bay Original Design Attachment 13.2B – Car Park & Pullover Bay Proposed Options	

### Purpose of Report



Executive Decision



Legislative Requirement

### Background

The Shire has been in discussions with Main Roads WA (MRWA) regarding the design for the CBD Redevelopment, as the proposed new carpark entrance of Pioneer Park requires design approval for the entry onto Great Eastern Highway. Additionally, the design directly abuts an existing MRWA truck pullover bay (Portion of Road Reserve H005). During earlier design phases, potential traffic issues associated with the relationship between the proposed carpark entrance and the existing pullover bay were highlighted.

#### MRWA Discussions

During discussions on the design, MRWA has confirmed the pullover bay adjacent to Pioneer Park is surplus to MRWA's requirements, as there are two other truck pullover bays located on Great Eastern Highway either side of the entrance to Merredin.

MRWA have acknowledged that changes to the relevant portion of road reserve will be required as part of the Pioneer Park redevelopment. As such, MRWA have requested a formal transfer of responsibility for the relevant portion of road reserve from MRWA to the Shire. This transfer would simplify the design and development of Pioneer Park while formally designating maintenance of the relevant portion of the road reserve be the Shire's responsibility. The instrument used to effect the transfer would be by a Letter of Agreement. Given the Shire has historically maintained the relevant portion of the road reserve in an informal capacity and the relationship between the Pioneer Park redevelopment, and the pullover bay, it is recommended this transfer proceed.

The next stage of negotiations with MRWA will involve;

1. The Shire providing it's preferred carpark entry design for Main Roads assessment and approval, and
2. The Shire advising if it intends to progress the transfer of the relevant portion of road reserve, from MRWA to the Shire, subject to final approval from the State (through the Department of Planning, Lands and Heritage).

The purpose of this report is to seek Council endorsement to progress up to two design options for the pullover bay /carpark entry with MRWA for approval, and for Council to authorise the CEO to negotiate with MRWA on the transfer of responsibility for the relevant portion of road reserve to the Shire.

### **Design Considerations**

Place Laboratory (Place Lab) are currently completing the detailed design for the revitalisation/redevelopment of Pioneer Park as part of the CBD Redevelopment project. Early stage designs were presented to Council during a briefing session in September 2021, and as part of this session, issues relating to the relationship between the proposed carpark entrance and the existing pullover bay were highlighted.

Subsequently Place Lab prepared a design that proposed a slip lane and rest area solution, where the existing pullover bay could be maintained and used as both a pullover bay and slip lane into the newly proposed carpark (refer to Attachment 13.2A).

This design results in a complex/confusing intersection layout that MRWA have provided advice that they would be unlikely to support, given the high possibility of vehicle conflict. As such the Administration requested Place Lab complete additional design works to resolve the issue.

In order to finalise the preferred design for submission to MRWA, input is required from Council regarding the carpark entrance and the existing pullover bay along Great Eastern Highway.

	<b>Comment</b>
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A number of options have been considered and evaluated against the site constraints and MRWA requirements. Subsequently, Place Lab have designed two options which they believe are likely to gain MRWA approval, shown in Attachment 13.2B.

Option One involves separating the pullover bay and car park entrance (refer to Attachment 13.2B, Figure 1). This design would require the existing pullover bay to be shortened by approximately 30m, or 5 car bay lengths. The resulting bay would be approximately 20m in length, limiting the size of the vehicles that would be able to utilise it. Although trucks would no longer be able to access the bay, this pull in area would still provide bays for midsized and recreation vehicles which are too large to access the carpark area.

Option Two involves the removal of the existing bay entirely, reducing the number of available car bays by approximately 8 (refer to Attachment 13.2B, Figure 2). This option would simplify the design, while providing the safest outcome for the carpark entrance. Given the additional site works involved, it is likely this option will have higher costs associated with construction than Option One. Option Two will also reduce the potential for larger vehicles (such as caravans and RV's) to pullover within a close proximity of the Merredin Town CBD.

The Administration recommends Option One be progressed as the preferred option. This recommendation is based on a continued community usage of the pullover bay, reduction in required site works, and likely reduction in construction costs.

Neither of the design options has yet been reviewed by MRWA. Once the assessment of the design occurs, Option One may not be supported and an alternative may need to be submitted for consideration. Should this occur, Option Two remains a suitable alternative.

To mitigate the risk of any time delays, the Administration is recommending Council approve the progression of Option One as the preferred design, however is also seeking approval that Option Two be progressed without returning the item to Council, should Main Roads not approve the preferred option (Option One).

Reducing the risk of design and construction delays means the Shire is more likely to meet the Local Roads and Community Infrastructure Grant funding deadline for construction for Pioneer Park, which is a key consideration for the delivery of the project.

Authorisation is also sought for the CEO to progress negotiations with MRWA on the transfer of responsibility for the road reserve containing the pullover bay adjacent to Pioneer Park (Portion of Road Reserve H005). During initial discussions, MRWA confirmed that as the bay is surplus to their requirements, there will be no requirement for the Shire to maintain a pullover bay, and this land can be repurposed in the Pioneer Park design.

MRWA have advised however, to meet their policy requirements, if the Shire wishes to remove the pullover bay, the community will have to be informed of the proposed changes before works proceed. As the requirement is to inform, not to consult, should Council support the transfer, the communication of the change can be built into the CBD Redevelopment Communications Plan, and communicated prior to construction commencing.

As Option One is not complete removal, maintains a significant portion of the functionality of the current bay, and two other larger truck bays remain either side of town - this requirement is seen as a manageable risk, and something which should not incur any time delays to the project.

Should MRWA and the Shire agree on the terms of the transfer, the Letter of Agreement will come back to Council for approval, prior to the formalisation of the transfer.

#### Policy Implications

Nil

#### Statutory Implications

*Local Government Act 1995*

#### Strategic Implications

##### ➤ Strategic Community Plan

Theme: 5. Places and Spaces

Service Area Objective: 5.1. Streetscapes

5.1.1. The Merredin CBD has been significantly upgraded and is well maintained and representative of the regional status that it holds



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

Priorities and Strategies for Change: Nil

➤ Corporate Business Plan

Key Action: Nil

Directorate: Nil

Timeline: Nil

**Sustainability Implications**

➤ Strategic Resource Plan

Nil

➤ Workforce Plan

Directorate: Nil

Activity: Nil

Current Staff: Nil

Focus Area: Nil

Strategy Code: Nil

Strategy: Nil

Implications: Nil

**Risk Implications**

If one of the options presented is not selected, this would result in delays to the finalisation of the design and MRWA approval process affecting the current project schedule. This potentially impacts the Shire's ability to meet the LRCI delivery deadline.

Failure to meet the LRCI delivery deadline may impact the Shire's ability to retain/utilise all available grant funding.

Should the available grant funding be lost or reduced, the ability to deliver the current scope of works at a suitable standard may be impacted. This could result in reputational damage if the facility does not meet community expectations.

The advice to the community of the change of functionality in the pullover bay creates a new risk, as this design has not been communicated in earlier consultations. However, given the limited change in functionality, this is considered a manageable risk which can be addressed via the communications plan.

**Financial Implications**

Design and construction is included as part of the CBD redevelopment project.

## Voting Requirements

Simple Majority

Absolute Majority

## Resolution

**Moved:** Cr Boehme

**Seconded:** Cr Van Der Merwe

**82850**

**That Council:**

1. Support in principle, the transfer of responsibility of the parcel of land (Portion of Road Reserve H005) containing the pullover bay adjacent to the Pioneer Park redevelopment from Main Roads WA to the Shire of Merredin, subject to the agreement of both parties;
2. Authorise the Chief Executive Officer to progress discussions with Main Roads WA on the transfer described above;
3. Notes that both design options presented in Attachment 13.2B to this report are suitable to progress;
4. Authorises the Chief Executive Officer to submit Option One – the retention and modification of the Great Eastern Highway pullover bay adjacent to Pioneer Park as per Figure 1, Attachment 13.2B to this report, to Main Roads WA for assessment, and approval of the design; and
5. Authorises the Chief Executive Officer to subsequently nominate Option Two - removal of the Great Eastern Highway pullover bay adjacent to Pioneer Park as per Figure 2, Attachment 13.2B to this report, to Main Roads WA for assessment, and approval of the design, should Main Roads WA not approve Option One.

**CARRIED 9/0**

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

### 14.1 Statement of Financial Activity (November 2021)

<h2>Corporate Services</h2> 	
<b>Responsible Officer:</b>	Geoff Garside, EMCS
<b>Author:</b>	Geoff Garside, EMCS
<b>Legislation:</b>	<i>Local Government Act 1995, Local Government (Financial Management) Regulations 1996</i>
<b>File Reference:</b>	Nil
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	Attachment 14.1A – Statement of Financial Activity Attachment 14.1B – Detailed Statements Attachment 14.1C – Investment Statement Attachment 14.1D – Capital Works Progress Attachment 14.1E – Variance at Sub Program

#### Purpose of Report



Executive Decision



Legislative Requirement

#### Background

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

#### Comment

#### Statement of Financial Activity

Regulation 34 of the Local Government (Financial Management) Regulations requires the Shire to prepare a monthly statement of financial activity for consideration by Council within 2 months after the end of the month of the report.

Please note: the figures in the November 2021 financial reports as presented in the attachments are provisional. There are still some transactions and adjustments that are unable to be completed until the finalisation of the audit for the 2021-22 year. In addition, some functions like depreciation are unable to be run before the prior year is finalised.

## Policy Implications

Nil

## Statutory Implications

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

## Strategic Implications

### ➤ Strategic Community Plan

Theme: Nil

Service Area Objective: Nil

Priorities and Strategies  
for Change: Nil

### ➤ Corporate Business Plan

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

Directorate: 2

Timeline: Continue to provide prudent financial controls and  
compliance systems

## Sustainability Implications

### ➤ Strategic Resource Plan

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

### ➤ Workforce Plan

Directorate: Nil

Activity: Nil

Current Staff: Nil

Focus Area: Nil

Strategy Code: Nil

Strategy: Nil

Implications: Nil

## Risk Implications

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

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

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

#### Financial Implications

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

#### Voting Requirements

Simple Majority

Absolute Majority

#### Resolution


**Moved:** Cr McKenzie

**Seconded:** Cr Billing

**82851** That Council in accordance with Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, receive the Statement of Financial Activity and the Investment Report for the period ending 31 November 2021.

**CARRIED 9/0**

## 14.2 List of Accounts Paid (December 2021)

<h3>Corporate Services</h3> 	
<b>Responsible Officer:</b>	Geoff Garside, EMCS
<b>Author:</b>	Geoff Garside, EMCS
<b>Legislation:</b>	<i>Local Government Act 1995, Local Government (Financial Management) Regulations 1996</i>
<b>File Reference:</b>	Nil
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	Attachment 14.2A - Payments Listing December 2021

### Purpose of Report

Executive Decision

Legislative Requirement

### Background

The attached list of Accounts Paid during the Month of December 2021 under delegated Authority is provided for Council's information and endorsement.

### Comment

Nil

### Policy Implications

Nil

### Statutory Implications

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

### Strategic Implications

➤ Strategic Community Plan

Theme: Nil

Service Area Objective: Nil

Priorities and Strategies Nil  
for Change:

➤ Corporate Business Plan

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

Directorate: 2

Timeline: Continue to provide prudent financial controls and compliance systems

**Sustainability Implications**

➤ Strategic Resource Plan

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

➤ Workforce Plan

Directorate: Nil

Activity: Nil

Current Staff: Nil

Focus Area: Nil

Strategy Code: Nil

Strategy: Nil

Implications: Nil

**Risk Implications**

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

**Financial Implications**

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

**Voting Requirements**

Simple Majority

Absolute Majority

**Resolution**

**Moved:** Cr Crook

**Seconded:** Cr Manning

**82852**

**That Council RECEIVE the schedule of accounts paid during December 2021 as listed, covering cheques, EFT's, bank charges, directly debited payments and wages, as numbered and totaling \$933,181.79 from Council's Municipal Fund Bank Account and NIL from Council's Trust Account.**

**CARRIED 9/0**

### 14.3 Statement of Financial Activity (December 2021)

<h2>Corporate Services</h2> 	
<b>Responsible Officer:</b>	Geoff Garside, EMCS
<b>Author:</b>	Geoff Garside, EMCS
<b>Legislation:</b>	<i>Local Government Act 1995, Local Government (Financial Management) Regulations 1996</i>
<b>File Reference:</b>	Nil
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	Attachment 14.3A – Statement of Financial Activity Attachment 14.3B – Detailed Statements Attachment 14.3C – Investment Statement Attachment 14.3D – Capital Works Progress Attachment 14.3E – Variance at Sub Program

#### Purpose of Report

Executive Decision

Legislative Requirement

#### Background

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

#### Comment

#### Statement of Financial Activity

Regulation 34 of the Local Government (Financial Management) Regulations requires the Shire to prepare a monthly statement of financial activity for consideration by Council within 2 months after the end of the month of the report.

Please note: the figures in the December 2021 financial reports as presented in the attachments are provisional. There are still some transactions and adjustments that are unable to be completed until the finalisation of the audit for the 2021-22 year. In addition, some functions like depreciation are unable to be run before the prior-year is finalised.

#### Policy Implications

Nil



### Statutory Implications

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

### Strategic Implications

#### ➤ Strategic Community Plan

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

#### ➤ Corporate Business Plan

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

### Sustainability Implications

#### ➤ Strategic Resource Plan

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

#### ➤ Workforce Plan

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

### Risk Implications

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

To mitigate the risk of budget over-runs or non-delivery of projects, the Chief Executive Officer has implemented internal control measures such as regular Council and management reporting and a quarterly process to monitor financial performance against budget estimates. Materiality reporting thresholds have been established at half the adopted Council levels,

which equate to \$10,000 for operating budget line items and \$10,000 for capital items, to alert management prior to there being irreversible impacts.

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

#### Financial Implications

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

#### Voting Requirements

Simple Majority

Absolute Majority

#### Resolution

**Moved:** Cr Simmonds

**Seconded:** Cr Billing

**82853**

**That Council in accordance with Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, receive the Statement of Financial Activity and the Investment Report for the period ending 31 December 2021.**

**CARRIED 9/0**

## 14.4 Local Emergency Management Arrangements

<h3>Community Services</h3> 	
<b>Responsible Officer:</b>	Andrina Prnich, DCEO
<b>Author:</b>	Sheree Lowe, ESO
<b>Legislation:</b>	<i>Emergency Management Act 2005</i>
<b>File Reference:</b>	Nil
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	Attachment 14.4A - Local Emergency Management Arrangements 2021

### Purpose of Report



Executive Decision



Legislative Requirement

### Background

The Shire of Merredin Local Emergency Arrangements (LEMA) underwent a review in 2021.

The draft LEMA was submitted to the DFES District Emergency Management Advisor for the Wheatbelt and Goldfields-Esperance Districts for feedback. On 5 October 2021, the Shire was advised by email that “at the moment it is compliant to the requirements of the State EM arrangements, so there is no reason for the LEMC and Council not to endorse.”

At the Local Emergency Management Committee (LEMC) meeting held on 7 October 2021, the committee passed the following motion:

*That the LEMC recommend that Council:*

- a) endorse the draft Local Emergency Management Arrangements for public consultation;*
- b) return any material changes to LEMC via a special meeting; and*
- c) notes that any minor or immaterial changes will be circulated to the committee via email.*

Council then agreed to the release of the draft LEMA for public consultation and feedback.

### Comment

The draft version of the LEMA was made available in electronic form on the Shire of Merredin website, and in hard copy form at the Shire of Merredin Administration Building from 29 November 2021, with notices inviting public submissions published on Shire noticeboards and

website on 29 November 2021, and in the Phoenix on 3 December 2021. The official comment period closed on Friday 24 December 2021.

No comments from the public have been received. It is therefore the Officer's recommendation that the draft LEMA be endorsed by Council and forwarded to the State Emergency Management Committee for final approval.

### Policy Implications

Nil

### Statutory Implications

S(41)(1) and (2) of the *Emergency Management Act 2005* ('the Act') mandate that local governments develop a Local Emergency Management Arrangements, and the State Emergency Management Committee requires local governments to review their LEMA every 5 years. This review, and subsequent endorsement of the document will ensure the compliance with this requirement by the Shire of Merredin.

### 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:	Nil

#### ➤ Corporate Business Plan

Key Action:	Building resilience and the capacity to manage natural and man-made emergency events
Directorate:	Nil
Timeline:	Nil

### Sustainability Implications

#### ➤ Strategic Resource Plan

Nil

#### ➤ Workforce Plan

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

Strategy: Nil

Implications: Nil

#### Risk Implications

Non-compliance with statutory requirements and absence of clear, updated emergency management plans and processes.

#### Financial Implications

Nil

#### Voting Requirements

Simple Majority

Absolute Majority

#### Resolution

**Moved:** Cr Billing

**Seconded:** Cr Simmonds

**82854**

**That Council:**

1. Endorse Attachment 14.4A - Local Emergency Management Arrangements 2021 as the final Local Emergency Management Arrangements for the Shire of Merredin for submission; and
2. Authorises the CEO to refer the arrangements to the State Emergency Management Committee for final approval.

**CARRIED 9/0**

## 15. Officer's Reports - Administration

### 15.1 Review of Delegation DL4.12 - Payments from the Municipal or Trust Funds

<h2>Administration</h2>		
<b>Responsible Officer:</b>	Lisa Clack, CEO	
<b>Author:</b>	Ashleigh Brice, EA	
<b>Legislation:</b>	<i>Local Government Act 1995</i>	
<b>File Reference:</b>	Delegations Register	
<b>Disclosure of Interest:</b>	Nil	
<b>Attachments:</b>	Attachment 15.1A – Proposed Delegation DL4.12	

#### Purpose of Report



Executive Decision



Legislative Requirement

#### Background

In accordance with Section 5.46 of the *Local Government Act 1995*, the Delegations Register is to be reviewed once every financial year. The last review was June 2021 (CMRef 82747) with the next review due prior to 30 June 2022.

#### Comment

It is proposed that Council approve amendments to the delegations listed in DL4.12 - Payments from the Municipal or Trust Funds, as shown in Attachment 15.1A.

This delegation provides specific employees the authority to approve requisitions and purchase orders for the supply of goods and services authorised by the CEO. Each authorised employee is subject to maximum individual amounts based on their position.

The proposed changes include;

1. The addition of positions to the authority list, and an increase in value of authority in one position.
2. Correction of administration error related to Executive Manager and Deputy CEO delegations.

### **Addition /Change in value:**

The current process means some positions have a high volume of purchase orders to process, so providing this authority to the identified key positions will significantly reduce the administrative burden on Executive Managers. Executives will still retain oversight of the process and budget, and all invoices will still be checked and approved by Executive Managers prior to processing payments, making this change low risk.

The Administration is recommending Council adopt the following delegations:

- *Manager of Projects* be authorised to approve up to \$55,000 both capital and operating value.  
Given the scale of the projects this position is managing, the authority equivalent to the Executive Manager Engineering Services is recommended to allow for projects to progress with minimal delays.
- *Asset Management Officer* be authorised to approve up to \$10,000 both capital and operating value.  
Currently the Asset Management Officer does not have any purchasing authority. With the Building Project Manager position currently vacant the Asset Management Officer now undertakes tasks which were formerly undertaken by this position. Given the roles have now changed, it is appropriate the Asset Management Officer have a similar level of authority.
- *Executive Support Officer* be authorised to approve up to \$2,750 both capital and operating value.  
The Executive Support Officer position which reports under the EA to the CEO, previously named Administration Support Officer and reported to the Deputy CEO. This role provides administrative support to all four Executive Managers including raising of requisitions and purchase orders. The Executive Support Officer also provides cover in the EA's absence, and providing this level of purchasing authority will support business continuity.
- *Construction Supervisor's* authority be increased from \$500 to approve up to \$2,000 both capital and operating value. The current limit of \$500 is operationally restrictive, and increasing this will allow for streamlined procurement of materials for repairs and maintenance.

### **Correction of Administrative error:**

An administrative error was noted within delegation DL4.12 while identifying the proposed changes above.

Currently the Deputy CEO and Executive Managers of Corporate, Development and Engineering Services delegations states '\$55,00' under Capital Value Limit, but should read '\$55,000', and Building Project Manager which states '\$10,00' under Capital Value Limit but should read '\$10,000'. This has also been amended in the attachment.

### **Policy Implications**

Nil

### Statutory Implications

Section 5.42 of the *Local Government Act 1995* states that a number of the local government's powers and duties can be delegated to the CEO. Section 5.43 of the Act details the limitations on those delegations. The review has been conducted within those legislative requirements.

An absolute majority of Council is required to adopt, review or revoke the Delegations Register as per Section 5.45.

The separate legislation referenced in the individual delegations is also applicable.

### Strategic Implications

#### ➤ Strategic Community Plan

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

#### ➤ Corporate Business Plan

Key Action:	Building resilience and the capacity to manage natural and man-made emergency events
Directorate:	Nil
Timeline:	Nil

### Sustainability Implications

#### ➤ Strategic Resource Plan

Nil

#### ➤ Workforce Plan

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

### Risk Implications

The risk of making this change is low. It will be monitored using existing business processes, and further changes can be recommended to Council if required.



### Financial Implications

Nil

### Voting Requirements

Simple Majority

Absolute Majority

### Resolution

**Moved:** Cr Boehme

**Seconded:** Cr Patroni

**82855**

**That Council:**

- 1. Adopts the amendments to Delegations DL4.12 - Payments from the Municipal or Trust Funds, as presented in Attachment 15.1A; and**
- 2. Approves the Chief Executive Officer to update the Delegations Register to reflect the adopted changes.**

**CARRIED 9/0**

## 15.2 Chief Executive Officer Key Performance Indicators 2022

Lisa Clack, CEO, declared a Financial Interest in this Item 15.2 and left the Chambers at 4:19pm.

<h1>Administration</h1>		
<b>Responsible Officer:</b>	Mark McKenzie, Shire President	
<b>Author:</b>	Lisa Clack, CEO	
<b>Legislation:</b>	<i>Local Government Act 1995</i>	
<b>File Reference:</b>	Nil	
<b>Disclosure of Interest:</b>	Lisa Clack, CEO – Financial Interest	
<b>Attachments:</b>	Attachment 15.2A – Confidential – Proposed CEO KPI's 2022	

### Purpose of Report

Executive Decision

Legislative Requirement

### Background

The purpose of this report is for Council to adopt the Key Performance Indicators (KPI's) for the Chief Executive Officer, in accordance with the *Local Government Act 1995* section 5.38 and the Chief Executive Officer's contract of employment.

In accordance with Council Policy 2.31 - Mandatory Standards for CEO Recruitment, Performance and Termination, Council and the CEO must agree on the performance review process, and any performance criteria to be met by the CEO that are in addition to the contractual performance criteria.

The employment contract for the Chief Executive Officer states that the initial KPI's are to be agreed and set by Council within the first three months of the contract start date.

### Comment

To identify priorities for initial KPI's, a workshop was held between full Council, and the Chief Executive Officer on Tuesday 18 January 2022.

The workshop was independently facilitated by a consultant from Learning Horizons, and prior to the workshop each Councillor provided individual feedback into the priorities either via survey, or through a telephone call with the consultant.

Following the workshop, proposed KPI's for the period of 25 January 2022 to 30 June 2022 have been drafted for the consideration of Council, and are included in Confidential Attachment 1 - Proposed CEO KPI's 2022, to this report.

During the process, potential KPI's were identified for consideration for the period July 2022-June 2023, however these cannot be finalised and agreed until the Corporate Business Plan and Budget are endorsed by Council.

The draft KPI's have been agreed by the CEO, and as such, should Council endorse the attachment, agreement will have been reached.

The proposed measurement period of the KPI's to June 2022, is outside of the agreed probation period of the CEO which is six months from the commencement of the contract, making the review date as soon as practicable after 1 May 2022.

Although the dates of the agreed initial key performance indicators are not aligned with the probation period, Council has the option of assessing the CEO's probation against substantial progress towards the agreed KPI's or using a provision under Clause 2.3 in the Chief Executive Officers Contract, extending the initial probationary period for a further period not exceeding three months should the progress against the KPI's not be sufficient evidence to assess performance at that stage.

The CEO has agreed the KPI's currently recommended can be reasonably achieved by June 30, 2022, however there is insufficient time to achieve the KPI's as recommended by 1 May 2022.

### Policy Implications

Policy 2.31 - Mandatory Standards for CEO Recruitment, Performance and Termination

### Statutory Implications

*Local Government Act 1995*, Part 5, Division 4, s 5.38 and Division 2, s5.23 (2)

### Strategic Implications

#### ➤ Strategic Community Plan

Theme:	4. Communication and Leadership The Merredin community is highly engaged in planning and action for its future, with a well governed, forward-looking, and proactive local government.
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
Priorities and Strategies for Change:	Nil

#### ➤ Corporate Business Plan

Key Action:	Nil
Directorate:	Nil
Timeline:	Nil

### Sustainability Implications

➤ Strategic Resource Plan

Nil

➤ Workforce Plan

Directorate: Nil

Activity: Nil

Current Staff: Nil

Focus Area: Nil

Strategy Code: Nil

Strategy: Nil

Implications: Nil

### Risk Implications

Nil

### Financial Implications

Nil

### Voting Requirements

Simple Majority

Absolute Majority

### Resolution

**Moved:** Cr McKenzie


**Seconded:** Cr Patroni

**82856** That Council **ADOPT** the Key Performance Indicators set for the Chief Executive Officer as outlined in Confidential Attachment 15.2A to this report.

**CARRIED 9/0**

*Lisa Clack, CEO, returned to the chambers at 4:24pm.*

### 15.3 Local Government Reform Submissions

<h2 style="color: #0070C0;">Administration</h2> 	
<b>Responsible Officer:</b>	Lisa Clack, CEO
<b>Author:</b>	Lisa Clack, CEO
<b>Legislation:</b>	<i>Local Government Act 1995</i>
<b>File Reference:</b>	Nil
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	Attachment 15.3A – WALGA Response to Reform Attachment 15.3B – Shire of Merredin Draft response to reform

#### Purpose of Report



Executive Decision



Legislative Requirement

#### Background

The most recent iteration of the Local Government legislative reform initiatives was announced by the Minister for Local Government on 10 November 2021 and has previously been distributed under separate cover to all Councillors.

WALGA has provided a proposed sector advocacy position, which is attached as Attachment 15.3A. The paper includes advice on the sectors current positions that are covered in the reform proposals, together with recommendations on new positions required on matters not previously canvassed.

WALGA has requested feedback from Council by Friday 28 January 2022.

The following is the timeline and process for a sector submission on the Local Government Legislative Reform Program developed by WALGA:

- Friday 28 January 2022 - Local Governments requested to provide feedback to WALGA by 5pm;
- February 2022 – Zone Meetings to consider a draft sector submission (the Great Eastern Country Zone meeting will discuss this matter in the ordinary meeting of 14 February 2022);
- Wednesday 23 February 2022 – WALGA Special Meeting of State Council via video conference to endorse submission; and
- Friday 25 February 2022 - WALGA to present submission to the State Government.

WALGA has encouraged each Local Government to provide a submission to WALGA and also provide a submission directly to the Department of Local Government, Sport & Cultural Industries.

At a briefing session on 4 January 2022, Council and the Administration workshopped the WALGA submission and additional commentary on the impact to the Shire of Merredin. It was agreed during the workshop that;

1. The WALGA submission generally aligned to the views of the Shire of Merredin, and were appropriate for Council to consider endorsing the submission at the January meeting,
2. In addition, a separate submission in the form of a letter, to represent the views of the Shire of Merredin would be developed and considered by Council at the January meeting.

The purpose of this report is for Council to consider and if supported, endorse the attached WALGA response, and the Shire's draft submission, in response to the Minister for Local Government's Local Government Reform Proposal.

#### Comment

The Department of Local Government, Sport and Cultural Industries has provided the following description and justification to introduce the latest iteration of reform:

*“Local government benefits all Western Australians. It is critical that local government works with:*

- *a culture of openness to innovation and change*
- *continuous focus on the effective delivery of services*
- *respectful and constructive policy debate and democratic decision-making*
- *an environment of transparency and accountability to ensure effective public engagement on important community decisions.*

*Since first coming to office in 2017, the McGowan Government has already progressed reforms to improve specific aspects of local government performance. This includes new laws that work to improve transparency, cut red tape, and support jobs growth and economic development - ensuring that local government works for the benefit of local communities. Based on the significant volume of research and consultation undertaken over the past five years, the Minister for Local Government has now announced the most significant package of major reforms to local government in Western Australia since the Local Government Act 1995 was passed more than 25 years ago.*

*The package is based on six major themes:*

1. *Earlier intervention, effective regulation and stronger penalties*
2. *Reducing red tape, increasing consistency and simplicity*
3. *Greater transparency and accountability*
4. *Stronger local democracy and community engagement*
5. *Clear roles and responsibilities*
6. *Improved financial management and reporting.*

*A large focus on the new reform is oversight and intervention where there are significant problems arising within a local government. The introduction of new intermediate powers for intervention will increase the number of tools available to more quickly address problems and dysfunction within local governments. The proposed system for early intervention has been developed based on similar legislation in place in other jurisdictions, including Victoria and Queensland. This will deliver significant benefits for small business, residents and ratepayers, industry, elected members and professionals working in the sector”.*

Elected Members can refer to the WALGA Attachment for the sector response suggested to each of the proposed matters slated for reform.

Most are supported and relatively inconsequential, however several are potentially significant, including;

- a maximum number of elected members (five) for smaller local governments up to 5,000 population,
- reversion to preferential voting for election of elected members; and
- compulsory live streaming and audio recording of meetings, including confidential meetings.

Some reforms are positive, such as the proposal for tiered compliance requirements determined on ‘size and scale’. The focus for discussions from the Shire of Merredin was not only about the size and scale difference between local governments, but also an appropriate recognition of the metropolitan and rural split when developing standardised responses and templates. This is reflected in the proposed Shire submission to the State.

The Council may make comment to WALGA on the reform paper, or endorse it as tabled. The Council may also endorse, or make any changes to the Shire of Merredin submission that it sees fit.

#### **Policy Implications**

Nil

#### **Statutory Implications**

The statutory implications of the changes, and associated risks are described in the attachments.

#### **Strategic Implications**

##### ➤ Strategic Community Plan

Theme:	4. Communication and Leadership The Merredin community is highly engaged in planning and action for its future, with a well governed, forward-looking, and proactive local government.
Service Area Objective:	Nil
Priorities and Strategies for Change:	Nil

➤ Corporate Business Plan

Key Action: Nil  
Directorate: Nil  
Timeline: Nil

**Sustainability Implications**

➤ Strategic Resource Plan

Nil

➤ Workforce Plan

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

**Risk Implications**

As described in the attachments.

**Financial Implications**

There are no known meaningful financial implications relative to making a submission.

It should be noted however, the impact of the proposed reform has the potential for significant increase in the administrative burden on the Shire of Merredin.

Much of the detail of the reform however remains unknown and this cannot be quantified at this point.

**Voting Requirements**



Simple Majority



Absolute Majority

**Resolution**

**Moved:** Cr Flockart

**Seconded:** Cr Simmonds

**82857**

**That Council:**

- 1. Endorse the proposed WALGA submission to the reform as detailed in Attachment 15.3A;**
- 2. Endorse the Shire of Merredin’s submission, in response to the Minister for Local Government’s Local Government Reform Proposal as detailed in Attachment 15.3B to this report; and**



- 3. Notes that should Council endorse the above, the advice the Shire has endorsed the WALGA position, along with a copy of the Shire of Merredin's submission will be provided to WALGA, as per their request for feedback.**

**CARRIED 9/0**

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

Nil

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

Nil

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

Nil

## 19. Matters Behind Closed Doors

In accordance with Section 5.23 (2) (b), (c) and (d) of the Local Government Act 1995 Council will go Behind Closed Doors to discuss these matters.

### Council Decision

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

**82858**                      **That Council move Behind Closed Doors and that Standing Orders be suspended at 4:26pm.**

**CARRIED 9/0**

### Reason

Discussions held regarding matters where legal advice was sought and proposed amendments to contracts.

## 19.1 CEACA – Transfer of Assets at Completion of Project

### Corporate Services



<b>Responsible Officer:</b>	Geoff Garside, EMCS
<b>Author:</b>	Geoff Garside, EMCS
<b>Legislation:</b>	<i>Local Government Act 1995, Local Government (Financial Management) Regulations 1996</i>
<b>File Reference:</b>	Nil
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	Attachment 19.1A – Confidential – Legal Advice

#### Voting Requirements



Simple Majority



Absolute Majority

#### Resolution

**Moved:** Cr Billing

**Seconded:** Cr Simmonds

**82859**

**That Council:**

1. **NOTES** that, ownership of all assets related to the CEACA Housing Project, vest in Central East Accommodation & Care Alliance Inc (CEACA) in accordance with the terms of the Financial Assistance Agreement between the State and the Shire;
2. **NOTES** that should CEACA be wound-up, no assets will be distributed to any member Shires, but be distributed to a similar charitable entity (or entities), as per clause 29 of the CEACA constitution; and
3. **NOTES** that removal of the CEACA Housing Project assets from the Shire balance sheet will result in an accounting loss on disposal of those assets equivalent to the value of the “work in progress” assets at the completion of the project.

**CARRIED 9/0**

## 19.2 Proposed CEO Contract Amendment

L Clack, L Mellor, G Garside, P Zenni, D Hay-Hendry, A Brice and M Wyatt left the Chambers at 4:30pm.

<h3>Administration</h3> 	
<b>Responsible Officer:</b>	Lisa Clack, CEO
<b>Author:</b>	Lisa Clack, CEO
<b>Legislation:</b>	<i>Local Government Act 1995</i>
<b>File Reference:</b>	Nil
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	Attachment 19.2A – Confidential – CEO proposed contract Amendment Schedule 2

### Voting Requirements



Simple Majority



Absolute Majority

### Resolution

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

**82860**

**That Council:**

1. Approves the proposed amendment to Schedule 2 of the CEO contract as per Confidential Attachment 19.2A of this report for the purposes of;
  - a. specifying the value of the motor vehicle, and
  - b. varying the allocated amounts per item, without increasing the total value of the remuneration package;
2. Authorises the Shire President to execute proposed amendment to the CEO employment contract and apply the common seal, in accordance with section 9.49A(1)(a) of the *Local Government Act 1995*, subject to no further amendments; and
3. Notes if Items 1 and 2 of the resolution above are approved, the Administration will progress with the purchase of a GXL Prado from within the current approved 2021/22 plant budget (GL 4120330).

**CARRIED 9/0**

## Council Decision

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

**82861** That Council return from Behind Closed Doors at pm and that the resolutions being passed in the confidential session be confirmed in open meeting.

**CARRIED 9/0**

*L Clack, L Mellor, G Garside, P Zenni, D Hay-Hendry, A Brice and M Wyatt returned to the Chambers at 4:36pm.*

## 20. Closure

There being no further business, the President thanked those in attendance and declared the meeting closed at 4:38pm.

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