

SHIRE OF
MERREDIN
INNOVATING THE WHEATBELT

MINUTES

Ordinary Council Meeting

Held in Council Chambers
Corner King & Barrack Street's, Merredin
Tuesday, 27 September 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
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



Shire of Merredin September Ordinary Council Meeting

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Shire of Merredin
Ordinary Council Meeting
4:00pm Tuesday, 27 September 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 4:02pm.

2. Record of Attendance / Apologies and Leave of Absence

Councillors:

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

Staff:

L Clack	CEO
C Townsend	A/DCEO
L Boehme	EMCS
L Mellor	EMES
P Zenni	EMDS
D Hay-Hendry	MP
M Wyatt	EA/ES
O Mellor	GO

Members of the Public:

Apologies:

Approved Leave of Absence: Cr Patroni

3. Public Question Time

Nil

4. Disclosure of Interest

Cr Flockart declared an Impartiality Interest in Item 10.4.

Cr Billing declared an Impartiality Interest in Item 19.2.

Cr Manning declared an Impartiality Interest in Item 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 25 August 2022
Attachment 7.1A

Voting Requirements



Simple Majority



Absolute Majority

Resolution

Moved: Cr Crook

Seconded: Cr Manning

83009

That the minutes of the Ordinary Council Meeting held on 25 August 2022 be confirmed as a true and accurate record of proceedings.

CARRIED 7/0

8. Announcements by the Person Presiding without Discussion

The Shire President read the following into the public record:

George Giraudo

Born 3 June 1934 and died 9 September 2022.

George Giraudo was described by his son Matt “as an enigma, a larger than life character, colourful, unpredictable, generous and entertaining”

I only knew George from 30 years ago as a young adult and more recently. I can echo the sentiments of many people I have spoken to about him, that he was a Character.

George had a great sense of the dramatic. George loved to be centre stage. Whether it was on stage in the Cummins theatre playing some dramatic role or just saying something completely outrageous – he was the consummate performer.

He loved to make people laugh, and he had a knack of shocking and outraging people. This meant that he wasn’t always endearing to people – that is, he wasn’t everyone’s cup of tea – but George didn’t care – he was just totally and utterly committed to being George.

He didn’t follow convention – indeed by his actions he was completely unconventional. In fact, it seemed that he often subverted the norm, simply to demonstrate that he was a non-conformist. That made him intensely interesting but also a little unpredictable – which was sometimes a little disconcerting for the people around him.

Extroverted, energetic and intelligent, with an incredible work ethic, he was indeed successful at pretty much whatever he put his hand to.

George never chose to be a farmer – it chose him in a way.

Having left school at the ripe old age of 14, George served two years as an apprentice mechanic at City Motors in Perth, before his services were required on the family farm in South Burracoppin.

When he turned up on the farm in 1950 they hadn't done much. The farm was pretty much still all bush. They'd cleared a small section near to the house and living conditions there were pretty basic to say the least.

Being the eldest son to Italian migrants carried certain responsibilities. One of which was chucking in his apprenticeship to work on the family farm in Merredin, which in 1950 would pretty much have been the frontier.

For 70 odd crops - 70 seasons, George dragged himself out of bed at some ungodly hour of the morning in the middle of winter to sit on some loud, open cab tractor with a sprung loaded metal seat with little more than a sheep skin covering, going around and around in ever decreasing circles. Waiting for it to rain, then wishing it would stop raining, fearing a cold frosty morning in spring or an early season thunderstorm. Watching the wool price plummet, then sore only to see it plummet all over again.

George was old school. George employed more of a seat of the pants type of decision making process when farming. He believed in a simple format to farming, and took a pretty low risk approach to what is at the end of the day, a pretty risky business. It seemed to serve him well and in recent years George took great pride in getting his name in the Elders Weekly – with his wool sales landing him in the top 5 for the state for that week. A pretty reasonable achievement for a kid from Osbourne Park.

George built a speedway car - or supermod as it was known back in the day. He got into speedway racing for a bit with his great mates Kevin Derbridge and Gary Cabbage.

Matt recalls "I remember watching George race. In the first few races he would hang at the back seemingly trying to get used to the pace of the race and how the car handled. He'd then tinker with the set up of the car to make it corner better or track better down the straight. Matt recalls watching him race, it must have been after he had been racing for a little while. There he was, that silver supermod at the head of the race flying down the back straight. I remember thinking: wow, he's really flying - I wonder if he's going to make that corner - and then sure enough he just kept going straight over the embankment and into the run off area. I asked him later what happened. He looked at me with a smile and said –Yep, I was flying down the back straight and suddenly realised I was at the front of the race and I *** myself and went straight over the end! He didn't pursue speedway racing for long, but it sure was entertaining while he did.

George joined the Merredin Repertory Club, somewhere during the mid to late 70's. And it wasn't long before he tried his hand at directing. He directed a number of plays including one particular play called the Hall of Healing. It was by the Irish playwright Sean O'Cassey, set in a doctor's surgery in a poor area of Dublin.

The repertory club decided to enter the play into the WA state amateur theatre competition. So, they take the play to Perth. Not only did they win the country theatre section of the comp they won the whole competition. It was unheard of for country theatre companies to win city

comps back in the day. A great coo by George and his rad tag cast of local school teachers, business owners and Water Corp employees.

George was a pretty handy footballer though not the most physically imposing bloke on the team I'm sure, he was apparently hard at the ball and never took a backward step – sounds about right.

Judging by the number of injuries that he sustained while playing, one could assume that he pretty much had no fear. He broke his nose on at least one occasion and Dr Edwards (otherwise known as butcher Edwards) straightened his nose with pair of long nosed pliers while two of George's mates held his head still. He broke his leg one year and then removed the cast himself prematurely because it was shearing time and clearly you can't do shearing with a cast on your leg. He was an old school like that.

George also had a well-developed community spirit and served on the Merredin Shire for a number of years. He was vice president for some of that time and was generally well respected. I'm sure George gave a good account of himself and I can guarantee he didn't always see eye to eye with everyone on council at the time, but he was passionate and dedicated and had a vision for where he thought the council should be heading.

He also was heavily involved with the bush fire brigade for many years and received a fire services medal in the Australia day honours in or around 2005.

VALE George GIRAUDO

The full Eulogy delivered by George's son Matthew has been forwarded to be added to our minutes.

Meetings and events attended by the President since the last Ordinary Meeting on 25 August 2022:

- 31 August 2022 – CEACA Management Meeting
- 5 September 2022 – WEROC Board Meeting
- 8 September 2022 – Meeting with Deputy President and CEO about MRCLC Management Review Consultants
- 21 September 2022 – Meeting with Naja Consultants about Briefing Session with Councillors and Executive the previous evening.

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

19.1 State Library of WA MOU – Onboarding SLWA LMS

19.2 Sporting Club MOUs

10. Receipt of Minutes of Committee Meetings

Cr Flockart declared an Impartiality Interest in Item 10.4.

10.1 Minutes of the Local Emergency Management Committee meeting held on 4 August 2022

Attachment 10.1A

- 10.2 Minutes of the Wheatbelt North Regional Road Group meeting held on 28 February 2022
Attachment 10.2A
- 10.3 Minutes of the Rural Water Council of WA meeting held on Friday 8 July 2022
Attachment 10.3A
- 10.4 Minutes of the WEROC Inc. Board Meeting held on Monday 5 September 2022
Attachment 10.4A
- 10.5 Minutes of the Special Council Meeting held on Tuesday 13 September 2022
Attachment 10.5A

Voting Requirements

- Simple Majority Absolute Majority

Resolution

Moved: Cr Billing **Seconded:** Cr Simmonds

That Council;

- 83010**
1. **RECEIVE** the minutes of the Local Emergency Management Committee Meeting held on 4 August 2022;
 2. **RECEIVE** the minutes of the Wheatbelt North Regional Road Group Meeting held on 28 February 2022;
 3. **RECEIVE** the minutes of the Rural Water Council Meeting held on 8 July 2022;
 4. **RECEIVE** the minutes of the WEROC Inc. Board Meeting held on 5 September 2022; and
 5. **RECEIVE** the minutes of the Special Council Meeting held on 13 September 2022.

CARRIED 7/0


Cr Flockart noted minor amendments were required to the Minutes of the Local Emergency Management Committee Meeting held on 4 August 2022.

11. Recommendations from Committee Meetings for Council Consideration

Nil.

12. Officer's Reports - Development Services

12.1 Policy Reviews - Policy 8.1, Policy 8.25 & Policy 8.26

<h2 style="margin: 0;">Development Services</h2> 	
Responsible Officer:	Peter Zenni, EMDS
Author:	As above
Legislation:	<i>Local Government Act 1995</i>
File Reference:	Policy Manual
Disclosure of Interest:	Nil
Attachments:	Attachment 12.1A - Policy 8.1 – Radio Masts/Satellite Dishes Attachment 12.1B - Policy 8.25 – Food Act 2008 Compliance and Enforcement Attachment 12.1C – Policy 8.26 – Building and Planning Application Fee Refunds

Purpose of Report



Executive Decision



Legislative Requirement

Background

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

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

The policies submitted for Council consideration in this report are:

- Policy 8.1 – Radio Masts/Satellite Dishes
- Policy 8.25 – Food Act 2008 Compliance and Enforcement
- Policy 8.26 – Building and Planning Application Fee Refunds

Comment

The purpose of Policy 8.1 – Radio Masts/Satellite Dishes is to provide a level of consistency in the control of Radio Masts, Satellite Dishes and similar and to minimise any adverse impact

on the amenity to the neighbouring property owners and to contribute towards the aesthetics of the streetscape.

The purpose of Policy 8.25 – Food Act 2008 Compliance and Enforcement is to provide clear direction regarding the ongoing management of the Food Act 2008, Food Regulations 2009 and the Australia New Zealand Food Standards Code (in particular Chapter 3).

The purpose of Policy 8.26 – Building and Planning Application Fee Refunds is to provide clear directions to Shire staff and applicants under what circumstances a refund will be considered and the amount of the refund that is applicable for Building and Planning application fees.

The provisions of all three policies (Policy 8.1 – Radio Masts/Satellite Dishes, Policy 8.25 – Food Act 2008 Compliance and Enforcement, and Policy 8.26 – Building and Planning Application Fee Refunds) have been reviewed. It is recommended that the policies, as they stand, remains unchanged.

Policy Implications

Nil, as there will be no change to the existing policies.

Statutory Implications

Local Government Act 1995.

Strategic Implications

➤ Strategic Community Plan

Theme:	Community and Culture
Service Area Objective:	1.5 Environmental Health 1.5.1 The Shire of Merredin provides a proactive Environmental Health service which is integral to monitoring food safety in commercial premises and ensuring buildings meet accessibility and safety standards

Theme:	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

➤ 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
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Directorate:	Development Services
Timeline:	Ongoing

13. Officer's Reports - Engineering Services

Nil

14. Officers' Reports – Corporate and Community Services

14.1 Statement of Financial Activity – August 2022

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

Purpose of Report

Executive Decision

Legislative Requirement

Background

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

Comment

Statement of Financial Activity

Regulation 34 of the Local Government (Financial Management) Regulations 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.

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

83012

That Council RECEIVE the attached Statements of Financial Activity, Investment Report and Management Report for the period ending 31 August 2022 in accordance with Regulation 34 of the *Local Government (Financial Management) Regulations 1996*.

CARRIED 7/0

14.2 List of Accounts Paid – August 2022

<h3>Corporate Services</h3>		
Responsible Officer:	Leah Boehme, EMCS	
Author:	As above	
Legislation:	<i>Local Government Act 1995</i> <i>Local Government (Financial Management) Regulations 1996</i>	
File Reference:	Nil	
Disclosure of Interest:	Nil	
Attachments:	Attachment 14.2A - Payments Listing August 2022	

Purpose of Report

Executive Decision

Legislative Requirement

Background

The attached list of Accounts Paid during the Month of August 2022 under delegated Authority is provided for Council's information and endorsement.

Comment

Nil

Policy Implications

Nil

Statutory Implications

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

Strategic Implications

➤ Strategic Community Plan

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

➤ Corporate Business Plan

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

Sustainability Implications

➤ Strategic Resource Plan

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

➤ 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.

Financial Implications

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

Voting Requirements



Simple Majority



Absolute Majority

Resolution

Moved:

Cr Van Der Merwe

Seconded:


Cr Simmonds

83013

That Council RECEIVE the schedule of accounts paid during August 2022 as listed, covering cheques, EFT's, bank charges, directly debited payments and wages, as numbered and totaling \$1,038,626.96 from Council's Municipal Fund Bank Account and \$0 from Council's Trust Account.

CARRIED 7/0

14.3 Amendment to Schedule of Fees and Charges 2022-23

<h2>Corporate Services</h2>		 SHIRE OF MERREDIN INNOVATING THE WHEATBELT
Responsible Officer:	Chloe Townsend, A/ Deputy CEO	
Author:	As above	
Legislation:	<i>Local Government Act 1995</i> <i>Local Government (Financial Management) Regulations 1996</i>	
File Reference:	Nil	
Disclosure of Interest:	Nil	
Attachments:	Attachment 14.3A Fees and Charges amendments	

Purpose of Report



Executive Decision



Legislative Requirement

Background

At the August Ordinary Council Meeting (OCM) held on 25 August 2022 Council adopted the Schedule of Fees and Charges for 2022/23 as part of the Annual Budget adoption.

At the May 2022 OCM held on 24 May 2022, Council resolved (CMRef 82915):

That Council:

- 1. PROVIDES its in-principle endorsement of the Schedule of 2022/2023 Fees and Charges, included as Attachment 14.8A to the report, subject to the addition of a 'Monthly Pass Family (per family) charge to line 3110210 Swimming Pool, to an amount of \$120 (including GST) per month; and*
- 2. INCLUDES the proposed schedule including the amendment above within the drafting of the Shire's 2022/2023 annual budget for further consideration.*

At one of the August Special Council Meetings held on 9 August 2022, Council adopted the Annual Budget and Fees and Charges for 2022/23 (CMRef 82978).

This report details proposed amendments to the Central Wheatbelt Visitor Centre (CWVC) fees and charges and a to address an official request from WA Police (WAPOL) to be charged at the community rate.

Comment

Central Wheatbelt Visitor Centre (CWVC) Fees and Changes Proposed Changes

The CWVC requires some amendments to the Shire's Schedule of Fees and Charges 2022/2023.

A number of new advertising charges for the Merredin brochure and Eastern Wheatbelt Visitor Guide were adopted. However, since preparing a Prospectus for the Eastern Wheatbelt Visitor Guide Edition 7, it has come to our attention that printing fees have increased by 15% since the last reprint.

As a result of the increased printing fees, it is necessary to make adjustments to the range of charges for some of the advertisement sizes to recoup costs.

Attachment 14.3A is the revised 2022/23 Schedule of Fees and Charges for the CWVC Sales and Services for the consideration of Council.

CEO delegation to charge the Police and other State Government organisations at the Community rate

The WA Police (WAPOL) have made a formal request for Council to consider charging them at the 'community' rate instead of the 'commercial' rate, for room hire and for Council to provide a formal response to this request. In the past, it appears the Police were being charged at the community rate, by the T/CEO under COVID provisions.

In 2022 the Administration has been charging WAPOL at the 'commercial' rate as a State Government Organisation. WAPOL have requested this rate to change on a number of occasions, however, according to delegation DL4.13 Write Off/Waive Small Fees and Charges which was adopted by Council at a Special Council Meeting held on 2 April 2020 (CMRef 82529), the Chief Executive Officer only has delegated authority to write off or waive small fees or charges up to a maximum of \$1,000.

WAPOL regularly utilise Room 7 or 9 at the North Merredin Primary School Precinct (NMPS) as a training venue.

In the last year, WAPOL have used the space 3 times for a week long training and 3 times for day long training. Below is a breakdown of the costs based on a community or commercial hire rate. The community rate is approximately 50% of the commercial hire cost.

	Commercial	Community
1 week x 3	\$232 x 5 = \$1,175 \$1,175 x 3 = \$3,525	\$115 x 5 = \$575 \$575 x 3 = 1,725
3 x 1 day hires	232 x 3 = \$696	115 x 3 = \$345
Total	\$4,221	\$2,070

It should be noted, this charge does not apply to PCYC. At the June 2022 OCM held on 28 June 2022, Council resolved (CMRef 82951) to enter into a partnership with Merredin Police and Community Youth Centres (PCYC).

The hire of venues for the Merredin PCYC are charged at community rates as an incorporated not for profit organisation, and the partnership agreement which was endorsed by Council waives these fees for facilities and non-staff resources, for a maximum of 4 events per year or 5 events per year in the years where a large fundraising event is hosted.

Therefore the request applies to WAPOL training and other meetings.

For the WAPOL request there are a number of options for Council to consider:

1. Provide the CEO with the delegated authority to charge WAPOL (and other State Government Organisations) at the community rate if an assessment of the purpose is determined to provide community value;
2. Change the definition of commercial hire to exclude WAPOL (this would bring them in line with what both schools within the Merredin Shire are classed under); or
3. Inform WAPOL that they will continue to be charged at the commercial rate due to being a State Government organisation.

Overall, the revenue being brought into the Shire by WAPOL is not significant. Should Council not approve the reduction in fees, there is a risk WAPOL will move venues to the CRC or Merredin Club Inc., as there have been instances of hirers using these venues as less expensive alternatives.

As the training WAPOL conducts in the venue includes local officers, which further serves the community the Administration considers this justifies a community rate. The benefit of this and the relationship with WAPOL outweighs the small decrease in revenue received from the community rate.

NMPS precinct is a community facility which is designed to be used by the community and organisations.

The Administration is recommending Council gives the CEO the delegated authority to charge State Government organisations at the community rate at the CEO's discretion. This allows the CEO to make an assessment of the purpose to determine the community value.

The Administration provides a list of fee waivers to Council in the monthly reports. Any approved change from commercial to community fee rate for State Government agencies would also be reported to Council for complete transparency.

Providing the CEO the delegated authority reduces Council's risk in the following ways

1. Allows the Shire some flexibility to charge the commercial rate for WAPOL when the assessment of the purpose finds it does not provide a direct community value
2. Reduces the risk of other State Government agencies asking to be included in a blanket exemption and being charged at the community rate

Should Council not want to provide the CEO the delegation there is the option to change the commercial rates to allow Police to always receive the community rate or decline the request.

If Council wants to consider a change in definition the below is provided for consideration.

The current definitions of commercial and community hire in the fees and charges are below:

Commercial Hire: Profit Making Organisations including Government Dept., excluding Schools

Community Hire: Charitable / Community Group/ Non Government Organisation Fundraising/Individual:(e.g. Funeral / church/wedding etc.)

The new definition could read:

Commercial Hire: Profit Making Organisations including Government Departments, excluding Schools and WA Police.

Community Hire: Charitable / Community Group/ Non Government Organisation Fundraising/Individual:(eg. Funeral / church/wedding etc.)

Should Council wish to decline the request, this is also an option.

Policy Implications

Nil

Statutory Implications

Section 6.16 of *The Local Government Act 1995 (Imposition of fees and charges)* enables a local government to apply fees and charges for the goods or services it provides, to recover costs.

Under the Act, a local government may delegate to the CEO any of its powers or the discharge of any of its duties under the Act, other than those prescribed under section 5.43 of the Act.

All delegations made by Council must be by an absolute majority as prescribed by sections 5.42 and 5.44 of the Act that legislates Council's ability to delegate functions to the CEO.

Delegations of authority from Council to the CEO must be in writing and can be general or specific.

Strategic Implications

➤ Strategic Community Plan

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

➤ 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

Central Wheatbelt Visitor Centre (CWVC) changes:

If the changes are not endorsed, the cost will be required to be absorbed by the Administration which will reduce the ability to spend funds in other areas.

CEO delegation to charge the Police and other State Government organisations at the Community rate

If the recommendation is rejected, there is a risk WAPOL will find an alternative venue for training and all income will be lost.

If the Officer's Recommendation is accepted, the risk is reduced as the CEO can make an assessment on the purpose of the use and the community value.

Financial Implications

Central Wheatbelt Visitor Centre (CWVC) changes:

If the Officer's Recommendation is accepted, the CWVC will be able to recoup costs for their booklets and advertising.

CEO delegation to charge the Police and other State Government organisations at the Community rate:

If the Officer's Recommendation is accepted, the Shire may lose some revenue, however the Administration believes the benefit outweighs the potential loss in revenue.

Voting Requirements



Simple Majority



Absolute Majority

Resolution

Moved: Cr McKenzie

Seconded: Cr Crook

That Council;


1. **ADOPTS** the amendments to the Central Wheatbelt Visitors Centre 2022/2023 Fees and Charges, included as Attachment 14.3A to the report;
2. **NOTES** this will be incorporated in the Schedule of Fees and Charges 2022/2023 for the Shire of Merredin;
3. **APPROVES** advertising the changes to the fees and charges as per Item 1 and 2 above, in accordance with the Local Government Act 1995;
4. **INITIATES** the changes to the fees and charges as per Item 1, upon completion of Item 3 of the recommendation above;
5. **AUTHORISES** the CEO to charge State Government agencies at the Community rate for facility hire in the Schedule of Fees and Charges, based on an assessment of local benefit; and
6. **AUTHORISES** an amendment to the Shire of Merredin Delegations of Authority Register to include the delegation as per Item 3 above, be drafted for adoption by Council at the October 2022 OCM.

83014

CARRIED 7/0

15. Officers' Reports - Administration

15.1 Status Report – September 2022

<h1>Administration</h1>		 SHIRE OF MERREDIN INNOVATING THE WHEATBELT
Responsible Officer:	Lisa Clack, CEO	
Author:	Meg Wyatt, EA	
Legislation:	<i>Local Government Act 1995</i>	
File Reference:	Nil	
Disclosure of Interest:	Nil	
Attachments:	Attachment 15.1A – Status Report – September 2022	

Purpose of Report



Executive Decision



Legislative Requirement

Background

The Status Report is a register of Council resolutions that are allocated to the Shire staff for actioning. When staff have progressed or completed any action in relation to Council's decision, comments are provided until the process is completed or superseded by more recent Council resolutions.

Comment

In the interest of increased transparency and communication with the community, the status report is provided for information.

Policy Implications

Nil

Statutory Implications

Nil

Strategic Implications

➤ Strategic Community Plan

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

➤ Corporate Business Plan

Key Action:	Nil
Directorate:	Nil
Timeline:	Nil

Sustainability Implications

➤ Strategic Resource Plan

Nil

➤ Workforce Plan

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

Risk Implications

Nil

Financial Implications

Nil

Voting Requirements



Simple Majority



Absolute Majority

Resolution

Moved: Cr Crook

Seconded: Cr Billing

83015

That Council RECEIVES the Status Report on Council Resolutions for September 2022.

CARRIED 7/0

15.2 Councillors and Staff Christmas Function

<h1>Administration</h1>		
Responsible Officer:	Lisa Clack, CEO	
Author:	Olivia Mellor, GO	
Legislation:	Nil	
File Reference:	Nil	
Disclosure of Interest:	Nil	
Attachments:	Nil	

Purpose of Report



Executive Decision



Legislative Requirement

Background

Each year Council provides a Christmas function for Councillors and staff to celebrate the festive season and acknowledge the hard work and achievements made throughout the year.

Council Policy 1.12 – Annual Christmas Function states that an Agenda Item is to be presented to Council by no later than November each year, requesting Council confirm the date, location and format of the function.

Comment

The 2021 Christmas function was held at the Merredin Regional Community and Leisure Centre (MRCLC) and in prior years has been held at the Merredin Bowling Club, Merredin Palace Chinese Restaurant, Commercial Hotel, Cummins Theatre, Civic Function Room/Roy Little Park and the Northside Tavern.

In previous years the Christmas function has had low attendance, and staff feedback has indicated this is due to it being held on Saturday night.

It is proposed that the 2022 Christmas function will be a Friday lunch gathering still available to Councillors, employees, their partners/spouses and dependent children, however the change to a lunch time weekday event is expected to encourage higher levels of attendance.

The function is proposed to be held in the Council Chambers Function Room from 12:30pm. The Shire front counter will be closed to the public from 12:00pm-4:30pm, and staff time to attend the function will be paid. If staff members choose to not attend the Christmas function, they are obliged to fulfill their working duties until their normal finishing time.

Possible dates for the Christmas Function are:

11 November 2022

25 November 2022

2 December 2022

9 December 2022

16 December 2022

Should the preferred dates be 2 or 9 December, the CEO will be unavailable to attend. Consensus with team leaders is should the change to a Friday be supported by Council, 16 of December 2022, is the recommended date. While this is an RDO date for the outdoor crew – this would be changed, and the relevant crew would hold their RDO to be added to the Christmas break.

Council does have a policy on the Annual Christmas Party which includes a limited number of drinks to be provided per person. In previous years drink tokens were utilised and monitored by the venue bar staff.

The Administration is proposing supplying enough alcohol for two drinks per person, limited to beer or wine and not using a token system.

Community Groups will be approached to run the Function Room bar from 12:30pm-4:30pm in exchange for a donation to their group.

Policy Implications

Policy 1.12 Annual Christmas Function states:

“That Council provide a joint Christmas Function for Councillors, employees, and their partners/spouses and dependent children.

Where the format of the function is such that the service of alcohol is appropriate, a limit of two drinks per person, limited to beer or wine, will be provided within the cost of the function. Any such function will be conducted in accordance with the responsible service of alcohol guidelines.”

Statutory Implications

Council’s Code of Conduct applies.

Strategic Implications

➤ Strategic Community Plan

Theme: Nil

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

Nil

Financial Implications

An allocation is included in the 2022/23 Annual Budget for the function under GL 2040211.

Voting Requirements



Simple Majority



Absolute Majority

Resolution

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

That Council;

83016

- 1. CONFIRMS that the Shire of Merredin 2022 Christmas function for Councillors, staff and their families be held on Friday, 16 December 2022 commencing at 12:30pm at the Shire of Merredin Council Chambers Function Room; and**
- 2. NOTES a final cost will be advised to Council out of session once quotes have been determined.**

CARRIED 7/0

15.3 2022 WA Local Government Convention

<h2>Administration</h2>		 SHIRE OF MERREDIN INNOVATING THE WHEATBELT
Responsible Officer:	Lisa Clack, CEO	
Author:	Meg Wyatt, EA	
Legislation:	Nil	
File Reference:	Nil	
Disclosure of Interest:	Nil	
Attachments:	Attachment 15.3A – Policy 1.20 Councillor Training and Professional Development Attachment 15.3B – WALGA AGM Agenda	

Purpose of Report



Executive Decision



Legislative Requirement

Background

The Council supports the attendance of Councillors and partners at the annual WA Local Government Association Local Government Convention as per Policy 1.20.

Comment

The 2022 Convention will be held in Perth from 2 to 4 October 2022. It is necessary to confirm registrations and appoint the Shire voting delegates to the WALGA Annual General Meeting to be held on 3 October 2022.

The Council is entitled to appoint two voting delegates who must register their attendance prior to the meeting. Custom and practice would suggest the appointment of the Shire President and Deputy President, if attending, as the voting delegates. If no other Councillors or the President are attending then it would be appropriate to appoint the CEO as the second voting delegate with the Councillor that is attending.

In this instance, Councillors Billing and Flockart have both nominated to attend and it would be appropriate for both of them to be nominated as the two Shire of Merredin voting delegates for the WALGA AGM.

The attendance of the Councillors and partners is within the Councillor Training and Professional Development policy and not required to be approved by Council.

Policy Implications

Councillor attendance will be in accordance with Policy 1.20 attached.

Statutory Implications

There are no statutory implications.

Strategic Implications

➤ Strategic Community Plan

Theme:	4. Communication and Leadership
Service Area Objective:	4.2. Decision Making 4.2.3. The Council is well informed in their decision-making, supported by a skilled administration team who are committed to providing timely, strategic information and advice
Priorities and Strategies for Change:	Nil

➤ Corporate Business Plan

Key Action:	Maximise advocacy benefits with membership of Great Eastern Country Zone, Wheatbelt East Regional Organisation of Councils, Western Australian Local Government Association and CEACA
Directorate:	CEO
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

There are no risks associated with attending the Convention. If it is not represented at the Convention the Council risks not being fully informed on important issues affecting local government in Western Australia.

Financial Implications

The cost of attendance at the Convention will be accommodated in the 2022/23 Budget.

Voting Requirements



Simple Majority



Absolute Majority

Resolution

Moved: Cr Manning

Seconded: Cr Crook

That Council;

83017

- 1. NOTES the Shire of Merredin will be represented at the 2022 WALGA Convention by Councillor Billing, Councillor Flockart, and the Chief Executive Officer;**
- 2. APPOINT Councillor Billing and Councillor Flockart as the Shire's voting delegates at the 2022 WALGA AGM; and**
- 3. NOTES that Policy 1.20 provides that partners may accompany Councillor delegates.**

CARRIED 7/0

16. Motions of which Previous Notice has been given

Nil

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

Nil

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

Nil

19. Matters Behind Closed Doors

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

Council Decision

Moved: Cr Simmonds **Seconded:** Cr Crook

83018 That Council move Behind Closed Doors and that Standing Orders be suspended at 4:28pm.

CARRIED 7/0

Reason

That matters related to a contract entered into, or which may be entered into, by the local government were to be discussed.

19.1 State Library of WA MoU – Onboarding SLWA LMS

Community Services



Responsible Officer:	Chloe Townsend A/DCEO
Author:	Wendy Porter, Regional Manager Library Services
Legislation:	Nil
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 19.1A – Merredin MOU Library Management System

Voting Requirements

Simple Majority

Absolute Majority

Resolution

Moved: Cr Crook

Seconded: Cr Flockart

That Council;

83019

1. **AUTHORISES** the Chief Executive Officer and the Shire President to sign and apply the Common Seal to the MoU with the State Library of Western Australia as attached in Attachment 19.1A MoU Library Management System; and
2. **NOTES** the five-year financial commitment as outlined in the MoU will be included in draft budgets for future financial years.

CARRIED 7/0

19.2 Sporting Club MoUs

Cr Manning and Cr Billing declared an Impartiality Interest in this Item.

<h1>Community Services</h1> 	
Responsible Officer:	Chloe Townsend A/DCEO
Author:	As above
Legislation:	Nil
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 19.2A Burracoppin Football Club Attachment 19.2B Merredin Hockey Club Attachment 19.2C Civic Bowling Club

Voting Requirements



Simple Majority



Absolute Majority

Resolution

Moved: Cr Manning

Seconded: Cr Simmonds

That Council;

1. RECEIVES the signed and submitted MoUs by the Sports User Groups;
2. APPROVES the CEO and Shire President to sign the submitted MoUs as per attachment:
 - a) 19.2A
 - b) 19.2B
 - c) 19.2C
3. AUTHORISES the CEO and Shire President to sign any MoUs which are returned during the months of September, October and November 2022;
4. AUTHORISES the CEO to withdraw the subsidy for User Groups who haven't signed their MoU as of 1 November 2022;
5. NOTES the Administration will consider the additional requests made by clubs and will approach the Merredin Sports Council to work with those user groups to consider these; and
6. NOTES the Shire will inform Belgravia that any outstanding user group can be invoiced the entire sum (without Shire subsidy) if the MoU is not returned by 1 November 2022.

83020

CARRIED 7/0

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