

SHIRE OF
MERREDIN
INNOVATING THE WHEATBELT

AGENDA

Ordinary Council Meeting

To be held in Council Chambers
Corner King & Barrack Street's, Merredin
Tuesday, 25 October 2022
Commencing 4.00pm



Notice of Meeting



Dear President and Councillors,

The next Ordinary Meeting of the Council of the Shire of Merredin will be held on Tuesday, 25 October 2022 in the Council Chambers, corner of King and Barrack Streets, Merredin. The format of the day will be:

2.00pm Briefing Session

4.00pm Council Meeting

LISA CLACK
CHIEF EXECUTIVE OFFICER
21 October 2022

DISCLAIMER

PLEASE READ THE FOLLOWING IMPORTANT DISCLAIMER BEFORE PROCEEDING:

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

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

Common Acronyms Used in this Document	
CBP	Corporate Business Plan
CEACA	Central East Accommodation & Care Alliance Inc
CEO	Chief Executive Officer
CSP	Community Strategic Plan
CWVC	Central Wheatbelt Visitors Centre
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 October Ordinary Council Meeting

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



1. Official Opening

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 P Patroni	
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:

3. Public Question Time

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

4. Disclosure of Interest

5. Applications of Leave of Absence

6. Petitions and Presentations

7. Confirmation of Minutes of Previous Meetings

- 7.1 Ordinary Council Meeting held on 27 September 2022
Attachment 7.1A

Voting Requirements

- Simple Majority Absolute Majority

Officers Recommendation

That the minutes of the Ordinary Council Meeting held on 27 September 2022 be confirmed as true and accurate records of proceedings.

8. Announcements by the Person Presiding without Discussion

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

- 19.1 CEACA Rates Exemption Application, Rates Waiver and Write-Off
19.2 Rateable Property Assessment A445 – 1 Brewery Road – Estate of Bradley Price
19.3 Quotation RFQ03 2022/23 Provision of Planning Services to the Shire of Merredin

10. Receipt of Minutes of Meetings

- Minutes of the Eastern Wheatbelt Biosecurity Group General Meeting held 17
10.1 March 2022
Attachment 10.1A
10.2 Annual Electors Meeting held on 27 September 2022
Attachment 10.2A

Voting Requirements

- Simple Majority Absolute Majority

Officer's Recommendation

That Council;


- 1. RECEIVE the minutes of the Eastern Wheatbelt Biosecurity Group General Meeting held 17 March 2022; and**
- 2. RECEIVE the minutes of the Annual Electors Meeting held on 27 September 2022.**

11. Recommendations from Committee Meetings for Council Consideration

Nil

12. Officer's Reports - Development Services

12.1 Policy Reviews - Policy 8.2, Policy 8.11 & Policy 8.21

<h1>Development Services</h1> 	
Responsible Officer:	Peter Zenni, EMDS
Author:	As above
Legislation:	<i>Local Government Act 1995</i> <i>Shire of Merredin Local Planning Scheme No.6</i>
File Reference:	Policy Manual
Disclosure of Interest:	Nil
Attachments:	Attachment 12.1A - Policy 8.2 – Amalgamation of Lots Attachment 12.1B - Policy 8.11 – Trading in Public Places Attachment 12.1C – Policy 8.21 – Placement of Sea Containers on land within the Shire of Merredin

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 8.2 – Amalgamation of Lots
- Policy 8.11 – Trading in Public Places
- Policy 8.21 – Placement of Sea Containers on land within the Shire of Merredin

Comment

The purpose of Policy 8.2 – Amalgamation of Lots is to ensure that buildings are constructed on one lot of land in accordance with the Building Codes of Australia, the *Planning and Development Act 2005*, and associated Regulations and Shire of Merredin Local Planning Scheme No. 6 (as amended).

The purpose of Policy 8.11 – Trading in Public Places is to enhance the function, appearance and character of the Merredin Town Centre as a retail centre and encourage these services to be presented in a manner which will add colour, life, diversity and interest to the town centre.

The purpose of Policy 8.21 – Placement of Sea Containers on land within the Shire of Merredin is to control the use and placement of sea containers, or similar structures in the townsites of the Shire of Merredin such that an acceptable standard of development is achieved and that the structure does not adversely affect the amenity of the area.

The provisions of all three policies (Policy 8.2 – Amalgamation of Lots, 8.11 - Trading in Public Places, 8.21 - Placement of Sea Containers on land within the Shire of Merredin) have been reviewed. It is recommended that the following changes to the above-mentioned policies be adopted;

Policy 8.2 – Amalgamation of Lots

The policy be amended by the addition of the words “or Building Approval Certificate” immediately following the words “Building Permit”. The inclusion of the additional wording will enhance the intent of the policy and prevent the approval of non-complying structures within the Shire of Merredin.

Policy 8.11 – Trading in Public Places

The policy be amended by increasing the \$5m minimum public liability business insurance policy to \$10m. This will bring the policy into line with current public liability norms as well as providing guidance for staff with respect to minimum public liability requirements as referenced in the Shire of Merredin Activities in Thoroughfares and Public Places and Trading Local Law as well as the Shire of Merredin Local Government Property Local Law.

Policy 8.21 – Placement of Sea Containers on land within the Shire of Merredin

It is recommended the Policy be rescinded as it refers to the Shire of Merredin Town Planning Scheme No. 1, and conflicts with provisions of the Shire of Merredin Local Planning Scheme No. 6 – Local Planning Scheme Policy No.1 (Moveable Buildings).

By virtue of forming part of the Local Planning Scheme No. 6, the Local Planning Policy No. 1 on Moveable Buildings is statutorily enforceable and overrides provisions of Policy 8.21 – Placement of Sea Containers on land within the Shire of Merredin. However, by having two conflicting policies, members of the public have previously been under the mistaken belief that the Shire of Merredin Council has the ability to approve sea containers in areas other than those permitted by the Shire of Merredin Local Planning Scheme No.6.

Policy Implications

The proposed changes to Policy 8.2 – Amalgamation of Lots and Policy and 8.11 – Trading in Public Places will improve the scope and operation of these policies, whilst the revocation of Policy 8.21 – Placement of Sea Containers on land within the Shire of Merredin, will remove opportunity for confusion as well as reinforce statutory provisions specified by the Shire of Merredin Local Planning Scheme No.6.

Statutory Implications

Local Government Act 1995

Strategic Implications

➤ Strategic Community Plan

Theme: Community and Culture
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
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

Officer's Recommendation

That Council


- 1. NOTE the review of the following policies:**
 - a) Policy 8.2 – Amalgamation of Lots;**
 - b) Policy 8.11 – Trading in Public Places; and**
 - c) Policy 8.21 – Placement of Sea Containers on land within the Shire of Merredin;**
- 2. ENDORSES the following policies:**
 - a) Policy 8.2 – Amalgamation of Lots, incorporating amendments to the Policy as outlined in Attachment 12.1A; and**
 - b) Policy 8.11 – Trading in Public Places, incorporating amendments to the Policy as outlined in Attachment 12.1B; and**
- 3. RESCINDS Policy 8.21 – Placement of Sea Containers on Land within the Shire of Merredin.**

13. Officer's Reports - Engineering Services

Nil

14. Officers' Reports – Corporate and Community Services

14.1 Statement of Financial Activity – September 2022

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

Purpose of Report

Executive Decision

Legislative Requirement

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.

In addition, a number of budget amendments are recommended within this report which are required to be progressed prior to budget review to assist with the continuation of progressing capital items for which quotes have now been received.

Budget Amendments

The following budget amendments are recommended:

GL/Job	Description	Current Budget	Variation Amount	Revised Budget	Reason
4110310	REC – Other Rec Facilities Building (Capital)	\$15,000	(\$15,000)	\$0	The purpose of this item was to replace the ovens at the Rec Centre. The ovens have now been checked and are fully functional – do not require replacement
4110530	LIBRARY – Plant & Equipment (Capital)	\$10,000	\$9,000	\$19,000	The purpose of this item was to complete works related to toilet facilities. Quotes for repairs to toilets have come back higher than budgeted
4090210/ BC036	OTH HOUSE – Building (Capital)	\$9,000	\$6,000	\$15,000	Quotes for Kitchen, Bathroom and Laundry Cabinetry have come back higher than budgeted

The above-mentioned amendments are recommended due to quotes received for repairs being higher than anticipated when the budget was set. With there no longer being a requirement for oven replacement at the MRCLC, this has allowed these extra funds to be reallocated to cover the currently existing shortfalls in both capital projects. As such, the changes proposed in the table above have a neutral impact within the budget.

Further to the above, \$10,000 has been budgeted in the Capital Expenditure Schedule (GL: 4110110/ Job no: BC005) for 'replacement of gutters, downpipes, Corroded Valleys and Roof repairs' at the Old Administration Building (CRC) in the 22/23 year. It is proposed that these funds will also be utilised to repair/ replace the gutters and downpipes at the Women's Rest Centre (adjacent, and within the same lot) during this financial year. As they are both part of the same facility, and the same type of works, no budget amendment is required to facilitate this.

Materiality

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.

During the period, the Administration is reporting that there has been a change in the total contract value for the detailed design of Merredin Town Centre and Apex Park between the

Shire of Merredin and Place Laboratory (RFT01 2021/22). The value has increased from \$325,610 to \$350,850 to account for variations associated with the drainage survey and skatepark extension. The variation does not exceed the project budget, which is allocated across PC001 and PC007, is within 10% of the total contract value, and is therefore an allowable variation for the CEO to approve within the Shire’s purchasing policy. There is no change proposed to the relevant overall project budgets as a result of this variation.

As there is available budget, it does not meet the intent of the materiality factor for highlighting variances (budget to actual). However, as the amount is over \$10,000 which is the nominal reporting threshold Council has set, in the interests of transparency, this change is included for the information of Council in this monthly report.

Policy Implications

Nil

Statutory Implications

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

Local Government Act 1995 s.6.8. (1) A local government is not to incur expenditure from its municipal fund which is not included in its annual budget except where the expenditure (b) is authorized in advance by resolution*;

Approval of the level of materiality required under the *Local Government (Financial Management) Regulations 1996* s.34(5), for financial reporting in respect of variances between actual and the original adopted budget.

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.

The other proposed amendments and items of note are proposed to be moved within the existing budget and as such, there is no further overall financial implication.

Voting Requirements

Simple Majority

Absolute Majority

Officers Recommendation


That Council;

1. **RECEIVE** the Statement of Financial Activity and Investment Report for the period ending 30 September 2022 in accordance with Regulation 34 of the *Local Government (Financial Management) Regulations 1996*.
2. Pursuant to section 6.8(1(b)) of the Local Government Act 1995 **APPROVES** amendments to the Shire's 2022-2023 Annual Budget as per the following table:

Account number	Description	Current Budget	Change	Revised budget
4110310	REC – Other Rec Facilities Building (Capital)	\$15,000	-\$15,000	\$0
4110530	LIBRARY – Plant and Equipment (Capital)	\$10,000	\$9,000	\$19,000
4090210	OTH HOUSE – Building (Capital) JOB BC036	\$9,000	\$6,000	\$15,000

3. **NOTES** in relation to Tender *RFT01 2021/22 Detailed Design Services – Merredin Town Square & Apex Park*:
 - a) The change in the total contract value has increased \$25,240 from \$325,610 to \$350,850 to account for variations associated with the Apex Park drainage survey and skatepark extension.
 - b) No budget amendment is required, as this can be met from within the existing budget for the relevant projects.

14.2 List of Accounts Paid – September 2022

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

Purpose of Report

Executive Decision

Legislative Requirement

Background

The attached list of Accounts Paid during the Month of September 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 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.

Financial Implications

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

Voting Requirements



Simple Majority



Absolute Majority

Officers Recommendation

That Council RECEIVE the schedule of accounts paid during September 2022 as listed, covering cheques, EFT's, bank charges, directly debited payments and wages, as numbered and totaling \$825,047.03 from Council's Municipal Fund Bank Account and \$0 from Council's Trust Account.

14.3 Appointment of Bush Fire Control Officer

Community Services	
Responsible Officer:	Chloe Townsend, A/DCEO
Author:	As above
Legislation:	<i>Bush Fires Act 1954</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 14.3A - 2022-23 Fire Control Officers



Community Services

Purpose of Report

Executive Decision

Legislative Requirement

Background

In April 2022, Council endorsed the 2022-23 Chief Bush Fire Control Officer, the Deputy Chief Bush Fire Control Officer, Fire Control Officers and Harvest Ban Weather Officers pursuant to Section 38 of the *Bush Fires Act 1954* which states:

Local government may appoint bush fire control officer

(1) A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.

(2A) The local government shall cause notice of an appointment made under the provisions of subsection (1) to be published at least once in a newspaper circulating in its district.

(13) The local government shall give notice of an appointment made under subsection (8) or (10) to the FES Commissioner and cause notice of the appointment to be published at least once in a newspaper circulating in its district and the FES Commissioner shall cause notice of the appointment to be published once in the Government Gazette.

(2E) A bush fire control officer appointed by a local government under the provisions of this section shall be issued with a certificate of appointment by the local government or, if he is appointed by the FES Commissioner, by the FES Commissioner.

Comment

Appointment of Fire Control Officer

The Shire is currently in the Restricted Burning Period, and therefore there is a need to appoint sufficient suitably qualified Fire Control Officers (FCOs), and an imperative support to the operational needs of the Shire. Further, the FCOs are required to play a critical role in supporting the local Bush Fire Brigade Services in the event of a bushfire incident.

In September, the Shire arranged for DFES to conduct Fire Control Officer Training. After completing their training, several volunteers have now been recommended for the appointment of FCO at the Bush Fire Advisory Committee (BFAC) pre-season meeting held on 13 October 2022. These FCOs will be able to assist with the restricted burning periods now and early next year.

Attachment 14.3A 2022-23 Fire Control Officers contains the updated Shire of Merredin FCO list with existing and new officers included.

Policy Implications

Nil

Statutory Implications

Nil

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:	N/A

➤ Corporate Business Plan

Key Action:	1.5.2 - Support local emergency services
Directorate:	Community Services
Timeline:	Ongoing

Sustainability Implications

➤ Strategic Resource Plan

The Strategic Resource Plan includes consideration of resourcing for Fire Prevention and Other Law, Order and Public Safety.

➤ Workforce Plan

Directorate: Nil

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

Risk Implications

Appointment of Fire Control Officer

The appointment of the Fire Control Officers will ensure sufficient volunteers are available for issuing permits to burn, and undergoing firebreak inspections, thus minimising the likelihood of any major or catastrophic fire events within the local government area.

Financial Implications

Nil

Voting Requirements



Simple Majority




Absolute Majority

Officers Recommendation

That Council;

1. **APPOINT** the following as fire control officers for the Shire of Merredin:
 - a) David Last – Collgar;
 - b) Luke Growden - Hines Hill;
 - c) Kerrin Hardy – Hines Hill; and
 - d) Sam Hooper - Korbelka
2. Gives **NOTICE** of the appointment by publishing it in a newspaper circulated in the district in accordance with Sections 38(1) and 38(2A) of the Bush Fire Act 1954.

14.4 Policy Reviews – Policy 3.10,3.30, 5.15

<h1>Community Services</h1>		 SHIRE OF MERREDIN INNOVATING THE WHEATBELT
Responsible Officer:	Chloe Townsend, A/DCEO	
Author:	As above	
Legislation:	<i>Local Government Act 1995</i>	
File Reference:	Nil	
Disclosure of Interest:	Nil	
Attachments:	Attachment 14.4A - Policy 3.10 Eric Hind Music Scholarship Attachment 14.4B - Policy 3.30 – Donations and Loans – Merredin Regional Library Attachment 14.4C – 5.15 Merredin Regional Library – Internet Use and Access	

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 has begun reviewing relevant policies and will bring them to Council for consideration as each review is completed.

The policies submitted for Council consideration in this report are:

- Policy 3.10 - Eric Hind Music Scholarship
- Policy 3.30 - Donations and Loans – Merredin Regional Library
- Policy 5.15 - Merredin Regional Library – Internet Use and Access

Comment

Policy 3.10:

The purpose of Policy 3.10 is to provide guidelines for applicants of the Eric Hind Music Scholarship and the scholarship awarded.

This policy has been reviewed, and minor amendments have been made to provide clarity.

Policy 3.30:

The purpose of Policy 3.30 is to provide definitions and guidelines for both the Regional Manager Library Services and potential donors and lenders concerning donations.

This policy has been reviewed with minor changes, including the authorisation of the Regional Manager Libraries to assess and accept donations or loans on behalf of the Shire.

Policy 5.15:

The purpose of Policy 5.15 is to outline the obligations and responsibilities of all users of the Merredin Library's public electronic resources. This policy has been developed to provide smart, safe and responsible use of technology within the Library.

The amendment includes minor changes to remove the outdated fee associated with use. The use of Library computers and WIFI are now free.

The provisions of all three policies have been reviewed, and where changes have been made the revisions are shown in the attachments to the report. It is recommended that Council endorse the policies as per the updated versions attached.

Policy Implications

Updates as attached to:

- Policy 3.10 - Eric Hind Music Scholarship
- Policy 3.30 - Donations and Loans – Merredin Regional Library
- Policy 5.15 - Merredin Regional Library – Internet Use and Access

Statutory Implications

Local Government Act 1995

Strategic Implications

➤ Strategic Community Plan

Theme: 4. Communication and Leadership

Service Area Objective: 4.2 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

Nil

Financial Implications

Nil

Voting Requirements



Simple Majority



Absolute Majority

Officers Recommendation

That Council;

- 1. NOTE the review of the following policies:**
 - a) Policy 3.10 - Eric Hind Music Scholarship as per Attachment 14.2A;**
 - b) Policy 3.30 – Donations and Loans – Merredin Regional Library as per Attachment 14.2CB; and**
 - c) Policy 5.15 - Merredin Regional Library – Internet Use and Access as per Attachment 14.2C; and**
- 2. ENDSORSES the following policies:**
 - a) Policy 3.10 - Eric Hind Music Scholarship with amendments as per Attachment 14.2A;**
 - b) Policy 3.30 – Donations and Loans – Merredin Regional Library with amendments as per Attachment 14.2B; and**
 - c) Policy 5.15 - Merredin Regional Library – Internet Use and Access with amendments as per Attachment 14.2C.**

15. Officers' Reports - Administration

15.1 Status Report – October 2022

<h1>Administration</h1> 	
Responsible Officer:	Lisa Clack, CEO
Author:	Meg Wyatt, EA
Legislation:	Local Government Act 1995
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 15.1A – Status Report – October 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 a further Council Resolution.

Comment

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

Policy Implications

Nil

Statutory Implications

Nil

Strategic Implications

➤ Strategic Community Plan

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

➤ Corporate Business Plan

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

Officers Recommendation

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

15.2 Shire of Merredin Christmas / New Year’s Opening Hours

<h1>Administration</h1> 	
Responsible Officer:	Lisa Clack, CEO
Author:	Meg Wyatt, EA
Legislation:	<i>Local Government Act 1995; Local Government (Financial Management) Regulations 1996</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Nil

Purpose of Report



Executive Decision



Legislative Requirement

Background

For the last few years, majority of Council venues have closed during the Christmas / New Year period as it is an extremely quiet time with minimal public visitations and phone enquires. It is also common for many residents of the Shire to travel elsewhere at this time of year with many other businesses in town also closing.

Comment

The Christmas Day public holiday will be observed on Monday, 26 December 2022 with the Boxing Day public holiday being observed on Tuesday, 27 December 2022, meaning Council offices will be closed on both these days. Similarly, the New Year’s Day public holiday will be observed on Monday, 2 January 2023 meaning Council offices will also be closed on that day.

It is therefore requested that Council support the closure of Shire venues close from 5pm Friday, 23 December 2022 to Tuesday Monday, 2 January 2023 inclusive. The venues will reopen as usual on Tuesday, 3 January 2022. The exceptions to this will be;

- The Central Wheatbelt Visitor Centre (CWVC), which will open from 9am - 1pm between Christmas and New Year (excluding public holidays) as they have done in previous years;
- The Merredin District Olympic Swimming Pool which will only be closed on Christmas Day, reopening 2:00pm Boxing Day; and

- The Merredin landfill site which will be closed Christmas Day, Boxing Day, and New Years Day.

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

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

Policy Implications

Nil

Statutory Implications

Nil

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.

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

Senior staff will be available on mobile phone during the closure period, and if required for any major emergencies, relevant staff will be contacted.

Financial Implications

Staff will be required to take time off in lieu, annual leave or accrued rostered days off. These costs are contained within the 2022/23 budget.

Voting Requirements



Simple Majority



Absolute Majority

Officers Recommendation

That Council;

1. **APPROVES** the closure of the Shire Administration and Merredin Regional Library for the Christmas/New Year period from 5pm Friday, 23 December 2022 to Tuesday, 3 January 2023;
2. **NOTES** the opening hours of other facilities as follows:
 - a. The Central Wheatbelt Visitor Centre (CWVC) will be open 9am - 1pm between Christmas and New Year (excluding public holidays);
 - b. The Merredin District Olympic Swimming Pool will be closed for Christmas Day, reopening 2:00pm Boxing Day;
 - c. The Merredin landfill site will close for Christmas Day, Boxing Day, and New Years Day; and
3. **NOTES** the hours of operation and emergency contacts will be advertised to the community.

15.3 2023 Council Meeting Dates

<h2>Administration</h2>		
Responsible Officer:	Lisa Clack, 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 15.3A – 2023 Council Meeting Dates Calendar	

Purpose of Report



Executive Decision



Legislative Requirement

Background

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

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

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

Comment

In previous years the Ordinary Council Meetings have been held on the third Tuesday of every month commencing at 4.00pm. In 2022 it was trialled that the Ordinary Council Meetings would be held on the fourth Tuesday of every month commencing at 4.00pm. Councillors agreed that this arrangement worked well, and it was continued for the full year.

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

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

Council may wish to revise the day on which the meetings and briefings are held and/or their commencement time. The Officer's Recommendation makes the assumption that Council does not wish to make any changes

Policy Implications

Nil

Statutory Implications

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

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

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

(a) the ordinary council meetings; and

(b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to the members of the public,

are to be held in the next 12 months."

Strategic Implications

➤ Strategic Community Plan

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

➤ Corporate Business Plan

Key Action:	Support Councillor engagement at functions and events
Directorate:	All directorates
Timeline:	Ongoing

Sustainability Implications

➤ Strategic Resource Plan

N/A

➤ Workforce Plan

Directorate: Nil

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

Risk Implications

The risk is relatively low, however, the statutory risk would be non-compliance should the local government not proceed to advertise or support this item.

Financial Implications

The cost of advertising in the local paper will form part of this item which is currently budgeted in the 2022/23 annual budget under GL 120401400 MEMBERS – Advertising & Promotion.

Voting Requirements



Simple Majority



Absolute Majority

Officers Recommendation

That Council;

- 1. MEETS on the 4th Tuesday of the Month with the exception of April and December, on the following dates in 2023: 24 January, 28 February, 28 March, 18 April, 23 May, 27 June, 25 July, 22 August, 26 September, 24 October, 28 November; and 12 December with meetings commencing at 4:00 pm; and**
- 2. HOLDS closed agenda briefing sessions on the 2nd Tuesday of the month at 5.30pm, and prior to the Monthly Ordinary Meetings commencing at 2.00 pm.**

15.4 Local Government Reforms: Election Transition Arrangements

<h1>Administration</h1> 	
Responsible Officer:	Lisa Clack, CEO
Author:	Lisa Clack, CEO
Legislation:	Proposed changes to the Local Government Act 1995
File Reference:	
Disclosure of Interest:	Nil
Attachments:	Attachment 15.4A - Letter from Minister Carey, Election Transition Arrangements

Purpose of Report



Executive Decision



Legislative Requirement

For Council to consider its response to correspondence from the Minister for Local Government of the intended transition arrangements for changes in Council size, in accordance with the Western Australian Government’s package of proposed local government reforms.

Background

On 3 July 2022, the Hon John Carey MLA, Minister for Local Government, announced the final package of proposed local government reforms, which included the removal of wards for Band 3 and 4 Local Governments, and a reduction in the total number of Councillors, based on the population of the district.

While there are currently no wards in the Shire of Merredin, the reforms propose a reduction to elected members from the current number of nine (9), to a maximum of seven (7), including the Shire President.

On 20 September 2022, the Minister wrote to the President and the Chief Executive Officer announcing the proposed changes were intended to be introduced in Parliament in early 2023, with details of the proposed timeline for the implementation of these changes to be made in time for the October 2023 ordinary elections. A copy of the Minister’s correspondence to the Shire is attached as Attachment 15.4A.

The correspondence advised the Department of Local Government, Sport and Cultural Industries (DLGSC) had completed an initial review, and identified that the Shire of Merredin may need to reduce the number of council members under the proposed reforms.

Advice from the Minister was that as the current Act already provided opportunity for local governments to initiate proposals to change the size or structure of their Council, two options may be considered.

Option 1: Voluntary Pathway

Firstly, Council can meet the intention of the coming package of reforms in relation to the size of Council by taking a voluntary pathway.

Under the current Act, the number of Councillors (between 5-15 Councillors) is decided by each local government, reviewed by the Local Government Advisory Board (LGAB), and approved by the Minister.

Each Local Government can provide a submission to the LGAB to reduce the number of offices of Council now. The LGAB would then provide a recommendation to the Minister for Local Government to reduce the number of sitting Councillors. If the submission is recommended by the LGAB it would then be referred to the Minister for approval and implementation.

This process includes the development of a discussion paper for community consultation.

Should Council elect to take the Voluntary Pathway, the following steps must be undertaken before 28 October 2022:

- Provide advice to the Department of Council's intention to undertake a voluntary process, including a high-level plan outlining the potential changes to be implemented for the ordinary elections to be held in 2023; and,
- Initiate a Ward and Representation Review to determine the specific changes to the structure of Council for the 2023 and 2025 ordinary elections, to be completed and submitted to the Department by 14 February 2023. A six-week public consultation period is required as part of this process.

Option 2: Reform Pathway

Secondly, Council can elect to wait for reform, an Amendment Act will provide for all changes to be implemented during the 2023 election process.

This option contains a business continuity risk for Council as the proposed process includes all offices being declared vacant for the 2023 elections (essentially a 'spill and fill'), with an undefined split between two- and four-year terms to re-establish an ordinary election cycle.

Comment

The Administration is recommending that Council consider the voluntary pathway.

While this approach creates an administrative burden for a pre-determined outcome, it reduces the business continuity risk for Council should there be a large turnover if the reform pathway is selected.

As Council is currently undertaking its largest local capital works commitment to public infrastructure in 20 years with the current CBD redevelopment program valued at \$8.4m, expected to be completed after the October 2023 elections, the Administration recommends Council consider the continuity of the project commitments as part of this decision. As such,

the Administration recommends Council take a risk adverse approach and select the voluntary pathway as the most pragmatic way forward.

Both pathways will see the introduction of the reforms, with the voluntary option providing the current Council with oversight of the process, and an option to phase the change over two election cycles (should the LGAB approve of the proposal).

The Reform Election Pathway as the second option will by default see the decision-making given to the Minister and/or the Department of Local Government, Sport and Cultural Industries (“the Department”), and the newly elected 2023 Council. Both options will result in a reduced number of Councillors.

The Minister requires each Local Government to provide advice of its chosen approach by 28 October 2022. Should Council approve the voluntary pathway, in addition to the advice of which pathway Council has elected to take, a high-level plan is to be agreed by Council and provided to the Department.

It is recommended that Council adopt the following as its high-level plan.

That Council will:

1. In principle, propose to reduce the number of sitting Councillors by one at Council election of each of the October 2023 and October 2025 ordinary elections, subject to the outcomes of a representation review, and public consultation. This recommendation is based on:
 - a. the allocated future total number of seven (7) Councillors being understood to be the maximum allowable number for the Shire of Merredin based on its current population, and,
 - b. the need to reduce the risk to business continuity for the Shire, should all positions be declared vacant by the Department under the reform pathway.
2. To meet the requirements under the current Act and the Ministers instruction, undertake a Ward and Representation Review, that be adopted by Council, and forwarded to the Local Government Advisory Board for consideration by 14 February 2023.

Policy Implications

The recommended decision is not consistent with Council’s established policy position on the number of elected members. However, the Minister has indicated that the change will take place regardless of Council’s view.

Statutory Implications

The recommendation meets the outlined requirements for both the Minister for Local Government’s proposed changes to the *Local Government Act 1995* (“the Act”), and the current provisions of the following sections of the *Local Government Act 1995* which may apply:

Part 2 Constitution of local government

- Division 6 Terms of office on the Council and vacation of office
 - s2.31 Resignation

- s2.32 Vacancies in officer elected by electors (e - employment of the Local Government)
- s4.16 Postponement of elections to allow consolidation
- s4.17 Cases in which vacant offices can remain unfilled
- Division 4 -- Membership and size of the council
 - S2.18 Fixing and changing the number of Councillors

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.

Risk Implications

The risks to business continuity associated with not adopting the voluntary pathway have been outlined in the report.

Financial Implications

Councillors should note that in the current fiscal environment there is not sufficient budget available for a consultant to be engaged to complete the representation review and develop the discussion paper without cancelling other projects within the current program of works.

To avoid this, it is proposed the CEO will develop the discussion paper and manage the process using internal resources. It should be noted this is in addition to the current CBD Redevelopment commitments and other time sensitive Governance requirements. As such, this may delay other less critical planned actions and works during this time period.

Voting Requirements



Simple Majority



Absolute Majority

Officers Recommendation

That Council;

- 1) NOTES the correspondence to the Chief Executive Officer from the Hon John Carey MLA, Minister for Local Government, dated 20 September 2022, instructing local governments of the two options available with respect to transitioning towards the proposed local government electoral reforms;**
- 2) AUTHORISES the Chief Executive Officer to advise the Department of Local Government, Sport and Cultural Industries, by 28 October 2022 of the following;**
 - a) The Shire of Merredin intends to adopt the ‘Voluntary Election Pathway’ as the preferred pathway for the election transition arrangements; and,**
 - b) The Shire of Merredin’s high-level plan is that Council will:**
 - i) In principle, propose to reduce the number of sitting Councillors by one at Council election of each of the October 2023 and October 2025 ordinary elections, subject to the outcomes of a representation review, and public consultation. This recommendation is based on:**
 - (1) the allocated future total number of seven (7) Councillors being understood to be the maximum allowable number for the Shire of Merredin under proposed future legislation based on its current population, and,**
 - (2) the need to reduce the risk to business continuity for the Shire, should all positions be declared vacant by the Department under the reform pathway.**
 - c) To deliver this and meet the requirements under both the current Act, and the Ministers instruction, the Shire of Merredin will undertake a Ward and Representation Review, to be forwarded to the Local Government Advisory Board for consideration by 14 February 2023.**
- 3) AUTHORISES the Chief Executive Officer to initiate a Ward and Representation Review to determine the specific changes to the structure of the Council for the 2023 and 2025 ordinary elections, to be completed by 14 February 2023.**
- 4) NOTES the process will include public consultation, including the invitation of public submissions for a period of not less than six (6) weeks, during December 2022 and January 2023.**

16. Motions of which Previous Notice has been given

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

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

19. Matters Behind Closed Doors

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

19.1 CEACA Rates Exemption Application, Rates Waiver and Write-Off

19.2 Rateable Property Assessment A445 – 1 Brewery Road – Estate of Bradley Price

19.3 Quotation RFQ03 2022/23 Provision of Services for Shire of Merredin Local Planning Strategy Review

19.4 Rateable Property Assessment A188 – 68 Barrack St – Request to Waive Interest Owing

20. Closure

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