

SHIRE OF
MERREDIN
INNOVATING THE WHEATBELT

AGENDA

Ordinary Council Meeting

To be held in Council Chambers
Corner King & Barrack Streets, Merredin
Monday, 17 February 2025
Commencing 2.30pm



Notice of Meeting



Dear President and Councillors,

The next Ordinary Meeting of the Council of the Shire of Merredin will be held on Monday, 17 February 2025 in the Council Chambers, corner of King and Barrack Streets, Merredin. The format of the day will be:

2:00pm Briefing Session

2:30pm Council Meeting

CRAIG WATTS
CHIEF EXECUTIVE OFFICER
14 February 2025

DISCLAIMER

PLEASE READ THE FOLLOWING IMPORTANT DISCLAIMER BEFORE PROCEEDING:

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

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

Common Acronyms Used in this Document	
CBP	Corporate Business Plan
CEACA	Central East Accommodation & Care Alliance Inc
CEO	Chief Executive Officer
CSP	Community Strategic Plan
CWVC	Central Wheatbelt Visitors Centre
EO	Executive Officer
EMCS	Executive Manager Corporate Services
EMDS	Executive Manager Development Services
EMES	Executive Manager Engineering Services
EMS&C	Executive Manager Strategy & Community
GECZ	Great Eastern Country Zone
GO	Governance Officer
LGIS	Local Government Insurance Services
LPS	Local Planning Scheme
MCO	Media and Communications Officer
MoU	Memorandum of Understanding
MP	Manager of Projects
MRCLC	Merredin Regional Community and Leisure Centre
SRP	Strategic Resource Plan
WALGA	Western Australian Local Government Association
WEROC	Wheatbelt East Regional Organisation of Councils



February Ordinary Council Meeting

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Shire of Merredin
Ordinary Council Meeting
2:30pm Monday, 17 February 2025



1. Official Opening

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

2. Record of Attendance / Apologies and Leave of Absence

Councillors:

Cr D Crook	President
Cr R Manning	Deputy President – Via Zoom
Cr B Anderson	
Cr H Billing	
Cr M McKenzie	
Cr P Van Der Merwe	

Staff:

C Watts	CEO
L Boehme	EMCS
L Carr	A/EMES
C Brindley-Mullen	EMS&C
P Zenni	EMDS
M Wyatt	EO
A Bruyns	GO

Members of the Public:

Apologies:

Approved Leave of Absence: Cr L O’Neill, Cr M Simmonds

Cr Manning’s attendance via Zoom was approved by the Shire President in advance in accordance with Regulation 14C.2(b) of the Local Government (Administration) Amendment Regulations 2022.

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

Nil

7. Confirmation of Minutes of Previous Meetings

- 7.1 Ordinary Council Meeting held on 28 January 2025
Attachment 7.1A

Voting Requirements

- Simple Majority Absolute Majority

Officer's Recommendation

That the Minutes of the Ordinary Council Meeting held 28 January 2025 be confirmed as a true and accurate record of proceedings.

8. Announcements by the Person Presiding without Discussion

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

- 19.1 Disposal of Property

10. Receipt of Minutes of Meetings

- 10.1 Minutes of the Audit, Risk and Improvement Committee Meeting held on 17 February 2025.
Attachment 10.1A (*to be circulated prior to the meeting*)

Voting Requirements

- Simple Majority Absolute Majority

Officer's Recommendation

That Council RECEIVE the minutes of the Audit, Risk and Improvement Committee Meeting held on 17 February 2025.

11. Recommendations from Committee Meetings for Council Consideration

12. Officer's Reports – Development Services

12.1 Proposed Parking Amendment Local Law

<h2>Development Services</h2>		 SHIRE OF MERREDIN INNOVATING THE WHEATBELT
Responsible Officer:	Peter Zenni, EMDS	
Author:	Chris Liversage – Conway Highbury	
Legislation:	Local Government Act 1995	
File Reference:	LE/08/09	
Disclosure of Interest:	Nil	
Attachments:	Attachment 12.1A Draft Shire of Merredin Parking Amendment Local Law	

Purpose of Report



Executive Decision



Legislative Requirement

For Council to consider advertising a draft Shire of Merredin Parking Amendment Local Law to reflect changes in other legislation and increase modified penalties currently in place as part of the Shire of Merredin Parking and Parking Facilities Local Law 2002, advertise the draft local law for public comment, and send a copy of the draft local law to the CEO of the Department of Local Government, Sport and Cultural Industries (DLGSC) as required by the *Local Government Act 1995* (the Act).

Background

The Shire of Merredin Parking and Parking Facilities Local Law 2002 was published in the Government Gazette on 7 October 2002.

In general, the local law is suitable for use in the Shire of Merredin (the Shire), however the penalties have not been reviewed to meet amendments in the Act.

Comment

Section 9.14 of the Act provides that a local law may provide for a maximum penalty of up to \$5,000 for a breach if prosecuted through a court, and s9.17(3) provides that a modified penalty of up to \$500 can also be imposed. The current penalty for a breach of the local law is \$1,000 (court imposed), with modified penalties (infringements) ranging from \$30 to \$60. The Local Law has not been updated since it came into effect.

A 'modified penalty' can be issued by an authorised person where a breach of a local law occurs and establishing the facts are relatively straightforward; alleged offences can still be heard in a court at an alleged offenders choice but rarely happens. Payment of the modified penalty is a relatively efficient way of dealing with the matter.

Maximum penalties are dealt with in clause 8.1(3) of the Parking Local Law. It is proposed to increase this to \$5,000 as provided in the Act.

Unless otherwise prescribed by regulation, s9.17(3) of the Act provides that the modified penalty (i.e. an infringement) that a local law may prescribe for an offence is not to exceed 10% of the maximum fine that could be imposed for that offence by a court.

While this could then be up to \$500, if set too high collection of unpaid fines is likely to become problematic. In the Shire's case, it is suggested that a uniform modified penalty of \$100 be set for lower level offences and \$150 for more serious breaches. This can be done by replacing Schedule 2 of the Parking Local Law.

Changes to the *Local Government (Parking for People with Disabilities) Regulations 2014* have resulted in replacement of the term 'ACROD sticker' with the term 'disability parking permit'. The proposed amendment local law will address this issue and align the terminology with that specified by the regulations.

A draft Shire of Merredin Parking Amendment Local Law is attached (Attachment 12.1A).

Policy Implications

Nil

Statutory Implications

Amending a local law is done by making an amendment local law, using the process is set out in section 3.12(3) of the Act.

Amongst other things this requires a local government to give local public notice stating that it proposes to make a local law, the purpose and effect of which is summarised in the notice for a period of 6 weeks after it first appears.

The purpose and effect of the Shire of Merredin Parking Amendment local law is:

Purpose

To amend the Shire of Merredin Parking and Parking Facilities Local Law 2002 to reflect changes in other legislation and to increase the maximum and modified penalties that may be imposed.

Effect

The Shire of Merredin Parking and Parking Facilities Local Law 2002 is amended.

A copy of the proposed local law is also to be sent to the Departmental CEO of the WA Department of Local Government, Sport and Cultural Industries.

The results of the consultation process are to then be considered by Council, who may then decide to make the local law, or make changes. If the changes are not minor, the new draft local law must be re-advertised for comment.

Strategic Implications

Ø Strategic Community Plan

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

Ø Corporate Business Plan

Theme:	4. Communication and Leadership
Priorities:	Nil
Objectives:	4.4.1 The Shire is continuously working to maintain efficient communication, providing open, transparent and factual information, through a variety of channels

Sustainability Implications

Ø Strategic Resource Plan

Nil

Risk Implications

The Shire should keep its local laws up to date, to both act as a deterrent for motorists who park in an unsafe or irresponsible manner and to comply with the frequency of review provisions within the Act. Should the Shire not amend the parking local law, this will result in the application of out of date provisions and penalties. Accordingly, the risks associated with this proposal are considered Low (3) based on the Likelihood (1) and Consequence (3). Adoption of the Officer's Recommendation will eliminate this risk.

Financial Implications

There are costs associated with the drafting, advertising and Gazettal of the proposed amendment local law. An allocation of funds for the completion of the local law review project forms part of the Shire's 2024/25 Annual Budget.

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation

That Council:

1. **GIVE** local public notice in accordance with section 3.12(3)(a) of the Local Government Act 1995, stating that:
 - a) It is proposed to make a Shire of Merredin Parking Amendment Local Law, and a summary of its purpose and effect;
 - b) Copies of the proposed local law may be inspected or obtained at the Shire of Merredin's offices during normal opening hours;
 - c) Submissions about the proposed local law may be made to the Shire of Merredin within a period of not less than 6 weeks after the notice is given;
2. **SENDS** a copy of the proposed local law to the Chief Executive Officer of the Department of Local Government, Sport and Cultural Industries, in accordance with s3.12(3)(b) of the Local Government Act 1995, as soon as the notice is given;
3. **SUPPLY** a copy of the proposed local law to any person requesting it in accordance with s3.12(3)(c) of the Local Government Act 1995; and
4. **PRESENT** the results of the public consultation to Council for consideration of any submissions received at a future meeting.

12.2 Application for Subdivision (WAPC 201283) Lots 50 and 104 South Ave, Merredin

<h3>Development Services</h3> 	
Responsible Officer:	Peter Zenni, EMDS
Author:	Paul Bashall, Planwest (WA) Pty Ltd, Consultant
Legislation:	<i>Planning and Development Act 2005</i> <i>Shire of Merredin Local Planning Scheme No.6</i>
File Reference:	A9220/A9211
Disclosure of Interest:	Nil
Attachments:	Attachment 12.2A – WAPC Referral Documentation.

Purpose of Report

- Executive Decision Legislative Requirement

For Council to consider providing advice to the Western Australian Planning Commission (WAPC) that it has no objection to the proposed subdivision of Lots 50 and 104 South Ave (York-Merredin Rd), Merredin (WAPC Application No: 201283) resulting in the creation of three new lots, proposed Lot 110 (8.5ha), proposed Lot 111 (9ha) and proposed Lot 112 (0.39ha).

Background

An application for subdivision of land located in the southern part of Merredin townsite, has been submitted to the WAPC for approval. The WAPC is seeking comments from several servicing agencies, including the Shire of Merredin (the Shire), prior to issuing a determination on the application.

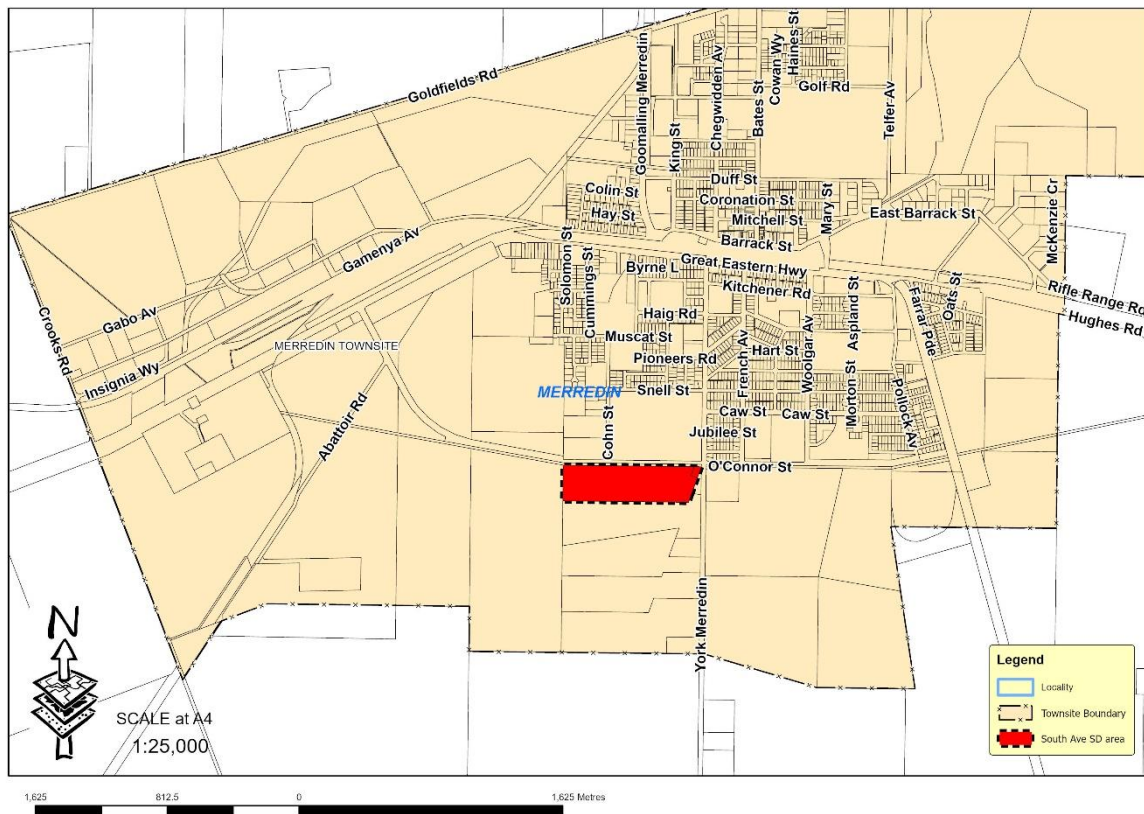
The proposed subdivision will slightly enlarge existing Lot 50 from 2,804m² to 3,900m², and subdivide the balance of Lot 104 into two lots of 8.5 and 9 ha. The net result is only one additional single lot.

Comment

The subject land is located on the Southwest corner of the York-Merredin Road and O'Connor Street. Strictly, the land has no frontage of an existing road reserve. Figure 1 provides a location plan showing the site in relation to the Merredin townsite.

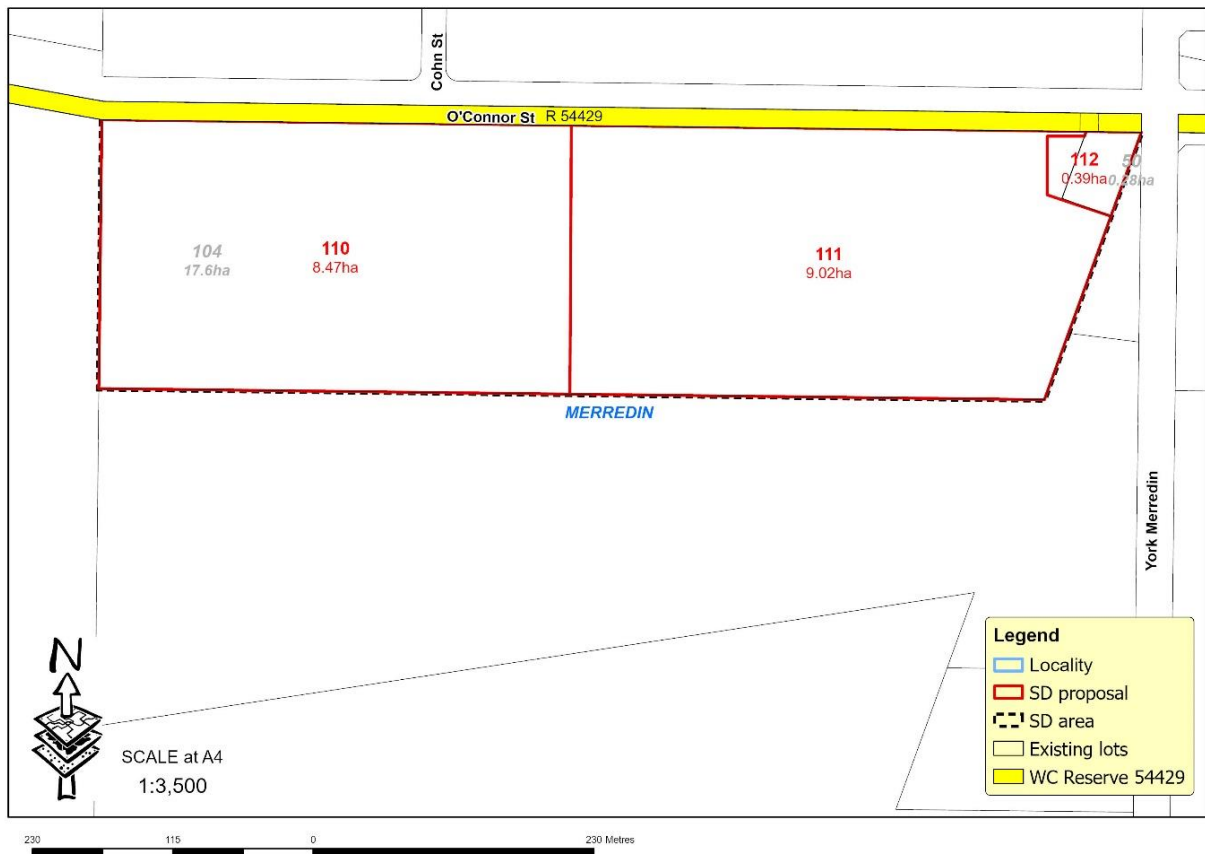
Figure 2 shows an enlargement of the subject land and the approximate proposed subdivision in red.

FIGURE 1 – LOCATION PLAN



Source: Landgate, DPLH, Planwest

FIGURE 2 – PROPOSED SUBDIVISION



Source: Landgate, DPLH, Planwest

The aerial photograph in Figure 3 is sourced from the subdivision application and shows several activities on the land including an existing dam, equipment storage shed and dwelling.

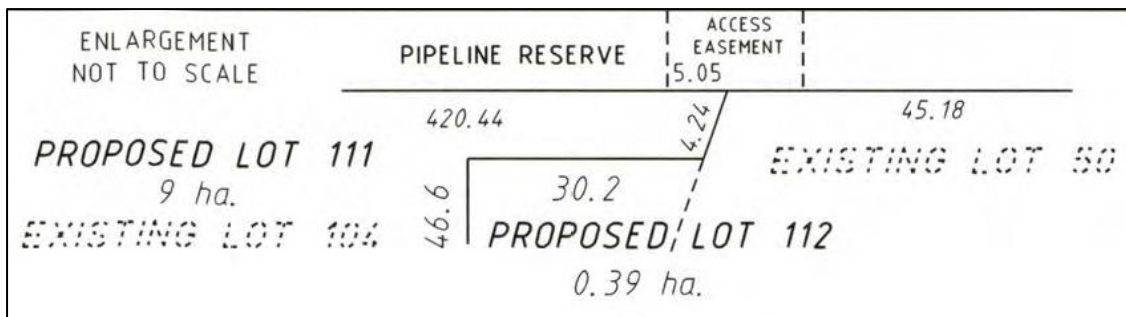
FIGURE 3 – AERIAL PHOTOGRAPH OF SUBJECT LAND



Source: SD Application, Planwest

Although Landgate mapping shows that the land fronts O’Connor Street, the abutting long property (shown yellow in Figure 2) is actually a Water Corporation Reserve for Water Supply. The application plan indicates that there is an ‘Access Easement’ across the Reserve (see Figure 4 for extract), however there is no documented evidence of this easement on the application or in a covering letter. Verbal advice from the surveyor indicates that the WAPC is aware of another access easement that will/could service proposed Lot 110. The subject land is in a difficult position as it has no frontage to a dedicated road reserve.

FIGURE 4 – EXTRACT FROM PLAN OF SUBDIVISION



Source: SD Application, Planwest

Statutory Planning Considerations

The subject land is zoned Rural Residential RR3. Figure 5 provides an extract from the Shire of Merredin Local Planning Scheme No 6 (the Scheme) mapping.

The Scheme text outlines the requirements for subdivision and development for land included in the Rural Residential zone, as shown below.

4.11 RURAL RESIDENTIAL DEVELOPMENT

4.11.1 Residential development shall comply with the R2 general site requirements of the Residential Design Codes.

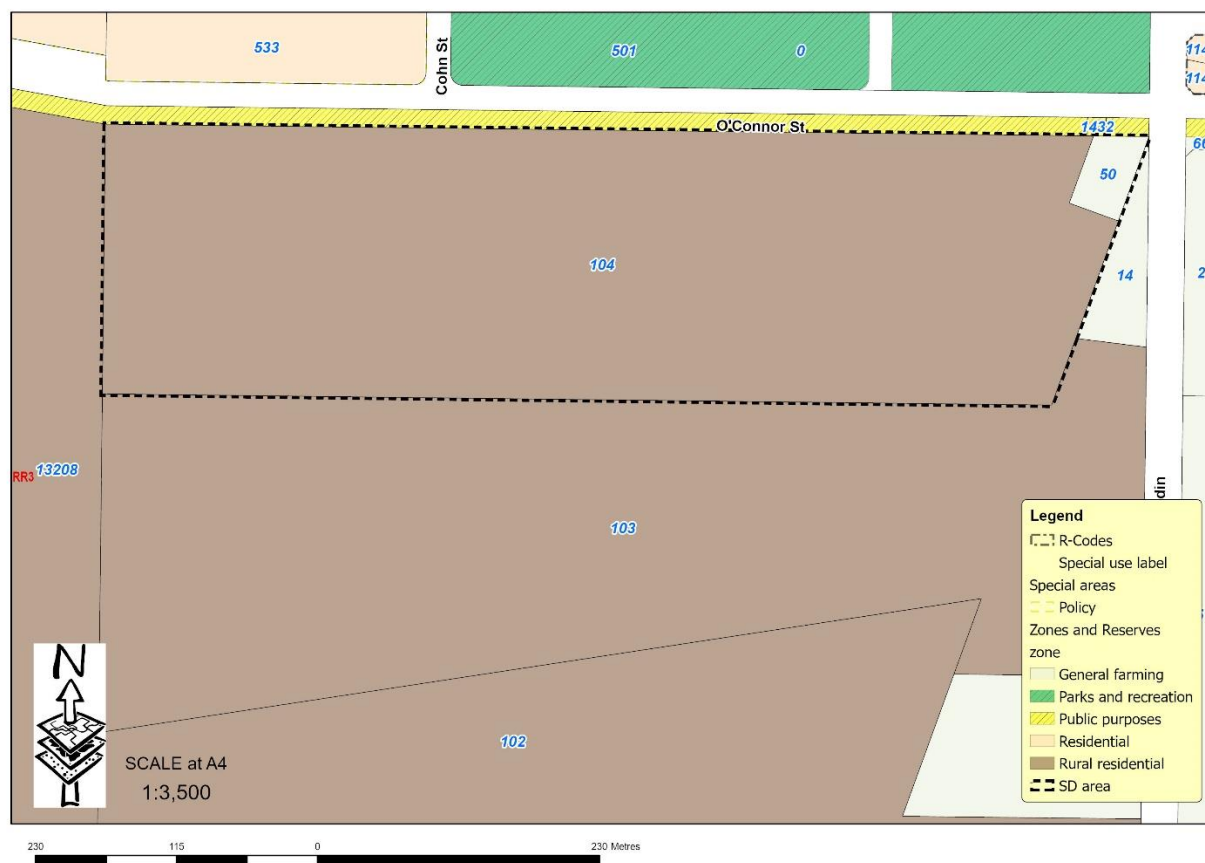
4.11.2 Subdivision and development shall only occur in accordance with an adopted Structure plan prepared in accordance with Part 4 of the deemed provisions.

4.11.3 Uses shall only be permitted in accordance with Table 1 - Zoning Table.

4.11.4 a) All lots within the Rural Residential zone will be connected to a reticulated water supply at the time of subdivision.

b) Notwithstanding clause a), where it is not practical and reasonable for lots to connect to a reticulated supply, the WAPC may consider a fit-for purpose domestic and potable water supply that includes water for firefighting. The supply must be demonstrated, sustainable and consistent with the appropriate standards for water and health.

FIGURE 5 – EXTRACT FROM SCHEME MAPPING



Source: Landgate, DPLH, Planwest

The intent of requiring a Structure Plan (SP) in these areas is to ensure that any development or subdivision does not compromise, or restrict, the future development or subdivision of the area. In this case, a SP would provide a better solution to assign a dedicated road to all lots in the SP design. The minimum lot size for the Rural Residential zone is 5,000m² (R2).

Clause 16 of the Deemed Provisions, that relates to the preparation of a SP, provides the WAPC with the authority to decide what manner or form, and what information, should be included in a SP.

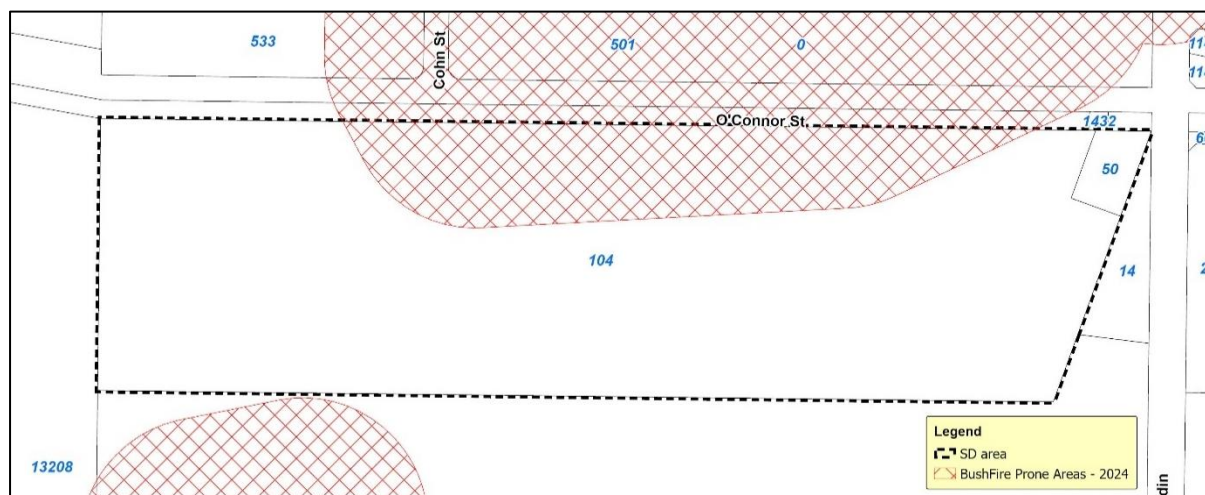
Currently the Shire is not aware of the existence of a SP for this area.

Bush Fire Management

The land is affected by Bushfire Prone mapping (see Figure 6) and therefore requires a Bushfire Management Plan (BMP).

The subdivision application is accompanied by a BMP that results in the establishment of a building envelope for each of the larger lots.

FIGURE 6 – BUSHFIRE PRONE MAPPING



Source: DFES, Landgate, Planwest

The smaller Lot (proposed Lot 112) has a small area of about 540m² with a BAL (Bushfire Attack Level) of 29. Notwithstanding this, as the Lot already supports an existing house, and is being made larger, the proposed subdivision does not create any new concerns.

Figure 7 shows an extract from the BMP for the BAL contours and setbacks for Proposed Lot 112. It is assumed that this proposed Lot will also need to use the 'Access Easement' across the Water Corporation Reserve as it also has no direct frontage to a dedicated road reserve.

FIGURE 7 – BUSHFIRE PRONE MAPPING FOR PROPOSED LOT 112



Source: BMP, Planwest

Road Access

As mentioned, the subject land currently has no frontage to a dedicated road reserve. O'Connor Street is a gravel road from the York-Merredin Road (South Ave) through to Cohn Street. All three new lots will need to be provided with access to an existing road reserve without any expense for the local government. This includes the applicant (or holder of the easement) making sure that the roadway crossover on the easement is constructed to the satisfaction of the local government.

Policy Implications

Nil

Statutory Implications

Compliance with the *Planning and Development Act 2005*.

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

The Scheme is currently the subject of an Omnibus Amendment that seeks to update and improve the relevance of the Scheme, however the control of subdivision and development within the rural residential areas remain unchanged.

Strategic Implications

Ø Strategic Community Plan

Theme: 5. Places and Spaces

Service Area Objective: 5.4 Town Planning & Building Control
5.4.2 The Shire has current local planning scheme and associated strategy which is flexible and able to suitably guide future residential and industrial growth

Priorities and Strategies for Change: Nil

Ø Corporate Business Plan

Theme: 5. Places and Spaces

Priorities: Nil

Objectives: 5.4 Town Planning & Building Control
5.4.2 The Shire has a current local planning scheme and associated strategy which is flexible and able to suitably guide future residential and industrial growth.

Sustainability Implications

Ø Strategic Resource Plan

Nil

Risk Implications

Subdivisional processes are statute-based requirements subject to approval of the WAPC with comments from various stakeholders including the relevant local government authority.

Whilst the Council may not object to the principle of the subdivision, it is the WAPC that needs to determine the compliance with the Scheme and basic subdivisional requirements like servicing, access, bushfire restrictions and the need to upgrade facilities due to a potential increase in usage. Overall, the risks associated with this proposal are considered Low (3) based on the Likelihood (1) and Consequence (3) of an adverse event associated with the proposed subdivision taking place.

Financial Implications

Nil

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation

That Council **ADVISES** the Western Australian Planning Commission that it has no objection to the proposed subdivision of Lots 50 and 104 South Ave (York-Merredin Rd), Merredin (WAPC Application No: 201283), resulting in the creation of three new lots, proposed Lot 110 (8.5ha), proposed Lot 111 (9ha) and proposed Lot 112 (0.39ha) as outlined in Attachment 12.2A, subject to the following;


1. Compliance with the Shire of Merredin Local Planning Scheme No.6 provisions relating to subdivision and development of land within the Rural Residential zone (clause 4.11 of the Scheme refers);
2. All proposed Lots to be connected to a dedicated road reserve that may require legal agreements with Water Corporation for access across the Water Supply Reserve 54429;
3. Access easements to be located and constructed to the satisfaction of the local government;
4. Compliance with the Bushfire Management Plan; and
5. The Applicant is advised that the Shire does not intend to undertake any upgrade works to O'Connor Street as part of this subdivision application.

13. Officer's Reports – Engineering Services

Nil

14. Officer's Reports – Corporate and Community Services

14.1 List of Accounts Paid – January 2025

<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 - Payments Listing January 2025	

Purpose of Report

Executive Decision

Legislative Requirement

For Council to receive the schedule of accounts paid for the month of January 2025.

Background

The attached list of accounts paid during the month of January 2025, under Delegated Authority, is provided for Council's information and endorsement.

Comment

Nil

Policy Implications

Nil

Statutory Implications

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

Strategic Implications

∅ Strategic Community Plan

Theme: 4. Communication and Leadership
Service Area Objective: 4.2.2 The Shire is progressive while exercising responsible stewardship of its built, natural and financial resources
Priorities and Strategies for Change: Nil

∅ Corporate Business Plan

Theme: 4. Communication and Leadership
Priorities: Nil
Objectives: 4.2 Decision Making

Sustainability Implications

∅ Strategic Resource Plan

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

Risk Implications

There is a compliance risk associated with this Item as the Shire of Merredin (the Shire) would be contravening the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996* if this Item was not presented to Council. The risk rating is considered to be Low (4), which is determined by a likelihood of Unlikely (2) and a consequence of Minor (2). This risk will be eliminated by the adoption of the Officer's Recommendation.

Financial Implications

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

Voting Requirements


Simple Majority

Absolute Majority

Officer's Recommendation

That Council RECEIVE the schedule of accounts paid during January 2025 as listed, covering cheques, EFT's, directly debited payments and wages, as numbered and totaling \$909,647.73 from the Merredin Shire Council Municipal bank account and \$0 from the Merredin Shire Council Trust bank account.

14.2 Policy Reviews – 5.13 & 6.4

<h2 style="margin: 0;">Community Services</h2> 	
Responsible Officer:	Codi Brindley-Mullen
Author:	As Above
Legislation:	<i>Local Government Act 1995</i> <i>Caravan Parks and Camping Grounds Regulations 1997</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 14.2A – Policy 5.13 – Cummins Theatre – Purchased Shows – tracked changes Attachment 14.2B – Policy 5.13 – Cummins Theatre – Purchased Shows – final Attachment 14.2C – Policy 6.4 Camping on Merredin Regional Community and Leisure Centre Grounds – tracked changes Attachment 14.2D – Policy 6.4 Camping on Merredin Regional Community and Leisure Centre Grounds – final

Purpose of Report

- Executive Decision
 Legislative Requirement

For Council to consider adopting the revised policies which relates to Cummins Theatre and the camping at the Merredin Regional Community and Leisure Centre (MRCLC).

Background

A variety of policies from the Cummins Theatre area need reviewing as it has not been undertaken for a number of years.

Policy 6.4 – Camping on Merredin Regional Community and Leisure Centre Grounds needs reviewing as it has not been undertaken for a number of years.

This review will ensure that the Administration are adhering to policies in place and community and visitor expectations are concise and transparent.

Comment

The policies have been reviewed to better reflect current practices, with a number of updates occurring. The key changes include:

- Addition of sections to match the current template:
 - Policy purpose

- Policy scope
 - Legislative requirements
 - Policy statement
 - Key policy definitions
 - Roles and responsibilities
 - Monitor and review
- Broadening of details to ensure the policy is clear
 - Update of Policy 5.9 – Updates include identifying who manages the process and who is responsible for the policy.
 - Update of Policy 5.13 - Updates include identifying key policy definitions, who manages the process and who is responsible for the policy, clearly outlining the responsible officers for monitoring and reviewing the policy.

Policy Implications

This Item proposes to amend the following Council Policies:

1. Policy 5.13 – Cummins Theatre – Purchased Shows.
2. Policy 6.4 – Camping on Merredin Regional Community and Leisure Centre Grounds.

Statutory Implications

As outlined in the *Local Government Act 1995*, provides for determining procedures and systems for implementing the local government’s policies as determined by the Council.

Caravan Parks and Camping Grounds Regulations 1997.

Strategic Implications

Ø Strategic Community Plan

Theme: 4. Communication and Leadership

Service Area Objective: 4.2 Decision Making
4.2.2 The Shire is progressive while exercising responsible stewardship of its built, natural and financial resources

Priorities and Strategies for Change: Nil

Ø Corporate Business Plan

Theme: 4. Communication and Leadership

Priorities: Nil

Objectives: 4.2 Decision Making

Sustainability Implications

Ø Strategic Resource Plan

Nil

Risk Implications

If these policies are not reviewed and the proposed changes adopted, it would mean that the Administration are in breach of their current practices. The risk rating is considered to be Moderate (6), which is determined by a likelihood of Unlikely (2) and a consequence of Moderate (3). This risk will be eliminated by the adoption of the Officer’s Recommendation.

Financial Implications

Nil

Voting Requirements



Simple Majority




Absolute Majority

Officer’s Recommendation

That Council:

- 1. ADOPTS Policy 5.13 – Cummins Theatre – Purchased Shows with changes as presented in Attachment 14.2B; and**
- 2. ADOPTS Policy 6.4 – Camping on Merredin Regional Community and Leisure Centre Grounds with changes as presented in Attachment 14.2D.**

14.3 Proposed New Fee and Charge – Sporting User Group Annual Fees

<h2>Community Services</h2> 	
Responsible Officer:	Codi Brindley-Mullen
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:	Nil

Purpose of Report

Executive Decision

Legislative Requirement

For Council to consider an addition to the Shire of Merredin Fees and Charges (F&C).

Background

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.

Comment

Fees and Charges are endorsed by Council within the annual budget each financial year. However, In January 2025 a local sporting club raised queries with the Administration in relation to the current Fees and Charges for child participants. The Administration raised these queries with Council at the Confidential Briefing Session held on 11 February 2025, where clarification and direction was sought. The below proposed changes reflect the direction provided by Council. This proposal supports inclusion and participation of younger community members in organised sports, with positive health and wellbeing outcomes. Similar to the current adult fees, these will be charged per sport, per season, meaning that the child participant is only charged one fee, irrespective of how many teams or competitions of that one sport is played.

Current 2024/25 Fees and Charges are in the grey shaded rows, with the proposed new fees in white.

GL	Description	Unit	GST	Total Inc GST
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3110335	Child Participant (Under 18)	Per sport, per season	\$2.27	\$25.00
3110335	Youth Participant (Ages 9 - 18)	Per sport, per season	\$2.27	\$25.00
No Current Fee				
3110335	Child Participant (Ages 8 and under)	Per sport, per season	\$0.91	\$10.00

Policy Implications

Nil

Statutory Implications

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

Strategic Implications

∅ Strategic Community Plan

Theme: 4. Communication and Leadership

Service Area Objective: 4.2.2 The Shire is progressive while exercising responsible stewardship of its built, natural and financial resources.
 4.2.3 The Council is well informed in their decision-making, supported by a skilled administration team who are committed to providing timely, strategic information and advice.

Priorities and Strategies for Change: Nil

∅ Corporate Business Plan

Theme: 4. Communication and Leadership

Priorities: Nil

Objectives: Nil

Sustainability Implications

∅ Strategic Resource Plan

Nil

Risk Implications

Council would be contravening the *Local Government Act 1995 and Local Government (Financial Management) Regulations 1996* if this Item was not presented to Council and the appropriate process followed to charge the new fee.

The risk rating is considered to be Low (4), which is determined by a likelihood of Unlikely (2) and a consequence of Minor (2). This risk will be eliminated by the adoption of the Officer's Recommendation.

Financial Implications

The decrease in fee for children aged 8 and under will see a small decrease in the overall sporting user group annual fees collected, however will hopefully encourage greater participation.

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation

That Council;

1. **AMENDS** the Shire of Merredin 2024/25 Schedule of Fees and Charges as per the table below:

Action	GL	Description	Unit	GST	Total Inc GST
Delete	3110335	Child Participant (Under 18)	Per sport, per season	\$2.27	\$25.00
Include	3110335	Youth Participant (Ages 9 - 18)	Per sport, per season	\$2.27	\$25.00
Include	No Current Fee				
Include	3110335	Child Participant (Ages 8 and under)	Per sport, per season	\$0.91	\$10.00

2. **NOTES** the changes will be incorporated into the 2024/25 Schedule of Fees and Charges for the Shire of Merredin;
3. **APPROVES** advertising the changes to the fees and charges as per Item 1 above, in accordance with the Local Government Act 1995; and
4. **INITIATES** the changes to the fees and charges as per Item 1, upon completion of Item 3 of the recommendation above.

15. Officer's Reports – Administration

15.1 Local Government Election 2025

<h1>Administration</h1> 	
Responsible Officer:	Craig Watts, CEO
Author:	As above
Legislation:	<i>Local Government Act 1995</i>
File Reference:	G/7/10
Disclosure of Interest:	Nil
Attachments:	Attachment 15.1A – WA Electoral Commission Cost Estimate Attachment 15.1B – WA Electoral Commission Written Agreement

Purpose of Report

Executive Decision

Legislative Requirement

For Council to consider the proposal from the Electoral Commissioner to manage the 2025 local government election for the Shire of Merredin (the Shire).

Background

The next local government ordinary elections are to be held on Saturday, 18 October 2025. Council is required to determine the method for conducting the elections and who will be responsible for conducting the elections.

The *Local Government Act 1995* (the Act) provides that a Council may decide whether or not to conduct a postal election or hold a voting in person election. If a Council decides to conduct a postal election, the Electoral Commissioner must conduct the election.

The current procedure required by the Act is that the written agreement of the Electoral Commissioner is required prior to the vote by Council being taken. To facilitate the process, the Electoral Commissioner has written to the Shire agreeing to be responsible for the conduct of the ordinary elections in 2025 for the Shire in accordance with section 4.20(4) of the Act, together with any other elections or polls that may also be required. This agreement is also subject to the proviso that the Shire also wishes to have the election undertaken by the Western Australian Electoral Commission (WAEC) as a postal election.

The Shire of Merredin Council 2017, 2019, 2021, and 2023 elections were administered by the Electoral Commissioner and conducted using the postal method.

Comment

Elections conducted by the WAEC utilises their resources and expertise in conducting elections and also ensures the impartiality and integrity of the election process.

For many years the WAEC has conducted the local government elections for the Shire as a postal election with a good response from voters being achieved. The advantages of using the WAEC to conduct the election include:

- A postal ballot has a higher elector turnout;
- It is seen to be independent from Council; and
- It relieves Administration staff of the workload associated with the election process, although some staff may be contracted by the WAEC to assist with the vote counting.
- The WAEC has acknowledged the delays which occurred in the last election and is taking steps to improve its service.

It is therefore proposed that the WAEC again conduct the 2025 Local Government Ordinary Election via postal vote.

Policy Implications

Nil

Statutory Implications

Sections 4.20(4) and 4.61(2) of the *Local Government Act 1995* apply in appointing the WAEC to conduct the election on behalf of the Shire.

Strategic Implications

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

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

Sustainability Implications

∅ Strategic Resource Plan	
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Nil

Risk Implications

If the WAEC is not endorsed to undertake the election process, the Shire will need to seek an alternate provider or undertake the election using internal resources. This will impose a burden on the Shire Administration, potentially leading to compliance issues with the electoral process including vote counting via the preferential ballot method. The risk rating is considered to be Moderate (8), which is determined by a likelihood of Likely (4) and a consequence of Minor (2). This risk will be eliminated by the adoption of the Officer's Recommendation.

Financial Implications

The estimated cost for the WAEC to conduct the 2025 election via postal ballot is \$21,101 ex GST based on an estimated three positions. The details for the costs involved for the WAEC to run the election can be found in Attachment 15.1A.

The WAEC is required by the Act to conduct local government elections on a full cost recovery bases and it is important to note that what they have provided is an estimate only and may vary depending on a range of factors including, the cost of materials or number of replies received.

The basis for charges is all materials at cost and a margin on staff time only. Should a significant change in this figure become evident prior to or during the election, the Shire will be advised as early as possible.

An allocation will need to be made in the 2025/26 Annual Budget for the WAEC's costs, as well as additional advertising expenditure should Council wish to advertise locally in addition to the legislated State-wide advertising included as part of the WAEC quotation.

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation

That Council:

- 1. DECLARE in accordance with section 4.20(4) of the Local Government Act 1995 the Electoral Commissioner be responsible for the conduct of the 2025 ordinary election together with any other elections or polls which may be required;**
- 2. DECIDE in accordance with section 4.61(2) of the Local Government Act 1995 that the method of conducting the 2025 election be as a postal election; and**
- 3. NOTES the associated costs of conducting the 2025 Ordinary Elections will be included in the 2025/26 Annual Budget.**

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

19.1 Disposal of Property

20. Closure

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