



MINUTES

Ordinary Council Meeting

Held in Council Chambers
Corner King & Barrack Street's, Merredin
Tuesday 19 March 2019



Common Acronyms Used in this Document

CBP	Corporate Business Plan
CEACA	Central East Aged Care Alliance
CEO	Chief Executive Officer
CSP	Community Strategic Plan
CWVC	Central Wheatbelt Visitors Centre
DCEO	Deputy CEO
EA	Executive Assistant to CEO
EMCS	Executive Manager of Corporate Services
EMDS	Executive Manager of Development Services
EMES	Executive Manager of Engineering Services
GECZ	Great Eastern Country Zone
LGIS	Local Government Insurance Services
LPS	Local Planning Scheme
MCO	Media & Communications Officer
MoU	Memorandum of Understanding
MRCLC	Merredin Regional Community and Leisure Centre
SRP	Strategic Resource Plan
WALGA	Western Australian Local Government Association
WEROC	Wheatbelt East Regional Organisation of Councils

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Shire of Merredin
Ordinary Council Meeting
Tuesday 19 March 2019



1. Official Opening

The President welcomed those in attendance and declared the meeting open at 5.30pm.

2. Record of Attendance / Apologies and Leave of Absence

Councillors:

Cr KA Hooper	President
Cr MD Willis	Deputy President
Cr BJ Anderson	
Cr LN Boehme	
Cr AR Butler	
Cr RM Crees	
Cr MA Crisafio	
Cr JR Flockart	
Cr PR Patroni	

Staff

G Powell	CEO (until 6.28pm)
K Bartley	DCEO (until 6.28pm)
P Zenni	EMDS (until 5.38pm)
V Green	EA to CEO (until 6.28pm)
M Wallace	MCO (until 6.28pm)

Members of the Public: Nil

Apologies: Nil

Approved Leave of Absence: Nil

3. Public Question Time

Nil

4. Disclosure of Interest

Councillor Anderson declared an Impartiality Interest in Item 14.4.

Councillor Flockart declared an Impartiality Interest in Item 15.4.

5. Applications for Leave of Absence

Nil

6. Petitions and Presentations

Nil

7. Confirmation of Minutes of the Previous Meetings

7.1 Ordinary Council Meeting held on 19 February 2019

[Attachment 7.1A](#)

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Willis

Seconded: Cr Crees

82327 That the Minutes of the Ordinary Council Meeting held on 19 February 2019 be confirmed as a true and accurate record of proceedings.

CARRIED 9/o

8. Announcements by the Person Presiding without discussion

Nil

9. Matters for which the Meeting may be closed to the public

19.1 Staff – Chief Executive Officer – Contract of Employment
Refer to [Page 43](#) for the resolution of this Item.

10. Receipt of Minutes of Committee Meetings

10.1 WEROC Executive Committee Meeting held on 13 February 2019
[Attachment 10.1A](#)

10.2 Audit Committee Meeting held on 19 March 2019
[Attachment 10.2A](#)

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Boehme

Seconded: Cr Flockart

82328 That the Minutes of the Wheatbelt East Regional Organisation of Council Executive Committee Meeting held on 13 February 2019 and the Audit Committee Meeting held on 19 March 2019 be received.

CARRIED 9/o

11. Recommendations from Committee Meetings for Council consideration

11.1 Audit Committee Meeting held on 19 March 2019

Voting Requirements

Simple Majority Absolute Majority

6.1 2018 Compliance Audit Return

Committee Resolution

Moved: Cr Flockart Seconded: Cr Patroni

82326 That the Audit Committee recommends to Council:

1. that it receives the 2018 Compliance Audit Return;
2. that it adopts the 2018 Compliance Audit Return for the period 1 January 2018 to 31 December 2018 as contained in Attachment 6.1A;
3. that it authorises the Shire President and Chief Executive Officer to sign the joint certification and submit the completed 2018 Compliance Audit Return, and any additional information explaining or quantifying the compliance audit, to the Department of Local Government, Sport and Cultural Industries by 31 March 2019; and
4. that it notes the areas where remedial action is required and requests the Chief Executive Officer to address these areas and report back to Council on the measures taken to mitigate the non-compliance in due course.

CARRIED 4/0

Voting Requirements

Simple Majority Absolute Majority

Council Resolution

Moved: Cr Patroni Seconded: Cr Willis

82329 That Council:

1. receives the 2018 Compliance Audit Return;
2. adopts the 2018 Compliance Audit Return for the period 1 January 2018 to 31 December 2018 as contained in Attachment 6.1A;
3. authorises the Shire President and Chief Executive Officer to sign the joint certification and submit the completed 2018 Compliance Audit Return, and any additional information explaining or quantifying the compliance audit, to the Department of Local Government, Sport and Cultural Industries by 31 March 2019; and
4. notes the areas where remedial action is required and requests the Chief Executive Officer to address these areas and report back to

Council on the measures taken to mitigate the non-compliance in due course.

CARRIED 9/0

12. Officer's Reports - Development Services

12.1 Road Closure Associated with Request for Purchase of Land Adjacent to 20 Pioneers Road, Merredin

<h2>Development Services</h2>		
Responsible Officer:	Peter Zenni, EMDS	
Author:	As above	
Legislation:	<i>Land Administration Act 1997; Land Administration Regulations 1998</i>	
File Reference:	A2702	
Disclosure of Interest:	Nil	
Attachments:	Attachment 12.1A - Photos and Correspondence	

Purpose of Report

- Executive Decision Legislative Requirement

Background

The Shire of Merredin has been approached by the owner of 20 Pioneers Road, Merredin who is seeking to purchase a portion of land on the east side and immediately adjacent to his property located at 20 Pioneers Road Merredin, for amalgamation with his existing property.

Comment

The subject land is located on the east side of 20 Pioneers Road, Merredin and forms part of a gazetted road (Polygon ID Number 1299701). Whilst the owner of 20 Pioneers Road, Merredin has expressed an interest in purchasing the portion of the land that immediately adjoins his existing property in order to facilitate the amalgamation of the land, the gazetted road area actually extends between Lewis Way and Pioneers Road, Merredin.

In order for the owner of 20 Pioneers Road, Merredin to be able to purchase a portion of this land, the gazetted road will have to be formally closed by the responsible Minister in accordance with the applicable statutory processes.

The EMDS has previously advised the owner of 20 Pioneers Road, Merredin of the following:

1. the need to formally approach the Shire of Merredin stating interest in and reasons for purchasing the said land and seeking support from the Shire of Merredin for formal closure of the road;
2. that if Council supports the request it would need to (subject to compliance with Section 53 of the *Land Administration Act 1997* and Regulation 9 of the *Land Administration Regulations 1998*) request the Minister responsible for administration of the *Land Administration Act 1997* to close the road; and
3. that prior to making such a request the Shire of Merredin would need to advertise for public comment its intention to resolve that it request the Minister to close the road, following which Council would need to consider all submissions received during the 35-day advertising period, before determining whether to proceed with the request to the Minister to close the road.

The EMES has advised that the land parcel is approximately only 3.6 meters in width, is unlikely to be ever used as a road and has no practical value to the Shire of Merredin.

The owner of 20 Pioneers Road, Merredin has confirmed that he will reimburse Council for any costs associated with statutory advertising forming part of the process of the proposed road closure, as well any unexpected costs associated with officer time involved in this process.

Policy Implications

Nil

Statutory Implications

Compliance with the *Land Administration Act 1997* and the *Land Administration Regulations 1998*.

Strategic Implications

➤ Strategic Community Plan

Zone: Communication & Leadership
Zone Statement: Merredin Council engages with its Community and leads by example
Key Priority: Ensuring all planning, reporting and resourcing is in accordance with best practice, compliance and statutory requirements

➤ Corporate Business Plan

Key Action: 4.1.1 Continue to update 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

The owner of 20 Pioneers Road, Merredin has confirmed that he will reimburse Council for any costs associated with statutory advertising forming part of the process of the proposed road closure, as well any unexpected costs associated with officer time involved in this process.

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Crisafio

Seconded: Cr Patroni

82330 That:


1. in accordance with Section 58(3) of the *Land Administration Act 1997*, the Shire of Merredin advertise via a notice of motion (published in a newspaper circulating in the district) its intention to resolve to approach the Minister responsible for the administration of the *Lands Administration Act 1997*, requesting the closure of the gazetted road identified as the parcel of Land with a Polygon ID Number 1299701, extending between Lewis Way and Pioneers Road, Merredin, as presented in Attachment 12.1A; and
2. following the public advertising period all submissions received be brought back to Council for consideration.

CARRIED 9/o

5.38pm – P Zenni, EMDS, left the meeting and did not return.

13. Officer's Reports - Engineering Services

13.1 Proposal to Redevelop Apex Park

<h2>Engineering Services</h2>		 SHIRE OF MERREDIN INNOVATING THE WHEATBELT
Responsible Officer:	Mike Hudson, EMES	
Author:	As above	
Legislation:	<i>Local Government Act 1995</i>	
File Reference:	PR/4/1	
Disclosure of Interest:	Nil	
Attachments:	Attachment 13.1A - Concept Plan and Costings	

Purpose of Report

Executive Decision Legislative Requirement

Background

Contained within the 2018/19 Budget (job number 1137) is an amount of \$150,000 for Apex Park Play Equipment. This amount was allocated in the budget to repair and effect minor upgrades of the existing playground equipment.

Council subsequently formed an informal committee which looked at preparing a concept plan to facilitate major upgrades to Apex Park by re-grouping the existing equipment, the installation of new equipment, the construction of a half-court basketball court and a driver training circuit for children.

Comment

A concept plan has been developed inclusive of both design and indicative costings.

To maximise purchasing potential, ideally all the new playground equipment will need to be purchased at the same time. Because the concept plan identifies only one brand of playground equipment and the expected purchase price is above the tender limitation of \$150,000, a public tender is required. By going to public tender, it allows all potential suppliers to submit their proposals with 'like for like' equipment ensuring the result represents the 'best value for money' solution.

Policy Implications

Policy 5.4 - Establishment and Maintenance of Playground Equipment states:

“To ensure that playground equipment, under the control of the Shire, is maintained to the highest standard possible, all new playground equipment purchased by Council, donated or supplied on a joint venture basis and constructed on Council owned or controlled land shall be according to the Australian Standards Association (1924, Part 1, 1981) Playground Equipment for Parks, Schools and Domestic Use (ASA2155 - 1982 and 2555 – 1982)”.

In researching this Item it was identified that the above-mentioned Australian Standard has since been superseded by AS4685 Playground Equipment and Surfacing. As such Policy 5.4 - Establishment and Maintenance of Playground Equipment will require amendment, however to enable a fully informed review, and any implications from the resolution of this item to be considered, the policy review will be presented to Council’s April 2019 meeting. It should also be noted that AS 4685 is a non-mandatory Standard.

Statutory Implications

Australian Standards Association AS4685 Playground Equipment and Surfacing as a non-mandatory Standard.

Strategic Implications

➤ Strategic Community Plan

Zone: Zone 5 – Places and Spaces
Zone Statement: Merredin is a an attractive regional town that creates opportunities for residents and visitors to enjoy its many attractions.
Key Priority: 5.1 – Designing and maintaining attractive parks, open spaces the town centre and streetscapes that creates opportunities for people to come together, socialise and enjoy a range of activities

➤ Corporate Business Plan

Key Action: 5.1.3 – Progressively renew and upgrade infrastructure at Apex Park and Roy Little Park
Directorate: Engineering Services
Timeline: 2018/19; 2019/20

Sustainability Implications

➤ Strategic Resource Plan

Any maintenance and repairs will be included in standard operating practices.

➤ Workforce Plan

Directorate: Nil
Activity: Nil

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

Risk Implications

With the installation of any new equipment, or the refurbishment of existing equipment there is potential for the risk of injury with a subsequent increase in our public liability.

There could also be reputational risk to Council due to any perceived concern from the community for the infrastructure not being progressively renewed.

Financial Implications

Potential revenue sources have been analysed and are summarised below:

1. utilise funds held in Reserve – Recreation Reserve (funds currently held in this Reserve have been identified for surfacing renewals);
2. borrow the required funds:
 - a. 5 yr. plan, principal and interest repayment, or
 - b. 10 yr. plan, principal and interest repayment,(Included as an Attachment are loan amortisation schedules for both loan periods);
3. a combination of grant funding and own resources (potential grant funding sources are contained within the Attachments); or
4. save up for the project by allocating funding in future budgets until the Shire can afford to deliver the project.

Any increase in ongoing maintenance costs have not been considered at this time.

Voting Requirements

Simple Majority Absolute Majority

Officer's Recommendation

That:

1. the Concept Plan with indicative costings for the redevelopment of Apex Park be adopted in order to facilitate community consultation;
2. Council resolves its preferred option for funding the Concept Plan;
3. a community consultation period of three weeks commencing Friday 29 March 2019 (date of the next publication of The Phoenix) be undertaken; and
4. the matter be referred back to Council following the consultation period.

Resolution

Moved: Cr Anderson

Seconded: Cr Boehme

82331 That:


1. the Concept Plan with indicative costings of between \$450,000-\$550,000 for the redevelopment of Apex Park be adopted in order to facilitate community consultation;
2. Council's preferred option for funding the Concept Plan is Option 3 with Council using its own resources for 50% and seeking grant funds for 50% of the project costs;
3. a community consultation period of three weeks commencing Friday 29 March 2019 (date of the next publication of The Phoenix) be undertaken; and
4. the matter be referred back to Council following the consultation period.

CARRIED 9/0

Reason

Council believed that an approximate amount and the preferred funding option needed to be included as part of the community consultation process, whilst noting that the plan is still in the concept stage and yet to be fully costed through a tender process.

13.2 Policy Manual Review – Proposed Policy 7.13 - Verge Treatments, Plantings and Beautification

<h2>Engineering Services</h2>		
Responsible Officer:	Mike Hudson, EMES	
Author:	As above	
Legislation:	<i>Local Government Act 1995; Activities in Thoroughfares and Public Places and Trading Local Law (as amended 2017); Road Traffic Code 2000</i>	
File Reference:	Policy Manual	
Disclosure of Interest:	Nil	
Attachments:	Attachment 13.2A – Proposed Policy 7.13 - Verge Treatments, Plantings and Beautification	

Purpose of Report

- Executive Decision Legislative Requirement

Background

During the community engagement phase of the Merredin Strategic Community Plan 2018–2028 conducted in March 2018, members of the community expressed that they wanted to address a number of issues including... ‘edible verge gardens and general improvement of road side verges’.

Comment

A proposed policy has been developed and the policy provides guidelines to what is a “Permissible Verge Treatment” within the verge area of Shire roads in Merredin. The policy provides guidelines of plantings and/or beautification to roadside verges. The policy outlines the Shire’s and residents’ responsibilities, whilst ensuring verges within the Shire are maintained at a safe level relative to that of the abutting road and/or footpath.

Policy Implications

This is a new policy, with an update to the Policy Manual required if it is adopted.

Statutory Implications

Nil

Strategic Implications

➤ Strategic Community Plan

Zone: Zone 5 – Places and Spaces
Zone Statement: Merredin is a an attractive regional town that creates opportunities for residents and visitors to enjoy its many attractions
Key Priority: 5.1 – Designing and maintaining attractive parks, open spaces the town centre and streetscapes that creates opportunities for people to come together, socialise and enjoy a range of activities

➤ Corporate Business Plan

Key Action: 5.1.5 - Develop streetscapes initiatives to encourage local pride and sense of ownership
Directorate: Engineering Services
Timeline: 2018/19

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 is an increased risk of pedestrian injury with a subsequent increase in our public liability if installations are not installed and maintained in accordance with this policy. This will be minimised through routine surveillance of our streets and footpaths by the Town Supervisor.

Financial Implications

The Shire will subsidise the purchase of Waterwise native plants within annual limits set out in the budget. The cost will be offset by a reduction of maintenance activities on verges as residents take up ‘the care and ownership’ of their verges.

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Crisafio

Seconded: Cr Butler

82332 That Policy 7.13 - Verge Treatments, Plantings and Beautification be adopted and included in the Policy Manual.

6.06pm – Councillor Crisafio left the meeting.

CARRIED 8/o

14. Officers Reports – Corporate and Community Services

14.1 List of Accounts Paid

<h2>Corporate Services</h2>		
Responsible Officer:	Charlie Brown, 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 14.1A - List of Accounts Paid	

Purpose of Report

- Executive Decision
 Legislative Requirement

Background

The attached List of Accounts Paid during the month of February 2019 under Delegated Authority is provided for Council’s information.

Comment

Nil

Policy Implications

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

Statutory Implications

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

Strategic Implications

Strategic Community Plan

Zone: Zone 4 – Communication and Leadership
 Zone Statement: Merredin Council engages with its community and leads by example

Key Priority: 4.1 – Ensuring all planning, reporting and resourcing is in accordance with best practice, compliance and statutory requirements

Corporate Business Plan

Key Action: 4.1.1 – Continue to update the Integrated Planning Framework, meet statutory requirements of the Local Government Act and regulations and regulatory obligations required under other regulations

Directorate: Corporate 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

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

Financial Implications

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

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Patroni

Seconded: Cr Crees

82333 That the schedule of accounts paid as listed covering cheques, electronic funds transfers, bank charges, directly debited payments and wages, as numbered and totalling \$838,933.49 from Council's Municipal Fund Bank Account and \$2,038.28 from Council's Trust Account, be endorsed.

CARRIED 8/o

6.07pm – Councillor Crisafio entered the meeting.

14.2 Statement of Financial Activity

<h2>Corporate Services</h2>		 <p>SHIRE OF MERREDIN INNOVATING THE WHEATBELT</p>
Responsible Officer:	Charlie Brown, 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 - Statement of Financial Activity	

Purpose of Report

- Executive Decision
 Legislative Requirement

Background

The Statement of Financial Activity, which includes the Detailed Schedules, Statement of Financial Position, Current Ratios and Investment Register, are attached for Council’s information.

Comment

Operating Income and Expenditure is consistent with Council’s YTD Budget with Operating Income 2% down up budget estimates and Expenditure showing a 1% variance. The main reason behind the income variance is grant income not being received as anticipated, this will even out over the next three months.

As can be seen on page 3 the Adjusted Net Current asset position is consistent with the same period last year.

Explanations at Program level, where possible, is held at Note 2, however a detailed listing can be seen in the Attachment.

Capital Expenditure

A detailed look at capital expenditure can be found in Note 8.

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

Zone: Zone 4 – Communication and Leadership
Zone Statement: Merredin Council engages with its community and leads by example
Key Priority: 4.1 – Ensuring all planning, reporting and resourcing is in accordance with best practice, compliance and statutory requirements

Corporate Business Plan

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

Sustainability Implications

Strategic Resource Plan

Compliance with the *Local Government (Administration) Regulations 1996* and to give Council some direction in regards to 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, providing a retrospective picture of Shire activities. Contained within the report is information pertaining to the financial cost and delivery of strategic initiatives and key projects.

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

Materiality reporting thresholds have been established at 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 Regulation 5 of the *Local Government (Financial Management Regulations) 1996*, 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 of the Monthly Financial Report is retrospective. Accordingly, the financial implications associated with adopting the Report are nil.

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Willis

Seconded: Cr Butler

82334 That in accordance with Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, the Statement of Financial Activity and the Investment Report for the period ending 28 February 2019 be received.

CARRIED BY ABSOLUTE MAJORITY 9/0

14.3 Integrated Planning and Reporting – Corporate Business Plan 2018/2022 Quarterly Review - March 2019

<h2>Corporate Services</h2>		
Responsible Officer:	Kellie Bartley, DCEO	
Author:	As above	
Legislation:	<i>Local Government Act 1995</i>	
File Reference:	CM/13/4	
Disclosure of Interest:	Nil	
Attachments:	Attachment 14.3A – Corporate Business Plan 2018/2022 Quarterly Review – March 2019	

Purpose of Report

- Executive Decision Legislative Requirement

Background

The Shire’s Corporate Business Plan 2018/2022 demonstrates how the objectives of the Shire’s Strategic Community Plan will be achieved. The *Local Government Act 1995* requires Local Government to plan for the future of their district.

The Integrated Planning and Reporting Process Plan (IPR) planning and monitoring cycle is continuous. The planning cycle requires all local governments to undertake a major Strategic Review in the first four years. This meant the Shire of Merredin’s first Strategic Review was undertaken in 2015/16. Council recently revised the Strategic Community Plan and the Corporate Business Plan. Council adopted the review of IPR Suite of Plans to include the:

1. Corporate Business Plan 2018/2022;
2. Strategic Community Plan 2018/2028;
3. Strategic Resource Plan 2016-2031; and
4. Workforce Plan 2015/16 – 2018/19.

Comment

With the implementation of the suite of plans, monitoring is undertaken through the IPR Process Plan outlining Merredin’s Baseline Report to include:

1. Key Zones;
2. Strategic Goals;

3. Key Priorities;
4. Strategies; and
5. Key Actions.

The Corporate Business Plan 2018/2022 Quarterly Review – March 2019 is presented to Council for its perusal.

Policy Implications

Nil

Statutory Implications

It is a requirement to produce a plan for the future under Section 5.56(1) of the *Local Government Act 1995*. The IPR Framework is being introduced in Western Australia as part of the State Government's Local Government Reform Program.

Strategic Implications

➤ Strategic Community Plan

Zone: Zone 4 - Communication and Leadership

Zone Statement: Merredin Council engages with its Community and leads by example

Key Priority: Ensuring all planning, reporting and resourcing is in accordance with best practice, compliance and statutory requirements

➤ Corporate Business Plan

Key Action: 4.1.1 – Continue to update the Integrated Planning Framework, meet statutory requirements of the Local Government Act and Regulations and regulatory obligations required under other regulations

Directorate: Corporate Services

Timeline: Ongoing

Sustainability Implications

➤ Strategic Resource Plan

The Strategic Resource Plan 2016-2031 outlines the Shire of Merredin's long term financial commitments and strategies to manage Council's assets.

➤ Workforce Plan

Directorate: Chief Executive Officer

Activity: All Activity Areas

Current Staff: 47

Focus Area: All Focus Areas

Strategy Code: AR

Strategy: Attraction and Retention

Implications: It is anticipated that the workforce will remain the same

Risk Implications

The adoption, implementation and monitoring of the IPR Suite of Plans provides a mechanism to:

1. deliver accountable and measureable outcomes;
2. deliver services and manage assets that can sustain the community; and
3. management of systems with the rigour of process and integrity of data to accurately reflect asset management costs.

Financial Implications

There are financial implications to Council in relation to this item as the suite of plans recognises outcomes. Identified outcomes from the IPR Suite of Plans are factored into the Council's Strategic Resource Plan 2016-2031.

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Anderson

Seconded: Cr Crisafio

82335 That the Corporate Business Plan 2018/2022 Quarterly Review – March 2019, as presented in Attachment 14.3A, be received.

CARRIED 9/0

Councillor Anderson declared an Impartiality Interest in this Item 14.4.

14.4 Merredin and Districts Childcare and Play School (MADCAPS)

<h2 style="margin: 0;">Community Services</h2>		
<p>Responsible Officer:</p> <p>Author:</p> <p>Legislation:</p> <p>File Reference:</p> <p>Disclosure of Interest:</p> <p>Attachments:</p>	<p>Kellie Bartley, DCEO</p> <p>As above</p> <p><i>Local Government Act 1995</i></p> <p>RSC/4/10</p> <p>Nil</p> <p>Attachment 14.4A – MADCAPS Financial Statements (Confidential)</p> <p>Attachment 14.4B – MADCAPS Information Sheet and REED Information Sheet</p>	

Purpose of Report

- Executive Decision
 Legislative Requirement

Background

Historically the Shire of Merredin has provided financial support to the MADCAPS contributing towards the cost of the maintenance and utilities. No formal arrangement recognising this support was in place nor was an assessment for the need undertaken, until early 2014.

At its May 2014 meeting Council considered continuing the financial support and resolved (CMRef 81366):

“That financial support to the Merredin and Districts Childcare and Play School (MADCAPS) continue, with the assistance capped at \$4,000 per financial year for a term of three (3) years with a review of the financial support in March 2016 to determine the continued need, if any.”

MADCAPS continues to operate in premises owned by the Department of Local Government, Sports and Cultural Industries. The Department maintains the asset with minor maintenance undertaken by MADCAPS. Capital improvements for equipment and resources is the responsibility of MADCAPS.

Comment

Consultation with MADCAPS representatives is ongoing to retain an understanding of their operations, finances and issues.

MADCAPS supports some 48 families based within the Shire of Merredin. The service provides the opportunity for parents to return to work, contributing to the retention of professionals required to support the business sector.

Parents utilising the service work in a cross section of industries including but not limited to transport, retail, commercial, education, health, community development, agriculture, administration, government and private business. Without a child care facility parents of children under the age of six would not be able to return to the workforce.

Fees and charges are reviewed annually along with the preparation of the budget. The current structure is in line with Centres across the Wheatbelt. Subsidies through the Federal Government are available to families. The Child Care Rebate of up to \$7,500 per annum is available for all users. In addition, the Child Care Rebate is accessible but eligibility is based on income.

MADCAPS continue to encounter difficulties attracting and retaining qualified staff to implement the legislative requirements under the National Quality Framework, in addition to daily operations and service delivery.

In 2019 the MADCAPS management committee has begun the process of joining Regional Early Education Development Inc. (REED). REED is a not-for-profit Wheatbelt based organisation created after requests from services around the region, including MADCAPS with the support of Hon. Mia Davies MLA, for support to stay open. REED operates in Narrogin presently and will be overseeing and improving the quality and sustainability of childcare in the Wheatbelt once it grows to include more centres.

Most other services joining REED are operated by Shires and the body is hoping to maintain Shire support, at very least, during its infancy. As a not-for-profit body REED is operating on government grants and the Merredin Centre will still have the same expenses and financial issues. If REED is not successful it is highly likely that this childcare centre will not be able to stay open in Merredin as the management committee have struggled to staff the centre and ensure it is meeting all of the regulatory requirements of the industry. MADCAPS hopes the Shire continues to support childcare in Merredin even when the centre joins the REED network.

Applying for external funding through available grants to assist cover costs involved in improving the facility continues.

Below is a summary of MADCAPS current financial position:

Statement of Receipts Year Ended 30 June 2018	
Receipts	\$537,130.86
Payments	\$509,613.06
Net Surplus/Deficit	\$27,517.80

Statement of Cash and Bank Balances as at 30 June 2018	
Bank Balances	\$129,501.49
Surplus for Year Ending 30 June 2018	\$26,855.54
Total Cash/Bank Balances	\$156,356.03

Profit and Loss Budget vs Actual as at February 2019	
Total Income YTD	\$388,411.38
Total Expenses YTD	\$427,516.62

At its April 2016 meeting Council considered continuing the financial support and resolved (CMRef 81770):

“That financial support to the Merredin and Districts Childcare and Play School (MADCAPS) continue, with the assistance capped at \$6,000 per financial year for a term of three (3) years with a review of the financial support in March.”

Policy Implications

Nil

Statutory Implications

Part 6 – Financial Management of the *Local Government Act 1995* requires the local government with financial management including the annual budget, financial accounting and reporting of the funds of the local government.

Strategic Implications

➤ Strategic Community Plan

Zone: Zone 1 - Community and Culture
 Zone Statement: Merredin is rich in cultural diversity, performing and fine arts and a variety of sports available for both residents and visitors
 Key Priority: 1.6 – Support and strengthening community groups, organisations and volunteers

➤ Corporate Business Plan

Key Action: 1.6.1 – Support community groups to deliver activities and services to the community effectively and sustainably
 Directorate: Community Services
 Timeline: Ongoing

Sustainability Implications

➤ Strategic Resource Plan

Nil

➤ Workforce Plan

Nil

Risk Implications

The risk to the organisation is of a financial risk. However, funding is able to be allocated in the budget process for the 2019/20 financial year. The risk to the community will be of reduced services towards the community. MADCAPS will find it increasingly difficult to manage the existing tight financial restrictions without this assistance.

Financial Implications

A capped allocation of \$6,000 will be included in the draft 2019/20 Budget for consideration.

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Boehme

Seconded: Cr Crisafio

82336 That \$6,000 per financial year for the Merredin and Districts Childcare and Play School (MADCAPS) be included in the draft annual budget for a term of three (3) years with a review of the financial support in March 2022.

CARRIED BY ABSOLUTE MAJORITY 9/o

15. Officer's Reports – Administration

15.1 Informal Community Forum - 19 February 2019 – Consideration of Notes and Actions

<h2>Administration</h2>		
Reporting Officer:	Greg Powell, CEO	
Author:	Vanessa Green, EA to CEO	
Legislation:	Nil	
File Reference:	CR/17/26	
Disclosure of Interest:	Nil	
Attachments:	Attachment 15.1A – Notes and Actions	

Purpose of Report

Executive Decision Legislative Requirement

Background

Following its February meeting Council conducted an Informal Community Forum enabling members of the community to have a general conversation with Council, without the formality of a meeting, on whatever topic or issue was of interest to them.

As was the case with the June 2018 forum, this forum was well attended, with the community seemingly appreciating the opportunity for an informal discussion, and the notes from the forum are attached for Council's information.

Comment

The notes contain the general topics of discussion and, where relevant, include actions to be undertaken by either the community or staff.

Where possible, the activity to complete the actions has already been undertaken and this is noted within the attachment.

In accordance with Council's resolution of July 2018 (CMRef 82222) the next informal community forum is scheduled for June 2019.

A benefit of each forum is that it provides an opportunity to add names to the Shire’s newsletter mailing lists ensuring more people can continually be informed of activities and events. The regular conduct of the forums also enables Council to “report back” to the community on the progress of actions from the previous forum, and other activities undertaken during the period.

Policy Implications

Nil

Statutory Implications

Nil

Strategic Implications

➤ Strategic Community Plan

Vision Element: Developing
Strategic Goal: The population and economic base is expanding sustainably
Key Priority: Governance

➤ Corporate Business Plan

Strategy: SP.D4.2 – Enhance interactive communication between the Shire and the community
Action #: 1
Action: Communicate with the community through various mediums
Action #: 2
Action: Engage the community in decisions which affect them
Directorate: Office of the 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

Nil

Financial Implications

Some actions discussed at the forum have financial implications and these, where applicable, will be included in the current or forthcoming budgets.

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Anderson

Seconded: Cr Patroni

82337 That:

1. the notes from the Informal Community Forum held on 19 February 2019, as presented in Attachment 15.1A, be received; and
2. the actions included in the notes from the Informal Community Forum held on 19 February 2019 be noted.

CARRIED 9/0

15.2 Local Government Election 2019

Administration



Responsible Officer:	Greg Powell, CEO
Author:	Vanessa Green, EA to CEO
Legislation:	<i>Local Government Act 1995</i>
File Reference:	G/7/17
Disclosure of Interest:	Nil
Attachments:	Attachment 15.2A – Correspondence

Purpose of Report

Executive Decision Legislative Requirement

Background

Correspondence has been received from the WA Electoral Commission (WAEC) outlining the process to be taken should Council resolve for the WAEC to conduct the 2019 Local Government Ordinary Election via postal vote.

The next election is scheduled for 19 October 2019. There will be five Councillor positions becoming vacant, being Councillors Hooper, Anderson, Boehme, Crees and Crisafio.

Comment

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

1. a postal ballot has a higher elector turnout;
2. it is seen to be independent from Council; and
3. it relieves Administration staff of the workload associated with the election process.

It is therefore proposed that the WAEC again conduct the 2019 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 of Merredin.

Strategic Implications

➤ Strategic Community Plan

Zone: Zone 4 – Communication and Leadership
Zone Statement: Merredin Council engages with its community and leads by example
Key Priority: 4.1 – Ensuring all planning, reporting and resourcing is in accordance with best practice, compliance and statutory requirements

➤ Corporate Business Plan

Key Action: Nil
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

The estimated cost for the WAEC to conduct the 2019 election via postal ballot is \$20,000 including GST.

An allocation will need to be made in the 2019/20 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 / Resolution

Moved: Cr Crees

Seconded: Cr Crisafio

82338 That:

1. in accordance with Section 4.20(4) of the *Local Government Act 1995* the Electoral Commissioner be responsible for the conduct of the 2019 ordinary election together with any other elections or polls which may be required; and
2. in accordance with Section 4.61(2) of the *Local Government Act 1995* that the method of conducting the 2019 election be as a postal election.

CARRIED BY ABSOLUTE MAJORITY 9/0

15.3 Delegations Register Review

Administration



Responsible Officer:	Greg Powell, CEO
Author:	Vanessa Green, EA to CEO
Legislation:	<i>Local Government Act 1995</i>
File Reference:	Delegations Register
Disclosure of Interest:	Nil
Attachments:	Nil

Purpose of Report

- Executive Decision Legislative Requirement

Background

As a result of reviewing some internal processes and procedures amendments to the Delegations Register have been identified.

The amendments relate to the following Delegations:

DL1.2 – Impounding Goods;

DL2.8 – Grant of Occupancy Certificate – Strata and Building Approval Certificate – Strata;

DL3.4 – Events on Roads; and

DL4.11 – Agreement as to Payment of Rates and Service Charges.

The remaining delegations in the Register remain unchanged from its last review which was Council’s November 2018 meeting (CMRef 82281).

Comment

The proposed amendments, and the reasoning behind them, are as follows:

DL1.2 – Impounding Goods

Removal of the Ranger as a sub-delegate.

The EMES and EMDS are both included as sub-delegates and it is considered this is adequate for the number of times the delegation may be utilised.

DL2.8 – Grant of Occupancy Certificate – Strata and Building Approval Certificate – Strata

Inclusion of EMDS as a sub-delegate.

The EMDS currently has sub-delegation on a number of delegations relating to building matters (such as building permits, demolition permits etc) and specifically is a sub-delegate to DL2.3 – Grant of Occupancy Certificate and Building Approval Certificate. As DL2.8 relates to the same but with respect to Stratas it is considered appropriate that the sub-delegation be included.

DL3.4 – Events on Roads

Inclusion of EMES as a sub-delegate.

There are currently no sub-delegates to this delegation. As the EMES is responsible for roads and road maintenance, and the Engineering Services crew are mostly responsible for actioning works required to close roads for community and other events, it is considered appropriate that the sub-delegation be included.

DL4.11 – Agreement as to Payment of Rates and Service Charges

Inclusion of the Senior Finance Officer (SFO) as a sub-delegate.

The delegation currently contains a sub-delegation to the EMCS, however in practice these arrangements are generally arranged with the SFO. Therefore, the inclusion of the SFO as a sub-delegate would streamline the process. With the appointment as a sub-delegate the SFO would be required to complete a Primary Return within 3 months of being appointed as a sub-delegate, and complete an Annual Return prior to 31 August each year.

Policy Implications

Nil

Statutory Implications

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

An absolute majority of Council is required to adopt the Delegations Register.

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

As required by Section 5.46(3) of the *Local Government Act 1995*, the use of exercising the delegated authority is to be reported to Council, which is done as an attachment to the Manager’s Reports provided under separate cover to Council each month.

Strategic Implications

➤ **Strategic Community Plan**

Zone: Zone 4 – Communication and Leadership
Zone Statement: Merredin Council engages with its community and leads by example
Key Priority: 4.1 - Ensuring all planning, reporting and resourcing is in accordance with best practice, compliance and statutory requirements

➤ **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

By not conducting the review and adopting the Register Council would be in breach of the *Local Government Act 1995*.

Financial Implications

Nil

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Butler

Seconded: Cr Crees

82339 That the amendments to the Delegations Register, being

1. DL1.2 – Impounding Goods, removal of the Ranger as a sub-delegate;
 2. DL2.8 – Grant of Occupancy Certificate – Strata and Building Approval Certificate – Strata, inclusion of Executive Manager Development Services as a sub-delegate;
 3. DL3.4 – Events on Roads, inclusion of Executive Manager Engineering Services as a sub-delegate; and
 4. DL4.11 – Agreement as to Payment of Rates and Service Charges, inclusion of Senior Finance Officer as a sub-delegate,
- be adopted.

CARRIED BY ABSOLUTE MAJORITY 9/0

Councillor Flockart declared an Impartiality Interest in this Item 15.4.

15.4 Merrittville - Deed of Termination and Release of Joint Venture Agreements and Allocation Agreement

<h2>Administration</h2>		 SHIRE OF MERREDIN INNOVATING THE WHEATBELT
Responsible Officer:	Greg Powell, CEO	
Author:	As above	
Legislation:	<i>Local Government Act 1995</i>	
File Reference:	CP/8/11	
Disclosure of Interest:	Nil	
Attachments:	Attachment 15.4A - Deed	

Purpose of Report

Executive Decision Legislative Requirement

Background

Merrittville Inc. has been in breach of its operating agreement with the Department of Housing. The attached Deed of Termination and Release of Joint Venture Agreements and Allocation Agreement (the Deed) and subsequent lease is a mechanism to conclude the breach and to put the ongoing operation of Merrittville on a stable footing.

Comment

The Deed has been in draft form for some months and has been the subject of legal advice and ongoing discussion with both Merrittville Inc. and the Department of Housing. The Department has placed a deadline of 19 March 2019 for the parties to finalise the Deed. This deadline will not be able to be met and the way forward is reflected in the Officer’s Recommendation.

The major considerations for Council are outlined below:

Firstly, Merrittville Inc must continue to operate for the residents specifically and the community more broadly;

Secondly, the self-supporting loan repayments must continue to ensure Council does not have to finance the implications of these repayments ceasing and the balance being written off;

Thirdly, Council's Administration is not equipped to take over the management of Merrittville Retirement Village and therefore either the incorporated body must be able to perform this function or alternatively the management should be able to be transferred to another organisation capable of doing so.

The draft Deed is attached and is a complex document given that it goes back to the inception of this housing complex in the 1980's and the tripartite arrangement to provide for and manage the housing. Also attached is an email from lawyers acting on Council's behalf. The CEO was advised last week that Merrittville Inc. was, somewhat belatedly, seeking its own legal advice. At the time this agenda item was prepared that advice was not known.

The draft Deed addresses the concerns outlined above as best it can and on its expiry (eight years) provides the potential for a more simplified structure for the continuation of Merrittville Retirement Village.

Policy Implications

Nil

Statutory Implications

Nil

Strategic Implications

➤ Strategic Community Plan

Zone: Zone 1 – Community and Culture
Zone Statement: Merredin is rich in cultural diversity, performing and fine arts and a variety of sports available for both residents and visitors
Key Priority: 1.6 – Supporting and strengthening community groups, organisations and volunteers

➤ Corporate Business Plan

Key Action: 1.6.1 – Support community groups to deliver activities and services to the community effectively and sustainably
Directorate: Community 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

By entering into the Deed the risks outlined in the Comment section above are mitigated to a low risk.

Financial Implications

By entering into the Deed the repayment of the self-supporting loan is acknowledged and a mechanism is in place to provide for its repayment over time.

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Willis

Seconded: Cr Butler

82340 That:

1. Council endorse the draft Deed of Termination and Release of Joint Venture Agreements and Allocation Agreement (the Deed), as presented in Attachment 15.4A, in principle and requests the Chief Executive Officer to finalise the Deed with all parties taking into consideration legal advice as attached and ongoing, if required; and
2. the Chief Executive Officer be requested to secure legal advisers to prepare a lease for approval and execution by relevant parties to give effect to the draft Deed.

CARRIED 9/0

16. Motions of which Previous Notice has been given

Nil

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

Nil

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

The President advised that consideration of the contract of employment for the Chief Executive Officer was required Behind Closed Doors, in accordance with Council's resolution from its February meeting (CMRef 82323).

19. Matters Behind Closed Doors

In accordance with Section 5.23(2)(a) of the *Local Government Act 1995* Council went Behind Closed Doors to discuss a matter affecting an employee.

Voting Requirements

Simple Majority

Absolute Majority

Resolution

Moved: Cr Flockart

Seconded: Cr Crisafio

82341 That Council move Behind Closed Doors at 6.28pm.

CARRIED 9/0

6.28pm – G Powell, CEO, K Bartley, DCEO, V Green, EA to CEO, and M Wallace, MCO, left the meeting and did not return.

Voting Requirements

Simple Majority

Absolute Majority

Resolution

Moved: Cr Patroni

Seconded: Cr Willis

82342 That Council return from Behind Closed Doors at 8.08pm.

CARRIED 9/0

19.1 Staff – Chief Executive Officer – Contract of Employment

Voting Requirements

Simple Majority

Absolute Majority

Resolution

Moved: Cr Crisafio

Seconded: Cr Boehme

82343 That the Chief Executive Officer be offered an amended contract subject to final approval of the amended document.

CARRIED BY ABSOLUTE MAJORITY 8/1

20. Closure

There being no further business the President thanked those in attendance and declared the meeting closed at 8.10pm.