

SHIRE OF
MERREDIN
INNOVATING THE WHEATBELT

MINUTES

Ordinary Council Meeting

Held in Council Chambers
Corner King & Barrack Street's, Merredin
Monday, 11 December 2023
Commencing 4.00pm



Common Acronyms Used in this Document

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



December Ordinary Council Meeting

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Shire of Merredin
Ordinary Council Meeting
4:00pm Monday, 11 December 2023



1. Official Opening

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

2. Record of Attendance / Apologies and Leave of Absence

Councillors:

Cr M McKenzie	President
Cr R Manning	Deputy President
Cr B Anderson	
Cr H Billing	
Cr D Crook	
Cr M Simmonds	
Cr P Van Der Merwe	Via Zoom – 4:08pm – 4:21pm

Staff:

L Clack	CEO – Via Zoom
A Tawfik	EMES
C Brindley-Mullen	EMS&C
L Boehme	A/CEO
P Zenni	EMDS
M Wyatt	EO

Members of the Public: Nil

Apologies: Nil

Approved Leave of Absence: Nil

Cr Van Der Merwe, and Chief Executive Officer, Lisa Clack'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

Nil

7. Confirmation of Minutes of Previous Meetings

- 7.1 Ordinary Council Meeting held on 24 October 2023
Attachment 7.1A

Voting Requirements



Simple Majority



Absolute Majority

Resolution

Moved: Cr Anderson

Seconded: Cr Billing

83281

That the Minutes of the Ordinary Council Meeting held on 24 October 2023 be confirmed as a true and accurate record of proceedings.

CARRIED 7/0

For: Cr McKenzie, Cr Manning, Cr Anderson, Cr Billing, Cr Crook, Cr Simmonds, Cr Van Der Merwe

Against: Nil

8. Announcements by the Person Presiding without Discussion

Nil

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

- 19.1 Award of Contract – RFQ05 2023/24 Sealing Works
19.2 Award of Contract – RFQ06 2023/24 Pavement Stabilisation Works
19.3 Award of Tender RFT 02-2023/24 Revitalisation of Apex Park & Merredin Town Centre
19.4 Recruitment of Chief Executive Officer

19. Matters Behind Closed Doors

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

Council Decision

Moved: Cr Crook

Seconded: Cr Simmonds

83282

That Council move Behind Closed Doors and that Standing Orders be suspended at 4:10pm.

CARRIED 7/0

For: Cr McKenzie, Cr Manning, Cr Anderson, Cr Billing, Cr Crook, Cr Simmonds, Cr Van Der Merwe

Against: Nil

Reason

That matters related the personal affairs of any person, a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting, and a matter if disclosed, would reveal a trade secret, information that has a commercial value to a person, or information about the business, professional, commercial or financial affairs of a person.

19.1 Award of Contract – RFQ05 2023/24 Sealing Works

Council resolved this resolution would remain confidential until the completion of the project.

19.2 Award of Contract – RFQ06 2023/24 Pavement Stabilisation Works

Council resolved this resolution would remain confidential until the completion of the project.

19.3 Award of Tender RFT 02-2023/24 Revitalisation of Apex Park & Merredin Town Centre

Cr Anderson and Cr Billing declared a Proximity Interest in this Item and left the Chambers at 4:13pm.

Council resolved this resolution would remain confidential until the completion of the project.

Cr Anderson and Cr Billing returned to the Chambers at 4:15pm.

19.4 Recruitment of Chief Executive Officer

CEO, Lisa Clack declared an Impartiality Interest in this Item.

A/CEO, Leah Boehme, EMES, Amer Tawfik, EMS&C, Codi Brindley-Mullen, EMDS, Peter Zenni and EO, Meg Wyatt left the Chambers at 4:15pm.

Voting Requirements

Simple Majority

Absolute Majority

Resolution

Moved: Cr Anderson

Seconded: Cr Billing

That Council;

1. CONFIRMS the recruitment of the permanent Chief Executive Officer will be conducted in accordance with the process set out in Policy 2.31 Mandatory Standards for CEO Recruitment Performance and Termination.
2. APPOINTS Beilby Downing Teal as the recruitment consultants to assist the Council in the recruitment process.
3. ESTABLISH the Selection Panel for the recruitment of the Chief Executive Officer comprising of the Shire President, the Deputy Shire President, and Cr Crook.
4. AUTHORISES the panel to work directly with Beilby Downing Teal to identify and recruit the independent panel member and recommend the appointment to Council.
5. AUTHORISES the Chief Executive Officer to liaise with the recruitment consultant (once appointed) to support the panel to coordinate the recruitment process in an appropriate confidential manner.
6. ENDORSES the release of the media statement attached as Attachment 19.4C, on behalf of Council.

83286

7/0 CARRIED

For: Cr McKenzie, Cr Manning, Cr Anderson, Cr Billing, Cr Crook, Cr Simmonds, Cr Van Der Merwe

Against: Nil

10. Receipt of Minutes of Meetings

- 10.1 Minutes of the Bush Fire Advisory Committee Pre-Season Meeting held on 11 October 2023.
Attachment 10.1A
- 10.2 Minutes of the Local Emergency Management Committee Meeting held on 26 October 2023.
Attachment 10.2A
- 10.3 Minutes of the Audit Committee Meeting held 15 November 2023.
Attachment 10.3A
- 10.4 Minutes of the Audit Committee Meeting held 11 December 2023.
Attachment 10.4A

Voting Requirements



Simple Majority



Absolute Majority

Resolution

Moved: Cr Crook

Seconded: Cr Anderson

That Council;

83288

1. RECEIVE the minutes of the Bush Fire Advisory Committee Pre-Season Meeting held on 11 October 2023;
2. RECEIVE the minutes Local Emergency Management Committee Meeting held on 26 October 2023;
3. RECEIVE the minutes of the Audit Committee Meeting held 15 November 2023; and
4. RECEIVE the minutes of the Audit Committee Meeting held 11 December 2023.

CARRIED 6/0

For: Cr McKenzie, Cr Manning, Cr Anderson, Cr Billing, Cr Crook, Cr Simmonds.

Against: Nil

11. Recommendations from Committee Meetings for Council Consideration

Voting Requirements

Simple Majority

Absolute Majority

Resolution - Audit Committee Meeting held 15 November 2023

Moved: Cr Manning

Seconded: Cr Billing

That Council ENDORSE the following recommendations from the Audit Committee Meeting of 15 November 2023 being;

83289

1. Item 6.1: That Council ENDORSE the Auditor's Opinion Package, including Audited Financial Report for the year ending 30 June 2023, Audit Opinion, Transmittal Letter to CEO, and Management Response – Shire of Merredin from the Office of the Auditor General for the 2022/23 financial year, once received, subject to there being no significant changes made from the draft documents presented to the Audit Committee; and
2. Item 6.2 That Council:
 - a. NOTES that the Financial Report 2017/18 included in the publicised Shire of Merredin Annual Report 2017/18 was not the audited version of the annual financials; and
 - b. NOTES this resulted in a reporting difference in depreciated total roads value of \$252,796,614.26 in the 2017/18 Annual Report. The correct figures were published in the 2018/19 Annual Report, and have been used since.

CARRIED 6/0

For: Cr McKenzie, Cr Manning, Cr Anderson, Cr Billing, Cr Crook, Cr Simmonds.

Against: Nil

Voting Requirements

Simple Majority

Absolute Majority

Resolution - Audit Committee Meeting held 11 December 2023

Moved: Cr McKenzie

Seconded: Cr Simmonds

That Council ENDORSE the following recommendations from the Audit Committee Meeting of 11 December 2023 being;

1. Item 6.1: That Council ENDORSE the 2022/23 Financial Management Review Report for the Shire of Merredin, as presented in Attachment 6.1A; and
2. Item 6.2: That Council:
 - a. ADOPTS the Shire of Merredin Annual Report 2022/23 (Attachment 6.2A), subject to design amendments, and AUTHORISES the Chief Executive Officer to approve any minor changes that may be required before the document is finalised for publishing; and
 - b. RESOLVES to hold its Annual General Meeting of Electors on Tuesday 23 January 2024, commencing at 6.00pm in the Council Chambers.

83290


CARRIED 6/0

For: Cr McKenzie, Cr Manning, Cr Anderson, Cr Billing, Cr Crook, Cr Simmonds.

Against: Nil

12. Officer's Reports – Development Services

12.1 Statutory Review of Local Laws under s3.16 Local Government Act 1995

<h2 style="color: #0056b3;">Development Services</h2> 	
Responsible Officer:	Peter Zenni, EMDS
Author:	As above
Legislation:	<i>Local Government Act 1995</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Nil

Purpose of Report



Executive Decision



Legislative Requirement

To recommend to Council that a review of the Shire of Merredin's (the Shire) local laws as required under s3.16 of the *Local Government Act 1995* be commenced.

Background

Local governments are required to review their local laws at least once every eight years to ensure they remain up to date.

The following local laws are in place:

Title	Date it was Gazetted	Amendments – Date Gazetted
Bee Keeping Local Law 2002	7 October 2002	Nil.
Activities in Thoroughfares and Public Places Local Law 2002	7 October 2002	26 April 2017
Bush Fire Brigades Local Law 2002	7 October 2002	26 April 2017
Cemeteries Local Law 2002	7 October 2002	26 April 2017
Dogs Local Law 2002	7 October 2002	Nil.
Extractive Industries Local Law 2002	7 October 2002	Nil.
Fencing Local Law 2002	7 October 2002	26 April 2017

Title	Date it was Gazetted	Amendments – Date Gazetted
Health Local Law 1999	11 October 1999	Nil.
Local Government Property Local Law 2002	7 October 2002	26 April 2017
Parking and Parking Facilities Local Law 2002	7 October 2002	Nil.
Pest Plants Local Law	Adopted by council 17 Sept 2002 but a Gazettal cannot be located.	Nil.
Standing Orders Local Law	26 April 2017	Nil.

Comment

A review under s3.16 of the *Local Government Act 1995* is now due. A more in-depth assessment can be made while the public commentary period is underway but on face value a number of changes are required. For example:

- Dog exercise areas are now established by a council resolution and local public notice, not by local law;
- Cats are regulated under the *Cat Act 2011* rather than the *Public Health Act 2016*;
- A number of local governments have introduced a cut down version of Bush Fire Brigades Local Laws that deal only with what the *Bush Fires Act 1954* requires must be dealt with by local laws;
- If the Gazettal of the Shire’s Pest Plants Local law did in fact not occur, it will not have force of law. If it is still required it can be ‘made’ under s3.12 of the *Local Government Act 1995* along with any other new local laws and/or amendments to the Shire’s existing ones; and
- Local laws relating to rubbish collection, removal and disposal are now dealt with under the *Waste Avoidance and Resource Recovery Act 2007* under which the Shire should consider making a Waste Local Law.

In addition, the Minister for Local Government has announced that the State intends to make a Regulation about meeting procedures. This may become clearer as amendments to the *Local Government Act 1995* currently underway, progress through Parliament and depending on timing, amendments to the Shire’s Standing Orders local law may not be necessary.

Policy Implications

Nil

Statutory Implications

Section 3.16 of the *Local Government Act 1995* provides that:

3.16. Periodic review of local laws

(1) Within a period of 8 years from the day when a local law commenced or a report of a review of the local law was accepted under this section, as the case requires, a

local government is to carry out a review of the local law to determine whether or not it considers that it should be repealed or amended.

(2) The local government is to give local public notice stating that —

(a) the local government proposes to review the local law; and

(b) a copy of the local law may be inspected or obtained at any place specified in the notice; and

(c) submissions about the local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.

(3) After the last day for submissions, the local government is to consider any submissions made and cause a report of the review to be prepared and submitted to its council.

(4) When its council has considered the report, the local government may determine whether or not it considers that the local law should be repealed or amended.*

** Absolute majority required.*

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

Sustainability Implications

Ø Strategic Resource Plan

Nil

Risk Implications

The Shire should take all reasonable measures to ensure its local laws are up to date. This review will mitigate the possibility of any issues arising as a result of their being possibly not being aligned with other legislation.

Financial Implications

Given the specialised nature of this project, the Shire has engaged a Consultant from Conway Highbury Consulting Pty Ltd to assist with this project. The estimated cost to initiate the s3.16 review, advertise it for public comment, report the outcomes to Council and then undertake any identified amendments using the process required by s3.12 of the *Local Government Act 1995* is \$8,400 plus GST as well as any advertising and Gazettal costs.

Voting Requirements

Simple Majority

Absolute Majority

Resolution

Moved: Cr Anderson

Seconded: Cr Crook

That Council:

- 83291
1. **GIVES** local public notice stating that the Shire of Merredin proposes to review its local laws under s3.16 of the Local Government Act 1995;
 2. **NOTES** that a copy of the local laws may be inspected or obtained at the Shire of Merredin offices or from its website;
 3. **ADVISES** that submissions about the local laws may be made to the Shire before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given; and
 4. **NOTES** that the results of the above advertising are to be presented to Council for consideration of any submissions received.

CARRIED 6/0

For: Cr McKenzie, Cr Manning, Cr Anderson, Cr Billing, Cr Crook, Cr Simmonds.

Against: Nil

12.2 Application for Development Approval Extractive Industry Lot 18 Korbrelkulling Road (Korbel) Merredin

Development Services	
Responsible Officer:	Peter Zenni, EMDS
Author:	As above
Legislation:	<i>Shire of Merredin Local Planning Scheme No.6</i>
File Reference:	A6511
Disclosure of Interest:	Nil
Attachments:	Attachment 12.2A – Development application and supporting documentation (CONFIDENTIAL)



Development Services

Purpose of Report

Executive Decision

Legislative Requirement

To recommend to Council that it grants conditional development (planning) approval for an extractive industry operation at Lot 18 Korbrelkulling Road, (Korbel) Merredin.

Background

An application for development (planning) approval has been lodged with the Shire of Merredin (the Shire) with respect to a proposed extension to an existing extractive industry operation. The extractive industry activity forming part of the application is to be conducted on Lot 18 Korbrelkulling Road, (Korbel) Merredin.

Comment

The land in question is zoned General Farming. An extractive industry activity is a 'D' (Discretionary) use in accordance with the Shire of Merredin Local Planning Scheme No.6 and as such requires Council approval.

In December 2005, Council granted development (planning) approval (PA18/05) for the establishment of an Extractive Industry on Avon Location 11 Korbrelkulling Road (Korbel), Merredin for a period of 5 years from the date of the approval (CMRef 28253).

In March 2016, Council granted an extension to the original extractive industry development approval for a further period of five years when it resolved as follows (CMRef 81752);

- 5. That approval in principal be granted in relation to application for extension of planning consent PA18/05 and the application for extractive industry license to undertake extractive industry operations at Avon Location 11 Korbrelkulling Road, (Korbel) Merredin.*

6. *That Council delegate authority to the Chief Executive Officer to determine the application for planning consent PA18/05 and the application for extractive industry license submitted to undertake extractive industry operations at Avon Location 11 Korbrelkulling Road, (Korbel) Merredin upon the expiry of the statutory advertising period, subject to the submission of any valid objection on town planning grounds incorporating the following conditions:*
- a. planning consent being valid for a period of five (5) years from the date of approval;*
 - b. extractive industry license being valid for a period of one (1) year from the date of approval;*
 - c. an annual extractive industry license fee of \$300 inc GST to be paid;*
 - d. prior to the commencement of sand and gravel extraction operations a bond or bank guarantee for the sum of \$1,000 being lodged with the Shire of Merredin as security for applicant/operator compliance with rehabilitation commitments;*
 - e. hours of operation of extractive industry operations are restricted to 7:00am to 6:00pm Monday to Friday and 8:00am to 5:00pm Saturday and Sunday and not at all on Public Holidays;*
 - f. all vehicles involved in extractive industry operations to access the property from Hines Hill Road;*
 - g. all vehicles involved in extractive industry operations not permitted on Korbrelkulling Road during school bus hours;*
 - h. the operator shall, at the direction of Executive Manager of Engineering Services, undertake certain measures so as to minimise the impact of vehicles involved in extractive industry operations on Korbrelkulling Road;*
 - i. the requirements of clause 6.1(a) of the Shire of Merredin Local Law No.10 – Extractive Industries not be imposed;*
 - j. dust control and suppression measures to the satisfaction of the Chief Executive Officer shall be maintained over the site;*
 - k. extraction of material will not occur below RL259.0 as per surveyors plan – Drawing No. 1 dated December 2005 submitted on behalf of the applicant by Paul Kraft and Associates;*
 - l. rehabilitation to involve the planting and nurturing of minimum 2,000 oil mallees and to be completed within 12 months of the conclusion of operations as per the rehabilitation program submitted; and*
 - m. all other relevant statutory consents or approval be obtained from the statutory authority prior to commencing works.*

In November 2018, the applicant lodged a further application for development approval relating to a proposed extension to the area of the approved extractive industry activity.

In November 2018, Council granted development approval for the proposed extractive industry activity for a period of five years when it resolved as follows (CMRef 82275);

That Council;

- 1. grant development (planning) approval for an extractive industry operation at Lot 18 Korbrelkulling Road, (Korbel) Merredin, as per plans forming part of attachment 12.2A, subject to;*

- a. *planning consent being valid for a period of five (5) years from the date of approval;*
 - b. *extractive industry license being valid for a period of one (1) year from the date of approval;*
 - c. *an annual extractive industry license fee of \$300 inc GST to be paid;*
 - d. *prior to the commencement of sand and gravel extraction operations a bond or bank guarantee for the sum of \$1,000 being lodged with the Shire of Merredin as security for applicant/operator compliance with rehabilitation commitments;*
 - e. *hours of operation of extractive industry operations are restricted to 7:00am to 6:00pm Monday to Friday and 8:00am to 5:00pm Saturday and Sunday and not at all on Public Holidays;*
 - f. *all loaded vehicles involved in extractive industry operations to egress from the property utilising Korbrelkulling Road on to Hines Hill Road;*
 - g. *all vehicles involved in extractive industry operations not permitted on Korbrelkulling Road during school bus hours;*
 - h. *the operator shall, at the direction of Executive Manager of Engineering Services, undertake certain measures so as to minimise the impact of vehicles involved in extractive industry operations on Korbrelkulling Road;*
 - i. *the requirements of clause 6.1(a) of the Shire of Merredin Local Law No.10 – Extractive Industries not be imposed;*
 - j. *dust control and suppression measures to the satisfaction of the Chief Executive Officer shall be maintained over the site;*
 - k. *extraction of material will not occur below RL259.0 as per surveyors plan –dated 30 October 2018 submitted on behalf of the applicant by Paul Kraft and Associates;*
 - l. *rehabilitation to involve the planting and nurturing of minimum 4,000 oil mallees and to be completed within 12 months of the conclusion of operations;*
 - m. *all other relevant statutory consents or approvals or permits be obtained from the relevant statutory authority prior to commencing works.*
2. *That the development (planning) approval incorporate and supersede the previous development approval (PA18/05) for extractive industry operations on Avon Location 11 Korbrelkulling Road, (Korbel) Merredin granted in December 2005 (CMRef 28253), and extended in March 2016 (CMRef 81752).*

The current development approval for the extractive industry activity expired on 20 November 2023, and the applicant has lodged a further application for development approval seeking to continue the extractive industry activity on the lot in question. Whilst the development approval has expired the activity is still subject to a valid extractive industry licence which is not due to expire until the end of the financial year.

When considering the development application, it should be noted that the land is already being utilised for extractive industry operations in accordance with the previous development approval and the activity on site is currently subject to an existing extractive industry licence.

The proposed extension to the existing extractive industry operation will be located on unusable farming land immediately adjacent to a salt lake.

Anecdotal evidence suggests that the deposits of sand which are proposed to be extracted originated from the adjacent salt lake and have accumulated over a period of years. These

sand deposits have reached heights of up to 6 metres in areas. The proposed extraction of this material will return the finished level of the excavated area to pre-existing levels in line with the adjoining farmland.

The following information has been provided by the applicant;

- a. The proposed operations will result in the site being taken down to adjacent ground level, there will be no excavation of material below the adjacent ground level, thus removing the need for drainage;
- b. Vehicles used in the operation are front end loader and truck, all vehicles fitted with mufflers to reduce noise;
- c. No processing other than screening of gross contaminants (sticks, stones etc) will occur on site;
- d. Vehicular access will be along Korbrelkulling Road, internal access to the site will be via an existing internal all-weather track;
- e. Minimal dust will be generated from the operations on the site;
- f. No buildings or infrastructure exists or is required on site.
- g. At the completion of the extractive operations the land currently subject to the extractive industry license as well as the area subject to the application will be rehabilitated via the planting of oil mallees.

The land surrounding the extractive industry operation is broad acre farming with no sensitive land uses (housing) in the immediate vicinity, as such the proposed extractive operations are unlikely to result in complaints being received by Council with respect to noise and dust related impacts.

The proposed extractive industry is on a relatively small scale operated in effect on an 'as needed' basis.

At present there is one other extractive industry licence in place in the Shire of Merredin, relating to the extraction of gravel, but not relating to the extraction of sand. It is becoming increasingly difficult for contractors to source suitable materials for large development projects within the Shire.

Previous discussions with the proponent relating to vehicular access to the property have focused on the requirement for all vehicles to access the site via Hines Hill Road and the applicant's suggestion that unloaded vehicles access the site via the Bruce Rock Road and loaded vehicles leave the site via Hines Hill Road. The roads in question have been previously inspected by the Shire's Executive Manager Engineering Services (EMES) for sight line considerations and road conditions and have been deemed as being suitable for the proposed vehicular use. The use of the Bruce Rock Road will minimise concentration of vehicular movements along Hines Hill Road.

The proposal will ultimately result in an increase in the number of trees over the excavation area and enhance the floral environment generally with the proponent being required to undertake rehabilitation work involving the planting and nurturing of a minimum 4,000 oil mallees. With the rehabilitation work to be completed within 12 months of the conclusion of operations.

The existing extractive industry operation is an extension of the original extractive industry activity approved by Council in December 2005 (CMRef 28253) and incorporated into the more recent development approvals to remove the need for multiple development approvals and extractive industry licenses for what is in reality a single operation.

Policy Implications

Nil

Statutory Implications

The Shire of Merredin Local Law No.10 – Extractive Industries states that unless otherwise approved by the local government, a person seeking the issue of a licence shall advertise the application for an extractive industry licence in a newspaper circulating in an area in which the proposed activity is located.

In this case the application relates to the extension of an existing, previously approved extractive industry activity which is currently subject to a valid extractive industry license, and has operated for over 18 years without any complaint being received by the Shire. Furthermore, there being no noise sensitive premises in the vicinity, it is believed there is no need to advertise the proposed activity for broader public comment.

The local law generally requires that the excavations for materials not encroach within 20 metres of a property boundary. This is to minimise the possibility of the adjoining property subsiding into the excavation area. In this case the applicant proposes to continue the excavation within 5 metres of the property boundary. The justification for this being that the proposed operations will result in the site being taken down to match the adjacent ground level, there will be no excavation of material below the adjacent ground level of the adjoining farmland.

All activities will be subject to compliance with the *Environmental Protection Act 1986*, including provisions of the *Environmental Protection (Noise) Regulations 1997*.

Clearing permits for remnant vegetation have previously been obtained from the Department of Environment and Water Regulation.

The applicant has previously lodged a bond with the Shire as security with respect to the implementation of rehabilitation commitments.

Strategic Implications

∅ 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

∅ Corporate Business Plan

Theme: 5. Places and Spaces

Objective: 5.4 Town Planning & Building

Sustainability Implications

∅ Strategic Resource Plan

Nil

Risk Implications

The risks implications are minimal given that the extractive industry activity has been in operation since 2005 without any concerns being raised with the Shire of Merredin during this time.

Financial Implications

The relevant development application fees have been paid.

Voting Requirements



Simple Majority



Absolute Majority

Resolution

Moved: Cr Crook

Seconded: Cr Manning

That Council:

1. **GRANT development (planning) approval for an extractive industry operation at Lot 18 Korbrelkulling Road, (Korbel) Merredin, as per plans forming part of Attachment 12.2A, subject to;**
 - a. **planning consent being valid for a period of five (5) years from the date of approval;**
 - b. **extractive industry license being valid for a period of one (1) year from the date of approval;**
 - c. **an annual extractive industry license fee of \$300 inc GST to be paid;**
 - d. **hours of operation of extractive industry operations are restricted to 7:00am to 6:00pm Monday to Friday and 8:00am to 5:00pm Saturday and Sunday and not at all on Public Holidays;**
 - e. **all loaded vehicles involved in extractive industry operations to egress from the property utilising Korbrelkulling Road on to Hines Hill Road;**
 - f. **all vehicles involved in extractive industry operations not permitted on Korbrelkulling Road during school bus hours;**
 - g. **the operator shall, at the direction of Executive Manager Engineering Services, undertake certain measures so as to minimise the impact of vehicles involved in extractive industry operations on Korbrelkulling Road;**
 - h. **the requirements of clause 6.1(a) of the Shire of Merredin Local Law No.10 – Extractive Industries not be imposed;**

83292

- i. **dust control and suppression measures to the satisfaction of the Chief Executive Officer shall be maintained over the site;**
 - j. **extraction of material will not occur below RL259.0 as per surveyor’s plan –dated 30 October 2018 submitted on behalf of the applicant by Paul Kraft and Associates;**
 - k. **rehabilitation to involve the planting and nurturing of a minimum 4,000 oil mallees and to be completed within 12 months of the conclusion of operations;**
 - l. **all other relevant statutory consents, approvals or permits be obtained from the relevant statutory authority prior to commencing works; and**
2. **NOTE that the development (planning) approval incorporates and supersedes the previous development approval (PA18/05) for extractive industry operations on Avon Location 11 Korbrelkulling Road, (Korbel) Merredin granted in December 2005 (CMRef 28253), extended in March 2016 (CMRef 81752) and extended in November 2018 (CMRef 82275).**


CARRIED 6/0

For: Cr McKenzie, Cr Manning, Cr Anderson, Cr Billing, Cr Crook, Cr Simmonds.

Against: Nil

13. Officer's Reports – Engineering Services

13.1 Regional Road Group 5 – Year Program 2023 - 2028

<h2>Engineering Services</h2> 	
Responsible Officer:	Amer Tawfik, EMES
Author:	As above
Legislation:	<i>Local Government Act 1995</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 13.1A – Regional Road Group 5 Year Program 2023-2028

Purpose of Report

Executive Decision

Legislative Requirement

To recommend to Council that it reviews and adopts the proposed 5-Year Regional Road Group (RRG) Program 2023-28.

Background

The Shire of Merredin (the Shire) receives annual funding of approximately \$500,000 from Main Roads WA under the Regional Road Group (RRG) Program, which represents 2/3 of the total construction costs, with the remaining 1/3 of the contribution to be provided by the Shire.

The Shire is required to submit Multi Criterion Assessment (MCA) forms each year for proposed projects. One of the questions on the MCA form under the Project Pre-Construction Information is “Has Council endorsed your 5 Yr RRG program at Council Meeting?”, as illustrated in the figure below. This is a new requirement; the Shire now needs to meet.

Project Pre-Construction Information:		
Task	Criteria	Yes / No
5 Yr RRG Program	Has Council endorsed your 5 Yr RRG program at Council Meeting?	
Onsite Assessment	Have you conducted a full onsite Project Assessment prior to Cost Estimate to check <u>ALL</u> Project Specifics?	
Cost Estimate	Have you broken down your Cost Estimate on your Own Budget Cost Estimate Sheet - based on your Onsite Assessment Findings?	
Gravel Supply	Have you secured suitable Qty and Quality Pavement Material for Project?	
	What is the volume of Basecourse Material Required for Project (Loose m ³)	

Currently the Shire has not endorsed the 5-Year RRG Program.

Comment

Endorsing the 5-Year RRG Program by Council was introduced in the 2023/24 Financial Year, as a new compliance requirement. It should be noted that the 5-Year RRG Program was developed in 2022-23 Financial Year and no changes have been made to it. A copy of the proposed Program is included as Attachment 13.1A.

For the last few years, to ensure projects can be completed, the Shire's share (1/3 of the total allocation), has typically been funded using Federal Funding – Road to Recovery (R2R) money.

It should also be noted that Shire Officers are currently in the progress of submitting a grant funding application under the Heavy Vehicle Safety Productivity Program (HVSP) for widening and reconstructing the full length of Crooks Road.

If the Shire's application is successful, the Federal Government will fund up to 80% of the total project cost, and R2R funding will not be allowed to be used as Council's contribution.

The HVSP funding guidelines specify that no other Federal funding can be used as part of Council's 20% contribution. Alternative funding will need to be sourced if the application is successful, and Council wishes the project to go ahead. Should the application be successful, it will be subject to a future report to Council for consideration.

Policy Implications

Nil

Statutory Implications

As outlined in the *Local Government Act 1995* and *Local Government (Functions and General) Regulations 1996*.

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

Theme: 5. Places and Spaces

Service Area Objective: 5.3.2 The Shire is continually improving its asset management practices

Priorities and Strategies for Change: Nil

Sustainability Implications

Ø Strategic Resource Plan

Nil

Risk Implications

By not accepting the proposed 5-Year RRG Program the Shire is likely to receive this item as an audit finding in the future. The proposed Program has been approved indirectly by Council as part of approving the Annual Capital Works Budget. The endorsement of the 5-Year RRG Program is to formalise Council's plan and provide forward program for Main Roads WA in terms of budgeting and upcoming road projects.

Financial Implications

The financial implication from this Program is Council's commitments to allocate the 1/3 contribution towards the proposed Program. This could be funded from the R2R Program or from municipal funds. This will limit Council's ability to fund other capital works road projects.

Voting Requirements

Simple Majority

Absolute Majority

Resolution

Moved: Cr Anderson

Seconded: Cr Billing

83293

That Council ENDORSES the Proposed 5-Year Regional Road Group Program as per Attachment 13.1A.

CARRIED 6/0

For: Cr McKenzie, Cr Manning, Cr Anderson, Cr Billing, Cr Crook, Cr Simmonds.

Against: Nil

14. Officer's Reports – Corporate and Community Services

14.1 Statement of Financial Activity – October 2023

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

Purpose of Report

Executive Decision

Legislative Requirement

For Council to receive the Statements of Financial Activity and Investment Report for the month of October 2023, and be advised of associated financial matters.

Background

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

Comment

Statement of Financial Activity

Regulation 34 of the *Local Government (Financial Management) Regulations 1996* requires the Shire to prepare a monthly statement of financial activity for consideration by Council within 2 months after the end of the month of the report. These reports are included at Attachments 14.1A to D inclusive.

Fees and Charges Amendments

The following amendments to the advertised 2023/24 Schedule of Fees and Charges are recommended:

Account	Description	Unit	GST	Total (incl GST)	GST	Notes
New Fee/Charge						
3100520	Electric Vehicle Charger – Shire Administration	Per kWh	\$0.03	\$0.35	Y	Payment is via the “Chargefox: EV Charging Network” Application

The installation of the new grant funded EV charger in front of the Shire administration building is nearing completion and it has been identified that the Shire does not currently have a charge listed in the current Schedule of Fees and Charges to allow for the collection of funds from users.

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

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

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

To mitigate the risk of budget over-runs or non-delivery of projects, the Chief Executive Officer (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 the *Local Government (Financial Management Regulations) 1996* regulation 5, seek to mitigate the possibility of this occurring.

These controls are set in place to provide daily, weekly, and monthly checks to ensure that the integrity of the data provided is reasonably assured.

Financial Implications

The adoption on the Statements of Financial Activity is retrospective. Accordingly, the financial implications associated with adopting this are nil.

Voting Requirements



Simple Majority



Absolute Majority

Resolution

Moved: Cr Billing

Seconded: Cr Crook

That Council:

1. RECEIVE the Statements of Financial Activity and Investment Report for the period ending 31 October 2023 in accordance with Regulation 34 of the Local Government (Financial Management) Regulations 1996;
2. AMENDS the Shire of Merredin 2023/24 Schedule of Fees and Charges to include the proposed new fee, as per the following table:

Account	Description	Unit	GST	Total (incl GST)	GST	Notes
New Fee/Charge						
83294 3100520	Electric Vehicle Charger – Shire Administration	Per kWh	\$0.03	\$0.35	Y	Payment is via the “Chargefox: EV Charging Network” Application


3. NOTES the changes will be incorporated into the 2023/2024 Schedule of Fees and Charges for the Shire of Merredin;
4. APPROVES advertising the changes to the fees and charges as per Item 2 above, in accordance with the Local Government Act 1995; and
5. INITIATES the changes to the fees and charges as per Item 3, upon completion of Item 4 of the recommendation above.

CARRIED 6/0

For: Cr McKenzie, Cr Manning, Cr Anderson, Cr Billing, Cr Crook, Cr Simmonds.

Against: Nil

14.2 List of Accounts Paid – October 2023

<h3>Corporate Services</h3> 	
Responsible Officer:	Leah Boehme, EMCS
Author:	As above
Legislation:	<i>Local Government Act 1995, Local Government (Financial Management) Regulations 1996</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 14.2A - Payments Listing October 2023

Purpose of Report

Executive Decision

Legislative Requirement

For Council to receive the schedule of accounts paid for the month of October 2023.

Background

The attached list of accounts paid during the month of October 2023, 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

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

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

Financial Implications

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

Voting Requirements



Simple Majority



Absolute Majority

Resolution

Moved: Cr Manning

Seconded: Cr Anderson

83295


That Council RECEIVE the schedule of accounts paid during October 2023 as listed, covering cheques, EFT's, directly debited payments and wages, as numbered and totaling \$1,099,485.72 from the Merredin Shire Council Municipal bank account and \$0 from the Merredin Shire Council Trust bank account.

CARRIED 6/0

For: Cr McKenzie, Cr Manning, Cr Anderson, Cr Billing, Cr Crook, Cr Simmonds.

Against: Nil

14.3 Policy Review – 1.15 Elected Member Devices

<h2>Corporate Services</h2> 	
Responsible Officer:	Leah Boehme, EMCS
Author:	As above
Legislation:	<i>Local Government Act 1995</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 14.3A – Policy 1.15 Elected Member Devices – changes accepted. Attachment 14.3B – Policy 1.15 Elected Member Devices – track changes.

Purpose of Report

- Executive Decision
 Legislative Requirement

For Council to consider adopting a revised policy which relates to devices provided to Elected Members by the Shire of Merredin (the Shire).

Background

Policy 1.15 currently outlines that all Elected Members will be provided iPads for use during their time on Council. Over the past three years, this Policy was not strictly adhered to with Elected Members being given the choice between iPads and laptop devices to complete their role.

Comment

Following discussions with Councillors after the 2023 elections, the Policy has been reviewed to better reflect current practices, with a number of updates occurring. The key changes include:

- Updated to match current Shire template.
- Change to policy title from Councillor iPads to Elected Member Devices.
- Addition of sections:
 - Policy Purpose
 - Policy Scope
 - Legislative Requirements
 - Policy Statement
 - Key Policy Definitions

- Roles and Responsibilities
- Monitor and Review
- Broadening of details to refer to both tablets and laptop devices.
- Use of term ‘Elected Member’ included.

Policy Implications

Current Policy 1.15 – Councillor iPads

Statutory Implications

As outlined in the *Local Government Act 1995*.

Strategic Implications

∅ Strategic Community Plan

Theme: 4. Communication and Leadership

Service Area Objective: 4.2 Decision Making
4.2.1 Council is equipped with appropriate technology, allowing for better public accessibility to the Council Chambers

Priorities and Strategies for Change: Nil

∅ Corporate Business Plan

Theme: 4 Communication and Leadership

Priority: Nil

Sustainability Implications

∅ Strategic Resource Plan

Nil

Risk Implications

If this policy is not reviewed and the proposed changes adopted, it would be in contradiction to the current practices employed by the Shire.

Financial Implications

Accounts GL 2040186 MEMBERS – Expensed Minor Asset Purchases and GL 2040114 MEMBERS – Communications Allowances contain funds for the replacement and maintenance of devices and payment for SIM card plans.

Voting Requirements



Simple Majority



Absolute Majority

Resolution

Moved: Cr Crook

Seconded: Cr Simmonds

83296


That Council ADOPT Policy 1.15 – Elected Member Devices, as presented in Attachment 14.3A.

CARRIED 6/0

For: Cr McKenzie, Cr Manning, Cr Anderson, Cr Billing, Cr Crook, Cr Simmonds.

Against: Nil

14.4 Policy Review – 3.18 Financial Reserves

<h1>Corporate Services</h1> 	
Responsible Officer:	Leah Boehme, EMCS
Author:	As above
Legislation:	<i>Local Government Act 1995</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 14.4A – Policy 3.18 Financial Reserves – updated 2023 Attachment 14.4B – Policy 3.18 Financial Reserves – 17 March 2020 Attachment 14.4C – Minutes Extract OCM 19 June 2018 – review of reserves and purposes

Purpose of Report



Executive Decision



Legislative Requirement

For Council to consider a revised policy which defines how financial reserves of the Shire of Merredin (the Shire) are created and how money is to be moved to and from these reserves.

Background

Policy 3.18 is currently included in the published Shire of Merredin Policy Manual. However, it states that it has not been reviewed since 2013. After commencing a review of the Policy, it was discovered that the Policy has in fact been reviewed twice since 2013, on 19 June 2018 (Attachment 14.4C) and 17 March 2020 (Attachment 14.4C). During these reviews, amendments have been adopted that have not then been corrected in the Policy Manual.

Further to this, individual reserves have been created or amended outside of a full review, by decision of Council. Not all of these changes have flowed through to the published Policy Manual.

Comment

The Policy has been reviewed with a number of proposed updates occurring. The key changes include:

- Updated to match current Shire template.
- Addition of sections:

- Policy Purpose
 - Policy Scope
 - Legislative Requirements
 - Policy Statement
 - Key Policy Definitions
 - Roles and Responsibilities
 - Monitor and Review
- Headings added to highlight requirements when creating reserves and transferring funds to or from reserves.
 - Some reserve names have been adjusted to match what was accepted by Council in 2020, this includes the change from ITC to ICT.
 - Though a few minor wording corrections have been proposed to the purpose of some reserves, the purpose of the reserves has not changed.
 - The term Shire has been used instead of Council when referring to the organisation.
 - The target balance of the leave entitlements reserve has been adjusted to encourage a minimum of 75% liability to be maintained. This was amended in 2020, but is not reflected in the current published document.
 - The document control box has been updated to reflect the 2018 and 2020 updates.

Overall, the policy has been amended to make it more contemporary and relevant.

Policy Implications

Policy 3.18 – Financial Reserves

Statutory Implications

As outlined in the *Local Government Act 1995*.

Section 6.11 of the *Local Government Act 1995* and Regulations 17 and 27 of the *Local Government (Financial Management) Regulations 1996* apply and are detailed below.

“6.11. Reserve accounts

- (1) *Subject to subsection (5), where a local government wishes to set aside money for use for a purpose in a future financial year, it is to establish and maintain a reserve account for each such purpose.*
- (2) *Subject to subsection (3), before a local government —*
 - (a) *changes* the purpose of a reserve account; or*
 - (b) *uses* the money in a reserve account for another purpose,**it must give one month’s local public notice of the proposed change of purpose or proposed use.*

** Absolute majority required.*

- (3) *A local government is not required to give local public notice under subsection (2) —*
- (a) *where the change of purpose or of proposed use of money has been disclosed in the annual budget of the local government for that financial year; or*
 - (b) *in such other circumstances as are prescribed.*
- (4) *A change of purpose of, or use of money in, a reserve account is to be disclosed in the annual financial report for the year in which the change occurs.*
- (5) *Regulations may prescribe the circumstances and the manner in which a local government may set aside money for use for a purpose in a future financial year without the requirement to establish and maintain a reserve account.*

17. Reserve accounts, title of etc.

- (1) *A reserve account is to have a title that clearly identifies the purpose for which the money in the account is set aside.*
- (2) *In the accounts, annual budget and financial reports of the local government a reserve account is to be referred to —*
- (a) *in the information required by regulations 27(g) and 38, by its full title; and*
 - (b) *otherwise, by its full title or by an abbreviation of that title.*

Strategic Implications

∅ 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

∅ Corporate Business Plan

Theme: Communication and Leadership

Priority: P4.3 Maximising the value of Shire assets

Sustainability Implications

∅ Strategic Resource Plan

Nil

Risk Implications

If this Policy is not reviewed and amended to match previous adopted versions, there is a risk of error due to the incorrect version being published.

Financial Implications

Nil

Voting Requirements



Simple Majority



Absolute Majority

Resolution

Moved: Cr Simmonds

Seconded: Cr Anderson

83297


That Council ADOPT Policy 3.18 – Financial Reserves, as presented in Attachment 14.4A.

CARRIED 6/0

For: Cr McKenzie, Cr Manning, Cr Anderson, Cr Billing, Cr Crook, Cr Simmonds.

Against: Nil

14.5 Delegations Register Minor Review - 2023/24

<h1>Corporate Services</h1> 	
Responsible Officer:	Leah Boehme, EMCS
Author:	As above
Legislation:	<i>Local Government Act 1995</i>
File Reference:	P/2/1
Disclosure of Interest:	Nil
Attachments:	Attachment 14.5A – Shire of Merredin Register of Delegated Authority – track changes Attachment 14.5B – Shire of Merredin Register of Delegated Authority

Purpose of Report



Executive Decision



Legislative Requirement

For Council to consider and approve the recommended changes to the Shire of Merredin Register of Delegated Authority.

Background

Section 5.46 of the *Local Government Act 1995* (the Act) requires local governments to keep a register of their delegations and review this register at least once every financial year. Council performed an annual review of delegations at its Ordinary Council Meeting held on 23 May 2023 (CMRef 83165).

Delegated authority aims to improve the time taken to make decisions within the constraints of relevant legislation.

Without delegated authority, many decisions of the Shire of Merredin (the Shire) would need to be made by Council at its ordinary meetings. Having appropriate delegations in place allows day to day decisions to be made by the Chief Executive Officer (CEO), who in turn can sub-delegate these to other staff if appropriate.

Under the Act, local governments may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties, other than those prescribed under section 5.43 Limits on Delegations to the CEO.

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

The criteria WALGA recommends for determining when to provide delegated authority is outlined below, and the Administration has considered these when conducting the annual review.

1. Does the delegation contribute to sound decision making that complies with legislative obligations?
2. Does it improve efficiency and customer service outcomes?
3. Does it ensure 'Routine' decisions are better managed?
4. Have risks and political and community sensitivities been sufficiently managed through the conditions and limitations on the delegation?
5. Does the delegate have the skills, technical expertise and training to exercise the delegated powers or duties?
6. Are there appropriate policies, procedures and/or training to support decision makers when using the Delegated Authority?

	Comment
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In preparation for the 2023/24 annual review of the Shire of Merredin Register of Delegated Authority, three amendments have been identified that need to occur sooner than the anticipated annual review is planned to occur.

One proposed amendment reflects the following:

- a) Inclusion of Executive Manager Development Services (EMDS) as a subdelegate in Delegation DL5.1 Offences – Bush Fires Act 1954. This was approved in the last review that the EMDS would have the ability to withdraw infringements and was written in the “Express power or duty delegated” however it was not included in the table under the “Subdelegate” row. This has been amended in the attached document (Attachment 14.5B).
- b) Inclusion of a new delegation which was approved at the April 2021 Ordinary Council Meeting which delegates authority to the Chief Executive Officer to authorise persons to receive complaints and withdrawal of complaints in relation to Council Members, Committee Members and Candidates (CMRef 82721). The resolution stated that this would be recorded in the delegations register however it seems to have been missed, adding this during this minor review allows the Administration to rectify this error.

Further changes are detailed below:

Delegation	Change
DL5.6 Health Act 1911	Removal of Delegation. After conversations with staff at WALGA, the Administration were advised that this is not a delegation and should not be included in the register.
DL2.1 Demolition Permit	Change of conditions for delegates and addition of conditions on subdelegates. The information that was listed in the conditions section should have been listed under the subdelegate conditions section.

The annual review of the register will occur early in 2024, as part of our broader review of delegations and governance. This may result in the removal or addition of delegations, and see further changes occur.

In addition to the proposed amendments detailed in Attachment 14.5A, the amendment table at the end of the document does not currently reflect the proposed changes. This table will auto generate once the amendments have been entered into Attain, the Shire’s compliance software.

Policy Implications

Shire of Merredin Policies are referred to throughout the Register of Delegated Authority.

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. Section 5.44 of the Act outlines the circumstance under which the CEO may delegate powers and duties to other employees.

Section 5.46 (2) states ‘*At least once every financial year, delegations made under this Division are to be reviewed by the delegator.*’

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 Monthly Information Bulletin provided under separate cover to Council each month.

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

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

Strategic Implications

∅ Strategic Community Plan

Theme: 4. Communication and Leadership

Service Area Objective: 4.2 Decision Making

Priorities and Strategies for Change: Nil

∅ Corporate Business Plan

Theme: Nil

Priority: Nil

Sustainability Implications

∅ Strategic Resource Plan

Nil

Risk Implications

Council is required to review its delegations under the *Local Government Act 1995* at least once every financial year. Though this has been completed for the 2022/23 financial year and

is planned to occur again in early 2024, it is important that the amendments proposed are adopted in a timely matter to ensure the Shire’s delegation register is accurate.

Financial Implications

Nil

Voting Requirements

Simple Majority

Absolute Majority

Resolution

Moved: Cr McKenzie

Seconded: Cr Anderson

That Council:

83298

1. NOTES the proposed amendments to the Shire of Merredin Register of Delegated Authority as per Attachment 14.5A; and
2. ENDORSES the updated Shire of Merredin Register of Delegated Authority, as per Attachment 14.5B.


CARRIED 6/0

For: Cr McKenzie, Cr Manning, Cr Anderson, Cr Billing, Cr Crook, Cr Simmonds.

Against: Nil

14.6 Budget Review 1 – November 2023

Cr Crook declared a Proximity Interest in this Item and left the Chambers at 4:38pm.

<h3>Corporate Services</h3> 	
Responsible Officer:	Leah Boehme, EMCS
Author:	As above
Legislation:	<i>Local Government Act 1995</i> <i>Local Government (Financial Management) Regulations 1996</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 14.6A – Budget Review November 2023 Attachment 14.6B – Budget Review explanation notes (CONFIDENTIAL)

Purpose of Report

Executive Decision

Legislative Requirement

For Council to consider a review of the 2023/24 Annual Budget for the Shire of Merredin (the Shire), based on the year-to-date figures at October 2023. It should be noted this will be the first of two budget review processes conducted during the 2023/24 financial year. This process is informal, and is not the statutory process.

Background

Regulation 33A of the *Local Government (Financial Management) Regulations 1996* provides that the Council is required to conduct a review of its approved annual budget after considering the changes in its operating environment since the beginning of the financial year, with a view to forecasting the financial impacts likely to arise for the remainder of the year. This is required to be completed between January and March of each year.

With the current financial position of the organisation in mind, and the amount of capital projects scheduled during the year, it was decided to again complete two reviews during the financial year.

This is the first, a further review will be conducted in March 2024, utilising end of month figures from February, which will fulfil our statutory compliance requirement.

Comment

Council is required to consider the submitted budget review and make a determination in relation to the outcomes and recommendations.

The review of the 2023/24 Annual Budget has been completed. A number of proposed variations to existing budget allocations have been identified and included in the revised budget, which can be found in Attachment 14.6A.

It should be noted that actual costs presented in this document are representative of October 2023 end of month figures.

Issues and options considered.

The budget review has comprised of:

- a review of the adopted budget and an assessment of actual results to date against that budget;
- an assessment and projection of likely results over the remainder of the financial year against the adopted budget; and
- Consideration of any issues not provided for in the adopted budget that may need to be addressed.

The review of the adopted budget has taken into account what has transpired in the first third of the year, the likely operating environment over the remaining part of the year under prevailing economic conditions, and the most likely impact on the Council's financial position.

The focus in this review has been on ensuring that there is sufficient operational capacity to deliver the services and budget programs as set out in the adopted 2023/24 Annual Budget and to accommodate events and issues and changes to project scheduling that have arisen since budget adoption.

The most significant variations between the original adopted budget and the revised budget are as follows:

Surplus Brought Forward

The actual surplus brought forward from the 2022/23 financial year has been confirmed at \$3,934,246 during the 2022/23 Audit. The figures considered during the Annual Budget adoption were significantly lower, which has meant a further \$336,349 has been available for allocation.

Operating Income and Expenditure

Throughout the budget, a range of amendments are proposed. The key items of note are presented below.

Income

- The Financial Assistance Grant (General and Roads) received is \$135,820 more than the original budget allocation. No further funding was anticipated after payment was received on 30 June 2023, however extra funds have been allocated.
- Bank interest has been received at a higher than expected rate, due to rises in interest over the year. We expect to receive around \$30,000 extra in interest from our municipal funds. Interest received on reserve funds is usually transferred back to each reserve.

Expenditure

- Merredin Regional Community & Leisure Centre (MRCLC) expenditure has been split over a number of lines to ensure accurate and transparent accounting now the service is being provided in-house.
- Extra funds have also been included in the REC – MRCLC Initial Maintenance and Repairs GL due to works costing more than expected.
- Election expenses have been increased due to the need for a special election in early 2024.
- Funds have been included for upcoming CEO recruitment.
- An expected overspend in the Emergency Services Levy Bushfire Brigade (ESL BFB) area of the budget is anticipated and funds have been allocated to account for this. Council has previously been briefed on this matter.
- The Waste Recycling budget has been increased due to a slight under allocation in the original budget.
- Extra funds have been allocated to the maintenance of the Burracoppin townsite to allow necessary works to occur.
- Increases to some building insurance expenses has seen a need to allocate extra funds to various building operation accounts across the budget.

Capital Expenditure

Capital expenditure has various proposed amendments, the main items are outlined below:

- Wheatbelt Secondary Freight Network (WSFN) expenditure has increased due to an increased program during the delivery period, with an increase of over \$1m in works.
- Crooks Road works have decreased due to a reduced program, due to a change in the funding advocacy plan and approach.
- Goldfields Road has increased due to an increased program.
- Cummins Theatre and MRCLC building capital lines have been split to accommodate the purchase and installation of capital plant and equipment items (Water fountain at MRCLC and dishwasher at Cummins Theatre).

Further explanation of the proposed amendments can be found in Confidential Attachment 14.6B.

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*. Though this review will not meet our Statutory Compliance obligations given it is being held so early, Budget Review 2 scheduled for March 2024 will meet the prescribed compliance requirements.

Strategic Implications

Ø 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: Communication and Leadership.
Priorities: P4.3 Maximising the value of Shire Assets.

Sustainability Implications

∅ Strategic Resource Plan

Nil

Risk Implications

In the current financial climate, the purpose of this early review is to minimise the risk of issues arising later in the financial period. Should the review have been completed only in the January – March period, there was a risk of significant financial issues occurring and not being able to be rectified due to the late nature of the review.

Financial Implications

Suggested amendments to the 2023/24 Annual Budget, as outlined in Attachment 14.6A.

Voting Requirements

Simple Majority Absolute Majority

Resolution

Moved: Cr Billing Seconded: Cr Anderson

83299 That Council APPROVES the 2023/24 Budget Review 1, as at 31 October 2023, and AUTHORISES the amendments detailed in Attachment 14.6A.

CARRIED 5/0


For: Cr McKenzie, Cr Manning, Cr Anderson, Cr Billing, Cr Simmonds.

Against: Nil

Cr Crook returned to the Chambers at 4:39pm.

15. Officer’s Reports – Administration

15.1 Policy Review & Adoption – Councillor Training and Professional Development Policy and CEO and Councillor Attendance at Events

<h2 style="margin: 0;">Administration</h2> 	
Responsible Officer:	Lisa Clack, CEO
Author:	Meg Wyatt, EO
Legislation:	<i>Local Government Act 1995</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 15.1A – Policy 1.20 Councillor Training and Professional Development Policy - with track changes Attachment 15.1B - Policy 1.20 Councillor Training and Professional Development Policy - Final Attachment 15.1C – Policy 1.21 CEO and Councillor Attendance at Events – with track changes Attachment 15.1D – Policy 1.21 CEO and Councillor Attendance at Events - Final

Purpose of Report

Executive Decision

Legislative Requirement

For Council to consider a revised Councillor Training and Professional Development Policy which allows for the continuation of professional development within Elected Members and adopt the new CEO and Councillor Attendance at Events Policy.

Background

Councillor Training and Professional Development Policy

Policy 1.20 provides a framework for Elected Members to meet their statutory obligations for training and to undertake professional development to enhance their effectiveness.

In June 2019, the Western Australian Parliament passed the *Local Government Legislation Amendment Act 2019 (WA)* which introduced a number of provisions reforming aspects of the *Local Government Act 1995 (WA)* (the Act). The amendments came into effect immediately. The amendments provide for universal training for Elected Members.

The introduction of training requirements for Elected Members acknowledges the unique and challenging role Elected Members hold and aims to provide them with the skills and knowledge to be an effective Elected Member.

The Council Member Essentials course prescribed by the Local Government Administration Regulations has five training modules that must be completed within a year of being elected:

- (a) Understanding local government;
- (b) Serving on Council;
- (c) Meeting procedures;
- (d) Conflicts of interests; and
- (e) Understanding financial reports and budgets.

This amendment to the Act also requires local governments to report annually on Elected Member training as well as develop and adopt a professional development policy for its Elected Members.

All Elected Members have to complete the Council Member Essentials course unless, in the previous five years, they have passed the Diploma of Local Government 52756WA (Elected Member) or the course titled LGASS00002 Elected Member Skill Set. If required training has been completed within the five-year timeframe, then it is to be undertaken every second election.

Division 10 s.5.126 (2)(d) provides for a fine not exceeding \$5,000 for contravention of this section of the Act.

The changes to the Act also provide for the continuing professional development of Elected Members with the local government to prepare and adopt a policy in relation to this.

The Shire of Merredin (the Shire) policy is consistent with the Department of Local Government, Sport and Cultural Industries template policy which meets the requirements of the Act.

CEO and Councillor Attendance at Events

It is a requirement in the Compliance Audit Return for local governments to prepare by absolute majority and publish an up-to-date version on their website a policy dealing with the attendance of Elected Members and the CEO at events.

The Shire policy is consistent with the Department of Local Government, Sport and Cultural Industries template policy for Attendance of the CEO and Councillors at events, which meets the compliance requirements under the Act.

	Comment
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Councillor Training and Professional Development Policy

The contents of Policy 1.20 Councillor Training and Professional Development remain unchanged from its previous version, however, it has had minor changes to fix grammatical and formatting errors and all reference to the word “Councillor” has been changed to “Elected Member” to align with other policies.

CEO and Councillor Attendance at Events

The contents of Policy 1.21 CEO and Councillor Attendance at Events remain unchanged from its previous version, however, it has had minor changes to fix grammatical and formatting

errors and all reference to the word “Councillor” has been changed to “Elected Member” to align with other policies.

Policy Implications

As outlined in the report.

Statutory Implications

As outlined in the *Local Government Act 1995*.

Strategic Implications

∅ Strategic Community Plan

Theme: 4. Communication and Leadership

Service Area 4.2 Decision Making

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

Sustainability Implications

∅ Strategic Resource Plan

Nil

Risk Implications

If Council do not adopt the attached polices, the Shire will be non-compliant in meeting its legislative requirements, which will be reportable in the 2023 Compliance Audit Return.

Financial Implications

Nil

Voting Requirements

Simple Majority

Absolute Majority

Resolution

Moved: Cr Simmonds

Seconded: Cr McKenzie

That Council:

83300

1. NOTE the revision of Policy 1.20 – Councillor Training and Professional Development, as presented in Attachment 15.1A;
2. ADOPT Policy 1.20 with minor changes as presented in Attachment 15.1B;
3. NOTE the revision of Policy 1.21 – CEO and Councillor Attendance at Events, as presented in Attachment 15.1C; and
4. ADOPT Policy 1.21 with minor changes as presented in Attachment 15.1D.

CARRIED 6/0

For: Cr McKenzie, Cr Manning, Cr Anderson, Cr Billing, Cr Crook, Cr Simmonds.

Against: Nil

15.2 Status Report – December 2023

<h1>Administration</h1>		 SHIRE OF MERREDIN INNOVATING THE WHEATBELT
Responsible Officer:	Lisa Clack, CEO	
Author:	Meg Wyatt, EA	
Legislation:	<i>Local Government Act 1995</i>	
File Reference:	Nil	
Disclosure of Interest:	Nil	
Attachments:	Attachment 15.2A – Status Report – December 2023	

Purpose of Report



Executive Decision



Legislative Requirement

For Council to consider the updated Status Report for December 2023.

Background

The Status Report is a register of Council Resolutions that are allocated to the Shire of Merredin's (the Shire) Executive Staff for actioning. When the Executive Staff have progressed or completed any action in relation to the Council Resolution, comments are provided until the process is completed or superseded by a further Council Resolution.

Comment

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

Policy Implications

Nil

15.3 Becoming a Road Wise Council

<h2>Administration</h2>		
Responsible Officer:	Lisa Clack, CEO	
Author:	As above	
Legislation:	<i>Local Government Act 1995</i>	
File Reference:	Nil	
Disclosure of Interest:	Nil	
Attachments:	Attachment 15.3A – Invitation to Register as Road Wise Council Attachment 15.3B – Road Wise Council Registration Form	

Purpose of Report



Executive Decision



Legislative Requirement

To recommend to Council that it accepts the invitation from WALGA to become a WALGA RoadWise Council.

Background

On 7 June 2023, the Shire of Merredin (the Shire) received an email from WALGA informing of the change in service arrangements for RoadWise and calling for expressions of interest from local governments that wish to continue work with RoadWise to allow a formal invitation to be sent.

The email explained that WALGA was taking a fresh approach to support the achievement of road safety goals in WA, replacing the current RoadWise program model to offer a more focused and regular support service to local governments they work with.

WALGA is allocating only ten local governments to each Road Safety Adviser and will allocate a minimum of one full week of their time supporting each Council per quarter.

On 8 August 2023, the Shire received the invitation to register as a RoadWise Council and the Registration form, as shown in Attachment 16.2A & 16.2B.

The new initiative has been developed to encourage, motivate and support local governments to incorporate best practice road safety principles and policy across their business services to reduce the number of people killed and seriously injured on local roads.

Comment

The main requirement that the Shire will need to complete is a form of Statement of Intent or Road Safety Declaration signed by the Chief Executive Officer and Shire President. The Shire will also need to nominate a staff member as the primary liaison for the Road Safety Adviser.

By becoming a RoadWise Council the Shire will:

- Demonstrate a commitment to improve road safety outcomes within the community using the resources available to the Shire.
- Have access to the RoadWise Council logo for use on Shire of Merredin promotional communications or infrastructure.
- Gain priority access to WALGA’s road safety services and products.
- Be eligible for formal recognition for road safety management and actions, including support in benchmarking and monitoring progress of road safety outcomes through the RoadWise Recognised initiative.

Given the Shire of Merredin already demonstrates a commitment to improving road safety with a substantial roads program, the access to support from a WALGA Officer would add value to the existing commitment. Should the program no longer be aligned with the Shires priorities in the future, the Shire can withdraw from the program. Examples of practical support given to other Councils includes assisting with road funding advocacy and reduction of speed limits.

Policy Implications

Nil

Statutory Implications

Local Government Act 1995.

Strategic Implications

∅ Strategic Community Plan

Theme:	6. Transport and Networks.
Service Area Objective:	6.1 Roads & Footpaths. 6.1.1 The Shire’s road system, footpaths and cycle trails are well maintained and safe.
Priorities and Strategies for Change:	Improving local roads.

∅ Corporate Business Plan

Theme:	6. Transport and Networks.
Objectives:	6.1 Roads & Footpaths.
SCP Priorities:	P6.1 Improving local roads.

Sustainability Implications

∅ Strategic Resource Plan

Nil

Risk Implications

Nil

Financial Implications

Nil as there is no membership or other fees required.

Voting Requirements



Simple Majority



Absolute Majority

Resolution

Moved: Cr Manning

Seconded: Cr Anderson

That Council;

83302

- 1. ACCEPTS the invitation from WALGA to become a RoadWise Council;**
- 2. AUTHORISES the CEO to execute the Road Wise Council Registration Form at Attachment 15.3B; and**
- 3. NOMINATES the Shire President and Executive Manager Engineering Services as the primary contacts for road safety matters.**

CARRIED 6/0

For: Cr McKenzie, Cr Manning, Cr Anderson, Cr Billing, Cr Crook, Cr Simmonds.

Against: Nil

15.4 Appointment to Joint Development Assessment Panel

<h1>Administration</h1> 	
Responsible Officer:	Lisa Clack, CEO
Author:	Meg Wyatt, EO
Legislation:	<i>Planning and Development Act 2005. Planning and Development (Development Assessment Panels) Regulations 2011.</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Nil

Purpose of Report



Executive Decision



Legislative Requirement

For Council to nominate two Elected Members and two alternative Elected Members for the Shire of Merredin (the Shire) to be members on the Mid-West/Wheatbelt Joint Development Assessment Panel (JDAP).

Background

The JDAP is an independent decision-making body which determines certain development applications in the place of the original decision maker, being the local government authority and/or the Western Australian Planning Commission (WAPC). JDAP's are comprised of independent technical experts and elected local government representatives with the ability to determine applications for development approval in place of the relevant decision-making authority.

JDAPs were established to service two or more local governments and the Shire is part of the Mid-West/Wheatbelt Joint Development Assessment Panel.

Effective 1 July 2011, under the *Planning and Development (Development Assessment Panels) Regulations 2011*, each JDAP will determine development applications which meet set type and value thresholds, as if it were the responsible authority under the relevant planning instrument, such as the local planning scheme or regional planning scheme.

There are alternate (deputy) members for both local elected members and specialist members. Alternate (deputy) members are used when an issue of quorum arises or when a DAP member is unable to act because of illness, absence, or other causes. Deputy local elected members cannot sit in the place of specialist members, just as deputy specialist members cannot sit in the place of local elected members.

Comment

The purpose of a JDAP is To determine development applications within a certain type and value threshold through consistent, accountable, and professional decision-making.

The current membership of the Mid-West/Wheatbelt JDAP include Shires of Beverley, Boddington, Brookton, Bruce Rock, Carnamah, Chapman Valley, Chittering, Coolgardie, Coorow, Corrigin, Cuballing, Cue, Cunderdin, Dalwallinu, Dandaragan, Dowerin, Dumbleyung, Dundas, Esperance, Greater Geraldton, Gingin, Goomalling, Irwin, Kalgoorlie-Boulder, Kellerberrin, Kondinin, Koorda, Kulin, Lake Grace, Laverton, Leonora, Merredin, Meekatharra, Menzies, Mingenew, Moora, Morawa, Mt Magnet, Mt Marshall, Mukinbudin, Murchison, Narembeen, Narrogin, Ngaanyatjaraku, Northam, Northampton, Nungarin, Pingelly, Quairading, Ravensthorpe, Sandstone, Tammin, Three Springs, Toodyay, Trayning, Victoria Plains, Wagin, Wandering, West Arthur, West Arthur, Westonia, Wickepin, Williams, Wiluna, Wongan-Ballidu, Wyalkatchem, Yalgoo and Yilgarn.

The meeting cycle is as required – JDAP’s only meet when there is a DAP application to determine. Local government representatives will only sit on the panel when the application(s) being determined by the panel have been made under their local planning scheme. The quorum for the meeting is 3 members.

Regulation 29 of the *Planning and Development (Development Assessment Panels) Regulations 2011* states that a JDAP member holds office for the term specified in the member’s Ministerial instrument of appointment.

A development application is being lodged in December 2023 which will require consideration via the JDAP. Council needs to nominate its members at this Council Meeting as it is likely that matters that will require consideration by JDAP will be discussed at the January Ordinary Council Meeting.

Policy Implications

Nil

Statutory Implications

Planning and Development Act 2005.

Planning and Development (Development Assessment Panels) Regulations 2011.

Strategic Implications

Ø Strategic Community Plan

Theme: Nil

Service Area Objective: Nil

Priorities and Strategies
for Change: Nil

Sustainability Implications

Ø Strategic Resource Plan

Nil

Risk Implications

Nil

Financial Implications

Nil

Voting Requirements

Simple Majority

Absolute Majority

Resolution

Moved: Cr McKenzie

Seconded: Cr Billing

83303

That Council ENDORSE, that Councillors Manning and Simmonds be nominated as Members and Councillors Crook and Anderson as Alternate Members for the Shire of Merredin on the Mid-West/Wheatbelt Joint Development Assessment Panel and their nomination be submitted to the Minister for Planning for consideration.

CARRIED 6/0

For: Cr McKenzie, Cr Manning, Cr Anderson, Cr Billing, Cr Crook, Cr Simmonds.

Against: Nil

15.5 Arrangements for an Extraordinary Election

<h1>Administration</h1>		 SHIRE OF MERREDIN INNOVATING THE WHEATBELT
Responsible Officer:	Lisa Clack, CEO	
Author:	As above	
Legislation:	Local Government Act 1995	
File Reference:	Nil	
Disclosure of Interest:	Nil	
Attachments:	Attachment 15.5A – Written Agreement from Electoral Commissioner	

Purpose of Report

Executive Decision

Legislative Requirement

To consider Council's options in relation to the extraordinary vacancy on the Council.

Background

Following the resignation of Cr Julie Flockart on 19 October, it is necessary for the Shire of Merredin (the Shire) to make arrangements to hold an extraordinary election, pursuant to s4.8(1) of the Local Government Act 1995. The resignation occurred two days before normal election date of 21 October 2023, which means that there is no avenue for the Shire to backfill the position with the next candidate that had the most votes as there is no legislative instrument for this to occur. The new backfill provisions which have been enacted under the reform do not apply to resignations that occurred prior to the October 2023 elections.

The Electoral Commission have provided a cost estimate of \$22,000 to conduct the extraordinary election. Given the cost implications, and given the Shire of Merredin is required to reduce Councillor numbers by one position by 2025, the Department Local Government, Sport and Cultural Industries (DLGSC) were approached for advice on this matter, as it was hoped an additional Ward and Representation review could be conducted and gazetted to drop the vacancy now. The advice provided is that the Local Government Advisory Board can drop the vacant position following a Ward and Representation review if one was conducted, however this will not take effect as it will not be gazetted until the 2025 election, meaning the Shire must hold an extraordinary election.

While there are some circumstances in which the Electoral Commissioner can approve a local government to hold a vacancy, these circumstances do not apply to Merredin.

Comment

Setting an Election Date

In order to hold an extraordinary election, the Shire must first set a date for the election, and it must do so within one month of the vacancy occurring (s.4.9(1)). The Shire is obliged to hold an extraordinary election within 4 months of a vacancy occurring (s.4.9 (2)). However, the election must take place a minimum of 80 days after the appointment of a Returning Officer.

As Council did not set an extraordinary election date due to their being no Ordinary Council Meeting held in November, the Electoral Commissioner has chosen a date for the extraordinary election under section 4.9 of the *Local Government Act 1995* and advised Council of it's decision.

The date the Electoral Commissioner has chosen for the Shire's extraordinary election is Friday, 15 March 2024.

Returning Officer

The Shire must also decide who to appoint as the Returning Officer for the election. Under section 4.20 of the *Local Government Act 1995*, the Chief Executive Officer (CEO) is to be the Returning Officer unless other arrangements are made and Administration strongly recommend that other arrangements are made as the administrative requirements are prohibitive.

Council has the option of appointing any suitably qualified person as Returning Officer (s4.20(2)). Otherwise, the Council can declare the Electoral Commissioner be responsible for the conduct of the election. In either case, prior written approval from the Electoral Commissioner is required before such a decision can be made.

Following a request to the WA Electoral Commission for a quotation to conduct this extraordinary election, they have responded with a cost estimate for conducting the election of \$22,000. The WA Electoral Commission operate a full cost recovery model and have based this estimate on:

- 2240 Electors;
- Response rate of approximately 35%;
- Appointment of a local Returning Officer; and
- Count to be conducted at the Shire office using CountWA

The letter notes that this is an estimate only and the actual cost of the election will be charged.

Method of Conducting the Election

It is a condition of the Electoral Commission that, if they are running the election, it must be held as a postal election.

Policy Implications

Nil

Statutory Implications

Local Government Act 1995, Part 4, Division 4;

- Section 4.9 (1) - Council must fix a date for an extraordinary election at a meeting held within one month of the vacancy occurring.
- Section 4.9 (2) - The election day fixed for an extraordinary election cannot be later than 4 months after the vacancy occurs, unless the Electoral Commissioner approves or section 4.10(b) applies.
- Section 4.20 (4) - A local government may, having first obtained the written agreement of the Electoral Commissioner, declare* the Electoral Commissioner to be responsible for the conduct of an election.
- Section 4.61 (2) - The local government may decide* to conduct the election as a postal election.

*(absolute majority required)

Strategic Implications	
∅	Strategic Community Plan

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

Sustainability Implications	
∅	Strategic Resource Plan

Nil

Risk Implications	
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The holding of elections is highly regulated by the Local Government Act 1995, consequently, there is a risk of the Shire being non-compliant if it does not act expediently to arrange the extraordinary election.

Financial Implications	
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The WA Electoral Commission have provided a cost estimate of \$22,000 to run the election, this has been included in the budget provisions included for in the 2023/24 Annual Budget Review.

Voting Requirements

Simple Majority

Absolute Majority

Resolution

Moved: Cr Crook

Seconded: Cr McKenzie

That Council;

83304

1. DECLARE, in accordance with section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner to be responsible for the conduct of the extraordinary election; and
2. DECIDE, in accordance with section 4.61(2) of the Local Government Act 1995 that the method of conducting the extraordinary election will be as a postal election.

CARRIED 6/0

For: Cr McKenzie, Cr Manning, Cr Anderson, Cr Billing, Cr Crook, Cr Simmonds.

Against: Nil

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

20. Closure

There being no further business, the President thanked those in attendance and declared the meeting closed at 4:50pm.

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