



SHIRE OF
MERREDIN
INNOVATING THE WHEATBELT

AGENDA

Special Council Meeting

To be held in Council Chambers
Corner King & Barrack Street's, Merredin
Tuesday 26 May 2020
Commencing 6.30pm



Notice of Meeting



Dear President and Councillors,

A Special Meeting of the Council of the Shire of Merredin will be held on Tuesday 26 May 2020 in the Council Chambers, Corner King & Barrack Streets, Merredin for the purpose of Considering the following matters. The format of the meeting will be:

- Differential Rates 2020/21
- Appointment of Executive Manager Engineering Services

6.30pm

Special Council Meeting

MARK DACOMBE
TEMPORARY CHIEF EXECUTIVE OFFICER

22 May 2020

DISCLAIMER

PLEASE READ THE FOLLOWING IMPORTANT DISCLAIMER BEFORE PROCEEDING:

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

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

Common Acronyms Used in this Document

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

Shire of Merredin
Special Council Meeting
6:30pm Tuesday 26 May 2020



1. Official Opening

2. Record of Attendance / Apologies and Leave of Absence

Councillors:

Cr JR Flockart	President
Cr MD Willis	Deputy President
Cr Butler	
Cr LN Boehme	
Cr PR Patroni	
Cr MJ McKenzie	
Cr RA Billing	
Cr RM Manning	
Cr PM Van Der Merwe	

Staff:

M Dacombe	TCEO
C Brown	EMCS
M Ivanetz	EA to CEO

Members of the Public:

Apologies:

Approved Leave of Absence: Nil

3. Public Question Time

4. Disclosure of Interest

5. Applications of Leave of Absence

Nil

6. Petitions and Presentations

Nil

7.	Confirmation of Minutes of Previous Meetings
	Nil
8.	Announcements by the Person Presiding without discussion
	Nil
9.	Matters for which the Meeting may be closed to the public
	Nil
10.	Receipt of Minutes of Committee Meetings
	Nil
11.	Recommendations from Committee Meetings for Council consideration
	Nil
12.	Officer's Report – Development Services
	Nil
13.	Officer's Report – Engineering Services
	Nil
14.	Officer's Reports – Corporate and Community Services
14.1	<u>Differential Rates 2020/21</u>
15.	Officer's Reports - Administration
15.1	<u>Staff - Appointment of Executive Manager of Engineering Services</u>
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 of by Decision
	Nil

19.	Matters Behind Closed Doors
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Nil

20.	Closure
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14. Officer’s Reports – Corporate and Community Services

14.1 Differential Rates 2020/21

<h2 style="margin: 0;">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:	RV/o7/o1
Disclosure of Interest:	Nil
Attachments:	Attachment 14.1A – Objects and Reasons
Maps / Diagrams:	Nil

Purpose of Report

Executive Decision

Legislative Requirement

Background

This matter was held over from the Ordinary Council Meeting held on 19 May 2020 to enable the matter of inclusion of land used for solar power generation to be included in the UV4 – Special Power Generation category.

Local governments are empowered to impose differential general rates subject to compliance with Section 6.33 of the *Local Government Act 1995*.

Differential rating provides Council with flexibility in the level of rates being raised from specifically identified properties or groups of properties within the community. It is common for Councils to base differential rating for properties on Town Planning Scheme zonings however other criteria such as land use may be used.

Once a budget deficiency has been determined, and after taking into consideration the objectives of the Strategic Community Plan and Corporate Business Plan, a rating strategy and proposed differential general rates in the dollar can be determined. Rates should not be increased by a fixed amount without due consideration of the deficiency. Unless Ministerial approval is given, the amount expected to be raised through all types of local government rates must be within 90% to 110% of the deficiency of the budget (s6.34). This acts to limit the amount that may be raised by rates, but only in proportion

to the expenditure requirement determined by the local government, and not in the manner of a set cap on the maximum level of income which can be raised through rates.

Council is required to give local public notice prior to imposing any differential general rates, or any minimum payment applying to a differential rate category, for a minimum of 21 days. Council does, however, have the discretion to vary the rate in the dollar and minimum rate during its budget deliberations without having to re-advertise the changes.

Before local public notice is given, proposed rates should be determined by Council, along with the objects and reasons providing justification for each differential general rate or minimum payment. It is important that these provide sufficient supporting information to electors and ratepayers or local governments may be asked to re-advertise by the Minister for Local Government (the Minister).

Currently, Differential Rating does not apply to properties utilising Gross Rental Valuations.

The table of Rates (Unimproved Valuations) proposed for the 2020/21 financial year is set out below:

Unimproved Value	Minimum Rate	Rate in \$
UV1 – Rural	\$1,110.00	0.01930
UV2 – Urban Rural	\$1,110.00	0.03110
UV3 – Mining	\$200.00	0.03680
UV4 - Special Zone Wind Farm & Power Generation	\$1,110.00	0.03680
UV5 – Special Use Airstrip	\$1,110.0	0.03680

Category	Rate in the \$		Minimum Rate		Rateable Valuations	Rates Revenue (Inc Mins)		Estimated Revenue (Inc Mins) Minimums	
	19/20	20/21	19/20	20/21		19/20	20/21	19/20	20/21
UV1 Rural	1.9300	1.9300	1,110	1,100	89,020,600	1,799,814	1,799,814		
UV2 Urban Rural	3.1100	3.1100	1,110	1,110	4,454,650	159,853	159,853		
UV3 Mining	3.6800	3.6800	200	200	71,067	3,782	3,782		
UV4 Special Zone	3.6800	3.6800	1,110	1,110	4,370,500	161,950	161,950		
UV5 Special Use	3.6800	3.6800	1,110	1,110	162,000	5,962	5,962		
Total					98,078,817	2,131,362	2,131,362		

Comment

These calculations have been made using the valuations supplied by Landgate Valuation Services for 2020/2021. If new valuations are issued reflecting the land used for solar power generation then the valuation of the land in UV1 will decrease and the valuation of the land in LV4 will increase.

The recent amendment to introduce Part 10 to the Local Government Act permits the Minister for Local Government to make Ministerial Orders to modify or suspend specified provisions of the Act or associated Regulations while a state of emergency declaration is in force:

- If adopting a minimum rate or rate in the dollar no higher than that imposed in 2019/20, then there is no need to advertise differential rates.
- Only requirement is to place a notice on your website.

Differential rates were not imposed on the solar farms for 2019/2020 as a completion certificate for the development had not been issued. It is anticipated that this certificate will be issued in the very near future.

Revaluations of the Assessments are also required as the solar farm use occupies only a portion of the subject properties.

This report and the attached scheduled has been prepared on the basis that the land used for solar power generation will be included in differential UV4 - Special Zone Wind Farm & Power Generation

Policy Implications

Nil

Statutory Implications

Section 6.33 of the *Local Government Act 1995* allows for local governments to differentially rate properties.

6.33. Differential general rates

- (1) *A local government may impose differential general rates according to any, or a combination, of the following characteristics —*
 - (a) *the purpose for which the land is zoned, whether or not under a local planning scheme or improvement scheme in force under the Planning and Development Act 2005; or*
 - (b) *a purpose for which the land is held or used as determined by the local government; or*
 - (c) *whether or not the land is vacant land; or*
 - (d) *any other characteristic or combination of characteristics prescribed*

Section 6.35 of the *Local Government Act 1995*:

6.35. Minimum payment

- (1) *Subject to this section, a local government may impose on any rateable land in its district a minimum payment which is greater than the general rate which would otherwise be payable on that land.*
- (2) *A minimum payment is to be a general minimum but, subject to subsection (3), a lesser minimum may be imposed in respect of any portion of the district.*
- (3) *In applying subsection (2) the local government is to ensure the general minimum is imposed on not less than –*
 - (a) *50% of the total number of separately rated properties in the district; or*
 - (b) *50% of the number of properties in each category referred to in subsection (6),**on which a minimum payment is imposed.*
- (4) *A minimum payment is not to be imposed on more than the prescribed percentage of –*
 - (a) *the number of separately rated properties in the district; or*
 - (b) *the number of properties in each category referred to in subsection (6),**unless the general minimum does not exceed the prescribed amount.*
- (5) *If a local government imposes a differential general rate on any land on the basis that the land is vacant land it may, with the approval of the Minister, impose a minimum payment in a manner that does not comply with subsections (2), (3) and (4) for that land.*
- (6) *For the purposes of this section a minimum payment is to be applied separately, in accordance with the principles set forth in subsections (2), (3) and (4) in respect of each of the following categories –*
 - (a) *to land rated on gross rental value; and*
 - (b) *to land rated on unimproved value; and*
 - (c) *to each differential rating category where a differential general rate is imposed.*

[Section 6.35 amended by No. 49 of 2004 s. 61.]

Section 53 of the *Local Government (Financial Management) Regulations 1996* sets the Prescribed amount in Relation to Minimums.

53. Amount prescribed for minimum payment (Act s. 6.35(4))

The amount prescribed for the purposes of section 6.35(4) is \$200.

Strategic Implications

➤ Strategic Community Plan

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

➤ Corporate Business Plan

Strategy: SP.D4.4 – Practice prudent management of financial resources
Action #: 2
Action: Continue to provide prudent financial controls and compliance systems
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 regard 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

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

Adopting the differential model as detailed below will result in no change in the rates in the dollar for each differential over the 2020/21 financial year.

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation

That Council:

1. adopt for draft budget purposes the following differential rate in the dollar and minimum payments for Unimproved Value rated properties, subject to finalisation of the draft 2020/21 Budget and the establishment of the funding shortfall required from imposition of rates on Gross Rental Value rated properties:

Unimproved Value	Minimum Rate	Rate in \$
UV1 – Rural	\$1,110.00	0.01930
UV2 – Urban Rural	\$1,110.00	0.03110
UV3 – Mining	\$200.00	0.03680
UV4 - Special Zone Wind Farm & Power Generation	\$1,110.00	0.03680
UV5 – Special Use Airstrip	\$1,110.00	0.03680

2. in accordance with Section 6.36 of the *Local Government Act 1995*, advertise its intention to levy differential rates on Unimproved Value properties for the 2020/21 Budget on council's website the availability of the Shire of Merredin's 2020/21 Differential Rating Objects and Reasons.

15.1 Staff – Appointment of Executive Manager of Engineering Services

Administration



Responsible Officer:	Mark Dacombe, T/CEO
Author:	Mark Dacombe , T/CEO
Legislation:	<i>Local Government Act 1995</i>
File Reference:	Personnel File
Disclosure of Interest:	Nil
Attachments:	Confidential attachments circulated separately

Purpose of Report



Executive Decision



Legislative Requirement

Background

Pursuant to Section 5.37 of the *Local Government Act 1995*, the CEO is to inform Council of each proposal to appoint or dismiss a Senior Employee. This is one of the nominated positions.

Comment

The former EMES, submitted his resignation in March 2020. Subsequently the position was advertised and 6 applications were received. Shortlisting identified 4 candidates for interview. One subsequently withdrew his application and 3 were interviewed. Interviews and reference checks were conducted with potential candidates. The process identified the preferred candidate.

Policy Implications

Nil Policy 1.2 Senior Employees is applicable as the EMES position is designated as a Senior Employee.

Statutory Implications

Local Government Act 1995 applies.

5.37. Senior employees

- (1) A local government may designate employees or persons belonging to a class of employee to be senior employees.
- (2) The CEO is to inform the council of each proposal to employ or dismiss a senior employee, other than a senior employee referred to in section 5.39(1a), and the council may accept or reject the CEO's recommendation but if the council rejects a recommendation, it is to inform the CEO of the reasons for its doing so.
- (3) Unless subsection (4A) applies, if the position of a senior employee of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement is to contain such information with respect to the position as is prescribed.
- (4A) Subsection (3) does not require a position to be advertised if it is proposed that the position be filled by a person in a prescribed class.
- (4) For the avoidance of doubt, subsection (3) does not impose a requirement to advertise a position where a contract referred to in section 5.39 is renewed.

[Section 5.37 amended: No. 49 of 2004 s. 45 and 46(4); No. 17 of 2009 s. 22.]

Strategic Implications

➤ Strategic Community Plan

Zone: Zone 4
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: 4.1.2 – Continue to support a respectful, strong and supportive organisational culture
Directorate: All Directorates
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

Provision for Salary and entitlements for this position is contained within the Budget.

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation

That Council, pursuant to section 5.37(2) Of the Local Government Act 1995, accepts the recommendation of the Temporary Chief Executive Officer to employ the preferred candidate, as the Executive Manager Engineering Services on a four year (4) contract of employment, subject to the terms and conditions as determined by the Temporary Chief Executive Officer.

20.

Closure

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