

SHIRE OF
MERREDIN
INNOVATING THE WHEATBELT

MINUTES

Ordinary Council Meeting

Held in Council Chambers
Corner King & Barrack Street's Merredin
Tuesday 15 September 2020
Commencing 4.00pm



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Common Acronyms Used in this Document

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

Shire of Merredin
Ordinary Council Meeting
4.00pm Tuesday 15 September 2020



1. Official Opening

The President acknowledged the Traditional Owners of the land on which we meet today and paid her respects to the Elders past and present. The President welcomed those in attendance and declared the meeting open at 4.02 pm.

2. Record of Attendance / Apologies and Leave of Absence

Councillors:

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

Staff

| | |
|-----------|-----------|
| M Dacombe | T/CEO |
| M Ivanetz | EA to CEO |
| K Hall | MCO |
| A Prnich | DCEO |
| C Brown | EMCS |
| P Zenni | EMDS |
| C Shotter | EMES |

Members of the Public: Justin Freind

Apologies: Nil

Approved Leave of Absence: Nil

3. Public Question Time

Nil

4. Disclosure of Interest

Councillors Billing and Boehme declared an Impartiality Interest in Item 12.1

Councillors Manning and Boehme declared a Proximity Interest in Item 14.5.

Councillors Patroni and Butler declared an Impartiality Interest in Item 15.3

5. Applications for Leave of Absence

Nil

6. Petitions and Presentations

Nil

7. Confirmation of Minutes of the Previous Meetings

- 7.1 Ordinary Council Meeting held on 18 August 2020.
[Attachment 7.1A](#)

Voting Requirements

- Simple Majority Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Patroni **Seconded:** Cr Manning

- 82597** That the Minutes of the Ordinary Council Meeting held on 18 August 2020 be confirmed as a true and accurate record of proceedings.

CARRIED 9/0

8. Announcements by the Person Presiding without discussion

The Shire President took the opportunity to speak to Council regarding her activities from the previous month.

Cr Flockart spoke about attending the following events;

1. Brushstrokes from the Bush Exhibition by the Merredin Fine Arts Society on Sunday, 30 August 2020
2. Merredin Twilight International Food Festival on Friday, 11 September 2020
3. Wildflower Society's new Herbarium opening on Saturday, 12 September 2020
4. The Haze Showband at Cummins Theatre on Saturday, 12 September 2020

The Shire President commended and congratulated all those who were involved in organising the successful events.

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

- 19.1 Lot 503 Gabo Avenue Merredin – Application to Extend Existing Temporary Development Approval Relating to CBH Grain Handling Facilities

10. Receipt of Minutes of Committee Meetings

- 10.1 Great Eastern Country Zone Meeting held on 27 August 2020
[Attachment 10.1A](#)
- 10.2 WEROC Inc Meeting held on 27 August 2020
[Attachment 10.2A](#)

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Flockart

Seconded: Cr Willis

82598 That the Minutes of the following Committees be received:

- Great Eastern Country Zone Meeting held on 27 August 2020.
- WEROC Inc meeting held on 27 August 2020.

CARRIED 9/0

| | |
|------------|--|
| 11. | Recommendations from Committee Meetings for Council consideration |
|------------|--|

Nil

12. Officers' Reports - Development Services

12.1 12 Jubilee Street – Proposed Over Height Shed

Councillors Billing and Boehme declared an Impartiality Interest in this Item 12.1

| | | |
|--------------------------------|---|---|
| <h2>Development Services</h2> | |  SHIRE OF MERREDIN INNOVATING THE WHEATBELT |
| Responsible Officer: | Peter Zenni, EMDS | |
| Author: | Peter Zenni, EMDS | |
| Legislation: | Building Act 2011 Shire of Merredin Policy Manual, Policy 8.22 – Outbuildings in Residential Areas. | |
| File Reference: | A2221 | |
| Disclosure of Interest: | Nil | |
| Attachments: | Attachment 12.1A – Building Application and Associated Documents | |

Purpose of Report

Executive Decision

Legislative Requirement

Background

The Shire of Merredin has received an application for a building permit for a proposed 'over height shed' as well as a patio on Lot 1002 (No 12) Jubilee Street, Merredin.

Comment

The owner of Lot 1002 (No 12) Jubilee Street, Merredin wishes to construct an 'over height shed' and patio.

The proposed shed will replace an existing shed and will be used for storage purposes and as a games room. The proposed shed will be located at the rear of the property and there should be no impact on the visual amenity of the surrounding area.

The owners of the adjoining properties have confirmed that they have no objection to the construction of the proposed shed on Lot 1002 (No 12) Jubilee Street, Merredin.

Policy Implications

The construction of the proposed shed and patio will require a building permit from the Shire of Merredin.

The Shire of Merredin Policy 8.22 – Outbuildings in Residential Areas, permits the Shires Executive Manager of Development Services to approve outbuildings in residential areas as long as their height, size and aggregate total area of all outbuildings complies with Policy Table 8.22.

In this case the Policy stipulates a maximum single outbuilding area at 94m² as well as a maximum height at the wall of 3.0 meters and at the ridge of 3.6 meters.

Upon construction of the proposed shed and patio will have an area off 101.2m², the shed will have a maximum height at the wall of 3.00 meters and at the ridge of 3.926 meters, therefore slightly exceeding the limits specified by Policy 8.22.

As such the Executive Manager of Development Services does not possess delegated authority to issue a building permit for the proposed shed and patio.

Council has previously approved the construction of over height and oversize outbuildings as well as development that exceed the overall aggregate area for all outbuildings on a lot in residential areas within Merredin.

The objectives of the Shire of Merredin Policy 8.22 – Outbuildings in Residential Areas are as follows;

“To ensure a level of consistency with the size, the height and setbacks of outbuildings in residential areas, to minimise any adverse impact on the amenity to neighbouring property owners and to contribute towards the aesthetics of the streetscape.”

The proposed development will **not** contravene the objectives of the Shire of Merredin Policy 8.22 – Outbuildings in Residential Areas.

There is only a minor exceedance of the maximum single outbuilding building area as well as the maximum ridge height parameters specified by Policy 8.22 and the owners of the adjacent properties have confirmed that they have no objection to the construction of the proposed shed.

Statutory Implications

Compliance with the Building Act 2011

Strategic Implications

➤ Strategic Community Plan

Zone: Communication & Leadership

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

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

➤ **Corporate Business Plan**

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

Directorate: Development Services

Timeline: Ongoing

Sustainability Implications

➤ **Strategic Resource Plan**

Nil

➤ **Workforce Plan**

Directorate: Nil

Activity: Nil

Current Staff: Nil

Focus Area: Nil

Strategy Code: Nil

Strategy: Nil

Implications: Nil

Risk Implications

Nil

Financial Implications

Development application fees have been paid.

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Van Der Merwe

Seconded: Cr Patroni

82599 That Council:

Authorises the Executive Manager Development Services to issue a building permit for the proposed 'over height shed' and patio on Lot 1002 (No 12) Jubilee Street, Merredin as outlined in attachment 12.1A, subject to compliance with the relevant provisions of the Building Act 2011 and the National Construction Code (BCA).

CARRIED 9/0

12.2 Merredin Tourist Park – Access and Mobility Compliant Ablution Facility

| | | |
|--------------------------------|---|--|
| Development Services | |  <p>SHIRE OF MERREDIN INNOVATING THE WHEATBELT</p> |
| Responsible Officer: | Peter Zenni, EMDS | |
| Author: | Peter Zenni, EMDS | |
| Legislation: | Shire of Merredin Local Planning Scheme No 6. Building Code of Australia | |
| File Reference: | A2506 | |
| Disclosure of Interest: | Nil | |
| Attachments: | Attachment 12.2A – Development Application and Supporting Documentation | |

Purpose of Report

- Executive Decision
 Legislative Requirement

Background

The Shire of Merredin has received an application for Development (Planning) Approval for an access and mobility compliant ablution facility to be located at the Merredin Tourist park on Lot 27 (No 2) Oats Street, Merredin.

Comment

The Merredin Tourist Park operates as a registered caravan park and lodging house and provides accommodation services. To date the Merredin Tourist Park has not had any dedicated ablution facilities provided on site that are designed specifically for use by persons with a disability.

The provision of an access and mobility compliant ablution facility at the Merredin Tourist Park will benefit patrons of the Merredin Tourist Park as well as address issues relating to compliance with requirements of the Building Code of Australia.

Impacts

Visual Amenity

There will be minimal impact to the visual amenity of the surrounding area due to the minimal size and proposed location of the development.

Strategic

The proposal is incidental to the operations of the Merredin Tourist Park and as such consistent with the current as well as longer-term use of the area.

Statutory

The construction of the proposed access and mobility compliant ablution facility requires Development Approval. The proposed development will be incidental to the operation of the Merredin Tourist Park which is located at Lot 27 (No 2) Oats Street, Merredin.

Lot 27 (No 2) Oats Street, Merredin is zoned 'Highway Service' under the Shire of Merredin Local Planning Scheme No.6.

The Merredin Tourist park operates as a registered caravan park in accordance with the Caravan Parks and Camping Grounds Act and Regulations and as such is listed as a 'D' use in a 'Highway Service' zoned area. This means that the use is not permitted unless the local government has exercised its discretion by granting development approval.

As such the Shires Executive Manager Development Services does not have the ability to grant development approval for the proposed development and the matter is being brought before Council for its consideration.

As the proposed development incorporating the provision of an access and mobility compliant ablution facility is incidental to the already approved caravan park, is of low impact to the visual amenity of the surrounding area and improves the facility compliance with requirements of the Building Code of Australia, it is suggested that the Shire of Merredin grant development approval.

Policy Implications

Nil

Statutory Implications

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

Compliance with the Building Code of Australia

Strategic Implications

➤ Strategic Community Plan

Zone: Economy and Growth

Zone Statement: Merredin seeks new opportunities for growth and strives to develop rich and multifaceted economy

Key Priority: 2.3 Supporting initiatives from local businesses for growth

➤ Corporate Business Plan

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

Directorate: Development Services

Timeline: Ongoing

Sustainability Implications

➤ Strategic Resource Plan

Nil

➤ Workforce Plan

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

Risk Implications

Nil

Financial Implications

Development Application fees have been paid.

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Boehme

Seconded: Cr Van Der Merwe

82600 That Council;

1. Grants Development (Planning) Approval for an access and mobility compliant ablution facility to be located on Lot 27 (No 2) Oats Street, Merredin, as outlined in attachment 12.2A
2. Advises the applicant that the issuing of development approval does not constitute a building permit and that an application for a building permit must be lodged with the Shire of Merredin and be approved before any building work can commence on site.

CARRIED 9/0

12.3 Shire of Merredin Municipal Heritage Inventory Review

| | | |
|--------------------------------|--|---|
| <h3>Development Services</h3> | |  SHIRE OF MERREDIN INNOVATING THE WHEATBELT |
| Responsible Officer: | Peter Zenni, EMDS | |
| Author: | Ms Laura Gray – Heritage Consultant | |
| Legislation: | Heritage Act 2018 | |
| File Reference: | GR/17/5 | |
| Disclosure of Interest: | Nil | |
| Attachments: | Attachment 12.3A – Draft Local Heritage Survey and Heritage List | |

Purpose of Report



Executive Decision



Legislative Requirement

Background

The Shire of Merredin has engaged Ms Laura Gray (Heritage Consultant) to undertake a review of the Shire of Merredin Municipal Heritage Inventory in order to prepare a Local Heritage Survey for adoption by Council.

Comment

A review of the Heritage Inventory is a requirement of the Heritage Act 2018. Inventories have been renamed “Local Heritage Surveys”. This review is in accordance with the Part 8 of the Heritage Act 2018 that is essentially the same guidelines as the 1990 Act requirements, including the identification of the “Heritage List”.

The review is undertaken in consideration of the Department of Planning, Lands and Heritage’s guidelines; *Criteria for the assessment of local heritage places and areas* as recommended in *State Planning Policy 3.5 Historic Heritage Conservation*.

The original 1999 Municipal Inventory of Heritage seems to have been re-stated and updated in the Shire’s review in 2009, listing the same 59 places.

Assessments determine levels of significance for each place in consideration of the overall context of the Shire’s towns and district. The levels of significance are consistent with the required categories (Heritage Act 2018).

Category 1: Exceptional Significance-Register of Heritage Places ‘Heritage List’.

Essential to the heritage of the Shire of Merredin.

Category 2: Considerable significance ‘Heritage List’.

Very important to the heritage of the Shire of Merredin.

Category 3: Some/moderate significance. No constraints.

Contributes to the heritage of the Shire of Merredin.

Category 4: Little significance. No constraints.

Some community interest to the heritage of the Shire of Merredin.

Substantiation of the heritage value of heritage places is the foundation for understanding a place and inclusion in the Local Heritage Survey. Almost every place in the review has been photographed, although historical research has been mostly limited to the published history of Merredin and existing documents.

A considerable number of new places (94) are included in the draft for review. A number of places are in Merredin townsite, but most are of the places are throughout the district, predominantly sites such as railway sidings and schools.

In total, there are 152 proposed listings (place records) in the “Local Heritage Survey 2020” that comprises 98 in the town and 54 in the district (numbered separately with a D). Of those 152 (place records), 12 places are State Registered Category 1, and 52 places are Category 2: both categories form the “Heritage List” (64 places).

Categories 3 and 4 are have been assessed as lesser significance and consequently have no implications.

The Council briefing to present the Draft Local Heritage Survey, including the proposed Heritage List, is for consideration by Council to undertake community comment for the required period of time to address any amendments, nominations, more information regarding the places in the draft document, and any objections. Of particular importance is the proposed Heritage List that has planning implications; it comprises categories 1 and 2, being State registered places and places considered of considerable importance to the Shire of Merredin.

The Shire of Merredin will be undertaking a review of its Local Planning Scheme No. 6 (LPS) this financial year and it is proposed that the places forming part of the final Heritage List that is adopted by Council be protected through provisions forming part of the reviewed LPS.

Policy Implications

Nil

Statutory Implications

Compliance with the Heritage Act 2018

Strategic Implications

➤ Strategic Community Plan

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

➤ Corporate Business Plan

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

Sustainability Implications

➤ Strategic Resource Plan

Nil

➤ Workforce Plan

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

Risk Implications

Nil

Financial Implications

Building application fees have been paid.

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation

Moved: Cr

Seconded: Cr

ooooo That Council;

1. Receive the provided information;
2. Notify owners of premises listed as part of the Draft Local Heritage Survey 2020 (Heritage List), of the listing;
3. Advertise the Draft Local Heritage Survey 2020 and Heritage List for public comment.

CARRIED

Resolution

Moved: Cr Flockart

Seconded: Cr Boehme

82601 That Council;

1. Receive the provided information;
2. Hold over consideration of the officer's recommendation until the November OCM to enable a workshop to be held to consider the detailed Heritage listing proposals and the nature of the public engagement to be undertaken.

CARRIED 9/0

Reason

The resolution was changed to allow for further considerations of the Heritage listing proposals.

12.4 Lot 1412 (No2) Ellis Road – Home Occupation Application Proposed Hairdressing Activity

| | | |
|--------------------------------|--|--|
| Development Services | |  <p>SHIRE OF MERREDIN INNOVATING THE WHEATBELT</p> |
| Responsible Officer: | Peter Zenni, EMDS | |
| Author: | Peter Zenni, EMDS | |
| Legislation: | Shire of Merredin Local Planning Scheme No 6. | |
| File Reference: | A1180 | |
| Disclosure of Interest: | Nil | |
| Attachments: | Attachment 12.4A – Application for Planning Approval and Associated Plans and Correspondence | |

Purpose of Report

- Executive Decision
 Legislative Requirement

Background

The Shire of Merredin has received an application for Development (Planning) Approval for a home occupation activity (hairdressing service) to be conducted from the property located at lot 1412 (No 2) Ellis Road, Merredin.

Comment

Lot 1412 (No 2) Ellis Road, Merredin is zoned ‘Residential’ under the Shire of Merredin Local Planning Scheme No.6. The proposed home occupation is a ‘D’ use and as such requires development approval from Council. The applicant advises that the hairdressing activity will be limited to one room within the residence and the hours of operation will be limited to Monday to Friday from 9.00am to 5.30pm as well as Saturdays from 9.00am to 2.00pm.

Given the type of activity in question (hairdressing service) there should be no impact on the amenity of the surrounding area.

The applicant has supplied written confirmation from the owners of the adjoining properties confirming that they have no objection to the proposed home occupation activity taking place.

Policy Implications

Nil

Statutory Implications

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

Strategic Implications

➤ Strategic Community Plan

Zone: Economy and Growth
Zone Statement: Merredin seeks new opportunities for growth and strives to develop rich and multifaceted economy
Key Priority: 2.3 Supporting initiatives from local businesses for growth

➤ Corporate Business Plan

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

Sustainability Implications

➤ Strategic Resource Plan

Nil

➤ Workforce Plan

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

Risk Implications

Nil

Financial Implications

Building application fees have been paid.

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr McKenzie

Seconded: Cr Boehme

82602 That Council grant Development (Planning) Approval for a home occupation activity (hairdressing service) to be located at Lot 1412 (No 2) Ellis Road, Merredin subject to;

1. The applicant obtaining and maintaining a valid home occupation permit from the Shire of Merredin.
2. The home occupation activity being limited to one room on the premises.
3. The home occupation activity being limited to Monday - Friday between the hours of 9.00am and 5.30pm and Saturdays between the hours of 9.00am and 2.00pm.
4. The home occupation activity being limited to one vehicle accessing the property at a time.
5. The display of a business-related sign being limited to a removable 800mm x 600mm sign to be displayed during the hours of the home occupation operation.
6. Compliance with the Hairdressing Establishment Regulations 1972.


CARRIED 9/0

13. Officers' Reports - Engineering Services

Nil

14. Officers' Reports – Corporate and Community Services

14.1 List of Accounts Paid

| | | |
|--------------------------------|--|---|
| <h2>Corporate Services</h2> | |  SHIRE OF MERREDIN INNOVATING THE WHEATBELT |
| Responsible Officer: | Charlie Brown, EMCS | |
| Author: | Charlie Brown, EMCS | |
| Legislation: | <i>Local Government Act 1995; Local Government (Financial Management) Regulations 1996</i> | |
| File Reference: | Nil | |
| Disclosure of Interest: | Nil | |
| Attachments: | Attachment 14.1A - List of Accounts Paid | |

Purpose of Report

Executive Decision

Legislative Requirement

Background

The attached List of Accounts Paid during the month of August under Delegated Authority is provided for Council's information.

Comment

Nil

Policy Implications

Nil

Statutory Implications

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

Strategic Implications

➤ **Strategic Community Plan**

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

➤ **Corporate Business Plan**

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

Sustainability Implications

➤ **Strategic Resource Plan**

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

➤ **Workforce Plan**

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

Risk Implications

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

Financial Implications

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

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Patroni

Seconded: Cr Willis

82603 That the schedule of accounts paid as listed, covering cheques, EFT's, bank charges, directly debited payments and wages, as numbered and totalling \$681,704.36 from Council's Municipal Fund Bank Account and \$61.65, from Council's Trust Account be endorsed by Council.

CARRIED 9/0

14.2 Statement of Financial Activity

| | | |
|--------------------------------|---|---|
| <h2>Corporate Services</h2> | |  |
| Responsible Officer: | Charlie Brown, EMCS | |
| Author: | Charlie Brown, ECMS | |
| Legislation: | <i>Local Government Act 1995; Local Government (Financial Management) Regulations 1996</i> | |
| File Reference: | Nil | |
| Disclosure of Interest: | Nil | |
| Attachments: | Attachment 14.2A - Statement of Financial Activity Attachment 14.2B – Detailed Statements Attachment 14.2C – Monthly Investment Report Attachment 14.2D – Capital Works Attachment 14.2E – Variances by Sub Program | |

Purpose of Report

Executive Decision
 Legislative Requirement

Background

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

Comment

The statements are in a slightly different format this year, with a more detailed summary sheet on page 3. Included as a separate attachment is Variances by Sub Program. This is in place of note 15 Variance by Program. It is felt a more meaningful explanation can be given at sub program level than at program.

Capital Expenditure

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

Policy Implications

Nil

Statutory Implications

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

Strategic Implications

➤ Strategic Community Plan

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

➤ Corporate Business Plan

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

Sustainability Implications

➤ Strategic Resource Plan

Compliance with the *Local Government (Administration) Regulations 1996* and to give Council some direction in 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

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

To mitigate the risk of budget over-runs or non-delivery of projects, the Chief Executive Officer has implemented internal control measures such as regular Council and management reporting and a quarterly process to monitor financial performance against budget estimates. Materiality reporting thresholds have been established at half the adopted Council levels, which equate to \$10,000 for operating budget line items and \$10,000 for capital items, to alert management prior to there being irreversible impacts.

It should also be noted that there is an inherent level of risk of misrepresentation of the financials through either human error or potential fraud. The establishment of control measures through a series of efficient systems, policies and procedures, which fall under the responsibility of the CEO as laid out in the *Local Government (Financial Management Regulations) 1996* regulation 5, seek to mitigate the possibility of this occurring. These controls are set in place to provide daily, weekly, and monthly checks to ensure that the integrity of the data provided is reasonably assured.

Financial Implications

The adoption on the Monthly Financial Report is retrospective. Accordingly, the financial implications associated with adopting the Monthly Financial Report are nil.

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Flockart

Seconded: Cr Butler

82604 That in accordance with Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, the Statement of Financial Activity and the Investment Report for the period ending 31 August 2020 be received.

CARRIED 9/0

14.3 Sale of Land for Unpaid Rates

| | | |
|--------------------------------|--|--|
| <h2>Corporate Services</h2> | |  <p>SHIRE OF MERREDIN <small>INNOVATING THE WHEATBELT</small></p> |
| Responsible Officer: | Charlie Brown, EMCS | |
| Author: | Leticia Richards, SFO | |
| Legislation: | <i>Local Government Act 1995; Local Government (Financial Management) Regulations 1996</i> | |
| File Reference: | Nil | |
| Disclosure of Interest: | Nil | |
| Attachments: | Attachment 14.3A – Confidential Attachment | |

Purpose of Report

- Executive Decision
 Legislative Requirement

Background

There are currently 7 properties that have rates outstanding for three or more years and for which it has not been possible to enter into acceptable and successful arrangements for the payment of the balance owing. In each instance, a written notification has been directed to the last known postal address of the ratepayer and the property advising that it is intended to refer the matter to Council with a recommendation the property be sold in order to recover the outstanding balance.

The following is a list of the 7 properties that have rates currently in arrears by three or more years, together with a brief history of the action taken to date:

| Assessment | A6511 | A6070 |
|--------------------|----------------------|-----------------------------------|
| Type/Zoning | Residential | General Farming/Urban Residential |
| Period Outstanding | 11/8/2014 to Current | 25/7/2016 to Current |
| Amount Outstanding | \$13,619.31 | \$10,023.49 |
| Last Payment | 3/9/2015 | 7/9/2015 |
| Recovery Action | See Attachment | See Attachment |

| | | | |
|---------------------------|----------------------|----------------------|----------------------|
| Assessment | A9370 | A3325 | A1625 |
| Type/Zoning | Vacant Residential | Residential | Vacant Residential |
| Period Outstanding | 11/8/2014 to Current | 27/7/2017 to Current | 29/7/2015 to Current |
| Amount Outstanding | \$13,464.10 | \$6,369.85 | \$11,008.81 |
| Last Payment | 27/11/13 | 13/4/2018 | 21/11/2014 |
| Recovery Action | See Attachment | See Attachment | See Attachment |

| | | | |
|---------------------------|----------------------|----------------------|--|
| Assessment | A2324 | A624 | |
| Type/Zoning | Residential | Vacant Residential | |
| Period Outstanding | 25/7/2016 to Current | 27/7/2011 to Current | |
| Amount Outstanding | \$8,409.91 | \$17,957.31 | |
| Last Payment | 1/4/2019 | 22/12/2017 | |
| Recovery Action | See Attachment | See Attachment | |

A summary of the property owners' and the action taken to date is contained in a confidential attachment.

It is proposed to sell the land to recover the outstanding rates and charges in excess of 3 years, in accordance with Section 6.64(1)(b) of the *Local Government Act 1995*.

| |
|----------------|
| Comment |
|----------------|

Council has a number of options which are detailed below.

Option 1

Exercise the provisions of Section 6.64 of the *Local Government Act 1995*:

Given the high level of debt, and the amount of time that has been afforded to enable the ratepayers to either clear or reduce the debt, it is appropriate to apply the relevant sections of the *Local Government Act 1995* empowering the sale of land provisions in relation to unpaid rates and charges.

Option 2

Exercise the provisions of Section 6.74 of the *Local Government Act 1995*:

Apply to the Minister to have the land re-vested in the Crown in the right of the State.

Option 3

Exercise the provisions of Section 6.75 of the *Local Government Act 1995*:

Make application for the land to be vested in the local government.

It is suggested that Council apply the provisions of Section 6.64 of the *Local Government Act 1995* and sell the land in respect of the unpaid rates and charges, which are in arrears for a period in excess of three years.

Policy Implications

Nil

Statutory Implications

Section 6.64 of the *Local Government Act 1995* states:

“Actions to be taken

(1) If any rates or service charges which are due to a local government in respect of any rateable land have been unpaid for at least 3 years the local government.

may, in accordance with the appropriate provisions of this Subdivision take possession of the land and hold the land as against a person having an estate or interest in the land and —

(a) from time to time lease the land; or

(b) sell the land; or

(c) cause the land to be transferred to the Crown; or

(d) cause the land to be transferred to itself.

(2) On taking possession of any land under this section, the local government is to give to the owner of the land such notification as is prescribed and then to affix on a conspicuous part of the land a notice, in the form or substantially in the form prescribed.

(3) Where payment of rates or service charges imposed in respect of any land is in arrears the local government has an interest in the land in respect of which it may lodge a caveat to preclude dealings in respect of the land, and may withdraw caveats so lodged by it.”

Strategic Implications

➤ Strategic Community Plan

Zone: Zone 4 – Communication and Leadership

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

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

➤ Corporate Business Plan

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

Directorate: Corporate Services

Timeline: Ongoing

Sustainability Implications

➤ Strategic Resource Plan

Nil

➤ Workforce Plan

Directorate: Nil

Activity: Nil

Current Staff: Nil

Focus Area: Nil

Strategy Code: Nil

Strategy: Nil

Implications: Nil

Risk Implications

If Council resolve not to pursue action, outstanding rates along with legal costs will continue to increase in value.

If Council resolve to follow the recommended action, it may result in recovery of rates and charges and possibly an increase in rates collected on other outstanding amounts.

Financial Implications

The outstanding rates amount would decrease due to the funds being received.

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr McKenzie

Seconded: Cr Van Der Merwe

82605

1. That, pursuant to Section 6.64(1)(b) of the *Local Government Act 1995*, Council proceed to sell the property listed hereunder which has rates in arrears for 3 or more years, and recover from the proceeds of sale the outstanding balance which totals \$13,619.31:

| | |
|--------------------|----------------------|
| Assessment | A6511 |
| Type/Zoning | Residential |
| Period Outstanding | 11/8/2014 to Current |

| | |
|--------------------|-------------|
| Amount Outstanding | \$13,619.31 |
| Last Payment | 3/9/2015 |

2. That, pursuant to Section 6.64(1)(b) of the *Local Government Act 1995*, Council proceed to sell the property listed hereunder which has rates in arrears for 3 or more years, and recover from the proceeds of sale the outstanding balance which totals \$10,023.49:

| | |
|--------------------|-----------------------------------|
| Assessment | A6070 |
| Type/Zoning | General Farming/Urban Residential |
| Period Outstanding | 25/7/2016 to Current |
| Amount Outstanding | \$10,023.49 |
| Last Payment | 27/9/2015 |

3. That, pursuant to Section 6.64(1)(b) of the *Local Government Act 1995*, Council proceed to sell the property listed hereunder which has rates in arrears for 3 or more years, and recover from the proceeds of sale the outstanding balance which totals \$13,464.10:

| | |
|--------------------|----------------------|
| Assessment | A9370 |
| Type/Zoning | Vacant Residential |
| Period Outstanding | 11/8/2014 to Current |
| Amount Outstanding | \$13,464.10 |
| Last Payment | 7/11/2013 |

4. That, pursuant to Section 6.64(1)(b) of the *Local Government Act 1995*, Council proceed to sell the property listed hereunder which has rates in arrears for 3 or more years, and recover from the proceeds of sale the outstanding balance which totals \$6,369.85:

| | |
|--------------------|----------------------|
| Assessment | A3325 |
| Type/Zoning | Residential |
| Period Outstanding | 27/7/2017 to Current |
| Amount Outstanding | \$6,369.85 |
| Last Payment | 13/4/2018 |

5. That, pursuant to Section 6.64(1)(b) of the *Local Government Act 1995*, Council proceed to sell the property listed hereunder which has rates in arrears for 3 or more years, and recover from the proceeds of sale the outstanding balance which totals \$11,008.81:

| | |
|------------|-------|
| Assessment | A1625 |
|------------|-------|

| | |
|--------------------|----------------------|
| Type/Zoning | Vacant Residential |
| Period Outstanding | 29/4/2015 to Current |
| Amount Outstanding | \$11,008.81 |
| Last Payment | 21/11/2014 |

6. That, pursuant to Section 6.64(1)(b) of the *Local Government Act 1995*, Council proceed to sell the property listed hereunder which has rates in arrears for 3 or more years, and recover from the proceeds of sale the outstanding balance which totals \$8,409.91:

| | |
|--------------------|----------------------|
| Assessment | A445 |
| Type/Zoning | Residential |
| Period Outstanding | 25/7/2016 to Current |
| Amount Outstanding | \$8,409.91 |
| Last Payment | 1/4/2019 |

7. That, pursuant to Section 6.64(1)(b) of the *Local Government Act 1995*, Council proceed to sell the property listed hereunder which has rates in arrears for 3 or more years, and recover from the proceeds of sale the outstanding balance which totals \$17,957.31:

| | |
|--------------------|----------------------|
| Assessment | A624 |
| Type/Zoning | Vacant Residential |
| Period Outstanding | 27/7/2011 to Current |
| Amount Outstanding | \$17,957.31 |
| Last Payment | 22/12/2017 |

CARRIED 9/0

14.4 Rates Due by Date Extension

| | | |
|--------------------------------|--|---|
| <h2>Corporate Services</h2> | |  |
| Responsible Officer: | Charlie Brown, EMCS | |
| Author: | Charlie Brown, EMCS | |
| Legislation: | <i>Local Government Act 1995, Local Government (Financial Management) Regulations 1996</i> | |
| File Reference: | Nil | |
| Disclosure of Interest: | Nil | |
| Attachments: | Nil | |

Purpose of Report

- Executive Decision
 Legislative Requirement

Background

Rates notices for 2020/2021 were printed and delivered to the Australia Post counter on Friday 31st July 2020.

Comment

Rates notices posted on the 31st July 2020, with a due date of the 4th September 2020.

It has come to light after some initial enquiries that one box of rates notices, delivered to the post office was set aside and inadvertently missed when the bulk of notices were processed by them.

A ratepayer has since advised that their rates notice envelope was date stamped the 24th August 2020, leaving only 10 days prior to the due date.

In order to accommodate the oversight by Australia post staff, a 30-day extension from the date of the stamped envelope, is requested, bringing a new “due by” date of 25th September, also changing instalment dates to;

| | |
|----------------|------------|
| 2nd Instalment | 26/11/2020 |
| 3rd Instalment | 27/01/2021 |
| 4th Instalment | 30/03/2021 |

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

Zone: Zone 1 -
Zone Statement: Merredin is rich in cultural diversity, performing and fine arts and a variety of sports available for both residents and visitors
Key Priority: 1.5 - Building resilience and the capacity to manage natural and man-made emergency events

➤ Corporate Business Plan

Key Action: Deliver long term financial planning for asset replacement and new capital projects
Directorate: 2
Timeline: Continue to provide prudent financial controls and compliance systems

Sustainability Implications

➤ Strategic Resource Plan

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

➤ Workforce Plan

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

Risk Implications

Nil

Financial Implications

Potentially reduces income from penalty from outstanding rates, however good will far exceeds income lost.

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Boehme

Seconded: Cr McKenzie


82606 That the due date for the 2020/2021 rates be amended to the 25th September 2020 with instalments becoming due on the 26th November 2020 (2nd Instalment), 27th January 2021 (3rd Instalment), and the 30th March 2021 (4th Instalment).

CARRIED 9/0

14.5 Withdrawal of Caveats

Councillors Manning and Boehme declared a Proximity Interest in this Item 14.5

4.40pm - Councillors Manning and Boehme left the meeting room

| | | |
|--------------------------------|--|---|
| Corporate Services | |  SHIRE OF MERREDIN <small>INNOVATING THE WHEATBELT</small> |
| Responsible Officer: | Charlie Brown, EMCS | |
| Author: | Charlie Brown, EMCS | |
| Legislation: | <i>Local Government Act 1995, Local Government (Financial Management) Regulations 1996</i> | |
| File Reference: | Nil | |
| Disclosure of Interest: | Nil | |
| Attachments: | Nil | |

Purpose of Report

Executive Decision Legislative Requirement

Background

Council has in recent years completed two subdivisions, from which lots have been sold to the public.

Comment

As a condition of sale on some of these blocks, a caveat has been placed, requiring a residence be constructed with 5 years.

Council’s policy 3.13 Use of Common Seal states:

With regard to Clause 19.1(2), reference to “authority of Council given either generally or specifically” includes:

- 1. Grant agreements entered into whereby Council has allocated provision in the Annual Budget and the grant funds will reduce or offset Council’s financial commitment to capital or operating expenditure;*
- 2. Land transactions whereby there is a financial allocation in the Annual Budget and there is a express requirement that final documents be signed and sealed for the transaction to be finalised;*
- 3. Agreements entered into whereby in the opinion of the Shire President and the Chief Executive Officer such action is necessary to protect Council’s interest; i.e. lodging of caveats and easements.*

It seems that there has been no real method of determining which lots should or should not have caveats placed.

This has come to light because of the owners of 41 Maiolo Way wishing to sell their property, however, are unable to do so without council first removing the caveat.

There is no such policy on removal of Caveats, other than they have satisfied the condition, with a number of properties in the Whitfield and Maiolo Way subdivision that still have caveats lodged, even though the condition has been met.

They are;

41 Maiolo Way

44 Whitfield Way

63 Whitfield Way

90 Whitfield Way

4491 Chandler-Merredin Road

4521 Chandler-Merredin Road

53 Maiolo Way

32 Whitfield Way

50 Whitfield Way

Along with 3 properties in Maiolo Way that never had a caveat placed on them at the time of sale.

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

Zone:

Zone Statement:

Key Priority:

➤ Corporate Business Plan

Key Action: Deliver long term financial planning for asset replacement and new capital projects

Directorate: 2

Timeline: Continue to provide prudent financial controls and compliance systems

Sustainability Implications

➤ Strategic Resource Plan

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

➤ Workforce Plan

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

Risk Implications

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

Financial Implications

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

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Patroni

Seconded: Cr Willis


82607 That Council instruct the Chief Executive Officer to remove all caveats placed on the Whitfield and Maiolo Way subdivision as a course of immediate action.

CARRIED 7/0

4.42pm - Councillors Manning and Boehme returned the meeting room

15. Officers' Reports – Administration

15.1 Purchasing Policy (Pol 3.12) Review

| | | |
|--------------------------------|---|---|
| <h2>Administration</h2> | |  <p>SHIRE OF MERREDIN <small>INNOVATING THE WHEATBELT</small></p> |
| Responsible Officer: | Mark Dacombe, T/CEO | |
| Author: | Mark Dacombe, T/CEO | |
| Legislation: | Local Government Act 1995 | |
| File Reference: | Nil | |
| Disclosure of Interest: | Nil | |
| Attachments: | Attachment 15.1A – 3.12 Purchasing Policy | |

Purpose of Report

Executive Decision
 Legislative Requirement

Background

It is trite to say we are in challenging times. The on-going impact of the COVID19 threat indicates a long period of recovery that will require sustained focus on rebuilding the local, regional, State and National economies.

In looking at its influence over the local economy the Council has committed to supporting local business as far as possible through its own purchasing decisions. One of the ways that the Council can do this is through purchasing practices that ensure that local and regional business is aware of the goods and services the Council requires and that there are purchasing processes in place that give local businesses the opportunity of securing the deals.

To this end a review has been undertaken of the Council's Purchasing Policy.

Comment

The review of the Council's Purchasing Policy has utilised the extensive work that the WA Local Government Association (WALGA) has undertaken in recent months to develop a template that emphasises the opportunities for local business interests.

Utilising the WALGA template provides assurance that the content has been thoroughly tested for compliance with the relevant legislation.

Key features of the revised policy include:

- Value for money – value for money criteria are comprehensive, and consider:
 - total costs of ownership
 - technical merits of goods or services
 - suppliers financial viability
 - ensuring competition
 - safety requirements and standard
 - environmental, economic and social benefits from the goods, services or works required
 - analysis and management of risks and opportunities
- Purchasing thresholds and practices
- Supplier order of priority – placing local suppliers in a high priority position when purchasing decisions are made
- Purchasing practice and value thresholds – applying purchasing practices that relate to value thresholds so that the processes are simplified as far as possible reflecting the values and levels of risk i.e. less onerous processes for lower valued transactions
- Sustainable Procurement – provides preference to suppliers demonstrating sustainable business practices, promotes local economic benefit, is socially and environmentally sustainable.
- Provides for panels of pre-qualified suppliers
- Addresses non-compliance.

Adoption of the revised policy will set the framework for implementing best practice purchasing activity whilst supporting the local economy.

Policy Implications

Nil

Statutory Implications

The policy complies with the Local Government Act 1995, Local Government (Functions and General) Regulations 1996, other relevant legislation, Codes of Practice, Standards and the Shire's Policies and Procedures.

Strategic Implications

➤ Strategic Community Plan

Zone: 2 Economy and Growth

Zone Statement: Merredin seeks new opportunities for growth and strives to develop a rich and multifaceted economy.

Key Priority: 2.1 Promoting Merredin and its potential business opportunities to facilitate targeted economic development

➤ Corporate Business Plan

Strategy: Promoting Merredin and its potential business opportunities to facilitate targeted economic development
Action#: 2.1.1
Action: Support and promote the recommendations of the Merredin 'Growing Our Community' economic development and implementation strategy
Directorate: Corporate
Timeline: On-going

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

The main risk is that responsible purchasing officers do not fully embrace the new approach. The impact of this would be that the benefits anticipated from the policy are not fully realised. This risk will be mitigated by providing the necessary training and systems to ensure effective implementation of the policy.

Financial Implications

Properly implemented the policy will provide best value for money purchasing maximising the value achieved for the ratepayers' funds.

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Willis

Seconded: Cr McKenzie

82608 That the Council adopt the revised Policy 3.12 – Purchasing Policy as presented in attachment 15.1A.

CARRIED 9/0

15.2 Council Members Continuing Professional Development – New Policy 1.20

| | | |
|--------------------------------|--|--|
| <h2>Administration</h2> | |  <p>SHIRE OF MERREDIN INNOVATING THE WHEATBELT</p> |
| Responsible Officer: | Mark Dacombe, T/CEO | |
| Author: | Mark Dacombe, TCEO | |
| Legislation: | Local Government Act 1995 | |
| File Reference: | Nil | |
| Disclosure of Interest: | Nil | |
| Attachments: | Attachment 15.2A – Councillor Training and Professional Development Policy | |

Purpose of Report

- Executive Decision
 Legislative Requirement

Background

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 Councillors.

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

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:

- Understanding local government;
- Serving on council;
- Meeting procedures;
- Conflicts of interests; and
- Understanding financial reports and budgets.

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

All Councillors 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 Councillors with the local government to prepare and adopt a policy in relation to this

Comment

The Councillor Training and Professional Development policy provides for Councillors to undertake statutory training under the Act. In addition, it sets out the parameters for Councillors to undertake professional development.

The policy covers:

- Mandatory training;
- Professional development;
- Approved training providers;
- Approval for training and professional development;
- Funding;
- Allowable expenses;
- Claiming expenses;
- Travel insurance; and
- Training register.

It ensures compliance with both the Local Government Act 1995 and Local Government (Administration) Regulations 1996 in relation to training for Councillors.

This policy replaces Policy 1.5 Councillor Attendance at Conferences, Seminars, Training Courses and Meetings

Policy Implications

This new policy will replace Policy 1.5 Councillor attendance at Conferences, Seminars, Training Courses and Meetings.

Statutory Implications

Local Government Act 1995 Division 10 – Training and Development

S.5.126. Training for Council members

S.5.127. Report on training

S.5.128. Policy for continuing professional development

Local Government (Administration) Regulations 1996 Part 10 - Training

r.35. Training for Council members (Act s.5.126(1))

r.36. Exemption from Act s.5.126(1) requirement

Strategic Implications

➤ Strategic Community Plan

Zone: 4
Zone Statement: Communication and Leadership
Key Priority: 4.1 Ensuring Council has the information and support to enable informed decision making

➤ Corporate Business Plan

Strategy: Improvement of the quality of leadership and decision making by the Council
Action#: 4.5.2
Action: Provide opportunities for Elected Members to attend training and development
Directorate: Corporate
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

The main risk is that individual Councillors may not comply with the mandatory training requirement. The consequences for any Councillor who does not comply are significant and include the potential for a substantial fine. The consequence for the Shire is reputational and potentially significant. The likelihood is considered low. Mitigation action required is to ensure that Councillors are aware of their obligations and supported appropriately.

Financial Implications

There is a budget allocation to meet the Council's training needs.

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation

Moved: Cr Butler

Seconded: Cr Boehme

ooooo That the Council:

1. Adopts the Council Members' Continuing Professional Development Policy 1.20 as attached;
2. Deletes Policy number 1.5 Councillor attendance at Conferences, Seminars, Training Courses and Meetings

CARRIED

Amendment / Resolution

Moved: Cr Billing

Seconded: Cr Manning

82609 That the Council:

1. Adopts the Council Members' Continuing Professional Development Policy 1.20 as attached;
2. Deletes Policy number 1.5 Councillor attendance at Conferences, Seminars, Training Courses and Meetings;
3. That the CEO develop a procedure and checklist to be used by Councillors to enable them to comply with policy.


CARRIED 9/0

Reason

The amendment was put by Cr Billing and was subsequently carried, and thus became the motion.

15.3 Merredin Community Resource Centre Lot 200 Barrack Street – Review of Existing Lease Agreements

Councillors Patroni and Butler declared an Impartiality Interest in this Item 15.3

| | | |
|--------------------------------|--|--|
| <h3>Administration</h3> | |  SHIRE OF MERREDIN INNOVATING THE WHEATBELT |
| Responsible Officer: | Mark Dacombe, T/CEO | |
| Author: | Mark Dacombe, TCEO | |
| Legislation: | Local Government Act 1995 | |
| File Reference: | L/47L/63 | |
| Disclosure of Interest: | Nil | |
| Attachments: | Attachment 15.3A – Report to May OCM | |

Purpose of Report



Executive Decision



Legislative Requirement

Background

At the November 2019 Ordinary Council Meeting the Council considered a request by the Merredin Community Resource Centre (MCRC) to review the rental terms of the existing Lease agreements in place between the MCRC and the Shire of Merredin.

The Council resolved:

82459 *That the agenda item for 12.3 be adjourned to further discussion at the Ordinary December 2019 Council Meeting.*

The matter was not further considered at the December 2019 meeting as officers were undertaking further work and research on the matter. A further delay was occasioned by changes in the Acting CEO position and subsequently the COVID-19 emergency.

The matter was further considered at the Ordinary Meeting of the Council held on 19 May 2020. At that meeting the Council resolved:

82559 *That the Council:*

- 1. Note that Leases 47 and 63 expired on 29 February 2020 and that these have rolled over into a new lease period with new terms and conditions for rental;*
- 2. Note that the Merredin Community Resources Centre has asked that the new rent terms be reviewed and reduced;*

- 3. Note that the operating and economic environments have changed significantly since the original lease agreements were executed;*
- 4. Agree to a rent holiday from 1 March 2020 until 30 September 2020 during which the Merredin Community Resource Centre will pay a nominal rental of \$520 pa for each of Lease 47 and 63*
- 5. Request the Chief Executive Officer to develop the on-going relationship with the Merredin Community Resource Centre including addressing the rental arrangements to apply 1 October 2020 to 28 February 2025.*

There are three leases at issue:

- i) Lease 47 – Merredin CRC – formerly the Old Council Chambers Building – expired 29 February 2020 with a further five-year term commencing on 1 March 2020.
Rental provisions for this lease are:
No rental applicable for the first term but a minimum of \$60,000 being expended on refurbishment of the building over the term or a sum that ensures refurbishment to the satisfaction of Council and that a rental on a sliding scale apply to the further term of five years to ensure 100% of a commercial rent is paid in the final year.
- ii) Lease 63 – Merredin CRC – Women’s Rest Centre expired 29 February 2020 with provision for a further five-year term commencing on 1 March 2020.
Rental provisions for this lease are:
No rental is applicable for the first term, with a rental on a sliding scale applying to the further term of five years to ensure 100% of a commercial rent is paid in the final year.
- iii) Lease 47 – Merredin CRC – portion of the Old Council Chambers Building previously leased to the Wheatbelt Development Commission – expired 29 February 2020, with provision for a further five-year term commencing on 1 March 2020. Rental provisions for this lease are:
\$43.33 per month payable monthly in advance, with the first payment due on the commencement date. With a rental on a sliding scale applying to the further term of five years to ensure 100% of a commercial rent is paid in the final year.

Comment

Since the May meeting the TCEO and DCEO have met with CRC management to explore how the relationship between the CRC and the Council can be further developed and strengthened to benefit the Merredin Community. Those meetings have not identified any areas where significant changes are appropriate. Ongoing liaison will continue to be important to constantly be on the lookout for areas of potential collaboration.

At some point a Memorandum of Understanding formalising the intent of the parties to collaborate may be worth considering.

In May 2020 Shire Officers reported as follows:

“It is noted that on 8 May 2020 the Minister for Primary Industries and Regional Development announced that in the light of the COVID-19 emergency the state government would renew all CRC contracts until 30 June 2022 and that officials would be working on developing the contract model to apply 1 July 2022 until 30 June 2027.

To “allow the dust to settle “, and for the issues to be re-evaluated it is proposed to allow a rent holiday for the period 1 March 2020 to 30 September 2020. During this period it is proposed that the MCRC pay the minimum rental for not for profit groups”.

The State Government situation remains unchanged with funding confirmed only until 30 June 2022. Should State Government funding be reduced or removed at that stage the CRC does have funds in reserve that would allow it to continue to operate while it adjusted to a new funding environment.

Further investigations into the lease situation reveals that the Council does have a policy that applies to the situation. This has not been identified in earlier consideration of the matter. Policy 8.20 *Rental charges for agreements to occupy Council non-residential property clause 3 provides:*

“Community organisation shall be defined as - an institution, association, club, society or body whether incorporated or not, the objects of which are of a charitable, benevolent, religious, cultural, educational or other like nature and from which any member does not receive any pecuniary profit”.

Clause 6 of the property provides “The CEO will determine the classification(s) of the occupying organisations, in accordance with the below listed guidelines – “. Clause 6c) provides Community organisations – (Senior Centre and HACC, People’s Baptist Church, Merredin Playgroup, Muntadgin Progress Assoc. Telecentre, MADCAPS,); Not for profit, Volunteer staffed, Incorporated bodies.

The Telecentre was the founding structure of the current CRC. While the CRC does now employ staff it is still substantially reliant on volunteers to deliver services. It clearly remains a not for profit organisation with the added burden of an uncertain funding future.

The policy makes the following provision regarding rental at clause 9:

“The rental levied on “community organisations” and “sporting clubs” to be for an amount which at least provides full cost recovery of the additional costs that the Council incurs in maintaining and operating the building and its immediate surrounds to the standard required by the organisation.”

It is noted that the CRC sublets a portion of the building the income of which could reasonably be expected to be applied all in part to the maintenance of the property.

Given that Policy 8.20 does apply to the CRC it is proposed that subject to the agreement of the CRC the Council enter into a deed of variation to the existing lease agreement rental clauses limiting the lease rental payments for each of the three (3) separate lease to the nominal sum of \$520.00 per annum (total of

\$1,560.00 annually) and that the CRC be responsible under the lease for the maintenance of the property including the external grounds.

Policy Implications

Policy 8.20 *Rental charges for agreements to occupy Council non-residential property* applies to this lease. It is noted that this policy was adopted on 16 May 2006. It should be formally reviewed in the coming year.

Statutory Implications

Local Government Act 1995

Strategic Implications

➤ Strategic Community Plan

Zone: Economy and Growth

Zone Statement: Merredin seeks new opportunities for growth and strives to develop rich and multifaceted economy

Key Priority: 2.3 Supporting initiatives from local businesses for growth

➤ Corporate Business Plan

Key Action: ~~Continue to work with business networks to identify opportunities for programs that supports local business (Business Local, Progress Associations, Wheatbelt Business Network)~~
Continue to work with business networks to identify opportunities for programs that supports local business (Business Local, Progress Associations, Wheatbelt Business Network)

Directorate: ~~Office of the CEO~~
Development Services

Timeline: ~~Ongoing~~

Sustainability Implications

➤ Strategic Resource Plan

Nil

➤ Workforce Plan

Directorate: Nil

Activity: Nil

Current Staff: Nil

Focus Area: Nil

Strategy Code: Nil

Strategy: Nil

Implications: Nil

Risk Implications

The recommended lease terms reflect a low risk approach that should have a positive reputational outcome for the Council.

Financial Implications

The Council will be foregoing potential (but unbudgeted) increased rental income. Indicative figures provided in November 2019 were as follows:

| Year | Old Council Chambers | Women's Rest Centre |
|------------|----------------------|---------------------|
| Year One | \$5,775.00 | \$1,645.00 |
| Year Two | \$11,550.00 | \$3,290.00 |
| Year Three | \$17,325.00 | \$4,935.00 |
| Year Four | \$23,100.00 | \$6,580.00 |
| Year Five | \$28,875.00 | \$8,225.00 |

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Boehme

Seconded: Cr McKenzie

82610 That Council:

1. Agree to vary the following leases to remove the provision for the progressive imposition of full commercial market rents:
Lease 47 – Merredin CRC – formerly the Old Council Chambers Building
Lease 63 – Merredin CRC – Women's Rest Centre
Lease 47 – Merredin CRC – portion of the Old Council Chambers Building
2. Propose to the Merredin CRC that the commercial rent provision be replaced with a clause limiting the lease rental payments for each of the three (3) separate lease to the nominal sum of \$520.00 per annum (total of \$1,560.00 annually) with the Merredin CRC being responsible under the lease for the maintenance of the property including the external grounds. Effective from the 1 October 2020
3. Instruct the Chief Executive Officer that, subject to the agreement of the Merredin CRC, a Deed of Variation to the leases be prepared and submitted to the Council for consideration and approval

CARRIED 9/o

15.4 Merrittville – Deed of Termination and Release of Joint Venture Agreements and Allocation – Minor Amendment

| | | |
|--------------------------------|--|--|
| <h2>Administration</h2> | |  <p>SHIRE OF MERREDIN INNOVATING THE WHEATBELT</p> |
| Responsible Officer: | Mark Dacombe, T/CEO | |
| Author: | Mark Dacombe, TCEO | |
| Legislation: | Local Government Act 1995 | |
| File Reference: | CP/8/11 | |
| Disclosure of Interest: | Nil | |
| Attachments: | Attachment 15.4A – Deed of Termination and Release of JVAs and Allocation Agreement, Deed of Variation - Deed of Termination and Release of JVAs and Allocation Agreement, Management Order amended, Minister’s approval for the lease Attachment 15.4B – Lease Reserve 28563 | |

Purpose of Report

- Executive Decision Legislative Requirement

Background

In March 2019 the Council received advice that Merrittville Inc. has been in breach of its operating agreement with the Department of Housing. A Deed of Termination and Release of Joint Venture Agreements and Allocation Agreement (the Deed) and subsequent lease was proposed as the mechanism to conclude the breach and to put the ongoing operation of Merrittville on a stable footing.

The Council agreed to this at the March 2019 Ordinary Council Meeting:

82340 That:

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

Comment

The process has continued quite slowly but in the last few months we have managed to almost bring it to a conclusion.

There were key steps in the process that have resulted in a final hitch to be resolved. The Deed endorsed by Council in March 2019 contains a provision to protect the interests of the Housing Authority in the transaction. The process required the Crown to amend the Management Order over the land by removing a provision protecting the interests of the Housing Authority and replacing it with a new provision protecting those interests. This is a requirement of the Deed at clause 17(b). The Department of Planning, Lands and Heritage removed the old provision but declined to replace it with the new condition. This resulted in a caveat being lodged on the land title protecting the Housing Authority's interest.

The Department of Communities, on behalf of the Housing Authority agree that there is sufficient protection within the Deed, the new caveat and the assurances within the lease that the notation (refused by the Department of Planning, Lands and Heritage) on the Management Order is not required.

Recognising the situation as described it is the agreed position of the parties all that is required now is for a simple Deed of Variation to the Deed of Termination and Release of JVAs and Allocation Agreement between the Housing Authority, Shire of Merredin and Merrittville Retirement Village Inc.

Council's solicitors in the transaction have drawn up the Deed of Variation and all documents are now ready for execution.

Approval is now sought to execute the following documents:

Crown Land Lease Reserve 28563 63 Bates Street Merredin – Shire of Merredin to Merrittville Retirement Village (WA **A0800229A**).

Deed of Variation – deed of Termination and Release of JVAs and Allocation Agreement – Housing Authority, Shire of Merredin and Merrittville Retirement Village Inc.

Policy Implications

Nil

Statutory Implications

Nil

Strategic Implications

➤ Strategic Community Plan

Zone: Zone 1 – Community and Culture

Zone Statement: Merredin is rich in cultural diversity, performing and fine arts and a variety of sports available for both residents and visitors

Key Priority: 1.6 – Supporting and strengthening community groups, organisations and volunteers

➤ **Corporate Business Plan**

Key action 1.6.1 – Support community groups to deliver activities and services to the community effectively and sustainably

Directorate: Community Services

Timeline: On-going

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

The arrangements being brought to a conclusion by this report minimise future risks regarding the management and operations of the Merrittville Retirement Village and provide for a simplified structure into the future.

Financial Implications

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

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr Willis

Seconded: Cr Patroni

82611 That Council:


1. Endorse the Deed of Variation – Deed of Termination and Release of JVs and Allocation Agreement – Housing Authority, Shire of Merredin and Merrittville Retirement Village Inc. as attached and authorise the Shire President and Temporary Chief Executive Officer to sign the document under the Shire of Merredin seal;
2. Authorise the Shire President and the Temporary Chief Executive Officer to execute the Crown Land Lease for Reserve 28563 (as attached) 63 Bates Street Merredin by the Shire of Merredin

**(Lessor) to Merrittville Retirement Village (WA A0800229A)
(Lessee) under the Shire of Merredin Seal.**

CARRIED 9/0

15.5 COVID-19 Local Roads and Community Infrastructure Program

Item withdrawn for council to give further consideration

| | | |
|--------------------------------|--|---|
| <h2>Administration</h2> | |  SHIRE OF MERREDIN INNOVATING THE WHEATBELT |
| Responsible Officer: | Mark Dacombe, T/CEO | |
| Author: | Mark Dacombe TCEO | |
| Legislation: | Local Government Act 1995 | |
| File Reference: | Nil | |
| Disclosure of Interest: | Nil | |
| Attachments: | Attachment 15.5A – LRCI Program Guidelines | |

Purpose of Report



Executive Decision



Legislative Requirement

Background

The Shire, along with every other Local Government, has received the offer of a grant from the Australian Government of \$573,735 (exclusive of GST) to undertake projects falling within the broad definition of Local Roads and Community Infrastructure (LRCI).

The program aims to assist a community-led recovery from COVID-19 by supporting local jobs, firms, and procurement. It is expected councils, where possible, will use local businesses and workforces to deliver projects under the LRCI Program to ensure stimulus funding flows into local communities.

Comment

The grant has been identified in the Council's 2020/21 budget. It is now necessary to finalise the projects that will be funded from this grant which must be expended by 30 June 2021. If Shire funds are contributed to the project, then the project completion date may be pushed out to 30 June 2022, but the grant money must still be spent prior to 30 June 2021.

A wide range of project categories are included in the guidelines which are attached for Councillors reference. The Shire Executive Team has prepared a long list of possible projects consistent with community aspirations emerging from the recent community engagement.

There are a range of competing priorities for the funds. Immediate needs would suggest that the most likely project candidates for funding are:

- Road Projects

- Park redevelopment
- Aboriginal community infrastructure.

It is proposed that the Council workshop options at its briefing session to be held on 15 September and then give formal direction to the Temporary Chief Executive Officer as to the projects that it wishes to progress.

Policy Implications

Nil

Statutory Implications

Compliance with the Local Government Act 1995

Strategic Implications

➤ Strategic Community Plan

Zone: 2
Zone Statement: Merredin seeks new opportunities for growth and strives to develop a rich and multifaceted economy
Key Priority: Developing and maintaining local government infrastructure that increases the potential for business development and investment

➤ Corporate Business Plan

Strategy: Nil
Action#: Nil
Action: Multiple actions under the CBP contribute to the Key Priority.
Directorate: Engineering Services
Timeline: On-going

Sustainability Implications

➤ Strategic Resource Plan

Nil

➤ Workforce Plan

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

Risk Implications

There are no identifiable risks in accepting the grant funds. Projects that will be complete by the due date will be selected to ensure there is no risk of non-compliance with finish by dates.

Financial Implications

The grant has been included in the 2020/21 budget.

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation / Resolution

Moved: Cr

Seconded: Cr

ooooo

That Council direct the Temporary CEO regarding the projects to be submitted for funding under the Local Roads and Community Infrastructure Program.

CARRIED

16. Motions of which Previous Notice has been given

Nil

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

Nil

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

Nil

19. Matters Behind Closed Doors

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

Council Decision

Moved: Cr Boehme **Seconded:** Cr Patroni

82612 That Council move Behind Closed Doors at 4.59pm.

CARRIED 9/0

19.1 Lot 503 Gabo Avenue Merredin – Application to Extend Existing Temporary Development Approval Relating to CBH Grain Handling Facilities

5.00pm - All staff and members of the public left the meeting room

| | | |
|--------------------------------|---|--|
| Development Services | |  <p>SHIRE OF MERREDIN <small>INNOVATING THE WHEATBELT</small></p> |
| Responsible Officer: | Peter Zenni, EMDS | |
| Author: | Peter Zenni, EMDS | |
| Legislation: | Planning and Development Act 2005 Planning and Development (Local Planning Schemes) Regulations 2015 Shire of Merredin Local Planning Scheme No.6 | |
| File Reference: | A9247 | |
| Disclosure of Interest: | Nil | |
| Attachments: | <u>Attachment 19.1A.</u> – Confidential – CBH Supporting Documents | |

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation / Resolution

Moved: McKenzie

Seconded: Boehme

82613

That Council

1. Grant Development Approval to Co-operative Bulk Handling (CBH) for works at Lot 503 Gabo Avenue, Merredin as outlined in Attachment 19.1A, incorporating;
 - a. access to the site from Goldfields Road;
 - b. truck marshalling area;
 - c. grain sampling platform/hut and two spears;
 - d. staff lunchroom, toilets, septic system and carpark;
 - e. weighbridge and hut; and
 - f. internal roads and stormwater drainage.
2. Continue negotiations with CBH aimed at entering into a mutually desirable agreement under strict confidentiality basis to address road related infrastructure upgrades to the satisfaction of both the parties.

CARRIED 9/o

Council Decision

Moved: Cr Boehme

Seconded: Cr Billing

- 82614 That Council return from Behind Closed Doors at 5.21pm and that the resolution being passed in the confidential session be confirmed in open meeting.

CARRIED 9/o

5.21pm - C Brown, A Prnich, P Zenni, and C Shotter entered the meeting room

20.

Closure

There being no further business, the President then thanked those in attendance and declared the meeting closed at 5.25 pm.

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