



SHIRE OF
MERREDIN
INNOVATING THE WHEATBELT

AGENDA

Ordinary Council Meeting

To be held in Council Chambers
Corner King & Barrack Street's, Merredin
Tuesday, 20 April 2021
Commencing 4.00pm



Notice of Meeting



Dear President and Councillors,

The next Ordinary Meeting of the Council of the Shire of Merredin will be held on Tuesday, 20 April 2021 in the Council Chambers, corner of King and Barrack Streets, Merredin. The format of the day will be:

2.00pm Briefing Session

4.00pm Council Meeting

MARK DACOMBE
TEMPORARY CHIEF EXECUTIVE OFFICER
16 April 2021

DISCLAIMER

PLEASE READ THE FOLLOWING IMPORTANT DISCLAIMER BEFORE PROCEEDING:

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

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

Common Acronyms Used in this Document	
CBP	Corporate Business Plan
CEACA	Central East Accommodation & Care Alliance Inc
CSP	Community Strategic Plan
CWVC	Central Wheatbelt Visitors Centre
DCEO	Deputy Chief Executive Officer
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 and Communications Officer
MoU	Memorandum of Understanding
MRCLC	Merredin Regional Community and Leisure Centre
SRP	Strategic Resource Plan
T/CEO	Temporary Chief Executive Officer
WALGA	Western Australian Local Government Association
WEROC	Wheatbelt East Regional Organisation of Councils



Shire of Merredin April Ordinary Council Meeting

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Shire of Merredin
Ordinary Council Meeting
4:00pm Tuesday, 20 April 2021



1. Official Opening

2. Record of Attendance / Apologies and Leave of Absence

Councillors:

Cr JR Flockart	President
Cr MD Willis	Deputy 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
A Prnich	DCEO
G Garside	AEMCS
C Shotter	EMES
P Zenni	EMDS
A Brice	EA

Members of the Public:

Apologies:

Approved Leave of Absence: NIL

3. Public Question Time

Members of the public may submit questions up to 2pm on the day of the meeting by emailing ea@merredin.wa.gov.au.

4. Disclosure of Interest

5. Applications of Leave of Absence

6. Petitions and Presentations

7. Confirmation of Minutes of Previous Meetings

7.1 Ordinary Council Meeting held on 16 March 2021

[Attachment 7.1A](#)

7.2 Special Council Meeting held on 22 March 2021

[Attachment 7.2A](#)

Voting Requirements

Simple Majority

Absolute Majority

Officers Recommendation / Resolution

That the Minutes of the following meetings be confirmed as a true and accurate records of proceedings;

- **Ordinary Council Meeting held on 16 March 2021; and**
- **Special Council Meeting held on 22 March 2021.**

8. Announcements by the Person Presiding without Discussion

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

10. Receipt of Minutes of Committee Meetings

10.1 Audit Committee Meeting held on 16 March 2021

[Attachment 10.1A](#)

Voting Requirements

Simple Majority

Absolute Majority

Officers Recommendation / Resolution

That the Minutes of the Audit Committee Meeting held on 16 March 2021 be received.

11. Recommendations from Committee Meetings for Council Consideration

Nil

12. Officers' Reports - Development Services

12.1 Lodgement of Lease Agreement on Certificate of Title - Optus Mobile Pty Ltd Lot 200 (No 106 - 108) Barrack Street Merredin

<h2>Development Services</h2> 	
Responsible Officer:	Peter Zenni, EMDS
Author:	Peter Zenni, EMDS
Legislation:	<i>Local Government Act 1995</i> Shire of Merredin Standing Orders Local Law 2017 Shire of Merredin Policy 3.13 – Use of Common Seal
File Reference:	L/67
Disclosure of Interest:	Nil
Attachments:	Attachment 12.1A – Various correspondence Attachment 12.1B – Policy 3.13 Use of Common Seal Attachment 12.1C - Shire of Merredin Standing Orders Local Law 2017

Purpose of Report



Executive Decision



Legislative Requirement

Background

Authorisation is required to affix the Common Seal of the Shire to the application for a new Certificate of Title for Lot 200 on Deposited Plan 56205.

Comment

The Shire of Merredin has received a request from Optus Mobile Pty Ltd to lodge the executed lease agreement between the Shire of Merredin and Optus Mobile Pty Ltd, relating to the use of a portion of Lot 200 (No 106 – 108) Barrack Street Merredin on the Certificate of Title.

The lodgement of executed leases on Certificates of Title is a standard process with the previous Optus lease as well as several other leases currently relating to the property located at Lot 200 (No 106 – 108) Barrack Street, Merredin being lodged on the Certificate of Title.

The Lease agreement was executed by the Shire of Merredin and Optus Mobile Pty Ltd in late 2020 in accordance with Council Resolution 82539 dated 21st April 2020 which states as follows;

“That Council;

- 1. In accordance with Section 3.58 of the Local Government Act 1995 advertise for public comment the proposal to lease a portion of Lot 200 Barrack Street, Merredin to Optus Mobile Pty Ltd for a period of 20 years commencing on the 19th day of September 2020; and***
- 2. Subject to no adverse comments being received during the advertising period agree to enter into a lease agreement with Optus Mobile Pty Ltd as per the draft lease agreement forming part of attachment 12.4A***
- 3. Authorise the Shire President and Chief Executive Officer to execute the lease agreement by signing the lease agreement on behalf of Council and attaching the Shire seal to the lease agreement.”***

In order for the executed lease to be lodged on the Certificate of Title, the Duplicate Certificate of Title has to be provided to the Shire's solicitors for the process to take place. Unfortunately, following an extensive search of Council records the Duplicate Certificate of Title has not been located.

Shire of Merredin solicitors have provided advice on the process of lodging an application for the replacement of a lost title together with the required statutory declarations and personal identification documentation requirements.

The application for a new title requires the signatures of both the Shire President and Shire CEO as well as the affixing of the Shire of Merredin Common Seal.

Affixing the Common Seal is subject to Policy 3.13 – Use of Common Seal and the Shire of Merredin Standing Orders Local law 2017.

Both the Policy 3.13 – Use of Common Seal and the Shire of Merredin Standing Orders Local Law 2017 in part incorporate similar provisions relating to the use of the Common Seal, with the below extract from Policy 3.13, stating as follows;

“The common seal of the Local Government may only be used on the authority of the Council given either generally or specifically and every document to which the seal is affixed must be signed by the Shire Presidents and the CEO or a senior employee authorised by him or her.”

Given that the Shire of Merredin Council has already resolved to execute the lease agreement and has authorised the use of the Shire of Merredin Common Seal as part of that process and the said lease agreement has been executed with the Shire of Merredin Common Seal being attached to it in accordance with Council's resolution, the use of the Shire of Merredin Common Seal to obtain a replacement edition of the Certificate of Title to allow for the lodgement of the executed lease agreement on the Certificate of Title, whilst a technicality, still requires a specific resolution of Council.

Nil

Statutory Implications

Compliance with the *Local Government Act 1995*.

Strategic Implications

➤ Strategic Community Plan

Theme: Economy and Growth
Service Area: Merredin is a place of choice for business investment
Objective: and for new residents settling to enjoy a balanced lifestyle and employment opportunities.

➤ Corporate Business Plan

Key Action: 4.1.1 Continue to upgrade 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

Optus Mobile Pty Ltd has agreed to cover costs associated with the lodgement of the executed lease agreement on to the Certificate of Title, in addition it has agreed to cover the Shires costs associated with services provided to the Shire of Merredin by the Shires solicitors to the value of \$1500.

Voting Requirements

Simple Majority

Absolute Majority

Officers Recommendation

That Council in accordance with provisions of Policy 3.13 - Use of Common Seal and the Shire of Merredin Standing Orders Local Law 2017, authorise the Shire President and CEO to sign the application for a replacement edition of the Certificate of Title for Lot 200 on Deposited Plan 56205, and attach the Shire of Merredin Common Seal to the application.

12.2 South West Native Title Settlement Land Based Consultation

Development Services



Responsible Officer:	Peter Zenni, EMDS
Author:	Peter Zenni, EMDS
Legislation:	Shire of Merredin Local Planning Scheme No 6.
File Reference:	Various Property Files
Disclosure of Interest:	Nil
Attachments:	Attachment 12.2A – Associated correspondence and property location details

Purpose of Report



Executive Decision



Legislative Requirement

Background

The Shire of Merredin has been approached by the Department of Planning Lands and Heritage (DPLH) regarding the proposed South West Native Title Settlement.

Comment

The Shire of Merredin has been approached by the Department of Planning Lands and Heritage (DPLH) regarding proposed South West Native Title Settlement, whilst the Shire of Merredin is not a party to the South West Native Title Settlement, DPLH is requesting comment from Council regarding land parcels under consideration within the Shire of Merredin municipal district.

The State of Western Australia has committed to allocating up to 320,000 hectares of Crown land to the Noongar People to create the Noongar Land Estate, in accordance with the six registered Indigenous Land Use Agreements (ILUA) for the South West Native Title Settlement (the Settlement). The ILUAs were registered at the National Native Title Tribunal on 17 October 2018 and all necessary legal processes have now been concluded. As a result, conclusive registration of the ILUAs and the commencement of the Settlement will occur in early 2021.

In the immediate future and over the 5 years of Implementation, DPLH will continue work to meet key ILUA obligations in relation to the establishment of the Noongar Land Estate, in accordance with the Noongar Land Base Strategy (Annexure J to the ILUAs). The Noongar Land Base Strategy involves the identification and assessment of land parcels within the boundaries of the Settlement, for potential transfer to the future Noongar Boodja Trust.

DPLH has identified 25 locations that are currently under consideration, based on the information provided by DPLH, Council officers have ascertained that: -

- all of the identified properties are owned by the Crown;
- all of the identified properties are vacant;
- all of the identified properties are zoned Residential, Special Residential or Commercial under the Shire of Merredin Local Planning Scheme No.6 (LPS);
- The Shire of Merredin is not in the process of rezoning any of the identified properties nor is it currently considering development approval on adjoining properties that would impact on the health, welfare or amenity of the surrounding area; and
- None of the identified properties appear on the Shire of Merredin contaminated sites register.

The South West Native Title Settlement (Settlement) is a landmark native title agreement, negotiated between the Noongar people and the WA Government. The Settlement is a significant step towards self-determination and creates a Noongar governance structure to represent the rights and interests of the six Noongar Agreement groups. The Settlement is a long-term investment in the Noongar people and the shared future of Western Australia as a whole.

The Settlement package will provide the Noongar people with sustainable assets and options for developing Noongar interests, including opportunities for the WA Government to work in partnership with the Noongar people to elevate economic, social and community outcomes.

The Noongar peoples' strong relationship to the Noongar lands (Noongar Boodja) is reflected through the many components of the Settlement package, including the creation of a future Noongar Land Estate and the recognition of the Noongar people as the Traditional Owners of the south west region of the state.

The South West Title Settlement once finalised will result in the extinguishment of Native Title in the areas subject to the agreement. This has been scheduled for 13th April 2021.

The development of any land transferred to the future Noongar Boodja Trust by the State of WA will still be subject to relevant provisions of the Planning and Development Act 2005 and the Shire of Merredin Local Planning Scheme No. 6 as well as the Building Act 2011 and the Public Health Act 2016.

Policy Implications

Nil

Statutory Implications

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

Strategic Implications

➤ Strategic Community Plan

Theme: Economy and Growth

Theme Statement: Merredin thrives with a job-rich and multi-faceted economy, building on local strengths.

➤ Corporate Business Plan

Key Action: 4.1.1 Continue to upgrade 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

Nil

Voting Requirements



Simple Majority



Absolute Majority

Officers Recommendation

That Council;

- 1. Advises the Department Planning Lands and Heritage (DPLH) that it supports in principle the South West Title Settlement Process.**

- 2. Advises the Department Planning Lands and Heritage (DPLH) that based on the information provided by DPLH, Council officers have ascertained that:-**
- **all of the identified properties are owned by the Crown;**
 - **all of the identified properties are vacant;**
 - **all of the identified properties are zoned Residential, Special Residential or Commercial under the Shire of Merredin Local Planning Scheme No.6 (LPS);**
 - **The Shire of Merredin is not in the process of rezoning any of the identified properties nor is it currently considering development approval on adjoining properties that would impact on the health, welfare or amenity of the surrounding area; and**
 - **None of the identified properties appear on the Shire of Merredin contaminated sites register.**

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:	Geoff Garside, AEMCS	
Author:	Geoff Garside, AEMCS	
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 March 2021 under delegated Authority is provided for Council's information and endorsement.

Comment

Nil

Policy Implications

Nil

Statutory Implications

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

Strategic Implications

➤ Strategic Community Plan

Zone:

Zone Statement:

Key Priority: Governance

➤ 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

Officers Recommendation

That the schedule of accounts paid during March 2021 as listed, covering cheques, EFT's, bank charges, directly debited payments and wages, as numbered and totalling \$641,487.57 from Council's Municipal Fund Bank Account and \$0, from Council's Trust Account be endorsed by Council.

14.2 Statement of Financial Activity (February 2021)

<h1>Corporate Services</h1> 	
Responsible Officer:	Geoff Garside, AEMCS
Author:	Geoff Garside, AEMCS
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 – Investment Statement Attachment 14.2D – Capital Works Progress 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

Capital Expenditure

A detailed look at capital expenditure can be found in note 8, as well as attachment 14.2 (D) showing levels of expenditure.

Attachment 14.2 (E) reports variances by Sub Program, making it easier to drill down on variances to a greater degree.

Policy Implications

Nil

Statutory Implications

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

Strategic Implications

➤ Strategic Community Plan

Theme:

Theme Statement:

Service Area

Objective:

➤ 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

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

Officers Recommendation

That in accordance with Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, the Statement of Financial Activity and the Investment Report for the period ending 28 February 2021 be received.

15. Officer's Reports - Administration

15.1 Code of Conduct for Council Members, Committee Members and Candidates

<h1>Administration</h1> 	
Responsible Officer:	Mark Dacombe, T/CEO
Author:	Mark Dacombe, T/CEO
Legislation:	<i>Local Government Act 1995</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	<p>Attachment 15.1A – Guidance Note on the Model Code of Conduct for Council Members, Committee Members and Candidates – WALGA</p> <p>Attachment 15.1B – Guidelines on the Model Code of Conduct for Council Members, Committee Members and Candidates - DLGSC</p> <p>Attachment 15.1C – Draft Policy 1.1 Code of Conduct for Council Members, Committee Members and Candidates</p> <p>Attachment 15.1D – Complaint about alleged Breach Draft Template</p>

Purpose of Report

Executive Decision

Legislative Requirement

Background

New legislation has been enacted by the State Government requiring all local governments to adopt a new Code of Conduct for Council Members, Committee Members and Candidates for a local government election, and to deal with ancillary matters.

The following regulations took effect on 3 February 2021, implementing the remaining parts of the Local Government Legislation Amendment Act 2019:

- Local Government (Administration) Amendment Regulations 2021

- Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021
- Local Government (Model Code of Conduct) Regulations 2021.

In accordance with the Local Government (Model Code of Conduct) Regulations 2021, Local Governments are required to adopt a Code of Conduct for Council Members, Committee Members and Candidates within three (3) months of the Regulations taking effect.

Local Governments must authorise at least one person to receive complaints.

The responsibility for approving a new Employee Code of Conduct is now a function of the CEO. WALGA is preparing a Model Code for delivery in May 2021 which the CEO must approve as soon as practicable.

Comment

The Department of Local Government, Sport and Cultural Industries (DLGSC) has produced Guidelines on the Model Code of Conduct for Council Members, Committee Members and Candidates, which is an attachment to this item. WALGA has also produced a Guidance Note and Model Code, also attached. This has recently been circulated in order for local governments to adopt the Code in time to meet the 3 month deadline for adoption being 3 May 2021.

The new Model Code incorporates the Rules of Conduct and repeals the former Code of Conduct for Council Members, Committee Members and Employees. The Council has previously removed the Code of Conduct from the Policy Manual and provided for it to stand alone. This report recommends the new Code be adopted as a policy and be subject to a regular review cycle. The new Code will be Policy 1.1.

Council members are now accountable under the Model Code, which includes a local level behaviour complaints process to be administered by the local government.

It is proposed to hold an induction session on the Model Code (at a date to be determined) to enable Council members to consider how the Code affects their behaviour and to determine what Council members expect to be included in their behaviour complaints management policy. Following the induction session the CEO will prepare a draft policy for behaviour complaints management for further consultation with members. There will be an opportunity to include additional behaviours in the Code of Conduct at a later date.

The Council must approve a complaint form template and appoint at least one person to receive Code of Conduct Behaviour Complaints. The Council could delegate to the CEO the responsibility for approving the complaint form however it is considered sufficient for the Council to do this by resolution at this time.

It is proposed that the Council authorise the CEO and Deputy CEO to receive behaviour complaints. This is to ensure that there is sufficient coverage where one person may be on leave or may have a conflict of interest. It is also proposed that the

CEO be delegated authority to authorise persons to receive complaints and withdrawals of complaints. This will provide additional flexibility and will enable subsequent appointments based on better understanding of the authorised officer role as the local government develops its complaints management procedure.

Once adopted the Code must be published on the Shire webpage.

For clarity, it is noted that there is still a requirement for a local government to have a Complaints Officer (section 5.120 of the Local Government Act 1995), to process allegations of ‘Rules of Conduct’ breaches, and these alleged breaches are still to be referred to the Local Government Standards Panel (refer Division 4 of the Model Code of Conduct). The Chief Executive Officer is currently designated as that officer.

Policy Implications

The Model Code is proposed to be adopted as Policy 1.1.

Statutory Implications

Sections of the Acts, Regulations and/or Local Laws that apply to this item include:

- Local Government Act 1995
- Local Government (Administration) Amendment Regulations 2021
- Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021
- Local Government (Model Code of Conduct) Regulations 2021.

Resources and further reading for local governments include:

<https://www.dlgsc.wa.gov.au/local-government/strengthening-local-government/public-consultations/local-government-act-review/priority-reforms/model-code-of-conduct>

https://www.dlgsc.wa.gov.au/docs/default-source/local-government/local-government-act-review/model-code-of-conduct-guidelines.pdf?sfvrsn=b507b9c3_o

Strategic Implications

➤ Strategic Community Plan

Priorities and Strategies for Change N/A

➤ Corporate Business Plan

Key Action: N/A
Directorate:
Timeline:

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

Adoption of the new Code of Conduct is a Statutory requirement. Failure to adopt the Code by 3 May 2021 would be a breach of the Local Government Act 1995 and associated Regulations.

Financial Implications

There are no known financial implications other than officer time and small administrative costs.

Voting Requirements

Simple Majority

Absolute Majority

Officers Recommendation

That Council;

1. **Adopt Policy 1.1 Code of Conduct for Council Members, Committee members and Candidates appended to this item as Attachment 15.1C;**
2. **Adopt the form for lodging complaints appended to this item as Attachment 15.1D;**
3. **Appoint the following officers to receive complaints and withdrawals of same related to Council Members, Committee Members and Candidates:**
 - i. **Chief Executive Officer; and**
 - ii. **Deputy Chief Executive Officer.**
4. **Delegate to the Chief Executive Officer the authority to authorise persons to receive complaints and withdrawal of complaints;**
5. **Request the Chief Executive Officer to ensure that the new Code of Conduct is published on the Shire website as soon as practicable;**

- 6. Request the Chief Executive Officer to convene an induction as soon as practicable to enable the Council to provide guidance on the development of a Policy for Code of Conduct Behaviour Complaints Management; and**
- 7. Note that it is now a function of the Chief Executive Officer to approve the employee code of conduct.**

15.2 Change of Council Meeting Date – September 2021

<h1>Administration</h1> 	
Responsible Officer:	Mark Dacombe, T/CEO
Author:	Mark Dacombe, T/CEO
Legislation:	<i>Local Government Act 1995</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Nil

Purpose of Report

Executive Decision

Legislative Requirement

Background

In November 2020 the Council set the dates for the Ordinary Council meetings for 2021. The September 2021 Council meeting was determined to be 21 September 2021. A resolution of the Council is required in order to change this date.

Comment

The Local Government Convention 2021 is being held in Perth from 19 – 21 September 2021. To enable Councillors to attend the convention it is proposed to change the date of the September Ordinary meeting of the Council from 21 September to 14 September 2021.

Policy Implications

Council Policy 1.11 requires the Ordinary Meetings of the Council to be held on the third Tuesday of the month.

Statutory Implications

In accordance with Regulation 12 (3) of the *Local Government (Administration) Regulation's 1996*, the change of date must be published on the Shire website as soon as practicable following the decision.

Strategic Implications

- Strategic Community Plan

N/A

- Corporate Business Plan

N/A

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 known risks associated with changing the date particularly given the long lead time in doing so.

Financial Implications

There are no financial implications.

Voting Requirements

Simple Majority

Absolute Majority

Officers Recommendation

That Council change the date of the September Council meeting from 21 September to 14 September 2021 and give the appropriate notice pursuant to the *Local Government (Administration) Regulations 1996*.

15.3 Application for Rates Exemption – 63 Bates Street, Merredin

<h2>Administration</h2> 	
Responsible Officer:	Mark Dacombe, T/CEO
Author:	Mark Dacombe, T/CEO
Legislation:	<i>Local Government Act 1995</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 15.3A – Information Supporting the application

Purpose of Report



Executive Decision



Legislative Requirement

Background

An application has been received from Merrittville Retirement Village Inc (MVI) for a rates exemption on the grounds that the property is being used for Charitable purposes being “Aged Accommodation”.

Comment

MVI is an incorporated association and is registered as a charity with the Australian Charities and Not-for-profits Commission (ACNC). The fact that an organisation is an approved “charity” with the ACNC does not automatically entitle it to an exemption. The key consideration is the use of the land rather than the ownership.

The property designated Reserve 28563 is held by the Shire of Merredin under a Management Order for homes for the aged which is the designated purpose of the reserve. It is leased by the Shire to MVI for this purpose. The land, being held by the Shire, is non-rateable however in this case there is a minimum rate charged and the MVI is seeking exemption from that minimum.

The Statutory Declaration submitted by the MVI indicates the land is utilised for aged accommodation.

Policy Implications

The Council does not have a policy on rates exemptions.

Statutory Implications

6.26. Rateable land

(1) Except as provided in this section all land within a district is rateable land.

(2) The following land is not rateable land —

(a) land which is the property of the Crown and —

(i) is being used or held for a public purpose; or

(ii) is unoccupied, except —

(I) where any person is, under paragraph (e) of the definition of owner in section 1.4, the owner of the land other than by reason of that person being the holder of a prospecting licence held under the Mining Act 1978 in respect of land the area of which does not exceed 10 ha or a miscellaneous licence held under that Act; or

(II) where and to the extent and manner in which a person mentioned in paragraph (f) of the definition of owner in section 1.4 occupies or makes use of the land;

and

(b) land in the district of a local government while it is owned by the local government and is used for the purposes of that local government other than for purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the local government; and

(c) land in a district while it is owned by a regional local government and is used for the purposes of that regional local government other than for the purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the regional local government; and

(d) land used or held exclusively by a religious body as a place of public worship or in relation to that worship, a place of residence of a minister of religion, a convent, nunnery or monastery, or occupied exclusively by a religious brotherhood or sisterhood; and

(e) land used exclusively by a religious body as a school for the religious instruction of children; and

(f) land used exclusively as a non-government school within the meaning of the School Education Act 1999; and

(g) land used exclusively for charitable purposes; and

(h) land vested in trustees for agricultural or horticultural show purposes; and

(i) land owned by Co-operative Bulk Handling Limited or leased from the Crown or a statutory authority (within the meaning of that term in the Financial

Management Act 2006) by that co-operative and used solely for the storage of grain where that co-operative has agreed in writing to make a contribution to the local government; and

(j) land which is exempt from rates under any other written law; and

(k) land which is declared by the Minister to be exempt from rates.

(3) If Co-operative Bulk Handling Limited and the relevant local government cannot reach an agreement under subsection (2)(i) either that co-operative or the local government may refer the matter to the Minister for determination of the terms of the agreement and the decision of the Minister is final.

(4) The Minister may from time to time, under subsection (2)(k), declare that any land or part of any land is exempt from rates and by subsequent declaration cancel or vary the declaration.

(5) Notice of any declaration made under subsection (4) is to be published in the Gazette.

(6) Land does not cease to be used exclusively for a purpose mentioned in subsection (2) merely because it is used occasionally for another purpose which is of a charitable, benevolent, religious or public nature.

LGA: s6.47 – Concessions Subject to the Rates and Charges (Rebates and Deferments) Act 1992, a local government may at the time of imposing a rate or service charge or at a later date resolve to waive a rate or service charge or resolve to grant other concessions in relation to a rate or service charge.

“Charitable purposes” are not defined in the Act. Case law supports that “Relief of the Aged” is a charitable purpose and that a housing scheme for the aged that charges an economic consideration for its services does not cease to be charitable.

Strategic Implications

➤ Strategic Community Plan

Priorities and strategies for change

Housing for the aged and also aged care was a significant concern in the community consultation undertaken while developing the Strategic Community Plan.

➤ Corporate Business Plan

Key Action:

Advocacy for increased Aged Care services

Directorate:

Timeline:

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 minimal risks in approving this application.

Financial Implications

The minimum rate charged MVI for the 2020/21 financial year is \$890. If this is treated as exempt MVI will pay \$2,241.45 for waste services and ESL.

Voting Requirements

Simple Majority Absolute Majority

Officers Recommendation

That Council;

- 1. Pursuant to the Local Government Act 1995, Section 6.26(2)(g) approve the application from Merrittville Retirement Village Inc for rates exemption for Housing for the Aged at 63 Bates Street, Merredin as the land is deemed to be used exclusively for charitable purposes, the exemption to be effective from 1 July 2020;**
- 2. Advise Merrittville Village Inc of the outcome of their application.**

15.4 Shire of Merredin Municipal Heritage Inventory Review

<h1>Administration</h1>		
Responsible Officer:	Mark Dacombe, T/CEO	
Author:	Mark Dacombe, T/CEO	
Legislation:	<i>Local Government Act 1995</i>	
File Reference:	GR/17/5	
Disclosure of Interest:	Nil	
Attachments:	Nil	

Purpose of Report

- Executive Decision Legislative Requirement

Background

At the Ordinary Council Meeting held on 15 September 2020 the Council considered a report on the review of the Shire of Merredin Municipal Heritage Inventory which had been undertaken in order to prepare a Local Heritage Survey for adoption by Council. After the presentation from the consultant and Executive Manager the Council decided to hold the matter over until December 2020. There was a further holding over to the March 2021 meeting of the Council.

Comment

The Council's briefing session workload has been such that it has not been possible to hold the workshop and report back in accordance with the Council's directive. There is no statutory time pressure to complete this work. It is proposed to hold the briefing as soon as possible according to the schedule.

Policy Implications

Nil

Statutory Implications

Compliance with the *Heritage Act 2018*.

Strategic Implications

➤ Strategic Community Plan

Theme:	Communication and Leadership
Theme Statement:	The Merredin community is highly engaged in planning and action for its future, with a well governed, forward-looking, and proactive local government.
Key Priority:	Design and establish mechanisms for engagement by residents/ farmers/ businesses/ groups (as applicable) in major decisions over the period of each Corporate Business Plan

➤ 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:	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

Nil

Financial Implications

Nil at this stage in the process.

Voting Requirements



Simple Majority



Absolute Majority

Officers Recommendation

That Council;

- 1. Receive the information provided; and**
- 2. Hold over consideration of the officer's recommendation until a date to be set by the CEO in consultation with the Shire President to enable a workshop to be held to consider the detailed Heritage listing proposals and the nature of the public engagement to be undertaken.**

15.5 Major Strategic Review 2020/21 – Strategic Community Plan

<h1>Administration</h1> 	
Responsible Officer:	Mark Dacombe, T/CEO
Author:	Mark Dacombe, T/CEO
Legislation:	<i>Local Government Act 1995</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 15.5A – Council Item 15.2 February 2021 Attachment 15.5B – Submissions Attachment 15.5C – Strategic Community Plan

Purpose of Report

Executive Decision

Legislative Requirement

Background

The Council adopted the draft Strategic Community Plan (SCP) at the Ordinary meeting of the Council held on 16 February 2021 by passing the following resolution:

CMRef:
82685

That Council;

- 1. Adopts the draft Strategic Community Plan;**
- 2. Endorses the priorities contained in the draft Strategic Community Plan;**
- 3. Requests the Chief Executive Officer to advertise the draft Strategic Community Plan for public comment.**
- 4. Authorise the CEO to complete any minor editing of the document in consultation with the Shire President and any changes made be advised to Council.**

Comment

The SCP was advertised with public comment closing on 14 April 2021. The SCP was available on the Shire website, at the Administration Office and at the Merredin Regional Library. The “priorities and strategies for action and change” in each of the Strategic Themes were highlighted in a display at the library. These were also displayed at the Council’s stand at the Merredin Show.

Two questions were asked. One written submission was received and four submissions in the form of post-it notes were contributed at the Show. The feedback is analysed in the table below. Where the submitter is known a written response will be provided:

1) What did you like about the Strategic Community Plan:

SCP Page	What was liked	Proposed Action
-	Concerns, comments etc expressed by the community at the SCP engagement included.	Noted. No change to the plan.
-	Referencing of State and Regional priorities	Noted. No change to the plan.
-	Themes are relevant	Noted. No change to the plan.
23	Have a strong 'support local first' policy	Will be considered in development of local economic development strategy. No change to the plan.
27	Support revitalising Apex Park	Noted. No change to the plan.
24	Town to be totally renewable energy	Could be considered in the development of the climate change strategy. No change to the plan.
24	Biodiversity Farming (Ref. Local biodiversity plan)	Local biodiversity plan for natural areas under Shire control is included in the plan. Work would be required with the farming community for this to be extended. No change to the plan.
-	Shire should have EV	The Shire is considering the purchase of an EV. No change to the plan.
28	Improving local roads	In the Plan.

2) What didn't you like about the Strategic Community Plan:

SCP Page	What was liked	Proposed Action
-	Heritage/History has not been acknowledged e.g rail history and the Railway Museum.	Noted. No change to the SCP. Elaborate in Corporate Business Plan.
-	Agree with increasing the number and diversity of events including a signature annual event but no consultation with the Railway Museum on the theme.	Noted. The signature event is intended to be annual with a different theme each year. Future years will provide opportunities for engagement over the themes. No Change to the SCP.
25	Lack of consultation with the Railway Museum on the major event theme shows that the Shire does not "regularly engage with its community, and in return, communicates the information gathered in a clear and transparent manner" OR that "The Council works closely with the community to successfully achieve projects or	The comments are noted. The text quoted are service area objectives. They aren't a description of the current state they are aspirational statements that will be given effect through projects and programs developed through the Corporate Business Plan (CBP). No change to the plan.

	outcomes that deliver the community's vision for Merredin”.	
-	Does not think that 'Sporting clubs are thriving in membership and volunteers' Some are struggling and memberships have declined.	See above. This is an aspirational statement rather than a reflection of the current state. This may be addressed through programs included in the CBP. No change to the plan.
26	Suggests wording change to the statement 'Effective mechanisms for community representation in key decision-making' to read 'Effective, regular mechanisms for communication with the whole community'.	The statement in the plan addresses involvement in key decision-making. Whereas the alternative wording is about wider communication. Some addition to the plan may be appropriate but not a change to this statement which addresses this specific issue.
	Some untapped (partnership) opportunities for Council which are not acted on as often as they could be.	There is a strong statement on resourcing on p 3 of the plan where a partnership approach is indicated. The submitter's point is noted and will be incorporated in the CBP.
-	When some partnerships have occurred there is minimal or no recognition given to the community partner.	Noted. No change to the plan is proposed.
-	The Council is the catalyst/facilitator for things to happen, but Council need to allow the community to be involved.	Implementing the SCP and CBP will create opportunities for community, business, traditional owners partnerships. The Shire will be actively involved with the community as implementation progresses.

Once adopted by Council the submitters will be formally responded to. The time taken by submitters to prepare their comments and the commitment evident in them is appreciated.

In reviewing the draft plan and considering the comments from the community it becomes obvious that the plan is light in two additional areas; aged care/housing and the Merredin Airport. Consideration will be given to including short statements on both.

After consideration of the comments written responses will be provided where the submitter is known.

Policy Implications

Nil

Statutory Implications

Local Government Act 1995

5.56. Planning for the future

(1) A local government is to plan for the future of the district.

(2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.

Local Government (Administration) Regulations 1996

19 C. Strategic community plans, requirements for (Act s. 5.56)

(9) A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.

(10) A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.

Risk Implications

The Strategic Community Plan contains a section setting out the strategic risks to the plan and the risk controls that apply.

Financial Implications

The financial implications of the Strategic Community Plan will be addressed in the Long-Term Financial Plan.

Voting Requirements

Simple Majority

Absolute Majority

Officers Recommendation

That Council;

- 1. Receives the submissions made by members of the public on the Draft Strategic Community Plan;**
- 2. Note the CEO's proposal that the Strategic Community Plan be amended to include further reference to aged care and to the Merredin Airport;**
- 3. Adopt the Strategic Community Plan 2020 – 2030 incorporating any amendments made after consideration of submissions; and**
- 4. Give public notification of any amendments made by the Council at this meeting.**

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

19. Matters Behind Closed Doors

Nil

20. Closure

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