



SHIRE OF
MERREDIN
INNOVATING THE WHEATBELT

AGENDA

Ordinary Council Meeting

To be held in Council Chambers Corner
King & Barrack Streets, Merredin
Tuesday, 25 June 2024
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, 25 June 2024 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

CRAIG WATTS
CHIEF EXECUTIVE OFFICER
19 June 2024

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



June Ordinary Council Meeting

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Shire of Merredin
Ordinary Council Meeting
4:00pm Tuesday, 25 June 2024



1. Official Opening

2. Record of Attendance / Apologies and Leave of Absence

Councillors:

Cr M McKenzie	President
Cr R Manning	Deputy President
Cr B Anderson	
Cr H Billing	
Cr L O'Neill	
Cr M Simmonds	
Cr P Van Der Merwe	

Staff:

C Watts	CEO
L Boehme	EMCS
A Tawfik	EMES
C Brindley-Mullen	EMS&C
P Zenni	EMDS
M Wyatt	EO
A Bruyns	GO

Members of the Public:

Apologies:

Approved Leave of Absence: Cr D Crook

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

Nil

7. Confirmation of Minutes of Previous Meetings

- 7.1 Ordinary Council Meeting held on 21 May 2024
Attachment 7.1A

Voting Requirements

- Simple Majority Absolute Majority

Officer's Recommendation

That the Minutes of the Ordinary Council Meeting held on 21 May 2024 be confirmed as a true and accurate record of proceedings.

8. Announcements by the Person Presiding without Discussion

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

- 19.1 Write off of Rates and Service Charges

10. Receipt of Minutes of Meetings

Nil

11. Recommendations from Committee Meetings for Council Consideration

Nil

12. Officer's Reports – Development Services

12.1 Application for Subdivision (WAPC Application No 200246) – Lot 5 Robartson Road Merredin

<h2>Development Services</h2> 	
Responsible Officer:	Peter Zenni, EMDS
Author:	As above
Legislation:	<i>Planning and Development Act 2005</i> Shire of Merredin Local Planning Scheme No.6
File Reference:	A9722
Disclosure of Interest:	Nil
Attachments:	Attachment 12.1A – WAPC Referral Documentation

Purpose of Report



Executive Decision



Legislative Requirement

For Council to consider advice to be forwarded to the Western Australian Planning Commission (WAPC) in relation to the proposed subdivision of Lot 5 Robartson Road, Merredin.

Background

An application for subdivision of Lot 5 Robarston Road has been referred to the WAPC for approval. The WAPC is seeking comments from Council prior to issuing a determination on the application.

The proposed subdivision will divide existing Lot 5 Robartson Road, Merredin into 2 new Lots. Lot 201 (3.3796 ha) which will contain the recently approved Battery Energy Storage System (BESS) and Lot 202 (58.1104 ha) which will contain the balance of the rural land.

Comment

Planning Considerations

Lot 5 Robartson Road is located approximately 7.5km south-west of the centre of Merredin and comprises a land area of approximately 61.51ha. The land is zoned 'General Farming' under the Shire of Merredin Local Planning Scheme No.6 (LPS).

The subject site is an agricultural property, that does not contain any areas of remnant vegetation and is currently used for cropping and sheep grazing purposes.

The land is surrounded predominantly by other agricultural properties to the north and west, Western Power's Merredin Terminal to the south and Merredin Solar Farm to the east/southeast. The subject site is in close proximity to other energy infrastructure assets, being the Merredin Energy dual-fuel peaking plant and Merredin Solar Farm (the largest operating solar farm in Western Australia).

The WAPC Development Control Policy 3.4 – Subdivision of Rural Land as well as provisions of the Shire of Merredin LPS highlight the need to maintain the viability and rural character of the land in question.

WAPC Development Control Policy 3.4 – Subdivision of Rural Land, does not normally permit the subdivision of prime rural land into smaller (less viable) rural lots and stipulates the following;

5. General Policy Provisions

It is the opinion of the WAPC that rural land uses are the highest and best use for rural zoned land. Where an alternative use is proposed, such as residential, the use must be planned in a strategy or scheme and zoned accordingly. When determining subdivision proposals on rural land, the following measures will be applied:

- (a) the creation of new or smaller lots will be by exception;*
- (b) proposals will be considered against strategies and schemes;*
- (c) adequate buffer distances for sensitive and/or incompatible land uses can be achieved; and*
- (d) proposals will be assessed against any relevant State planning policies and/or operational policies.*

6. Circumstances under which rural subdivision may be considered

In considering applications under section 6, the WAPC will consider rural subdivision in the following exceptional circumstances:

- (a) to realign lot boundaries with no increase in the number of lots, where the resultant lots will not adversely affect rural land uses;*
- (b) to protect and actively conserve places of cultural and natural heritage;*
- (c) to allow for the efficient provision of utilities and infrastructure and/or for access to natural resources;*
- (d) in the Homestead lot policy area (Appendix 2), to allow for the continued occupation of existing homesteads when they are no longer used as part of a farming operation; and*
- (e) for other unusual or unanticipated purposes which, in the opinion of the WAPC, do not conflict with this and other relevant policies and are necessary to the public interest.*

Although the WAPC seeks to minimise the creation of new or smaller rural lots, there are some circumstances where subdivision may be appropriate in order to promote better land management and achieve environmental, cultural and/or social benefits.

6.2 Subdivision for other purposes

New lots for existing or proposed land uses such as recreation facilities, public utilities, rehabilitation of degraded land, extractive industries, or uses necessary to the rural use of the land such as abattoirs and processing works (including buffers), may be created through subdivision. The WAPC may approve subdivision for these purposes if a

development approval has been granted, or where development of the intended land use has substantially commenced. Where appropriate the WAPC may preclude sensitive land uses on the new lot(s).

Development Assessment Panel (DAP) – Battery Energy Storage System (BESS) Approval

On 29 April 2024 a conditional development approval was issued by the Development Assessment Panel for the erection and use of a Battery Energy Storage System (BESS) on portion of Lot 5 Robartson Road, Merredin. The Development Approval was supported by the Shire of Merredin through its Responsible Authority Report, which considered the proposed BESS facility as a use unlisted under the LPS and required public advertising of the proposed development (land use) in a General Farming Zone. Council was supportive of the proposed development on the basis that it aligned with the local government and State position of encouraging and supporting the development of renewable energy sources as well as consolidating the BESS facility in close proximity to existing energy infrastructure i.e. Western Power sub-station as well as the Merredin Solar Farm.

The development approval was granted by the DAP subject to the following conditions;

- 1. The submission and approval of a dedicated Construction Management Plan (CMP), including a transport impact assessment, details showing the proposed interim and longer-term facilities including building/structure setbacks, carparking facility, landscaping/ screening etc, to the satisfaction of the local government.*
- 2. The removal of all construction infrastructure once the facility has been completed to the satisfaction of the local government.*
- 3. The preparation and lodgement of a Drainage Management Plan (DMP) to contain all drainage on site to the satisfaction of the local government.*
- 4. The design and location of on-site effluent systems for the construction phase as well as the longer term to be designed and located to the satisfaction of the local government.*
- 5. Compliance with the Bushfire Management Plan (BMP) dated 14 December 2023 recommendations (including the Bushfire Risk Assessment & Management Report).*
- 6. Any new crossover to Robartson Road shall be located and constructed to the satisfaction of the local government.*

The proposed subdivision of Lot 5 Robartson Road, Merredin, through the creation of Lot 201 (3.3796 ha) and Lot 202 (58.1104 ha) will allow for the consolidation of the recently approved Battery Energy Storage System (BESS) immediately adjacent to other existing energy infrastructure, and at the same time will not prejudice the rural viability of the balance of the land.



Bush Fire Management

A portion of Lot 5 Robartson Road, Merredin is identified as being bush fire prone and as such is subject to WAPC State Planning Policy 3.7 – Planning in Bushfire Prone Areas. The recently approved BESS facility whilst not inside the bush fire prone area is considered a high risk activity. As such the supporting documentation forwarded to the Shire of Merredin (the Shire) by the WAPC incorporates a comprehensive Bushfire Management Plan (BMP) prepared by Bushfire Prone Planning.

The BMP looks at:

- Assessment of potential bushfire impact;
- Environmental conservation;
- Assessment of the development’s ability to acceptably mitigate bushfire risk through application of required and/or additional bushfire protection measures; and
- Creation of responsibilities to implement and maintain protection measures.

The BMP formed part of the supporting documentation lodged with the Shire as part of the development application for the BESS facility and was considered by the DAP as part of its determination and subsequent granting of conditional development approval. The BMP addresses relevant consideration with respect to the high-risk nature of the BESS facility and its location on site.

Road Access

Lot 5 Robartson Road currently has potential road access from Robartson Road. Both to be newly created Lots (Lot 201 and 202) will have potential road access from Robartson Road. Notwithstanding the development approval condition relating to any crossovers being located and constructed to the satisfaction of the local government, the proposed subdivision should be subject to a condition requiring the provision of dedicated access from both of the

proposed Lots to a sealed road via crossovers that must be located and constructed to the satisfaction of the local government.

The Shire Executive Manager Development Services (EMDS) and Executive Manager Engineering Services (EMES) have held discussions with representatives from Nomad Energy who are intending to purchase proposed Lot 201, with respect to the proposed 6.5m width of the battleaxe access way. The proposed 6.5m width will be suitable for ongoing maintenance of the BESS facility but not for its construction phase where numerous heavy haulage vehicles will need to gain access to the site. This is being addressed by Nomad Energy obtaining an access agreement with the owner of Lot 5 Robartson Road which will allow access to Lot 201 via a portion of Lot 202, for the duration of the BESS facility construction phase.

Policy Implications

Compliance with WAPC Development Control Policy 3.4 – Subdivision of Rural Land

Statutory Implications

Compliance with the *Planning and Development Act 2005*.

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

Strategic Implications

∅ Strategic Community Plan

Theme:	5. Places and Spaces
Service Area Objective:	5.4 Town Planning & Building Control 5.4.2 The Shire has current local planning scheme and associated strategy which is flexible and able to suitably guide future residential and industrial growth
Priorities and Strategies for Change:	Nil

∅ Corporate Business Plan

Theme:	Theme 5 Places and Spaces
Priorities:	Nil
Objectives:	Objective 5.4 Town Planning & Building Control The Shire has a current local planning scheme and associated strategy which is flexible and able to suitably guide future residential and industrial growth.

Sustainability Implications

∅ Strategic Resource Plan

Nil

Risk Implications

There is a compliance and reputational risk associated with this item due to the requirement for the Shire to provide local advice to WAPC on request. Failure to provide a response

would result in WAPC making a decision which may not consider the Shire's position. The risk rating is considered Low (4) which is determined by a likelihood of unlikely (2) and a consequence of Minor (2). Endorsing the officer's recommendation will mitigate this risk.

Financial Implications

The Shire will continue to receive rates from both properties, however the proposed Lot 201 will be charged at the UV4 Special Use Power Generation rate, with Lot 202 being charged the UV1 Rural rate.

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation

That Council ADVISES the Western Australian Planning Commission that it has no objection to the proposed subdivision of Lot 5 Robartson Road, Merredin, (WAPC Application No: 200246) resulting in the creation of two new lots, proposed Lot 201 (3.3796 ha) Robartson Road and proposed Lot 202 (58.1104 ha) Robartson Road, as identified in Attachment 12.1A, subject to;

- 1. All new Lots being connected to a constructed road with all crossovers being located and constructed to the satisfaction of the local government; and**
- 2. Compliance with WAPC State Planning Policy 3.7 – Planning in Bushfire Prone Areas.**

13. Officer's Reports – Engineering Services

Nil

14. Officer’s Reports – Corporate and Community Services

14.1 Statement of Financial Activity – May 2024

<h1>Corporate Services</h1> 	
Responsible Officer:	Leah Boehme, EMCS
Author:	As Above
Legislation:	<i>Local Government Act 1995</i> <i>Local Government (Financial Management) Regulations 1996</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 14.1A – Statement of Financial Activity Attachment 14.1B – Detailed Statements Attachment 14.1C – Capital Works Progress Attachment 14.1D – Investment Report

Purpose of Report



Executive Decision



Legislative Requirement

The purpose of this report is for Council to receive the Statements of Financial Activity and Investment Report for the month of May 2024, and be advised of associated financial matters, including consideration of proposed budget amendments.

Background

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

Comment

Statement of Financial Activity

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

Please note that the asset reconciliation for the month of May has not yet occurred and will be represented in the June end of month financials.

Policy Implications

Nil

Statutory Implications

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

Strategic Implications

Ø Strategic Community Plan

Theme: 4. Communication and Leadership
Service Area Objective: 4.2.2 The Shire is progressive while exercising responsible stewardship of its built, natural and financial resources
Priorities and Strategies for Change: Nil

Ø Corporate Business Plan

Theme: 4. Communication and Leadership
Priorities: Nil
Objectives: 4.2 Decision Making

Sustainability Implications

Ø Strategic Resource Plan

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

Risk Implications

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

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

Materiality reporting thresholds have been established at 10% or \$10,000 whichever is greater, for operating and capital, 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.

There is a compliance risk associated with this item as the Shire would be contravening the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996* if this Item was not presented to Council. The risk rating is considered to be low (4), which is determined by a likelihood of unlikely (2) and a consequence of minor (2). This risk will be eliminated by the adoption of the Officer's Recommendation.

Financial Implications

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

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation

That Council RECEIVE the Statements of Financial Activity and Investment Report for the period ending 31 May 2024 in accordance with Regulation 34 of the Local Government (Financial Management) Regulations 1996.

14.2 List of Accounts Paid – May 2024

<h3>Corporate Services</h3> 	
Responsible Officer:	Leah Boehme, EMCS
Author:	As above
Legislation:	<i>Local Government Act 1995</i> <i>Local Government (Financial Management) Regulations 1996</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 14.2A - Payments Listing May 2024

Purpose of Report

Executive Decision

Legislative Requirement

For Council to receive the schedule of accounts paid for the month of May 2024.

Background

The attached list of accounts paid during the month of May 2024, under Delegated Authority, is provided for Council's information and endorsement.

Comment

Nil

Policy Implications

Nil

Statutory Implications

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

Strategic Implications

∅ Strategic Community Plan

Theme:

4. Communication and Leadership

Service Area Objective: 4.2.2 The Shire is progressive while exercising responsible stewardship of its built, natural and financial resources

Priorities and Strategies for Change: Nil

∅ Corporate Business Plan

Theme: 4. Communication and Leadership

Priorities: Nil

Objectives: 4.2 Decision Making

Sustainability Implications

∅ Strategic Resource Plan

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

Risk Implications

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

Financial Implications

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

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation

That Council RECEIVE the schedule of accounts paid during May 2024 as listed, covering cheques, EFT's, directly debited payments and wages, as numbered and totaling \$1,813,417.75 from the Merredin Shire Council Municipal bank account and \$0 from the Merredin Shire Council Trust bank account.

14.3 2024/25 Differential General Rates and Minimum Payments Submissions

<h2>Corporate Services</h2> 	
Responsible Officer:	Leah Boehme, EMCS
Author:	As above
Legislation:	<i>Local Government Act 1995</i> <i>Local Government (Financial Management) Regulations 1996</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Nil

Purpose of Report

Executive Decision

Legislative Requirement

For Council to consider any submissions received in response to providing local public notice and advertising the proposed differential rating model intended for the 2024/25 financial year.

Background

Section 6.2 of the *Local Government Act 1995 (the Act)* requires each local government to prepare and adopt a budget for the Municipal Fund to 30 June the following year. A required component of the setting of the budget is the consideration of rate revenue for the year to meet the estimate of the budget deficiency.

Council resolved at the Ordinary Council Meeting held on 21 May 2024, to adopt the differential rates for advertising for the 2024/25 financial year (CMRef 83392):

That Council;

- 1. ADOPT for draft budget purposes, Option Three as stated in the Item, as the differential rate in the dollar and minimum payments for Unimproved Value rated properties for the Shire of Merredin, subject to finalisation of the draft 2024/25 Annual Budget and the establishment of the funding shortfall required from imposition of rates on Gross Rental Value rated properties;*
- 2. ADVERTISE its intention to levy differential rates on Unimproved Value properties for the 2024/25 Budget, and advise the public of the availability of the Shire of Merredin's 2024/25 Differential Rating Objects and Reasons (updated to suit the option selected by Council), in accordance with section 6.36 of the Local Government Act 1995; and*

3. *NOTES any public submissions received in response to Item 2 above, will be presented to Council for consideration prior to adoption of the 2024/25 Rates.*

The proposed differential rates were set as per Option Three:

Unimproved Value	Minimum Rate	Rate in \$
UV1 – Rural	\$1,160.00	0.01332
UV2 – Urban Rural	\$1,160.00	0.02665
UV3 – Mining	\$200.00	0.02587
UV4 – Power Generation	\$1,160.00	0.02580
UV5 – Special Use Airstrip	\$1,160.00	0.02397

Comment

A notice seeking submissions to the proposed 2024/25 differential rates was advertised on 22 May 2024. The closing date for submissions was 13 June 2024, which exceeded the statutory advertising period. No submissions were received.

Policy Implications

Nil

Statutory Implications

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

Section 6.33 (3) of the *Local Government Act 1995* outlines “*In imposing a differential general rate a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.*”

As the highest UV sub-category rate is not more than twice the lowest, Ministerial approval is not required.

Section 6.35 of the *Local Government Act 1995*:

6.35. Minimum payment

(1) *Subject to this section, a local government may impose on any rateable land in its district a minimum payment which is greater than the general rate which would otherwise be payable on that land.*

(2) *A minimum payment is to be a general minimum but, subject to subsection (3), a lesser minimum may be imposed in respect of any portion of the district.*

(3) *In applying subsection (2) the local government is to ensure the general minimum is imposed on not less than —*

(a) *50% of the total number of separately rated properties in the district; or*

(b) *50% of the number of properties in each category referred to in subsection (6), on which a minimum payment is imposed.*

(4) A minimum payment is not to be imposed on more than the prescribed percentage of –

- (a) the number of separately rated properties in the district; or
- (b) the number of properties in each category referred to in subsection (6), unless the general minimum does not exceed the prescribed amount.

(5) If a local government imposes a differential general rate on any land on the basis that the land is vacant land it may, with the approval of the Minister, impose a minimum payment in a manner that does not comply with subsections (2), (3) and (4) for that land.

(6) For the purposes of this section a minimum payment is to be applied separately, in accordance with the principles set forth in subsections (2), (3) and (4) in respect of each of the following categories –

- (a) to land rated on gross rental value; and
- (b) to land rated on unimproved value; and
- (c) to each differential rating category where a differential general rate is imposed.

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

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

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

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

Strategic Implications

Ø Strategic Community Plan

Theme:	4. Communication and Leadership
Service Area Objective:	4.2.3 The Council is well informed in their decision-making, supported by a skilled administration team who are committed to providing timely, strategic information and advice
Priorities and Strategies for Change:	Nil

Ø Corporate Business Plan

Theme:	4. Communication and Leadership
Priorities:	Nil
Objectives:	Nil

Sustainability Implications

Ø Strategic Resource Plan

Nil

Risk Implications

There is a compliance risk associated with this item as the Shire would be contravening the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996* if this Item was not presented to Council. The risk rating is considered to be low (4), which is determined by a likelihood of unlikely (2) and a consequence of minor (2). This risk will be eliminated by the adoption of the Officer’s Recommendation.

Financial Implications

Adopting a differential model will result in required rates revenue for the 2024/25 financial year. This will maintain the Town’s long-term financial sustainability whilst providing services, maintaining community facilities and delivering infrastructure, which requires significant revenue requirements.

Voting Requirements

Simple Majority

Absolute Majority

Officer’s Recommendation

That Council NOTES that no submissions were received regarding the proposed 2024/25 Differential General Rates and Minimum Payments.

14.4 Endorsement of Merredin Regional Community & Leisure Centre House Management Policy

<h3>Community Services</h3> 	
Responsible Officer:	Codi Brindley-Mullen, EMS&C
Author:	As above
Legislation:	<i>Local Government Act 1995</i> <i>Liquor Control Act 1988</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 14.4A - MRCLC Management House Policy

Purpose of Report



Executive Decision



Legislative Requirement

For Council to consider the review of the House Management Policy shown in Attachment 14.4A.

Background

The Merredin Regional Community & Leisure Centre (MRCLC) was required to develop a House Management Policy, Code of Conduct and Management Plan to obtain and maintain a liquor licence for the Grandstand Bar & Restaurant.

Comment

The Shire Administration applied for a Liquor Permit for the Grandstand Bar & Restaurant in November 2023. The *Liquor Act 1988* requires the development and implementation of a House Management Policy, Code of Conduct and Management Plan. This was developed and supplied to the Department of Local Government, Sport and Cultural Industries (DLGSC) in conjunction with the notice of application for approval of transfer of licence.

The House Management Policy needs to be endorsed by Council, and will be subject to future regular review being every two (2) years.

The House Management Policy is supported by the MRCLC Code of Conduct and Management Plan. It covers patrons being able to enjoy the experience provided by MRCLC management and team and allows the staff to adhere to several principles' including the responsible service of liquor within the premises, intoxicated and/or aggressive behaviour by patrons which will not be tolerated and the upmost priority for the care of all who attend the facility.

Policy Implications

This will be a new Policy.

Statutory Implications

Local Government Act 1995

Liquor Control Act 1988

Strategic Implications

Ø Strategic Community Plan

Theme: 1.2.1 Sporting clubs are thriving in membership and volunteers, with an appropriate standard of facilities and other support services

Service Area Objective: Nil

Priorities and Strategies for Change: Nil

Ø Corporate Business Plan

Theme: Nil

Priorities: Nil

Objectives: Nil

Sustainability Implications

Ø Strategic Resource Plan

Nil

Risk Implications

If Council do not adopt the reviewed Policy, this will not be in line with other Council policies.

There is a reputational risk associated with this item, as it may be perceived that the Shire is not acting upon or implementing the decisions of Council. The risk rating is considered to be moderate (6), which is determined by a likelihood of possible (3) and a consequence of minor (2). This risk will be eliminated by the adoption of the Officer's Recommendation.

Financial Implications

Failure to adopt and implement the House Policy may see the Shire lose the license to serve alcohol from the Grandstand Bar and Restaurant, leading to a loss of revenue.

Voting Requirements

Simple Majority

Absolute Majority

Officer's Recommendation

That Council ADOPT the revised Policy as shown in Attachment 14.4A.

15. Officer's Reports – Administration

15.1 Status Report – June 2024

<h1>Administration</h1>		 SHIRE OF MERREDIN INNOVATING THE WHEATBELT
Responsible Officer:	Craig Watts CEO	
Author:	Meg Wyatt, EO	
Legislation:	<i>Local Government Act 1995</i>	
File Reference:	Nil	
Disclosure of Interest:	Nil	
Attachments:	Attachment 15.1A – Status Report – June 2024	

Purpose of Report



Executive Decision



Legislative Requirement

For Council to consider the updated Status Report for June 2024.

Background

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

Comment

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

Policy Implications

Nil

Statutory Implications

Nil

Strategic Implications

∅ Strategic Community Plan

Theme: 4. Communication and Leadership
Service Area Objective: 4.4 Communications
4.4.1 The Shire is continuously working to maintain efficient communication, providing open, transparent and factual information, through a variety of channels
Priorities and Strategies for Change: Nil

∅ Corporate Business Plan

Theme: 4. Communication and Leadership
Priorities: Nil
Objectives 4.4 Communications
4.4.1 The Shire is continuously working to maintain efficient communication, providing open, transparent and factual information, through a variety of channels

Sustainability Implications

∅ Strategic Resource Plan

Nil

Risk Implications

There is a reputational risk associated with this item, as it may be perceived that the Shire is not acting upon or implementing the decisions of Council. The risk rating is considered to be low (1), which is determined by a likelihood of rare (1) and a consequence of insignificant (1). This risk will be eliminated by the adoption of the Officer's Recommendation.

Financial Implications

Nil

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation

That Council RECEIVES the Status Report on Council Resolutions for June 2024.

15.2 Adoption of Delegation – Cemeteries Local Law

<h1>Administration</h1> 	
Responsible Officer:	Craig Watts, CEO
Author:	As above
Legislation:	<i>Cemeteries Act 1986</i> Shire of Merredin Cemeteries Local Law 2002
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 15.2A - Amendment to Delegated Authority Register Attachment 15.2B - Plan of Merredin Cemetery – Lawn and Memorial Plaque sections

Purpose of Report



Executive Decision



Legislative Requirement

Council is requested to consider an amendment to the Shire of Merredin’s (the Shire) Delegation Register to include provisions relating to the operation and management of the Shire Cemetery.

Background

The Shire Administration has been approached in relation to the installation of a new headstone on an unmarked grave where contact with last known relatives has proven difficult. Although the Shire’s Cemeteries Local Law 2002 includes a provision enabling the Chief Executive Officer (CEO) to exercise powers and functions of the Shire of Merredin, this is subject to directions of Council. To ensure that the Shire is able to provide timely service and ensure that staff undertake operations compliant with the Local Law, it is recommended that these directions are delegated to the CEO.

Comment

The Shire Administration has been approached in relation to the installation of a new headstone on an unmarked grave which has been in place for over 25 years. The applicant has indicated that there are no living relatives within Australia, with attempts to contact family members being unsuccessful. The extension of grant of right of burial was not requested by any family member, therefore a new right of burial must be applied for.

In reviewing this application, it has been determined that there has been no delegation or direction provided by the Council to the CEO in relation to the operation and implementation

of the Shire’s Local Law. The Shire Administration has been operating within the legislative provisions of the Local Law, however this oversight needs to be addressed.

It is recommended that the direction of the Shire be enacted through the appropriate delegation to the CEO, with subsequent sub-delegation to applicable staff members. The proposed delegation is included in Attachment 15.2A and incorporates:

- 1) Grant of right of burial;
- 2) Licensing of funeral directors;
- 3) Conduct of funerals;
- 4) Memorial plaques and monuments;
- 5) Removal of materials;
- 6) Disposal of ashes; and
- 7) Issue of infringements and enforcement.

Further to the delegation, the Shire Administration is seeking a further direction from Council, as provided within the Local Law, in relation to areas within the cemetery which are designated as the “Lawn Section” and “Memorial Plaque Section”. The Lawn Section has limits on the dimensions and height of headstone to be installed, whereas the Memorial Plaque Section allows for larger headstones and ornate furniture compliant with the Local Law to be installed. A direction clarifying these areas will assist Shire Staff to better inform and support the bereaved and members of the funeral industry. Designation of these areas is shown within Attachment 15.2B.

Endorsement of the Officer Recommendation to provide delegated authority to the CEO, together with designation of areas within the cemetery for plaques and head stones, will enable the Shire to effectively respond to enquiries and applications.

Policy Implications

Nil

Statutory Implications

Cemeteries Act 1986.

Shire of Merredin Cemeteries Local Law 2002.

Strategic Implications

∅ Strategic Community Plan

Theme:	5. Places and Spaces
Service Area Objective:	5.2.2 – The Shire of Merredin’s Public Cemetery is well planned for, attractive and respectful.
Priorities and Strategies for Change:	Nil

∅ Corporate Business Plan

Theme:	5. Places and Spaces
Priorities:	Nil
Objectives	5.2.2 The Shire of Merredin’s Public Cemetery is well planned for, attractive and respectful.

Sustainability Implications

∅ Strategic Resource Plan

Nil

Risk Implications

There is a reputational and governance risk associated with this Item due to the inadequate understanding of directions (as per the Local Laws) from the Council and lack of delegation to undertake those directions and implement these by the Shire Administration. The risk rating is considered to be Medium (6) which is determined by a likelihood of Possible (3) and a consequence of Minor (2). This risk will be mitigated by Council endorsing the Officer Recommendation and providing delegated authority to the CEO.

Financial Implications

Nil

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation

That Council:

- 1. ENDORSE the amendment to the Shire of Merredin's Register of Delegated Authority to provide delegations to the Chief Executive Officer for the purpose of implementing the Shire of Merredin Cemeteries Local Law 2002, as shown in Attachment 15.2A; and**
- 2. CONFIRM the designation of areas within the cemetery for the purposes of "Lawn Section" and "Memorial Plaque Section", as shown in Attachment 15.2B.**

15.3 Policy Reviews – Policy 1.3, 2.4, 2.22, 2.31

Administration



Responsible Officer:	Craig Watts, CEO
Author:	Meg Wyatt, EO
Legislation:	<i>Local Government Act 1995</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 15.3A – Policies 1.3, 2.4, 2.22, 2.31

Purpose of Report



Executive Decision



Legislative Requirement

For Council to consider the recommended reviews of the Policies shown in Attachment 15.3A.

Background

The Administration has commenced reviewing relevant policies and will present them to Council for consideration as each review is completed.

The Policies submitted for Council consideration in this report are:

- Policy 1.3 Members Travel
- Policy 2.4 Retirement Resignation of Employees - Council Gift
- Policy 2.22 Social Media
- Policy 2.31 Mandatory Standards for CEO Recruitment, Performance and Termination

Comment

All of the attached Policies have been reconfigured into the new policy template to match all other policies in the Policy Manual. Where needed other minor amendments were also made to the Policies which have been summarised below:

Policy 1.3

After the previous review in April 2024, it was discovered that the Industry Award had not been updated in the Policy. This has now been updated to the correct Industry Award to make sure Elected Members reimbursement claims are calculated based on the current rates.

Policy 2.4

Sentence added at the end of the paragraph under 'Policy Purpose'. Grammatical amendments.

Policy 2.22

The Social Media Policy has been updated to reflect the new Social Media Scheduling Tool, while also better reflecting approval processes currently in place. The platform 'Twitter' has been updated to reflect its new brand name 'X', and several social media sites that are no longer in use have been removed. We have also included a list of staff positions which are able to access the Shire's facilities social media channels.

Policy Implications

Policies 1.3, 2.4, 2.22, 2.31.

Statutory Implications

Local Government Act 1995.

Strategic Implications

∅ Strategic Community Plan

Theme:	4. Communication and Leadership
Service Area Objective:	4.2 Decision Making 4.2.3 The Council is well informed in their decision-making, supported by a skilled administration team who are committed to providing timely, strategic information and advice.
Priorities and Strategies for Change:	Nil

∅ Corporate Business Plan

Theme:	4. Communication and Leadership
Priorities:	Nil
Objectives	4.2 Decision Making

Sustainability Implications

∅ Strategic Resource Plan

Nil

Risk Implications

If Council do not adopt the reviewed Policies they will remain out of date, in the wrong template and may contain information that is incorrect. There is a compliance risk associated with this Item, as policies are to be reviewed by the Shire within certain timeframes. The risk rating is considered to be moderate (6), which is determined by a likelihood of possible (3) and a consequence of minor (2). This risk will be eliminated by the adoption of the Officer's Recommendation.

Financial Implications

Nil

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation

That Council ADOPT the revised Policies as shown in Attachment 15.3A.

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

19.1 Write off of Rates and Service Charges

20. Closure

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