

SHIRE OF
MERREDIN
INNOVATING THE WHEATBELT

MINUTES

Special Council Meeting

To be held in Council Chambers
Corner King & Barrack Street's, Merredin
Tuesday, 31 May 2022
Commencing 5.30pm



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
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
ES	Executive Support Officer
GECZ	Great Eastern Country Zone
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



Shire of Merredin Special Council Meeting

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Shire of Merredin
Special Council Meeting
5:30pm Tuesday, 5 April 2022



1. Official Opening

As Shire President Cr Mark McKenzie was an apology, the meeting was chaired by Deputy President Cr Leah Boehme.

The Deputy President acknowledged the Traditional Owners of the land on which we meet today, the Njaki Njaki people of the Nyoongar Nation and paid her respects to Elders past, present and emerging. The Deputy President then welcomed those in attendance and declared the meeting open at 5.32pm.

2. Record of Attendance / Apologies and Leave of Absence

Councillors:

Cr L Boehme	Deputy President
Cr R Billing	
Cr C Crook	
Cr J Flockart	
Cr R Manning	
Cr P Patroni	
Cr M Simmonds	
Cr P Van Der Merwe	

Staff:

L Mellor	A/CEO
A Prnich	DCEO
C Townsend	A/DCEO
P Zenni	EMDS
D Hay-Hendry	A/EMES
L Richards	SFO

Members of the Public:

Apologies:	Cr M McKenzie President
	L Clack CEO
	M Wyatt EA/ES

Approved Leave of Absence:	Nil
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3. Public Question Time

Nil

4. Disclosure of Interest

Nil

5. Applications of Leave of Absence

Nil

6. Petitions and Presentations

Nil

7. Confirmation of Minutes of Previous Meetings

Nil

8. Announcements by the Person Presiding without Discussion

Nil

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

Nil

10. Receipt of Minutes of Committee Meetings

Nil

11. Recommendations from Committee Meetings for Council Consideration

Nil

12. Officers' Reports - Development Services

12.1 Application for Development Approval Proposed Office Building– Lot 900 Mackenzie Crescent Merredin

<h2 style="margin: 0;">Development Services</h2> 	
Responsible Officer:	Peter Zenni, EMDS
Author:	As above
Legislation:	Shire of Merredin Local Planning Scheme No 6. <i>Planning and Development Act 2005</i> <i>Building Act 2011</i>
File Reference:	A3447
Disclosure of Interest:	Nil
Attachments:	Attachment 12.1A - Application for development approval and associated plans and specifications.

Purpose of Report

Executive Decision

Legislative Requirement

Background

The Shire of Merredin has received an application for development (planning) approval from Mr Josh Herbert on behalf of Great Eastern Freightlines, for a proposed transportable office building (15.00m x 4.00m), to be located on Lot 900 Mackenzie Crescent, Merredin.

Comment

Lot 900 Mackenzie Crescent, Merredin is zoned ‘Light Industrial’ under the Shire of Merredin Local Planning Scheme No. 6 (LPS). An ‘Office’ is a “D” use under the LPS. This means that the proposed office development is not permitted unless the local government has exercised its discretion by granting development approval.

Statutory Requirements

Shire of Merredin Local Planning Policy No. 1 – Moveable Buildings.

The proposed office is a skid mounted moveable building.

The Shire of Merredin Local Planning Policy No. 1 – Moveable Buildings, in part states as follows;

“The Council will only permit donga type structures for uses other than residential uses where it considers the use or establishment of the structure will not be in conflict with the objectives of this policy”

The objectives of the policy being;

- a) **To maintain high amenity standards of buildings, especially within the residential areas in the Townsites of the Shire.**
- b) **To ensure that the visual aesthetics of residential areas are not compromised by the introduction of moveable buildings that are generally out of character with the predominant housing style in the locality.**
- c) **To ensure that the moveable buildings, established within the Shire, do not use materials considered by the Council to be unacceptable (E.G asbestos).**
- d) **To avoid the erection and use of extensive areas of moveable structures for accommodating temporary workforces, or other business or company activities, in inappropriate areas.**
- e) **To prevent the introduction of housing, or other structures, that are designed to be used on a temporary or short stay basis and that may detract from the standards already established in the residential areas of the Townsites.**
- f) **To protect the visual amenity of the urban environment by not permitting the establishment, storage or use of ‘containers’ within the non-industrial areas of the townsite.**

It should be noted that the proposed development will not contravene the abovementioned objectives, will be in a light industrial zoned area and will have minimal impact on the visual amenity of the surrounding locality. This will be further reduced using appropriate landscaping. The proposed development will not be out of character when compared to existing development on adjacent properties in Mackenzie Crescent and will complement the operation of the existing workshop.

Building Act 2011

The moveable building which will house the proposed office will require appropriate tie downs following placement on site as well as provision of access and services in accordance with AS 1428.1 – mobility and access standards relating to persons with a disability.

A certified (BA2) building application will need to be submitted to the Shire of Merredin and be approved before any building works will be able to commence on site.

The building application will need to be accompanied by a Certificate of Design Compliance (CDC) which will reference all relevant documentation specifying compliance with the National Construction Code (BCA).

Once the required building works have been completed the certifying Building Surveyor will need to submit a Certificate of Construction Compliance (CCC) to the Shire, thus allowing for an Occupancy Permit to be issued formally permitting the occupancy and use of the building.

Bush Fire Prone Area Requirements

Lot 900 Mackenzie Crescent, Merredin is wholly located within the Department of Fire and Emergency Services (DFES) designated bush fire prone area. The application for development contains a Bush Fire Attack Level (BAL) assessment, and the development will be subject to the implementation of a bush fire management plan.

Impacts

Environmental (Waste/Nuisance)

The Shire of Merredin Local Planning Scheme Policy No. 1 precludes the movement into the Shire of any relocatable buildings containing unacceptable materials (asbestos). The proposed transportable office building is a newly fabricated building and does not contain asbestos materials.

Road Infrastructure

The Shires Acting Executive Manager Engineering Services has commented on the need for crossovers providing access to Lot 900 to be constructed from concrete or similar durable materials, with costs associated with the ongoing maintenance of crossovers being borne by the applicant. Vehicular traffic associated with the use of the premises will not pose a hazard to other road users. There is sufficient turning space on the Lot for heavy vehicles thus ensuring that they will not be forced to reverse back on to Mackenzie Crescent.

Conclusion

Given that the proposed development does not differentiate markedly from previous development approvals granted by the Shire of Merredin in light industrial zoned areas, the limited potential for any impact on the amenity of the surrounding locality and compliance with the Shires Local Planning Policy on Moveable Buildings, it is the view of the EMDS that the development application should be granted development approval.

Policy Implications

Compliance with Shire of Merredin Local Planning Scheme Policy No.1 – Moveable Buildings.
Compliance with Council Policy 7.11 Crossovers

Statutory Implications

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 and Building Control 5.4.2 The Shire has a 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:	N/A

➤ 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

The relevant development application fees have been paid.

Voting Requirements



Simple Majority



Absolute Majority

Resolution

Moved: Cr Flockart

Seconded: Cr Van Der Merwe

That Council:

1. **GRANT development (planning) approval for a proposed office building (15.00m x 4.00m), to be situated on Lot 900 Mackenzie Crescent, Merredin, as outlined in Attachment 12.1A, subject to;**
 - a) **Provision of suitable landscaping to the satisfaction of the Shire of Merredin, along the frontage adjacent to Mackenzie Crescent, Merredin**
 - b) **Provision of 5 hardstand carparking bays including a dedicated car parking bay for persons with a disability.**
 - c) **All crossovers used to access Lot 900 Mackenzie Crescent, Merredin must meet the requirements of Council policy 7.11 Crossovers, being constructed from concrete or similar durable materials to the satisfaction of the Shire of Merredin**
 - d) **The applicant being responsible for all costs associated with the ongoing maintenance of crossovers used to access Lot 900 Mackenzie Crescent, Merredin**
 - e) **The applicant being responsible for the development and implementation of a Bush Fire Management Plan addressing but not being limited to;**
 - i. **Risk management plan identifying potential fire risks and associated fire risk mitigation measures;**
 - ii. **Roles and responsibilities and emergency response arrangements of relevant staff in case of fire related emergency;**
 - iii. **Type, capacity and location of any fire fighting equipment or appliances on site;**
 - iv. **Management of fuel loads and maintenance of fire breaks.**
2. **ADVISES the applicant of the following;**
 - a) **This development approval does not constitute a building permit. An application for a building permit must be lodged with the Shire of Merredin and be approved before any building work can commence on site;**
 - b) **Compliance is required with provisions of the National Construction Code (BCA) and relevant standards including disability access requirements; and**
 - c) **The new office building must not be occupied until such time as the Shire of Merredin has issued an Occupancy Permit for use of the building.**

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CARRIED 8/0

13. Officers' Reports - Engineering Services

Nil

14. Officers' Reports – Corporate and Community Services

14.1 Differential Rates 2022/23

<h2>Corporate Services</h2> 	
Responsible Officer:	Lindon Mellor, A/EMCS
Author:	As above
Legislation:	<i>Local Government Act 1995, Local Government (Financial Management) Regulations 1996</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 14.1A - Differential Rating Objects and Reasons

Purpose of Report

Executive Decision

Legislative Requirement

Background

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

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

Once a budget deficiency has been determined, and after taking into consideration the objectives of the Strategic Community Plan and Corporate Business Plan, a rating strategy and proposed differential general rates in the dollar can be determined. Rates should not be increased by a fixed amount without due consideration of the deficiency.

Unless Ministerial approval is given, the amount expected to be raised through all types of local government rates must be within 90% to 110% of the deficiency of the budget (s6.34). This acts to limit the amount that may be raised by rates, but only in proportion to the expenditure requirement determined by the local government, and not in the manner of a set cap on the maximum level of income which can be raised through rates.

Council is required to give local public notice prior to imposing any differential general rates, or any minimum payment applying to a differential rate category, for a minimum of 21 days.

Council does, however, have the discretion to vary the rate in the dollar and minimum rate during its budget deliberations without having to re-advertise the changes.

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

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

	Comment
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Rateable properties in the Shire of Merredin are rated on either Gross Rental Value (GRV) or Unimproved Value (UV). Values are determined by the Valuer General’s Office (VGO).

Typically, properties within the town boundary are rated using GRV, which is based on an estimate of what the improved property will generate in rent in a year. GRV properties are revalued every three years.

Other properties in the Shire are rated using unimproved values, based on the capital value of the unimproved (bare) land. UV properties are revalued every year by the VGO. Whilst unimproved values are based on the capital value of the land, land prices are still linked to the land’s capacity to generate annual revenue.

The Shire generates rate revenue by charging a rate-in-the-dollar (rates) against the valuations. The Shire’s UV properties are rated as Rural, Urban Rural, Mining, Power Generation and Airstrips. The rates modelling is completed against the rates revenue.

To maintain the level of revenue required to meet levels of service, support the Shires loan for the CBD development project and to meet rising costs, the Shire will need to increase total rate revenue by 4% on 2021/22 actuals. It is proposed that rates-in-the-dollar and minimum rates are adjusted to match this.

It is worth noting that recent valuations have identified a higher than predicted increase in UV property values in the current period. Therefore Council will note a decrease in the rate in the dollar charged in several of the UV categories from the previous financial year to balance this. Even with this decrease in rate in the dollar, Council will still receive a 4% overall revenue increase from the previous financial year.

The table of Rates (Unimproved Valuations) proposed for the 2022/23 financial year is set out below:

Unimproved Value	Minimum Rate	Rate in \$
UV1 – Rural	\$1,130.00	0.01752
UV2 – Urban Rural	\$1,130.00	0.03328
UV3 – Mining	\$200.00	0.03220
UV4 - Special Zone Wind Farm & Power Generation	\$1,130.00	0.03220
UV5 – Special Use Airstrip	\$1,130.00	0.03220

RATE CATEGORY & TYPE	2021-22 Year (actuals)			2022-23 Year (proposed)			Net increase on Prior Year			% on prior year	
	Rate in \$ (cents)	Min \$	Rates Raised	Rate in \$ (cents)	Min \$	Rates Raised	Rate in \$ (cents)	Min \$	Rates Raised	Rate in \$	Min \$
Gross Rental Value											
Gross Rental Value	0.10796	910	2,225,472	0.11260	910	\$ 2,308,792	0.00464	0	\$ 83,320	4.30%	0
Unimproved Value											
UV1 Rural	0.01963	1,130	2,043,448	0.01752	1,130	\$ 2,126,370	-0.00211	0	\$ 82,922	-10.73%	0
UV2 Urban Rural	0.03163	1,130	162,814	0.03328	1,130	\$ 166,827	0.00165	0	\$ 4,013	5.20%	0
UV3 Mining	0.03743	205	7,573	0.03220	200	\$ 8,346	-0.00523	-5	\$ 773	-13.97%	-2.44%
UV4 Special Zone Wind Far	0.03743	1,130	161,010	0.03220	1,130	\$ 168,152	-0.00523	0	\$ 7,142	-13.97%	0
UV5 Special Use Airstrip	0.03743	1,130	6,288	0.03220	1,130	\$ 7,052	-0.00523	0	\$ 764	-13.97%	0
			4,606,605			\$ 4,785,538			\$ 178,934		

These calculations have been made using the valuations supplied by Landgate Valuation Services for 2022/2023. It is not expected that any changes will be made before the adoption of the 2022/2023 Budget.

	Policy Implications
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Nil

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

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 (Acts. 6.35(4))

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

Strategic Implications

➤ Strategic Community Plan

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

➤ Corporate Business Plan

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

Sustainability Implications

➤ Strategic Resource Plan

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

➤ Workforce Plan

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

Risk Implications

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

Financial Implications

Adopting the differential model as detailed below will result in the associated modelled rates revenue in accordance with Council’s adopted Long Term Financial Plan.

Voting Requirements

Simple Majority

Absolute Majority

Resolution

Moved: Cr Flockart

Seconded: Cr Patroni

That Council:

- ADOPT for draft budget purposes the following differential rate in the dollar and minimum payments for Unimproved Value rated properties, subject to finalisation of the draft 2022/23 Budget and the establishment of the funding shortfall required from imposition of rates on Gross Rental Value rated properties:**

82922

Unimproved Value	Minimum Rate	Rate in \$
UV1 – Rural	\$1,130.00	0.01752
UV2 – Urban Rural	\$1,130.00	0.03328
UV3 – Mining	\$200.00	0.03220
UV4 – Special Zone Wind Farm & Power Generation	\$1,130.00	0.03220
UV5 – Special Use Airstrip	\$1,130.00	0.03220

- In accordance with Section 6.36 of the Local Government Act 1995, ADVERTISE its intention to levy differential rates on Unimproved Value properties for the 2022/23 Budget on Council’s website the availability of the Shire of Merredin’s 2022/23 Differential Rating Objects and Reasons.**

CARRIED 8/0

15. Officers' Reports – Administration

Nil

16. Motions of which Previous Notice has been given

Nil

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

Nil

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

Nil

19. Matters Behind Closed Doors

Nil

20. Closure

There being no further business, the Deputy President thanked those in attendance and declared the meeting closed at 5.47pm

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