

SHIRE OF
MERREDIN
INNOVATING THE WHEATBELT

MINUTES

Ordinary Council Meeting

To be held in Council Chambers
Corner King & Barrack Street's, Merredin
Tuesday, 25 October 2022
Commencing 4.00pm



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
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
WEROC	Wheatbelt East Regional Organisation of Councils



Shire of Merredin October Ordinary Council Meeting

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Shire of Merredin
Ordinary Council Meeting
4:00pm Tuesday, 25 October 2022



1. Official Opening

The President acknowledged the Traditional Owners of the land on which we meet today, the Njaki Njaki people of the Nyoongar Nation and paid his respects to Elders past, present and emerging. The President then welcomed those in attendance and declared the meeting open at 4:04pm.

2. Record of Attendance / Apologies and Leave of Absence

Councillors:

Cr M McKenzie	President
Cr R Billing	
Cr J Flockart	
Cr R Manning	
Cr P Patroni	
Cr M Simmonds	
Cr P Van Der Merwe	

Staff:

L Clack	CEO
C Townsend	A/DCEO
L Boehme	EMCS
L Mellor	EMES
P Zenni	EMDS
D Hay-Hendry	MP
M Wyatt	EA/ES
O Mellor	GO

Members of the Public:

Apologies: Cr D Crook, Deputy President

Approved Leave of Absence:

3. Public Question Time

Nil.

4. Disclosure of Interest

14.2 – Cr Flockart declared an Impartiality Interest

14.4 – Cr Billing declared an Impartiality Interest

15.2 – Cr Simmonds declared an Impartiality 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 27 September 2022
Attachment 7.1A

Voting Requirements



Simple Majority



Absolute Majority

Resolution

Moved: Cr Simmonds

Seconded: Cr Manning

83024

That the minutes of the Ordinary Council Meeting held on 27 September 2022 be confirmed as true and accurate records of proceedings.

CARRIED 7/0

8. Announcements by the Person Presiding without Discussion

Meetings and events attended by the President since the last Ordinary Meeting on 27 September 2022:

10 October 2022 - Meeting with Mia DAVIES MLA with other Councillors

17 October 2022 - Attended CEACA meeting

20 October 2022 - Attended High School (Year 12) Graduation - Presented 3 awards.

24 October 2022 - Meeting with CEO

24 October 2022 - Meeting with CEO and EMCS

The Shire President acknowledged the CEO and Executive staff work extremely hard and that he can see the workload is increasing. He also congratulated the CEO on completing her MBA with the University of Sydney, noting she studied remotely, and as a UN Women Ambassador/Scholarship holder.

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

- 19.1 CEACA Rates Exemption Application, Rates Waiver and Write-Off
- 19.2 Rateable Property Assessment A445 – 1 Brewery Road – Estate of Bradley Price
- 19.3 Quotation RFQ03 2022/23 Provision of Planning Services to the Shire of Merredin
- 19.4 Rateable Property Assessment A188 – 68 Barrack St – Request to Waive Interest Owning

10. Receipt of Minutes of Meetings

- Minutes of the Eastern Wheatbelt Biosecurity Group General Meeting held 17
- 10.1 March 2022
Attachment 10.1A
 - 10.2 Annual Electors Meeting held on 27 September 2022
Attachment 10.2A

Voting Requirements



Simple Majority



Absolute Majority

Resolution

Moved: Cr Patroni

Seconded: Cr Billing

That Council;

83025

- 1. RECEIVE the minutes of the Eastern Wheatbelt Biosecurity Group General Meeting held 17 March 2022; and
- 2. RECEIVE the minutes of the Shire of Merredin's Annual Electors Meeting held on 27 September 2022.


CARRIED 7/0

11. Recommendations from Committee Meetings for Council Consideration

Nil.

12. Officer's Reports - Development Services

12.1 Policy Reviews - Policy 8.2, Policy 8.11 & Policy 8.21

<h2 style="margin: 0;">Development Services</h2> 	
Responsible Officer:	Peter Zenni, EMDS
Author:	As above
Legislation:	<i>Local Government Act 1995</i> <i>Shire of Merredin Local Planning Scheme No.6</i>
File Reference:	Policy Manual
Disclosure of Interest:	Nil
Attachments:	Attachment 12.1A - Policy 8.2 – Amalgamation of Lots Attachment 12.1B - Policy 8.11 – Trading in Public Places Attachment 12.1C – Policy 8.21 – Placement of Sea Containers on land within the Shire of Merredin

Purpose of Report



Executive Decision



Legislative Requirement

Background

In accordance with the Shire of Merredin's Risk Management Framework and the *Local Government Act 1995* policies are to be reviewed biennially.

The Administration have commenced a process of reviewing relevant polices and will commence bringing them to Council for consideration as each review is completed.

The policies submitted for Council consideration in this report are:

- Policy 8.2 – Amalgamation of Lots
- Policy 8.11 – Trading in Public Places
- Policy 8.21 – Placement of Sea Containers on land within the Shire of Merredin

Comment

The purpose of Policy 8.2 – Amalgamation of Lots is to ensure that buildings are constructed on one lot of land in accordance with the Building Codes of Australia, the *Planning and Development Act 2005*, and associated Regulations and Shire of Merredin Local Planning Scheme No. 6 (as amended).

The purpose of Policy 8.11 – Trading in Public Places is to enhance the function, appearance and character of the Merredin Town Centre as a retail centre and encourage these services to be presented in a manner which will add colour, life, diversity and interest to the town centre.

The purpose of Policy 8.21 – Placement of Sea Containers on land within the Shire of Merredin is to control the use and placement of sea containers, or similar structures in the townsites of the Shire of Merredin such that an acceptable standard of development is achieved and that the structure does not adversely affect the amenity of the area.

The provisions of all three policies (Policy 8.2 – Amalgamation of Lots, 8.11 - Trading in Public Places, 8.21 - Placement of Sea Containers on land within the Shire of Merredin) have been reviewed. It is recommended that the following changes to the above-mentioned policies be adopted;

Policy 8.2 – Amalgamation of Lots

The policy be amended by the addition of the words “or Building Approval Certificate” immediately following the words “Building Permit”. The inclusion of the additional wording will enhance the intent of the policy and prevent the approval of non-complying structures within the Shire of Merredin.

Policy 8.11 – Trading in Public Places

The policy be amended by increasing the \$5m minimum public liability business insurance policy to \$10m. This will bring the policy into line with current public liability norms as well as providing guidance for staff with respect to minimum public liability requirements as referenced in the Shire of Merredin Activities in Thoroughfares and Public Places and Trading Local Law as well as the Shire of Merredin Local Government Property Local Law.

Policy 8.21 – Placement of Sea Containers on land within the Shire of Merredin

It is recommended the Policy be rescinded as it refers to the Shire of Merredin Town Planning Scheme No. 1, and conflicts with provisions of the Shire of Merredin Local Planning Scheme No. 6 – Local Planning Scheme Policy No.1 (Moveable Buildings).

By virtue of forming part of the Local Planning Scheme No. 6, the Local Planning Policy No. 1 on Moveable Buildings is statutorily enforceable and overrides provisions of Policy 8.21 – Placement of Sea Containers on land within the Shire of Merredin. However, by having two conflicting policies, members of the public have previously been under the mistaken belief that the Shire of Merredin Council has the ability to approve sea containers in areas other than those permitted by the Shire of Merredin Local Planning Scheme No.6.

Policy Implications

The proposed changes to Policy 8.2 – Amalgamation of Lots and Policy and 8.11 – Trading in Public Places will improve the scope and operation of these policies, whilst the revocation of Policy 8.21 – Placement of Sea Containers on land within the Shire of Merredin, will remove opportunity for confusion as well as reinforce statutory provisions specified by the Shire of Merredin Local Planning Scheme No.6.

Statutory Implications

Local Government Act 1995

Strategic Implications

➤ Strategic Community Plan

Theme: Community and Culture
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

➤ 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

Resolution

Moved: Cr Billing

Seconded: Cr Van Der Merwe

That Council;

1. **NOTE** the review of the following policies:
 - a) Policy 8.2 – Amalgamation of Lots;
 - b) Policy 8.11 – Trading in Public Places; and
 - c) Policy 8.21 – Placement of Sea Containers on land within the Shire of Merredin;
2. **ENDSORSES** the following policies:
 - a) Policy 8.2 – Amalgamation of Lots, incorporating amendments to the Policy as outlined in Attachment 12.1A; and
 - b) Policy 8.11 – Trading in Public Places, incorporating amendments to the Policy as outlined in Attachment 12.1B; and
3. **RESCINDS** Policy 8.21 – Placement of Sea Containers on Land within the Shire of Merredin.

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CARRIED 7/0

13. Officer's Reports - Engineering Services

Nil.

14. Officers' Reports – Corporate and Community Services

14.1 Statement of Financial Activity – September 2022

<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:	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

Background

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

Comment

Statement of Financial Activity

Regulation 34 of the Local Government (Financial Management) Regulations 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.

In addition, a number of budget amendments are recommended within this report which are required to be progressed prior to budget review to assist with the continuation of progressing capital items for which quotes have now been received.

Budget Amendments

The following budget amendments are recommended:

GL/Job	Description	Current Budget	Variation Amount	Revised Budget	Reason
4110310	REC – Other Rec Facilities Building (Capital)	\$15,000	(\$15,000)	\$0	The purpose of this item was to replace the ovens at the Rec Centre. The ovens have now been checked and are fully functional – do not require replacement
4110530	LIBRARY – Plant & Equipment (Capital)	\$10,000	\$9,000	\$19,000	The purpose of this item was to complete works related to toilet facilities. Quotes for repairs to toilets have come back higher than budgeted
4090210/ BC036	OTH HOUSE – Building (Capital)	\$9,000	\$6,000	\$15,000	Quotes for Kitchen, Bathroom and Laundry Cabinetry have come back higher than budgeted

The above-mentioned amendments are recommended due to quotes received for repairs being higher than anticipated when the budget was set. With there no longer being a requirement for oven replacement at the MRCLC, this has allowed these extra funds to be reallocated to cover the currently existing shortfalls in both capital projects. As such, the changes proposed in the table above have a neutral impact within the budget.

Further to the above, \$10,000 has been budgeted in the Capital Expenditure Schedule (GL: 4110110/ Job no: BC005) for 'replacement of gutters, downpipes, Corroded Valleys and Roof repairs' at the Old Administration Building (CRC) in the 22/23 year. It is proposed that these funds will also be utilised to repair/ replace the gutters and downpipes at the Women's Rest Centre (adjacent, and within the same lot) during this financial year. As they are both part of the same facility, and the same type of works, no budget amendment is required to facilitate this.

Materiality

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.

During the period, the Administration is reporting that there has been a change in the total contract value for the detailed design of Merredin Town Centre and Apex Park between the

Shire of Merredin and Place Laboratory (RFT01 2021/22). The value has increased from \$325,610 to \$350,850 to account for variations associated with the drainage survey and skatepark extension. The variation does not exceed the project budget, which is allocated across PC001 and PC007, is within 10% of the total contract value, and is therefore an allowable variation for the CEO to approve within the Shire's purchasing policy. There is no change proposed to the relevant overall project budgets as a result of this variation.

As there is available budget, it does not meet the intent of the materiality factor for highlighting variances (budget to actual). However, as the amount is over \$10,000 which is the nominal reporting threshold Council has set, in the interests of transparency, this change is included for the information of Council in this monthly report.

Policy Implications

Nil

Statutory Implications

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

Local Government Act 1995 s.6.8. (1) A local government is not to incur expenditure from its municipal fund which is not included in its annual budget except where the expenditure (b) is authorized in advance by resolution*;

Approval of the level of materiality required under the *Local Government (Financial Management) Regulations 1996* s.34(5), for financial reporting in respect of variances between actual and the original adopted budget.

Strategic Implications

➤ Strategic Community Plan

Theme: Nil
Service Area Objective: Nil
Priorities and Strategies for Change: Nil

➤ 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.

The other proposed amendments and items of note are proposed to be moved within the existing budget and as such, there is no further overall financial implication.

Voting Requirements

Simple Majority

Absolute Majority

Resolution

Moved: Cr Flockart

Seconded:

Cr Patroni

That Council;

1. RECEIVE the Statement of Financial Activity and Investment Report for the period ending 30 September 2022 in accordance with Regulation 34 of the *Local Government (Financial Management) Regulations 1996*.
2. Pursuant to section 6.8(1(b)) of the Local Government Act 1995 APPROVES amendments to the Shire's 2022-2023 Annual Budget as per the following table:

Account number	Description	Current Budget	Change	Revised budget
4110310	REC – Other Rec Facilities Building (Capital)	\$15,000	-\$15,000	\$0
4110530	LIBRARY – Plant and Equipment (Capital)	\$10,000	\$9,000	\$19,000
4090210	OTH HOUSE – Building (Capital) JOB BC036	\$9,000	\$6,000	\$15,000


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3. NOTES in relation to Tender *RFT01 2021/22 Detailed Design Services – Merredin Town Square & Apex Park*:
 - a) The change in the total contract value has increased \$25,240 from \$325,610 to \$350,850 to account for variations associated with the Apex Park drainage survey and skatepark extension; and
 - b) No budget amendment is required, as this can be met from within the existing budget for the relevant projects.

CARRIED 7/0

14.2 List of Accounts Paid – September 2022

Cr Flockart declared an Impartiality Interest in this Item.

<h1>Corporate Services</h1> 	
Responsible Officer:	Leah Boehme, 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 14.2A - Payments Listing September 2022

Purpose of Report

Executive Decision

Legislative Requirement

Background

The attached list of Accounts Paid during the Month of September 2022 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: Nil

Service Area Objective: Nil

Priorities and Strategies Nil
for Change:

➤ 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.

Financial Implications

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

Voting Requirements



Simple Majority



Absolute Majority

Resolution

Moved: Cr Patroni

Seconded: Cr McKenzie

83028

That Council RECEIVE the schedule of accounts paid during September 2022 as listed, covering cheques, EFT's, bank charges, directly debited payments and wages, as numbered and totaling \$825,047.03 from Council's Municipal Fund Bank Account and \$0 from Council's Trust Account.

CARRIED 7/0

14.3 Appointment of Bush Fire Control Officer

Community Services	
Responsible Officer:	Chloe Townsend, A/DCEO
Author:	As above
Legislation:	<i>Bush Fires Act 1954</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 14.3A - 2022-23 Fire Control Officers



Community Services

Purpose of Report

Executive Decision

Legislative Requirement

Background

In April 2022, Council endorsed the 2022-23 Chief Bush Fire Control Officer, the Deputy Chief Bush Fire Control Officer, Fire Control Officers and Harvest Ban Weather Officers pursuant to Section 38 of the *Bush Fires Act 1954* which states:

Local government may appoint bush fire control officer

(1) A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.

(2A) The local government shall cause notice of an appointment made under the provisions of subsection (1) to be published at least once in a newspaper circulating in its district.

(13) The local government shall give notice of an appointment made under subsection (8) or (10) to the FES Commissioner and cause notice of the appointment to be published at least once in a newspaper circulating in its district and the FES Commissioner shall cause notice of the appointment to be published once in the Government Gazette.

(2E) A bush fire control officer appointed by a local government under the provisions of this section shall be issued with a certificate of appointment by the local government or, if he is appointed by the FES Commissioner, by the FES Commissioner.

Comment

Appointment of Fire Control Officer

The Shire is currently in the Restricted Burning Period, and therefore there is a need to appoint sufficient suitably qualified Fire Control Officers (FCOs), and an imperative support to the operational needs of the Shire. Further, the FCOs are required to play a critical role in supporting the local Bush Fire Brigade Services in the event of a bushfire incident.

In September, the Shire arranged for DFES to conduct Fire Control Officer Training. After completing their training, several volunteers have now been recommended for the appointment of FCO at the Bush Fire Advisory Committee (BFAC) pre-season meeting held on 13 October 2022. These FCOs will be able to assist with the restricted burning periods now and early next year.

Attachment 14.3A 2022-23 Fire Control Officers contains the updated Shire of Merredin FCO list with existing and new officers included.

Policy Implications

Nil

Statutory Implications

Nil

Strategic Implications

➤ Strategic Community Plan

Theme:	1. Community and Culture
Service Area Objective:	1.3. Community Safety 1.3.1. The Shire, Local Emergency Services and wider community working together to prevent bushfires and other emergencies as well as being well placed to respond and recover in such events
Priorities and Strategies for Change:	N/A

➤ Corporate Business Plan

Key Action:	1.5.2 - Support local emergency services
Directorate:	Community Services
Timeline:	Ongoing

Sustainability Implications

➤ Strategic Resource Plan

The Strategic Resource Plan includes consideration of resourcing for Fire Prevention and Other Law, Order and Public Safety.

➤ Workforce Plan

Directorate: Nil

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

Risk Implications

Appointment of Fire Control Officer

The appointment of the Fire Control Officers will ensure sufficient volunteers are available for issuing permits to burn, and undergoing firebreak inspections, thus minimising the likelihood of any major or catastrophic fire events within the local government area.

Financial Implications

Nil

Voting Requirements



Simple Majority



Absolute Majority

Resolution

Moved: Cr Van Der Merwe

Seconded: Cr Simmonds

That Council;


1. **APPOINT** the following as Fire Control Officers for the Shire of Merredin:
 - a) David Last – Collgar;
 - b) Luke Growden - Hines Hill;
 - c) Kerrin Hardy – Hines Hill; and
 - d) Sam Hooper - Korbalka; and
2. **GIVES NOTICE** of the appointment by publishing it in a newspaper circulated in the district in accordance with Sections 38(1) and 38(2A) of the Bush Fire Act 1954.

83029

CARRIED 7/0

14.4 Policy Reviews – Policy 3.10,3.30, 5.15

Cr Billing declared an Impartiality Interest in this Item.

<h2 style="margin: 0;">Community Services</h2> 	
Responsible Officer:	Chloe Townsend, A/DCEO
Author:	As above
Legislation:	<i>Local Government Act 1995</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 14.4A - Policy 3.10 Eric Hind Music Scholarship Attachment 14.4B - Policy 3.30 – Donations and Loans – Merredin Regional Library Attachment 14.4C – 5.15 Merredin Regional Library – Internet Use and Access

Purpose of Report



Executive Decision



Legislative Requirement

Background

In accordance with the Shire of Merredin’s Risk Management Framework and the *Local Government Act 1995* policies are to be reviewed biennially.

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

The policies submitted for Council consideration in this report are:

- Policy 3.10 - Eric Hind Music Scholarship
- Policy 3.30 - Donations and Loans – Merredin Regional Library
- Policy 5.15 - Merredin Regional Library – Internet Use and Access

Comment

Policy 3.10:

The purpose of Policy 3.10 is to provide guidelines for applicants of the Eric Hind Music Scholarship and the scholarship awarded.

This policy has been reviewed, and minor amendments have been made to provide clarity.

Policy 3.30:

The purpose of Policy 3.30 is to provide definitions and guidelines for both the Regional Manager Library Services and potential donors and lenders concerning donations.

This policy has been reviewed with minor changes, including the authorisation of the Regional Manager Libraries to assess and accept donations or loans on behalf of the Shire.

Policy 5.15:

The purpose of Policy 5.15 is to outline the obligations and responsibilities of all users of the Merredin Library's public electronic resources. This policy has been developed to provide smart, safe and responsible use of technology within the Library.

The amendment includes minor changes to remove the outdated fee associated with use. The use of Library computers and WIFI are now free.

The provisions of all three policies have been reviewed, and where changes have been made the revisions are shown in the attachments to the report. It is recommended that Council endorse the policies as per the updated versions attached.

Policy Implications

Updates as attached to:

- Policy 3.10 - Eric Hind Music Scholarship
- Policy 3.30 - Donations and Loans – Merredin Regional Library
- Policy 5.15 - Merredin Regional Library – Internet Use and Access

Statutory Implications

Local Government Act 1995

Strategic Implications

➤ Strategic Community Plan

Theme: 4. Communication and Leadership

Service Area Objective: 4.2 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: Nil

Directorate: Nil

Timeline: Nil

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

Resolution

Moved: Cr

Seconded: Cr

That Council;

1. **NOTE** the review of the following policies:
 - a) **Policy 3.10 - Eric Hind Music Scholarship as per Attachment 14.4A;**
 - b) **Policy 3.30 – Donations and Loans – Merredin Regional Library as per Attachment 14.4B; and**
 - c) **Policy 5.15 - Merredin Regional Library – Internet Use and Access as per Attachment 14.4C; and**
2. **ENDSORSES** the following policies:
 - a) **Policy 3.10 - Eric Hind Music Scholarship with amendments as per Attachment 14.4A;**
 - b) **Policy 3.30 – Donations and Loans – Merredin Regional Library with amendments as per Attachment 14.4B; and**
 - c) **Policy 5.15 - Merredin Regional Library – Internet Use and Access with amendments as per Attachment 14.4C.**

NOT MOVED

No Councillors moved the Officer's Recommendation.

Alternative Motion

Moved: Cr Flockart

Seconded: Cr Patroni

That Council;

1. **NOTE the review of the following policies:**
 - a) **Policy 3.10 - Eric Hind Music Scholarship as per Attachment 14.4A;**
 - b) **Policy 3.30 – Donations and Loans – Merredin Regional Library as per Attachment 14.4B; and**
 - c) **Policy 5.15 - Merredin Regional Library – Internet Use and Access as per Attachment 14.4C;**
2. **ENDSORSES the following policies:**
 - a) **Policy 3.10 - Eric Hind Music Scholarship with amendments as per Attachment 14.4A;**
 - b) **Policy 3.30 – Donations and Loans – Merredin Regional Library with amendments as per Attachment 14.4B; and**
 - c) **Policy 5.15 - Merredin Regional Library – Internet Use and Access with amendments as per Attachment 14.4C; and**
3. **REQUEST the Administration review the Policy 3.10 - Eric Hind Music Scholarship in early 2023, to consider broadening the scope to an arts and culture scholarship and make recommendation for Council to consider in 2023.**


83030

Cr Flockart gave reason for her motion as being she would like to see more discussion regarding the policy, with the view for broadening the scope.

CARRIED 7/0

15. Officers' Reports – Administration

15.1 Status Report – October 2022

<h1>Administration</h1> 	
Responsible Officer:	Lisa Clack, CEO
Author:	Meg Wyatt, EA
Legislation:	Local Government Act 1995
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 15.1A – Status Report – October 2022

Purpose of Report



Executive Decision



Legislative Requirement

Background

The Status Report is a register of Council resolutions that are allocated to the Shire staff for actioning. When staff have progressed or completed any action in relation to Council's decision, 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

Key Action: Nil
Directorate: Nil
Timeline: Nil

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

Resolution

Moved: Cr McKenzie

Seconded: Cr Patroni

83031

That Council RECEIVES the Status Report on Council Resolutions for October 2022.

CARRIED 7/0

15.2 Shire of Merredin Christmas / New Year’s Opening Hours

Cr Simmonds declared an Impartiality Interest in this Item.

<h1>Administration</h1> 	
Responsible Officer:	Lisa Clack, CEO
Author:	Meg Wyatt, EA
Legislation:	<i>Local Government Act 1995; Local Government (Financial Management) Regulations 1996</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Nil

Purpose of Report



Executive Decision



Legislative Requirement

Background

For the last few years, majority of Council venues have closed during the Christmas / New Year period as it is an extremely quiet time with minimal public visitations and phone enquires. It is also common for many residents of the Shire to travel elsewhere at this time of year with many other businesses in town also closing.

Comment

The Christmas Day public holiday will be observed on Monday, 26 December 2022 with the Boxing Day public holiday being observed on Tuesday, 27 December 2022, meaning Council offices will be closed on both these days. Similarly, the New Year’s Day public holiday will be observed on Monday, 2 January 2023 meaning Council offices will also be closed on that day.

It is therefore requested that Council support the closure of Shire venues close from 5pm Friday, 23 December 2022 to Tuesday Monday, 2 January 2023 inclusive. The venues will reopen as usual on Tuesday, 3 January 2022. The exceptions to this will be;

- The Central Wheatbelt Visitor Centre (CWVC), which will open from 9am - 1pm between Christmas and New Year (excluding public holidays) as they have done in previous years;
- The Merredin District Olympic Swimming Pool which will only be closed on Christmas Day, reopening 2:00pm Boxing Day; and

- The Merredin landfill site which will be closed Christmas Day, Boxing Day, and New Years Day.

The opening times for all venues over the Christmas/New Year period will be extensively advertised and circulated in advance.

As per previous years, on-call arrangements will be put in place prior to the proposed Christmas closure to ensure emergencies can be responded to. Senior staff will be available on mobile phone and emergency contact details will also be distributed where required.

Policy Implications

Nil

Statutory Implications

Nil

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.

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

Senior staff will be available on mobile phone during the closure period, and if required for any major emergencies, relevant staff will be contacted.

Financial Implications

Staff will be required to take time off in lieu, annual leave or accrued rostered days off. These costs are contained within the 2022/23 budget.

Voting Requirements



Simple Majority



Absolute Majority

Resolution

Moved: Cr Van Der Merwe

Seconded: Cr Flockart

That Council;

1. **NOTES** the closure of the Shire Administration and Merredin Regional Library for the Christmas/New Year period from 5pm Friday, 23 December 2022 to Tuesday, 3 January 2023;
2. **NOTES** the opening hours of other facilities as follows:
 - a) The Central Wheatbelt Visitor Centre (CWVC) will be open 9am - 1pm between Christmas and New Year (excluding public holidays);
 - b) The Merredin District Olympic Swimming Pool will be closed for Christmas Day, reopening 2:00pm Boxing Day;
 - c) The Merredin Landfill Site will close for Christmas Day, Boxing Day, and New Year's Day; and
3. **NOTES** the hours of operation and emergency contacts will be advertised to the community.

83032

CARRIED 7/0

15.3 2023 Council Meeting Dates

<h2>Administration</h2>		
Responsible Officer:	Lisa Clack, CEO	
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 15.3A – 2023 Council Meeting Dates Calendar	

Purpose of Report



Executive Decision



Legislative Requirement

Background

The *Local Government Act 1995* requires a local government, at least once a year, to give local public notice of the dates, times and places at which Ordinary Meetings of Council are held within the next 12 months.

All Committee and Council meetings are held in the Council Chambers at the Shire of Merredin Administration Building at Corner King and Barrack Streets, Merredin.

In accordance with Regulation 12 of the *Local Government (Administration) Regulation's 1996*, an advertisement will be placed in the local community paper. In addition, this advertisement will be placed on the Shire's website and on the Shire's notice boards.

Comment

In previous years the Ordinary Council Meetings have been held on the third Tuesday of every month commencing at 4.00pm. In 2022 it was trialled that the Ordinary Council Meetings would be held on the fourth Tuesday of every month commencing at 4.00pm. Councillors agreed that this arrangement worked well, and it was continued for the full year.

Council also currently holds two agenda briefing sessions a month which are closed to the public. In 2021, these briefing sessions were held on the first Tuesday of the month at 5.30pm, and prior to the Council meeting on the third Tuesday of the month at 2pm. In 2022 it was trialled for the first briefing session of the month to be held on the second Tuesday each

month instead of the first Tuesday. Councillors agreed that holding the first briefing session of the month on the second Tuesday was the preferred option.

Council may wish to revise the day on which the meetings and briefings are held and/or their commencement time. The Officer's Recommendation makes the assumption that Council does not wish to make any changes

Policy Implications

Nil

Statutory Implications

Section 5.25 (1) (g) of the *Local Government Act 1995* provides for giving of public notices of the date and agenda for Council or Committee meetings.

Regulation 12(1) of the *Local Government (Administration) Regulation's 1996* provides: -

"(1) At least once each year a local government is to give local public notice of the dates on which a time and place at which-

(a) the ordinary council meetings; and

(b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to the members of the public,

are to be held in the next 12 months."

Strategic Implications

➤ Strategic Community Plan

Theme:	4. Communication and Leadership
Service Area Objective:	4.1. Community Engagement 4.1.1. The Shire regularly engages with its community and, in return, communicates the information gathered in a clear and transparent manner
Priorities and Strategies for Change:	N/A

➤ Corporate Business Plan

Key Action:	Support Councillor engagement at functions and events
Directorate:	All directorates
Timeline:	Ongoing

Sustainability Implications

➤ Strategic Resource Plan

N/A

➤ Workforce Plan

Directorate: Nil

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

Risk Implications

The risk is relatively low, however, the statutory risk would be non-compliance should the local government not proceed to advertise or support this item.

Financial Implications

The cost of advertising in the local paper will form part of this item which is currently budgeted in the 2022/23 annual budget under GL 120401400 MEMBERS – Advertising & Promotion.

Voting Requirements

Simple Majority

Absolute Majority

Resolution

Moved: Cr Simmonds

Seconded: Cr Van Der Merwe

That Council;

83033

1. **MEETS** on the 4th Tuesday of the Month with the exception of April and December, on the following dates in 2023: 24 January, 28 February, 28 March, 18 April, 23 May, 27 June, 25 July, 22 August, 26 September, 24 October, 28 November; and 12 December with meetings commencing at 4:00 pm; and
2. **HOLDS** closed briefing sessions on the 2nd Tuesday of the month at 5.30pm, and prior to the Monthly Ordinary Meetings commencing at 2.00 pm.

CARRIED 7/0

15.4 Local Government Reforms: Election Transition Arrangements

<h1>Administration</h1> 	
Responsible Officer:	Lisa Clack, CEO
Author:	Lisa Clack, CEO
Legislation:	Proposed changes to the Local Government Act 1995
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 15.4A - Letter from Minister Carey, Election Transition Arrangements

Purpose of Report



Executive Decision



Legislative Requirement

For Council to consider its response to correspondence from the Minister for Local Government of the intended transition arrangements for changes in Council size, in accordance with the Western Australian Government's package of proposed local government reforms.

Background

On 3 July 2022, the Hon John Carey MLA, Minister for Local Government, announced the final package of proposed local government reforms, which included the removal of wards for Band 3 and 4 Local Governments, and a reduction in the total number of Councillors, based on the population of the district.

While there are currently no wards in the Shire of Merredin, the reforms propose a reduction to elected members from the current number of nine (9), to a maximum of seven (7), including the Shire President.

On 20 September 2022, the Minister wrote to the President and the Chief Executive Officer announcing the proposed changes were intended to be introduced in Parliament in early 2023, with details of the proposed timeline for the implementation of these changes to be made in time for the October 2023 ordinary elections. A copy of the Minister's correspondence to the Shire is attached as Attachment 15.4A.

The correspondence advised the Department of Local Government, Sport and Cultural Industries (DLGSC) had completed an initial review, and identified that the Shire of Merredin may need to reduce the number of council members under the proposed reforms.

Advice from the Minister was that as the current Act already provided opportunity for local governments to initiate proposals to change the size or structure of their Council, two options may be considered.

Option 1: Voluntary Pathway

Firstly, Council can meet the intention of the coming package of reforms in relation to the size of Council by taking a voluntary pathway.

Under the current Act, the number of Councillors (between 5-15 Councillors) is decided by each local government, reviewed by the Local Government Advisory Board (LGAB), and approved by the Minister.

Each Local Government can provide a submission to the LGAB to reduce the number of offices of Council now. The LGAB would then provide a recommendation to the Minister for Local Government to reduce the number of sitting Councillors. If the submission is recommended by the LGAB it would then be referred to the Minister for approval and implementation.

This process includes the development of a discussion paper for community consultation.

Should Council elect to take the Voluntary Pathway, the following steps must be undertaken before 28 October 2022:

- Provide advice to the Department of Council's intention to undertake a voluntary process, including a high-level plan outlining the potential changes to be implemented for the ordinary elections to be held in 2023; and,
- Initiate a Ward and Representation Review to determine the specific changes to the structure of Council for the 2023 and 2025 ordinary elections, to be completed and submitted to the Department by 14 February 2023. A six-week public consultation period is required as part of this process.

Option 2: Reform Pathway

Secondly, Council can elect to wait for reform, an Amendment Act will provide for all changes to be implemented during the 2023 election process.

This option contains a business continuity risk for Council as the proposed process includes all offices being declared vacant for the 2023 elections (essentially a 'spill and fill'), with an undefined split between two- and four-year terms to re-establish an ordinary election cycle.

	Comment
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The Administration is recommending that Council consider the voluntary pathway.

While this approach creates an administrative burden for a pre-determined outcome, it reduces the business continuity risk for Council should there be a large turnover if the reform pathway is selected.

As Council is currently undertaking its largest local capital works commitment to public infrastructure in 20 years with the current CBD redevelopment program valued at \$8.4m, expected to be completed after the October 2023 elections, the Administration recommends Council consider the continuity of the project commitments as part of this decision. As such, the Administration recommends Council take a risk adverse approach and select the voluntary pathway as the most pragmatic way forward.

Both pathways will see the introduction of the reforms, with the voluntary option providing the current Council with oversight of the process, and an option to phase the change over two election cycles (should the LGAB approve of the proposal).

The Reform Election Pathway as the second option will by default see the decision-making given to the Minister and/or the Department of Local Government, Sport and Cultural Industries (“the Department”), and the newly elected 2023 Council. Both options will result in a reduced number of Councillors.

The Minister requires each Local Government to provide advice of its chosen approach by 28 October 2022. Should Council approve the voluntary pathway, in addition to the advice of which pathway Council has elected to take, a high-level plan is to be agreed by Council and provided to the Department.

It is recommended that Council adopt the following as its high-level plan.

That Council will:

1. In principle, propose to reduce the number of sitting Councillors by one at Council election of each of the October 2023 and October 2025 ordinary elections, subject to the outcomes of a representation review, and public consultation. This recommendation is based on:
 - a. the allocated future total number of seven (7) Councillors being understood to be the maximum allowable number for the Shire of Merredin based on its current population, and,
 - b. the need to reduce the risk to business continuity for the Shire, should all positions be declared vacant by the Department under the reform pathway.
2. To meet the requirements under the current Act and the Ministers instruction, undertake a Ward and Representation Review, that be adopted by Council, and forwarded to the Local Government Advisory Board for consideration by 14 February 2023.

Policy Implications

The recommended decision is not consistent with Council’s established policy position on the number of elected members. However, the Minister has indicated that the change will take place regardless of Council’s view.

Statutory Implications

The recommendation meets the outlined requirements for both the Minister for Local Government’s proposed changes to the *Local Government Act 1995* (“the Act”), and the current provisions of the following sections of the *Local Government Act 1995* which may apply:

Part 2 Constitution of local government

- Division 6 Terms of office on the Council and vacation of office
 - s2.31 Resignation
 - s2.32 Vacancies in officer elected by electors (e - employment of the Local Government)

- s4.16 Postponement of elections to allow consolidation
- s4.17 Cases in which vacant offices can remain unfilled
- Division 4 -- Membership and size of the council
 - S2.18 Fixing and changing the number of Councillors

	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.

	Risk Implications
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The risks to business continuity associated with not adopting the voluntary pathway have been outlined in the report.

	Financial Implications
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Councillors should note that in the current fiscal environment there is not sufficient budget available for a consultant to be engaged to complete the representation review and develop the discussion paper without cancelling other projects within the current program of works.

To avoid this, it is proposed the CEO will develop the discussion paper and manage the process using internal resources. It should be noted this is in addition to the current CBD Redevelopment commitments and other time sensitive Governance requirements. As such, this may delay other less critical planned actions and works during this time period.

Voting Requirements



Simple Majority



Absolute Majority

Resolution

Moved: Cr Billing

Seconded: Cr Flockart

That Council;

- 1) **NOTES** the correspondence to the Chief Executive Officer from the Hon John Carey MLA, Minister for Local Government, dated 20 September 2022, instructing local governments of the two options available with respect to transitioning towards the proposed local government electoral reforms;
- 2) **AUTHORISES** the Chief Executive Officer to advise the Department of Local Government, Sport and Cultural Industries, by 28 October 2022 of the following:
 - a) The Shire of Merredin intends to adopt the ‘Voluntary Election Pathway’ as the preferred pathway for the election transition arrangements;
 - b) The Shire of Merredin’s high-level plan is that Council will in principle propose to reduce the number of sitting Councillors by one at Council election of each of the October 2023 and October 2025 ordinary elections, subject to the outcomes of a representation review, and public consultation. This recommendation is based on:
 - i) the allocated future total number of seven (7) Councillors being understood to be the maximum allowable number for the Shire of Merredin under proposed future legislation based on its current population; and
 - ii) the need to reduce the risk to business continuity for the Shire, should all positions be declared vacant by the Department under the reform pathway.
 - c) To deliver this and meet the requirements under both the current Act, and the Ministers instruction, the Shire of Merredin will undertake a Ward and Representation Review, to be forwarded to the Local Government Advisory Board for consideration by 14 February 2023;
- 3) **AUTHORISES** the Chief Executive Officer to initiate a Ward and Representation Review to determine the specific changes to the structure of the Council for the 2023 and 2025 ordinary elections, to be completed by 14 February 2023; and
- 4) **NOTES** the process will include public consultation, including the invitation of public submissions for a period of not less than six (6) weeks, during December 2022 and January 2023.

83034

CARRIED 7/0

16. Motions of which Previous Notice has been given

Nil.

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

Nil.

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

Nil.

19. Matters Behind Closed Doors

In accordance with *Section 5.23 (2) (b), (c), (e)(ii)(iii), of the Local Government Act 1995* Council will go Behind Closed Doors to discuss these matters.

Council Decision

Moved: Cr McKenzie **Seconded:** Cr Patroni

83035 That Council move Behind Closed Doors and that Standing Orders be suspended at 4:42pm.

CARRIED 7/0

Reason

That matters related to the personal affairs of any person, a contract entered in to or which may be entered into by the local government and which relates to a matter to be discussed at the meeting and a matter that if disclosed, would reveal information that has a commercial value to the person or information about the business, professional, commercial or financial affairs of a person.

19.1 CEACA Rates Exemption Application, Rates Waiver and Write-Off

Corporate Services



Responsible Officer:	Leah Boehme, EMCS
Author:	As above
Legislation:	<i>Local Government Act 1995</i> <i>Local Government (Financial Management) Regulations 1996</i> <i>Rates and Charges (Rebates and Deferments) Act 1992</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	19.1A – Application for Rates Exemption and supporting Documents 19.1B – CEACA Constitution 19.1C – CEACA Charitable registration

Purpose of Report

Executive Decision

Legislative Requirement

Background

Central East Accommodation & Care Alliance Inc (CEACA) has applied for a rates exemption, based on their status as a charitable organisation.

Property details:

Assessment: A9900

Address: 21 Fifth Street, Merredin

Lot: 500 (165/DP229842)

Description: 27 Independent Living Units on a single parcel of land.

Owner: Central East Accommodation & Care Alliance Inc (CEACA)

Central East Accommodation & Care Alliance Inc (CEACA) was formed in 2012 by 11 wheatbelt Shires, to investigate resources and services for the aged in the wheatbelt. Support from the founding Shires and Royalties for Regions grants have enabled CEACA to construct 71 two-bedroom units across the region. 27 of these units have been constructed in Merredin on a parcel of land that CEACA acquired from the State Government.

CEACA took ownership of the land at the old North Merredin Primary School site during the 2018-19 financial year. At that point the vacant property became rateable and was subject to a pro-rata minimum rate. Minimum rate was also levied for the 2019-20 financial year (during construction of the 27 units).

When the units were completed and ready for occupation, they became rateable at their full GRV, and Interim Rates were levied with effect from 1 January 2020. CEACA was granted charitable status on 29 January 2020 and then applied for rates exemption for the Merredin property. Under section 6.6(2)(g) of the *Local Government Act 1995*, land is exempt from rates (i.e.: is not rateable land) if the “land is used exclusively for charitable purposes”.

The charitable purpose defined in the CEACA constitution, section 1.3 (Object and Purposes of the Association), sub-section (d) reads: “providing and managing affordable housing, accommodation and services for the aged or individuals with disabilities in the Region”.

CEACA hold a current charitable registration, with the beneficiaries of the charity including:

- Adults - aged 65 and over
- Financially disadvantaged people
- People in rural/regional/remote communities
- People with disabilities

The summary of activities for the charity state ‘The ILUs have been leased to aged people, disabled people or people with low or very low income.’

At a special council meeting on 5 October 2021, Council resolved to waive the rates levied and write-off the outstanding rates balance from previous years. (CMRef: 82799)

It should be noted that CEACA have paid the ESL, refuse and rubbish/ recycling charges associated with assessment A9900 for the 22/23 year.

Currently outstanding is the rates portion of the assessment, totalling \$37,941.70.

Comment

As a registered charitable organisation, CEACA are entitled to request that the Shire consider their property non-rateable, as per the *Local Government Act 1995*.

According to the WALGA *Rates and Charitable Land Use Exemption Application Best Practice Guidelines*, the definition of a charitable purpose is largely based on the preamble to the Statute of Elizabeth enacted by the English Parliament in 1601 and the judgment of Lord Macnaghten in *Commissioners for Special Purposes of Income Tax v Pemsel*. Lord Macnaghten classified the categories of charitable as follows –

- *trusts for the relief of poverty;*
- *trusts for the advancement of education;*
- *trusts for the advancement of religion; and*
- *trusts for other purposes beneficial to the community;*

The document also suggests that reviews may be conducted annually, biannually or triennially, with no more than three years passing without a review occurring. It is suggested that review period should be based on the likelihood of a change of circumstances of the land changing.

As the purpose and use of the CEACA site is unlikely to change, a three-year review period is recommended at this time. It should be noted that the properties in the other CEACA shires are exempt from rates and have not been required to reapply annually to date.

Policy Implications

WALGA best practice recommends that all properties that have non-rateable status within the Shire be listed on an Exemption Register. The Shire does not currently have an appropriate register, so this will need to be created and regularly maintained moving forward.

WALGA also recommend the application of any non-rateable status for charitable purposes when applied is for a period of three years. This forms the basis of the officer recommendation.

Statutory Implications

Local Government Act 1995

6.12. Power to defer, grant discounts, waive or write off debts

- (1) Subject to subsection (2) and any other written law, a local government may —
- (c) write off any amount of money,
which is owed to the local government.

** Absolute majority required.*

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 —
- (g) land used exclusively for charitable purposes;

6.47. 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.

** Absolute majority required.*

Strategic Implications

➤ Strategic Community Plan

Theme:	Nil
Service Area Objective	Nil
Priorities and Strategies for Change:	Nil

➤ Corporate Business Plan

Key Action:	Nil
Directorate:	2
Timeline:	Continue to provide prudent financial controls and compliance systems

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 Shire's budget assumptions included raising rates from the CEACA property, therefore this figure will need to be considered during budget review.

Voting Requirements



Simple Majority



Absolute Majority

Resolution

Moved: Cr Manning

Seconded: Cr Simmonds


That Council;

1. NOTES CEACA's current registered charity status;
2. WAIVE rates levied on Assessment A9900 for the 22/23 financial year;
3. WRITE-OFF the outstanding rates balance of \$37,941.70 and consider implications during the budget review process;
4. APPROVE CEACA's request to be considered non-rateable and apply this for the 22/23, 23/24 and 24/25 financial years;
5. AUTHORISE the CEO to write to CEACA to notify them of the outcome of their request and to ask that the Shire be notified immediately of any change to their current circumstances in relation to their land being used for charitable purposes;
6. AUTHORISE the CEO to have the status of assessment A9900 changed to non-rateable in the Shire's software system; and
7. NOTE that a review will be conducted during the 24/25 financial year and an item brought to Council to discuss any extension to CEACA's rates exemption.

83036

CARRIED 7/0

19.2 Rateable Property Assessment A445 – 1 Brewery Road – Estate of Bradley Price

<h3>Corporate Services</h3> 	
Responsible Officer:	Leah Boehme, EMCS
Author:	As above
Legislation:	<i>Local Government Act 1995</i> <i>Rates and Charges (Rebates and Deferments) Act 1992</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Nil

Purpose of Report

Executive Decision

Legislative Requirement

Background

The purpose of this report is to consider an amended request from the estate of Mr Bradley Price, to waive \$11,826.17 of interest owed on property A445.

Assessment: A445

Address: 1 Brewery Road, Merredin

Lot: 2

Description: Residential Property

Owner: Bradley Price (Deceased)

Outstanding Debt: \$45,491.04 (As at 24 October 2022).

Bradley Price, the owner of the above-mentioned property, passed away on the on 7 April 2022.

On Wednesday 29 June 2022, the CEO received a letter from Bill Price who is acting as the Executor of Bradley Price's estate. The Letter outlined that the estate had no funds to settle the outstanding chargeable rates of \$42,995.11 as at 25 May 2022.

The letter asked Council to consider the following resolutions to address this matter:

- That no further recovery actions be carried out in the next 6 months during the period of probate settlement in which time the youngest son may elect to inherit and ultimately reside at the residence;

- That the Council consider writing off the accumulated legal and interest amounts so that the debt is achievable to a young low income worker; and
- That a payment program be established to settle the outstanding principal balance over a period of time.

The letter also identified Council's right under *Local Government Act 1995* to sell the property for recovery of the debt, but suggested that considering the estimated limited value of the property it was unlikely to be a win for either party.

Council considered the request at its July Ordinary Council meeting and the Officer's Recommendation lapsed, due to no Councillor being willing to move or second the proposed. (CMRef: 82966)

An alternate motion (CMRef: 82967) was put forward by Councillor Van Der Merwe which subsequently lost 4/5.

The CEO wrote to Mr Price outlining Council's views on 28 September 2022 and Mr Price responded on 6 October 2022 requesting that Council reconsider their decision and write off the interest portion of the outstanding debt. He states that it is intended that the property will be sold to pay outstanding debts and that in writing off the interest charge, the anticipated sale price will cover the outstanding debts and not leave a burden on the extended family.

This request is being brought to Council for their further consideration.

Comment

As at October 24 2022, there is a total of \$45,491.04 outstanding charges on Assessment A445 including debt collection legal costs and current charges for the 22/23 period. A breakdown of the outstanding charges is shown below.

Description	Levies
Rates	\$ 11,617.89
Interest	\$ 11,826.17
Legal Charges (inc GST)	\$ 18,830.95
EMERGENCY SERVICES LEVY (ESL)	\$ 826.00
ESL PENALTY	\$ 97.43
RECYCLING - DOMESTIC/COMMERCIAL	\$ 991.45
REFUSE MAINTENANCE CHARGE -GRV	\$ 434.10
RUBBISH - DOMESTIC 240L	\$ 867.05
Total	\$ 45,491.04

The outstanding rates debt on property A445 have been longstanding, with debts registered on the property title dating back to 17 July 2014. Since then, there has been several negotiations with the property owner to resolve the debt, including payment plans and alternative payment methods, to no avail. Enquires made to water corporation have also outlined there is a further debt of \$21,819.44 on the property.

Given the current condition and location of the property, the Administration believe it would not be worth taking possession of the property as the staff time, costs of sale and requirement for other debts to be recovered in advance of the amount owed to Council, it will likely result in a greater loss for the Shire.

Policy Implications

Nil

Statutory Implications

Local Government Act 1995

6.12. Power to defer, grant discounts, waive or write off debts

- (1) Subject to subsection (2) and any other written law, a local government may —
- (c) write off any amount of money, which is owed to the local government.

** Absolute majority required.*

6.64. Actions to be taken

1. If any rates or service charges which are due to a local government in respect of any rateable land have been unpaid for at least 3 years the local government may, in accordance with the appropriate provisions of this Subdivision take possession of the land and hold the land as against a person having an estate or interest in the land and —
 - a) from time to time lease the land; or
 - b) sell the land; or
 - c) cause the land to be transferred to the Crown; or
 - d) cause the land to be transferred to itself.
2. On taking possession of any land under this section, the local government is to give to the owner of the land such notification as is prescribed and then to affix on a conspicuous part of the land a notice, in the form or substantially in the form prescribed.
3. Where payment of rates or service charges imposed in respect of any land is in arrears the local government has an interest in the land in respect of which it may lodge a caveat to preclude dealings in respect of the land, and may withdraw caveats so lodged by it.

Strategic Implications

➤ Strategic Community Plan

Theme: Nil
Service Area Objective: Nil
Priorities and Strategies for Change: Nil

➤ Corporate Business Plan

Key Action: Nil
Directorate: Nil
Timeline: Nil

Sustainability Implications

➤ Strategic Resource Plan

Nil

➤ Workforce Plan

Directorate: Nil

Activity: Nil

Current Staff: Nil

Focus Area: Nil

Strategy Code: Nil

Strategy: Nil

Implications: Nil

Risk Implications

If a resolution for the property is not found, the costs associated with the property will continue to accrue interest and service charges, which may continue to not be recovered.

Financial Implications

The amount request to be written-off is \$11,474.21. These interest costs have not been included as income in the current 22/23 budget.

Voting Requirements



Simple Majority



Absolute Majority

Resolution

Moved: Cr McKenzie

Seconded: Cr Flockart

That Council;

83037

- 1. WRITE OFF the balance of interest costs owing on Assessment A445 totaling \$11,826.17 as at 24 October 2022;**
- 2. CONDITIONS the write-off listed at Item 1 above, to apply only on full payment of the remaining \$33,664.87 owing on the property as at 24 October 2022; and**
- 3. AUTHORISES the CEO to write to the executor of the estate advising them of the outcome of the request, as per the above.**

CARRIED 7/0

19.3 Quotation RFQ03 2022/23 Provision of Services for Shire of Merredin Local Planning Strategy Review

Development Services



Responsible Officer:	Peter Zenni, EMDS
Author:	As above
Legislation:	<i>Local Government Act 1995</i>
File Reference:	CM/19/93
Disclosure of Interest:	Nil
Attachments:	19.3A – Confidential Recommendation Report

Purpose of Report



Executive Decision



Legislative Requirement

Background

Following the adoption of the Report of Review by Council at its Ordinary Meeting held on Tuesday 22 February 2022 and its acceptance by the Western Australian Planning Commission (WAPC) the Shire of Merredin in accordance with Policy 3.12 – Purchasing Policy, sought via a formal Request for Quotation the provision of services to undertake the review of the Shire of Merredin Local Planning Strategy, the Shire of Merredin Local Planning Scheme No. 6 (via an Omnibus Amendment) and the Shire of Merredin Local Planning Policies.

Comment

The RFQ was advertised on Friday 16 September 2022 in the West Australian, the Shire website, LinkedIn and via public notice on the Shire of Merredin noticeboard. The RFQ requested the submission of quotations for the following;

Provision of services associated with the Review of the Shire of Merredin Local Planning Strategy and implementation of an Omnibus Amendment stemming from the finalised Report of Review of the Local Planning Scheme No.6

The RFQ incorporated three (3) mandatory elements, including:

- 1. the review of the Strategy,*
- 2. the preparation of the omnibus amendment; and*
- 3. a review of the local planning policies.*

The process of satisfactorily completing the requirements for the RFQ requires overall Project Management which includes the following;

- *Ongoing consultation and liaison with Council and executive staff, and presentation to Council or Committee meetings as required.*
- *Preparation, coordination, review and finalisation of all required documentation associated with the review process including the Draft Local Planning Strategy and the Draft Local Planning Scheme Omnibus Amendment.*
- *Assessment of any submissions received following public consultation forming part of the review process.*
- *Presentation to, and discussion with, Council, where considered necessary.*

The Contractor is required to provide full coordination of the review process and associated timeframes from the initial assessment through to the adoption of the revised Local Planning Strategy, Gazettal of the Local Planning Scheme Amendment and Completion of the review of the Local Planning Policies.

At the closing date (7 October 2022), three (3) quotations were received, these being;

- Niche Planning Studio Pty Ltd of Suite 2, 896 Canning Highway, Applecross WA 6153.
- Planwest (WA) Pty Ltd of 94 Third Avenue, Mount Lawley WA 6050.
- Jointly Planning of 9 Moorland Way Burns Beach WA 6028

Evaluation Criteria Summary

All 3 submissions met the Request for Quotation compliance criteria.

Accordingly, the RFQ Evaluation Panel assessed the quotes submitted by Niche Planning Studio Pty Ltd, Planwest (WA) Pty Ltd and Jointly Planning against the following qualitative criteria;

No.	Criteria	Weighting
1	Relevant Experience	30%
2	Key Personnel Skills & Experience	20%
3	Respondent's Resources	20%
4	Demonstrated Understanding	30%

The assessment process undertaken by the Evaluation Panel identified that *Planwest (WA) Pty Ltd* is the best service provider to undertake the review of the Shire of Merredin Local Planning Strategy, the Local Planning Scheme No.6 and Local Planning Policies, based on;

- The respondent demonstrated extensive experience associated with provision of Planning Services to numerous local governments in the Wheatbelt including reviews of Local Planning Schemes.
- The Respondent demonstrated detailed knowledge of the Shire of Merredin planning framework having previously prepared the Shire of Merredin Local Planning Scheme No.6 and subsequently the recent Report of Review.
- The respondent has demonstrated an understanding of the scope of the required service provision.

- The expenditure associated with proposed contract for the provision of the required planning services is within the approved budget perimeters.

A detailed explanation of the qualitative criteria, the assessment process and associated outcomes is presented in the attached confidential recommendation report (Attachment 19.3A).

Planwest (WA) Pty Ltd has been the Shire of Merredin principal planning consultant since 2008 under the then Shire of Merredin Town Planning Scheme No. 2, was responsible for the preparation of the Shire of Merredin Local Planning Scheme No. 6 and has a wealth of operational knowledge specific to the Shire of Merredin, having been responsible for preparation of numerous Scheme Amendments, Subdivision referral assessments and reports and Development Applications.

The expenditure associated with the proposed contract for the provision of required planning services is within the approved budget perimeters. The timeframe for the completion of the work incorporating the review of the Shire of Merredin Local Planning Strategy, the Shire of Merredin Local Planning Scheme No. 6 (via an Omnibus Amendment) and the Shire of Merredin Local Planning Policies as identified in the RFQ, is 18 months from the execution of the contract documentation, but is dependent on Council availability and priorities as part of the key stakeholder consultation process, timeframes for WAPC endorsement and ultimately ministerial approval.

Policy Implications

The RFQ process has been undertaken in accordance with the Shire of Merredin Policy 3.12 – Purchasing Policy.

Statutory Implications

The RFQ process has been undertaken in accordance with all relevant statutory provisions.

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 update the Integrated Planning Framework, meet statutory requirements of the Local Government Act and regulations and regulatory obligations required under other regulations
Directorate:	Development Services
Timeline:	Ongoing

Sustainability Implications

➤ Strategic Resource Plan

Nil

➤ Workforce Plan

Directorate: Nil

Activity: Nil

Current Staff: Nil

Focus Area: Nil

Strategy Code: Nil

Strategy: Nil

Implications: Nil

Risk Implications

Nil

Financial Implications

The expenditure associated with the proposed contract for the provision of required planning services is within the approved budget perimeters.

Voting Requirements



Simple Majority



Absolute Majority

Resolution

Moved: Cr Flockart

Seconded: Cr Van Der Merwe


That Council;

83038

1. RECEIVES the attached recommendation report completed by the Evaluation Panel for RFQ03 2022/23, for the Provision of Services for Shire of Merredin Local Planning Strategy Review;
2. APPROVES the recommendations as contained within Attachment 19.3A – Confidential Recommendation Report;
3. AUTHORISES the Shire President and CEO to sign and apply the Shire of Merredin Common Seal on a contract for a value of \$47,364 (inclusive of GST) between the Shire of Merredin and Planwest (WA) Pty Ltd for the provision of the required planning services; and
4. NOTES there is already an existing budget allocation for this contract in the 2022/23 Annual Budget in GL 2100652.

CARRIED 7/0

19.4 Rateable Property Assessment A188 – 68 Barrack St – Request to Waive Interest Owing

<h3>Corporate Services</h3> 	
Responsible Officer:	Leah Boehme, EMCS
Author:	As above
Legislation:	<i>Local Government Act 1995 Rates and Charges (Rebates and Deferments) Act 1992</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Nil

Purpose of Report

Executive Decision

Legislative Requirement

Background

Assessment: A188

Address: 68 Barrack St, Merredin

Lot: 53

Description: Town Centre

Owner: TAO Family Business PTY LTD – Leon Song

Outstanding Debt: \$4,071.83 (As at 10 October 2022).

The property owner, Mr Leon Song, contacted the Shire on 27 September 2022 and spoke to the Senior Finance Officer (SFO) to query the balance of rates owed on his property, assessment A188. The SFO emailed the breakdown of rates, charges and interest owing; a total of \$6,567.48, to Mr Song that afternoon, also requesting that he provide a current residential address and postal address so that our system could be updated.

Mr Song contacted the Shire again via phone on 29 September 2022. He again spoke with the SFO and asked if the interest portion owing on assessment A188 could be waived, as he was planning on paying the balance of the outstanding debt in the coming weeks. The SFO advised that the request would need to be made to the CEO.

The property owner then contacted the CEO via email on 30 September 2022, officially requesting that the interest owing on the assessment be waived and noting that a payment of \$2,500 toward his outstanding debt had been made. This payment was received via BPay on 3 October 2022.

No further payments have been made.

Comment

A payment of \$2,500 was made by the property owner at the end of September which reduced the initial debt significantly.

As at 10 October 2022, there is a total of \$4,071.83 outstanding charges on Assessment A188 including current charges for the 22/23 period. \$353.18 of this is interest charge.

The property is a shop front in the main street which has been empty for a period of time, but has recently been tenanted.

As Mr Song has not provided a viable business case for the waiver of the interest accrued, it is recommended that the waiver not be granted at this time.

Policy Implications

Nil

Statutory Implications

Local Government Act 1995

6.12. Power to defer, grant discounts, waive or write off debts

(1) Subject to subsection (2) and any other written law, a local government may —

(c) write off any amount of money, which is owed to the local government.

1. * *Absolute majority required.*

Strategic Implications

➤ Strategic Community Plan

Theme: Nil

Service Area Objective: Nil

Priorities and Strategies
for Change: Nil

➤ Corporate Business Plan

Key Action: Nil

Directorate: Nil

Timeline: Nil

Sustainability Implications

➤ Strategic Resource Plan

Nil

➤ Workforce Plan

Directorate: Nil

Activity: Nil

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

Risk Implications

If a resolution for the property is not found, the costs associated with the property may continue to accrue interest, which may not be paid.

Financial Implications

The amount requested to be written-off is \$353.18. These interest costs have not been included as income in the current 22/23 budget.

Voting Requirements

Simple Majority

Absolute Majority

Resolution

Moved: Cr Van Der Merwe Seconded: Cr McKenzie

That Council;

83039

1. **DO NOT WRITE OFF** the balance of interest costs owing on Assessment A188 totaling \$353.18; and
2. **NOTE** that Mr Song will be contacted to notify him of Council's Resolution.

CARRIED 7/0

Council Resolution

Moved: Cr Billing

Seconded: Cr Van Der Merwe

83040

That Council return from Behind Closed Doors at 4:57pm, resume Standing Orders and that the resolutions being passed in the confidential session be confirmed in open meeting.

CARRIED 7/0

20. Closure

There being no further business, the President thanked those in attendance and declared the meeting closed at 4:58pm.

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