

SHIRE OF  
**MERREDIN**  
INNOVATING THE WHEATBELT

# AGENDA

## Ordinary Council Meeting

To be held in Council Chambers  
Corner King & Barrack Street's, Merredin  
Tuesday 18 September 2018  
Commencing 3.00pm



# Notice of Meeting



Dear President and Councillors,

The next Ordinary Meeting of the Council of the Shire of Merredin will be held on Tuesday 18 September 2018 in the Council Chambers, Corner King and Barrack Streets, Merredin. The format of the day will be:

10.00am	Citizenship Ceremony
11.00am	Audit Committee Meeting
12.30pm	Lunch
1.00pm	Briefing Session (including presentations from Rural Financial Counselling Service WA and WA Country Health Service)
3.00pm	Council Meeting

GREG POWELL  
CHIEF EXECUTIVE OFFICER

13 September 2018

## **DISCLAIMER**

### **PLEASE READ THE FOLLOWING IMPORTANT DISCLAIMER BEFORE PROCEEDING:**

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

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

It should be noted that the Attachment hyperlinks will not be functional from this document when sourced from the Shire of Merredin's website. Attachment copies can be obtained by contacting Vanessa Green on 08 9041 1611 or [ea@merredin.wa.gov.au](mailto:ea@merredin.wa.gov.au).

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

Shire of Merredin  
Ordinary Council Meeting  
3:00pm Tuesday 18 September 2018



**1. Official Opening**

**2. Record of Attendance / Apologies and Leave of Absence**

**Councillors:**

Cr KA Hooper	President
Cr MD Willis	Deputy President
Cr LN Boehme	<i>(via teleconference subject to Council resolution)</i>
Cr AR Butler	
Cr RM Crees	
Cr MA Crisafio	
Cr JR Flockart	
Cr PR Patroni	

**Staff**

G Powell	CEO
K Bartley	DCEO
P Zenni	EMDS
M Wallace	MCO

**Members of the Public:**

**Apologies:**

**Approved Leave of Absence:** Cr BJ Anderson (CMRef 82223)

**Request for Attendance via Teleconference**

In accordance with Regulation 14A of the *Local Government (Administration) Regulations 1996* Councillor Boehme has requested attendance at this Council Meeting via telephone communication.

**Voting Requirements**

Simple Majority  Absolute Majority

**Councillor's Recommendation**

**That Council:**

1. approves Councillor Boehme's attendance at the September 2018 Council Meeting via telephone communication in accordance with Regulation 14A(1) of the *Local Government (Administration) Regulations 1996*; and

2. approves a residence at 33 Giles Avenue, Padbury as a suitable place for Councillor Boehme's attendance in accordance with Regulation 14A(4) of the *Local Government (Administration) Regulations 1996*.

**3. Public Question Time**

**4. Disclosure of Interest**

**5. Applications for Leave of Absence**

Councillor Crisafio requests Leave of Absence for the November 2018 Council meeting.

**Voting Requirements**

Simple Majority

Absolute Majority

**Councillor's Recommendation**

**That Councillor Crisafio be granted Leave of Absence for the November 2018 Council meeting.**

**6. Petitions and Presentations**

**7. Confirmation of Minutes of the Previous Meetings**

7.1 [Ordinary Council Meeting held on 21 August 2018](#)

**8. Announcements by the Person Presiding without discussion**

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

**10. Receipt of Minutes of Committee Meetings**

10.1 [Great Eastern Country Zone Executive Meeting held on 2 August 2018](#)

10.2 [Wheatbelt East Regional Organisation of Councils Meeting held on 22 August 2018](#)

10.3 [Local Emergency Management Committee Meeting held on 22 August 2018](#)

10.4 [Audit Committee Meeting held 18 September 2018](#)

**11. Recommendations from Committee Meetings for Council consideration**

11.1 [Audit Committee Meeting held on 18 September 2018](#)

**12. Officer's Reports – Development Services**

12.1 [Lot 428 \(No. 16\) Craddock Road, Merredin – Home Occupation Application](#)

12.2 [Lot 684 Bates Street, Merredin - Placement of Advertising Sign - Merredin Regional Community and Leisure Centre](#)

**13. Officer's Reports – Engineering Services**

Nil

**14. Officers Reports – Corporate and Community Services**

14.1 [List of Accounts Paid](#)

14.2 [Statement of Financial Activity](#)

14.3 [Sale of Land for Unpaid Rates](#)

14.4 [Assessments A1069, A1668, A1762 - Debt Recovery Charges](#)

14.5 [Integrated Planning and Reporting – Corporate Business Plan – Annual Review 2017/18](#)

**15. Officer's Reports – Administration**

15.1 [Shire of Merredin Christmas/New Year Opening Hours](#)

15.2 [Council Meeting Dates for 2019](#)

15.3 [Wheatbelt Communities Inc – Deputy Delegate Appointment](#)

15.4 [Lot 1323 Mackenzie Crescent, Merredin – Proposal to Dispose of Property](#)

15.5 [Merrittville \(Inc\) – Deed of Termination](#)

**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**

**19. Matters Behind Closed Doors**

<b>20.</b>	<b>Closure</b>
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## 7. Confirmation of Minutes of the Previous Meetings

7.1 Ordinary Council Meeting held on 21 August 2018

[Attachment 7.1A](#)

### Voting Requirements

Simple Majority  Absolute Majority

### Officer's Recommendation

**That the Minutes of the Ordinary Council Meeting held on 21 August 2018 be confirmed as a true and accurate record of proceedings.**

## 10. Receipt of Minutes of Committee Meetings

10.1 Great Eastern Country Zone Executive Meeting held on 2 August 2018

[Attachment 10.1A](#)

10.2 Wheatbelt East Regional Organisation of Councils Meeting held on 22 August 2018

[Attachment 10.2A](#)

10.3 Local Emergency Management Committee Meeting held on 22 August 2018

[Attachment 10.3A](#)

10.4 Audit Committee Meeting held on 18 September 2018

**To be tabled at the meeting**

### Voting Requirements

Simple Majority  Absolute Majority

### Officer's Recommendation

**That the Minutes of the Great Eastern Country Zone Executive Meeting held on 2 August 2018, the Wheatbelt East Regional Organisation of Councils Meeting held on 22 August 2018, the Local Emergency Management Committee Meeting held on 22 August 2018 and the Audit Committee Meeting held on 18 September be received.**

## 11. Recommendations from Committee Meetings for Council consideration

11.1 Audit Committee Meeting held on 18 September 2018

**\*Note\*** The below Officer's Recommendation is to be considered by the Audit Committee at its meeting scheduled for 11.00am on 18 September 2018. If the Committee resolves differently to the Officer's Recommendation it will be tabled at the Council Meeting. The final determination will be reflected as a Council Resolution in the Minutes.

### Voting Requirements





Simple Majority



Absolute Majority

### **Officer's Recommendation to Audit Committee**

**That the Audit Committee:**

- 1. adopt the 2017/18 Annual Report, and receive the Auditor's Report and Management Report from Butler Settineri (Audit) Pty Ltd for the 2017/18 financial year;**
- 2. recommend the adoption of the 2017/18 Annual Report, and receipt of the Auditor's Report and Management Report from Butler Settineri (Audit) Pty Ltd for the 2017/18 financial year to Council; and**
- 3. recommend to Council that it hold its Annual General Meeting of Electors on Tuesday 16 October 2018 commencing at 6.00pm in the Council Chambers.**

**12. Officer's Reports - Development Services**

**12.1 Lot 428 (No. 16) Craddock Road, Merredin – Home Occupation Application**

<h2>Development Services</h2>		 <b>SHIRE OF MERREDIN</b> INNOVATING THE WHEATBELT
<b>Responsible Officer:</b>	Peter Zenni, EMDS	
<b>Author:</b>	As above	
<b>Legislation:</b>	<i>Planning and Development Act 2005; Food Act 2008; Local Planning Scheme No. 6.</i>	
<b>File Reference:</b>	A823	
<b>Disclosure of Interest:</b>	Nil	
<b>Attachments:</b>	<a href="#"><u>Attachment 12.1A</u></a> – Application	

**Purpose of Report**

- Executive Decision                       Legislative Requirement

**Background**

An application has been received for development approval for a home occupation incorporating a low risk food business activity, to be conducted from property located at Lot 428 (No. 16) Craddock Road, Merredin.

**Comment**

Lot 428 (No. 16) Craddock Road, Merredin is zoned 'Residential' under the Shire of Merredin Local Planning Scheme No. 6. The proposed home occupation is a 'D' use and as such requires development approval from Council. The applicant is proposing to utilise the existing residential kitchen for the preparation of low risk foods such as jams.

The Department of Health has issued a guidance note on the suitability of residential kitchens for the preparation of low risk food products.

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

**Policy Implications**

Nil

### Statutory Implications

Compliance with the *Planning and Development Act 2005*; *Food Act 2008* and Local Planning Scheme No. 6.

### Strategic Implications

#### ➤ Strategic Community Plan

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

#### ➤ Corporate Business Plan

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

### Sustainability Implications

#### ➤ Strategic Resource Plan

Nil

#### ➤ Workforce Plan

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

### Risk Implications

Nil

### Financial Implications

Development application fees have been paid

### Voting Requirements



Simple Majority



Absolute Majority

### **Officer's Recommendation**

**That development approval be granted for the proposed home occupation – (low risk food business activity) to be conducted at Lot 428 (No. 16) Craddock Road, Merredin, subject to:**

- 1. the applicant obtaining and maintaining a valid home occupation permit from the Shire of Merredin;**
- 2. no retail activity being undertaken on the premises located at Lot 428 (No. 16) Craddock Road, Merredin;**
- 3. the applicant obtaining and maintaining a valid Food Business registration from the Shire of Merredin; and**
- 4. all food related preparation, storage and packaging activities complying with the requirements of the *Food Act 2008* and the relevant Food Safety Standards.**

**12.2 Lot 684 Bates Street, Merredin - Placement of Advertising Sign - Merredin Regional Community and Leisure Centre**

<h2 style="margin: 0;">Development Services</h2> 	
<b>Responsible Officer:</b>	Peter Zenni, EMDS
<b>Author:</b>	As above
<b>Legislation:</b>	<i>Planning and Development Act 2005</i> ; Shire of Merredin Local Planning Scheme No. 6
<b>File Reference:</b>	A325
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	<a href="#">Attachment 12.2A</a> - Application

**Purpose of Report**

Executive Decision
  Legislative Requirement

**Background**

An application has been received for development approval for the placement of an advertising sign on the western wall of the MRCLC.

**Comment**

The proposed sign will be 3m wide and 2m high made out of aluminium/tin and have a stylised sticker over the top with the words 'PEAK Play & Café Merredin'. As the proposed sign is going to be located on the exterior of the MRCLC and be potentially visible from adjoining properties it requires development approval from Council.

The applicant has provided two possible locations for the placement of the proposed sign, both of these being on the right side of the building (western wall). Information provided by the Centre Manager is that the proposed sign will be used to market the MRCLC's indoor playground facility and that the preferred location for the placement of the sign is in the top right hand corner of the building (western wall) to give optimum visibility from the MRCLC carpark as patrons enter from Bates Street.

**Policy Implications**

Nil

### Statutory Implications

Compliance with the *Planning and Development Act 2005* and the Local Planning Scheme No. 6.

### Strategic Implications

#### ➤ Strategic Community Plan

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

#### ➤ Corporate Business Plan

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

### Sustainability Implications

#### ➤ Strategic Resource Plan

Nil

#### ➤ Workforce Plan

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

### Risk Implications

Nil

### Financial Implications

Development application fees have been paid

### Voting Requirements

Simple Majority

Absolute Majority

### **Officer's Recommendation**

**That development approval be granted to Belgravia Leisure for the placement of an advertising sign in the top right hand corner of the external portion of the Merredin Regional Community and Leisure Centre western facing wall as per Attachment 12.2A.**

**13. Officer's Reports - Engineering Services**

Nil items to report.



**14. Officers Reports – Corporate and Community Services**

**14.1 List of Accounts Paid**

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

**Purpose of Report**

- Executive Decision
  Legislative Requirement

**Background**

The attached List of Accounts Paid during the month of August 2018 under Delegated Authority is provided for Council’s information.

**Comment**

Nil

**Policy Implications**

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

**Statutory Implications**

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

**Strategic Implications**

➤ **Strategic Community Plan**

Zone: Zone 4 – Communication and Leadership  
 Zone Statement: Merredin Council engages with its community and leads by example

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

➤ **Corporate Business Plan**

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

Directorate: Corporate Services

Timeline: Ongoing

**Sustainability Implications**

➤ **Strategic Resource Plan**

Nil

➤ **Workforce Plan**

Directorate: Nil

Activity: Nil

Current Staff: Nil

Focus Area: Nil

Strategy Code: Nil

Strategy: Nil

Implications: Nil

**Risk Implications**

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**

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

**Voting Requirements**

Simple Majority

Absolute Majority

**Officer's Recommendation**

**That the schedule of accounts paid as listed covering cheques, electronic funds transfers, bank charges, directly debited payments and wages, as numbered and totalling \$1,938,249.41 from Council's Municipal Fund Bank Account and \$2,874.65 from Council's Trust Account, be received.**

**14.2 Statement of Financial Activity**

<h2>Corporate Services</h2>		 <p><b>SHIRE OF MERREDIN</b>  <small>INNOVATING THE WHEATBELT</small></p>
<b>Responsible Officer:</b>	Charlie Brown, EMCS	
<b>Author:</b>	As above	
<b>Legislation:</b>	<i>Local Government Act 1995; Local Government (Financial Management) Regulations 1996</i>	
<b>File Reference:</b>	Nil	
<b>Disclosure of Interest:</b>	Nil	
<b>Attachments:</b>	<a href="#">Attachment 14.2A</a> - Statement of Financial Activity	

**Purpose of Report**

- Executive Decision
  Legislative Requirement

**Background**

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

**Comment**

Operating Income and Expenditure is consistent with Council’s YTD Budget. With Operating Income 1% up on budget estimates and Expenditure estimates showing a 19% variance.

Explanations at Program level, where possible is held at note 2.

**Capital Expenditure**

A detailed look at capital expenditure can be found in note 13.

**Policy Implications**

Nil

**Statutory Implications**

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

## Strategic Implications

### ➤ Strategic Community Plan

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

### ➤ Corporate Business Plan

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

## Sustainability Implications

### ➤ Strategic Resource Plan

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

### ➤ Workforce Plan

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

## Risk Implications

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

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

Materiality reporting thresholds have been established at 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 Regulation 5 of the *Local Government (Financial Management Regulations) 1996*, 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 of the Monthly Financial Report is retrospective. Accordingly, the financial implications associated with adopting the Report are nil.

### Voting Requirements

Simple Majority

Absolute Majority

### Officer's Recommendation

**That in accordance with Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, the Statement of Financial Activity and the Investment Report for the period ending 31 July 2018 be received.**

**14.3 Sale of Land for Unpaid Rates**

<h2 style="margin: 0;">Corporate Services</h2> 	
<b>Responsible Officer:</b>	Charlie Brown, EMCS
<b>Author:</b>	As above
<b>Legislation:</b>	<i>Local Government Act 1995; Local Government (Financial Management) Regulations 1996</i>
<b>File Reference:</b>	Nil
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	<b>Attachment 14.3A</b> (Confidential)

**Purpose of Report**

- Executive Decision
  Legislative Requirement

**Background**

Council considered this matter at its August 2018 meeting and resolved that the matter lay on the table (CMRef 82230). Since that time discussions have taken place in an attempt to resolve the matter, however at the time of writing this item payment for the outstanding rates, or an agreed payment plan, has not been received.

The matter is therefore presented again below in its entirety.

There are currently 3 properties that have rates outstanding for three or more years and for which it has not been possible to enter into acceptable and successful arrangements for the payment of the balance owing. In each instance, a written notification has been directed to the last known postal address of the ratepayer and the property advising that it is intended to refer the matter to Council with a recommendation the property be sold in order to recover the outstanding balance.

The following is a list of the 3 properties that have rates currently in arrears by three or more years, together with a brief history of the action taken to date:

Assessment	A445	A682	A9403
Type/Zoning	Residential	Civic & Cultural	General Farming
Period Outstanding	1/7/2016 to Current	27/7/2011 to Current	26/7/2010 to Current

Assessment Cont...	A445	A682	A9403
Amount Outstanding	\$18,129.99	\$13,754.68	\$17,256.38
Last Payment	4/4/2011	17/5/2010	Prior 26/7/2010
Recovery Action	See Attachment	See Attachment	See Attachment

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

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

	<b>Comment</b>
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Council has a number of options which are detailed below.

**Option 1**

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

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

**Option 2**

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

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

**Option 3**

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

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

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

	<b>Policy Implications</b>
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Nil

	<b>Statutory Implications</b>
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Section 6.64 of the *Local Government Act 1995* states:

**“Actions to be taken**

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

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

- (a) from time to time lease the land; or*
- (b) sell the land; or*
- (c) cause the land to be transferred to the Crown; or*
- (d) cause the land to be transferred to itself.*

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

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

#### **Strategic Implications**

##### ➤ **Strategic Community Plan**

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

##### ➤ **Corporate Business Plan**

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

#### **Sustainability Implications**

##### ➤ **Strategic Resource Plan**

Nil

##### ➤ **Workforce Plan**

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



Strategy: Nil  
 Implications: Nil

**Risk Implications**

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

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

**Financial Implications**

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

**Voting Requirements**

Simple Majority  Absolute Majority

**Officer’s Recommendation**

1. That, pursuant to Section 6.64(1)(b) of the *Local Government Act 1995*, Council proceed to sell the property listed hereunder which has rates in arrears for 3 or more years, and recover from the proceeds of sale the outstanding balance which totals \$18,129.99:

Assessment	A445
Type/Zoning	Residential
Period Outstanding	1/7/2016 to Current
Amount Outstanding	\$18,129.99
Last Payment	4/4/2011

2. That, pursuant to Section 6.64(1)(b) of the *Local Government Act 1995*, Council proceed to sell the property listed hereunder which has rates in arrears for 3 or more years, and recover from the proceeds of sale the outstanding balance which totals \$13,754.68:

Assessment	A682
Type/Zoning	Civic & Cultural
Period Outstanding	27/7/2011 to Current
Amount Outstanding	\$13,754.68
Last Payment	17/5/2010

3. That, pursuant to Section 6.64(1)(b) of the *Local Government Act 1995*, Council proceed to sell the property listed hereunder which has rates in arrears for 3 or more years, and recover from the proceeds of sale the outstanding balance which totals \$17,256.38:

<b>Assessment</b>	<b>A9403</b>
<b>Type/Zoning</b>	<b>General Farming</b>
<b>Period Outstanding</b>	<b>26/7/2010 to Current</b>
<b>Amount Outstanding</b>	<b>\$17,256.38</b>
<b>Last Payment</b>	<b>Prior 26/7/2010</b>

**14.4 Assessments A1069, A1668, A1762 - Debt Recovery Charges**

## Corporate Services



<b>Responsible Officer:</b>	Charlie Brown, EMCS
<b>Author:</b>	As above
<b>Legislation:</b>	<i>Local Government Act 1995</i>
<b>File Reference:</b>	A1069, A1668, A1762
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	<b>Attachment 14.4A</b> – (Confidential)

### Purpose of Report



Executive Decision



Legislative Requirement

### Background

Costs associated with debt collections can be attributed to the property concerned. This has occurred in relation to three assessments owned by related companies and are now in dispute. The dispute has not been resolved and the property owner has referred the matter to the Ombudsman. The property owner has been advised the matter will be referred to Council for a determination.

### Comment

In July 2017 rates outstanding on Assessment No's A1069, A1668, and A1762 were sent to debt collection due to having amounts outstanding and no approved payment plan in place, despite phone calls from this office requesting such. Irregular sums were paid against the outstanding balances and the reason they were sent to debt collection was because a promised payment had not been made.

Debt recovery and court costs incurred a total cost of \$2,573.20 which was allocated against the properties in accordance with Section 6.56 of the *Local Government Act 1995*, as can be seen on the attachment Rates Financial.

The owner of the three properties is now disputing these charges, claiming it was disguised as late payment interest.

Due to the fact that only an initial rates notice issued around 28/07/2017 and a final notice on about the 14/09/2017 were issued, and the legal charges not being added after that date it is difficult to see where the confusion between legal fees and penalty interest arose. No rates notices were issued again until July 2018.

Attached is confidential correspondence between this office and the owners of the three assessments which is self-explanatory.

Although the matter has been referred to the Ombudsman it does not affect Council's consideration and determination.

### Policy Implications

Nil

### Statutory Implications

*Local Government Act 1995:*

*"6.56. Rates or service charges recoverable in court*

- (1) If a rate or service charge remains unpaid after it becomes due and payable, the local government may recover it, as well as the costs of proceedings, if any, for that recovery, in a court of competent jurisdiction.*
- (2) Rates or service charges due by the same person to the local government may be included in one writ, summons, or other process."*

### Strategic Implications

#### ➤ Strategic Community Plan

Zone: Zone 1                      Zone 1 - Communication and Leadership  
Zone Statement: Merredin Council engages with its community and leads by example  
Key Priority:                      4.1 - Ensuring all planning, reporting and resourcing is in accordance with best practice, compliance and statutory requirements.

#### ➤ Corporate Business Plan

Key Action:                      4.1.1 - Continue to update the Integrated Planning Framework, meet statutory requirements of the Local Government Act and Regulations and regulatory obligations required under other legislation.  
Directorate:                      Corporate Service  
Timeline:                          2018/19, 2020/21

### 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

Outstanding rates are followed up and if necessary referred to a debt collector and ultimately to a Court in order to effect payment. Failure to do so would result in an adverse impact on Council's financial position.

### Financial Implications

The total amount referred to in this item is \$2,573.20 being the legal costs incurred.

### Voting Requirements

Simple Majority  Absolute Majority

### Officer's Recommendation

**That the owner of Assessments A1069, A1668, and A1762 be advised that legal costs incurred by Council for the collection of outstanding rates will not be written off.**

**14.5 Integrated Planning and Reporting – Corporate Business Plan – Annual Review 2017/18**

## Corporate Services



<b>Responsible Officer:</b>	Kellie Bartley, DCEO
<b>Author:</b>	As above
<b>Legislation:</b>	<i>Local Government Act 1995</i>
<b>File Reference:</b>	CM/13/4
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	<a href="#">Attachment 14.5A</a> – Corporate Business Plan 2015/16 – 2018/19: Annual Review 2017/18

### Purpose of Report

- Executive Decision                       Legislative Requirement

### Background

The IPR planning and monitoring cycle is continuous. The planning cycle requires all local governments to undertake a major Strategic Review in the first four years. This meant the Shire of Merredin's first Strategic Review was undertaken in 2015/16. Council adopted the review of IPR Suite of Plans to include the:

1. Corporate Business Plan 2015/16 – 2018/19;
2. Strategic Community Plan 2015/16-2025/26;
3. Strategic Resource Plan 2016-2031; and
4. Workforce Plan 2015/16 – 2018/19.

### Comment

With the implementation of the suite of plans, monitoring is undertaken through the IPR Process Plan outlining Merredin's Baseline Report to include:

1. Vision Elements;
2. Strategic Goals;
3. Key Priorities;
4. Strategies; and
5. Actions.

The Corporate Business Plan Annual Review 2017/18 is presented to Council for its perusal.

### Policy Implications

Nil

### Statutory Implications

It is a requirement to produce a plan for the future under Section 5.56 (1) of the *Local Government Act 1995*. The IPR Framework is being introduced in Western Australia as part of the State Government's Local Government Reform Program.

### Strategic Implications

#### ➤ Strategic Community Plan

Vision Element: Developing  
Strategic Goal: The population and economic base is expanding sustainably  
Key Priority: Governance

#### ➤ Corporate Business Plan

Strategy: SP.D4.1  
Action #: 1  
Action: Monitor, report and review IPR Suite of Plans  
Directorate: Corporate Services  
Timeline: Ongoing

Note: the above Strategic Implications are taken from the previous SCP and CBP as this report relates to that period.

### Sustainability Implications

#### ➤ Strategic Resource Plan

The Strategic Resource Plan 2016-2031 outlines the Shire of Merredin's long term financial commitments and strategies to manage Council's assets.

#### ➤ Workforce Plan

Directorate: Chief Executive Officer  
Activity: All Activity Areas  
Current Staff: 47  
Focus Area: All Focus Areas  
Strategy Code: AR  
Strategy: Attraction and Retention  
Implications: It is anticipated that the workforce will remain the same

### Risk Implications

The adoption, implementation and monitoring of the IPR Suite of Plans provides a mechanism to:

1. deliver accountable and measureable outcomes;
2. deliver services and manage assets that can sustain the community; and

3. management of systems with the rigour of process and integrity of data to accurately reflect asset management costs.

#### Financial Implications

There are financial implications to Council in relation to this item as the suite of plans recognises outcomes. Identified outcomes from the IPR Suite of Plans are factored into the Council's Strategic Resource Plan 2016-2031.

#### Voting Requirements

Simple Majority

Absolute Majority

#### Officer's Recommendation

**That the Corporate Business Plan 2015/16-2018/19: Annual Review 2017/18, as presented in Attachment 14.5A, be received.**



**15. Officer's Reports – Administration**

**15.1 Shire of Merredin Christmas/New Year Opening Hours**

## Administration



<b>Responsible Officer:</b>	Greg Powell, CEO
<b>Author:</b>	Vanessa Green, EA to CEO
<b>Legislation:</b>	<i>Local Government Act 1995</i>
<b>File Reference:</b>	Nil
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	Nil

### Purpose of Report

Executive Decision  Legislative Requirement

### Background

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

### Comment

The Christmas Day public holiday will be observed on Tuesday 25 December 2018 with the Boxing Day public holiday being observed on Wednesday 26 December 2018, meaning Council offices will be closed on both those days. Similarly, the New Year's Day public holiday will be observed on Tuesday 1 January 2019 meaning Council offices will also be closed on that day.

It is therefore requested that Shire venues close from Monday 24 December 2018 to Tuesday 1 January 2019 inclusive. The venues will reopen as usual on Wednesday 2 January 2019. In previous years the CWVC had opened on reduced hours during this period, however with staff expected to be away at that time that will not be possible for this year, hence the CWVC will close along with the other venues.

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**

Zone: Nil  
Zone Statement: Nil  
Key Priority: 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**

Staff will be required to take time in lieu, annual leave or accrued rostered days off. These costs are contained within the 2018/19 Budget.

### Voting Requirements

Simple Majority

Absolute Majority

### Officer's Recommendation

**That Council venues close for the Christmas/New Year period from Monday 24 December 2018 to Tuesday 1 January 2019 inclusive with the hours of operation and emergency contacts advertised to the community.**

**15.2 Council Meeting Dates for 2019**

## Administration



<b>Responsible Officer:</b>	Greg Powell, CEO
<b>Author:</b>	Vanessa Green, EA to CEO
<b>Legislation:</b>	<i>Local Government Act 1995; Local Government (Administration) Regulations 1996</i>
<b>File Reference:</b>	Nil
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	Nil

### Purpose of Report

Executive Decision

Legislative Requirement

### Background

In accordance with Regulation 12(1) of the *Local Government (Administration) Regulations 1996*, at least once each year a local government is to give local public notice of the dates, times and place at which the Ordinary Meetings of Council are to be held in the next 12 months.

As such, the Shire of Merredin is required to advertise the meeting dates for the Ordinary Meetings of Council for 2019.

### Comment

In previous years the Ordinary Meetings of Council have been held on the third Tuesday of every month commencing at 3.00pm. Council may wish to revise the day on which the Meetings are held and/or their commencement time, though the Officer's Recommendation makes the assumption that Council does not wish to make any changes.

The exception to this is the October 2019 meeting where, due to the local government elections which are held on the third Saturday of October, it is proposed the meeting be held on the fourth Tuesday of the month to enable to newly elected Councillors to be sworn in without the need for a Special Meeting.

### Policy Implications

Policy 1.11 - Council Meetings applies.

### Statutory Implications

Regulation 12(1) of the *Local Government (Administration) Regulations 1996* applies.

### Strategic Implications

#### ➤ Strategic Community Plan

Zone: Nil  
Zone Statement: Nil  
Key Priority: 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

Council would be contravening the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996* if it did not consider and comply with this item.

### Financial Implications

Funds are included in the 2018/19 Budget to cover any costs associated with conducting Council meetings, and to advertise and promote the dates of Council meetings.

### Voting Requirements

Simple Majority

Absolute Majority

### **Officer's Recommendation**

**That the 2019 Ordinary Meetings of Council be held in the Council Chambers of the Shire Administration Centre on the following dates commencing at 3.00pm:**

<b>Tuesday 15 January 2019;</b>	<b>Tuesday 16 July 2019;</b>
<b>Tuesday 19 February 2019;</b>	<b>Tuesday 20 August 2019;</b>
<b>Tuesday 19 March 2019;</b>	<b>Tuesday 17 September 2019;</b>
<b>Tuesday 16 April 2019;</b>	<b>Tuesday 22 October 2019;</b>
<b>Tuesday 21 May 2019;</b>	<b>Tuesday 19 November 2019; and</b>
<b>Tuesday 18 June 2019;</b>	<b>Tuesday 17 December 2019</b>

**and the above dates be advertised.**

**15.3 Wheatbelt Communities Inc – Deputy Delegate Appointment**

## Administration



<b>Reporting Officer:</b>	Greg Powell, CEO
<b>Author:</b>	Vanessa Green, EA to CEO
<b>Legislation:</b>	<i>Associations Incorporation Act 2015</i>
<b>File Reference:</b>	CS/16/19
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	Nil

### Purpose of Report



Executive Decision



Legislative Requirement

### Background

At its October 2017 meeting Council appointed Councillor Hooper and Mr Greg Powell as members, and Councillor Patroni and Mrs Rebecca McCall as deputy members to Wheatbelt Communities Inc (WCI) (CMRef 82051).

Mrs McCall ceased employment with the Shire of Merredin on 24 August 2018 and as such, a new deputy member needs to be appointed.

WCI's constitution states that Membership shall consist of "...two (2) persons resident in the Shire of Merredin and appointed by the Council of the Shire of Merredin ...". While the constitution does not make mention of deputy members it can be assumed that if Council are required to appoint the members it would also be required to appoint the deputy members.

### Comment

The appointment of the WCI delegates is done to align with the WEROC delegates, who are required to be the Shire President and CEO of the member Council. In the case of the deputy member to the CEO it makes sense that the person filling the role of DCEO be appointed as deputy delegate. The Officer's Recommendation takes this into account, with the proposed nomination of Mrs Kellie Bartley who is the current DCEO.

### Policy Implications

Nil

## Statutory Implications

*Associations Incorporation Act 2015*

## Strategic Implications

### ➤ Strategic Community Plan

Zone: Zone 4 – Communication and Leadership  
Zone Statement: Merredin Council engages with its community and leads by example  
Key Priority: 4.4 – Advocating and lobbying effectively on behalf of the community

### ➤ Corporate Business Plan

Key Action: 4.4.2 – Increase collaboration amongst stakeholders and surrounding local governments to improve local and regional service delivery and identify opportunities  
Directorate: Office of the CEO  
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, membership funds are included in the 2018/19 Budget regardless of the nominated members and deputy members.



### Voting Requirements

Simple Majority

Absolute Majority

### Officer's Recommendation

**That Mrs Kellie Bartley be appointed as the deputy member to Mr Greg Powell for Wheatbelt Communities Inc, and the Wheatbelt Communities Inc Executive Officer be so advised.**

**15.4 Lot 1323 Mackenzie Crescent, Merredin – Proposal to Dispose of Property**

## Administration



<b>Reporting Officer:</b>	Greg Powell, CEO
<b>Author:</b>	Vanessa Green, EA to CEO
<b>Legislation:</b>	<i>Local Government Act 1995</i>
<b>File Reference:</b>	A3447
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	<a href="#">Attachment 15.4A</a> – Valuation Report

### Purpose of Report



Executive Decision



Legislative Requirement

### Background

On 16 August 2018 advice was received from a local real estate agent that an interested party was keen to purchase Lot 1323 Mackenzie Crescent, Merredin, which is Shire-owned vacant land located in the light industrial area on the eastern side of town.

Given the recent residential land sales in Whitfield Way it was believed that whilst unexpected, Council would be amenable to the sale of Lot 1323 Mackenzie Crescent and hence a contract of sale in the amount of \$52,250 was signed, subject to the provisions of Section 3.58 of the *Local Government Act 1995* being met.

Lot 1323 Mackenzie Crescent, Merredin was purchased from the then Department of Lands in April 2005 for \$87,129.90 and is listed in the current assets register at a value of \$79,209.

In accordance with Section 3.58 of the *Local Government Act 1995* the proposal to dispose of Lot 1323 Mackenzie Crescent, Merredin was advertised in the Phoenix on Friday 31 August 2018 with a closing date for submissions being Monday 17 September 2018. Additionally, the required valuation of the property was conducted on Tuesday 21 August 2018. The valuation report is attached and suggests a current value for the land being \$47,500, although it should be noted that a verbal valuation provided by the same company prior to the receipt of the valuation report suggested a value between \$50,000-\$55,000.

### Comment

It is unfortunate that the value of the land has fallen since it was purchased in 2005. However, given the lack of sales in Merredin for such land generally over the last decade, it is believed that the proposal has merit in enabling further development of the light industrial area, and an ongoing revenue stream for Council by way of rates etc.

At the time of writing this agenda item, as part of the advertising process, no submissions on the proposal have been received and the Officer's Recommendation suggests that delegated authority be provided to the Shire President and Chief Executive Officer to sign the Transfer of Land subject to no negative submissions being received. Should any negative submissions be received the proposal would be presented again to Council for consideration.

### Policy Implications

Nil

### Statutory Implications

Section 3.58 of the *Local Government Act 1995* applies and states:

#### **3.58. Disposing of property**

(1) *In this section —*

**dispose** includes to sell, lease, or otherwise dispose of, whether absolutely or not;

**property** includes the whole or any part of the interest of a local government in property, but does not include money.

(2) *Except as stated in this section, a local government can only dispose of property to —*

(a) *the highest bidder at public auction; or*

(b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*

(3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*

(a) *it gives local public notice of the proposed disposition —*

(i) *describing the property concerned; and*

(ii) *giving details of the proposed disposition; and*

(iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*

*and*

(b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
- (a) *the names of all other parties concerned; and*
  - (b) *the consideration to be received by the local government for the disposition; and*
  - (c) *the market value of the disposition —*
    - (i) *as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*
    - (ii) *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*
- (5) *This section does not apply to —*
- (a) *a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or*
  - (b) *a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or*
  - (c) *anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*
  - (d) *any other disposition that is excluded by regulations from the application of this section.”*

## Strategic Implications

### ➤ Strategic Community Plan

Zone: Zone 2 – Economy and Growth  
Zone Statement: Merredin seeks new opportunities for growth and strives to develop a rich and multifaceted economy  
Key Priority: Supporting initiatives from local businesses for growth

### ➤ 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

Expenses associated with the disposal include the valuation report, estate agent's commission, advertising and settlement agent's costs. These total around \$4,400.

The land would be sold for \$52,250, less the abovementioned costs. This income is unbudgeted in the 2017/18 Budget as the interest in purchasing the property was not known at the time the budget was adopted.

### Voting Requirements

Simple Majority


Absolute Majority

### Officer's Recommendation

**That:**

- 1. Council note the valuation report provided by LMW Perth dated 10 September for Lot 1323 Mackenzie Crescent, Merredin;**
- 2. Lot 1323 Mackenzie Crescent, Merredin be sold to Rainday Pty Ltd for the consideration of \$52,250 in accordance with the Contract of Sale dated 16 August 2018; and**
- 3. should no negative submissions be received the Shire President and Chief Executive Officer be granted delegated authority to sign the Transfer of Land under Common Seal.**

**15.5 Merrittville (Inc) – Deed of Termination**

<h2 style="margin: 0;">Administration</h2> 	
<b>Responsible Officer:</b>	Greg Powell, CEO
<b>Author:</b>	As above
<b>Legislation:</b>	<i>Local Government Act 1995</i>
<b>File Reference:</b>	CP/8/11
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	<b>Attachment 15.5A</b> –(Confidential) <b>Attachment 15.5B</b> – (Confidential)

**Purpose of Report**

- Executive Decision
  Legislative Requirement

**Background**

There have been a number of meetings over the last 12 months concerning the ongoing operation and management of the Merrittville Retirement Village (MRV) in Bates Street, Merredin. The culmination of these meetings was a draft Deed of Termination (Deed) and Release of Joint Venture Agreements (JVAs) and Allocation Agreement, a copy of which is provided under separate confidential cover.

The draft Deed was referred for legal advice which was received in early August with a copy forwarded to the MRV Management Committee and the Department of Communities (the Department), a copy of which is provided under separate confidential cover. No definitive response has been received from the MRV Management Committee, and the Department has advised it is prepared to make changes to the draft Deed, but subject to agreement in broad terms being given by both Council and the MRV Management Committee.

This matter has been considered informally by Council during recent Briefing Sessions.

**Comment**

The latest response from the Department was received on 10 September 2018 which stated, in part;

*“You have proposed that the Council approve MRV continuing immediate tenancy management of the units until such time as a not-for-profit is in place to take over this role. Housing agrees to this aspect of your proposal and in fact has already drafted the Allocations Agreement in contemplation that a Community Housing provider may assume future tenancy management obligations should MRV be unable to continue.*

*Similarly, Housing has no objection to the freehold interest in the land being transferred to CEACA but only if such transfer occurs after the expiry of the Allocations Agreement. Housing cannot agree to any transfer occurring while Housing retains an interest in the units (which it will for the term of the Allocations Agreement).*

*There are certainly alternatives available to the Council if it is seeking to limit its responsibility for the units and pass tenancy obligations to CEACA and which would still fit within the Allocations Agreement concept. Housing is happy to discuss and consider any of these alternatives with the Council if you desire.*

*However, I reiterate that Housing is not able to accept, nor support, your proposal to transfer the freehold interest to CEACA within the term of the Allocations Agreement.”*

The key paragraph is the penultimate one but unfortunately the alternatives have not been able to be explored at the time the agenda was finalised.

There are a number of issues which Council need to consider:

1. whether Council agrees to “taking over” MRV. On the basis of the legal advice no impediment is seen to that occurring. This is of course subject to a satisfactory outcome from ongoing negotiations, however approval in principle is suggested;
2. whether Council agrees to the management arrangements proposed in the draft Deed. This will depend firstly on whether MRV Management Committee agrees to continue in its current capacity until agreement can be reached with the Department on alternative arrangements and whether any alternative arrangements are available to Council; and
3. whether the outstanding loan to MRV can be repaid from rental income. This will depend on financial modelling into the future and the availability of funds to service the loan and the outcome of analysis of the current financial situation of MRV.

The finer details are far from clear at this stage and the longer term future is yet to be determined. What is clear is that, subject to the position of the MRV Management Committee being known, the draft Deed can be finalised, the future of the independent living units can be assured, and that Council can work towards a longer term management arrangement.

#### **Policy Implications**

Nil

### Statutory Implications

Nil

### Strategic Implications

#### ➤ Strategic Community Plan

Zone: Zone 1 – Community and Culture  
Zone Statement: Merredin is rich in cultural diversity, performing and fine arts and a variety of sports available for both residents and visitors  
Key Priority: 1.6 – Supporting and strengthening community groups, organisations and volunteers

#### ➤ Corporate Business Plan

Key Action: 1.6.1 – Support community groups to deliver activities and services to the community effectively and sustainably  
Directorate: Community Services  
Timeline: Ongoing

### Sustainability Implications

#### ➤ Strategic Resource Plan

Nil at this stage as the MRV units are not currently included in the SRP.

#### ➤ Workforce Plan

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

### Risk Implications

The risk to Council is that repayment of the loan needs to be secured and management arrangements need to be finalised in both the short and medium term. Failure to achieve this will result in financial implications as well as an impost on resources to manage the MRV.

### Financial Implications

See above under Risk Implications.

### Voting Requirements

Simple Majority

Absolute Majority



## **Officer's Recommendation**

### **That:**

- 1. approval in principle be given to entering into the draft Deed of Termination and Release of Joint Venture Agreements with the Department of Communities;**
- 2. agreement to this position be sought from the Merrittville Management Committee and to it continuing to manage the Merrittville Retirement Village in the short to medium term;**
- 4. the Chief Executive Officer be requested to continue discussions with the Department of Communities to finalise the Deed of Termination and Release of Joint Venture Agreements in accordance with Council's legal advice;**
- 5. ongoing repayment of the loan be factored into any ongoing management arrangements with the Department of Communities or another service provider; and**
- 6. the Chief Executive Officer be requested to determine whether management of the Merrittville Retirement Village can be undertaken by another service provider, and if so, reach agreement in principle with the provider.**

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