

SHIRE OF BRUCE ROCK

MINUTES – ORDINARY MEETING 20th SEPTEMBER 2012

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SHIRE OF BRUCE ROCK

MINUTES – ORDINARY MEETING 20th SEPTEMBER 2012

1. Declaration of Opening

The Shire President, Cr Strange, opened the meeting at 1.10 pm on Thursday 20th September 2012, welcoming all members and officers present.

2. Record of Attendance / Apologies / Leave of Absence (Previously Approved)

Shire President	Cr SA Strange
Deputy President	Cr IS Dolton
Councillors	Cr LK Buller
	Cr BM Currie
	Cr MM Foss
	Cr JJ Gmeiner
	Cr R Rajagopalan
	Cr MK Thornton
	Cr MJ Verhoogt
Chief Executive Officer	Mr SM O'Halloran
Deputy Chief Executive Officer	Mr DRS Mollenoyux
Manager of Finance and Compliance	Mrs JL Bow
Environmental Health Officer	Mr JC Mitchell (1.10pm – 2.23pm)
Works Supervisor	Mr D Holland (1.10pm – 2.47pm)
Leave of Absence (Previously Approved)	Cr DA Heasman
Apologies	Nil

3. Response to Previous Public Questions Taken on Notice

Nil

4. Public Question Time

Nil

5. Petitions / Deputations / Presentations / Submissions

Strategic Community Plan - Update

Caroline Robinson from Solum Consulting attended Council to provide an update on the progress of Council's Strategic Community Plan. She gave an overview of her findings to date and informed Council on the remaining work.

6. Applications for Leave of Absence

COUNCIL DECISION

Resolution Sept12-6.1

Moved Cr Foss Seconded Cr Buller

That application for leave of absence is approved for Cr Verhoogt for the Ordinary Council Meeting to be held on the 18th October 2012.

Carried 8/0

7. Environmental Health Officer Information Report

Agenda Reference and Subject:

7 EHO Information Report

File Reference:

Reporting Officer:

John Mitchell, Environmental Health Officer

Disclosure of Interest

Nil

Landfill – Various Matters & Land Subdivision

All paperwork has been submitted to the Surveyor for assessment and submission to the Western Australian Planning Commission for review. The Department of Regional Development & Lands has requested a formal update to enable the process for amalgamation of the land into the existing Reserve to occur. A decision relating to the application for subdivision is expected after 1st October 2012.

The final version of the works application has been sent to the Regional Manager for the DEC for final consent to apply for an application form to commence a works approval for the construction of the new extensions to the landfill site. As at the time of writing this report I am awaiting confirmation that the application has been forwarded to the appropriate person.

Provision of Sullage Transporter

All application forms for Mr Fuchsbichler have been completed and sent to the Department of Environment & Conservation for consideration of issue of a licence to operate a Controlled Waste collection vehicle.

Council must register the effluent disposal site with the Department of Environment and Conservation. This is to be completed by the Environmental Health Officer Friday 15 September 2012.

A site plan and other information is required. The site on Bruce Rock Road East can accept leach drain liquid waste but not septic tank liquid waste.

Disability Services Commission – Shopkeepers – Johnson Street – 3rd September 2012

Mrs Jan Fox approached the shop keepers to discuss improvements to the various privately owned shops. Most responses were positive but felt the cost was too great, one agreed to review layout and improve access and one advised not seen as an issue and would not be improving access. For obvious reasons the names of those contacted have been removed.

Council can only become involved if the owner of the premise applies for major building improvements or shop front improvements at which time the Building Surveyor is obligated to ensure adequate access for disabled persons as required by the National Premises Standards.

Provision of Recycling Service and Change of Collection Day – Bruce Rock Town

It has been confirmed with Avon Waste that the collection of recyclables will occur on Mondays fortnightly. Commencement dates are still to be determined.

(With Council consent) - Discussions have been held with Mr Fuchsbichler to change the Bruce Rock and Shackleton town sites collection day to Monday with the exception of Xmas and New Years day in which case the collection would fall to the Tuesday of that week. To assist residents a calendar (inhouse) can be prepared for inclusion within the letter to residents.

It is felt that to avoid confusion that the two collections occur on the same day.

Council endorsement of these actions is sought.

Litter Act Changes 2012

Recent amendments to the Act have seen increases in penalties to \$5,000 for individuals and \$10,000 for corporations for specific types of unauthorised disposal which create a public risk to people, property or animals – e.g. asbestos, liquid waste, pesticides, putrescibles waste and the like.

Penalties for smokers and discarding cigarette butts are increased to \$200.

Resource kits are available from the KABC.

Outstanding Duties

Several Councillors have raised matters requiring my attention. Other duties have prevented action on the following items: -

- a. Discarded Caravans – Shackleton
- b. 31 Dampier Street – complaint re asbestos framed house walls smashed, exposed wiring – Police and Members of Public
- c. Inspections of some food premises – Regulations requires inspections at 6 weekly intervals currently;
- d. Water samples – Hydro therapy pool;
- e. Public building inspections – Regulations require twice annual inspections of all public buildings;
- f. Completion of the tender for utilities for the industrial land;
- g. Review of Bruce Rock Engineering Building Plans;
- h. Annual Food Act audit – there are no records to reflect inspections for the previous twelve months, nor has a register been prepared

Other regular duties which require EHO time: -

- 1) Twice weekly reports for landfill site;
- 2) Completion of the Management plan for the landfill site;
- 3) Completion of the Food and Public Building Registers.

I have commenced plans for the Medical Centre storeroom.

Settlers Court Spa Pool Nee Hydrotherapy Pool

There are gremlins in the system. Despite regular inspections by Administration staff the heating system is turning off or failing to reignite once temperatures drop below set levels of 33 degrees.

The Plumber is investigating reasons why this should occur. In the meantime the EHO attends at around 7am to ensure heater is on for the day and the Pool Manager confirms the system for the afternoon.

The Pool has been approved by the Executive Director Public Health as a Group two facility which is contrary to the grouping sought – Group three. The implications are that the facility must be manned by competent persons when in use.

The administration has applied for a group three classification and is addressing the perceived risks that the Department envisages. It is likely that the installation of an alarm and first aid qualified staff in the Administration building is required.

Buildings Containing Asbestos

Quotations have been received from two Providers to remove the asbestos components from several dwelling that Council either owns or has placed a Notice on.

Property	Provider 1 (Ex GST)	Provider 2 (Ex GST)	Comment
Lot 339 Dampier	11,200	10,500	No budget funds
Lot 332 Farrall	9,880	11,450	No Budget Funds
Lot 58 Bean	2,590	1,581	Budget funds \$2,000
30 Parry Street	12,600	9,400	
Fence 30 Parry	2,590	3,500	
Totals	38,860	36,431	

These items are the subject of several agenda items and the costs are provided for consideration.

COUNCIL DECISION

Resolution Sept12-7a

Moved Cr Buller Seconded Cr Rajagopalan

That Council proceed with the removal of asbestos from the above properties and funds be allocated through the budget review process.

Carried 9/0

COUNCIL DECISION

Resolution Sept12-7b

Moved Cr Buller Seconded Cr Rajagopalan

That Council receives the Environmental Health Officer’s Information Report, as presented.

Carried 9/0

Agenda Reference and Subject:

7.1.1 Pool Slide Repairs

File Reference:

4.1.3.7

Reporting Officer:

John Mitchell, Environmental Health Officer

Disclosure of Interest

Summary

Report seeks Council direction regarding the continued use of the Slide and Slide pool at the Bruce Rock Aquatic Centre. Engineering advice based on AS3533.1 and industry quotations indicates an upgrade cost of nearly \$100,000.00.

Background

It is understood that the slide was closed in 2011 following an unfortunate incident and the receipt of the RLSSWA report.

To over view the project Engineering advice is required. Accordingly Mr Eric Robb was engaged to provide a competence report on the steps and slide.

Comment

The Environmental Health Officer has been heavily involved in modifications and upgrade of the Slide Pool at Merredin several years ago. That process involved the use of a hardened polystyrene product shaped to form the increased height, held in place by “booker” thread rod and then layered in fibreglass product and resin and then painted with two part epoxy resin.

There are various examples of slides for sale particularly in America. Costs vary but suggest that \$100,000 for an upgrade is economical compared with purchase of a new facility.

Alternatively Council may wish to attempt the repair “in-house”.

Consultation

AS 3533.1 Amusement Rides and devices – design and construction. Mr Eric Robb, Engineer, RLSSWA Report dated 13/12/2011; Code of Practice – Design, construction, operation, management and maintenance of Aquatic Facilities; Web – Amusement Slides Purchase, Cost, Second-hand;

Statutory Implications

The provisions of the Aquatic Facilities Code of Practice and supporting regulations require that slides comply with AS3533.1 Amusement Rides and devices – design and construction.

Whilst Council was granted an approval to open the Group 1 Aquatic Facility by the Executive Director Public Health in 2007 the contents of that approval did state that obligation for ensuring compliance on currently open and accepted public pools is the obligation of the local government. The inspections by RLSSWA (under the umbrella of the Insurers) were designed to make local government aware of the known failures.

Council administration and Council Members are aware of the non-compliance. Continued use of the facility may incur claims of failing in its “duty of care” to ensure persons are not injured if future claims are received.

Use of the slide requires an additional lifeguard during times the slide is open.

Repairs to the slide include lowering to a maximum of 50mm above water line, placement of 500mm of additional slide wall support on bends and at exit flume; reinstatement of the supports for the entry flume to the timber decking; (Note that the current affixment is dangerous and unsafe – two tek screws on one end hold the top two metre section in place.

Policy Implications

There are no policy implications.

Financial Implications

Costs to date are \$3,500 for Engineering advice. Council has budgeted \$20,000 to commence repairs. The estimated cost of upgrade is \$100,000.

It may be possible to seek grant funding for the upgrade through the Department of Sport and Recreation annual funding.

Strategic Implications

There are no strategic plan implications.

The Bruce Rock aquatic facility has become well known regionally for the range of facilities provided.

Voting Requirements Simple Majority

Officer Recommendation

That the slide facility associated with the Bruce Rock Aquatic Facility remain closed pending research by the Administration into possible grant funding opportunities to modify and reopen the Aquatic Amusement slide at the Aquatic Centre.

The officer’s recommendation was varied to allow staff to research options for the upgrade of the slide at the aquatic centre.

COUNCIL DECISION

Resolution Sept12-7.1.1

Moved Cr Foss Seconded Cr Verhoogt

That the slide facility associated with the Bruce Rock Aquatic Facility remains closed pending further research by the administration staff.

Carried 9/0

Agenda Reference and Subject:

7.1.2 Lot 406, 30 Parry Street, Bruce Rock

File Reference:

Ass 375

Reporting Officer:

John Mitchell, Environmental Health Officer

Disclosure of Interest

Summary

Report confirms that letters sent on 20 May 2011 and 27 August 2012 relating to the demolition of the dwelling on the lot has not been acted upon and no arrangements or agreements for the removal of the house have been reached. The initial notice was served on 4 February 2011.

The matter has been presented to Council on 16th June 2011 item 13.1.1. The resolutions read: -

- 1. Council resolve that in accordance with the notice served on the 4th February 2011 under section 137 of the "Health Act 1911" to the registered owners of the land, Garry and Susan Garlett, directing them to demolish and remove the Building now affirms its intention to take down and remove the Building situated on Lot 406, 30 Parry Street, Bruce Rock.*
- 2. In respect to the so-called application for extension of the Shire's plans for the premises; Council formally reject the proposal as it is far outside of the lawfully 90 days allowed for compliance and furthermore the proposal contains nothing of substance.*

Background

Council must always act promptly to enforce notices served upon landowners. Delays lead to comfort zones for persons who subsequently form an opinion that the notices are rhetoric and not proposed to be enforced.

In addition there may be a "duty of care" as Council declared the premise unfit and required demolition within 90 days being the 4 May 2011. Since that time the owner has not secured the property and access has been made by persons unknown to remove patio's, doors, refuse bins and in addition there is evidence of habitation/camping.

Comment

Quotations for asbestos removal are being sought. Council is unlikely to see a monetary return for carrying out the works as required by the Notice issued under section 137 and 140 of the Health Act 1911.

Consultation

The EHO met with relatives of the owners on Thursday 6 September 2012 (Pam & Irene Jetta) who advised that the demolition works were occurring. Verbal contact with Susan Garlett has not occurred and correspondence sent by the administration to Mrs Garlett, advising of this agenda item and its intent, has not been replied to.

Statutory Implications

Section 353 of the Health Act permits the local government to possess the land after the expenses incurred by the local government remain unpaid for three years. Council must be mindful not to enter any agreement to pay costs over time otherwise this provision will be negated/delayed if small amounts are paid

Policy Implications

There are no policy implications.

Financial Implications

The cost to demolish the building, excluding disposal costs, is estimated at \$15,000.00. There is asbestos within barges, fuse board, rear rooms, scattered on the block, fences internal and rear fence. The side fence (east) which separates the two properties have not been included within the proposed demolition.

Funds have not been provided within budget to resolve the matter. It is requested that funds be made available.

Strategic Implications Nil

Voting Requirements Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution Sept12-7.1.2

Moved Cr Thornton Seconded Cr Currie

- 1. That the administration be instructed to commence procedures to serve notice of Councils intent to demolish the dwelling situated on Lot 406 Parry Street, Bruce Rock and claim the costs through a Court and to follow the terms of Section 353 of the Health Act 1911.**
- 2. That the Administration ensure that the dwelling is removed from lot 406 Parry Street Bruce Rock no later than 31 January 2013.**
- 3. That the allocation and funding of the costs of demolition be included within the required “within year” review of the 2012 2013 budget.**

Carried 9/0

Agenda Reference and Subject:

7.1.3 Provision of Accommodation Facilities
Letter from K Arnold

File Reference: 2.1.4.9

Reporting Officer: John Mitchell, Environmental Health Officer

Disclosure of Interest Nil

Summary

Report recommends that the correspondence of Mr Arnold be responded to, and he be provided with the legislative requirements for operation of Class 1b and Class 3 buildings as “standalone” or premise with multiple classifications.

Background

Mr Kevin Arnold has corresponded to Councillors and administration regarding several practices of Council that he feels is unfair competition and potentially misuse of the buildings owned by Council. A copy of the letter is below.

Comment

I have tried to make this explanation as simple as possible considering the implications of the Building Act 2011. My apologies for the item tends to jump rather than flow. I suggest reading the legislative requirements section prior to reading the remaining segments.

To an extent the comments of Mr Arnold are correct, however all parties ‘platforms’ require improvement. To address Mr Arnold’s concerns the following is advised: -

- a. The use of the Bunker to accommodate more than 6 persons requires the issue of a Lodging House licence to the owner/lessee of the building and whilst used for that purpose cannot be used for any other purpose;
- b. A building may have multiple classifications and uses providing it meet the highest standard applicable. In the case of the Bunker it is defined as a class 1b by the Code and the highest standard is it is a standalone classification;
- c. In the case of a class 3 over a class 6 the highest standard is a 180min rated fire wall and sub floor system *or* it is used as a standalone building and becomes, subject to the 300m² rule, a class 1b.

Mr Arnold further alleges that the Council accommodation takes customers from his business. Providing Council is charging appropriate rates (National Competition Policy) and the premise can withstand criticism and review by an external legal entity e.g. Building Commission or Environmental Health Branch; there can be no state government or judicial action contrary to the use proposed by Council as the permitting authority.

With respect to the craft shop Council must therefore make a choice of use or close the use as a shop whilst the premise is used for class 1b accommodation. Close implies all materials for sale are removed and not stored on premise as they pose a fire risk and are materials not normally associated with accommodation premise.

It is suggested that the two premise (Bunker and Craft Shop First Floor) be maintained as accommodation units and the craft shop be relocated.

Consultation

Mr Arnold has been verbally advised by the Environmental Health Officer that the matter will be brought to Council at the September 2012 meeting. Further efforts to assist Mr Arnold with fire ratings of his current accommodation proposal have been acknowledged by Mr Arnold.

Review of the Health Local Laws 2006; National Construction Code 2011 & 12; Health (Public Buildings) 1992 has occurred.

Statutory Implications

The provisions of the National Construction Code 2012, Health (Public Buildings) Regulations 1992, Shire of Bruce Rock Health Local Laws 2006 - Lodging House Provisions and the Residential Tenancies Act are applicable to the classes of buildings used to accommodate persons for short terms.

For example a building housing accommodation rooms above a shop is classified as a class 3 over a class 6 and a type “B” construction which requires the placement of 180/180/180 (a measurement of structural adequacy, integrity and insulation) fire rated systems to separate the use classes i.e. concrete floors or fire resistant floor and ceiling systems. Alternatively removing the class six use frees the entire building for use as it currently exists – a class three.

Where an accommodation unit is a standalone building and is less than 300m² in size and can only be a sole use building e.g. the Bunker, then accommodation of up to 12 persons applies *providing* the provisions of the Health Local Law relating to Lodging Houses are met.

All uses are required to approved by the permitting authority – in this instance the Shire of Bruce Rock Building Surveyor.

Policy Implications

There are no known policy implications but the use has ramifications

Financial Implications

If the building is leased as a craft shop then the use of the upstairs component as a accommodation premise must cease as Council is acting contrary to Section 3 of the Local Government Act 1995 and the Building Act 2011.

Strategic Implications Nil

Voting Requirements Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution Sept12-7.1.3

Moved Cr Thornton Seconded Cr Currie

That the report regarding potential conflicts with the operation of the Bruce Rock Roadhouse be received.

Carried 9/0

Agenda Reference and Subject:

7.1.4 Planning & Development Act – Planning Application – J Ashmore – Boundary fence height increase; relocate sea containers from Lot 337 and 338 Farrall to Lot 312 Railway Parade Bruce Rock

File Reference:

A435

Reporting Officer:

John Mitchell, Environmental Health Officer

Disclosure of Interest

Summary

Report recommends that Mr Ashmore’s application be advertised for a period of 14 days and that the Chief Executive Officer, subject to no negative submissions received, be given delegated authority to consent to the application being approval to relocate the two seatainers to Lot 312 Railway Parade, Bruce rock, to install a 1.8m screen fence along Farrall Street and to agree to a deadline of 31 December 2012 to remove the disused materials on Lots 337 and 338 Farrall Street, Bruce Rock

Background

Since 2011 Council’s administration has been liaising with Mr Ashmore to clean up the six lots on which the Trucking Company operates. Since April 2012 Mr Ashmore has removed substantial quantities of scrap steel and disused materials including old vehicles. Lots 335 and 336 have been cleaned up and re-leveled.

In previous discussions and correspondence to Mr Ashmore Council’s administration has indicated that fencing the site is a preferred option of the Shire of Bruce Rock.

Comment

The Business – Wy Worry Transport enjoys a “non-conforming use” right and Council can refuse to approve any *major* improvement to the property which is the subject of an application for local planning scheme consent. There are appeal rights and compensation matters to be resolved if Council commences procedures for terminating the non-conforming use.

Consultation

There has been no verbal consultation with neighbours. Correspondence has been sent to the owners of lot 311 Railway Parade Bruce Rock advising of the intent to relocate the sea containers to Lot 312 Railway Parade and seeking their comments.

Statutory Implications

Sea containers relocation - The provisions of Clause 4.9.1 of the Shire of Bruce Rock Local Planning Scheme No. 3 are applicable and state: -

4.9 Extensions and changes to a non-conforming use

4.9.1 A person must not -

- (a) alter or extend a non-conforming use;
- (b) erect, alter or extend a building used in conjunction with or in furtherance of a non-conforming use; or

- (c) change the use of land from a non-conforming use to another non-conforming use, without first having applied for and obtained planning approval under the Scheme.

4.9.2 An application for planning approval under this clause is to be advertised in accordance with clause 9.4.

4.9.3 Where an application is for a change of use from an existing non-conforming use to another non-conforming use, the local government is not to grant its planning approval unless the proposed use is less detrimental to the amenity of the locality than the existing non-conforming use and is, in the opinion of the local government, closer to the intended purpose of the zone.

Clause 9.4 requires the local government to advertise an application where in the opinion of the local government the neighbours are likely to be affected by the proposal. The sea containers are currently located adjacent to the laneway adjacent to Lot 312 Railway Parade.

This is not a major change to the operation of the non-conforming use or the provision of an additional building.

Policy Implications

Sea Containers Component relocation - The land is zoned residential and the provisions of the Outbuilding Policy are applicable. sea containers are not permitted within the residential zone though these containers were on site prior to the implementation of the policy.

It is suggested that the sea containers be allowed to remain on site – Lot 312 whilst the premise operates as a non-conforming use right and that a condition of approval be that the sea containers shall be removed once the non-conforming right – Trucking Firm ceases to operate.

A condition of consent should include limiting hours of operation to 630am – 5pm Monday to Friday and 7am – 12pm Saturday and no work Sunday.

Fence – Provision of 1.8m screened fence to all sides lots 335, 336, 337 & 338 Farrall Street – the land is used for the storage of materials and equipment associated with the operation of a truck depot. Substantial quantities of disused machinery and scrap have been removed from the site.

If the site was located within the “general” or light industry” zone a 1.8m fence to all sides of the development would be provided.

Clause 10 of the Shire of Bruce Rock Local Laws Relating to Fencing permits the local government to modify the local law in a particular case for reasons relating to the safe or convenient use of the land; or the safety or convenience of any person.

As the site is a work site and non-conforming use; the safety of the equipment and the safety of persons is a legitimate reason for consideration of a screened fence around the work site. A condition of consent should be the removal of over-height fences to the front elevations of lots (and first 7.5m of side fences) when the non-conforming use expires or terminates.

Extension of Order – Section 3.25 Local Government Act 1995 -

Council administration has commenced the process to issue a Section 3.25 LGA95 notice. An “official” notice has not been issued. It is suggested that the ‘extension’ to comply be consented to and the list of materials to be removed be included within the extension consent.

Financial Implications

Planning application fees of \$139 have not been paid

Strategic Implications

There are no strategic implications

Voting Requirements Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution Sept12-7.1.4

Moved Cr Buller Seconded Cr Rajagopalan

- 1) That the application to relocate two sea containers to Lot 312 Railway Parade Bruce Rock be advertised (for a period of 14 days) in accordance with Clause 9.4 of the Shire of Bruce Rock Local Planning Scheme No. 3;**
- 2) That the Chief Executive Officer be granted delegated authority to provide Town Planning consent to the relocation of the two sea containers to Lot 312 Railway Parade Bruce Rock and that as a condition of consent that the sea containers are to be removed from the site when the non-conforming use – truck depot terminates;**
- 3) That the application from Mr Ashmore seeking approval to erect a 1.8m new materials post and rail screened fence to the Farrall Street front and first 7.5m internal side fences elevation around lots 335, 336, 337 & 338 Farrall Street, Bruce Rock be approved subject to the fences being brought back to conformity with the Shire of Bruce Rock Local Law relating to Fences at the termination of the non-conforming use - truck depot;**
- 4) That the Environmental Health Officer liaise with Mr Ashmore determine the remaining materials and the like to be removed from the land and provide a written extension to expire on 31st December 2012 to Mr Ashmore.**

Carried 9/0

Agenda Reference and Subject:

7.1.5 Outline Development Plan (ODP) –
Residential Development Location 26240

File Reference:

3.1.4.5

Reporting Officer:

John Mitchell, Environmental Health Officer

Disclosure of Interest

Summary

Report considers the comments and issues raised by submissions and recommends that the development of Location 26340 for residential continue with minor modifications.

Background

In 2007 Council prepared an overlay of development for Location 26240. Subsequently the ODP was advertised and has not moved forward since that time as the WA Planning Commission insisted that the Scheme review be finalised before the subdivision would be considered. On completion of the Scheme, and because the Scheme required developments like this one to be subject to new Outline Development Plan provisions, the Council (in May 2012) considered a further item from the administration relating to a modified ODP and re-advertised the proposal.

In the original ODP in 2008 Public Transport Authority provided consent without conditions. No insurmountable issues were raised by other submissions. The plan was subsequently returned to Council by the WA Planning Commission for amendments relative to the Country Sewerage Policy, lot sizes and amendments road design to reflect additional Public Transport Authority comment.

The situation is a complete reverse in 2012.

Comment

A summary of the submissions, copies of the submissions and general comments relating to each submission are contained in the attachments to this report.

Discussing the major comments raised and providing recommendations it is advised: -

Health Department of WA Submission:

Development of any land within Bruce Rock town-site will result in similar comments from submissions including land suitability for onsite disposal for waste water disposal and access. Until deep sewer or grey water disposal schemes are provided nothing will change.

Council should condition development to the most environmentally and preferably cost effective system of waste water disposal. It is likely therefore that the use of Aerobic Treatment Units (ATUs) with larger areas of reticulated water disposal will be required. Current systems require 150m² of reticulated spray disposal areas. It is likely that ATU's will work onsite though individually are considered expensive (\$20,000 vs \$12,000 Septic Tank & Leach Drain) and an opportunity to trial a centralised water reclamation plant through grants and sale costs is suggested for further research.

The provision of buffer zones to reduce the impact of spray drift and dust creation from broad-acre operations is a justified consideration and Council should retain and encourage growth of the public open space north of the road created within the development i.e. the northern bush should be retained and form a revegetation buffer. In discussions with HDWA representatives (Mark Madison) it was raised that the policy had grave implications for short term expansion of wheat-belt communities as it impacted on existing land use and due to the cost of chemicals only one drift has been reported in nearly 30 years. The verbal response was that the policy was aimed at vineyards and vegetable market gardens however it should be considered within any proper planning framework.

Public Transport Authority (PTA) Submission:

In 2008 the Authority approved the northern crossover without condition.

The PTA has advised that *no rail crossings will be permitted*. Discussions were held with Mrs Shelley Brindal of PTA who advised that the only avenue to amend the administration stance is if the Minister formally closes Tier Three rail. I have made the assumption that Council does not seek for this stance to be pursued at this time.

Noise abatement measures must be taken. Whilst a general rule can be applied they must be relevant to the situation; do trains operate at night, what type of train and other questions require answering prior to determining a noise plan and acceptable solutions to the noise. It is more relevant for Council to seek a notification on the Title Deeds advising of the proximity of rail corridor to the development. The WA Planning Commission will be the arbiter in this case as it is likely to impose a condition on the subdivision approval.

Fencing of the site from Public Transport land is required. The adjacent recreation ground and the paddocks north of the site are separated from rail by a standard rural fence or similar. In order to meet the standards required by PTA Council should provide a 1.8m fence to the entire development from both the recreation grounds and the paddock north and east. This is contrary to proper liveable neighbourhood planning as it creates dead and blind areas and a restricted enclosed area. The fence line should be upgraded to a seven strand farming fence and tree planted verge with paths to encourage use to the Recreation Centre and Dunstall Street formed road way. A screened fence will attract vandalism as a “blank canvas” and act as a sail for high winds. Proper footpaths and screening via plants will create a more liveable neighbourhood. Perhaps if PTA wants to restrict access to the rail corridor it should fence it.

Commencement of Other Residential Development

The process of ODP preparation and consulting with lead agencies would commence again.

As previously stated development of land to the north of Collier Street or west of Noonajin Road will incur similar issues relating to onsite waste water disposal and noise. Development north of Collier Road would be less complicated to ensure connection to grey waste water schemes in the future. Similarly development of location 26240 poses less issues for gravity fed systems than Noonajin Road provides. Soil analysis would most likely indicate slight permeability as the majority of soils around Bruce Rock are clay based.

A second matter is the desirability of the lots. It is likely that the opportunity of living adjacent to the recreation centre, bowling club and on a slightly elevated site for

development adjacent to town would be more desirable than a continuous line of blocks available for sale in an existing street.

Council must now determine if the development is to continue. The Officer's recommendations reflect the intent to continue with the development.

Consultation

The attached 'schedule of submissions' for development of Location 26240 includes all consultation undertaken with respect to this application.

At the July 2012 meeting Council was advised in the Environmental Health Officer's report of the following:

"On 4th July 2012 the CEO and EHO met with Kylie Coman and Steve Martion of LandCorp regarding their involvement within the proposed subdivision of Location 26240.

If LandCorp becomes involved it is policy that the land title be transferred unencumbered to LandCorp for development. Council contribution would then be limited to the provision of sealed roads and the gifting of the land to LandCorp. The balance of land unused can be transferred back to Council at the completion of the project. An agenda item for the Board of LandCorp to consider funding the development is to be presented at the October 2012 (LandCorp) meeting. This will delay construction of the project but could potentially limit Council's exposure to the road costs and the loss of the value of the asset – a portion Location 26240 i.e. \$100,000 approximately compared with budget forecasts of \$600,000.

If the application to LandCorp is successful Council will need to resolve that road expenditure can occur without recoup and that the Chief Executive Officer is granted delegated authority to gift Location 26240 to LandCorp for development of residential lots in accordance with the Outline Development Plan approved.

It is also LandCorp policy that land development must reflect relative construction and development costs but at a minimum sale prices will be in the vicinity of \$40,000 if LandCorp agrees to partnership fund the land development. Initially if LandCorp develop 6 – 8 lots will be released. If this occurs Council will not need to recoup all costs of the development and it is likely that LandCorp will absorb a loss against each block.

Distinct issues that the developer (Shire) must address are: -

- (a) Western Australian Planning Commission Consent to development;*
- (b) Public transport Authority cross over clarification and consent;*
- (c) Health Department of WA consent for onsite waste disposal;*
- (d) Does Council seek to retain one lot for development of a CEO residence?*

It is expected that the Shire of Bruce Rock administration obtain a – c above and then await the decision of LandCorp. Council input and direction is sought. It is suggested that the development be deferred pending advice from LandCorp in October 2012."

A recommendation to permit the Chief Executive Officer to commence discussions with LandCorp is included within this report.

To address LandCorp issues Council will need to resolve: -

- a) Road access – Shire of Bruce Rock to provide – Council agreement required;
- b) Need for noise controls – Proposed notification to title deeds;
- c) Provision of on site waste disposal to satisfy potential approval conditions – need further research and geotechnical report;
- d) Pedestrian access – to be provided as a component of road access;
- e) Land tenure – Shire of Bruce Rock to resolve to allow LandCorp to tenure the land pending subdivision of stage one (up to 12 lots) from the Location and then the balance of land is to be returned to Shire of Bruce Rock tenure.
- f) Does the Shire of Bruce Rock seek to acquire created lots for its own future developments – e.g. new senior management dwelling?

Statutory Implications

The provisions of the Shire of Bruce Rock Local Planning Scheme No. 3, Planning & Development Regulations 2009 and the Planning & Development Act 2005 are applicable.

Copies of the submissions received shall be provided in addition to a schedule of submissions and comments relating to those submissions are required to be prepared.

Council, as the developer, and the legal ‘owner’, must be mindful that a ‘duty of care’ exists in considering submissions and its subsequent decisions, as the regulator, to the Developer relating to the application to develop the land.

Policy Implications

Council’s policies relevant to Town Planning are uniform with this project. Council has also considered passive solar principles and building envelopes.

Financial Implications

Estimates of construction based on experience and subdivisions in Merredin recently suggest a cost of between \$45 and \$55/m² of released land area are applicable. Based on 28,742m² of released land the cost of construction is estimated at \$1,500,000.00.

There are no known grant avenues to reduce these costs as the development is residential.

The costs to achieve consent and planning consultant are estimated at \$3,500.00

The costs to complete an onsite waste water audit are estimated at \$4,000.00. This step in the process will either confirm that alternative systems such as aerobic treatment units will work and can form part of the WAPC condition of development that an site specific geotechnical report be undertaken to confirm the most appropriate on-site waste water disposal system that shall be installed when development occurs.

Strategic Implications

There is little land available for development within Bruce Rock town-site. A major ‘hurdle’ is the permeability of the land in and around the town site which is considered unsuitable for standard septic tank and leach drain disposal waste water systems.

Any development proposal for the town of Bruce Rock will have ‘concerns’ raised by Health Department of Western Australia or Department of Environment & Conservation regarding land suitability for wastewater disposal; and for buffer zones . Council must

now manage development to prevent failure of systems and still create a lifestyle opportunity.

Voting Requirements Simple Majority

(Note that recommendations do not address LandCorp matters contained in “consultation”.)

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution Sept12-7.1.5

Moved Cr Verhoogt Seconded Cr Dolton

- 1) That the schedule of submissions for the Outline Development Plan of Location 26240 be acknowledged and the administration responses contained within the ‘comments’ box be endorsed.
- 2) That all submissions relating to the Outline Development Plan of Location 26240 be responded to and advised of Council’s decision;
- 3) That the Outline Development Plan of Location 26240 be adopted subject to the following modifications: -
 - a. The provision of a road access opposite Lethlean Street to access the development of Location 26240;
 - b. deletion access to the Bruce Rock Merredin Road and note the provision of a seven strand rural fence to the west of the development and indicate that land adjacent to the fence as public open space to be revegetated;
 - c. showing a footpath access to the oval, recreation centre and to town-site via the new road created;
 - d. preventing use of the land north of the development within the location 26240 and designate the area as public open space to be the subject of revegetation to minimise spray drift and dust.
- 4) That the amended plan, schedule of submissions, copies of submissions and a covering letter be sent to the WA Planning Commission requesting that the outstanding application for subdivision be determined in accordance with the modified ODP with the following conditions of development:
 - a. As the departmental and political decision to retain the tier three rail is unknown and Council is aware of only limited small train use (locomotives & the like) of the rail line and that therefore no local noise data for train use is available a condition that a notification be placed on the title deeds created of the presence of the rail corridor adjacent to the lot created is sought;
 - b. That a condition of approval be the compilation of a site specific geotechnical report and appropriately qualified persons advice be provided to achieve the most appropriate on site waste water disposal system or (automated treatment unit)
- 5) That, subject to the development being approved, the Chief Executive Officer is authorised to carry out discussions with LandCorp to commence development of a portion of Location 26240 with the following components of Council input:
 - a. Council will provide the bitumen road to the development including stormwater controls and footpaths;
 - b. Council will provide the land for annexation of the lots to be created by LandCorp for development.

Carried 9/0

**Local Planning Scheme No. 3 – Outline Development Plan – Location 26240
Summary of Public Submissions Received
Regulation**

Organisation/ Individual	Submission	Suggested Response
Telstra – Team Telstra F Walkerden Strategic Forecaster By Email	No Objections to proposal, note that network extension will require an application before construction is to commence	Note Telstra submission of no objection to the proposal.
Department of Water 7 Ellam Street, Vic Park WA 6100	Stamped Council copy of letter – indecipherable signature – “Assessed – No Comment – Date 1 August 2012	Note Department of Water submission
Government of Western Australia – Public Transport Authority	<p>No objections and advise of the following: -</p> <ul style="list-style-type: none"> a) New level crossings will not be permitted across rail corridor . Seek additional information how Shire intends to manage pedestrian movements to link subdivision; b) ODP suggests that an access road is created within rail corridor; c) While the line is non operational at this time noise abatement measures could only be dismissed if the line is permanently closed; d) Fencing of the rail corridor to be installed at a 1.8m height; e) Drainage to be directed away from the rail corridor. 	<p>Note the Public Transport Authority comments and provide response as follows</p> <ul style="list-style-type: none"> a) Access to subdivision will be via Dunstall Street; link to the subdivision will be via Dunstall level crossing – there is no significant increase in public use foreseen above that which already uses the recreation grounds adjacent and is the subject of discussions with Main Roads WA at this time, further note that the traffic and pedestrian numbers will not rise in the short to medium time period; b) An existing track is in place utilised by the access landlocked owners of blocks further north of the town site. Council’s plan does not reflect any access other than through a recognised rail crossing;

		<p>c) Noise abatement is an issue the developed must consider however it is not possible to provide accurate noise measurements or contour based on the extremely infrequent use of the rail line currently, nor is it effective to blanket condition development because of the indecision of “others”. Council should seek a condition on development consent from the WAPC that notification be placed on the Title Deeds advising of the rail use;</p> <p>d) Council notes the 1.8m fence request and advises that all existing fences to the corridor are 900mm cockies fence and that Council will retain the existing 5 strand cockies or rural fence adjacent to the development, however that a higher fence can be installed if the PTA consent to 50% cost, further note that area is currently adajcnt to a rural zone and side baoundry fences of 5 strand are not to be changed therefore the 1.8m fence achieves no real safety improvement;</p> <p>e) Site topography indicates that rain water disposal will occur to the east of the oval and therefore will not impact upon rail corridor.</p>
Main Roads	MRWA Has no	Note the MRWA

<p>Western Australia P.O. Box 194 Narrogin WA 6312</p>	<p>objections and submits following comments:</p> <ol style="list-style-type: none"> a) Location of proposed road access to Bruce Rock Road is acceptable and suggest MRWA be consulted during design phase; b) No additional storm water to enter main road reserve. 	<p>comments and advise:</p> <ol style="list-style-type: none"> a) Location and consultation of main road access will include MRWA during design phase; b) Topography of the site would restrict the use of the PTA or MRWA reserves to channel water and is not proposed by the development.
<p>Government of Western Australia Department of Mines & Petroleum</p>	<p>No comment to make with respect to its gambit of responsibility</p>	<p>Note the submission from the Department of Mines and Petroleum.</p>
<p>Water Corporation, P.O. Box 100 Leederville 6902</p>	<p>No objections however comment of need for a 100mm connection from Osborne Street, Bruce Rock required</p>	<p>Note the submission from the Water Corporation.</p>
<p>Government of Western Australia - Department of Health, P.O. Box 8172 Perth Business Centre WA 6849</p>	<p>DoH provides following comments:</p> <ol style="list-style-type: none"> 1. Concerns are raised in regard of the capability of the site to to dispose of waste water on the smaller lot sizes and there is a need to perform a site specific geotechnical report in mid winter; 2. ODP Content – recommends that “Public Health” be added to ‘Objectives’ within the various strategies covering disability access, disaster preparedness, social and mental wellbeing of 	<p>That Council note the submission from the Health Department of WA and advise:</p> <ol style="list-style-type: none"> 1. Soil conditions throughout Bruce Rock are considered slightly permeable to not impermeable. Despite 15 years attempting to get priority for provision of black water or grey water disposal schemes Bruce Rock is not considered a priority by the State Government. There are options for disposal including Aerobic Treatment Units that recycle wastewater. WAPC will be requested to include condition of development that

	<p>residents, workforce and visitors:</p> <ol style="list-style-type: none"> 3. Land use conflict between farming and residential requires the completion of buffers to protect residents from lifestyle and public health impacts such as mosquitoes, dust or pesticide drift from agricultural activities; 4. Consider incorporating Health Impact assessment and/or Public Health Assessment principles into decision making process 	<p>dwellings are to be provided with aerobic treatment units in place of leachdrain waste water disposal systems on site;</p> <ol style="list-style-type: none"> 2. Public health is represented under the Health Act 1911 and subsidiary legislation and these statutory heads of power are used where the Shire and/or PEHO deems a situation exists that is injurious or dangerous to health. Disability access is currently a component of Council’s strategic plan and the Disability access and inclusion plan of the Shire of Bruce Rock as amended from time to time. Disaster preparedness is analysed, discussed and resolved under the local emergency management committee. The social and mental wellbeing of residents, workforce and visitors is suitably considered with existing frameworks available to local governments – e.g. Liveable Neighbourhoods, HDWA Sewerage Policy – Small Regional Communities; 3. The Shire will invest all due diligence in existing and future issues of land use conflicts and incompatible activities; 4. The proposed public health bill is seen as
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		<p>an overarching document encompassing existing frameworks such as the Disability Access and Inclusion Plans, Local Emergency Management Committee and public submissions for projects as outcomes to name a few. Integration of public health planning will occur through community consultation and incorporate into the public health document the substances which come from such appraisal. This endeavour is only possible when the full ramifications and substance of the Bill are known and become a statutory responsibility within the new Act.</p> <p>The issue of the provision of a buffer zone is merited and if the project proceeds the area north of the proposed road should be retained and grown to act as a suitable barrier to dust and spray drift.</p>
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Letters seeking comment were sent to: -

Heritage Council of WA	FESA	Wheatbelt Development Corporation
Department of Regional Development & Lands	Department of Agriculture & Food	Department of Education

Department of Training and Workforce Development	Department of Environment & Conservation	Department of Water
Department of Indigenous Affairs	Department of Mines and Petroleum	Department of Health
Water Corporation	Western Power	Main Roads Western Australia
Department of Housing and Works	Department of Transport	Public Transport Authority
Telstra	State Land Services	

Public advertising & Additional Information comprised: -

West Australian Classifieds 25 July 2012	The 2012 Rock Review 9 August 2012	Public Notice Board – Shire of Bruce Rock Administration
PlanWest Pty Ltd	Western Australian Planning Commission – review of Outline Development Plan prior to advertising for content	

Agenda Reference and Subject:

7.1.6 Town Boundaries Amendments – Department of Land Administration

File Reference:

1.6.4.1

Reporting Officer:

John Mitchell, Environmental Health Officer

Disclosure of Interest

Cr Verhoogt

Cr Verhoogt declared a Proximity Interest and left Council Chambers at 1.58pm

Summary

Report recommends incorporating properties adjacent to the town boundaries and not used for general farming and cropping purposes into the town boundaries.

Background

Over time the development of small holdings has occurred adjacent to the town boundaries as shown on the town photograph. A copy of the town boundaries appends.

These properties are not used for farming or rural pursuits and fall outside of certain controls of development including private swimming pools, building controls for outbuildings, the provision and enforcement of refuse and refuse collection controls and use and enjoyment of lands, e.g. separation of farm uses from ‘sensitive premises’ as defined by the Environmental Protection Act 1986.

It is understood that Council seeks to include these properties within the town boundaries.

Comment

The following properties could be considered for inclusion within the town boundaries: -

Property	Current Use	Current Zoning	Proposed Zoning
A879 Lot 1 Noonajin Road Bruce Rock	Residential	Rural	Residential
A1060 Location 21690 1 Noonajin Road Bruce Rock	Residential & Short term accommodation	Rural - School	Residential
A1106 Location 14871 Barr Street Bruce Rock	Residential – 2.8Ha – (Component of is in crop)	Rural Farming -	Residential
A1018 Bruce Rock York Road Bruce Rock -	Residential	Rural – Hall	Residential
A2413 Loc 14870 Bruce Rock York Road	Broad-acre Farming - crops	Rural	Rural residence until placed on site
Location 26240 Bruce Rock Merredin Road, Bruce Rock	Unused previously cleared land	Residential	Residential

Amendments to town boundaries are implemented through the Department of Land Information. In general terms the local government should follow open transparent procedures

Consultation

Consultation with the effected landowners must be undertaken

Statutory Implications

Landgate are the department responsible for the town site boundary amendments.

Section 26 of the Land Administration Act 1997 states: - (Footnote: implying that the Department of Regional Development's consent is also required)

26. Constitution, etc. of land districts and townsites

(1) In this section

townsite

(a) means townsite constituted under subsection (2); and

(b) except in subsection (2)(a), includes land referred to in clause 37 of Schedule 9.3 to the *Local Government Act 1995*.

(2) Subject to section 26A, the Minister may by order

(a) constitute land districts and townsites;

(b) define and redefine the boundaries of, name, rename and...

Discussions with the Department of Regional Development and Lands indicates there is no known procedure for the decision making process, however all decisions of local government are the subject of an appeal.

There is a general clause within the Local Government Act 1995 Section 9.3 which provides an appeal right and process for decisions which directly affect that person.

In General terms the local government, should if the recommendation is to proceed, advise all affected landowners; and the Department of Local Government and the Department of Regional Development & Lands.

Policy Implications

There are no policy implications to Council.

Financial Implications

No liaison with the Valuer General's Office has been undertaken however it is likely that a perception that a substantial increase in rates will occur will prevail.

Experience in a former local government position indicates that a change of boundary or zoning does not necessarily imagine a substantial increase in rates. This is because the regular revaluations of properties undertaken generally notices use against zoning and minimal increases occurred.

Strategic Implications

Properties are zoned and "use classed" appropriate to the current occupation and use. This can reduce use conflict, non-conforming use rights and provide correct legal infrastructure over the properties which reflect the use rather than the current zoning.

Voting Requirements Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution Sept12-7.1.6

Moved Cr Thornton Seconded Cr Buller

That Council resolve to commence a public and stakeholder process pursuant to the provisions of the Local Government Act 1995, and the Department of Local Government and the Department of Regional Development & Lands requirements to include the following lots and Locations within the town site of Bruce Rock: -

Property	Current Use	Current Zoning	Proposed Zoning
A879 Lot 1 Noonajin Road Bruce Rock	Residential	Rural	Residential
A1060 Location 21690 1 Noonajin Road Bruce Rock	Residential & Short term accommodation	Rural - School	Residential
A1106 Location 14871 Barr Street Bruce Rock	Residential – 2.8Ha – (Component of is in crop)	Rural - Farming	Residential
A1018 Bruce Rock York Road Bruce Rock -	Residential	Rural – Hall	Residential
A2413 Loc 14870 Bruce Rock York Road	Broad-acre Farming - crops	Rural	Rural until residence placed on site
Location 26240 Bruce Rock Merredin Road, Bruce Rock	Unused previously cleared land	Residential	Residential

Carried 8/0

Cr Verhoogt returned to Council Chambers at 2.05pm

Agenda Reference and Subject:

7.1.1 Request to Lease Land at Airstrip

File Reference:

1.3.8.15 & 6.3.1.1

Reporting Officer:

John Mitchell, Environmental Health Officer

Disclosure of Interest

Nil

Summary

Report recommends that Council consider a lease of land for establishment of a hanger at the airstrip for commencement of a gliding club with appropriate conditions relating to payment of lease fees, used power and water.

Background

A request has been received from Mr C.L. (Les) Webster for Council to consider the establishment of a hanger and appropriate lease arrangements at the airstrip to commence a gliding club.

An apology has been provided to Mr Webster by the Environmental Health Officer (19 September 2012) for failing to present this to Council at the August 2012 meeting.

Comment

The proposal is to establish a gliding club at the airstrip and use power and water on site already provided by the Shire of Bruce Rock and that there be procedures in place to recoup costs associated with the operation of the club. This can be achieved and metered to ensure correct payments received.

Utilities usage can be controlled via a sub meter for each service.

The proposal is to construct a Yorks Shed Company – brand new, facility with single toilet and shower facility.

Access and use must be strictly controlled e.g. no vehicles to run the strip to get gliders airborne – damage to the surface could occur similarly access for RFDS must be retained at all times including parking of aircraft and ambulance. The lessee's obligations must therefore include prevention of damage by club members or users/visitors of the infrastructure on site and control such issues as parking, litter control and security and insurance to limit or prevent vandalism.

The building is a Class 10 – outbuilding which implies that plans of the construction are not required to be submitted to the local government. As the owner of the land Council must ensure that the infrastructure onsite meets minimum standards and accordingly plans of the hanger will form part of any lease agreement.

Detailed plans of the toilets and septic disposal are required pursuant to the provisions of the Health Act 1911.

Consultation

Advice from the Civil Aviation Safety Authority regarding placement of the hanger would be sought prior to the issue of a building licence. The obligation for this compliance rests with the applicant however the administration must also ensure that the correct information has been received.

Public consultation periods are required.

Statutory Implications

The provisions of the Local Government Act 1995 relating to leasing are applicable. Council is limited through the Land Administration Act 1997 for the term of lease which cannot be greater than 21 years. Additionally the terms of the lease are to be advertised in accordance with the provisions of Section 3.59 of the Local Government Act 1995 in a newspaper circulating in the region i.e. Merredin Mercury

Policy Implications

There are no policy implications.

Financial Implications

Does Council seek to charge for airstrip usage?

Strategic Implications

There are no strategic implications however the establishment of a gliding club may attract more visitors to the local community and add to the tourism and recreational potential of Bruce Rock.

Voting Requirements Simple Majority

Officer Recommendation

That the applicant be advised that the Shire of Bruce Rock provides support for the venture of establishing a gliding Club and Hanger at the Bruce Rock airstrip, subject to the necessary approvals and consultation required by this report, and that Mr Webster be invited to submit an application addressing those issues raised within the report.

COUNCIL DECISION

Resolution Sept12-7.1.5

Moved Cr Dolton Seconded Cr Buller

That Council request further information from Mr Webster as to his proposal for establishing a glider and hanger facility at the Bruce Rock Airstrip.

Carried 9/0

John Mitchell left the Council Chambers at 2.13pm and did not return

8. Works Supervisor Information Report

Agenda Reference and Subject:

8 Works Information Report

File Reference:

Reporting Officer:

Works Supervisor, David Holland

Disclosure of Interest

Nil

Peter's Town Crew

- The crew has completed footings and pads for the depot office, BBQ's at the caravan park and the rec centre managers shed.
- The crew is now out completing the culverts on the Shackleton Kellerberrin Rd for the Grain Freight Route.

Colin's Construction Crew

- The maintenance crew is now concentrating on the grading program, they have completed the South West cnr of the Shire and are now on the North West side.
- The gravel crew have started the graveling program. They have completed Totadgin Rd, Liebeck Rd and are now on McCarthy Rd.

Workshop

- Gary and Jamie have carried out general maintenance, they are now doing a major over hall of the town loader, and replacing the same parts on the problem roller.

Building Crew

- The crew have completed various jobs around town with the ceiling at the Museum, the depot fit out and now completing the Rec Centre shed, they will then start the maintenance on the CEO's house, and various other jobs including the finishing of the museum.

Town Maintenance

- General garden maintenance has been carried out throughout the town, with plant growth starting to show even with the lack of rain.

Rec Centre Grounds

- Damien has carried out general upkeep of the Caravan Park, Old Bowling Club and the Rec Centre grounds and oval which has had a lot of extra use due to Hockey and Football finals.
- Damien will now start his verti mowing and top dressing program for the summer season.

Employees

- We have lost one of our new employees in Troy Bond, due to personal reasons he has left us and is moving to Queensland.
- At this stage we will look at different ideas for the replacement of Troy.

Traffic Counters

- I still have the counters out on the gravel roads, most are capturing future programs and I will be having one on the major roads for grants. I will be starting in the coming months in my report snap shots of the traffic data collected, this will give council an idea of the movements and what type of traffic is running on our roads at various times of the year.
- This month I have put in the movements of various sites.

Grain Freight Works

- The contractors started on the 20th of August clearing and graveling the first 4.6km and the final 3.32km of clearing which was completed and ready for the reclaimer on Wednesday the 12th September, they will start the milling on Monday the 17th September and hope to finish the graveling of the last section in that week as well. They are estimating they will complete the works at least three weeks ahead of schedule, which may give us a chance to complete the Babakin / Corrigin Rd early.

Counter Report location and weekly totals

These counters will be put in these same locations when harvest starts up in November, the averages shown are in the off season which as are surprisingly large in some of these locations.

- Old Beverley Rd 200m E of Southern boundary: two weeks out between August & September average vehicle count of 164 vehicles per week.
- Lawrie Rd 200m S of Bruce Rock East Rd: six weeks out between April & June average vehicle count of 38 vehicles per week.
- Sippe Rd 200m W of Doodlakine Rd: eight weeks out between July & September average vehicle count of 59 vehicles per week.
- Muntadgin Rd E of Merredin Hwy: three weeks out between August and September average vehicle count of 12 vehicles per week.

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution Sept12-8.1

Moved Cr

Seconded Cr

That Council receives the Works Supervisor Report, as presented.

Carried 9/0

Agenda Reference and Subject:

8.1.1 Sealing of Eujinyn South Rd

File Reference:

Reporting Officer:

David Holland, Works Supervisor

Disclosure of Interest

Nil

Summary: Sealing 500 meters of gravel road in front of Mr & Mrs M Heasman's property.

Background: Received the attached letter regarding dust from increased traffic using this road and creating problems with Mr & Mrs Heasman's children's health.

Comment: The house in question is very close to the road and a intersection, it seems as though the road is used as a bypass for the movement of grain in the area from around Babakin to Shackleton.

Consultation: Steve O'Halloran (CEO), David Holland (Works Supervisor), Colin Brownley (Construction Foreman)

Statutory Implications Nil

Policy Implications:

Some other council's do have policies where they have assisted in such requests and where both parties make a contribution. Council does not currently have a policy regarding such requests. Council may wish to create a new policy with in the Shire of Bruce Rock for future requests. I have attached one of the other council's policies for your ideas and recommendations.

Financial Implications: The cost of doing a 7 meter wide seal for 500 meters in front of the property would be \$62,033.

Strategic Implications: This would be for the betterment of our roads.

Voting Requirements Simple Majority

Officer Recommendation:

For Councils Consideration.

COUNCIL DECISION

Resolution Sept12-8.1.1

Moved Cr Thornton Seconded Cr Currie

That staff carry out further research into options and policies for dust suppression options near residences.

Carried 9/0

David Holland left the Council Chambers at 2.47pm and did not return

9. Announcements by President

Leadership WA

Visited on the 13th September 2012 and had a tour of the town and Council's facilities followed by a question and answer session with community representatives.

Visit by Minister for Local Government

The Minister for Local Government visited Council during the month and gave an update on his portfolio and views on Local Government.

10. Confirmation of Minutes

Ordinary Meeting of Council held on 16th August 2012

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution Sept12-10.1

Moved Cr Foss Seconded Cr Thornton

That the minutes of the Ordinary Meeting of Council held Thursday 16th August 2012, be confirmed as a true and correct record.

Carried 9/0

11. Status Report

Presentation of Status Report for August 2012 Resolutions

ITEM	RESOLUTION / ACTION REQUIRED	RESPONSIBLE OFFICER	RESPONSE OR STATUS
Resolution Aug12-7.1.1 Disability Access & Inclusion Plan 2012-2017 – Review, Advertising and Adoption.	That the draft Disability Access and Inclusion Plan be advertised for public comment.	EHO	Not yet Commenced. See EHO general report Sept 12.
Resolution Aug12-7.1.2 Provision of A Kerbside Recycling collection – Town Sites- Bruce Rock and Shackleton	That Council accept the quotation from Avon Waste to provide a kerbside recycling service to the towns of Shackleton and Bruce Rock using a 240l yellow lidded bin and to provide a 4.5cum recycling bin facility for recycling programs at the Recreation Centre and two such facilities at the Landfill site.	EHO	Letter sent confirming; service to be a Monday, report to Council Sept 12. Change normal collection to Monday.
Resolution Aug12-7.1.3 Lot339, 340 Dampier Street, Bruce Rock – Health Act 1911- Order Expiry	That the provisions of Section 140 of the Health Act 1911 be enacted to enforce the Section 137 Health Act 1911 notice issued against the owners of Lot 339 and 340 Dampier Street, Bruce Rock.	EHO	Actions commenced; awaiting response from Department of Indigenous affairs regarding actions.
Resolution Aug12-12.2.1 Revesting of Reserve 19359, Kwolyin	Council move that the Shire make application to the Department of Regional Development and Lands for the vesting of Reserve number 19359, at Kwolyin to be changed from Recreation to Camping and Recreation.	NRMO	Been submitted to the Department and now awaiting reply.
Resolution Aug12-12.2.2 Sale of Vacant Land – Withdrawals	That Council withdraw the offer of sale to the below requests; <ul style="list-style-type: none"> • 7 Bean Road, Bruce Rock – M McDonald & K Berichon • Lot 122 Dampier St, Bruce Rock – K & S O'Hara • 37 Westral St, Bruce Rock – Teresa Bojcun • Lot 242 Johnson Street, Bruce Rock – Janet Lawrance 	DCEO	All applicants have been notified.

Shire of Bruce Rock – Minutes 20th September 2012

Resolution Aug12-12.2.3 Community Crop	That Council advertise for expressions of interest from community groups, within the Shire of Bruce Rock, for the cropping rights of the Bruce Rock Airstrip Community Crop, for a three year term.	DCEO	Advertising has commenced. Applications close 28 th September 2012. An item will be presented at the October 2012 Council Meeting.
Resolution Aug12-12.2.4 Bruce Rock CRC – Kerbside Recycling	That Council makes a donation to the Bruce Rock Community Resource Centre for 2012/13 to assist with refuse collection services. This is to be equivalent value to two services collected twice per week and will be reviewed after the first year. and That the Chief Executive Officer be given delegated authority to make similar arrangements to other requests that may be received by community groups, who are deemed reasonable and appropriate.	DCEO	Correspondence has been sent to the Bruce Rock CRC advising of Council's decision.
Resolution Aug12-12.3.1 Shackleton Kellerberrin Road	That Council approve the Shackleton Kellerberrin Road being upgraded between the existing tree line.	CEO	Proceeding as per resolution.

Status Report

Ongoing Items as at 20th September 2012

ITEM	RESOLUTION / ACTION REQUIRED	RESPONSIBLE OFFICER	RESPONSE OR STATUS
Resolution Nov10-9.4.1 Central Wheatbelt Tourism Strategy	That Council receive the tourism strategy and further research be carried out as to the dollar value and split to ROEROC and WEROC.	CEO	Ongoing
Resolution Apr11-14.1 Aged Care 14.4.5 October 2011 Aged Care	That Council support the concept of the establishment of an aged care facility in the Shire of Bruce Rock and facilitate a meeting of local stakeholders to establish the needs of the community. That Council express its appreciation to Mr Flynn for compiling the report on Aged Care and Council proceed in the direction recommended.	CEO	Ongoing
Resolution Aug11-13.1.1 Legal Opinion; Dispute with Mr JR Ashmore Resolution Nov11- 7.1	That Council is presented with an up to date report on the issue by the September 2011 Ordinary Meeting of Council. If the matter is not resolved prior to the next meeting Council's Administration are to progress legal action and in so doing stipulate that the prosecution be "commenced" by an employee of the Shire who is acting in the course of his or her duties, preferably the Chief Executive Officer, and that "Civic Legal" represent that person (and the Shire) in the proceedings. That Mr John Ashmore; 1. It given a final extension to Thursday 16 th February 2012 to clean up his blocks to the standard required by Council, and 2. To ensure that any fire hazards are reduced on his blocks to be compliant with the requirements of the Bush Fire Act 1954.	CEO & EHO	John Mitchell has been in liaison with Mr Ashmore and progress has been made. Mr Ashmore to lodge fence application and group reserve blocks by 13/09/2012 - If not compile report to October meeting recommending further action to prevent use of land.

<p>Resolution Mar 12-12.4.2 Closure of Strange Street (Industrial Area)</p>	<p>That Council request the Minister for Lands to permanently close the section of Strange Street from the eastern boundary of Lot 449 to Noonajin Road.</p>	<p>CEO</p>	<p>Currently awaiting outcomes from BK Engineering.</p>
<p>Resolution Apr12-12.2.2A Factory Unit 1 (Lot 446) Lots 447 & 448</p>	<p>That there being no public submissions and in accordance with Section 3.58 of the Local Government Act, Council approves the following sales to The HTC Family Trust & RJC Family Trust; a. Unit 1, Lot 446 Swan Street, Bruce Rock for \$60,500, inclusive of GST; b. Lot 447 Strange Street, Bruce Rock for \$11,000, inclusive of GST; and c. Lot 448 Strange Street, Bruce Rock for \$11,000, inclusive of GST; and That the purchases must comply with the original conditions, as follows; 1 Include in the conditions of the sale that Lots 447 and 448 must be sealed in order to suppress the dust; and 2 Negotiate reimbursement for the costs associated with the subdivision from The Coleman Transport Group.</p>	<p>CEO</p>	<p>Awaiting subdivision of buildings which is currently being process by authorised surveyors.</p>
<p>Resolution May12 13.3.1 Proposed Hockey Turf</p>	<p>That Council support the Bruce Rock Hockey Club's proposal to install a synthetic hockey field at the Bruce Rock Recreation Centre, adjacent to the south end of the tennis courts, dependant on successfully obtaining adequate grant funding. And That Council apply for CSRFF funding for the installation of a synthetic hockey field for the 2013/14 financial year.</p>	<p>CEO</p>	<p>The hockey Club has been advised of Council's decision. Staff have commenced the grant application with the Department of Sport & Recreation. An item will be presented to the September 2012 Council Meeting.</p>
<p>Resolution May12 13.3.6 Recreation Centre Policy</p>	<p>That Council endorses the new Recreation Centre Policy as presented, with a variation stating that all users of the kitchen must provide own dish clothes and washing liquid.</p>	<p>CEO</p>	<p>Currently being published to be redistributed to sporting & community groups.</p>

Resolution June 12-14.1.2 Housing	That a public meeting be held to seek expressions of interest in a housing strategy for Bruce Rock.	CEO	Ongoing
Resolution Jul 12-7.1.1 Maintenance and Control of Bruce Rock Cemetery – setting of burial and grave preparation fees	That Council adopts the fees and charges pursuant to Section 53 of the Cemeteries Act 1986 for the 2012/2013 year as presented with this report.	EHO	Fee's gazetted; became effective from 11th August 2012. New Local Law not yet progressed.
Resolution 12-7.1.4 Purchase portion Location 16206 Lot 110 Landfill Site Extensions	1. That Council accept the offer from Mr P Negri to purchase 10.67ha of land from Lot 110 of Location 16206 for \$42,680+GST for the purpose of landfill site extensions and that Council advertise the decision to purchase; 2. That the Administration respond and advise Mr Negri of the comments within this report relating to the items of considerations and that Council agrees to access for cropping purpose land not used at no cost until that component of the land is required to use for refuse disposal.	EHO	Letter provided to Mr Negri, Subdivision application progressing. Department of Regional Development and lands sent update letter. WAPC correspondence responded to; WAPC actions are planned for completion 1 st October 2012.
Resolution Jul12-7.1.5.a Lot 339 & 340 Dampier Street, Bruce Rock – Section 135 & 137 Health Act 1911 Notice (s) Resolution July 12-7.1.5b	That Council resolves to rescind motion May128.5.1 relating to the issuing of a Section 110 Building Act 2011 notice on the owners of Lot 339 & 340 Dampier Street, Bruce Rock. That Council endorses the actions of the Chief Executive Officer in issuing a Section 135 Notice and a Section 137 Notice pursuant to the Health Act 1911 on the owners of Lot 339 and 340 Dampier Street, Bruce Rock to declare the building unfit for human habitation and require the buildings demolition; And That the CEO is delegated authority to proceed to legal action should the Section 137 Health Act 1911 Notice issued against the building on lot 339 and 340 Dampier Street issued not be complied with.	EHO	Notices issued, no formal appeal noted. Terms of notice are enforceable by Local Government on 10th August 2012. See Res Aug12-7.1.3
Resolution Jul12-12.14.2 Industrial Land	That Council accept sale of Industrial Land 433, 434 & 435, Bruce Rock to Bruce Rock Engineering for \$53,350 in gst, and that the block will be filled by	CEO	The CEO has written to Bruce Rock Engineering to advise of decision.

	Council.		An item will be presented to the September 2012 Council Meeting.
Resolution Jul 12-7a EHO Report – Residential Land Subdivision	That Council agrees to engage Landcorp to carry out the development of Council’s new residential subdivision.	EHO	Subdivision subject to report September 2012
Resolution Jul12-7b Sewage Scheme – Hyden Visit	That Council received the information presented on the provision of sewerage scheme for Bruce Rock and Chief Executive Officer is to investigate a tour on the Hyden facility arrangements.	CEO	CEO will provide update

COUNCIL DECISION
Resolution Sept12-11.1
Moved Cr Dolton Seconded Cr Thornton

Council receives the Status Reports, as presented.

Carried 9/0

The meeting adjourned at 3.00pm

The meeting recommenced at 3.25pm with all members and staff returning to Chambers

Caroline Robinson from Solum Consulting entered Council Chambers at 3.25pm

Strategic Community Plan - Update

Caroline Robinson from Solum Consulting attended Council to provide an update on the progress of Council’s Strategic Community Plan. She gave an overview of her findings to date and informed Council on the remaining work.

Caroline Robinson left Council Chambers at 3.55pm and did not return.

12. Manager of Finance & Compliance

Agenda Reference and Subject:

12.1.1 Shire President's Stamp

File Reference:

Reporting Officer:

Mandy Butler, Senior Finance Officer

Disclosure of Interest

Nil

Summary

Use of Shire President's stamp in August 2012.

Background

Nil

Comment

As per Council's policy, the Shire President's stamp has been used during the month of August 2012 as follows:

6/08/2012	Transfer of Land – K Leek
10/08/2012	Transfer of Land – J Houston
15/08/2012	Letter to Local Businesses Economic Development Workshop
20//08/2012	Annual Return – Steve O'Halloran
29/08/2012	WE-ROC MOU
29/08/2012	Granite Way – FAA WE-ROC

Consultation

Nil

Statutory Implications

Council Policy

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Corporate Governance

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution Sept12-12.1.1

Moved Cr Thornton Seconded Cr Gmeiner

That Council endorse the use of the Shire President's stamp during August 2012.

Carried 9/0

Agenda Reference and Subject:

12.1.2 Statement of Financial Activity

File Reference:

Reporting Officer:

Jennifer Bow, Manager of Finance and Compliance

Disclosure of Interest

Nil

Summary

A statement of financial activity must be produced monthly and presented to Council.

Background

In accordance with the Local Government Act 1995, a statement of financial activity must be presented to each Council meeting, including a comparison to the budget and variance from it. It must also include explanations of any variances.

Comment

Consultation Nil

Statutory Implications

Local Government (Financial Management) Regulations 1996, reg 34.

Policy Implications Nil

Financial Implications Nil

Strategic Implications Nil

Voting Requirements Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution Sept12-12.1.2

Moved Cr Foss Seconded Cr Buller

That the Statement of Financial Activity for the month of August 2012 as presented be received.

Carried 9/0

Agenda Reference and Subject:

12.1.3 List of Payments

File Reference:

Reporting Officer:

Mandy Butler, Senior Finance Officer

Disclosure of Interest

Nil

Summary

List of payments since last Council meeting.

Background

As the CEO has been delegated the authority to make payments from the municipal and trust funds, a list of payments made is to be presented to Council each month. Also in accordance with Finance Policy Number F1.1, included is a list of payments made with Council's credit card.

Comment Nil

Consultation Nil

Statutory Implications Nil

Policy Implications Nil

Financial Implications Nil

Strategic Implications Nil

Voting Requirements Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution Sept12-12.1.3

Moved Cr Dolton Seconded Cr Verhoogt

That Council endorse the list of payments from the Municipal Account consisting of EFT voucher numbers EFT 5329 to EFT 5429; cheque number 22701 to 22724; trust number 1822 totalling \$320,447.38.

Carried 9/0

Agenda Reference and Subject:

12.1.4 Community Engagement Policy

File Reference:

2.3.1.1 Policy Manual

Reporting Officer:

Jennifer Bow, Manager Finance & Compliance

Disclosure of Interest

NIL

Summary

Council is asked to adopt a policy on community engagement.

Background

The new requirements for Integrate Strategic Planning obligate the Shire Council to engage with its community when developing their Strategic Community Plan.

Comment

This policy has been created to provide guidelines for staff regarding the community engagement process.

As part of the new requirements for Integrated Strategic Planning, the Shire to comply with the Basic Standard is to have developed a community engagement policy and ensure that the community engagement involves at least 500 or 10% of residents, whichever is the fewer and is conducted by at least 2 separate documented mechanisms.

The policy is attached.

Consultation

DCEO & MFC

Statutory Implications

Local Government Act 1995, s 5.56

Policy Implications

Adopt a new policy regarding community engagement.

Financial Implications NIL

Strategic Implications

Organisational Management

Will also improve community involvement for development of Strategic Community Plan.

Voting Requirements Absolute Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution Sept12-12.1.4

Moved Cr Thornton Seconded Cr Currie

That Council adopt the policy C1.3 – Community Engagement Policy.

Carried by Absolute Majority 9/0

Agenda Reference and Subject:

12.1.5 Community Engagement - Development of Strategic Community Plan

File Reference:

2.3.1.1 Policy Manual

Reporting Officer:

Jennifer Bow, Manager Finance & Compliance

Disclosure of Interest

NIL

Summary

Council has adopted the community engagement strategy for the development for the Strategic Community Plan.

Background

The new requirements for Integrate Strategic Planning obligate the Shire Council to adopt a community engagement strategy for the development for the Strategic Community Plan.

Comment

As part of the new requirements for Integrated Strategic Planning, the Shire to comply with the Basic Standard is to have developed and adopted a community engagement policy and ensure that the community engagement involves at least 500 or 10% of residents, whichever is the fewer and is conducted by at least 2 separate documented mechanisms.

The adoption of the community engagement strategy will ensure that the community is consulted when developing the Strategic Community Plan. This strategy has been developed with reference to the Shire’s Community Engagement Policy.

As the legislation now requires that the Strategic Community Plan is developed or modified through engagement with the community and that it is documented. It must also have regard to current and future resource capacity, demographic trends and strategic performance measurements.

The following strategy has been formulated for the development of the Shire of Bruce Rock’s Strategic Community Plan;

COMMUNITY ENGAGEMENT STRATEGY		
Type of Community Engagement	Attending	Timing
Community Facilitation Session – Open Session	Anyone	Daytime
Community Facilitation Session – Invited representatives from community groups	Invited representatives	Evening
Community Survey	Anyone	Available in printed form and on website
Business Forum	Business Owners	Evening
School Session	With upper primary and secondary students	During school
Shire Staff Session	Shire employees	During working hours
Councillors Visioning Session	Councillors	During working hours
Submissions regarding draft Plan	Anyone wanting to submit a comment regarding the draft Strategic Community Plan	Will be open for period of 21 days

Consultation

DCEO & MFC

Statutory Implications

Local Government Act 1995, s 5.56

Policy Implications

Developed with reference to Community Engagement Policy.

Financial Implications NIL

Strategic Implications

Organisational Management

Will also improve community involvement for development of Strategic Community Plan.

Voting Requirements Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution Sept12-12.1.5

Moved Cr Gmeiner Seconded Cr Rajagopalan

That Council adopt Community Engagement Strategy for the development of the Strategic Community Plan.

Carried 9/0

Agenda Reference and Subject:

12.1.6 Purchase Order Policy Review

File Reference:

2.3.1.1 Policy Manual

Reporting Officer:

Jennifer Bow, Manager Finance & Compliance

Disclosure of Interest

NIL

Summary

Council is asked to review its policy on the signing of purchase orders.

Background

Council has a policy providing guidelines to enable certain staff to sign purchase orders for the purchasing of budgeted items. A full copy of the policy is attached to this item for Council to review.

Comment

With the recent appointment of an Environmental Health Officer/ Building Surveyor it is an opportune time to review this policy to include the position.

This policy was last updated in September 2010 and Senior Management plan to review the existing policies and bring to them to Council before the December 2012 meeting.

Consultation

This matter has been discussed with the Chief Executive Officer.

Statutory Implications

The Local Government Act 1995 Section 6.10
Local Government Financial Regulations Regulation 11

Policy Implications

Any amendment to a Council policy must be authorised by Council, thus policy A1.4 “Signing Purchase Orders” is presented to Council for review.

Financial Implications NIL

Strategic Implications NIL

Voting Requirements Absolute Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution Sept12-12.1.6

Moved Cr Foss Seconded Cr Thornton

That Council amend Policy A1.4 “Signing Purchase Orders” to include the Environmental Health Officer/ Building Surveyor.

Carried by Absolute Majority 9/0

12.2 Deputy Chief Executive Officer

Agenda Reference and Subject:

12.2.1 Works Request - Ardath Tennis Club

File Reference:

Reporting Officer:

Darren Mollenoyux, Deputy Chief Executive Officer

Disclosure of Interest

Summary

The Ardath Tennis Club is seeking Council's assistance in upgrading the power to the Ardath Tennis Club Building.

Background

At the March 2012 Ordinary Meeting of Council a letter was received from the Ardath Tennis Club seeking the upgrade of power to their buildings. The letter stated the following;

"Since our major upgrade at Ardath Tennis Club, the Club has strived to always, maintain our facilities in the best possible condition. It has always been our aim to fund small maintenance projects from our own membership and grant funding.

However, with the development of the Club, power supply to the building is not enough to run both a bar and kitchen area with the required appliances such as bar fridge, kitchen fridge, water cooler, oven and microwave.

We have therefore realised we are in a position whereby the facilities require an upgraded power supply to the Club house. As this is more of a capital works project we seek the support of the Shire of Bruce Rock to please upgrade the power supply."

A quote for the upgrade was provided at \$2,866 plus gst.

At the time Council chose to leave the request until the budget deliberations.

Comment

Council is asked to consider this request.

It should be noted that the Ardath Tennis Club do not currently pay an annual fee similar to most other sporting clubs that have facilities maintained by Council. Council may wish to reconsider this as part of their deliberations.

Consultation

This has been discussed with the Ardath Tennis Club Treasurer, Council's CEO and MFC.

Statutory Implications

Nil

Policy Implications

Nil

Financial Implications

The Manager of Finance and Compliance has advised that there are budget funds available in 2012/13. There was a \$14,000 surplus and we have recently been advised that we will receive an additional \$20,000 from the Grants Commission.

Strategic Implications

Council role is to develop and maintain Council's facilities and services.

Voting Requirements Absolute Majority

Officer Recommendation

- 1 That Council vary the 2012/13 Budget to include \$3,000 for the upgrade of power at the Ardath Tennis Club.
- 2 Council consider whether or not it raises an annual fee for the Ardath Tennis Club.

Officer's recommendation changed to indicate that Council would contribute 50% of the cost and did not wish to charge an annual fee.

<p>OFFICER RECOMMENDATION AND COUNCIL DECISION Resolution Sept12-12.2.1 Moved Cr Rajagopalan Seconded Cr Foss</p> <p>That Council contribute 50% of the cost to upgrade the power at the Ardath Tennis Club.</p> <p style="text-align: right;">Carried by Absolute Majority 9/0</p>

Agenda Reference and Subject:

12.2.2 Sale of Industrial Land – BK Engineering

File Reference:

Reporting Officer:

Darren Mollenoyux, Deputy Chief Executive Officer

Disclosure of Interest

Cr Verhoogt

Cr Verhoogt left 4.13 back 4.16

Summary

Council is asked to finalise the approval to sell industrial lots and factory units to Bruce Rock Engineering – Pundit Pty Ltd, ATF The Verhoogt Family Trust No 2.

Background

At the May 2012 Ordinary Meeting of Council the following resolution was made;

“That Council in accordance with Section 3.58 of the Local Government Act 1995 sell to BK Engineering the following lots for amounts stated;

Lot 433 \$15,000, plus gst

Lot 435 \$16,000, plus gst

Lot 434 \$17,500, plus gst

Lots 444 & 449 (including shed) Swan Street, Bruce Rock for \$145,000, plus gst”

Council received correspondence and a presentation from Bruce Rock Engineering at the July 2012 Council Meeting, however the above resolved valuations remained.

Comment

Confirmation of the offer to purchase land was received from Bruce Rock Engineering on the 30 July 2012. The letter also requested that the sale be processed under Pundit Pty Ltd, ATF The Verhoogt Family Trust No 2.

The statutory advertising was carried out calling for any public submissions to be received by the 28th August 2012. No submissions were received.

Consultation

Statutory Implications

Local Government Act 1995 s 3.58 – Disposing of Property

If property is not sold at auction or by way of public tender, Council must give local public notice of the proposed disposition and allow for submissions for two weeks.

The notice must also contain names of parties concerned, consideration being received by the local government and what the market valuation is (report must be conducted by valuer and no more than 6 months old).

Policy Implications Nil

Financial Implications

Council had budget provision to receive funds from the sale of its industrial lots.

Strategic Implications

The sale of industrial land is an important part of our Plan for the Future in encouraging the development of businesses within the Shire of Bruce Rock.

Voting Requirements Absolute Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution Sept12-12.2.2

Moved Cr Dolton Seconded Cr Foss

That in accordance with Section 3.58 of the Local Government Act, Council approves the sale of the following to Pundit Pty Ltd, ATF The Verhoogt Family Trust No 2;

Lot 433 Noonajin Rd, Bruce Rock	\$15,000, plus gst
Lot 434 Strange St, Bruce Rock	\$17,500, plus gst
Lot 435 Strange St, Bruce Rock	\$16,000, plus gst
Lots 444 Swan St & 449 Strange St, Bruce Rock (including shed) Swan Street, Bruce Rock for \$145,000, plus gst"	

Carried by Absolute Majority 8/0

Agenda Reference and Subject:

12.2.3 Shackleton Club Kerbside Collection

File Reference:

Reporting Officer:

Darren Mollenoyux, Deputy Chief Executive Officer

Disclosure of Interest

Summary

The Shackleton and District Club is requesting that Council consider waiving a portion of their kerbside waste collection charges.

Background

Council's EHO/BS, John Mitchell has carried out an audit of kerbside waste collection services and it was identified that businesses/organisations were not being charged for all of their services. Each business/organisation received a letter that the audit had been carried out and the new amount that will be charged.

A response has been received from the Shackleton District Club regarding their letter and proposal to increase their current charge of two bins to four. They are seeking Council's financial assistance by waiving the two additional bin charges.

Comment

Following further research it seems that two of the bins are also used for the bowling green area and that the Club also pays for bins on their other rates assessments.

As we do not charge other sporting groups Council may consider this request and continue to charge for two bins opposed to the four.

Consultation

John Mitchell – EHO/BS and Mandy Butler - MFC

Statutory Implications

Local Government Act 1995 – Imposing Fees and Charges

Policy Implications

Nil

Financial Implications

The value of each collection service is \$211 inc gst.

Strategic Implications

- Council adequately recover costs associated with the collection of waste within the Shire of Bruce Rock.
- Council supports and assists local community groups within the Shire of Bruce Rock.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution Sept12-12.2.3

Moved Cr Rajagopalan

Seconded Cr Verhoogt

That Council continue to only charge the Shackleton District Club for two bins on their rates assessment number 679.

Carried 9/0

Agenda Reference and Subject:

12.2.4 Request to Erect Sign

File Reference:

Reporting Officer:

Darren Mollenoyux, Deputy Chief Executive Officer

Disclosure of Interest

Nil

Summary

Council is asked to consider a request from Go Narembeen Progress Association to erect signage on the Bruce Rock Narembeen Road.

Background

Council has received a letter from The President of the Go Narembeen Progress Association, stating the following

“Go Narembeen Progress Association recently opened the Narembeen Grain Discovery Centre, showcasing the stories of agriculture in the central eastern Wheatbelt. The Centre adds value to existing attractions in Roe Tourism and hopes it will extend the stay of visitors in our district.

To assist in promoting the Centre, GO Narembeen would like to erect a 3m x 1m sign on the Bruce Rock – Narembeen Rd, specifically just after the town bypass route on the east side. Go Narembeen will cover the costs in erecting the sign.”

Comment

Council needs to consider the request to approve the erection of this sign. A copy of the proposed sign is attached.

Consultation

Works Supervisor, David Holland

Statutory Implications

The erection of any sign must comply with Main Roads WA – Roadside Advertising Guidelines and if it is on a Council road it will be under Council’s direction.

Policy Implications

Council does not have a policy on requests for erection of roadside signage.

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution Sept12-12.2.4

Moved Cr Verhoogt Seconded Cr Currie

That Council approve the request for Go Narembeen Progress Association to erect a sign on the Bruce Rock – Narembeen Road.

Carried 9/0

Agenda Reference and Subject:

12.2.5 Project Officer Proposal

File Reference:

Reporting Officer:

Darren Mollenoyux, Deputy Chief Executive Officer

Disclosure of Interest

NIL

Summary

As per Council's request this item is presented to consider the proposal to employ a Project Officer.

Background

At the November 2011 Council Meeting discussion was raised about the need for a Project Officer to assist in attracting additional grant funding and coordinating various events and projects.

An item was presented at the Ordinary Meeting of Council on the 15th March 2012, with Council making the following resolution;

“That Council approve a part time “Project Officer” position for two days per week, utilising current part time staff and the role to be reviewed in six months.”

Comment

The Project Officer position has now been in place for six months and is proving to be a required position. Whilst the officer has predominately been working on the hockey turf grant other project works have also been undertaken and include; Recreation Centre official opening, community bus grant application, commencement of grant for museum restoration and minor project research.

There are still aspects of the role that have not been commenced due to time constraints and these include; assist in the implementation of Council's new asset management system, assist with areas of integrated planning, Council promotion and research into further funding opportunities.

After reviewing the current workload and assessing what other duties are required for the success of this position it is requested that Council consider making this position a permanent part time position for three days per week.

Senior staff feel that Melissa Schilling is adapting to this role well and she has indicated that her preference is to take on the part time position of Project Officer for the Shire of Bruce Rock. It should also be noted that Melissa will be commencing her Diploma of Project Management in October 2012.

Melissa has also advised that after December 2012 she wishes not to continue in the part time Administration Officer position. Currently this position is job shared with Malene Vad Brownley. Malene has advised that she will be taking maternity leave from December 2012 and intend to return to work in January 2014.

Taking into consideration the two officers' intentions, staff intend to advertise for a full-time Administration Officer for the 14 month period. It is envisaged that the new officer could commence in a casual basis from October 2012. This would allow time for

adequate training and understanding of the role, and covering staff holidays and be appointed in November 2012.

Consultation

This concept has been discussed at the Senior Managers' meetings.

Statutory Implications Nil

Policy Implications Nil

Financial Implications

There is budget provision for this position.

Strategic Implications

That Council and the Chief Executive Officer ensure the efficient management of the organisation, whilst meeting statutory requirements.

Voting Requirements Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution Sept12-12.2.5

Moved Cr Gmeiner Seconded Cr Rajagopalan

That Council approve the implementation of a part time "Project Officer" position for three days per week.

Carried 9/0

Agenda Reference and Subject:

12.2.6 Synthetic Hockey Turf– CSRFF Application

File Reference:

Reporting Officer:

Darren Mollenoyux, Deputy Chief Executive Officer

Disclosure of Interest

Nil

Summary

Council is asked to approve its financial commitment to the Synthetic Hockey Turf CSRFF Application and endorse the priority of the project.

Background

Since 2009 the Bruce Rock Hockey Club have been in liaison with the Shire of Bruce Rock regarding the installation of a hockey specific synthetic surface at the Bruce Rock Recreation Centre. The concept is included in Council's Forward Capital Works Plan 2010/11 – 2014/15 and has been discussed at various Sports Council Meetings and Council Meetings.

The most recent resolution from the May 2012 Ordinary Meeting of Council states;

That Council supports the Bruce Rock Hockey Club's proposal to install a synthetic hockey field at the Bruce Rock Recreation Centre, adjacent to the south end of the tennis courts, dependant on successfully obtaining adequate grant funding.

And

That Council apply for CSRFF funding for the installation of a synthetic hockey field for the 2013/14 financial year.

Comment

Council is required to consider the merits of all applications received and submit them to the Department of Sport and Recreation in order of priority. Only one application has been received this year, as outlined below.

A full copy of the grant application has been provided to Councillors.

The Projects Officer, Melissa Schilling in conjunction with Senior Management has prepared the CSRFF grant application for the Department of Sport and Recreation WA with the final project description being;

"The project consists of design, construction and installation of an uncompromised hockey specific synthetic surface, with the capacity to be played on either as a wet or a dry surface. The project will also include installation of lighting and surrounding facilities to cater for the needs of the local and regional hockey associations' programmes as well as catering for opportunities such as hosting events up to championship level."

The CSRFF application requires a 1/3 financial commitment from each party.

The Bruce Rock Hockey Club have committed to providing their contribution towards the project. A financial contribution of **\$419,000** plus gst is sought from Council. Council's contribution will be funded with \$200,000 of Council's Royalties for Regions Country Local Government Funding and \$200,000 through general revenue from Council's 2013/14 budget. (The final costings will be provided to Councillors prior to the Meeting)

Consultation

The Hockey Club's "Synthetic Turf Committee" in conjunction with Council's Project Officer, CEO, Deputy CEO, Works Supervisor, Manager of Finance and Be – Active Coordinator have all been involved in preparing this application.

Council's Be Active Coordinator, Mr Rodney Thornton has been in liaison with Jennifer Collins of Department of Sport and Recreation and representatives from Hockey WA in regards to this application.

Various meetings and consultation has occurred with the Hockey Club and all other sports impacted or associated with this application. In addition the Hockey Club and Council have both carried out separate community surveys on the proposal.

The Works Supervisor and the Be-Active Coordinator have consulted with the appropriate contractors and organisations in relation to the construction and installation of the surface and its surrounds.

Statutory Implications Nil

Policy Implications

The application meets the requirements of Council Policy No C1.1 – Procedure for Community Grant Applications.

Financial Implications

Council has already made financial provisions in the "Forward Capital Works Plan" and the Bruce Rock Hockey Club has committed to their contributions.

Strategic Implications

Council will continue to develop recreational facilities within the Shire of Bruce Rock that will be utilised by a wide range of the community and will strengthen existing clubs.

As per Council's "Plan for the Future" Council has stated it will enhance sporting facilities and opportunities for participation through co-location of sporting groups at the Recreation Centre.

Voting Requirements Absolute Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution Sept12-12.2.6

Moved Cr Buller Seconded Cr Rajagopalan

That the application from the Shire of Bruce Rock and Bruce Rock Hockey Club for the funding of an uncompromised synthetic hockey surface and surrounds through the CSRFF program be submitted to the Department of Sport and Recreation as Council's highest ranked priority.

and

That if the grant application is successful Council make Budget provision of \$419,000 (excluding GST) in the 2013/2014 financial year for the installation of an uncompromised synthetic hockey surface and surrounds.

Carried by Absolute Majority 9/0

13. Strategic Directions of the Shire of Bruce Rock

Agenda Reference and Subject:

Strategic Directions of the Shire of Bruce Rock

File Reference:

2.3.1.3- Plan for the Future

Reporting Officer:

Jennifer Bow

Disclosure of Interest

NIL

Summary

Update on the progress of the implementation of integrated strategic planning.

Background

The Minister for Local Government has introduced new regulations which require local governments to have developed and adopted by 30th June 2013 a Strategic Community Plan and a Corporate Business Plan, which is informed and supported by resourcing and delivery strategies.

Comment

Integrated Strategic Planning Status Report – September 2012

Component	Action	Date
Timeline developed and adopted for the implementation of Integrated Strategic Planning	Adoption of Timeline	Item included in agenda
Strategic Community Plan	Consultant to hold various sessions with community and council members to develop Strategic Community Plan	Consultant held community facilitation sessions Tuesday 17 th July 2012 Session with Councillors and staff to be held in August Business Forum held on 24 th August Survey has been posted to every household in Shire and available on website
Development of Community Facilitation Policy	As part of integrated strategic planning requirements, a policy regarding community facilitation must be developed	Item included in Agenda
Long Term Financial Plan	Collection of data underway	Will complete this in house now without waiting for quote from UHY Haines Norton
Asset Management Plan	Consultants working on plan	Training held on 18 th June with DCEO, MFC & Admin Staff To be completed by February 2013
Integrated Workforce Plan	Collection of data underway	To be completed by 31 st December 2012

		Training will be held in Merredin during October 2012
Adoption of Strategic Community Plan		30 th June 2013
Adoption of Corporate Business Plan		30 th June 2013

Consultation

CEO, DCEO & MFC

Statutory Implications

Local Government Act 1995 & Local Government (Administration) Regulations 1996

Policy Implications

Will have to develop a Community Facilitation Policy

Financial Implications

Allocation in 2012-13 Budget

Strategic Implications

Organisational management

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution Sept12-13

Moved Cr Currie Seconded Cr Buller

That Council receives the Integrated Strategic Planning Status Report for September 2012, as presented.

Carried 9/0

Agenda Reference and Subject:

13.1.1 Timeline for Implementation of Integrated Strategic Planning

File Reference:

2.3.1.3- Plan for the Future

Reporting Officer:

Jennifer Bow

Disclosure of Interest

NIL

Summary

Timeline for guidance for implementation of integrated strategic planning.

Background

The Minister for Local Government has introduced new regulations which require local governments to have developed and adopted by 30th June 2013 a Strategic Community Plan and a Corporate Business Plan, which is informed and supported by resourcing and delivery strategies.

Comment

A timeline must be adopted for the implementation of the Integrated Strategic Planning (ISP). Below is a timeline of the various parts of the ISP that must be adopted by 30th June 2013.

Although this timeline was not adopted formally by Council, the Status Report has been keeping Council informed of the progress on the ISP.

Timeline for Implementation of Integrated Strategic Planning																	
Activity	Feb 12	Mar 12	Apr 12	May 12	June 12	Jul 12	Aug 12	Sep 12	Oct 12	Nov 12	Dec 12	Jan 13	Feb 13	Mar 13	Apr 13	May 13	Jun 13
Engage Consultant to assist with development of SCP	←→	✓															
Adoption of Timeline for Implementation of ISP				←				→	✓								
Adoption of Community Engagement Policy							←	→	✓								
Community Engagement for Development of SCP				←						→							
Strategic Community Plan										←				→			
Asset Management Plan					←												→
Integrated Workforce Plan									←								→
Long Term Financial Plan								←									→
Corporate Business Plan													←				→

Legend for Table	
SCP	Strategic Community Plan
ISP	Integrated Strategic Planning
Activity	←→
Completed	✓

Consultation

CEO, DCEO, MFC and Mrs Caroline Robinson, Consultant

Statutory Implications

Local Government Act 1995 & Local Government (Administration) Regulations 1996

Policy Implications

Nil

Financial Implications

Allocation in 2012-13 Budget

Strategic Implications

Organisational management

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution Sept12-13.1.1

Moved Cr Verhoogt Seconded Cr Rajagopalan

That Council adopts the timeline for the implementation of integrated strategic planning.

Carried 9/0

14. New Business of an urgent nature introduced by discussion of the meeting.

Agenda Reference and Subject:

14.1 Glynn Corby – Long Service Leave

File Reference: Personnel

Reporting Officer: Steve O'Halloran, Chief Executive Officer

Disclosure of Interest Nil

Summary

Council is asked to consider an employee's request to have his long service leave paid out in one lump sum.

Background

The Chief Executive Officer has received a request from one of its works crew members, Glyn Corby to take his long service leave entitlements.

Mr Corby is seeking approval to take his 13 weeks long service leave, however he only wants to take 3 weeks physical leave and be paid out for the remaining 10 weeks.

Comment

Council is asked to consider this request carefully as it will set a precedent for future requests of a similar nature and also any previous requests that may have been addressed.

Consultation

Deputy CEO, Payroll Officer and Works Supervisor

Statutory Implications

This request is to be considered under the Local Government (Long Service Leave) Regulations.

Policy Implications

Nil

Financial Implications

The Manager of Finance and Compliance has advised that there will be adequate provision in salaries and wages budget.

Strategic Implications

That Council and the Chief Executive Officer ensure the efficient management of the organisation, whilst meeting statutory requirements.

Voting Requirements

Absolute Majority

Officer Recommendation

That Council approve / decline the Long Service Leave request from Mr Glyn Corby.

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution Sept12-14.1

Moved Cr Dolton Seconded Cr Buller

That Council approve the Long Service Leave request from Mr Glyn Corby.

Carried by Absolute Majority 9/0

Agenda Reference and Subject:

14.2 Future Housing in Bruce Rock

File Reference:

Reporting Officer:

Steve O'Halloran, Chief Executive Officer

Disclosure of Interest

Nil

Summary

Council is asked to consider options for future housing in Bruce Rock.

Background

The Chief Executive Officer and Shire President have had several discussions with key stakeholders (Country Housing Authority & Keystart) regarding more housing availability in Bruce Rock.

In addition as part of WEROC's CLGF Council will receive one new house from the current funding program and a further home in the next round.

Comment

Council needs to consider if it wishes to construct the house or be part of the WEROC joint tender.

Consultation

Deputy CEO, WEROC Executive

Statutory Implications

Nil

Policy Implications

Nil

Financial Implications

This is part of Council's budget and funded through the regional component WEROC's Country Local Government Fund.

Strategic Implications

That Council promotes the development of new housing within the Shire of Bruce Rock.

Voting Requirements

Absolute Majority

Officer Recommendation

For Council's consideration.

COUNCIL DECISION

Resolution Sept12-14.2

Moved Cr Verhoogt Seconded Cr Rajagopalan

That Council agree to jointly tender for the construction of the house under the WEROC Regional Country Local Government Fund in 2012/13.

Carried 9/0

15. Confirmation and receipt of Information Bulletin.

COUNCIL DECISION

Resolution Sep12-15.1a

Moved Cr Foss Seconded Cr Buller

That Information Bulletin 1 be received.

Carried 8/0

COUNCIL DECISION

Resolution Sep12-15.1b

Moved Cr Gmeiner Seconded Cr Verhoogt

That Information Bulletin 2 be received.

Carried 8/0

16. Closure of Meeting.

The Shire President, Cr Strange, thanked everyone for their attendance and declared the meeting closed at 5.59pm.

These minutes were confirmed at a meeting on/...../.....

**Signed
Cr SA Strange**

Dated/...../.....