

Shire of Bruce Rock

Minutes Ordinary Council Meeting

14th FEBRUARY 2014

ORDINARY COUNCIL MEETING
1.22pm, 14 February 2014
Council Chambers,
Johnson Street, Bruce Rock

SHIRE OF BRUCE ROCK

MINUTES – ORDINARY MEETING 20th FEBRUARY 2014

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SHIRE OF BRUCE ROCK

MINUTES – ORDINARY MEETING 20th FEBRUARY 2014

1. Declaration of Opening

The Shire President, Cr Strange, opened the meeting at 1.22pm on Thursday 14TH February 2014, 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
	Cr DA Heasman
	Cr MK Thornton
	Cr R Rajagopalan
	Cr JJ Gmeiner (1.22pm to 5.03pm)
	Cr NR Buegge
Chief Executive Officer	Mr DRS Mollenoyux
Deputy Chief Executive Officer	Miss TL Olsson (2.15pm to 5.41pm)
Manager of Finance	Mrs JL Bow (2.15pm to 5.17pm)
Manager of Works and Services	Mr D Holland (2.15pm to 3.55pm)
EHO/Building Surveyor	Mr John Mitchell (2.15pm to 3.06pm)
Apologies	Cr MJ Royce
	Cr MM Foss
Leave of Absence (Previously Approved)	Nil

2.15pm Mr John Mitchell, Mr David Holland, Mrs Jennifer Bow and Miss Tamara Olsson entered Council Chambers.

3. Response to Previous Public Questions Taken on Notice

Nil

4. Public Question Time

Nil

5. Petitions / Deputations / Presentations / Submissions

5.1. The Shire President and CEO presented to Council an overview to Councillors on their roles and responsibilities and refreshed Councillors on the code of conduct.

5.2. Frank Gillham – Bruce Rock Quarry Lease (3.08pm to 3.18pm)

6. Applications for Leave of Absence

Nil

7. Environmental Health Officer Information Report

Agenda Reference and Subject:

7.1 EHO Information Report

File Reference:

Reporting Officer:

John Mitchell, Environmental Health Officer

Disclosure of Interest

Nil

RESIDENTIAL LAND SUBDIVISION

The residential land issues are the subject of a report to Council at this meeting. Whilst Council can pursue the preferred rail road crossing politically, a decision is needed to avoid losing the financial input of LandCorp.

INDUSTRIAL LAND SUBDIVISION

The industrial land subdivision is the subject of a report to Council at the February 2014 meeting.

SLIDE POOL IMPROVEMENTS & BUILDING MAINTENANCE WORKS

I am having difficulties drawing this project to a completion and it is necessary for the EHO to advise Council of the delays and budget overruns. It is noteworthy that the private sector components have not exceeded budget. The following delays have occurred through the project: -

- 1) Placement of the profile of concrete wall height addition;
- 2) Tiling – a combination of excessive heat and required cuts has slowed the project down;
- 3) Building team called to other jobs of an urgent nature;
- 4) Additional issues found with steps and timber support system for the slide proper. These included a lack of support under steps, additional balustrade to steps, provision of adequate support under the entry of slide and raising of the landings
- 5) Lack of commitment to tasks at hand.

The builder – Troy Fazey has resigned and I have insisted that all works including tiling and balustrade be completed before any other works are undertaken. I have stopped all other building maintenance and instructed staff to leave the team alone to complete the tasks.

I have had to contact a fibreglass firm in Perth to complete the internal of the slide. This will add up to \$15,000 to the task. The firm will attend on Friday 14th February 2014 for a review. A private quotation was received at the commencement of this project with a value of \$125,000 + GST. Other overruns include the labour for staff and the costs of the concrete walls installed.

The slide is one of only five in rural WA and is in my opinion a major feature of the facility. I apologise to Council for the lack of completion.

LANDFILL SITE IMPROVEMENTS

On 5th February 2014 Officers of the Department of Environment Regulation Enforcement Branch attended the site for an inspection similar in scope to that undertaken which resulted in the improvements undertaken.

There were no improvement notices issued and the officers complimented Council on the much improved condition including the 2013 site management manual and rehabilitation plans.

COUNCIL DECISION

Resolution Feb 14-7.1

Moved: Cr Rajagopalan Seconded: Cr Buegge

Environmental Health Officer/Building Surveyor information bulletin be received.

Carried 7/0

Agenda Reference and Subject:

7.1.1 Health Act – S135 Notice – Lot 7 Johnson Street,
Bruce Rock

File Reference:

A327

Reporting Officer:

John Mitchell, Environmental Health Building Officer

Disclosure of Interest

Nil

Summary

Report recommends that the first storey veranda and the storeroom directly west of the kitchen within the Bruce Rock Hotel be declared unfit for human habitation effective immediately due to the deteriorated condition and lack of maintenance of the facility.

Background

Council's EHOBS has been liaising with the lessee of the Hotel for twelve months to achieve an upgrade of the food premise and accommodation component. It should be noted that if the premise closes and a new owner/lessee seeks to open the premise then the premise must comply with the latest legislation prior to reopening. Verbal and second-hand complaints have ceased in the last four months or so.

A further inspection in early January confirmed the outstanding items. The Improvement Notice issued in January 2014 appends. The EHO's next course of action legally is a formal prohibition notice issued pursuant to Section 65 of the Food Act 2008. This may result in the closure of the premise.

Comment

The notice includes the statement that the EHO would seek Council endorsement to declare the first storey veranda and rear storeroom unfit for human habitation due to the deteriorated condition and the lack of maintenance.

No major structural works have been completed from the notices issued. The lessee advises the EHO that the lease document states that external maintenance is the obligation of the landlord. The Food Act 2008 permits the local government to resolve issues with the licence holder of the food premises only – in this instance the lessee.

Copies of all improvement notices issued have been provided to the landlord and Department of Racing Gaming and Liquor for information. Council endorsement to declare the first storey veranda and rear storeroom unfit for habitation is sought. The general condition is as follows:

- 1) The floor within the food and general store at the west of the kitchen food preparation area has warped and become moisture logged. It is not possible to walk on the floor without due care due to rises of up to 30mm between the 100 – 125mm width floor boards
- 2) Walls within the store are fretting from moisture damage.
- 3) The floor is an unsealed timber board floor. There is no "approved" floor cover within the area;
- 4) Daylight can be seen through the floor wall junction indicating that the area is not sealed against vermin or dust;
- 5) Columns to the first storey veranda are leaning at different angles and bases are rusting;
- 6) Columns to the veranda (first storey) lean at different angles to the main columns and indicate that there is a connection failure/concern at the first storey level;
- 7) Timber boards to the underneath of the veranda over the footpath are loose, buckled and in danger of falling down. The main risk is to pedestrians;
- 8) Timber columns adjacent to brickwork first storey are warped and buckled indicating potential stress or strain placed on these members;

- 9) Floor boards to the first storey veranda are weathered, split, not sealed, not secured, loose and missing. Towards the northern end of the veranda the floorboards are split and collapsed causing a weak point in the flooring.

To attempt to achieve a solution and obtain both parties agreement to the works schedule the EHO contacted the Real Estate representative – Mr Lance White to assist. Mr White confirms that he has arranged a meeting between the landlord and lessee to determine which party will be responsible for which actions. All parties are aware that deadlines have passed and future actions proposed at the February 2014 Council meeting will be strictly enforced. That information should be available by the February meeting.

Consultation

Copies of all notices have been provided to the landlord and Department of Racing Gaming and Liquor.

Statutory Implications

Pursuant to the provisions of the Liquor Licencing Act 1988 and the Liquor Control Act 1988 the Department can call a hearing into the failure of the licensee or lessee to comply with lawful notices issued by either the Department or the local government.

Policy Implications

There are no policy implications.

Financial Implications

Whilst there are no financial implications to the Shire of Bruce Rock, if the premise closes due to the prohibition notice and Section 135 Health Act notice the Department will not allow the premise to reopen unless it is fully compliant with all relevant legislation.

Strategic Implications

4.1 Provide good strategic decision making, governance, leadership and professional management; 4.1.3 Deliver services that meet the current and future needs and expectations of the community, whilst maintaining statutory compliance; 4.1.3.6 Continue to deliver services to the community in a safe and responsible manner.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution Feb 14-7.1.1

Moved: Cr Thornton Seconded: Cr Rajagopalan

1) That the First Storey veranda and western storeroom (behind the food preparation area and west of the kitchen of the Bruce Rock Hotel Lot 7 Johnson Street, Bruce Rock, as shown on the attached plan, is declared unfit for human habitation effective from 21 February 2014 and that the owner be requested to comment on repair or demolition of the areas within the notice pursuant to Sections 137 and 139 of the Health Act 1979.

2) That the owner be advised of the decision to declare components of the Hotel unfit and seek a letter of commitment to address the issues relevant to the condition of the premise in relation to the external maintenance of the building (i.e. Health Local Law, Health Public Building Regulations 1992) within six months of the correspondence.

3) That the Council supports the commencement of the issue of a formal prohibition notice on outstanding Food Act 2008 improvement notices issued during 2013 against the food premise – Bruce Rock Hotel Lot 7 Johnson Street, Bruce Rock in accordance with the email received from Mr Lance White with a last chance deadline in accordance with that email dated 19/02/2014.

Carried 7/0

Agenda Reference and Subject:	7.1.2 Land Sale – Lot 10 & 11 Swan Street & Noonajin Road
File Reference:	3.1.4.6 & Assessment File Lot 10 Swan & Lot 11 Noonajin
Reporting Officer:	John Mitchell, Environmental Health Building Officer
Disclosure of Interest	Nil

Summary

Report recommends a sale price for lot 11 including the power costs, and apportionment of power costs to the above development and to provide power to lots 436, 437, 438, 440 and 430 within the Light Industrial Development.

Background

Previously Council has agreed to sell the lots 433, 434 and 435 to Bruce Rock Engineering for the following consideration: -

- a) Lot 10 (formerly Lots 444 and 449) Swan Street – \$145,000 + GST
- b) Lot 11 (formerly lots 433, 434 435) Noonajin Road – \$48,500 + GST

The costs to provide power to the above lot 11 and to lots 436, 437, 438, 440 & 430 has been received from Western Power and are summarised below: -

- 1) Power supply to Lot 11 and Lot 439 including feed line – \$53,532.00
- 2) Additional power (lots 436, 437, 438 440 & 430) - \$44,180.00

Quotations to supply a water mains extension from Lot 438 to 18m inside lot 430 have been called with a closure date of Friday 21st February 2014. There is no involvement with Bruce Rock Engineering.

The Administration is liaising with Telstra to provide telecommunications infrastructure to the lots, though with Mobile phones and other forms of communication it is hoped to place the infrastructure within the same trench as for water.

Comment

The initial costs include the provision of the main feed line to the area. To ensure a fair distribution of costs the two quotations have been combined totalling \$97,712.00.

The provision of power is calculated by WP as a rate per square metre or Kw/Ha. The area of each lot is calculated below: -

Lot No.	Area	% Costs
11	4067	\$23,873.29
436	3014	\$17,692.18
437	2022	\$11,869.14
438	2040	\$11,974.80
439	1650	\$9,685.50
440	1650	\$9,685.50
430	2,200	\$12,931.59

The above provides a total area of 16,643m² and a cost of \$97,712.00 with an m² cost of \$5.87.

Please note that there is no known mailing address for the Aboriginal Corporation so it has not been possible to enquire as to whether the owner of that land seeks to provide the necessary infrastructure.

If Council agrees with the costs breakdown provided within this report then a reimbursement to Mr Verhoogt of \$19,568.71 due.

In discussions with the CEO it has been advised that Mr Verhoogt has paid a deposit towards the purchase of Lots 10 and 11 of \$102,850 inclusive of GST. A balance of \$100,000 + GST is due.

To date the known costs of development are: -

Job Component	Cost	Comments
Supply of Power to lots 11, 436, 437, 438, 439, 440 and 430	97,712.00	Appears to be no other costs like digging etc; Headworks component included in first quotation
Headworks component Water	\$15,510	Std charge
Consultants Costs	16,000.00	Western Power component can be claimed, Engineer costs cannot
Consultants Costs water supply	\$6,000.00	Onsite visits required by Water Corporation
Water Mains extensions		Advertised closing 27 February 2014
Supply of sand	\$5,000	Council truck to provide (Best guess at this time)
Contingencies	\$20,000	Reimbursement to BKE for power to Lot 11
Less Payments	\$10,000	
Total	(\$150,222)	
Budget Provision		\$150,000.00

Consultation

The breakdown of costs has been discussed with Mr Michael Verhoogt of Bruce Rock Engineering.

Statutory Implications

Council has previously advertised the intent to sell the land (Lots 10 & 11) to Bruce Rock Engineering.

Policy Implications

There are no known policy implications.

Financial Implications

Council has budgeted \$150,000 to achieve power and water to the lots. \$16,000 has been spent on Consultants costs to achieve the quotations (\$10,000 to Western Power and \$6,000 to Eric Robb Consulting for the water reticulation design.

Power and water reticulation plans have been approved by the relevant utility providers.

Mr Verhoogt has paid \$43,442 towards power costs to date not including any application costs. Council has paid \$9,090 (ex GST) toward the power costs.

Both parties have paid fees to Western Power previously amounting to over \$3,000.00

Strategic Implications

The various strategic actions of Clause 2.1 “A thriving, diverse and growing economy”

Voting Requirements

Simple Majority

Officer Recommendation

- 1) That Council agree that the distribution of costs for the provision of power to lots 11, 436 – 440 and 430 (bounded by Strange, Dampier Streets and Noonajin Road) be as follows: -

Lot No.	Area	% Costs
11	4067	\$23,873.29
436	3014	\$17,692.18
437	2022	\$11,869.14
438	2040	\$11,974.80
439	1650	\$9,685.50
440	1650	\$9,685.50
430	2,200	\$12,931.59

- 2) That Council agrees to reimburse Bruce Rock Engineering the sum of \$19,568.71 which was paid by Bruce Rock Engineering to Western Power to provide power to lots 11 and 439
- 3) That the sale of Lot 10 and 11 to Bruce Rock Engineering Pty Ltd proceed on the basis of this report (Bruce Rock engineering \$100,000 + GST owing).

COUNCIL DECISION

Resolution Feb 14-7.1.2

Moved: Cr Rajagopalan Seconded: Cr Dolton

- 1) That Council agree that the distribution of costs for the provision of power to lots 11, 436 – 440 and 430 (bounded by Strange, Dampier Streets and Noonajin Road) be as follows: -

Lot No.	Area	% Costs
11	4067	\$23,873.29
436	3014	\$17,692.18
437	2022	\$11,869.14
438	2040	\$11,974.80
439	1650	\$9,685.50
440	1650	\$9,685.50
430	2,200	\$12,931.59

- 2) That Council agrees to reimburse Bruce Rock Engineering the sum of \$19,568.71 which was paid by Bruce Rock Engineering to Western Power to provide power to lots 11 and 439, subject to final invoice of project.

- 3) That the sale of Lot 10 and 11 to Bruce Rock Engineering Pty Ltd proceed on the basis of this report (Bruce Rock engineering \$100,000 + GST owing).

Carried 7/0

Agenda Reference and Subject:	7.1.3 Application for Local Planning Scheme No 6
File Reference:	A325
Reporting Officer:	John Mitchell, Environmental Health Building Officer
Disclosure of Interest	Nil

Summary


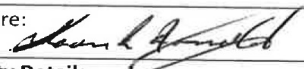
Report recommends endorsement of the EHO/BS actions in consenting to the enclosing of the veranda's of the motel on lot 1 Johnson Street, Bruce Rock.

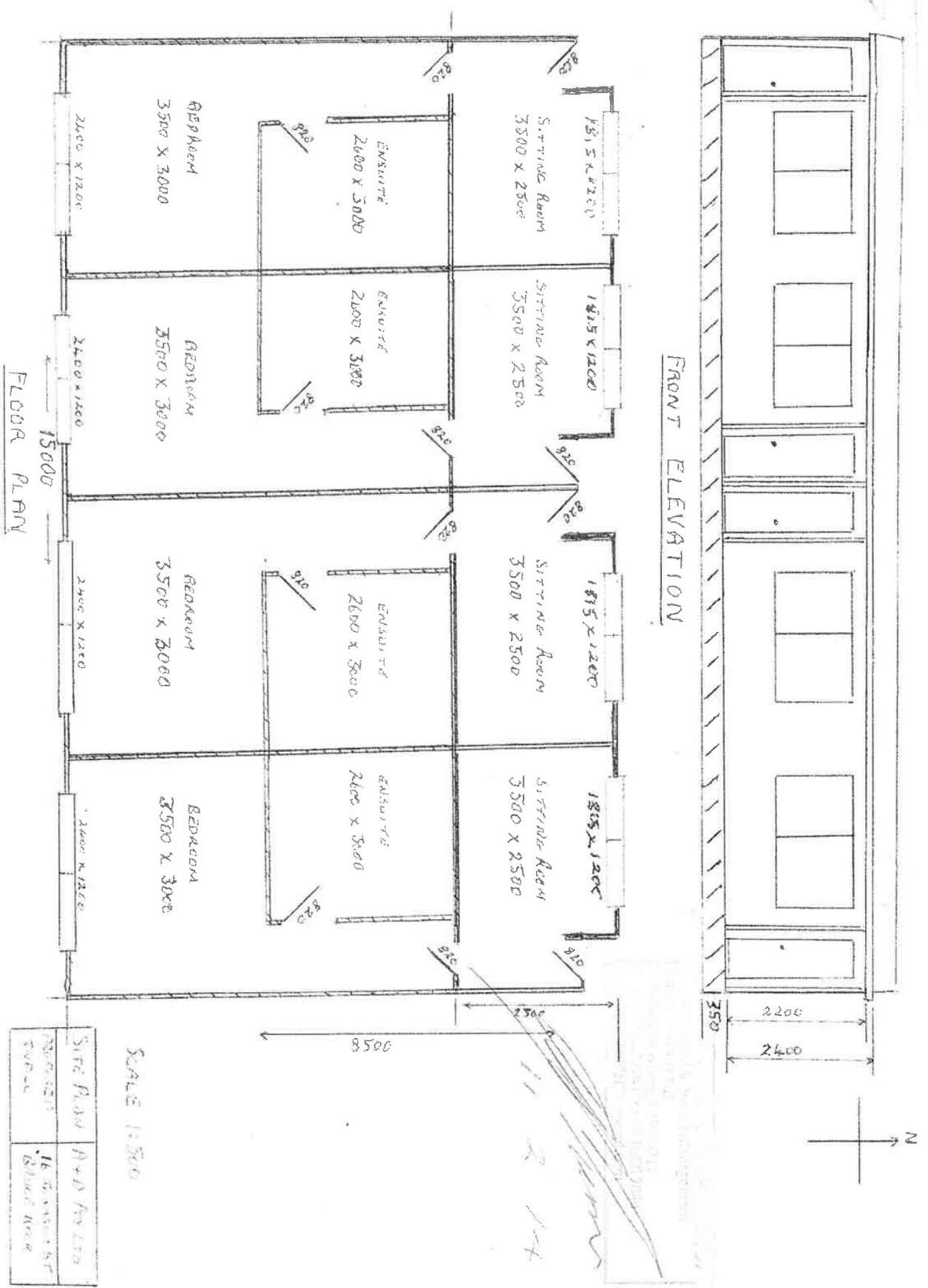
Background

An application, below, to construct an enclosed sun room to each of the units at the Motel has been received from the owner Mr Kevin Arnold of Arnold & Daughter.

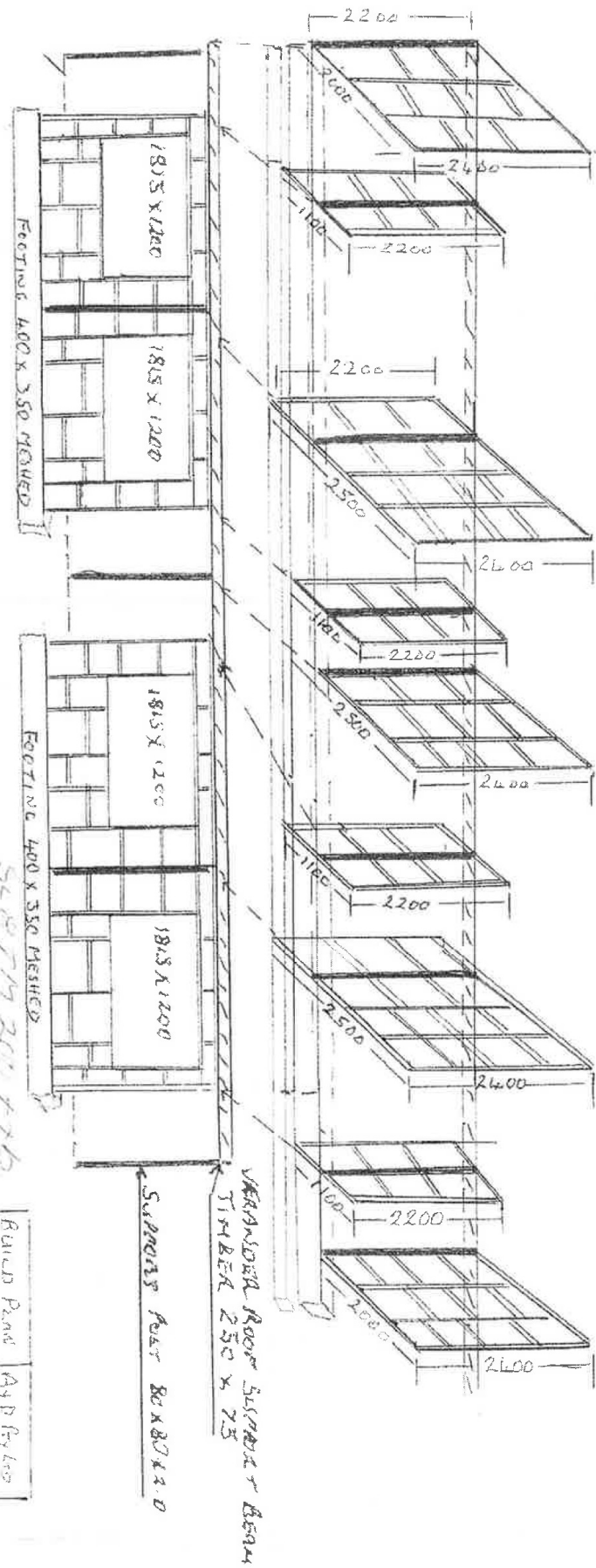


Local Planning Scheme No. 3
Schedule 6 - Application for planning approval
(cl. 9.1.1)

Owners Details		
Name: ARNOLD & DAUGHTER PTY LTD		
Address: 20 JOHNSON ST BRUCE ROCK		
		Post Code: 6418
Phone:	Fax:	Email:
Mobile: 0412396080		kevinarnold@hotmail.com
Contact Person: KEVIN ARNOLD		
Signature: 		Date: 11/02/2014
Signature:		Date:
<i>The signature of the owner(s) is required on all applications. This application will not proceed without that signature.</i>		
Applicants Details		
Name: KEVIN R ARNOLD		
Address: 20 JOHNSON ST BRUCE ROCK		
		Post Code: 6418
Phone:	Fax:	Email:
Mobile: 0412396080		kevinarnold@hotmail.com
Contact person for correspondence: KEVIN ARNOLD		
Signature: 		Date: 11/02/2014
Property Details		
Lot No: 1	House/Street No: 16 JOHNSON	Location No:
Diagram or plan no: 1/DP229891	Certificate of title no: 769/74	Folio: 478 Vol:1268
Diagram or plan no:	Certificate of title no:	Folio:
Title encumbrances (e.g. easements, restrictive covenants)		
Street name: JOHNSON ST		Suburb: BRUCE ROCK
Nearest street intersection:		
Existing building/land use: MOTEL UNITS		
Description of proposed development and/or use: VERANDA INFILL ENCLOSURE		
Nature of any existing buildings and/or use: MOTEL UNITS		
Approximate cost of proposed development: ELEVEN THOUSAND DOLLARS		
Estimated time of completion: Twenty one days		



1. FRAME CONSTRUCTION METAL TUBE 76 X 38 X 1.4
2. SUMMIT POSTS METAL TUBE 75 X 38 X 1.4
3. INTERIOR CLADDING SYRACKE
4. EXTERIOR CLADDING HARDIE FLEX SHEET 4.5m
5. INSULATION ALUMINIUM RIB BUBBLE WRAP
6. ALUMINIUM WINDOW FRAMES
7. BUTTY DOORS 2400 X 820 X 35
8. FRAMES DRYBATED TO SLAB & SCREWED TO ROOF JOISTS
9. FLOOR 100mm MESHED CONCRETE SLAB SLAB 2 MESH



STUD WALL CONSTRUCTION

BUILD PLAN	A1 D Fryling
PROPOSED JOISTS	16 JOHNSON'S BRUCE ROCK

11 2 14

2-12mm x 125 cyperbolite
 2-10mm cca 1 screws
 x 100mm 5mm picks

Comment

Lot 1 Johnson Street is zoned “Commercial”. The use as a Motel is permitted.

Consultation

Nil.

Statutory Implications

Planning & Development Act 2005; Shire of Bruce Rock Local Planning Scheme No. 3.

Policy Implications

There are no policy implications.

Financial Implications

Planning fees of \$147.00 have been paid.

Strategic Implications

4.1 Provide good strategic decision making, governance, leadership and professional management; 4.1.3 Deliver services that meet the current and future needs and expectations of the community, whilst maintaining statutory compliance; 4.1.3.6 Continue to deliver services to the community in a safe and responsible manner.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution Feb 14-7.1.3

Moved: Cr Thornton Seconded: Cr Buegge

That Council endorse the actions of the Environmental Health Officer in approving the enclosing of the veranda’s (conversion to sunrooms) at Bruce Rock Roadhouse Lot 1 Johnson Street, Bruce Rock.

Carried 7/0

Agenda Reference and Subject:

7.1.4 Rail Crossing Proposal Shire of Bruce Rock

File Reference:

3.1.4.5

Reporting Officer:

John Mitchell, Environmental Health Building Officer

Disclosure of Interest

Nil

Summary

Report recommends that Council commence the development utilising a road constructed through the recreation Centre (lot 248 Dunstal Street, Bruce Rock).

Background

The Administration has been negotiating with the Public Transport Authority to obtain clearance to construct a road across the Merredin Bruce Rock rail road. Due to an inability to reach a conclusion the Honourable Minister was contacted seeking assistance with the Authority.

On Friday 31st January the CEO, EHOBS, Manager Works and Services and Councillor Heasman met with Mrs Shelley Brindal and Mr Rod Cousins of the PTA. The conclusion of that meeting was that a rail crossing with full safety protection was demanded incorporating boom gates and lights.

Comment

The PTA Reps advised: -

- 1) Whilst Councils ALCAM assessment was received by PTA it was not accepted. PTA performed their own assessment which determined that simple stop signs and traffic calming was insufficient;
- 2) Any road constructed across the rail would be carried out by Brookfield at a cost of between \$10,000 and \$20,000 per day;
- 3) The cost of the fully compliant rail crossing was almost \$1,000,000;
- 4) Council would need to indemnify PTA and Brookfield from any claim;
- 5) Council would need to pay up to \$10,000 per annum to Brookfield for monthly inspections of the crossing and then pay for any required works.

Since that meeting the Chief Executive Officer has liaised with Mr Rod Cousins and the Honourable Jim Chown (Friday 8th February) and is receiving two conflicting views on a decision relating to a crossing.

The other “players” in this project are Western Australian Planning Commission and LandCorp. Their cooperation in awaiting the outcome with a crossing has been most appreciated. However both parties are now seeking a conclusion as time is working against the Shire of Bruce Rock.

LandCorp have advised prior to Christmas that priorities were changing and that by June 14 LandCorp would be provided with new directions. It is imperative that the subdivision be approved and progressed.

Attached is a plan showing options for a road system through the Recreation Ground. The plan is best discussed with the Manager Works and Services; however it is believed that an internal road within the Recreation Centre around the oval and separate to the new road is required for safety and area definition.

Council is requested to choose an option noting please that the road should be separate to any internal private roads within the recreation centre.

In determining a new road route to the subdivision Council may also wish to amend the proposed development areas to reflect the road alignment. Which blocks will Council seek to develop first dependent on the road configuration?

Consultation

Consultation has occurred between the Shire of Bruce Rock, Hon Jim Chown, PTA, WAPC and LandCorp as contained within other sections of this report.

Statutory Implications

Council must determine a road access route to achieve a decision regarding the subdivision from the Western Australian Planning Commission.

Policy Implications

There are no policy implications.

Financial Implications

Council has budgeted \$250,000 for the construction of the new road within the 2013/14 budget (J10302).

If LandCorp do not complete the first eight lots it is likely that Council will then bear all development costs which is estimated at in excess of \$50,000 per lot.

Strategic Implications

2.1 A thriving, diverse and growing economy, 2.1.2 Provide commercial and industrial land aligned to economic need and growth; 2.1.2.1 Review and align land use with economic development as well as participating and releasing private and public land development projects in a timely manner.

Voting Requirements

Simple Majority

Officer Recommendation

For Council's Consideration

Council Resolution differs to Officers recommendation, as Council was required to make a decision of the new location of the entrance to the subdivision.

COUNCIL DECISION

Resolution Feb 14-7.1.4

Moved: Cr Heasman Seconded: Cr Dolton

That Council resolve to, pending all avenues being exhausted for the subdivision access across the railway line, create an alternative entrance road option to the new subdivision from Dunstal Street, to link with the current road on the eastern boundary of the oval, and widen the existing access road to accommodate the increase in traffic.

Carried 7/0

Agenda Reference and Subject:

7.1.5 Local Planning Scheme No. 3 –Town Planning Policies

File Reference:

3.1.1.3

Reporting Officer:

John Mitchell, Environmental Health Building Officer

Disclosure of Interest

Nil

Summary

Report seeks Council consideration of Local Planning Policies relating to second-hand buildings, Outbuildings and Moveable buildings.

Background

During 2013 Council received an application for a sea-container which was approved without condition. It was noted at that time that the new Local Planning Scheme was adopted without relevant policies.

Comment

A review of the following policies is proposed:

- a) Moveable buildings;
- b) Home Occupation Businesses;
- c) Outbuildings;
- d) Use of Sea Containers in residential zones.

A review of other local governments' policies indicates that potentially the proposed Sea Container restrictions may be reduced particularly where it is a tenanted property where the owner does not seek to provide outbuildings and accordingly the tenant seeks an alternative to investing in permanent infrastructure on the owners land.

Consultation

There has been little consultation to date and that is limited to the EHOBs liaising with other local governments to ascertain their particular direction. Once Council is agreeable to the content of the policies then the public advertising and Western Australian Planning Commission involvement commences.

Consultation must include, once the policies are adopted for advertising, public advertisement, advice to the WAPC, consideration of any submissions received and as a conclusion copies of the policies are to be provided to the WAPC and made available on Council's website.

Statutory Implications

The adoption of LPS policies is laid down in Clause 2.4 and 2.5 of the Shire of Bruce Rock Local Planning Scheme No. 3 and also requires the consent of the Western Australian Planning Commission.

Policy Implications

The purpose of this report is to assign policies pursuant to the provisions of the local planning scheme.

Financial Implications

Advertisement costs of around \$1,000 are expected. All policy formulation has occurred in-house. It is recommended that the policies also be reviewed by the Planning Consultant – Mr Paul Bashall.

Strategic Implications

The setting of local planning policies allows the administration to process applications in a timely and professional manner. Clauses 4.1 Provide good strategic decision making, governance, leadership and professional management, 4.1.3 – Deliver services that meet the current and future needs and expectations of the community, whilst maintaining statutory compliance; 4.1.3.4 & 4.1.3.6.

Voting Requirements

Simple Majority

**Officer Recommendation
For Council Information**

Agenda Reference and Subject:

7.1.6 Provision of Sewer to Bruce Rock Town-site

File Reference:

4.1.1.3

Reporting Officer:

John Mitchell, Environmental Health Building Officer

Disclosure of Interest

Nil

Summary

At the ordinary meeting held in December 2013 Council resolved: -

COUNCIL DECISION

Resolution Dec 13-7.1.2

Moved: Cr Buegge

Seconded: Cr Gmeiner

- 1) That Council confirms its commitment to the provision of a grey water STED system to the town of Bruce Rock;*
- 2) That Council enters into discussions with the Honourable Minister for Water that Council in regards to council's co-contribution towards the STED project;*
- 3) That Council seeks to convey the information to the public via a letter drop (Letter contents the known issues, the health concerns, town development restrictions, costs to owners of properties and costs to the community to achieve the infrastructure provide a simple yes no more information component for support for the infrastructure and include a request to attend a public meeting to resolve any concerns raised), invitation to a public meeting and a display within the front foyer area of Council;*
- 4) That the date for the public meeting relating to the provision of a STED sewerage system in the town of Bruce Rock be determined at the February 2014 Council Meeting anticipating that the meeting will be held in March 2014;*
- 5) That Council does not seek to increase irrigation areas beyond those agreed with the Water Corporation until the system is installed and proven operational, however that as a contingency any excess will be utilised on fairways at the Bruce Rock golf club.*

Carried 9/0

Background

In discussions with Mr Vincent Pilot of the Water Corporation in early February 2014 it was thought that the best date in March would be the 27th March 2014. It was believed that the best venue would be the Town Hall.

Comment

A tentative booking of the Town Hall for the 27 March 2014 has been made.

Suggested documentation by Water Corporation include: -

- a) Letter drop – invitation to all towns persons to attend a public meeting to discuss the proposal noting the current town issues and failure of septic systems south end of town, quarantined blocks within the town – attachment 1;
- b) Power Point display including the known costs, annual charges, exemptions and methods of determining applicable rates;
- c) Public advertisement;
- d) Voting forms – Have your say, register your support etc;
- e) Shire display – Foyer

Consultation

Vincent Pilot, Chief Executive Officer Shire of Bruce Rock,

Statutory Implications

There are no statutory implications associated with the process of decision at this time.

Policy Implications

There are no known policy implications at this stage.

Financial Implications

Council has agreed to fund 15% of the cost i.e. \$900,000.

Strategic Implications

2.1 A thriving, diverse and growing economy, 2.1.2 Provide commercial and industrial land aligned to economic need and growth 2.1.2.2 Advocate attract partner and provide where necessary; water, sewerage, storm water and innovative energy infrastructure and services to meet community and business needs now and into the future.

Voting Requirements

Simple Majority

Officer Recommendation

That Council advise the Water Corporation that the date for the public meeting to discuss and seek public input into the provision of sewer to the town of Bruce Rock be the 27 March 2014 at the Town Hall Johnson Street, Bruce Rock.

COUNCIL DECISION

Resolution Feb 14-7.1.6

Moved: Cr Thornton Seconded: Cr Rajagopalan

That Council advise the Water Corporation that the date for the public meeting to discuss and seek public input into the provision of sewer to the town of Bruce Rock be the 27 March 2014 at the Town Hall Johnson Street, Bruce Rock.

Carried 7/0

John Mitchell left Council Chambers at 3.06pm and did not return.

Frank Gillham entered Council Chambers at 3.08pm, spoke to Council about the Quarry Lease, left at 3.18pm and did not return.

The meeting adjourned at 3.19pm back 3.27pm and all Councillors and staff returned.

Manager of Works & Services Information Report

Agenda Reference and Subject:

8.1 Works Information Report

File Reference:

Reporting Officer:

Manager of Works & Services, David Holland

Disclosure of Interest

Nil

Town and Gardening Crew

- The crew since returning to work have completed the Vietch Rd Bridge.
- The gardening crew have been busy keeping the town looking as best it can over the summer period and with a scaled back crew.
- The gardeners and town crew have been completing the works at the new house installing steps, cleaning up and installing the gardens.
- The town crew will be on leave from the 17th Feb until the 18th March.

Construction Crew

- The maintenance crew has since returning from leave been out repairing roads that were damaged by trucks during harvest with a lot of roads being not designed to having road trains on them.
- This crew have also completed the road works for the Vietch Rd project.
- The maintenance crew will be doing various smaller jobs that have not been completed or need to be completed, like the two culverts at Belka East Rd East of Totadgin Rd and Perkins Rd re-gravel some parts.
- The main crew have started the Bruce Rock Naremben road and will be doing this job with the road reclaimer.
- The crew will be then moving to Bruce Rock East Rd.

Workshop

- Gary, Brian and Jamie has been carrying out as much maintenance as they can and have been busy doing jobs that have had to be put on hold over Christmas.

Rec Centre Grounds

- Damien has carried out general upkeep of the Rec Centre grounds and oval, he is now getting things back up after the summer break.
- We have had several problems with the aging retic system and I will be putting an estimate in for next year's budget to start upgrading the systems we have now.

Grain Freight Works

- I have started the Noonajin Rd works for main roads before the Christmas break and over the shutdown period have completed the works, I have had several problems with MRWA with their compaction tests and have had to rework the surface at their expense.
- I have also completed some shoulder works on BK/ Corrigin Rd.

Vehicle Replacements

- I have the Concrete truck and grader out on E Quotes over the Christmas break and have supplied Council with the quotes and matrix on both machines.
- I will be putting up the DCEO, EHO and NRMO's vehicles for their replacement over the next week or two before I go on leave in March.

Concrete Problems

Following several complaints on the concrete, several tests have been undertaken. Once results have been received, Council will be informed of quality and reasons for failure.

3.55pm David Holland left Council Chambers and did not return.

The meeting adjourned at 3.55pm for afternoon tea.

Meeting resumed at 4.12pm with all Councillors and staff returned.

Agenda Reference and Subject:

8.1.1 Purchase of Grader

File Reference:

Reporting Officer:

Manager of Works & Services

Disclosure of Interest:

Nil

Summary:

Council is asked to consider the purchase of Grader, as per budget.

Background:

Request for council's consideration, and approval with regard to the purchase of a Grader to replace existing Grader BK409.

Comment:

I have received several quotes through the WALGA E Quotes for the purchase of a Grader, with one being outstanding in price and the others within the budget estimate.

To justify the recommendation, the workshop manager and I have come to this conclusion,

- The merits of each vehicle and the future needs of the council.
- Progressing into the future with a fleet of vehicles that will suit the personal we employ now and in to the future.
- It should also increase the price we get for these vehicles when it comes to replacement.

Options:

- 1) Westrac Cat, at a cost of \$345,000, less trade of \$51,000 total changeover of \$294,000 all these prices are GST exclusive.
- 2) CJD (Volvo), at a cost of \$333,190, less trade of \$59,000 total changeover of \$274,190 all these prices are GST exclusive.

Consultation:

Darren Mollenoyux (CEO), David Holland (MOWS), Gary Waight (Workshop Manager), Colin Brownley (Construction Foreman), Ron Yeats (Construction Leading Hand)

Statutory Implications

Nil

Policy Implications:

I have researched and trialled several vehicles and have attached a matrix for councils consideration and approval.

Financial Implications:

In the current budget council has provision of \$330,000 for the changeover of BK409.

Strategic Implications:

1.2.1 Advocate and provide for an integrated transport network.

4.1.3 Deliver services that meet the current and future needs and expectations of the community, whilst maintaining statutory compliance.

Voting Requirements

Simple Majority

Officer Recommendation:

That council consider tenders received for the replacement of BK409.

Council resolution differs to the Officer recommendation as Council decided to purchase the Cat Grader, and not to trade-in the BK409, but to retain the grader to allow for an additional grader in the Asset inventory, for maintenance grading.

COUNCIL DECISION

Resolution Feb 14-8.1.1

Moved: Cr Rajagopalan

Seconded: Cr Dolton

That Council purchase the Westrac Cat at a cost of \$345,000 and not trade-in the grader BK409, but to retain the grader as part of the Shires Plant and Equipment asset.

Carried 7/0

Agenda Reference and Subject:

8.1.2 Purchase of 36t Cab Chassis

File Reference:

Reporting Officer:

Manager of Works & Services

Disclosure of Interest:

Nil

Summary:

Council needs to consider the purchase of 36t cab chassis, as per budget.

Background:

Request for council's consideration, and approval with regard to the purchase of a 36t cab chassis to replace existing concrete truck BK975.

Comment:

I have received several quotes through the WALGA E Quotes for the purchase of a 36t GCM cab chassis, with one being out standing in price and the others with in the budget estimate.

To justify the recommendation, the workshop manager and I have come to this conclusion,

- The merits of each vehicle and the future needs of the council.
- Progressing into the future with a fleet of vehicles that will suit the personal we employ now and in to the future.
- Should also lessen the amount of break downs we are having with clutches and gearbox problems.
- It should also increase the price we get for these vehicles when it comes to replacement.

Options:

- 3) South West Isuzu (Auto), at a cost of \$136,990, less trade of \$18,229.09 total changeover of \$118,760.90 all these prices are GST exclusive.
- 4) Daimler Trucks Fuso (Auto), at a cost of \$145,850, less trade of \$10,950 total changeover of \$134,900 all these prices are GST exclusive.
- 5) WA Hino (Auto), at a cost of \$148,630, less trade of \$13,636.36 total changeover of \$134,993.63 all these prices are GST exclusive.
- 6) Truck Centre UD (Auto), at a cost of \$140,000, less trade of \$13,636 total changeover of \$136,179 all these prices are GST exclusive.

Consultation:

Darren Mollenoyux (CEO), David Holland (MOWS), Gary Waight (Workshop Manager)

Statutory Implications

Nil

Policy Implications:

I have researched and trialled several vehicles and have attached a matrix for councils consideration and approval.

Financial Implications:

In the current budget council has provision of \$150,000 for the change over and installation of the body from BK975.

Strategic Implications:

1.2.1 Advocate and provide for an integrated transport network.

4.1.3 Deliver services that meet the current and future needs and expectations of the community, whilst maintaining statutory compliance.

Voting Requirements

Simple Majority

Officer Recommendation:

That council consider tenders received for the replacement of BK975.

Council Resolution varies from Officer Recommendation as the Council resolved on consideration of all quotes to purchase the automatic Isuzu cab chasis as this quote was the most competitive received.

COUNCIL DECISION

Resolution Feb 14-8.1.2

Moved: Cr Heasman Seconded: Cr Buegge

That Council purchase the automatic Isuzu truck as per the quote from South West Isuzu of \$136,990, and trade-in BK975 at \$18,222.09.

Carried 7/0

9. Announcements by Presiding Member

Stand Down in Hall went well

Christmas Party – generally went well

School graduation

ERA costing submissions Great Eastern Zone has placed a submission.

Shire Briefing with CBH – as per report attached in Information Bulletin 2 (p16)

Country Local Government Reform – first meeting – smaller shires have a good representation on the committee.

10. Confirmation of Minutes

Ordinary Meeting of Council held on Thursday 19th December 2013.

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution Feb 14-10.1

Moved: Cr Thornton Seconded: Cr Gmeiner

That the minutes of the Ordinary Meeting of Council held Thursday 19th December 2013, be confirmed as a true and correct record.

Carried 7/0

11. Status Report

Presentation of Status Report for December 2013 Resolutions

ITEM	RESOLUTION / ACTION REQUIRED	RESPONSIBLE OFFICER	RESPONSE OR STATUS
<p>Resolution Dec 13-7.1.1 CAT Act 2012 Enforcement – Implications of the RSPCA Guidelines relating to the Trapping of Cats.</p>	<p>1) That Council not provide an animal trapping service to the public and that the cages within Councils care be stored at the Depot and not used; and 2) That Council staff not take responsibility for or take possession of non-domestic cats.</p>	<p>EHO</p>	<p>Correspondence confirming Councils resolution, sent to RSPCA 7/01/2014.</p>
<p>Resolution Dec 13-7.1.2 Local Planning Scheme – Application to erect a gas cylinder enclosure – Lot 37 Dunstal Street, Bruce Rock</p>	<p>That Council resolve by absolute majority to rescind the recommendation of 13.7.1.2 and replace with: - That the application to construct a 4.8m x 2.8m raised LPG Storage and delivery Depot as shown on the plans submitted at Lot 1, 2 & 3 Dunstal Street Bruce Rock be approved with the following conditions: - a) The platform in its entirety may not be used for any form of advertising including premise name or address; b) The delivery area around the platform shall comprise a bitumised or similar area of dimensions suitable for the safe conduct of business associated with the facility and be of a minimum of the same dimensions as the platform structure.</p>	<p>EHO</p>	<p>New approvals issued 7/01/2014</p>
<p>Resolution Dec 13-7.1.3 Local Planning Scheme – PT 1 of Lot 265, 20 Westral Street, Bruce Rock, Maximum Height Carport.</p>	<p>That the application for a carport with a apex roof height of 5.8m at Lot 1/256 #20 Westral Street Bruce Rock be approved.</p>	<p>EHO</p>	<p>Planning & building consent granted to applicant December 2013.</p>
<p>Resolution Dec 13-7.1.2 Health – Infill Sewerage Program – Town of Bruce Rock</p>	<p>1) That Council confirms its commitment to the provision of a grey water STED system to the town of Bruce Rock; 2) That Council enters into discussions with the Honourable Minister for Water that Council in regards to council's co-contribution towards the STED project; 3) That Council seeks to convey the information to the public via a letter drop (Letter contents the known issues, the health concerns, town development restrictions, costs</p>	<p>EHO</p>	<p>Information conveyed to Water Corporation December 2013. New report to Council February 2014.</p>

	<p>to owners of properties and costs to the community to achieve the infrastructure provide a simple yes no more information component for support for the infrastructure and include a request to attend a public meeting to resolve any concerns raised),invitation to a public meeting and a display within the front foyer area of Council;</p> <p>4) That the date for the public meeting relating to the provision of a STED sewerage system in the town of Bruce Rock be determined at the February 2014 Council Meeting anticipating that the meeting will be held in March 2014;</p> <p>5) That Council does not seek to increase irrigation areas beyond those agreed with the Water Corporation until the system is installed and proven operational, however that as a contingency any excess will be utilised on fairways at the Bruce Rock golf club.</p>		
<p>Resolution Dec 13-12.2.1 Land Application – 7 Bean Road, Bruce Rock</p>	<p>That Council withdraws the offer to sell 7 Bean Road, Bruce Rock to Doug and Gail Sedgwick.</p>	<p>DCEO</p>	<p>Letter sent to the Sedgwick’s advising of the withdrawal.</p>
<p>Resolution Dec 13-12.3.1 Local Business Townscape Development</p>	<p>1. That Council approves the allocation of \$3,000 to the Bruce Rock Community Resource Centre, through the Townscape Development Grants, for the installation of an automatic door at 54 Johnson Street, Bruce Rock.</p> <p>And That Council approves a second round of the Local Business Townscape Development Grants in February 2014.</p>	<p>CEO</p>	<p>Letter to Bruce Rock Community Resource Centre has been sent</p>

Status Report

Ongoing Items as at 20th February 2014

ITEM	RESOLUTION / ACTION REQUIRED	RESPONSIBLE OFFICER	RESPONSE OR STATUS
<p>Resolution Nov12-7.1.4 Road Resumption, dedication and maintenance Lot 248 Dunstall Street</p>	<p>1. That the Council of the Shire of Bruce Rock agrees to relinquish a portion of Lot 248 Dunstall Street (the Recreation Centre) as shown on the attached sketch plan for the purposes of providing road access to the landlocked lot 26240 on the condition that Lot 26240 is subdivided in accordance with the Outline Development Plan submitted for consent to the Western Australian Planning Commission;</p> <p>2. That the Shire of Bruce Rock requests the Honourable Minister for Lands to create the road reserve as shown on the sketch plan, through Lot 248 Dunstall Street to provide access to the residential lots to be created within Lot 26240 Bruce Rock Merredin Road, Bruce Rock; and</p> <ul style="list-style-type: none"> a) Council advises that the road created is the responsibility of the Shire of Bruce Rock to maintain; b) The Shire of Bruce Rock indemnifies the Minister for lands, pursuant to Section 56(4) of the Land Administration Act 1997 in an amount equal to the amount all costs and expenses reasonably incurred in considering and granting this request; and c) The road is requested to be named (deliberately left blank for Council input – no admin resolution required). <p>3. That if the provisions of Clause 56 of the Land Administration Act 1997 are not applicable for this type of application that the Council of the Shire of Bruce Rock requests the Honourable Minister consider this request pursuant to Clause 59(1)(b) and will comply with the provisions of Clause 59(2) & 59(3) with the notations relevant to indemnity, responsibility of maintenance and construction and the street name</p>	<p>EHO</p>	<p>In hand & Progressing</p> <p>Requests from ALCAM assessment issued, RFQ classes 13/8/2013. EHO to present late item to Council to appoint a consultant.</p> <p>Letter to Minister October 2013, seeking meeting to resolve decision of PTA to not approve either location – No response as at 12.12.13.</p> <p>CEO, EHO, MWS & Cr Heasman met with representatives from PTA & Brookfield's on 30/01/2014. An update will be provided at Council Meeting.</p>

	to apply.		
Resolution Feb13-7.1.6 Local Government Act 1995 – Application to Lease Council Lands – Lot 437, 76 Dampier Street, Bruce Rock	That Council agrees to lease Lot 439 Dampier Street to Daly International, on behalf of Ericsson representing NBN Co Limited for \$4,000 plus GST per annum with the condition that the provision of water and power infrastructure, land maintenance (e.g. bushfire control) and advertising costs is at the lessee’s expense.	EHO	8/08/2013 – Awaiting quotations for works 9/12/2013 – Unofficial advice received that NBN roll out cancelled.
Resolution June13-12.2.1 Land Application – Lot 143 Butcher Street	That Council approve to offer to sell to Donna Riseley 113 (Lot 143) Butcher Street, Bruce Rock following a valuation being obtained and that the sale is in accordance with Section 3.58 of the Local Government Act.	DCEO	Letter sent regarding withdrawal of offer to sell due to non- response.
Resolution Oct 13-12.3.3 Backflow prevention Devices Resolution Nov 13-12.3.1 Backflow Prevention Devices	That Council declines the Water Corporation’s request for the installation of backflow prevention devices and inspect them annually at expense to Council and a review of the standpipes within the shire. 1. That Council accepts the Water Corporation’s offer for the provision of Backflow Prevention Devices prior to the 30th June 2014. 2. That staff carry out a full review into the strategic location and needs assessment for each standpipe. 3. That Council advise the Water Corporation that it will not be installing the devices until the 2014/15 financial year, and 4. That Council makes budget provision in 2014/15 for the installation of Backflow Prevention Devices to its standpipes and annual inspections.	CEO	Ongoing About to commence review of current standpipes.
Resolution Nov 13-12.3.5 Quarry Lease	That Council advise Mr Frank Gillham of Midlands Mining and Development Pty Ltd that it declines his request for financial assistance to perform a blast at the quarry site leased from the Shire of Bruce Rock. And That Council offer Mr Gilliam of Midlands Mining and Development Pty Ltd the option of relinquishing his lease from the Shire of Bruce Rock.	CEO	Letter sent to Mr Gilliam, response will be provided at December 2013 Council meeting. Mr Gillham will be attending Council Meeting 21.02.14

<p>Resolution Nov 13-14.1.2 Practise Nurse – Bruce Rock Medical Centre</p>	<p>That Council agrees in principal to the position of Practice Nurse subject to consultation with the HSM at the Bruce Rock Hospital to determine that services at the hospital will not be affected by the employment of a Practice Nurse.</p>	<p>DCEO</p>	<p>Recruitment to be considered in conjunction with Doctor & Medial Centre Manager.</p>
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COUNCIL DECISION
Resolution Feb 14-11
Moved: Cr Rajagopalan Seconded: Cr Dolton

Council receives the Status Reports, as presented.

Carried 7/0

12. Officers' Reports

12.1 Manager of Finance

Agenda Reference and Subject:

12.1.1 Statement of Financial Activity

File Reference:**Reporting Officer:**

Jennifer Bow, Manager of Finance

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 December and January's financial statements will be presented to Council as a late item.

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 Feb 14-12.1.1

Moved: Cr Buegge Seconded: Cr Heasman

That the Statement of Financial Activity for the month of December 2013 and January 2014, as presented, be received.

Carried 7/0

Agenda Reference and Subject:

12.1.2 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 Feb 14-12.1.2

Moved: Cr Rajagopalan Seconded: Cr Thornton

That Council endorse the list of payments from the Municipal Account consisting of EFT voucher numbers EFT7119 to EFT7360; cheque number 23037 to 23073; Trust Number 1840 to 1840; totalling \$1,195,384.11.

Carried 7/0

12.3 Chief Executive Officer

Agenda Reference and Subject:

12.3.1 WA Explorers' Diaries Project

File Reference:

8.2.7.4

Reporting Officer:

Darren Mollenoyux, Chief Executive Officer

Disclosure of Interest

Nil

Summary

Council is asked to consider a request for a donation towards the WA Explorers' Diaries Project.

Background

Council has received a letter of request from the WA Explorers' Diaries Project see a donation to assist with the publication of exploration diaries of John Septimus Roe 1829 – 1849.

The work to date has been done by volunteers, however the group are seeking a donation of \$1,500 to assist with payment of a typesetter and printer to complete the publication.

Comment

A copy of the letter of request is attached.

Consultation

Nil

Statutory Implications

Nil

Policy Implications

Nil

Financial Implications

Council does not have a budget provision for this type of request, however there are funds available in the Community Development Account.

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2013-2023

Economic

2.1.1 – Actively support and develop local and new business

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution Feb 14-12.3.1

Moved: Cr Dolton

Seconded: Cr Heasman

That Council declines the WA Explorers' Diaries Project request for a donation towards the publication of John Septimus Roe's Diaries.

Carried 7/0

Agenda Reference and Subject:

	12.3.2 Wheatbelt Visitors Centre MOU
File Reference:	1.3.10.4
Reporting Officer:	Darren Mollenoyux, Chief Executive Officer
Disclosure of Interest	Nil

Summary

Council is asked to consider the amended MOU for the Wheatbelt Visitors Centre.

Background

During 2013 there were several discussions as to the best way forward with the funding arrangements for Shire of Merredin and the Wheatbelt Visitors Centre.

To date the Agreement has been between the Shire of Merredin and ROC's / Tourism Groups. At the July 2013 WEROC Executive Meeting the following resolution was passed:

“The Executive discussed the MOU and made the below resolution.

That the WE-ROC Executive recommend to the WE-ROC Council that:

1. the current Central Wheatbelt Visitor Centre Memorandum of Understanding be dissolved;
2. a new Central Wheatbelt Visitor Centre Memorandum of Understanding be prepared on the basis of individual local governments being members;
3. the scope of the membership to the Central Wheatbelt Visitor Centre be broadened to enable all local governments and individual business/operators who see relevance in tourism and likely to be impacted by the operations of the Central Wheatbelt Visitor Centre to become members; and
4. the Central Wheatbelt Visitor Centre institute a fee for service arrangement for local governments and others who wish to use the services offered by the Central Wheatbelt Visitor Centre.”

Correspondence has now been received from the Shire of Merredin advising that they have amended the MOU and attached a revised version for individual Council's to consider.

A copy of the Amended MOU is provided on the Councillors webpage.

Comment

In general the proposed MOU appears to be more favourable than the previous arrangements and will be easier to liaise than the old version which was negotiated between ROC's rather than individual Councils. It is proposed that the working group will be renamed to “Eastern Wheatbelt MOU Working Group”.

Clarification regarding the operating hours may need to be expanded as it currently states the Visitors Centre will be open 38 hours per week for walk in visitors, perhaps it needs to include reference to particular days such as Saturdays.

A copy of the fee structure for 2014/15 is included and several queries remain on this section. The fees are only for 2014/15 and the MOU is valid until 2017, this may leave it open to significant price increases.

The Proposed Fee Schedule lists as an additional cost to Council for the shortfall from advertising income versus the cost of production of the Eastern Wheatbelt Brochure, this is also open ended and may create an unknown increase in fees.

Each Shire is required to provide two delegates to the Working Group, being 1 Councillor and 1 staff member.

Consultation

The CEO has had several conversations with neighbouring CEO's involved in the MOU Group.

Statutory Implications Nil

Policy Implications Nil

Financial Implications

If Council endorses the MOU then a budget provision of \$3,000 would be required for 2014/15.

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2013-2023

Economic

2.2.1 – Strengthen the capacity and integration of tourism in the Shire of Bruce Rock.

Voting Requirements Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution Feb 14-12.3.2

Moved: Cr Gmeiner Seconded: Cr Buegge

That Council agrees in principal to the amended Wheatbelt Visitors Centre MOU pending clarification and changes that reflect Council's concerns.

Carried 7/0

Agenda Reference and Subject:

12.3.3 ERA - Rail Access Costs Submission

File Reference:

6.3.1.2

Reporting Officer:

Darren Mollenoyux, Chief Executive Officer

Disclosure of Interest

Nil

Summary

Council is asked to consider and support submissions to the Economic Regulation Authority (ERA) for Brookfield Rail Pty Ltd Floor and Ceiling Cost Determination.

Background

The Economic Regulation Authority is seeking public comment on the Authority's determination of floor and ceiling costs for certain routes on the railway network managed and controlled by Brookfield Rail Pty Ltd.

Schedule 4 of the Railways (Access) Code 2000 (Code), requires the Authority to approve or determine floor and ceiling costs for any railway routes subject to third party access requests.

Brookfield Rail received an access proposal from Co-operative Bulk Handling Ltd (CBH) on 10 December 2013. In accordance with clause 10 of Schedule 4 of the code, Brookfield Rail has notified the Authority of its determination of floor and ceiling costs relevant to CBH's proposal.

Brookfield Rail has advised that the material it has provided to the Authority is confidential. In accordance with section 50 (3) of the code, the Authority is therefore not able to publish that material.

Clause 10 requires that the Authority either approves the railway owner's determination, or determine the relevant costs within 30 calendar days from receiving BR's determination. The Authority has received permission for an extension of this time limit from CBH. In accordance with clause 11(2), the Authority must now approve BR's determination of costs, or make its own determination by 7th March 2013.

Public Submission were scheduled to be received no later than the 3rd February 2014, however the ERA has no approved an extension which will see public submissions received until 7th April 2014.

Comment

A copy of WALGA's Interim Submission and the Great Eastern Zones Submission has been provided to Councillors.

Does Council support the views of the submissions and does Council wish to submit a submission in line with the copies provided.

Consultation

Shire President

Statutory Implications

Nil

Policy Implications

Nil

Financial Implications

The ongoing threat of rail closure will inevitably see an increased cost to Council's road maintenance budget.

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2013-2023

Economic

1.2.1 – Advocate and provide for an integrated transport network.

1.2.1.2 – Advocate for the retention and improvement of all current railway infrastructure in the Shire of Bruce Rock and the Region.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution Feb 14-12.3.3

Moved: Cr Dolton

Seconded: Cr Thornton

That Council endorses the views of WALGA and the Great Eastern Zone submissions for Brookfield Rail Floor to Ceiling Cost Determination.

Carried 7/0

13. WEROC Report

Agenda Reference and Subject:

13.1 WALGA Zone Meeting December 2014

File Reference:

1.6.5.6

Reporting Officer:

Darren Mollenoyux, Chief Executive Officer

Disclosure of Interest

Nil

Summary

Council is asked to receive the minutes from the previous WALGA Great Eastern Zone Meeting.

Background

The last Great Eastern Zone Meeting was held in Kellerberrin on the 11th December 2013.

Comment

To encourage the improve awareness and promote a better understanding by all Councillors it is recommended that WALGA Zone minutes be read and received by Council.

A copy of the minutes has been provided to Councillors. The following items are highlighted for Councillors interest;

Meeting with the Minister for Local Government

The purpose of the meeting was to meet with the Minister for Local Government. A summary of what was discussed is included in the minutes.

Consultation

Nil

Statutory Implications

Nil

Policy Implications

Nil

Financial Implications

Nil

Strategic ImplicationsShire of Bruce Rock – Strategic Community Plan 2013-2023

Civic Leadership

4.1.2 – Manage the organisation in a responsible and accountable manner.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION**Resolution Feb 14-13.1**

Moved: Cr Rajagopalan Seconded: Cr Buegge

That Council receives the Minutes of the WALGA Great Eastern Zone Meeting held in Kellerberrin on the 11th December 2013.

Carried 7/0

Agenda Reference and Subject:

13.1.1 WEROC Executive Meeting January 2014

File Reference:

1.6.9.1

Reporting Officer:

Darren Mollenoyux, Chief Executive Officer

Disclosure of Interest

Nil

Summary

Council is asked to receive the minutes from the previous WEROC Executive Meeting.

Background

The last WEROC Executive Meeting was held on Wednesday 5th February 2014 at the Shire of Kellerberrin.

Comment

To encourage the WEROC partnership and promote a better understanding by all Councillors it is recommended that WEROC minutes be read and received by Council.

A copy of the minutes has been provided to Councillors.

The following items are highlighted for Councillors interest;

Item 5.1 WEROC Governance Model Update

A draft Proposal was presented to Council at the December 2013 Council Meeting, since then the document was sent to lawyers for feedback. The WEROC Executive made the following resolution following the legal opinion we received;

1. *the legal opinion and redrafted constitution be referred to Ray Davy of Conway Highbury for comment; and*
2. *following receipt of the comments from Ray Davy seek further legal advice if necessary, with a report on the matter to be prepared for the WE-ROC Council Meeting to be held Wednesday 26 February 2014.*

Item 5.3 Royalties for Regions CLGF – WEROC Housing Project

The 2012/13 Financial Assistance Agreement (FAA) for housing has been received and WEROC Executive has endorsed the document, however we have been advised that the funding has been postponed until 1st July 2014. The following resolution was made;

That WE-ROC accept the Department of Regional Development's Financial Assistance Agreement (FAA) for the WE-ROC 2012/2013 Country Local Government Regional Infrastructure Project subject, to the Executive Officer negotiating the drawdown of funds based around milestones with a 20% initial payment on signing of the FAA.

Consultation Nil

Statutory Implications Nil

Policy Implications Nil

Financial Implications Nil

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2013-2023

Civic Leadership

4.1.2 – Manage the organisation in a responsible and accountable manner.

4.1.3.3 – Develop an enterprising approach to our infrastructure projects.

Voting Requirements

Simple Majority

Officer Recommendation

That Council receives the minutes of the WEROC Executive Meeting held on Wednesday 5th February 2014 at the Shire of Kellerberrin.

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution Feb 14-13.2

Moved: Cr Thornton Seconded: Cr Dolton

That Council receives the minutes of the WEROC Executive Meeting held on Wednesday 5th February 2014 at the Shire of Kellerberrin.

Carried 7/0

Cr Gmeiner left Council Chambers at 5.00pm and did not return.

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

Agenda Reference and Subject:

14.1 Delegation of Authority Cat Act 2011

File Reference:

Reporting Officer:

Tamara Olsson, Deputy Chief Executive Officer

Disclosure of Interest

Nil

Background

Council is requested to consider a delegation to the Chief Executive Officer for the efficient administration and enforcement of the *Cat Act 2011* (the Act), which came into effect on 1 November 2013.

Comment

The Act provides for all cats to be registered. The Shire must provide a certificate of registration and a registration tag. Cats are also required to be sterilised and micro chipped unless an exemption applies for breeding purposes, or a condition exists that prevents the cat being micro chipped on health grounds.

Local governments are required to keep an up-to-date register of cats. This register is similar to the current dog register and will contain owners and cat details. The application process is also similar to the dog registration application process. Cat owners seeking to breed cats must apply for approval to breed and on approval will receive a certificate. Cats can be impounded by an authorised person if found wandering unaccompanied in any public place or in a private place at the request of the property owner or occupier or under a warrant.

The Shire is required to implement the requirements of the Act and inform residents of their obligations. The Cat Regulations 2012 have also taken effect as from 1 November 2013. These provide specific detail in regard to annual registration time frames, applicable fees and supplementary requirements.

The Act makes provision for a number of actions and decisions that may be taken by the local government or an authorised officer of the local government. These include but are not limited to:

- grant, renew or refuse to register a cat;
- cancel a registration of a cat;
- grant, renew or refuse approval to breed cats;
- cancel a breeding approval;
- give notice in relation to the above decisions;
- issue infringements;
- in certain circumstances enter onto a property to follow up a matter in relation to the *Cat Act 2011*;
- trap cats; and
- gather evidence including documents, photographs and requiring a person to answer questions.

Section 44 of the Act provides for the Council to delegate to the CEO, by absolute majority, the exercise of any of its powers or the discharge of any of its duties under the Act.

There is an exception to this ability to delegate to the CEO in relation to the determination of objections: section 69 of the Act provides for a person who is dissatisfied in relation to a decision about a registration or approval to breed, in certain circumstances, to make an objection to that decision. Section 70 of the Act provides that an objection can only be dealt with by Council or a committee authorised by Council.

If delegated to the CEO under section 44 of the Act, the CEO may in turn delegate any powers or duties (section 45), except the form and content of an infringement (section 63), the power to grant

an extension to pay an infringement beyond 28 days (section 64) and the power to withdraw an infringement (section 65).

Delegation to the CEO for the exercise of all of Council's powers or the discharge of all its duties that are permitted to be delegated under the Act, would provide for effective and efficient day to day operation of the Act and Regulations.

As the function and duties of a local government under the Act are administrative in nature, Council may form the view that it is adequate to delegate its powers under the Act to facilitate the implementation and application of the provisions of the Act..

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Shire of Bruce Rock Strategic Community Plan 2013-2023

Civic Leadership

4.1.3 Manage the organisation in a responsible and accountable manner

4.1.3 Deliver services that meet the current and future needs and expectations of the community, whilst maintaining statutory compliance

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution Feb 14-14.1

Moved: Cr Rajagopalan Seconded: Cr Thornton

That Council, in accordance with section 44 of the *Cat Act 2011*, delegates to the Chief Executive Officer all the powers and duties of the local government under the *Cat Act 2011*.

CARRIED BY ABSOLUTE MAJORITY 6/0

Agenda Reference and Subject:

14.2 Delegation of Authority Dog Act 1976

File Reference:

Reporting Officer:

Tamara Olsson, Deputy Chief Executive Officer

Disclosure of Interest

Nil

Background

Council is requested to consider a delegation to the Chief Executive Officer for the efficient administration and enforcement of the *Dog Act 1976* (the Act).

Comment

Once delegated to the CEO under section 10AA of the Act, the CEO may in turn delegate any powers or duties to nominated authorised or registration officers.

Delegation to the CEO for the exercise of all of Council's powers or the discharge of all its duties that are permitted to be delegated under the Act, would provide for effective and efficient day to day operation of the Act and Regulations.

As the function and duties of a local government under the Act are administrative in nature, Council may form the view that it is adequate to delegate its powers under the Act to facilitate the implementation and application of the provisions of the Act..

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Shire of Bruce Rock Strategic Community Plan 2013-2023

Civic Leadership

4.1.3 Manage the organisation in a responsible and accountable manner

4.1.3 Deliver services that meet the current and future needs and expectations of the community, whilst maintaining statutory compliance

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution Feb 14-14.2

Moved: Cr Buegge

Seconded: Cr Thornton

That Council, in accordance with section 10AA of the *Dog Act 1976*, delegates to the Chief Executive Officer all the powers and duties of the local government under the *Dog Act 1976*.

CARRIED BY ABSOLUTE MAJORITY 6/0

Agenda Reference and Subject:

14.3 Location Future Aged Accommodation

File Reference:

Reporting Officer:

Darren Mollenoyux, Chief Executive Officer

Disclosure of Interest

Nil

Discussion held on future locations for Aged Care Accommodation. Council resolved to seek land vested with a third party, to be the location due to proximity to the hospital and the town centre.

COUNCIL DECISION

Resolution Feb 14-14.3

Moved: Cr Buegge

Seconded: Cr Thornton

That Council, seeks to obtain Reserve 22002, being Lot 307 and 452 for the provision of future aged accommodation Bruce Rock.

Carried 6/0

15. Confirmation and receipt of Information Bulletin.

COUNCIL DECISION

Resolution Feb 14-15.1.1

Moved Cr Rajagopalan

Seconded Cr Thornton

That Information Bulletin 1 be received.

Carried 6/0

COUNCIL DECISION

Resolution Feb 14-15.1.2

Moved Cr Heasman

Seconded Cr Buegge

That Information Bulletin 2 be received.

Carried 6/0

Mrs Jennifer Bow left Council Chambers at 5.17pm and did not return.

16. Closure of Meeting

The Shire President, Cr Strange, thanked everyone for their attendance and for their contributions in the year and declared the meeting closed at 5.41pm

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

Signed

Cr Stephen Strange

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

