

Agenda

Ordinary Meeting of Council

To be held in Council Chambers
54 Johnson Street, Bruce Rock
Thursday 18 August 2022
Commencing 3.00pm



Notice of Ordinary Meeting of Council

Dear President and Councillors,

The next Ordinary Meeting of Council will be held on **Thursday 18 August 2022 at 3.00pm** in Council Chambers, at 54 Johnson Street, Bruce Rock.

Please contact the undersigned for any enquiries regarding the Agenda prior to the meeting.

A handwritten signature in blue ink, appearing to read "Darren Mollenoyux".

Darren Mollenoyux
CHIEF EXECUTIVE OFFICER

DISCLAIMER

PLEASE READ THE FOLLOWING IMPORTANT DISCLAIMER BEFORE PROCEEDING:

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

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

Our Mission

We will achieve our vision by maintaining and enhancing the Bruce Rock lifestyle, increase business and employment opportunities and achieve population growth in an environmentally sustainable way.

Our Values

Respect, Inclusiveness, Fairness and Equality & Communication

SHIRE OF BRUCE ROCK

AGENDA – ORDINARY MEETING 18 AUGUST 2022

TABLE OF CONTENTS

TABLE OF CONTENTS	3
1. Declaration of Opening	4
2. Record of Attendance/Apologies/Leave of Absence (Previously Approved)	4
3. Declarations of Interest	4
4. Response to Previous Public Questions Taken on Notice	4
5. Public Question Time	4
6. Petitions/Deputations/Presentations/Submissions	4
7. Applications for Leave of Absence	4
8. Announcements by Presiding Member	4
9. Confirmation of Minutes	4
10. Officers’ Reports	6
10.1 Manager of Works and Services	6
10.2 Manager of Finance	7
10.2.1 Statement of Financial Activity	7
10.2.2 List of Payments	8
10.2.3 Setting Material Variance for Monthly Financial Reports	10
10.2.4 Performing Executive Functions	12
10.2.5 Adoption of the 2022-23 Budget	14
10.3 Environmental Health Officer	19
10.4 Deputy Chief Executive Officer	20
10.4.1 Adoption of the Strategic Community Plan	20
10.4.2 Amendment to Policy 5.4 Waiving of Fees, and renumbering to Policy 2.13 in the Policy Manual	22
10.4.3 Bruce Rock Open Gardens Committee Request for Fee Waiver	24
10.4.4 Request for Fee Waiver and In-Kind Support – Cultivators Committee Inc.	26
10.5 Chief Executive Officer	28
10.5.1 Offer to Purchase 113 Butcher St, Bruce Rock	28
11. New Business of an urgent nature introduced by discussion of the meeting	31
12. Confidential Items	31
12.1.1 CEO Performance Appraisal 2022	31
13. Closure of Meeting	32

SHIRE OF BRUCE ROCK
AGENDA – ORDINARY MEETING 18 AUGUST 2022

1. Declaration of Opening
2. Record of Attendance/Apologies/Leave of Absence (Previously Approved)
3. Declarations of Interest

In accordance with Section 5.65 of the Local Government Act 1995 the following disclosures of **financial** interest were made at the Council meeting.

Date	Name	Item No	Reason

In accordance with Section 5.65 of the Local Government Act 1995 the following disclosures of **Closely Association Person and Impartiality** interest were made at the Council meeting.

Date	Name	Item No	Reason

In accordance with Section 5.60B and 5.65 of the Local Government Act 1995 the following disclosures of **Proximity** interest were made at the Council meeting.

Date	Name	Item No	Reason

4. Response to Previous Public Questions Taken on Notice
5. Public Question Time
6. Petitions/Deputations/Presentations/Submissions
7. Applications for Leave of Absence
8. Announcements by Presiding Member
9. Confirmation of Minutes

Ordinary Meeting of Council held on Thursday 21 July 2022

Recommendation:

That the minutes of the Ordinary Meeting held Thursday 21 July 2022 be confirmed as a true and correct record.

Works and Services Committee Meeting held on Tuesday 2 August 2022

Recommendation:

That the minutes of the Works and Services Committee Meeting held Tuesday 2 August 2022 be received.

Special Council Meeting held on Monday 8 August 2022

Recommendation:

That the minutes of the Special Council Meeting held 8 August 2022 be confirmed as a true and correct record.

10. Officers' Reports

10.1 Manager of Works and Services

Nil

10.2 Manager of Finance

Agenda Reference and Subject:	10.2.1 Statement of Financial Activity
File Reference:	8.2.6.2 Financial Reporting
Reporting Officer:	Jennifer Bow, Manager of Finance
Author:	Jennifer Bow, Manager of Finance
Disclosure of Interest	
Attachment:	Nil

Comment

The Statement of Financial Activity for the month ending 31st July 2022 is unable to be prepared and presented to this meeting as Council are yet to adopt the material variances for the report and also the Annual Budget for 2022-23.

The Statement of Financial Activity for July and August 2022 will be presented to the Council meeting in September 2022.

Agenda Reference and Subject:	10.2.2 List of Payments
File Reference:	8.2.3.3 Accounts Payable (Creditors)
Reporting Officer:	Jennifer Bow, Manager of Finance Officer
Author:	Mike Darby, Senior Finance Officer
Disclosure of Interest:	
Attachments:	<i>Item 10.2.2 Attachment A – List of Payments July 2022</i>

Summary

List of payments made since the last Ordinary Council Meeting.

Background

As the Chief Executive Officer 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 2.3, included is a list of payments made with the CEO’s credit card.

Comment

Following is a list of payments made from Council’s Municipal and Trust Accounts and payments made with the CEO’s credit card for the month of July 2022.

If you have any queries regarding the list of payments, please advise prior to the meeting to enable staff to seek relevant information.

Consultation

Nil

Statutory Implications

s.6.10 Local Government Act 1995

r.13(1) Local Government (Financial Management) Regulations 1996

Policy Implications

Nil

Risk Implications

Risk: Payments are not monitored against approved budget and delegation.		
Likelihood	Consequence	Rating
Possible	Minor	Moderate
Action / Strategy		
The monthly list of payments provides an open and transparent record of payments made under the appropriate approved delegations.		

Financial Implications

Payments must be made in accordance with 2021/22 Budget and proposed 2022/23 Budget.

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Governance

Goal 12 Council leads the organisation in a strategic and flexible manner

Voting Requirements

Simple Majority

Officer Recommendation

That Council endorse the list of payments from the:

- 1. Municipal Account consisting of:**
 - a. EFT voucher numbers EFT19810 to EFT20052 totalling \$1,148,400.46**
 - b. Cheque number 80 to 84 totalling \$29,438.45**
 - c. Trust EFT Payments**
 - d. Wages and Superannuation payments totalling \$186,866.54 and**
 - e. Credit Card payments \$745.25**

With all payments totalling \$1,364,705.45 for the month of July 2022.

Agenda Reference and Subject:	10.2.3 Setting Material Variance for Monthly Financial Reports
File Reference:	8.2.6.2 Annual Financial Statements
Reporting Officer:	Jennifer Bow, Manager of Finance
Author:	Jennifer Bow, Manager of Finance
Disclosure of Interest	
Attachments	Nil

Summary

Each year, the Audit Committee is to re-set the material variance levels for the Monthly Financial Statements.

Background

The material variance is either a percentage or monetary value that highlights when explanations are to be made as to why there is a variance between the actual amount and the budgeted year to date figure.

Comment

Each financial year, the local government is to adopt a percentage or value, calculated in accordance with AAS 5, to be used in the statements of financial activity for reporting materials variances.

Council have been using a variance of 10% or an amount of \$5,000. In the past, staff have consulted with Council’s auditor, Dry Kirkness, however at the time of producing the Agenda, no response has been received.

Consultation

Darren Mollenoyux, Chief Executive Officer
 Jennifer Bow, Manager of Finance
 Robert Hall, Audit Director, Dry Kirkness (OAG’s contract auditors)

Statutory Implications

Local Government (Financial Management) Regulations 1996, r.34(5), Local Government Act 1995, Local Government (Audit) Regulations 1996

Risk Implications

Risk: That the adopted variance is not appropriate to measure material variances in the financial reports.		
Likelihood	Consequence	Rating
Almost Certain	Major	Extreme
Action / Strategy		
This item has been evaluated against the Shire of Bruce Rock’s Risk Management Procedure’s Risk Matrix. The perceived level of risk is considered to be “Extreme” risk. As an Extreme Risk, the Chief Executive Officer and the Manager of Finance will be monitoring the progress regularly.		

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Strategic Community Plan 2017-2027

Governance

Goal 12 Council leads the organisation in a strategic and flexible manner

10 Year Outcome – We are financially viable whilst meeting all levels of compliance

Voting Requirements

Simple Majority

Officer Recommendation

That Council adopt a variance of 10% or an amount over \$5,000 to be considered material for highlighting variances between the actual and the year-to-date budget figures in the Monthly Statement of Financial Activity for 2022-23.

Agenda Reference and Subject:	10.2.4 Performing Executive Functions
File Reference:	8.7.2.1 Annual Budget
Reporting Officer:	Jennifer Bow, Manager of Finance
Author:	Jennifer Bow, Manager of Finance
Disclosure of Interest:	
Attachments	Nil

Summary

Council is required to satisfy itself that under “Division 3 – Executive Functions of Local Government” section 3.18 the executive functions performed in providing services and facilities were managed efficiently and effectively.

Background

Previously, in the annual Compliance Audit Return, Council has been asked if the executive functions performed in providing services and facilities for the community were managed efficiently and effectively.

Comment

This is an important part of the Local Government Act that Council must review each year. This was included in a previous Compliance Audit Return and was asked as follows:

- a. *Has the local government satisfied itself that the services and facilities that it provides ensure integration and co-ordination of services and facilities between governments?*
- b. *Has the local government satisfied itself that the services and facilities that it provides avoid unnecessary duplication of services or competition particularly with the private sector?*
- c. *Has the local government satisfied itself that the services and facilities that it provides ensure services and facilities are properly managed?*

Council only provides services and facilities that are not present in the district, so it does not duplicate services.

It coordinates with government departments where possible by applying for grant monies.

Council is satisfied with the efficiency and effective management of the services and facilities by way of the continued funding through the budget process.

However, to formalise this process Council should adopt the recommendation.

Consultation

Darren Mollenoyux, Chief Executive Officer

Alan O’Toole, Deputy Chief Executive Officer

Statutory Implications

Local Government Act 1995, section 3.18 - Performing Executive Functions.

3.18 Performing executive functions

- 1) *A local government is to administer its local laws and may do all other things that are necessary or convenient to be done for, or in connection with, performing its functions under this Act.*
- 2) *In performing its executive functions, a local government may provide services and facilities.*
- 3) *A local government is to satisfy itself that services and facilities that it provides –*

- a) *integrate and coordinate, so far as practicable, with any provided by the Commonwealth, the State or any public body;*
- b) *do not duplicate, to an extent that the local government considers inappropriate, services or facilities provided by the Commonwealth, the State or any other body or person, whether public or private; and*
- c) *are managed efficiently and effectively.*

Risk Implications

Risk: That the Shire does not comply with legislative requirements when setting the Annual Budget.		
Likelihood	Consequence	Rating
Possible	Major	High
Action / Strategy		
This item has been evaluated against the Shire of Bruce Rock’s Risk Management Procedure’s Risk Matrix. The perceived level of risk is considered to be “High” risk. As a High Risk, the Chief Executive Officer and the Manager of Finance will be monitoring the progress regularly.		

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Strategic Community Plan 2017-2027

Governance

Goal 12 Council leads the organisation in a strategic and flexible manner
 10 Year Outcome – We are financially viable whilst meeting all levels of compliance

Voting Requirements

Simple Majority

Officer Recommendation

That Council has complied with section 3.18 of the Local Government Act 1995 and is satisfied that the services and facilities it provides:

- i. **integrate and coordinate, so far as practicable, with any provided by the Commonwealth, the State or any public body;**
- ii. **do not duplicate, to an extent that the local government considers inappropriate, services or facilities provided by the Commonwealth, the State or any other body or person, whether public or private; and**
- iii. **are managed efficiently and effectively.**

Agenda Reference and Subject:

10.2.5 Adoption of the 2022-23 Budget

File Reference:

8.7.2.1 Annual Budget

Reporting Officer:

Jennifer Bow, Manager of Finance

Author:

Jennifer Bow, Manager of Finance

Disclosure of Interest

Nil

Attachments

Item 10.2.5 Attachment A – 2022-23 Annual Budget – To be provided at the Council Meeting

Item 10.2.5 Attachment B – Local Government Chief Executive Officers and Elected Members Determination No 1 of 2022

Summary

To consider and adopt the Municipal Fund Budget for the 2022-23 financial year together with supporting schedules, including imposition of rates and minimum payments, adoption of fees and charges, setting of members fees and other consequential matters arising from the budget papers.

Section 6.2 of the Local Government Act 1995 instructs that Council must prepare an annual budget for each financial year, in the manner and form prescribed.

Background

The draft 2022-23 budget has been guided by some of the principles contained in the Strategic Community Plan and the Strategic Resource Plan. The 2022-23 Draft Budget has been prepared in accordance with the presentation made to Councillors at the Special Council meeting held 8th August 2022, wherein Councillors were given copies of the Draft Budget, and staff went through the entire document highlighting areas requiring comment.

Comment

The Budget has been prepared to include information required by the *Local Government Act 1995, Local Government (Financial Regulations) Act 1996* and Australian Accounting Standards. The main features of the Draft Budget include:

- The Budget has been prepared with a 4.5% rate for assisting with raising funding for the reconstruction of a supermarket.
- Fees and charges have increased by 2% from 2021-22.
- A capital works programme totalling \$8,445,000 for investment in infrastructure, land and buildings, plant and equipment and furniture and equipment is planned, including:
 - Reconstruction of supermarket - \$5,000,000
 - Expenditure on road infrastructure - \$2,220,000
- A \$2,100,000 borrowing is proposed to help fund the reconstruction of the supermarket building this financial year.
- Transfers from reserves of \$1,000,000 to assist with funding for capital works projects.
- Principal additional grant funding for the year is estimated from:
 - Local Roads and Community Infrastructure Funding Program 2- \$376,000
 - Local Roads and Community Infrastructure Funding Program 3- \$1,050,000
 - Roads to Recovery for safety improvements on various roads - \$870,205
 - Regional Road Group for Old Beverley Road, Shackleton-Kellerberrin Road and Bruce Rock-Doodlakine Road - \$396,000

There have been some minor adjustments required to the Draft Budget that was presented to Council at the Special Meeting, in order to present a balanced budget for adoption.

The 2022-23 Budget continues to deliver on other strategic activities adopted by Council and maintains a high level of service across all programmes while ensuring an increased focus on road and associated infrastructure as well on renewing all assets at sustainable levels.

The rate in the dollar amounts were not able to be modelled prior to the Agenda being distributed however will be presented to the meeting.

With several changes recently to the way Elected Members’ Fees and Expenses details are published both on the website in a Register annually, and also within the Annual Budget and Financial Statements, Councillors will need to submit their claims for the previous financial year by the 7th July each year so that staff can compile the Register for publishing. This will also effectively mean that Councillors can only claim payments for the current financial year.

Consultation

While no specific community consultation has occurred on the Draft 2022-23 Budget, community consultation and engagement has previously occurred during the development of the Strategic Community Plan from which the Corporate Business Plan was developed.

Extensive internal consultation has occurred between all Executive Managers and through workshops with Councillors.

Statutory Implications

The Local Government Act 1995 requires that no later than 31 August in each financial year, or such extended time as the Minister allows, each local government is to prepare and adopt, (Absolute Majority required) in the form and manner prescribed, a Budget for its municipal fund for the financial year ending on the next following 30 June.

Divisions 5 and 6 of Part 6 of the *Local Government Act 1995* refer to the setting of budgets and raising of rates and charges. The *Local Government (Financial Management) Regulations 1996* details the form and content of the budget. The 2022-23 Budget as presented is considered to meet statutory requirements.

Risk Implications

Risk: That the 2022-23 Budget does not reflect the forecast expenditure and revenue.		
Likelihood	Consequence	Rating
Almost Certain	Major	Extreme
Action / Strategy		
This item has been evaluated against the Shire of Bruce Rock’s Risk Management Procedure’s Risk Matrix. The perceived level of risk is considered to be “Extreme” risk. As an Extreme Risk, the Chief Executive Officer and the Manager of Finance will be monitoring the progress regularly.		

Policy Implications

Nil

Financial Implications

Specific financial implications are as outlined in the Comment section of this report and as itemised in the 2022-23 budget attached for adoption.

The 2022-23 Annual Budget provides the direction for expenditure during the financial year.

Strategic Implications

The Draft 2022-23 Budget has been developed to meet all strategic areas of the Strategic Community Plan 2017-2027.

Voting Requirements

Absolute Majority

Officer Recommendation

That:

PART A – MUNICIPAL FUND BUDGET FOR 2021-22

Pursuant to the provisions of Section 6.2 of the *Local Government Act 1995* and *Part 3 of the Local Government (Financial Management) Regulation 1996*, the Council adopt the Municipal Fund Budget as attached to this agenda and the minutes, for the Shire of Bruce Rock for the 2022-23 financial year.

ABSOLUTE MAJORITY REQUIRED

PART B – GENERAL AND MINIMUM RATES, INSTALMENT PAYMENT ARRANGEMENTS

1. For the purpose of yielding the deficiency disclosed by the Municipal Fund Budget adopted at Part A above, Council pursuant to Sections 6.32, 6.33, 6.34 and 6.35 of the *Local Government Act 1995* impose the following general rates and minimum payments on Gross Rental and Unimproved Values.

1.1 General Rates

- | | | |
|-------|-----------------------|--|
| 1.1.1 | Gross Rental Values | (to be confirmed at meeting) cents in the dollar |
| 1.1.2 | Unimproved Values | (to be confirmed at meeting) cents in the dollar |
| 1.1.3 | Mining tenements (UV) | (to be confirmed at meeting) cents in the dollar |

1.2 Minimum Payments

- | | | |
|-------|---------------------|---------------------------------|
| 1.2.1 | Gross Rental Values | \$ (to be confirmed at meeting) |
| 1.2.2 | Unimproved Values | \$ (to be confirmed at meeting) |
| 1.2.3 | Mining tenements | \$ (to be confirmed at meeting) |

2. Pursuant to Section 6.45 of the *Local Government Act 1995* and *regulation 64(2) of the Local Government (Financial Management) Regulations 1996*, Council nominates the following due dates for the payment in full or by instalments:

Full payment and instalment due date	6 October 2022
2 nd half instalment due date	8 December 2022
2 nd quarterly instalment due date	8 December 2022
3 rd quarterly instalment due date	9 February 2023
4 th quarterly instalment due date	13 April 2023

3. Pursuant to Section 6.46 of the *Local Government Act 1995* Council offers a discount of 3% to ratepayers who have paid their rates in full, including arrears, waste and service charges, on or before 6 October 2022 or 35 days after the date of service appearing on the rate notice, whichever is the later.
4. Pursuant to Section 6.45 of the *Local Government Act 1995* and *regulation 67 of the Local Government (Financial Management) Regulations 1996*, Council adopts an instalment administration charge where the owner has elected to pay rates (and service charges) through and instalment option of \$10.90 for each instalment after the initial instalment is paid.

5. Pursuant to Section 6.45 of the *Local Government Act 1995* and regulation 68 of the *Local Government (Financial Management) Regulations 1996*, Council adopts an interest rate of 5.5% where the owner has elected to pay rates and services charges through an instalment option.
6. Pursuant to Section 6.51(1) and subject to Section 6.51(4) of the *Local Government Act 1995* and regulation 70 of the *Local Government (Financial Management) Regulations 1996*, Council adopts an interest rate of 7% for rates and cost of proceedings to recover such charges that remains unpaid after becoming due and payable 35 days from issue.

ABSOLUTE MAJORITY REQUIRED

PART C – GENERAL FEES AND CHARGES FOR 2022-23

Pursuant to Section 6.16 of the *Local Government Act 1995*, Council adopts the Fees and Charges included in 2022-23 Budget.

ABSOLUTE MAJORITY REQUIRED

PART D – OTHER STATUTORY FEES FOR 2022-23

1. Pursuant to Section 245A(8) of the *Local Government (Miscellaneous) 1960*, the Council adopts a swimming pool inspection fee of \$58.45 GST not applicable.
2. Pursuant to Section 67 of the *Waste Avoidance and Resources Recovery Act 2007*, Council adopt the following charges for the removal and deposit of domestic and commercial waste:

3.1 Domestic Waste – Residential Premises

- | | |
|---|--------------------|
| ○ 240ltr bin per weekly collection | \$300.00 per annum |
| ○ 240ltr bin per weekly collection – eligible pensioner | \$150.00 per annum |
| ○ 240ltr bin per weekly collection – eligible senior | \$225.00 per annum |

3.2 Commercial Waste – Commercial Premises

- | | |
|--|--------------------|
| ○ 240ltr bin per twice weekly collection | \$300.00 per annum |
|--|--------------------|

3.3 Domestic and Commercial Recycling

- | | |
|--|--------------------|
| ○ 240ltr bin per fortnightly collection | \$120.00 per annum |
| ○ 240ltr bin per fortnightly collection – eligible pensioner | \$60.00 per annum |
| ○ 240ltr bin per fortnightly collection – eligible senior | \$90.00 per annum |

ABSOLUTE MAJORITY REQUIRED

PART E – ELECTED MEMBERS' FEES & ALLOWANCES FOR 2022-23

1. Pursuant to Section 5.98 of the *Local Government Act 1995* Council adopts the following individual meeting attendance fees in lieu of an annual fee:

President	\$502
Councillors	\$93

2. Pursuant to Section 5.98 of the *Local Government Act 1995* and regulation 30 of the *Local Government (Administration) Regulations 1996*, Council adopts the following individual committee and prescribed meeting attendance fees in lieu of an annual fee:

President	\$122
Councillors	\$47

3. Pursuant to Section 5.99A of the *Local Government Act 1995* and regulations 34A and 34AA of the *Local Government (Administration) Regulations 1996*, Council adopts the following annual allowances for elected members:

Telecommunications and Information Technology Allowance (upon election) \$1,553
Telecommunications and Information Technology Allowance (each year thereafter) \$ 518

4. Pursuant to Section 5.98(5) of the *Local Government Act 1995* and regulation 33 of the *Local Government (Administration) Regulations 1996*, Council adopts the following annual local government allowance to be paid in addition to the individual meeting attendance fees;

President \$14,494

5. Pursuant to Section 5.98(5) of the *Local Government Act 1995* and regulation 33A of the *Local Government (Administration) Regulations 1996*, Council adopts the following annual local government allowance to be paid in addition to the individual meeting attendance fees;

Deputy President \$3,624

6. Pursuant to Section 5.98(3) of the *Local Government Act 1995* and regulation 31 of the *Local Government (Administration) Regulations 1996*, Council adopts the following reimbursement of expenses;

- i. Travel, in accordance with the Local Government Officers' (Western Australia) Award 2021.
- ii. Child Care is actual cost or \$35 per hour, whichever is the lesser amount.

ABSOLUTE MAJORITY REQUIRED

10.3 Environmental Health Officer

Nil

10.4 Deputy Chief Executive Officer

Agenda Reference and Subject:	10.4.1 Adoption of the Strategic Community Plan
File Reference:	2.5.1.1 Strategic Community Plan
Reporting Officer:	Alan O’Toole, Deputy Chief Executive Officer
Author:	Alan O’Toole, Deputy Chief Executive Officer
Disclosure of Interest:	
Attachments:	<i>Item 10.4.1 Attachment A – Strategic Community Plan</i>

Summary

Council is requested to adopt the Strategic Community Plan following a period of public consultation.

Background

The Strategic Community Plan (SCP) is the Shire’s principal 10 year strategy and planning tool. It is developed in consideration of the community’s expectations, and therefore community engagement is central to the success of this plan. The SCP was adopted at the March 2018 Ordinary Council Meeting (OCM), and is required to be reviewed every four years. This Review has been undertaken on behalf of the Shire by Caroline Robinson from 150 Square consultancy. At the July 2022 OCM it was resolved that the Draft Strategic Community Plan be circulated for public consultation and comment prior to adoption.

Comment

The Draft Community Plan is required to be made available for public consultation before adoption. This has now taken place and the consultation period closes on Tuesday 16th August. At the time of the preparation of this Report for the Agenda, no comments had been received. If any responses are received prior to or on 16th August, these will be submitted to Council at the meeting for consideration. Alternatively, should there be no submissions, then Council is asked to adopt the Plan without amendment.

Consultation

Darren Mollenoyux, Chief Executive Officer
The Bruce Rock Community

Statutory Implications

Local Government Act 1995, Section 5.56.

Section 5.56(1) and (2) of the Local Government Act requires that each local government is to “plan for the future of the district”, by developing plans in accordance with the Regulations.

The Local Government Administration Regulations 1996 were amended to require each local government to adopt a Strategic Community Plan and a Corporate Business Plan.

Policy Implications

Nil

Risk Implications

Risk: That the Strategic Community Plan is not adopted by Council.		
Likelihood	Consequence	Rating
Rare	Major	High
Action / Strategy As the Strategic Community Plan is an essential component for the Shire’s future planning, its adoption is a legislated requirement.		

Financial Implications

Future expenditure to meet the Strategic Community Plan objectives.

Strategic Implications

Shire of Bruce Rock Strategic Community Plan 2017-2027

Governance

Goal 10 Our organisation is well positioned and has capacity for the future

Goal 12 Council leads the organisation in a strategic and flexible manner

Voting Requirements

Simple Majority

Officer Recommendation

That Council adopts Strategic Community Plan following public consultation.

Agenda Reference and Subject:	10.4.2 Amendment to Policy 5.4 Waiving of Fees, and renumbering to Policy 2.13 in the Policy Manual
File Reference:	1.2.4.4 Policy Manual
Reporting Officer:	Alan O’Toole, Deputy Chief Executive Officer
Author:	Alan O’Toole, Deputy Chief Executive Officer
Disclosure of Interest:	
Attachments:	<i>Item 10.4.1 Attachment A – Policy 2.13 Waiving of Fees</i>

Summary

Council is asked to endorse amendments to original Policy 5.4 – Waiving of Fees and approve its renumbering to Policy 2.13.

Background

Council gets numerous requests for Fee Waivers or Reductions from a variety of sources, and the previous Policy on Waiving of Fees (Policy 5.4) is now no longer fit for purpose and in need of review. In addition, the previous Policy had been placed in the “Health, Building and Planning” section of the Policy Manual, where it is less relevant, and not in the “Finance” section, where it is more appropriately placed.

Comment

The amendments to this Policy have been recommended by Officers following suggestions at the July 2022 Council Meeting. They have been made to reflect the current circumstances with regard to the majority of Fee Waiver requests received, while not being overly prescriptive to allow for Council discretion, and to lessen the need to make further amendments to the Policy in the near-to-medium future.

Consultation

Darren Mollenoyux, Chief Executive Officer
 Jennifer Bow, Manager of Finance
 Caris Negri, Community Development Officer

Statutory Implications

Nil

Policy Implications

Amended Policy 5.4 renumbered to Policy 2.13

Risk Implications

Risk: Council does not adopt the amendments and renumbering of Policy 5.4 Waiving of Fees to Policy 2.13		
Likelihood	Consequence	Rating
Unlikely	Major	Moderate
Action / Strategy		
This item has been evaluated against the Shire of Bruce Rock’s Risk Management Procedure’s Risk Matrix. The perceived level of risk is considered to be “Moderate” risk and will be managed by specific monitoring and response procedures.		

Financial Implications

Every Fee Waiver request to Council will have its own financial implications dependent on what is being requested. This may be waiving of a room/facility hire fee, requests for waiving of accommodation fees, or hiring of equipment and furniture, or a combination of the above. Council is also asked on occasion to provide “in kind” support, which may have staffing cost implications.

The Policy states that in reviewing requests, the net benefit to Council should be evident when considered against the loss of revenue and also any expense to Council e.g. cleaning or staffing costs.

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Governance

Goal 10 Our organisation is well positioned and has capacity for the future.

Goal 12 Council leads the organisation in a strategic and flexible manner.

Voting Requirements

Absolute Majority

Officer Recommendation

Council adopts the suggested amendments to Policy 5.4 – Waiving of Fees and approves its renumbering to Policy 2.13.

Agenda Reference and Subject:

10.4.3 Bruce Rock Open Gardens Committee Request for Fee Waiver

File Reference: 8.2.7.5 Sponsorship Requests

Reporting Officer: Alan O’Toole, Deputy Chief Executive Officer

Author: Caris Negri, Community Development Officer

Disclosure of Interest:

Attachments: *Item 10.4.3 Attachment A – Bruce Rock Open Gardens Waiver Request*

Summary

Council is asked to consider a request from the Bruce Rock Open Gardens Committee to waive the hire fee for the Bruce Rock Amphitheatre for their Open Garden Day event on Saturday October 22nd, 2022.

Background

On the 4th of August, Council received an email from the Bruce Rock Open Gardens’ Coordinator requesting a fee waiver for the hire of the Amphitheatre on the abovementioned date and requesting permission to consume alcohol on Shire property.

The Open Garden Day event has been running for around 30 years, and over that time has raised funds for a wide variety of local community groups and fundraising efforts. The event consists of six private gardens throughout the Shire being open for the public to visit. Some gardens will also have artisan stalls, meals and refreshments from local businesses, and live music.

This year the Open Gardens Committee are featuring Bruce Rock Remembrance Park as one of their gardens to visit. A summary of the Park will be included in the Day’s official guide, and Council staff are preparing a more detailed booklet with information about the artworks and memorials to be available on the day. The Committee are making the Amphitheatre the lunchtime focus and have arranged two guest speakers as well as representatives and produce from a winery to be present.

This year all proceeds raised from the Open Garden Day are being donated to the Bruce Rock Progress Association and will go towards the fundraising efforts for the new Supermarket building.

Comment

The entry price for the event is \$40 per person. In recent years, the event has attracted over 150 attendees. If Council adopt the fee presented in the draft Budget, the hire price for the Amphitheatre is \$190. There will be additional cleaning required at the Amphitheatre toilets, however that cleaning would likely be required regardless of the Committee hiring the Amphitheatre, as in previous years attendees are directed to utilise the public toilets instead of private toilets at the residential Open Gardens.

Given that all proceeds are going to be donated to the new Supermarket building project, it could be considered counterproductive to invoice the Amphitheatre hire fee for the event.

Consultation

Darren Mollenoyux, Chief Executive Officer
Alan O’Toole, Deputy Chief Executive Officer
Jennifer Bow, Manager of Finance

Statutory Implications

Nil

Policy Implications

2.13 Waiving of Fees

The updated version of this Policy is for consideration by Council in Item 10.4.2. If it is not adopted, then the 2018 version of the Policy (5.4) will still be in effect and thus applied to this item.

Risk Implications

Risk: That Council does not approve the Bruce Rock Open Gardens Committee fee waiver request		
Likelihood	Consequence	Rating
Unlikely	Minor	Low
Action / Strategy		
This item has been evaluated against the Shire of Bruce Rock’s Risk Management Procedure’s Risk Matrix. The perceived level of risk is considered to be “Low” risk and can be managed by routine procedure and is unlikely to need specific application of resources.		

Financial Implications

Hire fee of the Amphitheatre - \$190
 1 hour cleaning at the Amphitheatre public toilets
 Future donation towards the new Supermarket building project

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Community

Goal 7 Our community are engaged and have a healthy lifestyle.

Voting Requirements

Absolute Majority

Officer Recommendation

That Council approve a fee waiver for the hire of the Amphitheatre by the Bruce Rock Open Gardens Committee on Saturday 22 October 2022.

Agenda Reference and Subject:

10.4.4 Request for Fee Waiver and In-Kind Support –
Cultivators Committee Inc.

File Reference: 8.2.7.5 Sponsorship Requests

Reporting Officer: Alan O’Toole, Deputy Chief Executive Officer

Author: Alan O’Toole, Deputy Chief Executive Officer

Disclosure of Interest:

Attachments: *Item 10.4.4 Attachment A – Cultivators Committee Fee Waiver Request and In-Kind Support for Ladies Long Luncheon Saturday 15th October 2022*

Summary

Council has received a request from Susan Hodgkiss, Secretary/Treasurer of the Cultivators Committee Incorporated, seeking a Fee Waiver and in-kind support for the Bruce Rock Ladies Long Luncheon to be held on Saturday 15th October 2022 at Godfrey Park (the Pony Club Grounds).

Background

The Ladies Long Luncheon has been held in Bruce Rock since 2018 and since then has grown in attendance and stature each time it occurs. It is now a major biennial event in the Bruce Rock social calendar. The Ladies Luncheon was originally held in the Shire Hall, but this has not been possible since 2020 with the Bruce Rock Supermarket operating from this venue. Therefore, the Committee has requested assistance from Council to run the event from a marquee on the Pony Club Grounds.

Comment

The focus of this Long Ladies Luncheon will be to provide an event that can involve as many of the community as possible, including those in surrounding Shires, within an environment to support good mental and physical health, particularly focussing on social issues. With the events of February this year still high in people’s awareness, activities such as this bring people together and provide a focus for both socialising and sharing.

To try to keep attendance costs within the range of as many people as possible, tickets will be subsidised by the Committee by approximately \$100 each. The event hopes to attract up to 180 attendees.

As with the last Ladies Luncheon, which was held on the Recreation Centre Oval, the organisers will be hiring a marquee, but due to the cost increases from 2020, this will now cost \$7900. To try to recoup some of the cost and generate some revenue the Committee is trying to secure sponsorship and grant funding.

With these arrangements in train, the Committee is requesting support from Council in the form of the waiving the fee for the hire of trestle tables, chairs, and the supply of the portable stage and the microphone podium/lectern, items that would have been readily available in the Shire Hall. The request also includes the transportation and setting up of these items in the marquee once it is in situ on the Pony Grounds. These will of course need to be removed back to the Shire Hall after the event.

In recognition of the Fee Waiver should it be granted, the Shire will be named as a sponsor for this event in marketing material, on the marquee on the day and on the event’s Facebook page.

Given the events of the previous year and that the community will benefit from activities to promote good mental health and well-being, the Cultivators Committee are providing an opportunity for this to happen.

Consultation

Darren Mollenoyux, Chief Executive Officer
 Jennifer Bow, Manager of Finance
 Caris Negri, Community Development Officer

Statutory Implications

Nil

Policy Implications

2.13 Waiving of Fees

The updated version of this Policy is for consideration by Council in Item 10.4.2 If it is not adopted, then the 2018 version of the Policy (5.4) will still be in effect and thus applied to this item.

Risk Implications

Risk: That Council does not approve the Cultivators Committee fee waiver and in-kind support request.		
Likelihood	Consequence	Rating
Possible	Minor	Low
Action / Strategy		
This item has been evaluated against the Shire of Bruce Rock’s Risk Management Procedure’s Risk Matrix. The perceived level of risk is considered to be “Low” risk and can be managed by routine procedure and is unlikely to need specific application of resources.		

Financial Implications

The fee for hiring the trestle tables would be \$65, and for hiring the chairs would be \$400. Given the cost of the in-kind staff support, which is estimated to be around \$2500, if Council were to waive the fees and provide the in-kind support the total cost of the Council’s contribution to this event would be approximately \$3000.

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Community

Goal 7 Our community are engaged and have a healthy lifestyle.

Voting Requirements

Absolute Majority

Officer Recommendation

That Council approve a fee waiver and in-kind support of approximately \$3000 for the Long Ladies Luncheon provided by Cultivators Committee on Saturday 15th October 2022.

10.5 Chief Executive Officer

Agenda Reference and Subject:	10.5.1 Offer to Purchase 113 Butcher St, Bruce Rock
File Reference:	A15 113 Butcher Street, Bruce Rock
Reporting Officer:	Darren Mollenoyux, Chief Executive Officer
Author:	Darren Mollenoyux, Chief Executive Officer
Disclosure of Interest:	
Attachments:	<i>Item 10.5.1 Attachment A – Landgate Map Screen Shot 113 Butcher Street</i>

Summary

Council is asked to consider an offer from A & T Nation to purchase a vacant Council lot at 113 Butcher St, Bruce Rock.

Background

On the 5th August 2022 Council received a written offer of \$6,000 from Andrew & Tania Nation to purchase one of Council's vacant lots located at 113 Butcher St, Bruce Rock.

The applicant has advised that they will be building a house on the site and relocating, should they be successful in purchasing the land.

Comment

This lot has been available for purchase on Council's vacant land list and website for over 12 years, with no interest to date. There are 9 vacant lots within the Townsite of Bruce Rock owned by Council and available for purchase.

In considering the offer Council needs to take into account the length of time the land has been available with no offers, and the potential benefits from selling the lot, such as no longer requiring maintenance of the lot, and having a new property and residents in town with the obvious benefits that comes with that.

As per section 3.58 of the Local Government Act a valuation of the land is required for Council's consideration and assessment against the offer from the applicant.

Should Council wish to consider selling 113 Butcher Street, Bruce Rock staff will engage an authorised valuer to value the land prior to final consideration.

Consultation

Jennifer Bow, Manager of Finance
Mike Darby, Senior Finance Officer

Statutory Implications

Local Government Act 1995 - Sect 3.58

3.58 - Disposing of property

(1) In this section —

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;
property includes the whole or any part of the interest of a local government in property, but does not include money.

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

- (a) the highest bidder at public auction; or
 - (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.
- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —
- (a) it gives local public notice of the proposed disposition —
 - (i) describing the property concerned; and
 - (ii) giving details of the proposed disposition; and
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;
 and
 - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.
- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —
- (a) the names of all other parties concerned; and
 - (b) the consideration to be received by the local government for the disposition; and
 - (c) the market value of the disposition —
 - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or

Policy Implications

Nil

Risk Implications

Risk: Council does not approve the business proprietors’ offer to purchase, which may impact the future of the business.		
Likelihood	Consequence	Rating
Possible	Moderate	Moderate
Action / Strategy		
That Council seek an amicable arrangement to ensure the security of the future of the business in town.		

Financial Implications

Council has a nominal budget provision in 2022/23 for the income for sale of vacant land.

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Infrastructure

- Goal 3 Assist the local economy to grow
 - 3.7 Leverage economic opportunities and development from successful local businesses
 - 4 Workers and their families can work and reside in the Shire
 - 4.3 Promote existing residential land and plan for future commercial and residential land Developments to meet current and future needs.

Voting Requirements

Absolute Majority

Officer Recommendation

That Council:

- 1. Considers the request from Andrew & Tania Nation to purchase Council's vacant lot located at 113 Butcher St, Bruce Rock. and;**
- 2. If Council would like to proceed to consider the offer of \$6,000, a market valuation be obtained and presented to Council for comparison in accordance with Local Government Act 1995, Section 3.58 of the Local Government Act - Disposing of property.**

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

12. Confidential Items

Agenda Reference and Subject:	12.1.1 CEO Performance Appraisal 2022
File Reference:	Personnel
Reporting Officer:	Darren Mollenoyux, Chief Executive Officer
Author:	Darren Mollenoyux, Chief Executive Officer
Disclosure of Interest:	Darren Mollenoyux, Chief Executive Officer
Attachments:	<i>Item 12.1.1 Attachment A – Confidential Report from John Phillips Consulting</i>

Officer Recommendation

That in accordance with Section 5.23(2) of the Local Government Act 1995, the meeting is closed to the members of the public for this item as the following sub-section applied:

(b) the personal affairs of any person;

Officer Recommendation

That in accordance with Section 5.23(2) of the Local Government Act 1995, Council reopens the meeting to the members of the public.

Report Recommendation

That Council resolve to engage John Phillips Consulting to undertake the 2022 Annual Performance Review of the CEO, with Council and the Chief Executive Officer, Mr Darren Mollenoyux, agreeing to the review process outlined in the Confidential Proposal by John Phillips Consulting.

13. Closure of Meeting