

Agenda

Ordinary Meeting of Council

To be held in Council Chambers
54 Johnson Street, Bruce Rock
Thursday 19 August 2021
Commencing 3.00pm



Notice of Ordinary Meeting of Council

Dear President and Councillors,

The next Ordinary Meeting of Council will be held on **Thursday 19 August 2021 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 19 AUGUST 2021

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SHIRE OF BRUCE ROCK

AGENDA – ORDINARY MEETING 19 AUGUST 2021

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**
Llew Withers – Public Health Plan
7. **Applications for Leave of Absence**
8. **Announcements by Presiding Member**
9. **Confirmation of Minutes**

Ordinary Meeting of Council held on Thursday 15 July 2021.

Recommendation:

That the minutes of the Ordinary Meeting held Thursday 15 July 2021 be confirmed as a true and correct record.

Works and Services Committee Meeting held on Thursday 21 July 2021.

Recommendation:

That the minutes of the Works and Services Committee Meeting held Thursday 21 July 2021 be received.

Special Council Meeting held on Thursday 29 July 2021.

Recommendation:

That the minutes of the Special Council Meeting held Thursday 29 July 2021 be confirmed as a true and correct record.

Bush Fire Advisory Committee Meeting held on Friday 6 August 2021.

Recommendation:

That the minutes of the Bush Fire Advisory Committee Meeting held Friday 6 August 2021 be received.

10. Regional Reports

Agenda Reference and Subject:	10.1 WALGA State Council Agenda September 2021
File Reference:	1.6.5.1 WALGA Minutes and Agendas
Reporting Officer:	Darren Mollenoyux, Chief Executive Officer
Author:	Darren Mollenoyux, Chief Executive Officer
Disclosure of Interest	
Attachments	<i>Nil</i>

Summary

Council is asked to review the WALGA State Council Agenda and provide direction for its voting delegate for the upcoming WALGA Great Eastern Zone Meeting.

Background

Councillors have recently received an email from WALGA notifying them of the WALGA State Council agenda for the August/September 2021 round of Zone and State Council meetings.

As per previous advice WALGA have requested that State Council agenda items for decision are considered by Councils, either in formal Council meetings, or in briefing or concept forums. State Council agenda items for decision are to be considered by Council in a formal or informal meeting to provide guidance and direction to their Zone representatives and to raise awareness of contemporary strategic advocacy and policy issues for all Elected Members and staff.

Comment

The next WALGA Great Eastern Zone meeting is on 23rd August 2021, with the WALGA State Council Meeting being held on the 3rd September 2021.

To encourage the improved awareness and promote a better understanding by all Councillors it is recommended that WALGA State Council Agenda and items requiring a decision be addressed by Council and any direction provided to Zone delegates.

5.1 External Oversight of Local Government Complaints

Executive Summary

- *The Local Government (Model Code of Conduct) Regulations 2021 were Gazetted on 3 February, with a requirement that all Local Governments adopt Code of Conduct based on the Model within three months;*
- *Division 3 of the Model Code introduced new provisions for behavioural complaints to be made and managed at the local level, with the Model Code requiring Local Government to deal with complaints and arrive at findings;*
- *The Local Government sector has expressed concern that the new system of local level complaints will give rise to actual or perceived conflicts of interest, particularly where Councillors who are the complainant or respondent are involved in dealing with the complaint.*
- *WALGA's Governance and Organisational Services Policy Team considered this matter on 6 July, resolving:*
That the Governance and Organisational Services Policy Team SUPPORT the preparation of an agenda item to the next State Council meeting in September 2021, summarising the external oversight models in other jurisdictions and make recommendation for the adoption of a model closely aligned to the Victorian Councillor Complaints Framework.

WALGA Recommendation

That WALGA advocate for an external oversight model for local level behavioural complaints made under Council Member, Committee Member and Candidate Codes of Conduct, that is closely aligned to the Victorian Councillor Complaints Framework.

Reporting Officer Comment

The reporting officer recommends that Council supports the proposal to advocate for external oversight model for local level behavioural complaints to remove the complexities of addressing them at a local level and removing the onus on local staff or Councillors.

5.2 Tender Exemption Provisions – General Practitioner Services

Executive Summary

- *Local Governments advise that:*
 - *There is a limited pool of General Practitioners (GPs) willing to relocate to regional areas, let alone remain long term as a part of the community;*
 - *Communities place high value on local GP services and therefore, value Local Government exercising general competence powers to attract and retain GP services;*
 - *GP services are acquired by either directly engaging a GP as an employee of the Local Government, or by tendering for services;*
 - *Community expectations are inconsistent with Local Government tender obligations where a community expects the Local Government to retain a well-regarded GP that is willing to continue in the role, but compliance requires Local Government to re-market GP services initially acquired by a tender process with potential risk that the current service provider may not engage in the new tender process.*
- *WALGA advocacy for a ‘size and scale’ regional tender exemption for GP services will support regional Local Governments and their communities to secure necessary primary health care.*
- *Further research is proposed to support WALGA’s proposed advocacy.*

WALGA Recommendation

1. *Adopt a new Advocacy Position Statement under ‘Local Government Legislation - Tender Exemption General Practitioner Services’:*

WALGA advocates for the inclusion of a tender exemption for General Practitioner (GP) services under Part 4, Division 2 of the Local Government (Functions and General) Regulations 1996, to support Local Governments to secure and retain necessary primary health care services for their communities; and

2. *Undertake additional research in support of the Advocacy Position with the following aims:*
 - a. *Identify State and Federal Government policy settings and other factors contributing to gaps in primary health care services in regional communities; and*
 - b. *Quantify the number of regional Local Governments that have current contracts, or are proposing to enter into contracts, for General Practitioner services and the associated costs to Local Government incurred.*

Reporting Officer Comment

That this is an important issue for rural and regional local governments and should be supported for the reasons outlined.

5.3 Phase 2 Planning Reform Submission

Executive Summary

- *Phase 2 of the Action Plan for Planning Reform has been released for comment by the Department of Planning, Lands and Heritage (DPLH). Phase 2 builds upon the reforms initiated through the Independent Planning Reform Team’s Green Paper (2018) and the State Government’s Action Plan for Planning Reform.*

-
- *Phase 2 proposes 28 reform initiatives under three overarching goals, while also requesting community and stakeholders submit their own ideas for additional reforms of the planning system.*
 - *WALGA’s submission provides a response to all relevant reform initiatives as well as detailed commentary on suggested further areas for reform. Broadly the Association’s suggested reforms aim to enhance liveability and sustainability, as well as improve efficiency and role definition within the planning system.*

WALGA Recommendation

That the submission to the Department of Planning, Lands and Heritage on Phase 2 Planning Reform be endorsed.

Reporting Officer Comment

That the WALGA motion be supported.

The WALGA State Council Agenda was distributed via email to Councillors during the month.

Additional reports in the agenda are for noting or information, if Councillors have any strong particular points or views, they wish raised at the Zone meeting in reference to the Matters for Noting or Key Activities please raise them during the Council meeting so voting delegates can make comment.

Consultation	Nil
Statutory Implications	Nil
Policy Implications	Nil
Financial Implications	Nil

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Governance

Goal 12	Council leads the organisation in a strategic and flexible manner
12.2	Continue to build our voice and strategic projects within our regional groupings

Voting Requirements Simple Majority

Officer Recommendation

That Council provides direction for its voting delegates for the WALGA State Council Agenda Items listed for consideration at the WALGA Great Eastern Zone Meeting on the 23rd August 2021.

Agenda Reference and Subject:

10.2 WEROC Inc Meeting Minutes August 2021

File Reference:

1.6.9.1 WEROC Inc. Agendas and Minutes

Reporting Officer:

Darren Mollenoyux, Chief Executive Officer

Author:

Darren Mollenoyux, Chief Executive Officer

Disclosure of Interest

Attachments

Item 10.2 Attachment A – WEROC Inc Board Meeting Minutes August 2021

Item 10.2 Attachment B - Letter from Minister Saffioti

Item 10.2 Attachment C – WEROC Strategic Waste Management Plan and Landfill Rationalism Study

Item 10.2 Attachment D – Wheatbelt Medical Student Immersion Program 2022 Program Proposal

Item 10.2 Attachment E – WEROC Inc. Tourism Audit (FINAL DRAFT)

Summary

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

Background

The last WEROC Inc Board Meeting was held on 11 August 2021 at the Shire of Yilgarn.

Comment

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

The following items are highlighted for Councils attention;

7.1 WEROC Tourism Audit

On Tuesday 13 July 2021, the Executive Officer circulated the Draft WEROC Inc. Tourism Product Audit to all Members of the WEROC Inc. Board, inviting their input and requesting any feedback be provided by Monday 26 July 2021. Feedback received from the Shire's of Westonia, Bruce Rock, Merredin and Yilgarn has been incorporated into the Final Draft, which is now presented for endorsement. The meeting resolved as follows;

That:

- 1. The final draft of the WEROC Inc. Tourism Product Audit be adopted;*
- 2. Each Local Government to present the recommendations of the audit to their respective Council and discuss their priorities for action;*
- 3. A workshop will be conducted at the next meeting of the WEROC Inc. Board to agree on actions for implementation;*
- 4. Payment of \$10,320 + GST to 150 Square Strategic Solutions for completing the WEROC Inc. Tourism Audit, is approved;*
- 5. The Executive Officer to update the information contained in the 2016 visitor accommodation study for WEROC Shires; and*

6. An additional 25 to 30 hours of the Executive Officer's time is approved to complete the update of the visitor accommodation study.

To allow adequate time for Councillors and staff to consider the Tourism Audit document and proposed priorities it is recommended that this be presented for final consideration at the September 2021 Ordinary Council Meeting.

7.2 Customer Service Excellence Training

As the trainer being unable to travel due to Covid restrictions the training was cancelled. It will be rescheduled to February – March 2022.

7.6 Consultants ASK - Presentation on Waste Management Audit Approach

At the WEROC Inc. Board meeting held on 23 June 2021, Mr. Samuel Green Senior Consultant with ASK Waste Management presented a proposal to complete a Strategic Waste Management Plan and landfill rationalization study for WEROC Local Governments. In response to this presentation, the Board resolved as follows:

*RESOLUTION: Moved: Mr. Raymond Griffiths Seconded: Mr. Darren Mollenoyux
That the quote from ASK Waste Management to develop a Strategic Waste Management Plan and landfill rationalisation study be accepted.*

As per the proposal, the first step in initiating this project is a "kick-off" meeting to:

- *Confirm the project objectives and deliverables;*
- *Discuss the proposed methodology; and*
- *Confirm dates for site tours and meetings.*

Mr. Samuel Green and Mr. Giles Perryman joined the meeting via videoconference to address these points and any other items they need to clarify to commence the project.

Comments from the meeting:

- Mr. Perryman provided an overview of the process to develop the Strategic Waste Management Plan (SWMP) and landfill rationalization study for WEROC;
- Mr. Green advised that he would be travelling in the region between Tuesday 31 August and Friday 3 September and would require access to waste sites;
- Mr. Green will send meeting invites to each Shire along with a request for information;
- The Board requested that Mr. Green present the Draft SWMP and landfill rationalization study at the WEROC Inc. Board meeting being held on 22 November 2021.

Following the meeting the CEO has received an email from ASK consultants in regards to meeting arrangements and onsite visit.

8.2 Elected Member Code of Conduct Complaints Management Policy

To comply with the Local Government (Model Code of Conduct) Regulations 2021, it is a requirement that Local Governments have a procedure for dealing with complaints about alleged breaches of the behaviour requirements included in the Code of Conduct for Council Members, Committee Members and Candidates.

Mr. Peter Clarke advised that WALGA have developed a policy framework and terms of reference for the Behaviour Complaints Committee which can be adapted for use by Local Governments.

Under the framework, Local Governments must appoint:

1. A Behaviour Complaints Officer. This can either be a Local Government employee or an external party that is authorised to act on behalf of the Local Government.
2. A Complaint Assessor, who is appointed by the Behaviour Complaints Officer. The Complaint Assessor is an impartial third party.

3. A Behaviour Complaints Committee. The Behaviour Complaints Committee is a Committee of Council Members only.

Mr Clarke suggested that it may be possible to form a panel of Complaint Assessors at WEROC level. This would require each Member Local Government to nominate a Councillor to sit on the panel.

The meeting resolved as follows;

1. *The Executive Officer investigate the opportunity to formulate a WEROC complaints assessment panel;*
2. *Each Local Government to take the proposal back to their Councils and ask for nominations to participate on the panel.*

Council is asked to nominate a representative to sit on WEROC’s Complaints Assessment Panel by the next WEROC Meeting to be held on the 22nd November 2021.

Consultation

Nil

Statutory Implications

Nil

Policy Implications

Nil

Risk Implications

Risk: That Council does not receive the minutes or object to decisions of the WEROC Inc Board meeting.		
Likelihood	Consequence	Rating
Rare	Insignificant	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 will be managed by routine procedure and is unlikely to need specific application of resources.		

Financial Implications

Nil

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Governance

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

- 12.2 Continue to build our voice and strategic projects within our regional groupings

Voting Requirements

Simple Majority

Officer Recommendation

- 1. That Council receives the minutes of the WEROC Board Meeting held on the 11th August 2021 at the Shire of Yilgarn.**
- 2. To allow adequate time to review the document, Council consider the WEROC Tourism Audit and proposed priorities to be addressed and presented for full consideration at the September 2021 Ordinary Council meeting.**
- 3. That Council nominate a representative to sit on WEROC's Complaints Assessment Panel at the October 2021 Ordinary Meeting of Council.**

11. Officers' Reports

11.1 Environmental Health Officer

Agenda Reference and Subject:

11.1.1 Development Applications for the installation of a Communications Repeater Points on Lot 27457 Chapman Road Ardath, and Lot 12460 Healey Road, Babakin

File Reference:

A848 Chapman Road, Ardath

A811 Healey Road, Babakin

Reporting Officer:

Julian Goldacre, Environmental Health Officer

Author:

Julian Goldacre, Environmental Health Officer

Disclosure of Interest

Attachments

Item 11.1.1 Attachment A – Application for Development Approval for a Communications Repeater Point tower & associated infrastructure Lot 27457, Ardath;

Item 11.1.1 Attachment B - Application for Development Approval for a Communications Repeater Point tower & associated infrastructure Lot 12460 Babakin.

Summary

Council approves the two development applications, both for a 30-meter tower and associated infrastructure for the purpose of a communications repeater point, firstly on Lot 27457 Chapman Road Ardath owned by Mr C Chapman, and secondly on Lot 12460 Healey Road, Babakin owned by Jura Farms Pty Ltd. Both described developments are to be operated by Connected Regional Internet Service Provider trading as CRISP Wireless as described in Attachments A and B. and provide Advice notes to the applicant for other statutory requirements which may be applicable but not limited to.

Background

The Environmental Health Officer (EHO) received two Development Applications both for a 30-meter tower and associated infrastructure. Both applications are for the purpose of a communications repeater point as presented in Attachment A on Lot 27457 Chapman Road, Ardath (DA One), and furthermore, as presented in Attachment B on Lot 12460 Healey Road, Babakin (DA Two) by email in July 2021.

Comment

Both DA One and DA Two propose the construction of a 30-meter tower for the purpose of extending the fixed wireless network operated by Connected Regional Internet Service Provider trading as CRISP Wireless (CRISP Wireless). Ancillary to both towers is a refurbished 20 foot long sea container for the purpose of communications equipment and solar panels which is contiguous to the requirements the towers' operations. Telecommunications infrastructure is a 'discretionary' use for a 'Rural' zoned area pursuant to the *Shire of Bruce Rock Local Planning Scheme No 3* (Scheme) thus the use is not permitted unless the local government has exercised its discretion by granting development approval. This Report will allow Council to consider the use and works of the development application to determine the suitability and practicability as presented in both DA One and DA Two.

Both the proposed 30 meter high masts and 20-foot refurbished sea containers are to be located on two separate parcels of land as described in DA One, and DA Two which are in separate unrelated ownership.

It is a requirement for a local government to consider State Planning Policy 5.2 - Telecommunications infrastructure (Policy 5.2) when considering DA One and DA Two. The EHO review of both applications has dealt with the required essential items under Policy 5.2 for this type of deemed low impact telecommunication infrastructure. The Scheme Policy ‘5.2 Moveable Buildings’ which governs ‘containers’ only applies to townsites so is not applicable. Furthermore, whilst persons on rural land regularly undertake to erect masts on their properties, these are for enhancing farm equipment wayfindings with the Global Positioning System. Consequently, such masts are ancillary to Rural types of endeavours whereas the CRISP Wireless mast is commercial infrastructure for broadly used telecommunications signals, not limited to rural use only.

The location of the DA One tower is approximately 6.75 kilometres of the South-West townsite boundary of Ardath, and 5.7 kilometres North of the Babakin townsite boundary. No sensitive premises defined here as dwellings are identified in the immediate vicinity of the tower. Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) lists potential considerations for development proposals, consequently, scrutiny in this instance reveal the low impact nature of the tower to neither trigger nor warrant further assessment.

The location of the DA Two tower is approximately 1.8 kilometres West of the local government boundary between the Shires of Bruce Rock and Narembeen. Given the limited height, bulk, and scale of the proposed tower as well as the reasonable distance to the boundary a referral of notification for comment to the Shire of Narembeen is deemed not necessary. Two sensitive premises defined here as dwellings are located firstly, 2 kilometres South-East, and secondly 2.7 kilometres South-West. Given the limited height, bulk, and scale of the proposed tower as well as the reasonable distance to both identified dwellings a referral of notification for comment to the owners or occupiers is deemed not necessary. The Regulations Clause 67 again on review that given the limited height, bulk, and scale of the proposed tower to neither trigger nor warrant further assessment.

Consultation

Mr Leigh Ballard, CRISP Wireless.

Statutory Implications

Planning and Development (Local Planning Schemes) Regulations 2015; and
Shire of Bruce Rock Local Planning Scheme No 3

Policy Implications

State Planning Policy 5.2 - Telecommunications infrastructure.

Risk Implications

Risk: Both developments proceed outside the scope of the presented Development Applications as presented to Council.		
Likelihood	Consequence	Rating
Unlikely	Moderate	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 “Medium” risk and will be managed the Environmental Health Officer by monitoring progress.		

Financial Implications

Planning application fee of \$640 for both submitted developments being remitted to the Shire of Bruce Rock.

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Governance

- Goal 5 Residents and visitors can access reliable telecommunication services
5.2 Advocate for a reduction in blackspots across the Shire

10 YEAR OUTCOME - Reliable and extension of telecommunication coverage across the whole Shire

Voting Requirements

Simple majority

Officer Recommendation

That Council resolves to:

1. Approve the development application DA One for the 30-meter tower and associated infrastructure for the purpose of a communications repeater point on Lot 27457 Chapman Road Ardath owned by Mr C Chapman as described in Attachment A, and installation arranged by, and operated by Connected Regional Internet Service Provider trading as CRISP Wireless.

a. This development application approval is for the application reference shown on the Development Application page 3 form in Attachment A 'A848 Comms' Repeater Point' received by the Shire of Bruce Rock on the 15 July 2021 only and is valid for four years as granted by the Minister for Planning Hon. R Saffioti MLA the undersigned, pursuant to Clause 78H Notice of 'Exemption from Planning Requirements During State of Emergency Clause 78H(6)(a)' Amended Noticed dated 30th day of April 2020.

b. Provide the following Advice notes, but not limited to, for the purpose to advise the applicant of other Statutory requirements:

i. No Building Permit pursuant to the *Building Act 2011* and subsidiary legislation is required for Class 10 type structures as detailed in the Building Code of Australia. Notwithstanding this, plans with design and specifications for construction are required to be submitted to the Shire of Bruce Rock pursuant to section 143 of the *Health (Miscellaneous Provisions) Act 1911* for the Shire of Bruce Rock records;

ii. To investigate requirements, if applicable, for notification of the 30-meter mast to the Civil Aviation Safety Authority and/or Air Services Australia and undertake all requirements as applicable to protect aircraft in flight including military aircraft and other flying machines for the purposes of conducting or enabling aerial warfare training, including national airlift (air cargo) capacity to provide logistical supply to stationed forces and/or assist in a civilian emergency.

iii. To investigate if the proposed telecommunication infrastructure is captured by and requires applicable building standards for construction in a Bush Fire Zone Area as applicable, or not, as the case requires.

2. Approve the development application DA Two for the 30-meter tower and associated infrastructure for the purpose of a communications repeater point on Lot 12460 Healey Road, Babakin as described in Attachment B, and installation arranged by, and operated by Connected Regional Internet Service Provider trading as CRISP Wireless.

a. This development application approval is for the application reference shown on the Development Application page 3 form in Attachment A 'A811 Comms' Repeater Point' received by the Shire of Bruce Rock on the 12 July 2021 only and is valid for four years as granted by the Minister for Planning Hon. R Saffioti MLA the undersigned, pursuant to Clause 78H Notice of 'Exemption from Planning Requirements During State of Emergency Clause 78H(6)(a)' Amended Noticed dated 30th day of April 2020.

b. Provide the following Advice notes, but not limited to, for the purpose to advise the applicant of other Statutory requirements:

i. No Building Permit pursuant to the *Building Act 2011* and subsidiary legislation is required for Class 10 type structures as detailed in the Building Code of Australia. Notwithstanding this, plans with design and specifications for construction are required to be submitted to the Shire of Bruce Rock pursuant to section 143 of the *Health (Miscellaneous Provisions) Act 1911* for the Shire of Bruce Rock records;

ii. To investigate requirements, if applicable, for notification of the 30-meter mast to the Civil Aviation Safety Authority and/or Air Services Australia and undertake all requirements as applicable to protect aircraft in flight including military aircraft and other flying machines for the purposes of conducting or enabling aerial warfare training, including national airlift (air cargo) capacity to provide logistical supply to stationed forces and/or assist in a civilian emergency.

iii. To investigate if the proposed telecommunication infrastructure is captured by and requires applicable building standards for construction in a Bush Fire Zone Area as applicable, or not, as the case requires.

11.2 Manager of Works and Services

Nil Report

11.3 Manager of Finance

Agenda Reference and Subject:	11.3.1 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:	<i>Nil</i>

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 of actual year to date to the budget year to date and variances from it. It must also include explanations of any variances and any other associated information that would be useful for readers of the report.

Comment

The Statement of Financial Activity for the month ending 31st July 2021 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 2021-22.

The Statement of Financial Activity for July and August 2021 will be presented to the Council meeting in September 2021.

Consultation

Darren Mollenoyux, Chief Executive Officer
Alan O'Toole, Deputy Chief Executive Officer
David Holland, Manager of Works and Services
Julian Goldacre, Environmental Health Officer
Mike Darby, Senior Finance Officer
and other staff

Statutory Implications

r. 34 Local Government (Financial Management) Regulations 1996

34. Financial activity statement required each month (Act s. 6.4)

(1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail –

- (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and*
- (b) budget estimates to the end of the month to which the statement relates; and*
- (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and*
- (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and*
- (e) the net current assets at the end of the month to which the statement relates.*

(4) A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be –

- (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
- (b) recorded in the minutes of the meeting at which it is presented.

Policy Implications

Nil

Risk Implications

Risk: Financial performance is not monitored against approved budget		
Likelihood	Consequence	Rating
Possible	Minor	Moderate
Action / Strategy		
The monthly financial report tracks the Shire’s actual financial performance against its budgeted financial performance to ensure that the Council is able to monitor to Shire’s financial performance throughout the year.		

Financial Implications

Comparison of actual year to date to the 2021-22 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

For Council’s information.

Agenda Reference and Subject:	11.3.2 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 11.3.2 Attachment A – List of Payments July 2021</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 2021.

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

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 EFT17791 to EFT17974 totalling \$515,401.36**
 - b. Cheque number 29 to 31 totalling \$14,634.62**
 - c. Trust Cheques NIL**
 - d. Wages and Superannuation payments totalling \$178,946.25, and**
 - e. Credit Card payments \$1,788.24**

With all payments totalling \$708,982.23 for the month of July 2021.

Agenda Reference and Subject:	11.3.3 Setting Material Variance for Monthly Financial Reports
File Reference:	8.2.6.2 Annual Financial Statements
Reporting Officer:	Jennifer Bow, Manager of Finance Officer
Author:	Jennifer Bow, Manager of Finance Officer
Disclosure of Interest:	
Attachments:	<i>Nil</i>

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 consultation with Council's Auditor, Butler Settineri, they are also happy with 10% or \$5,000.

Consultation

Darren Mollenoyux, Chief Executive Officer
Jennifer Bow, Manager of Finance
Robert Hall, Audit Director, Butler Settineri (OAG's contract auditors)

Statutory Implications

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

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Strategic Community Plan 2017-2027

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 2021-22.

Agenda Reference and Subject:	11.3.4 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:	<i>Nil</i>

Summary

Council is required to satisfy itself that under “Division 3 – Executive Functions of Local Government” section 3.18 the executive function 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 function 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.*

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Strategic Community Plan 2017-2027

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:	11.3.5 Adoption of the 2021-22 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	Nil

Summary

To consider and adopt the Municipal Fund Budget for the 2021-22 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 2021-22 budget has been guided by some of the principles contained in the Strategic Community Plan and the Strategic Resource Plan. The 2021-22 draft budget has been prepared in accordance with the presentation made to Councillors at the Special Council meeting held on 29th July 2021.

Council were given a copy of the Draft 2021-22 Budget at the Special July Council Meeting. Staff went through the entire draft budget 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 to assist with reconstruction of a supermarket.
- Fees and charges have increased by 2% from 2019-20 as fees and charges did not increase in 2020-21.
- A capital works programme totalling \$6,879,000 for investment in infrastructure, land and buildings, plant and equipment and furniture and equipment is planned.
 - Reconstruction of supermarket - \$2,000,000
 - Upgrade of Caravan Park Stage 1 and 2 - \$450,000
 - Expenditure on road infrastructure - \$3,018,000
- A \$500,000 borrowing is proposed to help fund the reconstruction of the supermarket building this financial year.
- Transfers from reserves of \$626,035 to assist with funding for capital works projects.
- Principal additional grant funding for the year is estimated from;
 - Drought Funding - \$50,000
 - Local Roads and Community Infrastructure Funding Program 1- \$263,151
 - Local Roads and Community Infrastructure Funding Program 2- \$375,578
 - Local Roads and Community Infrastructure Funding Program 3- \$1,052,604
 - Roads to Recovery for safety improvements on various roads - \$574,087
 - Regional Road Group for Old Beverley Road - \$329,067
 - Regional Road Safety Program funding for Bruce Rock Corrigin Road - \$1,080,580
 - Regional Airports Development Scheme - \$113,700

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 2021-22 Budget continues to deliver on other strategic 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 they 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 by way of 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 2021-22 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 senior Managers and through workshops/meetings 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 2021-22 Budget as presented is considered to meet statutory requirements.

Policy Implications

Nil

Financial Implications

Specific financial implications are as outlined in the Comment section of this report and as itemised in the 2021-22 budget attached for adoption.

The 2021-22 Annual Budget provides the direction for expenditure during the financial year.

Strategic Implications

The Draft 2021-22 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 2021-22 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 2021
2 nd half instalment due date	8 December 2021
2 nd quarterly instalment due date	8 December 2021
3 rd quarterly instalment due date	9 February 2022
4 th quarterly instalment due date	13 April 2022

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 2021 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 \$10.70 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 8% 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 2021-22

Pursuant to Section 6.16 of the *Local Government Act 1995*, Council adopts the Fees and Charges included in 2021-22 Budget.

ABSOLUTE MAJORITY REQUIRED

PART D – OTHER STATUTORY FEES FOR 2021-22

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 | \$293.00 per annum |
| ○ 240ltr bin per weekly collection – eligible pensioner | \$146.50 per annum |
| ○ 240ltr bin per weekly collection – eligible senior | \$195.75 per annum |
| ○ | |

3.2 Commercial Waste – Commercial Premises

- | | |
|--|--------------------|
| ○ 240ltr bin per twice weekly collection | \$293.00 per annum |
|--|--------------------|

3.3 Domestic and Commercial Recycling

- | | |
|--|--------------------|
| ○ 240ltr bin per fortnightly collection | \$117.00 per annum |
| ○ 240ltr bin per fortnightly collection – eligible pensioner | \$58.50 per annum |
| ○ 240ltr bin per fortnightly collection – eligible senior | \$87.75 per annum |

ABSOLUTE MAJORITY REQUIRED

PART E – ELECTED MEMBERS' FEES & ALLOWANCES FOR 2021-22

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 \$490

Councillors \$91

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 \$119

Councillors \$46

- 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) \$1,515

Telecommunications and Information Technology Allowance (each year thereafter) \$ 505

- 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 \$14,140

- 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 \$3,535

- 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;**

Travel (in accordance with the *Local Government Officers' (Western Australia) Interim Award 2011*)

Child Care

ABSOLUTE MAJORITY REQUIRED

11.4 Deputy Chief Executive Officer

Agenda Reference and Subject:

11.4.1 Amendment to Community Bus Hire Policy

File Reference:

5.1.5.1 Bruce Rock Seniors Association

Reporting Officer:

Alan O’Toole, Deputy Chief Executive Officer

Author:

Alan O’Toole, Deputy Chief Executive Officer

Disclosure of Interest:

Attachments:

Item 11.4.1 Attachment A – Policy 6.3 - Community Bus Hire

Summary

Council is asked to endorse an amendment to Policy 6.3 to recognise a concession of three free uses of the Community Bus per annum to the Bruce Rock Seniors Association.

Background

The Shire has received correspondence from the Bruce Rock Seniors Association Inc. (BRSA), seeking clarification on a historical arrangement that Council grants the BRSA three free uses of the Community Bus per annum. This led to the discovery that this arrangement, although observed by both parties for several years, is not captured in Council Policy, and therefore this Report seeks to address this.

Comment

It is acknowledged that seniors are an important part of the Bruce Rock Community and contribute to the Shire in many ways. Social engagement and interaction are identified as being essential for physical and psychological well-being, and more so for seniors who may encounter additional barriers to access opportunities for travel and socialising. For many years it has been the understanding that BRSA have three free uses of the Community Bus per annum. To ensure that this arrangement is captured in the Council Policy Manual, Policy 6.3 – Community Bus Hire has been amended with the addition of the following clause:

“Arrangement for Bruce Rock Seniors Association Bookings

The Bruce Rock Seniors Association are entitled to three (3) free bookings each financial year, after which normal rates for hire will apply as per the Fees and Charges schedule.”

The clause also clarifies that this arrangement is to be per financial year, so that it can be monitored with regard to budget across one year and not two, as would be the case if the concession were to be per calendar year.

N.B. The BRSA did not use the bus during 2020 because of the COVID-19 pandemic.

Consultation

Darren Mollenoyux, Chief Executive Officer

Jennifer Bow, Manager of Finance

Mike Darby, Senior Finance Officer

Statutory Implications

Nil

Policy Implications

Amendment to Policy 6.3 – Community Bus Hire

Risk Implications

Risk: That Council does not support the amendment to Policy 6.3 - Community Bus Hire to recognise the allowance of three free uses per annum by the Bruce Rock Seniors Association.		
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” and can be managed by routine procedure and is unlikely to need specific application of resources.		

Financial Implications

As this allowance is already in place it will have no significant impact on Council’s budget.

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Community

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

Governance

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

Voting Requirements

Simple Majority

Officer Recommendation

That Council endorse the amendment to Policy 6.3 – Community Bus Hire to acknowledge the Bruce Rock Seniors Association’s free use of the Community Bus on three occasions in any financial year.

11.5 Chief Executive Officer

Agenda Reference and Subject:

11.5.1 Factory Unit Lease – Unit 2 Swan Street, Bruce Rock

File Reference:

2.3.3.1 Factory Units Swan Street Bruce Rock

Reporting Officer:

Darren Mollenoyux, Chief Executive Officer

Author:

Darren Mollenoyux, Chief Executive Officer

Disclosure of Interest:

Attachments:

Nil

Summary

Council is asked to consider a lease request for Council owned factory unit located at Unit 2 Swan Street, Bruce Rock and any subsequent variation to fees and charges.

Background

For approximately the past two years Factory Unit 2, Swan Street, Bruce Rock has been vacant. Over the past few years there has been a promotional campaign advertising the lease of our vacant factory units and industrial land in the local paper, producing flyers and adverts on our front office notice board and on Council's website. In addition, a "For Lease" sign had been placed on the factory unit for the past 18 months. We have received a couple of informal enquiries into leasing this unit, however no formal applications have been received.

During the month an application has been received from Mr Daniel Dyson requesting to lease Unit 2 Swan Street, Bruce Rock. Mr Dyson is proposing the following consideration;

*"I am writing to express my interest in leasing Unit 2/9-11 Swan St, Bruce Rock.
I would like a lease of 1 year with option to stay.*

I would also like to be considered for the 30% rent discount for bringing a new service to Bruce Rock.

My intention is to bring a new sport not only to Bruce Rock but the Wheatbelt region, and to convert the unit into a specialized training facility. The sport being, Weightlifting or (Olympic Weightlifting) as it is better known.

I am a Weightlifter turned Coach and currently coaching some of the local youth, this opportunity would allow me to offer this service to the broader community."

Comment

As stated in the background this factory unit has been vacant for some time and opportunity has been given for interested businesses to make applicant for lease, however this is the only application we have received to date.

Mr Dyson is seeking Council's consideration as to reducing the monthly lease for the twelve months and therefore Council needs to determine if the applicant meets the criteria for the subsidy and if so what percentage and for what period.

Council has previously moved a motion in May 2008 that "Council may consider a discount of **up to** 30% for new businesses renting a factory unit for a period of **up to** 12 months".

Council already has a requirement for any business in Council owned factory units to have signage erected on the building.

The factory unit located at 2 Swan Street, Bruce Rock has been inspected and only needs a clean before it is ready for occupancy.

Consultation

Mr Daniel Dyson, the applicant

Alan O'Toole, Deputy CEO

Jennifer Bow, Manager of Finance

Neil Hartley, Civic Legal has previously provided guidance around the advertising and disposal of property requirements and section 3.58 of the LG Act, where we agreed that sufficient effort has been previously made to lease the factory unit, therefore providing an open and fair process for leasing.

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

Local Government Act 1995 s.6.16 & s.6.19

6.16. Imposition of fees and charges

(1) A local government may impose and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.*

** Absolute majority required.*

(3) Fees and charges are to be imposed when adopting the annual budget but may be -

- (a) *imposed* during a financial year; and*
 - (b) *amended* from time to time during a financial year.*
- * Absolute majority required.*

6.19. *Local government to give notice of fees and charges*

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of

- (a) *its intention to do so; and*
- (b) *the date from which it is proposed the fees or charges will be imposed.*

Policy Implications

Whilst no formal policy exists, precedent exists from previous decisions of Council and as per this resolution in 2008; *“Council may consider a discount of up to 30% for new businesses renting a factory unit for a period of **up to** 12 months”.*

Risk Implications

Risk: That the factory unit located at Unit 3 Swan Street Bruce Rock is not leased, leading to continual loss of rental income for Council and potential loss of economic progress in the Shire.		
Likelihood	Consequence	Rating
Possible	Moderate	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 “Medium” risk and will be managed by specific monitoring and response procedures.		

Financial Implications

The 2021/22 rent on the factory unit located at Unit 2 Swan Street is set at \$493.20 per month inc gst, which equates to a total of \$5,918.40 inc gst for the proposed 12 month lease.

If Council reduced the rental of 30% it would set the rental amount at \$345.24 per month inc gst, over the 12 month rental request that would be a total of \$4,142.88 inc gst.

This factory unit has been vacant for approximately 2 years and thus has not generated income during this period. Budget provision has been made for rental income on this factory unit for part of the 2021/2022 financial year.

As per all Council rentals and tenancy agreements, the fee and charge will be reviewed annually and further rental increases may occur.

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Infrastructure

2.2 – Encourage greater usage of current Council owned facilities

Economy

Goal 3: Assist the local economy to grow

3.3 Encourage the business units to be used in Swan Street

3.7 – Leverage economic opportunities and development from successful local businesses

Goal 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

Governance

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

Voting Requirements

Absolute Majority

Officer Recommendation

That Council:

1. That Council accept / decline the request to lease its factory unit located at Unit 2 Swan Street, Bruce Rock to Mr Daniel Dyson.
2. That Council considers the request from Mr Daniel Dyson for a reduction of rent for the first 12 months of the lease to assist him in establishing his new business within Bruce Rock.
3. The monthly rental fee of \$_____ (inc. GST) is to be charged from the commencement of the lease and to be reviewed as part of the annual budget review process.
4. Give public notice of 7 days of the intent to vary the fee and charge.
5. In accordance with section 3.58 of the Local Government Act Council authorises the Chief Executive Officer to give local public notice of its intention to lease factory unit 2, Swan Street Bruce Rock to Mr Daniel Dyson for the monthly rental fee of \$_____ (inc. GST);
6. That at the conclusion of the statutory 14 day advertising period should there be no public submissions the CEO be authorised to proceed with the lease or if submissions are received an item be presented to the September 2021 Ordinary Meeting of Council to consider, prior to the execution of the lease of factory unit 2 Swan Street, Bruce Rock.
7. That there is a requirement of the lease for business signage to be erected on the building.

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

13. Confidential Items

Agenda Reference and Subject:

13.1 Waste Collection Service Key Performance Indicator Review for July 2021

File Reference:

4.1.1 Waste Management

Reporting Officer:

Julian Goldacre, Environmental Health Officer

Author:

Julian Goldacre, Environmental Health Officer

Disclosure of Interest

Attachments

Item 13.1 Attachment A – CONFIDENTIAL Waste Collection Service KPI July 2021

Item 13.1 Attachment B – CONFIDENTIAL Signed & Served letter to Mr P Fuchsbichler

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:

(e) a matter that if disclosed would reveal - ...

(ii) information that has a commercial value to a person; or

(iii) information about the business, professional, commercial or financial affairs of a person

Voting Requirements

Simple majority

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.

Officer Recommendation

That Council resolves to:

Accept the Officer report for the Contractor Refuse outcomes of the recently served correspondence and ongoing operational undertakings, and the Contract Key Performance Indicators for the period of July 2021.

Agenda Reference and Subject:

13.2 Consideration of submission for Landfill Site Operation

File Reference:

8.2.8.1 Tenders

Reporting Officer:

Alan O’Toole, Deputy Chief Executive Officer

Author:

Alan O’Toole, Deputy Chief Executive Officer

Disclosure of Interest

Attachments

Nil

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:

(e) a matter that if disclosed would reveal - ...

(ii) information that has a commercial value to a person; or

(iii) information about the business, professional, commercial or financial affairs of a 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.

Officer Recommendation

That, dependent upon and at such a time that appropriate insurance coverage is evidenced, Council awards the Contract for RFQ 4/21A “Provision of landfill site operation and management service” to the applicant as per their Quotation and for a period of three years.

14. Closure of Meeting