

Agenda

Ordinary Meeting of Council

To be held in Council Chambers
54 Johnson Street, Bruce Rock
Thursday 18 November 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 18 November 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 18 NOVEMBER 2021

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SHIRE OF BRUCE ROCK
AGENDA – ORDINARY MEETING 18 NOVEMBER 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
7. Applications for Leave of Absence
8. Announcements by Presiding Member
9. Confirmation of Minutes

Audit Committee Meeting held on Thursday 21 October 2021

Recommendation:

That the minutes of the Audit Committee Meeting held Thursday 21 October 2021 be received.

Special Council Meeting held Thursday 21 October 2021

Recommendation:

That the minutes of the Special Council Meeting held Thursday 21 October 2021 be received.

Ordinary Meeting of Council held on Thursday 21 October 2021

Recommendation:

That the minutes of the Ordinary Meeting held Thursday 21 October 2021 be confirmed as a true and correct record.

Works and Services Meeting held Wednesday 27 October 2021

Recommendation:

That the minutes of the Works and Services Committee Meeting held Wednesday 27 October 2021 be received.

10. Officers' Reports

10.1 Manager of Works and Services

No Item

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

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 will be available for download on Council's website on Monday.

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

That the Statements of Financial Activity for the month ending 31 October 2021.

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 October 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 October 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 EFT18318 to EFT18510 totalling \$628,888.26**
 - b. Cheque number 45 to 47 totalling \$1,931.92**
 - c. Trust Cheques**
 - d. Wages and Superannuation payments totalling \$194,990.84, and**
 - e. Credit Card payments \$451.45**

With all payments totalling \$825,811.02 for the month of October 2021.

Agenda Reference and Subject:	10.2.3 Financial Response to COVID-19
File Reference:	2.3.1.1 Policy Manual
Reporting Officer:	Jennifer Bow, Manager of Finance Officer
Author:	Jennifer Bow, Manager of Finance Officer
Disclosure of Interest:	
Attachments:	<p><i>Item 10.2.3 Attachment A – OAG Report 5: 2020-21 Local Government COVID-19 Financial Hardship Support</i></p> <p><i>Item 10.2.3 Attachment B – Proposed Updates to Policy 2.12 Financial Hardship Policy</i></p> <p><i>Item 10.2.3 Attachment C – Proposed Financial Hardship Application Form</i></p>

Summary

To update the Financial Hardship Policy (number 2.12) to oversee the current rating year.

Background

Council were required to implement a Financial Hardship Policy last year as a response to the Covid 19 pandemic.

Recently the Office of Auditor General (OAG) conducted a Performance Audit into 3 local governments regarding the financial hardship support provided by local government in 2020-21 to ratepayers impacted by the COVID-19 pandemic.

Comment

Staff have reviewed the OAG’s report into the support provided by local governments during the COVID-19 pandemic and have provided the following comments as per the recommendations in the back of the report;

	Recommendations	Assessment	Time Frame	Officer Respon.
1.	Have a current Council-approved financial hardship policy that, if they want to charge the higher threshold of instalment interest, covers the 2021-22 rates	Shire of Bruce Rock had a Covid-19 Financial Hardship Policy for 2020-21. Has been assessed and requires updating for 2021-22 financial year. Need to remove references to debtors.	18/11/2021	MOF
2.	Actively promote the policy to their ratepayers and make the policy and application form publicly available	1. Need to make the financial hardship policy easier to find. Northampton has their highlighted on their front page 2. Need to have Application Form on website as well.	25/11/2021	MOF

3.	Put in place clear eligibility and assessment criteria and timeframes to process applications	1. Develop clear eligibility and assessment criteria and the timeframe for processing application. Should be consistent with Customer Service Charter	18/11/2021	MOF
4.	Maintain records of applications and outcomes	1. Maintain a separate register for Financial Hardship Applications and have them identified on Agreement to Pay control spreadsheet.	25/11/2021	SFO
5.	Identify and manage actual, potential and perceived conflicts of interest for staff who assess applications	Process in accordance with normal procedures. Where the possibility of a potential conflict of interest arises, application is to be dual signed by Rates Officer and CEO. Can be signed by DCEO or another senior officer if a conflict of interest is identified.	18/11/2021	SFO
6.	Review their application and assessment processes in response to complaint feedback.	Register any complaints in the Complaints Register. Ensure that any complaints received are acted on in accordance with the Complaints Policy and registered in the Complaints Register.	25/11/2021	DCEO

The existing Financial Hardship Policy needs updating to ensure that it is also applicable for the 2021—22 financial year. The policy was also written to include debtors however the policy is applicable to ratepayers and so references to debtors has been removed.

The OAG recommends that the Financial Hardship Policy is publicly available on the Shire website and highlighted so that it is easy to find. The application form will also be available on the website.

The Shire will also keep a separate register for applications made under the Financial Hardship policy.

The Shire will develop an assessment document so that all applications are considered fairly.

Staff will also ensure that where a conflict of interest arises, the assessment is conducted by another officer who does not have a conflict of interest.

The Shire will also review the process from time to time in response to complaints feedback.

Consultation

Darren Mollenoyux, Chief Executive Officer
 Alan O’Toole, Deputy Chief Executive Officer
 Mike Darby, Senior Finance Officer

Statutory Implications

Nil

Policy Implications

Amending of Existing Policy 2.12- Financial Hardship

Risk Implications

Risk: That the community experiences financial hardship during the COVID-19 pandemic resulting in a decrease in revenue		
Likelihood	Consequence	Rating
Almost Certain	Moderate	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 Manager of Finance will be monitoring the progress regularly.		

Financial Implications

Could be some minor impact to revenue.

No requests were received in 2020-21 for rates relief or payment plans in accordance with the Financial Hardship Policy.

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 amend Council’s Policy 2.12 - Financial Hardship for 2021 and staff action the recommendations from the Performance Audit Report findings.

10.3 Environmental Health Officer

Agenda Reference and Subject:

10.3.1 Development Application for the construction & use of a private aircraft hangar at the Bruce Rock Aerodrome.

File Reference:

6.3.1.1

Reporting Officer:

Julian Goldacre Environmental Health Officer

Author:

Julian Goldacre Environmental Health Officer

Disclosure of Interest

CEO

Attachments

Item 10.3.1 Attachment A - Development Application Proposed Taxiway & Hangar Mr D Verhoogt

Item 10.3.1 Attachment B - Proposed Taxiway & Hangar Mr D Verhoogt

Item 10.3.1 Attachment C - Proposed Taxiway & Hangar and affected areas

Item 10.3.1 - Attachment D - Bruce Rock Football Club response as affected party.

Summary

Council is requested to consider the Development Application for the works and use of a hangar, fuel storage and handling, and appurtenant taxiway at the Bruce Rock Aerodrome. That the Bruce Rock Football Club can harvest the 2021 crop before hangar construction activities occur. Advice notes are provided for the applicant for their knowledge and consideration.

Background

In September 2021 the Environmental Health Officer Mr J Goldacre, the Chief Executive Officer Mr D Mollenoyux, and Mr D Verhoogt conducted a site visit of the Bruce Rock Aerodrome to explore possible location of an aircraft hangar. A site was selected close to the existing building infrastructure although closer to the runway, which triggered the requirement to determine the permissibility to do so for Aerodrome requirements. The EHO liaised with the applicant Mr D Verhoogt to determine requirements for the proposed hangar, and to guarantee the future possibility of the Bruce Rock Aerodrome becoming a Registered Aerodrome. On the 13 October 2021 Mr D Verhoogt submitted a Development Application (DA) with supporting information (Attachment A) for the proposed hangar, taxiway, fuel storage, and utilities.

Comment

The Bruce Rock Aerodrome is on Lot 19655, Reserve 17266 Bruce Rock – Quairading Road for which the Shire of Bruce Rock holds a Management Order number M287326. The Shire of Bruce Rock Local Planning Scheme No3 (Scheme) requires all development on Shire owned and/or managed Reserves to obtain a Development Approval. Attachment A with supporting information details the hangar, taxiway, proposal for a fuel facility, as well as a request for connection to onsite existing power and water.

Attachment B shows the 390m² hangar footprint with front sliding doors (green outline) positioned in line with the existing hangar and buildings on-site. The hangar minimum height is 6 metres with an apex height (maximum) of 7.7 metres. Furthermore, the grey outline is the proposed taxiway to facilitate aircraft movement. The hangar location sets the hangar 105 metres back from the runway centre line (notation in blue). As a result, the side transition distance slope from the 7.7 metre height hangar apex to

ground level is 54 metres, thus 51 metres short of the runway centre line. A review of the Civil Aviation Safety Authority (CASA) Manual of Standards (MOS) shows that the minimum building to runway separation distance as presented is exceeded for the type of aircraft which can use this Aerodrome, given the main runway length of only 1,180 metres. Consequently, from the technical aspect of the hangar size and location, the hangar as proposed will not impede any possible future CASA Registration of the Bruce Rock Aerodrome should this be considered into the future.

From the Planning perspective, for orderly development the hangar proposed is in accordance with the purpose of an Aerodrome. There does exist one aspect of the Development Application which requires further consideration which is that the land the hangar is proposed to be built is currently leased for the purpose of cropping to the Bruce Rock Football Club (Club). A requirement exists to contact persons affected by a Development Application where there is the possibility of ‘... potential loss of any community service or benefit resulting from the development...’. Attachment C shows the potential loss of cropping area estimated from scaled drawings to be limited to approximately 700m². Consequently, a letter was sent to the Secretary of the Club on the 1 November 2021 and a written response was received on the 10 November 2021 with no objection other than access to remove the crop before building commences and the lease to be modified to reflect the loss in area to the hangar development.

Other matters regarding this DA identified for recommended Advice Notes are:

1. The Management Order held by the Shire of Bruce Rock for the Aerodrome permits the leasing of the land for Aerodrome purposes up to 21 years. The lease matter has been discussed with the Deputy Chief Executive Officer Mr A O’Toole who is currently pursuing legal advice for a draft lease. The Applicant for the DA intends to connect the hangar to water and power services existing at the Aerodrome which can be incorporated into the proposed lease.
2. Consultation with the Shire of Kalamunda Senior Building Surveyor identified that a hangar for private purposes is deemed a Class 10A building (Shed). A Building Permit is not required for a Class 10A building outside the townsites of Bruce Rock Shire although full compliance with engineering drawings as well as a being a suitable structure when built is required. and
3. The storage and handling of aviation fuel should comply with Australian Standard 1940-2017. In the event the storage of aviation fuel exceeds 10,000 litres then a Dangerous Goods License is required which is applied for and granted, if so the case, by Department of Mines, Industry Regulation and Safety.

Consultation

Mr D Mollenoyux Chief Executive Officer,

Mr A O’Toole Deputy Chief Executive Officer,

Mr R Baker, Assistant Manager, Land Management Central, Department of Planning, Lands, and Heritage,

Mr T Reed, Acting Planning Manager, Land Use Planning, Department of Planning, Lands, and Heritage,

Mr D Wilson, Principal Building Surveyor Approval Services, City of Kalamunda, and

McLeods Solicitors.

Bruce Rock Football Club, Community Crop Lease Holder

Statutory Implications

Land Administration Act 1997,

Local Government Act 1995,

Planning and Development (Local Planning Schemes) Regulations 2015, and

Shire of Bruce Rock Local Planning Scheme No3

Policy Implications

Nil

Risk Implications

Risk: Development proceeds outside the parameters in the submitted Development Application.		
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 by specific monitoring and response procedures.		

Financial Implications

Development Application fee of \$352. Preparation of Lease estimated at \$1,500 + GST. Fee for, and determination by valuer of portion of leased land for annual charge is still to be advised. Utility fees for access to onsite water and power for hangar to be either sub-metred or a flat rate whichever is most practicable. Note, unless otherwise determined the fees above are costed out to the Development Application applicant in full.

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Governance

- Goal 2 Maintain Shire owned facilities in a strategic manner and also to meet community needs.
- 2.2 Encourage greater usage of current Shire owned facilities.

Voting Requirements

Simple majority

Officer Recommendation**That Council:**

1. Approves the Development Application by Mr D Verhoogt for the construction and use of a private aircraft hangar with a floor area of 390m² and maximum height of 7.7 metres and is setback from the main runway 105 metres and is inclusive of the fuel handling and storage up to 10,000 litres only, and the appurtenant taxiway to facilitate aircraft hangar access as so presented in the Development Application dated 13 October 2021 reference ‘DA-D Verhoogt-R17266 Hangar’ and supplemental documents.
2. Requires the Development Application applicant Mr D Verhoogt to liaise to a mutually agreeable outcome to ensure the Bruce Rock Football Club has unfettered access to complete the harvest of the 2021 season crop in the vicinity of the building and taxiway footprint location before construction of the hangar and taxiway and fuel storage commences, and;
3. Provides the following Advice Notes to assist the Development Application applicant Mr D Verhoogt for the hangar and appurtenant constructions and activities endeavours and is provided in good faith and is not limited to:
 - a. The Shire of Bruce Rock and the Development Application applicant Mr D Verhoogt will enter a formal Lease for up to 21 years for the hangar, fuel storage and handling, taxiway, and any appurtenant fees and charges so Levied by the establishment of, and in the lease as reasonably required,

- b. The hangar is identified as a Class 10A building. Whilst a Building Permit is not required for a Class 10A building outside the townsites of the Bruce Rock Shire, full compliance with suitable engineering drawings as well as a being a suitable structure when built is still required, and;**
- c. The hangar storage and handling of aviation fuel should comply with Australian Standard 1940 - 2017. In the event the storage of aviation fuel exceeds 10,000 litres then a Dangerous Goods License is compulsory which is applied for and granted, if so the case, by Department of Mines, Industry Regulation and Safety. Should a license be so necessary the Development Application applicant Mr D Verhoogt is required to formally consult on this matter with the Shire of Bruce Rock Chief Executive Officer.**

Agenda Reference and Subject:

10.3.2 Western Australian Planning Commission Application No. 161419 – Lots 15887 & 19532 Bruce Rock South Road, Ardath.

File Reference:

A2638

Reporting Officer:

Julian Goldacre Environmental Health Officer

Author:

Julian Goldacre Environmental Health Officer

Disclosure of Interest

Nil.

Attachments

Item 10.3.2 - Attachment A - Western Australian Planning Application No. 161419 lodgement details; Item 10.3.2 - Attachment B - Western Australian Planning Application No. 161419 maps.

Summary

Council notify the WAPC that Lot 15887 has a current non-conforming use which is a permitted use under the Shire of Bruce Rock Local Planning Scheme No 3, this could change if the non-conforming use expands and/or a building is built for the non-conforming use, thus a Development Application is required. To place a note on the property file A2638 stating the same information provided to the WAPC regarding the non-conforming use. Inform the WAPC that regarding Application No. 161419 – Lots 15887 & 19532 Bruce Rock South Road, Ardath that there is no comment, or recommended conditions pertinent to this Application.

Background

The Shire of Bruce Rock Administration received from the Western Australian Planning Commission (WAPC) Application No: 161419 – Lots 15887 & 19532 Bruce Rock South Road, Ardath (the Subdivision) by email on the 7th of October 2021 at 2:28 PM. The land the subject of the Subdivision has come across the Environmental Health Officer's (EHO) and Deputy Chief Executive Officer's desk previously in 2018-19 as there is a historic continuing use for the extraction of feature granite. Enquiries were related to any Shire of Bruce Rock extraction local law/s, and any Planning requirements.

Comment

Attachment A reveals the application details and identifies the affected lands as shown in Attachment B, specifically on page 3. This is a relatively straight forward boundary realignment, where at the end of the process the original two Lots remain as two Lots although the boundary is relocated as highlighted in blue on page 3 of Attachment B. The EHO has in the past (2018 & 2019) received enquiries from development companies enquiring about requirements for mining and extraction of granite. During investigations it was found that granite was extracted from Lot 15887 and that this activity has been occurring for quite some time. It is determined that the granite extraction has been ongoing for at least 30 years by a company named 'Australasian Granite Pty Ltd', and currently registered with the Australian Securities and Investments Commission. A visual inspection from the road observed stockpiles of presumed granite and evidence of extracted rock face on Lot 15887.

Close inspection of Attachment B on page 3 shows the Lot to be created has minimal, if at all, farming activity occurring on it. From observations the lack of farming is due to the presence of the solid geology underlying and above the ground, and forming the bulk of the ground characteristic. This proposed subdivision will effectively subdivide the predominantly hard geology from the current broadacre farming

activities. Therein is the quandary that this proposed subdivision could then make the land suitable for strictly granite extraction without the need to also manage farmland. The EHO consulted the Department of Planning and explained that while the use under the Shire of Bruce Rock Local Planning Scheme No 3 (the Scheme) would comply with subclause 3.8(a) for allowing a ‘non-conforming use’ under the present Scheme to be ongoing given the extraction activity occurred before the Scheme and the Planning and Development Act 2005.

Whilst this would be the case as the non-conforming use stands presently, should the extraction of granite and/or other base raw material ‘extend’ beyond the volumes and reach of past and current extraction activities, then the Scheme subclause 3.9.1(a) could be triggered thus requiring a Development Application. The land use under the Scheme for ‘Industry – extractive’ is a ‘D’ use and permitted only in ‘Rural’ zoned areas of the Scheme, thus requires Council approval through a Development Application. Also, should a building be required to be placed onsite of the area affected by extraction activities then this to would require a Development Application. For this paragraph the affected Lot is Lot 15887 (as amended) given the Lot number could change during the subdivision process.

For the consideration of this Subdivision, other than the concern regarding non-conforming use, there are no other clear and present issues identified with the proposed Subdivision which is to realign existing boundaries. While not eligible to be documented as an issue with the WAPC for the identified non-conforming use, it would be most prudent to place a notation on the file as an ‘advice note’. The advice note would serve to alert the owners and/or prospective buyer/s of the Subdivision with the existing non-conforming use rights about extending activities beyond what has been current up to now.

Consultation

Mr T Reed, Acting Planning Manager, Land Use Planning, Department of Planning, Lands, and Heritage.

Statutory Implications

*Planning and Development Act 2005,
Planning and Development (Local Planning Schemes) Regulations 2015, and
Shire of Bruce Rock Local Planning Scheme No.3*

Policy Implications

Nil.

Risk Implications

Risk: The non-conforming use of rock extraction on the Lot area presently Lot 15887 expands to a greater activity than has and is currently (at time of this Report) occurring.

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 Nil

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Governance

Goal 3 Assist the local economy to grow

Voting Requirements Simple majority

Officer Recommendation

That Council:

- 1. Inform the Western Australian Planning Commission regarding Application No. 161419 – Lots 15887 & 19532 Bruce Rock South Road, Ardath that the following information is provided with regards to Lot 15887 Bruce Rock South Road, Ardath:**
 - a) Lot 15887 (as amended) has a non-conforming use activity being ‘industry – extractive’, which under the Shire of Bruce Rock Local Planning Scheme No.3 is a use class of ‘industry – extractive’ and has a meaning of ‘D’ for Rural zoned lands thus ‘means that the use is not permitted unless the local government has exercised its discretion by granting development approval’. Consequently, should the non-conforming use ‘expand’, and/or a building is erected in association with the non-conforming use, it could initiate the requirement for a Development Application with the local government of Bruce Rock.**

- 2. Inform the Western Australian Planning Commission regarding Application No. 161419 – Lots 15887 & 19532 Bruce Rock South Road, Ardath that there is no comment, or recommended conditions pertinent to this Application.**

- 3. Instructs the Environmental Health Officer to place a file advice note onto the affected property file A2638 with the following information for current and future landowners of Lot 15887 (as amended):**
 - a) Lot 15887 (as amended) has a non-conforming use activity being ‘industry – extractive’, which under the Shire of Bruce Rock Local Planning Scheme No.3 is a use class of ‘industry – extractive’ and has a meaning of ‘D’ for Rural zoned lands thus ‘means that the use is not permitted unless the local government has exercised its discretion by granting development approval’. Consequently, should the non-conforming use ‘expand’, and/or a building is erected in association with the non-conforming use it could initiate the requirement for a Development Application with the local government of Bruce Rock.**

Agenda Reference and Subject:

10.3.3 Request by Ms H Ferguson keep a rooster on the property located at 101 Butcher Street, Bruce Rock.

File Reference:

A501

Reporting Officer:

Mr J Goldacre Environmental Health Officer

Author:

Mr J Goldacre Environmental Health Officer

Disclosure of Interest

Nil.

Attachments

Item 13.3.3 - Attachment A – Request to keep Rooster

Summary

Council is requested to grant permission to Ms H Ferguson keep a rooster on the property located at 101 Butcher Street, Bruce Rock, with conditions and an advice note.

Background

During an inspection of a Shire property the Environmental Health Officer (EHO) whilst walking down a Right of Way lane heard a rooster crowing at the back of 101 Butcher Street. The EHO contacted the owner Mr D Payne and said that roosters in the townsite needed Council approval, and that he could make application which could then be considered. Consequently, the Occupier Ms H Ferguson, made a written application to the Shire of Bruce Rock (Attachment A) regarding approval to keep a rooster on the property at 101 Butcher Street, Bruce Rock.

Comment

The Ranger visited Mr D Payne to see how he was progressing with advising nearby neighbours of the intention to keep a rooster on the property and he was not able to provide any information of such an endeavour being undertaken. To expedite the process, the EHO contacted by phone the houses encircling the applicant's address and received verbal support for the keeping of a rooster other than to say it does not crow during the late evening, the night, and early mornings. One property has been written to as the EHO was unable to contact the Owners, whilst their comments may not be received in time for this tabling of the matter, the initial approval will be as a trial which if successful will roll over until ceased or revoked. Incidentally, follow up inspections have found no rooster crowing at 101 Butcher Street, furthermore, when told about the existence of the rooster, the people called said they had no idea one was around the area, which is a promising development.

The *Shire of Bruce Rock Animals, Environment and Nuisance Local Law 2016* (as amended) (Local law) under Clause 2.7 permits the keeping of a rooster only with the written permission of the local government. As roosters are notorious for nuisance complaints it is important that, should permission be given, the rooster does not become a nuisance. Any consideration for permission to keep a rooster will require conditions to be listed and be adhered to as well as compliance with the Local Law requirements for keeping poultry.

Conditions recommended for keeping roosters will be:

1. Only one rooster will be approved not including chicks up to an age of three months;
2. All reasonable measures are to be undertaken to ensure the crowing of the rooster is limited to not cause a nuisance to the neighbouring properties or beyond during the hours of evening, night, and early morning hours, and;
3. A trial of 6 weeks will be permitted and should no complaints or reasonable objections for the keeping of the rooster be received the trial will roll over. Despite the aforementioned approval and roll over option, Council can revoke the permission to keep a rooster at 101 Butcher Street should after all reasonable efforts to deal with any complaints about the rooster fail.

The following advice notes will be provided to advise Ms H Ferguson of the obligations required to be undertaken for keeping poultry being:

1. Compliance with Clause 2.6 'Conditions for keeping poultry' of the *Shire of Bruce Rock Animals, Environment and Nuisance Local Law 2016* (as amended).

Consultation

All neighbours in reasonable proximity to 101 Butcher Street by phone, email, and letter. One neighbour has yet to comment although the trial is initiated to ascertain effectiveness of rooster keeping so to not cause a nuisance thus giving the applicant a chance for rooster keeping.

Statutory Implications

Shire of Bruce Rock Animals, Environment and Nuisance Local Law 2016 (as amended).

Policy Implications

Nil

Risk Implications

Risk: Failure to prevent the keeping of roosters from becoming a nuisance.		
Likelihood	Consequence	Rating
Possible	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 can be managed by routine procedure, and is unlikely to need specific application of resources.		

Financial Implications

Nil.

Strategic Implications

Please use the below formatting when referring to the plan.

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Governance

GOAL 4: Workers and their families can work and reside in the Shire
 Ten Year Plan Workers and their families reside in and contribute to the local economy

Voting Requirements

Simple majority

Officer Recommendation

That Council:

1. To permit the keeping of one rooster by Ms H Ferguson at 101 Butcher Street, Bruce Rock for a trial period of 6 weeks which will roll over for an unspecified time until cancelled by the applicant, or revoked by Council; and with the following conditions:
 - a) The rooster kept shall not exceed more than one rooster not including chicks up to an age of three months;
 - b) All reasonable measures are to be undertaken to ensure the crowing of the rooster is limited to not cause a nuisance to the neighbouring properties or beyond during the hours of evening, night, and early morning hours; and
 - c) Council can revoke the permission to keep roosters at 101 Butcher Street, Bruce Rock should, after all reasonable efforts to deal with complaints about the keeping of the rooster fail.

The following advice note is provided to advise Ms H Ferguson of the obligations required to be undertaken for keeping poultry being:

- **Compliance with Clause 2.6 'Conditions for keeping poultry' of the *Shire of Bruce Rock Animals, Environment and Nuisance Local Law 2016* (as amended).**

10.4 Deputy Chief Executive Officer

Agenda Reference and Subject:

10.4.1 Shire President Stamp

File Reference:

Reporting Officer:

Alan O’Toole, Deputy Chief Executive Officer

Author:

Melissa Schilling, Executive Assistant

Disclosure of Interest:

Attachments:

Nil

Summary

Use of Shire President Stamp October 2021.

Background

Nil

Comment

As per Council’s policy, the Shire President Stamp has been used during the months of October 2021 as follows:

- CEACA Nomination for member

Consultation

Nil

Statutory Implications

Council Policy

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

Voting Requirements

Simple Majority

Officer Recommendation

That Council endorse the use of the Shire President Stamp during October 2021.

Agenda Reference and Subject:

10.4.2 Adoption of Local Heritage Survey Draft

File Reference:

1.1.5.2 Municipal Heritage Inventory

Reporting Officer:

Alan O’Toole, Deputy Chief Executive Officer

Author:

Caris Negri, Community Development Officer

Disclosure of Interest:

Attachments:

Item 10.4.2 Attachment A - Draft Local Heritage Survey

Item 10.4.2 Attachment B - Draft Local Heritage Survey

Appendix 1

Item 10.4.2 Attachment C - Draft Local Heritage Survey

Appendix 2

Summary

Council is asked to adopt the Draft of the Local Heritage Survey.

Background

In 1997, Council adopted the Shire of Bruce Rock Municipal Inventory of Heritage Places, which was a thorough recording of places of historical significance within the Shire. At this time, this was the accepted standard of Local Government’s recording Heritage information.

The *Heritage Act 2018* require Local Governments to replace their Municipal Inventories with a Local Heritage Survey, and to develop a Heritage List.

A Local Heritage Survey must identify and record places that are, or may become, of cultural heritage significance in its district, assist the Local Government in making and implementing decisions that are in harmony with cultural heritage values, provide a cultural and historical record of its district, provide an accessible public record of places and cultural heritage significance to its district, and assist the Local Government in preparing a Heritage List.

Local Governments are required to establish a Heritage List under *Planning and Development (Local Planning Schemes) Regulations 2015*. When the Heritage List is adopted, Local Governments are required to give due regard to the heritage significance of the listed place when determining development applications but does not limit or restrict how a Local Government is to determine an application.

Comment

Council engaged Laura Gray of Heritage Intelligence (WA) to undertake a review of the Municipal Inventory of Heritage Places, prepare a Local Heritage Survey and include a Heritage List within the Local Heritage Survey. Ms Gray has been undertaking these works over the past 5 months and now has the Draft of the Local Heritage Survey to a place where it is ready to be released for public comment.

If Council adopt the draft, public comment will open Monday 22 November 2021 and close Monday 6 December 2021. Depending on the level of public comment received, the final copy will be presented for Council to adopt at the December OCM. After the Local Heritage Survey has been adopted by Council, the Heritage List must be adopted within the Local Planning Scheme.

Consultation

Laura Gray, Heritage Consultant

Darren Mollenoyux, Chief Executive Officer

Statutory Implications

Part 8. Heritage Act 2018

S2 P3 cl.9 Planning and Development (Local Planning Schemes) Regulations 2015.

Policy Implications

Nil

Risk Implications

Risk: That Council does not adopt the Local Heritage Survey Draft		
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

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

Voting Requirements

Simple Majority

Officer Recommendation

That Council adopt the draft Local Heritage Survey and release it for public comment for a period of two weeks, finishing on Monday, 6 December 2021.

10.5 Chief Executive Officer

Agenda Reference and Subject:

10.5.1 CEO Annual Leave Christmas Shut Down Period

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:

Nil

Summary

Council is asked to consider approval of Annual Leave for the Chief Executive Officer during the 2021 Christmas / New Year Period.

Background

The Chief Executive Officer is seeking annual leave during the Christmas / New Year Period 2021. The period of leave will include 2 public holidays being the 27th & 28th December 2021 followed by 3 days annual leave being the 29th, 30th, 31st December 2021 when the Shire Office is closed.

Comment

I will still be available for call out work and harvest bans etc and there is no requirement to appoint an Acting CEO for this short period, however there is a requirement to approve the leave as it is greater than what can be approved by the Shire President.

The CEO is not intending to take any extensive annual leave in January 2022 as has occurred in the past. There may be a couple of days that will be taken, however this will be minor and can be approved upon request to the Shire President.

Consultation

Stephen Strange, Shire President

Statutory Implications

Local Government Act 1995

In particular:

5.36. *Local government employees*

(1) *A local government is to employ —*

(a) *a person to be the CEO of the local government; and*

(b) *such other persons as the council believes are necessary to enable the functions of the local government and the functions of the council to be performed.*

5.39. *Contracts for CEO and senior employees*

(a) *an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which he or she is acting*

Policy Implications

Policy 3.10 – Appointment of Acting Chief Executive Officer

PREAMBLE

Policy regarding the process to be followed to appoint an Acting Chief Executive Officer.

OBJECTIVE

1. To ensure compliance with the Local Government Act 1195 s5.39c that requires Local Governments to have a policy regarding the employment of an Acting Chief Executive Officer (CEO).
2. To advise Council of the process which needs to be followed in these circumstances.

Risk Implications

Risk: That adequate staffing resources are not available to cover the CEO’s period of absence.		
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 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 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 due to the office closure during the Christmas / New Year period Council approve the 3 days annual leave of the Chief Executive Officer, Darren Mollenoyux for the period commencing on 29th December 2021 up to 31st December 2021, inclusive.

Agenda Reference and Subject:	
	10.5.2 Request for Consideration of Additional Street Lighting in Ardath
File Reference:	
Reporting Officer:	Darren Mollenoyux, Chief Executive Officer
Author:	Darren Mollenoyux, Chief Executive Officer
Disclosure of Interest:	
Attachments:	<i>Item 10.5.2 Attachment A – Map of Current Street Lights Ardath</i>

Summary

Council is asked to consider making an application to Western Power to obtain costings for the installation of two new streetlights in Ardath.

Background

Staff have received several inquiries asking if there could be additional street lighting in the main street of Ardath, being Main Street. Currently there are only three streetlights, and it has been raised that there should be two more lights at the north and south of the existing three lights.

The concerns raised are that there is not adequate lighting as you approach the built-up area of the street coming around the bends from the north and south of the townsite entries. This can be dangerous for traffic entering the townsite. This has been a highlighted issue with the increased activity in the town.

Comment

To enable staff to provide full details to Council on costings and what improvement to traffic safety could be created, an additional application is required to Western Power for them to provide a scope and costing for such a project.

The application fee is \$497.92 to submit the online application.

Consultation

Cr Kevin Foss
 Julian Goldacre, Environmental Health Officer
 Jennifer Bow, Manager of Finance

Statutory Implications Nil

Policy Implications Nil

Risk Implications

Risk: At this stage it is only an application fee for costings and no commitment to installation of the additional 2 lights will be made until it is presented back to Council.		
Likelihood	Consequence	Rating
Possible	Moderate	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”. As a high-risk matter, the Chief Executive Officer will be monitoring progress.

Financial Implications

There is Budget provision for Street lighting, however this is for usage and therefore it is requested that Council make an additional budget allocation and vary the 2021/2022 budget to include an additional \$500 against general ledger 121201.

Any additional costs or consideration to the actual project for installation of additional lighting would require Council approval.

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Governance

Goal 2.4 Support the improvement and maintenance of assets in a strategic manner

Goal 3 Assist the local economy to grow

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

Voting Requirements

Absolute Majority

Officer Recommendation

That Council makes a budget amendment to include an additional \$500 expenditure in street lighting general ledger 121201 for an application fee to Western Power for scope and costings for the installation of 2 new streetlights in Main Street, Ardath.

And

That upon receiving the costings for 2 new streetlights in Ardath the cost and relevant information be presented back to Council for consideration.

Agenda Reference and Subject:

10.5.3 Construction of New Supermarket - Tender

File Reference:

8.2.7.1 Annual Budget

Reporting Officer:

Darren Mollenoyux, Chief Executive Officer

Author:

Darren Mollenoyux, Chief Executive Officer

Disclosure of Interest:

Attachments:

Item 10.5.3 Attachment A – Community Briefing Document

Item 10.5.3 Attachment B – CONFIDENTIAL Council Briefing from ORA

Item 10.5.3 Attachment C – CONFIDENTIAL Quantitative Surveyor Estimate

Item 10.5.3 Attachment D – CONFIDENTIAL Business Plan for Bruce Rock Temporary Supermarket

Summary

Council is requested to endorse proceeding with going to Tender for the construction of a new building to be located at on 52 and 52A Johnson Street, Bruce Rock for the purpose of leasing to a retailer for the operation of a new Supermarket.

Background

At its Special Meeting of Council held on the 9th December 2020 Council was informed of the receiving \$375,578 from the Federal Government’s Local Roads and Community Infrastructure Program (LRCIP) Round 2 and resolved that this was allocated for budget year 2021/2022.

Council has been running a temporary grocery store since the only grocery store burnt to the ground in March 2020 and the owners not being in a position to rebuild or a suitable new retailer coming to town to construct and operate a new grocery store.

The following is a summary of actions from the past 16 months:

Investigations into new shop location

Council and staff explored several options and suitability for the location of the new supermarket with the goal of creating a hub and being in close proximity to other services that complimented a supermarket such as the butcher shop and chemist. The goal was to not only look at the economic benefits of the locations but to also create a social hub for community members in our main street.

Council also considered existing buildings, however they were either not available, not in a suitable location or would still require significant costs to upgrade to meet compliance and requirements.

Acquisition of the old Mason’s site

After negotiations with the existing owners, and 9 months of various issues including caveats and Crown Land Conditions the old Mason’s site was secured.

Investigation of retail options

Council staff have met with various industry stakeholders throughout the process including Metcash IGA, Quairading Co-Op and Foodworks to identify which model would best suit Bruce Rock. Assistance has also been sought from Wheatbelt Business Network throughout this process.

Engagement of Retail Resources Company

Following initial investigations by Council it was agreed to engage a consultant from the retail industry to assist in guiding Council in relation to the retail component of the project.

Council sought quotes and engaged Rob Hubbard of Retail Resources Company. Rob is a retail consultant and licensed recruiter with many years of experience, including country locations. Rob has developed a Supermarket Strategy and investigated at length the feasibility of a future Supermarket in Bruce Rock.

Once it was determined that the business was viable, Council considered Rob's reports and all the relevant information provided and Council determined the best way forward is to build and lease the building out. Council is now working closely with Retail Resources Company to attract a suitable retailer and once plans are finalised this will assist in attracting the right retailer.

Lobbying and Funding

Since the fire Council have lobbied various politicians and Government Departments to secure funding and attract additional funding. This ranges from Local Member Mia Davies; the Premier; the Hon. Alannah MacTiernan, Minister for Regional Development; Hon. David Templeman; Melissa Price and Rick Wilson Federal MPs; the Minister for Local Government the Hon. John Carey; and the Hon. Steve Martin.

Tender for Architect and Project Management

The Shire went out to Tender and received 3 submissions whereby the Office of Regional Architecture was awarded the project to design and project management the construction of the building.

Office of Regional Architecture (ORA) are established firmly in the Wheatbelt, with a depth of knowledge and passion for our local communities, as well as suitable professional experience and qualifications. Council have developed a very strong relationship with ORA, working collaboratively to design and develop plans and are very pleased with the outcome.

A community briefing was held on Monday 25th October 2021 to provide an update on the entire project and process to date which included an expansion of the above and a full presentation from Office of Regional Architecture. **A copy of the Public Community Briefing Summary is included ATTACHED.**

Council has been continuing to work on this project providing support and direction for best meeting the requirements of the community. An independent community survey that was undertaken by Wheatbelt Business Network in December 2020 evidenced that from the 211 respondents over 98% supported the Shire of Bruce Rock's intention to construct a new building to attract a retailer and accommodate a new grocery store.

In addition, Council's direction was well supported with over 150 residents attending the public meeting on the 25th October 2021 and overwhelming support from those who attended.

Comment

There is no current supermarket within the town of Bruce Rock that is at a satisfactory level to meet the requirements of the community. Council has been running a temporary grocery since March 2020 and while it has approval to operate this temporary store, this is not something that Council has indicated it would like to continue on an ongoing basis.

Council and the Office of Regional Architecture are now at the stage of seeking a building company to construct the new building, and therefore as the value is over the threshold is required to call for public tenders for the construction. The new building will be located at on 52 and 52A Johnson Street, Bruce Rock, and for the purpose of leasing this to a retailer for the operation of a new Supermarket.

The Office of Regional Architecture will be managing and overseeing the tender process in line with the Local Government Act, subsequent regulations and Council’s purchasing policy. Tenders will be presented back to Council for consideration upon the closure of tenders and assessment.

The funding of this project is significant, and these details are provided in the financial section of this report. The Bruce Rock Progress Association is also working hard and undertaking many fundraising ventures to assist with the construction of the new supermarket.

Consultation

Shire of Bruce Rock Council

Brad Wetherall and Rosalie Pech Eva from Office of Regional Architecture

Rub Hubbard, Retail Resources Consultant

Department of Local Government

Caroline Robinson, Wheatbelt Business Network

Manager of Finance, Jennifer Bow

Executive Assistant, Melissa Schilling

Community Development Officer, Caris Negri

Kathy and Campbell Schilling, representing the Bruce Rock Progress Association

Public consultation on the construction of new supermarket has been undertaken as follows:

- Independent Survey conducted by Wheatbelt Business Network
Council requested an independent consultant to undertake a survey in December 2020 to ascertain community feedback on both Council running the temporary store, and then Council constructing a new building to house a supermarket in town.
There were 211 responses to the community survey.

An extract of relevant survey results is listed below.

Question e)

Do you support Council’s continuation of the temporary supermarket until a permanent supermarket of a higher level can be offered in Bruce Rock?

Answer

Yes 203

No 4

Unsure 4

Answered 211

Question f)

Do you support the Shire of Bruce Rock’s intention to construct a new building to attract a retailer and accommodate a new grocery store?

Answer

Yes 205

No 4

Answered 209

Skipped 2

Question h)

Additional services and products requested with multiple responses:

1. Basic Hardware and Household products (34)
2. ATM (13)
3. Lotto and newsagency (10)
4. Garden products (6)
5. Cooked chooks (4)

- **Community Briefing Session**

A Community Briefing Session on the proposed construction of a new supermarket was held on the 25th October 2021. This was advertised over a three-week period via Council’s website, Facebook, Instagram, Public Notices at Shire Office and CRC, the local newspaper Rock Review, two weeks on the electronic notice board in the main street and the two SMS notifications were sent out on the Shire’s Community SMS Public Information system.

The briefing, which was attended by 150 community members, was intended to provide an overview of the project including indicative costing and design elements, and to give residents an opportunity to have their thoughts on the project heard.

The Shire are encouraged by the overwhelmingly positive response from those who attended and with no major concerns being raised, are reassured that the community supports their decision to build a new supermarket.

Immediately following the Community Briefing a document was prepared that provides a summary of the presentations delivered at the briefing. This was made public via the Rock Review, Council’s website and social media. This was made available on the 4th November 2021 and invited the community to contact the Shire President, Councillors or CEO to discuss the proposal further. At the time of writing this report only verbal positive feedback was provided.

Statutory Implications

The two Confidential Attachments are required to be confidential as they relate to commercial in confidence matters and provide information relevant to the proposed tender.

Local Government (Functions and General) Regulations 1996
Division 2 -- Tenders for providing goods or services (s. 3.57)

Local Government Act 1995, Part 3, Division 3, s.3.57

3.57. Tenders for providing goods or services

- (1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.
- (2) Regulations may make provision about tenders.

Local Government (Functions & General) Regulations 1996, Part 4, Division 2, r.11 11.

11 When tenders have to be publicly invited

- (1) Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$150,000 unless sub regulation (2) states otherwise.

Regulation 33 of Local Government (Financial Management) Regulations 1996

The project must be within the Federal Government’s Local Roads and Community Infrastructure Program Phase 3 Guidelines and Work Schedule.

Policy Implications

This item is part of the 2021/22 budget and is required to go to tender as it was above the threshold of \$250,000. The process will be undertaken in line with Council’s Purchasing Policy which also includes the Buy Local and Sustainability policy of Council. The Policy details are outlined below:

Council Policy 2.7 – Purchasing

Officer Recommendation

That Council resolves to proceed to tender for the construction of a new building to be located at on 52 and 52A Johnson Street, Bruce Rock for the purpose of leasing to a retailer for the operation of a new Supermarket.

And;

That the Office of Regional Architecture undertake the Tender in accordance with the Local Government Act 1995, Tender Regulations and Council policies with the assessment to be presented back to Council to consider and make a final decision.

Agenda Reference and Subject:	10.5.4 Allocation of Local Roads and Community Infrastructure Program Phase 2 and Phase 3
File Reference:	8.2.7.1 Annual Budget
Reporting Officer:	Darren Mollenoyux, Chief Executive Officer
Author:	Darren Mollenoyux, Chief Executive Officer
Disclosure of Interest:	
Attachments:	<i>Nil</i>

Summary

Council is requested to reconsider the allocation of the Local Roads and Community Infrastructure Program (LRCIP) Phase 2 of \$375,578 to the construction of a new Supermarket that is allocated for the 2021-2022 Financial year. In addition, Council is asked to formalise the allocation of Local Roads and Community Infrastructure Funding Phase 3 of \$1,052,604 to the construction of a new Supermarket in Bruce Rock.

Background

At its Special Meeting of Council held on the 9th December 2020 Council was informed of the receiving \$375,578 from the Federal Government's Local Roads and Community Infrastructure Program (LRCIP) Round 2 and resolved that this was allocated for budget year 2021/2022.

Council agreed that the LRCIP Round 2 allocation would be allocated towards the construction of a new grocery store in 2021/2022. However, this funding is required to be spent by the 30 December 2021 and it is unlikely that the new grocery store works will have commenced until at least December 2021.

Following the presentation of this information at the Ordinary Meeting of Council on the 17th June 2021 Council resolved as follows:

COUNCIL DECISION

Resolution OCM Jun 21 – 11.5.6

Moved: Cr Dolton

Seconded: Cr Waight

Officer Recommendation

That Council resolves to amend its allocation of projects and resubmit application for Phase 2 and 3 of the LRCIP as follows;

- i. The allocation of \$375,578 Local Roads and Community Infrastructure Program Phase 2 funding be allocated to the following projects in 2021/2022:*
 - Stage 2 of Caravan Park Upgrade*
 - Reticulation of Bruce Rock Oval*
 - Dam Catchment Improvements*
 - Automatic Doors – Town Hall Access Improvement*
 - Bruce Rock Recreation Centre - Replace ground cover with synthetic grass*
 - Install accessibility ramp*
- ii. The LRCIP Phase 3 Funding be presented to Council once the guidelines have been released and that Council's submission for this funding be allocated to the construction of a new grocery store on 52 and 52A Johnson Street, Bruce Rock.*

Comment

Since making the resolution for expenditure of LRCIP at the June 2021 Council meeting, notification from the Federal Government has advised of extended timeframes which would enable the funds to therefore be spent on the construction of a new supermarket in Bruce Rock.

The correspondence advises that the Deputy Prime Minister, The Hon Barnaby Joyce MP, has agreed to extend the ECTP for both Phase 1 and Phase 2 of the LRCI to now close on 30 June 2022. No further extensions will be granted past this date and consequently, any projects not completed by 30 June 2022 may not receive the remainder of their funding allocation under those Phases. It is suggested that although we should have commenced construction by the 30th of June 2022 the project certainly won't be completed.

On 20 October 2021 the Deputy Prime Minister, the Hon Barnaby Joyce MP approved the Program Guidelines for Phase 3 of the Local Roads and Community Infrastructure Program.

The purpose of the LRCI Program is to support local councils to deliver priority local road and community infrastructure projects across Australia, supporting jobs and the resilience of local economies to help communities bounce back from the COVID-19 pandemic. Phase 3 of the LRCI Program will open from 20 October 2021.

From 3 January 2022, the construction time period commences, and eligible payments will be made from this time. Project construction can commence once Project Nominations are approved by the Department with projects required to be physically completed by 30 June 2023.

Phase 3 of the LRCI Program continues a temporary, targeted stimulus measure responding to the economic impacts of the COVID-19 pandemic. The LRCI Program assists a community-led recovery from COVID-19 by supporting local jobs, firms, and procurement.

As with the earlier Phases of the LRCI Program, Eligible Funding Recipients can select a broad range of projects to fund so that communities can continue to be provided with the infrastructure they require. It is expected that Eligible Funding Recipients will use local businesses and workforces to deliver projects wherever possible to ensure stimulus funding flows into local communities.

As per Council's previous direction it is recommended that this funding be allocated to the construction of a new supermarket in Bruce Rock as our highest current priority for the community.

Consultation

Manager of Finance, Jennifer Bow
Executive Assistant, Melissa Schilling
Community Development Officer, Caris Negri

Statutory Implications

Regulation 33 of Local Government (Financial Management) Regulations 1996

The project must be within the Federal Government's Local Roads and Community Infrastructure Program Phase 3 Guidelines and Work Schedule.

Policy Implications

Nil

Risk Implications

Risk: That the 2020-21 and 2021-22 Budget does not correctly reflect the forecast expenditure and revenue for the remaining financial year or the funding remains unallocated.		
Likelihood	Consequence	Rating
Almost Certain	Moderate	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 Manager of Finance will be monitoring the progress regularly.		

Financial Implications

LRCI Phase 2 Funding - \$375,578 funds are allocated for the 2021/2022 financial year.

In line with Council’s direction at the May 2021 Councillor Information Session Phase 3 of the LRCIP funding will be allocated to the new grocery store, and allocated in the 2022-23 Annual Budget.

It is proposed that the new grocery store will be funded through the following:

- Federal Government LRCIP Phase 3 Funding
- Grants
- Medium to long term loan
- Already received significant community donation
- Potential community donations
- Council General Revenue and/or Reserve Funds

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Infrastructure

Goal 2: Maintain Shire owned facilities in a strategic manner and to meet community needs

Goal 2.2 Encourage greater usage of current Shire owned facilities

Economy

Goal 3 – Assist the local economy grow

Goal 3.5 – Improve signage, infrastructure and aesthetics to link both side of the main street that encourage patronage and a reason to visit / stop

Goal 6 – Tourism helps diversify our local community

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

Main Street Revitalisation Strategy

Voting Requirements Absolute Majority

That Council, in accordance with Section 5.25 (1) (e) of the Local Government Act 1995 revokes Resolution *OCM Jun 21 – 11.5.6*

That Council resolves to amend its allocation of projects and resubmit application for Phase 2 and 3 of the LRCIP as follows;

- i. The allocation of \$375,578 Local Roads and Community Infrastructure Program Phase 2 funding be allocated to the following projects in 2021/2022:
 - Stage 2 of Caravan Park Upgrade
 - Reticulation of Bruce Rock Oval
 - Dam Catchment Improvements
 - Automatic Doors – Town Hall Access Improvement
 - Bruce Rock Recreation Centre - Replace ground cover with synthetic grass
 - Install accessibility ramp
- ii. The LRCIP Phase 3 Funding be presented to Council once the guidelines have been released and that Council's submission for this funding be allocated to the construction of a new grocery store on 52 and 52A Johnson Street, Bruce Rock.

Voting Requirements Absolute Majority

Officer Recommendation

That Council resolves to amend its allocation of projects and resubmit application for Phase 2 and submit phase 3 of the LRCIP as follows;

- i. The allocation of \$375,578 Local Roads and Community Infrastructure Program Phase 2 funding be allocated to the construction of a new supermarket on 52/54 Johnson Street, Bruce Rock in 2021/2022;
- ii. That the 2021-22 Annual Budget is amended to reflect the change of allocation of funding as follows;
 - a. J11302 Construction of Accessibility Ramp at Rec Centre (\$15,000) - \$0
 - b. J11311 Installation of Synthetic Grass on West Side of Rec Centre (\$12,000) - \$0
 - c. J11312 Installation of Automatic Doors at Shire Hall (\$21,000)- \$0
 - d. J11354 Replace & Upgrade Reticulation on Rec Centre Oval (\$192,078) - \$0
 - e. 13113 Upgrade of Caravan Park – Stage 2 (\$116,500)- \$0
 - f. J13603 Water Catchment Improvements to Negri Dam (\$19,000) - \$0
 - g. J13042 Reconstruction of Supermarket - \$1,322,974
 - h. GL 113308 INCOME Rec & Culture Grants – Capital (\$240,078) - \$0
 - i. GL131302 INCOME Grants Caravan Park (\$379,651) - \$263,151
 - j. GL136301 INCOME Grants Dams Other (\$19,000) - \$0
 - k. GL130303 INCOME LRCI Phase 2 - \$375,578
 - l. GL130305 INCOME LRCI Phase 3 (\$1,052,604) - \$0
- iii. That Council writes to The Hon Rick Wilson and The Hon Barnaby Joyce MP to explain our unique situation in regard to the supermarket project and request a further extension past the 30th June 2022.
- iv. The Council endorses LRCIP Phase 3 Funding submission for \$1,052,604 be allocated to the construction of a new supermarket on 52/54 Johnson Street, Bruce Rock 2022/2023.

Agenda Reference and Subject:

10.5.5 South West Native Title Settlement – 16 Hay St
Kwolyin, Reserve 25673

File Reference:

7.1.2.3 Native Title Claims

Reporting Officer:

Darren Mollenoyux, Chief Executive Officer

Author:

Darren Mollenoyux, Chief Executive Officer

Disclosure of Interest:

Attachments:

Item 10.5.5 - Attachment A – Map of Reserve R25673

Summary

The Department of Planning, Lands and Heritage is seeking comments relating to the South West Native Title Settlement – Land Base Consultation – Land List 1146 relating to 16 Hay Street, Kwolyin, Reserve R25673 located within the Shire of Bruce Rock.

Background

Council has received a letter from the Department of Planning, Lands and Heritage as follows:

“The South West Native Title Settlement (Settlement) is a landmark native title agreement reached between the State Government (State) and the six Noongar Agreement Groups. The six requisite Indigenous Land Use Agreements (ILUAs) were conclusively registered, leading to the Settlement commencing on 25 February 2021 after some years of delay.

The Settlement recognises the Agreement Groups as the Traditional Owners of the south west of Western Australia, while resolving native title in exchange for a negotiated package of benefits. The area subject to the Settlement is depicted in the attached map.

A key negotiated benefit is the delivery of a 320,000 hectare Noongar Land Estate, in accordance with the Noongar Land Base Strategy (Annexure J to the ILUAs). The Noongar Land Estate will contain up to 300,000 hectares of land transferred in reserve or leasehold, and up to 20,000 hectares of land transferred in freehold. The Landholding Body for all land transferred is the Noongar Boodja Land Sub Pty Ltd, which will hold and manage the land in the Noongar Land Estate in consultation with the soon to be established Noongar Regional Corporations.

All land will be used and managed in line with Noongar cultural, social and economic aspirations for the benefit of generations to come.

For more information on the Settlement, please refer to the Department of the Premier and Cabinet website: <https://www.wa.gov.au/organisation/department-of-the-premier-and-cabinet/south-west-native-title-settlement>

Over the next five years, the Department of Planning, Lands and Heritage (Department) will progress selected land parcels through to transfer under the Settlement, subject to all necessary consultation and approvals with stakeholders. Land eligible for inclusion in the Noongar Land Estate includes:

- *unallocated Crown land;*
- *unmanaged reserves;*
- *land owned or held by the Aboriginal Lands Trust / Aboriginal Affairs Planning Authority; and*
- *land owned or held by State agencies or Local Government Authorities, at the discretion of the State agency or Local Government Authority.*

A key part of the process being followed by the Department involves the referral of land under consideration for inclusion in the Noongar Land Estate to relevant State agencies and Local Government Authorities. To that end, please find attached a spreadsheet comprising of land parcels identified for possible transfer. It would be appreciated if you could provide comments on each of the land parcels directly into the column labelled 'Referee Comments' in relation to the following:

- 1. Is the Shire supportive of the transfer of this land to the Noongar People under the Settlement?*
- 2. Does the Shire have any interest in the land?*
- 3. Does the Shire have existing or planned infrastructure within the land parcel that requires protection? If yes, please provide details and advise if access to this infrastructure will need to be maintained.*
- 4. Is the land parcel subject to any mandatory connection to services?*
- 5. Are any future proposals for the land identified? Please provide detail of what is proposed and in what timeframe?*
- 6. Are there any future proposals for adjoining land that may affect the land identified in the spreadsheet? If so, in what timeframe?*
- 7. Please advise of any proposed planning scheme amendments that may affect the zoning of this land at a State or Local government level. If a scheme amendment is to occur, what is the change proposed and when will it come into effect?*
- 8. Please advise of any known land management issues such as site contamination, hazards, debris or rubbish dumping, unauthorised land use and environmental considerations (such as inundation or similar site constraints).*
- 9. Please provide any additional comments on the proposed transfer of this land as part of the Settlement.*

Once you have considered the land identified, the South West Settlement Project team would be pleased to receive your comments by email to swsettlement@dplh.wa.gov.au.

In accordance with the abovementioned Annexure J of the ILUAs, your advice is required to be returned within 40 days of receiving this email. As a result, please provide your comments by 18 December 2021. Should this timeframe not be achievable, please let me know as a matter of priority. Where no response is received from the Shire within the 40 day timeframe, this will be taken as having no comment on the land parcels referred."

Unlike previous requests for South West Native Title Settlement – Land Base Consultation, this is the first time this request has been raised or consideration for Reserve 25673 has been presented to Council.

A copy of the map outlining the location of Reserve 25673 is included as an attachment to this item. This parcel of land is bushland and is 993m2 in size.

Comment

Staff have considered the information received and provide the following guidance for Councillors to consider on the questions asked:

1. Is the Shire supportive of the transfer of this land to the Noongar People under the Settlement?
Council has not previously had opportunity to comment on this request for transfer of 16 Hay Street, Kwolyin, Reserve R25673 under the Native Title Settlement. Following discussions with Senior Management and the Community Development Officer it is felt that this may have an impact on adjoining land as part of our Kwolyin Campsite and associated tourism and trails in this area. It is also adjoining the old townsite historical walk trail.

2. Does the Shire have any interest in the land?
Staff believe that Council should consider expressing an interest in this land as part of our current Kwolyin Campsite, historical townsite walk trail and associated tourism in this area.
3. Does the Shire have existing or planned infrastructure within the land parcel that requires protection? If yes, please provide details and advise if access to this infrastructure will need to be maintained.
Staff are not aware of any existing infrastructure, however there is certainly tourism infrastructure near the parcel of land and it may be of interest for future tourism purposes.
4. Is the land parcel subject to any mandatory connection to services?
Council has no mandatory service connection requirements for Reserve R25673.
5. Are any future proposals for the land identified? Please provide detail of what is proposed and in what timeframe?
Staff are not aware of any current proposals for Reserve R25673, however it may be of use for future tourism.
6. Are there any future proposals for adjoining land that may affect the land identified in the spreadsheet? If so, in what timeframe?
The land is within the vicinity of one of Council's major tourist attractions and campgrounds. Any future use of Reserve R25673 may impact on current and future tourism proposal for the site.
7. Please advise of any proposed planning scheme amendments that may affect the zoning of this land at a State or Local government level. If a scheme amendment is to occur, what is the change proposed and when will it come into effect?
Council has no current or short term plans to amend its Town Planning Scheme, however it should be noted that the Reserve is designated as Public Purpose under our Town Planning Scheme and would require Council approval for any future develop or use of Reserve R 25673.
8. Please advise of any known land management issues such as site contamination, hazards, debris or rubbish dumping, unauthorised land use and environmental considerations (such as inundation or similar site constraints).
Council staff are not aware of any previous issues, however as we are not the land owner we may not have been informed.
9. Please provide any additional comments on the proposed transfer of this land as part of the Settlement.
Should Council not be able to acquire the land the concern may be in regard to any potential change of Reserve purpose, such as camping. Potential could exist that in the future, should interest arise for the claimant's request to convert it to a camping ground, implications could occur under the new Caravan and Camping Act and Health Act which 'bind the crown' in a way that it could be incumbent of the Local Government to enforce the Acts and its regulations. Property owners must comply with the firebreak regulations.

Consultation

Julian Goldacre, Environmental Health Officer
Caris Negri, Community Development Officer
Mike Darby, Senior Finance Officer /Rates

Statutory Implications

Land Administration Act 1997 – Section 83

83. Transfer etc. of Crown land to advance Aboriginal people

- (1) The Minister may for the purposes of advancing the interests of any Aboriginal person or persons —
- (a) transfer Crown land in fee simple; or
 - (b) grant a lease of Crown land, whether for a fixed term or in perpetuity,

to that person or those persons, or to an approved body corporate, on such conditions as the Minister thinks fit in the best interests of the person or persons concerned.

- (2) Subsection (1) does not limit the right of any Aboriginal person, or a body corporate, to apply for and acquire an interest in or the fee simple of Crown land under any other provision of this Act.
- (3) In subsection (1) —
- approved body corporate means a body corporate that the Minister is satisfied —
 - (a) is to hold the land or the lease in trust for the Aboriginal persons concerned; or
 - (b) has a membership that comprises only the Aboriginal persons concerned.

Policy Implications Nil

Risk Implications

Risk: That Council not attempt to acquire the land and future use from a third party may not align to Council’s preferred direction for Kwolyin.		
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 requires input only.		

Financial Implications Nil

Strategic Implications

Shire of Bruce Rock Strategic Community Plan 2017-2027

Infrastructure

Goal 2 Maintain Shire owned facilities in a strategic manner and meet community needs

Governance

13.1 Proactively manage reserves and natural bushland

Voting Requirements Simple Majority

Officer Recommendation

- 1) Council does not support the transfer of 16 Hay Street, Kwolyin, Reserve R25673 under the South West Settlement – Land Base Consultation as it is felt that this may have an impact on adjoining land as part of Kwolyin Campsite and associated tourism and townsite historical trails in this area.
- 2) That the CEO writes to the Department of Planning, Lands and Heritage and responds to questions 1 – 9 as outlined in the comments of this item.
- 3) Council requests that the Department of Planning, Lands and Heritage ensures that it consults with all adjoining property owners to see comment on the proposed transfer of Reserve R25673.

Agenda Reference and Subject:**10.5.6** Report of Election held on 16th October 2021**File Reference:**

2.2.1.1 Electoral Results

Reporting Officer:

Darren Mollenoyux, Chief Executive Officer

Author:

Melissa Schilling, Executive Assistant

Disclosure of Interest:**Attachments:***Nil***Summary**

This report is to brief elected members on the conduct of the election held on 16th October 2021 and to provide an overview of statistics that relate to the election.

Background

At the Ordinary Council Meeting held in April 2021, Council resolved to declare that in accordance with Section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner to be responsible for the conduct of the 2021 Ordinary Elections together with any other elections or polls which may be required; and determine in accordance with Section 4.61(2) of the Local Government Act 1995 that the method of conducting the election will be as a Postal Election.

On the 16th October 2021 Shire of Bruce Rock held Local Government Elections for the District. There were four vacancies and five candidates for a four-year term.

Postal votes were received in letterboxes from 17th September 2021. A total of 278 ballot papers were returned via the post prior to Election Day.

108 ballot papers were received at the Bruce Rock Shire Office, 54 Johnson Street, Bruce Rock, between 18th September 2021 to the 15th October 2021 from 8.30am to 4.30pm.

On Election Day, 16th October 2021 the polling place was Bruce Rock Emergency Services Building, Dunstall Street, Bruce Rock open from 8.00am to 6.00pm. There was a total of 9 votes which were received on Election Day.

Comment

A total of two staff worked on election throughout various times between 8.00am and 7.00pm.

Year	Number of Candidates	Total number eligible voters on roll	Total valid votes cast	Early Votes Cast	Total informal votes	Total votes cast	Percentage turnout
2021	4	670	395		0	395	59%
2019	6	646	284	188	0	284	44%
2018*	3	628	207	126	0	207	33%
2017	5	642	258	131	6	264	41%
2013	6	681	267	144	2	269	39%
2012*	2	698	178		3	181	26%

*indicates extraordinary election

Whilst the voter turnout exceeded expectations, it was still felt that there could have been improved communication on the postal voting process delivered by the Electoral Commission to the public.

Consultation Nil

Statutory Implications

For this election the CEO acted as reporting officer. The election was conducted on the basis of electors voting in person. Part 4 of the Local Government Act 1995 and Local Government (Elections) Regulations 1997 specify the way local government elections are to be conducted.

Policy Implications Nil

Financial Implications

The invoice for the election is yet to be received however a quote was received in April for \$11,818 to which \$12,000 was set in the 2021/22 Annual Budget.

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 receive the report of the Chief Executive Officer for the election held on 16th October 2021.

Agenda Reference and Subject:

10.5.7 Ordinary Council Meeting Schedule 2022

File Reference:

2.1.2.5 Council Meetings

Reporting Officer:

Darren Mollenoyux, Chief Executive Officer

Author:

Darren Mollenoyux, Chief Executive Officer

Disclosure of Interest:

Attachments:

Item 10.5.6 - Attachment A – Map of Reserve R25673

Summary

Council is asked to consider the schedule of Ordinary Council Meeting dates for 2022.

Background

It is a requirement for Council to advertise at least once each year the dates set for Ordinary Council Meetings. The Shire of Bruce Rock holds its Ordinary Council meetings on the 3rd Thursday of each month except January.

In line with the above the 2022 schedule of Ordinary Council Meetings would be as follows:

- Thursday 17 February 2022
- Thursday 17 March 2022
- Thursday 21 April 2022
- Thursday 19 May 2022
- Thursday 16 June 2022
- Thursday 21 July 2022
- Thursday 18 August 2022
- Thursday 15 September 2022
- Thursday 20 October 2022
- Thursday 17 November 2022
- Thursday 15 December 2022

Comment

There are no foreseeable clashes with public holidays or other events that would require Council to vary any of the proposed meeting dates.

The current meeting day schedule is as follows:

11.00am Councillor Information Session
1.15pm Lunch Served
2.00pm Bus Tour
2.30pm Finish Councillor information Session
3.00pm Council Meeting commences

Consultation

Melissa Schilling, Executive Assistant
Alan O'Toole, Deputy Chief Executive Officer

Statutory Implications

Local Government (Administration) Regulations 1996 - REG 12

12. Meetings, public notice of (Act s. 5.25(1)(g))

- (1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which —
 - (a) the ordinary council meetings; and
 - (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.
- (2) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in sub regulation (1).
- (3) Subject to sub regulation (4), if a special meeting of a council is to be open to members of the public then the local government is to give local public notice of the date, time, place and purpose of the special meeting.
- (4) If a special meeting of a council is to be open to members of the public but, in the CEO’s opinion, it is not practicable to give local public notice of the matters referred to in sub regulation (3), then the local government is to give public notice of the date, time, place and purpose of the special meeting in the manner and to the extent that, in the CEO’s opinion, is practicable.

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

Voting Requirements

Simple Majority

Officer Recommendation

That Council endorses the schedule of Ordinary Council Meeting dates for 2022.

And;

Give Public Notice of the meeting schedule for the Ordinary Meetings of Council for 2022.

11. Regional Reports

Agenda Reference and Subject:

11.1.1 WEROC Inc Tourism Audit

File Reference:

1.6.9.1 Minutes and Agendas WEROC

Reporting Officer:

Darren Mollenoyux, Chief Executive Officer

Author:

Darren Mollenoyux, Chief Executive Officer

Disclosure of Interest:

Attachments:

Item 11.1.1 Attachment A – WEROC Inc Tourism Product Audit

Recommended Actions

Item 11.1.1 Attachment B - CONFIDENTIAL Bruce Rock Analysis

Item 11.1.1 Attachment c – Feedback from CDO

Item 11.1.1 Attachment D - CONFIDENTIAL - WEROC Inc. Tourism Audit Full Report

Summary

Council is asked to consider the WEROC Inc Tourism Product Audit 2021 and recommended actions.

Background

At the last WEROC Inc Board Meeting was held on 11 August 2021 an item on the WEROC Tourism Product Audit 2021 was presented. The following extract is from the WEROC Inc board meeting:

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.

Just to note, it was requested that all accommodation be included in the product audit rather than just caravan and camping, however this was purposely excluded from the scope of work due to a specific audit of accommodation having already been completed in recent years.

A summary of the recommendations provided in the WEROC Inc. Tourism Product Audit is provided below:

- 1. Caravan and Camping:** *develop a regional caravan and camping strategy; improve understanding of self-contained traveller needs and expectations through an RV survey; improve digital access to online bookings and visitor information on free and commercial caravan and camping sites in the region.*
- 2. Trails:** *develop an Eastern Wheatbelt Trails Master Plan; ensure all trails are entered into the Trails WA database; co-operatively promote existing walk and drive trails.*
- 3. Nature, Parks and Reserves:** *investigate opportunities to develop priority nature reserves including through immersive tourism experiences; consider investment in a tourism development fund.*
- 4. Culture, Art and Heritage:** *identify respectful and appropriate opportunities for Aboriginal cultural and heritage tourism; develop art tourism in the region; improve cross-marketing of cultural, heritage and art assets to encourage multi-site visitation and longer stays.*

5. **Events:** develop a regional event strategy/feasibility study to identify potential for a “show-stopping” event for the Eastern Wheatbelt and new community driven events that will drive both peak and off-season visitation.
6. **Food and Drink:** test the market and logistics for agritourism initiatives; undertake a “good food” promotion to showcase the region’s best food and drink offerings; provide industry support to build the capacity of food and drink businesses in the region.
7. **Online Presence:** build local capability and digital know how; advocate for improved access to digital infrastructure; encourage passive advertising through visitor reviews and social media advocacy.
8. **Utilise the right marketing channels:** Prioritise the use of digital marketing; leverage key influencers to promote the region to a broader audience.
9. **Attract the right visitors:** develop interest-based marketing/promotion for key market segments; targeted marketing of the region to Perth residents to boost intrastate visitation; promote the Eastern Wheatbelt as a multi-experience destination to appeal to a wider market.
10. **Create a distinctive brand:** use the “Our Story: Spirit of Adventure” framework to develop a distinct brand for the Eastern Wheatbelt; build a library of visual assets to bring the story of the Eastern Wheatbelt to life; develop new signage and entry statements consistent with the brand.
11. **Champion hero regional experiences:** build a common vision around hero experiences/attractions in the region; use these hero experiences/attractions as a marketing hook to drive interest in the region; leverage existing tourism products to promote a broader offering of things to see and do around visits to the regions anchor attractions.

The Executive Officer suggests that the Board consider and discuss the recommendations and agree on priority actions to inform an implementation plan.

The following resolution was made at the WEROC Board Meeting on the 11th August 2021:

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;**

Comment

Council received the WEROC Tourism Audit Report at the September 2021 Council meeting for consideration, and feedback is now sought on priorities for action to enable WEROC Inc delegates to provide Council’s views on its priorities from the report.

Councillors are asked to review pages 42 – 44 of the WEROC Tourism Audit Report which provided the recommended actions and prioritise the recommendations.

It is the reporting officer’s view that our main priorities need to be around marketing, brand, online bookings, targeting and attracting the right visitors, capacity building of food, drink and accommodation options.

Consultation Nil

Statutory Implications Nil

Policy Implications Nil

Risk Implications

Risk: Not having a Tourism Development Strategy may lead to an ad hoc approach to tourism and ineffective allocation of funding.

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 by specific monitoring and response procedures.

Financial Implications Nil

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Infrastructure

3.5 – Improve signage, infrastructure and aesthetics to link both sides of the Bruce Rock main street that encourages patronage and a reason to visit /stop

Goal 6 – Tourism helps to diversify our local economy

6.1 - Promote our attractions, amenities and activities in a coordinated approach

Governance

12.5 – Lead the organisation in a financially responsible and viable manner

Shire of Bruce Rock Tourism Development Strategy 2019 – 2023

Council’s tourism strategy relates to many of the recommended actions from the WEROC Inc Tourism Audit Recommendations and below are just a few of those.

- 1.2 Undertake a full review annually of Council’s involvement and financial commitment to regional memberships.
- 1.3 Continued involvement with the Roe Tourism Association and regional tourism collaborations and activities as determined through review.
- 2.1 Support and encourage tourism service providers to build on skills and development to better support tourism industry stakeholders
- 4.1 Promote our attractions, amenities and activities in a coordinated approach.

Voting Requirements Simple Majority

Officer Recommendation

That Council prioritise the Recommend Actions (pages 42-44) from the WEROC Tourism Product Audit 2021.

Agenda Reference and Subject:

11.1.2 WALGA State Council Agenda December 2021

File Reference:

1.6.5.1 Minutes and Agendas WALGA State Council

Reporting Officer:

Darren Mollenoyux, Chief Executive Officer

Author:

Darren Mollenoyux, Chief Executive Officer

Disclosure of Interest:

Attachments:

*Item 11.1.1 Attachment A – WALGA State Council Agenda
December 2021*

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 November 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 22nd November 2021, with the WALGA State Council Meeting being held on the 1st December 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 Paid Family and Domestic Violence Entitlements

Executive Summary

- *There is currently no legislative or award entitlement to paid FDVL in the federal industrial relations system.*
- *The National Employment Standards (NES) in the Fair Work Act 2009 (Cth) (FW Act) provide employees with an entitlement to five days' unpaid FDVL per year.*
- *The FWC commenced a review of FDVL in April 2021 to determine appropriate FDVL provisions in modern awards, including whether an entitlement to ten days' paid FDVL should be included in modern awards as requested by the ACTU.*
- *WALGA Employee Relations has surveyed the sector to determine whether WALGA should prepare a submission for the FWC on FDVL and whether Local Governments believe employees should be provided with an entitlement to paid FDVL.*
- *50% of the sector responded to the survey and 69% of respondents believe employees should be provided with paid FDVL.*
- *The majority of respondents take the view that employees should be provided with five days' FDVL per year.*
- *Many Local Governments already provide employees with paid FDVL either through their enterprise agreement or by policy.*

WALGA Recommendation

That WALGA:

Endorse the submission to the Fair Work Commission (FWC) regarding paid family and domestic violence leave (FDVL) which:

1. highlights that FDVL for employees is an important issue for the sector;
2. supports the introduction of a new entitlement in modern awards for employees to receive five days' paid FDVL per year;
3. advocates for employees to be able to access their paid personal/carer's leave in circumstances of family and domestic violence; and
4. opposes the introduction of a new entitlement in modern awards for employees to receive 10 days' paid FDVL per year as sought by the Australian Council of Trade Unions (ACTU).

Reporting Officer Comment

The reporting officer recommends that Council supports WALGA's Recommendation.

5.2 Payment to Independent Committee Members

Executive Summary

- Local Governments have raised the issue that clarification is needed to allow Local Governments to pay meeting attendance fees to independent members of Committees in respect of their preparing for, attending and/or participating in Committee meetings, in accordance with s5.100 of the Local Government Act 1995.
- There has been differing advice provided to the sector over the years and conjecture as to the method by which a professional person, appointed as the independent member to an Audit Committee, may claim reimbursement for their commitment of time and professional expertise.
- This item recommends advocating for the Local Government Act 1995 to be amended to allow the payment of meeting attendance fees to, and/or defined reimbursements for time committed by, 'other persons' appointed as Committee members under s.5.8 of the Local Government Act 1995.

WALGA Recommendation

That WALGA request the Minister for Local Government to amend the Local Government Act 1995 to allow the payment of meeting attendance fees to, and/or defined reimbursements for time committed by, 'other persons' appointed as Committee members under s.5.8 of the Local Government Act 1995.

Reporting Officer Comment

This is a reasonable request and would assist in attracting appropriate committee members to important roles. The proposed reform changes may vary this approach and play a more important role going forward.

5.3 WALGA 2021 Annual General Meeting

These are the recommendations from the Annual General Meeting and the reporting officer recommends that Council supports the recommendations as presented.

Items 5.4 & 5.5 both relate to the Review of the Building Act, Building Regulations, and Building Surveyors Code of Conduct. I have requested that our EHO, Julian Goldacre review these items and provide any comments and feedback prior to the Great Eastern Zone Meeting on the 22nd November 2021.

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 22nd November 2021.

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

13. Confidential Items

Agenda Reference and Subject:

13.1 Purchase of 4x2 End Tipper

File Reference:

8.2.8.1 Tenders/Quotes

Reporting Officer:

David Holland, Manager of Works & Services

Author:

David Holland, Manager of Works & Services

Disclosure of Interest:

Attachments:

*Item 13.1 Attachment A - CONFIDENTIAL Truck eQuote
Evaluation Summary*

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 Council award the EQuote VP2269239 to Major Motors PTY Ltd and this to include the trade vehicle of BK062 that being a Fuso Fighter 4x2 and tipper body.

14. Closure of Meeting