

SHIRE OF BRUCE ROCK

MINUTES – ORDINARY MEETING 18 NOVEMBER 2021

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SHIRE OF BRUCE ROCK

AGENDA – ORDINARY MEETING 18 NOVEMBER 2021

1. Declaration of Opening

The Shire President Cr SA Strange declared the meeting open at 3.00pm

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

President	Cr SA Strange
Deputy President	Cr R Rajagopalan
Councillors	Cr AR Crooks
	Cr KP Foss
	Cr NC Kilminster
	Cr PG Negri
	Cr J Verhoogt
	Cr BJ Waight
	Cr RA Waye
Chief Executive Officer	Mr DRS Mollenoyux
Deputy Chief Executive Officer	Mr A O’Toole
Executive Assistant	Mrs MJ Schilling
Environmental Health Officer	Mr J Goldacre (3.21pm to 3.27pm)
Manager of Works and Services	Mr D Holland (3.02pm to 3.08pm)
Manager of Finance	Mrs JL Bow (3.09pm – 3.20pm)

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
18/11/21	Mr D Mollenoyux	10.5.1	Is applicant applying for leave
18/11/21	Mr D Mollenoyux	10.3.1	Secretary of Bruce Rock Football Club that holds the current lease of the land to which the construction will take place
18/11/21	Mr D Mollenoyux	12.1	Secretary of Bruce Rock Football Club that holds the current lease of the land to which the construction will take place

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

COUNCIL DECISION

Resolution OCM Nov 21 – 9.1

Moved: Cr Crooks

Seconded: Cr Waight

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

Carried 9/0

Special Council Meeting held Thursday 21 October 2021

COUNCIL DECISION

Resolution OCM Nov 21 – 9.2

Moved: Cr Waye

Seconded: Cr Foss

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

Carried 9/0

Ordinary Meeting of Council held on Thursday 21 October 2021

COUNCIL DECISION

Resolution OCM Nov 21 – 9.3

Moved: Cr Waight

Seconded: Cr Foss

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

Carried 9/0

Works and Services Meeting held Wednesday 27 October 2021

COUNCIL DECISION

Resolution OCM Nov 21 – 9.4

Moved: Cr Foss

Seconded: Cr Crooks

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

Carried 9/0

10. Officers' Reports

10.1 Manager of Works and Services

No Item

Mrs JL Bow entered the Council Chambers at 3.09pm.

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

Nil

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

<p>OFFICER RECOMMENDATION AND COUNCIL DECISION Resolution OCM Nov 21 – 10.2.1</p> <p>Moved: Cr Waye Seconded: Cr Foss</p> <p>That the Statements of Financial Activity for the month ending 31 October 2021.</p> <p style="text-align: right;">Carried 9/0</p>
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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:

Nil

Attachments:

Item 10.2.2 Attachment A – List of Payments October 2021

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 AND COUNCIL DECISION

Resolution OCM Nov 21 – 10.2.2

Moved: Cr Waye

Seconded: Cr Verhoogt

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.

Carried 9/0

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:	Nil
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 was 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 at 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 have 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

<p>OFFICER RECOMMENDATION AND COUNCIL DECISION Resolution OCM Nov 21 – 10.2.3</p> <p>Moved: Cr Waight Seconded: Cr Foss</p> <p>That Council amend Council’s Policy 2.12 - Financial Hardship for 2021 and staff action the recommendations from the Performance Audit Report findings.</p> <p style="text-align: right;">Carried 9/0</p>
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Mrs JL Bow left the Council Chambers at 3.20pm and did not return.

Mr J Goldacre entered the Council Chambers at 3.21pm.

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 Airstrip General Transport

Reporting Officer:

Julian Goldacre Environmental Health Officer

Author:

Julian Goldacre Environmental Health Officer

Disclosure of Interest

Mr D Mollenoyux

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, and supplemented by attachments B and C.

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.

Attachments B and C shows the 400m² hangar and fuel storage 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 AND COUNCIL DECISION

Resolution OCM Nov 21 – 10.3.1

Moved: Cr Foss
Seconded: Cr Waye

That Council:

1. Approves the Development Application by Mr D Verhoogt for the construction and use of a private aircraft hangar with fuel storage and a floor area of 400m2 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.**

Carried 9/0

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 Lots 15887 & 19532 Bruce Rock South Road, Ardath

Reporting Officer:

Julian Goldacre Environmental Health Officer

Author:

Julian Goldacre Environmental Health Officer

Disclosure of Interest

Darren Mollenoyux, Chief Executive Officer

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 Western Australian Planning Commission Application (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 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 AND COUNCIL DECISION

Resolution OCM Nov 21 – 10.3.2

Moved: Cr Waye

Seconded: Cr Foss

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.**

Carried 9/0

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 101 Butcher Street, Bruce Rock
Reporting Officer:	Mr J Goldacre Environmental Health Officer
Author:	Mr J Goldacre Environmental Health Officer
Disclosure of Interest	Nil
Attachments	<i>Item 13.3.3 - Attachment A – Request to keep Rooster</i>

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 AND COUNCIL DECISION

Resolution OCM Nov 21 – 10.3.3

Moved: Cr Verhoogt

Seconded: Cr Waye

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).**

Carried 9/0

Mr J Goldacre left the Council Chambers at 3.27pm and did not return.

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:

Nil

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 AND COUNCIL DECISION

Resolution OCM Nov 21 – 10.4.1

Moved: Cr Crooks

Seconded: Cr Waight

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

Carried 9/0

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:

Nil

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, then Category B property owners must be written to and allowed two weeks to respond. Thereafter public comment will open on Monday 13th December 2021 and close Friday 24th December 2021. It is then proposed that the final copy of the Survey will be presented for Council for consideration at the February 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

<p>OFFICER RECOMMENDATION AND COUNCIL DECISION Resolution OCM Nov 21 – 10.4.2</p> <p>Moved: Cr Foss Seconded: Cr Waye</p> <p>That Council adopt the draft Local Heritage Survey, and direct Officers to write to Category B property owners allowing them two weeks to reply, and thereafter release it for public comment for a period finishing on Friday 24th December 2021.</p> <p style="text-align: right;">Carried 9/0</p>

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

<p>OFFICER RECOMMENDATION AND COUNCIL DECISION Resolution OCM Nov 21 – 10.5.1</p> <p>Moved: Cr Kilminster Seconded: Cr Negri</p> <p>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.</p> <p style="text-align: right;">Carried 9/0</p>

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:

Nil

Attachments:

Item 10.5.2 Attachment A – Map of Current Street Lights Ardath

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 AND COUNCIL DECISION

Resolution OCM Nov 21 – 10.5.2

Moved: Cr Rajagopalan

Seconded: Cr Crooks

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.

CARRIED BY ABSOLUTE MAJORITY 9/0

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:

Nil

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 AND COUNCIL DECISION

Resolution OCM Nov 21 – 10.5.3

Moved: Cr Waye

Seconded: Cr Kilminster

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.

CARRIED BY ABSOLUTE MAJORITY 9/0

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: Nil

Attachments: Nil

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

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Nov 21 – 10.5.4.1

Moved: Cr Waye
Seconded: Cr Waight

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.

CARRIED BY ABSOLUTE MAJORITY 9/0

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Nov 21 – 10.5.4.2

Moved: Cr Waye
Seconded: Cr Crooks

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.

CARRIED BY ABSOLUTE MAJORITY 9/0

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: Nil

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 AND COUNCIL DECISION

Resolution OCM Nov 21 – 10.5.5

Moved: Cr Waight

Seconded: Cr Waye

- 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.**

Carried 9/0

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:

Nil

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 AND COUNCIL DECISION

Resolution OCM Nov 21 – 10.5.6

Moved: Cr Kilminster

Seconded: Cr Foss

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

Carried 9/0

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:

Nil

Attachments:

Nil

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 AND COUNCIL DECISION

Resolution OCM Nov 21 – 10.5.6

Moved: Cr Kilminster

Seconded: Cr Foss

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.

Carried 9/0

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:	Nil
Attachments:	<i>Item 11.1.1 Attachment A – WEROC Inc Tourism Product Audit Recommended Actions</i> <i>Item 11.1.1 Attachment B - CONFIDENTIAL Bruce Rock Analysis</i> <i>Item 11.1.1 Attachment c – Feedback from CDO</i> <i>Item 11.1.1 Attachment D - CONFIDENTIAL - WEROC Inc. Tourism Audit Full Report</i>

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 AND COUNCIL DECISION

Resolution OCM Nov 21 – 11.1.1

Moved: Cr Verhoogt

Seconded: Cr Waye

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

Carried 9/0

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:

Nil

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 AND COUNCIL DECISION

Resolution OCM Nov 21 – 11.1.2

Moved: Cr Kilminster
Seconded: Cr Rajagopalan

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.

Carried 9/0

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

Agenda Reference and Subject:	12.1 Lease of portion of land at Bruce Rock Airstrip on which to build a hangar
File Reference:	6.3.1.1 Airstrip General Transport
Reporting Officer:	Alan O’Toole, Deputy Chief Executive Officer
Author:	Alan O’Toole, Deputy Chief Executive Officer
Disclosure of Interest:	Darren Mollenoyux, Chief Executive Officer
Attachments:	<i>Item 13.1 Attachment A – Draft Lease of land located at Bruce Rock Airstrip for purpose of Hangar</i>

Summary

Council is asked to consider the Draft Lease for the land at the Bruce Rock Airstrip upon which Mr Damion Verhoogt proposes to build a hangar for his plane.

Background

Mr Damion Verhoogt has requested that Council consider his request to build a Hangar at the Bruce Rock Airstrip. The details of the request are contained in item 10.3.1 presented by Mr Julian Goldacre, the Environmental Health Officer, earlier in this Agenda. In order for the request to be actionable, Mr Verhoogt needs to enter into a Lease with the Shire for the land on which to construct the hangar. McLeods Solicitors have been engaged to prepare the Lease and have forwarded the attachment for this purpose.

Comment

The Draft Lease is at the moment lacking some financial and other details which cannot be presented to Council at the current Meeting as there has not been enough time to obtain this. The information required relates to the rental amount for leasing the land, and also that the Lease refers to the date on which Council gave planning approval for the hangar to be constructed. If this is approved at the current Meeting (should Council choose to do so) then it will be added at that time.

Including the rental cost is dependent on obtaining a valuation, and Officers are currently sourcing companies who can provide this service. Valuation services are at a premium at present and we have been informed this could take several weeks to obtain. A further consideration is that once the valuation has been accepted then the intention to lease the land will need to publicly advertised for 14 days before it can be further actioned.

Mr Verhoogt has been consulted regarding the Draft Lease, as has Mr Goldacre, and both have made pertinent comments and suggestions for improvement and clarity, but which do not materially affect the purpose and intent of the document. It is intended that these will be added to the Lease when a valuation has been obtained, and therefore all the amendments can be made by McLeods at the same time, which will keep the costs associated with preparation of the Lease to a minimum.

Consultation

Darren Mollenoyux, Chief Executive Officer
 Julian Goldacre, Environmental Health Officer
 Jennifer Bow, Manager of Finance
 Melissa Schilling, Executive Assistant

Statutory Implications

Local Government Act 1995 - Sect 3.58 - Disposing of property

(1) *In this section —*

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;

property includes the whole or any part of the interest of a local government in property, but does not include money.

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

(a) *the highest bidder at public auction; or*

(b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*

(3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*

(a) *it gives local public notice of the proposed disposition —*

(i) *describing the property concerned; and*

(ii) *giving details of the proposed disposition; and*

(iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*

and

(b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

(4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include—*

(a) *the names of all other parties concerned; and*

(b) *the consideration to be received by the local government for the disposition; and*

(c) *the market value of the disposition —*

(i) *as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*

Local Government Act 1995 s.6.16 & s.6.19

6.16. Imposition of fees and charges

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

** Absolute majority required.*

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

(a) *imposed* during a financial year; and*

(b) *amended* from time to time during a financial year.*

** Absolute majority required.*

6.19. Local government to give notice of fees and charges

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

(a) *its intention to do so; and*

(b) *the date from which it is proposed the fees or charges will be imposed.*

Policy Implications Nil

Risk Implications

Risk: Council do not issue a lease for the land at Bruce Rock Airstrip.		
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 “Moderate” risk and will be managed by specific monitoring and response procedures.		

Financial Implications

The preparation of the Lease by McLeods Solicitors lawyers has been quoted at \$1,500 + GST. The fee for, and the determination by the valuer of, the portion of leased land for annual charge is still to be advised.

Clause 4.5(1)(c) of the Draft Lease states that the Lessor is responsible for “all legal costs of and incidental to the instructions for the preparation, execution and stamping of this Lease and all copies”.

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Infrastructure

Goal 2 Encourage greater usage of current Shire owned facilities

Governance

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

Voting Requirements Simple Majority

<p>OFFICER RECOMMENDATION AND COUNCIL DECISION Resolution OCM Nov 21 – 12.1</p> <p>Moved: Cr Waye Seconded: Cr Waight</p> <p>That Council approves the Draft Lease for the portion of land at Bruce Rock Airstrip pending fair valuation of the land, and authorises the CEO to take the necessary steps to enter into the Lease Agreement with Mr Damion Verhoogt.</p> <p style="text-align: right;">Carried 9/0</p>

Mr D Holland entered the Council Chambers at 3.02pm.

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:

Nil

Attachments:

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

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Nov 21 – 13.1.1

Moved: Cr Waye

Seconded: Cr Foss

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

Carried 9/0

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Nov 21 – 13.1.2

Moved: Cr Foss

Seconded: Cr Verhoogt

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

Carried 9/0

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Nov 21 – 13.1.3

Moved: Cr Waight

Seconded: Cr Crooks

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.

CARRIED BY ABSOLUTE MAJORITY 9/0

Mr D Holland left the Council Chambers at 3.08pm and did not return.

14. Closure of Meeting

The Shire President Stephen Strange thanked everyone for their attendance and declared the meeting closed at 4.19pm.

These minutes were confirmed at a meeting on 16 December 2021.

Cr Stephen Strange
Shire President
16 December 2021



Shire of
Bruce Rock

Where friends become family



Agenda

Attachments

Thursday 18 November 2021

SHIRE OF BRUCE ROCK
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SHIRE OF BRUCE ROCK

AUDIT COMMITTEE MINUTES MEETING 21 OCTOBER 2021

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SHIRE OF BRUCE ROCK

AUDIT COMMITTEE AGENDA MEETING 21 OCTOBER 2021

1. Declaration of Opening

The Shire President Stephen Strange declared the meeting open at 11.02am.

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

President	Cr SA Strange
Deputy Shire President	Cr R Rajagopalan
Councillors	Cr AR Crooks
	Cr KP Foss
	Cr NC Kilminster
	Cr PG Negri
	Cr J Verhoogt
	Cr BJ Waight
	Cr RA Waye
Chief Executive Officer	Mr DRS Mollenoyux
Deputy Chief Executive Officer	Mr A O'Toole
Manager of Finance	Mrs JL Bow
Executive Assistant	Mrs MJ Schilling

3. Response to Previous Public Questions Taken on Notice

4. Public Question Time

5. Petitions / Deputations / Presentations / Submissions

6. Confirmation of Minutes

6.1. Audit Committee Meeting – 19 August 2021

COMMITTEE DECISION

Resolution ACM Oct 21 – 6.1

Moved: Cr Foss
Seconded: Cr Waight

That the minutes of the Audit Committee held 19 August 2021 be confirmed as a true and correct record.

Carried 9/0

7. Reports of Officers

7.1. Manager of Finance

Agenda Reference and Subject:	7.1.1 CONFIDENTIAL ITEM - Interim Audit Management Letter
File Reference:	8.2.6.1 – Annual Audit
Reporting Officer:	Jennifer Bow, Manager of Finance
Author:	Jennifer Bow, Manager of Finance
Disclosure of Interest	Nil
Attachment	<i>Confidential Item 7.1.1 – Draft Interim Audit Management Letter</i>

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Oct 21 – 7.1.1.1

Moved: Cr Waye

Seconded: Cr Kilminster

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:

- (f) a matter that if disclosed, could be reasonably expected to –
 - (ii) endanger the security of the local government’s property.

Carried 9/0

COUNCIL DECISION

Resolution OCM Oct 21 – 7.1.1.2

Moved: Cr Foss

Seconded: Cr Crooks

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

Carried 9/0

COUNCIL DECISION

Resolution OCM Oct 21 – 7.1.1.3

Moved: Cr Rajagopalan

Seconded: Cr Foss

That the Audit Committee receives the Interim Audit Management Letter for the year ended 30th June 2021.

Carried 9/0

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

9. Closure of Meeting

The Shire President Stephen Strange thanked everyone for their attendance and declared the meeting closed at 11.08am.

These minutes were confirmed at a meeting on

Cr Stephen Strange
Shire President

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SHIRE OF BRUCE ROCK

MINUTES – SPECIAL MEETING 21 OCTOBER 2021

1. Declaration of Opening

The Chief Executive Officer, Mr Darren Mollenoyux, opened the meeting at 10.00am on Thursday 21 October 2021, welcoming all Councillors, Councillors Elect, Officers and guests.

2. Swearing in of Councillors

The Chief Executive Officer invited newly elected Councillors, Councillor Elect BJ Waight, Councillor Elect R Rajagopalan, Councillor Elect J Verhoogt and Councillor Elect NC Kilminster to make their “Declaration of Office” in front of Mr Graeme Currie, Justice of the Peace.

3. Election

a. Shire President

The Chief Executive Officer called for nominations for Shire President.

Cr Waye nominated Cr Strange, Seconded Cr Rajagopalan
Cr Strange accepted the nomination

There being no further nominations Cr Strange was elected President for a term expiring 21 October 2023 and he then made the Declaration of Office in front of GJ Currie JP.

b. Deputy Shire President

The Chief Executive Officer called for nominations for Deputy Shire President.

One nomination was received prior to the meeting. Cr Anthony Crooks nominated himself for Deputy Shire President.

Cr Kilminster nominated Cr Rajagopalan, Seconded Cr Strange.

The CEO conducted an election and Cr Crooks was elected Deputy President for a term expiring in 21 October 2023 and he then made the Declaration of Office in front of GJ Currie JP.

Shire President, welcomed all guests and thanked them for their attendance.

Cr Strange congratulated Cr Verhoogt on her election and Cr Crooks to his new position of Deputy Shire President.

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

Councillors	Cr SA Strange
	Cr R Rajagopalan
	Cr AR Crooks
	Cr KP Foss
	Cr NK Kilminster
	Cr PG Negri
	Cr J Verhoogt
	Cr BJ Waight
	Cr RA Waye
Chief Executive Officer	Mr DRS Mollenoyux
Deputy Chief Executive Officer	Mr A O’Toole
Manager of Finance	Mrs JL Bow
Executive Assistant (Minute Taker)	Mrs MJ Schilling
Justice of the Peace	Mr Graeme Currie
Public Gallery: Miss Caris Negri, Mrs Elizabeth Waight, Mrs Amanda Rajagopalan	

- 5. Response to Previous Public Questions Taken on Notice**
- 6. Public Question Time**
- 7. Petitions/Deputations/Presentations/Submissions**

8. Reports of Officers

8.1 Chief Executive Officer

Agenda Reference and Subject:

8.1.1 Committees and Representations

File Reference:

Reporting Officer:

Darren Mollenoyux Chief Executive Officer

Disclosure of Interest:

Nil

Attachments:

Summary

Council is asked to review and appoint its representation on Council Committees and delegates to other organisations.

Background

Every second year following an election Council reviews the attached structure for Committees, Delegates and Representatives.

Comment

Council Elections were held on 16th October it is now recommended that Council appoint Councillors and staff to the various committees, delegates and representatives.

Consultation Nil

Statutory Implications Nil

Policy Implications Nil

Financial Implications Nil

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2013-2023

Civic Leadership

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

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution SM Oct 21 – 8.1.1

Moved: Cr Rajagopalan

Seconded: Cr Waye

That Council reviews and appoints the new Committees, Delegates and Representatives for Council.
And;

That Council nominate Cr Strange for Great Eastern Zone and for State Council Representative for WALGA State Council and should they be unsuccessful be nominated as the Deputy.

Carried 9/0

Shire of Bruce Rock
Committees, Delegates & Representatives
 As at 21 October 2021

Committees of Council	
Audit Committee	All Council
Health	Cr Strange, Cr Kilminster, Cr Negri, CEO
Aged Care	Cr Strange, Cr Rajagopalan, Cr Waye, CEO
Works & Services	Cr Strange, Cr Waight, Cr Foss, Cr Crooks, CEO, WORKS

Sub Committees	
Sport & Recreation	Cr Strange, Cr Kilminster, Cr Waight, Cr Foss, CEO, CDO

Appointed – Delegates & Representatives	
Master of Ceremonies	Cr Crooks, Cr Rajagopalan
WALGA Great Eastern Zone	Cr Strange, Cr Crooks, CEO
WEROC	Cr Crooks, Cr Rajagopalan (Proxy), CEO, DCEO (Proxy)
CEACA	Cr Rajagopalan, CEO
Retirement Units Delegate	Cr Waye, Cr Kilminster (Proxy)
Local Health Advisory Group	Cr Negri, Cr Crooks (Proxy), CEO
District Health Advisory Group	Cr Negri
Natural Resource Management	Cr Foss, Cr Negri, DCEO, NRMO
Regional Road Group	Cr Foss, MWS, Cr Waight (Proxy)
Chief Bush Fire Control Officer	Cr Crooks
Deputy Chief Bush Fire Control Officer	Cr Negri
Community Resource Centre	Cr Verhoogt, Cr Kilminster (Proxy)
Tourism	Cr Verhoogt, Cr Kilminster (Proxy)
Central Agcare	Cr Negri, DCEO (Proxy)

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

10. Closure of Meeting.

The Shire President, Cr Strange, thanked everyone for their attendance and declared the meeting closed at 10.53am.

These minutes were confirmed at a meeting on

Signed

SHIRE OF BRUCE ROCK

MINUTES – ORDINARY MEETING 21 OCTOBER 2021

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SHIRE OF BRUCE ROCK

MINUTES – ORDINARY MEETING 16 SEPTEMBER 2021

1. Declaration of Opening

The Shire President Cr SA Strange declared the meeting open at 3.00pm

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

President	Cr SA Strange
Deputy President	Cr R Rajagopalan
Councillors	Cr AR Crooks
	Cr KP Foss
	Cr NC Kilminster
	Cr PG Negri
	Cr J Verhoogt
	Cr BJ Waight
	Cr RA Way
Chief Executive Officer	Mr DRS Mollenoyux
Deputy Chief Executive Officer	Mr A O’Toole
Executive Assistant	Mrs MJ Schilling
Manager of Finance	Mrs JL Bow (3.12pm – 3.27pm)

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
21.10.21	Cr Negri	10.5.2	Joint owner of adjoining land

4. Response to Previous Public Questions Taken on Notice

5. Public Question Time

6. Petitions/Deputations/Presentations/Submissions

7. Applications for Leave of Absence

8. Announcements by Presiding Member

9. Confirmation of Minutes

Ordinary Meeting of Council held on Thursday 16 September 2021

COUNCIL DECISION

Resolution OCM Oct 21 – 9.1

Moved: Cr Crooks

Seconded: Cr Waye

That the minutes of the Ordinary Council Meeting held Thursday 16 September 2021 be confirmed as a true and current record.

Carried 9/0

10. Officers' Reports

10.1 Manager of Works and Services

No Item

Mrs JL Bow entered the Council Chambers at 3.12pm

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	Nil
Attachment:	<i>Nil</i>

Summary

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

Background

In accordance with the Local Government Act 1995, a Statement of Financial Activity must be presented to each Council meeting, including a comparison of actual year to date to the budget year to date and variances from it. It must also include explanations of any variances and any other associated information that would be useful for readers of the report.

Comment

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

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

<p>OFFICER RECOMMENDATION AND COUNCIL DECISION Resolution OCM Oct 21 – 10.2.1</p> <p>Moved: Cr Kilminster Seconded: Cr Waye</p> <p>That the Statements of Financial Activity for the month ending 30 September 2021 as presented be received.</p> <p style="text-align: right;">Carried 9/0</p>

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:	Nil
Attachments:	<i>Item 10.2.2 Attachment A – List of Payments September 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 September 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 AND COUNCIL DECISION

Resolution OCM Oct 21 – 10.2.2

Moved: Cr Waight

Seconded: Cr Foss

That Council endorse the list of payments from the:

- 1. Municipal Account consisting of:**
 - a. EFT voucher numbers EFT18137 to EFT18317 totalling \$593,017.27**
 - b. Cheque number 38 to 44 totalling \$8,603.14**
 - c. Trust Cheques**
 - d. Wages and Superannuation payments totalling \$286,263.22, and**
 - e. Credit Card payments \$881.35**
- With all payments totalling \$887,883.63 for the month of September 2021**

Carried 9/0

Agenda Reference and Subject:

10.2.3 Request to Use the Settlers Court Amenities Building for Seniors Fitness and Set New Fee and Charge for Hire

File Reference: A20104 Retirement Units Settlers Court

Reporting Officer: Jennifer Bow, Manager of Finance Officer

Author: Jennifer Bow, Manager of Finance Officer

Disclosure of Interest: Nil

Attachments: Nil

Summary

Council is asked to consider to revoke their previous motion for the free use of the Settlers Court Amenities Building and resolve to set a new fee and charge for use of the building.

Background

At the June 2021 Ordinary Meeting of Council, Council resolved to allow Mrs Malene Vad Brownley free use of the Amenities Building at Settlers Court for a weekly half hour free fitness class until the end of Term 1, 2022.

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Jun 21 – 11.3.8

Moved: Cr Rajagopalan

Seconded: Cr Kilminster

That Council;

- a. allow Malene Vad Brownley of MVB Personal Fitness and Training to use the Amenities Room at Settlers Court for “free of charge” seniors’ fitness classes for half an hour each Thursday during school terms; and
- b. request that Malene Vad Brownley;
 - i. provides numbers attending classes each week at the end of each school term; and
 - ii. that the usage arrangement is reviewed at the end of Term 1, 2022 to determine if the arrangement should continue.

Carried 9/0

Mrs Vad Brownley would now like to hire the building and charge for the fitness session. She did not run the classes in Term 3 however has had some requests from seniors and would now like to run the classes as part of her business. It will therefore be necessary to rescind the motion from the June Council Meeting.

Comment

Malene will provide the sessions for the seniors and the classes will be held each Thursday 11.30am to midday.

Malene has tried to host the sessions at her studio in Johnson Street, Bruce Rock however her room contains a step which was difficult for some members of the class to go up and down. She found that the Amenities Room worked well as she does not use equipment and only uses chairs for support during the exercises. She also does not have enough chairs in her studio.

The only electricity that would be consumed would be lighting and the use of the air-conditioner in the summer months.

The classes will only be run during the school term and will not be conducted during the Christmas holidays.

These classes are of benefit to the older members of the community has an increased level of fitness improves overall physical and mental health.

The building is also currently cleaned regularly due to the use of the Hydrotherapy pool.

The Retirement Units Committee does have meetings in this room however, if Council agree to Malene being allowed to use the room, the Committee will be made aware of the time it will be in use.

It is proposed that the new Fee and Charge for the hire of the Amenities Room is similar to the fee charged for hire of the indoor basketball court, \$26.00 (including GST) per hour.

Consultation

Darren Mollenoyux, Chief Executive Officer

Jennifer Bow, Manager of Finance

Statutory Implications

Local Government (Functions & General) Regulations 1996

10. *Revoking or changing decisions made at council or committee meetings — s. 5.25(1)(e)*

(1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported —

(a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or

(b) in any other case, by at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee,

inclusive of the mover.

(1a) Notice of a motion to revoke or change a decision referred to in sub regulation (1) is to be signed by members of the council or committee numbering at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.

(2) If a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made —

(a) in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or

(b) in any other case, by an absolute majority.

(3) This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.

Local Government Act 1995

6.16. *Imposition of fees and charges*

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

** Absolute majority required.*

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

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

* Absolute majority required.

6.19. Local government to give notice of fees and charges

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

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

Policy Implications

Nil

Risk Implications

Risk: That facilities in the Shire are underutilised.		
Likelihood	Consequence	Rating
Likely	Minor	Moderate
Action / Strategy		
This item has been evaluated against the Shire of Bruce Rock’s Risk Management Procedure’s Risk Matrix. The perceived level of risk is considered to be “Moderate” risk. As a Moderate Risk, the risk will be managed by specific monitoring.		

Financial Implications

Minor financial implications to cleaning costs as facility already cleaned due to Hydrotherapy Pool. Setting a new Fee and Charge as one has previously net been set for use of this facility.

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Community

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

Voting Requirements Absolute Majority

<p>OFFICER RECOMMENDATION AND COUNCIL DECISION Resolution OCM Oct 21 – 10.2.3.1</p> <p>Moved: Cr Rajagopalan Seconded: Cr Kilminster</p> <p>That Council, in accordance with Section 5.25 (1) (e) of the Local Government Act 1995 revokes Resolution OCM Jun 21 – 11.3.8 passed at its ordinary meeting held on Thursday 17 June 2021 as the free usage of the building and requirements to report usage are no longer required.</p> <p style="text-align: right;">CARRIED BY ABSOLUTE MAJORITY 9/0</p>
--

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Oct 21 – 10.2.3.2

Moved: Cr Waye

Seconded: Cr Kilminster

That Council;

- 1. Adopt a new fee and charge for the use of the Settlers Court Amenities Room at \$26.00 per hour (including GST); and**
- 2. Give public notice of 7 days of the intent to adopt the new fee and charge.**

CARRIED BY ABSOLUTE MAJORITY 9/0

Mrs JL Bow left the Council Chambers at 3.27pm and did not return.

10.3 Environmental Health Officer

No Report

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:

Nil

Attachments:

Nil

Summary

Use of Shire President Stamp September 2021.

Background

Nil

Comment

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

- Notification of STED connected to property 39 Westral Street

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 AND COUNCIL DECISION**Resolution OCM Oct 21 – 10.4.1**

Moved: Cr Foss

Seconded: Cr Kilminster

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

Carried 9/0

Agenda Reference and Subject:

10.4.2 Shire Common Seal

File Reference:

Reporting Officer:

Alan O’Toole, Deputy Chief Executive Officer

Author:

Melissa Schilling, Executive Assistant

Disclosure of Interest:

Nil

Attachments:

Nil

Summary

Use of Shire Common Seal in September 2021.

Background

Nil

Comment

As per Council’s policy, the Shire Common Seal has been used during the months of September 2021 as follows:

- Notification of STED connected to property 39 Westral Street

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 AND COUNCIL DECISION

Resolution OCM Oct 21 – 10.4.1

Moved: Cr Kilminster

Seconded: Cr Waight

That Council endorse the use of the Common Seal during September 2021.

Carried 9/0

Agenda Reference and Subject:

10.4.3 Request for reimbursement of costs relating to a burial at Bruce Rock Cemetery

File Reference: 1.7.1.2 Cemetery Enquiries

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

Author: Alan O’Toole, Deputy Chief Executive Officer

Disclosure of Interest: Nil

Attachments: *Item 10.4.3 CONFIDENTIAL Attachment A – Letter from Mr Laurence Nunn, 28 September 2021*

Summary

Council is asked to consider a request from Mr Laurence Nunn for reimbursement of costs relating to the burial of his mother, Mrs Margaret Nunn.

Background

Mr Nunn has written to the Shire following a telephone conversation with the DCEO held on the 16th September 2021 wherein he related the regrettable circumstances concerning the burial of his mother, Mrs Margaret Nunn. At the conclusion of the conversation Mr Nunn was informed that for Council to consider reimbursement of costs then it would be necessary for the request to be stated in writing which could then be presented at the next Council Meeting. Mr Nunn has written the letter attached to this item which relates the circumstances and also the request by the Nunn family for consideration for reimbursement of certain associated costs.

Comment

The circumstances of the burial of Melanie Nunn at the age of 6 months in 1965 are not known, but what has become evident is that at that time the internment was not at an adequate depth. This has subsequently led to the difficulties related by Mr Nunn, when this ground was being prepared for the burial of Mrs Margaret Nunn. As a consequence of this, the Nunn family experienced the upset of their mother not being able to be buried in her chosen plot, and also additional costs and delays associated with using another plot owned by the family.

Mr Nunn relates these issues in his letter, and asks Council to consider reimbursing the family for costs incurred in the original removal of the monumental headstone from Melanie Nunn’s grave, and also the making good of Melanie’s grave site, using the materials still available, to the state it was prior to it being disturbed for the proposed burial of Mrs Nunn. This disturbance need not have happened, and therefore the cost not incurred, if the family knew that the burial site would be unusable for the internment of Mrs Margaret Nunn.

For Council’s further consideration is that for burials conducted prior to 1980, it may not be possible to guarantee that a second internment would be possible given the item under discussion, and therefore whether this needs to be stated in advance to the applicant if this is requested in the future.

Consultation

Mr Laurence Nunn
Dave Holland, Manager of Works

Statutory Implications

Nil

Policy Implications

Nil

Risk Implications

Risk: That Council does not support the reimbursement of costs associated with the removal of the monument on Melanie Nunn’s grave site.		
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” and will be managed by specific monitoring.		

Financial Implications

The cost to the Nunn family of the unnecessary removal of the monument was \$905. The work to make good the grave is not significant in the opinion of the Works Manager, and therefore the costs associated should be minor.

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

<p>OFFICER RECOMMENDATION AND COUNCIL DECISION Resolution OCM Oct 21 – 10.4.3</p> <p>Moved: Cr Foss Seconded: Cr Kilminster</p> <p>That Council approves the reimbursement of \$905 to the Nunn family, and directs Council staff to make good the grave site of Melanie Nunn as per Mr Nunn’s letter.</p> <p style="text-align: right;">Carried 9/0</p>
--

Agenda Reference and Subject:

10.4.4 Mural for Shackleton Fire Brigade Shed

File Reference:

5.1.4.1 Shackleton Fire Brigade

Reporting Officer:

Alan O’Toole, Deputy Chief Executive Officer

Author:

Alan O’Toole, Deputy Chief Executive Officer

Disclosure of Interest:

Nil

Attachments:

Item 10.4.5 Attachment A – Indicative Mural design

Summary

Council is asked to consider a request from Mr Steven Ende to allow him to paint a mural on the side of Shackleton Fire Shed.

Background

The Shire has been approached by Mr Steven Ende, owner of the popular Steve’s Art Studio in Shackleton with a proposal that he paint a rural scene on the side of Shackleton Fire Shed. Mr Ende has been a long time contributor to the art and culture environment of the Shire, and has expressed the wish to give something back to Shackleton in particular, in the form of a mural that he would like to design and paint on the Shackleton Fire Shed.

Comment

Mr Ende first contacted the Shire last year with an early proposal for this project. In between then and now the Shackleton community has been consulted on their thoughts regarding this, and have been very supportive. DFES have also been consulted as to their thoughts, and they have said that although this is something they have no jurisdiction over as the Shed belongs to Council, they are aware of many Shires that have allowed this type of decoration on their Fire Brigade buildings, and overwhelmingly the community and visitor response to the decoration is very favourable.

Mr Ende is a recognised and successful artist who has lived and worked in the Shackleton community for several years, and his artworks are of the highest quality. He has proposed a design depicting a ‘rural scene’ in muted colours which will adorn the Shed on Jermyn Street and will add to the attractiveness of the Shackleton Townsite. It is proposed to be approximately 3m long by 1m tall. Mr Ende will contribute his labour and the materials for the project for free. The paint will be such as to be appropriate for this type of use, and can therefore be expected to have a lifespan of reasonable duration.

Consultation

Shackleton community, via members of the Shackleton Volunteer Bushfire Brigade
Mr Justin Corrigan, Area Officer, DFES

Statutory Implications

Nil

Policy Implications

Nil

Risk Implications

Risk: That Council does not support the proposal for the mural of Shackleton Fire Shed.		
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

Community

Goal 6 Tourism helps to diversify our local economy

Governance

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

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Oct 21 – 10.4.4

Moved: Cr Waye

Seconded: Cr Kilminster

That Council approves Mr Steven Ende’s proposal that he paints a rural scene mural, as per his indicative design, on the side of the Fire Brigade Shed on Jermyn Street in Shackleton.

Carried 9/0

10.5 Chief Executive Officer

Agenda Reference and Subject:

10.5.1 Development Assessment Panels

File Reference:

1.26.3.1

Reporting Officer:

Darren Mollenoyux, Chief Executive Officer

Author:

Darren Mollenoyux, Chief Executive Officer

Disclosure of Interest:

Nil

Attachments:

Nil

Summary

Council is required to nominate Local Government Nominations to the Development Assessment Panel.

Background

Under the regulations our Local Government is required to nominate four elected members of Council, comprising two local members and two alternative local members to sit on a local Development Assessment Panel (DAP) as required.

The Minister has written as follows:

“Following the local government elections to be held on 16 October 2021, there may be a change in your local government DAP membership if the composition of your council changes. All existing local government DAP members are currently appointed for a term ending 26 January 2022. Prior to this expiry date, your local government will need to nominate four (4) DAP members for appointment by the Minister for Planning.

Representation of local interests is a key aspect of the DAPs system. Under regulation 24 of the Planning and Development (Development Assessment Panels) Regulations 2011 your local council is requested to nominate, as soon as possible following the elections, four elected council members to sit as DAP members for your local government. Using the attached form, nominations should be submitted via email to the DAPs Secretariat at daps@dplh.wa.gov.au.

All local government councils are requested to provide nominations for local government DAP members by Friday 19 November 2021, to ensure local interests are represented in future DAP determinations. If you are unable to provide nominations by the above date, please contact the DAPs Secretariat to discuss alternative arrangements and implications. Once nominations are received, the Minister will appoint local government DAP members for the term ending 26 January 2024.

The McGowan Government launched OnBoardWA as part of its commitment to increase the diversity and backgrounds of Government board and committees along with the total number of women appointed. I encourage you to consider diversity of representation when putting forward your local government nominations in supporting this important election commitment.

The WA Government is committed to continue implementing the Action Plan for Planning Reform to ensure the planning system continues to deliver great outcomes and great places for Western Australians. Changes to the DAP system, identified as part of the reform initiatives, aims to provide a more robust DAP process that promotes consistency and transparency in decision-making. Please note that the local government membership configuration on the DAP will not be affected by the reform initiatives.”

Comment

All nominated members are required to attend training prior to sitting on a DAP. Nominated members are entitled to payment of sitting, training and State Administrative Tribunal attendance fees.

With the Panels addressing applications in size from \$3m - \$7m, the likelihood of a Panel being required for Bruce Rock is unlikely.

Previously Council nominated the two local members being Cr Strange and Cr Rajagopalan, in addition Cr Kilminster and Cr Crooks were nominated as alternatives.

Consultation Nil

Statutory Implications

The Planning and Development (Development Assessment Panels) Regulations 2011

Policy Implications Nil

Risk Implications

Risk: If Council does not nominate Councillors to the DAP it would be in breach of the legislation and would impact any potential applications.		
Likelihood	Consequence	Rating
Likely	Major	High
Action / Strategy		
This item has been evaluated against the Shire of Bruce Rock’s Risk Management Procedure’s Risk Matrix. The perceived level of risk is considered to be “High” risk and will be managed by specific monitoring and response procedures.		

Financial Implications Nil

Strategic Implications

Shire of Bruce Rock Strategic Community Plan 2017-2027

4.1 *Provide good strategic decision making, governance, leadership and professional management.*

Governance

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

Voting Requirements Simple Majority

<p>OFFICER RECOMMENDATION AND COUNCIL DECISION Resolution OCM Oct 21 – 10.5.1</p> <p>Moved: Cr Negri Seconded: Cr Waight</p> <p>That Council nominate Cr Strange and Cr Crooks to sit on the Local Development Assessment Panel and Cr Foss and Cr Waye be nominated as alternative members. The nominations are to be forwarded to the Minister for Planning for his consideration.</p> <p style="text-align: right;">Carried 9/0</p>
--

Agenda Reference and Subject:

10.5.2 South West Native Title Settlement

File Reference:

7.1.2.4 Native Title Claims General Correspondence

Reporting Officer:

Darren Mollenoyux, Chief Executive Officer

Author:

Darren Mollenoyux, Chief Executive Officer

Disclosure of Interest:

Cr PG Negri

Attachments:

Item 10.5.2 Attachment A - Reserve Details Report 17306

Item 10.5.2 Attachment B - Land Enquiry Reserve 17306

Summary

The Department of Planning, Lands and Heritage is seeking comments relating to the South West Native Title Settlement – Land Base Consultation – Land List 1031 relating to Reserve R17306 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/departments-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 25 October 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."

Council has previously considered this matter in 2015 and again in 2017 with Council resolving as follows at the February 2017 Ordinary Meeting of Council:

Resolution Feb 17 - 11.5.3

Moved: Cr Buegge

Seconded: Cr Thornton

That Council responds to the Department of Lands and provides the below responses relating to the South West Native Title Settlement – Land Base Consultation for the Shire of Bruce Rock listed reserve.

Reserve 17306

1. Any future proposals for the land identified? If so, in what timeframe?

Council has no proposals for Reserve 17306.

2. Any proposed planning scheme amendments? If so, in what timeframe?

Council has no planning scheme amendments for Reserve 17306.

3. Any future proposals for either the creation or amendments to reserves?

Council has no future plan for the creation or amendment to Reserve 17306.

4. Any known land management issues e.g. Contamination etc.

Council staff are not aware of any current land management issues or contamination.

The only concern may be in regards to any potential change of Reserve purpose, such as camping. Potential could exist that in the future, should interest arise for the claimants' 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.

Council currently has ample camping grounds within the Shire and as Council has no future plans for this to become a camping ground it could be an additional cost and management issue outside of Council strategic directions.

Must comply with the firebreak regulations.

Comment

Staff have considered the information received and provide the following guidance on the questions asked:

1. Is the Shire supportive of the transfer of this land to the Noongar People under the Settlement?
Council has previously indicated that they had no objections to the transfer of Reserve R17306.
2. Does the Shire have any interest in the land?
When this was considered in 2017 Council has no interest in the land and staff do not believe there is any use for the land for Council.
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, or aware of any proposed for the land parcel.
4. Is the land parcel subject to any mandatory connection to services?
Council has no mandatory service connection requirements for Reserve R17306.
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 proposals for Reserve R17306.
6. Are there any future proposals for adjoining land that may affect the land identified in the spreadsheet? If so, in what timeframe?
Staff are not aware of any future proposals on land adjoining Reserve R17306, however would recommend that the Department of Planning, Lands and Heritage undertake consultation with adjoining property owners to seek their comments and any proposals.
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.
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 landowner we may not have been informed.
9. Please provide any additional comments on the proposed transfer of this land as part of the Settlement.
The only additional comments would be to reiterate previous resolution feedback being:

The only 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 implication 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.

Council currently has ample camping grounds within the Shire and as Council has no future plans for this to become a camping ground it could be an additional cost and management issue outside of Council strategic directions.

Property owners must comply with the firebreak regulations.

Consultation

Julian Goldacre, Environmental Health Officer
 David Holland, Manager of Works and Services
 Jennifer Bow, Manager of Finance
 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: This is not a Council owned reserve and Council has previously resolved that it has no purpose for the land, therefore there is no direct impact to Council or its asset management		
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 AND COUNCIL DECISION

Resolution OCM Oct 21 – 10.5.2

Moved: Cr Waight

Seconded: Cr Waye

- 1) That Council has no objections and is not aware of any existing or future matters that would affect the transfer of Reserve R17306 as part of the South West Settlement – Land Base Consultation.**
- 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 R17306.**

Carried 9/0

Agenda Reference and Subject:

10.5.3 Superannuation for Elected Members – WALGA Proposal

File Reference: 2.3.3.1 Local Government Acts and Regulations

Reporting Officer: Darren Mollenoyux, Chief Executive Officer

Author: Darren Mollenoyux, Chief Executive Officer

Disclosure of Interest: Nil

Attachments: *Item 10.5.3 Attachment A – Policy Paper Elected Member Superannuation*

Summary

Council is asked to consider and provide any comment on WALGA's Draft Policy Proposal for Superannuation for Elected Members.

Background

The WA Local Government Association (WALGA) has written to Councils seeking feedback on a draft policy proposal to advocate for Elected Members to be required to be paid superannuation.

The recommended advocacy approach is to propose that the Local Government Act 1995 be amended to facilitate the payment of superannuation to Elected Members in addition to fees and allowances.

This approach avoids the problems associated with the current arrangements around the need to withhold income tax and pay fringe benefits tax.

Feedback from the Local Government sector will inform a State Council agenda item, which will be considered at November Zone meetings and the 1 December 2021 meeting of State Council. Following a State Council decision, advocacy will be undertaken with the Minister for Local Government.

The submission period for Council to respond to WALGA is Friday 29th October 2021.

A copy of the Superannuation for Elected Members Draft Policy Proposal is attached for reference.

Comment

Council has not previously discussed or have a position on this proposal for the potential for Elected Members to be paid Superannuation and therefore this is presented for Council's consideration.

Staff do not have a position or direction in regard to this matter and would be guided by the information provided by WALGA and direction provided by Council.

Staff would however seek Council's consideration to the below comments from staff:

Currently, our employees are paid superannuation as it is generated as part of the payroll system. This captures the amount owing and generates the payment through the super clearing house, as required by the ATO. It is a relatively seamless process as once the amount is reconciled, the superannuation electronic file is uploaded and the amount of super is automatically deducted from our bank account. It has reduced the number of payments and cheques that we used to have to process for the payment of superannuation.

Currently, our payroll system would not be able to process the Councillors' super payments. We would have to manually process these through creditors.

This would also then tie into whether as a Council we should reduce the staff time involved in reconciling Councillors seeking reimbursement for Elected Members Fees and Charges. As discussed at the previous Council Meeting, an allowance that is automatically paid, and "opted out of", could reduce the time for Councillors and staff. This would increase the expenditure on Elected Members Fees and Charges. This would also simplify the amount and frequency of superannuation paid for Councillors.

If Council is to support WALGA's Position Paper, then serious consideration to move to an annual allowance which is paid unless Councillors opt out. This seems to be what more and more Councils are doing after looking into the requirements to post on the website amounts paid to Councillors and the associated policies regarding this.

Consultation

Jennifer Bow, Manager of Finance

Statutory Implications

Local Government Act 1995

Superannuation Guarantee Act 1992

Under the *Superannuation Guarantee (Administration) Act 1992*, Local Governments can unanimously resolve to be considered an 'eligible local governing body' through the *Taxation Administration Act 1953*.

Policy Implications

Nil

Council Policy 3.2 Superannuation Contributions

Risk Implications

Risk: There may be an increase in overall Councillor payments impacting Council's budget.		
Likelihood	Consequence	Rating
Likely	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

Under Council's current Meeting Fees arrangements and payments made in 2020/21 the implications of the proposed superannuation payment to elected members would have equated to an additional \$3,000.

However, it should be noted that not all Councillors take the Meeting fees and should Council change its approach to payment for Meeting Fees as an annual payment this would increase significantly more. This is hard to estimate as we would be unsure of how many Councillors would take the Meeting fees annually.

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

1. That Council review the WA Local Government Association's Draft Policy Proposal for Superannuation to be paid to Elected Members and provide any comment; and
2. Supports or Not Supports WALGA's Motion *"That the Local Government Act 1995 be amended to require Local Governments to pay Elected Members, into a nominated superannuation account, an amount equivalent to the superannuation guarantee determined with reference to fees and allowances paid to each Elected Member"*.

Council decision varied to Officer Recommendation to add a clause that the Shire have the right to opt in or opt out of the scheme.

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Oct 21 – 10.5.3

Moved: Cr Waye

Seconded: Cr Rajagopalan

1. That Council reviewed the WA Local Government Association's Draft Policy Proposal for Superannuation to be paid to Elected Members and provide any comment; and
2. Supports WALGA's Motion *"That the Local Government Act 1995 be amended to require Local Governments to pay Elected Members, into a nominated superannuation account, an amount equivalent to the superannuation guarantee determined with reference to fees and allowances paid to each Elected Member"* on the provision that individual Councils have the option to opt in or opt out.

Carried 8/1

11. Regional Reports

Agenda Reference and Subject:	11.1.1 CEACA Meeting Minutes
File Reference:	4.1.10.1 Minutes and Agendas CEACA
Reporting Officer:	Darren Mollenoyux, Chief Executive Officer
Author:	Darren Mollenoyux, Chief Executive Officer
Disclosure of Interest:	Nil
Attachments:	<i>Item 11.1.1 CEACA Special Meeting 11 October 2021</i>

Summary

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

Background

The 10 member Councils of the Central Eastern Aged Care Alliance (CEACA Inc.) held a meeting on 11th October 2021 via Videoconference.

Comment

To assist with the Councillors' continued understanding and updates on CEACA Inc. and its associated projects, the minutes will be presented for receiving after each CEACA Inc. meeting.

The following items are highlighted for Councillors' attention:

External Audit

Information provided on the CEACA Audit

Financial Statements

The Interim CEO provided a report on the financial statements

Various other minor updates were provided at the meeting and included in the minutes.

A full copy of the minutes has been provided to Council for their reference.

Consultation

Discussions were held at the CEACA Inc. Committee Meeting

Statutory Implications Nil

Policy Implications Nil

Financial Implications Nil

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Community

Goal 7 – Community are engaged and have a healthy lifestyle

7.1 Encourage and help facilitate the administration of the planned CEACA units

7.3 Continue to work towards achieving the strategies of the Age Friendly Community Plan

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 AND COUNCIL DECISION

Resolution OCM Oct 21 – 10.5.3

Moved: Cr Rajagopalan

Seconded: Cr Negri

That Council receives the minutes of the CEACA Inc General Meeting held on the 11th October 2021 via Videoconference.

Carried 9/0

12. Confidential Items

Agenda Reference and Subject:

12.1 Waste Collection Service Key Performance Indicator Review for the September – October 2021

File Reference:

4.1.1 Waste Management

Reporting Officer:

Julian Goldacre, Environmental Health Officer

Author:

Julian Goldacre, Environmental Health Officer

Disclosure of Interest:

Nil

Attachments:

Item 13.1 Attachment A – CONFIDENTIAL Waste Collection Service KPI September/October 2021

Item 13.1 Attachment B – Signed letter to Mr P Fuchsbichler

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Oct 21 – 12.1.1

Moved: Cr Rajagopalan

Seconded: Cr Foss

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

Carried 9/0

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Oct 21 – 12.1.2

Moved: Cr Rajagopalan

Seconded: Cr Foss

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

Carried 9/0

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Oct 21 – 12.1.3

Moved: Cr Rajagopalan

Seconded: Cr Crooks

1. Accept the Officer report for the Contractor Refuse Collection Contract Key Performance Indicators for the period of September to October 2021.

Carried 9/0

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

Agenda Reference and Subject:

13.1 Consideration of Request to transfer the Waste Collection Service Contract

File Reference: 4.1.1 Waste Management

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

Author: Alan O’Toole, Deputy Chief Executive Officer

Disclosure of Interest: Nil

Attachments: Nil

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Oct 21 – 13.1.1

Moved: Cr Rajagopalan

Seconded: Cr Foss

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

Carried 9/0

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Oct 21 – 13.1.2

Moved: Cr Rajagopalan

Seconded: Cr Kilminster

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

Carried 9/0

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Oct 21 – 13.1.3

Moved: Cr Foss

Seconded: Cr Crooks

That Council accepts Max and Katie Fuchsbichler request to take over the Contract for the Waste Collection Service from Mr Peter Fuchsbichler following his retirement.

CARRIED BY ABSOLUTE MAJORITY 9/0

14. Closure of Meeting

The Shire President Stephen Strange thanked everyone for their attendance and declared the meeting closed at 3.56pm.

These minutes were confirmed at a meeting on 18 November 2021.

Cr Stephen Strange
Shire President
18 November 2021

- **Drainage Works**
There is no works scheduled for this year only general maintenance works.
- **Townsite Footpaths & Kerbing**
Proposed paths for 21/22,
 - Noonajin St (Bruce to Swan)
Proposed kerbing for 21/22
 - Butcher St (Bath to Swan St)
 - Dampier St (Swan to Bath St)
 - Butcher St (Bath to Bruce St)
- **Blackspot Funding**
Cumminin & Narembeen Rd intersection projects are still in progress with one waiting for planting and the other we have the clearing permits and will be started as soon as we complete the maintenance grading.
- **Bridges**
Five Bridges to be completed for this year are,
 - Yarding Ardath 4059A
 - Yarding Ardath 6023 (council funded)
 - Old Beverley Rd 6041 (carry forward)
 - Shackelton-Bilbarin 5130
 - Belka East Rd 6008
- **Other Funded Works**
 - Regional Road Safety Program, Corrigin Rd, edge widening and line marking,
 - RADS, apron up-grades,
 - WSN, investigations and some drainage work.

Bruce Rock Airstrip

Discussion was held around the new hanger location at the airstrip and potential increase usage and landing fees, it was suggested that an annual lease fee for hanger site. Present to Council as part of building application and new lease.

4.2 New Roads, Drainage & Paths 22/23

For Committees consideration for next meeting for next year's budget submissions.

- **Roads Maintenance**
- **R2R & Council Funded**
- **RRG Program**
 - Old Beverley Rd continuation 2km worth,
 - Bruce Rock Doodlakine Rd, re-seal from boundary in bad areas,
 - Shackleton Kellerberrin Rd, re-seal sections in the "S" bends through the lakes.
- **Drainage Works**
- **Townsite Footpaths**
- **Blackspot Funding**
- **Bridges**
We have several bridges to complete these are with Main Roads now for approval, with this approval we have only been able to have 1 bridge approved for funding.

5. Machinery and Vehicles

These are the vehicles I have put up for the 21/22 year,

- CEO, DCEO & EHO vehicles to be changed over,
- 2 supervisor's vehicles to be changed over both dual cab vehicles,
- 8 t tipper Town Crew
- Patching Truck upgrade the emulsion tank,

I have put the 8t truck out to the WALGA EQuote system and have the submissions back I would ask Council to consider the purchase of an Isuzu FVR 165-300 Auto which is currently available in Perth, the price is also very attractive in the way of trade and change over price. I have attached the break down for Council's information.

The Committee agreed to proceed with the purchase an Isuzu FVR 165-300 Auto as per 21/22 budget. The Manager of Works and Services will take an item to the November OCM for ratification.

Plant - Service and Maintenance

It was generally agreed going forward look at sending larger plant to Perth for annual service and check over to assist in reducing ongoing maintenance, repairs and downtime during the year.

Investigate the cost of replacing our current float to a drop deck float so that Council staff can transport the large plant to Perth for the services. The cost of contractors would be too high.

6. Dams and Water Capturing Works

7. Recreation Centre

The Manager of Works will provide an update on the drainage progress.

8. Other Matters

- Temporary RAV ratings for harvest if asked for,
- Safety Ratings for Local Roads, review of the tools used for safety ratings,
- National Water Grid Connections fund, what we are doing about applying for this grant and locations,
- General update of works.

9. Date Next Meeting

Next meeting to be held at 9.30am on Thursday 16th December 2021.

10. Meeting Closure

The Chair, Cr Kevin Foss thanked everyone for their attendance and declared the meeting closed at 8.23am.

These minutes were confirmed at a meeting on

Cr Kevin Foss
Committee Chairperson

List of Accounts August September 2021

Chq/EFT	Date	Name	Description	Amount
Municipal				
EFT18318	06/10/2021	WEST AUSTRALIAN NEWSPAPERS LIMITED	NEWSPAPERS FOR WEEK ENDING 26/09/2021	\$453.28
EFT18319	07/10/2021	SHIRE OF BRUCE ROCK - T/AS BRUCE ROCK SUPERMARKET	VARIOUS PURCHASES FOR SEPTEMBER 2021 (OFFICE, BUILDERS, DEPOT, WORKSHOP)	\$597.51
EFT18320	08/10/2021	ACS/MARCOMM	AIRSTRIIP LIGHTING	\$874.50
EFT18321	08/10/2021	ALLIGHTSYKES PTY LTD	PARTS FOR DAM PUMP	\$50.38
EFT18322	08/10/2021	ELDERS RURAL SERVICES AUSTRALIA LIMITED	GAS BOTTLE SWAP	\$2,172.00
EFT18323	08/10/2021	SAMANTHA ELIZABETH AURISCH	REIMBURSEMENT OF EXPENSES FOR MEDICAL CENTRE	\$179.00
EFT18324	08/10/2021	SANDS FRIDGE LINES	SUPERMARKET FREIGHT CHARGES	\$293.66
EFT18325	08/10/2021	SETON AUSTRALIA	PPE EQUIPMENT	\$238.17
EFT18326	08/10/2021	SHRED-X PTY LTD	SECURE SHREDDING SERVICES	\$589.91
EFT18327	08/10/2021	SOURCE MY PARTS	PARTS FOR BK06	\$1,718.47
EFT18328	08/10/2021	SOUTHERN CROSS AUSTEREO PTY LTD	ADVERTISING AROUND THE TOWNS INTERVIEWS	\$198.00
EFT18329	08/10/2021	STATE LIBRARY OF WESTERN AUSTRALIA	BETTER BEGINNINGS 2021-22	\$82.50
EFT18330	08/10/2021	SW TAYLOR	OSH SERVICES	\$1,100.00
EFT18331	08/10/2021	SYNERGY	ELECTRICITY USAGE AT SHIRE PROPERTIES	\$10,381.85
EFT18332	08/10/2021	TOLL TRANSPORT PTY LTD	FREIGHT FROM VARIOUS LOCATIONS TO BRUCE ROCK	\$578.88
EFT18333	08/10/2021	TRANSTRUCT	LABOUR TO FIT PUMP @AQUATIC CENTRE	\$198.00
EFT18334	08/10/2021	TWO DOGS HOME HARDWARE	GARDEN HOSE AND SHOWER HEAD	\$105.03
EFT18335	08/10/2021	TRANSBEAM INDUSTRIES	WELDING OF CORTEN COLUMNS WITH LEGS FOR MEMORIAL GARDEN	\$1,980.00
EFT18336	08/10/2021	WA CONTRACT RANGER SERVICES	RANGER SERVICES	\$631.13
EFT18337	08/10/2021	WA DISTRIBUTORS PTY LTD T/AS ALLWAYS	CLEANING SUPPLIES	\$502.65
EFT18338	08/10/2021	WESFARMERS KLEENHEAT GAS PTY LTD	YEARLY GAS FACILITY FEES	\$1,833.69
EFT18339	08/10/2021	WESTERN AUSTRALIAN LOCAL GOVERNMENT	LOCAL GOVERNMENT WEEK 2021	\$12,945.00
EFT18340	08/10/2021	2C2U IT PTY LTD	MEDICAL CENTRE IT SUPPORT	\$696.30
EFT18341	08/10/2021	ASTRO SYNTHETIC SURFACES PTY LTD	PEBBLE PATH PAVING AT NEW MEMORIAL GARDEN	\$2,310.00
EFT18342	08/10/2021	AUSTRALIA POST	POSTAGE FOR SEPTEMBER 2021	\$109.90
EFT18343	08/10/2021	AWARDS AUSTRALIA PTY LTD	WESTERN AUSTRALIA COMMUNITY ACHIEVEMENT AWARDS DINNER	\$600.00
EFT18344	08/10/2021	BANNISTER DOWNS DAIRY	SUPERMARKET ORDER	\$104.15
EFT18345	08/10/2021	BITUTEK	SUPPLY AND DELIVERY OF CRS EMULSION	\$10,450.00
EFT18346	08/10/2021	BROWNLEY'S PLUMBING & GAS	TWO STED SUBSIDIES	\$2,500.00
EFT18347	08/10/2021	BRUCE ROCK DISTRICT CLUB	DR WELCOME/FAREWELL RECEPTION	\$1,824.40
EFT18348	08/10/2021	BRUCE ROCK TYRES	TYRES FOR BK9120	\$241.10
EFT18349	08/10/2021	BUNNINGS WAREHOUSE	DOWNLIGHTS AND LIGHT BATTON FIX	\$1,130.57
EFT18350	08/10/2021	BURGESS RAWSON PTY LTD	WATER USAGE AT LEASED PROPERTIES	\$579.56
EFT18351	08/10/2021	C-STORE DISTRIBUTION	SUPERMARKET ORDER	\$2,943.35
EFT18352	08/10/2021	CALEB CHOW	PRE-EMPLOYMENT MEDICAL	\$77.00
EFT18353	08/10/2021	CJD EQUIPMENT PTY LTD	OIL FOR BK373, PARTS FOR BK06	\$707.85
EFT18354	08/10/2021	CLINICARE PHARMACY BRUCE ROCK	MEDICAL SUPPLIES	\$143.85
EFT18355	08/10/2021	COCA-COLA AMATIL	SUPERMARKET ORDER	\$1,305.30
EFT18356	08/10/2021	COLESTAN ELECTRICS	ELECTRICAL WORK AT SHIRE PROPERTIES	\$5,455.55
EFT18357	08/10/2021	COMFORT STYLE MERREDIN	FLOOR RUG & DELIVERY FOR MEDICAL CENTRE	\$389.00
EFT18358	08/10/2021	COPIER SUPPORT	PHOTOCOPIER METER READING	\$855.53
EFT18359	08/10/2021	CORRIGIN PHARMACY	FIRST AID SUPPLIES FOR BK6674	\$130.56
EFT18360	08/10/2021	CORSIGN WA PTY LTD	STREET SIGNS	\$579.70
EFT18361	08/10/2021	COUNTRYWIDE FRIDGELINES PTY LTD	SUPERMARKET FREIGHT CHARGES	\$92.76
EFT18362	08/10/2021	CROWN PERTH	WALGA CONVENTION INCIDENTAL CHARGES	\$3,615.50
EFT18363	08/10/2021	DANIELS HEALTH SERVICES	COLLECTION AND DISPOSAL OF SHARPS	\$234.33
EFT18364	08/10/2021	DENISE POLLOCK	REIMBURSEMENT OF EXPENSES FOR PRE-EMPLOYMENT MEDICAL	\$57.60
EFT18365	08/10/2021	EASTWAY FOOD SUPPLIES	SUPERMARKET ORDER	\$1,305.00
EFT18366	08/10/2021	ELDERS RURAL SERVICES AUSTRALIA LIMITED	BATTERIES FOR BK6674	\$628.51

EFT18367	08/10/2021	F.L. COSTELLO & CO	WASHING MACHINE FOR CARAVAN PARK	\$2,255.00
EFT18368	08/10/2021	FILTERS PLUS WA	PARTS FOR BK6855	\$425.92
EFT18369	08/10/2021	GREAT SOUTHERN FUEL SUPPLIES	FUEL FOR SEPTEMBER 2021	\$1,109.11
EFT18370	08/10/2021	HISCONFE	LINEN FOR CARAVAN PARK CHALETs	\$198.74
EFT18371	08/10/2021	IRVINE TRANSPORT	CONCRETE SAND, STONE AND METAL DUST DELIVERED TO BATCH PLANT	\$8,130.34
EFT18372	08/10/2021	JAMESYS CARPENTRY AND MAINTENANCE	REPAIRS TO SHIRE PROPERTY	\$3,080.00
EFT18373	08/10/2021	JOHN PHILLIPS CONSULTING	CEO PERFORMANCE REVIEW	\$2,200.00
EFT18374	08/10/2021	JTB - JAPANESE TRUCK & BUS SPARES	PARTS FOR BK608	\$21.85
EFT18375	08/10/2021	LIBERTY OIL RURAL PTY LTD	BULK DIESEL	\$27,896.00
EFT18376	08/10/2021	LOVEGROVE TURF SERVICES	BUFFALO TURF FOR VARIOUS SHIRE PROPERTIES	\$4,390.00
EFT18377	08/10/2021	LUKERATIVE PLUMBING, GAS & MAINTENANCE	ONE STED SUBSIDY	\$1,000.00
EFT18378	08/10/2021	MAROK WA PTY LTD	SUPERMARKET ORDER	\$449.90
EFT18379	08/10/2021	MARTINS PRODUCE	SUPERMARKET ORDER	\$3,223.38
EFT18380	08/10/2021	MCCALL MOTORS PTY LTD	MATERIALS FOR TOWN CREW	\$200.75
EFT18381	08/10/2021	MERREDIN TELEPHONE SERVICES	MONTHLY SECURITY MONITORING	\$35.20
EFT18382	08/10/2021	METCASH TRADING LIMITED	SUPERMARKET ORDER	\$3,695.79
EFT18383	08/10/2021	METROCOUNT	6V WELDED BATTERY PACK	\$165.00
EFT18384	08/10/2021	MATT GILBERT CARPENTRY & MAINTENANCE	INSTALL SHOWER SCREEN, TILES & REPLACE SKIRTING	\$6,365.70
EFT18385	08/10/2021	NB HARDWARE & AG SUPPLIES	RETIC SUPPLIES	\$728.73
EFT18386	08/10/2021	NUTRIEN AG SOLUTIONS	STAR PICKETS	\$186.12
EFT18387	08/10/2021	OFFICE OF REGIONAL ARCHITECTURE	ARCHITECTURAL SERVICES	\$2,026.20
EFT18388	08/10/2021	OFFICEWORKS BUSINESS DIRECT	STATIONERY	\$691.41
EFT18389	08/10/2021	RAW CREATIVE	DESIGN OF INTERPRETIVE SIGNAGE FOR WAR MEMORIAL UPGRADE	\$3,030.00
EFT18390	08/10/2021	RYLAN CONCRETE	KERBING WORKS	\$4,361.50
EFT18391	08/10/2021	WIDEAWAKE PTY LTD T/AS IDEAL SALES	SUPERMARKET ORDER	\$1,567.99
EFT18392	12/10/2021	CALEB CHOW	REIMBURSE DOCTOR FOR TYRO TAKINGS SEPTEMBER 2021	\$720.00
EFT18393	12/10/2021	DEPARTMENT OF MINES AND PETROLEUM	BSL FOR SEPTEMBER 2021	\$370.49
EFT18394	12/10/2021	SHIRE OF BRUCE ROCK - CREDIT CARD	CREDIT CARD FOR OCTOBER 2021, HEALTHENGINE, CARD FEE & INTERNET	\$451.45
EFT18395	12/10/2021	TRADITION STAINED GLASS PTY LTD	STAINED GLASS FEATURE WINDOW & FRAME	\$3,287.18
EFT18396	14/10/2021	AUSTRALIAN GOVERNMENT CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS	\$171.53
EFT18397	14/10/2021	SHIRE OF BRUCE ROCK	PAYROLL DEDUCTIONS	\$949.00
EFT18398	14/10/2021	ALL ABOUT SHADE	DEPOSIT FOR SUPPLY & FIT AWNINGS TO PARKLETS	\$6,118.50
EFT18399	14/10/2021	BANNISTER DOWNS DAIRY	SUPERMARKET ORDER	\$95.34
EFT18400	14/10/2021	BOC LIMITED	GAS BOTTLE RENTAL	\$106.09
EFT18401	14/10/2021	BRUCE ROCK CAFE - LOVE THAT FOOD	CATERING	\$165.00
EFT18402	14/10/2021	BRUCE ROCK TYRES	FIT & BALANCE TYRES FOR BK08	\$1,219.15
EFT18403	14/10/2021	C-STORE DISTRIBUTION	SUPERMARKET ORDER	\$3,496.34
EFT18404	14/10/2021	CJ VASES	INSTALL GREY GRANITE BASE AND MOVE RED CROSS MEMORIAL	\$1,400.00
EFT18405	14/10/2021	CODY EXPRESS TRANSPORT	SUPERMARKET FREIGHT CHARGES	\$2,089.00
EFT18406	14/10/2021	CROWN PERTH	ACCOMMODATION CHARGES- LG PRO STATE CONFERENCE 2021	\$1,795.00
EFT18407	14/10/2021	D&D CABINETS	SUPPLY & INSTALL DOORS, DRAWER FRONTS & HANDLES FOR SHIRE PROPERTY KITCHEN	\$4,975.00
EFT18408	14/10/2021	EASTWAY FOOD SUPPLIES	SUPERMARKET ORDER	\$1,442.13
EFT18409	14/10/2021	GRANO DIRECT	CONCRETE PIGMENT	\$261.03
EFT18410	14/10/2021	LIBERTY OIL RURAL PTY LTD	COOLANT FOR BK06	\$468.86
EFT18411	14/10/2021	MAROK WA PTY LTD	SUPERMARKET ORDER	\$449.40
EFT18412	14/10/2021	MARTINS PRODUCE	SUPERMARKET ORDER	\$3,143.62
EFT18413	14/10/2021	MCINTOSH & SON MERREDIN	PARTS FOR BK613	\$1,191.85
EFT18414	14/10/2021	METCASH TRADING LIMITED	SUPERMARKET ORDER	\$11,336.20
EFT18415	14/10/2021	NARROGIN TOYOTA	SKELETON WEED LAG EXPENSES	\$15,938.14

EFT18416	14/10/2021	PETER MICHAEL FUCHSBICHLER	RUBBISH COLLECTION FOR FNE 14/10/2021	\$2,500.00
EFT18417	14/10/2021	PUREWATER POOL SERVICES	SUPPLY & INSTALLATION OF PUMP PARTS FOR AQUATIC CENTRE	\$14,841.75
EFT18418	14/10/2021	STAR TRACK EXPRESS PTY LTD	DELIVERY OF GAS BOTTLE AND CONCRETE	\$757.34
EFT18419	14/10/2021	TAIL LIFT TRANSPORT	PEACE WINDOW FREIGHT FOR MEMORIAL GARDEN	\$287.27
EFT18420	14/10/2021	TOLL TRANSPORT PTY LTD	FREIGHT FROM VARIOUS LOCATIONS TO BRUCE ROCK	\$271.77
EFT18421	14/10/2021	TRANSTRUCT	REINFORCING MESH	\$300.98
EFT18422	14/10/2021	TWO DOGS HOME HARDWARE	BRICKIES CEMENT FOR RECREATION CENTRE	\$115.80
EFT18423	13/10/2021	WEST AUSTRALIAN NEWSPAPERS LIMITED	NEWSPAPER FOR WEEK ENDING 03/10/2021	\$482.90
EFT18424	21/10/2021	AUSTRALIAN TAXATION OFFICE	BAS FOR SEPTEMBER 2021	\$42,008.00
EFT18425	22/10/2021	2C2U IT PTY LTD	MEDICAL CENTRE IT SUPPORT	\$632.70
EFT18426	22/10/2021	ALLWEST PLANT HIRE AUSTRALIA PTY LTD	PLANT HIRE	\$9,196.00
EFT18427	22/10/2021	APRA T/AS ONE MUSIC	SUBSCRIPTION FOR MUSIC SERVICES	\$88.22
EFT18428	22/10/2021	AVON WASTE	RECYCLING FOR SEPTEMBER 2021	\$3,297.73
EFT18429	22/10/2021	BANNISTER DOWNS DAIRY	SUPERMARKET ORDER	\$107.76
EFT18430	22/10/2021	BDD AUSTRALIA PTY LTD T/A BEGA	SUPERMARKET ORDER	\$2,366.68
EFT18431	22/10/2021	BOC LIMITED	LIQUID NITROGEN BOTTLE COLLECTION	\$29.21
EFT18432	22/10/2021	BRUCE ROCK DISTRICT CLUB	REFRESHMENTS	\$157.50
EFT18433	22/10/2021	BRUCE ROCK DISTRICT HIGH SCHOOL	DONATION FOR AWARD CEREMONY - CONTRIBUTION TO BOOK PRIZE	\$100.00
EFT18434	22/10/2021	BRUCE ROCK PAINTING & DECORATING SERVICE	PREPARATION & PAINTING OF WALLS & TRIMS AT SHIRE PROPERTY	\$3,333.00
EFT18435	22/10/2021	BRUCE ROCK TYRES	TYRES FOR BK472	\$609.58
EFT18436	22/10/2021	BUNNINGS WAREHOUSE	FENCE PANELS AND SUPPLIES FOR BUILDING CREW	\$1,246.16
EFT18437	22/10/2021	BURGESS RAWSON PTY LTD	INDUSTRIAL RENT AT LEASED PROPERTIES	\$366.24
EFT18438	22/10/2021	C-STORE DISTRIBUTION	SUPERMARKET ORDER	\$1,935.86
EFT18439	22/10/2021	COCKIES AG	SKELETON WEED LAG EXPENSES	\$60.00
EFT18440	22/10/2021	CODY EXPRESS TRANSPORT	FREIGHT FROM NARROGIN CARPET COURT TO BRUCE ROCK	\$21.16
EFT18441	22/10/2021	COUNTRYWIDE FRIDGELINES PTY LTD	SUPERMARKET FREIGHT	\$61.84
EFT18442	22/10/2021	D4 DATA PTY. LTD.	SERVICE TO POOL TEST EQUIPMENT & FREIGHT	\$191.95
EFT18443	22/10/2021	DARRON SMITH	REIMBURSEMENT OF VEHICLE EXPENSES	\$20.00
EFT18444	22/10/2021	DAVID GRAY & CO PTY LTD	240L GREEN RUBBISH BINS & LIDS	\$1,416.80
EFT18445	22/10/2021	DEPARTMENT OF FIRE AND EMERGENCY SERVICES	ESL LEVY ON SHIRE PROPERTIES	\$6,398.12
EFT18446	22/10/2021	EASTWAY FOOD SUPPLIES	SUPERMARKET ORDER	\$1,177.86
EFT18447	22/10/2021	ELDERS RURAL SERVICES AUSTRALIA LIMITED	CHLORINE FOR AQUATIC CENTRE	\$1,037.30
EFT18448	22/10/2021	ELEC TECH DIESEL SERVICES PTY LTD	PARTS FOR BK09, BK501 & BK05	\$1,360.57
EFT18449	22/10/2021	EXTRA MILE WRITING SERVICES	CONTRACT PROJECT MANAGEMENT FOR WAR MEMORIAL	\$711.54
EFT18450	22/10/2021	FILTERS PLUS WA	PARTS FOR BK9649 AND WORKSHOP SUPPLIES	\$601.00
EFT18451	22/10/2021	GWY PAINTING SERVICE	REPAINT GAZEBO, LIGHT POSTS, TIME CAPSULE & CLOCK	\$4,752.00
EFT18452	22/10/2021	HYATT REGENCY PERTH	ACCOMMODATION FOR OFFICER MANAGEMENT IMPLEMENTATION	\$876.00
EFT18453	22/10/2021	IT VISION	ALTUS RECORDS	\$15,529.80
EFT18454	22/10/2021	JOHN PHILLIPS CONSULTING	CEO PERFORMANCE REVIEW	\$2,200.00
EFT18455	22/10/2021	JTB - JAPANESE TRUCK & BUS SPARES	PARTS FOR BK608	\$20.45
EFT18456	22/10/2021	K & J FUCHSBICHLER	SUPPLY OF GRAVEL	\$1,500.00
EFT18457	22/10/2021	LGIS WA	PROPERTY INSURANCE	\$52,757.41
EFT18458	22/10/2021	LIBERTY OIL RURAL PTY LTD	OIL FOR BK6556	\$270.00
EFT18459	22/10/2021	LOCAL GOVERNMENT PROFESSIONALS AUSTRALIA WA	ANNUAL STATE CONFERENCE 3/11/2021	\$3,660.00
EFT18460	22/10/2021	LONDONBERRY NOMINEES PTY LTD T/AS EDGECOMBES JEWELLERS	KEY CUTTING	\$10.00
EFT18461	22/10/2021	LUKERATIVE PLUMBING, GAS & MAINTENANCE	ONE STED SUBSIDY	\$1,000.00
EFT18462	22/10/2021	LYNETTE RAMBO	REIMBURSEMENT OF EXPENSES	\$57.60

EFT18463	22/10/2021	MAHJAE PTY LTD T/A WHITNEY CONSULTING	GRANT WRITING - BRUCE ROCK SUPERMARKET	\$6,468.00
EFT18464	22/10/2021	MAROK WA PTY LTD	SUPERMARKET ORDER	\$452.78
EFT18465	22/10/2021	MARTINS PRODUCE	SUPERMARKET ORDER	\$4,578.34
EFT18466	22/10/2021	MCCALL MOTORS PTY LTD	MATERIALS FOR TOWN CREW	\$2,562.89
EFT18467	22/10/2021	MERREDIN TELEPHONE SERVICES	SECURITY MONITORING OF TOWN HALL SEPTEMBER 2021	\$35.20
EFT18468	22/10/2021	METCASH TRADING LIMITED	SUPERMARKET ORDER	\$10,418.05
EFT18469	22/10/2021	MODULAR WA	PROGRESS CLAIM - CARAVAN PARK ABLUTIONS	\$68,519.00
EFT18470	22/10/2021	MWB CONTRACTING T/As BRICKMART WA	PAVING WORKS AT REC CENTRE	\$33,661.86
EFT18471	22/10/2021	NUTRIEN AG SOLUTIONS	SKELETON WEED LAG EXPENSES	\$237.60
EFT18472	22/10/2021	OFFICEWORKS BUSINESS DIRECT	STATIONERY ORDER	\$185.06
EFT18473	22/10/2021	R2K CONTRACTING	PARTS FOR BK6556	\$86.55
EFT18474	22/10/2021	RON BATEMAN & CO	SKELETON WEED LAG EXPENSES	\$57.58
EFT18475	22/10/2021	SETON AUSTRALIA	SUPPLY OF GLOVES	\$119.09
EFT18476	22/10/2021	SIGMA CHEMICALS	PARTS FOR AQUATIC CENTRE	\$327.91
EFT18477	22/10/2021	SOURCE MY PARTS	PARTS & LABOUR FOR BK373 & BK06	\$21,118.88
EFT18478	22/10/2021	SPEEDEE MOBILE CARPET BINDING	SUPPLY & INSTALL VINYL IN KITCHEN AT SHIRE PROPERTY	\$2,768.00
EFT18479	22/10/2021	SYNERGY	ELECTRICITY USAGE AT SHIRE PROPERTIES	\$565.62
EFT18480	22/10/2021	TRANSTRUCT	FENCE POSTS FOR AMPHITHEATRE	\$1,045.34
EFT18481	22/10/2021	TWO DOGS HOME HARDWARE	MATERIALS FOR TOWN CREW	\$782.91
EFT18482	22/10/2021	WA DISTRIBUTORS PTY LTD T/AS ALLWAYS FOODS	CLEANING SUPPLIES	\$1,366.80
EFT18483	22/10/2021	WA RETICULATION SUPPLIES	AQUATIC CENTRE RETIC PUMP AND RETIC SUPPLIES	\$2,895.01
EFT18484	22/10/2021	WALLIS COMPUTER SOLUTIONS	MONTHLY NETWORK ACCESS - SUPERMARKET	\$44.00
EFT18485	22/10/2021	WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA)	STAFF TRAINING	\$240.00
EFT18486	22/10/2021	WESTRAC PTY LTD	PARTS FOR BK510	\$717.11
EFT18487	22/10/2021	WHEATBELT EQUIPMENT PTY LTD	HYDRAULIC OIL FOR BK6556	\$139.87
EFT18488	22/10/2021	WHEATBELT LIQUID WASTE	SEPTIC PUMP OUTS	\$1,023.00
EFT18489	22/10/2021	WHEATBELT UNIFORMS, SIGNS & SAFETY	UNIFORMS FOR OUTSIDE STAFF	\$9,027.29
EFT18490	22/10/2021	WIRTGEN AUSTRALIA	PARTS FOR BK011	\$412.42
EFT18491	20/10/2021	WEST AUSTRALIAN NEWSPAPERS LIMITED	NEWSPAPERS FOR WEEK ENDING 10/10/2021	\$474.65
EFT18492	28/10/2021	AUSTRALIAN GOVERNMENT CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS	\$171.53
EFT18493	28/10/2021	SHIRE OF BRUCE ROCK	PAYROLL DEDUCTIONS	\$949.00
EFT18494	29/10/2021	BANNISTER DOWNS DAIRY	SUPERMARKET ORDER	\$103.53
EFT18495	29/10/2021	BDD AUSTRALIA PTY LTD T/A BEGA	SUPERMARKET ORDER	\$1,265.98
EFT18496	29/10/2021	C-STORE DISTRIBUTION	SUPERMARKET ORDER	\$1,050.40
EFT18497	29/10/2021	CODY EXPRESS TRANSPORT	SUPERMARKET FREIGHT CHARGES	\$1,157.09
EFT18498	29/10/2021	COLESTAN ELECTRICS	ELECTRICAL WORK AT SHIRE PROPERTIES	\$1,629.88
EFT18499	29/10/2021	EASTWAY FOOD SUPPLIES	SUPERMARKET ORDER	\$1,598.78
EFT18500	29/10/2021	LUKERATIVE PLUMBING, GAS & MAINTENANCE	PLUMBING WORKS AT SHIRE PROPERTIES	\$312.40
EFT18501	29/10/2021	MARTINS PRODUCE	SUPERMARKET ORDER	\$1,787.94
EFT18502	29/10/2021	METCASH TRADING LIMITED	SUPERMARKET ORDER	\$10,202.41
EFT18503	29/10/2021	PETER MICHAEL FUCHSBICHLER	RUBBISH COLLECTION FOR FNE 28/10/2021	\$2,500.00
EFT18504	29/10/2021	REGIONAL COMMUNICATION SOLUTIONS	WEATHER STATION NETWORK SERVICE	\$209.00
EFT18505	29/10/2021	TELSTRA	TELEPHONE USAGE	\$5,088.93
EFT18506	29/10/2021	WIDEAWAKE PTY LTD T/AS IDEAL SALES	SUPERMARKET ORDER	\$617.25
EFT18507	31/10/2021	DEPARTMENT OF TRANSPORT (DOT CLEARING)	DOT CLEARING 28/10/2021 (EOM TRANSACTION)	\$2,072.25
EFT18508	31/10/2021	DEPARTMENT OF TRANSPORT (DOT CLEARING)	DOT CLEARING 29/10/2021 (EOM TRANSACTION)	\$30,808.45
EFT18510	27/10/2021	WEST AUSTRALIAN NEWSPAPERS LIMITED	NEWSPAPERS FOR WEEK ENDING 17/10/2021	\$462.87
Total EFTs				\$628,888.26
Municipal Account Cheques				
45	08/10/2021	WATER CORPORATION	WATER USAGE AT SHIRE PROPERTIES	\$1,369.92

46	12/10/2021	SHIRE OF BRUCE ROCK	PETTY CASH RECOUP FOR SEPTEMBER 2021, CAKE FOR COUNCIL A/NOON TEA, HIGH RISK WORK LICENCE	\$62.00
47	21/10/2021	SHIRE OF BRUCE ROCK	FLOAT FOR CAMPING ON OVAL FEES AT VETS REUNION	\$500.00
Total Municipal Account Cheques				\$1,931.92
Wages and Salaries				
	13/10/2021	Payroll Direct Debit Of Net Pays	PAYROLL FORTNIGHT ENDING 13/10/2021	\$81,625.36
	27/10/2021	Payroll Direct Debit Of Net Pays	PAYROLL FORTNIGHT ENDING 27/10/2021	\$81,459.55
Total Wages and Salaries				\$163,084.91

Municipal Account Direct Debit				
DD7709.1	13/10/2021	AWARE SUPER PTY LTD	PAYROLL DEDUCTIONS	\$9,422.57
DD7709.2	13/10/2021	AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	\$1,969.59
DD7709.3	13/10/2021	BT SUPER FOR LIFE	SUPERANNUATION CONTRIBUTIONS	\$200.74
DD7709.4	13/10/2021	WEALTH PERSONAL SUPERANNUATION AND PENSION FUND	PAYROLL DEDUCTIONS	\$574.65
DD7709.5	13/10/2021	VIRGIN MONEY SUPER	SUPERANNUATION CONTRIBUTIONS	\$217.20
DD7709.6	13/10/2021	BENDIGO SMART SAVER SUPER	SUPERANNUATION CONTRIBUTIONS	\$251.81
DD7709.7	13/10/2021	AMP RETIREMENT SAVINGS ACCOUNT	SUPERANNUATION CONTRIBUTIONS	\$89.87
DD7709.8	13/10/2021	AMP LIFE LIMITED	SUPERANNUATION CONTRIBUTIONS	\$222.19
DD7709.9	13/10/2021	REST INDUSTRY SUPER	SUPERANNUATION CONTRIBUTIONS	\$221.63
DD7737.1	27/10/2021	AWARE SUPER PTY LTD	PAYROLL DEDUCTIONS	\$9,246.92
DD7737.2	27/10/2021	BT SUPER FOR LIFE	SUPERANNUATION CONTRIBUTIONS	\$200.74
DD7737.3	27/10/2021	WEALTH PERSONAL SUPERANNUATION AND PENSION FUND	PAYROLL DEDUCTIONS	\$478.89
DD7737.4	27/10/2021	VIRGIN MONEY SUPER	SUPERANNUATION CONTRIBUTIONS	\$217.20
DD7737.5	27/10/2021	BENDIGO SMART SAVER SUPER	SUPERANNUATION CONTRIBUTIONS	\$413.58
DD7737.6	27/10/2021	AMP RETIREMENT SAVINGS ACCOUNT	SUPERANNUATION CONTRIBUTIONS	\$66.99
DD7737.7	27/10/2021	AMP LIFE LIMITED	SUPERANNUATION CONTRIBUTIONS	\$222.19
DD7737.8	27/10/2021	REST INDUSTRY SUPER	SUPERANNUATION CONTRIBUTIONS	\$131.23
DD7737.9	27/10/2021	MACQUARIE SUPER MANAGER II	SUPERANNUATION CONTRIBUTIONS	\$157.36
DD7709.10	13/10/2021	MACQUARIE SUPER MANAGER II	SUPERANNUATION CONTRIBUTIONS	\$198.72
DD7709.11	13/10/2021	BT SUPER FOR LIFE	SUPERANNUATION CONTRIBUTIONS	\$878.56
DD7709.12	13/10/2021	SUPERWRAP PERSONAL SUPER PLAN	SUPERANNUATION CONTRIBUTIONS	\$714.01
DD7709.13	13/10/2021	HOST PLUS SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	\$33.92
DD7709.14	13/10/2021	MACQUARIE SUPER ACCUMULATOR	PAYROLL DEDUCTIONS	\$266.02
DD7709.15	13/10/2021	PRIME SUPER	SUPERANNUATION CONTRIBUTIONS	\$573.98
DD7709.16	13/10/2021	BENDIGO SUPER EASY	SUPERANNUATION CONTRIBUTIONS	\$222.19
DD7737.10	27/10/2021	BT SUPER FOR LIFE	SUPERANNUATION CONTRIBUTIONS	\$871.93
DD7737.11	27/10/2021	SUPERWRAP PERSONAL SUPER PLAN	SUPERANNUATION CONTRIBUTIONS	\$714.01
DD7737.12	27/10/2021	MACQUARIE SUPER ACCUMULATOR	SUPERANNUATION CONTRIBUTIONS	\$426.44
DD7737.13	27/10/2021	AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	\$1,968.05
DD7737.14	27/10/2021	PRIME SUPER	SUPERANNUATION CONTRIBUTIONS	\$510.56
DD7737.15	27/10/2021	BENDIGO SUPER EASY	SUPERANNUATION CONTRIBUTIONS	\$222.19
Total Direct Debits				\$31,905.93
Credit Card Payments				
EFT18394	11/10/2021	HEALTHENGINE	HEALTHENGINE APP, SMS RECALLS & NEW PATIENTS	\$112.20
		BENDIGO BANK	CARD FEE	\$4.00
		ACTIV8ME	INTERNET FOR SEPTEMBER/OCTOBER 2021	\$45.40
		WESTNET	INTERNET FOR SEPTEMBER 2021	\$109.95
			INTERNET FOR SEPTEMBER 2021	\$89.95
			INTERNET FOR SEPTEMBER 2021	\$89.95
Total Credit Card Payments				\$451.45
			Total Municipal Account EFT Payments	\$628,888.26
			Total Municipal Account Cheque Payments	\$1,931.92
			Total Trust Account Cheque payments	\$0.00
			Total Wages	\$194,990.84
			Total	\$825,811.02

Western Australian Auditor General's Report



Local Government COVID-19 Financial Hardship Support



Report 5: 2021-22

15 October 2021

**Office of the Auditor General
Western Australia**

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We can deliver this report in an alternative format for those with visual impairment.

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The Office of the Auditor General acknowledges the traditional custodians throughout Western Australia and their continuing connection to the land, waters and community. We pay our respects to all members of the Aboriginal communities and their cultures, and to Elders both past and present.

WESTERN AUSTRALIAN AUDITOR GENERAL'S REPORT

**Local Government COVID-19 Financial
Hardship Support**

Report 5: 2021-22
October 2021

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**THE PRESIDENT
LEGISLATIVE COUNCIL**

**THE SPEAKER
LEGISLATIVE ASSEMBLY**

LOCAL GOVERNMENT COVID-19 FINANCIAL HARDSHIP SUPPORT

This report has been prepared for submission to Parliament under the provisions of section 25 of the *Auditor General Act 2006*.

Performance audits are an integral part of my Office's overall program of audit and assurance for Parliament. They seek to provide Parliament and the people of WA with assessments of the effectiveness and efficiency of public sector programs and activities, and identify opportunities for improved performance.

This audit assessed if local government entities provided effective financial hardship support to assist ratepayers impacted by COVID-19 response measures.

I wish to acknowledge the entities' staff for their cooperation with this audit.

A handwritten signature in black ink, appearing to read 'Caroline Spencer'.

CAROLINE SPENCER
AUDITOR GENERAL
15 October 2021

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Auditor General's overview

COVID-19 policy responses have had a profound impact on not only the way we live and work but, for many, the ability to work at all. This resulted in many people experiencing reduced and uncertain incomes with consequent financial implications and hardship. This was particularly the case early in the pandemic in 2020, and during the subsequent government-mandated lockdowns of the first half of 2021.



This report summarises our performance audit of the financial hardship support provided by local government (LG) entities in 2020-21 to ratepayers impacted by the COVID-19 pandemic. We conducted the audit partly in response to requests we received to audit LG entities' processes for providing financial hardship support to ratepayers.

LG entities provided support above what was requested by the State Government. They not only provided financial support to ratepayers assessed as being in financial hardship but, at their own initiative, supported all ratepayers. Most support came in the form of interest waivers and allowing ratepayers additional time to pay rates. This came at a direct cost to LG entities' revenues, which may present budgetary impacts for some years.

Most LG entities had a financial hardship policy in 2020-21, and it was encouraging to find that most have kept these for 2021-22 or have taken a longer-term view and adapted their policies to apply beyond the pandemic.

A key message from this audit, however, is the importance of LG entities applying a commonsense and balanced approach to probity. We observed that some LG entities set a very high bar for ratepayers to access financial support of only a few hundred dollars a year, or less. This includes, in some cases, requiring ratepayers to see a financial counsellor, which could be a significant time impost and emotional intrusion on people in need of short-term financial relief. Policies and assessment processes should balance the need for proportionate assurance that support is provided only to ratepayers experiencing genuine financial hardship, against the need to provide timely support to those in need.

Providing clear public information about processes and the type and amount of support available will also help potential applicants decide whether the benefits of applying outweigh the time and effort, thereby reducing the administrative load on both LG entities and the ratepayers they serve.

Executive summary

Introduction

The objective of the audit was to assess if local government (LG) entities provided effective financial hardship support to assist ratepayers impacted by COVID-19 response measures.

We assessed if the City of Belmont (Belmont), Shire of Northampton (Northampton) and City of Rockingham (Rockingham) had financial hardship policies in 2020-21, and if they processed applications effectively. We also confirmed if Western Australia's (WA) other 134¹ LG entities had policies in place.

Background

The State Government recognised that restrictions introduced in response to the COVID-19 pandemic would cause financial hardship for many people, potentially reducing their ability to pay property rates.

On 8 May 2020, the Minister for Local Government issued Ministerial Circular 03-2020 (Circular), which encouraged LG entities to adopt financial hardship policies to assist ratepayers. On the same day the Minister issued Local Government (COVID-19 Response) Order 2020 (Order).² The Order applied for 2020-21 and capped the maximum amount of interest that LG entities could charge all ratepayers and prevented LG entities imposing interest or other charges on ratepayers they assessed as experiencing financial hardship due to COVID-19.

We expected LG entities to have adopted a financial hardship policy and to have complied with the Order. We also expected that LG entities' processes to implement their policies would follow better practice guidance³ and reflect the dollar value of support available to each ratepayer and the administration costs and risks to the LG entity. For example, a ratepayer owing \$1,500 in overdue rates could receive a penalty interest waiver of up to \$120 (at 8% per annum being the maximum rate allowed under the Order).

In terms of processes, we expected that LG entities:

- had a current Council-approved financial hardship policy
- actively promoted the policy to their ratepayers and made the policy and application form publicly available
- used clear eligibility and assessment criteria and timeframes to process applications
- kept clear records of applications and outcomes
- identified and managed actual, potential and perceived conflicts of interest for staff who assessed applications
- improved their application and assessment processes in response to complaint feedback.

¹ Western Australia has a total of 148 local government entities. We did not audit the 9 regional councils and 2 Indian Ocean Territories.

² On 1 June 2021, Local Government (COVID-19 Response) Amendment Order 2021 was issued to extend the Order to 2021-22.

³ Western Australian Local Government Association (WALGA), Good Governance in Practice: Implementing a Financial Hardship Policy - A Guide for Developing Administrative Practices.

Conclusion

Of WA's 137 LG entities, 123 had a financial hardship policy in 2020-21. At October 2021, 109 LG entities have policies in 2021-22, of which 105 are available on their websites. The 3 LG entities we reviewed had policies and provided financial support at their own discretion to all ratepayers (not just those experiencing financial hardship), such as waiving interest or allowing additional time to pay rates.

Northampton did not promote its policy or the availability of financial support to its ratepayers and did not establish processes to implement its policy. The Shire did not receive any financial hardship applications.

Belmont and Rockingham promoted the availability of financial support to their ratepayers, made their policies and application forms available on their websites, and established eligibility criteria and processes to assess applications in line with their policies:

- Belmont's processes reflected the dollar value of support available to each ratepayer and the administration costs and risks to the LG entity.
- Rockingham's policy and processes were designed to cover both general and COVID-19 specific financial hardship and to provide applicants with the maximum financial assistance they were entitled to under the policy. However, in our view this approach was time consuming and onerous for ratepayers in need of short term support, and likely meant the City's costs to process each application exceeded the risks and dollar value of COVID specific support available to individual ratepayers. Streamlining processes could reduce information requirements for applicants and provide more timely responses.

Findings

All 3 sampled LG entities had financial hardship policies but only 2 informed their ratepayers

Belmont, Northampton and Rockingham adopted financial hardship policies in response to the Ministerial Circular. Their policies and how they were promoted and applied are summarised in Table 1.

Northampton's policy was available on its website, but the Shire did not otherwise notify ratepayers of its existence or that financial support was available to them. This was contrary to its policy to write to ratepayers with accounts in arrears, encouraging them to apply for support. At the time of the audit, Northampton had not extended its policy or adopted another for 2021-22 rates. Northampton Council subsequently approved an updated policy on 17 September 2021.

	Belmont	Northampton	Rockingham
2020-21			
Policy title	<i>Financial Hardship Policy (COVID-19)</i>	<i>Financial Hardship Policy and Procedures – Rate Debtors</i>	<i>Council Policy - Financial Hardship</i>
Adoption date	26 May 2020	22 June 2020	28 July 2020
Policy applies to:			
COVID-19 related financial hardship	✓	✓	✓
General financial hardship	✗	✗	✓
Unpaid rates	At adoption date and for 2020-21	At adoption date and for 2020-21	At adoption date and for 2020-21 and beyond
Eligible ratepayers	All	All	Residential and small businesses
Publicised to ratepayers:			
Multiple channels	✓	✗	✓
Policy on website	✓	✓	✓
Application form on website	✓	✗	✓
2021-22			
Policy title	<i>Financial Hardship Policy</i>	<i>Financial Hardship Policy and Procedures – Rate Debtors</i>	<i>Council Policy - Financial Hardship</i>
Adoption date	22 June 2021	17 September 2021	28 July 2020

Source: OAG using LG entity information

Table 1: Financial hardship policies adopted by the 3 audited LG entities

COVID-19 financial hardship support measures

The 3 LG entities provided financial support to all ratepayers (not just those they assessed as experiencing financial hardship). For example:

- 2020-21 total rates revenue⁴, and fees and charges were kept at or below 2019-20 levels
- Belmont and Northampton did not charge interest on unpaid rates for part of 2019-20
- Belmont and Rockingham gave ratepayers an extra 4 months to pay 2020-21 rates before charging penalty interest
- Rockingham did not charge instalment interest in 2020-21.

In addition, the 3 LG entities’ policies offered the following financial supports to ratepayers assessed as experiencing financial hardship due to COVID-19 (Table 2).

Financial support measures on rates	Belmont	Northampton	Rockingham
Waive instalment interest and administration charges	✓	✓	✓*
Waive penalty interest	✓	✓	✓
Extra time to pay after due date	✓	✓	✓
Suspend debt recovery	✓*	✓	✓
Additional once-off relief or write-off	✓	Not offered	✓

* Support not included in policy but provided in practice

Source: OAG using LG entity information

Table 2: Financial support measures for ratepayers assessed as experiencing COVID-19 financial hardship during 2020-21

Most financial support was provided through interest waivers. This contributed to sizeable reductions in LG entities’ revenues from interest on overdue rates and instalment payments in 2019-20 and 2020-21 (Table 3). Over the 3 financial years from 2018-19 to 2020-21, the LG entities’ interest revenues decreased by 13% at Belmont, 37% at Northampton, and 84% at Rockingham. This, along with other reduced revenues from the freezing of property rates and the closure of recreational, sporting and community facilities during the pandemic, may present budgetary challenges for LG entities for some years.

LG entity	2020-21*	2019-20	2018-19
	(\$)	(\$)	(\$)
Belmont	225,213	248,602	260,318
Northampton	32,433	38,126	51,690
Rockingham	189,168	1,233,123	1,215,543

* Unaudited figures provided by LG entities

Source: OAG using LG entity information

Table 3: LG entities’ revenue from interest on overdue rates and instalment payments in the last 3 financial years

⁴ The value of rates for individual ratepayers could vary, but total rate revenue for each LG entity was frozen.

Belmont and Rockingham effectively processed applications while Northampton did not receive any

Belmont and Rockingham's processes to assess applications, and to identify and manage conflicts of interest, were in line with their policies and were generally effective. Both LG entities kept records of applications received and their outcomes. Northampton did not establish any processes but also did not receive any applications. Clear processes contribute to consistent, timely and transparent decision making.

Belmont received 53 applications and approved 32. Most approved applicants received more than 1 type of support including waivers of interest and administration charges and extra time to pay. Around one-third also received a rates rebate of up to \$250 (of which the median value received was \$40). Applications were rejected for reasons including being assessed as not experiencing COVID-19 related hardship and providing insufficient information. We reviewed 10 applications and found:

- clear eligibility and assessment criteria that aligned with the intent of the City's policy. This supported consistent and timely assessment of applications and provision of support to the City's ratepayers
- minimal supporting information requirements that reflected the dollar value of support available to each ratepayer and the administration costs and risks to the City. The City accepted a Centrelink Job Keeper or Job Seeker statement, or a redundancy letter from an employer as sufficient evidence for reduced income
- 6 of the 10 applications were submitted with sufficient information to demonstrate eligibility and did not require staff follow-up. These applications were processed, approved and a decision communicated to the applicant within 3 days (which is less than the 10-day target established by the City's customer service charter). The remaining 4 applicants had to provide further supporting information. Three were advised of the outcome in 4, 21 and 96 days from the time they applied, and 1 was pending further information at the time of our review
- consistent with the Order, the City did not charge interest or administration fees to approved applicants
- the City relied on existing employee declarations against its code of conduct to identify and manage conflicts of interest in the assessment process. Additional assurance would be provided if the City implemented a process to confirm that staff who assess financial hardship applications do not have any conflicts of interest when assessing applications. However, we did not become aware of any conflicts for the applications we reviewed
- the City's complaints register did not list any formal complaints from ratepayers about its hardship policy, processes or decisions.

Rockingham received 70 applications and approved 41. Most approved applicants received more than 1 type of support. All approved applicants were allowed extra time to pay, most had interest and administration fees waived, and around 15% received a one-off rebate of \$200. Applications were rejected for reasons including being assessed as not experiencing COVID-19 related hardship or providing insufficient information. We reviewed 9 applications for COVID-19 specific relief and found:

- Rockingham's eligibility and assessment criteria aligned with the intent of its policy. Applicants were assessed against general financial hardship criteria and, if found not eligible, were then assessed against COVID-19 specific criteria. This allowed applicants to be assessed for maximum financial assistance under the policy. The City kept the

applications open and followed-up applicants for supporting information. In our view this approach was time consuming and onerous for ratepayers in need of short term support, and likely meant the City's costs to process each application exceeded the risks and dollar value of COVID-19 specific support available to individual ratepayers (which was in the order of \$250⁵ for 2020-21, or about 20% of the median rate value):

- all 9 applicants indicated they were seeking COVID-19 specific support but were required to provide information to demonstrate eligibility for general financial hardship support
- this required applicants to enter into a payment arrangement with the City to pay off their rates for the current and next year by the end of next financial year. The 6 applicants that could not meet this requirement were asked to provide an income and expense statement from a State-funded financial counsellor
- 1 of the 6 applicants provided the required statement and their support was approved in 22 days, another application was considered withdrawn by the City after 20 days due to the applicant's changed circumstances. The remaining 4 applications remained open for between 143 and 271 days.
- consistent with the Order, the City did not charge interest or administration fees to approved applicants. Further, the City did not take legal action against ratepayers while assessing their applications and any interest charges were reversed if approval was granted
- the City relied on existing employee declarations against its code of conduct to identify and manage conflicts of interest in the assessment process. Additional assurance would be provided if the City implemented a process to confirm that staff who assess financial hardship applications do not have any conflicts of interest when assessing applications. However, we did not become aware of any conflicts for the applications we reviewed
- the City's complaints register did not include any formal complaints from ratepayers about its policy, processes or decisions.

Northampton did not receive any applications for COVID-19 financial support. The Shire's policy was available on its website, but it was not promoted to ratepayers. This may have limited ratepayer knowledge about the support available to them. Furthermore, the Shire did not create an application form or other processes to support the assessment of applications. At the time of our review Northampton had not received any formal complaints about its policy or lack of processes.

Most of the State's 137 LG entities have a financial hardship policy

Of WA's 137 LG entities, 123 advised they had a financial hardship policy in 2020-21. Three of the 34 LG entities in the Perth and Peel region, and 11 of the 103 LG entities in regional WA advised they did not (Table 4).

	Perth and Peel entities	Regional WA entities	Total
Number with a financial hardship policy	31	92	123

⁵ For example, a ratepayer owing \$1,278 in overdue rates (being the median value of residential rates in Rockingham in 2020-21) would have received an interest waiver of about \$51 (at 8% per annum for 6 months). They may have also received a rebate of \$200 if found eligible for COVID-19 support.

	Perth and Peel entities	Regional WA entities	Total
Number without a financial hardship policy	3	11	14
Total	34	103	137
Percent with a financial hardship policy	91%	89%	90%

Source: OAG using LG entity information

Table 4: LG entities with a financial hardship policy in 2020-21

On 1 June 2021, the Minister for Local Government issued the Local Government (COVID-19 Response) Amendment Order 2021 to extend the requirements of the Order to 2021-22. The Order specifies instalment interest thresholds that LG entities must comply with based on whether they do or do not have a financial hardship policy in place.

At October 2021, 109 LG entities advised they have policies in 2021-22, 105 of which made the policies available online. LG entities might continue to apply their 2020-21 financial hardship policies or might be in the process of updating them to apply to 2021-22 rates.

As a result of our audit information request, some LG entities updated their policies or sought Council approval to apply the policies to 2021-22 rates.

LG entities that do not have a financial hardship policy in 2021-22 may still support ratepayers. For example, through flexible payment arrangements.

Information on the 2020-21 and 2021-22 financial hardship policies of all 137 LG entities is presented in Appendix 1.

Recommendations

All LG entities, including those not sampled in this audit, should review their policies and implement processes to support their approach to providing financial hardship support to ratepayers. LG entities should balance application and assessment costs with the value of any support provided, and ensure they:

1. have a current Council-approved financial hardship policy that, if they want to charge the higher threshold of instalment interest, covers 2021-22 rates
2. actively promote the policy to their ratepayers and make the policy and application form publicly available (Northampton)
3. put in place clear eligibility and assessment criteria and timeframes to process applications (Northampton and Rockingham)
4. maintain records of applications and outcomes
5. identify and manage actual, potential and perceived conflicts of interest for staff who assess applications (Belmont, Northampton and Rockingham)
6. review their application and assessment processes in response to complaint feedback.

Under section 7.12A of the *Local Government Act 1995*, the 3 sampled LG entities are required to prepare an action plan addressing significant matters relevant to them for submission to the Minister for Local Government within 3 months of this report being tabled in Parliament, and within 14 days of submission publish it on their website. The action plans should address the recommendations relevant to each entity as indicated in the brackets above.

Response from the City of Belmont

The City of Belmont is especially proud that in the short time available it was able to implement processes in response to the Financial Hardship requirements, we welcome the OAG's acknowledgement of what we were able to do well during this time.

The City appreciates the recommendations and areas for improvement and these will be or have been incorporated to ensure there is continuous improvement and transparency of processes.

Response from the Shire of Northampton

The Shire of Northampton has co-operated fully with Office of Auditor General (OAG) in relation to "Financial Hardship" performance audit. We didn't find any major factual inaccuracies in the audit report and we intend to address any shortcomings in our approach to this matter.

Whilst the Shire didn't actively promote the Financial Hardship Policy our staff have always encouraged ratepayers that were having financial hardship to go onto payment plans. Additionally, we have a very small proportion of ratepayers on payment plans and outstanding rates debtors. Currently we have less than 20 ratepayers on a payment plan and our rate debt is approximately 4% of our annual rate billings. Therefore the impact of ratepayers not being aware of the Financial Hardship policy would have been minimal due to our pro-active approach to helping ratepayers that are having difficulty.

Council has approved the extension of our Financial Hardship policy to apply for rates levied in the current 2021/2022 financial year and we have implemented other measures to ensure we comply with the requirements of the points raised in the "Emerging Findings" report.

Response from the City of Rockingham

The City has clear eligibility criteria and an assessment process. It is management's view that the systems are appropriate based on support available and Council Policy requirement of an evidence-based approach. Council Policy – Financial Hardship is responding to matters related to public funds and the process applied by the City maximises the benefit to applicants on an evidence-based approach. The City has received no complaints regarding its process and to those applicants which received support, it is considered a material benefit to them.

The City has multi-layered conflict of interest systems enshrined in organisational processes and practices. On a risk based approach further controls are also applied to further reduce actual, potential or perceived conflicts of interest. These controls apply to all staff involved in assessing applications. These have all been applied and the audit found no evidence of any actual, potential or perceived conflicts of interest for staff who assess the applications.

Audit focus and scope

The objective of the audit was to assess if LG entities provided effective financial hardship support to assist ratepayers impacted by COVID-19 using the following criteria:

- Do the sampled LG entities have an effective financial hardship policy?
- Do the sampled LG entities process applications for financial hardship effectively?

The audit included testing for the 2020-21 financial year at the 3 sampled LG entities:

- City of Belmont
- Shire of Northampton
- City of Rockingham.

Selection of these LG entities was based on a number of factors including the socio-economic ratings assigned by the Australian Bureau of Statistics and their locations in metropolitan and regional Western Australia.

We also received confirmation from Western Australia's other 134 LG entities (excluding Christmas and Cocos Islands and regional councils) if they had financial hardship policies in 2020-21 and 2021-22, and if the 2021-22 policies were available on their LG entity's website. We did not independently verify most of the information provided by the 134 LG entities, but we did confirm that their 2021-22 policies were available on their websites.

Audit evidence was gathered by:

- reviewing relevant Government policies, Ministerial Circular 3-2020, Local Government (COVID-19 Response) Order 2020, Local Government (COVID-19 Response) Amendment Order 2021 (Amendment Order), and better practice guidance and templates⁶
- identifying and reviewing LG entities' policies and procedures
- assessing the public availability of LG entity policies and processes
- interviewing LG entity staff responsible for assessing and approving hardship applications
- reviewing LG entities' eligibility assessments and their timeliness. We tested 10 of the 53 COVID-19 specific hardship applications at Belmont and 9 of the 70 applications at Rockingham. Northampton did not receive any formal applications
- validating if LG entities provided the approved support to the eligible persons
- reviewing LG entity complaint registers for complaints about the hardship application process or decisions
- assessing if LG entities have processes to identify and address conflicts of interest in the hardship application assessment process.

We audited compliance with the financial hardship aspects of the Local Government (COVID-19 Response) Order 2020, specifically whether LG entities waived interest and administration charges for people assessed as experiencing financial hardship. We did not

⁶ WALGA, Good Governance in Practice: Implementing a Financial Hardship Policy - A Guide for Developing Administrative Practices.

audit LG entity compliance with the maximum limits on interest for ratepayers not assessed as experiencing COVID-19 financial hardship, or the Amendment Order.

This was an independent performance audit, conducted under Section 18 of the *Auditor General Act 2006*, in accordance with Australian Standard on Assurance Engagements ASAE 3500 *Performance Engagements*. We complied with the independence and other ethical requirements related to assurance engagements. Performance audits focus primarily on the effective management and operations of entity programs and activities. The approximate cost of undertaking the audit and reporting was \$293,000.

Appendix 1: Summary of LG financial hardship policies

LG entities provided the information included in the following table about their 2020-21 and 2021-22 financial hardship policies. We did not independently verify most of it. However, we did confirm if their 2021-22 policies were available on their websites.

LG entity	2020-21 policy	2021-22 policy	2021-22 policy on website
Albany, City of	✓	✓	✓
Armadale, City of	✓	✓	✓
Ashburton, Shire of	✓	✓	✓
Augusta-Margaret River, Shire of	✓	✓	✓
Bassendean, Town of	✓	✓	✓
Bayswater, City of	✓	✓	✓
Belmont, City of	✓	✓	✓
Beverley, Shire of	✓	X	n/a
Boddington, Shire of	X	✓	✓
Boyup Brook, Shire of	✓	✓	✓
Bridgetown-Greenbushes, Shire of	✓	✓	✓
Brookton, Shire of	✓	✓	✓
Broome, Shire of	✓	✓	✓
Broomehill-Tambellup, Shire of	✓	✓	X
Bruce Rock, Shire of	✓	X	n/a
Bunbury, City of	✓	✓	✓
Busselton, City of	✓	✓	✓
Cambridge, Town of	✓	✓	✓
Canning, City of	✓	✓	✓
Capel, Shire of	X	X	n/a
Carnamah, Shire of	✓	✓	✓
Carnarvon, Shire of	✓	✓	✓
Chapman Valley, Shire of	✓	✓	✓
Chittering, Shire of	✓	✓	✓
Claremont, Town of	✓	✓	✓
Cockburn, City of	✓	✓	✓
Collie, Shire of	X	X	n/a
Coolgardie, Shire of	✓	✓	✓
Coorow, Shire of	✓	✓	✓

LG entity	2020-21 policy	2021-22 policy	2021-22 policy on website
Corrigin, Shire of	✓	✓	✓
Cottesloe, Town of	X	✓	✓
Cranbrook, Shire of	✓	✓	✓
Cuballing, Shire of	✓	X	n/a
Cue, Shire of	✓	X	n/a
Cunderdin, Shire of	✓	✓	✓
Dalwallinu, Shire of	✓	✓	✓
Dandaragan, Shire of	X	X	n/a
Dardanup, Shire of	✓	✓	✓
Denmark, Shire of	✓	✓	✓
Derby-West Kimberley, Shire of	✓	✓	✓
Donnybrook-Balingup, Shire of	✓	✓	✓
Dowerin, Shire of	✓	X	n/a
Dumbleyung, Shire of	✓	✓	✓
Dundas, Shire of	✓	✓	✓
East Fremantle, Town of	✓	✓	✓
East Pilbara, Shire of	✓	✓	✓
Esperance, Shire of	✓	✓	✓
Exmouth, Shire of	✓	✓	✓
Fremantle, City of	✓	✓	✓
Gingin, Shire of	✓	X	n/a
Gnowangerup, Shire of	✓	✓	✓
Goomalling, Shire of	✓	✓	✓
Gosnells, City of	X	X	n/a
Greater Geraldton, City of	✓	✓	X
Halls Creek, Shire of	✓	✓	✓
Harvey, Shire of	✓	✓	✓
Irwin, Shire of	✓	✓	✓
Jerramungup, Shire of	✓	✓	✓
Joondalup, City of	✓	✓	✓
Kalamunda, City of	✓	✓	✓
Kalgoorlie-Boulder, City of	✓	✓	✓
Karratha, City of	✓	✓	✓
Katanning, Shire of	✓	✓	✓
Kellerberrin, Shire of	X	✓	✓

LG entity	2020-21 policy	2021-22 policy	2021-22 policy on website
Kent, Shire of	✓	✓	✓
Kojonup, Shire of	✓	✓	✓
Kondinin, Shire of	✓	✓	✓
Koorda, Shire of	✓	✓	✓
Kulin, Shire of	X	X	n/a
Kwinana, City of	✓	✓	✓
Lake Grace, Shire of	✓	✓	✓
Laverton, Shire of	X	X	n/a
Leonora, Shire of	✓	✓	✓
Mandurah, City of	✓	✓	✓
Manjimup, Shire of	✓	✓	✓
Meekatharra, Shire of	✓	X	n/a
Melville, City of	✓	✓	✓
Menzies, Shire of	✓	✓	✓
Merredin, Shire of	✓	✓	✓
Mingenew, Shire of	✓	✓	✓
Moora, Shire of	✓	✓	X
Morawa, Shire of	✓	✓	✓
Mosman Park, Town of	✓	X	n/a
Mount Magnet, Shire of	✓	X	n/a
Mt Marshall, Shire of	✓	✓	✓
Mukinbudin, Shire of	✓	✓	✓
Mundaring, Shire of	✓	X	n/a
Murchison, Shire of	✓	✓	✓
Murray, Shire of	✓	✓	✓
Nannup, Shire of	✓	X	n/a
Narembeen, Shire of	✓	✓	✓
Narrogin, Shire of	✓	✓	✓
Nedlands, City of	✓	✓	✓
Ngaanyatjarraku, Shire of	✓	✓	✓
Northam, Shire of	✓	X	n/a
Northampton, Shire of	✓	✓	✓
Nungarin, Shire of	X	X	n/a
Peppermint Grove, Shire of	✓	✓	✓
Perenjori, Shire of	✓	X	n/a

LG entity	2020-21 policy	2021-22 policy	2021-22 policy on website
Perth, City of	✓	✓	✓
Pingelly, Shire of	✓	✓	✓
Plantagenet, Shire of	✓	✓	✓
Port Hedland, Town of	✓	✓	✓
Quairading, Shire of	X	X	n/a
Ravensthorpe, Shire of	✓	✓	✓
Rockingham, City of	✓	✓	✓
Sandstone, Shire of	X	X	n/a
Serpentine Jarrahdale, Shire of	✓	✓	✓
Shark Bay, Shire of	✓	X	n/a
South Perth, City of	✓	✓	✓
Stirling, City of	✓	✓	✓
Subiaco, City of	✓	✓	✓
Swan, City of	✓	✓	✓
Tammin, Shire of	✓	✓	✓
Three Springs, Shire of	✓	✓	✓
Toodyay, Shire of	✓	✓	✓
Trayning, Shire of	✓	X	n/a
Upper Gascoyne, Shire of	X	X	n/a
Victoria Park, Town of	✓	✓	✓
Victoria Plains, Shire of	✓	✓	✓
Vincent, City of	✓	✓	✓
Wagin, Shire of	✓	X	n/a
Wandering, Shire of	✓	✓	✓
Wanneroo, City of	✓	✓	✓
Waroona, Shire of	✓	✓	✓
West Arthur, Shire of	✓	✓	X
Westonia, Shire of	✓	✓	✓
Wickepin, Shire of	✓	✓	✓
Williams, Shire of	✓	✓	✓
Wiluna, Shire of	✓	X	n/a
Wongan-Ballidu, Shire of	✓	✓	✓
Woodanilling, Shire of	X	X	n/a
Wyalkatchem, Shire of	✓	✓	✓
Wyndham-East Kimberley, Shire of	✓	✓	✓

LG entity	2020-21 policy	2021-22 policy	2021-22 policy on website
Yalgoo, Shire of	✓	✓	✓
Yilgarn, Shire of	✓	✓	✓
York, Shire of	✓	✓	✓

Source: OAG using information provided by LG entities

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Auditor General's 2021-22 reports

Number	Title	Date tabled
4	Public Building Maintenance	24 August 2021
3	Staff Exit Controls	5 August 2021
2	SafeWA – Application Audit	2 August 2021
1	Opinion on Ministerial Notification – FPC Arbitration Outcome	29 July 2021

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 Office of the Auditor General for
Western Australia

Policy Name:	2.12 COVID19 Financial Hardship Policy - Rates Debtors
Department:	Finance
Date Adopted:	16 th April 2020
Last Reviewed:	

Preamble Policy in relation to dealing with ratepayers ~~and debtors~~ facing financial hardship during the COVID19 Pandemic.

Objective To give effect to the Shire’s commitment to support the whole community to meet the unprecedented challenges arising from the COVID19 pandemic, the Shire of Bruce Rock recognises that these challenges may result in financial hardship for our ratepayers ~~and debtors~~.

This Policy is intended to ensure that we offer fair, equitable, consistent and dignified support to ratepayers suffering hardship, while treating all members of the community with respect and understanding at this difficult time.

Scope This policy applies to:

1. Outstanding rates and service charges as at the date of adoption of this policy; and
2. Rates and service charges levied for the 2020/21 financial year.

It is a reasonable community expectation, as we deal with the effects of the pandemic that those with the capacity to pay rates will continue to do so. For this reason, the Policy is not intended to provide rate relief to ratepayers who are not able to evidence financial hardship and the statutory provisions of the Local Government Act 1995 and Local Government (Financial Management) Regulations 1996 will apply.

Policy

1 Payment difficulties, hardship and vulnerability
Payment difficulties, or short term financial hardship, occur where a change in a person’s circumstances result in an inability to pay a rates or service charge debt.

Financial hardship occurs where a person is unable to pay rates and service charges without affecting their ability to meet their basic living needs, or the basic living needs of their dependants. The Shire of Bruce Rock recognises the likelihood that COVID19 will increase the occurrence of payment difficulties, financial hardship and vulnerability in our community. This policy is intended to apply to all ratepayers experiencing financial hardship regardless of their status, be they a property owner, tenant, business owner etc.

2 Anticipated Financial Hardship due to COVID19
We recognise that some ratepayers ~~and debtors~~ are already experiencing financial hardship due to COVID-19. We respect and

anticipate the probability that additional financial difficulties will arise when their rates are received.

The Shire will write to ratepayers at the time their account falls into arrears, to advise them of the terms of this policy and encourage eligible ratepayers to apply for hardship consideration. ~~Where possible and appropriate, we will also provide contact information for a recognised financial counsellor and/or other relevant support services.~~

3 Financial Hardship Criteria

While evidence of hardship will be required, we recognise that not all circumstances are alike. We will take a flexible approach to a range of individual circumstances including, but not limited to, the following situations:

- Recent unemployment or under-employment
- Sickness or recovery from sickness
- Low income or loss of income
- Unanticipated circumstances such as caring for and supporting extended family

Ratepayers are encouraged to provide any information about their individual circumstances that may be relevant for assessment. This may include demonstrating a capacity to make some payment and where possible, entering into a payment proposal. We will consider all circumstances, applying the principles of fairness, integrity and confidentiality whilst complying our statutory responsibilities.

4 Payment Arrangements

Payment arrangements facilitated in accordance with Section 6.49 of the Act are of an agreed frequency and amount. These arrangements will consider the following:

- That a ratepayer has made genuine effort to meet rate and service charge obligations in the past;
- The payment arrangement will establish a known end date that is realistic and achievable;
- The ratepayer will be responsible for informing the Shire of Bruce Rock of any change in circumstance that jeopardises the agreed payment schedule.

In the case of severe financial hardship, we reserve the right to consider waiving additional charges or interest (excluding the late payment interest applicable to the Emergency Services Levy).

5 Interest Charges

A ratepayer that meets the Financial Hardship Criteria and enters into a payment arrangement may request a suspension or waiver of interest charges. Applications will be assessed on a case by case basis.

6 Deferral of Rates

Deferment of rates may apply for ratepayers who have a Pensioner Card, State Concession Card or Seniors Card and Commonwealth Seniors Health Care Card registered on their property. The deferred rates balance:

- remains as a debt on the property until paid;
- becomes payable in full upon the passing of the pensioner or if the property is sold or if the pensioner ceases to reside in the property;
- may be paid at any time, BUT the concession will not apply when the rates debt is subsequently paid (deferral forfeits the right to any concession entitlement); and
- does not incur penalty interest charges.

7 Debt Recovery

The Shire will suspend our debt recovery processes whilst negotiating a suitable payment arrangement with a [debtor ratepayer](#). Where a [debtor ratepayer](#) is unable to make payments in accordance with the agreed payment plan and the [debtor ratepayer](#) advises us and makes an alternative plan before defaulting on the 3rd due payment, then we will continue to suspend debt recovery processes.

Where a ratepayer has not reasonably adhered to the agreed payment plan, then for any Rates and Service Charge debts that remain outstanding on 1 July 2021, we will offer the ratepayer one further opportunity of adhering to a payment plan that will clear the total debt by the end of the [2021/2022-2022-2023](#) financial year.

Rates and service charge debts that remain outstanding at the end of the [2021/22-2022-2023](#) financial year, will then be subject to the rates debt recovery procedures prescribed in the Local Government Act 1995.

8 Review

The Shire will advise ratepayers ~~or debtors~~ of all decisions made under this policy and advise them of right to seek a review by the full Council.

9 Communication and Confidentiality

We will maintain confidential communications at all times, and we undertake to communicate with a nominated support person or other third party at the ratepayers ~~or debtors~~ request.

The Shire will advise ratepayers ~~and debtors~~ of this policy and its application, when communicating in any format (i.e. verbal or written) with a ratepayer that has an outstanding rates or service charge debt.

The Shire recognises that applicants during the time of the COVID19 Pandemic are experiencing additional stressors and may have complex needs. The Shire will provide additional time to respond to communication and will communicate in alternative formats where

appropriate. All communication with applicants will be clear and respectful.

10 Conflict of Interest

Where a ratepayer ~~or debtor~~ has a close relationship with any staff member or Councillor, that staff member or Councillor must remove themselves from any decision making process in relation to this policy.

Head of Power

Local Government Act 1995 and Local Government (Financial Management) Regulations 1996.

Date: ____/____/____

Chief Executive Officer
Shire of Bruce Rock
PO Box 113
BRUCE ROCK WA 6418

Dear Sir

Outstanding Rates – Assessment _____

I am currently unable to pay my outstanding rates in full due to the following reasons:

COVID-19 Unemployment Health Issues Other _____

and seek permission to enter into a payment proposal as follows;

Regular instalments of \$_____ per week/ fortnight/ month (please circle)

Commencing: ____/____/____

Conditions

1. I agree to make payment of instalments as shown above.
2. I am aware that penalty interest, at the rate of 7% p.a., will continue to accrue on the outstanding amount until the account is paid in full.
3. I am aware that I will **not** receive notices or accounts to remind me that I must pay an instalment.
4. I am aware that any default in the above instalment plan may result in legal action being taken.
5. I have been informed the Shire of Bruce Rock has a Financial Hardship Policy detailed in the Policy Manual and available on Council's website.

Name: _____ Contact Phone: _____

Property Address: _____

Postal Address: _____

Email Address: _____

Property Owner: _____ Date: ____/____/____

Signature

Acceptance of Plan

On behalf of Council _____

Date: ____/____/____

Street name: <i>Bruce Rock Clearing Road</i>	Suburb: <i>Bruce Rock</i>
Nearest street intersection: <i>Bruce Rock - Corrigin Road</i>	

Proposed development	
Nature of development:	<input type="checkbox"/> Works <input type="checkbox"/> Use <input checked="" type="checkbox"/> Works and use
Is an exemption from development claimed for part of the development? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If yes, is the exemption for: <input type="checkbox"/> Works <input type="checkbox"/> Use	
Description of proposed works and/or land use: <i>390m² AIRCRAFT STORAGE HANGAR, 19.5 x 20 x 6.0 m HIGH. CONCRETE FLOOR AND APRON. FUEL STORAGE LESS THAN 1000L.</i>	
Description of exemption claimed (if relevant):	
Nature of any existing buildings and/or land use: <i>AIRPORT DEVELOPMENT</i>	
Approximate cost of proposed development: <i>\$110,000.00</i>	
Estimated time of completion: <i>DECEMBER 2021</i>	

OFFICE USE ONLY

Acceptance Officer's initials: *JRG*


Date received: *13 October 2021*

Local government reference N^o: *DA-D Verhoogt - R 17266 Hanger.*

**Planning and Development (Local Planning Schemes) Regulations 2015
Schedule 2 Deemed provisions for local planning schemes Part 11 Forms referred
to in this Scheme cl. 86**

The form of an application for development approval referred to in clause 62(1)(a) is as follows —

Application for development approval

Owner details*		
Name: DARREN MOLLENOYUX - CHIEF EXECUTIVE OFFICER SHIRE OF BRUCE ROCK		
ABN (if applicable): 22 148 096 754		
Address: 54 JOHNSON STREET BRUCE ROCK WA Postcode: 6418		
Phone:	Fax:	Email:
Work: 90611 377	90611 340	ceo@brucerock.wa.gov.au
Home:		
Mobile: 0428 611 377		
Contact person for correspondence:		
Signature: 		Date: 18 OCTOBER 2021
Signature:		Date:
<p><i>The signature of the owner(s) is required on all applications. This application will not proceed without that signature. For the purposes of signing this application an owner includes the persons referred to in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 clause 62(2).</i></p> <p>* Signed only as acknowledgement that a development application is being made in respect of a proposal that includes Crown land, Crown reserves under management for the purpose, or a road and to permit this application to be assessed under the appropriate provision of the <i>Planning and Development Act 2005</i> (Including any planning scheme). The signature does not represent approval or consent for planning purposes. Further, in the event that development approval is granted for the proposal, the above signature should not be taken as an acknowledgement of or consent to the commencement or carrying out of the proposed development or to any modification of the tenure or reservation classification of the Crown land component.</p>		

Applicant details (if different from owner)		
Name: <u>DAMIAN VAN HOUW</u>		
Address: <u>15 SWAN ST BRUCE ROCK</u>		
Postcode: <u>6215</u>		
Phone:	Fax:	Email:
Work:		<u>damian@brucerockengineering.com.au</u>
Home:		
Mobile: <u>0828253251</u>		
Contact person for correspondence:		
The information and plans provided with this application may be made available by the local government for public viewing in connection with the application. <input type="checkbox"/> Yes <input type="checkbox"/> No		
Signature: <u>[Signature]</u>	Date: <u>13/10/21</u>	

Property details		
Lot N°: <u>19655</u>	House/Street N°:	Location N°: <u>Reserve 17266</u>
Diagram or Plan N°: <u>DP225540</u>	Certificate of Title Vol. N°:	Folio:
Title encumbrances (e.g. easements, restrictive covenants): <u>Power to lease up to 21 years with Ministers signed consent</u>		

Lot 1, Noonajin Rd,
Bruce Rock WA 6418

18 October 2021

Julian Goldacre
Environmental Health Officer
54 Johnson Street,
Bruce Rock WA 6418

Via Email: eho@brucerock.wa.gov.au

RE -Bruce Rock Airport: Planning Application- Proposed Aircraft Storage Hangar

Dear Julian

I am seeking approval to build an aircraft storage hangar for my private aircraft at the Bruce Rock Airport, Bruce Rock, WA, 6418. The proposed requirements are as follows;

- Building Location:** Please refer to attached site plan showing proposed location.
Setback is in-line with existing buildings and well exceeds minimum required for 1:7 side transition as described in CASA M.O.S
- Building dimension:** 19.5mW x 20mD x 6mH, 390m2 in total
- Utilities:** Power & Water connection into existing infrastructure and sub-metered as required
- Apron extension:** Asphaltting of apron from aircraft storage hangar to existing apron
- On site Storage:** -Aircraft
-Aviation Fuel less than 10,000 litres

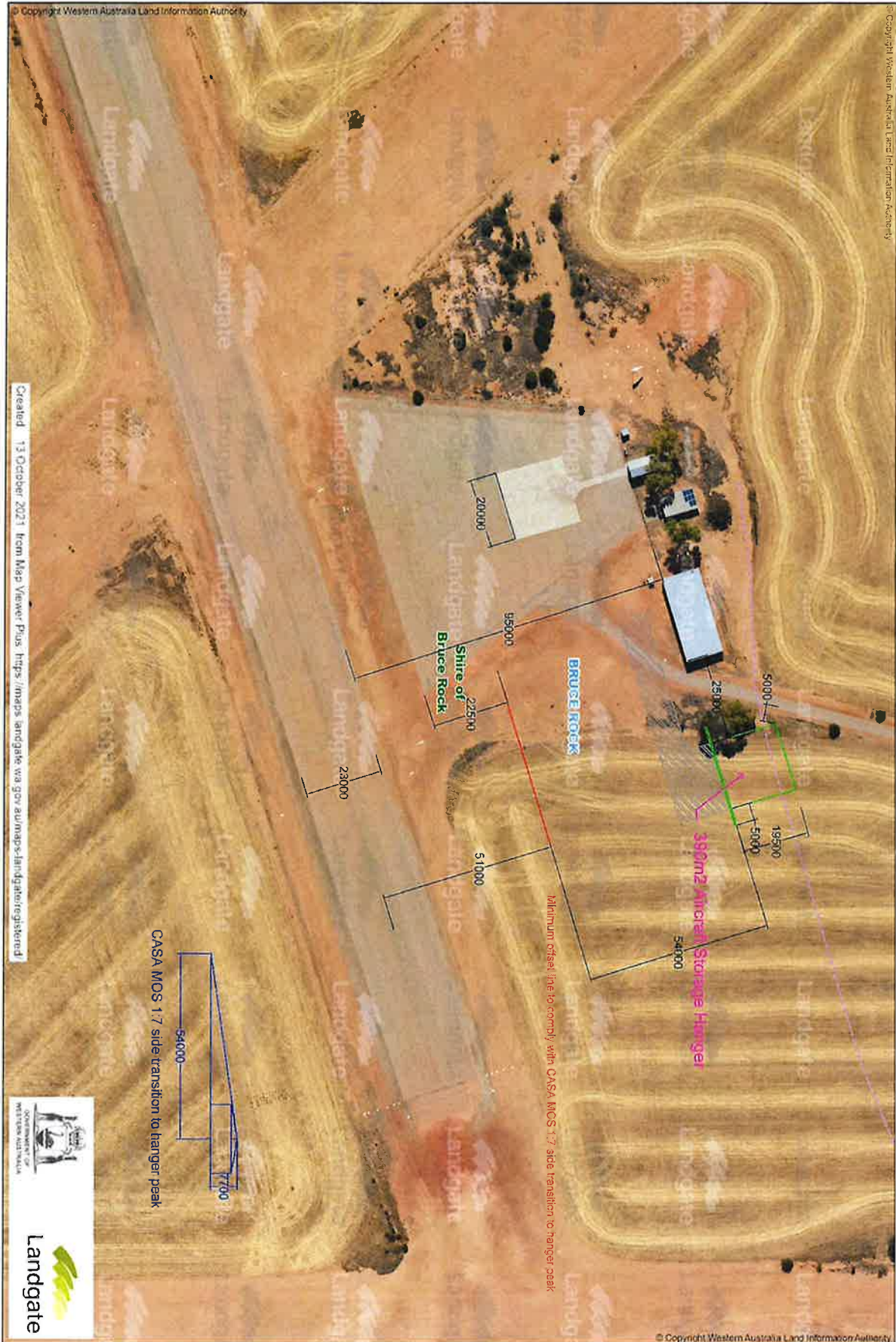
Should you require any further information please don't hesitate to contact myself.

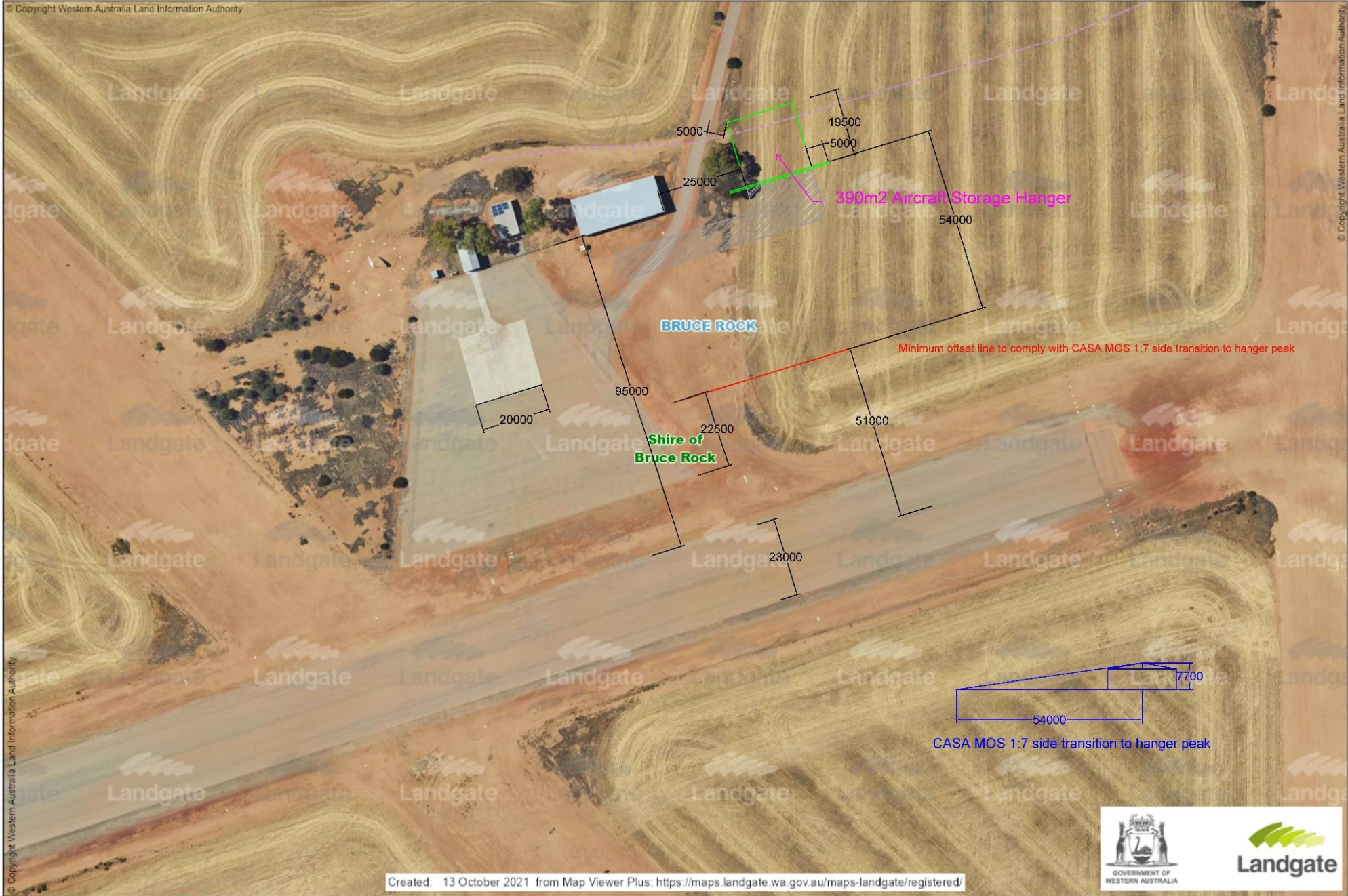
Yours faithfully



Damion Verhoogt
M: +61 (0)428 253 251

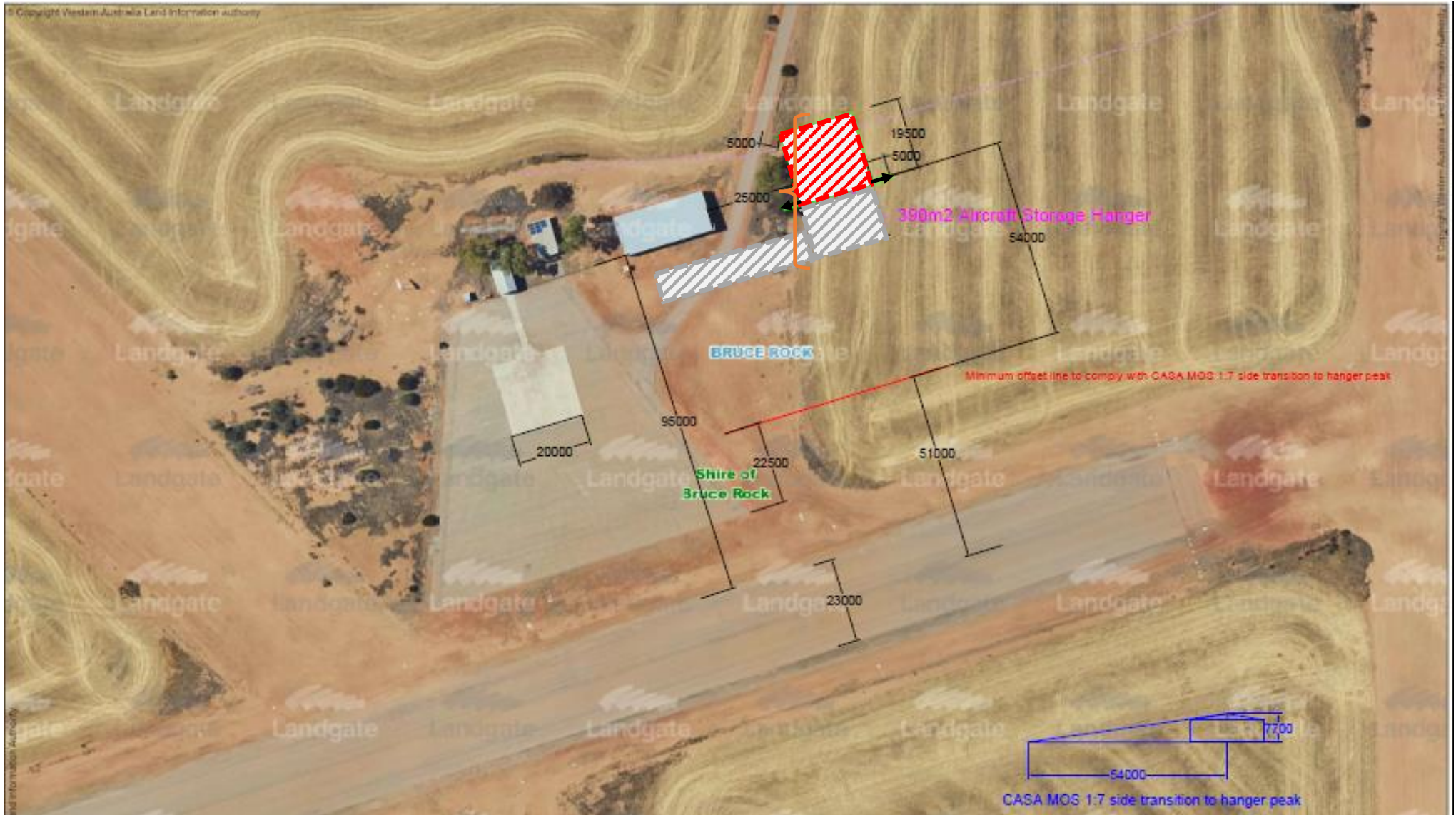
Bruce Rock Airport Proposed Building Location








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

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



 Proposed taxiway (estimated area of 400m²) NOTE: It is estimated that the taxiway will impact about 280m² of cropping.

 Proposed hangar (390m²) NOTE: a portion of the hangar is outside of the cropping area.  Affected cropping area facing East.



Bruce Rock Football Club



PO Box 40, Bruce Rock WA 6418
Email: brfcmagpie@hotmail.com
ABN: 69 635 739 796

President: Jarrad Hubbard

Secretary: Darren Mollenoyux

Julian Goldacre
Environmental Health Officer
Shire of Bruce Rock
54 Johnson Street
BRUCE ROCK WA 6418

Dear Julian,

Development Application for Hanger Bruce Rock Airfield - Cropping Lease

Thank you for your letter and opportunity to provide comment on the proposed construction of a private hanger at the Bruce Rock Airfield and partly on the Bruce Rock Football Club's leased cropping land.

The Bruce Rock Football Club committee has discussed the proposal and the impacts it would have on our lease and subsequent cropping land and believe that the benefits for the community and a local business verses the small portion of land impacted on our lease negligible.

The Bruce Rock Football Club therefore has no objections to the proposal on the condition that we have the opportunity to harvest the crop prior to construction works for the hanger. We anticipate harvesting the crop prior to the second week of December 2021, at the latest.

The Bruce Rock Football Club seeks that the Shire amends the current cropping lease to vary the hectares stated in the lease, so it accurately reflects the new land parcel size.

Should you wish to discuss our response further please contact the Club President, Jarrad Hubbard on 0419 005 878 or our cropping coordinator, Leigh Strange on 0429 061 100.

Kind Regards,

Darren Mollenoyux
Secretary

9th November 2021

CEO	DCEO	WORKS
<u>EHO</u>	BS	NRM
MOF	SFO	FO
CDO	EXO	ADMIN
10 NOV 2021		
FILE	Aerochone	
RECORD		



Your Ref : 161419
Previous Ref :
Enquiries : Rosa Rigali (6551 9306)

7 October 2021

Application No: 161419 - Lot No 15887, 19532 Bruce Rock South Road Ardath

The Western Australian Planning Commission has received an application for planning approval as detailed below. Plans and documentation relating to the proposal are attached. The Commission intends to determine this application within 90 days from the date of lodgement.

Please provide any information, comment or recommended conditions pertinent to this application by ~~18~~ November 2021 being 42 days from the date of this letter. The Commission will not determine the application until the expiry of this time unless all responses have been received from referral agencies. If your response cannot be provided within that period, please provide an interim reply advising of the reasons for the delay and the date by which a completed response will be made or if you have no comments to offer.

Referral agencies are to use the Model Subdivision Conditions Schedule in providing a recommendation to the Commission. Non-standard conditions are discouraged, however, if a non-standard condition is recommended additional information will need to be provided to justify the condition. The condition will need to be assessed for consistency against the validity test for conditions. A copy of the Model Subdivision Conditions Schedule can be accessed: www.dplh.wa.gov.au

Send responses via email to referrals@dplh.wa.gov.au. **Always quote reference number "161419" when responding.**

This proposal has also been referred to the following organisations for their comments: *Health Dept Of Wa, Western Power, Water Corporation, Dept Mines Ind Regulation And Safety, Dept Biodiversity, Conser & Attraction and LG Shire Of Bruce Rock.*

Yours faithfully

A handwritten signature in black ink, appearing to read "Sam Fagan".

Ms Sam Fagan
Secretary
Western Australian Planning Commission

* extension requested and granted till 19th November 2021 by email 13/10/21 2:13PM.



APPLICATION DETAILS

Application Type	Subdivision	Application No	161419
Applicant(s)	Rmsurveys		
Owner(s)	Winpart Pty Ltd		
Locality	Lot No 15887, 19532 Bruce Rock South Road Ardath		
Lot No(s).	15887, 19532	Purpose	Rural
Location		Local Gov. Zoning	Rural,Public Purposes
Volume/Folio No.	1493/490, 1493/490	Local Government	Shire Of Bruce Rock
Plan/Diagram No.	DP225536	Tax Sheet	
Centroid Coordinates	mE mN		
Other Factors	BUSHFIRE PRONE AREA, REMNANT VEGETATION (NLWRA), RURAL, DMP		

Required information about the proposal

An application may not be accepted and will be returned to the applicant with the submitted fee if the requirements are incorrect or incomplete.

General information required for all applications

1. Subdivision plans are based on an accurate and up-to-date feature survey that includes existing ground levels relative to AHD or topography of the subject lot/s. A feature survey is not required for amalgamation approval. Yes
2. Relevant copies of the subdivision plans and supporting documentation or accompanying information are attached. Yes
3. The subdivision plan is capable of being reproduced in black and white format. Yes
4. The subdivision plan is drawn to a standard scale (ie 1:100, 1:200, 1:500, 1:1000) at A3 or A4. Yes
5. All dimensions on the subdivision plan are in metric standard. Yes
6. The north point is shown clearly on the subdivision plan. Yes
7. The subdivision plan shows all lots or the whole strata plan (whichever is applicable). Yes
8. The subdivision plan shows all existing and proposed lot boundaries. Yes
9. The subdivision plan shows all existing and proposed lot dimensions (including lot areas). Yes
10. The subdivision plan shows the lot numbers and boundaries of all adjoining lots. Yes
11. For battleaxe lots, the subdivision plan shows the width and length of the access leg, the area of the access leg and the total area of the lot. Yes n/a (battleaxe lot not proposed)
12. The subdivision plan shows the name/s of existing road/s. Yes
13. The subdivision plan shows the width of proposed road/s. Yes n/a (no road proposed)
14. The subdivision plan shows all buildings and/or improvements, including driveways and crossovers (including setbacks) which are to be retained, or removed. Yes n/a (land is vacant)
15. The subdivision plan shows all physical features such as watercourses, wetlands, significant vegetation, flood plains and dams. Yes n/a (land does not contain such features)
16. The subdivision plan shows all electrical, sewer and water infrastructure. For on-site sewage disposal, the indicative disposal areas for wastewater distribution are to be shown. Yes
17. **Additional information required in the case of applications for residential infill subdivision within existing residential zoned areas**
 Applications which propose to create two or more residential lots in existing residential areas must show all existing features (in addition to item 16 above) located in the road reserve/s adjoining the subject land and all existing improvements on the subject land and including:
 - driveways and crossovers
 - kerb lines
 - manholes
 - bus stops
 - gully pits
 - boundary setbacks for dwelling/s to be retained
 - fencing
 - street trees
 - water supply
 - swimming pools
 - pedestrian paths
 - retaining walls
 - telecommunication pillars
 - electricity transmission lines and poles
 - sewer, water and electricity connections
 - on-site sewage disposal systems, including treatment and wastewater disposal areas

18. Additional information required in the case of an application for termination

- Has a copy of the outline of termination proposal been attached Yes
- Has a copy of the strata resolution in support of this proposal been attached Yes

The WAPC has published a guide to applications and fees to assist applicants preparing to submit applications. The guide and other information about the planning system is available online:
www.dplh.wa.gov.au

Transport impacts

Transport Impact Statements and Transport Impact Assessments are required to determine the likely transport impact of a proposal. Information to assist proponents is available on the DPLH website at www.dplh.wa.gov.au/policy-and-legislation/state-planning-framework/fact-sheets,-manuals-and-guidelines/transport-impact-assessment-guidelines

1. Are there 10 - 100 vehicle trips in the subdivision's peak hour? Yes No
If yes, a transport impact statement is to be provided
2. Are there more than 100 vehicle trips in the subdivision's peak hour? Yes No
If yes, a transport impact assessment is to be provided.

Access to/from right-of-way or private road

Access is to be provided from an existing right of way or private road.

If you indicate 'yes', you must provide a copy of the plan or diagram of survey on which the subject right-of-way was created to confirm its exact width and whether a right of access exists. Right of access may be an easement under section 167A of the *Transfer of Land Act 1893*, an implied easement for access or other arrangement.

- Yes No

Road and rail noise

Is the proposal within the trigger distance of a strategic transport route as defined by *State Planning Policy 5.4*?

- Yes No

Contaminated sites

Information to assist applicants to respond to the following questions is on the Department of Water and Environmental Regulation (DWER) website at www.der.wa.gov.au/your-environment/contaminated-sites.

1. Has the land ever been used for a potentially contaminating activity? Yes No
Appendix B of Assessment and Management of Contaminated Sites (DWER Contaminated sites guidelines) lists potentially contaminating industries, activities and land uses. The list is not exhaustive.
If yes, please attach details of the activities/uses.
2. Does the land contain any site or sites that have been classified under the *Contaminated Sites Act 2003*? Yes No
3. Does the land contain any site or sites that have been reported or are required to be reported under the *Contaminated Sites Act 2003*? Yes No

If you indicated 'yes' to question 2 or 3 you must provide a Basic Summary of Records (BSR). Where a BSR is not available from the public Contaminated Sites Database, the form requesting a BSR from DWER is available online at www.der.wa.gov.au/your-environment/contaminated-sites/57-forms or by calling DWER on 1300 762 982.

If a BSR is not available, a copy of the letter from DWER notifying the applicant that the site or the sites are under assessment must be provided, followed by the BSR when available. Is a BSR or letter from DWER attached? Yes No

Information requirements for Liveable Neighbourhoods

Subdivision applications proposing to create 20 or more lots on greenfield and urban infill sites will be assessed against the requirements of Liveable Neighbourhoods.

Such applications should be supported by documentation addressing the relevant criteria of Liveable Neighbourhoods, as identified in the application guidelines within the policy document.

Is this application to be assessed under the Liveable Neighbourhoods policy and is supporting documentation attached? Yes No

Acid sulfate soils

Is the land located in an area where site characteristics or local knowledge lead you to form the view that there is a significant risk of disturbing acid sulfate soils at this location? Yes No

Bushfire Prone Areas

Is all, or a section of the subdivision in a designated bushfire prone area? Yes No

If 'yes', has a BAL Contour Map been prepared; and

If the BAL Contour Map indicates areas of the subject site as BAL-12.5 or above, has a Bushfire Management Plan been provided with the application? Yes No

If NA is selected and the proposal is in a designated bushfire prone area then a statement advising why SPP 3.7 does not apply should be included. n/a

On-site sewage disposal

Is on-site sewage disposal proposed? Yes No

If yes, proposals for on-site sewage disposal should be accompanied by a site and soil evaluation as per the Government Sewerage Policy. n/a (Greater than 4ha)

Has a site and soil evaluation been provided? If no, then a statement is to be provided as to why an evaluation has not been provided.

Information on preparing site and soil evaluations may be found on the Department of Health's website <https://ww2.health.wa.gov.au/~media/Files/Corporate/general%20documents/water/Wastewater/Site-Soil-Evaluation.pdf>

Survey Strata Title lots

Is strata title subdivision proposed? Yes No

If yes, either the plan of subdivision or accompanying servicing plan is to show the indicative internal sewer and water connections to each lot.

If applicable, easements are to be shown.

Information on the water and sewer detail for survey-strata lots to be shown can be found on the Department of Mines, Industry Regulation and Safety website: www.commerce.wa.gov.au/publications/plumbers-technical-note-services-survey-strata-lots-0



Application for Approval of Freehold or Survey Strata Subdivisions

Your Reference PARKR-BRUCE
Location of Subject Property Bruce Rock S Rd, Ardath WA 6419
No. of applicants 1
Are you applying on your own behalf? Yes
Are you the primary applicant? Yes
Do you have consent to apply from all landowners? Yes
Lodgement Type Subdivision
Submitted by Julian Coletta
Email julian.coletta@rmsurveys.com.au

DEPARTMENT OF PLANNING, LANDS AND HERITAGE	
DATE	FILE
06-Oct-2021	161419

About the land

Number of current lots on the land	2	Total number of proposed lots on the land including balance lots	2
Drainage Reserves	0	Public Access Ways	0
Recreation Reserves	0	Right of Ways	0
Road Reserves	0	Road Widening	0
Number of fee paying lots	2	Number of fee exempt lots	0

What is the proposed use/development?

Proposed Use	Lot size	Number of Lots	
Rural	Over 25 HA	2	
Local Government	Shire Of Bruce Rock	Existing dwellings	No
Is common property proposed	No		

Applicants

Primary applicant (1)

Is the applicant a company/organisation?	Yes	Is the applicant a landowner?	No
Name/Company	RMSurveys	ABN / ACN	48112054538
Email	cadastral@rmsurveys.com.au	Phone number	94577900
Address			
Street address	PO Box 832	Town / Suburb or City	Willetton
State	WA	Post Code	6955
Country	AUSTRALIA	OR Non-Australian Address, P.O. Box, & etc	N/A

Certificate of Title Details

Lots with certificate (1)

Volume	1493	Folio	490
Lot Number	15887	Plan Number	DP225536
Total land area	270.7347	Land Area Units	Hectares
Reserve number (if applicable)	N/A	No. of landowners	1
Is the Landowners name different to that shown on the Certificate of Title?			No

Landowners

Landowner (1)

Full name	N/A	Company / Agency	Winpart Pty Ltd
ACN / ABN	59 150 523 998	Landowner type	Sole Company
Address			
Street address	Leslie Street	Town / Suburb or City	Southern River
State	WA	Post code	6110
Country	AUSTRALIA	OR Non-Australian Address, P.O. Box, & etc	N/A

Company signatory 1

First name	Last name	Position	
Reginald	Parker	Director (Sole)	
Lots with certificate (2)			
Volume	1493	Folio	490
Lot Number	19532	Plan Number	DP225536
Total land area	63.131	Land Area Units	Hectares
Reserve number (if applicable)	N/A	No. of landowners	1
Is the Landowners name different to that shown on the Certificate of Title?			No

Landowners

Landowner (1)

Full name	N/A	Company / Agency	Winpart Pty Ltd
ACN / ABN	59 150 523 998	Landowner type	Sole Company
Address			
Street address	Leslie Street	Town / Suburb or City	Southern River
State	WA	Post code	6110
Country	AUSTRALIA	OR Non-Australian Address, P.O. Box, & etc	N/A

Company signatory 1

First name	Last name	Position
Reginald	Parker	Director (Sole)

Subdivision detail

Number of dwellings	N/A	Dwelling retained	N/A
Dwelling description	N/A		
Number of outbuildings/structures	N/A	Structure/s retained	N/A
Other description	N/A		
Structure description	N/A		
Is a battleaxe lot/s proposed?			No
Does plan show the width and length of the access leg, the area of the access leg and total area of the rear lot			Not applicable
Has the land ever been used for potentially contaminating activity			No
Does the land contain any sites that have been classified under the Contaminated Sites Act 2003			No
Does the land contain any sites that have been reported or required to be reported under the Contaminated Sites Act 2003			No
Is the land located in an area where site characteristics or local knowledge lead you to form the view that there is a significant risk of acid sulfate soils in this location			No
Is this application to be assessed under the Liveable Neighbourhoods policy and is supporting documentation attached?			No
Is the development within a Bushfire Prone Area?			N/A
Are there any dewatering or drainage works proposed to be undertaken			No
Is excavation of 100 cubic metres or more of soil proposed			No
If yes did the Acid Sulfate Soils investigation indicate acid sulfate soils were present			No
Is a Termination Proposal Attached			No
Is a Strata Company Resolution Attached			No

Fee & Payment

Fee amount	\$3,547.00	Payment Type	By Anyone
-------------------	------------	---------------------	-----------

Attachments

Attachment name	Attachment type
1. Certificate of Title with Sketch 1493-490 Lot 15884 On Deposited Plan 225536 - Certificate of Title 1493-490-1.pdf	Certificate of Title
2. Certificate of Title with Sketch 1493-490 Lot 15884 On Deposited Plan 225536 - Certificate of Title 1493-490-3.pdf	Certificate of Title
3. Consent to sign (signed)-2.pdf	Authorised Letter of Consent
4. Consent to sign (signed)-4.pdf	Authorised Letter of Consent
5. Form_1A_CheckList-7.pdf	Required Information about the Proposal
6. PARKR-BRUCE Application cover letter-6.pdf	Bushfire Attack Level(BAL) assessment
7. PARKR-BRUCE-01-1-5.pdf	Subdivision Plan



28 September 2021
Our ref: PARKR-BRUCE

Planning Support Officer
WA Planning Commission
140 William Street, Perth WA 6000

Dear Sir/Madam,

RE: PROPOSED BOUNDARY REALIGNMENT SUBDIVISION
- Lots 15887 & 19532 on Deposited Plan 225536
- Bruce Rock South Road (Corners of Allen and Elliot Road), ARDATH

I would like to apply for exemption from the requirement to supply a Bush Fire Attack Level (BAL) assessment as per State Planning Policy 3.7.

In accordance with the criteria for exemption under Planning Bulletin 111/2016, the proposed subdivision:

- Will not result in intensification or development of land use
- Will not result in increased occupancy by employees, or increased bushfire risk as the land use will continue as broadacre farming

No additional lots are proposed as this subdivision is for realignment of the boundary between rural lots. The proposed boundary alignment is not in a bushfire prone area, the majority of the lots are not in a bushfire prone area and there are no buildings in that vicinity (see attached map). (Attachment B pg.2)

I understand that any exemption is applied at the discretion of the decision maker. Thank you for your assistance.

Yours sincerely,

Julian Coletta
SURVEYOR
B.Surv, MWAIS

MOBILE
0475 555 576
EMAIL
julian.coletta@rmsurveys.com.au

PHONE
08 9457 7900

MAILING ADDRESS:
PO BOX 832 WILLETTON WA 6955

EMAIL:
INFO@RMSURVEYS.COM.AU

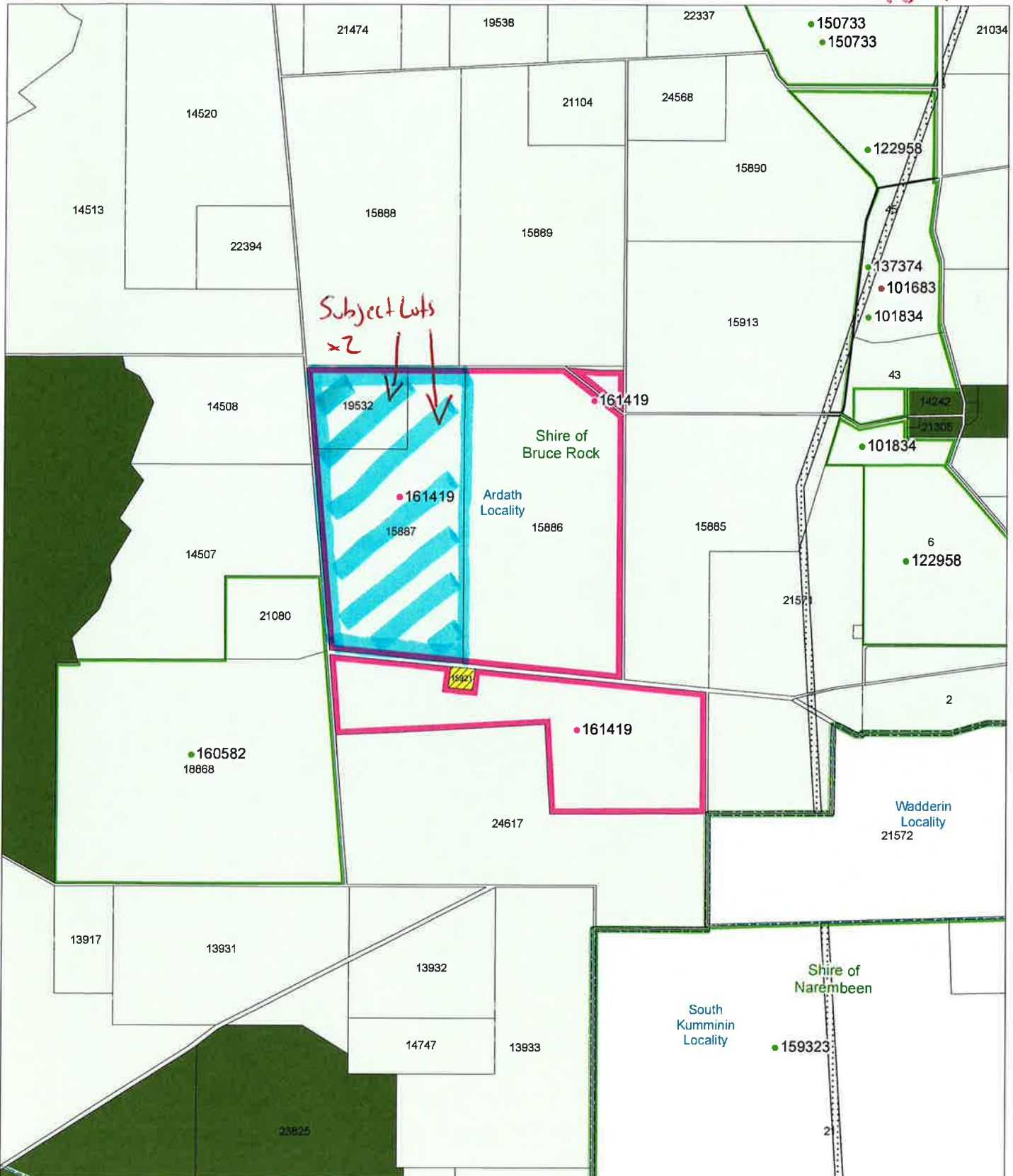
FAX:
08 9457 7922

STREET ADDRESS:
25 AUGUSTA ST WILLETTON WA 6155

WEBSITE:
RMSURVEYS.COM.AU

Construction | Engineering | Cadastral | Geodetic | Mapping | Laser Scanning

RM
SURVEYS
LICENSED SURVEYORS



**Location Plan for:
Subdivision Application**

This data is to be used only for the processing of a Subdivision Application

Application Number: **161419**
 Decision: **Outstanding**
 Printed: **6/10/2021**



Produced by Data Analytics,
 Department of Planning, Lands and Heritage, Perth WA
 Base information supplied by
 Western Australian Land Information Authority SLIP 1180-2020-1

Application Status

- Approved
- Outstanding

Existing LPS Zones and Reserves

- Conservation
- Farming
- Public purposes
- Rural

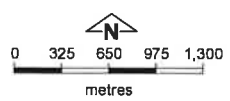
Easements and Referrals

- Easements

Region Scheme Reserves

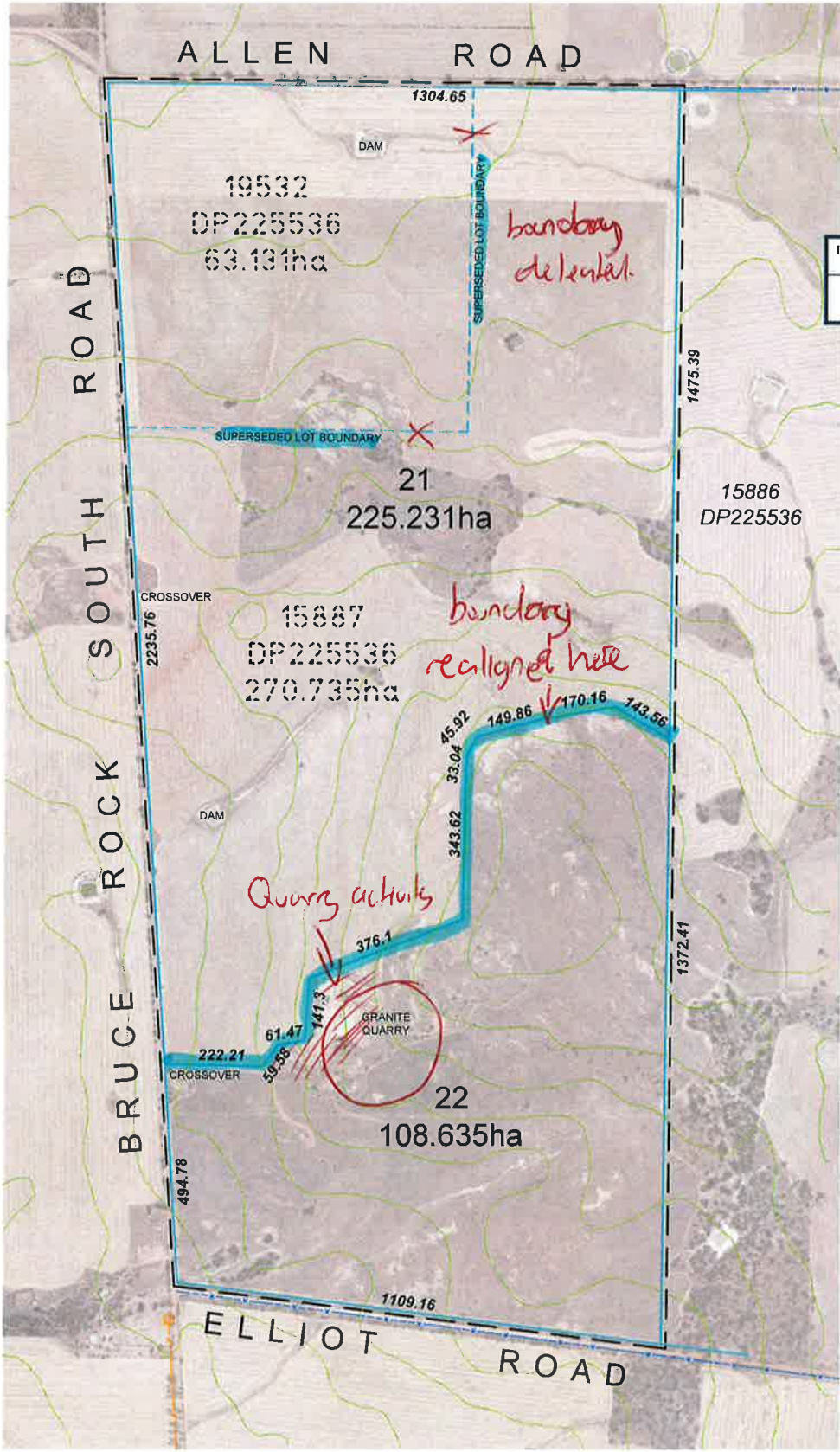
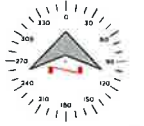
Localities & Local Government Boundaries

- Local government boundary
- Locality





RUCE ROCK, SHIRE OF



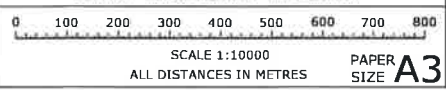
DEPARTMENT OF PLANNING, LANDS AND HERITAGE
 DATE: 06-Oct-2021 FILE: 161419

LEGEND

- POWER POLE
- PARCEL OUTLINE
- BOUNDARY LINE
- WATER SERVICE
- O/H POWER LINE

NOTE:
NO WATER METER IN AREA.

NOTE:
THE BOUNDARY POSITIONS ON THIS PLAN WERE OBTAINED FROM DIGITAL DATA SUPPLIED BY LANDGATE, AND WERE NOT RE-ESTABLISHED AS PART OF THIS SURVEY.
ALL LOT DIMENSIONS ARE SUBJECT TO SURVEY.



CLIENT: REG PARKER

SURVEYOR: JC

SURVEY DATE: 21/09/2021

VERTICAL DATUM: AHD

HORIZONTAL DATUM: MGA 94

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REV	INITIAL ISSUE	DESCRIPTION	DRWN	CHKD	APPVD	DATE
0			MV	JC	SS	24/09/2021

APPLICATION FOR SUBDIVISION
LOTS 15887 & 19532 BRUCE ROCK SOUTH ROAD, ARDATH. W.A. 6419
SHIRE OF BRUCE ROCK
JOB No. PARKR-BRUCE
DRAWING No. PARKR-BRUCE-01
REV 0

DATE	24/09/2021
APPVD	SS

1st November 2021

Shire of Bruce Rock
54 Johnson Street,
Bruce Rock WA 6418

To Whom It May Concern,

RE: ROOSTER

We wish to request a permit for our rooster located at 101 Butcher Street, Bruce Rock WA 6418.

The rooster was abandoned by our previous tenants at 110 Johnson Street, Bruce Rock WA 6418 and we have attempted to rehome the rooster however this was unsuccessful.

The rooster is kept in a hut within the chicken coop from 8pm to 8am to limit his crowing in the mornings and to keep the noise from disturbing anyone. We have contacted our neighbours who do not have any issues with us keeping the rooster. No complaints have been made from any nearby residents.

Please contact me on 0457 052 044 or hayley.ferguson2017@gmail.com to confirm our request.

Thank you.

Kind regards,

Hayley Ferguson

101 Butcher Street, Bruce Rock WA 6418

SHIRE OF BRUCE ROCK

LOCAL HERITAGE SURVEY

A review of the Shire of Bruce Rock's
1997 Municipal Inventory of Heritage Places

PRELIMINARY DRAFT July 2021



HERITAGE INTELLIGENCE (WA)

Laura Gray JP M.ICOMOS B.Arch (hons)

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1.0 INTRODUCTION

A review of the Heritage Inventory is a requirement of the Heritage Act 2018. Inventories have been renamed “Local Heritage Surveys”. This review is in accordance with the Part 8 of the Heritage Act 2018 that is essentially the same guidelines as the 1990 Act requirements, including the identification of the “Heritage List”.

The review is undertaken in consideration of the Department of Planning, Lands and Heritage’s guidelines; *Criteria for the assessment of local heritage places and areas* as recommended in *State Planning Policy 3.5 Historic Heritage Conservation*.

Assessments determine levels of significance for each place in consideration of the overall context of the Shire’s towns and district. The levels of significance are consistent with the required categories (Heritage Act 2018).

2.0 CRITERIA for SIGNIFICANCE

Every place previously listed in the original 1997 Heritage inventory has been assessed within the Heritage Council’s guidelines; *Criteria for the assessment of local heritage places and areas*. The four criteria for the assessment are summarised hereunder:

Assessment of significance

Aesthetic value*

Criterion 1 It is significant in exhibiting particular aesthetic characteristic.

Historic value

Criterion 2 It is significant in the evolution or pattern of the history of the local district.

Research value

Criterion 3A: It has demonstrable potential to yield information that will contribute to an understanding of the natural or cultural history of the local district.

Criterion 3B: It is significant in demonstrating a high degree of technical innovation or achievement.

Social value

Criterion 4 It is significant through association with a community or cultural group in Western Australia for social, cultural, education or spiritual reasons.

* For consistency, all references to architectural style are taken from Apperly, R., Irving, R., Reynolds, P. *A Pictorial Guide to Identifying Australian Architecture. Styles and Terms from 1788 to the Present*, Angus and Robertson, North Ryde, 2002.

Degree of significance

Rarity

Criterion 5 It demonstrates rare, uncommon or endangered aspects of the cultural heritage of the local district.

Representativeness

Criterion 6 It is significant in demonstrating the characteristics of a class of cultural places or environments in the local district.

Condition refers to the current state of the place in relation to each of the values for which the place has been assessed. Condition reflects the cumulative effects of management and environmental effects.

Integrity is a measure of the likely long-term viability or sustainability of the values identified, or the ability of the place to restore itself or be restored, and the time frame for any restorative process.

Authenticity refers to the extent to which the fabric is in its original state.

Substantiation of the heritage value of heritage places is the foundation for understanding a place and inclusion in the Local Heritage Survey. Almost every place in the review has been photographed, no historical research has been undertaken beyond the existing documentation, the information has been interpreted and formatted to the relevant place records, physically described from the photograph, cross referenced with other places, and documented in a place record, with references to the Department of Planning, Lands and Heritage's inHerit database number, and arranged in alphabetical order as the primary index.

There are **201** in the Local Heritage Survey 2021 (preliminary draft).

For each place deemed to be of heritage value, a level of significance and consequent category is applied. The places with the highest level of significance are recommended for inclusion in the Shire of Bruce Rock's Heritage List that provides policies and the provisions of the Local Planning Scheme for future conservation.

3.0 LEVELS OF SIGNIFICANCE

For each place deemed to be of heritage value, a level of significance and consequent category is applied.

The following table from the Heritage Council's *Criteria for the assessment of local heritage places and areas* illustrates the details. In line with Heritage Council's guidelines, Category B places are recommended to be included in the Local Government's Heritage List to provide a level of management through Planning Schemes and Local Planning Policies.

Each place was categorised on the basis of the following levels of significance:

LEVELS OF SIGNIFICANCE	DESCRIPTION	DESIRED OUTCOME
Category A Exceptional significance	Essential to the heritage of the locality Rare or outstanding example.	HERITAGE LIST- Planning Scheme Register of Heritage Places The place should be retained and conserved. Any alterations or extensions should reinforce the significance of the place and be in accordance with a Conservation Plan (if one exists for the place). Refer to Heritage Council.
Category B Considerable significance	Very important to the heritage of the locality. High degree of integrity/ authenticity.	HERITAGE LIST- Planning Scheme Conservation of the place is highly desirable. Any alterations or extensions should reinforce the significance of the place.
Category C Some/Moderate significance	Contributes to the heritage of the local some altered or modified elements, not necessarily detracting from the overall significance of the item.	NO CONSTRAINTS Conservation of the place is desirable. Contributes to the heritage of the locality. Has some altered or modified elements, not necessarily detracting from the overall significance of the item. Any alterations or extensions should reinforce the significance of the place. Original fabric should be retained where possible.
Category D Little significance	A site with no built remains or a place of little community interest to the history/heritage of the locality.	NO CONSTRAINTS Contributes to the history of the locality. Photographically record prior to any major development or demolition. Recognise and interpret the site.

4.0 CATEGORIES

Further to Heritage Council's *Criteria for the assessment of local heritage places and areas* (Appendix 1), an important part of the recognition and understanding of cultural heritage significance of a place, is that some guidance is provided to the owners, managers, and statutory authority, to respond to that assessed significance.

Categories have been determined relevant to the assessed level of significance for each place. Implications for each recommendation are also summarised.

Category A

A place of exceptional cultural heritage significance to Shire of Bruce Rock and the state of Western Australia, that is either in the Heritage Council of Western Australia's Register of Heritage Places, or worthy of consideration for entry into the Register.

A place worthy of recognition and protection through provisions of the Shire of Bruce Rock's Planning Scheme.

Planning application needs to be submitted to Shire of Bruce Rock for any proposed development. A Heritage Impact Statement may be required.

Planning application referred for heritage comment and background information for Heritage Council of Western Australia (HCWA).

The development application needs to be submitted to HCWA for support for any proposed development, and Shire of Bruce Rock cannot approve contrary to HCWA recommendation.

Recommend: Maximum encouragement to owners to retain and conserve the place. Full consultation with property owner prior to making the recommendation.

IMPLICATIONS of REGISTRATION:

A Memorial is lodged on the Certificate of Title of the Registered place under the provisions of the *Heritage Act (2018)*.

By virtue of the *Heritage Act (2018)*, the owner is bound to conserve the place.

ALL development (including demolition) MUST be referred to the Department of Planning, Lands and Heritage's Heritage Council for consideration PRIOR to undertaking any works.

The Shire of Bruce Rock cannot approve anything contrary to Heritage Council recommendations.

Private owners of Registered places qualify for the Heritage Council's Conservation Grants Funding. A Conservation Management Plan or Conservation Management Strategy is a pre-requisite for conservation works funding assistance from the Heritage Council.

Local Government, churches and community (not-for-profit) owners qualify for Lotterywest conservation funding. It is funded loosely on a \$ for \$ basis, although 'inkind' contributions are encouraged. Benefit to the community is a significant factor in assessment for

Shire of BRUCE ROCK
LOCAL HERITAGE SURVEY 2021

funding. A Conservation Management Plan or Conservation Management Strategy is a pre-requisite for conservation works funding and can also be funded.

Local Government owned Registered places qualify to claim for \$10,000 per annum 'Disability allowance' through the Grants Commission. Up to a maximum of \$50,000 is allowed for 5 buildings or more.

Category B A place of considerable cultural heritage significance to Shire of Bruce Rock that is worthy of recognition and protection through provisions of the Shire of Bruce Rock's Planning Scheme.

Planning application needs to be submitted to Shire of Bruce Rock for any proposed development for particular consideration of the heritage impact.

Recommend:

Inclusion in the Heritage List

Retain and conserve the place.

Document the place prior to any development; and photographic archive report if retention is not possible.

IMPLICATIONS:

Planning applications must be submitted to Shire of Bruce Rock for approval prior to undertaking any works.

Private owners do not qualify for any funding.

Local Government, churches and community (not-for-profit) owners qualify for Lotterywest conservation funding. It is funded loosely on a \$ for \$ basis, although 'inkind' contributions are encouraged. Benefit to the community is a significant factor in assessment for funding. A Conservation Management Plan or Conservation Management Strategy is usually a pre-requisite for conservation works funding, and may also be funded on same basis as works funding assistance.

Category C A place (including a site with no built remains) of some /moderate cultural heritage significance to Shire of Bruce Rock.

No constraints.

Some/moderate contribution to the heritage of the Shire of Bruce Rock.

No constraints.

Recommend: Encourage retention of the place, or where there are ruins, archaeological findings or no built remains: Interpret the place.

IMPLICATIONS:

If a planning application is submitted to the Shire of Bruce Rock for approval, if approved a condition of development will require documentation and a photographic record of the place prior to any development or if retention is not possible.

There are **no statutory requirements** pertaining to heritage issues.

Private owners do not qualify for any funding.

Local Government, churches and community (not-for-profit) owners qualify for Lotterywest conservation funding, although at a lower priority. It is funded loosely on a \$ for \$ basis, although 'inkind' contributions are encouraged. Benefit to the community is a significant factor in assessment for funding. A Conservation Management Plan or Conservation Management Strategy is usually a pre-requisite for conservation works funding and may also be funded on same basis as works funding assistance.

Category D A place (usually a site with no built remains) of little cultural heritage significance to Shire of Bruce Rock.

No constraints.

Recommend: Encourage retention of the place, or where there are ruins, archaeological findings or no built remains: Interpret the place.

IMPLICATIONS:

If a planning application is submitted to the Shire of Bruce Rock for approval, if approved a condition of development will require documentation and a photographic record of the place prior to any development or if retention is not possible.

There are **no statutory requirements** pertaining to heritage issues.

Private owners do not qualify for any funding.

Local Government, churches and community (not-for-profit) owners qualify for Lotterywest conservation funding, although at a lower priority. It is funded loosely on a \$ for \$ basis, although 'inkind' contributions are encouraged. Benefit to the community is a significant factor in assessment for funding. A Conservation Management Plan or Conservation Management Strategy is usually a pre-requisite for conservation works funding and may also be funded on same basis as works funding assistance.

5.0 SUMMARY OF PLACES REVIEW

The 201 places that have been identified (from the 1997 inventory and 2 nominations) in the towns and districts within the Shire of Bruce Rock are as follows;

82	Bruce Rock town
16	Bruce Rock district
15	Ardath
12	Babakin
10	Belka
3	Bungulluping
6	Erikin
5	Eujinyn
1	Jura
15	Kwolyin
3	Kumminin
14	Shackleton
2	Yalbarin
12	Yarding
5	Yerapin

Of the 201 places four are recognised for their State significance on the Register of Heritage Places. State Registered: Category A

- Memorial House & Coronation Rose Garden
- Bruce Rock Hotel
- Bruce Rock Shire Office
- Prisoner of War Hut (fmr)

Amendments to the 1997 inventory are noted as follows in the Local Heritage Survey. The areas/towns are recorded in Alphabetical order as well as the street names in Bruce Rock.

- **6 Places are recommended for removal** Red print
- ~~15 places that have been demolished~~ are now recognised as SITES Line through
- **2 New places recommended** Purple bold
- **4** (Cat A) and **31** (Cat B) Recommended **Heritage List** places Bold

Shire of BRUCE ROCK
LOCAL HERITAGE SURVEY 2021

6.0 LOCAL HERITAGE SURVEY

BRUCE ROCK town

1	34	Beaurepaire's Shed (fmr)	Bath Street	10674
2	112	Original Catholic Church SITE	Bath Street (SW cnr Parry St)	10779
3	69	Telstra exchange	3 Bruce Street	10731
4	15	Leever's Garage (fmr)	5 Bruce Street	10649
5	68	School teachers House SITE	33 Bruce street	10730
		Shops	Bruce Street	0312
6	110	Police paddock SITE	Butcher Street (NE cnr Parry St)	10777
7	66	Road Board Secretary House (fmr)	44 Butcher Street	10728
8	57	Bruce Rock Bowling Club (fmr)	57 Butcher Street	10704
9	31	Bruce Rock & Districts Club	58-60 Butcher Street	10668
10	59	Anglican rectory	62 Butcher Street	5172
11	10	St Peter's Anglican Church	64 Butcher Street	0313
12	58	Plumber's Place SITE	Butcher Street	10706
13	70	Economic Store SITE	Butcher Street	10732
14	108	Mrs Wilkinson's boarding house SITE	71-73 Butcher Street	10775
15	30	CWA SITE	77 Butcher street	10666
16	56	Church of Christ manse	84 Butcher Street	10703
17	29	Child health centre SITE	85 Butcher street	10666
18	107	Youth hall SITE	89 Butcher Street	10774
19	55	Church of Christ	92 Butcher Street	10702
20	109	Shop SITE	99 Butcher Street	10776
21	65	Ulana – Butler's House	20 Dampier Street	10727
22	14	Dr Bean's House (fmr)	26 Dampier Street	10650
23	12	Methodist Church	29 Dampier Street	0315
24	60	Methodist Manse (fmr)	30 Dampier Street	10707
25	13	Methodist Hall (fmr)	32 Dampier Street	0315
26	67	Bakery & residence SITE	33-35 Dampier street	10729
27	11	Masonic Lodge (fmr)	37-39 Dampier Street	10727, 0314

Shire of BRUCE ROCK
LOCAL HERITAGE SURVEY 2021

		David's Hall (fmr)	Dampier Street	15014
28	111	Brickworks SITE	Dampier Street	10778
29	33	Bruce Rock District High School	Dunstal Street	10672
30	P3	Hospital precinct	Dunstal Street	24442
31	2	Memorial House & Coronation Rose Garden	35 Dunstal Street	10644
32	73	Railway quarters-caravan park	Dunstal Street	10735
33	114	Recreation Centre	Dunstal Street	10781
34	50	Napier's garage(fmr)	2-4 Johnson Street	10698
35	49	Dick Green's place (fmr)	6 Johnson Street	10697
36	48	Fire Station (fmr)	8 Johnson Street	19696
37	47	St John Ambulance Sub Centre (fmr)	10 Johnson Street	10694
38	46	Courthouse and Bank (fmr)	12 Johnson Street	10692
39	45	Police Station	14 Johnson Street	17374, 10690
40	44	Motel	16 Johnson Street	10688
41	8	Durham House & Hall	18 Johnson Street	10647
42	28	Commercial Bank (fmr)	22 Johnson Street	10661
43	7	Western Australian Bank (fmr) and residence	24 Johnson Street	0317
44	6	Bruce Rock State Hotel	30 Johnson Street	0320
45	5	Bruce Rock Post Office	30 Johnson Street	24400, 0318
46	4	Post Office residence (fmr)	32 Johnson Street	23969, 0318
47	P1	Main Street Precinct	Johnson Street	10857
48	3	Posa's Dining Room & Fruitiers (fmr)	34 Johnson Street	10645
49	27	Scotts Outfitters (fmr)	36 Johnson Street	10660
50	26	Newsagency	38 Johnson Street	10659
51	43	R & I Bank (fmr)	40 Johnson Street	10686
52	25	Withers Drapery (fmr)	42 Johnson Street	10658
53	42	Goldsborough Mort & Co (fmr)	44 Johnson Street	10685
54	24	Pharmacy (fmr)	46 Johnson Street	10657
55	23	Bruce Rock Café	48 Johnson Street	0319
56	22	Baker's & agency store (fmr)	50 Johnson Street	10656
57	21	Gibson's deli (fmr)-SITE	52 Johnson Street	10653

Shire of BRUCE ROCK
LOCAL HERITAGE SURVEY 2021

58	41	Mason's Store (fmr) SITE	54 Johnson St	10683
59	P2	Railway precinct	Johnson Street	10858
60		PLACES: Crane and loading ramp		
61		Goods shed		
62	52	Railway Station		23970
63	51	Machinery Museum		
64		SITES: original railway station		
		Original goods shed		
		railway water tank		
		Stationmasters house		
		CBH grain store		
		Horse trough		
		Shell depot		
		Ampol depot		
	54	Shearer's Quarters SITE		10701
65		Bruce Rock Centenary Mosaic Pathway	Johnson Street	
66		Bruce Rock Federation Amphitheatre	Johnson Street	
67	9	War Memorial	Johnson Street	10648
68	1	Bruce Rock Shire Office	Johnson cnr Bath St	0323
69	40	Bruce Rock Hall	58 Johnson Street	10681
70	20	Bruce Rock District Co-op (fmr)	60 Johnson Street	0322
71	53	Cooks Garage (fmr)	75 Johnson cnr Latham St	10700
72	106	Police Boys Hall SITE	94 Johnson Street	10773
73	61	Presentation Sister residence -SITE	Parry Street	23910
74	63	St Mary's convent School SITE	75 Noonjin Road	23839
75	115	Power Station SITE	Noonajin Road	10782
76	71	Bruce Rock Drive-in Theatre -SITE	Noonajin Road	10733
77	16	Memorial Aquatic Centre	Railway Parade	10651
78	72	RK Wards (fmr) SITE	Swan Street	10734
79	113	Bruce Rock 1 st School SITE	Westral Street	10780
		St Mary's Catholic Church Precinct SITE	Westral & Parry Street	10670

Shire of BRUCE ROCK
LOCAL HERITAGE SURVEY 2021

80	32	St Mary's Catholic Church	14 Westral St	23847
81	62	St Mary's presbytery SITE	Westral Street	23964
82	64	Haythornthwaites hospital (fmr)	41 Westral Street	10726

BRUCE ROCK DISTRICT

D1	116	Bruce Rock Cemetery	Cemetery Road	10783
D2	117	Railway Dam		10784
D3	74	Butler Homestead	Bruce Rock East Road	10736
D4	P5	Bruce Rock Reserve	Bruce Rock East Road	10870
		Bruce Rock		
		Bruce Rock Soak		
		Sandalwood cutters Camp SITE		
		Surveyors Camp SITE		
	23	Brick kiln SITE		10790
D5	75	Mrs Barr's grave SITE	Nungagin	10737
D6	120	Nunagin Homestead SITE	Nungagin	10787
D7	119	Nunagin School SITE	Bruce Rock East Road	10786
D8	118	Nunagin Rock catchment (Town supply)	NW of town	10785
D9	121	Rifle Range (1) SITE		10788
D10	122	Rifle Range (2) SITE		10789
D11	125	Conway's Patch SITE	Bruce Rock-Merredin Road	10792
D12	92	Glen Lee reservoir	Cumminin Road	10757
D13	76	Sedgwick's House		10738
D14	17	POW hut (fmr)	Wogarl West Road	10652
D15	124	Shire Quarry SITE	Bruce Rock-Doodlakine Road	10791
D16	148	Myarin Well & windmill	Kumminin Road	10812

ARDATH

1A	P6	Ardath Townsite		10871
2A	P7	Ardath Railway Siding SITE		10872
3A	18	Ardath Hotel	Main Street	0325
4A	127	Ardath Post Office & Store SITE	Main Street	0326

Shire of BRUCE ROCK
LOCAL HERITAGE SURVEY 2021

5A	126	Ardath Hall SITE	Main Street	0324
6A	78	Schoolteacher's house (fmr)	83 York Street	10740
7A	80	House	19 Cumberland St	10742
8A	79	House	27 Cumberland St	10741
9A	77	Ardath School (fmr)	35 Cumberland Street	10739
10A	81	House	Ardath Southwest Rd	10743
11A	128	Army Ordinance & camp remains	Bruce Rock-Corrigin Rd	10793
12A	83	Ashbury Homestead	Bruce Rock-Corrigin Rd	10745
13A	82	Fidge Homestead	Old Beverley Road	10744
14A	129	Kerkenin school SITE	Vietch Road	10794
15A	130	Kerkenin Well	Cnr Vietch & Bruce Rock-Corrigin Rds	10795
BABAKIN				
1Ba	P8	Babakin Townsite		10873
2Ba	131	Babakin Railway siding SITE		10796
3Ba	84	Babakin Hall	Forrest Street	10746
4Ba	85	Babakin CWA	Forrest Street	10747
5Ba	35	Store	Forrest Street	10675
6Ba	86	Primary School	33 Farrar Street	10748
7Ba	133	Babakine School SITE	Robinson Road	10798
8Ba	87	Jones Place	Cnr Ardath west & Yarding South Rds	10749
9Ba	89	Boyd's property	Old Beverly Road	10751
10Ba	88	Hughes Homestead	Old Beverly Road	10750
11Ba	164	Wahroonga School (1) SITE		10829
12Ba	165	Wahroonga School (2) SITE		10830
BELKA				
1Be	P9	Belka Townsite		10874
2Be	135	Railway siding SITE		10800
3Be	134	Belka Store SITE	Railway Street	10879
4Be	90	Belka PO & Phone Exchange	Railway Street	10753
5Be	136	Belka Hall & Tennis Club Pavilion SITE	Forrest Road	10801
6Be	137	Belka School SITE	Baxter St	10802

Shire of BRUCE ROCK
LOCAL HERITAGE SURVEY 2021

7Be	138	Belka Government Dam	Cnr Crossland & Komitan Roads	10803
8Be	140	Totagin School- East (1) SITE	Cnr Muntadgin & Perkins Roads	10805
9Be	139	Totagin School (2) Site	Cnr Belka East & Totagin Roads	10804
10Be	141	Totagin School (3) Site	Belka East Rd	10806
BUNGULLUPING				
1Bu	144	Bungulluping School SITE	Cnr BR Narembeen & Cumminin Rd	10808
2Bu	143	Bungulluping Phone Exchange SITE	Cnr BR Narembeen & Cumminin Rd	10807
3Bu	91	Bungulluping Well	Bruce Rock-Narembeen Road	10756
ERIKIN				
1Er	149	Erikin Townsite		10813
2Er	150	Erikin Siding & wheat bin SITE	Erikin Road North	10614
3Er	93	Erikin Store	Erikin Road West	10758
4Er	151	Kwolyin East School (1) SITE	Kennedy Road	10815
5Er	52	Erikin School - Kwolyin East School (2) SITE	Langdon Road	10816
6Er	153	Mokami School SITE (Harvey's)	Cnr BR-Qding Rd & Erikin Rd North	10817
EUJINYN				
1Eu	154	Eujinyn Townsite		10818
2Eu	155	Eujinyn Railway Siding SITE	Eujinyn South Road	10821
3Eu	156	Eujinyn School SITE	Eujinyn South Road	10819
4Eu	94	Roberts Homestead (fmr)	Eujinyn South Road	10760
5Eu	95	Mc Carthy's Farm	Eujinyn South Road	10761
JURA				
1J	157	Siding & wheat bin SITE		10822
KWOLYIN				
1Ko	P10	Kwolyin Townsite		10875
2Ko	158	Kwolyin Railway siding SITE		10824
3Ko	96	Church of Immaculate Conception (Catholic)	Railway Street	10763
4Ko	159	Kwolyin State Hotel SITE	Railway Street	0327
5Ko	162	Kwolyin Store SITE	Railway Street	10827

Shire of BRUCE ROCK
LOCAL HERITAGE SURVEY 2021

6Ko	160	Kwolyin Store Hall SITE	Richardson Street	10825
7Ko	163	Kwolyin South School (1) SITE	O'Grady's Road	10828
8Ko	161	Kwolyin Townsite School (2) SITE	Kwolyin Street	10826
9Ko	166	Wialkutting School SITE	Kwolyin South Road	10831
10Ko	169	Kwolyin Hill	Kwolyin East Road	10384
11Ko	170	Kwolyin Well	Quairading-Bruce Rock Rd	10385
12Ko	171	Kokerbin Rock and Govt Well	Kwolyin West Road	10836
13Ko	172	Coarin Rock SITE	Quairading Bruce Rock Rd	10837
14Ko	167	Lefroy's Well (Coakley's)		10832
15Ko	168	Mulamuning Well	Kwolyin West Road	10833
KUMMININ				
1Ku	145	Kumminin Hall SITE	Cumminin & Allen Roads	10809
2Ku	146	Central Kumminin School SITE	Cumminin & Allen Roads	10810
3Ku	147	North Kumminin School SITE	Cole Road	10811
SHACKLETON				
S1	P11	Shackleton Townsite		10876
	P12	Main Street precinct		10877
S2	173	Shackleton Railway siding & wheatbin SITE	Jermyn Street	10838
	99	Volunteer bush Firebrigade SITE	Jermyn Street	10766
S3	36	Shackleton Memorial Hall	Jermyn Street	8841
S4	19	Bank	Jermyn Street	0329
S5	38	Shackleton PO & General Store	12 Jermyn Street	10677
S6	37	Shackleton Two shops -(SITE)	Jermyn Street	0328
S7	97	Shackleton Sport Club	Jermyn Street	10764
S8	98	Shackleton CWA (fmr)	Jermyn Street	10765
S9	39	Shackleton Primary School (fmr)	Jermyn Street	10679
S10	101	Sport pavilion SITE	Mills Street	10768
S11	100	St Giles Anglican Church SITE	Venemore Street	10767
S12	102	Buffalo Lodge (fmr)	Kellerberrin Road	10769
S13	174	Thompsons corner SITE		10839
S14	175	Shackleton South School SITE	Shackleton-Bilbarin Road	10840

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YALBARIN

Ya1	176	Yalbarin Siding & wheatbin SITE		10841
Ya2	103	Sunnyside Farm Yalbarin Road		10770

YARDING

Yg1	177	Yarding Townsite		10842
Yg2	180	Yarding Siding & wheat bins SITE	Ardath-Yarding Road	10845
Yg3	178	Yarding Hall SITE	Cnr Ardath-Yarding & Strangers Road	10843
Yg4	179	Yarding School SITE	Yarding South Road	10844
Yg5	185	Maurice Croucher's SITE	Ardath Yarding Road	10850
Yg6	105	Butler Homestead (Glandwr)	Ardath-Yarding Road	10772
Yg7	104	Telephone exchange (Glandwr)	Yarding Road South	10771
Yg8	186	Hillgrove: Yarding Cricket Grounds 1 &2 SITE	Yarding Road South	10851
Yg9	181	Yarding Government Dam & well	Cnr Yad Yadden & Strangers Rd	10846
Yg10	182	Yarding Soak SITE	Yad Yadden Road	10847
Yg11	183	Yarding Spring SITE	Yad Yadden Road	10848
Yg12	184	Rock Tank SITE	Strangers Road	10849

YERAPIN

Yn1	191	Yerapin Estate SITE		
Yn2	187	Yerapin School SITE	Cukela & Jackovich Roads	10852
Yn3	190	Yerapin Phone exchange SITE	Anderson & Yerapin Roads	10855
Yn4	188	Albany Downs School SITE	Liebeck Road	10853
Yn5	189	Government Well	Liebeck Road	10854

7.0 HERITAGE LIST

Categories A & B places

An important part of the recognition and understanding of cultural heritage significance of a place, is that some guidance is provided to the owners, managers and statutory authority, to respond to that assessed significance.

Categories have been determined relevant to the assessed level of significance for each place. Implications for each recommendation are also summarised. The Heritage List is subject to the provisions of the Shire of Bruce Rock's Planning Scheme.



The Heritage List is comprised of:

Category A Four places of exceptional cultural heritage significance to Shire of Bruce Rock and the state of Western Australia, that is in the Heritage Council of Western Australia's (HCWA) [Register of Heritage Places](#).



Category B Thirty places of considerable cultural heritage significance to Shire of Bruce Rock that are worthy of recognition and protection through provisions of the Shire of Bruce Rock's Planning Scheme and/or Local Planning Policy.

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HERITAGE LIST

Photograph	LHS#	inHerit #	Place name	Address	Category	Statement of Significance	1996 #
	11	0313	St Peter's Anglican Church	64 Butcher Street	B	<p>St Peter's Anglican Church (1922, 1929) is a fine example of ecclesiastical architecture during the Depression of the Interwar period. It represents associations with Mrs Betty Stanley, the Rector's wife, who opened the first kindergarten in Bruce Rock in the Church during the World War Two years, and again later in the 1940s.</p> <p>The Church has social, religious and historical significance for the sense of place evoked by the continuous worship, commemorations, celebrations and gatherings for generations of the community. It makes a significant contribution to the historic townscape of Bruce Rock.</p>	10
	31	10644	Memorial House & Coronation Rose Garden	35 Dunstal Street	A: register	<p>Memorial House and Coronation Rose Garden is a good representative example of the utilitarian war memorials built in the inter-war years(1922) initially as a commemorative hospital for those who served in World War I, and in ongoing years, adapted to become an important medical service for the local community.</p> <p>It also represents the country philosophy of community self-help being built and operated with funds raised by local effort.</p> <p>It is a rare example of a commemorative garden planted in honour of the coronation of Queen Elizabeth II in 1953, an event that was widely celebrated across Western Australia.</p>	2



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	38	10692	Courthouse & Bank (fmr)	12 Johnson Street	B	<p>The former Courthouse (south) and Commonwealth Bank (north), demonstrates associations with law and order until the 2000s, and banking until 1970s.</p> <p>It is a fine example of 1950's Post-World War Two architecture demonstrating a significant period of development that contributes to the historic townscape of Bruce Rock.</p>	46
	41	10647	Durham House & Hall	18 Johnson Street Bruce Rock	B	<p>The site, and the existing Durham House & Hall (1937) are historically, socially, and aesthetically significant in representing a way of life associated with ongoing commercial and entertainment activities and living on the premises, with family residence and staff quarters upstairs.</p> <p>Associations with Stanley Lonsdale, an early entrepreneurial business owner in the town since 1913, are significant, establishing Durham House by 1920 with a butcher's and two other shops.</p> <p>The considerable social significance is demonstrated by the best dance floor for the regular dance events, silent movies introduced in 1921, and later, the Piccadilly Café, billiard saloon and barber shop.</p> <p>In 1937, Durham House was destroyed by fire, and rebuilt from the ruins. The arcade was painted with a distinctive Arabian desert scene.</p> <p>The place is a fine example of the Art Deco style of architecture in Bruce Rock and makes a significant contribution to the main street streetscape and the historic townscape of Bruce Rock.</p>	8



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	42	10661	Commercial Bank (fmr)	22 Johnson Street Bruce Rock	B	<p>The former Commercial Bank, later housed many other businesses. It is modest in form for a bank function, with a stepped parapet and single shop frontage.</p> <p>It makes a contribution to the streetscape in the northern end of the main street and the historic and the historic townscape of Bruce Rock.</p>	28
	43	0317	Western Australian Bank (fmr) and residence	24 Johnson Street	B	<p>The Western Australian Bank was operating in Bruce Rock as early as 1914, before it opened on this site in 1921. In 1927, the Western Australian Bank merged with the Bank of New South Wales.</p> <p>It represents a way of life associated with banking, the Bank manager who is respected in the community, and his residence, the social and functional interaction by generations of the community, Bruce Rock identities, and, in recent decades, promotion of the Shire's history and tourism.</p> <p>The association with Mrs Butler is significant as the instigator of a museum in Bruce Rock that was relocated to this site in 1970 and upgraded in 1985.</p> <p>The former Western Australian Bank is a fine architectural example of Interwar Free Classical architectural style that makes a significant contribution to the streetscape and historic townscape character of Bruce Rock.</p>	7
	44	0320	Bruce Rock Hotel	30 Johnson Street Bruce Rock	A register	<p>Bruce Rock Hotel(1914) is significant as one of six State Hotels that were established as part of the Western Australian Government's philosophy that promoted State ownership of commercial enterprises for the benefit of the people in country districts between 1911 and 1916.</p> <p>It is a fine representative example of a rural town hotel built in the Federation Filigree</p>	6



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						<p>style that contributes to the community's sense place. It is highly valued for its social associations by the local town and farming community.</p> <p>Bruce Rock Hotel is a landmark on the corner location that makes a substantial contribution to the historic main street streetscape and townscape of Bruce Rock.</p>	
	45	0318 24400	Bruce Rock Post Office	32 Johnson Street Bruce Rock	B	<p>Bruce Rock Post Office demonstrates the historic development of communication services from the first unofficial Post Office in c.1913, until this purpose-built PO opened in 1922 with a manual telephone exchange.</p> <p>In 1992, the Post Office was privatised in a state-wide programme of privatisation of post office facilities and continues to operate.</p> <p>The Post Office evidences influences of Interwar Californian Bungalow architectural style addressing the corner, and complements the adjacent PO residence, that together, and individually make a substantial contribution to the Interwar development in the historic main street streetscape and townscape of Bruce Rock.</p>	5
	46	0318 23969	Post Office Residence	32 Johnson Street	B	<p>Post Office Residence demonstrates associations with the Postmaster and a way of life associated with that position. It is a representative example of a detached post office residence that was a common practice in rural areas.</p> <p>The Post Office residence evidences influences of Interwar Californian Bungalow architectural style that complements the adjacent Post Office that together, and individually make a substantial contribution to the Interwar development in the historic main street streetscape and townscape of Bruce Rock.</p>	4



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	47	10857	Bruce Rock Main Street Precinct	34-50 Johnson Street	B	<p>The first unofficial post office operated in Bruce Rock (Nunagin) at Duggan's store in c.1913 when the railway came through from Quairading and from Corrigin in 1914.</p> <p>A Progress Society had formed in 1914 to look after Bruce Rock town's interests.</p> <p>The official Post Office commenced on 31st October 1919 in Bruce Rock Johnson Street, parallel to the railway line, developed onto the commercial centre of Bruce Rock, with the State (Bruce Rock) Hotel (1914) directly opposite the station (original since demolished).</p>	P1
	48	10645	Bruce Rock Main Street Precinct Posa's Dining Room & Fruitiers (fmr)	34 Johnson Street	B	<p>The site & place represents ways of life associated with hospitality and commerce site it was the Railway Dining rooms in 1916, prior to c.1925 when Mr Posa had the dining room, fruitiers and tobacconist shop constructed on the site, and his daughter provided piano lessons in the family residence above.</p> <p>By c.1930, it was a hostel/boarding house and green-grocer store, and later in the early 1950s, grocery store and other uses, before the Bruce Rock Craft Shop established. The top floor has continued to provide accommodation.</p> <p>The former Posa's Dining Room & Fruitiers is a fine example of the mid 1920s Interwar period that is a landmark at the north end of the continuum of single storey commercial buildings in the main street.</p> <p>It makes a considerable contribution to the cultural heritage significance of the streetscape, townscape and character of Bruce Rock.</p>	3




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	49	10660	Bruce Rock Main Street Precinct Scotts Outfitters (fmr)	36 Johnson Street	B	<p>The place and site represents ways of life associated with commerce and occupations in Bruce Rock, and associations with generations of the community, since c.1925 (south shop) Scotts (Ladies and Gentlemen Outfitters) and car hire, until it was destroyed by fire in 1930. The north shop was later occupied by the Elders Stock and Station Agency for many years.</p> <p>The shops evidence the 1931 Interwar stepped parapets and is integral to the continuum of single storey commercial buildings in the main street and makes a contribution to the cultural heritage significance of the streetscape, townscape and character of Bruce Rock.</p>	27
	50	10659	Bruce Rock Main Street Precinct Newsagency	38 Johnson Street	B	<p>The newsagency building and site represents ways of life associated with commercial activities, many that have taken place on this site over the years, including agency offices, Mrs Hynam's Boarding House, prior to a fire in 1930 that destroyed shops on this site.</p> <p>The 3 shops rebuilt in 1931 were combined and run as one newsagency and barbershop (also SP bookie in 1950's).</p> <p>The newsagency building is a good example Interwar architectural detailing. The triple frontage shop with three stepped parapets is integral to the continuum of single storey commercial buildings in the main street and makes a significant contribution to the cultural heritage significance of the streetscape, townscape and character of Bruce Rock.</p>	26




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	51	10686	<p>Bruce Rock Main Street Precinct R & I Bank (fmr) SITE of McDonnell's shop and soft drink factory</p>	40 Johnson Street	B	<p>The site of the former R&I Bank represents early industry and hospitality, social and community services in Bruce Rock and associations with pioneers of the town and district. The former R&I Bank represents a confidence in the region in the 1960's.</p> <p>The historical significance of the site includes the first cool drink factory built in c.1914 with rock from the Railway Dam excavations in 1913 and 1914. McDonnell's shop sold sweets, fruit and vegies and the cool drinks that were made in the factory at the rear of the site. Fundraising socials and dances for the Progress Association between 1914 and 1916, raising funds for the hall were held at McDonnell's. McDonnell also sold grog.</p> <p>The bank building is a good example the architecture of the post-war development of the 1960s and 70s that is integral to the continuum of single storey commercial buildings in the main street and makes a contribution to the significance of the streetscape, townscape and character of Bruce Rock.</p>	43
	52	10658	<p>Bruce Rock Main Street Precinct Withers Drapery (fmr)</p>	42 Johnson Street	B	<p>The place represents a way of life and associations with early development and identities.</p> <p>The original business on the site was established in 1914. In 1927, Mrs Alf Withers ran a drapery store and her husband was the stock agent. From c.1935, Thomas Barlow ran the Bruce Rock Trading Co and a fuel bowser was in front. Later Harry Hyams owned, and Jean Farrell, daughter of FC Farrell, Roads Board Chairman, managed a shop for many years before purchasing the business c.1960.</p> <p>The building is a good example of the Interwar period of regional shop architecture and detailing. The wide symmetrical frontage</p>	25





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						with original truncated entry is integral to the continuum of single storey commercial buildings in the main street and makes a significant contribution to the cultural heritage significance of the streetscape, townscape and character of Bruce Rock.	
	53	10685	Bruce Rock Main Street Precinct Goldsborough Mort & Co (fmr)	44 Johnson Street	B	The place represents a way of life associated with commercial activity in Bruce Rock. The building was originally Goldsborough Mort & Co stock and trading agency. Later, Ron Baker had a business and in the 1930's it was Nicholas's Shoe Store. The building is integral to the continuum of single storey commercial buildings in the main street and makes a contribution to the streetscape, townscape and character of Bruce Rock.	42
	54	10657	Bruce Rock Main Street Precinct Pharmacy (fmr)	46 Johnson Street	B	Built in the 1920's, the shop has always a chemist or pharmacy until recent years. The parapet of the building is an example the architecture of the Interwar period that is integral to the continuum of single storey commercial buildings in the main street and makes a contribution to the significance of the streetscape, townscape and character of Bruce Rock.	24
	55	0319	Bruce Rock Main Street Precinct Bruce Rock Café	48 Johnson Street	B	The shop building is a good example of an Inter war period of regional shop architecture and detailing. The symmetrical frontage with original truncated entry is integral to the continuum of single storey commercial buildings in the main street and makes a significant contribution to the cultural heritage significance of the streetscape, townscape and character of Bruce Rock.	23



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	56	10656	Bruce Rock Main Street Precinct Baker's & agency store (fmr)	50 Johnson Street	B	<p>The shop represents a way of life associated with commercial activity in Bruce Rock. Some businesses include; bootmaker, menswear, ladieswear, Goldsbrough Mort & Co stock and station agent), other agencies, and Elders in the 1940's and in recent decades, drycleaners, and boutiques.</p> <p>The shop building is a good example of the Interwar period with the symmetrical frontage with original truncated entry is integral to the continuum of single storey commercial buildings in the main street and makes a significant contribution to the cultural heritage significance of the streetscape, townscape and character of Bruce Rock.</p>	22
	65		Bruce Rock Centenary Mosaic Pathway	Johnson Street (E side) Bruce Rock	B	<p>The mosaic pathway started as an idea for the town's centenary in 2011. The community's enthusiastic response resulted in 250 mosaic slabs representing all elements of the history of Bruce Rock. It was officially opened on 13 April 2013, and is much valued by the community.</p>	
	66		Bruce Rock Federation Amphitheatre	Johnson Street (E side) Bruce Rock	B	<p>Opened on 26 October 2001, the amphitheatre was locally conceived, designed and constructed.</p> <p>The amphitheatre can accommodate 650 people, operating between October and April with Australian and international artists to entertain communities in the wheatbelt.</p> <p>The Amphitheatre is associated with a series of commemorative memorials to various places of conflict around the world in remembrance of those who served their country.</p>	

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						The place represents a sense of place for locals, visitors, and returned servicemen and their families, and is an important social gathering for events and particularly ANZAC Day. In November 2021, the Back to the Bush veteran's reunion will celebrate 20 years.	
	67	10648	War Memorial	Johnson Street (E side) Bruce Rock	B	In 1949, The Roads Board's War Memorial Committee decided to proceed with fund raising for the memorial as soon as possible. The obelisk was erected in this situation and on 18th March 1951, a dedication service took place.	9
	68	0323	Bruce Rock Shire Offices	Johnson Street Bruce Rock	A: register	Bruce Rock Shire Offices is a good representative example of a rural civic administration building constructed in the interwar period of the late 1920s. It represents the continued prosperity of the town and surrounding wheatbelt district. It is valued by the local community contributes to their sense of place. It is a landmark that is an integral component of the main streetscape and a substantial contribution to the historic main street streetscape and townscape of Bruce Rock.	1
	69	10681	Bruce Rock Hall	58 Johnson Street Bruce Rock	B	The site and Hall represent changes and development in Bruce Rock and associations with identities and pioneers. The site was previously occupied by Wally Johnson's cafe` called Johnson's Tearooms in the 1930's and later Ashby's Butcher shop in the late 1950's. RK Baker Agencies operated in the 1960's before it was the Butler Museum, prior to demolition in the 1970's.	40

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						<p>The rear of the shop was accommodation for single men.</p> <p>The Hall was constructed after the original Hall on the Shire office site was demolished.</p> <p>The association with the respected Interwar Architect Marshall Clifton (1971) is significant.</p> <p>Bruce Rock Hall makes a contribution to the historic streetscape and townscape of Bruce Rock informing of the 1970s period of development.</p>	
	70	0322	Bruce Rock District Co-op (fmr)	60 Johnson Street Bruce Rock	B	<p>The site is of historical significance in demonstrating associations with the beginnings of commerce and communication in the town of Bruce Rock.</p> <p>It is the site of first store in Bruce Rock: Duggan's Store, and also the unofficial post office (c.1914 and official 1919-1922: new PO).</p> <p>The former Co-op that took over Duggan's store represents associations with the Cooperative concept, a way of life no longer practiced.</p> <p>After fire destroyed the shops on the site in 1928, the existing Co-op was constructed. Later the business became insolvent and local farmer, Fuchsbichler took over.</p> <p>The place is a fine example of the Interwar period and makes a significant contribution to the streetscape of the main street and the townscape character of Bruce Rock.</p>	20
	71	10700	Cooks Garage (fmr)	75 Johnson Street Bruce Rock	B	<p>The place is significant in representing a service industry associated with agriculture.</p> <p>The original building burnt down soon after it was built and this building was built to the same design.</p> <p>Hector Cook relocated his garage business from Mason's site to this site where he built the new premises. Cook also operated an</p>	53

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						international Harvester agency. Later Armanascos, bought the business, followed by SBS. The architecture is distinctive post World War Two demonstrating the progress of that period and makes a contribution to the historic townscape of Bruce Rock.	
	80	23847	St Mary's Catholic Church	14 Westral St (NW cnr Parry St)	B	St Mary's Catholic Church is the only remaining place that represents the significant Catholic presence in Bruce Rock, with a presbytery, original Church (1927) , and School all demolished. With the prosperity of the early 1960's, the parish priest, Father Michael Ryan, planned for a church to cater for an increasing congregation. St Mary's Church opened on 12th July 1964 by Reverend Prendiville, Archbishop of Perth. It is a fine example of post war ecclesiastical architecture and makes a contribution to the historic townscape of Bruce Rock.	32
	D1	10783	Bruce Rock Cemetery	Cemetery Road Bruce Rock	B	The site represents associations with generations of settlers in the Bruce Rock area. The first person to be laid to rest was James Clarke of Bungulluping, who died on 17th April 1916. Previously burials had been in the region of the original recreation ground.	116
	D14	10652	POW hut	Wogarl West Road Bruce Rock	A register	Prisoner of War (PoW) Hut is one of a few known remaining Prisoner of War huts that were built to accommodate Italian prisoners of war incarcerated in Australia during World War Two. It was part of a wider network of prisoner of war and internment sites for the 3,500 PoWs to work on farms in the wheatbelt and other regions.	17

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	3A	0325	Ardath Hotel	Main Street Ardath	B	<p>Ardath Hotel is of considerable social and historical value that demonstrates a way of life offering hospitality, and for the associations with generations of Ardath settlers, including the World War Two period of activity with the location of the Army Ordinance and camp of 250 personnel in close proximity.</p> <p>It has considerable social significance for associations with the first owner/licensee, Fred W Jacoby in 1926 Until c.1950), and others, including members of the local community and travellers.</p> <p>It is a fine example on Interwar Federation Free architecture that is a landmark that represents the character and townscape of Ardath.</p>	18
	11A	10793		Bruce Rock-Corrigin Rd Ardath	B	<p>With the fear of a Japanese invasion during World War Two, troops were recalled from the Middle East and vast amounts of equipment vital to the defence of Australia was in urgent need of safe storage facilities.</p> <p>Two inland storage facilities in Booraan, east of Merredin, and Ardath that became a town of minor strategic importance.</p> <p>Prisoners of War worked at the camp that became a social centre for the area with concerts and pictures and dances.</p> <p>After the war, the site became a repository for obsolete ammunition and completely closed in 1948.</p> <p>Part of the land was purchased by the Commonwealth Government for a Soldier Settlement Scheme and part converted into the golf course.</p> <p>Army Ordinance & camp remains are of considerable historic significance for the association with World War Two activities.</p>	128

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	3Ba	10746	Babakin Hall	Forrest Street Babakin		<p>Babakin Hall represents the site of the original hall (1918-1945) and ongoing significance of the 1955 hall.</p> <p>It represents associations with generations of Babakin settlers as the social and cultural centre for community of Babakin.</p> <p>The hall is a landmark of considerable significance to the townscape and character of Babakin.</p>	84
	4Ba	10747	Babakin CWA	Forrest Street Babakin		<p>The Babakin CWA rooms represent an association with the significant institution that is the CWA.</p> <p>It evokes a sense of place for generations of women who have been involved in the CWA and made such a difference to their community.</p> <p>It makes a contribution to the streetscape and historic townscape of Babakin.</p>	85
	3Ko	10763	Church of Immaculate Conception (Catholic)	Railway Street Kwolyin		<p>The church (1955), typifies the Post War Two austerity style, and represents a way of life and sense of place for generations of the Kwolyin Catholic and broader community in a small regional town.</p> <p>The Church is the only remaining building in the once thriving township of Kwolyin and presents an important landmark in the townsite.</p>	96
	S3	8841	Shackleton Memorial Hall	Jermyn Street Shackleton		<p>Shackleton Memorial Hall represents associations with generations of Shackleton settlers as the social and community centre for the community that engenders a 'sense of place'.</p> <p>It is a landmark in the main street and is of considerable significance to the townscape and character of Shackleton</p>	36

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	S4	0329	Bank	Jermyn Street	<p>The bank is a landmark that makes a significant contribution to the streetscape and character of Shackleton.</p> <p>It has associations with the beginnings of the Agricultural Bank in the rural areas.</p> <p>It operates as an agency for Bankwest, formerly the R & I and the Agricultural Bank.</p> <p>It has the accolade as the smallest operating bank in the world.</p>	9
	S5	10677	Shackleton PO & General Store	12 Jermyn Street	<p>Shackleton PO & General Store represents significant associations with the commercial development of Shackleton since c.1929 after fire destroyed the original post office on the site (c.1916-c.1928), and a way of life for postmasters/storekeepers and their families.</p> <p>It is socially significant as a place of business and meeting as a central place of essential country services for the community.</p> <p>It is significant as the only remaining store in the main street and is integral to the character and the townscape of Shackleton.</p>	38

8.0 ABORIGINAL HERITAGE

The Heritage Inventory under the requirements of the Heritage Act (2018) is relevant to places of Aboriginal significance of the post-contact period only.

The Department of Aboriginal Affairs (DAA) oversees an “Aboriginal Sites Database” and works with Aboriginal people to protect their culture and to protect and manage places and objects of significance to Aboriginal heritage.

9.0 CONCLUSION

The 2021 Local Heritage Survey (draft) reiterates the considerable significance of the rich heritage and history of Bruce Rock’s town and districts, and will provide strategic guidance to conserve those places of assessed as having a high level of cultural significance. There are some gaps of information that can hopefully be informed by the community consultation.

APPENDIX 1

Shire of Bruce Rock

DRAFT LOCAL PLANNING POLICY (LPP) FOR HERITAGE AREAS

Heritage Conservation and Development Policy:

Bruce Rock Main Street Heritage Area

Introduction

The Local Planning Strategy for the Shire of Bruce Rock highlights the importance of heritage places to the amenity of the Shire's built environment.

The Bruce Rock Main Street Heritage Area (Johnson Street 34-50 inclusive) is significant as a substantially intact and cohesive area established mostly in the 1920s, characterised by a continuum of single storey, and one double-storey, shops with traditional frontages that present a rhythm of form and scale in the main street of the town.

The Bruce Rock Main Street Heritage Area is designated under the Heritage Protection provisions of the town planning scheme.

This policy provides development and design guidance for development within the area and details the procedures for making applications for development approval within the area.

Application

This policy applies to all land within the Bruce Rock Main Street Heritage Area inclusive of numbers 34 to 50 in Johnson Street, Bruce Rock.

Objectives

The objectives of the policy are:

- To conserve and manage the cultural heritage significance of the Bruce Rock Main Street Heritage Area.
- To ensure that new buildings, alterations, and additions can be accommodated within the area without adversely affecting the area's significance.
- To provide improved certainty to landowners and community about the planning processes for development within the area.

Policy

Development control principles and relevant considerations for development assessment.

In considering any planning applications in relation to a place located within the Heritage Area, the Shire will apply and have regard to:

- The matters set out in section 6.5 of the State Planning Policy 3.5 Historic Heritage Conservation.
- The development control principles set out in sections 6.5 and 6.6 of the State Planning Policy 3.5 Historic Heritage Conservation.
- The design guidelines set out in Appendix 2.
- The structural condition of a contributory place, and whether a place is reasonably capable of conservation.

Schedule of places

The Schedule lists the places within the Bruce Rock Main Street Heritage Area, categorised according to their level of contribution: considerable, some/moderate or no contribution.

LHS #	Name	Address	Level of contribution
48	Posa's Dining Room & Fruitiers (fmr)	34 Johnson Street	Considerable
49	Scotts Outfitters (fmr)	36 Johnson Street	Some/moderate
50	Newsagency	38 Johnson Street	Considerable
51	R & I Bank (fmr)	40 Johnson Street	Some/moderate
52	Withers Drapery (fmr)	42 Johnson Street	Considerable
53	Goldsborough Mort & Co (fmr)	44 Johnson Street	No contribution
54	Pharmacy (fmr)	46 Johnson Street	Some/moderate
55	Bruce Rock Café	48 Johnson Street	Considerable
56	Baker's & agency store (fmr)	50 Johnson Street	Considerable

Development control principles

Relevant considerations for planning applications in relation to a place in the Heritage Area, will apply and have regard to:

- The development control principles set out in sections 6.5 and 6.6 of the State Planning Policy 3.5 Historic Heritage Conservation.
- The design guidelines set out in Appendix 2.
- The structural condition of a place, and whether a place is reasonably capable of conservation.

Levels of Contribution

The Heritage Area as a whole is considered to be significant with the places within it assessed by their heritage value and corresponding level of significance that contributes to the heritage area.

The level of contribution that a place makes to the significance of an area is one of the matters

considered in determining an application for any development that impacts that significance within the context of the place and the heritage area.

This Policy is relevant to all places identified in the Heritage Area in the Heritage List, in the Local Heritage Survey (LHS).

LEVEL OF SIGNIFICANCE	DESCRIPTION	DESIRED OUTCOME
Considerable contribution HERITAGE LIST	Very important to the significance of the Heritage Area.	Conservation of the place is highly desirable. Any external alterations or extensions should reinforce the significance of the area in accordance with the Design Guidelines.
Some/Moderate contribution	Contributes to the significance of the heritage area.	Conservation of the place is desirable. Any external alterations or extensions should reinforce the significance of the area in accordance with the Design Guidelines.
No contribution	Does not contribute to the significance of the Heritage Area.	Existing fabric does not need to be retained. Any new development on the site should respond to the significance of the Heritage Area in accordance with the Design Guidelines.

Applications for planning approval – accompanying material

An applicant may be required to provide one or more of the following reports to assist in the determination of a development application. This is additional to the requirement for accompanying material set out in the Local Planning Scheme and the Model Scheme Text.

Heritage Impact Statement (HIS)

If a proposal will have a substantial impact on the exterior fabric or form of a place of considerable contribution or some/moderate contribution, a heritage impact statement may be required. It needs to submit and address three main questions:

- How will the proposed development affect the significance of the place and Heritage Area?
- What alternatives have been considered to minimise any adverse impacts?
- Will the proposal result in any heritage conservation benefits that might offset any adverse impacts?

Register of Heritage Places

If a proposal affects a place that is entered in the Register of Heritage Places, the Shire will refer the development application to the Heritage Council.

A development proposal for a Registered or a complex place of considerable significance, may require a Heritage Impact Statement and/or a Conservation Management Plan (or Conservation Management Strategy – an update of an out-of-date Conservation Management Plan), at the applicant's expense.

Proposed demolition

A structural condition assessment is required in the case of proposed demolition of a place of considerable or some/moderate contributory significance if structural failure is cited as a justification for the demolition of a place in the Heritage List. The structural evidence should be provided by a registered structural engineer to substantiate that the structural integrity of the building has failed and cannot be rectified without removal of a majority of its original fabric that would impact the significance of the place.

Archival recording in the case of demolition

If the proposed demolition application of a place of considerable or some/moderate contributory significance, is approved, a condition of approval, may require the applicant to submit an archival record of the place, prior to the commencement of development. The archival record is to be in accordance with the Heritage Council's standard for archival recording.

Shire owned property

The Shire of Bruce Rock Shire will seek to lead by example by conserving and managing its own places within the Bruce Rock Main Street Heritage Area in accordance with this policy.

Reference documents

LPP Heritage Conservation and Development Policy – Heritage List

The Local Heritage Survey 2021

Heritage List 2021



BRUCE ROCK MAIN STREET HERITAGE AREA

Johnson Street (numbers 34-50 inclusive)

Posa's Dining Room & Fruitiars (fmr)	34
Scotts Outfitters (fmr)	36
Newsagency	38
R & I Bank (fmr)	40
Withers Drapery (fmr)	42
Goldsborough Mort & Co (fmr)	44
Pharmacy (fmr)	46
Bruce Rock Café	48
Baker's & agency store (fmr)	50

DEVELOPMENT GUIDELINES

Heritage Intelligence (WA)

Laura Gray

Heritage & Conservation Consultant

for

Shire of Bruce Rock

September 2021

Introduction

Bruce Rock's Main Street Heritage Area is a place that has special qualities and it is important to retain and enhance those qualities as the town develops through time. Bruce Rock retains a significant legacy of buildings of historic and architectural value.

These guidelines identify the important qualities of Bruce Rock's Main Street Heritage Area and are intended to assist property owners and the Shire of Bruce Rock to achieve good development outcomes in an important heritage context.

The Statement of Significance of the Bruce Rock Main Street Heritage Area states as follows:

Bruce Rock Main Street Heritage Area comprising predominantly single storey commercial buildings along the west side of Johnson Street between numbers 34-50 inclusive, form a continuum of places of varying degrees of significance, has cultural significance for the following reasons:

it physically reflects broad social and economic changes from the development of the town after the railway in 1913, and has the potential to contribute significantly to an understanding of the development of Bruce Rock;

the cumulative effect of the scale, massing, texture, materials, colour and detail of individual buildings and their sites provide aesthetic characteristics which have formed in distinctive periods from the early town establishment to the latter decades, clearly demonstrating the aesthetics of those periods;

the continuity of commercial functions which operate without detracting from the overall integrity of the Heritage Area and which contribute substantially to the character of the area; and,

the contribution to the Bruce Rock community's sense of place through its social, retail and commercial associations with generations of the community.

Objectives of the Development Guidelines

Bruce Rock Main Street Heritage Area is regarded as a special cultural environment that informs of a history of Bruce Rock. Johnson Street's individual buildings within a continuity of commercial and retail functions contribute substantially to the significant heritage character of Bruce Rock.

The Development Guidelines will

- Encourage the conservation and protection of the cultural heritage significance of the Bruce Rock's Main Street Heritage Area;
- Ensure that that new buildings, alterations and additions can be accommodated within the Heritage Area without adversely affecting the Heritage Area's significance; and

Development Guidelines

BRUCE ROCK MAIN STREET HERITAGE AREA

Johnson Street (34-50 inclusive)

- Encourage the retention of original form, fabric and functions of the heritage places; and,
- Provide improved guidance to landowners and the community about the expectations and planning processes for development within the Heritage Area.

The Development Guidelines should be implemented to the satisfaction of the Shire of Bruce Rock.

Places that are valued for their historic character convey a sense of continuity with the past. All built environments have their own special character and Bruce Rock's Main Street Heritage Area is defined by the consistent scale, form and fabric of the commercial and retail buildings dating from c.1914.

Historic character can be devalued and compromised by unsympathetic or non-responsive new development, including additions to existing buildings. Placing new buildings and additions in an historic context requires careful analysis to identify the important elements of the overall heritage character that must be respected.

Character is influenced by a number of contributing factors including:

- date and style of buildings
- scale and form of buildings
- building setbacks
- materials, building techniques and details
- the use mix and activities

Developments that usually appear most out of character share similar design attributes. This includes buildings that are too large in scale, both height and mass, or lack sufficient surface articulation, and/or are presented in strong and/or garish colours that are incongruous with their surroundings. It is these characteristics that should be discouraged in future developments.

Character is also shaped by the relationship between the proportion of solid to void in walls, or the amount of window contained by a wall, together with the play of light, shadows, and the proportion of openings in walls.

The following headings discuss the design criteria that make up character.

The five principle design criteria are:

- Scale or Size
- Form
- Siting
- Materials and colours
- Detailing

All new development should reinforce existing historical character where a particular character can be readily established and is clearly of a desirable form.

Development Guidelines

BRUCE ROCK MAIN STREET HERITAGE AREA

Johnson Street (34-50 inclusive)

Some important general principles guide development and the aim of these guidelines is to protect the town's important features and ensure that change and development is managed in a way that enhances and reinforces its historic character.

Bruce Rock's Main Street Heritage Area reflects the image of a traditional country town, with its main street of commercial and retail buildings surrounded by mainly residential uses. Buildings within Bruce Rock's Main Street Heritage Area are set squarely on their lots with zero front setbacks.

The Australia ICOMOS *Burra Charter* outlines a number of principles including:

Conservation requires the retention of an appropriate visual setting and other relationships that contribute to the cultural significance of the place. New construction, demolition, intrusions, or other changes which would adversely affect the setting or relationships are not appropriate.

Most of the buildings within the Heritage Area make a positive contribution to the town's character, even though individually many do not have high intrinsic value. Some of the buildings have been altered and adapted in a variety of ways, but contribute by their relation to the existing pattern, scale and form. Most buildings experience some change over time, and that change may also be relevant to the history of a place and the story it has to tell.

Demolition

Many of the buildings in the Heritage Area are capable of restoration and adaptation. Demolition should only be considered as the last resort with respect to any heritage place.

Demolition of a local heritage place should be avoided wherever possible, although there will be circumstances where demolition is justified. The onus rests with the applicant to provide a clear justification for it.

Demolition approval should not be expected simply because redevelopment is a more attractive economic proposition, or because a building has been neglected. Consideration of a demolition proposal should be based upon the significance of the building or place; the feasibility of restoring or adapting it or incorporating it into new development; the extent to which the community would benefit from the proposed redevelopment; as well as the planning policies relating to the demolition of heritage places in Bruce Rock's Main Street Heritage Area.

The loss of each heritage building impacts on the significance and character of the town as a whole in a negative way.

Additions/alterations

Most heritage places in Bruce Rock's Main Street Heritage Area are capable of additions and development at the rear, without having a negative impact on the street-front character. The guiding principle for additions is to ensure that they do not visually intrude on the existing building or the street context and that they respond appropriately the heritage character of the

Development Guidelines

BRUCE ROCK MAIN STREET HERITAGE AREA

Johnson Street (34-50 inclusive)

existing property. Additions should be distinguishable from the original building, and the distinction may be subtle if desired.

New Buildings

New buildings have the capacity to contribute to the streetscape and to complement the existing heritage context. Any new buildings in the Heritage Area should respect their historic context, and respond to the existing character, scale, form, siting, material and colours.

New buildings should not be direct copies of heritage buildings and should be visually distinguishable from them. It is important to distinguish between heritage and new places so that heritage values are not diminished by replication but should respect their scale, form and proportions. New builds should not dominate the streetscape. The distinction may be either subtle, or could be a marked contrast.

The subtle distinction method uses the patterns and proportions of the original building and either uses more modern materials, a distinction in detailing or creates a neutral space, such as a link building.

The marked distinction method involves using contemporary design and respecting the existing building qualities, proportions, and scale.

Development in the Johnson Street Heritage Area (34-50) has traditionally been located on the front property line, resulting in a continuous built façade along the footpath. This is an important and distinctive characteristic of the Heritage Area that should be protected.

Scale

The scale of a building is its size in relation to its context. The resulting development proposal should look as if it belongs to the area in terms of scale. Scale is one of the prime determinants of an area's character, and if scale is not correctly determined, there is little prospect of ameliorating the negative impact of developments that are out of scale.

All new development – both new buildings and additions to existing buildings – should respect the predominant scale (height, bulk, density and general pattern) that is characteristic of the context and should not have an adverse visual impact on it.

New buildings that need to be larger than the buildings in their surroundings can be reduced in scale by breaking up long walls into bays, by the arrangement of openings and fragmenting roof forms, as appropriate.

Siting

Another critical factor that influences character is building siting in relation to boundaries, particularly front boundaries. Maintaining the dominant zero setbacks in the streetscape will readily reinforce siting aspects of character in that streetscape.

Development Guidelines

BRUCE ROCK MAIN STREET HERITAGE AREA

Johnson Street (34-50 inclusive)

Importantly, retail buildings in Bruce Rock's Main Street Heritage Area are oriented to the street frontage; in other words the principal elevation of the building, including the entrance, faces the street. New commercial buildings should be oriented in the same manner as those in the context.

Form

The pattern of arrangement and size of buildings in the Heritage Area is an important part of its character.

The street layout and subdivision pattern provide a strong influence in scale by street and block widths. New buildings shall, in each instance, be appropriate to the immediate surroundings.

The traditional pattern and rhythm of development consisting of horizontal strips of development, broken into a vertical rhythm by the compartmentation of shops and fenestration to individual shops, and which reflects the original subdivision pattern, should be maintained.

Traditional retail buildings are simple and rectangular with pitched roofs usually concealed behind parapet walls, and a simple awning or veranda over the public footpath. Decorative pediments form a distinctive pattern. New buildings shall follow these established forms and patterns.

Windows and doors in new buildings should not be copies of traditional styles. Where windows are visible from the street they should be simple timber-framed or commercial quality box aluminium framed windows with proportions reflecting traditional openings.

Design

New development should be architectural statements of their own time, should reflect their function, and at the same time be fitting places which relate to Bruce Rock's Main Street Heritage Area in a positive manner and reinforce its sense of place.

Rooflines are frequently a significant part of streetscape character. New buildings and additions should respond to and reinforce existing characteristics such as plate / wall height, roof form, ridge lines and parapet lines and roof pitches.

Façade

The treatment of the façade in terms of the proportions, materials, number of openings, ratio of window to wall will also affect how a new building relates to its neighbours, and how an addition relates to an existing building.

Large frontages must be treated in modules that are in keeping with the rhythm of the majority of shopfronts, and shall have the effect of a small frontage character. It is

Development Guidelines

BRUCE ROCK MAIN STREET HERITAGE AREA

Johnson Street (34-50 inclusive)

particularly important to retain this kind of rhythm in redevelopment where larger, single use developments covering several lots may be proposed.

Monolithic buildings with blank street frontages are not acceptable. Large-scale panel systems and sheet metal cladding will not generally achieve the scale and character required to fit in with the context of traditional Bruce Rock's Main Street Heritage Area.

Unless exceptional circumstances can be demonstrated, a new retail development should have an over-pavement awning/veranda to provide effective weather protection for pedestrians. The awning should be simple in design, and should line through with any existing awnings/verandas on adjacent buildings. Awning/verandas supported by posts are encouraged.

For existing buildings, the reinstatement of verandas with veranda posts on the public footpath is encouraged, provided it can be demonstrated that such a veranda would be consistent with the original form and design of the building, and its heritage integrity.

Shop fronts

New shop fronts should take the form of dado below glazing, with a central or side recessed entry, which may or may not be set in a truncated recess.

Shopfront window sills should be in the range of 450mm to 600mm from footpath level, but may be lower where frontages are to be open to the street.

Where new development is to be located adjacent to a heritage building of significance, the new shopfront should pay due regard to the style, scale and colouring of the adjacent building façade.

Windows onto the street should not be tinted, reflective, painted out or rendered opaque by advertising signage. It is important that two-way views into shops and out onto the street are maximised, to increase visual interest, as well as provide greater security through casual surveillance.

Vacant shops should be encouraged to install historic displays or historical photographic murals relevant to the place or the Heritage Area.

Materials

Bruce Rock's Main Street Heritage Area has a series of sets of materials related to the main historic phases of development of the town. These materials, their textures, colours and decorative treatments are important elements of character and significance.

The main materials are associated with the walls of buildings and their window treatments. Roofs tend to play a less significant role as they are generally concealed

Development Guidelines

BRUCE ROCK MAIN STREET HERITAGE AREA

Johnson Street (34-50 inclusive)

or partially concealed by parapets. New developments and additions should use characteristic materials, textures and colours that are in use locally and in adjacent heritage buildings. The materials may be re-interpreted in new buildings and additions. It is not necessary, nor desirable, to copy the existing patterns in every detail. However, using existing proportions, sizes and shapes of elements assists with developing harmony.

Materials and colours of the surrounding buildings may be used in new buildings, or used as a point of reference for new buildings. Modern materials are not precluded, providing their proportions and textures and details are sympathetic with the surrounding context and are not in sharp contrast.

Restoration

When restoring or repairing heritage places, replacement materials should match like-with-like. Thus in conservation projects they should have timber doors and windows, like they would have had when built. Materials that were not intended to be painted, such as brick, should not be painted. Rendering or painting existing face brick or damaged brickwork in older buildings will cause the brickwork to further deteriorate.

The style of a replacement veranda roof, posts and decoration should be appropriate to the style of the building. In the absence of any documentary evidence regarding the original veranda, a simple replacement veranda without elaborate decoration should be used.

Replacement doors & windows should follow similar patterns to the existing context and doors should be central to the façade or offset to one side, facing directly onto the street. Where a door or window needs replacing it is preferable to use a copy of the original. It is important to retain the original door or window opening.

Colours

Generally colours should respond to the original colours or a contemporary interpretation of those colours. Sympathetic modern colours may also be acceptable. The use of bright or garish colours in large areas visible from the street is not encouraged. Feature brickwork should generally not be painted over.

Lighting

Lighting from the underside of awnings and verandas is acceptable. Low key lighting to facades from verandas and canopies is also generally acceptable.

Signage

In heritage areas such as Bruce Rock's Main Street Heritage Area, architectural and overall heritage characteristics should dominate.

Development Guidelines

BRUCE ROCK MAIN STREET HERITAGE AREA

Johnson Street (34-50 inclusive)

It is generally understood that signage shall be attached to buildings and that signs shall be visually subservient to the building to which they are attached. The buildings and general streetscape must be the dominant element and signage must play a minor role.

The community is also becoming increasingly aware of the value of heritage in the streetscape and older signs, are rare assets that can be capitalised upon by businesses to raise their commercial profile in a unique and highly visible manner.

Considerations of signage needs to:

- permit adequate identification and business advertising
- recognise that advertising signs can help to express the character of the heritage precinct, creating an attractive daytime and evening atmosphere
- limit the number, scale and positioning of advertising signs, and to ensure that signs do not crowd the advertiser's message
- ensure that advertising signs are in keeping with the scale and character of the building upon which they will be attached, and do not detract from the architecture of the building
- ensure that signage is designed and located in a manner that responds to and enhances the heritage place with which it is associated.

Generally, signs on individual buildings within the Heritage Area shall be discreet and should complement the building and area. The architectural characteristics of a building should always dominate.

Advertising should be placed in locations on the building that would traditionally have been used as advertising areas.

It is not necessary to attempt to create an "historic" character in the advertising, but modern standardised corporate advertising will not usually be appropriate in a heritage area, as it can diminish the integrity and individuality of the area's historic character.

Careful consideration should be given to the placement of any advertisements so as not to detract from the design form of historic townscapes.

The following signs should not be erected in Bruce Rock's Main Street Heritage Area:

- signs on any building where the structural stability is likely to be impacted by the sign
- pylon signs
- roof signs or signs that break an historic parapet or roof line

Development Guidelines

BRUCE ROCK MAIN STREET HERITAGE AREA

Johnson Street (34-50 inclusive)

- the painting of whole building facades or parapets in bright colours – corporate or other
- fluorescent and iridescent paint colours

Signs that detract from the architectural character of the Heritage Area should be removed.

The Shire of Bruce Rock should consider the following when assessing applications for new advertising signage

- the aggregate number of signs on the building
- consideration of existing signs
- the dimensions and location of the sign(s)
- the content and style of the sign(s)
- the historic cultural values of the building or place the subject of the application

Signage Specific

Signage is to include all or some of the following and shall be incorporated into either (i) a single sign of not more than 600mm x 400mm in size, or (ii), a minimal number of signs located on awnings, fascias, doors, windows or walls, or slung under verandas.

- historic signs may be repainted or conserved
- respects and doesn't cover important architectural detail on historic buildings
- the maximum size of a street front sign be limited to 10% of principal frontage
- painted signs are kept to a simple design with simple graphics
- painted signage on historic buildings is not permitted
- the siting and form of advertising on new buildings should be considered an integral part of the building design process

Historic Signs

In situations where the Shire considers that an existing sign is of an historic nature and contributes to the character of the streetscape, the owners will be invited to discuss with the Shire options for the retention and conservation of the sign.

In summary, the application of these guidelines is intended to assist property owners and the Shire of Bruce Rock to achieve good development outcomes in the important heritage context of Bruce Rock's Main Street Heritage Area.

Development Guidelines

BRUCE ROCK MAIN STREET HERITAGE AREA

Johnson Street (34-50 inclusive)

ⓘ If the streetlight is damaged or fallen, or if you think it might be dangerous, please call us on 13 13 51 straight away.

Search and select the streetlight(s)

Can't see the streetlight on our map?

It likely belongs to your local Council or Main Roads. So please give them a call first.



Maxar

Powered by Esri

Your IP address: [103.115.137.82].

i The form could not be submitted for the following reasons:

BRUCE ROCK SUPERMARKET

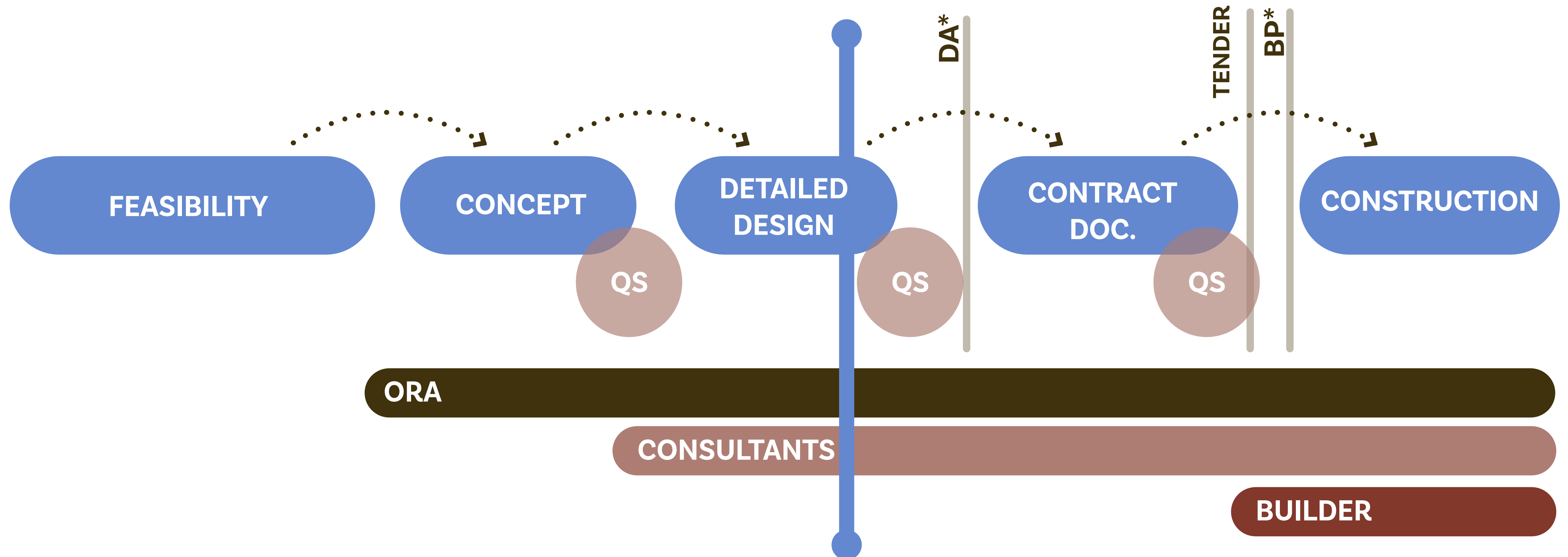
**COMMUNITY UPDATE
& PROJECT PROGRESS**

Oct. 2021

Hi, from ORA



What stage are we at with the project?



The Brief

- **Supermarket, Hardware and associated areas**
- **Informed by Business Case**
- **Civic Corner**
- **Good Value for Money**

The Design Team



**Services
(Forth)**



**Certifier
(RBA)**



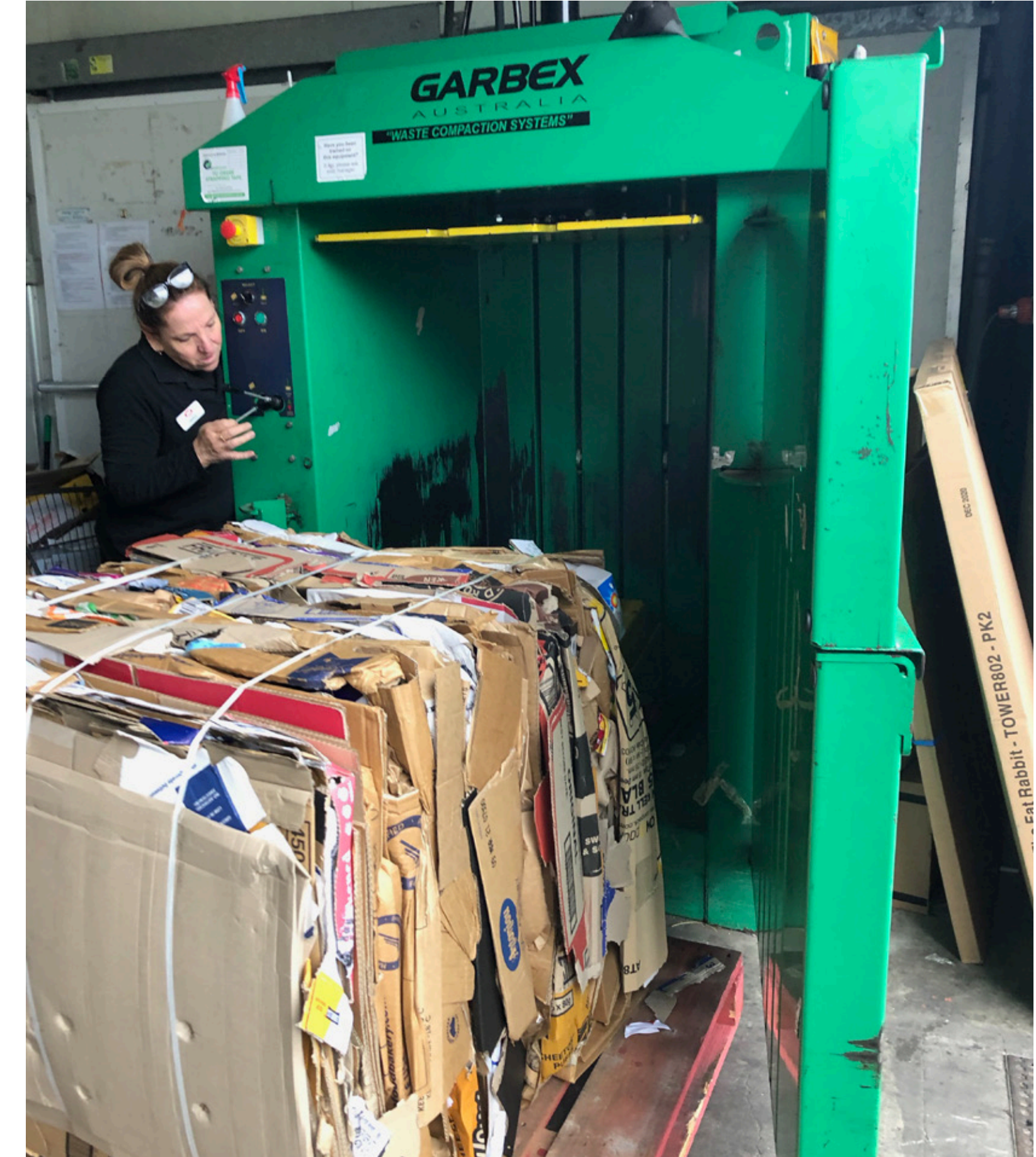
**Structural
(Fulcrum)**



**QS
(Rawlinsons)**

...and others

Research & Site Visits



The Site



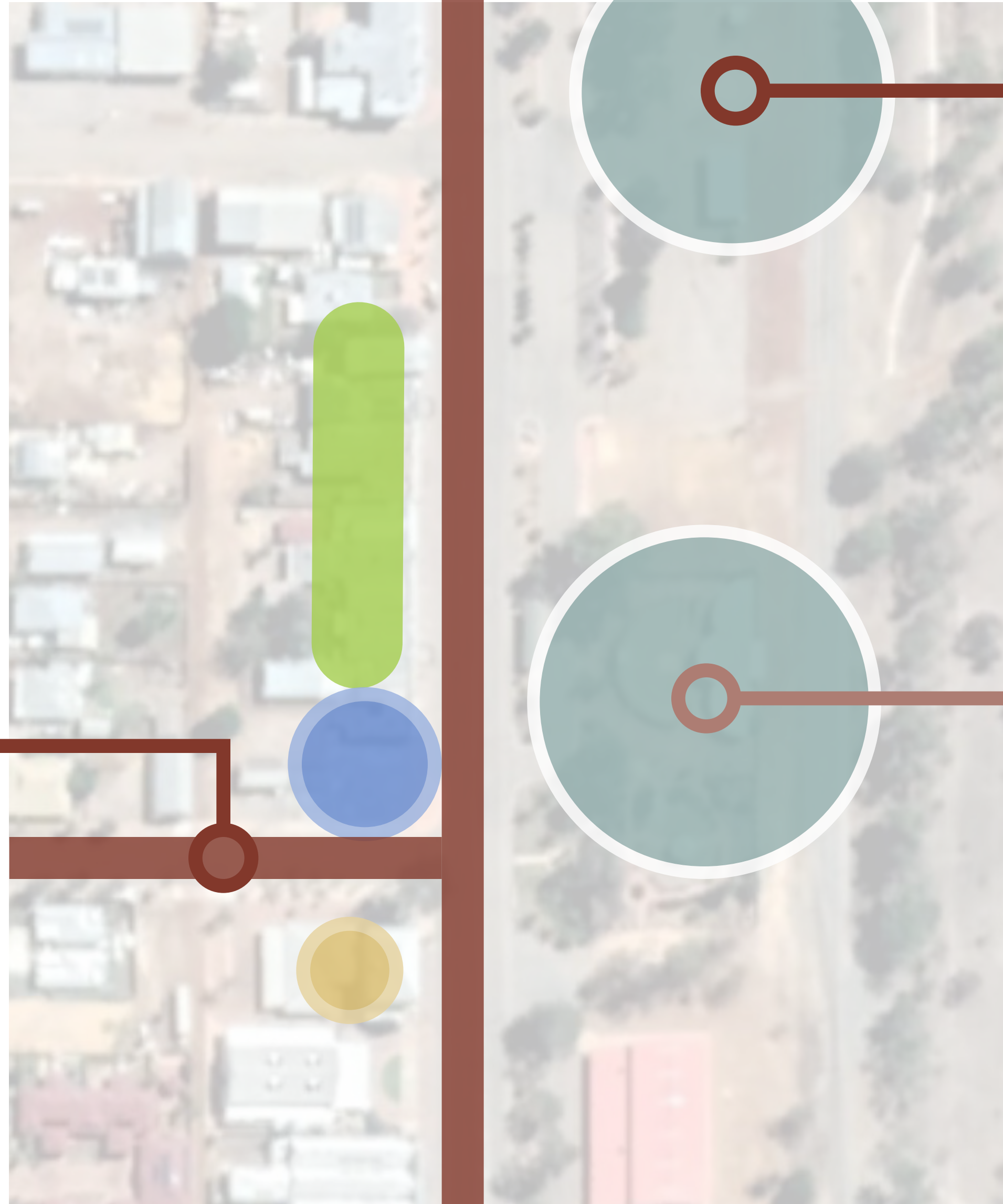
Site Context

Johnson St

to Apex Park

Bath St

**Ampitheatre &
Sculptural Park**

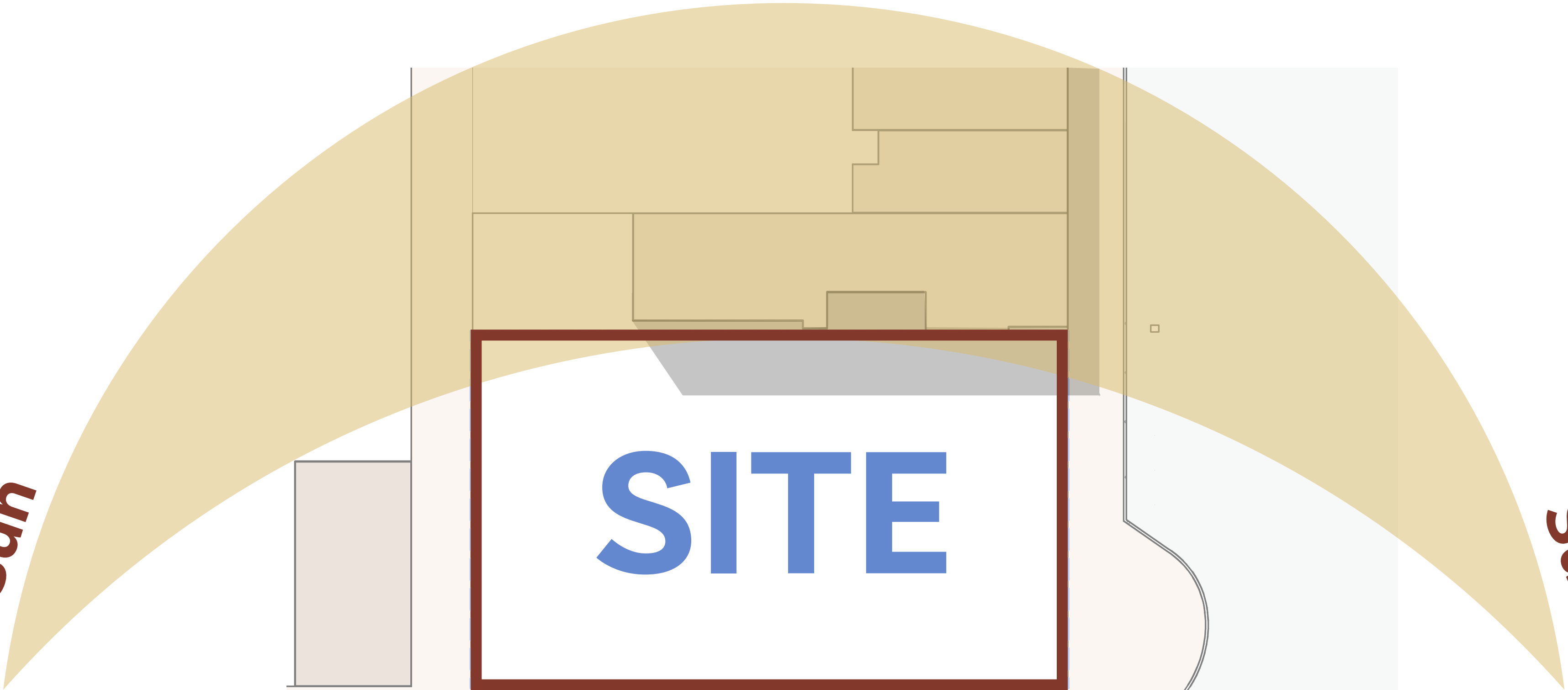


Midday Sun

Afternoon Sun

Morning Sun

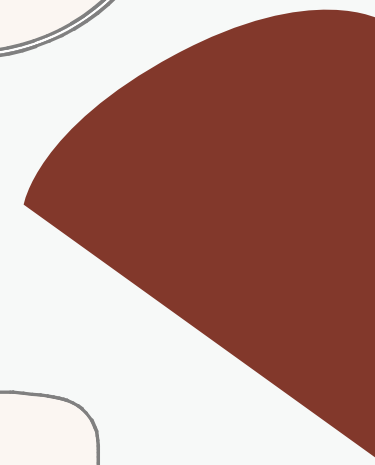
SITE



**Exit from
Town**

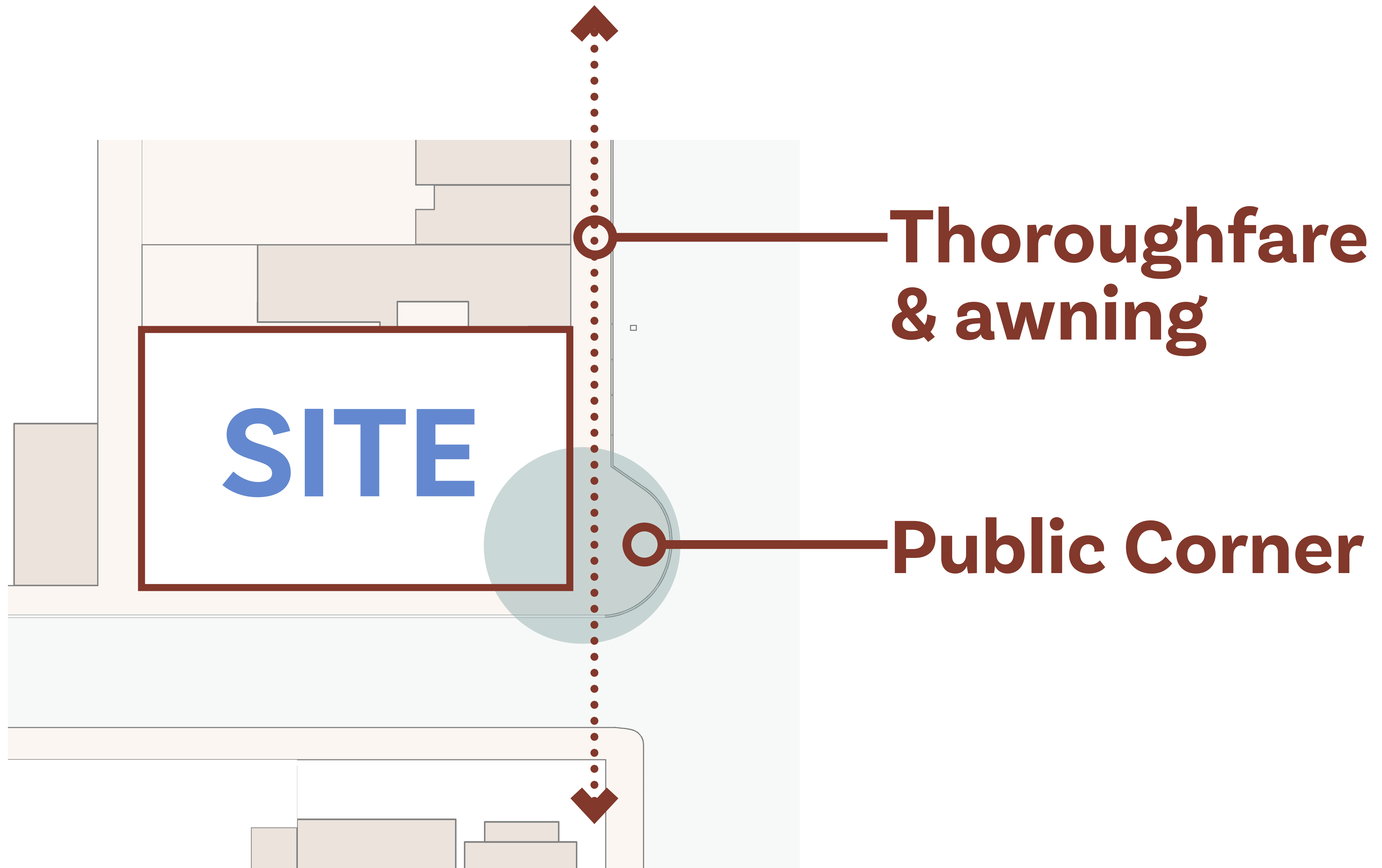


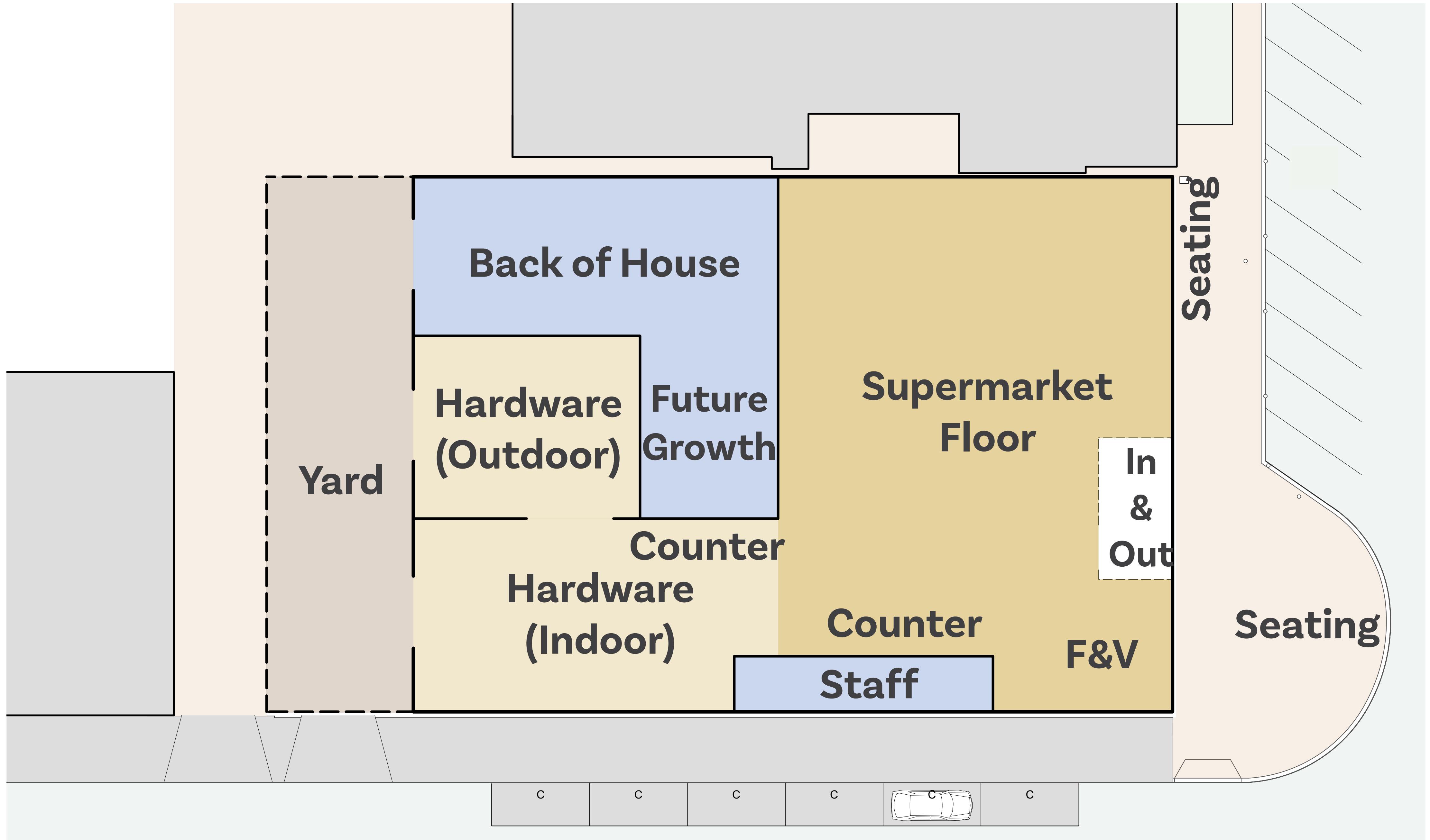
Quiet Side Street

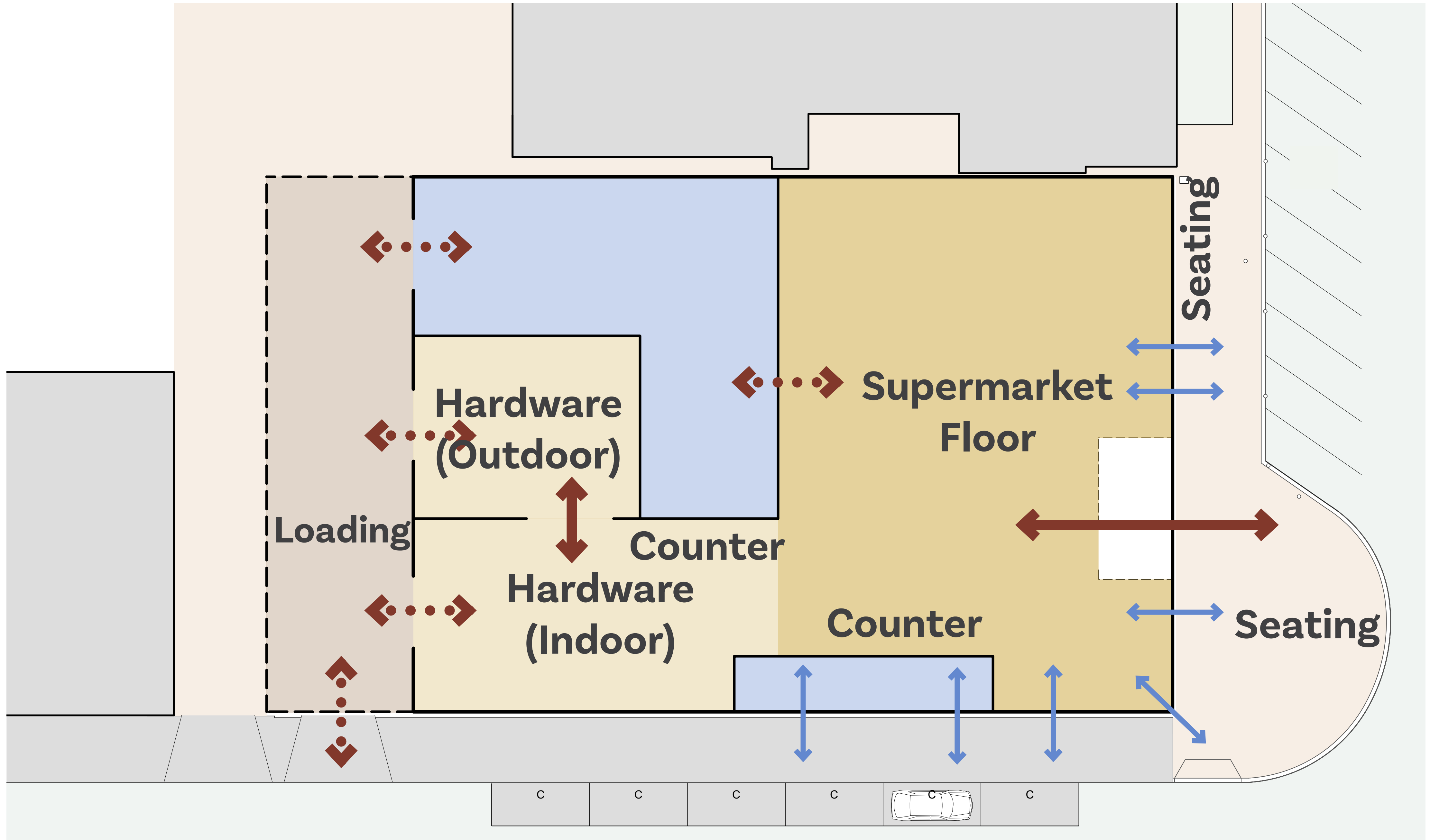


**Entry to
Town**

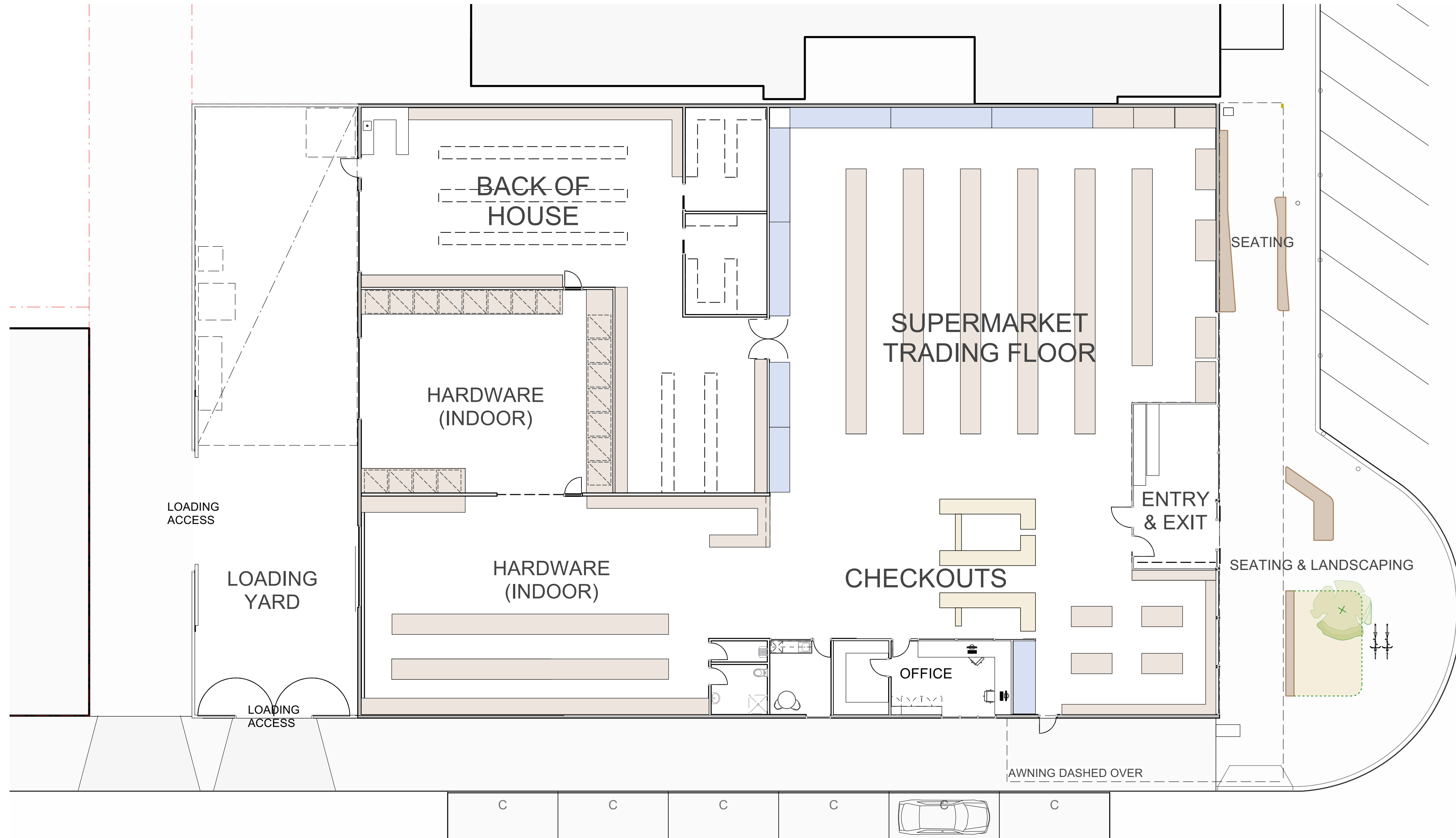








Floor Plan



Johnson Street



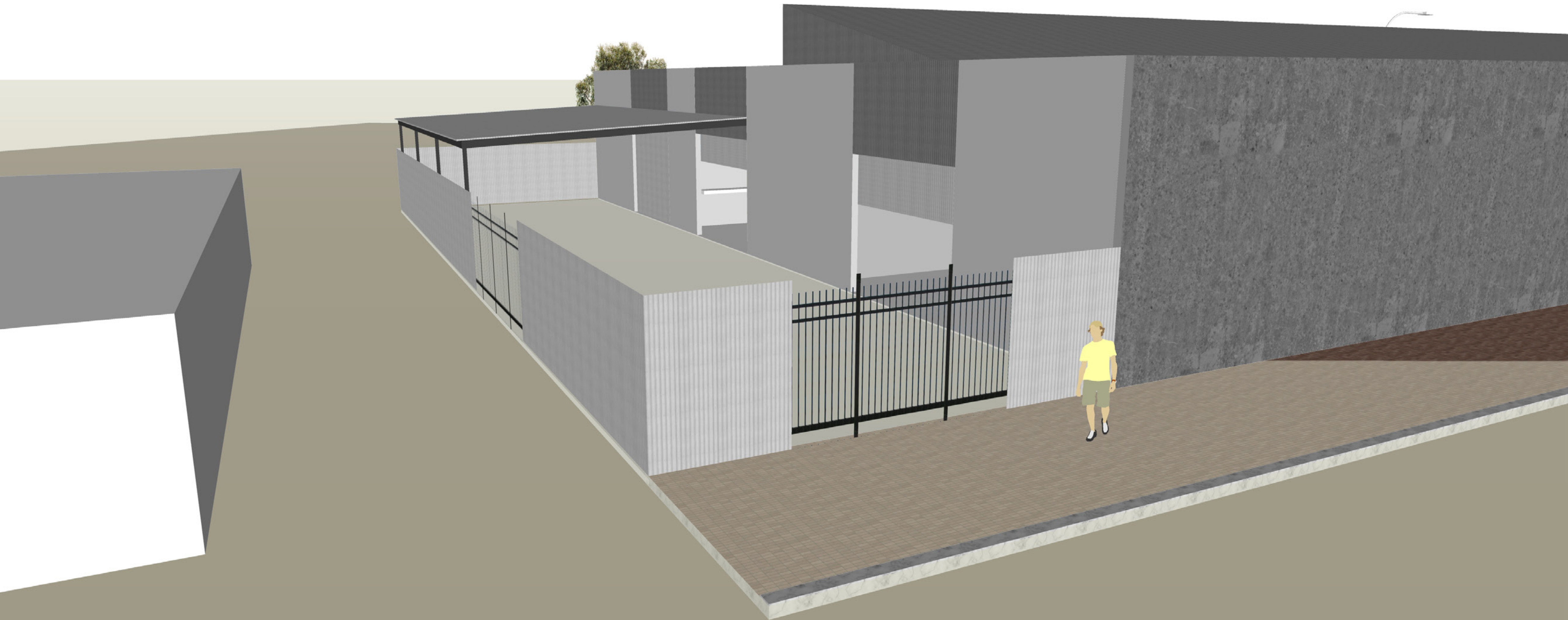
Cnr Johnson / Bath



Looking to Council



Rear Yard



FRUIT AND VEG

SERVICE

HARDWARE



HARDWARE

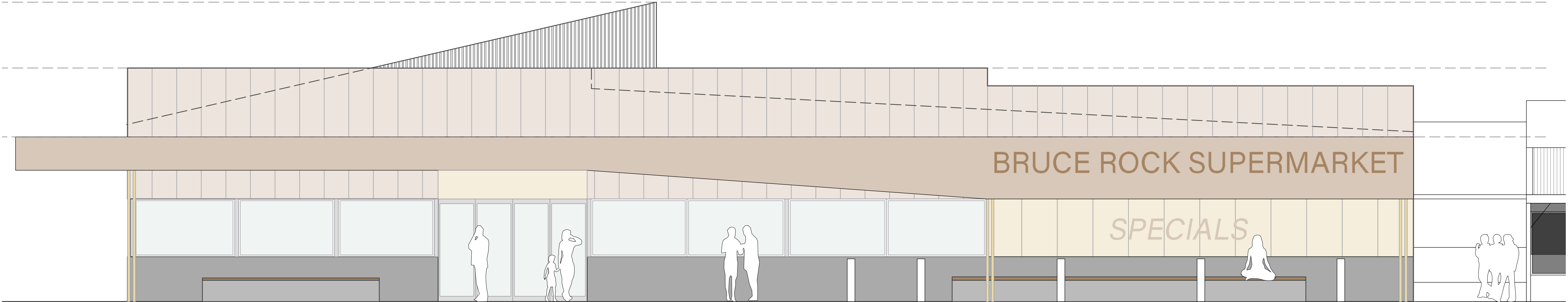
FROZEN FOODS



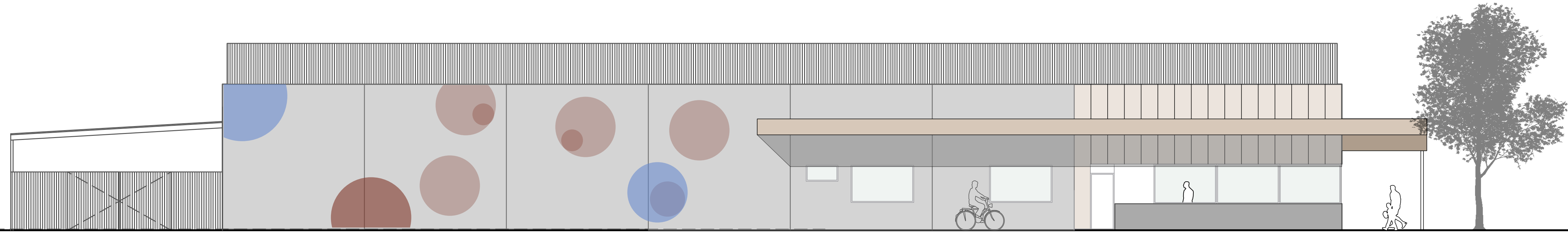
HARDWARE



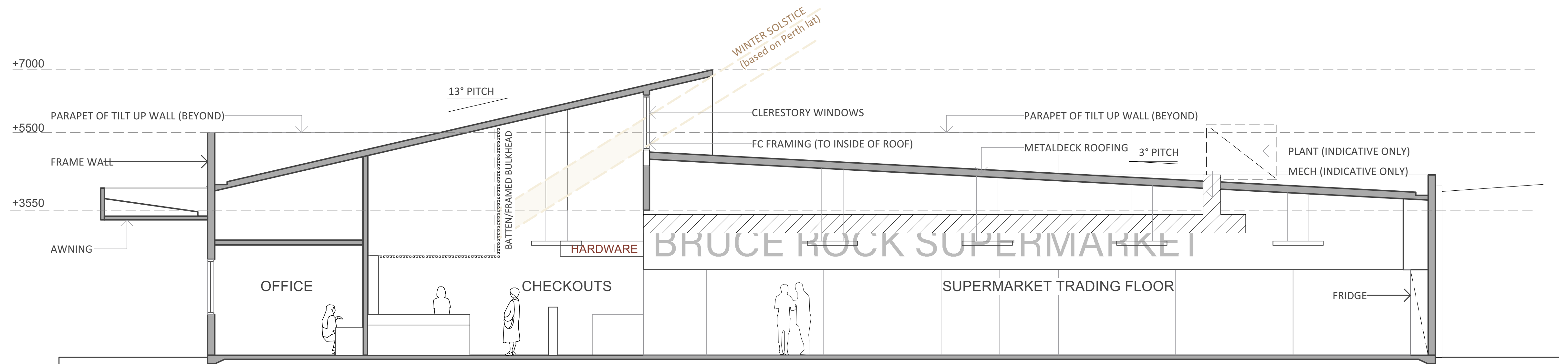
View from Johnson Street



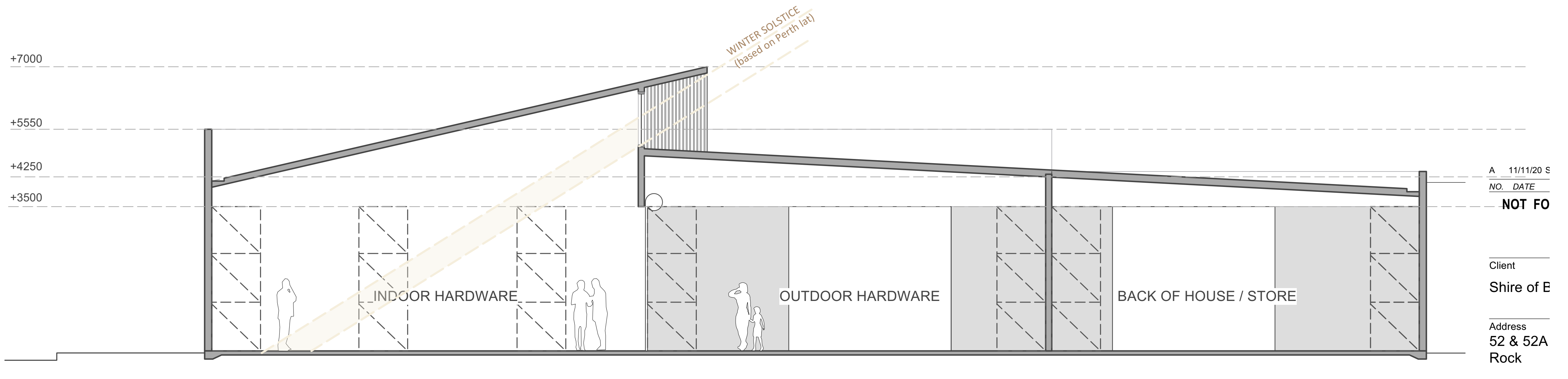
View from Bath Street



View through Supermarket



View through Hardware



Current Construction Environment



Construction Options



Tilt Up



Steel



Brick & Block

Tilt Up Concrete

- **Cost Effective**
- **More resilient to cost fluctuations**
- **Timely Construction**
- **Limited aesthetic value**



Structural Steel

- **Typically Cost Effective**
- **Currently experiencing volatile pricing**
- **Intermediate Construction Time**
- **Can be high aesthetic value**



Brickwork / Blockwork

- **Longer Construction Time**
- **Relative expensive cost**
- **Currently experiencing extreme volatility in pricing**
- **Can be high aesthetic value**

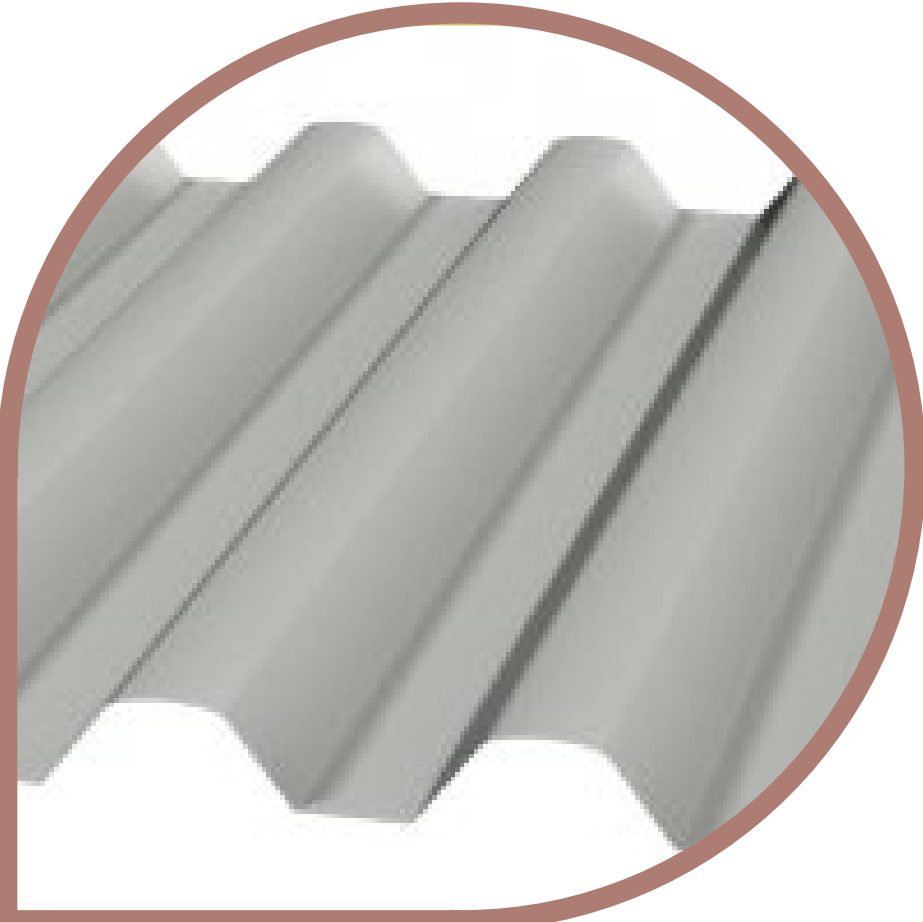




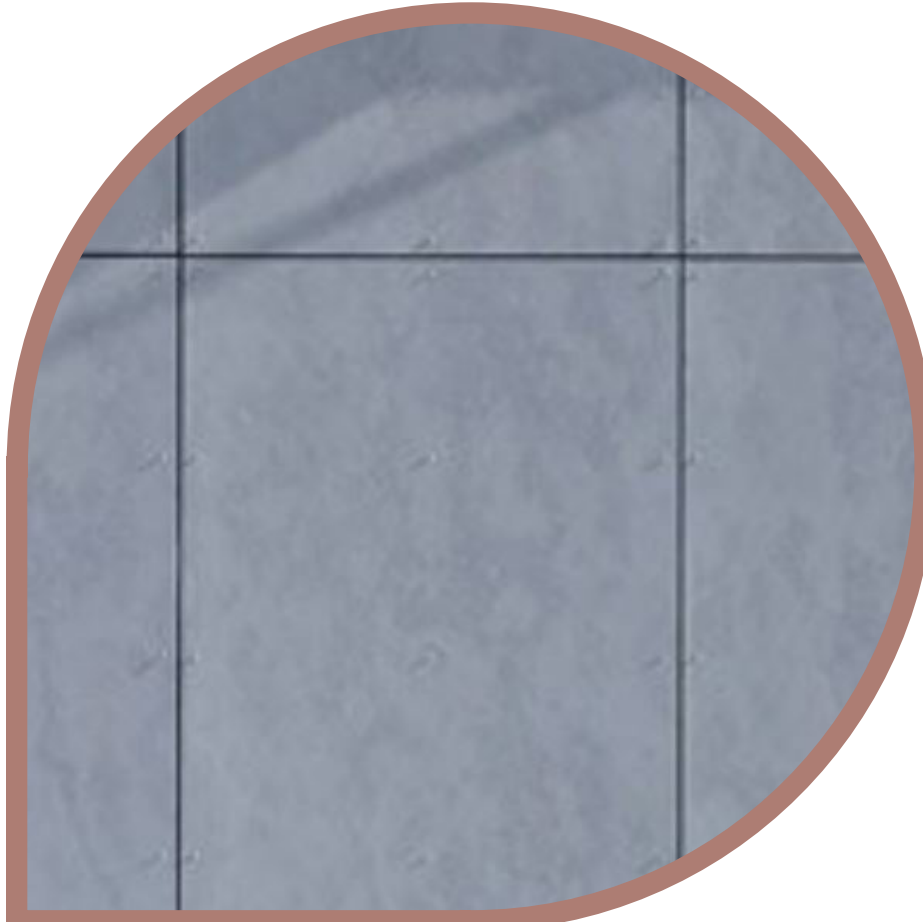
**Painted
Sheeting**



Plywood



Spandek



**Textured
Sheeting**

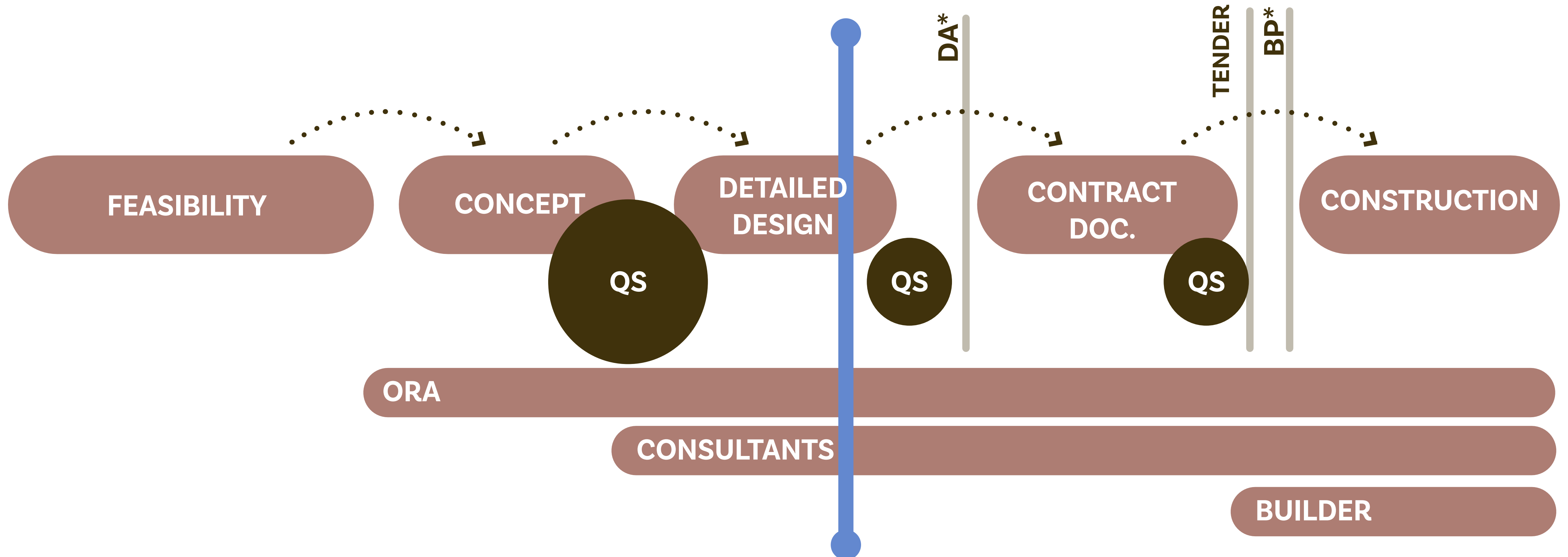


Cost Expectations



**Quantity Surveyor
(Rawlinsons)**

Quantity Surveyor's Cost Report





Shire of
Bruce Rock

16 HAY ST, KWOLYIN
DP166953 74

Kwolyin St

RECOMMENDED ACTIONS

The preceding section identified gaps and opportunities under each of the six clusters of tourism product for the Eastern Wheatbelt. While it is recommended that each of the opportunities identified should be given further consideration, the following actions are recommended as a priority to progress the Eastern Wheatbelt tourism offering and realise the regions visitor potential.

PRODUCT DEVELOPMENT

Accommodation

- Add diversity to the accommodation inventory by identifying opportunities for niche accommodation product to be developed in the region (e.g., farm-stays, glamping, eco-cabins, tiny homes).
- Increase capacity for visitors to book accommodation online.
- Educate accommodation providers about the Star Rating scheme and the benefits of becoming a Star Rated property.
- Investigate the potential risks and benefits of increasing non-traditional accommodation (e.g., Airbnb's) to complement traditional accommodation supply in the region.

Caravan & Camping

- Develop and adopt a regional caravan and camping strategy that identifies opportunities to increase the number of self-contained and non-self-contained visitors at free and commercial caravan and camping sites in the region.
- Extend the Central Wheatbelt Visitors Centre RV survey to other free camp sites to enable more comprehensive data collection and understanding of self-contained visitor behaviors and expectations.
- Facilitate greater digital access to bookings (for commercial caravan parks) and visitor information on campsites in the region.

Trails

- Develop an Eastern Wheatbelt Trails Master Plan, that identifies existing trails that need upgrading and maintenance, and new trails that can be developed throughout the region.
- Co-operatively promote existing walking trails through a "Best Walks of the Eastern Wheatbelt" campaign.
- Continue to support the cross-promotion of existing self-drive trails.
- Ensure all Eastern Wheatbelt trails are entered into the Trails WA database.

Nature, Parks & Reserves

- Work with the DBCA to identify opportunities for development of new or upgrading of existing facilities at the priority nature reserves in the Eastern Wheatbelt.
- Identify opportunities to develop immersive tourism products and experiences at high visitation nature-based attractions to reduce the reliance on passive viewing.

- Consider investment in a “tourism development fund” that can be utilized for identified opportunities, leverage private sector capital and public sector funding, and ensure that projects are sustainable by having funds available for maintenance and/or staffing.

Culture, Art & Heritage

- Through research and engagement of local Aboriginal people, identify respectful and appropriate opportunities for Aboriginal cultural and heritage tourism and education.
- Investigate avenues to develop art tourism in the region including through:
 - Commissioning fixed or temporary art installations that showcase the heritage and cultural values of the region;
 - Connecting visitors to existing art in the region by including art as a feature in destination marketing and through dedicated campaigns (e.g., a “Hidden gems of the Eastern Wheatbelt campaign”).
 - Expand the regions existing art trail (the PUBLIC Silo Trail) to include other Eastern Wheatbelt locations, by following the example of Katanning, where murals have been painted on western power electrical transformer boxes and on walls throughout the town rather than on silos.
 - Investigate concepts for the development of a new art trail, that is unique to the Eastern Wheatbelt.
- Cross-market cultural, art and heritage activities with like venues (e.g., museums promote visitation to each other) and with recreation and nature-based activities in the region to encourage multi-site visitation and extended stays.

Events

- Develop a Regional Events Activation Strategy/Feasibility Study to identify opportunities for:
 - New community driven niche events and potentially one “show-stopping” event for the region;
 - Events that can link in a range of experiences and landscapes across the region; and
 - Quirky or different events that can be held in non-traditional venues and which will capture the attention of new visitor markets and drive both peak and off-season visitation.
- Ensure events are integrated into experience and destination marketing initiatives.

Food & Drink

- Undertake a “Good Food” promotion showcasing the region’s best cafes, restaurants, bakeries, and pubs as a connected experience aligned to the food experiences desired by target market segments.
- Bring together stakeholders to test the market and logistics of agritourism initiatives including seasonal events, farm tours and paddock to plate experiences.
- Provide industry support to build the capacity and performance of food and drink businesses in the region.

Online Presence

- Build local capability and digital know how in key areas such as online advertising, social networking, user generated content and website promotions.
- Advocate for increased access to high-speed broadband and other digital infrastructure in key visitor destinations to enable delivery of a seamless tourism experience.
- Encourage passive advertising through previous visitor’s reviews and social media advocacy.

MARKET PERCEPTIONS & AWARENESS

Utilise the right marketing channels

- Prioritise the use of digital marketing channels and embrace new tools and trends to stand out from competitors (e.g., use Instagram Reels and Twitter Fleets to share stories from the community and travellers and create traveller itineraries and share tips and advice through Instagram Guides).
- Integrate bloggers, other influencers, and social media advocacy into future marketing strategies for the Eastern Wheatbelt.
- Facilitate bringing key influencers (e.g., travel bloggers or travel reporters) to the region to experience the destination firsthand and use their extensive reach to bring awareness to a broader audience.
- Collaborate with regional tourism organisations and partner platforms (e.g., Local Government websites) to align digital marketing efforts.
- Continue to work with regional tourism organisations for collaborative marketing, cross-promotion of regions and experience bundling.

Attract the right visitors

- Undertake targeted marketing to Perth's 2.12 million residents to boost intrastate visitation.
- Create engaging and informative content for key market segments, highlighting how their travel needs align to the tourism product of the Eastern Wheatbelt and addressing their barriers to travel.
- Identify smaller niche markets for the Eastern Wheatbelt (e.g., bird watchers, 4WD groups, agritourists, history buffs, etc.) and develop interest-based marketing in addition to the generic regional promotion/marketing.
- Promote the Eastern Wheatbelt as a multi-experience destination and bundle experiences that will appeal to more than one market segment.

Create a distinctive brand

- Develop consistent messaging and branding for the region aligned to the "Our Story: Spirit of Adventure" framework and use this to tell the stories of the people, the communities, and the experiences of the Eastern Wheatbelt.
- Develop signage and entry statements consistent with the brand for key visitor destinations and towns in the region.
- Build a library of visual assets (photos and videos) that brings the story of the Eastern Wheatbelt to life in the eyes of visitor markets.

Champion hero regional experiences

- Build a common vision around hero or anchor attractions and diverse, connected experiences within the region that align to the needs/motivators of identified market segments.
- Use anchor attractions as a marketing hook to drive consumer 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.

Please see my comments below on the WEROC Tourism Review recommendations.

1. Accommodation

Identify opportunities for niche accommodation product (e.g., farm-stays, glamping, eco-cabins, tiny homes) to be developed in the region; increase capacity for visitors to book accommodation online; educate accommodation providers about the benefits of becoming a Star Rated property; investigate the potential risks and benefits of increasing non-traditional accommodation supply (e.g., Airbnb's) in the region

Aligns with SOBR Tourism Strategy Action 4.3.

2. Caravan and Camping

Develop a regional caravan and camping strategy; improve understanding of self-contained traveler 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.

A regional caravan and camping strategy for the region can only help provide benefits, and would be a helpful supporting document for any relevant tourism grant applications. Council have already identified possibly moving to an online booking system.

3. 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

Broadly aligns with current SOBR Tourism Strategy Action 3.3.

4. Nature, Parks and Reserves

Investigate opportunities to develop priority nature reserves including through immersive tourism experiences; consider investment in a tourism development fund.

Investment in a tourism development fund would need greater investigation into details of how it would operate and the potential benefits, however there is no harm in supporting the initial consideration.

5. 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

Without an active local Aboriginal drive for cultural tourism, it is difficult and perhaps inappropriate for Council to identify opportunities. Art works at the Amphitheatre and the main street mural are elements of our Main Street Revitalisation, and when completed will add to the art tourism of the region. The museum is an under promoted tourism asset, and would be a prime candidate for heritage cross-marketing.

6. 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

Bruce Rock and Westonia are the only WEROC Shires not on the Great Eastern Highway, and it is possible we would be the towns that benefited the least from a regional event that encouraged travel between the Shires. However, pooling the resources of many Shires could create a larger scale event that would bring significant economic benefit to the region, and potentially even a small percentage of that benefit would still be worthwhile. The SOBR Tourism Strategy Action 4.2 is to build on our existing events and investigate new events unique to Bruce Rock, so I suppose it is a regional vs individual perspective issue.

7. 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.

Aligns with SOBR Tourism Strategy Actions 2.1 & 2.2 & 4.3

8. 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.

Council staff are already undertaking these objectives.

9. Utilise the Right Marketing Channels

Prioritise the use of digital marketing; leverage key influencers to promote the region to a broader audience

Similar to Roe Tourism's current marketing approach.

10. 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

I think this makes sense, and can't see how it wouldn't benefit us.

11. 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

Roe Tourism is doing something very similar, especially with the library of visual assets and the idea to develop new signage & entry statements to the region. I guess this is where it gets tricky being a part of two tourism regions. If both went ahead with branded signage at the entry to Shires, I'm not sure how that would look for us. If it's an additional costs, which I know the RTA signage probably will, I don't know that we need to occur it twice.

12. 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

Of the 6 mentioned hero experiences, we only have 3. I have underlined what applies to us:

Nature

Nature based camping interpretative walks and trails, wildflower touring and 4WD outback adventures

Growing of Grain

Museums, events (e.g., Agricultural Shows and bush races), built heritage (e.g., grain silo's, grain handling facilities, the local railway pub etc.) and the story behind the location and settlement of towns

I think we are less likely to get tourism to our grain handling facilities than the towns with silo art.

Where's the Water

Historic response to finding fresh water (e.g., Hunts wells, C.Y. O'Connor Pipeline).

Noongar Indigenous Sites and Experiences

Activities that foster increased knowledge and appreciation of the Indigenous culture

Mining

The ghost mining towns of the Yilgarn and the current mining activities at Westonia and in the Yilgarn Shire

Military Sites

The Central Wheatbelt's strategic role in WW2 and the stories of those who went to war (memorials), those who stayed and those who came into the region



State Council Agenda

1 December 2021

NOTICE OF MEETING

Meeting of the Western Australian Local Government Association (WALGA) State Council to be held at WALGA, ONE70, LV1, 170 Railway Parade, West Leederville on Wednesday, 1 December commencing at 4:00pm.

1. ATTENDANCE, APOLOGIES & ANNOUNCEMENTS

1.1. Attendance

Members	President of WALGA - Chair Deputy President of WALGA Avon-Midland Country Zone Central Country Zone Central Metropolitan Zone (2 representatives) East Metropolitan Zone (2 representatives) Goldfields Esperance Country Zone Gascoyne Country Zone Great Eastern Country Zone Great Southern Country Zone Kimberley Country Zone Murchison Country Zone North Metropolitan Zone (3 representatives) Northern Country Zone Peel Country Zone Pilbara Country Zone South East Metropolitan Zone (2 representatives) South Metropolitan Zone (3 representatives) South West Country Zone	Mayor Tracey Roberts JP
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This will be the first meeting of the new State Council, with Zones appointing their State Councillors and Deputy State Councillors during the November round of Zone meetings.

Ex Officio	Lord Mayor – City of Perth Local Government Professionals WA	Lord Mayor Basil Zempilas Ms Annie Riordan
Secretariat	Chief Executive Officer EM Commercial & Communications EM Governance & Organisational Services EM Infrastructure Acting EM Strategy, Policy & Planning Chief Financial Officer Manager Strategy & Association Governance Manager Governance Contract Manager, Commercial Management Executive Officer Governance	Mr Nick Sloan Mr Zac Donovan Mr Tony Brown Mr Ian Duncan Ms Nicole Matthews Mr Rick Murray Mr Tim Lane Mr James McGovern Mr Toby Costanzo Ms Katherine Robertson

1.2. Apologies

1.3. Announcements

- 1.3.1. WALGA acknowledges the Whadjuk Nyoongar people who are the Traditional Custodians of the land on which we meet today and pays respect to their Elders past and present.
- 1.3.2. Welcome to all new and returning State Councillors.

2. MINUTES

2.1. Minutes of the Meeting held 3 September 2021

RECOMMENDATION

That the Minutes of the WALGA State Council Meeting held on [Friday, 3 September 2021](#) be confirmed as a true and correct record of proceedings.

2.2. Minutes of the Special Meeting held 13 October 2021

RECOMMENDATION

That the Minutes of the WALGA State Council Special Meeting held on Wednesday, 13 October 2021 be confirmed as a true and correct record of proceedings.

2.3. Flying Minute – WALGA submission on Guideline: Native Vegetation Referral, Part V *Environmental Protection Act 1986*

RECOMMENDATION

That the [Flying Minute - WALGA submission on Guideline: Native Vegetation Referral, Part V *Environmental Protection Act 1986*](#) be confirmed as a true and correct record of proceedings.

2.4. Flying Minute – Regional Telecommunications Review 2021

RECOMMENDATION

That the [Flying Minute – Regional Telecommunications Review 2021](#) be confirmed as a true and correct record of proceedings.

2.5. Flying Minute – Submission on Cost Recovery Part IV of the *Environmental Protection Act 1986* – assessments by the Environmental Protection Authority

RECOMMENDATION

That the [Flying Minute – Submission on Cost Recovery Part IV of the *Environmental Protection Act 1986* – assessments by the Environmental Protection Authority](#) be confirmed as a true and correct record of proceedings.

2.6. Flying Minute – Student Transport Assistance Policy Framework Inquiry – WALGA Submission

RECOMMENDATION

That the [Flying Minute – Student Transport Assistance Policy Framework Inquiry – WALGA Submission](#) be confirmed as a true and correct record of proceedings.

2.7. Flying Minute – WALGA submission on Draft Native Vegetation Policy for WA

RECOMMENDATION

That the [Flying Minute – WALGA submission on Draft Native Vegetation Policy for WA](#) be confirmed as a true and correct record of proceedings.

3. DECLARATIONS OF INTEREST

Pursuant to our Code of Conduct, State Councillors must declare to the Chair any potential conflict of interest they have in a matter before State Council as soon as they become aware of it.

4. EMERGING ISSUES

Notification of emerging issues must be provided to the Chair no later than 24 hours prior to the meeting.

5. MATTERS FOR DECISION

- As per matters listed.
- Items Under Separate Cover to State Council only.

6. MATTERS FOR NOTING / INFORMATION

- As per matters listed.

7. ORGANISATIONAL REPORTS

7.1 Key Activity Report

- 7.1.1 Commercial and Communications Unit
- 7.1.2 Governance and Organisational Services Unit
- 7.1.3 Infrastructure Unit
- 7.1.4 Strategy, Policy and Planning Unit

7.2 Policy Forum Report

7.3 President's Report

RECOMMENDATION

That the President's Report for December 2021 be received.

7.4 CEO's Report

RECOMMENDATION

That the CEO's Report for December 2021 be received.

7.5 Ex Officio Reports

- 7.5.1 LG Professionals President, Ms Annie Riordan, to provide the LG Professionals report to the meeting.
- 7.5.2 The Rt. Hon. Lord Mayor Basil Zempilas to provide City of Perth report to the meeting.

8. ADDITIONAL ZONE RESOLUTIONS

To be advised following Zone meetings.

9. DATE OF NEXT MEETING

The next meeting of the WALGA State Council will be held at WALGA, ONE70, LV1, 170 Railway Parade, West Leederville on **Wednesday, 2 March 2022** commencing at 4:00pm.

The State Council meeting schedule for 2022 is as follows:

Date	Venue
Wednesday, 2 March 2022	WALGA
Wednesday, 4 May 2022	South Metropolitan Zone
Wednesday, 6 July 2022 (includes WALGA budget adoption)	WALGA
Thursday, 8 – Friday, 9 September 2022	Peel Country Zone (TBC)
Wednesday, 7 December 2022	WALGA

10. CLOSURE

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5. MATTERS FOR DECISION

5.1 Paid Family and Domestic Violence Leave Entitlements

By Davina Hunter, Employee Relations Service Manager

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).

Attachments

1. Attachment 1 contains the draft submission to the FWC.
2. Attachment 2 contains a summary of the submissions received by the FWC advocating for 10 days' paid FDVL.
3. Attachment 3 contains a summary of the survey questions and results.

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.

Policy implications

The recommendation aligns with WALGA's Advocacy Position 3.10.1 – Family and Domestic Violence, which states:

WA Local Governments recognise the prevalence, seriousness and preventable nature of family and domestic violence and the roles that Local Governments can play in addressing gender equity and promoting respectful relationships in their local community.

Background to the FDVL Review 2021

- The FWC is currently reviewing the FDVL terms in federal modern awards.
- On 26 March 2018, a decision was made by the FWC as part of the four yearly review of modern awards to include an entitlement to five days' unpaid FDVL in most modern awards. 123 modern

awards were varied, including the Local Government Industry Award 2010 which was varied from 1 August 2018.

- Federal Parliament later introduced an entitlement to five days' unpaid FDVL in the NES in the FW Act so that all national system employees (and not just those covered by modern awards) could have access to this entitlement.
- On 13 December 2018, the *Fair Work Amendment (Family and Domestic Violence Leave) Act 2018* amended the FW Act to provide all employees with a new entitlement to five days' unpaid FDVL as a NES entitlement.
- When the Local Government Industry Award 2020 commenced operation, the model FDVL term was removed and a note was inserted which referred to the NES entitlement to five days' unpaid FDVL.
- During the four yearly review of modern awards, the ACTU made a claim for 10 days' paid FDVL.
- The ACTU claim for 10 days' paid FDVL was rejected by the Commission at that time, but the majority of the Full Bench expressed the preliminary view that all employees should have access to unpaid FDVL and that employees should be able to access personal/carer's leave for the purposes of taking FDVL. The Full Bench issued a decision on 26 March 2018 confirming the preliminary view regarding access to unpaid FDVL.
- In April 2021 the FWC commenced a review of the FDVL term in modern awards, which will impact on the Local Government Industry Award 2020, to consider:
 - whether employees should be able to access paid personal/carer's leave for the purpose of taking FDVL;
 - the adequacy of the unpaid FDVL entitlement, and
 - whether provisions should be made for paid FDVL.
- WALGA has an opportunity to file a submission in the FWC regarding the proposed changes to the modern awards sought by the ACTU, which includes a new entitlement to 10 days' paid FDVL.

FDVL in the state industrial relations (IR) system

The FWC's FDVL Review 2021 will not impact those Local Governments which operate in the state IR system. Currently there is no legislative or award entitlement to paid or unpaid FDVL in the state IR system however, some industrial agreements registered with the WA Industrial Relations Commission may contain an entitlement to FDVL.

The *Industrial Relations Legislation Amendment Bill 2021* which was introduced into WA Parliament on 20 October 2021 contains a new entitlement to five days' unpaid FDVL per year. If this Bill is passed, Local Governments who are state system employers will be required to provide employees with a minimum entitlement to five days' unpaid FDVL per year.

Proposed variation to modern awards

The ACTU, the McAuley Community Services for Women and the Victorian Government have each filed a submission seeking 10 days' paid FDVL for employees. A more comprehensive summary of these submissions are outlined in **Attachment 2**.

WALGA FDVL survey

WALGA Employee Relations developed a survey for the sector on FDVL to inform an appropriate position that WALGA should take in its submission to the FWC. All Local Governments were invited to participate in the survey which was open from 10 September 2021 to 8 October 2021. The survey was promoted through ER Alerts, LG News and a direct email to all CEOs. 69 Local Governments responded to the survey representing 50% of the sector. The survey results indicate:

- 85% of respondents believe that FDVL is an important issue for the Local Government sector
- 69% of respondents believe that paid FDVL should be provided to employees and 70% believe WALGA should advocate for paid FDVL as a sector issue
- 58% of respondents believe employees should be provided with five days' paid FDVL per year
- 28% of respondents believe employees should be provided with ten days' paid FDVL per year, which is the entitlement sought by the ACTU

- 90% of respondents believe employees should be able to access paid personal/carer's leave for the purpose of taking FDVL
- 45% of Local Governments already provide employees with paid FDVL.

A table summarising the full survey questions and results is set out in **Attachment 3**.

Draft submission

WALGA Employee Relations has prepared a submission for the FWC based on the survey responses received. The proposed submission is contained in **Attachment 1**. The submission along with any evidence supporting the submission must be filed with the FWC by 4 February 2022.

**FAIR WORK COMMISSION
FAMILY AND DOMESTIC VIOLENCE LEAVE REVIEW 2021 (AM2021/55)**

Western Australian Local Government Association Submission

Introduction

1. This submission is made on behalf on the Western Australian Local Government Association (**WALGA**).
2. We refer to [Statement \[2021\] FWCFB 2047](#) dated 15 April 2021 and [Statement \[2021\] FWCFB 6028](#) dated 19 October 2021. This submission opposes some of the proposed variations to the modern awards sought by the Australia Council of Trade Unions (**ACTU**) and others.
3. The majority of Local Governments in Western Australia are covered by the Local Government Industry Award 2020 (**LG Award**) and WALGA's submissions regarding FDVL entitlements are made in the context of the current LG Award and any future proposed changes to that award.

Issues considered by the FDVL Review

4. As per Statement [2021] FWCFB 2047, the Fair Work Commission's (**FWC**) Family and Domestic Violence Leave Review 2021 (**FDVL Review**) will be considering the following issues:
 - (a) whether employees should be able to access paid personal/carer's leave for the purpose of taking family and domestic violence leave (**FDVL**);
 - (b) the adequacy of the unpaid FDVL entitlement; and
 - (c) whether provisions should be made for paid FDVL.
5. WALGA has prepared brief submissions to provide a response to each of the issues considered by the FDVL Review and the modern award variations sought by the ACTU.
6. WALGA has sought feedback from all WA Local Governments on the issues covered by the scope of the FDVL Review, including through a short survey administered by WALGA. This engagement and survey were undertaken as FDVL is an important issue for the sector.
7. Approximately half of the Local Government respondents surveyed currently provide employees with five days' paid FDVL per annum for full-time and part-time employees. This is primarily provided as an entitlement pursuant to an enterprise agreement or policy.
8. Although approximately half of the Local Government respondents provide paid FDVL, the utilisation rate for accessing this type of leave is low, with 71% of respondents reporting that in the last 12 months, no employees accessed this entitlement.

FDVL Review – Whether employees should be able to access paid personal/carer's leave for the purpose of taking FDVL

9. An overwhelming majority of Local Governments believe that employees should be able to access paid personal/carer's leave for the purpose of taking FDVL and would be supportive of any proposed changes made to enable this.

FDVL Review – The adequacy of the unpaid FDVL entitlement

10. Approximately half of Local Governments believe that the current National Employment Standards (**NES**) entitlement of five days' unpaid FDVL is inadequate, and a majority of Local Governments believe employees should be provided with a paid FDVL entitlement.

FDVL Review – Whether provisions should be made for paid FDVL

11. The majority of Local Governments believe that full-time and part-time employees should be provided with five days of paid FDVL per annum.
12. A few of the reasons provided by Local Governments in support of the provision of paid FDVL include:
 - (a) the threat of loss of income is not an issue that employees in this situation should have to deal with.
 - (b) income and financial security are necessary to escape a family and domestic violence situation.
 - (c) employers should provide a supportive and compassionate working environment.
 - (d) family and domestic violence is a serious societal issue that Local Governments should be recognising and addressing.
13. There are several reasons why Local Governments do not support the provision of 10 days' paid FDVL. These reasons include the following:
 - (a) Employees already have adequate leave entitlements, including various forms of paid and unpaid leave.
 - (b) The potentially significant budget and cost implications of providing 10 days' paid FDVL to employees.
 - (c) The operational impact of the provision of 10 days' paid FDVL.
 - (d) That Local Governments support employee access to personal/carer's leave and other forms of paid and unpaid leave in circumstances of family and domestic violence.
14. WALGA submits that if the result of the FDVL Review is for employees covered by a modern award to be provided with paid FDVL, that the LG Award should be varied to provide five days of paid FDVL per annum for full-time and part-time employees.

Submissions made in the FDVL Review

15. We refer to the ACTU's submissions to the FDVL Review dated 30 July 2021 to vary modern awards to include 10 days' paid FDVL, among other things. We have addressed each proposed variation to the modern awards sought by the ACTU below.

ACTU Submission – 10 days' paid FDVL

16. WALGA opposes the ACTU's proposed variation to introduce 10 days of paid FDVL.
17. WALGA submits that if the Full Bench decides to introduce an entitlement to paid FDVL into modern awards, that five days of paid FDVL per year is an adequate paid entitlement for employers to provide to full-time and part-time employees.

ACTU Submission – Rate of pay for FDVL for full-time and part-time employees

18. WALGA opposes the ACTU's claim for paid FDVL to be payable at an employee's ordinary hourly rate including applicable shift loadings and penalties.
19. WALGA submits that any paid FDVL entitlement should be payable at the employee's base rate of pay for the employee's ordinary hours of work in the period excluding shift loadings and penalties.
20. This is consistent with how annual leave and personal/carer's leave is payable pursuant to sections 90 and 99 of the *Fair Work Act 2009 (FW Act)*.

ACTU Submission – Rate of pay for FDVL for casual employees

21. WALGA does not support the provision of paid FDVL to casual employees and submits that casual employees should only be entitled to unpaid FDVL.
22. However, in the event the Full Bench decides to introduce a paid FDVL entitlement for casual employees in the LG Award, WALGA submits that the payment should include the employee's minimum hourly rate and the casual loading only and exclude all other penalty rates and shift loadings.
23. This position is supported by the current casual terms in the LG Award. Casual employees are paid a casual loading of 25% of the minimum hourly rate pursuant to clause 11.1 of the LG Award as compensation instead of paid leave under the LG Award and the NES.
24. If the Full Bench deems casual employees should be entitled to paid FDVL, WALGA submits that casual employees should only be entitled to paid FDVL if they had hours of work rostered in the period in which they will be taking leave.

ACTU Submission – Access to five days' unpaid FDVL on each occasion after exhaustion of any paid FDVL entitlement

25. WALGA opposes the variation proposed by the ACTU that if an employee exhausts their paid FDVL entitlement, they should be entitled to five days' unpaid FDVL on each occasion they are required to take FDVL.
26. WALGA submits that a reasonable entitlement would be for employees to access up to five days of unpaid FDVL per annum if they have exhausted their paid FDVL entitlement, as is currently provided for in the NES.
27. By capping the entitlement to unpaid leave, rather than providing unlimited unpaid leave on a per occasion basis, this allows Local Governments to budget and plan their operations appropriately to accommodate these entitlements.
28. In addition, various enterprise agreements in the sector currently provide for unpaid leave to be granted at the discretion of the CEO.

ACTU Submission – Additional note in section 106B(1) of the *Fair Work Act 2009*

29. WALGA agrees with the ACTU's proposed variation to the note in section 106B(1) of the FW Act regarding unpaid family and domestic violence leave. WALGA submits this is a reasonable addition as an appointment with a medical, financial or legal professional is an example of an action that an employee may need to take in order to deal with the impact of family and domestic violence.

ACTU Submission – Extension of the definition of FDVL

30. WALGA agrees with and supports the ACTU's proposed variation that the definition of Family and Domestic Violence should be expanded to include violent, threatening or other abusive behaviour by a member of a person's household.

Conclusion

31. In summary, WA Local Governments recognise that FDVL is an important issue for the sector and believe that if a paid entitlement to FDVL is introduced, that full-time and part-time employees should have access to five days' paid FDVL per year.

32. The decision to introduce a paid entitlement to FDVL ought to be considered in light of the context that family and domestic violence is a community issue that extends beyond the scope of employment and should be considered alongside social security benefits, including:
- (a) The Crisis Payment for Extreme Circumstances Family and Domestic Violence.
 - (b) The new Escaping Violence Payment which provides women and children escaping domestic and family violence up to \$5,000 of emergency payments.
 - (c) Centrelink payments and pensions.

Item 5.1 – Attachment 2 – Family and Domestic Violence Leave Review 2021 – Summary of FWC submissions received

PARTY PROPOSING TO VARY THE MODERN AWARDS	SUBMISSION
<p>Australian Council of Trade Unions (ACTU)</p>	<p>Summary of ACTU position on the issues for review:</p> <ul style="list-style-type: none"> • FWC does not have jurisdiction to vary modern awards to provide that employees should be able to access paid personal/carer’s leave for the purpose of taking FDVL, and should not do so in any event, because the operational effect of the term would be detrimental to employees in that the minimum entitlement to 10 days’ paid personal/carer’s leave would be reduced. Also excludes the NES entitlement of 10 days’ personal/carer’s leave. • No changes are needed to the unpaid model leave term as it was removed from modern awards on 25 July 2019. • Provisions should be made for 10 days’ paid FDVL. Paid leave is necessary to ensure that employees are provided with a fair and relevant safety net of minimum terms and conditions of employment. ACTU seeks a variation to modern awards on this basis. <p>Proposed variation (drafted as an amended version of ss.106A-E and 107 of the FW Act):</p> <ul style="list-style-type: none"> • 10 days’ paid FDVL. • Leave is payable at an employee’s ordinary hourly rate including applicable shift loadings and penalties. • For a casual employee, leave is payable at the rate of pay that the employer would be required to pay the employee for the hours of work in the period for which the employee was rostered, including any casual and shift loadings applicable. • Upon exhaustion of the paid leave entitlement, employees will be entitled to up to 5 days’ unpaid FDVL on each occasion for the purpose of attending to activities related to the experience of being subjected to family and domestic violence. • An addition to the Note in s.106B(1) to clarify that attending appointments with medical, financial, or legal professionals are examples of actions that may be covered by the provision. • The definition of FDVL has been expanded to include violent, threatening, or abusive behaviour by a close relative of an employee <u>or member of a person’s household</u>. <p>ACTU’s submission</p> <ul style="list-style-type: none"> • The submission can be viewed here. • Annexure A sets out the ACTU’s proposed variation.

<p>Bank of Queensland</p>	<ul style="list-style-type: none"> • Did not propose a variation. • BOQ provide 10 days' paid and 10 days' unpaid FDVL to its corporate employees. • BOQ provide 3 days' paid leave to an employee who is required to provide support to a family or household member impacted by family and domestic violence. • BOQ also provide other support such as providing safety and security plans, duress alarms, temporary branch security, onsite car parking and support to attend the police, etc. • The submission can be viewed here.
<p>McAuley Community Services for Women</p>	<ul style="list-style-type: none"> • 10 days' paid FDVL. • The submission can be viewed here.
<p>Victorian Government – Tim Pallas MP Minister for Industrial Relations</p>	<ul style="list-style-type: none"> • 10 days' paid FDVL. • Dedicated education campaign that promotes the benefits of paid leave to both the workplace and the affected employees. • The Victorian Government will continue to advocate for 10 days' paid FDVL to become a NES entitlement. • The submission can be viewed here.

Item 5.1 – Attachment 3 – WA Local Governments Family and Domestic Violence Leave Survey Results

QUESTION NO.	QUESTION	SUMMARY OF RESPONSES
General Information		
1.	Please fill in which Local Government you are from and your contact details below.	
2.	Please provide the total number of employees (based on headcount) employed by your Local Government.	Ranges from 1 to 1200 employees.
3.	Is your Local Government in WA or NT?	WA – 69 responses received
Views on FDVL Review		
4.	Do you believe the current NES entitlement of 5 days of unpaid FDVL is adequate?	Yes – 52.94% (36) No – 47.06% (32)
5.	Please explain why you believe/don't believe the current NES entitlement of 5 days of unpaid FDVL is adequate?	<p>Example responses – entitlement is satisfactory</p> <ul style="list-style-type: none"> • Employees receive other leave entitlements they could use. • There is no current uptake of paid/unpaid FDVL at the LG. • Increasing the paid leave entitlement can increase the workload of other staff. <p>Example responses – entitlement is not satisfactory</p> <ul style="list-style-type: none"> • People in abusive relationships are not normally financially stable, therefore paid leave is required. • The LG has provided 5 or 10 day's paid FDVL in an enterprise agreement.
6.	Do you believe Local Governments should provide employees with paid FDVL?	Yes – 69.35% (43) No – 30.65% (19)

7.	(If the answer to qu. 6 was no) Please explain why you don't believe Local Governments should provide employees with paid FDVL?	<p>Example responses</p> <ul style="list-style-type: none"> • Employees can access other paid leave entitlements such as annual leave, personal/carer's leave • Limited to no uptake of current unpaid FDVL • Not all LGs may be able to adequately fund paid FDVL • Potential significant operational impact from FDVL
8.	(If the answer to qu. 6 was yes) Please explain why you believe Local Governments should provide employees with paid FDVL?	<p>Example responses</p> <ul style="list-style-type: none"> • Creates a compassionate work environment • To be part of a societal issue that transcends the workplace • Serious issue that employers should support • Additional financial stress to those experiencing FDVL if they only have an unpaid leave entitlement
9.	(If the answer to qu. 6 was yes) How many days of paid FDVL should Local Governments provide to their employees?	<p>3 days – 6.98% (3) 5 days – 58.14% (25) 10 days – 27.91% (12) Other (please specify) – 6.98% (3)</p> <ul style="list-style-type: none"> • 5 days (included above). • 2 days. • 3 days subject to annual leave not exceeding one year's annual leave entitlement (i.e., 4 weeks). • 5 to 10 days (included above as 5 days) • Case by case basis to be approved by CEO.
10.	<p>(If the answer to qu. 6 was yes) Do you think paid FDVL should be payable at employee's base rate of pay for the employee's ordinary hours of work in the period they take the leave or should it be payable at the employee's hourly rate including any applicable shift loadings and penalties for the employee's ordinary hours of work in the period?</p> <p>Note: Under the FW Act, annual leave, paid personal/carer's leave and compassionate leave are paid at the employee's base rate of pay only for the employee's ordinary hours of work in the period.</p>	<p>Payable at the employee's base rate of pay only – 93.02% (40)</p> <p>Payable at the employee's hourly rate including applicable shift loadings and penalties – 6.98% (3)</p>

11.	(If the answer to qu. 6 was yes) Should casual employees be entitled to paid FDVL?	Yes – 41.86% (18) No – 58.14% (25)
12.	(If the answer to qu. 11 was yes) The ACTU is seeking payment for FDVL for casual employees at the rate of pay that the employer would be required to pay the casual employee for the hours of work in the period for which the employee was rostered, including any casual and shift loadings applicable. If a casual employee is entitled to paid FDVL, do you think the payment for the leave should include applicable casual and shift loadings?	Should include casual and shift loadings – 11.11% (2) Should include casual loading only – 83.33% (15) Should include applicable shift loadings only – 0% (0) Should not include casual loading or shift loadings – 5.56% (1)
13.	In addition to 10 days of paid FDVL, the ACTU is also seeking that employees should be entitled to an additional 5 days of unpaid FDVL on each occasion if they have exhausted their paid entitlement. If Local Governments are required to provide paid FDVL to employees, do you think employees should also be entitled to unpaid FDVL on each occasion?	Yes – 68.85% (42) No – 31.15% (19)
14.	(If the answer to qu. 13 was yes) Upon exhaustion of the paid FDVL entitlement, how many days of unpaid FDVL on each occasion should Local Governments provide?	3 days – 7.32% (3) 5 days – 68.29% (28) 10 days – 4.88% (2) Other (for example 5 days per annum) – 19.51% (8) <ul style="list-style-type: none"> • 5 per annum as per NES • 5 days per annum • A standardised approach wont enable appropriate support to be given. • Each request (UFDVL) would need to be assessed on its merit and the organisation’s operational requirements at the time of the request. • Days per annum • 10 days per annum. • 5 days per annum. • As required.
15.	(If the answer to qu. 13 was yes) As an alternative, do you think Local Governments should provide unpaid FDVL per annum (rather than per occasion) once the employee has exhausted the paid FDVL entitlement?	Yes – 60% (12) No – 40% (8)

16.	<p>(If the answer to qu. 15 was yes) Upon exhaustion of the paid FDVL entitlement, how many days of unpaid FDVL per annum should Local Governments provide?</p>	<p>3 days – 9.09% (1) 5 days – 63.64% (7) 10 days – 9.09% (1) Other (please specify) – 18.18% (2)</p> <ul style="list-style-type: none"> • Dependant on the needs of the employee. • Case by case on request to employer.
17.	<p>The ACTU is seeking to expand the definition of Family Domestic Violence to include violent, threatening or other abusive behaviour by a member of a person’s household. Currently, the definition of Family and Domestic Violence is <i>‘violent, threatening or other abusive behaviour by a close relative of an employee that seeks to coerce or control the employee and causes the employee harm or to be fearful.’</i> See s.12 and s.106B(2) of the FW Act.</p> <p>A close relative is a member of the employee’s immediate family or related to the employee according to Aboriginal or Torres Strait Islander kinship rules. The term ‘immediate family’ includes a spouse, de facto partner, child, parent, grandparent, grandchild or sibling of the employee or of their spouse or de facto partner.</p> <p>Do you think the definition of Family and Domestic Violence should be expanded to include violent, threatening or other abusive behaviour by a member of a person’s household?</p>	<p>Yes – 75% (45) No – 25% (15)</p>
18.	<p>Do you think employees should be able to access paid personal/carer’s leave for the purpose of taking FDVL?</p>	<p>Yes – 90% (54) No – 10% (6)</p>
19.	<p>(If the answer to qu. 18 was yes) How many days of paid personal/carer’s leave do you think employees should be able to access for the purpose of taking FDVL?</p>	<p>3 days – 7.41% (4) 5 days – 48.15% (26) Other (please specify) – 44.44% (24)</p> <ul style="list-style-type: none"> • With medical support up to their accrued entitlement potentially it could largely be situational as to the amount required (3). • All of their entitlement/up to the balance of their personal leave entitlement (5). • 10 days (5).

		<ul style="list-style-type: none"> • Whatever entitlements they have, dependent on circumstances/whatever is available or accrued (3). • Set at 5 days but enable responsive workplaces (1). • Should be inclusive of their current personal leave entitlement/part of current entitlement (no additional days) (3). • As needed dependent on the situation and leave balance. To be determined on needs basis provided within accrued entitlement (2). • As much as the employer approves (1). • The LG allows employees to access paid carer's leave to support a person experiencing FDV (1).
20.	Do you think FDVL is an important issue for the Local Government Sector?	Yes – 85% (51) No – 15% (9)
21.	Do you think WALGA should advocate on behalf of Local Governments for paid FDVL as a sector issue?	Yes – 70% (42) No – 30% (18)
FDVL Entitlements and Supports that Local Governments Provide		
22.	Does your Local Government provide employees with paid FDVL?	Yes – 45% (27) No – 55% (33)
23.	(If the answer to qu. 22 was yes) How does your Local Government provide employees with paid FDVL? (Please tick all of the options that apply)	Enterprise agreement – 65.38% (17) Policy – 23.08% (6) Contract of employment – 3.85% (1) Other (please specify) – 19.23% (5) <ul style="list-style-type: none"> • It's an entitlement. • Management practice. • Via personal leave entitlements. • Per the NES – we follow NES. • Award?
24.	(If the answer to qu. 22 was yes) How many days of paid FDVL are your employees entitled to take each year?	<ul style="list-style-type: none"> • Up to 10 days/10 days (2) • 20 days (1) • 5 days – but we reverse the circumstance where we allow the use of personal leave for this and DFVL when that is exhausted (1)

		<ul style="list-style-type: none"> • 5 days (14) • As per the NES (1) • Currently 5 days but in principle agreement to increase to 10 days in the new EA (1) • 2 days if covered under the Salaried Officers EA (1) • As many days as they have entitled (1) • 10 days paid and 5 days unpaid (1) • Nil (1) • Included with personal leave – 5 days unpaid as a min (1)
25.	(If the answer to qu. 22 was yes) Does your Local Government provide paid FDVL to all employees (full-time, part-time and casual)? (Tick all of the options that apply)	Full-time employees – 100% (25) Part-time employees – 88% (22) Casual employees – 24% (6)
26.	(If the answer to qu. 22 was yes) How many employees have accessed paid FDVL in the last 12 months?	Ranges from 0 to 3 employees.
27.	(If the answer to qu. 22 was yes) Of the employees who have taken paid FDVL what is the average number of days they have taken in the last 12 months?	Ranges from 0 to 6.5 days.
28.	(If the answer to qu. 22 was yes) What is highest number of days of paid FDVL that employees have accessed in the last 12 months?	Ranges from 0 to 7 days.
29.	(If the answer to qu. 22 was yes) What is the lowest number of days of paid FDVL that employees have accessed in the last 12 months? (minimum 1 day)	Ranges from 0 to 6 days.
30.	Does your Local Government provide employees with more than 5 days of unpaid FDVL?	Yes – 8.77% (5) No – 91.23% (52)
31.	(If the answer to qu. 30 was yes) How many days of unpaid FDVL (including the NES 5 days) does your Local Government provide?	Ranges from 0 to 10 days.
32.	(If the answer to qu. 30 was yes) How is the additional unpaid FDVL provided? (Tick all of the options that apply)	Enterprise agreement – 20% (1) Policy – 20% (1) Contract of employment – 0% (0) Other (please specify) – 60% (3) <ul style="list-style-type: none"> • By request to the CEO • As requested on a case by case basis

		<ul style="list-style-type: none"> NES
33.	How many employees have accessed unpaid FDVL in the last 12 months?	Ranges from 0 to 1 employee.
34.	Of the employees who have taken unpaid FDVL what is the average number of days they have taken in the last 12 months?	Ranges from 0 to 3 days.
35.	What is the highest number of days of unpaid FDVL that an employee has accessed in the last 12 months?	Ranges from 0 to 3 days.
36.	What is the lowest number of days of unpaid FDVL that an employee has accessed in the last 12 months? (Minimum 1 day)	Ranges from 0 to 3 days.
37.	Does your Local Government provide employees with access to paid personal/carer's leave for the purposes of FDVL?	<p>Yes – 59.65% (34) No – 40.35% (23)</p>
38.	(If the answer to qu. 37 was yes) How is the access to paid personal/carer's leave for the purposes of FDVL provided? (Tick all of the options that apply)	<p>Enterprise agreement – 37.14% (13) Policy – 17.14% (6) Contract of employment – 5.71% (2) Other (please specify) – 54.29% (19)</p> <ul style="list-style-type: none"> On its merits with the LG offering the option of paid personal leave if required (1) At the discretion of the CEO (4) The LG would allow employees to apply to use whatever other leave they had in these Circumstances (1) Agreed upon with the employee (2) Under the Award (1) Entitlement (1) By internal procedure (1) Dependant on the supervisor and situation but also two days of personal leave can be taken without the requirement for a certificate (1) Currently an informal arrangement, albeit no request to access this to date, however, this will be included in our new EBA (1) No formal agreement, but would enable staff to take what was required (1) Via the online Payroll system (1)

		<ul style="list-style-type: none"> • Management practice (1) • Seeks to support employees in general (1) • As required on a case by case basis (1) • Just as part of their normal access to sick/personal leave (1)
39.	(If the answer to qu. 37 was yes) How many days of paid personal/carer's leave for the purposes of FDVL does your Local Government provide?	<ul style="list-style-type: none"> • 5 days (3) • Up to accrued entitlement (8) • 3 days (1) • Unknown (3) • 0 days (6) • 10 days (6) • NES (1) • Have not had to offer the leave as yet (1) • 2 days (2) • 12 days (1) • At discretion of the CEO (1)
40.	Does your Local Government provide employees who are experiencing family and domestic violence with any of the following additional support? (Please tick all of the options that apply)	<p>Duress alarms – 0% (0)</p> <p>Temporary accommodation – 4% (2)</p> <p>Upgrades to home security – 2% (1)</p> <p>Security at the employee's home so that they can move their belongings – 0% (0)</p> <p>Loan car – 0% (0)</p> <p>Redeployment opportunities – 10% (5)</p> <p>Financial support to cover legal advice – 0% (0)</p> <p>Employee Assistance Program (EAP) – 82% (41)</p> <p>Family violence contact offers in the workplace – 12% (6)</p> <p>Other (please specify) – 24% (12)</p> <ul style="list-style-type: none"> • Encouraged move to alternate accommodation, offered time off and assistance to take the matter to the police (1) • Will look at if individual circumstances dictate/case by case assistance where required (2) • Haven't had to provide any support so far/not had any instances so far (3)

		<ul style="list-style-type: none">• Have not had to deal with, would be happy to do any of those things to support (1)• Protection to and from vehicle and or safe parking if required (1)• The LG has supported employees in many ways with additional paid leave, monitoring of the buildings. Financial advice is also available through the LG's EAP provider (1)• How would we know? They wouldn't tell us?/ Unknown (2)
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5.2 Payment to Independent Committee Members (05-034-01-0005 TB)

By Tony Brown, Executive Manager Governance & Organisational Services

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*.

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*.

Background

WALGA has received requests from a number of Local Governments highlighting the issue that Local Governments cannot legally pay meeting attendance fees to independent members of the Audit Committee in respect of their preparing for, attending and/or participating in Audit Committee meetings, and can only provide reimbursement of 'expenses', in accordance with s5.100 of the *Local Government Act 1995*.

The current legislative requirements are:

1. The *Local Government Act 1995* (Act) provides for payments to members of Council and Committees.
2. Section 5.100 of the Act expressly provides that a person who is a committee member but is not a council member or an employee is not to be paid a fee for attending any meeting.
3. The Act prescribes a distinction between a re-imbusement of an expense and a payment of a meeting attendance fee in respect of attending a meeting.
4. A significant number of Local Governments also have independent committee members on their audit committee and this matter could also affect them.

WALGA's support and assistance has been requested to advocate to the Minister for Local Government to provide a prompt resolution to this matter by making the necessary legislative amendments to enable independent Audit Committee members to be paid a meeting attendance fee.

The Department of Local Government, Sport and Cultural Industries Operational Guideline 9 "*Audit in Local Government – The appointment, function and responsibilities of Audit Committees*", includes the following guidance on the payment / reimbursement of expenses to independent Committee Members:

"The legislation prevents a meeting fee being paid to an external person but it is permissible for a payment to be made as a reimbursement of expenses, commensurate with the expertise and knowledge such people bring to the committee. The Council will need to determine whether payment will be offered and the level of that reimbursement payment."

Comment

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. In the past, Departmental advice supported arrangements for an independent professional member of an Audit Committee to claim by invoice an hourly rate, as agreed with the Local Government, relevant to the time taken to prepare for and attend an Audit Committee meeting.

However, section 5.9 of the Act, provides that any Committee of Council may include membership of other persons, which may not necessarily be involved in the business of providing professional services, and therefore cannot invoice for their time and expertise in a way that a professional person appointed to an Audit Committee may do.

This ambiguity of how s.5.100 reimbursement may be reasonably applied, results in inconsistent and perhaps unfair arrangements for not only independent persons appointed to Audit Committees, but also to other persons who are appointed to Committees of Council and similarly contribute time and expertise to assist the Council in performing its functions under law.

This issue has recently been raised by a number of Local Governments who are appointing independent Audit Committee members and wishing to compensate them for their time.

There may be a range of options that could be included in an advocacy position regarding providing reimbursements and/or payment of meeting attendance fees to other persons appointed as members of a Committee of Council.

For example, the legislative arrangements could specify that an independent Audit Committee member must be paid the equivalent meeting attendance fee determined by the Local Government for payment to Council Members, but provide flexibility for the Council to determine a separate meeting attendance fee (within the relevant Local Government SAT Bands) for other persons appointed as members of a Committee of Council.

The proposal for advocacy on this matter can be broadened to allow for payment to independent members of any committee of Council established under s.5.8 of the *Local Government Act*.

5.3 2021 Annual General Meeting (01-003-02-0003 TB)

By Tim Lane, Manager Strategy & Association Governance and Kathy Robertson, Executive Officer Governance

RECOMMENDATION

That:

1. The following resolutions from the 2021 WALGA Annual General Meeting be endorsed for action:

Cost of Regional Development

That WALGA makes urgent representation to the State Government to address the high cost of development in regional areas for both residential and industrial land, including the prohibitive cost of utilities headworks, which has led to market failure in many regional towns.

CSRFF Funding Pool and Contribution Ratios

That WALGA lobby the State Government to:

1. *Increase the CSRFF funding pool to \$25 million per annum and revert the contribution ratio to 50% split to enable more community programs and infrastructure to be delivered.*
2. *Increase the \$1 million per annum quarantined for female representation to \$2 million per annum.*

Regional Telecommunications Project

That WALGA strongly advocates to the State Government to increase funding for the Regional Telecommunications Project to leverage the Federal Mobile Black Spot Program and provide adequate mobile phone coverage to regional areas that currently have limited or no access to the service.

2. The following resolution passed at the 2021 WALGA Annual General Meeting be referred to the Mining Communities Policy Forum and the People and Place Policy Team for advocacy work to be undertaken:

Review of the Environmental Regulations for Mining

Regarding a review of the Mining Act 1978:

1. *To call on Minister Bill Johnston, Minister for Mines and Petroleum; Energy; Corrective Services to instigate a review of the 43-year-old Mining Act to require mining companies to abide by environmental regulations, and to support research and development into sustainable mining practices that would allow mining without detriment to diversification and community sustainability through other industries and development.*
2. *That abandoned mines in regional Western Australia receive a priority action plan with programmes developed to work with rural and remote communities to assist in the rehabilitation of these mines as a job creation programme, with funding allocated for diversification projects for support beyond mine life across Western Australia.*

Executive Summary

- WALGA's 2021 Annual General Meeting was held on Monday, 20 September 2021.
- The meeting resolved for WALGA to act in relation to four member motions:
 1. Cost of Regional Development
 2. CSRFF Funding Pool and Contribution Ratios
 3. Regional Telecommunications Project
 4. Review of the Environmental Regulations for Mining

- The meeting also resolved by special majority to make suggested amendments to the Association's Constitution as per an executive motion.
- The action taken or proposed to be taken in relation to each of the resolutions since the Annual General Meeting has been summarized for State Council's information.

Attachment

- [WALGA 2021 Annual General Meeting Minutes](#)

Background

The 2021 Annual General Meeting (AGM) was held on Monday, 20 September 2021.

Four member motions, as follows, were considered and supported by members at the AGM:

1. Cost of Regional Development

That WALGA makes urgent representation to the State Government to address the high cost of development in regional areas for both residential and industrial land, including the prohibitive cost of utilities headworks, which has led to market failure in many regional towns.

2. CSRFF Funding Pool and Contribution Ratios

That WALGA lobby the State Government to:

1. *Increase the CSRFF funding pool to \$25 million per annum and revert the contribution ratio to 50% split to enable more community programs and infrastructure to be delivered.*
2. *Increase the \$1 million per annum quarantined for female representation to \$2 million per annum.*

3. Regional Telecommunications Project

That WALGA strongly advocates to the State Government to increase funding for the Regional Telecommunications Project to leverage the Federal Mobile Black Spot Program and provide adequate mobile phone coverage to regional areas that currently have limited or no access to the service.

4. Review of the Environmental Regulations for Mining

Regarding a review of the Mining Act 1978:

1. *To call on Minister Bill Johnston, Minister for Mines and Petroleum; Energy; Corrective Services to instigate a review of the 43-year-old Mining Act to require mining companies to abide by environmental regulations, and to support research and development into sustainable mining practices that would allow mining without detriment to diversification and community sustainability through other industries and development.*
2. *That abandoned mines in regional Western Australia receive a priority action plan with programmes developed to work with rural and remote communities to assist in the rehabilitation of these mines as a job creation programme, with funding allocated for diversification projects for support beyond mine life across Western Australia.*

In addition to the member motions, an executive motion was endorsed by special majority to amend the [Association's Constitution](#).

Comment

Comment on the 2021 AGM resolutions is as per below:

1. Cost of Regional Development

That WALGA makes urgent representation to the State Government to address the high cost of development in regional areas for both residential and industrial land, including the prohibitive cost of utilities headworks, which has led to market failure in many regional towns.

It is recommended that this resolution be endorsed for action.

2. CSRFF Funding Pool and Contribution Ratios

That WALGA lobby the State Government to:

- 1. Increase the CSRFF funding pool to \$25 million per annum and revert the contribution ratio to 50% split to enable more community programs and infrastructure to be delivered.*
- 2. Increase the \$1 million per annum quarantined for female representation to \$2 million per annum.*

As this resolution is consistent with an existing WALGA advocacy position, as per below, it is recommended that the resolution above be endorsed for action.

3.7.1 Community Infrastructure

*The Association continues to advocate for better planning and support for community infrastructure and investment by the State, Commonwealth and private partners
(Last updated May 2018)*

3. Regional Telecommunications Project

That WALGA strongly advocates to the State Government to increase funding for the Regional Telecommunications Project to leverage the Federal Mobile Black Spot Program and provide adequate mobile phone coverage to regional areas that currently have limited or no access to the service.

The Western Australian State Budget includes \$12.971 million in 2021-22 to deliver the Regional Telecommunications Project administered by the Department of Primary Industries and Regional Development (DPIRD). This project focuses on improving high-speed mobile voice and data coverage across regional Western Australia, leveraging investment by the Commonwealth Government and the telecommunications carriers. The currently funded projects are due to be completed by 30 June 2022. Further applications have been made under Round 5A of the Commonwealth Mobile Black Spot Program.

The Australian Government has committed \$80 million for Round 6 of the Program. The design process for Round 6 has not been completed. However, it is likely that project proposals that include significant co-contributions from State Governments will be highly competitive. Western Australia will be well placed if the State Government is able to both coordinate the identification of needs and provide co-funding.

In September 2021, WALGA made a submission to the Regional Telecommunications Independent Review Committee, based on advice received during consultation with Local Governments (including matters raised during WALGA Zone meetings). The submission was endorsed by State Council by [Flying Minute](#). The submission identified acute limitations in the coverage, capacity, reliability and resilience of the mobile telecommunications network, particularly in remote, rural and peri-urban areas. Further investment will be required to remedy these constraints.

It is recommended that this resolution be endorsed for action.

4. Review of the Environmental Regulations for Mining

Regarding a review of the Mining Act 1978:

1. To call on Minister Bill Johnston, Minister for Mines and Petroleum; Energy; Corrective Services to instigate a review of the 43-year-old Mining Act to require mining companies to abide by environmental regulations, and to support research and development into sustainable mining practices that would allow mining without detriment to diversification and community sustainability through other industries and development.
2. That abandoned mines in regional Western Australia receive a priority action plan with programmes developed to work with rural and remote communities to assist in the rehabilitation of these mines as a job creation programme, with funding allocated for diversification projects for support beyond mine life across Western Australia.

This resolution is consistent with the 2019 WALGA AGM resolution which called for:

- WALGA to request the Hon. Bill Johnston, Minister for Mines and Petroleum, to undertake a review of the *Mining Act 1978* with a view to maximising the benefits to local communities and its impact on local communities; and
- the Mining application process to include a mandatory MOU with the Local Government which would be overseen by the Auditor General to ensure fairness to the Community by having the mining company contribute to local infrastructures as a Legacy project.

The WALGA Mining Communities Policy Form considered this resolution on 4 December 2019 and agreed that there are many aspects of the *Mining Act 1978* that require a review and update, including to:

- make the negotiation and compensation process between the mining Industry and other stakeholders more balanced;
- require mining companies to make an ongoing social contribution to the communities they operate in;
- limit the use of FIFO and DIDO to encourage the use of workers from residential communities;
- require compulsory planning approval for onsite accommodation;
- require miners to fund the upgrades/maintenance of local infrastructure use for their operations, such as local roads that were not initially constructed to carry heavy freight;
- require mining companies to pay outstanding rates when they transfer leases or when their lease lapses; and
- make it easier for Local Governments to appropriately categorise and rate mining tenements and mining infrastructure.

It was also acknowledged that the State Government is unlikely to be open to a review of the *Mining Act*, particularly if it would result in making it more difficult for miners to do business or impact on job creation and economic growth.

It is recommended that the 2021 AGM resolution, together with the 2019 AGM resolution, be referred to the Mining Communities Policy Forum and the People and Place Policy Team for further advocacy work to be undertaken. The next meeting of the Forum is scheduled for Monday, 8 November 2021.

5. Amendments to WALGA's Constitution

The proposed amendments to the Association's Constitution were endorsed by a special majority of State Council at the meeting on 7 July, before being endorsed by a special majority at the 2021 AGM (as required by clause 29 of the Constitution). The [Constitution](#) has now been amended as per the above resolution.

Letters enclosing a copy of the amended Constitution were sent by the WALGA Chief Executive Officer, Nick Sloan, to the Commissioner for Consumer Protection and the Minister for Local Government for their information.

5.4 Review of advocacy positions relating to the *Building Act 2011* and Building Regulations 2012 (05-015-02-0010 CL)

By Claire Lings, Project Officer, Building

RECOMMENDATION

That State Council endorses the replacement of Section 6.7: Building Act and Fees of WALGA's advocacy positions document relating to the *Building Act 2011* and Building Regulations 2012 with the following:

1. Support the retention of Local Government as the primary permit authority in Western Australia for decisions made under the *Building Act 2011*.
2. Supports mandatory inspections for all classes of buildings, however, Local Government should not be solely responsible for all mandatory inspections.
3. Advocate for the State Government to urgently prioritise legislative reform that addresses systemic failures in the current building control model and to provide clarification on the role of Local Government in building control to ensure building legislation supports the following objectives:
 - a. Quality buildings that are cost efficient.
 - b. Functional, safe and environmentally friendly buildings.
 - c. Good decision making in all aspects of building.
 - d. Efficiency and effectiveness in building management, administration and regulation.
 - e. Openness and accountability with respect to all building matters.
 - f. Recognition of the rights and responsibilities of all parties in building matters in an equitable manner.
4. Existing and proposed building control related fees and charges to be cost recovery for Local Government.
5. WALGA will work with members, state agencies and industry groups to develop training opportunities and to promote the Local Government building surveying profession to ensure sustainability of Local Government building control services.
6. WALGA supports the Australian Building Codes Boards Trajectory for Low Energy Buildings by supporting Local Governments to meet community strategic objectives of a net zero carbon future by 2050 through work with members, state agencies and industry groups.

Executive Summary

- At its meeting on 16 August 2021 the People and Place Policy Team considered and endorsed a review of WALGA's Planning and Building Related advocacy positions.
- The Policy Team determined the Building Act and Fees policy positions as a section to be retained and reviewed, and that the policy area would have a high priority as part of the broader review.
- A review of the Building Act and Fees policy section has been undertaken, with several recommended changes proposed, and
- The People and Place Policy Team considered the matter at its meeting on 25 October and resolved to support the review and progress the matter to State Council for endorsement.

Attachments

- [Attachment 1: Existing positions and comments](#)
- [Attachment 2: Proposed new positions and comments](#)

Relevance to Strategic Plan

Advocating and facilitating sector solutions and policy

- We amplify the voice of Local Government and bring sector concerns directly to key decision makers
- We develop future-focused and evidence-based policy positions

- We connect and bring together expertise to maximise sector outcomes

Policy Implications

WALGA's existing policy positions are based on several State Council Resolutions dating back to 2011, including:

- December 2020 – 143.6/2020
- December 2019 – 151.7/2019
- December 2019 – 153.7/2019
- March 2017 – 7.1/2017
- September 2016 - 85.5 /2016
- July 2016 – 60.4/2016
- December 2015 - 124.7/2015
- December 2014 – 119.5/2014
- September 2013 – 246.4/2013
- December 2012 – 140.6/2012
- May 2012 – 56.3/2012
- February 2011 – 16.2/2011

Acceptance of the recommendation will see the replacement of the existing policy positions. Attachment 1 provides an overview of the existing positions and rationale for deleting, retaining and/or amending these.

Background

Assessments of the effectiveness of building control systems across Australia have recognised that there is diminishing public confidence in the building and construction industry, and that change is required to ensure buildings are safe and perform to expected standards. Now more than ever the focus is on Local Government building departments to deliver good governance, local leadership and sustainable services that meet the needs of their communities whilst supporting local jobs and economic growth.

The *Building Amendment Act 2012* was passed in Parliament in October 2012, with regulations being drafted shortly to accompany this Act. Prior to the release of the new Act, WALGA presented an issues paper that identified the guiding principles that should influence the new proposals:

- Quality buildings that are cost efficient.
- Functional, safe and environmentally friendly buildings.
- Good decision making in all aspects of building.
- Efficiency and effectiveness in building management, administration and regulation.
- Openness and accountability with respect to all building matters.
- Recognition of the rights and responsibilities of all parties in building matters in an equitable manner.

Following the Grenfell tower fire in 2017 and a number of high-profile structural issues in apartment buildings in New South Wales (NSW) and Victoria, all State and Territory Building Ministers agreed to an assessment of the effectiveness of compliance and enforcement systems for the building industry across Australia. It was recognised that there was diminishing public confidence in the building and construction industry and change was required to ensure buildings were safe and performed to expected standards. The resulting *Shergold Weir-Building Confidence Report* made 24 recommendations for a best practice model for compliance and enforcement, to strengthen the effective implementation of the National Construction Code (NCC). A team was set up in the office of the Australian Building Codes Board (ABCB) to develop and publicly report on a national framework for the implementation of the recommendations. In February 2018, the State Government gave in-principle agreement to implement recommendations of the Commonwealth Government Building Ministers Forum, *Building Confidence: Improving the effectiveness of compliance and enforcement systems for the building and construction industry across Australia*. In addition, the State also noted the findings of a 2018 inquiry into non-conforming building products conducted by the Senate Economics References Committee of the Parliament of Australia.

The State Government through DMIRS is currently undertaking a comprehensive reform process of building regulation in response to the in-principal agreement to implement the Building Confidence Report. WALGA and the Local Government sector has been heavily engaged in these reforms. It is expected that this reform agenda will take several years to finalise and implement. The review of WALGA's advocacy positions is in part to provide a more robust policy position to support early, active and efficient engagement with the State Government going forward.

In support of the review, WALGA's existing positions were circulated to 54 metropolitan based and 35 regional Local Government Building Surveyors for comment, with feedback received from officers at the City of Perth, City of Swan, Shire of Collie, Town of Victoria Park, Shire of Beverley and Shire of Boddington. In total the 89 officers consulted undertake building regulatory functions for approximately 110 Local Governments. The Local Government officers who provided a response indicated support for reviewing the existing positions to ensure they reflected the current industry climate.

The existing positions and recommendations for re-wording, removal or new positions are detailed in Attachment 1 and 2, respectively.

5.5 Draft WA Building Surveyors Code of Conduct (05-015-02-0010 CL)

By Claire Lings, Project Officer, Building

RECOMMENDATION

That WALGA:

1. Recommend to the Department of Mines, Industry Regulation and Safety (DMIRS) that the Draft WA Building Surveyors Code of Conduct be reviewed to ensure it addresses the following matters:
 - a) The impact of the obligations recommended in the draft Code be considered in relation to the current Western Australian building control model to ensure Local Government are able to maintain their statutory functions in line with community expectations.
 - b) That other building reform that will greatly impact the role of Local Government in the current Western Australian building control model, such as mandatory inspections and minimum documentation, be formalised prior to the Code of Conduct being introduced to ensure Local Government in Western Australia are able to maintain their statutory functions in line with community expectations.
 - c) Ensure that communities in remote and regional areas are considered when developing policy to restrict building surveyors being involved in design consultation work.
2. Endorse the attached consultation response summary on the draft Code.

Executive Summary

- The Department of Mines, Industry Regulation and Safety is undertaking consultation on the WA Building Surveyors Code of Conduct (draft Code), which is based on a National Code.
- Building on previous consultation regarding the National Code, WALGA has engaged with Local Government building surveyors regarding the implications of the draft Code.
- Key concerns from the sector include:
 - Potential to limit Local Government building surveyor ability to provide advice on how to meet the requirements of building standards
 - Significant liability concerns for individual building surveyors
 - Inability to meet provisions regarding conflict of interest, particularly in non-metropolitan areas
 - Lack of integration of the draft Code with the other building reform measure in progress.

Attachment

- Consultation response summary

Background

Following the Grenfell tower fire in 2017 and a number of high-profile structural issues in apartment buildings in New South Wales (NSW) and Victoria, all State and Territory Building Ministers agreed to an assessment of the effectiveness of compliance and enforcement systems for the building industry across Australia. It was recognised that there was diminishing public confidence in the building and construction industry and change was required to ensure buildings were safe and performed to expected standards. The resulting *Shergold Weir-Building Confidence Report* made 24 recommendations for a best practice model for compliance and enforcement, to strengthen the effective implementation of the National Construction Code (NCC). Recommendation 9, 10 and 11 of the Building Confidence report recommended legislative changes around the integrity of private building surveyors, codes of conduct for building surveyors and building surveyors role in enforcement, respectively.

In response to these recommendations the Australian Building Codes Board (ABCB) released, in December 2020, a National Model Code of Conduct for Building Surveyors. As the Code was a model, it did not have any force until adopted by jurisdictions. The ABCB advised in its document that States and Territories should have regard to the content of the Code when amending or adopting a Code of

Conduct for Building Surveyors in their jurisdiction. WALGA has previously provided Submissions to the ABCB on a Discussion Paper the integrity of private building surveyors and their role in enforcement that proposed changes to how a private building surveyor may be appointed, detailing conflict of interest controls and enhanced supervisory and enforcement powers for private building surveyors. On 17 September 2021, the Department of Mines, Industry Regulation and Safety (DMIRS), the Department with carriage of this issue in WA, released a draft WA Code of Conduct for Building Surveyors (draft Code).

Comment

WALGA circulated the draft Code to the Local Government Building Surveyor group (representing approximately 100 Local Governments) for comment. Feedback was received from officers at the City of Vincent, City of Karratha, Town of Victoria Park, Shire of Collie, Shire of Boddington, Shire of Broome, City of Perth, Shire of East Pilbara, City of Joondalup, City of Stirling, Town of Cambridge, Shire of Waroona and Shire of Bridgetown-Greenbushes. Separate meetings were held for metropolitan and non-metropolitan building surveyors in October where the draft Code was discussed in detail with approximately 60 officers. Comments received from Local Government officers expressed concern regarding the negative impact that the proposed changes will have on the service the building surveyors provide to their communities. Of particular concern was the potential limitations the Code would place on Local Government building surveyors' ability to provide design advice and liability that is placed on building surveying practitioners.

The draft Code defines statutory "*building surveying approval work*" (authorising construction and occupation) and "*building surveying assessment work*" (verification/review, inspection and testing of construction works). In Western Australia, unlike other jurisdictions, this work is not only carried out by private building surveyors but extends to registered building surveyors in Local Government. The draft Code proposes to prohibit carrying out statutory building surveying approval work where the building surveyor participates in design work. Included in the proposed prohibited design work is providing advice on how to amend a plan or specification in order to comply with building standards. It is common practice in Western Australia, for a Local Government Building Surveyor to carry out both consultation with the community and a regulatory role as the permit authority. If they are prohibited from providing design advice services, if they have a regulatory function, there would be a detrimental impact in these communities, particularly in regional areas, where it is often difficult to gain access to independent design services. The draft Code also proposes that carrying out statutory building surveying work where there is a risk that their decision could be influenced by a conflict of interest would be a contravention. Regional building surveyors have also expressed that compliance with this provision would be extremely difficult in small towns where they interact with most community members.

There is also concern from Local Government building surveyors that the draft Code only references registered "*building surveying practitioners*". The *Building Services (Registration) Act 2011* uses the terminology "*building surveying contractor*" and "*building surveying practitioner*" with the contractor being the only registered entity required to hold Professional Indemnity (PI) insurance. Individual Practitioners are not required to have PI insurance nor are they able to obtain it in Western Australia. Recent enforcement action by DMIRS' registration board has been directed towards a Practitioner, which has raised concerns that building surveyors will hold a liability risk even if they change jobs or retire from a Local Government position. There is already industry concern regarding declining numbers of building surveyors; the sector has expressed that the implementation of the draft Code will only serve to further discourage Local Government building surveyors from remaining in the profession and exacerbate the current trend.

The implementation of a draft Code in Western Australia without addressing the lack of mandatory inspections, minimum documentation standards and registration of other professionals will not result in better quality or safer buildings for the community, nor will it enhance community confidence in the building industry. As such it is recommended that the draft Code be reviewed to ensure it is combined with other legislative reform that addresses systemic failures in the current building control model and to provide clarification and certainty regarding the role of Local Government in building control.

Item 5.5 – Attachment – Consultation response summary

Draft Code of Conduct Clause	Consultation response summary
<p>1.3. A building surveyor must not perform a statutory function in relation to building work they have assisted to:</p> <ul style="list-style-type: none"> • design, or • develop a Performance Solution for. 	<ul style="list-style-type: none"> • Provisions such as this are currently in place in Victoria and other States where the work is mostly carried out by private building surveyors rather than Local Government. Overall it is not apparent how having building surveyor provide comment on early or concept-based plans can only be seen as a negative conflict, it should be seen as a positive, providing much needed early BCA advice prior to proceeding to final or construction plans. <ul style="list-style-type: none"> ○ This will save the designers money, time, and resources in producing a set of drawings only to find there are areas of BCA non-compliance. ○ Performance solutions may form part of the early design phase and surely it would make more sense that the building surveyor involved in the performance solutions was also part of the final assessment, as they would be aware of the reasons for supporting the performance solution rather than casting doubt as to why. • In relation to unauthorised work, (Class 10 and 1) where the work is old and doesn't comply with the BCA, the private building surveyor will decide if they can support it in combination with providing a performance solution. In the smaller communities such professionals are not present, let alone finding two of them. Thus, the cost of authorising this type of work will be high in relation to the value of the building. Much of the draft Code is in relation to the registration that already exists and compliance with the Building Act which is a given. Most building surveyors see helping the community as an important part of their role, and documents like this will likely prevent this from occurring. • Whilst it is agreed that there should be a requirement to have an outside professional opinion when developing performance solutions, Building Surveyors provide large amounts of design compliance advice, and this is seen as one of their core functions. Building Surveyors should continue to provide design advice where they relate to DTS matters and this should not affect their ability to certify/'sign off' on proposals and offer options for compliance. Additionally, this will affect one of the core functions of Local Government Building Surveyors and if applied literally, how will they perform the customer service that ratepayers expect whilst also completing statutory duties i.e. providing design advice/solutions and then signing off CDC's? • Local Government Building Surveyors are responsible for providing advice, guidance and instruction for all types of building works. It would be a complete conflict of purpose and expectation from their employer and the public, not to mention absolute confusion where smaller Local Governments are involved. • It is unclear how this clause will function work if the building surveyor is in a multi-discipline office? Clarification should be provided on how "independence" will be maintained? • Regarding Performance Solutions, only Local Governments are permitted by the Building Regulations to decide on a performance solution for a swimming pool barrier. Clarity on if this would then be a contravention of clause 1.3 of the draft Code is required.

	<ul style="list-style-type: none"> • The Local Government’s customers are largely residents who have little to no knowledge of building legislation or the requirements of the National Construction Code and they want to do the right thing. This proposal is not considered to be practical and workable for a lot of Permit Authorities that have only one or two building surveyors. It is noted that there are no details of how this is proposed to work in a real-life scenario. Local Governments receives a lot of enquiries during the day by telephone and at the front counter from the community seeking assistance. Is it the intention that each building surveyor keeps a log of every person they assist to ensure they do not receive and work on their future uncertified applications? Requesting that a customer engage the services of a private building surveyor is often very costly as the open market has no caps on pricing and often the cost of certification is more than the proposal itself. • This clause has the potential to undermine the sustainability of the building industry, a strict interpretation of the clause would mean that every project where consultation takes place will require a minimum of 2 Building Surveyors independent of each other. There is already a shortage of Building Surveyors and Local Governments are not funded or structured to support such a model. This would likely increase lead to increases in building costs and lengthen design and approval timeframes. • Under this clause, a building surveyor must not perform a statutory function in relation to building work they have assisted to design or develop a Performance Solution. This effectively prevents Local Government building surveyors from developing Performance Solutions in relation to an uncertified building permit application. For example, patio setback 500mm from the allotment boundary in lieu of the minimum 900mm. Some Local Governments are providing a Performance Solution for this variation and then issuing the CDC and Building Permits for the patio. Under the draft Code it would appear Local Government building surveyors would no longer be permitted to do so. Does this imply then that all classes of buildings will be privately certified and Local Government building surveyors will take on a record-keeping, auditing / compliance / enforcement role, similar to the Victorian model? Clarification on these points is required.
<p>1.4 A building surveyor must notify the Building Commissioner where they have become aware of, or hold a reasonable suspicion of, unlawful activity or a matter that may create an immediate or imminent risk to health and safety, in relation to building work for which they are or were, but for replacement or resignation, engaged to provide a statutory function.</p>	<ul style="list-style-type: none"> • Under the current legislative model, the Local Government usually resolves issues pertaining to health and safety risks on building sites. Consideration should be given to the draft Code making it clear that private building surveyors should be obliged to report these matters to the Local Government. • Clause 1.4 states ‘...but for replacement or resignation...’ this wording only exacerbates the frustration Building Surveyors have with understanding and interpretation. This clause needs a defined explanation in simple English to eliminate confusion and misinterpretation. • This type of inspection is not currently mandatory in WA, nor is there a requirement to obtain structural engineer sign off. Such matter can be referred to the permit authority, Local Governments can issue a Building Order and then prosecute if necessary. <p>For example, the draft Code states during an inspection a building surveyor becomes aware that a lower quality concrete, not in accordance with the approved structural design, has been used in a building and has created an imminent risk to health and safety for workers, building occupants or the public. If the building surveyor is unable to get the non-compliance rectified through consultation with the builder (or</p>

	<p>building owner) the building surveyor must report the matter to the permit authority, and the Building Commissioner.</p> <ul style="list-style-type: none"> • This clause talks about reporting a non-compliance matter to the Permit Authority and the Building Commissioner. There is no reference to the fact that almost all building compliance issues are dealt with by Permit Authorities and mostly raised and investigated by or via Local Government Building Surveyors who receive the complaints. The Permit Authority usually makes a judgement call on an issue to decide if it needs to be sent the Building Commissioner. There is no value at all in doubling up on reporting issues and this will likely lead to greater levels of red-tape and increase inefficiencies in the system.
<p>2.1 A building surveyor must only perform statutory functions that are permitted under their registration and within their professional competency.</p>	<ul style="list-style-type: none"> • The term professionalism needs to be elaborated to include definitions and details of what the expectations on building surveyors will be. Further, it is difficult for building surveyors to meet standards and ensure quality of work when there are no minimum standards determined in legislation. One building surveyor's standard and expectation of quality of work can be vastly different to another building surveyors. • Clarification is needed on if cadet building surveyors are allowed to carry out basic assessments, providing they are reviewed and signed off by an appropriate accredited building surveyor. This is often the case within some Local Governments given the difficulty in finding staff. Continuation of this practice is necessary to support current workflow models used by Local Government. • Clarify if Local Governments will be able to question the compliance of projects, based on the competence of the building surveyor? "...In addition, building surveyors must critically self-assess their knowledge, skills and experience for work within their registration. For example, if a building surveyor holds an unrestricted license, but has never worked on a Class 9a building or has not done so for many years, then the certification of a hospital would generally be considered to be outside their experience and would therefore be beyond their professional competency." This would rely on others including Local Governments to report a building surveyor if their work is not adequate, to meet the satisfaction of Item 1.4.
<p>2.2 A building surveyor should maintain their professional competency to ensure their knowledge and skills are current for the work they undertake</p>	<ul style="list-style-type: none"> • If CPD's are being proposed as a matter of capturing professional competency, then the industry related seminars need to be made more affordable for smaller Local Governments and private sole traders etc. • Clarification on if CPD points will be mandatory is required. There is a reference in the draft Code to "...either voluntarily or as required under legislation will assist to meet this obligation...." As this requirement is not currently legislated it is unclear why this is included. This is again mentioned in the Compliance Policy part of the document. • It is not clear if this is targeted just at those who work in the private industry? Due to there being private certification, it is unlikely that a Local Government building surveyor would be engaged to work on a Class 2-9 building. Clarification on this point should be provided. • In this section the words 'should' and 'reasonable' are used. These words need to be changed to words that are definitive, like MUST, and the word reasonable needs to be defined. • In regard to quality of work, as there are no minimum standards specified in legislation, it can be difficult to convince a client what a building surveyor requires to comply the structure. Most technical industries have

	<p>set guidelines or standard job procedures to ensure all work is to a high standard, which is not available for building surveyors. The statement in relation to cooperation requires a more work. Some private building surveyors take offence when queried about the information they have certified, and DMIRS should provide guidance on how building surveyors should go about reporting under this clause.</p> <ul style="list-style-type: none"> • It is unclear how a Local Government building surveyor would know whether the private building surveyor who had certified the project has the necessary knowledge, skills, experience and professional competency? On the Building Surveyor Register, a building surveyor’s registration only has the level they are registered under i.e. technician, Level 1, or Level 2. This issue would impact potential clients as to whether the certifier they’ve engaged can provide the required certification. • It is noted that similar requirements are not applied to builders in this State. Currently only three (3) trades required to build a house or a commercial building within WA require registration, with the buildings being built to lockup stage including foundation and footings without one required registered trade. Continual learning needs to be mandatory for all built environment related professionals, however it needs to be made more affordable and more readily accessed. • The wording “... a building surveyor should maintain their professional competency...”, and “participating in CPD courses either voluntarily or as required under legislation” implies a building surveyor can choose whether to participate in training courses / workshops or not. WA currently does not require registered building surveyors to do CPD training. • Consider redrafting the draft Code to require all registered building surveyors to maintain CPD points, particularly now that the AIBS has implemented the Professional Standards Scheme for Building Surveyors which commenced from 1 July 2021. Under this scheme, all practicing AIBS members (public and private) are now required to become accredited members, which triggers the need to complete CPD training and submitting evidence to the accreditation board annually. As WA AIBS members must undertake CPD training, it would make sense to bring non-AIBS members into line as well.
<p>2.3 A building surveyor should take reasonable steps to ensure the quality of their work by obtaining and assessing the suitability of all relevant information when carrying out a statutory function.</p>	<ul style="list-style-type: none"> • It is unclear how a building surveyor practically achieve this in WA where engineers and trades aren’t required to be registered with DMIRS. For example, how would a Building Surveyor determine if a structural engineer from anywhere in Australia has experience and is competent in cyclonic wind loads, or precast concrete or light weight midrise timber? • The draft code expects building surveyors to be responsible for their own competency, skills and knowledge; but there is no similar expectation for other practitioners. Engineers and tradesman should be satisfying their own code of conduct, CPD, knowledge and experience and that the burden of proof be placed on DMIRS when they apply for registration. Building Commissions from other states bear this responsibility, not the surveyor. The introduction of registration schemes for engineers and other associated building trades should occur prior to the full implementation of this draft Code.

<p>2.4 A building surveyor should work cooperatively with others in the building industry, and regulators.</p>	<ul style="list-style-type: none"> • This part requires further explanation and is extremely subjective depending on your degree of tolerance. It is unclear who is going to monitor this. Will obligations be placed on builders and developers who make unnecessary and unreasonable demands on building surveyors?
<p>3.1 A building surveyor must not engage, whether by act or omission, in misleading or deceptive conduct in connection with the performance of a statutory function.</p>	<ul style="list-style-type: none"> • In clause 1.4 it states ‘...but for replacement or resignation...’ this wording only exacerbates the frustration Building Surveyors have with understanding and interpretation. This clause needs a defined explanation to eliminate confusion and misinterpretation. • This section requires examples of what is expected. The statements are not clear and are therefore open to interpretation. The sentences should be definitive such that they can be understood by all and actioned accordingly especially if there are issues with compliance. • Clause 3.1 states ‘This means that conduct can be misleading and deceptive even if it was not intended to be.’ The words ‘misleading and ‘deceptive’ imply premeditated ideas. If an action was not intended to be misleading or deceptive but was wrong, then it is an action of negligence not a misleading or deceptive action. The wording of this point should be clarified. • In this section the words ‘should’ and ‘reasonable’ are used. The words used need to be more definitive like MUST and the word reasonable needs to be defined. The statement in relation to 3.1 requires further consideration in consultation with the Local Government sector.
<p>3.3 A building surveyor should not use their statutory function role for the purpose of obtaining, either directly or indirectly, any preferential treatment or other improper advantage for themselves or for any other person.</p>	<ul style="list-style-type: none"> • The draft Code could clarify conflicts of interest much better and acknowledge what should occur when conflicts are unavoidable. In regional areas/smaller communities where there may only be 1 or 2 building surveyors in a small town. It would be frequently expected that the surveyor will need to issue CDC’s or Building Permits for owners or builders they have a perceived or actual conflict of interest with. <p>As an example. How would a Local Government Building Surveyor be expected to undertake enforcement action against the City itself, or another City employee, especially if that other employee is in a position of higher authority. For instance, if the City or a Director undertook illegal or non-compliant building work. The Building Surveyor would then have to undertake enforcement action against their own employer or colleagues, undermining their job security and may be exposing themselves to potential mistreatment. The draft Code does not address this, but it is an example of an industry regulator, regulating itself.</p> <p>Example 2: Obtaining private quotes and undertaking building work at your own home, in a town where you have issued building permits to every local builder/tradesman etc. This would result in at least an indirect conflict, but in a small town this would be an unavoidable conflict.</p>
<p>4.1 A building surveyor must ensure any agreement or contract for performing statutory functions is consistent with WA legislation, this Code and any requirements</p>	<ul style="list-style-type: none"> • This section requires examples and/or definitions so the reader knows what is expected and what they are being measured against.

<p>set out by the Building Commissioner</p>	
<p>4.2 A building surveyor should maintain a record of reasons for decisions on statutory functions and be able to provide these decisions to the regulator and interested parties if requested to do so.</p>	<ul style="list-style-type: none"> • While in the employment of a Local Governments building surveyors make many decisions. The practicalities of this clause do not seem reasonable or reflective of the level of risk. While most Local Governments have a checklist to aid reporting of decisions these are not exhaustive as the BCA is a detailed document. This provision will likely have detrimental impacts on the workflow of Local Governments. • The Building Permit application contents is the reason a Permit is approved or declined. The Building Act 2011 is very clear of the process in granting a Permit. Compliance issues are already documented.
<p>Introduction This Code of Conduct for Building Surveyors (the Code) sets out minimum expectations of registered building surveyors undertaking building surveying work in Western Australia (WA). It applies to building surveyors who are registered under the Building Services (Registration) Act 2011 (WA) to perform statutory functions of assessing compliance and approving building designs and building work under the Building Act 2011 (WA) and associated legislation. This can involve assessing and certifying that the design demonstrates how the building work, if built, will meet the applicable building standards and, when inspecting building work during and post construction, certifying that the building work meets applicable</p>	<ul style="list-style-type: none"> • This section requires “minimum expectations” clearly defined that are measurable, achievable and understood by all. • Generally it would appear the draft code is in relation to practitioners and not contractors. How will this impact contractors and the implications with insurance? The document is a very simple, overarching document that is non-specific and may therefore not address the reason for its development which is arguably to ensure the industry is providing a valuable, consistent and professional service. The Association holds the view that the most important issues that need to be addressed is the development of minimum standards of documentation to ensure consistency with processes throughout the industry (including procedures or practice documentation), the development of cost effective and accurate training, and to understand the implications of the departure of experienced building surveyors in next 5 years. • Clarification on the application of this on practitioners and contractors and the obligation on each is required. The Building Services (Registration) Act uses the terminology Building Surveying Contractor and Building Surveying practitioner. Consideration should be given to replacing the words Building Surveyor with BSP and BSC. In relation to BSP and BSC DMIRS board is now fining both for errors etc. This is interesting as only the BSC has PL and PI insurance. The link between corporations and employees is generally a corporation is responsible for its employees hence why only the BSC needs insurance. If the BSP in Local Government makes an error then the Local Government is liable and is covered by the LG’s PI insurance. The draft Code should flesh this out further as there appears to be an overemphasis on the individual BSP whereas the Criminal Procedures Act and Builder’s Registration Act hold the company and Local Government responsible who hold the relevant insurance.

<p>standards and any conditions on the applicable building permit.</p> <p>Professional associations or the Building Commissioner may set standards that apply to other services provided by building surveyors, however, these must not reduce the minimum obligations in the Code. It is acknowledged individuals may choose to comply with a higher standard, for example through membership of an organisation that has an approved professional standards scheme.</p> <p>The Code establishes a consistent basis for education, audit and compliance activities undertaken by regulators. It also assists registered building surveyors to meet their obligations, and manage the expectations of others. This Code of Conduct applies to all building surveying practitioners registered under the Building Services (Registration) Act 2011. All mentions of building surveyor in The Code means registered building surveying practitioner.</p>	
<p>Adoption of the Code</p> <p>Western Australia is adopting the National Model Code of Conduct for Building Surveyors, as</p>	<ul style="list-style-type: none"> • The Code cannot be a National adoption, as each State has a different model of legislation. Any code of conduct in WA should not be into the direction of other states, especially considering their own processes have evidence of shortfalls and failings in the past. Any code of conduct in WA needs to be based on our legislative model.

<p>prepared by the Australian Building Codes Board (ABCB) in 2020. The purpose of this adoption is to provide regulatory oversight to building surveyors in a nationally consistent manner.</p>	<ul style="list-style-type: none"> • It is apparent that the draft Code has been based on an eastern states model rather than our unique WA model where Local Government Building Surveyors do similar work to the private Building Surveyors however only Building Surveyors working for Permit Authorities issue Permits.
<p>1.1 A registered building surveyor must comply with laws relevant to their work, conduct and organisation.</p> <p>Laws enacted in Western Australia govern the licensing, functions and powers of building surveyors. Building surveyors must carry out their work in accordance with these laws. For example, a building surveyor must not issue certification unless the building work complies with relevant Western Australian legislation and the National Construction Code (NCC).</p> <p>Building surveyors, like most professionals, are subject to a range of other laws that govern their conduct and that of their business. These include, but are not limited to, consumer protection, work health and safety, anti-discrimination and privacy laws.</p>	<ul style="list-style-type: none"> • Part 1.1 (fourth paragraph) appears contradictory to itself and is effectively covered in clause 1.4 on page 6. Suggest the fourth paragraph be removed to avoid confusion. • As the WA building surveying industry is quite small, most building surveyors are acquainted with each other. The practicalities of this need to be considered when expecting building surveyors to report the wrongdoings by their peers.

<p>Building surveyors will meet their obligation by being aware of the Federal and state laws applicable to their work and taking proactive steps to ensure they comply with these.</p> <p>A building surveyor is not required to check other practitioners are meeting any legal obligations that are outside their statutory functions, but may be required to report activities they become aware of (see obligation 1.4).</p>	
<p>1.2 A registered building surveyor must act in the public interest when providing advice or making decisions relating to their statutory functions.</p> <p>Building laws and the NCC have a number of objectives such as health and safety, amenity, accessibility, cost effectiveness, efficiency of the industry and sustainability in the design, construction, performance and liveability of buildings. Building surveyors must balance and apply these objectives when performing statutory functions. Building surveyors are required to give greater weight to objectives considered to be of higher concern to the public, those being</p>	<ul style="list-style-type: none"> • Further clarification and explanations are required as to how building surveyors are to be accountable for balancing cost effectiveness vs compliance. • It is arguable that not all building surveyors act in the public interest when providing advice. Some may consider providing cost savings to their clients is more important. This type of action may ensure they receive ongoing work. • There are concerns regarding this section particularly in relation to rural and country areas as it can be very difficult to remain independent when the building surveyor is the only one building surveyor in a regional area. • Even though a building surveyor is expected to put public interest before their responsibility to clients and employers, for building surveyors in Local Government, it is quite common for external pressure to be exerted on building surveyors to issue a permit, or to try and find a way to accept a building design that is not deemed to satisfy without a performance solution. Additional commentary in the finalised Code of Conduct would be of use.

<p>health, safety and amenity of buildings. A building surveyor undertaking a statutory function must put the public interest before their responsibility to clients and employers.</p> <p>For example, project documentation may appear to be sufficient to demonstrate a design complies, but a building surveyor is concerned an assumption made in structural design may have an unintended impact on another part of the building. In this situation the building surveyor should take steps to investigate the potential issue and ensure that it is resolved rather than defer to the client's interest in getting earlier authorisation for construction.</p>	
<p>Definition Reasonable steps mean an action or series of actions an objective person would consider sensible and fair to address an issue or achieve a desired outcome in the circumstances. This includes decisions, omissions and inaction.</p>	<ul style="list-style-type: none"> • As there is an assumed test being applied here by what an objective person or reasonable person may do/think, it may be a useful to add a definition of what an objective or reasonable person is.

6. MATTERS FOR NOTING / INFORMATION

6.1 Local Government Support for Single Use Plastic Bans (01-006-02-0003)

By Rebecca Brown, Manager, Waste and Recycling

RECOMMENDATION

That WALGA note the introduction of the Single Use Plastics Bans.

Executive Summary

- The State Government have committed to banning a number of single-use plastic items by the end of 2021, including plates, bowls, cutlery, stirrers, straws, cups and lids, thick plastic bags, polystyrene food containers and helium balloon releases. Then from 2022, a range of other single use plastic items.
- Local Government has an opportunity to support the implementation of the bans, which will assist in reducing litter and encourage the transition to reusable or compostable alternatives which will reduce contamination in the kerbside recycling and Food Organic and Garden Organic (FOGO) bins.
- Local Government has previously been supportive of state-wide regulation for these products as the approach is more consistent and streamlined than each Local Government regulating.

Background

In 2018, after significant advocacy from Local Government and WALGA, the State Government introduced a ban on light weight single use plastic bags. The State Government, through the Department of Water and Environmental Regulation (DWER), is now progressing [bans](#) for a range of other single use plastic items. With the proposed schedule for the bans as follows:

End of 2021 – Regulations in place, enforcement to commence mid 2022	End 2022 - Regulations in place
<ul style="list-style-type: none"> • plates • bowls and lids • cutlery • stirrers • straws • cups and lids • thick plastic bags • polystyrene takeaway food containers • helium balloon releases 	<ul style="list-style-type: none"> • barrier/produce bags • microbeads • polystyrene packaging • polystyrene cups • coffee cups and lids • cotton buds with plastic shafts • oxo-degradable plastics (plastics designed to break up more rapidly into fragments under certain conditions).

WALGA represents Local Government on the DWER Single Use Plastics Working Group.

Comment

The Municipal Waste Advisory Council (MWAC) considered the single-use plastic ban at the August meeting and resolved to write to the Environment Minister in support of the single use plastic bans. MWAC would also like to encourage Local Government to show support for the bans by writing to the Environment Minister and identifying the various benefits of the bans from the community and service provision perspective.

MWAC was supportive of the bans because:

- Environmental benefit: many of the products which will be covered by the bans are currently being littered and contribute to plastic pollution in rivers and oceans. By eliminating the product, and ensuring it is replaced with a more environmentally acceptable material, the bans will reduce littering and improve overall environmental outcomes.

- Recycling benefit: biodegradable and compostable plastics are plant-based products which are difficult to distinguish from petroleum-based products. Compostable and biodegradable plastics are considered a contaminant in the recycling stream. When the ban is in place, many of these plastic types will be eliminated. This will assist in improving the quality of recyclable materials collected.
- Food Organic and Garden Organic (FOGO) benefit: Currently, compostable plastic packaging is not accepted through the FOGO collections provided by Local Governments because there is a large range of plastic packaging in the market, and it is not possible to differentiate between compostable and non-compostable plastics. When the bans are in place, the only options on the market will be compostable, which presents an opportunity to potentially allow these products into the FOGO system.

The approach that DWER has taken is to recommend that no single-use plastics are used (including compostable plastic), where there is a workable alternative. There are some instances where there is not currently an alternative product, so compostable plastic is allowed in some instances. Terminology is frequently confusing for the community, as the terms degradable, biodegradable and compostable are often used interchangeably. Some general definitions:

- Degradable – describes petroleum-based plastics that break down into smaller fragments of plastic.
- Biodegradable – frequently used to describe petroleum-based and petroleum/plant-based plastics which contain additives that enable the plastic to be broken down into smaller fragments by bacteria or other living organisms.
- Compostable – when used appropriately, describes plant-based plastics that can be readily broken down through home or industrial composting systems.

The bans are targeted at retailers so Local Governments will still be able to provide products such as dog waste bags for their communities to use in public areas and caddy liners for FOGO systems.

6.2 Report Municipal Waste Advisory Council (MWAC) (01-006-03-0008 RNB)

By Rebecca Brown, Manager, Waste & Recycling

RECOMMENDATION

That WALGA note the resolutions of the Municipal Waste Advisory Council at its 25 August and 13 October 2021 meetings.

Executive Summary

- This item summaries the outcomes of the MWAC meetings held on 25 August and 13 October 2021.

Background

The Municipal Waste Advisory Council is seeking State Council noting of the resolutions from the **25 August and 13 October 2021** meetings, consistent with the delegated authority granted to the Municipal Waste Advisory Council to deal with waste management issues.

Copies of Agendas and Minutes are available from WALGA staff, on request.

Comment

The key issues considered at the meetings held on **25 August and 13 October 2021** included:

Submission on Department of Water and Environmental Regulation Guideline Assessment of environmental noise emissions

In June 2016, WALGA made a Submission on the Department's Draft Guideline on Environmental Noise for prescribed premises. In that Submission issues identified included:

- The use of separation distances as a trigger for a full-scale noise assessment
- Noise from construction activities was not addressed
- Existing and prospective facilities will be subject to significant and costly requirements to assess noise.

On 16 June 2021, the Department released its Draft Guideline: Assessment of environmental noise emissions for public consultation for a 12-week period. The Draft Guideline is a more extensive version of the previously released Guideline.

MUNICIPAL WASTE ADVISORY COUNCIL MOTION

That the Municipal Waste Advisory Council endorse the Draft Submission on the Department of Water and Environmental Regulation Guideline Assessment of environmental noise emissions.

Moved: Mayor Howlett Seconded: Mayor Butterfield

CARRIED

Submission on Dust Emissions

DWER has released a Draft Guideline: Dust emissions for consultation. The Draft Guideline relates to fugitive dust emissions only (point source emissions are covered in separate document). The Draft Guideline is more comprehensive form of an existing Guideline and will apply to new and existing licenced premises.

MUNICIPAL WASTE ADVISORY COUNCIL MOTION

That the Municipal Waste Advisory Council endorse the Draft Submission on Department of Water and Environmental Regulation (DWER) Draft Guideline: Dust Emissions.

Moved: Cr Price Seconded: Cr Stroud

CARRIED

Submission on Productivity Commission inquiry into the Right to Repair

In December 2020, WALGA undertook an online survey of Local Government seeking feedback on the potential for Right to Repair legislation that could extend the life of products and reduce waste going to landfill. The February Submission was informed by the survey and input from MWAC. In June 2021 the Productivity Commission released a Draft Report seeking additional input for the final report which will be submitted to the Australian Government by 29 October 2021. The Draft MWAC Submission builds on the February Submission and identifies the benefits that right to repair requirements could have for Local Government and the community.

MUNICIPAL WASTE ADVISORY COUNCIL MOTION

That the Municipal Waste Advisory Council endorse the Draft Submission on Right to Repair.

Moved: Mayor Howlett Seconded: Mayor Butterfield

CARRIED

Local Government Support for Plastics Bans

The State Government have committed to banning a number of single-use plastic items. Local Government has been consistently supportive of this approach as state-wide regulation is a more consistent and streamlined way to regulate these products. Consultation has occurred regarding the bans, with some concerns raised by the packaging industry about the timeline and approach. Local Government has an opportunity to support the implementation of the bans, which will assist in reducing the use of single-use plastic items, transitioning to reusable or compostable alternatives and reduce potential contamination issues for recycling and FOGO systems.

MUNICIPAL WASTE ADVISORY COUNCIL MOTION

That the Municipal Waste Advisory Council:

- 1. Write to the Environment Minister supporting the Single-use Plastics Ban**
- 2. Encourage Local Governments to write to the Environment Minister supporting the Ban**
- 3. MWAC request State Council to place this item on the agenda for the next round of Zone Meetings.**

Moved: Mayor Howlett Seconded: Mayor Butterfield

CARRIED

Submission on Waste Tyres Rules

The Export Bans of glass, plastic, tyres and paper/cardboard are being progressively implemented, with the tyre export ban scheduled for 1 December 2021. The Rules are the regulations which will govern the ban. The ban is for baled and whole tyres but allows shredded tyres and some types of tyres for re-treading. In the draft Submission, two main concerns are raised regarding tyres:

- If shredded tyres are still exported to the same destination and for the same use as baled whole tyres, this does not represent a more positive environmental outcome or a value-added product
- Shredded tyres represent an increased fire risk, compared to whole tyres.

MUNICIPAL WASTE ADVISORY COUNCIL MOTION

That the Municipal Waste Advisory Council endorse the Draft Submission on Waste Tyres Rules Discussion Paper.

Moved: Cr Price Seconded: Cr Stroud

CARRIED

Product Stewardship Principles

WALGA, working with other State and Territory Local Government Associations, has developed Principle for Product Stewardship. The intent of this document is to assist in generating national consistency, between Local Government Associations, regarding what product stewardship needs to include which will amplify advocacy on this issue.

MUNICIPAL WASTE ADVISORY COUNCIL MOTION

That the Municipal Waste Advisory Council endorse the draft Product Stewardship Principles.

Moved: Cr Price Seconded: Cr Stroud

CARRIED

Submission on Container Deposit Scheme Minimum Network Standards

DWER has released an Issues Paper on the Minimum Network Standards for the Container Deposit Scheme. The DWER Paper outlines considerations relating to access to refund points over the first year of Scheme operation including:

- How the Standards apply to public holidays and emergency event
- How the definition of flexible refund points has been interpreted
- The requirement for a full-time fund point in every region.

MUNICIPAL WASTE ADVISORY COUNCIL MOTION

That the Municipal Waste Advisory Council endorse the draft Submission on CDS Minimum Network Standards.

Moved: Cr Price Seconded: Cr Stroud

CARRIED

6.3 WALGA submission on the National Climate Resilience and Adaptation Strategy

By Garry Middle, Acting Environment Policy Manager

RECOMMENDATION

That WALGA's submission to the Commonwealth Government National Climate Resilience and Adaptation Strategy (NCRAS) be noted.

Executive Summary

- The Commonwealth Government is seeking to update the National Climate Resilience and Adaptation Strategy, accepting public consultation for a short period of only 4 weeks.
- WALGA prepared a draft submission on behalf of the sector, aligned with WALGA's existing [Climate Change Policy Statement](#) and other previous submissions endorsed by State Council.
- The submission argues that the implementation of the overarching strategic framework for climate adaptation requires strong leadership and adequate resourcing from the Commonwealth Government.
- The draft submission was considered by the Environment Policy Team out of session and was signed by WALGA State Council President, Mayor Tracey Roberts.
- State Council is to note the final WALGA submission as submitted to the Commonwealth Government as the consolidated position of the sector on the proposed NCRAS update.

Attachment

- [WALGA's submission on the Commonwealth Government National Climate Resilience and Adaptation Strategy](#)

Background

The Commonwealth Government is developing a new National Climate Resilience and Adaptation Strategy (NCRAS) in 2021. The Commonwealth intends that [the new strategy](#) will provide a roadmap towards a climate resilient Australia and will showcase Australia's adaptation and resilience efforts and strengthening national coordination to manage physical climate impacts.

Due to the very tight consultation periods, WALGA has prepared a submission, on behalf of the sector, aligned with WALGA's existing [Climate Change Policy Statement](#) and other previous submissions endorsed by State Council.

To facilitate sector engagement within the extremely tight consultation timeframe, WALGA alerted the sector to the consultation period via WALGA Climate Change Officer network. WALGA acknowledged that the submission would be aligned with WALGA'S existing policy position.

The draft submission was considered by the Environment Policy Team for endorsement on Tuesday, 7 September as the submission date was prior to the next State Council meeting. The final submission was signed by WALGA President, Mayor Tracey Roberts on Friday, 10 September before submitting to the Commonwealth Government.

Comment

WALGA's submission argues that climate change adaptation cannot be separated from mitigation and the need for the Commonwealth to commit to a more ambitious emissions reduction target under the Paris Agreement, as detailed within the WALGA Climate Change Policy Statement. The nature and extent of the adaptation task is intrinsically linked to the extent of climate change, which is in turn dependent on reducing emissions.

Further, the extensive role expected of Local Government in shouldering the immediate impacts of climate change proposed by NCRAS, such as addressing coastal erosion and inundation, is not backed by adequate support or funding from the Commonwealth Government.

The submission also argues that the implementation of the overarching strategic framework for climate adaptation requires strong leadership from the Commonwealth Government.

WALGA will continue to advocate for stronger leadership, adequate resourcing and funding and a shift away from the emergency response approach currently taken in climate adaptation planning on behalf of its members.

6.4 Closing the Gap Update

By Alina Hobson, Policy Officer, Resilient Communities

RECOMMENDATION

That the recent updates on Closing the Gap are noted.

Executive Summary

- The [National Agreement on Closing the Gap](#) (the National Agreement) came into effect on 27 July 2020. The objective of the National Agreement is to enable Aboriginal and Torres Strait Islander people and governments to work together to overcome the inequality faced by Aboriginal and Torres Strait Islander people so that their life outcomes are equal to all Australians. The National Agreement requires all government parties to develop Implementation Plans that set out how they will meet their commitments.
- In September 2021, the State Government released its [Implementation Plan](#), which sets out their approach to meeting the Closing the Gap outcomes included in the National Agreement.
- The [Partners in Government Agreement](#) signed in September 2021 between the State Government, WALGA and LG Professionals includes Closing the Gap as a focus area.
- The Australian Local Government Association (ALGA) is a co-signatory to the Agreement on behalf of the Local Government sector and released its [Closing the Gap Implementation Plan](#) on 9 September 2021.
- Being the level of Government closest to the community Local Governments play a key role in delivering outcomes that address Closing the Gap priority areas, with many already delivering initiatives through Reconciliation Action Plans.

Background

The refreshed National Agreement came into effect on 27 July 2020. The objective of the National Agreement is to enable Aboriginal and Torres Strait Islander and governments to work together to overcome the inequality faced by Aboriginal and Torres Strait Islander people so that their life outcomes are equal to all Australians. The National Agreement was developed in partnership between Australian Governments and the Coalition of Aboriginal and Torres Strait Islander Peak Organisations.

The National Agreement contains four key priority reform areas:

1. **Formal partnerships and shared decision making** - building and strengthening structures to empower Aboriginal and Torres Strait Islander people to share decision-making with governments.
2. **Building the community-controlled sector** - building formal Aboriginal and Torres Strait Islander community-controlled sectors to deliver services to support Closing the Gap.
3. **Transforming government organisations** - systemic and structural transformation of mainstream government organisations to improve accountability and better respond to the needs of Aboriginal and Torres Strait Islander people.
4. **Shared access to data and information at a regional level** - enable shared access to location specific data and information to support Aboriginal and Torres Strait Islander communities and organisations to achieve the first three Priority Reforms.

All Government parties are required to develop an implementation plan outlining how they will meet their commitments under the National Agreement.

The State Government released its Implementation Plan (the Plan) in September 2021. The Plan focusses on a phased approach to whole of Government reform. The Plan details actions that the State Government is currently undertaking or planning to undertake in the near future. The Plan is in two parts:

- Part A: an overview of system-level actions the WA Government intends to progress.
- Part B: information on specific activities, programs and services relevant to each priority reform areas.

The [Partners in Government Agreement](#) signed in September 2021 between the State Government, WALGA and LG Professionals includes Closing the Gap as a focus area.

ALGA is a co-signatory to the National Agreement on behalf of the Local Government sector. ALGA's Implementation Plan is designed to:

- Ensure that Local Government understands the National Agreement and its commitments thereunder, and encourage its adoption by Local Governments.
- Assist State and Territory Governments to work with Local Governments in the implementation of the National Agreement.
- Support strengthened shared decision-making at the local level, supporting Local Governments to be part of partnerships with the Commonwealth, State, and Territory Governments and local Aboriginal and Torres Strait Islander Communities.

Comment

As the level of Government closest to the community, Local Government play an important role in supporting the development and implementation of policies and programs in partnership with local Aboriginal communities that address the priority reform areas within the National Agreement.

Through the implementation of Reconciliation Action Plans many Local Governments are already undertaking actions that align with the Closing the Gap outcomes, for example through:

- Delivery of Aboriginal focused Mentorship/Traineeship Programs.
- Facilitation of Aboriginal Advisory Groups.
- Celebrating key events such as NAIDOC Week and Reconciliation Week.

WALGA works to support Local Governments to build strong, positive relationships with local Aboriginal communities through a number of avenues including:

- Delivery of Aboriginal engagement and reconciliation forums and events for Local Government, such as the recent Aboriginal Engagement and Reconciliation Forum held on 22 September 2021 at Crown Perth which was attended by more than 200 registrants.
- Supporting the WA Local Government Aboriginal Engagement Network which brings together Aboriginal and non-Aboriginal officers at quarterly meetings to share peer to peer advice and learnings, offer support and encouragement and explore opportunities for partnership and collaboration between Local Governments.
- Regular engagement with key stakeholders including the South West Aboriginal Land and Sea Council, Department of the Premier and Cabinet, Department of Planning, Lands and Heritage, Reconciliation WA and Danjoo Koorliny Aboriginal Elders to ensure that Local Government is abreast of emerging legislative and policy matters including Closing the Gap, South West Native Title Settlement and other native title settlements, and the new Aboriginal Cultural heritage legislation.

WALGA will continue to work with the State Government through the Partners in Government Agreement on the implementation of the National Agreement, and ALGA, to support Local Governments actions in response to the key outcome that Aboriginal and Torres Strait Islander peoples and governments work together to overcome the inequality faced by Aboriginal and Torres Strait Islander people so that their life outcomes are equal to all Australians.

6.5 Submission to the Senate Inquiry into Provision of General Practitioner and related primary health services to outer metropolitan, rural, and regional Australians (03-030-03-0001 VB)

By Vikki Barlow, Senior Policy Advisor, Resilient Communities

RECOMMENDATION

That the WALGA submission to the Senate Inquiry into Provision of General Practitioner and related primary health services to outer metropolitan, rural, and regional Australians, be noted.

Executive Summary

- The Standing Committee on Community Affairs of the Commonwealth Parliament commenced an inquiry into the above matter on 4 August 2021 with submissions due by 30 September 2021.
- 18 Local Governments provided input into WALGA's submission.
- Regional and rural Local Governments have consistently identified shortages in the provision of GP and related health services as a serious long-standing issue in their communities.
- Local Governments, as the 'provider of last resort', are compelled to enter costly medical services contracts to support housing, medical center operations and other benefits to attract and retain GPs and related health professionals to regional areas.
- Submissions are due by 30 September 2021 and will be published on the [Committee's website](#) on 8 October 2021.

Attachment

- [WALGA Senate Inquiry Rural and Regional Health Services Submission](#)

Policy Implications

The Submission aligns with WALGA Policy Position 3.2.2 – Regional Health Services:

The Association supports continuing to work with affected Local Governments and key stakeholders to identify and develop collaborative strategies. The Association supports continuing to advocate to the State Government to prioritise regional health and the regional health workforce. The Association supports developing a policy connection with the Australian Local Government Association as a pathway for advocating for stronger specialised regional health workforces.

September 2018 – 105.5/2018

Background

The Standing Committee on Community Affairs commenced an inquiry into the above matter on 4 August 2021, with submissions due by 30 September 2021.

The Terms of Reference sought feedback on:

1. the current state of outer metropolitan, rural, and regional GPs and related services.
2. current state and former Government reforms to outer metropolitan, rural and regional GP services and their impact on GPs, including policies such as: the stronger Rural Health Strategy,
 - a. Distribution Priority Area and the Modified Monash Model (MMM) geographical classification system,
 - b. GP training reforms, and
 - c. Medicare rebate freeze.
3. the impact of the COVID-19 pandemic on doctor shortages in outer metropolitan, rural, and regional Australia; and
4. any other related matters impacting outer metropolitan, rural, and regional access to quality health services.

Comment

Chronic shortages of adequate medical and related workforce in rural and regional areas of Western Australia is a significant, long standing issue which continues to impact on the health outcomes and viability of local communities.

In 2018 WALGA conducted the *Regional Health Services in Western Australia Survey of Local Governments*. 161 responses were received from 91 WA Local Governments, representing 66% of members. The survey results highlighted issues with:

1. **Workforce** challenges in recruiting and retaining doctors, nurses and allied health staff (health professionals).
2. **Distance** to travel to see a health professional.
3. **Access** to health professionals (Hours of operation or number of staff providing service).
4. **Aged care** services for people to stay within their region as they age are limited.

17 Regional and 1 Metropolitan Local Governments provided input to WALGA's Submission, and 1 Local Government made a submission directly to the Committee. The feedback received was consistent with the themes identified in the 2018 survey. The Submission highlights the challenges Local Governments face as the 'provider of last resort', with the high cost of subsidising health service provision and ongoing workforce challenges in recruitment and retention of health professionals. Many rural and regional Local Governments have found it necessary to enter contracts for medical services and/or general practice support services. There is a strong view expressed by the sector that this should not be the responsibility of Local Government and that Local Governments should not be required to provide incentives such as housing and medical centre facilities, especially as there is no opportunity to recoup these expenses.

Regional and rural Local Governments are also concerned about the quality and accessibility of essential health care for their communities and call upon the Commonwealth and State Governments to urgently improve coordination in the planning and provision of GPs and related primary health services in regional and rural areas.

Local Government Respondents via WALGA Submission

Trayning	Three Springs
Lake Grace	Greater Geraldton
Murray (and submitted to the Committee)	Kondinin
Pingelly	Manjimup
Chittering	Morawa
Gingin	Armadale
Nannup	Corrigin (and submitted to Committee)
Karratha (and submitted to the Committee)	Irwin
Dumbleyung	Yalgoo

6.6 Wooroloo Independent Review Letter of Support (05-024-03-0011 SM)

By Cassandra Mora, Policy Officer, Emergency Management

RECOMMENDATION

That the Letter of Support to the Wooroloo Bushfire Independent Inquiry be noted.

Executive Summary

- The Australasian Fire and Emergency Services Authorities Council (AFAC) commenced an Independent Review (Independent Review) into the Wooroloo Bushfire on Friday, 20 August with submissions open to the public and closing Friday, 8 October 2021.
- WALGA obtained an extension of the submission deadline to Friday, 15 October 2021 to enable the City of Swan and Shire of Mundaring to explore opportunities for a joint submission and enable the endorsement of their submission/s at their respective Ordinary Council meetings.
- WALGA provided a letter of support to the Independent Review highlighting key issues identified in WALGA Policy Positions and in submissions to recent emergency reviews and inquiries.

Attachment

- [2021 Wooroloo Independent Review Submission letter](#)
- [City of Swan submission](#)
- [Shire of Mundaring submission](#)

Background

The Wooroloo Bushfire started on Monday, 1 February 2021, during a COVID-19 lockdown, and devastated over 10,000 hectares of land and destroying 86 homes.

The Terms of Reference for the Independent Review are as follows:

1. Evaluate the first stage of the review of the Wooroloo Bushfire and undertake independent analysis across the range of focus areas examined, including response to the Wooroloo Bushfire, fuel management and processes for access into the fire affected areas.
2. Examine the effectiveness of the use of heavy earthmoving equipment in the fire suppression effort including the systems, processes and capability that supports this.
3. Examine the effectiveness of interagency coordination during the response and initial recovery phases of the incident.
4. Consider the effectiveness of the impact assessment processes employed in informing early and timely recovery efforts and consider the effectiveness of the recovery function post response phase.
5. Consider the extent, geographic range, method, effectiveness and duration of public warnings.
6. Examine the effectiveness of the 'Animal Welfare in Emergencies' program as implemented by the Department of Primary Industries and Regional Development.
7. Consider the meteorological aspects of the fire as examined by the Bureau of Meteorology.
8. Provide a means for members of the public and other interested parties to make submissions to the Review and give these due regard in compiling its report.
9. Consider any other matter that the Review Team identifies in its course of activities.

Given the short time frame provided and significant role of Local Governments in supporting their local communities during bushfire response and recovery, WALGA sought an extension of the submission deadline to Friday, 15 October, which enabled the City of Swan and Shire of Mundaring to have their submissions endorsed at their respective Ordinary Council meetings.

Comment

WALGA's letter of support highlights key issues identified in relevant WALGA Policy Positions and in submissions to recent emergency management reviews and inquiries that are of relevance to the Wooroloo Bushfire.

Under the *Emergency Management Act 2005*, Local Governments are responsible for managing recovery following an emergency. Local Governments also have significant roles across preparedness, prevention and response, including supporting community disaster resilience.

Common practice following an emergency is for the hazard management agency to undertake an evaluative review of the activities relating to the emergency response. In incidents where a significant loss (human, environment or economic) occurs, a review or inquiry may ensue to examine response activities and provide recommendations to improve the capacity and capability of key agencies. Given Local Governments unique position as the level of government closest to the community and its roles and responsibilities across the emergency management spectrum, Local Government input into such reviews and inquiries is essential for the improvement of emergency management arrangements in WA.

Key recommendations included in the letter are:

- calling for a response from the State Government to the Royal Commission into National Natural Disaster Arrangements;
- the development of an assurance framework to monitor the implementation and effectiveness of recommendations arising from all public inquiries and reviews;
- more effective agency interoperability during the response and recovery phases of emergencies;
- addressing the administrative burden and lack of timeliness of funding accessible to Local Governments through the Disaster Recovery Funding Arrangements Western Australia (DRFA-WA);
- increasing funding to support the replacement or restoration of damaged assets to a more resilient standard following an emergency; and
- the commitment to specific funding programs by the Commonwealth and State Governments to enable Local Governments to undertake essential physical mitigation programs to further reduce the exposure of communities to the impacts of natural disasters and to ensure the protection of essential community infrastructure.

6.7 State Budget Outcomes (05-088-03-0001 DT)

By Daniel Thomson, Economist

RECOMMENDATION

That the update on the 2021 State Budget be noted.

Executive Summary

- The 2021-22 State Budget, handed down on 9 September 2021, contained little direct funding for Local Governments, with most of the spending focussed on the delivery of election commitments and big-ticket programs.
- A larger than expected surplus of \$5.6 billion in 2020-21 - mainly due to record high iron ore prices and forecast surpluses over the forward estimates - has provided the capacity for the Government to embark on major new spending programs, focussed on health and mental health, COVID-19 response and social housing.
- While these are important priorities, only one of the nine initiatives identified in WALGA's "Immediate Priorities for the State Government" received (partial) funding. Advocacy efforts will continue throughout this term of Government.
- The Budget also demonstrated Western Australia's strong economic recovery from the impact of the COVID-19 pandemic.
- Treasury estimates Gross State Product (GSP) grew 3.25% in 2020-21 and is forecasting further growth of 3.5% in 2021-22, in contrast with a national recession in 2020 and the global economic slowdown.
- After losing more than 100,000 jobs at the start of the pandemic, the WA economy recovered to regain these jobs and more as the unemployment rate fell from 6.1% pre-COVID to 4.9% in the June quarter. With job vacancies at levels comparable to that experienced during the mining boom, employment growth is expected to see another 34,000 jobs created in 2021-22. This tightening in the labour market along with subdued population growth is leading to skills shortages in some sectors.
- Further detail about the State Budget can be found in the Budget summary documents and WALGA Economic Briefing.

Attachments

- [WALGA State Budget Review](#)
- [WALGA State Budget Submission](#)
- [October 2021 Economic Briefing](#)

Background

The Premier has framed the Government's fifth budget – the first of its second term – as a budget that sets Western Australia up for the future, built on the back of its success in keeping Western Australians safe and the WA economy strong during the COVID-19 pandemic.

A larger than expected surplus of \$5.6 billion in 2020-21 – mainly due to record high iron ore prices and forecast surpluses over the forward estimates – has provided the capacity for the Government to embark on major new spending programs. The headline new announcements in the Budget were:

- \$1.9 billion in new funding to help address the unprecedented demand on WA's health and mental health system;
- \$1.8 billion for the construction of a new Women and Babies hospital;
- \$1 billion for additional support to respond to COVID-19 (taking the State's total investment in COVID-19 response and recovery to \$9 billion);
- A new \$750 million social housing investment fund;
- Establishment of a \$750 million Climate Action Fund; and
- \$400 million for the new Westport Project.

The Budget also includes a record \$30.7 billion asset investment program, with \$9.1 billion of this allocated to projects in regional areas.

Reflecting the limited capacity in the civil and building construction industries, \$2.6 billion in project spending from 2020-21 and 2021-22 has been deferred into later years. This may ease some pressures in the industry and enable Local Governments to deliver projects, particularly time-bound Commonwealth funded projects.

Comment

While the Government is to be commended for focussing spending to areas of need, WALGA considers that the State's strong financial position offered an opportunity to go further in areas that address important community priorities, deliver positive outcomes in terms of creating new jobs, make WA's environment more liveable, transform our infrastructure, and support local communities.

Ahead of the State Budget, WALGA developed a policy document "Immediate Priorities for the State Government" to advocate for funding key initiatives in this term of Government that will strengthen the economic recovery from COVID-19, address key environmental challenges and support local communities.

These priorities included:

- Expand the Coast WA Program
- Create an Urban Greening grant program
- Extend the State Underground Power Program
- Support the construction of FOGO Processing Infrastructure
- Extend the Small Business Friendly Approvals program
- Support the transition to the State Industrial Relations System
- Address the shortage of Government Regional Officer Housing (GROH)
- Homelessness Outreach Services
- Regional telecommunications infrastructure

Of the nine "Immediate Priorities for the State Government", the Budget only contained modest funding for the management of coastal erosion hot spots. These are initiatives that WALGA will continue to pursue with Government during this term.

6.8 Foundations for a Stronger Tomorrow – Submission to the Draft State Infrastructure Strategy (05-001-03-0018 ID)

By Ian Duncan, Executive Manager, Infrastructure

RECOMMENDATION

That the WALGA submission to Infrastructure WA in response to the draft State Infrastructure Strategy, Foundations for a Stronger Tomorrow, be noted.

Executive Summary

- Infrastructure WA was established in 2019 and following extensive stakeholder engagement, research and analysis has released a draft 20 year State Infrastructure Strategy titled [Foundations for a Stronger Tomorrow](#) for consultation.
- The draft Strategy makes 88 recommendations across:
 1. seven themes: Digital connectivity and technology; Aboriginal cultural heritage, wellbeing and enterprise; Climate change and sustainability; Regional development; Planning and coordination; Infrastructure delivery; Asset management; and
 2. nine sectors: Energy; Water; Waste; Transport; Social and Affordable Housing; Health; Education; Arts, culture, sport and recreation; Justice and public safety.

The WALGA submission supports the strategic approach to infrastructure planning and management proposed by Infrastructure WA and the vast majority of the recommendations. However, the draft strategy makes little reference to the significant role that Local Governments play in the planning and delivery of infrastructure. The submission highlights that without explicit consideration of these functions, it is difficult to take a state-wide approach to infrastructure development. It is also not clear from the Draft Strategy how it will align and connect with existing Local Government Strategic Community and infrastructure plans.

Across the identified themes and sectors the submission seeks to highlight:

- the importance and value of maintaining local decision-making;
- constraints on Local Government's capacity to raise own sourced revenue and the need to avoid transferring unfunded responsibilities onto the sector; and
- the need to continue genuine consultation with Local Governments in finalising, implementing and ultimately reviewing the strategy.

The submission is based on the structure of the draft State Infrastructure Strategy. No comment is provided for recommendations that are not relevant to the Local Government sector or where the draft recommendation is supported without further clarification.

Key recommendations of concern that the submission opposes, seeks significant amendment or draws attention to are:

Regional Development

- Highlights that resourcing will be a critical consideration for developing any new regional service delivery model. To the extent that Local Governments are expected to play a greater role in facilitating and supporting place-based integrated service models, adequate funding must be provided to the sector to deliver on any additional responsibilities.

Planning and coordination

- Opposes extension of changes to Part 17 of the Planning and Development Act 2005 that give effect to the State Development Assessment unit beyond the current end date.
- Identifies practical examples of the failure of current arrangements to facilitate infill development where this is actively sought by Local Governments, to ensure proposed changes resolve the existing constraints.

- Extend the recommendation to identify and secure strategic sites through a recurrent fund for regional land acquisition to include support for delivery of infrastructure projects by Local Governments.

Water

- Seeks that the need for water to sustain public spaces is recognised

Waste

- Opposes state-wide application of the Waste Levy.
- Calls for all the funds generated from the Levy to assist in the implementation of the State Waste Strategy.
- Seeks waste to energy infrastructure and strategic location of waste facilities be identified.

Transport

- Opposes the proposal to amend the existing hypothecation of motor vehicle licence fee revenue, specifically to use this funding for public transport operational expenditure. Motor vehicle licence fee revenue is currently hypothecated to Main Roads WA under legislation and a portion of this provided under agreement for the maintenance, renewal and upgrade of roads under the control of Local Governments.
- Seeks regional aviation infrastructure be considered amongst strategic transport planning needs.

Health

- Funding for and clarity of the key role for Local Governments envisaged in the Sustainable Health Review is required. This is critically important in regional WA where there is a lack of GP and allied health services.

Attachments

- [Submission: Foundations for a Stronger Tomorrow](#)

Policy Implications

This submission draws on and consolidates policy positions previously endorsed by State Council.

Background

WALGA has advocated for and supported development of a long term State Infrastructure Strategy since at least April 2006. At the time, the Association provided a submission to the State Government development of a State Infrastructure Strategy focused on the key issues of planning, development, renewal, preservation and funding of the infrastructure that is vital to the economic and social development of the people of Western Australia. The Association provided comment on the Green Paper considering a State Infrastructure Strategy towards the end of 2006.

Infrastructure Australia was established in 2008 and State based infrastructure advisory bodies were established or revitalised in the following years.

In 2015 the WALGA State Council again endorsed a recommendation to advocate to the State Government to develop a long term State Infrastructure Strategy. Local Governments sought engagement with the State and Federal Government in transparent processes leading to efficient long term infrastructure planning.

The *Infrastructure WA Act (2019)* came into effect in July 2019, establishing Infrastructure WA for the principal purpose of providing advice and assistance to the Government on matters relating to infrastructure. Through a consultative process Infrastructure WA staff under the direction of the Board have developed a draft State Infrastructure Strategy titled Foundations for a Stronger Tomorrow.

Once finalised, the State Infrastructure Strategy will be submitted to the Premier later in 2021. The *Infrastructure WA Act (2019)* sets out the timetable for the Premier to respond and table the strategy and government response in Parliament.

All Local Governments have been invited to contribute to the development of the draft strategy through consultation forums, surveys and direct input. WALGA has participated in the External Stakeholder Reference Group and other topic specific workshops.

The draft State Infrastructure Strategy was released for consultation on 21 July 2021. The Association prepared an analysis and framework to facilitate engagement with and feedback from Local Government officers. This was published on 6 August with Local Governments and Regional Councils providing feedback over the following three weeks.

Input was received from 7 metropolitan and 4 non-metropolitan Local Governments.

- Augusta – Margaret River
- Belmont
- Canning
- Chapman Valley
- Dundas
- Esperance
- Gosnells
- Kalamunda
- Kwinana
- Rockingham
- Serpentine-Jarrahdale
- Vincent

Advice was also provided by East Metropolitan Regional Council.

The limited time frame made meant that some were unable to respond during the time period, particularly those for who the Infrastructure WA workshops were scheduled after the WALGA State Council meeting date.

Eighty four percent of the responses were provided by Band 1 or Band 2 Councils.

Due to the timing of the consultation period, the draft submission was considered and endorsed by WALGA State Council as an item under separate cover on 3 September 2021.

Comment

High quality infrastructure underpins our economic prosperity and many aspects of the lifestyle enjoyed by West Australians. This public infrastructure is provided by State and Local Governments. The establishment of Infrastructure WA in 2019 has opened the opportunity for a whole of State Government approach to the development of infrastructure proposals. However, it should also open the opportunity for stronger and structured engagement between State and Local Government to align the needs and opportunities at a regional and local level. Consequently Local Government should continue to contribute to the development of sound State infrastructure planning and delivery processes.

The draft State Infrastructure Strategy focusses on State Government managed infrastructure and State Government Department and agency responsibilities and processes. The Local Government sector could choose to not participate in the consultative processes, including this opportunity, offered by Infrastructure WA. However, Local Government typically relies on funding from State and Federal sources to contribute to infrastructure development and renewal. More importantly, regional and local economic development is closely linked to the provision of essential infrastructure-based services. For these reasons the Local Government sector through WALGA and directly should actively participate in the development of infrastructure strategies and plans.

Foundations for a Stronger Tomorrow identifies few capital investment projects. The specific projects noted are high profile and are most already on a development path. It is acknowledged that some Local Governments may be disappointed not to see specific projects that are key to unlocking the development potential of their area identified. However, this Infrastructure WA document is a high-level strategy. If adopted and successfully implemented, it will guide the processes to ensure greater value from future infrastructure investments.

The attached submission draws on advocacy positions previously adopted by WALGA State Council. The cross-cutting themes of Planning and Coordination and Regional Development are likely to have the most far-reaching implications across many aspects of Local Government.

6.9 Regional Telecommunications Review 2021

By Ian Duncan, Executive Manager, Infrastructure

RECOMMENDATION

That the endorsed submission to the Regional Telecommunications Review 2021 Committee be noted.

Executive Summary

- A Regional Telecommunications Independent Review Committee, established under the *Telecommunications (Consumer Protection and Service Standards) Act 1999*, sought submissions from stakeholders to inform a review into telecommunications services in regional, rural and remote parts of Australia.
- A submission was developed based on:
 1. unresolved issues identified in a 2019 consultation with Local Governments regarding risks to emergency management capability that arise due to failure of telecommunications services during emergency conditions;
 2. strategic and specific issues identified by Local Governments; and
 3. matters raised during consultation at WALGA Zone meetings.
- Local Governments identified weaknesses in the telecommunications service:
 1. coverage (BlackSpots);
 2. capacity (to meet growing and seasonal demands);
 3. resilience (specifically during power outages); and
 4. cost (lack of price competitive options).
- These issues were found in peri-urban and some metropolitan areas as well as regional and remote parts of the State.
- The submission to the Regional Telecommunications Independent Review Committee identified 15 recommended solutions that if effectively delivered will provide improved equity in the level of telecommunications services delivered across Australia.
- The draft submission was endorsed by State Council by Flying Minute on 29 October 2021.

Attachment

- [Flying Minute: Regional Telecommunications Review 2021 Submission](#)

Background

In late 2019 WALGA collated examples and case studies highlighting the long-standing issue of telecommunication failures, particularly in regional and peri-urban areas and specifically during emergencies. Matters identified included:

- Blackspots (areas with no mobile phone coverage);
- Battery backup failures (both mobile towers and telephone exchanges);
- Outages (which have led to loss of landlines and mobiles during emergency situations);
- Telstra Notification Systems (that mean the telecommunications carrier is reliant on customers to advise there is no service)

Importantly these issues identified the inextricable link with power supplies in the provision of reliable telecommunications service.

A Regional Telecommunications Independent Review Committee (the Committee) is established every three years under Part 9B of the *Telecommunications (Consumer Protection and Service Standards) Act 1999* to conduct a review into telecommunications services in regional, rural and remote parts of Australia.

The Committee for the 2021 Regional Telecommunications Review was appointed on 1 June 2021 and submissions were open until 30 September 2021.

In developing the submission, the Association sought the views of all Local Governments. Submissions were received from eight Local Governments and one Regional Council. Telecommunications issues were discussed at 16 WALGA Zone meetings during August 2021 with five Zones contributing formal resolutions.

WALGA staff attended and contributed three online consultative sessions conducted by the Committee during August and September. Local Government representatives also took the opportunity to provide input to the Committee's consultation sessions.

The Regional Telecommunications Independent Review Committee is particularly interested to hear views on:

- The reliability of local mobile and broadband services
- The role of telecommunications during COVID-19 and natural disasters
- The effectiveness of Government programs like the Mobile Black Spot Program
- How telecommunications can support regional development
- The potential of emerging communications technologies
- Ways to help regional consumers get connected, stay connected and use their connection

A submission was endorsed by State Council by Flying Minute on 29 October 2021.

Total invited to survey:	24
Total finished survey:	14

Endorse the Recommendation:	12
Endorse the Recommendation subject to comment below:	2
Do not endorse:	0

Additional information was added to the draft submission in response to the comments provided.

Comment

Feedback from members articulated very similar themes across rural, regional and remote WA, and peri-urban Perth.

15 recommended solutions were provided that address the key issues identified by Local Governments:

1. To ensure the requirements and accountabilities of the Universal Service Guarantee (USG) are met, immediate attention to the capability of Telstra's existing copper and wireless networks is required to address the core issues being faced regionally.
2. Investigate mechanisms to increase competition in the delivery of telecommunication to reduce the current monopoly experienced by a large areas of regional Australia.
3. Partnerships including all levels of government and industry to investigate and trial emerging technologies with the potential to deliver cost-effective mobile communications and power reliability ensuring trials are not constrained by the limitation of funds available via government programs.
4. Ensure that the Security Legislation Amendment (Critical Infrastructure) Bill 2020 expanded scope of the Act includes telecommunications critical infrastructure and that any new technologies that enable significant change to the delivery of telecommunications services in regional Australia need to be cognisant of the ongoing and real threat of cybersecurity on the security of infrastructure, personal and commercial data.
5. When developing funding programs ensure that power supply (including improved back up and Stand Alone Power Systems) is a key consideration to any solution sought, and that a

collaborative approach between power and telecommunication providers is essential to any funding application.

6. Guarantee engagement with Local Governments as a pre-requisite for input, particularly in regards to identification of local blackspots and optimum infrastructure locations.
7. Where approved signal boosters or enhanced telecommunication products are recommended by telecommunication carriers as the solution to achieve mobile connectivity, this equipment should be technically evaluated and funded rather than the consumer having to take all of the risks and fund this inequity.
8. A comprehensive community education program is required to ensure it is not assumed that the mobile phone network, land line telephones or nbnco based internet services can be relied on during or in the aftermath of emergencies. This program should offer solutions such as transistor radios that at least allow the community to receive (although not send) information during emergencies.
9. Leverage major regional road upgrades, such as the Tanami Road, to install fibre optic cable as part of integrated earthworks. This will lower the overall costs, increase accessibility and, in the case of the Tanami Road, potentially provide an alternative from the single line currently servicing northern Western Australia.
10. Broaden both the deployment and application of nbnco satellite services to all evacuation centres to ensure access to telecommunication not only during an emergency but to provide backup redundancy when fixed lines connections are experiencing outages.
11. Investigate the technology that facilitates quicker service restoration including locally or regionally located generators and the ability to connect them to telecommunications facilities, Cells on Wheels (COWs) and mobile exchanges on wheels (MEOWs). Analyse the transferability for a broader scale, long term solution.
12. Establishment of an independent telecommunications committee to address black spots and telecommunications issues in peri-urban and metropolitan areas.
13. Call upon the Commonwealth Government to:
 - a. fund the extension of fibre deeper into regional communities based on products similar to the Nbnco Enterprise Ethernet business product, and
 - b. ensure guaranteed prices charged by service providers are equivalent to those in a city CBD.
14. Request the Federal Government to fulfil the commitment of full mobile coverage on the North West Coastal Highway.
15. Request the Federal Government to ensure that the drawdown of data, particularly from autonomous vehicles used by the mining sector, doesn't compromise the quality and reliability of service.

Local Governments have clearly identified that telecommunications infrastructure is fundamental to basic service provision and economic development in all parts of the country. The proposed solutions go some way towards ensuring that choice, equity and sustainability of telecommunications services are provided to rural, regional and remote Western Australia.

6.10 WALGA submission on Guideline: Native Vegetation Referral, Part V Environmental Protection Act 1986 (05 095-03-0001 GM)

By Garry Middle, Acting Manager Environment Policy

RECOMMENDATION

That the endorsed WALGA submission on the draft *Guideline: Native Vegetation Referral* be noted.

Executive Summary

- On 5 July 2021 the Department of Water and Environment Regulation (DWER) released the draft [Guideline: Native Vegetation Referrals \(the Guideline\)](#) for consultation by 30 July. WALGA was granted an extension to 6 August 2021.
- The Guidelines relate to a new clearing referral process introduced as part of the *Environmental Protection Act Amendment Act 2020* passed in November 2020 which removes the requirement for a clearing permit for low impact proposals. Referrals considered low impact are not subject to public consultation and no fees are payable by proponents to DWER for the assessment of referrals.
- The Guideline provides information on this new referral process for approval of low impact native vegetation clearing. This new process could, in some circumstances, assist some Local Governments with more timely delivery of minor infrastructure projects and reduce costs associated with clearing permits.
- WALGA's submission reiterates its support for this referral process for which an exemption does not apply, on the proviso that environmental outcomes are not negatively affected. It also recommends that Guidelines need to provide greater clarity regarding the type of clearing that would be considered low impact to avoid confusion and delays to projects.
- The final submission was endorsed by State Council via Flying Minute (resolution 207.FM/2021).

Attachments

- [Flying Minute – Guidelines Native Vegetation Referral, Part V Environmental Protection Act 1986](#)
- [WALGA's final submission on Draft Guidelines: Native Vegetation Referrals](#)

Background

On 5 July 2021 the Department of Water and Environmental Regulation (DWER) released the draft [Guideline: Native Vegetation Referrals \(the Guideline\)](#) for consultation by 30 July. WALGA was granted an extension to 6 August 2021.

The draft Guidelines provide information on the new clearing referral process introduced as part of the *Environmental Protection Act Amendment Act 2020* which removes the requirement for a clearing permit for low impact clearing and seek to help with the interpretation of the criteria set out in the *Environmental Protection Act 1986* (EP Act) for the assessment of these referrals.

To facilitate sector engagement on the draft Guidelines, WALGA distributed an InfoPage on 9 July, inviting comments from the sector by 22 July. Local Governments were encouraged to join in the DWER's on-line information session held on 19 July.

Officer comments on the draft Guideline were received from one Local Government, the City of Joondalup.

The final submission is consistent with WALGA's previous submissions on native vegetation regulation, in particular the [Environmental Protection Act 1986 \(EP Act amendments\) submission](#) endorsed by State Council in January 2020 and the [Native Vegetation in Western Australia Issues Paper submission](#) endorsed by State Council in February 2020.

The final submission was endorsed by State Council via Flying Minute.

Comment

In reviewing the draft Guidelines, WALGA focused on whether the Guidelines provide adequate detail on what type of clearing activities could be considered low impact and how DWER would determine the outcomes of the referral.

WALGA's Submission noted that the new referral process has the potential to improve the efficiency of meeting the regulatory requirements for some essential clearing activities undertaken by Local Governments, such as small scale road upgrades, improving sightlines, the extension of crossovers or other minor infrastructure projects.

However, the format and content of the draft Guidelines was found to be confusing, and recommendations were made to provide further detail in the Guidelines on the criteria for determining what is low impact clearing.

The Submission also acknowledged that the determination criteria are designed to ensure that only low impact clearing activities proceed without a clearing permit and that some Local Governments, particularly those on the Swan Coastal Plain and in the Wheatbelt, will be less likely to be able to utilise the new referral pathway. In this context WALGA reiterated its documented position on the need for further improvements and efficiencies to the regulatory process for native vegetation clearing, including:

- increased State Government investment in the collection and provision of better information to support regulatory processes;
- the implementation of a more strategic approach to the management of native vegetation in Western Australia, particularly for priority bioregions such as the Swan Coastal Plain and the Wheatbelt; and
- the allocation of dedicated staff within the Department to assist Local Governments with the native vegetation clearing referrals and permits process (noting the sector is second only to the State Government in the number of clearing permit applications submitted annually).

6.11 WALGA submission on Draft Native Vegetation Policy for Western Australia (05-095-03-0001 GM)

By Garry Middle, Acting Manager Environment Policy

RECOMMENDATION

That the endorsed submission to the Department of Water and Environment Regulation on the Draft Native Vegetation Policy for Western Australia be noted.

Executive Summary

- The State Government has released for public comment a Draft Native Vegetation Policy for Western Australia (Draft Policy) on 30 August 2021.
- Whilst it is primarily aimed at State Government agencies and developing a whole of government approach to native vegetation management, many aspects are of interest to, or have implications for, Local Governments.
- A draft submission was prepared and sent out to the sector for comment, with some changes made to the draft.
- Comments on the revised draft submission were sought from members of the Environment Policy Team by Thursday, 14 October 2021.
- The submission was endorsed by State Council via Flying Minute (resolution 211.FM/2021).

Attachment

- [Flying Minute: WALGA Submission on Draft Native Vegetation Policy for Western Australia](#)

Background

The draft [Native Vegetation Policy](#) for Western Australia was released on Monday, 30 August. This policy is one of four key initiatives in the 2019 [Native Vegetation in Western Australia Issues Paper](#). The Department of Water and Environment Regulation (DWER) also released a document [summarising feedback on the Issues Paper, submissions](#) and [Explanatory Notes](#) on how feedback on the Issues Paper is reflected in the Draft Policy and including answers to Frequently Asked Questions.

To facilitate sector engagement, WALGA:

- Alerted the sector to the release of the discussion paper and draft Bill in November 2019 via an article and InfoPage in WALGA newsletters and by direct email to key contacts;
- Facilitated an information session with DWER on 7 September 2021, which was attended by 61 Local Government staff representing 43 Local Governments from 10 different Zones. The information session was followed by a workshop, where participants were asked to respond to the following questions:
 - How could the Draft Policy be strengthened to support Local Governments to manage native vegetation?
 - What aspects of the Draft Policy are problematic for Local Government?
 - What is missing from the Draft Policy?
- Provided a draft submission to the sector on 21 September, for feedback by 5 October. The submission considered matters raised in past submissions (listed in the attachment) and comments made by participants at the workshop held on 7 September.

Officer comments were received from eight Local Governments: City of Busselton, City of Cockburn, City of Greater Geraldton, City of Kalamunda, Town of Mosman Park, Shire of Murray, Shire of Serpentine-Jarrahdale and the City of Vincent. Changes were made to the draft in response to this additional feedback, including comments received after the draft submission was sent to the Environment Policy Team.

The draft submission was considered by the Environment Policy Team out of session and endorsed by State Council via Flying Minute.

Comment

The Draft Native Vegetation Policy seeks to provide mechanisms for coordinating whole-of-state government management of native vegetation by defining the guiding principles, strategies and approaches to achieving the proposed outcomes.

Whilst it is primarily aimed at State Government agencies and on developing a whole of government response, many aspects are of interest to, or have implications for, Local Governments.

The Draft Policy provides a further opportunity to realise some of the changes in the current practice of native vegetation management advocated for in WALGA's submission on the Native Vegetation Issues Paper and other forums.

WALGA's submission focuses on the aspects of the policy which are of interest to or have implications for Local Government. WALGA's draft submission provides comments on the format of the Draft Policy, raising concerns over its complexity, lack of clearly defined objectives and makes 19 recommendations.

6.12 Submission on Cost Recovery Part IV of the Environmental Protection Act 1986 – assessments by the Environmental Protection Authority

By Garry Middle, Acting Manager Environment Policy

RECOMMENDATION

That the endorsed WALGA submission to the Department of Water and Environmental Regulation on Cost Recovery under Part IV of the *Environmental Protection Act 1986* – assessments by the Environmental Protection Authority be noted.

Executive Summary

- Changes made to the Environmental Protection Act 1986 (EP Act) earlier this year included a Head of Power for the Department of Water and Environmental Regulation (DWER) to establish a cost recovery mechanism for proposals subject to assessment by the Environmental Protection Authority (EPA).
- DWER has released a discussion paper and draft Regulations setting out the proposed cost recovery model for comment by 22 October 2021.
- WALGA's submission provides two case studies that demonstrate that the proposed cost recovery fees would have a significant financial impact on Local Government projects requiring EPA assessment.
- It is also argued that most Local Government proposals requiring environmental assessment are for the community and broader public benefit, are consistent with State Government Planning, Strategies and Policies, and are not for profit.
- On this basis the submission recommends that cost recovery fees for these Local Government projects should be waived.
- The final submission was endorsed by State Council via Flying Minute (resolution 209.FM/2021).

Attachment

- [Flying Minute – Submission on Cost Recovery Part IV of the *Environmental Protection Act 1986* – assessments by the Environmental Protection Authority](#)

Background

Recent amendments to the EP Act have included a head of power to allow the EPA to impose cost recovery fees on proponents for carrying out environmental assessments of their proposals (not including assessment of planning schemes). DWER is seeking feedback and comment on the [discussion paper implementing this cost recovery as well as draft Regulations](#), by 22 October 2021.

To facilitate sector engagement WALGA:

- Alerted the sector to the release of the discussion paper and regulations on 23 September 2021, inviting them to register for the webinar and workshop and contribute to WALGA's submission; and
- Hosted a webinar and workshop attended by officers from 21 Local Governments on Friday, 1 October 2021, where DWER officials provided further information on the proposed cost recovery model.

Officer comments were received by 10 Local Governments: City of Bayswater, City of Bunbury, City of Cockburn, Shire of Dardanup, Shire of Denmark, Shire of Harvey, City of Joondalup, Shire of Ngaanyatjarraku, Shire of Wandering, and Shire of Wongan-Ballidu. An Elected Member from the Shire of Toodyay also provided comment.

The draft submission was considered by the Environment Policy Team out of session and endorsed by State Council via Flying Minute.

Comment

Most Local Government proposals have not historically required EPA assessment under Part IV of the EP Act - since 1991 there have been 28 proposals by Local Governments that have been subject to EPA assessments, including for road constructions, waste disposal sites, and coastal infrastructure. However, WALGA's submission includes two case studies of Local Government proposals that were and are currently being assessed by the EPA that demonstrate that the fees to be imposed would likely range from \$200,000 to over \$500,000. There are also charges for changes to conditions and proposals after assessment which range from \$60,000 to \$90,000.

The submission notes that the imposition of cost recovery fees of this scale could impact the cost/benefit analysis of Local Government projects to such an extent that a project that provides a public good may not proceed due to the additional charges.

Further, WALGA's submission argues that most Local Government proposals that could be subject to an EP Act Part IV assessment are for the provision of essential public infrastructure. These projects are for public, not private, benefit, are endorsed activities either through State and Local Planning (e.g. roads and waste treatment facilities) and provide benefits beyond the local area at a regional and State level.

The submission strongly recommends that cost recovery for these proposals should be exempt from cost recovery and fees should be waived.

6.13 Student Transport Assistance Policy Framework Inquiry – WALGA Submission (05-005-03-0013 ID)

By Ian Duncan, Executive Manager, Infrastructure

RECOMMENDATION

That the endorsed submission to the Parliamentary Public Accounts Committee Inquiry into the Student Transport Assistance Policy Framework be noted.

Executive Summary

- The Parliamentary Public Accounts Committee is leading an inquiry into the current Student Transport Assistance Policy (STAP) framework.
- This submission examines the relationship of the STAP to Local Government, with a focus on:
 - Restricted Access Vehicles;
 - Local Road Maintenance;
 - Turnaround Facilities;
 - Use of Local Government Property;
 - Students with Physical Mobility Issues; and
 - Population Decline and Economic Development.
- Policy recommendations are developed as part of this submission.
- The draft submission has been reviewed and supported by the Infrastructure Policy Team and endorsed by State Council via Flying Minute.

Attachment

- [Flying Minute – Student Transport Assistance Policy Framework Inquiry](#)

Background

The Public Accounts Committee of the WA Legislative Assembly is conducting an inquiry into the Student Transport Assistance Policy (STAP) framework. The STAP framework is applicable to students receiving Western Australian State Government transport assistance under the following conditions:

- Students live in rural areas and attend mainstream government and non-government schools, or
- Students have special needs and attend education support schools and centres provided by government and non-government agencies.

Submissions must be made by the Friday, 29 October and can address specific elements of the STAP Terms of Reference or the issues generally.

Comment

In brief, the policy recommendations in the draft submission are as follows:

1. Effective processes should be in place to ensure that Local Governments and Main Roads WA Heavy Vehicle Services are made aware of proposed changes to school bus routes.
2. The value of re-establishing school bus advisory committees or an alternative formal process for regular (perhaps annual) engagement between the PTA Contract Officer, Local Government, school and bus contractors should be evaluated.
3. The principles set out in the Agreement between WALGA and the Public Transport Authority Defining Roles and Responsibilities for Planning, Installation and Maintenance of Bus Stop Infrastructure (2018) should guide the approach to provide access for students with physical mobility issues.

4. The policy should provide guidance concerning how the health of a town (district) or remote community is considered in developing and applying the policy.
5. The inquiry should consider the option of providing students the choice of reliably accessing bus services, where these exist, to schools other than the closest school.

This draft submission has been reviewed and supported by the Infrastructure Policy Team and was endorsed by State Council via Flying Minute.

7. ORGANISATIONAL REPORTS

7.1 Key Activity Reports

7.1.1 Report on Key Activities, Commercial and Communications Unit (01-006-03-0017 ZD)

By Zac Donovan, Executive Manager Commercial and Communications

RECOMMENDATION

That the Key Activity Report from the Commercial and Communications unit to the December 2021 State Council meeting be noted.

Commercial and Communications comprises of the following WALGA work units:

- Commercial Development
- Commercial Management
- LGIS Contract Management
- Communications (Marketing and Events)

Commercial Development

Energy and Sustainability Project Update

47 Local Governments have made declarations acknowledging that climate change is occurring, and that climate change will continue to have significant effects on the WA environment, society, economy, and Local Government sector. Many of these Local Governments have adopted environmental policies with carbon neutral targets included. WALGA was requested by its Members to explore alternative options for a whole of sector energy arrangement to assist to collectively reach these emission targets.

An application for authorisation for a 15-year joint energy purchasing group has been approved by the ACCC for this project.

With the support of a steering committee, WALGA has concluded a Tender process and presented offers to 51 participating Members. Participants have until 18 November to confirm their acceptance of this offer. If the collective threshold of 60GWh is met, then this collaboration will proceed to contract to deliver access to renewable energy and a collective cost saving estimated at \$5 million per annum.

The initial phase of the project is adopting locally sourced renewable energy derived from Albany Wind Farm, Collgar Wind Farm and Emu Downs Wind Farm. A complete renewable adoption from the sector resulting from the initial tender is the carbon reduction equivalent to planting 14 million new trees.

The offer has been designed for integration and encouragement of existing and new Local Government infrastructure or efficiency projects with full flexibility to adapt future joint ventures with other organisations in the community. By collaborating, aggregating, and aligning our energy, renewable and carbon spending, the sector is best positioning itself as a leading industry sector to achieve net zero energy policy targets. The project represents new innovation and capability within energy procurement for both the Western Australian market and nationally.

Following completion of the first stage of the project, which is scheduled as a phased transition and three-year initial contract term commencing April 2022, work will commence on further activity including the future evolution of a PPA (Power Purchase Agreement), spend modelling analytics and carbon reporting, carbon offsets, and other aggregate sustainability procurement in areas such as alternative fuels, EV's and fleet.

Commercial Management

PSP Annual Report

Annual report data for the Preferred Supplier Program (PSP) has been delivered to Members. During the 2021 Financial Year the program delivered \$358 million of goods, services and works, providing estimated savings of \$36.2 million. Additional benefits are realised through a reduction in administrative activities, alongside the added value of contract management oversight, due diligence and risk mitigation. More than 1,500 supplier engagements were facilitated through WALGA's eQuotes portal during the year. The annual activity was achieved during a period of significant market disruption due to COVID-19, and concurrent to a procurement transformation that has shifted the WALGA PSP activity into a new and more agile operating structure.

Member Engagement

The Contract Management team continues with Member engagement to support use of the WALGA PSP. During the quarter of July to September, there were 17 Member visits to the following regional Members via road trip activity:

- City of Albany
- Shire of Boddington
- Shire of Brookton
- Shire of Broomehill-Tambellup
- Shire of Cranbrook
- Shire of Cuballing
- Shire of Denmark
- Shire of Dumbleyung
- Shire of Gnowangerup
- Shire of Jerramungup
- City of Karratha
- Shire of Kondinin
- Shire of Kulin
- Shire of Lake Grace
- Shire of Narrogin
- Shire of Plantagenet
- Shire of Wickelup

Since the start of 2021, more than 120 Member visits have been made by the Commercial Management Contract Managers. Additional visits have been made for the Energy Sustainability project that are specific to presenting specific offers to participants.

LGIS Contract Management

The LGIS Annual Report has been adopted and is now published.

A new LGIS Scheme Management Agreement is currently under negotiation between WALGA and JLT. This will, among other changes, provide for:

- fixed fee broking, with Commissions paid back into Scheme;
- fixed contract term; and
- regular WALGA review of Management and Broking Fees to confirm Value for Money.

Marketing and Communications Convention

The 2021 WA Local Government Convention and Trade Exhibition was held from Sunday, 19 September to Tuesday, 21 September at Crown Perth. There were 500 registered delegates for the event, with 81 companies participating in the Trade Exhibition. The Convention Gala Dinner was held at Optus Stadium and included the launch of To Dwell in Unity, the book commemorating the sesquicentenary of Local Government authored by Dr Chris Berry and supported by WALGA and the Department of Local Government, Sport and Cultural Industries. It is anticipated that net profit from the event will slightly exceed budget, in the main due to less expenses with COVID-19 related changes to speakers impacting speaker fees.

Electoral Reform Campaign

At direction of State Council, WALGA engaged in a campaign to present the sector's position regarding the State Electoral reform process. The West Australian column placement was utilised for this purpose, with two editorials from State Councillors - Shire of Cue Deputy President Les Price and Serpentine Jarrahdale President Cr Michelle Rich. An eight-week campaign on social media was employed to create awareness of the sector position under the tagline 'One Vote One Value – Does Not Add Up'. Google display and Facebook Advertising were used across five different creative treatments; with over four million impressions achieved via Google ads and another 80,000 on Facebook. Google ads attracted 1,210 clicks and Facebook advertising a further 9,600.

Local Government Elections Campaign: Be a Vocal Local

Together with the Department of Local Government, Sport and Cultural Industries, WALGA engaged in a two-phase campaign around Local Government Elections. Under the tagline 'Be a Vocal Local', the campaign was split into a 'Stand' phase encouraging individuals to consider standing as candidates in the elections and the second 'Vote' phase encouraging participation in the elections on Saturday, 16 October. Two separate creative treatments were employed with television advertisements run in the weeks prior to close of candidate nominations and again prior to election date, in conjunction with print and social media placements. The two phases attracted a total of 1.35 million impressions on Google ads and reach of another 100,000 on Facebook.

Awards

WALGA is a national finalist in the Australian Marketing Institute awards for the Association's Marketplace initiative and campaign that attracted the participation of 10,000 small businesses to share in \$41 million in Local Government spending in 2020. The project is a finalist across two separate categories of Acquisition Marketing and Public Sector Marketing.

The WALGA Commercial Team was runner up in the national Procurement and Supply Australia award for the Procurement Team Transformation Award 2021.

New Website

Work is progressing on new site architecture and functionality for a refresh of the WALGA website including integration with the Preferred Supplier CRM and updated search functionality, with the new site anticipated to be complete by the end of the year.

7.1.2 Report on Key Activities, Governance and Organisational Services Unit (01-006-03-0007 TB)

By Tony Brown, Executive Manager Governance and Organisational Services

RECOMMENDATION

That the Key Activity Report from the Governance and Organisational Services Business Unit to the September 2021 State Council meeting be noted.

Governance and Organisational Services comprises of the following WALGA work units: Governance and Procurement, Employee Relations, Training, Regional Capacity Building and Strategy & Association Governance

The following provides an outline of the key activities of Governance and Organisational Services since the last State Council meeting.

Strategy and Association Governance

Elected Member Superannuation Policy Proposal

WALGA has been canvassing the Local Government sector in relation to a [draft policy proposal](#) for Local Government Elected Members to be entitled to receive superannuation.

The proposal references reforms in other Australian jurisdictions and, based around equity and diversity arguments, contends that Elected Members should be able to receive superannuation.

Specifically, the proposal argues that payment of superannuation to Elected Members:

- aligns with the goal of the superannuation system;
- recognises the opportunity cost of Elected Members to undertake other income earning activities; and
- could increase nominations for election to Council from traditionally under-represented cohorts.

Feedback from the Local Government sector so far has been mixed. A number of Local Governments support the proposal in line with the arguments summarised above. Case studies of professionals sacrificing paid employment opportunities to serve on Council have also been received during the feedback period.

A number of Local Governments oppose the proposal on the basis that serving on Council is a voluntary act of community service, and that the proposal would confuse the role of Elected Members with that of employees. While this is not the case, as board members are typically entitled to superannuation, this feedback is noted.

Due to the consultation period being undertaken during Local Governments' caretaker and electoral period, Zone and State Council consideration of this issue has been deferred for this round of meetings pending further discussion and engagement with the Local Government sector.

Governance and Procurement

New Councillor Inductions

WALGA has been requested to assist individual Local Governments with the induction of newly elected members. The Governance and Procurement team focus the induction presentations on an introduction to the 5 Council Member Essentials training modules, to raise awareness of each modules content and encourage early participation undertaking this training obligations.

In addition to assisting individual Local Governments, a sector New Councillor Seminar will be held on Friday, 12 November at the Perth Convention & Exhibition Centre.

Employee Relations

New Industrial Relations Legislation Amendment Bill 2021

Currently 109 Local Governments and 6 Regional Councils (totaling 79% of the sector) operate in the Federal industrial relations system. In 2020, the WA Government introduced the *Industrial Relations Legislation Amendment Bill 2020*, which sought to require all WA Local Governments to operate in the State industrial relations system. The 2020 Bill was not passed before the final sitting day of Parliament in 2020.

The *Industrial Relations Legislation Amendment Bill 2021* (IR Bill 2021) was recently tabled again in WA Parliament on 20 October 2021. The progress of the IR Bill 2021, the text of the Bill and Explanatory Memorandum can be viewed on the WA Parliament website [here](#). The IR Bill 2021 seeks to enable a declaration to be made that WA Local Government authorities are not “national system employers” under the *Fair Work Act 2009* (Cth).

WALGA is continuing to advocate for the State Government to provide funding in accordance with the [Immediate Priorities for the State Government](#) document.

State IR Transition Bulletin

WALGA Employee Relations released its first monthly State IR Transition Bulletin to the sector on 19 October 2021. The purpose of the Bulletin is to provide the sector with key information on the proposed transition of WA Local Governments and Regional Councils to the State industrial relations system. The October Bulletin can be viewed [here](#).

The first webinar in an upcoming series of webinars on the State IR Transition was held on Tuesday, 16 November 2021 for subscribers to the WALGA Employee Relations service. The purpose of this webinar was to explain the key differences between the Federal and State minimum employment standards.

WA Government’s Mandatory COVID-19 Vaccination Policy

WALGA Employee Relations service has been receiving a high number of queries regarding the State Government’s proposed mandatory COVID-19 vaccinations policy and the impact on Local Government employees. WALGA Employee Relations released an FAQ document for subscribers to the service on 22 October 2021 which will be updated as the advice on vaccinations progresses with the release of any Government Directions and new relevant case law.

Breakfast Seminar: HR Responses to COVID-19

WALGA hosted a Breakfast Seminar on Friday, 29 October 2021 to discuss the challenges Local Government CEOs and HR experience in responding to COVID-19 and the State Government’s mandatory vaccination policy. 29 Local Government officers attended the breakfast and a further 56 participants attended via webinar.

The following presentations were delivered at the Seminar:

- Nick Sloan presented on the occupation areas to be covered by the mandatory vaccination directions and WALGA’s advocacy in this space.
- Samantha Maddern (Partner, Mills Oakley) presented on mandatory vaccinations, privacy when collecting vaccination information, key legal risks and recent case law precedent.
- A panel discussion was held with Nick Sloan, Samantha Maddern, Wayne Jack (CEO, City of Kwinana), Jemma Illes (Executive People Experience and Transformation, City of Cockburn), and Sue Wiltshire (Manager Human Resources, City of Kwinana). The purpose of the panel was for Local Governments to share their experiences about how they are managing COVID-19 and vaccinations in the workplace, including incentivising employees to be vaccinated, and to provide the audience with an opportunity to ask questions of the panellists.

WALGA Salary and Workforce Survey 2021

Data collection for the annual WALGA Salary and Workforce Survey 2021 closed on 2 November 2021. Approximately 66 Local Governments commenced the survey and will be able to review the Survey Report and online dashboard of remuneration and workforce data in early 2022.

Training

Enquiries and bookings are in full swing after the recent Council elections. WALGA Training is seeing a big increase for in-house training requests for both officers and Elected Members and current courses at WALGA are well attended.

The WALGA Training team with the support of the Governance team and our product developers have completed the full review of all Council Member Essentials training materials for both the eLearning and face-to-face learning resources to capture the latest legislative and regulatory changes. We have conducted specialised training with our approved WALGA trainers to ensure the new materials are being delivered to the highest and most current standard.

We would like to sincerely thank all members who have contribute to the course review through the Industry Advisory Groups. The feedback we have received during the consultation phase has been very insightful and helpful to ensure our training meets the need of industry.

For November we have two new courses in our program:

- The Role of Mayors and Presidents – 24 November 2021
- Emergency Management for Local government Leaders 25 November 2021

7.1.3 Report on Key Activities, Infrastructure (05-001-02-0003 ID)

By Ian Duncan, Executive Manager Infrastructure

RECOMMENDATION

That the Key Activity Report from the Infrastructure Unit to the December 2021 State Council meeting be noted.

Roads

Condition Assessment of Roads of Regional Significance

Funding has been provided through the *State Road Funds to Local Government Agreement* to perform visual condition surveys of Significant sealed roads over a five-year cycle. The first phase of this project, a survey of the roads in the Mid-West region, was recently completed. Talis Consultants are progressing the second phase of the project covering the Great Southern and Goldfields-Esperance regions that is scheduled for completion in November. In addition to the condition assessment and video data capture of sealed roads, the survey will include video of Significant unsealed roads and condition reporting on access roads to remote Aboriginal communities. It is proposed to cover the Wheatbelt regions in the next phase which is scheduled for the start of 2022.

Road Safety Management System

WALGA, Main Roads WA and the South West Regional Road Group have finalised modifications to the project prioritisation guidelines and multi criteria assessment model to provide a greater focus on road safety when setting the annual roads program for the region. The South West Regional Road Group will consider the revised guidelines and model. This is an important pilot to deliver the commitment agreed in the *State Road Funds to Local Government Agreement 2018/19 to 2022/23* to work towards establishing a road safety management system. With agreement from the Regional Road Group chairs, WALGA will examine the common elements of the prioritisation guidelines and multi criteria assessment models for all of the regions and develop a standard template for including road safety in the prioritisation process for setting the annual roads program for each region. Any changes will need to be supported by the relevant Regional Road Group.

Road – Rail Interface Agreements

WALGA, Main Roads WA and the Public Transport Authority (PTA) have made substantial progress toward developing a revised Road-Rail Interface Agreement. The draft Agreement, which identifies the responsibilities of the parties to manage risks associated with a road/rail crossing on the PTA network, will be provided to Local Governments for consideration and feedback, once finalised.

Transport and Roads Forum 2022

Due to repeated COVID-19 related postponements, the Transport and Roads Forum was cancelled for 2021. A 2022 event is now scheduled for Wednesday, 30 March 2022, and program planning has begun.

Local Government Road Research Program

WALGA and Main Roads will be developing a research program that will deliver guidance to Local Governments to assist in the adoption of technologies and practices that will enhance productivity and delivery of roads and transport initiatives. WALGA is currently collecting topic proposals that will then be prioritised by an operations team of Local Government practitioners.

eRideables Regulations

WALGA successfully advocated for the State Government to discuss with Local Governments proposed changes to regulations that would legalise the use of e-scooters and similar devices on paths and some public roads. This presentation to Local Government officers was held on Friday, 29 October.

Urban and Regional Transport

Temporary Traffic Management

WALGA has arranged a workshop on 7 December for Local Government officers involved in designing, implementing or approving temporary traffic management. This will cover updates to Australian Standard 1742.3, changes to the Austroads Guide to Temporary Traffic Management as well as the key Main Roads WA documents and policies that have been updated. There will also be an opportunity to discuss contemporary Local Government practices.

Regional Roadworks Signage Review

Recommendations from a working group, that included WALGA, overseeing a review of regional roadworks signage, presented a report to the Minister for Transport in August. The State Government announced in October that it had accepted all the recommendations. The data and trends in other jurisdictions indicates that effective identification and treatment of risks to road users and road workers is required, even on low volume rural roads. Changes proposed will be reflected in the Codes and Standards that guide temporary traffic management for road works.

Road Safety

Road Safety Council Update

WALGA hosted the September meeting of the Road Safety Council. In his welcome address, WALGA CEO, Nick Sloan, acknowledged the Driving Change Road Safety Strategy 2020-2030 and the role of the Road Safety Council in leading the collaboration and coordination of that effort. Nick emphasised the critical role of Local Governments, as partners in creating a safe road transport system, and outlined WALGA's approach to supporting Local Governments in that role.

Members welcomed back Iain Cameron, following his reappointment as the Chair of the Road Safety Council. Matters considered at the meeting included:

- the Section 13 report which is tabled in Parliament each year;
- the Road Trauma Trust Account budget process for 2022-23;
- the priorities and three-year deliverables for Driving Change;
- Council governance; and
- the sustainability of the Road Trauma Trust Account.

7.1.4 Report on Key Activities, Strategy, Policy and Planning Unit (01-006-03-0017 NM)

By Nicole Matthews, Acting Executive Manager, Strategy, Policy and Planning

RECOMMENDATION

That the Key Activity Report from the Strategy, Policy and Planning Unit to the December 2021 State Council meeting be noted.

Economics and Strategic Projects

Immediate Spending Priorities for the WA Government

WALGA recently prepared a strategic policy platform identifying the immediate spending priorities for the McGowan Government in its second term.

The document encourages the Government to use the State's strong financial position to build upon the success of its COVID-19 Recovery Plan, and further invest in areas that will ensure that the State is well placed to address looming economic, environmental, and social challenges. These initiatives primarily relate to the extension or expansion of existing successful State Government programs in areas including climate change adaptation, waste management, small business support, underground power and housing.

The document was provided to the State Government in advance of the 2021-22 Budget and will form an important policy and advocacy platform for this term of Government.

WALGA has received positive responses from a number of Ministers and Directors General, including:

- Hon John Carey, Minister for Housing; Local Government
- Emily Roper, Director General, Department of Premier and Cabinet
- Mike Rowe, Director General, Department of Communities.

Economic Briefing

In October, WALGA released its latest Economic Briefing, which contained updated forecasts for the Local Government Cost Index (LGCI). Costs faced by Local Governments are expected to rise in coming years largely as a result of capacity constraints in the construction sector. WALGA's latest forecasts indicate that the LGCI will grow by 3.5% in 2021-22, and 2.6% in 2022-23. Given challenges with forecasting in the current environment, WALGA is urging caution when using the LGCI, and encouraging Local Governments to take into account their own local issues and experiences when considering cost pressures and prepare multiple scenarios for cost increases coming years.

Environment

Submissions to State Government initiatives

WALGA prepared submissions on three significant State Government initiatives: Draft Native Vegetation Policy; Cost Recovery Regulations for Environmental Protection Authority (EPA) assessments under Part IV of the *Environmental Protection Act 1986* (EP Act); and draft Guidelines for the new referral process for clearing native vegetation with low impact.

The Draft Native Vegetation Policy seeks to provide a mechanism for coordinating whole-of-State Government management of native vegetation. WALGA's submission focused on the aspects of the policy which are of interest to, or have implications for, Local Government. The Submission raised concerns over the Policy's complexity and lack of clearly defined objectives. Other recommendations focused on support for a regional approach to managing native vegetation and the goal of net gain in vegetation cover provided it doesn't place unreasonable constraints, costs and delays for activities undertaken by Local Government.

WALGA's Submission on the Cost Recovery Regulations noted that most Local Government proposals have not historically required EPA assessment under Part IV of the EP Act, but that if such proposals were subject to cost recovery, the estimated cost of those assessments would be between \$200,000 to over \$500,000. WALGA's Submission argued that most Local Government proposals that could be subject to an EP Act Part IV assessment are for the provision of essential public infrastructure which are for public, not private, benefit, are endorsed activities either through State and Local Planning (e.g. roads and waste treatment facilities) and provide benefits beyond the local area at a regional and State level. For these reasons, cost recovery for these proposals should be exempt from cost recovery and fees should be waived

The draft Guidelines relate to a new clearing referral process introduced as part of changes to the EP Act introduced in November 2020 which removes the requirement for a clearing permit for low impact proposals. WALGA's Submission reiterated its support for this new referral process on the proviso that environmental outcomes are not negatively affected but recommended that greater clarity is needed regarding the type of clearing that would be considered under the new referral process.

Planning and Building

Planning Showcase

WALGA hosted the inaugural Local Government Planning Showcase on Tuesday, 21 September at Crown in conjunction with the Local Government Convention. Over 100 Local Government planning officers were in attendance and heard from eight speakers on a range of topic, including a legal update from McLeod's and a contemporary approach to protecting significant trees through the planning system from the Town of Bassendean. A survey of attendees' post event found universal satisfaction with the event, its format and strong willingness to attend in future years. A repeat of the event is planned for 2022.

Water State Planning Policy Officers Session

In August 2021, the WAPC released draft SPP 2.9: Planning for Water for public comment. As part of WALGA's consultation with members a webinar was held. The purpose of this event was to:

- understand the key policy changes;
- identify how these changes are expected to effect on-ground outcomes and Local Government processes; and
- identify key areas of support and improvement for inclusion in WALGA's Submission.

The webinar included a presentation by the water policies team from the Department of Planning, Lands and Heritage. Participants included Local Government planners, engineers and other officers with water related responsibilities. Over 70 officers from 40 Local Governments attended the webinar.

Patio Fire Fuel Load National Construction Code Project

The purpose of this project is to address the historical application of the National Construction Code (NCC) carport exemption to patios when assessing the setback requirements for fire safety in Western Australia. Most building surveyors have applied the National Construction Code carport exemption to patios when assessing the requirements for patios based on setback provisions in previous WA State legislation such as the *Uniform Building By-Laws* and the *Miscellaneous Provisions Act* which pre-date the adoption of the NCC and the *Building Act 2012*. The setback provision allowed for in the carport exemption is also consistent with the setback requirement for patios deemed to comply in the R Codes. In recent years, following the flammable cladding audits and the release of the Shergold Weir - Building Confidence Report, Local Governments (and building surveyors in general) have become more aware of governance procedures and the importance of risk analysis in their decision making.

Local Government building surveyors have asked that WALGA help facilitate a state variation to the NCC to permit the current practice to continue. They have expressed that this would help to ensure that there is a consistent approach across the sector rather than Local Governments taking individual action. Department of Mines Industry Regulation and Safety (DMIRS) was contacted regarding this issue and were aware of the current practice in the sector and broader industry, but initially advised

that evidence would need to be included from a suitably qualified professional such as a Fire Safety Engineer. To obtain this evidence WALGA, in collaboration with eight members, engaged a qualified fire safety engineer on behalf of the sector to provide the fire load data. DMIRS has now contacted WALGA and is willing to jointly develop a proposal for change to the NCC or a regulation change for Western Australia based on the fire report and historical data collated by WALGA. The change in DMIRS position is a significant advocacy win for the sector.

DAP Dashboard Data Update

WALGA's Development Assessment Panel Dashboard has been recently updated to include all decisions made in the 2020/21 financial year. The dashboard is used to inform WALGA's ongoing advocacy around DAPs and highlight opportunities to improve the system. The dashboard can be accessed [here](#)

Resilient Communities

Work Health and Safety (WHS) and Local Government Volunteer Bushfire Brigades

On 31 August WALGA and LGIS delivered a webinar on the new WHS legislation which was attended by more than 140 people from 80 Local Governments. A panel of presenters from LGIS, Department of Fire and Emergency Services (DFES), McLeod's Barristers and Solicitors, and the City of Mandurah shared their knowledge and experience in relation to the new legislation, work health and safety obligations, and volunteer training and management of volunteer bushfire brigades. The webinar and presentations are available on the WALGA website [here](#) and a FAQ document is being developed jointly by LGIS and DFES. LGIS has also prepared a Volunteer Handbook and CEO Briefing Note on the WHS legislation. It was apparent from the level of interest and issues raised that there is a need for WALGA to continue to work in partnership with LGIS, DFES, and other stakeholders to provide information and support to Local Governments and ongoing work is underway.

Aboriginal Engagement and Reconciliation Forum, 22 September

WALGA hosted its annual Aboriginal Forum on Wednesday, 22 September. This year, the forum was themed 'Doontj Doontj Come Together' and focussed on how Local Governments can develop strong, ongoing relationships with local Aboriginal communities, create opportunities for empowerment and celebrate success. This year's Forum attracted its largest crowd since the event commenced in 2017, with over 230 attendees representing 51 Local Governments, 11 State Government Departments and many other stakeholders. A highlight of the day was the presentation by Danjoo Koorliny sharing the key message '*Aboriginal culture is based on now and the past. What changes do we want to see today, in this moment?*'. With the feedback received from participants, WALGA will continue to work with key stakeholders, such as the Department of Premier and Cabinet, Department of Lands and Heritage, Department of Local Government, Sport and Culture Industries and the Aboriginal Reconciliation Network members, to build on the success of this year for 2022.

Homelessness Update

On Tuesday, 7 September WALGA hosted a Webinar delivered by the Department of Communities to provide information for Local Governments on the Local Government Partnership Fund for Homelessness. The fund will provide one-off finance co-contributions towards new initiatives that are identified and led by Local Governments to respond to and prevent homelessness. Over 30 metropolitan and regional Local Government officers participated. Applications closed on Friday, 15 October. WALGA is represented on the assessment panel which will consider applications in November 2021.

Shelter WA has been awarded a Lotterywest grant to undertake a project to develop a Local Government Homelessness Knowledge Hub which will provide information and resources to assist Local Governments address homelessness. Shelter WA is in the process of employing a Project Officer to develop the resource. The project will take approximately 12 months to complete. WALGA is a member of the project reference group, along with several Local Governments with significant experience across a range of homelessness responses and strategies including the City of Perth, City of Rockingham and City of Mandurah.

7.2 Policy Forum Report (01-006-03-0007 TB)

By Tony Brown, Executive Manager, Governance and Organisational Services

The following provides an outline of the key activities of Policy Forums that have met since the last State Council meeting.

RECOMMENDATION

That the report on the key activities of WALGA Policy Forums to the December 2021 State Council meeting be noted.

The Mining Communities Policy Forum has been re-established and will review the Terms of Reference and consider the following issues;

- Review of the Environmental Regulations for Mining Review of the *Mining Act 1978* (2021 AGM resolution refer to Agenda item 5.3):
 1. *To call on Minister Bill Johnston, Minister for Mines and Petroleum; Energy; Corrective Services to instigate a review of the 43-year-old Mining Act to require mining companies to abide by environmental regulations, and to support research and development into sustainable mining practices that would allow mining without detriment to diversification and community sustainability through other industries and development.*
 2. *That abandoned mines in regional Western Australia receive a priority action plan with programmes developed to work with rural and remote communities to assist in the rehabilitation of these mines as a job creation programme, with funding allocated for diversification projects for support beyond mine life across Western Australia.*
- *Review of the Mining Act 1978 concerning with a view to maximising the benefits to local communities and its impact on local communities; and the Mining application process to include a mandatory MOU with the Local Government which would be overseen by the Auditor General to ensure fairness to the Community by having the mining company contribute to local infrastructures as a Legacy project (Mining Communities Policy Forum, previous meeting).*
- State Agreements (Peel Country Zone)

That the Policy Team considers the merits of the following:

1. Adopt a policy position advocating that the State Government prepare and publish a toolkit to assist Local Governments in working with mining operators bound by State Agreements.
 2. Advocate that the State Government initiates a review of State Agreement Acts to ensure their currency and compliance status.
 3. Advocate that the Minister for the Environment amend the membership of the Mining and Management Program Liaison Group (MMPLG) to include representation from affected Local Governments.
- Location of mining airstrips (Pilbara Country Zone)

The Pilbara Zone considers the location of mining airstrips close to existing local government airports is a major risk to both the services provided and the overall viability of those Local Government airports and requests that WALGA:

1. Advocates to the State Government to amend C7 of the Draft Aviation Strategy to provide a clearer policy framework for the approval of jetports which consider the location of the nearest regional airport.
2. Strongly recommends that the State Government should not allow new mining airstrips within a radius of (WALGA to find Queensland benchmark on this distance) km.

3. Expresses the security concerns and unfair competition that arises when mining companies avoid security screening of passengers and baggage by using charter rather than RPT aircraft
4. Investigates current legislative impediments to limiting construction of mining airstrips within a certain distance of regional towns

The Forum is scheduled to meet on Monday, 8 November and an update report will be prepared for the next State Council agenda.

STATUS REPORT ON STATE COUNCIL RESOLUTIONS To the December 2021 State Council Meeting

MEETING DATE	RESOLUTION	COMMENT	Completion Date	Officer Responsible
3 September 2021 Item 4.1 Protocols for State Councillors Contesting State or Federal Elections	1. In the event the WALGA President or State Councillor contest a State or Federal Election, in order to manage any perceived conflicts of interest, the following is hereby inserted into the Corporate Governance Charter: <ul style="list-style-type: none"> • Ministerial Meetings – the Deputy President or relevant Policy Team Chair to accompany the President to all Ministerial Meetings; • Parliamentary Commitments – the Deputy President or relevant Policy Team Chair to accompany the President to all WALGA related meetings with Members of Parliament; • Media releases and responses – the Deputy President to be consulted in-conjunction with the President on all media responses and media releases with State or Commonwealth policy implications; and • Ministerial Letters – the Deputy President to be included on consultation on proposed correspondence to State and Commonwealth Ministers. • In the event of WALGA's advocacy position presenting a conflict of interest to the President in the combined judgement of the Deputy President and CEO, the Deputy President provides and responds to any public comment. 2. State Council request the CEO to provide a report to a future State Council meeting recommending amendment to the Association's Constitution to deal with matters related to State Councillors Candidature for State or Federal elections. RESOLUTION 262.5/2021	1. WALGA's Corporate Governance Charter has been updated. 2. A report will be prepared for State Council for the December 2021 State Council meeting.	December 2021	Tony Brown Executive Manager Governance & Organisational Services

MEETING DATE	RESOLUTION	COMMENT	Completion Date	Officer Responsible
3 September 2021 Item 5.1 External Oversight of Local Level Complaints	That WALGA advocate for an external oversight model for local level behavioural complaints made under Council Member, Committee Member and Candidate Codes of Conduct, that is closely aligned to the Victorian Councillor Complaints Framework. RESOLUTION 263.5/2021	Correspondence has been sent to the Minister for Local Government advocating for this position.	Ongoing – November 2021	Tony Brown Executive Manager Governance & Organisational Services
3 September 2021 Item 5.2 Tender Exemption Provisions – General Practitioner Services	That WALGA: 1. Adopt a new Advocacy Position Statement under ‘Local Government Legislation - Tender Exemption General Practitioner Services’: <i>WALGA advocates for the inclusion of a tender exemption for General Practitioner (GP) services under Part 4, Division 2 of the Local Government (Functions and General) Regulations 1996, to support Local Governments to secure and retain necessary primary health care services for their communities; and</i> 2. Undertake additional research in support of the Advocacy Position with the following aims: a. Identify State and Federal Government policy settings and other factors contributing to gaps in primary health care services in regional communities; and b. Quantify the number of regional Local Governments that have current contracts, or are proposing to enter into contracts, for General Practitioner services and the associated costs to Local Government incurred. RESOLUTION 264.5/2021	1. Correspondence has been sent to the Minister for Local Government advocating for this position. 2. Further research is carried out as per this resolution.	Ongoing – November 2021	Tony Brown Executive Manager Governance & Organisational Services
3 September 2021 Item 5.3 Phase 2 Planning Reform Submission	That the submission to the Department of Planning, Lands and Heritage on Phase 2 Planning Reform be endorsed. RESOLUTION 265.5/2021	Endorsed submission was lodged with DPLH on 4 September 2021. WALGA will continue to engage with DPLH and the State Government on the Association’s reform proposals. There is no current timeframe for consideration of submissions by the Minister, though final announcement of Phase 2 initiatives is expected in early 2022.	Complete	Narelle Cant Executive Manger Strategy, Policy and Planning

MEETING DATE	RESOLUTION	COMMENT	Completion Date	Officer Responsible
3 September 2021 Item 5.4 Partners in Government Agreement	That the Partners in Government Agreement be endorsed for signing by the WALGA President at the 2021 WALGA Annual General Meeting. RESOLUTION 266.5/2021	The Partners in Government Agreement was signed at the WALGA 2021 AGM.	Completed	Tony Brown Executive Manager Governance & Organisational Services
3 September 2021 Item 5.5 Foundations for a Stronger Tomorrow – Submission to the Draft State Infrastructure Strategy	That: 1. The submission to Infrastructure WA in response to the draft State Infrastructure Strategy, Foundations for a Stronger Tomorrow, be endorsed. 2. WALGA continue to advocate for on-going engagement between Infrastructure WA and Local Governments in the implementation and subsequent reviews of the State's infrastructure strategy. RESOLUTION 267.5/2021	The submission has been sent to Infrastructure WA and advocacy is ongoing.	Completed	Ian Duncan Executive Manager Infrastructure
3 September 2021 Item 6.1 Stop Puppy Farming Legislation	1. That the update on the Dog Amendment (Stop Puppy Farming) Bill 2021 be noted. 2. That: a. any additional costs incurred by a Local Government in administering the Dog Act be paid by the State Government; and b. the Fees and Charges set in Regulations are reviewed bi-annually and at minimum, be adjusted by the Local Government Cost Index. RESOLUTION 275.5/2021	Correspondence has been written to the Minister for Local Government advising of resolution 2.	Ongoing – November 2021	Tony Brown Executive Manager Governance & Organisational Services
7 July 2021 Item 5.2 Amendments to WALGA's Constitution	That the WALGA Constitution be amended as follows: 1. INSERT Definition – "Present" means attendance in person or by electronic means deemed suitable by the Chief Executive Officer. 2. Clause 5 (10) – DELETE "and Associate Members". 3. Clause 5 (11) – DELETE "Ordinary Member or", REPLACE "State Council" with "Chief Executive Officer" in the first sentence, INSERT "or its delegate" after State Council in the second sentence. 4. Clause 6 (3) – REPLACE "31 May" with "30 June". 5. Clause 7 (2) – REPLACE "30 June" with "31 July".	An item was prepared for the Annual General Meeting to be held on 20 September 2020 and subsequently endorsed by a Special majority of 75% of delegates. Correspondence has been sent to the Minister for Local Government and the Commissioner for Consumer Protection advising of the constitutional amendments.	Completed	Tony Brown Executive Manager Governance & Organisational Services

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	<p>6. Clause 11 (1) – after Chief Executive Officer, INSERT “in accordance with the Corporate Governance Charter”.</p> <p>7. Clause 11 (2) – after Chief Executive Officer INSERT “by providing notice to State Councillors of the date, time, place and purpose of the meeting”</p> <p>8. DELETE Clause 11 (3)</p> <p>9. Clause 12 (1) – DELETE “as, being entitled to do so, vote in person”</p> <p>10. DELETE Clause 12 (2)</p> <p>11. Clause 12 (3) – DELETE “as, being entitled to do so, vote in person”</p> <p>12. Clause 12 (4) – DELETE “as, being entitled to do so, vote in person”</p> <p>13. Clause 16 (1) & (2) – After Any election INSERT “other than to elect the President or Deputy President”, REPLACE “generally in accordance with the provisions of the Local Government Act 1995 as amended (2) For the purposes of the election referred to in sub-section (1)” with “as follows”.</p> <p>14. Clause 16 (2) (f) – REPLACE two instances of “2” with “1”.</p> <p>15. INSERT Clause 16A – Election Procedure – President and Deputy President</p> <p>(1) An election to elect the President or Deputy President shall be conducted as follows:</p> <p>(a) the Chief Executive Officer or his/her delegate shall act as returning officer;</p> <p>(b) representatives are to vote on the matter by secret ballot;</p> <p>(c) votes are to be counted on the basis of “first-past-the-post”;</p> <p>(d) the candidate who receives the greatest number of votes is elected;</p> <p>(e) if there is an equality of votes between two or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued, and the meeting adjourned for not more than 30 minutes;</p>			

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	<p>(f) any nomination for the office may be withdrawn, and further nominations may be made, before or when the meeting resumes;</p> <p>(g) when the meeting resumes, an election will be held in accordance with sub-sections 1(a), 1(b), 1(c) and 1 (d);</p> <p>(h) if two or more candidates receive the same number of votes so that sub-section 1(d) cannot be applied, the Chief Executive Officer is to draw lots in the presence of any scrutineers who may be present to determine which candidate is elected.</p> <p>16. Clause 21 (4) – REPLACE “Chairman” with “Chair”.</p> <p>17. Clause 22 (1) – REPLACE “in August or September of” with “prior to 31 October”.</p> <p>18. Clause 22 (3) – DELETE “in person”</p> <p>19. DELETE Clause 22 (4) (b).</p> <p>20. Clause 23 (3) – DELETE “in person”</p> <p>21. Clause 24 (2) – DELETE “and of which vote is to be exercised in person”</p> <p>22. Clause 24 (4) – DELETE “as, being entitled to do so, vote in person”</p> <p>23. Clause 28 (1) – DELETE “The common seal shall be held in the custody of the Chief Executive Officer at all times.”</p> <p>24. Clause 29 (1) – DELETE “as, being entitled to do so, vote in person”</p> <p>25. Clause 29 (2) – DELETE “as, being entitled to do so, vote in person”</p> <p>26. Clause 31 (4) (c) – DELETE “and Regional Development”.</p> <p>RESOLUTION 233.4/2021</p>			
<p>5 May 2021 Item 5.4 Review of the State Industrial Relations System</p>	<p>That WALGA:</p> <p>1. Seek confirmation from the State Government on whether it intends to re-introduce legislation for Local Governments to operate solely in the State Industrial Relations System.</p>	<p>Correspondence has been sent to the Minister for Industrial Relations advising of this resolution.</p> <p>A meeting was held with the Minister for Industrial Relations on 14 July 2021.</p>	<p>Ongoing</p>	<p>Tony Brown Executive Manager Governance and Organisational Services</p>

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	2. If the State Government reintroduces legislation to require all Local Governments to operate within the State Industrial Relations System, continue to advocate for the State Government to: <ol style="list-style-type: none"> Amend the <i>Industrial Relations Act 1979 (WA)</i> to include additional provisions to modernise the State IR system; and Provide adequate funding and resourcing to ensure Local Governments are equipped with the appropriate tools and training to enable a smooth transition. RESOLUTION 207.2/2021	The Minister advised that this legislation is likely to be introduced in the spring session in Parliament and hopes the legislation will go through State Parliament prior to Christmas 2021. This legislation then requires the support of the Federal Government.		
3 March 2021 Item 5.3 Eligibility of Slip On Fire Fighting Units for Local Government Grants Scheme Funding	That WALGA: <ol style="list-style-type: none"> Supports the inclusion of capital costs of Trailer Fire Fighting Units and Slip On Fire Fighting Units including for Farmer Response Brigades (for use on private motor vehicles) on the Eligible List of the Local Governments Grants Scheme (LGGS). Requests the Local Government Grants Scheme Working Group to include this matter on the Agenda of their next Meeting (expected March 2021). Requests WALGA to work with the Local Government Grants Scheme Working Group to develop appropriate operational guidelines and procedures for the safe use of Slip On Fire Fighting Units funded in accordance with the LGGS. Supports the update of the WALGA membership of the Local Government Grants Scheme Working Group to include one Local Government Elected Member and one Local Government Officer, with these appointments determined through the WALGA Selection Committee process. RESOLUTION 180.1/2021	A letter was sent to DFES Commissioner Klemm on 16 March 2021 advising of State Council's decision on 3 March. The Local Government Grants Scheme Working Group met on 20 March 2021 however did not discuss eligible items in the Manual. An EOI process for the Officer position was successful but a second round process will be run for the Elected member position. DFES has advised that the Local Government Grants Scheme Working Group has been discontinued. WALGA CEO Nick Sloan is meeting with the DFES Commissioner Darren Klemm on 2 August to discuss how Local Government input to the LGGS Manual will be collected in future. DFES advised on 4 June 2021 that the matter of eligibility of slip on units was not yet finalized. A further follow up email was sent on 26 July 2021. A further follow up email was sent to DFES on 25 October 2021.	Ongoing	Narelle Cant Executive Manager Strategy, Policy and Planning
2 December 2020 Item 5.3 Family and Domestic Violence and the Role of LGs	That: <ol style="list-style-type: none"> WA Local Governments recognise the prevalence, seriousness and preventable nature of family and domestic violence and the roles that Local Governments can play in addressing gender equity 	In February 2021 WALGA wrote a letter to the Director General Communities, Michelle Andrews, to advise of WALGA State Council's newly adopted policy position on family and domestic violence.	Ongoing	Narelle Cant Executive Manger Strategy, Policy and Planning

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	<p>and promoting respectful relationships in their local community.</p> <p>2. WALGA advocates to the State Government:</p> <ol style="list-style-type: none"> a. to work with Local Government in defining the role and responsibilities and expectations of Local Governments in family and domestic violence. b. for adequate funding for family and domestic violence programs and services, particularly in regional areas. c. for appropriate resources and funding be allocated to Local Governments to implement any particular roles and actions addressing family and domestic violence as defined in the State Strategy. d. to provide support to Local Government in the broader rollout of the Prevention Toolkit for Local Government. e. to continue advocacy to the Commonwealth Government for additional funding and support. <p>3. WALGA organises presentations for Local Governments that address family and domestic violence, as part of relevant events or webinars.</p> <p>RESOLUTION 144.6/2020</p>	<p>WALGA met with the Department of Communities on Thursday, 25 February 2021 to discuss WALGA State Council's endorsed policy position and key advocacy statements. The key message provided was that the Department of Communities needs to engage more thoroughly with Local Governments, and in particular more engagement and communication is required regarding the State Strategy which was adopted in July 2020.</p> <p>Since 18 January 2021 WALGA has been meeting with the Australian Local Government Association and other Local Government Associations, together with Our Watch (the National prevention agency established by the Commonwealth Government) to share information and combine advocacy efforts for Local Governments across Australia. Our Watch is working on a strategy to engage more thoroughly with Local Governments across Australia through this group.</p> <p>WALGA in collaboration with the Local Government Community Safety Network Steering Committee delivered an event on 18 May focusing on family and domestic violence.</p> <p>WALGA has recently been added to the Department of Communities Path to Safety Steering Group. The next meeting is on 16 August 2021.</p> <p>WALGA was advised on 3 August 2021 that due to changes within the Department of Communities, including a functional realignment and the establishment of an Office for the Prevention of Family and Domestic Violence, scheduled meetings of the Path to Safety Steering group were cancelled to allow a review of the functions and membership of the Group. WALGA contacted the Department for an update in October 2021 and is awaiting a response.</p>		
<p>5 December 2018 Item 5.1 Proposed Removal by Main Roads WA of the</p>	<p>That WALGA:</p> <ol style="list-style-type: none"> 1. Opposes withdrawal of the "Letter of Approval" Restricted Access Vehicle Operating Condition until an acceptable alternative to Local Government is developed; 	<p>On advice from the State Solicitors Office, Main Roads WA is intending to remove the CA07 condition that requires a transport operator to obtain a letter of approval from the relevant Local Government. Main Roads is proposing to replace the condition with a notification process (CA88). After</p>	<p>Ongoing</p>	<p>Ian Duncan Executive Manager Infrastructure</p>

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"Letter of Approval" Restricted Access Vehicle Operating Condition	<ol style="list-style-type: none"> 2. Supports the position that Local Governments not use provision of the Letter of Authority to charge transport operators to access the Restricted Access Vehicle network; 3. Supports the development of standard administrative procedures including fees and letter formats; and 4. Supports the practice of Local Governments negotiating maintenance agreements with freight owners/ generators in cases where the operations are predicted to cause extraordinary road damage as determined by the Local Government. 5. Advocates to Main Roads to establish a stakeholder working group to develop an appropriate mechanism through which the increased infrastructure costs from the use of heavy vehicles and those loaded in excess of limits (concessional loading) can be recovered from those benefiting, and redirected into the cost of road maintenance. RESOLUTION 132.7/2018	consultation with Regional Road Groups and a Stakeholder Working Group, the overwhelming majority of participants are of the view that the proposed arrangement is not an acceptable alternative. WALGA has written to Main Roads WA stating that WALGA does not support the alternative and that the position adopted by Sate Council in December 2018 has not changed.		
5 December 2018 Item 4.1 State / Local Government Partnership Agreement on Waste Management and Resource Recovery	<ol style="list-style-type: none"> 1. That State Council endorse investigating a State / Local Government Partnership Agreement on Waste Management and Resource Recovery. 2. That the item be referred to MWAC for is development and negotiation with the State Government. 3. A report regarding a proposed "State / Local Government Partnership Agreement on Waste Management and Resource Recovery" be brought back to the next meeting of State Council. RESOLUTION 131.7/2018	MWAC has sought a meeting with the new Minister for Environment, Hon Amber-Jade Sanderson, MLA and this matter will be on the agenda.	Ongoing	Narelle Cant Executive Manager Strategy, Policy and Planning