

Agenda

Ordinary Meeting of Council

To be held in Council Chambers
54 Johnson Street, Bruce Rock
Thursday 16 December 2021
Commencing 3.00pm



Notice of Ordinary Meeting of Council

Dear President and Councillors,

The next Ordinary Meeting of Council will be held on **Thursday 16 December 2021 at 3.00pm** in Council Chambers, at 54 Johnson Street, Bruce Rock.

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

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

Darren Mollenoyux
CHIEF EXECUTIVE OFFICER

DISCLAIMER

PLEASE READ THE FOLLOWING IMPORTANT DISCLAIMER BEFORE PROCEEDING:

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

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

Our Mission

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

Our Values

Respect, Inclusiveness, Fairness and Equality & Communication

SHIRE OF BRUCE ROCK

AGENDA – ORDINARY MEETING 16 DECEMBER 2021

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| <p>SHIRE OF BRUCE ROCK</p> <p>AGENDA – ORDINARY MEETING 16 DECEMBER 2021</p> |
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1. Declaration of Opening
2. Record of Attendance/Apologies/Leave of Absence (Previously Approved)

3. Declarations of Interest

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

| Date | Name | Item No | Reason |
|------|------|---------|--------|
| | | | |

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

| Date | Name | Item No | Reason |
|------|------|---------|--------|
| | | | |

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

| Date | Name | Item No | Reason |
|------|------|---------|--------|
| | | | |

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

Ordinary Meeting of Council held on Thursday 18 November 2021

Recommendation:

That the minutes of the Ordinary Meeting held Thursday 18 November 2021 be confirmed as a true and correct record.

10. Officers' Reports

10.1 Manager of Works and Services

No Item

10.2 Manager of Finance

Agenda Reference and Subject:

10.2.1 Statement of Financial Activity

File Reference:

8.2.6.2 Financial Reporting

Reporting Officer:

Jennifer Bow, Manager of Finance

Author:

Jennifer Bow, Manager of Finance

Disclosure of Interest

Attachment:

*Item 10.2.1 Attachment A - Statement of Financial Activity
November 2021*

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 made available to Council the week of the Ordinary 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

Officer Recommendation

That the Statements of Financial Activity for the month ending 30 November 2021.

| | |
|--------------------------------------|--|
| Agenda Reference and Subject: | 10.2.2 List of Payments |
| File Reference: | 8.2.3.3 Accounts Payable (Creditors) |
| Reporting Officer: | Jennifer Bow, Manager of Finance Officer |
| Author: | Mike Darby, Senior Finance Officer |
| Disclosure of Interest: | |
| Attachments: | <i>Item 10.2.2 Attachment A – List of Payments November 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 November 2021.

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

Consultation

Nil

Statutory Implications

s.6.10 Local Government Act 1995

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

Policy Implications

Nil

Risk Implications

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

Financial Implications

Payments must be made in accordance with 2021/22 Budget

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Governance

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

Voting Requirements

Simple Majority

Officer Recommendation

That Council endorse the list of payments from the:

- 1. Municipal Account consisting of:**
 - a. EFT voucher numbers EFT18509 to EFT18696 totalling \$618,154.26**
 - b. Cheque number 48 to 50 totalling \$5,397.45**
 - c. Trust 18688 – 18693 totalling \$600.00**
 - d. Wages and Superannuation payments totalling \$254,827.16, and**
 - e. Credit Card payments \$646.24**

With all payments totalling \$878, 978.87 for the month of November 2021.

| | |
|--------------------------------------|--|
| Agenda Reference and Subject: | 10.2.3 Acceptance of 2020/21 Audit Report |
| File Reference: | 8.2.6.2 Annual Financial Statements |
| Reporting Officer: | Jennifer Bow, Manager of Finance Officer |
| Author: | Jennifer Bow, Manager of Finance Officer |
| Disclosure of Interest: | |
| Attachments: | <i>Item 10.2.3 Attachment A – CONFIDENTIAL Management Letter</i> |

Summary

The Audit Committee has recommended that Council adopts the Audit Report for the year ended 30 June 2021.

Background

At the completion of the Annual Audit, the Auditor prepares an Audit Report and a Management Letter outlining any areas or issues that Council needs to address.

A Draft Management Letter has been issued following the completion of the Audit.

As at the time of producing the Agenda, the Audit Report has not been received.

The Exit Interview had also not yet been held but will be held prior to the December Ordinary Council Meeting.

Comment

The Audit Committee received the Audit Report for the year ending 30 June 2021.

The Management Letter contained 3 items of moderate findings for the year ending 30 June 2021 and two items of moderate findings that were raised in the previous year's audit. The Audit Committee has been advised of the findings in the Management Letter.

Consultation

Darren Mollenoyux, Chief Executive Officer

Alan O'Toole, Deputy Chief Executive Officer

Kien Neoh, Financial Audit Director, Office of the Auditor General

Robert Hall, Director, Butler Settineri (OAG Contract Auditors)

Statutory Implications

Audit Report - *Local Government Act 1995 s. 7.9 and Local Government (Audit) Regulations 1996 r.10.*

s7.9. Audit to be conducted

- (1) *An auditor is required to examine the accounts and annual financial report submitted for audit and, by the 31 December next following the financial year to which the accounts and report relate or such later date as may be prescribed, to prepare a report thereon and forward a copy of that report to —*
 - (a) *the mayor or president; and*
 - (b) *the CEO of the local government; and*
 - (c) *the Minister.*

Policy Implications

Nil

Risk Implications

| | | |
|--|--------------------|---------------|
| Risk: Compliance – Non-compliance with relevant sections and regulations of the Local Government Act 1995. | | |
| Likelihood | Consequence | Rating |
| Possible | Moderate | Moderate |
| Action / Strategy | | |
| This item has been evaluated against the Shire of Bruce Rock’s Risk Management Procedures Risk Matrix. The perceived level of risk is considered to be “Medium” risk and will be managed to mitigate the risks associated with each of the areas of the financial audit. | | |

Financial Implications

Annual audit fee has been advised for the 2020-21 financial audit, by the OAG, is \$25,200. There is an allocation in the 2021-22 budget for this.

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Governance

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

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

That Council receives the Audit Report for the year ended 30 June 2021.

| | |
|--------------------------------------|---|
| Agenda Reference and Subject: | 10.2.4 Acceptance of the Annual Report 2020-2021 |
| File Reference: | 8.2.6.1 Annual Audit |
| Reporting Officer: | Jennifer Bow, Manager of Finance Officer |
| Author: | Jennifer Bow, Manager of Finance Officer |
| Disclosure of Interest: | |
| Attachments: | <i>Nil</i> |

Summary

Council is asked to accept the Annual Report for the period ending 30 June 2021 and set a date for the Annual Electors' Meeting.

Background

The Annual Report for the financial year ending 30 June 2021 is to be provided to Councillors for their consideration and acceptance. The Audited Financial Statements and the Independent Audit Report are also included in the Annual Report.

Comment

Following the acceptance of the Annual Report, Council is required to give public notice of the availability of the Annual Report as soon as practicable. It must also be posted on our website within 14 days of being adopted.

It is also a requirement that a General Meeting of Electors is to be held on a day set by Council not more than 56 days after acceptance of the Annual Report, with 14 days local public notice of the meeting being given. The last day that the Annual Electors Meeting could be held is Thursday 10 February 2022.

The Annual Report will be distributed to Councillors at the meeting.

Consultation

Darren Mollenoyux, Chief Executive Officer
Alan O'Toole, Deputy Chief Executive Officer
Julian Goldacre, Environmental Health Officer
Dave Holland, Manager of Works and Services

Statutory Implications

The Local Government Act 1995 Section 5.53 advises that the Annual Report is to contain the following:

- a) A report from the President;
- b) A report from the Chief Executive Officer;
- c) *Deleted*
- d) *Deleted*
- e) An overview of the plan for the future of the district made in accordance with Section 5.56, including major initiatives that are proposed to commence or continue in the next financial year,
- f) The financial report of the financial year;
- g) Such information as may be prescribed in relation to the payments made to employees;
- h) The auditor's report for the financial year;
- ha) a matter on which a report must be made under section 29(2) of the Disability Services Act 1993;
- hb) details of entries made under section 5.121 during the financial year in the register of complaints, including;
 - i. The number of complaints recorded in the register of complaints; and
 - ii. How the recorded complaints were dealt with; and

- iii. Any other details that the regulations may require; and
- iv. such other information as may be prescribed.

The Local Government (Administration) Regulations 1996 regulation 19B has been amended to include additional information required in the annual report for the year commencing 1 July 2020;

- a) Number of employees entitled to annual salary of \$130,000 or more;
- b) Number of employees entitled to annual salary that falls within each band of \$10,000 over \$130,000
- c) Any remuneration or allowance paid under Schedule 5.1 clause 9, which refers to Standards Panels
- d) Any amount ordered under s5.110(6)(b)(iv) which refers to Standards Panels
- e) Remuneration paid or provided to the CEO during the financial year
- f) Number of council and committee meetings attended by each Councillor
- g) If available, the gender, linguistic background and country of birth of council members
- h) If available, the number of councillors who are aged;
 - i. 18 to 24 years
 - ii. 25 to 34 years
 - iii. 35 to 44 years
 - iv. 45 to 54 years
 - v. 55 to 64 years
 - vi. 64 years and over
- i) If available, number of councillors who identify as Aboriginal or Torres Strait Islander;
- j) Details of any modifications to Strategic Community Plan during financial year; and
- k) Details of any modifications made to the Corporate Business Plan during the financial year.

Policy Implications

Nil

Risk Implications

| | | |
|---|--------------------|---------------|
| Risk: That the Annual Report is not accepted by Council. | | |
| Likelihood | Consequence | Rating |
| Rare | Moderate | Moderate |
| Action / Strategy | | |
| It is a statutory requirement that the Annual Report is accepted by Council so that it can be submitted to the Department of Local Government and made available to the Bruce Rock Community. | | |

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

Absolute Majority

Officer Recommendation

That Council;

1. **Accepts the Annual Report for 2020-21 including the Audited Financial Report for period ended 30 June 2021, and that local public notice of its availability be given as soon as practicable; and**
2. **Holds the Annual Meeting of Electors on or before Thursday 10 February 2022.**

| | | |
|--------------------------------------|---------------|---|
| Agenda Reference and Subject: | 10.2.5 | Introduce New Fee & Charge – Sale of Sand Extracted from Pit |
| File Reference: | 8.2.7.1 | Annual Budget |
| Reporting Officer: | | Jennifer Bow, Manager of Finance Officer |
| Author: | | Jennifer Bow, Manager of Finance Officer |
| Disclosure of Interest: | | |
| Attachments: | | <i>Nil</i> |

Summary

To introduce a new fee and charge for the self-extraction of yellow sand from the Yarding Sand Pit by a contractor who provides their own plant and equipment.

Background

The Shire has received a request from a contractor who is prepared to extract the yellow sand from the Yarding Sand Pit and cart it directly to their works. They are also equipped with a weighing machine on the loader and will record the tonnes of sand extracted.

Comment

The Shire currently does not have a fee and charge for the self-extraction of yellow sand from the Yarding Sand Pit.

The Manager of Works and Services (MOWS) has discussed the need to have this new fee and charge as it would reduce the overall works required by Shire staff in supplying large quantities of sand for private works. It is also cost beneficial for the contractor as the overall cost of the sand is substantially lower.

The Yarding Sand Pit is subject to a lease from the PTAWA. The current lease, which is due to expire in August 2022, has been reviewed and this arrangement will not breach any conditions of the lease.

This new fee and charge will only be allowed for yellow sand extract from the Yarding Sand Pit by a contractor with weighing equipment, such as a "Loadright" and with the prior approval and written authorisation by the Chief Executive Officer (CEO), MOWS or a manager nominated by the CEO.

It has also come to management's attention that there is no sign at the entrance of the Yarding Sand Pit alerting the public that the pit is the property of the Shire. It is recommended that a sign be erected highlighting that the sand pit is the property of the Shire's, that the taking of sand or dumping of materials is not permitted.

As per the lease agreement, the Shire has environmental obligations as a condition of the lease to ensure that no materials are dumped or deposited at the site.

Consultation

Darren Mollenoyux, Chief Executive Officer
Dave Holland, Manager of Works and Services

Statutory Implications

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

No risk implications

Financial Implications

An additional income receivable for sale of sand, \$5.00, inclusive GST.

Annual lease fee to PTAWA is \$1,200 ex GST.

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

Absolute Majority

Officers Recommendation

That Council;

- 1. Introduce a new fee and charge for the self-extraction of yellow sand from the Yarding Sand Pit for \$5.00 (inc GST) per tonne, with prior approval and authorisation of the CEO, MOWS or nominated manager;**
- 2. Give public notice of 7 days of the intent to introduce the newly adopted fee and charge; and**
- 3. Erect signage at the entrance to the Yarding Sand Pit stating that the Pit is the private property, no taking of materials and/or no dumping of materials.**

Agenda Reference and Subject:

10.2.6 Request from Debtor 84168 to Reduce Invoice

File Reference:

8.2.3.2 Accounts – Receivables (Debtors)

Reporting Officer:

Jennifer Bow, Manager of Finance Officer

Author:

Jennifer Bow, Manager of Finance Officer

Disclosure of Interest:

Attachments:

Item 10.2.6 – Attachment A Letter from Mr W Verhoogt

Summary

Council is asked to consider a request from Mr W Verhoogt to reduce the invoice issued for yellow sand.

Background

Mr Verhoogt has written to the Chief Executive Officer requesting that the invoice issued to him for the yellow sand for his house pad be reduced due to the fact that he carted the sand from the Yarding Sand Pit himself with borrowed machinery.

Comment

Mr Verhoogt did enquire at the Shire Office to request the delivery of yellow sand to his lot in Curlew Drive for a pad for a transportable house. He was advised that this may not be possible given the short notice of the request and due to the work schedule of Shire Construction Team.

Mr Verhoogt was then advised by TR that his pad would need to be constructed within 24 to 36 hours. Mr Verhoogt then privately arranged for equipment to load and transport the sand from the Yarding Sand Pit to his lot in Curlew Drive.

Mr Verhoogt was not aware that the Yarding Sand Pit was the Shire's property and has apologised to both the CEO and the Manager of Works and Services (MOWS). He also advised that he carted 7 semi-trailer loads of sand to his lot.

The Shire does not have a fee and charge for sand extracted from the Yarding Pit in its list of Fees and Charges for 2021-22. The fee and charge for delivery of yellow sand over quantities of 50 tonnes is \$18.00 including GST. An invoice was raised for Mr Verhoogt for 226T, totalling \$4,068 including GST.

Mr Verhoogt has pointed out that he was not aware that the sand was the property of the Shire's and was of the understanding that the sand could be used in the Shire for local purposes at no cost

He has asked that the Shire consider reducing the invoice to a "supply only" fee. He has stated that a local farmer sells white sand "supply only" for \$9.00 per tonne.

As per the officer's recommendation in the previous item, if the new fee and charge is adopted for the self-extraction of sand from the Yarding Sand Pit, \$5.00 per tonne inclusive of GST, the invoice would be reduced to \$1,130.

Consultation

Darren Mollenoyux, Chief Executive Officer

Dave Holland, Manager of Works and Services

Statutory Implications
Local Government Act 1995

Local Government Act, section 6.12 (c) gives the Council the authority to write off any amount of money.

6.12. *Power to defer, grant discounts, waive or write off debts*

(1) *Subject to subsection (2) and any other written law, a local government may —*

- (a) *when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or*
- (b) *waive or grant concessions in relation to any amount of money; or*
- (c) *write off any amount of money,*

which is owed to the local government.

** Absolute majority required.*

(2) *Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.*

Policy Implications

Nil

Risk Implications

| | | |
|---|--------------------|---------------|
| Risk: That sundry debtors remain unpaid resulting in less revenue for the Shire. | | |
| 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 a “Moderate” risk and will be managed by specific monitoring and response procedures. | | |

Financial Implications

Reduction in collectable sundry debtors of \$2,938

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

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

Voting Requirements

Absolute Majority

Officer Recommendation

That Council considers the request of Debtor 84168 and reduces the invoice issued for yellow sand to the new fee and charge adopted in Item 10.2.5, to \$5.00 per tonne.

10.3 Environmental Health Officer

| | |
|--------------------------------------|---|
| Agenda Reference and Subject: | 10.3.1 Proposed Construction of the New Supermarket Minimum Boundary Setbacks, Maximum Plot Ratio, Minimum Landscape Area, and Parking Bays required |
| File Reference: | A2654 Lots 15 & 19 Johnson Street Bruce Rock |
| Reporting Officer: | Julian Goldacre Environmental Health Officer |
| Author: | Julian Goldacre Environmental Health Officer |
| Disclosure of Interest | |
| Attachments | <i>Item 10.3.1 - Attachment A Development Application Lot 15 & 19 Johnson Street Supermarket.</i> <i>Item 10.3.1 – Attachment B Shop Floor Plan and Setbacks.</i> <i>Item 10.3.1 – Attachment C Car Parking Bays & areas Commercial Strip of Bruce Rock Townsite.</i> |

Summary

Council resolves to choose Shop building setbacks from the boundaries to zero, other than for the Loading Area uncovered portion, which is setback from the boundary by 8,100mm. And, that the requirement for the Maximum Plot Ratio is ‘one’, and the Minimum Landscape Area is ‘zero’. Furthermore, an advice note is supplied to advise of the National Construction Code requirements for fire safety requirements, and Fire Resistance Levels, as applicable.

Background

At the Ordinary Council Meeting held in November 2021 Council resolved (Resolution OCM Nov 21 – 10.5.3) to proceed to Tender for the construction of the new supermarket building (Shop) on Lots 15, and 19 Johnson Street, as amended (Note – currently to be amalgamated, the Lot number/s could change so Lots 15 and 19 will be read as to mean the same to any changes for these current Lot numbers).

With the final Shop building plan endorsed by Council (Attachment B) there is still the formality under the *Shire of Bruce Rock Local Planning Scheme No3* (Scheme) for Council to approve the building boundary setbacks, as well as the number of parking bays for vehicles. The required parking bays appears to be arbitrary although there is scope to reduce the number which this Agenda will address, and regarding the Shop setback considerations this is a rudimentary process.

The Shop proposed is a permitted use under the Scheme Table 1 – Zoning Table and does not require a development application when the development is consistent with the Scheme. Notwithstanding this, as an act of judicious review, the parking bays requirement, and setback consideration under Scheme Table 2 Development Table (Table 2) is formally tabled for attention.

Comment

For development in designated ‘Zones’ under the Scheme, Table 2 sets out the requirements for Minimum Boundary Setback, Maximum Plot Ratio, Minimum Landscaped Area, and Number of Car Parking Bays (Parking). These matters are at the discretion of local government and as such these considerations fall outside the Scheme permitted use for a shop in a Commercial Zone, consequently a Development Application is needed (Attachment A).

Regarding all these matters other than Parking, the local government can decide setbacks and areas without any reference to prescribed numbers, ratios, and percentages. For Parking the number of bays required is set at '1 for every 15m² of gross floor area', and the Shop area publicly accessible is approximately 850m², yet does not discount shop immovable objects such as, but not limited to, fridges, freezers, racks etc. Consequently, at 850m² area divided by 15m² for Parking would result in a requirement of 56 Parking bays which by any reasonable consideration, especially historically, would be 'excessive'. Notwithstanding this, there is scope to allow a variation to development standards in the Scheme such as those prescribed in Table 2, although this needs to be judiciously considered and then applied.

Firstly, the new Shop land area has no provision for parking, and this is the case for all Commercial Zoned properties on Johnson Street. The parking presently available is facilitated by the local government of Bruce Rock by designation of angled parking bays on the West side of the Johnson Street road reserve. Also, parallel parking is available on the slip road off Johnson Street on the East side along the Railway Reserve, the east side of Johnson Street proper, as well as Bath Street and Bruce Street. Importantly, no parking is reserved exclusively for any Commercial business on Johnson Street, other than designated parking provided in support of the Australian Council of Rehabilitation Organizations on Disability (ACROD).

Attachment C shows the areas for parking within the Commercial strip of Johnson Street. An estimated 78 'car' sized parking bays are available within reasonable proximity to the Shop, as well as further parking bays further afield as highlighted. Collectively the parking presently available reveals a plethora of parking bays. Historically, a lack of parking concern and/or complaint/s has not been recorded by the Shire of Bruce Rock when the former Masons store was operating. The parking presently available is unassigned to a business and is on a 'first in, first parked' basis, and shop operators generally park at the rear of the retail venues. Therefore, in consideration of the Parking requirements the following key considerations are offered:

- a) the historical nature of persons engaging with retail establishments on Johnson Street and for which no complaints are on record about lack of car parking,
- b) the parking is wholly provided by the local government of Bruce Rock on managed road reserve with no parking bay discrimination provided to specific retail business,
- c) The Lot sizes on the Commercial Zoned areas are too limited in ability to accommodate onsite public parking, with some Lots exceptionally small and wholly relying on the Shire of Bruce Rock-provided street parking,
- d) no public parking is currently supplied onsite at any existing commercial retail premises, and
- e) Table 2 would be for considering parking bay numbers within a Lot, in the first instance, before making application to use the local government of Bruce Rock public parking areas and/or roads as an offset as was the case for the Bruce Rock Engineering 'Bedrock Village' parking bays.

Therefore, it would be most prudent to consider the currently supplied public parking bays and areas on both Bath and Johnson Streets provided by the Shire to be suitably sufficient. For the empirical purpose of determining available number of parking bays and parking areas the figure of 34 parking bays and areas is assigned, thus leaving 44 parking bays and areas available for other businesses in the vicinity of the Shop.

For the purpose of consideration of the Shop building setbacks from the boundary as shown in Attachment B by the red line reveals:

- a) Zero millimetres setback distance of the front (East) boundary of the Shop wall for a wall length of 30,040 millimetres,
- b) Zero millimetres setback distance of the side (North) boundary of the Shop wall for a wall length of 50,100 millimetres,
- c) Zero millimetres setback distance of the side (South) boundary of the Shop wall for a wall length of 42,200 millimetres.

- d) Zero millimetres setback distance of the West side portion boundary of the Shop Loading Yard Covered area for a length (North-South) of 9,500 millimetres, and
- e) 8,100 millimetres setback distance of the West side portion boundary of the Shop Loading Yard Uncovered area between the Shop wall and boundary for a length (North-South) of 20,250 millimetres.

With regards to the above wall and area lengths quoted, the measurements are subject to slight variations of up to 10% for reasonable variations for Planning purposes

For Commercial Zoned areas a ‘Zero’ setback is not unusual and is clearly evidenced by the current Bruce Rock townsite buildings adjoining party walls, and ‘on the footpath/verge’ shop frontages. The *Building Act 2011* adopting the National Construction Code deals with matters of fire proofing and fire resistance levels for building compliance where buildings are adjoining or are in proximity and whilst this is outside the scope of Planning, it does make for a prudent Advice Note. It is observed in Attachment B that the Shop North wall on the boundary is fire rated for the full length of the building which deems this matter as being dealt with. For the proposed Shop the setbacks detailed are appropriate for this building in a Commercial Zoned area, consequently, Council can determine the setback of ‘zero’ for all sides at the Lot boundary, other than the 8,100mm setback variation for the Loading Area uncovered on the West side.

Regarding the Maximum Plot Ratio and Minimum Landscape Area matters this is not an applicable consideration for this proposed Shop in a Commercial Zone in this instance which occupies the whole area of the Lots with predominantly zero setbacks. Consequently, the Maximum Plot Ratio for the Shop building is determined to be ‘one’, and the Minimum Landscape Area requirement is determined to be ‘zero’.

Consultation

Darren Mollenoyux, Chief Executive Officer
 Mr Tim Reed, Acting Planning Manager, Land Use Planning, Dept. of Planning, Lands and Heritage, and
 Mr Brad Wetherall, Project Architect, Office of Regional Architecture.

Statutory Implications

Shire of Bruce Rock Local Planning Scheme No3

Policy Implications

Nil.

Risk Implications

| | | |
|--|--------------------|---------------|
| Risk: Complaint/s about inadequate parking | | |
| 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 3 Assist the local economy to grow

- 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

Voting Requirements

Simple majority

Officer Recommendation

That Council

1. Endorses that up to 34 parking bays within the immediate catchment of local government of Bruce Rock provided parking bays are readily available for public patronage of the Shop on Johnson Street is deemed to be sufficient,
2. Endorses that the Shop building on Lots 15 and 19 Johnson Street (as amended) setbacks, with a slight margin of error allowed up to 10%, of:
 - a) Zero millimetres setback distance of the front (East) boundary of the Shop wall for a wall length of 30,040 millimetres,
 - b) Zero millimetres setback distance of the side (North) boundary of the Shop wall for a wall length of 50,100 millimetres,
 - c) Zero millimetres setback distance of the side (South) boundary of the Shop wall for a wall length of 42,200 millimetres.
 - d) Zero millimetres setback distance of the West side part boundary of the Shop Loading Yard Covered area for a length (North-South) of 9,500 millimetres, and
 - e) 8,100 millimetres setback distance of the West side part boundary of the Shop Loading Yard Uncovered area between the Shop wall and boundary for a length (North-South) of 20,250 millimetres.
3. Decides the requirement for the Maximum Plot Ratio is 'one', and the Minimum Landscape Area is 'zero',
4. Provides in good faith for information purposes only, and is not limited to, the following advice note:
 - a) Whilst the Planning determination of a zero setback of the shop building wall to the Lot boundary where it affects another building will require certain provisions of the National Construction Code to be implemented for the purpose of the fire safety requirements, and Fire Resistance Level to ensure structural adequacy, integrity and insulation is maintained in the event of a fire for protection of life and property, and any other relevant provisions under the National Construction Code to ensure the same.

10.4 Deputy Chief Executive Officer

Agenda Reference and Subject:

10.4.1 Shire President Stamp

File Reference:**Reporting Officer:**

Alan O’Toole, Deputy Chief Executive Officer

Author:

Melissa Schilling, Executive Assistant

Disclosure of Interest:**Attachments:**

Nil

Summary

Use of Shire President Stamp November 2021.

Background

Nil

Comment

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

- Asset Transfer Agreement (Water Corp Tent)
- Community Water Supply Grant Application
- Agreement for Landfill Services between Shire of Bruce Rock and Colin Brownley

Consultation

Nil

Statutory Implications

Council Policy

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Shire of Bruce Rock Strategic Community Plan 2017-2027

Governance

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

Voting Requirements

Simple Majority

Officer Recommendation

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

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:

Attachments:

Nil

Summary

Use of Shire Common Seal in November 2021.

Background

Nil

Comment

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

- Asset Transfer Agreement (Water Corp Tent)
- Agreement for Landfill Services between Shire of Bruce Rock and Colin Brownley

Consultation

Nil

Statutory Implications

Council Policy

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Shire of Bruce Rock Strategic Community Plan 2017-2027

Governance

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

Voting Requirements

Simple Majority

Officer Recommendation

That Council endorse the use of the Shire Common Seal during November 2021.

Agenda Reference and Subject:

10.4.3 E-Rotary Request for sponsorship

File Reference:

8.2.7.5 Sponsorship Requests

Reporting Officer:

Alan O’Toole, Deputy Chief Executive Officer

Author:

Alan O’Toole, Deputy Chief Executive Officer

Disclosure of Interest:

Attachments:

Nil

Summary

Council is asked to consider a request from the Rotary E-Club of Western Australia to sponsor two Bruce Rock Youths to attend the Rotary (RYPEN) Youth Development Camp in 2022.

Background

A request has been received from Kero O’Shea from E-Rotary WA to sponsor two Bruce Rock Youths to attend the Rotary RYPEN Youth Development Program (Camp) in 2022. The email request states (in part) the following:

Regarding our request for support from the Shire for our very popular (RYPEN) Rotary youth development program for 14-17 year olds. In past years Bruce Rock Shire has very kindly sponsored two attendees annually, subject to them being resident in the Shire.

We respectfully seek support from the Shire for two places, as previously, and request funding at the rate of \$330 per place.

RYPEN provides opportunities for young people aged 14-17 to:

- develop and challenge themselves;
- develop their self-esteem and confidence;
- develop skills including leadership, teamwork, communication, goal setting & problem solving;
- build a network of young people and to make new friends; and
- enjoy a weekend of fun.

Comment

Council has supported the E-Rotary RYPEN initiative in previous years and on these occasions this has led to positive outcomes for both the individuals concerned and also the community as a whole, as the skills and benefits are brought back to the Shire, including two past participants becoming RYPEN Ambassadors.

Consultation

Darren Mollenoyux, Chief Executive Officer
Jennifer Bow, Manager of Finance
Kero O’Shea, E Rotary WA

Statutory Implications

Nil

Policy Implications

Nil

Risk Implications

| | | |
|---|--------------------|---------------|
| Risk: That Council does not support the RYPEN Scholarship | | |
| 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

There is funding available to support initiatives such as this in the Council Donation Expenditure. The total amount to sponsor two places will be \$660.

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

Simple Majority

Officer Recommendation:

That Council approves sponsorship of \$660 for two Bruce Rock youths to attend the Rotary RYPEN Youth Development Camp in 2022.

| | |
|--------------------------------------|---|
| Agenda Reference and Subject: | 10.4.4 Review of Delegated Authority Register |
| File Reference: | 2.3.1.5 Delegations Register |
| Reporting Officer: | Alan O’Toole, Deputy Chief Executive Officer |
| Author: | Alan O’Toole, Deputy Chief Executive Officer |
| Disclosure of Interest: | |
| Attachments: | <i>Item 10.4.4 Attachment A - Delegation Register 2021-2022</i> |

Summary

The Shire of Bruce Rock’s Delegated Authority Register is to be reviewed every financial year.

Background

In accordance with the Local Government Act 1995 section 5.46 (2), at least once every financial year the Delegated Authority Register is to be reviewed by the delegator, which is Council.

Comment

The Local Government Act 1995 (the Act) allows for a local government to delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the Act. All delegations made by the Council must be by absolute majority decision.

The following are decisions that cannot be delegated to the Chief Executive Officer:

- any power or duty that requires a decision of an absolute majority or 75% majority of the local government;
- accepting a tender which exceeds an amount determined by the local government;
- appointing an auditor;
- acquiring or disposing of any property valued at an amount determined by the local government;
- any of the local government’s powers under Sections 5.98, 5.99 and 5.100 of the Act;
- borrowing money on behalf of the local government;
- hearing or determining an objection of a kind referred to in Section 9.5;
- any power or duty that requires the approval of the Minister or Governor; or
- such other duties or powers that may be prescribed by the Act.

The Act allows for the Chief Executive Officer to delegate some of his or her powers to another employee. This must be done in writing. The Act also allows for the Chief Executive Officer to place conditions on any delegations if he or she desires.

A register of delegations relevant to the Chief Executive Officer and other employees is to be kept and reviewed at least once every financial year.

If a person is exercising a power or duty that they have been delegated, the Act requires them to keep necessary records to the exercise of the power or discharge of the duty. The written record is to contain:

- how the person exercised the power or discharged the duty;
- when the person exercised the power or discharged the duty; and
- the persons or classes of persons, other than Council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty.

The aim of the Delegations Register is to assist with improving the time taken to make decisions within the constraints allowed by the relevant legislation. The delegations ensure that the Administration acts in a timely manner to provide services to the public, residents and customers.

The Delegations Register details the related document(s) where the power to delegate is derived from, which includes legislation and policies of the Council. Council is required to review and endorse the list of delegations to the Chief Executive Officer.

This Delegation Register Review has been completed with regard to a new “Delegation Register” Template which has been compiled and circulated by WALGA and is intended to provide a more comprehensive approach to the subject, covering many of the Delegations required by Local Government Officers. Therefore, in utilising the Template provided by WALGA, it is intended that many more Delegations can be created to facilitate more efficient operation of Council and Shire’s business, without having to refer to Council to request a Delegation which did not previously exist. All Delegations in the new Register are compliant with the Act, having been created by WALGA’s Governance and Compliance specialist, Lyn Fogg. The DCEO has liaised comprehensively with Ms. Fogg in considering how many and which Delegations are appropriate for Bruce Rock for use either now, or at some point in the future when it is foreseeable that they might be needed.

Consultation

Chief Executive Officer, Darren Mollenoyux
Manager of Finance, Jennifer Bow
Environmental Health Officer, Julian Goldacre
Lyn Fogg, Governance Advisor - Sector Support and Advice, WALGA

Statutory Implications

Local Government Act 1995, s5.42 to s.5.44 and s.5.46

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION

That the Chief Executive Officer be provided with the specified delegations as per Attachment A December 2021 Delegation Register.

| | |
|--------------------------------------|--|
| Agenda Reference and Subject: | 10.4.5 New Council Policy 3.12 – Management of Complaints about Elected Members |
| File Reference: | 1.2.4.4 Policy Manual |
| Reporting Officer: | Alan O’Toole, Deputy Chief Executive Officer |
| Author: | Alan O’Toole, Deputy Chief Executive Officer |
| Disclosure of Interest: | |
| Attachments: | <i>Item 10.4.5 Attachment A – Draft Policy 3.12 Management of Complaints about Elected Members</i> |

Summary

Council is asked to consider the adoption of this new Policy concerning Management of Complaints with regard to Elected Members, following the implementation of Regulations from the Department of Local Government, Sport and Cultural Industries, which were brought into force on 3 February 2021. This Policy works in conjunction with the Model Code of Conduct for Elected Members, adopted at the February 2021 Ordinary Meeting of Council (OCM).

Background

Following the activity involved in the Local Government Act Review, including recommendations which have been subject to consultation with the Sector, on 3 February 2021 the Department of Local Government, Sport and Cultural Industries (DLGSCI) informed all Local Governments of new requirements under a variety of legislation.

One of these requirements was the adoption of a Code of Conduct specifically for Elected Members. (Prior to this, the Shire had a combined Code of Conduct which applied to both Staff and Elected Members). Part of the new Code of Conduct for Elected Members dealt with the management of Complaints about alleged Breaches with regard to the behaviour of Councillors. Section 15 (2) of this Code states: “The procedure for dealing with complaints may be determined by the local government to the extent that it is not provided for in this Division.”

At the February 2021 OCM Council were also asked to authorise an Officer who could receive and withdraw complaints about Council Members. Council can also to delegate the authority to select an appropriate person for this role to the Chief Executive Officer. In the first instance and to ensure compliance from the 24 February 2021, Council authorised the CEO as the Complaints Officer, while awaiting further information and advice being made available from the DLGSCI and WALGA. At the time of the new legislation being implemented, WALGA had advised its member Councils that it would develop templates of Policies and Committee establishment, and appropriate Terms of Reference to assist Local Governments in dealing with complaints.

The WALGA Complaints Management Policy template refers to the appointment of a *Complaints Assessor*, and that this position should be independent of Council. It also recommended that Council’s Procurement Policy could be utilised to source quotations for this position. However, rather than the individual local governments sourcing external Assessors at cost, at one of the subsequent Wheatbelt East Regional Organisation of Councils (WEROC) Board meetings, it was suggested that a panel of names from WEROC Member Councils be submitted that could be called upon to act as a Complaint Assessor if required. In a further effort to ensure impartiality, a Complaint Assessor could be sourced from a non-adjointing Member Council.

Comment

Since this time, WEROC, and particularly the Shire of Yilgarn, has liaised with and referred draft documents to WALGA, which has indicated that this approach appears consistent with how some other groups of Councils intend to manage assessment of complaints.

It is therefore proposed that Policy 3.12 be adopted to guide Council should a Complaint be made about an Elected Member.

Consultation

Darren Mollenoyux , Chief Executive Officer

Members of Wheatbelt East Regional Organisation of Councils (WEROC).

Statutory Implications

Local Government (Model Code of Conduct) Regulations 2021

Local Government Act 1995, Section 5.39C and 5.36 (2)

Local Government (Administration) Amendment Regulations 2021

Policy Implications

New Policy

Risk Implications

| | | |
|---|--------------------|---------------|
| Risk: Council does not adopt Policy 3.12 – Management of Complaints about Elected Members. | | |
| Likelihood | Consequence | Rating |
| Unlikely | Major | Moderate |
| Action / Strategy | | |
| This item has been evaluated against the Shire of Bruce Rock’s Risk Management Procedure’s Risk Matrix. The perceived level of risk is considered to be “Moderate” risk and will be managed by specific monitoring and response procedures. | | |

Financial Implications

By appointing a Complaints Assessor from within the WEROC structure, Council will avoid the potential cost of procuring an independent person or body, who/which may require payment for carrying out the role.

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Governance

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

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

Voting Requirements

Absolute Majority

Officer’s Recommendations

- 1) That Council adopt new Policy 3.12 – Management of Complaints about Elected Members.
- 2) That Councillor Stephen Strange be nominated to represent the Shire of Bruce Rock on the WEROC Complaints Assessor Panel.

10.5 Chief Executive Officer

Agenda Reference and Subject:

10.5.1 Proposed Local Government Reforms Submission

File Reference:

2.3.3.1 Local Government Act 1995

Reporting Officer:

Darren Mollenoyux, Chief Executive Officer

Author:

Darren Mollenoyux, Chief Executive Officer

Disclosure of Interest:

Attachments:

Attachment A – Local Government Reform Summary of Proposed Reforms WALGA Submission

Attachment B – Local Government Reform 2021 Fact Sheets

Summary

Council is asked to consider making a submission to the Department of Local Government, Sport and Cultural Industries in relation to their proposed Local Government Act Reform and consider WALGA's submission.

Background

On the 10th November 2021, The Minister for Local Government released a Media Statement announcing the Proposed Reforms of the Local Government Act and called for public consultation and submission of the proposed reforms.

The reforms are based on the findings and recommendations of a number of reports and consultation undertaken over the past five years, and represent the most significant package of reforms to local government in Western Australia since the Local Government Act 1995 was introduced more than 25 years ago. The package is based on six major themes:

1. Earlier intervention, effective regulation and stronger penalties;
2. Reducing red tape, increasing consistency and simplicity;
3. Greater transparency and accountability;
4. Stronger local democracy and community engagement;
5. Clear roles and responsibilities; and
6. Improved financial management and reporting.

The package will build upon reforms introduced in the previous term of the McGowan Government, including new laws that work to improve transparency, cut red tape, and support jobs growth and economic development - ensuring that local government works for the benefit of local communities.

The consultation period is open for feedback on the implementation of the reforms. Further details on the proposed reforms can be found at <http://www.dlgsc.wa.gov.au/lgactreform>

The Department of Local Government's **Local Government Reform Fact Sheets** are attached for Councillors' reference.

The period for consultation has been extended and will now close on the 25th February 2022.

WA Local Government Association has already commenced their consultation process to gauge a sector response to the proposed reforms. The CEO distributed the attached "**Local Government Reform WALAGA Advocacy Positions and Recommendations**" document to Councillors via email on the 3rd

December 2021 to enable sufficient time to review the proposed reforms. This document is provided as an attachment to this item.

WALGA have provided the following process for sector submission;

“The following is the suggested process for a sector submission on the Local Government Legislative Reform Program;

- *Friday 28 January 2022 - Local Governments requested to provide feedback to WALGA by 5pm 28 January 2022*
- *February 2022 – Zone Meetings to consider a draft sector submission*
- *Wednesday 23 February at 4pm – WALGA Special Meeting of State Council via video conference to endorse submission*
- *Friday 25 February - WALGA to present submission to the State Government.*

Please note that the sector currently have positions on 27 of the 44 positions and will require positions on the remaining 17.”

The WALGA Great Eastern Zone Executive Officer has advised of the Zone’s process;

“Feedback from Local Governments has been requested by 12 January 2022. Following the receipt of submissions an agenda item will be prepared for State Council consideration on 2 February 2022. The agenda item will go out in late January and the Zone can consider whether to hold a meeting virtually or whether to provide feedback direct to the Zones State Councillor.

I will email the Zone in mid-January to enquire as to which method of providing input is preferred.”

Comment

These proposed reforms will be the most significant reforms on Local Government since the introduction of the Local Government Act 1995. Overall the proposed reforms will benefit the sector greatly and are supported with some feedback and consideration to strengthen feedback.

Whilst the WA Local Government Association will make this submission on behalf of the sector it is encouraged that Council also makes a submission to reinforce key points and highlight any concerns.

Individuals are also able and are encouraged to make their own submission and therefore Councillors may wish to also make their own submission to the Department of Local Government.

The Chief Executive Officer has reviewed the proposed reforms and specifically WALGA’s *“Local Government Reform – Summary of Proposed Reforms, WALGA Advocacy Position and recommendations”* document. The concerns that have been identified in the proposed reforms have been captured by WALGA’s document are in line with views of Council that have previously been raised through other reviews or from Council or Senior Management discussions.

The reporting officer is of the view that Council should endorse *“Local Government Reform – Summary of Proposed Reforms, WALGA Advocacy Position and recommendations”* document, as presented.

There are a few key points of concern and clarification on Council’s views to WALGA’s document that Council may resolve to highlight to both WALGA and in a separate submission to the Department of Local Government. Staff have also identified two additional requests for change to reduce red tape outlined below.

The additional points are;

4.3 Introduction of Preferential Voting

The Reform Proposal is:

- Preferential voting is proposed be adopted as the method to replace the current first past the post system in local government elections.
- In preferential voting, voters number candidates in order of their preferences.
- Preferential voting is used in State and Federal elections in Western Australia (and in other states). This provides voters with more choice and control over who they elect.
- All other states use a form of preferential voting for local government.

WALGA's comments;

Current Local Government Position

Item 4.3 does not align with Advocacy Position 2.5.1 – 'First Past the Post voting system'

The Local Government sector supports:

1. *Four year terms with a two year spill*
2. *Greater participation in Local Government elections*
3. *The option to hold elections through:*
 - *Online voting*
 - *Postal voting, and*
 - *In-person voting*
4. *Voting at Local Government elections to be voluntary*
5. *The first past the post method of counting votes*

Comment

It should be noted that the sector's advocacy against compulsory voting and "All in All out" 4 year terms has been successful and these items are not included in the reform proposals.

The introduction of preferential voting will be a return to the system of voting prior to the Local Government Act 1995. The Local Government Advisory Board reported on voting systems in 2006 ('Local Government Structural Reform in Western Australia: Ensuring the Future Sustainability of Communities') and provided the following comments in support of both first past the post voting and preferential voting:

'Comments in support of retaining first past the post include:

- *Quick to count. Preferential voting is time consuming to count.*
- *Easily understood.*
- *Removes politics out of campaigning. Preferential will encourage alliances formed for the distribution of preferences and party politics into local government.*
- *Preferential voting allows election rigging through alliances or 'dummy' candidates.*
- *In a preferential system, the person that receives the highest number of first preference votes does not necessarily get elected.'*

'Comments in support of replacing first past the post include:

- *Preferential voting is more democratic and removes an area of confusion.*
- *Preferential voting ensures that the most popular candidates are elected who best reflect the will of the voters.*
- *Preferential system should be introduced. In FPP elections, candidates work together to get votes for each other. Preferential would make it more difficult for this practice to take place.*
- *FPP does not adequately reflect the wishes of electors when there are three candidates or more.*
- *FPP is unsuitable when there is more than one vacancy.*

- *Allows for a greater representation from a range of interest groups and prevents domination of elections by mainstream party politics.'*

The Sector supports first past the post voting for its simplicity and fundamental apolitical nature, therefore the proposed reforms are not supported. Feedback is sought to ensure the advocacy position for first past the post elections remains the preferred option.

Recommendation

Not currently supported - Local Government feedback requested

Reporting Officer's Comment

Does Council support the proposed change to method of Electoral Voting to be Preferential Voting?

4.5 Tiered Limits on the Number of Councillors

The Reform Proposal is:

- It is proposed to limit the number of councillors based on the population of the entire local government.
- Some smaller local governments have already been moving to having smaller councils to reduce costs for ratepayers.
- The Local Government Panel Report proposed:
 - For a population of up to 5,000 – five councillors (including the President)
 - population of between 5,000 and 75,000 – five to nine councillors (including the Mayor/President)
 - population of above 75,000 – nine to fifteen councillors (including Mayor).

WALGA's Comment;

Current Local Government Position

Item 4.5 does not align with Advocacy Position 2.5.1 – 'Councils consist of between six and 15 (including the Mayor/President)'

Local Governments being enabled to determine the number of Elected Members required on the Council between six and 15 (including the Mayor/President)

Comment

The proposed reform to restrict Local Governments with populations under 5,000 to 5 Council Members does not reflect the varied communities of interest within this grouping. Some Local Governments are essentially regional centres such as the Shires of Katanning (9), Dandaragan (9), Merredin (9), Moora (9) and Northampton (9) (current Councillor numbers bracketed). Local Governments such as the Shire of Ngaanyatjarraku (9) manage substantial land areas, manage isolated communities such as the Shire of Meekatharra (7) and culturally diverse communities such as the Shire of Christmas Island (9). Some Local Governments with populations up to 5,000 warrant a greater number of Councillors to effectively share the representative role that Council Members play within their communities.

The additional proposed reforms in population categories over 5,000 generally reflect the current Councillor numbers.

WALGA Recommendation

Recommend 5 to 7 Council Members for populations up to 5,000 and support the remaining proposed reforms.

Reporting Officer's Comments

From initial discussions at the November 2021 Ordinary Council Meeting, Council strongly opposes the proposal to limit Councillors to only 5 for Councils with a population of less than 5,000.

It is recommended that Council endorses WALGA's recommendation and prepare additional information to strengthen the argument for Local Governments with populations up to 5,000 be able to have between 5 – 7 Council Members. This additional information will focus on example of impacts on our Council and how hard it would be to manage the balance of only 5 Councillors. It would be unreasonable for only 5 Councillors to be adequately and effectively serve on the many Council, Community and Regional committees, delegations and representatives.

6.6 Audit Committees

The Reform Proposal is:

- To ensure independent oversight, it is proposed the Chair of any Audit Committee be required to be an independent person who is not on council or an employee of the local government.
- Audit Committees would also need to consider proactive risk management.
- To reduce costs, it is proposed that local governments should be able to establish shared Regional Audit Committees.
- The Committees would be able to include council members but would be required to include a majority of independent members and an independent chairperson.

WALGA's Comment;

Current Local Government Position

Item 6.6 does not align with Advocacy Position 2.2.4 – Accountability and Audit

That audit committees of Local Government, led and overseen by the Council, have a clearly defined role with an Elected Member majority and chair.

Comment

The Sector's view is well established, that the Council must maintain, and be seen by the community to have, majority involvement and investment in the purpose of an Audit Committee. There is sector support for some independent members on the Audit Committee, however not a majority.

The dual effect of the proposed reform is to guarantee a place for a majority of independent persons on Audit Committees, with the additional requirement that an independent person Chair this Committee. Presently, not all Local Government Audit Committees are able to include an independent person. This may be for a variety of reasons not least of which is a lack of suitable, available candidates with the required qualification, skill and experience.

It would be counter-productive if the proposed reforms led to the appointment of unsuitable independent persons to a skills-based role. The concept of Regional Audit Committees has apparent merit in this case but there is no detail regarding practicalities; for example, is the Regional Audit Committee intended to include the same independent persons who will meet separately with each Local Government within the region?

There is too little certainty that the imperative question of appropriate representation will be managed as a consequence of the proposed reforms for it to be supported.

The proposal for the Audit Committees to also consider proactive risk management is supported.

WALGA's Recommendation

1. Do not support majority independent members of the Audit Committee
2. Support Audit Committees of Local Government with an Elected Member majority including independent members, and to consider proactive risk management issues.

Reporting Officer's Comment

That Council supports the recommendation of WALGA as it would be extremely unlikely that Council would be able to attract adequately skilled or interested external independent members for our Audit and Risk Committee.

3.5 CEO Key Performance Indicators (KPIs) be Published

The Reform Proposal is:

To provide for minimum transparency, it is proposed to mandate that the KPIs agreed as performance metrics for CEOs:

- o Be published in council meeting minutes as soon as they are agreed prior to (before the start of the annual period)
- o The KPIs and the results be published in the minutes of the performance review meeting (at the end of the period)
- o The CEO has a right to provide written comments to be published alongside the KPIs and results to provide context as may be appropriate (for instance, the impact of events in that year that may have influenced the results against KPIs).

WALGA's Comments

Current Local Government Sector Position

There is currently no advocacy position in relation to Item 3.5.

Comment

In principle, this proposal has some merit and would be particularly effective if all CEO KPIs consistently reflect Strategic Community Plans and Corporate Business Plans of Local Governments, together with KPIs reflective of the CEO's statutory functions under Section 5.41 of the Act. This approach would inform the community of the CEO's performance related to the strategic direction and operational function of the Local Government.

In practice, the drafting of statutory provisions will require sensitive consideration of certain KPIs i.e. those relating to issues affecting the workplace or identified risk-based concerns, to reflect the way Audit Committees currently deal with some internal control, risk and legislative compliance issues confidentially. This approach will protect the interests of Local Governments and other parties associated with such KPIs. It would be prudent for exemptions to be provided, based on matters of confidentiality.

The proposed reforms and recent Act amendments signal a clear intent to permit closer community involvement and scrutiny of Local Government. However, negative consequences are likely if Local Government Council's responsibility as the employing authority of the CEO became blurred due to perceived community entitlement to comment, question and influence KPIs and the performance review process.

Additionally, the publication of CEO KPI's will elevate this employment position to a high degree of public scrutiny seldom evident in the public or private sector, if at all. It is worth investigating whether the proposed reforms considered whether this factor could impact on the recruitment of CEO's, particularly from outside the Local Government sector.

The results of performance reviews should be confidential information between the employer and employee and should not be published and should remain within the confidential human resource records of the organisation.

WALGA's Recommendation

1. Conditionally Support the reporting of CEO KPIs that are consistent with the strategic direction and operational function of the Local Government, subject to exemptions for publishing KPI's of a confidential nature;
2. Do not support the results of performance reviews being published.

Reporting Officer's Comment

That Council supports the recommendation provided by WALGA, where the KPI's would be published on Council's website and required Reports, however the results should not be published due to the reasons outlined by WALGA's comments above.

Additional Matters

Officers have identified the additional points to be considered outside the proposed reforms and request Council consider endorsing the inclusion of these to WALGA and the Department of Local Government subsequent submissions.

1. Valuations required prior to the disposal of property.

This is not listed as a specific reform item but by having a threshold before a valuation is required would be beneficial. Currently, valuations start at \$3,000 and in some instances this is more than the property or lease is worth. Also the requirement that the valuation must be less than 6 months old can also be costly, particularly when the property market is relatively stable (especially in the country) and Council must obtain another valuation.

Clarification on who can provide the valuation would also be beneficial, as a Real Estate Agent could provide a market appraisal for property under a certain threshold. This would be more cost effective than a full valuation from a licensed valuer.

2. Requirement to complete a monthly financial statement for each month.

This is not listed as a specific reform item but to include an exemption to not prepare a Monthly Financial Statement for a month when Council does not meet.

Our Council does not hold a Council meeting in January, however a Monthly Financial Statement for December must still be prepared. Council receives it at the meeting, but it is not discussed as the January Monthly Financial Statement supersedes the December Financial Statement.

Consultation

Members of Senior Management Team
WA Local Government Association
LG Professionals
WEROC CEO's Group

Statutory Implications

The Local Government Act 1995

Policy Implications

There will be numerous changes required to Council's Policy Manual when the Local Government Reforms are implemented, however the timeframe and specifics of policy change are unknown at this stage.

Risk Implications

Risk: There will be significant compliance and legislative changes with the reforms and will result in increased costs and administrative burden, however there will also be significant improvements and benefits from the proposed reforms for the sector. Should the implementation of a maximum of 5 Councillors for our Council there would be significant risk to attracting Councillors due to additional time and commitment to the role.

| 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

Should the proposed reform be implemented by the Department of Local Government, there may be some administrative costs associated with the governance and reporting on some of the requirements, especially in the early stages of implementation. The time required to administer and associated costs are unknown at this stage.

Medium to long term should see some administrative cost savings with changes to some of the required red tape and legislation.

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Governance

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

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

Voting Requirements

Simple Majority

Officer Recommendation

That Council endorses WALGA’s “Local Government Reform – Summary of Proposed Reforms, WALGA Advocacy Position and recommendations” in response to the Department of local Government’s Local Government Reform Consultation, with the following to be included;

1. position on preferential voting to be determined by Council.
2. Strengthen the response and give case evidence on effects of reducing Council numbers to 5.
3. Include additional comments to seek reform on;
 - a) Valuations required prior to the disposal of property
 - b) Requirement to complete a monthly financial statement for each month

| | |
|--------------------------------------|--|
| Agenda Reference and Subject: | 10.5.2 Request for Installation of Monument – Bruce Rock Cemetery |
| File Reference: | 1.7.1.4 Monumental Works |
| Reporting Officer: | Darren Mollenoyux, Chief Executive Officer |
| Author: | Darren Mollenoyux, Chief Executive Officer |
| Disclosure of Interest: | |
| Attachments: | Nil |

Summary

Council is asked to consider a request for a nonstandard monument placement on plot 604, at the Bruce Rock Cemetery.

Background

A request has been received from McKenzie Family Funerals and Monumental Works, on behalf of a family seeking to install additional monument/s on plot 604 at the Bruce Rock Cemetery.

Currently plot 604 has two monuments erected, one at the head of the plot and one at the bottom, with 4 sets of ashes.

The applicant is seeking approval to intern additional ashes and another one or two monuments to be erected on plot 604.

Comment

Staff have reviewed the cemetery records and this type of request/approval has not been sought before. Staff have visited the Bruce Rock Cemetery to gain a visual understanding of the request and what already exists.

In regard to the request to place additional ashes in plot 604, Council's Cemeteries Local Law states;

5.7 (4) An authorised officer may place the ashes of a deceased person within a grave in accordance with the Board approval, provided the person requesting the placement of the ashes has the written permission of the Board and the approval of the holder of the right of burial of the grave.

Therefore, if Council (as the Board) approves the request and proof of approval is provided by the holder of the right of burial of the grave, this request can be proceeded.

In considering the request to place one or two additional monuments on plot 604, Council needs to consider its section 7.2 of the Shire of Bruce Rock Cemeteries Local Law which states;

*7.2 Placement of Monumental Work
Every memorial shall be placed on proper and substantial foundations.*

The request also needs to be in line with the Cemeteries Act 1986

*30. Permission for memorials
(1) A person who wishes to place or erect a memorial in a cemetery shall apply to the Board specifying the proposed location, design and materials of which the memorial is to be composed and the Board may approve or, if the Board considers*

the location to be incorrect or the proposed memorial to be inappropriate or indecorous or contrary to a local law or by law, refuse the application.

The following points need to be considered by Council in approving this request;

1. Will having additional monuments impact the plot, and will there be substantial foundations that will not create or affect the stability of monuments located in close proximity?
2. The aesthetics and appearance of having additional monuments on the single grave, and overall appearance or impact on adjoining plots and the overall cemetery.
3. This is the first type of request on this nature and would create a precedent for future requests.

As part of the Council Meeting Bus Tour, Council will inspect the site to receive an overview of the request.

Consultation

Caris Negri, Community Development Officer (Cemetery Records)
McKenzie Family Funerals and Monumental Works

Statutory Implications

Local Government Act 1995

Cemeteries Act 1986

30. *Permission for memorials*

- (1) *A person who wishes to place or erect a memorial in a cemetery shall apply to the Board specifying the proposed location, design and materials of which the memorial is to be composed and the Board may approve or, if the Board considers the location to be incorrect or the proposed memorial to be inappropriate or indecorous or contrary to a local law or by law, refuse the application.*
- (2) *A person shall not place or assist in placing or erecting a memorial in a cemetery without the permission of the Board.*

Shire of Bruce Rock, Local Law Relating to the Management and Control of the Bruce Rock Cemetery 2004, Reviewed 2019

5.7 Disposal of Ashes

- (1) *The personal representative of a deceased person whose body has been cremated may apply, in an application under clause 3.1 or otherwise, for permission to dispose of the ashes in the cemetery and upon payment of the set fee the Board may grant permission for the ashes to be disposed of by one of the following methods—*
Niche Wall
Memorial Wall
Garden of Remembrance
Ground Niche
Memorial Rose, Tree or Shrub
Family Shrub
Memorial Desk
Granite Seat
Family Grave
Book of Remembrance
Scattering to the Winds
Memorial Gardens
Other memorials approved by the Board
- (2) *Subject to sub-clauses (3) and (4), a person shall not place the ashes of a deceased person in the cemetery.*

- (3) *An authorised officer may place the ashes of a deceased person in a cemetery in accordance with the Board approval provided—*
- (a) the person requesting the placement of the ashes has the permission of the Board; and*
 - (b) the ashes are placed within an area set aside for that purpose by the Board.*
- (4) *An authorised officer may place the ashes of a deceased person within a grave in accordance with the Board approval, provided the person requesting the placement of the ashes has the written permission of the Board and the approval of the holder of the right of burial of the grave.*

PART 7—Memorials and Other Works

Division 1—General

7.1 Application for Monumental Work

A Board may require the written consent of the holder of the right of burial of the grave to accompany an application under section 30 of the Act.

7.2 Placement of Monumental Work

Every memorial shall be placed on proper and substantial foundations.

7.16 Carrying out Monumental Works

A person shall not carry out monumental work within the cemetery unless that person—

- (a) is the holder of a current monumental mason’s licence issued pursuant to clause 7.14 or does so as the employee of a person who holds such a licence; or*
- (b) is authorised by the Board to do so*

Policy Implications

Nil

Risk Implications

| | | |
|--|--------------------|---------------|
| Risk: That the approval could create a precedent and affect the aesthetics and appearance of the Bruce Rock Cemetery. The additional monuments may become unstable over a period of time. | | |
| 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

The following fees are associated with this request;

Internment of Ashes \$186
 Monument Approval \$62

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Governance

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

Voting Requirements

Simple Majority

Officer Recommendation

That Council approves/declines the request for interment of additional ashes in plot 604, at the Bruce Rock Cemetery; and

That Council approves/declines the request for a nonstandard monument/s placement on plot 604, at the Bruce Rock Cemetery.

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: | |
| Attachments: | <i>Item 11.1.1 Attachment A – CEACA General Committee Minutes</i> |
| | <i>Item 11.1.1 Attachment B – CEACA Annual General Meeting Minutes</i> |

Summary

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

Background

The 9 member Councils of the Central Eastern Aged Care Alliance (CEACA Inc.) held its General and Annual General Meeting on the 8th November 2021 at the Kellerberrin Recreation Centre.

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 matters raised in these minutes were discussed and overview provided by the CEO and President at the November 2021 Councillor Information Session.

A full copy of both sets 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

Council has a budget provision of \$20,000 for its CEACA Inc. Membership in the 2021/2022 financial year.

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:

That Council receives the minutes of the CEACA Inc General Meeting and Annual General Meeting held on the 8th November 2021 at the Kellerberrin Recreation Centre.

Agenda Reference and Subject:

11.1.2 WEROC Inc Meeting Minutes December 2021

File Reference:

1.6.9.1 Minutes and Agendas WEROC Inc

Reporting Officer:

Darren Mollenoyux, Chief Executive Officer

Author:

Darren Mollenoyux, Chief Executive Officer

Disclosure of Interest:

Attachments:

Item 11.1.2 Attachment A - WEROC Annual General Meeting Minutes

Item 11.1.2 Attachment B - WEROC Inc Board Meeting Minutes

Item 11.1.3 Attachment C – EHO Notes Sheet WEROC Regional Landfill by ASK Consulting

Summary

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

Background

The last WEROC Inc Board Meeting and Annual General Meeting were held on 22nd November 2021 at the Kellerberrin Recreation Centre.

Comment

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

The following items are highlighted for Council's attention;

10.1 Annual General Meeting

In line with the rotational Agreement of WEROC Chair the Shire of Kellerberrin now holds the Chairpersons' position for WEROC Inc.

It should be noted that there has been a significant turnover of delegates for WEROC, however the information package that the Executive Officer, Rebekah Burgess provided to each delegate was well received and provided excellent overview and understanding of WEROC.

7.1 WEROC Executive Officer Contract Review

With the contract term of the WEROC Executive Officer set to expire on the 28th February 2022 a review of the position was undertaken and the WEROC Board resolved to extend the contract of 150Square Strategic Solution (Rebekah Burgess) for the delivery of Executive Services until the 28th February 2024.

7.4 WEROC Inc Tourism Projects

The revised WEROC Tourism Product Audit was circulated to Board Members, via email on 7 October 2021. The revised document now includes a summary of accommodation gaps and opportunities and contains details of accommodation providers in each of the WEROC Shires.

Each Member Council provided feedback on the documents including their priorities. The following comments were made at the meeting around the direction for this project;

Comments from the meeting:

- The top four tourism priorities by consensus are:
 1. Caravan and camping
 2. Nature, parks, and reserves
 3. Trails
 4. Events
- Each Member Shire will take the agreed priorities to their respective Councils for further discussion.
- The Executive Officer will send a template for Shires to complete, advising projects already underway, planned or desired under each of the four priority areas. The template will also ask Shires to provide information on events, their scheduled dates, and the level of influence they have over them.
- Ms. Glenice Batchelor advised that Ms. Mandy Walker from RDA Wheatbelt has suggested that groupings of local governments should consider collaborative projects for the next round of the Building Better Regions Fund. This could present an opportunity for a group tourism project.
- Mr. Raymond Griffiths suggested with regard to events, that rather than looking at new events, it might be better to promote events that already exist and that aren't necessarily promoted well. It is also important to make sure that events throughout the region do not clash.

The meeting resolved as follows;

That:

1. *The agreed tourism priorities for WEROC be caravan and camping, nature, parks and reserves, events, and trails.*
2. *That each Shire provide the Executive Officer with information on tourism projects planned, in-progress or desired under each of the four priority areas before the next meeting to facilitate further discussion on next steps.*

The Shire's Community Development Officer is currently completing the template provided and will report Bruce Rock's information back to the WEROC Executive Officer.

7.5 Review of WEROC Inc Strategic Plan 2020

A desktop review was undertaken of the plan at the meeting with the following comments being made in relation to the current Strategic Plan;

- Mr. Darren Mollenoyux suggested that WEROC should not change course too much.
- Ms. Glenice Batchelor suggested that the strategic aspects of the plan (i.e., the vision, mission, values and strategic priorities) remain the same but the actions be re-assessed.
- The following amendments to the Strategic Plan were requested:
 - Change the ranger and regulatory services priority to inter-council cooperation.
 - Change the regional waste management priority to sustainability and incorporate actions around climate change readiness as well as short-and long-term solutions for waste management.
 - Include the 'possible actions' for visitor economy under the tourism product development.
 - Actions relating to Public Health Planning and Records Management to be included under inter-council cooperation.
- The Shire of Yilgarn advised that they are considering establishing a designated area migration agreement (DAMA) and questioned whether this could be included as an action under inter-council cooperation. All Shires were supportive of this.

- The Shire of Kellerberrin advised that they would like a workplace health and safety officer to be considered as a shared resource across WEROC. The Shire of Bruce Rock advised that they have already been approached by a neighbouring shire about entering into a shared resource arrangement. The Shire of Merredin advised that they have done some internal capacity building in this space. Both Bruce Rock and Merredin are happy to be involved in the conversation but are not able to commit. All other Shires are supportive. This will be included as an action under inter-council cooperation.

The following resolutions were made;

That:

1. *The Executive Officer update the WEROC Inc. Strategic Plan as per the discussion and direction provided by the Board; and*
2. *As an immediate priority, the Executive Officer to draft a request for quote for the provision of workplace health and safety services.*

7.4 Consultants ASK - Presentation on Waste Management Audit Approach

Mr. Samuel Green, Senior Consultant with ASK Waste Management presented the draft Strategic Waste Management Plan and landfill rationalization study for WEROC Local Governments.

Each Local Government was requested to provide a response to the documents during the month and Council's EHO, Julian Goldacre provided a thorough review and report back to WEROC which was distributed and considered by ASK and other member Councils.

General comments from the meeting included;

- Ms. Glenice Batchelor questioned if the scope for the waste strategy included recycling and if not, could ASK Waste Management be requested to look at this as an option and provide the economics on it.
- Mr. Darren Mollenoyux suggested that it might be a valuable exercise for Environmental Health Officers to visit Corrigin to gain insight into the ROEROC regional waste management facility and how this operates.
- Mr. Raymond Griffiths suggested that there should be short-to-medium term solutions to get through the next five years (e.g., transfer stations and regional landfills in Merredin and Southern Cross) and a longer-term solution (e.g., a greenfield site).
- The landfill rationalization options proposed by ASK Waste Management along with a fifth option of establishing a greenfield site, will be taken back to individual Councils for consideration. The Executive Officer will advise ASK Waste Management that more time is required to consider the options.

The meeting resolved as follows;

That:

1. Each Shire to consider the four options proposed by ASK Waste Management and a fifth option of establishing a greenfield site, and advise the Executive Officer of their preferred options by the end of the year.
2. The Executive Officer to advise ASK Waste Management that more time is required to consider the options and that a response will be provided after December Council meetings.

The CEO will seek Council's EHO Mr Julian Goldacre to attend the Council meeting during this item to provide an overview and his direction on the options being considered.

Consultation

Nil

Statutory Implications

Nil

Policy Implications

Nil

Risk Implications

| | | |
|--|--------------------|---------------|
| Risk: That Council does not receive the minutes or object to decisions of the WEROC Inc Board meeting. | | |
| Likelihood | Consequence | Rating |
| Rare | Insignificant | Low |
| Action / Strategy | | |
| This item has been evaluated against the Shire of Bruce Rock’s Risk Management Procedure’s Risk Matrix. The perceived level of risk is considered to be “Low” risk and will be managed by routine procedure and is unlikely to need specific application of resources. | | |

Financial Implications

Nil

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Governance

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

Voting Requirements

Simple Majority

Officer Recommendation

1. That Council receives the minutes of the WEROC Board Meeting and Annual General Meeting held on the 22nd November 2021 at the Kellerberrin Recreation Centre.
2. Consider the four options proposed by ASK Waste Management in their Strategic Waste Management Plan and landfill rationalization study and a fifth option of establishing a greenfield site, and advise the Executive Officer of their preferred options by the end of the year.

Agenda Reference and Subject:

11.1.3 WALGA Zone Meeting Minutes November 2021

File Reference:

1.6.5.1 Minutes and Agendas WALGA Zone

Reporting Officer:

Darren Mollenoyux, Chief Executive Officer

Author:

Darren Mollenoyux, Chief Executive Officer

Disclosure of Interest:

Attachments:

*Item 11.1.3 Attachment A – WALGA Zone Meeting Minutes
November 2021*

Summary

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

Background

The recent WALGA Great Eastern Zone Meeting was held on the 22nd November 2021 at the Kellerberrin Recreation Centre.

Comment

To encourage the improved awareness and promote a better understanding by all Councillors it is recommended that WALGA Zone minutes be read and received by Council. Cr Strange, Cr Crooks and the CEO attended the meeting.

The following items from the minutes are drawn to Councillors' attention;

1.1 Election of WALGA Zone Positions – Results

- Chairperson – Cr Tony Sachse, Shire of Mt Marshall
- Deputy Chairperson – Cr Quentin Davies, Shire of Wyalkatchem
- State Councillor, Cr Stephen Strange, Shire of Bruce Rock
- Deputy State Councillor, Cr Tony Sachse, Shire of Mt Marshall
- Zone Executive Committee
 - Cr Kellie Mortimore, Shire of Narembeen
 - Cr Melanie Brown, Shire of Trayning
 - Cr Karen Day, Shire of Westonia

Agricultural Freight Group Representative - Cr Tony Sachse, Shire of Mt Marshall
Agricultural Freight Group Representative Deputy – Cr Mark Crees, Shire of Westonia
Wheatbelt District Emergency Management Committee Delegate – Cr Tony Sachse
District Emergency Management Committee Deputy – Cr Glenice Batchelor, Shire of Tammin
Regional Health Advisory Committee Representative - Cr Alison Harris, Shire of Tammin

6.1 Presentation Association of Mining Exploration Companies

Warren Pearce, Chief Executive Officer, Association of Mining and Exploration Companies, was invited to speak at the meeting of the Zone. His presentation ensured that Local Governments (as well as other key stakeholders – MPs, WDC, WAFF etc) were aware of the increased activity – the companies involved, and how they are approaching their exploration programs and surrounding communities.

Information was provided on:

- Why there is increased mineral exploration now taking place across the Wheatbelt – and what that means for the region.

-
- The basics around mineral exploration, land access, and how it interacts with other land users / landholders.
 - The companies that are taking up tenure and where and what they are exploring for.

6.2 Presentation by Department of Fire and Emergency Services

Richard Burnell, Executive Director Corporate Services, Department of Fire and Emergency Services
Richard has previously presented to the Great Eastern Country Zone and returned to provide an update on:

- ESL and related funding matters
- STAND project update
- Update on Workplace Health & Safety legislation transition support to assist LGs and farming industry groups

Richard received a question on notice from the Shire of Nungarin in regard to who is determining what the requirements are for new buildings. Conflicting opinions were heard on if it is the direction of the Department of Fire and Emergency, or requests from the Local Government itself. Richard will reply directly to the Shire of Nungarin and to the Zone.

8.5 Local Government Legislative Reform

The Zone raised consultation timeframes being an issue. Most Local Governments don't meet until February, however country Shires want to have an input. It was discussed whether an online meeting at the end of January would be of benefit, or if Members should review the document released by WALGA on 23 November and either provide feedback through the State Councillor, or go ahead with an online meeting.

It was decided to review the WALGA document initially and provide feedback through the Great Eastern Country Zone's State Councillor. If WALGA does not address concerns, then a meeting can be considered.

A full update on the Reform process and responses is provided in the CEO's Report of this month's agenda.

8.6 Work Health and Safety (WHS) Legislation Update

Executive Summary

- The Work Health and Safety Act 2020 (WHS legislation) was passed by the West Australian Parliament in November 2020, and is expected to come into effect in January 2022 with the Regulations and transition period still to be finalised.
- The new WHS legislation introduces a number of new legal terms and concepts, including the term Person Conducting a Business or Undertaking (PCBU). Further, volunteers are now included in the definition of Workers.
- The Local Government sector has expressed concern with the new WHS legislation, particularly around the implications for the management of volunteer bushfire brigades (BFBs).
- A Duty of Care may be shared with others, and if more than one person has a duty in relation to the same matter, they must consult, cooperate and coordinate their activities, which adds additional complexity in the case of BFBs.
- WALGA and LGIS are working to provide support and resources to the sector to assist with the transition to the new WHS legislation.

Comment from Report

WALGA and LGIS are continuing to liaise with DFES and DMIRS on these issues, recognising the need for further information and clarification regarding the implications and requirements of the WHS legislation for the sector's management of bushfire brigade volunteers. Other activities that WALGA is undertaking include:

- *Meetings with the Workplace Commissioner Darren Kavanagh and other groups responsible for Volunteer organisations and DFES to discuss the concerns being raised by volunteers and relevant organisations.*
 - *This was a positive meeting with all wanting to put in place reasonable and practical measures to assist Local Governments and Volunteers. The Workplace Commissioners' department DMIRS has released a Guide to Work health and safety for volunteer organisations which WALGA provided feedback on.*
 - *On 12 November DMIRS delivered a webinar for volunteers and volunteer organisations;*
- *LGIS is obtaining legal advice about which Local Government officers are considered 'officers' for the purposes of the WHS legislation which will be provided to the sector;*
- *WALGA is developing a scope of works for a WHS consultant to develop additional tools and resources to support the sector; and*
- *WALGA will advocate to the Minister for the commencement of the WHS legislation for Local Governments to be delayed until June 2022 to allow additional time to ensure that safe work practices are implemented for volunteers.*

To inform its advocacy on this and sector emergency management issues more generally, WALGA is also undertaking an Emergency Management Survey of Local Governments to ascertain the sentiment of the sector to their emergency management obligations, and to understand how they are undertaking their management of BFBs. The survey includes questions about the types of additional support that Local Governments require in order to comply with the WHS legislation. Preliminary survey feedback indicates:

- *Local Governments need more information on Work Health and Safety and Guidelines and templates to support compliance with the legislation;*
- *Further work is needed to ensure that Local Governments are well prepared to meet WHS requirements in relation to:*
 - *Providing up to date Standard Operating Procedures and directives for incident response;*
 - *Training for use of vehicles and equipment use;*
 - *Ensuring Bush Fire brigade stations do not present a risk to health and safety; and*
 - *Providing for volunteer fatigue management and access to welfare services; and*
- *Local Governments generally feel well prepared in relation to WHS regarding provision of personal protective equipment for volunteers.*

A full copy of the minutes and supporting documentation is provided as Attachment A.

Consultation

Nil

Statutory Implications

Nil

Policy Implications

Nil

Risk Implications

Risk: That Council does not receive the minutes or object to decisions of the WALGA Great Eastern Zone meeting.

| Likelihood | Consequence | Rating |
|-------------------|--------------------|---------------|
| Rare | Insignificant | Low |

Action / Strategy

This item has been evaluated against the Shire of Bruce Rock’s Risk Management Procedure’s Risk Matrix. The perceived level of risk is considered to be “Low” risk and will be managed by routine procedure and is unlikely to need specific application of resources.

Financial Implications

Nil

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Governance

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

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

Voting Requirements

Simple Majority

Officer Recommendation

That Council receives the minutes of the WALGA Great Eastern Zone Meeting held on the 22nd November 2021 at the Kellerberrin Recreation Centre.

- 12. New Business of an urgent nature introduced by discussion of the meeting**
- 13. Confidential Items**
- 14. Closure of Meeting**