

# Agenda

## Ordinary Meeting of Council

To be held in Council Chambers  
54 Johnson Street, Bruce Rock  
Thursday 17 September 2020  
Commencing 3.00pm



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## Notice of Ordinary Meeting of Council

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Dear President and Councillors,

The next Ordinary Meeting of Council will be held on **Thursday 17 September 2020 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 17 SEPTEMBER 2020**

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SHIRE OF BRUCE ROCK

AGENDA – ORDINARY MEETING 17 SEPTEMBER 2020

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

Leave of Absence (Previously Approved) Cr NC Kilminster

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 20 August 2020.

**Recommendation:**

**That the minutes of the Ordinary Meeting of Council held Thursday 20 August 2020 be confirmed as a true and correct record.**

Audit Committee Meeting of Council held on Thursday 20 August 2020.

**Recommendation:**

**That the minutes of the Audit Committee Meeting of Council held Thursday 20 August 2020 be confirmed as a true and correct record.**

Works and Services Committee Meeting of Council held on Tuesday 25 August 2020.

**Recommendation:**

**That the minutes of the Works and Services Meeting of Council held Tuesday 25 August 2020 be received.**

## 10. Regional Reports

**Agenda Reference and Subject:**

**10.1.1** WALGA Zone Minutes August 2020

**File Reference:**

1.6.5.1 WALGA Zone Agendas and Minutes

**Reporting Officer:**

Mr Darren Mollenoyux, Chief Executive Officer

**Author:**

Mr Darren Mollenoyux, Chief Executive Officer

**Disclosure of Interest:**

**Attachments:**

*Item 10.1.1 Attachment A – WALGA Zone Meeting Minutes*

**Summary**

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

**Background**

The last Great Eastern Zone Meeting was held on the 27<sup>th</sup> August 2020 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.

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

**5.5 Local Government Act Review Panel**

WALGA carried out an extensive consultation process on Phase 2 of the Local Government Act Review in 2018/19, culminating in sector positions being endorsed by State Council in March 2019. This agenda item considers the Local Government Review Panel's recommendations in the context of the sector's current advocacy positions.

The Minister for Local Government has not considered the Panel's recommendations at this stage and has not requested a consultation process on the report. WALGA is taking the opportunity to obtain a sector opinion on the recommendations to provide to the Minister.

The meeting reviewed the recommendations of WALGA and whilst endorsed in general WALGA's position the Great Eastern Zone did resolve to differ on some of the points as outlined in the attached minutes.

**NOTE**

*The Shire President had reviewed each of the recommendations prior to the meeting and all our views were supported as per the variations of the Great Eastern Zone response.*

**LG Ag Freight Group - Comment sought on the Movement of Oversize Agricultural Machinery**

An email update has been provided on this matter.

A full copy of the minutes it 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**

1. That Council receives the minutes of the WALGA Great Eastern Zone Meeting held on the 27<sup>th</sup> August 2020 at the Kellerberrin Recreation Centre.
2. That Council writes to the Minister of Local Government, responding to the independent panel’s report and recommendations into the review of the Local Government Act and provides response to the 65 recommendation responses in line with the WALGA Great Eastern Zone resolution.

**Agenda Reference and Subject:**

**10.1.2** WEROC Inc Meeting August 2020

**File Reference:**

1.6.9.1 WEROC Inc Agendas and Minutes

**Reporting Officer:**

Mr Darren Mollenoyux, Chief Executive Officer

**Author:**

Mr Darren Mollenoyux, Chief Executive Officer

**Disclosure of Interest:**

**Attachments:**

*Item 10.1.2 Attachment A – WEROC Board Meeting Minutes*

**Summary**

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

**Background**

The last WEROC Inc Board Meeting was held on the 27<sup>th</sup> August 2020 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 Councils attention;

**7.2 Public Health Plans in Local Government**

At the April WEROC Inc Board Meeting a presentation was given by Mr Llew Withers on the requirements of each Local Government to have a Public Health Plan within the next two years. WEROC Inc sought a quote from Mr Withers and this has been provided with the following comment;

*Mr. Withers has advised that each Local Government needs to have a Plan tailored to the residents of that Shire and therefore it is not permissible to develop an overarching Public Health Plan for WEROC Inc. The cost per Shire will be \$10,000 plus up to \$500 in travel and accommodation.*

On this information Council agreed at the May 2020 meeting that it would support engaging Mr Withers to undertake the WEROC Health Plans at an individual level. Further clarification was sought by the WEROC Inc Executive Officer to Mr Withers regarding the proposal and following discussions at the WEROC Inc Board Meeting on the 28<sup>th</sup> May 2020 the following resolution was made;

- 1) WEROC Inc. will progress with the development of an overarching Health Plan that can be used as a proforma for the Member Councils to develop their individual Public Health Plans.*
- 2) The Executive Officer seek quotations for the development of a WEROC Public Health Plan.*

Since the WEROC Inc Board Meeting the Executive officer has provided this further update on the requirement and timing for Public Health Plans.

*Please see below some additional information regarding Local Public Health Plans. I made an enquiry as to when the first Plan's need to be submitted as the 2023. It appears that Stage 5 of implementing the Public Health Act 2016 has not yet occurred and there is no firm date for when it*



will. Furthermore, WA Health is still reviewing the impact of the repeal of regulations and provisions under the old Act, which might alter the requirements of Local Governments in managing public health risks.

*Advice from Department of Health*

*I can confirm that the provisions of the Public Health Act 2016 related to public health planning will come into effect at stage 5 of implementation and that stage 5 has not occurred yet.*

*The repeal of the Health (Miscellaneous Provisions Act) 1911 necessitate the repeal of the regulations that sit underneath it. WA Health is currently reviewing all those regulations, as well as a number of provisions within the Act, that will be repealed at stage 5. The aim is to determine whether these public health risks must continue to be regulated under the new regulatory framework provided by the Public Health Act or can be managed in other ways such as a local law, other legislation or a guideline.*

*In order for stage 5 to occur, all new subsidiary legislation must be ready to be enacted. While this work is underway it is subject to factors beyond the control of the Department of Health, including assessment by the department of Finance's Better Regulation Unit, drafting by the Parliamentary Council's Office and Parliamentary process. As a result, it is not possible to set a date for stage 5 to occur. We are hoping that it will occur during 2021 and will update our website as soon as we know when this will be.*

The following resolution was made;

*"That based on the advice from the Department of Health concerning the ongoing review of the impact of the repeal of regulations and provisions under the old Health Act, and the potential for this to alter the requirements of Local Government in managing public health risks, the Board's resolution of 28 May 2020, be amended as follows:*

*That the WEROC Inc. Executive Officer monitor progress toward the implementation of Stage 5 of the Public Health Act 2016 and at the commencement of Stage 5:*

- 1) WEROC Inc. will progress with the development of an overarching Health Plan that can be used as a proforma for the Member Councils to develop their individual Public Health Plans; and*
- 2) The Executive Officer will seek quotations for the development of a WEROC Public Health Plan."*

7.4 WEROC Strategic Plan

A Strategic Planning workshop was held in Merredin on Thursday 11 June 2020. All Board Members were present. A workshop summary and agenda for the second workshop was provided to Board Members via email on 16 June 2020. A second workshop was held in Merredin on Thursday 25 June 2020 and all Board Members were present.

The Draft WEROC Inc. Strategic Plan 2020 was sent via email to all Board Members on Monday 29 June with a request that any comments or edits be provided by close of business on Monday 6 July 2020. There were only couple of minor wording changes.

The WEROC Board adopted the strategic plan as presented at the meeting.

7.6 Tourism Product Development

Following the presentation by Marcus Falconer, CEO of Australia's Golden Outback the following comments were noted;

- Mr. Falconer highlighted the importance of “destination readiness” and presenting compelling options for people to stay in the area for longer.
- Members noted that getting visitors to stay rather than just passing through the area on their way to other destinations was a challenge.
- The management of sites (and the lack of funding for tourism product development) was noted as an issue and initiatives such as a volunteer ranger program are being explored by some Member Councils.
- Encouraging visitors to base themselves within townsites rather than at free camping areas was identified as a priority for capturing more visitor spending.

Following discussions, the WEROC Board resolved;

1. *The Executive Officer contact Skyworks WA to enquire about their services and costing.*
2. *WEROC Inc. will await the outcome of its application to the Regional Economic Development grants scheme before progressing with a tourism strategy.*

#### 7.7 Local Business Development Program

Following the presentation by Caroline Robinson from Wheatbelt Business Network the following comments were noted;

- Ms. Robinson presented a proposal for a 6-month business program that would be delivered by the Wheatbelt Business Network in collaboration with “Blow your own Mind”.
- The program would involve a series of workshops and business coaching.
- The program would be applicable to any business with a product or service offering and would suit both business owners and their staff.
- Members expressed their concern over the ability to engage their local businesses in the program.

The meeting resolved as follows;

1. *Board Members take the information as presented into further consideration and discuss the program proposal with local businesses to gauge the potential level of engagement.*
2. *The program proposal be reviewed at the next meeting of the WEROC Inc. Board.*

#### Other Matters

##### 9.1 – Future Drought Fund

The meeting resolved that the Executive Officer;

1. *Continue to monitor progress toward the implementation of the Regional Drought Resilience Planning program and report back to the Board as additional information is released.*
2. *Extend an invitation to the Hon. Melissa Price MP to attend the next meeting of WEROC Inc. to discuss to the Future Drought Fund and other Australian Government programs and initiatives.*

##### 9.2 – Community Geopark in the Wheatbelt

The meeting resolved that Raymond Griffiths attend the scheduled meeting to find out further information and report back to WEROC Board.

Note: Council’s CDO, Caris Negri is also attending this meeting on behalf of Bruce Rock.

A full copy of the minutes is provided as Attachment A for this agenda item.

#### Notice of Special General Meeting

There will be a Special General Meeting of WEROC Inc on the 1<sup>st</sup> October 2020 via zoom to consider;

- 1) An application for membership to WEROC from an interested Council

2) A Special resolution to change the constitution of WEROC Inc

**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**

**That Council receives the minutes of the WEROC Board Meeting held on the 27<sup>th</sup> August 2020 at the Kellerberrin Recreation Centre.**

## 11. Officers' Reports

### 11.1 Environmental Health Officer

<b>Agenda Reference and Subject:</b>	<b>11.1.1</b> Retrospective approval to camp three nights on land under the control of the Shire of Bruce Rock for the 11, 12 & 13 September 2020.
<b>File Reference:</b>	1.3.4.6 Shackleton Progress Association
<b>Reporting Officer:</b>	Mr Julian Goldacre, Environmental Health Officer
<b>Author:</b>	Mr Julian Goldacre, Environmental Health Officer
<b>Disclosure of Interest:</b>	
<b>Attachments:</b>	<i>Item 11.1.1 Attachment A - Shackleton Progress Association Letter requesting retrospective approval to camp on land managed by the Shire of Bruce Rock.</i>

#### Summary

Council approves the retrospective approval for the camping on Shire managed land being the land comprising the Shackleton Town Hall and the Shackleton Oval for the retrospective dates of the 11, 12 & 13 of September.

#### Background

The Environmental Health Officer Mr J Goldacre (EHO) was approached by the Chief Executive Officer who was in receipt of the Minutes of the Shackleton Progress Association (Association) where it was stated that a caravan group called WAGs will be camping in Shackleton from the 11 September which was 'news' to the Shire of Bruce Rock. The EHO subsequently met with Mrs Jenny Gmeiner the Secretary of the Association at the Shire Office on the 3 September 2020 to discuss the camping matter and the proposed flea market.

#### Comment

Discussions with Mrs Gmeiner and the EHO focused on the requirements of the *Caravan Parks and Camping Grounds Act 1995* (Act) and the *Shire of Bruce Rock Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2004* (Local Law). The EHO explained why these Laws were in place in that it is to manage the control of camping for all concerned and that trading in public places was to ensure appropriate trading activities and public safety. In both cases as explained there is also a requirement under many if not all insurance policies that activities undertaken met the requirements of the insurance policy fine print of '...compliance with any written law...' or the like.

Mrs Gmeiner has provided a detailed account contained in Attachment A regarding the caravanning request, the flea market, the activities proposed, and discussions had. Mrs Gmeiner explained that verbal approval had been obtained from the Shire of Bruce Rock although no record of this could be found. The EHO in an act of good faith offered that retrospective approval could on application be considered by Council given that the Act only requires '...a legal right...'. This agenda is to give the substance for the Council recommendation by the EHO to retrospectively permit the 'legal right; to camp on Shire managed

land. Recent discussions with Civic Legal stipulated that any decision needs to have ‘substance’ behind the reason for the decision which is the purpose for this Agenda before Council.

The two parcels of land to be used for up to 20 caravan and motor homes (verbal discussions between Mrs Gmeiner and the EHO) are Lots 4 & 5 Jermyn Street (Town Hall site), and Lots 224 & 368 Mills Street (Shackleton Oval). The WAGs caravan group have previously stayed on Shire land twice before (this was an unknown activity to the Shire of Bruce Rock) and no complaints or concerns had been received regarding this previous camping activity, which implies it was undertaken in a manner to not cause any concern. The use of the Shackleton facilities is a stated benefit for the town (Attachment A) and the proposed flea market is to be well attended by stall holders. The EHO asked Mrs Gmeiner that a usual condition is that the areas used for camping are left in a good condition and this was guaranteed verbally. Of the up to 20 caravan and motor homes visiting Shackleton Mrs Gmeiner stated many are ‘self-contained’ which will take pressure off the facilities at Shackleton. There are sufficient facilities for health and amenity in Shackleton to meet the requirements to permit a stay of up to three nights being the public toilets and the Clubs’ facilities within the townsite.

Supplementary to this Agenda item is that the matter of the flea market (Attachment A). This was resolved by moving the location to the Shackleton and District Club site (Club) which negated a Trading Permit application. The Club site is well suited being a large area of land to accommodate the flea market. The EHO will assist Ms Gmeiner with the required CoVid Safe plan to ensure this matter is properly dealt with.

**Consultation**

Mr Darren Mollenoyux, Chief Executive Officer; and  
Mrs Jenny Gmeiner, Secretary, Shackleton Progress Association.

**Statutory Implications**

*Caravan Parks and Camping Grounds Act 1995; and  
The Shire of Bruce Rock Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2004.*

**Policy Implications**

Nil

**Risk Implications**

<b>Risk:</b> Caravan event causes concern to the Shackleton community.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Unlikely	Minor	Low
<b>Action / Strategy</b>		
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

Goal 3.7 Leverage economic opportunities and developments from successful local businesses

**Voting Requirements**

Simple majority

**Officer Recommendation**

**That Council resolves to:**

**Grant retrospective approval to permit up to 20 caravans and motor homes of the 'WAGS' caravan group to camp for up to three nights on the 11, 12 and 13 September 2020 on land other than a caravan park or camping ground being the Town Hall site on Lots 4 & 5 Jermyn Street, and the Shackleton Oval on Lots 224 & 368 Mills Street.**



## 11.2 Manager of Finance

### Agenda Reference and Subject:

**11.2.1** 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 11.1.1 Attachment A – Statement of Financial Activity  
July 2020*

*Item 11.1.1 Attachment B – Statement of Financial Activity  
August 2020*

### 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 financial statements for the month ending 31 July 2020 and 31 August 2020 are available in the agenda attachment document.

The July Statement of Financial Activity was not able to be presented to the August meeting as this was when the Budget was adopted.

### Consultation

Darren Mollenoyux, Chief Executive Officer  
Alan O’Toole, Deputy Chief Executive Officer  
David Holland, Manager of Works and Services  
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 subregulation (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**

<b>Risk:</b> Financial performance is not monitored against approved budget		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Possible	Minor	Moderate
<b>Action / Strategy</b>		
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 2020/21 Budget

**Strategic Implications**

Shire of Bruce Rock – Strategic Community Plan 2017-2027

**Governance**

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

**Voting Requirements**

Simple Majority

**Officer Recommendation**

**That the Statements of Financial Activity for the month ending 31 July 2020 and 31 August 2020 as presented be received.**

<b>Agenda Reference and Subject:</b>	<b>11.2.2</b> List of Payments
<b>File Reference:</b>	8.2.3.3 Accounts Payable (Creditors)
<b>Reporting Officer:</b>	Jennifer Bow, Manager of Finance Officer
<b>Author:</b>	Mike Darby, Senior Finance Officer
<b>Disclosure of Interest:</b>	
<b>Attachments:</b>	<i>Item 11.2.2 Attachment A – List of Payments August 2020</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 August 2020.

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**

<b>Risk:</b> Payments are not monitored against approved budget and delegation.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Possible	Minor	Moderate
<b>Action / Strategy</b>		
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 2020/21 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 EFT16040 to EFT16187 totalling \$270,211.29**
  - b. Cheque number 24027 to 24030 totalling \$4,713.69**
  - c. Trust Cheques Nil**
  - d. Wages and Superannuation payments totalling \$179,648.91 and**
  - e. Credit Card payments \$4,713.69**

**With all payments totalling \$454,573.89 for the month of August 2020.**

<b>Agenda Reference and Subject:</b>	<b>11.2.3</b> Interim Audit Management Letter
<b>File Reference:</b>	8.2.6.1 Annual Audit
<b>Reporting Officer:</b>	Jennifer Bow, Manager of Finance Officer
<b>Author:</b>	Jennifer Bow, Manager of Finance Officer
<b>Disclosure of Interest:</b>	
<b>Attachments:</b>	<i>Item 11.2.3 Attachment A – Interim Management Letter</i>

**Summary**

AMD has completed our interim audit for the year ending 30th June 2020 and have issued a Management Letter containing issues that need to be addressed.

**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.

At the time of completing this agenda, the Interim Management Letter had not been received from the OAG.

**Comment**

The interim audit management letter is performed as a phase of the audit in accordance with the audit plan. The focus of the interim audit is to evaluate the overall control environment, but not for the purpose of expressing an opinion on the effectiveness of internal control, and to obtain an understanding of the key business processes, risks and internal controls relevant to the audit of the annual financial report.

The Interim Audit Management Letter contained one finding that was identified during the audit that require addressing. The Draft Management Letter has been attached for your information however a summary of the findings is presented.

INDEX OF FINDINGS	RATING		
	Significant	Moderate	Minor
1. Procurement and Purchasing		✓	

As per the Management Letter, the ratings are based on the audit team’s assessment of risks and concerns with respect to the probability and/or consequence of adverse outcomes if action is not taken. The ratings are as follows;

- i. **Significant** – findings where there is potentially a significant risk to the entity should the finding not be addressed by the entity promptly.
- ii. **Moderate** – findings which are of sufficient concern to warrant action being taken by the entity as soon as practicable
- iii. **Minor** – findings that are not of primary concern but still warrant action being taken.

The findings have been listed in a table.

Area	Finding Rating	Auditors Comments	Implication	Recommendation	Managements Comments	Respon Officer	Comp Date
Procurements and Payments	Moderate	<p>During our procurement and payments testing on a sample basis, we noted the following exceptions:</p> <ol style="list-style-type: none"> <li>1. Five instances out of a sample of 21 whereby purchase orders were dated after the invoice date;</li> <li>2. One instance out of a sample of 21 whereby there was no evidence to support written quotes obtained as required by the Shire’s purchasing policy;</li> <li>3. Two instances out of a sample of 21 whereby purchase orders did not state the amount of the purchase or the amount stated on the purchase order did not match the invoice with no explanation noted; and</li> <li>4. Three instances out of a sample of 21 whereby invoices were not stamped in accordance with stated payment approval processes.</li> </ol>	<ul style="list-style-type: none"> <li>• If the required number of quotes are not obtained and retained, management and Council cannot be assured that staff have obtained the necessary quotes, that open competition principles have been applied, and that there was compliance with relevant policies. As a result there is an increased risk of non-compliance with the <i>Local Government (Functions and General) Regulations 1996 Part 4</i>.</li> <li>• Increased risk of non-compliance with Shire’s purchasing policies and over payments made to suppliers</li> </ul>	<p>We recommend all goods and services are procured in accordance with the Shire’s purchasing policy, with any deviations documented and approved accordingly.</p> <p>Management should also investigate the above exceptions identified during our testing.</p>	<p><i>The CEO and Manager of Finance have reviewed each of the invoices identified during the testing. One of the invoices identified as not having the invoice stamped, which was for the Bruce Rock Community Resource Centre, was stamped in accordance with the purchasing policy, and is attached highlighting the stamp.</i></p> <p><i>All officers who are authorised to issue purchase orders, will undertake an internal training session regarding Council’s purchasing policy requirements. This will ensure that all future purchases have the necessary documentation and that;</i></p> <ol style="list-style-type: none"> <li><i>i. All invoices are stamped and signed as per the purchasing policy,</i></li> <li><i>ii. Purchase orders are not dated after the invoice, and in circumstances where this is not possible, an explanation will be included on the purchase order,</i></li> <li><i>iii. Quotes will be obtained and documentation included with the invoice as per Council’s purchasing policy; and</i></li> <li><i>iv. Amounts will be included on the purchase order.</i></li> </ol> <p><i>The staff members responsible for processing of creditors will also be instructed to ensure that all documentation is completed for purchases, as per the purchasing policy.</i></p> <p><i>The staff structure is also currently being revised and a dedicated Creditors Officer position is being created which will oversee purchasing function of the Shire and ensure</i></p>	MOF	1 Nov 20



Area	Finding Rating	Auditors Comments	Implication	Recommendation	Managements Comments	Respon Officer	Comp Date
					<p><i>adherence to the purchasing policy. This position will commence from 1<sup>st</sup> October 2020.</i></p> <p><i>Council have also allocated funding in the 2020-21 Budget for installation of Altus Procurement module which includes electronic purchase orders and will assist with compliance.</i></p>		

Procurement and purchasing was identified last year as a moderate finding also. Management is taking steps to address the deficiencies in our procurement and payments by appointing a part time Creditors Officer and implementing an electronic purchasing system early next year. The Creditors Officer will oversee this area and ensure all payments adhere to our purchasing policies.

**Consultation** CEO, MOF and AMD (Council’s external auditors)

**Statutory Implications**

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

**Policy Implications**

Nil

**Risk Implications**

<b>Risk:</b> Compliance – Non-compliance with relevant sections and regulations of the Act and recommended best practice in procurement.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Possible	Moderate	Moderate
<b>Action / Strategy</b>		
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 findings in the Interim Audit Management Letter.		

**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 receives this item from the Audit Committee regarding the Interim Audit Management Letter and management’s comments for the year ended 30th June 2020.**

**Agenda Reference and Subject:**

**11.2.4** Approval to apply for extension to complete financial statements for year ending June 2020

**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:**

*Nil*

**Summary**

Staff are seeking approval from Council to request for an extension to complete the financial statements for the year ending 30h June 2020. This item was also presented to the Audit Committee meeting.

**Background**

A copy of the financial statements are to be submitted to the auditor by the 30<sup>th</sup> September 2020. An extension can be requested if the financial statements are not able to be completed by the 30<sup>th</sup> September 2020 by submitting a request to the Minister for Local Government.

**Comment**

Each year, a local government is to complete an annual financial statement as at the 30 June. These statements must then be submitted to the auditor by 30<sup>th</sup> September.

At this stage, staff have discussed the workload required to finalise the financial statements and feel that it cannot be achieved by the 30<sup>th</sup> September 2020 deadline.

A number of factors have impeded staff from meeting this requirement including COVID, the duties involved with the supermarket, the late adoption of the budget, two fair value valuations (plant and equipment and other infrastructure) that have to be imported into the asset module and new requirements and introduction of valuations of leases.

The onsite annual audit is scheduled to be held 19<sup>th</sup> to 21<sup>st</sup> October 2020 and the extension request would be that the statements would be completed by Monday 19<sup>th</sup> October 2020.

Council's auditors, AMD, have been contacted and they are happy for an extension to be applied for. They will notify the OAG of our intentions also.

If the financial statements are not submitted by the 30<sup>th</sup> September or an extension approved, then this will be a breach of *s.6.4 (3) Local Government Act 1995*.

**Consultation** CEO, MOF and AMD (Council's external auditors)

**Statutory Implications**

***Division 3 — Reporting on activities and finance***

**6.4. Financial report**

*(1) A local government is to prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed.*

(2) The financial report is to —  
 (a) be prepared and presented in the manner and form prescribed; and  
 (b) contain the prescribed information.

(3) By 30 September following each financial year or such extended time as the Minister allows, a local government is to submit to its auditor —  
 (a) the accounts of the local government, balanced up to the last day of the preceding financial year; and  
 (b) the annual financial report of the local government for the preceding financial year.

**Policy Implications**

Nil

**Risk Implications**

<b>Risk:</b> Compliance – Non-compliance with relevant sections and regulations of the Act.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Possible	Moderate	Moderate
<b>Action / Strategy</b>		
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.		

**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 receives this item from the Audit Committee and authorise the Chief Executive Officer to apply for an extension to submit the completed financial statements to the auditor by 19<sup>th</sup> October 2020.**

**Agenda Reference and Subject:**

**11.2.5** Finalise Process of Sale of Land for Non-Payment of Rates (s6.64 of Local Government Act 1995)

**File Reference:**

8.1.1.7 Rates Recovery

**Reporting Officer:**

Jennifer Bow, Manager of Finance Officer

**Author:**

Jennifer Bow, Manager of Finance Officer

**Disclosure of Interest:**

**Attachments:**

*Nil*

**Summary**

12 months have elapsed since the land for non-payment of rates auction was held, on 16<sup>th</sup> August 2020. 2 blocks were passed in as no bids were received.

**Background**

Lot 184 Railway Parade, Bruce Rock and Lot 328 Westral Street, Bruce Rock were both passed in at the public auction held on 16<sup>th</sup> August 2019 as no bids were received.

**Comment**

Management have discussed the options available to Council regarding these two blocks. As per the legislation, Council can sell the land, transfer it to the Crown or transfer the land to itself.



**5 Westral Street, Bruce Rock**



**Lot 184 Railway Parade, Bruce Rock**

To transfer the blocks to Council, it is just a matter of submitting a T5 Land Transfer to Landgate.

To revest the blocks to the Crown, staff will be required to complete several more actions. This will include serving notice to the owner of the land at the last known address for at least 30 days and also advertising in the Government Gazette of Council's intentions to revest the land with the Crown. If it receives any objections, these will need to be considered by Council. The land must also be vacant and free from encumbrance, which both blocks are.

A Form 6 from *Local Government (Financial Management) Regulations 1996 r78(1)*, is then to be submitted to the Minister for Local Government requesting for the land to be revested with the Crown. The Minister must approve the request prior to the land being transferred to the Crown.

The Water Corporation have advised that the outstanding charges have been written off against both properties.

#### **Consultation**

CEO, DCEO, MOF & SFO

#### **Statutory Implications**

##### ***Subdivision 6 – Actions against land where rates or service charges unpaid***

##### ***6.64. Actions to be taken***

*(1) If any rates or service charges which are due to a local government in respect of any rateable land have been unpaid for at least 3 years the local government may, in accordance with the appropriate provisions of this Subdivision take possession of the land and hold the land as against a person having an estate or interest in the land and –*

- (a) from time to time lease the land; or*
- (b) sell the land; or*
- (c) cause the land to be transferred to the Crown; or*
- (d) cause the land to be transferred to itself.*

#### **Policy Implications**

Nil



**Risk Implications**

<b>Risk:</b> That rates remain unpaid resulting in less income for the Shire.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Possible	Minor	Minor
<b>Action / Strategy</b> To follow the debt recovery policy and legislative requirements to ensure that all outstanding rates are collected where possible.		

**Financial Implications**

There will be a cost to advertise in the Government Gazette and there will also be some conveyancing fees associated with the transfer of the land to Council and the Crown. This is estimated at approximately \$2,000.

There will also be rates, services and other associated costs to be written off. This totals \$32,785.52

A434 – Lot 184 Railway Parade, Bruce Rock - \$15,296.84

A 463 – Lot 328 Westral Street, Bruce Rock - \$17,488.68

There will be no transfer fees or duties payable on the transfers.

**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, in accordance with section 6.64 of the *Local Government Act 1995*, the Chief Executive Officer;**

- i. be authorised to acquire A 463 Lot 328 Westral Street, Bruce Rock and A434 Lot 184 Railway Parade, Bruce Rock for the non-payment of rates and charges; and**
- ii. be authorised to write off all outstanding rates and charges upon advice of transfer.**

<b>Agenda Reference and Subject:</b>	<b>11.2.6</b> Budget Amendment for Black Spot Projects
<b>File Reference:</b>	8.2.7.1 Annual Budget
<b>Reporting Officer:</b>	Jennifer Bow, Manager of Finance Officer
<b>Author:</b>	Jennifer Bow, Manager of Finance Officer
<b>Disclosure of Interest:</b>	
<b>Attachments:</b>	<i>Nil</i>

**Summary**

A budget amendment is required after the Chief Executive Officer received notification from Main Roads that two State Black Spot (SBS) Projects for 2020-21 had been approved by the Hon Minister for Transport, Rita Saffioti MLA.

**Background**

After the previous Manager of Works and Services left in February 2020, staff contacted Main Roads in Narrogin to obtain information about pending grant applications for 2020-21. Information was received about the current SBS Project at intersection of Lawrie Road and Cumminin Road and also about the 2020-21 Regional Road Group Project, continuation of Bruce Rock Naremben Road reconstruction and reseal project.

Main Roads made no comments regarding any SBS Projects applications.

**Comment**

The 2020-21 Annual Budget was adopted at the August 2020 Council Meeting.

The Chief Executive Officer received an email from Main Roads dated 27<sup>th</sup> August 2020 that Bruce Rock had been successful in receiving funding for two SBS Projects, which are partly funded by Main Roads and the State Government.

Staff were unaware that these applications had been submitted and as such were not included in the 2020-21 Annual Budget.

<b>Location</b>	<b>RRG Funding (2/3 SBS)</b>	<b>Council's Contribution (1/3)</b>	<b>Project Number</b>
<b>Bruce Rock-Naremben Road/Cumminin Road</b> Reconstruct Y-intersection to a T-intersection, reduce vegetation, install signs and delineation.	\$78,378	\$39,189	21116490
<b>Wogarl West Road/Totadgin Road (Shire of Bruce Rock)</b> Reconstruct Y-intersection to a T-intersection, remove tree in Y-intersection, install signs and delineation.	\$13,500	\$6,750	21116491
<b>TOTALS</b>	<b>\$91,878</b>	<b>\$45,939</b>	

State Black Spot projects are funded on the basis of 2/3 from the Regional Road Group and 1/3 contributed from Council.

The Budget was a balanced budget however \$45,939 is now needed as Council’s contribution towards these State Black Spot projects.  
It is recommended that this deficit \$45,939 be carried forward until the Budget Review in February 2021.

**Consultation**

CEO, DCEO and MOF

**Statutory Implications**

*Regulation 33 of Local Government (Financial Management) Regulations 1996*

**Policy Implications**

Nil

**Risk Implications**

<b>Risk:</b> That the 2020-21 Budget does not reflect the forecast expenditure and revenue for the remaining financial year.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Almost Certain	Moderate	High
<b>Action / Strategy</b>		
This item has been evaluated against the Shire of Bruce Rock’s Risk Management Procedure’s Risk Matrix. The perceived level of risk is considered to be “High” risk. As a High Risk, the Manager of Finance will be monitoring the progress regularly.		

**Financial Implications**

Total Increase to Capital Expenditure of \$137,817  
Total Increase to Non-Operating Grants of \$91,878  
Council funds required to contribute to the SBS Projects of \$45,939

**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

**Officer Recommendation**

**That Council adopt the following amendments to Budget for 2020-21;**

- i. Increase to revenue GL 121310 INCOME – State Black Spot funding (RRG) - \$91,878**
- ii. Increase to capital expenditure;**
  - a. RC013 Wogarl West Rd - \$20,250**
  - b. RC045 Cumminin Road - \$117,567**

### 11.3 Deputy Chief Executive Officer

**Agenda Reference and Subject:**

**11.3.1** 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 August 2020

**Background**

Nil

**Comment**

As per Council’s policy, the Shire Common Seal has been used during the months of August 2020 as follows:

- Lease Document for DFES/Emergency Services Building
- Notification from Western Power – Multiple Points of Supply at Rec Centre Oval
- Lease Document for St John Ambulance at Emergency Services Building

**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 August 2020**

**Agenda Reference and Subject:**

**11.3.2** 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 August 2020

**Background**

Nil

**Comment**

As per Council’s policy, the Shire President Stamp has been used during the months of August 2020 as follows:

- Lease Document for St John Ambulance at Emergency Services Building

**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 August 2020**

**Agenda Reference and Subject:**

**11.3.3** Community Crop Lease

**File Reference:**

2.4.1.11 Airstrip Cropping Program

**Reporting Officer:**

Alan O’Toole, Deputy Chief Executive Officer

**Author:**

Alan O’Toole, Deputy Chief Executive Officer

**Disclosure of Interest:**

CEO, Darren Mollenoyux

**Attachments:**

*Item 11.3.3 Attachment A - Letter from Leigh Strange, Bruce Rock Football Club*

*Item 11.3.3 Attachment B - Paddock records for previous 5 years*

**Summary**

Council are asked to consider the allocation of the cropping right to its “Community Crop” located adjacent to the Bruce Rock airstrip.

**Background**

The Shire of Bruce Rock leases the cropping rights to the community crop located on the land immediately surrounding the Airstrip. The intention of this is to assist local community groups to raise funds for their activities and thus provide benefit to the wider community.

For the past five years, the lease of the community crop has been held by the Bruce Rock Football Club (the Club), and their Cropping Coordinator, Leigh Strange, has written to the Shire requesting consideration for the lease to be renewed for a five year period. The current lease was awarded in March 2016 and is due to expire on 28<sup>th</sup> February 2021.

Mr Strange’s letter also details the significant work and investment the Club has undertaken to improve the condition of the land and increase the resulting yield over the past five years.

**Comment**

Mr Strange’s letter states that over the duration of their tenure, Club members have volunteered their own time and resources to make the land more fertile and weed-free. This has resulted in crops of hay, canola, wheat and barley. Also, the Club has been responsible for adding to the area of land by reclaiming an overgrown strip and also removing scrap metal from one section.

The Bruce Rock Football Club, if successful in continuing the lease, has plans to further improve the paddock and thereby increase yields. It is noted that the Club holds several events a year at which the community is welcomed, and also the importance of group activity in assisting with such areas as maintaining male mental health, which is a priority concern in the Wheatbelt. In addition, the Club has stated that it will make \$500 donations to both the local St John Ambulance service and to the Royal Flying Doctor Service if successful in retaining the lease.

As this lease is of public interest it is suggested that the rights to cropping be advertised for a period of 14 days and at the conclusion of this period, should there be no other suitable public submissions, the DCEO be authorised to proceed with the lease for five years to the Bruce Rock Football Club.

If other suitable submissions are received then an item to be presented to the October 2020 Ordinary Meeting of Council to consider, prior to the execution of the lease of the cropping rights to the community crop after 28<sup>th</sup> February 2021.

**Consultation**

Jennifer Bow – Manager of Finance

**Statutory Implications**

Nil

**Policy Implications**

Nil

**Risk Implications**

<b>Risk:</b> That the cropping rights to the Community Crop are not leased and therefore this important asset and the benefits from its revenue are lost to the Bruce Rock Community.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Rare	Moderate	Moderate
<b>Action / Strategy</b> That a Lease to the community crop be granted to a party able to make best use of the resource.		

**Financial Implications**

There is no cost associated with the lease.

**Strategic Implications**

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Infrastructure

Goal 2.2 Encourage greater usage of current Council owned facilities

Governance

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

**Voting Requirements**

Simple Majority

**Officer Recommendations**

1. That Council approves the advertising of the cropping rights to the Bruce Rock Community Crop located adjacent to the airstrip for 14 days.
2. That if no suitable applications are received at the conclusion of the advertising period, the cropping rights are leased to Bruce Rock Football Club for a period of five years commencing 1 March 2021.

#### 11.4 Chief Executive Officer

**Agenda Reference and Subject:**

**11.4.1** Factory Unit Lease - Unit 3 Swan Street, Bruce Rock

**File Reference:**

2.4.1.5 Factory Units - Council Owned Properties

**Reporting Officer:**

Darren Mollenoyux, Chief Executive Officer

**Author:**

Darren Mollenoyux, Chief Executive Officer

**Disclosure of Interest:**

**Attachments:**

*Nil*

#### Summary

Council is asked to endorse the lease for Council owned factory unit located at Unit 3 Swan Street, Bruce Rock and any subsequent variation to fees and charges.

#### Background

At the August 2020 Ordinary Council meeting Council considered a request from Mr Jarrad Hubbard to lease factory unit 3 Swan Street, Bruce Rock to operate his real estate business from. Council resolved as follows;

*Resolution OCM Aug 20 – 11.4.1*

*Moved: Cr Rajagopalan*

*Seconded: Cr Foss*

*That Council:*

- 1. That Council lease its factory unit located at Unit 3 Swan Street, Bruce Rock to Jarrad Hubbard.*
- 2. That Council considers the request from Mr Jarrad Hubbard for a reduction of rent for the first 12 months of the lease to assist him in establishing his new real estate business branch within Bruce Rock.*
- 3. The monthly rental fee of \$338.45 (inc. GST) is to be charged from the commencement of the lease and to be reviewed as part of the annual budget review process.*
- 4. Give public notice of 7 days of the intent to vary the fee and charge.*
- 5. In accordance with section 3.58 of the Local Government Act Council authorises the Chief Executive Officer to give local public notice of its intention to lease factory unit 3, Swan Street Bruce Rock to Jarrad Hubbard for the monthly rental fee of \$338.45 (inc. GST);*
- 6. That at the conclusion of the 14 day advertising period should there be no public submissions the CEO be authorised to proceed with the lease or if submissions are received an item be presented to the September 2020 Ordinary Meeting of Council to consider, prior to the execution of the lease of factory unit 3 Swan Street, Bruce Rock.*
- 7. That there is a requirement of the lease for business signage to be erected on the building.*

#### Comment

Public notice was given seeking submissions to the proposed lease and at the close of the submission period no submissions were received.

As per the resolution the CEO has informed Mr Hubbard of the outcome and staff have commenced preparing the lease agreement in line with Council's decision.

The factory unit located at 3 Swan Street, Bruce Rock has been inspected and is ready for occupancy.



### Consultation

Mr Jarrad Hubbard, the applicant

Alan O'Toole, Deputy CEO

Jennifer Bow, Manager of Finance

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

### Statutory Implications

*Local Government Act 1995 - Sect 3.58*

*3.58 - Disposing of property*

*(1) In this section —*

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

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

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

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

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

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

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

*(i) describing the property concerned; and*

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

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

*and*

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

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

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

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

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

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

*Local Government Act 1995 s.6.16 & s.6.19*

*6.16. Imposition of fees and charges*

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

*\* Absolute majority required.*

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

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

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

*\* Absolute majority required.*

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

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

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

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

**Policy Implications**

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

**Risk Implications**

<b>Risk:</b> That the factory unit located at Unit 3 Swan Street Bruce Rock is not leased, leading to continual loss of rental income for Council and potential loss of economic progress in the Shire.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Possible	Moderate	Moderate
<b>Action / Strategy</b>		
This item has been evaluated against the Shire of Bruce Rock’s Risk Management Procedure’s Risk Matrix. The perceived level of risk is considered to be “Medium” risk and will be managed by specific monitoring and response procedures.		

**Financial Implications**

The 2020/21 rent on the factory unit located at Unit 3 Swan Street is set at \$483.50 per month inc gst, which equates to a total of \$5,802 inc gst for the 12 month lease.

Council reduced the rental of 30% with the new rental amount at \$338.45 per month inc gst, over the 12 month rental request being a total of \$4,061.40 inc gst.

This factory unit has been vacant for approximately 2 years and thus has not generated income during this period. Budget provision has been made for rental income on this factory unit for part of the 2020/21 financial year.

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

**Strategic Implications**

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Infrastructure

2.2 – Encourage greater usage of current Council owned facilities

Economy

Goal 3 Assist the local economy to grow

3.3 Encourage the business units to be used in Swan Street

3.7 – Leverage economic opportunities and development from successful local businesses

Goal 4: Workers and their families can work and reside in the Shire

4.3 – Promote existing residential land and plan for future commercial and residential land developments to meet current and future needs

Governance

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

**Voting Requirements**

Absolute Majority

**Officer Recommendation**

**That Council endorses the CEO's actions in line with resolution OCM Aug 20 – 11.4.1 where the lease be agreed to as at the conclusion of the 14 day advertising period there were no public submissions for the lease of factory unit 3 Swan Street, Bruce Rock to Mr Jarrad Hubbard to operate his real estate business.**

**Agenda Reference and Subject:**

**11.4.2** WALGA AGM Motions

**File Reference:**

1.6.5.5 WALGA General Correspondence

**Reporting Officer:**

Darren Mollenoyux, Chief Executive Officer

**Author:**

Darren Mollenoyux, Chief Executive Officer

**Disclosure of Interest:**

**Attachments:**

*Item 11.4.2 Attachment A – Agenda WALGA Annual General Meeting Friday 25 September 2020*

**Summary**

Council needs to determine its position on the motions put forward for the 2020 WALGA Annual General Meeting.

**Background**

Council has received the agenda for the WALGA Annual General Meeting to be held on Friday 25<sup>th</sup> September 2020. Council has already appointed Cr Strange and Cr Rajagopalan as voting delegates and this item will assist in providing them with direction whilst voting at the meeting.

**Comment**

Council direction is sought on the following items, the CEO has provided a brief comment and proposed response on each item:

3.1 Drought in Western Australia

*This item is based around seeking that WALGA advocate for improved process and eligibility in drought situations, the recent drought funding announced left several drought affected communities without funding whilst others who are non agricultural based and less affected with significant funding from the federal drought funding program.*

**Support**

3.2 State Owned Unallocated Crown Land (UCL) House Blocks

*The current policy and practice restricts Local Government's' rate base.*

**Support**

**Consultation** Nil

**Statutory Implications** Nil

**Policy Implications** Nil

**Financial Implications** Nil

**Strategic Implications**

Shire of Bruce Rock – Strategic Community Plan 2017-2027

**Governance**

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

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

**Voting Requirements** Simple Majority

**Officer Recommendation**

**That Council consider the motions for the WALGA Annual General Meeting to be held on the 25<sup>th</sup> September 2020 and provide guidance to the voting delegates.**

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