



Agenda

Ordinary Meeting of Council

To be held in Council Chambers
54 Johnson Street, Bruce Rock
Thursday 17 August 2023
Commencing 3.00pm



Notice of Ordinary Meeting of Council

Dear President and Councillors,

The next Ordinary Meeting of Council will be held on **Thursday 17 August 2023 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 AUGUST 2023

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SHIRE OF BRUCE ROCK
AGENDA – ORDINARY MEETING 17 AUGUST 2023

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 Sections 5.60B and 5.65 of the Local Government Act 1995, the following disclosures of **Proximity** interest were made at the Council meeting.

Date	Name	Item No	Reason

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

Audit Committee Meeting held on Thursday, 20 July 2023.

Ordinary Meeting of Council held on Thursday, 20 July 2023.

Works and Services Committee Meeting held Wednesday, 26 July 2023.

Special Council Meeting held Monday, 7 August 2023.

10. Officers' Reports

10.1 Manager of Works and Services

Nil

10.2 Manager of Finance

Agenda Reference and Subject:	10.2.1 List of Payments
Reporting Officer:	Manisha Barthakur, Manager of Finance
Author:	Mike Darby, Senior Finance Officer
Disclosure of Interest:	
Attachments:	<i>Item 10.2.1 Attachment A – List of Payments July 2023</i>

Summary

Council is asked to endorse the 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 Chief Executive Officer's credit card.

Comment

Following is a list of payments made from Council's Municipal and Trust Accounts, and payments made with the Chief Executive Officer's credit card for the month of July 2023.

If Councillors 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 the 2023-24 Budget.

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2022-2032

Governance

4.3 Our organisation is well positioned and has capacity for the future

Voting Requirements

Simple Majority

Officer Recommendation

That Council:

- 1. endorse the list of payments from the Municipal Account consisting of:**
 - a. EFT voucher numbers EFT21735 to EFT21883 totalling \$1,961,812.15;**
 - b. cheque numbers 126 to 131 totalling \$29,963.67 ;**
 - c. nil Trust EFT payments;**
 - d. wages and superannuation payments totalling \$202,222.85; and**
 - e. credit card payments totalling \$521.35,****with all payments totalling \$2,193,998.67 for the month of July 2023; and**
- 2. note that the credit card payment is reported separately, but is a part of EFT payment.**

10.3 Environmental Health Officer

Agenda Reference and Subject:	10.3.1 Development Application Works & Use for a Large Machinery Storage Shed & Water Storage Tanks on Lot 15429 Yarding South Road, 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 - Planning Application Large Machinery Storage Shed & Water Storage Tanks with Supporting Documentation Lot 15429 Yarding South Road, Bruce Rock</i>

Summary

That Council resolves to approve the Development Application for the large Machinery Storage Shed (the Outbuilding) with appurtenant water storage tanks to be built on Lot 15429 Yarding South Road, Bruce Rock; and that Council endorses the Officers Advice notes.

Background

The EHO has been in discussions with Wheatbelt Steel Pty Ltd (the Company) on the Planning 'Works' (building of) and Use (purpose of), and Building requirements for a large Machinery Storage Shed (the Outbuilding) with appurtenant water storage tanks. The Outbuilding and water tanks are proposed to be built on Lot 15429 Yarding South Road, Bruce Rock which is zoned 'Rural' under the Shire of Bruce Rock Local Planning Scheme No 3 (the Scheme). The EHO advised that the Planning assessment would be subject to Policy 5.2 Outbuildings, Shipping Containers and Lean-Tos (Policy 5.2). Furthermore, the Outbuilding would be subject to an assessment of whether it was a Class 10A thus exempt from the requirement of a Building Permit, or a Class 7b or 8b which requires one.

Comment

The Outbuilding was assessed against Policy 5.2 and was found to be over the permitted size to be assessed for Planning by the Delegated Officer the EHO. Furthermore, the Outbuilding was deemed to be a Class 7b due to its large size and being fully enclosed by sliding doors at both ends. Furthermore, the consideration of the possible fire load, including consequences of any risks to the safety, health and amenity of people using the Outbuilding, that the H3 provisions of the National Construction Code (NCC) are applicable for a Class 7b. Being a Class 7b will require a Building Permit application to be made to the Shire of Bruce Rock with the Certificate of Design Compliance undertaken by a private Building Surveyor. Two water tanks are also proposed to be built and are a requirement for the NCC H3 provisions

Consequently, a Development Application for the Outbuilding and the two large water tanks (the DA) were submitted to the Shire of Bruce Rock on the 19 July 2023 by email for Council consideration.

The DA as presented in Attachment A presents no amenity issues by fact Outbuildings of this type are common, and a necessary requirement for broadacre farming endeavours. Also, the boundary setbacks are in accordance with R2 distances required under the Scheme. The Shire of Bruce Rock Planning Strategy (the Strategy) Strategy 15 supports '...the continuing operation and expansion of agricultural activity...', and this DA is in accord with Strategy 15. The requirement for the water tanks to meet NCC H3 provisions is also in alignment with the aforementioned review. The development as presented is well

away from service roads which predominantly exist to facilitate farming activity traffic and thus are no cause for consideration in this review.

This DA as presented in Attachment A has sound merit for Council consideration for approval. The Outbuilding and water tanks are generic in appearance and when installed in the broadacre farming environment will be not unlike existing structures. Outbuildings and water tanks are ubiquitous for Rural zoned land where broadacre farming occurs in the district of Bruce Rock.

Consultation

Ms S Laughton, Projects Coordinator, Wheatbelt Steel.

Statutory Implications

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

Policy Implications

Shire of Bruce Rock Local Planning Strategy, and Policy 5.2 Outbuildings, Shipping Containers and Lean-Tos.

Risk Implications

Risk: Development occurs outside the intent and scope of documents provided to Council for determining this application.		
Likelihood	Consequence	Rating
Rare	Moderate	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

The Development Application fee amounts to \$1,977.25 which has been receipted in.

Strategic Implications

Please use the below formatting when referring to the plan.

Shire of Bruce Rock – Strategic Community Plan 2022-2032

Governance

- Goal 2.1 Assist the local economy to grow, and
- 4.3 Proactive and well governed Shire.

Voting Requirements

Simple majority

Officer Recommendation

- 1) That Council resolves to approve this Development Application to build a large Machinery Storage Shed (the Outbuilding) with appurtenant water storage tanks being the Works and Use of, on Lot 15429 Yarding South Road Bruce Rock, as presented in Attachment A, and
- 2) That Council endorses the Officers Advice Notes that are provided in good faith and not limited to, as follows:

Advice Notes:

- i) That this Development Application Approval for a large Machinery Storage Shed (the Outbuilding) with appurtenant water storage tanks, on Lot 15429 Yarding South Road Bruce Rock is valid for two years unless application is made to the Shire of Bruce Rock before the date expiry for a further extension of the expiry date,
- ii) This Development Approval for a large Machinery Storage Shed (the Outbuilding) with appurtenant water storage tanks, on Lot 15429 Yarding South Road Bruce Rock determines only the Planning requirements. Consequently, a Building Permit application for the purpose of consideration of issuing and serving a Building Permit using a privately certified Certificate of Design Compliance should all building requirements be met is also required, fees apply, and
- iii) That any advice regarding the Class 7b large Machinery Storage Shed (the Outbuilding) with appurtenant water storage tanks received from the Department of Fire and Emergency Services (DFES) is to be reasonably considered and where required alternatives investigated for practicable application to this build.

10.4 Manager of Governance and Community Services

Agenda Reference and Subject:

10.4.1 Shire President Stamp

Reporting Officer:

Nerea Ugarte, Manager of Governance and Community Services

Author:

Melissa Schilling, Executive Services Manager

Disclosure of Interest:**Attachments:**

Nil

Summary

Use of the Shire President Stamp in July 2023.

Background

Nil

Comment

As per Council's policy, the Shire President Stamp has been used during the month of July 2023 as follows:

- Disclosure of Interest July OCM – CBH Item
- Acknowledgement of STED Connection 52 Johnson Street (Supermarket)

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 July 2023.

Agenda Reference and Subject:

10.4.2 Shire Seal

Reporting Officer:

Nerea Ugarte, Manager of Governance and Community Services

Author:

Melissa Schilling, Executive Services Manager

Disclosure of Interest:

Attachments:

Nil

Summary

Use of the Shire Seal in July 2023.

Background

Nil

Comment

As per Council's policy, the Shire Seal has been used during the month of June 2023 as follows:

- Acknowledgement of STED Connection 52 Johnson Street (Supermarket)

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 Seal during July 2023.

Agenda Reference and Subject:	10.4.3 Request to Keep Additional Dog
Reporting Officer:	Nerea Ugarte, Manager of Governance and Community Services
Author:	Nerea Ugarte, Manager of Governance and Community Services
Disclosure of Interest:	Nil
Attachments:	<i>Item 10.4.3 Attachment A – Request Email</i>

Summary

Council is asked to consider an application from Miss Chloe Hughes to keep more than two dogs (being three) at 49 Butcher Street, Bruce Rock.

Background

Under section 3.2 of the Shire of Bruce Rock’s (Shire) Dogs Local Law 2005, only two dogs over the age of three months are permitted to be kept in premises situated within a townsite. Pursuant to section 26 of the Dog Act 1976, Council may grant an exemption to this limit.

Council has received an application from Miss Hughes to keep three dogs at 49 Butcher Street, Bruce Rock. The three dogs’ details are as follows:

	Breed	Name	Age	Sex	M/chip	Sterilised
1	American bulldog	Arlo	6	M	Y	Y
2	American bulldog	Molly	9	F	Y	Y
3	Australian bulldog	Harper	2	F	Y	Y

The applicant and her partner have just moved to Bruce Rock.

Two of the dogs belong to the applicant and the third belongs to her partner. The three dogs appear to be well looked after, and no complaints have been received to date by the Shire on any of the dogs.

Comment

After liaising with the Shire’s Ranger service, it is recommended that Council accepts the application with the following conditions:

- Fence and gates around the property to be inspected and approved by the Shire’s Ranger.
- Fence and gates around the property to be maintained and to remain in a condition that ensures that the dogs are securely contained at all times.
- Shire Ranger to consult with the adjoining neighbours to seek any concerns.
- Yards to be maintained in a clean, well-kept condition.
- All dogs to be microchipped and registered with the Shire (noting that two of them have already been registered).

Consultation

Chief Executive Officer
Ranger

Statutory Implications

Shire's Dogs Local Law 2005

"PART 3—REQUIREMENTS AND LIMITATIONS ON THE KEEPING OF DOGS

3.1 Dogs to be confined

- (1) *An occupier of premises on which a dog is kept must—*
 - (a) *cause a portion of the premises on which the dog is kept to be fenced in a manner capable of confining the dog;*
 - (b) *ensure the fence used to confine the dog and every gate or door in the fence is of a type, height and construction which having regard to the breed, age, size and physical condition of the dog is capable of preventing the dog at all times from passing over, under or through it;*
 - (c) *ensure that every gate or door in the fence is kept closed at all times when the dog is on the premises and is fitted with a proper latch or other means of fastening it;*
 - (d) *maintain the fence and all gates and doors in the fence in good order and condition; and*
 - (e) *where no part of the premises consists of open space, yard or garden or there is no open space or garden or yard of which the occupier has exclusive use or occupation, ensure that other means exist on the premises (other than the tethering of the dog) for effectively confining the dog within the premises.*
- (2) *Where an occupier fails to comply with subclause (1), he or she commits an offence.*
- (3) *Notwithstanding subclauses (1) and (2), the confinement of dangerous dogs is dealt with in the Act and Regulations.*

3.2 Limitation on the number of dogs

- (1) *This clause does not apply to premises which ©—*
 - (a) *licensed under Part 4 as an approved kennel establishment; or*
 - (b) *granted an exemption under section 26(3) of the Act.*
- (2) *The limit on the number of dogs which may be kept on any premises is, for the purpose of Dogs Local Law 2005*
 - (a) *2 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated within a townsite; or*
 - (b) *4 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated outside a townsite."*

Dog Act 1976

"PART V – The Keeping of Dogs

26. Limitations as to Numbers

- (3) *Where by a local law under this Act a local government has placed a limit on the keeping of dogs in any specified area but the local government is satisfied in relation to any particular premises that the provisions of this Act relating to approved kennel establishments need not be applied in the circumstances, the local government may grant an exemption in respect of those premises but any such exemption —*
 - (a) *may be made subject to conditions, including a condition that it applies only to the dogs specified in the exemption; and*
 - (b) *cannot authorise the keeping in or at those premises of —*
 - (i) *more than 6 dogs that have reached 3 months of age; or*
 - (ii) *a dog under that age unless it is a pup of a dog whose keeping is authorised by the exemption; and*
 - (c) *may be revoked or varied at any time."*

Policy Implications

Nil.

Risk Implications

Risk: That the number of dogs could create excessive noise and be subject to complaints from neighbours.		
Likelihood	Consequence	Rating
Possible	Moderate	Moderate
Action / Strategy		
This item has been evaluated against the Shire’s Risk Management Framework’s Risk Matrix. The level of risk is considered to be “Moderate” As a moderate risk, management will be monitoring progress.		

Financial Implications

Fees will apply to each dog’s registration.

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 application from Miss Chloe Hughes to home three dogs at 49 Butcher Street, Bruce Rock be approved, with the following conditions: -

a) The dogs housed are:

	Breed	Name	Age	Sex	M/chip	Sterilised
1	American bulldog	Arlo	6	M	Y	Y
2	American bulldog	Molly	9	F	Y	Y
3	Australian bulldog	Harper	2	F	Y	Y

- b) The fence and gates around the property to be inspected and approved by the Shire of Bruce Rock’s Ranger.**
 - c) The fence and gates around the property to be maintained and to remain in a condition that ensures that the dogs are securely contained at all times.**
 - d) Shire Ranger to consult with the adjoining neighbours to seek any concerns.**
 - e) Yards to be maintained in a clean, well-kept condition.**
 - f) All three dogs to be microchipped and registered with the Shire.**
- 2) That the keeping of additional dogs (above two) will not be considered, if any of the above dogs is deceased.**
- 3) That the applicant be advised that Council reserves the right to revoke this approval in accordance with section 26(3)(c) of the Dog Act 1976, should any of the above conditions not be met, or any complaints or nuisance resulting from the keeping of three dogs on the property be received.**

10.5 Chief Executive Officer

Agenda Reference and Subject:

10.5.1 CSRFF Grant Application – Bruce Rock Aquatic Centre

Reporting Officer:

Darren Mollenoyux, Chief Executive Officer

Author:

Caris Negri, Community Development Officer

Disclosure of Interest:

Attachments:

Item 10.5.1 Attachment A – CSRFF Bruce Rock Aquatic Centre Application

Summary

Council is asked to provide in principle financial commitment to the Shire of Bruce Rock’s application to the Department of Local Government, Sport and Cultural Industries Community Sporting and Recreation Facilities Fund (CSRFF) 2023-24 July Small Grants.

Background

The current liner at the Aquatic Centre is over 18 years old and is almost at the point of failure. Council staff identified the replacement of the liner as a future budget priority and worked to identify potential funding opportunities to assist with the total project cost.

The Aquatic Centre is a significant piece of community infrastructure, that is well utilised by our community for both sporting and leisure pursuits. The Aquatic Centre is identified as a key venue in our strategic planning, including the Strategic Community Plan 2022-3032, and Public Health and Wellbeing Plan 2023-2027 (which is currently in draft format). The Aquatic Centre is also occasionally used by Council to host community events. Therefore, it is important to ensure this facility is at an appropriate standard to sustain this level of use and importance.

The CSRFF program require proof of Council’s commitment of financial contribution to the nominated project.

Comment

Council staff have prepared an application to the Department of Local Government, Sport and Cultural Industries Community Sporting and Recreation Facilities Fund 2023-24 July Small Grants. A copy of the grant application will be provided to Councillors prior to the meeting.

The CSRFF program requires a 50% contribution from the applicant. Due to the nature of the work, there aren’t many opportunities for Council to use in-kind contributions. Our in-kind contributions include accommodation for contractors and staff costs associated with preparing the pool for the new liner to be applied, refilling the pool, and waste arrangements.

The financial breakdown is as follows:

Shire of Bruce Rock Cash	\$ 60,068
Shire of Bruce Rock In Kind	\$ 6,984
CSRFF	\$ 67,052
Total Project Cost	\$134,104

Consultation

Darren Mollenoyux, Chief Executive Officer
 Julian Goldacre, Environmental Health Officer
 Manisha Barthakur, Manager of Finance
 Department of Local Government, Sport and Cultural Industries

Statutory Implications

Health (Aquatic Facilities) Regulations 2007

Policy Implications

Nil

Risk Implications

Risk: Council is unsuccessful in application and project does not proceed.		
Likelihood	Consequence	Rating
Possible	Moderate	Moderate
Action / Strategy		
If funding is not received, then other funding opportunities will be explored.		

Financial Implications

If the grant application is successful, Council will be required to make an amendment to the current 2023/2024 budget, with the addition of \$67,052 to be included in the budget review process.

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2022-2032

Governance

- Goal 1.1 Our community are engaged and have a healthy lifestyle
- 1.3 Shire facilities are maintained in a strategic manner to meet community need
- 4.1 Our organisation is well positioned and has capacity for the future

Voting Requirements

Absolute Majority

Officer Recommendation

1. That the application for the Bruce Rock Aquatic Centre for the 2023-24 CSRFF Small Grant program be submitted to the Department of Local Government, Sport and Cultural Industries.
2. That if the application is successful, Council makes an inclusion of \$134,104 in the 2023/2024 budget.

Agenda Reference and Subject:

10.5.2 South West Native Title Settlement Land List 1442

Reporting Officer:

Darren Mollenoyux, Chief Executive Officer

Author:

Darren Mollenoyux, Chief Executive Officer

Disclosure of Interest:

Attachments:

Item 10.5.2 Attachment A – Land Adjacent to Erikin Townsite

Item 10.5.2 Attachment B – Lot 388, 64 Farrall Street

Item 10.5.2 Attachment C – Lot 36, Reserve 38521

Item 10.5.2 Attachment D – Map of Aboriginal Cultural Heritage Site – Reference Native title Claim Reserve

Summary

The Department of Planning, Lands and Heritage is seeking comments relating to the South West Native Title Settlement – Land Base Consultation – Land List 1442 relating to three separate land parcels within the Shire of Bruce Rock.

Background

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

“The South West Native Title Settlement (Settlement) is a landmark native title agreement reached between the State Government (State) and the six Noongar Agreement Groups. The six requisite Indigenous Land Use Agreements (ILUAs) were conclusively registered, leading to the Settlement commencing on 25 February 2021 after some years of delay. The Settlement recognises the Agreement Groups as the Traditional Owners of the south west of Western Australia, while resolving native title in exchange for a negotiated package of benefits. The area subject to the Settlement is depicted in the attached map.

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

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

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

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

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

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

Once you have considered the land identified, the South West Settlement Project team would be pleased to receive your comments by email to swsettlement@dplh.wa.gov.au. In accordance with the abovementioned Annexure J of the ILUAs, your advice is required to be returned within 40 days of receiving this email. As a result, please provide your comments by 22 August 2023. Should this timeframe not be achievable, please let me know as a matter of priority. Where no response is received from the Shire within the 40 day timeframe, this will be taken as having no comment on the land parcels referred."

The three locations identified in the Shire of Bruce Rock are;

Comment

Staff have considered the information received and provide the following guidance on the new questions asked for each land parcel;

Lot No.	Pin No.	Street Name	LGA	Claim Group	Reserve No.	Purpose	Tenure	Area ha
	948751	Land adjacent Erikin Townsite on Erikin West Road	Bruce Rock	Ballardong		Nil	Freehold	62.67
338	966140	64 Farrall St, Bruce Rock	Bruce Rock	Ballardong		Nil	Freehold	0.1
36	967524	Lot 36 Yarding Town South of CBH Site	Bruce Rock	Ballardong	R 38521	Gravel	Reserve with power to lease	10.59

Parcel – Pin 948751

- Land is located adjacent to Erikin townsite on the Erikin West Road
 - Responsible Authority – Crown Land
 - Purpose – Nil
 - Primary Interest Holder – State of Western Australia
1. Is the Shire supportive of the transfer of this land to the Noongar People under the Settlement?
Council has not previously discussed this parcel of land, however staff are of the opinion that there is no value to Council objecting to the parcel of land.
 2. Does the Shire have any interest in the land?
Council has not previously shown interest in the land and staff do not believe there is any use for the land for Council.
 3. Does the Shire have existing or planned infrastructure within the land parcel that requires protection? If yes, please provide details and advise if access to this infrastructure will need to be maintained.
Staff are not aware of any existing infrastructure or aware of any proposed for the land parcel.
 4. Is the land parcel subject to any mandatory connection to services?
Council has no mandatory service connection requirements for the land parcel at Pin 948751.
 5. Are any future proposals for the land identified? Please provide detail of what is proposed and in what timeframe?
Staff are not aware of any proposals for the land parcel at Pin 948751.
 6. Are there any future proposals for adjoining land that may affect the land identified in the spreadsheet? If so, in what timeframe?
Staff are not aware of any future proposals on land adjoining the land parcel at Pin 948751, however strongly would recommend that the Department of Planning, Lands and Heritage undertake consultation with adjoining property owners to seek their comments and any proposals.
 7. Please advise of any proposed planning scheme amendments that may affect the zoning of this land at a State or Local government level. If a scheme amendment is to occur, what is the change proposed and when will it come into effect?
Council has no current or short-term plans to amend its Town Planning Scheme.
 8. Please advise of any known land management issues such as site contamination, hazards, debris or rubbish dumping, unauthorised land use and environmental considerations (such as inundation or similar site constraints).
Clarification regarding this will be provided at the meeting.
 9. Please provide any additional comments on the proposed transfer of this land as part of the Settlement.

As with previous claim request Council has raised concern as to any potential change of Reserve purpose, such as camping. Potential could exist that in the future, should interest arise for the claimant's request to convert it to a camping ground implication could occur under the new Caravan and Camping Act and Health Act which 'bind the crown' in a way that it could be incumbent of the Local Government to enforce the Acts and its regulations.

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

In addition, Council is concerned that there may be an increased bushfire danger risk from unmanaged reserves or large parcels of land and there should be a requirement for clear plans in place by the vested body as to the management of firebreaks.

Parcel – Pin 966140

- Land is located at 64 Farrall Street, Bruce Rock
 - Responsible Authority – Crown Land
 - Purpose – Residential
 - Primary Interest Holder – State of Western Australia
1. Is the Shire supportive of the transfer of this land to the Noongar People under the Settlement?
Council has not previously discussed this parcel of land, it had previously been lease by neighbouring property owners and remained vacant and primarily for parking and storage. The lot is zoned residential in Council’s Town Planning Scheme. If Council does not have any objections staff see no reasons not to support the request.
 2. Does the Shire have any interest in the land?
Council has not previously shown interest in the land, it is listed as residential, however it has not previously been considered by Council for future development.
 3. Does the Shire have existing or planned infrastructure within the land parcel that requires protection? If yes, please provide details and advise if access to this infrastructure will need to be maintained.
Staff are not aware of any existing infrastructure or aware of any proposed for the land parcel.
 4. Is the land parcel subject to any mandatory connection to services?
Council has no mandatory service connection requirements for the land parcel at 64 Farrall Street, Bruce Rock. However if the land is to be used for its zoning and a residence constructed there would be a requirement for water and power connection.
 5. Are any future proposals for the land identified? Please provide detail of what is proposed and in what timeframe?
Staff are not aware of any proposals for the land parcel at 64 Farrall Street, Bruce Rock.
 6. Are there any future proposals for adjoining land that may affect the land identified in the spreadsheet? If so, in what timeframe?
Staff are not aware of any future proposals on land adjoining the land parcel at 64 Farrall Street, Bruce Rock. The Lot is adjoining residential properties and across the road from Council’s storage yard as well as the entry to the CBH sampling facility. It is strongly recommended that the Department of Planning, Lands and Heritage undertake consultation with adjoining property owners to seek their comments and any proposals.
 7. Please advise of any proposed planning scheme amendments that may affect the zoning of this land at a State or Local government level. If a scheme amendment is to occur, what is the change proposed and when will it come into effect?
Council has no current or short-term plans to amend its Town Planning Scheme.
 8. Please advise of any known land management issues such as site contamination, hazards, debris or rubbish dumping, unauthorised land use and environmental considerations (such as inundation or similar site constraints).

There are no hazardous materials or contaminants listed on Council records for this site.

9. Please provide any additional comments on the proposed transfer of this land as part of the Settlement.

There are no further matters to raise for Lot 64 Farrall St, Bruce Rock.

Parcel – Pin 967524

- Reserve 38521 – Located adjacent to the Yarding CBH site, the old Yarding Townsite
 - Responsible Authority – Department of Planning, Lands & Heritage
 - Purpose – Gravel
 - Primary Interest Holder – State of Western Australia
1. Is the Shire supportive of the transfer of this land to the Noongar People under the Settlement?
This Reserve is within an Aboriginal Cultural Heritage Map area. Council has not previously discussed this parcel of land, however staff are of the opinion that there is no value to Council objecting to the parcel of land.
2. Does the Shire have any interest in the land?
Council has not previously shown interest in the land and staff do not believe there is any use for the land for Council.
3. Does the Shire have existing or planned infrastructure within the land parcel that requires protection? If yes, please provide details and advise if access to this infrastructure will need to be maintained.
Staff are not aware of any existing infrastructure or aware of any proposed for the land parcel.
4. Is the land parcel subject to any mandatory connection to services?
Council has no mandatory service connection requirements for Reserve 38521.
5. Are any future proposals for the land identified? Please provide detail of what is proposed and in what timeframe?
Staff are not aware of any proposals for the land parcel at Reserve 38521.
6. Are there any future proposals for adjoining land that may affect the land identified in the spreadsheet? If so, in what timeframe?
Staff are not aware of any future proposals on land adjoining the land parcel at Reserve 38521, however strongly would recommend that the Department of Planning, Lands and Heritage undertake consultation with adjoining property owners to seek their comments and any proposals.
7. Please advise of any proposed planning scheme amendments that may affect the zoning of this land at a State or Local government level. If a scheme amendment is to occur, what is the change proposed and when will it come into effect?
Council has no current or short-term plans to amend its Town Planning Scheme.
8. Please advise of any known land management issues such as site contamination, hazards, debris or rubbish dumping, unauthorised land use and environmental considerations (such as inundation or similar site constraints).
There are no hazardous materials or contaminants listed on Council records for this site.
9. Please provide any additional comments on the proposed transfer of this land as part of the Settlement.

As with previous claim request Council has raised concern as to any potential change of Reserve purpose, such as camping. Potential could exist that in the future, should interest arise for the claimant’s request to convert it to a camping ground implication could occur under the new Caravan and Camping Act and Health Act which ‘bind the crown’ in a way that it could be incumbent of the Local Government to enforce the Acts and its regulations.

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

In addition, Council is concerned that there may be an increased bushfire danger risk from unmanaged reserves or large parcels of land and there should be a requirement for clear plans in place by the vested body as to the management of firebreaks.

Consultation

Julian Goldacre, Environmental Health Officer
 David Holland, Manager of Works and Services
 Mike Darby, Senior Finance Officer /Rates

Statutory Implications

Land Administration Act 1997 – Section 83

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

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

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

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

Policy Implications Nil

Risk Implications

Risk: This is not a Council owned reserve and Council has previously resolved that it has no purpose for the land, therefore there is no direct impact to Council or its asset management		
Likelihood	Consequence	Rating
Unlikely	Minor	Low
Action / Strategy		
This item has been evaluated against the Shire of Bruce Rock’s Risk Management Procedure’s Risk Matrix. The perceived level of risk is considered to be “Low” risk and requires input only.		

Financial Implications Nil

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2022-2032

Governance

Priority 4.1 Our organisation is well positioned and has capacity for the future

Priority 4.3 Proactive and well governed Shire

Voting Requirements Simple Majority

Officer Recommendation

1) That the CEO writes to the Department of Planning, Lands and Heritage and responds to questions 1 – 9 as outlined in the comments of this item for the three land parcels included in the South West Native Title Settlement – Land Base Consultation - Land List 1442.

In addition, Council raised concern for both Reserves concerned that there may be an increased bushfire danger risk from unmanaged reserves and believes that there needs to be clear plans in place by the vested body as to the management of firebreaks.

2) Council requests that the Department of Planning, Lands and Heritage ensures that it consults with all adjoining property owners to seek comment on the proposed transfer of land parcels contained within South West Native Title Settlement – Land Base Consultation - Land List 1442.

Agenda Reference and Subject:

10.5.3 Review of Staff Housing

Reporting Officer:

Darren Mollenoyux, Chief Executive Officer

Author:

Darren Mollenoyux, Chief Executive Officer

Disclosure of Interest:

Attachments:

Item 10.5.3 – Confidential Staff Housing Review

Summary

Council is asked to consider the endorsement of the Review of Staff Housing Report and the recommended outcomes.

Background

The CEO's Key Performance Indicators set at the October 2022 Council Meeting included KPI 8 – Review Staff Housing Options.

Council has traditionally provided housing for senior positions within the organisation, to assist in attracting and retaining specific skilled staff to the organisation. Without Council providing these positions with a house as part of their employment package it would be difficult to attract staff, and this is compounded by the lack of private rentals in the market for a town our size.

Currently there are 9 staff houses owned, managed and operated by Council. This is in addition to Council's other 39 rental properties which are made of the following categories;

- 9 Staff Residences
- 1 Executive Community Residences (Nurse)
- 3 Non Staff Residences (Doctor, Dentist & Chemist)
- 3 GROH Houses
- 10 Young Singles Units
- 3 Low Income Community Houses
- 19 Retirement Units

The review of staff housing options including the following parameters;

- History and usage of each unit
- Current usage
- Condition / age
- Council's asset management / lease
- Determine a position on staff positions that should have a house provided
- Analysis of current requirements and underutilisation of housing stock
- Future options for Council housing

The CEO completed the Review in June 2023 and the draft was provided to Council at the July 2023 Councillor Information Session, where Council requested that the report be presented to the August 2023 Ordinary Meeting of Council.

Comment

A copy of the Review into Council's Staff Housing has been provided as a CONFIDENTIAL attachment as it refers to matters that relate to matters of a personal nature.

General points identified in the report include;

- Council is one property short in its requirements for provision of staff housing.
- Consideration for the construction of smaller executive housing in the future to better accommodate the household make up of tenants and provide diversity in housing stock.
- Investigate future funding options for the replacement of aged housing stock. Council currently has a grant application pending for provision of two smaller executive residences.
- Develop a long-term plan for the asset management and replacement of staff housing stock.
- Council continues with the philosophy to dispose of older staff housing when new staff houses are constructed and funds from sale of property are placed in housing reserve for future housing stocks.

Consultation

Julian Goldacre, Environmental Health Officer

Manisha Barthakur, Manager of Finance

Estimates for housing obtained from various Building Companies

General discussion held at the July 2023 Councillor Information Session

Statutory Implications

Nil

Policy Implications

Nil

Risk Implications

Risk: If Council does not support the report and recommendations of the Staff Housing Review it would have an impact on the effective management of Council’s housing stock.		
Likelihood	Consequence	Rating
Unlikely	Moderate	Moderate
Action / Strategy		
This item has been evaluated against the Shire of Bruce Rock’s Risk Management Procedure’s Risk Matrix. The perceived level of risk is considered to be “Medium” risk and will be managed by specific monitoring and response procedures.		

Financial Implications

All of Council’s current 9 staff houses are fully owned and operated within the Administration Team. Council collects rentals from staff through payroll for each of these properties.

Council has a Housing Reserve with approximately \$220,000, which can be utilised for construction of new staff or other housing.

To fund new housing Council will need to consider using these reserves or using General Revenue, which has been difficult in recent years due to commitments for the Supermarket.

Attracting grant funding is an option, however this is difficult as there are not too many grants available that would consider staff housing as an eligible project.

Good management of Council’s housing stock and turnover of older properties will assist in ensuring sound asset management and reduce higher maintenance costs.

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2022-2032

Community

Strategic Priority

1.1 – Community are engaged and have a healthy lifestyle

- Housing options are available for individual and family life stages
- Achieve and update the Aged Friendly Community Plan

Governance

Strategic Priority

4.1 – Our organisation is well position and has capacity for the future

- We attend meetings of key local and regional organisations to jointly plan and deliver benefits for our communities

Chief Executive Officer’s Key Performance Indicators

Council set the CEO’s Key Performance Indicators for the next 12 months, in October 2022 with one of the priorities being set as;

Number 8. Review Staff Housing Options

- Present Report to Council

Voting Requirements Simple Majority

Officer Recommendation

- 1. That Council endorses the Review of Staff Housing document, as presented, including recommendation 1 to 9.**
- 2. That staff prepare a 10 year housing asset management and replacement plan for staff housing to be presented to Council for consideration.**
- 3. That staff continues to seek funding options for provision of housing stock in Bruce Rock, for staff housing and general workers accommodation to meet the needs for business and will assist in the economic development of Bruce Rock.**

11. New Business of an Urgent Nature Introduced by Discussion of the Meeting

12. Confidential Items

13. Closure of Meeting