

**SHIRE OF BRUCE ROCK**

**MINUTES – ORDINARY MEETING 20 JULY 2023**

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**SHIRE OF BRUCE ROCK**

**MINUTES – ORDINARY MEETING 20 JULY 2023**

**1. Declaration of Opening**

The Shire President, Mr Stephen Strange declared the meeting open at 3.07pm.

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

President	Cr SA Strange
Councillors	Cr KP Foss
	Cr NC Kilminster
	Cr PG Negri
	Cr Rajagopalan
	Cr J Verhoogt
	Cr BJ Waight
Chief Executive Officer	Mr DRS Mollenoyux
Manager of Governance and Community Services	Ms N Ugarte
Manager of Finance	Mrs M Barthakur (3.07pm – 3.25pm)
Environmental Health Officer	Mr J Goldacre (3.26pm – 3.33pm)
Executive Support Manager	Mrs M Schilling (Minutes)
Leave of Absence	Cr RA Waye
Apology	Cr AR Crooks

**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
20.07.2023	Cr PG Negri	10.3.1	Shareholder in CBH Ltd (CBH) (as grower member/farmer who holds one share valued at \$2.00 in CBH, a non-distributing co-operative governed under the Co-operatives Act 2009, and which is also a registered charity).
20.07.2023	Cr SA Strange	10.3.1	Shareholder in CBH Ltd (CBH) (as grower member/farmer who holds one share valued at \$2.00 in CBH, a non-distributing co-operative governed under the Co-operatives Act 2009, and which is also a registered charity).
20.07.2023	Cr NC Kilminster	10.3.1	Shareholder in CBH Ltd (CBH) (as grower member/farmer who holds one share valued at \$2.00 in CBH, a non-distributing co-operative governed under the Co-operatives Act 2009, and which is also a registered charity).
20.07.2023	Cr KP Foss	10.3.1	Shareholder in CBH Ltd (CBH) (as grower member/farmer who holds one share

			valued at \$2.00 in CBH, a non-distributing co-operative governed under the Co-operatives Act 2009, and which is also a registered charity).
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*I refer to your correspondence dated 10 July 2023 and advise that, in accordance with the authority delegated by the Minister for Local Government, I am satisfied that the application has met the requirement for approval under section 5.69(3)(b) of the Local Government Act 1995 (the Act).*

**10.3.1 CBH Request for Change of Use from Temporary Access Road to a Storage and Laydown Area located on Lot 251, Kellerberrin Shackleton Road, Shackleton.**

*This approval allows Cr Kilminster, Cr Strange, Cr Crooks and Cr Negri to fully participate in the meeting to be held on 20 July 2023 subject to the following conditions.*

- 1. The approval is only valid for the 20 July 2023 Council Meeting when agenda item 10.3.1 is considered*
- 2. The abovementioned Councillors must declare the nature and extent of their interests at the abovementioned meeting when the matter is considered, together with the approval provided*
- 3. The Chief Executive Officer (CEO) is to provide a copy of the Department of Local Government, Sport and Cultural Industries (DLGSC) letter of approval to the abovementioned Councillors*
- 4. The CEO is to ensure that the declarations, including the approval given and any conditions imposed, are recorded in the minutes of the abovementioned meeting, when the item is considered*
- 5. The CEO is to provide a copy of the confirmed minutes of the abovementioned meeting to DLGSC, to allow DLGSC to verify compliance with the conditions of this approval and*
- 6. The approval granted is based solely on the interests disclosed by the abovementioned Councillors, made in accordance with the application. Should other interests be identified, these interests will not be included in this approval and the financial interest provisions of the Act will apply.*

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
20.07.23	Mr D Mollenoyux	13.2	Employee who is having Performance Review.

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
20.07.23	Cr PG Negri	10.5.8	Part owner of a property that has a heritage building on it.

- 4. Response to Previous Public Questions Taken on Notice**
- 5. Public Question Time**
- 6. Petitions/Deputations/Presentations/Submissions**
- 7. Applications for Leave of Absence**

**COUNCIL DECISION**

**Resolution OCM July 23 – 7.1.1**

**Moved: Cr Rajagopalan**

**Seconded: Cr Foss**

**That Councillor J Verhoogt be granted leave of absence for the Ordinary Council Meeting to be held on the 17 August 2023.**

**Carried 7/0**

**8. Announcements by Presiding Member**

**9. Confirmation of Minutes**

Audit Committee Meeting held on Thursday, 15 June 2023.

**COUNCIL DECISION**

**Resolution OCM July 23 – 9.1.1**

**Moved: Cr Waight**

**Seconded: Cr Verhoogt**

**Audit Committee Meeting held on Thursday, 15 June 2023 be confirmed as a true and correct record.**

**Carried 7/0**

Ordinary Meeting of Council held on Thursday, 15 June 2023.

**COUNCIL DECISION**

**Resolution OCM July 23 – 9.1.2**

**Moved: Cr Rajagopalan**

**Seconded: Cr Verhoogt**

**Ordinary Meeting of Council held on Thursday, 15 June 2023 be confirmed as a true and correct record.**

**Carried 7/0**

**10. Officers' Reports**

**10.1 Manager of Works and Services**

Nil

## 10.2 Manager of Finance

### Agenda Reference and Subject:

**10.2.1** Statement of Financial Activity

### Reporting Officer:

Manisha Barthakur, Manager of Finance

### Author:

Manisha Barthakur, Manager of Finance

### Disclosure of Interest

Nil

### Attachment:

*Item 10.2.1 Attachment A – Statement of Financial Activity  
June 2023*

*Item 10.2.1 Attachment B – Strategic Projects Tracker  
June 2023*

### Summary

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

### Background

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

### Comment

The Statement of Financial Activity will be made available to Councillors prior to the meeting.

### Consultation

Chief Executive Officer  
Manager of Works and Services  
Environmental Health Officer  
Senior Finance Officer  
Other staff

### Statutory Implications

r. 34, Local Government (Financial Management) Regulations 1996

#### ***“34. Financial activity statement required each month (Act s. 6.4)***

*(1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail –*

- (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and*
- (b) budget estimates to the end of the month to which the statement relates; and*
- (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and*
- (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and*
- (e) the net current assets at the end of the month to which the statement relates.*

(4) A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be –

- (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
- (b) recorded in the minutes of the meeting at which it is presented.”

**Policy Implications**

Nil

**Risk Implications**

<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 the Shire’s financial performance throughout the year.		

**Financial Implications**

Comparison of actual year-to-date to the 2022-23 Budget

**Strategic Implications**

*Shire of Bruce Rock – Strategic Community Plan 2022-2032*

**Governance**

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

**Voting Requirements**

Simple Majority

<p><b>OFFICER RECOMMENDATION AND COUNCIL DECISION</b>  <b>Resolution OCM July 23 – 10.2.1</b></p> <p><b>Moved: Cr Kilminster</b>  <b>Seconded: Cr Verhoogt</b></p> <p><b>That the Statements of Financial Activity for the month ending 30 June 2023 are received.</b></p> <p style="text-align: right;"><b>Carried 7/0</b></p>
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**Agenda Reference and Subject:**

**10.2.2** List of Payments

**Reporting Officer:**

Manisha Barthakur, Manager of Finance

**Author:**

Mike Darby, Senior Finance Officer

**Disclosure of Interest:**

Nil

**Attachments:**

*Item 10.2.2 Attachment A – List of Payments June 2023*

**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 June 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**

<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 the 2022-23 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 AND COUNCIL DECISION**

**Resolution OCM July 23 – 10.2.2**

**Moved: Cr Negri**

**Seconded: Cr Kilminster**

**That Council:**

**1. endorse the list of payments from the Municipal Account consisting of:**

- a. EFT voucher numbers EFT21523 to EFT21734 totalling \$952,609.80;
- b. cheque numbers 124 to 125 totalling \$8621.09 ;
- c. nil Trust EFT payments;
- d. wages and superannuation payments totalling \$229,010.15; and
- e. credit card payments totalling \$1886.33,

**with all payments totalling \$1,190,241.44 for the month of June 2023; and**

**2. note that the credit card payment is reported separately, but is a part of EFT payment.**

**Carried 7/0**

**Agenda Reference and Subject:**

**10.2.3** Acceptance of LRCIP Audited Report (2021-22)

**Reporting Officer:**

Manisha Barthakur, Manager of Finance

**Author:**

Manisha Barthakur, Manager of Finance

**Disclosure of Interest:**

Nil

**Attachments:**

*Item 10.2.3 Attachment A – Audit Opinion for LRCIP Annual Report & Transmittal Letters*

**Summary**

Council's adoption of the Audited Report for Local Roads and Community Infrastructure Projects for the year ended 30 June 2022.

**Background**

At the end of the financial year, the Office of the Auditor General provides its opinion on the acquittals, appropriate expense of the projects and complete audit for the grants received via Local Roads and Community Infrastructure Projects funding.

A Management Letter with audit opinion has been issued following the completion of the audit.

**Comment**

The Audit and Risk Committee is scheduled to consider the Audited Report for Local Roads and Community Infrastructure Projects (Phases 1, 2 and 3) for the year ending 30 June 2022 at its meeting of 20 July 2023.

**Consultation**

Chief Executive Officer

Community Development Officer

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

Mr Robert Hall, Director, Dry Kirkness (Office of the Auditor General's Contract Auditors)

**Statutory Implications**

Under the Local Roads and Community Infrastructure Projects program, entities that are eligible for funding must provide the Commonwealth Department of Infrastructure, Transport, Regional Development, Communications and the Arts with an audited annual report. This must be audited by an appropriate auditor.

As defined by the National Land Transport Act 2014, the Western Australian Office of the Auditor General is the appropriate auditor, given the entities' accounts are required by law to be audited by the Auditor General of a State.

**Policy Implications**

Nil

**Risk Implications**

<b>Risk:</b> Compliance – Non-compliance with relevant sections and regulations of the Local Government Act 1995.		
<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 Framework’s Risk Matrix. The perceived level of risk is considered to be “Moderate” and will be managed to mitigate the risks associated with each of the areas of the financial audit.		

**Financial Implications**

The fee for the audit of 2021-22 Local Roads and Community Infrastructure Projects is \$1,500.

**Strategic Implications**

*Shire of Bruce Rock – Strategic Community Plan 2022-2032*

**Governance**

Goal 4.3 Proactive and well governed Shire

**Voting Requirements**

Simple Majority

<p><b>COMMITTEE RECOMMENDATION AND COUNCIL DECISION</b>  <b>Resolution OCM July 23 – 10.2.3</b></p> <p><b>Moved: Cr Rajagopalan</b>  <b>Seconded: Cr Foss</b></p> <p><b>That, subject to the Audit and Risk Committee’s recommendation, Council receives the Audit Report for Local Roads and Community Infrastructure Projects Phases 1, 2 and 3 for the financial year ended 30 June 2022.</b></p> <p style="text-align: right;"><b>Carried 7/0</b></p>
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<b>Agenda Reference and Subject:</b>	<b>10.2.4</b> Setting Material Variance for Monthly Financial Reports
<b>Reporting Officer:</b>	Manisha Barthakur, Manager of Finance
<b>Author:</b>	Manisha Barthakur, Manager of Finance
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	<i>Nil</i>

**Summary**

Each year, the Shire of Bruce Rock (Shire) is to re-set the material variance levels for the Monthly Financial Statements.

**Background**

The material variance is either a percentage or a monetary value that determines when explanations are to be given as to why there is a variance between an actual amount and the budgeted year-to-date figure.

**Comment**

Pursuant to Regulation 34(5) of the Local Government (Financial Management) Regulations 1996 and Australian Accountings Standard (AAS) AASB 1031, each financial year, the Local Government is to adopt a percentage or value, calculated in accordance with AAS 5, which is then to be used in the statements of financial activity for reporting material variances.

The Shire has been using a variance of 10% or an amount of \$5,000. This is a common variance used in Band 4 Local Governments, and has always been effective in financial analysis.

The Audit and Risk Committee is scheduled to consider the material variance for Monthly Financial Statements at its meeting of 20 July 2023.

**Consultation**

Chief Executive Officer

**Statutory Implications**

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

**Risk Implications**

<b>Risk:</b> That the adopted variance is not appropriate to measure material variances in the financial reports.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Unlikely	Moderate	Moderate
<b>Action / Strategy</b>		
This item has been evaluated against the Shire’s Risk Management Framework’s Risk Matrix. The perceived level of risk is considered to be “Moderate”. As a Moderate Risk, the Manager of Finance will be monitoring progress regularly.		

**Policy Implications**

Nil

**Financial Implications**

Nil

**Strategic Implications**

Strategic Community Plan 2022-2032

**Governance**

Goal 12 Council leads the organisation in a strategic and flexible manner  
10 Year Outcome We are financially viable whilst meeting all levels of compliance

**Voting Requirements**

Simple Majority

**COMMITTEE RECOMMENDATION AND COUNCIL DECISION**

**Resolution OCM July 23 – 10.2.4**

**Moved: Cr Rajagopalan**

**Seconded: Cr Foss**

**That, subject to the recommendation from the Audit and Risk Committee, Council adopts a variance of 10% or an amount over \$5,000 (whichever is the lowest, for each category of Nature, for both revenue and expenditure) to be considered material for highlighting variances between the actual and the year to-date budget figures in the Monthly Statement of Financial Activity for 2023-24.**

**Carried 7/0**

**Agenda Reference and Subject:**

**10.2.5** Performing Executive Functions

**Reporting Officer:**

Manisha Barthakur, Manager of Finance

**Author:**

Manisha Barthakur, Manager of Finance

**Disclosure of Interest:**

Nil

**Attachments:**

*Nil*

**Summary**

Under section 3.18 of Division 3 of the Executive Functions of Local Government, Council is required to satisfy itself that the executive function performed in providing services and facilities is managed efficiently and effectively.

**Background**

As part of the annual compliance audit return, Council has been asked whether the executive function performed in providing services and facilities for the community was managed efficiently and effectively.

**Comment**

The annual consideration of the efficiency and effectiveness of the executive function performed in providing services and facilities is an important requirement under the Local Government Act 1995. The request for consideration of this matter was included in a previous Compliance Audit Return, as follows:

- a. *Has the local government satisfied itself that the services and facilities that it provides ensure integration and co-ordination of services and facilities between governments?*
- b. *Has the local government satisfied itself that the services and facilities that it provides avoid unnecessary duplication of services or competition particularly with the private sector?*
- c. *Has the local government satisfied itself that the services and facilities that it provides ensure services and facilities are properly managed?*

Council only provides services and facilities that are not present in the district, so it does not duplicate services. Where possible, Council works in coordination with government departments by applying for grant funds.

It is understood that Council is satisfied with the level of efficiency and effectiveness in the management of services and facilities by way of the continued funding through the budget process. However, to formalise this process, Council is required to adopt the recommendation below.

**Consultation**

Chief Executive Officer

Manager of Governance and Community Services

**Statutory Implications**

Local Government Act 1995, section 3.18 - Performing Executive Functions.

***“3.18. Performing executive functions***

- 1) *A local government is to administer its local laws and may do all other things that are necessary or convenient to be done for, or in connection with, performing its functions under this Act.*

- 2) *In performing its executive functions, a local government may provide services and facilities.*
- 3) *A local government is to satisfy itself that services and facilities that it provides –*
- a) *integrate and coordinate, so far as practicable, with any provided by the Commonwealth, the State or any public body;*
  - b) *do not duplicate, to an extent that the local government considers inappropriate, services or facilities provided by the Commonwealth, the State or any other body or person, whether public or private; and*
  - c) *are managed efficiently and effectively.”*

**Risk Implications**

<b>Risk:</b> That the Shire of Bruce Rock (Shire) does not comply with legislative requirements when setting the Annual Budget.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Possible	Major	High
<b>Action / Strategy</b>		
This item has been evaluated against the Shire’s Risk Management Framework’s Risk Matrix. The perceived level of risk is considered to be “High”. As a High Risk, the Chief Executive Officer and the Manager of Finance will be monitoring the progress regularly.		

**Policy Implications**

Nil

**Financial Implications**

Nil

**Strategic Implications**

Strategic Community Plan 2022-2032

**Governance**

Goal 12                      Council leads the organisation in a strategic and flexible manner  
 10 Year Outcome        We are financially viable whilst meeting all levels of compliance

**Voting Requirements**

Simple Majority



**OFFICER RECOMMENDATION AND COUNCIL DECISION**

**Resolution OCM July 23 – 10.2.5**

**Moved: Cr Verhoogt**

**Seconded: Cr Rajagopalan**

**That, pursuant to section 3.18 of the Local Government Act 1995, Council confirms it is satisfied that the services and facilities it provides:**

- 1. integrate and coordinate, so far as practicable, with any provided by the Commonwealth, the State Government or any public body;**
- 2. do not duplicate, to an extent that the Local Government considers inappropriate, services or facilities provided by the Commonwealth, the State Government or any other body or person, whether public or private; and**
- 3. are managed efficiently and effectively.**

**Carried 7/0**

**Agenda Reference and Subject:**

**10.2.6** Adoption of the 2023-24 Budget

**Reporting Officer:**

Manisha Barthakur, Manager of Finance

**Author:**

Manisha Barthakur, Manager of Finance

**Disclosure of Interest:**

Nil

**Attachments:**

*Item 10.2.6 Attachment A – 2023-24 Annual Budget*

*Item 10.2.6 Attachment B – Local Government Chief Executive Officers and Elected Members Determination*

**Summary**

To consider and adopt the Municipal Fund Budget for the 2023-24 financial year, together with supporting schedules, including imposition of rates and minimum payments, adoption of fees and charges, reserve movements, setting of members fees and other consequential matters arising from the budget papers.

Section 6.2 of the Local Government Act 1995 instructs that Council must prepare an annual budget for each financial year, in the manner and form prescribed.

The adoption of the 2023-2024 budget will enable the continuity of service delivery, maintenance of existing assets and generation of new assets in line with the Strategic Community Plan.

**Background**

As required by section 6.2 of the Local Government Act 1995, a Local Government is required to prepare and adopt a budget for its municipal fund for the financial year ending 30 June 2024.

The draft 2023-24 budget has been guided by some of the principles contained in the Strategic Community Plan 2022-2032, the latest Long Term Financial Plan 2023-2033 and the Strategic Resource Plan.

The Budget showcases the Council's vision for the growth and development of the Shire of Bruce Rock (Shire) and its community, while demonstrating the ability to underpin this with robust financial management. This budget holds the following financial principles:

- Financial sustainability.
- Alignment with the Shire's integrated resources and planning (such as the Strategic Resource and Community Plan, Long-Term Financial Plan, Corporate Business Plan).
- Meeting financial compliance requirements.
- Future growth of the Shire as a whole, with a focus on safe and accessible infrastructure and community needs.

The development of the draft annual budget and presentation for endorsement by Council aims to find an approach befitting the Shire's fiscal position, noting significantly escalating costs.

**Comment**

The 2023-24 budget has been prepared to include information required by the Local Government Act 1995, the Local Government (Financial Management) Regulations 1996 and Australian Accounting Standards.

The main features of the draft budget are as follows:

- The budget has been prepared with a 5% rate increase to increase fund raising to assist in addressing the significant debt that was created due to the construction of the supermarket. This is in line with the recently approved Long-Term Financial Plan.
- Fees and charges have increased by 5% from 2022-23.
- A capital works programme totalling \$9,601,443 for investment in infrastructure, land, buildings, plant, equipment and furniture is planned.
  - Property, Plant and Equipment - \$4,814,051
  - All Infrastructure (including roads, bridges, parks and gardens) - \$4,787,392
- Transfers to transport reserves of \$100,000, which will contribute towards the recovery of the net decrease of the transport reserve incurred during the 2022-23 financial year.
- Principal additional grant funding for the year is estimated from the:
  - Local Roads and Community Infrastructure Funding Program 3 - \$526,302
  - Local Roads and Community Infrastructure Funding Program 4 - \$829,000
  - Roads to Recovery for safety improvements on various roads - \$693,000
  - Regional Road Group for Old Beverley Road, Shackleton-Kellerberrin Road and Bruce Rock-Doodlakine Road - \$408,581
  - Blackspot Funding for Narembeen-Cumminin Road \$593,999
- A total of \$10,000 grant/donation and contributions towards the community for multiple community projects.

The 2023-24 Budget is reflective of the community's current needs, continues to deliver on other strategies adopted by Council, and maintains a high level of service across all programmes, while ensuring an increased focus on road and associated infrastructure, as well on renewing all assets at sustainable levels.

The rate in the dollar amounts are modelled as 5% in line with the workshop held at the June Council meeting.

### **Consultation**

While no specific community consultation has occurred on the draft 2023-24 Budget, community consultation and engagement has previously occurred during the development of the Strategic Community Plan from which the Corporate Business Plan and the Long-Term Financial Plan are developed.

Extensive internal consultation has occurred with all Executive Managers, the Senior Finance Officer and Councillors. The main strategic components of the Budget (including rates modelling, capital projects, and the fees and charges schedule) were considered at Council's information session on 15 June 2023.

### **Statutory Implications**

The Local Government Act 1995 requires that no later than 31 August in each financial year, or such extended time as the Minister, allows each Local Government is to prepare and adopt (by Absolute Majority and in the form and manner prescribed), a budget for its municipal fund for the financial year ending on the next following 30 June.

Divisions 5 and 6 of Part 6 of the Local Government Act 1995 refer to the setting of budgets and raising of rates and charges. The Local Government (Financial Management) Regulations 1996 detail the form and content of the budget. The 2023-24 Budget, as presented, is considered to meet statutory requirements.

**Risk Implications**

<b>Risk:</b> That the 2023-24 Budget does not reflect the forecast expenditure and revenue.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Almost Certain	Major	Extreme
<b>Action / Strategy</b>		
This item has been evaluated against the Shire of Bruce Rock’s Risk Management Framework’s Risk Matrix. The perceived level of risk is considered to be “Extreme”. As an Extreme Risk, the Chief Executive Officer and the Manager of Finance will be monitoring progress regularly.		

**Policy Implications**

Nil

**Financial Implications**

Specific financial implications are as outlined in the Comment section of this report, and as itemised in the 2023-24 Budget attached for adoption.

The 2023-24 Annual Budget provides the direction for expenditure during the financial year.

**Strategic Implications**

The Draft 2023-24 Budget has been developed to meet all strategic areas of the Strategic Community Plan 2022-2032.

**Voting Requirements**

Absolute Majority

<b>OFFICER RECOMMENDATION AND COUNCIL DECISION</b>	
Resolution OCM July 23 – 10.2.6	
<b>PART A – ANNUAL BUDGET FOR 2023-24</b>	
1. Pursuant to the provisions of Section 6.2 of the Local Government Act 1995 and Part 3 of the Local Government (Financial Management) Regulation 1996, the Council adopt the Municipal Fund Budget as attached to this agenda and the minutes, for the Shire of Bruce Rock for the 2023-24 financial year.	
<b>ABSOLUTE MAJORITY REQUIRED</b>	
Moved:	Cr Rajagopalan
Seconded:	Cr Verhoogt
<b>CARRIED BY ABSOLUTE MAJORITY 7/0</b>	
<b>PART B – GENERAL AND MINIMUM RATES, INSTALMENT PAYMENT ARRANGEMENTS</b>	
2. For the purpose of yielding the deficiency disclosed by the Municipal Fund Budget adopted at Part A above, Council pursuant to Sections 6.32, 6.33, 6.34 and 6.35 of the Local Government Act 1995 impose the following general rates and minimum payments on Gross Rental and Unimproved Values.	
2.1.	<b>General Rates</b>
2.1.1.	<b>Gross Rental Values</b> <b>0.083 cents in the dollar</b>

2.1.2.	Unimproved Values	0.0083 cents in the dollar
2.1.3.	Mining tenements (UV)	0.0083 cents in the dollar
2.2.	Minimum Payments	
2.2.1.	Gross Rental Values	\$ 554
2.2.2.	Unimproved Values	\$ 554
2.2.3.	Mining tenements	\$ 554

3. Pursuant to Section 6.45 of the Local Government Act 1995 and regulation 64(2) of the Local Government (Financial Management) Regulations 1996, Council nominates the following due dates for the payment in full or by instalments:

Full payment and instalment due date	26 September 2023
2nd half instalment due date	28 November 2023
2nd quarterly instalment due date	28 November 2023
3rd quarterly instalment due date	29 January 2024
4th quarterly instalment due date	1 April 2024

4. Pursuant to Section 6.46 of the Local Government Act 1995, Council offers a discount of 3% to ratepayers who have paid their rates in full, including arrears, waste and service charges, on or before 26 September 2023 or 35 days after the date of service appearing on the rate notice, whichever is the later.
5. Pursuant to Section 6.45 of the Local Government Act 1995 and regulation 67 of the Local Government (Financial Management) Regulations 1996, Council adopts an instalment administration charge where the owner has elected to pay rates (and service charges) through and instalment option of \$11 for each instalment after the initial instalment is paid.
6. Pursuant to Section 6.45 of the Local Government Act 1995 and regulation 68 of the Local Government (Financial Management) Regulations 1996, Council adopts an interest rate of 5.5%, where the owner has elected to pay rates and services charges through an instalment option.
7. Pursuant to Section 6.51(1) and subject to Section 6.51(4) of the Local Government Act 1995 and regulation 70 of the Local Government (Financial Management) Regulations 1996, Council adopts an interest rate of 7% for rates and cost of proceedings to recover such charges that remain unpaid after becoming due and payable 35 days from issue.

**ABSOLUTE MAJORITY REQUIRED**

Moved: Cr Kilminster  
 Seconded: Cr Rajagopalan

**CARRIED BY ABSOLUTE MAJORITY 7/0**

**PART C – GENERAL FEES AND CHARGES FOR 2023-24**

8. Pursuant to Section 6.16 of the Local Government Act 1995, Council adopts the Fees and Charges included in the 2023-24 Budget.

**ABSOLUTE MAJORITY REQUIRED**

Moved: Cr Kilminster  
 Seconded: Cr Waight

**CARRIED BY ABSOLUTE MAJORITY 7/0**

**PART D – OTHER STATUTORY FEES FOR 2023-24**

9. Pursuant to Section 245A(8) of the Local Government (Miscellaneous Provisions) Act 1960, the Council adopts a swimming pool inspection fee of \$58.45, GST not applicable.

10. Pursuant to Section 67 of the Waste Avoidance and Resources Recovery Act 2007, Council adopt the following charges for the removal and deposit of domestic and commercial waste:

<b>10.1 Domestic Waste – Residential Premises</b>	
240ltr bin per weekly collection	\$315.00 per annum
240ltr bin per weekly collection – eligible pensioner	\$157.50 per annum
240ltr bin per weekly collection – eligible senior	\$236.25 per annum
<b>10.2 Commercial Waste – Commercial Premises</b>	
240ltr bin per twice weekly collection	\$315.00 per annum
<b>10.3 Domestic and Commercial Recycling</b>	
240ltr bin per fortnightly collection	\$127.00 per annum
240ltr bin per fortnightly collection – eligible pensioner	\$63.50 per annum
240ltr bin per fortnightly collection – eligible senior	\$95.25 per annum

**ABSOLUTE MAJORITY REQUIRED**

Moved: Cr Rajagopalan  
 Seconded: Cr Kilminster

**CARRIED BY ABSOLUTE MAJORITY 7/0**

**PART E – ELECTED MEMBERS’ FEES & ALLOWANCES FOR 2023-24**

11. Pursuant to Section 5.98 of the Local Government Act 1995, Council adopts the following individual meeting attendance fees in lieu of an annual fee:

President	\$502
Councillors	\$93

12. Pursuant to Section 5.98 of the Local Government Act 1995 and regulation 30 of the Local Government (Administration) Regulations 1996, Council adopts the following individual committee and prescribed meeting attendance fees in lieu of an annual fee:

President	\$122
Councillors	\$47

13. Pursuant to Section 5.99A of the Local Government Act 1995 and regulations 34A and 34AA of the Local Government (Administration) Regulations 1996, Council adopts the following annual allowances for Elected Members:

Telecommunications and Information Technology Allowance (upon election)	\$1,553
Telecommunications and Information Technology Allowance (each year thereafter)	\$518

14. Pursuant to Section 5.98(5) of the Local Government Act 1995 and regulation 33 of the Local Government (Administration) Regulations 1996, Council adopts the following annual Local Government allowance to be paid in addition to the individual meeting attendance fees:

**President                      \$14,576**

- 15. Pursuant to Section 5.98(5) of the Local Government Act 1995 and regulation 33A of the Local Government (Administration) Regulations 1996, Council adopts the following annual Local Government allowance to be paid in addition to the individual meeting attendance fees:**

**Deputy President            \$3,624**

- 16. Pursuant to Section 5.98(3) of the Local Government Act 1995 and regulation 31 of the Local Government (Administration) Regulations 1996, Council adopts the following reimbursement of expenses:**

**Travel, in accordance with the Local Government Officers (Western Australia) Award 2021.  
Child care is actual cost or \$35 per hour, whichever is the lesser amount.**

**ABSOLUTE MAJORITY REQUIRED**

**Moved:        Cr Waight**

**Seconded:    Cr Foss**

**CARRIED BY ABSOLUTE MAJORITY 7/0**

*Mrs M Barthakur left the Council Chambers at 3.25pm and did not return.*

*Mr J Goldacre entered the Council Chambers at 3.26pm.*

*Cr KP Foss left the Council Chambers at 3.26pm.*

### 10.3 Environmental Health Officer

**Agenda Reference and Subject:**

**10.3.1** CBH – Request for Change of Use – from Temporary Access Road to a Storage and Laydown Area located on Lot 251, Kellerberrin-Shackleton Road, Shackleton

**Reporting Officer:**

Julian Goldacre, Environmental Health Officer

**Author:**

Julian Goldacre, Environmental Health Officer

**Disclosure of Interest:**

Cr Stephen Strange, Cr Natalie Kilminster, Cr Phillip Negri, Cr KP Foss

**Attachments:**

*Item 10.3.1 Attachment A - Diagram for Change in Use proposal from the formally approved Temporary Access Road to a Storage and Laydown Area.*

*Item 10.3.1 Attachment B - Development Application & Supporting Letter proposing a change of use to a Storage and Laydown Area Use.*

**Summary**

Approve the Development Application (DA) for the change of use from the current crossover and access way track to a storage and laydown area, as detailed in Attachment A and described in Attachment B, for the grain depot site located on Lot 251, Kellerberrin-Shackleton Road, Shackleton.

Approve the Officer’s Advice Notes.

**Background**

At the Ordinary Meeting of Council held on 20 October 2022, Council Resolution OCM Oct 22 – 10.3.2 was made. This resolution approved the time period commencing 20 October 2022 and ending 30 June 2023 for the temporary works to facilitate road access for the approved grain depot site located on Lot 251, Kellerberrin-Shackleton Road, Shackleton.

**Comment**

The temporary road access is now surplus to requirements for the purpose of bypassing railway infrastructure. Subsequently, the CBH site staff found the bitumised section of road to be very suitable for use as a storage and laydown area. Because of the operational usefulness of a quality bitumised road for storage and laydown, a DA is now presented in Attachment B for the described repurpose for the use as a storage and laydown area displayed in Attachment A.

The use of the CBH site in Shackleton is an approved use as a grains depot, as approved by Council on 15 September 2022 (Resolution OCM Sep 22 – 10.3.1). The DA covering letter in Attachment B details that CBH has now obtained approval from Arc Infrastructure (ARC) to construct the formally delayed road over rail. Consequently, there is no longer the requirement to access the CBH site using the formally approved temporary crossover and access way track off the Kellerberrin-Shackleton Road.

The DA proposes a change in use only from the current bitumised crossover and access way track for the use as a storage and laydown area (Attachment A). Discussions with the applicant reveal that there will be minimal, if at all, amenity issues compromised, as the equipment set down and stored will be the existing equipment used onsite at the CBH Shackleton facility.

Furthermore, the Shire of Bruce Rock (Shire) Local Planning Strategy (the Strategy) vision statement is to assist infrastructure delivery and meet the needs for economic prosperity. Also, the Strategy’s clause 2.3



aims to support the sustainable continuation of primary industry and agricultural activity as the key economic drivers for the Shire. The DA, as presented, achieves the Strategy’s aims, and conserves areas of built environment, thus negating removal and the environmental concerns this can cause by avoiding waste. The DA will allow an existing section of infrastructure to be used in an operationally practicable manner. Additionally, the CBH activities are self-regulated through their operational procedures, guidelines, policies, practices or equivalent operational documents for noise and dust emissions. These matters are also accentuated by applicable statutory instruments, should the case require.

This DA, as presented, when measured against the Strategy, and further assessed on the merits of the DA proposal, is deemed to be worthy of Council’s consideration for approval, as presented, subject to due and proper discussion of this Officer’s report.

**Consultation**

Chief Executive Officer

Mr T Roberts, Co-operative Bulk Handling Ltd, Specialist Regulatory Approvals – Government and Industry Relations.

**Statutory Implications**

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

**Policy Implications**

Shire of Bruce Rock Local Planning Strategy

**Risk Implications**

**Risk:** The proposed change in use exceeds the described storage and laydown area, and possibly creates amenity issues.

Likelihood	Consequence	Rating
Unlikely	Moderate	Moderate

**Action / Strategy**

This item has been evaluated against the Shire’s Risk Management Framework’s Risk Matrix. The perceived level of risk is considered to be “Moderate”, and will be managed by specific monitoring and response procedures.

**Financial Implications**

DA fee under \$50,000 of development value of \$147.00

**Strategic Implications**

*Shire of Bruce Rock – Strategic Community Plan 2022-2032*

**Governance**

- Goal 3 Assist the local economy to grow
- 3.7 Leverage economic opportunities and developments from successful local businesses

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION AND COUNCIL DECISION**

**Resolution OCM July 23 – 10.3.1**

**Moved: Cr Waight**

**Seconded: Cr Verhoogt**

**That Council:**

- 1. approve the Development Application for the change of use from the current crossover and access way track to a storage and laydown area, as detailed in Attachment A and described in Attachment B, for the grain depot site located on Lot 251, Kellerberrin-Shackleton Road, Shackleton; and**
- 2. endorses the Officer’s provided Advice Notes, given in good faith and not limited to the following:**

**Advice Notes:**

- 2.1. To undertake the use of the storage and laydown area fully in accordance with CBH operational procedures, guidelines, policies, practices or equivalent operational documents to ensure minimal noise and dust emissions from the site, such that it would affect adversely the Shackleton townsite.**
- 2.2. To undertake the use of the storage and laydown area fully in accordance with any applicable statutory instrument gazetted within the State of Western Australia or Federal statutory instrument, as applicable.**

**Carried 6/0**

*Cr KP Foss returned to the Council Chambers at 3.28pm.*

**Agenda Reference and Subject:**

**10.3.2** Homestead subdivision proposal referral from the Western Australian Planning Commission No 163646 for Lots 2 and 30 Quairading-Bruce Rock Road

**Reporting Officer:**

Julian Goldacre, Environmental Health Officer

**Author:**

Julian Goldacre, Environmental Health Officer

**Disclosure of Interest:**

Nil

**Attachments:**

*Item 10.3.2 Attachment A – WAPC 163646 Lots 2 and 30 Quairading-Bruce Rock Road Subdivision Plan*

*Item 10.3.2 Attachment B – WAPC 163646 Lots 2 and 30 Quairading-Bruce Rock Road RM Surveys Letter*

**Summary**

Council to advise the Western Australian Planning Commission (WAPC) regarding Application No. 163646 (Application) for Lots 2 and 30 Quairading-Bruce Rock Road that the 7 meter usable road width is a suitable and effective width, that there is not a requirement for a Fire Assessment, and that a Site-and-Soil Evaluation (SSE) is also not required.

**Background**

At the Information Session presented in the Council Chambers on 18 August 2022, the Environmental Health Officer (EHO) informed Council of a request to undertake a subdivision of a portion of Lot 2, being the Golf Course lot, to create a 'road' access to Lot 30. The purpose for this 'road' is to permit a Homestead Lot subdivision on Lot 30 to be considered by the Western Australian Planning Commission.

As this land dealing was between the Shire of Bruce Rock (Shire) and Ayrton Vista Pty Ltd (Ayrton Vista), advice given was to ensure a legal Deed was established, signed and sealed. This undertaken was resolved by Council at its April 2023 Ordinary Meeting (Resolution OCM Apr 23 – 10.3.2). With the Deed in place, the owners of Lot 30 commenced the subdivision process.

The matter is now referred by the WAPC to the Shire for comment

**Comment**

The response date to the Application was scheduled for the 12 July 2023. The EHO requested a time extension to present the Item to Council at this meeting of 20 July 2023.

The Application proposes to create a Homestead Lot by subdividing off land inclusive of the existing dwelling (the Homestead Lot) from the primary Lot 30. A single dwelling on a single Rural lot is a permitted development pursuant to the Shire of Bruce Rock Local Planning Scheme No. 3. Attachment A shows the configuration of the Homestead Lot described as Detail Area 2 on Lot 41, with the balance of the rural land described as Lot 43. The road known as Golf Links Road, which is freehold to the Shire, is described as Detail Area 1 on Lot 42. The aforementioned Deed will enable Lot 2 to be subdivided and made into a dedicated road for which the undertakings to achieve this will be fully funded by Ayrton Vista. The described area of Detail Area 3 is reference to the dwelling on Lot 1 Noonajin Road for the purpose of showing the boundary area of Lot 30. Reference to proposed Lot 44, which is the Golf Club land, is reference to the change in Lot number when the subdivision of the Golf Links Road occurs and is administrative only.

The creation of a Homestead Lot requires a dedicated road access to a gazetted road. This was the purpose of the Deed, to allow the subdivision of Lot 2 to a dedicated road, which already exists and has done so since the 1930s. The 'useable' Golf Links road is approximately 7 meters in width despite the road boundary indicating 15 meters width. Notwithstanding this, the existing road has proven sufficient with no clear and present obstacles for traffic during the road use. Furthermore, well established trees have emerged and thrived along the road reserve inside boundary. Thus, it is not the Shire's expectation, nor requirement, that the trees be removed to increase the usable road width greater than the existing 7 metres useful width. The portion of Lot 2 used as Golf Links Road would be considered a 'driveway' and least, and a 'no through road' at best, thus the existing 7 meters usable width is empirically established as practicable.

Study of the Application does not reveal any clear and present concern or specific interest that would warrant a formal response of Council. Notwithstanding this, the applicant (Mr A Kalotay of RM Surveys) makes two specific exemption requests (Attachment B) to the WAPC regarding the Application, which would warrant Council support and are discussed further.

**Exemption One:** See Attachment B. This is a discussion of the Fire Assessment, pursuant to State Planning Policy 3.7 to supply a Bush Fire Attack Level (BAL). The area affected by the fire mapping is the west portion of the Golf Links, being Lot 2 (described as Lot 44 in the Application). The Planning Bulletin 111/2016 provides for a Fire Assessment exemption to be considered in certain cases. Consequently, Mr Kalotay proposes an exemption, given the subdivisions will not result in intensification of, or further development of, existing land use. There are no proposed changes to this affected land area use, and there are no potentially or affected buildings onsite. Furthermore, there are no proposed constructions and, if such an activity did occur, there are requirements for certain buildings to comply at the design stage of the building process. Also, given the affected bush fire mapped area of land is for the purpose of broadacre farming and recreation for golf on open golf links, it would be most prudent to support this proposed exemption.

**Exemption Two:** See Attachment B. This is a discussion of the SSE requirement under The Government Sewerage Policy 2019. The SSE determines the appropriate site and size conditions for the treatment of sewerage (Apparatus) for new developments. The EHO can confirm that, on advice of the Department of Planning, Lands, and Heritage on a previous similar matter, it was not the intent to require an SSE for existing systems, other than the required setbacks are complied with for proposed boundaries. Mr Kalotay's discussion on this matter has sound merit and it is not the Officer's intention, based on knowledge of the existing Apparatus, to require an SSE. This is based on the same reasons as proposed by Mr Kalotay and that the system already in place cannot, by a change or introduction of boundaries, be a trigger to retrospectively apply a requirement to what has already existed previously.

The proposed subdivisions and Lot number changes do not materially change anything regarding the Golf Links Lot 2. Even with the long leg of Lot 2 used as a 'road' being created into a separate Lot for the formal purpose as a 'road', it will still be in Shire ownership and management. The process of the Application subdivision will enable a formal road access and the creation of a Homestead Lot, and the balance will remain the same, other than for administrative changes to titles and Lots, which will be a cost born by Ayrton Vista.

#### **Consultation**

Mr A Kalotay, Licensed Surveyor, RM Surveys

#### **Statutory Implications**

Planning and Development Act 2005

Shire of Bruce Rock Local Planning Scheme No. 3.

**Policy Implications**

State Planning Policy 3.7 - Planning in Bushfire Prone Areas  
 The Government Sewerage Policy (2019)  
 Development Control Policy 3.4 - Subdivision of Rural Land

**Risk Implications**

<b>Risk:</b> Development proceeds outside the scope of the Shire’s expectations, the Deed, and WAPC approvals.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Unlikely	Moderate	Moderate
<b>Action / Strategy</b>		
This item has been evaluated against the Shire’s Risk Management Framework’s Risk Matrix. The perceived level of risk is considered to be “Moderate”, and will be managed by specific monitoring and response procedures.		

**Financial Implications**

Nil. This is a referral advice only for comment, and does not incur a chargeable fee.

**Strategic Implications**

*Shire of Bruce Rock – Strategic Community Plan 2022-2032*

**Governance**

Goal 2.1 Assist the local economy to grow

**Voting Requirements**

Simple Majority

<p><b>OFFICER RECOMMENDATION AND COUNCIL DECISION</b>  <b>Resolution OCM July 23 – 10.3.2</b></p> <p><b>Moved: Cr Waight</b>  <b>Seconded: Cr Rajagopalan</b></p> <p>That Council resolves to inform the Western Australian Planning Commission on the following items:</p> <ol style="list-style-type: none"> <li>1. That the effective drivable width of the Golf Links road of approximately 7 metres is suitable for the purpose of serving exclusively the existing dwelling and the Golf Club and Links facilities.</li> <li>2. That a Fire Assessment exemption is supported in this instance, as proposed by Mr Kalotay, for the proposed subdivisions, as they will not result in the intensification of, or further development of, existing land use. Furthermore, there are no proposed changes to this affected land area use, there are no buildings onsite, and neither are there proposed constructions.</li> <li>3. That the exemption, as proposed by Mr Kalotay, is supported in this instance for not requiring a Site and Soil Evaluation under The Government Sewerage Policy 2019, given the Apparatus for the treatment of sewerage is pre-existing, and that the proposed Lot boundaries do not affect the required setbacks of such an Apparatus.</li> </ol> <p style="text-align: right;"><b>Carried 7/0</b></p>
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**Agenda Reference and Subject:**

**10.3.3** Development Application for a third dwelling on Lot 10013 Old Beverley Road, Bruce Rock

**Reporting Officer:**

Julian Goldacre, Environmental Health Officer

**Author:**

Julian Goldacre, Environmental Health Officer

**Disclosure of Interest:**

Nil

**Attachments:**

*Item 10.3.3 Attachment A – Planning Application Second Dwelling Lot 10013 Old Beverley Road Building & Site Plans*

**Summary**

That Council resolves to approve the Development Application (DA) for the additional single dwelling to a total of three dwellings on Lot 10013 Old Beverley Road, Bruce Rock. Advice Notes are also provided.

**Background**

The Environmental Health Officer (EHO) has been in discussions with a Boyd Nominees Pty Ltd representative on the possibility of constructing a new dwelling on Lot 10013, in addition to the two existing dwellings onsite. The EHO explained that a third dwelling was permitted with Council approval, which would require a DA to be lodged. The EHO mentioned that, on assessment at desk top level, the proposal had merit, pending Council's final decision.

On 3 July 2023, TR Homes trading company submitted the proposed dwelling plans for Lot 10013 on the Old Beverley Road, Bruce Rock along with the DA and applicable fees.

**Comment**

The new proposed dwelling plans and DA for Lot 10013 on the Old Beverley Road present a four-section transportable dwelling of 288m<sup>2</sup> (building footprint) located just North of the existing established farm buildings (Attachment A). The primary dwelling was built around 100 years ago, and would represent a pioneer style dwelling of predominately wooden construction. The second dwelling of mudbrick was essentially a workers' cottage of two bedrooms, possibly built between the 1930s to 1950s. The third dwelling is proposed to provide a modern dwelling for an emerging family moving forward for the continued activity of broadacre farming management and activities.

The Scheme provides for an additional dwelling provided the total number of dwellings does not exceed three, along with certain conditions. Firstly, the proposed dwelling in the DA meets the setback requirements for R2 under the Residential Design Code. Secondly, Lot 10013 is large at 404.6856 Hectares, thus meets the minimum lot size threshold of 40 Hectares. Thirdly, the additional dwelling is for family members to reside in for the family broadacre farming administration and activities. Fourthly, the additional dwelling will have no impact on the amenity of the rural character of the area. Finally, the dwelling proposed has access to an existing road network, specifically the Old Beverley Road.

The Scheme provides that potable water is available for an extra dwelling. The third proposed dwelling will source potable water from a collection of rainwater tanks that exceed 700 kilolitres. A volume of 115 kilolitres for a single dwelling without Scheme water is the acceptable standard, although not referenced in the Shire of Bruce Rock's Local Planning Scheme No. 3 (the Scheme). Furthermore, the minimum required 115 kilolitres would have a reserve imposed for firefighting purposes of 10% to 20% of volume. The EHO has been informed that a firefighting reserve would not be required, as north of the dwellings on Lot 10013, there is a collection of water tanks that use bore water that is slightly saline for firefighting. Anecdotally, this reserve of dedicated firefighting water proved invaluable during the fires in February 2022, as readily available and practicable volumes. Furthermore, the bore water will complement the water service to the new house for ablution purposes, and the rainwater will supply the

rest of the dwelling for potable water supply. The use of rainwater for the existing two dwellings has proven to be effective during the farm’s history. Notwithstanding this, the Babakin standpipe is available, and the farm has its own dedicated water truck of 19 kilolitres, should the need ever arise.

The Scheme provides that electricity is available for an extra dwelling. Electricity is sourced from the recently introduced Western Power Stand Alone Power Generation System that also introduces three phase power supply. Information provided to the EHO reveals this system is 99% reliable, and the introduction of three phase power over the previous single phase has been most beneficial. Power supply to the proposed third dwelling is deemed appropriate.

This DA for the third dwelling has sound merit, and is compliant with the requirements under the Scheme to permit the additional dwelling to a total of three. Furthermore, the Shire of Bruce Rock’s Local Planning Strategy strives, through Strategy 15, to ‘facilitate the continuing operation and expansion of agricultural activity ... within the Rural zone’, and the provision of modern housing for the next generation of farmers is essential to achieve this.

**Consultation**

Mr Brendon (Ben) Boyd, Boyd Nominees Pty Ltd  
 Ms A Stace, Receptionist/Administration Assistant, TR Homes (Trading as).

**Statutory Implications**

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

**Policy Implications**

Shire of Bruce Rock Local Planning Strategy  
 State Planning Policy 7.3 – Residential Design Codes Volume 1.

**Risk Implications**

<b>Risk:</b> Development occurs outside the intent and scope of documents provided to Council for determining this application.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Rare	Moderate	Low
<b>Action / Strategy</b>		
This item has been evaluated against the Shire of Bruce Rock’s Risk Management Framework’s Risk Matrix. The perceived level of risk is considered to be “Low”, can be managed by routine procedure, and is unlikely to need specific application of resources.		

**Financial Implications**

The DA fee amounts to \$1,704.60, 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 1.1 Housing options are available for individual and family life stages.
- 2.3 Workers and their families can work and reside in the Shire.
- 4.3 Proactive and well governed Shire.

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION AND COUNCIL DECISION**

**Resolution OCM July 23 – 10.3.3**

**Moved: Cr Kilminster**

**Seconded: Cr Foss**

**That Council:**

- 1. resolves to approve the Development Application for the additional single dwelling to a total of three dwellings on Lot 10013 Old Beverley Road, Bruce Rock; and**
- 2. endorses the Officer's Advice Notes that are provided in good faith, and not limited to the following, should circumstances change:**

**Advice Notes:**

- 2.1. This Development Approval is for the additional single dwelling to a total of three dwellings on Lot 10013 Old Beverley Road, Bruce Rock and is valid for two years, unless application is made to the Shire of Bruce Rock before the expiry for an extension of the expiry date**
- 2.2. This Development Approval is for the additional single dwelling to a total of three dwellings on Lot 10013 Old Beverley Road, Bruce Rock to determine only the planning requirements. Consequently, an application for the purpose to construct an apparatus for the treatment of sewerage will be required to be submitted to the Shire of Bruce Rock's Environmental Health Officer, fees apply. Furthermore, a Building Permit application for the purpose of consideration of issuing and serving a Building Permit should all building requirement be met is also required, fees apply.**

**Carried 7/0**

*Mr J Goldacre left the Council Chambers at 3.33pm and did not return.*



## 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:

Caris Negri, Community Development Officer

### Disclosure of Interest:

Nil

### Attachments:

*Nil*

### Summary

Use of the Shire President Stamp in June 2023.

### Background

Nil

### Comment

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

- Supermarket STED Connection

### Consultation

Nil

### Statutory Implications

Council Policy

### Policy Implications

Nil

### Financial Implications

Nil

### Strategic Implications

Shire of Bruce Rock Strategic Community Plan 2017-2027

### Governance

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

### Voting Requirements

Simple Majority

### OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM July 23 – 10.4.1

Moved: Cr Verhoogt

Seconded: Cr Foss

That Council endorse the use of the Shire President Stamp during June 2023.

Carried 7/0

**Agenda Reference and Subject:**

**10.4.2** Shire Seal

**Reporting Officer:**

Nerea Ugarte, Manager of Governance and Community Services

**Author:**

Caris Negri, Community Development Officer

**Disclosure of Interest:**

Nil

**Attachments:**

*Nil*

**Summary**

Use of the Shire Seal in June 2023.

**Background**

Nil

**Comment**

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

- Supermarket STED Connection

**Consultation**

Nil

**Statutory Implications**

Council Policy

**Policy Implications**

Nil

**Financial Implications**

Nil

**Strategic Implications**

*Shire of Bruce Rock Strategic Community Plan 2017-2027*

**Governance**

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

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION AND COUNCIL DECISION**

**Resolution OCM July 23 – 10.4.2**

**Moved:** Cr Rajagopalan

**Seconded:** Cr Foss

**That Council endorse the use of the Shire Seal during June 2023.**

**Carried 7/0**

**Agenda Reference and Subject:**

**10.4.3** Signing Purchase Orders Policy

**Reporting Officer:**

Nerea Ugarte, Manager of Governance and Community Services

**Author:**

Nerea Ugarte, Manager of Governance and Community Services

**Disclosure of Interest:**

Nil

**Attachments:**

*Item 10.4.3 Attachment A – Signing Purchase Orders Policy*

**Summary**

Council is asked to approve modifications to the Signing Purchase Orders Policy.

**Background**

Council's last review of the Signing Purchase Orders Policy took place in May 2023. At that time, changes to the policy were approved to:

- set maximum limits for the signing of purchase orders for the Manager of Governance and Community Services, the Manager of Finance, the Manager of Works and Services and the Environmental Health Officer;
- nominate an authorising manager for the signature of purchase orders exceeding the limits determined for the above positions;
- increase the purchase order limit for the Supermarket Supervisor; and
- remove references to positions that no longer exist within the Shire of Bruce Rock (Shire).

**Comment**

The following changes are now recommended to be made to the Signing Purchase Orders Policy:

- Limit of \$5,000 for Finance and HR Officer

At its Ordinary Meeting of June 2023, Council decided to provide a corporate credit card to the Finance Officer (now Finance and HR Officer).

It is recommended that a purchase order signature limit of \$5,000 be approved for the role of Finance and HR Officer to facilitate the signing of purchase orders associated with corporate credit card purchases.

- Limit of \$2,000 for the Executive Support Manager

The Executive Support Manager (formerly Executive Assistant) is frequently required to make bookings for conferences, training courses and travel arrangements, which often have a value of up to \$2,000. It is therefore recommended that a purchase order signature limit of \$2,000 be approved for the role of Executive Support Manager.

**Consultation**

Chief Executive Officer

Manager of Finance

Executive Support Manager

**Statutory Implications**

Nil

**Policy Implications**

The Signing Purchase Orders Policy has been reviewed to reflect the Shire’s current operations.

**Risk Implications**

**Risk:** That the Signing Purchase Orders Policy is not regularly reviewed and amended to reflect operational practices and to minimise risks.

Likelihood	Consequence	Rating
Unlikely	Moderate	Moderate

**Action / Strategy**

- Council approves the revised Signing of Purchase Orders Policy.
- The Signing Purchase Orders Policy is to be reviewed annually, or in response to a material event or change in circumstances.

**Financial Implications**

Nil.

**Strategic Implications**

*Shire of Bruce Rock – Strategic Community Plan 2017-2027*

**Governance**

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

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION AND COUNCIL DECISION**

**Resolution OCM July 23 – 10.4.3**

**Moved:** Cr Foss

**Seconded:** Cr Waight

**That Council approve the revised Signing Purchase Orders Policy, as attached.**

**Carried 7/0**

<b>Agenda Reference and Subject:</b>	<b>10.4.4</b> Freedom of Information Statement
<b>Reporting Officer:</b>	Nerea Ugarte, Manager of Governance and Community Services
<b>Author:</b>	Nerea Ugarte, Manager of Governance and Community Services
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	<i>Item 10.4.4 Attachment A – Freedom of Information Statement 2023-24</i>

**Summary**

Council is asked to approve the Shire of Bruce Rock’s (Shire) Freedom of Information Statement for the 2023-24 financial year.

**Background**

Under section 96(1) of the Freedom of Information Act 1992 (Act), the Shire is required to publish an annual Information Statement.

The Shire last reviewed and published its Information Statement in July 2018.

The breach of this legislative requirement has been identified at the latest annual audit undertaken by consultants on behalf of the Auditor General. This lack of compliance has been rated as a minor risk by the auditors.

**Comment**

Information requirements

Section 94 of the Act prescribes the type of information to be included in an Information Statement. The following table outlines the statutory information requirements contained in the revised Freedom of Information Statement 2023-24, compared with the type of information contained in the statement published in July 2018.

Type of information	In 2023/24 version	In 2018 version
The agency’s functions.*	✓	✓ (Incomplete)
The agency’s organisational structure.*	✓	✓
A description of the ways in which the functions of the agency, and in particular decision-making functions, affect members of the public.*	✓	
A description of arrangements that exist for public participation in the agency’s formulation of policy and the performance of its functions.*	✓	✓
A description of the kinds of documents that are usually held by the agency, including those that can be: <ul style="list-style-type: none"> <li>• inspected at the agency under a written law, other than the Act;</li> <li>• purchased; and</li> <li>• obtained free of charge.*</li> </ul>	✓	✓ (Incomplete)

Type of information	In 2023/24 version	In 2018 version
A description of the agency’s arrangements to give members of the public access to the types of documents described in the row above.*	✓	✓
A description of the agency’s procedures to give members of the public access to documents of the agency pursuant to a Freedom of Information (FOI) application made under the Act.*	✓	✓
A description of the agency’s procedures to amend personal information contained in documents of the agency.*	✓	
The agency’s mission statement.		✓
Details of legislation administered.		✓

\* *Statutory requirement.*

Fees and charges

It is proposed that the fees and charges applicable to Freedom of Information applications be maintained. The proposed fees and charges are consistent with those charged by other Local Governments.

Freedom of Information Coordinator

The Executive Support Manager position (formerly Executive Assistant) has been nominated by the Chief Executive Officer to perform the role of Freedom of Information Coordinator.

Information available on the Shire website

Section 5.96A of the Local Government Act 1995 prescribes the types of information that Local Governments are required to make available to the public through their websites.

In developing the Freedom of Information Statement 2023-24, the need to revise and update the information available on the Shire website has been identified. The Governance and Community Services team will undertake this review.

**Consultation**

Chief Executive Officer

**Statutory Implications**

Compliance with section 96(1) of the Act.

*“An agency (other than a Minister or an exempt agency) has to cause an up-to-date information statement about the agency to be published in a manner approved by the Minister administering this Act —*

*(a) within 12 months after the commencement of this Act; and*

*(b) at subsequent intervals of not more than 12 months.”*

**Policy Implications**

The Shire is required to publish an up-to-date Freedom of Information Statement every year.

**Risk Implications**

<b>Risk:</b> That the Shire’s Freedom of Information Statement does not comply with legislation, and provides inaccurate or insufficient guidance to those seeking to make a Freedom of Information application.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Possible	Minor	Moderate
<b>Action / Strategy</b>		
<ul style="list-style-type: none"> <li>• Council approves, and agrees to the publication of, the proposed Freedom of Information Statement 2023-24.</li> <li>• The Information Statement is reviewed in 2024-25.</li> </ul>		

**Financial Implications**

Costs associated with Freedom of Information applications can be recovered in accordance with the fees and charges outlined in the Freedom of Information Statement 2023-24.

**Strategic Implications**

*Shire of Bruce Rock – Strategic Community Plan 2017-2027*

**Governance**

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

**Voting Requirements**

Simple Majority

<p><b>OFFICER RECOMMENDATION AND COUNCIL DECISION</b>  <b>Resolution OCM July 23 – 10.4.4</b></p> <p><b>Moved: Cr Rajagopalan</b>  <b>Seconded: Cr Verhoogt</b></p> <p><b>That Council approve the Shire of Bruce Rock’s Freedom of Information Statement 2023/24 and its publication on the Shire’s website.</b></p> <p style="text-align: right;"><b>Carried 7/0</b></p>
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**Agenda Reference and Subject:**

**10.4.5** Purchasing Policy

**Reporting Officer:**

Nerea Ugarte, Manager of Governance and Community Services

**Author:**

Nerea Ugarte, Manager of Governance and Community Services

**Disclosure of Interest:**

Nil

**Attachments:**

*Item 10.4.5 Attachment A – Purchasing Policy*

**Summary**

Council is asked to approve a new Purchasing Policy.

**Background**

The Shire of Bruce Rock's (Shire) existing Purchasing Policy simply provides high level purchasing guidelines, and outlines procurement methods to be followed for specific purchase value thresholds.

The latest Regulation 17 review identified that the Shire's Purchasing Policy should be updated as soon as possible to include:

- a contract management policy and process;
- a tender evaluation panel process, including the obtaining of conflict of interest declarations; and
- all tender compliance requirements relating to Part 4 of the Local Government (Functions and General) Regulations 1996 (sections 11A to 24AJ).

**Comment**

The Purchasing Policy has been thoroughly reviewed and redrafted to address the recommendations of the Regulation 17 review.

Resources made available by WALGA and the Department of Finance have been used as the basis to develop the revised Purchasing Policy, which now also includes Request for Quote, Tender Evaluation Report, Code of Conduct for Tender Evaluation Panel Members and Contract Management Plan templates.

Key changes introduced in the revised Purchasing Policy are as follows:

Clarification of the supplier order of priority

The revised policy provides guidelines on the level of priority to be given to the use of existing contract panels (such as WALGA's Preferred Supplier Arrangements and the State Government's Common Use Arrangements), local suppliers, and tender-exempt suppliers (that is, Western Australian Disability Enterprises and Aboriginal Owned Businesses).

\$500 threshold

Reflecting current practice, a new threshold for purchases up to \$500 has been introduced for minor, low risk purchases of goods and services. Typical purchases under this threshold include catering and small hardware items.

There will be no requirement to seek or record quotes for this type of purchases. However, invoices will need to be sourced and recorded as proof of purchase.



Purchases with a value between \$40,000 and \$149,999

Under the current policy, three written quotations are required for purchases within this threshold, with purchases between \$150,000 and \$250,000 requiring a Request for Quotation.

Taking into consideration the value and potential risk profile of these purchases, the revised policy extends the requirement to issue Requests for Quotations to purchases with a value between \$40,000 and \$149,999.

Public Tender Preparation and Evaluation

The revised policy provides guidance on the preparation of Public Tenders and the evaluation of the submissions received.

The updated policy also introduces the role of the Facilitator in a Public Tender. The Facilitator is responsible for:

- assisting in preparing Public Tender documents;
- assisting the Evaluation Panel in addressing any disagreements;
- providing the Evaluation Panel with advice and guidelines on procurement governance arrangements;
- recording all panel decisions in the relevant forms; and
- assisting in the development of Contract Management Plans (where required).

The policy assigns the role of Facilitator to the Manager of Governance and Community Services or, in his/her absence, the Executive Support Manager.

Code of Conduct for Tender Evaluation Panel Members

Tender Evaluation Panel Members will be asked to sign and abide by a Code of Conduct, which includes requirements for Panel Members to declare conflicts of interest and maintain confidentiality.

Contract management

A new section provides guidance on the management of contracts, particularly those considered to be of high value and high risk.

Panels of Pre-qualified Suppliers

The revised policy outlines the process to establish Panels of Pre-qualified Suppliers, should the Shire wish to do so.

Sustainable procurement

The revised policy provides more detailed guidance on the Shire's commitment to sustainable procurement by providing a preference to suppliers that demonstrate sustainable business practices, such as social advancement, environmental protection and local economic benefits.

Non-compliance with Purchasing Policy

The updated policy outlines the way in which the Shire will deal with cases of non-compliance with the Purchasing Policy.

**Consultation**

Chief Executive Officer

Manager of Finance

Manager of Works and Services

**Statutory Implications**

Local Government (Functions and General) Regulations 1996, Part 4 – Provision of Goods and Services, which sets out the requirements for Local Governments’ procurement of goods and services.

**Policy Implications**

The Purchasing Policy has been reviewed to ensure compliance with relevant legislation and to address the recommendations of the latest Regulation 17 review.

**Risk Implications**

<b>Risk:</b> That the Purchasing Policy does not comply with legislative requirements.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Unlikely	Moderate	Moderate
<b>Action / Strategy</b>		
<ul style="list-style-type: none"> <li>• Council approves the new Purchasing Policy.</li> <li>• The Purchasing Policy is reviewed every year, or in response to a material event or change in circumstances.</li> </ul>		

**Financial Implications**

Nil

**Strategic Implications**

*Shire of Bruce Rock – Strategic Community Plan 2017-2027*

**Governance**

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

**Voting Requirements**

Simple Majority

<p><b>OFFICER RECOMMENDATION AND COUNCIL DECISION</b>  <b>Resolution OCM July 23 – 10.4.5</b></p> <p><b>Moved: Cr Kilminster</b>  <b>Seconded: Cr Foss</b></p> <p><b>That Council review and endorse the new Purchasing Policy, as attached.</b></p> <p style="text-align: right;"><b>Carried 7/0</b></p>
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**Agenda Reference and Subject:**

**10.4.6** Staff Attraction and Retention Incentives

**Reporting Officer:**

Nerea Ugarte, Manager of Governance and Community Services

**Author:**

Nerea Ugarte, Manager of Governance and Community Services

**Disclosure of Interest:**

Nil

**Attachments:**

*Nil*

**Summary**

Council is asked to approve a new approach to the provision of incentives for the Shire of Bruce Rock (Shire) to attract and retain new indoor staff.

**Background**

Consistent with Council policy, all indoor staff receive a salary payment of 5% over the Award rates. This approach was adopted as a staff attraction and retention initiative.

**Comment**

Given current employment market conditions, the offer of a 5% over Award payment may be:

- ineffective in attracting and retaining specific employees in high demand; and
- overly generous in attracting and retaining staff in positions for which a larger pool of prospective employees exists.

It is recognised that incentives will continue to play an important role in attracting and retaining suitably qualified and experienced staff, particularly in a highly competitive employment market. However, the type and magnitude of the incentive should be determined in a more strategic way, and should be commensurate with the difficulty in filling particular types of roles, due to competition from other prospective employers, specific recruitment circumstances, or the limited availability of suitable applicants in the market.

As a result, it is recommended that the Chief Executive Officer be given the discretion to determine attraction and retention incentives (if any) for future Shire employees. The type and magnitude of the incentive would be determined on a case-by-case basis, and would be informed by existing employment market conditions, specific recruitment circumstances and budget constraints.

It is recommended that current staff not be affected by this revised approach, and continue to receive the 5% over Award payment.

**Consultation**

Chief Executive Officer  
Manager of Finance

**Statutory Implications**

Nil

**Policy Implications**

Nil

**Risk Implications**

**Risk:** That the ongoing, blanket application of a 5% over Award incentive to new staff proves to be ineffective in attracting and retaining suitably qualified and experienced staff.

Likelihood	Consequence	Rating
Likely	Moderate	High

**Action / Strategy**

- Council agrees to give discretion to the Chief Executive Officer to determine attraction and retention incentives on a case-by-case basis, and informed by employment market conditions, specific recruitment circumstances and budget constraints.

**Financial Implications**

Nil, as incentives will be informed by the existing budget.

**Strategic Implications**

*Shire of Bruce Rock – Strategic Community Plan 2017-2027*

**Governance**

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

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION AND COUNCIL DECISION**

**Resolution OCM July 23 – 10.4.5**

**Moved: Cr Waight**

**Seconded: Cr Verhoogt**

**That Council approve:**

1. the Chief Executive Officer having the discretion to determine attraction and retention incentives for new indoor employees on a case-by-case basis, and informed by employment market conditions, specific recruitment circumstances and budget constraints; and
2. the maintenance of the 5% over Award payment for existing indoor staff.

**Carried 7/0**

## 10.5 Chief Executive Officer

**Agenda Reference and Subject:**

**10.5.1** WALGA Annual General Meeting – Voting Delegates

**Reporting Officer:**

Darren Mollenoyux, Chief Executive Officer

**Author:**

Darren Mollenoyux, Chief Executive Officer

**Disclosure of Interest:**

Nil

**Attachments:**

*Nil*

**Summary**

Council is asked to determine who will be attending the 2023 WALGA WA Local Government Convention and Annual General Meeting, and then nominate its voting delegates.

**Background**

The Western Australian Local Government Association (WALGA) has written to Local Governments advising that the Annual General Meeting (AGM) for WALGA will be held during the annual conference on Monday, 18 September 2023 at Crown Perth.

**Comment**

The Convention Program and Registration documents have been provided to Councillors.

Council is asked to appoint two voting delegates and two proxy voting delegates. Council traditionally appoints the President and Deputy President as voting delegates.

In addition, should Council wish to submit any agenda items or motions for the WALGA AGM, they are required to be endorsed by Council and submitted by 4 August 2023.

**Consultation**

Nil

**Statutory Implications**

Nil

**Policy Implications**

Nil

**Financial Implications**

Nil

**Strategic Implications**

*Shire of Bruce Rock – Strategic Community Plan 2022-2032*

**Governance**

Goal 4.1 Our organisation is well positioned and has capacity for the future  
We attend meetings of key local and regional organisations to jointly plan and deliver benefits for the community.

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION AND COUNCIL DECISION**

**Resolution OCM July 23 – 10.5.1**

**Moved: Cr Rajagopalan**

**Seconded: Cr Kilminster**

**That Council appoints Cr Stephen Strange and Cr Tony Crooks as voting delegates, and Cr Negri and Cr Foss as proxy voting delegates at the Western Australian Local Government Association Annual General Meeting, to be held on Monday, 18 September 2023.**

**Carried 7/0**

**Agenda Reference and Subject:**

**10.5.2** Request to Appoint Dual Fire Control Officers –  
Shire of Corrigin

**Reporting Officer:** Darren Mollenoyux, Chief Executive Officer

**Author:** Darren Mollenoyux, Chief Executive Officer

**Disclosure of Interest:** Nil

**Attachments:** *Item 10.5.2 Attachment A – Council Policy 8.1 - Bushfire  
Brigades and Governance Structure*

**Summary**

The Shire of Corrigin has requested that the Shire of Bruce Rock appoint Dual Fire Control Officers for the 2023-2024 bush fire season.

**Background**

The Shire of Bruce Rock has received correspondence from the Shire of Corrigin requesting the following people be appointed as Dual Fire Control Officers in the Shire of Bruce Rock for the 2023-2024 bush fire season:

Shire of Corrigin:

- Mr Sandow Jacobs
- Mr Tim George

**Comment**

Fire Control Officers who adjoin neighbouring Shires require the adjoining Shires' approval to act as Dual Fire Control Officers.

The Bruce Rock Bush Fire Advisory Committee has not held its Annual General Meeting in 2023. Therefore, it is recommended that Council accepts the request to appoint Corrigin's Dual Fire Control Officers as requested.

It is also recommended that advice on the Shire of Bruce Rock's Dual Control Officers be delayed until after the Bruce Rock Bush Fire Advisory Committee's Annual General Meeting is held.

**Consultation**

Nil

**Statutory Implications**

Bush Fires Act 1954

*"38. Local government may appoint bush fire control officer*

*(1) A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire*

*control officers appointed by it.*

*(2A) The local government shall cause notice of an appointment made under the provisions of subsection (1) to be published at least once in a newspaper circulating in its district.*

- (2C) *The local government shall fill any vacancy occurring in the office of Chief Bush Fire Control Officer or Deputy Chief Bush Fire Control Officer within one month after the vacancy occurs and if the local government fails or neglects to do so within that time, the FES Commissioner may by notice in writing require the local government to appoint a person to the vacant office within one month after service on it of such notice.*
- (2D) *Where a local government that has been served with a notice pursuant to subsection (2C) fails or neglects to comply with the requirements of that notice, the FES Commissioner may appoint a person who is not employed in the Department to the vacant office.*
- (2E) *A bush fire control officer appointed by a local government under the provisions of this section shall be issued with a certificate of appointment by the local government or, if he is appointed by the FES Commissioner, by the FES Commissioner.*
- (3) *The local government may, in respect to bush fire control officers appointed under the provisions of this section, exercise so far as they can be made applicable the same powers as it may exercise in respect to its other officers, under the provisions of the Acts under which those other officers are appointed.*
- (4) *A bush fire control officer appointed under the provisions of this section shall, subject to such directions as may be given by the local government, and subject to this Act take such measures as appear to him to be necessary or expedient and practicable for —*
- (a) carrying out normal brigade activities;*
- [(b), (c) deleted]*
- (d) exercising an authority or carrying out a duty conferred or imposed upon him by any of the provisions of Part III;*
- (e) procuring the due observance by all persons of the provisions of Part III.*
- (5A) *A local government may issue directions to a bush fire control officer appointed by the local government, or to an officer of a bush fire brigade registered by the local government to burn, subject to the provisions of this Act, bush on, or at the margins of, streets, roads, and ways, under the care, control and management of the local government.*
- (5B) *The bush fire control officer, or officer of the bush fire brigade, may by authority of any directions issued under subsection (5A) carry out the directions but subject to the provisions of this Act.*
- (5C) *The provisions of subsections (5A) and (5B) are not in derogation of those of subsection (4)."*

**Policy Implications**

Council Policy 8.1 – Bushfire Brigades and Governance Structure

**Risk Implications**

<b>Risk:</b> If Council does not approve the appointment of Dual Fire Control Officers, it may create uncertainty or confusion during a fire on an adjoining boundary. Council’s Policy 8.1 – Bushfire Brigades and Governance Structure needs to be reviewed to reflect appropriate structures.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Possible	Moderate	Moderate
<b>Action / Strategy</b>		
That Council reviews Policy 8.1 – Bushfire Brigades and Governance Structure.		

**Financial Implications**

Nil



**Strategic Implications**

*Shire of Bruce Rock – Strategic Community Plan 2022-2032*

**Community Priorities**

Goal 1.4 Support and emergency services planning, response and recovery  
Emergency service planning is coordinated

**Governance**

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

**Voting Requirements**

Absolute Majority

**OFFICER RECOMMENDATION AND COUNCIL DECISION**

**Resolution OCM July 23 – 10.5.2**

**Moved: Cr Foss**

**Seconded: Cr Negri**

**That Council:**

- 1. Appoint the following Dual Fire Control Officers in the Shire of Bruce Rock for the 2023-24 bush fire season, subject to the officers obtaining the appropriate accreditation, further noting the Dual Fire Control Officers are not permitted to issue burning permits within the Shire of Bruce Rock:  
Shire of Corrigin:
  - Mr Sandow Jacobs
  - Mr Tim George**
- 2. Request the Bruce Rock Bush Fire Advisory Committee to review Council Policy 8.1 – Bushfire Brigades and Governance Structure to include consideration of the appointment of Dual Fire Control Officers.**

**CARRIED BY ABSOLUTE MAJORITY 7/0**

**Agenda Reference and Subject:**

**10.5.3** Growing Regions Funding – Joint Applications for Housing Projects

**Reporting Officer:** Darren Mollenoyux, Chief Executive Officer

**Author:** Darren Mollenoyux, Chief Executive Officer

**Disclosure of Interest:** Nil

**Attachments:** **Attachments are Confidential due to Commercial Interests**  
*Item 10.5.3 CONFIDENTIAL Attachment A – Wheatbelt Worker Housing Proposal*

**Summary**

Council is asked to consider endorsement of two joint applications for housing projects under the Growing Regions Program – Federal Grants.

**Background**

At the June 2023 Councillor Information Session, the Chief Executive Officer (CEO) provided information in relation to a proposed joint grant application through the Federal Government’s Growing Regions Program (replacing the old BBRF) for the construction of worker housing across seven Local Governments (Wheatbelt Worker Housing).

The project is based on the relevance that the seven Local Governments are eligible for 70% funding, as opposed to the standard 50%, and working collaboratively will increase the likelihood of a successful application.

Each of the Local Governments is experiencing a significant housing and rental shortage, which is impacting local organisations’ (including Local Governments’) ability to attract and retain staff.

As explained at the Councillors’ Information Session, the Shire of Bruce Rock currently has a housing and rental shortage. Compared to the current housing stock of four and five bedroom homes, the Shire of Bruce Rock also requires smaller accommodation options to create diversity.

The due date for expressions of interest is 1 August 2023, with final applications due to be submitted by 11 December 2023. The guidelines require submissions to provide evidence of Council’s financial contribution by way of a resolution.

If successful, the project cannot commence until April-May 2024, and must be completed by December 2025.

At the Councillor Information Session held in June 2023, it was agreed to proceed with investigating this proposal, and to present it to Council for endorsement at its July 2023 Ordinary Meeting.

**Comment**

The collective of Councils engaged a consultant to prepare the joint submission through the Growing Regions Program for housing projects across the seven Wheatbelt Councils.

It is seen that there are strong economic and social benefits for the community and surrounding areas if this project is successful. Not only will this worker housing assist Council in filling positions within the organisation, but it also has the potential to free up other housing to assist in addressing the housing shortage in town.

The provision of this housing will improve regional liveability by assisting local organisations to maintain their workforces, which supports the local economy and helps to sustain community groups and facilities.

The CEO has prepared all relevant information required to be submitted to the consultant to assist in their collation of information for the joint grant application.

The Shire of Bruce Rock's scope of works for this submission is based on the following:

Proposed accommodation purpose

- The Shire of Bruce Rock will be building accommodation for staff housing.
- The Shire of Bruce Rock currently has a large portion of its housing stock (with singles or small families) living in large houses, such as one person living in a 5 x 2 house, a couple living in a 4 x 2 house, and a single person living in a 4 x 2 house. These are obviously underutilised assets. Whilst we are aware that these staff may move, in the past ten years we have not been able to attract senior managers with families.
- By constructing two new smaller residents and relocating two staff, this will free up the larger houses to be used to attract other staff, or be leased to professionals in town who are in desperate need to find accommodation.

How will Bruce Rock's accommodation be managed

- The Shire of Bruce Rock will manage the dwellings, including rentals, tenancy agreements, property inspections, maintenance and asset management.
- The Shire of Bruce Rock has significant experience in managing its own housing stock including staff, aged, youth low income, social and GROH for well over 30 years, with no major incidents or issues.

Bruce Rock's contribution

- Utilising vacant land, owned by Council, at Lot 88 and 90 Johnson Street, Bruce Rock.
- Making a financial contribution equal to 30% of the cost of the workers' accommodation to be built in Bruce Rock.

Due to the commercial sensitivity of the submission, a copy of the relevant information provided to the consultant has been included as a **Confidential Attachment** for Councillors' information. This includes full costings, designs and sites.

**Consultation**

CEOs at the Shires of Tammin, Kellerberrin, Cunderdin, Wyalkatchem, Trayning and Dowerin

Tara Whitney Consulting

Estimates for housing obtained from various Building Companies

General discussion held at the June 2023 Councillors' Information Session

Manager of Finance

**Statutory Implications**

Nil

Should Council be successful, it will need to comply with the Local Government Act procurement legislation and Tender Regulations.

**Policy Implications**

If Council is successful in obtaining the grant, it will need to comply with its own Purchasing Policy.

**Risk Implications**

<b>Risk:</b> Should Council not proceed with submission to obtain grant funding, it may miss the opportunity to create improved housing stock and economic benefits to the community.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Likely	Moderate	Moderate
<b>Action / Strategy</b>		
This item has been evaluated against the Shire of Bruce Rock’s Risk Management Framework’s Risk Matrix. The perceived level of risk is considered to be “Moderate”, and will be managed by specific monitoring and response procedures.		

**Financial Implications**

The quote provided by Evoke Living Homes includes most components for the construction of two (2 bedroom x 1 bathroom) units with larger living spaces compared to a standard unit. The remaining components are indicative at this stage.

Council already owns the land required, which is located at Lot 88 and 90 Johnson Street, Bruce Rock. Therefore, no budget provision for acquisition of land is required.

The following is a summary of the project funding

Item of Expenditure	Total Cost (\$)	Source of Funds	Comments
Construction of two accommodation units, 2 bedrooms x 1 bathroom	\$580,000	Grant 70% Shire 30%	Budget estimate from building company quotes
Remaining costs associated with construction of residence, including fixtures, earthworks etc	\$212,816	Grant 70% Shire 30%	See attached spreadsheet for breakup
Landscaping	\$14,000	Shire	Based on previous experience from similar recent works
Water Connection	\$6,000	Shire	Based on previous experience from similar recent works
Power Connection	\$10,000	Shire	Based on previous experience from similar recent works
Contingency	\$82,677	Shire	Based on 10% of total project costs
Project Management	\$3,960	Shire	Based on 45 hours work at \$88 per hour
<b>Total Cost</b>	<b>\$909,453</b>		

Should the grant application be successful, a budget provision will be required in the 2025-2026 financial year.

Funding of the Project would be split as follows:

Growing Regions Program	\$554,971
Council's Cash and In-Kind contribution	\$267,844

Council will also project in kind project management costs of \$3,960.  
There is also a project contingency figure of \$82,677.

Council currently has a Housing Reserve of approximately \$220,000, which can be utilised to fund a large portion of Council's contribution, with the remaining funds to be from general revenue.

### **Strategic Implications**

*Shire of Bruce Rock – Strategic Community Plan 2022-2032*

#### **Community**

- Goal 1.1 Community are engage and have a healthy lifestyle  
Housing options are available for individual and family life stages  
Achieve and update the Aged Friendly Community Plan

#### **Governance**

- Goal 4.1 Our organisation is well positioned and has capacity for the future  
We attend meetings of key local and regional organisations to jointly plan and deliver benefits for the community.

### **Voting Requirements**

Absolute Majority

#### **OFFICER RECOMMENDATION AND COUNCIL DECISION**

##### **Resolution OCM July 23 – 10.5.3**

**Moved: Cr Negri**  
**Seconded: Cr Verhoogt**

**That Council supports the joint grant application between the seven Local Governments for the Wheatbelt Worker Housing Project through the Federal Government's Growing Regions Program, with the following commitments:**

- **utilising Council owned land at Lot 88 and 90 Johnson Street, Bruce Rock; and**
- **should the grant application be successful, Council will make a financial contribution in the 2025-2026 financial year for \$267,844, plus in kind project management.**

**Carried 7/0**

**Agenda Reference and Subject:**

**10.5.4** Local Planning Policy – Heritage Places

**Reporting Officer:**

Darren Mollenoyux, Chief Executive Officer

**Author:**

Caris Negri, Community Development Officer

**Disclosure of Interest:**

Cr PG Negri

**Attachments:**

*Item 10.5.4 Attachment A – Local Planning Policy – Heritage Places*

**Summary**

Council is asked to adopt the Local Planning Policy – Heritage Places.

**Background**

In 2022, Council adopted the Local Heritage Survey and Heritage List in line with the Heritage Act 2018, which required Local Governments to replace their Municipal Inventories with a Local Heritage Survey, and to develop a Heritage List.

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

The Local Planning Policy – Heritage Places outlines the issues Council must consider when a planning application is made for a property that is included on the Heritage List.

Council adopted the draft version of the policy at the June 2023 Ordinary Council Meeting, and advertised the draft policy for public comment for three weeks.

**Comment**

The draft Local Planning Policy – Heritage Places was advertised for three weeks for public comment. Throughout this period, only one comment was received, which was a request for further information. This was provided, and no further queries were received.

Given no substantive public comments were received, the policy is presented to Council to adopt with no changes.

**Consultation**

Chief Executive Officer  
Manager of Governance and Community Services  
Environmental Health Officer  
Ms Laura Gray, Heritage Consultant

**Statutory Implications**

Part 8. Heritage Act 2018  
S2 P3 cl.9 Planning and Development (Local Planning Schemes) Regulations 2015.

**Policy Implications**

Local Planning Policy

**Risk Implications**

<b>Risk:</b> That Council does not adopt the Local Planning Policy – Heritage Places		
<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 Framework’s Risk Matrix. The perceived level of risk is considered to be “Low”, 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 2022-2032

**Governance**

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

**Voting Requirements**

Simple Majority

<p><b>OFFICER RECOMMENDATION AND COUNCIL DECISION</b></p> <p><b>Resolution OCM July 23 – 10.5.4</b></p> <p><b>Moved: Cr Rajagopalan</b></p> <p><b>Seconded: Cr Waight</b></p> <p><b>That Council adopt the Local Planning Policy – Heritage Places, to be included in the Policy Manual.</b></p> <p style="text-align: right;"><b>Carried 7/0</b></p>
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## 11. Regional Reports

### Agenda Reference and Subject:

**11.1** WALGA Zone Minutes June 2023

### Reporting Officer:

Darren Mollenoyux, Chief Executive Officer

### Author:

Darren Mollenoyux, Chief Executive Officer

### Disclosure of Interest

Nil

### Attachments

*Item 11.1 Attachment A – WALGA Zone Meeting Minutes June 2023*

*Item 11.1 Attachment B – WALGA Zone Meeting Minutes Attachment – Water Corporation Presentation*

### Summary

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

### Background

The most recent WALGA Great Eastern Zone Meeting was held on 20 June 2023 at the Kellerberrin Recreation Centre.

### Comment

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

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

### Presentations

Ms Rebecca Bowler, Manager Customer and Stakeholder Relations, Water Corporation Regional Update, which has been included as an attachment

### 10.2 Aboriginal Cultural Heritage Act 2021 - Aboriginal Cultural Heritage (ACH) Act Update

The WALGA President has written to the Minister for Aboriginal Affairs advising that Local Governments across the State require support for the following proposals, which are based on discussions and WALGA's consultation with Local Governments during the co-design process:

- Local Government ACH Facilitator

A Local Government ACH Facilitator would provide advice and support to Local Governments with respect to their obligations under the Act and build capability, including through facilitating a community of practice, the development of templates, and case studies.

A similar arrangement already exists through the CoastWA Facilitator role, which is funded by the Department of Planning, Lands and Heritage (DPLH) and located at WALGA to provide support and build capacity within Local Government to undertake coastal adaptation planning and management. This arrangement has been very beneficial for DPLH and Local Governments, and was recently extended by DPLH for a further three years.



- **Training**  
WALGA understands that DPLH and South Metropolitan TAFE are developing ACH training for Local Aboriginal Heritage Services. This training could be adapted and made available for Local Government. WALGA is a Registered Training Organisation, and may be able to assist in the delivery and/or development of this tailored Local Government training.
- **Guidance Materials**  
Given the lack of understanding of ACH in the general community, it is anticipated that Local Governments will receive many enquiries from community members, landowners, small-scale property developers and local businesses about the application of the new legislation.

It is proposed that DPLH develops guidance material that Local Governments could share and use to respond to queries, and an Advice Note that could be included on development and subdivision approvals.

Local Governments and other proponents are required to comply with various legislative and regulatory requirements in addition to the Act, including environmental, planning, and building requirements. There is uncertainty regarding how these legislative requirements interact with one another, as well as when and in what order approvals are required. This would be assisted through the provision of information that articulates step-by-step the processes required to comply with ACH, environmental and other relevant legislative requirements.

- **Additional DPLH regional officers**  
WALGA welcomes the additional DPLH staff to be located in Broome, Karratha, Geraldton, Kalgoorlie, and Albany to support implementation of the Act. Western Australia has a very large geographic area, with 137 Local Governments, and WALGA would support additional DPLH staff being located in the Wheatbelt, Mid-West and Murchison regions, so that all regional Local Governments have access to regionally based DPLH staff.

Following discussion on the recent workshops and information provided to the meeting, the following resolution was made:

- “1. That the Great Eastern Country Zone request the Department of Planning Lands and Heritage (DPLH) to provide information on the cost to Local Governments and to fund implementation of the regulations.*
- 2. Request WALGA to collate the information on the impacts/anticipated costs to Local Governments of the Aboriginal Cultural Heritage Act 2021 and the implementation of the Regulations.*
- 3. That the Great Eastern Country Zone writes urgently to DPLH to raise concerns the community feedback from the wheatbelt community forum on the Aboriginal Cultural Heritage Act 2021, held in Merredin on 19 June 2023 needs to be addressed urgently. Key concerns include:*
  - a. Further details and guidance is needed to understand how decision-making criteria should be applied, and the consultation process with the LACHs (Local Aboriginal cultural heritage services)*
  - b. Traditional Owners raised concerns about who can talk for County in the Eastern Wheatbelt, calling on communities and Shires for their support for an additional LACH to be endorsed for our area. As the Act will be in effect within weeks, this is something that urgently need consideration by the Government and Minister.*

- c. *Based on the above, WALGA State Council advocate for a delay in the implementation of the Aboriginal Cultural Heritage Act 2021 until such time as all affected stakeholders are satisfied.”*

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

**Consultation**

Nil

**Statutory Implications**

Nil

**Policy Implications**

Nil

**Risk Implications**

<b>Risk:</b> That Council does not receive the minutes or object to decisions of the WALGA Great Eastern Zone meeting.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Rare	Insignificant	Low
<b>Action / Strategy</b>		
This item has been evaluated against the Shire of Bruce Rock’s Risk Management Framework’s Risk Matrix. The perceived level of risk is considered to be “Low”, 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 2022-2032

**Governance**

- Goal 4.1 Our organisation is well positioned and has capacity for the future  
 We attend meetings of key local and regional organisations to jointly plan and deliver benefits for the community.

**Voting Requirements**

Simple Majority

<p><b>OFFICER RECOMMENDATION AND COUNCIL DECISION</b>  <b>Resolution OCM July 23 – 11.1</b></p> <p><b>Moved: Cr Kilminster</b>  <b>Seconded: Cr Verhoogt</b></p> <p><b>That Council receives the minutes of the WALGA Great Eastern Zone Meeting held on 20 June 2023 at the Kellerberrin Recreation Centre.</b></p> <p style="text-align: right;"><b>Carried 7/0</b></p>
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**Agenda Reference and Subject:**

**11.2** WEROC Inc Meeting Minutes June 2023

**Reporting Officer:**

Darren Mollenoyux, Chief Executive Officer

**Author:**

Darren Mollenoyux, Chief Executive Officer

**Disclosure of Interest**

Nil

**Attachments**

*Item 11.2 Attachment A – WEROC Inc 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 and Annual General Meeting were held on 28 June 2023 at the Tammin Recreation Centre.

**Comment**

To encourage the WEROC Inc partnership and promote a better understanding by all Councillors, it is recommended that the WEROC Inc minutes be read and received by Council. The Chief Executive Officer and Cr Crooks attended the meeting.

The following items are highlighted for Councils attention:

**7.1 Corella Management Program – Wheatbelt NRM**

The intent of an expanded service offering from the Central Wheatbelt Visitor Centre was to enable WEROC to progress actions identified in the WEROC Tourism Audit in the agreed priority areas of caravan and camping, events, nature/parks/reserves, and trails.

Lengthy discussion was held as to the best way forward for the management and collaboration of WEROC Tourism.

The meeting resolved as follows;

*“That:*

- 1) WEROC proceed with Option 2 as outlined in the agenda, and progress with a staged series of tourism projects aligned to the priority recommendations of the WEROC Tourism audit. The Executive Officer will be responsible for delivering the action plan with external expertise bought in as required.*
- 2) The immediate focus will be on establishing a WEROC drive trail and registering existing trails with Trails WA.”*

Full details of the proposed program are included in the minutes attached.

**7.2 WEROC Housing Analysis**

At the WEROC Inc. Board meeting held on 26 April 2023, the Board received a presentation from Ms Susan Hall, Acting Chief Executive Officer of the Wheatbelt Development Commission (WDC).

Ms. Hall mentioned that the WDC had taken the lead across all Development Commissions in undertaking an evidence-based analysis of housing and land development constraints and providing potential solutions to State Government. Mr Alex MacKenzie, Principal Regional Development Officer is the lead on this project and is in the process of gathering information from all Local Governments.

In response to Ms Hall’s presentation, it was resolved that WEROC would request assistance from the Wheatbelt Development Commission in undertaking a housing analysis.

With the current housing shortage in our regions, and to assist in gaining a greater understanding of the needs of the WEROC Shires, the following resolution was made:

*“That WEROC progress with a housing needs analysis. The initial steps will involve the following:*

- 1) *Request that the WDC provide base level housing data for the WEROC Local Governments.*
- 2) *Individually WEROC Local Governments complete a ground truthing exercise to verify the desktop data available from the WDC and to compile the additional information required as per the approach suggested by Mr. MacKenzie.*
- 3) *Request assistance from the WDC or RDA Wheatbelt in assessing current and future economic drivers for the WEROC region.*

### 7.3 Town Teams Partnership

Due to availability of staff from Town Teams, the WEROC project commencement has been postponed to 2024, with Ms Vanessa King of Narembeen being appointed to the role.

The full version of the minutes is attached for Councillors’ reference.

#### **Consultation**

Nil

#### **Statutory Implications**

Nil

#### **Policy Implications**

Nil

#### **Risk Implications**

<b>Risk:</b> That Council does not receive the minutes or object to decisions of the WEROC Inc Board meeting.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Rare	Insignificant	Low
<b>Action / Strategy</b>		
This item has been evaluated against the Shire of Bruce Rock’s Risk Management Framework’s Risk Matrix. The perceived level of risk is considered to be “Low”, 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 2022-2032*

**Governance**

Goal 4.1 Our organisation is well positioned and has capacity for the future  
We attend meetings of key local and regional organisations to jointly plan and deliver benefits for the community.

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION AND COUNCIL DECISION**

**Resolution OCM July 23 – 11.2**

**Moved: Cr Rajagopalan**

**Seconded: Cr Foss**

**That Council receives the minutes of the WEROC Inc Board Meeting held on 28 June 2023 at the Tammin Recreation Centre.**

**Carried 7/0**

**Agenda Reference and Subject:**

**11.3** CEACA Constitution

**Reporting Officer:**

Darren Mollenoyux, Chief Executive Officer

**Author:**

Darren Mollenoyux, Chief Executive Officer

**Disclosure of Interest**

Nil

**Attachments**

*Item 11.3 Attachment A – CEACA Revised Constitution*

**Summary**

Council is asked to consider the proposed amendments to the Central Eastern Aged Care Alliance (CEACA) Inc. Constitution that were presented at the CEACA Committee Meeting on 29 May 2023.

**Background**

At the CEACA Inc Committee meeting held on 29 May 2023, the CEACA Executive Officer spoke of the draft amendments to the CEACA Inc Constitution and advised as follows:

- Jackson McDonald reviewed the document and updated the membership terms, as well as wording to ensure it was modern and up to date for charitable organisations and tax compliance. Changes are tracked.
- The document has been tabled to obtain approval for the draft changes, and will be submitted for approval of CEACA members immediately after the August Management Committee meeting.
- The Department of Communities has a copy of the draft, and will advise if the wording is compliant with its requirements, should CEACA decide to apply for Registered Community Housing Provider status.
- 75% of Members must approve the changes. A Members Meeting will be held in August 2023.

The meeting resolved that all Members review the draft and discuss it with their Councils to ensure full transparency and authority.

**Comment**

Based on discussions at the Management Committee meeting, and after consultation with Jackson McDonald lawyers, certain changes to the CEACA Constitution are proposed.

The legal review by Jackson McDonald has considered the need for CEACA's constitution to satisfy the requirements of ACNC and the Australian Taxation Office.

The proposed Constitution with tracked changes is attached. To summarise, the proposed changes are as follows:

1. Vision of the Association (Paragraph 1.2)  
"ageing population" changed to "current and future population".  
This change reflects the broader view of CEACA in relation to the needs of the Wheatbelt communities.
2. Objects and Purpose of Association (Paragraph 1.3)  
"aged" changed to "people in need including disadvantaged, aged and individuals with disabilities".  
This change reflects the broader view of CEACA in relation to the needs of the Wheatbelt communities.

3. Definitions (Paragraph 2.1)  
Various changes to bring the Constitution in line with the current standard clauses of charitable entities in respect of ACNC and Taxation related matters.
4. Applying for Membership (Paragraph 5.4)  
Applicants to apply for a 3-year term.
5. Becoming a Member (Paragraph 5.6)  
“and terms of Membership” added to the paragraph heading.  
Membership terms to be 3-year terms.
6. Resigning as a Member (Paragraph 7.2)  
A Member which resigns is liable to pay the remaining Membership fees, if any, related to a 3-year term.
7. Annual Membership Levy (Paragraph 9.2)  
Annual membership levy to be paid annually or as otherwise determined by the Management Committee.  
A Member which resigns before the end of the 3-year term is immediately liable to pay the remaining Membership fees, if any, related to the 3-year term.
8. Secretary and Treasurer (Paragraphs 11.5 and 11.6)  
With the approval of the Management Committee, the Secretary and Treasurer may delegate their duties to the Executive Officer of the Association.
9. Special Resolutions (Paragraph 19.1)  
“sell transfer or otherwise dispose of any land owned by the Association” is added to the list of items requiring a special resolution (at least 75% approval of Members).
10. Cancellation and Distribution of Surplus Property (Paragraph 29)  
Changes to the wording to comply with the current standard in accordance with ACNC and ATO requirements.
11. Generally  
The lawyers have reviewed the Constitution and proposed wording changes where appropriate to comply with the current standard in accordance with the ACNC and ATO.

A copy of the proposed revised Constitution has been provided as an attachment.

**Consultation**

Discussions were held at the CEACA Inc. Committee Meeting

**Statutory Implications**

Nil

**Policy Implications**

Nil

**Financial Implications**

Nil

**Strategic Implications**

*Shire of Bruce Rock – Strategic Community Plan 2022-2032*

**Community**

- Goal 1.1 Community are engage and have a healthy lifestyle  
Housing options are available for individual and family life stages  
Achieve and update the Aged Friendly Community Plan

**Governance**

- Goal 4.1 Our organisation is well positioned and has capacity for the future  
We attend meetings of key local and regional organisations to jointly plan and deliver benefits for the community.

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION AND COUNCIL DECISION**

**Resolution OCM July 23 – 11.3**

**Moved: Cr Verhoogt**

**Seconded: Cr Waight**

**That Council endorses the recommended variations to the CEACA Inc Constitution, as presented.**

**Carried 7/0**



**Agenda Reference and Subject:**

**11.4** CEACA Meeting May 2023 Minutes Commitment to Growing Regions Grant Application

**Reporting Officer:**

Darren Mollenoyux, Chief Executive Officer

**Author:**

Darren Mollenoyux, Chief Executive Officer

**Disclosure of Interest**

Nil

**Attachments**

*Nil*

**Summary**

Council is asked to receive the minutes from the Central Eastern Aged Care Alliance (CEACA) Inc. Meeting of May 2023.

**Background**

The nine member Councils of CEACA Inc. held its General Meeting on 29 May 2023 at the Kellerberrin Recreation Centre.

**Comment**

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

The Shire President and Chief Executive Officer (CEO) attended the meeting.

The key points of the meeting were as follows:

Review of Constitution

The Constitution has been reviewed by CEACA Executive and Lawyers, and the draft was presented for consideration at the meeting. There is a separate agenda item to consider the changes of the CEACA Inc constitution.

Potential New Members

CEACA resolved to endorse the application from the Shire of Narembeen to become a full member of CEACA, effective 1 July 2023.

Care Service Models

Following the Pingelly "Staying in Place" Expo, CEACA management has continued discussions with InCasa, Aged Care and Community Services. Ms Misty Morton of InCasa has agreed to present to the CEACA Management Committee on 29 May 2023, and will have some time to meet with individual Shires.

Arrangements have been made for a presentation at the August 2023 Council Meeting.

4.2 Government Funding for Additional ILU's

*"In relation to the Federal Government's Growing Regions Funding, the Executive Officer advised as follows:*

- *This is a new funding option that replaces Building Better Regions.*
- *The funding includes funds for building better community building infrastructure, which could include ILUs.*

- *There are different tiers to the application and ours would be up to 50% of the cost of the project. That could work well for CEACA as we can then approach the State Government and advise that we are hoping to be successful with up to 50% funding from the Federal Government towards the overall project for ILU.*
- *We would be applying for ‘affordable living units’. CEACA currently house the elderly, people living with a disability, those on very low incomes and workers and their existing model works well without impacting their charitable status. Workers are eligible, depending on income levels, age and if they have a disability.*
- *EO has spoken to two Consultants with a view to putting together a funding proposal. Tara Whitney is the preferred option. Consultancy fees are \$6k to lodge an EOI and \$8k for a cost benefit analysis.*
- *CEACA have allocation in the budget for consultancy fees (\$10k) this year and a possible top up next year.*
- *Comfortable using the Consultant and recommends that CEACA submit an EOI.*

#### **RESOLUTION**

*It was resolved by the CEACA Management Committee to engage the services of Consultant, Tara Whitney to prepare an EOI and Cost Benefit Analysis for the Growing Regions Funding application.*

#### **ACTION ITEMS**

- 1. Shires to submit final number of ILU’s required by no later than 30 June 2023.*
- 2. Operations Manager to send current waiting lists and EOI to shires.”*

Additional Comment from CEACA Executive:

*“An initial planning meeting has been held with Whitney Consulting (“Whitney”). We are now working with them on an Expression of Interest (EOI) for the Federal Government Growing Regions Program. The EOI is due to be lodged by 1 August 2023.*

*Whitney has suggested as part of the EOI we provide letters of support from key stakeholders including Member Shires. A proforma draft for putting on Shire letterhead is attached for your review.*

*For the EOI we will need to confirm that the relevant land is to be transferred to CEACA and provide relevant details of the land.*

*In relation to project funding, Whitney has advised that the Growing Regions Program may provide up to 50% of the total cost (up to a total of \$15m) and that if Federal Government funding is secured, State Government funding is much more likely to be forthcoming. Whitney has also advised that there will be an expectation for CEACA Member Shires to make a financial contribution to the construction costs, and a figure (to be clarified) of 10% has been mentioned, as was the case for the existing seventy-one (71) CEACA Units.*

*Updated quotes for construction costs are being sought from Evoke Living Homes.*

*Our preliminary planning is based on total costs of \$400k per Unit.*

*The average cost of the existing seventy-one (71) Units per Unit including siteworks in 2018/19 was \$275k per Unit.”*

The CEO reviewed the number of allocated units for the Shire of Bruce Rock and, following request from the June 2023 Councillor Information Session, the following was provided to CEACA and now requires formal endorsement and commitment of Council.

Bruce Rock's original allocation is four units and, taking into consideration current waiting lists and demand for other social and workers' accommodation and the requirement to only contribute 10% of the construction cost plus land, it was deemed that Council remain with seeking four units.

Proposed sites for the new accommodation:

Site 1 - Lot 87 Butcher Street, Bruce Rock – 1 x dwelling

Site 2 – Lot 98 and 100 Butcher Street, Bruce Rock – 3 x dwellings

An in principle letter of support was addressed as follows:

*"The Shire of Bruce Rock is a Foundation Member of CEACA Inc. and is very supportive of CEACA's plans to build additional Independent Living Units (ILUs) in the Shire.*

*The CEACA project is successful and is making a positive difference to Bruce Rock and surrounding communities.*

*The existing CEACA units provide high-quality, purpose-built accommodation which enable older residents and people with disability to remain in their regional community so they can maintain local connections and support.*

*The provision of the CEACA units also improves regional livability by enabling country residents to stay in their communities and keep families together. This in turn assists the community to maintain its workforce, including volunteers, which supports the local economy and helps to sustain community groups and community facilities.*

*The Shire of Bruce Rock will assist CEACA to build additional Independent Living Units (ILUs) by:*

- *Gifting land at Lot 87 Butcher Street, Bruce Rock,*
- *Gifting land at Lot 98 & 100 Butcher Street, Bruce Rock and*
- *Making a financial contribution equal to 10% of the cost of the ILUs to be built in Bruce Rock."*

A copy of the minutes has been provided in the correspondence section of the Councillors' Information Session document.

### **Consultation**

Discussions were held at the CEACA Inc. Committee Meeting.

### **Statutory Implications**

Nil

### **Policy Implications**

Nil

### **Financial Implications**

Council already owns the land required and would be required to gift the following land:

Lot 87 Butcher Street, Bruce Rock

Lot 98 and 100 Butcher Street, Bruce Rock

Should the grant application be successful, making a financial contribution in 2025-2026 financial year, equal to 10% of the cost of the Independent Living Units to be built in Bruce Rock, equating to \$160,000. This would be required to come out of general revenue or housing reserve, to be determined should the grant be successful.

### **Strategic Implications**

*Shire of Bruce Rock – Strategic Community Plan 2022-2032*

#### **Community**

Goal 1.1 Community are engage and have a healthy lifestyle  
Housing options are available for individual and family life stages  
Achieve and update the Aged Friendly Community Plan

#### **Governance**

Goal 4.1 Our organisation is well positioned and has capacity for the future  
We attend meetings of key local and regional organisations to jointly plan and deliver benefits for the community.

### **Voting Requirements**

Absolute Majority

#### **OFFICER RECOMMENDATION AND COUNCIL DECISION**

**Resolution OCM July 23 – 11.3**

**Moved: Cr Rajagopalan**

**Seconded: Cr Kilminster**

- 1. receives the minutes of the CEACA Inc General Meeting held on 29 May 2023 at the Kellerberrin Recreation Centre; and**
- 2. supports CEACA’s Expression of Interest for additional Independent Living Units through the Federal Government’s Growing Regions Program, with the following commitments:**
  - Gifting land at Lot 87 Butcher Street, Bruce Rock.**
  - Gifting land at Lot 98 and 100 Butcher Street, Bruce Rock.**
  - Should the grant application be successful, making a financial contribution in the 2025-2026 financial year, equal to 10% of the cost of the Independent Living Units to be built in Bruce Rock, equating to \$160,000.**

**CARRIED BY ABSOLUTE MAJORITY 7/0**

*Cr NC Kilminster left the Council Chambers at 4.04pm.*

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

**Agenda Reference and Subject:**

**12.1** Operational Risk Register

**Reporting Officer:**

Nerea Ugarte, Manager of Governance and Community Services

**Author:**

Nerea Ugarte, Manager of Governance and Community Services

**Disclosure of Interest**

Nil

**Attachments**

*Item 12.1 – Operational Risk Register*

**OFFICER RECOMMENDATION AND COUNCIL DECISION**

**Resolution OCM July 23 – 12.1.1**

**Moved: Cr Rajagopalan**

**Seconded: Cr Foss**

**That in accordance with Section 5.23(2) of the Local Government Act 1995, the meeting is closed to the members of the public for this item, as the following sub-section applied:**

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

**Carried 6/0**

**OFFICER RECOMMENDATION AND COUNCIL DECISION**

**Resolution OCM July 23 – 12.1.2**

**Moved: Cr Rajagopalan**

**Seconded: Cr Foss**

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

**Carried 6/0**

**OFFICER RECOMMENDATION AND COUNCIL DECISION**

**Resolution OCM July 23 – 12.1.3**

**Moved: Cr Rajagopalan**

**Seconded: Cr Foss**

**That Council approve the Operational Risk Register, as attached.**

**Carried 6/0**

**13. Confidential Items**

<b>Agenda Reference and Subject:</b>	<b>13.1</b> Interim Audit Management Letter
<b>Reporting Officer:</b>	Manisha Barthakur, Manager of Finance
<b>Author:</b>	Manisha Barthakur, Manager of Finance
<b>Disclosure of Interest</b>	Nil
<b>Attachment</b>	<i>Nil</i>

**OFFICER RECOMMENDATION AND COUNCIL DECISION**  
**Resolution OCM July 23 – 13.1.1**

Moved: Cr Rajagopalan  
Seconded: Cr Foss

That in accordance with Section 5.23(2) of the Local Government Act 1995, the meeting is closed to the members of the public for this item, as the following sub-section applied:

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

**Carried 7/0**

**OFFICER RECOMMENDATION AND COUNCIL DECISION**  
**Resolution OCM July 23 – 12.1.2**

Moved: Cr Rajagopalan  
Seconded: Cr Foss

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

**Carried 7/0**

**OFFICER RECOMMENDATION AND COUNCIL DECISION**  
**Resolution OCM July 23 – 12.1.2**

Moved: Cr Waight  
Seconded: Cr Negri

That, subject to the Audit and Risk Committee’s recommendation, Council receives the Interim Audit Management Letter for the year ended 30 June 2023.

**Carried 7/0**

**Agenda Reference and Subject:**

**13.2** CEO Performance Appraisal 2023

**Reporting Officer:**

Darren Mollenoyux, Chief Executive Officer

**Author:**

Darren Mollenoyux, Chief Executive Officer

**Disclosure of Interest**

Darren Mollenoyux, Chief Executive Officer

**Attachments**

*Item 13.1 Attachment A - Confidential Report from John Phillips Consulting*

**OFFICER RECOMMENDATION AND COUNCIL DECISION**

Resolution OCM July 23 – 12.1.2

Moved: Cr Rajagopalan

Seconded: Cr Foss

That in accordance with Section 5.23(2) of the Local Government Act 1995, the meeting is closed to the members of the public for this item, as the following sub-section applied:

(b) the personal affairs of any person;

Carried 7/0

**OFFICER RECOMMENDATION AND COUNCIL DECISION**

Resolution OCM July 23 – 12.1.2

Moved: Cr Rajagopalan

Seconded: Cr Foss

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

Carried 7/0

**REPORT RECOMMENDATION AND COUNCIL DECISION**

Resolution OCM July 23 – 12.1.2

Moved: Cr Foss

Seconded: Cr Waight

1. That Council resolve to engage John Phillips Consulting to undertake the 2023 Annual Performance Review of the Chief Executive Officer, with Council and the Chief Executive Officer, Mr Darren Mollenoyux, agreeing to the review process outlined in the Confidential Proposal by John Phillips Consulting.
2. That following Council's decision to postpone the development of a Reconciliation Action Plan until February 2024, that the Chief Executive Officer's Key Performance Indicator (Additional to Contract) 10.1 – Development of Reconciliation Action Plan be removed from the assessment process.

Carried 7/0

**14. Closure of Meeting**

The Shire President Stephen Strange thanked everyone for their attendance and declared the meeting closed at 4.12pm.

These minutes were confirmed at a meeting on 20 July 2023.

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Cr Stephen Strange  
Shire President  
20 July 2023