



Agenda

Ordinary Meeting of Council

To be held in Council Chambers
54 Johnson Street, Bruce Rock
Thursday 19 October 2023
Commencing 3.00pm



Notice of Ordinary Meeting of Council

Dear President and Councillors,

The next Ordinary Meeting of Council will be held on **Thursday 19 October 2023 at 3.00pm** in Council Chambers, at 54 Johnson Street, Bruce Rock.

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

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

Darren Mollenoyux
CHIEF EXECUTIVE OFFICER

DISCLAIMER

PLEASE READ THE FOLLOWING IMPORTANT DISCLAIMER BEFORE PROCEEDING:

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

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

Our Mission

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

Our Values

Respect, Inclusiveness, Fairness and Equality & Communication

SHIRE OF BRUCE ROCK

AGENDA – ORDINARY MEETING 19 October 2023

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SHIRE OF BRUCE ROCK

AGENDA – ORDINARY MEETING 19 OCTOBER 2023

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

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

Date	Name	Item No	Reason

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

Date	Name	Item No	Reason

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

Date	Name	Item No	Reason

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

Ordinary Meeting of Council held on Thursday, 21 September 2023.

Works and Services Committee Meeting held on Tuesday, 26 September 2023.

Bush Fire Advisory Committee Meeting held on Thursday, 28 September 2023.

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:	
Attachments:	<i>Item 10.2.2 Attachment A – Statement of Financial Activity September 2023</i>

Summary

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

Background

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

Comment

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

Consultation

Darren Mollenoyux, Chief Executive Officer
Nerea Ugarte, Manager of Governance and Community Services
David Holland, Manager of Works and Services
Julian Goldacre, Environmental Health Officer
Mike Darby, Senior Finance Officer and other staff

Statutory Implications

r. 34 Local Government (Financial Management) Regulations 1996

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

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

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

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

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

Policy Implications

Nil

Risk Implications

Risk: Financial performance is not monitored against approved budget		
Likelihood	Consequence	Rating
Possible	Minor	Moderate
Action / Strategy		
The monthly financial report tracks the Shire’s actual financial performance against its budgeted financial performance to ensure that the Council is able to monitor the Shire’s financial performance throughout the year.		

Financial Implications

Comparison of actual year to date to the 2023-24 Budget.

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2022-2032

Governance

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

Voting Requirements

Simple Majority

Officer Recommendation

That the Statement of Financial Activity for the month ending 30 September 2023 be received.

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:	
Attachments:	<i>Item 10.2.2 Attachment A – List of Payments September 2023</i>

Summary

Council is asked to endorse the list of payments made since the last Ordinary Council Meeting.

Background

As the Chief Executive Officer has been delegated the authority to make payments from the municipal and trust funds, a list of payments made is to be presented to Council each month. Also, in accordance with Finance Policy Number 2.3, included is a list of payments made with the Chief Executive Officer’s credit card.

Comment

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

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

Consultation

Nil

Statutory Implications

s.6.10, Local Government Act 1995

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

Policy Implications

Nil

Risk Implications

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

Financial Implications

Payments must be made in accordance with the 2023-24 Budget.

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2022-2032

Governance

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

Voting Requirements

Simple Majority

Officer Recommendation

That Council:

- 1. endorse the list of payments from the Municipal Account consisting of:**
 - a. EFT voucher numbers EFT22040 to EFT22007 totalling \$827,506;**
 - b. cheque numbers 134 to 137 totalling \$10,810.31;**
 - c. nil Trust EFT payments;**
 - d. wages and superannuation payments totalling \$192,484.55; and**
 - e. credit card payments totalling \$1005.61,**
with all payments totalling \$1,030,801.40 for the month of September 2023; and
- 2. note that the credit card payment is reported separately, but is a part of the EFT payments.**

Agenda Reference and Subject:	10.2.3 Fuel Cards and Credit Card Transactions
Reporting Officer:	Manisha Barthakur, Manager of Finance
Author:	Manisha Barthakur, Manager of Finance
Disclosure of Interest:	
Attachments:	<i>Item 10.2.3 Attachment A – List of Credit Card and Fuel Card transactions for September 2023</i>

Summary

A list of transactions made using corporate cards are reported to Council.

Background

Consistent with the Local Government Regulations Amendment Regulations 2023, from 1 September 2023, Local Governments are required to prepare a list of corporate and credit card payments made by employees each month. The list must be presented to Council at the next ordinary meeting and recorded in the minutes.

Comment

Following is a list of all transactions for all corporate cards that Shire holds.

If you have any queries regarding these transactions, please advise prior to the meeting to enable staff to seek relevant information.

Consultation

Nil

Statutory Implications

s.6.10 Local Government Act 1995

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

Policy Implications

Nil

Risk Implications

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

Financial Implications

Payments must be made in accordance with the 2023-24 Budget.

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2022-2032

Governance

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

Voting Requirements

Simple Majority

Officer Recommendation

That Council endorse the list of transactions through the:

- a. Bendigo Bank Corporate Credit Card; and
- b. Great Southern Fuel Card.

10.3 Environmental Health Officer

Agenda Reference and Subject:	10.3.1 Approval of the Public Health and Wellbeing Plan 2023-2027 for Advertising for Public Comment
Reporting Officer:	Julian Goldacre, Environmental Health Officer
Author:	Julian Goldacre, Environmental Health Officer
Disclosure of Interest:	
Attachments:	<i>Item 10.3.1 Attachment A - Public Health and Wellbeing Plan 2023 - 2027</i>

Summary

That Council approve the advertising of the Shire of Bruce Rock’s Health and Wellbeing Plan 2023-2027 inviting public comments.

Background

Part 5 of the Public Health Act 2016 (Act), which requires the development of a public health plan by Local Governments, has still to come into effect.

Originally, Local Governments were encouraged to have substantially started their public health planning, or have a public health plan in place within five years of the Act coming into effect. This timeline was affected by the COVID-19 pandemic, as acknowledged by the Chief Health Officer’s correspondence dated 6 December 2022. Compliance with Part 5 of the Act will not be a requirement now until around 2024.

Notwithstanding this, in June 2020, the Shire of Bruce Rock initiated the engagement of consultant Mr Llew Withers to prepare its Health and Wellbeing Plan 2023-2027 (Plan).

Comment

The Plan (Attachment A) provides an overview of demographic information and health data for Bruce Rock up to the end of 2022. The data was sourced from the ABS Census, Socio-Economic Indexes for Areas (SEIFA) Index, Australian Early Development Census (Education) data (AEDC), Health Department hospital admissions data (2018-2020), and the Shire of Bruce Rock’s Community Survey.

In relation to the information presented, it is noted that:

- it is understood that epidemiological health data for the Wheatbelt population is not as detailed as data collected for the Perth, Peel and south-west coastal areas; and
- the unavailability of detailed data creates challenges in determining trends, although as our population ages, certain medical conditions are expected to become ubiquitous, especially in the chronic illness rates for heart disease, neurodegenerative disease, diabetes and respiratory disease.

The Plan has been written to place the Shire of Bruce Rock in a supportive role in the delivery of public health and wellbeing programs. This is because health and wellbeing programs are best delivered by suitably qualified persons, who would be best sourced from Public Health Units, relevant non-government agencies, and the Western Australian Department of Health, should funding ever eventuate.

Whilst the Act is silent on the requirement to undertake public consultation on the Plan, it would be prudent to make it available for public comment in its current form for a period of 14 days. The Plan would then be updated to incorporate any relevant feedback, and presented to Council for formal approval.

Once adopted, the Plan will be an informing strategy that could integrate with the Community Strategic Plan, with key projects and outcomes included in the Corporate Business Plan.

Consultation

- Mr Darren Mollenoyux, Chief Executive Officer
- Ms Nerea Ugarte, Manager of Governance and Community Services
- Ms Caris Negri, Community Development Office
- Mrs Shayna Campbell, Engagement Officer
- Ms Lyn Fogg, Governance Specialist, WALGA
- Mr Llew Withers, Withers & Associates P/L Environmental Health Consultant

Statutory Implications

Public Health Act 2016

Policy Implications

Nil.

Risk Implications

Risk: State Government imposes a requirement that the Shire organises, manages and funds all public health programs that fall outside the normal Shire operational endeavours.		
Likelihood	Consequence	Rating
Possible	Moderate	Moderate
Action / Strategy		
This item has been evaluated against the Shire of Bruce Rock’s Risk Management Framework. The perceived level of risk is considered to be “Medium”, and will be managed by specific monitoring and response procedures.		

Financial Implications

A total cost of \$10,000 (excluding GST), spread over three financial years (2020-2021, 2021-2022 and 2022-2023).

Strategic Implications

Governance

- Goal 7 Our community are engaged and have a healthy lifestyle.
- 7.7 Environmental Health services - Create a community health plan incorporating community life, local planning, parks and facilities, transport, social support, and community participation to embed preventative health measures and health promotion locally.

Voting Requirements

Simple Majority

Officer Recommendation

That Council approve the publication of the Public Health and Wellbeing Plan 2023-2027 for the purpose of public consultation for a period of 14 days.

10.4 Manager of Governance and Community Services

Agenda Reference and Subject:

10.4.1 Shire President Stamp

Reporting Officer:

Melissa Schilling, Executive Services Manager

Author:

Melissa Schilling, Executive Services Manager

Disclosure of Interest:

Attachments:

Nil

Summary

Use of the Shire President Stamp in September 2023.

Background

Nil

Comment

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

- Foreign Transfer Duty Declaration for Supermarket

Consultation

Nil

Statutory Implications

Council Policy

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Shire of Bruce Rock Strategic Community Plan 2017-2027

Governance

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

Voting Requirements

Simple Majority

Officer Recommendation

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

Agenda Reference and Subject:

10.4.2 Shire Seal

Reporting Officer:

Melissa Schilling, Executive Services Manager

Author:

Melissa Schilling, Executive Services Manager

Disclosure of Interest:

Attachments:

Nil

Summary

Use of the Shire Seal in September 2023.

Background

Nil

Comment

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

- Contract of Sale 52 & 52A Johnson Street (transfer and amalgamation of lots)
Sale of caveat removed.

Consultation

Nil

Statutory Implications

Council Policy

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Shire of Bruce Rock Strategic Community Plan 2017-2027

Governance

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

Voting Requirements

Simple Majority

Officer Recommendation

That Council endorse the use of the Shire Seal during September 2023.

Agenda Reference and Subject:

10.4.3 Request for Fee Waiver for the Use of the Amphitheatre

Reporting Officer: Darren Mollenoyux, Chief Executive Officer

Author: Darren Mollenoyux, Chief Executive Officer

Disclosure of Interest:

Attachments: *Item 10.4.3 Attachment A – Email from Community Resource Centre Coordinator*

Summary

On 29 October 2023, the Community Resource Centre (CRC) is hosting a family picnic at the Amphitheatre as part of Children’s Week. The CRC has asked about the possibility of the Amphitheatre hire fee being waived for this event (refer to Attachment A).

Background

Children’s Week is an annual national initiative held during the fourth week of October across Australia.

In Western Australia, this week is dedicated to celebrating children across the State and highlighting their right to happiness. This is an opportunity for the community to engage in a variety of activities that facilitate, support and encourage children and their families to celebrate, play and discover together.

Meerilinga Children and Community Services Inc (through Healthways, Lotterywest and the Department of Communities) provides small grants of up to \$1,000 (excluding GST) to Western Australian not-for-profit community organisations and Local Governments in regional and remote locations to host their own events for Children’s Week.

Comment

The CRC is planning to host a family ‘Teddy Bears’ picnic on 29 October 2023 to celebrate Children’s Week. The event will be held at the Bruce Rock Amphitheatre and will consist of several activities. Consistent with Healthway’s focus on encouraging active living and healthy food choices, the CRC will also be providing fresh food and vegetables and bottled water to attendees. The CRC has secured a Children’s Week Grant to fund this event.

The Amphitheatre (stage and kitchen) hiring fee is \$200 per day. This expenditure would represent 20% of the grant secured by the CRC to host the event.

The waiving of the Amphitheatre hiring fee would enable the CRC to dedicate the whole grant to the funding of activities and to supplying produce that will benefit children and families in the Bruce Rock community.

Consultation

Darren Mollenoyux, Chief Executive Officer

Statutory Implications

Nil

Policy Implications

Nil

Risk Implications

Risk: Council loses revenue as a result of providing facilities for no charge.		
Likelihood	Consequence	Rating
Possible	Minor	Low
Action / Strategy		
This item has been evaluated against the Shire of Bruce Rock’s Risk Management Framework. The perceived level of risk is considered to be “Low” and can be managed by routine procedure.		

Financial Implications

The waiving of the Amphitheatre hiring fee would result in a loss of revenue of \$200.

In order to ensure that the Shire of Bruce Rock does not incur cleaning costs as a result of this event, it is recommended that the CRC be requested to ensure the Amphitheatre and other areas that may have been used as part of the event (such as the Remembrance Park) are cleaned up after the event.

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Governance

Goal 2.2: Encourage greater usage of current Shire owned facilities

Community

Goal 7 Our community is engaged and has a healthy lifestyle

Voting Requirements

Absolute Majority

Officer Recommendation

That Council approve the request from the Community Resource Centre to waive the Amphitheatre hiring fee for a Children’s Week family picnic to be held on 29 October 2023, with this approval being subject to the Community Resource Centre ensuring that the Amphitheatre and other adjoining areas used for the picnic are cleaned after the event.

10.5 Chief Executive Officer

Agenda Reference and Subject:

10.5.1 Variation to December 2023 Ordinary Council Meeting Date

Reporting Officer:

Darren Mollenoyux, Chief Executive Officer

Author:

Darren Mollenoyux, Chief Executive Officer

Disclosure of Interest:

Attachments:

Nil

Summary

Council is asked to consider rescheduling the date of the December 2023 Ordinary Meeting of Council.

Background

When setting the annual schedule of Ordinary Meetings for 2023, the December 2023 Meeting was set for Thursday 21st December 2023. Staff have identified that this date creates a very small timeframe for staff to action the outcomes of the December Meeting. This is due to the Office Closure during the Christmas shutdown period from midday Friday 22nd December 2023 and re-opening on Tuesday 2nd January 2024.

Comment

It is asked that Council consider moving the December 2023 Ordinary Council meeting date scheduled for Thursday 21st December 2023 to the new date of Thursday 14th December 2023. It should be noted that this will be the new date for the Council Christmas Function.

A review of other community events in December has been undertaken and staff are not aware of any clashes.

Once a date has been selected by Council, it is a requirement to advertise the new date.

Consultation

Melissa Schilling, Executive Services Manager

Statutory Implications

Local Government Act 1995

12. Meetings, public notice of (Act s. 5.25(1)(g))

- (1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which —
 - (a) the ordinary council meetings; and*
 - (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.**
- (2) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).*

- (3) *Subject to subregulation (4), if a special meeting of a council is to be open to members of the public then the local government is to give local public notice of the date, time, place and purpose of the special meeting.*
- (4) *If a special meeting of a council is to be open to members of the public but, in the CEO's opinion, it is not practicable to give local public notice of the matters referred to in subregulation (3), then the local government is to give public notice of the date, time, place and purpose of the special meeting in the manner and to the extent that, in the CEO's opinion, is practicable.*

Policy Implications

Nil

Risk Implications

Risk: That Council not vary the December 2023 Council Meeting date, creating a narrow timeframe for actions to be performed by staff before the annual Christmas Shutdown period.		
Likelihood	Consequence	Rating
Likely	Minor	Low
Action / Strategy		
This item has been evaluated against the Shire of Bruce Rock's Risk Management Framework. The perceived level of risk is considered to be "Low", will be managed by routine procedure, and is unlikely to need the specific application of resources.		

Financial Implications

Nil

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2022-2032

Governance

- Priority 4.1 Our organisation is well positioned and has capacity for the future
 Priority 4.3 Proactive and well governed Shire

Voting Requirements

Simple Majority

Officer Recommendation

That Council:

1. reschedule the December 2023 Ordinary Meeting of Council from Thursday 21st September 2023 to Thursday 14th December 2023, commencing at 3.00pm; and
2. give public notice of the change of meeting details for the December 2023 Ordinary Meeting of Council.

Agenda Reference and Subject:

10.5.2 CEO Annual Leave and Appointment of Acting CEO

Reporting Officer:

Darren Mollenoyux, Chief Executive Officer

Author:

Darren Mollenoyux, Chief Executive Officer

Disclosure of Interest:

Darren Mollenoyux, Chief Executive Officer

Nerea Ugarte, Manager of Governance & Community Services

Attachments:

Nil

Summary

Council is asked to consider approval of annual leave for the Chief Executive Officer (CEO), and to appoint an Acting CEO during his absence.

Background

The CEO is seeking annual leave during the 2023 Christmas and January 2024 period, as follows.

The Shire Office will be closed from the 25th December 2023 to the 1st January 2024. The CEO intends to take 3 Annual Leave Days, 3 Public Holidays and 1 Local Government Day during this period, returning to work on the 2nd January 2024. Given all other staff will also on leave, the CEO will be on call, therefore no Acting CEO is required to be appointed for this period. Adequate arrangements have been put in place to cover harvest ban readings during this period.

Once all Managers have returned from leave, the CEO will then take Annual Leave from (and including) Friday 12th January 2024 and return to work on the 5th February 2024. Adequate Annual Leave is accrued to take the requested leave. There will be a requirement to appoint an Acting CEO during this period. There are no significant project deadlines or meetings during this period.

Comment

The CEO has held discussions with the Manager of Governance and Community Services, the Manager of Finance and the Manager of Works and Services, and the CEO is confident that they have capacity to manage the organisation during his absence. I am confident that the Manager of Governance and Community Services, Nerea Ugarte is capable and suitable to be appointed as Acting CEO during this period. Other managers will also be able to assist Nerea in various areas.

Consultation

Nerea Ugarte, Manager of Governance and Community Services
Manisha Barthakur, Manager of Finance
David Holland, Manager of Works and Services
Melissa Schilling, Executive Services Manager

Statutory Implications

Local Government Act 1995

In particular:

5.36 . *Local government employees*

(1) *A local government is to employ —*

(a) *a person to be the CEO of the local government; and*

(b) *such other persons as the council believes are necessary to enable the functions of the local government and the functions of the council to be performed.*

5.39 . *Contracts for CEO and senior employees*

- (a) *an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which he or she is acting*

Policy Implications

Policy 3.10 – Appointment of Acting Chief Executive Officer

PREAMBLE

Policy regarding the process to be followed to appoint an Acting Chief Executive Officer.

OBJECTIVE

- 1. To ensure compliance with the Local Government Act 1195 s5.39c that requires Local Governments to have a policy regarding the employment of an Acting Chief Executive Officer (CEO).*
- 2. To advise Council of the process which needs to be followed in these circumstances.*

POLICY

Policy regarding the process to be followed to appoint an Acting Chief Executive Officer.

OBJECTIVE

- 1. To ensure compliance with the Local Government Act 1195 s5.39c that requires Local Governments to have a policy regarding the employment of an Acting Chief Executive Officer (CEO).*
- 2. To advise Council of the process which needs to be followed in these circumstances.*

POLICY

In its guidance on this subject, the Department of Local Government, Sport and Cultural Industries (DLGSC) notes:

“Where the role of CEO is not fulfilled for a significant period, this leads to increased risk to the operations and governance of the local government. Therefore, local governments are required to develop and implement a policy that outlines the arrangements to temporarily replace a CEO for any period less than twelve months, for example, when a CEO is on planned or unplanned leave. The policy must include the decision-maker(s) for appointing an acting CEO.

As an example, the policy may include employee position titles, specifying that the Council considers a person holding these positions to be suitably qualified and experienced for the position of CEO. In addition, the policy should also include a methodology for the CEO to appoint an Acting CEO from the listed positions for a period of absence of up to four weeks; however any decision regarding the appointment of an Acting CEO for any period exceeding four weeks must be made by the council.

The policy must be made available on the local government’s official website”.

The process currently followed is that while the CEO is taking leave the Manager of Governance and Community Services is recommended to Council to be approved to fulfil the CEO’s role during this period. However, if the CEO’s absence is known or thought to be liable to extend beyond that expected to encompass the CEO’s usual leave entitlement and up to one year in other circumstances, then the following process should be followed:

- 1. The Manager of Governance and Community Services, the Manager of Works and Services and the Manager of Finance are all recognised as Senior Employees, and as being capable of fulfilling the role of CEO on an Acting basis for up to one year.*
- 2. This being the case, in the first instance the MGCS is nominated to Council as being the Acting CEO for up to a period of one year.*
- 3. If for any reason this is not possible or not deemed appropriate in the circumstances, then either the Manager of Works and Services or the Manager of Finance can be appointed to be Acting CEO for a period of up to one year.*
- 4. If this is not possible or not deemed appropriate in the circumstances then Council will initiate a recruitment process to fill the role of Temporary Chief Executive Officer for up to one year.*

While this process is taking place, an Acting Chief Executive Officer may be appointed from among the Senior Officers until the Temporary Chief Executive Officer is recruited.

5. *In all of the above examples, Council is the decision making body.*

Risk Implications

Risk: That adequate staffing resources are not available to cover the CEO’s period of absence.		
Likelihood	Consequence	Rating
Unlikely	Minor	Low
Action / Strategy		
This item has been evaluated against the Shire of Bruce Rock’s Risk Management Framework. 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

It is general practice that the Acting CEO is paid higher duties during this time. This is budgeted for in the annual salaries and wages provision.

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2022-2032

Governance

- Priority 4.1 Our organisation is well positioned and has capacity for the future
- Priority 4.3 Proactive and well governed Shire

Voting Requirements

Simple Majority

Officer Recommendation

That Council:

1. **approve the annual leave of the Chief Executive Officer, Darren Mollenoyux during the Office Shutdown period (from 25th December 2023 to 1st January 2024, inclusive), noting no Acting Chief Executive Officer is required for this period as the Chief Executive Officer will be On Call;**
2. **approve the annual leave of the Chief Executive Officer, Darren Mollenoyux for the period commencing on 12th January 2024 to 2nd February 2024, inclusive; and**
3. **appoint the Manager of Governance and Community Services, Nerea Ugarte as the Acting Chief Executive Officer for the period from 12th January 2024 to 2nd February 2024 inclusive, with higher duties (equivalent to the CEO’s salary) being paid to the Acting Chief Executive Officer.**

Agenda Reference and Subject:

10.5.3 Amendment of Bushfire Brigades and Governance Structure Policy

Reporting Officer: Darren Mollenoyux, Chief Executive Officer

Author: Darren Mollenoyux, Chief Executive Officer

Disclosure of Interest:

Attachments: *Item 10.5.3 Attachment A - Bushfire Brigades and Governance Structure Policy*

Summary

Council Policy 8.1 Bushfire Brigades and Governance Structure was reviewed and amended, and the Bushfire Advisory Committee has recommended that the reviewed policy be endorsed by Council.

Background

To assist in improving clarity regarding the Bushfire Advisory Committee Structure, appointment requirements for Fire Control Officers and the responsibility of the Committee, the Chief Executive Officer undertook a review of Policy 8.1 Bushfire Brigades and Governance Structures.

The following variations were made to Policy 8.1:

- Clarity of who can be a Fire Control Officer (FCO) and timeframes for the appointments to align with Local Government elections.
- Minimum standards and qualifications/training for different levels of FCO.
- Updated listing of officers permitted to undertake weather readings, noting all readings and bans are still to be approved by the Chief Bush Fire Control Officer or Deputy Chief Bush Fire Control Officer.
- Updated training requirements.
- Clarity around permission and requirements for Council plant / staff in entering a fire ground.

Comment

The Bushfire Advisory Committee reviewed the changes made and endorsed them at the Bush Fire Advisory Committee Meeting held on the 28th September 2023.

Council is required to endorse the amended policy.

A copy of the reviewed Council Policy 8.1 Bushfire Brigades and Governance Structure is provided as an attachment.

Consultation

Chief Bush Fire Control Officer, Tony Crooks
Bush Fire Advisory Committee

Statutory Implications

Bush Fires Act 1954 (as amended)

In accordance with provisions of the Bush Fire Act 1954 (as amended), Council shall appoint required Fire Control Officers, including the positions of Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officer.

Policy Implications

Policy 8.1 Bushfire Brigades and Governance Structure

Risk Implications

Risk: That Council does not adopt the amendments proposed by the Bush Fire Advisory Committee.		
Likelihood	Consequence	Rating
Unlikely	Moderate	Moderate
Action / Strategy		
This item has been evaluated against the Shire of Bruce Rock’s Risk Management Framework. The perceived level of risk is considered to be “Moderate”, and will be managed by specific monitoring and response procedures.		

Financial Implications

Nil

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2022-2032

Governance

- Goal 10 Our organisation is well positioned and has capacity for the future.
- Goal 12 Council leads the organisation in a strategic and flexible manner.

Voting Requirements

Simple Majority

Bush Fire Advisory Committee Recommendation

That Council review and endorse the modifications to Policy 8.1 Bushfire Brigades and Governance Structure, as presented and attached.

Agenda Reference and Subject:

10.5.4 Appointment of CBFCO and Deputy CBFCO

Reporting Officer:

Darren Mollenoyux, Chief Executive Officer

Author:

Darren Mollenoyux, Chief Executive Officer

Disclosure of Interest:

Attachments:

Nil

Summary

In accordance with Council Policy 8.1 Bushfire Brigades and Governance Structure, the Bushfire Advisory Committee has recommended the appointment of a Chief Bush Fire Control Officer, a Deputy Chief Bush Fire Control Officer, and an additional Fire Control Officer.

Background

In accordance with provisions of the Bush Fire Act 1954 (as amended) and Policy 8.1 Bushfire Brigades and Governance Structure, Council shall appoint required Fire Control Officers, including the positions of Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officer. The adopted procedure for these appointments will be as follows:

- a) *The Shire appointed Bush Fire Advisory Committee shall at their September Annual Advisory Meeting consider and recommend to Council the appointment of required Fire Control Officers including the Chief Bushfire Control Officer and the Deputy Chief Bushfire Control Officer.*

Bushfire Control Officers

- a) *The appointment of the Chief Bush Fire Control Officer and Deputy Chief Bushfire Control Officer should be for a two year period to align with Local Government Elections held every second October. Eg 2023, 2025*

To be eligible to be a Chief Bushfire Control Officer or Deputy Chief Bushfire Control Officer, the officer must;

- (i) Must be a member of a Shire of Bruce Rock Brigade*
 - (ii) Must be a member of the Bush Fire Advisory Committee*
 - (iii) Experienced in firefighting operations within the Shire of Bruce Rock*
 - (iv) Minimum of 8 years firefighting experience*
 - (v) Completed Introduction to Fire Fighting, and Bush Fire fighting training*
 - (vi) Knowledge of the Bush Fires Act 1954 & Bush Fires Regulations 1954*
 - (vii) If not already completed, must complete the Fire Control Officers Course within 12 months of appointment*
- b) *Fire Control Officers for the Shire of Bruce Rock should be a minimum of;*
- Chief Bush Control Fire Officer*
 - Deputy Chief Bush Fire Control Officer*
 - Captains of the brigades or their representatives*
 - The Chief Executive Officer and Manager of Governance & Community Services (for weather reading & management of burning permits)*
 - any other person officially designated by the Bush Fire Advisory Committee*

Officers Responsible for Weather Readings

- a) Officers responsible for undertaking weather readings are the
 - (CEO) Chief Executive Officer
 - (MGCS) Manager of Governance & Community Services
 - (MOWS) Manager of Works & Services

- b) If the CEO, MGCS or MOWS are unable to perform the reading on any given day they may delegate this duty to a Bushfire Control Officer or other Shire administration staff only after consultation with the Chief Bushfire Control Officer.

- c) Weather readings must be carried out in accordance with Policy 8.2 Harvest Bans.

Comment

The Bushfire Advisory Committee met on the 28th September 2023 and the following appointments for the period from October 2023 to October 2025 were recommended to Council:

Chief Bush Fire Control Officer	Tony Crooks
Deputy Chief Bush Fire Control Officer	Trent Cosgrove
Fire Control Officer	Stephen Dolton

All other appointments are positional as per Council policy 8.1 Bushfire Brigades and Governance Structure.

Consultation

Chief Bush Fire Control Officer, Tony Crooks
 Bush Fire Advisory Committee

Statutory Implications

Bush Fires Act 1954 (as amended)
 In accordance with provisions of the Bush Fire Act 1954 (as amended), Council shall appoint required Fire Control Officers, including the positions of Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officer.

Policy Implications

Policy 8.1 Bushfire Brigades and Governance Structure

Risk Implications

Risk: That Council does not endorse the appointment of the Fire Control Officers as recommended.		
Likelihood	Consequence	Rating
Unlikely	Moderate	Moderate
Action / Strategy		
This item has been evaluated against the Shire of Bruce Rock’s Risk Management Framework. The perceived level of risk is considered to be “Moderate” and will be managed by specific monitoring and response procedures.		

Financial Implications

Nil

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2022-2032

Governance

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

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

Voting Requirements

Simple Majority

Bush Fire Advisory Committee Recommendation

That Council:

1. **endorse the Bush Fire Advisory Committee’s recommendation to appoint the following positions for the period from October 2023 to October 2025:**

Chief Bush Fire Control Officer	Tony Crooks
Deputy Chief Fire Control Officer	Trent Cosgrove
Fire Control Officer	Stephen Dolton

2. **note that all other appointments are positional, as per Council policy 8.1 Bushfire Brigades and Governance Structure.**
3. **approve that staff undertake the required advertising and notifications to DFES, Gazettal and other required mediums.**

Agenda Reference and Subject:

10.5.5 Adoption of Draft Workforce Plan 2023 - 2027

Reporting Officer:

Darren Mollenoyux, Chief Executive Officer

Author:

Darren Mollenoyux, Chief Executive Officer

Disclosure of Interest:

Attachments:

Item 10.5.5 Attachment A - Draft Workforce Plan 2023 - 2027

Summary

Council is asked to adopt the Draft Workforce Plan 2023-2027.

Background

It is a requirement of Integrated Planning and Reporting (IPR) legislation that all Local Governments adopt a Strategic Community Plan and Corporate Business Plan. These key documents are supported by Informing Strategies: the Long Term Financial Plan, the Asset Management Plan, and the Workforce Plan.

This Workforce Plan updates the previous Plan (2018-2022), and is designed to assist in predicting future workforce requirements.

The Workforce Plan must be reviewed at least once every four years, and a desktop review should be carried out every two years.

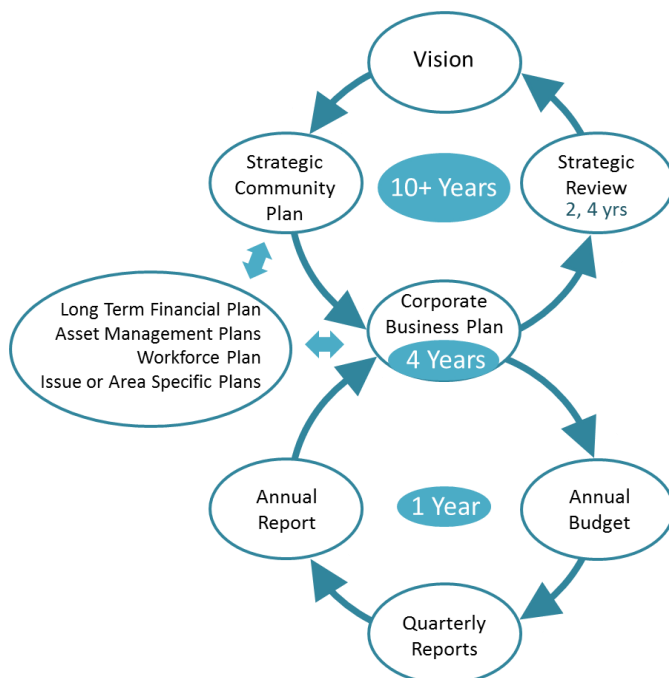


Diagram: Integrated Planning and Reporting Cycle
 Department of Local Government and Communities
 Integrated Planning and Reporting Framework and Guidelines, September 2016

As with all Local Governments, the Shire of Bruce Rock requires a diverse workforce that encompasses a wide range of occupations, requiring a broad range of skills to ensure that the Shire can deliver on its primary functions including:

- Infrastructure services (e.g. local roads, bridges, footpaths, drainage, waste collection and management)
- Provision and administration of community, cultural and recreation facilities

- Community services
- Building services
- Planning and development approvals

The Shire of Bruce Rock Workforce Plan is intended to enhance the capacity of its workforce to meet community needs by ensuring the organisation has the required staff, capabilities and resources to ensure sustainable service delivery now and into the future.

The Workforce Plan takes into account corporate and business objectives, such as financial targets, service delivery objectives and community benefits. It also examines potential external influences over workforce supply and demand. The Workforce Plan is integrated into the Corporate Business Plan and all staff costs are reflected in the budget. This includes wages, workers compensation, superannuation and training costs and is a recognition of the workforce required to achieve the objectives set out in the Corporate Business Plan.

To assist in the preparation of the Workforce Plan 2023 – 2027, Caroline Robinson of 150 Square was engaged to review, undertake in person meetings, and survey staff.

The following engagement was undertaken by Mrs Robinson;

- Meeting with members of the Management Team to gauge an overall understanding of the organisation, workforce, culture, directions and strategies going forward. This was important considering a large number of staff turnover and particularly two Managers.
- Over the past two years, the Chief Executive Officer had conducted a comprehensive organisational review of each business unit and work area, and the findings were provided to Mrs Robinson to assist in developing the Workforce Plan.
- A survey was provided to all staff, with both electronic and hard copies made available. 25 out of 44 staff completed the survey.
- Mrs Robinson analysed all the feedback and developed the updated Workforce Plan, whilst ensuring it aligned with Council's other Integrated Strategic Plans.
- The draft document was provided to the Chief Executive Officer, and members of the Management Team undertook a review of the Draft Workforce Plan and provided some feedback, including allocation of the Actions set in the plan.
- This input was considered by Mrs Robinson and updates made to the Workforce Plan in readiness to present to Council for the October 2023 Council Meeting.

A copy of the Draft Workforce Plan 2023-2027 has been provided to Council as an attachment.

Comment

The Workforce Plan 2023-2027 has been developed over the past four months and has involved consultation with all staff as well as input from other sources, including the Caroline Robinson, who has significant experience assisting regional Local Governments in Workforce and Strategic Planning.

The Workforce Plan has been well prepared and will assist Council and Management to:

Ensure appropriate numbers of staff are being recruited or developed to meet future needs

Identify potential problems, manage risk and minimise crisis management cycles

Contain human resources costs, including the cost of turnover, absenteeism, structural changes and staff movement

Develop workforce skills that take time to grow

Identify staff development needs

Make staffing decisions to provide services in regional and rural areas

Optimise the use of human, financial and other resources

Integrate human resource management issues into business planning

Improve employee productivity through better job design

Improve employee relations

Increase job satisfaction

The Chief Executive Officer is of the opinion that the outcomes and recommended actions of the Draft Workforce Plan 2023-2027 meet the needs of the organisation and are deliverable by the management team.

Consultation

- Caroline Robinson of 150 Square undertook the preparation of Council's Workforce Plan 2023-27.
- All staff were provided with a survey to provide input into the new Workforce Plan.
- Over the past two years, the Chief Executive Officer had conducted an organisational review of each work area and the findings were provided to Mrs Robinson to assist in developing the Workforce Plan.
- The Chief Executive Officer, the Executive Services Manager and the Manager of Finance reviewed the draft Workforce Plan and allocated actions to relevant members of the Management Team.

Statutory Implications

Local Government (Administration) Regulations 1996

All Local Governments are required to produce a plan for the future under S5.56 (1) of the Local Government Act 1995.

The Local Government (Administration) Regulations 1996 provide a brief outline of the minimum requirements to meet this requirement, which includes the development of a strategic community plan and a corporate business plan.

The Workforce Plan is a legislative requirement and forms part of the informing strategies of Council's Integrated Strategic Planning. The Workforce Plan is subsequently developed factoring in the information and direction set out in Council's other plans, being the:

- Strategic Community Plan;
- Long Term Financial Plan;
- Asset Management Plan;
- Forward Capital Works Plan; and
- Risk Management Plan.

It is a legislative requirement to review the Workforce Plan every four years, with a desktop review every two years.

Policy Implications

Nil

Risk Implications

Risk: If Council does not adopt a reviewed Workforce Plan from 2023-2024, it would be non-compliant with the requirements of the Local Government Act.		
Likelihood	Consequence	Rating
Unlikely	Moderate	Moderate
Action / Strategy		
This item has been evaluated against the Shire of Bruce Rock’s Risk Management Framework. The perceived level of risk is considered to be “Medium”, and will be managed by specific monitoring and response procedures.		

Financial Implications

Indicative increases in wages and salaries identified in the Workforce Plan 2023-2027 will need to be budgeted for in successive years. These figures have been calculated from Council’s Long Term Financial Plan.

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2022-2032

Community

Strategic Priority

- 1.1 Our Community are engaged and have a healthy lifestyle
- 1.2 Inclusive community activities, events and initiatives
- 1.3 Shire facilities are maintained in a strategic manner and meet community need
- 1.4 Support emergency management planning, response and recovery

Economic

Strategic Priority

- 2.2 Roads are a key economic driver across the Shire
- 2.3 Workers and their families can work and reside in the Shire

Governance

Strategic Priority

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

Voting Requirements

Simple Majority

Officer Recommendation

That Council adopts the Shire of Bruce Rock’s Workforce Plan 2023-2027, as presented.

Agenda Reference and Subject:

10.5.6 Community Crop Lease Allocation 2024-2027

Reporting Officer:

Darren Mollenoyux, Chief Executive Officer

Author:

Darren Mollenoyux, Chief Executive Officer

Disclosure of Interest:

Attachments:

Item 10.5.6 Attachment A - Lease of Community Crop Policy

Item 10.5.6 Attachment B - Draft Lease Agreement

Summary

The Lease of Community Crop has been advertised for Expressions of Interest from Community and Sporting Clubs in Bruce Rock for the lease of Council's community crop located at the Bruce Rock Airfield, for the period 1st February 2024 to 31st January 2027.

Background

The Shire of Bruce Rock leases the cropping rights to the community crop located on the land immediately surrounding the Airstrip. The intention of this is to assist local community groups to raise funds for their activities and thus provide benefit to the wider community. For the past six years, the lease of the community crop has been held by the Bruce Rock Football Club, but this Lease is due to expire on the 28th February 2024.

Council reviewed and endorsed the policy and lease terms at the Ordinary Council Meeting held on the 21st September 2023. It was resolved to advertise for the next lease period commencing on the 1st February 2024 for a three year period.

Advertising for Expression of Interest for a three-year lease was placed in the Rock Review and via Council's Social Media closing on the 16th October 2023.

Comment

With the Expressions of Interest not closing until after this report has been sent out, the Chief Executive Officer will prepare the summary and assessment of the Expression of Interest received, and these will be provided to Councillors prior to the meeting.

The submissions received will be assessed against the policy and lease conditions, and take into consideration the following:

- Demonstration that the applicant's submission has addressed all requirements set out in the Expression of Interest application form and lease.
- Demonstration that the applicant has adequate knowledge and expertise in cropping practices.
- Proposed plan for management of the land.
- Intended use of monies raised.

A copy of the reviewed Lease of Community Crop Policy and associated Lease document are provided as attachments.

Consultation

Cr Phillip Negri and Cr Kevin Foss provided assistance to the Chief Executive Officer in reviewing the policy and Lease, providing technical advice around cropping.

Statutory Implications

Nil

Policy Implications

Council Policy 6.5 – Lease of Community Crop

PREAMBLE

Policy providing the guidelines and process to be followed relating to the Lease of the Community Crop.

OBJECTIVE

For Council and Officers to have the required guidance and direction to make informed decisions when deciding on the awarding of the Lease of the Community Crop.

A full copy of the Lease of Community Crop Policy and associated Lease document are provided as an attachment.

Risk Implications

Risk: That the awarding of the lease of Community Crop Policy does not reflect best cropping management practices and the land is not maintained in the best interests of current and future community groups.

Likelihood	Consequence	Rating
Unlikely	Moderate	Moderate

Action / Strategy

- Council approves recommended changes to the Lease of Community Cropping Policy.
- Adequate advertising seeking Expressions of Interest from community groups.
- Council ensuring that the Lease is awarded and land managed affectively.

Financial Implications

Council does not charge a lease fee for the community crop, as it is deemed as a community fundraising opportunity that benefits the residents of the Shire.

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2022-32

Community Priorities

- 1.1– Inclusive community Activities, events and initiatives
- Volunteers and community groups feel supported
 - Shire facilities are maintained in a strategic manner to meet community need

Governance

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

Voting Requirements

Simple Majority

Officer Recommendation

That Council consider the Expressions of Interest received (against the policy and lease terms) for the Bruce Rock Community Cropping Lease and awards it to _____ for a three year period from 1st February 2024 to the 31st January 2027.

11. Regional Reports

Nil

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

13. Confidential Items

Agenda Reference and Subject:	13.1.1 CEO Performance Appraisal 2023
Reporting Officer:	John Phillips Consulting
Author:	Darren Mollenoyux, Chief Executive Officer
Disclosure of Interest:	Darren Mollenoyux, Chief Executive Officer
Attachments:	<i>Item 13.1.1 Attachment A - Confidential Report from John Phillips Consulting</i>

Officer Recommendation

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

(b) the personal affairs of any person;

Officer Recommendation

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

Report Recommendation

That Council:

1. note that Mr. Darren Mollenoyux's 2023 Chief Executive Officer annual performance review has been undertaken;
2. endorse Mr. Mollenoyux's overall rating of 'Meets Performance Requirements', and commend him for his efforts during 2022-23;
3. endorse the Performance Criteria for the 2023-24 review period;
4. schedule the next review of the Chief Executive Officer's performance to be commenced by the 1st August 2024 and completed by the September 2024 Ordinary Meeting of Council; and
5. endorse an increase to the Chief Executive Officer's Total Remuneration Package from \$205,957 per annum to an amount of \$213,208 per annum in accordance with the contract of employment within Band 4 of the prescribed Salaries and Allowances Determinations dated 6 April 2023.

14. Closure of Meeting