



# Agenda

## Ordinary Meeting of Council

To be held in Council Chambers  
54 Johnson Street, Bruce Rock  
Thursday 19 September 2024  
Commencing 3.00pm



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## Notice of Ordinary Meeting of Council

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Dear President and Councillors,

The next Ordinary Meeting of Council will be held on **Thursday, 19 September 2024 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.

John Merrick  
**ACTING 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 SEPTEMBER 2024**

**TABLE OF CONTENTS**

<b>TABLE OF CONTENTS .....</b>	<b>3</b>
<b>1. Declaration of Opening .....</b>	<b>4</b>
<b>2. Record of Attendance/Apologies/Leave of Absence (Previously Approved) .....</b>	<b>4</b>
<b>3. Declarations of Interest .....</b>	<b>4</b>
<b>4. Response to Previous Public Questions Taken on Notice .....</b>	<b>4</b>
<b>5. Public Question Time .....</b>	<b>4</b>
<b>6. Petitions/Deputations/Presentations/Submissions .....</b>	<b>5</b>
<b>6.1 Dog Run Petition .....</b>	<b>5</b>
<b>7. Applications for Leave of Absence .....</b>	<b>7</b>
<b>8. Announcements by Presiding Member .....</b>	<b>7</b>
<b>9. Confirmation of Minutes .....</b>	<b>7</b>
<b>10. Officers' Reports .....</b>	<b>8</b>
<b>10.1 Manager of Works and Services .....</b>	<b>8</b>
<b>10.2 Manager of Corporate Services .....</b>	<b>9</b>
<b>10.2.1 Statement of Financial Activity .....</b>	<b>9</b>
<b>10.2.2 List of Payments .....</b>	<b>11</b>
<b>10.2.3 Fuel Cards and Credit Card Transactions .....</b>	<b>13</b>
<b>10.2.4 Waiver of Rubbish Removal Fee .....</b>	<b>15</b>
<b>10.3 Manager of Regulatory Services .....</b>	<b>17</b>
<b>10.3.1 South West Native Title Settlement – Noongar Land Estate .....</b>	<b>17</b>
<b>10.3.2 Over Height Outbuilding Development Application – 52 Farrall Street, Bruce Rock ...</b>	<b>20</b>
<b>10.4 Manager of Governance and Community Services .....</b>	<b>23</b>
<b>10.4.1 Personal Leave Policy .....</b>	<b>23</b>
<b>10.4.2 Sale of Industrial Lots 439, 440 and 430 Dampier Street, Bruce Rock .....</b>	<b>25</b>
<b>10.5 Chief Executive Officer .....</b>	<b>28</b>
<b>10.5.1 Extended Retail Hours .....</b>	<b>28</b>
<b>11. Regional Reports .....</b>	<b>29</b>
<b>12. New Business of an Urgent Nature Introduced by Discussion of the Meeting .....</b>	<b>29</b>
<b>13. Confidential Items .....</b>	<b>30</b>
<b>13.1 Extension of Landfill Services Contract (Confidential) .....</b>	<b>30</b>
<b>14. Closure of Meeting .....</b>	<b>31</b>

**SHIRE OF BRUCE ROCK**

**AGENDA – ORDINARY MEETING 19 SEPTEMBER 2024**

**1. Declaration of Opening**

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

Leave of Absence

Cr B J Waight

**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

<b>Agenda Reference and Subject:</b>	
	<b>6.1</b> Dog Run Petition
<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>	
<b>Attachments</b>	<i>Item 6.1 Attachment A - Dog Run Petition</i>

### Summary

Council is asked to consider a petition from the community to establish a dog run in the Bruce Rock townsite (**Attachment A**).

### Background

The Shire of Bruce Rock has received a petition from the community reading as follows:

*"We the undersigned residents of Bruce Rock, would like a fenced, double gated, grassed dog run with a tap and shaded seating please. We feel that Johnson Street would be the best position, so that tourists can use the dog run and that would encourage them to also shop in the town."*

The petition has been signed by 107 people, noting that not all of them are Bruce Rock residents.

### Comment

It is proposed that Council request the Chief Executive Officer to explore options to locate the dog run and assess associated costs, for future consideration by Council.

### Consultation

Chief Executive Officer  
Executive Services Manager

### Statutory Implications

Nil.

### Policy Implications

Nil.

### Risk Implications

<b>Risk:</b> Nil		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
<b>Action / Strategy</b>		

**Financial Implications**

To be advised once the cost of establishing a dog run is estimated.

**Strategic Implications**

Shire of Bruce Rock – Strategic Community Plan 2023-32

Community

Goal 1.1 Our community are engaged and have a healthy lifestyle

**Voting Requirements**

Simple Majority

**Officer Recommendation**

**That Council agree to the Chief Executive Officer identifying a possible location for the dog run and assessing associated costs, for future consideration by Council.**

- 7. Applications for Leave of Absence**
- 8. Announcements by Presiding Member**
- 9. Confirmation of Minutes**

Ordinary Meeting of Council held on Thursday, 15 August 2024.

**10. Officers' Reports**

**10.1 Manager of Works and Services**

Nil



## 10.2 Manager of Corporate Services

<b>Agenda Reference and Subject:</b>	<b>10.2.1</b> Statement of Financial Activity
<b>Reporting Officer:</b>	Manisha Barthakur, Manager of Corporate Services
<b>Author:</b>	Manisha Barthakur, Manager of Corporate Services
<b>Disclosure of Interest:</b>	
<b>Attachments:</b>	<i>Item 10.2.1 Attachment A – Monthly Financial Statements August 2024</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

Chief Executive Officer  
Manager of Governance and Community Services  
Manager of Regulatory Services  
Senior Finance Officer and other Shire staff

### Statutory Implications

Local Government (Financial Management) Regulations 1996, regulation 34

#### **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.

<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Possible	Minor	Moderate

**Action / Strategy**

The monthly financial report tracks the Shire's actual financial performance against its budget 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 2024-25 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 31 August 2024 be received.**

**Agenda Reference and Subject:**

**10.2.2** List of Payments

**Reporting Officer:**

Manisha Barthakur, Manager of Corporate Services

**Author:**

Mike Darby, Senior Finance Officer

**Disclosure of Interest:**

**Attachments:**

*Item 10.2.2 Attachment A – List of Payments August 2024*

**Summary**

List of payments made since the last Ordinary Council Meeting.

**Background**

As the Chief Executive Officer has been delegated the authority to make payments from the municipal and trust funds, a list of payments made is to be presented to Council each month.

**Comment**

Following is a list of payments made from Council's Municipal and Trust Accounts for the month of August 2024.

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

**Consultation**

Nil

**Statutory Implications**

Local Government Act 1995, section 6.10

Local Government (Financial Management) Regulations 1996, regulation 13(1)

**Policy Implications**

Nil

**Risk Implications**

<b>Risk:</b> Payments are not monitored against approved budget and delegation.		
Likelihood	Consequence	Rating
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 2024-25 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 payments from the Municipal Account consisting of:**

- 1. EFT voucher numbers EFT23440 to EFT23577, totalling \$665,469.54;**
- 2. cheque numbers 168, totalling \$11,354.35;**
- 3. Trust EFT payments, totalling \$0;**
- 4. wages and superannuation payments, totalling \$281,396.96; and**
- 5. credit card payments, totalling \$809.24, noting that while credit card payments are reported separately, they are part of EFT payments;**

**with all payments totalling \$958,220.85 for the month of August 2024.**

**Agenda Reference and Subject:**

**10.2.3** Fuel Cards and Credit Card Transactions

**Reporting Officer:**

Manisha Barthakur, Manager of Corporate Services

**Author:**

Mike Darby, Senior Finance Officer

**Disclosure of Interest:**

**Attachments:**

*Item 10.2.3 Attachment A – List of Credit Card and Fuel Card transactions August 2024*

**Summary**

Transactions made through corporate cards are reported to the 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 the Shire holds.

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

**Consultation**

Nil

**Statutory Implications**

Local Government Act 1995, section 6.10

Local Government (Financial Management) Regulations 1996, regulation 13(1)

**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 corporate card transactions provide an open and transparent record of payments made through the cards under the appropriate approved delegations.		

**Financial Implications**

Payments must be made in accordance with the 2024-25 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.

**Agenda Reference and Subject:**

**10.2.4** Waiver of Rubbish Removal Fee

**Reporting Officer:**

Manisha Barthakur, Manager of Corporate Services

**Author:**

Manisha Barthakur, Manager of Corporate Services

**Disclosure of Interest:****Attachments:**

Nil

**Summary**

Council is asked to consider waiving 50% of the invoiced fee for rubbish and green waste removal services provided to the Babakin Primary School on 29 April 2024.

**Background**

On 9 May 2024, the Babakin Primary School was invoiced \$4,056.74 for private services provided by the Shire of Bruce Rock (Shire), including rubbish collection, green waste removal and related activities. Following receipt of this invoice, the school Principal contacted the Shire:

- asserting that the former Manager of Works and Services and the Works Supervisor had advised these services would be provided free of charge; and
- advising that the former Manager of Works had promised to undertake an annual verge collection for Babakin.

Additionally, on 15 May 2024, the school received a private service for the mowing of its oval. The cost of this service was \$218. Upon reviewing the Shire's system, the Manager of Corporate Services has not found the invoice for this service, suggesting a possible error in the recording of jobs in timecards that may have led to the omission.

**Comment**

Due to insufficient evidence regarding the commitments made by the former Manager of Works and Services and the absence of any invoices for the school after 2019 in the Shire's record systems (other than those related to the swimming pool), the Manager of Corporate Services requests that Council consider waiving 50% (\$2,028.37) of the invoiced amount.

It is noted that the Shire charges the Bruce Rock District High School for similar private services. Therefore, to ensure fairness, all schools and organisations should be subject to the same charges.

The Manager of Corporate Services has provided the Babakin Primary School Principal with information on the Shire's fees and charges. It has also been conveyed that:

- if the school wishes to continue receiving these services, the associated costs will need to be covered; and
- any requests for specific exemptions must be submitted to Council, as management does not have the authority to waive fees.

**Consultation**

Chief Executive Officer  
Manager of Works and Services  
Senior Finance Officer

**Statutory Implications**

Nil

**Policy Implications**

Nil

**Risk Implications**

<b>Risk:</b> That Council's revenue is reduced by waiving fees.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Unlikely	Moderate	Moderate
<b>Action / Strategy</b>		
The Manager of Corporate Services and the Manager of Works and Services will ensure that the organisations and individuals who request private works are informed of the fees associated with such services before they are delivered.		

**Financial Implications**

The waiver would result in the Shire foregoing \$2028.37 of income.

**Strategic Implications**

Shire of Bruce Rock – Strategic Community Plan 2022-32

Governance

Goal 4.3      Proactive and well governed Shire

**Voting Requirements**

Simple Majority

**Officer Recommendation**

**That Council waives 50% of invoice number IN13452 raised to Babakin Primary School.**



### 10.3 Manager of Regulatory Services

**Agenda Reference and Subject:**

**10.3.1** South West Native Title Settlement – Noongar Land Estate

**Reporting Officer:**

Julian Goldacre, Manager of Regulatory Services

**Author:**

Julian Goldacre, Manager of Regulatory Services

**Disclosure of Interest****Attachments**

*Item 10.3.1 Attachment A – Department of Planning, Lands and Heritage (DPLH). South West Native Title Settlement - Noongar Land Estate Consultation - Request for Comments - Land Lists 965 and 1657 & Referral reference Land List 273*

**Summary**

Council is asked to respond to the request for comment from the Department of Planning, Lands and Heritage (Department) on proposed land transfers to the South West Native Title Settlement to the Noongar Land Estate.

**Background**

As discussed at Council's information session of August 2024, in July 2024, the Shire of Bruce Rock received two emails from the Department requesting a formal response to consultation on the lands within the district proposed to be transferred to the Noongar Land Estate to accomplish the South West Native Title Settlement. The deadline to provide a response is 20 September 2024.

**Comment**

Attachment A contains details of the proposed land transfers. The townsite lots proposed to be transferred are vacant Crown land, and the reserves are either vacant Crown land, vested (Water Corporation) land, or land under the management of the Department. Importantly, none of the lots or reserves are either vested to, or owned by, the Shire of Bruce Rock. Some of the lots and reserves are being utilised for farming and business activities.

The land tenures requested for the lots and reserves proposed to be transferred to the Noongar Land Estate are 'freehold' for the lots and 'power to lease' for the reserves. This outcome could be challenging for the Shire of Bruce Rock regarding Reserve 5314 (see page 10 of Attachment A). This is due to both Old Beverley Road and Shackleton-Bilbarin Road intersecting through this reserve, which is not declared as a road reserve.

The Manager of Regulatory Services referred this matter to the departmental officer handling potential land transfers, and was advised that the Shire of Bruce Rock can request that the road access is preserved through a road easement. This has been provided for in comments.

Furthermore, 52 Jermyn Street in Shackleton has an encroaching large shed onto vacant Crown land.

Both these matters were raised with the Department, which has noted the concerns.

With regard to Lot 416 at 10 Langton Street in Shackleton, this encroachment is an active case with the Department for a land excision from Lot 416 to accommodate the encroachment. Furthermore, there is an existing use on this land. Therefore, the Shire recommends that the proposed 'power to lease' tenure is not to be applicable to land with a pre-existing use.

**Consultation**

Department of Planning, Lands and Heritage  
Manager of Works and Services

**Statutory Implications**

Land Administration Act 1997  
Land Administration (South West Native Title Settlement) Act 2016  
Local Government Act 1995  
Health (Miscellaneous Provisions) Act 1911  
Planning Act 2005.

**Policy Implications**

Nil.

**Risk Implications**

<b>Risk:</b> That Reserve 5314 road access could be denied with or without negotiation after land transfer to the South West Native Title Settlement to the Noongar Land Estate with power to lease if a road easement is not created by the Department's administration.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Unlikely	Moderate	Moderate
<b>Action / Strategy</b>		
Pursue the road easement outcome to completion with the Department at their cost in the first instance.		

**Financial Implications**

The cost of the survey to create the road easement for Reserve 5314 should be born by the Department.

**Strategic Implications**

Shire of Bruce Rock – Strategic Community Plan 2022-32

Economy

Goal 2.2 Roads are a key economic driver across the Shire

**Voting Requirements**

Simple Majority

**Officer Recommendation**

**That Council resolves to provide the following comment and Attachment A ‘South West Native Title Settlement Noongar Land Estate Consultation Request for Comments - Land Lists 965 and 1657 & Referral reference Land List 273’ to the Department of Planning, Lands and Heritage in response to its request for comment on the proposed transfer of land to the Noongar Land State:**

**“The Shire of Bruce Rock:**

- 1. supports Case 2301595 for the excision of encroachment for sale to adjoining freehold landowner on Lot 39 (on Plan 4839);**
- 2. supports a Case number to be raised to deal with the encroachment of the large shed by an excision of encroachment for sale to adjoining freehold landowner on Lot 2 (No 55 Jermyn Street, Shackleton);**
- 3. requires that the Old Beverley Road and Shackleton-Bilbarin Road be provided with an easement for the purpose of roads to preserve the land tenure for the purpose of roads, and that the roads easement is not to be affected by a ‘Power to Lease’ tenure or any other conditions that would prohibit or complicate the pre-existing land use for the purpose of roads; and**
- 4. requests that lands with clear and presently existing and ongoing uses (being farming or town business activities, as applicable) to be exempt from the ‘Power to Lease’, as listed:**
  - a. Lot 416 on Plan 4839 known as 10 Langton Street, Shackleton used for a town business activity;**
  - b. Reserve 20926 on Lot 26643 used for farming activity;**
  - c. Lot 25470 on Deposited Plan 154799 used for farming activity, and**
  - d. Lot 22235 on Deposited Plan 148318 used for farming activity.**

**Agenda Reference and Subject:**

**10.3.2** Over Height Outbuilding Development Application – 52  
Farrall Street, Bruce Rock

**Reporting Officer:**

Julian Goldacre, Manager of Regulatory Services

**Author:**

Julian Goldacre, Manager of Regulatory Services

**Disclosure of Interest**

**Attachments**

*Item 10.3.3 Attachment A - Development Application for Over  
Height Outbuilding at 52 Farrall Street, Bruce Rock*

*Item 10.3.3 Attachment B - Comparison Existing Outbuilding  
and Proposed Outbuilding at 52 Farrall Street, Bruce Rock*

*Item 10.3.3 Attachment C - Superimposed 176m<sup>2</sup> Outbuilding  
Site Footprint on Lot 332 (No 52) Farrall Street, Bruce Rock*

**Summary**

Council is asked to:

- approve the development application for a 178m<sup>2</sup> outbuilding at 52 Farrall Street, Bruce Rock, with a ridge height of 5.47 meters and two rainwater tanks; and
- provide advice notes for the applicant.

**Background**

On 26 August 2024, the Shire of Bruce Rock received an application for development approval for a large outbuilding and two rainwater tanks at 52 Farrall Street, Bruce Rock.

Prior to the submission, the Manager of Regulatory Services assisted the applicants (Ms M Ransom and Mr H Graf) with their outbuilding proposal pursuant to Policy 5.2 Outbuildings, Shipping Containers and Lean-Tos (Policy 5.2).

The outbuilding, as presented in Attachment A, is 16 meters long and 11 meters wide (176m<sup>2</sup>), with a 5.47 meter ridge height. Policy 5.2 states that the wall and/or ridge height (measured from finished ground level) cannot exceed 4.5 meters. In this instance, the proposed ridge height exceeds the standard set out in Policy 5.2 by 947mm.

**Comment**

The outbuilding's proposed use and the building floor footprint size are in accordance with Policy 5.2.

The increased ridge height is desired by the applicants to be able to install roller doors at a height to allow a caravan to access the outbuilding. The applicants have worked with the supplier of the outbuilding to minimise as practicably as possible the ridge height. Whilst Policy 5.2 sets a desirable outbuilding wall or ridge height, there is capacity for Council to consider each application on its merits on a case by case manner.

The outbuilding is to be constructed from new materials and in a colour scheme that is conventional for outbuildings within the townsite of Bruce Rock (please note that the green colour in the illustration on page 6 of Attachment A has been used for the specification of the building layout only, and is not part of the colour scheme of the outbuilding).

On 29 August 2024, the applicants wrote to the Manager of Regulatory Services to advise that they had undertaken consultation with neighbours, with no objections or concerns raised.

The outbuilding, as shown in Attachments B and C, is set back from Farrall Street by 33 meters, thus creating a diminishing effect and mitigating the height of the building. This will also provide enough vacant lot frontage to accommodate a possible dwelling house development, which will also mitigate further the outbuilding height. Other factors that will reduce the height impact include that the outbuilding will be located:

- amongst large residential lots (989m<sup>2</sup> - 1,000m<sup>2</sup> and greater);
- close to tall established trees; and
- in a local traffic area that is moderately developed, and towards the east boundary of the townsite, amongst larger rural style residential lots.

With regards to the rainwater tanks, these are a typical addition to dwellings and sheds, and contribute to storm water management and storage for watering usage. The rainwater tank sizes have yet to be determined, therefore the approval for the rainwater tanks will consider that they are to be of a size that does not encroach within 1,000mm of the rear or side property boundary.

The outbuilding, as presented, has good merit for approval based on the assessment undertaken and in the context of the development site. The rainwater tanks are a suitable and practical addition and important to handling stormwater in a manageable manner.

#### Consultation

Nil.

#### Statutory Implications

Shire of Bruce Rock Local Planning Scheme No. 3.

#### Policy Implications

Policy 5.2 Outbuildings, Shipping Containers and Lean-Tos

#### Risk Implications

<b>Risk:</b> The development for the outbuilding proceeds outside the approved development application.		
Likelihood	Consequence	Rating
Possible	Minor	Moderate
<b>Action / Strategy</b>		
Manager of Regulatory Services to assess the development outcome in accordance with Council approval, and to take appropriate action should the development occur outside of what is approved.		

#### Financial Implications

The planning application fee of \$352 has been remitted to the Shire of Bruce Rock.

#### Strategic Implications

Nil.

#### Voting Requirements

Simple majority.

**Officer Recommendation**

**That Council:**

- 1. approves the development application for a 178m<sup>2</sup> outbuilding at 52 Farrall Street, Bruce Rock, with a ridge height of 5.47 meters and two rainwater tanks, as per the submitted plans and drawings; and**
- 2. provides the following advice notes:**

**“Council provides the following Advice Notes, which are provided in good faith and are not limited to as follows:**

- i. This development approval is in addition to the required issuing of a Building Permit pursuant the Building Act 2011 by the Shire of Bruce Rock.**
- ii. The finished ground level inclusive of the sand pad and/or the concrete slab is not to exceed 500mm in height from the natural ground level without an application to Council for development approval pursuant to clause 5.3.7 Site Works of the Residential Design Codes Volume 1 (2024), as amended.**
- iii. The two rain water tanks proposed are to not encroach within 1,000mm of the lots rear or side boundaries. Note, rain water tanks that do not form an integral part of a building structure (not including the downpipes and associated channelling) do not require a building permit. Do ensure installation instructions for the placement of rain water tanks are adhered to, and especially the rain water tank ground works.**
- iv. All storm water management and handling are to be discharged wholly onto the lot only, unless otherwise approved by the Shire of Bruce Rock’s Manager of Works and Services or Manager of Regulatory Services, as the case requires so as to not cause a nuisance nor damage to other property not in the same ownership.**
- v. This development approval in this instance is valid for 3 years only, unless application is made prior to the expiration date for an extended period of time.**
- vi. Any changes to the plans, as approved by the Council of Bruce Rock, must be reported to the Manager of Regulatory Services before such changes are enacted to prevent potential enforcement action and possible penalties.”**

## 10.4 Manager of Governance and Community Services

### Agenda Reference and Subject:

#### 10.4.1 Personal Leave Policy

### Reporting Officer:

Nerea Ugarte, Manager of Governance and  
Community Services

### Author:

Nerea Ugarte, Manager of Governance and Community  
Services

### Disclosure of Interest

### Attachments

*Item 10.4.1 Attachment A – Personal Leave Policy*

### Summary

Council is asked to adopt the Shire of Bruce Rock's (Shire) Personal Leave Policy (**Attachment A**).

### Background

Over the past months, there have been instances where employees have taken personal leave for up to five working days and have not provided reasonable evidence of their entitlement to take such leave.

Some employees have also failed to notify the Shire of their intention to take personal leave. These employees had to be contacted by management to enquire about their absences.

Section 22A of the Minimum Conditions of Employment Act 1993 (Act) states that the employee "is to provide to the employer evidence that would satisfy a reasonable person of the entitlement" to take personal leave. No further guidance is provided on this requirement.

The Awards under which Shire staff are employed do not provide any guidance either on this matter.

### Comment

In order to provide clarity and consistency on the application of section 22A of the Act, it is recommended that Council adopt the attached Personal Leave Policy, which requires employees to:

- notify their supervisor or manager, as soon possible, of their intention to take personal leave; and
- provide reasonable evidence of their entitlement to take such leave when the leave period exceeds two consecutive working days.

An employee who does not provide the required evidence may not be entitled to be paid for their personal leave.

### Consultation

Chief Executive Officer  
Manager of Corporate Services  
Manager of Regulatory Services  
Executive Services Manager  
Manager of Works and Services

### Statutory Implications

Minimum Conditions of Employment Act 1993, section 22A

*22A. Employee to prove entitlements to personal leave*

*An employee who claims to be entitled to paid personal leave or unpaid personal leave under this Division must provide to the employer evidence that would satisfy a reasonable person of the entitlement.*

**Policy Implications**

Nil.

**Risk Implications**

<b>Risk:</b> That management is unable to monitor the appropriate use of personal leave entitlements by Shire staff.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Possible	Minor	Moderate
<b>Action / Strategy</b>		
Management to monitor the application of the Personal Leave Policy once approved by Council.		

**Financial Implications**

Nil.

**Strategic Implications**

Shire of Bruce Rock – Strategic Community Plan 2023-32

Governance

Goal 4.3 Proactive and well governed Shire

**Voting Requirements**

Simple Majority

**Officer Recommendation**

**That Council adopt the Personal Leave Policy, as presented.**



**Agenda Reference and Subject:**

**10.4.2** Sale of Industrial Lots 439, 440 and 430 Dampier Street,  
Bruce Rock

**Reporting Officer:**

Nerea Ugarte, Manager of Governance and  
Community Services

**Author:**

Nerea Ugarte, Manager of Governance and Community  
Services

**Disclosure of Interest**

**Attachments**

Nil

**Summary**

Council is asked to consider the sale of three vacant industrial lots located on Dampier Street, Bruce Rock (**Attachment A**).

**Background**

On 20 August 2024, the Chief Executive Officer received the following offer from Bruce Rock Engineering to purchase three industrial vacant lots:

- Lot 439 (80) Dampier Street - \$20,000 inc gst
- Lot 440 (82) Dampier Street - \$20,000 inc gst
- Lot 430 (84) Dampier Street - \$27,500 inc gst

The prices offered match the independent valuation of the lots undertaken on 12 July 2024 by consultants Preston Rowe Paterson.

In accordance with sections 3.58(3) and (4) of the Local Government Act 1995, the Shire of Bruce Rock gave public notice of its intention to sell these properties to Bruce Rock Engineering, and sought submissions from the public on the proposal. The consultation period closed on 6 September 2024. No submissions were received.

**Comment**

It is recommended that Council proceed with the sale of the lots to Bruce Rock Engineering.

Council may consider conditions on the sale, such as a requirement for installation of a link mesh fence, at minimum on the boundary of lots 439, 440 & 430 Dampier Street, Bruce Rock may be considered.

**Consultation**

Chief Executive Officer

Local community by way of a public notice.

**Statutory Implications**

Local Government Act 1995, sections 3.58(3) and (4)

- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*
- (a) *it gives local public notice of the proposed disposition —*
- (i) *describing the property concerned; and*

- (ii) *giving details of the proposed disposition; and*
  - (iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and*
  - (b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
- (a) *the names of all other parties concerned; and*
  - (b) *the consideration to be received by the local government for the disposition; and*
  - (c) *the market value of the disposition —*
    - (i) *as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*
    - (ii) *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*

#### Policy Implications

Nil.

#### Risk Implications

**Risk:** If Council does not accept Bruce Rock Engineering's offer to purchase 80, 82 and 84 Dampier Street, this may preclude the expansion of the company's operations in town, which would have a negative economic impact on the district.

Likelihood	Consequence	Rating
Unlikely	Major	Moderate
<b>Action / Strategy</b>		
That Council agrees to the sale of the vacant lots to Bruce Rock Engineering.		

#### Financial Implications

The Shire will receive a revenue of \$67,500.

#### Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2023-32

Economy

Goal 2.1 Assist the local economy grow

#### Voting Requirements

Absolute Majority

**Officer Recommendation**

- 1. That Council agrees to the sale of land to Bruce Rock Engineering as follows:**  
Lot 439 (80) Dampier Street for \$20,000 inc gst;  
Lot 440 (82) Dampier Street for \$20,000 inc gst; and  
Lot 430 (84) Dampier Street for \$27,500.
- 2. That condition of sale is subject to**
  - a) a requirement for Bruce Rock Engineering to install, at minimum, a 180cm high link mesh fence on the boundary of lots 439 (80), 440 (82) and 430 (84) Dampier Street, Bruce Rock within 6 months of settlement.**

## 10.5 Chief Executive Officer

### Agenda Reference and Subject:

#### 10.5.1 Extended Retail Hours

**Reporting Officer:** John Merrick, Acting Chief Executive Officer

**Author:** John Merrick, Acting Chief Executive Officer

**Disclosure of Interest**

**Attachments** Nil

### Summary

The State Government has advised that it will support extended retail opening hours for the leadup to the 2024 Christmas period. Council is asked to resolve that extended trading times should be at the discretion of retailers.

### Background

The State Government has decreed that retail trading hours for December 2024 will be:

- 8am to 6pm on Saturdays, Sundays and Public Holiday between 7 and 29 December 2024; and
- 7am to 9pm on week days between 14 and 24 December 2024.

### Comment

Retailers have the option of opening in accordance with these times or operating normally.

### Consultation

Councillors and senior Shire staff

### Statutory Implications

Local Government Act 1995 and Ministerial decree.

**Policy Implications** Nil.

**Risk Implications** Nil.

**Financial Implications** Nil.

### Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2022-2032

Economy

Goal 2.1 Assist the local economy to grow

### Voting Requirements

Simple Majority

### Officer Recommendation

That Council resolve to:

1. support extended trading times during December 2024 to be at the discretion of retailers; and
2. advertise the State Government's advice.

**11. Regional Reports**

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

### 13. Confidential Items

**Agenda Reference and Subject:****13.1 Extension of Landfill Services Contract (Confidential)****Reporting Officer:**

Julian Goldacre, Manager of Regulatory Services

**Author:**

Julian Goldacre, Manager of Regulatory Services

**Disclosure of Interest****Attachments**

*Item 13.1 Attachment A – Agreement Amendments to the landfill Services Contract*

**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 if disclosed, the matter to be discussed would reveal information that has a commercial value to a person, and information about the business, professional, commercial or financial affairs of a 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.

**Voting Requirements**

Simple Majority

**Officer Recommendation**

That Council resolves to:

1. extend the Shire of Bruce Rock's existing Contract Agreement for Landfill Services with Colpet Brownley for another three years; and
2. increase the annual fee for landfill services under the Contract Agreement for Landfill Services by \$1,000.

**14. Closure of Meeting**