



Agenda

Ordinary Meeting of Council

To be held in Council Chambers
54 Johnson Street, Bruce Rock
Thursday 20 April 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 20 April 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 20 APRIL 2023

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SHIRE OF BRUCE ROCK

AGENDA – ORDINARY MEETING 20 APRIL 2023

1. Declaration of Opening

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

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

Date	Name	Item No	Reason

4. Response to Previous Public Questions Taken on Notice

5. Public Question Time

6. Petitions/Deputations/Presentations/Submissions

7. Applications for Leave of Absence

8. Announcements by Presiding Member

9. Confirmation of Minutes

Works and Services Committee Meeting held on Thursday 16 March 2023

Audit Committee Meeting held on Thursday 16 March 2023

Ordinary Meeting of Council held on Thursday 16 March 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

Attachment:

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

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

Summary

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

Background

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

Comment

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

Consultation

Darren Mollenoyux, Chief Executive Officer
Alan O'Toole, Deputy Chief Executive Officer
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 to Shire’s financial performance throughout the year.		

Financial Implications

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

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2022-2032

Governance

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

Voting Requirements

Simple Majority

Officer Recommendation

That the Statements of Financial Activity for the month ending 31 March 2023 are 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:

Item 10.2.2 Attachment A – List of Payments March 2023

Summary

List of payments made since the last Ordinary Council Meeting.

Background

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

Comment

Following is a list of payments made from Council’s Municipal and Trust Accounts and payments made with the CEO’s credit card for the month of March 2023.

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

Consultation

Nil

Statutory Implications

s.6.10 Local Government Act 1995

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

Policy Implications

Nil

Risk Implications

Please refer to **Appendix 1** to obtain the likelihood, consequence and rating.

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

Financial Implications

Payments must be made in accordance with 2022/23 Budget.

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2022-2032

Governance

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

Voting Requirements

Simple Majority

Officer Recommendation

That Council endorse the list of payments from the:

1. Municipal Account consisting of:

- a. **EFT voucher numbers EFT21094 to EFT21229 totalling \$695,245.71**
- b. **Cheque number 115 to 118 totalling \$15,684.51**
- c. **Trust EFT Payments**
- d. **Wages and Superannuation payments totalling \$305,492.36 and**
- e. **Credit Card payments \$548.22**

(Please note that the credit card payment is reported separately but is a part on EFT payment)

With all payments totalling \$1,016,422.58 for the month of March 2023.

Agenda Reference and Subject:	10.2.3 A2465 – Write Off Rubbish and Recycling Charges Incorrectly Charged
Reporting Officer:	Manisha Barthakur, Manager of Finance
Author:	Manisha Barthakur, Manager of Finance Mike Darby, Senior Finance Officer
Disclosure of Interest:	
Attachments:	<i>Item 10.2.3 Attachment A – A2465 Financials (for Write Off)</i>

Summary

Council are asked to provide authority to the CEO to write off the balance of rates outstanding on the property 12 Venemore Street, Shackleton as per s.6.64 *Local Government Act 1995*.

Background

OCM Oct 22- 13.1.3.1 Council accepted the offer of Title to Lot 49, 12 Venemore Street, Shackleton in lieu of a debt and thus a possession of ownership was proceeded from the owner to the Shire of Bruce Rock. This endorsement was based on debt recovery attempts by the Shire, and the owner's personal circumstances as per the above-mentioned resolution. However, there was a component of rates associated that was outstanding and this remaining outstanding rate were deemed to be non-recoverable.

Comment

As per s.5 of Schedule 6.3 *Local Government Act 1995* which states
"Local governments may take action to lease or sell the land to recover rates and or service charges outstanding or they may cause the land to be transferred to the Crown or to itself"

In most cases, any outstanding amounts of rates, penalty interest, rubbish and recycling and ESL are required to be written off.

Following is the property details that required the Rates to be written off due to Transfer of Ownership:

Assessment No A 2465 (Lot 49, 12 Venemore Street, Shackleton)

Consultation

Darren Mollenoyux, Chief Executive Officer

Statutory Implications

Local Government Act 1995, section 6.68(3)

Schedule 6.3 – Provisions relating to sale or transfer of land where rates or service charges unpaid [Section 6.68(3)]

5. *Application of purchase money*

Where a local government has exercised its power of sale it is required to apply the proceeds of sale in the following manner –

- (a) firstly – in payment of the costs, charges and expenses properly incurred by the local government in or incidental to the sale or attempted sale or the exercise of any other power conferred upon the local government by Part 6, Division 6, Subdivision 6 or this Schedule; and*
- (b) secondly – in payment of –*
 - (i) unpaid rates or service charges, for the time being due to or imposed by the local government in respect of the land; and*

- (ii) costs and other money, if any, due to or imposed in favour of the Crown in right of the State or a department, agency, or instrumentality of the Crown in right of the State; and*
- (iii) other amounts due to the local government under this or another written law, in respect of the land at the time of the sale, but where the payments required by paragraph (a) to be made have been made, and the balance of the money then remaining is not sufficient for the payment in full of the items required by this paragraph to be made, the local government is to distribute the balance of the money so remaining, between the Crown, the department, the agency, the instrumentality, and the local government, pro rata with the amounts of their claims, respectively, unless the Governor, or the Minister controlling the department, agency, instrumentality as the case requires, consents to rank after the local government; and*
- (c) thirdly — in payment of the vendor’s costs and expenses of and incidental to conferring upon the purchaser a title to the land; and*
- (d) fourthly — in or towards the discharge of a charge, if any, on the land under a written law relating to the construction of drains and fittings to connect the land with a sewer; and*
- (e) fifthly — in or towards the discharge of other mortgages and encumbrances on the land, both registered and unregistered, according to their priorities at law so far as they can be ascertained by the local government; and*
- (f) sixthly — in payment of the residue of the money within 12 months after the local government has received it to —*
 - (i) the person who would, but for the proceedings for sale, be entitled to the land; or*
 - (ii) if there are several persons who would be so entitled, then to those persons in the proportions in which they would be respectively so entitled, but if —*
 - (I) a person is entitled to an estate in reversion or remainder in the land, the local government may pay that residue into the Supreme Court under section 99 of the Trustees Act 1962; and*
 - (II) within that period of 12 months the local government has not paid the residue to the person entitled to it, it is to, on the expiration of that period, pay that residue into the Supreme Court under that section of that Act; and*
 - (III) at the expiration of 6 years after the money is so paid into the Supreme Court, proceedings have not been commenced or are not pending and the Court has not made an order to the contrary the money is to be paid into the Consolidated Account.*

Local Government Act 1995 s.6.12

6.12. Power to defer, grant discounts, waive or write off debts

- (1) Subject to subsection (2) and any other written law, a local government may —
 - (a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or
 - (b) waive or grant concessions in relation to any amount of money; or
 - (c) write off any amount of money,

which is owed to the local government.

** Absolute majority required.*

Policy Implications

Nil

Risk Implications

Risk: That rates remain unpaid resulting in less revenue for the Shire.		
Likelihood	Consequence	Rating
Possible	Minor	Minor
Action / Strategy		
This item has been evaluated against the Shire of Bruce Rock’s Risk Management Procedure’s Risk Matrix. The perceived level of risk is considered to be a “Moderate” risk. Follow the debt recovery policy and legislative requirements to ensure that all outstanding rates are collected where possible.		

Financial Implications

Reduction in income due to an amount of rates not being able to be collected and written off
 Total Amount is **\$362.33**

Strategic Implications

Shire of Bruce Rock Strategic Community Plan 2017-2027

Governance

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

Voting Requirements

Absolute Majority

Officer Recommendation

That Council gives the CEO the authority to write off any remaining rates, interest, ESL Penalty and Emergency Service Levy, on the assessment to be sold at auction for recovery of rates arrears in accordance with s.6.64 as per the tabled spreadsheet, for the following assessment A2465.

Agenda Reference and Subject:	10.2.4 Community Grant Program
Reporting Officer:	Manisha Barthakur, Manager of Finance
Author:	Manisha Barthakur, Manager of Finance
Disclosure of Interest:	
Attachments:	<i>Nil</i>

Summary

Community groups were sent a letter regarding the Community Grant Program, which solicits submissions for consideration for the 2023-2024 budget.

Background

Staff have commenced preparations for the 2023/2024 budget in order to get requests for consideration to be submitted early for costings and evaluation.

Comment

Community groups in the Shire were sent a letter requesting submissions for the Community Grant Program, and the opportunity was also advertised in the Rock Review, the Shire website, and social media. Five considerations were received.

A detailed spreadsheet detailing all the requests, and officer comments will be made available to Councillors. Discussions will take place at the meeting regarding each request.

Consultation

Darren Mollenoyux, Chief Executive Officer
Caris Negri, Community Development Officer
Community Groups

Statutory Implications

Nil

Policy Implications

Nil

Financial Implications

Projects will be included in the 2023/2024 budget.

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2022-2032

Infrastructure

Goal 2 – Maintain Shire owned facilities in a strategic manner and also to meet the community needs.

2.4 – Support the improvement and maintenance of assets in a strategic manner

Economy

Goal 6 – Tourism helps to diversify our local economy.

Community

Goal 7 – Our community are engaged and have a healthy lifestyle.

Goal 8 – The community can access multiple early childhood education and support services

8.2 – Continue to support the relationship between the Shire and early education providers in the community.

Governance

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

12.5 – Lead the organisation in a financially responsible and viable manner.

Voting Requirements

Simple Majority

Officer Recommendation

That Council reviews and ranks in order of deemed importance the following projects in the 2023/2024 budget, subject to funds available and budget adoption.

10.3 Environmental Health Officer

Agenda Reference and Subject:

10.3.1 Development Approval for a second dwelling on Lot 16282 Negris Road, Bruce Rock

Reporting Officer:

Julian Goldacre, Environmental Health Officer

Author:

Julian Goldacre, Environmental Health Officer

Disclosure of Interest

Attachment:

Item 10.3.1 Attachment A – Second Dwelling Lot 16282 Negris Rd Development Application

Summary

Council approves the Development Application for the works and use for a 36m2 transportable one-bedroom dwelling ‘Donga’ on Rural zoned land located at Lot 16282 Negris Road, Bruce Rock. That Council provides Advice Notes to assist the applicant.

Background

A Development Application was received by the Shire Administration Office on the 11 April 2023 for the installation ‘works’ of a 36m2 transportable one-bedroom dwelling ‘Donga’ on Rural zoned land located at Lot 16282 (the DA) for the ‘use’ of accommodation of person(s) associated with broadacre farming endeavours.

Comment

The Shire of Bruce Rock Local Planning Scheme No 3, clause 4.7.5 (the Scheme) sets out the requirements to obtain Council approval for a second dwelling on a single Rural lot. A review of the Scheme requirements for the proposed second dwelling (Donga) in Attachment A shows the DA to be in accordance with the Scheme requirements. Accommodation in the form of a transportable Donga style is widely used in the rural areas.

On review, the DA as presented in Attachment A for the installation ‘works’ and accommodation ‘use’ shows a custom orb clad, skillion roofed transportable Donga style single bedroom dwelling to be located 90 meters from the one existing farm lot dwelling. Note, Attachment A shows three storage silos but these have been since removed to provide an open development area with no appurtenant structures. The purpose of the Donga is for accommodation of person(s) associated with the broadacre farming endeavours undertaken on lot 17282, and related Rural zoned lots. The matter of amenity is a moot point given the custom orb cladding will enable the Donga to blend in suitably amongst the several similar style clad sheds on the property. Furthermore, the surrounding vast remanent vegetation and distance from the road will shield the Donga suitably, and with the existing farmhouse being the prominent piece of rural architecture. A suitable water supply has been confirmed and road access is available. Finally, the Donga is located neatly between the designated Bush Fire Zones and thus does not require a Bushfire Attack Level assessment.

Consultation

Nil

Statutory Implications

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

Policy Implications

Nil

Risk Implications

Risk: The development exceeds the scope of the approved development application information considered by Council and the Officer.

Likelihood	Consequence	Rating
Rare	Minor	Low

Action / Strategy

This item has been evaluated against the Shire of Bruce Rock’s Risk Management Procedure’s Risk Matrix. The perceived level of risk is considered to be “Low” risk and can be managed by routine procedure, and is unlikely to need specific application of resources.

Financial Implications

Development Application fee of \$147.00 paid.

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2022-2032

Governance

2.3 Workers and their families can work and reside in the Shire.

Voting Requirements

Simple Majority

Officer Recommendation

That Council,

- 1) Approve the Development Application in this instance as presented in Attachment A for the installation works of a 36m2 transportable for the use as a one-bedroom dwelling ‘Donga’ on Rural zoned land located at Lot 16282 Negris Road, Bruce Rock, and
- 2) That Council provides in good faith although not limited to, as required, the following Advice Notes –

Advice Notes:

- a) The time period to complete this development work is two years from the date of this Council resolution unless application is made before expiry of that date to the Council of the Shire of Bruce Rock,
- b) A Building Permit is required to be issued and served by the Shire of Bruce Rock in accordance with the Building Act 2011 before construction commences,
- c) An approval to construct an apparatus for the treatment of sewerage is required to install the approved apparatus which will then require an approval to use by the Shire of Bruce Rock Authorised Officer in accordance with the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974, and
- d) A potable water supply is to be connected to the accommodation that is congruent with the Australian Drinking Water Guidelines (2011) as amended.

Agenda Reference and Subject:

10.3.2 Deed between the Shire of Bruce Rock & Ayrton Pty Ltd for subdivision of Lot 2 Golf Links Rd

Reporting Officer: Julian Goldacre, Environmental Health Officer

Author: Julian Goldacre, Environmental Health Officer

Disclosure of Interest

Attachment: *Item 10.3.2 Attachment A - Deed of Agreement for Acknowledgement of Subdivision Obligation and Reimbursement.*

Summary

Council endorses the Deed of Agreement. Council authorises the affixing of the Shire of Bruce Rock Common Seal onto the Deed of Agreement along with the signatures of the Shire President and CEO to be inscribed on that Deed of Agreement.

Background

At the Information Session in the Council Chambers on the 18 August 2022 the Environmental Health Officer informed Council members of a request to undertake a subdivision of a portion of Lot 2 being the Golf Course lot to create a 'road' access to Lot 30. The purpose for this 'road' is to permit a Homestead Lot subdivision on Lot 30 to be considered by the Western Australian Planning Commission. Council members were advised that on advice from Western Australian Local Government Association a formal Deed to determine subdivision obligations and Reimbursements would be required. Furthermore, the Bruce Rock Golf Club committee would be corresponded with to determine their opinion on this matter.

Comment

Attachment A is the executable Deed of Agreement for the acknowledgement of subdivision obligation and reimbursement (the Deed) prepared by Civic Legal. The Deed is the agreement between the Shire of Bruce Rock and Ayrton Pty Ltd (Ayrton) for the requirements and obligations for the subdivision of Lot 2 Golf Links Road. The Directors of Ayrton have inspected the Deed and have signed the back page as a statement of fact they are agreeable to the Deed as presented.

The Bruce Rock Golf Club formally stated they have no objection with the proposal to subdivide part of Lot 2 for a 'road'. It is important to note that there is no change to Lot 2 other than to create two Lots from the one to designate a 'road' portion proposed to be named 'Golf Links Road' as this is the road name signage currently in place. Furthermore, advice from the Planning Department reveals there is no requirement to gazette the road as it is essentially a no through road 'driveway' to access two Lots, which is common practice in subdivisions.

The Deed to be formally executed requires the Council approval for the Shire President and Chief Executive Officer signatures whilst in the presence of the affixing of the Shire of Bruce Rock Common Seal also as approved by Council. Consequently, pursuant to Sec. 9.49A of the Local Government Act 1995 for the instrument of the execution of the Deed, that the local government of Bruce Rock Council authorises the affixing of the Common Seal to the Deed. Furthermore, the affixing is to be done in the presence of Shire President and the Chief Executive Officer, as approved by Council, each of whom is to sign the Deed as witnesses that the Common Seal was so affixed. With this undertaking achieved the Deed will have effect once the signatures of the Directors of Ayrton have also signed the Deed.

Consultation

C Meaghan, Planning Director, Land Use Planning, Department of Planning, Lands, and Heritage,

A Quahe, Civic Legal, Legal Services, and
Director of Ayrton Pty Ltd .

Statutory Implications

Corporations Act 2001 (Commonwealth),
Interpretation Act 1984,
Land Administration Act 1997,
Local Government Act 1995, and
Planning and Development Act 2005.

Policy Implications

Nil

Risk Implications

Risk: The Deed does not cover contingencies or occurrences occurring during the road subdivision process resulting in claims and/or financial loss.		
Likelihood	Consequence	Rating
Unlikely	Moderate	Moderate
Action / Strategy		
This item has been evaluated against the Shire of Bruce Rock’s Risk Management Procedure’s Risk Matrix. The perceived level of risk is considered to be “Medium” risk and will be managed by specific monitoring and response procedures.		

Financial Implications

The full cost of the Deed prepared by Civic Legal has been paid in full by Ayrton Pty Ltd being a sum of \$4,565 inclusive. Furthermore, any future costs outside the Statutory set Planning and Development fees and charges incurred by the Shire of Bruce Rock will, as per the Deed, be recouped at the \$70 administrative hourly rate set in the budget, as amended.

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2022-2032

Governance

2.2 Roads are a key economic driver across the Shire.

Voting Requirements

Simple Majority.

Officer Recommendation

That Council.

- 1) Endorse the Deed of Agreement for the acknowledgement of subdivision obligation and reimbursement presented in Attachment A between the Shire of Bruce Rock and Ayrton Pty Ltd, and
- 2) Authorises the affixing of the Shire of Bruce Rock Common Seal onto the Deed of Agreement for the acknowledgement of subdivision obligation and reimbursement presented in Attachment A, and thus the Shire of Bruce Rock President, and the Chief Executive Officer witnessing the affixing of the Common Seal are duly authorised to then sign the Deed of Agreement.

Agenda Reference and Subject:

10.3.3 Development Application for works to build a Staff Room on Lot 441 Strange Street, Bruce Rock

Reporting Officer: Julian Goldacre, Environmental Health Officer

Author: Julian Goldacre, Environmental Health Officer

Disclosure of Interest

Attachment: *Item 13.1.3 Attachment A - Development Application for a Staff Room on Lot 441 Strange Street.*

Item 13.1.3 Attachment B - Staff Room design and location specifications.

Summary

Approve the Development Application for the installation work for a Staff Room on Lot 441 Strange Road, Bruce Rock, and Advice Notes are also provided.

Background

On the 10 February 2023 the Shire of Bruce Rock received a Development Application for a proposed Staff Room at Lot 441 Strange Street, Bruce Rock which is a Lot associated with the Bruce Rock Engineering enterprise. The Environmental Health Officer (EHO) on receiving the information contacted the applicant to ensure their Building Surveyor was satisfied that the Staff Room location as shown on the paperwork would be acceptable for building site setbacks to meet fire protection requirements of the National Construction Code (NCC). On the 14 March 2023 the EHO received confirmation from the Building Surveyor that the set back on the Planning documentation are congruent with the NCC thus the Development Application can now be presented to Council for consideration.

Comment

The presented Development Application as shown in (Attachments A & B) shows the Staff Room as a 72m² appurtenant building East side of the existing large industrial building located on Lot 441 Strange Road (the DA). The DA is for the 'works' to construct the Staff Room given the proposed building 'use' is already an approved use under the Shire of Bruce Rock Local Planning Scheme No 3 (the Scheme) for the General Industry zone. Table 2 'Development Table' within the Scheme gives Council the discretion to consider the minimum boundary setback for the sides of a Lot. Given the side setback shown in the DA meets the required setback of the NCC for a Type 'C' construction the setback of four meters is deemed a suitable setback for Councils approval consideration.

The Staff Room proposed is a new onsite construction utilising site built and prefabricated components and is clad externally in custom orb metal sheeting on the walls and an open channelled type (Trim Dek or the like) roof sheet. The external wall colour is Surfemist, and the roof is Deep Ocean, these colours are popular within the wheatbelt region and not an amenity issue for a General Industry zoned location. The Staff Room will nest agreeably along the existing workshop building and within the General Industry zone location given its steel-clad design and single-story construction.

Consultation

D Mollenoyux, Chief Executive Officer,
D Wilson, Level 1 Building Surveyor, City of Kalamunda, and
V Verhoogt, Director Bruce Rock Engineering.

Statutory Implications

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

Policy Implications

Nil.

Risk Implications

Risk: Development occurs outside the scope presented to Council.		
Likelihood	Consequence	Rating
Unlikely	Moderate	Moderate
Action / Strategy		
This item has been evaluated against the Shire of Bruce Rock’s Risk Management Procedure’s Risk Matrix. The perceived level of risk is considered to be “Medium” risk and will be managed by specific monitoring and response procedures.		

Financial Implications

A Planning fee of \$147.00 has been received in to the Shire of Bruce Rock.

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2022-2032

Governance

- 2.1 Assist the local economy to grow, and
- 2.3 Workers and their families can work and reside in the Shire

Voting Requirements

Simple Majority.

Officer Recommendation

- 1) Approve the Development Application in this instance as presented in Attachments A & B for the installation work of a 72m2 Staff Room with a four meter setback on General Industry zoned land located at Lot 441 Strange Road, Bruce Rock, and
- 2) That Council provides in good faith although not limited to, as required, the following Advice Notes –

Advice Notes:

- a) The time period to complete this development work is two years from the date of this Council resolution unless application is made before expiry of that date to the Council of the Shire of Bruce Rock,
- b) A Building Permit is required to be issued and served by the Shire of Bruce Rock in accordance with the Building Act 2011 before construction can commence, and
- c) An approval to construct an apparatus for the treatment of sewerage is NOT required provided the licensed Plumber and the Environmental Health Officer are suitably satisfied the existing septic tank has whole internal integrity in accordance with the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974, and applicable plumbing Statutes and Codes.

10.4 Deputy Chief Executive Officer

Agenda Reference and Subject:

10.4.1 Shire President Stamp

Reporting Officer:

Melissa Schilling, Executive Assistant

Author:

Melissa Schilling, Executive Assistant

Disclosure of Interest:

Attachments:

Nil

Summary

Use of Shire President Stamp March 2023.

Background

Nil

Comment

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

- Compliance Audit Report

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 March 2023.

10.5 Chief Executive Officer

Agenda Reference and Subject:

10.5.1 Offer to Purchase 12 Venemore St, Shackleton

Reporting Officer:

Darren Mollenoyux, Chief Executive Officer

Author:

Darren Mollenoyux, Chief Executive Officer

Disclosure of Interest

Attachment:

Item 10.5.1 Attachment A - Confidential Market Valuation 12 Venemore St

Summary

Council is asked to consider an offer from Trent and Hannah Cosgrove to purchase a vacant Council lot at 12 Venemore Street Shackleton.

Background

On the 10th February 2023 Council received a written offer of \$3,000 from Trent and Hannah Cosgrove to purchase one of Council's vacant lot located at 12 Venemore Street, Shackleton.

The applicant has advised that they are seeking to purchase this land as it adjoins their current property were they have recently undertaking major renovation and extended their house and are seeking to extend their backyard.

Comment

This lot was recently handed back to the Shire due to non-payment of outstanding debt and requirement for Council to demolish the property.

Council has only received one other request in the past 10 years to purchase vacant land in Shackleton and that did not proceed.

In considering the offer Council needs to consider the length of time that vacant land in Shackleton has been available with no offers and potential benefits from selling the lot, such as no longer requiring maintenance of the lot such as weed control and ensuring it meets fire hazard requirements.

As per section 3.58 of the Local Government Act a valuation of the land is required for Council's consideration and assessment against the offer from the applicant.

A market valuation has been undertaken and the market valuation is assessed as below;

Vacant Land - 12 Venemore St, Shackleton

Market Valuation Extract

*There is little consistency between market evidence indicating a broader value range. The above information and the evidence attached herein indicates a Market Valuation Range of **\$2,000 to \$4,000**. We have adopted the midpoint of **\$3,000** in this instance, reflecting a land rate of \$3/m². (Lot Size 1194m²)*

Consultation

Manisha Barthakur, Manager of Finance

Mike Darby, Senior Finance Officer

Statutory Implications

Local Government Act 1995 - Sect 3.58

3.58 - Disposing of property

- (1) In this section —
dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;
property includes the whole or any part of the interest of a local government in property, but does not include money.
- (2) Except as stated in this section, a local government can only dispose of property to —
 - (a) the highest bidder at public auction; or
 - (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.
- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —
 - (a) it gives local public notice of the proposed disposition —
 - (i) describing the property concerned; and
 - (ii) giving details of the proposed disposition; and
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;
 and
 - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.
- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —
 - (a) the names of all other parties concerned; and
 - (b) the consideration to be received by the local government for the disposition; and
 - (c) the market value of the disposition —
 - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or

Policy Implications Nil

Risk Implications

Risk: If Council does not approve the disposal of land it may remain sold for an unknown period of time.		
Likelihood	Consequence	Rating
Possible	Moderate	Moderate
Action / Strategy		
That Council monitors and determines the value of retaining properties that have no significant value against the ongoing costs in maintaining verses rateable income potential.		

Financial Implications

Council has a budget provision of \$15,000 in 2022/23 for the income for sale of vacant land.

Council needs to consider the offer of \$3,000 against the market valuation of \$3,000.

In addition, Council should be aware and consider the financial costs associated with this land following the requirement for demolition of property and outstanding rates.

Rates to be Written Off at the April 2023 Council meeting consist of \$362.33 (Rates \$262.33, Interest \$17.13, ESL Penalty \$2.67 and ESL \$77.81). Both the ESL Penalty and ESL will require approval from DFES if/when Write Off is approved by Council.

Demolition of Condemned Dwelling by West Coast Asbestos Registers \$6,000 plus GST
Asbestos and other Waste Disposal Charges \$598.18 plus GST (This is a Council Fee)
Both of the above were Written Off from previous property owner Debtor Account as per Council Resolution OCM Mar 21 – 11.1.1

Transfer of Property to the Shire by Turbo Settlements \$2,010.25 plus GST, \$233.64 GST Free (Total \$2,243.89)

A quote Settlements for Transfer of property if sold is \$800 plus GST.

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Infrastructure

Goal 3: Assist the local economy to grow

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

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

Voting Requirements Absolute Majority

Officer Recommendation

That Council:

1. **Considers the offer of \$3,000 from Trent and Hannah Cosgrove to purchase Council's vacant lot located at 12 Venemore Street, Shackleton plus their share of costs associated with the transfer and settlement process. and;**
2. **If Council agrees then**
 - a) **In accordance with section 3.58 of the Local Government Act Council authorises the Chief Executive Officer to give local public notice of its intention to dispose of the following lot to Trent and Hannah Cosgrove for the amount stated below;
113 (Lot 143) Butcher St, Bruce Rock \$3,000 plus GST**
 - b) **That at the conclusion of the advertising period should there be no public submissions the CEO be authorised to proceed with the lease or if submissions are received an item be presented to the May 2023 Ordinary Meeting of Council to consider, prior to the execution of the disposal/sale of 12 Venemore St, Shackleton.**

Agenda Reference and Subject:

10.5.2 Offer to Purchase 40 Farrall St, Bruce Rock

Reporting Officer:

Darren Mollenoyux, Chief Executive Officer

Author:

Darren Mollenoyux, Chief Executive Officer

Disclosure of Interest

Attachment:

*Item 10.5.2 Attachment A – Confidential Market Valuation 40
Farrall Street*

Summary

Council is asked to consider an offer from Anita Foster to purchase a vacant Council controlled (Crown Land) lot at 40 Farrall St, Bruce Rock.

Background

On the 23rd March 2023 Council received a written offer of \$12,500 inc gst from Anita Foster to purchase one of Council's controlled (Crown Land) vacant lot located at 40 Farrall St, Bruce Rock.

The applicant is the owner of the adjoining land being 42 Farrall St, Bruce Rock which has an old unfinished rock wall building located on it.

The applicant has advised that once agreed and accepted, would then spend 12 months planning, submitting and initiating a house build on the site and have the build complete within 24 months.

Comment

This lot has been available for purchase on Council's controlled (Crown Land) list and website for over 12 years, with no interest to date. There are 8 vacant lots within the Townsite of Bruce Rock owned by Council and available for purchase.

In considering the offer Council needs to consider the length of time the land has been available with no offers and potential benefits from selling the lot, such as no longer requiring maintenance of the lot, a new property and residents in town with obvious benefits that comes with that.

As per section 3.58 of the Local Government Act a valuation of the land is required for Council's consideration and assessment against the offer from the applicant.

A market valuation has been undertaken and the market valuation is assessed as below;

Vacant Land – 40 Farrall St, Bruce Rock

Market Valuation Extract

*There is little consistency between market evidence indicating a broader value range. The above information and the evidence attached herein indicates a Market Valuation Range of **\$10,000 to \$13,000**. We have adopted the midpoint of \$11,500 in this instance. Reflecting a land rate of \$11.30/m2.*

Consultation

Mike Darby, Senior Finance Officer

Statutory Implications

Local Government Act 1995 - Sect 3.58

3.58 - Disposing of property

(1) In this section —

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

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

- (2) Except as stated in this section, a local government can only dispose of property to —
 - (a) the highest bidder at public auction; or
 - (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —
 - (a) it gives local public notice of the proposed disposition —
 - (i) describing the property concerned; and
 - (ii) giving details of the proposed disposition; and
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;
 and
 - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —
 - (a) the names of all other parties concerned; and
 - (b) the consideration to be received by the local government for the disposition; and
 - (c) the market value of the disposition —
 - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or

Policy Implications

Nil

Risk Implications

Risk: If Council does not approve the disposal of land it may remain sold for an unknown period of time.		
Likelihood	Consequence	Rating
Possible	Moderate	Moderate
Action / Strategy		
That Council seek an amicable arrangement to assist in the development of the lot and increasing investment into Bruce Rock.		

Financial Implications

Council has a budget provision of \$15,000 in 2022/23 for the income for sale of vacant land.

Council needs to consider the offer of \$12,500 inc gst against the market valuation of \$11,500.

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Infrastructure

Goal 3: Assist the local economy to grow

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

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

Voting Requirements

Absolute Majority

Officer Recommendation

That Council:

- 1. Considers the offer of \$12,500 from Anita Foster to purchase Council’s vacant land located at 40 Farrall St, Bruce Rock. and;**
- 2. If Council agrees then**
 - a) In accordance with section 3.58 of the Local Government Act Council authorises the Chief Executive Officer to give local public notice of its intention to dispose of the following lot to Anita Foster for the amounts stated below;
40 Farrall St, Bruce Rock \$12,500 inc GST**
 - b) That at the conclusion of the advertising period should there be no public submissions the CEO be authorised to proceed with the lease or if submissions are received an item be presented to the May 2023 Ordinary Meeting of Council to consider, prior to the execution of the disposal/sale of 40 Farrall St, Bruce Rock.**
 - c) That if the sale proceeds staff commence the transfer of Crown Land process to Council, liaising with the Department of Lands.**

11. Regional Reports

12. New Business of an urgent nature introduced by discussion of the meeting

13. Confidential Items

Agenda Reference and Subject:

13.1.1 Appointment of Senior Employee – Manager of
Governance & Community Services

File Reference:

Reporting Officer:

Darren Mollenoyux, Chief Executive Officer

Author:

Darren Mollenoyux, Chief Executive Officer

Disclosure of Interest:

Attachments:

*Item 13.1.1 Attachment A – Manager of Governance and
Community Services Contract of Employment*

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.

Officer Recommendation

1. That Council formally approves the change of position title within the Shires Organisation Structure from Deputy Chief Executive Officer to Manager of Governance and Community Services.
2. That Council endorses the appointment of Nerea Ugarte to the position of Manager of Governance and Community Services based on a three year contract of employment commencing on the 17th April 2023.
3. Council endorses the contract and remuneration package as outlined and offered to Nerea Ugarte.

14. Closure of Meeting