

# Agenda

## Ordinary Meeting of Council

To be held in Council Chambers  
54 Johnson Street, Bruce Rock  
Thursday 20 August 2020  
Commencing 2.30pm



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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 20 August 2020 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 AUGUST 2020**

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**SHIRE OF BRUCE ROCK**

**AGENDA – ORDINARY MEETING 20 AUGUST 2020**

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 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

Ordinary Meeting of Council held on Thursday 16 July 2020.

**Recommendation:**

**That the minutes of the Ordinary Meeting of Council held Thursday 16 July 2020 be confirmed as a true and correct record.**

Bush Fire Advisory Committee Meeting held on Friday 17 July 2020.

**Recommendation:**

**That the minutes of the Bush Fire Advisory Committee Meeting held Friday 17 July 2020 be received.**

**10. Regional Reports**

Nil

## 11. Officers' Reports

### 11.1 Environmental Health Officer

|                                      |               |   |
|--------------------------------------|---------------|---|
| <b>Agenda Reference and Subject:</b> | <b>11.1.1</b> | Western Australian Planning Commission<br>Subdivision application No. 159643 for Lot 352<br>Bruce Rock – Narembeen Road                   |
| <b>File Reference:</b>               | <b>A381</b>   | 13 Bruce Rock – Narembeen Road  |
| <b>Reporting Officer:</b>            |               | Mr Julian Goldacre, Environmental Health Officer  |
| <b>Author:</b>                       |               | Mr Julian Goldacre, Environmental Health Officer  |
| <b>Disclosure of Interest:</b>       |               | Cr PG Negri   |
| <b>Attachments:</b>                  |               | <i>Item 11.1.1 Attachment A - WAPC Application 159643 documents;</i><br><i>Item 11.1.1 Attachment B - WAPC Application 159643 mapping</i> |

#### Summary

To support application No. 159643 for Lot 352 Bruce Rock – Narembeen Road for the creation of a 5.07 Hectares Homestead lot. And invites the Western Australian Planning Commission to consider the requirement for a notification on the Title for the new Homestead lot subdivision that the Co-Operative Bulk Handling activity has identified issues with operational noise, vibration, light, and emissions to the atmosphere.

#### Background

On the 6 August 2020 the Shire of Bruce Rock received by email correspondence from the Western Australian Planning Commission (WAPC) application No. 159643 for Subdivision of Lot 352 Bruce Rock – Narembeen Road for the purpose of creating a Homestead lot (Attachment A & B). A Homestead lot is generally a small lot ranging from one to four hectares but may be up to 20 hectares in size depending on site specific circumstances, which is excised from a larger farm holding for separate occupation and has an approved existing dwelling. This application has been assessed pursuant to the *Shire of Bruce Rock Local Planning Scheme No.3* (Scheme), *Shire of Bruce Rock Local Planning Strategy* (Strategy), and *Development Control Policy 3.4 - Subdivision of rural land* (Policy 3.4).

#### Comment

Attachment A and B detail the proposal to create a Homestead lot of 5.07 hectares by creating two lots from the current Lot 352. There is an existing dwelling which is habitable as well as a farm shed of which both are to be retained. The proposed Homestead lot is located to the south-east of the townsite of Bruce Rock boundary and south of the Co-Operative Bulk Handling site (Attachment B). The access to the dwelling is by a tree lined driveway that meets the sealed Bruce Rock – Narembeen Road. The house has reticulated water and power.

The Scheme sets out matters that aim to sustain rural land for agricultural purposes as well as accommodating other rural activities. The Scheme 'Rural' zoned land objectives endeavours to retain rural character and amenity of the subject area by protecting rural land from urban uses as well as closer development, or development that would affect the viability of a holding. Measured against the Scheme this Homestead lot proposal is conducive with the intent of the Scheme considering it seeks to create a

sizable Lot of land which already has development upon it which has been there for many years and is visibly well known. A small portion of the proposed Homestead lot is captured, in part, by the Special Control Area No. 5 due to the proximity to the Co-Operative Bulk Handling (CBH) site and operations. The CBH operations provides for transport infrastructure for storage and or processing of bulk grain including, if reinstated, connection to the state rail system. Identified issues with the CBH operation are noise, vibration, light, and emissions to the atmosphere that are required by CBH to be managed in accordance with statutory requirements so that the amenity of nearby sensitive uses, including residential development is not adversely affected. Clause 5.6.3 of the Scheme invites consideration of a requirement for a notification on a Title for a new subdivision advising of the proximity of the CBH facility and this will be sought for consideration by WAPC. Furthermore, the proposed Homestead lot is near the new Septic Tank Effluent Disposal Scheme (STED) ponds at approximately 535 meters. Consultation with the Dept of Planning reveals these distances are now done on a case by case basis and as such would have been considered on application to the Environmental Protection Agency and Dept of Water, Environment Regulation by the Water Corporation.

The Strategy under subclause 15b does not support the subdivision or fragmentation of Rural zoned land. Notwithstanding this, the Strategy is dated 'May 2009' and does not fully reflect current trends in rural developments. The Strategy is a guidance only document and not a gazetted or fully binding framework for decision making today. The Strategy is due for review soon where such a clause will be either removed or reworded to permit more flexibility and alignment with current State Government development control policies and best practices. For assessment of this Homestead lot proposal Policy 3.4 is best for consideration due to its contemporary and State Government supported context.

Policy 3.4 allows for the continued occupation of existing homesteads when they are no longer used as part of a farming operation and discussions with the applicant confirms this is the case. The Shire of Bruce Rock falls within the Policy 3.4 Homestead lot policy 'area' thus allowing such an application to be brought to the WAPC for consideration. This Homestead lot will create settlement opportunities and will not fragment the land more so from the broader rural activities due to existing obstructions of the remnant vegetation and the small isolated footprint of arable land. The rural character and landscape are preserved. The proposed Homestead lot size of 5.07 Hectares is reasonable given the remnant vegetation the proposed Lot aims to preserve as well as the tree lined driveway and capturing the small isolated parcel of arable land forming part of the Lot against the townsite boundary.

Details for the proposed Homestead lot subdivision provides no areas of concern from the local government perspective. Factors identified in the application are listed with comment by the Environmental Health Officer as follows:

- Bushfire Prone Area – Not applicable as is on the balance of Lot 352 across the Bruce Rock – Narembeen Road and does not impact on the existing dwelling and/or shed.
- Remnant Vegetation (NLWRA) – Not applicable as this will be dealt with during the application process by WAPC by referral to the relevant government agency handling such vegetation matters.
- Dept of Mines and Petroleum (Note – this is now the Department of Mines, Industry Regulation and Safety [DMIRS] - Not applicable as this will be dealt with during the application process by WAPC by referral to the relevant government agency dealing with mines and petroleum matters.
- Threatened Ecological Community Buffer - Not applicable as this will be dealt with during the application process by WAPC by referral to the relevant government agency handling such matters being the Department of Biodiversity, Conservation and Attractions. &
- Hydrology - Not applicable as this will be dealt with during the application process by WAPC by referral to the relevant government agency handling such matters being the Department of Water and Environmental Regulation.

After review of the proposed Homestead lot application as presented in Attachment A and B with regards to the Scheme, Strategy, and Policy 3.4 this application in this instance has merit for Council endorsement to be suitably considered by the WAPC. As mentioned the Scheme sets out that Special Control Area No. 5 does invite consideration of a requirement for a notification on the Title for any new subdivision advising

that the CBH activity has identified issues with operational noise, vibration, light, and emissions to the atmosphere. Whilst these matters are required by CBH to be managed in accordance with statutory requirements there is the possibility that the amenity of nearby sensitive uses could potentially still be adversely affected however unlikely this is perceived.

**Consultation**

Tim Reed, Planning Manager, Land Use Planning: The Department of Planning, Lands and Heritage

**Statutory Implications**

*Planning and Development Act 2005;*  
*Shire of Bruce Rock Local Planning Scheme No.3.*

**Policy Implications**

Development Control Policy 3.4 - Subdivision of rural land.

**Risk Implications**

|  |                    |               |
|--|--------------------|---------------|
| <b>Risk:</b> Application does not proceed due to WAPC refusal or applicant not undertaking approved subdivision within stated timeframe.   |                    |               |
| <b>Likelihood</b>  | <b>Consequence</b> | <b>Rating</b> |
| Unlikely   | Insignificant      | Low           |
| <b>Action / Strategy</b>   |                    |               |
| Low Risk: 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**

Nil.

**Strategic Implications**

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

**Governance**

- 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**

Simple Majority.

**Officer Recommendation**

**That Council resolves to:**

1. Support the Western Australian Planning Commission Subdivision application No. 159643 for Lot 352 Bruce Rock – Narembeen Road for the creation of a 5.07 Hectares Homestead lot; And
2. Respectfully invites the Western Australian Planning Commission to consider the *Shire of Bruce Rock Local Planning Scheme No.3* Special Control Area No. 5 requirement for a notification on the Title for the new Homestead lot subdivision advising that the Co-Operative Bulk Handling activity has identified issues with operational noise, vibration, light, and emissions to the atmosphere.



**Agenda Reference and Subject:**

**11.1.2** Planning Application for Home Occupation ancillary kitchen proposal located on Lot 16277, Currie Road, Bruce Rock.

**File Reference:** A2591 Ayrton Vista Pty Ltd

**Reporting Officer:** Mr Julian Goldacre, Environmental Health Officer

**Author:** Mr Julian Goldacre, Environmental Health Officer

**Disclosure of Interest:**

**Attachments:** *Item 11.1.2 Attachment A - Ancillary Kitchen Home Occupation Development Application*

**Summary**

Council approves the development application for a Home Occupation kitchen proposal located on Lot 16277, Currie Road, Bruce Rock with one condition. Pertinent advice notes are provided to assist the applicant with other statutory matters but not limited to.

**Background**

On the 23 July 2020, the EHO was notified by a potential applicant regarding a transportable ancillary kitchen to a farm house as a home business and what was required. Subsequent information was transmitted, and meetings held to go through the process of setting up such an endeavour. An application for Development Approval as presented in Attachment A was submitted to the Shire of Bruce Rock office on the 12 August 2020. A review of the application information required that is relevant to this application has been reviewed (*Planning and Development (Local Planning Schemes) Regulations 2015*, Clause 63) and the relevant information for this application is duly presented (Attachment A). The recent exemptions provided by the Hon. Minister for Planning for compliance with one or more requirements of the *Shire of Bruce Rock Planning Scheme No.3* (Scheme) do not apply to this application because it is on 'Rural' zoned land.

**Comment**

The proposed 'Home Occupation' as presented in Attachment A has been assessed as meeting the definition of a Home Occupation as defined in the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations). The zoning Table 1 of the Scheme shows that a Home Occupation use within a Rural zoned area is a 'D' use therefore not permitted unless the local government has exercised its discretion by granting development approval. An assessment of this development application has been undertaken and found to comply with and/or align with:

- the aims, and objectives, and land use permissibility of the Scheme;
- the definition for Home Occupation listed in Clause 38 'land use terms used' in Schedule 1, Part 6 of the Regulations;
- the Shire of Bruce Rock Town Planning Scheme Policy N°. 2 Moveable Buildings; and
- the strategy actions of the Shire of Bruce Rock Planning Strategy.

Whilst the proposed transportable for a Home Occupation is an 'ancillary' building to the dwelling for the purpose of a 'kitchen' the applicant has advised that the original dwelling kitchen is unsuitable for use to support the Home Business activity due to age, fit out and size. The applicant advised the building of an ancillary kitchen as a transportable is more cost effective and would enable inherent management for the compliance with the Food Standards Codes adopted by the *Food Act 2008* for food businesses. Furthermore, neither the Food Standards Codes nor the *Food Act 2008* discriminates between a

commercial kitchen or a residential kitchen on kitchen fit out requirements or proprietor’s level of food safety knowledge as it is ‘risk based’ not prescriptive. The Home Business kitchen proposal is to accomplish the baking of cakes and pastries as well as provide the applicant with a modern open planned kitchen for domestic purposes. The Dept of Health Food Unit designates such ‘home’ based food preparation as low risk.

The following Advice Notes will be presented to advise of the requirements under other written laws, but not limited to, and is provided in good faith as follows:

1. This development approval decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two-year period, the approval shall lapse and be of no further effect;
2. A Building Permit is required pursuant to the *Building Act 2011*. Fees apply;
3. The transportable ancillary kitchen plumbing fixtures cannot connect to the existing apparatus for the treatment of sewerage, therefore a completed ‘application to construct or install an apparatus for the treatment of sewage’ in accordance with the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974* is required to be submitted to the Local Government of Bruce Rock. Fees apply; and
4. An application for Registration of a Food Business by the applicant is required to be able to issue and serve a Food Business Registration Certificate under the *Food Act 2008*. Fees apply.

**Consultation**

Nil.

**Statutory Implications**

*Food Act 2008*;  
*Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*  
*Building Act 2011*;  
*Planning and Development Act 2005*;  
*Planning and Development (Local Planning Schemes) Regulations 2015*; and  
*Shire of Bruce Rock Local Planning Scheme N° 3*.

**Policy Implications**

Shire of Bruce Rock Town Planning Scheme Policy No. 2 Moveable Buildings.

**Risk Implications**

|  |                    |               |
|--|--------------------|---------------|
| <b>Risk:</b> Development proceeds outside of the scope approved by Council.  |                    |               |
| <b>Likelihood</b>  | <b>Consequence</b> | <b>Rating</b> |
| Unlikely   | Minor              | Low           |
| <b>Action / Strategy</b>   |                    |               |
| This item has been evaluated against the Shire of Bruce Rock’s Risk Management 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. Fee for the application for an apparatus for the treatment of sewerage and permit to use, fee of \$236. Building Permit application fee \$105.00 and Building Services Levy fee of \$61.65.

**Strategic Implications**

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

**Governance**

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

### **Voting Requirements**

Simple majority

### **Officer Recommendation**

**That Council resolves to:**

1. Grant development approval for a Home Occupation ancillary kitchen used for cake and pastries orders and domestic kitchen use as shown in Attachment A, located on Lot 16277, Currie Road, Bruce Rock and subject to the following condition:
  - a. This development approval is for a Home Occupation use as defined by the *Planning and Development (Local Planning Schemes) Regulations 2019* and for the works shown in Attachment A on the stamped approved plans with application reference number '16277-kitchen-12-8-20:HOME BUSINESS' only.
  
2. The following Advice Notes of requirements under other written laws, but not limited to, and is provided in good faith for the purpose to assist the applicant as follows:
  - a. This development approval decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two-year period, the approval shall lapse and be of no further effect;
  - b. A Building Permit is required pursuant to the *Building Act 2011*. Fees apply;
  - c. The transportable ancillary kitchen plumbing fixtures should they be unable to connect to the existing apparatus for the treatment of sewerage, then a completed 'application to construct or install an apparatus for the treatment of sewage' in accordance with the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974* is required to be submitted to the Local Government of Bruce Rock. Fees apply; and
  - d. An application for Registration of a Food Business by the applicant is required to be able to issue and serve a Food Business Registration Certificate under the *Food Act 2008*. Fees apply.

## 11.2 Manager of Finance

|                                      |  |
|--------------------------------------|--|
| <b>Agenda Reference and Subject:</b> | <b>11.2.1</b> List of Payments                               |
| <b>File Reference:</b>               | 8.2.3.3 Accounts Payable (Creditors)                         |
| <b>Reporting Officer:</b>            | Jennifer Bow, Manager of Finance Officer                     |
| <b>Author:</b>                       | Mike Darby, Senior Finance Officer                           |
| <b>Disclosure of Interest:</b>       |  |
| <b>Attachments:</b>                  | <i>Item 11.2.2 Attachment A – List of Payments July 2020</i> |

### 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 July 2020.

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

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

### Financial Implications

Payments must be made in accordance with 2019/20 Budget

### Strategic Implications

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

### Governance

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

**Voting Requirements**

Simple Majority

**Officer Recommendation**

**That Council endorse the list of payments from the:**

- 1. Municipal Account consisting of:**
  - a. EFT voucher numbers EFT15850 to EFT16060 totalling \$851,491.80**
  - b. Cheque number 24017 to 24026 totalling \$31,852.23**
  - c. Trust Cheques Nil**
  - d. Wages and Superannuation payments totalling \$177,962.71 and**
  - e. Credit Card payments \$730.54**

**With all payments totalling \$1,061,306.74 for the month of July 2020.**

|                                      |   |
|--------------------------------------|---|
| <b>Agenda Reference and Subject:</b> | <b>11.2.2</b> Setting Material Variance for Monthly Financial Reports |
| <b>File Reference:</b>               | 8.2.6.2 Annual Financial Statements                                   |
| <b>Reporting Officer:</b>            | Jennifer Bow, Manager of Finance Officer                              |
| <b>Author:</b>                       | Jennifer Bow, Manager of Finance Officer                              |
| <b>Disclosure of Interest:</b>       |   |
| <b>Attachments:</b>                  | <i>Nil</i>  |

### **Summary**

Each year, the Audit Committee is to re-set the material variance levels for the Monthly Financial Statements.

### **Background**

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

### **Comment**

Each financial year, the local government is to adopt a percentage or value, calculated in accordance with AAS 5, to be used in the statements of financial activity for reporting materials variances.

Council have been using a variance of 10% or an amount of \$5,000. In consultation with Council's auditor, AMD, they are also happy with 10% or \$5,000.

### **Consultation**

Chief Executive Officer  
Manager of Finance  
AMD (Council's external auditors)

### **Statutory Implications**

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

### **Policy Implications**

Nil

### **Financial Implications**

Nil

### **Strategic Implications**

*Strategic Community Plan 2017-2027*

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

10 Year Outcome – We are financially viable whilst meeting all levels of compliance

### **Voting Requirements**

Simple Majority

**Officer Recommendation:**

**That Council adopt a variance of 10% or an amount over \$5,000 to be considered material for highlighting variances between the actual and the year to date budget figures in the Monthly Statement of Financial Activity for 2020-21.**

|                                      |  |
|--------------------------------------|--|
| <b>Agenda Reference and Subject:</b> | <b>11.2.3</b> Performing Executive Functions |
| <b>File Reference:</b>               | 8.7.2.1 Annual Budget                        |
| <b>Reporting Officer:</b>            | Jennifer Bow, Manager of Finance Officer     |
| <b>Author:</b>                       | Jennifer Bow, Manager of Finance Officer     |
| <b>Disclosure of Interest:</b>       |  |
| <b>Attachments:</b>                  | <i>Nil</i>                                   |

### Summary

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

### Background

Previously, in the annual Compliance Audit Return, Council has been asked if the executive function performed in providing services and facilities for the community were managed efficiently and effectively.

### Comment

This is an important part of the Local Government Act that Council must review each year. This was included in a previous Compliance Audit Return and was asked as follows:

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

Council only provides services and facilities that are not present in the district, so it does not duplicate services.

It coordinates with government departments where possible by applying for grant monies.

Council is satisfied with the efficiency and effective management of the services and facilities by way of the continued funding through the budget process.

However, to formalise this process Council should adopt the recommendation.

### Consultation

CEO, DCEO & MOF

### Statutory Implications

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

### **3.18 Performing executive functions**



- 1) *A local government is to administer its local laws and may do all other things that are necessary or convenient to be done for, or in connection with, performing its functions under this Act.*
- 2) *In performing its executive functions, a local government may provide services and facilities.*
- 3) *A local government is to satisfy itself that services and facilities that it provides –*
  - a) *integrate and coordinate, so far as practicable, with any provided by the Commonwealth, the State or any public body;*
  - b) *do not duplicate, to an extent that the local government considers inappropriate, services or facilities provided by the Commonwealth, the State or any other body or person, whether public or private; and*
  - c) *are managed efficiently and effectively.*

**Policy Implications**

Nil

**Financial Implications**

Nil

**Strategic Implications**

Strategic Community Plan 2017-2027

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

10 Year Outcome – We are financially viable whilst meeting all levels of compliance

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION:**

**That Council has complied with section 3.18 of the Local Government Act 1995 and is satisfied that the services and facilities it provides:**

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

|                                      |  |
|--------------------------------------|--|
| <b>Agenda Reference and Subject:</b> | <b>11.2.4</b> Adoption of the 2020-21 Budget |
| <b>File Reference:</b>               | 8.7.2.1 Annual Budget                        |
| <b>Reporting Officer:</b>            | Jennifer Bow, Manager of Finance Officer     |
| <b>Author:</b>                       | Jennifer Bow, Manager of Finance Officer     |
| <b>Disclosure of Interest:</b>       |  |
| <b>Attachments:</b>                  | <i>Nil</i>                                   |

### Summary

To consider and adopt the Municipal Fund Budget for the 2020-21 financial year together with supporting schedules, including imposition of rates and minimum payments, adoption of fees and charges, setting of members fees and other consequential matters arising from the budget papers.

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

### Background

The draft 2020-21 budget has been compiled in response to the current state of emergency that the State due to the COVID-19 pandemic. It has also been guided by some of the principles contained in the Strategic Community Plan and the Strategic Resource Plan. The 2020-21 draft budget has been prepared in accordance with the presentations made to councillors at the 1 budget workshop held in July 2020.

Council were given a copy of the Draft 2020-2021 Budget at the Special July Council Meeting. Staff went through the entire draft budget highlighting areas requiring comment.

### Comment

Staff have been guided by the decision of Council at the April 2020 Council meeting in response to the financial impacts of COVID-19 on the economy. This included no increase to rates, no increases to fees and charges, no penalty interest to be charged until March 2021 and no instalment fees or interest payable for 2020-21.

However, with the loss of the supermarket to fire and Council's decision to investigate possible avenues of constructing a building for the supermarket, rates will rise on average of 3% which will be directly allocated to this purpose.

The budget has been prepared to include information required by the *Local Government Act 1995, Local Government (Financial Regulations) Act 1996* and Australian Accounting Standards. The main features of the draft budget include;

- The budget has been prepared with a 3% rate for assisting with raising funds to assist with construction of a supermarket.
- Fees and charges have not been increased from 2019-20.
- A capital works programme totalling \$3,536,000 for investment in infrastructure, land and buildings, plant and equipment and furniture and equipment is planned. Expenditure on road infrastructure is the major component of this (\$1,363,700) in line with Council's strategy to increase investment in road and associated assets.
- No loan borrowings are proposed this financial year.
- Principal additional grant funding for the year is estimated from;
  - Drought Funding - \$500,000
  - Local Roads and Community Infrastructure Funding - \$526,302
  - Roads to Recovery - \$489,485
  - Regional Road Group - \$315,473

There have been some minor adjustments required to the draft budget that was workshopped with Council in July 2020.

The 2020-2021 Budget continues to deliver on other strategic adopted by Council and maintains a high level of service across all programmes while ensuring an increased focus on road and associated infrastructure as well on renewing all assets at sustainable levels.

The rate in the dollar amounts were not able to be modelled prior to the agenda being distributed however will be presented to the meeting.

#### **Consultation**

While no specific community consultation has occurred on the draft 2020-2021 budget, community consultation and engagement has previously occurred during the development of the Strategic Community Plan from which the Corporate Business Plan was developed.

Extensive internal consultation has occurred between all executive managers and through workshops with Councillors.

#### **Statutory Implications**

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

Divisions 5 and 6 of Part 6 of the *Local Government Act 1995* refer to the setting of budgets and raising of rates and charges. The *Local Government (Financial Management) Regulations 1996* details the form and content of the budget. The 2020-2021 Budget as presented is considered to meet statutory requirements.

#### **Policy Implications**

Nil

#### **Financial Implications**

Specific financial implications are as outlined in the Comment section of this report and as itemised in the 2020-21 budget attached for adoption.

The 2020-2021 Annual Budget provides the direction for expenditure during the financial year.

#### **Strategic Implications**

The Draft 2020-21 Budget has been developed in response to the current financial and economic situation impacted by Covid-19.

#### **Voting Requirements**

Absolute Majority and Simple Majority

---

**OFFICER RECOMMENDATION**

**That:**

**PART A – MUNICIPAL FUND BUDGET FOR 2020-2021**

Pursuant to the provisions of Section 6.2 of the Local Government Act 1995 and Part 3 of the Local Government (Financial Management) Regulation 1996, the Council adopt the Municipal Fund Budget as attached to this agenda and the minutes, for the Shire of Bruce Rock for the 2020-2021 financial year.

**ABSOLUTE MAJORITY REQUIRED**

**PART B – GENERAL AND MINIMUM RATES, INSTALMENT PAYMENT ARRANGEMENTS**

For the purpose of yielding the deficiency disclosed by the Municipal Fund Budget adopted at Part A above, Council pursuant to Sections 6.32, 6.33, 6.34 and 6.35 of the Local Government Act 1995 impose the following general rates and minimum payments on Gross Rental and Unimproved Values.

**General Rates**

|                       |  |
|-----------------------|--|
| Gross Rental Values   | (to be confirmed at meeting) cents in the dollar |
| Unimproved Values     | (to be confirmed at meeting) cents in the dollar |
| Mining tenements (UV) | (to be confirmed at meeting) cents in the dollar |

**Minimum Payments**

|                     |                                    |
|---------------------|------------------------------------|
| Gross Rental Values | \$483 (to be confirmed at meeting) |
| Unimproved Values   | \$483 (to be confirmed at meeting) |
| Mining tenements    | \$483 (to be confirmed at meeting) |

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

|                                      |                  |
|--------------------------------------|------------------|
| Full payment and instalment due date | 9 October 2020   |
| 2nd half instalment due date         | 11 December 2020 |
| 2nd quarterly instalment due date    | 11 December 2020 |
| 3rd quarterly instalment due date    | 12 February 2021 |
| 4th quarterly instalment due date    | 16 April 2021    |

Pursuant to Section 6.46 of the Local Government Act 1995 Council offers a discount of 3% to ratepayers who have paid their rates in full, including arrears, waste and service charges, on or before 9 October 2020 or 35 days after the date of service appearing on the rate notice, whichever is the later.

Pursuant to Section 6.45 of the Local Government Act 1995 and regulation 67 of the Local Government (Financial Management) Regulations 1996, Council adopts an instalment administration charge where the owner has elected to pay rates (and service charges) through an instalment option of \$0.00 for each instalment after the initial instalment is paid.

Pursuant to Section 6.45 of the Local Government Act 1995 and regulation 68 of the Local Government (Financial Management) Regulations 1996, Council adopts an interest rate of 0% where the owner has elected to pay rates and services charges through an instalment option.

Pursuant to Section 6.51(1) and subject to Section 6.51(4) of the Local Government Act 1995 and regulation 70 of the Local Government (Financial Management) Regulations 1996, Council adopts an interest rate of 8% for rates and cost of proceedings to recover such charges that remains unpaid after becoming due and payable from 1 March 2021.

**ABSOLUTE MAJORITY REQUIRED**

**PART C – GENERAL FEES AND CHARGES FOR 2020-2021**

Pursuant to Section 6.16 of the Local Government Act 1995, Council adopts the Fees and Charges included in 2020-2021 Budget.

**ABSOLUTE MAJORITY REQUIRED**

**PART D – OTHER STATUTORY FEES FOR 2020-2021**

Pursuant to Section 245A(8) of the Local Government (Miscellaneous) 1960, the Council adopts a swimming pool inspection fee of \$58.57 exclusive of GST.

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

**3.1 Domestic Waste – Residential Premises**

|   |            |
|---|------------|
| 240ltr bin per weekly collection                      | \$287.00pa |
| 240ltr bin per weekly collection – eligible pensioner | \$143.50pa |
| 240ltr bin per weekly collection – eligible senior    | \$215.25pa |

**3.2 Commercial Waste – Commercial Premises**

|  |            |
|--|------------|
| 240ltr bin per twice weekly collection | \$287.00pa |
|--|------------|

**3.3 Domestic and Commercial Recycling**

|  |            |
|--|------------|
| 240ltr bin per fortnightly collection                      | \$115.00pa |
| 240ltr bin per fortnightly collection – eligible pensioner | \$57.50pa  |
| 240ltr bin per fortnightly collection – eligible senior    | \$86.25pa  |

**ABSOLUTE MAJORITY REQUIRED**

**PART E – ELECTED MEMBERS'S FEES & ALLOWANCES FOR 2020-21**

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

President                    \$490

Councillors                \$91

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

President                    \$119

Councillors                \$46

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

Telecommunications and Information Technology Allowance (upon election) \$1,515

Telecommunications and Information Technology Allowance (each year thereafter) \$ 505



### 11.3 Deputy Chief Executive Officer

**Agenda Reference and Subject:**

**11.3.1** Shire Common Seal

**File Reference:**

**Reporting Officer:**

Alan O’Toole, Deputy Chief Executive Officer

**Author:**

Melissa Schilling, Executive Assistant

**Disclosure of Interest:**

**Attachments:**

*Nil*

**Summary**

Use of Shire Common Seal in July 2020

**Background**

Nil

**Comment**

As per Council’s policy, the Shire Common Seal has been used during the months of July 2020 as follows:

- Transfer of Land 39 Westral Street Bruce Rock (Land under Shire house)
- Adding to the Certificate of Title the Sewerage Connection for the Café and 58 Westral Street

**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 Common Seal during July 2020**

**Agenda Reference and Subject:**

**11.3.1** Shire President Stamp

**File Reference:**

**Reporting Officer:**

Alan O’Toole, Deputy Chief Executive Officer

**Author:**

Melissa Schilling, Executive Assistant

**Disclosure of Interest:**

**Attachments:**

*Nil*

**Summary**

Use of Shire President Stamp July 2020

**Background**

Nil

**Comment**

As per Council’s policy, the Shire President Stamp has been used during the months of July 2020 as follows:

- Letter of Support to Community Resource Centre
- Acceptance/Agreement Local Roads and Community Infrastructure Program

**Consultation**

Nil

**Statutory Implications**

Council Policy

**Policy Implications**

Nil

**Financial Implications**

Nil

**Strategic Implications**

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

**Governance**

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

**Voting Requirements**

Simple Majority

**Officer Recommendation**

**That Council endorse the use of the Shire President Stamp during July 2020**



**Agenda Reference and Subject:**

**11.3.3** New Date for Annual Electors’ Meeting 2020

**File Reference:**

8.2.6.5 Annual Report

**Reporting Officer:**

Alan O’Toole, Deputy Chief Executive Officer

**Author:**

Alan O’Toole, Deputy Chief Executive Officer

**Disclosure of Interest:**

**Attachments:**

*Nil*

**Summary**

Council is asked to consider setting a date for the deferred Annual Electors’ Meeting originally scheduled for the 27<sup>th</sup> March 2020, which was cancelled due to COVID19 and social distancing requirements.

**Background**

At the February 2020 Ordinary Council Meeting the Annual Report was presented to Council for adoption and the date set for the Annual Electors Meeting, this being 27<sup>th</sup> March 2020. In accordance with Council’s resolution and the Local Government Act 1995 requirements, advertising was undertaken advising of the availability of the 2018/19 Annual Report and Annual Electors meeting details. However, In the days prior to the Annual Electors meeting date, the impacts of COVID-19 and social distancing requirements were implemented which impacted Council’s ability to hold its Annual Electors’ Meeting as scheduled. Following conversations with WALGA governance staff and the Department of Local Government it was suggested that whilst Council should not proceed with its Annual Electors’ Meeting, it needed to ensure that it took appropriate steps to enable the ratepayers and community similar access and ability to ask questions as would normally occur at the Annual Electors’ Meeting. The CEO prepared a Public Notice advising of the cancellation of the Annual Electors’ Meeting, and that the following measures had been put in place to enable the electors to be informed as per the scheduled business of the Meeting:

**1. Confirmation of the 2019 minutes of the AGM of Electors**

*A copy of the minutes is available on the Shire’s website*

**2. Business arising from previous Annual Electors Meeting minutes**

*There was no general business, or any questions raised at the 2019 meeting*

**3. Receiving of the 2018/19 Annual Report**

*A copy of the Annual Report can be accessed via the following means:*

- Council Website
- Emailed upon request via the Shire Office admin@brucerock.wa.gov.au
- Posted upon request by phoning the Shire Office 08 9061 1377

**4. General Business**

*If Electors have any general business to raise, or would like to ask any questions, please email or write to the Chief Executive Officer by 14th April 2020 and it will be raised at the April 2020 Council Meeting & written response will be provided.*

**Comment**

At the time of this report no questions had been received from the public.

In June 2020, the CEO received a letter from the Minister for Local Government, Hon. David Templeman advising that with the easing of COVID-19 restrictions, Local Governments should now consider “moving back to in-person Council and Committee Meetings, including with public attendance”. With regard to this advice, Council is now asked to consider the rescheduling of the deferred Annual Electors’ Meeting. It is required that the CEO give the public and Elected Members 14 days’ notice of the proposed date.

## Consultation

CEO, Darren Mollenoyux

## Statutory Implications

LOCAL GOVERNMENT ACT 1995 - SECT 5.27

### 5.27 Electors' general meetings

- (1) A general meeting of the electors of a district is to be held once every financial year.
- (2) A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.
- (3) The matters to be discussed at general electors' meetings are to be those prescribed.

### 5.29 Convening electors' meetings

- (1) The CEO is to convene an electors' meeting by giving —
  - (a) at least 14 days' local public notice; and
  - (b) each council member at least 14 days' notice, of the date, time, place and purpose of the meeting.
- (2) The local public notice referred to in subsection (1)(a) is to be treated as having commenced at the time of publication of the notice under section 1.7(1)(a) and is to continue by way of exhibition under section 1.7(1)(b) and (c) until the meeting has been held.

### 5.30 Who presides at electors' meetings

- (1) The mayor or president is to preside at electors' meetings.
- (2) If the circumstances mentioned in section 5.34(a) or (b) apply the deputy mayor or deputy president may preside at an electors' meeting in accordance with that section.
- (3) If the circumstances mentioned in section 5.34(a) or (b) apply and —
  - (a) the office of deputy mayor or deputy president is vacant; or
  - (b) the deputy mayor or deputy president is not available or is unable or unwilling to perform the functions of mayor or president, then the electors present are to choose one of the councillors present to preside at the meeting but if there is no councillor present, able and willing to preside, then the electors present are to choose one of themselves to preside.

### 5.32 Minutes of electors' meetings

The CEO is to —

- (a) cause minutes of the proceedings at an electors' meeting to be kept and preserved; and
- (b) ensure that copies of the minutes are made available for inspection by members of the public before the council meeting at which decisions made at the electors' meeting are first considered.

### 5.33 Decisions made at electors' meetings

- (1) All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable —
  - (a) at the first ordinary council meeting after that meeting; or
  - (b) at a special meeting called for that purpose, whichever happens first.
- (2) If at a meeting of the council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.

**Policy Implications**

Nil

**Risk Implications**

**Risk:** The CEO has been informed by the Minister for Local Government that in person Annual Electors' Meetings can now take place as required under the Local Government Act, and so not to do so may be deemed a breach of the Local Government Act 1995.

| Likelihood | Consequence | Rating   |
|------------|-------------|----------|
| Rare       | Moderate    | Moderate |

**Action / Strategy**

Council consider a date for the Annual Electors' Meeting to be held in coming weeks.

**Financial Implications**

Nil

**Strategic Implications**

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

**Governance**

Goal 12.5                      Lead the organisation in a financially responsible and viable manner

**Voting Requirements**

Simple Majority

**Officer Recommendation**

**That Council approves the date for the rescheduled Annual Electors' Meeting as:**

**And;**

**That this date be publicly advertised with the minimum of 14 days' notice.**

**Agenda Reference and Subject:**

**11.3.4** Policy Manual Changes regarding Elected Members and minor amendments to Vehicle Usage Policy

**File Reference:** 2.3.1.1 Policy Manual

**Reporting Officer:** Alan O’Toole, Deputy Chief Executive Officer

**Author:** Alan O’Toole, Deputy Chief Executive Officer

**Disclosure of Interest:**

**Attachments:** *Item 11.3.4 Attachment A – Elected Member Professional Development*  
*Item 11.3.4 Attachment B – Attendance at Events by Elected Members, CEO and Staff*  
*Item 11.3.4 Attachment C – Vehicle and Fuel Usage Policy*

**Summary**

Council is requested to consider and endorse the replacement of Policy 3.7 “Elected Member Training, Conferences and Seminars” to “Elected Member Professional Development”, and also the adoption of Policy 3.8 “Attendance at Events by Elected Members, Chief Executive Officer and Other Employees.” Some minor amendments have been made to Policy 9.1 “Vehicle and Fuel Usage.”

**Background**

The Department of Local Government’s changes in the requirements for compulsory training to be undertaken by Elected Members has prompted a review and updating of the “Elected Member Training, Conferences and Seminars” Policy. This has now been renamed “Elected Member Professional Development.”

A new Policy 3.8, entitled “Attendance at Events by Elected Members, Chief Executive Officer and Other Employees” is again required under legislation, and has been created to address this.

**Comment**

The proposed new and updated Policies are attached.

Policy 3.7 now reflects the five “core” elements that all Elected Members must undertake, namely:

1. Understanding Local Government;
2. Serving on Council;
3. Meeting Procedures;
4. Conflicts of Interests; and
5. Understanding financial reports and budgets.

Policy 3.8 provides guidance on the requirements for Elected Members, the CEO and other Officers when attending events, including the process by which attendance is considered, the disclosure requirements on attendees, and payment in respect of attendance. (Note: This is linked within the Policy to Policy 3.7, which covers expenses and reimbursements to be paid to Elected Members when attending events and training).

Policy 9.1 has been amended to include current allocations and usage of the Shire’s Fuel Cards.

(Note: Section 3 of the Policy Manual concerning “Staff” has now been retitled to “Staff/Elected Members” to reflect the fact that this section contains Policies pertaining to both staff and Elected Members.)

**Consultation**

CEO, Darren Mollenoyux  
EA, Melissa Schilling

**Statutory Implications**

Section 5.90A of the *Local Government Act 1995*  
Local Government Legislation Amendment Act 2019

**Policy Implications**                      New Policy and Amendments

**Risk Implications**

|  |                    |               |
|--|--------------------|---------------|
| <b>Risk:</b> That Council does not adopt the new and amended Policies, which would place the Shire in breach of the Local Government Act 1995. |                    |               |
| <b>Likelihood</b>  | <b>Consequence</b> | <b>Rating</b> |
| Rare   | Moderate           | Moderate      |
| <b>Action / Strategy</b><br>Council adopts the changes as recommended in the Report.   |                    |               |

**Financial Implications**                      Costs associated with attendance at events including tickets and reimbursements to attendees.

**Strategic Implications**

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

**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**                      Absolute Majority

**Officer Recommendation**

**That Council approves:**

1. The adoption of Policy 3.8 “Attendance at Events by Elected Members, Chief Executive Officer and Other Employees”
2. The amendments to Policies 3.7 “Elected Member Professional Development” and Policy 9.1 “Vehicle and Fuel Usage.”

**Agenda Reference and Subject:**

**11.3.5** Bruce Rock Ladies Lunch Sponsorship Request

**File Reference:**

8.2.7.5 Sponsorship Requests

**Reporting Officer:**

Alan O’Toole, Deputy Chief Executive Officer

**Author:**

Alan O’Toole, Deputy Chief Executive Officer

**Disclosure of Interest:**

**Attachments:**

*Item 11.3.5 Attachment A – Correspondence from Susan Hodgkiss, Cultivators Committee Inc*

**Summary**

Council has received a request from Susan Hodgkiss, Treasurer of the Cultivators Committee Incorporated, seeking support for the Bruce Rock Ladies Luncheon to be held on Saturday 10<sup>th</sup> October 2020.

**Background**

The Bruce Rock Ladies Luncheon is a biennial event, which has been organised for 2020 by members of the Cultivators Committee (the Committee) as a major community event for the Shire. Traditionally the Ladies Luncheon has been held in the Shire Hall, but this will not be possible for this year with the Bruce Rock Supermarket operating from this venue. Therefore, the Committee has requested assistance from Council to run the event from a marquee on the Recreation Centre Oval.

**Comment**

With the Shire Hall unavailable, the Committee has been investigating other venues for holding the 2020 event. The current stage of COVID-19 restrictions and the uncertainty of when an easing of these may take effect means that at present a 2 square metre distancing per person must be observed. It is estimated that up to 150 patrons will attend the event from within the Shire and surrounding region. The Committee has therefore made the decision to hold the Luncheon in a marquee sited on the Recreation Centre Oval, which was available and has been booked for the event. The cost to the Committee of the marquee is \$6500.

With this arrangement in place, the Committee has requested support from the Shire in the form of the use of trestle tables, chairs, portable stage and the PA, items that would have been readily available in the Shire Hall. The request also includes the transportation and setting up of these items in the marquee once it is in situ on the Oval. (These will of course need to be removed back to the Shire Hall after the event). In addition to the in kind support, the Committee has also requested whether Council might consider any financial contribution towards the cost of the event, particularly given the cost of the marquee.

**Consultation**

Darren Mollenoyux, Chief Executive Officer  
David Holland, Manager of Works  
Damien Bow, Recreation Centre Manager  
Melissa Schilling, Executive Assistant  
Caris Negri, Community Development Officer

**Statutory Implications**

Nil

**Policy Implications**

Nil

**Risk Implications**

|  |                    |               |
|--|--------------------|---------------|
| <b>Risk:</b> Council does not support the Bruce Rock Ladies Luncheon for 2020.                                   |                    |               |
| <b>Likelihood</b>  | <b>Consequence</b> | <b>Rating</b> |
| Unlikely   | Minor              | Low           |
| <b>Action / Strategy</b>   |                    |               |
| The Bruce Rock Ladies Luncheon requires the assistance of Shire staff and equipment to make this event possible. |                    |               |

**Financial Implications**

Given the cost of the in kind staff support, which is estimated to be around \$2000, if Council were to consider a financial contribution in addition, it is suggested that this be \$500, totalling \$2500 in Council support for this event.

**Strategic Implications**

Shire of Bruce Rock – Strategic Community Plan 2017-2027

**Governance**

Goal 7 Our community is engaged and have a healthy lifestyle

**Voting Requirements** Absolute Majority

**Officer Recommendation**

That Council approve the request from the Cultivators Committee for support for the Bruce Rock Ladies Luncheon 2020 in the form of:

1. Use of trestle tables, chairs, portable stage and PA, and staff support to transport and set up these items in situ.
2. A \$500 donation towards the cost of the event.

## 11.4 Chief Executive Officer

|                                      |  |
|--------------------------------------|--|
| <b>Agenda Reference and Subject:</b> | <b>11.4.1</b> Factory Unit Lease – Unit 3 Swan Street Bruce Rock |
| <b>File Reference:</b>               | 2.4.1.5 Factory Units  |
| <b>Reporting Officer:</b>            | Darren Mollenoyux, Chief Executive Officer                       |
| <b>Author:</b>                       | Darren Mollenoyux, Chief Executive Officer                       |
| <b>Disclosure of Interest:</b>       |  |
| <b>Attachments:</b>                  | <i>Nil</i>   |

### Summary

Council is asked to consider a lease request for Council owned factory unit located at Unit 2 Swan Street, Bruce Rock and any subsequent variation to fees and charges.

### Background

For approximately the past two years Factory Unit 3, Swan Street Bruce Rock has been vacant. In 2019 staff undertook a promotional campaign advertising the lease of our vacant factory units and industrial land in the local paper, producing flyers and adverts on our front office notice board and on Council's website. In addition, a "For Lease" sign had been placed on the factory unit for the past year. Despite this there has been very little interest in this unit and no applications received.

During the month an application has been received from Mr Jarrad Hubbard requesting to lease Unit 3 Swan Street Bruce Rock. Mr Hubbard has advised as follows;

*"I would like to lease the premises for initially a 12month period, with the option to continue at the end of the lease.*

*As you are aware, I am undertaking a new real estate business in town (Nutrien Harcourts) and require an office space and storage area to conduct this venture.*

*I would like to, if approved have large signage on both the western side of the building and the northern face, displaying the Nutrient Harcourts Logo.*

*I would be hopeful that being this is a new business that I am starting in Bruce Rock (To Service Bruce Rock community along with Narembeen) That I would be eligible for the new business subsidy of 30% in lease payment.*

*Since I have been in Bruce Rock, I am not aware of any other real estate offices being opened in town. While I understand that there has been service provided In the past from real estate agents commuting to and from I am hoping that having an office building in town it will help build a great relationship and grow yet another small business within the Bruce Rock Community."*

### Comment

As stated in the background this factory unit has been vacant for some time and opportunity has been given for interested businesses to make applicant for lease, however this is the only application we have received to date.

Mr Hubbard is seeking Council's consideration as to reducing the monthly lease for the twelve months and therefore Council needs to determine if the applicant meets the criteria for the subsidy and if so what percentage and for what period.



Council has previously moved a motion in May 2008 that “Council may consider a discount of **up to** 30% for new businesses renting a factory unit for a period of **up to** 12 months”.

Council already has a requirement for any business in Council owned factory units to have signage erected on the building.

The factory unit located at 3 Swan Street, Bruce Rock has been inspected and is ready for occupancy.

### **Consultation**

Mr Jarrad Hubbard, the applicant

Alan O’Toole, Deputy CEO

Jennifer Bow, Manager of Finance

Neil Hartley, Consultant at Civic Legal provided guidance around the advertising and disposal of property requirements and section 3.58 of the LG Act, where we agreed that sufficient effort has been previously made to lease the factory unit, therefore providing an open and fair process for leasing.

### **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*

*Local Government Act 1995 s.6.16 & s.6.19*

*6.16. Imposition of fees and charges*

*(1) A local government may impose\* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.*

*\* Absolute majority required.*

- (3) *Fees and charges are to be imposed when adopting the annual budget but may be -*
- (a) *imposed\* during a financial year; and*
  - (b) *amended\* from time to time during a financial year.*

*\* Absolute majority required.*

**6.19. Local government to give notice of fees and charges**

*If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of*

- (a) *its intention to do so; and*
- (b) *the date from which it is proposed the fees or charges will be imposed.*

**Policy Implications**

Whilst no formal policy exists, precedent exists from previous decisions of Council and as per this resolution in 2008; *“Council may consider a discount of up to 30% for new businesses renting a factory unit for a period of up to 12 months”.*

**Risk Implications**

|   |                    |               |
|---|--------------------|---------------|
| <b>Risk:</b> That the factory unit located at Unit 3 Swan Street Bruce Rock is not leased, leading to continual loss of rental income for Council and potential loss of economic progress in the Shire.                                   |                    |               |
| <b>Likelihood</b>   | <b>Consequence</b> | <b>Rating</b> |
| Possible  | Moderate           | Moderate      |
| <b>Action / Strategy</b>  |                    |               |
| This item has been evaluated against the Shire of Bruce Rock’s Risk Management 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 2020/21 rent on the factory unit located at Unit 3 Swan Street is set at \$483.50 per month inc gst, which equates to a total of \$5,802 inc gst for the proposed 12 month lease.

If Council reduced the rental of 30% it would set the rental amount at \$338.45 per month inc gst, over the 12 month rental request that would be a total of \$4,061.40 inc gst.

This factory unit has been vacant for approximately 2 years and thus has not generated income during this period. Budget provision has been made for rental income on this factory unit for part of the 2020/21 financial year.

As per all Council rentals and tenancy agreement the fee and charge will be reviewed annually and further rental increases may occur.

**Strategic Implications**

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Infrastructure

2.2 – Encourage greater usage of current Council owned facilities

Economy

Goal 3: Assist the local economy to grow

3.3 Encourage the business units to be used in Swan Street

3.7 – Leverage economic opportunities and development from successful local businesses

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

Governance

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

**Voting Requirements**                      Absolute Majority

**Officer Recommendation**

**That Council:**

1. That Council lease its factory unit located at Unit 3 Swan Street, Bruce Rock to Nutrien Harcourts Real Estate (Jarrad Hubbard).
2. That Council considers the request from Mr Jarrad Hubbard for a reduction of rent for the first 12 months of the lease to assist him in establishing his new real estate business branch within Bruce Rock.
3. The monthly rental fee of \$\_\_\_\_\_ (inc. GST) is to be charged from the commencement of the lease and to be reviewed as part of the annual budget review process.
4. Give public notice of 7 days of the intent to vary the fee and charge.
5. 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 lease factory unit 3, Swan Street Bruce Rock to Jarrad Hubbard (Nutrien Harcourts) for the monthly rental fee of \$\_\_\_\_\_ (inc. GST);
6. That at the conclusion of the 14 day 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 September 2020 Ordinary Meeting of Council to consider, prior to the execution of the lease of factory unit 3 Swan Street, Bruce Rock.
7. That there is a requirement of the lease for business signage to be erected on the building.

**Agenda Reference and Subject:**

**11.4.2** COVID19 Business Economic Stimulus Package

**File Reference:**

2.3.3.1

**Reporting Officer:**

Darren Mollenoyux, Chief Executive Officer

**Author:**

Darren Mollenoyux, Chief Executive Officer

**Disclosure of Interest:**

**Attachments:**

*Nil*

**Summary**

Council is asked to consider endorsement of the Shire of Bruce Rock's COVID19 Local Business Economic Stimulus Package and approve a 20% price reduction for Council's 5 industrial lots.

**Background**

During the preparation of the draft budget and consideration of the economic impacts on the Shire of Bruce Rock from the COVID19 Pandemic Council provided direction to compile a COVID19 Business Economic Stimulus Package to assist in our community's recovery.

This stimulus package needed to be deliverable and not have a significant impact on Council's financial position due to the financial impacts Council has already suffered due to the pandemic and significant funds attributed to the establishment and running of the temporary supermarket.

Staff have identified four key areas where Council can assist in the economic recovery for the Shire and compiled a stimulus package and advertising material to promote the initiative. The four key areas are:

- \$20,000 Townscape Business Grant
- 20% Reduction on Industrial Lots
- 30% Rent Reduction on Vacant Factory Units to Attract New Business
- Freeze on Council Fees, Charges and Rent

**Comment**

The package details are as follows:

**\$20,000 in Townscape Business Grants**

The Shire of Bruce Rock has established a Townscape Development Fund to provide amounts of discretionary funds to business owners on Johnson Street Bruce Rock for upgrades to their premises. These funds are designed to enhance the aesthetics and accessibility of the area and compliment the works being carried out as part of the Main Street Revitalisation Plan.

Comment - Terms and Conditions and grant package will be presented to Council for approval prior to finalisation.

**20% Reduction on Industrial Blocks**

Council has reduced the cost of blocks in its Industrial Sub Division by a massive 20%. These blocks are less than 2km from the CBD, connected with power, and scheme water access.

All lots have been levelled and start at 1650sqm and go up to 2697sqm. Conditions apply, building must commence within 12 months from settlement.

Comment – These lots were developed around 7 years ago and only 1 of the 6 lots has sold. Similar to the State Government's initiative in reducing land prices this may attract buyers and potentially bring new

business to the Shire providing economic stimulus. The sale of these lots would provide income and assist ease Council’s financial pressure.

| <b>Block Details</b>                    | <b>Size</b> | <b>Price</b> | <b>20% Reduced Price</b> |
|---|-------------|--------------|--------------------------|
| Lot 437 cnr Strange and Dampier Streets | 2022sqm     | \$25,875     | \$20,700                 |
| Lot 438 Dampier Street                  | 2040sqm     | \$25,875     | \$20,700                 |
| Lot 439 Dampier Street                  | 1650sqm     | \$23,000     | \$18,400                 |
| Lot 440 Dampier Street                  | 1650sqm     | \$23,000     | \$18,400                 |
| Lot 430 cnr Dampier and Noonajin Road   | 2697sqm     | \$26,700     | \$21,360                 |

### **30% Rent Reduction on Factory Units**

New businesses to the Shire of Bruce Rock could be eligible for a 30% rent reduction. Applications in writing to the CEO outlining your proposed business type, required usage of the facility, and required lease term by the 10th September 2020.

Comment – The 12 month reduction in rent on vacant factory units may assist in attracting new business to town and also provide income to Council.

### **Freeze on Council Fees, Charges and Rent**

To assist Local Business, Community Members and Sporting Groups, Council has frozen any increase on Fees, Charges and Rent for the 20/21 period.

Comment - This component of the stimulus package is part of Council’s previously adopted COVID19 Financial Hardship Policy to assist the community to deal with the impacts of the pandemic.

### **Consultation**

Alan O’Toole, Deputy CEO  
 Melissa Schilling, Executive Assistant  
 Jennifer Bow, Manager of Finance

### **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*

*Local Government Act 1995 s.6.16 & s.6.19*

**6.16. Imposition of fees and charges**

- (1) *A local government may impose\* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.*  
*\* Absolute majority required.*
- (3) *Fees and charges are to be imposed when adopting the annual budget but may be -*
- (a) *imposed\* during a financial year; and*
  - (b) *amended\* from time to time during a financial year.*
- \* Absolute majority required.*

**6.19. Local government to give notice of fees and charges**

*If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of*

- (a) *its intention to do so; and*
- (b) *the date from which it is proposed the fees or charges will be imposed.*

**Policy Implications**

Council Policy 2.12 - COVID19 Financial Hardship Policy

*To give effect to the Shire’s commitment to support the whole community to meet the unprecedented challenges arising from the COVID19 pandemic, the Shire of Bruce Rock recognises that these challenges may result in financial hardship for our ratepayers and debtors.*

*This Policy is intended to ensure that we offer fair, equitable, consistent and dignified support to ratepayers suffering hardship, while treating all members of the community with respect and understanding at this difficult time.*

**Factory Unit Rental Subsidy**

Whilst no formal policy exists, precedent exists from previous decisions of Council and as per this resolution in 2008; *“Council may consider a discount of up to 30% for new businesses renting a factory unit for a period of up to 12 months”.*

**Risk Implications**

**Risk:** That Council not support the Local Business Economic Stimulus Package and there is no take up of any of the industrial lots there would be another 12 months without income from the sale.

| Likelihood | Consequence | Rating   |
|------------|-------------|----------|
| Possible   | 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

- Council has already endorsed and made budget provision for the freeze on Council fees, changes and rent for the 2020/21 budget.
- As the factory units on Swan Street, Bruce Rock have been vacant for some time, not only will the 12 month 30% rent reduction potentially attract new business it will increase Council’s rental income as currently no income is being received.
- The \$20,000 Townscape Business Grants program has been included in Council’s draft budget.
- Council developed the industrial lots over 7 years ago, with only 1 lot selling to date. A 20% reduction may assist in selling the lots not only creating economic development in Bruce Rock but would provide a needed income source for Council in 2020/21.

The 20% reduction would equate to the following value reduction:

| Block Details                           | Current Value | 20% Reduced Price | Reduction Value |
|---|---------------|-------------------|-----------------|
| Lot 437 cnr Strange and Dampier Streets | \$25,875      | \$20,700          | \$5,175         |
| Lot 438 Dampier Street                  | \$25,875      | \$20,700          | \$5,175         |
| Lot 439 Dampier Street                  | \$23,000      | \$18,400          | \$4,600         |
| Lot 440 Dampier Street                  | \$23,000      | \$18,400          | \$4,600         |
| Lot 430 cnr Dampier and Noonajin Road   | \$26,700      | \$21,360          | \$5,340         |

### Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Infrastructure

2.2 – Encourage greater usage of current Council owned facilities

Economy

Goal 3: Assist the local economy to grow

3.1 Continue business improvement grants

3.3 Encourage the business units to be used in Swan Street

3.7 Leverage economic opportunities and development from successful local businesses

Governance

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

**Voting Requirements** Absolute Majority

### Officer Recommendation

That Council:

1. That as part of Council’s commitment to the economic recovery of Bruce Rock it endorses the “COVID19 Business Economic Stimulus Package”, as presented.
2. That Council approves a 20% reduction on the sale price of its five industrial lots for a period of 12 months with the condition that a structure is required and building must commence within 12 months of settlement, with the new amounts as follows:
  - Lot 437 cnr Strange and Dampier Streets \$20,700
  - Lot 438 Dampier Street \$20,700
  - Lot 439 Dampier Street \$18,400
  - Lot 440 Dampier Street \$18,400
  - Lot 430 cnr Dampier and Noonajin Road \$21,360

The sale of the lots is to be undertaken in line with section 3.58 of the Local Government Act.
3. In line with its 2020/21 budget Council commits \$20,000 to its Townscape Business Grants Program, with terms and conditions to be approved by Council prior to finalisation.

**13. Confidential Items**

|                                      |  |
|--------------------------------------|--|
| <b>Agenda Reference and Subject:</b> | <b>13.1</b> Contract Extension – Senior Employee |
| <b>File Reference:</b>               | Personnel  |
| <b>Reporting Officer:</b>            | Darren Mollenoyux, Chief Executive Officer       |
| <b>Author:</b>                       | Darren Mollenoyux, Chief Executive Officer       |
| <b>Disclosure of Interest:</b>       |  |
| <b>Attachments:</b>                  | <i>Nil</i>                                       |

*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;*

**Voting Requirements**            Simple Majority

**Officer Recommendation**

**That Council endorses the contract extension and variation of days of Mr Julian Goldacre as the Environmental Health officer for a further five (5) year period ending on the 20<sup>th</sup> August 2025.**



**14. Closure of Meeting.**