

SHIRE OF BRUCE ROCK

MINUTES – ORDINARY MEETING 21 NOVEMBER 2019

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SHIRE OF BRUCE ROCK

MINUTES – ORDINARY MEETING 21 NOVEMBER 2019

1. Declaration of Opening

The Shire President Cr SA Strange declared the meeting open at 2.09pm.

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

President	Cr SA Strange	
Deputy President	Cr R Rajagopalan	
Councillors	Cr AR Crooks	
	Cr IS Dolton	
	Cr KP Foss	
	Cr NC Kilminster	
	Cr PG Negri	
	Cr BJ Waight	
	Cr RA Waye	
Chief Executive Officer	Mr DRS Mollenoyux	
Deputy Chief Executive Officer	Mr A O'Toole	
Community Development Officer	Miss A Waight	
Environmental Health Officer	Mr J Goldacre	2.16pm to 2.33pm
Manager of Works	Mr G Casley	2.28pm to 2.54pm
Senior Finance Officer	Mr M Darby	2.28pm to 2.54pm

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
21.11.2019	Cr P Negri	11.1.3	Part owner of property and close relative of applicant.

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

Joe Fondacaro – Mineral Crushing

Mr Fondacaro gave Council an update n his intensions with his lease on Council’s Quarry.

Note: Council request that staff prepare an agenda item on the Bruce Rock Quarry lease and present it to the Ordinary Council Meeting on the 19th December 2019.

7. Applications for Leave of Absence

8. Announcements by Presiding Member

9. Confirmation of Minutes

Ordinary Meeting of Council held on Thursday 17 October 2019.

COUNCIL DECISION

Resolution OCM Nov 19 – 9.1

Moved: Cr Rajagopalan

Seconded: Cr Dolton

That the minutes of the Ordinary Meeting of Council held Thursday 17 October 2019 be confirmed as a true and correct record.

Carried 9/0

Special Council Meeting held on Monday 21 October 2019.

COUNCIL DECISION

Resolution OCM Nov 19 – 9.1

Moved: Cr Waight

Seconded: Cr Waye

That the minutes of the Special Council Meeting held Monday 21 October 2019 be confirmed as a true and correct record.

Carried 9/0

10. Regional Reports

Agenda Reference and Subject:	10.1.1 Wheatbelt Communities Meeting Minutes October 2019
File Reference:	1.6.9.1 Meeting Minutes and Agendas WEROC
Reporting Officer:	Darren Mollenoyux, Chief Executive Officer
Author:	Darren Mollenoyux, Chief Executive Officer
Disclosure of Interest:	Nil
Attachments:	<i>Item 10.1.1 Attachment A – Wheatbelt Communities Minutes</i>

Summary

Council is asked to receive the minutes from the previous Wheatbelt Communities Meeting.

Background

The last Wheatbelt Communities Meeting was held on the 30th October 2019 at the Shire of Westonia Council Chambers.

Comment

To encourage the Wheatbelt Communities partnership and promote a better understanding by all Councillors it is recommended that Wheatbelt Communities minutes be read and received by Council.

A full copy of the minutes is provided as Attachment A for this Agenda item.

Consultation	Nil
Statutory Implications	Nil
Policy Implications	Nil

Risk Implications

Risk: That Council does not receive the minutes or object to decisions of the Wheatbelt Communities meeting.		
Likelihood	Consequence	Rating
Rare	Insignificant	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 will be managed by routine procedure and is unlikely to need specific application of resources.		

Financial Implications	Nil
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Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Governance

Goal 12	Council leads the organisation in a strategic and flexible manner
12.2	Continue to build our voice and strategic projects within our regional groupings

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Nov 19 – 10.1.1

Moved: Cr Foss

Seconded: Cr Dolton

That Council receives the minutes of the Wheatbelt Communities Meeting held on the 30th October 2019 at the Shire of Westonia Council Chambers.

Carried 9/0

Mr A O’Toole left Council Chambers at 2.14pm

Agenda Reference and Subject:

10.1.2 WEROC Council Meeting Minutes October 2019

File Reference:

1.6.9.1 Meeting Minutes and Agendas WEROC

Reporting Officer:

Darren Mollenoyux, Chief Executive Officer

Author:

Darren Mollenoyux, Chief Executive Officer

Disclosure of Interest:

Nil

Attachments:

Item 10.1.1 Attachment A – Wheatbelt Communities Minutes

Summary

Council is asked to receive the minutes from the previous WEROC Council Meeting.

Background

The last WEROC Council Meeting was held on the 30th October 2019 at the Shire of Westonia Council Chambers.

Comment

To encourage the WEROC partnership and promote a better understanding by all Councillors it is recommended that WEROC minutes be read and received by Council.

The following items are highlighted for Council's attention;

Note: This meeting saw the Shire of Bruce Rock take over as the Chair for the next two years, with the Shire of Kellerberrin as the Deputy Chair.

8.1 Future Governance of WEROC – Development of WEROC Constitution

Following feedback from all member Councils on the draft WEROC Constitution the following resolution was made;

That:

- 1. The WEROC Executive Officer prepare and arrange the audit of the final statements of account for WEROC in order that all funds can be transferred from WEROC to the revised entity WEROC Inc once established;*
- 2. WEROC determine how all projects currently being undertaken by WEROC will be continued/completed under WEROC Inc once established;*
- 3. A Special General Meeting of Wheatbelt Communities Inc be held, via teleconference, prior to Christmas for the purpose of adopting the new constitution; and*
- 4. WEROC write to the Shire of Tammin to seek feedback on whether or not the Shire was interested in re-joining WEROC following its incorporation.*

8.4 Ongoing Development of WEROC App and Website

As Councillors are aware WEROC has been addressing the future direction of the WEROC App and website over the past 12 months.

The WEROC Council Meeting resolved as follows;

That WEROC:

- 1. Terminate its contract with go2GUIDES and in doing so seek clarification on ownership for both the WEROC App and website (including content and intellectual property); and*

2. *Seek quotations from suitably qualified organisations for the further development and management of the WEROC website.*

8.6 Medical Student Immersion Program

The Executive Officer provided an update on the Wheatbelt Medical Student Immersion Program with the next visit scheduled from Tuesday 10th March to Friday 13th March 2020.

A full copy of the minutes is provided as Attachment A for this agenda item.

Consultation Nil
Statutory Implications Nil
Policy Implications Nil

Risk Implications

Risk: That Council does not receive the minutes or object to decisions of the WEROC Council meeting.		
Likelihood	Consequence	Rating
Rare	Insignificant	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 will be managed by routine procedure and is unlikely to need specific application of resources.		

Financial Implications Nil

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Governance

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

- 12.2 Continue to build our voice and strategic projects within our regional groupings

Voting Requirements Simple Majority

<p>OFFICER RECOMMENDATION AND COUNCIL DECISION Resolution OCM Nov 19 – 10.1.2</p> <p>Moved: Cr Crooks Seconded: Cr Waight</p> <p>That Council receives the minutes of the WEROC Council Meeting held on the 30th October 2019 at the Shire of Westonia Council Chambers.</p> <p style="text-align: right;">Carried 9/0</p>
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Mr A O’Toole re-entered Council Chambers at 2.16pm

Mr J Goldacre entered Council Chambers at 2.16pm

11. Officers' Reports

11.1 Environmental Health Officer

Agenda Reference and Subject:	11.1.1 Budget Amendments – Aquatic Centre Pool Slide Stairs and Squash Court One
File Reference:	8.2.7.1 Annual Budget
Reporting Officer:	Julian Goldacre, Environmental Health Officer
Author:	Julian Goldacre, Environmental Health Officer
Disclosure of Interest:	Nil
Attachments:	<i>Nil</i>

Summary

To amend the 2019-2020 Budget to increase the present budget allocation to accomplish capital works for the Aquatic Facility pool slide stairs and Squash court One.

Background

Tender responses and quotations received revealed a deficiency of funds in the resolved 2019-2020 budget. This agenda item is required to present to Council the matters which require a budget amendment to allocate suitable finances to proceed with works.

Comment

- Aquatic Facility replacement staircase:
When the tendered price was eventually submitted for the replacement aquatic facility pool slide stairs it was found to be in excess of the budgeted amount resolved in the 2019-2020 budget. Whilst an indicative price was provided for budget preparation this price omitted the installation costs. It is requested of Council to consider the allocation of a further \$8,500 to complete the works.
- Squash Court One replacement floor:
A person was eventually found who specialises in squash court floors and was able to provide an inclusive quotation to undertake the works. Whilst an amount was presented for consideration in the 2019-2020 budget review the amount was removed from the resolved budget for 2019-2020. The person quoting on the replacement floor said that if the old floor is removed prior to undertaking of works by the local government a saving of \$1,400 will be realised. Discussions with the President of the Bruce Rock Squash Club indicated that they will undertake to remove the flooring although this was conditional. The Bruce Rock Squash Club members have expressed concern on the apparent lack of progress to resolve the flooring issue of squash court one. An inspection of the squash court one flooring by a professional indicates it is beyond serviceable life.

It is put to Council to consider an allocation of suitable finances to proceed with works which is, without assistance from the Bruce Rock Squash Club to remove old flooring, amount of \$14,650.

Presently works allocated to date have revealed small savings. There has been a reduction in costs for the second point of power supply for the hockey lighting based on final quotation from Western Power. As some building and maintenance works are still outstanding the requirement to allocate from other areas is recommended to be accomplished at the mid-year review of the budget where savings, and perhaps deferred works, if so required, can be quantified to balance the budget when all information is on the table.

Consultation

Mr D Mollenoyux, Chief Executive Officer
Mrs J Bow, Manager of Finance

Statutory Implications

Section 6. Part 6 of the *Local Government Act 1995*.

Policy Implications

Shire of Bruce Rock Policy 2.7 Purchasing

Risk Implications

Risk: Use of aged recreational and sporting facilities which fall short of public expectations creating public concern.		
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

An increase to Capital Expenditure of \$23,150. This allocation will be assessed during the mid-year budget review to realise any savings and/or deferred works, as required to balance the budget.

Strategic Implications

Shire of Bruce Rock Strategic Community Plan 2017-2027

GOAL 2 - Maintain Shire owned facilities in a strategic manner and also to meet community needs.

GOAL 2.4 - Support the improvement and maintenance of assets in a strategic manner.

Voting Requirements

Absolute Majority

<p>OFFICER RECOMMENDATION AND COUNCIL DECISION Resolution OCM Nov 19 – 11.1.1</p> <p>Moved: Cr Foss Seconded: Cr Kilminster</p> <p>That Council resolves to;</p> <p>1. Amend the 2019-20 Budget to allocate additional funding of \$8,500 for the supply and installation of the aquatic facility staircase, and</p> <p>2. Amend the 2019-20 Budget to allocate additional funding of \$14,650 for the removal of the old squash court one flooring, and the supply and installation of the replacement squash court one flooring.</p> <p style="text-align: right;">CARRIED BY ABSOLUTE MAJORITY 9/0</p>

Agenda Reference and Subject:

11.1.2 Planning Development Approval Application 112.5m2
'shed' on Lot 7 Cumberland Street, Ardath

File Reference: A616 53-55 Lot 7 Cumberland Street, Ardath

Reporting Officer: Julian Goldacre, Environmental Health Officer

Author: Julian Goldacre, Environmental Health Officer

Disclosure of Interest: Nil

Attachments: *Item 11.1.2 - Attachment A – Development Application
Carport Townsite Zone*

Summary

Council approves the 112.5m2 shed on Lot 7 Cumberland Street, Ardath with conditions and Advice note.

Background

On the 5 November 2019 the Shire of Bruce Rock received an Application for Development Approval 'BKDP-ARDCP-NOV-2019' (DA) from Mr B Nelson of Transtruct, on behalf of the owner, for the construction of a 112.5m2 three-bay carport on Lot 7 Cumberland Street, Ardath. A Building Permit Application was also received although cannot be processed until Planning Approval is obtained.

Comment

The DA as presented details a 'proposed carport' which is a use listed in the Residential Design Codes (R Code) only in association with a dwelling on the same Lot. As the building proposed is on a single Lot without a dwelling the applicant has been advised the DA is to be referred to as the construction of a 'shed'. The Scheme does not list a 'shed' in the townsite zone, therefore this DA is treated as a 'use not listed' for the purpose of this application.

The Scheme objectives for 'townsite' zoned land have been assessed against this DA and found to be in keeping with the townsite objectives. The shed is shown positioned 1m from the front boundary (scaled) facing the primary road; this is deemed acceptable pursuant to the R Code 'design principles' by fact:

1) the location is consistent with the established street setback at the location and on the main street of Ardath.

This is to say that the townsite of Ardath has building structures located on or quite close to the front boundary of the Lots and given the low density of development within the Ardath townsite the shed as proposed given the location within the townsite has minimal impact. The shed proposed in in excess of what the Building Surveyor can approve without need for Council permission pursuant to the Shire of Bruce Rock Policy 5.3 Outbuildings Maximum Size (Policy). The following information from the Policy and the DA are provided as measured against a Lot over 1,00m2:

- 1) Maximum single outbuilding permitted without Council approval is 94m2:
- this DA proposes a shed at 112.5m2 which is 18.5m2 in excess of the Policy.
- 2) Total outbuildings permitted without Council approval is 125m2:
- the land subject to this DA already has a shed of 54m2 in size thus a total outbuilding area of 166m2 which is 41.5m2 in excess of the Policy
- 3) Maximum wall height permitted without Council approval is 3m:
- DA wall height is 3m therefore compliant.
- 4) Maximum ridge height permitted without Council approval is 3.6m:
- Ridge height is 4.1m which is 0.5m2 in excess of the Policy.

Factors for considered when assessing against the Policy is that the three Lots of land on Cumberland Street being Lots 6, 7 and 8 are in common ownership by the landholder who is making the DA. The three

Lots combined would be over 3,000m² which then the policy would permit the DA sizes stated above. Given land amalgamation activity is cost prohibitive due to State Government fees, levies charges the application can only be measured against the single Lot 7 size of 1,009m². It is deemed that the ‘risk’ of this development affecting amenity or creating within Ardath a precedent is considered low given this shed structure is the first in many years to be proposed and is located on the back street of Ardath townsite.

The DA as presented is supported by the Officer and the following conditions are recommended for inclusion in the recommendation:

- 1) The Planning Approval for the proposed DA applies only to the development of the 3m wall height, 4.1m ridge height, and 112.5m² shed on Lot 7 Cumberland Street, Ardath; and
- 2) The shed is only to be used for purposes consistent with the use of storage in a residential context and not to be used for any business, commercial and/or industrial purposes or uses similar to without application to Council for consideration.

Consultation

Mr T Reed, Senior Planner, Department of Planning, Lands and Heritage; and
Mr B Nelson, Transtruct, Bruce Rock.

Statutory Implications

Planning and Development (Local Planning Schemes) Regulations 2015;
Shire of Bruce Rock Local Planning Scheme No3;

Policy Implications

Shire of Bruce Rock Policy 5.3 Outbuildings Maximum Size.

Risk Implications

Risk: Development proceeds outside of the scope approved by Council.		
Likelihood	Consequence	Rating
Unlikely	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

Planning Fee of \$147.

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 AND COUNCIL DECISION

Resolution OCM Nov 19 – 11.1.2

Moved: Cr Waight

Seconded: Cr Dolton

That Council:

1) Approve the Development Application with reference number ‘BKDP-ARDCP-NOV-2019’ for the construction of a 3m wall height, 4.1m ridge height, and 112.5m² floor area shed on Lot 7 Cumberland Street, Ardath, as presented in Item 11.1.1 - Attachment A – Development Application Carport Townsite Zone, with the following conditions:

a) This approval relates to the proposed 112.5m² shed on Lot 7 Cumberland Street, Ardath only. It does not relate to any other development on the lot; and

b) The shed is only to be used for the storage of goods and vehicles typically associated with a single house, unless approved by the Shire through the submission of an application for development approval.

2) Provides the following advice notes to assist in the carrying out of this development and is not limited to and provided in good faith, being:

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.

Carried 9/0

Agenda Reference and Subject:

11.1.3 Retrospective Planning Development Approval request for a transient workers' accommodation building located on 140 Wogarl Road Bruce Rock

File Reference:

A2477 140 Wogarl West Road, Bruce Rock

Reporting Officer:

Julian Goldacre, Environmental Health Officer

Author:

Julian Goldacre, Environmental Health Officer

Disclosure of Interest:

Cr PG Negri

Attachments:

Item 11.1.3 Attachment A - Mr M Negri Retrospective Planning Approval Donga;
Item 11.1.3 Attachment B – Accommodation Building onsite.

Cr PG Negri declared an interest and left the Council Chambers at 2.23pm.

Summary

Retrospective planning approval is granted for the transient workers four bedroom with onsite accommodation building located on Lot 15917 Wogarl Road; advice notes provided.

Background

In August 2019 the Environmental Health Officer Mr J Goldacre (EHO) was made aware that a building for workers accommodation had been delivered and put on foundations at 140 (Lot 15917) Wogarl Road. No planning approval had been sought to do so despite liaising with the occupiers in March 2019. The occupier Mr M Negri provided a Development Application for the purpose of planning approval on the 16 August 2019 and was receipted in with reference number 'A2477-DA[R]-AUG-2019'

Comment

This application before Council for retrospective planning approval is for a second dwelling on Lot 15917. Attachment A - 11.1.3 shows the application details, the Bush Fire Attack Level report, and donga plans as submitted in August 2019; furthermore, Attachment B – 11.1.3 shows the accommodation building onsite. The accommodation building is an individual 4-bedroom area with onsite for single persons accommodation for up to 4 persons who are transient works servicing the farming endeavours.

The accommodation building is in a Bush Fire Prone area and this has been assessed by Mr Geoffrey Lush of Lush Fire & Planning, Pinjarra and a Bushfire Attack Level (BAL) Certificate Determined in accordance with AS 3959-2018 has been issued dated 25 June 2019. The BAL has been determined as 19.5. The BAL report will need to be used to determine the requirements to meet building construction requirements for BAL 19.5.

Whilst this DA is retrospective given the accommodation building is already onsite the process remains the same although the fee, by penalty, is doubled. The EHO has reviewed the Shire of Bruce Rock Local Planning Scheme No3, clause 4.75 for 'additional dwellings' on Rural zoned land and has determined the DA to be in compliance with that clause and associated subclauses.

Advice notes are recommended to assist the occupiers of their obligations under other written laws but not limited to as follows:

- 1) Construction requirements for BAL 19.5 need to be implemented into the accommodation building construction;
- 2) A Building Approval Certificate is required for the approved development, due to building works already undertaken, in accordance with the *Building Act 2011*. Fees apply; and
- 3) Before the accommodation building can be inhabited the already installed apparatus for the treatment of sewage (septic system) will require an approval to use certificate to be issued.

Whilst the DA as presented is being treated as retrospective the occupiers have endeavoured to accomplish the required paperwork for approvals despite the premature installation of the accommodation building.

Consultation Nil

Statutory Implications

Planning and Development (Local Planning Schemes) Regulations 2015; and Shire of Bruce Rock Local Planning Scheme No3.

Policy Implications Nil

Risk Implications

Risk: Nil.

Financial Implications

Retrospective planning fee of \$294.

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
- Goal 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 AND COUNCIL DECISION

Resolution OCM Nov 19 – 11.1.3

Moved: Cr Foss
Seconded: Cr Kilminster

That Council:

1. Grant retrospective planning approval for the transient workers four bedroom with onsite accommodation building located on Lot 15917 Wogarl Road as shown in Item 11.1.3 - Attachment A - Mr M Negri Retrospective Planning Approval Donga and Item 11.1.3 – Attachment B – Accommodation Building onsite.
2. Provide the following advice notes in good faith, but not limited to, being:
 - a) Construction requirements for BAL 19.5 need to be implemented into the accommodation building construction;
 - b) A Building Approval Certificate is required for the approved development, due to building works already undertaken, in accordance with the Building Act 2011. Fees apply; and
 - c) Before the accommodation building can be inhabited the already installed apparatus for the treatment of sewage (septic system) will require an approval to use certificate to be issued.

Carried 8/0

Cr P Negri returned to the Council Chambers at 2.26pm.

Mr A O'Toole left the Council Chambers at 2.26pm

Mr A O'Toole returned to the Council Chambers at 2.28pm

Mr G Casley entered Council Chambers at 2.28pm

Mr M Darby entered Council Chambers at 2.28pm

Agenda Reference and Subject:

11.1.4 Health Notice to Condemn house on Lot 49 (No12)
Venemore Street, Shackleton and certain actions to be undertaken.

File Reference:

A2465

Reporting Officer:

Julian Goldacre, Environmental Health Officer

Author:

Julian Goldacre, Environmental Health Officer

Disclosure of Interest:

Nil

Attachments:

Item 11.1.4 - Attachment A – Lot 49 Number 12 Venemore Street House pictures); Item 11.1.4 – Attachment B - Residential Building Report – Australian Standard 4349.0 2007 Lot 49 Number 12 Venemore Street House (confidential).

Summary

To serve Notice that the house at Lot 49 Venemore Street Shackleton is unfit for human habitation, direct the Environmental Health Officer being the Authorised Officer to serve Notice to maintain, remove and repair asbestos containing material when confirmed that it is so, and to provide Council a timeline of works to be done to amend or remove, as the case requires, the house before the next Council meeting to be held in December 2019.

Background

The house located on Lot 49 (No12) Venemore Street Shackleton has been of interest to the Shire of Bruce Rock Environmental Health Officer being the Authorised Officer pursuant to the *Public Health Act 2016* (EHO) due to the condition on first inspection in 2015 (and ongoing). Finding the owner became protracted our was eventually found, and correspondence began to determine what was the owner's intentions with the house. Despite assurances and postulations written and verbal the condition of the house has deteriorated further, and significantly, in recent times and is of concern to people living in the area. Attempts to maintain and repair the house by the owner in a manner that would be suitable for a person/s to occupy and would be conducive to good health and wellbeing have been ineffective.

Comment

Under the authority of the *Health (Miscellaneous Provisions) Act 1911* (Act) on the 11 November 2018 the EHO and Deputy Chief Executive Officer undertook a 'Residential Building Report – Australian Standard 4349.0 2007' to assess the house condition. In summary the house is in such a dilapidated state that unless rectification to amend the house condition is undertaken, the house is unsafe for human habitation. Based on the owner's previous endeavours to amend the house it is reasonably considered to be most 'unlikely' their works would occur to significant effect. The EHO makes the determination of 'unlikely' based on transcripts of conversations with the owner as prima facie evidence through embedded email logs dated 27 July 2018 through to 31 October 2019. Furthermore, photographic evidence starting on the 2 July 2015 through to the 11 November 2019 are on file; a total of 21 folders of photographic evidence is available. It is clear given the history recorded on this matter that the owner has accomplished very little to address the house condition which has in recent time deteriorated severely. The EHO spoke to the owner on the 14 November 2019 reiterating his obligation to amend the house and in response to this he explained, at length, that an insurance claim to replace the roof has been submitted. The owner stated he met with assessors who inspected the house on the 12 November 2019

and the owner is now waiting to hear back on the outcome 'soon'. The owner said the assessors were of the opinion demolition and rebuild is an option given the condition of the house. The EHO asked the owner what his intentions were for the house and the owner mentioned that he would be agreeable to demolish and rebuild as the assessors said this could be done. The outcome for the insurance claim is ongoing and the EHO asked the owner to correspond in writing as to his intentions to resolve the house situation, in the short term, in the event of a successful insurance claim or not, the owner agreed to so.

Of important concern is the house outside walls are clad with presumed asbestos containing material as determined by the EHO who holds a qualification for 'Asbestos Recognition & Removal Certificate' issued by ATM as well as field experience on such matters. Samples indicative of the wall cladding have been obtained for analytical testing which is currently underway. (An amendment to this agenda maybe required to reflect the confirmation of asbestos containing material). Furthermore, the north facing wall, clad in presumed asbestos, is no longer supported at the top plate by the roof (now inside the house) and is leaning precariously away from the house. Despite the wall matter being described to the owner who gave an undertaking to resolve, no action has been taken to secure the wall; this is consistent with the owner's previous undertakings to amend the house which fails to effectively resolve the house continued deterioration.

Given the gravity of the situation regarding the house, its use as a refuge for person/s is a clear and present potential detriment to human health and wellbeing. Due to the consistent lack of reasonable endeavours to amend the progressing dilapidation of the house it is recommended to issue and serve a Notice pursuant to Section 135 of the Act to declare the house unfit for habitation. Furthermore, it is requested of Council to consider requesting of the owner a formal timeline of works to be undertaken by the owner to amend the house and that this information is provided to the local government of Bruce Rock before the next Ordinary Meeting of Council in December 2019 for consideration.

Given the poor state of the presumed asbestos containing material cladding on the outside walls of the house the EHO requests to be able to serve a Notice pursuant to the *Health (Asbestos) Regulations 1992* (Regs). The Notice will direct the owner to undertake to maintain, to repair and to remove, as the case requires, the asbestos containing material on confirmation the material is asbestos on receipt of formal analysis. The Regulations carry significant modified penalties (infringements) should the works as required in the Notice are not undertaken.

A Notice issued and served on a person does give the person the right to appeal to the State Administrative Tribunal (SAT). A referral to SAT of a Notice in this circumstance is welcomed by the EHO as will give both parties the opportunity to place this house situation on the table for independent review and to work towards a mutually binding outcome, as the case requires.

Consultation

Mr A O'Toole, Deputy Chief Executive Officer.

Statutory Implications

Health (Miscellaneous Provisions) Act 1911.

Policy Implications

Nil

Risk Implications

Risk: Owner fails to comply to amend house.		
Likelihood	Consequence	Rating
Likely	Moderate	Moderate
Action / Strategy		
Medium 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 “Medium” risk and will be managed by specific monitoring and response procedures.		

Financial Implications

Officer time to attend a State Administrative Tribunal hearing which is understood to be able to be done via video link which is the preferred option. Undefined legal costs should the matter escalate. No compliance with a Notice under the Regulations dealing with asbestos is \$1,000.

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Governance

Nil

Voting Requirements

Simple majority

<p>OFFICER RECOMMENDATION AND COUNCIL DECISION Resolution OCM Nov 19 – 11.1.4</p> <p>Moved: Cr Rajagopalan Seconded: Cr Dolton</p> <p>That Council:</p> <p>1) Pursuant to Section 135 of the Health (Miscellaneous Provisions) Act 1911 declare the house located on Lot 49 being number 12 Venemore Street Shackleton as ‘unfit for human habitation’ by issue and service of a Notice to that effect for reason of the house being in a severely dilapidated state and containing presumed asbestos containing materials;</p> <p>2) That the owner of the house on Lot 49 being number 12 Venemore Street Shackleton being the person whose name appears on the Certificate of Title is formally requested to provide the local government of Bruce Rock a timeline of works to be done to amend or remove, as the case requires, the house; and</p> <p>3) Directs the Environmental Health Officer to issue and serve a written Notice onto the owner of the house on Lot 49 being number 12 Venemore Street Shackleton being the person whose name appears on the Certificate of Title to direct the owner to undertake to maintain, to repair and to remove, as the case requires, the asbestos containing material on confirmation the material is asbestos on receipt of formal analysis.</p> <p style="text-align: right;">Carried 9/0</p>

Mr J Goldacre left Council Chambers at 2.33pm

11.2 Manager of Works & Services

Agenda Reference and Subject:

11.2.1 Works & Services Information Report

File Reference:

Reporting Officer:

Glenn Casley, Manager of Works & Services

Author:

Glenn Casley, Manager of Works & Services

Disclosure of Interest:

Nil

Attachments:

*Item 11.2.1 Attachment A – Email from Coffey Services
Australia RE: Planned Works 1 Johnson Street Bruce Rock*

Town & Gardening Crew

- Main Street tidied up
- Memorial tidied up for Vets week
- Caravan Park mowed and tidied
- Shire blocks slashed
- Private works – slashing of blocks and cleaning of house yards
- Private Works – Silo pads
- Fixing Retic to make water wise friendly
- Reinstating footpath at hockey surrounds
- Shackleton town slashed and cleaned up
- Ardath town slashed and cleaned up
- Babakin townsite slashed and tidied up
- Pool carpark gardens tidied up
- Skate park raked and tidied up
- Town verges and footpaths blown and residue collection.

Construction Crew

- Bruce Rock Naremben Road, cement stabilising from the 20th November 2019
- Summer grading a portion of Shire gravel roads
- Patching crew busy with five people out on the roads to help get through the roads more efficiently

Workshop

Workshop report October

- BK011 – HAMM Roller, Air Con Faulty, Compressor clutch U/S (unserviceable).
High Speed Fan U/S.
Fan Switch & Thermostat Switch U/S.
Cab Filter Missing from System.
- BK Workshop: parts order for air-con system, P/O: 31088 \$1576.60
ELEC-TECH Diesel Services: Shut off switch missing from system? Air-con system over heated
- BK792 – Ford Ranger, replace 2 Front steerer tires. General GT 215/65/16, P/O 31087 \$324.79
- BK02 – D-MAX Isuzu (Colin), Carry out 15000km Service.
- BK51 – Subaru Wagon (Julian), Carry out 70000km Service.
- BK08 – D-MAX Isuzu (Peter), Carry out 15000km Service.

- BK6556 – JCB Backhoe, Operator Seat, Electrical Fault, opened circuit to wiring harness, Replace hydraulic hose.
- R2K Contractors: Make & Supply Hydraulic Hose P/O 31092 \$60.50.
- ELEC-TECH Diesel Services: Repairs to BK06 Volvo Loader, BK510 12M Grader, BK011 Hamm Roller. P/O 31100 \$1034.79.
- BK655 – HINO Water truck, Complete Water pump spray system. P/O 31090 \$609.96.
- BK655 - Hino Water Truck, Full Service Completed to Cooling System. P/O 31099 \$3911.39.
- BK029 – DAF Street Sweeper, Complete Wash down, Full inspection, WORK on going.
Replace Both Gutter Brooms & Main Wide Sweeper Brush. P/O 31096 \$473.60.
- BK638 - Mitsubishi FUSO 615, Field Service call out, Engine Blowing White Smoke, Engine over ran & Engine U/S.
Ongoing Quotes for Replacement 4P10 Turbo Diesel Engine, Rebuild or Replacement.
- 9MT181 – D6R Dozer, Coolant Leak Repairs, Hydraulic Repairs, Replace Rear Ripper Hoses.
- R2K Contractors: Makeup/supply 2 Rear Ripper Hoses. P/O 31304.
- Apprentice – Cut, Weld, Make up Engine Stand for Workshop.

Ongoing Works

- BK510 Cat Grader Brake Code Recurring, Front Wheel Tilt Faulting intermittently, Blade Level System Fault Intermittent, Brake Pedal Vibration From time to time, Brake Servo System to be serviced. – ELE-TECH DIESEL SERVICES To travel out Field Service For Diagnostic Readings & Possible Repairs.
- BK638 – Engine Rebuild or Replacement.
- 9MT181 – D6R Dozer, oil leaks to hydraulic tank, Air-con Faults, Lefthand Final drive Heavy Metal Detected, possible Failure in process, Future Oil Samples to be Taken.
- BK011 – Hamm Roller, ELE-TECH DIESEL SERVICES – Waiting on parts to complete air-con work.

Rec Centre

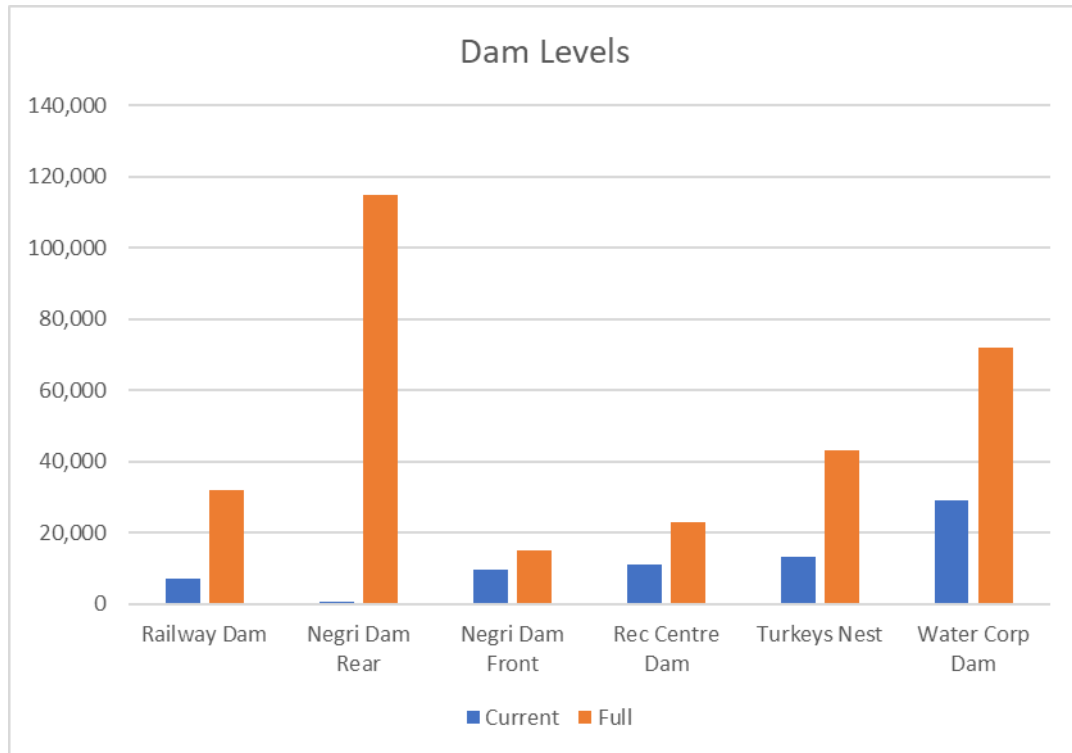
- Oval mowed
- Retic turned back on, twice a week
- Set up and pack up after Vets week
- Being sprayed with wetta soil once every month to help with keeping the moisture in the ground
- Garden beds weeded and watered

Vehicles/Machinery Changeover

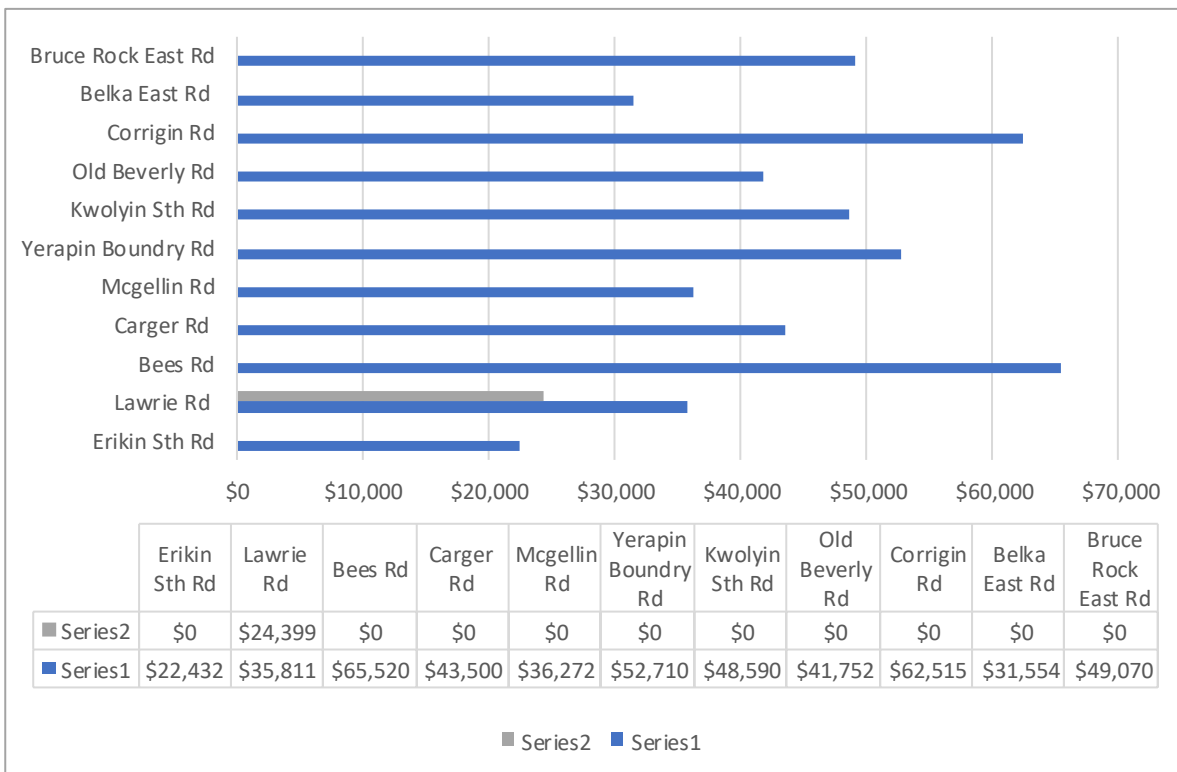
The new oval mower for the Recreation Centre has been ordered and should arrive by the 20th November.

Dams

• Dam	• Current	• Capacity
• Railway Dam	• 7,200kl	• 32,000kl full
• Negri Dam Rear	• 0kl	• 115000kl full
• Negri Dam Front	• 8,500kl	• 15000kl full
• Rec Centre Dam	• 11,000kl	• 23000kl full
• Turkeys Nest	• 13,000kl	• 43000kl full
• Water Corp Dam	• 27,000kl	• 71808kl full



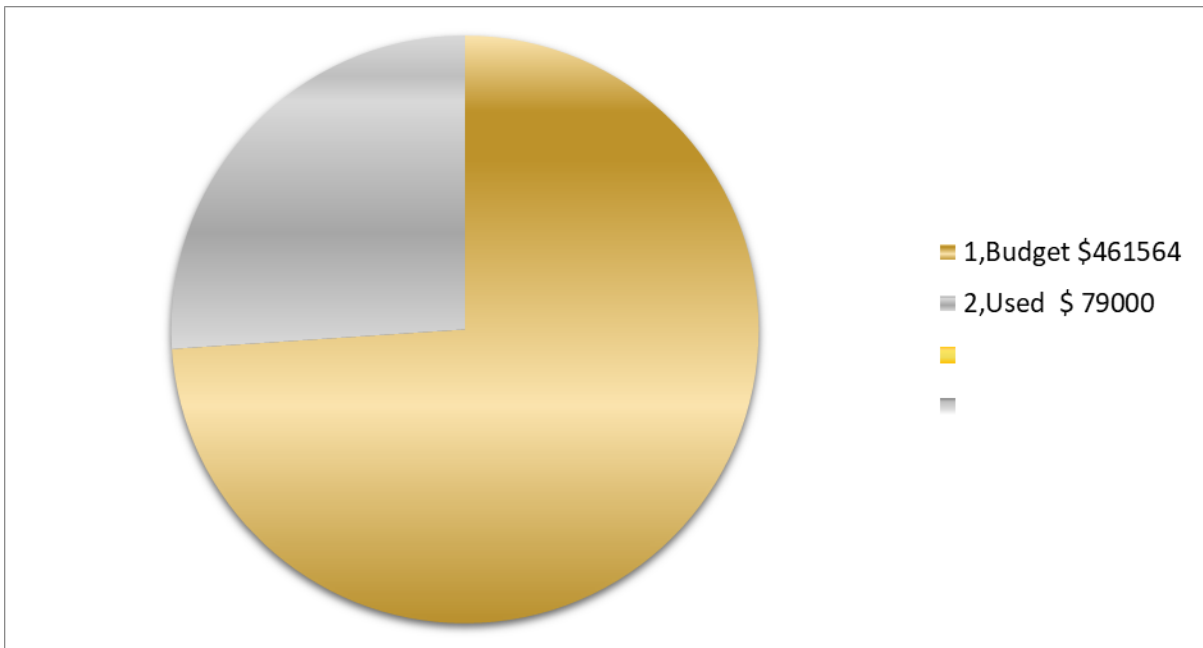
Roads To Recovery 2019/20



This chart is to show the program we have this financial year for Roads to Recovery. It will be updated each month so Council can see the progress through the year.

Next month I will have a chart for our regional Road Group project also.

Regional Road Group Funding Bruce Rock- Narembeen Rd



This chart is to allow Council to see how the road project is moving along financially. To update Council the clearing and drainage works are complete and gravel carting has begun to prepare for stabilising

Patching Truck

It looks like the Patching truck might require a new motor or a rebuild. The mechanic is inspecting the motor to see what the damage is after the turbo let go. Will keep Council informed on what the outcome is, but we have a truck to use to keep the patching going until fixed

BP Works

Contractors are undertaking some work at BP to fix up soil contamination that has happened over the years. This is a 6-month operation which will have no impact on the public or the environment around the area. A report of these works will be attached in the Information Bulletin.

New Roads Team Leader Position

The advert for the new Roads Team Leader has been advertised and will close on the 9th of December 2019.

Remote Airstrip Upgrade Program

Applications for funding through this program opened at the start of October. It is only available to airstrips which are classified as remote which the Bruce Rock airstrip is eligible for an application has been submitted to renew the hardstand area and footpath going to the shed where the ambulance parks for the RFDS transfers, and to asphalt the apron area to stop the deterioration of the seal that is already worn down. The amount of the funding came to \$ 128,660.00. If successful, this will be 50/50 contribution.

COUNCIL DECISION

Resolution OCM Nov 19 – 11.2.1

Moved: Cr Rajagopalan

Seconded: Cr Waye

That the Manager of Works and Services Information Report be received.

Carried 9/0

Agenda Reference and Subject:	11.2.2 Tender 6.2019.20 Supply of Stone
File Reference:	8.2.8.1 Tenders
Reporting Officer:	Glenn Casley, Manager of Works & Services
Author:	Glenn Casley, Manager of Works & Services
Disclosure of Interest:	Nil
Attachments:	<i>Nil</i>

Summary

Council is asked to consider and endorse the successful tenderer for the supply and delivery of aggregate to the Batching Plant for a 12-month period.

Background

Council operates the Batching Plant which is used for Council works and Private Works jobs. The Batching Plant has stone requirements for concrete works this financial year. As the estimated value was above \$150,000 it was a requirement to follow Council's purchasing policy, and therefore tenders were invited for the supply and delivery of stone.

The tender process was conducted and advertised as Tender 6.2019.20 "Supply and Delivery of Metal for Concrete Aggregates" which closed on the 28th October 2019. Three tenders were received, which were:

1. Irvine Transport
2. Great Southern Quarries
3. Mineral Crushing Services

The Tenderers were asked to provide a price for the following:

850 tonne of cement dust
900 tonne of 7 mm 10 mm blend
1000 tonne of 20mm stone for Batching Plant
400 tonne of 14 mm stone
1000 tonne of concrete sand

Comment

Tenderers were requested to provide a unit cost per tonne for the five different commodities that the Shire is needing for this financial year.

The evaluation of these submissions was undertaken by the Manager of Works and Services and the Construction Foreman.

From the evaluation the following was found:

1. All companies could provide the products asked for except Mineral Crushing Services which could not provide concrete sand.
2. Tender submissions were therefore evaluated on several factors including price, quality of product and known history.

Consultation

Colin Brownley (Construction Foreman)

Statutory Implications

This procurement process has been completed in accordance with *Section 3.75 of the Local Government Act, 1995* and *Local Government (Function and General) Regulations 1996, Division 2 Tender Regulations*

Policy Implications

F 2.7 Policy in respect to purchasing items as specified in the adopted annual budget
 F 2.8 Tenders - That a Regional Price Preference will be provided to businesses operating within the boundary of the Shire of Bruce Rock for all goods and services in accordance with Regulation 24D of the Local Government (Function and General) Regulations 1996.

Risk Implications

Risk: Not following the correct Tender evaluation process could result in breach of procurement regulations and not securing the best result for the Shire		
Likelihood	Consequence	Rating
Possible	Major	High
Action / Strategy		
Correct procurement procedure followed, and selection made on quality and price of product. Contract and quality of work will be monitored during this period		

Financial Implications

Council has budget provision for the Batching plant stone supply as part of its 2019/20 running program. All tenders are under the estimated value for the stone and sand component of the program for this financial year.

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Infrastructure

Goal 2.4 Support the improvement and maintenance of assets in a strategic way

Governance

Goal 12 Council leads the organisation in a strategic and flexible manner
 12.2 Continue to build our voice and strategic projects within our regional groupings

Voting Requirements

Absolute Majority

Officer Recommendation

That Council award the Tender 6.2019.20 to Irvine Transport for the one-year period.

Council decision varied to Officer Recommendation to include the description of the Tender details.

<p>COUNCIL DECISION Resolution OCM Nov 19 – 11.2.2</p> <p>Moved: Cr Foss Seconded: Cr Crooks</p> <p>That Council award the Tender 6.2019.20 Supply and Delivery of Stone to Irvine Transport for the one year period.</p> <p style="text-align: right;">CARRIED BY ABSOLUTE MAJORITY 9/0</p>
--

11.3 Manager of Finance

Agenda Reference and Subject:	11.3.1 Statement of Financial Activity
File Reference:	8.2.6.2 Financial Reporting
Reporting Officer:	Jennifer Bow, Manager of Finance
Author:	Jennifer Bow, Manager of Finance
Disclosure of Interest	Nil
Attachment:	<i>Nil</i>

Summary

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

Background

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

Comment

The financial statements for the month ending 31st October 2019 will be presented at the meeting.

Manager of Finance will email the Monthly Financial report on Monday 18th November 2019.

Consultation

Chief Executive Officer
 Deputy Chief Executive Officer
 Manager of Finance
 Manager of Works and Services
 Senior Finance Officer and other staff

Statutory Implications

r. 34 Local Government (Financial Management) Regulations 1996

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 2018/19 Budget

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Governance

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

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Nov 19 – 11.3.1

Moved: Cr Negri

Seconded: Cr Kilminster

That the Statements of Financial Activity for the month ending 31st October 2019 as presented be received.

Carried 9/0

Agenda Reference and Subject:	11.3.2 List of Payments
File Reference:	8.2.3.3 Accounts Payable (Creditors)
Reporting Officer:	Mike Darby, Senior Finance Officer
Author:	Jennifer Bow, Manager of Finance
Disclosure of Interest:	Nil
Attachments:	<i>Item 11.3.2 – List of Payments September 2019</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 also payments made with the CEO’s credit card for the month of October 2019.

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

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 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 COUNCIL DECISION

Resolution OCM Nov 19 – 11.3.2

Moved: Cr Waye

Seconded: Cr Rajagopalan

That Council endorse the list of payments from the:

- 1. Municipal Account consisting of:**
 - a. EFT voucher numbers EFT14830 to EFT14145 totalling \$461,707.04**
 - b. Cheque number 23955 to 23961 totalling \$110,620.79**
 - c. Trust Cheques 1931 to 1939 totalling \$3,754.83**
 - d. Wages and Superannuation payments totalling \$271,918.94 and**
 - e. Credit Card payments \$511.54**

With all payments totalling \$848,001.60 for the month of October 2019.

Carried 9/0

Mr G Casley left Council Chambers at 2.54pm

Mr M Darby left Council Chambers at 2.54pm

Agenda Reference and Subject:	11.3.3 Budget Amendments – Roads to Recovery Project – Bruce Rock Corrigin Road Reseal (various sections)
File Reference:	8.2.7.1 – Annual Budget
Reporting Officer:	Jennifer Bow, Manager of Finance
Author:	Jennifer Bow, Manager of Finance
Disclosure of Interest:	Nil
Attachments:	<i>Nil</i>

Summary

To amend the 2019-20 Budget to include an additional road, Bruce Rock Corrigin Road under the Roads to Recovery funded projects.

Background

The Bruce Rock Corrigin Road was identified as a late budget inclusion due to the deteriorating nature of the surface of the road. The Manager of Works and Services cost the job at \$62,515 and it was discussed when the budget was adopted, however a formal item is required to amend the budget.

Comment

The Bruce Rock Corrigin Road has been identified as a road that requires a reseal in various sections along its 26.75km length from the York Merredin Road. In order to see that this road is upgraded this financial year, it was decided that additional funding from the Roads to Recovery program for 2019-20 to 2023-24 could be accessed to fund the repairs required on this road.

The Shire has been allocated funding under the Roads to Recovery Program for 2019-20 to 2023-24 of \$2,447,424 over the five years. This equates to approximately \$489,485 per year. Councils have been encouraged to use these funds as required and can be drawn down additional funds in order to fund projects of high priority.

The Bruce Rock Corrigin Road is a major regional road and carries a high percentage of grain trucks during harvest. Some sections are also on the school bus route.

Including this road as part of the 2019-20 budget was discussed when reviewing the capital expenditure at the July Special Council Meeting, however as it wasn't part of the formal budget being adopted, this budget amendment requires absolute majority.

Consultation

CEO, MOF & MOWS

Statutory Implications

Section 6. Part 6 of the Local Government Act 1995 and accompanying regulations.

Policy Implications

Purchasing Policy

Risk Implications

Risk: Unsafe road surface could lead to further deterioration of road surface which increases safety risk for road users.		
Likelihood	Consequence	Rating
Likely	Major	High
Action / Strategy To reseal surface to improve surface of road which will improve safety and reduce road deterioration.		

Financial Implications

An increase to Capital Expenditure of \$62,515 but this will be offset by an additional amount of \$62,515 drawn down from the Roads to Recovery funding allocation for the life of the program (2019-20 to 2023-24 is \$2,447,424 with estimated allocation for 2019-20 of \$489,485). This will reduce the remaining funding to approximately \$473,856 per year.

Strategic Implications

Shire of Bruce Rock Strategic Community Plan 2017-2027

Goal 1 – Roads are a key economic driver across the Shire

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

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION COUNCIL DECISION

Resolution OCM Nov 19 – 11.3.3

Moved: Cr Rajagopalan

Seconded: Cr Foss

That Council resolves to;

- i. amend the 2019-20 Budget to reflect the inclusion of the reseal of various sections of the Bruce Rock Corrigin Road, adjusting Job Number RR174 to \$62,151 under Capital Expenditure and**
- ii. amend the 2019-20 Budget to reflect the additional funding of \$62,515 to be drawn down from the Roads to Recovery funding, adjusting the General Ledger Number 121309.**

CARRIED BY ABSOLUTE MAJORITY 9/0

Agenda Reference and Subject:

11.3.4 Lease of 3 Bean Road, Bruce Rock to REED

File Reference:

A20165 - 3 Bean Road, Bruce Rock

Reporting Officer:

Jennifer Bow, Manager of Finance

Author:

Jennifer Bow, Manager of Finance

Disclosure of Interest:

Nil

Attachments:

Item 11.3.4 – Lease REED and Shire of Bruce Rock

Summary

To lease the building located at 3 Bean Road, Bruce Rock (Comprising of land lots 426 & 56 Bean Road) to REED (Regional Early Education and Development Inc).

Background

The Bruce Rock Day Care Centre Inc. is transferring its approved service provider status to REED in order to continue providing childcare services in Bruce Rock.

Part of this process is to formalise the lease of the building that the service operates from to that Early Childhood Education and Care (ECEC) will provide a license to REED to provide childcare services in Bruce Rock.

Comment

Helen Creedy, Chair of REED and Tania Darby-Gethin, Cluster Manager for REED, addressed Council at its October 2019 Council Meeting regarding the transferring of the approved service provider status of childcare in Bruce Rock from the Bruce Rock Day Care Inc to REED.

Mandy Schilling, Chairperson, Bruce Rock Day Care Centre has been liaising with staff regarding the transferring of the approved provider status, assets, resources and staff to REED. The Bruce Rock Day Care Centre has signed an agreement that sets out the transferring of the childcare service to REED.

An important aspect of the transfer is that REED must be able to demonstrate to Early Childhood Education and Care (ECEC) that they have a lease on the building in which to provide the childcare service, which is the reason this lease has been brought to Council for endorsement.

The Bruce Rock Day Care Centre operates without a lease but pays a monthly rent of \$175.50 inc GST. This monthly rent includes water and electricity, however Day Care maintains the gardens while building maintenance is the responsibility of the Shire, as it does for all their rental properties.

The proposed lease from REED is a standard lease and both the MOF and DCEO have reviewed the terms. The terms of the lease are very similar to the current arrangement with the Bruce Rock Day Care Centre Inc management committee.

REED have asked that existing financial arrangements are continued if possible, as financial modelling for the project has been evaluated on historical data and projections made for the financial sustainability and success of the project.

As REED would like to have the Bruce Rock Day Care Centre transferred by early December 2019, staff have already provided REED with a letter stating that it agrees in principle to the lease being signed with REED for 3 Bean Road for a period of 10 years with a possible extension of 10 years.

Consultation

Darren Mollenoyux, Chief Executive Officer
 Alan O’Toole, Deputy Chief Executive Officer
 Mandy Schilling, Chairperson of Bruce Rock Day Care Centre
 Philippa Gardener, Project Officer REED

Statutory Implications

Section 6. Part 6 of the Local Government Act 1995 and accompanying regulations.

Policy Implications

Purchasing Policy

Risk Implications

Risk: That the community of Bruce Rock is not provided with adequate early childhood education and care.		
Likelihood	Consequence	Rating
Unlikely	Major	Moderate
Action / Strategy That Council engage with relevant agencies to ensure the continuance of early childhood education and care.		

Financial Implications

Current lease provides \$1,954 ex GST in revenue.

Strategic Implications

Shire of Bruce Rock Strategic Community Plan 2017-2027

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

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

- 8.1 – Shire leaders communicate regularly with the Bruce Rock District High School, Babakin Primary School and Bruce Rock Day Care Centre
- 8.2 – Continue to support the relationship between the Shire and early education providers in the community

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Nov 19 – 11.3.4

Moved: Cr Waight
Seconded: Cr Kilminster

That Council resolves to endorse the lease of 3 Bean Road, Bruce Rock to REED for a period of 10 years with a possible extension for a further 10 years for the monthly rental of \$175.50 inc GST, subject to review in conjunction with the annual budget.

Carried 9/0

11.4 Deputy Chief Executive Officer

Agenda Reference and Subject:

11.4.1 Shire Seal

File Reference:

Reporting Officer:

Alan O’Toole, Deputy Chief Executive Officer

Author:

Melissa Schilling, Executive Assistant

Disclosure of Interest:

Nil

Attachments:

Nil

Summary

Use of Shire President Stamp in October 2019.

Background

Nil

Comment

As per Council’s policy, the Shire Seal has been used during the month of October 2019 as follows:

- Sale of Land Lots 339 and 340 Dampier St Bruce Rock
- Sale of Land Lot 56 Shackleton – Kellerberrin Road
- Sale of Land Lot 32 Westral Street Bruce Rock

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 COUNCIL DECISION

Resolution OCM Nov 19 – 11.4.1

Moved: Cr Negri

Seconded: Cr Waye

That Council endorse the use of the Shire Seal during October 2019.

Carried 9/0

Agenda Reference and Subject:

11.4.2 Shire President Stamp

File Reference:

Reporting Officer:

Alan O’Toole, Deputy Chief Executive Officer

Author:

Melissa Schilling, Executive Assistant

Disclosure of Interest:

Nil

Attachments:

Nil

Summary

Use of Shire President Stamp in November 2019.

Background

Nil

Comment

As per Council’s policy, the Shire President Stamp has been used during the month of November 2019 as follows:

- GECZ Nomination Form

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 COUNCIL DECISION

Resolution OCM Nov 19 – 11.4.2

Moved: Cr Kilminster

Seconded: Cr Foss

That Council endorse the use of the Shire President Stamp during October 2019.

Carried 9/0

Agenda Reference and Subject:

11.4.3 Review of Delegated Authority Register

File Reference:

2.3.1.5 Delegated Authority Register

Reporting Officer:

Alan O’Toole, Deputy Chief Executive Officer

Author:

Alan O’Toole, Deputy Chief Executive Officer

Disclosure of Interest:

Nil

Attachments:

Item 11.4.3 Attachment A - Nov 2019 Delegation Register

Summary

The Shire of Bruce Rock’s Delegated Authority Register is to be reviewed every financial year.

Background

In accordance with the Local Government Act 1995 section 5.46 (2), at least once every financial year the Delegated Authority Register is to be reviewed by the delegator, which is Council.

Comment

The Local Government Act 1995 (the Act) allows for a local government to delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the Act. All delegations made by the Council must be by absolute majority decision.

The following are decisions that cannot be delegated to the Chief Executive Officer:

- any power or duty that requires a decision of an absolute majority or 75% majority of the local government;
- accepting a tender which exceeds an amount determined by the local government;
- appointing an auditor;
- acquiring or disposing of any property valued at an amount determined by the local government;
- any of the local government’s powers under Sections 5.98, 5.99 and 5.100 of the Act;
- borrowing money on behalf of the local government;
- hearing or determining an objection of a kind referred to in Section 9.5;
- any power or duty that requires the approval of the Minister or Governor; or
- such other duties or powers that may be prescribed by the Act.

The Act allows for the Chief Executive Officer to delegate any of his or her powers to another employee. This must be done in writing. The Act also allows for the Chief Executive Officer to place conditions on any delegations if he or she desires.

A register of delegations relevant to the Chief Executive Officer and other employees is to be kept and reviewed at least once every financial year.

If a person is exercising a power or duty that they have been delegated, the Act requires them to keep necessary records to the exercise of the power or discharge of the duty. The written record is to contain:

- how the person exercised the power or discharged the duty;
- when the person exercised the power or discharged the duty; and
- the persons or classes of persons, other than Council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty.

The aim of the Delegations Register is to assist with improving the time taken to make decisions within the constraints allowed by the relevant legislation. The delegations ensure that the Administration acts in a timely manner to provide services to the public, residents and customers.

The Delegations Register details the related document(s) where the power to delegate is derived from, which includes legislation and policies of the Council.

Council is required to review and endorse the list of delegations to the Chief Executive Officer.

Consultation

CEO

Statutory Implications

Local Government Act 1995, s5.42 to s.5.44 and s.5.46

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

4.1.2 Manage the organisation in a responsible and accountable manner.

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION COUNCIL DECISION

Resolution OCM Nov 19 – 11.4.3

Moved: Cr Dolton

Seconded: Cr Waight

That the Chief Executive Officer be provided with the specified delegations as per Attachment A - Nov 2019 Delegation Register.

CARRIED BY ABSOLUTE MAJORITY 9/0

Agenda Reference and Subject:

11.4.4 Donation Request – Bruce Rock Squash Club

File Reference:

1.3.8.11 Bruce Rock Squash Club

Reporting Officer:

Alan O’Toole, Deputy Chief Executive Officer

Author:

Alan O’Toole, Deputy Chief Executive Officer

Disclosure of Interest:

Nil

Attachments:

Nil

Summary

Council is asked to consider a request from the Bruce Rock Squash Club for a donation towards the cost of their term trophies. For this the Shire will receive acknowledgment of support on the Squash Club’s score sheets and in the Rock Review.

Background

The Shire is undertaking a replacement of the flooring of the squash courts at the Bruce Rock Recreation Centre, in conjunction with the Squash Club. The Environmental Health Officer, Mr Julian Goldacre, is currently engaged in making the necessary arrangements for this work. As part of the arrangements for the replacing the floor, Mr Goldacre has negotiated with the Squash Club that its members will take up the old flooring immediately prior to the installation of the new as an “in kind” contribution, thus saving the Shire the cost of this work. The Squash Club have agreed to undertake this work, but have also made a request for a donation of \$150 towards the cost their term trophies.

Comment

The cost saving to the Shire if the Squash Club undertakes the removal of the old flooring is \$1400. In acknowledgement for a donation of \$150 the Squash Club has guaranteed that Council will be recognised as a sponsor of the Club’s term trophies, and that the Shire’s support will be acknowledged on the Club’s score sheets and in the Rock Review.

Consultation

Darren Mollenoyux, Chief Executive Officer
Julian Goldacre, Environmental Health Officer

Statutory Implications Nil

Policy Implications Nil

Risk Implications

Risk: That Council does not endorse the donation of \$150 to the Bruce Rock Squash Club.		
Likelihood	Consequence	Rating
Unlikely	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 will be managed by routine procedure and is unlikely to need specific application of resources.		

Financial Implications

Council has a Budget Allocation of \$5000 available for requests for Donations.

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Infrastructure

Goal 2.2 Encourage greater usage of current Shire owned facilities

Community

Goal 7: Our community are engaged and have a healthy lifestyle

Voting Requirements

Simple Majority

Officer Recommendation

That Council considers the request to support the Bruce Rock Squash Club with a donation of \$150 towards their term trophies.

Council did not support the officer's recommendation as it does not provide sponsorship requests for trophies as it is already providing subsidised facility usage for sporting clubs and contributes to upgrades and infrastructure maintenance.

COUNCIL DECISION

Resolution OCM Nov 19 – 11.4.4

Moved: Cr Rajagopalan

Seconded: Cr Kilminster

That Council approves the request to support the Bruce Rock Squash Club with a donation of \$150 towards their term trophies.

LOST 1/8

Mr J Fondacaro - Mineral Crushing Services entered the meeting at 3.07pm

Mr J Fondacaro - Mineral Crushing Services left the meeting at 3.17pm

Meeting adjourned for Afternoon Tea at 3.24pm

Meeting recommenced at 3.44pm – with all Staff and Councillors present

Agenda Reference and Subject:

11.4.5 Consideration of Quote for Connection to Crisp Wireless Broadband Network, related Budget Amendment and Advertisement of change of usage of a Reserve Fund.

File Reference:

Reporting Officer:

Alan O’Toole, Deputy Chief Executive Officer

Author:

Alan O’Toole, Deputy Chief Executive Officer

Disclosure of Interest:

Nil

Attachments:

Nil

Summary

Council is asked to consider a quote from Crisp Wireless to connect Bruce Rock to a high speed internet network by using wireless Broadband technology.

Background

Over the past couple of months, in conjunction with the Shire’s IT provider, JH Computers, the migration of most the Shire’s information databases to Cloud-based storage from servers based on site at the Administration Building has taken place. It was envisaged that this transfer could take place over the course of a few days, but the slowness of the existing internet service led to this process taking several weeks. (The move to Cloud-based storage, and accessing all data this way will be essential to the ongoing development of the Shire’s IT Strategy in coming years). The main factor highlighted by the data migration was the slowness and inadequacy of the Shire’s current ADSL connection in dealing with the large amounts of data that are necessary to manage any modern business. As a result of this issue, investigations have revealed that the Crisp Wireless organisation has the capacity to provide a high speed wireless Broadband connection to Bruce Rock using two repeater stations (which are essentially two antennas mounted on container-like structures) positioned in sequence between Merredin and the Bruce Rock townsite. The exact positioning of the repeaters can only be ascertained after a detailed site survey of the proposed route – this is part of the installation cost. Once the connection to the Shire is established this will be able to be used to provide access for other services and businesses in the area, but this capacity will not be available straight away.

Comment

The Crisp Wireless system was adopted in the NEWROC area following a successful “Building Better Regions” Federal Government Grant Application in 2017 and has led to fast reliable wireless internet being available in the Shires of Nungarin, Trayning, Koorda, Wyalkatchem, Mount Marshall and Mukinbudin. As well as the Shire organisations themselves, this has also enabled access to all farmers and other businesses in the area, greatly enhancing their connectivity and capacity to use the internet to support their activities. Crisp Wireless will be pursuing another Federal Government Grant Application, this time for “Digital Farms”, for the Shires to the south east of Great Eastern Highway, including Bruce Rock, Narembeen, Kondinin and Corrigin next year, but even if this is successful it will not produce any actual connections until the end of 2020 and start of 2021.

The option for Bruce Rock to connect now by adopting the current Crisp Wireless proposal will enable the Shire to move forward with wireless Broadband regardless of the outcome of the “Digital Farms” Grant Application Process, but should that be successful, this will also mean that some of the costs of implementing the wider system throughout the whole Shire will already have been committed, which will then reduce any contributions which may be required in 2020/2021, should the Shire opt to engage in the “Digital Farms” process.

Consultation

Darren Mollenoyux, Chief Executive Officer
 Jennifer Bow, Manager of Finance
 Crisp Wireless
 JH Computers

Statutory Implications

Local Government Act 1995 - S6.11 – Reserve Accounts
 Siting of Repeater Stations subject to Land Access Agreements and Shire Approvals

Policy Implications

Nil

Risk Implications

Risk: Council does not approve accepting the Crisp Wireless quote.		
Likelihood	Consequence	Rating
Possible	Major	High
Action / Strategy		
If Council decide not to approve the adoption of the Crisp Wireless connection it would have a significant impact on the Shire’s ability to do business effectively over the coming years. Although we will still be able to operate, the slowness and unreliability of the current connection will mean that effectiveness will be impacted significantly.		

Financial Implications

The initial installation cost for the service is \$29,700 +GST and there is an additional cost of \$599 +GST per month for the service.

The outlay for the initial installation can be provided (via a Budget Amendment) from the Transport Infrastructure Reserve once the appropriate public advertising informing this change of purpose has been undertaken.

The cost for the monthly service from Crisp Wireless will be offset by the termination of our current ADSL services, which average around \$420.00+GST per month for a much slower and data capped service.

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 11 We utilise technology to improve our efficiency and effectiveness
- Goal 12 Council leads the organisation in a strategic and flexible manner

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION COUNCIL DECISION

Resolution OCM Nov 19 – 11.4.5

Moved: Cr Dolton

Seconded: Cr Waye

That Council resolves to:

- 1. Accept the Quote from Crisp Wireless for connection to their Broadband wireless network.**
- 2. Amend the Budget to approve the utilisation of \$29,700 from the Transport Infrastructure Reserve Account for the purpose of connection to the Crisp Wireless Broadband network.**
- 3. Approve Public Notice of the intention to vary the usage of \$29,700 from the Transport Infrastructure Reserve Account for the purpose of connection to the Crisp Wireless Broadband network.**

CARRIED BY ABSOLUTE MAJORITY 9/0

11.5 Chief Executive Officer

Agenda Reference and Subject:	11.5.1 <i>Shire of Bruce Rock Activities on Thoroughfares and Trading in Public Places Amendment Local Law 2019 – Final Adoption</i>
File Reference:	2.3.2.11 Local Law 8 Year Review
Reporting Officer:	Darren Mollenoyux, Chief Executive Officer
Author:	Chris Liversage, Conway Highbury
Disclosure of Interest	Nil
Attachments	<i>Attachment 11.5.1 A – Shire of Bruce Rock Activities on Thoroughfares and Trading in Public Places Amendment Local Law 2019</i> <i>Attachment 11.5.1 B - Shire of Bruce Rock Activities on Thoroughfares and Trading in Public Places Local Law 2004 with amendments shown ‘marked’</i>

Summary

This local law amends the *Shire of Bruce Rock Activities on Thoroughfares and Trading in Public Places Local Law 2004*. Subject to a number of minor amendments the Amendment Local Law can now be made.

Background

Section 3.16 of the Local Government Act 1995 requires a local government to review its local laws at least once every eight years.

At its meeting held on 15 March 2018 Council received the outcomes of a review and resolved to request amendments to a number of local laws, including some changes to the *Shire of Bruce Rock Activities on Thoroughfares and Trading in Public Places Local Law 2004*.

At its meeting held on 16 May 2019 Council adopted an amendment local law. In summary, the changes proposed to the Activities on Thoroughfares local law are:

Clause 1.2 - Definitions

- Amend *Liquor Licensing Act 1998* to *Liquor Control Act 1988* and wherever it appears in the local law;
- Amend *Town Planning and Development Act 1928* to *Planning and Development Act 2006*;
and
- Amend *Local Government (Miscellaneous Provisions) Act 1960* to *Building Control Act 2016*.

Clause 2.1- General Prohibitions

Amend subclause (a) to take account of wording acceptable to the JSCDL – which is (in essence) related to the height that a plant on a verge can be in proximity to an intersection so that it reads:
'(a) plant any plant (except grasses or a similar plant) within 10 metres of an intersection'

Part 4 – Obstructing Animals, and Vehicles or Shopping Trolleys

Delete the provisions relating to shopping trolleys as they are not used in the Shire.

Clause 5.1- Interpretation

Amend the definition of ‘Roadside Conservation Committee’ to reflect current provisions.

Clause 6.5 - Relevant considerations in determining application for permit

Delete subclause 2(d) as the WA Parliamentary Joint Standing Committee on Delegated Legislation (JSCDL) has requested other local governments to do so. This clause was considered too broad by the Committee and is:

6.5 Relevant considerations in determining application for permit

...
(2) *The local government may refuse to approve an application for a permit under this Division on any one or more of the following grounds—*

...
(d) *such other grounds as the local government may consider to be relevant in the circumstances of the case.*

Clause 6.8 - Conduct of stallholders and traders

- Amend subclause 1(c) to change the description of the legislation; and
- Delete subclause 2(a) as the JSCDL has requested other local governments to do so. This clause was also considered too broad by the Committee and is:

(a) *deposit or store any box or basket containing goods on any part of a thoroughfare so as to obstruct the movement of pedestrians or vehicles;*

By their very nature, traders in a street are going to use a thoroughfare to store goods.

Part 6 - Division 3 - Outdoor eating facilities on public places

This division requires amendment to take account of the introduction of the *Food Act 2008*. The changes are principally related to change of the legislative description in a number of places.

Clause 7.7 Renewal of permit

Delete "*mutatis mutandis*".

Clause 8.1-Application of Part 9 Division 1 of Act

Delete reference to ‘regulation 34’.

Schedule 1- Prescribed Offences

It is appropriate to review the modified penalty for each offence to take account of current standards, so that a current modified penalty (the applicable on the spot fine) of \$50 be increased to \$75, \$100 to \$125, \$200 to \$250 and \$300 to \$400.

Comment

Subject to a number of minor amendments shown ‘marked’ on the attachment to this report, the *Shire of Bruce Rock Activities on Thoroughfares and Trading in Public Places Amendment Local Law 2019* can now be made.

Consultation

In accordance with s3.12(3)(a) of the Local Government Act 1995, the proposed local law was advertised for comments from the public in West Australian on 5th June 2019, closing on 24th July 2019.

A copy was also sent to the Minister for Local Government in accordance with s3.12(3)(b).

No comments were received from the public; however the Department of Local Government made a number of minor suggestions in respect to the appearance and format of the Amendment local law, which are shown ‘marked’ on the attachment to this report. The Department also made a number of minor suggestions in relation to the body of the local law itself which are again considered minor.

For the sake of completeness, a ‘marked’ version of the principal local law showing the proposed changes is attached to this report.

Statutory Implications

Section 3.16 of the *Local Government Act 1995* requires a local government to review its local laws at least once every eight years.

Actual amendments or new local laws are made using the process set out in s3.12 of the Act.

Policy Implications Nil.

Risk Implications

Risk: Should Council not conduct the review of its Local Laws or adopt the proposed changes then the Shire would not comply with the requirements to review its Local Laws under the Local Government Act and/or have Local Laws that are current and meet the legislative requirements to enable staff and Council to make the applicable decisions.

Likelihood	Consequence	Rating
Almost Certain	Moderate	High

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 “High” risk. As a high-risk matter, the Chief Executive Officer will be monitoring progress.

Financial Implications

There are costs associated with the preparation, advertising and Gazettal of the Amendment local law.

Strategic Implications Nil

Voting Requirements Absolute majority

<p>OFFICER RECOMMENDATION COUNCIL DECISION Resolution OCM Nov 19 – 11.5.1</p> <p>Moved: Cr Waye Seconded: Cr Waight</p> <ol style="list-style-type: none"> 1. In accordance with section 3.12(4) of the Local Government Act 1995, adopts the Shire of Bruce Rock Activities on Thoroughfares and Trading in Public Places Amendment Local Law 2019, subject to the amendments as ‘marked up’ on the attachment to the report to Council. 2. In accordance with s3.12(5) of the Local Government Act 1995, directs the Chief Executive Officer to cause the local law be published in the Government Gazette and a copy sent to the Minister for Local Government; 3. After Gazettal, in accordance with s3.12(6) of the Local Government Act 1995, directs the Chief Executive Officer to give local public notice: <ol style="list-style-type: none"> a. Stating the title of the local law; b. Summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and c. Advising that copies of the local law may be inspected or obtained from the Shire office. 4. Following Gazettal, in accordance with the Local Laws Explanatory Memoranda Directions as issued by the Minister on 12 November 2010, directs that a copy of the local law and a duly completed explanatory memorandum signed by the Shire President and Chief Executive Officer be sent to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation. <p style="text-align: right;">CARRIED BY ABSOLUTE MAJORITY 9/0</p>
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Agenda Reference and Subject:

11.5.2 *Shire of Bruce Rock Dogs Amendment Local Law 2019 – Final Adoption*

File Reference:

2.3.2.11 Local Law 8 Year Review

Reporting Officer:

Darren Mollenoyux, Chief Executive Officer

Author:

Chris Liversage, Conway Highbury

Disclosure of Interest

Nil

Attachments

Item 11.5.2 - Shire of Bruce Rock Dogs Amendment Local Law 2019

Item 11.5.2 - Shire of Bruce Rock Dogs Local Law 2005 with amendments shown 'marked'

Summary

This local law amends the *Shire of Bruce Rock Dogs Local Law 2005*. Subject to a number of minor amendments the Amendment Local Law can now be made.

Background

Section 3.16 of the Local Government Act 1995 requires a local government to review its local laws at least once every eight years.

At its meeting held on 15 March 2018 Council received the outcomes of a review and resolved to request amendments to a number of local laws, including some changes to the *Shire of Bruce Rock Dogs Local Law 2005*.

At its meeting held on 16 May 2019 Council adopted an amendment local law. In summary, the changes proposed to the Dogs local law reflect changes in the Dog Act and its associated Regulations. This includes:

- Registration of dogs;
- 'Dangerous dogs' as defined by the Act;
- Operation of dog management facilities (pounds), including:
 - Issues in relation to the impounding of dogs;
 - Attendance of a pound keeper at the pound; and
 - Release of impounded dogs is dealt with by the Dog Act 1976, and in particular section 29.
- Registration fees (although fees for the seizure and impounding of a dog may be set by a local government in its annual budget under section 6.16 of the Local Government Act 1995);
- How off leash dog exercise areas are established;
- Dogs wandering at large;
- Dogs not under control;
- Dog attacks;
- Provisions about assistance animals such as guide dogs;
- Modified penalties (on the spot fines) applicable for many minor offences are now set in the Regulations.

Comment

Subject to a number of minor amendments shown 'marked' on the attachment to this report, the *Shire of Bruce Dogs Amendment Local Law 2019* can now be made.

Consultation

In accordance with s3.12(3)(a) of the Local Government Act 1995, the proposed local law was advertised for comments from the public in the West Australian on 5th June 2019, closing on 24 July 2019.

A copy was also sent to the Minister for Local Government in accordance with s3.12(3)(b).

No comments were received from the public, however the Department of Local Government made a number of minor suggestions in respect to the appearance and format of the Amendment local law, which are shown ‘marked’ on the attachment to this report. The Department also made a number of minor suggestions in relation to the body of the local law itself which are again considered minor.

For the sake of completeness, a ‘marked’ version of the principal local law showing the proposed changes is attached to this report.

Statutory Implications

Section 3.16 of the *Local Government Act 1995* requires a local government to review its local laws at least once every eight years.

Actual amendments or new local laws are made using the process set out in s3.12 of the Act.

Policy Implications Nil

Risk Implications

Risk: Should Council not conduct the review of its Local Laws or adopt the proposed changes then the Shire would not comply with the requirements to review its Local Laws under the Local Government Act and/or have Local Laws that are current and meet the legislative requirements to enable staff and Council to make the applicable decisions.

Likelihood	Consequence	Rating
Almost Certain	Moderate	High

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 “High” risk. As a high risk matter, the Chief Executive Officer will be monitoring progress.

Financial Implications

There are costs associated with the preparation, advertising and Gazettal of the Amendment local law.

Strategic Implications

Nil

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION COUNCIL DECISION

Resolution OCM Nov 19 – 11.5.2

Moved: Cr Rajagopalan

Seconded: Cr Kilminster

That Council

- 1. In accordance with section 3.12(4) of the Local Government Act 1995, adopts the Shire of Bruce Rock Dogs Amendment Local Law 2019, subject to the amendments as ‘marked up’ on the attachment to the report to Council.**
- 2. In accordance with s3.12(5) of the Local Government Act 1995, directs the Chief Executive Officer to cause the local law be published in the Government Gazette and a copy sent to the Minister for Local Government;**
- 3. After Gazettal, in accordance with s3.12(6) of the Local Government Act 1995, directs the Chief Executive Officer to give local public notice:**
 - a. Stating the title of the local law;**
 - b. Summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and**
 - c. Advising that copies of the local law may be inspected or obtained from the Shire office.**
- 4. Following Gazettal, in accordance with the Local Laws Explanatory Memoranda Directions as issued by the Minister on 12 November 2010, directs that a copy of the local law and a duly completed explanatory memorandum signed by the Shire President and Chief Executive Officer be sent to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.**

CARRIED BY ABSOLUTE MAJORITY 9/0

Agenda Reference and Subject:

11.5.3 *Shire of Bruce Rock Cemeteries Amendment Local Law 2019*
– Final Adoption

File Reference: **2.3.2.11** Local Law 8 Year Review

Reporting Officer: Darren Mollenoyux, Chief Executive Officer

Author: Chris Liversage, Conway Highbury

Disclosure of Interest Nil

Attachments *Attachment 11.5.3 A – Shire of Bruce Rock Cemeteries Amendment Local Law 2019*
Attachment 11.5.3 B - Shire of Bruce Rock Cemeteries Local Law 2005 with amendments shown 'marked'

Summary

This local law amends the *Shire of Bruce Rock Cemeteries Local Law 2005*. Subject to a number of minor amendments the Amendment Local Law can now be made.

Background

Section 3.16 of the Local Government Act 1995 requires a local government to review its local laws at least once every eight years.

At its meeting held on 15 March 2018 Council received the outcomes of a review and resolved to request amendments to a number of local laws, including some changes to the *Shire of Bruce Rock Cemeteries Local Law 2005*.

At its meeting held on 20 June 2019 Council adopted an amendment local law. In summary, the changes proposed to the Cemeteries local law are:

Clause 1.3 - Interpretation

A definition of 'local government' has been added to clause 1.3. The Cemeteries Act refers to a 'board' which in many cases is also the local government (as is the case at Bruce Rock). This addition makes it clear that the Board and the local government are the same entity.

Clause 3.4 - Minimum Notice Required

This clause has been amended to require that a booking for a burial or funeral must be made at least two business days beforehand.

Clauses 5.3, 5.4 and 5.5- Vehicle entry, speed limitations and offenders to leave

These subclauses have been rewritten to meet current drafting standards, the requirements of the JSCDL

Clauses 8.1-8.2 Assistance Animals

This clause has been re-written to take account of section 9(2) of the Disability Discrimination Act 1992 which allows a person with a disability to take an assistance animal with them when required. The remaining clauses in Part 8 and the correct clause references in Schedule 1 (modified penalties) have been renumbered accordingly.

Fourth Schedule and forms

The Fourth Schedule can be deleted. Section 53 of the Cemeteries Act still requires a local government to publish fees and charges for cemeteries in the Gazette. While the Fourth Schedule can be deleted the Shire will need to Gazette fees after each change. Fees were last amended in 2012.

The forms listed in the Fourth Schedule can all be deleted. Forms can simply be set by the Shire as required and are referred to in a number of places ‘as determined from time to time) such as in clauses 3.1 and 3.3(1)and (2).

Comment

Subject to a number of minor amendments shown ‘marked’ on the attachment to this report, the *Shire of Bruce Rock Cemeteries Amendment Local Law 2019* can now be made.

Consultation

In accordance with s3.12(3)(a) of the Local Government Act 1995, the proposed local law was advertised for comments from the public in the West Australian on 3 July 2019, closing on 21 August 2019.

A copy was also sent to the Minister for Local Government in accordance with s3.12(3)(b).

No comments were received from the public, however the Department of Local Government, Sporting and Cultural Industries (DLG) made a number of minor suggestions in respect to the appearance and format of the Amendment local law, which are shown ‘marked’ on the attachment to this report.

DLG suggested that subclause (3) of clause 7.18 be deleted. While section 19 of the Cemeteries Act provides a right of appeal, this section applies to funeral licences and funeral directors, rather than masons. The Delegated Legislation Committee has determined that the Act does not provide a right of appeal for masons to appeal a licence cancellation, and as such this minor change to the Amendment Local Law is recommended.

The Department also made a number of minor suggestions in relation to the body of the local law itself which are again considered minor.

For the sake of completeness, a ‘marked’ version of the principal local law showing the proposed changes is attached to this report.

Statutory Implications

Section 3.16 of the *Local Government Act 1995* requires a local government to review its local laws at least once every eight years.

Actual amendments or new local laws are made using the process set out in s3.12 of the Act.

Policy Implications

Nil

Risk Implications

Risk: Should Council not conduct the review of its Local Laws or adopt the proposed changes then the Shire would not comply with the requirements to review its Local Laws under the Local Government Act and/or have Local Laws that are current and meet the legislative requirements to enable staff and Council to make the applicable decisions.

Likelihood	Consequence	Rating
Almost Certain	Moderate	High

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 “High” risk. As a high risk matter, the Chief Executive Officer will be monitoring progress.

Financial Implications

There are costs associated with the preparation, advertising and Gazettal of the Amendment local law.

Strategic Implications

Nil

Voting Requirements

Absolute majority

OFFICER RECOMMENDATION COUNCIL DECISION

Resolution OCM Nov 19 – 11.5.3

Moved: Cr Crooks

Seconded: Cr Foss

That Council

1. In accordance with section 3.12(4) of the Local Government Act 1995, adopts the Shire of Bruce Rock Cemeteries Amendment Local Law 2019, subject to the amendments as ‘marked up’ on the attachment to the report to Council.
2. In accordance with s3.12(5) of the Local Government Act 1995, directs the Chief Executive Officer to cause the local law be published in the Government Gazette and a copy sent to the Minister for Local Government;
3. After Gazettal, in accordance with s3.12(6) of the Local Government Act 1995, directs the Chief Executive Officer to give local public notice:
 - a. Stating the title of the local law;
 - b. Summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and
 - c. Advising that copies of the local law may be inspected or obtained from the Shire office.
5. Following Gazettal, in accordance with the Local Laws Explanatory Memoranda Directions as issued by the Minister on 12 November 2010, directs that a copy of the local law and a duly completed explanatory memorandum signed by the Shire President and Chief Executive Officer be sent to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.

CARRIED BY ABSOLUTE MAJORITY 9/0

Agenda Reference and Subject:

11.5.4 *Shire of Bruce Rock Fencing Amendment Local Law 2019 – Final Adoption*

File Reference:

2.3.2.11 Local Law 8 Year Review

Reporting Officer:

Darren Mollenoyux, Chief Executive Officer

Author:

Chris Liversage, Conway Highbury

Disclosure of Interest

Nil

Attachments

Attachment 11.5.4 A – Shire of Bruce Rock Activities on Fencing Amendment Local Law 2019

Attachment 11.5.4 B - Shire of Bruce Rock Fencing Local Law 2004 with amendments shown 'marked'

Summary

This local law amends the *Shire of Bruce Fencing 2004*. Subject to a number of minor changes the Amendment Local Law can now be made.

Background

Section 3.16 of the Local Government Act 1995 requires a local government to review its local laws at least once every eight years.

At its meeting held on 15 March 2018 Council received the outcomes of a review and resolved to request amendments to a number of local laws, including some changes to the *Shire of Bruce Rock Fencing Local Law 2004*.

At its meeting held on 20 June 2019 Council adopted an amendment local law. In summary, the changes proposed to the Fencing local law were:

Clause 4 - Interpretation

- Amend the description of "AS" to "AS/NZS" with any consequential amendments to Australian Standards;
- Add definitions of "occupier", "owner", "local planning scheme" (and replace "town planning scheme" with "local planning scheme" whenever it occurs in the local law); and "Planning and Development Act 2005";
- Delete the definition of "Building Surveyor" and add "authorised Person" in its place (this means a person designated by the local government under section 96 of the *Building Act 2011* to perform all or any of the functions conferred on an authorised person under this local law); and replace the "Building Surveyor" where used throughout the local law with "authorised Person".

Clause 5 - Licence Fees & Charges

Add reference to s6.19 of the Local Government Act 1995.

Clause 10 - General Discretion of the Local Government

Subclause (1) currently reads "Notwithstanding clause 6, the local government may consent to the erection or repair of a fence which does not comply with the requirements of these Local Laws". It is suggested that the clause could be changed to read:

"Notwithstanding the provisions of clause 6, the local government may approve the erection or repair of a dividing fence which is not a sufficient fence where all of the owners of the lots to be separated by the dividing fence make an application for approval for that purpose."

This gives the adjoining owners an opportunity to advise the Shire of their agreement to a fence that is not a sufficient fence.

Clause 14 - Transfer of a Licence

Add 'Unless cancelled under clause 15, a licence referred to in clause 13 shall transfer with the land to any new occupier or owner of the lot' to make it clear that if a licence has been cancelled it cannot be transferred.

Clause 16 - Notices of Breach

After subclause (3) insert a new subclause that clarifies right of entry to the property under the Local Government Act 1995 where remedial works are required to be undertaken.

Forms 1 and 2

These forms relate to a permit for an electric fence. There is no need to specify them in a local law and they can be deleted.

Comment

Subject to a number of minor amendments shown 'marked' on the attachment to this report, the *Shire of Bruce Rock Fencing Amendment Local Law 2019* can now be made.

Consultation

In accordance with s3.12(3)(a) of the Local Government Act 1995, the proposed local law was advertised for comments from the public in the West Australian on 3rd July 2018, closing on 21st August 2019.

A copy was also sent to the Minister for Local Government in accordance with s3.12(3)(b).

No comments were received from the public, however the Department of Local Government, Sporting and Cultural Industries (DLG) made a number of minor suggestions in respect to the appearance and format of the Amendment local law, which are shown 'marked' on the attachment to this report. The Department also made a number of minor suggestions in relation to the body of the local law itself which are again considered minor.

In addition, DLG suggest that as the local law makes reference to an Australian/ New Zealand Standard that:

- The full citation title of the Standard should be used at least once, either in the applicable clause or in an appropriate definition – it is cited in full in clause 13(2)(b) of the existing Fencing Local Law, which relates to requirements for electric fencing;
- All citations must be accurate – the citation is accurate as of the date of this report;
- The Shire should ensure that a copy of the Standard is accessible at the Shire's library or office. Alternatively, the Shire should include information on its website advising the public where the Standard can be accessed. The Standard can be accessed from SAI Global at https://infostore.saiglobal.com/en-au/Standards/AS-NZS-3016-2002-117110_SAIG_AS_AS_245002/ . A link has been inserted in the appropriate point in the Fencing Local Law as a text box to assist. Text boxes do not form part of the official or Gazetted local law but are a useful way of clarifying an issue or conveying information.

For the sake of completeness, a 'marked' version of the principal local law showing the proposed changes is attached to this report.

Statutory Implications

Section 3.16 of the *Local Government Act 1995* requires a local government to review its local laws at least once every eight years.

Actual amendments or new local laws are made using the process set out in s3.12 of the Act.

Policy Implications Nil.

Risk Implications

Risk: Should Council not conduct the review of its Local Laws or adopt the proposed changes then the Shire would not comply with the requirements to review its Local Laws under the Local Government Act and/or have Local Laws that are current and meet the legislative requirements to enable staff and Council to make the applicable decisions.

Likelihood	Consequence	Rating
Almost Certain	Moderate	High

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 “High” risk. As a high risk matter, the Chief Executive Officer will be monitoring progress.

Financial Implications

There are costs associated with the preparation, advertising and Gazettal of the Amendment local law.

Strategic Implications

Nil

Voting Requirements

Absolute majority.

OFFICER RECOMMENDATION COUNCIL DECISION

Resolution OCM Nov 19 – 11.5.4

Moved: Cr Negri

Seconded: Cr Kilminster

That Council

- 1. In accordance with section 3.12(4) of the Local Government Act 1995, adopts the Shire of Bruce Rock Fencing Amendment Local Law 2019, subject to the amendments as 'marked up' on the attachment to the report to Council.**
- 2. In accordance with s3.12(5) of the Local Government Act 1995, directs the Chief Executive Officer to cause the local law be published in the Government Gazette and a copy sent to the Minister for Local Government;**
- 3. After Gazettal, in accordance with s3.12(6) of the Local Government Act 1995, directs the Chief Executive Officer to give local public notice:**
 - a. Stating the title of the local law;**
 - b. Summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and**
 - c. Advising that copies of the local law may be inspected or obtained from the Shire office.**
- 4. Following Gazettal, in accordance with the Local Laws Explanatory Memoranda Directions as issued by the Minister on 12 November 2010, directs that a copy of the local law and a duly completed explanatory memorandum signed by the Shire President and Chief Executive Officer be sent to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.**

CARRIED BY ABSOLUTE MAJORITY 9/0

Agenda Reference and Subject:

11.5.5 *Shire of Bruce Rock Local Government Property
Amendment Local Law 2019 – Final Adoption*

File Reference:

2.3.2.11 Local Law 8 Year Review

Reporting Officer:

Darren Mollenoyux, Chief Executive Officer

Author:

Chris Liversage, Conway Highbury

Disclosure of Interest

Nil

Attachments

*Attachment 11.5.5 A – Shire of Bruce Rock Local
Government Property Amendment Local Law 2019*
*Attachment 11.5.5 B - Shire of Bruce Rock Local
Government Property Local Law 2005 with amendments
shown 'marked'*

Summary

This local law amends the *Shire of Bruce Rock Local Government Property Local Law 2005*. Subject to a number of minor amendments the Amendment Local Law can now be made.

Background

Section 3.16 of the Local Government Act 1995 requires a local government to review its local laws at least once every eight years.

At its meeting held on 15 March 2018 Council received the outcomes of a review and resolved to request amendments to a number of local laws, including some changes to the *Shire of Bruce Rock Local Government Property Local Law 2005*.

At its meeting held on 20 June 2019 Council adopted an amendment local law. In summary, the changes proposed to the Local Government Property local law are:

Title of the local law

The year when the local law was made is missing from its title. It is customary to use the year in which it is Gazetted and in this instance is 2005. It is suggested therefore that the title be change to the '*Shire of Bruce Rock Local Government Property Local Law 2005*'.

Liquor Licensing Act 1988

Wherever this legislation appears in the local law amend to refer to the correct terminology of Liquor Control Act 1988.

Clause 2.7 -Activities which may be pursued on specified local government property

In subclause (c) delete "aeroplane" and insert "aircraft". This also requires definition in clause 1.2.

Clause 2.8 - Activities which may be prohibited on specified local government property

In subclause 1(c) delete current wording and insert "(c) taking, riding or driving a vehicle or a particular class of vehicle on the property" to make it clear that a particular class of vehicle is also prohibited on a property.

Clause 3.9 - Renewal of permit

Delete 'mutatis mutandis' and replace with "as though it were an application for a permit".

Clause 5.3 - Only specified gender to use entry of toilet block or change room

Replace clause 5.3 to allow clearer descriptions of access to toilets and change rooms to include families and allow access to toilets by children under 8 with a guardian, and a measure of discretion by an authorised person.

Clause 7.1 - Application of Division 1, Part 9 of the Act

This relates to objections and appeals. Delete reference to regulation 34 which has been repealed.

Schedule 1- Prescribed offences

While rarely (if ever) used, increase the modified penalty (on the spot fine) where \$100 is set, to \$150.

Forms

All Forms contained in the local law can be deleted. Forms can simply be devised administratively and do not need to be set by a local law.

Comment

Subject to a number of minor amendments shown ‘marked’ on the attachment to this report, the *Shire of Bruce Rock Local Government Amendment Local Law 2019* can now be made.

Consultation

In accordance with s3.12(3)(a) of the Local Government Act 1995, the proposed local law was advertised for comments from the public in the West Australian on 3rd July 2019, closing on 21st August 2019.

A copy was also sent to the Minister for Local Government in accordance with s3.12(3)(b).

No comments were received from the public, however the Department of Local Government, Sporting and Cultural Industries (DLG) made a number of minor suggestions in respect to the appearance and format of the Amendment local law, which are shown ‘marked’ on the attachment to this report.

In addition the DLG noted Clause 36(2) of the principal local law provides that the conditions of a permit can be varied at any time, and that while this kind of clause is common in local laws, the Delegated Legislation Committee has expressed concerns that this may result in a person breaching a permit before even knowing that the conditions of the permit have changed. They suggest that subclause (2) be reworded to the following:

(2) The local government may vary permit conditions by giving written notice to the permit holder and the varied condition takes effect 7 days after that notice is given.

The Department also made a number of minor suggestions in relation to the body of the local law itself which are again considered minor.

For the sake of completeness, a ‘marked’ version of the principal local law showing the proposed changes is attached to this report.

Statutory Implications

Section 3.16 of the *Local Government Act 1995* requires a local government to review its local laws at least once every eight years.

Actual amendments or new local laws are made using the process set out in s3.12 of the Act.

Policy Implications

Nil

Risk Implications

Risk: Should Council not conduct the review of its Local Laws or adopt the proposed changes then the Shire would not comply with the requirements to review its Local Laws under the Local Government Act and/or have Local Laws that are current and meet the legislative requirements to enable staff and Council to make the applicable decisions.

Likelihood	Consequence	Rating
Almost Certain	Moderate	High

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 “High” risk. As a high risk matter, the Chief Executive Officer will be monitoring progress.

Financial Implications

There are costs associated with the preparation, advertising and Gazettal of the Amendment local law.

Strategic Implications

Nil.

Voting Requirements

Absolute majority

OFFICER RECOMMENDATION COUNCIL DECISION

Resolution OCM Nov 19 – 11.5.5

Moved: Cr Waight

Seconded: Cr Kilminster

That Council

1. In accordance with section 3.12(4) of the Local Government Act 1995, adopts the Shire of Bruce Rock Local Government Property Amendment Local Law 2019, subject to the amendments as ‘marked up’ on the attachment to the report to Council.
2. In accordance with s3.12(5) of the Local Government Act 1995, directs the Chief Executive Officer to cause the local law be published in the Government Gazette and a copy sent to the Minister for Local Government;
3. After Gazettal, in accordance with s3.12(6) of the Local Government Act 1995, directs the Chief Executive Officer to give local public notice:
 - a. Stating the title of the local law;
 - b. Summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and
 - c. Advising that copies of the local law may be inspected or obtained from the Shire office.
4. Following Gazettal, in accordance with the Local Laws Explanatory Memoranda Directions as issued by the Minister on 12 November 2010, directs that a copy of the local law and a duly completed explanatory memorandum signed by the Shire President and Chief Executive Officer be sent to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.

CARRIED BY ABSOLUTE MAJORITY 9/0

Agenda Reference and Subject:

11.5.6 *Shire of Bruce Rock Repeal Local Law 2019* – Final Adoption

File Reference:

2.3.2.11 Local Law 8 Year Review

Reporting Officer:

Darren Mollenoyux, Chief Executive Officer

Author:

Chris Liversage, Conway Highbury

Disclosure of Interest

Nil

Attachments

Attachment 11.5.6 A – Shire of Bruce Rock Repeal Local Law 2019

Summary

This local law repeals the *Municipality of the Shire of Bruce Rock Local Government Model Bylaws (Removal and Disposal of Obstructing Animals or Vehicles) No7*. Subject to a number of minor amendments the Repeal Local Law can now be made.

Background

Section 3.16 of the Local Government Act 1995 requires a local government to review its local laws at least once every eight years.

At its meeting held on 15 March 2018 Council received the outcomes of a review and resolved to request amendments to a number of local laws, including repeal of the *Local Government Model Bylaws (Removal and Disposal of Obstructing Animals or Vehicles) No.7* as published in the Government Gazette on 29 August 1980.

The provisions of this local law are dealt with in the *Shire of Bruce Rock Local Government Property Local Law 2004* and the *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2004*. At its meeting held on 16 May 2019 Council adopted a Repeal local law.

Comment

Subject to a number of minor amendments shown ‘marked’ on the attachment to this report, the *Shire of Bruce Rock Repeal Local Law 2019* can now be made.

Consultation

In accordance with s3.12(3)(a) of the Local Government Act 1995, the proposed local law was advertised for comments from the public in the West Australian on 5th June 2019, closing on 24th July 2019.

A copy was also sent to the Minister for Local Government in accordance with s3.12(3)(b).

No comments were received from the public, however the Department of Local Government made a number of minor suggestions in respect to the appearance and format of the local law, which are shown ‘marked’ on the attachment to this report.

Statutory Implications

Section 3.16 of the *Local Government Act 1995* requires a local government to review its local laws at least once every eight years.

Actual amendments or new local laws are made using the process set out in s3.12 of the Act.

Policy Implications

Nil.

Risk Implications

Risk: Should Council not conduct the review of its Local Laws or adopt the proposed changes then the Shire would not comply with the requirements to review its Local Laws under the Local Government Act and/or have Local Laws that are current and meet the legislative requirements to enable staff and Council to make the applicable decisions.

Likelihood	Consequence	Rating
Almost Certain	Moderate	High

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 “High” risk. As a high risk matter, the Chief Executive Officer will be monitoring progress.

Financial Implications

There are costs associated with the preparation, advertising and Gazettal of the Repeal local law.

Strategic Implications

Nil.

Voting Requirements

Absolute majority

OFFICER RECOMMENDATION COUNCIL DECISION

Resolution OCM Nov 19 – 11.5.6

Moved: Cr Rajagopalan

Seconded: Cr Foss

That Council

- 1. In accordance with section 3.12(4) of the Local Government Act 1995, adopts the Shire of Bruce Rock Repeal Local Law 2019, subject to the amendments as ‘marked up’ on the attachment to the report to Council.**
- 2. In accordance with s3.12(5) of the Local Government Act 1995, directs the Chief Executive Officer to cause the local law be published in the Government Gazette and a copy sent to the Minister for Local Government;**
- 3. After Gazettal, in accordance with s3.12(6) of the Local Government Act 1995, directs the Chief Executive Officer to give local public notice:**
 - a. Stating the title of the local law;**
 - b. Summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and**
 - c. Advising that copies of the local law may be inspected or obtained from the Shire office.**
- 4. Following Gazettal, in accordance with the Local Laws Explanatory Memoranda Directions as issued by the Minister on 12 November 2010, directs that a copy of the local law and a duly completed explanatory memorandum signed by the Shire President and Chief Executive Officer be sent to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.**

CARRIED BY ABSOLUTE MAJORITY 9/0

Agenda Reference and Subject:

11.5.7 Report of the Returning Officer Ordinary Election held on 19th October 2019

File Reference: 2.2.1.7 Elections

Reporting Officer: Darren Mollenoyux, Chief Executive Officer

Author: Melissa Schilling, Executive Assistant

Disclosure of Interest: Nil

Attachments: Nil

Summary

This report is to brief Elected Members on the conduct of the election held on 19th October 2019 and to provide an overview of statistics that relate to the election.

Background

On the 19th October 2019 Shire of Bruce Rock held Local Government Elections for the District. There were five vacancies and six candidates for a four-year term.

Early Voting was available at the Bruce Rock Shire Office, 54 Johnson Street, Bruce Rock, between 18th September 2019 to the 18th October 2019 from 8.30am to 4.30pm. 188 votes were received by early voting which included four postal votes.

On Election Day, 19th October 2019 the polling place was Bruce Rock Shire Hall, Johnson Street, Bruce Rock open from 8.00am to 6.00pm. There was a total of 96 votes received on Election Day.

Comment

A total of six staff worked on election throughout various times between 7.00am and 7.00pm. Four staff members worked until to 7.00pm and assisted with the count.

Year	Number of Candidates	Total number eligible voters on roll	Total valid votes cast	Early Votes Cast	Total informal votes	Total votes cast	Percentage turnout
2019	6	646	284	188	0	284	44%
2018*	3	628	207	126	0	207	33%
2017	5	642	258	131	6	264	41%
2013	6	681	267	144	2	269	39%
2012*	2	698	178		3	181	26%

**indicates extraordinary election*

There were no incidents on the day to report.

Consultation Nil

Statutory Implications

For this election the CEO acted as Returning Officer. The election was conducted on the basis of electors voting in person. Part 4 of the Local Government Act 1995 and Local Government (Elections) Regulations 1997 specify the way local government elections are to be conducted.

Policy Implications Nil

Financial Implications

The Ordinary Election cost \$2145. The 2019/20 Annual Budget has an amount of \$5,000 allocated for Election expenses. This does not capture wages to run the election as they are captured in ordinary wages for staff.

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

Simple Majority

OFFICER RECOMMENDATION COUNCIL DECISION

Resolution OCM Nov 19 – 11.5.7

Moved: Cr Foss

Seconded: Cr Kilminster

That Council receive the report of the Returning Officer for the election held on 19th October 2019.

Carried 9/0

Agenda Reference and Subject:

11.5.8 CEO Leave Request

File Reference:

Personnel

Reporting Officer:

Darren Mollenoyux, Chief Executive Officer

Author:

Darren Mollenoyux, Chief Executive Officer

Disclosure of Interest:

Darren Mollenoyux, Chief Executive Officer

Attachments:

Nil

*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 COUNCIL DECISION

Resolution OCM Nov 19 – 11.5.8.1

Moved: Cr Rajagopalan

Seconded: Cr Dolton

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

(b) the personal affairs of any person;

Carried 9/0

Summary

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

Background

The Chief Executive Officer is seeking annual leave during the 2019 Christmas and January 2020 period.

The CEO's leave proposed leave is as follows;

25th Dec 2019 to 3rd January 2020 – The office is closed during most of this period and as all other staff are also on leave I will still be on call and therefore no CEO is required to be appointed. The CEO will be taking 1 Executive Leave Day, 4 Public Holidays and 3 Annual Leave days during this period.

10th January up to and including the 18th January 2020 – The CEO will be taking 7 Annual Leave days during this period. There will be a requirement to appoint an Acting CEO during this period.

Adequate Annual Leave is accrued to take the requested leave.

The CEO will still be on call for the period between Christmas and New Year while the Shire Office is closed and adequate arrangements have been put in place to cover harvest ban readings during this period.

It is a requirement under the Local Government Act that an Acting Chief Executive Officer be appointed during these periods of absence.

Comment

January is generally a quiet time, there is no Council meeting and the majority of works crew is on leave.

I have held discussions with the Deputy CEO, Alan O’Toole and I am confident that Alan is capable and suitable to be appointed as Acting CEO during this period. The Manager of Works and will be working during this period to also support Alan.

Consultation

Deputy Chief Executive Officer

Statutory Implications

Local Government Act 1995

In particular:

5.36 . *Local government employees*

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

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

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

5.39 . *Contracts for CEO and senior employees*

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

Policy Implications

Nil

Risk Implications

Risk: That adequate staffing resources are not available to cover the CEO’s period of absence.		
Likelihood	Consequence	Rating
Unlikely	Minor	Low
Action / Strategy		
This item has been evaluated against the Shire of Bruce Rock’s Risk Management Procedure’s Risk Matrix. The perceived level of risk is considered to be “Low” risk and will be managed by routine procedure and is unlikely to need specific application of resources.		

Financial Implications

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

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 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

Simple Majority

COUNCIL DECISION

Resolution OCM Nov 19 – 11.5.5.2

Moved: Cr Rajagopalan

Seconded: Cr Waight

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

Carried 9/0

OFFICER RECOMMENDATION COUNCIL DECISION

Resolution OCM Nov 19 – 11.5.8.

Moved: Cr Foss

Seconded: Cr Waye

That Council:

- 1. Approve the annual leave of the Chief Executive Officer, Darren Mollenoyux for the period commencing on 30th December 2019 to 3rd January 2020, inclusive.**
- 2. Approve the annual leave of the Chief Executive Officer, Darren Mollenoyux for the period commencing on 10th January 2020 to 17th January 2020, inclusive.**
- 3. Appoint the Deputy Chief Executive Officer, Alan O’Toole as the Acting Chief Executive Officer for the period from 10th January 2020 to 17th January 2020 inclusive and that Alan is paid at higher duties, equivalent to the current CEO, during this period.**

Carried 9/0

Agenda Reference and Subject:

11.5.9 ACCINGO – WEROC Asset Management Report

File Reference:

Reporting Officer:

Darren Mollenoyux, Chief Executive Officer

Author:

Darren Mollenoyux, Chief Executive Officer

Disclosure of Interest:

Nil

Attachments:

Nil

Summary

Council is asked to consider the Asset Management Project Final Report and recommendations prepared by Accingo and provide a response to WEROC on its views.

Background

In early 2018 WEROC received a presentation from Accingo in consideration of developing a report and recommendations to WEROC member Councils on their asset management of major plant and equipment.

Following the presentation WEROC agreed to request Accingo to undertake an asset audit for each of WEROC's member Councils, as outlined in Accingo's Phase 1 proposal. Phase 1 consisted of the following;

"Phase 1 (b) Asset Audit

This entails a full review of all assets of Plant & Machinery and any assets associated with maintaining plant and equipment such as workshops, tooling etc.

The purpose of this review is to provide the following information;

- *Identification of asset including current location*
- *Reconciliation to Asset register*
- *Full report of condition, hours etc which also assists in the valuation of plant*
- *Understand & report on utilisation, availability, requirements etc*

This data serves several purposes being;

- *Market valuation of current plant & equipment*
- *Ability to forecast potential net cash inflows & savings under Phase 2*
- *Data in which to base decisions on Sale, replacement and ultimately pooling of asset base amongst the WE-ROC shires*
- *Potentially replaces need for asset audit for compliance (to be understood whether this can be achieved)"*

Following collation of information, the final report was considered and discussed at the WEROC Executive Meeting held on the 25th September 2019. The WEROC Executive made the following resolution;

That the:

1. *WEROC Executive be requested to table Accingo's report and recommendations on the review of mobile assets and plant across each Member Council for discussion at either their October or November round of Council meetings; and*
2. *Executive Officer be provided with comments from these discussions to enable a report to be prepared for the WEROC Executive Meeting scheduled to be held Wednesday 27 November 2019.*

Comment

As part of receiving the Minutes from the September 2019 WEROC Executive Meeting Council had initial discussions regarding the Accingo Report and Recommendations at the Ordinary Meeting of Council held on the 17th October 2018, however Council resolved;

To enable adequate time for staff to review and Council consider the Accingo Report, Council defer any discussion or consideration of the recommendations until the November 2019 Ordinary Council Meeting.

During the month staff reviewed the Accingo Report and Recommendations and the management team held a meeting to discuss the documents and views on the recommendations.

The report highlights that Bruce Rock does have underutilisation of plant, however the report also has issues with some of Bruce Rock's data, so we are unsure how accurate it is. In addition, unsubstantiated comments regarding usage and availability of operators is made in the report which is not accurate.

The data also included some machinery that is not used at all and is more or less a museum piece, one of the graders that is only used occasionally for clearing and not to damage the newer machines. We also believe that some of the hours for some plant has not been captured in either our data or the compilation of information.

Another comment in the report which requires further clarification is as follows; *“Bruce Rock has an aged fleet in this area (graders) which means the holding costs are reduced however as noted we have not included maintenance costs”*. It is unsure what is intended by this as it leaves it open to interpretation as to the overall cost of our fleet, and perhaps further internal investigation into the utilisation and number of graders needs to be undertaken.

The management team believe that there are significant cost implications for recommendations 5 and 6 and the idea of centralisation is not something that Council has an interest in at this point in time. At the meeting held by the Management Team analysis of Accingo recommendations 1 – 4 was undertaken and comments will be provided to Council on the views of each recommendation.

It is acknowledged that Bruce Rock has plant that is probably underutilised and is worthy of further investigation and an internal review of the plant usage.

There is certainly potential for neighbouring WEROC Councils to work more collaboratively, specifically with either hiring equipment from each other or carrying out maintenance grading on roads that adjoin two shires. This could be that if our crew is grading a road that crosses into the Kellerberrin Shire then we could cross over and complete the road for them at either a cost recovery fee or that they in turn would grade a different adjoining road that crosses the boundary.

A copy of both the Final Accingo Report and Recommendations is provided under separate cover due to the confidential and commercial nature of the report.

Consultation

Members of the Council's Senior Management Team held a meeting to review the Accingo Report and Recommendations.

This matter has been discussed in detail at both WEROC Council and Executive Meetings

Statutory Implications

Local Government Act 1995, Local Government (Financial Management) Regulations 1996

Local Government (Administration Regulations) 1996,
19DA (3)(c) A Corporate Business Plan for a district is to develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.

Policy Implications Nil

Risk Implications

Risk: Council not taking any action in relation to the all the recommendations of the Accingo Report may have an impact on the asset management of its major construction plant.

Likelihood	Consequence	Rating
Unlikely	Minor	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 “Moderate” risk and will be managed by specific monitoring and response procedures.

Financial Implications

Significant costs could be associated with some of the recommendation, in particular Accingo’s recommendations 5 and 6. Any specific costs at this stage are unknown.

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Infrastructure

- Goal 1 – Roads are a key economic driver across the Shire
- 1.3 – Plant and equipment maintenance and replacement
- 1.4 – Plant and equipment return on investment
- Retention of works staff

2.1 – Asset Management Plan is developed and adopted

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
- 12.1 – Continue to build our voice and strategic projects within our regional groupings
- 12.5 – Lead the organisation in a financially responsible and viable manner

Shire of Bruce Rock’s Strategic Resource Plan 2018 – 2033

The Strategic Resource Plan is an important informing strategy of the Integrated Strategic Planning Framework of the Shire. It is two documents combined into one, combining the Asset Management Plan and the Long Term Financial Plan and takes influences and consideration from the Workforce Plan, Strategic Community Plan and Corporate Business Plan. It is the mechanism that will ensure the delivery of the actions contained in the Strategic Community Plan.

This Plan was developed to ensure that Council complies with the requirements of the Local Government (Administration) Regulations 1996.

Voting Requirements Simple Majority

Officer Recommendation

That Council;

1. That Council considers the WEROC Accingo Asset Management Report on major construction plant; and
2. Supports/does not support
 - Accingo's recommendation 1
 - Accingo's recommendation 2
 - Accingo's recommendation 3
 - Accingo's recommendation 4
3. Does not support recommendations 5 and 6 due to the cost implications and Council does not have a desire for centralisation as it would not be in best interests of the Shire, workforce or community.
4. That staff undertake a review of the major construction plant, including usage hours, data reporting to see if there is any value in reducing plant numbers, without restricting the operational capacity of Council and its roads program.
5. That WEROC Shires consider working collaboratively on specific adjoining roads when it comes to maintenance grading and/or encourage and be more open to potentially hiring major plant when it is not being utilised as opposed to hiring from outside the region.

Council decision varied to Officer Recommendation to support or not support the recommendations listed in item 2.

COUNCIL DECISION

Resolution OCM Nov 19 – 11.5.9

Moved: Cr Rajagopalan

Seconded: Cr Waight

That Council;

1. That Council considered the WEROC Accingo Asset Management Report on major construction plant; and
2. Provides the following comment on each recommendation to WEROC;
 - Accingo's recommendation 1 – not support
 - Accingo's recommendation 2 – not support, however will be undertaking a review at individual level through Project Aware Program
 - Accingo's recommendation 3 – not support, will be reviewed internally
 - Accingo's recommendation 4 – not support, as Council is conducting an internal review of all large plant assets through Project Aware Program, in line with Council's philosophies and requirements.
3. Does not support recommendations 5 and 6 due to the cost implications and Council does not have a desire for centralisation as it would not be in best interests of the Shire, workforce or community.
4. That staff undertake a review of the major construction plant, including usage hours, data reporting to see if there is any value in reducing plant numbers, without restricting the operational capacity of Council and its roads program.
5. That WEROC Shires consider working collaboratively on specific adjoining roads when it comes to maintenance grading and/or encourage and be more open to potentially hiring major plant when it is not being utilised as opposed to hiring from outside the region.

Carried 9/0

Agenda Reference and Subject:

11.5.10 GROH Lease – 44 Curlew Drive, Bruce Rock

File Reference:

1.6.20.3

Reporting Officer:

Darren Mollenoyux, Chief Executive Officer

Author:

Darren Mollenoyux, Chief Executive Officer

Disclosure of Interest:

Attachments:

Nil

Summary

Council is asked to consider a request from Government Regional Officer Housing (GROH) to enter into a 10 year lease for 44 Curlew Drive, Bruce Rock for the housing of teaching staff.

Background

In September 2017 Council agreed in principle to construct a residence for a long term lease to GROH for the housing of teaching staff, with the condition that it was occupied by the Bruce Rock District High School Principal.

Following a protracted process with GROH and the Department of Education a verbal agreement was reached and subsequent email provided from GROH stating the following;

“I appreciate the time you took to walk us through the property on Curlew Drive and the opportunity to discuss a resolution to DOE’s concerns regarding a commitment to the property.

As (DOE staff) mentioned on Monday; DOE are concerned that 44 Curlew Drive does not satisfy their current requirement for a 4x2 which is suitable as a share house. The primary concern is around the bedroom sizes. DOE staff indicated that they would consider committing to 44 Curlew if the Shire could give some assurances that an additional 4x2 could be built in the near future.

I understand that you were open to taking that suggestion to the Shire Council and I am happy to say that, after further conversation, DOE staff have now indicated that they would be certain to progress a 10 year commitment on 44 Curlew Drive if the council could agree to the additional 4x2.

It hopefully goes without saying that I would ensure that, in this instance, the GROH program would work with yourself and DOE to ensure that the new build met all GROH specifications and DOE requirements. The same 10-year commitment and cost recovery rent would also apply to the new build.”

Comment

The construction of 44 Curlew Drive, Bruce Rock has now reached completion and is now ready for occupancy. On the 12th November 2019 the CEO received a formal offer from GROH to lease the property for a 10 year period, with rental set at \$720 per week with an annual increase minimum of 2%, which will offset the cost of construction of the property.

Whilst I have been advised that the house will be allocated for the Bruce Rock District High School Principal in the first instance, I am yet to receive this officially in writing. I have requested to have it included in the terms of the lease, however at the time of writing this agenda item I have not received a reply.

In relation to the request for the construction of a second residence for teaching staff, specifically a 4 x 2 suitable for share house (2 master bedrooms) Council direction is sought.

This would require a Council to obtain a loan from WA Treasury to cover the costs of constructing this second residence. However, as stated by GROH they would lease the property for 10 years on a cost recovery basis which would essentially cover the cost of loan repayment.

Should Council opt not to proceed with the construction of the second residence then it would put the lease offer for 44 Curlew Drive in jeopardy, however with Council's current staff housing requirements the house could still be utilised.

Consultation

- Julian Goldacre, Environmental Health Officer
- Jennifer Bow, Manager of Finance
- Melissa Schilling, Executive Assistant
- Mike Darby, Senior Finance Officer
- Department of Communities & Housing - A/Program Manager – GROH Commissioning and Sector Engagement
- Department of Communities - Leasing Officer | Contracting
- Department of Education - Principal Consultant of Housing and Transport
- Bruce Rock District High School Principal

Statutory Implications

The Local Government Act 1995 Section 3.58 addresses the disposition of property. The Local Government (Function and General) Regulations 1993 Regulation 30 provides for some exemptions, which this transaction would be exempt as per;

- 30 (b) *the land is disposed of to a body, whether incorporated or not —*
- (i) *the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature;*
- (c) *the land is disposed of to —*
- (i) *the Crown in right of the State or the Commonwealth; or*
 - (ii) *a department, agency, or instrumentality of the Crown in right of the State or the Commonwealth; or*
- (g) *it is the leasing of residential property to a person.*

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

Nil

Risk Implications

Risk: If Council does not lease 44 Curlew Drive to GROH then alternative leasing arrangements or use by Council would occur.		
Likelihood	Consequence	Rating
Possible	Minor	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

- 44 Curlew Drive, Bruce Rock

The term of the lease is set for 10 years, with a starting lease of \$720 per week and includes a minimum increase of 2% pa. This house was already budgeted for and loan acquired in 2019/20 financial year. Budget provision was also set for rental income, however Council needs to adopt the rental amount and advertise it as a new fee.

Should Council opt to not enter into a lease arrangement with GROH then it would receive a lower income amount if used just for internal staffing purposes.

- Proposed Second House

The following table which outlines the details for the proposed loans for the GROH house at \$400,000 for 7 years and 10 years at the interest rate as at 14th November 2019. It is proposed that the house would be constructed in 2020/21.

Principal	Term of Loan	Interest Rate	Total Interest	Total GGF	Total Payable	Annual Repayment
\$ 400,000	7	1.42	\$ 21,626	\$ 18,522	\$ 440,148	\$ 60,232
\$ 400,000	10	1.64	\$ 35,330	\$ 27,360	\$ 462,690	\$ 43,533

The government guarantee charge is 0.7% of the outstanding loan balance, charged twice yearly.

Although we could have \$672,000 in loans (\$272,000 for current house and \$400,000), our debt service cover ratio will be OK as we have taken the loans out over 10 years whereas the previous 2 loans were taken out over 5 years. This increased the principal repayments. However, a higher ratio means we have enough cash to cover the repayments. Advanced is when the ratio is greater than 5. Currently ours is 13.5 for 2018-19, 15.5 – 2017-18 and 36 for 2016-17.

Council’s current loans for the Caravan Park chalets and the solar panels at the Recreation Centre and Aquatic Centre will be completed in April 2020. Therefore, the only loans Council will have will be for these houses.

In addition, as the leases are based on a cost recovery rental basis the cost of loan repayments will be covered by the rental income received annually.

Strategic Implications

Shire of Bruce Rock Strategic Community Plan 2017-2027

Infrastructure

Goal 2 – Maintain Shire owned facilities in a strategic manner to meet community needs

2.2 Encourage greater usage of current Shire owned facilities

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

4.2 Partnership approach to addressing rental accommodation for long term benefit of the Shire and local businesses

Governance

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

CEO Key Performance Indicator

5 – Property Development

- Complete construction of residential property at 44 Curlew Drive, Bruce Rock
- Present business case for consideration by Council on leasing options

Voting Requirements

Absolute Majority

Officer Recommendation

1. That Council enters into a lease with The Housing Authority (acting through the Government Regional Officer's Housing Program) for Council's property located at 44 Curlew Drive, Bruce Rock for an initial period of 10 years.
2. That Council set the rental price for 44 Curlew Drive at \$720 per week and advertise the new fee under the requirements of the Local Government Act.
3. That Council agree to construct a new 4 x 2 residence (with 2 master bedrooms) in line with GROH specifications in 2020/21 on cost recovery rental basis for a 10 year lease with the Housing Authority.
4. That Council fund the construction of the new property in the 2020/21 budget through a WA State Treasury loan.

Council decision varied to officer recommendation to clarify point 3 to have a mutual agreement on the house design specifications.

OFFICER RECOMMENDATION COUNCIL DECISION

Resolution OCM Nov 19 – 11.5.10

Moved: Cr Rajagopalan

Seconded: Cr Dolton

- 1. That Council enters into a lease with The Housing Authority (acting through the Government Regional Officer's Housing Program) for Council's property located at 44 Curlew Drive, Bruce Rock for an initial period of 10 years.**
- 2. That Council set the rental price for 44 Curlew Drive at \$720 per week and advertise the new fee under the requirements of the Local Government Act.**
- 3. That Council agree to construct a new residence in line with GROH specifications in 2020/21 on cost recovery rental basis for a 10-year lease with the Housing Authority, pending agreement between both parties.**
- 4. That Council fund the construction of the new property in the 2020/21 budget through a WA State Treasury loan.**

CARRIED BY ABSOLUTE MAJORITY 9/0

Agenda Reference and Subject:

11.5.11 Wheatbelt Secondary Freight Network

File Reference:

6.1.2.17

Reporting Officer:

Darren Mollenoyux, Chief Executive Officer

Author:

Darren Mollenoyux, Chief Executive Officer

Disclosure of Interest:

Nil

Attachments:

Item 11.5.11 – Attachment A – WSNF Project Manager Package

Summary

Council is asked to endorse the formal offer from the Wheatbelt Secondary Freight Network (WSFN) to host and recruit the WSNF Project Manager position.

Background

42 Local Governments of the Wheatbelt region have worked collaboratively for over 4 years to secure funding to improve secondary freight network routes on Local Government Roads in the Wheatbelt. The Wheatbelt Secondary Freight Network (WSFN) Program has successfully been allocated \$70 million of Federal funding (ROSI) and this has been matched with State funding of \$17.5 million (reflecting the 80/20 funding agreement).

The State funding will be sourced two thirds from the State and one third from the Local Governments whose assets are being upgraded. The available \$87.5M will not be sufficient to upgrade all the identified 80 routes and good governance of this program, and ongoing collaboration between all parties will be critical in securing additional funding.

At the September 2019 Ordinary Council Meeting Council was asked to endorse its commitment to the program and consider if it would like to submit an Expression of Interest to host the WSNF Project Manager.

That Council:

1. *Formalise their commitment to the program the Wheatbelt Secondary Freight Network Program enabling them to be eligible for future funding and project consideration.*
2. *Receive the following WSNF Program documents which outline how the WSNF Steering Committee propose to administer the WSNF Program:*
 - *Program Governance Plan*
 - *Program Delivery Plan*
 - *Multi Criteria Analysis Methodology.*
3. *Endorse the processes and procedures outlined in the Program Governance Plan which enables the Wheatbelt North and Wheatbelt South Regional Road Groups and the WSNF Steering Committee to make decisions in accordance within the Program Governance Plan.*
4. *Submit an expression of interest in the Shire hosting a Project Manager for WSNF.*

Comment

As per the Council decision an Expression of Interest was submitted to the WSNF and on the 28th October 2019 correspondence was received from the WSNF Chair advising that we had been successful in our submission to host the WSNF Project Manager.

The offer was conditional on the commencement of an appropriate recruitment and selection process for the project manager role as outlined within the EOI invitation documents within 2-3 weeks of the date of this correspondence.

Due to the timeframe conditions the recruitment process has commenced with advertising already commenced. The CEO sought advice from related parties to ensure that the advertisement, position description and recruitment package met the requirements of the WSNF program.

An item will be presented at the December 2019 Ordinary Meeting of Council seeking Council’s endorsement of a budget variation to include the expenditure and income for the WSNF Project Manager position.

A copy of the WSNF Project Manager Position – Information Package is included at Attachment A for this item.

Consultation

Deputy CEO, Alan O’Toole,
 Manager of Finance, Jennifer Bow
 Manager of Works & Services, Glenn Casley
 Shire President, Stephen Strange
 WSNF Chair, Cr Ricky Storer
 WALGA Executive Manager of Infrastructure, Ian Duncan

Statutory Implications

Local Government Act 1995
 This is not a Senior Position, so it does not require formal appointment by Council.

Policy Implications Nil

Risk Implications

Risk: Council staff need to ensure the successful recruitment and management of the WSNF Project Manager to ensure the success of the program and Council’s reputation.		
Likelihood	Consequence	Rating
Likely	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

There will be new expenditure requirements for this position, however the position is also funded through the WSNF and therefore income will offset most of the cost.

An item will be presented at the December 2019 Ordinary Meeting of Council seeking a variation to income and expenditure for the remainder of the 2019/20 budget (essentially will only be for 6 months), then Council will need to budget for the position for at least the next two years.

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Infrastructure

Goal 1 – Roads are a key economic driver across the Shire

1.5 – Identification of freight task at hand (changes in flow etc)

1.6 – Engagement of neighbouring Shires and key stakeholders in Secondary Freight Route project

Economy

Goal 3 - Assist the local economy to grow

3.4 – Advocate Main Roads WA to improve the entrances to the Bruce Rock main Street

Governance

12.1 – Continue to build our voice and strategic projects within our regional groupings

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

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION COUNCIL DECISION

Resolution OCM Nov 19 – 11.5.11

Moved: Cr Foss

Seconded: Cr Wayne

- 1. That Council formalise their acceptance to host the Wheatbelt Secondary Freight Network Project Manager position for at least the next two years.**
- 2. That staff present a report to Council at the December Ordinary Meeting of Council confirming the expenditure and income for the WSFN Project Manager Position and provide a budget variation.**

CARRIED BY ABSOLUTE MAJORITY 9/0

Agenda Reference and Subject:

11.5.12 Department of Local Government’s Proposed Code of Conduct and CEO Standards

File Reference: 2.3.3.1

Reporting Officer: Darren Mollenoyux, Chief Executive Officer

Author: Darren Mollenoyux, Chief Executive Officer

Disclosure of Interest: Nil

Attachments: *Item 11.5.11 – Attachment A – Proposed Code of Conduct
Attachment B – Proposed CEO Standards*

Summary

Council is asked to endorse the prepared submission to the Department of Local Government in relation to their proposed Code of Conduct and CEO Standards.

Background

The Department of Local Government has issued a circular in relation to their consultation on proposed Code of Conduct and CEO Standards. The circular states;

“On 27 June 2019, the Local Government Legislation Amendment Act 2019 was passed in Parliament.

The Act includes a requirement for the introduction of:

- *a mandatory code of conduct for council members, committee members and candidates (Code of Conduct); and*
- *mandatory minimum standards covering the recruitment, selection, performance review and early termination of local government Chief Executive Officers (CEO Standards).*

The Department of Local Government, Sport and Cultural Industries (department) is seeking feedback on the draft Code of Conduct and draft CEO Standards (and accompanying guidelines).

These documents and the online survey for each topic are available on the department’s website.”

The Department has advised that submissions are being called and close on 6th December 2019.

WALGA provided Council with their Draft Submission on both the proposed Code of Conduct and the CEO Standards, of which a copy has been provided for Councillors’ reference. To enable WALGA to obtain a sector position by the 25th October 2019, Council endorsed WALGA’s submissions at the October 2019 Meeting.

At the October 2019 Ordinary Council Meeting it was also resolved *“That the Chief Executive Officer prepare a submission and survey response, on behalf of Council for the Department of Local Government’s proposed new Code of Conduct and CEO Standards. This submission is to be in line with views from Council and be presented for endorsement at the November 2019 Ordinary Council Meeting.*

Comment

Whilst the WA Local Government Association submission covered most of the concerns, Council’s submission has been prepared to reinforce key points and complete the survey documents provided by the Department of Local Government on both the proposed Councillors Code of Conduct and CEO Standards documents.

Individuals are also able and are encouraged to make their own submission and therefore Councillors may wish to also make their own submission via the online survey available at the Department of Local Government’s website.

In addition to information provided by WALGA, correspondence has been received from LG Professionals stating that due to the potential impact of the proposed changes they have provided comments to assist Council’s and staff in making their submissions. The CEO has also taken into consideration other advice that has been received at a regional level and information given during the recent LG Professionals conference, CEO’s Forum.

The Chief Executive Officer has reviewed the proposed documents and is finalising the submission on Councils behalf, including a response to the survey. Council’s submission will be presented for consideration at the November 2019 Ordinary Council Meeting for endorsement.

Copies of the 2 proposed documents and blank surveys are provided as an attachment to this agenda item. **The final submission and Council’s completed survey will be provided prior to the Council Meeting.**

Consultation

Tim Lane, WALGA
 Shire President, Stephen Strange
 Members of Senior Management Team
 Brief discussion held following the recent WEROC Executive Meeting, where it was agreed that WEROC would not be making a submission and it would be left for individual Councils.
 LG Professionals

Statutory Implications

The Local Government Legislation Amendment Act 2019

Policy Implications

Any Policies relating to Council’s current Code of Conduct
 Any Policies relating to employment matters affecting the Chief Executive Officer

Risk Implications

Risk: Compliance may be increased from legislative changes that could occur and costs and administrative burden would increase should the CEO Standards be adopted by the Department of Local Government as they are currently proposed.		
Likelihood	Consequence	Rating
Likely	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

Should some of the proposed changes be implemented by the Department of Local Government, Council would incur higher costs associated with proposed processes for employment, recruitment and performance reviews of CEOs.

The implementation and new requirements will take up additional staff resources.

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 Simple Majority

OFFICER RECOMMENDATION COUNCIL DECISION

Resolution OCM Nov 19 – 11.5.12

Moved: Cr Rajagopalan

Seconded: Cr Kilminster

That Council endorses the submission and survey response, prepared by the Chief Executive Officer, in response to the Department of Local Government’s proposed as presented;

- **Mandatory Code of Conduct for Council Members, Committee Members and Candidates**
- **Standards and Guidelines for CEO Recruitment and Selection, Performance Review and Termination**

Carried 9/0

Agenda Reference and Subject:

11.5.13 Factory Unit Lease (Unit 3/9-11 Swan St, Bruce Rock)

File Reference:

Reporting Officer:

Darren Mollenoyux, Chief Executive Officer

Author:

Alan O’Toole, Deputy Chief Executive Officer

Disclosure of Interest:

Nil

Attachments:

Nil

Summary

Council is asked to consider a Lease request for a Council-owned factory unit located at Unit 3/9-11 Swan Street, Bruce Rock and the subsequent variation to Fees and Charges.

Background

There is a vacant factory unit at 3/9-11 Swan Street, and the Shire has received a request from Mr Steven Featherstone of Featherstone Roofing and Building Services, who is interested in leasing it. Mr Featherstone intends to re-locate his business here from Wooroloo in the Shire of Mundaring. Featherstone Roofing and Building Services currently operates around the Perth Hills area, and Mr Featherstone has offered references from the Shire of Wongan Hills, which he currently contracts his services to.

Mr Featherstone has also stated his intention of relocating permanently to Bruce Rock and hopes to secure a residential property in the town soon. He is proposing that he will be able to start operating the business mid-to-late February 2020.

Comment

Mr Featherstone has inspected the Unit with Mike Darby, Senior Finance Officer, and there are some repairs and modifications to the Unit that Mr Featherstone has asked to be considered as part of the arrangements for him to occupy the property. These include the repair and reinstatement of the mezzanine floor (currently only half is in place) and also the installation of roof insulation to be held in place with wire mesh. Mr Featherstone has suggested that if the Shire were to purchase the materials at a total cost estimated by Mr Featherstone to be \$4600, then he would do the work necessary.

It is proposed that prior to any of the suggested repairs and/or improvements being undertaken, the Shire’s Environmental Health Officer, Mr Julian Goldacre inspects the property to give his opinion on what is essential to make the Unit ready for occupation.

Mr Featherstone is also seeking Council’s consideration to reduce the monthly lease for the first twelve months, this is to assist in being able to establish his new business within Bruce Rock.

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 may wish to include a requirement for business signage to be erected on the building as it has set previously on factory unit rentals.

Consultation

Mr Steven Featherstone, Featherstone Roofing and Building Services

Mike Darby, Finance Officer

Statutory Implications

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

Risk: That Council not approve the Lease for Factory Unit 3/9-11 Swan Street, Bruce Rock.		
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

The 2019/20 rent on the factory unit located at Unit 3/9-11 Swan Street is set for \$483 per month inc gst.

A reduced rental of 30% would set the rental amount at \$338.10 per month inc gst, over the 12 month rental that would be a total of \$4057.20.

Council budgets for rental income on this factory unit. Any reduction in rental will need to be adjusted in Council’s budget income, however as the unit is currently vacant it is not generating income.

As per all Council rentals and tenancy agreements 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 3/9-11 Swan Street, Bruce Rock to Featherstone Roofing and Building Services (Mr Steven Featherstone).
2. That Council considers the request from Mr Steven Featherstone for a reduction of rent for the first 12 months of the lease to assist him in relocating and establishing his business Featherstone Roofing and Building Services within Bruce Rock.
3. The new monthly rental fee of \$_____ (inc. GST) is to be charged from 1st February 2020 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. That there is a requirement of the lease for business signage to be erected on the building.

Council decision varied to Officer Recommendation to decline the request for rental subsidy due to concerns of providing a discount to a new business that may have potential to impact existing local businesses. Set new monthly fee of \$483.50 to be charged from 1st February 2020 and to be reviewed as part of the annual budget review process. Therefore, there is no need to give Public Notice of the intent to vary the charge.

COUNCIL DECISION

Resolution OCM Nov 19 – 11.5.13

Moved: Cr Kilminster

Seconded: Cr Foss

That Council:

1. **That Council lease its factory unit located at Unit 3/9-11 Swan Street, Bruce Rock to Featherstone Roofing and Building Services (Mr Steven Featherstone).**
2. **That Council declines the request from Mr Steven Featherstone for a reduction of rent for the first 12 months of the lease to assist him in relocating and establishing his business Featherstone Roofing and Building Services within Bruce Rock, due to other businesses of a similar nature operating within town.**
3. **The new monthly rental fee of \$483.50 (inc. GST) is to be charged from 1st February 2020 and to be reviewed as part of the annual budget review process.**
4. **That there is a requirement of the lease for business signage to be erected on the building.**

CARRIED BY ABSOLUTE MAJORITY 9/0

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

13. Confidential Items

14. Closure of Meeting.

The Shire President, Stephen Strange thanked everyone for their attendance and declared the meeting closed at 5.15pm.

These minutes were confirmed at a meeting on 19th December 2019.

Cr Stephen Strange
Shire President
19 December 2019