

SHIRE OF BRUCE ROCK
MINUTES – ORDINARY MEETING 19 SEPTEMBER 2019

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SHIRE OF BRUCE ROCK

MINUTES – ORDINARY MEETING 19 SEPTEMBER 2019

1. Declaration of Opening

The Shire President Cr SA Strange declared the meeting open at 2.00pm.

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 MK Thornton
	Cr BJ Waight
Chief Executive Officer	Mr DRS Mollenoyux
Deputy Chief Executive Officer	Mr A O’Toole
Executive Assistant	Mrs MJ Schilling (2.00pm to 4.30pm)
Manager of Works and Services	Mr G Casley (2.15pm to 2.54pm)
Manager of Finance	Mrs JL Bow (2.35pm to 2.54pm)
Leave of Absence	Cr PG Negri

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
19.09.19	Cr SA Strange	11.1.1	Joint Owner of Property
19.09.19	Cr MK Thornton	11.4.2	Is one of Two Applicants

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
19.09.19	Cr R Rajagopalan	11.5.3	Is District Club President

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
19.09.19	Cr MK Thornton	11.5.5	Awarded Café lease in previous item

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

Ordinary Meeting of Council held on Thursday 15 August 2019.

COUNCIL DECISION

Resolution OCM Sep 19 – 9.1

Moved: Cr Crooks
Seconded: Cr Waight

That the minutes of the Ordinary Meeting of Council held Thursday 15 August 2019 be confirmed as a true and correct record.

Carried 8/0

Audit Committee Meeting held on Thursday 15 August 2019.

COUNCIL DECISION

Resolution OCM Sep 19 – 9.2

Moved: Cr Rajagopalan
Seconded: Cr Thornton

That the minutes of the Audit Committee Meeting held Thursday 15 August 2019 be received.

Carried 8/0

10. Regional Reports

Agenda Reference and Subject:	10.1 WALGA Zone Minutes August 2019
File Reference:	1.6.5.6 WALGA Zone Minutes and Agendas
Reporting Officer:	Darren Mollenoyux, Chief Executive Officer
Author:	Darren Mollenoyux, Chief Executive Officer
Disclosure of Interest:	Nil
Attachments:	Item 10.1 - Attachment A WALGA Zone Meeting Minutes Item 10.1 - Attachment B CBH Presentation Item 10.1 - Attachment C Container Deposit Scheme Pres.

Summary

Council is asked to receive the minutes from the previous WALGA Great Eastern Zone Meeting.

Background

The last Great Eastern Zone Meeting was held on the 27th August 2019 at the Kellerberrin Recreation and Leisure Centre.

Comment

To encourage the improved awareness and promote a better understanding by all Councillors it is recommended that WALGA Zone minutes be read and received by Council.

The following items from the minutes are drawn to Councillors attention;

6.1 Office of Auditor General – Auditing of LG’s Survey Results

WALGA has conducted a survey of Local Governments to review the impact of the recent compliance changes on the sector and in particular since the Auditor General assumed responsibility for Local Government financial and performance audits. A copy of the results is attached to the meeting minutes.

A full copy of the minutes it provided as Attachment A.

Copies of the following presentations are also provided as an attachment to this agenda:

Attachment B – Rob Dickie, Government & Industry Relations Advisor – Progress of Network Strategy

Attachment C – Rebecca Brown, WALGA Manager of Waste & Recycling – Container Deposit Scheme

Consultation	Nil
Statutory Implications	Nil
Policy Implications	Nil

Risk Implications

Risk: That Council does not receive the minutes or object to decisions of the WALGA Great Eastern Zone 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 Sep 19 – 10.1</p> <p>Moved: Cr Rajagopalan Seconded: Cr Kilminster</p> <p>That Council receives the minutes of the WALGA Great Eastern Zone Meeting held on the 27th August 2019 at the Kellerberrin Recreation and Leisure Centre.</p> <p style="text-align: right;">Carried 8/0</p>

Agenda Reference and Subject:

10.2 WEROC Council Meeting Minutes August 2019

File Reference:

1.6.9.1 WEROC Council Meetings and Agendas

Reporting Officer:

Darren Mollenoyux, Chief Executive Officer

Author:

Darren Mollenoyux, Chief Executive Officer

Disclosure of Interest:

Nil

Attachments:

Item 10.2 - WEROC Council Meeting 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 27th August 2019 at the Kellerberrin Recreation and Leisure Centre.

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 Councils attention;

6.5 WEROC Participation in Renewable Energy Projects

BSC Solar are seeking expressions of interest from local governments across the Wheatbelt to be involved in small scale solar farm projects which would see participating local governments develop a revenue stream through the sale of power generated by the solar farms established on Council owned land.

Representatives from BSC Solar provided a presentation at the July WEROC Meeting and subsequently WEROC agreed that the Executive Officer contact relevant people who have been involved in similar projects to ascertain if they were in a position to assist WEROC in developing a strategy related to solar farms.

Further information was provided at this meeting, including a detailed presentation from Steve Mason, CEO Innovation Central Midlands WA Inc (ICM), on ICM's involvement with BSC Energy, Power Ledger and others in developing sources of renewable energy.

Following the presentation, the WEROC Council resolved;

That WEROC:

- 1. Initiate discussions with BSC Energy and Power Ledger seeking the conduct of a pre-feasibility study in respect to developing a micro-grid system across the WEROC geographic area; and*
- 2. Extend an invitation to Steve Mason to meet with WEROC Council in 2020 to provide an update on Innovation Central Midlands WA Inc's renewable energy project.*

6.6 Public Consultation – Pesticides Regulation Review

Member Councils will have received correspondence from Dr Andrew Robertson, Chief Health Officer, re the Department of Health's review of the Health (Pesticides) Regulations 2011. The review is required as part of the implementation of the Public Health Act 2016 (the Act).

The implementation of the Act requires a review of all existing public health regulations, including the Health (Pesticides) Regulations 2011.

The objective of this review is to ensure appropriate measures are in place to minimise public health risks associated with the use of pesticides in WA. The Department of Health (the Department) seeks to determine the best option for managing the public health risks associated with pesticide safety to meet community needs in the future. Principal stakeholders for the review will include:

The WEROC Council Meeting resolved as follows;

That WEROC:

- 1. Encourages Member Councils to complete the online survey developed by the Department of Health as part of its review of the Health (Pesticides) Regulations 2011;*
- 2. Member Councils share the information provided in the online survey with WALGA as it works on a sector wide submission around the review of the Health (Pesticides) Regulations 2011; and*
- 3. WEROC prepare a submission that highlights the potential difficulties small rural and remote local governments may face if Option C is adopted by the State Government as an outcome of its review of the Health (Pesticides) Regulations 2011*

I can confirm that Council's Environmental Health Officer has prepared and submitted comments in relation to this review. A copy of the feedback has been provided to the WEROC Executive Officer.

6.8 Assistance for Development of Public Health Plans

the Executive Officer has become aware of a potential funding opportunity for WEROC's Member Councils.

The Public Health Advocacy Institute of WA (PHAIWA) has received funding to provide a service to support and mentor local governments to assist them in developing their Public Health Plans, in line with the upcoming implementation of Phase 5 of the Public Health Act 2016.

PHAIWA has extensive experience working with local governments, having presented at a number of forums on this subject. It has also developed a Public Health Planning Guide.

Jo Malcom is a Senior Research Officer with PHAIWA. The Executive Officer believes that an invitation should be extended to Ms Malcom to meet with the WEROC Executive when it meets on Wednesday 25 September 2019 to discuss the potential for Member Councils to apply for funding to assist them in the development and implementation of respective public health plans.

The Meeting made the following resolution;

- 1. That Ms Jo Malcolm from the Public Health Advocacy Institute of WA be invited to the September meeting of the WEROC Executive to discuss the potential for WEROC's Member Councils to access funding to assist them in developing and implementing their respective Public Health Plans.*
- 2. That Member Councils be requested to extend an invitation to relevant staff to attend the presentation and discussion.*

NOTE

This was the last WEROC Council Meeting prior to the October 2019 Local Government Elections. At the next WEROC Council on the 30th October 2019 the portfolios will be rotated. In addition, the Shire of Bruce Rock is scheduled to take on the Chair of WEROC for the next two years.

A full copy of the minutes are 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 Sep 19 – 10.2</p> <p>Moved: Cr Thornton Seconded: Cr Rajagopalan</p> <p>That Council receives the minutes of the WEROC Council Meeting held on the 27th August 2019 at the Kellerberrin Recreation and Leisure Centre.</p> <p style="text-align: right;">Carried 8/0</p>
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Mr A O’Toole left the Council Chambers at 2.12pm.

Agenda Reference and Subject:	10.3 Wheatbelt Communities Meeting Minutes August 2019
File Reference:	1.6.9.1 Wheatbelt Communities Meetings and Agendas
Reporting Officer:	Darren Mollenoyux, Chief Executive Officer
Author:	Darren Mollenoyux, Chief Executive Officer
Disclosure of Interest:	Nil
Attachments:	Item 10.3 - Wheatbelt Communities Meeting Minutes

Summary

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

Background

The last Wheatbelt Communities Meeting was held on the 27th August 2019 at the Kellerberrin Recreation and Leisure Centre.

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 are 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
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OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Sep 19 – 10.3

Moved: Cr Rajagopalan

Seconded: Cr Foss

That Council receives the minutes of the Wheatbelt Communities Meeting held on the 27th August 2019 at the Kellerberrin Recreation and Leisure Centre.

Carried 8/0

11. Officers' Reports

11.1 Environmental Health Officer

Agenda Reference and Subject:

11.1.1 Planning Application for Rural Home Business proposal located on Lot 22384, Yad Yaddin Road, Bruce Rock and request to cancel a previous Planning Approval for a Home Business by Council

File Reference:

A2594 Lot 22384 Yad Yaddin Road, Bruce Rock

Reporting Officer:

Julian Goldacre, Environmental Health Officer

Author:

Julian Goldacre, Environmental Health Officer

Disclosure of Interest:

Cr SA Strange

Attachments:

Item 11.1.1 - Attachment A Application for Development Approval Rural Home Business

Item 11.1.1 - Attachment B Request to cancel previous Planning Approval for a Home Business.

Item 11.1.1 - Attachment C Floor plan of proposed Rural Home Business.

Item 11.1.1 - Attachment D Proposed location of Rural Home Business.

President SA Strange declared an interest and left the Council Chambers at 2.12pm.

As Deputy President, Cr R Rajagopalan assumed the Chair at 2.12pm.

Summary

Council is asked to consider the planning application for a rural home business located at 22384 Yad Yaddin Road, Bruce Rock due to a variation in the building class.

Background

On the 18 July 2019, Council resolved (Resolution OCM July 19 – 12.1.2) to approve a planning application for a 'home business' studio for the purposes of hairdressing, photography and art. Circumstances resulted in the requirement for another Planning Application for a 'Rural Home Business' and a request for cancellation of the previous Planning Approval.

As presented in Attachment A, B and C is a new Planning Application (PA) for a 'Rural Home Business' located on Lot 22384, Yad Yaddin Road, Bruce Rock. The applicant has chosen to seek another PA as the previous approval was for a 'Home Business' that could not be facilitated.

Comment

The proposed 'Rural Home Business' as presented in the Attachment A development application has been assessed as meeting the definition of a Rural Home Business as defined in the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulation). The zoning Table 1 of the Scheme shows that a

Rural Home Business use within a Rural zoned area is a 'D' use therefore not permitted unless the local government has exercised its discretion by granting development approval. An assessment of this development application has been undertaken and found to comply with and/or align with:

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

Furthermore, in order to negate the previous planning approval granted by Council in Resolution OCM July 19 – 12.1.2 the applicant has formally requested this approval for the Home Business to be cancelled. The formal requested for cancellation is shown in Attachments A and B.

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

1. This development approval decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two-year period, the approval shall lapse and be of no further effect;
2. An Occupancy Permit is required on the Building Class assigned pursuant to the *Building Act 2011*;
3. In the event that the proposed studio is to be fitted out with plumbing fixtures and cannot connect to the existing apparatus for the treatment of sewerage, then a completed 'application to construct or install an apparatus for the treatment of sewage' in accordance with the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974* is required to be submitted to the Local Government of Bruce Rock. Fees apply; and
4. The Studio fit out to accommodate the hairdressing component is required to comply with the *Hairdressing Establishment Regulations 1972* and particular attention is drawn to the requirement of Regulation 7(2) that requires '...any portion of the premises in which hairdressing practices are conducted shall be separated from the rest of the premises by a substantial wall or partition extending from the floor to the ceiling'.

Consultation

Mr T Reed, Department of Planning, Lands and Heritage

Statutory Implications

Planning and Development Act 2005;
Planning and Development (Local Planning Schemes) Regulations 2015; and
Shire of Bruce Rock Local Planning Scheme N^o 3.

Policy Implications

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

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

Development application fee of \$147. Fee for the application for an apparatus for the treatment of sewerage and permit to use, if required, \$236. Occupancy Permit application fee \$105.00.

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Governance

Goal 3 Assist the local economy to grow

Goal 3.7 Leverage economic opportunities and developments from successful local businesses

Voting Requirements

Simple majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Sep 19 – 11.1.1

Moved: Cr Dolton

Seconded: Cr Foss

That Council resolves to:

1. Grant development approval for a Rural Home Business Studio used for hairdressing and photography and art located on Lot 22384, Yad Yaddin Road, Bruce Rock and subject to the following condition:

a. This development approval is for a Rural Home Business use as defined by the Planning and Development (Local Planning Schemes) Regulations 2019 and for the works shown on the stamped approved plans with application reference number 'DE STRANGE RURAL HOME BUSINESS 28-8-19 DA' only;

2. Council formally cancels the Notice of determination on application for development approval dated 23 July 2019 for the Home Business 'STRANGE-STUDIO-16-6-19 DA' only.

Advice Notes of requirements under other written laws, but not limited to, and is provided in good faith for the purpose to assist Mrs De-Anne Strange is provided as follows:

1. This development approval decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two-year period, the approval shall lapse and be of no further effect;

2. An Occupancy Permit is required on the Building Class assigned pursuant to the Building Act 2011;

3. In the event that the proposed studio is to be fitted out with plumbing fixtures and cannot connect to the existing apparatus for the treatment of sewerage, then a completed 'application to construct or install an apparatus for the treatment of sewage' in accordance with the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974 is required to be submitted to the Local Government of Bruce Rock. Fees apply; and

4. The Studio fit out to accommodate the hairdressing component is required to comply with the Hairdressing Establishment Regulations 1972 and particular attention is drawn to the requirement of Regulation 7(2) that requires '...any portion of the premises in which hairdressing practices are conducted shall be separated from the rest of the premises by a substantial wall or partition extending from the floor to the ceiling'.

Carried 7/0

President SA Strange returned to the Council Chambers at 2.14pm and resumed the chair.

Mr A O'Toole returned to the Council Chambers at 2.15pm.

Mr G Casley entered the Council Chambers at 2.15pm.

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:

Attachments:

Nil

Town & Gardening Crew

- Main Street tidied up
- Street sweeping completed in the 4 towns
- Op shop and Police station mowed
- Museum lawns mowed and top dressed
- New house driveway and footpaths completed; gardens started
- Sculpture park and Amphitheatre cored and verti mowed
- Swimming pool lawns cored and verti mowed, top dressed
- New dog pound built
- Reserves and spare blocks slashed
- Private works – Collier Street house, footings for dongas
- Caravan Park lawns mowed, cored and top dressed
- Kwolyin camp site and Kokerbin Rock tidied up

Construction Crew

- Maintenance Grading progressed well and is now complete
- Bruce Rock Narembeen Road clearing started
- Road patching

Workshop

- BK3, Ute 60000 km service
- BK608, truck replace batteries
- BK012, pad foot roller replaced tyres
- BK 2, kangaroo smash repairs
- BK650, truck service and replace taillight mounts
- BK025, truck service and replace two way and aerial and drive tyres
- Build bench for REC center shed.
- BK6515, Tractor service and replaced starter motor.
- BK510, grader 6000hr service
- BK6338, smooth drum roller service and repair damaged bonnet
- BK373, loader refit bucket pin and lock
- BK6519, truck clutch and gear box input shaft replacement (Ross's Diesel)
- 66 vehicle inspections

Rec Centre

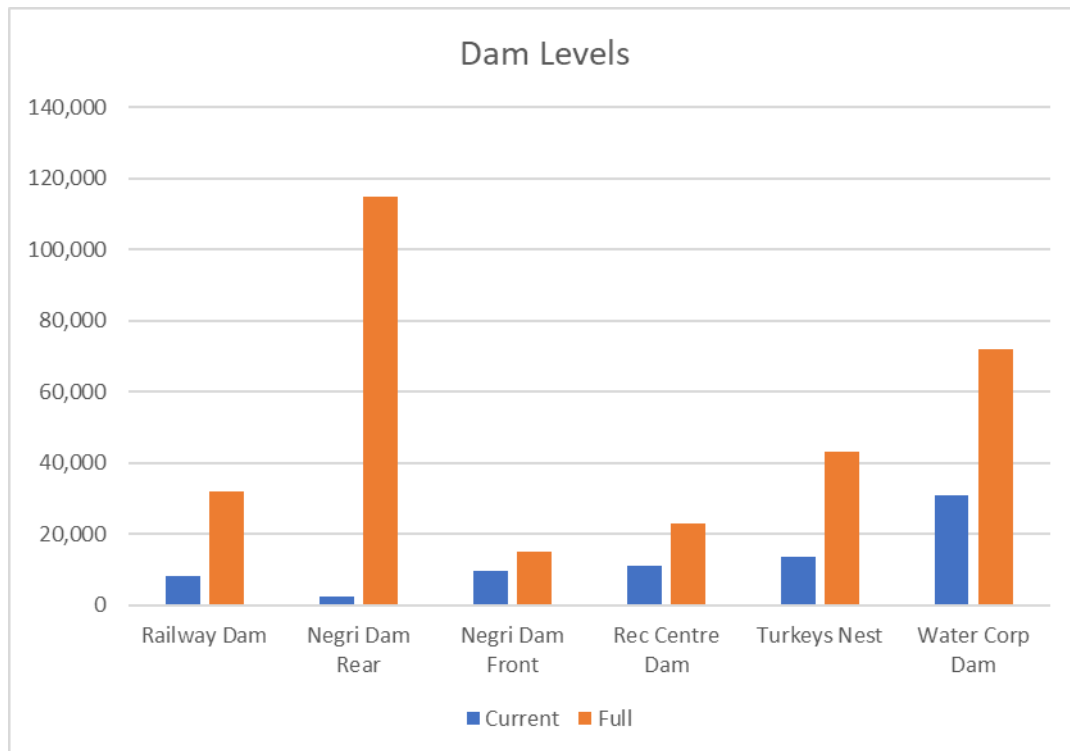
- Oval Mowed
- Hockey field tidied up
- Rec Centre surrounds starting to be tidied up ready for the Show
- Weeds sprayed
- Rec Centre entrance weeded
- Oval marked for athletics carnivals
- Oval sprayed for clover
- Curlew Drive entry statement plants watered

Vehicles/Machinery Changeover

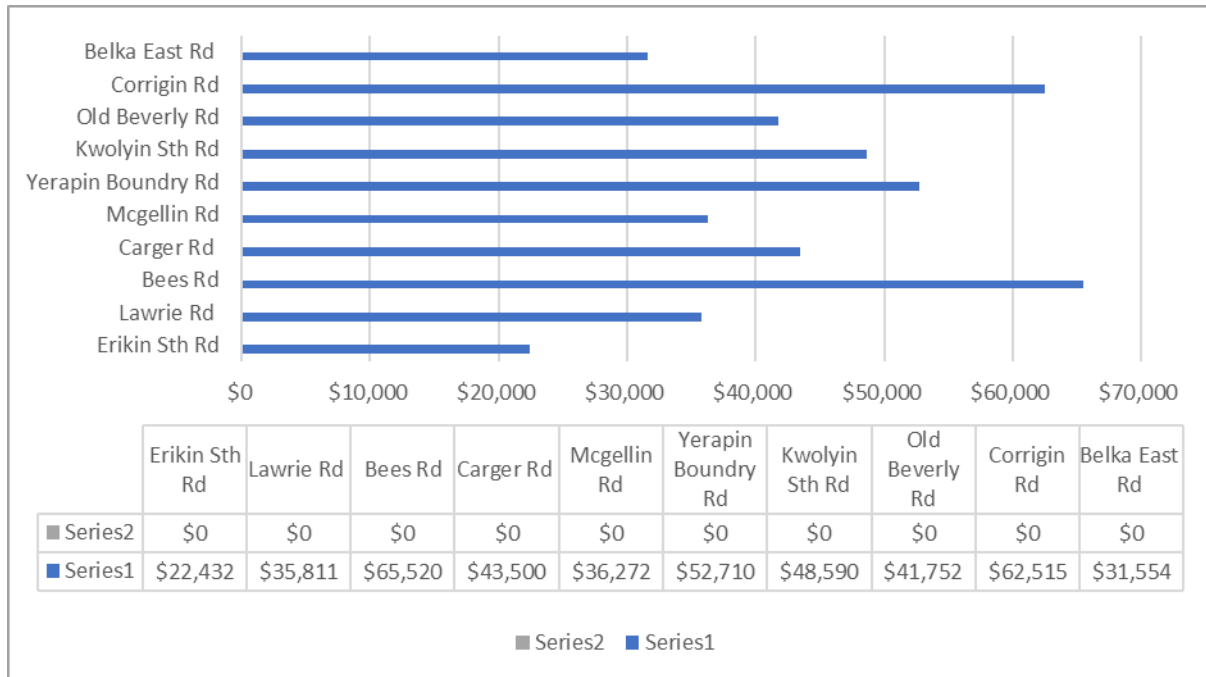
- Nil

Dams

Dam	Current	Capacity
• Railway Dam	• 8,000kl	• 32,000kl full
• Negri Dam Rear	• 2,500kl	• 115000kl full
• Negri Dam Front	• 9,500kl	• 15000kl full
• Rec Centre Dam	• 11,000kl	• 23000kl full
• Turkeys Nest	• 13,500kl	• 43000kl full
• Water Corp Dam	• 31,000kl	• 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 to enable Council to see the progress throughout the year.

2019 Local Government Supervisors Association Conference

This year our conference was held out at Joondalup Resort with 53 delegates from around the state in attendance.

This was one of our biggest years with nearly 90 exhibitors attending the conference and Golf day.

We had a wide range of stands from machinery outside to lawyers and recruitment agents inside.

The presenters this year were based around new technology in road building aspects down to mental health, depression and anxiety being quite big this year.

Candy Choo from Local Government Professionals was a guest speaker talking to the delegates about the changes coming in Local Government and also the chance for the LGSA and LG Pro to affiliate, so our members are given the chance for better training and networking with peers within other Shires as there are a lot of Managers leaving Local Government.

At the AGM this year I was lucky enough to get voted in as Vice President for the LGSA for a two-year term. With this comes a chance to go to Victoria next year in Bendigo in September for the conference over there. The LGSA will cover this trip and I will take the time off as annual leave to attend. The technology over east seems to take a while to make it to Western Australia so this will be a great trip to see the new products and hopefully bring back some new ideas for the Bruce Rock Shire to trial.

COUNCIL DECISION

Resolution OCM Sep 19 – 11.2.1

Moved: Cr Foss

Seconded: Cr Kilminster

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

Carried 8/0

Mr A O’Toole left the Council Chambers at 2.33pm.

Mr A O’Toole returned to the Council Chambers at 2.35pm.

Mrs JL Bow entered the Council Chambers at 2.35pm.

Agenda Reference and Subject:	11.2.2 2019/20 to 2022/23 Sealing Tender
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>Item 11.2.2 Sealing Tender Evaluation Summary</i>

Summary

To consider the tenders received for the supply and spray of bitumen or emulsion for the 2019/20 sealing program which will run for three years.

Background

This item seeks Council approval to engage a supplier determined as best value for money through a Request for Quotation process for the supply and spray of bitumen running from 2019/20 to 2022/23

The procurement process was undertaken through WALGA E Quotes which was electronically advertised from Thursday 8th September and closed on the Friday 23rd September at 3.00pm.

Five tenders were received.

The following tenders were received

1. Fulton Hogan
2. Colas
3. Boral
4. Bitutek
5. Downer

Comment

Tenderers were requested to provide a unit cost for two coat seal, hot bitumen or emulsion at 28,800 m2. Then provide a price on different binders for a single coat, 10 mm stone seal for the Shires re sealing program of 42,300 m2

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

During the evaluation the following was found:

1. All suppliers were willing to provide a consultant to help determine which emulsion or bitumen would be to use on certain roads.
2. All companies are WALGA preferred suppliers and have been determined capable of delivering an acceptable result.
3. Supplier 3's price is the cheapest of the suppliers and offers the best value for money.
4. Supplier 3 has been in the bitumen business for many years and has a track record with good. service and reliability which was confirmed through other Shires that have used this company in the past.
5. Supplier 3 has undertaken sealing works within the Shire previously.

Consultation

Alan O'Toole (DCEO)

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 sealing as part of its 2019/20 road program. All tenders are under the estimated value for the sealing component of the road program for this financial year.

Strategic Implications

Please use the below formatting when referring to the plan.

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Infrastructure

Goal 1.1 Annual review of performance and structure of Shire owned roads

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

COUNCIL DECISION

Resolution OCM Sep 19 – 11.2.1

Moved: Cr Waight

Seconded: Cr Dolton

That Council award the E Quote Tender 7/2019.20E to Boral for the Three-year period at \$345,402 for the first year with variable prices to be looked at each year after.

CARRIED BY ABSOLUTE MAJORITY 8/0

Mr D Mollenoyux left the Council Chambers at 2.46pm.

Mr D Mollenoyux returned to the Council Chambers at 2.47pm.

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>Attachment 11.3.1 – Monthly Financials July 2019</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 31 August 2019 are included as an attachment.

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 COUNCIL DECISION

Resolution OCM Sep 19 – 11.3.1

Moved: Cr Thornton

Seconded: Cr Crooks

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

Carried 8/0

Agenda Reference and Subject:	11.3.2 List of Payments
File Reference:	8.2.3.3 Accounts Payable (Creditors)
Reporting Officer:	Jennifer Bow, Manager of Finance Officer
Author:	Mike Darby, Senior Finance Officer
Disclosure of Interest:	Nil
Attachments:	<i>Item 11.3.2 – List of Payments August 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 August 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 Sep 19 – 11.3.2

Moved: Cr Rajagopalan

Seconded: Cr Thornton

That Council endorse the list of payments from the:

- 1. Municipal Account consisting of:**
 - a. EFT voucher numbers EFT14579 to EFT14718 totalling \$339,094.08**
 - b. Cheque number 23940 to 23946 totalling \$12,636.24**
 - c. Trust Cheques Nil**
 - d. Wages and Superannuation payments totalling \$193,441.59 and**
 - e. Credit Card payments Nil**

With all payments totalling \$545,171.91 for the month of August 2019.

Carried 8/0

Mrs JL Bow left the Council Chambers at 2.54pm and did not return.

Mr G Casley left the Council Chambers at 2.54pm and did not return.

11.4 Deputy Chief Executive Officer

Agenda Reference and Subject:

11.4.1 Request to reduce room rental fee for visiting Physiotherapist

File Reference:

4.1.3.7 Bruce Rock Medical Centre

Reporting Officer:

Alan O’Toole, Deputy Chief Executive Officer

Author:

Alan O’Toole, Deputy Chief Executive Officer

Disclosure of Interest:

Nil

Attachments:

Attachment 11.4.1 – Letter from Ms Ruth Lira

Summary

Council is asked to consider a request from the visiting Physiotherapist, Ms Ruth Lira to approve a reduction or waiver of room rental for the first 12 months of her work in the Shire.

Background

As Council will be aware, a new Physiotherapy Service commenced in town in July 2019, initially operating from the Bruce Rock Medical Centre. The Physiotherapist, Ms Ruth Lira, will be attending monthly in the first instance. Ms. Lira has commented that she intends to grow her business in the town, and if there is enough demand, she will visit fortnightly to increase the frequency of service to the community. In addition to the sessions at the Medical Centre, Ms Lira is also very interested in utilising the Shire’s Hydrotherapy facility, and ran an introductory session there on her visit in August. This was a successful venture and should the numbers of clients interested in this option increase, Ms Lira would eventually seek to operate the service from the room adjacent to the hydrotherapy pool.

Comment

To enable Ms Lira to make the service viable while growing the service and adding to client numbers in the first twelve months, she is requesting Council to consider approving a reduction or waiver in the rental amount for the room at the Medical Centre or Therapy room at the Hydropool facility. In keeping with Council’s goal of providing a wide range of services and improving health-related options to the community, the provision of a Physiotherapy service constitutes an important addition.

Given that Council supports the establishment and support of new business in the town and 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”, it is suggested that the intention of this approval be applied to Ms Lira’s request, and widened to encapsulate the rental of a room or facility to provide Physiotherapy service to the Bruce Rock community.

Consultation

Ms Ruth Lira, Physiotherapist

Mrs Samantha Aurisch, Bruce Rock Medical Centre Practice Manager

Mr Darren Mollenoyux, CEO

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, a potential precedent could be drawn 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: The Physiotherapy service proves not to be viable and is therefore lost to the Shire.		
Likelihood	Consequence	Rating
Possible	Moderate	Moderate
Action / Strategy		
Approve a fee reduction to Ms Lira commensurate to that offered to new Lessees of Shire’s industrial units.		

Financial Implications

The 2019/20 rent on a therapy room at the Bruce Rock Medical Centre is \$110 per day inclusive of GST. A reduced rental of 30% would set the rental amount at \$77 per day inc. GST. Any reduction in rental will be reflected in Council’s budget income, however at present there is no income being generated while the room is not being used.

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

Goal 2 2.2 Encourage greater usage of current Shire owned facilities

Community

Goal 7 Our community are engaged and have a healthy lifestyle

Governance

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

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION COUNCIL DECISION

Resolution OCM Sep 19 – 11.4.1

Moved: Cr Thornton

Seconded: Cr Rajagopalan

That Council approve the 30% reduction in room rental for Ms Ruth Lira and allow her to conduct the Physiotherapy service from the Bruce Rock Medical Centre or Hydrotherapy facility at the rate of \$77.00 per rental day for 12 months.

CARRIED BY ABSOLUTE MAJORITY 8/0

Council adjourned for afternoon tea at 2.59pm.

Council meeting resumed at 3.13pm with all staff and Councillors present.

Cr MK Thornton left the Council Chambers at 3.13pm.

Agenda Reference and Subject:

11.4.2 Tender for Provision of Café/Retail Outlet

File Reference:

8.2.8.1 Tenders

Reporting Officer:

Alan O’Toole, Deputy Chief Executive Officer

Author:

Alan O’Toole, Deputy Chief Executive Officer

Disclosure of Interest

Cr MK Thornton

Attachments:

Nil

Summary

Council is asked to consider the Tenders received and award Tender 5.2019.20 for the Lease of a Café/Retail Outlet at 48 Johnson Street, Bruce Rock.

Background

The lessee of the Council-owned Café/Retail Outlet located at 48 Johnson Street, Bruce Rock advised the Shire that they would not be renewing their lease when it expired in July 2019. Expressions of Interest were called from interested parties for the lease of the property as a café or retail outlet. At the close of the Expressions of Interest period on the 9th August 2019, Council had received more than one Expression of Interest and therefore must comply with section 3.58 (*Disposal of Property*) of the Local Government Act 1995 and associated regulations.

Section 3.58(2) & (3) of the Local Government Act states that a local government can only dispose (sell, lease) of property by auction, tender or by private treaty after giving public notice. The public notice is to stipulate the valuation of the property (i.e. value of annual lease) and the consideration of the proposal (i.e. annual lease fee).

At the August 2019 Ordinary Meeting of Council, Council approved that a Public Tender be called for a three-year lease of its Café/Retail Outlet located at 48 Johnson Street, Bruce Rock, and this may be extended by a further three years with the agreement of both parties. Further, Council determined that the Tender should invite proposals from parties interested in operating either a Café or an alternative form of retail business from the property. Council also decided that the Lease amount should not constitute one of the criteria for selection, and that this should be set at the amount budgeted in Council’s 2019-2020 Annual Budget, which is \$561 per month, inclusive of GST.

In preparation for the lease transfer, Shire staff conducted an inspection of the property and identified some repairs and maintenance required to the internal structure of the building. These have been commenced and will be completed while the property is vacant. These works include floor coverings, repairs needed due to damp issues, and painting and minor maintenance works.

The closing date for the Tender is Monday 16th September 2019 at 10.00am.

Comment

Tenderers were requested to submit a Business Plan/Model by which their Tender could be evaluated. It was also stated in the Request for Tender documentation that, as the Shire is currently engaged upon a Main Street Revitalisation Project aimed at increasing the general attraction and amenity of the town site, the successful Tender will be expected to provide a venue which is conducive to the goals of this Project, and to contribute towards making the Main Street a place to visit and utilise.

Due to “Commercial in Confidence” parameters, and that Cr MK Thornton has disclosed an Interest in this item, the Chief Executive Officer has determined that the Tender Submissions (including the Summary) will not be made public.

The following Selection Criteria were included in the Tender for consideration when deciding on the successful submission:

Criteria to be included in Business Plan/Model	Weighting %
A) Experience in proposed area of business Has the tenderer operated this type of business in the past? e.g. provide details/evidence of experience, and level of competence/success.	20
B) Range of products/produce to be offered Indication of the range of products intended to be offered at the retail outlet. If the proposal is for a Café, then the range of food and beverages to be offered.	30
C) Proposed Opening Hours Provide a proposed schedule of when the business will be operating (hours/days).	30
D) Proposed Staffing/Employment Opportunities Outline the proposed staffing model of the business and what opportunities it may provide for employment in the Shire in the future.	10
E) Other proposed services/benefits Include here any other details you feel may support or enhance your proposal. This may include any ideas for future development of business, or any other “value added” services.	10

Documents addressing the assessment of Tenders will be provided to Councillors at the meeting.

Consultation

Darren Mollenoyux, Chief Executive Officer
Melissa Schilling, Executive Assistant
Julian Goldacre, Environmental Health Officer

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, however, this proposed lease does not fulfil any of the listed criteria other than the following circumstance;

Regulation 30(2)(e) of the Local Government (Functions and General) Regulations 1996 state that a land disposition is exempt from the requirements of Clause 3.58 of the Local Government Act if “it is the leasing of land for a period of less than 2 years during all or any of which time the lease does not give the lessee exclusive use of the land”.

Local Government Act 1995 - Sect 3.58

3.58 - Disposing of property

(1) In this section —

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

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

(2) Except as stated in this section, a local government can only dispose of property to —

(a) the highest bidder at public auction; or

(b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

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

Local Government Act 1995 s.6.16 & s.6.19

6.16. Imposition of fees and charges

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

6.19. Local government to give notice of fees and charges

- If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of*
- (a) *its intention to do so; and*
 - (b) *the date from which it is proposed the fees or charges will be imposed.*

Policy Implications Nil

Risk Implications

Risk: That the Café/Retail Outlet is not leased, leading to loss of income for Council and reduction of retail options and amenity to the Bruce Rock Main Street.		
Likelihood	Consequence	Rating
Possible	Moderate	Moderate
Action / Strategy		
Ensure that the Tender for the Café Retail Outlet is leased to the business whose submission is best suited to the goals of the Main Street Revitalisation Strategy, and to the Shire as a whole.		

Financial Implications

With the monthly rental fee set in the 2019-2020 Annual Budget at \$561 per month inclusive of GST, this would generate \$6732 per annum. At present the building is unoccupied and therefore no revenue is being raised. Council budgets for rental income on this property and any shortfall will be reflected by a reduction in annual revenue. 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

- Goal 2 Maintain Shire owned facilities in a strategic manner to meet community needs
- 2.2 Encourage greater usage of current Shire owned facilities

Economy

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

Economy

- Goal 6 Tourism helps to diversify our local economy
- 6.1 Promote our attractions, amenities and activities in a coordinated approach

Governance

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

Voting Requirements

Absolute Majority

Officer Recommendation

That Council awards Tender 5.2019.20 Lease of Café /Retail Outlet, 48 Johnson Street, Bruce Rock to _____ for an initial three-year period, with the option of a further three years on the agreement of both parties.

Council decision varied to Officer Recommendation to include consideration of the tender panel's assessment and award Tender 5.2019/20 Café Lease.

COUNCIL DECISION

Resolution OCM Sep 19 – 11.4.2

Moved: Cr Rajagopalan

Seconded: Cr Kilminster

Following the assessment evaluation, Council awards Council awards Tender 5.2019.20 Lease of Café /Retail Outlet, 48 Johnson Street, Bruce Rock to Kim McKenzie and Merredith Thornton for an initial three-year period, with the option of a further three years on the agreement of both parties.

CARRIED BY ABSOLUTE MAJORITY 7/0

*Cr Thornton returned to the Council Chambers at 3.53pm.
D Mollenoyux left the Council Chambers at 3.53pm.
Cr Dolton left the Council Chambers at 3.53pm.
D Mollenoyux returned to the Council Chambers at 3.54pm.
Cr Dolton returned to the Council Chambers at 3.55pm.*

Agenda Reference and Subject:

11.4.3 Tender for Waste Provision

File Reference:

8.2.8.1 Tenders

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 – Waste Tenders Evaluation Summary

Summary

Council is asked to consider the submissions received for Tender 1.2019.20 (Provision of Recyclable Collection Service), Tender 2.2019.20 (Provision of Waste Collection Service) and Tender 3.2019.20 (Provision of Landfill Site Operation and Management Service), and award the respective Tenders.

Background

The Shire’s contracts for the Waste Services as noted above are due to expire, and therefore a Tender process was initiated to cover the three separate components: Collection of Recyclables, Collection of general household waste, and operation and management of the Shire’s landfill site (i.e. the Shire Tip). This action was intended to allow the widest range of responses i.e. if some potential responders wanted to only tender for specific components rather than Waste Services as a whole. The Tender period closed on Friday 30th August 2019 at 4pm.

Comment

At the closure of the Tender period, the Shire had received responses from two parties: Avon Waste, based in York, and Mr Peter Fuchsbichler of Bruce Rock. However, only Avon Waste tendered for Tender for 1.2019.20 (Provision of Recyclable Collection Service), and only Mr Fuchsbichler tendered for Tender 3.2019.20 (Provision of Landfill Site Operation and Management Service).

Both parties submitted a Tender for 2.2019.20 (Provision of Waste Collection Service).

As the Shire’s Environmental Health Officer, Mr Julian Goldacre, commenced a period of Annual Leave immediately prior to the closure of the Tender period, it had been arranged that the Shire Officers would receive support and assistance in the Tender evaluation and assessment process from the Shire of Merredin’s Executive Manager of Development Services, Mr Peter Zenni, if technical direction or guidance was required.

Evaluation and Assessment of Tenders

Each Tender was considered as a separate entity, and each was evaluated on both Price and Qualitative Criteria, with weighting applied across the required areas of performance as provided in the Tender Documentation, and as shown in the following table:

Criteria	Weighting (%)
A) Tendered Price	50
B) Relevant Experience and Reputation	15
C) Tenderers Resources and Availability	10
D) Quality of Plant	10
E) Back Up Plant	10
F) Non-Reliance on Sub-Contractors	5

Total	100
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Due to “Commercial in Confidence” considerations detailed summaries of each individual Tender and the responses received will be provided to the Council at the Meeting.

Consultation

Darren Mollenoyux, Chief Executive Officer
 Julian Goldacre, Environmental Health Officer
 Peter Zenni, Executive Manager of Development Services, Shire of Merredin

Statutory Implications

*Local Government (Functions and General) Regulations 1996
 Division 2 -- Tenders for providing goods or services (s. 3.57)*

Local Government Act 1995, Part 3, Division 3, s.3.57

3.57. Tenders for providing goods or services

- (1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.*
- (2) Regulations may make provision about tenders.*

Local Government (Functions & General) Regulations 1996, Part 4, Division 2, r.11 11.

11 When tenders have to be publicly invited

- (1) Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$150,000 unless sub regulation (2) states otherwise.*

Policy Implications

This item is part of the ongoing operational budget for the Shire. The process was undertaken in line with Council’s Purchasing Policy which also includes the Buy Local and Sustainability policy of Council. The Policy details are outlined below;

Council Policy 2.7 – Purchasing

To give Council guidelines when purchasing goods, works and services under the \$150,000 threshold. The following guidelines are to be followed when making purchasing for items in the listed in the adopted annual budget. This policy also covers “Buy Local and Sustainability” guidance.

In addition, as Mr Fuchsbichler is a Bruce Rock resident the Regional Price Preference Policy (Policy 2.8) was applied to his submission(s).

Risk Implications

Risk: That the Shire does not award the Waste Tenders to the parties best able to deliver quality and cost-effective Waste Services to the community.		
Likelihood	Consequence	Rating
Unlikely	Major	Moderate
Action / Strategy		
The Shire awards the Tenders to parties experienced in and resourced to deliver quality and cost-effective Waste Services to the community.		

Financial Implications

All submissions received have indicated a (relatively small) price increase from previous contracts, and therefore there will need to be additional provision made in the allocated Budgets to accommodate these increases.

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 manner.

Governance

Goal 12 Council leads the organisation in a strategic and flexible manner
12.5 Lead the organisation in a financially responsible and viable manner

Voting Requirements

Absolute Majority

Officer Recommendation

1. That Council awards 1.2019.20 (Provision of Recyclable Collection Service) to Avon Waste.
2. That Council awards Tender 2.2019.20 (Provision of Waste Collection Service) to Avon Waste.
3. That Council awards Tender 3.2019.20 (Provision of Landfill Site Operation and Management Service) to Mr Peter Fuchsbichler

COUNCIL MOTION

Resolution OCM Sep 19 – 11.4.3.1

Moved: Cr Rajagopalan

Seconded: Cr Thornton

1. That Council awards 1.2019.20 (Provision of Recyclable Collection Service) to Avon Waste.
2. That Council awards Tender 2.2019.20 (Provision of Waste Collection Service) to Avon Waste.
3. That Council awards Tender 3.2019.20 (Provision of Landfill Site Operation and Management Service) to Mr Peter Fuchsbichler

MOTION WITHDRAWN

Moved: Cr Rajagopalan

Seconded: Cr Thornton

Council decision varied to Officer Recommendation as Council determined that the economic consequence of not awarding the tender to the Local Business proprietor would result in the loss economic benefit to the community and the flow on benefits that the business provides.

COUNCIL DECISION

Resolution OCM Sep 19 – 11.4.3.2

Moved: Cr Dolton

Seconded: Cr Kilminster

1. That Council awards 1.2019.20 (Provision of Recyclable Collection Service) to Avon Waste.
2. That Council awards Tender 2.2019.20 (Provision of Waste Collection Service) to Peter Fuchsbichler.
3. That Council awards Tender 3.2019.20 (Provision of Landfill Site Operation and Management Service) to Mr Peter Fuchsbichler

CARRIED BY ABSOLUTE MAJORITY 6/2

Mrs MJ Schilling left the Council Chambers at 4.30pm and did not return.

11.5 Chief Executive Officer

Agenda Reference and Subject:	11.5.1 Approval for Special Meeting of Council
File Reference:	2.1.2.7 Special Council Meetings
Reporting Officer:	Darren Mollenoyux, Chief Executive Officer
Author:	Darren Mollenoyux, Chief Executive Officer
Disclosure of Interest	Nil
Attachment Reference	Nil

Summary

Council is asked to approve a Special Meeting of Council on Monday the 21st October 2019.

Background

The 2019 Ordinary Council Elections are being held on Saturday 19th October 2019, which is two days after the October Council Meeting. Following an election, it is a requirement to swear in newly elected and re-elected Councillors and conduct the election for the President and Vice-President.

Comment

The practicality of waiting another month for the swearing in of new Councillors and conducting the election of President and Vice President is not suitable. Council is asked to consider holding a Special Meeting of Council on Monday 21st October 2019 at 5.00pm.

In addition, it would be an opportune time to review and allocate Councils Committees and Delegated Representatives.

Consultation

Shire President, CEO and Management

Statutory Implications

Local Government Act 1995

Section 3.18 Performing Executive Functions

Local Government Act 1995 - Sect 5.4

5.4. Calling council meetings

An ordinary or a special meeting of a council is to be held —

- a) if called for by either —
 - (i) the mayor or president; or
 - (ii) at least 1 / 3 of the councillors,
 - (iii) in a notice to the CEO setting out the date and purpose of the proposed meeting; or
- b) if so decided by the council.

Local Government (Administration) Regulations 1996 - REG 12 Section

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

regulation (3), then the local government is to give public notice of the date, time, place and purpose of the special meeting in the manner and to the extent that, in the CEO’s opinion, is practicable.

Policy Implications Nil

Risk Implications

Risk: If Council does not hold the Special Meeting newly elected Councillors won’t be sworn in and we would have to wait until 21st November 2019 to elect President & Deputy President.

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 Nil

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

Voting Requirements Simple Majority

OFFICER RECOMMENDATION COUNCIL DECISION

Resolution OCM Sep 19 – 11.5.1

Moved: Cr Dolton
Seconded: Cr Thornton

That Council set a Special Meeting of Council for Monday 21st October 2019 commencing at 5.00pm, with the purpose of Swearing in of newly elected Councillors, Election of President, Deputy President and allocation of Committees and Representations.

Carried 8/0

Agenda Reference and Subject:	11.5.2 Wheatbelt Secondary Freight Network
File Reference:	6.1.2.17 Road Grants
Reporting Officer:	Darren Mollenoyux, Chief Executive Officer
Author:	Darren Mollenoyux, Chief Executive Officer
Disclosure of Interest	Nil
Attachment Reference	<i>Item 11.5.2 – Attachment A WSN Governance Plan for LG’s</i> <i>Item 11.5.2 – Attachment B WSN MCA Methodology</i> <i>Item 11.5.2 – Attachment C WSN Program Delivery</i>

Summary

It is requested by the Wheatbelt Secondary Freight Network Steering Committee that the associated 42 Local Governments formalise their commitment to WSN Program, to be eligible for future funding and project consideration, via a formal resolution of Council.

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 (WSN) 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.

Attached is Program Governance Plan (PGP) which identifies how key governance and administrative aspects will be undertaken to ensure successful delivery of the program. It will assist to outline the structure and processes for decision making and consultation within the Wheatbelt Region Regional Road Groups (WR RRG) and Local Governments. The PGP will provide a framework and guidelines for all members of the WSN Program to operate within.

The PGP will be used to communicate to all stakeholders how the program will be governed. This PGP should be read in conjunction with the attached Program Delivery Plan and the Multi-criteria Analysis (MCA) Methodology documents that provide operational details about how on-ground capital works will be delivered for Stage 1 and beyond.

Comment

Now that the initial funding for the delivery of on-ground capital works for Stage 1 has been confirmed, it is proposed that all 42 Local Governments formalise their commitment to WSN Program, to be eligible for future funding and project consideration.

It is requested by the WSN Steering committee that this formal commitment from all 42 Councils be via a formal resolution of Council, which will entail the presentation and acknowledgement of the following WSN program documents:

- Project Governance Plan
- Program Delivery Plan

- Multi Criteria Analysis Methodology.

The 42 Council resolutions will be collated as addendums to a formal agreement that the Regional Road Group will sign with the Federal and State Governments on behalf of all 42 LGs associated with the WSNF program formalising the ongoing commitment to the program.

In order to demonstrate best outcomes and value for money it is necessary to develop a transparent process to identify which routes have the highest priority for the limited available funding. A prioritisation of the Wheatbelt Secondary Freight Network routes will via a multi-criteria analysis (MCA) will be developed to score each route based on the available data submitted by Local Governments and the Revitalising Agricultural Region Freight (RARF) strategy being coordinated by the WA State Government.

The criteria upon which each route will be assessed in the MCA includes:

Data Set	Description
ROSMA KSI Rate	ROSMA data will be supplied by Main Roads WA. It captures the rate of 'Killed or Serious Injury' (KSI) incidents on a route.
Seal Width	The seal width of the road described as a percentage of the route length, allowing an average seal width will be applied across the route. Seal width will be compared to a minimum seal width of 7m as per a Type 5 road.
Road Condition	Shires have assessed road condition on a one to five scale, which has been applied as a direct metric. (Five indicating very poor condition).
ADT Counts	Average Daily Traffic counts provide data on the average number of total vehicles traveling on a road per day over the measurement period, capturing both heavy and light vehicle use.
ESA Counts	An Equivalent Standard Axle is defined as a dual tyred single axle transmitting 8.2 tonne to the pavement. ESA counts are therefore reflective of the total number and load of heavy vehicles that impact a road.

On-ground works for the WSNF program are expected to commence in financial year 2020/21 and be staged over a 3 to 5-year period depending upon Federal Government stipulations.

For the year 2019/20 the WSNF have identified 2 x pilot projects to begin on-ground works and refine project delivery methodologies and processes. These will be \$1 million dollars each and have been identified for the following Shires:

- Wheatbelt North
 - Shire of Victoria Plains
 - Lancelin to Meckering Route
 - Mogumber - Yarawindah Road
 - Project value \$1M
- Wheatbelt South
 - Shire of Quairading
 - Cunderdin to Kweda Route
 - Cunderdin - Quairading Road
 - Project Value \$1M

Workforce Implications

For Officers from LGs with prioritised projects it will be essential to ensure successful delivery of individual projects. This will provide a great opportunity for knowledge sharing and collaboration across the region. It will allow members of the PTT to undertake both informal and formal training of LGA staff to upskill and improve their technical capacity.

Where possible, neighbouring LGs will be encouraged to share technical, workforce and plant resources to assist in the efficient on-ground delivery of individual projects.

The three relevant documents have been provided to Councillors as Attachments to this agenda.

Consultation

This item was prepared using recommended template text from the Wheatbelt Secondary Freight Network Steering Committee.

The Manager of Works & Services, Glenn Casley has reviewed the documents and has raised no concerns. The President was also provided the draft documents for comment during the formalisation process of the item.

Statutory Implications

Local Government Act 1995

Policy Implications Nil

Risk Implications

Risk: Council does not endorse or staff don't meet the requirements for the WSFN Program, then funding may not be received as part of the arrangements.		
Likelihood	Consequence	Rating
Almost Certain	Major	Extreme
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 Deputy Chief Executive Officer will be monitoring progress.		

Financial Implications

Local Governments with projects approved over the course of the WSFN program will be required to contribute approximately 7% of each individual project's total cost. The remaining funding will be provided by Federal Government 80% and State Government 13%.

- Individual Shires will provide the following to the Steering Committee for approval before any funding will be released
 - Scope
 - Budget
 - Methodology
 - Delivery
- WSFN 5 Year Plan incorporated in their LTFFP

- Individual Shires incorporate into Council Budgets Annually
- Funding will be distributed to LGs via MRWA in accordance with Governance Plan

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 & 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

- Goal 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 Simple Majority

Officer Recommendation

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.

Council decision varied to Office Recommendation to include the submission of interest in the Shire hosting a Project Manager.

COUNCIL DECISION

Resolution OCM Sep 19 – 11.5.2

Moved: Cr Thornton

Seconded: Cr Dolton

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 WSFN 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 WSFN.**

Carried 8/0

Cr Rajagopalan left the Council Chamber at 4.42pm.

Agenda Reference and Subject:	11.5.3 Bruce Rock District Club MOU
File Reference:	1.3.11.4 Bruce Rock District Club
Reporting Officer:	Darren Mollenoyux, Chief Executive Officer
Author:	Darren Mollenoyux, Chief Executive Officer
Disclosure of Interest	Cr R Rajagopalan
Attachment Reference	<i>Item 11.5.3 – District Club MOU</i>

Summary

Council is requested to consider and endorse the Memorandum of Understanding (MOU) between the Shire of Bruce Rock and the Bruce Rock District Club Inc for the part use of the Bruce Rock Recreation Centre.

Background

The original MOU between the Shire of Bruce Rock and the Bruce Rock District Club Inc was signed in 2009 and expires in September 2019. Whilst minor amendments had occurred in 2015 it was deemed an appropriate time to undertake a full review of the MOU to modernise the document and assist in providing further clarity around areas of responsibility.

Comment

Over the past few months Council staff have undertake a full review and rewrite of the document, including reviewing the responsibilities of both parties, mutual understandings and clarity around ownership of equipment.

The draft document was sent to the Bruce Rock District Club Inc Committee for feedback and comment. A response was received back from the Club Committee confirming that they approved the MOU, pending a few grammatical points that need to be changed.

A copy of the Memorandum of Understanding is provided as an Attachment to this agenda.

Consultation

- The MOU has been reviewed by Council staff, including Senior Managers.
- The Draft MOU was sent to the Bruce Rock District Club Inc Committee for comment and the minor grammatical changes identified have been correct.

Statutory Implications

Nil

Policy Implications

Nil

Risk Implications

Risk: Not approving the proposed document would lead to the MOU expiring and use of the facility could not proceed in accordance with the terms and conditions outlined.

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 rental set as part of the MOU will remain in line with the fees and charges set by Council during the 2019/2020 Budget and will be reviewed annually.

Strategic Implications

Shire of Bruce Rock Strategic Community Plan 2017-2027

Infrastructure

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

Economy

6.1 Promote our attractions, amenities and activities in a coordinated approach

Governance

12.5 Lead the organisation in a financially responsible and viable manner

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION COUNCIL DECISION

Resolution OCM Sep 19 – 11.5.3

Moved: Cr Waight

Seconded: Cr Foss

1. Council endorses the reviewed Memorandum of Understanding between the Shire of Bruce Rock and the Bruce Rock District Club Inc for the part use of the Bruce Rock Recreation Centre, as presented.
2. That Council extends the Memorandum of Understanding between the Shire of Bruce Rock and the Bruce Rock District Club for the part use of the Bruce Rock Recreation Centre for a further 10-year period to September 2029.

Carried 7/0

Cr Rajagopalan entered the Council Chamber at 4.44pm.

Cr Thornton left the Council Chamber at 4.45pm declaring a proximity interest as now that the lease awarded in Item 11.4.2, is adjoining of the grant applicants.

Agenda Reference and Subject:

11.5.4 Business Townscape Development Grants

File Reference:

1.3.11.3 Business Development Other

Reporting Officer:

Darren Mollenoyux, Chief Executive Officer

Author:

Darren Mollenoyux, Chief Executive Officer

Disclosure of Interest

Nil

Attachment Reference

Summary

Council is asked to consider the applications for the 2019 Local Business Townscape Development Grants received and award successful grants.

Background

In 2013 Council adopted an annual Local Business Townscape Development Grants Program to encourage local businesses to enhance the appearance and accessibility to their premises.

Since its inception there has been mixed success with some great projects being funded, however some of the potentially higher community needs or priority areas have not been addressed.

In late 2017 Council resolved to not open the grant for the 2018 period to enable further consideration of its approach and leave it to be addressed as part of the development of Council's Main Street Revitalisation Strategy.

During the recent development of Council's Main Street Revitalisation Strategy Council addressed the need to re-establish its Local Business Townscape Development Grants and was subsequently set as one of the actions in the final document.

The new guidelines were adopted by Council to reflect Council's views from the Main Street Revitalisation Strategy Workshop. This also recognised that Council needed to offer a higher contribution towards specific projects and reducing the applicant's contribution, to entice businesses to apply.

The overview of the grants is to provide amounts (individual amounts of up to \$10,000 ex GST) of discretionary funds to commercial business owners on Johnson Street Bruce, Rock for upgrades to their premises. These funds are designed to assist with projects that will enhance the aesthetics and accessibility of the area and complement the works in the town centre and in line with Council's Main Street Revitalisation Strategy.

Eligible work must enhance the front setback of the property and be visible from the street and include (but not limited to) the following;

- Installation of automatic doors or disabled access works to front entrance of the building.
- Reconstruction or restoration of the original details such as windows, verandas and fences visible to the street.
- New construction.
- External Painting in sympathetic colours to the general amenity of the area, or other colours as approved to by the Council.
- Repair or replacement of roofing, guttering and above ground drainage that will result in improved appearance to the front of building.
- Other works that enhance the premises and fit the objectives of the fund; (for example: fencing, landscaping, sealed parking and fixed signage/signwriting).

- All improvements must be permanent fixtures.

The assessment criteria is as follows;

- Projects that are highly visible to the public.
- Focus on improved accessibility to the building.
- Ability to complete the project within the timeframe set by the council.
- Evidence of tradesmen's or supplier's quotes.
- Appropriate colour scheme & design.
- Degree of financial contribution by applicant.
- Overall improvement in the appearance and access of the premises or land area.

Generally, grants to individuals will be between \$500 to \$10,000 (ex GST).

The applicant must contribute a minimum of 10% to the overall cost of the works

Comment

At the close of the application period on the 30th August 2019 the following businesses (not listed in any order) submitted grant funding applications:

- **Brownley's Plumbing and Gas**
Installation of fencing, with automatic access gates and signage to southern shed facing on Johnson Street. (leased by Matt Gilbert Carpentry)
Total Project Costs \$10,488, seeking grant of \$8,888
- **Bruce Rock Hotel**
Restoration works to façade and balcony area of the Bruce Rock Hotel.
Total Project Costs \$25,064, seeking grant of \$10,000
- **Bruce Rock Pharmacy**
Painting of front of building and façade including new signage.
Total Project Costs \$6,167, seeking grant of \$5,550
- **Variety Easy Spending Store**
Paint shop front, doors, windows walls and wood panels and to repair render and repaint.
Total Project Costs \$4,795, seeking grant of \$4,359
- **Bruce Rock Meats**
Remove existing entrance and bring in line with paving – installation of automatic doors to shop entrance.
Total Project Costs \$13,615, seeking grant of \$10,000
- **Masons Shopping Centre**
Removal of existing doors and glass panels then install new automatic doors and glass side panels in line with shop front wall.
Total Project Costs \$18,552, seeking grant of \$10,000
- **Bruce Rock Post Office**
Improved disability access to Post Office building by reworking entry with ramp access and removal of step into Post Office.
Total Project Costs \$7,900, seeking grant of \$7,000

A full report and assessment of each grant will be provided to Councillors under separate cover at the meeting.

Consultation

When considering the new grants program Council considered all aspects of its community consultation including;

- Council held a workshop to review each of the key strategies identified in the “Draft” Main Street Revitalisation Strategy on the 18th April 2019.
- Public Consultation - Identified during the development of Council’s Strategic Community Plan 2017 – 2027.

To assist in the awareness of the revamped grants program advertising was conducted both in local paper, website and social media. In addition, the CEO and Executive Assistant visited eligible businesses to hand deliver packages and promote the grant program.

Statutory Implications Nil

Policy Implications

As per the Shire of Bruce Rock’s Local Business Townscape Development Grant 2019 Guidelines.

Risk Implications

Risk: That if Council does not proceed with awarding Local Business Townscape Development Grants then streetscape works and accessibility improvements may not occur.		
Likelihood	Consequence	Rating
Possible	Moderate	Moderate
Action / Strategy		
This item has been evaluated against the Shire of Bruce Rock’s Risk Management Procedure’s Risk Matrix. The perceived level of risk is considered to be “Medium” risk and will be managed by specific monitoring and response procedures.		

Financial Implications

Council allocated a budget provision in the 2019/2020 of \$20,000, however there is no requirement to award the full amount during the grant round if projects aren’t deemed as a priority.

Generally, grants to individuals will be between \$500 to \$10,000 (ex GST).
The applicant must contribute a minimum of 10% to the overall cost of the works

Strategic Implications

Shire of Bruce Rock Strategic Community Plan 2017-2027

Infrastructure

- Goal 2 Maintain Shire owned facilities in a strategic manner and also to meet the community needs.
- 2.4 Support the improvement and maintenance of assets in a strategic manner

Economy

- Goal 3 Assist the local economy to grow
 - 3.1 Continue business improvement grants
 - 3.5 Improve signage, infrastructure and aesthetics to link both sides of the Bruce Rock main street that encourages patronage and a reason to visit /stop
- Goal 6 Tourism helps to diversify our local economy
 - 6.1 Promote our attractions, amenities and activities in a coordinated approach

Community

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

Governance

12.5 Lead the organisation in a financially responsible and viable manner

Main Street Revitalisation Strategy

That Council's Local Business Townscape Development Grants be re-established

Voting Requirements Simple Majority

Officer Recommendation

That Council considers the applications received for the Local Business Townscape Development Grant 2019 and award funding the projects deemed to have met the criteria and ranked highest priority, whilst remaining within the total funding budget allocation for 2019/20.

COUNCIL MOTION

Resolution OCM Sep 19 – 11.5.4

Moved: Cr Rajagopalan

Seconded: Cr Waight

Masons Shopping Centre

Removal of existing doors and glass panels then install new automatic doors and glass side panels in line with shop front wall.

Grant of \$10,000

Variety Easy Spending Store

Paint shop front, doors, windows walls and wood panels and to repair render and repaint.

Grant of \$4,359

And

That Council retains balance (\$5641) for future consideration.

Motion Lost 2/5

Council Motion and Council decision varied to Officer Recommendation to allocate funding following assessment of grant applications received.

COUNCIL DECISION

Resolution OCM Sep 19 – 11.5.4

Moved: Cr Foss

Seconded: Cr Crooks

That Council approves the following applications for the Local Business Townscape Development Grant 2019 as these projects were deemed to have ranked highest priority and met the criteria.

Masons Shopping Centre

Removal of existing doors and glass panels then install new automatic doors and glass side panels in line with shop front wall.

Grant of \$10,000

Bruce Rock Meats

Remove existing entrance and bring in line with paving – installation of automatic doors to shop entrance.

Grant of \$10,000

Carried 5/2

Cr Thornton entered the Chamber at 5.05pm.

Agenda Reference and Subject:	11.5.5 CEO Annual Leave Request – September 2019
File Reference:	Personnel
Reporting Officer:	Darren Mollenoyux, Chief Executive Officer
Author:	Darren Mollenoyux, Chief Executive Officer
Disclosure of Interest	Darren Mollenoyux, Chief Executive Officer
Attachment Reference	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 Sep 19 – 11.5.5.1

Moved: Cr Rajagopalan

Seconded: Cr Kilminster

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 8/0

Summary

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

Background

At the May 2019 Ordinary Meeting of Council, the following resolution was made in relation to the Chief Executive Officer's request for Annual Leave:

- 1. Approve the annual leave of the Chief Executive Officer, Darren Mollenoyux for the period commencing on Friday 27th September 2019 up to and including Monday 7th October 2019.*
- 2. Appoint the Deputy Chief Executive Officer, Alan O'Toole as the Acting Chief Executive Officer for the period from Friday 27th September 2019 up to and including Monday 7th October 2019 and that Mr O'Toole is paid at higher duties during this period.*

The Chief Executive Officer is seeking to extend his annual leave by a further 4 days making the return to work date the 14th October 2019.

It is a requirement that an Acting Chief Executive Officer be appointed during this length of absence.

Comment

I have held discussions with the Deputy CEO, Alan O'Toole and I am confident that he is capable and suitable to be appointed as Acting CEO during this period.

There are no significant meetings during this period, however it is just prior to the election on the 19th October 2019. The CEO has discussed this with both the Deputy Returning Officers (DCEO & EA) and I will have everything in place ready for the election so there should be no negative implications.

The Chief Executive Officer has sufficient accrued annual leave for the requested period.

Consultation

Deputy Chief Executive Officer, Alan O’Toole (Electoral Deputy Returning Officer)
Executive Assistant, Melissa Schilling (Electoral Deputy Returning 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 Sep 19 – 11.5.5.2

Moved: Cr Kilminster

Seconded: Cr Dolton

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 8/0

OFFICER RECOMMENDATION COUNCIL DECISION

Resolution OCM Sep 19 – 11.5.5.3

Moved: Cr Thornton

Seconded: Cr Crooks

- 1. Approve the extension of annual leave of the Chief Executive Officer, Darren Mollenoyux to now be for the period commencing on Friday 27th September 2019 up to and including Friday the 11th October 2019.**
- 2. Appoint the Deputy Chief Executive Officer, Alan O’Toole as the Acting Chief Executive Officer for the period from Friday 27th September 2019 up to and including Friday 11th October 2019 and that Mr O’Toole is paid at higher duties during this period.**

Carried 8/0

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

Agenda Reference and Subject:	12.1 Western Australian Planning Commission application number 158301 subdivision for Rural and Homestead Lots.
File Reference:	
Reporting Officer:	Mr Julian Goldacre Environmental Health Officer
Author:	Mr Julian Goldacre Environmental Health Officer
Disclosure of Interest	Nil
Attachments	<i>Item 12.1 Attachment A - Planning Commission Referral Letter</i> <i>Item 12.1 Attachment B - Lot 243 Old Beverley Road & Lot 11248 Shackleton Road, Shackleton - Cover Letter</i> <i>Item 12.1 Attachment C - Bushfire Prone Area Statement</i>

Summary

Inform the Western Australian Planning Commission that the proposed Application No: 158301 – Lot No 11248, 243 Old Beverley Rd Babakin as presented in Attachments B and C is supported. That Council recommends a condition being a Memorial on the Title of the homestead lot as detained in Council resolution for consideration by the Western Australian Planning Commission.

Background

The local government of Bruce Rock received an application for subdivision of rural land from the Western Australian Planning Commission numbered 158301 in August 2019 as presented in Attachment A. The application has been facilitated by the Planning company Harley Dykstra (Applicant) on behalf of the owner. A review of the supporting documentation provided in Attachment B is coherent with State and Local Planning framework and details.

Comment

Observation of the details of the proposed subdivision contained in Attachment A shows clearly two rural lots to be realigned thus resulting in two sizable lots continuing rural endeavours. It is also proposed that a third lot be created to excise out the farm dwelling and appurtenant storage structures and rainwater tanks referred to as a 'homestead lot'. It is observed that the creation of the separate homestead lot will not impact the use of usable farm land as is already developed and quarantined from normal farm uses.

Homestead lots seek to allow the creation of modest sized dwelling options in rural areas where otherwise as a result of farm consolidation farm dwelling/s become redundant. Homestead lots can be used for people seeking the 'rural retreat and/or lifestyle' which can cause issues with the general use of the surrounding rural land such as smoke from burning activities, dust from machinery use and/or weather, spray drift, noise, and odours. As this proposed subdivision in respect to the homestead proposal has potential into the future to attract potential purchase from a wide variety of persons it is considered prudent to request a placement of a Memorial (notification on Title).

The EHO has consulted Planning Bulletin No 3/2017 which outlines the requirements for a Memorial and has deemed the reasoning for doing so as valid. Furthermore, the 'Model Subdivision Conditions Schedule, May 2019' provides a suitable example which can be reasonably extrapolated from the 'market garden' land use example to broadacre farming endeavours. The proposed Memorial, pursuant Section

70A of the *Transfer of Land Act 1897*, for the consideration of the Western Australian Planning Commission, is detailed below:

“The landowner/applicant shall provide a written undertaking to the satisfaction of the Western Australian Planning Commission to ensure that prospective purchasers of Proposed Lot B homestead lot of 4.486 hectares is within close proximity of broadacre farming operations are notified on contracts of sale of the existence of the broadacre farming operations and the potential to be affected by smoke from burning activities, dust from machinery use and/or weather, spray drift, noise, and odours that this broadacre farming land use may cause. ‘Broadacre farming’ has the meaning given to it in the Shire of Bruce Rock Animals, Environment and Nuisance Local Law 2016”.

The Applicant has provided the required information for the assessment within Attachment B clause 4.5 WAPC SPP 3.7 – Planning in Bushfire Prone Areas, Furthermore Attachment C gives a suitable summary of the Bushfire Attack Level (BAL) report as completed by Mr C Plug, Senior Planner – Level 1 Accredited Bushfire Practitioner. Both BAL descriptions as stated are accepted as suitable assessments as provided by the Level 1 Accredited Bushfire Practitioner.

It is recommended by the EHO that an Advice note is included to advise that the provision of domestic refuse and recyclable collection is only provided for within the gazetted townsite boundaries of Bruce Rock, Babakin, Ardath and Shackleton.

Consultation

Nil

Statutory Implications

*Transfer of Land Act 1897; and
Planning and Development Act 2005; and
Shire of Bruce Rock Animals, Environment and Nuisance Local Law 2016.*

Policy Implications

State Planning Policy 3.7 Planning in Bushfire Prone Areas;

Risk Implications

Risk: Applicant appeals against the lodging of a memorial on the proposed Lot B homestead Title.		
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

Nil

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Governance

- Goal 4.3 Promote existing residential land and plan for future commercial and residential land developments to meet current and future needs.
- 6.3 Investigate incentives for increased / improved accommodation venues.

Voting Requirements

Simple majority.

OFFICER RECOMMENDATION COUNCIL DECISION

Resolution OCM Sep 19 – 12.1

Moved: Cr Thornton

Seconded: Cr Waight

- 1 Inform the Western Australian Planning Commission that the proposed Application No: 158301 – Lot No 11248, 243 Old Beverley Rd Babakin as presented in Attachments B and C is supported; and**
- 2 Recommend the following condition that a Memorial be placed on the land Title of the proposed homestead Lot B pursuant to the Statutory instrument provided in Section 70A of the Transfer of Land Act 1897 as follows - “The landowner/applicant shall provide a written undertaking to the satisfaction of the Western Australian Planning Commission to ensure that prospective purchasers of Proposed Lot B homestead lot of 4.486 hectares is within close proximity of broadacre farming operations are notified on contracts of sale of the existence of the broadacre farming operations and the potential to be affected by smoke from burning activities, dust from machinery use and/or weather, spray drift, noise, and odours that this broadacre farming land use may cause. ‘Broadacre farming’ has the meaning given to it in the Shire of Bruce Rock Animals, Environment and Nuisance Local Law 2016”.**

Council provides the following Advice note for information that the provision of domestic refuse and recyclable collection is only provided for within the gazetted townsite boundaries of Bruce Rock, Babakin, Ardath and Shackleton.

Carried 8/0

Agenda Reference and Subject:

12.2 Application 158315 for the subdivision of rural land Lots 17864 & Lot 20076.

File Reference:

Reporting Officer:

Mr Julian Goldacre Environmental Health Officer

Author:

Mr Julian Goldacre Environmental Health Officer

Disclosure of Interest

Nil

Attachments

Item 12.2 Attachment A - subdivision of rural land Lots 17864 & Lot 20076;

Item 12.2 Attachment B - WAPC referral letter Application 158315.

Summary

Council supports the proposed subdivision and makes comment that the two proposed Lots are designated as bushfire prone areas.

Background

The Local Government of Bruce Rock received notification of application 158315 from the Western Australian Planning Commission (WAPC) inviting comment for a proposed subdivision (Item 12.2 Attachment B). The purpose for such a referral is to give the Local Government the opportunity to provide information, comment or recommended conditions for consideration by the WAPC.

Comment

A review of the document provided (Item 12.2 Attachment A) reveals the proposed subdivision seeks only to realign the Lot boundaries, no new Lot/s are proposed. Proposed Lot 20076 (Lot A) will be increased from 204 hectares to 337 Hectares; the proposed Lot 17864 (Lot B, divided by the Old Beverley Road) will be increased from 340 hectares to 472.6 Hectares. The land is zoned Rural pursuant to the Shire of Bruce Rock Local Planning Scheme No 3 and the boundary realignments will still allow for road access to both Lots.

One observation made is the application to the WAPC by the applicant stated 'No' to the question 'Is the development with in a Bushfire Prone Area?'. A review of the Map of Bush Fire Prone Areas indicates that the proposed subdivision Lots have bushfire prone areas. This observation will be provided to the WAPC as a comment for their consideration although it is noted in Item 12.2 Attachment B.

Consultation

Nil

Statutory Implications

Planning and Development Act 2005.

Policy Implications

Nil

Risk Implications

Risk: None identified.		
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 can be managed by routine procedure, and is unlikely to need specific application of resources.		

Financial Implications

Nil.

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Governance

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

Voting Requirements

Simple majority

<p>OFFICER RECOMMENDATION COUNCIL DECISION Resolution OCM Sep 19 – 12.2</p> <p>Moved: Cr Dolton Seconded: Cr Thornton</p> <p>That Council resolves to: 1 Support application 158315 as presented by the Western Australian Planning Commission for the subdivision of Lots 17864 and Lot 20076 detailed in Attachments A and B; and 2 Provides the comment that the two subject lots are designated as bushfire prone areas.</p> <p style="text-align: right;">Carried 8/0</p>
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Mr A O’Toole left the Council Chamber at 5.12pm.

13. Confidential Items

Agenda Reference and Subject:	13.1 CEO Performance Appraisal Process
File Reference:	Personnel
Reporting Officer:	Darren Mollenoyux, Chief Executive Officer
Author:	Darren Mollenoyux, Chief Executive Officer
Disclosure of Interest	Darren Mollenoyux, Chief Executive Officer
Attachment Reference	<i>Attachment 13.1 - Confidential Report from John Phillips Consulting</i>

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION COUNCIL DECISION

Resolution OCM Sep 19 – 13.1

Moved: Cr Rajagopalan

Seconded: Cr Foss

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 8/0

COUNCIL DECISION

Resolution OCM Sep 19 – 13.2

Moved: Cr Rajagopalan

Seconded: Cr Kilminster

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 8/0

COUNCIL DECISION

Resolution OCM Sep 19 – 13.3

Moved: Cr Kilminster

Seconded: Cr Foss

- 1. Notes that Mr Darren Mollenoyux’s Performance Review in his role as Chief Executive Officer for the Shire of Bruce Rock 2019 annual appraisal has been undertaken;**
- 2. Endorses Mr Mollenoyux’s overall rating of ‘Meets Performance Requirements’ (and to a high standard).;**
- 3. Endorses the Key Performance Indicators for the 2019/20 appraisal period;**
- 4. Councillors and Mr Mollenoyux discussed the CEO’s Total Reward Package and agreed that in lieu of an increase in salary, Executive Days-Off be considered as an additional leave benefit;**
- 5. Schedules the next review of the CEO’s performance to be commenced by 1 July 2020 and completed by the August 2020 Ordinary Meeting of Council.**
- 6. Varies the contract of employment to include an Executive Leave entitlement as follows:**
 - (1) 9.4 Executive Leave**
 - (1) You are entitled to six (6) days paid Executive leave each year in acknowledgement of the requirement to undertake your role, including travel away from home, in excess of reasonable and additional non-remunerated hours of duty.**
 - (2) For the avoidance of doubt, contract clause 5.1(3)(a) does not apply to the Executive Leave entitlement.**
 - (3) Executive Leave will only accrue to a maximum of two (2) days in any one instance and for the avoidance of doubt any unused accrual in excess of two (2) days will lapse.**
 - (2) Variation of the contract to take effect from the date of resolution by Council, with one (1) day of Executive Leave credited on the relevant date.**

Carried 8/0

Mr A O’Toole entered the Council Chamber at 5.18pm.

14. Closure of Meeting

The Shire President, Stephen Strange thanked everyone for their attendance and declared the meeting closed at 5.19pm.

These minutes were confirmed at a meeting on 17 October 2019.

Cr Stephen Strange
Shire President
17 October 2019