SHIRE OF BRUCE ROCK

MINUTES – ORDINARY MEETING 12 SEPTEMBER 2018

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SHIRE OF BRUCE ROCK

MINUTES - ORDINARY MEETING 12 SEPTEMBER 2018

1. Declaration of Opening

The Shire President Cr SA Strange declared the meeting open at 1.30pm

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

President Cr SA Strange

Deputy President Cr R Rajagopalan

Councillors Cr IS Dolton

Cr NC Kilminster

Cr PG Negri

Cr MK Thornton

Cr BJ Waight

Chief Executive Officer Mr DRS Mollenoyux

Deputy Chief Executive Officer Mr A O'Toole

Manager of Works & Services Mr G Casley (1.51pm to 2.44pm)

Manager of Finance Mrs JL Bow (1.51pm to 2.48pm)

3. Declarations of Interest

In accordance with Section 5.65 of the Local Government Act 1995 the following disclosures of **financial** interest were made at the Council meeting.

Date	Name	Item No	Reason

In accordance with Section 5.65 of the Local Government Act 1995 the following disclosures of **Closely Association Person and Impartiality** interest were made at the Council meeting.

Date	Name	Item No	Reason

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

Date	Name	Item No	Reason

4. Response to Previous Public Questions Taken on Notice

5. Public Question Time

6. Petitions/Deputations/Presentations/Submissions

7. Applications for Leave of Absence

Cr Thornton requested Leave of Absence for the Ordinary Council Meeting to be held on 18th October 2018.

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Aug 18 - 7.1

Moved: Cr Rajagopalan Seconded: Cr Waight

That Cr Thornton be granted Leave of Absence for the Ordinary Council Meeting to be held on the 18th October 2018.

Carried 7/0

8. Announcements by Presiding Member

On 12 September the unveiling of a Purple Bench now sited in front of the Shire Offices as part of the "Purple Bench Initiative" was well attended and showed the community's support for this important cause. The "Purple Bench Initiative" honours victims of domestic homicide and raises awareness of this issue within the community. This was a joint endeavour involving various groups including the Bruce Rock Wheatbelt Youth Council, the District High School, the CRC, WA Police and the Shire of Bruce Rock to show support for the Women's Council for Domestic and Family Violence Services.

9. Confirmation of Minutes

Ordinary Meeting of Council held on Thursday 16 August 2018.

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Sep 18 – 9.1

Moved: Cr Waight Seconded: Cr Kilminster

That the minutes of the Ordinary Meeting of Council held Thursday 16 August 2018 be confirmed as a true and correct record.

10. Status Report

Presentation of Status Report for August 2018 Resolutions

ITEM	RESOLUTION / ACTION REQUIRED	RESPONSIBLE OFFICER	RESPONSE OR STATUS
Review of three-month trial for Mr S & Mrs K Hunter and Mrs D Anderson of Bruce Rock townsite for the keeping of roosters	1. To notify Mr Shane and Mrs Kylie Hunter at 30 Farrall Street in writing that their efforts to minimise the rooster crowing between 7PM and 7AM is recognised and that they can keep their roosters provided no further complaints regarding their roosters are made which if this was to occur the local government of Bruce Rock will again work with them to resolve the matter. 2. That a selection of roosters currently in the care and/or ownership of Mrs Dee Henderson at 31 Butler Street as explained to the EHO being up to 14 roosters are to be surrendered to the Ranger service for removal before the 19 September 2018 to leave a manageable number that will not cause nuisance and/or be unable to be effectively managed not to be a nuisance; 3. That Mrs Dee Henderson at 31 Butler Street must undertake to keep any remaining roosters into low roofed coop/s of a height that effectively prevents the roosters to crane their necks to crow between the hours of 7pm and 7am or any other reasonably determined method to achieve the same; and 4. That the extended trial period to keep roosters by Mrs Dee Henderson at 31 Butler Street is to remain valid for one month dated from the date of this Council meeting and that the Environmental Health Officer will report back to Council on the outcome and to determine if the roosters can remain to be kept at 31 Butler Street.	EHO	Letters dated 17.08.18 completed and sent. Will follow up first week in September.
Resolution Aug 2018 – 12.4.2 December Council Meeting and Function	 That the December Council Meeting date be changed from Thursday 20 December at 1.30pm to Tuesday 18th December 2018 at 1.30pm; and That the Christmas Function be held on Tuesday 18 December 2018. 	DCEO	Public Notice has been given for change of Council Meeting date.
Resolution Aug 2018 – 12.4.3 Lease of Bruce Rock Quarry	1. That a Lease to operate the Bruce Rock Quarry be offered by Tender for a two-year period, with the option of a further year with the agreement of both parties.	DCEO	Works have commenced on preparing a new Tender offer. Letter to Mining and Drilling Pty Ltd

	2. That Council approve Mining and Drilling Services Pty Ltd be formally notified by letter of the cessation of the August 2016 Lease.		on 23 August 2018.
Resolution Aug 2018 – 12.4.4 Local Emergency Management Arrangements 2018	That Council endorses the Local Emergency Management Arrangements (2018) for the Shire of Bruce Rock, as presented.	DCEO	LEMA has been forwarded to DEMC for comment and will then go to SEMC for endorsement.
Resolution Aug 2018 – 12.5.2 Variation of September 2018 Council Meeting Date	That Council reschedules the September 2018 Ordinary Meeting of Council from Thursday 20th September 2018 to 12th September 2018, commencing at 1.30pm. And Give public notice of the change of meeting details for the September 2018 Ordinary Meeting of Council.	CEO	Public Notice has been given for change of Council Meeting date.
Resolution Aug 2018 – 12.5.3 Wheatbelt Secondary Freight Route Project - Commitment of Funding	1. Notes the Secondary Freight Routes Project Development report; 2. Supports the strategic intent of the Secondary Freight Routes project; 3. Authorises the Chief Executive Office to prepare and sign a letter of support in favour of an application for Federal Government Funding under the Building Better Regions Program to develop the Secondary Freight project; and 4. Endorses in principle an allocation of \$6,000 in 2018/19 to co-fund Secondary Freight Route Project development subject to a successful Building Better Regions Program application.	CEO	Letter sent to WBS RRG confirming Council's support.
Resolution Aug 2018 – 12.5.4 Draft Template Election Caretaker Period	That Council has no comment on WALGA's Draft Template Policy – Election Caretaker Period.	CEO	WALGA's Governance Officer advised of Council's position.
Resolution Aug 2018 – 13.1 Application for Development Approval Lot 122 Curlew Drive Bruce Rock townsite for over height and sized outbuilding – Reviewed Design	That Council resolves to approve the: 1. Application for Development Approval lot 122 Curlew Drive Bruce Rock townsite (Attachment 13.1-A) for the over height and sized outbuilding Part 8, Clause 63 'Accompanying materials' Planning and Development (Local Planning Schemes) Regulations 2015 requested exemptions as listed in Attachment 13.1-C being Clause 63(1)(a)(iv) & (v, part of), & (vii)&(viii) & (ix)&(x) & Clause 63(b, part of) & (c)&(d). 2. Application for Development Approval lot 122 Curlew Drive Bruce Rock townsite (Attachment 13.1-A) for the outbuilding clad in 'surfmist' coloured cladding of 4,594mm ridge height, 4,000mm wall height, 7.50 roof pitch and 153m2 floor area and the boundary setbacks	ЕНО	Letter dated 17 August 2018 sent to applicant with stamped CEO approved document and planning approval form signed by CEO. Copied to shed builder, architects and applicant via email.

of up to 0mm for the west facing wall at the boundary and up to 1,000mm setback for the north facing wall at the boundary as detailed in Attachments 13.1-B.

That Council provides the following Advice Note to assist the applicant with requirements for stormwater management as required under other written laws and Code being:

2.1 All stormwater collected by the outbuilding gutters and discharged through downpipes is required to be suitably plumbed into a stormwater drainage system within the Lot 122 Curlew Drive boundary out onto the road OR into a water tank/s. Any overflow discharged from the water tank/s is required to be suitably plumbed into stormwater drainage pipes out onto Curlew Drive. These requirements will assist in negating stormwater intrusion into the apparatus for the treatment of sewerage and as far as practicable to prevent stormwater entering onto other property boundaries which are matters governed by the Building Code of Australia, Health (Miscellaneous Provisions) Act 1911, Local Government Act 1995 and subsidiary legislation and Local Laws. Consultation with the Shire of Bruce Rock Works Manager is invited for the provision of a 'cut' into the street kerbing to accommodate the stormwater plumbing discharge point.

Status Report
Ongoing items as at September 2018

ITEM	RESOLUTION / ACTION REQUIRED	RESPONSIBLE OFFICER	RESPONSE OR STATUS
Resolution August 16–13.1.10 Duplicate Road Name – Buller Road	Council resolved to request that Buller Road outside of the town site be renamed to Buller North Road, and the Buller Road within the gazetted town site be renamed to Buller St.	MOF	Address matching ½ completed by Landgate. Slow process going through addresses one by one. Will look into duplicate road names once process of updating addresses is completed.
Resolution March 17 - 11.5.2 CEACA – Sale of Land for Independent Living Units	That in accordance with section 3.58 of the Local Government Act Council resolves to dispose of Lots 26,27,28, 56 and 57 Butcher Street, Bruce Rock to the Central East Aged Care Alliance (CEACA) Inc. under the following terms; a) At no cost, as the land is Council's in-kind contribution to the CEACA Independent Living Unit's project; b) All outgoings including rates, insurance and utilities to be paid by CEACA.	CEO	Advice given to CEACA on the transfer of land, awaiting CEACA response with details to complete documentation.
Resolution September 17 – 13.1.2 Provision of Housing for GROH	That Council approves the Chief Executive Officer to investigate floor plans and building costs for a four bedroom, two-bathroom residence to be constructed at 118 Curlew Drive, Bruce Rock to be leased to GROH for teaching staff; and The proposal be presented back to Council for approval prior to progressing to stage 2 of the process set out by GROH.	CEO	The CEO will provide an update at the September 2018 Council Meeting.
Resolution December 17 – 12.5.4 Rental Accommodation	That staff engage an appropriate consultant to prepare a Housing Needs Analysis focusing on Rental Accommodation for the Shire.	CEO	Liaising with Access Housing to seek consultation for Housing Needs Analysis for Bruce Rock.
Resolution Mar 18 – 12.5.6 Request for BMX Track	That Council staff undertake initial consultation with key groups to ascertain the best location and wants/needs of the youth for the establishment of a BMX track within Bruce Rock town site. With further information to be presented to Council on the insurance and compliance matters that may be associated with the establishment of a track and its location. And That Council staff investigate the options available and potential required	CEO	Due to workload this has not been actioned. It is envisaged that this will occur in late April 2018. The CEO and CDO have held a workshop with the school students. Data and results have been

	area for any future expansion of the Bruce Rock Caravan Park located on		compiled.
	Reserve 24756 and report details back to Council for consideration.		Details on the workshop outcomes
			will be provided at the July 2018
			Council Meeting.
Resolution Mar 18 – 12.5.12	1. That the Shire of Bruce Rock adopt the report of the review of the local	CEO	Referred back to Consultant.
Review of Local Laws Outcome	laws under S3.16 of the Local Government Act 1995 and note that no		
Report	community submissions were received in respect to the following local laws:		
	 Activities on Thoroughfares and Trading in Public Places Local Law 2004; Dogs Local Law 2005; 		
	Parking and Parking Facilities Local Law;		
	 Local Law Relating to the Management and Control of Bruce Rock Cemetery 2004; 		
	Local Laws Relating to Fencing;		
	Local Government Property Local Law; and		
	• Local Government Model By-laws Removal and Disposal of Obstructing Animals or Vehicles No 7.		
	2. That the Shire of Bruce Rock determine that the outcome in respect to each local law is as follows:		
	a. Shire of Bruce Rock Activities on Thoroughfares and Trading in Public		
	Places Local Law 2004 be amended as outlined in the report;		
	b. Shire of Bruce Rock Dogs Local Law 2005 be amended as outlined in the report;		
	c. Shire of Bruce Rock Parking and Parking Facilities Local Law not be amended due to the minimal nature of the amendments;		
	d. Shire of Bruce Rock Local Government Property Local Law be amended as		
	outlined in the report;		
	e. Shire of Bruce Rock Local Law Relating to the Management and Control of		
	Bruce Rock Cemetery 2004 be amended as outlined in the report;		
	f. Shire of Bruce Rock Local Laws Relating to Fencing be amended as		
	outlined in the report;		
	g. Shire of Bruce Rock Local Government Property Local Law be amended as		
	outlined in the report; and		
	h. Shire of Bruce Rock Local Government Model By-laws (Removal and		
	Disposal of Obstructing Animals or Vehicles) No 7 be further reviewed to		

	determine whether existing local laws or legislation may satisfy the purpose and effect of the local law.		
Resolution June 18 - 12.1.2 Retrospective extension of current Avon Waste Recyclables Collection Contract	1. To formally write to Stondon Pty Ltd trading as 'Avon Waste' to offer to retrospectively continue to provide the kerbside and bulk bin recycling collection services until the 22 October 2019 as detailed in the Deed signed by Stondon Pty Ltd and the Shire of Bruce Rock on the 1 December 2018 and authorises the Chief Executive Officer to undertake this process for Council by authority of this Resolution; and 2. Should Stondon Pty Ltd trading as 'Avon Waste' be accepting to retrospectively continue to provide the kerbside and bulk bin recycling collection services until the 22 October 2019 that Council Pre-emptively endorse this acceptance to continue to use Stondon Pty Ltd for the provision kerbside and bulk bin recycling collection services until the 22 October 2019 and authorises the Chief Executive Officer to undertake to formally endorse this service on behalf of Council by authority of this Resolution.	EHO	Correspondence sent to Avon Waste. Avon Waste has responded to be tabled at the OCM August 2018.
Resolution June 18 – 12.1.3 Extensions of current kerbside refuse collection and landfill management contract.	That Council resolves to: 1. To formally write to Mr P Fuchsbichler to offer to retrospectively continue to provide the kerbside refuse collection and landfill management until the 30 May 2019 as detailed in the Deed signed by Mr P Fuchsbichler and the Shire of Bruce Rock and authorises the Chief Executive Officer to undertake this process for Council by authority of this Resolution; and 2. Should Mr P Fuchsbichler be accepting to retrospectively continue to provide the kerbside refuse collection and landfill management until the 30 May 2019 that Council pre-emptively endorse this acceptance to continue to use Mr P Fuchsbichler for the provision of kerbside refuse collection and landfill management until the 30 May 2019 and authorises the Chief Executive Officer to undertake to formally endorse this service on behalf of Council by authority of this Resolution.	EHO	Correspondence sent to Peter Fuchsbichler. Peter Fuchsbichler has verbally agreed to contract extension. EHO to track down Peter and have him sign a new extension.
Resolution July 2018 – 12.1.3 Inspection of Swimming Pool and Spa safety barriers	Authorise the Chief Executive Officer to administrate the requirements for private swimming and spa pool safety barrier inspections within the gazetted townsite of the Bruce Rock Shire on an annual occurrence in a practicable manner with consideration of available staff resources and capabilities per annum.	EHO	Administrative requirement actioned by EHO in liaison with CEO potential policy item into the future.

Resolution July 2018 – 12.3.4	That Council agrees to provide a financial subsidy to property owners within	MOF	Waiting for Water Corporation to
STED Scheme	the STED Scheme area to connect to the STED Scheme within 3 years from		advise STED is operational.
	the date the Water Corporation deems the Scheme operational, subject to		Application form also still be to
	the following;		developed.
	a. The subsidy to be paid will be;		
	i) \$1,000 for the owners of residential or commercial properties;		
	ii) \$1,250 for the owners of residential properties that are registered		
	Seniors with the Shire under the Pensioner Rebate Scheme; or		
	iii) \$1,500 for the owners of residential properties that are registered		
	pensioners (including Seniors with Commonwealth Senior Health Cards)		
	under the Pensioner Rebate Scheme.		
	b. Council will only subsidise one connection per rateable assessment;		
	c. Adopt the new policy regarding connections to the STED Scheme;		
	d. The subsidy will be payable direct to the plumber after the works have		
	been completed and the invoice issued to the property owner and a		
	copy provided to the Shire Administration Office.		
	e. Council will provide appropriate sand or fill for the decommissioning of		
	the land owner's leach drains.		

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Aug 18 – 10.1

Moved: Cr Thornton Seconded: Cr Rajagopalan

That Council receives the Status Reports as presented.

11. Regional Reports

Agenda Reference and Subject:

11.1 Wheatbelt Communities Meeting August 2018

File Reference:

Reporting Officer: Darren Mollenoyux, Chief Executive Officer

Disclosure of Interest Nil

Summary

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

Background

The Wheatbelt Communities Inc. held their Committee Meeting on the 22nd August 2018 at the Shire of Westonia

Comment

To assist with the Councillors' continued understanding and updates on Wheatbelt Communities and its associated projects, the minutes will be presented for receiving after each Meeting.

A copy of the minutes has been provided to Councillors for their information.

Consultation Nil

Statutory Implications Nil

Policy Implications Nil

Financial Implications Nil

Strategic Implications

<u>Shire of Bruce Rock – Strategic Community Plan 2017-2027</u>

Governance

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

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

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Sep 18 - 11.1

Moved: Cr Rajagopalan Seconded: Cr Thornton

That Council receives the minutes and endorses the actions and resolutions of the Wheatbelt Communities Inc. Meeting held on the 22nd August 2018 at the Shire of Westonia.

11.2 WEROC Council Meeting August 2018

File Reference: 1.6.9.1 Meeting Minutes and Agendas WEROC

Reporting Officer: Darren Mollenoyux, Chief Executive Officer

Disclosure of Interest

Summary

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

Background

The last WEROC Council Meeting was held on Wednesday 22nd August 2018 at the Westonia Council Chambers.

Comment

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

The following items are highlighted for Councils' attention;

6.4 Ongoing Development of the WEROC App and Website

There are still ongoing matters that require addressing with both the functionality of the App and Website and also the promotion and take up of local businesses and other subscribers.

Additional Meeting Comment:

The meeting considered how best to "move forward" with the development of both the WE-ROC App and website. It was agreed that before developing a marketing strategy more work must be done to engage with business across WE-ROC to engage with businesses to educate them about the app, its purpose and how they can benefit from it (across all member Shires). This work could also see to determine their views on how the App could be improved, within the current constraints of the App;

To undertake this work would "place on hold" the completion of Stage 2 of the current contract that WE-ROC (through Wheatbelt Communities Inc) has with the WBN.

Stage Two of the current contract requires that the WBN:

- Promote and encourage more businesses to register for the app so they appear on it (in each Shire);
- Load Heartlands WA business database (extract only WEROC member data) into the app;
 and
- Develop a one-page marketing strategy for the app targeted at local business and cross promotion.

Stage Two work was set to be undertaken during May-October 2018.

Stage 3 of the current contract requires that the WBN:

- Engage with businesses to educate them about the app, its purpose and how they can benefit from it (across all member Shires); and
- Continue to have businesses register on the app.

A date for work associated with Stage Three has yet to be determined. Negotiations with WBN are required for this to occur and a costing not developed and or agreed to between the WBN and WE-ROC.

RESOLUTION: Moved: Cr Forsyth Seconded: Mr Powell

That WE-ROC enter into discussions with the Wheatbelt Business Network (WBN) to postpone completion of Stage Two of work associated with improvements and further development of the WE-ROC App and website in order to undertake Stage Three of the contract between its contract with the WBN.

A copy of the minutes has been provided to Councillors for information.

Consultation Nil
Statutory Implications Nil
Policy Implications Nil
Financial Implications Nil

Strategic Implications

<u>Shire of Bruce Rock – Strategic Community Plan 2017-2027</u>

Governance

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

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

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Sep 18 – 11.2

Moved: Cr Negri

Seconded: Cr Rajagopalan

That Council receives the minutes of the WEROC Council Meeting held on Wednesday 22nd August 2018 at the Westonia Council Chambers.

12. Officers' Reports

12.1. Environmental Health Officer

Agenda Reference and Subject:

12.1.1 Environmental Health Officer Information Bulletin for the

period of August 2018

File Reference:

Reporting Officer: Julian Goldacre, Environmental Health Officer

Disclosure of Interest Nil

Summary

To accept the Environmental Health Officer Information Bulletin for the period of August 2018 for activities undertaken.

Background

The Environmental Health Officer will provide a report of activities undertaken during the preceding Month inclusive of Deputised and Delegated functions. This Information Bulletin will cover the month of August 2018.

Comment

- The outcomes of the Council Ordinary Meeting of July 2018 were carried out by the EHO being:
 - Planning approval cover letter, formal approval planning documentation inclusive of Shire of Bruce Rock endorsed plans were provided to Mr F Fuchsbichler for the proposed oversized shed on Lot 122 Curlew Drive. Copies also provided to the Architect and Tompkins Engineering Sheds company to expedite final plans in preparation of the building permit;
 - Letters were sent to both persons regarding the keeping of roosters with Mr S & Mrs K Hunter notified they could keep their roosters based on current best practice for keeping the crowing down unless further complaints are received in which the Shire of Bruce Rock would again work towards a mutually beneficial outcome. Mrs D Anderson was written to for a further 4-week trial and has since removed 16 roosters and 2 drakes surrendered to the Ranger services on the 16 August 2018 leaving three roosters onsite for her husband's comfort.
- The EHO has commenced initial investigations into the best options for solar panels at the Shire office and Medical Centre.
- Landfill audit revealed the waste oil disposal area needs tidying up and the landfill operator has been notified to rectify;
- Training in the art of Hydro Pool water testing has been undertaken with the DCEO and the Handyman Crew to diversify the workforce skill set. Guides have been created to assist persons who need to balance the chemical levels;
- The EHO is following up on concerns raised regarding the Café condition most of which is budgeted for, and is liaising with the Handyman crew to progress works to rectify replacement parts for the rising damp barrier and water ingestion down the rangehood. The EHO had spoken to the manufacturer of the rangehood which are widely used in the Wheatbelt, and explained that horizontal rain due to wind overwhelming the 'witches' hat' causing water to run down the flue, a 'fix' has been made and will be sourced;
- The EHO has inspected and recorded the damage to an old house in Venemore Street Shackleton and corresponded in the mail the outcome of the inspection and the owner's obligations under written law. The owner has been in contact with the EHO to discuss his commitment to renovate the house and has since tidied up the damaged material, some of which is presumed asbestos. The EHO ensured the owner that Council and the EHO will work with him to attain a mutually beneficial outcome provided that works great and small are noted to be progressing, otherwise Council will need to act, the owner acknowledged this;

- A house on Dampier Street with historical septic issues was found to be again occupied despite assurances 2 years previously this would not happen. The EHO has been in negotiations with the owner in anticipation the STED is progressing through the Right of Way access to keep the existing septic system working requiring pump outs as required. The *Health (Miscellaneous Provisions) Act 1911* allows Council to direct persons to connect immediately to an available sewerage system and the properties identified with issues will be required to do so at the earliest convenience;
- The EHO continues to work with the Manager of Finance and Senior Finance Officer in investigating high water usage bills received as well as determining the existence and status of power sub-meters. One investigation at the request of Mr M Fuchsbichler of the Butcher's shop resulted in the transfer of the water meter to Mr M Fuchsbichler's as it previously was in the Shire's name but a historic realignment of the land boundary did not transfer the water meter over; this is now complete. The DFES building is equipped with two sub meters, one for the new St John's building and one for the TV re-broadcasting shed power usage. The power bill has come under scrutiny by DFES, therefore locating and recording the power sub meters should allow the Shire to allocate power use equitably. It is determined that the Shire will carry the power usage cost for the television re-broadcast power use, St John's for their new building power use and DFES will pay the balance, subject to continuing negotiations with the parties involved and the SFO;
- The EHO continues to work with the St John's committee representative and the Myola café extensions as well as dealing with the Building Surveyor Mr M Rubie to gain the required Certificate of Construction Compliance to be able to issue the Occupancy Permit. In both cases, the EHO, using Building Surveying experience, undertook the construction inspections to be able to facilitate the Building Surveyor to produce the required certificates. It is anticipated this will be finalised early September.
- Post budget 2018-2019 review and Handyman schedule is in preparation for undertaking required works;
- The EHO continues to attempt to elicit a response from Pindan to source the septic system approval applications for the CEACA units as well as payment of the building fees and this is still ongoing; and
- The annual *Food Act 2008* and optional Public Health Act reporting is being prepared for submission along with the Waste Survey Annual report.

Consultation

Mr D Mollenoyux Chief Executive Officer;

Statutory Implications

Health (Miscellaneous Provisions) Act 1911; Food Act 2008; Local Government Act 1995; Building Act 2011; and Waste Avoidance and Resource Recovery Act 2007.

Policy Implications

Nil.

Financial Implications

Payment of building inspection fee and report to the Shire of Bruce Rock by Myola.

Strategic Implications

Goal 12.3 – 10 Year Outcome '...meeting all levels of compliance'.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Sep 18 – 12.1.1

Moved: Cr Thornton Seconded: Cr Kilminster

To receive the Environmental Health Officer's Information Bulletin for the period of August 2018.

12.1.2 Local Government Appointing Authorised Persons and

Classes of Persons for the purpose of the Caravan Parks

and Camping Grounds Act 1995

File Reference:

Reporting Officer: Julian Goldacre, Environmental Health Officer

Disclosure of Interest Nil

Summary

Council to consider appointing 'Authorised Persons' and 'Classes of Persons' pursuant to Section 17 and 22 and Subsection 23(2,3,5,7&11) of the *Caravan Parks and Camping Grounds Act 1995* for the purpose of the administration of certain functions under the aforementioned Act.

Background

The Environmental Health Officer (EHO) has recently been in contact with a Shackleton district resident who alleges that a person is staying on a farm on a family member's property and claiming 'squatter rights'. The EHO advised that if the period with the landowner's permission exceeded 3 nights in a 28-day period an offence has occurred, and the EHO was informed the person had been on the site for longer than that. The EHO reviewed the authority of Council done back in September 2017 and realised that a review is required as staff members had changed and a new ranger was now servicing the Bruce Rock area who is best to deal with such camping matters.

The statutory instruments to effect compliance with matters of camping and caravanning on lands are dealt with by the *Caravan Parks and Camping Grounds Act 1995* (Act) where Notices and Infringements could be issued and served. For the purpose of appointing Authorised and Classes of Persons for the purpose of the Act is required to be done by Council, as it cannot be delegated to the Chief Executive Officer of the Local Government. With this authority given by Council the EHO, Contract Ranger Services and other suitable staff will be able to function with the administration of the Act.

Comment

The Act provides through Section 17 the ability for the local government to 'Authorise Persons' for the purpose of the Act. Furthermore, for the administration of certain matters in the Act 'Classes of Persons' are permitted meaning positions such as CEO, Finance and the like. As there are no private caravan parks in the Shire of Bruce Rock, the particular areas that the authorised persons and classes of persons will have to deal with are:

- Part 3 'Powers of entry and inspection' of the Act; requires the Local Government to authorise person/s to undertake such matters
- Part 4 'Enforcement' of the Act, specifically:
- Sec. 22 requires that only Authorised Person/s are able to undertake Legal proceedings,
- Sec. 23 requires Local Government to –
- authorise person/s the authority to give an infringement notice to an alleged offender for an alleged offence (Subsection 2),
- authorise classes of person/s for the purpose of taking the modified penalty for an alleged offence from an alleged offender (Subsection 3),
- authorise person/s for the purpose of extending the period of 28 days within which the modified penalty can be paid (Subsection 5) and withdraw an infringement notice (Subsection 7).

The following is the instrument for the Local Government of Bruce Rock to authorise person/s and classes of persons for the purposes of the Act:

Statutory Power being Appointed:

The functions of an "Authorised Person" and "Class of Person" under the Act and the *Caravan and Camping Grounds Regulations 1997* by the Local Government of Bruce Rock as applicable.

Power is originally assigned to:

Local Government (Council).

Statutory Power of Appointments:

Section 17 and Subsection 23(11) of the Caravan Parks and Camping Grounds Act 1995 Act).

Appointment:

The following persons are appointed as Authorised Persons pursuant to Section 17 of the Act:

- Mr Julian Goldacre Environmental Health Officer;
- Ms Jodie Taylor WA Contract Ranger Services;
- Ms Kylie Spark WA Contract Ranger Services; and
- Mr Matthew Sharpe WA Contract Ranger Services.

The persons so appointed as Authorised Persons pursuant to Section 17 of the Act are also appointed authorised persons by the Local Government of Bruce Rock to issue infringement notices pursuant to Subsection 23(2) of the Act.

The following persons are appointed persons pursuant to Section 22 of the Act being for the legal proceedings for an offence under the Act

- Mr Julian Goldacre Environmental Health Officer;
- Ms Jodie Taylor WA Contract Ranger Services;
- Ms Kylie Spark WA Contract Ranger Services;
- Mr Matthew Sharpe WA Contract Ranger Services;
- Mr Darren Mollenoyux Chief Executive Officer, and
- Mr Alan O'Toole Deputy Chief Executive Officer.

The following persons are appointed classes of persons to be authorised persons pursuant to Subsection 23(11) of the Act for the purposes of Subsection 23(5) of the Act being the extension to pay a modified penalty and Subsection 23(7) of the Act being the withdrawal of a modified penalty whether or not paid and to duly notify that person:

- Mr Darren Mollenoyux Chief Executive Officer, and
- Mr Alan O'Toole Deputy Chief Executive Officer.

The following persons are appointed classes of persons to be authorised persons pursuant to Subsection 23(11) of the Act for the purposes of Subsection 23(3) of the Act:

- Customer Service Officer;
- Finance Officer;
- Executive Assistant;
- Community Development Officer; and
- Senior Finance Officer.

Local Government of Bruce Rock Conditions on Authorised Persons:

The Local Government of Bruce Rock caveats Authorised Persons not to undertake proceedings pursuant to Section 22 of the Act which will result in a matter of non-compliance being presented at a Magistrate Court without the matter being first discussed with the Chief Executive Officer or Deputy Chief Executive Officer and referred, should the case require, to Council.

Local Government authority to delegate to the CEO Authority to Authorise Persons and/or Classes of Persons or to sub-delegate such function:

Nil. The Act does not contain a head of power to delegate the appointment of authorised persons and/or classes of persons to the Chief Executive Officer.

Statutory Environment

Caravan Parks and Camping Grounds Act 1995; and Caravan and Camping Grounds Regulations 1997

Policy Implications

Nil.

Financial Implications

Nil

Voting Requirement

Absolute majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Sep 18 - 12.1.2

Moved: Cr Rajagopalan Seconded: Cr Waight

Officer Recommendation

THAT Council resolves:

To exercise its statutory power of appointment pursuant to section 22 and subsection 23(11) of the Caravan Parks and Camping Grounds Act 1995 (Act) and appoint the following Authorised Persons and Classes of Persons as follows:

- 1. The following persons are appointed as Authorised Persons pursuant to Section 17 of the Act:
- Mr Julian Goldacre Environmental Health Officer;
- Ms Jodie Taylor WA Contract Ranger Services;
- Ms Kylie Spark WA Contract Ranger Services; and
- Mr Matthew Sharpe WA Contract Ranger Services.

The persons so appointed as Authorised Persons pursuant to Section 17 of the Act are also appointed authorised persons by the Local Government of Bruce Rock to issue infringement notices pursuant to Subsection 23(2) of the Act.

- 2. The following persons are appointed persons pursuant to Section 22 of the Act being for the legal proceedings for an offence under the Act
- Mr Julian Goldacre Environmental Health Officer;
- Ms Jodie Taylor WA Contract Ranger Services;
- Ms Kylie Spark WA Contract Ranger Services;
- Mr Matthew Sharpe WA Contract Ranger Services;
- Mr Darren Mollenoyux Chief Executive Officer, and
- Mr Alan O'Toole Deputy Chief Executive Officer.
- 3. The following persons are appointed classes of persons to be authorised persons pursuant to Subsection 23(11) of the Act for the purposes of Subsection 23(5) of the Act being the extension to pay a modified penalty and Subsection 23(7) of the Act being the withdrawal of a modified penalty whether or not paid and to duly notify that person:
- Mr Darren Mollenoyux Chief Executive Officer, and
- Mr Alan O'Toole Deputy Chief Executive Officer.
- 4. The following persons are appointed classes of persons to be authorised persons pursuant to Subsection 23(11) of the Act for the purposes of Subsection 23(3) of the Act for receiving payment of modified penalties:
- Customer Service Officer;
- Finance Officer;
- Executive Assistant;

- Community Development Officer; and
- Senior Finance Officer.

And the Local Government of Bruce Rock caveats Authorised Persons not to undertake proceedings pursuant to Section 22 of the Act which will result in a matter of non-compliance being presented at a Magistrate Court without the matter being first discussed with the Chief Executive Officer or Acting Deputy Chief Executive Officer and referred, should the case require, to Council.

Carried by Absolute Majority 7/0

Mr D Mollenoyux left the Council Chambers at 1.49pm.

Mr D Mollenoyux returned to the Council Chambers at 1.51pm.

Mrs J Bow entered the Council Chambers at 1.51pm.

Mr G Casley entered the Council Chambers at 1.51pm.

Mrs J Bow left the Council Chambers at 1.52pm.

Mrs J Bow entered the Council Chambers at 1.55pm.

12.2. Manager of Works & Services

Agenda Reference and Subject:

12.2.1 Works & Services Information Report

File Reference:

Reporting Officer: Glenn Casley, Manager of Works & Services

Disclosure of Interest:

Town & Gardening Crew

• Street sweeping completed in Bruce Rock, Ardath, Babakin and Shackleton.

- Sale Yards cleaned ready for a sheep sale to be held in Bruce Rock, 20th September 2018
- Slashing of blocks in town
- Caravan Park lawns mowed and sprayed
- Removal of old fencing around pool boundary, ready for new fencing to be erected. (New fencing has been erected)
- Memorial park, Sculpture park and Amphitheatre mowed
- Museum lawns mowed, gardens tidied up.
- Garden works done at Sandalwood Court and Settlers Court
- Bridge works on Liebeck Road
- Culvert work on Lawrie Road, fixing old head walls
- Gravelling of back lanes, fix up potholes
- Mc Donald Court units, gardens cleaned up
- Swimming pool lawns mowed

Construction Crew

- Maintenance grading is progressing better than I had expected. With the rain we keep getting the
 graders are moving along at a great pace and if all goes well the team will be finished by the end of
 September.
- Once maintenance grading is complete, the two crews will work on Roads to Recovery projects as all money allocated needs to be used up this financial year.

Workshop

- BK373 Volvo loader, 500 hr. service and replace hydraulic hose.
- BK06 Volvo loader, 10 000 hr. service, replace pins and bushes in tilt ram, repair & replace lights
- BK9092 trailer, replaced tail lights.
- BK011 Multi tried roller, repair door and replaced air conditioning belt.
- BK377 Bus 70,000 km service.
- 21 Vehicle Inspections
- Brian is now away on holidays for two weeks.

Rec Centre

- Clean up around Rec centre
- Mow Oval and mark out for athletics carnival x 2
- Tidy up around hockey field
- Start work on the preparation of the cricket wicket
- Installing safety shower to Rec Centre shed

Vehicles/Machinery Changeover

No vehicles or Machinery changed out this month

Dams

Dam	Current	Capacity
Railway Dam	23,500kl	32,000kl full
Negri Dam Rear	11,000kl	115000kl full
Negri Dam Front	9,500kl	15000kl full
Rec Centre Dam	23,000kl	23000kl full
Turkeys Nest	33,000kl	43000kl full

Tenders

There are currently two tenders out at the moment through E Quotes, one for the sealing programme for the 2018/19 year and the other the supply of General Purpose cement dust for the batching plant for 2018/19. Once the tenders are closed, Council will be provided with a report on both tenders and asked for feedback.

The tender for the Shire's aggregate supply for 2018/19 which involves the stone for our sealing programme and supply for the batching plant will be out in the next week

Water Corp Fixed Standpipes

Pricing for Local Governments Standpipes in country areas will be changing next year from the 1st July 2019. Shires are allowed to access concessional pricing for water used for our own purposes, however high flow rate standpipes which the public can use will now be charges at a commercial rate instead. The information attached to this will give Council an insight into the programme and I would like councils input into which standpipes the Shire makes Community (no charge to Local Shires to downsize to 20 or 25 mm pipe), Shire usage only and Commercial. A map is also attached so council is aware of where all Shire standpipes are allocated.

Council discussed the financial implications and strategic locations associated with State Government's changes to the Water Corporation's new fixed standpipe fee structure. A copy of the spreadsheet outlining the financial implications of each standpipe located within the Shire will be prepared for future consideration.

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Sep 18 – 12.2.1

Moved: Cr Kilminster Seconded: Cr Dolton

That the Manager of Works and Services report be received.

Carried 7/0

COUNCIL DECISION

Resolution OCM Sep 18 – 12.2.2

Moved: Cr Dolton Seconded: Cr Rajagopalan

That Council endorses the proposed changes to access and classification of each standpipe as outlined in the "Water Corporation Fixed Standpipes" spreadsheet.

12.3. Manager of Finance

Agenda Reference and Subject:

12.3.1 Statement of Financial Activity

File Reference: 8.2.6.2 Financial Reporting

Reporting Officer: Jennifer Bow, Manager of Finance

Disclosure of Interest

Summary

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

Background

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

Comment

The financial statements for the month ending 31st August 2018 are attached to the agenda.

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

Financial Implications

Comparison of actual year to date to the 2018/19 Budget

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Governance

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

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Sep 18 - 12.3.1

Moved: Cr Dolton Seconded: Cr Thornton

That the Statements of Financial Activity for the month ending 31st August 2018 as presented be

received.

Carried 7/0

Mr D Mollenoyux left the Council Chambers at 2.31pm.

Mr D Mollenoyux returned to the Council Chambers at 2.32pm.

12.3.2 List of Payments

File Reference: 8.2.3.3 Accounts Payable (Creditors)

Reporting Officer: Jennifer Bow, Manager of Finance Mike Darby, Senior Finance

Disclosure of Interest:

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 2018.

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

Financial Implications

Payments must be made in accordance with 2018/19 Budget

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Governance

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

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Sep 18 – 12.3.2

Moved: Cr Rajagopalan Seconded: Cr Dolton

That Council endorse the list of payments from the:

- 1. Municipal Account consisting of;
- a. EFT voucher numbers EFT13291 to EFT13455 totalling 467,544.85
- b. Cheque number 23782 to 23794 totalling \$41,893.71
- c. Trust Cheque Nil
- d. Wages and Superannuation payments totalling \$184,836.91 and
- e. Credit Card payments totalling \$1288.32

With all payments totalling \$694,275.47 for the month of August 2018.

12.3.3 Budget Amendments – Increase in Funding from

Grants Commission and Main Roads

File Reference: 8.2.7.1 Annual Budget

Reporting Officer: Jennifer Bow, Manager of Finance Mike Darby, Senior Finance

Disclosure of Interest:

Summary

To amend the 2018-19 Budget to reflect increases of funding received from Western Australian Local Government Grants Commission and Main Roads.

Background

The 2018-19 Budget was adopted in July 2018 with estimations for funding to be received from the Western Australian Local Government Grants Commission (WALGGC) and Main Roads as final determinations had not been released.

Fortunately, Council has received extra funding and a budget amendment must be made to reflect this increase in revenue.

Comment

A budget amendment is required to reflect the increase in revenue to be received during 2018-19 as these amounts had not been confirmed at the time of setting the Annual Budget in July 2018.

The increases of funding are as follows;

WALGGC General Purpose Grant

GL Code	Description	Budget	Actual	Difference
032300	WALGGC – Local Roads	\$353,600	\$353,966	\$366
032301	WALGGC – General Purpose Funding	\$740,000	\$813,282	\$73,282
121307	Main Roads – Direct Grant	\$103,000	\$174,681	\$71,681
121317	WALGGC – Special Projects Funding - Bridges	\$0	\$130,065	\$130,065
	TOTALS	\$1,160,000	\$1,471,994	\$275,394

The additional roads funding received should be spent on roads and therefore there is an additional \$202,112 to be spent. However, the additional funding received as General-Purpose Funding is not tied. It is suggested that this additional funding be allocated via a Roads Committee meeting.

The CEO has suggested that the additional General-Purpose Funding be allocated to a Federal grant application for upgrade to infrastructure at the Bruce Rock Recreation Centre which will be submitted. Council will be notified in November 2018 if the application is successful and the project must be completed by June 2019. More information will be brought to Council regarding this grant application if it is successful.

There may also be a slight adjustment to the final carry forward position which will be determined at the completion of our audit in November 2018, which may also require a budget amendment.

Consultation

CEO, DCEO, MOF & MOWS

Statutory Implications

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

Policy Implications

Financial Implications

An increase to the income received for 2018-19.

Strategic Implications

Shire of Bruce Rock Strategic Community Plan 2017-2027

Goal 1 – Roads are a key economic driver across the Shire Goal 12 - Council leads the organisation in a strategic and flexible manner

Voting Requirements Absolute Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Sep 18 - 12.3.3

Moved: Cr Dolton Seconded: Cr Rajagopalan

That Council resolves to amend the 2018-19 Budget to reflect the increase in funding received from the Western Australian Local Government Grants Commission and Main Roads to the following

- i. GL 032300 INCOME WALGGC Local Roads, increase to \$353,966
 ii. GL 032301 INCOME WALGGC General Purpose Grant, increase to \$613,282

- iii. GL 121307 INCOME Main Roads Direct Grant, increase to \$174,681
 iv. GL 121317 INCOME Main Roads Special Projects Funding WALGGC, increase to \$130,065
 v. GL 113407 CAPITAL EXPENDITURE Rec Centre Buildings, increase allocation to \$73,282
 vi. And the remaining additional funding of \$202,112 is allocated by the Works and Services Committee with the recommendation to be endorsed by Council.

Carried 7/0

Mr G Casley left the Council Chambers at 2.44pm and did not return.

12.3.4 Rates – Sale of Land

File Reference: 8.1.1.7 Rates Recovery

Reporting Officer: Jennifer Bow, Manager of Finance Mike Darby, Senior Finance

Disclosure of Interest:

Summary

To recover rates outstanding on properties with arrears of 3 years or more.

Background

There are currently 8 properties that have rates of three years or more years for which it has not been possible to enter into acceptable and successful arrangements for the payment of the balance owing.

Section 6.64 of the Local Government Act 1995 states:

- (1) If any rates or service charges which are due to a local government in respect of any rateable land have been unpaid for at least 3 years the local government may, in accordance with the appropriate provisions of this Subdivision, take possession of the land and hold the land as against a person having an estate or interest in the land and
 - a. From time to time lease the land;
 - b. Sell the land
 - c. Cause the land to be transferred to the Crown; or
 - d. Cause the land to be transferred to itself.
- (2) On taking possession of any land under this section, the local government is to give the owner of the land such notification as is prescribed and then to affix on a conspicuous part of the land a notice, in the form or substantially in the form prescribed.
- (3) Where payment of rates or service charges imposed in respect of any land is in arrears the local government has an interest in the land in the respect of which it may lodge a caveat to preclude dealings in respect of the land, and may withdraw caveats so lodged by it.

Comment

In each instance, a written notification has been directed to the last known postal address of the rate payers and the property advising that it will be our intention to refer the matter to Council with a recommendation to sell the property in order to recover the outstanding balance.

The following is a list of those properties that have rates currently in arrears by three or more years, together with a brief history of the action taken to date.

1		2	
1. Assessment	A434	2. Assessment	A698
Type/Zoning	Residential (Vacant Land)	Type/Zoning	Business (Vacant Land)
Period	2004/05 – 2018/19	Period	2013/14 – 2018/19
Outstanding		Outstanding	
Amount Outstanding	\$11,245.29	Amount Outstanding	\$4,652.05
Last Payment	10/10/2003 \$204.71	Last Payment	15/11/2013 \$103.35
Recovery Action	Dec 14 Intention to GPC letter	Recovery	Dec 14 Intention to GPC letter
,	Feb 15 GPC not served, defendant not	Action	Feb 15 GPC served
	located, advised they are overseas,		Feb 15 Advised one owner deceased
	whereabouts unknown		Apr 15 Judgment issued
	Sept 18 Letter, sent to last known address		Sept 18 Letter advising Ratepayer about report
	advising Ratepayer about report to Council		to Council to sell property at next Council
	to sell property at next Council Meeting 12 th September 2018		Meeting 12 th September 2018
Response	The owner has not responded to recent	Response	The owner has not responded to recent notices
	notices or correspondence		or correspondence
3.		4.	
Assessment	A463	Assessment	A484
Type/Zoning	Residential (Vacant Land)	Type/Zoning	Residential (Outbuilding)
Period Outstanding	2003/04 – 2018/19	Period Outstanding	2012/13 – 2018/19
Amount	\$12,965.37	Amount	\$6,024.62
Outstanding	Ψ12,303.37	Outstanding	\$0,02 H02
Last Payment	30/06/2004 \$108.26	Last	02/09/2011 - \$297.25
,		Payment	
Recovery Action	Dec 14 Intention to GPC letter	Recovery	Dec 14 Intention to GPC letter (RTS Unclaimed)
	Mar 17 GPC not served at property address	Action	Feb 15 GPC not served
	Aug 17 GPC served at last known address		May 15 GPC served to new address (Sibling)
	Sept 18 Letter advising Ratepayer about		Nov 17 Skip Trace – Defendant not located
	report to Council to sell property at next Council Meeting 12 th September 2018		Sept 18 Letter advising Ratepayer about report to Council to sell property at next Council
	Council Meeting 12 September 2018		Meeting 12 th September 2018
Response	One owner's whereabouts unknown	Response	The owner has not responded to recent notices or correspondence
5.		6.	or correspondence
Assessment	A539	Assessment	A580
Type/Zoning	Residential (Dwelling)	Type/Zoning	Industrial (Business)
Period	2013/14 – 2018/19	Period	2012/13 – 2018/19
Outstanding		Outstanding	
Amount	\$5,445.71	Amount	\$4,393.75
Outstanding		Outstanding	
Last Payment	13/09/2013 \$320.00	Last Payment	03/08/2011 \$494.91
Recovery Action	Apr 15 Legal action commenced	Recovery	Incorporated body is still registered however the
	May 15 Advised both owners deceased	Action	body does not have an ABN or contact details registered.
Response	Both owners deceased, public trustee has no interest in assisting	Response	The body has not responded to recent notices or correspondence
7.		8.	
Assessment	A591	Assessment	A654
Type/Zoning	Residential (Vacant Land)	Type/Zoning	Business (Hall)
Period Outstanding	2011/12 – 2018/19	Period Outstanding	2012/13 – 2018/19
Amount	\$4,822.10	Amount	\$9,250.30
Outstanding	γ - 7,022.10	Outstanding	72,200.30
Last Payment	21/04/2011 \$331.33	Last	18/02/2013 \$336.20
Recovery Action	Owner is deceased and Son resides in USA,	Payment Recovery	Owner is deceased
ACCOVERY ACTION	he made contact to sell land privately.	Action	Correspondence received from occupier, who
	Debt collection agency advised		did not have title to land and all payments
	uneconomical to recover debt through legal action		ceased
Response	Owner is deceased	Response	Owner is deceased, public trustee has no interest in assisting
	1		

A summary of the owners of the properties referred to above is contained in a confidential attachment to this Agenda.

It is proposed to sell the land to recover outstanding rates and charges in excess of 3 years, in accordance with Section 6.64(1)(b) of the Local Government Act 1995.

Once Council have resolved to sell the land, the owners will be served a Form 4 which gives them 3 months in which to pay and avoid having the land sold. This Form 4 will also be sent to any anyone with an interest or estate in the property.

Form 4 is also to be displayed on Council's noticeboard for a minimum of 35 days and it is to be duly stamped with the date first displayed and removed (including the signature of the authorised person and witness).

After expiration of 3 months, a Form 2 will be served on the owner. Form 3 will then be affixed to a conspicuous part of the land in order to take possession of the land. An affidavit of service will also be completed when Form 3 is placed on the land.

Council then is to appoint a time no less than 3 months and no more than 12 months after the service of Form 4 for the Public Auction. A sale is to happen within 12 months of the date the land is offered for sale or the proceedings lapse.

Council is to advertise a State-wide public notice as per Form 5 advising of the particulars of the auction. A Memorial is lodged on the title with Landgate of the State-wide Public Notice.

The auction is organised and then held.

Consultation

CEO, DCEO & MOF

Statutory Implications

Local Government Act 1995 Section6.64 (1)

Subdivision 6 — Actions against land where rates or service charges unpaid

6.64. Actions to be taken

- (1) If any rates or service charges which are due to a local government in respect of any rateable land have been unpaid for at least 3 years the local government may, in accordance with the appropriate provisions of this Subdivision take possession of the land and hold the land as against a person having an estate or interest in the land and
 - a) from time to time lease the land; or
 - b) sell the land; or
 - c) cause the land to be transferred to the Crown; or
 - d) cause the land to be transferred to itself.
- (2) On taking possession of any land under this section, the local government is to give to the owner of the land such notification as is prescribed and then to affix on a conspicuous part of the land a notice, in the form or substantially in the form prescribed.
- (3) Where payment of rates or service charges imposed in respect of any land is in arrears the local government has an interest in the land in respect of which it may lodge a caveat to preclude dealings in respect of the land, and may withdraw caveats so lodged by it.

Policy Implications

Nil

Financial Implications

Recover rate arrears and reduce outstanding rate debtors by \$48,799

Strategic Implications

Shire of Bruce Rock Strategic Community Plan 2017-2027

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

Voting Requirements Absolute Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Sep 18 - 12.3.4

Moved: Cr Rajagopalan Seconded: Cr Waight

That Council pursuant to Section 6.64(1) (b) of the Local Government Act 1995 proceed to sell the properties listed hereunder which have rates in arrears for 3 or more years, and recover from the proceeds of sale the outstanding balances which total \$48,799.74;

Assessment A434

Assessment A463

Assessment A484

Assessment A539

Assessment A580

Assessment A591

Assessment A654

Assessment A698

Carried 7/0

Mrs J Bow left the Council Chambers at 2.48pm and did not return.

12.4 Deputy Chief Executive Officer

Agenda Reference and Subject:

12.4.1 Shire President's Stamp

File Reference:

Reporting Officer: Alan O'Toole, Deputy Chief Executive Officer

Disclosure of Interest

Summary

Use of Shire President's stamp in August 2018

Background

Nil

Comment

As per Council's policy, the Shire President's stamp has been used during the month of August 2018 as follows:

- Lease Agreement Shackleton Railway Reserve
- Notice of Amended Council Meeting Date, September and December 2018

Consultation

Nil

Statutory Implications

Council Policy

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Corporate Governance

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Sep 18 – 12.4.1

Moved: Cr Thornton Seconded: Cr Rajagopalan

That Council endorse the use of the Shire President's Stamp during August 2018.

12.4.2 Shire Seal

File Reference:

Reporting Officer: Alan O'Toole, Deputy Chief Executive Officer

Disclosure of Interest

Summary

Use of Shire Seal in August 2018.

Background

Nil

Comment

As per Council's policy, the Shire Seal has been used during the month of August 2018 as follows:

Lease to occupy corridor land Jermyn Street Shackleton

Consultation

Nil

Statutory Implications

Council Policy

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Corporate Governance

Voting Requirements

Simple Majority

Officer Recommendation

That Council endorse the use of the Shire Seal during August 2018.

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Sep 18 - 12.4.2

Moved: Cr Waight Seconded: Cr Kilminster

That Council endorse the use of the Shire Seal during August 2018.

12.4.3 Replacement of "Acceptable Use for Employees of

the Internet" Policy with "Use of Information and

Communication (ICT) Resources"

File Reference: 2.3.1.1 Policy Manual

Reporting Officer: Alan O'Toole, Deputy Chief Executive Officer

Disclosure of Interest

Summary

The Council is requested to consider and endorse the "Use of Information and Communication Technology (ICT) Resources" Policy, which replaces the "Acceptable Use for Employees of the Internet" Policy. The Policy offers guidance on the use of the Shire's ICT Resources and details secure use of passwords, acceptable usage of resources, and personal devices in the workplace.

Background

The "Financial Management System Review" undertaken by AMD on behalf of the Shire identified that there was need for a policy covering a number of ICT related activities, including website accessibility, password security, and the use of personally owned devices in the workplace. This report proposes the adoption of a "Use of Information and Communication Technology (ICT) Resources Policy" to replace the previous "Acceptable Use for Employees of the Internet" Policy to address these concerns and provide guidance on these activities for the future.

Comment

The proposed Policy is attached.

The Policy sets out guidelines for all Shire staff and Elected Members with regard to:

- ICT induction
- ethical considerations
- prohibited, inappropriate and unlawful use of the Shire's ICT Resources
- system security/passwords etc.
- permitted personal use, including use of personal devices in the workplace
- appropriate records management
- logging of IT support requests

This policy is recommended to provide clarity on the use of ICT in furthering the Shire's objectives and increasing the security and integrity of the Shire's activities in the ICT area.

Consultation

CEO

Statutory Implications

Local Government (Rules of Conduct) Regulations 2007 State Records Act 2000 - SRC Standard 8 – Managing Digital Information

Policy Implications New Policy

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

Voting Requirements Absolute Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Sep 18 - 12.4.3

Moved: Cr Rajagopalan Seconded: Cr Kilminster

That Council adopts the "Use of Information and Communication Technology (ICT) Resources Policy" as a replacement for the "Acceptable Use for Employees of the Internet Policy" and incorporates the former into the Policy Manual.

CARRIED BY ABSOLUTE MAJORITY 7/0

12.5 Chief Executive Officer

Agenda Reference and Subject:

12.5.1 CEO Performance Appraisal Process

File Reference: Personnel

Reporting Officer: Darren Mollenoyux, Chief Executive Officer

Disclosure of Interest Darren Mollenoyux, Chief Executive Officer

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 AND COUNCIL DECISION

Resolution OCM Sep 18 - 12.5.1.1

Moved: Cr Thornton Seconded: Cr Kilminster

That Council:

Close the Meeting to members of the public to deal with matters relating to employees.

CARRIED BY ABSOLUTE MAJORITY 7/0

Summary

Council is asked to endorse the Report on Setting the Key Performance Indicators for the CEO's annual performance review for 2018/19 period.

Background

Council engaged John Phillips Consulting to assist in reviewing the CEO Performance Review Process and setting new KPI's for the 2018/19 review period.

Comment

John Phillips Consulting held a workshop with Council and the CEO on the 23rd August 2018 to undertake the setting of KPI's and the outcomes and report have been provided to Councillors.

Consultation

Shire President and Council John Phillips Consulting

Statutory Implications

The review of the Chief Executive Officer is a statutory obligation required under section 5.38 and 5.39 of the Local Government Act 1995.

In addition, the Section 4 of the CEO's contract outlines the Performance and Criteria process as well as Review and Amendment of the contract.

Policy Implications Nil

Financial Implications

There is budget provision for this process in the 2018/19 financial year.

Strategic Implications

<u>Shire of Bruce Rock – Strategic Community Plan 2017-2027</u>

Governance

Goal 10 – Our organisation is well positioned and has capacity for the future

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

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Sep 18 – 12.5.1.2

Moved: Cr Rajagopalan Seconded: Cr Waight

That Council endorses the focus areas and actions for the Chief Executive Officer's 2019 Annual Performance Review, as set out on the 23rd August 2019 in the report provided by John Phillips

Consulting.

Carried 7/0

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Aug 18 - 12.5.1.3

Moved: Cr Rajagopalan Seconded: Cr Waight

That Council:

Reopen the Meeting to members of the public to deal with matters relating to an employee.

CARRIED BY ABSOLUTE MAJORITY 7/0

Council adjourned for afternoon tea at 3.05pm.

Council resumed at 3.30pm with all Councillors and Staff present.

Cr Thornton left the Council Chambers at 3.30pm.

Cr Thornton entered the Council Chambers at 3.31pm.

12.5.2 Acceptance of Gifted Land – Shackleton District

Club Inc Lot 26,27 & 28 Mills Street, Shackleton WA

File Reference: 1.3.11.5 Shackleton District Club

Reporting Officer: Darren Mollenoyux, Chief Executive Officer

Disclosure of Interest

Summary

The Shackleton District Club Inc is asking Council to accept gifted land at Lot 26, 27 & 28 Mill Street, Shackleton WA for the purpose of recreation and for funding purposes for the Shackleton Bowling Club.

Background

The Shackleton Bowling Club have approached Council for assistance in applying for funding through the CSRFF — Department of Sport and Recreation Grants Program for the 2019/20 financial year to upgrade their current grass bowling green with a synthetic more cost-effective surface.

The Shackleton Bowling Club submitted and application in 2016 through the CSRFF program but however were unsuccessful due to a number of different reasons. One of the main reasons for the funding not being approved was that the land that the Bowling Club sits on is owned by the Shackleton District Club Inc. After numerous discussions with the Department of Sport and Recreation, they have informed us that the land cannot be owned by a private business.

The Shackleton Bowling Club and the Shackleton District Club Inc have since had discussions regarding this issue and have approached Council to see if they are willing to accept the land as a gift for the purpose that funding can be received for this project and any further development that may need funding down the track.

The three lots are highlighted below;



Comment

The next stage of this process is for Council to discuss whether or not they accept the land proposed be gifted by the Shackleton District Club Inc. The Shackleton Bowling Club will be unable to receive funding through the Department of Sport and Recreation unless the land is transferred out of a private entity.

Council currently owns all other sporting facilities in the Shire and so it would be recommended that Council take on the land that the Shackleton Bowling Club is situated on. It has been discussed that an MOU agreement and a surface replacement fund will be set up as per the agreements with other sporting clubs in the Shire. This MOU will outline what Council is responsible for and what the Shackleton Bowling Club will be responsible for going forward.

Consultation

Darren Mollenoyux, CEO Ashleigh Waight, CDO Shackleton Bowling Club & Shackleton District Club Inc

Statutory Implications

Land Administrations Act 1997

Policy Implications Nil

Financial Implications

- The only financial impact on the 2018/19 budget is the cost of the transfer of land which is \$1,238.82 inc GST.
- We will no longer receive service charges for the bins. The land is currently deemed non-rateable.
- Council currently provides the Shackleton Bowling Club with an annual contribution of \$1,000 for water on the greens.
- The land will need to be valued for the Asset Register and the buildings will require property insurance.

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

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

Voting Requirements Absolute Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Sep 18 - 12.5.2

Moved: Cr Rajagopalan Seconded: Cr Kilminster

That Council accept Lot 26, 27 & 28 Mills Street, Shackleton as gifted by the Shackleton District Club Inc.

And

That Council accept the financial implications of the cost to Transfer the Land from the Shackleton District Club Inc and the Shire of Bruce Rock.

CARRIED BY ABSOLUTE MAJORITY 7/0

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

Agenda Reference and Subject:

13.1 2019/20 CSRFF Application

File Reference: 1.3.8.7 Bruce Rock Hockey Club

Reporting Officer: Darren Mollenoyux, Chief Executive Officer

Disclosure of Interest

Summary

Council is asked to approve its financial commitment to the power upgrade at the Bruce Rock Recreation Centre and provision of lighting for the new synthetic hockey facility and endorse the priority of the projects.

Background

With the success of obtaining funding and now construction of a synthetic hockey turf the next stage for works at the Bruce Rock Recreation Centre is for the installation of lighting to the synthetic hockey turf.

Whilst determining the lighting and power requirements for the new synthetic hockey turf in 2016 it was identified that a power upgrade to the entire recreation centre precinct was also required.

The concept of the synthetic hockey field was identified in Council's Integrated Strategic Planning and is included in the following Council documents;

- Corporate Business Plan 2013 2017
- Strategic Community Plan 2013 2017
- Strategic Community Plan 2017 2027
- Long Term Financial Plan 2013 2023

In 2016 Council resolved not to proceed with a CSRFF grant application due to the non-completion of the hockey facility and cost for the inclusion of a power upgrade falling outside the parameters of a small grant.

In 2017 Council submitted a CSRFF application for the power upgrade to the Recreation Centre and lighting at the hockey turf, however this application was unsuccessful.

Council and the Bruce Rock Hockey Club agreed in early 2018 to submit a new application for the next round of CSRFF for the 2019/2020 funding round.

A full copy of the new grant application has been provided to Councillors.

Comment

Council is required to consider the merits of the application and submit it to the Department of Sport and Recreation prior to the 30th September 2018.

Council's Community Development Officer, Ashleigh Waight in conjunction with Senior Management and the Bruce Rock Hockey Club (for the lighting component) has prepared the

CSRFF grant application for the Department of Sport and Recreation WA with the final project description being;

Power upgrade to the Bruce Rock Recreation Centre & Installation of lighting at the Bruce Rock Synthetic Hockey Turf Facility.

"To provide sufficient lighting and power to maximise usage of all facilities co-located at the Bruce Rock Recreation Centre.

Upgrade of the power supply to the Bruce Rock Recreation Centre sporting precinct to allow the installation of lighting at the Synthetic Hockey Turf, improve safety, enable separate sporting grounds to use lights concurrently, and provide the capacity for future lighting improvements.

Installation of eight poles at the Synthetic Hockey Turf Facility. Each pole will be 18m high and contain four T10 maxi fittings (500lux)."

The CSRFF application requires a 1/3 financial commitment from each party, however the Hockey Club will only be contributing 1/3 of the lighting component of the project with Council making up the remainder due to the main component being for the power upgrade.

The financial break up is as follows;

Shire of Bruce Rock \$219,738.90 ex gst Works In-Kind, Cash

Bruce Rock Hockey Club \$76,732.33 ex gst Cash CSRFF Grant \$148,235.61 ex gst Cash

Total Project Cost \$444,706.85 ex gst

Consultation

The CEO, Community Development Officer and Council's Sport and Recreation Committee have had several meetings with representatives from the Bruce Rock Hockey Club and have also meet with Jen Collins from the Department of Sport and Recreation to discuss the proposal.

Council has consulted with other sporting clubs that utilise the Bruce Rock Recreation Centre as the power upgrade is a requirement by all clubs and users of the facility.

Council staff have utilised Electricians, lighting technicians, structural and electrical engineers and final power upgrade provisions have been provided by Western Power (Synergy).

Statutory Implications Nil

Policy Implications

The application meets the requirements of Council Policy No C1.1 – Procedure for Community Grant Applications.

Financial Implications

If the grant is successful Council would require financial commitment of \$219,738.90 for the 2019/20 financial year.

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.

- 2.1 Encourage greater usage of current owned facilities
- 2.4 Support the improvement and maintenance of assets in a strategic manner

Community

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

Voting Requirements Absolute Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Sep 18 – 13.1

Moved: Cr Thornton Seconded: Cr Rajagopalan

- 1. That the application for the Power upgrade to the Bruce Rock Recreation Centre & Installation of lighting at the Bruce Rock Synthetic Hockey Turf Facility for the 2019/20 CSRFF program for \$148,235.61 ex gst be submitted to the Department of Sport and Recreation.
- 2. That if the application for the Power upgrade to the Bruce Rock Recreation Centre & Installation of lighting at the Bruce Rock Synthetic Hockey Turf Facility is successful Council will commit above the standard 1/3rd contribution and make a budget provision on \$219,738.90 ex gst in the 2019/20 financial year.

CARRIED BY ABSOLUTE MAJORITY 7/0

13.2 2019/20 Community Sport Infrastructure Grant

File Reference: 1.3.8.7 Bruce Rock Hockey Club

Reporting Officer: Darren Mollenoyux, Chief Executive Officer

Disclosure of Interest

Summary

Council is asked to approve its financial commitment for the provision of lighting at the new synthetic hockey turf facility and endorse the priority of the project.

Background

With the success of obtaining funding towards the construction of a synthetic hockey turf the next stage of works at the Bruce Rock Recreation Centre is for the installation of lighting at the synthetic hockey turf facility.

The opportunity has arisen to seek funding through the Australian Sports Commission's Community Sports Infrastructure Grants program for the supply, delivery and installation of flood lighting at the hockey turf precinct.

The concept of the synthetic hockey field and lighting was identified in Council's Integrated Strategic Planning and is included in the following Council documents;

- Corporate Business Plan 2013 2017
- Strategic Community Plan 2013 2017
- Strategic Community Plan 2017 2027
- Long Term Financial Plan 2013 2023

Comment

Council is required to consider the merits of the application and submit it to the Australian Sports Commission by the 14th September 2018.

Council's Community Development Officer, Ashleigh Waight in conjunction with Senior Management and the Bruce Rock Hockey Club (for the lighting component) have prepared the grant application for the Australian Sports Commission with the final project description being;

Power upgrade to the Bruce Rock Recreation Centre & Installation of lighting at the Bruce Rock Synthetic Hockey Turf Facility.

"To maximise usage at the Bruce Rock Hockey Turf facility with the installation of an eight-pole lighting system. Each pole will be 18m high and will contain four T10 maxi fittings (500 Lux)."

The application requires a 1/3 financial commitment from each party.

The financial break up is as follows;

Shire of Bruce Rock \$88,242.18 ex gst Works In-Kind, Cash

Bruce Rock Hockey Club \$76,732.33 ex gst Cash Australian Sports Commission \$76,732.33 ex gst Cash

Total Project Cost \$241,706.85 ex gst

Consultation

CEO, CDO, Bruce Rock Hockey Club

Council staff have utilised Electricians, lighting technicians, structural and electrical engineers.

Statutory Implications Nil

Policy Implications

The application meets the requirements of Council Policy No C1.1 – Procedure for Community Grant Applications.

Financial Implications

If the grant is successful Council would require financial commitment of \$88,242.18 in the 2018/19 financial year. An amendment to the budget will be submitted at time of review.

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.

- 2.1 Encourage greater usage of current owned facilities
- 2.4 Support the improvement and maintenance of assets in a strategic manner

Community

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

Voting Requirements Absolute Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Sep 18 - 13.2

Moved: Cr Rajagopalan Seconded: Cr Waight

- 1. That the application for the Installation of lighting at the Bruce Rock Synthetic Hockey Turf Facility for the 2018/19 Community Sports Infrastructure Grants Program for \$88,242.18 ex gst be submitted to the Australian Sports Commission.
- 2. That if the application for the Installation of lighting at the Bruce Rock Synthetic Hockey Turf Facility is successful Council will commit a 1/3rd contribution and make a budget provision on \$88,242.18 ex gst in the 2018/19 financial year. This will need to be a budget amendment at time of review.

CARRIED BY ABSOLUTE MAJORITY 7/0

Cr. Dolton attended the DOAC Meeting in Merredin on Monday 10 October. It was stated there that there is a new organic herbicide available utilising citric acid which may be a safer alternative to the current one used, particularly in the town site. Firebreaks were also discussed, including the Shire's need to be proactive in enforcing compliance, utilising WA Ranger Services in the first instance. All residents should be aware beforehand of the requirement to have Firebreaks in place by 25th October via Public Notice and Facebook etc.

Cr. Waight reported feedback from seniors visiting the Oval near the Playground area requesting a handrail to assist with the steps.

Cr Thornton left the Council Chambers at 4.09pm. Cr Thornton entered the Council Chambers at 4.10pm

14. Confidential Items

15. Confirmation and receipt of Information Bulletins.

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM July 18 - 15.1

Moved: Cr Rajagopalan Seconded: Cr Thornton

That Information Bulletins 1 and 2 be received.

Carried 7/0

16. Closure of Meeting.

The Shire President, Stephen Strange thanked everyone for their attendance and declared the meeting closed at 4.50pm.

These minutes were confirmed at a meeting on 18 October 2018.

Cr Stephen Strange Shire President 18 October 2018