

SHIRE OF BRUCE ROCK

MINUTES – ORDINARY MEETING 17 OCTOBER 2019

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SHIRE OF BRUCE ROCK

MINUTES – ORDINARY MEETING 17 OCTOBER 2019

1. Declaration of Opening

The Shire President Cr SA Strange declared the meeting open at 2.21pm.

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

President	Cr SA Strange
Deputy President	Cr R Rajagopalan
Councillors	Cr AR Crooks
	Cr IS Dolton
	Cr KP Foss
	Cr NC Kilminster
	Cr PG Negri
	Cr MK Thornton
	Cr BJ Waight
Chief Executive Officer	Mr DRS Mollenoyux
Deputy Chief Executive Officer	Mr A O’Toole
Executive Assistant	Mrs MJ Schilling
Environmental Health Officer	Mr J Goldacre (2.21pm to
Manager of Finance	Mrs JL Bow (2.35pm to 3.06pm)

Leave of Absence

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
17.10.19	Cr MK Thornton	12.5	Co-owner of lease

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
17.10.19	Mr J Goldacre	11.1.2	Resides in a neighbouring property

4. Response to Previous Public Questions Taken on Notice

5. Public Question Time

6. Petitions/Deputations/Presentations/Submissions

Helen Creed and Tania Darby-Gethin - Presentation outlining new Regional Early Education and Development Inc model

Janine Dayman and Karen Strange – Overview and Update on True Blue Dreaming Mentoring Program

7. Applications for Leave of Absence

8. Announcements by Presiding Member

9. Confirmation of Minutes

Ordinary Meeting of Council held on Thursday 19 September 2019.

COUNCIL DECISION

Resolution OCM Oct 19 – 9.1

Moved: Cr Rajagopalan

Seconded: Cr Foss

That the minutes of the Ordinary Meeting of Council held Thursday 19 September 2019 be confirmed as a true and correct record.

Carried 9/0

10. Regional Reports

No Report

11. Officers' Reports

11.1 Environmental Health Officer

Agenda Reference and Subject:	11.1.1 Planning Development Approval request for an internet-based company with machinery storage on Rural Zone Land Ardath area
File Reference:	A735 Bruce Rock Corrigin Road, Bruce Rock
Reporting Officer:	Julian Goldacre, Environmental Health Officer
Author:	Julian Goldacre, Environmental Health Officer
Disclosure of Interest:	Nil
Attachments:	<i>Item 11.1.1 - Attachment A Development Application Rural office and farm machinery set down area</i>

Summary

Council approves the Development Application for an internet-based company with machinery storage ability on Rural Zoned Land Ardath area with one condition and one advice note.

Background

On the 19 August 2019 the Shire of Bruce Rock received an Application for Development Approval which was received in as 'AATARDATH14515' (Development Application).

Comment

The Development Application as presented in Attachment 11.1.1 describes an internet-based business in an office, and from time to time to facilitate the storage of farm machinery purchased/consigned on a transient basis (temporary storage explained in an email from Applicant dated 27 August 2019) in an area set aside of 8,185m². The location of the Development Proposal as seen in Attachment 11.1.1 is East-South East of the townsite of Ardath on Lot 14515 adjoining the Bruce Rock – Corrigin Road.

A review of the Shire of Bruce Rock Local Planning Scheme No 3 (Scheme) and the Planning and Development (Local Planning Schemes) Regulations 2015 (Regulation) shows the proposal does not reasonably fit a definition in the Scheme or Regulation therefore is a use not listed. There is a Statutory instrument within the Scheme within Clause 4.5 to be able to facilitate a use not listed for Council consideration.

A review of the Scheme in the context of Clause 1.6 'The aims of the scheme' reveals the proposal is in accordance with the applicable provisions set out for:

- '...providing opportunities...';
- '...promote sustainable use of rural land...';
- '...whilst accommodating other rural activities'; and
- 'To safeguard...' and '...the character and amenity of the built and natural environment...'

A further review regarding the 'Objectives of the Zones' within Clause 3.2 relevant to 'Rural Zoned' land finds that the Development Proposal to be in accordance:

- Provides for compatible rural pursuits conducive to rural character and amenity; and
- Will not affect the viability of a holding.

As a use not listed then advertising of the Development Application is a requirement, unless:

- In the opinion of the local government, the variation is likely to not affect any owners or occupiers in the general locality or adjoining the site which is the subject of consideration for the variation.

In this regard the Applicant has submitted a document showing the immediate neighbours, who are some distance away, have endorsed support for this Development Application. Furthermore, the activity proposed in the Development Application is Rural in nature, and does not reasonably have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality. The Environmental Health Officer considers, in this instance, that advertising is not required.

Conditions proposed for this Development Application in the event of Council approval are as follows:

1. This development approval is for an internet-based business in an office, and from time to time to facilitate the storage of farm machinery purchased/consigned on a temporary basis in an area set aside of 8,185m2 as presented to Council in Attachment 11.1.1 on Lot 14515 adjoining the Bruce Rock – Corrigin Road with application reference number ‘AATARDATH14515’ only;

An advice note will be provided detailing that 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.

Consultation

Mr T Reed, Senior Planner, 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° 3.

Policy Implications

Nil.

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.

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 Oct 19 – 11.1.1

Moved: Cr Foss

Seconded: Cr Thornton

That Council resolves to:

1. Grant development approval for the internet-based business in an office, and from time to time to facilitate the storage of farm machinery purchased/consigned on a temporary basis in an area set aside of 8,185m² on Lot 14515 adjoining the Bruce Rock – Corrigin Road as presented in Attachment 11.1.1, and subject to the following condition:

a. This development approval is for an internet-based business in an office, and from time to time to facilitate the storage of farm machinery purchased/consigned on a temporary basis in an area set aside of 8,185m² as presented to Council in Attachment 11.1.1 on Lot 14515 adjoining the Bruce Rock – Corrigin Road with application reference number ‘AATARDATH14515’ only;

2. Council provides the following Advice Note that this development approval decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two-year period, the approval shall lapse and be of no further effect.

Carried 9/0

Agenda Reference and Subject:

11.1.2 Request by Mr W Boes to keep two roosters on property located at 53-55 Westral Street, Bruce Rock

File Reference: A515 53-55 Westral Street, Bruce Rock

Reporting Officer: Julian Goldacre, Environmental Health Officer

Author: Julian Goldacre, Environmental Health Officer

Disclosure of Interest: Julian Goldacre, Environmental Health Officer - Proximity

Attachments: *Item 11.1.2 – Attachment A Request to Keep Roosters*

Summary

Permission is given to Mr W Boes to keep two roosters on 53-55 Westral Street with conditions and an advice note.

Background

Mr W Boes made a written application to the Shire of Bruce Rock dated 10 September 2019 regarding approval to keep roosters on his property at 53-55 Westral Street, Bruce Rock. The Ranger and then the Environmental Health Officer (EHO) advised that Council needs to consider this approval and that conditions will apply.

Comment

Mr W Boes had discussions with the EHO regarding keeping roosters on his property as presented in Attachment 11.1.2 giving assurances that he will keep the roosters, confirmed verbally as two roosters, contained in a manner to stop crowing during the evening, night and morning hours. The EHO advised that Council in order to give conditional approval will need to be assured that the roosters will be kept quiet and not become a nuisance to Mr W Boes' neighbours. Mr W Boes consulted his immediate neighbours on the perimeter of this property, and all were in agreement and signed documents to that effect; some signed on the condition that compliance with rules and regulations was adhered to. The EHO lives in a Shire property within the neighbour perimeter of Mr W Boes' property and has given verbal approval to keep roosters conditional that crowing is effectively managed to not be a nuisance.

The *Shire of Bruce Rock Animals, Environment and Nuisance Local Law 2016* (Local law) under Clause 2.7 permits the keeping of a rooster only with the written permission of the local government. As roosters are notorious for nuisance complaints it is important that should permission be given that the rooster/s do not become or create a nuisance. Mr W Boes has given repeated assurances that all reasonable undertakings will be endeavoured to prevent the rooster/s, becoming a nuisance. As with any consideration for permission to keep rooster/s conditions will be listed to be adhered to as well as compliance with the Local Law requirements for keeping poultry.

Conditions recommended for keeping roosters will be:

- The rooster/s kept shall not exceed more than two roosters not including chicks up to an age of three months;
- All reasonable measures are to be undertaken to ensure the crowing of roosters is limited to not cause a nuisance to the neighbouring properties or beyond during the hours of evening, night and morning hours;
- Council can revoke the permission to keep roosters at 53-55 Westral Street should, after all reasonable efforts to deal with complaints about the keeping of roosters fail.

The following advice notes will be provided to advise Mr W Boes of the obligations required to be undertaken for keeping poultry being:

- Compliance with Clause 2.6 ‘Conditions for keeping poultry’ of the *Shire of Bruce Rock Animals, Environment and Nuisance Local Law 2016*.

Consultation

Mr A O’Toole Acting Chief Executive Officer.

Statutory Implications

Shire of Bruce Rock Animals, Environment and Nuisance Local Law 2016

Policy Implications

Nil

Risk Implications

Risk: Failure to prevent the keeping of roosters from becoming a nuisance.		
Likelihood	Consequence	Rating
Possible	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 4: Workers and their families can work and reside in the Shire
Workers and their families reside in and contribute to the local economy

Voting Requirements

Simple majority.

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Oct 19 – 11.1.2

Moved: Cr Thornton

Seconded: Cr Waight

That Council resolves:

1. To give Mr W Boes permission to keep two roosters on his property located at 53-55 Westral Street, Bruce Rock with the following conditions:

- a) The rooster/s kept shall not exceed more than two roosters not including chicks up to an age of three months;**
- b) All reasonable measures are to be undertaken to ensure the crowing of roosters is limited to not cause a nuisance to the neighbouring properties or beyond during the hours of evening, night and morning hours; and**
- c) Council can revoke the permission to keep roosters at 53-55 Westral Street should, after all reasonable efforts to deal with complaints about the keeping of roosters, fail.**

The following advice note is provided to advise Mr W Boes of the obligations required to be undertaken for keeping poultry being:

- Compliance with Clause 2.6 'Conditions for keeping poultry' of the Shire of Bruce Rock Animals, Environment and Nuisance Local Law 2016.**

Carried 9/0

Agenda Reference and Subject:

11.1.3 Planning Development Approval request for the construction of a carport at the St Johns building (DFES) Lot 21 Dunstall Street Bruce Rock

File Reference:

Lot 21 Dunstall Street, Bruce Rock

Reporting Officer:

Julian Goldacre, Environmental Health Officer

Author:

Julian Goldacre, Environmental Health Officer

Disclosure of Interest:

Nil

Attachments:

Item 11.1.3 – Attachment A Development Application carport St Johns DFES building

Item 11.1.3 – Attachment B Details of amenity-colours to be used for St Johns carport

Item 11.1.3 Attachment C - Drawings of proposed carport

Summary

Council gives planning approval for the construction of a carport of 89.6 meters square footprint and 2518mm minimum height with sunscreen mesh retractable outdoor blinds with a condition and advice notes.

Background

The Shire of Bruce Rock has received a Development Application (DA) with supporting material (Attachments A, B and C) from the St Johns Bruce Rock branch for the construction of a carport onto the new St Johns building.

Comment

The DA as presented in Attachments A, B and C shows a carport of 89.6 meters square footprint and 2518mm minimum height with sunscreen mesh retractable outdoor blinds. The carport is a steel structure and it is proposed to be painted in colours to match the existing St Johns building to blend in with the amenity of the existing building. The width of the carport is 8.5 meters and will allow for a 1.5-meter setback from the west boundary although the fence line is built further away from the actual boundary. The proposed construction is of new building materials.

The land being Lot 21 Dunstall Street is occupied by the Department of Fire and Emergency Services (DFES) emergency services building and the appurtenant St Johns building. The land is designated a Local Reserve within the *Shire of Bruce Rock Local Planning Scheme No 3*. Any development on a Local Reserve requires Council consent as well as consultation with the relevant public authority, in this case being DFES, before determining an application for development approval. DFES were notified by email on the 9 October 2019 and by email dated 9 October 2019 3:24 PM advised ‘...that there is no problems with STJ building carport on their side of the building’, thus no concern raised with this DA.

Given Council’s previous interest in how the emergency services building is presented it is deemed prudent as a condition of approval that the final colour scheme to be initiated for the proposed carport is presented to the Council for consideration as follows:

1. Before the carport is to be painted and/or materials prepared in a supplied colour, the sample colour sheets proposed are to be presented to Council for consideration of suitability before being implemented.

Also, Advice Notes are recommended 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; and
2. A Building Permit is required for the approved development, prior to works commencing, in accordance with the *Building Act 2011*. Fees apply

Consultation

Mr A O’Toole Acting Chief Executive Officer;
DFES Regional Co-Ordinator;

Statutory Implications

Shire of Bruce Rock Local Planning Scheme No 3.

Policy Implications

Nil.

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.

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Governance

- Goal 7 Our community are engaged and have a healthy lifestyle
- 7.8 Shire supports emergency services such as St Johns Ambulance

Voting Requirements

Simple majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Oct 19 – 11.1.3

Moved: Cr Kilminster

Seconded: Cr Foss

That Council resolves to:

1. Give planning approval for the construction of a carport of 89.6 meters square footprint and 2518mm minimum height with sunscreen mesh retractable outdoor blinds as presented in Attachment C with the following condition being –

a) Before the carport is to be painted and/or materials prepared in a supplied colour the sample colour sheets proposed are to be presented to Council for consideration of suitability before being implemented.

Council also provide the following Advice Notes in good faith, and is not limited to, the applicant 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; and

2. A Building Permit is required for the approved development, prior to works commencing, in accordance with the Building Act 2011. Fees apply.

Carried 9/0

Mrs JL Bow entered the Council Chambers at 2.35pm.

Agenda Reference and Subject:

11.1.4 Environmental Health Officer Information Bulletin

File Reference:

Reporting Officer:

Julian Goldacre, Environmental Health Officer

Author:

Julian Goldacre, Environmental Health Officer

Disclosure of Interest:

Nil

Attachments:

Nil

Summary

To accept the Environmental Health Officer Information Bulletin for the month of October 2019 for activities undertaken.

Background

The Environmental Health Officer will provide a report of activities undertaken during the preceding two months inclusive of Deputised and Delegated functions. This Information Bulletin will cover the month of August 2019.

Comment

As part of the role of EHO in asset management the following major items have been undertaken:

- 1) Investigation into power supply issues at the Johnson Street Industrial units where use of equipment is causing power fluctuations. The Matter initially addressed to upgrade cables proved ineffective and the matter is now in the hands of Western Power to identify cause of issue from the supply end;
- 2) Continued works ongoing to facilitate the second point of supply to the Hocky Turf requiring follow-ups with Western Power and E Consulting to resolve matter and receive a get a quotation advice;
- 3) requests for quotations issued for the upgrade of the café on Johnson Street building for flooring, painting and doors have been undertaken;
- 4) co-ordinating contractor tree removal service to remove damaging trees from Shire property and assessing future tree removal works on site;
- 5) assisting in the Bruce Rock Ag. Show Statutory Approvals processes and trader permit requirements;
- 6) working on a response to the proposed changes to the governance to pesticide safety initiated by the Dept of Health WA;
- 7) assisting potential applicants for planning applications and researching planning legislation factors;
- 8) organising the septic system and electrical works and variation to storm water plumbing works for Lot 118 Curlew Drive new house;
- 9) finalising the waste, recycling and landfill management tenders and initiating advertising and responding to tender requests and questions;
- 10) joined a video conference to learn more about Waste Plans and its requirement if at all for Bruce Rock. At this stage it's 'voluntary' which is the best place for it to be; and
- 11) prepared advertising to support with information the container deposit scheme for public and business consideration;

Consultation

Mr D Mollenoyux Chief Executive Officer; and

Mr A O'Toole Deputy Chief Executive Officer;

Statutory Implications

Health (Miscellaneous Provisions) Act 1911;
Waste Avoidance and Resource Recovery Act 2007; and
Local Government Act 1995;

Policy Implications

Nil.

Risk Implications

Nil.

Financial Implications

Nil.

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Governance

- Goal 7 Our community are engaged and have a healthy lifestyle
 7.7 Environmental Health services -Create a community health plan incorporating community life, local planning, parks and facilities, transport, social support and community participation to embed preventative health measures and health promotion locally.

Voting Requirements

Simple Majority.

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Oct 19 – 11.1.4

Moved: Cr Crooks

Seconded: Cr Waight

To accept the Environmental Health Officer Information Bulletin for the month of October 2019.

Carried 9/0

11.2 Manager of Works & Services

Agenda Reference and Subject:

11.2.1 Works & Services Information Report

File Reference:

Reporting Officer:

Glenn Casley, Manager of Works & Services

Author:

Glenn Casley, Manager of Works & Services

Disclosure of Interest:

Nil

Attachments:

Nil

Town & Gardening Crew

- Main Street tidied
- Street sweeping completed in Bruce Rock, Babakin, Ardath and Shackleton
- Amphitheatre lawns top dressed
- Memorial Park lawns top dressed
- Aquatic Centre mowed and tidied ready for opening
- Spraying around town completed
- Reserves and Shire blocks slashed
- New signage for Kokerbin Rock erected
- Oval clean up after the Agriculture Show
- Landscaping at the new house completed
- Caravan Park mowed
- Curlew Drive tidied up
- Retic turned back on and programmed for once a week on all gardens
- Skate Park cleaned up

Construction Crew

- Bruce Rock Narembeen Rd progressing
- Lawrie Rd R2R project underway - gravel sheeting for 1.5 kms.
- Vacancy for a casual employee to assist in road maintenance has been advertised

Workshop

Paul Clark was the only applicant for the Workshop Mechanic position. Paul was interviewed and has been appointed. Paul's full-time employment will commence on the 17th of October 2019.

Workshop Report

- BK 9816 Side Tipper Hydraulics tipping to half capacity, rectified fault with new 2-way control valve, Purchase order: 31082 BK Engineering, Part: HYV-2S-2A \$810.68
- BK 650 Prime mover suspected with faulty hydraulic pump, pump dismantled all components excellent condition, pump reassembled. Hydraulics pressure good.
- BK 025 Rear connection for trailer brakes faulty, replaced air fitting on truck and trailer.
Purchase order: 31082 BK Engineering, Part: HA-452804 \$83.20 & Part; HA-452803 \$37.08
- BK 9353 Dolly picked up from BK engineering, brakes slow to release, emergency low pressure application valve serviced, brakes good.
- BK 9355 Side tipper Brakes slow release and brake drag on rear axle, emergency trailer park valve faulty, serviced main control valve.
- BK 377 Faults with operation to wheelchair lift, future repairs to be completed.
- BK 06 Hydraulic pressure light intermittent, replace low hydraulic pressure switch.

- BK 1018 repair faulty trailer light wiring harness. Future repairs required: Front head light, left rear brake light, wheel alignment & two front tires.
- John Deere ride on mower, repairs to wheels & body work.
- Kubota ride on mower- replace mower blades & Purchase order: 31079 Blades for stock.

Rec Centre

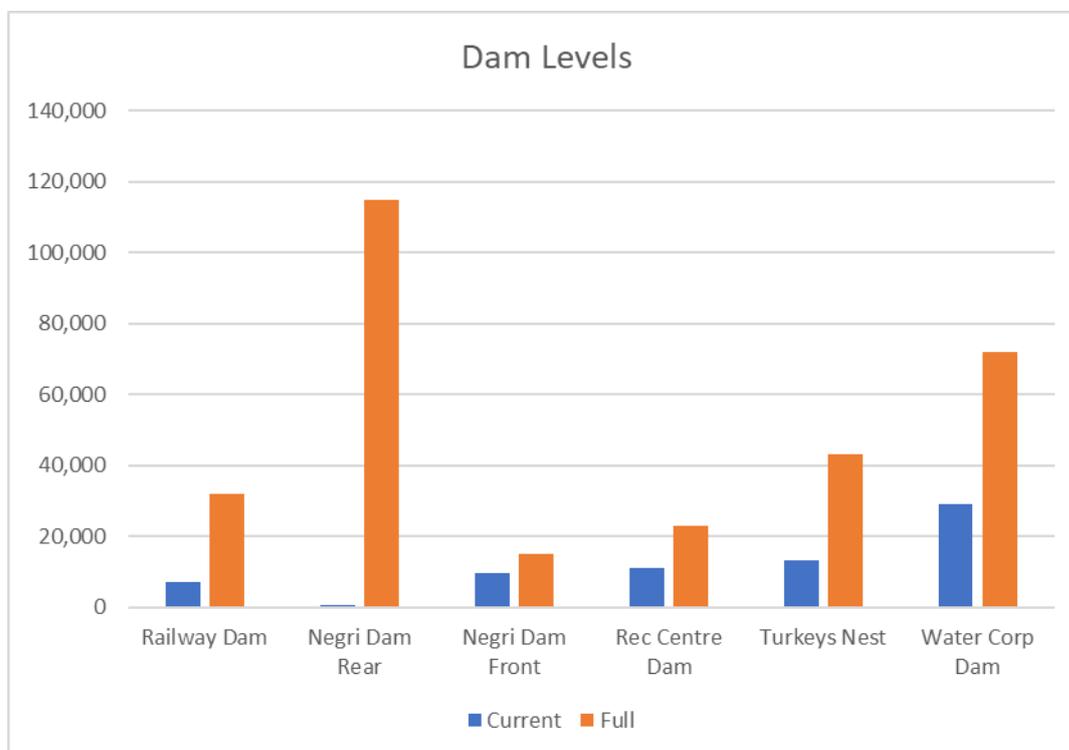
- Oval mowed
- Retic turned back on to watering once a week
- Rec Centre entrance watered
- Cricket wicket grooming commenced
- Oval sprayed with wetter soil
- Electrical work carried out on inside court

Vehicles/Machinery Changeover

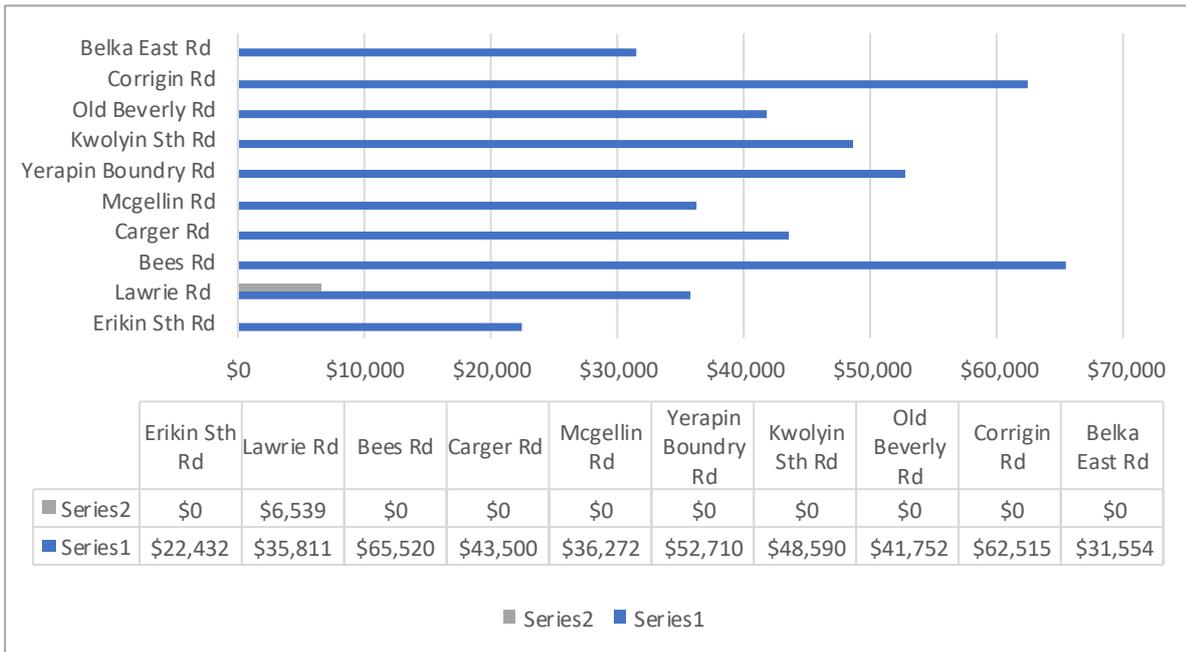
A new second-hand water truck has been purchased from Smith Broughton for \$97,500ex GST
The budgeted amount for this item was \$105,000ex GST through the three-quote process.

Dams

• Dam	• Current	• Capacity
• Railway Dam	• 7,000kl	• 32,000kl full
• Negri Dam Rear	• 500kl	• 115000kl full
• Negri Dam Front	• 9,500kl	• 15000kl full
• Rec Centre Dam	• 11,000kl	• 23000kl full
• Turkeys Nest	• 13,000kl	• 43000kl full
• Water Corp Dam	• 29,000kl	• 71808kl full

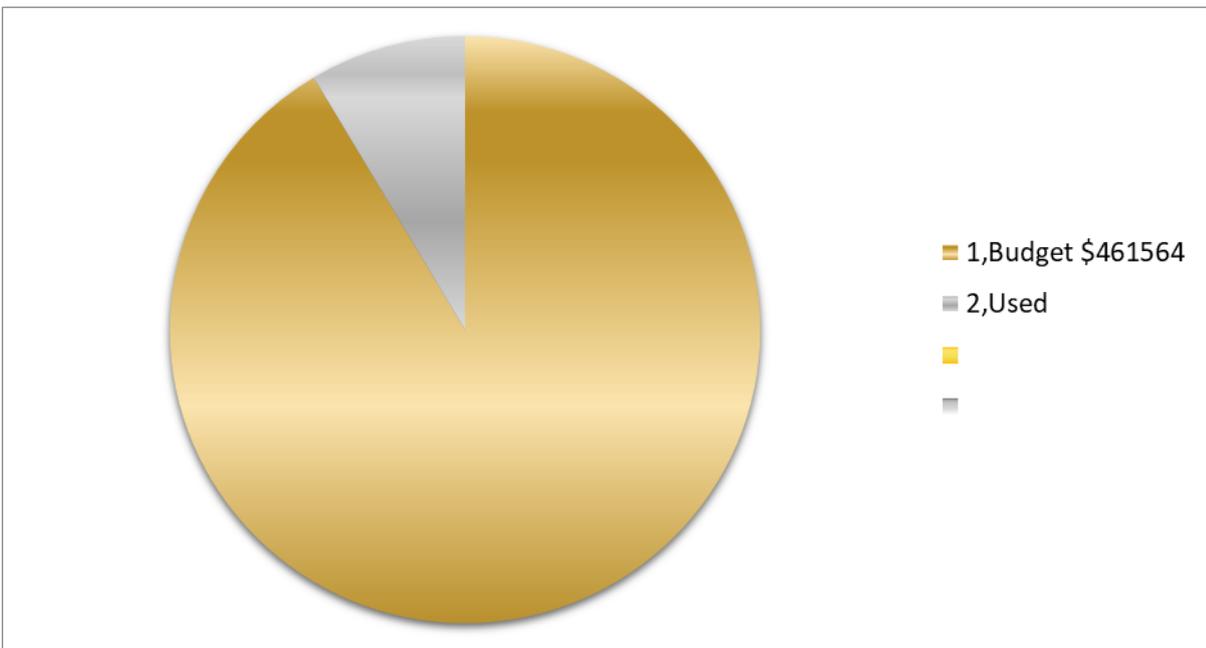


Roads to Recovery 2019/20



This chart is to show the program we have this financial year for Roads to Recovery. It will be updated each month so Council can see the progress through the year. Next month I will have a chart for the Regional Road Group project also.

Regional Road Group Funding Bruce Rock- Naremben Rd



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

Kokerbin Rock Sign

The sign has now been moved from the corner to take away the distraction for drivers.

Road Maintenance Crew

Advertising for a Casual employee has commenced to assist with the road maintenance crew. Once appointed, this extra person will help Clint focus on the roads needed to be patched for re-seal and the rest of the sealed road network.

Yarding- Ardath Pothole Issue

At the September Council meeting it was brought up about the severe potholing on the Yarding Ardath Rd. After doing costings on three ways to fix this section of road (re-seal, rip off bitumen and seal or full reconstruction) and consulting with the Shire President and CEO, it was decided to patch the road for this year and install signage to alert drivers. This section of road will be a priority for next year's road programme which will coincide with works from Smith Road, down past Barbers for 3 kms.

WBS RRG Meeting 03/10/19

A meeting was held in Wickepin to discuss the Wheatbelt Secondary Freight Route Funding which Councillor Foss and myself attended. Councillor Crute from Brookton was attempting to gain support from the Group to go into an agreement for the life of the programme due to concerns that once Shires have had their roads repaired, the support would disappear resulting in a possible withdrawal of funding. There will be an MOU or Deed that will be drawn up and brought to the RRG meeting in November which has been brought forward from February to get this issue finalised.

COUNCIL DECISION

Resolution OCM Oct 19 – 11.2.1

Moved: Cr Kilminster

Seconded: Cr Rajagopalan

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

Carried 9/0

11.3 Manager of Finance

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

Summary

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

Background

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

Comment

The financial statements for the month ending 30th September 2019 will be presented at the meeting.

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 Oct 19 – 11.3.1

Moved: Cr Negri

Seconded: Cr Dolton

That the Statements of Financial Activity for the month ending 30th September 2019 as presented be received.

Carried 9/0

Agenda Reference and Subject:	11.3.2 List of Payments
File Reference:	8.2.3.3 Accounts Payable (Creditors)
Reporting Officer:	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 September 2019</i>

Summary

List of payments made since the last Ordinary Council Meeting.

Background

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

Comment

Following is a list of payments made from Council’s Municipal and Trust Accounts and also payments made with the CEO’s credit card for the month of September 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 Oct 19 – 11.3.2

Moved: Cr Thornton

Seconded: Cr Rajagopalan

That Council endorse the list of payments from the:

- 1. Municipal Account consisting of:**
 - a. EFT voucher numbers EFT14719 to EFT14829 totalling \$400,737.14**
 - b. Cheque number 23947 to 23954 totalling \$12,068.10**
 - c. Trust Cheques Nil**
 - d. Wages and Superannuation payments totalling \$195,030.40 and**
 - e. Credit Card payments \$555.64**
- With all payments totalling \$607,835.64 for the month of September 2019.**

Carried 9/0

Mrs JL Bow left the Council Chambers at 3.06pm and did not return.

11.4 Deputy Chief Executive Officer

Agenda Reference and Subject:

11.4.1 Shire Seal

File Reference:

Reporting Officer:

Alan O’Toole, Deputy Chief Executive Officer

Author:

Melissa Schilling, Executive Assistant

Disclosure of Interest:

Nil

Attachments:

Nil

Summary

Use of Shire President Stamp in September 2019.

Background

Nil

Comment

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

- Sale of Land Dunning to Kovac
- Sale of Land Drazkowski to Sedgwick
- Sale of Land Joro to Weir

Consultation

Nil

Statutory Implications

Council Policy

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Shire of Bruce Rock Strategic Community Plan 2017-2027

Governance

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

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION COUNCIL DECISION

Resolution OCM Oct 19 – 11.4.1

Moved: Cr Thornton

Seconded: Cr Waight

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

Carried 9/0

11.5 Chief Executive Officer

No Report

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

Agenda Reference and Subject:	12.1 WEROC Executive Meeting Minutes September 19
File Reference:	1.6.9.1 Minutes and Agendas WEROC
Reporting Officer:	Darren Mollenoyux, Chief Executive Officer
Author:	Darren Mollenoyux, Chief Executive Officer
Disclosure of Interest:	Nil
Attachments:	<i>Attachment A – WEROC Executive Meeting Minutes</i> <i>Attachment B – Draft Revised WEROC Constitution</i> <i>Attachment C – Accingo Report</i> <i>Attachment D – Accingo Recommendations</i>

Summary

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

Background

The last WEROC Executive Meeting was held on the 25th September 2019 at the Shire of Merredin 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;

5.1 Future WEROC Projects – Asset management Project (Accingo)

Discussion was held in relation to the Accingo report with varying views and opinions on some components and suggested recommendations, however no formal directions were made and the following was resolved by the meeting

That the:

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

5.2 Future Governance for WEROC – Development of WEROC Constitution

Over recent meetings discussion and consideration to forming one entity has been addressed and proposed that WEROC consider a new constitution. The Executive Meeting discussed the proposed constitution and resolved for the following changes to be made and that it then be presented to individual Council's for consideration and feedback.

The WEROC Executive Meeting resolved as follows;

That the draft WEROC Constitution be accepted, subject to the changes detailed below, as presented and referred to Member Councils for comment.

Clause 6.4 to read:

6.4 Representatives qualifications

Representatives of Local Governments must be sitting Councillors or the Chief Executive Officer and must be approved by WEROC Board.

A new clause be added to cover the financial contribution to be made by new members on their joining WEROC:

10.2 Financial Contributions by New Members

Where a new member is admitted to WEROC, a financial contribution to be made by the new member, in addition to the annual financial contribution, will be as determined by the Board.

Clause 14.2 to be simplified:

14.2 Where a vacancy on the Board occurs after 31 March in any year:

- (a) the position can remain vacant until the next Annual General Meeting or;*
- (b) an election to fill the vacancy is to take place at a Special meeting called for that purpose.*

Clause 15.2 to read:

15.2 Notice of Meeting

Notice of a meeting of the Board, stating the business of the meeting and including reports and supporting documentation must be given by the Executive Officer to each representative at least 5 business days prior to the meeting.

Clause 16.1 to read:

16.1 Executive Officer Appointed

The Board is empowered to appoint an Executive Officer for a contract period not exceeding five years or to remove an Executive Officer from WEROC and to decide upon his or her remuneration and duties. The contract of an Executive Officer so appointed may be renewed from time to time at the discretion of the Board.

5.6 Ongoing Development of WEROC App

Discussion was held on the future direction of the ongoing development of the WEROC App and website with the meeting making the following resolution;

1. WEROC terminates its contract with go2Guides
2. WEROC examine alternative ways to manage the WEROC website.

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

OFFICER RECOMMENDATION COUNCIL DECISION

Resolution OCM Oct 19 – 12.1

Moved: Cr Rajagopalan

Seconded: Cr Foss

1. That Council receives the minutes of the WEROC Executive Meeting held on the 25th September 2019 at the Shire of Merredin Council Chambers.
2. That Council considers the Draft Constitution (dated 9th October 2019) for the Wheatbelt East Regional Organisation of Councils Inc and provides any feedback for the WEROC Council meeting.
3. To enable adequate time for staff to review and Council consider the Accingo Report, Council defer any discussion or consideration of the recommendations until the November 2019 Ordinary Council Meeting.

Carried 9/0

Agenda Reference and Subject:

12.2 WALGA State Council & Zone Structure Review

File Reference:

1.6.5.1 Surveys WALGA

Reporting Officer:

Darren Mollenoyux, Chief Executive Officer

Author:

Darren Mollenoyux, Chief Executive Officer

Disclosure of Interest:

Nil

Attachments:

Attachment A – WALGA Report State Council and Zone Structure Review

Summary

Council is asked to consider the Final Report from WALGA on State Council and Zone Structure and Process Working Group.

Background

The following email has been received from WALGA;

“WALGA’s State Council has released for consultation the Final Report prepared by the Working Group charged with reviewing WALGA’s governance structures and processes.

The Working Group has made a number of recommendations, four of which have been endorsed for immediate implementation by State Council, with the balance endorsed in principle pending sector consultation.

The recommendations endorsed by State Council for implementation relate to the provision of information about WALGA to Elected Members, State Council’s committee structure, and the process for considering submissions to Government.

Your Council’s consideration and feedback is sought on the balance of the recommendations, which relate to the composition of State Council, the continuing role of Deputy State Councillors, no term limits for State Councillors, the Member Advisor program, services to Zones, and the State Council agenda, including the cessation of the production of printed agendas.

Following feedback from the Local Government sector, which should be provided to Tim Lane by 5:00pm, Friday, 25 October 2019, an item will be included in the December State Council agenda for consideration at the November round of Zone meetings.”

Comment

The report has been provided to Councillors for consideration and the Shire President will provide his views as a State Councillor on this report and its recommendations.

The following recommendations are listed for direction from Council;

Recommendation 1

That the existing composition and representational arrangements of State Council be retained.

Recommendation 2

That the role of Deputy State Councillor be retained.

Recommendation 3

That no term limits be introduced for the role of State Councillor.

Recommendation 8

That information regarding the role of Zones, and Zone delegates, and the process for submission of Zone motions, be prepared and circulated to Zones, and included in the WALGA Elected Member Prospectus and the Corporate Governance Charter.

Recommendation 9

That:

1. The secretariat engage with Zones regarding the services and support that WALGA provides to Zones; and,
2. The secretariat continues to offer baseline Zone secretariat services to Zones as appropriate.

Recommendation 10

That:

1. The secretariat develop templates and processes to reduce the length of State Council agenda items;
2. Following consultation with the sector, production of hard copy agendas cease beginning with the March 2020 meeting of State Council; and,
3. A process be implemented, in consultation with the Local Government sector, to enable Councils to consider items for decision in the State Council agenda to raise awareness of contemporary strategic advocacy and policy issues and to enable Councils to provide guidance and direction to their Zone representatives.

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

OFFICER RECOMMENDATION COUNCIL DECISION

Resolution OCM Oct 19 – 12.2

Moved: Cr Rajagopalan

Seconded: Cr Crooks

That Council receives WALGA’s Final Report on State Council and Zone Structure and Process Working Group 2019 and endorses the recommendations as presented.

Carried 9/0

Council Meeting adjourned for Afternoon Tea at 3.35pm.

Council Meeting resumed at 3.55pm with all staff and Councillors present.

Mrs K Strange and Mrs J Dayman entered the Council Chambers at 3.55pm to give a presentation to Council regarding the True-Blue Dreaming Mentoring Program.

Mrs K Strange and Mrs J Dayman left the Council Chambers at 4.22pm and did not return.

Agenda Reference and Subject:	12.3	Department of Local Government’s Proposed Code of Conduct and CEO Standards
File Reference:	2.3.3.1	Local Government Act 1995
Reporting Officer:		Darren Mollenoyux, Chief Executive Officer
Author:		Darren Mollenoyux, Chief Executive Officer
Disclosure of Interest:		Nil
Attachments:		<i>Attachment A – WALGA Draft Submission – Code of Conduct</i> <i>Attachment B – WALGA Draft Submission – CEO Standards</i> <i>Attachment C – Proposed Code of Conduct</i> <i>Attachment D – Proposed CEO Standards</i>

Summary

Council is asked to consider making a submission to the Department of Local Government in relation to their proposed Code of Conduct and CEO Standards and to provide comment on the WA Local Government Association’s proposed submission on both documents.

Background

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

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

The Act includes a requirement for the introduction of:

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

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

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

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

WALGA has provided Council with their Draft Submission on both the proposed Code of Conduct and the CEO Standards, of which a copy has been provided for Councillors’ reference. To enable WALGA to obtain a sector position it is seeking a response from individual Councils on its proposed submissions by the 25th October 2019.

Comment

Whilst the WA Local Government Association will make this submission on behalf of the sector it is encouraged that Council also makes a submission to reinforce key points and highlight any concerns.

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

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

Consultation

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

Statutory Implications

The Local Government Legislation Amendment Act 2019

Policy Implications

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

Risk Implications

Risk: Compliance may be increased from legislative changes that could occur and costs and administrative burden would increase should the CEO Standards be adopted by the Department of Local Government as they are currently proposed.		
Likelihood	Consequence	Rating
Likely	Moderate	Moderate
Action / Strategy		
This item has been evaluated against the Shire of Bruce Rock’s Risk Management Procedure’s Risk Matrix. The perceived level of risk is considered to be “Medium” risk and will be managed by specific monitoring and response procedures.		

Financial Implications

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

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Governance

Goal 10 – Our organisation is well positioned and has capacity for the future
 Goal 12 – Council leads the organisation in a strategic and flexible manner

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION COUNCIL DECISION

Resolution OCM Oct 19 – 12.3

Moved: Cr Crooks

Seconded: Cr Rajagopalan

That Council;

- 1. Endorses WALGA's proposed submissions on the Department of Local Governments proposed new Code of Conduct and CEO Standards, as presented.**
- 2. That the Chief Executive Officer prepare a submission and survey response, on behalf of Council for the Department of Local Government's proposed new Code of Conduct and CEO Standards. This submission is to be in line with views from Council and be presented for endorsement at the November 2019 Ordinary Council Meeting.**

Carried 9/0

Agenda Reference and Subject:	12.4	Bruce Rock Hockey Club
File Reference:	1.3.8.7	Bruce Rock Hockey Club
Reporting Officer:		Darren Mollenoyux, Chief Executive Officer
Author:		Darren Mollenoyux, Chief Executive Officer
Disclosure of Interest:		Nil
Attachments:		<i>Attachment A – Letter from Bruce Rock Hockey Club</i> <i>Attachment B – CONFIDENTIAL – Briefing Notes</i>

Summary

Council is requested to consider and endorse the proposed actions in relation to the Bruce Rock Synthetic Hockey Turf “Ripple Effect”.

Background

Over the past 18 months Council and staff have been working towards seeking an acceptable resolution to the “ripple effect” that was identified in the newly installed Bruce Rock Synthetic Hockey Turf.

Staff have provided Council and the Bruce Rock Hockey Club with regular updates on the progress and actions taken throughout the process and an overall outline of these were presented at the August 2019 Ordinary Council Meeting. It was agreed to hold a meeting and have this open to all Bruce Rock Hockey Club members to provide them a first-hand update on the process to date and Council’s proposed direction.

A copy of the update and briefing notes has been provided to Councillors under separate cover, as a Confidential Document due to the legal ramifications and Without Prejudice statements referenced.

From that meeting a letter was sent to the Bruce Rock Hockey Club seeking their comment and agreement on Council’s proposed direction.

Comment

A letter has now been received from the Bruce Rock Hockey Club (Attachment A) advising that *“The Bruce Rock Hockey Club supports the Bruce Rock Council’s recommended direction, as presented to members on the 25th September 2019 and correspondence received thereafter.”*

Council needs to take into consideration the response from the Bruce Rock Hockey Club and additionally provide any comment on the highlighted additional points of action that the hockey Club is proposing.

There are obviously risks in proceeding down the legal avenue. The potential timeframe for the legal process, starting with mediation, civic trial and then appeals would likely take years, not only financially impacting Council but other resources and time over that period.

The ongoing and future financial impacts of pursuing this legally and the various options and stages of any further legal approach, once started and committed to the process would be significant. The risk versus outcome may not be in the best interests of Council or the ratepayers.

Consultation

- Council has been addressing this matter over the past 18 months
- The Senior Management Team and CDO have been heavily involved throughout this process
- Bruce Rock Hockey Club President

- Bruce Rock Hockey Club Members (a meeting was held and open to all hockey club members, where Council outlined the background and proposed future direction that Council was considering)
- Clyde and Co Lawyers
- Local Government Insurance Services
- Tiger Turf
- Porter Consulting
- Department of Sport and Recreation
- Hockey WA
- Acoustoscan

Statutory Implications Nil

Policy Implications Nil

Risk Implications

Risk: Council proceeding with legal action to seek to rectify the hockey turf “ripple effect”.		
Likelihood	Consequence	Rating
Possible	Major	High
Action / Strategy		
This item has been evaluated against the Shire of Bruce Rock’s Risk Management Procedure’s Risk Matrix. The perceived level of risk is considered to be “High”. As a high-risk matter, the Chief Executive Officer will be monitoring progress.		

Financial Implications

Rather than risking ratepayers’ money on legal process, Council is considering not pursuing the legal approach and to opt instead to invest around \$15,000 to \$20,000 in Reserve per year for next 5 - 6 years to funds towards installing an asphalt base or in situ pad when due for turf replacement, therefore negating future issues and providing a higher quality surface.

It should be noted that ordinarily Council is not obliged to pay this amount in future replacement as it would normally be expected to pay a 1/3rd contribution to the current standard (construction type).

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 Absolute Majority

Officer Recommendation

1. Council resolves to not proceed with any further actions or pursue the matter legally due to the risk versus outcome, and the associated financial risk to Council and subsequently to ratepayers and the associated costs and impact on resources.
2. Rather than Council risking funds on legal processes, Council resolves to invest \$15,000 to \$20,000 in Reserve per year for next 5 - 6 years to fund towards installing an asphalt base or in situ pad when due for turf replacement, therefore negating future issues and providing a higher quality surface.
3. That Council writes to Tiger Turf and Porter Consulting expressing extreme disappointment in the outcomes of the Bruce Rock Synthetic Hockey Turf project and seek a response to request in line with the actions outlined in Council's Confidential Briefing Notes dated 15th August 2019.
4. That Council holds the official opening of the official opening of the Bruce Rock Hockey Turf and lighting project during the Great Southern Hockey Carnival to be held in Bruce Rock in July 2020.

Council decision varied to officer recommendation to determine the amount of funds to invest in a reserve and the timeframe of this investment.

COUNCIL DECISION

Resolution OCM Oct 19 – 12.4

Moved: Cr Rajagopalan

Seconded: Cr Kilminster

1. Council resolves to not proceed with any further actions or pursue the matter legally due to the risk versus outcome, and the associated financial risk to Council and subsequently to ratepayers and the associated costs and impact on resources.
2. Rather than Council risking funds on legal processes, Council resolves to invest \$15,000 in Reserve per year for next 6 years to fund towards installing an asphalt base or in situ pad when due for turf replacement, therefore negating future issues and providing a higher quality surface.
3. That Council writes to Tiger Turf and Porter Consulting expressing extreme disappointment in the outcomes of the Bruce Rock Synthetic Hockey Turf project and seek a response to request in line with the actions outlined in Council's Confidential Briefing Notes dated 15th August 2019.
4. That Council holds the official opening of the official opening of the Bruce Rock Hockey Turf and lighting project during the Great Southern Hockey Carnival to be held in Bruce Rock in July 2020.

CARRIED BY ABSOLUTE MAJORITY 8/1

Cr MK Thornton left the Council Chambers at 4.53pm.

Agenda Reference and Subject:	12.5	Lease Variation for Café (48 Johnson Street Bruce Rock)
File Reference:	A73	48 Johnson Street, Bruce Rock
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 a variation to the Lease for the Café building at 48 Johnson Street, Bruce Rock to incorporate some works necessary for the effective operation of the business, so that the cost of these works be incorporated into the monthly rental charge.

Background

Following a Tender process, the Lease for operating a Café business at 48 Johnson Street Bruce Rock was awarded to K McKenzie and M Thornton at the September 2019 Ordinary Meeting of Council. Subsequent meetings on site between the new tenants and Shire Officers have identified that there are some works which would need to be undertaken on the arrangement of the internal supply arrangement of utilities (gas, electricity and water) to enable effective use of the property. In addition, some kitchen and plumbing items e.g. sinks, hand-basins will need to be installed. Finally, to improve access to the rear of the property the tenants are proposing that the rear doors (which currently open inwards) are replaced with a sliding door, which, it should be noted, would also increase the safety aspect in the event of emergency. It was raised at this time whether the cost of these changes could be added as a component of the monthly lease fee, which the tenants would then pay back over the first 3-year lease term.

Comment

The EHO, Mr Julian Goldacre, has undertaken an inspection with regard to the proposals and believes that the changes are acceptable with the correct safety measures put in place. The proposed arrangement of the internal furniture and equipment will need to be done in such a way as to ensure that there is a clear separation and physical barrier between the cooking and food preparation areas and the public areas, including the access route to the rear of the property.

Consultation

Kim McKenzie and Merredith Thornton, Bruce Rock Café – Love That Food
 Darren Mollenoyux, Chief Executive Officer
 Melissa Schilling, Executive Assistant
 Julian Goldacre, Environmental Health Officer

Statutory Implications

Local Government Act 1995 s.6.16 & s.6.19

6.16. Imposition of fees and charges

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

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

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

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

Policy Implications Nil

Risk Implications

Risk: That Council not approve the Variation to the Lease for 48 Johnson Street, Bruce Rock		
Likelihood	Consequence	Rating
Possible	Moderate	Moderate
Action / Strategy		
This item has been evaluated against the Shire of Bruce Rock’s Risk Management Procedure’s Risk Matrix. The perceived level of risk is considered to be “Medium” risk and will be managed by specific monitoring and response procedures.		

Financial Implications

Council will need to vary the 2019/20 budget to incorporate some additional expenditure for 48 Johnson St, Bruce Rock.

Quotes have been sought from respective trades people on the cost of undertaking the changes and these total \$6309. If approved it is recommended that Council recoup the costs of these necessary improvement works by increasing the current lease to meet the expenditure occurred over the first 36 months of the tenancy. At present the monthly rental fee for the property is \$561, and these costs if approved would increase the payment to \$736.25 per month over the first 3-year lease term.

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

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Infrastructure

- Goal 3 Assist the local economy to grow
 - 3.7 Leverage economic opportunities and development from successful local businesses
- Goal 4 Workers and their families can work and reside in the Shire
 - 4.3 Promote existing residential land and plan for future commercial and residential land developments to meet current and future needs

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION COUNCIL DECISION

Resolution OCM Oct 19 – 12.5

Moved: Cr Dolton

Seconded: Cr Rajagopalan

- 1. That Council approve the additional expenditure of \$6309 in the 2019/20 budget to adapt the internal arrangement of utilities supply (gas, electricity, water) and some plumbing fittings, and install a sliding rear door at 48 Johnson St, Bruce Rock.**
- 2. That Council adopt a new monthly rental fee (inclusive of recoup costs associated with utility supply and improvement works) of \$736.25 (inc.GST) for the Café building located at 48 Johnson Street, Bruce Rock for 36 months;**
- 3. The new monthly rental fee of \$736.25 (inc. GST) is to be charged from 1st November 2019;**
- 4. Give public notice of 7 days of the intent to vary the fee and charge.**

CARRIED BY ABSOLUTE MAJORITY 8/0

Cr MK Thornton returned to the Council Chambers at 4.56pm.

COUNCIL DECISION

Resolution OCM Oct 19 – 12.6

Moved: Cr Rajagopalan

Seconded: Cr Kilminster

That business of an urgent nature be accepted by the meeting.

Carried 9/0

COUNCIL DECISION

Resolution OCM Oct 19 – 12.7

Moved: Cr Dolton

Seconded: Cr Foss

That Council request that Main Roads change the prioritisation of traffic flow by removing the Stop sign from the Totagin Hall Road and placing it onto the Belka East Road.

Carried 9/0

13. Confidential Items

14. Closure of Meeting

The Shire President, Stephen Strange thanked everyone for their attendance and declared the meeting closed at 5.09pm.

These minutes were confirmed at a meeting on 21 November 2019.

Cr Stephen Strange
Shire President
21 November 2019