

SHIRE OF BRUCE ROCK

MINUTES – ORDINARY MEETING 19 MARCH 2020

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SHIRE OF BRUCE ROCK
MINUTES – ORDINARY MEETING 19 MARCH 2020

1. Declaration of Opening

The Shire President Cr SA Strange declared the meeting open at 2.54pm.

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

President	Cr SA Strange	
Deputy President	Cr R Rajagopalan	
Councillors	Cr AR Crooks	
	Cr IS Dolton	
	Cr KP Foss	
	Cr NC Kilminster	
	Cr PG Negri	
	Cr BJ Waight	
	Cr RA Waye	
	Chief Executive Officer	Mr DRS Mollenoyux
Acting Deputy Chief Executive Officer	Mrs MJ Schilling	
Acting Executive Assistant	Miss CE Negri	
Environmental Health Officer	Mr J Goldacre	3.03pm to 3.23pm
Manager of Finance	Mrs JL Bow	3.36pm to 4.45pm

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
19.03.2020	Cr Waight	12.2	Resides on Buller Road located in the Bruce Rock townsite

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

Ordinary Meeting of Council held on Thursday 20 February 2020.

COUNCIL DECISION

Resolution OCM March 20 – 9.1

Moved: Cr Dolton

Seconded: Cr Waight

That the minutes of the Ordinary Meeting of Council held Thursday 20 February 2020 be confirmed as a true and correct record.

Carried 9/0

Audit Committee Meeting held on Thursday 20 February 2020

COUNCIL DECISION

Resolution OCM March 20 – 9.2

Moved: Cr Rajagopalan

Seconded: Cr Kilminster

That Council receive the minutes from the Audit Committee Meeting held Thursday 20 February 2020

Carried 9/0

Mrs MJ Schilling left the Council Chambers at 2.57pm.

Mrs MJ Schilling returned to the Council Chambers at 2.59pm.

10. Regional Reports

Agenda Reference and Subject:	10.1	WALGA Zone Minutes February 2020
File Reference:	1.6.5.1	(WALGA) Western Australian Local Government Association
Reporting Officer:		Darren Mollenoyux, Chief Executive Officer
Author:		Darren Mollenoyux, Chief Executive Officer
Disclosure of Interest:		Nil
Attachments:		<i>Item 10.1 Attachment A – WALGA Zone Meeting Minutes</i>

Summary

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

Background

The last Great Eastern Zone Meeting was held on the 26th February 2020 at the Kellerberrin Recreation and Leisure Centre.

Comment

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

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

4.1 The Hon Dave Kelly Minister for Water – Presentation

Minister Kelly gave an update and took questions from the floor on current matters including concerns around the Federal Government Drought Funding.

7.4 Local Government Telecommunications Case Studies

Information was provided on case studies relating to telecommunications issues during power outages. The WALGA Zone Delegate, Cr Stephen Strange also provided an update from the meeting with Telstra Representatives.

7.5 Government Regional Officers Housing (GROH)

The response has been centralised around housing options of quality and quantity of stock, and other cost and workforce associated challenges for Police, however the GROH Framework considers all teachers also. The formal communication trail includes:

- After consultation and advocacy between WALGA, Local Government and relevant State Government agencies and key industry bodies, the McGowan Government deferred a planned increase to GROH rents in 2019-20 in a media statement released in May 2019. <https://www.mediastatements.wa.gov.au/Pages/McGowan/2019/05/McGowan-Government-temporarily-defers-increase-to-GROH-rents.aspx>
- WALGA has been advised by WAPOL and the relevant State Government agency who confirm the rental freeze to GROH properties will remain until the completion of the review of the GROH Tenant Rent Setting Framework. Further work has been done in strengthening the partnerships between WAPOL officers and key Local Government officers in specified areas of concerns through one on one meetings to discuss challenges and develop opportunities for change.
- Department of Communities modelling and draft ERC proposal has been elevated within the Department. The Director General has called for a working group to be established to

include representatives from GROH, of which the Tenant Rent Setting Framework review will be included.

- Since the very public Department of Communities corruption disruption in the weeks leading up to Christmas, the area responsible for GROH has confirmed the GROH profile is undergoing a restructure with no further advice currently available.

WALGA notes and includes all Zones Recommendations and advice received from Local Governments in its advocacy for GROH and greater service support for regional and remote Western Australian Local Governments, acknowledging the importance of this topic.

As further information is made available, WALGA will remain in contact with the Zones to provide timely feedback and advice.

With Cr Strange and Cr Rajagopalan attending the meeting they may wish to provide further comment on the above or other matters addresses at the meeting.

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

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 AND COUNCIL DECISION

Resolution OCM March 20 – 10.1

Moved: Cr Rajagopalan

Seconded: Cr Waight

That Council receives the minutes of the WALGA Great Eastern Zone Meeting held on the 26th February 2020 at the Kellerberrin Recreation and Leisure Centre.

Carried 9/0

Mr J Goldacre entered the Council Chambers at 3.03pm.

Miss CE Negri left the Council Chambers at 3.04pm.

Miss CE Negri returned to the Council Chambers at 3.05pm.

Agenda Reference and Subject:

10.2 WEROC Council Meeting Minutes February

File Reference:

1.6.9.1 WEROC Minutes and Agendas

Reporting Officer:

Darren Mollenoyux, Chief Executive Officer

Author:

Darren Mollenoyux, Chief Executive Officer

Disclosure of Interest

Nil

Attachment:

Item 10.2 Attachment A – WEROC Council Meeting Minutes

Summary

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

Background

The last WEROC Inc Board Meeting was held on the 26th February 2020 at the Kellerberrin Recreation Centre.

Comment

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

The WEROC Inc Chairperson, Cr Ram Rajagopalan and Council’s Proxy Delegate Cr Strange attended the WEROC Inc Board Meeting and will provide comment on the meeting and some of the outcomes.

In addition many of the items were deferred until the WEROC Inc Board Member CEO’s meeting held on the 12th March 2020. The Bruce Rock CEO will provide comment on the outcomes from that meeting.

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 Inc Board 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 AND COUNCIL DECISION

Resolution OCM March 20 – 10.2

Moved: Cr Rajagopalan

Seconded: Cr Foss

That Council receives the minutes of the WEROC Board Meeting held on the 26th February 2020 at the Kellerberrin Recreation Centre.

Carried 9/0

11. Officers' Reports

11.1 Environmental Health Officer

Agenda Reference and Subject:	11.1.1	Planning Application Carport & Patio Lot 401 Noonajin Road, Bruce Rock
File Reference:	A433	Lot 401 Noonajin Road, Bruce Rock
Reporting Officer:	Julian Goldacre, Environmental Health Officer	
Author:	Julian Goldacre, Environmental Health Officer	
Disclosure of Interest:	Nil	
Attachments:	<p><i>Item 11.1.1 Attachment A – Plans of Proposed Front Carport & Patio.</i></p> <p><i>Item 11.1.1 Attachment B – Planning Application Mr C & Mrs K Gray Carport & Patio.</i></p> <p><i>Item 11.1.1 Attachment C – Mr C & Mrs K Gray Letter Supporting Planning Proposal.</i></p>	

Summary

Council resolves to approve the Development Application for the steel construction 8 meter by 6 meter carport with a maximum height of 3.1 meters and a minimum height of 2.7 meters, and 3 meter by 10.8 meter with a height of 2.7 meters front patio as presented in Attachment A with two conditions and two advice notes.

Background

In February 2020 the Environmental Health Officer (EHO) was presented with a proposal for the addition of a steel 8 meter by 6 meter carport and 3 meter by 10.8 meter patio (front patio only, the also proposed rear patio does not require planning approval) for a dwelling located at No 115 (Lot 401) Noonajin Road. Subsequent investigations revealed the carport and front patio will encroach into the 'setback' area for the Lot. The EHO undertook further consultation with the Department of Planning officers to investigate how to accommodate, or not, the proposal now before Council. The applicants Mr C & Mrs K Gray formally submitted their application for Development Approval (DA) with supporting documentation for the proposed carport and patio (Attachments A, B and C).

Comment

State Planning Policy 7.3 Residential Design Codes Volume 1 referred to as the 'R Codes' (R Codes) sets out the requirements when dealing with residential development. An assessment of the R Codes in relation to this DA shows that the setback required for buildings cannot be achieved in this instance when focusing only of the setback provisions. Fortunately, the R Codes do provide an avenue to consider this DA based on 'design principles' to 'demonstrate compliance' in the context of:

- 'The setting back of carports and garages to maintain clear sight lines along the street and not to detract from the streetscape or appearance of dwellings or obstruct views of dwellings from the street and vice versa'; and
- 'To contribute towards the character of streetscapes including their views and vistas and provides security for occupants and passers-by, a landscape to ensure adequate shade, privacy and open space for occupants, and an attractive setting for the collection of buildings'.

The two points above thus allows for Council discretion based on the merits of the DA for consideration.

Attachment A shows the proposed carport as an open on four sides building with an appurtenant patio across the front of the dwelling. The setback of the house is determined based on records to be 10 meters from the front boundary; for R10 residential zoned land the front setback is nominated at 7.5 meters. The accommodation of the proposed 10 meter depth carport and three meter patio will encroach into the stated 7.5 meter setback. The EHO has assessed this DA based on the R Codes and the requirements contained within the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulation) and can provide the following information to assist Council in consideration of this DA as follows:

- a. The proposed carport and patio do maintain required clear sight lines along the street (Attachment A);
- b. The proposed carport is compatible with previously established buildings along Noonajin Road within the 7.5 meter front setback with instances being Lot 1 garage, Lot 428 outbuilding, Lot 412 carport. The setting of the proposed DA is in the context of being on the western boundary of the townsite of Bruce Rock with considerable distance from the main road and facing rural land thus is considered to be minimally built up (Attachment A);
- c. The proposed carport and patio are to be coloured to match the existing house colour to better unite the buildings to the existing dwelling amenity and will be constructed of new materials thus consistent with, and contribute to, the existing streetscape and the peripheral appearance (Attachment C);
- d. The proposed carport and patio will not obscure the dwelling from the street or neither obstruct the view of the street given its open sided design. The western aspect of the windows of the dwelling will still permit sunlight and will afford protection from the direct sunlight during summer months which is considered desirable (Attachment A);
- e. Privacy and open space are not affected by the proposed carport and patio;
- f. Landscaping to further improve the DA and existing dwelling appearance are proposed (Attachment C); and
- g. The proposed design of the carport uses a skillion roof supported by posts thus minimising the transverse appearance of the carport. The patio is typical for regional towns as has similar characteristics to a front veranda of a dwelling. Overall, the proposed patio and carport is of conservative height (2.5 meters to 3.1 meters at house connection), minimal bulk and scale with conducive orientation consistent for such structures and is generic in appearance for such buildings;

The *Shire of Bruce Rock Local Planning Scheme* (Scheme) when considering applications has key points for consideration being:

- a) To safeguard and enhance the character and amenity of the built environment of the area for which this DA will accomplish this endeavour; and
- b) Ensure the objectives of the Residential Zone is maintained through the application of the R Codes which this DA has shown to have merit in its proposal.

The EHO having comprehensively assessed this DA against the Scheme, the R Codes 'Design Principals', and the Regulations is satisfied that the application has suitable merit for Council to form a reasonable judgement to approve the DA as presented in Attachments A, B and C. An advice note will be recommended being that the DA as presented will require an application for a Building Permit to be submitted should Council grant development approval. Conditions will be placed being that should the carport and/or patio be enclosed on any side, and a carport door be installed that is not visually permeable then a Development Application to such will be required to be presented to Council; and the colour of the buildings are to be as stated in Attachment C.

Consultation

Mr Paul Sewell, Principal Planning Officer, Land Use Planning, Department of Planning, Lands and Heritage.

Statutory Implications

Planning and Development (Local Planning Schemes) Regulations 2015; State Planning Policy 7.3 Residential Design Codes Volume 1; and Shire of Bruce Rock Local Planning Scheme.

Policy Implications

Nil

Risk Implications

Risk: Development proceeds outside documentation provided to Council		
Likelihood	Consequence	Rating
Unlikely	Moderate	Moderate
Action / Strategy		
Medium Risk: This item has been evaluated against the Shire of Bruce Rock’s Risk Management Procedure’s Risk Matrix. The perceived level of risk is considered to be “Medium” risk and will be managed by specific monitoring and response procedures.		

Financial Implications

Planning Application fee \$147.

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Governance

- Goal 4 Workers and their families can work and reside in the Shire.
- 4.3 Promote existing residential land and plan for future commercial and residential land developments to meet current and future needs.

Voting Requirements

Simple majority.

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM March 20 – 11.1.1

Moved: Cr Dolton

Seconded: Cr Rajagopalan

To approve the Development Application for the steel construction 8 meter by 6 meter carport with a maximum height of 3.1 meters and a minimum height of 2.7 meters, and 3 meter by 10.8 meter with a height of 2.7 meters front patio as presented in Attachment A with the following conditions:

- A. The carport is to be painted to match the colour of the house on completion, and the patio is to be coloured in 'surfmist' other than the gutters and flashings which are to be 'manor red' as stated in Attachment C; and
- B. The carport and patio are to remain unenclosed other than a visually permeable carport door is permissible if the structure is suitable to accommodate such a door.

Council provides the following advice notes in good faith but not limited to:

- A. This approval represents Planning Approval only and an Application for a Building Permit is required to be presented to the Shire of Bruce Rock to be able to issue a Building Permit should the plans submitted be suitable to do so; and
- B. Should the carport and/or patio be enclosed in any manner other than a visually permeable carport door then an application for Development Approval will be required to be presented to Council as the proposed works may change the definition of the building from a patio or carport as the case requires on consultation with the Shire of Bruce Rock.

Carried 9/0

Agenda Reference and Subject:	11.1.2	Planning Application Outbuilding Lot 1 Noonajin Road, Bruce Rock
File Reference:	A879	Lot 1 Noonajin Road, Bruce Rock
Reporting Officer:	Julian Goldacre, Environmental Health Officer	
Author:	Julian Goldacre, Environmental Health Officer	
Disclosure of Interest:	Nil	
Attachments:	<i>Item 11.1.2 Attachment A – Mrs M Pegus Outbuilding Development Application</i> <i>Item 11.1.2 Attachment B – Site Plan</i> <i>Item 11.1.2 Attachment C – Outbuilding Plans</i>	

Summary

To approve the Development Application for the 6 metres by 4 metre skillion roofed 2.8 meter height maximum to 2.4 meter height minimum steel outbuilding using some secondhand materials with a boundary setback of 1 metre off the west boundary and 2 metres off the south boundary with one condition and one advice note.

Background

In February 2020 the Environmental Health Officer (EHO) was presented with a proposal for the construction of an outbuilding at the rear of the dwelling located at Lot 1 Noonajin Road. Subsequent investigations revealed the outbuilding is in a ‘Rural Residential’ zone which requires a minimum setback from the boundary of 15 meters. As the Lot is only 954m² this is not feasible without Council using discretion to reduce the setback. The applicant Mrs M Pegus formally submitted their application (Attachment A) for Development Approval (DA) with supporting documentation for the proposed outbuilding (Attachments B and C).

Comment

The Shire of Bruce Rock Local Planning Scheme N^o 3 (Scheme) clause 4.7.4 states that ‘No dwelling or other structure shall be permitted within 15 metres of a lot boundary unless the local government considers that a lesser setback will not adversely affect the amenity of the area and the neighbouring properties’. Whilst Clause 4.7.4 is suitable for 2 to 4 hectare sized Lots it did not consider an existing Lot of under 1,000m². This error will be addressed in the next review of the Scheme to remove the 15 meter setback requirement for Lot 1 Noonajin Road.

The proposed outbuilding is modest in size being 4 meters by 6 meters with a skillion roof of a maximum height of 2.8 meters and a minimum height of 2.4 meters (Attachment C). The setbacks proposed for the outbuilding are in keeping with accepted setbacks for outbuildings in residential zoned areas being 1 meter off the south boundary and 2 meters off the west boundary (Attachment B). Given the Rural Residential portion of the adjacent Lot portion has not been developed the setbacks as presented in Attachment B are deemed suitable.

In discussions with Mr B Pegus who will construct the outbuilding there is secondhand materials proposed to be used. The Shire of Bruce Rock Policy 5.3 Outbuildings Maximum Size states that secondhand materials can require engineering assessment for fitness to use and be coloured as required by the Building Surveyor. Discussions with Mr B Nelson of Transtruct who is undertaking the design and engineering has confirmed the structural components of the outbuilding materials that are second hand are suitable for use. The EHO will assess the condition of the secondhand cladding to ensure suitable

visual amenity is maintained and will form part of the condition of approval. A standard advice note for the requirement of a Building Permit will also be provided.

Consultation

Mr B Nelson of Transtruct

Statutory Implications

The Shire of Bruce Rock Local Planning Scheme N° 3.

Policy Implications

Shire of Bruce Rock Policy 5.3 Outbuildings Maximum Size.

Risk Implications

Risk: Development proceeds outside documentation provided to Council		
Likelihood	Consequence	Rating
Unlikely	Moderate	Moderate
Action / Strategy		
Medium Risk: This item has been evaluated against the Shire of Bruce Rock’s Risk Management Procedure’s Risk Matrix. The perceived level of risk is considered to be “Medium” risk and will be managed by specific monitoring and response procedures.		

Financial Implications

Planning Application fee \$147.

Strategic Implications

Please use the below formatting when referring to the plan.

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Governance

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

Voting Requirements

Simple majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM March 20 – 11.1.2

Moved: Cr Waye

Seconded: Cr Crooks

To approve the Development Application for the 6 metres by 4 metre skillion roofed 2.8 meter height maximum to 2.4 meter height minimum steel outbuilding using some secondhand materials with a boundary setback of 1 metre off the west boundary and 2 metres off the south boundary with the following condition;

- A. The Shire of Bruce Rock Environmental Health Officer is to determine the suitability of the outbuilding cladding condition and if required require colouring to improve the visual amenity.**

Council provides in good faith but not limited to the following advice note:

- A. This approval represents Planning Approval only and an Application for a Building Permit is required to be presented to the Shire of Bruce Rock to be able to issue a Building Permit should the plans submitted be suitable to do so.**

Carried 9/0

Mr J Goldacre left the Council Chambers at 3.23pm and did not return.

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>Item 11.3.1 Attachment A – Statement of Financial Activity</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 29 February 2020 are available in the agenda attachment document.

Consultation

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

Statutory Implications

r. 34 Local Government (Financial Management) Regulations 1996

Policy Implications

Nil

Risk Implications

Risk: Financial performance is not monitored against approved budget		
Likelihood	Consequence	Rating
Possible	Minor	Moderate
Action / Strategy		
The monthly financial report tracks the Shire’s actual financial performance against its budgeted financial performance to ensure that the Council is able to monitor to Shire’s financial performance throughout the year.		

Financial Implications

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

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Governance

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

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM March 20 – 11.3.1

Moved: Cr Rajagopalan

Seconded: Cr Waye

That the Statements of Financial Activity for the month ending 29 February 2020 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
Author:	Mike Darby, Senior Finance Officer
Disclosure of Interest:	Nil
Attachments:	<i>Item 11.3.2 Attachment A – List of Payments February 2020</i>

Summary

List of payments made since the last Ordinary Council Meeting.

Background

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

Comment

Following is a list of payments made from Council’s Municipal and Trust Accounts and also payments made with the CEO’s credit card for the month of February 2020.

If you have any queries regarding the list of payments, please advise prior to the meeting to enable staff to seek relevant information.

Consultation

Nil

Statutory Implications

s.6.10 Local Government Act 1995

r.13(1) Local Government (Financial Management) Regulations 1996

Policy Implications

Nil

Risk Implications

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 AND COUNCIL DECISION

Resolution OCM March 20 – 11.3.2

Moved: Cr Waye

Seconded: Cr Waight

That Council endorse the list of payments from the:

- 1. Municipal Account consisting of:**
 - a. EFT voucher numbers EFT15278 to EFT15369 totalling \$413,724.43**
 - b. Cheque number 23983 to 23991 totalling \$36,627.92**
 - c. Trust Cheque number totalling \$**
 - d. Wages and Superannuation payments totalling \$230,615.33 and**
 - e. Credit Card payments \$2,138.98**
- With all payments totalling \$680,967.68 for the month of February 2020.**

Carried 9/0

Mrs JL Bow entered the Council Chambers at 3.36pm.

Agenda Reference and Subject:

11.3.3 Adoption of the 2019/20 Budget Review and Amendments to 2019-20 Budget

File Reference:

8.2.7.1 Annual Budget

Reporting Officer:

Jennifer Bow, Manager of Finance

Author:

Jennifer Bow, Manager of Finance

Disclosure of Interest:

Nil

Attachments:

Item 11.3.3 Attachment A – 2019-20 Budget Review (will be provided at Council Meeting)

Summary

To consider and adopt the Budget Review as presented in the Statement of Financial Activity for the period 1st July 2019 to 29th February 2020.

Background

A Statement of Budget Review incorporating year to date budget variations and forecasts to 30th June 2020 for the period ending 29th February 2020 is presented for Council to consider.

The *Local Government (Financial management) Regulations 1996, regulation 33A* as amended, requires that local governments conduct a budget review between 1 January and 31 March in each financial year, and present it to Council within 30 days of the review.

Comment

The budget review has been prepared to include information required by the *Local Government Act 1995, Local Government (Financial Management) Regulations 1996* and Australian Accounting Standards. Council's adopted 5% variance and a \$5,000 minimum for reporting of material variances to be used in the statements of financial activity and the annual budget review. Included in the budget review is a comprehensive listing of amendments to the Budget.

The budget has been reviewed to continue to deliver on strategies adopted by Council and maintains a high level of service across all programs. The final result of the budget review will be presented as a late item.

A hard copy will be given out on meeting day.

Consultation

CEO, DCEO, Manager of Works and Services, EHO & MOF

Statutory Implications

Regulation 33 of Local Government (Financial Management) Regulations 1996

Policy Implications

Nil

Risk Implications

Risk: That the 2019-20 Budget does not reflect the forecast expenditure and revenue for the remaining financial year.		
Likelihood	Consequence	Rating
Almost Certain	Moderate	High
Action / Strategy		
This item has been evaluated against the Shire of Bruce Rock’s Risk Management Procedure’s Risk Matrix. The perceived level of risk is considered to be “High” risk. As a High Risk, the Manager of Finance will be monitoring the progress regularly.		

Financial Implications

Specific financial implications are outlined in the Budget Review Document

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

Absolute Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM March 20 – 11.3.3

Moved: Cr Rajagopalan

Seconded: Cr Foss

That Council adopt;

- a. the amendments to the 2019-20 Budget as listed; and**
- b. the Budget Review as presented for the period 1st July 2019 to 30th June 2020.**

CARRIED BY ABSOLUTE MAJORITY 9/0

*Mrs MJ Schilling left the Council Chambers at 3.55pm.
 Mr DRS Mollenoyux left the Council Chambers at 3.57pm.
 Mrs MJ Schilling returned to the Council Chambers at 3.57pm.
 Mrs RA Way left the Council Chambers at 3.58pm.
 Mr DRS Mollenoyux returned to the Council Chambers at 4.00pm.
 Mrs RA Way returned to the Council Chambers at 4.00pm.
 Mrs NC Kilminster left the Council Chambers at 4.01pm.
 Mrs NC Kilminster returned to the Council Chambers at 4.03pm.
 Council Meeting adjourned at 4.29pm
 Mrs JL Bow left the Council Chambers at 4.45pm and did not return.
 Council Meeting resumed at 4.49pm with all Councillors and Staff present*

Agenda Reference and Subject:	11.3.4 Local Government House Trust – Deed Variation
File Reference:	1.6.5.2 WALGA
Reporting Officer:	Jennifer Bow, Manager of Finance
Author:	Jennifer Bow, Manager of Finance
Disclosure of Interest:	Nil.
Attachments:	<i>Item 11.3.4 Attachment A – Deed of Variation</i> <i>Item 11.3.4 Attachment B – Clause 12 of Trust Deed 1994</i>

Summary

Council is required as a unit holder and beneficiary to the Local Government House Trust (the Trust) to consent formally to the Trustee executing 3 variations to the Trust Deed which will assist with the Trust's income tax exempt status.

Background

As per the correspondence received from WALGA;

"Shire of Bruce Rock is a unit holder and beneficiary to the Local Government House Trust, holding 4 unit/s as advised in WALGA's recent Quarterly Report Q4 2019.

The Trust's Board of Management is seeking to vary the Trust Deed in order to assist the Trust's income tax exempt status. As stipulated by the Deed, the Trust requires consent of at least 75 per cent of all beneficiaries in order to execute this variation.

As a beneficiary, the Shire of Bruce Rock is requested to consent to the enclosed Deed of Variation (attachment A) supported by a resolution of Council; and to communicate this consent to the Trustee in writing.

Further details on the particular Deed Variations and objectives to be achieved by this variation are outlined below.

The Local Government House Trust ("The Trust") exists primarily to provide building accommodation for the Western Australian Local Government Association. Since January 2014, the Trust has provided WALGA with accommodation at 170 Railway Parade West Leederville.

The current trust deed commenced in 1993 and was amended in 2002 to reflect the merger of the metropolitan and country associations into WALGA. The current Trust Deed pronounces WALGA as Trustee and unit holders as Beneficiaries, with the Trustee holding property and associated monies "upon Trust" and in proportion to the units provided.

Commencement date of the current deed is 17 February 1993, with a vesting date 79 years from commencement - which means that the Trust ends in 2072.

The Trust is exempt from income tax on the basis of being a State / Territory Body (STB) pursuant to *Division 1AB of the Income Tax Assessment Act 1936.*"

WALGA's Comment

The first two amendments outlined below remove powers granted to the Trustee in the 2002 Deed Variation resulting from the merger to a single Association representing WA Local Governments. These amendments which previously facilitated the transfer of trusteeship to the then new Western Australian

Local Government Association are removed, but with the clarification that any appointment must be with the consent of the beneficiaries.

The final amendment intends to confirm that power rests with the Board of Management. As the Board of Management comprises Local Governments, this satisfies the requirements of a STB for tax purposes. This amendment reflects the actual operation of the Trustee in implementing the decisions of the Board of Management whilst retaining sufficient operational discretion to place and renew investments and pay suppliers.

These amendments provide greater power to beneficiaries through the Board of Management, and as such it is anticipated they will be considered acceptable.

Trust Deed Variation

Trust Deed amendments set out in the Deed of Variation are based on legal advice and are intended to assist the Trust's income tax exempt status by strengthening the position that the Trust is a State / Territory Body (STB).

Legal advice identified that the Trustee's ability to retire and appoint a new Trustee might affect the Trust's classification as a State or Territory Body (STB). This view, while based upon highly technical grounds, is a risk nonetheless.

Subsequently the Deed of Variation aims to strengthen the position that the Trust is a STB through the following amendments:

1. removing the existing Trustee's power to retire and appoint a new Trustee (Clause 2.1 and 2.2 (22.3) of the Deed of Variation)
2. enabling the beneficiaries to appoint and remove a Trustee (Clause 2.2 (22.4) of the Deed of Variation), and
3. ensuring that the Board of Management is the 'governing body' of the Trust (Clause 2.3 of the Deed of Variation)

The three proposed amendments when applied to the relevant clauses inserted by the Deed of Variation dated 5 June 2002 will subsequently read as follows (proposed amendments shown in red text):

1. Variation 2.1 amends clause 22.1 to point to additional clause:
22.1 Any Trustee of the Trust may retire as Trustee of the Trust. ~~The Subject to clause 22.3, the right to appoint any new or additional trustee or trustees of the Trust is hereby vested in the retiring or continuing trustee. A corporation or incorporated association may be appointed as Trustee of the Trust.~~
2. Variation 2.2 inserts two new clauses:
22.3 The retiring or continuing trustee shall only be entitled to appoint any new or additional trustee of the Trust with the consent of not less than 75% of the Beneficiaries.
22.4 The Beneficiaries may at any time by Special Resolution:
(a) remove a Trustee from the office as Trustee of the Trust; and
(b) appoint such new or additional Trustee.
3. Variation 2.3 insert a new clause 13A
13A Delegation to the Board of Management
Unless the Beneficiaries otherwise direct (such direction to be given by not less than 75% of the Beneficiaries), the Trustees shall delegate all of the powers authorities and discretions contained in subclauses (a) to (x) of clause 12 to the Board of Management. The Trustees shall, at the direction of the Board of Management, do such things as may be necessary to give effect to the exercise of a power, authority or discretion by the Board of Management.

Comment

Council is required to formally consent to the Trustee executing these 3 variations to the Trust Deed in order to maintain its income tax exemption, as per the Deed of Variation attached.

This variation is based on legal advice which will assist in the Trust remaining as income tax exempt and strengthen its position as a State/Territory Body.

Council are then required to notify WALGA of its formal consent by way of Council resolution.

Consultation

CEO & MOF

Statutory Implications

Nil

Policy Implications

Nil

Risk Implications

No risk implications

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 AND COUNCIL DECISION

Resolution OCM March 20 – 11.3.4

Moved: Cr Rajagopalan

Seconded: Cr Negri

That Council consent to the Trustee of Local Government House Trust to formally execute the Deed of Variation to strengthen its position as a State/Territory Body.

Carried 9/0

Agenda Reference and Subject:	11.3.5 Bruce Rock Tennis Club in Recess
File Reference:	1.3.8.13 Bruce Rock Tennis Club
Reporting Officer:	Jennifer Bow, Manager of Finance
Author:	Jennifer Bow, Manager of Finance
Disclosure of Interest:	Nil
Attachments:	<i>Item 11.3.5 Attachment A – Letter from Tennis Club</i>

Summary

Council is asked to consider a request from the Bruce Rock Tennis Club to waive their annual facility fee due to going into recess at the conclusion of the 2017-18 season.

Background

The Bruce Rock Tennis Club has written to Council advising that they have gone into recess for the foreseeable future at the conclusion of the 2017-18 season. There are no planned weekly tennis or events other than a fast four tennis competition which runs in February and March for an 8-week period.

The Tennis Club advised that they did not make this decision lightly but without volunteers to run the Club, they had no other option than to go into recess.

They have advised however that they will continue to make their contribution to surface replacement reserve.

Comment

Council considered the Tennis Club's request in October 2018 to waive their annual fee for 2018-19 and wrote off their annual contribution for that financial year. A fee was charged for the Fast Four Comp which was \$400 (inc GST).

This year, Aaron Buegge advised that he was organising the Fast Four Competition this year, rather than as a representative of the Tennis Club.

The annual fee for the Tennis Club was included in the 2019-20 Fees and Charges and the invoice has already been sent to the Club.

Consultation

CEO & MOF

Statutory Implications

Local Government Act 1995 s.6.12

6.12. Power to defer, grant discounts, waive or write off debts

- (1) Subject to subsection (2) and any other written law, a local government may —
 - (a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or
 - (b) waive or grant concessions in relation to any amount of money; or
 - (c) write off any amount of money, which is owed to the local government.

** Absolute majority required.*

Policy Implications

Nil

Risk Implications

Nil

Financial Implications

Should Council write off the Tennis Club's annual contribution of \$1,856 *inc gst*, then it will need to vary the 2019-20 Budget to reflect this.

Strategic Implications

Shire of Bruce Rock Strategic Community Plan 2017-2027

Infrastructure

- Goal 2 Maintain Shire owned facilities in a strategic manner and also meet the communities need
- 2.2 Encourage greater usage of current Shire owned facilities

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM March 20 – 11.3.5

Moved: Cr Kilminster

Seconded: Cr Negri

That Council writes off the annual contribution charged to the Bruce Rock Tennis Club for the 2019-20 financial year and acknowledges the Club's advice regarding their decision to go into recess, and amends the Budget accordingly.

CARRIED BY ABSOLUTE MAJORITY 9/0

Agenda Reference and Subject:

11.3.6 Offer for Sale of 39 (Lot 184) Railway Parade, Bruce Rock

File Reference:

A434 39 Railway Parade, Bruce Rock

Reporting Officer:

Jennifer Bow, Manager of Finance

Author:

Jennifer Bow, Manager of Finance

Disclosure of Interest:

Nil

Attachments:

Nil

Summary

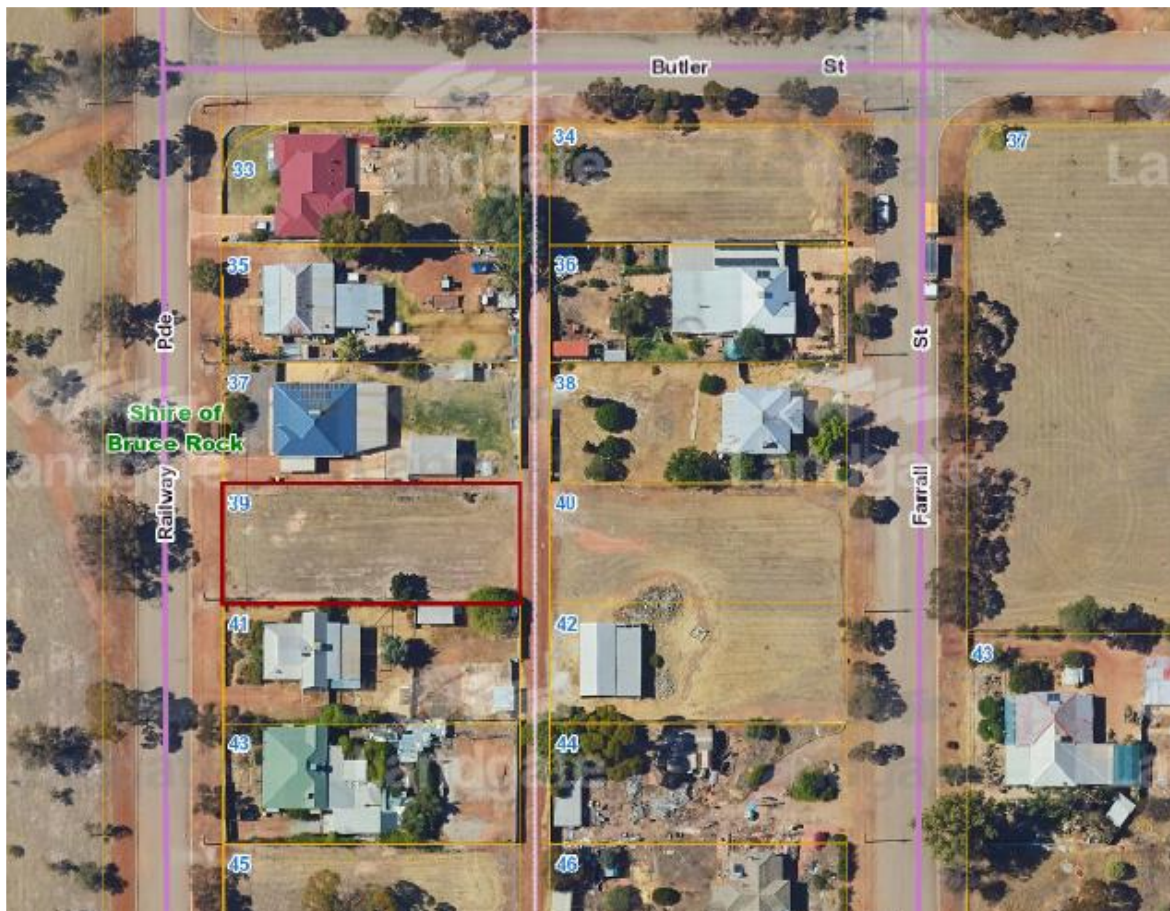
An offer has been received to purchase the vacant land situated at 39 (Lot 184) Railway Parade, Bruce Rock. The Shire of Bruce Rock has taken possession of this land for the recovery of rates.

Background

The Shire of Bruce Rock took possession of the land situated at 39 (Lot 184) Railway Parade, Bruce Rock. It was offered at the Public Auction on Friday 15th August however was passed in after not receiving any bids.

Comment

The owner of the property at 41 Railway Parade, Mrs Mary Schick has contacted the Shire and offered to purchase the land for \$2,000. This block is situated next door to her property.



Under the Local Government Act, Council has the power to sell the land by public auction, or by private treaty if the land has been offered, though not sold, by public auction.

This is a vacant block of land and so Council will be expected to pay GST on the sale as well.

Council’s conveyancer, Turbo Settlements, have advised that they can assist with the sale of land contract.

Consultation

CEO, MOF & SFO

Statutory Implications

Local Government Act 1995, section 6.68(3)

Schedule 6.3 — Provisions relating to sale or transfer of land where rates or service charges unpaid

Section 6.68(3)

3. Power of sale

The power of sale includes —

(a) *power to sell the whole or part of the land either together or in lots —*

(i) by public auction; or

(ii) by private contract,

if having been offered for sale by public auction, it has not been sold, subject to such terms and conditions with respect to the payment of the purchase money or any other matter, including power to fix a reserve price, as the local government thinks fit; and

(b) *power to vary a contract of sale by agreement with the other party to the contract, and to buy in at auction; and*

(c) *power to rescind a contract for sale on default by the other party to the contract, and to resell without being answerable for loss occasioned by the rescission and resale; and*

(d) *power to make such thoroughfares and to grant such easements of right-of-way or drainage over the land as the circumstances of the case require and the local government thinks fit.*

Policy Implications

Nil

Risk Implications

Risk: That rates remain unpaid resulting in less income for the Shire.		
Likelihood	Consequence	Rating
Possible	Minor	Minor
Action / Strategy To follow the debt recovery policy and legislative requirements to ensure that all outstanding rates are collected where possible.		

Financial Implications

Currently, the unpaid rates and associated penalty interest is \$14,138.26.

There will be additional costs associated with the sale including Conveyancing, advertising for duplicate a duplicate title and production of a duplicate title.

There are likely to be outstanding water rates and charges for this land. This cost will be brought to the meeting.

A full listing of outstanding amounts will be presented to the meeting for consideration.

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

Officers Recommendation

That Council accept the offer from Ms Mary Schick for the sale of 39 (Lot 184) Railway Parade, Bruce Rock for \$2,000 including GST, and give the Chief Executive Officer authority to enter into a Contract of Sale for the land.

Council Decision varied to Officer Recommendation in order to seek an offer closer to market value.

COUNCIL DECISION

Resolution OCM March 20 – 11.3.6

Moved: Cr Negri

Seconded: Cr Rajagopalan

That Council do not accept the offer from Ms Mary Schick for the sale of 39 (Lot 184) Railway Parade, Bruce Rock for \$2,000 including GST, and that Council write to Mrs Schick advising Council is open to being presented with an alternate offer.

Carried 9/0

11.4 Deputy Chief Executive Officer

Agenda Reference and Subject:

11.4.1 Shire President Stamp

File Reference:**Reporting Officer:**

Melissa Schilling, Acting Deputy Chief Executive Officer

Author:

Caris Negri, Acting Executive Assistant

Disclosure of Interest:

Nil

Attachments:

Nil

Summary

Use of Shire President Stamp in February 2020.

Background

Nil

Comment

As per Council's policy, the Shire President Stamp has been used during the months of February 2020 as follows;

- 24.02.20 – Melissa Schilling; Compliance Audit Return Report

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 March 20 – 11.4.1

Moved: Cr Waye

Seconded: Cr Foss

That Council endorse the use of the Shire Stamp during February 2020

Carried 9/0

Agenda Reference and Subject:

11.4.2 Bruce Rock Playgroup – Request for Events

File Reference:

11.3.4.11 Bruce Rock Playgroup

Reporting Officer:

Melissa Schilling, Acting Deputy Chief Executive Officer

Author:

Melissa Schilling, Acting Deputy Chief Executive Officer

Disclosure of Interest:

Nil

Attachments:

Item 11.4.2 Attachment A – Letter from Bruce Rock Playgroup

Summary

To present a request to Council to allow the Bruce Rock Playgroup to run two monthly events in addition to the regular Friday Playgroup Sessions and determine if this will result in an increase in the annual fee.

Background

The Shire of Bruce Rock recently received a letter (attached) from the Bruce Rock Playgroup requesting to hold an additional 2 events per month, one being “Mental Mum Monday’s” and the other “Dads Playgroup”. These events are designed to provide a safe place for parents to connect, share advice and feel supported by other parents in the community. Currently the Playgroup meet on Fridays during the school term.

Comment

The Bruce Rock Playgroup rent the building located at 80 Butcher Street Bruce Rock. The annual fee payable as per the 19/20 budget is \$600 per annum.

Council maintains the Bruce Rock Playgroup building and gardens, with the users responsible for cleaning after each visit. In the 19/20 budget \$15,055 was allocated and to date, \$11,770 has been spent with \$3,284 remaining. If Council choose to increase the annual fee, based on the current fees and charges, it is worked out that Playgroup pay approximately \$15 per session. If this formula is used, then over the approximate 18 additional visits per year it would work out to a \$270 per annum increase.

Consultation

Darren Mollenoyux, Chief Executive Officer
Jennifer Bow, Manager of Finance

Statutory Implications

Local Government Act 1995 s.6.16

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.*

Policy Implications

Nil

Risk Implications

Risk: That the Playgroup use this building more often than the current agreement, increasing required maintenance that is carried out by Council Staff on the building and gardens.		
Likelihood	Consequence	Rating
Likely	Minor	Moderate
Action / Strategy		
This item has been evaluated against the Shire of Bruce Rock’s Risk Management Procedure’s Risk Matrix. The perceived level of risk is considered to be “Medium” risk and will be managed by specific monitoring and response procedures.		

Financial Implications

If Council choose to allow Playgroup use of the building under their current agreement, this could result in an increase in maintenance on the building and gardens, compromising the current budget.

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Community

Goal 7 Positive mental health activities are delivered by community groups in partnership with the Shire.

Governance

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

Voting Requirements

Absolute Majority

Officer Recommendation

That the Bruce Rock Playgroup be granted permission to hold an additional 2 events per month at the Playgroup Building in Bruce Rock and the new annual fee be set at \$_____ plus GST.

Council agreed to table this item due to the current COVID-19 situation reducing the amount of times Bruce Rock Playgroup are likely to use the building for the rest of the financial year.

11.5 Chief Executive Officer

Agenda Reference and Subject:	11.5.1 2020/21 CSRFF Small Grant Application
File Reference:	1.3.8.14 Shackleton Bowling Club
Reporting Officer:	Darren Mollenoyux, Chief Executive Officer
Author:	Ashleigh Waight, Community Development Officer
Disclosure of Interest:	Nil
Attachments:	<i>Nil</i>

Summary

Council is asked to provide in principle financial commitment to the Shackleton Bowling Club’s CSRFF Small Grant Application for 2020/2021.

Background

In April 2015, the Shackleton Bowling Club wrote to Council advising that they want to install a Synthetic Bowling Green to prolong the longevity of its facilities and Bowling Club. Their application in 2015 was unsuccessful due to the land being privately owned by the Shackleton District Club. Following this Council agreed to accept the gifted land from the Shackleton District Club.

In 2019, Council took ownership of Lot 27 & 28 Mills Street, Shackleton to assist the Bowling Club in receiving potential funding to upgrade their facility.

Comment

Council’s Community Development Officer, Ashleigh Waight in conjunction with the Shackleton Bowling Club President and Secretary have prepared the CSRFF small grant application for the Department of Local Government, Sport and Cultural Industries with the final project description being;

“The project consists of design and upgrade of Shackleton’s existing 7 rink grass bowling green to a synthetic surface and upgrade to surrounding paths & green access. The project will involve a new seven rink needle punch synthetic green, utilising the existing shades, shelters, fencing and lighting”

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

The financial breakdown is as follows;

Shackleton Bowling Club	\$80,961.97 ex gst Cash
Shackleton Bowling Club	\$30,540.00 (<i>Donated Material & Volunteer Labour</i>)
Shire of Bruce Rock	\$80,961.97 ex gst Cash
CSRFF Small Grant	\$80,961.97 ex gst Cash

Total Project Cost **\$273,425.91**

Consultation

The Community Development Officer & Chief Executive Officer have had several meetings with representatives from the Shackleton Bowling Club and the two parties have met with Jenifer Collins from the Department of Local Government, Sport & Cultural Industries.

The Community Development Officer has prepared the grant application with support and direction from the Shackleton Bowling Club President and Secretary.

Statutory Implications

Nil

Policy Implications

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

Risk Implications

Risk: If funding is not awarded then the project will not proceed.		
Likelihood	Consequence	Rating
Possible	Moderate	Moderate
Action / Strategy		
If funding is not approved then other funding streams will be explored. Alternatively, the Bowling Club will re-apply in the next round of small grants.		

Financial Implications

The original proposal was to apply for the large CSRFF grant, however with changes to the guidelines and project limits this application is eligible for the small grant round.

If the grant application is successful Council will be required to make an amendment to the current 2020/2021 budget with the addition of \$80,961.97 included in the budget 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 community needs.
- 2.2 Encourage greater usage of current Shire owned facilities.
- 2.4 Support the improvements and maintenance of assets in a strategic manner.

Infrastructure

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

Voting Requirements

Absolute Majority

COUNCIL DECISION

Resolution OCM March 20 – 11.5.1

Moved: Cr Crooks

Seconded: Cr Foss

1. That the application for the Shackleton Bowling Club to fund a Synthetic Bowling Green for the 2020/2021 CSRFF Small Grant program be submitted to the Department of Local Government, Sport and Cultural Industries.
2. That if the Shackleton Bowling Club’s 2020/2021 application for the Synthetic Bowling Green is successful, Council makes an inclusion of \$80,961.97 in the 2020/2021 budget.

CARRIED BY ABSOLUTE MAJORITY 9/0

Agenda Reference and Subject:

11.5.2 ROE Tourism Request for Annual Contribution

File Reference:

1.3.10.2 Tourism

Reporting Officer:

Darren Mollenoyux, Chief Executive Officer

Author:

Darren Mollenoyux, Chief Executive Officer

Disclosure of Interest:

Nil

Attachments:

Nil

Summary

Council is asked to consider a request from ROE Tourism seeking continued financial support for their Executive Officer and Annual Contribution/Membership.

Background

The Roe Tourism Association has written to Council seeking financial support towards membership and the Executive Officer wages to administer and promote Roe Tourism.

The Executive Officer of ROE Tourism ROE has written to Council as follows;

On behalf of the Roe Tourism Association (RTA) I would like to thank you for your ongoing support for Roe Tourism Association.

RTA continues to take steps forward and are excited about the direction we are heading and the goals we're working towards achieving. In 2019 the RTA Strategic Plan, 'Forward Directions 2019-2021' was developed to guide and strengthen RTA into the future. We have been actively marketing and promoting the Pathways to Wave Rock self-drive route and associated tourism assets locally, statewide and nationally, through advertising in significant publications, including the Weekend West Travel features, Australia's Golden Outback Holiday Planner, Eastern Wheatbelt Visitor Guide, Hello Perth WA Map, Caravanning Australia and other relevant publications when the opportunity arises.

Consistent branding and messaging is carried through all RTA print media marketing, banners, website and social media. The 'Pathways to Wave Rock' Map and Visitor Guide continues to be one of the most popular and requested publications for visitors to the area, with its detailed map and content showcasing the region.

RTA involvement at the annual Perth Caravan and Camping Show in the Tourism Pavilion, is an important opportunity for members to engage face to face with many people on mass, to further promote and encourage visitation to our region.

In February 2020 RTA initiated the collaborative collection of visitor number data across our member Shire's, as a means of obtaining an understanding of the needs and tourism trends for future decision making and marketing.

The appointment of the Roe Tourism Association Executive Officer has proved to be a success, with this position coordinating the day to day administration of the Association, as well as marketing activities to promote the Pathways to Wave Rock self-drive route.

In order for RTA to continue providing this level of service on behalf of our Shire members and with ever rising costs, we request \$6,000 be considered for the 2020-2021 budget.

The Full Membership breakdown will be; \$3,500 Full Membership and \$2,500 EO contribution. RTA do not envisage future annual rises in Full Membership but on recent review this amount had not been increased for many years.

Comment

The annual contribution for the past few years has been \$5,000, comprising of \$2,500 for membership and \$2,500 for EO contribution.

Council should consider the value of the increase and potential benefits for our Shire.

Consultation

Ashleigh Waight, Community Development Officer

Statutory Implications

Nil

Policy Implications

Nil

Risk Implications

Risk: Council does not support the increase, then a risk of not being a member may occur and we may not receive tourism benefits for our community.		
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

Council would need to make a budget provision of \$6,000 for the 2020/21 financial year.

Strategic Implications

Shire of Bruce Rock Strategic Community Plan 2017-2027

Infrastructure

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

Governance

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

Shire of Bruce Rock – Tourism Strategy

Council’s tourism strategy addresses our involvement in ROE Tourism

Voting Requirements

Absolute Majority

COUNCIL DECISION

Resolution OCM March 20 – 11.5.2

Moved: Cr Negri

Seconded: Cr Waye

That Council makes budget provision of \$3,500 for ROE Tourism membership and \$2,500 for financial support towards an Executive Officer for ROE Tourism in the 2020/2021 financial year.

CARRIED BY ABSOLUTE MAJORITY 9/0

Agenda Reference and Subject:

11.5.3 Railway Reserve Land Lease – Bruce Rock

File Reference:

Reporting Officer:

Darren Mollenoyux, Chief Executive Officer

Author:

Darren Mollenoyux, Chief Executive Officer

Disclosure of Interest:

Nil

Attachments:

Item 11.5.3 Attachment A – Proposed Lease of Land Map
Item 11.5.3 Attachment B – Letter of Authorisation

Summary

Council is asked to consider the proposed amalgamation of PTA L4365 (Station) Bunker, into enlarged L4264 Bruce Rock.

Background

The CEO has been in discussions with Burgess Rawson, who oversee the leases for the Public Transport Authority, to renew the lease and potential to amalgamate both leases along the railway reserve in Johnson Street Bruce Rock.

The Public Transport Authority (PTA) has agreed to amalgamate the existing L4365 (Bruce Rock Station “The Bunker”) in the enlarged area of L4264. A copy of the map is attached.

For the purpose of identifying the area of L4365 –as there is still a requirement for Arc Infrastructure to be granted access from Johnson St to the separately accessed TRAIN ORDER CABIN within the station– that area has been shaded Grey on the new plan 4264-5

PTA has requested that before commencing its Internal Lease Approval process to ensure a further Ten (10) year lease term to the Shire for L4264 – the amalgamation be completed – and the cheapest and most expeditious way of doing this is by way of an Exchange of Letters.

Comment

This proposed amalgamation of leases and request for lease extension for a further 10 years is essential to securing the area for Council’s continued usage and plans for the main street revitalisation.

Consultation

Mr Jim Mullins, Property Manager Burgess Rawson

Statutory Implications

Nil

Policy Implications

Nil

Risk Implications

Risk: If Council does proceed with the amalgamation of leases and review for a further 10 years it would risk not being compliant with land use requirements and lose access and usage of the sites.		
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 already has budget provision for the lease of this land.

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

Governance

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

Voting Requirements

Absolute Majority

COUNCIL DECISION

Resolution OCM March 20 – 11.5.3

Moved: Cr Crooks

Seconded: Cr Waight

- 1) That Council resolves to accept Public Transport Authorities offer to amalgamate the existing L4365 (Bruce Rock Station “The Bunker”) in the enlarged area of L4264.
- 2) That the CEO be authorised to sign the letter of acceptance as per attached.

CARRIED BY ABSOLUTE MAJORITY 9/0

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

Agenda Reference and Subject:	12.1 Payment to Employees Absent During Pandemic
File Reference:	
Reporting Officer:	Darren Mollenoyux, Chief Executive Officer
Author:	Darren Mollenoyux, Chief Executive Officer
Disclosure of Interest	Nil
Attachments	<i>Item 12.1 Attachment A – Proposed Policy</i>

Summary

Council is asked to adopt a Policy to provide guidance for “Payment of Employees who are Absent from Work During a Pandemic”.

Background

As Council is aware that with the breakout of COVID 19 a Pandemic has been declared by the World Health Organisation (WHO).

Council currently has no policy and Management have no clear direction or guidance to enable a decision to be made in handling the payment and absence of staff during a pandemic. In light of the Federal Government’s direction there is a 14 day isolation period for COVID 19, which has will not only impact or staff and there attendance at work but also our ability, in some instances, to provide an uninterrupted business.

This policy has been developed from templates used by other local government’s and in line with the best information aviable at this time, considering the current situation and need for a policy to be developed in such a short time frame.

A draft policy has been prepared and has been included at Attachment A.

Comment

This proposed “Payment to Employees who Absent from Work During a Pandemic” Policy will assist the CEO and Payroll staff in ensuring that it provides fair and consistent payment and leave to staff while ensuring it acts in the best interests of the community and supports the reduction of spreading COVID 19.

Consultation

Jennifer Bow, Manager of Finance
ADCEO, Melissa Schilling

Statutory Implications

Local Government Industry Award

Policy Implications

Creation of a new policy

Risk Implications

Risk: Council is required to adopt a policy to provide guidance and equity for staff who may be absent from work during a pandemic.

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

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

COUNCIL DECISION

Resolution OCM March 20 – 12.1

Moved: Cr Waye

Seconded: Cr Foss

That Council adopts the proposed policy “Payment to Employees who are Absent from Work During a Pandemic”, as presented.

Carried 9/0

Agenda Reference and Subject:

12.2 Rename Buller Road in Bruce Rock Townsite

File Reference:

3.2.1.6

Reporting Officer:

Darren Mollenoyux

Disclosure of Interest

Cr Waight

Author:

Darren Mollenoyux

Attachments

Nil

An update was provided to Council at the Councillor Information Session and was referred for consideration at the Ordinary Council Meeting. The background information is as follows:

Additional consultation was undertaken with the Geographic Names Committee to seek a resolution to the duplicate Buller Road that exists in Bruce Rock.

The response from Geographic Names Committee is as below;

There is an origin for the Townsite Buller Road (being named after Mr Albert Michael Buller as President of Shire of Bruce Rock 1945 – 52), however there is no origins for the Rural name. The assumption could be, as the Shire have said, that this road has been named after the family who farmed this area.

Landgate does not support the changing of a road type on either of these roads as a resolution to the duplication issue. Bottom line "Buller" will still be duplicated within the Shire and will still cause the same issues irrelevant of the road type applied.

Landgate does not support the use of a directional to resolve the duplication (see 1.3.4 of Policy and Standards). Anecdotally our experience has shown that overtime the directional is dropped. This also does not resolve the duplication of "Buller" in the first instance.

Landgate strongly encourages the Shire change one or both of these names to eliminate the duplication issue. Our suggestion would be for the rural Buller to be changed as this impacts less residents, however Landgate does understand the Shire's need and want to preserve the historical integrity of the area by maintaining the name rurally.

If the Shire were to move forward with the renaming of the Townsite Buller consultation with the affected residents explaining the reasons for the change, ie duplication, issues with emergency services, location issues via online mapping services would need to be very clear. Shire would need to consider what action they would take if they don't have the support of the affected residents, that is whether to go ahead with the change for safety reasons or to make no change.

If the Shire does choose to not go ahead with a resolution for this duplication they need to be aware that they could be liable for any issues caused in an emergency if a resident is unable to found in time because of confusion over the duplication.

COUNCIL DECISION

Resolution OCM March 20 – 12.2

Moved: Cr Rajagopalan

Seconded: Cr Waye

That Council staff commence the process to rename Buller Rd within the Bruce Rock townsite, including consultation within the residents of the townsite Buller Road.

Carried 6/2

13. Confidential Items

Agenda Reference and Subject:

13.1 Request to Relinquish Bruce Rock Quarry Lease

File Reference:

3.2.1.6 Bruce Rock Quarry

Reporting Officer:

Darren Mollenoyux

Disclosure of Interest

Nil

Author:

Alan O'Toole

Attachments

Item 13.1 Attachment A - Legal advice obtained from McLeods Solicitors 19/2/20

COUNCIL DECISION

Resolution OCM March 20 – 13.1

Moved: Cr Rajagopalan

Seconded: Cr Kilminster

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

- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter discussed at the meeting; and**
- (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.**

Carried 9/0

COUNCIL DECISION

Resolution OCM March 20 – 13.1

Moved: Cr Waight

Seconded: Cr Kilminster

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

Carried 9/0

Officer Recommendation

That Council approves Mineral Crushing Services (MCS) Pty Ltd's request to relinquish the Bruce Rock Quarry Lease on the terms stated, and that negotiations commence with MCS to achieve Council's objectives and finalisation of this matter.

Council decision varied to officer recommendation so to pursue legal costs on a recovery basis

COUNCIL DECISION

Resolution OCM March 20– 13.2

- 1. That Council approves Mineral Crushing Services (MCS) Pty Ltd's request to relinquish the Bruce Rock Quarry Lease on the terms stated, and that negotiations commence with MCS to achieve Council's objectives and finalisation of this matter.**
- 2. That approval is on the provision that Mineral Crushing Services make payment of legal costs to date.**

Moved: Cr Dolton

Seconded: Cr Rajagopalan

CARRIED BY ABSOLUTE MAJORITY 9/0

14. Closure of Meeting.

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

These minutes were confirmed at a meeting on 16 April 2020.

Cr Stephen Strange
Shire President
16 April 2020