

SHIRE OF BRUCE ROCK

MINUTES – ORDINARY MEETING 21 MAY 2020

TABLE OF CONTENTS

TABLE OF CONTENTS	1
1. Declaration of Opening	2
2. Record of Attendance/Apologies/Leave of Absence (Previously Approved)	2
3. Declarations of Interest	2
4. Response to Previous Public Questions Taken on Notice	2
5. Public Question Time	2
6. Petitions/Deputations/Presentations/Submissions	3
7. Applications for Leave of Absence	3
8. Announcements by Presiding Member	3
9. Confirmation of Minutes	3
10. Regional Reports	4
10.1 WEROC Inc Meeting Minutes April 2020	4
10.2 WALGA Zone Minutes April 2020	8
11. Officers’ Reports	12
11.1 Manager of Finance	12
11.1.1 Statement of Financial Activity	12
11.1.2 List of Payments	14
11.1.3 Endorsement of s.7.12A Local Government Act 1995 Report from Audit Committee	16
11.1.4 Request for Rent Relief	18
11.1.5 Introduce New Fee & Charge – Dry Hire of Turf Groomer	20
11.1.6 Write Off Rates Following Sale of Properties for Non-Payment of Rates	22
11.1.7 Budget Amendment for Establishment of Cash Backed Reserve Supermarket Guarantee	25
11.2 Deputy Chief Executive Officer	27
11.2.1 Regulation 17 Review	27
11.2.2 Royal Commission National Redress Scheme	30
11.3 Chief Executive Officer	34
11.3.1 Bruce Rock Bowling Club Request	34
11.3.2 Elec Tech Diesel Service Factory Unit Works Request	38
12. New Business of an urgent nature introduced by discussion of the meeting	41
12.1 Planning Application Mr P Elliott Carport Lot 107 Dampier Street, Bruce Rock	41
13. Confidential Items	44
13.1 Landfill Site Operation and Management Service Contract KPIs Review and Correspondence to Contractor	44
13.2 Result of Tender for Provision of Managed IT Services	47
13.3 CEO Contract Extension	48
14. Closure of Meeting.	50

SHIRE OF BRUCE ROCK

MINUTES – ORDINARY MEETING 21 MAY 2020

1. Declaration of Opening

The Shire President Cr SA Strange declared the meeting open at 3.19pm.

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 4.13pm to 5.12pm
Manager of Finance	Mrs JL Bow 3.19pm to 4.19pm

3. Declarations of Interest

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

Date	Name	Item No	Reason

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

Date	Name	Item No	Reason
21.05.20	Cr Rajagopalan	11.1.4	President of Club requesting rent relief
21.05.20	Cr Dolton	11.3.1	Secretary of Bruce Rock Bowling Club

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
21.05.2020	Cr Negri	13.1	Part owner in land that adjoins landfill

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 16 April 2020.

COUNCIL DECISION

Resolution OCM May 20 – 9.1

Moved: Cr Foss
Seconded: Cr Waight

That the minutes of the Ordinary Meeting of Council held Thursday 16 April 2020 be confirmed as a true and correct record.

Carried 9/0

Special Meeting of Council held on Friday 24 April 2020

COUNCIL DECISION

Resolution OCM April 20 – 9.2

Moved: Cr Negri
Seconded: Cr Kilminster

That the minutes of the Special Meeting of Council held Friday 24 April 2020 be confirmed as a true and correct record.

Carried 9/0

Audit Committee Meeting held on Thursday 16 April 2020.

COUNCIL DECISION

Resolution OCM April 20 – 9.3

Moved: Cr Waye
Seconded: Cr Crooks

That the minutes of the Audit Committee Meeting held Thursday 16 April 2020 be received.

Carried 9/0

10. Regional Reports

Agenda Reference and Subject:

10.1 WEROC Inc Meeting Minutes April 2020

File Reference:

1.6.9.1 WEROC Meeting Minutes and Agendas

Reporting Officer:

Darren Mollenoyux, Chief Executive Officer

Author:

Darren Mollenoyux, Chief Executive Officer

Disclosure of Interest:

Nil

Attachments:

Item 10.1 Attachment A – 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 30th April 2020 via GoToMeeting Videoconference.

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 following items are highlighted for Councils attention;

7.3 WALGA Associate Membership & Insurance for WEROC Inc

WEROC Inc is required to obtain insurance cover and it was suggested that prior to seeking quotes, LGIS be contacted to ascertain if existing cover for the member Shire's could be extended to include activities undertaken by/for WEROC Inc. The matter was then referred to the WEROC Inc. CEO Committee.

At the CEO Committee meeting held on 12 March 2020, Mr. Peter Clarke advised that he had made initial inquiries with LGIS and was informed that coverage could be provided if WEROC Inc. becomes an associate member of WALGA.

This information was provided at the meeting and the following resolution was made;

That:

- 1) *WEROC Inc. become an Associate Member of WALGA.*
- 2) *Upon acceptance of the application, request a quote for the following forms of insurance cover from LGIS and at least two other insurance providers:*
 - *Public and professional indemnity insurance.*
 - *Officers and director's insurance.*
 - *Workers compensation.*
 - *Voluntary workers Insurance.*
 - *Cyber/internet insurance.*

7.8 GWN Collaborative Advertising

At the WEROC Inc. CEO Committee meeting held on 12 March 2020 Mr. Raymond Griffiths advised the committee that he had made some inquiries with GWN7 regarding promotional advertisements for tourism and businesses in Kellerberrin.

Mr. Griffiths enquired as to whether there would be any interest in pursuing this as a joint initiative across the five WEROC Inc. Shires. The CEO Committee resolved as follows

RESOLUTION: Moved: Mr. Peter Clarke Seconded: Mr. Jamie Criddle

That the Executive Officer and Mr. Raymond Griffiths investigate this matter further and that it be included on the agenda for the WEROC Inc. Board meeting on 30 April 2020.

Mr. Roger Gough was contacted via email and telephone on 26 March and 6 April 2020 requesting information on the grouping of 7 Wheatbelt Shires who undertook the state-wide tourist promotion. A proposal for a similar collaborative advertising campaign for WEROC Inc. was also requested.

On 21 April 2020, Mr. Gough supplied via email, a proposal for a six-month advertising campaign across the five WEROC Inc. Member Councils. The proposal forms Attachment 14 to the meeting agenda.

"Hello Rebekah.

I have now produced a 6 month proposal, with a contribution of \$5,000.00 per Shire, which work out at around \$192.00 per week over 26 weeks, which should be achievable for the Shires.

You will notice on the spot placements, that you would have a spot every week on the 7News/GWN7 News, Better Homes and Gardens, Farmer Wants a Wife or similar programming, Home and Away, Sunrise, 7 Morning News, The Chase Australia, 7 News @ 4:30pm, and 13 weeks on 7 News Saturday.

Some of these would move around dependant on programming changes

You would also have one spot per week on 7 Mate North, 7 Mate South, and 7 Two, with 7 bonus placements from 0600-2400 and 3 from 1800-2230 picking up the numbers.

This same allocation applies to the GWN7 programming. In fact your Bonus placements alone give you an estimated 3,768.405 viewers.

When you take into consideration that a 7 News Network 15 second commercial costs \$943.00, you can see how this proposal is not to be missed! Many are starting their promotions now to impact future travel. It will be interesting to see how it is received as we work towards getting the traffic moving in the country!

A follow up email was received from Mr Gough;

The group would have to work out a common branding, how they will introduce the commercial, content etc. Can the message be achieved with one commercial, or would there be multiple commercials in rotation?

The initial commercial would cost \$950.00, and subsequent commercials using the same branding of the agreed top and tail for all commercials would be \$450.00. The balance of the commercial content bar the agreed top and tail for all commercials could be changed for each of the shires.

As to coordination it is very simple, as the production company once they have the concept can prepare a sample for you, and when they have to go ahead it is simply introducing them to a contact in the Shires so they can do any filming required."

Some comments made were;

- Mrs. Flockhart noted that it is unclear from the proposal, where the advertisements would be aired (e.g. regionally or in the metro area) and highlighted the importance of this in reaching the right markets.
- Mr. Griffiths advised that the Shire of Kellerberrin are viewing this as an opportunity to promote tourism and local businesses. The Shire would cover the tourism aspect and local businesses would be provided an opportunity to make a financial contribution to have their business featured in the advertisement.
- The Executive Officer made mention of the RDA Wheatbelt initiative to develop a region-wide tourism/marketing platform and the identified opportunity to capitalise on the intra-state tourism market post Covid-19.

Following discussions and views from each Council the following was resolved;

That the matter be referred to individual Councils for consideration as a regional tourism/business development opportunity.

CEO’s Comments

Whilst there are some obvious benefits with a collaborative tourism campaign in this format and promotion of tourism will be important post Covid 19 recovery the following also needs to be considered by Council;

- Potential collaborative tourism campaign opportunity with Roe Tourism which may be of more benefit with other WEROC Inc Shires focused on the Great Eastern Highway
- Council spent considerable funds in this financial year with the marketing video that was launched in February and this will be a key to our individual promotion post Covid19.
- The concept that Kellerberrin are using with the Shire funding the tourism component and the local businesses funding the business component has merit, however I am unsure we would get adequate take up from our local businesses.

Council is asked to consider this proposal.

7.8 Strategic Direction for WEROC Inc

WEROC Inc agreed to hold a Strategic Direction Workshop in the near future with Rebekah Burgess to conduct the workshop at the Shire of Merredin once an appropriate date can be determined in line with social distancing requirements.

7.10 Public Health Plans in Local Government

A presentation was given by Mr Llew Withers on the requirements of each Local Government to have a Public Health Plan within the next two years. WEROC Inc sought a quote from Mr Withers and this has been provided with the following comment;

Mr. Withers has advised that each Local Government needs to have a Plan tailored to the residents of that Shire and therefore it is not permissible to develop an overarching Public Health Plan for WEROC Inc. The cost per Shire will be \$10,000 plus up to \$500 in travel and accommodation.

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

1. That Council receives the minutes of the WEROC Board Meeting held on the 30th April 2020 via videoconference.
2. That Council supports / declines the offer to participate in a collaborative WEROC Inc advertising campaign.
3. That should WEROC Inc Board wish to proceed, Council supports the appointment of Mr Llew Withers to undertake the preparation of individual Public Health Plans at a cost of \$10,000.

Council decision varied to Officer Recommendation to decline the offer to participate in a collaborative WEROC Inc advertising campaign and decline to participate in the programme "Man on a Bike" program to be aired on Channel 7.

COUNCIL DECISION

Resolution OCM May 20 – 10.1.1

Moved: Cr Rajagopalan

Seconded: Cr Waye

1. That Council receives the minutes of the WEROC Board Meeting held on the 30th April 2020 via videoconference.
2. That Council declines the offer to participate in a collaborative WEROC Inc advertising campaign.
3. That should WEROC Inc Board wish to proceed, Council supports the appointment of Mr Llew Withers to undertake the preparation of individual Public Health Plans at a cost of \$10,000.

Carried 9/0

The CEO provided information on a request from Roe Tourism to participate in a TV promotion with a 4 minute segment per Shire being offered. The CEO outlined the details of the program "1 Man and a Bike" and advised of the \$7000 cost per Shire to participate.

COUNCIL DECISION

Resolution OCM May 20 – 10.1.2

Moved: Cr Rajagopalan

Seconded: Cr Waye

That Council declines to participate in the program, *1 Man and a Bike* to proposed by Roe Tourism and Lorraine Lee.

Carried 9/0

Agenda Reference and Subject:

10.2 WALGA Zone Minutes April 2020

File Reference:

1.6.5.6 WALGA GEWZ Meeting Minutes and Agendas

Reporting Officer:

Darren Mollenoyux, Chief Executive Officer

Author:

Darren Mollenoyux, Chief Executive Officer

Disclosure of Interest:

Nil

Attachments:

Item 10.2 Attachment A – WALGA Zone Minutes April 2020

*Item 10.2 Attachment B – WALGA Zone Minutes attachment,
Movement of Oversize Machinery*

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 30th April 2020 via Teleconference.

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;

7.2 Office of Auditor General – Audit Costs

As everyone is aware the Office of Auditor General (OAG) now has responsibility for Local Government audits.

The Zone had previously endorsed the following position in respect to the OAG;

That WALGA;

1) Write to the Office of the Auditor General (OAG) advising of the cost increases to the Local Government sector in respect to financial audits over the first 2 years of OAG audits and request constraint on audit cost increases in the future.

2) Write to the Minister for Local Government seeking formal commitment that Performance Audits carried out by the Office of the Auditor General are the responsibility of the State Government.

Comment

With the COVID-19 response issues being addressed, WALGA on behalf of the sector wrote to the Auditor General, as per the following;

Noting the significant amount of time, resources and cost associated with completing performance audits and financial auditing, I urge you to give the strongest possible consideration to:

- deferring all performance audits for 20-21;
- deferring, by six months, Local Government financial and performance audits; and
- freezing audit costs for 20-21.

The deferral of and freezing of audit costs will significantly contribute to the ability of Local Government to deliver on a zero net increase in local government rates, fees and charges for 2020-21, as per the Premiers request.

In conclusion, WALGA recognises that the implications of COVID-19 on our communities are far reaching, and we are determined to assist in reducing the oncoming household and business economic pressures, through the delivery of a zero net increase in local government rates, fees and charges for 2020-21.

The Auditor General has agreed to freezing Audit costs, deferring performance audits – but did not think it would be 12 months and also advised that there would be some flexibility on financial audit timing.

A number of Local Governments have raised concern that if the audits are going to be carried out electronically this year, then the OAG will not be incurring travel and accommodation costs and suggesting that the audit fees should be reduced.

7.3 Election of Local Government Agricultural Freight Group of the Great Eastern Country Zone

An election was held for new representatives for this working group with Cr Julie Flockart of Merredin being appointed as the Zone Delegate and Rhonda Cole of Narembeen as the Deputy.

7.4 LG Ag Freight Group - Comment sought on the Movement of Oversize Agricultural Machinery

The Local Government Agricultural Freight Group has circulated the Minutes of their meeting held on 3 April 2020. The Group has requested feedback and comment on the current requirement to have a licensed heavy vehicle pilot for the movement of oversize agricultural machinery on regional distributor and State roads outside of the metropolitan area where the travel is more than 1 km between 'green zones' (see flow chart in the attached minutes).

The following is an excerpt from the minutes on this issue to provide background.

The Shire of Woodanilling has expressed concern at the distance limit placed on regional distributor roads for when a licensed heavy vehicle pilot is required. They have provided the following information which they submitted to the November 2019 meeting of the Great Southern Country Zone.

The Shire notes the changes to pilotage arrangements have allowed increases to vehicle size for specific pilot requirements and the November 2019 flowchart was implemented to address uncertainty in the May 2019 version.

In the attempt to provide a simpler approach, the Shire is concerned with the unintended consequences of treating all regional distributors the same as State roads from a risk perspective and is seeking review or clarification.

For example, Robinson Rd West has been specified within the Shire of Woodanilling as a regional distributor requiring licensed heavy vehicle pilots to move further than 1 km for specified vehicle types.

Local Government Agricultural Freight Group

The issues are:

Robinson Rd West has twelve (12) intersecting local roads along its length and only two (2) are crossroads. Of the remaining 10 intersecting roads on Robinson West Rd, only two are within 1 km of each other. Robinson Rd West is one of the safer Shire roads because of the pavement and shoulder width being designed to be the 'backbone' of the central part of the Shire for heavy vehicles, noting it is also the longest Shire road with the most farm frontage for agricultural freight tasks.

There are concerns that the 1 km limit along Robinson Rd West will force traffic onto adjacent roads that would create a higher risk, even with agricultural pilots, given the clearance widths.

Councillors have been approached by farmers who operate on both sides of the Woodanilling regional distributor roads to highlight the impact on operations to cross the road. A suggested improvement is to consider raising the 1 km maximum on regional distributors to extend to the next local government through road intersection.

Peel Zone Meeting 30 April 2020

The Great Southern Zone resolved –

That the Great Southern Zone of WALGA requests the review of the distance limit on regional distributor roads before a licensed heavy vehicle pilot is required to be expanded to the nearest local government ‘through road’ connection.

WA Local Government Association has requested feedback as to whether this issue has arisen elsewhere in order to build the case for change as Main Roads likely see that they have conceded significant controls in this area.

Comment

- This issue is widespread.
- Would the solution proposed address the issue?
- Main Roads has moved a significant degree in modifying the current requirements to meet industry concerns and they may not feel that they can further review the requirements.

Local Government Freight Group RESOLUTION

That the requirement to have a licensed heavy vehicle pilot for the movement of oversize agricultural machinery on regional distributor and State roads outside of the metropolitan area where the travel is more than 1 km between ‘green zones’ be referred to Zones within the agricultural region for comment and feedback to the Group.

Martin Aldridge provided information on this issue as attached.

Discussion on this item focused on leaving the current requirements relating to pilot vehicles as is and monitor the situation.

Zone delegates will discuss the matter at the next meeting of the Local Government Agricultural Freight Group.

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

That Council receives the minutes of the WALGA Great Eastern Zone Meeting held on the 30th April 2020 via Teleconference.

Council decision varied to Officer Recommendation to include feedback from Council be that the requirement to have a licensed heavy vehicle pilot for the movement of oversize agricultural machinery on regional distributor and State roads outside of the metropolitan area where the travel is more than 10 km between ‘green zones’ be referred to Zones within the agricultural region.

<p>COUNCIL DECISION Resolution OCM May 20 – 10.2</p> <p>Moved: Cr Dolton Seconded: Cr Rajagopalan</p> <p>That Council receives the minutes of the WALGA Great Eastern Zone Meeting held on the 30th April 2020 via Teleconference.</p> <p>And Feedback from Council be that the requirement to have a licensed heavy vehicle pilot for the movement of oversize agricultural machinery on regional distributor and State roads outside of the metropolitan area where the travel is more than 10 km between ‘green zones’ be referred to Zones within the agricultural region.</p> <p style="text-align: right;">Carried 9/0</p>

11. Officers' Reports

11.1 Manager of Finance

Agenda Reference and Subject:	11.1.1 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 11.1.1 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 30 April 2020 are available in the agenda attachment document.

Consultation

Chief Executive Officer
Deputy Chief Executive Officer
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

That the Statements of Financial Activity for the month ending 30 April 2020 as presented be received.

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM May 20 – 11.1.1

Moved: Cr Rajagopalan

Seconded: Cr Dolton

That the Statements of Financial Activity for the month ending 30 April 2020 as presented be received.

Carried 9/0

Agenda Reference and Subject:	11.1.2 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:	
Attachments:	<i>Item 11.1.2 Attachment A – List of Payments April 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 payments made with the CEO’s credit card for the month of April 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

Cr Waight left the Council Meeting at 4.00pm.

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM May 20 – 11.1.2

Moved: Cr Crooks

Seconded: Cr Foss

That Council endorse the list of payments from the:

- 1. Municipal Account consisting of:**
 - a. EFT voucher numbers EFT15482 to EFT15590 totalling \$313,953.08**
 - b. Cheque number 24001 totalling \$1,624.91**
 - c. Trust Cheque number totalling \$0.00**
 - d. Wages and Superannuation payments totalling \$295,594.98 and**
 - e. Credit Card payments \$1,762.76**

With all payments totalling \$295,594.98 for the month of April 2020.

Carried 8/0

Agenda Reference and Subject:	11.1.3	Endorsement of s.7.12A Local Government Act 1995 Report from Audit Committee
File Reference:	8.2.6.1	Annual Audit
Reporting Officer:		Jennifer Bow, Manager of Finance
Author:		Jennifer Bow, Manager of Finance
Disclosure of Interest:		Nil
Attachments:		<i>Item 11.1.3 Attachment A – s.7.12A Report</i>

Summary

The Audit Committee endorsed the attached report (Attachment A) which was prepared in response to addressing any significant items raised in the Audit Report, in accordance with section 7.12A of the Local Government Act 1995, and outlines what actions have been taken or intend to be taken to address each of the matters raised.

Background

The Audit Committee endorsed this report regarding the actions to be taken significant matters raised in the Audit Report for the financial statements for the year ending 30 June 2019.

Comment

The attached report details the local government's response to the significant items raised in the Audit Report provided for the financial statements for the year ending 30th June 2019.

The report will also have to be sent to the Minister of Local Government, Hon David Templeman in accordance with section 7.12A(5) of the Local Government Act 1995 outlining how management will address the significant matters raised in the Audit Report. Within 14 days of submitting this report, it must also be displayed on our website.

Consultation

Chief Executive Officer
Deputy Chief Executive Officer
Manager of Finance
Office of Auditor General
AMD Auditors

Statutory Implications

Duties of local government with respect to audits - s.7.12A of Local Government Act 1995

7.12A. Duties of local government with respect to audits

- (3) *A local government must –*
- a. Examine an audit report received by the local government; and*
 - a. determine if any matters raised by the audit report, require action to be taken by the local government; and*
 - b. ensure that appropriate action is taken in respect of those matters*
- (4) *A local government must –*
- a. prepare a report addressing any matters identified as significant by the auditor in the audit report, and stating what action the local government has taken or intends to take with respect to each of those matters; and*
 - b. give a copy of that report to the Minister within 3 months after the audit report is received by the local government*

(5) *Within 14 days after a local government gives a report to the Minister under subsection (4)(b), the CEO must publish a copy of the report on the local government’s official website.*

Policy Implications

Nil

Risk Implications

Risk: Compliance – Non-compliance with relevant sections and regulations of the Local Government Act 1995.		
Likelihood	Consequence	Rating
Possible	Moderate	Moderate
Action / Strategy		
This item has been evaluated against the Shire of Bruce Rock’s Risk Management Procedures Risk Matrix. The perceived level of risk is considered to be “Medium” risk and will be managed to mitigate the risks associated with each of the areas of the financial audit.		

Financial Implications

\$28,600 plus disbursements for valuation of Other Infrastructure

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Governance

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

Voting Requirements

Simple Majority

<p>OFFICER RECOMMENDATION AND COUNCIL DECISION Resolution OCM May 20 – 11.1.3</p> <p>Moved: Cr Rajagopalan Seconded: Cr Dolton</p> <p>That Council;</p> <ol style="list-style-type: none"> 1. Receives the report prepared in accordance with section 7.12A of Local Government Act 1995 addressing significant matters raised in the Audit Report for the financial statements for the year ended 30 June 2019; 2. Submits a copy of the report to the Minister of Local Government; and 3. Publishes a copy of the report on its website. <p style="text-align: right;">Carried 8/0</p>

Cr Waight returned to the Council Meeting at 4.03pm

Cr Rajagopalan left the Council Meeting at 4.03pm.

Agenda Reference and Subject:

11.1.4 Request for Rent Relief

File Reference:

8.2.3.2 Accounts – Receivable (Debtors)

Reporting Officer:

Jennifer Bow, Manager of Finance

Author:

Jennifer Bow, Manager of Finance

Disclosure of Interest:

Cr Rajagopalan - Impartiality

Attachments:

Item 11.1.4 Attachment A – Letter from Love That Food, Bruce Rock Café

Item 11.1.4 Attachment B – Letter from Bruce Rock District Club

Summary

For Council's consideration to provide rental relief to two businesses that rent properties from the Shire that have been directly affected by the State Government's decision to shut down certain businesses to reduce the potential spread of COVID-19.

Background

Council adopted the new Policy 2.12 COVID-19 Financial Hardship Policy at the Ordinary Council Meeting in April 2020. This provides for businesses affected by the pandemic to request for rental relief if they have been directly affected by a reduction in trading due to government directions.

Comment

Two requests have been received to provide rental relief due to a reduction in trading due to the COVID-19 shutdowns.

The first is a letter from Bruce Rock Café that has requested for the rent for April and possibly May to be waived as they only commenced their business in October 2019 (Attachment A). Their monthly rental is \$736.25 (inc GST).

The second letter is from Bruce Rock District Club and they have also requested for a rent to be waived but haven't indicated a period of time. They closed their doors in late March to the public but continued to offer take away alcohol sales between 5pm to 7pm daily. Their monthly rent is \$645.00 (inc GST).

As per the newly adopted policy 2.12 COVID 19 Financial Hardship Policy, debtors are able to request for rental relief from Council.

Consultation

Chief Executive Officer
Manager of Finance

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

2.12 – COVID 19 Financial Hardship Policy

Risk Implications

Risk: That the businesses rent properties from Council experience financial hardship during the COVID-19 pandemic resulting in a decrease in revenue		
Likelihood	Consequence	Rating
Almost Certain	Minor	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 Chief Executive Officer and Manager of Finance will be monitoring the progress regularly.		

Financial Implications

Reduction of rental income for one to two months, totalling \$2,762.50 (inc GST)

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

<p>OFFICER RECOMMENDATION AND COUNCIL DECISION Resolution OCM May 20 – 11.1.4</p> <p>Moved: Cr Waye Seconded: Cr Kilminster</p> <p>That Council gives the CEO the authority to provide rental relief to the Bruce Rock Café and the Bruce Rock District Club for the months of April and May 2020 in accordance with policy 2.12 COVID 19 Financial Hardship and write off the following amounts;</p> <p>i. Bruce Rock Café rent of \$1,472.50 (inc GST) and ii. Bruce Rock District Club rent of \$1,290.00 (inc GST).</p> <p style="text-align: right;">CARRIED BY ABSOLUTE MAJORITY 8/0</p>

Cr Rajagopalan returned to the Council Meeting at 4.11pm.

Agenda Reference and Subject:	11.1.5	Introduce New Fee & Charge – Dry Hire of Turf Groomer
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:	Nil	

Summary

To introduce a new fee and charge for the dry hire of the turf groomer.

Background

The Shire purchased a Sports Champ Turf Groomer last month with a 50% contribution from the Bruce Rock Hockey Club. The Hockey Club has already received a request to hire the turf groomer from another Club.

Comment

The Shire currently does not have a fee and charge for the hire of the turf groomer and Council are asked to consider introducing this new fee and charge.

It is proposed that a dry hire of plant only fee of \$750 plus GST be introduced. The MOU with the Hockey Club, states that the Hockey Club will receive 50% of profit from the hire fee for the turf groomer.

As include in the Bruce Rock Hockey Club MOU with the Shire of Bruce Rock;

(f) The Turf Sweeper/Cleaner can be hired out to other clubs within the Bruce Rock Recreation Centre precinct with synthetic surfaces. This machine is to only be used for specific cleaning purposes. The machine can also be dry hired to other organisations/associations outside the Shire on provision that agreement is sought from both Council and the Hockey Club. Hire fees will be set through Council's annual fees and charges. Profits from hire will be split 50/50 between the Shire of Bruce Rock and the Bruce Rock Hockey Club.

The turf groomer will however need to be picked up from the Recreation Centre. Damien Bow will provide some basic information and operating procedures to ensure that the machine is used correctly. The hirer will require their own trailer/car trailer however can hire the Shire Car Trailer at the prescribed hire fee if required.

Damien Bow will also inspect the machine when it is returned to the Recreation Centre. Bookings are to be made directly with Damien.

Consultation

Chief Executive Officer
Manager Of Finance
Recreation Centre Manager

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 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*

6.16. Imposition 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

No risk implications

Financial Implications

An additional income receivable on the hire of the machine, \$375 (ex-GST) per hire.

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 May 20 – 11.1.5

Moved: Cr Dolton

Seconded: Cr Kilminster

That Council;

- 1. Introduce a new fee and charge for the hire of the turf groomer of \$750 (ex-GST) per hire and that 50% of this fee is payable to the Bruce Rock Hockey Club; and**
- 2. Give public notice of 7 days of the intent to introduce the newly adopted fee and charge.**

CARRIED BY ABSOLUTE MAJORITY 9/0

Agenda Reference and Subject:	11.1.6	Write Off Rates Following Sale of Properties for Non-Payment of Rates
File Reference:	8.1.1.7	Rates Recovery
Reporting Officer:	Jennifer Bow, Manager of Finance	
Author:	Jennifer Bow, Manager of Finance and Mike Darby, Senior Finance Officer	
Disclosure of Interest:	Nil	
Attachments:	<i>Item 11.1.6 Attachment A – Spreadsheet Outlining Rates Write Offs</i>	

Summary

Council are asked to provide authority to the CEO to write off the balance of rates outstanding on the properties that were sold by auction in August 2019 to recover the outstanding rates as per s.6.64 *Local Government Act 1995*.

Background

Council auctioned 8 properties and only 2 did not receive any bids.

All sales have now settled with new titles being issued and interim rates levied on the properties.

Comment

The final step of the process is to allocate the proceeds of the sale in order as per s.5 of Schedule 6.3 *Local Government Act 1995* which states specifically as to how the proceeds of sale are to be applied.

Any outstanding Water Corporation account is to be paid first and these funds were dealt with by the Settlement agent. GST was applicable on vacant land and this was also paid directly by the settlement agent.

Costs associated with the sale can also be paid out of the proceeds and these were allocated to each of the assessments.

In most cases, this leaves an amount of rates, penalty interest, rubbish and recycling and ESL that require to be written off, detailed in Attachment A.

These are the assessments that were sold at auction;

- A484 – 77 & 79 Butcher Street, Bruce Rock
- A539 – 32 Westral Street, Bruce Rock
- A580* – 66 & 68 Dampier Street, Bruce Rock
- A591 – Lot 42 & 43, Ardath
- A654 – 3436 Kellerberrin – Shackleton Road, Shackleton
- A698 – 14 & 16 Kwolyin Town Road, Kwolyin

*A580 now as vacant land subdivided to A2608 (68 Dampier Street) and A2609 (66 Dampier Street)

Consultation

Chief Executive Officer
Manager Of Finance
Senior Finance Officer

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)]

5. Application of purchase money

Where a local government has exercised its power of sale it is required to apply the proceeds of sale in the following manner –

- (a) Firstly – in payment of the costs, charges and expenses properly incurred by the local government in or incidental to the sale or attempted sale of the exercise of any other power conferred upon the local government by Part 6, Division 6, Subdivision 6 or this Schedule; and*
- (b) Secondly – in payment of –*
 - i. Unpaid rates or service charges, for the time being due to or imposed by the local government in respect of the land; and*
 - ii. Costs and other money, if any, due to or imposed in favour of the Crown in right of the State or a department agency, or instrumentality of the Crown in right of the State; and*
 - iii. Other amounts due to the local government under this or another written law, in respect of the land at the time of the sale, but where the payments required by paragraph (a) to be made have been made, and the balance of the money then remaining is not sufficient for the payment in full of the items required by this paragraph to be made, the local government is to distribute the balance of the money so remaining, between the Crown, the department, the agency, the instrumentality, and the local government, pro rata with the amounts of their claims, respectively, unless the Governor, or the Minister controlling the department, agency, instrumentality as the case requires, consents to rank after the local government; and*
- (c) Thirdly – in payment of the vendor’s costs and expenses of an incidental to conferring upon the purchaser a title to the land; and*
- (d) Fourthly – in or towards the discharge of a charge, if any, on the land under a written law relating to the construction of drains and fittings to connect the land with a sewer; and*
- (e) Fifthly – in or towards the discharge of other mortgages and encumbrances on the land, both registered and unregistered, according to their priorities at law so far as they can be ascertained by the local government; and*
- (f) Sixthly – in payment of the residue of the money within 12 months after the local government has received it to –*
 - i. The person who would, but for the proceedings for sale, be entitled to the land; or*
 - ii. If there are several persons who would be so entitled, then to those persons in the proportions in which they would be respectively so entitled, but if –*
 - i. A person is entitled to an estate in reversion or remainder in the land, the local government may pay that residue into the Supreme Court under section 99 of the Trustees Act 1962; and*
 - ii. Within that period of 12 months the local government has not paid the residue to the person entitled to it, it is to, on the expiration of that period, pay that residue into the Supreme Court under that section of that Act; and*
 - iii. At the expiration of 6 years after the money is so paid into the Supreme Court, proceedings have not been commenced or are not pending and the Court has not made an order to the contrary the money is to be paid into the Consolidated Account.*

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

Risk: That rates remain unpaid resulting in less revenue for the Shire.		
Likelihood	Consequence	Rating
Possible	Minor	Minor
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 a “Minor” risk. Follow the debt recovery policy and legislative requirements to ensure that all outstanding rates are collected where possible.		

Financial Implications

Reduction in income due to an amount of rates not being able to be collected and written off
Total Amount is \$28,922.09.

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 May 20 – 11.1.6

Moved: Cr Rajagopalan

Seconded: Cr Wayne

That Council gives the CEO the authority to write off any remaining rates, rubbish, recycling, Emergency Service Levy or other amounts outstanding, on the assessments sold at auction for recovery of rates arrears in accordance with s.6.64 as per the tabled spreadsheet, for the following assessments;

- i. A484 - \$829.05**
- ii. A539 - \$5,563.84**
- iii. A580 - \$6,092.81 – incorporates the two assessments it was sub-divided into: A2608 \$180.35, and A2609 \$180.35**
- iv. A591 - \$2,658.34**
- v. A654 - \$7,869.42**
- vi. A698 - \$5,908.63**

CARRIED BY ABSOLUTE MAJORITY 9/0

Agenda Reference and Subject:	11.1.7	Budget Amendment for Establishment of Cash Backed Reserve Supermarket Guarantee
File Reference:	8.2.7.1	Annual Budget
Reporting Officer:		Jennifer Bow, Manager of Finance
Author:		Jennifer Bow, Manager of Finance
Disclosure of Interest:		Nil
Attachments:		<i>Nil</i>

Summary

A budget amendment is required to recognise a cash backed reserve which is a financial security for a supplier of the Supermarket to establish a credit account with them.

Background

Metcash are a major supplier of independent supermarkets in Western Australia and are the main supplier of the temporary Bruce Rock Supermarket. In order to establish a trading account with them, they required us to provide a financial security or guarantee of \$50,000. This guarantee will provide a 9-day credit account rather than having to pay for the good prior to delivery. This is a much better arrangement as with payment before delivery, we were paying a total amount for goods ordered, then after the goods had arrived, having to put a credit through for the payment, then putting the invoice through which recognised the GST and sometimes a credit as the goods ordered weren't available.

Comment

Staff contacted the Western Australian Treasury Corporation enquiring if this was a facility that they offered however they said that very rarely local governments are required to provide such a financial guarantee.

Bendigo Bank are able to provide this facility however there is a \$200 application fee and a 2.5% line fee which is charged monthly on the facility. The \$50,000 will accrue interest however it is currently only accruing 1%. Maddy Hooper, the Customer Relationship Consultant with Bruce Rock Community Bank has requested that the \$200 application fee be refunded.

Council are asked to approve this budget variation as this reserve will reduce the amount of cash available. This will further reduce the amount that can be transferred to the plant reserve as this is the only additional cash that we have in our budget at present.

Consultation

Chief Executive Officer
 Manager of Finance

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

Reduction in amount of funds being transferred to the Plant Replacement Reserve and recognise establishment of Supermarket Guarantee Reserve.

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

<p>OFFICER RECOMMENDATION AND COUNCIL DECISION Resolution OCM May 20 – 11.1.7</p> <p>Moved: Cr Kilminster Seconded: Cr Rajagopalan</p> <p>That Council adopt the following amendments to Budget for 2019-20; a. Establishment of new Reserve Account – Supermarket Guarantee GL 910117 - \$50,000; b. Net bank fees GL 130215 - \$200; and c. Reduction of funds to be transferred to Plant Replacement Reserve to \$25,959. And; That the Shire of Bruce Rock write to Bendigo Bank requesting that the application and monthly line fee for the security is waived.</p> <p style="text-align: right;">CARRIED BY ABSOLUTE MAJORITY 9/0</p>
--

Mrs JL Bow left the Council Meeting at 4.19pm and did not return.

11.2 Deputy Chief Executive Officer

Agenda Reference and Subject:	11.2.1 Regulation 17 Review
File Reference:	2.3.3.1 Local Government Act 1995
Reporting Officer:	Darren Mollenoyux, Chief Executive Officer
Author:	Alan O’Toole, Deputy Chief Executive Officer and Jennifer Bow, Manager of Finance
Disclosure of Interest:	Nil
Attachments:	<i>Item 11.2.1 Attachment A – Regulation 17 Review Report</i>

Summary

The Council is asked to endorse this Report from the Audit Committee on the activities undertaken by the CEO with regard to Regulation 17 of the *Local Government (Audit) Regulations 1996* (WA).

Background

The CEO last reported in April 2017 to the Audit Committee regarding activities undertaken with regard to Regulation 17. Regulation 17 states that:

17. (1) *The CEO is to review the appropriateness and effectiveness of a local government’s systems and procedures in relation to —*
 - (a) *risk management; and*
 - (b) *internal control; and*
 - (c) *legislative compliance.*
- (2) *The review may relate to any or all of the matters referred to in sub regulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review not less than once in every 3 financial years.*
- (3) *The CEO is to report to the audit committee the results of that Review.*

As can be seen in Part (2) above, it is now a requirement to report back to the Audit Committee on what activities have taken place with regard to ensuring compliance with Regulation 17.

The Audit Committee’s role with regard to this is defined in this extract from Regulation 16:

16. *Functions of the audit committee*
 - (c) *to review a report given to it by the CEO under regulation 17(3) (the CEO’s report) and is to —*
 - (i) *report to the council the results of that review; and*
 - (ii) *give a copy of the CEO’s report to the council;*
 - (d) *to monitor and advise the CEO when the CEO is carrying out functions in relation to a review under —*
 - (i) *regulation 17(1)...*
 - (f) *to oversee the implementation of any action that the local government —...*
 - (iii) *has accepted should be taken following receipt of a report of a review conducted under regulation 17(1)*

To assist in the task of addressing Regulation 17, Council approved the CEO to engage the assistance of the law practice Civic Legal, who have developed a program entitled “Project Aware”, which is specifically designed to provide support to Local Governments in this area of compliance.

Regulation 17 is not specific regarding what areas of the Shire’s activity are to be reviewed other than they should be in relation to risk management, internal control, and legislative compliance. It also does not expressly require all systems and procedures within those categories to be reviewed. Therefore, the Shire’s Administration team, using Civic Legal’s “Systems and Procedures Profile” tool, first identified and then prioritised those areas where it was felt the Shire was most vulnerable in terms of risk and legislative compliance.

The process once these had been decided was that for each topic or area identified, the relevant staff members would prepare a “Working Paper”. Then, in teleconference with Civic Legal’s Managing Principal and Governance Consultant, the staff would address the issues identified in the Working Paper, and discuss and obtain advice and guidance on possible improvements to process etc.

Comment

To date the CEO has reviewed 8 areas of activity (i.e. systems/procedures) using the Project Aware process. These are detailed in the table below:

System/Procedure
Tenders and Procurement
Council Agendas
Records Management
HR Processes
Insurance Claim Processes
Claims and Litigation
Public Availability of Documents
Risk Management Policies and Procedures
Event Planning and Management

The items that the Administration felt were most critical (Tenders/Procurement and Council Agendas) were addressed first and have therefore been completed, and the identified improvements have been implemented. Note: It is not intended that all improvement items identified in one area have to be completed before moving on to another area, and therefore while some areas have been completed, others are currently being worked through, and work on the latter two has recently commenced. This is possible because different areas involve different groups of staffing, and therefore means that work on different areas can continue concurrently.

As can be seen by the attached Regulation 17 Review Report, engagement with Project Aware and staff commitment to achieving positive outcomes is leading to improvements to processes in most areas of Shire activity. This in turn will ensure compliance with legislative requirements, greater management of risk, and greater control across the wide area of activities undertaken by the Shire. It is intended that this process will continue indefinitely to support and encourage a continuous improvement approach to all the Council’s undertakings.

Consultation

- Chief Executive Officer.
- Manager of Finance.
- Acting Deputy Chief Executive Officer.

Statutory Implications

Local Government (Audit) Regulations 1996 r.16, r17.

Policy Implications

Compliance with the Risk Management Policy (adopted in October 2014)

Risk Implications

Risk: That the Regulation 17 Report is not endorsed by Council.		
Likelihood	Consequence	Rating
Rare	Major	High
Action / Strategy		
It is a requirement that the activities relating to Regulation 17 are reported to the Audit Committee and thus to Council. By engaging with Project Aware the CEO has ensured that a robust and consistent process for addressing this area of compliance issue is being appropriately addressed.		

Financial Implications

Nil

Strategic Implications

Shire of Bruce Rock Strategic Community Plan 2017-2027

Governance

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

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM May 20 – 11.2.1

Moved: Cr Rajagopalan

Seconded: Cr Waye

That the Council endorses the report from the CEO on the review of the appropriateness and effectiveness of the local government systems and procedures, as per Regulation 17 of the Local Government (Audit) Regulations 1996 and acknowledges the Audit Committee’s approval.

Carried 9/0

Cr Waight left the Council Meeting at 5.16pm.

Cr Waight returned to the Council Chambers at 5.17pm.

Agenda Reference and Subject:

11.2.2 Royal Commission National Redress Scheme

File Reference:

Reporting Officer:

Alan O’Toole, Deputy Chief Executive Officer

Author:

Alan O’Toole, Deputy Chief Executive Officer

Disclosure of Interest:

Nil

Attachments:

Item 11.2.2 Attachment A – Information Paper “National Redress Scheme for Institutional Child Sexual Abuse”

Summary

Council is asked to consider the information concerning the “Royal Commission (Royal Commission) into Institutional Responses to Child Sexual Abuse - National Redress Scheme”. This Report summarises the situation so far and contains recommendations for Council with regard to opting to join the National Redress Scheme.

Background

An item addressing the Royal Commission National Redress Scheme was last brought to Council in June 2019. At that time the details of the Scheme were still being worked upon by the WA State Government, and therefore in response to an interim report from the Royal Commission, Council in June 2019 endorsed the option that, when applicable, the Shire should opt to join the National Redress Scheme.

The Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission) was established in 2013 to investigate failures of public and private institutions to protect children from sexual abuse. The Royal Commission released three reports throughout the inquiry:

- Working with Children Checks (August 2015);
- Redress and Civil Litigation (September 2015); and
- Criminal Justice (August 2017).

The Royal Commission’s Final Report (15 December 2017) incorporated findings and recommendations of the three previous reports and contained a total of 409 recommendations, of which 310 are applicable to the Western Australian Government and the broader WA community.

The implications of the Royal Commission’s recommendations are twofold: the first is accountability for historical breaches in the duty of care that occurred before 1 July 2018 within any institution; the second is future-facing, ensuring better child safe approaches are implemented holistically moving forward.

National Redress Scheme

The Royal Commission’s *Redress and Civil Litigation (September 2015)* Report recommended the establishment of a single National Redress Scheme (the Scheme) to recognise the harm suffered by survivors of institutional child sexual abuse.

The Scheme acknowledges that children were sexually abused, recognises the suffering endured, holds institutions accountable and helps those who have been abused access counselling, psychological services, an apology and a redress payment.

The Scheme commenced on 1 July 2018, will run for 10 years and offers eligible applicants three elements of Redress:

- A direct personal response (apology) from the responsible institution, if requested;
- Funds to access counselling and psychological care; and
- A monetary payment of up to \$150,000.

All State and Territory Governments and many major non-government organisations and church groups have joined the Scheme. The WA Parliament has passed the legislation for the Government and WA based non-government organisations to participate in the National Redress Scheme. The Western Australian Government (the State) started participating in the Scheme from 1 January 2019.

Under the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (Commonwealth), local governments may be considered a State Government institution. A decision was made at the time of joining the Scheme to exclude WA local governments from the State Government's participation declaration. This was to allow consultation to occur with the sector about the Scheme, and for fuller consideration of how the WA local government sector could best participate.

Comment

The State Government recently contacted all Local Governments with the recommendation that they opt to join the National Redress Scheme. (An Information Paper provided with this advice is an attachment to this Report.)

Should Council opt to join the Scheme then the following will be covered for the Shire which will be treated as a State Government institution and part of the State's declaration:

- Redress monetary payment provided to the survivor;
- Costs in relation to counselling, legal and administration (including the coordination of requests for information and record keeping in accordance with the *State Records Act 2000*); and
- Trained staff to coordinate and facilitate a Direct Personal Response (DPR – Apology) to the survivor if requested (on a fee for service basis with costs to be covered by the individual local government – see below for further explanation).

Should the Shire (via a resolution of Council) opt **not** to participate with the State or in the Scheme altogether, considerations include:

- Divergence from the Commonwealth, State, WALGA and the broader local government sector's position on the Scheme (noting the Commonwealth's impending intent to name-and-shame non-participating organisations);
- Potential reputational damage at a State, sector and community level;
- Complete removal of the State's coverage of costs and administrative support, with the local government having full responsibility and liability for any potential claim;
- Acknowledgement that the only remaining method of redress for a victim and survivor would be through civil litigation, with no upper limit, posing a significant financial risk to the local government.

Individual local governments participating in the Scheme as a State Government institution, the State will be responsible for:

- Providing the State with the necessary (facilities and services) information to participate in the Scheme;
- Resources and costs associated with gathering their own (internal) information and providing that information (Request for Information) to the State (if they receive a Redress application); and
- Costs associated with the delivery of a DPR (apology), if requested (based on a standard service fee, plus travel and accommodation depending on the survivor's circumstance). The State's decision includes that all requested DPR's will be coordinated and facilitated by the Redress Coordination Unit – Department of Justice, on every occasion.

Consultation

Chief Executive Officer

Statutory Implications

In agreeing to join the Scheme, the Shire is required to adhere to legislative requirements set out in the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (Commonwealth).

Authorisation of an appropriately appointed person to execute a service agreement with the State, if a Redress application is received, will be in accordance with s.9.49A(4) of the *Local Government Act 1995*.

Policy Implications

Nil

Risk Implications

Risk: That Council opts not to join the National Redress Scheme.		
Likelihood	Consequence	Rating
Rare	Major	High
Action / Strategy		
The potential consequences of not opting into the National Redress Scheme are noted in the “Comments” section above		

Financial Implications

The State’s decision will cover the following financial costs for local governments:

- Redress monetary payment provided to the survivor;
- Costs in relation to counselling, legal and administration (including the coordination or requests for information and record keeping); and
- Trained staff to coordinate and facilitate a Direct Personal Response (DPR – Apology) to the survivor if requested (on a fee for service basis with costs to be covered by the individual local government – see below).

The only financial cost the local government may incur will be the payment of the DPR’s, which is on an ‘as requested’ basis by the survivor. This will be based on the standard service fee of \$3,000 plus travel and accommodation depending on the survivor’s circumstances. All requested DPR’s will be coordinated and facilitated by the Redress Coordination Unit – Department of Justice.

The State’s decision also mitigates a significant financial risk to the local government in terms of waiving rights to future claims. Accepting an offer of redress has the effect of releasing the responsible participating organisation and their officials (other than the abuser/s) from civil liability for instances of sexual abuse and related non-sexual abuse of the person that is within the scope of the Scheme. This means that the person who receives redress through the Scheme, agrees to not bring or continue any civil claims against the responsible participating organisation in relation to any abuse within the scope of the Scheme.

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

- a) That Council endorses the participation of the Shire of Bruce Rock in the National Redress Scheme as a State Government institution and included as part of the State Government’s declaration; and
- b) Grants authority to the Chief Executive Officer [Insert specific position] to execute a service agreement with the State, if a Redress application is received;
- c) Notes that a confidential report will be provided if a Redress application is received by the Shire of Bruce Rock.

Council decision varied to Officer Recommendation to appoint the Deputy Chief Executive Officer to execute a service agreement with the State if a Redress application is received.

COUNCIL DECISION

Resolution OCM May 20 – 11.2.2

Moved: Cr Waye

Seconded: Cr Dolton

Officer Recommendation

- a) **That Council endorses the participation of the Shire of Bruce Rock in the National Redress Scheme as a State Government institution and included as part of the State Government’s declaration; and**
- b) **Grants authority to the Chief Executive Officer to delegate the Deputy Chief Executive Officer to execute a service agreement with the State, if a Redress application is received;**
- c) **Notes that a confidential report will be provided if a Redress application is received by the Shire of Bruce Rock.**

Carried 9/0

11.3 Chief Executive Officer

Agenda Reference and Subject:	11.3.1 Bruce Rock Bowling Club Request
File Reference:	1.3.8.3 Bruce Rock Bowling Club
Reporting Officer:	Darren Mollenoyux, Chief Executive Officer
Author:	Darren Mollenoyux, Chief Executive Officer
Disclosure of Interest:	Cr Dolton
Attachments:	<i>Nil</i>

Cr Dolton declared an impartiality interest and abstained from debate and voting.

Summary

The Bruce Rock Bowling Club is seeking Council's support in their proposal to replace/upgrade its synthetic bowling green located at the Bruce Rock Recreation Centre.

Background

The Bruce Rock Bowling Club have written to Council advising that the club has agreed at its meeting on Wednesday 18th March 2020 that it needs to investigate options for the upgrade/replacement of its aging synthetic bowling green located at the Bruce Rock Recreation Centre.

The Bruce Rock Bowling Club are requesting the following from Council;

1. Including this request in Council's 2020/21 budget planning
2. Council staff assist in preparing and submitting grant applications

The bowling club have undertaken initial investigations into the replacement/upgrade of the Bruce Rock synthetic surface and costs are estimated at around \$225,000.

The Bruce Rock Bowling Club have indicated that they have sufficient funds available in a reserve to cover 1/3 of the costs.

Comment

The Bruce Rock synthetic bowling green is over 10 years old and is starting to show signs of deterioration and in some parts has the potential to impact the playability of the surface.

Whilst there is an estimated 2 – 3 years remaining in the surface it is essential that planning and seeking suitable funding commence as soon as practical as it can take some time to successfully attract grant funding.

The obvious opportunity for funding this proposal could be through the Department of Sport and Recreation CSRFF grants, which this project may fit the small grants criteria. Although Department of Sport and Recreation don't normally highly prioritise replacement surfaces it could be deemed that this project is an upgrade to a superior product and considering the current surface is over 10 years old technology and products have improved. Precedent has previously been set where Department of Sport and Recreation funded another Local Government's synthetic hockey turf replacement being that it was an upgrade to a superior/higher standard surface.

Council is unlikely to be in a financial position to commit to this project for the 2020/21 financial year and it may be unlikely that funding could be attracted in that timeframe, however it is prudent that the planning and seeking funding commence as soon as practical.

Consultation

Bruce Rock Bowling Club President, Don Heasman
Bruce Rock Bowling Club Secretary, Ian Dolton
Acting Executive Assistant, Caris Negri
Manager of Finance, Jennifer Bow

Statutory Implications

Nil

Policy Implications

6.2 Turf Infrastructure Replacement Fund

Preamble

Policy in relation to the replacement of sporting surface and infrastructure at the Bruce Rock Recreation Centre.

Objective

To ensure that all sporting groups utilising the Bruce Rock Recreation Centre make a contribution to the replacement of their respective playing surfaces and infrastructure.

Policy

A Memorandum of Understanding (MOU) will be established between the Shire of Bruce Rock and each individual sporting group and will include the annual contribution amount to be made to the fund by each club for their specific playing facility.

The Shire of Bruce Rock will make a contribution of 50 cents for every dollar contributed to the fund up to the amount of \$2,000 per sporting group per year.

All contributions will be held in the Shire of Bruce Rock's Sporting Clubs Facility Replacement Reserve Account.

Contributions must be made by the 15th March each year to ensure that funds are accruing as much interest as possible.

In the event of extenuating circumstances that the said sporting group is unable to contribute a proposed amount in any given year, written notification must be provided to the Shire of Bruce Rock outlining why the contribution cannot be made by the 15th March and when the contribution is likely to be made.

7.1 Procedure for Community Grant Applications

Preamble

Policy for completing grant applications for community groups.

Objective

To ensure Council staff are not completing entire community grant applications.

Policy

The following guidelines are to be followed for community grant applications;

- Council staff will notify community groups of any grants on offer that they feel could be useful for the community group, in a timely manner*
- Community groups may discuss grant application with staff however community groups will be responsible for collecting information, quotations and other material relevant to the grant application*

- *Community groups are to ensure that enough time is allowed to complete the application*
- *Community groups may fill in details on application and Council staff will type up application in required format, however adequate time must be allowed for this.*
- *Council will forward application on behalf of community group by post, facsimile or email.*
- *Council staff will also retain a copy of the application for the community group's reference.*

Process

Council staff will forward all information to community groups regarding grants and funding opportunities on offer.

Council staff will assist community groups however all investigatory and collection of quotations and other materials must be carried out by community groups.

Council staff will type up grant applications however all questions must be answered by community group and must be given to staff with adequate time to complete the application. Applications received the day before the closing date may not be completed on time due to other commitments of staff.

Council will retain a copy for their records and also give the community group a copy of the application for their reference.

Council will auspice any grant application from a community group who do not have the resources to manage funds.

Risk Implications

Risk: If funding is not sought or replacement/upgrade of the synthetic bowling green does not occur then the Bruce Rock Bowling Club will have an inadequate playing surface in the next few years and a facility that does not meet the required standards.		
Likelihood	Consequence	Rating
Possible	Moderate	Moderate
Action / Strategy		
That funding be sought to ensure the Bruce Rock bowling green meets the required standards into the future.		

Financial Implications

Under current financial pressures with Covid19, uncertainty around government funding sources in 20/2021 and potential that funding may be required if the Shackleton Bowling Club's current grant is successful it is unlikely that Council would be in a financial position to contribute to this project in 2020/21, however Council may seek to commence working with the Bruce Rock Bowling Club to source grant funding for the 2021/22 financial year and onwards.

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.

Community

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

Voting Requirements

Absolute Majority

COUNCIL DECISION

Resolution OCM May 20 – 11.3.1

Moved: Cr Waye

Seconded: Cr Rajagopalan

- 1. That Council provides in principle support to the Bruce Rock Bowling Club's proposal for funding to replace/upgrade its synthetic bowling green at the Bruce Rock Recreation Centre, dependant on successfully obtaining adequate grant funding.**
- 2. That any financial commitment from Council would not occur in the 2020/21 financial year however, Council staff commence assisting the Bruce Rock Bowling Club to seek and apply for grant funding for the replacement / upgrade of its synthetic bowling green for 2021/2022 onwards.**

CARRIED BY ABSOLUTE MAJORITY 8/0

Agenda Reference and Subject:

11.3.2 Elec Tech Diesel Service Factory Unit Works
Request

File Reference: 2.4.1.5 Factory Units

Reporting Officer: Darren Mollenoyux, Chief Executive Officer

Author: Darren Mollenoyux, Chief Executive Officer

Disclosure of Interest: Nil

Attachments: Nil

Summary

Council is asked to consider the construction of a concrete washdown bay and oil catchment sumps at its factory units located at 70 Dampier St, Bruce Rock and the subsequent variation to fees and charges.

Background

Council received the following request from Brodie Verhoogt of Elec Tech Diesel Services who leases Council's factory unit located at 70 Dampier St, Bruce Rock;

"I am writing to you asking for the shire to fund and install some additional infrastructure at the shed that I lease, located at 70 Dampier Street. Some may be aware that I have setup the space for the repairs and maintenance of vehicle and mobile equipment.

Now that I have installed a hoist and have a competent mechanic to carry out servicing of vehicles, we now need of a space to wash down (degrease) vehicles legally. I have invested a large amount of capital in this space and have no plans in moving to a different location.

In short, what I am requiring is a way of catching the waste runoff from the existing concrete apron at the rear of the shed to be directed into sediment tanks and a water oil separator installed to empty the tanks. This will require some earthwork and sealed bunding installed around the oil separator.

Given that the bunding is required I would also like it to be large enough to store the waste oil and coolant (IBC's). I have part of a design worked out if someone would like to discuss this further with me?"

Comment

The EHO and Town Foreman met with Mr Verhoogt onsite to assess the works required.

Following investigations on the infrastructure requirements the cost of the works is \$12,800 inc GST which is for;

Council works consisting of - Concrete, Materials, Wages and Plant

Oil separator being \$5,170

Plumbing and electrical \$800

As these works are a capital upgrade and improving the value of the factory unit it is recommended that Council seek to recoup the costs of these improvement works through its lease payments by increasing the current monthly lease.

As we are approaching the end of the current financial year and there is no current budget provision it is suggested that any of these works be undertaken in the 2020/21 financial year.

Consultation

Brodie Verhoogt, Elec Tech
 Julian Goldacre, Environmental Health Officer
 Peter Elliot, Town Foreman

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

Council does not have a policy on this type of request, however it has previously undertaken similar arrangements on a as per request basis. The most recent example was with the Elders building with fencing etc being installed and rent adjustment made to capture the specific infrastructure improvement costs.

Risk Implications

Risk: If Council does not undertake the improvement works the business proprietor would not be able to effectively undertake mechanical works and meet disposal of waste requirements. This may also impact the future of the business.		
Likelihood	Consequence	Rating
Possible	Moderate	Moderate
Action / Strategy		
That Council seek an amicable arrangement to limit financial impact and ensure the security of the future of the business in town.		

Financial Implications

Council will need to make budget provision in 2020/21 to include \$12,800 additional expenditure for Factory Unit located at 70 Dampier St, Bruce Rock.

To assist in the recoup of costs (**or part thereof**) associated with the upgrade works and the fact that the factory unit is of would be of higher rental value Council can increase the rental fee associated with this factory unit. Council may also resolve to request that a three-year lease be signed to ensure value of the request.

If Council sought to increase the rental value to capture the full costs (\$12,800) over a three-year period, this would equate to an additional \$355inc GST per month.

Current rental \$567 per calendar month *inc GST*
Proposed rental \$922 per calendar month *inc GST*

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

That Council:

1. That Council approve the additional expenditure of \$12,800 in the 2020/21 budget to improve capital infrastructure with the installation of a wash down bay and waste capture facility at its Factory Unit located at 70 Dampier St, Bruce Rock.
2. That Council consider the financial implications of the requested capital improvements at 70 Dampier St, Bruce Rock and set a suitable increase to the rental value.
3. That Council adopt a new monthly rental fee (inclusive of determined recoup costs associated with capital improvements) of \$_____ (inc. GST) for the Factory Unit located at 70 Dampier Street, Bruce Rock;

Council decision varied to Officer Recommendation to set new rental fees over varied lease period.

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM May 20 – 11.3.2

Moved: Cr Dolton

Seconded: Cr Rajagopalan

- 1. That Council approve the additional expenditure of \$12,800 in the 2020/21 budget to improve capital infrastructure with the installation of a wash down bay and waste capture facility at its Factory Unit located at 70 Dampier St, Bruce Rock.**
- 2. That Council consider the financial implications of the requested capital improvements at 70 Dampier St, Bruce Rock and set a suitable increase to the rental value.**
- 3. That Mr Verhoogt be offered**
 - a) Council adopt a new monthly rental fee (inclusive of determined recoup costs associated with capital improvements) of \$732 (inc. GST) for the Factory Unit located at 70 Dampier Street, Bruce Rock over a 3-year lease.**
 - or**
 - b) That Council adopt a new monthly rental fee (inclusive of determined recoup costs associated with capital improvements) of \$667 (inc. GST) for the Factory Unit located at 70 Dampier Street, Bruce Rock over a 5-year lease.**

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 Planning Application Mr P Elliott Carport Lot 107 Dampier Street, Bruce Rock
File Reference:	A433 Lot 107 Dampier Street, Bruce Rock
Reporting Officer:	Julian Goldacre, Environmental Health Officer
Author:	Julian Goldacre, Environmental Health Officer
Disclosure of Interest:	Nil
Attachments:	<i>Item 12.1 Attachment A – P Elliot Planning Application</i>

Summary

Council resolves to approve the Development Application for the steel construction carport 3.4 meters wide by 6 meters length carport with skillion roof with a maximum height of 2.7 meters and a minimum height of 2.5 meters, as presented in Attachment A with one condition and two advice notes.

Background

On the 20 May 2020 the Environmental Health Officer (EHO) was presented with a Development Application for planning (DA) for a steel construction single vehicle sized carport 3.4 meters wide by 6 meters length carport with skillion roof with a maximum height of 2.7 meters and a minimum height of 2.5 meters, as presented in Attachment A. The DA is for Lot 107 on Dampier Street and investigations revealed the single vehicle sized will encroach into the ‘setback’ area for the Lot being the distance from the house front line to the front boundary leaving 1.5 meters of free setback distance is constructed. Council previously considered a similar although larger carport on Noonajin Road in March 2020 (Resolution OCM March 20 – 11.1.1) although this DA is smaller in comparison and is within the more built up residential area of the townsite of Bruce Rock.

Comment

A ‘carport’ is defined in the State Planning Policy 7.3 Residential Design Codes Volume 1 referred to as the ‘R Codes’ (R Codes) as ‘A roofed structure designed to accommodate one or more motor vehicles unenclosed except to the extent that it abuts a dwelling or a property boundary on one side, and being without a door unless that door is visually permeable’. The 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 single vehicle sized carport as open on four sides and placed over the existing single car width driveway at the front of the dwelling extending out the side carport. The setback of the house is determined based on records to be 7.5 meters from the front boundary; for R10 residential zoned land the front setback is nominated at 7.5 meters. The accommodation of the proposed

6-meter length carport 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 single vehicle sized carport will maintain required clear sight lines along the street (Attachment A);
- B. The proposed carport is compatible with a previously established carport on Dampier Street within the 7.5 metre front setback being the single open carport on Lot 370 (No 13) Dampier Street;
- C. The proposed single vehicle sized carport is to be 'zincalume' metal colour thus matching the existing house roof;
- D. The proposed single vehicle sized carport will not obscure the dwelling from the street or neither obstruct the view of the street given its open sided design. There is no obstruction of windows to permit light as the single width carport is aligned to the side of the house;
- E. Privacy and open space are not affected by the proposed carport;
- F. There is sufficient landscaping from the established front garden; and
- G. The proposed design of the single vehicle sized carport uses a skillion roof supported by posts thus minimising the transverse appearance of the carport. Overall, the single vehicle sized carport is of conservative height (2.7 metres to 2.5 metres at house connection), minimal bulk and scale with conducive orientation consistent for such structures and is generic in appearance for such a building.

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 enmity 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 Attachment A. 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 in the future the single vehicle sized carport be enclosed on any side, and/or a carport door be installed that is not visually permeable then a Development Application to facilitate such will be required to be presented to Council.

Consultation

Nil

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 May 20 – 12.1

Moved: Cr Rajagopalan
Seconded: Cr Waight

Approve the Development Application for the steel construction single vehicles sized carport 3.4 meters wide by 6 meters length with skillion roof with a maximum height of 2.7 meters and a minimum height of 2.5 meters, as presented in Attachment A with two conditions and two advice notes:

A. The single vehicles sized carport is 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 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 ‘carport’ as the case requires on consultation with the Shire of Bruce Rock.

Carried 9/0

13. Confidential Items

Agenda Reference and Subject:

13.1 Landfill Site Operation and Management Service
Contract KPIs Review and Correspondence to
Contractor

File Reference:

4.1.1 Waste Management

Reporting Officer:

Julian Goldacre, Environmental Health Officer

Author:

Julian Goldacre, Environmental Health Officer

Disclosure of Interest:

Cr Negri

Attachments:

Item 13.1 Attachment A – Letter to Contractor 14.04.2020

*Item 13.1 Attachment B – Photos of Landfill Site during
Probation Period.*

Cr Negri left the Council Meeting at 4.24pm.

Mr J Goldacre entered the Council Meeting at 4.24pm.

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM May 20 – 13.1

Moved: Cr Kilminster

Seconded: Cr Dolton

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

(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

Carried 8/0

Voting Requirements

Simple majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM May 20 – 13.1

Moved: Cr Rajagopalan

Seconded: Cr Waight

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

Carried 8/0

Officer Recommendation

That Council resolves to:

1. Instruct the Chief Executive Officer to send correspondence to Mr Peter Fuchsbichler who holds the 'Agreement for landfill services' Contract, informing Mr Peter Fuchsbichler that his performance under the Contract as measured by the Key Performance Indicators whist is an improvement, has fallen short of the required 90%;
2. Mr Peter Fuchsbichler is duly notified by correspondence to undertake the Contract at 90% compliance with the Key Performance Indicators for another period of three weeks from the date of the correspondence; and
3. Should Mr Peter Fuchsbichler not achieve the required 90% without reasonable cause then Council will reconsider enacting Clause 3.2 of the landfill site operation and management service Tender requirements referenced in the signed and sealed Contract to undertake that the Contract be terminated.

Council decision varied to Officer Recommendation as Council is of the opinion that the below standard performance will no longer be tolerated and to clearly state its position that should the contractor fall below 90% of performance requirements, that the contract be terminated.

COUNCIL MOTION

Resolution OCM May 20 – 13.1

Moved: Cr Rajagopalan

Seconded: Cr

That Council resolves to terminate the Landfill Site Operation and management service contract as of the 30 June 2020.

Motion LAPSED due to no seconder

AMENDED MOTION

Resolution OCM May 20 – 13.1

Moved: Cr Crooks

Seconded: Cr Dolton

That Council resolves to:

1. **Instruct the Chief Executive Officer to send correspondence to Mr Peter Fuchsbichler who holds the 'Agreement for landfill services' Contract, informing Mr Peter Fuchsbichler that his performance under the Contract as measured by the Key Performance Indicators whist is an improvement, has fallen short of the required 90%;**
2. **Should Mr Peter Fuchsbichler not achieve the required 90% performance target set in the tender and contract for landfill operation and management at any future point, Council will enact Clause 3.2 resulting in immediate termination of the signed contract.**

Carried 5/3

COUNCIL DECISION

Resolution OCM May 20 – 13.1

Moved: Cr Crooks

Seconded: Cr Dolton

That Council resolves to:

- 1. Instruct the Chief Executive Officer to send correspondence to Mr Peter Fuchsbichler who holds the 'Agreement for landfill services' Contract, informing Mr Peter Fuchsbichler that his performance under the Contract as measured by the Key Performance Indicators which is an improvement, has fallen short of the required 90%;**
- 2. Should Mr Peter Fuchsbichler not achieve the required 90% performance target set in the tender and contract for landfill operation and management at any future point, Council will enact Clause 3.2 resulting in immediate termination of the signed contract.**

Carried 5/3

Mrs MJ Schilling left the Council Meeting at 4.47pm.

Mrs MJ Schilling returned to the Council Meeting at 4.49pm.

Cr Negri returned to the Council Meeting at 5.11pm.

Mr J Goldacre left the Council Chambers at 5.12pm and did not return.

Mr D Mollenoyux left the Council Chambers at 5.13pm.

Mr D Mollenoyux returned to the Council Chambers at 5.13pm.

Agenda Reference and Subject:

13.2 Result of Tender for Provision of Managed IT Services

File Reference: 8.2.8.1 Tenders

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

Author: Alan O’Toole, Deputy Chief Executive Officer

Disclosure of Interest: Nil

Attachments: *Item 13.2 Attachment A – IT Tender Summary Spreadsheet*

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM May 20 – 13.2

Moved: Cr Rajagopalan

Seconded: Cr Waye

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:

(e) a matter that if disclosed would reveal - ...

(ii) information that has a commercial value to a person; or

(iii) information about the business, professional, commercial or financial affairs of a person

Carried 9/0

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM May 20 – 13.2

Moved: Cr Waight

Seconded: Cr Foss

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

Carried 9/0

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM May 20 – 13.2

Moved: Cr Waight

Seconded: Cr Dolton

Officer Recommendation

That Council awards Tender 7.2019.20 Provision of Managed IT Services (3 year term) to Wallis Computer Services.

Carried 9/0

Agenda Reference and Subject:

13.3 CEO Contract Extension

File Reference:

Personnel

Reporting Officer:

Darren Mollenoyux, Chief Executive Officer

Author:

Darren Mollenoyux, Chief Executive Officer

Disclosure of Interest:

Darren Mollenoyux, Chief Executive Officer

Attachments:

Item 13.3 Attachment A – CEO Contract

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM May 20 – 13.3

Moved: Cr Waye

Seconded: Cr Rajagopalan

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

(b) the personal affairs of any person;

Carried 9/0

Mr D Mollenoyux left the Council Chambers at 5.55pm.

Mrs M Schilling left the Council Chambers at 5.55pm.

Ms C Negri left the Council Chambers at 5.55pm.

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM May 20 – 13.3

Moved: Cr Rajagopalan

Seconded: Cr Dolton

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

Carried 9/0

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM May 20 – 13.3

Moved: Cr Rajagopalan

Seconded: Cr Waye

That Council endorses and approves the Shire President to sign Mr Darren Mollenoyux's contract, as presented, with the new contract for the position of Chief Executive Officer with the Shire of Bruce Rock being to 8th February 2026.

CARRIED BY ABSOLUTE MAJORITY 9/0

Mr D Mollenoyux returned to the Council Chambers at 6.06pm.

Mrs M Schilling returned to the Council Chambers at 6.06pm.

Ms C Negri returned to the Council Chambers at 6.06pm.

14. Closure of Meeting.

The Shire President, Stephen Strange thanked everyone for their attendance and declared the meeting closed at 6.09pm.

These minutes were confirmed at a meeting on 18 June 2020.

Cr Stephen Strange
Shire President
18 June 2020