

SHIRE OF BRUCE ROCK

MINUTES – ORDINARY MEETING 14 DECEMBER 2017

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SHIRE OF BRUCE ROCK
MINUTES – ORDINARY MEETING 14 DECEMBER 2017

1. Declaration of Opening

The Shire President Cr SA Strange declared the meeting open at 2.23pm.

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

| | |
|--------------------------------|----------------------------------|
| President | Cr SA Strange |
| Deputy President | Cr R Rajagopalan |
| Councillors | Cr IS Dolton |
| | Cr NC Kilminster |
| | Cr BJ Waight |
| | Cr MK Thornton |
| | Cr PG Negri |
| | Cr MJ Royce |
| | Chief Executive Officer |
| Deputy Chief Executive Officer | Ms CJ Dunn |
| Executive Support Officer | Mrs MJ Schilling (minute taker) |
| Manager of Finance | Mrs JL Bow (3.59pm to 4.24pm) |
| Manager of Works & Services | Mr G Casley (3.59pm to 4.24pm) |
| Environmental Health Officer | Mr J Goldacre (2.42pm to 2.52pm) |
| Leave of Absence | Cr SBV Buller |

3. Declarations of Interest

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

| Date | Name | Item No | Reason |
|------|------|---------|--------|
| | | | |

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

| Date | Name | Item No | Reason |
|------|------|---------|--------|
| | | | |

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

| Date | Name | Item No | Reason |
|------|------|---------|--------|
| | | | |

4. Response to Previous Public Questions Taken on Notice

Nil

5. Public Question Time

Nil

6. Petitions/Deputations/Presentations/Submissions

Bendigo Bank Presentation 3.00pm

7. Applications for Leave of Absence

Cr Buller – OCM December 2017

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Dec 17 – 7.1

Moved: Cr Thornton
Seconded: Cr Rajagopalan

That Cr Buller be granted leave of absence for the Ordinary Meeting of Council held 14 December 2017.

Carried 8/0

8. Announcements by Presiding Member

Nil

9. Confirmation of Minutes

Ordinary Meeting of Council held on Thursday 16 November 2017.

Recommendation:

That the minutes of the Ordinary Meeting of Council held Thursday 16 November 2017 be confirmed as a true and correct record.

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Dec 17 – 9.1

Moved: Cr Waight
Seconded: Cr Thornton

That the minutes of the Ordinary Meeting of Council held Thursday 16 November 2017 be confirmed as a true and correct record.

Carried 8/0

10. Status Report

Presentation of Status Report for November 2017 Resolutions

| ITEM | RESOLUTION / ACTION REQUIRED | RESPONSIBLE OFFICER | RESPONSE OR STATUS |
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| <p>Resolution November 17–12.1.1 Holiday House Planning Development Application Lot 22538 Hines Hill Road, Bruce Rock</p> | <p>1. To waive the Development Application submission requirements as permitted by subclause 63(2) being subclauses 63(1)(a)(viii)(ix), 63(1)(b), 63(1)(c) and 63(3) of Part 8 of the Planning and Development (Local Planning Schemes) Regulations 2015 for this Development Application for a Holiday House on Lot 22538 Hines Hill Road, Bruce Rock by virtue they are deemed not reasonably required for this Development Application as assessed by the reporting Environmental Health Officer-Authorised Officer; and</p> <p>2. To approve this Planning Development Application as submitted by Ms Kylie Whitehead for the use of one existing farm dwelling for the purpose of a ‘Holiday House’ as defined in the Planning and Development (Local Planning Schemes) Regulations 2015 on Lot 22538 Hines Hill Road, Bruce Rock and as described in Attachments 12.1.1 – A, B and C with the following condition:</p> <p>I. That any roadside advertising and/or directional signage for the Holiday House is done in accordance with the Shire of Bruce Rock Local Planning Scheme No 3 incorporating Amendment No 3 and any State Regulation, Code and Policy dealing with such matters for roadside advertising and/or directional signage.</p> <p>Council provide the following Advice Notes:</p> <p>I. A Food Act 2008 Registration of a food business is required to cover the provision of food for the Holiday House as applicable. The EHO-AO can assist with this endeavour;</p> <p>II. The apparatus for the treatment of sewerage pursuant to the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974 will need to be inspected to ensure it meets Regulatory requirements especially as it was built in the 1970s and a Building Permit is required. The EHO-AO can assist with this endeavour;</p> <p>III. A Building Permit is required as the present ‘Class’ of the building as defined in the Building Act 2011 is a Class 1A dwelling and</p> | <p>EHO</p> | <p>Correspondence sent advising applicant of Council decision.</p> |

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| | <p>the proposed DA for a Holiday House means the Class will need to change to a Class 1B – ‘...a boarding house, guest house or hostel that has a floor area less than 300 m², and ordinarily has less than 12 people living in it’; Consultation with the Shire of Bruce Rock and/or private Building Surveyor practitioners is advised; and</p> <p>IV. Should the accommodation of the Holiday House exceed 6 persons who are not normal residents then registration as a Lodging House pursuant to the Shire of Bruce Rock Health Local Law 2016 will be required. The EHO-AO can assist with this endeavour.</p> | | |
| <p>Resolution November 17–12.1.2 Application for Planning Development Approval café with alfresco dining and Garden Centre on Rural Land at 26889 Wogarl West Wogarl post Public Advertising</p> | <p>1. To waive the requirements as permitted by subclause 63(2) being subclauses 63(1)(a)(viii), 63(1)(b), 63(1)(c) and 63(3) of Part 8 of the Planning and Development (Local Planning Schemes) Regulations 2015 for this Planning Development Application submitted by Mr and Mrs F & T Juhas for a café as detailed in Attachment 12.1.2 - A and a garden centre as detailed in Attachment 12.1.2 – B both located at Lot 26889 Wogarl Road Bruce Rock by virtue they are deemed not reasonably required by the reporting Environmental Health Officer-Authorised Officer;</p> <p>2. That Council accepts Attachment 12.1.2 – C titled ‘Submissions Received for Development Applications for the café and the garden centre at Lot 26889 Wogarl Road Bruce Rock submitted by Mr & Mrs F & T Juhas’ as evidence that three public submissions were received by the Shire of Bruce Rock and have been duly considered in the development applications assessment process;</p> <p>3. To approve retrospectively the Planning Development Application submitted by Mr and Mrs F & T Juhas for a café as detailed in Attachment 12.1.2 - A and a garden centre as detailed in Attachment 12.1.2 – B both located at Lot 26889 Wogarl Road Bruce Rock with the following condition:</p> <p>a. That all directional signage and advertising signage related to the operations of the café and garden centre is to be approved in accordance with the Shire of Bruce Rock requirements determined from time to time by the Works Manager and any State requirements such as Main Roads WA and any Planning requirements as applicable.</p> <p>4. Council authorises the Chief Executive Officer to facilitate and sign the required Planning Approval documentation for a café as</p> | <p>EHO</p> | <p>Correspondence sent advising applicant of Council decision.</p> |

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| | <p>detailed in Attachment 12.1.2 - A and a garden centre as detailed in Attachment 12.1.2 – B both located at Lot 26889 Wogarl Road Bruce Rock.</p> <p>Council provide the following advice notes being:</p> <p>V. A Food Act 2008 Registration of the food business portion of the servery in the shed will be required. The EHO-AO can assist with this endeavour;</p> <p>VI. Building Act 2011 Building Permit is required for the conversion of the shed from a Class 10A structure to a suitable Class of building fit for the purpose as a food outlet and public seating with the required documentation for a retrospective building assessment. Consultation with the Shire of Bruce Rock and/or private Building Surveyor practitioners has been advised to the owners;</p> | | |
| <p>Resolution November 17–12.1.3 Burnt Building on Lot 376 corner of Johnson Street and Latham Street Bruce Rock</p> | <p>1. To authorises the Chief Executive Officer to write to Ms M Kristensen being the Owner of the Premises located at Lot 376 corner of Johnson and Latham Streets Bruce Rock as shown in Attachment 12.1.3 A & B requesting that the untidy disused materials inside of the burnt Premises as specified in the letter are removed to make the site no longer untidy in appearance, and</p> <p>2. In the event the Owner does not make the Premises tidy within a reasonable period of time as requested in the letter specified in resolution 1. the Chief Executive Officer is authorised by Council to service Notice pursuant to Section 3.25(1) of the Local Government Act 1995 directing the owner to have the untidy disused materials as specified in the Notice removed and appropriately disposed of from the burnt Premises located at Lot 376 corner of Johnston and Latham Streets Bruce Rock to make the Premises no longer untidy.</p> | <p>EHO</p> | <p>Correspondence sent advising owner to clean up property within a reasonable time period.</p> |
| <p>Resolution November 17– 12.4.2 Request to keep more than three cats</p> | <p>1) That the application to register the two additional cats at 29 Main Street, Ardatb be approved with the following conditions: - The cats housed are – “Smiley” and “Little One” as per the current registration and microchip records on file with the Shire.</p> <p>a) All cats to be microchipped, desexed and registered with the local government.</p> | <p>DCEO</p> | <p>Mrs Cust has been notified. The letter was hand delivered by EHO & Ranger who discussed this matter with Mrs Cust.</p> |

Shire of Bruce Rock – MINUTES 14 DECEMBER 2017

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| | <p>2) That the keeping of additional cats will be considered only upon application, if any of the above animals is deceased. This will not be granted until the total number of cats at the property is three or less.</p> <p>3) That the applicant be advised that the Shire of Bruce Rock reserves the right to revoke this approval in accordance should any of the above conditions not be met, or any complains or nuisance resulting from the keeping of multiple cats on the property.</p> | | |
| Resolution November 17– 12.5.1 Bruce Rock Lunch of Ladies – Sponsorship Request | <p>1. That Council resolves to sponsor the Bruce Rock Dejuener des Dames - Lunch of Ladies to sponsor their event to be held on the 13th October 2018.</p> <p>2. That budget provision of \$500 is made in the 2018/2019 annual budget.</p> | CEO | Correspondence sent advising of Council’s decision. |
| Resolution November 17– 12.5.2 Local Business Townscape Development | That Council delays the finalisation of guidelines and opening date for its Local Business Townscape Development Grants until after the Peter Kenyon Community Worksop in February 2018. | CEO | This will be addressed at the March 2018 Ordinary Meeting of Council. |
| Resolution November 17– 12.5.3 WALGA Zone Representatives | That Council nominate Cr Stephen Strange for Great Eastern Zone State Council Representative for State Council and should he be unsuccessful be nominated as the Deputy. | CEO | <p>Nominations submitted.</p> <ul style="list-style-type: none"> - Cr Strange elected as State Council Representative - Cr Strange elected to Freight Group - Cr Rajagopalan elected to Healthy Wheatbelt |
| Resolution November 17– 12.5.4 Dunstal Street Redevelopment | <p>1. Approves the Dunstal Street redevelopment as per plans submitted by Ecoscape for the Curlew Drive Entry Statement and staff will investigate wall designs including Noonegin Estate.</p> <p>2. Approves the Dunstal Street redevelopment as per plans submitted by Ecoscape for the Caravan Park Entry Statement and staff investigate wall designs.</p> <p>3. That prior to approval Council seeks amendment of Bruce Rock Recreation Centre entry statement design that has been prepared by Ecoscape.</p> <p>4. That fencing options that have been recommended by Ecoscape be considered and that a final proposal and costings for the fencing be presented to Council for consideration and inclusion in the 2018/2019 financial year.</p> | CEO | CEO and CDO working on Council’s request for variations and will then present to the working group for feedback prior to presenting to Council. It is intended to be presented to the February Ordinary Meeting of Council. |

Status Report

Ongoing items as at December 2017

| ITEM | RESOLUTION / ACTION REQUIRED | RESPONSIBLE OFFICER | RESPONSE OR STATUS |
|------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Resolution August 16–13.1.10 Duplicate Road Name – Buller Road | Council resolved to request that Buller Road outside of the town site be renamed to Buller North Road, and the Buller Road within the gazetted town site be renamed to Buller St. | MOF | Letter sent to the Geographic Names Committee seeking approval of name change as agreed by Council. |
| Resolution Nov 16 – 13.3.3 Population Dispersion – Recognition of Town Sites | That Council rejects the proposed removal of Shackleton as a recognised town site under the WA Grants Commission Population Dispersion – Disability Factor and provides a written response outlining the businesses, services, housing, population, distance and other contributing factors. | CEO | Letter and supporting data sent to WA Grants Commission objecting to the proposal. Additional information was requested around expenditure on Shackleton town site, this has been provided. |
| Resolution Nov 16 – 16.1 Nomination for OAM | That John Schnaars be nominated for an order of Australia Medal to recognise the contribution he has made as a volunteer to various veteran’s organisations and causes, particularly, Honouring Indigenous War Graves Inc. (HIWC). | CEO | Documents completed ready for submission. |
| Resolution March 17 - 11.5.2 CEACA – Sale of Land for Independent Living Units | That in accordance with section 3.58 of the Local Government Act Council resolves to dispose of Lots 26,27,28, 56 and 57 Butcher Street, Bruce Rock to the Central East Aged Care Alliance (CEACA) Inc. under the following terms; a) At no cost, as the land is Council’s in-kind contribution to the CEACA Independent Living Unit’s project; b) All outgoings including rates, insurance and utilities to be paid by CEACA. | CEO | Advice given to CEACA on the transfer of land, awaiting CEACA response with details to complete documentation. |

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| <p>Resolution September 17 – 13.1.2 Provision of Housing for GROH</p> | <p>That Council approves the Chief Executive Officer to investigate floor plans and building costs for a four bedroom, two-bathroom residence to be constructed at 118 Curlew Drive, Bruce Rock to be leased to GROH for teaching staff; and The proposal be presented back to Council for approval prior to progressing to stage 2 of the process set out by GROH.</p> | <p>CEO</p> | <p>Initial discussions have been held to progress Council’s decision.</p> |
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| <p>OFFICER RECOMMENDATION AND COUNCIL DECISION Resolution OCM Dec 17 – 10.1</p> <p>Moved: Cr Rajagopalan Seconded: Cr Negri</p> <p>That Council receives the Status Reports as presented.</p> <p style="text-align: right;">Carried 8/0</p> | | | |
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11. Regional Reports

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| Agenda Reference and Subject: | 11.1 CEACA Meetings November 2017 |
| File Reference: | |
| Reporting Officer: | Darren Mollenoyux, Chief Executive Officer |
| Disclosure of Interest | Nil |

Summary

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

Background

The 11-member Councils of the Central Eastern Aged Care Alliance (CEACA) held the following meetings;

Annual General Meeting held in Merredin on 1st November 2017

General Meeting held in Merredin on 1st November 2017

Special Committee Meeting held in Kellerberrin on 20th November 2017

Comment

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

The Special Committee Meeting of CEACA was held in response to the Minister's request for additional information and feedback surrounding the governments funding of the independent living units' project.

A copy of the minutes has been provided to Councillors.

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| Consultation | Nil |
| Statutory Implications | Nil |
| Policy Implications | Nil |
| Financial Implications | Nil |

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2013-2023

- 1.3.1 – Determine service requirements and delivery options in the areas of children, youth, families and seniors.
- 1.3.1.3 - Participate in local and regional aged care accommodation options, selecting the best practice for the Shire, coupled with appropriate and complimentary health, recreation and community service.

Voting Requirements

Simple majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Dec 17 – 11.1

Moved: Cr Thornton

Seconded: Cr Royce

That Council receives the minutes and endorses the actions and resolutions of the CEACA Minutes from the following meetings;

- **Annual General Meeting held in Merredin on 1st November 2017**
- **General Meeting held in Merredin on 1st November 2017**
- **Special Committee Meeting held in Kellerberrin on 20th November 2017**

Carried 8/0

Agenda Reference and Subject:

11.2 WALGA Great Eastern Zone Meeting Nov 2017

File Reference:

Reporting Officer:

Darren Mollenoyux, Chief Executive Officer

Disclosure of Interest

Nil

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 November 2017 in Merredin.

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.

To date I haven't received a copy of the minutes, therefore they will be provided to Councillors prior to the meeting.

Consultation Nil

Statutory Implications Nil

Policy Implications Nil

Financial Implications Nil

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2013-2023

Civic Leadership

4.1.2 – Manage the organisation in a responsible and accountable manner.

Voting Requirements Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Dec 17 – 11.2

Moved: Cr Rajagopalan

Seconded: Cr Waight

That Council receives the minutes of the WALGA Great Eastern Zone Meeting held on the 30th November 2017 in Merredin.

Carried 8/0

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|--------------------------------------|------------------------------------------------|
| Agenda Reference and Subject: | 11.3 WEROC Council Meeting October 2017 |
| File Reference: | 1.6.5.6 |
| Reporting Officer: | Darren Mollenoyux, Chief Executive Officer |
| Disclosure of Interest | Nil |

Summary

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

Background

The last WEROC Council Meeting was held on Wednesday 25th October 2015 at the Shire of Westonia.

Comment

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

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

The following items are highlighted for Councils attention;

- Medical Student Immersion Program

Whilst not included in the minutes following the meeting we have received an update on the Medical Student Immersion Program. I can now confirm that the program will be run in the WEROC Shires from 13th to 16th March 2018.

Further updates and information on the program will be made public in the near future. Our CDO, Ashleigh Waight has been working with the CEO on Bruce Rock's involvement in the program and will continue to progress the project whilst I am on long service leave.

| | |
|-------------------------------|-----|
| Consultation | Nil |
| Statutory Implications | Nil |
| Policy Implications | Nil |
| Financial Implications | Nil |

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2013-2023

Civic Leadership

4.1.2 – Manage the organisation in a responsible and accountable manner.

4.1.2.1 – Continue to provide governance that is professional and fiscally responsible and in the best interests of the community.

4.1.3.3 – Develop an enterprising approach to our infrastructure projects.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Dec 17 – 11.3

Moved: Cr Royce

Seconded: Cr Thornton

That Council receives the minutes of the WEROC Council Meeting held on Wednesday 25th October 2017 at the Shire of Westonia Council Chambers.

Carried 8/0

Mr DRS Mollenoyux left the Council Chambers at 2.40pm.

Mr J Goldacre entered the Council Chambers at 2.42pm.

Mr DRS Mollenoyux entered the Council Chambers at 2.44pm.

Officers’ Reports

11.1. Environmental Health Officer

Agenda Reference and Subject:

12.1.1 Bruce Rock Animals, Environment and Nuisance
Amendment Local Law 2016

File Reference:

Reporting Officer:

Mr Julian Goldacre, Environmental Health Officer –
Authorised Officer

Disclosure of Interest:

Nil

Summary

Background

At the Ordinary Council Meeting held on the 26 September 2017 Council resolved (Resolution OCM Sep 17 – 12.1.4) to undertake the process for an amendment to the *Bruce Rock Animals, Environment and Nuisance Local Law 2016*. This amendment is the result of email correspondence on the 10 August 2017 from the Chair of the Joint Standing Committee on Delegated Legislation (JSCDL) The Honourable Ms Emily Louise Hamilton MLA (see **ATTACHMENT 12.1.1 – A**). The letter received from the JSCDL identified the *Bruce Rock Animals, Environment and Nuisance Local Law 2016* contained some errors which will require an ‘Amendment’ local law to be made to rectify the identified issues.

Comment

The process for conducting an ‘amendment’ is identical to the previous process started back in December 2015 for the making of the original *Bruce Rock Animals, Environment and Nuisance Local Law 2016*. There is a cost difference at gazettal where only the parts to be amended are listed, which is a considerable cost saving; staff time and advertising remain the same in keeping with the required process and advertising rates.

Notwithstanding the recent emergence of the *Public Health Act 2016*, the *Health (Miscellaneous Provisions) Act 1911* remains the appropriate ‘amendment’ local law statutory tool. The Officer did make representations to the Environmental Health Directorate for assistance and despite a fully staffed and funded team of officers dealing with the transitions and advice sought from the State Solicitors Office no assistance was forthcoming other than the typical obligatory statement to ‘get legal advice’. Advice that was given was to create new local law using only the *Local Government Act 1995* and whilst an option it would result in a gazettal fee of around \$4,000 whilst doing an amendment will be a few hundred dollars. The Officer has consulted widely and believes based on these consultations that an amendment local law using the *Health (Miscellaneous Provisions) Act 1911* is the appropriate mechanism in light of the Environmental Health Directorate recalcitrant position on this matter.

Council is to consider to resolve to prepare the proposed Shire of Bruce Rock Animals, Environment and Nuisance Amendment Local Law 2018 (Local Law) as presented in **ATTACHMENT 12.1.1 – B**. In order to assist the understanding of the level of amendments as required and as recommended by the Officer, a highlighted edited version of the existing Local Law is provided for Council members to show the level of editing as presented in **ATTACHMENT 12.1.1 – C**. Furthermore, a schedule of amendments is also provided to aid understanding of the amendments proposed and is presented in **ATTACHMENT 12.1.1 – D**.

To start the process, the Shire of Bruce Rock President is required to read out aloud the purpose and effect of the proposed Local Law as described below:

PURPOSE: The purpose of the proposed Shire of Bruce Rock Animals, Environment and Nuisance Amendment Local Law 2018 is to provide for the regulation, control and management of animals and the prevention of environmental damage and nuisances within the Shire of Bruce Rock; and

EFFECT: The effect of the proposed Shire of Bruce Rock Animals, Environment and Nuisance Amendment Local Law 2018 is to establish the requirements with which any person keeping animals, or undertaking activities that have the potential to impact the environment or create nuisance must comply.

The proposed Local Law as presented comprises the JSCDL required amendments as well as further amendments identified by the reporting Officer. The proposed Local Law-making process requires the following to be undertaken to meet statutory requirements being:

1. The giving of State-wide (West Australian newspaper) and local public notice (local paper and Notice boards) of proposed Local Law, summarising purpose and effect of the proposed Local Law for a period of at least 6 weeks since date of publication discounting public holidays;
2. A copy of the proposed Local Law is to be made available at the Shire office counter and provided to any person requesting a copy of the Local Law. Furthermore, copies of the Local Law are to be given to the Director, Environmental Health and the Honourable Minister for Local Government with evidence of state-wide advertising;
3. Consider any submissions received in regard to the proposed Local Law for presentation to Council where Council can resolve to 'make' the Local Law.
4. Council provides a signed and sealed Local Law to the Chief Health Officer for consent;
5. Local law when consented to by the Chief Health Officer is gazetted;
6. Copies of the Local Law as gazetted are given to the Honourable Minister for Local Government and the Chief Health Officer;
7. Give State-wide public notice of title and summary of purpose and effect of *Gazetted* Local Law; and
8. Provide Joint Standing Committee on Delegated Legislation of the WA Parliament with an 'Explanatory Memorandum' of the local laws and 10 copies of the Local Law as Gazetted.

The proposed Local Law will again be presented to Council after the minimum six weeks of advertising for consideration of submissions received and the decision made to endorse, or not, any changes to the proposed Local Law. It is proposed that advertising will commence shortly after this Ordinary Meeting of Council and conclude on the 13 February 2018 thus allowing up to eight weeks advertising. Should all proceed to completion, and no 'significant changes' made (which could result in readvertising) the Local Law will be resolved on to 'make', should Council choose to do so, then signed and sealed by the Shire President and Chief Executive Officer. After the Local Law is gazetted, copies are provided to the Chief Health Officer and the JSCDL who will review the Shire of Bruce Rock Animals, Environment and Nuisance Amendment Local Law 2018 and make, or not, a determination on its validity and/or refusal of the Local Law.

Statutory Environment

Health (Miscellaneous Provisions) Act 1911; and
Local Government Act 1995

Policy Implications

Nil.

Financial Implications

West Australian newspaper advertising estimated at \$800 and gazettal costs estimated at \$600.

Resolution Absolute

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Dec 17 – 12.1.1

Moved: Cr Dolton

Seconded: Cr Thornton

- 1. To approve the proposed Shire of Bruce Rock Animals, Environment and Nuisance Amendment Local Law 2018 for advertising as presented in ATTACHMENT 12.1.1 – B;**
- 2. To give Statewide and local public notice and stating that:**
 - I. The Shire of Bruce Rock propose to make the Shire of Bruce Rock Animals, Environment and Nuisance Amendment Local Law 2018;**
 - II. The purpose of the proposed Shire of Bruce Rock Animals, Environment and Nuisance Amendment Local Law 2018 is to provide for the regulation, control and management of animals and the prevention of environmental damage and nuisances within the Shire of Bruce Rock; and**
 - III. The effect of the proposed Shire of Bruce Rock Animals, Environment and Nuisance Amendment Local Law 2018 is to establish the requirements with which any person keeping animals, or undertaking activities that have the potential to impact the environment or create nuisance must comply.**
- 3. To have copies of the proposed Shire of Bruce Rock Animals, Environment and Nuisance Amendment Local Law 2018 made publicly available for inspection or to be obtained at any place specified in the Notice as required by Law;**
- 4. To invite public submissions about the proposed Shire of Bruce Rock Animals, Environment and Nuisance Amendment Local Law 2018 to be addressed to the Chief Executive Officer of the Shire of Bruce Rock before the close of business on the 14th day of February 2018 for consideration;**
- 5. To provide a copy of the proposed Shire of Bruce Rock Animals, Environment and Nuisance Amendment Local Law 2018 and Notice to the Hon. Minister for Local Government and the Chief Health Officer; and**
- 6. To direct the Chief Executive Officer to prepare and execute the requirements of these resolutions and to prepare a report to Council detailing submissions from the community and the relevant government departments recommending any required or invited changes to the proposed Shire of Bruce Rock Animals, Environment and Nuisance Amendment Local Law 2018 at the first most practicable Ordinary or Special Meeting of Council following the conclusion of the public advertising period.**

CARRIED BY ABSOLUTE MAJORITY 8/0

Mrs CJ Dunn left the Council Chambers at 2.50pm.

Mr G Casley entered the Council Chambers at 2.51pm.

Mr J Goldacre left the Council Chambers at 2.52pm and did not return.

Mrs CJ Dunn returned to the Council Chambers at 2.52pm.

11.2. Manager of Works & Services

Agenda Reference and Subject:

12.2.1 Works & Services Information Report

File Reference:

Reporting Officer:

Glenn Casley, Manager of Works & Services

Disclosure of Interest:

Nil

Town & Gardening Crew

- Street sweeping completed in all townsites
- Concreting finished at New House
- Garden works at Retirement villages
- Sale Yards slashed
- Private works Miluc Civil
- Private works Les Buller
- Town street Kerbs, weeds chipped and sprayed
- All footpaths in town sprayed
- Fogging done in all towns
- Pioneer Park tidied up
- Work on Garden beds at new house
- Ramirez Park tidied up
- Farrell Court Units weeded and tidied up
- Chemists House tidied up
- Slashing and tidying up of houses for fire prevention
- Tip slashed

Construction Crew

- Stabilization of Old Beverly Rd Starts on the 11th December, also the Sealing work starting on the 3rd January, with a two-coat seal going on to finish this project. This was booked in before Christmas but was postponed by the contractors.
- Works have commenced on the Yarding Ardatth Rd with tree pruning and verge clearing being done.
- Patching truck has been very busy with potholes on Hancock Rd, Crombie Rd and Shackleton/ Bilbarrin Rd being quite bad

Workshop

- Old Grader, Repair Brakes
- Bk 602 – John Deere Grader, 500hr service
- Bk 062 – Mitsubishi Truck, Service and Repair Rear Lights and Mud Flaps
- Bk 377 - Community Bus, Service
- Bk 731 – Crew Cab, Service and Replace Heater Core
- Bk 604 – Crew Cab, Repair Hiab Tray Mount
- 3-Point Linkage slasher, repair linkage mounts
- Bk 1 – CEO Car service
- Fuel tanker 1, rebuild A-Frame
- Bk 024 – UD Truck, engine light fault
- Bk 053 – Forklift, service
- BK 06 – Volvo Loader, new engine ECU fitted
- Fit up tyres and general repairs
- Workshop maintenance
- 12 license inspections

Rec Centre

- Oval mowed
- Rec Centre tidied up
- Oval de thatched and cored
- Weeding garden beds
- Pumps checked and run ready for summer months
- Cricket wicket mowed and prepped for cricket
- Cricket oval marked out

Vehicles/Machinery Changeover

There has been no machinery or vehicles bought or changed over this month

Dams

| Dam | Current | Capacity |
|-----------------|----------------|-----------------|
| Railway Dam | 25,000kl | 32,000kl full |
| Negri Dam Rear | 19,000kl | 115000kl full |
| Negri Dam Front | 6,000kl | 15000kl full |
| Rec Centre Dam | 19,000kl | 23000kl full |
| Turkeys Nest | 29,000kl | 43000kl full |

- Now pumping from the Turkeys nest to the front dam at Negi's

WANDRRA Update

Works completed at 30/11/17

COSGROVE RD. Complete. Await Stabilization
 VANS Rd. Complete. Await Stabilization
 FOALES Rd. Re sheeting Complete. Await Trim
 GMEINER. Construction Grade Complete. Re sheet in progress
 KELLER/SHACK. Embankment repairs complete. Await Trim
 SHEPHERD RD. Embankment & Drainage Complete SLK 8.12
 CROMBIES RD. Embankment repairs Complete. Await Trim. SLK 3.63
 EUJINYN STH RD. Embankment repairs complete. SLK 8.70
 GMEINER RD. Culvert Embankment Complete. SLK 3.43
 YAD-YADDIN RD. Culvert Embankment Complete SLK 3.32

Upcoming works to be completed are:
 Gmeiner RD then on to Hugh's Rd, Barr RD, Groves Rd, Williams Rd and Copestakes Rd

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Dec 17 – 12.2.1

Moved: Cr Waight
Seconded: Cr Kilminster

That the Manager of Works and Services report be received.

Carried 8/0

Council adjourned for afternoon tea at 3.05pm.

Council Meeting resumed at 3.18pm with all staff and Councillors present.

Mr Rodney Thornton and Keith McLuckie entered the Council Chambers at 3.19pm.

Mr Rodney Thornton and Keith McLuckie left the Council Chambers at 3.58pm and did not return.

Mrs CJ Dunn left the Council Chambers at 3.57pm.

Mrs CJ Dunn returned to the Council Chambers at 3.59pm.

Mrs JL Bow entered the Council Chambers at 3.59pm.

Mr G Casley entered the Council Chambers at 3.59pm.

Mrs MJ Schilling left the Council Chambers at 4.03pm.

Mrs MJ Schilling returned to the Council Chambers at 4.05pm.

12.3 Manager of Finance

| | |
|--------------------------------------|-----------------------------------------------|
| Agenda Reference and Subject: | |
| | 12.3.1 Statement of Financial Activity |
| File Reference: | 8.2.6.2 Financial Reporting |
| Reporting Officer: | Jennifer Bow, Manager of Finance |
| Disclosure of Interest | Nil |

Summary

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

Background

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

Comment

The financial statements for the month ending 30th November 2017 are attached to the agenda.

Consultation

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

Statutory Implications

r. 34 Local Government (Financial Management) Regulations 1996

Policy Implications

Nil

Financial Implications

Comparison of actual year to date to the 2017/18 Budget

Strategic Implications

Strategic Community Plan 2013 – 2023

Civic Leadership

4.1.2 Manage the organisation in a responsible and accountable manner

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Dec 17 – 12.3.1

Moved: Cr Thornton

Seconded: Cr Kilminster

That the Statements of Financial Activity for the month ending 30th November 2017 as presented be received.

Carried 8/0

| | | |
|--------------------------------------|-------------------------------------------------------------|------------------------------|
| Agenda Reference and Subject: | 12.3.2 | List of Payments |
| File Reference: | 8.2.3.3 | Accounts Payable (Creditors) |
| Reporting Officer: | Jennifer Bow, Manager of Finance Mike Darby, Senior Finance | |
| Disclosure of Interest: | Nil | |

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 F1.1, included is a list of payments made with the CEO's credit card.

Comment

Following is a list of payments made from Council's Municipal and Trust Accounts and also payments made with the CEO's credit card for the months of November 2017.

Consultation

Nil

Statutory Implications

s.6.10 Local Government Act 1995

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

Policy Implications

Nil

Financial Implications

Payments must be made in accordance with 2017/18 Budget

Strategic Implications

Strategic Community Plan 2013 – 2023

Civic Leadership

4.1.2 Manage the organisation in a responsible and accountable manner

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Dec 17 – 12.3.2

Moved: Cr Dolton

Seconded: Cr Waight

Officer Recommendation:

That Council endorse the list of payments from the:

- 1. Municipal Account consisting of;**
 - a. EFT voucher numbers EFT12369 to EFT12476 totalling \$338,560.82**
 - b. Cheque number 23686 to 23699 totalling \$ 29,170.43**
 - c. Trust Cheques - NIL**
 - d. Wages payments totalling \$78,388.19 and**
 - e. Credit Card payments totalling \$3,169.46**
- With all payments totalling \$446,319.44 for the months of November 2017.**

Carried 8/0

Agenda Reference and Subject:

12.3.3 Acceptance of Audit Report

File Reference:

8.2.6.2 Annual Financial Statements

Reporting Officer:

Jennifer Bow, Manager of Finance

Disclosure of Interest

Nil

Summary

The Audit Committee has recommended that Council adopts the Audit Report for the year ended 30 June 2017.

Background

At the completion of the annual audit, the auditor prepares an Audit Report and a Management Letter outlining any areas or issues that Council needs to address.

Comment

The Audit Committee received the Audit Report and Management Letter for the year ending 30th June 2017.

Consultation

Chief Executive Officer
Deputy Chief Executive Officer
Manager of Finance
AMD Auditors

Statutory Implications

Audit Report - *Local Government Act 1995 s. 7.9 and Local Government (Audit) Regulations 1996 r.9 & 10.*

Management Letter - Section 7.9 & 7.12A of *Local Government Act 1995 s7.9 & 7.12A and Local Government (Audit) Regulations 1996 r.9 & 10.*

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Shire of Bruce Rock Strategic Community Plan 2013-2023

Civic Leadership

4.1.3 Manage the organisation in a responsible and accountable manner

4.1.3 Deliver services that meet the current and future needs and expectations of the community, whilst maintaining statutory compliance

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Dec 17 – 12.3.3

Moved: Cr Thornton

Seconded: Cr Rajagopalan

That Council receives the Audit Report and accompanying Management Letter for the year ended 30 June 2017.

Carried 8/0

Agenda Reference and Subject:

12.3.4 Acceptance 2016-17 Annual Report

File Reference:

2.1.2.2 Annual Meetings

Reporting Officer:

Jennifer Bow, Manager of Finance, Catherine Dunn DCEO

Disclosure of Interest

Nil

Summary

Council is asked to accept the Annual Report for the period ending 30th June 2017 and set a date for the Annual Electors Meeting.

Background

The Annual Report for the financial year ending 30 June 2017 is to be provided to Councillors for their consideration and acceptance. The Audited Financial Statements and the Independent Audit Report are also included in the Annual Report.

Comment

Following the acceptance of the Annual Report, Council is required to give public notice of the availability of the Annual Report as soon as practicable. It is also a requirement that a General Meeting of Electors is to be held on a day set by Council not more than 56 days after acceptance of the Annual Report, with 14 days local public notice of the meeting being given. The last day that the Annual Electors Meeting could be held is Thursday 8th February 2018.

Consultation

CEO, DCEO & MOF

Statutory Implications

The Local Government Act 1995 Section 5.53 advises that the Annual Report is to contain the following:

- a) A report from the president;
- b) A report from the Chief Executive Officer;
- c) An overview of the plan for the future of the district made in accordance with Section 5.56, including major initiatives that are proposed to commence or continue in the next financial year,
- d) The financial Report of the financial year;
- e) Such information as may be prescribed in relation to the payments made to employees;
- f) The auditor's report for the financial year;
- g) Such other information as may be prescribed;
- h) KPI's from Strategic Community Plan.

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Shire of Bruce Rock Strategic Community Plan 2013-2023

Civic Leadership

4.1.3 Manage the organisation in a responsible and accountable manner

4.1.3 Deliver services that meet the current and future needs and expectations of the community, whilst maintaining statutory compliance

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Dec 17 – 12.3.4

Moved: Cr Dolton

Seconded: Cr Rajagopalan

That Council;

- 1. accepts the Annual Report for 2016-17 including the Audited Financial Report for period ended 30 June 2017, as circulated and that local public notice of its availability be given as soon as practicable; and**
- 2. holds the 2016-17 Annual Meeting of Electors in the Supper Room of the Bruce Rock Shire Hall on 2nd February 2018, commencing at 4.00pm.**

CARRIED BY ABSOLUTE MAJORITY 8/0

Mrs JL Bow left the Council Chambers at 4.24pm and did not return.

Mr G Casley left the Council Chambers at 4.24pm and did not return.

12.4 Deputy Chief Executive Officer

Agenda Reference and Subject:

12.4.1 Shire President's Stamp

File Reference:

Reporting Officer:

Catherine Dunn, Deputy Chief Executive Officer

Disclosure of Interest

Nil

Summary

Use of Shire President's stamp in November 2017

Background

Nil

Comment

As per Council's policy, the Shire President's stamp has been used during the month of November 2017 as follows:

- Public Notice – Change of OCM Time
- Letter to Helen Westcott RE: Independent Living Units Bruce Rock
- Letter to Helen Westcott RE: Lack of Houses for Sale in Bruce Rock

Consultation

Nil

Statutory Implications

Council Policy

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Corporate Governance

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Dec 17 – 12.4.1

Moved: Cr Royce

Seconded: Cr Waight

That Council endorse the use of the Shire Presidents Stamp during November 2017.

Carried 8/0

Agenda Reference and Subject:

12.4.2 Review of Policy Manual

File Reference:

2.3.1.1

Reporting Officer:

Catherine Dunn Deputy Chief Executive Officer

Disclosure of Interest:

Nil

Summary

Council is asked to review and endorse Council's Policy Manual.

Background

The Policy Manual is prepared to provide Council with a formal written record of all policy decisions. A Policy Manual aims to:

- provide staff with precise guidelines in which to act in accordance with Council's wishes;
- enable staff to act promptly in accordance with Council's requirements but without continual reference to Council;
- enable Councillors to adequately handle enquiries from electors but without undue reference to the staff or Council
- enable Council to maintain a continual review of Council policy decisions and to ensure they are in keeping with community expectations, current trends and circumstances; and
- enable ratepayers to obtain immediate advice on matter of Council Policy.

The Policy Manual states that a review is to be conducted annually to ensure that the policies are consistent with Council's current policy position. This was last reviewed in December 2016.

Comment

During the year, there were four new policies approved by Council and included in the manual. These were:

- Affixing the common seal
- Conferences, seminars and training
- Usage of Shire owned drone
- Customer service policy
- Turf infrastructure/replacement fund policy

On review of the Policy Manual additional changes were made to the following policies:

- A1.2 Banking signatories
- F1.6 Investment policy
- OH1.8 Drug and Alcohol Policy
- OH1 Occupational Health and Safety Policy
- S1.2 Superannuation Policy

Policy S1.1 Gratuity payments for staff retiring or resigning was deleted as it is no longer considered relevant and had since been replaced by S1.3 Retirement/Resignation of Employees – Council Gift/Functions

The purchasing policy requires a more detailed review which will be undertaken in early 2018.

In 2018 we also plan to introduce a Petty cash policy and a Key policy. This was a recommendation from the auditors.

A copy of the amended policy with tracked changes has been provided.

No major changes were made- the changes were made to streamline our day-to-day procedures.

Consultation

Chief Executive Officer

Statutory Implications

Nil

Policy Implications

A complete review of all adopted Council Policies

Financial Implications

Nil

Strategic Implications

Shire of Bruce Rock Strategic Community Plan 2013-2023

Civic Leadership

4.1.3 Manage the organisation in a responsible and accountable manner

4.1.3 Deliver services that meet the current and future needs and expectations of the community, whilst maintaining statutory compliance

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Dec 17 – 12.4.2

Moved: Cr Thornton

Seconded: Cr Rajagopalan

That Council review and endorse the modifications to the Council Policy Manual as attached.

CARRIED BY ABSOLUTE MAJORITY 8/0

Agenda Reference and Subject:

12.4.3 Ordinary Council Meeting Schedule 2018

File Reference:

1.6.5.5

Reporting Officer:

Catherine Dunn Deputy Chief Executive Officer

Disclosure of Interest:

Nil

Summary

Council is asked to consider the schedule of Ordinary Council Meeting dates for 2018.

Background

It is a requirement for Council to advertise at least once each year the dates set for Ordinary Council Meetings. The Shire of Bruce Rock holds its Ordinary Council meetings on the 3rd Thursday of each month except January.

In line with the above the 2018 schedule of Ordinary Council Meetings would be as follows;

- Thursday 15 February 2018
- Thursday 15 March 2018
- Thursday 19 April 2018
- Thursday 17 May 2018
- Thursday 21 June 2018
- Thursday 19 July 2018
- Thursday 16 August 2018
- Thursday 20 September 2018
- Thursday 18 October 2018
- Thursday 15 November 2018
- Thursday 20 December 2018

Comment

The only variation that Council may wish to consider is the December Council meeting date.

With the December meeting falling only two business days before the Christmas shutdown period it does not leave much time to action any outcomes from the meeting. Given the timing, some businesses and government departments may shut-down on Friday 21 December, leaving little time to achieve outcomes before the Christmas break.

Options include bring the meeting forward a week to Thursday 13th December 2018. This would be a shorter turnaround from the November meeting. Alternatively, the December meeting could be held earlier in the same week on Tuesday 18th or Wednesday 19th December 2017.

Consultation

Darren Mollenoyux CEO

Statutory Implications

Local Government (Administration) Regulations 1996 - REG 12

12. Meetings, public notice of (Act s. 5.25(1)(g))

- (1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which —
 - (a) the ordinary council meetings; and

(b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.

- (2) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in sub regulation (1).
- (3) Subject to sub regulation (4), if a special meeting of a council is to be open to members of the public then the local government is to give local public notice of the date, time, place and purpose of the special meeting.
- (4) If a special meeting of a council is to be open to members of the public but, in the CEO's opinion, it is not practicable to give local public notice of the matters referred to in sub regulation (3), then the local government is to give public notice of the date, time, place and purpose of the special meeting in the manner and to the extent that, in the CEO's opinion, is practicable.

Policy Implications Nil

Financial Implications Nil

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2013-2023

Civic Leadership

4.1.2 – Manage the organisation in a responsible and accountable manner.

Voting Requirements

Simple Majority

Officer Recommendation

That Council endorses the schedule of Ordinary Council Meeting dates for 2018, pending any variation to the scheduled December 2018 meeting.

And

Give public notice of the meeting schedule for the Ordinary Meetings of Council for 2018.

Officer Recommendation differs to Council decision as Council did not make any changes to the December Council Meeting

COUNCIL DECISION

Resolution OCM Dec 17 – 12.4.3

Moved: Cr Kilminster

Seconded: Cr Royce

That Council endorses the schedule of Ordinary Council Meeting dates for 2018.

And

Give public notice of the meeting schedule for the Ordinary Meetings of Council for 2018.

Carried 8/0

12.5 Chief Executive Officer

| | |
|--------------------------------------|---------------------------------------------------------------|
| Agenda Reference and Subject: | 12.5.1 Extended Leave of Absence Request – Cr S Buller |
| File Reference: | 2.1.1.4 |
| Reporting Officer: | Darren Mollenoyux, Chief Executive Officer |
| Disclosure of Interest: | Nil |

Summary

Council is asked to consider approving an extended leave of absence for Councillor Simon Buller up to and including the Ordinary Council meeting to be held on the 21st June 2018.

Background

Cr Simon Buller was an apology at the August Ordinary Council and was granted leave of absence from the past three Ordinary Council Meetings plus December 2017. Due to medical treatment Cr Buller will most likely not be available for Ordinary Council meetings up to and including the 21st June 2018 Ordinary Council meeting.

Comment

In accordance with Section 2.25 (2) of the Local Government Act 1995 the extended period that Cr Buller will be absent requires Council to seek Ministerial approval.

Consultation

Shire President, Stephen Strange

Statutory Implications

Local Government Act 1995 Section 2.25

2.25. Disqualification for failure to attend meetings

- (1) A council may, by resolution, grant leave of absence, to a member.
- (2) Leave is not to be granted to a member in respect of more than 6 consecutive ordinary meetings of the council without the approval of the Minister, unless all of the meetings are within a period of 3 months.
- (3A) Leave is not to be granted in respect of —
 - (a) a meeting that has concluded; or
 - (b) the part of a meeting before the granting of leave.
- (3) The granting of the leave, or refusal to grant the leave and reasons for that refusal, is to be recorded in the minutes of the meeting.
- (4) A member who is absent, without obtaining leave of the council, throughout 3 consecutive ordinary meetings of the council is disqualified from continuing his or her membership of the council, unless all of the meetings are within a 2-month period.

Policy Implications Nil

Financial Implications

There would be a reduction in expenditure for Councillor sitting fees for the 2017/18 financial year.

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2013-2023

Civic Leadership

4.1.2 – Manage the organisation in a responsible and accountable manner.

Voting Requirements Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Dec 17 – 12.5.1

Moved: Cr Thornton

Seconded: Cr Kilminster

That Council write to the Minister for Local Government seeking to approve a Leave of Absence for Cr Simon Buller for the Ordinary Council Meetings from the 16th February 2018 up to and including the 21st June 2018.

Carried 8/0

Agenda Reference and Subject:

12.5.2 Funding Request from Leeuwin Adventure
Foundation

File Reference:

Reporting Officer:

Darren Mollenoyux, Chief Executive Officer

Disclosure of Interest:

Nil

Summary

Council is asked to consider a request from the Leeuwin Ocean Adventure Foundation to sponsor their Parent Project Voyage in March 2018.

Background

A request has been received from Leeuwin Ocean Adventure Foundation to sponsor their Parent Project Voyage in March 2018. The request states the following;

“The Sail Training Ship Leeuwin is a unique venue for families to come together and work together in an exhilarating and fun environment to strengthen and build family relationships.

You will be aware of Leeuwin Ocean Adventure’s youth development voyages which, for over thirty years, have taken young Western Australians on voyages of adventure and challenge, during which they learn about themselves and their relationships with others. We are the only tall-ship in Western Australia offering sail-training, a proven way of building confidence, self-awareness, resilience, communication and sense of achievement in young people.

The Parent Project, a Leeuwin initiative started in early 2017, uses the magic of tall-ship sailing to build some of these same skills in families. In developing our 3-day program we combined research into how children thrive on feelings of belonging and affection that come from strong, caring and supportive families and our skill in building psychological and sociological skills in young people.

Interesting research by the University of Newcastle in 2000, asking families to consider the qualities that made their families strong even when facing difficulties resonated with us as we developed our Parent Project voyage program:

- *Communication: Listening to each other and communicating with openness and honesty.*
- *Togetherness: Sharing similar values and beliefs that create a sense of belonging and bonding.*
- *Sharing activities: Spending time together doing things they enjoy (e.g., sports, reading, camping or playing games).*
- *Support: Offering and asking for support, with family members knowing they will receive help, encouragement and reassurance from one another.*
- *Acceptance: Understanding, respecting and appreciating each family member’s unique qualities.*
- *Commitment: Seeing family wellbeing as a first priority and acting accordingly with commitment and loyalty.*
- *Resilience: Being able to tolerate difficulties and adapt to changing situations in positive ways (Geggie, J., DeFrain, J., Hitchcock, S., & Silberberg, S. (2000). Family strengths research project. Newcastle, NSW: Family Action Centre, University of Newcastle).*

We ask for your consideration of funding \$1,000 to a parent and child in your community to enable their participation on this special and unique voyage (leaving just \$300 for the family to pay).

This voyage continues Leeuwin’s work in building strong communities and we hope you will be part of this initiative in 2018.”

Comment

Council previously sponsored Leeuwin projects up until 2011, however this ceased due to lack of local interest. Since that time Council has funded other youth initiatives at a more local level with direct and broader impact on the youth of our Shire. These programs include annual funding towards the District High School True Blue Dreaming Program, funding towards Camp Kulin holiday programs and supporting the Bruce Rock CRC with their Youtheez group.

Consultation Nil

Statutory Implications Nil

Policy Implications Nil

Financial Implications

This event is in the 2017/2018 financial year and should Council support it fund could be expended from the Council Donation Expenditure Account.

Strategic Implications

Shire of Bruce Rock Strategic Community Plan 2013-2023

Civic Leadership

4.1.2 Manage the organisation in a responsible and accountable manner

Social

1.3.1.2 – Support current and future initiatives to meet the needs of the Shire of Bruce Rock youth.

Voting Requirements Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Dec 17 – 12.5.2

Moved: Cr Rajagopalan

Seconded: Cr Thornton

That Council declines to fund \$1,000 towards a parent and child attending the Parent Project Voyage in March 2018 and continue to focus on youth funding at a more local level.

Carried 7/1

| | |
|--------------------------------------|-------------------------------------------------------------------|
| Agenda Reference and Subject: | 12.5.3 Local Government Act 1995 Review Consultation Paper |
| File Reference: | 2.3.3.1 |
| Reporting Officer: | Darren Mollenoyux, Chief Executive Officer |
| Disclosure of Interest: | Nil |

Summary

Council is asked to consider and endorse the Shire's draft submission on the Consultation Paper for the Local Government act 1995 Review – Phase 1 which is currently being undertaken.

Background

In June 2017, the Hon. Minister for Local Government announced the commencement of a review of the Local Government Act 1995. The Local Government Act review will introduce changes that will modernise the Act and ensure that local governments are positioned to deliver for the community into the future.

The review will be undertaken in two phases and a consultation paper was released by the Department of Local Government in November 2017.

The first phase will focus on modernising local government, with a Bill expected in 2018.

Key topics in this phase will be:

- increasing elector participation;
- electronic disclosure (making information more readily available);
- simplifying the disclosure of gifts; and
- reducing red tape provisions

The second phase will focus on delivering for the community with a Bill expected in 2019.

Key topics in this phase will be:

- improving behaviour and relationships;
- increasing community participation;
- enabling local government enterprises; and
- improving financial management

WALGA published a discussion paper on issues that have been identified over many years and has invited all local governments to put in a Council endorsed submission on the issues raised by WALGA. This feedback was provided at the previous WALGA Great Eastern Zone Meeting. A copy of those positions and the views of WALGA State Council has been provided to Councillors.

The Ministers Consultation Paper was released on the 8th November 2017 and contains 125 questions surrounding various section of the Act. A full copy of the Discussion Paper has been provided to Councillors. Additional supporting documents and Fact Sheets on individual components of the review can be found via the following link; <https://www.dlgs.wa.gov.au/LegislationCompliance/Pages/LGARReview.aspx>

Comment

Attached is the list of the Ministers 125 questions relating to the Act review and comments that have been either prepared jointly by the WEROC CEO's or amended by the CEO to indicate possible varying views for the Shire of Bruce Rock.

I have highlighted several questions in the review that Council may wish to make further comment on or have a differing position.

A copy of the Consultation Paper and list of comments to the 125 questions has been provided to Councillors.

Responses are to be returned to the Department by the 8th February 2018, however the WA Local Government Association has sought an extension which is yet to be confirmed.

This Consultation Paper may be addressed at a WALGA Zone meeting or special meeting dependant on any extension granted for submissions.

Consultation

The CEO attended the Department of Local Government's Local Government Act Review workshop in Merredin and has also undertaken a group review session with WEROC CEO's. The document has also been provided to other senior staff members for comment.

Statutory Implications

Land Government Act 1995

Local Government (Administration) Regulations 1996

Local Government (Audit) Regulations 1996

Local Government (Constitution) Regulations 1998

Local Government (Elections) Regulations 1997

Local Government (Employee Superannuation) 2016

Local Government (Financial Management) Regulations 1996

Local Government (Long Service Leave) Regulations

Local Government (Parking for People with Disabilities) Regulations 2014

Local Government (Regional Subsidiaries) Regulations 2017

Local Government (Rules of Conduct) Regulations 2007

Local Government (Uniform Local Provisions) Regulations 1996

Policy Implications Nil

Financial Implications Nil

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2013-2023

Civic Leadership

4.1 – Provide good strategic decision making, governance, leadership and professional management

4.1.2.1 – Continue to provide governance that is professional and fiscally responsible and in the best interests of the community

4.1.3 – Deliver services that meet the current and future needs and expectations of the community, whilst maintaining statutory compliance

Voting Requirements Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Dec 17 – 12.5.3

Moved: Cr Rajagopalan

Seconded: Cr Kilminster

That Council provides feedback to the Chief Executive Officer on the comments provided in relation to the Minister's questions outlined in the Department of Local Government's Consultation Paper on the Local Government Act 1995 Review.

And

The Chief Executive Officer prepares a submission in response to the Local Government Act Review, with the final response to be compiled and submitted prior to the close of the submission period on the 8th February 2018.

Carried 8/0

| | |
|--------------------------------------|--------------------------------------------|
| Agenda Reference and Subject: | 12.5.4 Rental Accommodation |
| File Reference: | 1.6.20.4 |
| Reporting Officer: | Darren Mollenoyux, Chief Executive Officer |
| Disclosure of Interest: | Nil |

Summary

Council is asked to consider a housing needs analysis for the Shire of Bruce Rock.

Background

Over the past few years it is becoming more evident that there is a shortage of short, medium and long-term rental accommodation within the Shire of Bruce Rock. Whilst A Visitor Accommodation Study was conducted by ROE Tourism in February 2016 to identify the short-term accommodation issues no formal process has been undertaken to look at the rental demands within our Shire.

Comment

The current shortage of rental accommodation within the Shire is impacting on business growth and economic development for our community. Many staff at the Shire and other businesses within Bruce Rock are currently drive in – drive out on a daily basis and therefore the potential economic benefits to the community are reduced.

Consultation

Initial discussions have been held with consultants to determine an appropriate approach and methodology to identify the rental demands via a housing needs analysis.

Statutory Implications Nil

Policy Implications Nil

Financial Implications

The CEO is attempting to have estimated cost for the Housing Needs Analysis in readiness for the Council Meeting, however at the time of writing this report no quotes had been received. There is \$12,000 of unspent funds in the Community Development budget, part of which could be utilised for this project.

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2013-2023

Social

1.4.1 – Facilitate diverse, inclusive housing options

1.4.1.1 – Encourage the provision of affordable housing stock in the Shire of Bruce Rock

1.1.2.2 – Continue to enhance lifestyle qualities for all residents.

Civic Leadership

4.1.2 – Manage the organisation in a responsible and accountable manner

4.1.2.1 – Continue to provide good governance that is professional and fiscally responsible and in the best interests of the community

Economic

2.1.1 – Actively support and develop local and new business

2.1.1.1 – Attract business and investment opportunities from within the Wheatbelt and beyond, by promoting the opportunities and benefits of doing business in the Shire, in a contemporary manner

2.1.1.5 Investiage solutions for worker and Shire staff accommodation through partnerships

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Dec 17 – 12.5.4

Moved: Cr Kilminster

Seconded: Cr Waight

That staff engage an appropriate consultant to prepare a Housing Needs Analysis focusing on Rental Accommodation for the Shire.

Carried 8/0

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

| | | |
|--------------------------------------|-------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Agenda Reference and Subject: | 13.1 | Application for Planning Development Approval for a commercial kitchen building with dining, two road side advertisements and an ablution addition at Lot 26889 Wogarl Road Bruce Rock. |
| File Reference: | | |
| Reporting Officer: | | Julian Goldacre Environmental Health Officer – Authorised Officer |
| Disclosure of Interest: | | Nil |

Summary

That Council resolves to approve for advertising the Development Application for a commercial kitchen building with dining, two road side advertisements and a ablution addition located at Lot 26889 Wogarl Road Bruce Rock with the responses from the advertising to be tabled at Council at the next Ordinary Meeting of Council in 2018.

Background

On the 4 December 2017 the Environmental Health – Authorised Officer (EH-AO) received a phone call from Ms S Juhas regarding submission of an Application for Development Approval for a new commercial café kitchen, alfresco dining, two road side advertisements and a ablution block addition (DA) at Lot 26889 Wogarl Road Bruce Rock. After brief discussions an application for Development Approval was presented in draft form at the Shire office for consideration and was accepted pending further supporting information as required. The EH-AO discussed with Ms S Juhas what will be needed as supporting information for Council to reasonably consider the request and a commitment was given to undertake this process.

Comment

In the afternoon of the 12 December 2017 the final parts of the DA arrived and was assessed by the EH-AO and provided to Council for consideration. It is worth pointing out that despite Council previously approving the café development it was done retrospectively therefore only what had been already built and developed could be approved. The DA before Council now seeks *prior* approval for the construction of a second building to accommodate a commercial kitchen, dining, addition to the ablution block and two roadside signs.

The DA with supporting information is presented in **Attachment 12.1.2 – A**; for the sake of brevity the DA is presented in one application in an Omnibus fashion as the uses are contiguous with the existing retrospectively approved café developments.

Mr and Mrs F & T Juhas seek Development Approval for a commercial kitchen, dining, two road side advertisements and a ablution addition located on Lot 26889 Wogarl Road Bruce Rock. The building to accommodate the commercial kitchen is 6 metres wide by 12 meters long with approximately 110m² of dining area. Currently the kitchen in the house has been used and is an approved use under the *Food Act 2008*. The building is to be built against the existing café building previously approved at the November 2017 Ordinary Meeting of Council. The dining area mirrors that which is appurtenant to the previously approved café. The ablution addition is proposed to be built to accommodate more toilet pans and hand wash basins than is currently supplied by the single unisex toilet and will be accessible. Signage for advertising that exceeds 0.2m² requires planning approval under the *Shire of Bruce Rock Local; Planning Scheme N^o 3* and this is also included in this DA. The advertising signage is proposed to be located on the

Myola farm near the Totadgin and Wogarl Roads 'T' junction and on the property of the seed cleaners on the Bruce Rock – Quairading Road and is described in Attachment 12.1.2 – A; the owner has given permission for this sign to be located on the property.

The commercial kitchen, dining area and ablutions block being contiguous for the café operations is a use supported in a Rural Zone and is listed in Table 1 – Zoning Table in the LPS as an 'A' use. The 'A' listing means that the use is not permitted unless Council has exercised its discretion by granting, should Council choose to do so, the development approval *after* advertising in the district the proposed DA.

The Shire of Bruce Rock Local Planning Strategy lays out the future for development within the district of Bruce Rock and does support economic development and other influences as follows:

- **1.0 Vision** - In 2023 the Shire of Bruce Rock aspires to be a sustainable community that continues to meet the needs of current and future generations through the integration of environmental protection, social advancement and economic prosperity.

- The proposed café and garden centre is a good example of economic development initiative;

- Both above dot points are in keeping with recent comments on regional job creating endeavours from Hon. Alannah MacTiernan MLC Minister for Regional Development; Agriculture and Food; Minister assisting the Minister for State Development, Jobs and Trade.

- **2.0 Objectives, Strategies and Actions** - 2.1 Bruce Rock Townsite - Objectives: encourage the establishment and diversification of businesses that will strengthen and broaden the economic base of the town, providing employment opportunities for the community.

- The proposed café and garden centre is a business catering to persons who have potential to invest through purchases, small and large, in the Bruce Rock district. Employment opportunities are always a possibility where there are businesses starting and growing;

- Again, in keeping with recent comments on regional job creating endeavours from Hon. Alannah MacTiernan MLC Minister for Regional Development; Agriculture and Food; Minister assisting the Minister for State Development, Jobs and Trade.

Further in support of the presented DA it is judicious to also take into consideration State Planning Policy 2.5 Rural Planning (December 2016) clause 5.5 Regional variation, economic opportunities and regional development. Clause 5.5(c) '*support - land uses associated with primary production, within the rural zone*'. The DA will achieve the outcomes of the aforementioned clause 5.5(c) from the fact these expansion plans as presented in the DA is the result of the business success in attracting visitors and/or customers in good numbers in recent times.

This DA does require advertising pursuant to Schedule 2 Part 8 Clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regs). The local government may advertise, or require the applicant to advertise, the applications for Development Approval in one or more of the following ways:

a) by giving notice of the proposed use or development to owners and occupiers of properties in the vicinity of the development;

b) by publishing a notice of the proposed developments in a newspaper circulating in the Scheme area;

c) by publishing a notice of the proposed developments by electronic means (Shire website and Facebook to name a few for example); and

d) by erecting a sign or signs in a conspicuous place on the land the subject of the applications

Any and all above forms of advertising must contain a statement that submissions may be made to the local government by a specified day being a day not less than 14 days from the day on which the notice is published and/or given to a person.

With regard to the above advertising requirement of points (a), (b), (c) & (d) the following is provided:

➤ **Point (a) above** - Considered redundant by fact the café and garden centre has been operating for 6 months and no objections received from neighbouring properties. Furthermore, the distances between landholders in the area is very widely spaced;

- **Point (b) above** - Recommended and is the most common preferred manner of advertising utilising the local newspaper to advertise the proposed development applications;
- **Point (c) above** - Recommended and placing the required advertising on the Shire of Bruce Rock webpage is the preferred option; and
- **Point (d) above** – Considered redundant by fact the road is travelled by mostly vehicles with no expected pedestrian traffic who would observe an A3 size advertisement of the Development Application and the sign would be too small for vehicle traffic to observe. Also the road is essentially a service road for farms in the area and not a regular through road for traffic.

Statutory Environment

Planning and Development Act 2005;

Planning and Development (Local Planning Schemes) Regulations 2015; and

Shire of Bruce Rock Local Planning Scheme N°3 (incorporating Amendment N° 3)

Policy Implications

Nil.

Financial Implications

Development Application fee receipted in for \$147 based on applicant's declaration of costs for development not to exceed \$50,000.

Resolution Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Dec 17 – 13.1

Moved: Cr Rajagopalan

Seconded: Cr Negri

THAT Council resolves:

- 1. To accept in principle, the Development Applications for a commercial kitchen building with dining, two road side advertisements and a ablution addition located at Lot 26889 Wogarl Road Bruce Rock submitted by Mr & Mrs F & T Juhas as presented in Attachments 12.1.2 A;**
- 2. The Development Application is to be advertised for a minimum of 14 days as required under Schedule 2 Part 8 Clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015 inviting public comment on the Development Application as presented in Attachments 12.1.2 A to be addressed to the Shire office for the attention of the Chief Executive Officer of the Shire of Bruce Rock. and**
- 3. That the Development Application will after 14 days advertising and at the next practicable Ordinary Council Meeting, be submitted to Council for consideration of any received public submissions and for a resolution on the Development Application so made.**

Carried 8/0

14. Confidential Items

15. Confirmation and receipt of Information Bulletins.

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Nov 17 – 15.1

Moved: Cr Rajagopalan

Seconded: Cr Thornton

That Information Bulletin 1 be received.

Carried 8/0

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM Nov 17 – 15.1

Moved: Cr Kilminster

Seconded: Cr Royce

That Information Bulletin 2 be received.

Carried 8/0

16. Closure of Meeting.

The Shire President, Stephen Strange thanked everyone for their attendance and declared the meeting closed at 5.32pm.

These minutes were confirmed at a meeting on 15 February 2018.

Cr Stephen Strange
Shire President
15 February 2018