

SHIRE OF BRUCE ROCK

MINUTES – ORDINARY MEETING 19 July 2018

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	3
6. Petitions/Deputations/Presentations/Submissions	3
7. Applications for Leave of Absence.....	3
8. Announcements by Presiding Member.....	3
9. Confirmation of Minutes.....	4
10. Status Report.....	5
11. Regional Reports	10
11.1 Wheatbelt Communities Meeting June 2018.....	10
11.2 WEROC Council Meeting June 2018	11
12. Officers’ Reports.....	14
12.1. Environmental Health Officer	14
12.1.1 Environmental Health Officer Information Bulletin for the period of June 2018	14
12.1.2 Application for Development Approval Lot 122 Curlew Drive Bruce Rock for height and sized outbuilding.....	16
12.1.3 Inspection of Swimming Pool and Spa pool safety barriers	21
12.2. Manager of Works & Services	24
12.2.1 Works & Services Information Report.....	24
12.3. Manager of Finance.....	26
12.3.1 Statement of Financial Activity	26
12.3.2 List of Payments.....	27
12.3.3 Septic Tank Effluent Disposal Scheme Connection Subsidy	29
12.4 Deputy Chief Executive Officer	32
12.4.1 Communications and Social Media Policy	32
12.4.2 Amendment to the Code of Conduct	34
12.4.3 Full Review and Re-format of the Policy Manual	36
12.5 Chief Executive Officer	39
12.5.1 WALGA Annual General Meeting Motions.....	39
12.5.2 Councillor Resignation – Extraordinary Election	41
13. New Business of an urgent nature introduced by discussion of the meeting	43
14. Confidential Items	43
15. Confirmation and receipt of Information Bulletins.	43
16. Closure of Meeting.	43

SHIRE OF BRUCE ROCK

MINUTES – ORDINARY MEETING 19 JULY 2018

1. Declaration of Opening

The Shire President Cr SA Strange declared the meeting open at 1.55pm.

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

President	Cr SA Strange
Deputy President	Cr R Rajagopalan
Councillors	Cr IS Dolton
	Cr PG Negri
	Cr MJ Royce
	Cr MK Thornton
	Cr BJ Waight
Chief Executive Officer	Mr DRS Mollenoyux
Deputy Chief Executive Officer	Ms CJ Dunn
(Incoming) Deputy Chief Executive Officer	Mr A O’Toole
Executive Support Officer	Mrs MJ Schilling
Manager of Finance	Mrs JL Bow (2.46pm to 3.04pm)
Environmental Health Officer	Mr J Goldacre (2.16pm to 2.45pm)
Manager of Works and Services	Mr G Casley (2.45pm to 3.04pm)
Apology	Cr NC Kilminster

3. Declarations of Interest

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

Date	Name	Item No	Reason

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

Date	Name	Item No	Reason

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

Date	Name	Item No	Reason
19/07/2018	Darren Mollenoyux	12.1.2	Resides in neighbouring property

4. Response to Previous Public Questions Taken on Notice

Nil

5. Public Question Time

Nil

6. Petitions/Deputations/Presentations/Submissions

Nil

7. Applications for Leave of Absence

Nil

8. Announcements by Presiding Member

Naidoc Week, flag raising ceremony went well. Flag policy explained. Morning tea at the CRC went well. Great joint initiative between Shire, CRC and Local Police.

Harvest Mass Management Scheme, significant changes to the conditions of RAV non-rated roads with a pilot required to escort vehicles to RAV rated roads. Permit required crossing particular bridges. CBH hope to have pre-assessment tools available to farmers to allow them to work along with Shires. WALGA and CBH working hard to make modifications to the Harvest Mass Management Scheme.

9. Confirmation of Minutes

Ordinary Meeting of Council held on Thursday 21 June 2018.

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM July 18 – 9.1

Moved: Cr Dolton

Seconded: Cr Rajagopalan

That the minutes of the Ordinary Meeting of Council held Thursday 21 June 2018 be confirmed as a true and correct record.

Carried 7/0

Audit Committee Meeting held on Thursday 21 June 2018.

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM July 18 – 9.2

Moved: Cr Dolton

Seconded: Cr Waight

That the minutes of the Audit Committee held Thursday 21 June 2018 be received.

Carried 7/0

10. Status Report

Presentation of Status Report for June 2018 Resolutions

ITEM	RESOLUTION / ACTION REQUIRED	RESPONSIBLE OFFICER	RESPONSE OR STATUS
<p>Resolution June 18 - 12.1.2 Retrospective extension of current Avon Waste Recyclables Collection Contract</p>	<p>1. To formally write to Stondon Pty Ltd trading as 'Avon Waste' to offer to retrospectively continue to provide the kerbside and bulk bin recycling collection services until the 22 October 2019 as detailed in the Deed signed by Stondon Pty Ltd and the Shire of Bruce Rock on the 1 December 2018 and authorises the Chief Executive Officer to undertake this process for Council by authority of this Resolution; and 2. Should Stondon Pty Ltd trading as 'Avon Waste' be accepting to retrospectively continue to provide the kerbside and bulk bin recycling collection services until the 22 October 2019 that Council Pre-emptively endorse this acceptance to continue to use Stondon Pty Ltd for the provision kerbside and bulk bin recycling collection services until the 22 October 2019 and authorises the Chief Executive Officer to undertake to formally endorse this service on behalf of Council by authority of this Resolution.</p>	<p>EHO</p>	<p>Correspondence sent to Avon Waste.</p>
<p>Resolution June 18 – 12.1.3 Extensions of current kerbside refuse collection and landfill management contract.</p>	<p>That Council resolves to: 1. To formally write to Mr P Fuchsbichler to offer to retrospectively continue to provide the kerbside refuse collection and landfill management until the 30 May 2019 as detailed in the Deed signed by Mr P Fuchsbichler and the Shire of Bruce Rock and authorises the Chief Executive Officer to undertake this process for Council by authority of this Resolution; and 2. Should Mr P Fuchsbichler be accepting to retrospectively continue to provide the kerbside refuse collection and landfill management until the 30 May 2019 that Council pre-emptively endorse this acceptance to continue to use Mr P Fuchsbichler for the provision of kerbside refuse collection and landfill management until the 30 May 2019 and authorises the Chief Executive Officer to undertake to formally endorse this service on behalf of Council by authority of this Resolution.</p>	<p>EHO</p>	<p>Correspondence sent to Peter Fuchsbichler.</p>

Shire of Bruce Rock – MINUTES 19 July 2018

Resolution June 18 – 12.2.2 Purchase of Skid Steer Loader	That Council amends the 2017/18 Budget for the purchase of the Bobcat 590 from Clark Equipment for the amount of \$68,200 inc GST.	WORKS	Purchased.
Resolution June 18 – 12.3.3 Budget Amendment – Advance Payment for Federal Assistance Grants 2018/19	That Council resolves to amend the 2017/18 budget to reflect the increase in funding received from the Western Australian Local Government Grants Commission by the advance payment scheduled to be received in June 2018 and amend the following accounts; i. GL – 032300 - WALGGC – Local Roads Grant (FAGS) - \$419,115 ii. GL – 032301 – Grants Commission Grant - \$795,546 to be advised	MOF	Complete, budget amendment to reflect changes.
Resolution June 18 – 12.4.3 Fee Waiver Request Bruce Rock Police	1. That the hire fee for the indoor basketball courts be waived for the “Hoops with Cops” event to be held on Tuesday 26 June 2018.	DCEO	The fee was waived for this event held by the Bruce Rock Police.
Resolution June 18 – 12.4.4 Staff Appraisals	Council receives the presented report on significant changes occurring from staff performance reviews and endorsed the CEO’s recommendations on Senior Employees Reviews.	DCEO	Letters have been prepared for staff appraisals and staff notified of pay changes for the financial year.
Resolution June 18 – 12.5.1 CEO Performance Appraisals	<ul style="list-style-type: none"> • That Council appoint John Philips, option 2 and workshop to assist in setting new Key Performance Indicators and undertaking the review of the Chief Executive Officer for the 2018/19 period. • That Council makes budget provision of \$4000 for the 2018/19 financial year for the provision of CEO Performance Review Consultancy Services. 	CEO	Mr John Philips has advised the first KPI setting session will be on 23 August 2018.
Resolution June 18 – 12.5.3 Councillor Resignation – Extraordinary Election	<ol style="list-style-type: none"> 1. That Council acknowledges the resignation of Cr Simon Buller effective 21st June 2018. 2. That in accordance with Section 4.61 (1) of the Local Government Act 1995 Council resolves to hold an In-Person Extraordinary Election on Friday 12th October 2018. 3. That under Section 4.20 of the Local Government Act 1995 the Chief Executive Officer is appointed as the Returning Officer for the Extraordinary Election on Friday 12th October 2018. 	CEO	The CEO has commenced the process to hold an Extraordinary Election on 12th October 2018.

Status Report

Ongoing items as at July 2018

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

	Reserve 24756 and report details back to Council for consideration.		Details on the workshop outcomes will be provided at the July 2018 Council Meeting.
<p>Resolution Mar 18 – 12.5.12 Review of Local Laws Outcome Report</p>	<p>1. That the Shire of Bruce Rock adopt the report of the review of the local laws under S3.16 of the Local Government Act 1995 and note that no community submissions were received in respect to the following local laws:</p> <ul style="list-style-type: none"> • Activities on Thoroughfares and Trading in Public Places Local Law 2004; • Dogs Local Law 2005; • Parking and Parking Facilities Local Law; • Local Law Relating to the Management and Control of Bruce Rock Cemetery 2004; • Local Laws Relating to Fencing; • Local Government Property Local Law; and • Local Government Model By-laws Removal and Disposal of Obstructing Animals or Vehicles No 7. <p>2. That the Shire of Bruce Rock determine that the outcome in respect to each local law is as follows:</p> <ol style="list-style-type: none"> a. Shire of Bruce Rock Activities on Thoroughfares and Trading in Public Places Local Law 2004 be amended as outlined in the report; b. Shire of Bruce Rock Dogs Local Law 2005 be amended as outlined in the report; c. Shire of Bruce Rock Parking and Parking Facilities Local Law not be amended due to the minimal nature of the amendments; d. Shire of Bruce Rock Local Government Property Local Law be amended as outlined in the report; e. Shire of Bruce Rock Local Law Relating to the Management and Control of Bruce Rock Cemetery 2004 be amended as outlined in the report; f. Shire of Bruce Rock Local Laws Relating to Fencing be amended as outlined in the report; g. Shire of Bruce Rock Local Government Property Local Law be amended as outlined in the report; and h. Shire of Bruce Rock Local Government Model By-laws (Removal and Disposal of Obstructing Animals or Vehicles) No 7 be further reviewed to determine whether existing local laws or legislation may satisfy the purpose 	CEO	Referred back to Consultant.

	and effect of the local law.		
Resolution Apr 18 – 12.3.3 Community Budget Requests	That Council reviews and ranks in order of deemed importance the following projects in the 2018/19 budget, subject to funds available and budget adoption.	MOF	Community groups have been advised and allocations will be included in 2018/19 Budget Preparations.
Resolution May 18 – 13.1 Lease of Equestrian Reserve	That Council wishes to advertise the lease of the Reserve 17601, Lot 211 Mitchell Street, Bruce Rock for the purposes of equestrian for a period of three years and for the annual contribution of \$800.	MOF	Advertising has been undertaken for Expression of Interest for lease.

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM July 18 – 10.1

Moved: Cr Royce

Seconded: Cr Negri

That Council receives the Status Reports as presented.

Carried 7/0

11. Regional Reports

Agenda Reference and Subject:	11.1 Wheatbelt Communities Meeting June 2018
File Reference:	CEACA
Reporting Officer:	Darren Mollenoyux, Chief Executive Officer
Disclosure of Interest	Nil

Summary

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

Background

The Wheatbelt Communities Inc. held their Committee Meeting on the 27th June 2018 at the Shire of Merredin.

Comment

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

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

Consultation Nil

Statutory Implications Nil

Policy Implications Nil

Financial Implications Nil

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Governance

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

Voting Requirements Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION	
Resolution OCM July 18 – 11.1	
Moved:	Cr Thornton
Seconded:	Cr Royce
That Council receives the minutes and endorses the actions and resolutions of the Wheatbelt Communities Inc. Meeting held on the 27th June 2018 at the Shire of Merredin.	
Carried 7/0	

Agenda Reference and Subject:

11.2 WEROC Council Meeting June 2018

File Reference:

1.6.9.1 Meeting and Agendas WEROC

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 27th June 2018 at the Merredin Council Chambers.

Comment

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

The following items are highlighted for Councils attention;

3.2.1 Accingo Presentation

Representatives from Accingo, an asset management consultancy, met with the WE-ROC Executive on Wednesday 28 March 2018 to discuss its asset management concept and the potential value it may offer Member Councils. During the presentation an overview of Accingo's asset management platform was provided. The platform has been developed to decrease asset holding costs and improve the availability of local talent pools within regional areas.

Accingo's representatives, Blake Read and Neil Marsh, prepared a costing which was considered by the WE-ROC Council when it met on Wednesday 2 May 2018 at which time it was resolved as follows:

1. Accingo be advised that whilst WE-ROC is pleased with the concept, it considers the quoted cost is high and therefore the quote is not accepted;
2. WE-ROC seek further discussions with Accingo to refine a scope of works to obtain a revised costing from Accingo to undertake Phase 1 (Asset and People Optimisation) of its assets and resources management platform; and
3. The issue of plant utilisation and sharing be listed for discussion at the next Executive Meeting.

A copy of the PowerPoint presentation used by representatives from Accingo during their discussions with WE-ROC Council forms an attachment to the minutes of the meeting.

The matter is presented for discussion and decision.

This item was considered after Item 3.1 within Item 8 – Other Matters but has been recorded in numeric sequence.

RESOLUTION: Moved: Mr Clarke Seconded: Cr Forsyth
That WE-ROC request Accingo to undertake an asset audit for each of WE-ROC's Member Councils, as outlined in Accingo's Phase 1 Costing provided to WE-ROC and considered at the WE-ROC Council Meeting held 2 May 2018, at a total cost of \$17,500 excl GST.

Footnote: Details of what is provided in the asset audit is explained in the costing provided by Accingo. This information is provided below so that Member Councils have an understanding of what the audit entails. To quote from Accingo's costing:

“Phase 1 (b)

Asset audit

This entails a full review of all assets of Plant & Machinery and any assets associated with maintaining plant and equipment such as workshops, tooling etc.

The purpose of this review is to provide the following information;

- Identification of asset including current location
- Reconciliation to Asset register
- Full report of condition, hours etc which also assists in the valuation of plant
- Understand & report on utilisation, availability, requirements etc

This data serves several purposes being;

- Market valuation of current plant & equipment
- Ability to forecast potential net cash inflows & savings under Phase 2
- Data in which to base decisions on Sale, replacement and ultimately pooling of asset base amongst the WE-ROC shires
- Potentially replaces need for asset audit for compliance (to be understood whether this can be achieved)

Review will be performed by Neil Marsh & Accingo asset consultant which can be partly performed on weekends where a more efficient asset audit process can take place. Accingo will require full asset register and current location (if off site). Some time with CEO's & works managers will also be required both prior & during visit however this time will be kept to a minimum as not to disrupt existing operations.

An initial scoping meeting with CEO / works managers to understand what is to be included / excluded from review should take place prior to audit.

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

Consultation	Nil
Statutory Implications	Nil
Policy Implications	Nil
Financial Implications	Nil

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Governance

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

Voting Requirements	Simple Majority
----------------------------	-----------------

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM July 18 – 11.2

Moved: Cr Waight

Seconded: Cr Dolton

That Council receives the minutes of the WEROC Council Meeting held on Wednesday 27th June 2018 at the Merredin Council Chambers.

Carried 7/0

Mr J Goldacre entered the Council Chambers at 2.16pm.

12. Officers' Reports

12.1. Environmental Health Officer

Agenda Reference and Subject:

12.1.1 Environmental Health Officer Information Bulletin for the period of June 2018

File Reference:**Reporting Officer:**

Julian Goldacre, Environmental Health Officer

Disclosure of Interest

Nil

Summary

To accept the Environmental Health Officer's Information Bulletin for the period of June 2018 for activities undertaken.

Background

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

Comment

- The EHO continues to work with the Senior Finance Officer and Chief Executive Officer to prepare and finalise the Budget preparations for the Shire assets related to housing, commercial buildings and public buildings. Quotations are being continuously sought as required to seek best value and evaluate options;
- Assistance has been provided to the Senior Finance Officer for the draft policy on the Septic Tank Effluent Disposal scheme rebate policy for application with regards to types of drains and disposal areas;
- A concern regarding presumed asbestos 'piles' on a farm was duly followed up and is in the process of being resolved. The matter pertained to fencing material indicative of type used in the 1970s. The EH&AO undertook compliance through education and the matter is currently being resolved satisfactorily;
- The Planning Approval progress by the applicants for Myola Nursery was undertaken onsite during a food premises inspection with progress well underway and in keeping with the approvals given;
- The future requests for Tenders for the provision of recycling and rubbish collection and landfill management is proceeding well due to assistance from WALGA procurement services and networking with colleagues and other local governments for templates used previously. The Tenders will be due for advertising in October and May respectively. An early morning rubbish bin audit was undertaken to determine the number of bins put out onto the kerbside for collection;
- The townsites of Bruce Rock and Shackleton have been undergoing routine food premises inspections as well as educational compliance to inform food business of their Food Act 2008 obligations. Special attention is focused on food labelling requirements when applicable as well as food recall procedures and food allergen notification and displaying information to notify customers to inform the food premises if they have a food allergen;
- Finalisation of the documentation for the formal opening of the St Johns Building is underway working with the St Johns committee representative to arrange final documents for the Building Surveyor to complete the Certificate of Construction Compliance so the Occupancy Permit can be prepared;
- Works continue to progress two Building Permit and Planning matters for dwellings within the Shire of Bruce Rock;
- The Chief Executive Officer was invited to be part of a reciprocal arrangement for Certificate of Design Compliance documents for the Shire of Quairading through their contract Building and Health officer. This arrangement will assist in the provisions of Health and Building advice in the event the EH&AO is away so a positive initiative;

- The 'Rock In & Take Away' café located at the fuel service station has achieved compliance with the *Food Act 2008* and was issued with a *Food Act 2008* Registration Certificate by the EH&AO using **Delegated Authority Resolution OCM Sep 17-12.1.2**; and
- Investigations on the process for the issuing of a blasting permit within townsites which may or may not be requested by Water Corporation for the breaking up of rock to accommodate the STED pipes where rock is present. These matters are governed by the *Dangerous Goods Safety (Explosives) Regulations 2007* and requires Council consent which was explained to the representatives of Water Corporation and the Contractor for their consideration.

Consultation

Mr D Mollenoyux Chief Executive Officer;

Mr L Lim, Department of Mines, Industry Regulation and Safety

Statutory Implications

Local Government Act 1995;

Health (Miscellaneous Provisions) Act 1911

Food Act 2008;

Building Act 2011;

Planning and Development Act 2005; and

Dangerous Goods Safety (Explosives) Regulations 2007

Policy Implications

Draft STED rebate policy.

Financial Implications

Nil.

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Governance

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

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM July 18 – 12.1.1

Moved: Cr Thornton

Seconded: Cr Negri

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

Carried 7/0

Mr D Mollenoyux left the Council Chambers at 2.24pm.

Agenda Reference and Subject:

12.1.2 Application for Development Approval Lot 122 Curlew Drive Bruce Rock for height and sized outbuilding

File Reference:

A2572 Lot 122 Curlew Drive Bruce Rock

Reporting Officer:

Julian Goldacre, Environmental Health Officer

Disclosure of Interest

Darren Mollenoyux, Chief Executive Officer

Summary

That Council approves the Development Application for an oversized outbuilding on Lot 122 Curlew Drive and approve the exemptions for the Development Application pursuant to Part 8, Clause 63 'Accompanying materials' *Planning and Development (Local Planning Schemes) Regulations 2015*.

Background

The Environmental Health & Authorised Officer Mr J Goldacre (EH&AO) was approached by Mr F Fuchsbichler enquiring about the possibility to build a large outbuilding on Lot 122 Curlew Drive which is Residential Zoned land. The outbuilding would be of a height and footprint size that would require a Development Application to be submitted pursuant to Council Planning Policy 1 'Outbuildings & Seainers in Residential Areas' adopted on the 17 July 2014. The EH&AO explained that documents would be required to be submitted showing the outbuilding design and final purchase of the outbuilding should be conditional on Council approval.

Comment

Mr F Fuchsbichler has indicated that he proposes as part of the Building Permit application for a new dwelling to include the construction of a large outbuilding. The outbuilding walls and ridge height, floor area and proximity to the boundary exceeds the standards allowing approval by the Shire of Bruce Rock Building Surveyor pursuant to Planning Policy 1 'Outbuildings & Seainers in Residential Areas' (Policy 1). To be able to approve the Policy variation a Development Application is required to be presented to Council in order to request a variation and is presented in **Attachment 12.1.1-A** and detailed in **Attachment 12.1.1-D**.

The three key matters of the Development Application are listed below for Councils consideration:

- The proposed outbuilding ridge height is 5,295mm; the Policy 1 permits, without Council approval, a maximum ridge height of 3,600mm as shown in **Attachment 12.1.1-B**;
- The proposed outbuilding wall height is 4,500mm; the Policy 1 permits, without Council approval, a maximum wall height of 3,000mm as shown in **Attachment 12.1.1-B**;
- The proposed outbuilding floor area is 153m²; the Policy 1 permits, without Council approval, a maximum floor area of 94m² as shown in **Attachment 12.1.1-B**; and
- The proposed outbuilding setback from the rear and side boundary is proposed to be 0mm on the west facing side and up to 150mm on the north facing side. It is proposed the walls of the outbuilding will form part of the fencing line on both the west and north aspects with the north facing wall tucked in by up to 150mm to keep the gutter line on the boundary (**Attachment 12.1.1 – C**). The Policy 1 requires the setback to be in accordance with State Planning Policy 3.1 Residential Design Codes (R Codes) which, in this instance of the two walls facing the boundary require a setback of 1,500m although a 'up to Nil setback' is permitted with Council approval; and
- The proposed outbuilding will exhibit the same colour of walls and roofing as the existing fence on the east side which is coloured 'surf mist'.

The Policy 1 is designed to guide either the Building Surveyor and/or the Council when determining outbuilding development proposals. The following lists the above-mentioned dot point specific items for consideration taken from the Policy 1 and is provided with comments from the EH&AO on the proposed outbuilding development:

Policy 1 - Outbuildings & Seatainers in Residential Areas Planning Policy –

- a) *Comply with the Building Code of Australia (BCA) (as amended);*
- i. The Outbuilding plans will be required to have a Certificate of Design Compliance completed by a Registered Building Surveyor before a Building Permit can be granted by the local government. The outbuilding is deemed a Class 10A structure and BCA Volume 2 clause 3.7.1.6 permits Class 10a buildings to be built less than 900mm from the boundary provided a dwelling is not constructed within 900mm of the Class 10A outbuilding which is the case in this application.
- b) *Are constructed of new materials. Where second hand materials are proposed, the Building Surveyor may require a certification from a practising structural Engineer as to the structural adequacy of the design and/or materials. The Building Surveyor may also require the cladding of the proposed second hand outbuilding to be painted in an approved colour or renewed.*
- i. The proposed outbuilding is to be constructed wholly of new building materials.
- c) *Are not attached to a dwelling;*
- i. The outbuilding is not attached to a dwelling as shown in **Attachment 12.1.1-C** and described in point (a) above.
- d) *Are not habitable;*
- i. The outbuilding is to garage vehicles although is not to be taken to be limited to such being an outbuilding which can have numerous applications other than habitation by person/s. Furthermore, it is an offence under the *Health (Miscellaneous Provisions) Act 1911* to occupy as a dwelling a building not constructed as a dwelling.
- e) *Are not within the primary street setback area;*
- i. Lot 122 Curlew Drive as shown in **Attachment 12.1.1-C** shows the outbuilding situated to the rear of the property.
- f) *Do not reduce the amount of open space required by the Residential Design Codes to less than the prescribed amount;*
- i. The required open free space is maintained as follows – Outbuilding (9m X 17m) + Proposed dwelling (13m X 13.8m) = 332m² with the Lot size of 1106m² free space area of the required 60% is achieved. (note, open veranda areas are not included for this purpose as are deemed open space).
- g) *Are setback in accordance with the requirements of the Residential Design Codes;*
- i. The proposed setback distances for the proposed outbuilding is to be up to 150mm off the north boundary to accommodate gutter and downpipes and 0mm off the west boundary due to the fact the west wall has no gutters being the gable wall end.

To exercise the ability to consider the R Codes ‘up to Nil setback’ option, consideration of the R Codes, Clause 5.1.3 ‘Design Principles’ for Lot boundary setback is required. On analysis there is no perceived or anticipated issue with reduction of the Lot boundary setback to be up to 150mm for the north wall and 0mm for the west wall and this is detailed below:

R Codes Clause 5.1.3 extract:

Design principles
<i>Development demonstrates compliance with the following design principles (P)</i>
5.1.3 Lot boundary setback
P3.1 Buildings set back from lot boundaries so as to:
1) reduce impacts of building bulk on adjoining properties ;
• <i>reduced impact; outbuilding bulk is positioned to the very rear of the large Lot size. The outbuilding is not untypical for the Bruce Rock and regional townsites and the Lot size is sufficiently large enough for the outbuilding bulk not to impact on the required 60% ‘free space’ required. Whilst the west side neighbouring lot is vacant, prospective buyers would be aware of the proposed outbuilding if built for their consideration and planning and has potential for prospective buyers to see the potential for development on the lots. Furthermore, this residential development is situated on the north-east of the townsite edging onto the boundary limits. Future development consideration is anticipated to</i>

consider a rear Right of Way lane of 6m width to further minimise impacts and allow rear of property access as is typical in the Bruce Rock townsite and greatly utilised.

2) provide adequate direct sun and ventilation to the building and **open spaces** on the **site** and adjoining properties;

- *sunlight and ventilation to the proposed dwelling not inhibited by the outbuilding by being distanced from the proposed dwelling to an extent that would not affect the northern sun aspect through the year. The outbuilding itself has minimal sunlight and ventilations requirements.*

3) minimise the extent of overlooking and resultant loss of privacy on adjoining properties.

- *The Outbuilding is a non-habitable outbuilding with no windows.*

P3.2 Buildings built up to boundaries (other than the street boundary) where this:

1) makes more effective use of space for enhanced privacy for the occupant/s or **outdoor living areas**;

- *The Outbuilding will be located at the rear of the property and has no impact on privacy.*

2) does not compromise the **design principle** contained in clause 5.1.3 P3.1;

- *as described above with regards to reduce impacts of building bulk on **adjoining properties**, provides for adequate direct sun and ventilation to the building and **open spaces** on the **site** and adjoining properties have no discernible impacts from the outbuilding and no overlooking and resultant loss of privacy on adjoining properties.*

3) does not have any adverse impact on the amenity of the **adjoining property**;

- *The Outbuilding is not untypical for the Bruce Rock and regional townsites and the Lot size is sufficiently large enough for the outbuilding bulk not to impact on the required 60% 'free space' required. Whilst the neighbouring lot is vacant prospective buyers would be aware of the proposed outbuilding if built for their consideration and planning and has potential for prospective buyers to see the potential for development on the Lots. Furthermore, this residential development is situated on the north-east of the townsite edging onto the boundary limits. Future development consideration is anticipated to consider a rear Right of Way lane of 6m width to further minimise impacts and permit rear of property access.*

- ensures direct sun to **major openings** to **habitable rooms** and outdoor living areas for **adjoining properties** is not restricted;

- *The sunlight and ventilation to the proposed dwelling not inhibited by the outbuilding being distanced from the proposed dwelling to an extent that would not affect the northern sun aspect through the year. The outbuilding itself has minimal sunlight and ventilations requirements.*

- positively contributes to the prevailing **development** context and streetscape.

- *The Outbuilding as mentioned is not untypical for a regional townsite more so located at the north-eastern extremity of the townsite boundary where development is minimal presently and will set the standard for the area for prospective buyers.*

The Outbuilding with regards to ridge height, floor area and lot boundary setback as proposed meets the guidance criteria of the Policy for outbuildings and the R Codes as presented. A advice note recommended by the EH&AO to be added to this Development Application Proposal for the outbuilding is:

1. All stormwater collected by the outbuilding gutters and discharged through downpipes is required to be suitably plumbed into stormwater drainage system within the Lot 122 Curlew Drive boundary out onto the road OR into a water tank/s. Any overflow discharged from the water tank/s is required to be suitably plumbed into stormwater drainage pipes out onto Curlew Drive road. These requirements will assist in negating stormwater intrusion into the apparatus for the treatment of sewerage and prevent stormwater leaving the property boundary which are matters governed by the Building Code of Australia, *Health (Miscellaneous Provisions) Act 1911, Local Government Act 1995* and subsidiary legislation and

Local Laws. Consultation with the Shire of Bruce Rock Works Manager is invited for the provision of a 'cut' into the street kerbing to accommodate the stormwater plumbing discharge.

Discussions with the occupiers and owners of the adjoining properties reveals that the Shire of Bruce Rock tenant Mr Darren Mollenoyux on Lot 121 Curlew Drive has no objections. Whilst the owner of Lot 121 is the Shire of Bruce Rock this agenda item will give Council the opportunity to comment on this Development Approval. Lot 123 Curlew Drive is owned by Landcorp and discussions with the Development Manager indicates they have no objection to this type of proposed development provided it proceeds through due process.

Statutory Environment

Health (Miscellaneous Provisions) Act 1911;

Planning and Development Act 2005;

Local Government Act 1995;

Planning and Development (Local Planning Schemes) Regulations 2015

Shire of Bruce Rock Local Planning Scheme N°3;

Shire of Bruce Rock Health Local Law 2016;

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

Shire of Bruce Rock Outbuildings & Seatainers in Residential Areas Planning Policy (Policy 1)

Policy Implications

Compliance with the Shire of Bruce Rock Outbuildings & Seatainers in Residential Areas Planning Policy (Policy 1).

Financial Implications

Development Application fee of \$147.00

Voting Requirement Simple Majority

Officer Recommendation

1. Application for Development Approval lot 122 Curlew Drive Bruce Rock townsite (Attachment 12.1.1-A) for the over height and sized outbuilding Part 8, Clause 63 'Accompanying materials' *Planning and Development (Local Planning Schemes) Regulations 2015* requested exemptions as listed in Attachment 12.1.1-D being Clause 63(1)(a)(iv)&(v, part of), &(vii)&(viii)&(ix)&(x) and Clause 63(b, part of)&(c)&(d).
2. Application for Development Approval lot 122 Curlew Drive Bruce Rock townsite (Attachment 12.1.1-A) for the outbuilding clad in 'surf mist' coloured cladding of 5,295mm ridge height, 4,500mm wall height and 153m² floor area and the boundary setbacks of 0mm for the west facing wall at the boundary and 100mm setback for the north facing wall at the boundary as detailed in Attachments 12.1.1 – B & C.

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

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

Council decision differed to Officer Recommendation as Council would like further investigations carried out regarding the height of the outbuilding and possible amendments before making a decision.

COUNCIL DECISION

Resolution OCM June 18 – 12.1.2

Moved: Cr Rajagopalan

Seconded: Cr Waight

That this item be laid on the table pending further investigations due to Council concerns regarding height of the outbuilding.

Carried 7/0

Cr Dolton left the Council Chambers at 2.40pm.

Cr Dolton returned to the Council Chambers at 2.41pm.

Agenda Reference and Subject:

12.1.3 Inspection of Swimming Pool and Spa pool safety barriers

File Reference:

4.1.3.8 Swimming Pools – Fencing

Reporting Officer:

Julian Goldacre, Environmental Health Officer

Disclosure of Interest

Nil

Summary

Council approves the increasing of swimming and spa pool safety barrier inspections within the gazetted townsites of the Shire of Bruce Rock from once every 4 years to annually taking into consideration staff capabilities and availability.

Background

On the 23 November 2017 the Parliamentary Commissioner for Administrative Investigations (Ombudsman) Tabled paper N° 969 titled 'Investigation into ways to prevent or reduce deaths of children by drowning' (Paper 969) to State Parliament. This Paper 969 was the result of a comprehensive investigation into historic child drownings in residential swimming and spa pools and the inspection records and implementations of local government. The Shire of Bruce Rock provided a report, on invitation, to the Ombudsman on known swimming and spa pools and inspections done and to be done in late 2016. A young child as defined in the *Building Regulations 2012* for the purpose of private swimming and spa pool safety barrier inspections and requirements is defined as '...a child under the age of 5 years'.

Comment

The Shire of Bruce Rock reported recently to the Department of Mines, Industry Regulation and Safety that:

- The number of registered private swimming pools in your district –
 - Six swimming pools as of the 4 July 2018.
- The number of registered private swimming pools in your district that had their safety barriers inspected between the period 1 July 2017 and 30 June 2018, inclusive –
 - Five swimming pools (includes follow-up inspections)
- The number of registered private swimming pools in your district that are overdue, that is that have not been inspected within four years of the preceding inspection –
 - Nil.

The above reporting was a recommendation in the Ombudsman Paper 969 which has been accepted in enacted by State Parliament. Local governments are now required to provide an annual report on the number of swimming and spa pool safety barrier inspections undertaken, not undertaken and how may exist for that given year.

Presently the Shire of Bruce Rock, not unlike many regional local governments, undertake the required minimum inspection regime for safety barriers once every four years as directed in the *Building Regulations 2012*, regulation 53(1) '...at intervals of no more than 4 years...'. Whilst inspections done once every 4 years this is the minimal requirement with inspections being able to be undertaken once a year should the local government choose to do so. Follow-up inspections due to non-compliances are not regulated and are generally done until compliance is achieved or the matter referred to a Magistrates Court after exhausting all reasonable endeavours for compliance. The Shire of Bruce Rock is regulated to only be required to inspect safety barriers within gazetted townsite boundaries within the Shire of Bruce Rock. It has long been viewed that inspections will be expanded to the whole of the Shire although this is not yet being discussed by State Government in a manner requiring local government to provide comment on such a proposal.

The Shire of Bruce Rock currently employs a full time dedicated Authorised Officer prescribed for the purposes of inspecting swimming and spa pool safety barriers. In light of the gravity of the Ombudsman Paper 969 findings and the importance of ensuring swimming and spa pool safety barrier compliance it is recommended that the inspection regime be expanded to annual inspections. The reason for this consideration is that most safety barriers tend to fail inspection and require frequent follow-ups to ensure compliance. The introduction of an annual inspection regime would encourage spa and pool owners to be more proactive in maintaining safety barriers to be compliant given an annual inspection will be undertaken. Furthermore, at every opportunity to inspect a safety barrier found to be non-complaint and thus remedied is a potential child drowning circumvented. The Ombudsman in the report to State Parliament made the following statement:

“The death of a child by drowning is a tragedy – for a child’s life lost and for the parents, families and communities that have been personally affected by the tragic death. It is the Ombudsman’s sincere hope that the investigation will, through its research and analysis and its recommendations, make a meaningful contribution to the prevention and reduction of this tragic loss of life.”

In light of the Ombudsman Paper 969 report it would be prudent for the Shire of Bruce Rock to undertake, with all resources available for the task at the time, to consider an annual safety barrier inspection regime given that historically all previous swimming and spa pool safety barriers have failed initial inspections when inspected once in a four-year period.

Consultation

Mr D Mollenoyux Chief Executive Officer.

Statutory Implications

Building Act 1911.

Ombudsman Tabled Paper N° 969 titled ‘Investigation into ways to prevent or reduce deaths of children by drowning’ to State Parliament 23 November 2017.

Policy Implications

Nil.

Financial Implications

The present prescribed fee for undertaking a prescribed safety barrier inspection as per regulation 53(2)(b) of the *Building Regulations 2012* cannot exceed the estimated average cost of \$58.45 for the inspection.

Strategic Implications

Risk reduction endeavour focusing on the safety of children 5 years old and younger with regards to private swimming and spa pools.

Voting Requirements

Simple majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM June 18 – 12.1.3

Moved: Cr Thornton

Seconded: Cr Royce

That Council resolves to:

Authorise the Chief Executive Officer to administrate the requirements for private swimming and spa pool safety barrier inspections within the gazetted townsites of the Bruce Rock Shire on an annual occurrence in a practicable manner with consideration of available staff resources and capabilities per annum.

Carried 7/0

Mr D Mollenoyux returned to the Council Chambers at 2.45pm.

Mr J Goldacre left the Council Chambers at 2.45pm.

Mr G Casley entered the Council Chambers at 2.45pm.

Mrs JL Bow entered the Council Chambers at 2.46pm.

Mrs MJ Schilling left the Council Chambers at 2.48pm.

Mrs MJ Schilling returned to the Council Chambers at 2.52pm.

12.2. Manager of Works & Services

Agenda Reference and Subject:

12.2.1 Works & Services Information Report

File Reference:

Reporting Officer:

Glenn Casley, Manager of Works & Services

Disclosure of Interest:

Town & Gardening Crew

- Street sweeping complete in Bruce Rock, Ardath, Babakin and Shackleton.
- Private works, shed pads.
- Main Street gardens mulched.
- Gardens mulched at Aquatic Centre.
- Garden beds mulched at Shire office.
- Main Street clean up.
- Remainder of recreation centre wall taken down.
- Headwall works on Lawrie Road culverts.
- Cleaning up around Recreation Centre.
- Replace Signs at Kwolyin Camp site.
- Fix Toilet doors at Kokerbin Rock picnic area.

Construction Crew

- Maintenance Grading is going well, crews have been split to cover more ground. Tree pruning by the staff is also being done to help reduce damage to farm machinery and other vehicles using the road.

Workshop

- BK511, Cat Grader- replaced batteries.
- BK 024, Isuzu Truck- replaced batteries and repaired shorted out battery wiring.
- BK012, Pad Foot Roller- repair Broken hydraulic lines.
- BK 02, Isuzu Ute- 50 000 km service.
- BK 09, 45 000 km service.
- BK 510, Cat Grader 4500 hr. service.
- BK409, Cat Grader- replaced batteries.
- BK51, Subaru Forrester- 37500 service.
- Bk1047, New Holland Tractor- full service.
- BK 025, UD Truck- 80000 service, replace transmission output seal and engine valve set.
- BK 731, Fuso Truck- repair hi ab electronics.
- 27 vehicle Inspections.

Rec Centre

- Oval mowed
- Oval surrounds mowed and sprayed
- Clean up around recreation centre
- New fencing for footpath started
- Work on new entry walls to start first week of August

Vehicles/Machinery Changeover

CEO's new car has been replaced

Dams

Dam	Current	Capacity
Railway Dam	19,000kl	32,000kl full
Negri Dam Rear	11,000kl	115000kl full
Negri Dam Front	3,500kl	15000kl full
Rec Centre Dam	15,000kl	23000kl full
Turkeys Nest	24,000kl	43000kl full

Regional Road Group Meeting

There is a Regional Road Group meeting on the 26th July in Wickepin. Councillor Dolton and I will attend and give a report at the August meeting or the Special Council meeting on the 27th July.

New Bobcat Skid steer

The replacement skid steer has arrived, as seen on the bus tour. The burnt skid steer has been picked up and taken to salvage through the insurance company.

COUNCIL DECISION

Resolution OCM July 18 – 12.2.1

Moved: Cr Rajagopalan

Seconded: Cr Thornton

That the Manager of Works and Services report be received.

Carried 7/0

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 June 2018 are attached to the agenda.

Consultation

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

Statutory Implications

r. 34 Local Government (Financial Management) Regulations 1996

Policy Implications

Nil

Financial Implications

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

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Governance

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

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM July 18 – 12.3.1

Moved: Cr Waight

Seconded: Cr Thornton

That the Statements of Financial Activity for the month ending 30 June 2018 as presented be received.
Carried 7/0

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 month of June 2018.

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

Consultation

Nil

Statutory Implications

s.6.10 Local Government Act 1995

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

Policy Implications

Nil

Financial Implications

Payments must be made in accordance with 2017/18 Budget

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Governance

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

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM July 18 – 12.3.2

Moved: Cr Rajagopalan

Seconded: Cr Dolton

That Council endorse the list of payments from the:

- 1. Municipal Account consisting of;**
 - a. EFT voucher numbers EFT13099 to EFT13203 totalling \$256,289.60**
 - b. Cheque number 23761 to 23773 totalling \$27,262.79**
 - c. Trust Cheque number 1910 totalling \$380.00**
 - d. Wages payments totalling \$185,255.08 and**
 - e. Credit Card payments totalling \$519.32**

With all payments totalling \$469,187.70 for the month of June 2018.

Carried 7/0

Agenda Reference and Subject:	12.3.3 Septic Tank Effluent Disposal Scheme Connection Subsidy
File Reference:	4.1.1.19 STED Scheme
Reporting Officer:	Jennifer Bow, Manager of Finance
Disclosure of Interest:	Nil

Summary

Council have given in principal support for the payment of a subsidy after connecting to the new Septic Tank Effluent Disposal (STED) Scheme within the serviced areas of the townsite of Bruce Rock.

Background

Council gave in principle support to the concept of a subsidy for those connecting to the STED Scheme back in February 2015.

COUNCIL DECISION

Resolution February 15 - 14.2

Moved: Cr Thornton

Seconded: Cr Foss

That Council gives in principle support to the concept of a subsidy with a value of up to \$1000 for those connecting to Stage one of the STED scheme on the condition that the final proposal to be brought to Council.

Carried by absolute majority 8/0

With construction of the STED Scheme nearing completion, staff are receiving enquiries from property owners regarding the connections to the STED Scheme and in particular the financial contribution from the Shire.

Comment

The Water Corporation have advised that sewerage rates will be payable once the STED Scheme is operational. Connection to the STED Scheme is required to be done within 5 years from the time that the property owner has been advised that the STED Scheme is operational. Notwithstanding the up to 5 years to connect to the STED, where properties have a history of effluent discharges into the environment the *Health (Miscellaneous Provisions) Act 1911* can require an immediate connection to occur.

The sewerage charges are based on the property’s Gross Rental Value (GRV) for residential properties and a cap does apply to residential sewerage charges in country areas. Pensioners and seniors will also be eligible for a rebate on these rates. However, commercial properties are rated on the number of plumbing fixtures within each property.

The connection to the STED Scheme is the responsibility of the property owner and the work is required to be carried out by a licensed plumber.

When the property is connected to the STED Scheme the leach drains, french drains or irrigation disposal area (for Aerobic Treatment Units) are required to be decommissioned. The decommissioning work of drains and irrigation disposal areas does not have to be carried out by a licensed plumber as these apparatuses are under the control of the local government. Typical methods for drain and irrigation disposal area decommissioning is as follows:

- decommissioning for leach drains would normally require the drains to be collapsed and back filled with clean fill;

- Decommissioning of french drains is generally not required due to their design being trenches filled with stone with a central slotted pipe thus technically already filled in although the Environmental Health & Authorised Officer (EH&AO) would need to confirm this being the case; and
- Irrigation disposal areas used by ATUs would be required to be disconnected from the ATU and covered with sufficient soil to quarantine the existing soil and allow natural remediation which would occur over time. Another option would be to remove the Irrigation disposal area by digging out to a suitable depth and appropriately disposing the soil.

When the drains have been located and identified as to what type of drains they are, a “before” and “after” photo presented to the Shire EH&AO can be used as evidence to the work being completed on a case by case basis.

In order for properties to connect to the STED the septic tanks are required to be in a good serviceable condition. Septic tanks should show no obvious signs of deterioration such as damaged or defective lids, cracks, holes in the body of the tank, have a solid base and the ‘squares’ which are the ‘T’ pieces in both sides of the tank are undamaged and in-place. Where septic tanks are found to be damaged and/or defective then repairs or replacements will be required depending on the assessment of the EH&AO.

The cost of the subsidy to Council is estimated to be just over \$250,000 if all owners connect to the STED Scheme.

	Number of Properties	Subsidy	Total Cost of Subsidy	
Residential	176	\$ 1,000	\$ 176,000	
Commercial				
Pensioner	47	\$ 1,500	\$ 70,500	(50% more)
Seniors	7	\$ 1,250	\$ 8,750	(25% more)
			\$ 255,250	

Staff have also consulted with the WALGA Tax Service regarding this subsidy and as the subsidy is not for the supply of a good or service, the payment does not include GST and is not reportable as it is outside the scope of the GST legislation.

Consultation

CEO, DCEO, MOF, EH&AO & WALGA Tax Service

Statutory Implications

Nil

Policy Implications

New Policy Created for Payment of Subsidy to Connection of STED Scheme

Financial Implications

Approx \$255,000 over the 3 years in which owners will have to connect.

Expect 75% to connect in first year, so include \$195,000 for connections in the 2018/19 Budget.

Strategic Implications

Shire of Bruce Rock Strategic Community Plan 2017-2027

Governance

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

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM July 18 – 12.3.4

Moved: Cr Rajagopalan

Seconded: Cr Thornton

That Council agrees to provide a financial subsidy to property owners within the STED Scheme area to connect to the STED Scheme within 3 years from the date the Water Corporation deems the Scheme operational, subject to the following;

- a. The subsidy to be paid will be;**
 - i) \$1,000 for the owners of residential or commercial properties;**
 - ii) \$1,250 for the owners of residential properties that are registered Seniors with the Shire under the Pensioner Rebate Scheme; or**
 - iii) \$1,500 for the owners of residential properties that are registered pensioners (including Seniors with Commonwealth Senior Health Cards) under the Pensioner Rebate Scheme.**
- b. Council will only subsidise one connection per rateable assessment;**
- c. Adopt the new policy regarding connections to the STED Scheme;**
- d. The subsidy will be payable direct to the plumber after the works have been completed and the invoice issued to the property owner and a copy provided to the Shire Administration Office.**
- e. Council will provide appropriate sand or fill for the decommissioning of the land owner's leach drains.**

Carried 7/0

Council was adjourned for afternoon tea at 3.03pm.

Mrs JL Bow left the Council Chambers at 3.03pm and did not return.

Mrs G Casley left the Council Chambers at 3.03pm and did not return.

Council meeting resumed at 3.23pm with all staff and Councillors present.

12.4 Deputy Chief Executive Officer

Agenda Reference and Subject:

12.4.1 Communications and Social Media Policy

File Reference:

2.3.1.1 Policy Manual

Reporting Officer:

Catherine Dunn, Deputy CEO

Disclosure of Interest

Nil

Summary

The Council is requested to consider and endorse the Communications and Social Media Policy which details how Communications and Social Media should be conducted by elected members and officers. The policy if adopted will be incorporated into the Council's Policy Manual July review.

Background

This report offers guidance and advice on who are the authorised and appropriate officers to communicate on behalf of the Shire. As Social Media becomes more prevalent and is used by more members of the community to communicate with the Shire and to look for information on Shire activities and events, this report proposes the adoption of a Communications and Social Media Policy to assist elected members and officers in the appropriate usage of Social Media platforms.

Comment

The proposed policy is attached.

The policy sets out guidelines for elected members and officers with regard to:

- who are the persons authorised to respond in the event of a query, or request for comment on a specific issue,
- the use of Social Media platforms to communicate with the community,
- advice and guidance for elected members and staff using Social Media in a private capacity if addressing issues concerning Shire activities or events within the Shire, or on any other issue.

This policy is recommended to provide clarity on the use of Social Media in furthering the Shire's objectives and increasing its presence and impact on the various platforms utilised.

Consultation

DCEO,
WALGA Governance Template

Statutory Implications

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

Policy Implications New Policy

Financial Implications Nil

Strategic Implications

Shire of Bruce Rock Strategic Community Plan 2017-2027

Governance

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

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

Voting Requirements Absolute Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM July 18 – 12.4.1

Moved: Cr Dolton

Seconded: Cr Royce

That Council adopts the “Communications and Social Media Policy” for incorporation as an official policy of the Council at Item 3.6 of the policy manual.

CARRIED BY ABSOLUTE MAJORITY 7/0

Agenda Reference and Subject:

12.4.2 Amendment to the Code of Conduct

File Reference:

2.3.1.7 Code of Conduct

Reporting Officer:

Catherine Dunn, Deputy CEO

Disclosure of Interest

Nil

Summary

An amendment has been made to the Shire’s Code of Conduct with regard to Communications and use of Social Media.

Background

Council adopted its Code of Conduct in March 2004. It was reviewed it in April 2006, March 2010, March 2012 and December 2015.

Previously under the Local Government Act 1995, the Code of Conduct was to be reviewed within twelve months following a local government election. This requirement has now been removed from the Local Government Act; however, in following best practice, the Code of Conduct has been reviewed and subsequently is reviewed annually.

Comment

Following the rapid increase in the prevalence and usage of Social Media platforms by the community, an amendment has been made to the Shire’s Code of Conduct to provide guidance and direction to Councillors and staff.

Consultation

Chief Executive Officer
WALGA

Statutory Implications

Local Government Act Section 5.103 as follows;

“(1) Every local government is to prepare or adopt a code of conduct to be observed by Council members, Committee members and employees.

(2) deleted

(3) Regulations may prescribe codes of conduct or the content of, and matters in relation to, codes of conduct and any code of conduct or provision of a code of conduct applying to a local government under subsection (1) is of effect only to the extent to which it is not inconsistent with regulations.”

Policy Implications

Review of Code of Conduct

Financial Implications

Nil

Strategic Implications

Shire of Bruce Rock Strategic Community Plan 2017-2027

Governance

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

Voting Requirements Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM July 18 – 12.4.2

Moved: Cr Thornton

Seconded: Cr Waight

That Council adopts the amended Code of Conduct for Elected Members and Staff, as tabled.

Carried 7/0

Agenda Reference and Subject:

12.4.3 Full Review and Re-format of the Policy Manual

File Reference:

2.3.1.1 Policy Manual

Reporting Officer:

Catherine Dunn, Deputy CEO

Disclosure of Interest

Nil

Summary

Council is asked to review and endorse changes made and the new format of 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.

Comment

Managers and staff recently undertook a full review and re-format of the Policy Manual with some minor changes and the addition of five new policies.

New policies numbered 8.1 – 8.5 have been written to provide clarity around bushfires and harvest ban procedures. Previous Policy was unclear and made it difficult for staff to ascertain the correct information. These items have been left blank intentionally and will be presented at the Ordinary Council Meeting.

- 8.1 Bushfire Brigades and Governance Structure
- 8.2 Harvest Bans
- 8.3 Fire Permit Procedures
- 8.4 Burning on Sunday’s and Public Holidays
- 8.5 Firebreaks

If adopted, there will also be the following new policies:

- Communication and Social Media Policy at Item 3.6
- Payment of Subsidy for Connection to the Septic Tank Effluent Disposal Scheme (STED) Item 5.5

On review by all managers, additional changes were made to the following policies:

Policy Title

- **2.1 Signatories on Council Accounts**
 Old Two Signatures required (Councillors) Deputy President, Cr Royce, Cr Thornton and Cr Rajagopalan
 New Two Signatures required (Councillors) Deputy President, Cr Waight, Cr Thornton, and Cr Kilminster
- **2.2 Signing Purchase Orders**
 Old Environmental Health Officer/Building Surveyor, Mechanic, SFO Allocation \$1500
 New Title Changes - Remove Building Surveyor, Depot Manager, SFO Allocation \$500

- **2.3 Use of Corporate Credit Card**
 - Old No mention of what happens to the credit card once CEO ceases employment
 - New At the end of the CEO's employment, the card is cancelled and destroyed and a new card is ordered upon replacement CEO being employed.

- **2.6 Timely Payment of Creditors**
 - Old Where the Supplier is a local business operating in the Shire of Bruce Rock and terms of trade are less than 30 days, invoices will be paid in 14 days
 - New Remove above dot point

- **3.1 Conferences, Seminars and Training**
 - Old iii meals \$25 breakfast, \$25 Lunch, \$45 Dinner
 - New iii meals \$27 breakfast, \$30 Lunch, \$50 Dinner

- **3.3 Retirement/Resignation of Employees - Council Gifts/Functions**
 - Old 10 Years \$100 15 Years \$150 20 Years \$300
 - New 10 Years \$200 15 Years \$300 20 Years \$500

- **6.1 Bruce Rock Recreation Centre**
 - Old Sections 1 & 6 referring to the Bowling Green and Tennis Club
 - New Added Synthetic Turf to list of facilities, removed section 1 & 6 and added a sentence referring to each club having a MOU with each sporting group

- **9.1 Vehicle and Fuel Usage Policy**
 - Old Use of vehicles must not be under the influence of alcohol or drugs
 - New Use of vehicles must be under the legal limit for alcohol and drugs

- **9.2 Employees Private Use of Plant & Equipment**
 - Old Stated Trucks, Grader and Cement Truck as plant that could be used by staff
 - New Removed Grader, Cement Truck and Trucks, added 8T Truck

A copy of the proposed policy has been attached for viewing.

Consultation

Chief Executive Officer
Deputy Chief Executive Officer
Manager of Finance
Manager of Works
Environmental Health 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 2017-2027

Governance

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

Voting Requirements Absolute Majority

Office Recommendation:

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

Council decision differs to Officer Recommendation to make minor changes to the new bushfire policies.

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM July 18 – 12.4.3

Moved: Cr Rajagopalan

Seconded: Cr Thornton

That Council review, and endorse the modifications to the Policy Manual.

CARRIED BY ABSOLUTE MAJORITY 7/0

12.5 Chief Executive Officer

Agenda Reference and Subject:	12.5.1 WALGA Annual General Meeting Motions
File Reference:	1.6.5.2 Agendas and Minutes WALGA
Reporting Officer:	Darren Mollenoyux, Chief Executive Officer
Disclosure of Interest	Nil

Summary

Council needs to determine its position on the motions put forward for the 2018 WALGA Annual General Meeting.

Background

Council has received the agenda for the WALGA Annual General Meeting to be held on Wednesday 1st August 2018. Council has already appointed Cr Strange and Cr Rajagopalan as voting delegates and this item will assist in providing them with direction whilst voting at the meeting.

Comment

Council direction is sought on the following items, the CEO has provided a brief comment and proposed response on each item:

- 4.1 Proposal to Amend the Association Constitution
Full details are included in the agenda and discussion around this has been held at the Great Eastern Zone. As a State Councillor the Shire President may wish to make further comment around the proposed constitutional amendments.
Support
- 4.2 Roadside Vegetation – Regulatory Amendments
The proposed amendment has merit and simplify processes and ensure improved road safety near farm driveways/gates/entrances and on bends and intersections on road reserves.
Support
- 4.3 GST Revenue Distribution Share for WA
With the recent announcement by the Federal Government in relation to distribution of GST this motion may not be as relevant.
No Comment – to be considered at the annual general meeting
- 4.4 Rural, Regional and Remote Community State Government Funding Cuts
With the continual funding cuts facing regional areas and in more recent times education and Community Resource Centres this motion should be supported.
Support

Consultation	Nil
Statutory Implications	Nil
Policy Implications	Nil
Financial Implications	Nil

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Governance

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

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

Voting Requirements Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM July 18 – 12.5.1

Moved: Cr Thornton

Seconded: Cr Dolton

That Council consider the motions for the WALGA Annual General Meeting to be held on the 1st August 2018 and provide guidance to the voting delegates as per the below:

G1 – Support

G2 – Support

G3 – No Comment

G4 – Support

Carried 7/0

Agenda Reference and Subject:

12.5.2 Councillor Resignation – Extraordinary Election

File Reference:

2.2.1.1 Electoral Correspondence

Reporting Officer:

Darren Mollenoyux, Chief Executive Officer

Disclosure of Interest

Nil

Summary

Following the resignation of Cr Marie Royce, Council is to approve an Extraordinary Election and confirm that it will be an in-person election to fill the vacancy for a 1-year term.

Background

Due to ongoing health issues Cr Marie Royce has tendered her resignation as Councillor from the Shire of Bruce Rock effective from the 19th July 2018. Cr Royce's Term was due to expire on the 19th October 2019 and therefore an extraordinary election will be required to fill the remaining 1-year term.

Comment

In accordance with Section 4.9 (1) (b) Council may set the Extraordinary Election date at a meeting held within one month of receiving the resignation. The Extraordinary Election must be held within 4 months of the effective date of the resignation, making the last possible date for the election the 19th November 2018.

Council has already set an Extraordinary Election for Friday 12th October 2018 to fill the vacancy following Cr Buller's resignation on the 21st July 2018.

The CEO has sought confirmation from the WA Electoral Commission and Council can include Cr Royce's vacancy in the Extraordinary Election set for Friday 12th October 2018 and still meet the time schedule requirements of the Election process. **A copy of the proposed Extraordinary Election Timetable is attached.**

The Extraordinary Election would be conducted at the Shire of Bruce Rock Administration Centre and Polling would be from 8.00am to 6.00pm, the count would follow immediately after close of polling place and will be held in Council Chambers.

By holding the Extraordinary Election on a Friday is to reduce wages costs for conducting the election as staff will already be available during work hours. Many people also now conduct "Early Voting" meaning that there is a lower voter turnout on the actual polling day.

Consultation

Shire President

The CEO has contacted the WA Electoral Commission to seek clarification on the proposed date and was advised that the date and timeframes would be acceptable.

Statutory Implications

Local Government Act 1995

2.31. Resignation

- (1) *An elector mayor or president may resign from the office of mayor or president.*
- (2) *A councillor may –*
 - (a) *resign from the office of councillor;*
 - (b) *resign from the office of councillor mayor or president, deputy mayor or deputy president.*
- (3) *Written notice of resignation is to be signed and dated by the person who is resigning and delivered to the CEO.*

- (4) *The resignation takes effect from the date of delivery of the notice or from a later day specified in the notice.*

4.9. Election day for extraordinary election

- (1) *Any poll needed for an extraordinary election is to be held on a day decided on and fixed —*
- (a) *by the mayor or president, in writing, if a day has not already been fixed under paragraph (b); or*
 - (b) *by the council at a meeting held within one month after the vacancy occurs, if a day has not already been fixed under paragraph (a).*
- (2) *The Election Day fixed for an extraordinary election is to be a day that allows enough time for the electoral requirements to be complied with but, unless the Electoral Commissioner approves or section 4.10(b) applies, it cannot be later than 4 months after the vacancy occurs.*
- (3) *If at the end of one month after the vacancy occurs an election day has not been fixed, the CEO is to notify the Electoral Commissioner and the Electoral Commissioner is to —*
- (a) *fix a day for the holding of the poll that allows enough time for the electoral requirements to be complied with; and*
 - (b) *advise the CEO of the day fixed.*

Policy Implications Nil

Financial Implications

The cost of advertising for an extraordinary election will be approximately \$2,000 plus any wages incurred for staff undertaking the election.

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Governance

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

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

Voting Requirements Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM July 18 – 12.5.2

Moved: Cr Waight

Seconded: Cr Thornton

1. That Council acknowledges the resignation of Cr Marie Royce effective 19th July 2018.

2. That in accordance with Section 4.61 (1) of the Local Government Act 1995 Council resolves to hold an In-Person Extraordinary Election on Friday 12th October 2018 to fill two vacancies for one-year terms expiring on the 19th October 2019.

Carried 7/0

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

The hospital opening was a great success, with the key to the hospital presented on behalf of the Shire, this was well received by Sinq.

14. Confidential Items

Nil

15. Confirmation and receipt of Information Bulletins.

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM July 18 – 15.1

Moved: Cr Rajagopalan

Seconded: Cr Dolton

That the LCDC President and one other Representative be invited to the August OCM for a discussion on future direction of the LCDC.

Carried 7/0

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM July 18 – 15.2

Moved: Cr Waight

Seconded: Cr Thornton

That Information Bulletin 1 be received.

Carried 7/0

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM July 18 – 15.3

Moved: Cr Thornton

Seconded: Cr Rajagopalan

That Information Bulletin 2 be received.

Carried 7/0

16. Closure of Meeting.

The Shire President, Stephen Strange thanked everyone for their attendance and declared the meeting closed at 4.34pm.

These minutes were confirmed at a meeting on 16 August 2018.

Cr Stephen Strange
Shire President
16 August 2018