

SHIRE OF BRUCE ROCK

MINUTES – ORDINARY MEETING 16 AUGUST 2018

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SHIRE OF BRUCE ROCK

MINUTES – ORDINARY MEETING 16 AUGUST 2018

**1. Declaration of Opening**

The Shire President Cr SA Strange declared the meeting open at 1.16pm

**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 PG Negri
	Cr MK Thornton
	Cr BJ Waight
Chief Executive Officer	Mr DRS Mollenoyux
Deputy Chief Executive Officer	Mr A O’Toole
Executive Support Officer	Mrs MJ Schilling
Manager of Finance	Mrs JL Bow (2.03pm to 2.14pm)
Environmental Health Officer	Mr J Goldacre (1.48pm to 2.00pm)

**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
16.08.18	Darren Mollenoyux	13.1	Resides in the Shire property next door

**4. Response to Previous Public Questions Taken on Notice**

**5. Public Question Time**

## **6. Petitions/Deputations/Presentations/Submissions**

### **6.1 Bruce Rock LCDC Presentation**

At 3.00pm Amanda Schilling and Stephen Dolton from Bruce Rock LCDC will be providing Council with an update on the Bruce Rock LCDC and their future directions.

### **6.2 Economic Development and Tourism Opportunity**

At 4.30pm Rodney Thornton and Kate Hayes-Thompson will make a presentation to Council seeking consideration and support of an Economic Development and Tourism Opportunity for the Shire of Bruce Rock.

A briefing paper on the proposal will be provided to Councillors.

## **7. Applications for Leave of Absence**

## **8. Announcements by Presiding Member**

True Blue Dreaming evaluation research paper was launched, great attendance by mentors and mentees. The program has received a great deal of interest since the event. Huge input from volunteers to enable this program to run well.

Local Government Convention, well received by Councillors that attended, the shortened format seemed to work well however there was a lack of time to visit the trade exhibitors.

Thanks to Council for the nomination of the Eminent Award. It was very humbling to receive such an award. Thank you to all involved in the nomination and felt it summed up the community and its achievements very well.

## **9. Confirmation of Minutes**

Ordinary Meeting of Council held on Thursday 19 July 2018.

### **OFFICER RECOMMENDATION AND COUNCIL DECISION**

#### **Resolution OCM Aug 18 – 9.1**

**Moved:** Cr Waight

**Seconded:** Cr Thornton

**That the minutes of the Ordinary Meeting of Council held Thursday 19 July 2018 be confirmed as a true and correct record.**

**Carried 7/0**

Audit Committee Meeting held on Friday 27 July 2018.

### **OFFICER RECOMMENDATION AND COUNCIL DECISION**

#### **Resolution OCM Aug 18 – 9.2**

**Moved:** Cr Rajagopalan

**Seconded:** Cr Thornton

**That the minutes of the Audit Committee held Friday 27 July 2018 be received.**

**Carried 7/0**

Special Council Meeting held on Friday 27 July 2018.

**OFFICER RECOMMENDATION AND COUNCIL DECISION**

**Resolution OCM Aug 18 – 9.3**

**Moved: Cr Dolton**

**Seconded: Cr Negri**

**That the minutes of the Special Council Meeting held Friday 27 July 2018 be confirmed as a true and correct record.**

**Carried 7/0**

**10. Status Report**

Presentation of Status Report for July 2018 Resolutions

ITEM	RESOLUTION / ACTION REQUIRED	RESPONSIBLE OFFICER	RESPONSE OR STATUS
<p><b>Resolution July 2018 – 12.1.2</b> Application for Development Approval Lot 122 Curlew Drive Bruce Rock for height and sized outbuilding</p>	<p>That this item be laid on the table pending further investigations due to Council concerns regarding height of the outbuilding.</p>	<p>EHO</p>	<p><b>To be tabled for OCM August 2018. Liaising with applicant to find a way forward.</b></p>
<p><b>Resolution July 2018 – 12.1.3</b> Inspection of Swimming Pool and Spa safety barriers</p>	<p>Authorise the Chief Executive Officer to administrate the requirements for private swimming and spa pool safety barrier inspections within the gazetted townsite of the Bruce Rock Shire on an annual occurrence in a practicable manner with consideration of available staff resources and capabilities per annum.</p>	<p>EHO</p>	<p><b>Administrative requirement actioned by EHO in liaison with CEO potential policy item into the future.</b></p>
<p><b>Resolution July 2018 – 12.3.4</b> <b>STED Scheme</b></p>	<p>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;</p> <p>a. The subsidy to be paid will be;</p> <p>i) \$1,000 for the owners of residential or commercial properties;</p> <p>ii) \$1,250 for the owners of residential properties that are registered Seniors with the Shire under the Pensioner Rebate Scheme; or</p> <p>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.</p> <p>b. Council will only subsidise one connection per rateable assessment;</p> <p>c. Adopt the new policy regarding connections to the STED Scheme;</p> <p>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.</p> <p>e. Council will provide appropriate sand or fill for the decommissioning of the land owner’s leach drains.</p>	<p>MOF</p>	<p><b>Waiting for Water Corporation to advise STED is operational. Application form also still be to developed.</b></p>

Shire of Bruce Rock – MINUTES 16 August 2018

<p><b>Resolution July 2018 – 12.4.1</b> Communications and Social Media Policy</p>	<p>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.</p>	<p>DCEO</p>	<p><b>Adopted, now incorporated.</b></p>
<p><b>Resolution July 2018 – 12.4.2</b> Amendment of the Code of Conduct</p>	<p>That Council adopts the amended Code of Conduct for Elected Members and Staff, as tabled.</p>	<p>DCEO</p>	<p><b>Adopted, now incorporated.</b></p>
<p><b>Resolution July 2018 – 12.4.3</b> Full Review and Re-format of the Policy Manual</p>	<p>That Council review, and endorse the modifications to the Policy Manual.</p>	<p>DCEO</p>	<p><b>Endorsed.</b></p>
<p><b>Resolution July 2018 – 12.5.2</b> Councillor Resignation – Extraordinary Election</p>	<p>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.</p>	<p>CEO</p>	<p><b>The Election process has commenced and the Electoral Commissioner has been informed of Council’s timeframes.</b></p>

Status Report

Ongoing items as at August 2018

ITEM	RESOLUTION / ACTION REQUIRED	RESPONSIBLE OFFICER	RESPONSE OR STATUS
<b>Resolution August 16–13.1.10</b> 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.
<b>Resolution March 17 - 11.5.2</b> 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.
<b>Resolution September 17 – 13.1.2</b> 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.
<b>Resolution December 17 – 12.5.4</b> 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.
<b>Resolution Mar 18 – 12.5.6</b> 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><b>Resolution Mar 18 – 12.5.12</b> 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"> <li>• Activities on Thoroughfares and Trading in Public Places Local Law 2004;</li> <li>• Dogs Local Law 2005;</li> <li>• Parking and Parking Facilities Local Law;</li> <li>• Local Law Relating to the Management and Control of Bruce Rock Cemetery 2004;</li> <li>• Local Laws Relating to Fencing;</li> <li>• Local Government Property Local Law; and</li> <li>• Local Government Model By-laws Removal and Disposal of Obstructing Animals or Vehicles No 7.</li> </ul> <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"> <li>a. Shire of Bruce Rock Activities on Thoroughfares and Trading in Public Places Local Law 2004 be amended as outlined in the report;</li> <li>b. Shire of Bruce Rock Dogs Local Law 2005 be amended as outlined in the report;</li> <li>c. Shire of Bruce Rock Parking and Parking Facilities Local Law not be amended due to the minimal nature of the amendments;</li> <li>d. Shire of Bruce Rock Local Government Property Local Law be amended as outlined in the report;</li> <li>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;</li> <li>f. Shire of Bruce Rock Local Laws Relating to Fencing be amended as outlined in the report;</li> <li>g. Shire of Bruce Rock Local Government Property Local Law be amended as outlined in the report; and</li> <li>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</li> </ol>	CEO	Referred back to Consultant.



	and effect of the local law.		
<b>Resolution Apr 18 – 12.3.3</b> 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.
<b>Resolution May 18 – 13.1</b> 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.
<b>Resolution June 18 - 12.1.2</b> Retrospective extension of current Avon Waste Recyclables Collection Contract	<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</p> <p>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>	EHO	Correspondence sent to Avon Waste. Avon Waste has responded to be tabled at the OCM August 2018.
<b>Resolution June 18 – 12.1.3</b> Extensions of current kerbside refuse collection and landfill management contract.	<p>That Council resolves to:</p> <p>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</p> <p>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>	EHO	<p>Correspondence sent to Peter Fuchsbichler.</p> <p>Peter Fuchsbichler has verbally agreed to contract extension. EHO to track down Peter and have him sign a new extension.</p>

<p><b>Resolution June 18 – 12.5.1</b> CEO Performance Appraisals</p>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• That Council makes budget provision of \$4000 for the 2018/19 financial year for the provision of CEO Performance Review Consultancy Services.</li> </ul>	<p>CEO</p>	<p>Mr John Philips has advised the first KPI setting session will be on 23 August 2018.</p>
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<p><b>OFFICER RECOMMENDATION AND COUNCIL DECISION</b>  <b>Resolution OCM Aug 18 – 10.1</b>  <b>Moved: Cr Rajagopalan</b>  <b>Seconded: Cr Thornton</b>  <b>That Council receives the Status Reports as presented.</b></p> <p style="text-align: right;"><b>Carried 7/0</b></p>			
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## 11. Regional Reports

<b>Agenda Reference and Subject:</b>	<b>11.1</b>	WEROC Council Meeting July 2018
<b>File Reference:</b>	1.6.9.1	Meeting Minutes & Agendas WEROC
<b>Reporting Officer:</b>		Darren Mollenoyux, Chief Executive Officer
<b>Disclosure of Interest</b>		Nil

### Summary

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

### Background

The last WEROC Council Meeting was held on Wednesday 25<sup>th</sup> July 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 Council's attention;

#### 3.2.1 Accingo Presentation

Further clarification from the previous decision was presented and the following resolution was made;

*RESOLUTION: Moved: Greg Powell Seconded: Jamie Criddle*

*That:*

1. *WE-ROC advise Accingo of its agreement to enter into a Contract for the purposes of undertaking an Asset Audit only for each of WE-ROC's Member Councils as outlined in Accingo's Phase 1 Quotation at a total cost of \$17,500 excl GST; and*
2. *With respect to accommodation and travelling costs for the conduct of the Asset Audit, Member Councils provide these expenses at their own cost.*

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

<b>Consultation</b>	Nil
<b>Statutory Implications</b>	Nil
<b>Policy Implications</b>	Nil
<b>Financial Implications</b>	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 Aug 18 – 11.1**

**Moved: Cr Kilminster**

**Seconded: Cr Rajagopalan**

**That Council receives the minutes of the WEROC Council Meeting held on Wednesday 25th July 2018 at the Merredin Council Chambers.**

**Carried 7/0**

**Agenda Reference and Subject:**

**11.2** WALGA Zone Meeting June 2018

**File Reference:**

1.6.5.6 Meeting Minutes and Agendas WALGA Zone

**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 28<sup>th</sup> June 2018 at the Kellerberrin Recreation and Leisure Centre.

**Comment**

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

A full copy of the minutes has been provided to Councillors.

<b>Consultation</b>	Nil
<b>Statutory Implications</b>	Nil
<b>Policy Implications</b>	Nil
<b>Financial Implications</b>	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 Aug 18 – 11.2**

**Moved:** Cr Waight

**Seconded:** Cr Rajagopalan

**That Council receives the minutes of the WALGA Great Eastern Zone Meeting held on the 28th June 2018 at the Kellerberrin Recreation and Leisure Centre.**

**Carried 7/0**

*Mr A O’Toole left the Council Chambers at 1.45pm.*

*Mr A O’Toole returned to the Council Chambers at 1.47pm.*

*Mr J Goldacre entered the Council Chambers at 1.48pm.*

*Cr Waight left the Council chambers at 1.47pm.*

*Cr Waight returned to the Council Chambers at 1.48pm.*

## 12. Officers' Reports

### 12.1. Environmental Health Officer

**Agenda Reference and Subject:**

**12.1.1** Environmental Health Officer Information Bulletin for the period of July 2018

**File Reference:**

**Reporting Officer:**

Julian Goldacre, Environmental Health Officer

**Disclosure of Interest**

Nil

#### Summary

To accept the Environmental Health - Authorised Officer (EH-AO) Information Bulletin for the period of July 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 July 2018.

#### Comment

- Following on from the June Ordinary Meeting of Council regarding the extension of the refuse and recyclable collection contracts both Avon Waste and Mr P Fuchsbichler have been agreeable, as confirmed in writing, to continue the extended option term of the Contract for the one-year period. The CEO, authorised by Council Resolutions Resolution OCM June 18 – 12.1.1 and Resolution OCM June 18 – 12.1.3 will confirm that the contracts are to be extended in written to both Avon Waste and Mr P Fuchsbichler assisted by the EHO;
- The EHO has undertaken to seek quotations for the provision of Photovoltaic cells for the Medical Centre and Shire Administration Offices. The WALGA 'Equotes' mechanism has been used and the EHO prepared the request using a brief of information on Photovoltaic systems and technology. One quote has been received after a recent site investigation and explanations of new technology presented which will be prepared for consideration when selecting the supplier;
- Continuing early morning rubbish bin audits for outlying towns sites have been conducted to determine the number of bins put out onto the kerbside for collection to assist with the proposed draft tenders for refuse collection;
- Building maintenance matters have been investigated due to concerns raised regarding historic termite activity. The investigation at the Sandalwood housing identified historic damage of a non-structural nature being the baton to support the ceiling panel. As the batons were installed at 300mm centres and the maximum requirement is every 600mm there is no cause for concern. An inspection of the rest of the roof framing made of metal was in good shape;
- The addition of a Café component by Bruce Rock Meats 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**;
- The EHO took a call from a tenant to explain the oven was on fire; thinking it was burnt food offerings an extinguisher was taken and was discovered to be the cabinet had caught fire. Investigation found the base plate due to a defective element had bowed causing an ignition source. Consequently, a new oven has been installed and modifications made to the cabinet to future proof the oven area;
- The EHO has been dealing with the CEACA persons and Builders to arrange the staged Permits to enable ground work to be completed. There was concern raised regarding connection to the STED given the rock issue in some areas. The EHO explained the best way to navigate the matter of having to rely on Tanks and drains for the two lots behind the Shire Office which would mean the sub-division as proposed would not be able to occur. The EHO explained the Country Sewerage Policy and where care

on forward planning would be required to prevent unintended issues further down the track. It is noted that the STED plumbing for the proposed six units on Butcher Street does have the sewer line for the STED installed which is a positive; and

- The EHO was successful in obtaining a Dept of Health Western Australia scholarship for Public Health Planning which is run over 4 days with online component. This course is accredited and can gain prior learning credits for the Public Health Promotion Degree at Curtin University. The cost of the course covered by the Dept of Health is around \$4,000 so is a good outcome and will prepare the EHO for the evolution of the new Public Health Act and assist in the Public Health Plan required to be adopted by Council in the next few years when Stage 5 rolls out.

#### **Consultation**

Mr D Mollenoyux Chief Executive Officer;

#### **Statutory Implications**

*Local Government Act 1995;*  
*Health (Miscellaneous Provisions) Act 1911*  
*Building Act 2011;*  
*Planning and Development Act 2005;* and

#### **Policy Implications**

Nil.

#### **Financial Implications**

Nil.

#### **Strategic Implications**

Goal 12.3 – 10 Year Outcome ‘...meeting all levels of compliance’.

#### **Voting Requirements**

Simple Majority

#### **Office Recommendation:**

**To accept the Environmental Health Officer Information Bulletin for the period of July 2018.**

#### **OFFICER RECOMMENDATION AND COUNCIL DECISION**

**Resolution OCM Aug 18 – 12.1.1**

**Moved: Cr Rajagopalan**

**Seconded: Cr Thornton**

**To receive the Environmental Health Officer’s Information Bulletin for the period of July 2018.**

**Carried 7/0**

**Agenda Reference and Subject:**

**12.1.2** Review of three-month trial for Mr S & Mrs K Hunter and Mrs D Anderson of Bruce Rock townsite for the keeping of roosters

**File Reference:**

A44 & A20303 respectively

**Reporting Officer:**

Julian Goldacre, Environmental Health Officer

**Disclosure of Interest**

Nil

**Summary**

To notify Mr Shane and Mrs Kylie Hunter at 30 Farrall Street in writing that their effort to minimise the rooster crowing between 7PM and 7AM is recognised and that they can keep their roosters provided no further complaints regarding their roosters. That Mrs Dee Henderson at 31 Butler Street is to have removed from the property up to 14 roosters and the remainder can stay provided efforts to keep rooster crowing is undertaken between 7PM and 7AM and an extended trial of 1 month is permitted for final review and consideration for keeping roosters or not by Council.

**Background**

At the Ordinary Meeting of Council held on the 19 April 2018 Council resolved the following:

**OFFICER RECOMMENDATION AND COUNCIL DECISION**

Resolution OCM Apr 18 – 12.1.1

- 1) To grant permission in writing to be implemented by the Chief Executive Officer to both Mrs Dee Anderson at 31 Butler Street and Mr Shane and Mrs Kylie Hunter at 30 Farrall Street for the keeping of roosters on their properties with the following conditions –
- 2) All roosters in the care and/or ownership of both Mrs Dee Anderson at 31 Butler Street and Mr Shane and Mrs Kylie Hunter at 30 Farrall Street are to be kept in low roofed coop/s of a height that effectively prevents the roosters to crane their necks to crow between the hours of 7pm and 7am;
- 3) That the maximum number of roosters being 15 applied for by Mrs Dee Anderson at 31 Butler Street is to accommodate a short-term maximum number due to hatchlings and will be reduced to a manageable number that will not cause nuisance and/or be unable to be effectively managed not to be a nuisance;
- 4) That the permission to keep roosters is to remain valid for the trial period of three months dated from the date of this Council meeting unless revoked by Council should substantiated formal complaint/s be made regarding the keeping of roosters and/or that condition (1) of this resolution is not being reasonably adhered to.
- 5) That the Environmental Health Officer is to report back to Council on the outcome of the three-month trial period and to determine if the roosters can be kept on the properties.

Due to a delay in sending out the correspondence to Mrs Dee Anderson at 31 Butler Street and Mr Shane and Mrs Kylie Hunter at 30 Farrall Street the term concluded in August.

**Comment**

The EHO conducted an early morning patrol to determine if the roosters were crowing before 7AM in the morning. It was observed that roosters were crowing at 5.27AM at the property located at 31 Butler Street. The other property located at 30 Farrall Street was silent. With regards the property located at 31 Butler Street it had been reported that rooster crowing early in the morning was an ongoing matter and this is confirmed by the complainant. Both these properties were provided by Council a three-month trial to keep rooster noise down after 7PM and before 7AM by whatever means necessary with one option being the low coup method in order to keep roosters.



The EHO undertook a site visit to meet with the Mr Shane and Mrs Kylie Hunter at 30 Farrall Street to discuss how they were going with the trial period. Shane explained they have a routine where if they put a hen in with the roosters they were quiet and that the large Sussex rooster was too persistent so they relocated this rooster to another more suited property. From discussions with Mr Shane and Mrs Kylie Hunter it was clearly evident they had undertaken the requested endeavours to a mutually agreeable outcome and are managing their roosters well with regard to crowing.

The EHO also visited Mrs Dee Anderson at 31 Butler Street who explained that whilst she had intended to have many of the roosters removed by a friend in July this did not occur. The EHO explained that Council agreeing to a three-month trial was in order to show a commitment to keeping rooster crowing after 7PM and before 7AM to an absolute minimum but this was not occurring. Mrs Dee Anderson explained that she wanted the Ranger's phone number, which was given, so she could arrange for the Ranger to remove up to 14 roosters, the big ones, to alleviate this problem. On inspection it was observed that no low roofed coups had been provided which formed part of the trial period condition, and Mrs Dee Anderson explained she did not have the ability to build them although was using items around the garden to improvise albeit with not much success. Mrs Dee Anderson explained that the roosters were a comfort to her husband.

Given the facts at hand and after discussions with the complainant who said that as it's winter the rooster crowing is later in the morning whereas in summer it starts very early, the complainant was agreeable if the property with the roosters still crowing could be given an extension in time to remove roosters and provide suitable shelter to stop rooster crowing. The EHO proposes that the situation with Mrs Dee Anderson be permitted a further 4 weeks' extension in time to enable the removal of roosters and time to undertake the provision of low roofed coups to minimise rooster crowing. Should after this time period no action is taken, then the provisions of the local law relating to Animals, Environment and Nuisances will need to be used which could result in modified penalties and/or the surrendering of all roosters to the Ranger, as a last resort.

Given the good work done by Mr Shane and Mrs Kylie Hunter at 30 Farrall Street to date it is reasonable that they can keep their roosters given their good management practices. It is to be noted that should complaints be received then the matter can be again addressed for determining an outcome to deal with the matter should it arise such as rooster crowing.

**Statutory Environment**

*Health (Miscellaneous Provisions) Act 1911;*  
*Shire of Bruce Rock Animals, Environment and Nuisance Local Law 2016; &*  
*Local Government Act 1995;*

**Policy Implications**

Nil.

**Financial Implications**

Nil.

**Voting Requirement** Simple Majority

**OFFICER RECOMMENDATION AND COUNCIL DECISION**

**Resolution OCM Aug 18 – 12.1.2**

**Moved: Cr Dolton**

**Seconded: Cr Rajagopalan**

- 1. To notify Mr Shane and Mrs Kylie Hunter at 30 Farrall Street in writing that their efforts to minimise the rooster crowing between 7PM and 7AM is recognised and that they can keep their roosters provided no further complaints regarding their roosters are made which if this was to occur the local government of Bruce Rock will again work with them to resolve the matter.**
- 2. That a selection of roosters currently in the care and/or ownership of Mrs Dee Henderson at 31 Butler Street as explained to the EHO being up to 14 roosters are to be surrendered to the Ranger service for removal before the 19 September 2018 to leave a manageable number that will not cause nuisance and/or be unable to be effectively managed not to be a nuisance;**
- 3. That Mrs Dee Henderson at 31 Butler Street must undertake to keep any remaining roosters into low roofed coop/s of a height that effectively prevents the roosters to crane their necks to crow between the hours of 7pm and 7am or any other reasonably determined method to achieve the same; and**
- 4. That the extended trial period to keep roosters by Mrs Dee Henderson at 31 Butler Street is to remain valid for one month dated from the date of this Council meeting and that the Environmental Health Officer will report back to Council on the outcome and to determine if the roosters can remain to be kept at 31 Butler Street.**

**Carried 7/0**

*Mr D Mollenoyux left the Council Chambers at 1.51pm.*

*Cr Dolton left the Council Chambers 1.58pm.*

*Cr Dolton returned to the Council Chambers at 1.59pm.*

*Mr D Mollenoyux returned to the Council Chambers at 1.58pm.*

*Mr J Goldacre left the Council Chambers at 2.00pm and did not return.*

## 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:

Nil

### Town & Gardening Crew

- Street sweeping undertaken - Bruce Rock, Ardath, Babakin and Shackleton.
- Cleaning up after recent rain events.
- Caravan park lawns mowed and garden beds mulched.
- Old fencing from caravan park to skate park removed ready for new fencing.
- Pioneer Park and Shire owned town blocks slashed.
- Tree pruning done in Ardath and around Ardath golf club reserve as per request from Western Power.
- Fencing completed on Rec Centre footpath, temporary fencing removed from hockey turf surrounds.
- Verges sprayed around town
- Rose pruning finished
- Cemetery clean up and graves repaired (private works)
- Babakin and Shackleton ovals mowed
- Babakin town site slashed
- Kokerbin Rock picnic area cleaned

### Construction Crew

- The two crews are progressing well with the maintenance grading program with approximately half the Shire roads now completed. The recent rainfall has allowed crews to address additional road maintenance issues such as blow outs and erosion from previous rain.

### Workshop

- BK 2 – DCEO car, 30 000km service
- Rec center sprayer, rebuild 3-point linkage mount
- BK 024 – UD Truck, service, engine valve set
- BK9355 - side tipper trailer, replace leaking air valve and replaced side door rear ram.
- BK9353 Dolly - replaced leaking air valve and serviced turn table.
- BK373 – Volvo Loader, Repair bucket grabs hydraulic ram.
- BK604 – Dual Cab Truck, Repair trailer wiring.
- BK602 – John Deere Grader, 1000 hr. service.
- BK9649 - Fuel Trailer, Repair trailer light wiring.
- 15 inspections

### Rec Centre

- Clean up Rec Centre garden beds.
- General tidy up of whole Rec Centre area and around oval, ready for sporting finals

- Oval is severely water logged at the moment and has some damage from the last game of football. Damien is waiting for the water to subside before trying to repair the surface. He will have an additional labourer assist him to get the oval prepared for the finals over coming weeks.

**Vehicles/Machinery Changeover**

No vehicles or Machinery changed out this month

**Dams**

<b>Dam</b>	<b>Current</b>	<b>Capacity</b>
Railway Dam	20,500kl	32,000kl full
Negri Dam Rear	11,000kl	115000kl full
Negri Dam Front	7,500kl	15000kl full
Rec Centre Dam	20,000kl	23000kl full
Turkeys Nest	26,000kl	43000kl full

**Traffic Counters**

Traffic counters have been placed at Cramphorne Road and Wogarl West Road to obtain traffic data for these roads. This information is needed for the Secondary Freight Route programme and these were the only remaining roads without data. They will be out for 46 days, then I will send this information to Garrick Yandle. They will then go out again during our busy period and I will do the same with the data.

1 traffic counter is placed at the entrance of Kwolyin Camp site so we can capture the amount of people using the site with the upcoming wildflower season.

**COUNCIL DECISION**

**Resolution OCM Aug 18 – 12.2.1**

**Moved: Cr Rajagopalan**

**Seconded: Cr Dolton**

**That the Manager of Works and Services report be received.**

**Carried 7/0**

*Mr D Mollenoyux left the Council Chambers at 2.02pm.*

*Mrs JL Bow entered the Council Chambers at 2.03pm.*

*Mr D Mollenoyux returned to the Council Chambers at 2.03pm.*

*Mrs M Schilling left the Council Chambers at 2.04pm.*

*Mrs M Schilling returned to the Council Chambers at 2.07pm.*

### 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 31<sup>st</sup> July 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 2018/19 Budget

**Strategic Implications**

*Shire of Bruce Rock – Strategic Community Plan 2017-2027*

**Governance**

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

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION AND COUNCIL DECISION**

Resolution OCM Aug 18 – 12.3.1

Moved: Cr Kilminster

Seconded: Cr Rajagopalan

**That the Statements of Financial Activity for the month ending 31<sup>st</sup> July 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 2.3, included is a list of payments made with the CEO's credit card.

**Comment**

Following is a list of payments made from Council's Municipal and Trust Accounts and also payments made with the CEO's credit card for the month of July 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 2018/19 Budget

**Strategic Implications**

*Shire of Bruce Rock – Strategic Community Plan 2017-2027*

**Governance**

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

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION AND COUNCIL DECISION**

**Resolution OCM Aug 18 – 12.3.2**

**Moved: Cr Waight**

**Seconded: Cr Dolton**

**That Council endorse the list of payments from the:**

- 1. Municipal Account consisting of;**
  - a. EFT voucher numbers EFT13204 to EFT13290 totalling \$444,816.91**
  - b. Cheque number 23772 to 23781 totalling \$ 23,072.16**
  - c. Trust Cheque Nil**
  - d. Wages and Superannuation payments totalling \$189,334.46 and**
  - e. Credit Card payments totalling \$652.83**

**With all payments totalling \$657,223.53 for the month of July 2018.**

**Carried 7/0**

*Mrs JL Bow left the Council Chambers at 2.14pm 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:**

Alan O'Toole, Deputy Chief Executive Officer

**Disclosure of Interest**

Nil

**Summary**

Use of Shire President's stamp in July 2018

**Background**

Nil

**Comment**

As per Council's policy, the Shire President's stamp has been used during the month of July 2018 as follows:

- Letter of Support to Shire of York RE: Bypass Road

**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 Aug 18 – 12.4.1

Moved: Cr Dolton

Seconded: Cr Thornton

That Council endorse the use of the Shire Presidents Stamp during July 2018.

Carried 7/0



**Agenda Reference and Subject:**

**12.4.2** December Council Meeting & Function

**File Reference:**

**Reporting Officer:**

Alan O’Toole, Deputy Chief Executive Officer

**Disclosure of Interest**

Nil

**Summary**

To discuss moving the date of the December 2018 Council meeting and propose this date for the Christmas function.

**Background**

Traditionally Council holds a Christmas function following the December Council Meeting.

**Comment**

**December Council Meeting**

Following our traditional pattern of holding a Council meeting on the third Thursday of every month, this year the December Council Meeting would fall on Thursday 20 December. However, this would mean that there is only one day to action all Council items before the office closes for the Christmas holidays.

It is therefore proposed that the December Council Meeting be moved to the 13<sup>th</sup> December. A calendar of dates in December is shown below.

The November meeting falls relatively early in the on the 15<sup>th</sup> November which means there will still be a one-month turnaround between the November and December meetings.

DECEMBER							JANUARY						
M	T	W	T	F	S	S	M	T	W	T	F	S	S
					1	2		1	2	3	4	5	6
3	4	5	6	7	8	9	7	8	9	10	11	12	13
10	11	12	13	14	15	16	14	15	16	17	18	19	20
17	18	19	20	21	22	23	21	22	23	24	25	26	27
24	25	26	27	28	29	30	28	29	30	31			
31													

Council usually holds a Christmas function following the December Council meeting, which would also be held on the 13<sup>th</sup> December if the Council Meeting is moved.

The Shire Office hours over Christmas would be;

Thursday 20 Dec	Normal Day	Normal trading hours.
Friday 21 Dec	Normal Day	Normal Trading Hours
Monday 24 Dec	Normal Day	Closed
Tuesday 25 Dec	Public Holiday	Compulsory Closure
Wednesday 26 Dec	Public Holiday	Compulsory Closure
Thursday 27 Dec	Normal Day	Closed
Friday 28 Dec	Normal Day	Closed
Monday 31 Dec	Normal Day	Closed
Tuesday 1 January 2019	Public Holiday	Compulsory Closure
Wednesday 2 Jan	Resume normal trading	

**Consultation**

CEO

**Statutory Implications** Councils are required to give Local public notice for dates of Council Meetings where possible (*Local Government Act (Administration) Regulations*).

**Policy Implications** Nil

**Financial Implications** Nil

**Strategic Implications**

*Shire of Bruce Rock – Strategic Community Plan 2017-2027*

**Governance**

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

**Voting Requirements** Simple Majority

*Council decision differed to Officer Recommendation to change the Council Meeting Date to Tuesday 18<sup>th</sup> December 2018.*

**Officer Recommendation**

- That the December Council Meeting date be changed from Thursday 20 December at 1.30pm to Thursday 13 December 2018 at 1.30pm; and
- That the Christmas Function be held on Thursday 13 December 2018.

**COUNCIL DECISION**

**Resolution OCM Aug 18 – 12.4.2**

**Moved:** Cr Kilminster

**Seconded:** Cr Negri

- That the December Council Meeting date be changed from Thursday 20 December at 1.30pm to Tuesday 18<sup>th</sup> December 2018 at 1.30pm; and
- That the Christmas Function be held on Tuesday 18 December 2018.

**Carried 7/0**

**Agenda Reference and Subject:**

**12.4.3** Lease of Bruce Rock Quarry

**File Reference:**

3.2.1.6 Quarry

**Reporting Officer:**

Alan O’Toole, Deputy Chief Executive Officer

**Disclosure of Interest**

Nil

**Summary**

Council is asked to approve the undertaking of a Tender process for the Lease of the Bruce Rock Quarry following the recent expiry of the previous Lease.

**Background**

In August 2016 a Lease was issued to Mining and Drilling Services Pty Ltd. to operate the Bruce Rock Quarry for a two-year period. This Lease expired on 9<sup>th</sup> August 2018.

Prior to the 2016 Lease being issued parts the Quarry site had been cleared and prepared for occupation by a new Lessee. A new lease document was prepared by McLeod’s Barristers and Solicitors which will be able to be used for a subsequent Lease following the completion of the Tender process.

**Comment**

Mining and Drilling Services Pty Ltd have been contacted twice by email and two messages left by phone to ascertain whether they intend to request an extension to the current lease. As yet there has been no response from Mining and Drilling Services Pty. Ltd.

**Consultation**

Darren Mollenoyux, Chief Executive Officer

**Statutory Implications**

Local Government Act 1995 s 3.58 – Disposing of Property (which includes a property lease)

If a disposition occurs through a Public Tender process, there is no requirement for local public advertising.

Local Government Act (Functions and General) Regulations- Tender Regulations.

**Policy Implications** Nil

**Financial Implications**

Annual lease fee (dependent on best Tender)

Royalty per tonne (dependent on best Tender)

**Strategic Implications**

Shire of Bruce Rock – Strategic Community Plan 2017-2027

**Infrastructure**

Goal 2 Encourage greater usage of current Shire owned facilities

**Governance**

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

**Voting Requirements** Simple Majority

**OFFICER RECOMMENDATION AND COUNCIL DECISION**

**Resolution OCM Aug 18 – 12.4.3**

**Moved: Cr Dolton**

**Seconded: Cr Negri**

- 1. That a Lease to operate the Bruce Rock Quarry be offered by Tender for a two-year period, with the option of a further year with the agreement of both parties.**
- 2. That Council approve Mining and Drilling Services Pty Ltd be formally notified by letter of the cessation of the August 2016 Lease.**

**Carried 7/0**

**Agenda Reference and Subject:**

**12.4.4** Local Emergency Management Arrangements 2018

**File Reference:**

5.1.2.4 Emergency Management Arrangements/Plans

**Reporting Officer:**

Alan O’Toole, Deputy Chief Executive Officer

**Disclosure of Interest**

Nil

**Summary**

Council is asked to endorse the updated Local Emergency Management Arrangements (2018) for the Shire of Bruce Rock.

**Background**

Over the past 6 months the Local Emergency Management Arrangements (LEMA) have been reviewed and revised in line with updated legislative requirements. The new Arrangements were presented to the Local Emergency Management Committee (LEMC) on 13<sup>th</sup> August 2018.

**Comment**

The Local Emergency Management Arrangements for the Shire of Bruce Rock will be provided as a separate document. It is asked that Council endorse the document prior to it being submitted to the District Emergency Management Committee (DEMC), after which it is to be tabled at the State Emergency Management Committee (SEMC).

**Consultation**

Yvette Grigg, District Emergency Management Advisor, Wheatbelt and Goldfields-Esperance Districts, Department of Fire and Emergency Services (DFES).  
Darren Mollenoyux, Chief Executive Officer  
LEMC Members

**Statutory Implications**

The Emergency Management Act 2005, specifically Section S.41(1).

**Policy Implications**

Nil

**Financial Implications**

Nil

**Strategic Implications**

*Shire of Bruce Rock – Strategic Community Plan 2017-2027*

**Community**

Goal 7 Emergency service planning is coordinated and articulated.

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION AND COUNCIL DECISION**

**Resolution OCM Aug 18 – 12.4.4**

**Moved:** Cr Waight

**Seconded:** Cr Dolton

**That Council endorses the Local Emergency Management Arrangements (2018) for the Shire of Bruce Rock, as presented.**

**Carried 7/0**

## 12.5 Chief Executive Officer

### Agenda Reference and Subject:

**12.5.1** CEO Annual Leave Request

### File Reference:

Personnel

### Reporting Officer:

Darren Mollenoyux, Chief Executive Officer

### Disclosure of Interest

Darren Mollenoyux, Chief Executive Officer

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

*(b) the personal affairs of any person;*

### OFFICER RECOMMENDATION AND COUNCIL DECISION

#### Resolution OCM Aug 18 – 12.5.1.1

**Moved:** Cr Thornton

**Seconded:** Cr Rajagopalan

**That Council:**

**Close the Meeting to members of the public to deal with matters relating to employees.**

**CARRIED BY ABSOLUTE MAJORITY 7/0**

### Summary

Council is asked to consider approval of annual leave for the Chief Executive Officer and appoint an Acting CEO during his absence.

### Background

The Chief Executive Officer is seeking annual leave commencing Monday 17<sup>th</sup> September 2018 up to and including Friday 21<sup>st</sup> September 2018. It is a requirement that an Acting Chief Executive Officer be appointed during this length of absence.

### Comment

I have held discussions with the Deputy CEO, Alan O’Toole and I am confident that he is capable and suitable to be appointed as Acting CEO during this period. Whilst there is a Council Meeting scheduled for this date an item has been prepared for Council to consider moving the meeting date. There are no other significant events or meetings during this period and I will be available to be contacted via phone.

### Consultation

Shire President

Deputy Chief Executive Officer

### Statutory Implications

Local Government Act 1995

In particular:

5.36. *Local government employees*

(1) *A local government is to employ —*

(a) *a person to be the CEO of the local government; and*

(b) *such other persons as the council believes are necessary to enable the functions of the local government and the functions of the council to be performed.*

5.39. *Contracts for CEO and senior employees*

- (a) *an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which he or she is acting*

**Policy Implications** Nil

**Financial Implications**

It is general practice that the Acting Chief Executive Officer is paid higher duties during this time. This is budgeted for in the annual salaries and wages provision.

**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 Aug 18 – 12.5.1.2

Moved: Cr Thornton

Seconded: Cr Rajagopalan

1. Approve the annual leave of the Chief Executive Officer, Darren Mollenoyux for the period commencing on Monday 17th September 2018 up to and including Friday 21st September 2018.

2. Appoint the Deputy Chief Executive Officer, Alan O’Toole as the Acting Chief Executive Officer for the period from Monday 17th September 2018 up to and including Friday 21st September 2018 and that Alan is paid at higher duties during this period.

Carried 7/0

**OFFICER RECOMMENDATION AND COUNCIL DECISION**

Resolution OCM Aug 18 – 12.5.1.3

Moved: Cr Thornton

Seconded: Cr Rajagopalan

That Council:

Reopen the Meeting to members of the public to deal with matters relating to an employee.

CARRIED BY ABSOLUTE MAJORITY 7/0

**Agenda Reference and Subject:**

**12.5.2** Variation of September 2018 Council Meeting Date

**File Reference:**

**Reporting Officer:**

Darren Mollenoyux, Chief Executive Officer

**Disclosure of Interest**

Nil

**Summary**

Council is asked to consider rescheduling the date of the September 2018 Ordinary Meeting of Council.

**Background**

The Chief Executive Officer has sought annual leave to attend a school camp from Monday 17<sup>th</sup> September to Friday 21<sup>st</sup> September 2018, therefore would not be available to attend the September Council Meeting scheduled for Thursday 20<sup>th</sup> September 2018.

**Comment**

It is asked that Council consider moving the September 2018 Council meeting date which is scheduled for Thursday 20<sup>th</sup> September 2018. The meeting dates either side of the meeting are 16<sup>th</sup> August and 18<sup>th</sup> October.

Possible alternative dates are;

Monday 24<sup>th</sup> September 2018  
Tuesday 25<sup>th</sup> September 2018  
Thursday 26<sup>th</sup> September 2018

Once a date has been selected Council is required to advertise the new date.

**Consultation**

Shire President  
Deputy Chief Executive Officer

**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*



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*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 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

*Council decision differed to Officer Recommendation to select the date of the 12<sup>th</sup> September 2018.*

Officer Recommendation

That Council reschedules the September 2018 Ordinary Meeting of Council from Thursday 20<sup>th</sup> September 2018 to \_\_\_\_\_ September 2018, commencing at 1.30pm.

And

Give public notice of the change of meeting details for the September 2018 Ordinary Meeting of Council.

**COUNCIL DECISION**

**Resolution OCM Aug 18 – 12.5.2**

**Moved:** Cr Kilminster

**Seconded:** Cr Rajagopalan

**That Council reschedules the September 2018 Ordinary Meeting of Council from Thursday 20<sup>th</sup> September 2018 to 12<sup>th</sup> September 2018, commencing at 1.30pm.**

**And**

**Give public notice of the change of meeting details for the September 2018 Ordinary Meeting of Council.**

**Carried 7/0**

**Agenda Reference and Subject:**

**12.5.3** Wheatbelt Secondary Freight Route Project –  
Commitment of Funding

**File Reference:** 1.6.2.5 Roe Sub Group

**Reporting Officer:** Darren Mollenoyux, Chief Executive Officer

**Disclosure of Interest** Nil

**Summary**

Council is asked to reaffirm their support and provide a financial commitment towards the Wheatbelt Secondary Freight Route Project.

**Background**

The Chair of Wheatbelt South Regional Road Group has written to Council as follows;

*“At the most recent meeting of the WBS RRG the delegates asked me to write to you all requesting that all Councils reaffirm their commitment to the Wheatbelt Secondary Freight Project and commit \$6000 in their 18/19 budgets as the co-contribution required from all 42 LG’s for the funding application we will be submitting over the coming months to undertake the detailed planning and design works to enable us to have a Level 4 Infrastructure Australia Submission prepared.*

*We acknowledge that a lot of councillors will not be intimately aware of the project, so to that end Garrick Yandle together with the Working Group have prepared a detailed Briefing document that we would like you to include with the agenda item for your councillors.*

*We are requesting that all LG’s present the motion as is below, our intent is to have 42 LG’s adopted the exact same position, so that we continue to present a united front. It is this collaboration and agreement that is getting us significant traction both at a Federal and State Government Level. We would like you to present this recommendation and supporting documentation to your councils in the August round of Council meetings, following these meetings we would like you to write back to me as Chair of WBS RRG confirming the motion that was passed by council.*

*For those that aren’t aware the WSFR Project has been working on this project since mid-2016; the project stemmed from considerable work done by both WBS & WBN in looking at their road networks in attempt to improve connectivity through our RRG funding and road projects.*

*This mapping process started in 2014, once the RRG together with Main Roads identified that improving the connectivity was a major project that would bring significant economic benefit to the Ag Region a working group was formed and RDA via Juliet Grist helped us obtain initial funding to further progress this as a regional road project.*

*The last 2 ½ years have seen considerable work undertaken by all 42 LG’s and the working group to get this project to a point where we are starting to have constructive and positive meetings with the State Government, Federal Government, Infrastructure Australia, Freight & Logistics Council WA, CBH and other key stakeholders.”*

**Comment**

A copy of the briefing paper has been provided to Councillors to assist in providing improved understanding of the project.

### **Consultation**

The Manager of Works and Cr Ian Dolton are well informed on this project through their attendance at the Regional Road Group Meetings and have been providing updates to Council throughout the process.

**Statutory Implications** Nil

**Policy Implications** Nil

### **Financial Implications**

Council does not have a current budget provision specifically for this project, however should the funding application be successful an item would be presented to Council seeking endorsement to vary the budget to include a \$6,000 contribution.

### **Strategic Implications**

Shire of Bruce Rock – Strategic Community Plan 2017-2027

#### **Infrastructure**

Goal 1: Roads are a key economic driver across the Shire

1.5 – Identification of the freight task at hand

1.6 – Engagement of neighbouring Shires & key stakeholders in the Secondary Freight Route Project

**Voting Requirements** Absolute Majority

### **OFFICER RECOMMENDATION AND COUNCIL DECISION**

**Resolution OCM Aug 18 – 12.5.3**

**Moved: Cr Dolton**

**Seconded: Cr Waight**

- 1. Notes the Secondary Freight Routes Project Development report;**
- 2. Supports the strategic intent of the Secondary Freight Routes project;**
- 3. Authorises the Chief Executive Office to prepare and sign a letter of support in favour of an application for Federal Government Funding under the Building Better Regions Program to develop the Secondary Freight project; and**
- 4. Endorses in principle an allocation of \$6,000 in 2018/19 to co-fund Secondary Freight Route Project development subject to a successful Building Better Regions Program application.**

**CARRIED BY ABSOLUTE MAJORITY 7/0**

**Agenda Reference and Subject:**

**12.5.4** Draft Template Election Caretaker Period

**File Reference:**

2.2.1.1 Electoral Correspondence

**Reporting Officer:**

Darren Mollenoyux, Chief Executive Officer

**Disclosure of Interest**

Nil

**Summary**

WALGA is seeking sector feedback on their draft template “Policy – Election Caretaker Period”.

**Background**

Caretaker conventions exist at the State and Federal level of Government as:

- the dissolution of a Parliament means there is no popular Chamber to which the Executive Government can be responsible; and
- every State or Federal election brings with it the possibility of a change of government.

For these reasons, State and Federal governments assumes a caretaker role during an election period from the time that a Parliament is dissolved to ensure that decisions are not taken which would bind an incoming government and limit its freedom of action.

Although Local Governments differ in that there can be no change of government, caretaker conventions may still be applied to place restrictions on the types of decisions and activities that may be undertaken by a Local Government in the period immediately before an election.

Restrictions on Local Government decisions and activities during a ‘caretaker period’ have the purpose of preventing actual or perceived advantage or disadvantage to a candidate that may be actually or perceived to arise from Local Government decisions, activities or use of public resources.

WALGA acknowledges the following Local Governments who have previously adopted Election Caretaker Policies, including: Cities of Perth, Gosnells, Bayswater, Karratha and Vincent, Town of Cambridge and the Shires of Donnybrook-Balingup and Wyndham-East Kimberly.

The policy work undertaken by these Local Governments has helped to inform the development of the attached draft WALGA Template Policy Election Caretaker Period and WALGA would appreciate feedback from the sector to finalise the template.

The proposed WALGA Template Policy Elections Caretaker Period differs from similar Local Government policies, in that it includes provisions for a CEO to apply, where appropriate, probity controls on administrative services and activities during an extraordinary election.

*A copy of all of the documents has been provided on the Councillors Agenda Webpage for reference.*

**Comment**

Whilst our Council has not had any major issues during election periods it may wish to still consider providing any feedback on the proposed policy template. There is no compulsion for this to be adopted by individual Councils and it is there to provide a template for those Councils who wish to adopt such a policy.

WALGA will receive feedback on the draft documents up until the Friday, 31<sup>st</sup> August 2018.

**Consultation**

Nil

**Statutory Implications**

Nil

**Policy Implications**

There are no implications at this stage unless Council resolves to adopt a policy on Election Caretaker Periods in the future.

**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

*Council decision differed to Officer Recommendation as Council has no comment on WALGA's Draft Template Policy – Election Caretaker Period.*

Officer Recommendation

That Council provides any comment or feedback on WALGA's Draft Template Policy – Election Caretaker Period.

**COUNCIL DECISION**

**Resolution OCM Aug 18 – 12.5.4**

**Moved: Cr Rajagopalan**

**Seconded: Cr Waight**

**That Council has no comment on WALGA's Draft Template Policy – Election Caretaker Period.**

**Carried 7/0**

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

<b>Agenda Reference and Subject:</b>	
<b>13.1</b>	Application for Development Approval Lot 122 Curlew Drive Bruce Rock townsite for over height and sized outbuilding – Reviewed Design
<b>File Reference:</b>	A2572 Lot 122 Curlew Drive
<b>Reporting Officer:</b>	Julian Goldacre, Environmental Health Officer
<b>Disclosure of Interest</b>	Darren Mollenoyux, Chief Executive Officer

**Summary**

That Council approves this reviewed and modified 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 EHO was approached by Mr F Fuchsbichler (Applicant) 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 (DA) to be submitted pursuant to Council Planning Policy 1 ‘Outbuildings & Seainers in Residential Areas’ adopted on the 17 July 2014 (Policy 1). The EHO explained that documents would be required to be submitted showing the outbuilding design and advised that the final purchase of the Outbuilding should be conditional on Council approval.

Previously at the Ordinary Meeting of Council held on the 19 July 2018 the original DA item 12.1.2 for the Applicants proposed Oversized shed when presented to Council caused concerns due to the wall and ridge height. In light of concerns raised, item 12.1.2 was ‘...laid on the table pending further investigations due to Council concerns regarding height of the outbuilding’ by Resolution **OCM June 18-12.1.2**, Carried 7/0. At the request of Council, the EHO undertook discussions with the Applicant to see if a way forward to resolve Councils concerns regarding the height could be achieved. Consequently, this Item now before Council is an entirely new DA due to substantial changes made by the Applicant with new information provided regarding the proposed Outbuilding DA.

**Comment**

The three key matters regarding the oversized parameters for this DA are listed below for Councils consideration:

- The proposed outbuilding ridge height is now 4,594mm as shown in **Attachment 13.1-B** (reduced down from 5,295mm), the Policy 1 permits, without Council approval, a maximum ridge height of 3,600mm;
- The proposed outbuilding wall height is 4,000mm as shown in **Attachment 13.1-B** (reduced down from 4,500mm), the Policy 1 permits, without Council approval, a maximum wall height of 3,000mm;
- The proposed outbuilding floor area is 153m<sup>2</sup> as shown in **Attachment 13.1-B**. the Policy 1 permits, without Council approval, a maximum floor area of 94m<sup>2</sup>;
- The proposed outbuilding setback from the rear and side boundary is proposed to be up to 0mm on the west facing side and 1,000mm or less 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 1,000mm to keep the gutter line and stormwater drainage on the boundary. 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 ‘surfmist’.

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 EHO on the proposed outbuilding development:

**Policy 1 - Outbuildings & Seainers 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.
- 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 (Primary Street) as shown in **Attachment 13.1-B** 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) = 332m<sup>2</sup> with the Lot size of 1106m<sup>2</sup> free space area of the required 60% is achieved. (note, open veranda areas of the dwelling 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 1,000mm off the north boundary to accommodate gutter and downpipes and up to 0mm off the west boundary due to the fact the west wall has no gutters being the gable wall end. Whilst normally the R Codes require a setback of 1,500mm there is an option to reduce this with the ‘up to nil setback’ function of the R Codes Tables A and B.

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 1,000mm for the north wall and up to 0mm for the west wall and this is detailed below:

R Codes Clause 5.1.3 extract:

<b>Design principles</b>
<b>Development demonstrates compliance with the following design principles (P)</b>
5.1.3 Lot boundary setback
P3.1 Buildings set back from lot boundaries so as to:
1) reduce impacts of building bulk on <b>adjoining properties</b> ,
• reduced impact; outbuilding bulk is positioned to the very rear of the large (1106m <sup>2</sup> ) Lot size. The outbuilding size 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. 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 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. An assessment of the lay of the land has revealed, as new information, that the Lot 122 is approximately 1,000mm higher than the front of the Lot as shown in **Attachment 13.1-B**. Despite this the Outbuilding wall and ridge height has been reduced as far as is practicably possible by the Applicant.

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.

4) ensures direct sun to **major openings** to **habitable rooms** and outdoor living areas for **adjoining properties** is not restricted,

- sunlight 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 requirements.

5) positively contributes to the prevailing **development** context and streetscape by showing the development potential,

- Whilst **Attachment 13.1-B** does show the Outbuilding prominent behind the house it is scaled in 2 dimension and does not take into effect the building bulk reduction due to distance from the house (Linear Perspective – example being a picture of railway lines vanishing at the 'horizon' and this is not represented in as shown in **Attachment 13.1-B**) as explained by Mr Wayne Bill the Architect who prepared the drawing. The Outbuilding 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 to envision development potential for a subdivision in its



infancy. In time the Curlew Drive subdivision will be infilled with trees which will weave the visual amenity of the area in time.

The Outbuilding with regards to wall and ridge height, floor area and lot boundary setback as proposed meets the guidance criteria of Policy 1 for Outbuildings and the R Codes as presented. An advice note recommended by the EHO 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.

The Applicant in support of this DA has provided the following information through discussions with the EHO which the Applicant would like Council to be aware of regarding why the Outbuilding size was chosen and the efforts to date to make as amenable to Council and is provided as follows:

- I. **Attachment 13.1-D** provides an example of a high Outbuilding on a residential property setback just behind the dwelling. Whilst no height specifications were provided the EHO took the liberty to use the common height of a sliding door which is nominal at 2,130mm in height and scaled the wall height and came up with the figure of 3,730mm which is a reasonable approximation (the calculation method is provided in **Attachment 13.1-D**). whilst this wall height is less than the Applicants 4,000mm wall height, the roof pitch is at 15° and in close proximity to the dwelling. The Applicant reasons that his Outbuilding is set to the most rear portion of the Lot and thus would have a minimal visual amenity impact if observed from Curlew Drive road. Whilst **Attachment 13.1-B** provides a 'limited' visual perspective as prepared by Architect Mr Wayne Bill to illustrate the Outbuildings relationship to the dwelling it must be taken into account that this image is 2 dimensional and does not include the 'Linear Perspective' effect where it will appear smaller relative to the dwelling due to distance. Whilst the Outbuilding would not be seen when in close proximity to the dwelling proposed it would be when viewed from a relative distance from the sports oval although that distance is considerable and would eventually blend in with future housing and trees.
- II. The applicant explained to the EHO that he purposely reduced the pitch height from 15° to 7.5° to minimise visual impact and reduce the roof ridge height as much as possible. The colour of the Outbuilding walls and roof has been intentionally chosen by the Applicant to blend in with the existing east side fence colour and will replicate this colour for the proposed new fencing on the north and west side of the property explaining this will create a synergistic colour scheme. The Applicant explained he has purposely chosen design techniques that include duplication of colour and design modification to harmonise the building elements with their surroundings in as far as practicable. The Applicant states that the proposed Outbuilding has been presented taking into consideration the relative orientation and position of adjacent buildings (includes proposed dwelling on the Lot), colour, materials and roof pitch;
- III. A letter from the Outbuilding supplier Tompkin Engineering of Merredin explains the structural requirement to accommodate the proposed caravan (**Attachment 13.1-E**); and
- IV. A letter of explanation has also being provided by the Applicant detailing the Applicant efforts to date to minimise the Outbuilding height, using existing colour schemes and reducing the roof pitch. Furthermore the Applicant explains the reason for the Outbuilding size selection and this information is provided for Council in **Attachment 13.1-F**.

As part of the DA for this Outbuilding there is also submitted a request for Council to exempt some of the DA requirements on the basis as not required for this DA. The exemptions requested are Clause 63(1)(a)(iv) & (v, part of), & (vii)&(viii) & (ix)&(x) & Clause 63(b, part of) & (c)&(d) as found in **Attachment 13.1-C** and on review are deemed appropriate by the EHO for Council to formally not require the information listed for exemption.

### **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 & Seainers in Residential Areas Planning Policy (Policy 1)*

### **Policy Implications**

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

### **Financial Implications**

Development Application fee of \$147.00

### **Voting Requirement**

Simple Majority

### **OFFICER RECOMMENDATION AND COUNCIL DECISION**

#### **Resolution OCM July 18 – 13.1**

**Moved: Cr Rajagopalan**

**Seconded: Cr Kilminster**

**That Council resolves to approve the:**

- 1. Application for Development Approval lot 122 Curlew Drive Bruce Rock townsite (Attachment 13.1-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 13.1-C being Clause 63(1)(a)(iv) & (v, part of), & (vii)&(viii) & (ix)&(x) & Clause 63(b, part of) & (c)&(d).**
- 2. Application for Development Approval lot 122 Curlew Drive Bruce Rock townsite (Attachment 13.1-A) for the outbuilding clad in ‘surfmist’ coloured cladding of 4,594mm ridge height, 4,000mm wall height, 7.5o roof pitch and 153m2 floor area and the boundary setbacks of up to 0mm for the west facing wall at the boundary and up to 1,000mm setback for the north facing wall at the boundary as detailed in Attachments 13.1-B.**

**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:**

- 2.1 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. 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.**

**Carried 7/0**

**14. Confidential Items**

Cr Thornton and Cr Rajagopalan attended the Retirement Units AGM, similar committee elected, the two Councillors also clarified and updated the committee on the CEACA project.

Cr Dolton advised there has been storm damage to the sun shelters. It should be an easy fix so the Bowling club will fix it. Committee are also seeking an obligation free quote to check over the bowling green and provide an assessment and maintenance program assisting them on how to prolong the lifespan of the green.

Cr Waight raised some concern on the Hines Hill Road, tree lines may require trimming prior to harvest. Manager or Works and Services to investigate.

*Council adjourned for afternoon tea at 2.56pm.*

*Council resumed at 3.18pm with all Councillors and Staff present.*

*Council welcomed LCDC representatives Amanda Schilling and Stephen Dolton at 3.18pm*

*LCDC representatives Amanda Schilling and Stephen Dolton left the Council Chambers at 3.46pm.*

**15. Confirmation and receipt of Information Bulletins.**

**OFFICER RECOMMENDATION AND COUNCIL DECISION**

**Resolution OCM July 18 – 15.2**

**Moved: Cr Rajagopalan**

**Seconded: Cr Thornton**

**That Information Bulletin 1 be received.**

**Carried 7/0**

*Kate Hayes Thompson and Rodney Thornton entered the Council Chambers at 4.31pm.*

**16. Closure of Meeting.**

The Shire President, Stephen Strange thanked everyone for their attendance and declared the meeting closed at 4.44pm.

These minutes were confirmed at a meeting on 12<sup>th</sup> September 2018.

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Cr Stephen Strange  
Shire President  
12 September 2018