



Agenda

Ordinary Meeting of Council

To be held in Council Chambers

54 Johnson Street, Bruce Rock

Thursday 17 October 2024

Commencing 3.00pm



Notice of Ordinary Meeting of Council

Dear President and Councillors,

The next Ordinary Meeting of Council will be held on **Thursday, 17 October 2024 at 3.00pm** in Council Chambers, at 54 Johnson Street, Bruce Rock.

Please contact the undersigned for any enquiries regarding the Agenda prior to the meeting.

A handwritten signature in black ink, appearing to be "J. Merrick".

John Merrick
ACTING CHIEF EXECUTIVE OFFICER

DISCLAIMER

PLEASE READ THE FOLLOWING IMPORTANT DISCLAIMER BEFORE PROCEEDING:

Statements or decisions made at this meeting should not be relied or acted on by an applicant or any other person until they have received written notification from the Shire. Notice of all approvals, including planning and building approvals, will be given to applicants in writing. The Shire of Bruce Rock expressly disclaims liability for any loss or damages suffered by a person who relies or acts on statements or decisions made at a Council or Committee meeting before receiving written notification from the Shire.

The advice and information contained herein is given by and to Council without liability or responsibility for its accuracy. Before placing any reliance on this advice or information, a written inquiry should be made to Council giving entire reasons for seeking the advice or information and how it is proposed to be used.

Our Mission

We will achieve our vision by maintaining and enhancing the Bruce Rock lifestyle, increase business and employment opportunities and achieve population growth in an environmentally sustainable way.

Our Values

Respect, Inclusiveness, Fairness and Equality & Communication

SHIRE OF BRUCE ROCK

AGENDA – ORDINARY MEETING 17 OCTOBER 2024

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SHIRE OF BRUCE ROCK
AGENDA – ORDINARY MEETING 17 OCTOBER 2024

1. Declaration of Opening
2. Record of Attendance/Apologies/Leave of Absence (Previously Approved)
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 sections 5.60B and 5.65 of the Local Government Act 1995, the following disclosures of **Proximity** interest were made at the Council meeting.

Date	Name	Item No	Reason

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

Local Emergency Management Committee Meeting held on Wednesday, 4 September 2024

Ordinary Meeting of Council held on Thursday, 19 September 2024.

Special Meeting of Council held on Wednesday, 2 October 2024

Bush Fire Advisory Committee Meeting held on Thursday, 3 October 2024

10. Officers' Reports

10.1 Manager of Works and Services

10.2 Manager of Finance

Agenda Reference and Subject:

10.2.1 Statement of Financial Activity

Reporting Officer:

Mike Darby, Manager of Finance

Author:

Mike Darby, Manager of Finance

Disclosure of Interest:

Attachments:

*Item 10.2.1 Attachment A – Monthly Financial Statements
September 2024*

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 Statement of Financial Activity will be made available to Councillors prior to the meeting.

Consultation

Chief Executive Officer
Manager of Governance and Community Services
Manager of Regulatory Services
Manager of Works and Services and other staff

Statutory Implications

Local Government (Financial Management) Regulations 1996, regulation 34

34. Financial activity statement required each month (Act s. 6.4)

(1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail –

- (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and*
- (b) budget estimates to the end of the month to which the statement relates; and*
- (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and*
- (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and*
- (e) the net current assets at the end of the month to which the statement relates.*

(4) A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be –

- (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and*
- (b) recorded in the minutes of the meeting at which it is presented.*

Policy Implications

Nil.

Risk Implications

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

Financial Implications

Comparison of actual year-to-date to the 2024-25 Budget.

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2022-2032

Governance

Goal 4.1 Our organisation is well positioned and has capacity for the future

Voting Requirements

Simple Majority

Officer Recommendation

That the Statement of Financial Activity for the month ending 30 September 2024 be received.

Agenda Reference and Subject:	10.2.2 List of Payments
Reporting Officer:	Mike Darby, Manager of Finance
Author:	Mike Darby, Manager of Finance
Disclosure of Interest:	
Attachments:	<i>Item 10.2.2 Attachment A – List of Payments September 2024</i>

Summary

List of payments made since the last Ordinary Council Meeting.

Background

As the Chief Executive Officer has been delegated the authority to make payments from the municipal and trust funds, a list of payments made is to be presented to Council each month.

Comment

Following is a list of payments made from Council’s Municipal and Trust Accounts for the month of September 2024.

If Councillors 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

Local Government Act 1995, section 6.10

Local Government (Financial Management) Regulations 1996, regulation 13(1)

Policy Implications

Nil

Risk Implications

Risk: Payments are not monitored against approved budget and delegation.		
Likelihood	Consequence	Rating
Possible	Minor	Moderate
Action / Strategy		
The monthly list of payments provides an open and transparent record of payments made under the appropriate approved delegations.		

Financial Implications

Payments must be made in accordance with the 2024-25 Budget.

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2022-2032

Governance

4.3 Our organisation is well positioned and has capacity for the future

Voting Requirements

Simple Majority

Officer Recommendation

That Council endorse the list of payments from the Municipal Account consisting of:

- 1. EFT voucher numbers EFT23578 to EFT23702, totalling \$562,223.82;**
- 2. Cheque numbers 169 (BWA) and 00001 to 00003 (CBA), totalling \$1,569.55;**
- 3. Trust EFT payments, totalling \$0;**
- 4. Wages and Superannuation payments, totalling \$211,494.46; and**
- 5. Credit Card payments, totalling \$1,333.90, noting that while credit card payments are reported separately, they are part of EFT payments;**

with all payments totalling \$775,287.83 for the month of September 2024.

Agenda Reference and Subject:	10.2.3 Fuel Cards and Credit Card Transactions
Reporting Officer:	Mike Darby, Manager of Finance
Author:	Mike Darby, Manager of Finance
Disclosure of Interest:	
Attachments:	<i>Item 10.2.3 Attachment A – List of Credit Card and Fuel Card transactions September 2024</i>

Summary

List of transactions through corporate cards are reported to the Council.

Background

Consistent with the Local Government Regulations Amendment Regulations 2023, from 1 September 2023, Local Governments are required to prepare a list of corporate and credit card payments made by employees each month. The list must be presented to Council at the next ordinary meeting and recorded in the minutes.

Comment

Following is a list of all transactions for all corporate cards that the Shire holds.

If Councillors have any queries regarding the transactions, please advise prior to the meeting to enable staff to seek relevant information.

Consultation

Nil

Statutory Implications

Local Government Act 1995, section 6.10

Local Government (Financial Management) Regulations 1996, regulation 13(1)

Policy Implications

Nil

Risk Implications

Risk: Payments are not monitored against approved budget and delegation.		
Likelihood	Consequence	Rating
Possible	Minor	Moderate
Action / Strategy		
The monthly corporate card transactions provide an open and transparent record of payments made through the cards under the appropriate approved delegations.		

Financial Implications

Payments must be made in accordance with the 2024-25 Budget.

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2022-2032

Governance

4.3 Our organisation is well positioned and has capacity for the future.

Voting Requirements

Simple Majority

Officer Recommendation

That Council endorse the list of transactions through the:

- a. Bendigo Bank Corporate Credit Card; and**
- b. Great Southern Fuels Cards.**

10.3 Manager of Regulatory Services

Agenda Reference and Subject:**10.3.1 Sale of Land at 18 Teasdale Street****Reporting Officer:**

Julian Goldacre, Manager of Regulatory Services

Author:

Julian Goldacre, Manager of Regulatory Services

Disclosure of Interest**Attachments**

Item 10.3.1 Attachment A – 18 Teasdale Road Rock Expedition

Item 10.3.1 Attachment B – Offer to Purchase 18 Teasdale Road Bruce Rock

Item 10.3.1 Attachment C – Dwelling 30 Grant Street Dalwallinu

Summary

Council has received an offer of \$4,500 for the block of land at 18 Teasdale Street, and is required to consider its position on the sale.

Background

In August 2024, the Shire undertook a valuation of 18 Teasdale Road (the block), which resulted in a value of \$12,500.

The Manager of Regulatory Services carried out an assessment of the block, which found it to be potentially restrictive for building construction and for the installation of the required apparatus for the treatment of sewerage. This assessment was grounded on exploratory observations and various diggings that revealed widespread rock protruding from the ground, as well as underlying across the block (Attachment A).

A *caveat emptor* inclusion on the certificate of title for the block to make persons aware of the rock matter is not a permissible inclusion, on advice from the Shire's Senior Finance Officer. Therefore, the onus is wholly on a buyer to ensure that they are satisfied with the condition(s) on the property before signing a contract of sale.

Council has received an offer to purchase the block for \$4,500 (Attachment B). This amount includes paying the conveyancing fees, and the placement of a 12-month building clause on the contract of sale. The proponent for the sale is aware of the rock issues affecting the block, hence the offered sale price.

Section 3.58(3) of the Local Government Act 1995 requires Council to:

- publicly advertise the details of the proposed sale, including the sale price and the valuation price;
- invite submissions for a period of 14 days; and
- consider those submissions before proceeding with the sale.

Comment

The proponent has advised that he intends to relocate an existing dwelling from 30 Grant Street, Dalwallinu to the block. This is to occur within 12 months of land purchase. Then the dwelling is to be either sold or rented.

Pictures of the proposed dwelling have been supplied (Attachment C) showing a typical construction type predominant through the 1950s to early 1970s. The engineer Mr Dan Turner has indicated that asbestos cement cladding is present in this building’s construction, which is proposed to be re clad in hardiflex sheeting. Furthermore, Mr Turner has neither fully completed the engineering paperwork applicable for the dwelling specific to the proposed site of the block, nor inspected the block for an engineering appraisal.

Consultation

Acting Chief Executive Officer
Senior Finance Officer

Statutory Implications

Local Government Act 1995, section 3.58(3)

A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —

- (a) it gives local public notice of the proposed disposition —*
 - (i) describing the property concerned; and*
 - (ii) giving details of the proposed disposition; and*
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and*
- (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made*

Policy Implications

Nil.

Risk Implications

Risk: Sale proceeds and the dwelling is placed on the block and not made habitable due to rock restricting the ground works engineering and/or installation of the apparatus for the treatment of sewerage disposal system.		
Likelihood	Consequence	Rating
Likely	Major	High
Action / Strategy The matters of building engineering and sewerage that is not achieved or done so in a non-compliant manner will result in investigation and statutory processes with potential, at the very least, for a house unfit for habitation and/or potential legal services involvement for meeting compliance requirements.		

Financial Implications

Building permit fee, sewerage fee and rates income in the event the dwelling house is located on the block and made habitable.

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2022-2032

Economic

Goal 2.3 Workers and their families can work and reside in the Shire.

Voting Requirements

Simple Majority

Officer Recommendation

That Council:

- 1. declines the offer of \$4,500 to purchase the land at 18 Teasdale Road, Bruce Rock due to the offer being significantly below the valuation of \$12,500; and**
- 2. agrees to remove 18 Teasdale Road, Bruce Rock from the list of land for sale by reason of the widespread rock on the land.**

Agenda Reference and Subject:

10.3.2 Latham Street Road Closure

Reporting Officer:

Julian Goldacre, Manager of Regulatory Services

Author:

Julian Goldacre, Manager of Regulatory Services

Disclosure of Interest

Attachments

Item 10.3.2 Attachment A - Proposed Latham Street Closure Area.

Item 10.3.2 Attachment B - Public Notices Proposed Latham Street Closure.

Item 10.3.2 Attachment C - Schedule of Submissions Received for Proposed Road Closure

Summary

Council is asked to consider a submission to request that the Honourable John Carey BA MLA, Minister Planning; Lands; Housing; Homelessness consider the permanent closure of a portion of the Latham Street road within the district of Bruce Rock, as presented in the Sketched Plan, and to request a 21 year lease option on the land vesting management order.

Background

In July 2024, Council took interest in undeveloped land located on the north-east quadrant of the intersection of Latham and Johnson Streets located in the town site of Bruce Rock (Attachment A).

Subsequent enquiries found the land to be a part of the Latham Street road reserve, which is a road reserve in the care, control and management of the Local Government of Bruce Rock. Investigations with the Department of Lands revealed that, to secure the portion of road reserve for other uses, the Shire of Bruce Rock would need to submit a formal application for a closure of road to be undertaken.

The procedure for a road closure requires that the Council Motion be publicly advertised, which was undertaken on the Shire of Bruce Rock website, and by installation of a physical notice board of road closure signage on the affected road reserve portion for the required 35 days, commencing on 21 August 2024 and concluding on 27 September 2024 at 4.30PM (Attachment B).

Comment

The Shire must include the following with the request to the Minister:

1. written confirmation that the Local Government has resolved to make the request, the date when the relevant resolution was passed, and any other information relating to the resolution that the Minister may require.

This is to be completed by the Council adoption of the resolution to this Agenda item,

2. Sketch plans showing the location of the road and the proposed future disposition of the land comprising the road after it has been closed.

This is as provided for in Attachment A. The future disposition of the land will be for future Commercial or Light industrial development such as, but not limited to, a fuel depot/service station or other such practicable uses for the future development needs of the townsite of Bruce Rock, as required.

Furthermore, the land portion will be zoned accordingly through the Local Planning Scheme review process, although in its current 'no zone applied' will be treated as a 'use not listed'.

The power to lease the portion of road reserve for 21 years will form part of the vesting process should the road closure be approved.

3. Written confirmation that the Local Government has complied with the requirements for advertising the closure of road proposal and considered submissions received.

This was achieved through the advertising process and review of submissions.

4. A copy of the advertisement.

This is as per Attachment B.

5. Copies of any submissions made, received within the submission period, and the Local Government's comments on those submissions.

One enquiry was received (as presented in Attachment C), was resolved by email, and is listed as 'noted'.

6. Any other information the Local Government considers relevant to the Minister's consideration of the request.

Please refer to point 2 above for the information the Shire considers relevant to the Minister's consideration.

With the required closure of road request procedures undertaken, the advertised proposed Council motion is as follows:

"Council resolves to respectfully request the Honourable John Carey BA MLA, Minister Planning; Lands; Housing; Homelessness to consider the permanent closure of a portion of the Latham Street road within the district of Bruce Rock as presented in the Sketched Plan".

The Shire of Bruce Rock administration will provide covering documentation, should Council resolve on the proposed motion, to include pertinent information the Minister could require for enabling a suitable outcome to justify closing the Latham Street road reserve.

Consultation

Chief Executive Officer

Acting Planning Manager, Land Use Planning, Department of Lands, Heritage and Planning

Acceptance Team member, Department of Lands, Heritage and Planning,

Statutory Implications

Land Administration Act 1997

Land Administration Regulations 1998

Policy Implications

Nil.

Risk Implications

Risk: The Honourable Minister refuses the closure or road request.		
Likelihood	Consequence	Rating
Possible	Moderate	Moderate
Action / Strategy		
The Manager of Regulatory Services will undertake to ensure the Honourable Minister is fully aware of the importance of making available suitable lands for the developmental progress of the Shire of Bruce Rock.		

Financial Implications

Possible fee for a formal land survey, should the sketch plan be considered not suitable for the portion of road closure delineation of boundaries.

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2022-2032

Economy

Goal 2.2 Assist the local economy grow

Voting Requirements

Simple Majority

Officer Recommendation

That Council:

1. resolves to respectfully request the Honourable John Carey BA MLA, Minister Planning; Lands; Housing; Homelessness to consider the permanent closure of a portion of the Latham Street road within the district of Bruce Rock, as presented in the Sketched Plan;
2. notes the single submission received from M Schick, a resident of Bruce Rock, now resolved by the Chief Executive Officer’s explanation of the road closure proposal and accepts the ‘noted’ endorsement as presented in Attachment C (Schedule of Submissions Received); and
3. resolves to request the Department of Lands, in the event the closure of the road portion be actioned, to have a 21 year lease option included in the reserve Management Order vesting documentation.

Agenda Reference and Subject:

10.3.3 Development Application – Lot 10015 Old Beverley

Reporting Officer:

Julian Goldacre, Manager of Regulatory Services

Author:

Julian Goldacre, Manager of Regulatory Services

Disclosure of Interest

Attachments

Item 10.3.3 Attachment A - Development Application for a Second Ancillary Dwelling Lot 10015 Old Beverley Road
Item 10.3.3 Attachment B – Location of Proposed Donga Ancillary Accommodation Lot 10015 Old Beverley Road

Summary

Council is asked to consider approving, for a period of four years in this instance, the development application for the siting of a new prefabricated 38.4m² two bedroom self-contained accommodation unit with utility provisions, a living area and kitchen to be placed 4 meters from the existing dwelling house on Lot 10015 Old Beverley Road. Advice notes provided.

Background

Mr B Negri contacted the Manager of Regulatory Services in early August 2024 to explore accommodation options that will meet the statutory requirements for a second dwelling on the farm located at Lot 10015 Old Beverley Road, Babakin. Thereafter, on 4 October 2024 Mrs A Negri submitted the Development Application with plans for a new prefabricated 38.4m² two bedroom self-contained accommodation unit with utility provisions, a living area and kitchen (Attachment A).

Comment

The Shire of Bruce Rock Local Planning Scheme No 3 (the Scheme) has provision for Council to consider this second dwelling on the single Rural zoned Lot 10015. Attachment B shows the existing rural farm house, and the proposed location for a 3.2 meter by 12 meter accommodation unit. The accommodation unit is brand new with structural drawings, and the proposed placement setback from the farm house is compliant. Also, the accommodation unit is not located in a bush fire risk area.

The accommodation unit is positioned close to a group of trees to the north, and located 660m from the north road boundary. Noting the accommodation unit is brand new, of a small size and shielded, there are no amenity matters for discussion. Mr Negri will install a new apparatus for the treatment of sewage (septic system), as required. This proposal will be a needed addition to workers accommodation and family housing stock in the district of Bruce Rock.

The required considerations of approval for an additional dwelling are set out in clause 4.75 of the Scheme, which sets out that the dwelling proposed is to be for workers and family, which is the case. Further considerations for this development application on review by the Manager of Regulatory Services is found to be consistent with:

- the Lot 10015 exceeds the required 40 hectares in size;
- the building and boundary setbacks are complied with;
- water is available, and a new septic system will be installed;
- the rural location of Lot 10015, together with the 660m setback from the north boundary, the vegetation shielding, and the small accommodation unit size will collectively not create an amenity issue; and

- the existing Lot 10015 access driveway from the main road will be used, thus no additional rural road access point will be created.

The Shire of Bruce Rock Planning Strategy supports this development application proposal in so far as the Strategy vision for ‘... residential activity in the Shire’. The vision statement in this instance is a potential reality. given workers accommodation in the rural areas is difficult to obtain. Thus, the placement of the proposed accommodation unit will assist in providing a suitable accommodation option for workers and family.

The Manager of Regulatory Services will provide Advice Notes to assist the applicant to meet other statutory requirements, noting these are not limited to and given in good faith.

Consultation

Nil.

Statutory Implications

Shire of Bruce Rock Local Planning Scheme No. 3

Policy Implications

Shire of Bruce Rock Planning Strategy

Risk Implications

Risk: The accommodation unit installed is not conducive to the Council approval.		
Likelihood	Consequence	Rating
Unlikely	Minor	Low
Action / Strategy The Manager of Regulatory Services will work with the applicant to ensure compliance with the approval documentation is achieved.		

Financial Implications

Development application fee remitted to the Shire of Bruce Rock amounting to \$320.

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2022-2032

Economy

Goal 2.1 Assist the local economy to grow, and

Goal 2.3 Workers and their families can work and reside in the Shire.

Voting Requirements

Simple Majority

Officer Recommendation

That Council:

1. approves, for a period of four years in this instance, the development application for the siting of a new prefabricated 38.4m2 two bedroom, self-contained accommodation unit with utility provisions, a living area and kitchen to be placed 4 meters from the existing dwelling house on Lot 10015 Old Beverley Road; and
2. provides the applicant with the following Advice Notes, provided in good faith and not limited to, as the case requires being:

- a) A building permit application is required to be submitted to the Shire of Bruce Rock administration for the purpose of obtaining a Building Permit before the prefabricated accommodation unit is placed on Lot 10015, Old Beverley Road, Babakin.**
- b) An application for the approval to construct an apparatus for the treatment of sewerage is to be submitted to the Shire of Bruce Rock administration for the purpose of the sewerage treatment system construction.**
- c) Should a variation to the development application approved documents occur, the applicant is required to contact the Shire of Bruce Rock administration to determine permissibility or a further application to the Shire of Bruce Rock.**

10.4 Manager of Governance and Community Services

Agenda Reference and Subject:	10.4.1 Variation to December 2024 Ordinary Council Meeting Date
Reporting Officer:	Nerea Ugarte, Manager of Governance and Community Services
Author:	Nerea Ugarte, Manager of Governance and Community Services
Disclosure of Interest	
Attachments	<i>Nil</i>

Summary

Council is asked to consider rescheduling the date of the December 2024 Ordinary Meeting of Council.

Background

When setting the annual schedule of Ordinary Meetings for 2024, the December 2024 Meeting was set for Thursday 19 December 2024.

This date provides a very small timeframe for staff to action the outcomes of the December Meeting. This is due to the office closure during the Christmas shutdown period from midday Tuesday 24 December 2024 to Wednesday 1 January 2024.

Comment

It is asked that Council consider moving the December 2024 Ordinary Council meeting date scheduled for Thursday 19 December 2024 to the new date of Thursday 12 December 2024, or alternatively Tuesday 17 December 2024.

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

Consultation

Executive Services Manager

Statutory Implications

Local Government Act 1995, section 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 subregulation (1).*

- (3) *Subject to subregulation (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 subregulation (3), then the local government is to give public notice of the date, time, place and purpose of the special meeting in the manner and to the extent that, in the CEO's opinion, is practicable.*

Policy Implications

Nil

Risk Implications

Risk: That Council not vary the December 2024 Council Meeting date, creating a narrow timeframe for actions to be performed by staff before the annual Christmas shutdown period.		
Likelihood	Consequence	Rating
Likely	Minor	Low
Action / Strategy		
This item has been evaluated against the Shire of Bruce Rock's Risk Management Procedure's Risk Matrix. The perceived level of risk is considered to be low, and will be managed by routine procedure.		

Financial Implications

Nil

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2022-2032

Governance

Priority 4.1 Our organisation is well positioned and has capacity for the future

Priority 4.3 Proactive and well governed Shire

Voting Requirements

Simple Majority

Officer Recommendation

That Council:

- 1. reschedules the December 2023 Ordinary Meeting of Council from Thursday 19 December 2024 to Thursday 12 December 2024 or Tuesday 17 December 2024, commencing at 3.00pm; and**
- 2. gives public notice of the change of meeting details for the December 2024 Ordinary Meeting of Council.**

Agenda Reference and Subject:	10.4.2 New Fee – Lease of 12 Buller Road
Reporting Officer:	Nerea Ugarte, Manager of Governance and Community Services
Author:	Nerea Ugarte, Manager of Governance and Community Services
Disclosure of Interest	
Attachments	<i>Nil</i>

Summary

Council is asked to add a fee to the Schedule of Fees and Charges for the leasing of 12 Buller Road, Bruce Rock.

Background

12 Buller Road, Bruce Rock has been used as a rental for Shire staff in the past. As such, it is not currently listed in the housing rental category in the Schedule of Fees and Charges.

This property has now been temporarily offered for lease to a gardener, who will be working for the Shire under a contract with the employment agency ChoiceOne.

Comment

It is recommended that a fee of \$150 per week be added to the Schedule of Fees and Charges for the lease of this property. The Acting Manager of Finance has recommended this amount after comparing the fees charged for other Shire properties.

As Council is adding a new fee to the adopted budget's Schedule of Fees and Charges, a public notice is required to be published.

Consultation

Acting Manager of Finance
Executive Services Manager

Statutory Implications

Local Government Act 1995, sections 6.16 and 6.19

6.16. Imposition of fees and charges

- (1) *A local government may impose* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.*

** Absolute majority required.*

- (3) *Fees and charges are to be imposed when adopting the annual budget but may be —*

(a) imposed during a financial year; and*

(b) amended from time to time during a financial year.*

** Absolute majority required.*

6.19. Local government to give notice of fees and charges

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of –

(a) its intention to do so; and

(b) the date from which it is proposed the fees or charges will be imposed.

Policy Implications

Nil

Risk Implications

Risk: That the fee does not recover the cost of maintaining the property.		
Likelihood	Consequence	Rating
Almost Certain	Minor	High
Action / Strategy		
The Acting Manager of Finance will monitor the cost of maintaining the property and recommend fee adjustments, as necessary.		

Financial Implications

A slight increase to the budgeted amount of fees and charges collected.

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2022-2032

Governance

Goal 4.1 Our organisation is well positioned and has capacity for the future

Voting Requirements

Absolute Majority

Officer Recommendation

That Council:

- 1. adopts the new fee of \$150 per week for the leasing of 12 Buller Road, Bruce Rock and approves this additional revenue item in the 2024-25 budget;**
- 2. agrees to give public notice of seven days of the intent to adopt the new fee; and**
- 3. approves the imposition of this fee from 1 November 2024.**

Agenda Reference and Subject:

10.4.3 Expressions of Interest for the Lease of 46 Johnson Street

Reporting Officer:

Nerea Ugarte, Manager of Governance and
Community Services

Author:

Nerea Ugarte, Manager of Governance and Community
Services

Disclosure of Interest

Attachments

*Item 10.4.3 Attachment A – Request for Expressions of
Interest for the Lease of 46 Johnson Street, Bruce Rock*

Summary

Council is asked to consider the submissions received (if any) for the lease of 46 Johnson Street, Bruce Rock.

Background

The Shire of Bruce Rock (Shire) received an enquiry about the potential rental of 46 Johnson Street to run a business, seeking to start the lease as soon as possible.

The Shire subsequently issued a request for Expression of Interest to lease the building, with submissions closing at 9am on 17 October 2024 (Attachment A). No submissions have been received at the time of writing this report to Council.

On 2 September 2021, the Shire received an independent valuation report on the property from Independent Valuers of Western Australia. The valuers estimated the market rent for the building to be \$9,950 per annum (excluding GST and outgoings), or \$830 per calendar month.

Comment

It is recommended that Shire staff collect all submissions received by the due date and time, and present them to Council for consideration at its Ordinary Meeting of 17 October 2024.

Consultation

Chief Executive Officer
Executive Services Manager
Acting Manager of Finance

Statutory Implications

Local Government Act 1995, section.3.58

3.58 *Disposing of property*

- (1) *In this section —
dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;
property includes the whole or any part of the interest of a local government in property, but does
not include money.*
- (2) *Except as stated in this section, a local government can only dispose of property to —
(a) the highest bidder at public auction; or*

- (b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*
- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*
- (a) *it gives local public notice of the proposed disposition —*
- (i) *describing the property concerned; and*
- (ii) *giving details of the proposed disposition; and*
- (iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and*
- (b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include—*
- (a) *the names of all other parties concerned; and*
- (b) *the consideration to be received by the local government for the disposition; and*
- (c) *the market value of the disposition —*
- (i) *as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*

Local Government Act 1995 s.6.16 & s.6.19

6.16. Imposition of fees and charges

- (1) *A local government may impose* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.*
- * Absolute majority required.*
- (3) *Fees and charges are to be imposed when adopting the annual budget but may be -*
- (a) *imposed* during a financial year; and*
- (b) *amended* from time to time during a financial year.*
- * Absolute majority required.*

6.19. Local government to give notice of fees and charges

- If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of*
- (a) *its intention to do so; and*
- (b) *the date from which it is proposed the fees or charges will be imposed.*

Policy Implications

Nil

Risk Implications

Risk: That the property is not leased, leading to loss of income for Council and reduction of retail options and amenity to the Bruce Rock main street.

Likelihood	Consequence	Rating
Possible	Moderate	Moderate

Action / Strategy

- Ensure that the property is leased to the business whose submission is best suited to the goals of the Main Street Revitalisation Strategy, and to the Shire as a whole.
- If submissions are not received, continue to promote the availability of this commercial building for business purposes or as a pop up shop.

Financial Implications

Potential revenue from the lease of the property.

Strategic Implications

Shire of Bruce Rock Strategic Community Plan 2022-2032

Economy

Goal 2.1 Assist the local economy grow

Governance

Goal 4.1 Our organisation is well positioned and has capacity for the future

Voting Requirements

Absolute Majority

Officer Recommendation

That Council considers the submissions received in response to the request for Expressions of Interest to lease 46 Johnson Street, Bruce Rock.

Agenda Reference and Subject:

10.4.4 Local Government Elections – Review of WALGA Advocacy Positions

Reporting Officer:

Nerea Ugarte, Manager of Governance and Community Services

Author:

Nerea Ugarte, Manager of Governance and Community Services

Disclosure of Interest

Attachments

Item 10.4.4 Attachment A – Elections Analysis Review and Report

Item 10.4.4 Attachment B – Advocacy Positions for a New Local Government Act

Item 10.4.4 Attachment C – WALGA Submission: Local Government Reform Proposal

Summary

Council is asked to provide a response to WALGA’s request for comment on its advocacy positions in relation to Local Government elections.

Background

The Local Government Amendment Act 2023 introduced a range of electoral reforms that came into effect prior to the 2023 Local Government ordinary elections, including:

- the introduction of Optional Preferential Voting (OPV);
- the extension of the election period to account for delays in postal services;
- changes to the publication of information about candidates;
- backfilling provisions for extraordinary vacancies after the 2023 election;
- public election of the Mayor or President for larger Local Governments;
- the abolition of wards for smaller Local Governments; and
- the alignment of the size of Councils with the size of populations of each Local Government (change to representation).

Following requests from several Zones, WALGA undertook a comprehensive review and analysis of five ordinary election cycles. up to and including the 2023 Local Government election, against the backdrop of these legislative reforms. The review and report focused on postal elections conducted exclusively by the Western Australian Electoral Commission (WAEC), with the analysis finding evidence of rising cost and a reduction in the service of conducting Local Government elections in Western Australia.

The Elections Analysis Review and Report (Attachment A) was presented to State Council on 4 September 2024, with State Council supporting a review of WALGA’s Local Government Elections Advocacy Positions.

WALGA is requesting Councils consider the current and alternative Elections Advocacy Positions and provide a response back to WALGA by 28 October 2024 for the December 2024 State Council meeting.

Comment

Current Advocacy Positions

The following is a summary of WALGA’s current Advocacy Positions in relation to Local Government Elections:

ELECTIONS

Position Statement

The Local Government sector supports:

1. *Four year terms with a two year spill*
2. *Greater participation in Local Government elections*
3. *The option to hold elections through:*
 - *Online voting*
 - *Postal voting, and*
 - *In-person voting*
4. *Voting at Local Government elections to be voluntary*
5. *The first past the post method of counting votes*

The Local Government sector opposes the introduction of preferential voting, however if ‘first past the post’ voting is not retained then optional preferential voting is preferred.

Background

The first past the post (FPTP) method is simple, allows an expression of the electorate’s wishes and does not encourage tickets and alliances to be formed to allocate preferences.

State Council Resolution

February 2022 – 312.1/2022
December 2020 – 142.6/2020
March 2019 – 06.3/2019
December 2017 – 121.6/2017
October 2008 – 427.5/2008

Supporting Documents

[*Advocacy Positions for a New Local Government Act*](#) (Attachment B)
[*WALGA submission: Local Government Reform Proposal \(February 2022\)*](#) (Attachment C)

METHOD OF ELECTION OF MAYOR

Position Statement

Local Governments should determine whether their Mayor or President will be elected by the Council or elected by the community.

State Council Resolution

February 2022 – 312.1/2022
March 2019 – 06.3/2019
December 2017 – 121.6/2017

CONDUCT OF POSTAL ELECTIONS

Position Statement

The Local Government Act 1995 should be amended to allow the Australian Electoral Commission (AEC) and any other third party provider including Local Governments to conduct postal elections.

Background

Currently, the WAEC has a legislatively enshrined monopoly on the

conduct of postal elections that has not been tested by the market.

State Council Resolution *May 2023 – 452.2/2023*
March 2019 – 06.3/2019
December 2017 – 121.6/2017
March 2012 – 24.2/2012

WALGA’s Request

WALGA has requested that the following advocacy positions be considered by Councils:

1. PARTICIPATION

(a) The sector continues to support voluntary voting at Local Government elections.

OR

(b) The sector supports compulsory voting at Local Governments elections.

In previous WALGA consultation processes, Council has supported option (a).

2. TERMS OF OFFICE

(a) The sector continues to support four-year terms with a two year spill.

OR

(b) The sector supports four-year terms on an all in/all out basis.

In previous WALGA consultation processes, Council has supported option (a).

3. VOTING METHODS

(a) The sector supports First Past the Post (FPTP) as the preferred voting method for general elections. If Optional Preferential Voting (OPV) remains as the primary method of voting, the sector supports the removal of the ‘proportional’ part of the voting method for general elections.

OR

(b) The sector supports Optional Preferential Voting (OPV) as the preferred voting method for general elections.

In previous WALGA consultation processes, Council has supported First Past the Post as the preferred voting method for general elections.

4. INTERNAL ELECTIONS

(a) The sector supports First Past the Post (FPTP) as the preferred voting method for all internal elections.

OR

(b) The sector supports Optional Preferential Voting (OPV) as the preferred voting method for all internal elections.

No records of Council’s previous position on this matter has been found.

5. VOTING ACCESSIBILITY

The sector supports the option to hold general elections through:

(a) Electronic voting; and/or

(b) Postal voting; and/or

(c) In-Person voting.

In previous WALGA consultation processes, Council has supported options (a), (b) and (c).

6. METHOD OF ELECTION OF MAYOR

The sector supports:

- (a) As per the current legislation with no change – Class 1 and 2 local governments directly elect the Mayor or President (election by electors method), with regulations preventing a change in this method.
- (b) Return to previous legislated provisions – all classes of local governments can decide, by absolute majority, the method for electing their Mayor or President.
- (c) Apply current provisions to all Bands of Local Governments – apply the election by electors method to all classes of local governments.

In previous WALGA consultation processes, Council has supported option (b).

Consultation

Nil

Statutory Implications

Local Government Amendment Act 2023

Local Government Act Regulations - Elections

Policy Implications

Nil

Risk Implications

Nil.

Financial Implications

Nil.

Strategic Implications

Shire of Bruce Rock Strategic Community Plan 2022-2032

Governance

Goal 4.3 Proactive and well governed Shire

Voting Requirements

Simple Majority

Officer Recommendation

That Council recommends to WALGA the adoption of the following Local Government Election Advocacy positions:

- 1. PARTICIPATION - Council support advocacy position XX**
- 2. TERMS OF OFFICE - Council support advocacy position XX**
- 3. VOTING METHODS - Council support advocacy position XX**
- 4. INTERNAL ELECTIONS - Council support advocacy position XX**
- 5. VOTING ACCESSIBILITY - Council support advocacy position XX**
- 6. METHOD OF ELECTION OF MAYOR - Council support advocacy position XX**

10.5 Chief Executive Officer

Agenda Reference and Subject:	10.5.1 WALGA Remuneration Submission
Reporting Officer:	John Merrick, Acting Chief Executive Officer
Author:	John Merrick, Acting Chief Executive Officer
Disclosure of Interest	
Attachments	Nil

Summary

Councils are invited to provide input towards the annual WALGA submission to the Salaries and Allowances Tribunal (SAT) Inquiry for Local Government Chief Executive Officers and Elected Members.

Background

The SAT generally advertises its intention to accept submissions in December each year for its inquiry into remuneration. WALGA normally responds on behalf of the sector, following a presentation of a “draft” to the December Zone and State Council Agendas.

Comment

So as to inform the WALGA submission, Local Governments have been invited to provide input in relation to the following matters:

- Fees, expenses and allowances paid to Elected Members
- Remuneration of Chief Executive Officers
- Regional/Isolation Allowance
- Fees payable to independent Audit and Risk Management Committee members
- Any other issue.

WALGA requires the input by 5pm on Monday 28 October 2024.

Consultation

Nil

Statutory Implications

Local Government Act 1995

Policy Implications

Nil.

Risk Implications

Nil.

Financial Implications

Annual budgetary allocations to cost areas may be affected.

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2022-2032

Governance

Goal 4.3 Proactive and well governed Shire

Voting Requirements

Simple Majority

Officer Recommendation

That Council consider whether or not to provide input into the WALGA submission to the Salaries and Allowances Tribunal Inquiry for Local Government Chief Executive Officers and Elected Members.

11. Regional Reports

12. New Business of an Urgent Nature Introduced by Discussion of the Meeting

13. Confidential Items

Agenda Reference and Subject:	13.1 Interim Audit Management Letter
Reporting Officer:	Mike Darby, Manager of Finance
Author:	Mike Darby, Manager of Finance
Disclosure of Interest	
Attachments	Nil

Officer Recommendation

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

- (f) a matter that if disclosed, could be reasonably expected to –
 - (ii) endanger the security of the local government’s property.

Officer Recommendation

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

Officer Recommendation

That the Audit and Risk Committee recommends to Council to receive the Interim Audit Management Letter for the financial year ended 30 June 2024.

14. Closure of Meeting