




Shire of Brookton

# ORDINARY COUNCIL MEETING MINUTES

Thursday 15 December 2016

The Chief Executive Officer recommends the endorsement of these minutes at the next Ordinary Council Meeting.

Acting CEO:..........Date: 19/12/16

These minutes were confirmed by Council as a true and correct record of proceedings by the Ordinary Council Meeting held on ...../...../.....

Presiding Member:.....Date:.....

## Disclaimer

The purpose of this Council Meeting is to discuss and, where possible, make resolutions about items appearing on the agenda.

Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by a Member or Officer, or on the content of any discussion occurring, during the course of the meeting.

Persons should be aware that the provisions of the Local Government Act 1995 (Section 5.25(e)) establish procedures for revocation or revision of a Council decision. No person should rely on the decisions made by Council until formal advice of the Council decision is received by that person.

The Shire of Brookton expressly disclaims liability for any loss or damage suffered by any person as a result or relying on or acting on the basis of any resolution of Council, or any advice or information provided by a Member or Officer, or the content of any discussion occurring, during the course of the Council Meeting.

**Shire of Brookton**  
**Ordinary Meeting of Council held 15 December 2016**  
**with a scheduled commencement at 12.30 pm**

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## **1.12.16 DECLARATION OF OPENING/ATTENDANCE**

### **Attendance**

The Presiding Member opened the meeting at 12.31 pm and welcomed Councillors and Staff.

#### Elected Members (Voting)

Cr KT Wilkinson	Shire President (Presiding Member)
Cr KL Crute	
Cr TM Eva	
Cr RT Fancote	
Cr NC Walker	
Cr KH Mills	

#### Staff (Non Voting)

Dale Stewart	Acting Chief Executive Officer
Carina Whittington	Community Services Manager
Stefan De Beer	Shire Planner
Courtney Fulwood	Acting Executive Support and Administration Officer

#### Public

Timm Lange

#### Apologies

Nil

#### Leave of Absence

Cr L Allington

## **2.12.16 ANNOUNCEMENTS OF VISITORS**

The Presiding Member welcomed Timm Lange to the Ordinary Council Meeting of December.

## **3.12.16 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

## **4.12.16 PUBLIC QUESTION TIME**

Nil

## **5.12.16 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

## **6.12.16 PETITIONS/DEPUTATIONS/PRESENTATIONS**

Nil

## **7.12.16 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

### **OFFICER RECOMMENDATION & COUNCIL RESOLUTION MOVED CR CRUTE SECONDED CR FANCOTE**

That the minutes of the Ordinary Council meeting held in the Shire of Brookton Council Chambers on Thursday 17 November 2016, be confirmed as a true and correct record of the proceedings.

***CARRIED BY SIMPLE MAJORITY 6-0***

## **8.12.16 ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION**

(Includes Condolences)

There is a 2.00 pm meeting at the WB Eva Pavilion to meet M Aldridge MLC.

## **9.12.16 DISCLOSURE OF INTERESTS**

***Members and Officers to declare Financial, Proximity or Impartiality Interests & submit forms to the Chief Executive Officer at the commencement of the meeting and also prior to the item.***

### **Disclosure of Financial & Proximity Interests**

- a. Members must disclose the nature of their interest in matters to be considered at the meeting. (Sections 5.60B and 5.65 of the *Local Government Act 1995*).
- b. Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting. (Sections 5.70 and 5.71 of the *Local Government Act 1995*).

### **Disclosure of Interest Affecting Impartiality**

- a. Members and staff must disclose their interest in matters to be considered at the meeting in respect of which the member or employee has given or will give advice.

### **Financial, Proximity and Impartiality Interests**

<b>Item no.</b>	<b>Members</b>	<b>Type of Interest</b>	<b>Nature of Interest</b>
10.12.16.01	Cr Crute	Financial	Employed by Tianco Pty Ltd
11.12.16.01	Fleur Wilkinson	Financial	Employee has prepared the office report and consultant who wrote the attachment
11.12.16.01	Cr Wilkinson	Financial	Spouse to author of the consultant's report
10.12.16.01	Cr Wilkinson	Impartiality	User of Tianco's services
10.12.16.01	Cr Eva	Impartiality	User of Tianco's services
10.12.16.03	Cr Fancote	Proximity	Neighbour to property

Cr Crute declared a Financial interest in Item 10.12.16.01 and left the meeting 12.37 pm.

## **10.12.16 TECHNICAL & DEVELOPMENT SERVICES REPORTS**

### **10.12.16.01 DEVELOPMENT APPLICATION – TRANSPORT DEPOT LOT 814 BROOKTON-CORRIGIN ROAD**

File No: P894  
Applicant/ Proponent: Tim Lange – Tianco Pty Ltd  
Subject Land/ Locality: Lot 814 Brookton-Corrigin Road, Brookton  
Date: 24/11/2016  
Author: Stefan de Beer, Shire Planner  
Authorising Officer: Dale Stewart, Acting Chief Executive Officer  
Disclosure of Interest from Author: Neither the Officer nor Authorising Officer have any impartiality, Financial or Proximity Interest that requires disclosure.  
Authority/Discretion: ☒ Quasi-Judicial – when Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building permits, applications for other permits/licences (eg under the Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.

#### Attachments:

1. Site Development Plan
2. Bunded Diesel Tank photos
3. Objection to proposal

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### **OFFICER RECOMMENDATION & COUNCIL RESOLUTION MOVED CR FANCOTE SECONDED CR EVA**

**That Council approve a Transport Depot at lot 814 Brookton-Corrigin Road, Brookton, subject to the following conditions and advice notes:**

#### **Conditions:**

1. If the development, the subject of this approval, is not **SUBSTANTIALLY COMMENCED** within a period of 2 years from the date of this approval being granted, the approval shall lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the responsible authority having first been sought and obtained;
2. Development shall be carried out only in accordance with the terms of the application as approved herein and any approved plan;
3. The number of truck units (truck and trailer/s) associated with the operations of the Transport Depot shall be limited to 10;
4. No direct access to and from the subject lot shall be permitted from the Brookton-Corrigin Road.

### **Advice Notes:**

- I. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development;
- II. The applicant is advised a building permit is required prior to commencement of any building works;
- III. The applicant is advised that external lighting, where applicable, should comply with the requirements of AS4282 – Control of Obtrusive Effects of Outdoor Lighting;
- IV. The applicant is advised that emitted noise should comply with Environmental Protection (Noise) Regulations 1997 at all times;
- V. The applicant is advised that should notification of a valid written complaint in relation to noise or dust nuisance be received by the Shire, the applicant might be required to cease all operations until such time as the subject of the complaint is remedied to the satisfaction of the Shire.

**CARRIED BY SIMPLE MAJORITY 5-0**

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### **SUMMARY**

An application has been received for the establishment of a Transport Depot at lot 814 Brookton-Corrigin Road, Brookton. It is recommended the application be approved.

### **BACKGROUND**

The subject property is Zoned '*Farming*' and is approximately 43.705 ha in extent. It contains an existing approved gravel and sand extraction pit.

The proposed land use is regarded as a '*Transport Depot*' in terms of the Shire of Brookton Town Planning Scheme No. 3 (TPS 3).

A '*Transport Depot*' is an 'AA' use in the '*Farming*' Zone in terms of TPS 3, and therefore requires Council's discretion to permit the use.

'*Transport Depot*' has the following interpretation in TPS 3:

*"means any land or buildings used for the garaging of motor vehicles used or intended to be used for carrying goods or persons for hire or reward or for any consideration, or for the transfer of goods or persons from one motor vehicle to another of such motor vehicle and includes maintenance, management and repair of the vehicles used, but not other vehicles."*

The site plan of the proposed staged development is attached hereto. The applicant intends to establish the Transport Depot as an additional land use to the existing Extractive Industries land use.

The proposed Transport Depot will be for 10 truck units (truck & trailer/s) and will have the following components:

#### **Stage 1:**

- 2 x 40" Containers with a dome shelter for storing tools and equipment, doing maintenance on equipment and sheltering loads from inclement weather;
- A self-bunded 52,500 litre fuel tank (photos attached hereto), for storing fuel and refuelling equipment;
- Garaging of trucks;
- Times of operation are proposed to be 24/7, all year;

## Stage 2:

- The 2<sup>nd</sup> stage will be in 5-10 years, the move necessary due to the potential impact of the extractive industry on stage 1 of the operations;
- This will involve moving of the self-bunded fuel tank, containers, garaged trucks;
- Addition of a shed (30m x 50m x 5m) to store equipment and carry out maintenance on equipment.

## **COMMENT**

When considering this application for development approval, it is proposed that the following matters be taken into consideration by Council in its decision making:

### The Land Use:

The proposed land use of '*Transport Depot*' is an 'AA' use in terms of the Shire of Brookton Town Planning Scheme No. 3 in the '*Farming*' Zone, which means that Council's discretion is required before permission for the land use is granted.

From a planning perspective it is submitted that the proposed land use is regarded to be compatible with the surrounds and suitably so, especially in terms of road access considerations.

### Amenity:

The main impacts to amenity are anticipated to be noise, dust and disturbance to visual amenity.

There are however no sensitive land use receptors in close proximity to the subject site (the closest homestead being approx. 740m to the north), and the anticipated impacts are therefore regarded as being negligible.

### Road Use:

The property is well located in relation to Yeo Road and the Brookton-Corrigin Road.

## **CONSULTATION**

A copy of the application was sent to the surrounding land owners as well as MainRoads WA with a request for comment.

No response had been received from MainRoads WA. It should be noted that a previous development application for a grain storage facility on the same site, with substantial associated truck movements (application submitted by CBH, but subsequently withdrawn) had been communicated to MainRoads WA, whom had no objection to that proposal.

One objection was received from Mr & Mrs Rob and Karen Langley, a copy of which is attached to this report.

Planner responds as follows in regards to the abovementioned submission:

One part of the submission is an objection to an already approved gravel and sand extractive industry, which requires currency in terms of an annual renewal regime for the Extractive Industry Licence. There are no records indicating non-compliance with the strict conditions of planning approval or the Extractive Industry Licence conditions.

The proposal is for the storage of diesel fuel in a self-bunded diesel tank, which storage would be ancillary to the Transport Depot use. Photos of the self-bunded tank are attached to this

report. The specific engineered design of a self-bunded fuel tank is such that fuel spillage would be minimal and contained.

As a result of the above it is respectfully submitted that the objection be dismissed.

## **LEGISLATIVE IMPLICATIONS**

There are no specific legislative implications in relation to this application. The enabling Legislative mechanism is the Shire of Brookton Town Planning Scheme No. 3.

## **POLICY IMPLICATIONS**

There are no specific policy implications in relation to this application.

## **FINANCIAL IMPLICATIONS**

There are no financial implications in relation to this application.

## **STRATEGIC IMPLICATIONS**

No specific reference to the Strategic Community Plan or Corporate Business Plan.

## **SUSTAINABILITY IMPLICATIONS**

### *Environmental*

There are no significant identifiable natural or built environmental impacts arising from adoption of the officer's recommendation.

### *Economic*

There are no significant identifiable economic impacts arising from adoption of the officer's recommendation.

### *Social*

There are no significant identifiable social impacts arising from adoption of the officer's recommendation.

### *Risk*

Risk	That conditions of planning approval not be adhered to.
Risk Likelihood (based on history and with existing controls)	Rare (1)
Risk Impact / Consequence	Insignificant (1)
Risk Rating (Prior to Treatment or Control)	Low (1-4)
Principal Risk Theme	Environment management
Risk Action Plan (Controls or Treatment)	Accept Officer Recommendation



proposed)

## Risk Matrix

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 1 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

### Risk Rating:

It is not recommended this item be added to the Shire's Risk Register, nor that a Risk Treatment Plan be required.

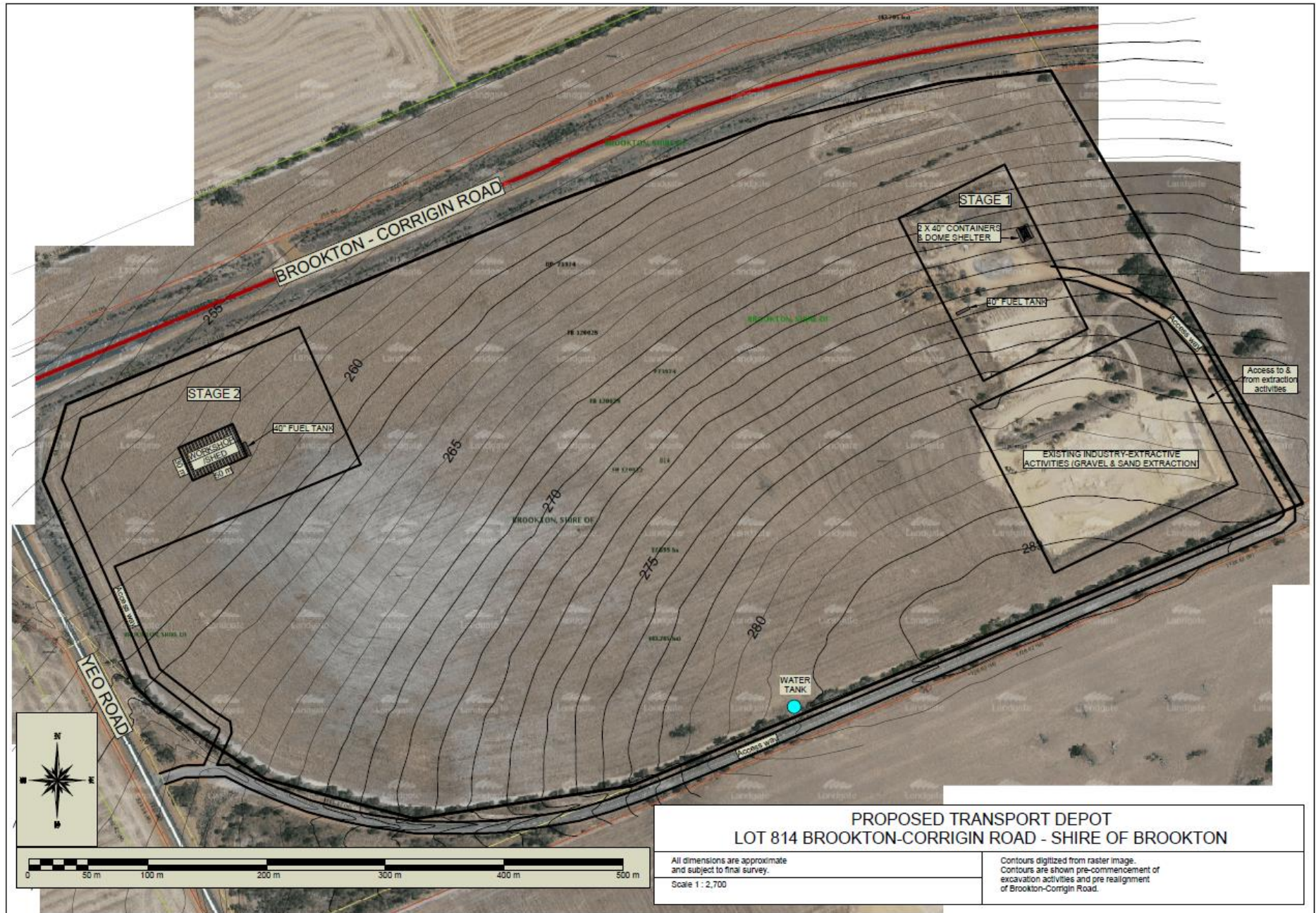
## CONCLUSION

It is submitted that the property is well located for the intended Transport Depot Land Use. Anticipated negative off-site impacts can be mitigated by appropriately framed conditions of planning approval.

Timm Lange left the meeting at 12.38 pm

Cr Crute reentered the meeting at 12.38 pm

## Attachment - Site Development Plan





Attachment - Bunded Diesel Tank photos











RECEIVED  
8 - NOV 2016  
1204  
SP  
C25

Our Reference: P894

Chief Executive Officer  
Shire of Brookton  
PO Box 42  
BROOKTON WA 6306

Attention: Stefan de Beer

Dear Sir

**DEVELOPMENT APPLICATION – TRANSPORT DEPOT – LOT 814 BROOKTON-CORRIGIN ROAD, BROOKTON**

We wish to make following submission in relation to the above proposal:

No objection to proposal ☐ (tick as appropriate)  
Object to the proposal ☒  
Comment on the proposal ☐

This matter will require a Council decision. The details you provide on this form will be included in the relevant Council Agenda and therefore be publicly available unless reasons are otherwise provided on this form for this to not occur.

Comments: The soil types on the proposed development and its position in the landscape are unsuitable for storing large amounts of fuel. Valuable water supplies on adjoining land (Lot 51) would be under threat from any major fuel spillage. Given the record of the 'extractive industry' on the same location as the proposed development, we would not be confident of any conditions set down by Council being adhered to

(Please tick) Owner ☒ Occupier ☐

Signed: K. Langley - Rob Langley Date: 2/11/16  
Print Name: Karen Langley, Rob Langley  
Postal Address: P.O. Box 26, Brookton. 6306  
Property Address: 725 Beyagarra Rd, Brookton 6306  
Daytime Phone No: 0427 421 084

**Please Note:** Submissions must be received by Council within 21 days

<b>Office Use Only</b>
Assessment No:
Address:
Lot No.:

Langley Management Pty Ltd A.C.N. 008 986 856  
As T/F the R & K Family Trust  
T/A RJ & KJ Langley  
Ph 0427 421084 or 0428 421202

725 Boyagarra Road  
PO Box  
Brookton WA 6306  
email: rlangley3@bigpond.com

Stefan de Beer  
Shire Planner  
Shire of Brookton  
White St  
Brookton .6306  
2-11-16

Dear Stefan,

We wish to register a complaint regarding the extractive industry situated on Lot 814 Brookton Corrigin Road. This industrial site is situated adjacent to land owned by us.

The site is visually unacceptable from a northerly aspect and only a token effort has been made to screen the area.(see "Extractive and Enviromental Management Plan" submitted by Tianco Pty Ltd at the time of their development application).

The site appears to exceed the area allowed to be operated at any one time.

The excavation site is neither fenced or locked as required by law.

Yours faithfully

  
Rob and Karen Langley



## 10.12.16.02 BUCKINGHAM ROAD – ROAD CLOSURE & DEDICATION

File No: P894  
Applicant/ Proponent: Shire of Brookton  
Subject Land/ Locality: Various lots on Buckingham Road  
Date: 24/11/2016  
Author: Stefan de Beer, Shire Planner  
Authorising Officer: Dale Stewart, Acting Chief Executive Officer  
Disclosure of Interest from Author: Neither the Officer nor Authorising Officer have any impartiality, Financial or Proximity Interest that requires disclosure.  
Authority/Discretion: ☒ Quasi-Judicial – when Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building permits, applications for other permits/licences (eg under the Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.

### Attachments:

1. Locality Map
2. Sketch plan of proposed actions
3. Desktop Valuation Report – Landgate (Separate Attachment 10.12.13.02A)
4. Cost estimations for Road Works – Works Supervisor

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### OFFICER RECOMMENDATION & COUNCIL RESOLUTION MOVED CR MILLS    SECONDER CR EVA

That with respect to the proposed road closure and dedication of Buckingham Road, Council resolve to:-

1. Close the section of unconstructed road reserve on Buckingham Road in accordance with Section 58 of the Land Administration Act, 1997, as depicted on the attached sketch plan, and to formally request the Minister of Lands to close the subject section of road;
2. Initiate the dedication of the subject land portions as public road, through subdivision, as depicted on the attached sketch plan;
3. Enter into formal agreements with the affected land owners for consent to perform the subdivision applications, and agreement on compensation for the land parcels to be taken as part of this process.

**CARRIED BY SIMPLE MAJORITY 6-0**

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### SUMMARY

Council is requested to formally resolve to progress an application for road closure and road dedication through subdivision.

## BACKGROUND

The Plant and Works Committee at its meeting of 7 May 2015 resolved as follows (resolution 9.05.15.1):

*'That Council dedicate road reserves and close sections of unconstructed road reserves on Buckingham Rd and Beecroft Rd as depicted on the attached sketch plan, in order to formalise the existing as-constructed alignment of Buckingham Road and Beecroft Road. Instruct the Shire Planner to initiate the appropriate road closure and road dedication actions to achieve the desired outcome.'*

## COMMENT

The *de facto* physical alignment of Buckingham Road at this specific locality does not follow the *de jure* alignment of the road reserve and therefore an intervention is required from the Shire to correct the anomaly.

This is proposed to be done by a Road Closure and a Road Dedication exercise, through subdivision, as depicted on the attached site plan.

## CONSULTATION

An advertisement was placed in the Narrogin Observer on 12 August 2015 and the Brookton Telegraph for the proposed road closure and dedication actions.

Consultation was had with directly affected land owners (DM Loakes & SM Berkmann) whom conditionally agreed with the taking of the land for road dedication purposes and them agreeing to a favourable arrangement in regards to compensation. Consultation was also had with Skyflame Enterprises (STEG Quarries), as well as BD Schilling (Neighbouring owner on Beecroft Road), with no comments forthcoming.

Service Providers Western Power and Telstra expressed no objection to the proposal, whilst DFES provided no comment.

Department of Lands was consulted and provided in-principle support for the actions to be undertaken to correct the road alignment anomaly.

## LEGISLATIVE IMPLICATIONS

The enabling legislative mechanisms are Section 58 of the Land Administration Act, 1997 and the Planning and Development Act, 2005.

## POLICY IMPLICATIONS

There are no specific policy implications in relation to this application.

## FINANCIAL IMPLICATIONS

The Council has a total Budget allocation for the Road Dedication and Road Compensation of \$30,000 (cost centre E104030.379). There is in addition, approximately \$32,000 worth of works to improve the road to a reasonable standard in situ, which is not contained in the 2016/17 Budget.

Council will be liable for the following expenses, where applicable:

### Road Closure & Dedication Costs:

Advertising Costs:	\$ 300-00 (already paid)
Landgate Valuation Report:	\$ 600-00 (already paid)
Compensation for land taken – part lot 7148 (Berkmann)	\$ 500-00 (as per valuation report)
Compensation for land taken – part lot 505 (Loakes)	\$1,300-00 (as per valuation report)
<i>Bona Voluntate et Ad Valorem</i> @ 10% of compensation	\$ 180-00 ('good will' fee)
Land Surveyor & WAPC Appl. Fees – subdivision	\$14,000-00
Solicitor's fee for agreement documentation	\$ 1,000-00

Other costs –

### Road Works:

#### Scenario 1: Status Quo maintained:

Construction of new road within legal road reserve: \$206,000-00 (See attached Schedule)

Scenario 2: Upgrading of road *in situ*: \$ 62,000-00

## STRATEGIC IMPLICATIONS

No specific reference to the Strategic Community Plan or Corporate Business Plan.

## SUSTAINABILITY IMPLICATIONS

### *Environmental*

There are no significant identifiable natural or built environmental impacts arising from adoption of the officer's recommendation.

### *Economic*

There are no significant identifiable economic impacts arising from adoption of the officer's recommendation.

### *Social*

There are no significant identifiable social impacts arising from adoption of the officer's recommendation.

### *Risk*

Risk	That the officer's recommendation not be accepted.
Risk Likelihood (based on history and with existing controls)	Rare (1)
Risk Impact / Consequence	Insignificant (1)
Risk Rating (Prior to Treatment or Control)	Low (1-4)
Principal Risk Theme	Environment management
Risk Action Plan (Controls or Treatment)	Accept Officer Recommendation

proposed)

## Risk Matrix

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 1 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

### Risk Rating:

It is not recommended this item be added to the Shire's Risk Register, nor that a Risk Treatment Plan be required.

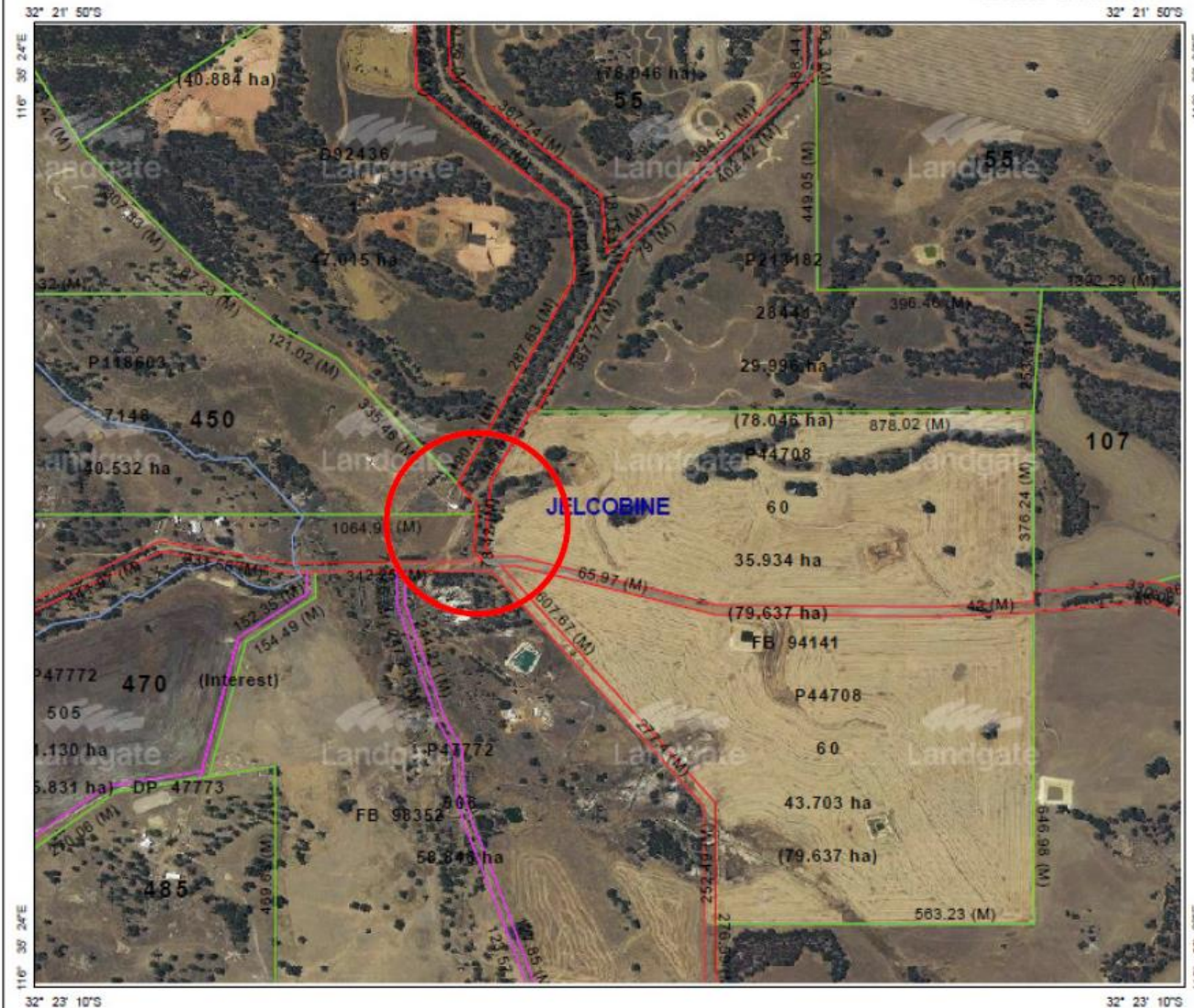
## CONCLUSION

It is submitted that the project be proceeded with to correct the historical road alignment anomaly.

## Attachment – Locality Map

### LOCALITY MAP

Created 24 Mar 2016



Scale: 1:10,000

#### Description

Map Projection: GDA 94 (Lat/Long)

Datum: Geocentric Datum of Australia  
1994

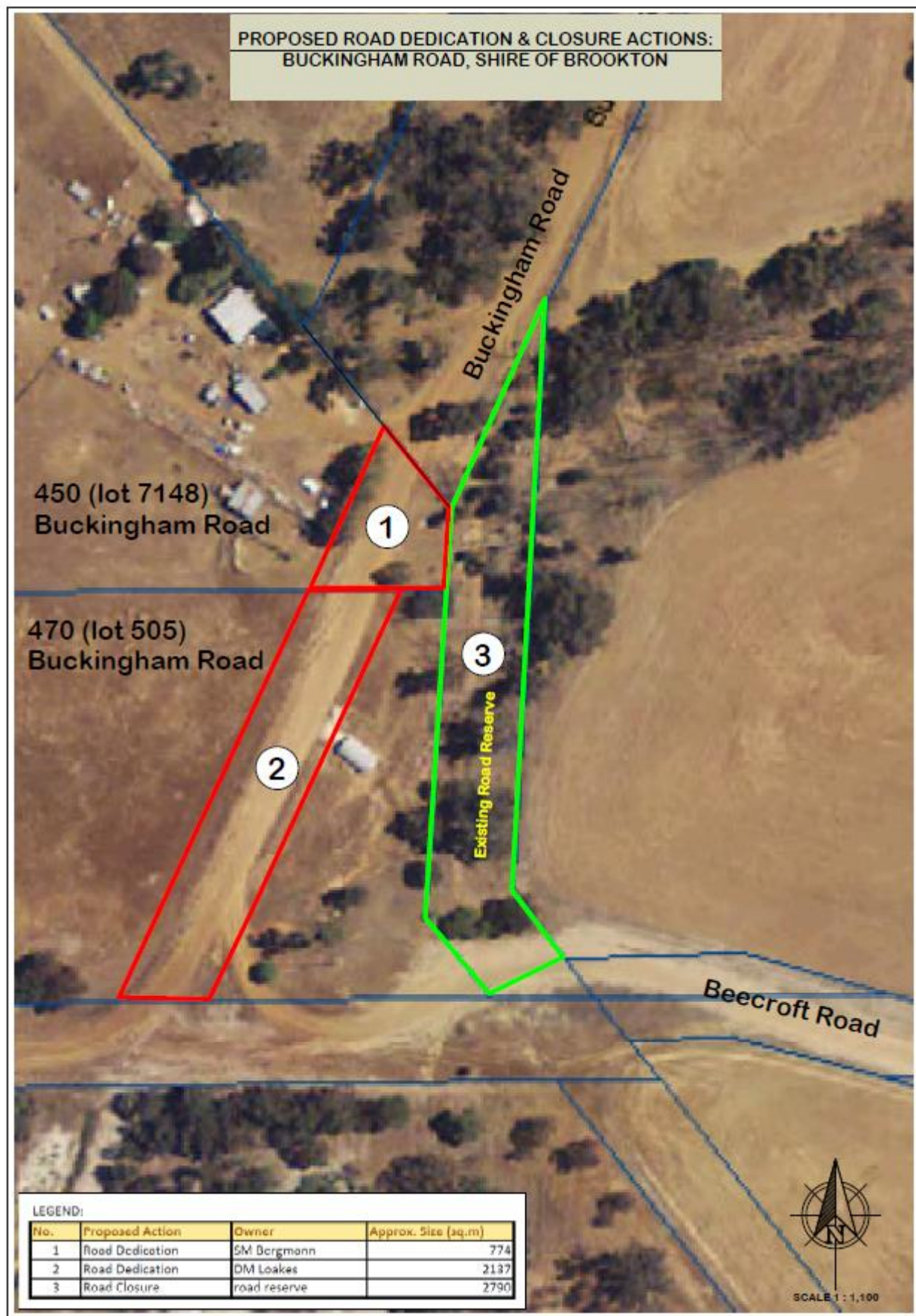
1 Midland Square  
Midland WA 6056  
(08) 9273 7341  
customerservice@landgate.wa.gov.au  
www.landgate.wa.gov.au



**Landgate**

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*Shire of Brookton, Minutes Ordinary Meeting of Council, 15 December 2016*

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Cr Fancote declared a Proximity interest in item 10.12.16.03 and left the meeting at 12.39 pm.

### **10.12.16.03 SUBDIVISION APPLICATION**

File No: S154524  
Applicant/ Proponent: PH & KE Gow on behalf of Brett & Susan Whittington  
Subject Land/ Locality: Lots 21122, 3127 & 5267 Fancote Road, Brookton  
Date: 1/12/2016  
Author: Stefan de Beer, Shire Planner  
Authorising Officer: Dale Stewart, Acting Chief Executive Officer  
Disclosure of Interest from Author: Neither the Officer nor Authorising Officer have any impartiality, Financial or Proximity Interest that requires disclosure.  
Authority/Discretion: ☒ Quasi-Judicial – when Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building permits, applications for other permits/licences (eg under the Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.

Attachments:

1. Locality Map
2. Subdivision Sketch Plan
3. Application letter – Peter Gow

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### **OFFICER RECOMMENDATION & COUNCIL RESOLUTION MOVED CR CRUTE SECONDED CR MILLS**

**That Council resolve to recommend to the Western Australian Planning Commission that application WAPC No. 154524 for the subdivision of Lots 21122, 3127 & 5267 Fancote Road, Brookton be approved, subject to the following condition and advice note:**

**Condition:**

- 1) **Suitable arrangements are to be made with the local government for the provision of vehicular crossovers to the newly created lots.**

**Advice Note:**

- i. **The Commission's approval should not be construed as an approval for development on any of the lots proposed.**

***CARRIED SIMPLE MAJORITY 5-0***

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### **SUMMARY**

An application has been received to subdivide Lots 21122, 3127 & 5267 Fancote Road, Brookton. It is recommended that the application be approved.



## **BACKGROUND**

The proposed subdivision will rearrange the boundaries of Lots 21122, 3127 & 5267 Fancote Road, Brookton as depicted in the accompanying subdivision sketch plan. The properties are zoned 'Farming' and contains agricultural related infrastructure, and homesteads.

## **COMMENT**

The proposed subdivision, through lot boundary re-alignment, is purported to be done to facilitate family succession planning.

The number of resultant lots post subdivision will be the same as the number of parent lots (3) which proposal is in pace with Council's Local Planning Strategy for this Zone, as well as State Development Control Policy 3.4 – *Subdivision of Rural Land*.

## **CONSULTATION**

Consultation for subdivision applications are done by the Western Australian Planning Commission.

## **LEGISLATIVE IMPLICATIONS**

Subdivision is determined by the Western Australian Planning Commission in compliance with state policies and the Shire of Brookton's planning framework. Council's recommendation is considered when determining the application.

## **POLICY IMPLICATIONS**

There are no specific policy implications in relation to this application.

## **FINANCIAL IMPLICATIONS**

There are no financial implications in relation to this application.

## **STRATEGIC IMPLICATIONS**

No specific reference to the Strategic Community Plan or Corporate Business Plan.

## **SUSTAINABILITY IMPLICATIONS**

### *Environmental*

There are no significant identifiable natural or built environmental impacts arising from adoption of the officer's recommendation.

### *Economic*

There are no significant identifiable economic impacts arising from adoption of the officer's recommendation.

### *Social*

There are no significant identifiable social impacts arising from adoption of the officer's recommendation.

## Risk

Risk	That the officer's recommendation not be accepted.
Risk Likelihood (based on history and with existing controls)	Rare (1)
Risk Impact / Consequence	Insignificant (1)
Risk Rating (Prior to Treatment or Control)	Low (1-4)
Principal Risk Theme	Environment management
Risk Action Plan (Controls or Treatment proposed)	Accept Officer Recommendation

## Risk Matrix

Consequence Likelihood		Insignificant 1	Minor 2	Moderate 3	Major 4	Catastrophic 5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 1 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

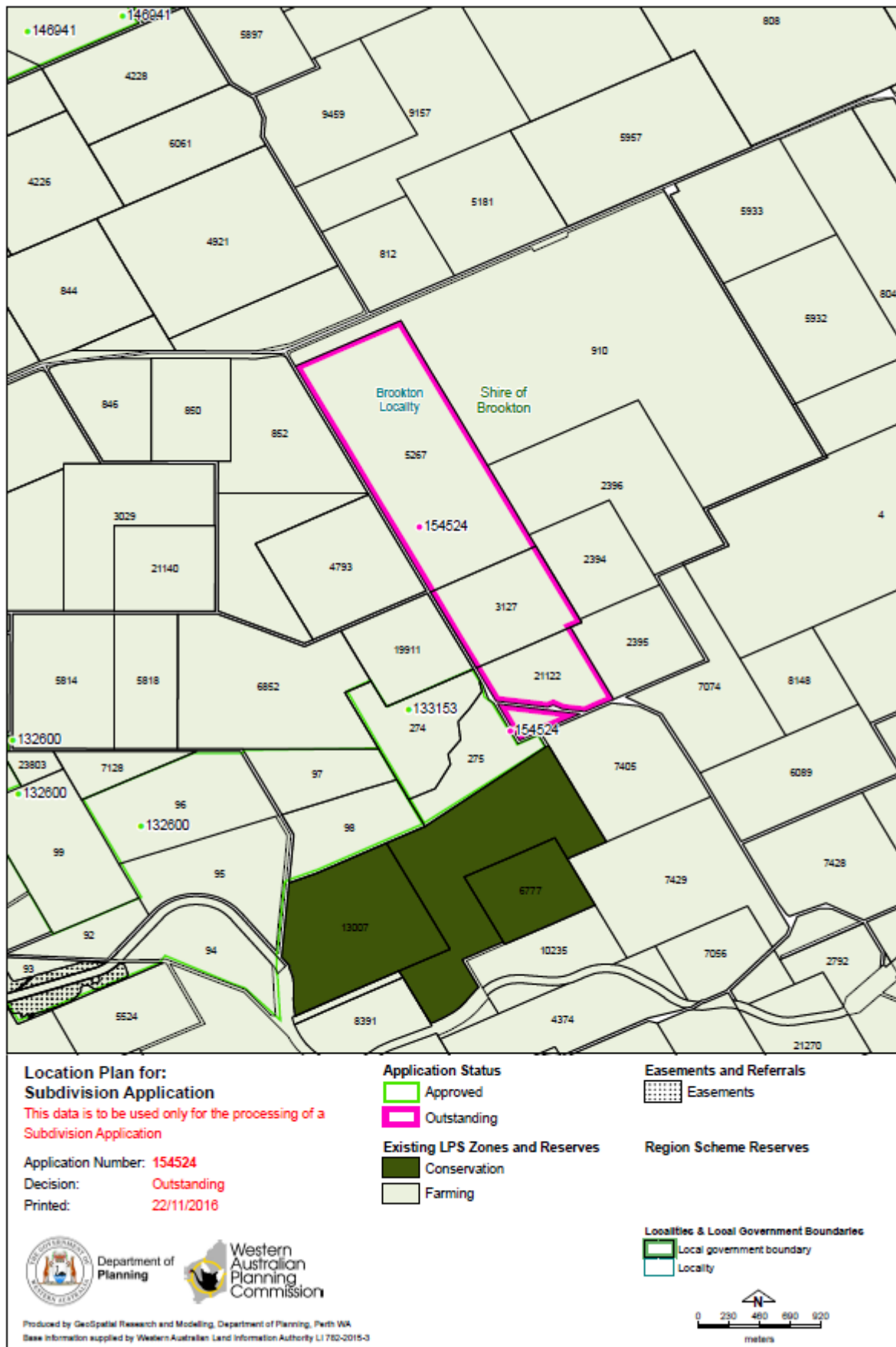
### Risk Rating:

It is not recommended this item be added to the Shire's Risk Register, nor that a Risk Treatment Plan be required.

## CONCLUSION

The application for subdivision is supported as it is deemed to be in pace with the local planning strategy and state planning policy directives regarding the subdivision of rural land.

Cr Fancote reentered the meeting at 12.41pm



Proposed Subdivision Lot 5267, Lot 3127 and Lot 21122  
Fancote Rd, Brookton, Shire of Brookton

Existing Lots 3  
 Lot 5267 Area 141.44ha  
 Lot 3127 Area 47.75ha  
 Lot 21122 Area 39.257ha

Proposed Lots 3  
 Proposed Lot A Area 91.22ha  
 Proposed Lot B Area 73.89ha  
 Proposed Lot C Area 63.365ha

North  
 Scale 1:12000 at A4 plot  
 Cont. Int 20m  
 Subject to Survey  
 03/11/16

PH and KE Gow (Licensed Surveyors) 98815140

DEPARTMENT OF PLANNING	
DATE	FILE
21/11/2016	134524

PH and KE GOW (Licensed Surveyors)

PO Box 580 Narrogin WA 6312  
98815140 0428250962 fax 98815575

The Secretary  
Western Australian Planning Commission  
140 William St  
PERTH WA 6000

03/11/16

RE: Proposed Subdivision Lots 5267, 3127 and 21122, Fancote Rd, Brookton.

Dear Sir,  
I am writing on behalf of the land owners to apply for planning permission for a boundary realignment on the above lots.

The purpose of the subdivision is to facilitate family succession plans.

The proposed lots will create no new building entitlements. Each proposed lot has constructed road frontage. The land is being used for agriculture.

On behalf of our client I request that the commission grant preliminary approval for the subdivision as submitted.

Any questions do not hesitate to contact me.

Regards



Peter Gow

<b>11.12.16</b>	<b>COMMUNITY SERVICES REPORTS</b>
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Mrs Wilkinson entered the meeting at 12.41 pm

Cr Wilkinson (President) declared a Financial Interest in Item 11.12.16.01 and left the meeting at 12.45 pm and Cr Crute, the Deputy Shire President temporarily assumed the chair as the Presiding Person.

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**COUNCIL RESOLUTION**

**MOVED CR CRUTE SECONDED CR WALKER**

That Council suspend Standing Orders to facilitate discussion

***CARRIED BY SIMPLE MAJORITY 5-0***

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**COUNCIL RESOLUTION**

**MOVED CR MILLS SECONDED CR EVA**

That Council resume Standing Orders.

***CARRIED BY SIMPLE MAJORITY 5-0***

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## 11.12.16.01 AGE FRIENDLY COMMUNITY PLAN

File No: 4610  
Applicant/ Proponent: n/a  
Subject Land/ Locality: n/a  
Date: 8/12/2016  
Author: Fleur Wilkinson, Project Officer  
Authorising Officer: Carina Whittington, Community Services Manager  
Disclosure of Interest from Author: The Project Officer as an Impartiality and Financial Interest as the author of the Age Friendly Community Plan.  
Authority/Discretion: ☒ Executive – the substantial direction setting and oversight role of the Council. E.g. adopting plans and reports, accepting tenders, directing the Chief Executive Officer, setting and amending budgets.

### Attachments:

1. Draft Age Friendly Community Plan (Separate Attachment 11.12.16.01A)

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### OFFICER RECOMMENDATION & COUNCIL RESOLUTION MOVED CR WALKER SECONDED CR EVA

**That with respect to age friendly community planning, Council:**

1. **Endorse the draft Age Friendly Community Plan for the purposes of public comment.**
2. **Make the plan widely available for public comment until the 27 January 2017.**

***CARRIED BY SIMPLE MAJORITY 5-0***

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### SUMMARY

An Age Friendly Community Plan has been developed with funding from the Department of Local Government and Communities and includes strategies and actions to be implemented over a five year period. The aim of an age friendly community plan is to optimise opportunities for health, participation and security in order to enhance the quality of life as people age. It is recommended that Council endorse the draft plan for public comment purposes.

### BACKGROUND

In January 2014, the Shire of Brookton, Beverley and Pingelly created the BBP Aged Care Partnership (BBP) to address community concerns about the future care of older residents as the general population ages, people live longer and the individuals needs for care extends over more years than it once did. In February 2015, the BBP engaged Verso Consulting to develop an Infrastructure and Services Audit Report which investigated the capacity of the three Shires in partnership to care for their aged populations and assessed the likely future needs as the population grows and ages. A recommendation from this report included ensuring that the BBP partnership develops and continually improves the aged friendliness of the communities.

The State Government has recognised the importance of assisting local governments to plan in a consistent manner for age friendly communities and has committed funds to help with this

process. The Shires of Brookton and Pingelly applied for funding to develop individual age friendly community plans and were successful in receiving funding from the Department of Local Government and Communities.

An age friendly community is one which:

- recognises the great diversity among older people;
- promotes their inclusion and contribution in all areas of community life;
- respects their decisions and lifestyle choices; and
- anticipates and responds to ageing-related needs and preferences.

## **COMMENT**

The 4-step planning process was used to develop this plan. A collaborative process involving service providers and seniors themselves was used to gain an understanding of the community needs. This included a contextual review, audit of the age-readiness of the community, engagement with stakeholders and development and prioritization of strategies and actions over a five year period.

## **CONSULTATION**

In order to consult with community members, a survey was developed which was distributed electronically and provided in paper form at several locations. A senior's focus group was held and several meetings with various service providers were also conducted. The process and questions used for consultation purposes were based on the Department for Communities – Age Friendly Communities, A Western Australian Approach Guide.

A reference group which included the Shire of Brookton Acting CEO, Community Services Manager and Deputy Shire President met with the consultant to discuss scope, review recommendations and assign priorities for the recommendations.

## **LEGISLATIVE IMPLICATIONS**

There are no legislative issues relevant to this report.

## **POLICY IMPLICATIONS**

The recommendation in this report relates to Policy 1.27 – Aged Care, which specifies that the Shire will conduct Aged Friendly Audits, particularly to focus on elements not addressed in the Infrastructure & Services Audit (being the report from Verso undertaken for the BBP alliance).

Once the final plan is adopted it will become an informing strategy for the Strategic Community Plan.

## **FINANCIAL IMPLICATIONS**

There are no financial implications relative to this report as this is to endorse for public comment. When the final report is adopted by Council any initiatives will need to be costed and integrated with the long term financial plan, and will be subject to annual budget approval processes. The cost of the development of the plan was funded by a grant from the Department of Local Government and Communities with acquittal required by March 2017.



## STRATEGIC IMPLICATIONS

Under the integrated strategic planning framework all Council plans are required to be integrated with the Council's corporate business plan, long term financial plan, and workforce plan. Upon final adoption of the plan, initiatives contained within the plan will need to flow through any other relevant plans.

The areas of the Strategic Community Plan to which the Age Friendly Community Plan is most relevant, relate to goal 1 of the SCP being "a vibrant, safe and inclusive community". The relevant outcomes within this area are as follows:

- Outcome 1.1 - Community well-being through quality sports, recreation and leisure opportunities.
- Outcome 1.3 – Healthcare and family support services which support the needs of the community.
- Outcome 1.4 – A vibrant and inclusive community
- Outcome 1.5 – A safe community
- Outcome 1.6 – Quality of life for the aged and disabled

The area of the Corporate Business Plan to which the Age Friendly Community Plan specifically links is as follows:

- Strategy 1.6.2 – Support the development of Aged Friendly Communities. An activity aimed at achieving this is "support initiatives from the Wheatbelt Aged Care Solutions Report and BBP facilities and services audit.

The Age Friendly Community Plan is consistent with the Wheatbelt Development Commission Blueprint aspiration of creating diverse, safe, healthy and resilient communities where services and infrastructure reflect the needs and aspirations of current and future residents

## SUSTAINABILITY IMPLICATIONS

### *Environmental*

There are no significant identifiable natural or built environmental impacts arising from adoption of the officer's recommendation.

### *Economic*

The Wheatbelt Development Commission Blueprint outcome 3.3 indicates that "community amenity contributes to community well-being and liveability and creates economic opportunity".

### *Social*

The aim of an age friendly community is to optimise opportunities for health, participation and security in order to enhance the quality of life as people age. An age friendly community benefits everyone in the community, not only older people, as it creates a culture of inclusion enjoyed by people of all ages and abilities.

## Risk

Risk	That Council does not endorse the draft Age Friendly Community Plan for public comment and accordingly have less strategic direction in relation to aged services.
Risk Likelihood (based on history and with existing controls)	Rare (1)
Risk Impact / Consequence	Minor (2)
Risk Rating (Prior to Treatment or Control)	Low (1-4)
Principal Risk Theme	Engagement practices
Risk Action Plan (Controls or Treatment proposed)	Accept Officer Recommendation

## Risk Matrix

Consequence Likelihood		Insignificant 1	Minor 2	Moderate 3	Major 4	Catastrophic 5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 2 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

It is not recommended this item be added to the Shire's Risk Register, nor that a Risk Treatment Plan be required.

## CONCLUSION

Age Friendly Community Plans are now a common plan in the suite of informing plans for Council. The three Shires of the BBP are concurrently completing Aged Friendly Community Plans as an alliance activity. This draft plan has been prepared using the Department for Communities Guide to ensure consistency with other LGA plans.

Cr Wilkinson reentered the meeting at 12.50 pm and resumed the chair as Presiding Person.

## 12.12.16 FINANCE & ADMINISTRATION REPORT

### 12.12.16.01 LIST OF ACCOUNTS FOR PAYMENT

File No: 4596  
Applicant/ Proponent: Not applicable  
Subject Land/ Locality: Not applicable  
Date: 08/12/2016  
Author: Corinne Kemp, Finance Officer  
Authorising Officer: Dale Stewart, Chief Executive Officer  
Disclosure of Interest from Author: Neither the Author nor Authorising Officer have any impartiality, Financial or Proximity Interest that requires disclosure.  
Authority/Discretion: ☒ Information Purposes - includes items provided to Council for information purposes only, that do not require a decision of Council (i.e. - for 'noting').

Attachments:

1. 12.12.16.01A

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### OFFICER RECOMMENDATION & COUNCIL RESOLUTION MOVED CR FANCOTE SECONDED CR CRUTE

**That Council note the payments authorised under delegated authority and detailed below and in the List of Accounts 30 November 2016, per the summaries included in Attachment 12.12.16.01A:**

**To 30 November 2016:**

***Municipal Account***

Direct Debits	\$	92,075.62
EFT	\$	547,598.89
Cheques	\$	18,654.44
Trust Account	\$	1,300.00

***CARRIED BY SIMPLE MAJORITY 6-0***

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### SUMMARY

The List of Accounts for payment to 30 November 2016 are presented to Council for inspection.

### BACKGROUND

In accordance with *Local Government (Financial Management) Regulations 1996 Clause 13 (1)* schedules of all payments made through Council's bank accounts are presented to the Committee and to Council for inspection. Please refer to the separate attachment.

### COMMENT

Totals of all payments from each of Council's bank accounts are listed below and detailed within Attachment 12.12.16.01A.

To 30 November 2016

**Municipal Account**

Direct Debits	\$ 92,075.62
EFT	\$ 547,598.89
Cheques	\$ 18,654.44
<b>Trust Account</b>	<b>\$ 1,300.00</b>

**CONSULTATION**

No consultation has occurred on the subject matter, nor is any deemed required.

**LEGISLATIVE IMPLICATIONS**

Local Government (Financial Management) Regulations 1996; Clause 13 – List of Accounts.

**POLICY IMPLICATIONS**

Policy No. 4.4 of the Council Policy Manual states that the Chief Executive Officer is authorised to arrange purchase of specific items in the budget, which do not require calling tenders, providing that it is within the approved budget.

**FINANCIAL IMPLICATIONS**

There are no financial implications relevant to this report.

**STRATEGIC IMPLICATIONS**

The Strategic Community Plan has goals number 5 being that the Shire of Brookton will have a good governance and efficient organisation.

**SUSTAINABILITY IMPLICATIONS**

*Environmental*

There are no significant identifiable natural or built environmental impacts arising from adoption of the officer's recommendation.

*Economic*

There are no significant identifiable economic impacts arising from adoption of the officer's recommendation.

*Social*

There are no significant identifiable social impacts arising from adoption of the officer's recommendation.

## Risk

Risk	That Council refuse to accept the payment listing
Risk Likelihood (based on history and with existing controls)	Rare (1)
Risk Impact / Consequence	Insignificant (1)
Risk Rating (Prior to Treatment or Control)	Low (1-4)
Principal Risk Theme	Failure to fulfil Compliance requirements
Risk Action Plan (Controls or Treatment proposed)	Accept Officer Recommendation

## Risk Matrix

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 1 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

## CONCLUSION

The List of Accounts for payment to 30 November 2016 are presented to Council for inspection and questions are encouraged of the officers prior to the meeting where practical.

**NOVEMBER 2016 LIST OF ACCOUNTS DUE & SUBMITTED TO COUNCIL 15 DECEMBER 2016**  
**ATTACHMENT 12.12.16.01A**

Chq/EFT	Date	Name	Description	Amount
1032	01/11/2016	TAMMA GRAINS	BOND REFUND FOR HIRE OF PAVILION	\$ 110.00
1033	01/11/2016	THERESA FANCOTE	BOND REFUND FOR HIRE OF COMMUNITY BUS	\$ 330.00
1034	21/11/2016	SHIRE OF BROOKTON	G COLLARD - CONTRIBUTION TO ROADS JOSE ST	\$ 400.00
1035	21/11/2016	ST JOHN AMBULANCE ASSN	BOND REFUND FOR HIRE OF PAVILION 12/11/16	\$ 400.00
1036	30/11/2016	GEORGE WILLIAM MAXWELL NELSON	BOND REFUND - GYM KEY	\$ 30.00
1037	30/11/2016	MELINDA LEA STACEY	BOND REFUND - GYM KEY	\$ 30.00
<b>TOTAL TRUST</b>				<b>\$ 1,300.00</b>

Chq/EFT	Date	Name	Description	Amount
EFT7748	07/11/2016	BRIAN WILLIAMS	CARTING GRAVEL FOR BROOKTON - KWEDA ROAD	\$ 5,500.00
EFT7749	07/11/2016	BROOKTON MULTIFUNCTIONAL FAMILY CENTRE	EXECUTIVE SUPPORT WAGES X 2.5 HOURS	\$ 84.86
EFT7750	07/11/2016	CHILD SUPPORT AGENCY EMPLOYER SERVICES	PAYROLL DEDUCTIONS	\$ 287.32
EFT7751	07/11/2016	CONTRACT AQUATIC SERVICES	CONTRACT MANAGMENT FEE NOVEMBER 2016, OFF SEASON TURNOVER & SERVICE OF CHLORINE	\$ 18,227.00
EFT7752	07/11/2016	FLEET COMMERCIAL GYMNASIUMS	TREADMILL SAFETY CLIPS	\$ 33.00
EFT7753	07/11/2016	HANSON CONSTRUCTION MATERIALS PTY LTD	10MM WASHED GRANITE	\$ 9,020.22
EFT7754	07/11/2016	KELYN TRAINING SERVICES	TRAFFIC MANAGEMENT COURSE - OUTSIDE STAFF	\$ 1,118.00
EFT7755	07/11/2016	LAWRIES MOWING	GARDENING AT KALKARNI RESIDENCY 26/10/16 TO 27/10/16	\$ 352.00
EFT7756	07/11/2016	LGIS INSURANCE	LGISWA AVON/CENTRAL MIDLANDS REGIONAL RISK COORDINATION PROGRAM & WORKCARE ACTUAL WAGES ADJUSTMENT	\$ 10,451.16
EFT7757	07/11/2016	NARROGIN BETTA HOME LIVING	DINING SUITE, NEVADA QUEEN BED & MATTRESS	\$ 2,246.00
EFT7758	07/11/2016	SHIRE OF BROOKTON SOCIAL CLUB	PAYROLL DEDUCTIONS	\$ 125.00
EFT7759	07/11/2016	STUMPY'S GATEWAY ROADHOUSE	CATERING & UNLEADED PETROL OCTOBER 2016	\$ 193.91
EFT7760	07/11/2016	TIANCO TRANSPORT	TRANSPORT BLUEMETAL	\$ 1,722.80
EFT7761	07/11/2016	WA LOCAL GOVERNMENT ASSN	ADVERTISING FOR RECRUITMENT OF CEO	\$ 5,148.63
EFT7762	07/11/2016	WA TREASURY CORPORATION	LOAN 81 & 82 REPAYMENTS - RECREATION PLAN & COUNTRY CLUB	\$ 65,222.77
EFT7763	10/11/2016	DARLING RANGE PTY LTD	RATES REFUND FOR ASSESSMENT A2718 BROOKTON HIGHWAY BROOKTON 6306	\$ 75.60
EFT7764	10/11/2016	GREAT SOUTHERN FUEL SUPPLIES	DIESEL & PETROL OCTOBER 2016	\$ 9,585.84
EFT7765	10/11/2016	GREAT SOUTHERN WASTE DISPOSAL	RUBBISH BIN COLLECTION & BROOKTON TIPSITE 27/09/16 TO 25/10/16	\$ 12,199.56
EFT7766	10/11/2016	JILL CAMERON AND ASSOCIATES	A PROJECT TO DEVELOP A REGIONAL MODEL OF GOVERNANCE FOR WHEATBELT ECEC SERVICES	\$ 29,700.00
EFT7767	10/11/2016	LAWRIES MOWING	GARDENING AT KALKARNI RESIDENCY 31/10/16 TO 04/11/16	\$ 352.00
EFT7768	10/11/2016	LM PAVING	WHITE ST - FOOTPATHS	\$ 32,076.00
EFT7769	10/11/2016	OFFICEWORKS BUSINESS DIRECT	DOCUMENT HOLDER FILES FOR OH&S DOCUMENTS	\$ 50.55

EFT7770	10/11/2016	PACIFIC BRANDS WORKWEAR	STAFF UNIFORM - TP	\$ 122.10
EFT7771	10/11/2016	SHIRE OF BROOKTON	MASTERCARD PURCHASES OCTOBER 2016	\$ 1,925.10
EFT7772	10/11/2016	TIANCO TRANSPORT	GRAVEL	\$ 5,115.00
EFT7773	15/11/2016	AQUASOL	FLOCCULANT & LIQUID CHLORINE FOR SEWERAGE TREATMENT PLANT	\$ 2,134.00
EFT7774	15/11/2016	B & N EYRE BROOKTON NEWSAGENCY	STATIONARY & PAPERS PURCHASED OCTOBER 2016	\$ 255.60
EFT7775	15/11/2016	BAPTISTCARE	KALKARNI RESIDENCY OPERATING & MANAGMENT FEES NOVEMBER 2016	\$ 231,757.54
EFT7776	15/11/2016	BROOKTON SUPERMARKET	MILK, COFFEE, WATER & CLEANING PRODUCTS	\$ 288.88
EFT7777	15/11/2016	CJD EQUIPMENT	SERVICE & REPAIR VOLVO GRADER	\$ 1,168.82
EFT7778	15/11/2016	COOTE MOTORS	SERVICE & REPAIR LOADER 6	\$ 563.20
EFT7779	15/11/2016	COURIER AUSTRALIA	FREIGHT	\$ 75.51
EFT7780	15/11/2016	DATAMARS	ANIMAL TAGS	\$ 356.70
EFT7781	15/11/2016	GILL RURAL TRADERS	FRIDGE & TV FOR UNIT 2 / 4 MATTHEWS ST & HARDWARE PURCHASES OCTOBER 2016	\$ 2,352.43
EFT7782	15/11/2016	GREAT SOUTHERN WASTE DISPOSAL	BULK RUBBISH BIN & RECYCLE PICK UP OCTOBER 2016	\$ 1,496.00
EFT7783	15/11/2016	H RUSHTON & CO	SERVICE & REPAIRS PT7	\$ 1,148.60
EFT7784	15/11/2016	LYN KAY	CIRCUIT CLASSES AT BROOKTON ALL HOURS GYM	\$ 360.00
EFT7785	15/11/2016	MOORE STEPHENS	ROADS TO RECOVERY ANNUAL RETURN & PENSIONER DEFERRED RATES OUTSTANDING FOR THE YEAR ENDED 30 JUNE 2016	\$ 1,815.00
EFT7786	15/11/2016	PACIFIC BRANDS WORKWEAR	STAFF UNIFORMS	\$ 117.30
EFT7787	15/11/2016	PH & KE GOW	SURVEY AND DEPOSITED PLAN FOR 2 MONTGOMERY STREET SUBDIVISION	\$ 4,536.50
EFT7788	15/11/2016	REGIONAL ANTENNAS	INTEGRATED T PIECE UNIT 2 / 4 MATTHEWS ST	\$ 50.60
EFT7789	15/11/2016	SERVICEWEST	12 MONTH SERVICE LEVEL AGREEMENT - LEVEL 1 SERVER MONITORING	\$ 5,280.00
EFT7790	15/11/2016	SHIRE OF PINGELLY	ADMINISTRATION SERVICES TO THE BBP AGED ACRE SERVICES	\$ 5,000.00
EFT7791	15/11/2016	SOUTH REGIONAL TAFE	ENROLEMENT FEES	\$ 606.96
EFT7792	15/11/2016	STAR TRACK EXPRESS	FREIGHT	\$ 93.62
EFT7793	15/11/2016	STUMPY'S GATEWAY ROADHOUSE	UNLEADED PETROL	\$ 38.02
EFT7794	15/11/2016	TIANCO TRANSPORT	TRANSPORT OF BLUEMETAL	\$ 1,734.01
EFT7795	15/11/2016	WA CONTRACT RANGER SERVICES	RANGER SERVICES 21/10/16 TO 04/11/16	\$ 1,051.87
EFT7796	15/11/2016	WESFARMERS KLEENHEAT GAS PTY LTD	GAS CYLINDER SERVICE CHARGE UNITS 1 - 4 MADISON SQUARE	\$ 277.20
EFT7797	15/11/2016	WESTRAC EQUIPMENT PTY LTD	STEERING WHEEL HOSE FOR L6	\$ 154.09
EFT7798	15/11/2016	EVELYN ARNOLD	REFUND OF RENT OVERPAYMENT	\$ 150.00
EFT7799	17/11/2016	NICHOLLS BUS & COACH SERVICE	LICENSING INSPECTION OF ROLLERS	\$ 473.50
EFT7800	23/11/2016	ABCO PRODUCTS	CLEANING PRODUCTS	\$ 226.19
EFT7801	23/11/2016	AMAZING 50'S CATERING	CATERING FOR COUNCIL MEETING	\$ 600.00
EFT7802	23/11/2016	BELL FIRE EQUIPMENT CO P/L	SERVICE OF FIRE EQUIPMENT AT SHIRE OWNED PREMISES & VEHICLES	\$ 1,012.33
EFT7803	23/11/2016	BROOKTON COMMUNITY RESOURCE CENTRE	ANNUAL CONTRIBUTION LIBRARY SERVICES OCTOBER TO DECEMBER 2016	\$ 6,875.00
EFT7804	23/11/2016	BURGESS RAWSON (WA) PTY LTD	WATER USAGE AT BROOKTON RAILWAY STATION 08/09/16 TO 10/11/16	\$ 520.49
EFT7805	23/11/2016	CARINA WHITTINGTON	TRAVEL REIMBURSEMENT FOR CRC TENDER WORKSHOP IN QUAIRADING	\$ 258.18
EFT7806	23/11/2016	COUNTRY COPIERS	MONTHLY COPIER READING OCTOBER 2016	\$ 609.29
EFT7807	23/11/2016	COURIER AUSTRALIA	FREIGHT	\$ 57.57
EFT7808	23/11/2016	CREATIVEADM	MARKETING AND COMMUNICATIONS PLAN	\$ 5,775.00
EFT7809	23/11/2016	ESK DOWNS FARM	RATES REFUND FOR ASSESSMENT A17	\$ 1,983.23

EFT7810	23/11/2016	GEORGE LINTON	REIMBURSEMENT OF UNLEADED PETROL FOR SHIRE BLOWER	\$ 6.33
EFT7811	23/11/2016	HANSON CONSTRUCTION MATERIALS PTY LTD	10MM WASHED SINGLE SIZE GRANITE	\$ 4,464.72
EFT7812	23/11/2016	JASON SIGNMAKERS	STREET SIGNS - WALTERS RD, THOMPSON RD, BROOKTON SHIRE & TO BROOKTON KWEDA ROAD	\$ 392.15
EFT7813	23/11/2016	LAWRIES MOWING	GARDENING AT KALKARNI RESIDENCY 08/11/16 TO 13/11/16	\$ 352.00
EFT7814	23/11/2016	PACIFIC BRANDS WORKWEAR	STAFF UNIFORMS - SFO	\$ 250.10
EFT7815	23/11/2016	SHIRE OF BROOKTON SOCIAL CLUB	DONATION TO SOCIAL CLUB 2016/17. COUNCIL RESOLUTION 12.11.16.02	\$ 3,000.00
EFT7816	23/11/2016	TIANCO TRANSPORT	TRANSPORT OF BLUEMETAL	\$ 5,417.80
EFT7817	23/11/2016	WA FIRE APPLIANCES	REPAIR WATER TANK SENSOR IN WEST 7 TENDER	\$ 132.00
EFT7818	23/11/2016	ZACKS COMMERCIAL ARTS	BUSINESS CARDS - TP	\$ 98.50
EFT7819	29/11/2016	ABCO PRODUCTS	CLEANING PRODUCTS	\$ 171.49
EFT7820	29/11/2016	AUSTRALIA POST	POSTAGE OCTOBER 2016	\$ 389.69
EFT7821	29/11/2016	BORAL CONTRUCTION MATERIALS	COLD MIX ASPHALT FOR BROOKTON-KWEDA ROAD	\$ 3,520.00
EFT7822	29/11/2016	BRIAN WILLIAMS	WATER TRUCK HIRE 15/11/16 TO 20/11/16	\$ 8,288.50
EFT7823	29/11/2016	BROOKTON DELI	CATERING	\$ 416.00
EFT7824	29/11/2016	BROOKTON MULTIFUNCTIONAL FAMILY CENTRE	EXECUTIVE SUPPORT WAGES	\$ 84.86
EFT7825	29/11/2016	CHILD SUPPORT AGENCY EMPLOYER SERVICES	PAYROLL DEDUCTIONS	\$ 316.80
EFT7826	29/11/2016	COURIER AUSTRALIA	FREIGHT	\$ 147.68
EFT7827	29/11/2016	DEANNE SWEENEY	REIMBURSEMENT OF PARKING - GST INTENSIVE TRAINING 25/11/16	\$ 18.38
EFT7828	29/11/2016	IXOM	SERVICE FEE - CHLORINE GAS BOTTLES	\$ 84.57
EFT7829	29/11/2016	LAURIES MOWING	GARDENING AT KALKARNI RESIDENCY 23/11/16 TO 24/11/16	\$ 440.00
EFT7830	29/11/2016	MARKETFORCE	ADVERTISING	\$ 2,226.23
EFT7831	29/11/2016	RA-AN ENTERPRISES	GRAVEL STOCK PILING FOR BROOKTON KWEDA ROAD	\$ 16,434.00
EFT7832	29/11/2016	SETON AUSTRALIA PTY LTD	SAFETY TAGS	\$ 228.47
EFT7833	29/11/2016	SHIRE OF BROOKTON SOCIAL CLUB	PAYROLL DEDUCTIONS	\$ 130.00
EFT7834	29/11/2016	TOTALLY CONFIDENTIAL RECORDS	STORAGE OF ARCHIVE BOXES	\$ 128.70
EFT7835	29/11/2016	WA CONTRACT RANGER SERVICES	RANGER SERVICES	\$ 864.87
EFT7836	29/11/2016	WA LOCAL GOVERNMENT ASSN	RECRUITMENT OF CEO INCLUDING RECRUITMENT & CONTRACT NEGOTIATIONS	\$ 7,407.40
<b>TOTAL EFT</b>				<b>\$ 547,598.89</b>

Chq/EFT	Date	Name	Description	Amount
17949	07/11/2016	BUILDING & CONSTRUCTION INDUSTRY TRAINING FUND	BCITF LEVY OCTOBER 2016	\$ 35.64
17950	07/11/2016	BUILDING COMMISSION	BUILDING SERVICES LEVY OCTOBER 2016	\$ 169.95
17951	07/11/2016	CASH - SHIRE OF BROOKTON	PETTY CASH REIMBURSEMENT FOR SEPTEMBER 2016	\$ 52.60
17952	07/11/2016	SHIRE OF BROOKTON	PAYROLL DEDUCTIONS	\$ 256.50
17953	07/11/2016	SHIRE OF BROOKTON	PAYROLL DEDUCTIONS	\$ 160.00
17954	07/11/2016	SHIRE OF BROOKTON	PAYROLL DEDUCTIONS	\$ 224.42
17955	07/11/2016	SHIRE OF BROOKTON	PAYROLL DEDUCTIONS	\$ 160.00
17956	07/11/2016	SHIRE OF BROOKTON	PAYROLL DEDUCTIONS	\$ 150.00
17957	07/11/2016	SHIRE OF BROOKTON	PAYROLL DEDUCTIONS	\$ 129.36



17958	07/11/2016	SHIRE OF BROOKTON	PAYROLL DEDUCTIONS	\$ 93.17
17959	07/11/2016	TELSTRA CORPORATION	MOBILE TELEPHONE 0429998533	\$ 120.00
17960	07/11/2016	TRUCKLINE	4 WAY PROTECTION VALVE	\$ 473.00
17961	10/11/2016	RJ & SE SMITH	RATES REFUND FOR ASSESSMENT A789	\$ 854.27
17962	10/11/2016	WATER CORPORATION OF WA	WATER USAGE CARAVAN PARK & PAVILION	\$ 166.94
17963	15/11/2016	BROOKTON GIRL GUIDES	ANNUAL CONTRIBUTION FOR COOKING OF AUSTRALIA DAY BREAKFAST	\$ 400.00
17964	15/11/2016	SYNERGY	STREETLIGHT ELECTRICITY 25/09/16 TO 24/10/16	\$ 2,999.65
17965	15/11/2016	TELSTRA CORPORATION	MOBILE, IPADS, DEPOT, ADMINISTRATION OFFICE, DCEO RESIDENCE & SWIMMING POOL TELEPHONE ACCOUNTS	\$ 1,172.39
17966	29/11/2016	BARRETT'S ARCHITECTURAL PRODUCTS AND URBAN LOCKSMITHING	NEW CYLINDER FOR PAVILION DOOR	\$ 77.99
17967	29/11/2016	SHIRE OF BROOKTON	PAYROLL DEDUCTIONS	\$ 160.00
17968	29/11/2016	SHIRE OF BROOKTON	PAYROLL DEDUCTIONS	\$ 259.70
17969	29/11/2016	SHIRE OF BROOKTON	PAYROLL DEDUCTIONS	\$ 18.00
17970	29/11/2016	SHIRE OF BROOKTON	PAYROLL DEDUCTIONS	\$ 160.00
17971	29/11/2016	SHIRE OF BROOKTON	PAYROLL DEDUCTIONS	\$ 165.95
17972	29/11/2016	SYNERGY	ELECTRICITY - ADMINISTRATION OFFICE, SALINITY PUMP, OVAL TANK, DPOT, MEMORIAL PARK, MEMORIAL HALL, RAILWAY STATION, MADISON SQUARE, SEWERAGE PUMP STATION, ADMINISTRATION OFFICE, MENS SHED, U1 & U2 4 MATTHEWS ST, WATER HARVESTING DAME & 10 MARSH AVE	\$ 4,599.75
17973	29/11/2016	TELSTRA CORPORATION	MOBILE TELEPHONE 0429998533	\$ 123.50
17974	29/11/2016	TRUCKLINE	GRAMMAR SEAR SWITCH PBH4	\$ 357.50
17975	29/11/2016	WATER CORPORATION OF WA	WATER USAGE & SERVICE FEES KALKARNI RESIDENCY, MADISON SQUARE, MEMORIAL HALL, ADMINISTRATION OFFICE, SWIMMING POOL, MEMORIAL PARK, HIGHWAY GARDENS, DEPOT, STANDPIPE, MADISON UNITS, KALKARNI RESIDENCY, SEWERAGE TREATMENT PLANT, MENS SHED, U1 & U2 4 MATTHEWS ST, U1 & U2 2 MONTGOMERY ST & 10 MARSH AVE	\$ 5,021.96
17976	30/11/2016	DEPARTMENT OF TRANSPORT	LICENSING OF ROLLER PR10 & PR11	\$ 92.20
<b>TOTAL CHEQUES</b>				<b>\$ 18,654.44</b>
<b>TOTAL MUNICIPAL</b>				<b>\$ 566,253.33</b>

DIRECT DEBITS FOR NOVEMBER 2016	
SALARIES & WAGES	\$ 78,627.76
MERCHANT FEES	\$ 328.32
SUPERANNUATION	\$ 13,119.54
<b>TOTAL</b>	<b>\$ 92,075.62</b>

TERM DEPOSIT TRANSFERS FOR NOVEMBER 2016	
RESERVES (INTEREST)	NIL
TRUST	NIL
<b>TOTAL</b>	<b>\$ -</b>

SHIRE OF BROOKTON CREDIT CARD PURCHASES CEO Creditor Number: 96286		
DATE	DESCRIPTION	AMOUNT
4/10/16	SURVEY MONKEY	\$ 231.20
5/10/16	WESTNET - DEPOT	\$ 49.95
	WESTNET - ADMINISTRATION	\$ 109.95
6/10/16	CARAVAN INDUSTRY ASSOCIATION -MEMBERSHIP	\$ 550.00
9/10/16	WATTLE GROVE MOTEL - ACCOMODATION OUTSIDE STAFF TRAINING	\$ 140.00
15/10/16	WATTLE GROVE MOTEL - ACCOMODATION OUTSIDE STAFF TRAINING	\$ 121.00
15/10/16	DEPARTMENT OF COMMERCE - HIGH RISK WORK RENEWAL JA	\$ 47.00
15/10/16	KMART - HOUSEHOLD ITEMS U2 4 MATTHEWS ST	\$ 175.00
23/10/16	SEEK - ADVERTISING DCEO POSITION	\$ 297.00
26/10/16	WATTLE GROVE MOTEL - ACCOMODATION OUTSIDE STAFF TRAINING	\$ 200.00
29/9/16	CARD FEE	\$ 4.00
	<b>TOTAL</b>	<b>\$ 1,925.10</b>

**12.12.16.02 STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED 30  
NOVEMBER 2016**

File No: 1339  
Applicant/ Proponent: Shire of Brookton  
Subject Land/ Locality: Not Applicable  
Date: 3/11/2016  
Author: Dale Stewart, Acting Chief Executive Officer  
Authorising Officer: Dale Stewart, Acting Chief Executive Officer  
Disclosure of Interest from Author: Neither the Officer nor Authorising Officer have any impartiality, Financial or Proximity Interest that requires disclosure.  
Authority/Discretion: ☒ Executive – the substantial direction setting and oversight role of the Council. E.g. adopting plans and reports, accepting tenders, directing the Chief Executive Officer, setting and amending budgets.

Attachments:

1. Monthly Financial Report (Separate Attachment 12.12.16.02A)

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**OFFICER RECOMMENDATION & COUNCIL RESOLUTION  
MOVED CR MILLS      SECONDED CR CRUTE**

**That with respect to the Statement of Financial Activity for the period ended 30 November 2016, Council:**

1. **Receive the Monthly Financial Report as presented under separate cover which is inclusive of the Statement of Financial Activity and;**
2. **Note that there are no proposed Budget variations requiring Council approval this month.**

***CARRIED BY ABSOLUTE MAJORITY 6-0***

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**SUMMARY**

The Statement of Financial Activity and informing notes for the period ended 30 November 2016 is presented to Council pursuant to Regulation 34 of the *Local Government (Financial Management) Regulations 1996*.

**BACKGROUND**

In accordance with regulation 34 of the *Local Government (Financial Management) Regulations 1996*, the Shire is to prepare a monthly Statement of Financial Activity for approval by Council.

**COMMENT**

The Monthly Financial Report for the Period Ended 30 November 2016 has been prepared and is presented to Council as an attachment to this report.

The monthly financial report is based on a template that is widely used by the local government sector in Western Australia and includes information that is typically included in the Annual Budget and Annual Report. Importantly the Statement of Financial Activity reconciles all financial transactions against movement in the Balance Sheet; this is captured in Note 3 Net Current Funding Position.

The comments on any significant budget variances are provided within Note 9 of the financial statements, including proposed budget variations.

The following pertinent comments are also submitted for Council information:

- The monthly financial report now includes notes on the road program, capital works program and external grants and contributions:
  - The road program details own source expenditure; this is of particular importance to ensure that the Shire is meeting its minimum own source expenditure requirement (called the Reference Amount) to remain eligible for Federal Government Roads to Recovery Funding. The Shire's Reference Amount in 2014/15 was \$293k;
  - The capital works program details the Shire's performance in the clearance of capital works. As at 30 November, the completion rate is 13.3% indicating that capital projects have substantially yet to really commence (road construction is typically commenced in the late Spring with the bulk of expenditure not being incurred until December to March). This will need to be closely monitored over the year to ensure that capital works are cleared in a timely manner. The full completion of capital works will also ensure that all specific purpose funding for capital projects is expended. \$780k of the construction Budget relates to housing, which has yet to be commenced as a project;
  - The Grants Register captures funding of a restricted nature i.e. funding that is tied to a specific project. This note will help capture all restricted funding at year end and ensure that related projects are captured in the following year's budget to avoid issues with carried forward funding.
- A Statement of Financial Activity by Nature and Type has been included which excludes the cash flows arising from the operation of the Kalkarni Residential Facility. This is a useful statement as it provides an analysis of ordinary operating activities which can then be benchmarked against similar size local governments. For example, rate revenue coverage is 69% of total operating revenue which is approximate to regional averages whilst employee costs, materials and contracts and depreciation expense make up the bulk of total operating expenditure.
- Additional information has been added to note 13 Sewerage Operating Statement. The operating statement now encompasses transfers to and from Reserve. Commentary has also been provided on capital renewal requirements and the need for Council to review the pricing model to ensure that capital replacement costs are being correctly amortised (funded).
- Year to date employee costs are tracking in line with Budget with the Budget amendment authorised by Council last month.

## CONSULTATION

Reporting officers receive monthly updates as to tracking of expenditure and income.

## LEGISLATIVE IMPLICATIONS

The Monthly Financial Report has been prepared pursuant to section 6.4 of the *Local Government Act 1995* and regulation 34 of the *Local Government (Financial Management) Regulations 1996*.

Section 6.8 of the *Local Government Act 1995* details the requirements where expenditure from the municipal fund has not been included in the Annual Budget.

Section 6.11 of the *Local Government Act 1995* deals with the establishment of Reserve Accounts.

Subdivision 2 of Part 6 of the *Local Government Act 1995* deals with the imposition of Fees and Charges.

## POLICY IMPLICATIONS

There are no Council Policy implications that are relevant to this item.

## FINANCIAL IMPLICATIONS

The Budget is regularly monitored on at least a monthly basis, by the CEO, Deputy CEO, Senior Finance Officer, with Responsible Officers also required to review their particular line items for anomalies each month, with a major review required by law, between 1 January and 31 March of each year pursuant to the *Local Government (Financial Management) Regulations 1996* (Regulation 33A).

Future Budget variations potentially required and to be monitored by staff include;

- Splitting the General Ledger No. I033020 General Interest between IE Code 140 (Municipal Fund) and 142 (Reserve Funds). Total Budget for 2016/17 against IE Code 140 is \$110,938.
  - Impact: Nil – simply a reallocation between accounts to reflect a more transparent allocation.
- Reviewing Department advice with respect to the Swimming Pool Grant and the eligibility of required matching expenditure of \$30,000.
  - Impact: potential windfall of some component (percentage) and / or the ability to perform essential or desirable, but not budgeted maintenance or improvement works on a prioritised basis.
- Accounting for a required \$5,000 Housing Incentive payment for a sale of a lot in the Koornong Estate.
  - Impact: Unbudgeted – funds to be identified.

## STRATEGIC IMPLICATIONS

Responsible financial management is critical to deliver on the Strategic Community Plan.

The Corporate Business Plan determines the local government's resource allocations which form the construction of the Annual Budget. The financial statements thus measure performance against the Corporate Business Plan by providing comparatives against the Annual Budget.

## SUSTAINABILITY IMPLICATIONS

### *Environmental*

There are no significant identifiable natural or built environmental impacts arising from adoption of the officer's recommendation.

### *Economic*

There are no significant identifiable economic impacts arising from adoption of the officer's recommendation.

### *Social*

There are no significant identifiable social impacts arising from adoption of the officer's recommendation.

### *Risk*

Risk	That Council refuse to receive the Monthly Financial Report.
Risk Likelihood (based on history and with existing controls)	Rare (1)
Risk Impact / Consequence	Minor (2)
Risk Rating (Prior to Treatment or Control)	Low (1-4)
Principal Risk Theme	Failure to fulfil Compliance requirements
Risk Action Plan (Controls or Treatment proposed)	Accept Officer Recommendation

### Risk Matrix

Consequence Likelihood		Insignificant 1	Minor 2	Moderate 3	Major 4	Catastrophic 5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 2 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

It is not recommended this item be added to the Shire's Risk Register, nor that a Risk Treatment Plan be required.

## **CONCLUSION**

The Monthly Financial Report has been prepared in accordance with statutory requirements. A Schedule of Budget Variations is not required for this month.



## **13.12.16 GOVERNANCE**

### **13.12.16.01 BROOKTON TOWNSITE RESIDENTIAL BULK RUBBISH PICKUP SERVICE**

File No: 4618  
Applicant/ Proponent: Not applicable  
Subject Land/ Locality: Brookton Townsite  
Date: 23 November 2016  
Author: Dale Stewart, Chief Executive Officer  
Authorising Officer: Dale Stewart, Chief Executive Officer  
Disclosure of Interest from Author: Neither the Officer nor Authorising Officer have any impartiality, Financial or Proximity Interest that requires disclosure.  
Authority/Discretion: ☒ Legislative – includes adopting local laws, town planning schemes and policies. Review when Council reviews decision made by Officers.

#### **Attachments:**

1. Brookton Townsite Residential Bulk Rubbish Bin Service Flyer

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### **OFFICER RECOMMENDATION & COUNCIL RESOLUTION MOVED CR CRUTE    SECONDED CR EVA**

**That Council adopt the Brookton Townsite Residential Bulk Rubbish Pickup Service as a Service provided and supported by the Council as detailed within the Officers' Report and;**

- 1. Incorporate reference to it in the Council's Corporate Policy Manual under the existing Policy No. 1.30 'Waste Management' and;**
- 2. Adopt a fee and charge for the service in 2016/17 of \$Nil for the first service in any financial year and \$50 plus GST for any subsequent request in that year (subject to advertising).**

***CARRIED BY ABSOLUTE MAJORITY 6-0***

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### **SUMMARY**

This report recommends the Council adopt, as a Policy, the provision of the Brookton Townsite Residential Bulk Rubbish Pickup Service and its associated fee structure (free). At present the service is performed 'year by year' by inclusion in the Budget, without appropriate Council guidance as to the conditions or 'rules' that are associated with the services.

### **BACKGROUND**

The Bulk Rubbish Service was introduced approximately 4 years ago based on a management decision by the CEO of the day and has been budgeted for ever since. The 'rules' surrounding the service has been refined over those years in accordance with the attached flyer.

### **COMMENT**

The services is provided free of charge to residents only, and delivered to their residence upon request for a week and then removed. Staff maintain a register of which residents utilise the service.

The service is advertised in the Brookton Telegraph from time to time and should also be placed on the Council's Website and Facebook as a service that residents can avail themselves of.

There are two different types of bins available;

- 1 x Green Waste Bin (1 available)
- 1 x Bulk Waste Bin (2 available)

Current rules for the service (determined by the CEO from time to time) include;

- The bins are only available to properties within the Brookton Townsite and to properties zoned Residential, or Rural Residential and / or utilised for Residential purposes or Community Groups;
- The bins are not to be used for general household (putrescible) waste;
- The bin will generally only be placed at the relevant house for a week at a time however for operational reasons it may need to be there longer;
- Council maintains a waiting list on a first come, first serve basis for the relevant bin type;
- Residents are only permitted to utilise the free service once per financial year per type of bin – additional request in each financial year are only permitted if a \$50 plus GST payment in advance is made.
- The provision or removal of bins will not interfere with operational requirements of the Outside Crew requiring the loader.

## CONSULTATION

No consultation has occurred relating to the Policy however anecdotal evidence suggests that the users of the service value it – both for its availability and its fee structure (free).

## LEGISLATIVE IMPLICATIONS

The Local Government Act 1995 requires the Council to be have a role in the decision making process of the provision (or removal) of services and facilities, and to be satisfied that in providing such services or facilities, that, pursuant to Section 3.18;

- “(2) *In performing its executive functions, a local government may provide services and facilities.*
- (3) *A local government is to satisfy itself that services and facilities that it provides —*
  - (a) *integrate and coordinate, so far as practicable, with any provided by the Commonwealth, the State or any public body; and*
  - (b) *do not duplicate, to an extent that the local government considers inappropriate, services or facilities provided by the Commonwealth, the State or any other body or person, whether public or private; and*
  - (c) *are managed efficiently and effectively.”*

Section 6.16 of the Act, relating to the imposition of fees and charges, states;

- “(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.”

Section 6.17 of the act states;

- “(1) In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors —
- (a) the cost to the local government of providing the service or goods; and
  - (b) the importance of the service or goods to the community; and
  - (c) the price at which the service or goods could be provided by an alternative provider.
- (2) A higher fee or charge or additional fee or charge may be imposed for an expedited service or supply of goods if it is requested that the service or goods be provided urgently.
- (3) The basis for determining a fee or charge is not to be limited to the cost of providing the service or goods other than a service —
- (a) under section 5.96; or
  - (b) under section 6.16(2)(d); or
  - (c) prescribed under section 6.16(2)(f), where the regulation prescribing the service also specifies that such a limit is to apply to the fee or charge for the service.
- (4) Regulations may —
- (a) prohibit the imposition of a fee or charge in prescribed circumstances; or
  - (b) limit the amount of a fee or charge in prescribed circumstances.”

## POLICY IMPLICATIONS

Council's existing relevant policy 1.30 Waste Management has the following related statements;

*“Other waste management initiatives that Council will support include:*

- *Container Deposit Legislation (CDL).*
- *A state and industry funded e-waste scheme.*

The Council's “Shire of Brookton Refuse Facility – Waste Management Plan 2014” does not refer to the principle of a Bulk Refuse Pick-up but nor does it contradict its introduction (it would be complementary in the officer's opinion.)

## FINANCIAL IMPLICATIONS

Council incurs cost of approximately \$2,500 per annum for the service and this equates to approximately \$50 per service (annually there are on average 50 pickups undertaken).

## STRATEGIC IMPLICATIONS

The Strategic Community Plan

- 2.4: Sustainable waste management.
- 2.4.1: Update and implement the Shire's Waste Management Plan.
- 2.4.2: Develop Community based waste management initiatives and opportunities.

## SUSTAINABILITY IMPLICATIONS

### *Environmental*

The provision of a Bulk Refuse Pickup Service no doubt contributes to a greater sense of residents being proud of their Towns environs and specifically their street and immediate neighborhood.

The City of Stirling, in the WALGA news of 28 October 2016 reported that since the introduction of as service in that municipality, it has resulted in a reduced illegal dumping activity through the municipality. In that municipality, the residents are entitled to one free skip bin per financial year.

The alternative that some Shires provides is a 'bring out your dead' service (white goods, green waste, other materials), once or twice a year that typically costs more than the \$2,500 and also creates an eyesore and potential traffic / pedestrian hazard.

A bulk service also reduces the likelihood of people burning their green waste and creating an additional fire risk and or smoke / pollution / environmental hazard.

### *Economic*

The provision of a Bulk Refuse Pickup Service would be perceived to add to the amenity of the neighborhood and this in turn would be perceived to be increasing the desirability of living in that area which in turn would assist with maintaining property values.

### *Social*

The provision of a Bulk Refuse Pickup Service would assist maintain relations between neighbors and the council and residents by virtue of assisting reduce neighborhood disputes about the 'cleanliness' of or amenity of particular houses that might otherwise benefit from a 'cleanup' service.

### *Risk*

Risk	That the Council does not support the Bulk Waste Pickup Service and therefore either discontinues it or decides to charge a relevant fee for it, resulting in unrest in sectors of the community.
Risk Likelihood (based on history and with existing controls)	Possible (3)
Risk Impact / Consequence	Insignificant (1)
Risk Rating (Prior to Treatment or Control)	Low (1-4)
Principal Risk Theme	Engagement practices
Risk Action Plan (Controls or Treatment proposed)	Accept Officer Recommendation

## Risk Matrix

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 3 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

It is not recommended this item be added to the Shire's Risk Register, nor that a Risk Treatment Plan be required.

## CONCLUSION

The service appears well supported, is provided at a low cost, and is something that the Acting CEO believes should be continued and embedded into the Councils Policy framework, to ensure that it continues to be included by the administration in annual Budget considerations of the Council.



### TOWNSITE BULK RUBBISH BINS

- The Shire of Brookton is now offering Bulk Waste Bins for Household Verge pick up.
- Free of Charge
- Upon request, Shire Staff will drop off the required Bin to your house and pick it up again after 1 week.
- There are two different types of bins available;

1 x Green Waste Bin  
1 x Bulk Waste Bin

*\*Not to be used for  
General Household  
waste\**

Please visit the Shire Office and complete a Request Form if you wish to use this service.

Alternately  
Contact the Shire Office  
on 9642 1106 or Email:  
[mail@brookton.wa.gov.au](mailto:mail@brookton.wa.gov.au)  
to be emailed a form and be placed on the waiting list.

## BROOKTON TOWNSITE RESIDENTIAL BULK RUBBISH BIN SERVICE



### BULK WASTE



#### DO's

- ◇ Whitegoods, Electrical Items, Furniture & Stoves are accepted
- ◇ Please Remove Doors from Fridges & Freezers
- ◇ Allow 5 to 7 Working Days for collection



#### DONT's

- ◇ Hazardous Material including Chemicals, Oils, Paints and Asbestos are Prohibited
- ◇ Gas Cylinders, Batteries, Commercial, Household & Green Waste not accepted

### GREEN WASTE



#### DO's

- ◇ Pruning's can be up to 1.5m in length and 350mm in diameter
- ◇ Allow 5 to 7 Working Days for collection.



#### DONT's

- ◇ Do not place Green Waste in Bags or Boxes
- ◇ Root Materials, Sand, Soil, Lawn & Weeds are not accepted
- ◇ Whitegoods, Metal, Timber, Junk, and other Rubbish are not to be placed in this bin

14 White St , BROOKTON WA 6306 Tel 9642 1106



### 13.12.16.02 NO SCHOOL NO POOL POLICY

File No: 3837  
Applicant/ Proponent: Brookton District High School  
Subject Land/ Locality: Brookton Swimming Pool  
Date: 14/10/2016  
Author: Dale Stewart, Acting Chief Executive Officer  
Authorising Officer: Dale Stewart, Acting Chief Executive Officer  
Disclosure of Interest from Author: Neither the Officer nor Authorising Officer have any impartiality, Financial or Proximity Interest that requires disclosure.  
Authority/Discretion: ☒ Legislative – includes adopting local laws, town planning schemes and policies. Review when Council reviews decision made by Officers.  
Attachments:  
1. Nil

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#### **OFFICER RECOMMENDATION & COUNCIL RESOLUTION MOVED CR MILLS      SECONDED CR CRUTE**

**That the Shire of Brookton note that no submission(s) were received with respect to the advertised intention to consider a No School, No Pool Rule at the Brookton Aquatic Centre and resolve as follows;**

**That it make the following Property Local Law determination to be effective from the date of publication in the Brookton Telegraph and for it also to be published on the Shire's Website, Facebook Page and Property Local Law 'Determinations Register' to be embedded in the Council's Corporate Policy Manual.**

#### **Shire of Brookton Property Local Law 2012 Determination No. 1**

##### **No School, No Pool Rule**

**It is a determination of the Shire of Brookton, that the Pool Manager of the Brookton Aquatic Centre is required to deny entry to the Centre on a relevant day to any patron, if the following conditions are met on that day;**

- **That it is not a School sponsored Activity, Excursion or Event and;**
- **That they are of Primary or High School Age and;**
- **They normally attend the Brookton District High School and;**
- **It is during normal school hours for that day and;**
- **It is a normal school day that is not a pupil free day and/or;**
- **They are temporarily suspended from the Brookton District High School and the above conditions apply.**

**Notwithstanding the above, the Pool Manager has authority to approve entry if the Manager is satisfied that there are extenuating circumstances.**

**This Determination does not restrict entry to Department of Education approved 'Home Schooled' children, nor children ordinarily resident from other districts.**

**CARRIED BY SIMPLE MAJORITY 6-0**

## SUMMARY

Correspondence has been received seeking support for the Council to prohibit entry to the Brookton Aquatic Centre to school aged children that should otherwise be in school – in essence, a no school, no pool, rule. The proposal was advertised and nil submissions have been received at the close of submissions up to the close of business on 8 December 2016.

Note that submissions will still be considered, if they arrive after the close of this Council agenda, up to close of business on the 14 December 2016.

## BACKGROUND

Council at its meeting of 17 November 2016 resolved as follows;

*“That the Shire of Brookton resolves that it intends to consider making a Property Local Law determination and seek submissions with respect to the proposal closing 21 days after the date of publication, whichever is the later, of the Brookton Telegraph, Shire Website and the Shire’s Facebook Page.*

*Shire of Brookton Property Local Law 2012 Determination No. 1*

*No School, No Pool Rule*

*It is a determination of the Shire of Brookton, that the Pool Manager of the Brookton Aquatic Centre is required to deny entry to the Centre on a relevant day to any patron, if the following conditions are met on that day;*

- That it is not a School sponsored Activity, Excursion or Event and;*
- That they are of Primary or High School Age and;*
- They normally attend the Brookton District High School and;*
- It is during normal school hours for that day and;*
- It is a normal school day that is not a pupil free day and/or;*
- They are temporarily suspended from the Brookton District High School and the above conditions apply.*

*Notwithstanding the above, the Pool Manager has authority to approve entry if the Manager is satisfied that there are extenuating circumstances.*

*This Determination does not restrict entry to Department of Education approved ‘Home Schooled’ children, nor children ordinarily resident from other districts.”*

## CONSULTATION

The proposed rule was advertised from 18 November 2016 on Facebook, the Shire’s Website and also the Brookton Telegraph and communicated to the School Principal.

## COMMENT

The request of the Principal is in keeping with what the Acting CEO would expect to be community views on the subject (i.e. that school aged children should be in school during school hours). Indeed the author is aware of some similar signs (rules) indicating the same message exists on at least one other existing business in town (the IGA).

Any perceived or actual negatives can be discovered via the compulsory public submission period and those negatives assessed and weighed against the perceived benefits when the time comes to making a determination (decision).

It should be noted that a web review of associated literature on the subject indicates that;

- there was a general widespread support for the principles of a 'no school, no pool' rule wherever it was adopted and applied and;
- anecdotally there appeared to be a corresponding decrease in vandalism and antisocial behaviors during school hours and;
- that there was no real evidence indicating it directly decreased school absenteeism, other than at remote indigenous communities.

## **LEGISLATIVE IMPLICATIONS**

The Council's Property Local Law 2012 (Consolidated), clause 2.1 and 2.8 may provide that the Council may advertise a determination prohibiting a person from undertaking or doing a certain thing.

The advertisement must be undertaken via local public notice providing 21 days minimum for submissions with respect to the proposed determination (cl 2.2).

Resolving a particular determination cannot be delegated [cl 2.2(8)] and, pursuant to clause 2.8 of that Local Law, may specify a certain class of person(s) that the prohibition relates.

## **POLICY IMPLICATIONS**

There are no current Council Policy implications, however the Council, if it adopts a Property Local Law Determination, would be effectively creating a new policy with respect to the Swimming Pool.

## **FINANCIAL IMPLICATIONS**

The adoption of a position on 'No School, No Pool' will have negligible (if any) Budget impacts nor impact the provisions of the Long Term Financial Plan.

## **STRATEGIC IMPLICATIONS**

The Strategic Community Plan identifies the following relevant strategies that are supported by adoption of the Officer's Recommendation;

1.2: Development, participation and retention of young people.

- 1.2.1: Advocate for educational facilities and programs.
- 1.2.2: Support youth training and apprentice programs in collaboration with local businesses.
- 1.2.3: Provide and promote appropriate and accessible facilities and activities for youth.
- 1.2.4: Develop a youth strategy to assist and support youth development and leadership.

1.5: A safe community.

- 1.5.1: Collaborate with law enforcement authorities to support crime prevention and community safety programs and initiatives.
- 1.5.2: Support the community in emergency and fire management planning and preparedness.

## SUSTAINABILITY IMPLICATIONS

### *Environmental*

There are no identifiable environmental impacts arising from adopting the Officer Recommendation.

### *Economic*

There are no significant identifiable economic impacts arising from adopting from the Officer Recommendation.

### *Social*

The Council is being asked to consider putting in place a determination that may not be socially unacceptable to, in the author's opinion, a minority of parents within the community and or indeed, to children that might be refused entry. This may have negative consequences in terms of subsequent retaliation activities such as vandalism or graffiti.

### *Risk*

Risk	That Council does not proceed with the advertised determination and receives criticism from the Principal and / or P&C for that decision.	That Council resolves to implement the Property Local Law determination and receives criticism from the public for that decision.
Risk Likelihood (based on history and with existing controls)	Possible (3)	Unlikely (2)
Risk Impact / Consequence	Minor (2)	Minor (2)
Risk Rating (Prior to Treatment or Control)	Medium (5-9)	Low (1-4)
Principal Risk Theme	Engagement practices	Engagement practices
Risk Action Plan (Controls or Treatment proposed)	Accept Officer Recommendation	Accept Officer Recommendation

### Risk Matrix

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 6 and 4 has been determined for the two items. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

It is not recommended this item be added to the Shire's Risk Register, nor that a Risk Treatment Plan be required.

## **CONCLUSION**

The adoption of a Property Local Law determination of the principle of not permitting school aged children to utilise the Public Swimming Pool during School hours, will assist the School in its endeavors to improve educational outcomes, whilst having a negligible detrimental effect on income.

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**COUNCIL RESOLUTION**  
**MOVED CR CRUTE                      SECONDED CR EVA**

That Council suspend Standing Orders to facilitate discussion.

***CARRIED BY SIMPLE MAJORITY 6-0***

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**COUNCIL RESOLUTION**  
**MOVED CR CRUTE                      SECONDED MILLS**

That Council resume Standing orders.

***CARRIED BY SIMPLE MAJORITY 6-0***

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**13.12.16.03 SMALL BUSINESS FRIENDLY LOCAL GOVERNMENT**

File No: 4198  
Applicant/ Proponent: Small Business Development Corporation  
Subject Land/ Locality: Whole Shire  
Date: 22 November 2016  
Author: Dale Stewart, Chief Executive Officer  
Authorising Officer: Dale Stewart, Chief Executive Officer  
Disclosure of Interest from Author: Neither the Officer nor Authorising Officer have any impartiality, Financial or Proximity Interest that requires disclosure.  
Authority/Discretion: ☒ Advocacy – when Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.  
  
☒ Executive – the substantial direction setting and oversight role of the Council. E.g. adopting plans and reports, accepting tenders, directing the Chief Executive Officer, setting and amending budgets.

Attachments: Yes

1. Is your local government small business friendly?
2. Small Business Friendly Local Government Initiative Report card template
3. Small Business Friendly Local Government Charter.

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**OFFICER RECOMMENDATION & COUNCIL RESOLUTION**  
**MOVED CR FANCOTE SECONDED CR MILLS**

That the Shire of Brookton join the Small Business Development Corporation 'Small Business Friendly Local Government' initiative and in doing so, Council:

1. Authorises the Acting Chief Executive Officer to sign the Small Business Friendly Charter and;
2. Include reference to the Charter in the Council's Corporate Policy Manual and website and;
3. Implement its commitments and undertakings.

***CARRIED BY SIMPLE MAJORITY 6-0***

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## SUMMARY

The initiative is a Small Business Friendly Charter and requires a Council and its Chief Executive Officers commitment to the principles. The principles are not onerous and in the authors opinion, should be considered as 'business as usual' for any, and all, local governments.

## BACKGROUND

On the 9 August 2016 the State Government announced (via a media release and correspondence, to all local governments) a new initiative to build stronger relationships between small business and local governments through the Small Business Development Corporation (SBDC).

## COMMENT

To participate in the small business friendly local governments initiative and become recognised as small business friendly, the Shire will need to agree to sign and abide by the undertakings in the charter.

To add to the level of credibility of the initiative, local governments are required to report back to the SBDC twice a year on progress towards the charter. Reporting is not onerous.

The Charter has the following essential elements;

Commitment to this charter is a requirement for participation in the small business friendly local governments (sbflg) initiative and outlines what the local government agrees to do in support of small business in their area.

### 1. *Commitment to small business*

*The local government agrees to:*

- A. *Recognise that the small business community is an important stakeholder and will undertake regular and targeted consultation with this group;*
- B. *Work towards understanding how its local small business community operates and its needs, goals and key challenges;*
- C. *provide networking and other development opportunities for its local small business community; and*
- D. *Actively engage, where appropriate, with the small business development corporation (sbdc) on matters affecting small business.*

### 2. *Commitment to customer service*

*The local government agrees to:*

- A. *Maintain open lines of communication with small businesses through both formal and informal approaches;*
- B. *Provide clear advice and guidance to small businesses to assist them to understand and meet their regulatory obligations, and to work with them to achieve compliance;*
- C. *Publish clear service standards setting out what small businesses can expect from them;*
- D. *Consider the needs of local small business owners for whom english is not a first language; and*

- E. *Publish links on its website to take small business owners to resources available on the sbdc website, business local service and the business licence finder tool.*

### 3. *Administration and regulation*

*The local government agrees to:*

- A. *Take reasonable action to limit unnecessary administrative burdens on small business such as:*
  - I. *Only asking for information that is absolutely necessary;*
  - II. *Not asking for the same information twice;*
  - III. *Working collaboratively with other local governments;*
- B. *Undertake regular policy reviews to limit their impact on small businesses, and to test new policies and procedures for 'small business friendliness'; and*
- C. *Ensure that its officers have the necessary knowledge and skills to apply plans and regulations in a consistent manner.*

### 4. *Local government activities to support small business*

*The local government agrees to implement activities to improve the operating environment for small businesses within its authority. Details of the activities are to be included in the local government's operational plans and strategies.*

### 5. *On-time payment policy*

*The local government agrees to work towards ensuring all invoices from small business suppliers are paid within 30 days.*

### 6. *Business advisory group*

*The local government agrees to establish a business advisory group (if one does not already exist) to assist its understanding of small business needs. The group should include local small business operators and members of their representative bodies.*

### 7. *Dispute resolution*

*The local government agrees to implement a process to manage any disputes it may have with small businesses. This could include referring the dispute to an independent dispute resolution service (such as that offered by the sbdc).*

### 8. *Progress reports*

*The local government agrees to:*

- A. *Provide the sbdc with a biannual progress report that outlines the results achieved in relation to its small business friendly activities, including its policy relating to paying small businesses on-time, engagement with its business advisory group, and implementation of its dispute resolution process; and*
- B. *Forward success stories and case studies to the sbdc in relation to the sbflg initiative when requested.*

### 9. *Promotion and marketing of the program*

*The local government:*

- A. *Agrees to make a statement in relation to its commitment to the sbflg initiative on its website;*
- B. *Will be provided with a logo which it agrees to use in accordance with the sbflg style guide (as supplied by the sbdc); and*
- C. *is encouraged to promote the sbflg initiative by displaying the approved logo on its online and printed marketing and communication materials, where appropriate.*

#### 10. *Contact details*

*The local government agrees that the primary contact for the SBFLG initiative will be the Chief Executive Officer and that a secondary contact will be nominated as the day-to-day contact.*

## CONSULTATION

The author is of the opinion that the small business community of Brookton and the Community Resource Centre (CRC) would welcome the initiative and strengthen work the CRC and Wheatbelt Business Network is already doing in the space.

The Shire of Chittering's web page following is an example of what information the Shire of Brookton would display on its website if it became a signatory to the Charter and initiative, <http://www.chittering.wa.gov.au/development/small-business-friendly.aspx>

For further background reading, the following information from the SBDC is hyperlinked;

<http://smallbusinessmatters.net.au/page/get-involved>

<https://www.smallbusiness.wa.gov.au/business-in-wa/about-sbdc/small-business-friendly-local-governments-initiative/>

The following additional information is extracted from the SBDC website;

*"We have developed the Small Business Friendly Local Governments initiative to recognise local government authorities in Western Australia that are committed to actively supporting small businesses in their local area."*



Local governments are encouraged to sign the Small Business Friendly Local Governments Charter to show they have committed to work with, and support, small business by:

- offering enhanced customer service
- reducing red tape
- making on-time payments
- having a process in place to handle disputes
- introducing other activities to improve the operating environment for small businesses in their area

All local governments in Western Australia are invited to participate in the initiative.

The benefits of being small business friendly and supporting the growth of small businesses includes:

- creating a desirable location to live and to establish a business;
- supporting your local economy, including providing employment opportunities;
- building vibrancy in your community;
- meeting the needs of ratepayers for local goods and services; and
- collaborating and sharing with other small business friendly local governments.

By signing the Charter local governments can display the Small Business Friendly logo to let people know that they offer a great location to run a small business.

The initiative is supported by the WA Local Governments Association, the Department of Local Government and Communities and the Local Government Managers Australia WA.

The following local authorities have signed the Charter at the date of writing of the Officers report:

- Armadale - City of
- Canning - City of
- Chittering - Shire of
- Gosnells - City of
- Joondalup - City of
- Kalgoorlie-Boulder - City of
- Nannup - Shire of
- Narrogin - Shire of
- Victoria Park - Town of

## LEGISLATIVE IMPLICATIONS

There are no relevant legislative implications.

## POLICY IMPLICATIONS

The following existing Council Policies support involvement in the initiative;

- 1.14 New Business Incentives
- 1.16 Buy Local
- 1.24 Economic Development

The following extract from Council Policy 1.24 relates;

*“The Shire will influence economic growth through advocacy, facilitation, planning, service provision and having the capacity and tools to enhance the local economy.  
Council will provide a positive climate to encourage business development and will form strategic alliances with other local governments, community groups and local businesses.*

*Council will assist business by:*

- *Taking a facilitative approach with applications*
- *Providing statistical and general information*
- *Providing assistance and advice obtaining Government grants*
- *Providing links to business networks*
- *Supporting business and employment support programmes.”*

## FINANCIAL IMPLICATIONS

There are no predicted direct or indirect additional impacts on the Council's Budget or Long Term Financial Plan as a result of adopting or not adopting the Officers Recommendation.

## STRATEGIC IMPLICATIONS

The Strategic Community Plan has the following initiatives that support the proposal;

### 4.3: Viable businesses with opportunities for local employment

- 4.3.1: Develop, maintain and strengthen relationships with local and regional businesses.
- 4.3.2: Promote and encourage existing and new businesses and industries.

## SUSTAINABILITY IMPLICATIONS

### *Environmental*

There are no significant identifiable natural or built environmental impacts arising from adoption of the officer's recommendation.

### *Economic*

There are predicted positive economic impacts arising from adoption of the officer's recommendation and demonstrating an active commitment and being a supportive Council and administration to small business. At the date of writing of this report there were 91 registered small businesses on the Shire's Business Directory on the website <http://www.brookton.wa.gov.au/listings/business>

### *Social*

There are no significant identifiable social impacts arising from adoption of the officer's recommendation.

### *Risk*

Risk	That the Council signs the Charter and doesn't address perceived shortcomings in being seen as a Council or administration that is supportive of small business.	That Council in signing the charter gains an extra administrative burden.
Risk Likelihood (based on history and with existing controls)	Possible (3)	Unlikely (2)
Risk Impact / Consequence	Minor (2)	Minor (2)
Risk Rating (Prior to Treatment or Control)	Medium (5-9)	Low (1-4)
Principal Risk Theme	Engagement practices	Failure to fulfil Compliance requirements

Risk Action Plan (Controls or Treatment proposed)	Accept Officer Recommendation	Accept Officer Recommendation
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## Risk Matrix

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
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Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 6 and 4 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

It is not recommended this item be added to the Shire's Risk Register, nor that a Risk Treatment Plan be required.

## CONCLUSION

In the opinion of the author, signing the charter is a significant gesture of intent about creating and fostering the right 'attitude' of the executive and administration (of the Shire) and the Council to assisting small business. Small businesses make up almost all of the economy of the Shire, with the largest employers being the Shire of Brookton (Local Government), Department of Education (State Government) and Baptist Care (Kalkarni). Each of these employers employ approximately (on average) 22 Full Time Employee equivalents (FTEs)





**Small Business Friendly**

An initiative of the Small Business  
Development Corporation



Is **your** local government  
small business friendly?

[smallbusiness.wa.gov.au](http://smallbusiness.wa.gov.au)



Small Business  
Development Corporation

## SBDC working with local government to support small business

IN WESTERN AUSTRALIA

**97%**  
of businesses employ fewer than 20 staff

There are almost  
**214,200**  
small businesses

**45%**  
of employees in the private sector are employed by small business

Accounting for 97 per cent of all businesses in Western Australia, small business has a significant impact on our economy – small business is big business!

Small business owners (and operators) create local employment, provide essential goods and services and help create attractive, liveable communities. The right mix of small businesses can create a sense of vibrancy and attract people to live, work and visit.

Local governments can have a significant influence over how attractive their area is for businesses to set up, and established enterprises to grow. They also play a key role in the lifecycle of a small business; in fact most of the interactions business owners have with government are at a local level.

To help build stronger, more productive relationships between small business and local government, the Small Business Development Corporation (SBDC) has developed the Small Business Friendly Local Governments Initiative. The Initiative aims to recognise local governments that are working to support their small business communities.





## How you can be involved

To participate in the initiative, we're asking you to sign a Charter – to formally commit to the initiative and to your small business community.

Taking part in the Initiative means you have committed through the Charter to work with, and support, small businesses by adopting three 'standard' activities and at least three 'flexible' activities (ones that suit your particular organisation and community).

### Standard activities

In response to some of the most common issues small business owners face in dealing with their local government the Initiative involves engaging in standard activities that include:

- adopting a policy to pay invoices from small business suppliers within 30 days
- establishing an advisory group to better understand the needs of small business
- introducing an internal process to handle any disputes arising between your organisation and small business clients

### Flexible activities

We understand that each local government area differs in size, demographics and geography, so you can choose at least three additional activities that best suit your circumstances. These may include, but are not limited to:

- surveying local small businesses to assess their needs
- accepting online payments
- introducing deemed approvals
- simplifying processes and forms
- providing more small business information on your website
- improving communication and customer service
- encouraging 'buy local' shopping campaigns
- supporting business incubators or start-up spaces
- offering contracts to local small business suppliers
- introducing an economic development team
- facilitating small business forums and events


Your selected activities need not necessarily impose an additional burden on your resources. We can help you to develop ideas that will work best for your organisation.

### Reporting

We understand there are many demands on your time, so reporting involves nothing more onerous than completing a simple report card twice a year.

### Promoting

After committing to the initiative, it's your opportunity to let everyone know that you are 'small business friendly'. You'll be able to use the Small Business Friendly Local Governments logo on your print and online publications, and display a one page overview of the Small Business Charter, personalised for your organisation. We'll also list your organisation on our website and in other marketing material associated with the initiative.



Being small business friendly doesn't have to be onerous or expensive - little changes can often have a big impact.



## Why you need to be involved

Being small business friendly can bring many benefits for your organisation and your community, including:

- creating a desirable location to live and to establish a business
- supporting your local economy, including providing employment opportunities
- building vibrancy in your community
- meeting the needs of ratepayers for local goods and services
- collaborating and sharing with other small business friendly local governments

## Your next steps

Our Small Business Friendly Local Governments Project Manager can help you sign up to the Small Business Friendly Local Governments Initiative and answer any questions.

**T:** 13 12 49

**E:** [sbfriendly@smallbusiness.wa.gov.au](mailto:sbfriendly@smallbusiness.wa.gov.au)



**For some business owners it's their interaction with local government, not compliance with regulations, that can create problems.**



A key role for the Small Business Development Corporation is advocating on behalf of small business at all tiers of government. We value our relationship with local governments and are keen to strengthen our engagement with this important sector. 

**DAVID EATON,**  
SMALL BUSINESS COMMISSIONER, CEO OF THE SBDC



**Small Business Friendly**

An initiative of the Small Business Development Corporation



## Small Business Friendly Local Governments initiative Report card template

Report for Shire of Brookton:

Standard activities	Activity details and goal		Date:
			Progress
On-time payment policy	Are all invoices paid within 30 days?	Y / N	
Business advisory group	Has a group been established, or is one already in place?	Y / N	
Dispute handling	Is there a process in place (and all relevant staff advised of it) to handle disputes between your organisation and small business clients?	Y / N	

Flexible activities	Activity details and goal*	Strategies to achieve the goal	Date:
			Progress
Activity 1			
Activity 2			
Activity 3			

## Report card sample

Report for: City of ABC

Planned actions	Action details and goal		Date: 22/06/2016
			Progress
On-time payment policy	Is there a plan in place to ensure all invoices are paid within 30 days?	Y	<p>90% of invoices paid within 30 days.</p> <p>Plans are in place to determine why remaining 10% miss the 30 day deadline – aim is to achieve 95% on time payment by March 2017</p>
Business advisory group	Has a group been established, or is one already in place?	Y	<p>City of ABC's Advisory Board meets quarterly to discuss existing projects/programs/issues across the LGA. It is informed by and consists of members from ABC Business Chamber, ABC Community Group, ABC Disability Support, ABC Connect, Mayor, two Councillors and local government staff.</p> <p>ABC Advisory Board's last meeting was held on 12 February. City staff presented on the 'shop local' campaign where the draft logo and information pack were reviewed and members of the advisory board gave feedback.</p>
Dispute handling	Is there a process in place (and all relevant staff aware of it) to handle disputes between your organisation and small business clients?	Y	<p>Full policy has been developed to outline escalation of dispute management.</p> <p>Additional discretion has been given to customer service managers to resolve disputes.</p> <p>Aim is to resolve disputes within 30 days of City initially being notified. Small business owners in disputes beyond this date are encouraged to contact the SBDC's alternative dispute resolution service.</p> <p>Internal staff have been made aware of policy through intranet and monthly team meetings.</p>



Planned actions	Action details and goal*	Strategies to achieve the goal	Date: 22/06/2016
			Progress
Website improvement	<p>To make it easier for prospective and existing small business operators to find information relevant to their business operations. Update the city's website by adding five new pages and a link from the home page by the end of November 2016</p> <p>Achieve a total of 27,000 hits across all five pages per month from January 2017.</p>	<ul style="list-style-type: none"> <li>• Undertake research to determine information sought by small business</li> <li>• Seek local small business organisations to share links</li> <li>• Discuss the needs of small business with local small business organisations (and the business advisory group)</li> <li>• Make sure all relevant City of ABC staff are aware of the new website content</li> <li>• Run local campaign to raise awareness of the resource with small business owners</li> </ul>	<p>Research is complete</p> <p>Website content is in development phase</p>
Face to face briefings	<p>By March 2017 ensure a minimum of 200 local small businesses have received face to face briefings on the new opportunities to supply the City with goods and services.</p>	<ul style="list-style-type: none"> <li>• Hold 10 workshops throughout the local area</li> <li>• Promote the workshops through media releases and social media pages</li> <li>• Promote the new opportunities through media releases</li> <li>• Monitor procurement processes to determine if more small businesses are tendering for work</li> </ul>	<p>One workshop held in October - 20 participants attended representing 13 small businesses.</p> <p>One workshop held in Nov – 50 participants attended representing 35 small businesses.</p> <p>Workshops were very successful with 95% of participants rating both the facilitator and content as high. Will track if there has been an increase in the number of small businesses applying for procurement opportunities since July 2016.</p> <p>Six posts were made to Facebook resulting in 182 likes, shares or comments.</p> <p>Workshops were promoted via media release picked up by outlets.</p> <p>Measures are in place to track number of small businesses tendering for City of ABC projects.</p>

\*Wherever possible goals should follow the SMART principle ie. specific, measurable, attainable, relevant and time-based





## **Small Business Friendly Local Governments Charter**

Commitment to this Charter is a requirement for participation in the Small Business Friendly Local Governments (SBFLG) initiative and outlines what the local government agrees to do in support of small business in their area.

### **1. Commitment to small business**

The local government agrees to:

- a. recognise that the small business community is an important stakeholder and will undertake regular and targeted consultation with this group;
- b. work towards understanding how its local small business community operates and its needs, goals and key challenges;
- c. provide networking and other development opportunities for its local small business community; and
- d. actively engage, where appropriate, with the Small Business Development Corporation (SBDC) on matters affecting small business.

### **2. Commitment to customer service**

The local government agrees to:

- a. maintain open lines of communication with small businesses through both formal and informal approaches;
- b. provide clear advice and guidance to small businesses to assist them to understand and meet their regulatory obligations, and to work with them to achieve compliance;
- c. publish clear service standards setting out what small businesses can expect from them;
- d. consider the needs of local small business owners for whom English is not a first language; and
- e. publish links on its website to take small business owners to resources available on the SBDC website, Business Local Service and the Business Licence Finder tool.

### **3. Administration and regulation**

The local government agrees to:

- a. take reasonable action to limit unnecessary administrative burdens on small business such as:
  - i. only asking for information that is absolutely necessary;
  - ii. not asking for the same information twice;
  - iii. working collaboratively with other local governments;
- b. undertake regular policy reviews to limit their impact on small businesses, and to test new policies and procedures for 'small business friendliness'; and
- c. ensure that its officers have the necessary knowledge and skills to apply plans and regulations in a consistent manner.

### **4. Local government activities to support small business**

The local government agrees to implement activities to improve the operating environment for small businesses within its authority. Details of the activities are to be included in the local government's operational plans and strategies.



**Small Business  
Development Corporation**

**5. On-time payment policy**

The local government agrees to work towards ensuring all invoices from small business suppliers are paid within 30 days.

**6. Business advisory group**

The local government agrees to establish a business advisory group (if one does not already exist) to assist its understanding of small business needs. The group should include local small business operators and members of their representative bodies.

**7. Dispute resolution**

The local government agrees to implement a process to manage any disputes it may have with small businesses. This could include referring the dispute to an independent dispute resolution service (such as that offered by the SBDC).

**8. Progress reports**

The local government agrees to:

- a. provide the SBDC with a biannual progress report that outlines the results achieved in relation to its small business friendly activities, including its policy relating to paying small businesses on-time, engagement with its business advisory group, and implementation of its dispute resolution process; and
- b. forward success stories and case studies to the SBDC in relation to the SBFLG initiative when requested.

**9. Promotion and marketing of the program**

The local government:

- a. agrees to make a statement in relation to its commitment to the SBFLG initiative on its website;
- b. will be provided with a logo which it agrees to use in accordance with the SBFLG style guide (as supplied by the SBDC); and
- c. is encouraged to promote the SBFLG initiative by displaying the approved logo on its online and printed marketing and communication materials, where appropriate.

**10. Contact details**

The local government agrees that the primary contact for the SBFLG initiative will be the Chief Executive Officer and that a secondary contact will be nominated as the day-to-day contact.

	Position	Name	Phone number	Email address
Primary contact	Chief Executive Officer			
Secondary contact				

## 11. Acceptance

On behalf of [insert local government name], we agree to the terms outlined in this Charter and agree to implement the SBFLG initiative.

**Chief Executive Officer**

Print name:

Signature:

Date:



JUN16/001

### **13.12.16.04 ADMINISTRATION CENTRE BUILDING PHOTOVOLTAICS (SOLAR PANELS) PROPOSAL**

File No: 4617  
Applicant/ Proponent: Dale Stewart, Chief Executive Officer  
Subject Land/ Locality: 14 White St, Brookton  
Date: 7 December 2016  
Author: Dale Stewart, Chief Executive Officer  
Authorising Officer: Dale Stewart, Chief Executive Officer  
Disclosure of Interest from Author: Neither the Officer nor Authorising Officer have any impartiality, Financial or Proximity Interest that requires disclosure.  
Authority/Discretion: ☒ Executive – the substantial direction setting and oversight role of the Council. E.g. adopting plans and reports, accepting tenders, directing the Chief Executive Officer, setting and amending budgets.

#### **Attachments:**

1. 12 months Power Bills (Separate Attachment 13.12.16.04A)
2. Carbon Footie Submission
3. Solargain Submission (Separate Attachment 13.12.16.04B)
4. Sunterra Submission (Separate Attachment 13.12.13.04C)

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### **OFFICER RECOMMENDATION & COUNCIL RESOLUTION MOVED CR FANCOTE SECONDED CR CRUTE**

**That with respect to the proposal to install Photovoltaics (Solar Panels) to the Shire Administration Centre Building, Council:**

1. **Contract Solargain to install a 26.46 kWp system at a turn-key installation cost of \$20,490 plus GST and subject to receiving a 10 year warranty on the inverter and;**
2. **Amend the 2016/17 Budget as follows;**
  - a. **General Ledger Budget E042510 'Administration Building Capital Expenditure' be increased by \$20,490 from \$0 to \$20,490 and;**
  - b. **General Ledger Budget E042480 'Admin Building Maintenance Operating Expenditure' (Electricity IE Code # 380) be reduced by \$2,490 from \$15,562 to \$13,072 and;**
  - c. **The proposed transfer from the 'Municipal Buildings Reserve' to the Municipal Fund at financial year end be increased by \$18,000 from \$0 to \$18,000 and;**
  - d. **Noting this results in a nil change in net current assets as at 30 June 2017 which, in turn, retains the forecast surplus at year end 30 June 2017 of \$0.**

***CARRIED BY ABSOLUTE MAJORITY 5-1***

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### **SUMMARY**

This report recommends that the Council proceed to investing in a Photovoltaic (PV) (Solar Panels) array and system, due to the estimated maximum 2.7 year payback period.

### **BACKGROUND**

The Council at its Briefing Forum of September 2016 tasked the Acting CEO with the concept of investigating a Photovoltaic (PV) (Solar Panels) array for reducing energy consumption for the Shire Administration Office.

## COMMENT

Energy costs continue to rise, normally above inflation and this is likely to continue into the foreseeable future. With capital outlays so little, compared to the return on investment, it has become very economical for businesses and households to invest in solar as a renewable energy source, reducing the entities environmental footprint and also saving power and therefore costs.

## CONSULTATION

The Shire of Quairading has appointed Solargain in recent years to install a PV system at their CRC Building (15kw) and more recently at their Shire Administration Facility (15.08kw), both with positive comments about the quality and expertise and performance of the supplier and their products.

The Brookton Country Club is currently investigating installing a 13 kw system at an estimated cost of \$19,676.90, as quoted by Ancon Pty Ltd.

Quotes were received from three firms with all firms having similar warranties (5 years for inverters and 10 years for panels and 25 years for performance);

### Carbon Footie (all estimates supplied by the firm)

- Suggested 16.2 kWp system, 20kw inverter, providing 80% of the estimated power needs (day time consumption estimate).
- \$17,950 plus GST
- Estimated annual savings \$8,851.25
- Estimated Return on Investment (ROI) (pay back) of 49.3% or 2.03 years.

### Sunterra (all estimates supplied by the firm)

- Suggested 30.60 kWp system, 30kw inverter, providing 80% of the estimated power needs (day time consumption estimate).
- \$27,990 plus GST
- Estimated annual savings \$9,157.71
- Estimated Return on Investment (ROI) (pay back) of 32.70% or 3.06 years.

### Solargain (all estimates supplied by the firm)

- Suggested 26.46 kWp system, 20kw inverter, providing 85% of the estimated power needs (day time consumption estimate Monday to Friday) noting they assume no power will be saved on weekends - which of course it will (computers, servers and fridges etc), providing further savings than what they estimate.
- \$20,490 plus GST
- Estimated annual savings \$6,785
- Estimated Return on Investment (ROI) (pay back) of 36% or 2.70 years.

Solargain confirm that they believe that the suggested system could be achieved on the roof structure that exists and that the inverter is capable of supporting the kilowatts ("The Fronius inverter can definitely be table topped to accommodate 98 x 270W panels. This is in terms of the inverter warranty and the Clean Energy Regulator (CER) requirements for claiming the

STC's which allows the inverter to be oversized by 33%. This is the most cost effective and efficient means of designing the system").

Further, they advise that the inverter is eligible for an additional 5 year parts warranty (10 years total) at the present time.

On balance, in the opinion of the author, the Solargain company has a very reliable name with adjoining nearby local governments utilising the company in recent times and has been the most conservative in estimating energy savings, notwithstanding the ratings on the relevant panels.

## LEGISLATIVE IMPLICATIONS

The Council will need to amend the Budget to accommodate the purchase and installation as the project has not been budgeted. The payback period, of just under 3 years, should allay any concerns that the project should be delayed or considered for subsequent budgets.

Each month of delay (of installation) effectively costs in the order of \$583 (per month). This estimate is based on the cost of money over time, offset by the cost of borrowing and energy price rises, and the resultant savings in annual electricity.

The resultant energy credits will be offset and sold to the supplier under Federal Governments Small Scale Technology Energy Certificates Trading Scheme.

## POLICY IMPLICATIONS

There are no known relevant policy matters for Council's consideration. Once Council is satisfied that the energy dividends stated are achievable from the Administration Building system, it may well like to give consideration to investigating other buildings, such as the Swimming Pool, Recreation Centre and Shire Depot for similar installations and payback periods. Notwithstanding seasonality variations, estimated savings should be evident after two billing cycles (4 months), following commission.

## FINANCIAL IMPLICATIONS

The Council's last 12 months of electricity energy supply / consumption cost for the Shire Office was \$12,335, with a Budget allocation this financial year to allow for cost increases and, it appears, a slight conservative factor, of \$15,562.

The proposal to install Photovoltaics (Solar Panels) to the Shire Administration Centre Building, Council will have the following financial impacts for the current financial year:

1. Contract Solargain to install a 26.46 kWp system at a turn-key installation cost of \$20,490 plus GST and;
2. Require amendment to the 2016/17 Budget as follows;
  - a. General Ledger Budget E042510 'Administration Building Capital Expenditure' be increased by \$20,490 from \$0 to \$20,490 and;
  - b. General Ledger Budget E042480 'Admin Building Maintenance Operating Expenditure' (Electricity IE Code # 380) be reduced by \$2,490 from \$15,562 to \$13,072 and;
  - c. The proposed transfer from the 'Municipal Buildings Reserve' at financial year end be increased by \$18,000 from \$0 to \$18,000 and;
  - d. Noting this results in a nil change in net current assets as at 30 June 2017 which, in turn, retains the forecast surplus at year end 30 June 2017 of \$0.

For subsequent financial years, the impact on the Long Term Financial Plan will be the benefit of the estimated annual reduction of operating expenditure (electricity) by at least \$6,785 pa.

This equates to an estimated payback period of 2.7 years, well within the lifespan of the shortest period of the products warranties. Given the short payback period and low capital cost, any concept of borrowing for the asset is not recommended by the author. Whilst a borrowing rate of principal and interest is available to local governments through the WA Treasury Corporation of 3.75% pa, fixed for 10 years, interest earnings are only at 2.65% and it is better to utilise existing underperforming (low yielding) reserves than borrow at a greater cost, particularly with predicted electricity cost price rises likely to exceed the interest earning yield for the foreseeable next few years.

The life of the system has an expectancy of 20 years, with a module (panels) warranty of 10 years and performance warranty of 25 years (5 years for the inverter, plus an additional 5 for parts on the inverter from Solargain at the present time).

## **STRATEGIC IMPLICATIONS**

The Council's Strategic Community Plan has the following relevant goals and actions;

Preparedness for the effects of climate change.

- 2.5.1: Support community education to promote awareness on energy and water efficiency.
- 2.5.2: Investigate and adopt energy efficiency practices in Council operations.

## **SUSTAINABILITY IMPLICATIONS**

### *Environmental*

There are significant positive natural environmental impacts arising from adoption of the officer's recommendation. The installation of PVs to the Shire Office will save an estimated 38.41t pa of Carbon Dioxide equivalents into the atmosphere. In addition, it will send a signal to businesses and households that the Shire is 'leading' the way, giving confidence to others to follow suit.

### *Economic*

There are potentially positive indirect economic impacts arising from adoption of the officer's recommendation, through the recognition by Brookton Shire as a leader in renewable energy, thus paving the way for others to follow suit, thus resulting in more business activity in installations.

### *Social*

There are no significant identifiable social impacts arising from adoption of the officer's recommendation.



## Risk

Risk	That the product selected isn't as effective as stated and or the supplier isn't as reputable as considered.
Risk Likelihood (based on history and with existing controls)	Unlikely (2)
Risk Impact / Consequence	Minor (2)
Risk Rating (Prior to Treatment or Control)	Low (1-4)
Principal Risk Theme	Supplier / Contract Management
Risk Action Plan (Controls or Treatment proposed)	Accept Risk noting that the recommended supplier has local government, government and large known clients.

## Risk Matrix

Consequence \ Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 4 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

It is not recommended this item be added to the Shire's Risk Register, nor that a Risk Treatment Plan be required.

## CONCLUSION

The recommendation of the Officer is to appoint Solargain, who has recently installed two systems with the Shire of Quairading, another at the Shire of York, and installed a number of large systems through WA including for Government, and have been in operation since 2005.





**Figure 1 Recent installation at the Shire of Quairading by Solargain**

The following is the recommendation of the Shire of Quairading;

*“Process took one and a half days, was delivered during working hours and had minimal inconvenience to staff. System was delivered by a SolarGain sub-contractor.*

*From my perspective as the Shire Officer dealing with SolarGain, I found them to be very professional and efficient in their delivery of the system. Since the system has been installed at the CRC we have had no operational issues, and SolarGain did come a few months after the installation to assess the performance of the system. I have been dealing with Keith Lynch and found him to be easy to communicate with. SolarGain managed the administration of the Small Scale Technology Certification process as well as compliance and registration with Western Power.”*

**2016**

# **Solar Energy Review for The Shire of Brookton**



Shire of  
**BROOKTON**



**Carbon Footie Pty Ltd**

2/213 Balcatta Rd, Balcatta, WA 6021  
ABN: 98138874781  
Ph: 1300 897 441  
[www.carbonfootie.com.au](http://www.carbonfootie.com.au)

October 17<sup>th</sup> 2016

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**Particulars of Review**

Name of Client	The Shire of Brookton
Premise/s Reviewed:	21 White Street, Brookton
Requested by:	Dale Stewart (CEO)
Review Consultant:	Paul Connell (Director)
Review Date:	17 <sup>th</sup> October 2016

## Executive Summary

### *Introduction and Overview*

The Shire of Brookton was established in 1899. It is located some 130Km South East of Perth past the Jarrahdale State Forrest. The Shire has a thriving, accessible and diversified economy with a friendly and welcoming community

Mr Dale Stewart, (CEO), requested that a local, Perth based Solar and Energy Efficiency Company, Carbon Footie undertake a Solar Energy Review in order to see what savings in energy and expenditure could be achieved, should the Shire implement Solar at their Head Offices at 21 White Street, Brookton, WA 6306.

Twelve months electricity billing data was collated and assessed, together with the real estate available on the 21 White Street building for the solar panels to be fitted. The following was determined:-

#### A) Billing Data: detail

Over the course of the year the average daily units of energy consumption (kWh) is 114. Given that at least 80% of this would be consumed during daylight hours, the energy required to support this would be 91.2 units of energy. Given that a production of 5kWh's per Kw of solar power, the system size would need to be 18 KW.

### Shire of Brookton

Bill cycle	Units of energy per day
13/7-8/9	150
12/5-12/7	125
11/3-11/5	86
8/1-10/3	119
10/11-7/1	110
9/9-9/11	84
17/7-8/9	130
<b>Average units per day</b>	<b>114</b>
<b>System generation required at 80% production</b>	<b>91.2</b>
<b>Size warranted @ 80% production daytime =</b>	<b>18</b>

**B) Real Estate Availability:**

Although both the Nearmap and Google Earth snapshots are not absolutely clear, it is deemed that a 16.2Kw system can be installed (subject to scope of works and final measure). This would mean 60 x panels in total, facing on the two most northerly aspects.

(Total of 30 panels on the North and 30 panels W/NW roof spaces available.

SEE SITE PICTURE – Appendix A

Preliminary Componentry for 16.2 kWp System

**Products Schedule**

<b>Inverters</b>	20 KW Tri – Power (ABB Power One Inverter)	Qty	1
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NB: Above Inverter carries a standard 5 year manufacturer warranty.

<b>Solar PV Panels: JINKO 270 Watt Poly-Crystalline Module (16,200w in total)</b>	Qty	60
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NB: Above Panels carry a standard 10 year manufacturer warranty.

A Performance output of a minimum 90% at 12 years and 80% at 25 years.

<b>Racking/Tilts/Rails/Conduits/Cabling</b>	inclusive to requirements
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<b>Inclusive - Metering</b>	24/7 Monitoring/Alert System	Qty	1
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Above System installed subject to suitable Broadband Connection availability on-site

An allowance for engineering design, submissions to Network operators (Western Power) for approval for connection to the network has been applied.

**Total Price of :- \$17,950 ex GST (after Government Rebates)**

**Calculations for costing:**

Total Price of \$31,953.00 (inc GST)

**Minus Rebate \$14,003.00 (based on 335 STC's @ \$38.00 plus GST – Federal Government Incentive)**

Total Price of \$17,950.00 (inc GST After Rebate)

NB: Price of \$17,950 is based on the transfer of Certificates over To Carbon Footie at installation.



**GENERATION:**

Estimated annualized daily kWh generation	= 80 kWh per day
Estimated annual kWh generation	= 29,200 kWh per annum

**SAVINGS:**

Based on current L1 Tariff with Synergy @ 27.5549 c per kWh plus GST. (30.31039c inc GST)

Daily Savings: \$24.25

Bill cycle savings (every two months): \$1455.00

Annual Savings: \$8851.25

Solar PV Generation System – System Cost \$17,950, achieving savings of \$8,851.25 per annum

**RESULTS and CONCLUSIONS:****Results:**

1. Return on Investment at a rate of 49.3%
2. Total Payback in almost two years (2.03 years)
3. Potential Savings over an expected lifespan of 15 years - \$132,768.75

- 70% Reduction in overall kWh purchase requirements
- 29,200 kWh Reduction per annum
- 23,360 Kg's Reduction of CO<sub>2</sub>-e per annum
- 8,851.25 Reduction in electricity expenditure per annum

**Conclusion:**

It is therefore determined that The Shire of Brookton would see a tremendous return and benefit for implementing Solar Energy. At a two year payback or almost 50% Return on investment, it should be given very serious consideration.

I would like to thank Dale Stewart at The Shire of Brookton for undertaking this Review and identifying that Solar Energy can be of great long term benefit to the Shire.

Carbon Footie would be delighted to implement this project for The Shire of Brookton.

*Paul Connell (CEO/Director, Carbon Footie)*

Mrs Wilkinson entered the meeting at 1.11 pm

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**COUNCIL RESOLUTION**

**MOVED CR CRUTE                      SECONDED CR FANCOTE**

That Council suspend Standing Orders to facilitate discussion.

***CARRIED BY SIMPLE MAJORITY 6-0***

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**COUNCIL RESOLUTION**

**MOVED CR CRUTE                      SECONDED CR WALKER**

That Council resume Standing Orders.

***CARRIED BY SIMPLE MAJORITY 6-0***

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**13.12.16.05 DISPOSAL OF LAND AND / OR FIXED ASSETS POLICIES AND DELEGATIONS REVIEW**

File No:	ADM0492
Applicant/ Proponent:	Fred and Kaye Gillham and Council Officers
Subject Land/ Locality:	Lot 100, 1 Koornong Drive, Brookton
Date:	7/12/2016
Author:	Fleur Wilkinson, Project Officer
Authorising Officer:	Dale Stewart, Acting Chief Executive Officer
Disclosure of Interest from Author:	Neither the Officer nor Authorising Officer have any impartiality, Financial or Proximity Interest that requires disclosure.
Authority/Discretion:	<input checked="" type="checkbox"/> Executive – the substantial direction setting and oversight role of the Council. E.g. adopting plans and reports, accepting tenders, directing the Chief Executive Officer, setting and amending budgets. <input checked="" type="checkbox"/> Legislative – includes adopting local laws, town planning schemes and policies. Review when Council reviews decision made by Officers.

Attachments: Nil

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**OFFICER RECOMMENDATION**

That with respect to a review of the Council's current Policies and Delegations relating to the Disposal of Land and / or Fixed Assets, and general matters relating to the Koornong Estate, Council:



1. Agree to pay Fred and Kaye Gillham the agreed \$5,000 housing incentive payment upon presentation of their final completion certificate for the dwelling erected at 1 Koornong Drive, Brookton and;
2. Consider how to fund the contribution referred to in Part 1 above, during the Budget review, scheduled for the third quarter of the 2016/17 Financial Year, such that the Council's forecast Nil Surplus / Deficit position remains Nil or in Surplus and;
3. Adopt the following as a Policy of Council;

#### Koornong Residential Estate

*To encourage activation and also discourage speculation on the Council's Koornong (Avonbank) residential land subdivision, Council offer a \$5,000 retrospective and performance based cash rebate to any purchaser that meets the following mutually inclusive conditions;*

- *Paying the Council determined purchase price for the respective remaining lot(s) for sale at 'Koornong' (pursuant to Section 3.58(4)(c)(ii)) of the Local Government Act 1995 and as currently advertised) as follows:*
  - *Lot 102 - \$80,000*
  - *Lot 103 - \$80,000*
  - *Lot 104 - \$80,000*
  - *Lot 105 - \$70,000 and;*
- *Producing a Builder's Certificate, giving notice of practical completion of a dwelling within 24 months of settlement of the sale of the property and;*
- *The CEO is to ensure that such conditions are explicitly contained within the contract of offer documentation relating to the sale.*

*Council is to review the Policy and the determined pricing for any remaining lots, on at least an annual basis.*

4. Agree to construct a 4 x 2 house as contained in the adopted 2016/17 Budget on lot 104, 8 Avonbank Close in 2017 and;
5. Replace existing Delegation 1.5 with the following Delegations, pursuant to the Local Government Act 1995, Sections 3.58, 5.42 and Local Government (Functions and General) Regulations 1996, Regulation 30(3);

#### Disposal of Surplus Fixed Assets

*Council delegates its authority and power to the Chief Executive Officer to write-off, sell or dispose of, by calling for expressions of interest or any other fair and transparent means, items of surplus plant, light vehicles, equipment, materials, tools etc. which are no longer required, are deemed outmoded or no longer serviceable.*

#### Conditions

- *Any sale organised by the Chief Executive Officer under this delegated authority shall be advertised in the local media and any other means to ensure maximum circulation.*
- *The Chief Executive Officer will determine if it is appropriate to advertise more extensively, having regard to the value and significance of the sale items. Any fixed assets written off should have an accumulative written down value not exceeding \$20,000 per financial year, nor an individual written down value of more than \$1,000.*

#### Disposal of Land

*The CEO is delegated authority to give effect to Council's Policy with respect to the Koornong Residential Estate, to dispose of land within the estate and to sign the necessary transfer and sale documents.*

*The CEO is delegated authority to dispose of land for the purposes of periodic or fixed term residential leasing of Council owned or managed properties but not otherwise (eg outright sale).*

Conditions

- *Compliance with the provisions of the Local Government Act 1995, Section 3.58 (private treaty advertising etc), noting that if there are written submissions made not supporting the proposed disposition, the CEO is to refer the proposal to the Council for determination.*
- *Compliance with the Council's Policy entitled 'Koornong Residential Estate'.*
- *Compliance with the Council's Management Policy No. 1.21 'Common Seal' and Delegation No. 1.43 'Common Seal'.*

Disposal and or Trade of Motor Vehicles, Plant & Equipment

*Council delegates its authority and power to the Chief Executive Officer to sell or dispose of, either outright or by trade, by calling for expressions of interest or any other fair and transparent means, items of plant, vehicles, equipment, materials, tools etc. which are included in the Budget for disposition / trade.*

Conditions

- *Compliance with the provisions of the Local Government Act 1995, Section 3.58 (including the sale (or trade) as consideration within a tender) and / or the Local Government (Functions and General) Regulations 1996, Regulation 30 (3) (the market value of the asset is less than \$20,000 or it is traded as part of an asset being acquired that is worth less than \$75,000).*
- *Compliance with Council Policy 1.2 'Council Committees – Terms of Reference', requiring referral to the Plant and Works Committee, all items of proposed major plant purchases. For the purposes of this condition, 'major' is defined as any item of Plant (or Motor Vehicle) proposed to be purchased that has a value greater than \$75,000.*
- *Achieving at least 80% of the Budgeted outright disposition price or staying within 10% of the Budgeted net trade price.*

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ABSOLUTE MAJORITY VOTE REQUIRED

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**OFFICER RECOMMENDATION & COUNCIL RESOLUTION  
MOVED CR WALKER SECONDED CR FANCOTE**

**That with respect to a review of the Council's current Policies and Delegations relating to the Disposal of Land and / or Fixed Assets, and general matters relating to the Koornong Estate, Council:**

- 1. Agree to pay Fred and Kaye Gillham the agreed \$5,000 housing incentive payment upon presentation of their final completion certificate for the dwelling erected at 1 Koornong Drive, Brookton and;**
- 2. Consider how to fund the contribution referred to in Part 1 above, during the Budget review, scheduled for the third quarter of the 2016/17 Financial Year, such that the Council's forecast Nil Surplus / Deficit position remains Nil or in Surplus.**

*Reasons for change to an Officer Recommendation - Cr Walker only wished to move Parts 1 and 2.*

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**OFFICER RECOMMENDATION & COUNCIL RESOLUTION  
MOVED CR CRUTE    SECONDED CR EVA**

**That with respect to a review of the Council's current Policies and Delegations relating to the Disposal of Land and / or Fixed Assets, and general matters relating to the Koornong Estate, Council:**

**1. Adopt the following as a Policy of Council;**

**Koornong Residential Estate**

***To encourage activation and also discourage speculation on the Council's Koornong (Avonbank) residential land subdivision, Council offer a \$5,000 retrospective and performance based cash rebate to any purchaser that meets the following mutually inclusive conditions;***

- *Paying the Council determined purchase price for the respective remaining lot(s) for sale at 'Koornong' (pursuant to Section 3.58(4)(c)(ii)) of the Local Government Act 1995 and as currently advertised) as follows:***
  - *Lot 102 - \$80,000***
  - *Lot 103 - \$80,000***
  - *Lot 104 - \$80,000***
  - *Lot 105 - \$70,000 and;***
- *Producing a Builder's Certificate, giving notice of practical completion of a dwelling within 24 months of settlement of the sale of the property and;***
- *The CEO is to ensure that such conditions are explicitly contained within the contract of offer documentation relating to the sale.***

***Council is to review the Policy and the determined pricing for any remaining lots, on at least an annual basis.***

**2. Replace existing Delegation 1.5 with the following Delegations, pursuant to the Local Government Act 1995, Sections 3.58, 5.42 and Local Government (Functions and General) Regulations 1996, Regulation 30(3);**

**Disposal of Surplus Fixed Assets**

***Council delegates its authority and power to the Chief Executive Officer to write-off, sell or dispose of, by calling for expressions of interest or any other fair and transparent means, items of surplus plant, light vehicles, equipment, materials, tools etc. which are no longer required, are deemed outmoded or no longer serviceable.***

**Conditions**

- *Any sale organised by the Chief Executive Officer under this delegated authority shall be advertised in the local media and any other means to ensure maximum circulation.***
- *The Chief Executive Officer will determine if it is appropriate to advertise more extensively, having regard to the value and significance of the sale***

*items. Any fixed assets written off should have an accumulative written down value not exceeding \$20,000 per financial year, nor an individual written down value of more than \$1,000.*

#### **Disposal of Land**

*The CEO is delegated authority to give effect to Council's Policy with respect to the Koornong Residential Estate, to dispose of land within the estate and to sign the necessary transfer and sale documents.*

*The CEO is delegated authority to dispose of land for the purposes of periodic or fixed term residential leasing of Council owned or managed properties but not otherwise (eg outright sale).*

#### **Conditions**

- *Compliance with the provisions of the Local Government Act 1995, Section 3.58 (private treaty advertising etc), noting that if there are written submissions made not supporting the proposed disposition, the CEO is to refer the proposal to the Council for determination.*
- *Compliance with the Council's Policy entitled 'Koornong Residential Estate'.*
- *Compliance with the Council's Management Policy No. 1.21 'Common Seal' and Delegation No. 1.43 'Common Seal'.*

#### **Disposal and or Trade of Motor Vehicles, Plant & Equipment**

*Council delegates its authority and power to the Chief Executive Officer to sell or dispose of, either outright or by trade, by calling for expressions of interest or any other fair and transparent means, items of plant, vehicles, equipment, materials, tools etc. which are included in the Budget for disposition / trade.*

#### **Conditions**

- *Compliance with the provisions of the Local Government Act 1995, Section 3.58 (including the sale (or trade) as consideration within a tender) and / or the Local Government (Functions and General) Regulations 1996, Regulation 30 (3) (the market value of the asset is less than \$20,000 or it is traded as part of an asset being acquired that is worth less than \$75,000).*
- *Compliance with Council Policy 1.2 'Council Committees – Terms of Reference', requiring referral to the Plant and Works Committee, all items of proposed major plant purchases. For the purposes of this condition, 'major' is defined as any item of Plant (or Motor Vehicle) proposed to be purchased that has a value greater than \$75,000.*
- *Achieving at least 80% of the Budgeted outright disposition price or staying within 10% of the Budgeted net trade price.*

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**CARRIED BY ABSOLUTE MAJORITY 6-0**

*Reasons for Change to an Officer Recommendation - Cr Crute did not wish to move the Officer Recommendation Number 4 as the Council believed that the location of the new CEO dwelling (on the preferred lot) was best determined by the incoming CEO after taking into account both the potential site development costs together with amenity factors.*

## SUMMARY

Lot 100, 1 Koornong Drive was sold in July 2016 and the new owner has requested payment of the advertised rebate for construction of a house within 2 years. The rebate was agreed upon by the purchaser and the vendor at the time of signing the contract for sale of land by offer and acceptance.

## BACKGROUND

Koornong, or 'Avonbank Estate' as it is now marketed, contains six lots as displayed in the following map: (for the purposes of this report the area will be referred to as Koornong).



The Shire of Brookton commenced advertising blocks for sale at Koornong in December 2009. The properties were offered for sale 3 times by tender between this date and June 2012 and also offered for sale privately by the Shire of Brookton in between the tender periods.

At the December 2012 Council meeting, Council resolved to “offer a rebate of \$5,000 to new owners of lots at Koornong who are able to produce a Builder’s Certificate giving notice of practical completion of a dwelling within 24 months of settlement of the sale of the property”. This incentive has been advertised in conjunction with any promotion of the sale of the properties since this time.

A contract for sale of land by offer and acceptance for Lot 101, 3 Koornong Drive was signed in December 2013 for \$72,000 and the sale finalised in April 2014, however a dwelling has not yet been constructed on this property.

In March 2014, Council reviewed the pricing and approved the properties to be offered for sale privately and resolved to arrange for a sworn valuation of the properties:

Valuations for the lots were received from LMW Hegney on 31 March 2014.

Prices were reviewed in light of the valuations received and the remaining 5 lots were listed with Matthews Realty in May 2014. A summary of the history of the pricing of the lots is contained in the following table:

KOORRNONG LAND FOR SALE						
Lot	Size m2	Original Pricing	Mar '14 Pricing	Valuation Mar '14	Comment	Current Selling Price
Lot 100	1856	\$ 75,000.00	\$ 67,500.00	\$ 55,000.00		\$ 55,000.00
Lot 102	3712	\$ 110,000.00	\$ 99,000.00	\$ 70,000.00	Below cost, sell \$80,000	\$ 80,000.00
Lot 103	3712	\$ 110,000.00	\$ 99,000.00	\$ 70,000.00	Below cost, sell \$80,000	\$ 80,000.00
Lot 104	3303	\$ 120,000.00	\$ 108,000.00	\$ 80,000.00		\$ 80,000.00
Lot 105	2390	\$ 95,000.00	\$ 85,000.00	\$ 70,000.00		\$ 70,000.00
<b>TOTAL</b>		<b>\$ 590,000.00</b>	<b>\$ 530,500.00</b>	<b>\$ 417,000.00</b>		<b>\$ 437,000.00</b>

The current costs related to the property development, including costs of sale, are \$341,116.91. The pro rata cost per lot calculated based on the size each lot is illustrated in the following table:

Costs per Lot		
Lot	Size m2	Pro Rata Cost/lot
Lot 100	1856	\$ 37,620.36
Lot 101	1856	\$ 37,620.36
Lot 102	3712	\$ 75,240.71
Lot 103	3712	\$ 75,240.71
Lot 104	3303	\$ 66,950.45
Lot 105	2390	\$ 48,444.32
<b>TOTAL</b>	<b>16829</b>	<b>\$ 341,116.91</b>

Settlement for the sale of lot 100, 1 Koornong Drive was finalized in July 2016.

There are 4 remaining lots owned by the Shire of Brookton at 'Koornong'. The 2016/17 Annual Budget also includes provision for a house to be constructed on one of the remaining lots.

## COMMENT

Although Council has approved the provision of a \$5,000 rebate for properties sold at Koornong on the condition that completion of the construction of a house is completed within two years, there is no policy making provision for this and there is also no provision in the current Budget for this. The previous CEO and the purchaser have signed a contract for sale of land by offer and acceptance, which does not specify the rebate in the special conditions, however this agreement has been entered into in good faith, with an understanding that a rebate was available, based on promotional material distributed and discussions had with the real estate agent Geoff Matthews, who has been advised by Shire staff of the availability of the rebate.

The Local Government Act requires that any property being sold, be offered for sale by tender or at public auction or before agreeing to the sale, publish the details of the sale by local public notice. The local public notice must include a valuation no more than six months old or Council must resolve that the sale price is a true indication of the value at the time of the sale on the basis of a valuation carried out more than 6 months prior to the sale.

The current valuations were undertaken more than 2 ½ years ago at a cost of \$2,300 for 5 lots.

Hence it would be prudent for Council to either request new valuations for lots 102 - 105, although there is currently no specific provision in the 2016/17 Budget to do so, or revise the prices and resolve that the current advertised prices are a true indication of the current value.

Staff have not yet commenced arrangements to construct either of the two houses included in the 2016/17 Budget, one of which has been nominated by Council to be constructed on one of the Koornong lots. Prior to determining the prices of the remaining lots for sale, it would be practical to make agreement on which lot is to be utilized for the construction of a new staff house. In consideration of future garden maintenance, it would be feasible to utilize the smallest lot, being lot 105, however this is also the lot with the most slope which means more expense for siteworks. This officer has discussed site options with Pindan Modular (who recently constructed the houses at 2 Montgomery Street) and it was determined that the north east corner of lot 104 is flat enough to not require a significant amount of siteworks and hence was their recommendation. This lot is also a battle axe lot and arguably the most difficult to sell for that reason. Having said that, it has good north facing aspects and river / recreation reserve frontage and would be eminently suitable for the location of a 4x2 residence as is proposed in the Housing Development Plan. It is the officer's opinion that the question of standard in reference to whether the 4 x 2 is built to a standard specification or an executive style specification suitable for a CEO is left open for discussion with the new CEO in February 2017.

Council has spent \$341,000 in acquiring and developing these lots. \$127,000 has been recouped in sales income. Given that the costs for lots 102 and 103 are less than \$5,000 less than the current sale price, it is not recommended to reduce the \$80,000 sale price for these properties, particular given that if a rebate is claimed on these properties it will result in a net loss. There is more margin between the cost and sale price of lot 105, being \$21,555, however once a rebate is deducted from this it is reduced to \$16,500.

The question is whether Council is prepared to incur a loss on these properties to encourage development or will new opportunities arise from Council's soon to be released rebranding and marketing campaign.

During the research for this report, it has become apparent that both vacant land and Shire owned houses have been disposed of in recent times without seeking Council's explicit approval required in the Act, noting of course that provision for the sales were included in Council's Annual Budget. Pursuant to the Local Government Act, Council cannot delegate authority to the CEO to dispose of property over an amount determined by the Local Government. The Council has not determined such an amount at this time and no such record can be found at the time. An appropriate exclusion in an appropriate delegation that covers this is recommended by the officer and is included in the Officers Recommendation above.

## **CONSULTATION**

Consultation with the new owners of Lot 100, 1 Koornong Drive has been undertaken in reference to the process to seek reimbursement of the advertised rebate.

## **LEGISLATIVE IMPLICATIONS**

Section 3.58 of the Local Government Act 1995 relates to the disposal of assets and section (2) specifies that:

*“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.*

OR

*“A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property it gives local public notice of the proposed disposition.”*

This local public notice, amongst other items must include the market value of the disposition:

- “(i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*
- (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.”*



Section 5.43 of the Local Government Act which determines the limits on delegations to the CEO specifies that:

*“A local government cannot delegate to a CEO any of the following powers or duties —*

- (a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;*
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;*
- (c) appointing an auditor;*
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;”*

Section 6.8 of the Local Government Act which relates to expenditure from the municipal fund not included in annual budget specifies that:

*(1) A local government is not to incur expenditure from its municipal fund for an **additional purpose** except where the expenditure —*

- (a) is incurred in a financial year before the adoption of the annual budget by the local government; or*
- (b) is authorised in advance by resolution\*; or*
- (c) is authorised in advance by the mayor or president in an emergency.*

*\* Absolute majority required.*

*1a) In subsection (1) —*

***additional purpose** means a purpose for which no expenditure estimate is included in the local government’s annual budget.*

*(2) Where expenditure has been incurred by a local government —*

- (a) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year;*

## **POLICY IMPLICATIONS**

Whilst Council has previously approved a rebate for properties sold at ‘Koorrnong’, that meet the conditions relating to the construction of a dwelling within a set timeframe, this has never been translated into a Council policy.

Policy clarification is required for this as well as ensuring that disposal of property is not undertaken without the required approval from Council.

Council’s only somewhat relevant existing delegation, Number 1.5 ‘Disposal of Fixed Assets’, states;

*“Council delegates its authority and power to the Chief Executive Officer to, sell or dispose of, by calling for expressions of interest or any other fair means, items of **surplus plant, light vehicles, equipment, materials, tools etc.** which are no longer required, are deemed outmoded or no longer serviceable.*

(notewell: bold and underline have been added to the above and below paragraphs by the author of this report for emphasis)

### *Conditions*

*Any sale organised by the Chief Executive Officer under this delegated authority shall be advertised in the local media and any other means to ensure maximum circulation.*

*The Chief Executive Officer will determine if it is appropriate to advertise more extensively, having regard to the value and significance of the sale items. Any fixed assets written off should have an accumulative written down value not exceeding \$20,000 per financial year."*

This also gives rise to questions about the Council's preferred process to dispose of outright and / or to trade motor vehicles and plant that are included in the Council's Annual Budget. Presently the CEO does not have authority to trade or dispose of vehicles proposed to be sold (as listed in the Budget), unless they are deemed by the CEO to be no longer required, or are outmoded or surplus (and less than \$20,000 in value).

In the opinion of the Acting CEO, merely trading vehicles for a newer model or for optimum resale purposes, does not equate to these conditions. Therefore, there is no current delegation to permit the activity to occur, without specific Council resolution for each and every 'trade', (unless valued at less than \$20,000).

To do so would be contrary to the provisions of section 3.58 of the Local Government Act 1995, unless a delegation exists.

This anomaly has been corrected with the officer recommendation and a replacement delegation.

### **FINANCIAL IMPLICATIONS**

The 2016/17 Annual Budget does not include provision to pay rebates for the sale of lots at 'Koornong'.

### **STRATEGIC IMPLICATIONS**

The Strategic Community Plan identifies the following relevant strategies that are supported by adoption of the Officer's Recommendation;

- Outcome 4.4: Availability of land for housing and industrial development.
- Strategy 4.4.3: Support housing development in the Shire to increase the affordability of housing and accommodation.

### **SUSTAINABILITY IMPLICATIONS**

#### *Environmental*

There are no significant identifiable natural or built environmental impacts arising from adoption of the officer's recommendation.

#### *Economic*

There are no significant identifiable economic impacts arising from adoption of the officer's recommendation.

#### *Social*

There are no significant identifiable social impacts arising from adoption of the officer's recommendation.

### Risk

Risk	That assets are disposed of without Council approval or contrary to the provisions of the Local Government Act 1995.
Risk Likelihood (based on history and with existing controls)	Likely (4)
Risk Impact / Consequence	Moderate (3)
Risk Rating (Prior to Treatment or Control)	High (10-16)
Principal Risk Theme	Failure to fulfil Compliance requirements
Risk Action Plan (Controls or Treatment proposed)	Control through implementation of a new policy and appropriate delegations which details the requirements for disposal of assets and puts in place a limit on those dispositions depending upon the value.

### Risk Matrix

Consequence Likelihood		Insignificant 1	Minor 2	Moderate 3	Major 4	Catastrophic 5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 12 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

It is not recommended this item be added to the Shire's Risk Register, nor that a Risk Treatment Plan be required, as the officer recommendation is to reduce the risk by creating a Policy and Delegation with conditions limiting the exposure and risks.

### CONCLUSION

A new policy is required to ensure that incentives to encourage sale of land at Koornong and disposal of assets are managed according to legal requirements and staff have clear guidelines to follow.

The new owners of Lot 100, 1 Koornong Drive have been led to believe that a rebate would be provided by the Shire of Brookton, should they provide evidence of practical completion of a house on the property within 24 months of settlement. Practical completion of their house will be achieved within this timeframe and it is recommended that Council honour the advertised promise and agreement with the former CEO.

Mrs Wilkinson left the meeting at 1.31 pm.

<b>14.12.16</b>	<b>ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN</b>
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Nil

<b>15.12.16</b>	<b>NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING</b>
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**OFFICER RECOMMENDATION & COUNCIL RESOLUTION**  
**MOVED CR CRUTE      SECONDED CR MILLS**

That Council accept an item of urgent new business under Item 16.12.16 Confidential Reports, relating to the appointment of a person to the role of Deputy Chief Executive Officer.

**CARRIED BY SIMPLE MAJORITY 6-0**

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<b>16.12.16</b>	<b>CONFIDENTIAL REPORTS</b>
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*Under the Local Government Act 1995, Part 5, and Section 5.23, states in part:*

- (2)    *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following:***
- (a)    *a matter affecting an employee or employees;***
  - (b)    *the personal affairs of any person;***
  - (c)    *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;***
  - (d)    *legal advice obtained, or which may be obtained by the local government and which relates to a matter to be discussed at the meeting;***
  - (e)    *a matter that if disclosed, would reveal***
    - (i)    *a trade secret***
    - (ii)    *information that has a commercial value to a person or***
    - (iii)    *information about the business, professional, commercial or financial affairs of a person,***

***Where the trade secret or information is held by, or is about, a person other than the local government.***

- (f) a matter that if disclosed, could be reasonably expected to:***
  - (i) Impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;***
  - (ii) Endanger the security of the local government's property; or***
  - (iii) Prejudice the maintenance or enforcement of any lawful measure for protecting public safety;***
- (g) information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1981; and***
- (h) such other matters as may be prescribed.***

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**OFFICER RECOMMENDATION & COUNCIL RESOLUTION  
MOVED CR WALKER SECONDED CR EVA**

**That pursuant to the Local Government Act 1995, Part 5, and Section 5.23 (2) (a), that the Council proceed behind closed doors, the time being 1.33 pm, to discuss item Number 16.12.16.01 Appointment of Deputy Chief Executive Officer.**

***CARRIED BY SIMPLE MAJORITY 6-0***

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Ms Fulwood, Mrs Whittington and Mr De Beer left the meeting at 1.33 pm.

## 16.12.16.01 APPOINTMENT OF DEPUTY CHIEF EXECUTIVE OFFICER

File No:	Personal File
Applicant/ Proponent:	Not applicable
Subject Land/ Locality:	Not applicable
Date:	14/12/2016
Author:	Dale Stewart, Acting Chief Executive Officer
Authorising Officer:	Dale Stewart, Acting Chief Executive Officer
Disclosure of Interest from Author:	Neither the Author nor Authorising Officer have any impartiality, Financial or Proximity Interest that requires disclosure.
Authority/Discretion:	<input checked="" type="checkbox"/> Executive – the substantial direction setting and oversight role of the Council. E.g. adopting plans and reports, accepting tenders, directing the Chief Executive Officer, setting and amending budgets.

Confidential Attachments (under separate cover):

1. Selection Report

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### OFFICER RECOMMENDATION & COUNCIL RESOLUTION MOVED CR CRUTE    SECONDED CR WALKER

**That with respect to recruitment of the new Deputy Chief Executive Officer of the Shire of Brookton, Council;**

- 1) **Receive the Confidential Selection Report.**
- 2) **Pursuant to Section 5.37 and 5.39 of the Local Government Act 1995, accept the recommendation of the Acting CEO to negotiate and offer an employment contract with the preferred applicant for the role of Deputy CEO for the Shire of Brookton, in accordance with the following parameters and also those agreed to behind closed doors;**
  - a. **The contract being performance based and in accordance with the LGMA / WALGA agreed standard for senior employees and;**
  - b. **The contract being not greater than 5 Years in duration.**
- 3) **Maintain confidentiality as to the identity of the individual, until the successful candidate has formally executed the proposed contract with Council and this has been confirmed by the Acting Chief Executive Officer.**

***CARRIED BY SIMPLE MAJORITY 6-0***

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### SUMMARY

This report recommends that Council appoint the preferred applicant as the Shire's Deputy Chief Executive Officer (CEO) under the terms and conditions of up to a five (5) year contract.

## BACKGROUND

The former Deputy CEO left the Council's employ on 16 September 2016.

Shortlisted candidates were interviewed by a Panel formed from the Shire's Employment Committee. Following the interviews the Employment Panel selected a preferred candidate.

## COMMENT

The preferred candidate's appointment and the general terms and conditions of his contract are now required to be accepted or rejected by Council.

## CONSULTATION

The Shire's Employment Committee members Councillors Crute and Walker were consulted and involved in the interview panel at the request of the Acting CEO. The incoming CEO (commencing employment in early February 2017) was also consulted and endorses the recommendation.

## LEGISLATIVE IMPLICATIONS

The Local Government Act 1995 relates,

Section 5.37. Senior employees

- (1) A local government may designate employees or persons belonging to a class of employee to be senior employees.
- (2) The CEO is to inform the council of each proposal to employ or dismiss a senior employee, other than a senior employee referred to in section 5.39(1a), and the council may accept or reject the CEO's recommendation but if the council rejects a recommendation, it is to inform the CEO of the reasons for its doing so.
- (3) Unless subsection (4A) applies, if the position of a senior employee of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement is to contain such information with respect to the position as is prescribed.
- (4A) Subsection (3) does not require a position to be advertised if it is proposed that the position be filled by a person in a prescribed class.
- (4) For the avoidance of doubt, subsection (3) does not impose a requirement to advertise a position where a contract referred to in section 5.39 is renewed.

Section 5.39 *Local Government Act 1995 - Contracts for CEO and senior employees also relates.*

## POLICY IMPLICATIONS

There are no Council Policy implications relative to this issue.

## FINANCIAL IMPLICATIONS

The financial terms of the remuneration package in the newly appointed DCEO's contract will be allowed for in each annual budget over the term of the contract.

## STRATEGIC IMPLICATIONS

The Council's Community Strategic Plan Outcomes relate as follows;



- Good governance and an efficient organisation.

Strategies that relate include;

- 5.1: Effective leadership and governance.
- 5.2: Committed and skilled staff members in a supportive environment.
- 5.3: Effective and efficient corporate and administrative services.

## SUSTAINABILITY IMPLICATIONS

### *Environmental*

There are no significant identifiable natural or built environmental impacts arising from adoption of the officer's recommendation.

### *Economic*

It is important that the new DCEO can communicate well and can develop strong relationships with the Shire's stakeholders.

### *Social*

The Brookton community will be impacted by this decision as the DCEO of the Shire of Brookton, along with the role of CEO, is one of the most important roles within the organisation.

### *Risk*

Risk	That the Council does not feel an adequate candidate is suitable to be appointed at this time.
Risk Likelihood (based on history and with existing controls)	Unlikely (2)
Risk Impact / Consequence	Moderate (3)
Risk Rating (Prior to Treatment or Control)	Medium (6)
Principal Risk Theme	Employment Practices
Risk Action Plan (Controls or Treatment proposed)	Accept Officer and Panel Recommendation if it believes the candidate is suitably qualified.

### Risk Matrix

Consequence \ Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium	High (12)	High (16)	Extreme (20)

			(8)			
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 6 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

## CONCLUSION

The Action CEO and incoming CEO are both of the opinion that the candidate recommended is appropriately qualified and suitable to fulfill the requirements of the position.

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## OFFICER RECOMMENDATION & COUNCIL RESOLUTION

### MOVED CRUTE      SECONDED WALKER

**That Council proceed in public, the time being 1.44 pm, and advise of the public component of any resolutions passed behind closed doors.**

***CARRIED BY SIMPLE MAJORITY 6-0***

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## 17.12.16      NEXT MEETING & CLOSURE

The next Ordinary meeting of the Council will be on Thursday 16 February 2017, commencing at 12.30 pm.

There being no further business to discuss, the Presiding Member closed the meeting at 1.44 pm.