



ORDINARY COUNCIL MEETING

PUBLIC

MINUTES

16 January 2020

These minutes were confirmed by Council as a true and correct record of proceedings by the Ordinary Council Meeting held on 20/2/20

Presiding Member:  Date: 20 February 2020

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 16 January 2020
Commenced at 5.00 pm

TABLE OF CONTENT

1.10.19	USE OF COMMON SEAL.....	4
2.10.19	DELEGATED AUTHORITY – ACTIONS PERFORMED – MAY 2019.....	4
3.10.19	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS	4
4.10.19	RECORD OF ATTENDANCE/APPOLOGIES/APPROVED LEAVE OF ABSENCE.....	4
5.10.19	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	5
6.10.19	PUBLIC QUESTION TIME	5
7.10.19	APPLICATIONS FOR LEAVE OF ABSENCE.....	5
8.10.19	PETITIONS/DEPUTATIONS/PRESENTATIONS.....	5
9.10.19	CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS.....	5
9.10.19.01	ORDINARY MEETING OF COUNCIL – 19 DECEMBER 2019.....	5
10.10.19	ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION	5
11.10.19	DISCLOSURE OF INTERESTS	5
12.10.19	TECHNICAL & DEVELOPMENT SERVICES REPORTS.....	6
12.01.20.01	PROPOSED THIRD PARTY APPEAL RIGHTS – PLANNING AND DEVELOPMENT ACT 2005 – WALGA STATE COUNCIL MOTION AND SUBMISSION	6
12.01.20.02	PROPOSED ACQUISITION OF LAND – LOT 324 WHITE STREET, BROOKTON	17
13.10.19	COMMUNITY SERVICES REPORTS	23
13.01.20.01	PROPOSED RESIDENTIAL TENANCY AGREEMENT – 25 WHITTINGTON STREET, BROOKTON – BAPTISTCARE (WA) INC.	23
13.01.20.02	BROOKTON AQUATIC CENTRE – ADDITIONAL OPENING HOURS	27
13.01.20.03	COMMUNITY CHEST FUND APPLICATION – NOT FOR PROFIT COMMUNITY ORGANISATION UTILITIES FINANCIAL ASSISTANCE DONATION	30
13.01.20.04	INTEGRATED PLANNING & REPORTING (IPR) NOMINATIONS	43
14.10.19	FINANCE & ADMINISTRATION REPORT	49
14.01.20.01	STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED 31 DECEMBER 2019	49
14.01.20.02	LIST OF ACCOUNTS FOR PAYMENT – DECEMBER 2019	73
14.01.20.03	REQUESTED BUDGET VARIATIONS.....	76
15.10.19	GOVERNANCE.....	80
15.01.20.01	AMENDMENT TO COUNCIL POLICY 1.17 – STANDING ORDERS AND MEETING PROTOCOL LOCAL GOVERNMENT (COUNCIL MEETINGS)	80

15.01.20.02	PERIODICAL REVIEW – SHIRE OF BROOKTON DELEGATION REGISTER.....	83
16.10.19	ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	141
17.10.19	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING	141
18.10.19	CONFIDENTIAL REPORTS	141
18.01.20.01	EMPLOYEE ANNUAL LEAVE REQUEST	141
19.10.19	NEXT MEETING & CLOSURE	142

1.10.19 USE OF COMMON SEAL

The Table below details the Use of Common Seal under delegated authority for the month of December 2019.

Use of Common Seal Register		
File Ref:	Purpose	Date Granted
ADM 0657	Kalkarni RAC Business Sale and Purchase Agreement – December 2019	20 Dec 2019
ADM 0657	Land Transfer – Lot 511 Whittington Street, Brookton	20 Dec 2019

2.10.19 DELEGATED AUTHORITY – ACTIONS PERFORMED – MAY 2019

The Table below details the actions of Council performed under delegated authority for the month December 2019.

Shire of Brookton, Delegation Register, 1.46 Building Matters – Permits, Certificates & Orders

BUILDING			
Application No.	Lot & Street	Type of Building Work	Date Granted
Nil.			

Shire of Brookton, Delegation Register, 1.41 Specific Provisions under the Town Planning Scheme No. 4.

PLANNING				
File Ref	Application Ref	Subject Land (incl. Scheme No.)	Purpose	Date Granted
Nil.				

3.10.19 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**Attendance**

The Presiding Member opened the meeting at 5.00pm and welcomed Councillors and Staff.

Acknowledgement of Country

On behalf of Council I would like to acknowledge that this meeting is being held on the traditional lands of the Nyoongar People and pay respect to all Elders, past, present and emerging. I wish to acknowledge and respect local people's continuing culture and the contribution they make to Country and its life.

4.10.19 RECORD OF ATTENDANCE/APPOLOGIES/APPROVED LEAVE OF ABSENCEElected Members (Voting)

Cr KL Crute (Shire President)
 Cr NC Walker (Deputy Shire President)
 Cr RT Fancote
 Cr TD Lilly
 Cr MG Macnab
 Cr BK Watts

Staff (Non-Voting)

Ian D'Arcy Chief Executive Officer
 Steve Thomson Manager of Infrastructure and Emergency
 Danni Chard Executive Governance Officer

Leave of absence

Cr CE Hartl

5.10.19 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

6.10.19 PUBLIC QUESTION TIME

Nil.

7.10.19 APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

8.10.19 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil.

9.10.19 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

9.10.19.01 ORDINARY MEETING OF COUNCIL – 19 DECEMBER 2019

OCM 01.20-01

COUNCIL RESOLUTION

MOVED Cr Walker SECONDED Cr Macnab

That the minutes of the Ordinary Council meeting held in the Shire of Brookton Council Chambers, on Thursday 19th December 2019, be confirmed as a true and correct record of the proceedings.

CARRIED BY SIMPLE MAJORITY VOTE 6-0

10.10.19 ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

11.10.19 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

Item no.	Members/ Officers	Type of Interest	Nature of Interest
13.01.20.03	Cr Macnab	Impartiality	Treasure of Aldersyde Agricultural Hall Inc.

12.10.19 TECHNICAL & DEVELOPMENT SERVICES REPORTS

12.01.20.01 PROPOSED THIRD PARTY APPEAL RIGHTS – PLANNING AND DEVELOPMENT ACT 2005 – WALGA STATE COUNCIL MOTION AND SUBMISSION

File No:	ADM 0248
Date of Meeting:	16 January 2020
Location/Address:	N/A
Name of Applicant:	Shire of Brookton
Name of Owner:	N/A
Author/s:	Ian D'Arcy – Chief Executive Officer
Authorising Officer:	As above
Declaration of Interest:	The author does not have a specific interest in this item
Voting Requirements:	Simple Majority
Previous Report:	Nil

Summary of Item:

This item relates to a proposal promoted by the Western Australia Local Government Association (WALGA) for the *Planning and Development Act, 2005* and subsidiary legislation to be amended in incorporating 'Third Party Appeal Rights' for decisions made by Development Assessment Panels (DAPS).

WALGA is presently seeking further comment from member Council's on the extent of this initiative, and in particular a motion from the WALGA Annual General Meeting (AGM) for State Council to further consider a position on Third Party Appeal Rights being granted to:

- Third parties in addition to Local Governments and that are closely associated to the planning proposal and decision made; and
- Third parties in addition to Local Governments are able to appeal decisions made by the Western Australian Planning Commission and the State Administrative Tribunal, in addition to Development Assessment Panels.

Description of Proposal:

As above.

Background:

In response to the State Government's green paper on reviewing the function and performance of DAPs, which basically determines planning applications on behalf of Local Government Councils where the value of the development exceeds \$2 million dollars in both metropolitan and regional areas. WALGA has received considerable concern and opposition from member Councils on DAP decisions being made, without sufficient understanding and consideration to community views and positions on matters such as amenity.

For the most part, a DAP is basically a surrogate Council that consists of five members, two from the affected Local Government where the application applies, and three independent technical professionals members appointed by the Minister for Planning. The chairperson of the DAP is a qualified Town Planner. The officer reports for planning proposals referred to a DAP are prepared by the affected

Local Government staff and the subsequent approval/refusal is issued by the DAP defaults to the affected Local Government to administer and manage thereafter.

With this acknowledged, the Council is in receipt of email correspondence from Nick Sloan, CEO of WALGA, requesting submissions on a recent proposed amendment to the State Council's position on Third Party Appeal Rights in forming its submission on the State Government's Green Paper.

A copy of Mr Sloan's email together with the report and motion tabled at the WALGA AGM is presented as **Attachment 12.01.20.01A** to this report.

In summary, the commentary provided in the WALGA Report 3.9 that forms part of **Attachment 12.01.20.01A** affords a sound understanding of the intent and purpose of Third Party Appeal Rights, and should be read thoroughly in considering this matter.

Consultation:

Consultation on this matter has been facilitated through WALGA involving all Local Government Member Council's directly and through its Regional Zone System.

Further, some discussion has been entertained with Elected Members during the Council's Corporate Briefing Forum.

Statutory Environment:

Development Assessment Panels are formed and administered under the Planning and Development (Development Assessment Panels) Regulations, 2011 by the Department of Planning, Lands and Heritage. However, Development Assessment Panels report directly to the Minister for Planning and not her department.

Relevant Plans and Policy:

There are no relevant plans or policies of Council that apply to this matter.

Financial Implications:

There is not direct financial implication on the Council current 2019-20 budget that relates to this matter. However, Council does need to be mindful that introduction of Third Party Appeals Rights to planning decisions will ultimately generate significant cost for Local Governments in challenging decisions ultimately made by a DAP, the State Administrative Tribunal (SAT) and Western Australian Planning Commission (WAPC), as proposed.

Risk Assessment:

The risk mainly relates to time and cost in appealing a planning decision, which can prove substantial depending on the level of complexity of the development proposal. In broadening the appeal rights to third parties other than Local Government will only add to the complexity and overall cost with possible detriment to achieving cost effective economic development outcomes. Accordingly, it is assessed that the risk is 'High' as reflected Risk Matrix Table below.

Consequence	Insignificant	Minor	Moderate	Major	Extreme
Likelihood					
Almost Certain	Medium	High	High	Severe	Severe
Likely	Low	Medium	High	High	Severe
Possible	Low	Medium	Medium	High	High
Unlikely	Low	Low	Medium	Medium	High
Rare	Low	Low	Low	Low	Medium

Risk Rating	Action
LOW	Monitor for continuous improvement.
MEDIUM	Comply with risk reduction measures to keep risk as low as reasonably practical.
HIGH	Review risk reduction and take additional measures to ensure risk is as low as reasonably achievable.
SEVERE	Unacceptable. Risk reduction measures must be implemented before proceeding.

Community & Strategic Objectives:

This proposal relates to delivery of core business and services detailed in the Shire of Brookton Corporate Compendium – May 2018, duly appended to the Next Generation BROOKTON Corporate Business Plan <2021.

Specifically, this matter broadly relates to the following Business Unit and Function:

2. Land Use Planning

2.3 Process development applications

Comment

It is accepted that the initial WALGA State Council position is soundly based, as it will allow an affected Local Government Council as a Third Party to challenge what it deems is a poor planning decision that could have an adverse effect on the local community. This position is supported by current the trend that Local Governments (and their communities) inherit the outcome of a DAP decision, which at times has proven to be inconsistent with proper and orderly planning for the local area from a strategic planning perspective, and has not sat comfortably with a significant portion of the local community.

However, with the revised recommendation of allowing other third parties to lodge an appeal against not only the DAP decision, but also the SAT determination or a WAPC decision on subdivision of land that is suitably zoned supported by land capability assessment, does present opportunity for further complexity and cost to the appeal process, and result in becoming significant impediment for economic growth. This view is premised in the other Third Party exercising the right of appeal premised on a 'not in my back yard' approach (NIMBY) or other vexatious motive without planning merit causing a costly delay, particularly for the proponent. Therefore, to this end it is recommended that Council

OFFICER RECOMMENDATION

That Council inform Western Australian Local Government Association (WALGA) that it:

1. Does not support the revised recommendation (as presented at its AGM) for 'other third parties' having a right of appeal on town planning matters.
2. Does support the initial motion of State WALGA Council to allow Local Governments the opportunity to exercise a third party appeal based on legitimate planning grounds.

Attachments

12.01.20.01A – WALGA CEO Email together with the report and motion tabled at the WALGA AGM

OCM 01.20-02

COUNCIL RESOLUTION

MOVED Cr Watts

SECONDED Cr Fancote

That Council inform Western Australian Local Government Association (WALGA) that it:

1. ***Does not support the revised recommendation (as presented at its AGM) for 'other third parties' having a right of appeal on town planning matters.***
2. ***Does support the initial motion of State WALGA Council to allow Local Governments the opportunity to exercise a third party appeal based on legitimate planning grounds.***

CARRIED BY SIMPLE MAJORITY VOTE 6-0

06 November 2019

Our Ref: 06-06-01-0001 VJ/NS

Mr Ian D'Arcy
Chief Executive Officer
Shire of Brookton

Dear Ian

AMENDMENT TO PREFERRED MODEL – THIRD PARTY APPEAL RIGHTS IN PLANNING

At the August 2019 WALGA Annual General Meeting (AGM), an item was discussed by members which proposed an amendment to the existing 'Preferred Model' for Third Party Appeal Rights for decisions made by Development Assessment Panels. A copy of the minutes of the Annual General Meeting are attached.

The following motion was carried by the attendees: -

1. That there be an amendment to the Third Party Appeals Process Preferred Model, being that third parties in addition to Local Governments are able to make an appeal.
2. That there be an amendment to the Third Party Appeals Process Preferred Model, being that closely associated third parties in addition to Local Governments are able to appeal decisions made by the Western Australian Planning Commission and the State Administrative Tribunal, in addition to Development Assessment Panels.

Prior to WALGA's State Council considering this AGM motion at its meeting in March 2020, could you please indicate if your Council supports or does not support this motion to amend the Preferred Model.

Submissions can be made:

- To the Planning Team via email at planning@walga.asn.au or
- By mail to WALGA directly at PO Box 1544, West Perth WA 6872

Comments would be appreciated before **30 January 2020**.

Any questions or comments can be sent to the above email or call on 9213 2000 to discuss with a member of the Planning Team.

Kind regards,

Nick

Nick Sloan | Chief Executive Officer | WALGA
(p) (08) 9213 2025 | (m) 0408 941 792 | (e) nsloan@walga.asn.au

3.9 Third Party Appeal Rights

MOTION

Moved Cr Giorgia Johnson, City of Bayswater
Seconded Cr Julie Mathison, City of Subiaco

1. That there be an amendment to the Third Party Appeals Process Preferred Model, being that third parties in addition to Local Governments are able to make an appeal.
2. That there be an amendment to the Third Party Appeals Process Preferred Model, being that closely associated third parties in addition to Local Governments are able to appeal decisions made by the Western Australian Planning Commission and the State Administrative Tribunal, in addition to Development Assessment Panels.

IN BRIEF

- Further amendments proposed to the Preferred Model for Third Party Appeals Process

CARRIED

MEMBER COMMENT

The Council has taken a particularly strong stand on this important issue and it is requested that this matter be given further consideration.

SECRETARIAT COMMENT

At its May 2019 meeting, WALGA's State Council considered a 'Preferred Model' and resolved that WALGA:

1. Continues to advocate for the State Government to introduce Third Party Appeal Rights for decisions made by Development Assessment Panels, and
2. Endorses the 'Preferred Model' as presented in the May 2019 Agenda, as the Third Party Appeals process for decisions made by Development Assessment Panels and in future give consideration to broadening Third Party Appeal Rights to other parties relating to Development Assessment Panel decisions.

(Resolution 44.4/2019)

The above resolution was sent to the Minister for Transport: Planning with a copy of the proposed model (as attached).

The May 2019 Agenda item sought to finalise a 'Preferred Model' for appeals on Development Assessment Panel decisions. WALGA's State Council considered several alternative WALGA Zone resolutions, as several Zones proposed alternative 'Preferred Models' for decisions made by DAPs, preferred types of Third Party Appeals and one Zone indicated its opposition to any Third Party Appeals model being introduced, as follows: -

SOUTH METROPOLITAN ZONE

That the Position Statement be referred back to WALGA officers to provide an evidence case to support the need for change, the expected benefits, and an analysis of the implications of change in terms of cost, resource and timeframes by utilising the experience of other States where third party appeals exist and applying that to the system proposed.

GREAT SOUTHERN COUNTRY ZONE

That the Zone opposes Third Party Appeals in relation to Item 5.2 in the May 2019 WALGA State Council Agenda.

EAST METROPOLITAN ZONE

That there be an amendment to the Preferred Model, being that third parties are able to appeal decisions made by the Western Australian Planning Commission and the State Administrative Tribunal, in addition to Development Assessment Panels.

CENTRAL METROPOLITAN ZONE

That WALGA:

1. Continues to advocate for the State Government to introduce Third Party Appeal Rights for decisions made by Development Assessment Panels; and
2. Endorses the original December 2018 'Preferred Model' as the third party appeals process for decisions made by the Development Assessment Panels with the following amendments:
 - a. DOT POINT 1 "which could possibly be expanded later if it proves to be beneficial" to be removed
 - b. DOT POINT 4 to be replaced with "Other affected parties would be able to appeal a DAP decision"

Based on the formal resolutions received and members discussions at Zone meetings, there were a range of options available for State Council to consider at its meeting in May: -

1. Not adopt a Preferred Model until more information on cost and resource implications is provided;
2. Adopt the Preferred Model as presented in the May 2019 Agenda;
3. Adopt the Preferred Model as presented in the May 2019 Agenda, with the amendments suggested by the East Metropolitan Zone, ie ability to appeal decisions made by the Western Australian Planning Commission and the State Administrative Tribunal, in addition to Development Assessment Panels;
4. Adopt the Preferred Model as circulated to members in December 2018;
5. Adopt the Preferred Model as circulated to members in December 2018, with the amendments suggested by the Central Metropolitan Zone;
6. Adopt the Preferred Model with different amendments (any amendments discussed by State Council);
7. Not adopt any Preferred Model but still advocate for Third Party Appeal Rights for DAPs decisions
8. Adopt a different Third Party Appeal model (ie wider than just for DAPs);
9. Consult the sector again on what model of Third Party Appeal rights is considered acceptable given the wide range of views;
10. Return to the pre-May 2018 position, where any Third Party Appeal rights are not supported

The preferred approach by State Council was to adopt the Preferred Model as presented in the May 2019 Agenda, as it would provide the starting point for discussion with the State Government about the introduction of Third Party Appeals for Development Assessment Panel decisions.

WALGA provided this position to the Minister for Transport; Planning and the Minister's response was as follows:

I note WALGA's State Council endorsed Preferred Model on this matter, however I maintain concerns regarding the unnecessary complexity and red tape third party appeal rights would add to the

planning system, which is contrary to the objectives of the Government's commitment to planning reform.

The Department of Planning, Lands and Heritage received 254 submissions in response to the Green Paper, including many which confirmed the issues and views identified in the Green Paper regarding the current DAP system.

An Action Plan for planning reform which contains a program of initiatives to address the concerns identified by the Green Paper and submissions is currently being finalised by the Department for consideration by Government.

I will make announcements regarding the content of the Action Plan and reform initiatives in the near future.

Preferred Model

Third Party Appeal Rights for decisions made by Development Assessment Panels

Benefits of Third Party Appeal Right for decisions made by Development Assessment Panels

- Only Local Governments will be able to challenge and seek review of DAP decisions that are made contrary to the recommendations of the Responsible Authority Report (RAR) or Council position.
- In future, possible consideration to a broadening of Third Party Appeal Rights to other parties relating to Development Assessment Panel decisions.
- Local Government would be able to appeal a DAP decision and defend the merits of their policies and defend the enforceability of their conditions.
- More transparent process in both decision making and condition setting, resulting in more accountable DAP members.

- Would allow for an appeal to be made on the conditions of approval or refusal
 - i) that may have been removed from a RAR; or
 - ii) added to the decision, particularly where no liaison has occurred with the Local Government for clearing or enforcing the condition; or
 - iii) applied inappropriately i.e. the condition would change the intent or design of the development and therefore a new application should have been lodged.

- Limits appeal rights to larger, more complex applications and would filter out 'smaller' impact applications which could potentially overburden the system.
- Provides the opportunity for additional information to be included in the appeal process, particularly if information was not received before the DAP meeting.
- Provides the ability to challenge any new information being presented at the DAP meeting without the Local Government being able to undertake any assessment of the new information (unassessed revised plans are currently being lodged and approved at meetings).
- Able to appeal the 'Deferral' process being over utilised, i.e. DAPs are tending to defer applications multiple times rather than making a decision to approve or refuse the proposal.
- Can give the Local Government more confidence that the developer will provide a fully complete application and discuss the application with the Local Government first, rather than relying on the DAP to condition the proposal requiring additional critical information.

Appellants in a Third Party Appeal

Should be for

- A Local Government where DAP has gone against the position of Council itself; or
- A Local Government where DAP has gone against the Responsible Authority Report (RAR)

Local Government makes a submission

- SAT would need to ensure that appeals are made on valid planning grounds and are not made for commercial or vexatious reasons.
- The existing Directions Hearing process could be used to see if the appeal has reasonable planning merit, which would assist in providing clarity on what constitutes a valid planning consideration and what would be an invalid planning consideration. The Directions Hearing could consider the appellant's justification for submitting the appeal, in particular, whether the grounds of appeal are supported by documentary evidence or other material (a similar process for justifying the lodgement of an appeal already exists through Section 76 of the *Planning and Development Act 2005*).
- *** Will need to discuss with SAT the definition of 'valid planning grounds' to determine whether the submission has reasonable grounds for appeal***

What can be appealed?

- DAP applications that are compulsory over \$10 million for JDAPs and \$20 million for City of Perth DAP; or
- DAP applications in the optional threshold \$2m – 10m for JDAPs and in the City of Perth \$2 million - \$20 million; or
- DAP applications seeking amendments to approvals *i.e.* Form 2 applications proposing a change to the development application, and including applications for an extension of time

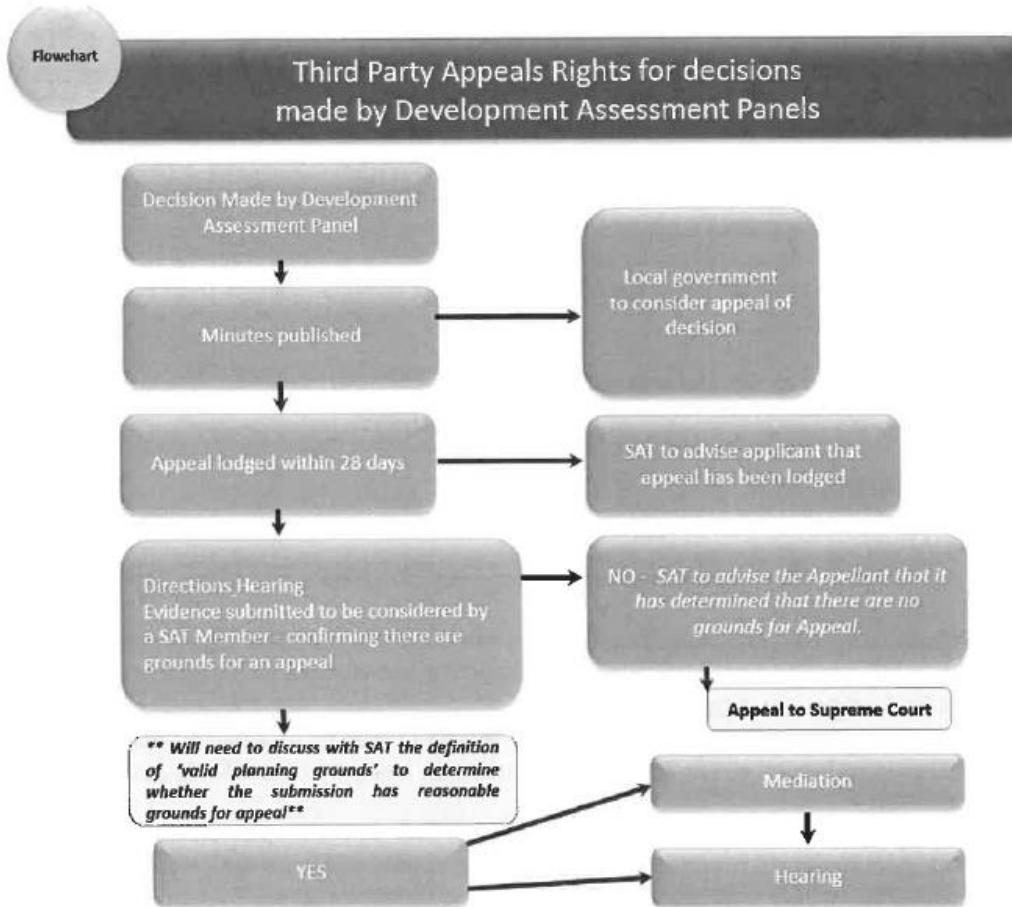
Timeframe to lodge an appeal

- As per the existing timeframe, an appeal on a decision made by a Development Assessment Panel should be lodged within 28 days of the decision being made public, ie publishing of the DAP minutes.
- Local Governments would need to determine within their own organisation what process to follow in order to decide whether or not to lodge an appeal against a DAP decision. In many cases this may require a Special Council meeting to determine this.

Costs

- Any Local Government would need to cover their costs of initiating the appeal, attending SAT directions, mediation and hearings, and costs could also include obtaining expert advice.

Appeals Process



12.01.20.02 PROPOSED ACQUISITION OF LAND – LOT 324 WHITE STREET, BROOKTON

File No:	A454
Date of Meeting:	16 January 2020
Location/Address:	Lot 324 White Street Brookton
Name of Applicant:	Shire of Brookton
Name of Owner:	N Hankinson
Author/s:	Ian D’Arcy – Chief Executive Officer
Authorising Officer:	As above
Declaration of Interest:	The author does not have a specific interest in this item
Voting Requirements:	Absolute majority
Previous Report:	Nil

Summary of Item:

This report seeks delegated authority from Council for the CEO to place an offer for the purchase of Lot 324 (House No. 50) White Street, Brookton. The intent of this purchase is to accommodate a future grouped dwelling development consisting of 4 x 2 bed residential units to enhance the availability of quality rental accommodation for Shire employees and commercial businesses.

Description of Proposal:

At this stage, the intent of this report is to facilitate the acquisition of Lot 324, being a residential lot of 1,009 m² in area that is suitably configured, serviced and zoned to support a Grouped Dwelling (unit) development.

Figure 1 below illustrates the location of Lot 324 within the Brookton town-site, while **Figure 2** provides an indicative site plan for a future Grouped Dwelling development.



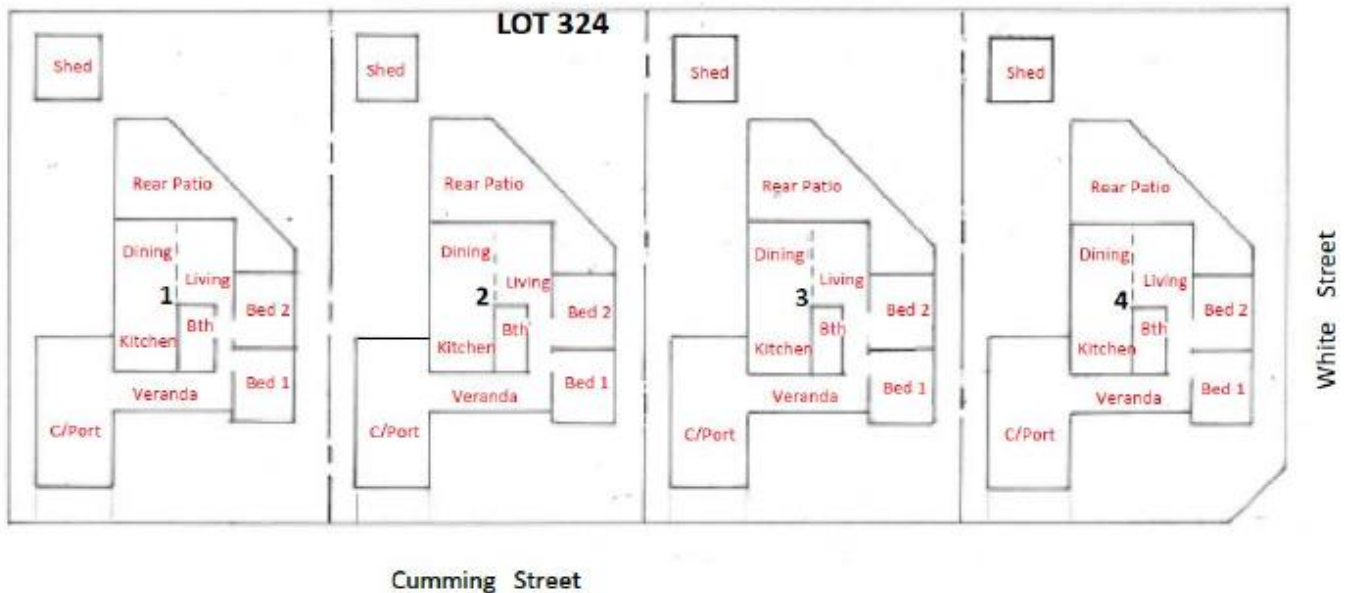


Figure 2 – Indicative Site Plan – Illustration only

Background:

Council in the 2018-19 financial year withdrew from construction of a new staff residence to focus on housing more broadly that culminated in a number of discussions with respective members of the Council’s Business Economic Advisory Reference (BEAR) Group. This Group identified that quality permanent and seasonal housing accommodation within the Brookton town-site presents as a significant impediment to local business, and to some extent has and will continue to inhibit further business investment and expansion for Brookton should this matter not be addressed.

Additionally, it was also realised through the most recent property valuations conducted by the Valuer General that current rating values for residential housing stock in Brookton is exceptionally high, which has largely been driven by an imbalance in supply and demand for rental properties and a lack of quality rental housing stock.

Accordingly, this proposition is now being presented to Council for its consideration in acquiring a residential parcel of land as the fundamental first stage in addressing a quality housing shortage in Brookton.

Consultation:

For the most part consultation on this matter has been through the BEAR Group, with some discussion being had with Councillors at a number of Corporate Briefing Sessions.

Statutory Environment:

In accordance with Section 3.59 of the *Local Government Act, 1995* and Regulation 8A of the Local Government (Functions and General) Regulations, 1996 the Council can proceed to place an offer to purchase Lot 324 without having to prepare a business plan. However, in doing so it must be mindful of the portion of Regulation 8A highlighted in yellow below:

8A. Amount prescribed for major land transactions; exempt land transactions prescribed (Act s. 3.59)

(1) The amount prescribed for the purposes of the definition of major land transaction in section 3.59(1) of the Act is —

- (a) if the land transaction is entered into by a local government the district of which is in the metropolitan area or a major regional centre, the amount that is the lesser of —
- (i) \$10 000 000; or
 - (ii) 10% of the operating expenditure incurred by the local government from its municipal fund in the last completed financial year;
- or
- (b) if the land transaction is entered into by any other local government, the amount that is the lesser of —
- (i) \$2 000 000; or
 - (ii) 10% of the operating expenditure incurred by the local government from its municipal fund in the last completed financial year.

As the asking price for Lot 324 is \$35,000 and the projected build cost of \$800,000 for the Grouped Dwelling development is below the \$2,000,000 or 10% of the operating expenditure (2018-19 financial year = \$9,986,075), it is assessed that this proposal to acquire land is not deemed a Major Land Transaction and therefore does not require a Business Plan to be prepared in this instance.

Also, pursuant to Section 5.42 of the *Local Government Act, 1995* the Council may by a vote of absolute majority delegate authority to the CEO to negotiate and place an offer to purchase Lot 324 on its behalf, but before doing so will need to establish a budget allocation for this purpose. This can be done under Section 6.8(2)(b) of the *Local Government Act, 1995* by an absolute majority vote.

Relevant Plans and Policy:

There are no relevant plans or policies of Council that apply to this matter.

Financial Implications:

Proposed Land Acquisition

The owner of Lot 324 has verbally advised the asking price is \$35,000 negotiable, with this property of 1,009 m² having been on the market for some years. Similarly, Council has four residential lots available for sale ranging in size from 2390m² to 3712m², with a price range of \$70,000 to \$80,000, which have also been for sale for many years with little interest.

In light of this, it is suggested the asking price for Lot 324, similar to the Shire lots, is over-valued in the current real estate market and should be subject to negotiation to achieve a fair value.

To this end, it is viewed Council should allocate an amount of \$35,000 from its 'Land and Housing Development Reserve' (current balance is \$1,391,245) to acquire Lot 324, inclusive of:

- An offered purchase price of \$30,000
- Payment of State Government Stamp Duty - estimated \$1,300
- Payment of conveyancing costs - estimated \$1,200
- Balance as a contingency - estimated \$2,500

Future Grouped Dwelling Development

With reference to construction of the Grouped Dwelling development, it is projected this cost would amount to approximately \$200,000 per unit/\$800,000 overall. This is inclusive of utility and communication connections, site works, survey/strata, building construction, fit-out, storage, fencing, paving and landscaping costs, together with a financial contingency.

Furthermore, it is intended from a financial perspective:

- The Shire Administration will pursue all available grant funding to partially offset the cost of the proposed Grouped Dwelling development before proceeding.
- The Grouped Dwelling Development will likely involve innovative transportable construction contracted through a formal tender process to achieve a cost effective outcome.
- At least one of the BEAR representatives may entertain tenancy lease agreements for at least two of the residential units for up to five years upon completion at a rental of around \$230 - \$250 pw each to provide a return on the Shire’s investment.

Risk Assessment:

The risk associated with the proposed acquisition of Lot 324 is assessed as ‘Low’ given the cost of the land against the Shire’s financial position, and upon developing the property there is considered demand for quality rental accommodation in Brookton.

Consequence	Insignificant	Minor	Moderate	Major	Extreme
Likelihood					
Almost Certain	Medium	High	High	Severe	Severe
Likely	Low	Medium	High	High	Severe
Possible	Low	Medium	Medium	High	High
Unlikely	Low	Low	Medium	Medium	High
Rare	Low	Low	Low	Low	Medium

Risk Rating	Action
LOW	Monitor for continuous improvement.
MEDIUM	Comply with risk reduction measures to keep risk as low as reasonably practical.
HIGH	Review risk reduction and take additional measures to ensure risk is as low as reasonably achievable.
SEVERE	Unacceptable. Risk reduction measures must be implemented before proceeding.

Community & Strategic Objectives:

This proposal to the Next Generation BROOKTON Corporate Strategic Community Plan 2027> and objectives 4, 6 and 19 of the BROOKTON 20>.

The proposal has also been filtered through the Innovation Pathway, and whilst not specifically listed in the Council’s Corporate Business Plan <2021, it does broadly align with the BROOKTON Temporary Accommodation Village proposal.

Comment

The underlying intent of this proposal is to facilitate opportunity for economic growth through an 'open for business' and 'corporate partnering' approach that will aid in enhancing existing corporate and small business interests, as well as foster opportunity for new business to help sustain Brookton as a community of choice into the future.

With this acknowledged, this proposal is one of two that has emerged from the BEAR Group in relation to housing need from an economic perspective, notwithstanding there are other rental arrangements entertained with Baptistcare and one of the local doctors in Brookton. The second proposal based on need is for seasonal workers accommodation that coupled with relocation of the Brookton Caravan Park, could see chalet style accommodation provided for seasonal workforce and tourist accommodation hire. At this stage further discussion (particularly with CBH) and preliminary planning is being entertained for this type of facility to be located adjacent to the Brookton Aquatic Centre on Lot 510, Reserve land vested in the Shire. To this end, further briefings and reports will be presented to Council as these initiatives are progressed.

Therefore, on the basis of this report Council is requested to give favourable consideration to the Officer Recommendation in progressing an offer for the purchase of Lot 324 White Street Brookton.

OFFICER RECOMMENDATION

That Council in relation to Lot 324 White Street Brookton:

1. Grant delegated authority to the Chief Executive Officer pursuant to Section 5.42 of the Local Government Act, 1995 to place an offer of \$30,000 for the purchase of this property, and if accepted, proceed with settlement of the acquisition.
2. Allocate in accordance with Section 6.8(2)(b) of the Local Government Act, 1995 an amount \$35,000 from the Council's 'Land and Housing Development Reserve' for the acquisition of this property.

OCM 01.20-04

PROCEDURAL MOTION

MOVED Cr Fancote SECONDED Cr Walker

That Council suspend standing orders 5.01pm to discuss this item.

CARRIED BY SIMPLE MAJORITY VOTE 6-0

OCM 01.20-05

PROCEDURAL MOTION

MOVED Cr Walker SECONDED Cr Watts

That Council resume standing orders 5.02pm to consider this item.

CARRIED BY SIMPLE MAJORITY VOTE 6-0

That Council in relation to Lot 324 White Street Brookton:

- 1. Grant delegated authority to the Chief Executive Officer pursuant to Section 5.42 of the Local Government Act, 1995 to place an offer of \$30,000 or negotiated up to \$35,000 for the purchase of this property, and if accepted, proceed with settlement of the acquisition.***
- 2. Allocate in accordance with Section 6.8(2)(b) of the Local Government Act, 1995 an amount \$40,000 from the Council's 'Land and Housing Development Reserve' for the acquisition of this property.***

CARRIED BY ABSOLUTE MAJORITY VOTE 6-0

Note to minute: The Council motion deviated from the Officer Recommendation to allow the CEO to negotiate a higher purchase price, if required, and maintain financial capacity to pay statutory settlement costs for the purchase of Lot 324 White Street, Brookton.

13.01.20.01 PROPOSED RESIDENTIAL TENANCY AGREEMENT – 25 WHITTINGTON STREET, BROOKTON – BAPTISTCARE (WA) INC.

File No:	ADM0616
Date of Meeting:	16 January 2020
Location/Address:	N/A
Name of Applicant:	Shire of Brookton
Name of Owner:	N/A
Author/s:	Ian D’Arcy – Chief Executive Officer
Authorising Officer:	As above
Declaration of Interest:	The author does not have a specific interest in this item
Voting Requirements:	Simple Majority
Previous Report:	Nil

Summary of Item:

This item relates to the rental of 25 Whittington Street Brookton to Baptistcare (WA) Inc. on a periodical tenancy agreement, and seeks Council’s endorsement of this arrangement in consideration of Policy 2.33 – Employee and Community Housing.

Description of Proposal:

As above.

Background:

The subject house (25 Whittington Street) is a 3 x 2 fibro/weatherboard clad residence recently vacated by a Shire employee at the end of November 2019. With this having occurred, and pent up demand for quality residential rental properties in Brookton, a request has been received from Baptistcare to rent this house for its ‘roving’ aged care workforce (ie Registered Nurses) at the Kalkarni Residential Aged Care Facility. This request is consistent with the current arrangement involving 23 Whittington Street that is also owned by the Shire and has tenanted by Baptistcare for the same purpose since March 2018.

In relation to proximity, both houses are located adjacent to the Kalkarni Residential Aged Care Facility and Saddleback Medical Centre, as illustrated in **Figure 1** below, which presents as ideal for Baptistcare and its accommodation needs.



Figure 1– Location of No.23 and No.25 Whittington Street Brookton

Consultation:

Consultation on this matter has been entertained between the CEO and Baptistcare Management.

Statutory Environment:

The appointment of Baptistcare (WA) Inc. as a periodical tenant needs to comply with the *Residential Tenancies Act, 1987* which requires a formal residential tenancy agreement to be completed, signed and lodged together with payment of a four week security bond to be held in trust.

Furthermore, a periodic tenancy under this legislation generally allows for a notice period of not less than 60 days for termination of this form of agreement.

Relevant Plans and Policy:

Presently, Council *Policy 2.33 – Employee and Community Housing* states:

5.2 Should there be no immediate demand for Senior Citizen Housing, the Council or Housing Committee (under delegated authority) may exercise discretion in allocating a residential unit to:

- a) a person not assessed as a Senior Citizen under Section 4.1 of this policy; or*
- b) a corporate entity with a business presence in the Brookton Shire;*

providing any such arrangement under this provision is to be based on:

- i. the balance of this policy being satisfied (including provision 4.5, and Sections 6.0 – 10.0 inclusive); and*
- ii. the rental arrangement structured on a periodic tenancy agreement and market rental rates.*

Notably this policy statement relates to senior citizen housing, but not employee housing, owned by the Shire and therefore has prompted the need for this request to be presented to Council for consideration and determination.

Financial Implications:

Based on discussion with Baptistcare Management the same rent and conditions of occupancy for House 23 should also apply to House 25. This means the financial return to Council for House 25 will be set at \$300 per week with a rental review to occur annually at the Council's discretion. Accordingly, for the balance of this financial year the Council will received \$6,300 in rent should it favourably entertain this request.

Risk Assessment:

The main risk to the Shire is possible future need for this housing to accommodate employees, which has been assessed as 'Medium'. However, at the present time this house is not required for the local Shire workforce, and given the requirements of Baptistcare and its desire to expand the current service delivery, it is a reasonable proposition to entertain a periodic tenancy arrangement that can be withdrawn at relative short notice (2 months) should the Shire's needs change.

Consequence	Insignificant	Minor	Moderate	Major	Extreme
Almost Certain	Medium	High	High	Severe	Severe
Likely	Low	Medium	High	High	Severe
Possible	Low	Medium	Medium	High	High
Unlikely	Low	Low	Medium	Medium	High
Rare	Low	Low	Low	Low	Medium

Risk Rating	Action
LOW	Monitor for continuous improvement.
MEDIUM	Comply with risk reduction measures to keep risk as low as reasonably practical.
HIGH	Review risk reduction and take additional measures to ensure risk is as low as reasonably achievable.
SEVERE	Unacceptable. Risk reduction measures must be implemented before proceeding.

Community & Strategic Objectives:

This proposal relates to delivery of core business and services detailed in the Shire of Brookton Corporate Compendium – May 2018, duly appended to the Next Generation BROOKTON Corporate Business Plan <2021.

Specifically, the request to rent No.25 Whittington Street supports the following Business Unit and Functions:

4. Property Management

4.1 Review tenancy agreements – Shire housing

Comment

As previously identified through Council's Business Economic Advisory Reference Group, more commonly referred to as the BEAR, quality housing in Brookton is proving problematic and a significant constraint for many corporate entities, Baptistcare included. In selling the Kalkarni Residential Aged Care Facility and Saddleback Medical Centre to Baptistcare, it has openly been promoted and acknowledged that Baptistcare intends to evolve and enhance the current service delivery to represent a 'Regional Wellness Hub' with the possibility of incorporating residential and in-home aged care, respite and expanded allied health care services based on qualified demand.

However, it is unlikely this will be achieved in a timely manner without the support of Council in facilitating outcomes, such as providing access to suitable residential accommodation to aid in growing Baptistcare's local workforce. Therefore, it is recommended Council support Baptistcare's request for a periodic tenancy agreement to occupy 25 Whittington Street Brookton, subject to usual legislative requirements.

OFFICER RECOMMENDATION

That Council endorse Baptistcare (WA) Inc.'s request for rental of 25 Whittington Street Brookton under a periodical tenancy agreement, subject to:

1. Execution of a 12 month Residential Tenancy Agreement at the rental of \$300 per week, coupled with a condition assessment report being completed prior to occupancy occurring; and
2. Payment of the required bond money (4 weeks rent) to be placed in trust with the Department of Mines, Industry Regulation and Safety, and 2 weeks rent paid to the Shire as the landlord in advance.

OCM 01.20-07

COUNCIL RESOLUTION

MOVED Cr Lilly SECONDED Cr Walker

That Council endorse Baptistcare (WA) Inc.'s request for rental of 25 Whittington Street Brookton under a periodical tenancy agreement, subject to:

1. ***Execution of a 12 month Residential Tenancy Agreement at the rental of \$300 per week, coupled with a condition assessment report being completed prior to occupancy occurring; and***
2. ***Payment of the required bond money (4 weeks rent) to be placed in trust with the Department of Mines, Industry Regulation and Safety, and 2 weeks rent paid to the Shire as the landlord in advance.***

OCM 01.20-08

PROCEDURAL MOTION

MOVED Cr Fancote SECONDED Cr Lilly

That Council suspend standing orders 5.11pm to discuss this item.

CARRIED BY SIMPLE MAJORITY VOTE 6-0

OCM 01.20-09

PROCEDURAL MOTION

Moved: Cr Fancote Seconded: Cr Watts

That Council resume standing orders 5.13pm to consider this item.

CARRIED BY SIMPLE MAJORITY VOTE 6-0

The Substantive Motion was put to the vote by the presiding member.

CARRIED BY SIMPLE MAJORITY VOTE 6-0

File No:	ADM 0611
Date of Meeting:	16 January 2020
Location/Address:	White Street, Recreational Precinct
Name of Applicant:	Shire of Brookton
Name of Owner:	Shire of Brookton
Author/s:	Amy Eva – Community Liaison Officer
Authorising Officer:	Ian D’Arcy – Chief Executive Officer
Declaration of Interest:	The author is treasurer/secretary of the Brookton Swimming and Life Saving Club
Voting Requirements:	Simple majority
Previous Report:	N/A

Summary of Item:

This report relates to the request for the Shire of Brookton to offer early morning lap swimming on Monday and Thursday of each week from 6:30am to 9:30am for a trial period commencing 1st February 2020 through to 31st March 2020.

During this period of extended opening attendance numbers will be recorded to determine the interest and enthusiasm for these additional hours to be included for the whole of the 2020-21 swimming pool season.

Description of Proposal:

As above.

Background:

The former Contract Aquatic Pool Manager had advised of a significant number of people attending the Brookton Swimming Pool this season requesting if morning lap swimming could be made available, with this information be conveyed to the Shire Administration.

This request has also be supported by the Brookton Swimming and Life Saving Club indicating its members would be interested to participate in early morning swimming/training laps for at least one day per week over the remaining two months the Brookton Swimming Pool is open.

In light of this, this request was informally raised with Councilors at their December 2019 Corporate Briefing Session, with it be suggested the request be presented more formally in a report for Council’s consideration.

Consultation:

As mentioned, there have been a number of discussions in relation to this matter.

Statutory Environment:

This request needs to be considered in the context of the current contract agreement with Contract Aquatic Services who manage the Brookton Aquatic Centre. Specifically, the additional hours can be entertained in accordance with Appendix “C”, Schedule of Usage 1.6, hours Additional to Maximum Opening.

Relevant Plans and Policy:

There are no specific plans or policies that relate to this item.

Financial Implications:

In order for the request to be accommodated the following addition costs will be incurred by Council:

EARLY MORNING LAP SWIMMING		
MONDAY	THURSDAY	
3 HOURS	3 HOURS	EXTRA 6 HOURS PER WEEK
\$150 per morning		6 HOURS x \$50/HOUR = \$300
\$165 GST Incl. per morning		\$330 GST Inclusive per week.
17 Mornings	February 2020 and March 2020	= \$2805 GST Inclusive. \$2,550 GST excl.

In review of the relevant budget allocation of \$97,850 under ‘COA E112020 – Pool General Operating Expenses’ it is assessed that there is sufficient funds to accommodate the additional \$2,550 expenditure.

Risk Assessment:

The risk specific to this request is an actual lack of attendance for early morning swimming over the next two months, weighted against the additional cost to the Shire. However, as this is viewed as a trial to obtain a true understanding of demand and benefit to the local Community, it is assessed that risk is ‘low’ for this period.

Consequence	Insignificant	Minor	Moderate	Major	Extreme
Likelihood					
Almost Certain	Medium	High	High	Severe	Severe
Likely	Low	Medium	High	High	Severe
Possible	Low	Medium	Medium	High	High
Unlikely	Low	Low	Medium	Medium	High
Rare	Low	Low	Low	Low	Medium

Risk Rating	Action
LOW	Monitor for continuous improvement.
MEDIUM	Comply with risk reduction measures to keep risk as low as reasonably practical.
HIGH	Review risk reduction and take additional measures to ensure risk is as low as reasonably achievable.
SEVERE	Unacceptable. Risk reduction measures must be implemented before proceeding.

Community & Strategic Objectives:

This proposal relates to:

1. The BROOKTON Strategic Community Plan <2027 and aligns to the following objectives of the BROOKTON 20:
 3. Social Innovation
 9. Community Engagement
2. The delivery of core business and services detailed in the Shire of Brookton Corporate Compendium – May 2018, duly appended to the Next Generation BROOKTON Corporate Business Plan <2021.

Specifically, the application for a funding donation aligns to:

Function 24 Community Support

Action 24.1 – Support seniors, youth, culture, sport / recreation group activities

Comment

Although early morning lap swimming has been implemented previously with low participation numbers, information from the former Pool Manager indicates there is reasonable interest from members of Community, old and new, that will likely utilize the early morning lap swimming option in conjunction with the Brookton Swimming and Life Saving Club.

As mentioned above, the implementation of early morning lap swimming will meet the Brookton 2027 Strategic Community plan Social Innovation in utilizing the Shire's current assets for the benefit of the community at a small cost.

OFFICER RECOMMENDATION

That Council:

1. Authorise the payment of \$2,805.00 including GST to Contract Aquatic Services to open the Brookton Aquatic Centre for an additional six hours per week, as per the schedule presented in Financial Implications of this report for the months of February and March 2020, with the CEO to exercise discretion in amending the days/hours for early morning lap swimming should the need arise.
2. Inform Contract Aquatic Services of Council's decision in relation to point 1 above.

That Council:

- 1. Authorise the payment of \$2,805.00 including GST to Contract Aquatic Services to open the Brookton Aquatic Centre for an additional six hours per week, as per the schedule presented in Financial Implications of this report for the months of February and March 2020, with the CEO to exercise discretion in amending the days/hours for early morning lap swimming should the need arise.**
- 2. Inform Contract Aquatic Services of Council's decision in relation to point 1 above.**

CARRIED BY SIMPLE MAJORITY VOTE 6-0

Cr Macnab declared an impartial interest in item 13.01.20.03 and left the room at 5.16pm.

13.01.20.03 COMMUNITY CHEST FUND APPLICATION – NOT FOR PROFIT COMMUNITY ORGANISATION UTILITIES FINANCIAL ASSISTANCE DONATION

File No:	ADM 0660
Date of Meeting:	16 January 2020
Location/Address:	N/A
Name of Applicant:	Aldersyde Agricultural Hall Inc.
Name of Owner:	N/A
Author/s:	Amy Eva – Community Liaison Officer
Authorising Officer:	Ian D'Arcy – Chief Executive Officer
Declaration of Interest:	The author has no interest in this item
Voting Requirements:	Simple
Previous Report:	N/A

Summary of Item:

This report relates to the application made by Mrs. Gail MacNab on behalf of the Aldersyde Agricultural Hall Inc. for the Community Chest Fund under the Policy 2.34 – Community Funding and Donations – Section 'Community Donations - Not for Profit Community Organisation Utilities Financial Assistance Donation'.

The Aldersyde Agricultural Hall Inc. is seeking Council's consideration for a full donation of \$750.00 as afforded under the Community Chest Fund.

Description of Proposal:

The Aldersyde Agricultural Hall Inc. is requesting an annual donation towards offsetting their electricity invoices of \$803.62 for the financial year ended 30 June 2019. Copies of original invoices and Profit and Loss Statement follow the report for the year ended 30 June 2019.

Synergy Invoices	GST Inc.	GST Excl.
1/07/2018-8/07/2018	16.67	15.15
9/07/2018-6/09/2018	126.30	114.82
7/09/2018-12/11/2018	151.65	137.86
13/11/2018-09/01/2019	139.95	127.23
10/01/2019-14/03/2019	169.75	154.32
15/03/2019-16/05/2019	186.45	169.50
17/05/2019-30/06/2019	93.21	84.74
	\$883.98	\$803.62

Background:

The Council adopted a Community Funding and Donations Policy 2.34 in June 2018 with amendments made August 2019, recognising that community funding provides a significant opportunity to work collaboratively with local community groups, not-for-profit groups and individuals to facilitate and deliver projects and/or activities that have a number of community benefits, such as social inclusion and strengthening connections within the Shire.

The section of the Policy 'Community Donations – Not for Profit Community Organisation Utilities Financial Assistance Donation' allows a maximum of \$750.00 cash per financial year that can be claimed by each incorporated organisation. In accordance with the policy this funding can be used for an annual donation towards offsetting the cost of utilities, including electricity incurred by the organisation who own and occupy their own building within the Shire of Brookton.

This community donation is intended to benefit the Brookton Community thru enabling the Aldersyde Agricultural Hall Inc. to expend their own money on improving facilities. For the previous 12 months the Aldersyde Agricultural Hall Inc. has delivered many events and activities for the benefit of the Brookton Community, such as the following (sourced from Facebook):

1. A quaint Australia Day Bring and Share BBQ.
2. 14 Blue Trees were painted in March @bluetreeproject.
3. Plant swap and Mother's Day Tea.
4. Monthly Badminton Games.
5. 70th Country Women's Association (CWA) Aldersyde Birthday.
6. CWA Aldersyde Monthly meeting.
7. Epic Country Quiz Night.
8. Happy Healthy Harvest Sponsored by @cbh_group & guest speaker friend @salli_galvin.
9. Community Christmas Tree and Share meal.
10. Annual Caravan Meet N Greet Weekend. Bringing city people into the country.
11. Numerous fundraisers for kitchen and toilet renovations to become compliant.
12. Provided support and services to many, for example Kalkarni Senior home were provided with essential oils and diffusers, numerous catering events, welcomed new families, new family members and unfortunately had to say good bye to a few old friends. We connected the city people to the country & have ignited a passion for this community's longevity.

Consultation:

Consultation has been entertained with Mrs MacNab over the history, events and activities undertaken in the prior year of the Aldersyde Agricultural Hall Inc.

Statutory Environment:

Council is able to offer a donation or afford a financial grant through the adopted budget and policy

framework for the Community Chest Fund, which has been endorsed under the relevant provisions of the *Local Government Act 1995*.

Relevant Plans and Policy:

Policy 2.34 – Community Funding and Donations is applicable to this application, with assessment against the relevant selection criteria detailed below:

Community Donations:

Funding category	Funding Amount	Guidelines
Not for Profit Community Organisation Utilities Financial Assistance Donation	Maximum \$750.00 per year per Incorporated Organisation	As annual donation toward offsetting the cost of utilities (gas, electricity, and water) incurred by the organisation who own and occupy their own building within the Shire of Brookton. Satisfactory evidence of such costs being incurred by the organisation in the same financial year must be produced. The utilities must be in the name of the organisation seeking the donation. The organisation must demonstrate financial need for such support.

SELECTION CRITERIA (extracted from the Policy)

- 1. Annual donation toward offsetting the cost of utilities (gas, electricity, water) incurred by the organisation who own and occupy their own building within the Shire of Brookton.*

Aldersyde Agricultural Hall Inc. are in the process of acquiring the building from a former committee to the current committee for ownership. They will shortly own and occupy their building within the Shire of Brookton. However, they did not own the building at the time of application.

- 2. Satisfactory evidence of such costs being incurred by the organisation in the same financial year must be produced.*

Aldersyde Agricultural Hall Inc. have provided a copy of their Profit and Loss Statement for the financial year ended 30 June 2019 and Synergy Invoices.

- 3. The utilities must be in the name of the organisation seeking the donation.*

Aldersyde Agricultural Hall Inc. have provided Synergy invoices in their name.

- 4. The organisation must demonstrate financial need for such support.*

The Aldersyde Agricultural Hall Inc. Profit and Loss Statement shows a profit of \$3,376.16, a very small margin should an unexpected repair or maintenance issue arise. Mrs. Macnab advised both the kitchen and toilets require \$80,000 approximate renovations to ensure compliance.

On merit it is assessed that the Aldersyde Agricultural Hall Inc. meets for the most part the required funding criteria for a Not for Profit Community Organisation Utilities Financial Assistance Donation.

Additionally, the Policy under Section C. states:

C. Recognition of Shire of Brookton support

The Shire of Brookton must be recognised for the support provided for all Annual Grants, Matched Funding Grants and Community Donations. Recognition requirements for all funding programs must be detailed to the Shire as part of the application process.

In consideration of this requirement the Aldersyde Agricultural Hall Inc. has stated in their application that they will acknowledge the Shire by way of a Thank you notice displayed at the Hall.

Financial Implications:

An allocation of \$20, 000 for the Community Chest Fund has been provided in the 2019/20 municipal budget.

Should Council endorse Aldersyde Agricultural Hall Inc. request a balance of \$18,850 excl. GST will remain and be available through application from other groups and individuals in the Brookton community.

Risk Assessment:

There is no risk identified with this request as it aligns with Council’s donations policy with the requested funds accommodated in the municipal budget.

Community & Strategic Objectives:

This proposal relates to:

1. The BROOKTON Strategic Community Plan <2027 and aligns to the following objectives of the BROOKTON 20:
 3. Social Innovation
 9. Community Engagement
 14. History, Heritage, Recreation and Culture.
2. The delivery of core business and services detailed in the Shire of Brookton Corporate Compendium – May 2018, duly appended to the Next Generation BROOKTON Corporate Business Plan <2021.

Specifically, the application for a funding donation aligns to:

Function 24 Community Support

Action 24.1 – Support seniors, youth, culture, sport / recreation group activities

Comment:

Aldersyde Agricultural Hall Inc. has supported Community members from seniors through to youth during the course of delivering recreation activities. Council in representing the local Community is demonstrating support of the Aldersyde Agricultural Hall Inc. through a contribution that aligns to Function 24 - Community Support under the Corporate Compendium.

Furthermore, it is clear that Aldersyde Agricultural Hall Inc. application also accords with the intent of Not for Profit Community Organisation Utilities Financial Assistance Donations section of Policy 2.34 –

Community Funding and Donations.

OFFICER RECOMMENDATION

That Council in relation to the application from the Aldersyde Agricultural Hall Inc. under Council Policy 2.34 – Community Funding and Donations grant approval for a \$750 (excl. GST) donation from the Community Chest Fund to be used as an annual donation toward offsetting the cost of their electricity usage.

Attachments

Attachment 13.01.20.03A – Aldersyde Agricultural Hall Inc. - Community Chest Fund Application, Profit & Loss statement and Synergy Invoices

OCM 01.20-11

COUNCIL RESOLUTION

MOVED Cr Lilly SECONDED Cr Fancote

That Council in relation to the application from the Aldersyde Agricultural Hall Inc. under Council Policy 2.34 – Community Funding and Donations grant approval for a \$750 (excl. GST) donation from the Community Chest Fund to be used as an annual donation toward offsetting the cost of their electricity usage.

CARRIED BY SIMPLE MAJORITY VOTE 5-0

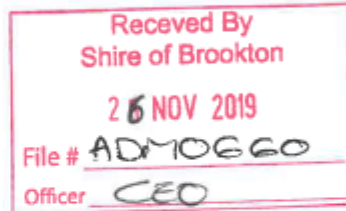
Cr Macnab returned to the meeting at 5.16pm.



Aldersyde Agricultural Hall Incorporated
21 Gaynor St
Brookton WA 6306

25th November 2019

The CEO
Shire of Brookton
White St
Brookton WA 6306



Dear Ian

Re: Application for a Community Chest Grant for Aldersyde Hall

Please find enclosed our application for a grant for utilities for the Aldersyde Agricultural Hall Inc. We are in the process of acquiring the building from a former committee to the current committee for ownership.

We hope this meets with your approval, however if you have any queries please do not hesitate to contact me by phone or email.

Kind Regards

Gail Macnab
Treasurer
Aldersyde Agricultural Hall Inc
Mob: 0456226674
Email: gailmacnab@outlook.com

Received By
Shire of Brookton
26 NOV 2019
File # AD10660
Officer CEO

Shire of

BROOKTON

Community Chest Fund Application Form

Post your completed application to:

PO Box 42, Brookton, WA 6306

Or deliver to:

Shire of Brookton, 14 White Street, Brookton

Alternatively email your application to:

Mail@Brookton.wa.gov.au

G:/Master Documents/Forms/Finance/Community Chest Fund

Community Chest Fund

Application Form

NAME OF ORGANISATION: ANDERSYDE AGRICULTURAL HALL INC
CONTACT PERSON: GAIL MACNAB
POSITION: TREASURER
PHONE: _____ FAX: _____
MOBILE: 0456226674 EMAIL: gailmacnab@outlook.com
IS YOUR ORGANISATION INCORPORATED? YES NO

NAME OF PROJECT OR EVENT: POWER UTILITIES
ESTIMATED START DATE: JULY 2018
ESTIMATED COMPLETION DATE: JUNE 2019
REQUESTED COMMUNITY CHEST FUNDS: TOTAL UTILITY \$893-51 / \$750

1. BRIEF DESCRIPTION OF PROJECT/EVENT:

This is the electricity accounts for the financial year 2018-2019

2. WHAT WILL THE COMMUNITY CHEST FUNDS PURCHASE?

as above

G:/Master Documents/Forms/Finance/Community Chest Fund

3. HOW WILL YOUR PROJECT/EVENT BENEFIT THE BROOKTON COMMUNITY?

The money rec'd will then be used to go towards improving the facilities at the Hall

4. HOW WILL THE PROJECT/EVENT BE ADVERTISED AND PROMOTED?

5. ACKNOWLEDGEMENT OF SHIRE OF BROOKTON SPONSORSHIP

It is a requirement of funding that the words "Sponsored by the Shire of Brookton" and the Shire's logo be displayed at your project/event.

Please advise the ways you will be able to acknowledge the Shire of Brookton's sponsorship:

- Display "Shire of Brookton" Logo: on your website and posters, in newspaper advertisements, on event signage, programs and flyers.
- Display the "Shire of Brookton" flag or banner at your event if possible. (Available from the Shire).
- Verbal announcements at the project/event.
- Other.

Shire will be acknowledged by way of a Thankyou notice displayed at The Hall.

G:/Master Documents/Forms/Finance/Community Chest Fund

6. BUDGET ESTIMATES

NAME OF ORGANISATION:

ALDERSYDE AGRICULTURAL HALL INC

NAME OF PROJECT/EVENT:

UTILITY GRANT

INCOME	\$	EXPENDITURE	\$
Applicant's cash contributions		Materials	
Sponsorship		Labour	
Donations in cash		Hire of Equipment	
Other grants		Office/Administration	
Catering Sales		Venue hire	
Fees and Charges e.g. stalls		Advertising	
Gate/Door entry fees		Catering Costs	
		Entertainment	
Other Income (Please List)		Other Expenditure (Please List)	
		ELECTRICITY	893.51
Total of Community Chest Funds requested in cash*			
Total of Community Chest Funds requested in-kind (e.g. Town Hall hire fee waived if applicable/required)			
TOTAL INCOME		TOTAL EXPENDITURE	

*The total cash and in-kind request cannot be greater than \$2,500.

YOUR INCOME MUST EQUAL YOUR EXPENDITURE

7. DID YOUR ORGANISATION RECEIVE THE COMMUNITY CHEST FUNDING IN 2017/2018?

YES

NO

IF YES, WHAT WAS THE AMOUNT OF THE FUNDING?

G:/Master Documents/Forms/Finance/Community Chest Fund

8. PLEASE LIST BELOW ANY IN-KIND CONTRIBUTIONS IF APPLICABLE (e.g. volunteer or donated labour, materials etc.) HOWEVER, DO NOT INCLUDE IN YOUR BUDGET ABOVE.

) _____
) _____
) _____
) _____

9. FUNDING CONDITIONS:

- I. The grant funds will be expended on the agreed project only.
- II. The Shire of Brookton's support of the project will be acknowledged in any advertising or promotional activities related to the project.
- III. Two invitations will be sent to the Shire of Brookton for your event or project.
- IV. The project will conform to all relevant Bylaws and Acts in force at the time.
- V. Any unexpended grant funds will be returned to the Shire of Brookton.
- VI. The funds must be expended and acquitted by 30th June of the financial year in which they are received.
- VII. Invoices and receipts for the expenditure of the Community Chest funds must be provided to Council within three months of the completion of your project/event along with a brief report on your event or project which includes copies of any advertisements, posters, programmes or newspaper coverage.

PLEASE ENSURE YOU HAVE READ THE ABOVE GRANT CONDITIONS BEFORE SIGNING BELOW:

NAME OF ORGANISATION: ALPERSYDE AGRICULTURAL HALL INC
CONTACT PERSON: GAIL MACNAB
ORGANISATION POSTAL ADDRESS: 21 GAYNOR ST BROOKTON 6306
ORGANISATION'S ABN: 53365918260 - Genuinely being updated -
REGISTERED FOR GST? YES NO

Our organisation agrees to comply with the funding conditions set out above. I declare that I have been authorised to prepare and submit this application, and that the information presented is correct to the best of my knowledge. I understand that if Council approves the application, we will abide by the funding conditions set out above.

PRINT NAME: GAIL MACNAB
POSITION: TREASURER
SIGNATURE: MS Macnab
DATE: 25/11/19

G:/Master Documents/Forms/Finance/Community Chest Fund

2:51 PM
25/11/19

Aldersyde Agricultural Hall Inc
Profit & Loss
July 2018 through June 2019

	Jul 18 - J...
Ordinary Income/Expense	
Income	
Catering	
Eva M & R Catering	1,000.00
Macnab Catering	600.00
Shipley Funeral	300.00
Total Catering	1,900.00
Donation	625.00
Events.	
100 Year Celebration.	7,775.80
Australia Day	377.00
Caravan Weekend	565.00
Total Events.	8,717.80
Hall Hire	100.00
Memberships	500.00
Total Income	11,842.80
Expense	
Bank Charges	0.70
Events	
100 Year Celebration	2,086.00
Total Events	2,086.00
Operational Costings	
Electricity	846.20
Insurance	657.03
Rates and Taxes	1,574.28
Survey	1,650.00
Total Operational Costings	4,727.51
Suspence	1,814.54
Total Expense	8,628.75
Net Ordinary Income	3,214.05
Other Income/Expense	
Other Income	
Interest	162.11
With Holding Tax.	49.40
Total Other Income	211.51
Other Expense	
With Holding Tax	49.40
Total Other Expense	49.40
Net Other Income	162.11
Net Income	<u>3,376.16</u>


Account 619496830 | Business Plan (L1) Tariff

Loc 20660 Brookton-Corrigin Rd, Aldersyde WA 6306

Billing and payment history

Billing Event	Date	Amount
Post Billpay payment	18/06/2019	\$186.45 cr
Bill issued	27/05/2019	\$186.45 dr
Post Billpay payment	04/04/2019	\$169.75 cr
Bill issued	15/03/2019	\$169.75 dr
Post Billpay payment	25/01/2019	\$139.95 cr
Bill issued	10/01/2019	\$139.95 dr
Post Billpay payment	28/11/2018	\$151.65 cr
Bill issued	13/11/2018	\$151.65 dr
Post Billpay payment	25/09/2018	\$126.30 cr
Bill issued	07/09/2018	\$126.30 dr
Post Billpay payment	01/08/2018	\$72.10 cr
Bill issued	10/07/2018	\$72.10 dr

File No:	ADM 0666
Date of Meeting:	16 January 2020
Location/Address:	N/A
Name of Applicant:	N/A
Name of Owner:	N/A
Author/s:	Debbie Spinks – Projects & Grants Officer Ian D’Arcy – Chief Executive Officer
Authorising Officer:	Ian D’Arcy – Chief Executive Officer
Declaration of Interest:	Neither the Author or the Authorising Officer have a specific interest in this matter
Voting Requirements:	Simple Majority
Previous Report:	N/A

Summary of Item:

This item relates to selection of Community members to participate on two of the Council’s Integrated Planning and Reporting Advisory Groups, being Innovations Advisory Group (IAG) and Community Enterprise Advisory Group (CEAG).

Of note, the Business Enterprise Advisory Reference (BEAR) Group is not usually featured, as selection of the corporate partners is detailed in the Terms of Reference with each business nominating their own representative. However, this report does promote an additional member being included on the BEAR, being the Bendigo Bank.

Description of Proposal:

As above.

Background:

As part of the Shire’s Integrated Planning and Reporting Framework, the Council in 2017 established an Innovations Pathway as a community-driven fluid decision-making process intended to guide desired outcomes of the Next Generation BROOKTON Strategic Community Plan (SCP) 2027>. This saw three distinct Advisory Groups being formed to assess innovative ideas and proposals promoted by members of the Community, and determine their suitability against the BROOKTON 20, being the Community’s aspirations outlined in the SCP. These three groups consist of the IAG, CEAG, and BEAR Group, each with a specific Terms of Reference. Having operated for just over a year, and to align to the Terms of Reference, the membership for each group was ‘spilled’ in October 2019 to accord with the Local Government Elections.

This resulted in the President nominating the internal Shire membership, which was subsequently sanctioned by Council at its November 2019 meeting, while Expressions of Interest was sought over the past two months from members of the Community seeking to participate on one of the respective Advisory Groups until October 2021.

This report details the make-up of each group and the nominations received from Community members for Council’s consideration.

Additionally, Council support is sought to extend the membership of the BEAR to include a representative from the Bendigo Bank.

Consultation:

Consultation to attain Community members was initiated through advertising on all facets of social media including Facebook, Telegraph, the Brookton Shire website, the Community News as well as Councillor and staff solicitation of local community members.

This has resulted in Expressions of Interest (EOI) being received from the following people, with those underlined being previous members:

IAG:

- Harold Bell
- Vincent D'Souza (nominated for either group)
- Sharon Williams
- Rosalie Pech Eva
- Megan Nelson (nominated for either group)

CEAG

- Vincent D'Souza (nominated for either group)
- Charlene Hayden
- Kerry Anne Toop (note Mrs Toop had previously asked for meetings after 6pm)
- Megan Nelson (nominated for either group)
- Brad Bassett (verbal via Cr Crute)
- Jo Walters

A copy of the EOI is presented under separate confidential **Attachment 13.01.20.04** to this report for reference, although some expressed their interest verbally with the Shire President.

Statutory Environment:

The respective Advisory Groups does not constitute a Committee of Council pursuant to section 5.8 of the *Local Government Act, 1995*. However, while formed under the auspice and at the discretion of Council, they do constitute part of the Shire's Integrated Planning and Reporting (IPR) Framework being a statutory requirement under Section 5.56 *Local Government Act, 1995*.

Mostly, the Advisory Groups operate under a Terms of Reference endorsed by Council.

Relevant Plans and Policy:

The Innovation Pathway, inclusive of all three Advisory Groups, sits between The Next Generation BROOKTON Strategic Community Plan > 2027 and the Next Generation Shire of Brookton Corporate Business Plan <2021.

Financial Implications:

No financial implications to the Shire in relation to the nomination and selection of Advisory Group members.

Risk Assessment:

Of importance is achieving a broad mix of representation for each of the Advisory Groups depending on their designated charter. This can include variation in representation of community and business interest, as well as variation in gender and age/demographic. This then allows differing perspectives and exchange in points of view being a factor in discussion and in forming recommendations for Council's consideration on a particular proposal or project. Therefore, this is a 'Medium' risk that should the composition of an Advisory Group not afford variation in membership then Council may not receive the

best advice or outcome arising from the Innovations Pathway process.

Consequence	Insignificant	Minor	Moderate	Major	Extreme
Likelihood					
Almost Certain	Medium	High	High	Severe	Severe
Likely	Low	Medium	High	High	Severe
Possible	Low	Medium	Medium	High	High
Unlikely	Low	Low	Medium	Medium	High
Rare	Low	Low	Low	Low	Medium

Risk Rating	Action
LOW	Monitor for continuous improvement.
MEDIUM	Comply with risk reduction measures to keep risk as low as reasonably practical.
HIGH	Review risk reduction and take additional measures to ensure risk is as low as reasonably achievable.
SEVERE	Unacceptable. Risk reduction measures must be implemented before proceeding.

Community & Strategic Objectives:

This proposal relates to delivery of core business and services detailed in the Shire of Brookton Corporate Compendium – May 2018, duly appended to the Next Generation BROOKTON Corporate Business Plan <2021.

Specifically, this the formation of Advisory Groups aligns to:

Business Function 3. – Integrated Planning and reporting
Action 3.6 – Conduct Advisory Group Meetings

Comment

Following is the current make-up of the IAG and CEAG taken from the applicable Terms of Reference, where Council is requested to assess the suitability of the EOIs for each Group, acknowledging the importance of achieving a solid mix of representation on each.

Innovations Advisory Group (IAG)

Councillor (Chair)	Cr Chris Hartl
Councillor	Cr Gail Macnab
Councillor	Cr Barry Watts
Community Representative (Aboriginal)	
Community Representative	
Community Representative	
Community Representative	

Chief Executive Officer (or Delegate)	Ian D’Arcy
Community Liaison Officer	Amy Eva
Projects & Grants Officer	Debbie Spinks

Community Enterprise Advisory Group (CEAG)

Councillor (Chair)	Cr Theresa Fancote
Councillor	Cr Tamara Lilly
Community Representative (Seniors)	
Community Representative (Active Sport)	
Community Representative (Youth)	
Community Representative (Passive Recreation)	
Community Representative (Arts & Culture)	
Community Representative (Other)	
Chief Executive Officer (or Delegate)	Ian D’Arcy
Community Liaison Officer	Amy Eva
Projects & Grants Officer	Debbie Spinks

As for inclusion of the Bendigo Bank within the Business Enterprise & Advisory Group, this is seen as a logical inclusion with the Bank’s interest in the Community being extensive and its expertise in financial sector being beneficial to achieve economic outcomes.

OFFICER RECOMMENDATION

That Council endorses the following representation for each of the Innovations Pathway Advisory Groups for the period January 2020 to October 2021, with correspondence being forwarded on Council decision to all who expressed an interest and those corporate partners on the Business Economic Advisory Reference Group to provide details of their representative:

a) Innovations Advisory Group

Councillor (Chair)	Cr Chris Hartl
Councillor	Cr Gail Macnab
Councillor	Cr Barry Watts
Community Representative (Aboriginal)	
Community Representative	
Community Representative	
Community Representative	
Chief Executive Officer (or Delegate)	Ian D’Arcy
Community Liaison Officer	Amy Eva
Projects & Grants officer	Debbie Spinks

b) Community Enterprise Advisory Group

Councillor (Chair)	Cr Theresa Fancote
Councillor	Cr Tamara Lilly
Community Representative (Seniors)	
Community Representative (Active Sport)	
Community Representative (Youth)	
Community Representative (Passive Rec.)	
Community Representative (Arts & Culture)	

Community Representative (Other)	
Chief Executive officer (or Delegate)	Ian D'Arcy
Community Liaison Officer	Amy Eva
Projects & Grants Officer	Debbie Spinks

c) Business Economic Advisory Reference Group

Councillor (Chair)	Cr Katrina Crute
Councillor	Cr Neil Walker
CBH Representative	TBA
Balco Representative	TBA
Baptistcare Representative	TBA
DHS Representative	TBA
UWA Representative	TBA
Bendigo Bank Representative	TBA
Seabrook Aboriginal Corp. Representative	TBA
Brookton Business Advisory Group Representative	TBA
Chief Executive officer (or Delegate)	Ian D'Arcy
Projects & Grants Officer	Debbie Spinks

Attachments – provided under separate cover

Confidential Attachment 13.01.20.04A – Committee Nominations

OCM 01.20-12

COUNCIL RESOLUTION

MOVED Cr Walker SECONDED Cr Crute

That Council endorses the following representation for each of the Innovations Pathway Advisory Groups for the period January 2020 to October 2021, with correspondence being forwarded on Council decision to all who expressed an interest and those corporate partners on the Business Economic Advisory Reference Group to provide details of their representative:

a) Innovations Advisory Group

<i>Councillor (Chair)</i>	<i>Cr Chris Hartl</i>
<i>Councillor</i>	<i>Cr Gail Macnab</i>
<i>Councillor</i>	<i>Cr Barry Watts</i>
<i>Community Representative (Aboriginal)</i>	<i>Seabrook Aboriginal Corporation</i>
<i>Community Representative</i>	<i>Rosalie Pech Eva</i>
<i>Community Representative</i>	<i>Megan Nelson</i>
<i>Community Representative</i>	<i>Vincent D'Souza</i>
<i>Chief Executive Officer (or Delegate)</i>	<i>Ian D'Arcy</i>
<i>Community Liaison Officer</i>	<i>Amy Eva</i>
<i>Projects & Grants officer</i>	<i>Debbie Spinks</i>

b) Community Enterprise Advisory Group

<i>Councillor (Chair)</i>	<i>Cr Theresa Fancote</i>
<i>Councillor</i>	<i>Cr Tamara Lilly</i>
<i>Community Representative (Seniors)</i>	<i>Jo Walters</i>
<i>Community Representative (Active Sport)</i>	<i>Brad Bassett</i>
<i>Community Representative (Youth)</i>	<i>Charlene Elliot</i>
<i>Community Representative (Passive Rec.)</i>	
<i>Community Representative (Arts & Culture)</i>	<i>Kerry Toop</i>
<i>Community Representative (Other)</i>	
<i>Chief Executive officer (or Delegate)</i>	<i>Ian D'Arcy</i>
<i>Community Liaison Officer</i>	<i>Amy Eva</i>
<i>Projects & Grants Officer</i>	<i>Debbie Spinks</i>

c) Business Economic Advisory Reference Group

<i>Councillor (Chair)</i>	<i>Cr Katrina Crute</i>
<i>Councillor</i>	<i>Cr Neil Walker</i>
<i>CBH Representative</i>	<i>TBA</i>
<i>Balco Representative</i>	<i>TBA</i>
<i>Baptistcare Representative</i>	<i>TBA</i>
<i>DHS Representative</i>	<i>TBA</i>
<i>UWA Representative</i>	<i>TBA</i>
<i>Bendigo Bank Representative</i>	<i>TBA</i>
<i>Seabrook Aboriginal Corp. Representative</i>	<i>TBA</i>
<i>Brookton Business Advisory Group Representative</i>	<i>TBA</i>
<i>Chief Executive Officer (or Delegate)</i>	<i>Ian D'Arcy</i>
<i>Projects & Grants Officer</i>	<i>Debbie Spinks</i>

CARRIED BY SIMPLE MAJORITY VOTE 6-0

14.01.20.01 STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED 31 DECEMBER 2019

File No:	N/A
Date of Meeting:	16 January 2020
Location/Address:	N/A
Name of Applicant:	Shire of Brookton
Name of Owner:	Shire of Brookton
Author:	Lois Salkilld – Corporate Business Officer (Finance)
Authorising Officer:	Kelly D’Arcy – Snr Corporate Business Officer (Compliance)
Declaration of Interest:	The authors have no financial interest in this matter
Voting Requirements:	Simple Majority
Previous Report:	There is no previous meeting reference

Summary of Item:

The Statement of Financial Activity for the period ended 31st December 2019 is presented to Council.

Description of Proposal:

That Council receives the Statement of Financial Activity for the period ended 31st December 2019, as presented.

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.

Consultation:

Reporting officers receive monthly updates to track expenditure and income.

Statutory Environment:

Section 6.4 of the *Local Government Act 1995*.

Regulation 34 of the *Local Government (Financial Management) Regulations 1996*.

Section 6.8 of the *Local Government Act 1995*

Relevant Plans and Policy:

There is no Council Policy relevant to this issue.

The Next Generation Brookton Corporate Compendium (May 2018) - Finance Activities.

Financial Implications:

The Budget is regularly monitored on at least a monthly basis, by the CEO, Deputy CEO, Corporate Business Officer (Compliance & Finance). Responsible Officers are 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).

Risk Assessment:

No risk identified as this is a reporting statement only in accordance with the regulations.

Community & Strategic Objectives:

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.

Comment

The Monthly Financial Report has been prepared in accordance with statutory requirements.

OFFICER RECOMMENDATION

That Council receives the Monthly Statements of Financial Activity for the period ending 31st December 2019, as presented in Attachment 12.12.19.02 to this report.

Attachments

14.01.20.01A – Monthly Financial Report

OCM 01.20-13

COUNCIL RESOLUTION

MOVED Cr Watts

SECONDED Cr Lilly

That Council receives the Monthly Statements of Financial Activity for the period ending 31st December 2019, as presented in Attachment 12.12.19.02 to this report.

CARRIED BY SIMPLE MAJORITY VOTE 6-0

Shire of Brookton
MONTHLY FINANCIAL REPORT
For the Period Ended 31st December 2019

TABLE OF CONTENTS

Statement of Financial Activity by Function & Activity

Statement of Financial Activity by Nature & Type

Note 1 - Major Variances

Note 2 - Graphical Representation of Statement of Financial Activity

Note 3 - Net Current Funding Position

Note 4 - Receivables

Note 5 - Cash Backed Reserves

Note 6 - Capital Disposals and Acquisitions

Note 7 - Information on Borrowings

Note 8 - Cash and Investments

Note 9 - Budget Amendments

Note 10 - Trust Fund

Note 11 - Kalkarni Financial Report

Note 12 - WB Eva Pavilion and Gymnasium Operating Statement

Note 13 - Sewerage Operating Statement

Note 14 - Brookton Caravan Park & Acquatic Centre Financial Reports

Note 15 - Road Program

Note 16 - Capital Works Program

Note 17 - Grants Register

**Shire of Brookton
Monthly Reporting Model
Base Input Data**

General User Input

Local Government Name
Last Year (-2)
Last Year (-1)
Current Year
Current Reporting Period
Start of Current Financial Year
End of Financial Year

Data to appear in the Report

Shire of Brookton
2017-18
2018-19
2019-20
For the Period Ended 31st December 2019
01-Jul-19
30-Jun-20

Material Threshold

Material Amount Income
Material Amount Expenditure
Material Percentage Income
Material Percentage Expenditure

\$10,000
\$10,000
10.00%
10.00%

Material Variances Symbol

Above Budget Expectations
Below Budget Expectations

▲
▼

**Shire of Brookton
Monthly Reporting Model
Graph Input Data**

Statement of Financial Activity

Month	Operating Expenses		Operating Revenue		Capital Expenses		Capital Revenue	
	Budget 2019-20	Actual 2019-20	Budget 2019-20	Actual 2019-20	Budget 2019-20	Actual 2019-20	Budget 2019-20	Actual 2019-20
Jul	935,182	806,784	483,459	376,336	275,701	36,222	85,148	0
Aug	1,862,509	1,656,425	1,241,739	1,318,414	538,069	56,364	170,296	0
Sep	2,856,977	2,500,171	1,741,427	1,695,346	807,104	82,664	256,869	5,700
Oct	3,728,194	3,406,789	2,230,129	2,051,246	1,076,138	213,118	342,492	5,700
Nov	4,724,692	4,117,136	2,968,800	2,585,039	1,345,173	242,287	428,115	-277,496
Dec	5,629,539	5,017,806	3,478,441	3,099,293	1,624,208	738,350	557,388	-166,630
Jan								
Feb								
Mar								
Apr								
May								
Jun								

**Shire of Brookton
Monthly Reporting Model
Graph Input Data (Cont.)**

Note 3 - Net Funding Current Position

Month	Actual 2017-18 \$('000s)	Actual 2018-19 \$('000s)	Actual 2019-20 \$('000s)
Jul	907,333	1,207,105	864,554
Aug	2,647,003	2,889,240	3,557,512
Sep	3,637,304	3,520,526	3,316,579
Oct	2,372,296	2,805,542	2,874,238
Nov	2,381,438	2,781,753	2,620,852
Dec	2,034,219	2,887,488	2,102,247
Jan	1,808,505	2,133,457	
Feb	1,794,385	2,086,564	
Mar	2,034,219	1,810,439	
Apr	2,034,219	1,383,009	
May	2,034,219	1,251,832	
Jun	2,034,219	1,133,017	

**Shire of Brookton
Monthly Reporting Model
Graph Input Data (Cont.)**

Note 4 - Rates and Rubbish Collection History

Month	Last Year 2018-19 %	This Year 2019-20 %
Jul	0.25	0.00
Aug	0.83	4
Sep	28	68
Oct	78	72
Nov	83	76
Dec	84	78
Jan	91	
Feb	92	
Mar	96	
Apr	97	
May	97	
Jun	97	

Shire of Brookton
STATEMENT OF FINANCIAL ACTIVITY
(Statutory Reporting Program)
For the Period Ended 31st December 2019

	Current Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a) 9	Var. % (b)-(a)/(b) 9	Var.
Note						
Operating Revenues		\$	\$	\$	%	
Governance	13,250	9,866	12,574	2,708	27.45%	
General Purpose Funding	1,188,844	594,415	305,663	(288,752)	(48.58%)	▼
Law, Order and Public Safety	29,743	14,868	22,729	7,861	52.87%	
Health	1,100	950	928	(22)	(2.28%)	
Education and Welfare	4,466,911	2,243,438	2,047,981	(195,457)	(8.71%)	
Housing	87,209	43,596	47,529	3,933	9.02%	
Community Amenities	414,478	207,222	388,615	181,393	87.54%	▲
Recreation and Culture	39,682	19,812	20,712	900	4.54%	
Transport	609,666	302,034	204,200	(97,834)	(32.39%)	▼
Economic Services	47,950	23,964	22,531	(1,433)	(5.98%)	
Other Property and Services	36,560	18,276	25,830	7,554	41.33%	
Total (Excluding Rates)	6,935,393	3,478,441	3,099,293	(379,148)	(10.90%)	
Operating Expense						
Governance	(577,418)	(308,414)	(380,152)	(71,738)	(23.26%)	▼
General Purpose Funding	(218,146)	(106,918)	(73,784)	33,134	30.99%	▲
Law, Order and Public Safety	(225,507)	(119,010)	(79,176)	39,834	33.47%	▲
Health	(74,104)	(37,041)	(22,594)	14,447	39.00%	▲
Education and Welfare	(4,559,009)	(2,307,188)	(2,002,932)	304,256	13.19%	▲
Housing	(207,571)	(105,992)	(69,761)	36,231	34.18%	▲
Community Amenities	(513,464)	(263,859)	(198,494)	65,365	24.77%	▲
Recreation and Culture	(998,079)	(510,498)	(421,441)	89,057	17.45%	▲
Transport	(3,450,540)	(1,739,543)	(1,632,129)	107,414	6.17%	
Economic Services	(188,441)	(97,412)	(78,189)	19,223	19.73%	▲
Other Property and Services	(22,729)	(33,664)	(59,154)	(25,490)	(75.72%)	▼
Total	(11,035,008)	(5,629,539)	(5,017,806)	611,733	10.87%	
Funding Balance Adjustment						
Add back Depreciation	2,910,437	1,455,219	1,481,703	26,485	1.82%	
Adjust (Profit)/Loss on Asset Disposal	1,100	550	6,996	6,446	1171.97%	
Adjust (Profit)/Loss on Asset Revaluation	0	0		0		
Movement in Non Cash Provisions	0	0		0		
Net Operating (Ex. Rates)	(1,188,078)	(695,330)	(429,814)	265,515	(38.19%)	
Capital Revenues						
Proceeds from Disposal of Assets	93,000	46,500	108,325	61,825	(132.96%)	
Proceeds from New Debentures		0	0	0	0.00%	
Self-Supporting Loan Principal	21,296	10,648	8,240	(2,408)	(22.61%)	
Transfer from Reserves	1,000,479	500,240	(283,196)	(783,435)	(156.61%)	▼
Total	1,114,775	557,388	(166,630)	(724,018)		
Capital Expenses						
Land and Buildings	(201,000)	(100,500)	(29,181)	71,319	70.96%	▲
Plant and Equipment	(491,440)	(245,720)	(374,297)	(128,577)	(52.33%)	▼
Furniture and Equipment	(100,000)	(50,000)	(35,019)	14,981	29.96%	▲
Infrastructure Assets - Roads & Bridges	(1,043,471)	(521,736)	(309,292)	212,444	40.72%	▲
Infrastructure Assets - Sewerage	(82,000)	(41,000)	(28,786)	12,214	29.79%	▲
Infrastructure Assets - Richardson St Footpath	(30,000)	(15,000)	0	15,000	100.00%	▲
Repayment of Debentures	(94,529)	(47,265)	(217,802)	(170,538)	(360.82%)	▼
Transfer to Reserves	(1,205,975)	(602,988)	256,027	859,014	142.46%	▲
Total	(3,248,415)	(1,624,208)	(738,350)	885,858	(54.54%)	
Net Capital	(2,133,640)	(1,066,820)	(904,980)	161,840	(15.17%)	
Total Net Operating + Capital	(3,321,718)	(1,762,150)	(1,334,794)	427,355	24.25%	
Rate Revenue	2,325,818	2,318,260	2,304,025	(14,235)	(0.61%)	
Opening Funding Surplus(Deficit)	1,133,017	1,133,017	1,133,017	0	0.00%	
Closing Funding Surplus(Deficit)	137,117	1,689,128	2,102,247	413,120		

Shire of Brookton
STATEMENT OF FINANCIAL ACTIVITY
Program by Nature and Type
For the Period Ended 31st December 2019

NOTE	2019/20 Adopted Budget	2019/20 Projected Year End Actual	2019/20 YTD Budget	2019/20 YTD Actual	Variance YTD Budget vs YTD Actual
	\$	\$	\$	\$	\$
REVENUES FROM ORDINARY ACTIVITIES					
Rates	2,325,818	2,325,818	2,318,260	2,304,025	(14,235)
Operating Grants, Subsidies and Contributions	5,214,354	5,214,354	2,716,558	1,883,126	(833,432)
Fees and Charges	1,639,916	1,639,916	819,894	990,243	170,349
Interest Earnings	220,264	220,264	110,126	52,520	(57,606)
Other Revenue	79,643	79,643	50,647	52,381	1,734
	9,479,995	9,479,995	6,015,485	5,282,293	(733,192)
EXPENSES FROM ORDINARY ACTIVITIES					
Employee Costs	(1,737,532)	(1,685,287)	(854,784)	(774,027)	80,757
Materials and Contracts	(5,947,026)	(5,999,271)	(3,023,130)	(2,493,951)	529,179
Utilities	(174,264)	(174,264)	(86,661)	(77,405)	9,256
Depreciation	(2,910,437)	(2,910,437)	(1,455,132)	(1,481,703)	(26,571)
Interest Expenses	(91,715)	(91,715)	(45,856)	(23,143)	22,713
Insurance	(167,142)	(167,142)	(159,107)	(160,263)	(1,156)
Other Expenditure	(5,792)	(5,792)	(4,323)	(194)	4,130
	(11,033,908)	(11,033,908)	(5,628,993)	(5,010,685)	618,308
	(1,553,913)	(1,553,913)	386,492	271,608	(114,884)
Non-Operating Grants, Subsidies & Contributions	(218,784)	(218,784)	(218,784)	120,899	339,683
Profit on Asset Disposals	-	-	-	125	125
Loss on Asset Disposals	(1,100)	(1,100)	(546)	(7,121)	(7,667)
NET RESULT	(1,773,797)	(1,773,797)	167,162	385,511	217,257

Shire of Brookton
STATEMENT OF FINANCIAL ACTIVITY (Excluding Kalkarni Residential Facility)
Program by Nature and Type
For the Period Ended 31st December 2019

	2019/20 Adopted Budget	2019/20 YTD Budget	2019/20 YTD Actual	Variance YTD Budget vs YTD Actual	Actuals as % of Total
	\$	\$	\$	\$	
REVENUES FROM ORDINARY ACTIVITIES					
Rates	2,325,818	2,318,260	2,304,025	(14,235)	67%
Operating Grants, Subsidies and Contributions	1,598,328	579,325	356,856	(222,469)	10%
Fees and Charges	878,909	439,391	697,773	258,383	20%
Interest Earnings	220,264	110,126	52,520	(57,606)	2%
Other Revenue	50,752	50,647	52,381	1,734	2%
	5,074,071	3,497,749	3,463,554	(34,194)	100%
EXPENSES FROM ORDINARY ACTIVITIES					
Employee Costs	(1,737,532)	(854,784)	(774,027)	80,757	25%
Materials and Contracts	(1,804,662)	(816,444)	(625,617)	190,827	20%
Utilities	(174,264)	(86,661)	(77,405)	9,256	3%
Depreciation	(2,803,758)	(1,114,893)	(1,421,540)	(306,647)	46%
Interest Expenses	(87,224)	(34,098)	(22,794)	11,304	1%
Insurance	(153,012)	(145,947)	(146,083)	(136)	5%
Other Expenditure	132,208	(113,709)	(125)	113,584	0%
	(6,628,244)	(3,166,536)	(3,067,591)	98,945	100%
	(1,554,173)	331,213	395,964	64,751	
Non-Operating Grants, Subsidies & Contributions	(218,784)	260,436	120,899	381,335	-4%
Profit on Asset Disposals	-	-	125	125	0%
Loss on Asset Disposals	(1,100)	(546)	(7,121)	(7,667)	0%
NET RESULT	(1,774,057)	591,103	509,867	438,544	-17%

Shire of Brookton
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31st December 2019

Note 1: MAJOR VARIANCES

Comments/Reason for Variance

OPERATING REVENUE (EXCLUDING RATES)

4 Governance
 Within variance threshold of \$10,000 or 10%

3 General Purpose Funding
 GPC Grants Commission - Road - Not yet received

5 Law, Order and Public Safety
 Within variance threshold of \$10,000 or 10%

8 Education and Welfare
 Within variance threshold of \$10,000 or 10%
 Within variance threshold of \$10,000 or 10%

10 Community Amenities

12 Transport
 RRG & R2R Grants not yet received. MRWA Direct Grant received in full.
 Within variance threshold of \$10,000 or 10%

14 Other Property and Services

OPERATING EXPENSES

4 Governance
 Timing issue of employee costs - will self correct over time

3 General Purpose Funding
 Budget profiling calculated over 12 mths for 19/20 - will self correct over time

5 Law, Order and Public Safety
 Underspend to date, mainly, on Fire Prevention Expenses & Fire Admin Allocations

8 Education and Welfare
 Underspend to date on Kalc general operating and building maintenance expenses.

9 Housing
 Budget profiling calculated over 12 mths for 19/20 - will self correct over time

10 Community Amenities
 Underspend to date on Town Planning and general operating expenditure in general, with focus on Refuse and Sewerage - will self correct over time

11 Recreation and Culture
 Underspend to date in the area of Pool, Library, Parks & Reserves and General Recreation - will self correct over time

12 Transport
 Within variance threshold of \$10,000 or 10%

13 Economic Services
 Timing Issue - will self correct

CAPITAL REVENUE

Proceeds from Disposal of Assets

Transfer from Reserves

Reserve Transfers will be completed at maturity.

Land and Buildings

Timing Issue - will self correct

Plant and Equipment

Timing Issue - will self correct

Furniture and Equipment

Timing Issue - will self correct

Infrastructure Assets - Sewerage

Budget Amendment in place due to increased unanticipated costs

Infrastructure Assets - Concrete Footpath (Richardson St)

Timing Issue - will self correct

Repayment of Debentures

Early Payout of Loans

Reserve Transfers completed at maturity.

OTHER ITEMS

Rate Revenue

Within variance threshold of \$10,000 or 10%

Opening Funding Surplus(Deficit)

Within variance threshold of \$10,000 or 10%

Closing Funding Surplus (Deficit)

Plant and Equipment

Timing Issue - will self correct

Furniture and Equipment

Timing Issue - will self correct

Infrastructure Assets - Roads & Bridges

Timing issue, work underway.

Infrastructure Assets - Sewerage

Timing Issue - will self correct

Infrastructure Assets - Parks

Timing Issue - will self correct

Repayment of Debentures

Early Payout of Loans

Transfer to Reserves

Reserve Transfers completed at maturity.

OTHER ITEMS

Rate Revenue

Within variance threshold of \$10,000 or 10%

Opening Funding Surplus(Deficit)

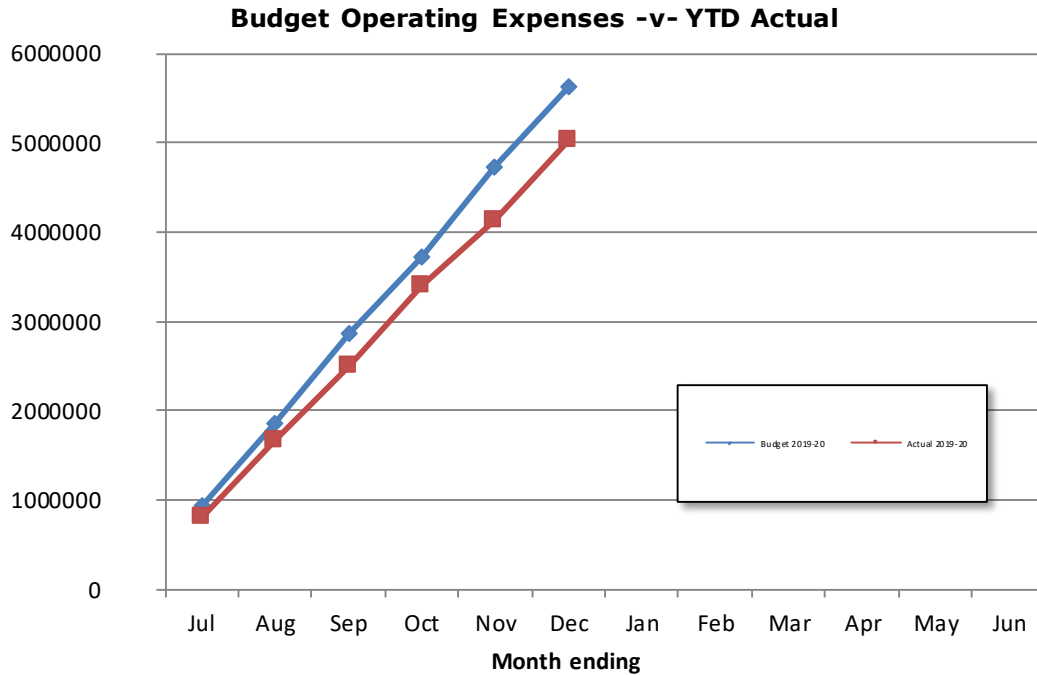
Within variance threshold of \$10,000 or 10%

Closing Funding Surplus (Deficit)

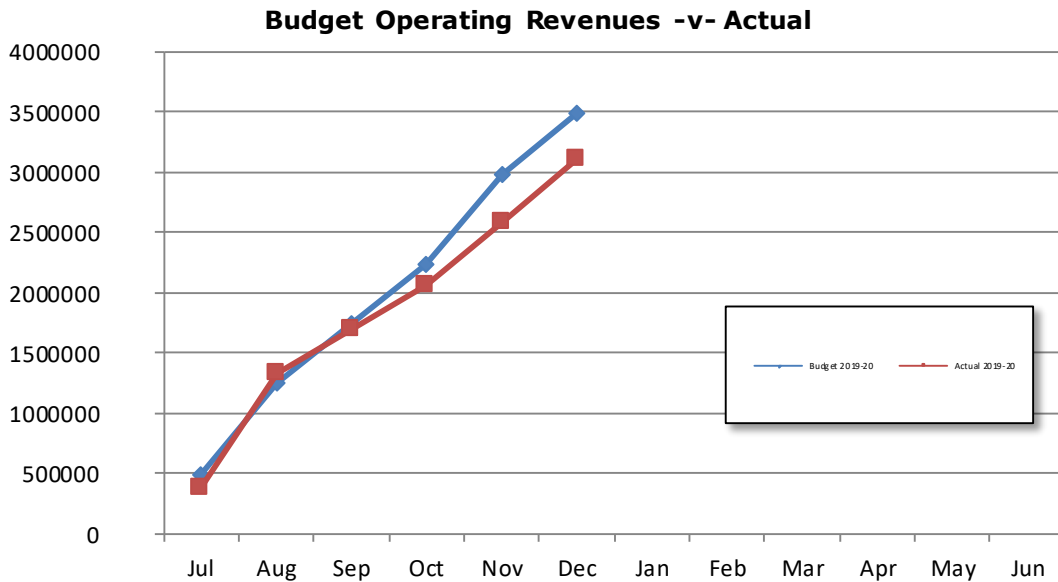
Within variance threshold of \$10,000 or 10%

Shire of Brookton
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31st December 2019

Note 2 - Graphical Representation - Source Statement of Financial Activity



Comments/Notes - Operating Expenses



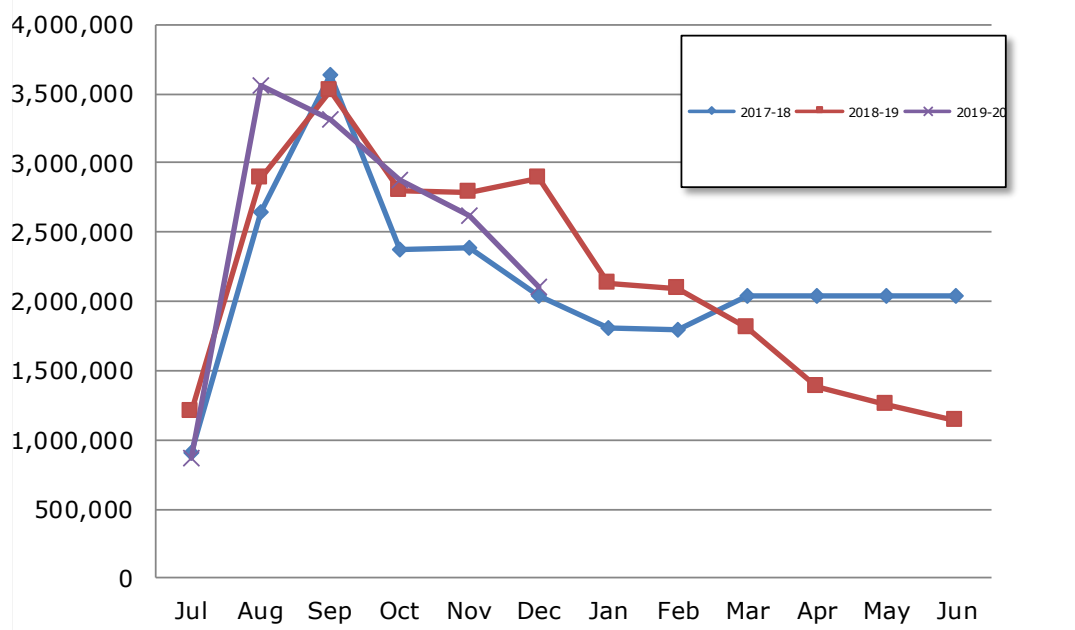
Comments/Notes - Operating Revenues

Shire of Brookton
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31st December 2019

Note 3: NET CURRENT FUNDING POSITION

		Positive=Surplus (Negative=Deficit)		
		2019-20		
Note	This Period	Same Period 2018/19	Same Period 2017/18	Surplus C/F 1 July 2019
	\$	\$	\$	\$
Current Assets	DEC 2019	DEC 2018	DEC 2017	
Cash Unrestricted	1,444,175	2,613,151	2,248,988	1,263,900
Cash Restricted	5,280,644	4,834,942	4,045,830	5,253,475
Receivables	4,702,813	4,496,072	3,885,719	4,146,803
Prepayments & Accruals	0	0	0	0
Inventories	24,101	24,043	13,757	16,487
	11,451,733	11,968,208	10,194,295	10,680,665
Less: Current Liabilities				
Payables and Provisions	(4,068,842)	(4,244,027)	(3,501,462)	(4,294,173)
	(4,068,842)	(4,244,027)	(3,501,462)	(4,294,173)
Less: Cash Restricted	(5,280,644)	(4,834,942)	(4,045,830)	(5,253,475)
Net Current Funding Position	2,102,247	2,889,240	2,647,003	1,133,017

Note 2 - Liquidity Over the Year



Comments - Net Current Funding Position

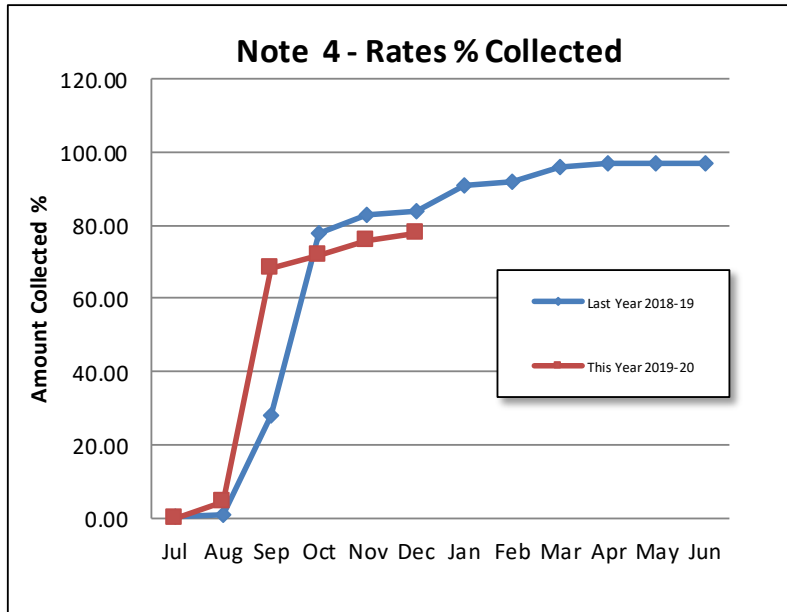
Shire of Brookton
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31st December 2019

Note 4: RECEIVABLES

Receivables - Rates, Sewerage and Rubbish

Opening Arrears Previous Years Rates, Sewerage & Rubbish Levied this year
Less Collections to date
 Equals Current Outstanding

	Current 2019-20	Previous Year 2018-19
	\$	\$
Opening Arrears Previous Years Rates, Sewerage & Rubbish Levied this year	86,273	53,825
<u>Less</u> Collections to date	(2,126,295)	(2,234,392)
Equals Current Outstanding	599,412	463,353
Net Rates Collectable	599,412	463,353
% Collected	78.01%	82.82%

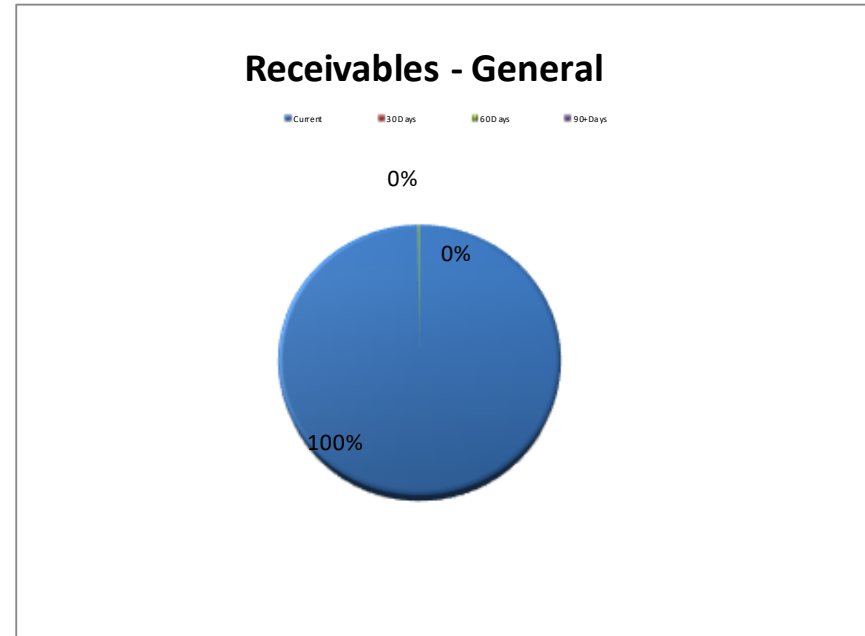


Comments/Notes - Receivables Rates, Sewerage and Rubbish

Receivables - General

	Current	30 Days	60 Days	90+Days
	\$	\$	\$	\$
	157,877	2	337	0
Total Outstanding				158,216

Amounts shown above include GST (where applicable)



Comments/Notes - Receivables General

Shire of Brookton
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31st December 2019

Note 5: Cash Backed Reserves

Name	Opening Balance	Budget Interest Earned	Actual Interest Earned	Adopted Budget Transfers In (+)	Actual Transfers In (+)	Adopted Budget Transfers Out (-)	Actual Transfers Out (-)	Adopted Budget Closing Balance	Actual YTD Closing Balance
	\$	\$	\$	\$	\$	\$	\$	\$	\$
Leave Reserve	116,698	2,180	606.49	20,000	0	0	0	138,878	117,304.49
Plant and Vehicle Reserve and Community Bus Reserve	972,025	14,220	5,051.70	302,506	(81,001)	(502,506)	81,001	786,245	977,076.70
Land & Housing Development Reserve/Independent Living Units	1,335,350	24,956	6,939.94	205,781	(146,640)	(174,381)	146,640	1,391,706	1,342,289.94
Furniture and Equipment Reserve	80,392	1,502	417.81	20,000	0	(45,000)	0	56,894	80,809.81
Municipal Buildings & Facilities Reserve	329,433	4,522	1,712.10	50,000	0	(55,000)	0	328,955	331,145.10
Townscape and Footpath Reserve	103,203	989	536.36	20,000	0	0	0	124,192	103,739.36
Land Development Reserve	0	0	0.00	0	0	0	0	0	0.00
Sewerage Scheme Reserve	368,937	6,895	1,917.40	55,000	0	0	0	430,832	370,854.40
Road and Bridge Infrastructure Reserve	399,046	8,267	2,073.87	220,000	0	0	0	627,313	401,119.87
Health & Wellbeing reserve	588,020	13,231	3,344.71	56,592	(55,554)	(100,000)	55,554	557,843	591,364.71
Sport & Recreation Reserve	26,206	490	136.20	5,000	0	0	0	31,696	26,342.20
Rehabilitation & Refuse Reserve	117,955	2,204	613.02	50,000	0	0	0	170,159	118,568.02
Saddleback Building Reserve	55,554	1,038	0.00	0	0	(56,592)	0	0	55,554.00
Caravan Park Reserve	141,635	2,647	736.08	10,000	0	0	0	154,282	142,371.08
Brookton Heritage/Museum Reserve	45,421	850	236.06	1,000	0	0	0	47,271	45,657.06
Kweda Hall Reserve	16,758	613	87.09	1,000	0	0	0	18,371	16,845.09
Aldersyde Hall Reserve	25,806	0	0.00	0	0	0	0	25,806	25,806.00
Railway Station Reserve	118,053	2,206	613.54	10,000	0	(35,000)	0	95,259	118,666.54
Madison Square Units Reserve	25,249	472	131.23	5,000	0	0	0	30,721	25,380.23
Cemetery Reserve	33,330	623	173.22	10,000	0	0	0	43,953	33,503.22
Water Harvesting Reserve	44,744	808	232.53	35,000	0	(32,000)	0	48,552	44,976.53
Developer Contribution	2,697	50	14.02	0	0	0	0	2,747	2,711.02
Cash Contingency Reserve	177,499	3,317	922.47	24,596	0	0	0	205,412	178,421.47
Brookton Aquatic Reserve	129,464	2,420	672.82	10,000	0	0	0	141,884	130,136.82
Saddleback Vehicle & Equipment Reserve	0	0	0	0	0	0	0	0	0.00
Staff Vehicle Reserve	0	0	0	0	0	0	0	0	0.00
Unspent Grants & Contributions	0	0	0	0	0	0	0	0	0.00
	5,253,475	94,500	27,168.66	1,111,475	(283,196)	(1,000,479)	283,196	5,458,971	5,280,643.66

Shire of Brookton
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31st December 2019

Note 6: CAPITAL DISPOSALS AND ACQUISITIONS

Original Budgeted Profit(Loss) of Asset Disposal			Disposals	Actual Profit(Loss) of Asset Disposal			
Net Book Value	Proceeds	Profit (Loss)		Net Book Value		Proceeds	Profit (Loss)
				\$		\$	\$
55,000	65,000	10,000	PL6 Cat Loader	55,000		102,500	47,500
26,100	18,000	(8,100)	PT13 Single Axle Truck				0
13,000	10,000	(3,000)	PM8 John Deere Mower	13,000		5,700	(7,300)
	0	0	Sale of Surplus items Depot	0		125	125
0	0	0		0		0	0
0	0	0		0		0	0
0	0	0		0		0	0
0	0	0		0		0	0
0	0	0		0		0	0
0	0	0		0		0	0
94,100	93,000	(1,100)		68,000		108,325	40,325

Comments - Capital Disposal

Summary Acquisitions				
	Budget	Current Budget	Actual	Variance
	\$		\$	\$
Property, Plant & Equipment				
Land and Buildings	201,000	201,000	29,181	171,819
Plant & Equipment	491,440	491,440	374,297	117,143
Furniture & Equipment	100,000	100,000	35,019	64,981
Infrastructure				
Roadworks & Bridge Works & Footpaths	1,043,471	1,043,471	309,292	734,179
Footpath Construction - Richardson Street	30,000	30,000	0	30,000
Sewerage & Drainage	32,000	82,000	28,786	53,214
Totals	1,897,911	1,947,911	776,574	1,171,337

Comments - Capital Acquisitions

Shire of Brookton
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31st December 2019

Note 7: INFORMATION ON BORROWINGS

Particulars	Loan Purpose	Due Date	Term (yrs)	Rate (%)	Principal 1-Jul-19	New Loans	Principal Repayments		Principal Outstanding		Interest Repayments	
					\$	\$	Actual \$	Budget \$	Actual \$	Budget \$	Actual \$	Budget \$
Self Supporting Loans												
*Loan 78 Senior Citizen's Homes	Construction of Mokine Cottages	17/06/2024	15	6.74	89,416	-	103,756	89,416	(14,340)	82,931	(263)	6,485
*Loan 79 Multifunctional Family Centre	Purchase of the Building	1/08/2020	15	5.82	-	-	-	-	-	-	-	-
	Extension and Refurbishment of the Club House											
*Loan 82 Country Club	Club House	15/11/2027	20	6.95	237,124	-	10,466	21,296	226,658	219,260	6,135	17,864
Governance												
Loan 75 Administration	Shire Office Renovations	3/08/2026	25	6.46	47,061	-	56,133	47,061	(9,072)	43,754	260	3,307
Education & Welfare												
Loan 80 Kalkarni Residency	Kalkarni Residence	1/02/2026	25	5.63	72,291	-	4,284	8,689	68,007	67,800	349	4,491
Housing												
Loan 80 Staff Housing	Staff Housing	1/02/2026	25	5.63	119,280	-	7,069	14,337	112,211	111,871	575	7,409
Community Amenities												
Loan 80 Sewerage	Sewerage Extension	1/02/2026	25	5.63	50,604	-	2,999	6,082	47,605	47,460	244	3,144
Transport												
Loan 80 Grader	New Grader	1/02/2026	25	5.63	119,280	-	7,069	14,337	112,211	111,871	575	7,409
Recreation and Culture												
Loan 81 Sport & Recreation	Recreation Plan	1/11/2027	20	6.95	589,663	-	26,026	52,956	563,637	545,243	15,257	44,420
					1,324,719	-	217,802	254,174	1,106,917	1,230,190	23,132	94,529

(*) Self supporting loan financed by payments from third parties.
All other loan repayments were financed by general purpose revenue.

Shire of Brookton
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31st December 2019

Note 8: CASH AND INVESTMENTS

	Interest Rate	Unrestricted \$	Restricted \$	Trust \$	Investments \$	Total Amount \$	Institution	Maturity Date
(a) Cash Deposits								
Municipal Cash at Bank - Operating Account	0.00%	22,981				22,981	Bendigo	
Municipal Cash at Bank - Cash Management Account	0.00%	1,398,916				1,398,916	Bendigo	
Municipal Cash at Bank - Independent Living Units	0.00%	22,277				22,277	Bendigo	
Trust Cash at Bank	0.00%			34,401		34,401	Bendigo	
(b) Term Deposits								
Reserves	1.65%		5,027,633			5,027,633	Bendigo	02/01/2020
Reserves	0.86%		253,012			253,012	WA Treasury	02/01/2020
(c) Investments								
Bendigo Bank Shares					10,000	10,000	Bendigo	
Total		1,444,175	5,280,644	34,401	10,000	6,769,219		

Comments/Notes - Investments

Investment Management Strategy for Kalkarni Bonds (Information not available at time of Report being prepared for Agenda - Sale pending 17/1/2020)

Shire of Brookton
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31st December 2019

Note 10: TRUST FUND

Funds held at balance date over which the Shire has no control and which are not included in this statement are as follows:

Description	Opening Balance For the Period 1 July 2019	Amount Received	Amount Paid	Closing Balance For the Period Ended 31st December 2019
	\$	\$	\$	\$
Housing Bonds	1,200	425	(1,200)	425
Other Bonds	12,960	9,202	(6,710)	15,452
Rates Incentive Prize	200	0	(200)	0
Staff AFL Tipping	0	0	0	0
Les McMullen Sporting Grants	0	0	0	0
Gnulla Child Care Facility	3,073	0	0	3,073
Wildflower Show Funds	1,240	0	0	1,240
Kalkarni Resident's Accounts	0	0	0	0
Public Open Space Contributions	13,820	0	0	13,820
Developer Road Contributions	(0.50)	0	0	(0.50)
Unclaimed Money	30	360	0	390
	32,523	9,988	(8,110)	34,401

1. Developer Road Contributions are:

T129 Allington - Grosser Street -\$1.00 Rounding
Road Contributions are required to be transferred out of Trust into Reserve/Muni for designated purpose.

2. Public Open Space Contribution:

T148 - Paul Webb \$13,820
Contribution to be retained in Trust as required under the Planning and Development Act 2005. It is to be investigated whether funds can be applied against POS projects such as the Robinson Street Development.

3. Gnulla Child Care Facility

To be transferred to Muni as per Council resolution OCM 12.19-11

4. Wildflower Show Bond

To be transferred to Muni as per Council resolution OCM 12.19-11

5. Housing Bond

Needs to be transferred to Bond Administration.

Shire of Brookton
STATEMENT OF FINANCIAL ACTIVITY
Kalkarni Aged Care Facility
For the Period Ended 31st December 2019

Note 11: Kalkarni Aged Care Facility

	Adopted Annual Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a) 9	Var. % (b)-(a)/(b) 9	Var.
Note						
Operating Revenue	\$	\$	\$	\$	%	
Fees & Charges	761,007	380,504	292,469	(88,034)	(23.14%)	
Other Income	20,000	10,000	20,115	10,115	101.15%	
Reimbursement Received	8,891	4,446	0	(4,446)	(100.00%)	
Grants & Subsidies	3,316,026	1,658,013	1,526,270	(131,743)	(7.95%)	
Total Revenue	4,105,924	2,052,962	1,838,854	(214,108)	(10.43%)	
Operating Expenses						
General Operating Expenses - Admin	(38,000)	(19,000)	0	19,000	(100.00%)	
General Operating Expenses	(100,000)	(50,000)	(7,691)	42,309	(84.62%)	
Interest Expenses	(4,491)	(2,246)	(349)	1,897	(84.48%)	
Insurance Expenses	(14,130)	(7,065)	(14,180)	(7,115)	100.71%	
Building Maintenance	(62,490)	(31,245)	(4,882)	26,363	(84.38%)	
Loss on Sale of Asset	0	0	0	0	0.00%	
Depreciation	(106,679)	(53,340)	(60,163)	(6,824)	12.79%	
ABC Administration Expenses	(56,662)	(28,331)	(20,276)	8,055	(28.43%)	
Contract Expenses	(4,023,212)	(2,011,606)	(1,816,862)	194,744	(9.68%)	
Total Expenses	(4,405,664)	(2,202,832)	(1,924,403)	278,429	12.64%	
Operating Surplus (Deficit)	(299,740)	(149,870)	(85,549)	64,321	43%	▼
Excluding Non Cash Adjustments						
Add back Depreciation	106,679	53,340	60,163	6,824	12.79%	▼
Adjust (Profit)/Loss on Asset Disposal	0	0	0	0	0.00%	
Net Operating Surplus (Deficit)	(193,061)	(96,531)	(25,386)	71,145	(73.70%)	▼
Capital Revenues						
KBC Capital Income	300,000	150,000	177,417	27,417	18.28%	
Transfer from Reserves	100,000	50,000	(55,554)	(105,554)	(211.11%)	
Total	400,000	200,000	121,863	(78,137)	(2)	
Capital Expenses						
Land and Buildings	(90,000)	(45,000)	(14,200)	30,800	(68.44%)	
Plant and Equipment	0	0	0	0	0.00%	
Furniture and Equipment	(10,000)	(5,000)	0	5,000		
Repayment of Debentures	(8,689)	(4,345)	(4,284)	60	(1.39%)	
Transfer to Reserves	(69,823)	(34,912)	52,210	87,121	(249.55%)	
Total	(178,512)	(89,256)	33,725	122,981		
Net Capital	221,488	110,744	155,588	44,844	40.49%	
Closing Funding Surplus(Deficit)	28,427	14,214	130,202	115,989		
TOTAL OPERATING	\$ 260.00					

Shire of Brookton
STATEMENT OF FINANCIAL ACTIVITY
WB Eva Pavilion by Nature and Type
For the Period Ended 31st December 2019

Note 12 WB Eva Pavilion Operating Statement

NOTE	2019/20 Adopted Budget \$	2019/20 YTD Budget \$	2019/20 YTD Actual \$	Variance YTD Budget vs YTD Actual \$
REVENUES FROM ORDINARY ACTIVITIES				
Hire Fees - WB Eva Pavilion	2,980	1,490	2,278	788
Sporting Club Fees	5,500	2,750	2,632	(118)
Gymnasium Income	11,060	5,530	4,223	(1,307)
	19,540	9,770	9,132	(638)
EXPENSES FROM ORDINARY ACTIVITIES				
Employee Costs	(3,230)	(1,615)	(586)	1,029
Materials and Contracts	(34,410)	(17,205)	(23,963)	(6,758)
Utilities	(3,750)	(1,875)	(1,458)	417
Interest Expenses	(44,420)	(22,210)	(15,257)	6,953
Insurance	(4,777)	(2,389)	(4,700)	(2,312)
General Operating Expenses	(5,277)	(2,639)	(705)	1,933
Gymnasium Operating	(16,220)	(8,106)	(1,646)	6,460
	(95,864)	(47,932)	(48,315)	1,263
	(76,324)	(38,162)	(39,183)	625
NET RESULT	(76,324)	(38,162)	(39,183)	625

Shire of Brookton
STATEMENT OF FINANCIAL ACTIVITY
Sewerage Programm by Nature and Type
For the Period Ended 31st December 2019

Note 13 Sewerage Operating Statement

NOTE	2019/20 Adopted Budget \$	2019/20 YTD Budget \$	2019/20 YTD Actual \$	Variance YTD Budget vs YTD Actual \$
REVENUES FROM ORDINARY ACTIVITIES				
Sewerage Connection Fees and Charges	1,590	1,590	472	(1,118)
Annual Sewerage Rates	203,265	203,265	192,913	(10,352)
	204,855	204,855	193,385	(11,470)
EXPENSES FROM ORDINARY ACTIVITIES				
Employee Costs	(1,119)	(560)	(778)	(218)
Materials and Contracts	(60,100)	(30,050)	(31,644)	(1,594)
Utilities	(8,050)	(4,025)	(1,813)	2,212
Depreciation	(39,788)	(19,894)	(20,247)	(353)
Interest Expenses	(3,144)	(1,572)	(244)	1,328
Insurance	(243)	(122)	(244)	(122)
General Operating Expenses	(1,434)	(717)	(1,178)	(461)
Allocation of Administration Expense	(38,985)	(19,493)	(13,951)	5,542
	(152,863)	(76,432)	(70,098)	6,333
	51,992	128,424	123,287	(5,137)
Add Back Depreciation	39,788	19,894	20,247	353
Non-Operating Grants, Subsidies & Contributions	-	-	-	-
Profit on Asset Disposals	-	-	-	-
Loss on Asset Disposals	-	-	-	-
Transfer to Sewerage and Drainage Reserve	55,000	27,500	-	27,500
Transfer from Sewerage and Drainage Reserve	-	-	-	-
NET RESULT	146,780	175,818	143,533	22,716

The Shire's Asset Management Plan (adopted at the 2016 August OCM) details required renewal expenditure of \$1.482m over the ten year period 2016 - 2027. The Shire's Long Term Financial Plan includes the following planned renewal expenditure:

2016/17 - 47,680
2017/18 - 100,000
2018/19 - 100,000
2019/20 - 100,000
2020/21 - 100,000
2021/22 - 100,000
2022/23 - 100,000
2023/24 - 100,000
2024/25 - 100,000
2025/26 - 150,000
2026/27 - 400,000

Total - 1,397,680 or approx. \$140k per annum

The Sewerage Scheme should be self funding, that is, the capital replacement cost should be amortised over the life of the infrastructure, and funded from the annual sewerage rates. Council should consider a charging model that provides for an annual transfer to the Sewer Reserve, which is equivalent to the required annual renewal expenditure i.e. \$148k per annum. As a minimum, revenue from the Scheme should cover all operating expenditure including depreciation, meaning a minimum transfer to Reserve of \$88k.

Shire of Brookton
STATEMENT OF FINANCIAL ACTIVITY
Brookton Caravan Park and Brookton Aquatic Centre
For the Period Ended 31st December 2019

	Note	Adopted Annual Budget 2019/20	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a) 9	Var. % (b)-(a)/(b) 9
Note 14 (a): Brookton Caravan Park						
Operating Revenue		\$	\$	\$	\$	%
Caravan Park Fees		35,000	17,500	19,065	1,565	8.94%
Total Revenue		35,000	17,500	19,065	1,565	8.94%
Operating Expenses						
Brookton Caravan Park	CARAOP	(26,245)	(13,123)	(10,436)	2,687	(20.48%)
Brookton Caravan Park	MARKOP	(4,000)	(2,000)	0		
Caravan Park Depreciation		(1,042)	(521)	(526)	(5)	0.93%
Caravan Park Abc Administration Expenses		(41,822)	(20,911)	(14,966)	5,945	(28.43%)
Total		(73,109)	(36,555)	(25,927)	8,627	23.60%
Operating Surplus (Deficit)		(38,109)	(19,055)	(6,862)	10,192	53%
Excluding Non Cash Adjustments						
Add back Depreciation		1,042	521	526	5	0.93%
Net Operating Surplus (Deficit)		(37,067)	(18,534)	(6,336)	10,197	(55.02%)
Note 14 (b): Brookton Aquatic Centre						
Operating Revenue						
POOL FEES & CHARGES		10,500	5,250	8,675	3,425	65.25%
POOL GRANTS & SUBSIDIES		0	0	0	0	0.00%
Total Revenue		10,500	5,250	8,675	3,425	65.25%
Operating Expenses						
POOL EMPLOYEE COSTS		0	0	0	0	0.00%
POOL GENERAL OPERATING EXPENSES		(97,850)	(48,925)	(19,387)	29,538	(60.37%)
POOL BUILDING MAINTENANCE		(15,756)	(7,878)	(8,713)	(835)	10.60%
POOL Depreciation		(11,839)	(5,920)	(5,972)	(52)	0.88%
POOL Abc Administration Expenses		(32,411)	(16,206)	(11,598)	4,607	(28.43%)
Total		(157,856)	(78,928)	(45,670)	33,258	42.14%
Operating Surplus (Deficit)		(147,356)	(73,678)	(36,995)	36,683	49.79%
Excluding Non Cash Adjustments						
Add back Depreciation		11,839	5,920	5,972	52	0.88%
Net Operating Surplus (Deficit)		(135,517)	(67,759)	(31,024)	36,735	54.21%

Shire of Brookton
STATEMENT OF FINANCIAL ACTIVITY
Road Program
For the Period Ended 31st December 2019

Note 15

Description	Adopted Annual Budget	YTD Actual	% Completed	Federal Funding		State Funding			Own Source Funding		
				R2R	Other	RRG	RRG Carryover	Direct Grant	FAGS	Reserve	Contributions
	\$	\$		\$	\$	\$	\$	\$	\$	\$	\$
Town Street Maintenance	213,058	110,271	52%								213,058
Rural Road Maintenance	568,329	209,495	37%								568,329
Bridge Maintenance	121,966	31,591	26%								121,966
R2R Work Schedule											
Brookton - Kweda Road	52,796	15	0%	\$218,633.00							-165,837
Brookton-Kweda Road	109,662	0	0%					\$83,201.00			26,461
Other Construction											
Brookton - Kweda Road	124,035	0	0%								124,035
King Street	29,030	0	0%								29,030
Reynolds Street	173,000	5,455	3%								173,000
Boyagarra Road	110,294	86,087	78%								110,294
Noack Street	10,188	0	0%								10,188
RRG Approved Projects											
York - Williams Road	434,466	207,760	48%			\$302,247.00					132,219
											-5,585
	1,946,824	650,674	33%	218,633	5,585	302,247	0	83,201	0	0	1,337,158

Shire of Brookton
STATEMENT OF FINANCIAL ACTIVITY
Capital Works Program
For the Period Ended 31st December 2019

Note 16									
Description	Adopted Annual Budget	Amended Budget	YTD Actual	% Completed	Capital Funding				
					Muni	Grants	Reserves	Sale of Assets	Total Funding
	\$	\$	\$		\$	\$	\$	\$	\$
Admin Reception Remodel	55,000	55,000	1,539	3%			55,000		55,000
Weld Crack Kitchen Floor	10,000	10,000	14,200	142%			10,000		10,000
Railway Barrier Fence	35,000	35,000	0	0%			35,000		35,000
Cemetery New Niche Wall And Shelter	10,000	10,000	6,790	68%	10,000				10,000
Aquatic Centre Masonary Repair	11,000	11,000	6,652	60%	11,000				11,000
Upgrade Air Conditioning System	80,000	80,000	0	0%			80,000		80,000
Curtains Passageways and Activities area	10,000	10,000	0	0%			10,000		10,000
Admin Synergy Records Module	35,000	35,000	0	0%	35,000				35,000
Admin Server Upgrade	45,000	45,000	35,019	78%			45,000		45,000
Chairs for Pavillion	10,000	10,000	0	0%	10,000				10,000
Crew Cab 3 Tonne Truck	70,000	70,000	0	0%			70,000		70,000
Loader	290,000	290,000	295,000	102%			290,000		290,000
Fibreglass Tank (AFPT)	\$0.00	\$0.00	\$8,500.00	0%			0		0
Skid Mounted Fibreglass Water Tank(JMAC)	27,000	27,000	9,575	35%	27,000				27,000
Truck mounted Vacuum Mulcher	18,000	18,000	11,000	61%	18,000				18,000
Road Broom	50,000	50,000	0	0%			50,000		50,000
3" Diesel Pump	0	0	1,539	0%	0		0		0
62" Zero Turn Mower	25,000	25,000	24,195	97%	25,000				25,000
Metro Traffic Counters	11,440	11,440	7,255	63%	11,440				11,440
Generators	\$30,000.00	\$30,000.00	17,234						
York-Williams Road	434,466	434,466	207,760	48%					0
Brookton-Kweda Road	52,796	52,796	15	0%					0
Brookton-Kweda Road	109,662	109,662	0	0%					0
Noack Street	10,188	10,188	0	0%					0
Brookton-Kweda Road	124,035	124,035	9,975	8%					0
King Street	29,030	29,030	0	0%					0
Reynolds Street	173,000	173,000	5,455	3%					0
Boyagarra Road	110,294	110,294	86,087	78%	278,766	464,705	300,000		1,043,471
Richardson Street	30,000	30,000	0	0%	30,000				30,000
Happy Valley Bore Field	32,000	82,000	28,786	35%			82,000		82,000
	1,927,911	1,977,911	776,574	708%	456,206	464,705	1,027,000	0	1,947,911

Shire of Brookton
STATEMENT OF FINANCIAL ACTIVITY
Grants, Subsidies and Contributions Register
For the Period Ended 31st December 2019

Note 17

Funding Provider	Project	Operating/Non-Operating	Adopted Annual Budget	Amended Budget OCM	Amount Applied For	Amount Approved	Amount Invoiced/Received	% Received
			\$	\$	\$	\$	\$	
Federal Government	KBC Grants & Subsidies	Subsidy	(3,316,026)	(3,316,026)	Recurrent	(3,316,026)	(1,526,270)	46%
Main Roads WA	Regional Road Group	Non Operating	(302,247)	(302,247)	Recurrent	(302,247)	(120,899)	0%
Federal Government	Roads to Recovery	Non Operating	(218,633)	(218,633)	Recurrent	(218,633)	-	0%
WA Grants Commission	GPG Grants Commission - General	Operating	(668,176)	(668,176)	Recurrent	(668,176)	(253,143)	38%
WA Grants Commission	GPG Grants Commission - Roads	Operating	(382,494)	(382,494)	Recurrent	(382,494)	-	0%
WA Grants Commission	GPG Grants Commission - Bridges	Operating	-	-	-	-	-	0%
DFES	ESL Grant - Emergency Services Levy - Operating	Operating	(24,793)	(24,793)	Recurrent	(24,793)	(20,512)	83%
Main Roads WA	Direct Grant	Operating	(83,201)	(83,201)	Recurrent	(83,201)	(83,201)	100%
			(4,995,570)	(4,995,570)		(4,995,570)	(2,004,025)	40%

14.01.20.02 LIST OF ACCOUNTS FOR PAYMENT – DECEMBER 2019

File No:	N/A
Date of Meeting:	16 January 2020
Location/Address:	N/A
Name of Applicant:	N/A
Name of Owner:	N/A
Author/s:	Lois Salkilld – Corporate Business Officer - Finance
Authorising Officer:	Ian D’Arcy – Chief Executive Officer
Declaration of Interest:	The author has no financial interest in this matter.
Voting Requirements:	Simple Majority
Previous Report:	19 December 2019

Summary of Item:

This item details the list of accounts paid during the month of December 2019 for Council’s information.

Description of Proposal:

To approve the accounts for payment.

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 Council for inspection each month. Please refer to the separate **Attachment 14.01.20.02A** that details the respective payments.

Consultation:

N/A

Statutory Environment:

This is prepared in accordance with Local Government (Financial Management) Regulations 1996; Clause 13 – List of Accounts.

Relevant Plans and Policy:

There are no plans or policies of particular relevance to this report.

Financial Implications:

There are no financial implications relevant to this report.

Risk Assessment:

There are specific risks identified as this is an operational reporting requirement.

Community & Strategic Objectives:

This proposal relates to delivery of core business and services detailed in the Shire of Brookton Corporate Compendium – May 2018, duly appended to the Next Generation BROOKTON Corporate Business Plan <2021.

Specifically, the list of accounts aligns to the following Business Unit and Function:

18. *Financial Control*

18.5 *Process rates, other revenues, timely payments*

Comment

Totals of all payments from each of Councils bank accounts are listed below for the month of December 2019. The payment schedule is provided to Councilors' separately and not published on the Shire of Brookton website to mitigate against the potential of fraudulent activity that can arise from this practice. Members of the public can obtain the schedule from the Shire of Brookton Administration Office.

In summary the payments for the month to the 31st December 2019 consisted of:

Municipal Account

Direct Debits	\$186,577.81
EFT	\$776,968.40

<i>Trust Account</i>	\$3,310.00
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Expenditure on the Shire Credit Cards for November 2019, paid in December is also included in ***Attachment 14.01.19.02A.***

OFFICER RECOMMENDATION

That Council note the list of accounts and payments authorised under delegated authority, inclusive of payment of the Shire Credit Cards for the month of December 2019 as presented in Attachment 14.01.19.02A to this report.

Summary of payments for December 2019

Municipal Account

Direct Debits	\$186,577.81
EFT	\$776,968.40

Trust Account	\$3,310.00
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Attachments

Attachment 14.01.20.02A – List of Accounts

Members of the public can obtain the schedule from the Shire Administration Office.

COUNCIL RESOLUTION

MOVED Cr Lilly SECONDED Cr Macnab

That Council note the list of accounts and payments authorised under delegated authority, inclusive of payment of the Shire Credit Cards for the month of December 2019 as presented in Attachment 14.01.19.02A to this report.

Summary of payments for December 2019

Municipal Account

Direct Debits \$186,577.81
EFT \$776,968.40

Trust Account **\$3,310.00**

CARRIED BY SIMPLE MAJORITY VOTE 6-0

14.01.20.03 REQUESTED BUDGET VARIATIONS

File No:	ADM 0175
Date of Meeting:	16 January 2020
Location/Address:	Whole of Shire
Name of Applicant:	Shire of Brookton
Name of Owner:	Shire of Brookton
Author/s:	Kelly D’Arcy - Senior Corporate Business Officer
Authorising Officer:	Ian D’Arcy – Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority
Previous Report:	Nil

Summary of Item:

The purpose of this report is to obtain approval of Council to vary the 2019/2020 Shire of Brookton adopted Annual Budget. It is recommended that Council resolve to approve the budget variations to support operational requirements.

Description of Proposal:

As above.

Background:

Since the budget was adopted by Council 15 August 2019, officers have identified areas within the budget that require variations to address operational requirements.

In context, it is deemed good management practice and a legislative requirement to revise the adopted budget when it is known that circumstances have changed.

Accordingly, the Shire made application for a grant through the Stronger Communities Program, for the upgrade of the WB Eva Pavilion shade structure. The grant has subsequently been approved. An amendment to the 2019/2020 budget is now required to acknowledge the receipt of the grant funding and the additional expenditure.

Also, as discussed with the sewerage contractor at the December 2019 Corporate Briefing Forum the CCTV inspection of the sewer network to date has shown the sewer condition, in particular the asbestos concrete portion of the network, to be in very poor condition. The condition of the pipes has severely impacted progress on the CCTV inspection in requiring extra cleaning, blockage removal and blockage extraction work to continue the CCTV inspection. The rate of expenditure to conduct the inspection was severely impacted by these factors, which has consumed much of the initial budget allocation.

The Manager of Infrastructure and Emergency has advised that completion of the inspection is critical as the extent and severity of the defects and general condition of the asset is such that urgent repairs may have to commence in the 2020/2021 financial year. A full pick up of the sewer network is needed to correctly prioritise these repairs and avoid the risk of missing one or more of the more severely eroded locations. Therefore, a budget variation is required to increase the funding need to complete this exercise.

These proposed budget amendments are as presented in **Attachment 14.01.20.03A**.

Consultation:

Consultation has been undertaken with Responsible Officers and CEO in the preparation of this report.

Statutory Environment:

Section 6.8(1) of the *Local Government Act 1995* states:

6.8. *Expenditure from municipal fund not included in annual budget*

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
- (2)
- (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.

Relevant Plans and Policy:

There are no relevant plans or policies applicable to this matter.

Financial Implications:

The financial implications are detailed in **Attachment 14.01.20.03A** and will have a nil effect on the budget.

Risk Assessment:

Both of these projects are significant in the context of Public Health, being sun exposure through a lack of appropriate shade the Pavilion playground, or a blockage of the sewer mains. Therefore, in Council not endorsing the officer's recommendation it is assessed a variable level of risk exists from 'medium – high'.

Consequence	Insignificant	Minor	Moderate	Major	Extreme
Likelihood					
Almost Certain	Medium	High	High	Severe	Severe
Likely	Low	Medium	High	High	Severe
Possible	Low	Medium	Medium	High	High
Unlikely	Low	Low	Medium	Medium	High
Rare	Low	Low	Low	Low	Medium

Risk Rating	Action
LOW	Monitor for continuous improvement.
MEDIUM	Comply with risk reduction measures to keep risk as low as reasonably practical.
HIGH	Review risk reduction and take additional measures to ensure risk is as low as reasonably achievable.
SEVERE	Unacceptable. Risk reduction measures must be implemented before proceeding.

Community & Strategic Objectives:

This proposal relates to delivery of core business and services detailed in the Shire of Brookton Corporate Compendium – May 2018, duly appended to the Next Generation BROOKTON Corporate Business Plan <2021.

Specifically, the requested budget variations align to:

Function 18 Financial Control

Action 18.1 – Prepare annual budget / conduct statutory budget reviews

Comment

The Schedule of Budget Variations listed in **Attachment 14.01.20.03A** is being presented to ensure works can effectively be completed this financial year, whilst maintaining integrity of the current Budget through a proper and accountable approval process.

OFFICER RECOMMENDATION

That Council pursuant to section 6.8 of the Local Government Act 1995, authorises the Schedule of Variations to the 2019/20 Budget, as presented in Attachment 14.01.20.03A to this report.

Attachments

14.01.20.03A – Schedule of Variations to 2019/2020 Adopted Budget – January 2020

OCM 01.20-15

COUNCIL RESOLUTION

MOVED Cr Watts

SECONDED Cr Lilly

That Council pursuant to section 6.8 of the Local Government Act 1995, authorises the Schedule of Variations to the 2019/20 Budget, as presented in Attachment 14.01.20.03A to this report.

CARRIED BY ABSOLUTE MAJORITY VOTE 6-0

Budget Variations

GL Codes	Job Codes	IE Code	Description	Original 19/20 Budget	Amended 19/20 Budget	Changes in Net Assets	
E111020	WBOP	379	WB EVA PAVILION	\$6,000.00	\$10,730.00	\$4,730.00	Budget Increase - Grant received through Stronger Communities Program to assist in the upgrade of the Shade Sails over playground
I115020		151	OTH-CULT RAILWAY STATION	\$0.00	(\$4,730.00)	(\$4,730.00)	
E102020	SEWEOP	379	SEWERAGE TREATMENT WORKS	\$50,000.00	\$70,000.00	\$20,000.00	Budget Increase - Furtherworks required for the CCTV investigation and condition assessment of the sewerage pipeworks.
OL01691		230	TRANS TO MUNI - SEWERAGE SCHEME RESERVE	\$0.00	(\$20,000.00)	(\$20,000.00)	
						\$0.00	
						\$0.00	
						<u>\$0.00</u>	

15.10.19 GOVERNANCE**15.01.20.01 AMENDMENT TO COUNCIL POLICY 1.17 – STANDING ORDERS AND MEETING PROTOCOL LOCAL GOVERNMENT (COUNCIL MEETINGS)**

File No:	ADM 0244
Date of Meeting:	16 January 2020
Location/Address:	N/A
Name of Applicant:	Shire of Brookton
Name of Owner:	N/A
Author/s:	Ian D’Arcy – Chief Executive Officer
Authorising Officer:	As above
Declaration of Interest:	The author does not have a specific interest in this item
Voting Requirements:	Simple Majority
Previous Report:	Nil

Summary of Item:

This item relates to an amendment to Council ‘Policy 1.17 - Standing Orders and Meeting Protocol Local Government’ to afford members of the public the opportunity to address Council with the making of a statement.

Presently, Policy 1.17 only allows for questions from members of the public to be asked and answered.

Description of Proposal:

As above.

Background:

In summary Policy 1.17 is a substitute for the Council’s ‘*Standing Orders and Meeting Protocol Local Law 2000*’ that inadvertently had not been gazetted in that year.

In general the Standing Orders seek to instil a structure around the orderly conduct of Council and Committee meetings to maintain a high level of respect, clear parameters of participation and an appropriate level of procedure fairness, and the efficient and effective use of time.

At the December 2019 Corporate Briefing Forum (CBF) discussion ensued over the Council’s Standing Orders Policy 1.17 being limited to supporting public question time with or without notice at a formal Council Meeting, with the inability for person to present a point of view, grievance or concern on a particular matter without posing a specific question. General support was expressed by Elected Members in attendance. Accordingly, this report now requests Council formal consideration to amending the current policy with additional provision to allow for a person wishing to make a statement.

Consultation:

As mentioned, this matter has broadly been discussed by Elected Members at the December 2019 CBF.

Statutory Environment:

Council’s role in determining, reviewing and amending Local Government’s Policies is defined in Section 2.7(2)(b) of the *Local Government Act, 1995*.

Relevant Plans and Policy:

There are no other existing plans or policies that apply to this matter.

Financial Implications:

This is no financial implication associated with this matter.

Risk Assessment:

The risk in relation to this matter is assessed as ‘Medium’ on the basis that a lack of clarity may lead to a member of the community believing they cannot address Council, or a Committee of Council, other than by raising a question.

Consequence	Insignificant	Minor	Moderate	Major	Extreme
Likelihood					
Almost Certain	Medium	High	High	Severe	Severe
Likely	Low	Medium	High	High	Severe
Possible	Low	Medium	Medium	High	High
Unlikely	Low	Low	Medium	Medium	High
Rare	Low	Low	Low	Low	Medium

Risk Rating	Action
LOW	Monitor for continuous improvement.
MEDIUM	Comply with risk reduction measures to keep risk as low as reasonably practical.
HIGH	Review risk reduction and take additional measures to ensure risk is as low as reasonably achievable.
SEVERE	Unacceptable. Risk reduction measures must be implemented before proceeding.

Community & Strategic Objectives:

This proposal relates to delivery of core business and services detailed in the Shire of Brookton Corporate Compendium – May 2018, duly appended to the Next Generation BROOKTON Corporate Business Plan <2021.

Specifically, the amended Policy supports the following Business Unit and Functions:

1. *Governance*

1.1 *Review Policy Manual*

1.4 *Convene Council meetings, prepare agendas, minutes*

Comment

In consideration of this matter a more contemporary approach is to allow greater opportunity from members of the community to address Council on matters of relevance to Local Government business. To this end, it is recommended the following amendments (highlighted in red text) be inserted under Section 6.9 of Policy 1.17:

6.9 Deputations

- (1) Any person or group wishing to be received as a deputation by the Council *(including the making of a public statement)* is to either:
 - (a) apply, before the meeting, to the CEO for approval; or
 - (b) with the approval of the Presiding Member, at the meeting, address the Council.
- (2) The CEO may either:
 - (a) approve the request and invite the deputation to attend a meeting of the Council; or
 - (b) refer the request to the Council to decide by simple majority whether or not to receive the deputation.
- (3) Unless the Council resolves otherwise, a deputation invited to attend a Council *or Committee* meeting:
 - (a) is not to exceed 5 persons, only 2 of whom may address the Council, although others may respond to specific questions from Members;
 - (b) is not to address the Council for a period exceeding 10 minutes without the agreement of the ~~Council~~ *Presiding Member; and,*
 - (c) may include additional members of the deputation ~~may be being~~ allowed to speak with the leave of the Presiding Member;
 - (d) *must only raise matters of relevance to the business of the Local Government, with authority afforded to the Presiding Member to deny comment should the matter not be pertinent; and*
 - (e) *must be courteous and respectful in its presentation.*
- (4) Any matter which is the subject of a deputation to the Council is not to be decided by the Council until the deputation has completed its presentation.

OFFICER RECOMMENDATION

That Council pursuant to Section 2.7(2)(b) of the Local Government Act (1995) amend 'Policy 1.17 - Standing Orders and Meeting Protocol Local Government', as presented in the comment section of this report, to provide clarity that a deputation can include a public statement by a member of the community on matters of relevance to the business of the Local Government.

OCM 01.20-16

COUNCIL RESOLUTION

MOVED Cr Watts

SECONDED Cr Walker

That Council pursuant to Section 2.7(2)(b) of the Local Government Act (1995) amend 'Policy 1.17 - Standing Orders and Meeting Protocol Local Government', as presented in the comment section of this report, to provide clarity that a deputation can include a public statement by a member of the community on matters of relevance to the business of the Local Government.

CARRIED BY SIMPLE MAJORITY VOTE 6-0

15.01.20.02 PERIODICAL REVIEW – SHIRE OF BROOKTON DELEGATION REGISTER

File No:	ADM 0427
Date of Meeting:	16 January 2020
Location/Address:	N/A
Name of Applicant:	N/A
Name of Owner:	N/A
Author/s:	Danni Chard – Executive Governance Officer
Authorising Officer:	Ian D’Arcy – Chief Executive Officer
Declaration of Interest:	The author and authorising officers have an operational interest in this item.
Voting Requirements:	Absolute Majority
Previous Report:	16 May 2019 17 January 2019 17 May 2019

Summary of Item:

The Council is obligated to review its Delegation Register annually and when circumstances change. Accordingly, this report seeks Council adoption of a small number OF amendments to the attached Delegation Register - see **Attachment 15.01.20.02A**.

Description of Proposal:

This item serves as a periodic review of Council’s delegations of authority due to changes in the organisational structure and titles of specific position within.

Background:

Western Australian Local Governments are empowered under various pieces of State Government legislation to perform certain duties and exercise certain powers. Under the *Local Government Act, 1995* Council is able to delegate its power and to discharge a duty to the Chief Executive Officer (CEO). At least one each year the Council is required under the legislation to review, and if considered necessary, amend the schedule of delegations, although more than one review can be entertained.

In this instance the Delegation Register is presented to Council with the proposed amendments to existing highlighted in red to more accurately align with the recently endorsed Organisational Structure – November 2019.

It should be noted there are no new delegations being sought with the proposed amendments.

Consultation:

As the proposed amendments to the current Delegation Register are relatively minor, there has been no prior discussion on this matter.

Statutory Environment:

Council is empowered pursuant to Sections 5.16 and 5.42 of the *Local Government Act 1995* to delegate many of its roles and responsibilities. The Act also allows the Chief Executive Officer to sub-delegate any of his/her powers to another employee with the sub-delegations to be in writing. Additionally, the Chief Executive Officer may under the *Local Government Act, 1995* place conditions on any sub-delegation passed onto another Shire employee.

Section 5.42 (1) details that any decision to amend or revoke a delegation by a Local Government is to be by a vote of absolute majority.

Relevant Plans and Policy:

There are no plans or policies applicable to this proposal.

Financial Implications:

There is no impost on the Shire's finances in relation to this matter.

Risk Assessment:

Usually, there is a risk that Council in not reviewing its delegations as required by legislation will deemed to be in breach of the *Local Government Act, 1995*. Further, without an appropriate level of delegation and sub-delegation, and up to date register, the organisation will find it difficult to operate in an effective and efficient manner. Furthermore, it is anticipated that incorrect position titles could lead to an act of delegated authority being legally challenged. Therefore, the risk is assessed as 'Moderate' to 'High' depending on the nature of the delegation or sub-delegation being performed and the consequence should a challenge be raised.

Consequence	Insignificant	Minor	Moderate	Major	Extreme
Likelihood					
Almost Certain	Medium	High	High	Severe	Severe
Likely	Low	Medium	High	High	Severe
Possible	Low	Medium	Medium	High	High
Unlikely	Low	Low	Medium	Medium	High
Rare	Low	Low	Low	Low	Medium

Risk Rating	Action
LOW	Monitor for continuous improvement.
MEDIUM	Comply with risk reduction measures to keep risk as low as reasonably practical.
HIGH	Review risk reduction and take additional measures to ensure risk is as low as reasonably achievable.
SEVERE	Unacceptable. Risk reduction measures must be implemented before proceeding.

Community & Strategic Objectives:

This proposal relates to delivery of core business and services detailed in the Shire of Brookton Corporate Compendium – May 2018, duly appended to the Next Generation BROOKTON Corporate Business Plan <2021.

Specifically, the proposed amendments to the Delegation Register aligns to the following Business Unit and Function:

2. *Governance*

1.2 *Review delegation register*

Comment

As Council will appreciate, the grant of delegation is to assist in streamlining the 'day to day' business of the organisation as opposed to relying on (waiting on) Council meetings to be convened, and multiple reports having to be written. However, it is important the level of delegation does not extend beyond:

- The level of permissibility and empowerment afforded under Section 5.42 of the *Local Government Act, 1995*;
- The Council losing (or perceived to be losing) control of its responsibilities under applied legislation with a formed view by some people that the CEO, in particular, is performing the role of Council in its entirety.

With this in mind, it is recommended Council adopt the changes to the Delegation Register (including sub-delegations) as presented in **Attachment 15.01.20.02A** to align with current Organisational Structure – November 2019.

OFFICER RECOMMENDATION

That Council in accordance with Section 5.46(2) of the Local Government Act, 1995 adopt the changes to the Shire of Brookton Delegation Register, as presented in Attachment 15.01.20.02A to this report.

Attachments

Attachment 15.01.20.02A – Existing Delegations with suggested amendments.

OCM 01.20-17

COUNCIL RESOLUTION

MOVED Cr Fancote SECONDED Cr Macnab

That Council in accordance with Section 5.46(2) of the Local Government Act, 1995 adopt the changes to the Shire of Brookton Delegation Register, as presented in Attachment 15.01.20.02A to this report.

CARRIED BY ABSOLUTE MAJORITY VOTE 6-0



Delegation Register

Version 5 – To be Adopted



AMENDMENTS

Reviewed and Adopted: Ordinary Council Meeting 16 May 2019 inclusive of the following amendments:

Version 2 - Ordinary Meeting of Council 17 May 2018

- 1.30 – Execution of Leases Licence Agreements and Contracts

Version 3 - Ordinary Meeting of Council 17 January 2019

- 1.1 – Payment from Trust and Municipal Funds
- 1.16 – Impounding Goods – Authorised Employee
- 1.36 – Purchasing Authority

Version 4 - Ordinary Meeting of Council 18 May 2019

- Annual Review

Version 5 - Ordinary Meeting of Council 21 November 2019

- 1.1 – Payment from Trust and Municipal Funds
- 1.2 – Insurance Renewal
- 1.4 – Investments
- 1.8 – Management Engagement of Professional Service
- 1.11 – Rate Book
- 1.16 – Impounding Goods - Authorised Officers
- 1.20 – Development Application - Advertising
- 1.31 – Committee – Community Housing & Senior Citizens Independent Housing
- 1.33 – Registration of Dogs
- 1.34 – Planning Compliance
- 1.35 – Authorised Officers
- 1.36 – Purchasing Authority
- 1.37 – Specific provisions under Town Planning Scheme No. 3 & 4
- 1.41 – Building Matters – Building Permits, Certificates and Orders
- 1.42 – Building Matters – Building Authorisations
- 1.43 – Building Matters – Fines, Penalties & Enforcement
- 1.45 – Employment Committee – Changed to “Issue of Corporate Credit Cards”
- 1.47 – Appointed/Designated Officers (Direct from the Relevant Act)

TABLE OF CONTENT

AMENDMENTS	2
INTRODUCTION	5
1.0 COUNCIL DELEGATIONS	6
1.1 PAYMENT FROM TRUST AND MUNICIPAL FUNDS	6
1.2 INSURANCE RENEWAL.....	7
1.3 TENDERS FOR BUDGETED ITEMS	8
1.4 INVESTMENTS.....	9
1.5 DISPOSAL OF FIXED ASSETS.....	10
1.6 REMOVAL EXPENSES	12
1.7 STAFF HOUSING.....	13
1.8 MANAGEMENT ENGAGEMENT OF PROFESSIONAL SERVICE	14
1.9 LOCAL LAWS ADMINISTRATION	15
1.10 LIQUOR – LICENSING AND PERMITS (COUNCIL PROPERTY)	16
1.11 RATE BOOK	17
1.12 ROAD CLOSURES - TEMPORARY.....	18
1.13 NATIVE TITLE	19
1.14 IMPOUNDING GOODS – AUTHORISED EMPLOYEE	20
1.15 OFFENCES – BUSH FIRES ACT	21
1.16 IMPOUNDING GOODS – AUTHORISED EMPLOYEE	22
1.17 PROCEEDINGS UNDER DOG ACT	23
1.18 GATES	24
1.19 HEALTH ACT – NOTICES AND ORDERS	25
1.20 DEVELOPMENT APPLICATION - ADVERTISING	26
1.21 TRAFFIC REGULATORY SIGNS	27
1.22 EVENTS ON ROADS.....	28
1.23 RESTRICTED ACCESS VEHICLES (RAV).....	29
1.24 ADDITIONAL POWERS EXERCISED WHEN NOTICES GIVEN REQUIRING CERTAIN THINGS TO BE DONE BY OWNERS OR OCCUPIERS OF LAND	30
1.25 LODGEMENT OF CAVEATS.....	31
1.26 RESERVES UNDER CONTROL OF A LOCAL GOVERNMENT	32
1.27 THOROUGHFARES: NOTIFICATION TO AFFECTED OWNERS	33
1.28 THOROUGHFARES: ENSURING PUBLIC ACCESS MAINTAINED	34
1.29 POWERS OF ENTRY ONTO LAND	35
1.30 EXECUTION OF LEASES LICENCE AGREEMENTS AND CONTRACTS	36
1.31 COMMITTEE – COMMUNITY HOUSING AND SENIOR CITIZEN INDEPENDENT LIVING UNITS.....	37
1.32 COMMITTEE – LES McMULLEN MEMORIAL RECREATION GRANTS.....	38
1.33 REGISTRATION OF DOGS	39
1.34 PLANNING COMPLIANCE.....	40
1.35 AUTHORISED OFFICERS	41
1.36 PURCHASING AUTHORITY	42
1.37 SPECIFIC PROVISIONS UNDER TOWN PLANNING SCHEME NO. 3.....	43
1.38 COMMON SEAL	44
1.39 AUTHORISED OFFICER – FOOD ACT 2008	45
1.40 VARIATIONS TO FIREBREAK ORDER	46
1.41 BUILDING MATTERS – PERMITS, CERTIFICATES & ORDERS	47
1.42 BUILDING MATTERS – BUILDING AUTHORISATIONS	48
1.43 BUILDING MATTERS – FINES, PENALTIES & ENFORCEMENT	49

Page 3 of 55

G:/AA Keyword Structure/Governance/Authorisations/Delegations Register/Delegation Register 21 Nov 19 – Version 5

1.44	EMPLOYMENT COMMITTEE	50
1.45	EMPLOYMENT COMMITTEE ISSUE OF CORPORATE CREDIT CARDS	51
1.46	LEGAL REPRESENTATION FOR COUNCIL MEMBERS AND EMPLOYEES	52
1.47	APPOINTED/DESIGNATED OFFICERS (DIRECT FROM THE RELEVANT ACT).....	53
1.48	GRAFFITI VANDALISM ACT 2013	55

INTRODUCTION

The Council's **Delegation Register** is a set of delegations adopted by the Council, pursuant to sections 5.14 and 5.42 of the Local Government Act 1995, and this Register meets the obligations of sections 5.18 and 5.46 of that Act.

The Council (and delegator) is required by statute to formally review the Delegations contained within this document at least once per annum.

The Delegation Register compliments the Local Government Policies (Corporate and Administration) under general powers pursuant to section 5.41 (d) of the Local Government Act 1995.

A Person with a Delegation or Sub-Delegation, pursuant to sections 5.71, 5.75 and 5.76 of the Local Government Act 1995, is bound to disclose financial interest and impartiality declarations and also required to lodge Primary and Annual Financial Interests Declarations Returns.

1.0 COUNCIL DELEGATIONS

1.1 PAYMENT FROM TRUST AND MUNICIPAL FUNDS

Date Adopted	March 2006
Date Reviewed	January 2020
Authority	Local Government Act 1995 S5.42 and S6.10
References	Local Government (Financial Management) Regulations 1996 r. 12 & r. 13 Management Policy 1.18 – Bank Signatories

Delegation:

Council delegates its authority and power to the Chief Executive Officer to make payments from the Trust and Municipal Funds of the Shire of Brookton.

This function can be performed by the ~~Deputy Chief Executive Officer~~ ~~Manager Corporate and Community, Manager of Infrastructure and Regulatory Services~~ ~~Emergency, Senior Finance Officer~~ and Executive Governance Officer acting through the Chief Executive Officer in accordance with Section 5.45 of the Local Government Act 1995.

Conditions:

Compliance with Local Government (Financial Management) Regulations 12 and 13 and Council Policy 1.18 – Bank Signatories.

1.2 INSURANCE RENEWAL

Date Adopted	March 2006
Date Reviewed	January 2020
Authority	Local Government Act 1995 S5.42
References	Local Government Act 1995 S6.10

Delegation:

Council delegates its authority and power to the Chief Executive Officer to enter into appropriate contracts of insurance.

This function can be performed by the ~~Deputy Chief Executive Officer~~ **Manager Corporate and Community and Senior Finance Officer** acting through the Chief Executive Officer in accordance with Section 5.45 of the Local Government Act 1995.

Conditions:

Nil.

1.3 TENDERS FOR BUDGETED ITEMS

Date Adopted	March 2006
Date Reviewed	January 2020
Authority	Local Government Act 1995 S5.42
References	Local Government Act 1995 S3.57, S6.10 Local Government (Functions and General) Regulations Part 4.

Delegation:

Council delegates its authority and power to the Chief Executive Officer to arrange advertisements inviting tenders for specific items included in the Budget worth, or expected to be worth, more than \$150,000 that do not, in ~~his~~ their opinion, require Council approval of design and specification. (E.g. Plant, Machinery etc.). Tenders received shall be presented to Council for decision.

Council delegates its authority and power to the Chief Executive Officer to make minor variations to a contract for goods and services before entering into a contract on behalf of the Shire of Brookton with the successful tenderer.

Conditions:

Compliance with Local Government (Functions and General) Regulations 1996.

1.4 INVESTMENTS

Date Adopted	March 2006
Date Reviewed	January 2020
Authority	Local Government Act 1995 S5.42
References	Local Government Act 1995 S6.14 Trustees Act 1962 – Part III Local Government (Financial Management) Regulations r. 19 Management Policy 2.17 – Investment Management Strategy

Delegation:

Council delegates its authority and power to the Chief Executive Officer to invest money held in the Municipal or Trust Funds that is not required for the time being for any purpose in accordance with Part III of the Trustees Act 1962 or in an investment approved by the Minister.

This function can be performed by the ~~Deputy Chief Executive Officer~~ **Manager of Corporate and Community** and ~~Senior Finance Officer~~ acting through the Chief Executive Officer in accordance with Section 5.45 of the Local Government Act 1995.

Conditions:

1. Internal control procedures to be followed to ensure control over the investments.
2. Compliance with Clause 19 Local Government (Financial Management) Regulations 1996 and Council Policy.
3. Compliance with Council Policies 2.16 and 2.17 – Liquidity Management Strategy and Investment Management Strategy.
4. Compliance with CEO Management Policy 1.4 - Investment of Surplus Funds
5. To mitigate risk such investments shall be spread across more than one financial institution.

1.5 DISPOSAL OF FIXED ASSETS

Date Adopted	March 2006
Date Reviewed	January 2020
Authority	Local Government Act 1995 S3.58, 5.42 Local Government (Functions and General) Regulations 1996, Regulation 30 (3)
References	Local Government Act 1995 S6.10

Delegation:

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.

1.6 REMOVAL EXPENSES

Date Adopted	March 2006
Date Reviewed	January 2020
Authority	Local Government Act 1995 S5.42
References	

Delegation:

Council delegates its authority and power to the Chief Executive Officer to determine the level of payment for removal expenses in accordance with Council Policy for any new employee that is appointed to a position with the Shire of Brookton.

Conditions:

1. The expenses being reasonable as to the circumstances and location of the new employee.
2. The expenses may include a motor vehicle kilometre rate allowance in lieu of fares for the employee's family plus out-of-pocket expenses, meals and sundries.

1.7 STAFF HOUSING

Date Adopted	March 2006
Date Reviewed	January 2020
Authority	Local Government Act 1995 S5.42
References	Management Policy 1.11 – Staff Housing and Housing Subsidy

Delegation:

Council delegates its authority and power to the Chief Executive Officer to make all arrangements in regard to occupancy and maintenance of all staff accommodation provided by Council.

Conditions:

In exercising this delegation the Chief Executive Officer shall have regard to any Council Policy in place from time to time.

1.8 MANAGEMENT ENGAGEMENT OF PROFESSIONAL SERVICE

Date Adopted	March 2006
Date Reviewed	January 2020
Authority	Local Government Act 1995 S5.42
References	

Delegation:

Council delegates its authority to the Chief Executive Officer to take the action deemed necessary with a view to engaging appropriate professional services and/or legal advisers to provide the appropriate services to facilitate and/or promote the functions of Council business.

This delegation can be performed by the ~~Deputy Chief Executive Officer~~ Manager Corporate and Community, in accordance with Section 5.45 of the Local Government Act 1995.

Conditions:

Full compliance is to be achieved in line with Council's Purchasing Policy.

1.9 LOCAL LAWS ADMINISTRATION

Date Adopted	March 2006
Date Reviewed	January 2020
Authority	Local Government Act 1995 S5.42
References	Local Government Act 1995 Part 9 S9.1 and S9.4

Delegation:

Council delegates its authority and power to the Chief Executive Officer to administer its Local Laws and initiate legal action if considered necessary.

Conditions:

Regard to be taken of any Local Law in respect to the particular subject and S9.1 and S9.4 of the Local Government Act 1995.

1.10 LIQUOR – LICENSING AND PERMITS (COUNCIL PROPERTY)

Date Adopted	March 2006
Date Reviewed	January 2020
Authority	Local Government Act 1995 S5.42
References	Liquor Licensing Act 1988 Management Policy 1.23 – Hall Hire

Delegation:

Council delegates its authority and power to the Chief Executive Officer to approve applications for occasional liquor licenses, liquor licenses or permits for property under the care, control and management of Council.

Conditions:

Compliance with the Liquor Licensing Act 1988 and Management Policy 1.23.

1.11 RATE BOOK

Date Adopted	March 2006
Date Reviewed	January 2020
Authority	Local Government Act 1995 S5.42
References	Local Government Act 1995 Part 6 Division 6

Delegation:

Council delegates its authority and power to the Chief Executive Officer for the performance of the following functions of Council:

1. The time allowed for the payment of the rate before it becomes in arrears – Section 6.50(2) of the Local Government Act 1995.
2. The exercise of discretion in regard to granting of any extension of time for service of objections to the Rate Book – Section 6.76(4) of the Local Government Act 1995.
3. The recovery of rates by complaint or action pursuant to the provisions of Section 6.56(1) of the Local Government Act 1995.
4. Entering into an agreement in accordance with Section 6.49 of the Local Government Act 1995.
5. Requiring a lessee to pay rent to the Council in satisfaction of rates and service charges due and payable in accordance with Section 6.60(2) of the Local Government Act 1995.

This function can be performed by the ~~Deputy Chief Executive Officer~~ Manger Corporate and Community and Senior Finance Officer and Corporate Business Officer acting through the Chief Executive Officer in accordance with Section 5.45 of the Local Government Act 1995.

Conditions:

Nil.

1.12 ROAD CLOSURES - TEMPORARY

Date Adopted	March 2006
Date Reviewed	January 2020
Authority	Local Government Act 1995 S5.42
References	Local Government Act 1995 S3.50 and S3.51 Local Government (Functions and General) Regulations 1996 r.4, r.5 and r.6

Delegation:

Council delegates its authority and power to the Chief Executive Officer to temporarily close a street or a portion of a street to vehicles for a period not exceeding 28 days in cases of emergency in connection with Council works or by reason of heavy rain or when a street is likely to be damaged by the passage of traffic of any particular class.

Conditions:

Refer to Clauses 3 - 6 of the Local Government (Functions and General) Regulations 1996. Refer also Council Policy 1.21 Weather Related Road Closures.

1.13 NATIVE TITLE

Date Adopted	March 2006
Date Reviewed	January 2020
Authority	Local Government Act 1995 S5.42
References	Native Title Act 1999

Delegation:

Council delegates its authority and power to the Chief Executive Officer to register an interest in any native title claim affecting Council in order for Council to have sufficient interest to become a party to the native title application.

Conditions:

Nil.

1.14 IMPOUNDING GOODS – AUTHORISED EMPLOYEE

Date Adopted	March 2006
Date Reviewed	January 2020
Authority	Local Government Act 1995 S5.42 and S3.39
References	Local Government (Functions and General) Regulations 1996 Part 6

Delegation:

Council delegates its authority and power to the Chief Executive Officer to remove and impound any goods that are involved in a contravention that can lead to impounding. The authorizations referred to in this delegation are those required under Section 3.39(1) of the Local Government Act 1995.

This function can be performed by the **Manager of Infrastructure and ~~Regulatory Services~~ Emergency** acting through the Chief Executive Officer in accordance with Section 5.45 of the Local Government Act 1995.

Conditions:

Subject to the express provisions contained in the Local Government Act 1995 and Local Government (Functions and General) Regulations 1996 Part 6.

1.15 OFFENCES – BUSH FIRES ACT

Date Adopted	March 2006
Date Reviewed	January 2020
Authority	Local Government Act 1995 S5.42
References	Bush Fires Act 1954 S.59 (3) and S.59A

Delegation:

Council delegates its authority and power to the Chief Executive Officer to consider allegations of offences alleged to have been committed against the Bush Fires Act 1954 in the district of the Shire of Brookton and, if the Chief Executive Officer thinks fit, to institute and carry on proceedings in the name of the Shire of Brookton against any person alleged to have committed any of those offences.

This delegation extends to the issue and/or withdrawal of infringement notices in accordance with the provisions of Section 59A of the Bush Fires Act 1954.

Conditions:

Nil.

1.16 IMPOUNDING GOODS – AUTHORISED EMPLOYEE

Delegation was removed as is a duplicate with Delegation 1.14 – Impounding Goods – Authorised Employee.

1.17 PROCEEDINGS UNDER DOG ACT

Date Adopted	March 2006
Date Reviewed	January 2020
Authority	Local Government Act 1995 S5.42
References	Dog Act 1976 s.29, s.33E and s.44

Delegation:

In accordance with Section 44 of the Dog Act 1976, the Chief Executive Officer has delegated authority to institute and carry on proceedings in the name of the Shire of Brookton in respect to offences alleged to have been committed within the district of the Shire of Brookton against the Dog Act.

This delegation also enables the Chief Executive Officer to issue infringement notices pursuant to the provisions of Section 29 of the Dog Act 1976.

This delegation also enables the Chief Executive Officer to Declare Dangerous Dogs pursuant to the Section 33E of the Dog Act 1976.

Conditions:

Nil.

1.18 GATES

Date Adopted	March 2006
Date Reviewed	January 2020
Authority	Local Government Act 1995 S5.42
References	Local Government Act 1995 Schedule 9.1 cl.5

Delegation:

Council delegates its authority and power to the Chief Executive Officer to approve the erection of gates on road reserves.

Conditions:

In any circumstances considered controversial the applications are to be referred to Council.

A Register of Gates with fences / gates across road reserves is required pursuant to legislation – Local Government Act 1995, Schedule 9.1, cl 5.

1.19 HEALTH ACT – NOTICES AND ORDERS

Date Adopted	March 2006
Date Reviewed	January 2020
Authority	Public Health Act 2016
References	Health Act 1911 Public Health Act 2016

Delegation:

Council delegates its authority and power to the appointed Environmental Health Officer to exercise and discharge all of the following powers and functions under the Health Act 1911 and Public Health Act 2016 as an authorised officer:

1. The forming of opinions and making of declarations.
2. The grant and issue of licences, permits, certificates and approvals.
3. The issue of notices, orders and requisitions and the carrying out and putting into effect of notices, orders and requisitions.
4. The ordering and authorisation of legal proceedings for breaches of the Act and all Regulations, Local Laws and Orders made there under.

Conditions:

1. Subject to the provisions of the Health Act, Public Health Act 2016; Local Laws and Council Policies.
2. Applicant must be advised of objections and/or appeal rights.

1.20 DEVELOPMENT APPLICATION - ADVERTISING

Date Adopted	March 2006
Date Reviewed	January 2020
Authority	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i>
References	<i>Town Planning Scheme No. 3 No. 4</i> <i>Policy 3.14 Signage within Zoned and/or Reserve Land</i>

Delegation:

The Chief Executive Officer has delegated authority to advertise development applications for public comment where the Chief Executive Officer considers such applications should have public comment prior to consideration by Council and to make available from Council's files information regarding the development application so that the public are in a position to make a proper assessment.

Conditions:

Compliance with Town Planning Scheme ~~No. 3~~ No. 4.

1.21 TRAFFIC REGULATORY SIGNS

Date Adopted	March 2006
Date Reviewed	January 2020
Authority	Local Government Act 1995 S5.42
References	Main Roads WA Guideline "Traffic Signals" D09#88641

Delegation:

Council delegates its authority and power to the Chief Executive Officer to install appropriate traffic regulatory signs at such places as the Chief Executive Officer considers necessary.

Conditions:

Subject to Main Roads WA approval if appropriate.

1.22 EVENTS ON ROADS

Date Adopted	March 2006
Date Reviewed	January 2020
Authority	Local Government Act 1995 S5.42
References	Road Traffic (Events on Roads) Regulations 1991 Local Government Act 1995 S3.50

Delegation:

Council delegates its authority and power to the Chief Executive Officer to determine applications for the temporary closure of roads for the purpose of conducting events in accordance with the Road Traffic (Events on Roads) Regulations 1991.

Conditions:

The Chief Executive Officer shall have regard to Section 3.50 of the Local Government Act 1995.

1.23 RESTRICTED ACCESS VEHICLES (RAV)

Date Adopted	May 2019
Date Reviewed	January 2020
Authority	Local Government Act 1995 S5.42
References	Council Policy 1.24 – Restricted Access Vehicles Road Traffic Act 1974 Road Traffic (Vehicle Standards) Rules and Regulations

Delegation:

Council delegates its authority and power to the Chief Executive Officer to issue Letters of Approval to RAV operators specifying which roads they may use and the conditions that apply to that use.

Conditions:

Compliance with Council Policy 1.24 – Restricted Access Vehicles.

1.24 ADDITIONAL POWERS EXERCISED WHEN NOTICES GIVEN REQUIRING CERTAIN THINGS TO BE DONE BY OWNERS OR OCCUPIERS OF LAND

Date Adopted	March 2006
Date Reviewed	January 2020
Authority	Local Government Act 1995 S5.42
References	Local Government Act 1995 S5.42

Delegation:

Council delegates its authority and power to the Chief Executive Officer to issue notices pursuant to Section 3.25 of the Local Government Act 1995 to owners and occupiers of land requiring certain things to be done.

Council delegates its authority and power to the Chief Executive Officer, to take what action is deemed necessary to cover the costs incurred in achieving the purpose for which a notice was given pursuant to Section 3.25 of the Local Government Act from persons who failed to comply with the said notice.

Conditions:

Subject to the express provisions of the Local Government Act 1995 and Council Policies.

1.25 LODGEMENT OF CAVEATS

Date Adopted	2006
Date Reviewed	January 2020
Authority	Local Government Act 1995 S5.42
References	Local Government Act 1995 S6.64

Delegation:

Council delegates its authority and power to the Chief Executive Officer to lodge a caveat to preclude dealings in respect of land where payment of rates or service charges imposed in respect to the land is unpaid for at least (3) three years.

Conditions:

Nil.

1.26 RESERVES UNDER CONTROL OF A LOCAL GOVERNMENT

Date Adopted	2006
Date Reviewed	January 2020
Authority	Local Government Act 1995 S5.42
References	Local Government Act 1995 S3.54

Delegation:

Council delegates its authority and power to the Chief Executive Officer to control and manage land that is vested or placed under the control and management of the Local Government.

Conditions:

Nil.

1.27 THOROUGHFARES: NOTIFICATION TO AFFECTED OWNERS

Date Adopted	March 2006
Date Reviewed	January 2020
Authority	<i>Local Government Act 1995 S5.42</i>
References	<i>Local Government Act 1995 S3.51</i> <i>Local Government (Functions and General) Regulations 1996</i>

Delegation:

Council delegates its authority and power to the Chief Executive Officer to ensure the requirements of Section 3.51(3) of the Local Government Act 1995 are observed relating to affected land owners being notified of proposals and allowed a reasonable time to make submissions in order that such may be considered.

Conditions:

Refer to r.4 to r.6 of the Local Government (Functions and General) Regulations 1996.

1.28 THOROUGHFARES: ENSURING PUBLIC ACCESS MAINTAINED

Date Adopted	March 2006
Date Reviewed	January 2020
Authority	Local Government Act 1995 S5.42
References	Local Government Act 1995 S3.51 (3) Local Government (Functions and General) Regulations 1996

Delegation:

Council delegates its authority and power to the Chief Executive Officer to ensure the requirements of Section 3.51(3) of the Local Government Act 1995 are observed relating to affected land owners being notified of proposals and allowed a reasonable time to make submissions in order that such may be considered.

Conditions:

Refer to r.4 to r.6 of the Local Government (Functions and General) Regulations 1996.

1.29 POWERS OF ENTRY ONTO LAND

Date Adopted	March 2006
Date Reviewed	January 2020
Authority	Local Government Act 1995 S5.42
References	Local Government Act 1995 S3.51 (3) Local Government Act 1995 Part 3 Division 3 Subdivision 4

Delegation:

Council delegates its authority and power to the Chief Executive Officer to undertake the functions and duties required under the Local Government Act 1995 in respect of:

Section 3.39 - Appointment of Authorised Persons for the purpose of removing and impounding goods that are involved in the contravention which can lead to impounding.

Section 3.40 - Removal of Vehicle and impounding of goods by an authorised person. Section 3.42 - Action required in respect to impounding of non-perishable goods. Section 3.44 - The Issue of Notices regarding collection of goods if not confiscated. Section 3.46 - Withholding of goods pending payment of costs.

Section 3.47 - The Disposal of confiscated or uncollected goods.

Section 3.48 - Recovery of Costs incurred in the impounding exercise.

Conditions:

Requirements of r.29 of the Local Government (Functions and General) Regulations 1996 and Council Policies.

1.30 EXECUTION OF LEASES LICENCE AGREEMENTS AND CONTRACTS

Date Adopted	March 2006
Date Reviewed	January 2020
Authority	Local Government Act 1995 S5.42
References	Management Policy – 1.21 Common Seal

Delegation:

Council delegates its authority and power to the Chief Executive Officer to execute and apply the Council common seal to new leases for properties that Council has previously resolved to lease.

Conditions:

1. Compliance with Local Government Act 1995 and any other written law.
2. Compliance with Management Policy 1.21 – Common Seal.
3. Chief Executive Officer and Shire President jointly to sign the lease licence or contract document.
4. The following wording for Council motions is to read as follow:

“That Council authorise the Shire President and the Chief Executive Officer to execute the relevant documentation and affix the common seal of the Shire of Brookton on this documentation.”

1.31 COMMITTEE – COMMUNITY HOUSING AND SENIOR CITIZEN INDEPENDENT LIVING UNITS

Date Adopted	June 2008
Date Reviewed	May 2019
Authority	Local Government Act 1995 S5.17
References	Local Government Act 1995 S3.18 Council Policy—1.2 Council Committees

Delegation:

~~Council delegates its authority and power to the Community Housing Committee to select suitable tenants when vacancies arise at the Madison Square units and Senior Citizen Independent Living Units.~~

Conditions:

~~Nil.~~

~~This delegation was removed as the Committee has been dissolved..~~

1.32 COMMITTEE – LES McMULLEN MEMORIAL RECREATION GRANTS

This delegation was removed as the Committee no longer exists - refer to Council motion OCM 04.18-20.

1.33 REGISTRATION OF DOGS

Date Adopted	May 2009
Date Reviewed	January 2020
Authority	Local Government Act 1995 S5.44
References	Dog Act 1976 S.11 – Staff and Services

Delegation:

Council appoints the following position as Dog Registration Officers:

- Administration Records Officer
- Executive Governance Officer

Conditions:

Nil.

1.34 PLANNING COMPLIANCE

Date Adopted	March 2009
Date Reviewed	January 2020
Authority	Local Government Act 1995 S5.44
References	Town Planning Scheme No. 3 4 Clause 8.1(c)

Delegation:

Council delegates its authority and power to the Chief Executive Officer to enter properties and buildings at all reasonable times for the purpose of ascertaining whether the provisions of the Town Planning Scheme are being complied with.

The CEO delegates this authority and power to the ~~Governance Officer~~ Senior Corporate Business Officer.

Conditions:

Nil.

1.35 AUTHORISED OFFICERS

Date Adopted	May 2009
Date Reviewed	January 2020
Authority	Local Government Act 1995 S9.10
References	Various Acts and Regulations

Delegation:

Council appoints the following:

- a) CEO an authorised person for the Shire of Brookton under the:
 1. Bush Fires Act 1954 and Regulations
 2. Planning and Development Act 2005
 3. Planning and Development (Local Planning Schemes) Regulations 2015

- b) CEO and ~~Deputy CEO~~ MCC (Manager Corporate and Community) as authorised persons for the Shire of Brookton under the:
 1. Caravan Parks and Camping Grounds Act 1995
 2. Caravan and Camping Ground Regulations 1997
 3. Dog Act 1976 and Regulations
 4. Litter Act 1979 and Regulations
 5. Local Government (Miscellaneous Provisions) Act 1960
 6. Local Government Act 1995
 7. Control of Vehicles (Off-road Areas) Act 1978
 8. Building Act 2011
 9. Building Regulations 2012
 10. Cat Act 2011 and Regulations
 11. Emergency Management Act 2005

- c) Environmental Health Officer as an authorised person for the Shire of Brookton under the:
 1. Public Health Act 2016
 2. Food Act 2008
 3. Caravan Parks and Camping Grounds Act 1995
 4. Local Government (Miscellaneous Provisions) Act 1960

- d) Contracted Shire Ranger as an authorised person for the Shire of Brookton under the:
 1. Dog Act 1976 and Regulations
 2. Local Government (Miscellaneous Provisions) Act 1960 Part
 3. Cat Act 2011 and Regulations

- e) Building Surveyor as an authorised person for the Shire of Brookton under the:
 1. Building Act 2001
 2. Building Regulations 2012.

Conditions:

Nil.

1.36 PURCHASING AUTHORITY

Date Adopted	December 2008
Date Reviewed	January 2020
Authority	Local Government Act 1995 S5.44
References	Statutory Policy 2.11 Management Policy 1.16

It is noted that the CEO has complete purchasing authority across all Budget lines (in accordance with Council's Policies and the tender threshold of \$149,999 plus GST).

Sub-Delegation by the CEO

The purchasing function can be performed by the following officers relating to their 'Responsible Officer' general ledger / job account and limited through the Synergy Soft Purchasing System to the below dollar value limits (all excluding GST):

Deputy Chief Executive Officer Manager Corporate and Community	\$49,999
Manager of Infrastructure and Regulatory Services Manager Infrastructure and Emergency Works Co-ordinator	\$49,999
Executive Governance Officer	\$5,000
Maintenance Officer	\$3,000
	\$1,000

For expediency and practicality, the above officers also have general purchasing authority, across all Budget lines, subject to provision being contained in the Budget, regardless of the relevant 'Responsible Officer', for purchase orders up to and including \$999.

Conditions:

1. Provision for the purchase being contained in the Council's Budget and;
2. Compliance with all of the Council's Policies including;
 - 1.6 Contractors – Use on Works
 - 1.10 Management – Engagement of Professional Services
 - 1.36 Buy Local and;
 - 2.11 Purchasing.

Note: The CEO has authorisation amendment to the Sub-delegation above effective 3rd September 2018.

1.37 SPECIFIC PROVISIONS UNDER TOWN PLANNING SCHEME NO. 34

Date Adopted	August 2009
Date Reviewed	January 2020
Authority	Local Government Act 1995 S5.44 Planning and Development Act 2005
References	Town Planning Scheme No. 34 Clause 8.9; cl68 of Planning and Development (Local Planning Schemes) Regulations 2015 SPP 3.1 – Residential Design Codes 2015

Delegation:

Council delegates to the Chief Executive Officer the authority to:

- Issue planning approvals relating to Development Applications pursuant to CL;
- Issue Council response to Western Australian Planning Commission for subdivision/amalgamation applications and clear conditions relating to subdivision and amalgamations;
- Sign outward correspondence relating to Town Planning matters;
- Sign strata titles in accordance with the Strata Titles Act;
- Determine and approve all Development Applications classified as a “P” and “AA” use under the Shire of Brookton’s Town Planning Scheme No. 34 Table 1 – Zoning Table;
- Determine and approve Grouped Dwelling Development Applications that comply with the Residential Design Codes (2015) and Town Planning Scheme No. 34;
- Determine and approve Single Dwelling Development Applications that comply with Town Planning Scheme No. 34, on Commercial, Industrial, Rural Town site and Farming zoned land;
- Determine and approve Development Applications in Avon River South Flood Plain areas that comply with the Residential Design Codes (2015) and Town Planning Scheme No. 34;
- Determine and approve Outbuilding Development Applications that comply with the Residential Design Codes (2015), the Shire of Brookton’s Outbuilding Policy and Town Planning Scheme No. 34;
- Determine and approve Development Applications that contain minor variations to Town Planning Scheme No. 34 or the Residential Design Codes (2015);
- Issue certificates of compliance for the Residential Design Codes (2015);
- Respond to development applications relating to public housing from the Department of Housing and be the principal Shire contact point for the Department of Housing; and
- Determine and respond to subdivision referrals from the Western Australian Planning Commission, which relate to the alignment of roads or do not exceed creation of five (5) new additional lots;
- Approve signage applications where planning approval has not lapsed pursuant to Clause 7.1 of the Town Planning Scheme, No. 34 and;
- Determine and approve Home Based Occupation Permits.

Conditions:

Nil.

1.38 COMMON SEAL

Date Adopted	May 2010
Date Reviewed	January 2020
Authority	Local Government Act 1995 S5.42
References	S 9.49A, S 9.49B

Delegation:

Council delegates its authority and power to the Chief Executive Officer to affix the common seal to documents to be executed by the Shire where such documents are consistent and in accord with a resolution of Council or Management Policy 1.21 – Common Seal.

Conditions:

1. Use of the seal to be recorded in the Council's Seal Register (magiq ID 4141).
2. The following wording to be used for Council motions in relation to affixing the Common Seal:

"That Council authorise the Shire President and the Chief Executive Officer to execute the relevant documentation and affix the common seal of the Shire of Brookton on this documentation."

1.39 AUTHORISED OFFICER – FOOD ACT 2008

Date Adopted	June 2010
Date Reviewed	January 2020
Authority	Local Government Act 1995 S5.42 and S5.44
References	Food Act 2008 and Public Health Act 2016

Delegation:

1. Council delegates its authority and powers to the Chief Executive Officer to exercise and discharge all or any of the powers or functions of the local government pursuant to the Public Health Act 2016 and in regard to the following sections of the Food Act 2008:
 - Appoint authorised officers in accordance with section 122.
 - Appoint designated officers to issue infringement notices in accordance with section 126(2).
 - Appoint designated officers to extend the payment period for infringement notices or withdraw infringement notices in accordance with sections 126(6) and 126(7).
2. Council delegates its authority and powers to the Chief Executive Officer to exercise and discharge all or any of the powers and functions of the local government pursuant to the Public Health Act 2016 and in regard to the following sections of the Food Act 2008:
 - Issue prohibition orders in accordance with section 65.
 - Clear and remove a prohibition order in accordance with section 66.
 - Provide written notification not to issue a certificate of clearance in accordance with section 67.
 - Grant, apply conditions, refuse, vary, or cancel registration of a food business in accordance with section 110 and 112.

This function can be performed by the Environmental Health Officer acting through the Chief Executive Officer in accordance with Section 5.45 of the Local Government Act 1995.

Conditions:

Nil.

1.40 VARIATIONS TO FIREBREAK ORDER

Date Adopted	August 2010
Date Reviewed	January 2020
Authority	Local Government Act 1995 S5.42
References	Bush Fires Act 1951 s.48

Delegation:

Council delegates its authority and power to the Chief Executive Officer to determine applications for the provision of firebreaks in alternative positions and to determine applications for the provision of alternative fire protection measures on the land, in accordance with the provisions of Clause 7.1 of Council's Firebreak Order and in consultation with the Chief Bush Fire Control Officer.

Conditions:

- The Chief Executive Officer has the right to grant, refuse, alter or add any conditions to any application.
- No exemptions can be issued.

1.41 BUILDING MATTERS – PERMITS, CERTIFICATES & ORDERS

Date Adopted	April 2012
Date Reviewed	January 2020
Authority	Building Act 2011 s.127
References	Town Planning Scheme No. 34 Building Code of Australia Building Regulations 2012

Delegation:

Pursuant to the Building Act 2011, Section 127, Council delegates its authority and power to the Chief Executive Officer, ~~Deputy Chief Executive Officer~~ **Manager Corporate and Community**, Building Surveyor to perform the duties and functions of the Building Act 2011 pertaining to buildings and associated incidental structures:

- Section 20 – Granting of Building Permits
- Section 21 – Granting of Demolition Permits
- Section 22 – Refusal of Permits
- Section 58 – Granting and Refusing Occupancy Permits and Building Approval Certificates
- Section 65 – Consider Extending the Period of Duration of an Occupancy Permit or Building Approval Certificate
- Section 110 – Issue Building Orders
- Section 117 – Revoke Building Orders

Conditions:

Compliance with Building Regulations 2012 and the Building Code of Australia, and other relevant Local Laws and Policies.

1.42 BUILDING MATTERS – BUILDING AUTHORISATIONS

Date Adopted	April 2012
Date Reviewed	January 2020
Authority	Building Act 2011 Part 8
References	Town Planning Scheme No. 34 Building Code of Australia Building Regulations 2012

Delegation:

Pursuant to the Building Act 2011, Part 8 - enforcement, Council delegates its authority and power to the Chief Executive Officer, ~~Deputy Chief Executive Officer~~ Manager Corporate and Community, and Building Surveyor in respect of compliance matters pertaining to buildings and associated incidental structures:

- Section 100 – Entry Powers
- Section 101 – Powers After Entry for Compliance Purposes
- Section 102 – Obtaining Information & Documents
- Section 103 – Use of Force and Assistance
- Section 106 – Application for Warrant to Enter a Place

Conditions:

Compliance with Building Regulations 2012, the Building Code of Australia, and other relevant Local Laws and Policies.

1.43 BUILDING MATTERS – FINES, PENALTIES & ENFORCEMENT

Date Adopted	April 2012
Date Reviewed	January 2020
Authority	Building Act 2011 Part 8
References	Town Planning Scheme No. 34 Building Code of Australia Building Regulations 2012

Delegation:

Pursuant to the Building Act 2011, Part 8 - Enforcement, Council delegates its authority and power to the Chief Executive Officer, ~~Deputy Chief Executive Officer~~ Manager Corporate and Community, Building Surveyor in respect of enforcement matters pertaining to buildings and associated incidental structures, and authorises them to prepare, sign and serve notices in relation to fines, penalties and enforcement: Section 96 – Authorised Persons.

Conditions:

Compliance Building Regulations 2012, the Building Code of Australia, and other relevant Local Laws and Policies.

1.44 EMPLOYMENT COMMITTEE

Date Adopted	May 2016
Date Reviewed	January 2020
Authority	Local Government Act 1995 S5.17
References	Local Government Act 1995 S5.38 Council Policies: <ul style="list-style-type: none">- 1.2 Council Committees- 1.10 CEO Performances and Salary Review

Delegation:

Council delegates its authority and power to the Employment Committee to conduct the performance review and salary package review and amend the CEO's salary package.

Conditions:

Compliance with the terms of the contract, the Salaries and Allowances Tribunal CEO Determinations and to be conducted annually prior to anniversary and April / May for the Budget Meeting.

1.45 EMPLOYMENT COMMITTEE ISSUE OF CORPORATE CREDIT CARDS

Date Adopted	May 2016
Date Reviewed	January 2020
Authority	Local Government Act 1995 S5.42
References	Council Policy: 1.15 Use of Corporate Credit Cards

Delegation:

Council delegates its authority and power to the Chief Executive Officer to issue corporate credit cards to senior employees to a maximum collective credit limit of \$10,000.

Conditions:

1. Subject to the provisions of the Council Policies including 1.15 - Use of Corporate Credit Cards 2.11 - Purchasing.

1.46 LEGAL REPRESENTATION FOR COUNCIL MEMBERS AND EMPLOYEES

Date Adopted	May 2016
Date Reviewed	January 2020
Authority	Local Government Act 1995 S5.42
References	Council Policy: 1.15 Use of Corporate Credit Cards

Delegation:

In cases where a delay in the approval of an application will be detrimental to the legal rights of the applicant, the CEO may exercise on behalf of Council any of the powers of Council (of the Policy) to a maximum of \$2,000 in respect of each application.

Conditions:

1. An application approved by the CEO is to be submitted to the next ordinary meeting of Council.

1.47 APPOINTED/DESIGNATED OFFICERS (DIRECT FROM THE RELEVANT ACT)

Date Adopted	Sep 2016
Date Reviewed	January 2020
Authority	Various Acts as listed
References	Various Acts and Regulations

Delegation:

The persons in the following positions are appointed as Authorised or Designated Officers, either until their employment ceases or their appointment is withdrawn by the Chief Executive Officer (CEO), whichever comes first:

1. *Rules of Conduct Complaints Officer*
 - The Chief Executive Officer is designated as the Local Government's Complaints Officer for receiving, investigating and, if deemed valid, registering and reporting Elected Member breaches or alleged breaches of the Council's Code of Conduct or Rules of Conduct. Local Government Act 1995 (Section 5.120 (1) (2)).
2. *Public Interests Disclosure Officer*
 - The Chief Executive Officer has designated the ~~Deputy Chief Executive Officer~~ **Manager Corporate and Community** as the Local Government's Public Interest Disclosure Officer for receiving and registering disclosures of public information relating to matters falling within the sphere of responsibility of the Shire of Brookton. Public Interest Disclosure Act 2003 (Section 23 (1) (a)).
3. *Freedom of Information (FOI) Coordinator*
 - The Chief Executive Officer, as the Shire of Brookton's Principal Officer for the purposes of the Act, designates the ~~Deputy Chief Executive Officer~~ **Manager Corporate and Community** as the Council's Freedom of Information Coordinator, for receiving, investigating, registering and reporting Freedom of Information requests. Freedom of Information Act 1992 (Section 100 (1)).
4. *Freedom of Information Internal Review Officer*
 - The Chief Executive Officer is designated as the Local Government's Internal Review Officer. Freedom of Information Act 1992 (Section 41).
5. *Equal Employment Opportunity (EEO) Officer*
 - The Chief Executive Officer designates the ~~Deputy Chief Executive Officer~~ **Manager Corporate and Community** as the Local Government's Equal Employment Opportunity Officer for implementing Council's Equal Employment Opportunity Management Plan and promoting Council's Equal Employment Opportunity Policy. Equal Opportunity Act 1984 (Section 145).
6. *Litter Officers*
 - All members of the Council and all employees of the local government are authorised officers. Litter Act 1979 (Sections 26, 27, 27A and 30).

7. Citizenship Officers

- The Minister for Immigration and Citizenship, acting under subsection 27(5) of the Australian Citizenship Act 2007 authorises the classes or person from time to time holding, occupying or performing the duties of a person, mentioned in the Second Schedule to this Instrument, to receive a pledge of commitment.

- The persons in the following positions of the Shire of Brookton are authorised to receive a pledge of commitment;
 - President of the Shire
 - Deputy President of the Shire
 - Chief Executive of the Shire

Conditions:

Nil.

1.48 GRAFFITI VANDALISM ACT 2013

Date Adopted	November 2016
Date Reviewed	January 2020
Authority	<i>Graffiti Vandalism Act 2013; S16, S22</i>
References	<i>GRAFFITI VANDALISM ACT 2013</i>

Delegation:

That Council delegate all of the local government's powers and ability to discharges all of its duties under section 16 of that statute to the Chief Executive Officer,

That Council also delegate pursuant to section 22, the right to utilise and modify as necessary Forms 4 and 6 in Schedule 1 to the Local Government (Functions and General) Regulations 1996.

Sub-Delegation by the CEO:

Nil

Conditions:

Nil.

16.10.19 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**17.10.19 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING****18.10.19 CONFIDENTIAL REPORTS****OCM 01.20-18****COUNCIL RESOLUTION****MOVED Cr Lilly SECONDED Cr Walker**

That Council close the meeting to the public in accordance with Section 5.23 (2) (a) as this item relates to a matter that if disclosed could reveal information of a matter affecting an employee.

CARRIED BY SIMPLE MAJORITY VOTE 6-0

18.01.20.01 EMPLOYEE ANNUAL LEAVE REQUEST

File No:	ADM 0222
Date of Meeting:	16 January 2020
Location/Address:	N/A
Name of Applicant:	Ian D'Arcy
Name of Owner:	N/A
Author/s:	Ian D'Arcy – Chief Executive Officer
Authorising Officer:	Katrina Crute - Shire President
Declaration of Interest:	The author has an interest in this item as the incumbent employee
Voting Requirements:	Absolute majority
Previous Report:	Nil.

Summary of Item:

To consider a request from the CEO in relation to part payout of accrued annual leave to reduce the Shire's liability.

OCM 01.20-19**COUNCIL RESOLUTION****MOVED Cr Fancote SECONDED Cr Watts**

Suspend standing orders 5.23pm

CARRIED BY SIMPLE MAJORITY VOTE 6-0

OCM 01.20-20**COUNCIL RESOLUTION****MOVED Cr Watts SECONDED Cr Lilly**

Suspend standing orders 5.24pm

CARRIED BY SIMPLE MAJORITY VOTE 6-0

OCM 01.20-21

COUNCIL RESOLUTION

MOVED Cr Watts SECONDED Cr Lilly

That Council endorses a request for a payout of 5 weeks accrued Annual Leave entitlement for the CEO, in accordance with Statement 2.2 of Council Policy 2.31 – Employee Leave and subject to a Deed of Settlement being executed between the CEO and Shire President.

CARRIED BY ABSOLUTE MAJORITY VOTE 6-0

OCM 01.20-22

COUNCIL RESOLUTION

MOVED Cr Fancote SECONDED Cr Walker

That Council reopen the meeting to the public at 5.27pm.

CARRIED BY SIMPLE MAJORITY VOTE 6-0

19.10.19 NEXT MEETING & CLOSURE

The next Ordinary meeting of the Council will be held on Thursday 20th February 2020 commencing at 5.00 pm.

There being no further business the meeting was closed at 5.28pm.