



16 September 2021

Attachments provided under separate cover.

1. Item 12.09.21.02 – PROPOSED SCHEME AMENDMENT NO. 1 – LOCAL PLANNING SCHEME NO. 4

Attachment 12.09.21.02B – Scheme Amendment Documentation

2. Item 15.09.21.02 – PROPOSED AMENDMENT COUNCIL POLICY MANUAL

Attachment 15.09.21.02A - Shire of Brookton Policy Manual Review – September 2021



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**Shire of Brookton
Local Planning Scheme No. 4
Scheme Amendment No. 1**



Lots 51 & 181 Boyagarra Road, Brookton

**PLANNING AND DEVELOPMENT ACT 2005
RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME**

SHIRE OF BROOKTON LOCAL PLANNING SCHEME No. 4

AMENDMENT No. 1

RESOLVED that the local government in pursuance of Section 75 of the *Planning and Development Act 2005*, amend the above Local Planning Scheme by:

1. Rezoning Lots 51 and 181 Boyagarra Road, Brookton from the 'Rural' zone to the 'Rural Smallholding' zone.
2. Amending the Scheme Map accordingly.

Determines Amendment No.1 is a standard amendment under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:

- An amendment relating to a zone that is consistent with the objectives in the scheme for that zone;
- The amendment is consistent with the Local Planning Strategy that has been endorsed by the Commission;
- The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment; and
- The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.

Dated this _____ day of _____ 2021

Chief Executive Officer

Date

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PROPOSAL TO AMEND A LOCAL PLANNING SCHEME

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| 1. LOCAL GOVERNMENT: | Shire of Brookton |
| 2. DESCRIPTION OF LOCAL PLANNING SCHEME: | Local Planning Scheme No.4 |
| 3. TYPE OF SCHEME: | Local Planning Scheme |
| 4. SERIAL NUMBER OF AMENDMENT: | 1 |
| 5. PROPOSAL: | i) Rezoning Lots 51 and 181 Boyagarra Road, Brookton from the Rural zone to the Rural Smallholding zone.
ii) Amending the Scheme Map accordingly. |

REPORT BY THE SHIRE OF BROOKTON

1. INTRODUCTION

The Shire of Brookton seeks the support of the Western Australian Planning Commission (WAPC) and the approval of the Hon. Minister for Planning to rezone Lots 51 and 181 Boyagarra Road, Brookton (the 'site') from 'Rural' to 'Rural Smallholding'.

The purpose of this report and associated plans are to explain the proposal and set out the planning merits of the Amendment which is consistent with the planning framework including the *Brookton-Beverley Local Planning Strategy*.

More detailed planning and investigations will occur at the subdivision application, development application and building permit stages.



Boyagarra Road

2. BACKGROUND

2.1 Cadastral details

A copy of the Certificates of Title are provided in Attachment 1. Cadastral details for the site are summarised below in Table 1.

Lot	Diagram	Volume	Folio	Area	Owner
Lot 51 Boyagarra Road	DP76005	2834	784	53.0559 hectares	Langley Management Pty Ltd
Lot 181 Boyagarra Road	DP50016	2652	971	34.1793 hectares	Langley Management Pty Ltd

2.2 Regional context

The site is in the Shire of Brookton. Brookton is located 140 kilometres east, south-east of Perth, 70 kilometres north of Narrogin and 100 kilometres south of Northam. Brookton is a district centre in the Wheatbelt Region. The town provides a range of services and facilities to residents and visitors.

2.3 Local context

The site is located approximately 3 kilometres north-east of the Brookton townsite (see Attachment 2).

The site adjoins and is near a range of uses including rural smallholding, rural, golf course and industry – extractive. From a spatial perspective, the rezoning of the site will provide a logical extension to providing additional rural living lots near Brookton without causing adverse amenity impacts to the locality. Attachment 3 shows the Context, Opportunities and Constraints Plan. The proposed Rural Smallholding zone provides an appropriate transition use between the Brookton townsite and agricultural operations.

Lot 50 Boyagarra Road is surrounded by the amendment site. Lot 50 was created through the subdivision process as a 'homestead' lot. Given its size of 11.7983 hectares, it is already a Rural Smallholding property. The owner of Lot 50 did not wish to have their land rezoned to Rural Smallholding.

To the south of the Brookton-Corrigin Road is a sand and gravel pit (industry-extractive use) (Tianco site). It is noted that the industry extractive use has not been approved for the strip of land, generally with a width of 60 metres, on Lot 814 north of Brookton-Corrigin Road.

2.4 Physical characteristics

The site is outlined in Attachment 4 and has the following characteristics and features:

- The site is bounded by the Great Southern Highway to the west, Boyagarra Road to the north, Lots 814 and 816 to the south and rural land to the east;
- It has a combined area of 87.23 hectares;
- It is used for rural (cropping) purposes;
- It is dissected by a seasonal watercourse which limits practical vehicular access to the area south of the seasonal watercourse;
- It is largely cleared. The main area of native vegetation adjoins the seasonal watercourse. As outlined in Attachment 5, the vegetation in the seasonal watercourse is degraded due to past clearing and agricultural practices;

- The site has a gentle gradient which slopes from approximately 265 metres AHD in the north-east corner to approximately 247 metre AHD on the western boundary;
- The Corrigin Area *Land Resources Survey*, by the former Department of Agriculture, sets out that the site (northern and central sections) is predominantly within the Pingelly system. This is described as 'Granitic and colluvial slopes with sandy and loamy duplexes and red/brown loams. York Gum and Wandoo Woodland'. There are other soils associated with the seasonal watercourse where no development is proposed; and
- It is not on the Department of Water and Environmental Regulation's Contaminated Site Database.

Attachment 5 sets out the Environmental Assessment and Site Soil Evaluation by Bio Diverse Solutions.

2.5 Existing services

2.5.1 Roads

The site adjoins the sealed Boyagarra Road and the Great Southern Highway. Due to the seasonal watercourse, the site has a long standing access/crossover to the Brookton-Corrigin Road through the Great Southern Highway reserve in the south-west section of the property.

2.5.2 Drainage

There is a seasonal watercourse in the southern section. The site drains towards the west.

2.5.3 Water supply

The site is not connected to the reticulated water system.

2.5.4 Wastewater disposal

The site is not connected to the reticulated sewerage system.

2.5.5 Power and Telecommunications

Power and telephone services are currently available to the site.

2.6 Heritage

The Department of Planning, Lands and Heritage's Aboriginal Heritage Inquiry System at <https://maps.daa.wa.gov.au/ahis/> reveals there are no Registered Aboriginal Sites applying to the subject land. While noting this, land developers have an obligation under the *Aboriginal Heritage Act 1972* to protect places and objects in Western Australia that are important to Aboriginal people because of the connections to their culture.

Additionally, the site does not contain any structure or place of non-indigenous heritage significance on the Shire of Brookton Municipal Inventory (heritage survey) or on the Shire's Heritage List.

3. PLANNING FRAMEWORK

3.1 Overview

The site and proposed rural smallholding subdivision/development are subject to a range of State Planning Policies, WAPC publications and bulletins, WAPC regional strategies, along with Environmental Protection Authority (EPA) bulletins, various Shire strategies and policies, along with the *Shire of Brookton Local Planning Scheme No. 4 (LPS4)*.

The following section will outline how the Amendment suitably addresses relevant planning policies, strategies, plans and LPS4. These documents consider key planning, environmental, servicing and economic development matters. In summary, the Amendment is consistent with the planning framework.

3.2 State planning framework

Overview

The following strategies and policies are of relevance to the Amendment:

- *State Planning Strategy 2050* - sets a broad strategic plan for Western Australia built on sustained growth and prosperity. The Strategy highlights the importance of job creation and supports developing strong and resilient regions. The Strategy also supports a diverse, liveable, connected and collaborative State;
- *State Planning Policy 1 State Planning Framework Policy*;
- *State Planning Policy 2 Environment and Natural Resources*;
- *State Planning Policy 2.5 Rural Planning*;
- *State Planning Policy No. 2.9 Water Resources* - a Water Management Strategy is set out in Attachment 6;
- *State Planning Policy 3.7 Planning in Bushfire Prone Areas* – the site is partly classified as a Bushfire Prone Area as shown at <https://maps.slip.wa.gov.au/landgate/bushfireprone/>. A Bushfire Management Plan and BAL Contour Plan are set out in Attachment 7. This assessment addresses SPP 3.7 and the *Guidelines for Planning in Bushfire Prone Areas*;
- *State Planning Policy No. 3 Urban Growth and Settlement*;
- *State Planning Policy 5.4 Road and Rail Noise* – details are outlined in section 5.7.3 of this report;
- *Government Sewerage Policy*; and
- EPA Guidance Statements including *Guidance Statement 33 – Environmental Guidance for Planning and Development* and *Guidance Statement 3 – Separation Distances between Industrial and Sensitive Land Uses*.

State Planning Policy 2.5: Rural Planning

State Planning Policy 2.5: Rural Planning (SPP 2.5) provides guidance in relation to establishing rural living precincts. Rural living proposals, on rural land, may be supported where they comply with the objectives and requirements of SPP 2.5.

The following policy provisions from section 3.5.3 of SPP 2.5, apply in regard to decision-making for rural living proposals. The Amendment request is assessed against these provisions in Table 2.

Table 2 – Assessment of Amendment Request against SPP2.5

Provisions	Comment
(a) rural living proposals shall not be supported where they conflict with the objectives of this policy or do not meet the criteria listed at 5.3 (b) and (c);	The Amendment is consistent with SPP2.5 objectives and section 5.3 (b) and (c).
(b) the rural living precinct must be part of a settlement hierarchy established in an endorsed planning strategy;	Comply. The site is allocated as 'Rural Smallholding' in the Local Planning Strategy.
(c) the planning requirements for rural living precincts are that: <ul style="list-style-type: none"> i. the land be adjacent to, adjoining or close to existing urban areas with access to services, facilities and amenities; ii. the proposal will not conflict with the primary production of nearby land, or reduce its potential; iii. areas required for priority agricultural land are avoided; iv. the extent of proposed settlement is guided by existing land supply, take- up, dwelling commencements and population projections; v. areas required for urban expansion are avoided; vi. where a reticulated supply is demonstrated to not be available, or the individual lots are greater than four hectares, the WAPC may consider a fit-for-purpose domestic potable water supply, which includes water for firefighting. The supply must be demonstrated, sustainable and consistent with the standards for water and health; or vii. the precinct can be serviced by electricity, provided by a licenced service provider, and this has been demonstrated; 	Comply. This was addressed in the Local Planning Strategy with further details outlined in this report. Relevant matters can be addressed in greater detail at the subdivision stage.
viii. the precinct has reasonable access to community facilities, particularly education, health and recreation.	Comply. The Brookton townsite is only 3 km away.
ix. the land is predominantly cleared of remnant vegetation, or the loss of remnant vegetation through clearing for building envelopes, bushfire protection and fencing is minimal and environmental values are not compromised;	Comply, including through building exclusion areas on the Local Structure Plan and the Bushfire Management Plan.
x. the proposal will achieve improved environmental and landscape outcomes and a reduction in nutrient export in the context of the soil and total water management cycle, which may include rehabilitation as appropriate;	Comply, including through setting out building exclusion areas and proposing revegetation along the seasonal watercourse.
xi. the land is capable of supporting the development of dwellings and associated infrastructure (including waste water and keeping of stock) and is not located in a floodway or area prone to seasonal inundation;	Comply, including through building exclusion areas.

xii. the land is not subject to a separation distance or buffer from an adjoining land use; or if it is, that no sensitive land uses be permitted in the area of impact;	Comply, including through building exclusion areas.
xiii. the lots can be serviced by constructed road/s capable of providing access during all weather conditions, including access and egress for emergency purposes; and	Comply
xiv. bushfire risk can be minimised and managed in accordance with State policy, without adversely affecting the natural environment. Proposals in areas of extreme bushfire risk cannot proceed.	Comply. Refer to Attachment 7.
(d) development standards for rural living zones are to be included in local planning schemes;	Comply
(e) further subdivision of existing rural living lots into smaller parcels is not supported, unless provided for in a local planning strategy and/or scheme; and	Noted. The minimum lot size is 5.9 hectares which is set out in the associated Local Structure Plan.
(f) rural strata proposals with a residential component are considered to be rural living and will be considered in accordance with the criteria listed at 5.3 (a), (b) and (c) of this policy.	Not applicable

3.3 Regional planning framework

3.3.1 Wheatbelt Regional Planning and Infrastructure Framework

The Framework supports a diverse and adaptive economy and supporting population growth. The Framework identifies Brookton as a 'town'.

The Framework's vision is expressed through objectives and an agreed strategic direction for economic growth, population and sustainable settlements, transport, community infrastructure, essential services, natural assets, and culture, heritage and visual landscape. There is also a list of regional planning initiatives, a list of committed projects, a list of anticipated directions for regional infrastructure, and a framework map.

The Framework highlights there are opportunities for in-migration from retirees and tree-changers. The Framework promotes development in or near existing communities. Accordingly, the Amendment is consistent with the Framework.

3.3.2 Wheatbelt Regional Blueprint

The Blueprint establishes priorities for economic development and growth of the Wheatbelt region and provides an analysis of local, regional, national and global factors influencing the region. A strategic economic growth plan and proposed transformational projects are set out. The Blueprint supports growing the region's population, promoting a vibrant economy and growing the economy. The Amendment is consistent with the Blueprint.

3.4 Local planning framework

3.4.1 Shire of Brookton-Beverley Local Planning Strategy

The Local Planning Strategy (LPS) guides the vision and long-term land use planning direction for the district.

The vision for the Shire of Brookton is:

'The vision for the Shire's future will centre on ensuring that the population, level of economic activity and services grow in a manner that retains the area's unique character and heritage values.

This will mean that we will need to invest resources into attracting aspirational businesses and residents, exploring alternative land development scenarios, forming strategic alliances and lobbying government agencies for additional funding and assistance.

We will also seek to ensure that our economic, social and environmental strategies are financially sustainable into the future. This will require the consolidation of working relationships with other local governments, community groups and local businesses.

We recognise that our town and rural communities are interdependent and will work towards ensuring that our community and sporting groups have adequate facilities and assistance. We will recognise the contributions of all sections of the community, the importance of a bright future for youth and a high quality of life for our seniors.

This vision will be grounded in a set of values that reflects the aspirations of the local community. We will also seek to review our strategic directions on a regular basis and gauge our progress through a biennial survey of the community.

To achieve this vision the Shire will need to be a place that is tolerant, flexible, open minded and prepared for change. We will be a regional leader and communicate and involve our citizens in the decision making process.'

Section 2.1 sets out objectives which include to:

- encourage the sustainable development and expansion of the Brookton townsite to improve service viability while conserving or enhancing a strong sense of community;
- ensure that future subdivision and development within and near the Brookton townsite provides a broad range of housing choices that enhance the physical environment and heritage character of the townsites;
- enhance the position of Brookton as a service centre to the district and beyond through the provision of an expanded range of services and facilities;
- create sustainable communities and sustainable development which aims to:
 - manage and conserve key natural resources, including restoring land and water resources;
 - attract and retain people and businesses;
 - ensure the community has access to quality facilities and services;
 - support the introduction, maintenance and upgrading of assets and infrastructure which meet community needs in a timely and cost effective manner; and
 - retain the unique sense of place that values its culture and heritage.

Section 4.7 of the LPS sets out the following aims for Rural Smallholdings which are to:

- provide for rural lifestyle and intensive agricultural opportunities in strategic locations consistent and compatible with adjacent land use activity, environmental and landscape attributes of the land;
- encourage the opportunity for a range of rural and semi-rural pursuits where part-time or full time income may be generated;

- encourage rural smallholdings with a variety of lot sizes consistent with the physical, environmental and landscape characteristics of the land which are capable and suitable of sustaining appropriate development;
- facilitate the conservation of native vegetation and other environmental assets;
- provide sufficient land to enable a variety of lot sizes and development to be achieved in a manner that reflects the character, setting and land capability of the area within which it is located; and
- in appropriate circumstances, make use of innovative design and clustering of houses and other structures to minimise the impacts on adjacent land (including agriculture) and provide for on-going use of land for rural pursuits, whilst protecting landscape and environmental values and utilising services efficiently.

The Brookton Strategy Plan is outlined in Attachment 8 which shows the site as Rural Smallholding. Attachment 8 also sets out section 4.7 of the LPS.

Section 4.7 of the LPS sets out strategies relating to rural smallholding. Table 3 addresses the Amendment against the strategies.

Table 3 – Assessment of Amendment Request against LPS	
Strategy	Comment
The LPS supports lot sizes from 4 hectares in Rural Smallholding areas.	The Amendment is consistent with the strategic objective. The proposed minimum lot size of 5.9 hectares is consistent with the LPS.
The Strategy Plan classifies the site as 'Rural Smallholding'.	The Amendment is consistent with the LPS.
Require that any new subdivision/development suitably addresses WAPC SPP 2.5.	Complies with SPP2.5. Details to be addressed in detail at the subdivision and development stages.
Scheme preparation of an amendment report	This is addressed through the report and supporting technical investigations.
Preparation of a Structure Plan	A Local Structure Plan has been prepared (see Attachment 9). Separate documentation has been prepared.
Preparation of a Fire Management Plan	Comply. Refer to Attachment 7.
Preparation of a Land Capability Assessment	Comply. Refer to Attachment 5 and building exclusion areas.
Preparation of a Local Water Management Plan (as a minimum addressing key principles and "fatal flaws")	Comply. Refer to Attachment 6 and building exclusion areas.
Prevent the creation of new rural smallholding lots beyond those identified in the Strategy.	Consistent with LPS.
Prevent increasing servicing demands on the local government or State Government agencies through rural smallholding lots being located in relatively isolated areas or serviced by unsealed roads.	Consistent with LPS.
Discourage ribbon development so as to maintain the rural ambience of transport corridors generally.	Consistent with LPS.
Establish minimum development standards to ensure development is consistent with,	Local Planning Scheme No. 4 includes standards for the Rural Smallholding zone

and does not detract from, the rural character or landscape qualities as well as providing an appropriate standard of amenity.	including setbacks. The structure plan sets out building exclusion areas which address landscape and amenity.
Require proponents to appropriately justify land suitability and land capability of their proposal and demonstrate how it coordinates with existing and planned/anticipated development.	Consistent with LPS. Addressed through technical documents, scheme amendment documentation and structure plan.
Require that buffers to agricultural land for dwellings and other development are accommodated within Rural Smallholding land and not within General Agricultural land.	The land to the north and east of the site is classified as Rural Smallholding in the LPS. Setbacks to future dwellings can exceed standards in Table 5 in LPS4 and are addressed through the structure plan which sets out building exclusion areas.
Encourage subdivision of land for rural smallholding purposes within areas designated as Rural Smallholding on the Strategy Plan and where the land has been zoned appropriately, and to comply with the following criteria and design guidelines.	Lots sizes will be consistent with the LPS (minimum 4 hectares) and buildings will be located on cleared land (outside of building exclusion areas).
Depending on land suitability and capability, lot sizes are between 4 and 40 hectares. Proposals are to appropriately address land capability and enhance the environmental qualities of the land and/or water, such as revegetation of cleared land or eroded areas.	Lots sizes will be consistent with the LPS (minimum 4 hectares) and buildings will be located on cleared land (outside of building exclusion areas).
Flood immunity outside of the 100 year floodway.	There is no designated floodway on the site, however the seasonal watercourse is subject to flood risk. Buildings will be well setback from the seasonal watercourse through building exclusion areas.
The proposed lot sizes are capable for the intended use.	Consistent with the LPS as outlined in the Amendment documentation.
Land stability	Addressed through the Corrigin Area Land Resources Survey and Attachment 5. The soil types in the building envelopes are similar to that commonly found in the Brookton townsite. Will be refined through a Site Classification Report at the Building Permit stage.
All required services and infrastructure is available to the site or can be reasonably provided.	Consistent with the LPS with detailed design to be addressed at the subdivision stage.
All lots are serviced by an appropriately sealed and drained public road.	Consistent with the LPS.
All lots have a sustainable water supply for domestic, fire fighting and land management purposes consistent with WAPC Policy DC3.4.	Consistent with DC3.4 and LPS4.
A comprehensive drainage system	Consistent with the LPS.

Suitable on-site effluent disposal	As outlined in Attachment 5, the building envelopes are suitable for on-site waste water disposal.
Connected to the reticulated electricity network or an approved alternative.	Consistent with the LPS. To be addressed at the subdivision stage.
Other infrastructure as required by the site conditions.	To be addressed at the subdivision stage.
The proponent shall provide information on fire protection and subdivision design and bush fire prevention plans shall address the performance criteria contained in <i>Planning for Bush Fire Protection (edition 2)</i> (WAPC, FESA 2010) or any updates.	Consistent with the LPS. See Attachment 7.
Require subdivider contributions, based on cost sharing principles that do not burden the community, for the subdivision of Rural Smallholding lots accessed from existing unsealed roads to an appropriately sealed standard.	The site adjoins sealed roads. Can be addressed in detail at the subdivision stage
Consider whether or not to contribute towards road upgrading to facilitate rural smallholding subdivision.	The site adjoins sealed roads. Can be addressed in detail at the subdivision stage

In summary, the Amendment is consistent with the strategic direction set by the LPS.

3.4.2 Shire of Brookton Local Planning Scheme No. 4

The site is zoned 'Rural' in the *Shire of Brookton Local Planning Scheme No. 4* (LPS4).

The current LPS4 zonings and reservations relating to the site and adjoining land are shown on the Existing Scheme Map.

Land to the north, east and south of the site are zoned 'Rural' while land to the west is reserved as 'Public Open Space'. A Public Drinking Water Source Special Control Area is located to the north of the site, while a Basic Raw Material Special Control Area is located to the south.

Great Southern Highway and the Brookton-Corrigin Road are reserved as a 'Primary Distributor Road', while Boyagarra Road is reserved as 'Local Distributor Road'.

Sections of LPS4 relevant to the Amendment include:

- Clause 9 which includes to facilitate the growth of the Brookton townsite;
- Clause 16 outlines zone objectives. The objective for the 'Rural Smallholding' zone includes to provide lot sizes in the range of 4ha to 40ha; and
- Table 5 – General development requirements – this sets out minimum setbacks in the Rural Smallholding zone with a 20m front setback and 10m side and rear setbacks.

Given the above, the Amendment is consistent with LPS4 aims, objectives and future development can achieve required standards. The Amendment will assist to create an appropriate interface zoning between the townsite and agricultural uses.

3.4.3 Local Planning Policies

The Council has endorsed several Local Planning Policies. Various policies are of relevance to the future use and development of the site.

3.4.4 Shire of Brookton Strategic Community Plan 2017 - 2027

The Strategic Community Plan sets the community's vision for the future and is the principal strategic guide for the Council's future planning and activities. By 2027, the vision for Brookton is:

'Brookton is:

- A well-recognised business and agricultural hub
- A flourishing stop-over destination
- A celebrated place to live.'

There are five themes associated with the above vision which are outlined below in Table 4:

Table 4 – Brookton Grows				
Enterprise + Industry	Population + Visitation	Performance + Knowledge	Lifestyle + Community	Built + Natural Amenities
New and Secondary Industry BROOKTON enhances, attracts and diversifies its big business.	Older Population BROOKTON is recognised for its 'age-friendly and active-ageing' positioning which benefits all ages of the community.	Community Engagement BROOKTON is an empowered and resilient community.	Education Super Site BROOKTON attracts new-age education, business and learning opportunities.	Resource Maximisation and Sustainability BROOKTON community elevates efforts towards water, energy, waste use and supply, and sustainability.
Small to Medium Enterprise BROOKTON'S small to medium businesses are celebrated, Prosperous and diverse.	New Population BROOKTON'S population has grown and diversified, and is well-understood, measured and targeted.	Strategy and Reporting BROOKTON'S community has elevated knowledge and use of strategic planning and engages in reporting and insights.	History, Heritage, Recreation and Culture BROOKTON'S culture enables a flourishing stop-over destination and a celebrated, and active, place to live.	Town Precinct BROOKTON capitalizes on its main road arteries, enhancing the level of visitor engagement with the Town Precinct.
Social Innovation BROOKTON has found better ways to use its assets and its people for the benefit of the community and the planet.	Aboriginal Population BROOKTON'S Indigenous population has grown and is supported in BROOKTON'S strategic growth.	Value Proposition A distinct BROOKTON brand is owned and managed by the BROOKTON community.	Technology and Automation BROOKTON has kept involved with the digital age and proven its technology capabilities to attract business.	Buildings BROOKTON'S buildings are maximised and housing and accommodation support live-ability, business and visitation growth.
Jobs and Volunteering BROOKTON is a thriving community with strong job options and new-age volunteering models.	Visitation and Transient Population BROOKTON has attracted a new-age transient workforce, transient visitors, mid-term population groups and short-term visitors.	Measurement, Learning and Knowledge BROOKTON community and Council has changed its behaviours to make decisions aligned to strategy, and with the use of insights.	Community Activity and Visitor Eventing BROOKTON'S events and gatherings have increased prosperity, short term population, knowledge and social impact.	Connection to Country BROOKTON is a leading and celebrated cultural and spiritual place, where all people can feel connected to Country.

The Amendment is consistent with the vision and objectives of the Strategic Community Plan.

3.5 Planning framework implications for Amendment

Common themes of the policies, strategies, plans and LPS4 and their implications for the Amendment include:

- Addressing land use compatibility;
- Promoting rural living, including rural smallholding, in appropriate locations with this previously addressed through the LPS;
- Addressing key environmental assets and bush fire risk;
- Consolidation of existing settlements, including Brookton, is preferable to isolated 'stand-alone' developments;
- Support for a variety of housing and promoting liveability;
- Appropriate servicing including addressing stormwater management;
- Addressing landscape impact; and
- Supporting local communities and local economies.

Based on the above, the Amendment is consistent with the planning framework and is consistent with the principles of orderly and proper planning.



Seasonal watercourse

4. AMENDMENT PROPOSAL

4.1 Proposed scheme amendment

The Amendment proposes to rezone the site from the 'Rural' zone to the 'Rural Smallholding' zone. The amendment will facilitate subdivision/development to a minimum lot size of 4 hectares. To address site opportunities and constraints, development will be setback from the seasonal watercourse and industry-extractive operations through building exclusion areas.

4.2 Local Structure Plan

In support of the Amendment, a Local Structure Plan is provided in Attachment 9 which provides a framework for future subdivision and development. Separate documentation is provided with the Local Structure Plan. The Structure Plan has considered the site's context, including adjoining and nearby land uses, bushfire management, servicing, environmental assets and landscape considerations.

The Local Structure Plan addresses key development considerations for the site and outlines:

- Building exclusion areas to address matters such as land use compatibility, flood risk and setbacks for on-site sewerage disposal from the seasonal watercourse;
- Future dwellings and buildings are to be located outside of the building exclusion areas along with addressing setback standards in LPS4;
- Provide for 8 lots with any new lot to be at least 4 hectares in areas. It is expected that a range of lot sizes will be provided based on market requirements and feasibility considerations;
- Future dwellings can achieve BAL-29 or below;
- Requiring revegetation near the seasonal watercourse and near the Great Southern Highway;
- Vehicle access/crossovers for Lots 'A' to 'G' are from Boyagarra Road, while access to Lot 'H' (south of the seasonal watercourse) is via Great Southern Highway; and
- Generous setbacks to the seasonal watercourse for development.

The building exclusion areas will ensure that future development has minimal impact on native vegetation, avoids areas which are subject to seasonal inundation, addresses on-site sewerage disposal and provides for bushfire mitigation.

Attachment 10 outlines an Indicative Subdivision Concept Plan. This shows 8 lots with an average lot size of 10.9 hectares. This will be refined at the subdivision stage.

4.3 Future servicing and more detailed planning

Future lots and development will be appropriately serviced in accordance with Shire, WAPC and other government agency requirements. This includes for on-site sewerage disposal, stormwater management, underground power and telecommunication services. Further details are outlined in later sections of this report, with more detailed planning to occur at the subdivision and development application stages.

5. PLANNING CONSIDERATIONS AND PLANNING JUSTIFICATION

5.1 Overview

This section brings together an assessment of the site's attributes and the planning framework in considering key planning matters and justifying the Amendment.

5.2 Planning suitability of proposed uses

The site is suitable for the proposed rural smallholding zoning for reasons including:

- It is consistent with the planning framework and the site is located near the Brookton townsite;
- Development will be compatible with adjoining and surrounding land uses;
- Traffic impacts will be manageable, and traffic can readily be accommodated on Boyagarra Road;
- Other than Lot 'H', the Local Structure Plan outlines there is no direct access to Great Southern Highway. There is no direct access to Brookton-Corrigin Road;
- It is gentle sloping land, with suitable soil types for development in the building envelopes;
- The subdivision/development will be appropriately serviced;
- The site has been previously cleared and it contains minimal environmental assets other than near the seasonal watercourse;
- Key environmental assets, including water resources and native vegetation, can be suitably conserved;
- There will be minimal environmental or landscape impacts;
- The site is not subject to heritage constraints nor is it located in a public drinking water source area;
- The technical investigations confirm subdivision/development will address on-site sewerage disposal requirements and bushfire risks;
- It assists to provide a variety of housing and lifestyle choices near Brookton; and
- The proposal will complement Brookton increasing its overall viability, vitality and prosperity, increasing the economic viability of existing services and adding to the range of services that can be provided.

Further details relating to the site's suitability for the rural smallholding are outlined in this section and summarised in Table 5.

5.3 Consistency with planning framework

As outlined in Section 3, the Amendment is consistent with the State, regional and local planning framework. For instance:

- The Amendment will support implementing a sustainable use of the land consistent with the objectives of the *State Planning Policy 3: Urban Growth* and the LPS in terms of accommodating additional rural living near an established district centre;
- The Amendment is consistent with the policy measures stipulated in SPP 2.5;
- The Amendment will facilitate development that meets the vision outlined in the LPS. The subdivision/development will conserve local environmental assets and character whilst providing increased opportunities for new residents to experience a tree-change lifestyle;
- The site is identified as a rural smallholding in the LPS. The intent of the Amendment is to implement the recommendations of the LPS by rezoning the site to 'Rural Smallholdings' under LPS4;

- The development of rural smallholding lots will provide for an increased population in close proximity to the existing services and facilities provided in the Brookton townsite. These include retail and commercial activities, health, education and recreational facilities. The additional population will assist in supporting and increasing the provision of such services and facilities in the district; and
- Key matters such as bushfire risks, water management, traffic noise and on-site waste water disposal are addressed in the technical investigations and in this report.

5.4 Compatibility with adjoining and nearby land uses

A key planning requirement is separating potentially conflicting land uses. This section outlines how the Amendment is compatible with adjoining and nearby land uses.

EPA Guidance Statement No. 3 *Separation Distances between Industrial and Sensitive Land Uses* (2005) provides recommendations on separation distances for industrial and sensitive land uses. The purpose of EPA Guidance Statement No. 3 is to outline generic setback distances between industrial and sensitive land uses, in order to ensure that the impacts of industrial development do not adversely affect the amenity and enjoyment of sensitive land uses.

As stated on Page 2 of the EPA's Guidance Statement No. 3:

'In line with the requirements of the EP Act, it is necessary for individual industrial developers to take all reasonable and practicable measures to prevent or minimise emissions from their premises. It is generally expected that, through appropriate site layout, design of facilities, and the implementation of engineering and process controls, emissions from an individual industrial land use can be prevented from causing an adverse environmental impact beyond the boundaries of the particular site or beyond the boundaries of an industrial estate.'

The EPA Guidance Statement sets a generic buffer/separation distance of 300 - 500 metres for sand and limestone extraction where there is no grinding or milling works. The buffer distances depend on size. The identified impacts are noise and dust.

The Amendment is compatible with adjoining and nearby land uses/development. The reasons include:

- The Amendment is compatible with rural living (rural smallholding) lots to the north of Boyagarra Road along with Lot 50 Boyagarra Road;
- A 300 metre buffer is provided between future development (dwellings) on the Amendment site and the buffer from the approved Tianco operations (south of the Brookton-Corrigin Road). This is addressed through the building exclusion areas;
- Given Condition 4 of the Council's decision on 20 August 2020 for Tianco to require a setback of 20m to adjoining property boundaries and 40m to any road, there is insufficient space to achieve extraction of gravel and/or sand on the strip of land located north of the Brookton-Corrigin Road. The strip of land is also outside of the Special Control Area - Basic Raw Material, is located on a key gateway to Brookton and access can only be achieved to/from the Brookton-Corrigin Road. It is accordingly suggested that this strip of land would not be suitable for extracting sand or gravel;
- Any future application for a commercial extractive industry would need to satisfy planning (amenity), environmental, safety, and vehicle access considerations;
- An appropriate setback is provided to farming/cropping uses to the east as outlined on the Local Structure Plan;

- It is expected that proposed revegetation will occur adjoining the Great Southern Highway boundary. This will assist in conserving local amenity; and
- The Amendment is compatible with the golf course to the west.

5.5 Bushfire management

Bushfire management is a fundamental planning consideration given the site is partly designated bushfire prone area (<https://maps.slip.wa.gov.au/landgate/bushfireprone>).

A Bushfire Management Plan and BAL Contour Plan (BMP) were prepared by Bio Diverse Solutions (see Attachment 7). The BMP addresses *State Planning Policy 3.7 Planning in Bushfire Prone Areas* (SPP 3.7) and the *Guidelines for Planning in Bushfire Prone Areas* (2015). A range of measures will assist to lower bushfire risks including Asset Management Zones (low-fuel areas) around buildings and multiple access/escape routes.

Bio Diverse Solutions conclude that subdivision/development on the site will meet the Guidelines' acceptable solutions for:

- Element 1 - Location;
- Element 2 - Siting and Design of Development;
- Element 3 - Vehicular Access; and
- Element 4 - Water.

The bushfire hazard level is moderate for nearly all of the site. Future development in the building envelopes can achieve a BAL rating of BAL-29 or lower. Accordingly bushfire risks can be appropriately managed within acceptable limits. Vehicular access and egress will be provided via two access routes.

5.6 Landscape enhancement

The site and area are characterised by a mix of land uses including agricultural, rural living and recreation. The site is typical of the area with rural uses and cropping. The site contains limited trees and shrubs other than along the seasonal watercourse.

The site is well screened from Brookton-Corrigin Road and only partly visible from Great Southern Highway.

Great Southern Highway is an important tourist route. Accordingly, there is a need to retain the 'rural' character in the western section adjoining Great Southern Highway.

The Amendment and resulting subdivision/development will have minimal landscape impacts given future lots will be spacious ranging between 5.9 hectares and 20.6 hectares. It is expected that there will be a sensitive interface between future development and Great Southern Highway given:

- Future dwellings will have significant setbacks from Great Southern Highway of at least 150 metres as outlined in the Local Structure Plan and associated building exclusion areas;
- As set out in the Local Structure Plan, the proposed revegetation near the seasonal watercourse will improve the site's landscape character;
- Existing trees in the Great Southern Highway reserve are expected to be retained which are complemented with revegetation on the amendment site;
- LPS4 provisions control the number of dwellings on each lot; and
- LPS4 provisions along with Local Planning Policies will control new development including building materials and outbuildings.

While noting the above, it is not intended that future development be invisible, but that development will be sensitively integrated with the landscape.

The above measures adequately serve to maintain the desired landscape character for the locality.

5.7 Environmental impact

5.7.1 Overview

Attachment 5 sets out the Environmental Assessment and Site Soil Evaluation by Bio Diverse Solutions. Based on this assessment and the resulting design of the Structure Plan (Attachment 9), it is expected that the Amendment and associated subdivision/development will have negligible environmental impacts for reasons including:

- The site has been cleared other than near the seasonal watercourse. The remaining native vegetation can be conserved through building exclusion areas and carefully locating development on cleared land;
- Most native vegetation is degraded due to past stocking. While noting this, the proposal is to revegetate the seasonal watercourse and install fencing parallel with the watercourse;
- There are opportunities for appropriate revegetation on portions of the site;
- Key environmental assets, including water resources, can be suitably addressed through appropriate servicing, design and management;
- The site is not within a public drinking water source area;
- There are appropriate setbacks between future development areas and main roads to reduce noise impacts to manageable levels (refer to the building envelope areas);
- Site conditions are appropriate for on-site sewerage disposal (refer to Attachment 5);
- It will be appropriately serviced including that stormwater will be effectively managed (see Attachment 6);
- The Local Structure Plan sets out provisions for the protection/management of the seasonal watercourse to be undertaken by the subdivider and maintained by respective lot owners;
- The site is not classified as a contaminated site by the Department of Water and Environmental Regulation; and
- It will be subject to subdivision and development conditions.

There are no significant impediments to the future subdivision and development of this site as evidenced by the supporting technical investigations.

5.7.2 Flood risks

The seasonal watercourse is subject to flood risk. While there is no available flood mapping, a precautionary approach has been adopted based on site inspection which is reflected in the building exclusion areas. The building envelopes are not impacted by flooding and are generally located approximately 150 - 250 metres from the seasonal watercourse.

5.7.3 State Planning Policy 5.4 Road and Rail Noise

State Planning Policy 5.4 Road and Rail Noise (SPP 5.4) relates to a portion of the site due to the Great Southern Highway and the Brookton-Corrigin Road.

The trigger distance area is outlined at <https://espatial.dplh.wa.gov.au/PlanWA/Index.html?viewer=PlanWA>. This relates to the former alignment of the section of Brookton-Corrigin Road adjoining the site and not the

current alignment. The Local Structure Plan readily achieves a 150m setback from the current alignment of the Brookton-Corrigin Road to the development areas (outside of the building exclusion area).

The requirements of SPP 5.4 are addressed through providing a building exclusion area at least 150m from the Great Southern Highway. Development will also be at least 500m from the Brookton-Corrigin Road. Based on Table 5 of the Road and Noise Guidelines, future dwellings will achieve a target noise of 55dB outdoor during the day.

Based on Table 5 of the Guidelines, no further measures are required for noise sensitive development. At the subdivision stage, there may be a need to include a notification on the title for proposed Lot 'A'.

5.7.4 Hydrology

There is a seasonal watercourse in the southern portion of the site. The seasonal watercourse dissects the site and it connects to the Avon River.

The site is south of the Brookton Happy Valley Water Reserve which is identified as a Public Drinking Water Source Area (PDWSA). Due to the separation distance and topography, development on the Amendment site will not impact on the PDWSA.

5.8 Land capability/geotechnical

Bio Diverse Solutions have undertaken an Environmental Assessment and Site Soil Evaluation which is provided in Attachment 5. In summary, the Site Soil Evaluation from Bio Diverse Solutions focused on the building envelopes. It reveals:

- There are three soil types which are all capable to accommodate rural living development;
- No groundwater was encountered in the test pits;
- There was no evidence of acid sulphate soils;
- The site is physically capable of rural smallholding subdivision/development. In particular, the site contains soils that are conducive for on-site sewerage disposal, stormwater management and building construction; and
- Standard septic tanks/leach drains should be appropriate through subsurface irrigation system (inverted leach drains).

There are also opportunities for on-site detention of stormwater via soakwells or other measures. It is expected that stormwater runoff from buildings and impervious areas be directed into rain water tanks, soakwells and swales.

Based on the *Corrigin Area Land Resources Survey* and Attachment 5, the site has no known risk of Acid Sulfate Soils occurring at depths less than 3m.

The soil types in the building envelopes are similar to that commonly found in the Brookton townsite. This will be refined through a Site Classification Report at the Building Permit stage.

5.9 Traffic

The site is readily accessible to the Brookton townsite and other facilities/services.

The Amendment site adjoins the sealed Boyagarra Road and the Great Southern Highway.

The site does not have legal access to Brookton-Corrigin Road. While noting this, due to the seasonal watercourse, the site has a long standing access/crossover to the Brookton-Corrigin Road through the Great Southern Highway reserve in the south-west section of the property.

The Local Structure Plan outlines indicative crossover locations. It sets out that vehicles access to Lots 'A' to 'G' will be from crossovers located on Boyagarra Road. The Local Structure Plan sets out that only Lot 'H' will have access to the Great Southern Highway.

Correspondence with Main Roads Western Australia in April 2021 sets out:

- Main Roads WA support the overall proposal in-principle;
- Access for proposed Lot 'A' should be to Boyagarra Road. Any formal application referred to Main Roads WA for comment will state that access to Northam Cranbrook Road (Great Southern Highway) from proposed Lot 'A' will be prohibited;
- Main Roads WA support in principle, access from proposed Lot 'H' to Northam Cranbrook Road (Great Southern Highway). The location and design of the access to be determined through a formal application process and ongoing discussions between Main Roads WA and the proponent; and
- The existing access from Lot 181 to Brookton Highway (Brookton-Corrigin Road) will be required to be removed and the land reinstated upon approval and construction of the access to proposed Lot 'H'.

As outlined in Attachments 9 and 10, no new roads are proposed to facilitate proposed subdivision.

The existing road network and intersections have sufficient capacity to address the modest additional traffic generation from the proposed subdivision/development. The subdivision/development will have limited impacts on local roads, including on traffic flow. Additionally, there are appropriate vehicle sight distances at the intersections.

5.10 Services

5.10.1 Overview

The proposed lots will be appropriately serviced in accordance with Shire, WAPC and other government agency requirements. Proposed servicing is summarised in section 4.3 and expanded upon in this section. The site is capable of being serviced by all necessary utilities required for subdivision/development for rural smallholding lots. Detailed service design will occur at the subdivision stage.

5.10.2 Stormwater and nutrient management

Stormwater will be effectively designed, constructed and managed to the satisfaction of the Shire and the Department of Water and Environmental Regulation to meet publications such as *State Planning Policy 2.9 Water Resources*, *Better Urban Water Management* and *Stormwater Management Manual for Western Australia*.

Noting the generous lot sizes (average of 10.9 hectares and minimum of 5.9 hectares), the development will create manageable stormwater implications. There is also the opportunity to revegetate where appropriate.

The landowner is required to appropriately manage stormwater. This is expected to adopt a water sensitive design that seeks to detain, slow down and treat peak flows that especially addresses 'first flush' run off treatment.

Details relating to managing water resources are outlined in Attachment 6.

5.10.3 On-site sewerage disposal

Reticulated sewerage is not available, feasible or necessary. Given the generous lot sizes and WAPC policy, future subdivision is not required to be connected to the reticulated sewerage system. The subdivision/development will be serviced by on-site sewerage disposal to comply with the *Government Sewerage Policy*.

Attachment 5 sets out the Site Soil Evaluation from Bio Diverse Solutions which addresses the *Government Sewerage Policy*.

It is noted that:

- The proposed lot sizes will be generous, 5.9 – 20.6 hectares (with an average of 10.9 hectares), which will provide space to accommodate and treat on-site sewerage disposal;
- Based on Attachment 5, it is expected that future development will be serviced with standard septic tanks/leach drains;
- The site is not classified as sewerage sensitive;
- There is scope for on-site sewerage disposal to be located around 150-250 metres or more from the seasonal watercourse on most lots. All lots can achieve a separation of 100 metres from the seasonal watercourse;
- Based on the *Corrigin Area Land Resources Survey* and Attachment 5, site conditions in the building envelopes have appropriate capability for rural smallholding subdivision/development;
- There is a need to prevent development and prevent on-site sewerage near the seasonal watercourse; and
- There will be a further need to address on-site sewerage and gain Shire approval at the development or building permit stages.

5.10.4 Water supply

Based on WAPC policy, rural smallholding lots (4 – 40 hectares) do not need to be connected to the reticulated (scheme) water system. Potable water will be through rainwater capture and storage, with landowners installing rainwater tanks associated with future dwellings and outbuildings. As set out in SPP 2.5 and the LPS, a fit-for-purpose on-site water supply is supported.

Pursuant to the WAPC's *Rural Planning Guidelines* the following matters need to be considered in relation to the availability of fit for-purpose water provision:

- Average annual rainfall and the capacity to capture water from roof catchments;
- Water requirements for both inside and outside the home;
- Demonstrated availability of groundwater or surface water for 'outside' use; and
- Water for fire-fighting purposes.

Based on clause 44 of LPS4, there is a requirement that each dwelling is provided with a minimum tank capacity of 120,000 litres with an additional 15,000 litres dedicated to fire fighting purposes.

5.10.5 Power supply and telecommunications

All proposed lots will be serviced with power and required telecommunication infrastructure.

5.10.6 Gas

Reticulated gas is not available in this locality. This service is provided by bottled gas.

5.11 Supporting the local economy

Approval and implementation of the Amendment will have various economic and community benefits including:

- Supporting local employment through the construction of subdivision works and new dwellings;
- Supporting local services;
- Assisting in a more sustainable local economy;
- Increasing population in Brookton which assists in the overall viability, vitality and prosperity;
- Building onto an existing community with established facilities, services and infrastructure and assist to strengthen and sustain Brookton; and
- Providing a greater choice for those wishing to buy lifestyle lots in Brookton in an attractive locality close to the townsite.

The Amendment is consistent with the planning framework which promotes employment and economic growth in Brookton.

5.12 Public open space

In accordance with WAPC policies and preliminary Shire advice, no public open space will be required on the Amendment site. It is noted the generous lot sizes (average lot size of 10.9 hectares) provide opportunities for on-site recreation. Additionally, the provision of public open space on the Amendment site will create on-going management burdens to the Shire.

There will be no development in or near the seasonal watercourse (as set out in the building exclusion areas). The seasonal watercourse and associated revegetation will be managed by the landowners.

5.13 Planning justification

The planning justification for the Amendment is summarised in Table 5:

Table 5 – Summarised Planning Justification

Strategic	Land Use Planning	Environment and Landscape	Transport and Servicing	Economic and Community
<p>The Amendment is consistent with the planning framework.</p> <p>Future development will reinforce Brookton as a district centre.</p> <p>The site is well located for rural living uses including it is compatible with adjoining and nearby uses.</p> <p>The proposed Rural Smallholding zone, between the townsite and rural operations, represents orderly and proper planning.</p>	<p>There are appropriate buffers and mitigation measures.</p> <p>The site is suitable and capable of rural smallholding uses.</p> <p>Development will be effectively controlled through LPS4 provisions.</p> <p>The Local Structure Plan provides a co-ordinated approach.</p> <p>Lots can be created independently as they have direct road access to existing roads.</p>	<p>The site contains minimal environmental assets and will not create environmental impacts.</p> <p>There will be manageable landscape impacts when viewed from Great Southern Highway and Brookton-Corrigin Road.</p> <p>There are opportunities to enhance the site's amenity through replanting.</p> <p>There are no heritage constraints nor is the site located in a public drinking water source area.</p> <p>Bushfire management measures will comply with the objectives of SPP 3.7 and the <i>Guidelines for Planning in Bushfire Prone Areas</i>.</p>	<p>Other than Lot 'H', there is no direct access between lots and the Great Southern Highway. There is also no direct access between lots and the Brookton-Corrigin Road. Traffic impacts can be readily accommodated on Boyagarra Road.</p> <p>Safe vehicular access can be achieved between the site and Boyagarra Road.</p> <p>The site has excellent road connectivity and easy access to Brookton and other areas.</p> <p>The subdivision/development will be appropriately serviced.</p>	<p>It will promote job creation by supporting the development of Brookton and assist to diversify and grow the local economy.</p> <p>The development will generate economic activity.</p> <p>The proposal will assist in enhancing Brookton and assist in creating jobs. This includes adding to its overall viability, vitality and prosperity and adding to the range of services that can be provided.</p>

In view of the above, the Amendment is consistent with the planning framework and the principles of orderly and proper planning.

6. CONCLUSION

This report confirms that the Amendment is consistent with the planning framework and that the site is both suitable and capable of accommodating rural smallholding uses on Lots 51 and 181 Boyagarra Road, Brookton.

The support of the WAPC and the approval of the Minister for Planning are respectfully requested.



Amendment site

PLANNING AND DEVELOPMENT ACT 2005

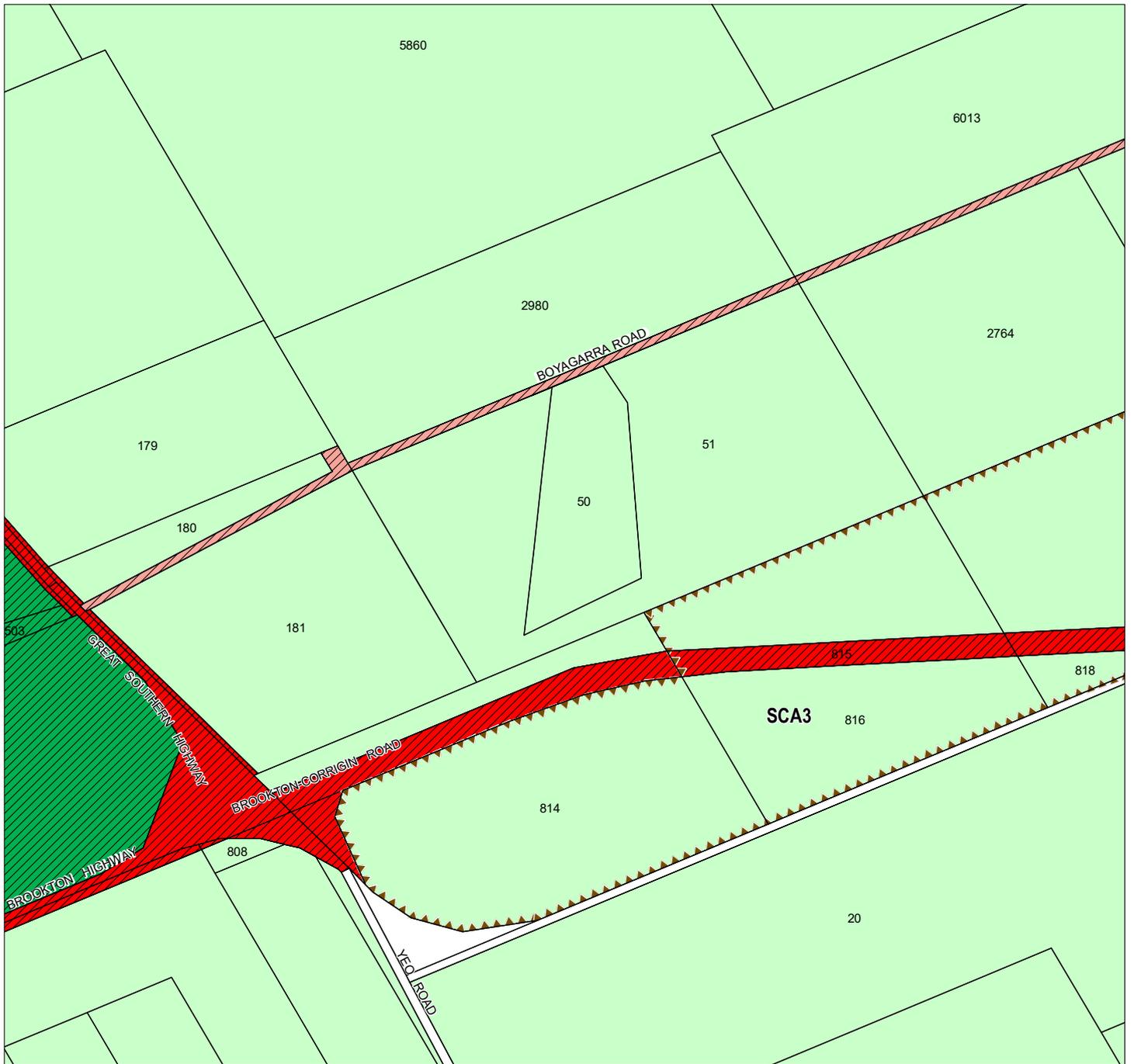
SHIRE OF BROOKTON

LOCAL PLANNING SCHEME No. 4

AMENDMENT No. 1

The Shire of Brookton under and by virtue of the powers conferred upon it in that behalf by the *Planning and Development Act 2005* hereby amends the above local planning scheme by:

1. Rezoning Lots 51 and 181 Boyagarra Road, Brookton from the 'Rural' zone to the 'Rural Smallholding' zone.
2. Amending the Scheme Map accordingly.



EXISTING SCHEME MAP

Legend

- | | | |
|---------------------|--------------------------|---|
| | Cadastre with Lot number | LPS Other Categories |
| | Rural | Special Control Area - Basic Raw Material |
| LPS Reserves | | |
| | Local Distributor Road | |
| | Local Road | |
| | Primary Distributor Road | |
| | Public Open Space | |



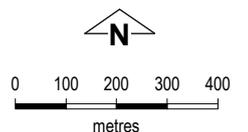
Department of Planning,
Lands and Heritage

Shire of Brookton

Local Planning Scheme No. 4

Amendment No. 1

Produced by Geospatial Research and Modelling,
Department of Planning, Lands and Heritage, Perth WA
Base Information supplied by Western Australian
Land Information Authority SLIP 1096-2018-1





PROPOSED SCHEME AMENDMENT MAP

Legend

 Cadastre with Lot number

LPS Zones and Reserves Amendments

 Rural Smallholdings



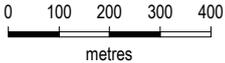
**Department of Planning,
Lands and Heritage**

Shire of Brookton

Local Planning Scheme No. 4

Amendment No. 1

Produced by Geospatial Research and Modelling,
Department of Planning, Lands and Heritage, Perth WA
Base Information supplied by Western Australian
Land Information Authority SLIP 1096-2018-1



COUNCIL ADOPTION FOR ADVERTISING

This Standard Amendment was adopted by resolution of the Council of the Shire of Brookton at the Ordinary Meeting of the Council held on the day of 2021.

.....
SHIRE PRESIDENT

.....
CHIEF EXECUTIVE OFFICER

COUNCIL RECOMMENDED/SUBMITTED FOR APPROVAL

This Amendment is recommended for approval by resolution of the Shire of Brookton at the Ordinary Meeting of the Council held on the day of 20.... and the Common Seal of the Shire of Brookton was hereunto affixed by the authority of a resolution of the Council in the presence of:

.....
SHIRE PRESIDENT

.....
CHIEF EXECUTIVE OFFICER

WAPC RECOMMENDED/SUBMITTED FOR APPROVAL

.....
DELEGATED UNDER S.16 OF THE
PLANNING AND DEVELOPMENT ACT 2005

DATE.....

APPROVAL GRANTED

.....
MINISTER FOR PLANNING
S.87 OF THE PLANNING AND DEVELOPMENT ACT 2005

DATE.....

ATTACHMENT 1

WESTERN



AUSTRALIA

REGISTER NUMBER 51/DP76005	
DUPLICATE EDITION 1	DATE DUPLICATE ISSUED 1/4/2014

RECORD OF CERTIFICATE OF TITLE
UNDER THE TRANSFER OF LAND ACT 1893

VOLUME **2834** FOLIO **784**

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.

BGRoberts
REGISTRAR OF TITLES



LAND DESCRIPTION:

LOT 51 ON DEPOSITED PLAN 76005

REGISTERED PROPRIETOR:
(FIRST SCHEDULE)

LANGLEY MANAGEMENT PTY LTD OF POST OFFICE BOX 26, BROOKTON
(AF M586344) REGISTERED 25/3/2014

LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:
(SECOND SCHEDULE)

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.
* Any entries preceded by an asterisk may not appear on the current edition of the duplicate certificate of title.
Lot as described in the land description may be a lot or location.

-----END OF CERTIFICATE OF TITLE-----

STATEMENTS:

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND: DP76005
PREVIOUS TITLE: 1024-264
PROPERTY STREET ADDRESS: NO STREET ADDRESS INFORMATION AVAILABLE.
LOCAL GOVERNMENT AUTHORITY: SHIRE OF BROOKTON

WESTERN



AUSTRALIA

REGISTER NUMBER 181/DP50016	
DUPLICATE EDITION N/A	DATE DUPLICATE ISSUED N/A

RECORD OF CERTIFICATE OF TITLE
UNDER THE TRANSFER OF LAND ACT 1893

VOLUME **2652** FOLIO **971**

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.

BGRoberts
REGISTRAR OF TITLES



LAND DESCRIPTION:

LOT 181 ON DEPOSITED PLAN 50016

REGISTERED PROPRIETOR:
(FIRST SCHEDULE)

LANGLEY MANAGEMENT PTY LTD OF POST OFFICE BOX 26, BROOKTON
(AF K189194) REGISTERED 14/5/2007

LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:
(SECOND SCHEDULE)

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.
* Any entries preceded by an asterisk may not appear on the current edition of the duplicate certificate of title.
Lot as described in the land description may be a lot or location.

-----END OF CERTIFICATE OF TITLE-----

STATEMENTS:

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND: DP50016
PREVIOUS TITLE: 1755-642
PROPERTY STREET ADDRESS: NO STREET ADDRESS INFORMATION AVAILABLE.
LOCAL GOVERNMENT AUTHORITY: SHIRE OF BROOKTON

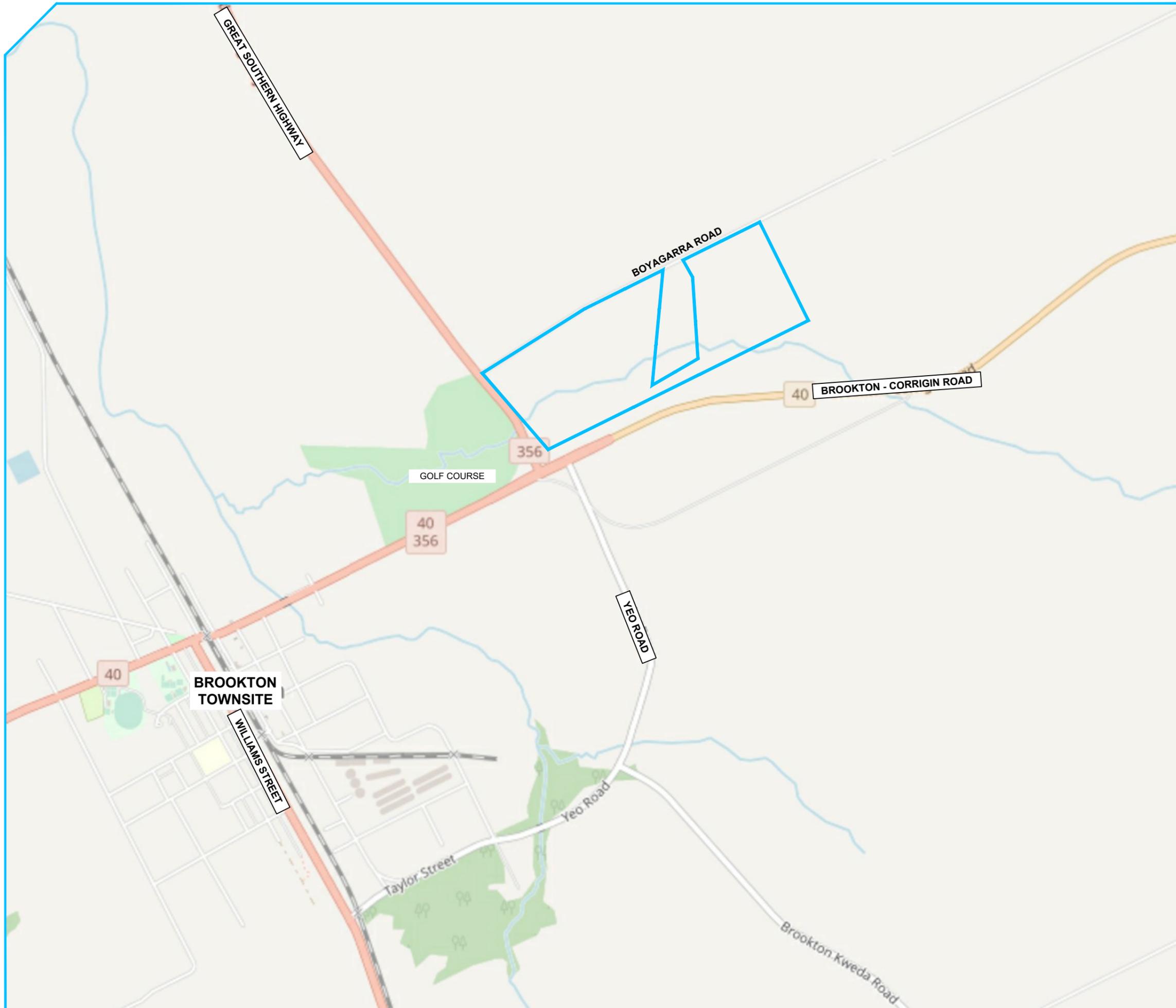
ATTACHMENT 2

LOCATION PLAN

Lots 51 and 181 Boyagarra Road, Brookton

Legend

 Subject Land



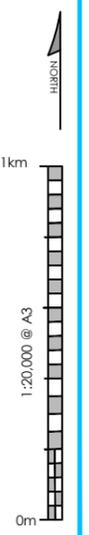
A LOCATION PLAN 210203
REV DESCRIPTION YMMDD



Edge Planning & Property
134 Hare Street, Mount Clarence
ALBANY WA 6330
E: steve@edgeplanning.com.au
M: 0409 107 336

DRAWING NUMBER REV
EP 201010 04 A

Issued for design intent only.
All areas and dimensions are
subject to detail design & survey.



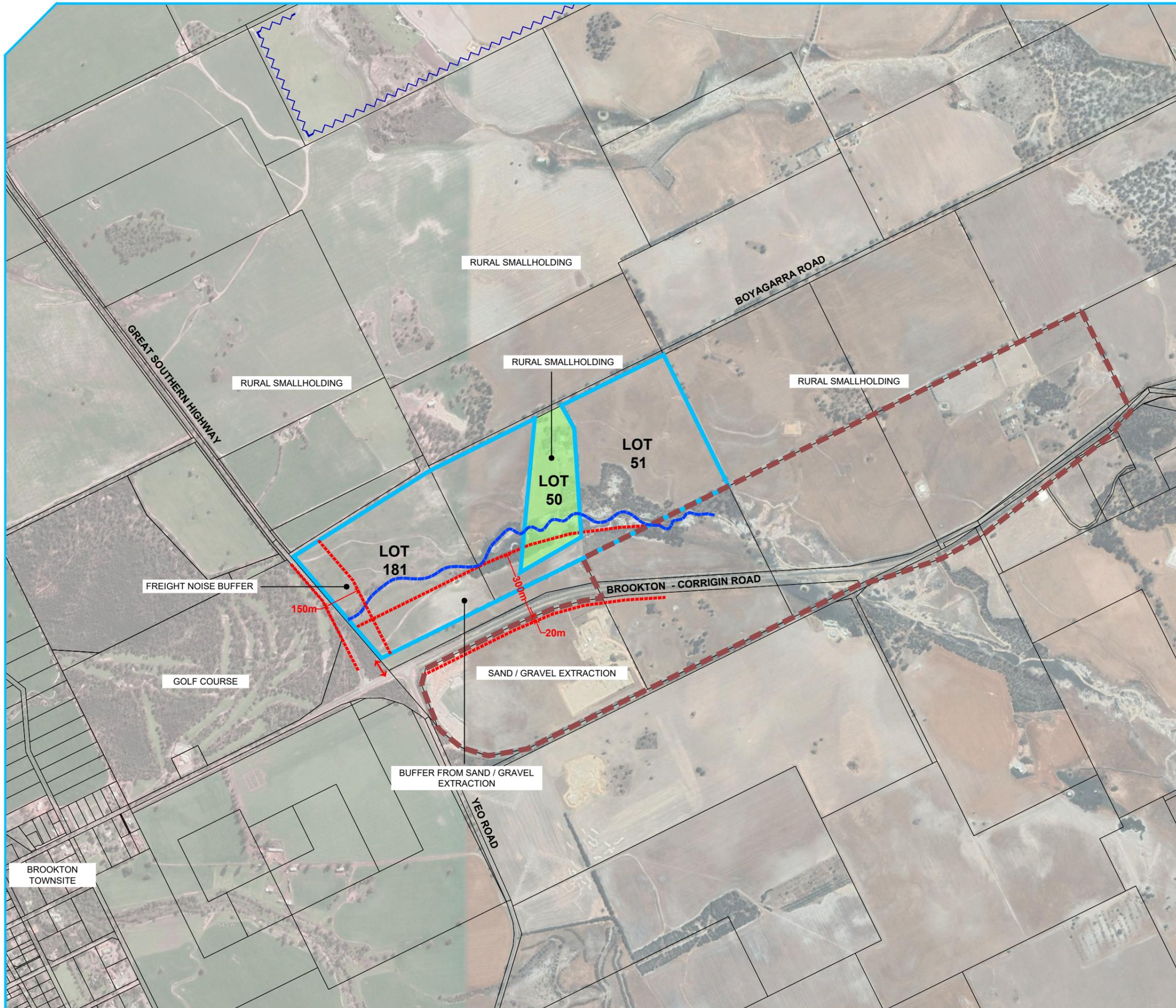
ATTACHMENT 3

CONTEXT, OPPORTUNITIES AND CONSTRAINTS PLAN

Lots 51 and 181 Boyagarra Road, Brookton

Legend

- Subject Land
- Existing Lot Boundary
- Existing Creek (seasonal)
- Lot 50 Rural Small Holding
- Special Control Area Basic Raw Material
- ↔ Existing Crossover to Lot 181 south of creek
- Happy Valley Water Reserve



DATE OF AERIAL 2020
SOURCE: GOOGLE EARTH

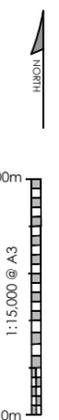
B	CONTEXT PLAN	210517
A	CONTEXT PLAN	210203
REV	DESCRIPTION	YYMMDD



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DRAWING NUMBER	REV
EP 201010 02	B

Issued for design intent only.
All areas and dimensions are
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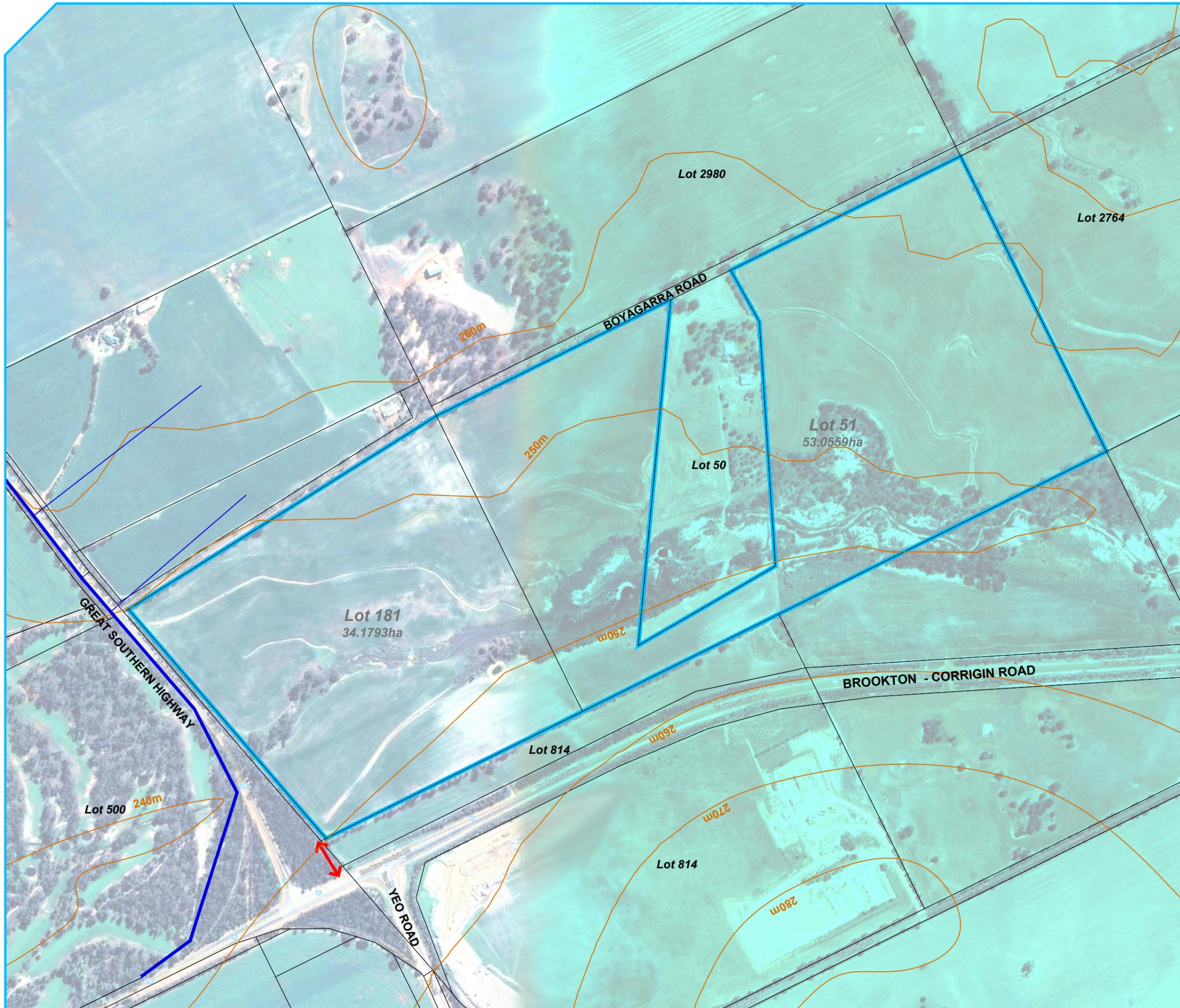
ATTACHMENT 4

AMENDMENT SITE PLAN

Lots 51 and 181 Boyagarra Road, Brookton

Legend

-  Scheme Amendment Boundary
-  Existing Lot Boundary
-  Existing Crossover to Lot 181 south of creek
-  Water Pipe
-  Contours (10m)



DATE OF AERIAL 2020
SOURCE: GOOGLE EARTH

REV	DESCRIPTION	210517	210203	YYMMDD
B	AMENDMENT PLAN			
A	AMENDMENT PLAN			
REV	DESCRIPTION			

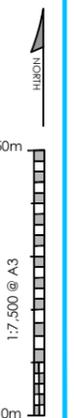


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DRAWING NUMBER
EP 201010 03

REV
B

Issued for design intent only.
All areas and dimensions are
subject to detail design & survey.



ATTACHMENT 5

**Lot 51 & 181
Boyagarra Road,
Brookton WA 6306**

Environmental Assessment Report and Site Soil Evaluation



Bio Diverse Solutions

Final v. 1

22/06/2021

DOCUMENT CONTROL

TITLE

Lot 51 & 181 Boyagarra Road, Brookton Environmental Assessment Report and Site Soil Evaluation

Author (s): Chiquita Cramer and Katie White

Reviewer (s): Kathryn Kinnear and Steve Thompson

Job No.: EP006

Client: Langley Management Pty Ltd

REVISION RECORD

Revision	Summary	Prepared By	Reviewed By	Date
Draft v. 1	Internal QA review	C. Cramer	K. Kinnear	4/05/2021
Draft v. 2	Updated with comments from Edge Planning and Property	C. Cramer	S. Thompson	17/05/2021
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1. Introduction

The Environmental Division at Bio Diverse Solutions was commissioned by Edge Planning and Property on behalf of their client to prepare an Environmental Assessment Report (EAR) and Site Soil Evaluation (SSE) at Lots 51 and 181 Boyagarra Road, Brookton (here in referred to as the Subject Site). This EAR and SSE has been prepared to support a scheme amendment and associated structure plan for rezoning of the Subject Site from 'Rural' to 'Rural Smallholding'. The purpose of this document is to assess the environmental values of the Subject Site, the potential impacts of the proposed rezoning and subsequent subdivision on the environment and determine the suitability of the Subject Site for onsite effluent disposal.

1.1. Alignment to Legislation, Policy and Guidelines

In assessing the proposed rezoning of the Subject Site, Bio Diverse Solutions has prepared this report aligned to the following legislation, policies and guidelines:

- *Biosecurity and Agriculture Management Act 2007 (BAM Act);*
- *Environmental Protection Act 1986;*
- *Environmental and Protection and Biodiversity Conservation Act 1999 (EPBC Act);*
- *Biodiversity and Conservation Act 2016;*
- *Conservation and Land Management Act 1980 (CALM Act);*
- *Water and Rivers Commission Act 1995;*
- *DPAW Spill Management Brochure;*
- *Government Sewerage Policy (2019); and*
- *AS/NZS 1547:2012 On-site Domestic Wastewater Management.*

2. Background

2.1. Site Details

The Subject Site is defined as Lots 51 and 181 Boyagarra Road and is located approximately 2.8km north-east of the Brookton townsite (Figure 1). The Subject Site consists of 85.4 hectares and is zoned as "Rural" under the Shire of Brookton Local Planning Scheme No. 4 and allocated as Rural Smallholding in the Shire's Local Planning Strategy (DPLH, 2019b). The Subject Site is bound by the Brookton-Corrigin Road to the south, Great Southern Hwy and the Brookton golf course to the west, Boyagarra Road to the north and adjoining farmland to the east.



Figure 1: Location Plan

2.2. Existing Land Uses

Currently the Subject Site is being utilised for general agriculture (mixed rotation cropping and livestock) as shown on Figure 2, with no residential dwellings located within the Subject Site. There is a seasonal creek-line running from east to west through the centre of the Subject Site, that is surrounded by degraded remnant vegetation (Figure 3). Within the outer extents of the creek-line there are a few small dams used for livestock.

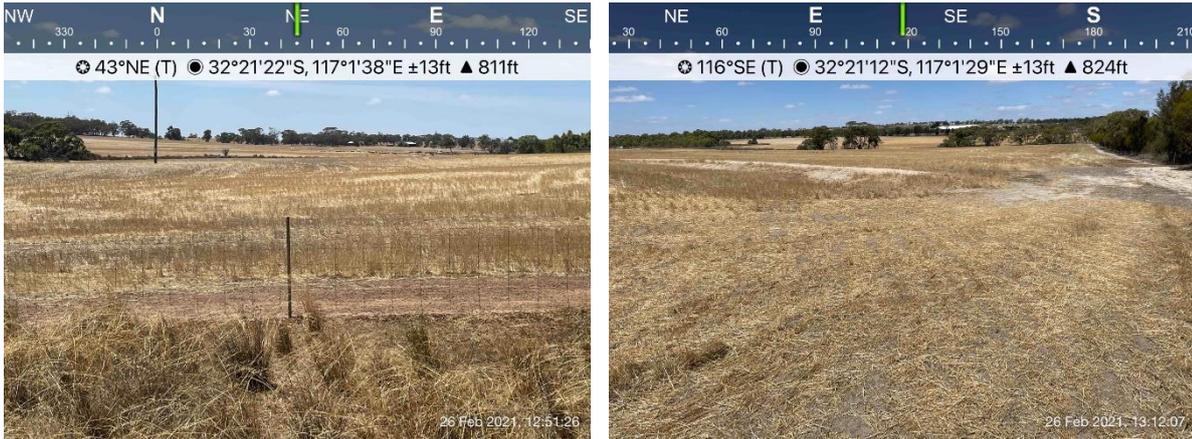


Figure 2: Photographs of the cleared areas within the Subject Site, showing general agricultural purposes.

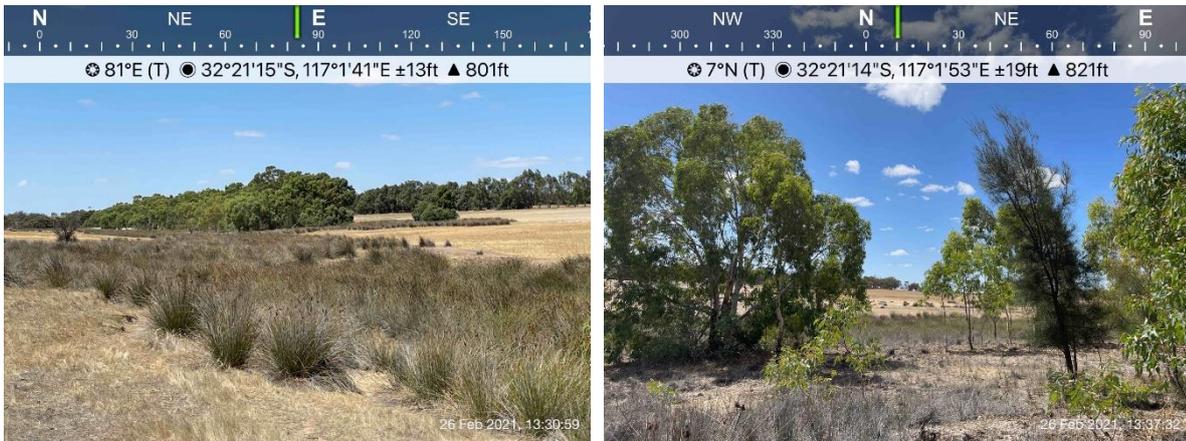


Figure 3: Photographs of the creek-line within the Subject Site, showing the presence of a mixed vegetation buffer.

2.3. Adjacent Land Uses and Tenure

The Subject Site is located within an agricultural area, with agricultural properties immediately to the north, east and south, and the Brookton Golf Course and further afield the outer extents of the Brookton townsite to the west. Directly to the south of the Subject Site and the Brookton-Corrigin Road there is a sand and gravel extraction mine.

3. Planning Proposal

It is proposed the Subject Site be rezoned from 'Rural' to 'Rural Smallholding', allowing for the subdivision of the site into smaller rural residential lots. The current concept plan for the Subject Site shows the subdivision of the Subject Site into 8 lots varying in size from 5.9ha to 20.6ha. The current subdivision concept plan for the site is shown on Figure 4.

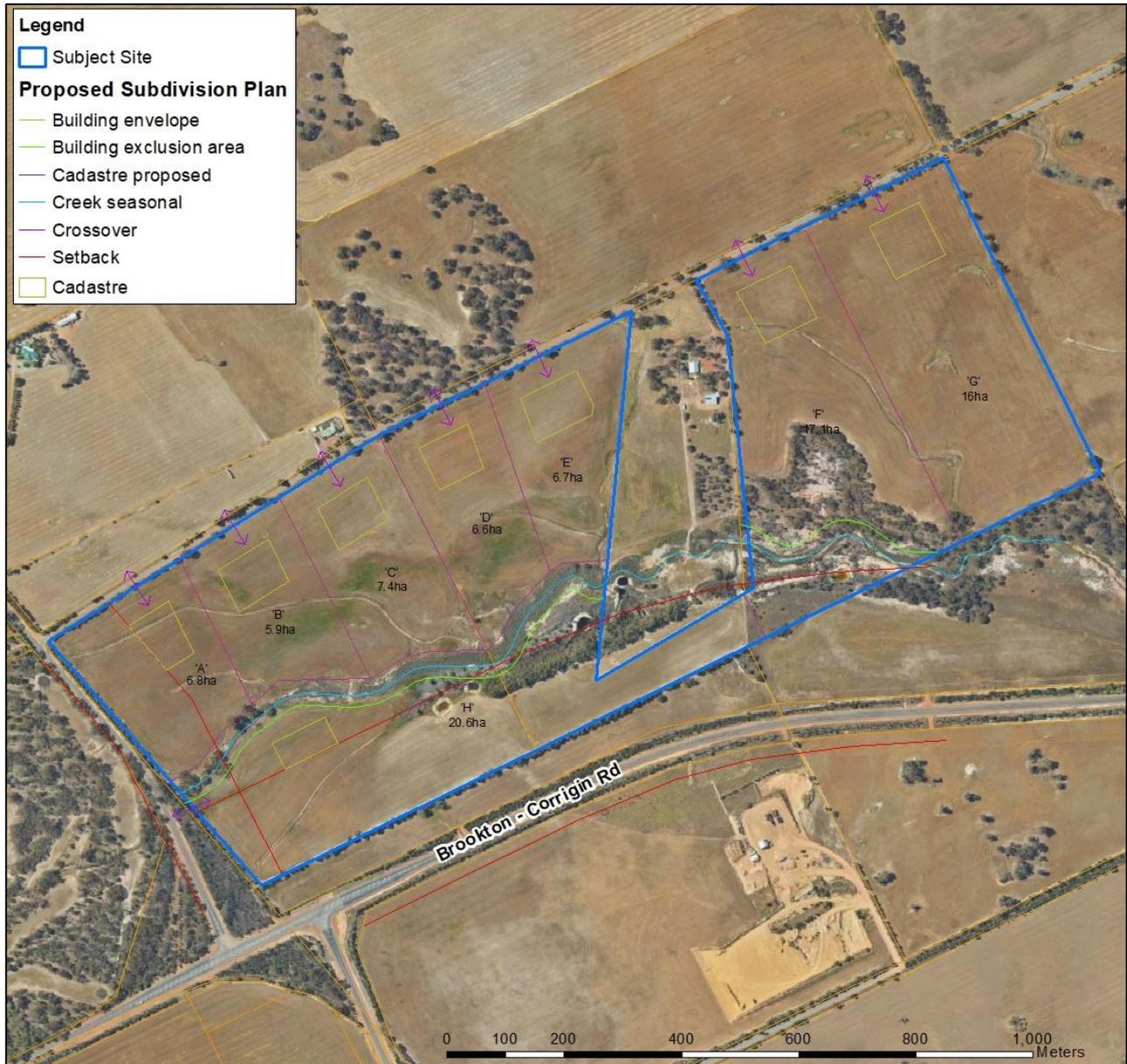


Figure 4: Subdivision concept plan for the Subject Site

4. Desktop Assessment

A desktop assessment of relevant government databases was conducted to assess the environmental values of both the Subject Site and the surrounding area. This assessment was conducted to various levels, ranging from state-wide to area specific information and includes information on climate, geology and soils, environmentally sensitive areas, acid sulfate soils, public drinking water areas, surface water hydrology and aboriginal heritage.

4.1. Climate

The nearest Bureau of Meteorology (BoM) operational station is Brookton (Site No. 010524). The average maximum temperature here is 24.4°C whilst the average minimum temperature is 9.7°C. The average annual rainfall for the station is 448mm, with the majority of rainfall occurring between May and August (BoM, 2021).

4.2. Topography

The property is located in an undulating landscape in the Brookton area. The Subject Site slopes from the external boundaries down to the seasonal creek-line area, from a high point of 262m AHD to a low point of 242m AHD. The topographic contours for the site are shown on Figure 5.

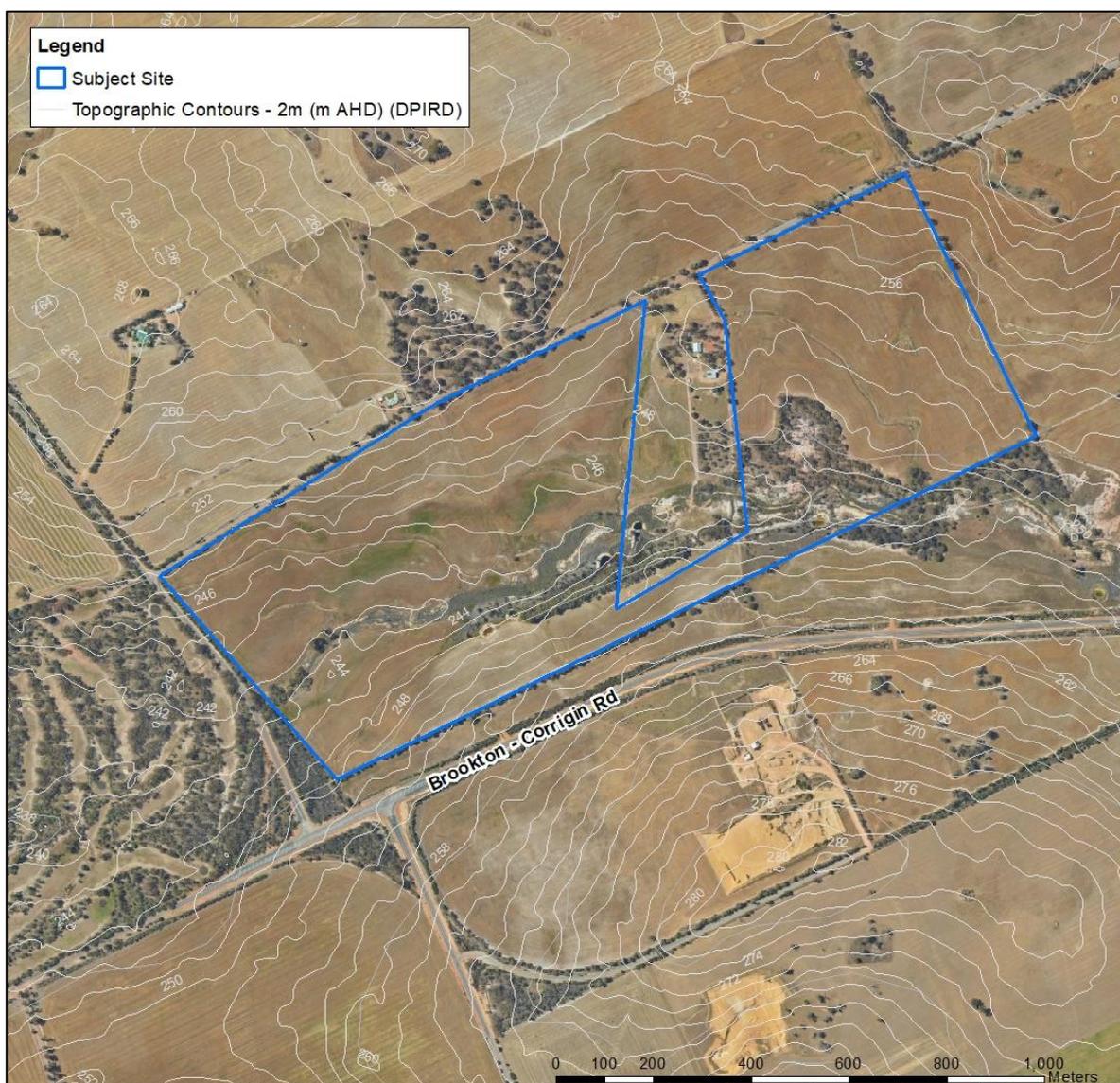


Figure 5: Topographic contours of Lot 51 and 181 Boyagarra Rd, the Subject Site.

4.3. Geology and Soils

Database searches show the Subject Site lies within the Pingelly System (257Pn). The system is described as “*Uplands surrounding Brookton and Pingelly with isolated lateritic remnants expressing as breakaways and soils formed from fresh rock and colluvium, with laterite developing on these parent materials in places.*” (DPIRD, 2017a). Geological mapping is depicted in Figure 6.

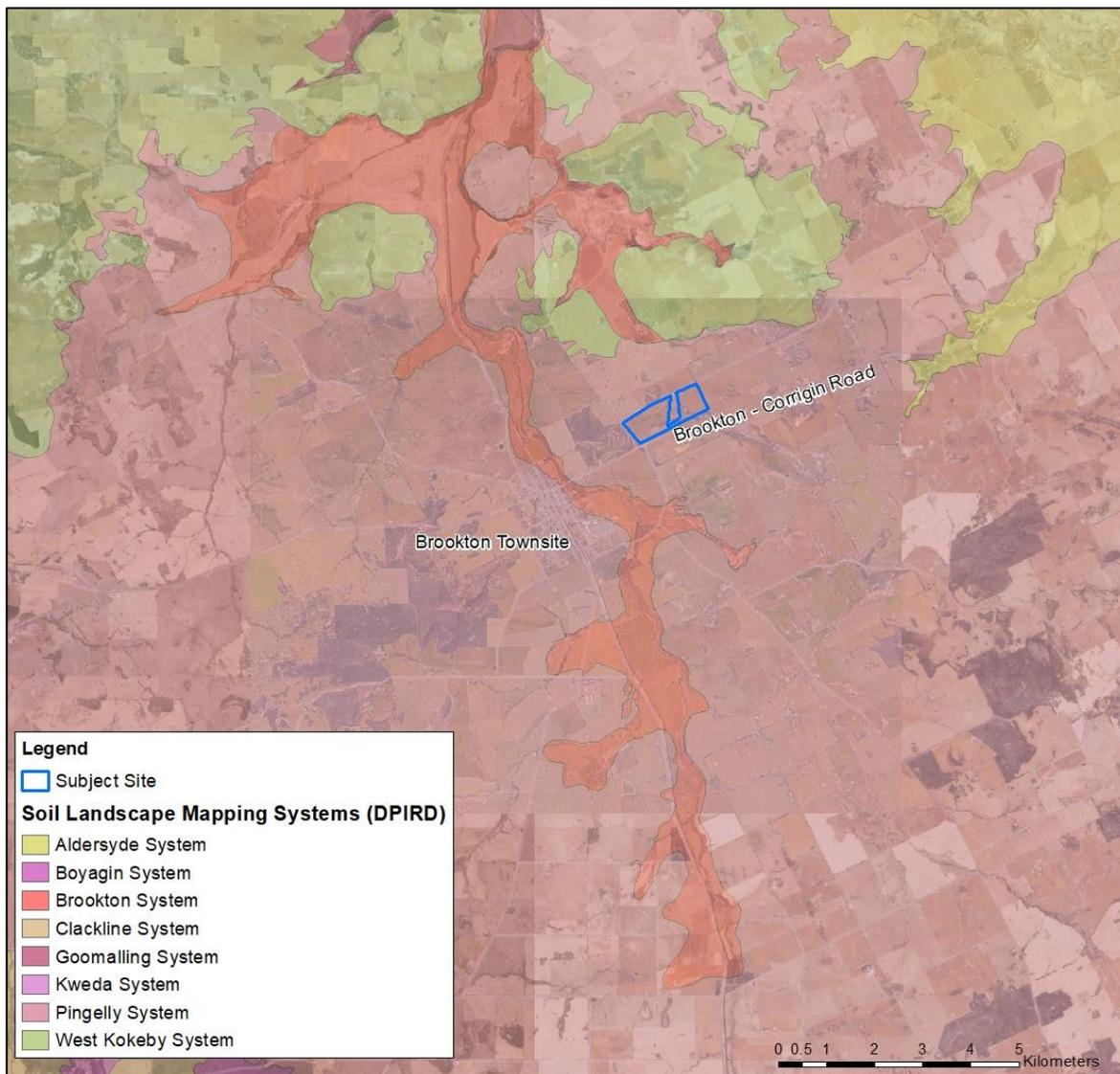


Figure 6: Geology and soils of the broader Brookton area, where the Subject Site is located.

4.4. Hydrology

The Subject Site is located within the Southern Zone of Rejuvenated Drainage (HZ12_SZRD) hydrological zone, which is described by the Department of Primary Industries and Regional Development (2017b) as; “*Erosional surface of gently undulating rises to low hills. Continuous stream channels that flow in most years. Colluvial processes are active. Soils formed in colluvium or in-situ weathered rock.*” The hydrological zone mapping is shown on Figure 7.

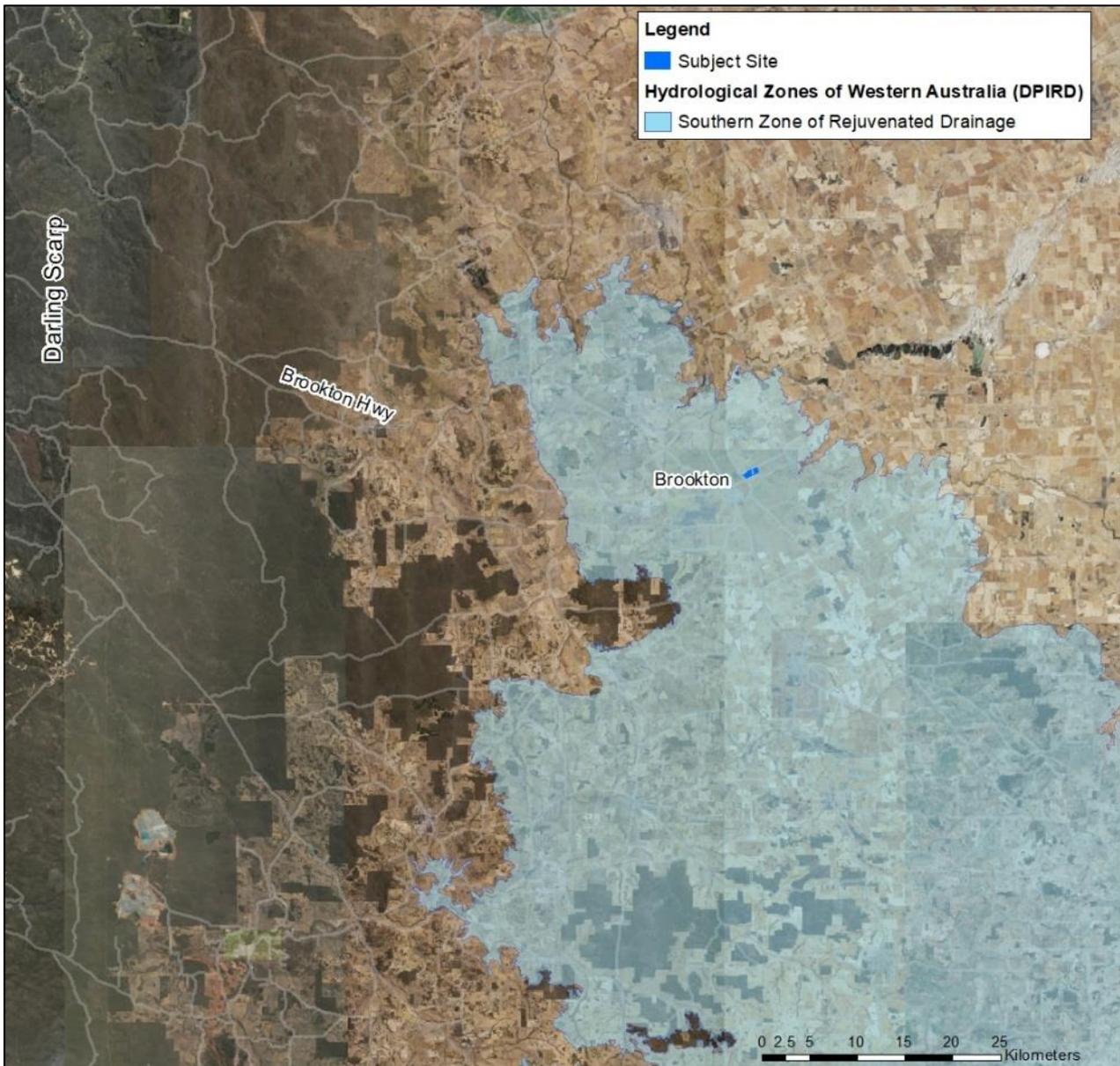


Figure 7: Hydrological zones of the wider area where the Subject Site is located.

There is one minor non-perennial water course within the Subject Site that runs from east to west, through the southern portion of the Subject Site. Other than a few small farm dams within the seasonal creek-line, there is no water bodies directly present or within the vicinity of the Subject Site. The surface water hydrology for the Subject Site is shown on Figure 8. Surface water flow from the Subject Site generally drains in a south-westerly direction towards the seasonal creek-line, with the smaller southern portion of the Subject Site draining in a north-westerly direction towards the creek-line.

The nearest major water course to the Subject Site is the Avon River South, which lies approximately 1.2km to the west and south-west of the Subject Site. The Avon River South flows north towards the Avon River, which ultimately discharges to the Swan River.

The property is not located within a Public Drinking Water Source Area (PDWA; DWER, 2018a). The nearest PDWSA is located approximately 2kms to the north, identified as the Brookton Happy Valley Water Reserve drinking water source protection area.

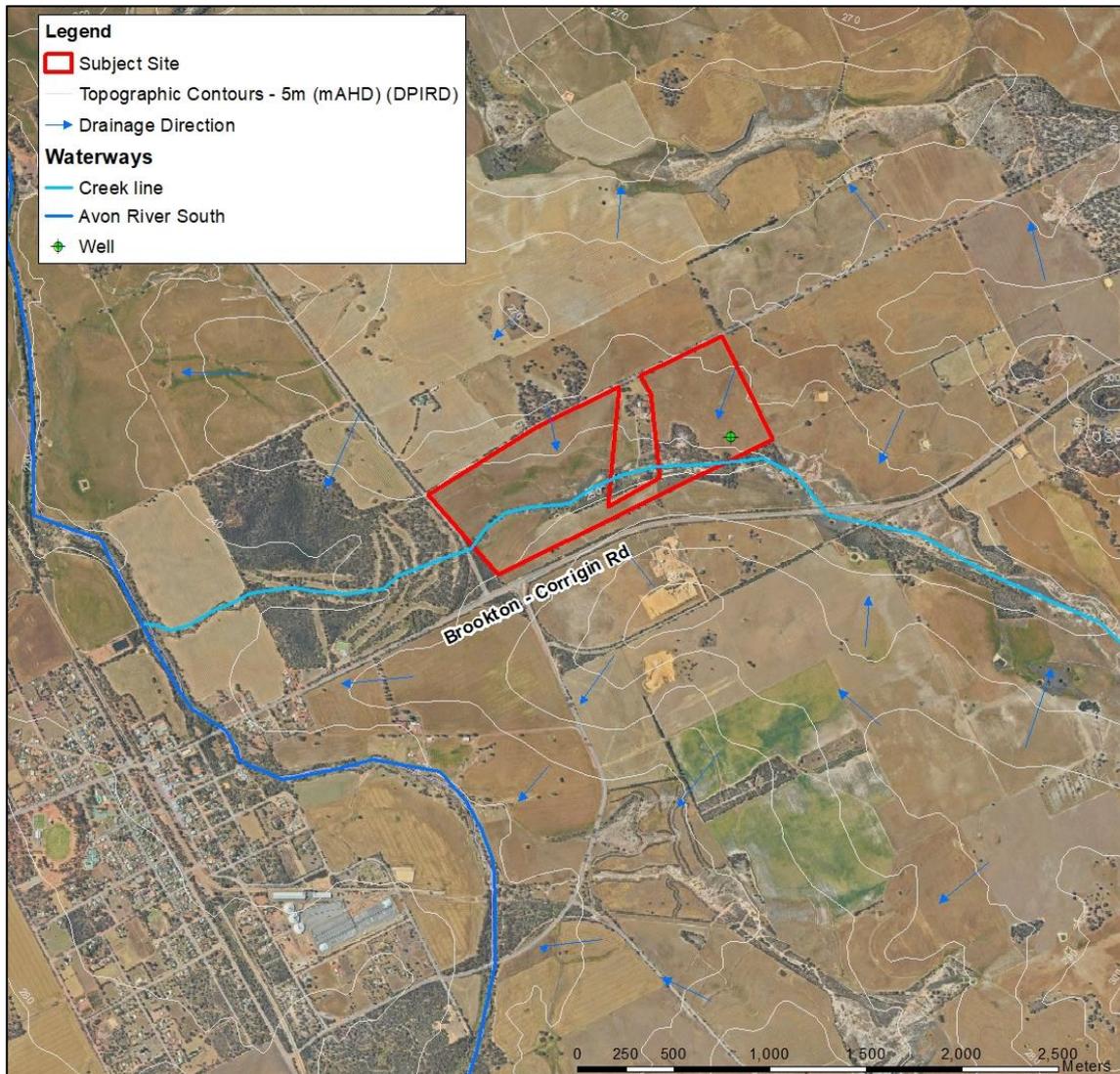


Figure 8: Surface water hydrology of the Subject Site, highlighting the surface water features.

4.5. Acid Sulfate Soils

Database searches show there are no recorded acid sulfate soils present within the site (DWER, 2017).

4.6. Remnant Vegetation

The property lies within the Avon Wheatbelt AVW02 IBRA subregion. Hearn et al (2002) describes the IBRA region as “*area of active drainage dissecting a Tertiary plateau in Yilgarn Craton. Gently undulating landscape of low relief. Proteaceous scrubheaths, rich in endemics, on residual lateritic uplands and derived sandplains; mixed eucalypt, Allocasuarina huegeliana and Jam-York Gum woodlands on Quaternary alluvials and eluvials. Within this, AW2 is the erosional surface of gently undulating rises to low hills with abrupt breakaways. Continuous stream channels that flow in most years. Colluvial processes are active. Soil formed in colluvium or in-situ weathered rock. Includes woodland of Wandoo, York Gum and Salmon Gum with Jam and Casuarina.*”

The vegetation has been mapped on a broad scale by J.S. Beard (Shepherd et al. 2002) in the 1970's, where a system was devised for state-wide mapping and vegetation classification based on geographic, geological, soil, climate structure, life form and vegetation characteristics (Sandiford and Barrett, 2010). Vegetation units were regarded as associations and were grouped into Vegetation Systems representing a particular pattern of association distribution within a given area. A GIS search of J.S. Beards (Beard et al. 2013) vegetation classification places the subject site within one System and Vegetation Association (Source Pre-European dataset, DPIRD, 2017d):

- **System Association Name:** Pingelly.

- **Vegetation Association Number:** 352.
- **Structure Description:** Woodland other.
- **Floristic Description:** Wheatbelt; York gum, Salmon Gum etc. *Eucalyptus loxophleba*, *E. salmonophloia*.
- **Remnant Vegetation by Beard Association Rarity in LGA:** 9.58% remaining (GoWA, 2019).
- **Remnant Vegetation by Beard Association Rarity in IBRA Region:** 17.27% (GoWA, 2019).

4.7. Significant Flora and Fauna

Desktop inventory of potential threatened and priority flora and fauna species likely to occur within 10km of the Subject Site was undertaken using the following databases:

- 10km NatureMap Database Search (combined data from DBCA, WA Museum and WA Herbarium; DBCA, 2021b); and
- 10km Protected matters search tool (DAWE, 2021).

Based on results from the above databases, 28 conservation significant flora species and 20 conservation significant fauna species (terrestrial species only) have been recorded within 10km of the property. Additionally, there was one threatened ecological community recorded within 10 km of the site. The full species list and further details compiled from all available data is present in Appendix A. It is noted that the species list includes species that would likely not occur in the property due to a lack of suitable habitat and the degraded nature of the Subject Site. The data also includes very old records and in some cases the species in question may have become locally or regionally extinct.

The conservation significance of flora and fauna species has been assessed using data from the following sources:

- *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). Administered by the Australian Government Department of Agriculture, Water and Environment (DAWE, 2021);
- *Biodiversity Conservation Act 2016* (BC Act). Administered by the Western Australian Department of Biodiversity Conservation and Attractions (DBCA); and
- DBCA Priority Flora list. A non-legislative list maintained by DBCA for management purposes (DBCA, 2021a).

4.8. Environmentally Sensitive Areas

Database searches show there are no environmentally sensitive areas present within the Subject Site (DPIRD, 20221).

4.9. Heritage

A search of the Department of Agriculture, Water and Environment Protected Matters Search Tool (DAWE, 2021) was conducted and no heritage listed areas were identified for the Subject Site or within the vicinity of the Subject Site.

5. Site Assessment

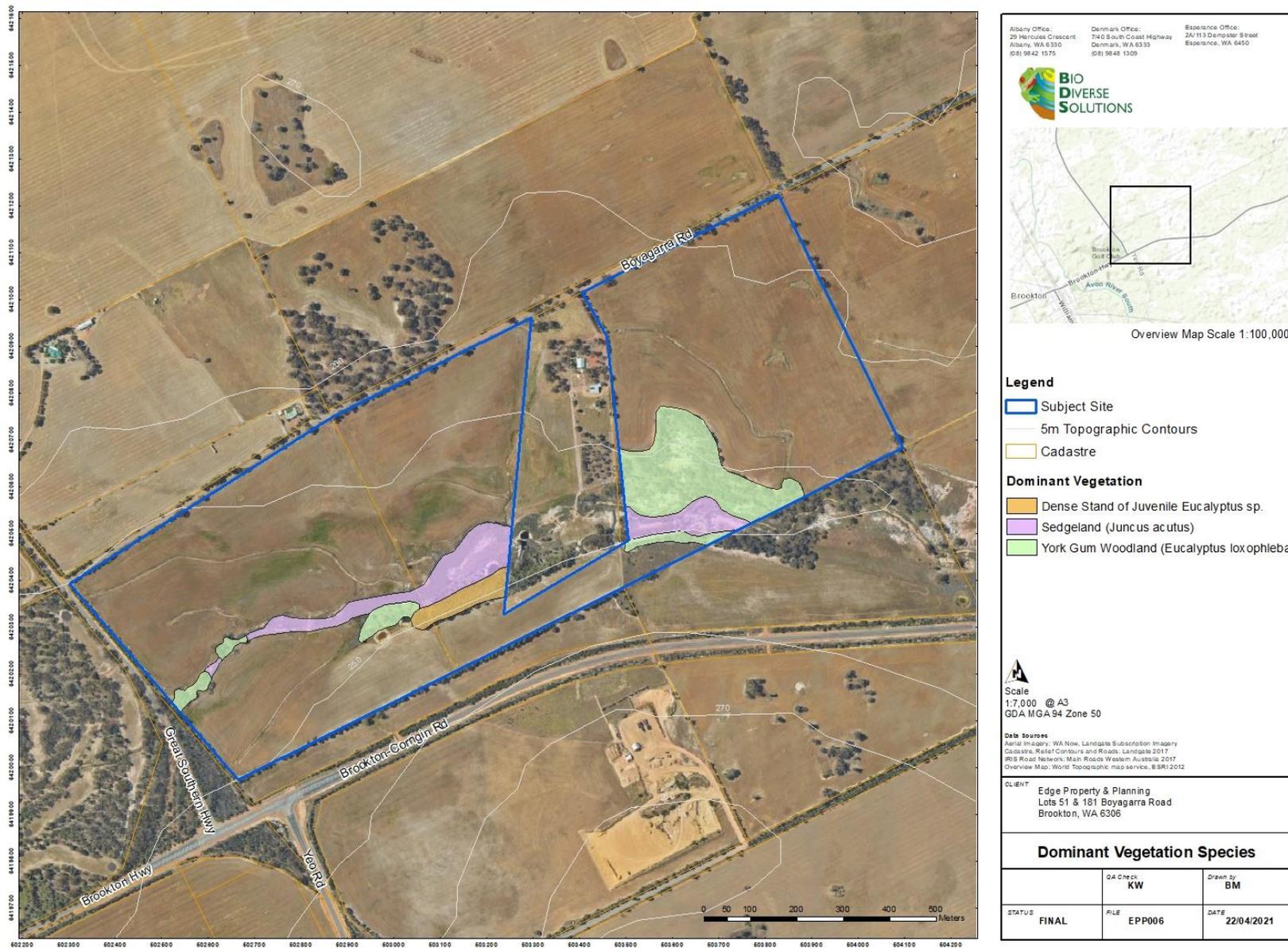
A site assessment of the Subject Site was conducted on the 26th February of 2021 by Kathryn Kinnear (Bio Diverse Solutions leading Principal Environmental Consultant and Director). This assessment included ground truthing of desktop findings. No detailed flora, vegetation and fauna surveys were undertaken, as no intact remnant vegetation within the property is proposed to be cleared as part of the subdivision. If clearing of native vegetation is proposed in the future, further detailed flora, fauna and vegetation surveys are required. Broad vegetation assessment and general comments on condition of remnant vegetation and stands of paddock trees of the property are provided.

5.1. Vegetation Communities

Scattered isolated *Eucalyptus* trees are present within the agricultural paddocks, which do not form a continuous or remnant piece of vegetation. They do provide habitat and other benefits to fauna, as described in Section 5.3.

Native vegetation is present directly in the vicinity of the non-perennial creek-line, forming a buffer varying in width. A recent fire within the area resulted in a significant germination event of *Eucalyptus* sp., likely from the mature trees present on site, indicating there is capacity for regeneration with native vegetation. It is likely prior to disturbance and degradation, the York Gum Woodland vegetation community may have met the Threatened Ecological Community criteria for the 'Eucalypt Woodlands of the Western Australian Wheatbelt', but no longer is in recognisable due to disturbance and the degraded condition. Three distinct vegetation units were present, which are described below at a basic structural formation level, with their location shown on Figure 9:

- York Gum Woodland (Figure 10) - *Eucalyptus loxophleba* (York Gum) Woodland (20-50% crown cover) with isolated *Allocasuarina* sp. and *Acacia lasiocalyx* shrubland and a closed, dense non-native grass understory. Dominant species described likely do not reflect pre-European vegetation community and are persistent relics remaining in the degraded state.
- Dense stand of juvenile *Eucalyptus* sp. (Figure 11) – community responding from a recent fire (circa 2015-2016), and is a likely an alternate stable state of the York Gum Woodland Community. This indicates that the vegetation area surrounding the creek-line has an active soil seed bank and has capacity to respond to rehabilitation efforts.
- *Juncus acutus* sedgeland (Figure 12) – Dominant *Juncus acutus*, Invasive Spiny Rush, sedgeland in the semi-perennial wetter portion of the creek-line area. Isolated native species present, but community dominated by the non-native *J. acutus*.



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Overview Map Scale 1:100,000

Legend

- Subject Site
- 5m Topographic Contours
- Cadastre

Dominant Vegetation

- Dense Stand of Juvenile Eucalyptus sp.
- Sedgeland (*Juncus acutus*)
- York Gum Woodland (*Eucalyptus loxophleba*)

Scale
 1:7,000 @ A3
 GDA MGA 94 Zone 50

Data sources
 Aerial Imagery: WA Now, Landgate S subscription Imagery
 Cadastre, Relief Contours and Roads: Landgate 2017
 RIS Road Network, Main Roads Western Australia 2017
 Overview Map: World Topographic map service, ©2012

CLIENT
 Edge Property & Planning
 Lots 51 & 181 Boyagarra Road
 Brookton, WA 6306

Dominant Vegetation Species

	GA Check: KW	Drawn by: BM
STATUS: FINAL	FILE: EPP006	DATE: 22/04/2021

Figure 9: Vegetation units present across the Subject Site, predominately forming a buffer around the creek-line.



Figure 10: York Gum Woodland Vegetation unit within the Subject Site.

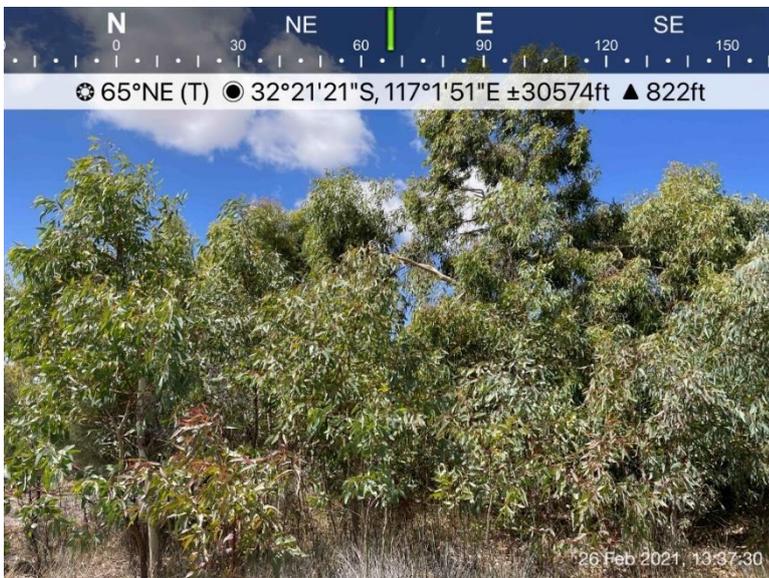


Figure 11: Dense stand of juvenile *Eucalyptus* sp. within the Subject Site.



Figure 12: *Juncus acutus* sedgeland vegetation unit within the creek-line.

5.2. Vegetation Condition

Remnant native vegetation ranged from Degraded to Completely Degraded across the Subject Site (Table 1). The primary factor for degradation resulting in a degraded status, was the high weed burden dominated by agricultural associated grasses and the *Juncus acutus* in the sedgeland. Progressive disturbances, likely from the surrounding agricultural land uses, has resulted in a lack of distinct vegetation structure that renders it difficult to recognise the pre-European native vegetation community.

Table 1. Condition rating scale for native vegetation (Keighery, 1994).

Vegetation Condition Rating	Description
Pristine	Pristine or nearly so, no obvious signs of disturbance.
Excellent	Vegetation structure intact, disturbance affecting individual species and weeds are non-aggressive species.
Very good	Vegetation structure altered, obvious signs of disturbance.
Good	Vegetation structure significantly altered by very obvious signs of multiple disturbances. Retains basic vegetation structure or ability to regenerate to it.
Degraded	Basic vegetation structure severely impacted by disturbance. Scope for regeneration but not to a state approaching good condition without intensive management.
Completely Degraded	Vegetation structure not intact; the area completely or almost completely without native species.

5.3. Fauna

The majority of the site has been historically and extensively cleared and as a result significant fauna habitat has been removed. Opportunistic Fauna sightings were recorded during the Broad Scale Vegetation Survey within the creek line vegetation. There was no native fauna or evidence of native fauna observed on site or adjacent to the site. Bird foraging and nesting is the only anticipated habitat in the highly disturbed landscape.

5.4. Soil Testing

A soil investigation was conducted as part of the site assessment on the 26th February 2021. The soil testing was conducted to assess the suitability of the site for the proposed rezoning and subsequent subdivision and development, including suitability for onsite effluent disposal. Six test pits were constructed within the Subject Site, using a post hole digger to a depth of 600mm. The location of the test pits was selected based on the proposed subdivision plan and likely location of the building envelopes. The location of the test pits is shown on Figure 13. Soil testing was not conducted south of the creek line however a visual inspection across the site and a review of the aerial imagery shows the soil types found north of the creek likely extend south of the creek.

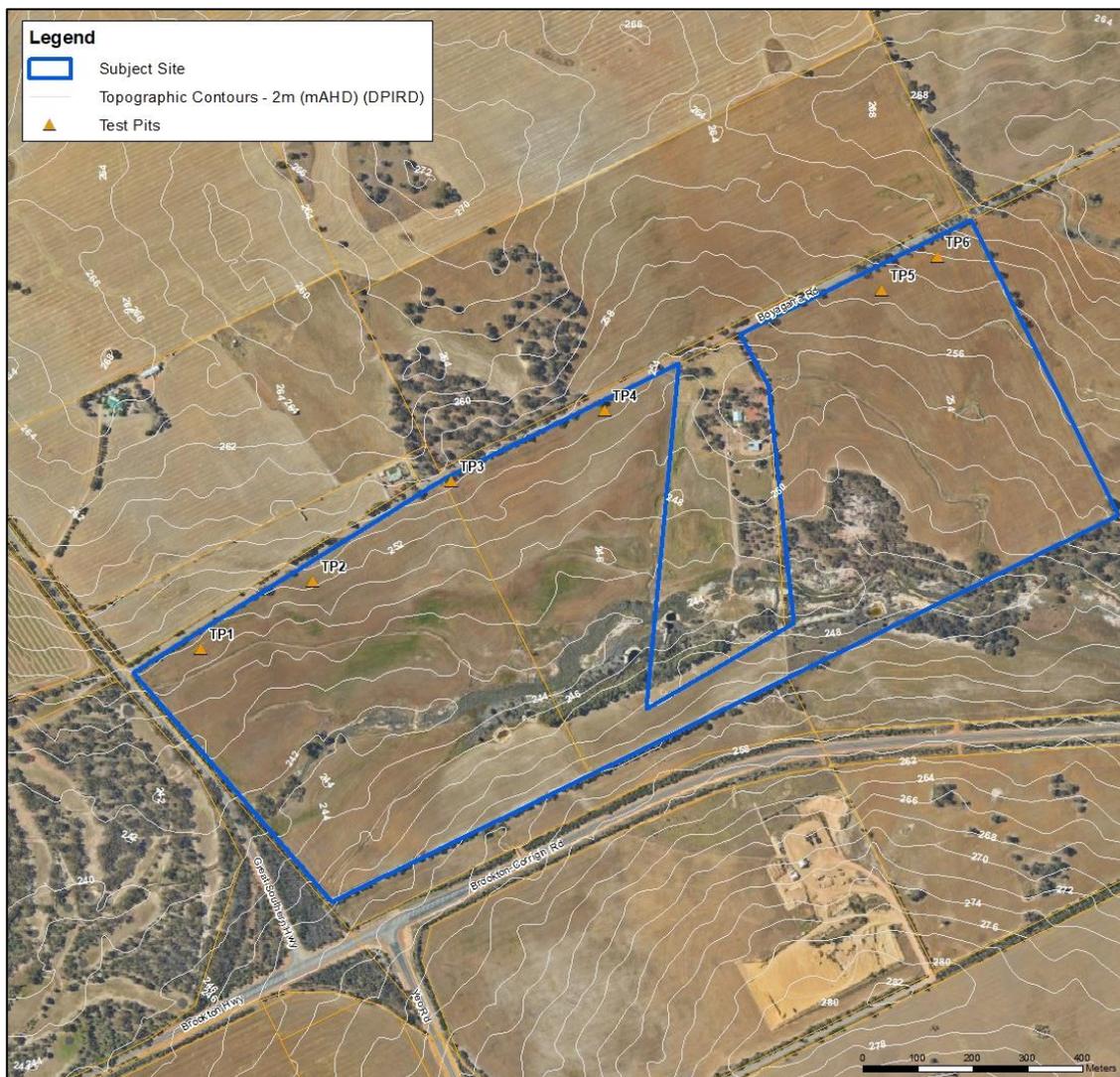


Figure 13: Test pit locations within the Subject Site, determined by proposed subdivision plan and location of building envelopes.

5.3.1 Soil Testing Results

Soil testing showed that three soil types were identified across the Subject Site; a topsoil of sand over a layer of sandy loam, over sandy clay (TP1 & TP2), a topsoil of sand, over loamy sandy gravel (TP3 & TP4) and a topsoil of sand over a cemented silt layer over clay/sandy clay. Further detail on soil profiles encountered at the Subject Site are presented in Table 2. Photographs showing the three soil types are shown in Figures 14 -16.



Figure 14: Photographs at soil type at TP2



Figure 15: Photographs of soil type at TP3



Figure 16: Photographs of soil type at TP6

Table 2: Soil profiles

Test pit	Depth of profile (mm)	Soil Description
Test Pit 1	<ul style="list-style-type: none"> 0-50 50-350 350-600 	<ul style="list-style-type: none"> Dark brown sandy top soil with organic matter Brown sandy loam, minor pebbles Grey mottled, orange/red sandy clay
Test Pit 2	<ul style="list-style-type: none"> 0-150 150-325 325-600 	<ul style="list-style-type: none"> Dark grey sandy top soil Brown sandy loam Mottled red sandy clay, minor clay
Test Pit 3	<ul style="list-style-type: none"> 0-50 50-600 	<ul style="list-style-type: none"> Brown sandy gravel Light brown loamy gravel rocks (10-35mm)
Test Pit 4	<ul style="list-style-type: none"> 0-120 120-400 400-600 	<ul style="list-style-type: none"> Grey sand Brown sandy gravel, dry Orange loamy gravel, pebbles (5-15mm)
Test Pit 5	<ul style="list-style-type: none"> 0-150 150-270 270-600 	<ul style="list-style-type: none"> Dark brown sandy clay, minor pebbles Dark brown cemented silt Brown clay
Test Pit 6	<ul style="list-style-type: none"> 0-120 120-300 300-600 	<ul style="list-style-type: none"> Brown silty sand Brown cemented silt Brown mottled, orange/pink sandy clay

5.3.2 Phosphorus Retention Index

Phosphorous Retention Index (PRI) is the ability of soils to absorb nutrients and heavy metals within the soil (soil microbe disinfecting ability). Soils with a PRI less than 1 have a very poor ability to retain nutrients and heavy metals, whilst soils with a PRI of >5 having a high ability to retain nutrients and heavy metals. PRI testing was conducted by CSBP Laboratory on soil samples from each test pits. The PRI results are shown in Table 3. The clays/sandy clays and loamy gravels at the site were found to have a very high PRI and therefore a very high ability to fix nutrients and heavy metals. The PRI results found at the Subject Site are ideal for the retention and removal of possible nutrients and heavy metals within the effluent water.

Table 3: Phosphorous Retention Index (PRI) Results

Test pit	Depth of profile (mm)	PRI Result
Test Pit 1	500-600	459.5
Test Pit 2	500-600	156.7
Test Pit 3	500-600	56.9
Test Pit 4	400-600	192
Test Pit 5	270-600	259.7
Test Pit 6	300-600	116.1

5.3.3 Soil Permeability

Silts and clay soils generally record low permeability results whereas coarse sands generally record high permeability, as shown below in Figure 17.

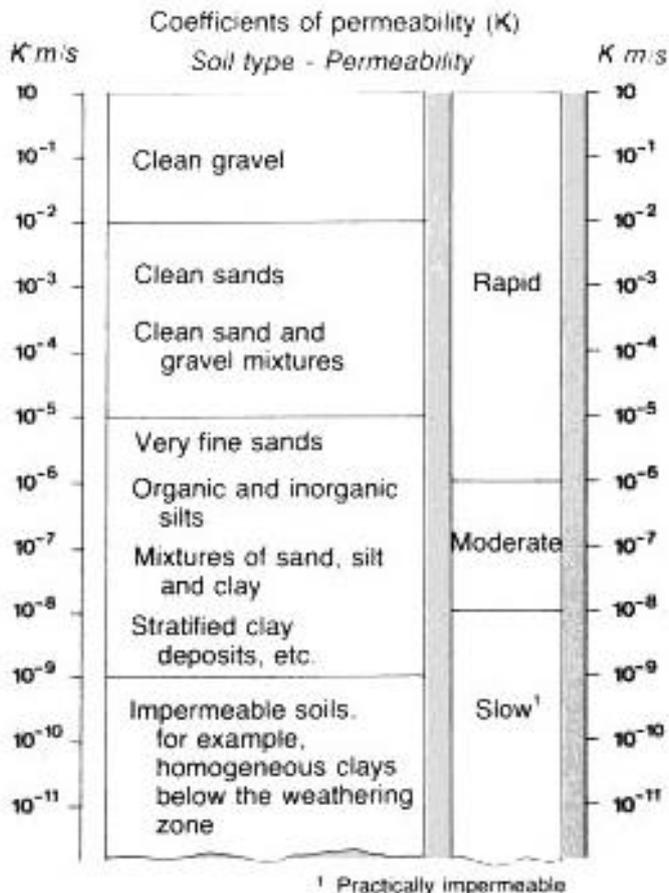


Figure 17: Generalised Permeability - Hydraulic Conductivity of soil types

Permeability testing conducted by Liquid Labs WA using the Falling Head test was conducted on a sample from 0-600mm below ground level within Test Pit 1 and Test Pit 3. The permeability rate for Test Pit 1 was found to be 5.97×10^{-11} m/sec (5.15×10^{-6} m/day) which is typical of clay soil types, with the permeability classified as slow and practically impermeable as per Figure 17. The permeability rate for Test Pit 3 was found to be 8.23×10^{-9} m/sec (7.11×10^{-4} m/day) and classified as slow as per Figure 17. The permeability testing results are presented in Appendix A.

5.5. Hydrology

A hydrological assessment of the Subject Site was also conducted on the 26th February 2021. The site was found to be very dry consistent with the time of year and there was no water within the creek line other than that in the man-made dams along the fringe of the creek. There was also no evidence of any other drainage network or water bodies other than the previously identified non-perennial creek, making it evident on the site that surface water, that did not infiltrate at source drained towards this creek. A photograph of the creek and one of the man-made dams are shown in Figure 18.



Figure 18: Photographs showing the dry creek bed and one of the man-made dams within the creek line.

Groundwater was difficult to investigate onsite as there were no groundwater monitoring or production bores on site or expressions of groundwater to the surface evident. A groundwater measurement was taken from a well on the site and found to be 3m below ground level. The location of the well is shown on Figure 8, giving an indication of the depth of groundwater across the site. An image of the well is shown on Figure 19.



Figure 19: Photograph within the well showing the groundwater level

6. Environmental Consideration

6.1. Geology, geomorphology and soils

The main potential impacts to soil associated with the subdivision and subsequent development associated with the site includes:

- Disturbance to acid sulphate soils (ASS) during the construction phase of the development;
- Movement of sediment during construction and building establishment;
- The potential for increased human usage of the creek area following development of the surrounding area, which may result in disturbance to the soil surface through trampling; and
- Soil contamination as a result of residential living and onsite effluent disposal.

Given building and development will be limited to the designated building envelopes located a significant distance from the creek and generally at the high point on each proposed lot, disturbance of soils within the creek-line is unlikely.

The Subject Site has not been mapped for ASS risk, however, given groundwater levels are likely to be significantly lower than surface level given the elevation of the proposed building envelopes and the soil was found to have a low organic matter content, it is likely areas outside of the creek-line have a moderate to low risk of ASS occurring at depths of greater than 3m. The excavations on site are likely to be limited to shallow services (power and water) and housing footing, which are unlikely to be significant disturbance for ASS to develop.

6.2. Hydrology

The main impact to hydrology, in particular the creek-line, running through the Subject Site (Figure 8) is likely to be deterioration in surface water and groundwater quality as a result of the below factors:

- Disturbance to ASS during the construction phase of the development (as discussed in Section 6.1);
- Movement of sediment and other contaminants during the establishment of the development;
- Stormwater run-off of litter, nutrients and other pollutants into the creek;
- Excessive change to surface water volumes and velocities;
- Dewatering activities which have the potential to mobilise nutrient-rich water into surface water bodies, increasing nitrogen and phosphorus loads that may lead to algae growth problems;
- Dewatering activities that have the potential to release toxic metals and arsenic due to the disturbance of acid sulphate soils; and
- Decline in groundwater and surface water quality due to fertiliser and chemical use and onsite effluent disposal.

Building and development on the Subject Site will be limited to building envelopes, which are located a significant distance from the creek-line. It is likely that given the scale of the development (8 potential dwellings) and the distance of the future buildings from the creek that the development of the lots will have minimal impact on surface water quantity and flows within the creek. The majority of runoff from the buildings is likely to discharge downstream of the buildings within the paddock areas where it is likely to be lost via infiltration, evaporation and/or transpiration. It is only likely that in extremely rare high intensity rainfall events that runoff from buildings within the site will be discharged to the creek.

6.3. Vegetation and flora

Aspects of the rezoning and subsequent subdivision and development that may potentially affect vegetation in the area includes:

- The potential for increased usage of the creek-line area for recreational activities following development of the area. This will likely lead to trampling of any native vegetation, with excessive amounts effectively leading to incidental clearing;
- Introduction or spread of invasive species, which have the potential to further degrade the creek-line via outcompeting native vegetation and reducing habitat quality for native fauna. Propagules may be carried on vehicles, equipment, domestic animals and shoes any time the creek-line area is accessed, such as during construction, revegetation activities or recreational activities after the subdivision development has occurred. It also may be introduced through the use of inappropriate and invasive non species in landscaping or inappropriate disposal of green waste;
- Introduction and spread of disease (especially *Phytophthora cinnamomi* Dieback), which has the potential to further reduce species diversity, by killing susceptible species. The water mould can be transferred through infected soil and vegetative material on vehicles and equipment when accessing the site.

6.4. Fauna

Given that most of the Subject Site is relatively degraded (farmland without intact native vegetation), the impact on fauna directly within the Subject Site and more broadly within the general vicinity is likely to be negligible. The most likely potential impacts on fauna as a result of the proposed development include:

- Loss of the mature *Eucalyptus* trees within the agricultural paddock areas, which may have some roosting habitat value for cockatoos and arboreal mammals in the area;
- Possible increase in introduced pest densities following development as a result of greater access to the creek line vegetation and an increased potential for 'escaped pets'; and
- An increase in noise, light and dust emissions during construction and residential living.

6.5. Biosecurity considerations

Phytophthora cinnamomi, otherwise known as Dieback, is a soil borne water mould. It is causing large scale death of vegetation across Western Australia and is identified as one of the key threatening processes for biodiversity. Over 40% of Western Australia's native plant species are susceptible to Dieback. Human-induced spread of *P. cinnamomi* is generally through the movement of infected soil, be it a large scale (for example, soil brought in for infill) or small scale (for example, soil brought in unknowingly on machinery, shoes etc.) incidents.

A survey for the presence of *P. cinnamomi* was not conducted for the purposes of this report. Due to the degraded nature of vegetation and absence of susceptible and indicator species, no incidental observations were taken. It is possible that both Dieback and Chytrid are already present throughout the development area. However, there is a risk that new strains or new infections could result as a result of poor hygiene practices during construction activities, revegetation activities and road design. Additionally, management of any mechanisms of spreading soil or vegetative material needs to carefully consider how to not spread plant pathogens from the development area to other locations.

6.6. Fire

Numerous bushfire risks associated with the Subject Site were identified:

- The continuous vegetation within the creek line from the east;
- The vegetation from within the Brookton golf course;
- Road reserves from the west;
- To a lesser extent, paddock grasses from every direction; and
- A patch of remanent vegetation to the north of the site.

Under hot, dry and unstable conditions (Severe to Catastrophic/bushfire weather) these areas pose significant bushfire threats to the site. A detailed Bushfire Management Plan (BDS, 2021) has been prepared to guide the Scheme Amendment process and future subdivision. The BMP will be the guiding report for fire management during and post construction of the proposed development.

The BMP (BDS, 2021) addresses all aspects of fire management including asset protection zones around buildings, access to and from the site in the event of a fire and water supply. The BMP also takes into account any revegetation strategies documented in this report.

6.7. Aboriginal heritage

It is unlikely that items of significance of Aboriginal Heritage will be disturbed through construction activities, given the development proposal will be located within the existing disturbed within the Subject Site. Contractors should be educated on recognising significant Aboriginal Heritage markers, materials and items, and anything suspected of being of Aboriginal Heritage Significance discovered during construction / groundwork activities is to be notified to relevant authorities immediately. Additionally, an enquiry under the Aboriginal Heritage Inquiry System (DPLH, 2021), indicated that there were no registered or lodged Aboriginal Heritage Sites at the Subject Site.

7. Onsite Effluent Disposal Suitability

The health and environmental requirements for wastewater treatment and disposal for developments not serviced by deep sewerage systems are contained in the *Government Sewerage Policy* (DPLH, 2019a). The Subject Site is situated in an area that does not have deep or reticulated sewerage and therefore onsite sewerage is required. The *Government Sewerage Policy* (DPLH, 2019a) states minimum requirements apply for all on-site sewage disposal systems.

The Subject Site is not located in a Sewage Sensitive Area or a Priority Drinking Water Source Area. It is proposed the Subject Site be divided into eight lots as shown on the Subdivision Concept Plan (Figure 2). The Subdivision Concept Plan shows the location of the proposed building envelopes for each lot, which also indicates the approximate location of the effluent disposal systems. The Subject Site is capable of being divided into multiple lots, with each lot achieving the minimum requirements for onsite sewage disposal systems as identified in the *Government Sewerage Policy* (DPLH, 2019a).

The general slope of the Subject Site is approximately 2% and does not exceed the minimum grade requirements (1:5 or 20%) for onsite effluent disposal as outlined in Table 3 of the *Government Sewerage Policy* (DPLH, 2019a).

As shown in Section 5.2 the soils at the Subject Site were found to be a topsoil of sand over a layer of sandy loam, over sandy clay (TP1 & TP2), a topsoil of sand over loamy/sandy gravel (TP3 & TP4) and a topsoil of sand over a cemented silt layer over clay/sandy clay (TP5 & TP6). Permeability results show the permeability on the site to be extremely low, to enable use of such soils for onsite effluent disposal, special design requirements and distribution techniques or soil modification procedures are necessary but achievable to ensure the rate of percolation of effluent through the soil is less than the effluent generation rate. The most suitable system in this instance is a subsurface irrigation system (inverted leach drains). This type of system utilises shallow trenches laid in a suitable depth of good quality topsoil and perforated pressure lines which are nestled in a distribution pipe within the trenches. The PRI of the soils across the site were found to be relatively high which provides opportunity for nutrient and heavy metal removal from the effluent water prior to entering the groundwater.

Groundwater was not encountered in any of the six test pits to the depth of the holes (600mm) and whilst database searches show no groundwater information in the area a well on site adjacent to the creek showed groundwater at 3m BGL. Given the building envelopes will be situated higher in the landscape than the well it is unlikely the maximum groundwater table in the location of the building envelopes and land application areas is within 2 metres of the ground surface.

The *Government Sewerage Policy* (DPLH, 2019a) states that onsite effluent disposal system shall be located a minimum of 100m from waterways or significant wetlands. Proposed building envelopes within lots A-G are all greater than 100m from the creek line running through the Subject Site and there are no other waterways or wetlands within the vicinity of the Subject Site. The proposed building envelope on Lot H is closer than 100m from the creek line due to a required building setback to the sand/gravel extraction mine to the south of the Subject Site. In this instance the effluent disposal can be achieved outside of the 100m creek buffer south of the building whilst the building envelope remains within the 100m creek buffer, outside of the sand/gravel extraction setback.

Each proposed lot (Figure 2) at the Subject Site meets the minimum requirements that apply for onsite effluent disposal, as outlined in the *Government Sewerage Policy* (DPLH, 2019a). Table 4 outlines a summary of policy and compliance of the site to minimum requirements.

Table 4: Minimum requirements for all on-site wastewater disposal systems and design specific standards

Site Feature	Minimum Requirement	Requirement met
Separation from waterways	A wellhead protection zone or on Crown land within a reservoir protection zone; 100 metres of the high-water mark of a reservoir or 100 metres of any bore used for public drinking water supply (a wellhead protection zone or reservoir protection zone has not been assigned or where existing lots would be rendered undevelopable by the wellhead protection zone).	Yes The Subject Site is not located within a Public Drinking Water Source Area (PDWSA; DWER, 2018a) nor associated wellhead protection zones. The nearest PDWSA (Brookton Happy Valley Water Reserve drinking water source) is approximately 2kms away.
	30 metres of a private bore used for household/ drinking water purposes.	Yes There are no known private production bores within use within the Subject Site. The Water Information Reporting database (DWER, 2021) does not show any private production bores within the vicinity of the Subject Site. Any future private production bores installed on the lots shall be at least 30m from land application areas.
	100 metres of a waterway or significant wetland and not within a waterway foreshore area or wetland buffer. The separation distance should be measured outwards from the outer edge of riparian or wetland vegetation.	Yes There is sufficient space for each proposed lot to achieve greater than 100m separation between the creek-line and the building envelopes/ land application areas.
	100 metres of a drainage system that discharges directly into a waterway or significant wetland without treatment.	Yes There is sufficient space for each proposed lot to achieve greater than 100m separation between the creek-line and the building envelopes/ land application areas.
	Any area subject to inundation and/or flooding in a 10 per cent Annual Exceedance Probability (AEP) rainfall event.	The building envelopes are situated between 244 and 260m AHD and are not subjected to flooding, there is significant slope from the building envelopes to the creek line allowing for adequate drainage from the site. There is no evidence of flooding outside of the creek-line.

Site Feature	Minimum Requirement	Requirement met
Separation from groundwater – outside of public drinking water source areas.	<p>Where land is not within a public drinking water source area or a sewage sensitive area, the discharge point of the on-site sewage system should be located the following distances above the highest groundwater level:</p> <ul style="list-style-type: none"> • for loams and heavy soils, at least 0.6 metres • for gravels, at least one metre • for sands, at least 1.5 metres. Where a nutrient retentive secondary treatment system is used, at least 0.6 metres. 	<p>Yes</p> <p>The groundwater was not encountered in any of the 6 test pits to a depth of 600mm depth, a level taken from near the creek line showed groundwater to be 3m BGL. The building envelopes are located in the highest point of each lot, with the exception of Lot H (which is still >2m higher than the creek line). There is no evidence at the Subject Site which suggests a groundwater table close to the ground surface.</p>
Land Application Area	<p>A land application area should be provided for all development in accordance with tables 2 and 3 of this schedule for the disposal of sewage.</p>	<p>Yes</p> <p>A land application area shall be provided determined by the <i>Government Sewage Policy</i> (DPLH, 2019a), AS/NZS 1547:2012 (SA, 2021). The land application area shall be confirmed upon final placement of the dwellings.</p>
	<p>The land application area includes the area restricted to the distribution of treated sewage only and should be kept free of any temporary or permanent structures.</p>	<p>Yes</p> <p>To be determined upon final placement of the house. The land application area shall be placed in an area so that requirements are met. Site plan to be forwarded to the Shire of Brookton prior to approval.</p>
	<p>Activities within the land application area shall not interfere with the function of the current and future land application system and people should avoid potential contact with effluent residues. Unless allowed for in the design, the land application area) should:</p> <ul style="list-style-type: none"> • not be built on or paved in a manner which precludes reasonable access; • not be subject to vehicular traffic (other than a pedestrian-controlled lawnmower); • not be subject to regular foot traffic such as pathways and clothes line areas; and • should be kept in a manner which enables servicing and maintenance of the disposal system. 	<p>Yes</p> <p>To be determined upon final placement of the house. The land application area must be placed in an area so that requirements are met. Site plan to be forwarded to Shire of Brookton prior to approval.</p>
Gradient of the land application area	<p>Where slope exceeds one in five (1:5), the land application area should be engineered to prevent run-off from the land application area. Surface contours should be provided on the site plan.</p>	<p>Yes</p> <p>Slopes across the site do not exceed 1:5 gradient. Natural and finished gradients of land application areas shall not exceed 1:5 gradient. Site plan to be forwarded to the Shire of Brookton prior to approval.</p>
Location of land application area within building envelope	<p>Local government may approve the location of land application areas outside building envelopes where proposed location meets requirements outlined above.</p>	<p>Noted</p>

8. Management and monitoring commitments

8.1. Geology, geomorphology and soils

Objectives: Protect soil structure within the Subject Site, in particular the creek-line to prevent sedimentation and disturbance of ASS.

Management Strategies: Exposed soil during construction and revegetation activities can be subject to water erosion and prevailing winds if left unmanaged. Management strategies to be employed at the Subject Site includes:

- Program construction and development activities so that areas of exposed soil are minimised during times of the year when the potential for erosion is high;
- Stabilise the site and install and maintain erosion controls so that they remain effective during any pause in construction; this is particularly important if the building project stops during the wetter months;
- Use stabilisation techniques such as the use of sediment traps, mulching or the use of geo-fabrics to reduce sediment and waste run off from the building site post construction activities;
- Mulch and roughen cleared slopes and stockpiles where no works are planned for more than 28 days;
- Cultivate disturbed surfaces with native vegetation to increase infiltration of rainfall and decrease the velocity of water moving off the building site towards the creek;
- Establish an effective creek vegetation buffer of at least 15 m on either side of the creek-line to assist in capturing sediment prior to entering the creek and stabilising creek banks, the vegetation buffer is shown on Figure 20;
- Ensure that contingency plans are in place for high intensity low occurrence storm events;
- Mound and contour the soil perpendicular to water flow during any revegetation activities to reduce potential siltation of the creek line fringes and to assist in trapping water for seedling germination and growth.

Monitoring: Visually monitor the effects of erosion within the site, in particular the creek-line during and following construction and revegetation activities. Continually assess the effectiveness of sediment control measures and make necessary improvements.

Contingency measures: Should sedimentation/siltation be observed within the fringing creek-line vegetation, implement additional sediment control measures.

Performance criteria: No observed sedimentation/ siltation within the creek line as a result of construction or revegetation activities.

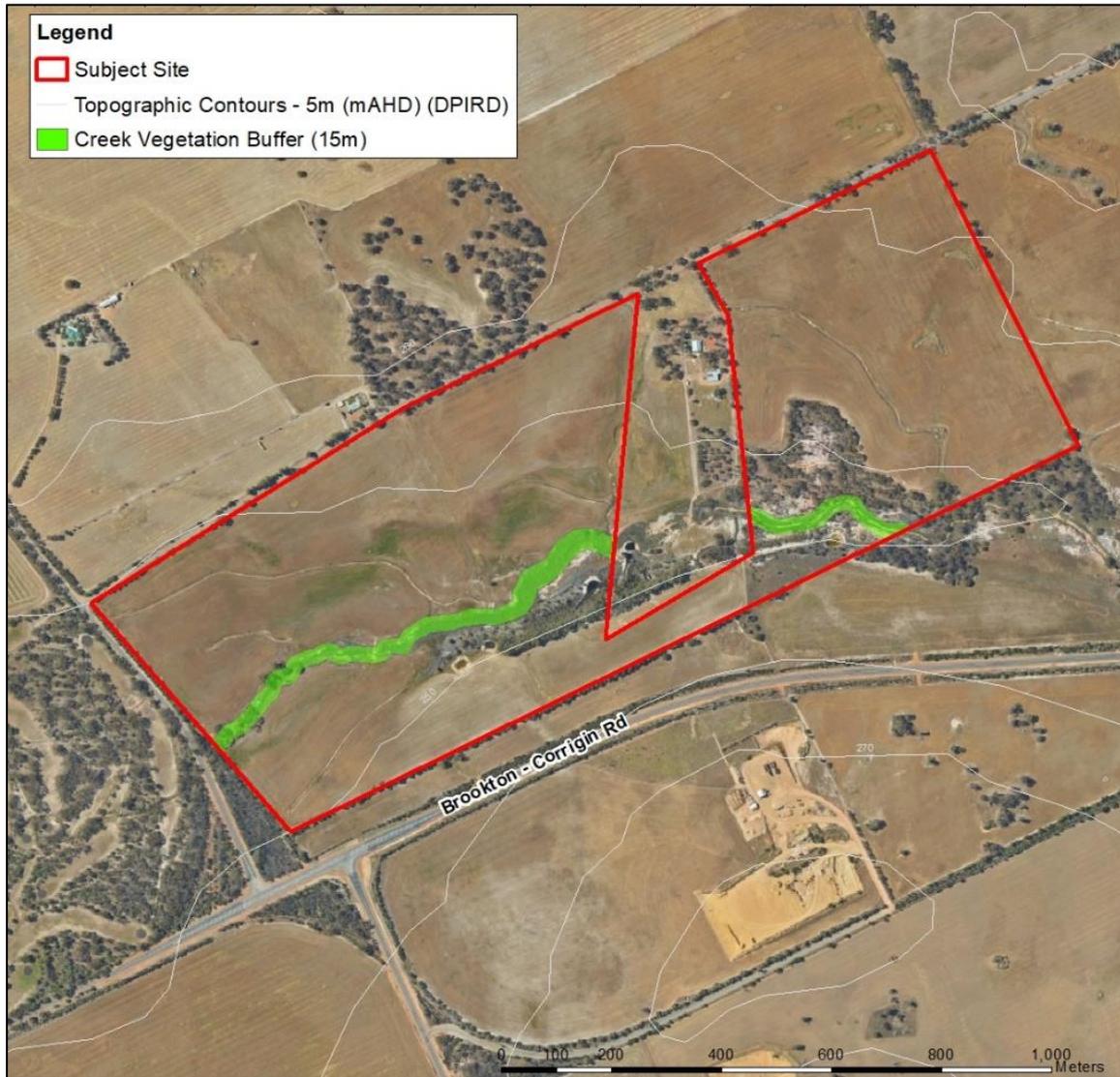


Figure 20: Proposed creek line 15m revegetation buffer (either side of creek)

8.2. Hydrology

Objectives: Maintain or improve both surface water and groundwater quality and quantity in terms of flows, nutrient loading, algae, heavy metals and other pollutants.

Management Strategies: Stormwater runoff from the site has the potential to impact on water quality and quantity in the creek line, with aquatic ecosystems known to be highly susceptible to damage from eroded soil and other contaminants from construction sites (DoW 2012). Hydrological management strategies for the site include:

- Program construction and development activities so that the area of exposed soil is minimised during times of the year when the potential for erosion is high;
- Stormwater control and treatment devices to be installed prior to any construction works;
- Install rock structures in areas where high water flows are expected, this will retard water-flow and reduce erosion;
- Minimise the quantity of uncontaminated stormwater entering the cleared construction area, this can be achieved by constructing cut-off or intercept drains to redirect stormwater away from the cleared area to stable (vegetated) areas or effective treatment installations;
- Promotion of endemic native plants, drought tolerant gardens and fertiliser wise practices to new residents, to reduce nutrient export from the site within surface water run-off;

- Establish an effective creek buffer of at least 15 m on either side of the creek-line, to reduce velocity of stormwater runoff and prevent scouring and erosion of creek banks;
- Provide at least 100m between land application areas for effluent disposal and fringing creek-line vegetation; and
- Promote infiltration/evaporation at source through the use of soak-wells and stormwater diversion to garden beds and planted trees.

Monitoring: Inspection and maintenance program to ensure the efficiency of stormwater diversion structures during construction. Visual inspection of water quality upstream, downstream and within the creek, looking for algae blooms, discoloration and sedimentation.

Contingency measures: Investigate and address the cause of any significant increase or decrease in creek flows or increase in algae blooms, discoloration or sedimentation that are unlikely to be a natural variation arising from seasonal fluctuation.

Performance criteria: No significant increase or decrease in the quantity of groundwater or surface water that can't be accounted for naturally. No significant and sustained increases in nutrients, acidity or heavy metals within the creek line. No algal blooms as a result of excess nutrients.

8.3. Vegetation and significant flora

Objectives: Maintain or improve vegetation condition, habitat quality and floristic diversity within the creek-line and across the site.

Management Strategies: Management strategies most likely to be effective for the Subject Site include:

- Establish an effective vegetated creek buffer of at least 15 m on either side of the creek-line;
- Fence the creek-line buffer from stock to prevent grazing on native grasses, emerging seedlings and limit spread of weeds and diseases;
- Revegetate area identified as the creek buffer using local provenance species, such as scattering seed or planting of tubestock native seedlings. This particularly needs to occur within the creek-line perennial water area if *Juncus acutus* non-native sedges are removed as invasive species control, which effectively removes the dominant cover (see section 5.3.2);
- Revegetation to include scrub planting in the creekline and tree spacing of 10m so to not increase the bushfire risk to the area (see Section 8.7).
- Cool burn only applicable to the understory to promote germination and control weeds;
- Management of weeds within the creek and surrounding areas during and following construction to minimise competition when revegetating and increase likelihood of success;
- Promote use of native vegetation for landscaping to reduce potential garden escapes into the wetland and increased high nutrient fertiliser use, which has the potential to kill native species;
- Construct a physical barrier between housing and the creek-line to discourage green waste disposal and dumping of other waste; and
- Facilitate formal access to the creek via pathways/tracks to reduce vegetation trampling and soil damage arising from increased visitation.

Monitoring: Monitor the survival rate of revegetation plantings. Revegetation areas will be monitored and maintained for two years following planting to ensure the performance criterion is met (below).

Contingency measures: Infill revegetation plantings as required based on stocking/ survival levels.

Performance criteria: Effective revegetation with a stocking level of at least 1 stem/ m² of a native species across all vegetation units present.

8.4. Weed management

Objectives: Reduce the risk of weed infestation within areas of identified native vegetation remnants along the creek-line to increase current condition of vegetation present and increase likelihood of success of revegetation and flora considerations, see Section 8.3 for further details.

Management Strategies: Management strategies shall include:

- Successive treatment over 12 months at three-month intervals to control the staged germination of many invasive species;
- Smothering techniques, such as laying black plastic for lengths of time to smother grass and sedges;
- Repetitive 'cool' burns to the grasses and sedges that only apply to the understory layer;
- Controlled grazing of grassed areas to reduce the weed burden prior to setting seed; and
- Riparian-friendly grass selective herbicide application to pastoral grasses in the summer month. This is recommended as the least environmentally friendly option and must be applied outside of any time that water is present within the creek-line or frog breeding times.

Monitoring: Monitor the overall cover and dominance of non-native species, primarily the grasses and the sedge, *Juncus acutus*. Areas will be monitored intensely prior to any revegetation efforts, being a key component of success of revegetation. Following revegetation, continual monitoring of invasive species will be required due to the surrounding land use of agriculture, which will likely result in regular invasion until a mature vegetation community is established.

Contingency measures: Investigate and employ a different technique of weed control, as described and listed above.

Performance criteria: Weed cover is reduced to below 40% within the creek line. *Juncus acutus* is displaced as the dominant species and a higher diversity of native riparian sedges and other forms are present.

8.5. Biosecurity management

Objectives: Reduce the risk of dieback or other plant pathogen spreading to and from the Subject Site.

Management Strategies: *Phytophthora cinamommi* (dieback) or other plant pathogens has not been surveyed and is unknown if is present on-site. However, appropriate hygiene principles are recommended to apply during the development phase. These could include:

- Earth moving vehicles and equipment are to be cleaned prior to entering site;
- Earth moving vehicles and equipment are to be cleaned prior to exiting the site, which may involve a water cart onsite to remove the bulk of soil and prevent spreading the disease offsite;
- All personnel have a Hygiene Kit for clean down of shoes when entering areas of native vegetation, including brushes and solution of 7:3 methylated spirits to water;
- Access to the site will be controlled (fenced and gated and locked when unattended);
- Road and transport vehicles are to be restricted to defined roads, loading and turn around areas.
- Operate in dry soil conditions to limit the spread of mud and infected soil;
- Top soil movement/export from the bare paddock areas into the creek-line is not undertaken to prevent spread of weeds and diseases; and
- Top soil export from the subdivision to other areas within the subdivision (i.e. cut and fill) can occur however not be exported off site to "Greenfield areas" without disease testing.

Monitoring: Monitor the cleaning and movement of vehicles into and from the site, observe machinery for bulk soil around under carriage, tyre and wheel arches. Monitor health of vegetation within the creek-line, for any signs of increased plant death.

Contingency measures: Investigate and employ more stringent vehicle cleaning and movement regimes than those listed above.

Performance criteria: No spreading of dieback or other plant pathogens to and from the site.

8.6. Fauna

Objectives: Maintain or improve the quality of fauna habitat within the Subject Site.

Management Strategies:

- Mature isolated *Eucalypt* trees (those with trunk circumference >500mm) within the agricultural paddocks will be retained, where this is consistent with fire management requirements and does not pose a hazard to future residents;
- Prior to commencement of the Subject Site development, all mature Eucalypts identified for retention as habitat trees will be clearly marked and information relayed to site contractors;
- Creek-line vegetation will not be cleared maintaining habitat for native fauna and macroinvertebrates and care should be taken not to dispose of construction waste in areas where this could affect the quality of the creek-line vegetation;
- If during site works, there is any evidence of threatened fauna present appropriate government agencies or other environmental companies should be notified and work cease until a site assessment has been undertaken;
- Any native fauna found injured during site operations should be taken to a designated veterinary clinic or a DBCA nominated wildlife carer;
- Any trenching required for services should be kept open for only as long as necessary and suitable escape ramps and bridging be provided if the site is to be left unattended for extended periods, allowing fauna to escape from the trench. Significant sized trenches should be inspected for fauna immediately prior to filling;
- Future lot owners should be encouraged to retain, maintain and/or plant additional native vegetation on their property if practical and consistent with fire management requirements for the area, providing wildlife habitat in their gardens;
- Encourage responsible pet ownership by pet owners through information presented at sale;
- Discourage green waste disposal and dumping of other waste within the creek-line;
- Adhere to soil, hydrology and vegetation management strategies to reduce the potential impact, which affect fauna habitat quality.

Monitoring: All personnel onsite to opportunistically note any evidence of threatened fauna within the work area and report this to the project's Environmental Officer or Site Manager. Open trenches to be inspected for fauna immediately prior to filling.

Contingency measures: If during site works, there is any evidence of threatened fauna present then the Environmental Officer or Site Manager should be notified and work cease until a site assessment has been undertaken. Should fauna be detected within trenches, they should be removed by an experienced fauna handler prior to site work continuing.

Performance criteria: As many possible isolated *Eucalyptus* trees present within agricultural paddocks are retained. No fauna deaths as a result of site works. No observed sedimentation/ siltation, vegetation damage or waste dumping within the creek-line area as a result of construction or revegetation activities, leading to retention of fauna habitat.

8.7. Fire Management

Objectives: Prevent uncontrolled fire within the Subject Site during construction and development and reduce bushfire risks to future residents.

Management Strategies: There is a low potential risk of fire from construction activities. However, the following management strategies will be applied to the Subject Site to address this risk and the potential risk of fire from surrounding vegetated areas and private lands:

- Ensure bushfire control measures are in place during construction, such as a mobile firefighting unit parked on bare ground, in or near the construction area for quick access at all times during construction (BMP recommendation, 2021, also see section 5.3 of the BMP for management actions pre and during fire season);
- Revegetation of the creek buffer to include sedges, grasses and shrubs up to 2 metres in height to maintain a Shrubland Type C vegetation type, which is much lower threat than a Forest Type A. Trees are to be planted 10m spacings to maintain the current vegetation type and structure;
- Compliance with Harvest and Vehicle Movement Bans issued by the local government under the *Bush Fires Regulations 1954*; and
- Subject Site maintained in accordance with the Shire of Brookton Fire Control Information Brochure.

Monitoring: All personnel to be aware of fire risks and immediately report fires onsite or offsite

Contingency measures: If during site works, there is any evidence of fire, the fire control office should be notified and work cease until effective fire suppression has been undertaken.

Performance criteria: No uncontrolled bushfires within the Subject Site during construction.

A Bushfire Management Plan for the site identifying the key bushfire risks and planning concerns for the Subject Site has also been prepared by Bio Diverse Solutions (BDS, 2021).

8.8. Cultural Heritage

There is likely to be no more cultural heritage management requirements, please see Section 6.7. However, if there is any evidence or suspicion of cultural heritage considerations being required, it is recommended the relevant native title authority is engaged.

8.9. Environmental Incidents

An important aspect in the environmental program is management of non-conformance or incidents. An environmental incident is an event which could result in pollution to the local environment. The planning of site works and methodology aims to limit the risk and harm of subdivision operations/works impacting on-site or off-site.

If an incident or event occurs, it should be emphasised to all personnel working on site that all incidents are documented. Investigations should be conducted and action plans established in order to ensure the event does not happen again.

1.1.1 Corrective and Preventative actions

An Environmental Investigation should include the following basic elements:

- Identify the cause of the incident;
- Identifying and implementing the necessary corrective action;
- Identifying the personnel responsible for carrying out corrective action;
- Implementing or modifying controls necessary to avoid repetition; and
- Recording changes in written procedures required.

This should occur immediately from an incident occurring. It is recommended if an environmental incident occurs an Environmental Consultant is appointed to address the issue immediately and give advice on remedial actions.

1.1.2 Spill Management Procedures

The following information is from the DEC Spill Management Brochure (DEC, 2011). This shall be the methodology employed should a spill from fuel or chemical occur.

Dealing with minor spills

A small spill is considered to be a spill of 5 litres or less providing the product is not concentrated. For concentrated products of any quantity the spill must be treated as a large spill.

- 1. Assess safety.** Make sure that people are kept clear, and that you have the right training and equipment to deal with the spill.
- 2. Stop the source.** Providing it is safe to do so, stop the spill at its source. This may involve righting an overturned container or sealing holes or cracks in containers.
- 3. Contain and clean up the spill.** The spill should be mopped up immediately.
- 4. Record the spill.** Record when, what, how and where the spill occurred, clean up measures undertaken and the names of any witnesses. Also make note of what changes can be made when handling, transporting or storing chemicals to ensure a similar incident does not happen again.

Dealing with Major Spills

A large spill is considered to be anything over 5 litres or concentrated chemicals of any volume.

- 1. Assess safety.** Make sure that people are kept clear, and that you have the right training and equipment to deal with the spill.
- 2. Consult the Material Safety Data Sheet (MSDS).** The MSDS will have instructions on how to deal with specific chemical spills.
- 3. Put on protective clothing.** If necessary, put on gloves and goggles, a mask and an apron.
- 4. Stop the source.** Providing it is safe to do so, stop the spill at its source. This may involve righting an overturned container or sealing holes or cracks in containers.
- 5. Contain and control the flow.** The spill should be prevented from filtrating into the ground or entering the stormwater system. The outer edge of the spill should be dammed with rags, blankets, sand, sands bags, mops and/or absorbent booms.
- 6. Clean up the spill.** Promptly cover the spill using absorbent materials such as the correct absorbent granules for the product (Note that some strong acids will react with some types of granules and sawdust), sand and rags, being mindful not to splash the spill. Using a dustpan or spade, the absorbent granules or sand must then be scooped up and placed into a container. This waste material is not to be buried or thrown into the environment. The method of disposing this waste will depend on the amount and the type of chemical that was spilt. The Department of Environment Controlled Waste Section will advise on the appropriate disposal of hazardous substances. There are several contractors that will dispose of contaminated substances and soils. All contact phone numbers can be found below
- 7. Notify the appropriate authority.** If the spill does enter a stormwater drain or open ground, the Department of Environment and your local council must be notified. Please refer to the phone numbers listed below. If there is a hazard to health or property, call Fire and Rescue on 000 immediately.
- 8. Record the incident.** Record what, how and where the spill occurred and the names of any witnesses. Also make note of what changes can be made when handling, transporting or storing chemicals to ensure a similar incident does not happen again.

Who to call in an emergency

All hours phone numbers

Life / property emergencies: Ambulance, Fire or Police	000
Pollution emergencies - Department of Water and Environment Regulation	1300 784 782
Poisons Information Centre	13 11 26
Water Corporation – Emergencies and water service difficulties	13 13 75

9. References

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Appendices

Appendix A – Compiled species list of threatened ecological communities, fauna and flora recorded within a 10km radius of the subject site

Nt. Conservation status is described as Critically Endangered (Cr En), Vulnerable (Vu), Endangered (En), Priority (P), Threatened (T) and Extinct (Ex). Data sets interrogated included the National Protected Matters Search (DAWE, 2021) and Nature map (DBCA, 2021b).

Form	Species or Community	Common Name	Conservation Status	Data source
Threatened Ecological Communities	Eucalyptus woodlands of the Western Australian Wheatbelt		Cr En	DAWE
Birds	<i>Acitis hypoleucos</i>	Common Sandpiper	Migratory	DAWE
	<i>Calidris acuminata</i>	Sharp-tailed Sandpiper	Migratory	DAWE
	<i>Calidris ferruginea</i>	Curlew Sandpiper	Cr En; Migratory	DAWE
	<i>Calidris melanotos</i>	Pectoral Sandpiper	Migratory	DAWE
	<i>Calyptorhynchus banksii</i>	Forest Red-Tailed Black Cockatoo, Karrak	Vu	DAWE
	<i>Calyptorhynchus latirostris</i>	Carnaby's Cockatoo, Short-billed Cockatoo	En	DAWE; DBCA
	<i>Falco hypoleucos</i>	Grey Falcon	Vu	DAWE
	<i>Falco peregrinus</i> subsp. <i>macropus</i>	Peregrine Falcon	Specially Protected	DBCA
	<i>Leipoa ocellata</i>	Malleefowl	Vu	DAWE
	<i>Motacilla cinerea</i>	Grey Fantail	Migratory	DAWE
	<i>Platycercus icterotis</i> subsp. <i>xanthogenys</i>	Western Rosella	P4	DBCA
<i>Rostratula australis</i>	Australian Painted Snipe	En	DAWE	
Mammals	<i>Bettongia lesueuer</i> subsp. <i>graii</i>	Inland Boodie, Burrowing Inland Bettong	Ex	DBCA
	<i>Bettongia penicillata</i> subsp. <i>ogilbyi</i>	Woylie, Brush-tailed Bettong	T	DBCA
	<i>Dasyurus geoffroii</i>	Chudditch, Western Quoll	Vu	DAWE
	<i>Isodon fusciventer</i>	Quenda, Southwestern Brown Bandicoot	P4	DBCA
	<i>Macrotis lagotis</i>	Bilby, Dalgyte, Ninu	T	DBCA
	<i>Mymecobius fasciatus</i>	Numbat, Walpurti	T	DBCA
	<i>Phascogale calura</i>	Red-tailed Phascogale, Red-tailed Wambenger, Kenngoor	Vu; Specially Protected	DAWE; DBCA
Reptiles	<i>Acanthophis antarcticus</i>	Southern Death Adder	P3	DBCA
Flora	<i>Acacia adjutrices</i>		P3	DBCA
	<i>Acacia brachypoda</i>	Western Wheatbelt Wattle	En	DAWE

<i>Acacia cochlocarpa</i> subsp. <i>chochlocarpa</i>	Spiral Fruited Wattle	En	DAWE
<i>Andersonia gracilis</i>	Slender Andersonia	En	DAWE
<i>Anigozanthos bicolor</i> subsp. <i>exstans</i>		P3	DBCA
<i>Banksia oligantha</i>	Wagin Banksia	En	DAWE
<i>Beaufortia burbridgeae</i>	Column Beaufortia	P3	DBCA
<i>Boronia capitata</i> subsp. <i>capitata</i>		En	DAWE
<i>Caladenia hoffmanii</i>	Hoffman's Spider Orchid	En	DAWE
<i>Caladenia williamsiae</i>	William's Spider Orchid	En	DAWE; DBCA
<i>Daviesia nudiflora</i> subsp. <i>drummondii</i>		P3	DBCA
<i>Diuris micrantha</i>	Dwarf Bee Orchid	Vu	DAWE
<i>Eucalyptus exilis</i>	Boyagin Mallee	P4	DBCA
<i>Gastrolobium stipulare</i>		P4	DBCA
<i>Grevillea christineae</i>	Christine's Grevillea	En	DAWE
<i>Grevillea roycei</i>		P3	DBCA
<i>Grevillea scapigera</i>	Corrigin Grevillea	En	DAWE
<i>Hakea aculeata</i>	Column Hakea	Vu	DAWE; DBCA
<i>Hibbertia glomerata</i> subsp. <i>wandoo</i>		P3	DBCA
<i>Lasiopetalum pterocarpum</i>		T	DBCA
<i>Lasiopetalum rotundifolium</i>	Round-leaf Lasiopetalum	En	DAWE; DBCA
<i>Lasiopetalum</i> sp. Weam Reserve		P2	DBCA
<i>Lepidosperma</i> sp. Meckering		P3	DBCA
<i>Leucopogon audax</i>		P2	DBCA
<i>Roycea pycnophylloides</i>	Saltmat	En	DAWE
<i>Stylidium tenuicarpum</i>		P4	DBCA
<i>Thomasia montana</i>	Hill Thomasia	Vu	DAWE; DBCA
<i>Verticordia fimbrilepis</i> subsp. <i>fimbrilepis</i>	Shy Feather Flower	En	DAWE

Appendix B

Falling Head Permeability Test Reports (Liquid Labs WA)

PRI Results (CSBP)



Customer Bio Diverse Solutions

Job EPP006

Date Rec'd 19/03/2021

Lab Number	Name	Code	Customer	Depth	Phosphorus Retention Index
RGS21174	TP1 500-600	EPP006	BBDS	0-10	459.5
RGS21175	TP2	EPP006	BBDS	0-10	156.7
RGS21176	TP3 50-600	EPP006	BBDS	0-10	56.9
RGS21177	TP4 400-600	EPP006	BBDS	0-10	192.0
RGS21178	TP5 270-600	EPP006	BBDS	0-10	259.7
RGS21179	TP6 300-600	EPP006	BBDS	0-10	116.1



FALLING HEAD PERMEABILITY TEST REPORT

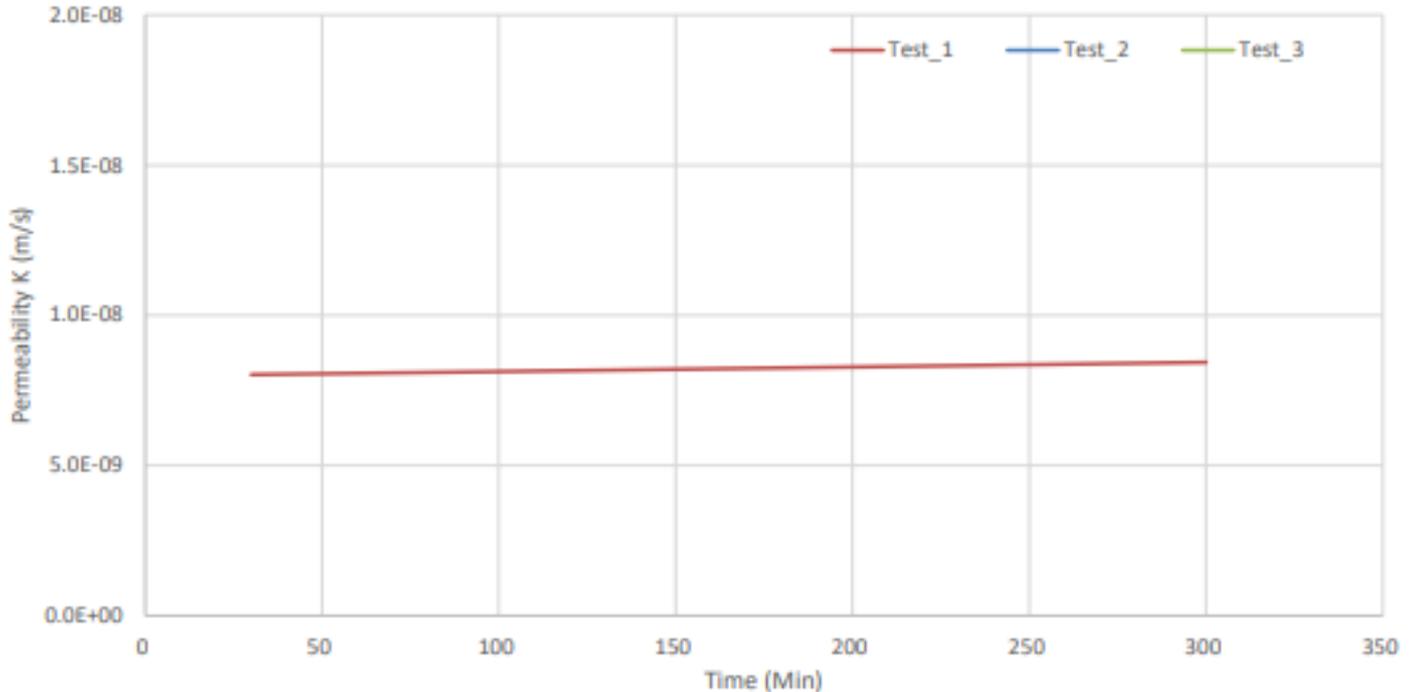
AS 1289.6.7.2, 2.1.1, 5.2.1

Client	Bio Diverse Solutions	Ticket No.	S4598
Client Address	Sa 209 Chester Pass Rd, Milpara, WA 6330	Report No.	LLS20/1343 _1_FHPERM
Project	Boyagarra Rd	Sample No.	LLS20/1343
Location	Brookton WA	Sampled By	Client
Sample Identification	Test Pit 3 - 0mm to 600mm		
Sampling Method:	Sampled by Client, Tested as Received	Date Tested	13-16/04/2021

Specimen conditions at test

Laboratory Density Ratio (%)	94.9	Laboratory Moisture Ratio (%)	96.4
Compactive Effort	Modified	% Retained on 19mm Sieve	0.0
Surcharge (kPa)	3	Date tested	13-16/04/2021

Permeability - Falling Head Method



Coefficient of Permeability K_{20} (m/s)

8.23E-09

Comments: _____



Accredited for compliance with ISO/IEC 17025 - Testing
Accreditation No. 19872

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Approved Signatory

Name: Wilhem Picard
Function: Senior Technician
Issue Date: 28-April-2021



FALLING HEAD PERMEABILITY TEST REPORT

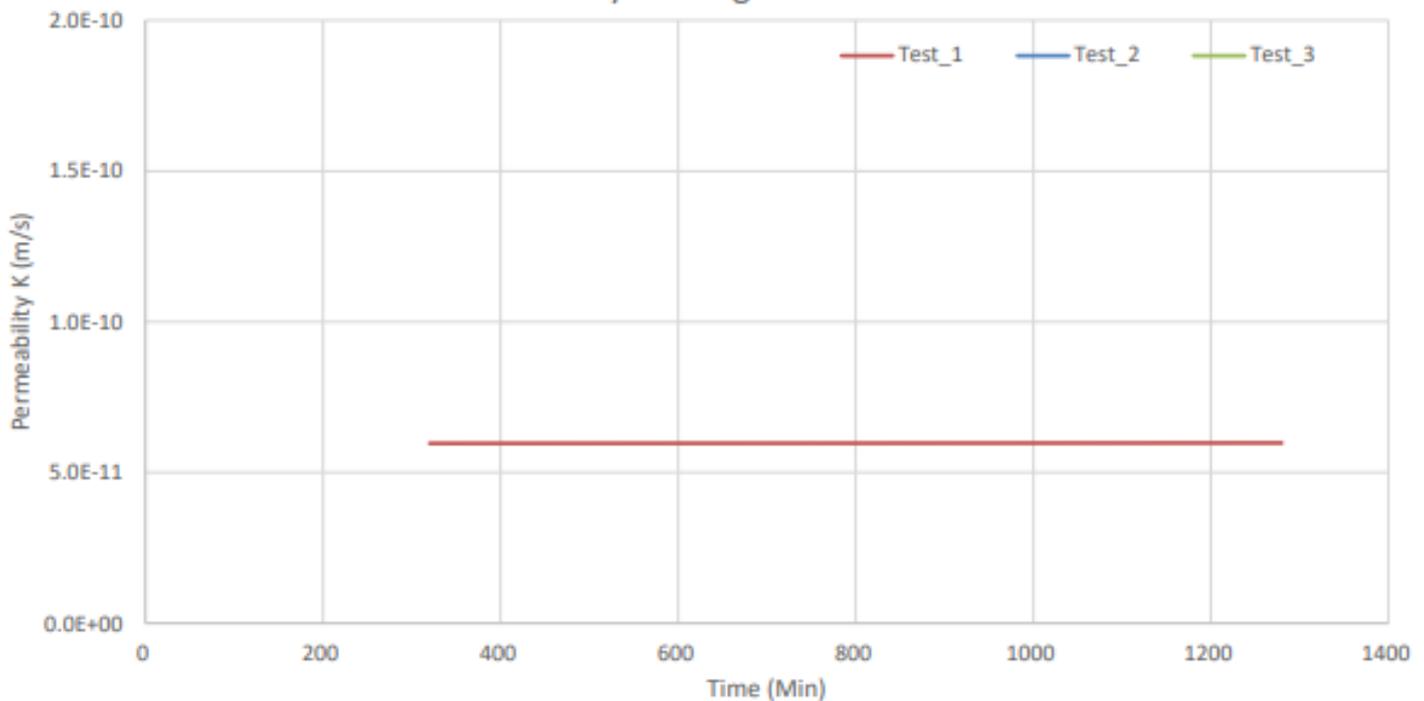
AS 1289.6.7.2, 2.1.1, 5.2.1

Client	Bio Diverse Solutions	Ticket No.	S4598
Client Address	5a 209 Chester Pass Road, Milpara, WA 6330	Report No.	LLS20/1342_1_FHPERM
Project	Boyagarra Rd	Sample No.	LLS20/1342
Location	Brookton WA	Sampled By	Client
Sample Identification	Test Pit 1 - 0mm to 600mm		
Sampling Method:	Sampled by Client, Tested as Received	Date Tested	13-20/04/2021

Specimen conditions at test

Laboratory Density Ratio (%)	94.9	Laboratory Moisture Ratio (%)	102.0
Compactive Effort	Modified	% Retained on 19mm Sieve	0.0
Surcharge (kPa)	3	Date tested	13/04/2021

Permeability - Falling Head Method



Coefficient of Permeability K_{20} (m/s)

5.97E-11

Comments:



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Approved Signatory

Name Wilhem Picard
Function Senior Technician
Issue Date 30-April-2021

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ATTACHMENT 6

WATER MANAGEMENT STRATEGY

Lots 51 and 181 Boyagarra Road, Brookton

Legend

- Subject Land
- Existing Lot Boundary
- Existing Creek (seasonal)
- Indicative Building Envelope
- Indicative Lot Boundary
- Indicative Revegetation
- Contours (10m)
- On-site Sewerage System Exclusion Area (100m buffer from creek)
- Indicative Land Application Area

DATE OF AERIAL 2020
SOURCE: GOOGLE EARTH

B LAND APPLICATION AREA 210707
A WASTEWATER PLAN 210705
REV DESCRIPTION YMMDD

1:8,000 @ A3



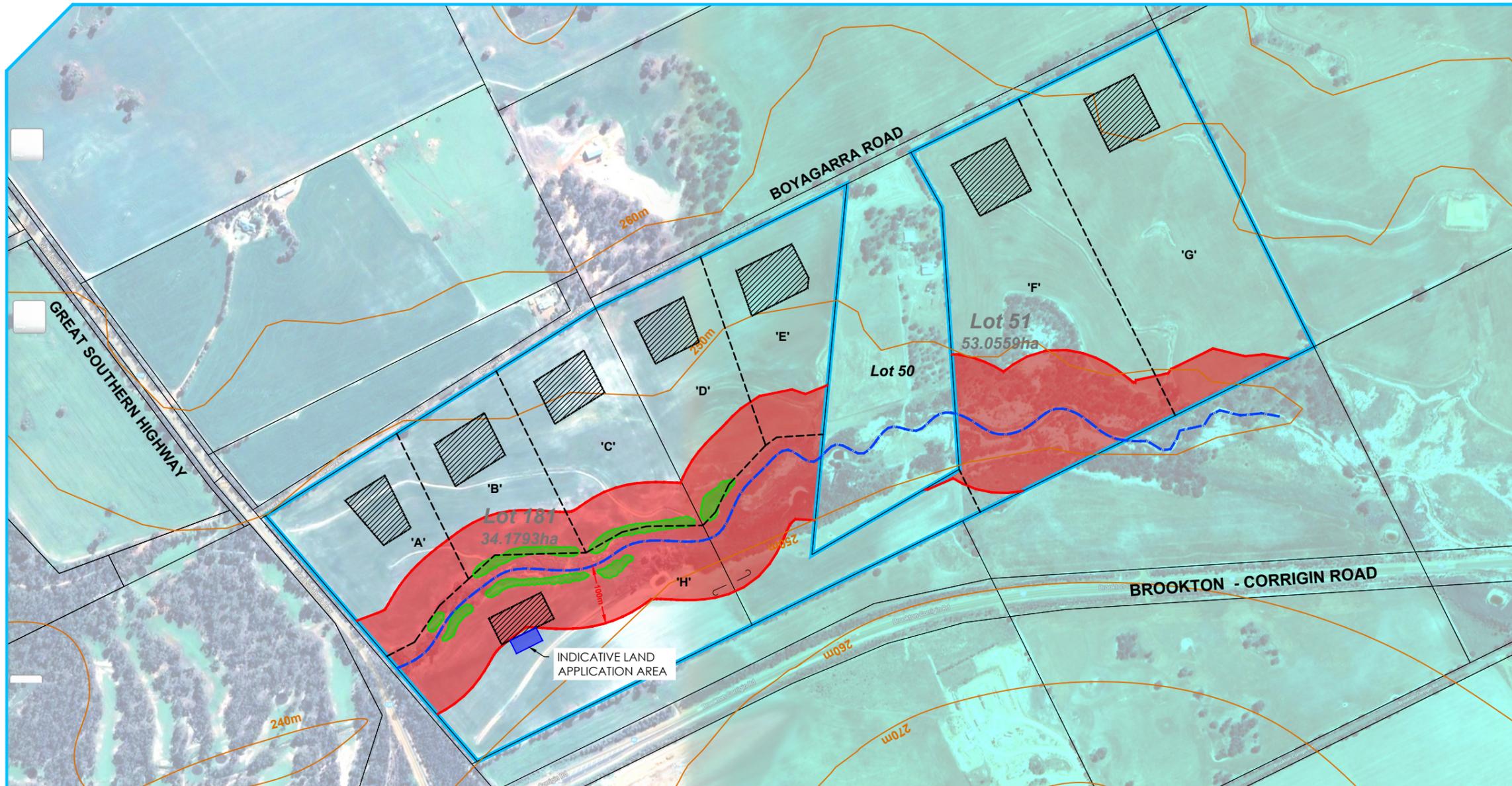
Edge Planning & Property
134 Hare Street, Mount Clarence
ALBANY WA 6330
E: steve@edgeplanning.com.au
M: 0409 107 536

DRAWING NUMBER
EP 201010 06

REV
B

Issued for design intent only.
All areas and dimensions are
subject to detail design & survey.

NORTH



Notes

- 1 The site is not located within a Public Drinking Water Source Area or within a Sewerage Sensitive Area. Groundwater is at least 3m below the ground level in the location of the building envelopes. Database searches and soil testing reveal there are no recorded acid sulfate soils present within the site. Building envelopes are located outside of flood risk land.
- 2 No new roads are proposed. Stormwater run-off from existing roads will use roadside swales with overflow in larger rainfall events directed to culverts.
- 3 The proposed development of 8 rural smallholding lots, between 6 -20 hectare, does not necessitate bulk earthworks and will retain the natural existing contours. Accordingly, post-development water flows will remain as pre-development water flows except for that captured as roof drainage for potable water usage. However, current best practices for erosion and sediment control should be implemented.
- 4 Buildings will be limited to building envelopes, which are located a significant distance from the seasonal creek. Given the scale of the development (8 dwellings on lot sizes generally between 6 - 20 hectares) and the distance of the future buildings and on-site sewerage disposal systems from the seasonal creek, the development will have minimal impact on groundwater, surface water quality, quantity and flows within the creek. The majority of runoff from the buildings will be captured in rainwater tanks. Other run-off, in major rainfall events, will discharge downstream of the buildings within the paddock areas where it is likely to be lost via

infiltration, evaporation and/or transpiration. It is only likely that in extremely rare high intensity rainfall events that runoff from buildings within the site will be discharged to the creek.

- 5 Undertake replanting and enhancement of the seasonal creek as outlined in the Environmental Assessment Report and Site Soil Evaluation (EA/SSE) by Bio Diverse Solutions.
- 6 Ensure the seasonal creek is left undeveloped. Dwellings and other buildings are to be in the building envelopes, approved by the local government, which are well setback from the creek.
- 7 A soil investigation was undertaken by Bio Diverse Solutions with test pits in the likely location of the building envelopes (refer to EA/SSE). The soil testing and associated PRI testing revealed the soils have a very high PRI and a very high ability to fix nutrients and heavy metals. The soils, in the location of the building envelopes, are ideal for the retention and removal of possible nutrients and heavy metals within the effluent water.
- 8 Based on the EA/SSE, each lot meets the minimum requirements for onsite sewage disposal systems as set out in the Government Sewerage Policy. This includes that onsite sewerage disposal systems will be located a minimum of 100m from waterways. Proposed building envelopes within Lots A - G are all greater than 100m from the creek. For Lot 'H', on-site sewerage disposal can be achieved outside of the 100m creek buffer south of the building envelope. All dwellings to be serviced with an approved method of on-site sewerage disposal to the satisfaction of the local government.
- 9 Adopt Water Sensitive Urban Design (WSUD) with

post-development flows to be as close as possible to the pre-development flow. The proposed stormwater management strategy employs the following principles for the following events:

1 in 1 year, 1 hour ARI event

- Stormwater will be retained on lots for the 1 in 1 year, 1 hour ARI event.
- Roofs to be connected to rainwater tanks. Each dwelling is required to be connected to a rainwater tank with a minimum size of 120,000 litres, with an additional 15,000 litres dedicated to fire-fighting purposes.
- Support soakwells and/or rain gardens.
- Road runoff will drain from existing roads into the swale and culvert system.
- Runoff from private driveways to use swales system or as the contours dictate.

5 year ARI event

- Roof runoff exceeding the capacity of rainwater tanks will overflow as the existing contours dictate. There may be opportunities to capture and/or re-use some of this water via off-creek dams or other storage measures.

Greater than 5 year ARI event

- Road and lot runoff exceeding the capacity of the swales to be conveyed by overland flow down roads and drainage lines into the existing stormwater system.

- 10 Managing groundwater quantity - as the pre-development flow patterns are not proposed to be altered, other than the

collection of roof drainage, the existing groundwater regime will be unaffected by the development.

- 11 Managing water quality - stormwater quality for the development will involve the adoption of WSUD features which promote retention and treatment of events up to the 1- year ARI events. The key WSUD measures, in relation to nutrient and pollutant management, are:
 - Reduced demand for fertilisers compared to former uses on the site.
 - On-site sewerage disposal systems to be appropriately located and designed to the satisfaction of the local government.
 - The pre-development hydrological regime will not be significantly altered post-development.
- 12 Dwellings to be raised at least 0.3 metre above the natural ground level.
- 13 Disease vector management - no permanent water bodies are being created as part of the subdivision, therefore no specific Disease Vector Management Plan is required.
- 14 Water conservation and efficiency - the proposed subdivision, to create lots generally between 5 - 20 hectares, does not require servicing by a reticulated potable water scheme. All water for use in the development will be collected in rainwater tanks. Support an education strategy including the provision of information on Waterwise gardens and water-efficient appliances.

ATTACHMENT 7

Bushfire Management Plan and BAL Contour Plan

Site Details					
Address:	Lot 51 and 181 Boyagarra Road				
Suburb:	Brookton	State:	W.A.	Postcode	6306
Local Government Area:	Shire of Brookton				
Description of Building Works:	N/A				
Stage of WAPC Planning	Rezoning/Subdivision Application				

Report Details			
Report / Job Number:	EP006	Report Version:	Draft
Assessment Date:	26 February 2021	Report Date:	22 June 2021
BPAD Practitioner	Kathryn Kinnear (Level 2)	Accreditation No.	BPAD 30794



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Table 5: Implementation actions future lot owners.

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Table 7: Implementation actions Shire of Brookton.

Table 8: Vegetation Classification Table (in accordance with AS 3959-2018)

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Figure 2: Subdivision Concept Plan

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Appendix: A: Vegetation Classifications to AS3959-2018

Appendix: B: Schedule 1 - WAPC Asset Protection Zone (APZ) standards to apply

1. Introduction

Langley Management Pty Ltd commissioned Bio Diverse Solutions (Bushfire Consultants) to prepare a Bushfire Management Plan (BMP) to accompany a scheme amendment to the Shire of Brookton Local Planning Scheme No. 4 for the rezoning of Lots 51 and 181 Boyagarra Road, Brookton from Rural to Rural Smallholdings and to support an associated structure plan.

The BMP is prepared to assess the proposal to ensure it is consistent with the current and endorsed Guidelines for Planning in Bushfire Prone Areas Vers 1.3 (WAPC, 2017), State Planning Policy 3.7 (WAPC, 2015) and the Department of Planning, Lands and Heritage.

1.1 Location

The Subject Site is located to the northeast of the Brookton Townsite in the Shire of Brookton as shown on Figure 1.



Figure 1: Location Mapping

1.2 Development Proposal

The development proposal includes rezoning and the subsequent development of 8 Rural residential lots (A-H) ranging in size from 5.9 to 20.6ha as shown on the subdivision concept plan (Figure 2).

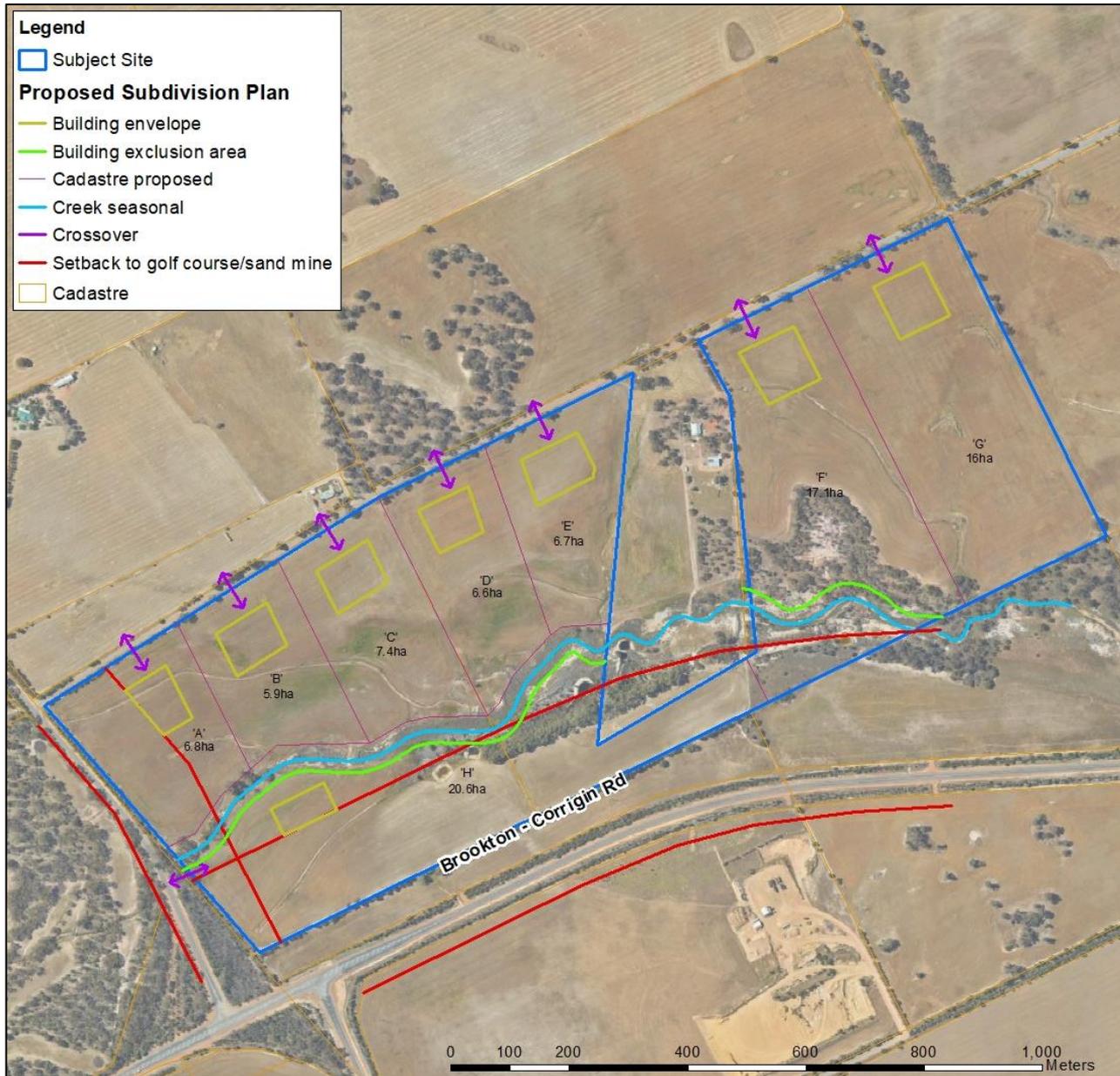


Figure 2: Subdivision Concept Plan

1.3 Bushfire Prone Area

The publicly released Bushfire Prone Area Mapping (OBRM, 2019) shows that the majority of the site is located within a Bushfire Prone Area (within 100m of >1ha of bushfire prone vegetation) and as such is subject to a planning assessment of the bushfire risks. Bushfire Prone Area Mapping (OBRM, 2019) is shown in Figure 3.



Figure 3: Bushfire Prone Areas (OBRM, 2019)

1.4 Statutory Framework

This document and the recommendations contained within are aligned to the following policy and guidelines:

- *Planning and Development Act 2005;*
- *Planning and Development (Local Planning Scheme) Regulations 2015;*
- *State Planning Policy (SPP) 3.7 Planning in Bushfire Prone Areas 2015;*
- *Guidelines for Planning in Bushfire Prone Areas v1.3 2017;*
- *Building Act 2011;*
- *Building Regulations 2012;*
- *Building code of Australia (National Construction Code);*
- *Fire and Emergency Services Act 1998.*
- *AS3959-2018 "Construction of Buildings in Bushfire Prone Areas" current and endorsed standards;*
- *Bushfires Act 1954;* and
- *Shire of Brookton Fire Control Information 2020/2021*

1.5 Suitably Qualified Bushfire Consultant

This BMP has been prepared by Kathryn Kinnear. Kathryn Kinnear (nee White), has 10 years operational fire experience with the (formerly) DEC (1995-2005) and has the following accreditation in bushfire management:

- Incident Control Systems;
- Operations Officer;
- Prescribed Burning Operations;
- Fire and Incident Operations;
- Wildfire Suppression 1, 2 & 3;
- Structural Modules – Hydrants and hoses, Introduction to Structural Fires, and Fire extinguishers; and
- Ground Controller.

Kathryn Kinnear currently has the following tertiary Qualifications:

- BAS Technology Studies & Environmental Management;
- Diploma Business Studies; and
- Graduate Diploma in Environmental Management.

Kathryn Kinnear is an accredited Level 2 Bushfire Practitioner (Accreditation No: BPAD30794). Bio Diverse Solutions are Silver Corporate Members of the Fire Protection Australia Association and Kathryn is a suitably qualified Bushfire Practitioner to prepare this Bushfire Management Plan.

2 Environmental Considerations

2.1 Native Vegetation – modification and clearing

There is no vegetation clearing proposed as part of the rezoning and subsequent subdivision as the majority of the site consists of paddock grasses. The existing creek-line vegetation will remain uncleared.

2.2 Revegetation or landscaping

Some revegetation will occur around the creek line to create a 15m vegetation buffer on either side of the creek for bank stabilisation as per the Environmental Assessment Report (BDS, 2021). The revegetation buffer will include planting of sedges, grasses and shrubs up to 2m to maintain a Shrubland Type C vegetation type. Trees are to be planted 10m spacings to maintain the current vegetation type and structure.

3 Bushfire Assessment Results

The bushfire assessment for this site has followed the Bushfire Attack Level Assessment process and included:

- Vegetation classification to AS3959;
- Assessment of the Subject Site to 150m from the building; and
- Allocation of category of Bushfire Hazard Level (BHL).

3.1 Assessment Inputs

Bushfire Assessment inputs for the site has been calculated using the Method 1 BAL Assessment procedure as outlined in AS3959-2018. This incorporates the following factors:

- WA adopted Fire Danger Index (FDI), being FDI 80;
- Vegetation Classes;
- Slope under classified vegetation; and
- Distance between proposed development site and classified vegetation.

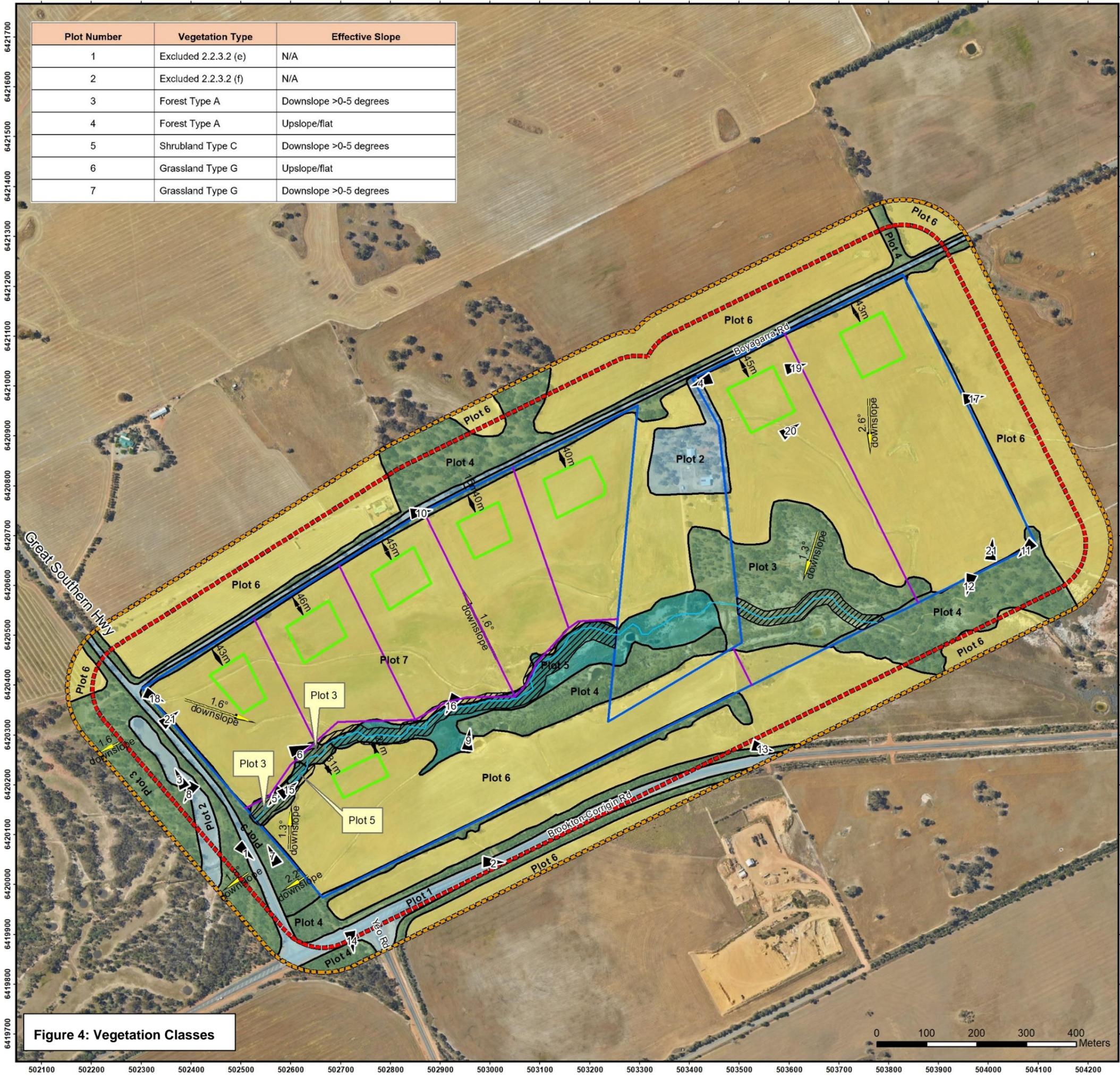
3.1.1 Vegetation Classification

Site assessment occurred on the 26th February 2021 by Kathryn Kinnear (BPAD 30794). All vegetation within 150m of the site / proposed development was classified in accordance with Clause 2.2.3 of AS 3959-2018. Each distinguishable vegetation plot with the potential to determine the Bushfire Attack Level is identified in the following pages and shown on the Vegetation Classes Maps on the following pages.

A summary of the Plot data assessed as per Clause 2.2.3 of AS 3959-2018 is provided below in Table 1 below, detailed plot data is provided in Appendix A.

Table 1: Vegetation Classification Table (in accordance with AS 3959-2018)

Plot Number	Vegetation Type	Effective Slope
1	Excluded 2.2.3.2 (e)	N/A
2	Excluded 2.2.3.2 (f)	N/A
3	Forest Type A	Downslope >0-5 degrees
4	Forest Type A	Upslope/flat
5	Shrubland Type C	Downslope >0-5 degrees
6	Grassland Type G	Upslope/flat
7	Grassland Type G	Downslope >0-5 degrees



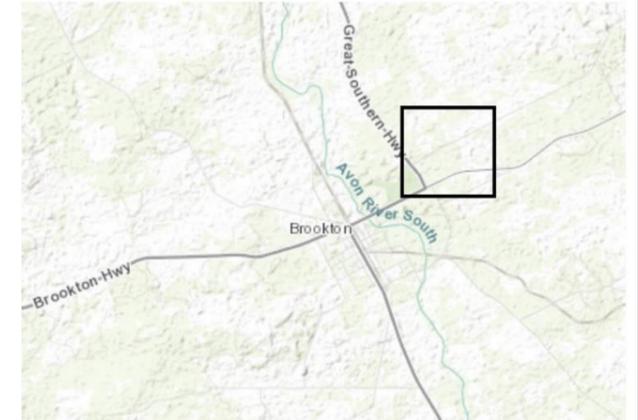
Plot Number	Vegetation Type	Effective Slope
1	Excluded 2.2.3.2 (e)	N/A
2	Excluded 2.2.3.2 (f)	N/A
3	Forest Type A	Downslope >0-5 degrees
4	Forest Type A	Upslope/flat
5	Shrubland Type C	Downslope >0-5 degrees
6	Grassland Type G	Upslope/flat
7	Grassland Type G	Downslope >0-5 degrees

Figure 4: Vegetation Classes

Albany Office:
29 Hercules Crescent
Albany, WA 6330
(08) 9842 1575

Denmark Office:
7/40 South Coast Highway
Denmark, WA 6333
(08) 9848 1309

Esperance Office:
2A/113 Dempster Street
Esperance, WA 6450



Overview Map Scale 1:200,000

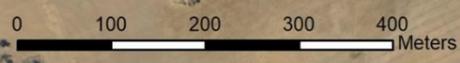
- Legend**
- Subject Site
 - 100m Assessment Boundary
 - 150m Assessment Boundary
 - Building Envelopes
 - Proposed Cadastre
 - Waterway
 - Separation Distance
 - Slopes Degrees
 - Photo Point
 - Vegetation/Plot Boundary
 - Creek buffer - To be revegetated to Shrubland Type C
- Vegetation**
- Forest Type A
 - Shrubland Type C
 - Grassland Type G
 - Low fuel or non vegetated 2.2.3.2

Scale
1:7,500 @ A3
GDA MGA 94 Zone 50

Data Sources
Aerial Imagery: WA Now, Landgate Subscription Imagery
Cadastre, Relief Contours and Roads: Landgate 2017
IRIS Road Network: Main Roads Western Australia 2017
Overview Map: World Topographic map service, ESRI 2012

CLIENT
Langley Management Pty Ltd
Lots 51 & 181 Boyagarra Road
Brookton, WA Postcode 6306

Vegetation Classes		
BAL Assessor	QA Check	Drawn by
KK	BT	CC
STATUS	FILE	DATE
FINAL	EPP006	22/06/2021



3.2 Assessment Outputs

The BHL process provides an indication of the likely impact of a bushfire event as it interacts with the bushfire hazards within and adjacent to the site. The BHL is a measure of the likely intensity of a bushfire and the likely level of bushfire attack on a site by categorizing the hazard (WAPC, 2017). The allocation of category of the bushfire hazard is determined as per Table 3 of the Guidelines for Planning in Bushfire Prone Areas (WAPC, 2017). Refer to Figure 5 below.

Table 3: BHL and classified vegetation (as per AS-3959)

HAZARD LEVEL	CHARACTERISTICS
Extreme	<ul style="list-style-type: none"> Class A: Forest Class B: Woodland (05) Class D: Scrub Any classified vegetation with a greater than 10 degree slope
Moderate	<ul style="list-style-type: none"> Class B: Open woodland (06), Low woodland (07), Low open woodland (08), Open shrubland (09)* Class C: Shrubland Class E: Mallee/Mulga Class G: Grassland, including sown pasture and crops Vegetation that has a low hazard level but is within 100 metres of vegetation classified as a moderate or extreme hazard, is to adopt a moderate hazard level.
Low	<ul style="list-style-type: none"> Low threat vegetation may include areas of maintained lawns, golf courses, public recreation reserves and parklands, vineyards, orchards, cultivated gardens, commercial nurseries, nature strips and windbreaks. Managed grassland in a minimal fuel condition (insufficient fuel is available to significantly increase the severity of the bushfire attack). For example, short-cropped grass to a nominal height of 100 millimetres. Non-vegetated areas including waterways, roads, footpaths, buildings and rock outcrops.

Figure 5: BHL Assessment allocation of category (WAPC, 2017)

Potential Bushfire Impacts - BHL allocation

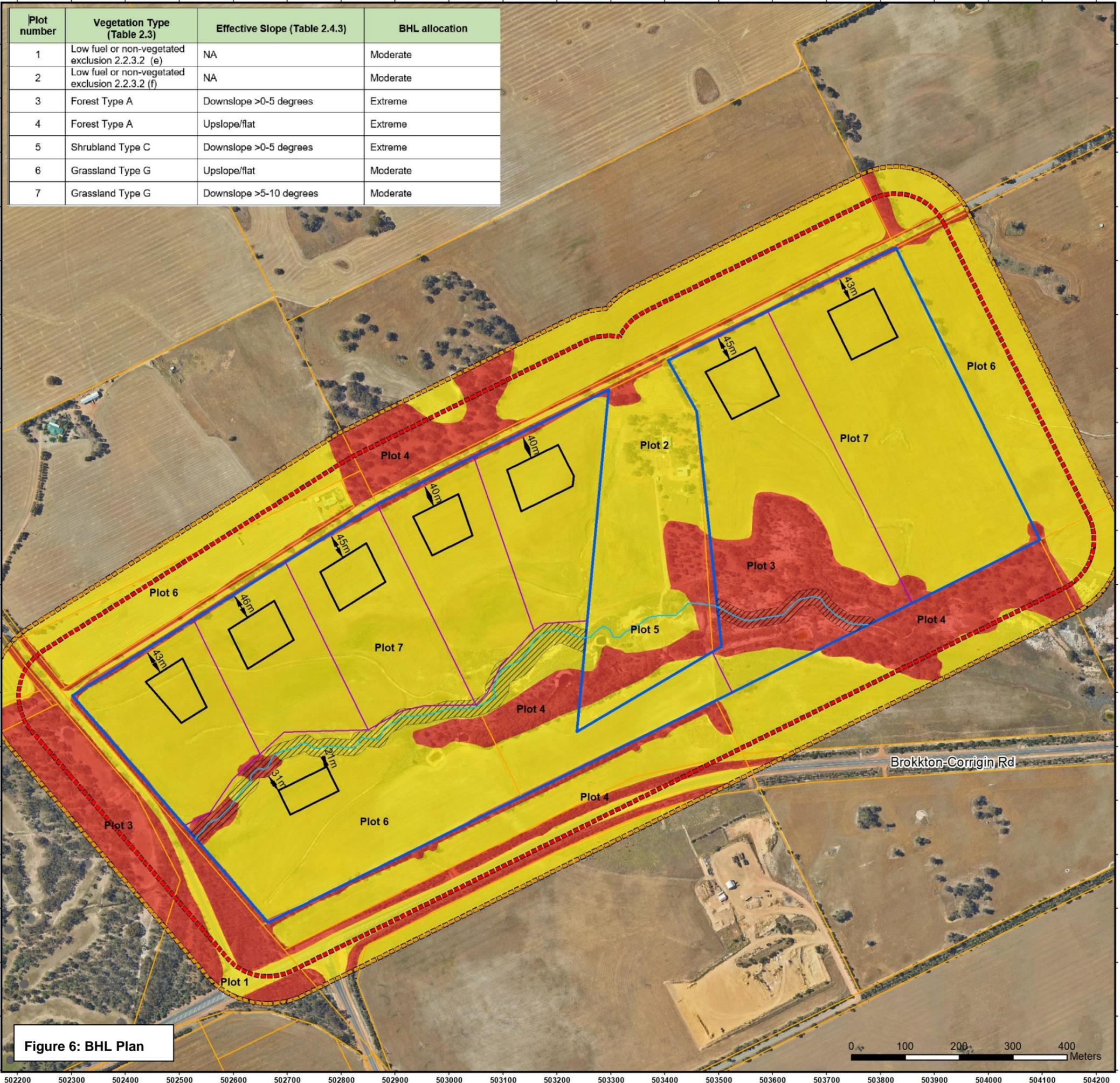
The potential bushfire impact to the site / proposed development from each of the identified vegetation plots are identified below in Table 2 and shown on the Figure 6: BHL mapping.

Table 2: Potential Bushfire impacts to BHL Methodology

Plot number	Vegetation Type (Table 2.3)	Effective Slope (Table 2.4.3)	BHL allocation
1	Low fuel or non-vegetated exclusion 2.2.3.2 (e)	NA	Moderate
2	Low fuel or non-vegetated exclusion 2.2.3.2 (f)	NA	Moderate
3	Forest Type A	Downslope >0-5 degrees	Extreme
4	Forest Type A	Upslope/flat	Extreme
5	Shrubland Type C	Downslope >0-5 degrees	Extreme
6	Grassland Type G	Upslope/flat	Moderate
7	Grassland Type G	Downslope >5-10 degrees	Moderate

Comments on BAL calculation & methodology

- Method 1 (AS3959-2018) Simplified procedure was used for vegetation classification and BHL Assessment process;
- The BHL Map was prepared by an Accredited Level 2 Bushfire Planning Practitioner (BPAD30794) and has been prepared in accordance with Department of Planning (WAPC) Guidelines for Planning in Bushfire Prone Areas (Version 1.3, 2017);
- Structure plan is based on plan of subdivision as supplied by proponent (Figure 2); and
- Subject Site is located in a Bushfire Prone Area, see Figure 3 (OBRM, 2019).



Plot number	Vegetation Type (Table 2.3)	Effective Slope (Table 2.4.3)	BHL allocation
1	Low fuel or non-vegetated exclusion 2.2.3.2 (e)	NA	Moderate
2	Low fuel or non-vegetated exclusion 2.2.3.2 (f)	NA	Moderate
3	Forest Type A	Downslope >0-5 degrees	Extreme
4	Forest Type A	Upslope/flat	Extreme
5	Shrubland Type C	Downslope >0-5 degrees	Extreme
6	Grassland Type G	Upslope/flat	Moderate
7	Grassland Type G	Downslope >5-10 degrees	Moderate

Figure 6: BHL Plan

Albany Office:
29 Hercules Crescent
Albany, WA 6330
(08) 9842 1575

Denmark Office:
7/40 South Coast Highway
Denmark, WA 6333
(08) 9848 1309

Esperance Office:
2A/113 Dempster Street
Esperance, WA 6450

Overview Map Scale 1:200,000

Legend

- Subject Site
- 100m Assessment Boundary
- 150m Assessment Boundary
- Cadastre
- Building Envelopes
- Proposed Cadastre
- Waterway
- Separation Distance
- Creek buffer - To be revegetated to Shrubland Type C

Bushfire Hazard Level

- Extreme
- Moderate
- Low

Scale
1:7,000 @ A3
GDA MGA 94 Zone 50

Data Sources
Aerial Imagery: WA Now, Landgate Subscription Imagery
Cadastre, Relief Contours and Roads: Landgate 2017
IRIS Road Network: Main Roads Western Australia 2017
Overview Map: World Topographic map service, ESRI 2012

CLIENT
Langley Management Pty Ltd
Lots 51 & 181 Boyagarra Road
Brookton, WA Postcode 6306

Bushfire Hazard Level Assessment

BAL Assessor KK	QA Check JB	Drawn by BM
STATUS FINAL	FILE EPP006	DATE 22/06/2021

4 Identification of bushfire hazard issues

4.1 Bushfire hazard level

The identified bushfire risks associated with the Subject Site include the Forest Type A and Shrubland Type C within the creek line which connects to denser creek line vegetation (Forest Type A) east of the site and Forest Type A within the Brookton Golf Course to the west of the site. Other bushfire risks (to a lesser extent) to the Subject Site include the Forest Type A within the road reserves surrounding the site, a patch of Forest Type A to the north of the site and the paddock grasses within the Subject Site and surrounding the site. Under hot, dry and unstable conditions (Severe to Catastrophic bushfire weather) the Subject Site is most at risk from bushfire from these areas.

The creek area is proposed to be revegetated to stabilise the banks and provide connectivity to the adjacent vegetated areas. A revegetation area of 15m either side (30m in total) is proposed as part of the subdivision (BDS, 2021). The creek line revegetation has been accounted for in the BMP and adequate setbacks can be achieved. BAL 29 or less can be achieved on all the lots in the allocated Building envelopes (BE's).

The BE's are to be maintained in a low fuel condition to WAPC APZ Schedule 1 standards (See Appendix B) at all times with a minimum setback to Grassland Type G from proposed buildings to 20m to maintain BAL 12.5.

4.2 Access

Access from Lots A to G will be via Boyagarra Road and from Lot H will be via the Great Southern Hwy. Boyagarra Road provides access and egress in two directions; to the north east towards Yenyening Lakes Reserve and to the south west connecting to the Great Southern Highway which then provides access to north and to the south (towards the Brookton Township).

4.3 Water Supply

There is no reticulated water supply currently available to the site. A strategic supply is located to the west of the Subject Site within the Brookton Township. A standalone 10,000L water supply for bushfire fighting shall be located on each proposed lot and conditioned through the WAPC condition process.

5 Assessment against the Bushfire Protection Criteria

5.1 Compliance table

The Guidelines for Planning in Bushfire Prone Areas (WAPC, 2017) outlines bushfire protection criteria which subdivision and development proposals are assessed for compliance. The bushfire protection criteria (Appendix 4, WAPC, 2017) are performance-based criteria utilised to assess bushfire risk management measures and they outline four elements, being:

- Element 1: Location
- Element 2: Siting and Design of Development;
- Element 3: Vehicle Access; and
- Element 4: Water.

5.2 Compliance Table

The Subject Site and the subdivision plan will be assessed and are required to meet the “Acceptable Solutions” of each element of the bushfire mitigation measures (WAPC, 2017). The proposal will be assessed against all elements of the bushfire protection criteria, refer to Table 3.

Table 3: Bushfire protection criteria applicable to the site

Element	Acceptable Solution	Applicable or not Yes/No	Proposal meets Acceptable Solution
Element 1 – Location	A1.1 Development Location	Yes	<p style="text-align: center;">Compliant</p> All proposed new lots have the ability to have a building located within the lot that will be subject to a BHL of “moderate”. The BE on Lot H in the south of the Subject Site can achieve a BAL rating of BAL-29 or lower depending on the final placement of the building in the BE. Lots A-G in the north of the site can achieve BAL-19 or lower depending on the final placement of the building in the BE. A minimum setback to Grassland Type G from proposed buildings to 20m is required to maintain BAL 12.5. Detailed BAL Assessments are required in subsequent stages of planning depending on final placement of building in the BE Revegetation of the creek line will not impact the BAL rating on each lot given the size of the proposed lots. <p style="text-align: center;">Proposal meets Acceptable Solution A1.1.</p>
Element 2 – Siting and Design	A2.1 Asset Protection Zone (APZ)	Yes	<p style="text-align: center;">Compliant</p> The proposal can meet compliance by ensuring future building work on the lot/s can have established around them an APZ of the required dimensions to achieve BAL-29 or lower. APZ areas will be contained solely within the individual lots in the BE’s and will be managed to WAPC Schedule 1 standards as presented in Appendix B of this report. Future landowner/s will have the responsibility of continuing to manage the required APZ in a low threat state including ongoing compliance with the local government’s annual firebreak notice. <p style="text-align: center;">Proposal meets Acceptable Solution A2.1.</p>
Element 3 – Vehicular Access	A3.1 Two Access Routes	Yes	<p style="text-align: center;">Compliant</p> Access from Lots A to G will be via Boyagarra Road which provides access to the east and west. Access from Lot H will be via the Great Southern Highway which provides access and egress in two directions (north and south). <p style="text-align: center;">Proposal meets Acceptable Solution A3.1.</p>
	A3.2 Public Road	No	<p style="text-align: center;">No public roads are proposed. Not assessed to A3.2.</p>
	A3.3 Cul-de-sacs	No	<p style="text-align: center;">No Cul-de-sacs proposed. Not assessed to A3.3.</p>
	A3.4 Battle axes	No	<p style="text-align: center;">No Battle axes are proposed. Not assessed to A3.4.</p>
Element 3 – Vehicular Access	A3.5 Private driveways	Yes	<p style="text-align: center;">Compliant.</p> Internal driveways are to be installed by the new lot owner when the building location is defined and are to meet minimum technical requirements as shown in Table 4. <p style="text-align: center;">Proposal meets Acceptable Solution A3.5.</p>

Element	Acceptable Solution	Applicable or not Yes/No	Proposal meets Acceptable Solution
Element 3 – Vehicular Access cont.	A3.6 Emergency Access Ways	No	No emergency access ways are proposed. Not assessed to A3.6.
	A3.7 Fire Service Access Ways	No	No FSA's are proposed. Not assessed to A3.7.
	A3.8 Firebreaks	Yes	<p>Compliant</p> <p>Firebreaks were noted surrounding the Subject Site to the north, east, south and west. Proposed lots shall be managed to the current Shire of Brookton Fire Information Notice.</p> <p>Proposal meets Acceptable Solution A3.8.</p>
Element 4 – Water	A4.1 Reticulated areas	No	Not assessed to A4.1.
	A4.2 Non-reticulated areas	No	Not assessed to A4.2.
	A4.3 Individual lots in non-reticulated areas	Yes	A strategic supply is located in the Brookton Township which is less than 5km from the site. It is further recommended that a standalone 10,000L supply is located on each lot and conditions through the WAPC conditions process.

Further to the provisions of Element 2 in Table 3 above, the following vehicular access standards (Table 4 and Figure 8) are to apply to the holiday park internal driveway standards.

Table 4: Vehicular Access Technical Requirements (WAPC, 2017)

Technical requirements	Private Driveways
Minimum trafficable surface (m)	4
Horizontal clearance (m)	6
Vertical clearance (m)	4.5
Maximum grades	1 in 10
Minimum weight capacity (t)	15
Maximum crossfall	1 in 33
Curves minimum inner radius (m)	8.5

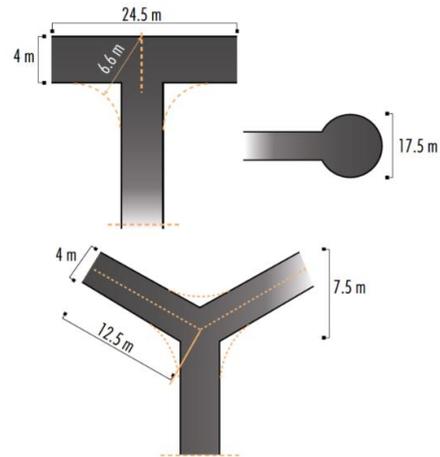


Figure 22: Design requirements for a private driveway longer than 50 metres
Turning areas should allow type 3.4 fire appliances to turn safely

Figure 7: Turn around Standards

5.3 Other bushfire mitigation measures

The bushfire risk assessment (Section 4.0) has outlined the extreme bushfire risks for the site the future development of new facilities. The following section outlines additional measures to assist in mitigating the bushfire risk for the proposed development.

5.3.1 Maintain fire prevention measures

There is little control of offsite ignition sources, however the following is recommended to be undertaken by the developer while in ownership of the land and any subsequent lot owners.

Prior to the bushfire season (October) the following activities are undertaken in BE's:

- Mowing, slashing and brush cutting (noting illegal to do so on Total fire ban days); and
- Maintenance of driveway access into and out of the site.

During the summer bushfire season (1st December to 30th April inclusive) maintenance activities internal to the site should be planned and risk assessed prior to commencement. This includes but not limited to:

- Mowing, slashing and brush cutting (noting illegal to do so on Total fire ban days);
- Welding, grinding and hot works (not undertaken on Total fire ban days) ;
- Temporary green waste disposal areas and green waste dumps – ensure piles are not exceeding 1.5m high and have bare mineral earth surrounding (min of 10m); and
- A water tender (min of 200L) fast attack unit is on site during the fire season.

The Site Construction manager (during construction periods of the subdivision) in consultation with developer are responsible for safety in during the bushfire season and are to ensure safety of the site and adjacent properties at all times from potential ignition sources during any construction periods.

5.3.2 Barrier Fencing

In November 2010 the Australian Bushfire CRC issued a “Fire Note” (Bushfire CRC, 2010) which outlined the potential for residential fencing systems to act as a barrier against radiant heat, burning debris and flame impingement during bushfire. The research aimed to observe, record, measure and compare the performance of commercial fencing of Colourbond steel and timber (treated softwood and hardwood).

The findings of the research found that:

“.. Colourbond steel fencing panels do not ignite and contribute significant heat release during cone calorimeter exposure” (exposure to heat)

..”Colourbond steel (fencing) had the best performance as a non-combustible material. It maintained structural integrity as a heat barrier under all experimental exposure conditions, and it did not spread flame laterally and contribute to fire intensity during exposure”

It is also noted that non-combustible fences are recommended by WAPC (APZ standards: Fences and sheds within the APZ are constructed using non-combustible materials e.g. colourbond iron, brick, limestone, metal post and wire). The developer will be encouraged to build Colourbond or non-combustible fences where applicable.

5.3.3 Evaporative Air Conditioners

Evaporative air conditioning units can catch fire as a result of embers from bushfires entering the unit. These embers can then spread quickly through the home causing rapid destruction. It can be difficult for fire-fighters to put out a fire in the roof spaces of homes.

It is also recommended that the future owners:

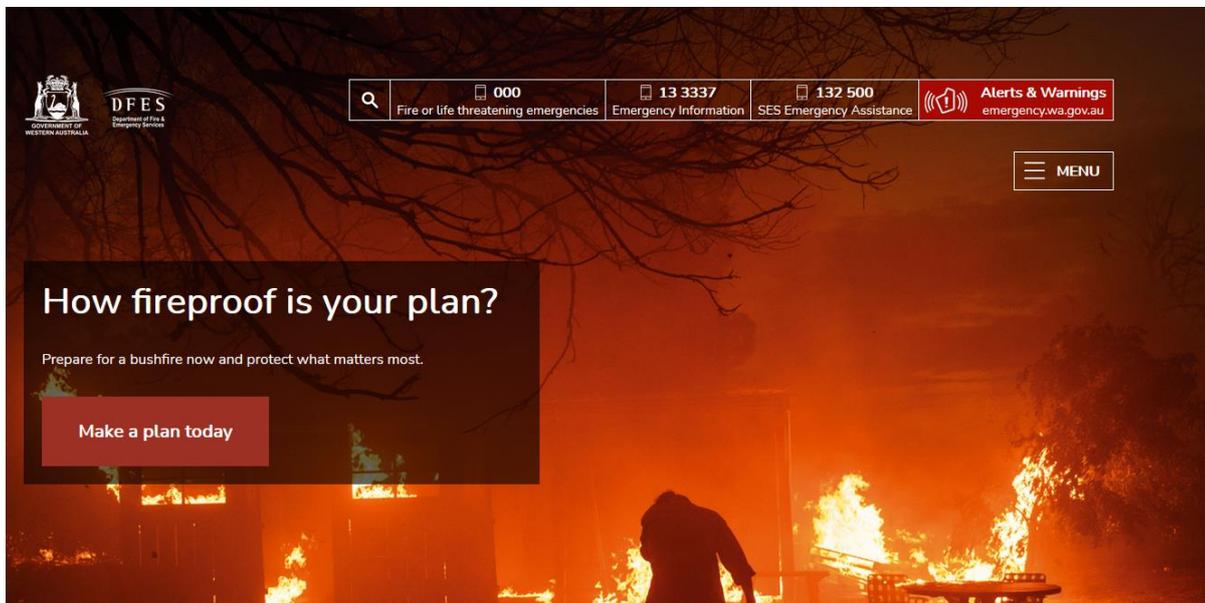
- Ensure that suitable external ember screens are placed on roof top mounted evaporative air conditioners compliant with AS3959-2018 (current and endorsed standards) and that the screens are checked annually; and
- Maintain evaporative air conditioners regularly as per DFES recommendations, refer to the DFES website for further details: <http://www.dfes.wa.gov.au>

5.3.4 Individual fire plan

Residents should prepare their own individual fire plans, as they need to make a commitment to develop a bushfire survival plan detailing preparations and actions to take if a bushfire threatens. By compiling information as outlined above, the individual lot owner can be prepared for their response in a bushfire emergency. Home owners should not rely on emergency personnel to attend their home and thus it is stressed to prepare an individual bushfire emergency plan regarding their intentions and property. This Bushfire Management Plan is not an individual bushfire emergency plan. More information can be gained from the DFES website (s):

www.dfes.wa.gov.au

www.emergency.wa.gov.au



(DFES, 2021)

The DFES FDR ratings and warning systems are shown over the page on Figure 8.

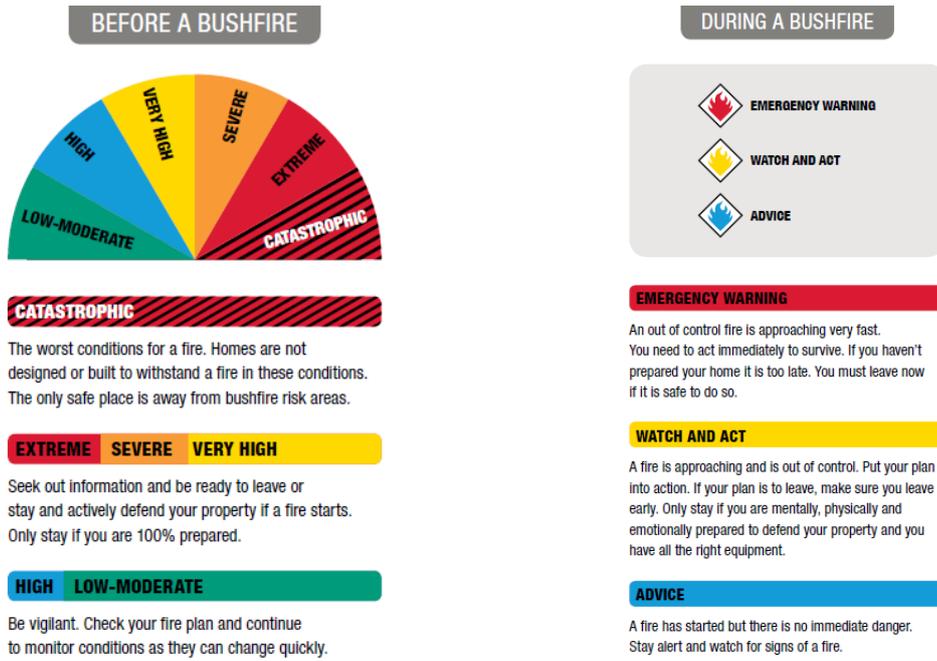


Figure 8: DFES Warning Systems

6 Implementation Actions

The responsibilities of the developer(s), Landowners and local government are shown in Table 5, 6 and 7.

6.1 Future Lot owner's Responsibility

It is recommended the future property owners shall be responsible for the following:

Table 5: Implementation actions future lot owners.

Future Lot owner – Ongoing management				
No	Implementation Action	Initial	Annual	All times
1	Undertake a BAL Assessment by an accredited BPAD practitioner on any proposed habitable buildings and build to AS3959 as it applies to their property.	✓		
2	Establish/maintain APZ's in allocated BE's to the standard stated in this BMP, see Appendix B Schedule 1 Standards for Asset Protections Zones.	✓		✓
3	Maintain individual lots fuel load in accordance with the Shire of Brookton's fire control information 2020/2021 and Schedule 1 Standards for Asset Protections Zones. (Appendix B).		✓	
4	A driveway cross over to be designated/ installed for access into the lots to the minimum technical standards as required by WAPC. To be demonstrated to Shire of Brookton at planning approval/building approval stages.	✓		✓
5	A standalone 10,000L supply is located on each lot and maintained accordingly	✓		✓

6.2 Developer's responsibility

It is recommended the developer be responsible for the following:

Table 6: Implementation actions current land owners/developer.

Developer – Prior to issue of titles		
No	Implementation Action	Subdivision Clearance
1	Continue to manage lots in ownership as per the Shire of Brookton Fire Control Information until sold and titles relinquished.	✓
2	Ensure prospective buyers are aware of the BHL and the approved Bushfire Management Plan.	✓
3	Prior to sale of proposed lots, the subject site is to be compliant with the relevant local government's annual firebreak notice issued under s33 of the Bushfires Act 1954.	✓
4	A Section 165 Notification to be included on the title of all new lots advising the land is within a bushfire prone area.	✓

6.4 Local Government Responsibility

It is recommended the local government be responsible for the following:

Table 7: Implementation actions Shire of Brookton.

LGA– Clearance of conditions		
No	Implementation Action	Subdivision Clearance
1	Request BAL certification at Building Approval stages on any proposed habitable buildings. Buildings to be located in BAL 29, BAL 19 and BAL 12.5 zones in the BE's. Increased construction standards to BAL and AS3959 applies to buildings located in the WA bushfire Prone Area Mapping.	✓
2	A driveway cross over to be designated/ installed for access into the lots to the minimum technical standards as required by WAPC. To be demonstrated to Shire of Brookton at Planning approval/building approval stages.	✓
3	Monitor landowner compliance with the Bushfire Management Plan and the annual Shire of Brookton Fire Control Information 2020/2021.	✓

7 Disclaimer

The recommendations and measures contained in this assessment report are based on the information available at the time of writing following the instructions of the regulatory authorities and following the requirements of the Australian Standards 3959-2018 – Building in Bushfire Prone Areas, WAPC State Planning Policy 3.7 (WAPC, 2015), WAPC Guidelines for Planning in Bushfire Prone Areas (WAPC, 2017) Vers 1.3, and applying best practise as described by the Fire Protection Association Australia. These are considered the minimum standards required to balance the protection of the dwellings and occupants with the aesthetic and environmental conditions required by local, state and federal government authorities. They DO NOT guarantee that a building will not be destroyed or damaged by a bushfire, people injured, or fatalities occur either at the site or while evacuating. All surveys and forecasts, projections and recommendations made in this assessment report and associated with this proposed development are made in good faith on the basis of the information available to the fire protection consultant at the time of assessment. The achievement of the level of implementation of fire precautions will depend amongst other things on actions of the landowner or occupiers of the land, over which the bushfire consultant has no control. Notwithstanding anything contained within, the consultant/s will not, except as the law may require, be liable for any loss or other consequences (whether or not due to negligence of the bushfire consultant) arising out of the services rendered by the consultant.

AS3959-2018 disclaimer: It should be borne in mind that the measures contained within this Standard (AS3959-2018) cannot guarantee that a building will survive a bushfire event on every occasion. This is substantially due to the unpredictable nature and behaviour of fire and extreme weather condition.

Building to AS3959-2018 is a standard primarily concerned with improving the ability of buildings in designated bushfire prone areas to better withstand attack from bushfire thus giving a measure of protection to the building occupants (until the fire front passes) as well as to the building itself.

(AS3959, 2018)

8 Certification

I hereby certify that I have undertaken the assessment of the above site and determined the Bushfire Attack Level (s) stated in this document have been prepared in accordance with the requirements of AS 3959-2018 and the

SIGNED, ASSESSOR:  DATE: 22/06/2021

Kathryn Kinnear, Bio Diverse Solutions

Accredited Level 2 Bushfire Practitioner (Accreditation No: BPAD30794)



9 Revision Record

Revision	Prepared By	Summary	Reviewed By	Date
Draft Id 11/05/2021	Kathryn Kinnear	Internal QA review	Bianca Theyer	11/05/2021
FINAL Id 22/06/2021	Kathryn Kinnear	Issued to client	Jason Benson	22/06/2021

10 References

AS3959-2018 Australian Standard, *Construction of buildings in bushfire-prone areas*, Building Code of Australia, Primary Referenced Standard, Australian Building Codes Board and Standards Australia.

Bureau of meteorology (BoM) (2020) rainfall and climate data accessed online from:
<http://www.bom.gov.au/climate/data/>

Edge Planning and Property (2014) *Shire of Brookton and Beverley Local Planning Strategy*. Available online through the Shire of Brookton website.

Shire of Brookton Fire Control Information 2020/2021, accessed online.

Office of Bushfire Risk management (OBRM) (2019). Map of Bushfire Prone Areas. Data retrieved from State Land Information Portal (SLIP) <https://maps.slip.wa.gov.au/landgate/bushfireprone/>

Western Australian Planning Commission (WAPC) (2015). State Planning Policy 3.7 Planning in Bushfire Prone

Western Australian Planning Commission (WAPC) (2017). Guidelines for Planning in Bushfire Prone Areas Version 1.3. Western Australian Planning Commission and Department of Planning WA, Government of Western Australia.

11 Appendices

Appendix: A: Vegetation Classifications to AS3959-2018

Appendix: B: Schedule 1 - WAPC Asset Protection Zone (APZ) standards to apply

Appendix A

Vegetation Classifications to AS3959-2018

Vegetation classification to AS3959-2018

Site Details			
Address:	Lot 51 and 181 Boyagarra Road		
Suburb:	Brookton	State:	W.A.
Local Government Area:	Shire of Brookton		
Stage of WAPC Planning	Rezoning/Subdivision Application		

BMP Plan Details			
Report / Job Number:	EP006	Report Version:	Final
Assessment Date:	1 March 2021	Report Date:	22 June 2021
BPAD Practitioner	Kathryn Kinnear	Accreditation No.	BPAD 30794

Vegetation Classification

Site assessment occurred on the 21th March 2021 by Kathryn Kinnear (BPAD 30794). All vegetation within 150m of the site / proposed development was classified in accordance with Clause 2.2.3 of AS 3959-2018. Each distinguishable vegetation plot with the potential to determine the Bushfire Attack Level is identified in Table 1 and shown on the Vegetation Classes Map Page 3.

Table 8: Vegetation Classification Table (in accordance with AS 3959-2018)

Plot number	Vegetation Type (Table 2.3)	Slope (Table 2.4.3)
1	Excluded 2.2.3.2 (e)	N/A
2	Excluded 2.2.3.2 (f)	N/A
3	Forest Type A	Downslope >0-5 degrees
4	Forest Type A	Upslope/flat
5	Shrubland Type C	Downslope >0-5 degrees
6	Grassland Type G	Upslope/flat
7	Grassland Type G	Downslope >0-5 degrees

Plot	1	Classification or Exclusion Clause	Low fuel or non-vegetated areas exclusion 2.2.3.2 (e)
			<p>Location: External to the Subject Site, includes public roads surrounding the site.</p> <p>Description: Roads, driveways, buildings, and other hardstand areas as per Exclusion 2.2.2.3 (e) of AS3959-2018.</p>

Photo Id 1: View to the southeast along Great Southern Highway located west of the Subject Site

Plot	1 cont.	Classification or Exclusion Clause	Low fuel or non-vegetated areas exclusion 2.2.3.2 (e)
			<p>Additional Photo of Plot 1.</p>

Photo Id 2: View to the east along Brookton-Corrigin Road located south of the Subject Site.

Plot	2	Classification or Exclusion Clause	Low fuel or non-vegetated areas exclusion 2.2.3.2 (f)
			<p>Location: External to the Subject Site within adjacent property with dwelling and to the west within the Brookton Golf Course.</p> <p>Description: Maintained gardens and lawns in APZ areas surrounding existing buildings and golf course to the west of the Subject Site. Excluded as per AS3959 exclusion clause 2.2.3.2 (f) of AS3959.</p> <p>Available fuel loading: <2 t/ha.</p>

Photo Id 3: View to the north northwest of golf fairway within the Brookton Golf Course located to the west of the Subject Site.

Plot	2 cont.	Classification or Exclusion Clause	Low fuel or non-vegetated areas exclusion 2.2.3.2 (f)
			<p>Additional Photo of Plot 2.</p>

Photo Id 4: View to the west southwest of maintained windbreak and driveway in neighbouring property, located in the north outside of the Subject Site boundary.

Plot	3	Classification or Exclusion Clause	Forest Type A
			<p>Location: Internal to Subject Site, within the creek line in the east of the site and two small areas in the creekline in the far west of the site.</p> <p>Separation Distance: 0m.</p> <p>Description: York Gum Woodland - <i>Eucalyptus loxophleba</i> (York Gum) with isolated <i>Allocasuarina</i> sp. and <i>Acacia lasiocalyx</i> shrubland and a closed, dense non-native grassy understory.</p> <p>Average vegetation height: 6-10m.</p> <p>Vegetation Coverage: 30-70% foliage cover.</p> <p>Available fuel loading: 25-35t/ha.</p> <p>Effective slope: Downslope >0-5 degrees.</p>

Photo Id 5: View to the southwest of Forest Type A within creek line in the west of the Subject Site.

Plot	3 cont.	Classification or Exclusion Clause	Forest Type A
			<p>Additional Photo of Plot 3.</p>

Photo Id 6: View to the east of Forest Type A within creek line in the west of the Subject Site.

Plot	3 cont.	Classification or Exclusion Clause	Forest Type A
			<p>Additional Photo of Plot 3.</p>

Photo Id 7: View to the north north-west of Forest Type A within Great Southern Highway road reserve located to the west of the Subject Site.

Plot	3 cont.	Classification or Exclusion Clause	Forest Type A
			<p>Additional Photo of Plot 3.</p>

Photo Id 8: View to the southwest of Forest Type A within the golf course located to the west of the Subject Site.

Plot	4	Classification or Exclusion Clause	Forest Type A
			<p>Location: Internal to the site along the southern extent of the creek-line and external to the site within the golf course to the west, road reserves surrounding the site and an area to the north in adjacent property.</p> <p>Separation Distance: 0m and 15m to the north (within adjacent property).</p> <p>Description: York Gum Woodland - <i>Eucalyptus loxophleba</i> (York Gum) with isolated <i>Allocasuarina</i> sp. and <i>Acacia lasiocalyx</i> shrubland and a closed, dense non-native grassey understory.</p> <p>Average vegetation height: 6-10m.</p> <p>Vegetation Coverage: 30-70% foliage cover.</p> <p>Available fuel loading: 25-35t/ha.</p> <p>Effective slope: Upslope/flat.</p> <p>Note: Borderline Woodland Type B but precautionary principle applied.</p>

Photo Id 9. View to the north of Forest Type A adjacent to the creek line located within the central, western area of the Subject Site. Note post fire regeneration of saplings.

Plot	4 cont.	Classification or Exclusion Clause	Forest Type A
			<p>Additional Photo of Plot 4.</p>

Photo Id 10: View to the east of Boyagarra Road reserve vegetation along the northern fence line located to the north of the Subject Site.

Plot	4 cont.	Classification or Exclusion Clause	Forest Type A
			<p>Additional Photo of Plot 4.</p> <p>Note: Borderline Woodland Type B but precautionary principle applied.</p>

Photo Id 11: View to the southwest of Forest Type A within creek line along south-eastern boundary of Subject Site.

Plot	4 cont.	Classification or Exclusion Clause	Forest Type A
			<p>Additional Photo of Plot 4.</p> <p>Note: Borderline Woodland Type B but precautionary principle applied.</p>

Photo Id 12: View to the south southwest of Forest Type A to the south of the Subject Site within creek line.

Plot	4 cont.	Classification or Exclusion Clause	Forest Type A
			<p>Additional Photo of Plot 4.</p>

Photo Id 13: View to the east southeast of Forest Type A along Brookton-Corrigin Road to the south of the Subject Site.

Plot	4 cont.	Classification or Exclusion Clause	Forest Type A
			<p>Additional Photo of Plot 4.</p>

Photo Id 14: View to the south of Forest Type A within property to the southwest of the Subject Site.

Plot	5	Classification or Exclusion Clause	Shrubland Type C
			<p>Location: Internal to the Subject Site along the creek line.</p> <p>Separation Distance: 0m.</p> <p>Description: Dominated by <i>Juncus acutus</i>, (Invasive Spiny Rush) sedgeland in the semi-perennial wetter portion of the creek-line area.</p> <p>Average vegetation height: 1-2m.</p> <p>Vegetation Coverage: >30% foliage cover.</p> <p>Available fuel loading: 25t/ha.</p> <p>Effective slope: Downslope >0-5 degrees.</p>

Photo Id 15: View to the northeast of shrubland vegetation within creek line in the west of the Subject Site.

Plot	5 cont.	Classification or Exclusion Clause	Shrubland Type C
			<p>Additional Photo of Plot 4.</p>

Photo Id 16: View to the southwest of shrubland vegetation within creek line in the west of the Subject Site.

Plot	6	Classification or Exclusion Clause	Grassland Type G
			<p>Location: Internal to the Subject Site in the south and in adjacent agricultural properties to the north, east and south.</p> <p>Separation Distance: 0m.</p> <p>Description: Grazed paddocks consisting predominantly of harvested dryland cropping.</p> <p>Average vegetation height: 300mm.</p> <p>Vegetation Coverage: <10% trees.</p> <p>Available fuel loading: 4.5t/ha.</p> <p>Effective slope: Upslope/flat.</p>

Photo Id 17: View to the east of cropping in paddock located to the east of the Subject Site.

Plot	7	Classification or Exclusion Clause	Grassland Type G
			<p>Location: Internal to the Subject Site north of the creekline.</p> <p>Separation Distance: 0m.</p> <p>Description: Grazed paddocks consisting predominantly of harvested dryland cropping.</p> <p>Average vegetation height: 300mm.</p> <p>Vegetation Coverage: <10% trees.</p> <p>Available fuel loading: 4.5t/ha.</p> <p>Effective slope: Upslope/flat.</p>

Photo Id 18: View to the east southeast of cropping paddock in the west of the Subject Site.

Plot	7 cont.	Classification or Exclusion Clause	Grassland Type G
			<p>Additional Photo of Plot 7.</p>

Photo Id 19: View to the east-northeast of cropping paddock within the northeast of the Subject Site.

Plot	7 cont.	Classification or Exclusion Clause	Grassland Type G
			<p>Additional Photo of Plot 7.</p>

Photo Id 20: View to the northeast of cropping paddock in the east of the Subject Site.

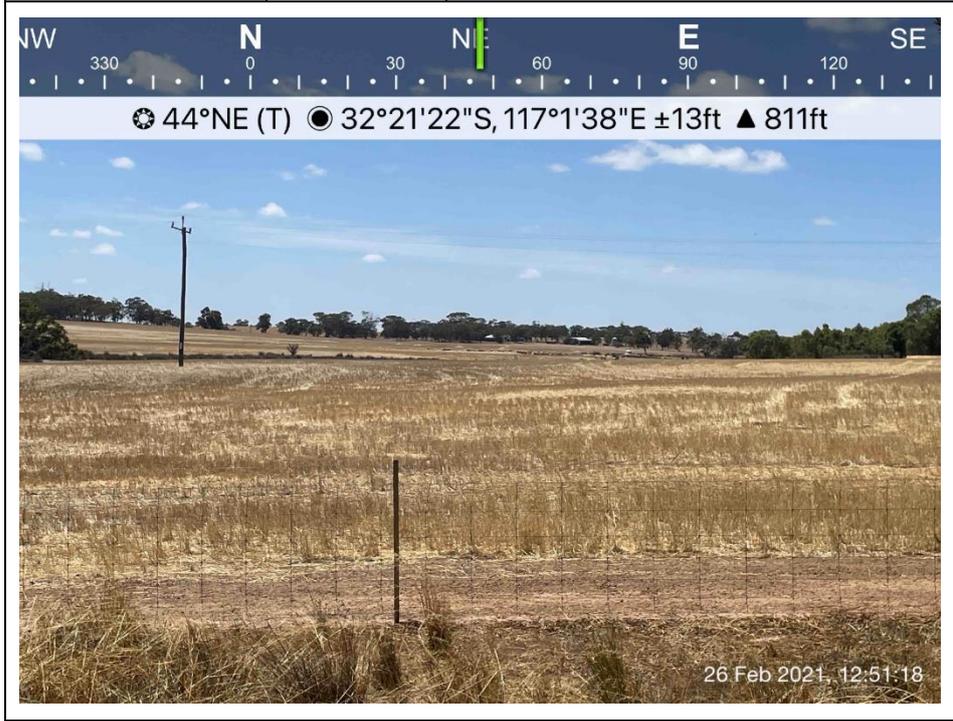
Plot	7 cont.	Classification or Exclusion Clause	Grassland Type G
 <p data-bbox="33 208 986 929">Additional Photo of Plot 7.</p>			

Photo Id 21: View to the northeast of cropping paddock in the west of the Subject Site.

COMMENTS ON VEGETATION CLASSIFICATIONS:

- Distances from vegetation were made based on surface fuels to edge of lot (subject site) boundary;
- Effective slopes were measured in the field using a Nikon Forestry Pro and represented on the respective plots;
- Method 1 (AS3959-2018) Simplified procedure was used for vegetation classification Assessment process;
- All vegetation was classified within the subject site and within 150m of the lot boundaries to AS3959 Table 2.3; and
- The perimeter of the vegetation was measured using field GPS and notations on field GIS maps.

CERTIFICATION

I hereby certify that I have undertaken the assessment of the above site and determined the Bushfire Attack Level stated above in accordance with the requirements of AS 3959-2018.



SIGNED, ASSESSOR: DATE: 22/06/2021

Kathryn Kinnear , Bio Diverse Solutions
Accredited Level 2 BAL Assessor (Accreditation No: BPAD30794)



REVISION RECORD

Revision	Prepared By	Summary	Reviewed By	Date
Draft Id 2/06/2021	Kathryn Kinnear	Internal Review	Bianca Theyer	22/06/2021
Final Id 22/06/2021	Kathryn Kinnear	Final Issued to Client	Kathryn Kinnear	22/06/2021

Appendix B

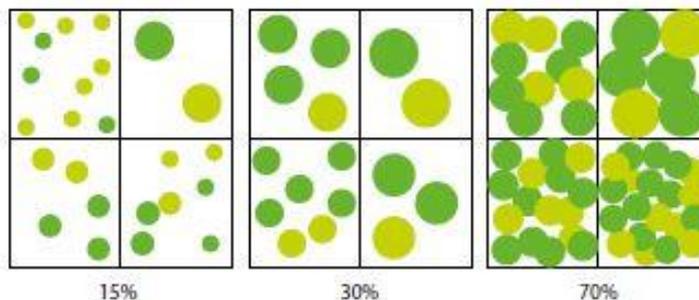
WAPC Asset Protection Zone (APZ) standards to apply

ELEMENT 2: SITING AND DESIGN OF DEVELOPMENT

SCHEDULE 1: STANDARDS FOR ASSET PROTECTION ZONES

- **Fences:** within the APZ are constructed from non-combustible materials (e.g. Iron, brick, limestone, metal post and wire). It is recommended that solid or slatted non-combustible perimeter fences are used.
- **Objects:** within 10 metres of a building, combustible objects must not be located close to the vulnerable parts of the building i.e. windows and doors.
- **Fine Fuel load:** combustible dead vegetation matter less than 6 millimetres in thickness reduced to and maintained at an average of two tonnes per hectare.
- **Trees (> 5 metres in height):** trunks at maturity should be a minimum distance of 6 metres from all elevations of the building, branches at maturity should not touch or overhang the building, lower branches should be removed to a height of 2 metres above the ground and or surface vegetation, canopy cover should be less than 15% with tree canopies at maturity well spread to at least 5 metres apart as to not form a continuous canopy.

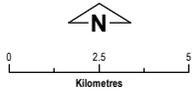
Figure 18: Tree canopy cover – ranging from 15 to 70 per cent at maturity



- **Shrubs (0.5 metres to 5 metres in height):** should not be located under trees or within 3 metres of buildings, should not be planted in clumps greater than 5m² in area, clumps of shrubs should be separated from each other and any exposed window or door by at least 10 metres. Shrubs greater than 5 metres in height are to be treated as trees.
- **Ground covers (<0.5 metres in height):** can be planted under trees but must be properly maintained to remove dead plant material and any parts within 2 metres of a structure, but 3 metres from windows or doors if greater than 100 millimetres in height. Ground covers greater than 0.5 metres in height are to be treated as shrubs.
- **Grass:** should be managed to maintain a height of 100 millimetres or less.

ATTACHMENT 8

Brookton Beverley Local Planning Strategy



Produced by:
Mapping & GeoSpatial Data Branch
Department of Planning, WA
On behalf of:
Western Australian Planning Commission
Copyright © April 2013

Z:\Projects\pollstat_plan\country\Brookton-BeverleyLPS\FINAL_2013\Brookton_Beverley_South_A4_F1.mxd

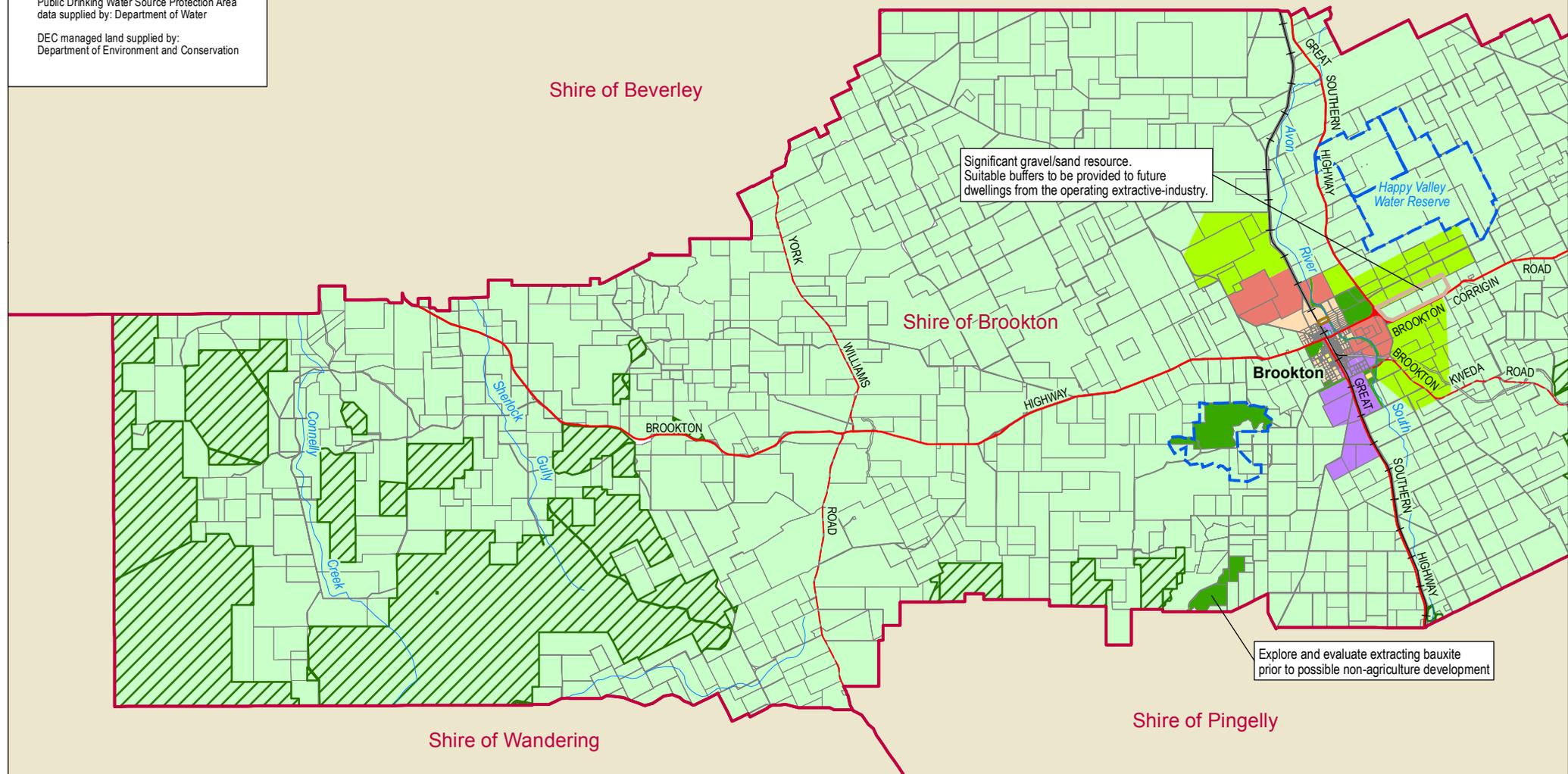
Base information supplied by:
Western Australian Land Information Authority
LI 430-2009-6

Public Drinking Water Source Protection Area
data supplied by: Department of Water

DEC managed land supplied by:
Department of Environment and Conservation

Legend

- | | | |
|--|--|-----------------------------|
| Residential | Rural Smallholdings | Minor Road |
| Industry | DEC Managed Land | Wastewater Treatment Buffer |
| Rural Residential | Precinct with Potential for Gravel/Sand Extraction | Railway |
| General Agriculture | Local Government Boundary | Cadastre |
| Community Purpose | Public Drinking Water Source Protection Area | Major River |
| Conservation / Recreation and Landscape Protection | Highway/Main Road | |



Significant gravel/sand resource.
Suitable buffers to be provided to future dwellings from the operating extractive-industry.

Explore and evaluate extracting bauxite prior to possible non-agriculture development

- all required services and infrastructure is available to the site or can be reasonably provided;
- all lots are serviced by an appropriately sealed and drained public road;
- all lots have a sustainable water supply for domestic, fire fighting and land management purposes consistent with WAPC Policy DC3.4. The Council prefers that rural residential lots are connected to the reticulated water supply. However, where this is not available or feasible and this is accepted by the Council, the Council will consider alternative sustainable water supply (groundwater, surface water and roof catchment and rainwater tank) for domestic and fire fighting purposes for lots 2 hectares and above where appropriately justified by the proponent to the satisfaction of the Council. Where proposed lots are not proposed to be connected to reticulated water and where roof collection and a rainwater tank is the sole method of supply, the roof collection calculations are to address a rainwater tank of at least 92,000 litres of potable water with an additional 10,000 litres for fire fighting. The method of calculating the minimum collection area to service a rainwater tank is set out in the Department of Water's *Stormwater Management Manual for WA*;
- a comprehensive drainage system;
- suitable on-site effluent disposal;
- connected to the reticulated electricity network;
- other infrastructure as required by the site conditions; and
- the proponent shall provide information on fire protection and subdivision design and bush fire prevention plans shall address the performance criteria contained in *Planning for Bush Fire Protection (edition 2)* (WAPC, FESA 2010) or any updates;
- require subdivider contributions, based on cost sharing principles that do not burden the community, for the re-subdivision of existing Rural Residential lots accessed from existing unsealed roads to an appropriately sealed standard;
- consider whether or not to contribute towards road upgrading to facilitate rural residential subdivision.

Actions

The Council will:

- recognise existing rural residential areas and zone them accordingly in the new Local Planning Scheme; and
- provide increased consistency of development standards, with the new Local Planning Scheme deleting individual provisions for each separate Rural Residential zone, unless there is a unique characteristic relating to that zone.

4.7 Rural Smallholdings

Aim

The aims are to:

- provide for rural lifestyle and intensive agricultural opportunities in strategic locations consistent and compatible with adjacent land use activity, environmental and landscape attributes of the land;
- encourage the opportunity for a range of rural and semi-rural pursuits where part-time or full time income may be generated;

- encourage rural smallholdings with a variety of lot sizes consistent with the physical, environmental and landscape characteristics of the land which are capable and suitable of sustaining appropriate development;
- facilitate the conservation of native vegetation and other environmental assets;
- provide sufficient land to enable a variety of lot sizes and development to be achieved in a manner that reflects the character, setting and land capability of the area within which it is located; and
- in appropriate circumstances, make use of innovative design and clustering of houses and other structures to minimise the impacts on adjacent land (including agriculture) and provide for on-going use of land for rural pursuits, whilst protecting landscape and environmental values and utilising services efficiently.

Strategy

The Council's strategy is to:

- require that any new subdivision/development suitably addresses WAPC SPP 2.5;
- support a request for a scheme amendment where the land is identified as "Rural Smallholding" on the Strategy Plan subject to the proponent appropriately addressing relevant zoning, structure planning, environmental, servicing, fire management, landscape and other planning considerations as relevant to the site's context, characteristics and the proposal. In particular, the Council will require the proponent to provide the following prior to possible adoption of the scheme amendment:
 - scheme amendment report;
 - a Structure Plan;
 - a fire management plan;
 - land capability assessment; and
 - Local Water Management Plan (as a minimum addressing key principles and "fatal flaws");
- prevent the creation of new rural smallholding lots beyond those identified in the Strategy;
- prevent increasing servicing demands on the local government or State Government agencies through rural smallholding lots being located in relatively isolated areas or serviced by unsealed roads;
- discourage ribbon development so as to maintain the rural ambience of transport corridors generally;
- establish minimum development standards to ensure development is consistent with, and does not detract from, the rural character or landscape qualities as well as providing an appropriate standard of amenity;
- require proponents to appropriately justify land suitability and land capability of their proposal and demonstrate how it coordinates with existing and planned/anticipated development;
- require that buffers to agricultural land for dwellings and other development are accommodated within Rural Smallholding land and not within General Agricultural land;
- encourage subdivision of land for rural smallholding purposes within areas designated as Rural Smallholding on the Strategy Plan and where the land has been zoned appropriately, and to comply with the following criteria and design guidelines:
 - depending on land suitability and capability, lot sizes are between 4 and 40 hectares. Proposals are to appropriately address land capability and enhance the environmental qualities of the land and/or water, such as revegetation of cleared land or eroded areas;
 - flood immunity outside of the 100 year floodway;
 - the proposed lot sizes are capable for the intended use;

- land stability;
- all required services and infrastructure is available to the site or can be reasonably provided;
- all lots are serviced by an appropriately sealed and drained public road;
- all lots have a sustainable water supply for domestic, fire fighting and land management purposes consistent with WAPC Policy DC3.4;
- a comprehensive drainage system;
- suitable on-site effluent disposal;
- connected to the reticulated electricity network or an approved alternative;
- other infrastructure as required by the site conditions;
- the proponent shall provide information on fire protection and subdivision design and bush fire prevention plans shall address the performance criteria contained in *Planning for Bush Fire Protection (edition 2)* (WAPC, FESA 2010) or any updates;
- require subdivider contributions, based on cost sharing principles that do not burden the community, for the subdivision of Rural Smallholding lots accessed from existing unsealed roads to an appropriately sealed standard; and
- consider whether or not to contribute towards road upgrading to facilitate rural smallholding subdivision.

Actions

The Council will:

- introduce a Rural Smallholdings Zone in the new Local Planning Scheme. For land that is identified as Rural Smallholding on the Strategy Plan, but not currently used for rural smallholding purposes and/or where there are outstanding environmental, servicing or planning issues, zone this land as “General Agriculture” A scheme amendment, generally associated with a Structure Plan, will be required prior to subdivision;
- for land that is identified as Rural Smallholding on the Strategy Plan, that is used for rural smallholding purposes and where there are no outstanding environmental, servicing or planning issues, zone this land as “Rural Smallholding” in the new Local Planning Scheme;
- establish minimum development standards in the new Local Planning Scheme to ensure subdivision/development is consistent the rural character landscape qualities and amenity; and
- provide increased consistency of development standards for each separate Rural Smallholding zone, unless there is a unique characteristic relating to that zone.

4.8 Key Brookton Townsite Planning Issues

Intermodal Facility

Strategy

The Council’s strategy is to:

- support the development of an intermodal facility and/or inland freight terminal; and
- require additional detailed planning, environmental and servicing studies to appropriately address issues relating to the site, transport access and off-site impacts.

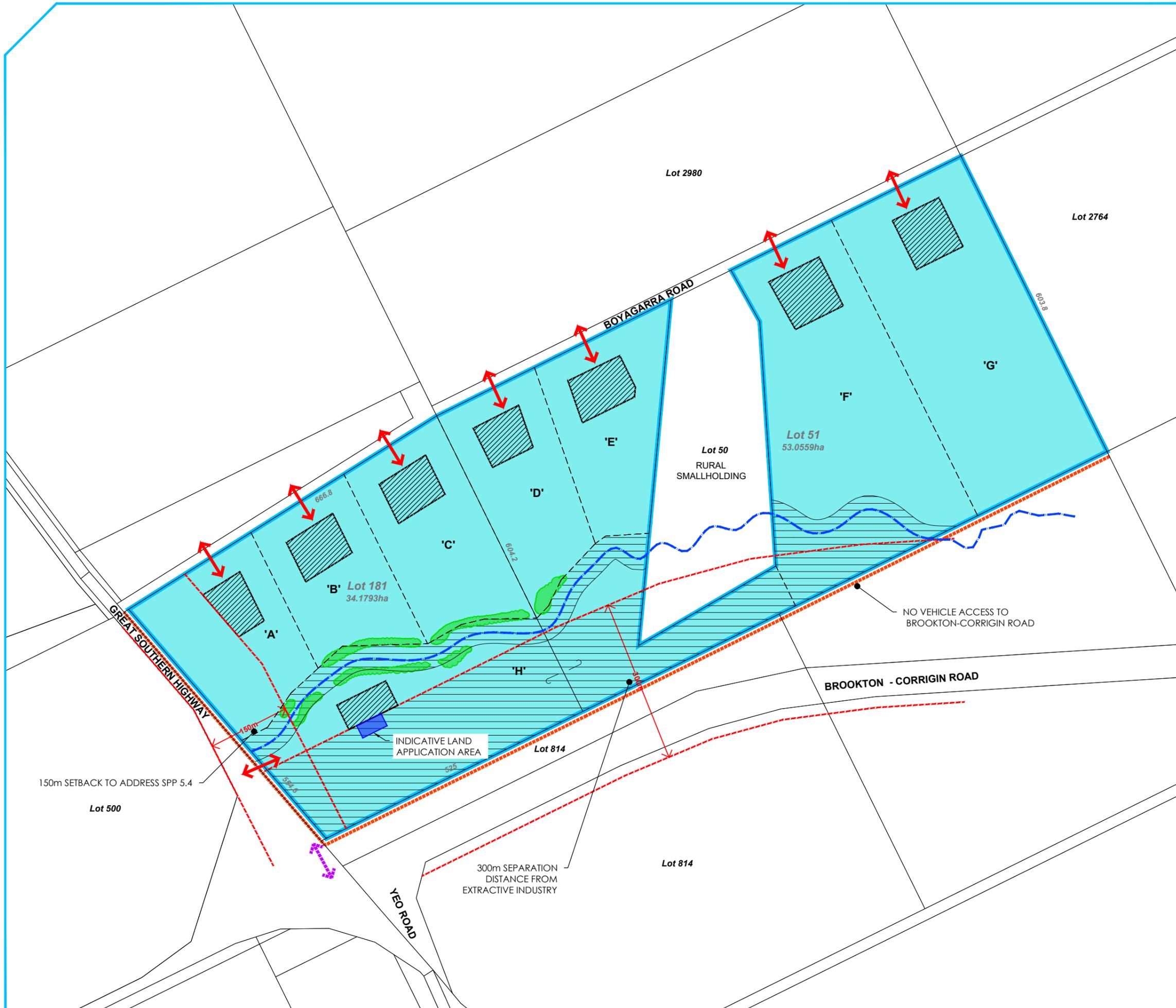
ATTACHMENT 9

LOCAL STRUCTURE PLAN

Lots 51 and 181 Boyagarra Road, Brookton

Legend

- Subject Land
- Rural Smallholdings
- Existing Lot Boundary
- Existing Creek (seasonal)
- Building Exclusion Area
- Indicative Building Envelope
- Indicative Lot Boundary
- Indicative Revegetation
- ↔ Indicative Crossover Location
- ↔ Remove existing crossover and reinstate land
- Other than Lot 'H', no vehicle access to Great Southern Highway or Brookton-Corrigin Road
- Indicative Land Application Area



DATE OF AERIAL 2020
SOURCE: GOOGLE EARTH

C	LAND APPLICATION AREA	210707
B	LOCAL STRUCTURE PLAN	210705
A	LOCAL STRUCTURE PLAN	210518
REV	DESCRIPTION	YYMMDD

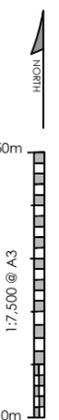


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M: 0409 107 336

DRAWING NUMBER
EP 201010 05

REV
C

Issued for design intent only.
All areas and dimensions are
subject to detail design & survey.



ATTACHMENT 10

INDICATIVE SUBDIVISION CONCEPT PLAN

Lots 51 and 181 Boyagarra Road, Brookton

Legend

- Subject Land
- Existing Lot Boundary
- Existing Creek (seasonal)
- Building Exclusion Area
- Indicative Building Envelope
- Indicative Lot Boundary
- Indicative Revegetation
- ↔ Indicative Crossover Location
- Other than Lot 'H', no vehicle access to Great Southern Highway or Brookton-Corrigin Road



DATE OF AERIAL 2020
 SOURCE: GOOGLE EARTH

C	BUFFER MODIFICATIONS	210705
B	CONCEPT PLAN	210518
A	CONCEPT PLAN	201023
REV	DESCRIPTION	YYMMDD

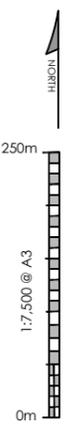


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DRAWING NUMBER
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Policy Manual Review – September 2021



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INTRODUCTION

The Council's *Policy Manual* is a set of Policies adopted of the Council, pursuant to Section 2.7 of the Local Government Act 1995 and includes those adopted pursuant to the Planning and Development Act 2005 and the Shire's Local (Town) Planning Scheme.

The Council's aim, although not statutorily required, is to formally review the Policies contained within this document at least once per annum.

Note that delegations or powers authorisations as though they were delegations are highlighted in red to ensure that such delegations are then easily able to be replicated or embedded into the Delegation Register.

The Policy Manual compliments separate documents being Shire of Brookton's Codes of Conduct and the respective Procedures Manual.

The following template can be used for suggested new Policy.

Policy Number.	Title of Policy
----------------	-----------------

Directorate:				
Statutory Environment:				
Council Adoption:	Date:		Resolution #:	
Last Amended:	Date:		Resolution #:	
Review Date:				

Objective:

Policy:

AMENDMENTS

Reviewed and Adopted: Ordinary Council Meeting 19 September 2019 inclusive of the following amendments:

Version 2 - Ordinary Meeting of Council 17 August 2017

- 2.27 – Records Information Management Policy

Version 3 - Ordinary Meeting of Council 18 May 2017

- 2.30 – Light Vehicle

Ordinary Meeting of Council 21 September 2017

- 1.10 – Australia Day Awards
- 2.28 – Contiguous Rating – Within the Shire of Brookton
- 2.29 – Working from Home

Version 4 - Ordinary Meeting of Council 30 October 2017

- 1.22 – AASB 124 – Related Party Disclosures

Version 5 - Ordinary Meeting of Council 16 November 2017

- 2.31 – Employee Leave

Version 6 - Ordinary Meeting of Council 17 May 2018

- 1.6 – Training Sessions Conferences Meeting Seminars – Elected Members
- 2.32 – Employee Remuneration

Version 7 - Ordinary Meeting of Council 21 June 2018

- 2.16 – Significant Accounting Policies
- 2.33 – Employee and Community Housing
- 4.10 – Road Maintenance Contribution
- 2.34 - Community Funding and Donations

Version 8 - Ordinary Meeting of Council 16 August 2018

- 1.5 – Gift for Retiring Councillors
- 1.9 – Brookton All Hours Gym – Condition of Use
- 2.16 – Significant Accounting Policies
- 2.35 – Information Security

Version 9 - Ordinary Meeting of Council 20 September 2018

- 1.10 – Australia Day Awards
- 2.18 – Use of Corporate Credit Cards

Version 10 - Ordinary Meeting of Council 23 October 2018

- 1.2 – Meetings – Scheduled Dates

Version 11 - Ordinary Meeting of Council May 2018

- 1.11 – Senior Employees

Ordinary Meeting of Council 15 November 2018

- 2.20 – Purchasing - *revoked*

- 2.23 – Buy Local - *revoked*
- 2.36 – Procurement

Version 12 - Ordinary Meeting of Council January 2019

- 2.33 – Employee and Community Housing

Version 13 - Ordinary Meeting of Council December 2017

- 3.6 - Outbuilding
- Zone “Farming above 10 hectares” - *revoked*.

Version 14 - Ordinary Meeting of Council June 2019

- 2.37 – Lease Licence and Tenancy Agreements

Version 15 - Ordinary Meeting of Council July 2019

- 2.38 – Library Policy

Version 16 - Ordinary Meeting of Council September 2019

- 1.1 – Administration Building and Council Chambers
- 1.3 – Council Briefing Forums
- 1.4 – Induction – Elected Members
- 1.6 – Training Sessions Conferences Meeting Seminars – Elected Members
- 1.7 – Provision of Electronic Devices for Councillors
- 1.9 – Brookton All Hours Gym – Conditions of Use Policy
- 1.10 – Australia Day Awards
- 1.12 – CEO Performance and Salary Review
- 1.13 – Council Committees – Terms of Reference
- 1.14 – Social Media Policy
- 1.15 – Small Business Friendly Charter
- 1.16 – Review of Employee Service, Gratuity and Farewell Polices
- 1.17 – Standing Orders and Meeting Protocol Local Government (Council Meetings)
- 1.18 – Appointment of Acting CEO
- 1.19 – Legal Advice Proceedings and Prosecutions
- 2.4 – Volunteer Management
- 2.5 – Fit for Work
- 2.8 – Risk Management
- 2.10 – Complaints Handling
- 2.11 – Koornong Residential Estate
- 2.12 – Aged Care - *revoked*
- 2.13 – Liquidity Management Strategy – Aged Care – *revoked*
- 2.14 – Investment Management Strategy – Aged Care – *revoked*
- 2.15 – Contiguous Rating – Shire Boundary Properties
- 2.16 – Significant Accounting Policies
- 2.17 – Salary Sacrificing
- 2.18 – Use of Corporate Credit Cards
- 2.19 – Financials Reserves Policy
- 2.22 – New Business Incentives
- 2.26 – No School No Pool Determination 1 – *revoked*
- 2.29 – Working from Home
- 2.30 – Light Vehicle
- 2.31 – Employee Leave
- 2.32 – Employee Remuneration
- 2.34 – Community Funding and Donations Policy
- 2.36 – Procurement
- 3.1 – Relocated Second Hand Building

- 3.2 – Development Requirements for Rural Subdivision
- 3.3 – Sewerage Connection for Subdivision of Land
- 3.5 – Residential Development on Farming Zones Lots/Locations without Frontage to Dedicated and Constructed Public Roads
- 3.6 – Outbuildings
- 3.7 – Tree Cropping
- 3.9 – Developer Contributions for Road and Footpath Upgrading relating to Subdivision of Land
- 4.4 – Use of Council Equipment and Machinery for Bushfire Control
- 4.5 – Expenditure Limit – Bush Fire Control Officers
- 4.6 – Undeveloped Road Reserves
- 4.7 – Weather Related Road Closures
- 4.9 – Waste Management

Version 17 - Ordinary Meeting of Council October 2019

- 2.34 – Community Funding and Donations

Version 18 - Administration Error – Correction November 2019

- 2.32 – Employee Remuneration

Version 19 - Ordinary Meeting of Council November 2019

- 1.11 – Senior Employees
- 1.18 – Appointment of Acting CEO
- 1.21 – Habitual or Vexatious Complaints
- 1.22 – AASB124 – Related Parties Disclosures
- 2.7 – Grievances, Investigations, and resolutions Policy
- 2.17 – Salary Sacrificing
- 2.18 – Use of Corporate Credit Cards
- 2.27 – Records Information Management
- 2.29 – Working from Home
- 2.30 – Light Vehicle
- 2.31 – Employee Leave
- 2.33 – Employee and Community Housing
- 2.35 – Information Security
- 2.38 – Library Services

Version 20 - Ordinary Meeting of Council December 2019

- 3.1 – Relocated Second Hand Building
- 3.2 – Development Requirements for Rural Subdivision
- 3.3 – Sewerage Connection for Subdivision of Land
- 3.5 – Residential Development on Farming Zones Lots/Locations without Frontage to Dedicated and Constructed Public Roads
- 3.6 – Outbuildings
- 3.7 – Tree Cropping
- 3.9 – Developer Contributions for Road and Footpath Upgrading relating to Subdivision of Land

Version 21 - Ordinary Meeting of Council December 2019

- 1.6 – Training Sessions Conferences Meeting Seminars – Elected Members

Version 22 - Ordinary Meeting of Council January 2020

- 1.17 – Standing Orders and Meeting Protocol Local Government (Council Meetings) [separate cover]

Version 23 - Ordinary Meeting of Council February 2020

- 2.31- Employee Leave
- 2.34 – Community Funding and Donations
- 2.39 – Employee Training

Version 24 - Ordinary Meeting of Council March & April 2020

- 2.31– Employee Leave (March 2020)
- 1.2 – Meeting – Schedule Dates (April 2020)
- 2.25 – Hall Hire (April 2020)
- 2.30 – Light Vehicle (April 2020)
- 2.32 – Employee Remuneration (April 2020)

Version 25 - Ordinary Meeting of Council May 2020

- 1.23 – Acknowledgement of Country
- 2.21 – Financial Hardship
- 2.40– Pensioner Rebates on Commercial and Rural Properties

Version 26 - Ordinary Meeting of Council June 2020

- 2.34 – Community Funding and Donations

Version 27 - Ordinary Meeting of Council July 2020

- 2.33 – Employee and Community Housing
- 4.3 – Slasher and Rotary Mower Bans
- 4.4 – Use of Council Equipment and Machinery for Bushfire control
- 4.5 – Expenditure Limit – Bush Fire Control Officers

Version 28 - Ordinary Meeting of Council August 2020

- 1.18 – Appointment of Acting CEO
- 1.24 – Attendance at Events (Council Members and CEO)
- 2.17 – Salary Sacrificing
- 2.31 – Employee Leave
- 2.32 – Employee Remuneration

Version 29 - Ordinary Meeting of Council October 2020

- 4.11 – Asset Management Policy

Version 30 - Ordinary Meeting of Council November 2020

- 2.41 – Community Engagement Policy

Version 31 - Ordinary Meeting of Council December 2020

- 1.11 – Senior Employees
- 1.18 – Appointment of Acting CEO
- 2.31 – Employee Leave
- 2.35 – Information Communications Technology – Security and Use
- 2.42 – Integrated Planning and Reporting (IPR) Review and Annual Budget Preparation
- 2.43 – Internal Audit Charter

Version 32 - Ordinary Meeting of Council February 2021

- 2.21 – Financial Hardship
- 2.36 – Procurement
- 2.44 – Rates Exemption for Charitable Purposes

Version 33 - Ordinary Meeting of Council March 2021

- 2.30 – Light Vehicles
- 2.32 – Employee Remuneration
- 2.45 – Investments

Version 34 - Ordinary Meeting of Council April 2021

- 1.25 – Standards for CEO Recruitment, Performance and Termination
- 2.46 – Recovery of Rates and Services Charges

Version 35 - Ordinary Meeting of Council May 2021

- 2.18 – Use of Corporate Credit Cards

The below list, are the policies which have been amended to reflect position title amendments:

- 1.11 – Senior Employees
- 1.18 – Appointment of Acting CEO
- 1.22 – AASB 124 – Related Parties Disclosure
- 2.18 – Use of Corporate Credit Cards
- 2.33 – Employee and Community Housing
- 4.7 – Undeveloped Road Reserves
- 4.11 – Asset Management Policy

Version 36 - Ordinary Meeting of Council July 2021

- 2.16 – Significant Accounting Policies

Version 37 – Ordinary Meeting of Council – September 2021

- *Holistic review of whole Policy Manual document, with significant changes to the policies listed below:*
 - *1.3 – Council Briefing Forums*
 - *1.4 – Induction – Elected Members*
 - *1.5 – Gift for retiring Councillors*
 - *1.6 – Training Sessions Conferences Meeting Seminars – Elected Members*
 - *1.7 – Provision of electronic devices for Councillors*
 - *1.11 – Senior Employees*
 - *1.12 – CEO Performance and Salary Review – Policy deleted*
 - *1.13 – Council Committees – Terms of Reference*
 - *1.14 – Social Media Policy*
 - *1.15 – Small Business Friendly Charter*
 - *1.17 – Standing orders and meeting protocol Local Government (Council Meetings) – policy deleted*
 - *1.18 – Appointing Acting or Temporary CEO*
 - *1.19 – Legal representation for Council Members and Employees*
 - *1.20 – Legal Advice proceedings and prosecutions*
 - *1.21 – Habitual or vexatious complaints*
 - *1.25 – Standards for CEO Recruitment, Performance and Termination*
 - *2.1 – Equal employment opportunity & valuing diversity*
 - *2.6 – Discriminations, harassment, and bullying policy*
 - *2.7 – Grievances, investigations, and resolutions policy*
 - *2.8 – Risk management*
 - *2.9 – Access to administration records*
 - *2.10 – Complaints handling*

- *2.11 – Koornong Residential Estate*
- *2.15 – Contiguous Rating – Shire Boundary Property*
- *2.19 – Financial reserves policy*
- *2.25 – Hall hire*
- *2.28 – Contiguous Rating – Within the Shire of Brookton*
- *2.29 – Working from Home*
- *2.30 – Light vehicle*
- *2.33 – Employee and Community Housing*
- *2.34 – Community Funding and Donations Policy*
- *2.36 – Procurement*
- *2.38 – Library Services*
- *2.41 – Community Engagement Policy*
- *3.1 – Relocated second-hand buildings*
- *3.2 – Development requirements for Rural Subdivision*
- *3.3 – Sewerage connection for subdivision of land*
- *3.4 – Town planning fees refund*
- *3.6 – Outbuildings*
- *3.7 – Tree cropping*
- *3.8 – Signage (~~within zoned and/or reserved land~~)*
- *3.9 – Developer contributions for road and footpath upgrading relating to subdivision of land*
- *3.10 – Stocking Rates – Rural enterprise, rural residential and rural smallholding zone land*
- *4.1 – Drummuster Process*
- *4.2 – Private property access and crossovers*
- *4.3 – Slasher and Rotary mower bans*
- *4.4 – Use of Council equipment and machinery for bushfire controls*
- *4.5 – Expenditure limit – Bushfire control officers*
- *4.6 – Undeveloped road reserves*
- *4.7 – Temporary road closures*
- *4.9 – Waste management*
- *4.12 – Road safety audits*

1.0 EXECUTIVE POLICIES

1.1 ADMINISTRATION BUILDING AND COUNCIL CHAMBERS

Directorate:	Executive			
Statutory Environment:				
Council Adoption:	Date:		Resolution #:	
Last Amended:	Date:	Sept 2021	Resolution #:	
Review Date:	June 2023			

Objective:

To provide direction on the use of Council Chambers.

Policy:

The Shire President after liaising with the CEO or CEO may authorise the use of the Council Chambers by community or Government organisations for the purpose of conducting meetings during office hours.

The Shire President and/or the CEO may authorise the use of the Council Chambers, during office hours, for meetings facilitated by Community or Government organisations where there is an Elected Member or a member of Shire staff as a delegate or representative at the meeting.

Access to the Administration building is only available to current Shire staff.

Keys to the Administration Centre are only available to Administration Staff and shall not be passed on to other committee members.

1.2 MEETING – SCHEDULE DATES

Directorate:	Executive			
Statutory Environment:	<i>Local Government Act, 1995</i>			
Council Adoption:	Date:		Resolution #:	
Last Amended:	Date:	Oct 2018	Resolution #:	OCM 13.10.18.02
		April 2020		OCM 04.20-07
Review Date:	June 2023			

Objective:

To detail the timing of the Ordinary Meeting of Council.

Policy:

The Ordinary Meeting of Council shall be held at 6.00pm on the third Thursday each month unless otherwise determined by Council.

Special Council Meetings will be scheduled as decided by the Shire President or Council. Standing Committee Meetings are to be scheduled on an as required basis.

1.3 COUNCIL BRIEFING FORUMS

Directorate:	Executive			
Statutory Environment:	<i>Local Government Act, 1995</i>			
Council Adoption:	Date:		Resolution #:	13.10.11.01
Last Amended:	Date:	Aug 2019	Resolution #:	
		Sept 2021		
Review Date:	June 2023			

Objective:

To provide stringent guidelines governing the conduct of Council Briefing Forums (CBF) to ensure compliance with the intent of the *Local Government Act 1995*, including the principles of open and accountable decision making.

Policy:

Council Briefing Forums are held monthly ~~after~~ **prior to** the Council meeting and are intended to provide a forum at which Councillors:

1. Can become fully informed on operational matters of significance and importance to elected members and the organisation generally.
2. Can raise and discuss a broad range of matters that relates to corporate governance and assists in setting strategic and policy direction.
3. Share information in relation to recent attendance at external meeting and forums, and on community sentiment and concerns regarding matters pertinent to the Local Government.

Procedure:

Council Briefing Forum

The Council Briefing Forum will be closed to the public and agendas will be confidential.

The Chief Executive Officer will prepare the agenda for the Council Briefing Forum and will ensure timely written notice and that a confidential agenda for each forum is provided to all Councillors, including briefing papers, where necessary.

The Shire President is to be the Presiding Member. If the President is unable or unwilling to assume the role of presiding member, then the Deputy President may preside. If the Deputy President is unable or unwilling, Councillors may select one from amongst themselves to preside.

As Council's meeting procedures do not apply for Council Briefing Forums it is the responsibility of the presiding member to ensure the good conduct of the meeting.

The presiding member shall:

- a) Advise Councillors that no decision will be made during the Forum, although direction may be given on specific matters;
- b) Encourage all Councillors present to participate in the sharing and gathering of information;
- c) Ensure that all Councillors have a fair and equal opportunity to participate; and
- d) Ensure the time available is sufficient enough to allow for all matters of relevance to be identified.

Councillors and staff must verbally disclose their interests in any matter listed in the CBF Agenda. Persons disclosing an interest may choose to participate in that part of the CBF relating to their interests or may leave the meeting room.

Councillors have the opportunity to request matters to be included on the agenda for consideration at a future forum by request to the Chief Executive Officer or by request during the forum.

A record shall be kept during the forum, however, as no decisions are made, the record need only be a general record of items covered, including date, attendance, brief description of matters addressed and any follow up action required. A confidential copy of the record is forwarded to all Councillors.

The Council Briefing Forum Agenda for the Shire of Brookton **should** comprise **of the following** sections:

1. Operational Matters:

The CEO and Senior Officers shall each prepare a report that provides an update on important and relevant operational matters for the Council's information.

2. Policy Formulation:

This forum is to provide elected members with the opportunity to identify, discuss, and set direction on the formulation of its corporate policies.

3. Strategic/Concept Items:

Strategic/Concept Items involve Councillors, staff and where appropriate external advisors, experts or proponents. These items provide the opportunity to exchange information and ideas about issues or ideas that may affect the Shire of Brookton.

These items will generally involve projects or matters that are in the early planning stages and are sometime away from being presented to Council for consideration of a formal decision.

During these items:

- The Chief Executive Officer or relevant officers will present items on the agenda;
- The Chief Executive officer seeks input from Councillors as guidance into research and further drafting of concepts for any future report;
- Councillors are fully informed on matters to enable later decisions to be made in the best interests of the Shire; and
- Councillors represent the views of the community.

The input through an open and free-flowing exchange of ideas and the willingness to contribute to concept items will provide invaluable direction to the Chief Executive Officer for research and the preparation of any report on the matter if required.

Where guests include experts, consultants or other persons invited to attend and provide a presentation, they will only be present for the item that applies to their presentation.

Matters raised as strategic/concept items will generally not be progressed to the Ordinary Council Meeting scheduled for the following month.

4. Elected Member Reports:

~~For~~The purpose of **Elected Member reports is to provide** ~~providing all~~ Councillors with the opportunity to raise matters with staff of a general operational nature, ~~or vice-a-versa,~~ that would not normally be the subject of a report to Council.

In this section Councillors also have an opportunity to inform colleagues and staff of the committee and other meetings they have attended during the past month.

The issues raised in this section, by its very nature, will be varied and most likely deal with matters revolving around the day-to-day operations of the Council or feedback on the implementation of previous decisions of Council.

Council Briefing Forums are not decision-making forums and items on the **Council Meeting** agenda are not to be debated at the forum.

1.4 INDUCTION – ELECTED MEMBERS

Directorate:	Executive			
Statutory Environment:	Local Government Act, 1995 Local Government (Model Code of Conduct) Regulations, 2021			
Council Adoption:	Date:	May 2014	Resolution #:	
Last Amended:	Date:	Aug 2019	Resolution #:	
		Sept 2021		
Review Date:	June 2023			

Objective:

To induct newly elected Councillors to assist them in transitioning into the elected member's role inclusive of a fundamental understanding of their new responsibilities.

Policy:

In the **first two** weeks following their election, new Councillors will be given an induction by the Shire President and CEO. Part of that induction will include information on, but not be limited to:

- Fundamental roles and responsibilities of an Elected Member, **Council, Shire President and CEO** under the Local Government Act, 1995 ~~including declaration of Interests and Gifts and the operational function of the Shire Administration and Works Depot.~~
- The Shire of Brookton's Code of Conduct for ~~Elected Members~~ Council Members, Committee Members and Candidates as applied by Local Government (Model Code of Conduct) Regulations, 2021 including declaration of Interests and Gifts, and filing of returns.
- Compulsory Elected Member training courses within the first 12 months.
- Overview of the statutory functions and associated array of legislation, and range of services delivered by Council.
- The Local Government (Meeting Procedures) Local Law 2021.
- The Integrated Planning Framework and associated suite of IPR documents including:
 - Strategic Community Plan (SCP).
 - Corporate Business Plan (CBP) and Compendium.
 - Innovations Pathway.
 - Long Term Financial Plan.
 - Asset Management Framework (inclusive of Policy, Strategy, Management Plans and Asset Programs).
 - *Public Health Plan*
- A copy and overview of the Council's:
 - Municipal Budget.
 - Policy Manual.
 - Delegations Register.
 - Local Planning Scheme and Strategy.

- other **statutory and** strategic documents of relevance.
- **Relevant procedures and forms in relation to Elected Member responsibilities and expense claims.**
- An understanding of matters **and projects** in progress

1.5 GIFT FOR RETIRING COUNCILLORS

Directorate:	Executive		
Statutory Environment:	Local Government Act, 1995		
Council Adoption:	Date:		Resolution #: 305/03
Last Amended:	Date:	Aug 2018	Resolution #: 13.08.18.01
		Sept 2021	
Review Date:	June 2023		

Objective:

To detail the protocol to be followed in acknowledging the services of retiring Councillors.

Policy:

- 1) A gift purchased for a retiring Councillor, irrespective of length of service, shall constitute a framed certificate in gratitude of service as an elected member.
- 2) A Councillor, upon retirement, ~~may be~~ is entitled to a dinner ~~{or similar type and style of function}~~ to be held in recognition of their continuous two terms of service (8 years) to the Shire, subject to their agreement.

The style of ~~the dinner or~~ function is to be at the discretion of the Shire President with the parameters of the event being limited to:

- a) The invitation list consisting of:
 - Retiring members that qualify under this section of the policy and their spouse/partner;
 - Sitting and immediately retiring elected members who do not qualify under this section of the policy and their spouse/partner; and
 - Current Senior Employees.
- b) The total cost of the event including all food and refreshments not exceeding \$1,500 (excludes GST).
- c) Where an elected member is “stood down”, “suspended”, or their term of office expired ~~without completing two terms of office immediately due to legislation~~, they shall only be entitled to a gift of a framed certificate of service.

1.6 TRAINING SESSIONS CONFERENCES MEETING SEMINARS – ELECTED MEMBERS

Directorate:	Executive		
Statutory Environment:	<i>Local Government Act 1995 Section 5.128(1)</i>		
Council Adoption:	Date:		Resolution #: 108/04
Last Amended:	Date:	Dec 2019 Sept 2021	Resolution #: OCM 12.19-20
Review Date:	June 2023		

Objective:

To clarify the Council's position in relation to Elected Member training courses, conferences, and seminars.

Policy:

- Proposed attendance at any training sessions, conferences, meetings or seminars by an Elected Member beyond a 500 kilometre radius of Brookton shall be subject to special request to Council for endorsement. Such request must include an outline of the course and associated benefits to the elected member's role and/or the organisation. Such opportunities are encouraged where tangible benefits can be realised.
- Elected members are encouraged to undertake mandatory training courses electronically through an on-line platform, where practical. However, if this is not possible a payment of \$160 may be claimed for each day (or part thereof) in attending mandatory training sessions in person.
- Council will pay for registration, travel and accommodation costs, as well as breakfasts, evening meals and non-alcoholic beverages for Councillors during attendance at mandatory training sessions and relevant conferences, meetings and seminars. Costs for breakfasts, evening meals and non-alcoholic beverages is capped at \$110 per Councillor per day.
- Council will send up to three Elected Members to the WALGA Local Government Convention each year, inclusive of two voting delegates and one other. Preference is given to the Shire President and Deputy Shire President **as the endorsed voting delegates**, and **one** newly Elected Member. The CEO (or delegate) may attend the WALGA state conference as determined between the CEO and Shire President.
- Each Elected Member is entitled and encouraged to attend the WALGA conference, at least once during their term of appointment. Partners are permitted to accompany Elected Members during the WALGA State Conference, inclusive of accommodation and meals.
- Council will only pay for alcoholic beverages (excluding spirits) with a meal during the WALGA State Conference with the amount limited to \$20 per Elected Member and their partner per day.
- All other costs incurred will be the responsibility of each individual Elected Member.

- 8) All Elected Members shall present to Council a summary of their experience and learnings at the next available Corporate Briefing Forum following attendance at the mandatory training session, conference, meeting or seminar.

1.7 PROVISION OF ELECTRONIC DEVICES FOR COUNCILLORS

Directorate:	Executive			
Statutory Environment:	<i>Local Government Act 1995 Sections 5.98 to 5.102</i> <i>Local Government (Administration) Regulations 3030 to 34B</i>			
Council Adoption:	Date:	Sep 2015	Resolution #:	12.09.15.05
Last Amended:	Date:	Aug 2019 Sept 2021	Resolution #:	
Review Date:	June 2023			

Objective:

To allocate an allowance for provision of an appropriate electronic device (iPad, Tablet, Laptop) to each Elected Member for Council business.

Policy:

The Shire of Brookton requires all agendas, minutes and other information for Councillors to be received in an electronic format. This is made available to Councillors via a network drive. To access this drive Councillors require an appropriate electronic device.

In order to comply with legislation surrounding Councillor reimbursements and allowances, the device and sim card needs to be owned by the Councillor.

To allow the device to be connected and to cover the initial outlay, the Shire of Brookton will allocate a one off allowance of \$800.00 to each Councillor for the duration of their election cycle (typically 4 years) to be used for Council business. The device will be of a uniform type selected by the Shire Administration to ensure compatibility with the Shire ICT framework and training associated with use of the device.

Thereafter, each Councillor will be responsible of the care, maintenance and upgrade or replacement of their personal electronic device. At the end of the **typical 4 year** term of the Councillor, the device is retained by the Councillor however all Shire information must be returned to the Shire.

Such devices shall be used for receipt and transmission of email communications applicable to the Local Government's business using a dedicated Councillor email address (i.e. cr.jones@brookton.wa.gov.au).

1.8 ELECTED MEMBER RECORDS

Directorate:	Executive		
Statutory Environment:	<i>State Records Act, 2000</i>		
Council Adoption:	Date:	Apr 2009	Resolution #: 13.04.19.01
Last Amended:	Date:	Aug 2017	Resolution #:
Review Date:	June 2023		

Objective:

The objective of this Policy is to ensure that records are created which properly and adequately record the performance of member functions arising from their participation in the decision making process of Council, and the various Committees of Council.

Policy:

This requirement will be met through the creation and retention of records of meetings of the Council and the Committees of Council, and other communications and transactions of Elected Members, which constitutes evidence affecting the accountability of the Council and the discharge of Council Business.

All Elected Members are required to ensure any documents and written correspondence (including emails) meeting the above criteria are passed to the Shire Administration to be registered as part of organisation's correspondence registration process into the current registration system.

1.9 BROOKTON ALL HOURS GYM – CONDITIONS OF USE POLICY

Directorate:	Community			
Statutory Environment:				
Council Adoption:	Date:		Resolution #:	
Last Amended:	Date:	Aug 2019	Resolution #:	11.08.18.02
Review Date:	June 2023			

Objective:

The objective of this Policy is to provide guidance on a membership notice to minimising the risk of injury in relation to use of the Brookton Gym equipment.

Policy:

The Brookton All Hours Gym is available to all registered members. It is accessible 24 hours a day, 7 days a week for members and is an un-manned gym.

Requirement for Induction

As an un-manned gym, it is a requirement that all members obtain an induction from a qualified person that includes instruction on the safe use of the provided equipment, appropriate gym attire, cleaning of gym equipment and warm up and warm down exercises.

Gym members are required to have an induction every 12 months to ensure they stay up to date with the safety requirements and use of gym equipment.

Due to the requirement for an induction, there are no 'casual' or 'trial' memberships available.

Evacuation and Emergency Contacts

In the case of emergency where evacuation is required, members need to follow the emergency evacuation plan located on display in the gym. For group activities, there is a muster point located in the carpark near the courts. Please call 000 for Fire, Police or Ambulance.

For other emergencies, contact is to be made with Shire Administration on 9642 1106 or after hours 0427 421 032.

Acknowledgement of Risk

The Brookton All Hours Gym operates on an all day/night basis and is accessible by members. The Conditions of Use and Policy has been prepared and implemented to promote safe and correct use of gym equipment to encourage a safe environment for all gym users.

Members need to accept and understand the obvious and inherent risks in activities undertaken at the Shire of Brookton's All Hours Gym, and acknowledge activities whilst at the gym may involve a risk of physical harm and that by participating in these activities voluntarily they do so at their own risk.

The Shire of Brookton, its servants and agents do not accept liability for any loss or damage to property or death or personal injury however arising from members' use of the Brookton All Hours Gym.

Members are to seek medical consultation and clearance before commencing an exercise program. Any pre-activity review administered by the Shire is not to constitute advice on a particular matter, nor substitute as advice from an appropriately qualified medical professional. The review in no way provides a guarantee against injury or death, but rather is to provide a tool for both staff and members to identify health risks that may be present. The Shire of Brookton will not attempt to force a user to seek a medical clearance before using the gym.

Disclosing and Sharing of Information

The Shire of Brookton respects the privacy of personal information, is bound by the principals set out in the *Privacy Act 1988* (as amended), and respects the privacy of member's personal information. The information contained on membership forms is collected for the purpose of processing, managing and administering a membership. It is not otherwise disclosed without member's consent. If a person seeks to access a member's personal information or have any questions regarding the handling of ~~your~~ personal information, contact is to be made with the Shire.

1.10 AUSTRALIA DAY AWARDS

Directorate:	Community			
Statutory Environment:				
Council Adoption:	Date:		Resolution #:	
Last Amended:	Date:	Aug 2019	Resolution #:	11.09.18.01
Review Date:	June 2023			

Objective:

To prescribe the process for nominations and selection of recipients of the following annual Council Australia Day awards;

- Citizen of the Year
- Young Citizen of the Year
- Community Event or Voluntary Act of the Year.

To outline a transparent process for objectively selecting recipients on merit in consideration of Award criteria.

Policy:

The Australia Day Awards are to be selected by Council on an annual basis in October each year. Council will select recipients for the following categories:

1. Citizen of the Year Award
2. Young Citizens of the Year Award (must be under 30 years of age on January 26)
3. Community Event or Voluntary Act of the Year Award

Overall principles, Criteria and Guidelines for Awards.

- a) Only one (1) nomination in each category may be awarded.
- b) If considered appropriate, no Award will be issued in a category.
- c) The winners of each Award remain confidential until notified of their success by the Shire President and the Shire President issues a media release confirming the award winners.
- d) The winners of each Award will be presented with their Awards at the official ceremony on Australia Day. Awards for Citizen of the Year and Young Citizen of the Year will not be granted posthumously.
- e) Nominations for all Awards may be made by any individual, group of individuals or organisation.
- f) Nominees for “Young Citizen of the Year”, will also be considered for the “Citizen of the Year” Award, but one (1) nominee cannot receive both Awards.
- g) Nominations for “Community Event of the Year” will only be considered in the year the event was conducted.
- h) Groups of people or couples will not be eligible for the “Citizen” or “Young Citizen of the Year” Award.
- i) All nomination information and material submitted remains the property of the Shire of Brookton and may become publicly available.

- j) An individual/event need only be nominated once per year to be considered. The number of nominations received per nominee bears no weight in the selection process.
- k) Self-nominations will not be accepted.
- l) Unsuccessful nominees in the “Young Citizen of the Year” and “Citizen of the Year” categories may be re-nominated in subsequent years.
- m) In exceptional cases, the Council reserves the right to consider such nominations as it sees fit, notwithstanding a) to l) above.

Selection

The whole of Council constitutes the selection panel although any elected member shall declare an interest and stand aside from the deliberations should they be directly related to a nominee, or consider that for any reason a conflict of interest may arise in the selection process.

The Council will give consideration to the criteria and guidelines in this policy.

Citizen of the Year – Criteria and Eligibility

- a) A nominee must be an Australian citizen.
- b) The nominee must be a resident of the Brookton Shire Council local government area for the year immediately prior to granting of the Award.
- c) The nominee must be at least 16 years of age on 26 January of the year in which the award is presented.
- d) The nominee should be held in high regard in the community (e.g. significant contributor to the community, inspirational role model to the community, scope of impact of the individual’s contribution).
- e) The nominee must principally have performed their work within the Brookton Shire Council local government area.
- f) The nominee should have strong ethical and community values.
- g) The nomination must clearly demonstrate the nominee’s community activities and achievements in the year immediately prior to granting of the Award, as well as their past community service.
- h) The nomination is not open to sitting Shire of Brookton Councillors, State and Federal politicians and current viceregal officers.
- i) The nomination is not open to a Shire of Brookton Council employee, whilst employed by the Council.
- j) The nomination is not open to a past recipient in the same category.
- k) The nomination must include the name and contact details of at least one (1) referee must be supplied with the nomination.
- l) The nomination must explain the achievements and background of the nominee, and the reasons for the nomination, and address as many of the following aspects as possible;
 - i. Personal, academic and professional achievements and commitment; past current and future.
 - ii. Contribution in the relevant field i.e. how has the nominee “put back” into their field to benefit others.
 - iii. Demonstrated leadership, innovation and creativity.
 - iv. Personal interests and community and voluntary involvement.
 - v. Contribution to the Shire of Brookton community.
 - vi. Future goals and likely impact.
 - vii. Degree of difficulty of the achievement and sacrifices made.

- viii. Previous Awards and recognitions.
 - ix. Nature and length of involvement.
 - x. Voluntary work beyond paid employment.
 - xi. Achievements as an individual or as part of a group or organisation.
- m) One (1) award per ward in this Category may be awarded each year.

Young Citizen of the Year – Criteria and Eligibility

- a) A nominee must be an Australian citizen.
- b) The nominee must be a resident of the Shire of Brookton local government area for the year immediately prior to granting of the Award.
- c) The nominee must be at least 16 years of age and no more than 30 years of age on 26th January of the year in which the award is presented.
- d) The nominee should have a proven record of achievement within the Shire of Brookton Council area.
- e) The nomination must reference the participation in school activities, community involvement and charitable work, as well as work done to improve community life in the Brookton Shire Council area.
- f) The nomination should detail recognition by peers that will be taken into account.
- g) The nomination is not open to sitting Shire of Brookton Councillors, State and Federal politicians and current viceregal officers.
- h) The nomination is not open to a Shire of Brookton Council employee or trainee, whilst employed or engaged by the Council.
- i) The nomination is not open to a past recipient in the same category.
- j) The nomination must contain the name and contact details of at least one (1) referee.
- k) The nomination should explain the achievements and background of the nominee, and the reasons for the nomination, and address as many of the following aspects as possible;
 - i. Personal, academic and professional achievements and commitment; past current and future.
 - ii. Contribution in the relevant field i.e. how has the nominee “put back” into their field to benefit others.
 - iii. Demonstrated leadership, innovation and creativity.
 - iv. Personal interests and community and voluntary involvement.
 - v. Contribution to the Brookton Shire Council community.
 - vi. Future goals and likely impact.
 - vii. Degree of difficulty of the achievement and sacrifices made.
 - viii. Previous Awards and recognitions.
 - ix. Nature and length of involvement.
 - x. Voluntary work beyond paid employment.
 - xi. Achievements as an individual or as part of a group or organisation.
- l) One (1) award per ward in this Category may be awarded each year.

Community Event or Voluntary Act of the Year Award – Criteria and Eligibility

The selection criteria for the community event or the individual Voluntary Act of the Year are:

- The nomination must detail the quality of the event or nature of the individual voluntary act.
- The nomination must be for an “event” and not an organising committee.

- The nomination for an event must be community focused and not staged for personal or private reward or financial benefit.
- A nominee and event is not eligible to receive a second award in this category.
- The nomination must detail the scope of impact the event or act has had on the local government area, including the achievements and reasons for the nomination.
- The nomination must detail the events or individuals lasting contribution to the community.

All nominations must be submitted on the appropriate form by the due date for consideration.
No late applications will be considered.

Council reserve the right to not award any Australia Day awards and reserves the right to hold any award ceremony at a time and place it sees fit and proper.

1.11 SENIOR EMPLOYEES

Directorate:	Executive			
Statutory Environment:	<i>Local Government Act 1995 s. 5.37</i>			
Council Adoption:	Date:	Aug 2009	Resolution #:	13.04.09.03
Last Amended:	Date:	Dec 2020 August 2021	Resolution #:	OCM 12.20.15
Review Date:	June 2023			

Objective:

To nominate Senior Employee positions and assist the CEO with the selection and performance evaluation of these employee positions.

Policy:

- The following positions are nominated as Senior Employees under Section 5.37(1) of the *Local Government Act, 1995*:
 - Manager Corporate and Community Services (MCC)*
 - Manager Infrastructure and Assets (MIA)
- The CEO shall prepare a short list of candidates, conduct the interviews with the participation from two members of the Employment Committee and proceed to report to Council on the appointment the successful candidate.
- The Chairperson of the Employment Committee shall participate in the performance review of nominated Senior Employees (other than the CEO) to provide input on behalf of the Shire Council.
- ~~The CEO performance review shall be conducted in accordance with Council Policy 1.12 – CEO Performance and Salary Review.~~

Note: * Designated Acting CEO – refer to Council Policy 1.18 – Appointment of Acting CEO

1.12 CEO PERFORMANCE AND SALARY REVIEW

Directorate:	Executive			
Statutory Environment:	Local Government Act 1995 – s5.38			
Council Adoption:	Date:		Resolution #:	
Last Amended:	Date:	July 2019	Resolution #:	
Review Date:	June 2021			

Objective:

~~To detail the procedure and timing of the CEO’s performance review.~~

Policy:

~~The Employment Committee shall adhere to the following standards in the:~~

- ~~1. Conduct the CEO’s performance and salary package review with external assistance and guidance from a suitably qualified consultant/Human Resources specialist and have the authority to amend his/her salary package under delegated authority.~~
- ~~2. Conduct each review at the conclusion of the probationary period and thereafter annually prior to the anniversary date of commencement of each year.~~
- ~~3. Any increase in remuneration shall take effect on the anniversary date of commencement or another date as agreed between the Employment Committee and CEO.~~

~~The Employment Committee may also:~~

- ~~a) Consult with all or some of the Shire’s employees through a ‘360 Review’ or similar process to gain a holistic understanding of the CEO’s conduct and performance internally.~~

~~Note: refer also Council Policy No. 1.13 Council Committees – Terms of Reference.~~

Refer to Policy 1.25

1.13 COUNCIL COMMITTEES – TERMS OF REFERENCE

Directorate:	Executive			
Statutory Environment:	<i>Local Government Act 1995 s. 5.8 to s 5.25</i> Audit regulation 16			
Council Adoption:	Date:		Resolution #:	
Last Amended:	Date:	July 2019 Sept 2021	Resolution #:	
Review Date:	June 2023			

Objective:

To list current Committees of Council, their role and any delegated authority they may have.

Policy:

a) Audit and Risk Committee

The Audit and Risk Committee is to:

- i. Maintain oversight in relation to statutory performance and compliance aligned to legislative requirements.
- ii. Review accounts for payment and Council's financial position and make recommendations or representations to Council in respect to financial management and the organisation's fiscal position.
- iii. Afford guidance in relation to forward planning and long-term financial management.
- iv. Formulate Council Policy in relation to financial management, investments, procurement practices and accountability.
- v. Review and afford direction in relation the Council's risk, including assessment and mitigation where considered appropriate and practical.
- vi. Set direction and provide oversight on internal auditing and resulting improvements to internal process and accountability.
- vii. Formulate response to the Office of the Auditor (AOG) General on audit findings and accept OAG final audit report.
- viii. **Consist of a minimum of four Elected Members and at least one independent external person with sufficient knowledge and experience in the private or public sector to participate in the audit and risk management oversight.**

Some of the key duties of the Committee are detailed in the Local Government (Audit) Regulations – regulation 16.

b) Employment Committee

The role of the Employment Committee is to recruit and review the performance and salary of the Chief Executive Officer.

The Committee is to:

- i. Consist of a minimum of four Elected Members and at least one independent external person with sufficient knowledge and experience in the private or public sector to participate in the selection/recruitment process.
- ii. Be guided by a professional Human Resources consultant engaged by Council to facilitate the recruitment process and guide the Committee in relation to remuneration and position description, profile and evaluation of successful candidate, legislative compliance, negotiation and employment contract requirements, including establishment of agreed key performance measures aligned to the role and expectations.
- iii. Perform the tasks of recruitment and performance review in accordance with the relevant provisions detailed in Policy 1.12 - Standards for CEO Recruitment, Performance and Termination.

c) Bush Fire Advisory Committee (BFAC)

The Bush Fire Advisory Committee is to:

- i. Advise Council on all matters relating to
 - the prevention, **mitigation**, controlling and extinguishing of bush fires;
 - prosecutions for breaches of the *Bush Fires Act 1976*;
 - the formation of Bush Fire Brigades;
 - the co-ordination of the efforts and activities of the Bush Fire Brigades; and
 - any other matter relating to bush fire control.
- ii. **Consist of a minimum of two Elected Members, Chief Bushfire Control Officer, Deputy Chief Bushfire Control Officer, and the respective Fire Control Officers as nominated by each of the Shire Bushfire Brigades.**

d) Local Emergency Management Committee (LEMC)

~~The LEMC is to: managed and chaired by Council with representation from the Shire, and other organisations and agencies that play a key role in emergency management within the local district.~~

~~The functions of an LEMC across the area for which it is established is to:~~

- i. Advise and assist the Shire in ensuring that Local Emergency Management Arrangements (LEMAs) are established for the Brookton district
- ii. Liaise with public authorities and other persons in the development, review and testing of the LEMA; and
- iii. Carry out other emergency management activities as directed by the State Emergency Management Committee (SEMC) or prescribed by the regulations under the Emergency Management legislation.
- iv. **Consist of a minimum of two Elected Members and representatives from State Government agencies and other entities as listed in the Shire's Local Emergency Management Arrangements.**

Council may delegate any other responsibility to the above Standing Committees or form another Committee, subject to the requirements of the Local Government Act, as it sees fit.

~~Note: refer also to Council Policy No. 1.12 CEO Performance and Salary Review.~~

1.14 SOCIAL MEDIA POLICY

Directorate:	Executive			
Statutory Environment:	Local Government Act 1995			
Council Adoption:	Date:	Sep 2015	Resolution #:	13.09.15.03
Last Amended:	Date:	July 2019 Sept 2021	Resolution #:	
Review Date:	June 2023			

Objective:

The Shire recognises that social media provides opportunities for enhanced community engagement, two-way communications, and improved access by residents to information on delivery of services.

The intent of this policy is to provide understanding and guidance for the appropriate use of social media platforms and tools by staff, Councillors, agents and volunteers of the Shire of Brookton **and should be read in conjunction with the respective Elected Member Code of Conduct and Employee Code of Conduct.**

This policy does not cover the personal use of social media by staff, Councillors, agents, or volunteers.

Policy:

This policy applies to existing and future social media platforms where people may comment, contribute, create, upload and share content including, but not limited to:

- Social networking sites (for example Facebook, LinkedIn).
- Video and photo sharing websites (for example Flickr, YouTube, Instagram).
- Blogs, including corporate blogs and personal blogs.
- Blogs hosted by media outlets (for example “comments” or “your say” features on news websites).
- Micro-blogging (for example Twitter).
- Wikis and online collaborations (for example Wikipedia).
- Forums, discussion boards and groups (for example Google groups, Whirlpool).
- Instant messaging (including SMS).
- Geo-spatial tagging (for example Foursquare, Facebook ‘Places’ feature).
- Also includes all other emerging electronic/digital communication applications.

Guidelines for staff

When using social media ~~Council staff~~ **Shire employees** and contractors ~~are expected to must:~~

- Be authorised to use the social media platform.
- Other than the Chief Executive Officer, not post commentary that expresses a view / opinion on behalf of Council.
- Adhere to Code of Conduct, policies and procedures **of the Local Government.**
- Comply with relevant laws and regulations.
- Reinforce the integrity, reputation and values of the Shire.
- Not comment outside area of expertise.
- Only discuss publicly available information.

- Be accurate, constructive, helpful and informative.
- Be mindful of copyright and intellectual property rights.
- Not publish content in exchange for reward.
- Not endorse any political or religious affinity.
- Not issue media statements unless authorised.
- Not respond to media for comment via social media
- Ensure that any social media sites created can be readily moderated.
- Be mindful of accessibility.

Guidelines for Councillors

When using social media only the President is to post commentary that expresses a view/opinion on behalf of Council or the Shire more generally.

Non-compliance

Depending on the circumstances, non-compliance with this policy may constitute a breach of employment contract, misconduct under the Shire's **respective** Codes of Conduct, sexual harassment **and** discrimination **policies**, or some other contravention of the law.

Failure to comply with ~~the~~ **this** policy may result in disciplinary action and, in more serious cases, may result in referral to the Public Sector Commission, termination of employment, or report to the Local Government Standards Panel (or similar).

Guidelines for users

Posts on Shire operated social media platforms may be deleted, as determined by the CEO, if they contain:

- Violent, obscene, profane, hateful, derogatory, racist or sexist language, links or images.
- Any discussion or promotion of behaviour that is unlawful.
- Comments that threaten or defame a person.
- Solicitations, advertisements, endorsements or spam.
- Multiple successive off-topic posts by a single user.
- Repetitive posts copied and pasted or duplicated by a single user.

~~Any other inappropriate content / comments as determined by the Shire of Brookton.~~

1.15 SMALL BUSINESS FRIENDLY CHARTER

Directorate:	Executive			
Statutory Environment:	Nil			
Council Adoption:	Date:	Dec 2016	Resolution #:	13.12.16.03
Last Amended:	Date:	Sept 2021	Resolution #:	
Review Date:	June 2023			

Outcomes:

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

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

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

Objective:

To participate in the small business friendly Local Governments initiative and become recognised as small business friendly, the Shire agrees to sign and abide by the undertakings in the charter.

To add to the level of credibility of the initiative, Local Governments are required to report back to the Small Business Development Corporation (SBDC) twice a year on progress towards the charter.

The charter has the following essential elements;

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

1. Commitment to Small Business Shire of Brookton:

The Local Government agrees to:

- Recognise the small business community is an important stakeholder and will undertake regular and targeted consultation with this group **where practical**;
- Work towards understanding how its local small business community operates and its needs, goals and key challenges;
- Provide networking and other development opportunities for its local small business community; and
- Actively engage, where appropriate, with the Small Business Development Corporation (SBDC) on matters affecting small business.

2. Commitment to Customer Service

The Local Government agrees to:

- a) Maintain open lines of communication with small businesses through both formal and informal approaches;
- b) Provide clear advice and guidance to small businesses to assist them to understand and meet their regulatory obligations, and to work with them to achieve compliance;
- c) Publish clear service standards setting out what small businesses can expect ~~from them~~;
- d) Consider the needs of local small business owners for whom English is not a first language; and
- e) Publish links on its website to take small business owners to resources available on the SBDC website, business local service and the business license finder tool.

3. Administration and Regulation

The Local Government agrees to:

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

4. Local Government Activities to Support Small Business

The Local Government agrees to implement activities to improve the operating environment for small businesses within its authority ~~where practical and in compliance with the fundamental principal of value for money in expending public funds~~. Details of the activities are to be included in the Local Government's operational plans and strategies.

5. On-time Payment Policy

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

6. Business Advisory Group

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

7. Dispute Resolution

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

8. Progress Reports

The Local Government agrees to:

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

9. Promotion and Marketing of the Program

The Local Government:

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

10. Contact details

The Local Government agrees that the primary contact for the SBFLG initiative will be the ~~Chief Executive Officer~~ Executive Governance Officer ~~and that a secondary contact will be nominated as the day to day contact.~~

1.16 REVIEW OF EMPLOYEE SERVICE, GRATUITY AND FAREWELL POLICIES

Directorate:	Executive			
Statutory Environment:	Nil			
Council Adoption:	Date:	Feb 2017	Resolution #:	13.02.17.03
Last Amended:	Date:	July 2019	Resolution #:	
Review Date:	June 2023			

Objective:

To detail the requirements regarding gratuities for the formal recognition of satisfactory and extended service by Local Government employees.

Policy:

- Where a valued employee leaves their employment or is made redundant, they will be given a token of appreciation in the forms of a good or service in order to thank the employee for their past commitment to the Local Government.
- The aim of this policy is to establish guidelines for the considerations of Gratuity Payments to employees in accordance with s.5.50 of the *Local Government Act 1995* ('the Act').

Pursuant to s.5.50 of the Act, this gratuity policy outlines the circumstances in which gratuity payments may be made to an employee. These payments, when made, are in addition to any amount which the employee is entitled to under a contract of employment, enterprise agreement or award. This policy shall not be considered as a contractual entitlement under the employment relationship.

NOTE: As requested by s.5.50 of the Act this policy was advertised through Local Public Notice and prior to adoption and the Local Government did not make any payments to employees prior to the giving of the public notification.

Framework:

Eligibility to Gratuity Payments.

It is the position of Council that when an employee's services is ceasing for any of the reasons identified below, the employee will be entitled to a gratuity payment as outlined within this policy based on the completed years of service:

- Resignation (not as a result of any performance management or investigation being conducted by the Local Government);
- Retirement; or
- Redundancy.

The Gratuity Payment identified within this policy does not apply to an employee who has been dismissed by the Local Government for any reason other than redundancy.

Number of Years' Service	Amount of Gratuity
Continuous service less than 2 years	A Statement of Service and a gift, or contribution towards a gift, to the value of \$40 (based on \$20 per year).
Continuous service greater than 2 years and up to 5 years	A Statement of Service and a gift, or contribution towards a gift, to the value of \$100 (based on \$20 per year).
Continuous service greater than 5 years and up to 10 years	Certificate of Appreciation and a gift to the value of \$300 (based on \$30 per year). Items to be presented to the employee by the Chief Executive Officer, or a nominated representative at a function to be determined by the Chief Executive Officer.
10 to a maximum of 15 Years continuous service	\$40 per year of continuous service up to a maximum of \$600. Items are to be presented to the employee by the President or nominated representative, at a function to be determined by the Chief Executive Officer in conjunction with the Shire President.
15 to a maximum of 20 Years continuous service	\$50 per year of continuous service up to a maximum of \$1,000.00. Items are to be presented to the employee by the President or nominated representative, at a function to be determined by the Chief Executive Officer in conjunction with the Shire President.
Above 20 years' service	\$60 per year of continuous service up to a maximum of \$2,000.00. Items are to be presented to the employee by the President or nominated representative, at a function to be determined by the Chief Executive Officer in conjunction with the Shire President.

The Chief Executive Officer is authorised to approve payments in accordance with the limits prescribed by this policy. Funds will be allocated as part of the Local Government's budget preparation process.

Determining Service:

For the purpose of this policy, continuous service shall include:

- a) Any period of absence from duty of annual leave, long service leave, accrued paid bereavement leave, accrued paid personal leave and public holidays.
- b) Any period of authorised paid absence from duty necessitated by sickness of or injury to the employee but only to the extent of three months in each calendar year but not including leave without pay or parental leave.
- c) Any period of absence that has been supported by an approved workers compensation claim up to a maximum absence of one year.

For the purpose of this policy, continuous service shall not include:

- a) Any period of unauthorised absence from duty unless the Local Government determines otherwise.
- b) Any period of unpaid leave unless the Local Government determines otherwise.

- c) Any period of absence from duty on parental leave unless the Local Government determines otherwise.

Financial Liability for Taxation:

The employee accepts full responsibility for any taxation payable on the Gratuity Payment and agrees to fully indemnify the Local Government in relation to any claims or liabilities for taxation in relation to the Gratuity Payment.

Payments in addition to this Policy:

The Local Government agrees not to make any payment in addition to that contained within this policy until the policy has been amended to reflect the varied amount and caused local public notification to be given in relation to the variation.

Financial Implications:

The Local Government acknowledges that at the time of the policy's introduction they were fully aware of the financial implications to the Local Government and that the financial implications had been investigated based on the current workforce position.

Variation to Policy:

This policy may be varied or cancelled from time to time by Council.

The Local Government is committed to taking reasonable action to ensure that any variation or cancellation to this policy is notified to all employees prior to the variation taking effect, including (but not limited to) notifying all employees via normal correspondence of the variation including the proposed reasons for such variation.

Responsible Officer:

The Chief Executive Office is the responsible Officer for implementing this policy.

This policy only applies to staff who are employed on a continual basis.

~~1.17 — STANDING ORDERS AND MEETING PROTOCOL LOCAL GOVERNMENT (Council Meetings)~~

Directorate:	Executive			
Statutory Environment:	Nil			
Council Adoption:	Date:	Feb 2017	Resolution #:	13.02.17.03
Last Amended:	Date:	July 2019	Resolution #:	
Review Date:	June 2021			

Objective:

~~To provide rules and guidelines which apply to the conduct of meetings of the Council and its Committees, and to meetings with electors.~~

~~All meetings are to be conducted in accordance with the Local Government Act, 1995 and all relevant subsidiary legislation, with this Policy intended to result in:~~

- ~~a) Better decision making by the Council and Committees;~~
- ~~b) The orderly conduct of meetings dealing with Council business;~~
- ~~c) Better understand of the process of conducting meetings; and~~
- ~~d) The more efficient and effective use of time at meetings.~~

Framework:

~~Throughout this Policy, provisions of the Act and Regulations, and provisions of other legislation, are reproduced in a boxed format.~~

~~The purpose of reproducing these provisions is to assist the reader by giving a fuller picture of related legislative provisions that also apply to meetings of the Council, committees and electors.~~

~~The reproduced provisions of the Act and Regulations and other legislation:~~

- ~~a) are to be treated as footnotes and are not part of this Policy (see section 32(2) of the Interpretation Act 1984); and~~
- ~~b) reproduce only the provisions that were in force at the time that the Council resolved to adopt this Policy and therefore may not necessarily be correct at a future date.~~

~~1. — Establishment and membership of committees:~~

~~1.1 — Establishment of committees~~

- ~~1. — The establishment of committees is dealt with in the Act.~~
- ~~2. — A Council resolution to establish a committee under section 5.8 of the Act is to include:~~
 - ~~a) — the terms of reference of the committee;~~
 - ~~b) — the number of council members, officers and other persons to be appointed to the committee;~~
 - ~~c) — the names or titles of the council members and officers to be appointed to the committee;~~

- ~~d) the names of other persons to be appointed to the committee or an explanation of the procedure to be followed to determine the appointments; and~~
- ~~e) details of the delegation of any powers or duties to the committee under section 5.16 of the Act.~~

~~3. This Policy is to apply to the conduct of committee meetings.~~

~~1.2 Types of Committees~~

~~The types of committees are dealt with in the Act.~~

~~1.3 Delegation of some powers and duties to certain committees~~

~~The delegation of some powers and duties to certain committees is dealt with in the Act.~~

~~1.4 Limits on delegation of powers and duties to certain committees~~

~~The limits on the delegation of powers and duties to certain committees are dealt with in the Act.~~

~~1.5 Appointment of committee members~~

~~The appointment of committee members is dealt with in the Act.~~

~~1.6 Tenure of committee membership~~

~~Tenure of committee members is dealt with in the Act.~~

~~1.7 Resignation of committee members~~

~~The resignation of committee members is dealt with in the Regulations.~~

~~1.8 Register of delegations to committees~~

~~The register of delegations to committees is dealt with in the Act.~~

~~1.9 Committees to report~~

~~A committee:~~

- ~~a) is answerable to the Council; and~~
- ~~b) is to report on its activities when, and to the extent, required by the Council.~~

~~2. Calling and convening meetings~~

~~2.1 Ordinary and Special Council meetings~~

- ~~a) Ordinary and special Council meetings are dealt with in the Act.~~
- ~~b) An ordinary meeting of the Council, held on a monthly basis or otherwise as determined by the Council, is for the purpose of considering and dealing with the ordinary business of the Council.~~
- ~~c) A special meeting of the Council is held for the purpose of considering and dealing with Council business that is urgent, complex in nature, for a particular purpose or confidential.~~

~~2.2 Calling Council meetings~~

~~The calling of Council meetings is dealt with in the Act.~~

~~2.3 Convening Council meetings~~

- ~~a) The convening of a Council meeting is dealt with in the Act.~~

- ~~b) Subject to subclause (3), the CEO is to give at least 72 hours notice, for the purposes of section 5.5, in convening a special meeting of the Council.~~
- ~~c) Where, in the opinion of the Mayor/President or at least one-third of the Members, there is a need to meet urgently, the CEO may give a lesser period of notice of a special Council meeting.~~

~~2.4 Calling committee meetings~~

~~The CEO is to call a meeting of any committee when requested by the Mayor/President, the Presiding Member of a committee or any two members of that committee.~~

~~2.5 Public notice of meetings~~

~~Public notice of meetings is dealt with in the Regulations.~~

~~3. Presiding Member and quorum~~

~~Division 1: Who presides?~~

~~3.1 Who presides~~

~~Who presides at a Council meeting is dealt with in the Act.~~

~~3.2 When the Deputy Mayor/Deputy President can act~~

~~When the Deputy Mayor/Deputy President can act is dealt with in the Act.~~

~~3.3 Who acts if no Mayor/President~~

~~Who acts if there is no Mayor/President is dealt with in the Act.~~

~~3.4 Election of Presiding Members of committees~~

~~The election of Presiding Members of committees and their deputies is dealt with in the Act.~~

~~3.5 Election of Deputy Presiding Members of committees~~

~~The election of Deputy Presiding Members of committees is dealt with in the Act.~~

~~3.6 Functions of Deputy Presiding Members~~

~~The functions of Deputy Presiding Members are dealt with in the Act.~~

~~3.7 Who acts if no Presiding Member~~

~~Who acts if no Presiding Member is dealt with in the Act.~~

~~Division 2—Quorum~~

~~3.8 Quorum for meetings~~

~~The quorum for meetings is dealt with in the Act.~~

~~3.9 Reduction of quorum for Council meetings~~

~~The power of the Minister to reduce the number for a quorum and certain majorities is dealt with in the Act.~~

~~3.10 Reduction of quorum for committee meetings~~

~~The reduction of a quorum for committee meetings is dealt with in the Act.~~

~~3.11 Procedure where no quorum to begin a meeting~~

~~The procedure where there is no quorum to begin a meeting is dealt with in the Regulations.~~

~~3.12 Procedure where quorum does not present during a meeting~~

~~If at any time during a meeting a quorum is not present, the Presiding Member is:~~

- ~~a) immediately to suspend the proceedings of the meeting for a period of up to 15 minutes; and~~
- ~~b) if a quorum is not present at the expiry of that period, the Presiding Member is to adjourn the meeting to some future time or date.~~

~~3.13 Names to be recorded~~

~~At any meeting:~~

- ~~a) at which there is not a quorum present; or~~
- ~~b) which is adjourned for want of a quorum,~~

~~the names of the Members then present are to be recorded in the minutes.~~

~~4. Business of a meeting~~

~~4.1 Business to be specified~~

- ~~1. No business is to be transacted at any ordinary meeting of the Council other than that specified in the agenda, without the approval of the Presiding Member or the Council.~~
- ~~2. No business is to be transacted at a special meeting of the Council other than that given in the notice as the purpose of the meeting.~~
- ~~3. Subject to subclause (4), no business is to be transacted at an adjourned meeting of the Council other than that:
 - ~~i. specified in the notice of the meeting which had been adjourned; and~~
 - ~~ii. which remains unresolved.~~~~
- ~~4. Where a meeting is adjourned to the next ordinary meeting of the Council then, unless the Council resolves otherwise, the business unresolved at the adjourned meeting is to be dealt with before considering Reports (Item 10) at that ordinary meeting.~~

~~4.2 Order of business~~

- ~~1. Unless otherwise decided by the Council the order of business at any ordinary meeting of the Council is to be as follows:
 - ~~i. Declaration of Opening/Announcement of Visitors~~
 - ~~ii. Announcements from the Presiding Member~~
 - ~~iii. Attendance
 - ~~1.1 Apologies~~
 - ~~1.2 Approved leave of absence~~~~
 - ~~iv. Declaration of Interest~~
 - ~~v. Public Question Time
 - ~~1.1 Response to previous public questions taken on notice~~
 - ~~1.2 Public Question Time~~~~
 - ~~vi. Confirmation of minutes~~
 - ~~vii. Presentations
 - ~~1.1 Petitions~~
 - ~~1.2 Presentations~~
 - ~~1.3 Deputations~~
 - ~~1.4 Delegates' reports~~~~
~~(can include a public statement by a member of the committee on matters of relevance to the business of the Local Government)~~
 - ~~viii. Method of dealing with agenda business~~
 - ~~ix. Reports~~~~

- ~~x. Applications for leave of absence~~
- ~~xi. Motions of which previous notice has been given~~
- ~~xii. Questions from Members without notice~~
- ~~xiii. New business of an urgent nature introduced by decision of the meeting~~
- ~~xiv. Meeting closed to public~~
 - ~~1.1 Matters for which the meeting may be closed~~
 - ~~1.2 Public reading of resolutions that may be made public~~
- ~~xv. Closure~~

- ~~2. Unless otherwise decided by the Council, the order of business at any special meeting of the Council is to be the order in which that business stands in the agenda of the meeting.~~
- ~~3. In determining the order of business for any meeting of the Council, the provisions of the Act and Regulations relating to the time at which public question time is to be held are to be observed. [See section 5.24 of the Act; and regulations 6 & 7 of the Regulations].~~

4.3 Motions of which previous notice has been given

- ~~1. Unless the Act, Regulations or this Policy otherwise provide, a Member may raise at a meeting such business as he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO and which has been included on the agenda.~~
- ~~2. A notice of motion under subclause (1) is to be given at least 7 clear working days before the meeting at which the motion is moved.~~
- ~~3. A notice of motion is to relate to the good governance of the district.~~
- ~~4. The CEO—~~
 - ~~▪ May, with the concurrence of the Mayor/President, may exclude from the notice paper and notice of motion deemed to be, or likely to involve, a breach of any part of this Policy or any other written law;~~
 - ~~▪ Will inform Members on each occasion that a notice has been excluded and the reasons for that exclusion;~~
 - ~~▪ May, after consultation with the Member where this is practicable, make such amendments to the form but not the substance as will bring the notice of motion into due form; and~~
 - ~~▪ May provide to the Council relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law.~~
- ~~5. A motion of which notice has been given is to lapse unless:~~
 - ~~a) The Member who gave notice of it, or some other Member authorised by the originating Member in writing, moves the motion when called on; or~~
 - ~~b) The Council on a motion agrees to defer consideration of the motion to a later stage or date.~~
- ~~6. If a notice of motion is given and lapses under subclause (5), notice of a motion in the same terms or to the same effect is not to be given again for at least 3 months from the date of such lapse.~~

4.4 New business of an urgent nature

- ~~1. In cases of extreme urgency or other special circumstances, matters may, on a motion by the Presiding Member that is carried by the meeting, be raised without notice and decided by the meeting.~~
- ~~2. In subclause (1), 'cases of extreme urgency or other special circumstances' means matters that have arisen after the preparation of the agenda that are considered by the Presiding Member to be of such importance and urgency that they are unable to be dealt with administratively by the Local Government and must be considered and dealt with by the Council before the next meeting.~~

4.5 Adoption by exception resolution

- ~~1. In this clause 'adoption by exception resolution' means a resolution of the Council that has the effect of adopting, for a number of specifically identified reports, the officer recommendation as the Council resolution.~~
- ~~2. Subject to subclause (3), the Local Government may pass an adoption by exception resolution.~~
- ~~3. An adoption by exception resolution may not be used for a matter:
 - a) that requires a 75% majority or a special majority;
 - b) in which an interest has been disclosed;
 - c) that has been the subject of a petition or deputation;
 - d) that is a matter on which a Member wishes to make a statement; or
 - e) that is a matter on which a Member wishes to move a motion that is different to the recommendation.~~

5. Public Participation

5.1 Meetings generally open to the public

~~Meetings being generally open to the public is dealt with in the Act.~~

5.2 Meetings not open to the public

- ~~1. The CEO may, at any time, recommend that a meeting or part of a meeting be closed to members of the public.~~
- ~~2. The Council or a committee, in one or more of the circumstances dealt with in the Act, may at any time, by resolution, decide to close a meeting or part of a meeting.~~
- ~~3. If a resolution under subclause (2) is carried:
 - a) the Presiding Member is to direct everyone to leave the meeting except:
 - the Members;
 - the CEO; and
 - any Officer specified by the Presiding Member; and
 - b) the meeting is to be closed to the public until, at the conclusion of the matter justifying the closure of the meeting to the public, the Council or the committee, by resolution, decides otherwise.~~
- ~~4. A person who fails to comply with a direction under subclause (3)(a) may, by order of the Presiding Member, be removed from the meeting.~~
- ~~5. While the resolution under subclause (2) remains in force, the operation of clause 8.9 is to be suspended until the Council or the committee, by resolution, decides otherwise.~~

~~6. A resolution under this clause may be made without notice.~~

~~7. Unless the Council resolves otherwise, once the meeting is reopened to members of the public, the Presiding Member is to ensure that any resolution of the Council made while the meeting was closed is to be read out including a vote of a Member to be included in the minutes.~~

5.3 Question time for the public

~~Question time for the public is dealt with in the Act.~~

5.4 Question time for the public at certain meetings

~~Question time for the public at certain meetings is dealt with in the Regulations.~~

5.5 Minimum question time for the public

~~Minimum question time for the public is dealt with in the Regulations.~~

5.6 Procedures for question time for the public

~~Procedures for question time for the public are dealt with in the Regulations.~~

5.7 Other procedures for question time for the public

- ~~1. A member of the public who raises a question during question time, is to state his or her name and address.~~
- ~~2. A question may be taken on notice by the Council for later response.~~
- ~~3. When a question is taken on notice the CEO is to ensure that:
 - a) a response is given to the member of the public in writing; and
 - b) a summary of the response is included in the agenda of the next meeting of the Council.~~
- ~~4. Where a question relating to a matter in which a relevant person has an interest is directed to the relevant person, the relevant person is to:
 - a) declare that he or she has an interest in the matter; and
 - b) allow another person to respond to the question.~~
- ~~5. Each member of the public with a question is entitled to ask up to 2 questions before other members of the public will be invited to ask their questions.~~
- ~~6. Where a member of the public provides written questions then the Presiding Member may elect for the questions to be responded to as normal business correspondence.~~
- ~~7. The Presiding Member may decide that a public question shall not be responded to where:
 - a) the same or similar question was asked at a previous meeting, a response was provided, and the member of the public is directed to the minutes of the meeting at which the response was provided;
 - b) the member of the public uses public question time to make a statement, provided that the Presiding Member has taken all reasonable steps to assist the member of the public to phrase the statement as a question; or
 - c) the member of the public asks a question that is offensive or defamatory in nature, provided that the Presiding Member has taken all reasonable steps to assist the member of the public to phrase the question in a manner that is not offensive or defamatory.~~
- ~~8. A member of the public shall have two minutes to submit a question.~~

~~9. The Council, by resolution, may agree to extend public question time.~~

~~10. Where an answer to a question is given at a meeting, a summary of the question and the answer is to be included in the minutes.~~

5.8 Distinguished visitors

~~If a distinguished visitor is present at a meeting of the Council, the Presiding Member may acknowledge the presence of the distinguished visitor at an appropriate time during the meeting, and the presence of that visitor shall be recorded in the minutes.~~

5.9 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;~~
- ~~b) refer the request to the Council to decide by simple majority whether or not to receive the deputation.~~

or

~~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 Presiding Member;~~
- ~~c) additional members of the deputation 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.~~

5.10 Petitions

~~1. A petition is to—~~

- ~~a) be addressed to the Mayor/President;~~
- ~~b) be made by electors of the district;~~
- ~~c) state the request on each page of the petition;~~
- ~~d) contain the name, address and signature of each elector making the request, and the date each elector signed;~~
- ~~e) contain a summary of the reasons for the request; and~~
- ~~f) state the name of the person to whom, and an address at which, notice to the petitioners can be given.~~

~~2. Upon receiving a petition, the Local Government is to submit the petition to the relevant officer to be included in his or her deliberations and report on the matter that is the subject of the petition, subject to subclause (3).~~

~~3. At any meeting, the Council is not to vote on any matter that is the subject of a petition presented to that meeting, unless:~~

- ~~a) the matter is the subject of a report included in the agenda; and~~
- ~~b) the Council has considered the issues raised in the petition.~~

5.11 Presentations

- ~~1. In this clause, a “presentation” means the acceptance of a gift or an award by the Council on behalf of the Local Government or the community.~~
- ~~2. A presentation may be made to the Council at a meeting only with the prior approval of the CEO~~

5.12 Participation at committee meetings

- ~~1. In this clause a reference to a person is to a person who:
 - ~~a) is entitled to attend a committee meeting;~~
 - ~~b) attends a committee meeting; and~~
 - ~~c) is not a member of that committee.~~~~
- ~~2. Without the consent of the Presiding Member, no person is to address a committee meeting.~~
- ~~3. The Presiding Member of a committee may allow a person to make an oral submission to the committee for up to 3 minutes.~~
- ~~4. A person addressing the committee with the consent of the Presiding Member is to cease that address immediately after being directed to do so by the Presiding Member.~~
- ~~5. A person who fails to comply with a direction of the Presiding Member under subclause (4) may, by order of the Presiding Member, be removed from the committee room.~~
- ~~6. The Council may make a policy dealing with the circumstances in which a person may be given consent to address a committee meeting.~~

5.13 Council meet to hear public submissions

- ~~1. Where an item on the agenda at a Council meeting is contentious and is likely be the subject of a number of deputations, the Council may resolve to meet at another time to provide a greater opportunity to be heard.~~
- ~~2. The CEO and the Mayor/President shall set the time and date of the meeting to provide the opportunity to be heard.~~
- ~~3. Where the Council resolves to meet to provide the opportunity to be heard under subclause (1), the Presiding Member shall:
 - ~~a) instruct the CEO to provide local public notice of the time and date when the Council will meet to provide an opportunity to be heard;~~
 - ~~b) provide a written invitation to attend the meeting to provide the opportunity to be heard to all members of the public who have applied under clause 6.9 to make a deputation on the issue; and~~
 - ~~c) cause minutes to be kept of the meeting to provide the opportunity to be heard.~~~~
- ~~4. A meeting held under subclause (1) shall be conducted only to hear submissions. The council shall not make resolutions at a meeting to provide the opportunity to be heard.~~
- ~~5. At a meeting held under subclause (1), each person making a submission shall be provided with the opportunity to fully state his or her case.~~
- ~~6. A member of the public shall be limited to 10 minutes in making an oral submission, but this period may be extended at the discretion of the Presiding Member.~~
- ~~7. Once every member of the public has had the opportunity to make a submission the Presiding Member is to close the meeting.~~
- ~~8. The CEO is to ensure that a report is included on the agenda of the next Council meeting~~

~~summarising each submission made at the meeting.~~

- ~~9. The Council must not resolve on the matter that is the subject of a meeting to provide the opportunity to be heard until it has received the CEO's report under subclause (8).~~

5.14 Public Inspection of agenda materials

~~The right of the public to inspect the documents referred to, and in accordance with, Regulation 14 of the Regulations may be exercised at Shire of Brookton and on the Local Government's website.~~

5.15 Confidentiality of information withheld

- ~~1. Information withheld by the CEO from the public under regulation 14(2) of the Regulations is to be:
 - ~~a) identified in the agenda of a Council meeting under the item "Matters for which meeting may be closed";~~
 - ~~b) marked "Confidential" in the agenda; and~~
 - ~~c) kept confidential by Officers and Members until the Council resolves otherwise.~~~~
- ~~2. A member or an officer in receipt of confidential information under subclause (1) or information that is provided or disclosed during a meeting or part of a meeting that is closed to the public is not to disclose any of that information to any person other than another member or an officer to the extent necessary for the purpose of carrying out his or her duties.~~
- ~~3. Subclause (2) does not apply where a member or officer discloses the information to his or her lawyer or government officer for the purpose of seeking advice in order to lawfully fulfil his or her role and responsibilities.~~

5.16 Recording of proceedings

- ~~1. A person is not to use any electronic, visual or vocal recording device or instrument to record the proceedings of the Council without the permission of the Presiding Member.~~
- ~~2. If the Council gives permission under subclause (1), the Presiding Member is to advise the meeting, immediately before the recording is commenced, that such permission has been given and the nature and extent of that permission.~~

5.17 Prevention of disturbance

- ~~1. A reference in this clause to a person is to a person other than a member.~~
- ~~2. A person addressing the Council shall extend due courtesy and respect to the Council and the processes under which it operates and shall comply with any direction by the Presiding Member.~~
- ~~3. A person observing a meeting shall not create a disturbance at a meeting, by interrupting or interfering with the proceedings, whether by expressing approval or dissent, by conversing or by any other means.~~
- ~~4. A person shall ensure that his or her mobile telephone or audible pager is not switched on or used during any meeting of the Council.~~
- ~~5. A person shall not behave in a manner that is contrary to section 75 of the Criminal Code.~~

6. Questions by Members

6.1 Members may ask questions relating to an item on the notice paper or on matters related to the good government of persons in the district.

- ~~1. A Member requesting general information from an Officer at a Council meeting may ask a question without notice and with the consent of the Presiding Member, may ask one or more further questions of that Officer or another Officer present at the meeting.~~
- ~~2. Where possible the Officer shall endeavour to answer the question to the best of his or her knowledge and ability, however, if the information is unavailable or the answer requires research or investigation, the Officer may ask that
 - ~~a) the question be placed on notice for the next meeting of Council; and~~
 - ~~b) the answer to the question be given to the Member who asked it within 14 days.~~~~
- ~~3. Every question and answer
 - ~~a) is to be brief and concise; and~~
 - ~~b) is not to be accompanied by argument, expression of opinion or statement of facts, except to the extent necessary to explain the question or answer.~~~~
- ~~4. In answering any question, an Officer may qualify his or her answer and may at a later time in the meeting or at a subsequent meeting alter, correct, add to or otherwise amend the original answer.~~

7.1 Members to be in their proper places

- ~~1. At the first meeting held after each Election Day, the CEO is to allot, alphabetically by ward, a position at the Council table to each Member.~~
- ~~2. Each Member is to occupy his or her allotted position at each Council meeting.~~

7.2 Respect to the Presiding Member

~~After the business of a Council has been commenced, a Member is not to enter or leave the meeting without first paying due respect to the Presiding Member.~~

7.3 Titles to be used

~~A speaker, when referring to the Mayor/President, Deputy Mayor/Deputy President or Presiding Member, or a Member or Officer, is to use the title of that person's office.~~

7.4 Advice of entry or departure

~~During the course of a meeting of the Council, a Member is not to enter or leave the meeting without first advising the Presiding Member, in order to facilitate the recording in the minutes of the time of entry or departure.~~

7.5 Members to indicate their intention to speak

~~A Member of the Council who wishes to speak is to indicate his or her intention to speak by raising his or her hand or by another method agreed by the Council.~~

7.6 Priority of speaking

- ~~1. Where two or more Members indicate, at the same time, their intention to speak, the Presiding Member is to decide which Member is entitled to be heard first.~~
- ~~2. A decision of the Presiding Member under subclause (1) is not open to discussion or dissent.~~
- ~~3. A Member is to cease speaking immediately after being asked to do so by the Presiding~~

Member.

7.7 Presiding Member may take part in debates

~~The Presiding Member may take part in a discussion of any matter before the Council, subject to compliance with this Policy.~~

7.8 Relevance

- ~~1. A Member is to restrict his or her remarks to the motion or amendment under discussion, or to a personal explanation or point of order.~~
- ~~2. The Presiding Member, at any time, may:
 - a) call the attention of the meeting to:
 - (i) any irrelevant, repetitious, offensive or insulting language by a Member; or
 - (ii) any breach of order or decorum by a Member; and
 - b) direct that Member, if speaking, to discontinue his or her speech.~~
- ~~3. A Member is to comply with the direction of the Presiding Member under subclause (2) by immediately ceasing to speak.~~

7.9 Speaking twice

~~A Member is not to address the Council more than once on any motion or amendment except:

- a) as the mover of a substantive motion, to exercise a right of reply;
- b) to raise a point of order; or
- c) to make a personal explanation.~~

7.10 Duration of speeches

- ~~1. A Member is not to speak on any matter for more than 5 minutes without the consent of the Council which, if given, is to be given without debate.~~
- ~~2. An extension under this clause cannot be given to allow a Member's total speaking time to exceed 10 minutes.~~

7.11 No speaking after conclusion of debate

~~A Member is not to speak on any motion or amendment:

- a) after the mover has replied; or
- b) after the question has been put.~~

7.12 No interruption

~~A Member is not to interrupt another Member who is speaking unless:

- a) to raise a point of order;
- b) to call attention to the absence of a quorum;
- c) to make a personal explanation under clause 8.13; or
- d) to move a procedural motion that the Member be no longer heard (see clause 11(1)(e)).~~

7.13 Personal explanations

- ~~1. A Member who wishes to make a personal explanation relating to a matter referred to by another Member who is then speaking is to indicate to the Presiding Member his or her intention to make a personal explanation.~~
- ~~2. The Presiding Member is to determine whether the personal explanation is to be heard immediately or at the conclusion of the speech by the other Member.~~
- ~~3. A Member making a personal explanation is to confine his or her observations to a succinct statement relating to a specific part of the speech at which he or she may have been misunderstood.~~

7.14 No reopening of discussion

~~A Member is not to reopen discussion on any Council decision, except to move that the decision be revoked or changed (see Part 16).~~

7.15 Adverse reflection

~~1. A Member is not to reflect adversely on a decision of the Council except on a motion that the decision be revoked or changed (see Part 16).~~

~~2. A Member is not:~~

- ~~a) to reflect adversely on the character or actions of another Member or Officer; or~~
- ~~b) to impute any motive to a Member or Officer,~~

~~unless the meeting resolves, without debate, that the question then before the meeting cannot otherwise be adequately considered.~~

~~3. A Member is not to use offensive or objectionable expressions in reference to any Member, Officer or other person.~~

~~4. If a Member specifically requests, immediately after their use, that any particular words used by a Member be recorded in the minutes:~~

- ~~a) the Presiding Member is to cause the words used to be taken down and read to the meeting for verification; and~~
- ~~b) the Council may, by resolution, decide to record those words in the minutes.~~

7.16 Withdrawal of offensive language

~~1. A Member who, in the opinion of the Presiding Member, uses an expression which:~~

- ~~a) in the absence of a resolution under clause 8.15:
 - ~~(i) reflects adversely on the character or actions of another Member or Officer;~~
 - ~~— or~~
 - ~~(ii) imputes any motive to a Member or Officer; or~~~~
- ~~b) is offensive or insulting, must, when directed by the Presiding Member, withdraw the expression and make a satisfactory apology.~~

~~2. If a Member fails to comply with a direction of the Presiding Member under subclause (1), the Presiding Member may refuse to hear the Member further on the matter then under discussion and call on the next speaker.~~

8.1 Presiding Member to preserve order

~~1. The Presiding Member is to preserve order, and, whenever he or she considers necessary, may call any Member to order.~~

~~2. When the Presiding Member speaks during a debate, any Member then speaking, or indicating that he or she wishes to speak, is immediately to sit down and every Member present is to preserve strict silence so that the Presiding Member may be heard without interruption.~~

~~3. Subclause (2) is not to be used by the Presiding Member to exercise the right provided in clause 8.7, but to preserve order.~~

8.2 Point of order

~~1. A Member may object, by way of a point of order, only to a breach of:~~

- ~~a) any of this Policy; or~~
- ~~b) any other written law.~~

~~2. Despite anything in this Policy to the contrary, a point of order:~~

- ~~a) takes precedence over any discussion; and~~

~~b) until determined, suspends the consideration or discussion of any other matter.~~

8.3 Procedures on a point of order

~~1. A Member who is addressing the Presiding Member is not to be interrupted except on a point of order.~~

~~2. A Member interrupted on a point of order is to resume his or her seat until:~~

~~a) the Member raising the point of order has been heard; and~~

~~b) the Presiding Member has ruled on the point of order,~~

~~and, if permitted, the Member who has been interrupted may then proceed.~~

8.4 Calling attention to breach

~~A Member may, at any time, draw the attention of the Presiding Member to any breach of this Policy.~~

8.5 Ruling by the Presiding Member

~~1. The Presiding Member is to rule on any point of order which is raised by either upholding or rejecting the point of order.~~

~~2. A ruling by the Presiding Member on a point of order:~~

~~a) is not to be the subject of debate or comment; and~~

~~b) is to be final unless the majority of Members then present and voting, on a motion moved immediately after the ruling, dissent from the ruling.~~

~~3. Subject to a motion of dissent being carried under subclause (2), if the Presiding Member rules that:~~

~~a) any motion, amendment or other matter before the meeting is out of order, it is not to be considered further; and~~

~~b) a statement made or act done by a Member is out of order, the Presiding Member may require the Member to make an explanation, retraction or apology.~~

8.6 Continued breach of order

~~If a Member:~~

~~a) persists in any conduct that the Presiding Member had ruled is out of order; or~~

~~b) refuses to make an explanation, retraction or apology required by the Presiding Member under clause 9.5(3),~~

~~the Presiding Member may direct the Member to refrain from taking any further part in the matter under discussion, other than by voting, and the Member is to comply with that direction.~~

8.7 Right of Presiding Member to adjourn

~~1. For the purpose of preserving or regaining order, the Presiding Member may adjourn the meeting for a period of up to 15 minutes.~~

~~2. On resumption, the debate is to continue at the point at which the meeting was adjourned.~~

~~3. If, at any one meeting, the Presiding Member adjourns the meeting more than once for the purpose of preserving or regaining order, the second or subsequent adjournment may be to a later time on the same day or to another day.~~

9.1 Motions to be stated and in writing

~~Any Member who wishes to move a substantive motion or an amendment to a substantive motion:~~

~~a) is to state the substance of the motion before speaking to it; and~~

~~b) if required by the Presiding Member, is to put the motion or amendment in writing.~~

9.2 Motions to be supported

- ~~1. A substantive motion or an amendment to a substantive motion is not open to debate until it has been seconded.~~
- ~~2. A motion to revoke or change a decision made at a Council meeting is not open to debate unless the motion has the support required under regulation 10 of the Regulations.~~

9.3 Unopposed business

- ~~1. Immediately after a substantive motion has been moved and seconded, the Presiding Member may ask the meeting if any Member opposes it.~~
- ~~2. If no Member opposes the motion, the Presiding Member may declare it carried without debate and without taking a vote.~~
- ~~3. A motion declared carried under this clause is to be recorded in the minutes as a unanimous decision of the Council.~~
- ~~4. If a Member opposes a motion, the motion is to be dealt with under this Part.~~
- ~~5. This clause does not apply to a motion to revoke or change a decision which has been made at a Council meeting (see Part 16).~~

9.4 Only one substantive motion at a time

~~When a substantive motion is under debate at a meeting of the Council, no further substantive motion is to be accepted. The Council is not to consider more than one substantive motion at any time.~~

9.5 Order of call in debate

~~The Presiding Member is to call speakers to a substantive motion in the following order:~~

- ~~a) the mover to state the motion;~~
- ~~b) a seconder to the motion;~~
- ~~c) the mover to speak to the motion;~~
- ~~d) the seconder to speak to the motion;~~
- ~~e) a speaker against the motion;~~
- ~~f) a speaker for the motion;~~
- ~~g) other speakers against and for the motion, alternating where possible; and~~
- ~~h) mover takes right of reply which closes debate.~~

9.6 Limit of debate

~~The Presiding Member may offer the right of reply and put a substantive motion to the vote if he or she believes that sufficient discussion has taken place even though all Members may not have spoken.~~

9.7 Member may require question to be read

~~A Member may require the question or matter under discussion to be read at any time during a debate, but not so as to interrupt any other Member who is speaking.~~

9.8 Consent of seconder required for alteration

~~The mover of a substantive motion may not alter the wording of the motion without the consent of the seconder.~~

9.9 Order of amendments

~~Any number of amendments may be proposed to a substantive motion, but when an amendment is moved to a substantive motion, no second or subsequent amendment is to be moved or considered until the first amendment has been withdrawn, carried or lost.~~

9.10 Form of an amendment

~~An amendment must add, delete, or substitute words to the substantive motion.~~

9.11 Amendment must not negate original motion

~~An amendment to a substantive motion cannot negate the original motion or the intent of the original motion.~~

9.12 Relevance of amendments

~~Each amendment is to be relevant to the motion in respect of which it is moved.~~

9.13 Mover of motion may speak on amendment

~~Any Member may speak during debate on an amendment.~~

9.14 Effect of an amendment

~~If an amendment to a substantive motion is carried, the motion as amended then becomes the substantive motion, on which any Member may speak and any further amendment may be moved.~~

9.15 Withdrawal of motion or amendment

- ~~1. Subject to subclause (2), the Council may, without debate, grant leave to withdraw a motion or amendment on the request of the mover of the motion or amendment and with the approval of the seconder.~~
- ~~2. Where an amendment has been proposed to a substantive motion, the substantive motion is not to be withdrawn, except by consent of the majority of Members present, until the amendment proposed has been withdrawn or lost.~~

9.16 Right of reply

- ~~1. The mover of a substantive motion has the right of reply.~~
- ~~2. The mover of any amendment to a substantive motion has a right of reply.~~
- ~~3. The right of the reply may only be exercised:
 - ~~a) where no amendment is moved to the substantive motion — at the conclusion of the discussion on the motion; or~~
 - ~~b) where one or more amendments have been moved to the substantive motion — at the conclusion of the discussion on the substantive motion and any amendments.~~~~
- ~~4. After the mover of the substantive motion has commenced the reply:
 - ~~a) no other Member is to speak on the question;~~
 - ~~b) there is to be no further discussion on, or any further amendment to, the motion.~~~~
- ~~5. The right of the reply is to be confined to rebutting arguments raised by previous speakers and no new matter is to be introduced.~~
- ~~6. At the conclusion of the right of reply, the substantive motion, or the substantive motion as amended, is immediately to be put to the vote.~~

10.1 Permissible procedural motions

~~In addition to the right to move an amendment to a substantive motion (under Part 10), a Member may move the following procedural motions:~~

- ~~a) that the meeting proceeds to the next item of business;~~
- ~~b) that the debate be adjourned;~~
- ~~c) that the meeting now adjourns;~~
- ~~d) that the question be now put;~~
- ~~e) that the Member be no longer heard;~~
- ~~f) that the ruling of the Presiding Member be disagreed with;~~

~~g) that the meeting be closed to the public (see clause 6.2).~~

10.2 No debate

- ~~1. The mover of a motion specified in paragraph (a), (b), (c), (f) or (g) of clause 11.1 may speak to the motion for not more than five minutes, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.~~
- ~~2. The mover of a motion specified in paragraph (d) or (e) of clause 11.1 may not speak to the motion, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.~~

10.3 Who may move

~~No person who has moved, seconded, or spoken for or against the substantive motion, or any amendment to the substantive motion, may move any procedural motion which, if carried, would close the debate on the substantive motion or amendment.~~

10.4 Procedural motions – right of reply on substantive motion

~~The carrying of a procedural motion which closes debate on the substantive motion or amendment and forces a decision on the substantive motion or amendment does not deny the right of reply to the mover of the substantive motion.~~

10.5 Meeting to proceed to the next business

~~The motion “that the meeting proceed to the next business”, if carried, has the effect that:~~

- ~~a) the debate on the substantive motion or amendment ceases immediately;~~
- ~~b) no decision is made on the substantive motion;~~
- ~~c) the Council moves to the next item of business; and~~
- ~~d) there is no requirement for the matter to be raised again for consideration.~~

10.6 Debate to be adjourned

~~A motion “that the debate be adjourned”:~~

- ~~a) is to state the time to which the debate is to be adjourned; and~~
- ~~b) if carried, has the effect that all debate on the substantive motion or amendment ceases immediately, but continues at the time stated in the motion.~~

10.7 Meeting now adjourns

- ~~1. A Member is not to move or second more than one motion of adjournment during the same sitting of the Council.~~
- ~~2. Before putting the motion for the adjournment of the Council, the Presiding Member may seek leave of the Council to deal first with matters that may be the subject of an adoption by exception resolution (see clause 5.5).~~
- ~~3. A motion “that the meeting now adjourn”:~~
 - ~~a) is to state the time and date to which the meeting is to be adjourned; and~~
 - ~~b) if carried, has the effect that the meeting is adjourned to the time and date specified in the motion.~~
- ~~4. A meeting adjourned under subclause (3) is to continue from the point at which it was adjourned, unless the Presiding Member or the Council determines otherwise.~~

10.8 Question to be put

- ~~1. If the motion “that the question be now put”, is carried during debate on a substantive motion without amendment, the Presiding Member is to offer the right of reply and then put the motion to the vote without further debate.~~
- ~~2. If the motion “that the question be now put” is carried during discussion of an~~

~~amendment, the Presiding Member is to put the amendment to the vote without further debate.~~

~~3. This motion, if lost, causes debate to continue.~~

~~10.9 Member to be no longer heard~~

~~If the motion “that the member be no longer heard”, is carried, the speaker against whom the motion has been moved cannot speak further on the current substantive motion, or any amendment relating to it, except to exercise the right of reply if he or she is the mover of the substantive motion.~~

~~10.10 Ruling of the Presiding Member to be disagreed with~~

~~If the motion “that the ruling of the Presiding Member be disagreed with”, is carried, that ruling is to have no effect and the meeting is to proceed accordingly.~~

~~11.1 Disclosure of interests~~

~~Disclosure of interests in dealt with in the Act.~~

~~12~~

~~12.1 Question – when put~~

- ~~1. Immediately after the debate on any question is concluded and the right of reply has been exercised, the Presiding Member—
 - a) is to put the question to the Council; and
 - b) if requested by any Member, is to again state the terms of the question.~~
- ~~2. A Member is not to leave the meeting when the Presiding Member is putting any question.~~

~~12.2 Voting~~

~~Voting is dealt with in the Act and the Regulations.~~

~~12.3 Majorities required for decisions~~

~~The majorities required for decisions of the Council and committees are dealt with in the Act.~~

~~12.4 Method of taking vote~~

- ~~1. In taking the vote on any motion or amendment the Presiding Member:
 - a) is to put the question, first in the affirmative, and then in the negative;
 - b) may put the question in this way as often as may be necessary to enable him or her to determine whether the affirmative or the negative has the majority of votes;
 - c) may accept a vote on the voices or may require a show of hands; and,
 - d) is, subject to this clause, to declare the result.~~
- ~~2. If a Member calls for a show of hands, the result of the vote is to be determined on the count of raised hands.~~
- ~~3. If a member of council or a committee specifically requests that there be recorded—
 - a) his or her vote; or,
 - b) the vote of all members present,on a matter voted on at a meeting of the council or committee, the person presiding is to cause the vote or votes, as the case may be, to be recorded in the minutes.~~
- ~~4. If a Member calls for a division:
 - a) those voting in the affirmative are to pass to the right of the Chair; and~~

~~b) those voting in the negative are to pass to the left of the Chair.~~

~~5. For every division, the CEO is to record:~~

~~a) the name of each member who voted; and~~

~~b) whether he or she voted in the affirmative or negative.~~

~~13 Minutes of~~

~~13.1 Keeping of minutes~~

~~The keeping and confirmation of minutes are dealt with in the Act.~~

~~13.2 Content of minutes~~

~~1. The content of minutes is dealt with in the Regulations.~~

~~2. In addition to the matters required by regulation 11, the minutes of a Council meeting is to include, where an application for approval is refused or the authorisation of a licence, permit or certificate is withheld or cancelled, the reasons for the decision.~~

~~13.3 Public inspection of unconfirmed minutes~~

~~The public inspection of unconfirmed minutes is dealt with in the Regulations.~~

~~13.4 Confirmation of minutes~~

~~1. When minutes of an ordinary meeting of the Council are distributed for consideration prior to their confirmation at the next meeting, if a Member is dissatisfied with the accuracy of the minutes, the Member may provide the Local Government with a written copy of the alternative wording to amend the minutes no later than 7 clear working days before the next ordinary meeting of the Council.~~

~~2. At the next ordinary meeting of the Council, the Member who provided the alternative wording shall, at the time for confirmation of minutes—~~
~~a) state the item or items with which he or she is dissatisfied; and~~
~~b) propose a motion clearly outlining the alternative wording to amend the minutes.~~

~~3. Members must not discuss items of business contained in the minutes, other than discussion as to their accuracy as a record of the proceedings.~~

~~14 Adjournment of meeting~~

~~14.1 Meeting may be adjourned~~

~~The Council may adjourn any meeting:~~

~~a) to a later time on the same day; or~~

~~b) to any other time on any other day, including a time which coincides with the conclusion of another meeting or event.~~

~~14.2 Effect of adjournment~~

~~Where any matter, motion, debate or meeting is adjourned under this Policy:~~

~~a) the names of Members who have spoken on the matter prior to the adjournment are to be recorded in the minutes;~~

~~b) debate is to be resumed at the next meeting at the point where it was~~

~~c) interrupted; and~~

~~d) the provisions of clause 8.9 [speaking twice] apply when the debate is resumed.~~

~~15 Revoking or changing decisions~~

~~15.1 Requirements to revoke or change decisions~~

~~The requirements to revoke or change a decision made at a meeting are dealt with in Regulation 10 of the Regulations.~~

15.2 Limitations on powers to revoke or change decisions

- ~~1. Subject to subclause (2), the Council or a committee is not to consider a motion to revoke or change a decision:
 - ~~a) where, at the time the motion is moved or notice is given, any action has been taken under clause 16.3 to implement the decision; or~~
 - ~~b) where the decision is procedural in its form or effect.~~~~
- ~~2. The Council or a committee may consider a motion to revoke or change a decision of the kind described in subclause (1)(a) if the motion is accompanied by a written statement of the legal and financial consequences of carrying the motion.~~

15.3 Implementing a decision

- ~~1. In this clause:
 - ~~a) "authorisation" means a licence, permit, approval or other means of authorising a person to do anything;~~
 - ~~b) "implement", in relation to a decision, includes:
 - ~~i) communicate notice of the decision to a person affected by, or with an interest in, the decision; and~~
 - ~~ii) take any other action to give effect to the decision; and~~~~
 - ~~c) "valid notice of revocation motion" means a notice of motion to revoke or change a decision that complies with the requirements of the Act, Regulations and the Policy and may be considered, but has not yet been considered, by the Council or a committee as the case may be.~~~~
- ~~2. Subject to subclause (4), and unless a resolution is made under subclause (3), a decision made at a meeting is not to be implemented by the CEO or any other person until the afternoon of the first business day after the commencement of the meeting at which the decision was made.~~
- ~~3. The Council or a committee may, by resolution carried at the same meeting at which a decision was made, direct the CEO or another person to take immediate action to implement the decision.~~
- ~~4. A decision made at a meeting is not to be implemented by the CEO or any other person:
 - ~~a) if, before commencing any implementation action, the CEO or that person is given a valid notice of revocation motion; and~~
 - ~~b) unless and until the valid notice of revocation motion has been determined by the Council or the committee as the case may be.~~~~
- ~~5. The CEO is to ensure that members of the public attending the meeting are informed by an appropriate notice that a decision to grant an authorisation:
 - ~~a) is to take effect only in accordance with this clause; and~~
 - ~~b) cannot be acted upon by the person who has been granted the authorisation unless and until the decision has been implemented in accordance with this clause.~~~~

16 Suspension of Local Laws

16.1 Suspension of Local Laws

- ~~1. A Member may at any time move that the operation of one or more of the provisions of this Policy be suspended.~~
- ~~2. A Member moving a motion under subclause (1) is to state the reasons for the motion but no other discussion is to take place.~~
- ~~3. A motion under subclause (1) which is:~~

- ~~a) seconded; and~~
- ~~b) carried by an absolute majority;~~

~~is to suspend the operation of the clause or clauses to which the motion relates for the duration of the meeting, unless the meeting earlier resolves otherwise.~~

~~16.2 Where Local Laws do not apply~~

- ~~1. In situations where:
 - ~~a) one or more provisions of this Policy have been suspended; or~~
 - ~~b) a matter is not regulated by the Act, the Regulations or these Standing Orders, the Presiding Member is to decide questions relating to the conduct of the meeting.~~~~
- ~~2. The decision of the Presiding Member under subclause (1) is final, except where a motion is moved and carried under clause 11.10.~~

~~16.3 Cases not provided for in the Policy~~

~~The Presiding Member is to decide questions of order, procedure, debate, or otherwise in cases where this Policy, the Act or the Regulations are silent. The decision of the Presiding Member in these cases is final, except where a motion is moved and carried under clause 11.10.~~

~~17 Meetings of electors~~

~~17.1 Electors' general meetings~~

~~Electors' general meetings are dealt with in the Act.~~

~~17.2 Matters for discussion at electors' general meetings~~

~~The matters to be discussed at electors' general meetings are dealt with in the Regulations.~~

~~17.3 Electors' special meetings~~

~~Electors' special meetings are dealt with in the Act.~~

~~17.4 Requests for electors' special meetings~~

~~Requests for electors' special meetings are dealt with in the Regulations.~~

~~17.5 Convening electors' meetings~~

~~Convening electors' meetings is dealt with in the Act.~~

~~17.6 Who presides at electors' meetings~~

~~Who presides at electors' meetings is dealt with in the Act.~~

~~17.7 Procedure for electors' meetings~~

- ~~1. The procedure for electors' meetings is dealt with in the Act and the Regulations.~~
- ~~2. In exercising his or her discretion to determine the procedure to be followed at an electors' meeting, the Presiding Member is to have regard to this Policy.~~

~~17.8 Participation of non-electors~~

~~A person who is not an elector of the Local Government shall not take part in any discussion at an electors' meeting unless the meeting, by resolution, permits the person do so.~~

~~17.9 Voting at electors' meetings~~

~~Voting at electors' meetings is dealt with in the Regulations.~~

~~17.10 Minutes of electors' meetings~~

~~Minutes of electors' meetings are dealt with in the Act.~~

~~17.11 Decisions made at electors' meetings~~

~~Decisions made at electors' meetings are dealt with in the Act.~~

~~18 Enforcement~~

~~18.1 Penalty for Breach~~

~~A person who breaches a provision of this Policy commits an offence.~~

~~Penalty: \$5,000.00 and a daily penalty of \$500.00.~~

~~18.2 Who can prosecute~~

~~Who can prosecute is dealt with in the Act.~~

1.18 APPOINTING ACTING OR TEMPORARY APPOINTMENT OF ACTING CEO

Directorate:	Executive			
Statutory Environment:	<i>Local Government Act 1995, section 5.36 (2)</i>			
Council Adoption:	Date:	Nov 2016	Resolution #:	13.11.16.04
Last Amended:	Date:	Dec 2020 July 2021	Resolution #:	OCM 12.20-15
Review Date:	June 2023			

Objective:

~~The objective of this policy is to appoint the Manager Corporate and Community (MCC) to act in the role of the Chief Executive Officer (CEO) for periods of leave or vacation of the position for up to two (2) weeks only.~~

To establish policy, in accordance with Section 5.39C of the *Local Government Act 1995* ('the Act'), that details the Shire of Brookton's processes for appointing an Acting or Temporary Chief Executive Officer (CEO) for periods of less than 12 months of planned or unplanned leave or an interim vacancy in the substantive office.

Definitions:

Acting CEO means a person employed or appointed to fulfil the statutory position of CEO during a period where the substantive CEO remains employed, but is on planned or unplanned leave.

Temporary CEO means a person employed or appointed to fulfil the statutory position of CEO for the period of time between the end of the substantive CEO's employment and the appointment and commencement of a newly appointed substantive CEO.

Leave means annual leave, sick leave, long service or personal leave.

~~Manager Corporate and Community (MCC) means the incumbent employee being:~~

- ~~• Mrs Kellie Bartley~~

~~Manager Infrastructure and Assets (MIA) means the incumbent employee being:~~

- ~~• Mr Mikel Haramboure~~

Policy:

~~The written consent (where practical) must be obtained from the Shire President prior to taking of annual leave by the CEO in line with this Policy.~~

~~Unless otherwise determined by a formal resolution of Council to appoint another person in an "Acting" capacity to the CEO position, the MCC in the first instance is appointed pursuant to Clause 5.39 (1a) of the *Local Government Act 2005* to the role of the CEO for any period up to two (2) weeks when the CEO is on leave or the CEO position has been vacated. In the absence of the MCC the appointment will default to the MIA.~~

~~In any event, for periods in excess of two (2) weeks a separate report on each occasion is to be presented to Council for a formal resolution to extend the appointment of the MCC or appoint another person to act in the CEO position. However, such a period is not to exceed twelve (12) months, unless consent has been granted by the Minister for Local Government.~~

~~The MCC is not required to act in the position of the CEO during periods when the CEO is away from the office on Local Government business, or for short periods of leave (up to 3 working days) when the CEO is contactable. Should the CEO not be contacted the MCC shall automatically assume the responsibility and authority of the CEO.~~

~~The Acting CEO will receive the same rate of salary (cash component) as the CEO whilst acting in the role but is not entitled to specific allowances and benefits as detailed in the CEO's employment contract.~~

Policy Statements:

1. Acting and Temporary CEO Requirements and Qualifications:

- (a) When the CEO is on planned or unplanned leave, or the CEO's employment with the Local Government has ended, an Acting or Temporary CEO is to be appointed in accordance with this Policy to fulfil the functions of CEO as detailed in Section 5.41 of the *Local Government Act 1995*, and other duties as set out in the Act and associated Regulations.
- (b) Through this policy and in accordance with section 5.36(2)(a) of the Act, the Council determines that employees appointed to the substantive position(s) of Manager Corporate and Community is considered suitably qualified to perform the role of Acting or Temporary CEO.

2. Appointment of Acting CEO – Planned and unplanned leave for periods up to 3 weeks

- (a) The CEO is authorised to appoint the Manager Corporate and Community in writing as Acting CEO, where the CEO is on planned or unplanned leave for periods not exceeding 6 weeks, subject to the CEO's consideration of the Manager Corporate and Community's performance, availability, operational requirements and where appropriate, the equitable access to the professional development opportunity.
- (b) The CEO must appoint an Acting CEO for any leave periods greater than 72 hours and less than 3 weeks.
- (c) The CEO is to immediately advise all Council Members when and for what period of time the Manager Corporate and Community is appointed as Acting CEO.
- (d) If the CEO is unavailable or unable to make the decision to appoint an Acting CEO in accordance with (b), then the Manager Infrastructure and Assets may be appointed as Acting CEO.
- (e) Council may, by resolution, extend an Acting CEO period under subclause (b) beyond 3 weeks if the substantive CEO remains unavailable or unable to perform their functions and duties, or conversely appoint another external as the Acting CEO subject to 1.(b) being satisfied.

3. Appointment of Acting CEO for extended leave periods greater than 3 weeks but less than 12 months.

- (a) This clause applies to the following periods of extended leave:
 - Substantive CEO's Extended Planned Leave which may include accumulated annual leave, long service leave or personal leave; and
 - Substantive CEO's Extended Unplanned Leave which may include any disruption to the substantive CEO's ability to continuously perform their functions and duties.
- (b) The Council will, by resolution, appoint an Acting CEO for periods greater than 3 weeks but less than 12 months, as follows:
 - i. Appoint one employee, or multiple employees for separate defined periods, as Acting CEO to ensure the CEO position is filled continuously for the period of extended leave; or
 - ii. Conduct an external recruitment process in accordance with clause 5(1)(c)(iii).
- (c) The Shire President will liaise with the CEO, or in their unplanned absence the Manager Corporate and Community or Organisational Development Officer to coordinate Council reports and resolutions necessary to facilitate an Acting CEO appointment.
- (d) Subject to Council's resolution, the Shire President will execute in writing the Acting CEO appointment with administrative assistance from the Manager Corporate and Community or Organisational Development Officer.

4. Appointment of Temporary CEO – Substantive Vacancy

- (a) In the event that the substantive CEO's employment with the Shire of Brookton is ending, the Council when determining to appoint a Temporary CEO may either:
 - i. by resolution, appoint Manager Corporate and Community as the Temporary CEO for the period of time until the substantive CEO has been recruited and commences their employment with the Local Government; or
 - ii. by resolution, appoint Manager Corporate and Community as the interim Temporary CEO for the period of time until an external recruitment process for a Temporary CEO can be completed; or
 - iii. following an external recruitment process in accordance with the principles of merit and equity prescribed in section 5.40 of the Act, appoint a Temporary CEO for the period of time until the substantive CEO has been recruited and commences employment with the Local Government.
- (b) The Shire President will liaise with the Manager of Corporate and Community or Organisational Development Officer to coordinate Council reports and resolutions necessary to facilitate a Temporary CEO appointment.
- (c) The Shire President is authorised to execute in writing the appointment of a Temporary CEO in accordance with Council's resolution/s, with administrative assistance from the Manager of Corporate and Community or Organisational Development Officer.

5. Remuneration and Conditions of Acting or Temporary CEO

- (a) Unless Council otherwise resolves, an employee appointed as Acting CEO shall be remunerated at 85% of the cash component only of the substantive CEO's total reward package.
- (b) Council will determine by resolution, the remuneration and benefits to be offered to a Temporary CEO when entering into a contract in accordance with the requirements of Sections 5.39(1) and (2)(a) of the Act.

- (c) Subject to relevant advice, the Council retains the right to terminate or change, by resolution, any Acting or Temporary CEO appointment.

Explanation:

This Policy:

- ~~• Has been prepared on the need to fill the position of CEO for short periods in line with statutory requirements, and in an efficient manner to ensure the fluent operations of the organisation when, or if, the CEO needs, or seeks, to exercise a leave entitlement at short notice.~~
- Is subject to review every two (2) years or at the time of change of the MCC position.
- ~~• Does not bind Council from appointment of another person to Act in the CEO position at any time.~~
- Requires an **absolute majority** vote of Council in accordance Clause 5.36(2) of the *Local Government Act 2005*.

1.19 LEGAL REPRESENTATION FOR COUNCIL MEMBERS AND EMPLOYEES

Directorate:	Executive			
Statutory Environment:	<i>Local Government Act 1995, section 9.56; s. 3.1; s.6.7 (2)</i>			
Council Adoption:	Date:	Nov 2016	Resolution #:	13.02.12.01
Last Amended:	Date:	Sept 2021	Resolution #:	
Review Date:	June 2023			

Objective:

To provide guidance in the protection of the interests of elected members and employees (including past elected members and former employees) where they have become involved in legal proceedings as a result of their official **functions duties**.

Policy:**Definitions**

- **approved lawyer ~~is to be~~ means;**
 - a) A “certified practitioner” under the *Legal Practice Act, 2003*;
 - b) ~~Firm~~ A law firm on WALGA’s panel of legal service providers; and
 - c) Approved in writing by the Council or the CEO under delegated authority.
- **Council member or employee** means a current or former Commissioner, Council member, non-elected member of a Council committee or employee of the Shire.
- **legal proceedings ~~may be~~ means** civil, criminal or investigative **proceedings**.
- **legal representation ~~is~~ means** the provision of legal services, to or on behalf of a Council member or employee, by an approved lawyer that are in respect of:
 - a) a matter or matters arising from the performance of the **functions or duties** of the Council member or employee; and
 - b) legal proceedings involving the Council member or employee that have been or may be commenced.
- **legal representation costs ~~are~~ means** the costs, including fees and disbursements, properly incurred in providing legal representation.
- **legal services ~~include~~ means** advice, representation or documentation that is provided by an approved lawyer.
- **payment means a sum on money paid** by the Shire ~~of~~ for legal representation ~~costs~~ that may be ~~either~~ by;
 - a) a direct payment to the approved lawyer (or the relevant firm); or
 - b) a reimbursement to the Council member or employee.

1. Payment Criteria

There are four (4) major criteria for determining whether the Shire will pay the legal representation costs of a Council member or employee. These are:

- a) The legal representation costs **must relate relating** to a matter that arises from the performance by the Council member or employee of his or her **functions and duties**;

- b) The legal representation costs ~~must be in respect of~~ applicable to legal proceedings that have been or may be commenced;
- c) ~~In performing his or her functions, to which the legal representation relates, the~~ Council member or employee ~~must have~~ acted in good faith and ~~must not have acted un~~lawfully ~~or in a way~~ that constitutes ~~im~~proper conduct; and
- d) The legal representation costs do not relate to ~~a~~ matters ~~that is~~ of a personal or private nature.

2. Examples of legal representation costs that may be approved

If the criteria in clause 1 of this policy are satisfied, the CEO may approve the payment of legal representation costs:

- a) Where proceedings are brought against a Council member or employee in connection with his or her functions **or duties**. For example, an action for defamation or negligence arising out of a decision made or action taken by a Council member or employee.
- b) To enable proceedings to be commenced and/or maintained by a Council member or employee to permit him or her to carry out his or her functions **or duties**. For example, where a Council member or employee seeks to take action to obtain a restraining order against a person using threatening behaviour to the Council member or employee.
- c) Where exceptional circumstances are involved. For example, where a person or organisation is lessening the confidence of the community in the Local Government by publicly making adverse personal comments about Council members or employees.

The CEO will not approve, unless under exceptional circumstances, the payment of legal representation costs for a defamation action or a negligence action instituted by a Council member or employee.

3. Application for payment

A Council member or employee who seeks assistance under this policy is to make an application in writing to the Council or the Chief Executive Officer.

The written application for payment of legal representation costs is to give details of:

- a) The matter for which legal representation is sought;
- b) How that matter relates to the functions of the Council member or employee making the application;
- c) The lawyer or law firm who is to be asked to provide the legal representation;
- d) The nature of legal representation to be sought (such as advice, representation in court, preparation of a document etc.);
- e) An estimated cost of the legal representation; and
- f) Why it is in the interests of the Shire for payment to be made.

The application is to contain a declaration by the applicant that he or she has acted in good faith and has not acted unlawfully or in a way that constitutes improper conduct in relation to the matter to which the application relates.

As far as possible the application is to be made before commencement of the legal representation to which the application relates.

The application is to be accompanied by a signed written statement by the applicant that he or she:

- a) has read and understands the terms of this policy.
- b) acknowledges that any approval of legal representation costs is conditional on the repayment provisions of clause 7 and any other conditions to which the approval is subject; and
- c) undertakes to repay to the Shire any legal representation costs in accordance with the provisions of clause 7.

4. Legal representation costs – Limit

The Council in approving an application in accordance with this policy shall set a limit on the costs to be paid based on the estimated costs in the application.

A Council member or employee may make a further application to the Council in respect of the same matter.

5. Council's powers

Council may refuse, grant or grant subject to conditions an application for payment of legal representation costs.

Conditions may include, but are not restricted to, a financial limit and/or a requirement to enter into a formal agreement, including a security agreement, relating to the payment and repayment of legal representation costs.

In assessing an application Council may have regard to any insurance benefits that may be available to the applicant under the Shire's Council members or employees' insurance policy or its equivalent.

Council may at any time revoke or vary an approval or any conditions of approval for the payment of legal representation costs.

Council may determine that a Council member or employee whose application for legal representation costs has been approved has, in respect of the matter for which legal representation costs were approved,

- a) not acted in good faith, or has acted unlawfully or in a way that constitutes improper conduct; or
- b) given false or misleading information in respect of the application.

Such determination may be made by Council only on the basis of and consistent with the findings of a court, tribunal or enquiry.

Where Council makes such determination the legal representation costs paid by the Shire are to be repaid by the Council member or employee in accordance with clause 7.

6. Delegation to Chief Executive Officer

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 to a maximum of

\$2,000 in respect of each application on the basis sufficient funds are available at the time under the legal expense allocation in the municipal budget.

An application approved by the CEO is to be submitted to the next ordinary meeting of Council. Council may exercise any of its powers under this policy, including its power to revoke or vary the approval or any conditions of the approval.

7. Repayment of legal representation costs

A Council member or employee whose legal representation costs have been paid by the Shire is to repay the Shire:

- a) all or part of those costs in accordance with a determination by Council under clause 5;
- b) as much of those costs as are available to be paid by way of set-off – where the Council member or employee receives monies paid for costs, damages or settlement in respect of the matter for which the Shire paid the legal representation costs.

The Shire may take action in a court of competent jurisdiction to recover any monies due to it under this policy.

1.20 LEGAL ADVICE PROCEEDINGS AND PROSECUTIONS

Directorate:	Executive			
Statutory Environment:	<i>Local Government Act 1995</i> <i>Dog Act 1976</i> <i>Cat Act 2011</i> <i>Health Act 2016</i> <i>Building Act 2011</i> <i>Planning and Development Act 1995</i>			
Council Adoption:	Date:		Resolution #:	
Last Amended:	Date:	Sept 2021	Resolution #:	
Review Date:	June 2023			

Objective:

The objective of this policy is to detail the circumstances in which legal advice may be obtained and legal proceedings will be initiated, which may include prosecutions.

Policy:

Action to:

1. Obtain advice on a matter of operational significance within the budget allocation for legal expenses may be instigated by the CEO under delegated authority.
2. Proceed with legal proceedings or prosecution, except for collection of rates and industrial relation matters, shall only be taken following a resolution of Council or a resolution delegating authority to the CEO or other nominated officer in certain circumstances.

Note well: This Policy does not include legal advice that may be sought at the discretion of the CEO, subject to sufficient allocation of funds in the municipal budget.

1.21 HABITUAL OR VEXATIOUS COMPLAINTS

Directorate:	Executive			
Statutory Environment:				
Council Adoption:	Date:		Resolution #:	13.12.12.08
Last Amended:	Date:	July 2019 Sept 2021	Resolution #:	
Review Date:	June 2023			

Objectives:

1. To identify situations where a complainant, either individually or as part of a group, or a group of complainants, might be considered to be 'habitual or vexatious' and ways of responding to these situations.
2. This policy is intended to assist in identifying and managing persons who seek to be disruptive to the Council through pursuing an unreasonable course of conduct.

Background:

Habitual or vexatious complaints can be a problem for Council staff and members. The difficulty in handling such complainants is that they are time consuming and wasteful of resources in terms of Officer and Member time and displace scarce human resources that could otherwise be spent on Council priorities. Whilst the Council endeavours to respond with patience and sympathy to all needs of all complainants, there are times when there is nothing further which can reasonably be done to assist or to rectify a real or perceived problem.

Definitions:

~~In this policy, the term~~

- **Habitual** means 'done repeatedly or as a habit'.
~~The term~~
- **Vexatious** ~~is recognised in law and~~ means 'denoting an action or the bringer of an action that is brought without sufficient grounds for winning, purely to cause annoyance to the defendant'.

Policy:

~~Habitual or Vexatious Complainants~~

1. For the purpose of this policy, the following definition of habitual or vexatious complainants will be used in the repeated and/or obsessive pursuit of:
 - a) Unreasonable complaints and/or unrealistic outcomes; and/or
 - b) Reasonable complaints in an unreasonable manner.

2. Where complaints continue and have been identified as habitual or vexatious in accordance with the criteria set out in the attached document (Schedule A), the CEO following discussions with the Shire President and Manager Corporate and Community will seek agreement to treat the complainant as a habitual or vexatious complainant and for an appropriate course of action to be taken. The attached schedule (B) details the options available for dealing with habitual or vexatious complaints.
3. The CEO will notify complainants in writing of the reasons why their complaint has been treated as habitual or vexatious, and the action that will be taken. The CEO will also notify the Council Members that a constituent has been designated as a habitual or vexatious complainant.
4. Once a complainant has been determined to be habitual or vexatious, their status will be kept under review after one year and monitored by the CEO with reports being taken to Council as required. If a complainant subsequently demonstrates a more reasonable approach, then their status will be reviewed.

Schedule A – Criteria for Determining Habitual or Vexatious Complaints

Complainants (and/or anyone acting on their behalf) may be deemed to be habitual or vexatious where previous or current contact with them shows how they meet one of the following criteria:

Where complainants:

1. Persist ~~in pursuing with~~ a complaint ~~where notwithstanding~~ the Council's complaints process has been fully and properly implemented and exhausted.
2. Persistently change the substance of a complaint or continually raise new issues or seek to prolong contact by continually raising further concerns or questions whilst the complaint is being addressed. (Care must be taken, however, not to disregard new issues which are significantly different from the original complaint as they need to be addressed as separate complaints).
3. ~~Are~~ Repeatedly ~~unwilling to accept~~ ~~dismiss~~ documented evidence given as being factual or deny receipt of an adequate response in spite of correspondence specifically answering their questions, or do not accept that facts can sometimes be difficult to verify when a long period of time has elapsed.
4. Repeatedly do not clearly identify the precise issues which they wish to be investigated, despite reasonable efforts of the Council to help them specify their concerns, and/or where the concerns identified are not within the remit of the Council to investigate.
5. Regularly focus on a trivial matter to an extent which is out of proportion to its significance and continue to focus on this point. It is recognized that determining what is a trivial matter can be subjective and careful judgment will be used in applying this criteria.
6. Have threatened or used physical violence towards employees or elected members at any time. This will ~~in itself~~ cause personal contact with the complainant and/or their representative to be discontinued and the complaint will, thereafter, only be continued through written communication.

~~The Council has determined that a~~ Any complainant who threatens or uses actual physical violence towards employees or elected members will be regarded as a vexatious complainant. The

complainant will be informed of this in writing together with notification of how future contact with the Council **and the Administration** is to be made.

7. ~~Have in the course of~~ While addressing a registered complaint **have** had an excessive ~~number of~~ contacts with the Council placing unreasonable demands on **the organisation and its** employees. A contact may be in person, by telephone, letter, email, **text or social media** ~~fax~~. Judgment will be used to determine excessive contact taking into account the specific circumstances of each individual case.
8. Have harassed or been verbally abusive on more than one occasion towards employees dealing with the complaint or elected members. Employees and elected members recognize that complainants may sometimes act out of character in times of stress, anxiety or distress and will make reasonable allowances for this. Some complainants may have a mental health disability and there is a need to be sensitive in circumstances of that kind.
9. Are known to have recorded meetings or face-to-face/telephone conversations without the prior knowledge and consent of other parties involved.
10. Make unreasonable demands on the Council and its employees, and fail to accept that these may be unreasonable, for example, insist on responses to complaints or enquiries being provided more urgently than is reasonable or within the Council's complaints procedure or normal recognized practice.
11. Make unreasonable complaints which impose a significant burden on the human resources of the Council and where the complaint:
 - Clearly does not have any serious purpose or value; or
 - Is designed to cause disruption or annoyance; or
 - Has the effect of harassing the public authority; or
 - Can otherwise fairly be characterized as obsessive or manifestly unreasonable.
12. Make repetitive complaints and allegations which ignore the replies which Council Officers have supplied in previous correspondence.

Schedule B – Options for Dealing with Habitual or Vexatious Complainants

The options below can be used singularly or in combination depending on the circumstances of the case and whether the complaint process is ongoing or completed.

1. A letter to the complainant setting out responsibilities for the parties involved if the Council is to continue processing the complaint. If terms are contravened, consideration will then be given to implementing other action as indicated below.
2. Decline contact with the complainant, either in person, by telephone, by fax, by letter, by email or any combination of these, provided that one form of contact is maintained. This may also mean that only one named officer will be nominated to maintain contact (and a named deputy in their absence). The complainant will be notified of this in person.
3. Notify the complainant, in writing, that the Council has responded fully to the points raised and has tried to resolve the complaint but there is nothing more to add and continuing contact on the matter

will serve no useful purpose. The complainant will also be notified that the correspondence is at an end, advising the complainant that they are being treated as a habitual or vexatious complainant and as such the Council does not intend to engage in further correspondence dealing with the complaint.

4. Inform the complainant that in extreme circumstances the Council will seek legal advice on habitual or vexatious complaints.
5. Temporarily suspend all contact with the complainant, in connection with the issues relating to the complaint being considered habitual or vexatious, while seeking legal advice or guidance from its solicitor or other relevant agencies. This may result in the complainant being advised that all further contact is to be directed to the Shire's solicitor.

1.22 AASB124 – RELATED PARTIES DISCLOSURES

Directorate:	Executive			
Statutory Environment:				
Council Adoption:	Date:	Nov 2017	Resolution #:	13.10.17.01
Last Amended:	Date:		Resolution #:	
Review Date:	June 2023			

Objectives:

To purpose of this policy is to define the parameters for Related Party Transactions and the level of disclosure and reporting required for the Shire of Brookton (the Shire) to achieve compliance with the Australian Account Standard AASB 124 – Related Party Disclosures.

Definitions:

"AASB 124" - means the Australian Accounting Standards Board, Related Party Disclosures Standard.

"Act" - means the Local Government Act 1995.

"Arm's Length" - means terms between parties that are reasonable in the circumstances of the transaction that would result from:

- a) neither party bearing the other any special duty or obligation; and
- b) the parties being unrelated and uninfluenced by the other, and
- c) each party having acted in its own interest.

"Close members of the family of a person" - are those family members who may be expected to influence, or be influenced by, that person in their dealings with the Shire and include:

- a) that person's children and spouse or domestic partner;
- b) children of that person's spouse or domestic partner; and
- c) dependents of that person or that person's spouse or domestic partner.

"Entity" - can include a body corporate, a partnership or a trust, incorporated association, or unincorporated group or body.

"Key management personnel (KMP)" - those persons having authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly.

"KMP Compensation" - means all forms of consideration paid, payable, or provided in exchange for services provided, and may include:

- a) Short-term employee benefits, such as wages, salaries, paid annual leave, paid sick leave, bonuses, non-monetary benefits, such as use of motor vehicles and free and/or subsidised goods or services;
- b) Post-employment benefits such as pensions, other retirement benefits, postemployment;
- c) Other long-term employee benefits, including long-service leave or sabbatical leave; and
- d) Termination benefits.

"Materiality" - means the assessment of whether the transaction, either individually or in aggregate with other transactions, by omitting it or misstating it could influence decisions that users make on the basis an entity's financial statements.

"Ordinary Citizen Transaction (OCT)" - means a transaction that an ordinary citizen of the community would undertake in the ordinary course of business with the Shire.

"Possible Close members of the family of a person" - are those family members who could be expected to influence, or be influenced by, that person in their dealings with the Shire and include:

- a) that person's brothers and sisters;
- b) that person's aunts, uncles, and cousins;
- c) dependents of those persons or that person's spouse or domestic partner as stated in (b); and
- d) that person's or that person's spouse or domestic partners, parents and grandparents. "Related Party" - is a person that is related to the entity (Shire) that is preparing its financial statements.

"Related Party Transaction" - is a transfer of resources, services or obligations between the Shire and a related party, regardless of whether a price is charged.

"Regulation" - means the Local Government (Financial Management Regulations) 1996.

"Remuneration" – mean remuneration package and includes any money, consideration or benefit received or receivable by the person but excludes reimbursement of out-of-pocket expenses, including any amount received or receivable from a related party transaction.

"Significant" - means likely to influence the decisions that users of the Shire's financial statements make having regard to both the extent (value and frequency) of the transactions, and that the transactions have occurred between the Shire and related party outside a public service provider/ taxpayer relationship.

Background:

The Australian Accounting Standards Board (AASB) determined in AASB 124 that from 1 July 2016 related party disclosures will apply to government entities, including local governments.

AASB 124 provides that the Shire must disclose the following financial information in its financial statements for each financial year period:

- a) disclosure of any related party relationship;
 - o must disclose in its Annual Financial Statements its relationship with any related parties or subsidiaries (where applicable), whether or not there have been transactions within the relevant reporting period;
- b) Key Management Personnel (KMP) Compensation Disclosures;
 - o must disclose in its Annual Financial Statements details for each of the categories of KMP compensation, as stated in the definitions of this Policy, in total.

Policy:

The Shire of Brookton is committed to producing Financial Information with high standards. In delivering high standard financial information the Shire is committed to comply with the principles of transparency and good governance and compliance with the Accounting Standards prescribed by the Australian Accounting

Standards Board (AASB), Local Government Act 1995, and Local Government (Financial Management) Regulations 1996.

The Related Party Disclosure Policy aims to assist the Shire in complying with disclosure requirements concerning key management personnel (KMP), their close family members and entities controlled or jointly controlled by any of them stipulated under the Australian Accounting Standard AASB 124 Related Party Disclosures (AASB 124).

Identifying related parties

The most common related parties of the Shire will be:

- a) an elected Council member (KMP);
- b) a person employed under section 5.36 of the Local Government Act 1995 in the capacity of Chief Executive Officer and other Executive Management staff (KMP);
- c) close family members of any person listed above (e.g. spouse/domestic partners, dependents and children of the Councillors, CEO and Executive Management staff);
- d) possible close family members of any person listed above;
- e) entities that are controlled or jointly controlled by KMP's or their close family members (entities include companies, trusts, joint ventures, partnerships and non-profit associations such as sporting clubs); and
- f) entities subject to significant influence by the Shire and Shire Joint Venture entities.

In considering each possible related party relationship, attention is directed to the substance of the relationship and not merely the legal form.

In the context of AASB 124, following are not related parties:

- a) Two entities simply because they have a member of key management personnel in common or because a member of key management personnel of one entity has significant influence over the other entity.
- b) Two joint ventures simply because they share joint control over a joint venture.
 - i. providers of finance;
 - ii. trade unions;
 - iii. public utilities;
 - iv. departments and agencies of a government that does not control, jointly control or significantly influence the local government; and
 - v. simply by virtue of their normal dealings with the local government (even though they may affect the freedom of action of a local government or participate in its decision-making process).
- c) A customer, supplier, franchisor, distributor or general agent with whom the local government transacts a significant volume of business.

Identifying related party transactions

A related party transaction is a transfer of resources, services or obligations between the Shire (reporting entity) and the related party, regardless of whether a price is charged. For the purposes of determining whether a related party transaction has occurred, the following common transactions or provision of services have been identified as meeting these criteria (this list is not exhaustive):

- a) paying rates;
- b) fines;

- c) use of Shire owned facilities such as Recreation Centre, Civic Centre, library, parks, ovals and other public open spaces (whether charged a fee or not);
- d) attending the Shire functions that are open to the public;
- e) employee compensation whether it is for KMP or close family members of KMP;
- f) application fees paid to the Shire for licenses, approvals or permits;
- g) monetary and non-monetary transactions between the Shire and any business or associated entity owned or controlled by the related party (including family) in exchange for goods and/or services provided by/to the Shire (trading arrangement);
- h) sale or purchase of any property owned by the Shire, to a person identified above;
- i) sale or purchase of any property owned by a person identified above, to the Shire;
- j) contracts and agreements for construction, consultancy or services;
- k) loan arrangements;
- l) lease agreements for housing rental (whether for a Shire owned property or property sub-leased by the Shire through a Real Estate Agent); and
- m) lease agreements for commercial properties.

Identifying ordinary citizen transactions

Some of the transactions listed above, occur on terms and conditions no different to those applying to the general public and have been provided in the course of delivering public service objectives. Where the Shire can determine that an OCT was;

- provided at arm's length and,
- in similar terms and conditions to other members of the public; and
- that the nature of the transaction is immaterial.

No disclosure in the annual financial report will be required.

Identifying KMP, their close family members, possibly close family members and entities controlled or jointly controlled by any of them.

- a) KMP: Close attention should be paid to the organisational structure of the Shire and Council itself to determine who has authority and responsibility for planning, directing and controlling the activities of the Shire, either directly or indirectly. KMP's of the Shire are considered to include:
 - i. Councillors;
 - ii. Chief Executive Officer;
 - iii. Manager of Infrastructure and Assets (MIA)
 - iv. Manager of Corporate and Community Services (MCC); and
 - v. Works Coordinator
- b) Close family members and possibly close family members of KMP: These are family members who may be expected to influence, or be influenced by, that person in their dealings with the Shire and include but is not limited to:
 - i. That person's children and spouse or domestic partner;
 - ii. Children of that person's spouse or domestic partner; and
 - iii. Dependents of that person or that person's spouse or domestic partner.

The following table may assist in identifying close family members and possibly close family members.

Definitely a close family member	May be a close family member
Spouse/domestic partner	Brothers and sisters, if they could be expected to influence or be influenced by KMP in their dealings with the Shire.
Children	Aunts, uncles and cousins, if they could be expected to influence or be influenced by KMP in their dealings with the Shire.
Dependants	Parents and grandparents, if they could be expected to influence or be influenced by KMP in their dealings with the Shire.
Children of spouse/domestic partner	Nieces and nephews, if they could be expected to influence or be influenced by KMP in their dealings with the Shire.
Dependants of spouse/domestic partner	Any other member of KMP family if they could be expected to influence or be influenced by KMP in their dealings with the Shire.

- c) Entities controlled or jointly controlled by KMP, close family members and possibly close family members: Entities include companies, trusts, incorporated and unincorporated associations such as clubs and charities, joint ventures and partnerships. Control over an entity is;
- i. power over the entity;
 - ii. exposure, or rights, to variable returns from involvement with the entity; and
 - iii. the ability to use power over the entity to affect the amount of returns.

To jointly control an entity there must be contractually agreed sharing of control of the entity, which exists only when decisions about the relevant activities require the unanimous consent of the parties sharing control.

Identifying information about the related parties and related party transactions

For the purposes of determining related parties and related party transactions as per above, elected Council members and KMP, will be required to complete Related Party Disclosure Declaration forms for submission to the Financial Services area. All information contained in a disclosure return, will be treated in confidence.

In all instances if any uncertainty exists regarding the status of a transaction or party it is advisable to make the requisite disclosure, the Financial Service area will be able to assess and confirm the nature of the transaction.

If a Councillor believes a transaction or relationship may constitute a related party transaction or relationship but is uncertain and is not comfortable with disclosure, the CEO can be notified. The CEO will be able to obtain resolution from the Manager Corporate and Community Services (MCC) regarding the status of the transaction or relationship.

If an Employee believes a transaction may constitute a related party transaction, they must notify the Manager Corporate and Community Services (MCC) who will discuss the matter with the CEO to confirm whether the transaction falls within the scope of this policy.

Establishing systems to capture and record the related party transactions and information about those transactions

The Related Party Disclosures - Declaration forms attached to the Related Party Information Collection Notice must be completed by all Council members, the CEO and all other KMP who were elected or employed at any time during the financial year.

Declarations will be required:

- a) quarterly and
- b) at points of resignation or appointment of KMP e.g. prior to any ordinary or extraordinary election.

The Executive Governance Officer will be responsible for the maintenance of a register that captures all the related party transactions of KMP.

Identifying the circumstances in which disclosure is required

In assessing materiality (quantitative and qualitative), management will consider both the size and nature of the transaction, individually and collectively. Management will apply professional judgement to assess the materiality of transactions disclosed by related parties for their subsequent inclusion in the financial statements.

It should be noted that the disclosure requirements apply to the existence of relationships regardless of whether a transaction has occurred or not. For each financial year, the Shire must make an informed judgement as to who is considered to be a related party and what transactions need to be considered, when determining if disclosure is required.

Determining the disclosures to be made about those items in the general-purpose financial statements for the purpose of complying with the AASB 124.

Generally, related party disclosures in the annual financial reports are reported in aggregate and as such, individuals are not specifically identified nor a specific transaction. Management is required to exercise judgement in determining the level of detail to be disclosed based on the nature of a transaction or collective transactions and materiality.

Individuals may be specifically identified, and separate disclosure may be necessary for an understanding of the effects of related party transactions on the financial statements, if the disclosure requirements of AASB 124 so demands.

1.23 ACKNOWLEDGEMENT OF COUNTRY

Directorate:	Executive			
Statutory Environment:	<i>No legislative requirements are imposed on Local Government</i>			
Council Adoption:	Date:	May 2020	Resolution #:	OCM 05.20-10
Last Amended:	Date:		Resolution #:	
Review Date:	June 2023			

Objective:

The process of “Welcome to Country” and “Acknowledgement of Country” recognises the unique position of Aboriginal and/or Torres Strait Islander peoples in Australian culture and history as the Traditional Owners of the land.

It is important that this unique position is recognised and incorporated as part of official protocol to Council meetings and civic events to enable the wider community to share in the Aboriginal and Torres Strait Islander culture and heritage, facilitating better relationships between all Australians.

Background:

As a practise “*Welcome to Country*” is a ritual often performed by traditional elders to highlight the cultural significance of the surrounding area to a particular Aboriginal clan or language group, and to show respect for the traditional custodians.

An “*Acknowledgement of Country*” is slightly different where a chairperson begins the meeting by acknowledging that the meeting or event is taking place in the country of the traditional owners.

Policy:

1. The practice of an “*Acknowledgement of Country*” is to be performed at the commencement of all Ordinary or Special Meetings of Council, or any Civic Function or Event hosted by the Shire of Brookton.
2. The Shire President (or his/her representative) is to include as a minimum the following wording in his/her “*Acknowledgement of Country*” opening statement:

“I acknowledge that this gathering/meeting is being held on the traditional lands of the Nyoongar People.”

The Shire President (or his/her representative) may add to the “*Acknowledgement to Country*” wording as detailed in policy statement 2 above.

1.24 ATTENDANCE AT EVENTS (COUNCIL MEMBERS AND CEO)

Directorate:	Executive			
Statutory Environment:	Sections 5.87A, 5.87B and 5.90A of Local Government Act, 1995			
Council Adoption:	Date:		Resolution #:	
Last Amended:	Date:		Resolution #:	
Review Date:	June 2023			

Objective:

This Policy accords with Section 5.90A of the *Local Government Act, 1995* that requires all local governments adopt an “Attendance at Events” policy as part of the Local Government’s Gifts Framework. This is to ensure transparency and accountability in decision-making which can be or perceived to be influenced through financial and personal relationships resulting in the receipt of gift(s).

Accordingly, the objective of this policy is to provide a framework to enable Council Members, the CEO or in some instances other senior employees to attend Events or functions (ticketed or otherwise) as representatives of Council without restricting their participation in the Council decision making process. This Policy does not provide guidance on the acceptance of a tangible gift or travel contribution.

Policy:

a) Application

This policy mainly applies to Council Members and the CEO in respect of their acceptance of invitations to an Event (includes conferences, concerts, sporting events, functions and other hospitality occasions) offered at a discounted rate or free of charge as part of a sponsorship agreement or funded by the Shire of Brookton. An example of such an Event is the Old Time Motor Show.

The attendance, if not paid for by the Local Government, is considered a gift subject to the disclosure of interest provisions, unless the Event is detailed or is expressly approved under this policy.

Council Members and the CEO are not required to disclose interests in relation to gifts or invitations from the following entities:

- a) Western Australian Local Government Association (WALGA).
- b) Local Government Professionals Australia WA (LG Pro).
- c) Australian Local Government Association (ALGA).
- d) State Government Agencies.
- e) Other State, Territory and Commonwealth Departments.
- f) Another Local Government or Regional Local Government.

However, Council Members and the CEO are statutorily obligated to disclose receipt and acceptance of a gift or invitation in accordance with Section 5.87A and 5.87B of the *Local Government Act, 1995*.

b) Consideration

Whether a benefit such as an invitation to an event or hospitality given to a Council Member or the CEO is a gift for the purposes of the *Local Government Act, 1995* and Regulations. Key considerations are:

- a) Who is providing the invitation to the Event?
- b) The cost to attend the Event (or estimated value per invitation) and any other expenses such as travel and accommodation.
- c) The location of the Event in relation to the local government (within the district or out of the district).
- d) The role of the Council Member or CEO when attending the Event (participant, observer, presenter) and the value of their contribution. If the value of the contribution outweighs the value of the benefit it will not be a gift for the purposes of the legislation.
- e) The benefit of Council Member or CEO representation at the Event.
- f) The number of invitations / tickets received.
- g) Whether the Event is sponsored by the Local Government.
- h) Whether the Event is ultimately paid for by the Shire.

c) Attendance

- i) Unless stated in this policy, any invitation to an Event accepted by a Council Member or CEO without payment, where a member of the public is required to pay, will generally be classified as a gift to which the declaration of interest provisions apply.
- ii) Where typically attendance by a Council Member or the CEO is in official capacity on behalf of the Local Government (including professional development) the Shire may pay the cost for attending the Event. The declaration of interest provisions would not apply in this instance.
- iii) If the Shire does not pay for attendance at an Event, it is classified as a 'gift' unless a contribution by the Council Member or CEO, such as presenting a paper or speaking engagement, is reasonably considered to outweigh the value of registration or other benefit given.
- iv) Typically, attendance in an official capacity at an Event run by a local community group without paid entry is not classed as a 'gift' where the contribution by the Council Member or CEO is reasonably considered to outweigh the value of the hospitality of the event/function.
- v) Any Event:
 - a) Not noted as pre-approved in accordance with this policy, or any invitation received in a personal capacity, is not considered as an approved event.
 - b) That is 'free' to the public, such as the annual Brookton Christmas Party, does not qualify for any action being required under this policy or Section 5.87A and 5.87B of the *Local Government Act, 1995*.
- vi) If the Event is ticketed and the Council Member or CEO pays the full ticketed price and does not seek reimbursement, then no action is required.
- vii) If the Event is ticketed and the Council Member or CEO pays a discounted rate or is provided with a free ticket, then the recipient must adhere to the gift and declaration of interest provisions.

d) Pre-Approved Events

The following Events are deemed pre-approved in line with the objective of this policy:

1. Advocacy lobbying or Ministerial briefings.
2. Awards functions specifically related to Local Government.
3. Shire hosted ceremonies and functions.
4. City-run tournaments or Events.
5. Community cultural Events/festivals/art exhibitions.

6. Events hosted by Clubs or Not for Profit Organisations within the Shire to which the Council Member or CEO are invited on official business.
7. Events run by the local school.
8. Free Shire facilitated Events.
9. Industry/economic briefings specifically related to the function of government.
10. Meetings of clubs or organisations within the Shire.
11. Major professional bodies associated with government at a local, State and Federal level.
12. Formal opening or launch of an Event or facility within the Shire.
13. Where Shire President or CEO representation has been formally requested.

e) Approval Process

- All invitations to Events for a Council Member or CEO must be in writing and addressed to the Shire Administration.
- Invitations to Events valued at \$300 and over (or the cumulative value of \$300 and over within a 12-month period) are considered gifts under the *Local Government Act, 1995* and therefore must be disclosed. Declarations of interest are not required if the Event is listed in this policy as a pre-approved Event – see section 4 above.
- Invitation to Events that are not addressed to the Shire and are not listed as a Pre-Approved Event must be disclosed as a gift and filed under the declaration of interest provisions of the *Local Government Act, 1995*.
- Where an invitation or ticket to an Event is received that is not a Pre-Approved Event, approval to attend and accept may be requested in writing as follows:
 - for Council Member acceptance and attendance, approval by the CEO; and
 - for CEO acceptance and attendance, approval by the Shire President.Requests for approval are to be forwarded to the Manager, Corporate and Community.
- Where a Council Member or CEO request has been approved and there is a fee associated with attending the Event, then the cost, excluding the attendance of a partner, is to be paid for by the Shire subject to budget considerations.

f) Approval Considerations

In determining attendance of a non-Pre-Approved Event, consideration will be given to:

- The donor providing the invitation or ticket to the Event (for example, the donor is a person who is undertaking or seeking to undertake an activity involving a Council discretion).
- The location of the Event in relation to the Shire (whether within the district).
- Function of the Council Member or CEO in attending the Event (i.e. participant, observer, presenter) and the value of the contribution.
- Whether the Event is sponsored by the Shire.

- The corporate or community benefit to the Shire in the Council Member or CEO attending.
- Alignment to the Shire's Strategic Objectives.
- The number of Shire representatives already approved to attend.
- Any justification provided by the applicant when the Event is submitted for approval.

g) Unfavourable Events

Events that will not be considered for approval are:

- Political party Events and fundraisers.
- Shire sponsored Events.
- Social Events.

- Entertainment Events with no link to the Shire.
- Events that primarily benefit Council Members in a personal capacity or in a role other than their role at the Shire.

h) Reporting

The CEO is to report annually to Council on the approval and refusal of Council Member and CEO requests to attend Events that are not Pre-Approved in accordance with this policy.

1.25 STANDARDS FOR CEO RECRUITMENT, PERFORMANCE AND TERMINATION

Directorate:	Executive		
Statutory Environment:	Local Government Act 1995 (as amended) Section 5.39B Local Government (Administration) Regulations 1996 Part 4 regulations 18A; 18B; 18E; 18F; 18FA; 18FB; 18FC. Local Government (Administration) Amendment Regulations 2021		
Council Adoption:	Date:		Resolution #:
Last Amended:	Date:	Sept 2021	Resolution #:
Review Date:	June 2023		

Objective:

Division 1 — Preliminary provisions

1. Citation

These are the Shire of Brookton Standards for **Chief Executive Officer (CEO)** Recruitment, Performance and Termination.

2. Terms used

(1) In these standards —

Act means the Local Government Act 1995;

additional performance criteria means performance criteria agreed by the ~~local government~~ Council and the CEO under clause 16(1)(b);

applicant means a person who submits an application to the local government for the position of CEO;

contract of employment means the written contract, as referred to in section 5.39 of the Act, that governs the employment of the CEO;

contractual performance criteria means the performance criteria specified in the CEO's contract of employment as referred to in section 5.39(3)(b) of the Act;

job description form means the job description form for the position of CEO approved by the ~~local government~~ Council under clause 5(2);

local government means the Shire of Brookton;

selection criteria means the selection criteria for the position of CEO determined by the ~~local government~~ Council under clause 5(1) and set out in the job description form;

selection panel means the selection panel established by the ~~local government~~ Council under clause 8 for the employment of a person in the position of CEO.

(2) Other terms used in these standards that are also used in the Act have the same meaning as they have in the Act, unless the contrary intention appears.

Division 2 — Standards for recruitment of CEOs

3. Overview of Division

This Division sets out standards to be observed by the ~~local government~~ Council in relation to the recruitment of CEO.

4. Application of Division

- (1) Except as provided in subclause (2), this Division applies to any recruitment and selection process carried out by the ~~local government Council~~ for the employment of a person in the position of CEO.
- (2) This Division does not apply —
 - (a) if it is proposed that the position of CEO be filled by a person in a class prescribed for the purposes of section 5.36(5A) of the Act; or
 - (b) in relation to a renewal of the CEO's contract of employment, except in the circumstances referred to in clause 13(2).

5. Determination of selection criteria and approval of job description form

- (1) The ~~local government Council must is to~~ determine the selection criteria for the position of CEO, based on the ~~local government's Council's~~ consideration of the knowledge, experience, qualifications and skills necessary to effectively perform the duties and responsibilities of the position of CEO of the ~~local government Shire~~.
- (2) The ~~local government Council must is to~~, by resolution of an absolute majority ~~of the council~~, approve a job description form for the position of CEO which sets out —
 - (a) the duties and responsibilities of the position; and
 - (b) the selection criteria for the position determined in accordance with subclause (1).

6. Advertising requirements

- (1) If the position of CEO is vacant, the local government must ensure it complies with section 5.36(4) of the Act and the *Local Government (Administration) Regulations 1996* regulation 18A.
- (2) If clause 13 applies, the local government must advertise the position of CEO in the manner referred to in the *Local Government (Administration) Regulations 1996* regulation 18A as if the position was vacant.

7. Job description form to be made available by local government

If a person requests ~~the local government to provide to the person~~ a copy of the job description form, the ~~local government Council must is to~~ —

- (a) inform the person of the website address referred to in the *Local Government (Administration) Regulations 1996* regulation 18A(2)(da); or
- (b) if the person advises ~~the local government that the person he or she~~ is unable to access ~~that the~~ website address ~~then~~ —
 - (i) email a copy of the job description form ~~to an email address provided by the~~ will be emailed to the person; or
 - (ii) ~~mail~~ a copy of the job description form ~~to a postal address provided by~~ will be posted to the person ~~requesting the form~~.

8. Establishment of selection panel for employment of CEO

- (1) In this clause —
independent person means a person other than any of the following —
 - (a) a council member;
 - (b) an employee of the local government;
 - (c) a human resources consultant engaged by the local government.
- (2) The ~~local government Council must is to~~ establish a selection panel / **Employment Committee** to conduct the recruitment and selection process for the employment of a person in the position of CEO.
- (3) The selection panel must comprise —
 - (a) **A minimum of four (4) council members** ~~(the number of which must be determined by the local government)~~; and
 - (b) at least 1 independent person - refer to Policy 1.13 – Council Committees – Terms of Reference.

9. Recommendation by selection panel

- (1) Each applicant's knowledge, experience, qualifications and skills must be assessed against the selection criteria by or on behalf of the selection panel.
- (2) Following the assessment referred to in subclause (1), the selection panel must provide to the local government —
 - (a) a summary of the selection panel's assessment of each applicant; and
 - (b) unless subclause (3) applies, the selection panel's recommendation as to which applicant or applicants are suitable to be employed in the position of CEO.
- (3) If the selection panel considers that none of the applicants are suitable to be employed in the position of CEO, the selection panel must recommend to the local government —
 - (a) that a new recruitment and selection process for the position be carried out in accordance with these standards; and
 - (b) the changes (if any) that the selection panel considers should be made to the duties and responsibilities of the position or the selection criteria.
- (4) The selection panel must act under subclauses (1), (2) and (3) —
 - (a) in an impartial and transparent manner; and
 - (b) in accordance with the principles set out in section 5.40 of the Act.
- (5) The selection panel must not recommend an applicant to the ~~local government~~ Council under subclause (2)(b), unless the selection panel has —
 - (a) assessed the applicant as having demonstrated that the applicant's knowledge, experience, qualifications and skills meet the selection criteria; and
 - (b) verified any academic, or other tertiary level, qualifications the applicant claims to hold; and
 - (c) whether by contacting referees provided by the applicant or making any other inquiries the selection panel considers appropriate, verified the applicant's character, work history, skills, performance and any other claims made by the applicant.
- (6) The ~~local government~~ Council must have regard to, but is not bound to accept, a recommendation made by the selection panel under this clause.

10. Application of cl. 5 where new process carried out

- (1) This clause applies if the ~~local government~~ Council accepts a recommendation by the selection panel under clause 9(3)(a) that a new recruitment and selection process for the position of CEO be carried out in accordance with these standards.
- (2) Unless the ~~local government~~ Council considers that changes should be made to the duties and responsibilities of the position or the selection criteria —
 - (a) clause 5 does not apply to the new recruitment and selection process; and
 - (b) the job description form previously approved by the ~~local government~~ Council under clause 5(2) is the job description form for the purposes of the new recruitment and selection process.

11. Offer of employment in position of CEO

Before making an applicant an offer of employment in the position of CEO, the ~~local government~~ Council must, by resolution of an absolute majority ~~of the council~~, approve —

- (a) the making of the offer of employment to the applicant; and
- (b) the proposed terms of the contract of employment to be entered into by the ~~local government~~ Council and the applicant.

12. Variations to proposed terms of contract of employment

- (1) This clause applies if an applicant who is made an offer of employment in the position of CEO under clause 11 negotiates with the ~~local government~~ Council a contract of employment (the negotiated

contract) containing terms different to the proposed terms approved by the ~~local government Council~~ under clause 11(b).

- (2) Before entering into the negotiated contract with the applicant, the ~~local government Council~~ must, by resolution of an absolute majority ~~of the council~~, approve the terms of the negotiated contract.

13. Recruitment to be undertaken on expiry of certain CEO contracts

- (1) In this clause —
commencement day means the day on which the *Local Government (Administration) Amendment Regulations 2021* regulation 6 comes into operation.
- (2) This clause applies if —
- (a) upon the expiry of the contract of employment of the person (the incumbent CEO) who holds the position of CEO —
- i) the incumbent CEO will have held the position for a period of 10 or more consecutive years, whether that period commenced before, on or after commencement day; and
 - ii) a period of 10 or more consecutive years has elapsed since a recruitment and selection process for the position was carried out, whether that process was carried out before, on or after commencement day; and
- (b) the incumbent CEO has notified the ~~local government Council~~ ~~that~~ they wish to have their contract of employment renewed upon its expiry.
- (3) Before the expiry of the incumbent CEO's contract of employment, the ~~local government Council~~ ~~must is to~~ carry out a recruitment and selection process in accordance with these standards to select a person to be employed in the position of CEO after the expiry of the incumbent CEO's contract of employment.
- (4) This clause does not prevent the incumbent CEO's contract of employment from being renewed upon its expiry if the incumbent CEO is selected in the recruitment and selection process referred to in subclause (3) to be employed in the position of CEO.

14. Confidentiality of information

The ~~local government Employment Committee~~ must ensure that information provided to, or obtained by, the local government in the course of a recruitment and selection process for the position of CEO is not disclosed, or made use of, except for the purpose of, or in connection with, that recruitment and selection process.

15. 360 Review

The Employment Committee may Consult with all or some of the Shire's employees and members/sections of the community through a '360 Review' (or similar process) to gain a holistic understanding of the CEO's conduct and performance internally and/or externally.

Division 3 — Standards for review of performance of CEOs

16. Overview of Division

This Division sets out standards to be observed by ~~the local government Council~~ in relation to the review of the performance of ~~the CEOs~~.

17. Performance review process to be agreed between local government and CEO

- (1) The ~~local government Council~~ and the CEO ~~must is to~~ agree on —
- (a) the process by which the CEO's performance will be reviewed; and
 - (b) any performance criteria to be met by the CEO that are in addition to the contractual performance criteria.

- (2) Without limiting subclause (1), the process agreed under subclause (1)(a) must be consistent with clauses 18, 19 and 20.
- (3) The matters referred to in subclause (1) must be set out in a written document.

18. Carrying out a performance review

- (1) A review of the performance of the CEO by the ~~local government Council~~ must be carried out in an impartial and transparent manner.
- (2) The ~~local government Council must is to~~ —
 - (a) collect evidence regarding the CEO's performance in respect of the contractual performance criteria and any additional performance criteria in a thorough and comprehensive manner; and
 - (b) review the CEO's performance against the contractual performance criteria and any additional performance criteria, based on that evidence.

19. Endorsement of performance review by local government

Following a review of the performance of the CEO, the ~~local government Council~~ must, by resolution of an absolute majority ~~of the council~~, endorse the review.

20. CEO to be notified of results of performance review

After the ~~local government Council~~ has endorsed a review of the performance of the CEO under clause 18, ~~the local government it~~ must inform the CEO in writing of —

- (a) the results of the review; and
- (b) if the review identifies any issues about the performance of the CEO — how the ~~local government Council~~ proposes to address and manage those issues.

Division 4 — Standards for termination of employment of CEOs

21. Overview of Division

This Division sets out standards to be observed by the ~~local government Council~~ in relation to the termination of the employment of CEOs.

22. General principles applying to any termination

- (1) The ~~local government Council~~ must make decisions relating to the termination of the employment of a CEO in an impartial and transparent manner.
- (2) The ~~local government Council must accord a~~ afford the CEO procedural fairness in relation to the process for the termination ~~of the CEO's employment~~, including —
 - (a) informing ~~the CEO~~ of the CEO's rights, entitlements and responsibilities in relation to the termination process; and
 - (b) notifying ~~the CEO~~ of any allegations against the CEO; and
 - (c) giving the CEO a reasonable opportunity to respond to the allegations; and
 - (d) genuinely considering any response given by the CEO in response to the allegations.

22. Additional principles applying to termination for performance related reasons

- (1) This clause applies if the ~~local government Council~~ proposes to terminate the employment of a CEO for reasons related to the CEO's performance.
- (2) The ~~local government Council must cannot~~ terminate the CEO's employment unless ~~the local government it~~ has —
 - (a) in the course of carrying out the review of the CEO's performance (referred to in subclause (3) or any other review of the CEO's performance) identified any issues (the performance issues) related to the ~~performance of the~~ CEO; and
 - (b) informed the CEO of the performance issues; and

- (c) given the CEO a reasonable opportunity to address, and implement a plan to remedy, the performance issues; and
 - (d) determined that the CEO has not remedied the performance issues to the satisfaction of the local government.
- (3) The local government must not terminate the CEO's employment unless the local government has, within the preceding 12-month period, reviewed the performance of the CEO under section 5.38(1) of the Act.

23. Decision to terminate

Any decision by the ~~local government~~ Council to terminate the employment of a CEO must be made by resolution of an absolute majority ~~of the council~~.

24. Notice of termination of employment

- (1) If the ~~local government~~ Council terminates the employment of a CEO, ~~the local government~~ it must give the CEO notice in writing of the termination.
- (2) The notice ~~must is to~~ set out the ~~local government's~~ Council's reasons for terminating the employment of the CEO.

Note: refer also Council Policy No. 1.13 Council Committees – Terms of Reference.

2.0 GOVERNANCE POLICIES

2.1 EQUAL EMPLOYMENT OPPORTUNITY & VALUING DIVERSITY

Directorate:	Executive			
Statutory Environment:	WA <i>Equal Opportunity Act (1984)</i>			
Council Adoption:	Date:		Resolution #:	13.06.08.04
Last Amended:	Date:	Aug 2017 Sept 2021	Resolution #:	
Review Date:	June 2023			

Objective:

To detail the Shire of Brookton's commitment to Equal Employment Opportunity.

Policy Statements:

- ~~To detail the Shire of Brookton's commitment to Equal Employment Opportunity. 1-0~~ The Shire recognises its legal obligations under the *Equal Opportunity Act (1984)* to actively promote equal employment opportunity based on merit to ensure that discrimination does not occur on the grounds of gender, marital status, pregnancy, race, disability, religious or political convictions.
- All offers of employment within the Shire will be directed to providing equal opportunity to prospective employees, provided their relevant experience, skills and ability meet the minimum requirements for engagement.
- All employment training opportunities within the Shire will be directed towards providing equal opportunity to all employees based on merit and their relevant experience, skills and ability meet the minimum requirements for the position.
- All promotional policies and opportunities within the Shire will be directed towards providing equal opportunity to all employees provided their relevant experience, skills and ability are adequate to meet the minimum requirements and they are assessed as the most appropriate candidate for the advertised position. In this context, as a minimum, all vacancies shall be advertised internally within the organisation.
- The equal opportunity goals of this Council are designed to provide an enjoyable, challenging, involving and harmonious work environment for all employees, where each has the opportunity to progress to their ability.

2.2 OCCUPATIONAL SAFETY AND HEALTH

Directorate:	Executive			
Statutory Environment:	<i>Occupational Safety and Health Act 1984, and 2005 amendments Occupational Safety and Health Regulations 1996, and 2005 amendments</i>			
Council Adoption:	Date:		Resolution #:	13.06.08.04
Last Amended:	Date:		Resolution #:	
Review Date:	June 2023			

Objective:

To ensure that every employee works in an environment where direct efforts are made to prevent accidents, injury and disruption to employees' health from foreseeable work hazards.

Policy:

The Shire of Brookton regards the promotion of sound and effective Occupational Safety and Health practices as a common objective for the CEO, Managers, Supervisors, Employees and Contractors.

The Shire of Brookton acknowledges a duty to achieve their objectives by:

- Providing and maintaining a safe working environment.
- Providing adequate training and instruction to enable employees to perform their work safely and effectively.
- Investigating all actual and potentially injurious occurrences in order to eliminate the cause and reduce the level of risk.
- Comply with AS/NZS 4801 Occupational Health and Safety Management Systems audit tool.
- Compliance with Occupational Safety and Health (OSH) Act 1984, 2005 amendments, and Regulations 1996, relevant OSH Australian Standards, Codes of Practice and Guidance Notes.

Employees have a duty of co-operation in the attainment of these objectives by:

- Working with care for their own safety and that of other employees, contractors and public who may be affected by their acts or omissions.
- Reporting conditions which appear to be unsafe to their supervisor.
- Co-operating in the fulfilment of the obligations placed on their employer.
- Assisting in the investigation and the reporting of any accidents with the objective of introducing measures to prevent re-occurrence.

A safe and efficient place of work is our goal, and we must all be committed to reach this outcome.

2.3 VISITOR MANAGEMENT

Directorate:	Executive			
Statutory Environment:	<i>Occupational Safety and Health Act 1984, and 2005 amendments Occupational Safety and Health Regulations 1996, and 2005 amendments</i>			
Council Adoption:	Date:	Jun 2008	Resolution #:	13.06.08.04
Last Amended:	Date:	Aug 2017	Resolution #:	
Review Date:	June 2023			

Objective:

The Shire of Brookton is committed to ensuring that visitors to workplaces are not exposed to hazards and that severe penalties apply under the *Occupational Safety and Health Act 1984*, if visitors to workplaces are injured through not being appropriately cared for.

Policy:

All visitors who wish to enter workplaces or specified locations of a workplace shall obtain the prior permission of the Supervisor and shall report to the front counter (where applicable) or to the appropriate supervisor before entering any workplaces/sites.

Visitors are not permitted to wander around workplaces unaccompanied and therefore are to be accompanied by a staff member at all times.

Visitors are restricted from entering all high hazard areas.

2.4 VOLUNTEER MANAGEMENT

Directorate:	Executive			
Statutory Environment:	<i>Occupational Safety and Health Act 1984, and 2005 amendments Occupational Safety and Health Regulations 1996, and 2005 amendments</i>			
Council Adoption:	Date:	Jun 2008	Resolution #:	13.06.08.04
Last Amended:	Date:	Aug 2019	Resolution #:	
Review Date:	June 2023			

Objective:

To ensure that the Shire of Brookton recognises its responsibility for the management of volunteers in the organisation.

Policy:

The Shire of Brookton recognises the responsibility to ensure that the following points apply to the management of volunteers in the organisation. The Shire of Brookton will maintain a register of volunteers to ensure they are covered by the organisation's insurance policy.

The Council will comply with the national standards for volunteer involvement, which represent and explain the tenets of best practice in the management of volunteer staff.

The following points identify policy considerations for volunteering involving organisations and can be addressed as part of the process to implement the national standards:

- Interview and employ volunteer staff in accordance with anti-discrimination and equal opportunity legislation;
- Provide volunteer staff with orientation and training;
- Provide volunteer staff with a healthy and safe workplace;
- Provide appropriate and adequate insurance coverage for volunteer staff,
- Not place volunteer staff in roles that were previously held by paid staff or have been identified as paid jobs;
- differentiate between paid and unpaid roles;
- define volunteer roles and develop clear job descriptions;
- provide appropriate levels of support and management for volunteer staff;
- provide volunteers with a copy of policies pertaining to volunteer staff;
- ensure volunteers are not required to take up additional work during Industrial disputes or paid staff shortage;
- provide all volunteers with information on grievance and disciplinary policies and procedures;
- acknowledge the rights of volunteer staff;
- ensure that the work of volunteer staff complements but does not undermine the work of paid staff;
- offer volunteer staff the opportunity for professional development;
- reimburse volunteer staff for out of pocket expenses incurred on behalf of the organisation;
- treat volunteer staff as valuable team members, and advise them of the opportunities to participate in agency decisions;

- acknowledge the contributions of volunteer staff.

Scope:

This policy applies to all volunteers working on Shire activities or official Shire committees or advisory/working groups.

Volunteer Register:

A register will be kept. Volunteers aged between 16 and 85 years are fully covered for personal accident insurance. If volunteers are outside this age group, contact will be made with Local Government Insurance Services to seek approval for insurance cover.

2.5 FIT FOR WORK

Directorate:	Executive			
Statutory Environment:	<i>Occupational Safety and Health Act 1984, and 2005 amendments Occupational Safety and Health Regulations 1996, and 2005 amendments AS/NZS 4360: 2004 – Risk Management</i>			
Council Adoption:	Date:	Jun 2008	Resolution #:	13.06.08.04
Last Amended:	Date:	Aug 2019	Resolution #:	
Review Date:	June 2023			

Objective:

To recognise that the Shire of Brookton is committed to the safety and health of its employees and has a duty of care under the Occupational Safety and Health Act, 1984 to provide a safe working environment.

Accordingly, the Shire of Brookton recognises the duty of being fit for work is incumbent on all employees. This extends to co-workers and individuals alike in order to prevent their safety and health from being jeopardised through an act or omission of an employee who is unfit for work.

Policy:

For the purpose of meeting the Shire's duty of care, employees who attend work under the influence of, in possession of or found to be cultivating, selling or supplying drugs and / or alcohol, or being in any other way impaired for work, will not be tolerated by the Shire of Brookton. In order to ensure that this duty is fulfilled, the Shire of Brookton has implemented this procedure in the interests of occupational safety and health.

Those who are suspected or found to be under the influence of drugs or alcohol at work will be submitted for a drug and alcohol test in accordance with the adopted procedure.

The Shire may also perform random drug and alcohol testing at any time. Staff who fail to follow this procedure will be appropriately counselled and depending on the severity of their actions, may be suspended without pay or dismissed instantly.

Responsibility:

It is the responsibility of the direct supervisor or manager to detect if an employee is displaying signs of impaired work performance.

It is the responsibility of employees to ensure they do not attend work in a manner which will affect their work performance that could endanger work colleagues, members of the public or cause damage to Council equipment.

The Shire of Brookton believes that the health and wellbeing of an employee is of great importance to the organisation. An employee assistance program will be offered in order to support the affected employee.

All matters pertaining to Fitness for Work will be treated with the utmost confidentiality and any employee of the Shire of Brookton who is interested in receiving counselling services should seek approval from their Manager or Human Resource Manager.

Definitions:

For the purpose of this policy and procedure, the abuse of alcohol and/or other drugs includes:

- Impaired Work Performance - sudden or gradual deterioration in a person's ability to function appropriately at work.
- Unfit for Work – being impaired for work and therefore unable to perform duties in a safe manner.
- Use – eating, drinking, inhaling, injecting or dermal absorption of any substance or drug.
- Misuse – inappropriate use of a substance on the Shire of Brookton premises or property, including overdose of a drug or the failure to take a drug in accordance with medical advice.
- Alcohol – Any beverage containing alcohol.
- Drugs – Amphetamines, Cannabinoids such as THC, Opiates, Barbiturates, Cocaine, Methadone, Benzodiazepines, alcohol and other narcotics, prescription drugs and non-prescription drugs.
- Substance – any drug that may have adverse effects causing impaired work performance.
- Fatigue – The inability to perform work effectively or safely due to lack of sleep. Or the adverse effects of medication, alcohol, drugs and / or other substances (including, “hangovers” and/or “come downs”).
- Fit for Work – not being under the influence of or affected by the adverse effects of drugs, alcohol or any other substance. Or not being fatigued.

Application:

Alcohol

Being under the influence of alcohol will not be permitted whilst working for and/or on the premises or property of the Shire of Brookton. Employees who commence work whilst under the influence of alcohol, including working under the adverse effects of alcohol, will be stood down from their duties and taken to the nearest police station for an alcohol test. If the recorded alcohol level is deemed to be 0.05 and over, the employee(s) will be sent home without pay for the remainder of the day. As the employee will be over the legal limit to drive, alternative transport will be required. If the recorded alcohol level is under 0.05, employees will be prohibited from operating machinery, plant or equipment until a alcohol content of 0.00 is reached. Sedentary duties will be offered until then. There may be occasions where alcohol may be included as part of a work function or other recognised work event. Where management has properly approved the consumption of alcohol, employees must continue to behave in a sensible and responsible manner with due care for their own and other people's safety and wellbeing. Failure to behave in a sensible and responsible manner with due care or any failure to follow any directions given by management with regard to the consumption of alcohol may result in disciplinary action. It is a condition that employees make alternative arrangements to get home. The Shire of Brookton accepts no responsibility for employees during travel to and from the function.

Drugs and Prescription Medication

Illicit Drugs and Other Substances

Illicit drugs and other substances are strictly prohibited by the Shire of Brookton. Being under the influence of, suffering adverse effects of, in possession of, or found to be cultivating, selling or supplying drugs or other substances whilst on the Shire of Brookton property or premises will result in disciplinary action and possibly instant dismissal.

If suspected of the above, an employee must undergo a drug screen (paid by the Shire of Brookton).

Refusal to have a drug screen may result in instant dismissal.

If the drug screen proves positive results on the first offence, the employee will receive a written warning.

If an employee is found to give a positive result on the second offence, they will receive a second written warning. On the second offence, the employee must agree to be submitted for consequent drug testing (every fortnight or at random) for a two-month period. The employee will be instantly dismissed if a subsequent test is undertaken with a positive result.

Any third offence will also result in instant dismissal.

Prescription and Other Medication

It is a requirement for employees to advise their supervisor of any adverse effects that may occur when taking medication, including the number of times at which the medication is taken per day. This information is to be recorded on their personnel file for reference in the event of an emergency. It is also necessary for the employer to record any known allergic reactions to any medication an employee may have (i.e. penicillin).

Any prescription and other medication must be used in accordance with medical advice. Any non-prescription or other medication must be used in accordance with the manufacturer's recommendations.

Failure to follow these requirements will result in disciplinary action or instant dismissal.

Fatigue

Fatigue can be the result of many different situations. Due to this, this procedure will directly reflect the implications of fatigue through the following external triggers, but not limited to:

- Lack of sleep
- Voluntary work
- External work commitments.

In the interest of safety and health it is important that employees remain alert and function at full capacity whilst at work. When affected by fatigue, actions may be impaired through lack of concentration and poor judgement, therefore increasing the potential to cause injury or harm to themselves, personnel or members of the public.

It is Shire of Brookton policy to provide a safe place of work for its employees. It is an employee's responsibility to report to their supervisors any other work commitments or voluntary commitments outside of their employment with the Shire of Brookton. Depending on the circumstances, the Shire of Brookton may agree to come to a compromise with the employee to ensure there is a balance between regular hours worked at the Shire, sleep / rest and additional hours worked elsewhere (including paid and voluntary work). If this agreement is reneged by the employee, disciplinary action will result.

If deprivation of sleep is the cause of fatigue due to other external circumstances, a drug and alcohol screen will be required. If positive, disciplinary action will result.

In circumstances where the employee is unfit to remain at work in the judgement of their employer, the employee will be stood down from work without pay for the remainder of the day.

Employee Assistance Program (EAP):

The Shire of Brookton understands employees may be experiencing difficulties external to work that may influence their behaviour and health whilst at work. To assist with the recovery of the employee, the Shire of Brookton has in place a confidential employee assistance program. The Shire of Brookton will offer a total of 3 counselling sessions. If further sessions are required, approval is to be granted by the Human Resources Manager.

If an EAP is offered as a result of a first offence and the employee declines the offer, they risk the consequence of instant dismissal on second offence.

Employees who have not failed to meet the guidelines for this procedure and feel an EAP would benefit them due to personal circumstances may utilise these services on ratification of the Human Resources Manager. Such employees do not contravene the guidelines of this procedure if they volunteer for the EAP service.

Disciplinary Action:

If this procedure is in anyway contravened by an employee, the following will result.

General Guidelines

Any employee who tests positive to an alcohol breath screen or urine screen will be stood down from their work and will not be permitted to resume work until such time as they have proven they are fit for work. Any person who is found to be significantly fatigued will also be stood down from work without pay until such time as they have proven they are fit for work.

First Offence

- i. The employee will be immediately suspended from duty without pay if found unfit to work.
- ii. The employee will not be permitted to return to work until they have been tested again and proved negative for all prescribed substances.
- iii. The employee will be given the opportunity to state their case. Unless there are convincing arguments to the contrary, this procedure will continue.
- iv. The employee will be counselled by their supervisor that will focus on;
 - a) the unacceptability of the employee's behaviour

- b) the risk that such behaviour creates for the safety of the individual and other employees or members of the public
 - c) the employee's responsibility to demonstrate that the problem is being effectively addressed;
 - d) that any future breach of the policy will result in second offence or instant dismissal.
- v. The employee will be formally offered the opportunity to contact a professional counsellor. The decision to undertake counselling or other treatment for alcohol or other drug or substance problem is the responsibility of the employee and cannot be made mandatory. However, refusal to accept counselling will result in instant dismissal on second offence. The Shire of Brookton will insist that the employee provides satisfactory evidence that the effect of work performance and/or safety has been addressed before they are permitted to return to work.

Second Offence

- i. The employee will be immediately suspended from duty without pay if found unfit for work.
- ii. The employee will be given the opportunity to state their case. Unless there are convincing arguments to the contrary, this procedure will continue.
- iii. The employee will not be permitted to return to work until they have been tested again and proved negative for all prescribed substances.
- iv. The employee will be counselled by their supervisor that will focus on;
 - a) the unacceptability of the employee's behaviour
 - b) the risk that such behaviour creates for the safety of the individual and other employees or members of the public
 - c) the employee's responsibility to demonstrate that the problem is being effectively addressed;
 - d) that any future breach of the policy will result in instant dismissal.
- v. Counselling will be offered, refer to *First Offence (v)*, if counselling was not used in the first offence.
- vi. The employee will be instantly dismissed without notice if found to decline the offer to an EAP on second offence.
- vii. The employee will be submitted [fortnightly or randomly] for alcohol and / or drug screening for the period of [two months] paid by the Shire of Brookton. If tests are confirmed positive, instant dismissal will follow. If the employee refuses to comply, instant dismissal will follow.

Third Offence

- i. The employee will be given the opportunity to state their case. Unless there are convincing arguments to the contrary, this procedure will continue.
- ii. The employee will be immediately dismissed from duty without notice.

Instant Dismissal

The following are guidelines to circumstances that will result in dismissal without notice:

- 1 Any attempt to falsify the drug and alcohol screen.
- 2 Cultivating, selling or supplying drugs and/or other substances.
- 3 Unauthorized consumption of illicit drugs or alcohol whilst on the work site or during the working period.
- 4 Unlawful behaviour.

Other

If an employee is found to be heavily intoxicated, above the legal limit to drive, or extremely fatigued and they are to be sent home without pay, it is a requirement for the supervisor(s) to:

- a) contact the employee's next of kin to arrange pick up.
- b) If next of kin is unable to be contacted or unable to take employee home, alternative transport must be arranged. The employee is to be advised that their vehicle must be collected that day.

Reference

- Occupational Safety and Health Act 1984;
- Occupational Safety and Health Regulation 1996, and 2005 amendments;
- AS/NZS 4360: 2004 – Risk Management

2.6 DISCRIMINATION, HARASSMENT AND BULLYING POLICY

Directorate:	Executive			
Statutory Environment:	<i>Equal Employment Opportunity Act 1984, Sex Discrimination Act 1984, Occupation Safety and Health Act 1984.</i>			
Council Adoption:	Date:	Apr 2016	Resolution #:	12.04.16.04
Last Amended:	Date:	Aug 2017 Sept 2021	Resolution #:	
Review Date:	June 2023			

Objective:

The objective of this policy is to provide a definition and a framework of what constitutes discrimination, harassment or bullying in the workplace.

Policy:

The Shire of Brookton and its employees are committed to providing a working environment where every employee is treated equally, fairly and without prejudice. For the purposes of this policy the term “employee/s” will extend to cover contractors, volunteers and any person performing work for or with the Shire of Brookton in any capacity.

Unlawful Discrimination

An employee is directly discriminated against if they are treated less favorably than another person in the same or similar circumstance, because of any one of the grounds of discrimination outlined below.

The following is a non-exhaustive list of the grounds of discrimination for which it is unlawful to discriminate against an individual:

- Age;
- Family responsibility or status;
- Race or colour;
- Sex including gender identity, sexual orientation and intersex status;
- Physical or mental disability;
- Marital status;
- Political or religious conviction;
- Pregnancy;
- Criminal record;
- Breastfeeding;
- Gender history;
- Impairment;
- National extraction or social origin; and
- Trade union activity

Sexual Harassment

The *Equal Opportunity Act 1984 (WA)* and the *Sex Discrimination Act 1984 (Cth)* provide that it is unlawful to engage in sexual harassment. Sexual harassment can be defined as any unwelcome conduct of a sexual nature, such as an unwelcome sexual advance or an unwelcome request for sexual favours, in circumstances in which a reasonable person would anticipate that the person harassed would be offended, humiliated or intimidated.

Some examples of sexual harassment include, but are not limited to:

- Physical contact (touching, rubbing, patting, embracing, brushing up against etc.);
- Gestures of a sexual nature;
- Leering or staring; •
- Offensive telephone calls, emails, text messages or notes;
- Sexual suggestive jokes or comments;
- Tales of sexual exploits;
- Repeated requests for a date;
- Unwelcome comments or questions about a person's sex life, appearance or dress;
- Sexually graphic material (poster, calendars, cartoons, graffiti, messages, emails).

Bullying

Bullying is defined as repeated and/or unreasonable behaviour directed towards an employee or a group of employees that creates a risk to health and safety, **including an individual person's wellbeing**. Unreasonable behaviour amounts to behaviour that a reasonable person in the circumstances would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening.

Bullying is also unlawful under the *Occupational Safety and Health Act, 1984 (WA)* and the *Occupational Safety and Health Regulations, 1996 (WA)*.

Some examples of bullying include, but are not limited to:

- Loud, abusive or offensive language or comments;
- Yelling and screaming;
- Unjustified criticism and insults;
- Unjustified threats of dismissal or other disciplinary action;
- Acts of sabotaging another's work by withholding information which is required to fulfil tasks;
- Spreading malicious rumours or misinformation;
- Inappropriate comments about an employee's appearance, lifestyle or family;
- Deliberately excluding an employee from workplace meetings or activities;
- Hiding documents or equipment or withholding vital information required for effective work performance;
- Constantly changing targets or work guidelines;
- Overloading an employee with work and impossible deadlines;
- Setting tasks that are unreasonably below or beyond an employee's level of skill;
- Threats of assault or violence or actual violence;
- Teasing and practical jokes; and
- Isolating or ignoring an employee on a constant basis.

Where an employee makes a threat of violence or assaults another employee, the police should be called.

Reasonable Management Action

The Local Government **management** has a right to take reasonable **management** action to direct the way in which work is conducted, and to give employees lawful and reasonable directions to complete work in a certain manner. Reasonable management action is not workplace bullying.

Some examples of reasonable management action include, but are not limited to:

- The establishment and regular use of performance management systems;
- The setting of reasonable performance targets and deadlines;
- Providing employees with constructive feedback or counselling to assist workers to improve their work performance or the standard of their behaviour;
- Issuing a lawful and reasonable direction to an employee to complete a work task;
- Preparing and amending a roster for employees;
- Transferring an employee to a different work location for operational reasons;
- Implementing organisational change;
- Informing an employee about inappropriate behaviour in a confidential manner; and
- Taking disciplinary action against an employee.

What are the Ways in which Bullying can occur?

There are a variety of ways bullying behaviour can occur in the workplace such as verbally, through email or text message or via social media. Bullying can be directed at an individual employee or a group of employees and can be carried out by one or more employees. Bullying can occur between employees, downwards from managers to employees or upwards from employees to supervisors or managers.

Roles & Responsibilities

To ensure the intent of this policy is realised, various roles within the Shire of Brookton must assume certain responsibilities.

The Employer

The Shire of Brookton will endeavour to:

- provide all workplace participants with a workplace free from discrimination, sexual harassment and bullying;
- provide and maintain safe systems of work;
- provide a fair and effective procedure to investigate and resolve complaints of sexual harassment, discrimination and bullying;
- treat all employees fairly; and
- take suitable disciplinary action against any employee who is found to have sexually harassed, discriminated, bullied or victimised another employee.

All the Organisation's Employees

Employees are required to:

- report any incidents of sexual harassment, discrimination or bullying they may see happening around them to an appropriate manager or supervisor;
- follow all policies and procedures of the Shire of Brookton;

- ensure they do not victimise any person making a complaint of sexual harassment, discrimination or bullying;
- treat all employees fairly and with respect.

Consequences of Breaching This Policy

Any breach of this policy may result in disciplinary action up to and including termination of employment.

Variation to This Policy

This policy may be cancelled or varied from time to time. All the organisation's employees will be notified of any variation to this policy by the normal correspondence method.

Related Corporate Documents

- Grievance Policy
- Grievance Procedure

2.7 GRIEVANCES, INVESTIGATIONS AND RESOLUTIONS POLICY

Directorate:	Executive			
Statutory Environment:	<i>Equal Employment Opportunity Act 1984, Sex Discrimination Act 1984, Occupation Safety and Health Act 1984.</i>			
Council Adoption:	Date:	Apr 2016	Resolution #:	12.04.16.04
Last Amended:	Date:	Aug 2017 Sept 2021	Resolution #:	
Review Date:	June 2023			

Objective:

The objective of this policy is to provide a definition and a framework to investigate and resolve grievances that may arise in at the Shire of Brookton.

Policy:

All employees have a right to express any genuine grievances or complaints via an impartial internal process.

All employees involved in a grievance process are expected to participate in good faith. For the purposes of this policy, the term “employee/s” will extend to cover contractors, volunteers and any person performing work for or with the Shire of Brookton in any capacity.

Roles

Complainant – An employee who raises a complaint about a matter regarding the workplace.

Respondent – An employee who is alleged to have acted in a manner which caused the complainant to raise a complaint.

Support Person – A Complainant and/or a Respondent may choose to bring a Support Person with them to a meeting, where practicable. The role of a Support Person is not to advocate on behalf of anyone, but to simply provide emotional support.

Witness – A person (including an employee) who is requested by the Local Government to assist the process by providing relevant information regarding the complaint.

What to do if you have a Complaint?

- a) If an employee (Complainant) is the victim of behaviour of another employee (Respondent) which is inconsistent with the ~~Local Government's Council's~~ policies, procedures or guidelines (Policies), the Complainant should, where reasonable or practicable, first approach the Respondent for an informal discussion.
- b) If the nature of the complaint is deemed to be sufficiently serious, the complainant should contact their Manager directly. ~~If the Complainant does not feel comfortable approaching the Respondent, they should approach a Manager to assist to and seek assistance in facilitate facilitating an the~~ informal discussion.

- c) If the Respondent is the Chief Executive Officer, the grievance can lodged with the Manager Corporate and Community Services (MCC). Any grievance lodged against the Chief Executive Officer is to be dealt with by the Shire President under this policy.
- d) If the inappropriate behaviour continues, the Complainant is encouraged to make a formal complaint to their direct manager. If the direct manager is the Respondent in the matter or if the employee feels uncomfortable approaching their manager, the Complainant should approach any other Manager ~~at the Shire of Brookton~~.
- e) The employee who receives the complaint must contact the Respondents direct line manager (in the case of the Chief Executive officer that is the Shire President) and decide upon the most appropriate way to take the matter forward, whether it is an informal discussion with the Complainant and/or the Respondent, or the commencement of a formal investigation of the complaint.

Key Principles in the Complaint Resolution Process

The following principles are necessary for the fair investigation and resolution of a complaint:

- i. Confidential – Only the employees directly investigating or addressing the complaint will have access to the information about the complaint. The Shire of Brookton may inform or appoint a third party to investigate or advise on the investigation. All parties involved in dealing with a complaint are required to keep the matter confidential. Information will only be placed on an employee’s personal file if they are disciplined as a result of the complaint.
- ii. Impartial (fair/unbiased) – Both parties will have an opportunity to put their case forward. No assumptions are made, and no action will be taken until available and relevant information has been collected and considered.
- iii. Sensitive – The employees who assist in responding to complaints should be specifically trained or equipped to treat all complaints sensitively and ensure the process is free of coercion or intimidation.
- iv. Timely – The Shire of Brookton aims to deal with all complaints as quickly as possible and in accordance with any legislative requirements.
- v. Documented – All complaints and investigations must be documented. In formal grievance processes, records must be kept of all documents collected and/or drafted as part of that process. For more informal processes, a file note or note in a diary may be sufficient.
- vi. Natural Justice – The principles of natural justice provide that:
 - o A Respondent against whom allegations are made as part of a grievance process has the right to respond to the allegations before any determination is made.
 - o A Respondent against whom an allegation is made has the right to be told (where possible and appropriate) who made the allegation.
 - o anyone involved in the investigation should be unbiased and declare any conflict of interest.
 - o decisions must be based on objective considerations and substantiated facts.
 - o the Complainant and the Respondent have the right to have a support person present at any meetings where practicable.

- vi. Procedural Fairness – The principles of procedural fairness provide that:
- The Respondent is advised of the details (as precisely and specifically as possible) of any allegations when reasonably practicable.
 - A Respondent is entitled to receive verbal or written communication from the Shire of Brookton of the potential consequences of given forms of conduct, as applicable to the situation.
 - The Respondent is given an opportunity to respond to any allegations made against them by a Complainant.
 - Any mitigating circumstances presented to the Shire of Brookton through the grievance process are investigated and considered.
 - The Respondent has the right to have an appropriate support person present during any inquiry or investigation process where practicable or necessary.
 - Any witnesses who can reasonably be expected to help with any inquiry or investigation process should be interviewed.
 - All interviews of witnesses are conducted separately and confidentially.

Outcome of Making a Complaint

If a complaint is substantiated, there are a number of possible outcomes. If the complaint involves a performance issue, the manager of the Respondent may commence a formal or informal performance management process with the Respondent or elect to discipline the Respondent in accordance with the Disciplinary Policy.

If the complaint involves a breach of a Policy or any other behaviour that is inconsistent with the employment relationship, the manager of the Respondent, in consultation with senior management, may elect to discipline the Respondent in accordance with the Disciplinary Policy.

Vexatious or Malicious Complaints

Where a Complainant has deliberately made a vexatious or malicious complaint that Complainant may be subject to disciplinary action, including but not limited to, termination of employment.

Victimisation of Complainant

A Complainant must not be victimised by the Respondent or any other employee of the Shire of Brookton for making a complaint. Anyone responsible for victimising a Complainant may be subject to disciplinary action, including but not limited to, termination of employment.

Variation to This Policy

This policy may be cancelled or varied from time to time. All Shire of Brookton's employees will be notified of any variation to this policy by the normal correspondence method. Related Corporate Documents Discrimination, Harassment, & Bullying Policy Grievances, Investigations and Resolutions Procedure Code of Conduct.

2.8 RISK MANAGEMENT

Directorate:	Executive			
Statutory Environment:	<i>Occupation Safety and Health Act 1984 and 2005 amendments Occupational Safety and Health Regulations 1996, and 2005 amendments AS/NZS 4360: 2004 Risk Management Local Government Audit Regulations - 17</i>			
Council Adoption:	Date:	Oct 2016	Resolution #:	13.06.08.04
Last Amended:	Date:	Aug 2019 Sept 2021	Resolution #:	
Review Date:	June 2023			

Purpose:

The Shire of Brookton's ("the Shire") Risk Management Policy documents the commitment and objectives regarding managing uncertainty that may impact the Shire's strategies, goals or objectives.

Policy:

It is the Shire's Policy to achieve best practice aligned with AS/NZS ISO 31000:2009 Risk management in the management of all risks that may affect the Shire, its customers, people, assets, functions, objectives, operations or members of the public.

Risk Management will form part of the strategic, operational, project and line management responsibilities and where possible, be incorporated within the Shire's Integrated Planning Framework.

The Shire's Senior Management Group will implement and communicate the Risk Management policy, objectives and procedures, as well as direct and monitor implementation, practice and performance.

Every employee, Elected Member, volunteer and contractor within the Shire is recognised as having a role in risk management.

Consultants may be retained at times to advise and assist in the risk management process or management of specific risks or categories of risk.

Definitions (from AS/NZS ISO 31000:2009):

- *Risk* means Effect of uncertainty on objectives.

Note 1: An effect is a deviation from the expected – positive or negative.

Note 2: Objectives can have different aspects (such as financial, health and safety and environmental goals) and can apply at different levels (such as strategic, organisation-wide, project, product, or process).

- *Risk Management* means Coordinated activities to direct and control an organisation with regard to risk.

- *Risk Management Process* means systematic application of management policies, procedures and practices to the activities of communicating, consulting, establishing the context, and identifying, analysing, evaluating, treating, monitoring and reviewing risk.

Objectives:

- Optimise the achievement of ~~our~~ the Shire's vision, experiences, strategies, goals and objectives.
- Provide transparent and formal oversight of the risk and control environment to enable effective decision making.
- Enhance risk versus return within our risk appetite.
- Embed appropriate and effective controls to mitigate risk.
- Achieve effective corporate governance and adherence to relevant statutory, regulatory and compliance obligations.
- Enhance organisational resilience.
- Identify and provide for the continuity of critical operations.

Risk Appetite:

- The Shire defined its risk appetite through the development and endorsement of the Shire's Risk Assessment and Acceptance Criteria. The criteria are included within the Risk Management Procedures and are subject to ongoing review in conjunction with this policy.
- All organisational risks ~~to be~~ reported at a corporate level are to be assessed according to the Shire's Risk Assessment and Acceptance Criteria to allow consistency and informed decision making. For operational requirements such as projects or to satisfy external stakeholder requirements, alternative risk assessment criteria may be utilised, however these cannot exceed the organisation's appetite and are to be noted within the individual risk assessment and approved by ~~a member of the Senior Management Group~~ the CEO.

Roles, Responsibilities & Accountabilities:

Council's role ~~with assistance from the Audit and Risk Committee~~ is to –

- Review and approve the Shire's Risk Management Policy and Risk Assessment and Acceptance Criteria.
- Liaise with Office of the Auditor General ~~to~~ in its assessment and reporting ~~report~~ on financial statements and performance standards annually.
- Establish and maintain an Audit and Risk Committee ~~in~~ under provisions ~~terms~~ of the *Local Government Act, 1995* with the charter to oversee the identification of relevant risks and associated actions of mitigation across all finance and operational areas.

The CEO is responsible for the allocation of roles, responsibilities and accountabilities. These are documented in the Risk Management Procedures (Operational Document).

Monitor & Review:

The Shire will implement and integrate a monitor and review process to report on the achievement of the Risk Management Objectives, the management of individual risks and the ongoing identification of issues and trends.

This policy will be kept under review by the Shire's Senior Management Group and will be formally reviewed by Council biennially.

2.9 ACCESS TO ADMINISTRATION RECORDS

Directorate:	Governance			
Statutory Environment:	<i>State Records Act 2000</i> <i>Freedom of Information Act 1992</i>			
Council Adoption:	Date:	April 2009	Resolution #:	13.04.09.01
Last Amended:	Date:	Sept 2021	Resolution #:	
Review Date:	June 2023			

Purpose:

To set clear guidelines for access and removal of Shire of Brookton records.

Policy:

1. Internal access to records

- Records must be available to all Elected Members, staff and contractors who require access to them for business purposes of the Shire of Brookton.
- Some records created by the Shire of Brookton will be of a sensitive or confidential nature and will require access to them to be restricted to one or more people.
- Right of access to each record will be determined by the security classification attached to the record.
- Confidential records will be restricted to those entitled to have access, **as determined by the CEO.**

2. External access to records

- Access to Shire of Brookton records by members of the public will be in accordance with the *Freedom of Information Act 1992*.

3. Accessibility

- Records will be stored in such a way that they can be identified and retrieved easily and quickly by Shire of Brookton staff and contractors.
- Records **where necessary** will be housed in locked cupboards or areas which are not accessible to the public or other unauthorized personnel.
- The location of the records must not impede retrieval requirements.

As a general rule ~~no Shire of Brookton~~ records should **not** be removed from Shire of Brookton premises. However, it is sometimes necessary to remove files such as Building Applications and Permits. Where records are removed ~~from Shire of Brookton premises, the load to the individual concerned~~ **these** must be recorded ~~and with~~ the care of the record **is being** the responsibility of the person to whom the record has been loaned.

2.10 COMPLAINTS HANDLING

Directorate:	Governance			
Statutory Environment:	<i>Water Services Code of Conduct (Customer Service Standards) 2013</i>			
Council Adoption:	Date:	Mar 2014	Resolution #:	13.03.14.01
Last Amended:	Date:	Aug 2019 Sept 2021	Resolution #:	
Review Date:	June 2023			

Objective:

The Shire is committed to resolving complaints in a timely, fair and equitable manner.

It is important that customers are able to easily lodge a complaint and have the complaint considered by the relevant officer or department.

It is also important that if the customer is not satisfied with the outcome of the complaint that the matter is able to be referred to a higher level for consideration. The customer should be informed of their rights in this regard.

Complaints will be used to review and make positive changes to the Council's policies and procedures.

Policy:

This policy covers ~~all aspects of~~ the Shire's ~~services, including~~ wastewater (sewerage) services, but does not relate to complaints that must be legally addressed in another manner such as the State Administrative Tribunal or under the Whistle-blowers Protection legislation.

Complaints will only be addressed if submitted to the Shire in writing (i.e. letter or email) unless otherwise deemed urgent by the CEO. Anonymous complaints will not be addressed by the Shire.

It is intended that complaints will be addressed within 15 business days from the date the complaint is received, however this will depend on the complexity of the complaint and the legislative parameters that need to be considered.

Procedure:

The complaints process is outlined in the following steps:

1. Customers are encouraged to discuss their complaint with the officer of the department which is the subject of the complaint and to attempt to resolve the issue at this level.
2. If the complaint cannot be resolved at the first point of contact the matter will be reviewed by the direct line manager and the complainant will be advised of the outcome in writing.
3. The advice to the complainant in step 2 may include the details of an independent party that the matter can be referred to if still unresolved or the complainant is still not satisfied.
4. Once the matter has been completed the CEO will review the circumstances of the complaint and make any relevant changes to the Shire's operations to lessen the probability of further complaints being raised.

Independent Parties:

If the matter cannot be resolved to the customer's satisfaction, they have the right to refer the matter to one of the following independent parties.

For general complaints

The Ombudsman Western Australia

<http://www.ombudsman.wa.gov.au>

For water services complaints

The Energy and Water Ombudsman

<http://ombudsman.wa.gov.au/energyandwater/>

2.11 KOORRNONG RESIDENTIAL ESTATE

Directorate:	Governance			
Statutory Environment:	Nil			
Council Adoption:	Date:	Dec 2016	Resolution #:	13.12.16.05
Last Amended:	Date:	Aug 2019 Sept 2021	Resolution #:	
Review Date:	June 2023			

Outcomes:

- To set the fees for sale for the residential estate remaining lots.
- To encourage sales.

Objective:

- To discourage speculation in land.
- To encourage development and activation of the estate and townsite.

Policy:

To encourage the sale and development of the individual lots;

- The following purchase price for the respective remaining lot(s) for sale at “Koorrnong” (pursuant Section 3.58(4)(c)(ii)) of the Local Government Act 1995 shall apply:
 - Lot 102 - ~~\$60,000~~ \$66,000 or nearest offer
 - Lot 103 - ~~\$60,000~~ \$66,000 or nearest offer
 - Lot 104 - \$60,500 or nearest offer
 - Lot 105 - ~~\$52,500~~ \$55,000 or nearest offer
- ~~The above prices are condition all on~~ A \$5,000 rebate applies where the purchaser ~~producing produces~~ a Builder’s Certificate giving notice of practical completion of a dwelling within 24 months of settlement of the sale of the property.
- The CEO ensuring such condition is explicitly contained within the contract of offer documentation relating to the sale.
- The Council may from time to time apply an alternative approach (i.e. tender, action, raffle) to market and promote the sale of the subject lots.
- ~~The following conditions will apply:~~
 - The use of repurposed buildings (i.e. donga) is not permitted.
 - The connection to an approved onsite effluent disposal system.
 - A minimum internal floor area for a single house being 100m² (excludes a verandah, garage, or carport).

2.12 AGED CARE

This Policy was revoked at the 19th September 2019 Ordinary Meeting of Council; Resolution number OCM 09.19-17, OCM 09.19-18.

2.13 LIQUIDITY MANAGEMENT STRATEGY – AGED CARE

This Policy was revoked at the 19th September 2019 Ordinary Meeting of Council; Resolution number OCM 09.19-17, OCM 09.19-18.

2.14 INVESTMENT MANAGEMENT STRATEGY - AGED CARE

This Policy was revoked at the 19th September 2019 Ordinary Meeting of Council; Resolution number OCM 09.19-17, OCM 09.19-18.

2.15 CONTIGUOUS RATING – SHIRE BOUNDARY PROPERTY

Directorate:	Corporate			
Statutory Environment:	<i>Local Government Act, 1995; Part 6; Div.6; sections 6.26 and 6.47 Rates and Charges (Rebates and Deferments) Act, 1992</i>			
Council Adoption:	Date:		Resolution #:	
Last Amended:	Date:	Sept 2021	Resolution #:	
Review Date:	June 2023			

Objective:

To recognise parcels of land located on the Shire's boundary adjoining other parcels of land in neighbouring shires as contiguous for the purposes of assessing rates.

Policy:

It is Council Policy to support the contiguous rating of land zoned "Farming" only where the land is situated in a contiguous position to all other land, and the land is in the same ownership, including when the property crosses a Shire boundary.

The Shire of Brookton relies on Landgate to determine whether parcels of land that are within the Shire's boundary should be contiguously valued as one holding. Landgate uses set valuation principles and court precedent as the basis for determining the validity of claims relating to contiguously valued properties.

For example: a farming property comprising a number of lots/locations all in common ownership and being used as one large holding will normally receive a single value.

The Shire of Brookton recognises that there may be parcels of land located on the Shire's boundary that adjoin other parcels of land in neighbouring shires that are not considered by Landgate because they are separated by shire boundaries. Council considers that the owners of properties that would otherwise be assessed as being contiguous in nature, if they happened to be contained within the one Shire, should be given the opportunity to apply for a concession on their rates within the Shire of Brookton.

The owners of properties that fit the below criteria must apply for a concession from Council each and every year that they wish to have their properties assessed. A detailed application form will be provided for this purpose, on the request of the property owner.

The property owner must be able to prove that all relevant parcels of land meet all of the following requirements:

- Contiguous (touching) with contiguously rated properties in neighbouring shire(s);
- All properties are held in the same ownership; and
- All properties are used for the same purpose.
- The property in the Brookton Shire must be rated at the minimum rate. The property owner must provide the following documentation for assessment:
 - Completed Shire of Brookton Rates Concession Application Form;
 - Copy of relevant Shire of Brookton rates notice(s) (current year); and
 - Copy of relevant adjoining shire rates notice(s) (current year).

The property owner will be required to pay the whole of the current year rates relating to the relevant Brookton property prior to a concession being awarded.

The concession will be calculated by deducting the amount that would otherwise be payable on the relevant property if it were contiguously rated by the relevant neighbouring shire from the amount that has been assessed/paid in the current year with the Shire of Brookton.

All other regular claims for contiguously valued properties held within the Brookton Shire boundary should be directly with the Shire of Brookton and will be assessed with the assistance of Landgate.

2.16 SIGNIFICANT ACCOUNTING POLICIES

Directorate:	Corporate			
Statutory Environment:	<i>Local Government Act 1995</i> <i>Local Government (Financial Management) Regulations 1996</i> <i>Australian Accounting Standards Board (AASB) Standards</i>			
Council Adoption:	Date:		Resolution #:	10.02.11.01
Last Amended:	Date:	July 2021	Resolution #:	OCM 07.21-07
Review Date:	June 2023			

The significant accounting policies which have been adopted in the preparation of this financial reports are:

Basis of Preparation

The budget has been prepared in accordance with Australian Accounting Standards (as they apply to local governments and not-for-profit entities) and interpretations of the Australian Accounting Standards Board, and the *Local Government Act, 1995* and accompanying regulations.

The *Local Government Act 1995* and accompanying Regulations take precedence over Australian Accounting Standards where they are inconsistent.

The *Local Government (Financial Management) Regulations 1996* specify that vested land is a right-of-use asset to be measured at cost. All right-of-use assets (other than vested improvements) under zero cost concessionary leases are measured at zero cost rather than at fair value. The exception is vested improvements on concessionary land leases such as roads, buildings or other infrastructure which continue to be reported at fair value, as opposed to the vested land which is measured at zero cost. The measurement of vested improvements at fair value is a departure from AASB 16 which would have required the Shire to measure any vested improvements at zero cost.

Accounting policies which have been adopted in the preparation of this budget have been consistently applied unless stated otherwise. Except for cash flow and rate setting information, the budget has been prepared on the accrual basis and is based on historical costs, modified, where applicable, by the measurement at fair value of selected non-current assets, financial assets and liabilities.

The Local Government Reporting Entity

All funds through which the Shire of Brookton controls resources to carry on its functions have been included in the financial statements forming part of this budget.

In the process of reporting on the local government as a single unit, all transactions and balances between those Funds (for example, loans and transfers between Funds) have been eliminated.

All monies held in the Trust Fund are excluded from the financial statements. A separate statement of those monies appears at Note 15 Trust Funds to the budget.

2020/21 Actual Balances

Balances shown in this budget as 2020/21 Actual are estimates as forecast at the time of budget preparation and are subject to final adjustments.

Change in Accounting Policies

On the 1 July 2021 no new accounting policies are to be adopted and no new policies are expected to impact the annual budget.

Key Terms and Definitions – Nature or Type

Revenues

Rates

All rates levied under the *Local Government Act 1995*. Includes general, differential, specified area rates, minimum rates, interim rates, back rates, ex-gratia rates, less discounts and concessions offered. Exclude administration fees, interest on instalments, interest on arrears, service charges and sewerage rates.

Service Charges

Service charges imposed under Division 6 of Part 6 of the *Local Government Act 1995*. Regulation 54 of the *Local Government (Financial Management) Regulations 1996* identifies these as television and radio broadcasting, underground electricity and neighbourhood surveillance services.

Excludes rubbish removal charges. Interest and other items of a similar nature received from bank and investment accounts, interest on rate instalments, interest on rate arrears and interest on debtors.

Profit On Asset Disposal

Profit on the disposal of assets including gains on the disposal of long term investments. Losses are disclosed under the expenditure classifications.

Operating Grants, Subsidies And Contributions

Refer to all amounts received as grants, subsidies and contributions that are not non-operating grants.

Non-Operating Grants, Subsidies And Contributions

Amounts received specifically for the acquisition, construction of new or the upgrading of non-current assets paid to a local government, irrespective of whether these amounts are received as capital grants, subsidies, contributions or donations.

Fees And Charges

Revenue (other than service charges) from the use of facilities and charges made for local government services, sewerage rates, rentals, hire charges, fee for service, photocopying charges, licences, sale of goods or information, fines, penalties and administration fees. Local governments may wish to disclose more detail such as rubbish collection fees, rental of property, fines and penalties, other fees and charges.

Interest Earnings

Interest and other items of a similar nature received from bank and investment accounts, interest on rate instalments, interest on rate arrears and interest on debtors.

Other Revenue / Income

Other revenue, which cannot be classified under the above headings, includes dividends, discounts, and rebates. Reimbursements and recoveries should be separated by note to ensure the correct calculation of ratios.

Expenses

Employee Costs

All costs associated with the employment of person such as salaries, wages, allowances, benefits such as vehicle and housing, superannuation, employment expenses, removal expenses, relocation expenses, worker's compensation insurance, training costs, conferences safety expenses, medical examinations, fringe benefit tax, etc.

Materials And Contracts

All expenditures on materials, supplies and contracts not classified under other headings. These include supply of goods and materials, legal expenses, consultancy, maintenance agreements, communication expenses, advertising expenses, membership, periodicals, publications, hire expenses, rental, leases, postage and freight etc. Local governments may wish to disclose more detail such as contract services, consultancy, information technology, rental or lease expenditures.

Utilities (Gas, Electricity, Water, Etc.)

Expenditures made to the respective agencies for the provision of power, gas or water. Exclude expenditures incurred for the reinstatement of roadwork on behalf of these agencies.

Insurance

All insurance other than worker's compensation and health benefit insurance included as a cost of employment.

Loss On Asset Disposal

Loss on the disposal of fixed assets includes loss on disposal of long term investments.

Depreciation On Non-Current Assets

Depreciation and amortisation expense raised on all classes of assets.

Interest Expenses

Interest and other costs of finance paid, including costs of finance for loan debentures, overdraft accommodation and refinancing expenses.

Other Expenditure

Statutory fees, taxes, provision for bad debts, member's fees or State taxes. Donations and subsidies made to community groups.

Net Current Assets

Significant Accounting Policies

Current and Non-Current Classification

An asset or liability is classified as current if it is expected to be settled within the next 12 months, being the Shire's operational cycle. In the case of liabilities where the Shire does not have the unconditional right to defer settlement beyond 12 months, such as vested long service leave, the liability is classified as current

even if not expected to be settled within the next 12 months. Inventories held for trading are classified as current even if not expected to be realised in the next 12 months except for land held for sale.

Trade and Other Payables

Trade and other payables represent liabilities for goods and services provided to the Shire prior to the end of the financial year that are unpaid and arise when the Shire of Brookton becomes obliged to make future payments in respect of the purchase of these goods and services. The amounts are unsecured, are recognised as a current liability and are normally paid within 30 days of recognition.

PREPAID RATES

Prepaid rates are, until the taxable event has occurred (start of the next financial year), refundable at the request of the ratepayer. Rates received in advance are initially recognised as a financial liability. When the taxable event occurs, the financial liability is extinguished and the Shire recognises revenue for the prepaid rates that have not been refunded.

Inventories

General

Inventories are measured at the lower of cost and net realisable value.

Net realisable value is the estimated selling price in the ordinary course of business less the estimated costs of completion and the estimated costs necessary to make the sale.

Superannuation

The Shire of Brookton contributes to a number of superannuation funds on behalf of employees.

All funds to which the Shire of Brookton contributes are defined contribution plans.

Land Held for Resale

Land held for development and sale is valued at the lower of cost and net realisable value. Cost includes the cost of acquisition, development, borrowing costs and holding costs until completion of development. Finance costs and holding charges incurred after development is completed are expensed.

Gains and losses are recognised in profit or loss at the time of signing an unconditional contract of sale if significant risks and rewards, and effective control over the land, are passed on to the buyer at this point.

Contract Assets

A contract asset is the right to consideration in exchange for goods or services the entity has transferred to a customer when that right is conditioned on something other than the passage of time.

Trade and Other Receivables

Trade and other receivables include amounts due from ratepayers for unpaid rates and service charges and other amounts due from third parties for goods sold and services performed in the ordinary course of business.

Trade receivables are recognised at original invoice amount less any allowances for uncollectible amounts (i.e. impairment). The carrying amount of net trade receivables is equivalent to fair value as it is due for settlement within 30 days.

Trade receivables are held with the objective to collect the contractual cashflows and therefore measures them subsequently at amortised cost using the effective interest rate method.

Due to the short term nature of current receivables, their carrying amount is considered to be the same as their fair value. Non-current receivables are indexed to inflation, any difference between the face value and fair value is considered immaterial.

The Shire applies the AASB 9 simplified approach to measuring expected credit losses using a lifetime expected loss allowance for all trade receivables. To measure the expected credit losses, rates receivable is separated from other trade receivables due to the difference in payment terms and security for rates receivable.

Provisions

Provisions are recognised when the Shire has a legal or constructive obligation, as a result of past events, for which it is probable that an outflow of economic benefits will result and that outflow can be reliably measured.

Provisions are measured using the best estimate of the amounts required to settle the obligation at the end of the reporting period.

Employee Benefits

Short-term employee benefits

Provision is made for the Shire's obligations for short-term employee benefits. Short term employee benefits are benefits (other than termination benefits) that are expected to be settled wholly before 12 months after the end of the annual reporting period in which the employees render the related service, including wages, salaries and sick leave. Short-term employee benefits are measured at the undiscounted) amounts expected to be paid when the obligation is settled.

The Shire's obligations for short-term employee benefits such as wages, salaries and sick leave are recognised as a part of current trade and other payables in the statement of financial position. The Shire of Brookton's obligations for employees' annual leave and long service leave entitlements are recognised as provisions in the statement of financial position.

Cash and Cash Equivalents

Cash and cash equivalents include cash on hand, cash at bank, deposits available on demand with banks, other short term highly liquid investments that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value and bank overdrafts.

Bank overdrafts are shown as short-term borrowings in current liabilities in Note 2 - Net Current Assets.

Financial Assets at Amortised Cost

The Shire classifies financial assets at amortised cost if both of the following criteria are met:

- the asset is held within a business model whose objective is to collect the contractual cashflows, and
- the contractual terms give rise to cash flows that are solely payments of principal and interest.

Recognition of Assets

Assets for which the fair value as at the date of acquisition is under \$5,000 are not recognised as an asset in accordance with Financial Management Regulation 17A (5). These assets are expensed immediately.

Where multiple individual low value assets are purchased together as part of a larger asset or collectively forming a larger asset exceeding the threshold, the individual assets are recognised as one asset and capitalised.

Gains And Losses On Disposal

Gains and losses on disposals are determined by comparing proceeds with the carrying amount. These gains and losses are included in profit or loss in the period which they arise.

Depreciation

The depreciable amount of all fixed assets including buildings but excluding freehold land, are depreciated on a straight-line basis over the individual asset's useful life from the time the asset is held ready for use. Leasehold improvements are depreciated over the shorter of either the unexpired period of the lease or the estimated useful life of the improvements.

The assets residual values and useful lives are reviewed, and adjusted if appropriate, at the end of each reporting period.

An asset's carrying amount is written down immediately to its recoverable amount if the asset's carrying amount is greater than its estimated recoverable amount.

Major depreciation periods used for each class of depreciable asset are:

Asset Class

Buildings – non-specialised	30 to 50 years
Buildings – specialised	50 to 80 years
Furniture and Equipment	4 to 10 years
Plant and Equipment	5 to 15 years
Infrastructure Parks & Gardens	10 to 100 years
Infrastructure Footpaths	20 years
Infrastructure Sewerage	80 years
Infrastructure parks and ovals	30 to 75 years
Other infrastructure	10 to 60 years
Right of use – plant and equipment	based on the remaining lease
Intangible assets – rehabilitation costs	40 years

Amortisation

The depreciable amount of all intangible assets with a finite useful life, are depreciated on a straight-line basis over the individual asset's useful life from the time the asset is held for use.

The assets residual value of intangible assets is considered to be zero and useful life and amortisation method are reviewed at the end of each financial year.

Amortisation is included within Depreciation on non-current assets in the Statement of Comprehensive Income.

Borrowing Costs

Borrowing costs are recognised as an expense when incurred except where they are directly attributable to the acquisition, construction or production of a qualifying asset. Where this is the case, they are capitalised

as part of the cost of the particular asset until such time as the asset is substantially ready for its intended use or sale.

Leases

At inception of a contract, an entity shall assess whether the contract is, or contains, a lease. A contract is, or contains, a lease if the contract conveys the right to control the use of an identified asset for a period of time in exchange for consideration.

At the commencement date, a right-of-use asset is recognized at cost and a lease liability.

At the present value of the lease payments that are not paid at that date. The lease payments shall be discounted using the interest rate implicit in the lease, if that rate can be readily determined. If that rate cannot be readily determined, the Shire uses its incremental borrowing rate.

Lease Liabilities

The present value of future lease payments not paid at the reporting date discounted using the incremental borrowing rate where the implicit interest rate in the lease is not readily determined.

Revenue Recognition

Accounting Policies for the recognition of income and revenue from contracts with customers is described in Note 11.

Interests in Joint Arrangements

Joint arrangements represent the contractual sharing of control between parties in a business venture where unanimous decisions about relevant activities are required.

Separate joint venture entities providing joint ventures with an interest to net assets are classified as a joint venture and accounted for using the equity method.

Joint venture operations represent arrangements whereby joint operators maintain direct interests in each asset and exposure to each liability of the arrangement. The Shire of Brookton's interests in the asset's liabilities revenue and expenses of joint operations are included in the respective line items of the financial statements.

Goods and Services Tax (GST)

Revenues, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Australian Taxation Office (ATO).

Receivables and payables are stated inclusive of GST receivable or payable. The net amount of GST recoverable from, or payable to, the ATO is included with receivables or payables in the statement of financial position.

Cash flows are presented on a gross basis. The GST components of cash flows arising from investing or financing activities which are recoverable from, or payable to, the ATO are presented as operating cash flows.

Critical Accounting Estimates

The preparation of a budget in conformity with Australian Accounting Standards requires management to make judgements, estimates and assumptions that effect the application of policies and reported amounts of assets and liabilities, income and expenses.

The estimates and associated assumptions are based on historical experience and various other factors that are believed to be reasonable under the circumstances; the results of which form the basis of making the judgements about carrying values of assets and liabilities that are not readily apparent from other sources. Actual results may differ from these estimates.

Rounding Off Figures

All figures shown in this statement are rounded to the nearest dollar.

Comparative Figures

Where required, comparative figures have been adjusted to conform with changes in presentation for the current financial year.

Budget Comparative Figures

Where required, comparative figures have been adjusted to conform with changes in presentation for the current financial year.

2.17 SALARY SACRIFICING

Directorate:	Corporate			
Statutory Environment:	<i>Division 35 of the Income Tax Assessment Act 1997 (Commonwealth)</i> <i>Local Government Industry Award 2020</i>			
Council Adoption:	Date:		Resolution #:	
Last Amended:	Date:	August 2020	Resolution #:	
Review Date:	June 2023			

Objective:

Salary packaging enables employees to receive fringe benefits in lieu of part of their salary or wage.

The tax cost associated with certain fringe benefits may be lower than the tax on their pay, which can result in financial benefits to the employee, particularly if the goods are exempt from FBT.

Policy Statement:

The Shire of Brookton supports employees making purchases for goods, through the employer, that are 'otherwise deductible' from the Taxation Office and or exempt from FBT. Examples of purchases that would be deemed eligible include Laptop computers, briefcases and vehicles under certain circumstances.

Procedure:

How it works is that the employee identifies the item they wish to purchase and seeks authority from the Manager Corporate and Community Services (MCC) to purchase the relevant item (it must comply with certain taxation rules however). The employer provides a form to employee confirming that they authorise the employer to deduct from their pay the equivalent amount (less GST) from their next pay (or over an agreed number of pays) until the value of the purchase has been 'sacrificed' by the employee. Once the value has been reached, the employer then purchases the item and provides the item to the employee for their use and ownership.

Reimbursements to Council for eligible salary sacrifice items must be paid by the employee at the same time of receiving the benefit or in advance of the purchase by the Council. Retrospective or Council financed purchases will not be authorised. To make salary sacrifice arrangements employees must complete the appropriate form (available from Council's Finance Officer) and be signed by the Manager Corporate and Community Services (MCC) or CEO prior to the purchase or 'sacrifice' taking place.

Guidelines relating to vehicle purchases made under a salary sacrifice arrangement include the following;

That with respect to the purchasing of light fleet vehicles and the provision of private staff use of certain vehicles, Council endorses the current Human Resources Policy "Remuneration Packaging" and continue to allow for the salary packaging of vehicles upon request from an employee and subject to the discretion of the Chief Executive Officer, within the following guidelines.

- a) Vehicles predominately required for operational reasons are not eligible (e.g. Works vehicles);
- b) Vehicles that are provided under a novated lease and/or "cashed out" from an existing employer provided vehicle to an employee with unrestricted private use;

- i) must be utilised by the employee for work purposes and that employee is not able to utilise “pool” vehicles for work or private purposes;
- ii) may be hired by the employer for other employee or Councillor work requirements at the discretion of the owner of the vehicle (every attempt must be made to utilise a non-novate lease vehicle in the first instance) and if so hired, may be charged at the prevailing rate provided for in the Local Government Industry Award 2020 (\$0.72 cents per kilometre at 2020);
- iii) in the event of damage incurred to the vehicle by the hirer in part ii (above), the Council will meet the cost of any damage or insurance excess to a maximum of \$500;
- iv) should not result in the Council nor the employee being disadvantaged.

2.18 USE OF CORPORATE CREDIT CARDS

Directorate:	Corporate			
Statutory Environment:	<i>Local Government (Financial Management) Regulations 1996 – Regulations 5 (1)(2) & 11 (1)(a)</i>			
Council Adoption:	Date:	Jun 2009	Resolution #:	12.06.09.04
Last Amended:	Date:	May 2021	Resolution #:	04.21-12
Review Date:	June 2023			

Objective:

This policy is designed to provide clear direction on the use of corporate credit cards.

Policy:

The Shire of Brookton, in order to enhance daily purchasing processes and reduce administrative costs, will authorise the issue, by its preferred financial services provider, of corporate credit cards with a maximum credit limit of \$10,000, under delegated authority of the Chief Executive Officer.

- The Chief Executive Officer is authorised to use a Council provided Corporate Credit Card for Council approved expenditure within a credit limit of \$5,000 monthly as approved by Council.
- The Manager of Corporate and Community Services is authorised to use Council provided Corporate Credit Card for Council approved expenditure within a credit limit of \$3,000 monthly as approved by Council and the Chief Executive Officer.
- The Manager of Infrastructure and Assets (MIA) is authorised to use Council provided Corporate Credit Card for Council approved expenditure within a credit limit of \$2000.00 monthly as approved by Council.
- The Community Emergency Services Manager (CESM) is authorised to use Council provided Corporate Credit Card for Council and/or Declared Emergency, approved expenditure within a credit limit of \$1,500.00 monthly as approved by Council and DFES under the Local Government Grants Scheme.

The use of Council's Corporate Credit Cards is subject to the following:

- The corporate credit card is only to be used for the purchase of goods and services on behalf of the Shire of Brookton such as, but not limited to, accommodation, meals, travel, fuel, conference/seminar fees, and subscription to professional memberships, journals, publications where the use of a purchase order is impractical or not possible.
- The corporate credit card shall not be used for cash advances.
- The corporate credit card shall not be used for expenditure on personal items or services.
- The corporate credit card shall not be tied to any type of personal benefit or reward.
- If the corporate credit card is lost, stolen and/or damaged it shall be reported to the Chief Executive Officer or Manager of Corporate and Community Services (MCC) immediately.
- The CESM is only allowed to utilise the Corporate Credit Card for declared emergency requirements only and for the purposes of fuel and reimbursements as defined under the Local Government Grants Scheme Guidelines.
- The CESM is required to seek permission in relation to the expenditure from the Shire's of Pingelly and Corrigin and DFES if required.

- CESM reimbursements between third party councils (Pingelly and Corrigin) and DFES will be invoiced through the quarterly payments.

The following are the approved methods of processing transactions subject to the cardholder, on each occasion, maintaining a documented record of such transactions:

- Across the counter (the cardholder signs a purchase order at the time of purchase).
- By telephone (the transaction is completed by quoting corporate card details to the supplier).
- By mail, quoting card details on orders to suppliers.
- By internet (the transaction is completed by quoting credit card details to the supplier).
- Signed letter/memo of authorisation by the Chief Executive Officer for non-card holder use.

It is the responsibility of the cardholder to retain purchase/expenditure documentation, tax invoices and reconcile with credit card statements at the end of each month.

The Officer (cardholder) must sign the credit card statement in the space provided to validate the transactions shown on the statement. The Chief Executive Officer/ Manager Corporate and Community Services (MCC) is to sign off on the summary of transactions as further verification and validation.

Any disputed amounts on the credit card statement must immediately be brought to the attention of the Creditors Officer.

Termination of Employment

The corporate credit card will be cancelled immediately upon the termination of employment of the Officer (cardholder). The Officer remains responsible for providing details of any expenditure included on the corporate credit card statement up to and including their final day of employment.

Cardholder Acknowledgement

The Officer (cardholder) must sign a “letter of acknowledgement and declaration” acknowledging their responsibilities to comply with the Shire of Brookton’s policy when using the corporate credit card.

2.19 FINANCIAL RESERVES POLICY

Directorate:	Corporate			
Statutory Environment:	<i>Local Government Act 1995</i> <i>Local Government (Financial Management) Regulations 1996</i>			
Council Adoption:	Date:	Feb 2017	Resolution #:	12.02.17.04
Last Amended:	Date:	Aug 19 Sept 2021	Resolution #:	12.09.18.03
Review Date:	June 2023			

Objective:

The objective of the Financial Reserves Policy is to provide a framework for the establishment and ongoing management of Financial Reserves.

Policy:

The Shire has established a number of Reserves for the purpose of setting aside funds for specific purposes with clear linkages to the adopted strategies and plans of the Shire.

Reserves may be utilised only for the purpose for which they were created. As part of the ongoing management of the Financial Reserves, each Reserve will be reviewed on an annual basis as part of Budget preparation to ensure that the purpose of the Reserve is still current and maintains clear linkages with the adopted strategies and plans of the Shire.

The *Local Government Act 1995* and Regulations prescribe the necessary steps should the Shire seek to change the purpose of a Reserve or expend Reserve funds for an alternative purpose.

Reserves may be externally restricted (external funding requirement to restrict funds in a Reserve) or internally restricted (Shire funds).

Officers will ensure that all interest earnings from Reserve fund investments will be budgeted to be applied to the relevant Reserve fund, and then if so budgeted, transferred at least once per annum.

Officers will ensure that all proposed transfers to Reserves, established by the annual depreciation (where applicable) and or calculation basis and aspirational targets determined below, will be considered for inclusion in each draft Budget (draft 1).

As a general rule, all transfers to and or from the Reserves will be debited and credited as necessary and not reflect a net transfer. In other words – both the credit (to the Reserve – for example the deemed depreciation amount) and the debit (draw from the Reserve – for example to reimburse the Municipal Fund acquisition) will be journaled, to reflect the principles detailed within the Policy.

Prior to the creation of a Reserve, Council shall adopt operating parameters in relation to the Reserve which set out:

- The purpose of the Reserve;

- The basis of calculation for any transfer to and / or from the Reserve; and
- The proposed allocation of any unexpended balance remaining in the Reserve following completion of any particular project.

Reserve funds may only be expended by an absolute majority resolution of Council, typically encompassed by the adoption of the Budget or subsequent Budget Reviews.

Each month the financial report presented to Council is to include a schedule of Reserves, showing:

- Opening Balance at 1 July;
- Budgeted and Actual Transfers to Reserves;
- Budgeted and Actual Transfers from Reserves;
- Budgeted (Estimated) Closing Balance at 30 June; and
- Current Balance.

Current (2017/18) Financial Reserves of the Shire of Brookton

Reserve Name	Purpose	Aspirational Target Balance
a) Land and Housing Development Reserve	To fund the acquisition, renewal, upgrading or construction of Shire Housing.	Sufficient to ensure adequate funding of annual renewal requirements set out in Council's Asset Management Plans. Target: To facilitate, on average, the attainment of a 100% Asset Sustainability Ratio every year.
b) Plant and Vehicle Reserve	To fund the purchase of motor vehicles, plant or equipment as approved in the Plant Replacement Program and that are licensed.	Sufficient to achieve the cyclical needs of the 10 Year Plant and Vehicle Replacement Program.
c) Furniture and Equipment Reserve	To fund the replacement of major items of furniture and equipment, including ICT.	Sufficient to ensure adequate funding of annual renewal requirements set out in Council's Asset Management Plans. Target: To facilitate, on average, the attainment of a 100% Asset Sustainability Ratio every year.
d) Municipal Buildings Reserve	To fund the acquisition, renewal, upgrading or construction of Shire owned buildings and facilities.	Sufficient to ensure adequate funding of annual renewal requirements set out in Council's Asset Management Plans. Target: To facilitate, on average, the attainment of a 100% Asset Sustainability Ratio every year
e) Townscape and Footpath Reserve	To fund the construction of major townscape works and or upgrade of footpaths.	To be identified as required.
f) Road and Bridges	To fund the construction of roads	Sufficient to ensure adequate funding of

Infrastructure Reserve	and bridges within the Shire.	<p>annual renewal requirements set out in Council's Asset Management Plans.</p> <p>Target: To facilitate, on average, the attainment of a 100% Asset Sustainability Ratio every year</p>
g) Sewerage Scheme Reserve	To fund the expansion, ongoing renewal, maintenance and asset management needs of the Brookton Sewerage Scheme.	<p>Sufficient to ensure adequate funding of annual renewal requirements set out in Council's Asset Management Plans.</p> <p>Target: To facilitate, on average, the attainment of a 100% Asset Sustainability Ratio every year.</p>
h) Health & Wellbeing Reserve	To fund initiatives in relation to community health and wellbeing.	<p>Sufficient to ensure adequate funding of annual renewal requirements set out in Council's Asset Management Plans.</p> <p>Target: To facilitate, on average, the attainment of a 100% Asset Sustainability Ratio every year.</p>
i) Sport and Recreation Reserve	To fund new, renewal, upgrades, or major maintenance of sporting and recreation infrastructure.	<p>Sufficient to ensure adequate funding of annual renewal requirements set out in Council's Asset Management Plans.</p> <p>Target: To facilitate, on average, the attainment of a 100% Asset Sustainability Ratio every year</p>
j) Rehabilitation Refuse & Gravel Reserve	To fund the rehabilitation or major upgrades of the Brookton Refuse Site and or to rehabilitate former Gravel Pits.	<p>Sufficient to ensure adequate funding of annual renewal requirements set out in Council's Asset Management Plans.</p> <p>Target: To facilitate, on average, the attainment of a 100% Asset Sustainability Ratio every year.</p>
k) Caravan Park Reserve	To fund renewal, upgrades or major maintenance of the Brookton Caravan Park.	<p>Sufficient to ensure adequate funding of annual renewal requirements set out in Council's Asset Management Plans.</p> <p>Target: To facilitate, on average, the attainment of a 100% Asset Sustainability Ratio every year.</p>
l) Brookton Museum/Heritage Reserve	To fund renewal, upgrades or major maintenance of the Brookton Museum.	<p>Sufficient to ensure adequate funding of annual renewal requirements set out in Council's Asset Management Plans.</p> <p>Target: To facilitate, on average, the attainment of a 100% Asset Sustainability Ratio every year.</p>

m) Kweda Hall Reserve	To fund renewal, upgrades or major maintenance of the Kweda Hall.	Sufficient to ensure adequate funding of annual renewal requirements set out in Council's Asset Management Plans. Target: To facilitate, on average, the attainment of a 100% Asset Sustainability Ratio every year.
n) Aldersyde Hall Reserve — Not a Shire Building	To assist in funding renewal, upgrades or major maintenance of the Aldersyde Hall.	There is to be no further allocation to this reserve upon expenditure of current funds.
o) Railway Station Reserve	To fund renewal, upgrades or major maintenance of the Railway Station and or Platform.	Sufficient to ensure adequate funding of annual renewal requirements set out in Council's Asset Management Plans. Target: To facilitate, on average, the attainment of a 100% Asset Sustainability Ratio every year.
p) Maddison Square Units Reserve	To fund renewal, upgrades or major maintenance of the Joint Venture Housing Units (4) and Business Employee Units (2).	Sufficient to ensure adequate funding of annual renewal requirements set out in Council's Asset Management Plans. Target: To facilitate, on average, the attainment of a 100% Asset Sustainability Ratio every year.
q) Cemetery Reserve	To fund renewal, upgrades or major maintenance of the Brookton Cemetery.	Sufficient to ensure adequate funding of annual renewal requirements set out in Council's Asset Management Plans. Target: To facilitate, on average, the attainment of a 100% Asset Sustainability Ratio every year.
r) Water Harvesting Reserve	To fund renewal, upgrades or major maintenance of the water harvesting scheme infrastructure.	Sufficient to ensure adequate funding of annual renewal requirements set out in Council's Asset Management Plans. Target: To facilitate, on average, the attainment of a 100% Asset Sustainability Ratio every year.
s) Aquatic Centre Reserve	To fund renewal, replacement, upgrades or major maintenance of the Brookton Aquatic Centre.	Sufficient to ensure adequate funding of annual renewal requirements set out in Council's Asset Management Plans. Target: To facilitate, on average, the attainment of a 100% Asset Sustainability Ratio every year.
t) Employee Statutory Entitlements Reserve	To fund the statutory obligations and liability of the employer in relation to employee's annual leave	100% of non-current employee leave liabilities as reported in the Council's Annual Financial Statements (the Provisions Note).

	and or long service leave entitlements.	
u) Developer Contributions	To hold contributions applied to a development via a Development Application or Subdivision Approval pending determination by Council of its application to the specific works. Nb: Public Open Space (POS) contributions are to be retained in the Trust Fund of the Council	Not applicable.
v) Cash Contingency Reserve	To offset overdraft interest expenses that would have otherwise been incurred by the Municipal Fund, and be used in response and recovery in emergency circumstances should the need arise. which typically would be between the months of May through to the end of September of any given year.	Where possible, this reserve should be maintained with sufficient funds in the order of \$150,000 to ensure adequate funding for continuity of operations until the majority of rates income is received.
w) Future Fund Reserve	The purpose of this reserve is primarily set aside funds for investment. It is anticipated this fund will mainly be preserved in perpetuity with the interest earned used for community benefit.	These funds are to be held in this Reserve until a trust framework has been established to oversee and recommend future allocation and/or use of these funds.
x) Capital Investment Reserve	The purpose of this reserve is to hold the proceeds realized from the sale of Lot 511 Whittington Street, Brookton (known as Kalkarni Residential Aged Care and Saddleback Medical Centre).	These funds are to be held in this Reserve until Council resolves to determine the future allocation and/or use of these funds. This Reserve has been set up for this purpose only.
y) Innovations Fund Reserve	The purpose of this reserve is to support and complement the Integrated Planning and Reporting (IPR) framework	These funds are to be held in this Reserve until Council resolves to determine the future allocation and/or use of these funds.

2.20 PURCHASING

This Policy was revoked at the 15th November 2018 Ordinary Meeting of Council; Resolution number 11.18-11 and replaced with Policy 2.36 – Procurement.

2.21 FINANCIAL HARDSHIP

Directorate:	Corporate			
Statutory Environment:	<i>Local Government Act 1995</i> <i>Local Government (Financial Management) Regulations 1996</i> <i>Local Government (COVID-19 Response) Order 2020</i> <i>Rates and Charges (Rebates and Deferments) Act 1992</i>			
Council Adoption:	Date:	March 2014	Resolution #:	13.03.17.01
Last Amended:	Date:	Feb 2021	Resolution #:	OCM 02.21-18
Review Date:	June 2023			

Objective:

To give effect to the Council's commitment to support:

9. Shire of Brookton ratepayers experiencing financial hardship or difficulty in meeting their commitments regarding payment of rates and/or charges.
10. The whole community to meet the unprecedented challenges from events, such as the COVID19 pandemic or a major bushfire.

This Policy is intended to ensure fair, equitable, consistent and dignified support to ratepayers suffering hardship is offered, while treating all members of the community with respect and understanding of difficult individual circumstances.

Tenants who also have an agreement with a landowner to receive a rate notice are also covered by this policy.

Scope

This policy applies to:

- Outstanding rates and services charges as at the date of adoption of this policy;
- Rates and service charges levied for the respective year;
- All ratepayers with outstanding rates and service charges experiencing financial hardship or in situations of vulnerability as prescribed in the definition contained; and
- A guide used for external stakeholders when assisting customers in financial hardship e.g. financial counsellors.

It is reasonable that those with the capacity to pay rates will continue to do so. Accordingly, this Policy is not intended to provide rate relief to ratepayers with the capacity to pay, but rather those who are not able to pay their rates based on evidential financial hardship and the statutory provisions of the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996* that allows the Council to exercise discretion applied to individual circumstances.

Definitions:

Rates Debtor:

A rates debtor is defined as a ratepayer of the Shire of Brookton. Must be owner or part owner of the property and be liable for payment of rates.

Small Business;

A small business has the same meaning as under the *Small Business Development Corporation Act 1983*: a business undertaking which is wholly owned and operated by an individual person or by individual persons in partnership or by a proprietary company within the meaning of the *Corporations Act 2001* of the Commonwealth and which:

- a. has a relatively small share of the market in which it competes;
- b. is managed personally by the owner or owners or directors, as the case requires; and
- c. is not a subsidiary of, or does not form part of, a larger business or enterprise.

Financial Hardship

A ratepayer will be considered to be in financial hardship if paying their rates account will affect their ability to meet their basic living needs, for themselves, family or other dependents. The ratepayer has the intention but not the financial capacity to pay.

Financial Hardship Payment Arrangement

An agreement made with a ratepayer who is willing and has the intention to pay but is unable to meet their repayments or existing financial obligations due to serious and/or exceptional hardship or vulnerability.

Statements

(a) Assessment of Financial Hardship

Financial hardship occurs where a person is required to pay rates and service charges that will adversely affect their ability to meet basic living needs for themselves and their dependents. The Shire recognises that circumstances, like COVID19 or a major bushfire event, may increase the occurrence of payment difficulties, financial hardship and vulnerability within the community.

Therefore, this policy is intended to apply to:

- a) all ratepayers experiencing financial hardship regardless of their status, be they a property owner, tenant, business owner etc.; and
- b) where the payment of Shire rates and service charges will affect their ability to meet basic living needs due to exceptional circumstances.

If a person claims to be in financial hardship the Shire may assess the circumstances within ~~ten~~ **three** business days to determine the extent of financial hardship. If the Shire cannot undertake the assessment within this period, the matter may be referred to a financial counsellor for assistance.

(b) Financial Hardship Criteria

While evidence of financial hardship is required, the Council does recognise that not all circumstances are alike, and will therefore take a flexible approach to individual circumstances including, but not limited to, the following situations:

- 1 Recent unemployment or under-employment
- 2 Sickness or recovery from sickness
- 3 Low income or loss of income
- 4 Unanticipated circumstances such as caring for and supporting extended family

Ratepayers are required to provide information about their individual circumstances including their capacity to make some level of payment, and where possible enter into a payment arrangement. The Council will be considerate of all circumstances, applying the principles of fairness, integrity and confidentiality whilst complying with relevant statutory responsibilities.

(c) Payment Arrangements

If the Shire accepts a situation of financial hardship a payment arrangement may be offered (accounting for the specific circumstances) to the ratepayer with solicited input from his or her representative.

Payment arrangements facilitated in accordance with Section 6.49 of *the Local Government Act 1995* are of an agreed frequency and amount. These arrangements will consider the following:

- 5 That a ratepayer has made genuine effort to meet rate and service charge obligations in the past.
- 6 The payment arrangement/schedule will establish a known end date that is realistic and achievable.
- 7 The ratepayer will be responsible for informing the Shire of any change in circumstance that jeopardises an agreed payment schedule.

In the case of severe financial hardship, the Council reserves the right to consider waiving additional charges or interest (excluding the late payment interest applicable to the Emergency Services Levy).

(d) Interest Charges

A ratepayer that meets the Financial Hardship Criteria (above) and enters into a payment arrangement may request a suspension or waiver of interest charges. Applications are required in writing and will be assessed on merit.

A ratepayer that meets the Financial Hardship criteria will not attract interest or penalty charges on rates/services charge in the 2020/21, subject to the period of time that the Local Government (COVID-19 Response) Ministerial Order 202 remains effective (SL2020/67 – Gazetted 8 May 2020).

(e) Deferment of Rates

Under the Rates and Charges (Rebates and Deferments) Act 1992, eligible and registered pensioners may be able to defer payment of the rates and Emergency Service Levy charges (not that the Emergency Services Levy is a State Government charge). An applicant should register an entitlement with the Shire as soon as they become eligible for a rebate or deferment.

(f) Debt recovery

If the payment arrangement is not adhered to the Shire Administration may commence debt recovery proceedings in accordance with part 2 of the ACCC and ASIC's Debt Recovery Guidelines for Collectors and Creditors, and in accordance the Shire's Debt Recovery Procedures.

However, the CEO will suspend the Shire's debt recovery processes whilst negotiating a suitable payment arrangement with a ratepayer. Where a ratepayer is unable to make payments in accordance with the agreed payment arrangement, informs the Shire and entertains an alternative arrangement before defaulting on the 3rd due payment, then the Shire Administration will continue to suspend debt recovery processes. Then, should a ratepayer not reasonably adhered to the agreed or alternate payment arrangement, at 1st of July of each year the Shire will offer one further opportunity to clear the total debt by the end of the following financial year, subject to reasonable hardship circumstances being

demonstrated in writing. Should this not occur debt recovery procedures as prescribed in the *Local Government Act 1995* will be enacted.

(g) Applying for Financial Hardship

The ratepayer is required to submit a Financial Hardship Application provided by the Shire of Brookton.

(h) Review & Assessment Process

The Rates Officer is required to check all information and supporting documentation has been provided and complete the Financial Hardship Checklist.

A ratepayer's application will be reviewed within ten (10) business days and if it meets the policy criteria it will be submitted to the Chief Executive Officer or Manager Corporate and Community for final assessment.

In addition to financial hardship, the following will be considered in assessing the application for a concession under this policy:

Size of debt and span of time over which the debt has accumulated;

- Freehold ownership or mortgaged;
- Sole residence;
- Advertised for lease and/or sale;
- Profile and history of the ratepayer such as; pensioner status, any previous communications, demonstration of historical genuine efforts to pay, and history of default and/or non-responsiveness.

1. Application Approval

The following concessions may be applied on a case-by-case basis:

- 1) Acceptance of temporarily reduced payments; or
- 2) Acceptance of an agreed Payment Arrangement.

Ratepayers will be notified in writing of the result of their application.

2. Review

The Council remains open to a review of all circumstances and decisions made under this policy at the request of the ratepayer.

3. Communication and Confidentiality

All communications, information and actions performed under this policy will be conducted with the highest level of confidence.

Initial communications should be conducted with the Rates Officer, Manager Corporate and Community or Chief Executive Officer and may involve a third party at the ratepayer's request. Information on pertinent information being shared in confidence with the Council to ensure an informed and fair determination is made.

2.22 NEW BUSINESS INCENTIVES

Directorate:	Corporate			
Statutory Environment:	Section 2.7 and Section 6.12(b) of the <i>Local Government Act, 1995</i> .			
Council Adoption:	Date:	April 2009	Resolution #:	13.04.09.03
Last Amended:	Date:	Aug 2019	Resolution #:	
Review Date:	June 2023			

Objective:

To strengthen the local economy and improve employment opportunities by stimulating business developments suitable to the environment and community of the Shire of Brookton.

Policy:

Council will provide new businesses in the Shire of Brookton a financial incentive of up to \$1,000 by the waiving the statutory planning and/or building application fees (where applicable to the local government) as a one off.

At the time of lodging a planning and/or building application with the Shire of Brookton the applicant must provide their ABN to qualify for this incentive.

2.23 BUY LOCAL

This Policy was revoked at the 15th November 2018 Ordinary Meeting of Council; Resolution number 11.18-11 and replaced with Policy 2.36 – Procurement.

2.24 FEES AND CHARGES FOR COMMUNITY FACILITIES & ACTIVE RESERVES

Directorate:	Corporate			
Statutory Environment:	<i>Local Government Act 1995 s. 6.16</i>			
Council Adoption:	Date:		Resolution #:	
Last Amended:	Date:	Aug 2017	Resolution #:	
Review Date:	June 2023			

Objective:

To ensure fair, equitable and transparent model is applied to the setting of fees and charges for the use of Community Facilities and Active Reserves.

To provide a framework for determining and reviewing the fees and charges, and the level of subsidy provided.

Policy:

Council provides active reserves and community facilities for overall community benefit and as such subsidises the use of these facilities to a substantial level in support of this expectation. The fees and charges levies for the use of these facilities are not intended to recover the full cost of provision.

1. Fees and charges for community facilities and active reserves will be established based on recouping a percentage of operating and renewal costs.
2. The target revenue is 10% - of which 5% will be from commercial, private and other use, and 5% from community groups. Thus, Council is effectively subsidizing to 90%.
3. The structure of the fees and charges recognizes the distinct categories of user groups, and fees and charges are set to reflect these different users.
4. Use on a casual basis for competitions, festivals, events etc. Will attract fees based on a fee structure that recognizes the different financial capacities of community and commercial organisations.
5. To support the participation in junior sports and other Council designated activities, a further 50% donation of the set fees and charges will apply.
6. All clubs which are separately incorporated will be treated as an individual club.
7. Fees and charges will be set based on the previous year's annual operating costs.
8. Fees for regular user groups will be based on a 'per session' method of calculation – that is, that a notional cost for use of a facility per session will be determined and will be multiplied by the number of sessions a particular group conducts during their playing season.
9. Schools are required to book facilities and reserves prior to use and will be charges according to the relevant fee in the schedule.
10. Clubs requiring exclusive use of facilities do so under a lease arrangement and will be responsible for the utilities and future improvements of their facilities, unless determined by Council.

Categories of users are:

- Commercial means activities run by private companies for commercial gain.
- Private Function means functions organized by individuals – birthday parties, funerals etc.
- State Govt and other agencies means Main Roads WA, Wheatbelt Dev. Comm., etc.
- Community Groups means groups that are run by volunteer committees.

2.25 HALL HIRE

Directorate:	Corporate			
Statutory Environment:	<i>Local Government Act 1995; section 6.17</i>			
Council Adoption:	Date:		Resolution #:	
Last Amended:	Date:	April 020 Sept 2021	Resolution #:	OCM 04.20-07
Review Date:	June 2023			

Objective:

To provide the framework for the management of Council's Memorial Hall and WB Eva Pavilion hire program. This aims to ensure that:

- a) A range of user groups have fair and equitable access to Council's community facilities. To provide a framework for determining and reviewing the fees and charges, and the level of subsidy provided.
- b) The WB Eva Pavilion is made available to members of the local community at no cost during periods of power outage.

Procedure Policy:

1. Bond and Hire Fees

- The Hirer must pay the bond and hire fees at the time of making the booking. A booking is only confirmed once payment in full has been made.
- Hire fees are charged on a scale as detailed in Table A and listed in the Shire's Fees and Charges Schedule.
- The bond will be returned to the hirer when staff have inspected the venue after the function.
- Damage and cleaning shall be the responsibility of the person or organization hiring the facility to be conducted immediately at the conclusion of the hire period, and where:
 - Any damage to or loss of equipment, or additional cleaning required, will be charges to the Hirer as per the current replacement or repair cost of equipment, plus 15% administration fee;
 - Any damage to the buildings, including fittings, chattels, curtains, furniture and surrounds will be charges to the Hirer as per the replacement or repair cost of that item, plus 15% administration fee;

2. Furniture and Equipment

The furniture must not be dragged over the floor surfaces - trolleys are provided for the movement of chairs, tables and other furnishings.

3. Alcohol Consumption

~~Council venues are unlicensed facilities.~~ It is the responsibility of the Hirer to:

- Obtain written permission from the Shire CEO to allow alcohol to be consumed at the venue.
- Obtain an Occasional Liquor Licence from the Department of Racing, Gaming and Liquor.
- Provide a copy of the Occasional Liquor Licence to the CEO.

- Display the Occasional Liquor Licence prominently during the hire period.
- Ensure that the requirements of the Liquor Licence are fulfilled.
- Ensure that minors are not permitted in the bar or licensed area.
- Organize and oversee staffing of the bar with personnel sufficiently trained in the responsible service of alcohol.

4. Cleaning supplies

~~are available in each venue.~~ It is a condition of hire that:

- All food scraps are removed from the premises before the end of the hire period.
- All indoor bins are emptied into the outdoor bins before the end of the hire period.
- Kitchen facilities, crockery and cutlery are left in a clean state with all equipment in working order.
- Shire staff are notified of all breakages.
- All tables are cleared, wiped and stacked on the trolley.
- The hirer informs shire staff of any spills/damage as soon as possible.

5. Decorations

The use of decorations requires:

- The permission to decorate ~~must be sought from the Shire CEO~~ at the time of booking, ~~including The following items must not be used without consulting shire staff:~~ candles, confetti, blue tac, sticky tape, nails, pins, screws or anything that could deface the surfaces such as chemicals, paint etc.
- All decorations ~~must~~ to be completely removed after the function.

6. Compliance with Acts and Regulations

- The hirer will comply with the provisions of the Health Act 2016, Food Act 2008, Liquor Licensing Act 1988 and any other act, regulation or local law in force at the hiring time and which is applicable to the hiring and use of the venue;
- The Shire CEO, health inspectors, liquor licensing officers and police have the right to enter any function for the purpose of making an inspection or enforcing any of the conditions;
- The Shire CEO, health inspectors, liquor licensing officers and police have the right to close down a function and remove all patrons from the building if regulations are not being met.

7. Other Conditions

- ~~Council reserves the right to amend these conditions at any time to ensure best management practices are met;~~
- Council venues are a smoke free environment, ~~Please do not smoke including no~~ inside the building or within ten metres from the entrance;
- Council's piano can only be moved under the supervision of Shire staff. Please contact staff regarding piano use.
- The hirer is responsible for any disorderly behaviour, unsuitable dress, obscene or insulting language in any part of the venue.
- The Shire CEO and/or the hirer have the right to refuse admission to any person.

8. Insurance:

- Individuals hiring a shire venue are covered under the Shire's Casual Hirers Liability Insurance.

- Incorporated bodies, sporting clubs, associations, corporations and any persons hiring a Council venue for commercial or profit-making purposes, are required to provide their own Public Liability Insurance **to an amount as prescribe by the Shire.**

9. Power Outages

- **During power outages** the WB Eva Pavilion is to be made available by the Shire Administration to members of the local Brookton Community to use at no charge between the hours of 8.00am and 8.00pm, unless other extended by the CEO, when:
 - The mains power is not available for a period extending beyond 1 hour; and
 - The temperature is forecast to exceed 33 degrees Celsius.
- The Pavilion may be closed at an earlier time should the CEO believe such action is warranted or necessary.
- Community members seeking to use the WB Eva Pavilion must:
 - Afford a courtesy to others using the facility.
 - Provide their own food, drinks and entertainment - alcohol is not permitted.
 - Leave the Pavilion in a clean and tidy condition upon the use ceasing.

2.26 NO SCHOOL, NO POOL DETERMINATION NO.1

This Policy was revoked at the 19th September 2019 Ordinary Meeting of Council; Resolution number OCM 09.19-17, OCM 09.19-18.

2.27 RECORDS INFORMATION MANAGEMENT

Directorate:	Corporate			
Statutory Environment:	<i>State Records Act 2000</i> <i>National Archives Australia</i>			
Council Adoption:	Date:	Aug 2017	Resolution #:	13.08.17.03
Last Amended:	Date:	Sept 2021	Resolution #:	
Review Date:	June 2023			

Purpose:

To define accountabilities and responsibilities for the implementation and ongoing development of records and information management across the Shire. To support the Shire's commitment to the management of its records and information.

Scope of Policy:

This policy applies to the Brookton Shire community, including Council members, staff, Shire associates, Shire controlled entities and all persons performing duties or services for the Shire, whether as a visitor, an appointee, consultants, contractors or volunteers.

Definitions:

- Records means are records information in any format, created, received and maintained as evidence and information by an organisation or person, in pursuance of legal obligations or in the transaction of business. (AS ISO 15489: Records Management).
- Retention and Disposal Schedules means a systematic listing of categories, or series, of records created and/or kept by an organisation that plans the life of those records from creation to ultimate disposal. (State Records Commission Standard 3: Appraisal of Records).

Policy Statement:

1. The Shire's records and information will be managed as core strategic assets essential to the business of the Shire.
2. Ownership and proprietary interest of records and information created or received during the course of business is vested in the Shire.
3. The Shire is committed to developing and implementing records and information management practices which support the Shire's business and legislative requirements.
4. The Shire will retain and dispose of its records and information in accordance with the retention and disposal schedules approved by the State Records Office.
5. The Shire is committed to capturing and preserving records and information of significant historical or cultural value to the Shire and the State.

Responsibilities

- Chief Executive Officer

The CEO is responsible for ensuring the Shire's compliance with the State Records Act 2000 including the principles and standards established by the State Records Office.

- Managers/Supervisors

All Managers and supervisors are responsible for fostering and supporting a culture that promotes good recordkeeping and information management practices and ensuring that staff and contractors in their area are aware of, understand and comply with records and information management policies and procedures.

The Manager Corporate and Community Services (MCC) is responsible for developing and implementing policies, procedures, systems, tools and techniques, training and support programs, and monitoring compliance with records and information management policies and directives and advising staff of any risks associated with non-compliance.

- Staff, Consultants, Contractors and Volunteers

All staff, consultants, contractors and volunteers are responsible for creating, collecting, classifying, securing, keeping and disposing of records and information relating to the business activities they perform, in accordance with this policy and any supporting procedures.

Supporting Procedures:

Records and Information Management Procedures (as contained in the Administration Procedure Manual).

Related Documents/Links:

Recordkeeping Plan

Disclosure of Personal Information Procedures

Western Australian Shire Sector Disposal Authority

Electronic Transactions Act 2011 (WA)

Evidence Act 1906 (WA) Freedom of Information Act 1992 (WA)

State Records Act 2000 (WA)

Australian/International Standard ISO/AS 15489: Records Management

2.28 CONTIGUOUS RATING – WITHIN THE SHIRE OF BROOKTON

Directorate:	Corporate			
Statutory Environment:	<i>Local Government Act, 1995; Part 6; Div.6; sections 6.26 Valuation of Land Act 1978</i>			
Council Adoption:	Date:	Sep 2017	Resolution #:	13.09.17.01
Last Amended:	Date:	Sept 2021	Resolution #:	
Review Date:	June 2023			

Objective:

To provide guidance and clarity on the treatment of contiguous valuation of land requests for Unimproved Valuations (UV) and Gross Rental Valuations (GRV) made to the Valuer Generals Office.

Policy:

Contiguous rural land held in the same ownership, used and occupied as one property and which would reasonably be expected to sell as one holding, can be rated as a single entity. This Policy is to be exercised in accordance with the Valuation of Land Act 1978, Sections 4(1), 18, 23 and that final approval is granted by the CEO.

Definitions:

“Contiguous” ~~means Case law has generally applied a strict definition of “contiguous” or~~ “adjoining” that requires land to physically abut or touch. However, for the purposes of this policy a wider interpretation which acknowledges the practical aspects of land utilisation and farming operations applies:

- a) Where survey boundaries abut or adjoin.
- b) Where locations or lots are separated by a road, drain or watercourse reserve, they may be deemed contiguous.
- c) Where a property is actively used as one and would reasonably be expected to sell as one landholding, even though boundaries do not strictly adjoin, the property may be deemed contiguous.

“Same Ownership” ~~means:~~

- a) Identical names as per Certificate of Title.
- b) Where names on the certificates of title for contiguous lots have common however not identical parties, the Shire of Brookton may endorse specific family names as being the “owner” for entry in the Shire’s valuation rolls.

Principles:

“Group Valuations for Contiguous Unimproved Valuation (UV) Properties” ~~involves~~ an application is to be made to the Valuer Generals Office on land/location/lots that meets all of the following requirements:

1. Land/location/lots are contiguous;
2. The land/location/lots are used for one purpose; and

3. The land/location/lots are under the same ownership.

An applicant ~~And~~ must provide the following documentation:

- A statutory declaration detailing the land is used for one purpose; and
- Copies of Certificates of Titles.

Endorsement:

To be exercised in accordance with the valuation of Land Act 1978, Sections 4(1), 18, 23 and that the final approval is granted by the CEO.

2.29 WORKING FROM HOME

Directorate:	Corporate		
Statutory Environment:	<i>Equal Opportunity Act 1984 (WA)</i> <i>Occupational Health and Safety Act 1984 (WA)</i> <i>Working from Home Procedure & Arrangements Schedule Shire of Brookton</i> <i>Equal Opportunity and Valuing Diversity Policy</i> <i>Shire of Brookton Occupational Health and Safety Manual</i> <i>Shire of Brookton Staff Grievance Policy & Staff Grievance Procedure</i> <i>The Western Australian Local Government Award Worksafe WA</i> <i>Fair Work Act 2009 (Commonwealth)</i>		
Council Adoption:	Date:		Resolution #:
Last Amended:	Date:	Aug 2019 Sept 2021	Resolution #:
Review Date:	June 2023		

Objective:

To outline the policy for staff seeking to enter into a fixed term working from home arrangement. The policy and associated procedure assists staff and their managers to clearly set in place a working from home arrangement as part of a staff member's overall negotiated flexible working arrangement.

Policy:

The Shire of Brookton is committed to policies and procedures which support flexibility in the workplace. The Shire of Brookton recognises that there are circumstances where allowing a staff member to regularly work from home may assist the staff member to balance his/her work, health issues and/or family or other responsibilities. However, the Shire of Brookton also recognises that it is not always appropriate for a staff member to carry out part or all of his/her duties from home and there are reasons why approval of a Working from Home Arrangement may be refused or limited.

Preliminary Considerations:

In all cases where a staff member is seeking to enter into a Working from Home Arrangement, the staff member and his/her Manager must consult and take into account the following:

Eligibility - The Manager must examine the request for a Working from Home Arrangement in the context of the:

1. Shire of Brookton's Equal Opportunity and Diversity Policy and the broader responsibility to consider flexible working arrangements (where the request is related to family responsibilities) under the Western Australia Equal Opportunity Act 1984 and under the Fair Work Act 2009 (Commonwealth);
2. The suitability of the staff member's job;
3. The reasons for the staff member wanting to work from home;
4. The ability of the staff member to complete the work within the agreed Hours of Work detailed in relevant Awards or Agreements;
5. The delegation of work from / to the staff member;
6. The effect on co-workers and customers of the Shire of Brookton;
7. The proposed methods for monitoring and assessing the staff member's work;

8. The days and hours of the proposed Working from Home Arrangement in the context of the staff member's overall working days and hours and in accordance with relevant Awards and Agreements;
9. The staff member having a suitable Home-Office; and
10. The equipment and resources necessary for the staff member to effectively work from home.'

In the context of this policy "flexibility":

- a) Applies to variance of hours worked from the home office across the seven (7) days each week at the standard rate of pay to accommodate personal circumstances, while continuing to perform the tasks of the position to a satisfactory standard. Such hours must still receive the approval of the line manager.
- b) Does not apply to or include different locations on a roaming or mobile basis.

Suitability:

The Manager should consider the general nature and requirements of the staff member's work duties and the staff member's ability to work autonomously. A staff member who requires close supervision or close interaction with other staff may not be suitable for the independent nature of a Working from Home Arrangement.

Duties considered suitable for a Working from Home Arrangement may include; research, project preparation, project design and programming, policy writing, projects, report and grant writing, and planning.

Such duties would usually be definable, office-based tasks involving minimal face-to-face contact with other staff or customers of the Shire of Brookton. Such duties should be ones which are unlikely to cause a risk to the staff member's health or safety.

Duties involving manual handling are unlikely to be suitable for a Working from Home Arrangement. Any Working from Home Arrangement must be able to be discharged during the agreed Hours of Work, as detailed in the relevant Awards or Agreements.

Staff members and managers may seek advice from WALGA or LGIS regarding the suitability of the proposed Working from Home Arrangement.

Carer responsibilities and medical conditions:

A Working from Home Arrangement may assist the staff member to discharge carer responsibilities or to manage a long-term health issue. However, the staff member must be able to carry out his/her work at home as efficiently and effectively as an equivalent staff member working on Shire of Brookton premises. A staff member seeking a Working from Home Arrangement to assist with the management of a long-term health issue must provide written advice from a recognised medical practitioner in the form of a letter or detailed medical certificate.

Workcover:

A staff member who is working from home under an approved Working from Home Arrangement will be covered by the Shire of Brookton's WorkCover insurance if performing Shire of Brookton work in accordance with the Working from Home Arrangement in his/her Home-Office.

Approval of a working from home arrangement:

Each request for a Working from Home Arrangement must be considered on a case-by-case basis and approved by the staff member's manager and in accordance with relevant Awards and Agreements.

Managers may seek advice from WALGA or LGIS at any step of the process in approving, modifying or denying a proposed Working from Home Arrangement. Before the Shire of Brookton will approve a Working from Home Arrangement, the staff member and his/her manager must follow the procedure for approval as outlined in the Working from Home Procedure. As part of the approval process, the staff member must enter into a Working from Home Agreement with the Shire of Brookton. The terms and conditions of the Working from Home Agreement are as set out in the Agreement and as outlined in Terms and Conditions of a Working from Home Arrangement of the Working from Home Procedure.

Any Working from Home Arrangement must have an end conclusion. If the staff member requires an extension of the arrangement, then this must be requested in writing at least fourteen (14) days prior to the expiration of the current arrangement of Working from Home.

Arrangements are not permanent. Any Working from Home Arrangement cannot be any longer than a continuous period of six (6) months and is subject to review on a case by case basis.

The final approval for any Working from Home Arrangement rests with the CEO.

Responsibility:

- The MCC has responsibility for the review and implementation of the Working from Home procedure.
- Managers/Supervisors have responsibility for considering all home-based work requests in accordance with this Policy and for approving or denying a Working from Home Arrangement and a proposed Home-Based Work Agreement in the first instance.
- The OH&S representative/s has responsibility for providing advice, when requested, to the staff member or the staff member's manager, on the completed Working from Home Arrangement Self-Assessment Checklist checking for Occupational Health and Safety and any other considerations and providing a referral to a list of external experts who could conduct Site Inspections.
- The CEO has ultimate responsibility for approving or denying Working from Home Agreements.

Scope of Policy:

The policy applies to all staff of the Shire of Brookton seeking to enter into a regular arrangement to carry out part of his/her duties from home, for a specified period of time.

Definitions:

- **Agreed Working from Home Hours** means days, times and/or hours of work agreed between the Manager and the staff member for the staff member to carry out his/her duties at the Home-Office.
- **Home Office** means the area designated by the staff member within the staff member's home as the worksite in which the Staff Member will carry out the home-based work as per the Working from Home Arrangement.

- **Hours of Work** means ordinary hours to be worked by a staff member, as detailed in relevant Awards or Agreements.
- **Manager** means the CEO, MCC or any Supervisor who has the responsibility for the management of the staff member.
- **Qualified Representative** means an independent person, persons or organisation appointed by the Shire of Brookton to undertake Site Inspections of the Home Office on request, this may include the services of WALGA or LGIS.
- **Agreed Working from Home Hours** means days, times and/or hours of work agreed between the Manager and the staff member for the staff member to carry out his/her duties at the Home-Office. The Qualified Representative will be sourced from preferred suppliers and will be on the list of Approved Occupational Rehabilitation Service Providers recognised by Worksafe WA.
- **Site Inspection** means an inspection of the Home Office carried out by a Qualified Representative appointed by the Shire of Brookton to ensure the Home Office meets OHS standards. Any costs related to site inspections is to be negotiated between the Shire and the staff member requesting the Working from Home Arrangement.
- **Staff Member** means any person who is an employee of the Shire of Brookton including, for the purpose of this Procedure, contracted staff, seeking to enter into a Working from Home Arrangement.
- **Working From Home Arrangement** means an approved arrangement for a staff member to regularly carry out defined duties from his/her Home-Office during the Agreed Working from Home Hours, on an ongoing basis or for a specified period of time however no longer than a continuous period of 6 months, the terms of which are set out in a Working from Home Agreement entered into between the staff member and the Shire of Brookton.
- **Working from Home Arrangement Self-Assessment Checklist & Occupational Health and Safety and Other Considerations** means a checklist completed by the staff member confirming that their Home Office meets occupational health and safety requirements and identifies any possible risks associated with the Home Office. This document must be satisfactorily completed and submitted to the **Organisational Development Officer for review** before the Home Office is considered suitable for the proposed Working from Home Agreement.

2.30 LIGHT VEHICLE

Directorate:	Corporate			
Statutory Environment:	<i>Fair Work Act 2009</i>			
Council Adoption:	Date:	May 2017	Resolution #:	
Last Amended:	Date:	March 2021 Sept 2021	Resolution #:	OCM 03.21.12
Review Date:	June 2023			

Objective:

This policy seeks to:

- Ensure Shire light vehicles are managed in a cost-effective manner providing maximum benefit to employees and the organization.
- Provide framework for the allocation, operation, management and change-over of light vehicles.
- Outline the assigned level of private use of a Shire motor vehicle to a Shire employee.
- Ensure the organisation's Fringe Benefits Tax obligations are met.

Definitions:

- **Allowance** means an annual vehicle allowance (as per WALGA light motor vehicle table) paid to an employee in lieu of private use of a Shire vehicle.
- **Assigned Employee** means an employee of the Shire, their partner and others as authorized by the CEO in accordance with this Policy.
- **CEO** means the Chief Executive officer of the Shire of Brookton.
- **Change Over** means the disposal and acquired replacement of a Shire vehicle.
- **CU** means commuter use to and from an employee's residence only, based on the most efficient and effective route.
- **Drivers Licence** means a Western Australia Class "C" driver's license issued the Department of Transport.
- **RU** means restricted private use within 500km radius of the Brookton Post Office or as determined by Contract and to a total of 40,000 kilometres per annum, based on 65% being private use. Beyond 40,000 kilometres in a financial year the employee is to pay a weekly fee of \$153.00 towards the running costs of the vehicle until the end of that financial year.
- **Tool of Trade Vehicle** means a vehicle purchased by Council to meet a particular business need, including pool vehicles.
- **UWA** means unlimited use within Western Australia and includes periods of leave, excluding Long Service Leave.

Policy Statement/s:

1. General – Drivers

- 1.1.** Drivers of Shire vehicles must hold a valid Western Australian driver's license with their current residential address recorded through the Department of Transport as indicated on the license.

- 1.2. Employees must advise their line supervisor as soon as possible, if their driver's license has expired or been cancelled for any reason.
- 1.3. Operating a Shire motor vehicle whilst disqualified from driving may subject the employee to serious disciplinary action that may include termination of employment.
- 1.4. The driving of the vehicle provided under this policy shall be limited to employees and elected members in performing Local Government business, unless the designated usage is UWA or RU which allows for the driving of the vehicle by the assigned employee and their spouse/ partner. Details of the spouse or partner must be provided to Council's insurer to enable coverage to be arranged.
- 1.5. The driving of a motor vehicle by a person on 'learner (L) plates' or 'Probation (P) plates' in relation to private use is not permitted.
- 1.6. Smoking is prohibited in all Shire vehicles.

2. General – Vehicle Use

- 2.1. All employees allocated a vehicle are held responsible for ensuring that the vehicle is maintained in a clean and roadworthy condition at all times, safeguarding the security and value of the Council asset and for minimising unnecessary insurance claims and repair costs.
- 2.2. Specifically, the employee allocated a vehicle is responsible for:
 - a) Ensuring that the vehicle is washed and cleaned internally and externally and kept clean and tidy at all times.
 - b) Checking tyre pressure on a regular basis in accordance with tyre pressure recommendations.
 - c) Checking engine oil, radiator coolant and battery levels on a regular basis.
 - d) Arranging servicing of the vehicle through the Shire's dedicated Fleet Management Officer.
 - e) Ensuring the vehicle is only driven by authorised drivers in accordance with this policy.
 - f) Payment of all fines relating to traffic offences committed by the respective driver.
 - g) Monitoring usage and recording of logbook details.
 - h) Ensuring any financial costs incurred due to the unlawful operation of the motor vehicle during business hours or private use is paid by the offending employee.
 - i) Ensuring under no circumstances that the vehicle is used for any business of a competitive nature for which the employee derives an income (or not), or, operates in contradiction of the employee's contract of employment.
 - j) Ensuring when using their vehicle so as not to cause any poor public relations for the Shire.
 - k) Ensuring the vehicle is garaged off the road at the employee's residence.
 - l) Ensuring the vehicle is to be available for the use of other staff during working hours when not in use by the assigned employee.

3. General – Authority

- 3.1 The Chief Executive Officer is authorized to manage this policy on behalf of Council, including the oversight of purchasing and assignment of motor vehicles in the interest of fit for purpose and operational effectiveness.

- 3.2 Vehicle extras/options (i.e. floor mats, seat covers etc.) can be approved at the discretion of the Chief Executive Officer, subject to budgetary constraints and reasonable justification.

4. Fringe Benefits Tax (FBT)

- 4.1 All employees assigned a work vehicle are required to complete vehicle travel logbooks as directed to assist in the correct calculation of Fringe Benefits Tax (FBT).
- 4.2 An employee or elected member using a Shire vehicle is to ensure the details of usage is provided to the assigned officer to ensure the logbook accurately reflects the vehicle usage.

5. Fuel

- 5.1 All employees who drive a vehicle are required to use Council's current appointed distributor(s). Current odometer readings must be supplied when refueling, where required.
- 5.2 The filling of portable fuel containers is not permitted unless prior authorisation has been obtained from the CEO, or the vehicle is out of fuel and cannot practically be refueled from a fuel station bowser.

6. Insurance

- 6.1 In the event of an accident the Shire will meet the 'excess' payment of any claim, unless the employee's accident record becomes excessive or the circumstances warrant a payment in full or part by the employee due to poor driving/neglectful action.
- 6.2 In the event an officer's behaviour (traffic offence, e.g., drink-driving) invalidates the Shire's insurance, then the employee will become liable for the total damage claim to both the Council vehicle and other property involved. The same will apply to any form of malicious damage caused or performed by the employee.
- 6.3 The employee contribution in accordance with Statements 6.1 and 6.2 (above) shall be at Chief Executive Officer's discretion and will be subject to the provision of a police report if so required.

7. Vehicle Change Over

- 7.1 All motor vehicles are to be changed over at five (5) years of age from date of purchase or prior to an odometer reading between 90,000 kms and 99,000kms, whichever comes first.
- 7.2 The CEO may obtain quotes for change-over of a light vehicle at an earlier period (i.e. 15,000 km intervals) with the view to presenting this information to Council for consideration of changing a vehicle at minimal cost to the Shire or increased operational need.
- 7.3 When changing over a vehicle consideration shall be given to:
- a) 'fit for purpose' to accord with operational need;

- b) Time of purchase accounting for new model release and manufacture date of the vehicle to minimise vehicle depreciation;
- c) FBT liability and payments having to be made by the Shire.

8. Private Use

8.1 All Shire vehicles are deemed to be 'pool vehicles' during normal business hours and are not 'exclusive' in use to an assigned employee or Department.

8.2 The following **private light vehicle** use applies under this policy:

Group A Vehicle: Chief Executive Officer
Max. value of vehicle \$50k (exc. GST)
Usage –Not Permitted – Allowance paid

Group B Vehicle: Authorised Managers/Supervisors
Max. value of vehicle - \$45k (excl. GST)
Usage – RU (future employment contracts shall favour an Allowance)

Group C Vehicle: Authorised Officers
Max. value of vehicle - \$40k (excl. GST)
Usage – CU

8.3 Employees are not permitted to use a Shire vehicle for any purpose relating to the earning of income outside of Shire employment, or for any purpose which could be perceived as detrimental to the Shire's corporate image.

8.4 Shire fuel cards are to be used for the purchase of fuel and oils only.

8.5 Group C vehicles may be reassigned during periods of leave for the employee or for operational need as determined by the CEO.

8.6 The Chief Executive Officer may amend or withdraw an employee's private use should this policy be intentionally breached in the CEO's opinion.

8.7 Group B vehicles should be uniform in type and be rotated between assigned officers on a three (3) monthly basis to minimise the payment of FBT by the organisation.

9. Surrender of Entitlement

9.1 Upon termination of employment, an employee allocated a motor vehicle shall surrender all entitlements of vehicle use effective the day of separation from the Shire.

9.2 The employee must return the vehicle in a clean and tidy condition.

10. Assignment to Others

- 10.1 The CEO is authorised to temporarily assign the use of a Shire vehicle to a Councillor or Contractor to assist in performing a task/works on behalf of the Shire.
- 10.2 All care shall be taken by Councillor or Contractor in using a Shire vehicle, with written acknowledgement to the CEO of their review and understanding of this policy before access is provided to the vehicle.

2.31 EMPLOYEE LEAVE

Directorate:	Corporate			
Statutory Environment:	Local Government Industry Award 2020 National Employment Standards Fair Work Act 2009			
Council Adoption:	Date:	Nov 2017	Resolution #:	13.11.17.01
Last Amended:	Date:	Dec 2020	Resolution #:	OCM 12.20-15
Review Date:	June 2023			

Objective:

The objective of this policy is to afford structure and clarity around the taking of personal leave, particularly sick leave, by individual employees to ensure that equity, accountability and consistency in approach and procedure is achieved, and afford some additional benefit to the taking of other forms of leave.

Definitions:

- **Employee** means an employee of the Shire of Brookton currently that is on the payroll on a full-time and part-time basis.
- **Immediate Family Member** means an employee's spouse or de facto partner and their child, parent, grandparent, grandchild, sibling.
- **Personal leave** means sick leave, Carer's leave, but no compassionate leave, annual leave or long service leave.
- **Annual Leave** means the amount of hours or days an employee of the organization is permitted to be away from their employment position on full pay for the purpose taking a break or holiday.
- **Compassionate Leave** means leave taken when an employee's immediate family member dies or contracts/develops a life-threatening illness or injury that may result in imminent death or permanent disability.
- **Long Service Leave** means leave granted after having continuously worked 10 years for the Shire.
- **Leave without Pay** means an approved temporary absence from the employee's position in a no-pay status as requested by the employee and agreed by the employer.
- **Community Service Leave** means the absence of an employee from work while engaging in certain service activities such as a voluntary emergency management activity or jury duty.
- **COVID-19 Leave** means leave granted to an employee who has contracted COVID-19, or needs to care for another person who has COVID-19 or is required to self-isolate, or cannot access school or other care arrangements because of COVID-19 or are otherwise prevented from working because of COVID-19.

Policy:

1.0 Personal Leave

1.1 The Shire acknowledges:

- a) Personal and compassionate leave entitlements will be paid to an employee in accordance with the Local Government Award 2020 and the related procedure.
- b) An employee's anniversary of appointment is the basis point for accrual of personal leave.

- c) An employee can take personal/carer's leave if he/she or an immediate family member is sick, injured or has an emergency.

1.2 An employee seeking approval for personal (sick) leave is to submit a medical certificate, or statutory declaration or other supporting evidence of illness:

- a) For absences greater than 2 days; and
- b) Where the staff member has exceeded 2 periods of sick leave (minimum 1 day) in any one year from the date of the staff member's anniversary of appointment.

1.3 An employee seeking approval for personal leave may also be required to submit a medical certificate, statutory declaration, or other supporting evidence of illness:

- a) For a single day of leave on a Monday or Friday, immediately before or after a public holiday or rostered day off.
- b) If the manager/supervisor considers that the staff member is taking a series of single day's personal leave to a pattern, or on a regular or frequent basis.

1.4 An employee that does not accord with statement 1.2, or a request under statement 1.3, may be subject to review of conducted and potential disciplinary action in accordance with the applicable legislation.

1.5 An employee taking compassionate leave, must produce documented medical evidence or relevant certificates on request from the CEO or MCC of the circumstance (i.e. death, critical illness or injury) for which this leave is being taken. An employee who has used all of their personal and annual leave entitlements will be placed on leave without pay for up to 4 weeks, with the matter to be re-assessed by the CEO beyond this period.

2.0 Annual Leave

An employee's anniversary of appointment is the basis point for the accrual of annual leave.

2.1 The Chief Executive Officer may exercise discretion and:

- a) Decline an employee's request to take annual leave where there is an immediate or projected operational need.
- b) Direct an employee where an employee's entitled annual leave entitlement is assessed as a financial liability for the organisation to:
 - i. Take annual leave; or
 - ii. Prepare an "annual leave clearance plan"; or
 - iii. Consider a partial pay-out of the employee's annual leave (see statement 2.2 below).

2.2 An employee may request in writing a 'pay out' of annual leave entitlement where:

- a) The employee has completed 3 years of full-time employment with the Shire.
- b) The employee's annual leave entitlement exceeds 190 hours.
- c) The 'pay out' amount does not exceed 50% of the employee's total annual leave entitlement (i.e. 4 weeks) and does not contravene the provisions of the Award.
- d) The employee acknowledges through execution of a deed that the Shire is not responsible for any taxation implications that may arise for the employee as a result of the 'pay out' of annual leave.

- e) The 'pay out' of annual leave by the Shire is to be:
 - i. formally applied for and approved by the employee's line Manager and endorsed by the CEO at least 1 month prior to the employee's employment anniversary date.
 - ii. transacted upon a written agreement (deed of payment) being duly executed by both the employee and the Chief Executive Officer.

2.3 An employee may purchase through a written request an additional annual leave entitlement from the Shire under the following conditions:

- a) The purchase of additional annual leave by the employee is at the employee's 'standard' hourly rate up to a maximum of 5 working days per year (leave loading does not apply).
- b) The payment of additional annual leave by the employee:
 - i. Must be completed prior to the leave being taken.
 - ii. may be deducted (subject to written consent) from the employee's fortnightly pay over a period of no greater than 12 months, and for a period as agreed with the CEO.
- c) The taking of additional annual leave:
 - i. is to be formally applied for and approved by the Chief Executive Officer at least 1 month prior to the leave being taken; and
 - ii. must be taken within a 12 month period.

2.4 An employee may request an increase in their annual leave allocation by an additional one week (pro-rata) based on a full waiver of their current 17.5% leave loading entitlement, subject to the following conditions:

- a) The request must be presented to the CEO through a written application.
- b) A deed of acceptance must be executed between the employee and CEO acknowledging the agreed amendment will constitute a change in employment conditions that is binding on both parties.

3.0 Leave Without Pay or Accrued Leave at ½ Pay

3.1 An employee may request to take 'leave without pay' or 'entitled leave' at ½ pay (typically this would apply to an extended illness period or the like), subject to:

- a) The employee having completed 3 years of full-time employment with the organisation.
- b) The request for un-paid or at ½ pay leave not exceeding 6 months.
- c) In the case of an application for leave without pay, the employee's applicable leave entitlements (accrued annual leave and entitled long service leave) having been exhausted prior.
- d) The department or section of the organisation is not likely to be compromised in its performance (i.e. can back fill the position) during the period upon which the leave period is requested.
- e) The employee providing a written assurance that a minimum 2 month notice period will be given should the employee decide not to return from leave.

3.2 The exception to 3.1 is:

- a) The grant of unpaid leave in accordance with 4.1 below.

- b) Where an employee has recently commenced employment and has previously arranged or requires urgent leave. In this instance such leave may be granted at the discretion of the CEO.
- c) Where the CEO holds the view there is exceptional or mitigating circumstances for 'leave without Pay' to be granted on merit.

4.0 Time in Lieu/Rostered Days Off/Flexi Time

4.1 All full-time depot-based employees are entitled to one rostered day off every two weeks structured on working 76 hours each pay period, with the nominated day determined by the Chief Executive Officer. Should a depot-based employee not have accrued 7.6 hours over 9 days of work the short fall of hours for their rostered day off shall be taken as unpaid leave.

4.2 All full-time administration office employees, other than Chief Executive Officer and Manager Corporate and Community Services, are entitled to one rostered day off every four weeks structured on working 80 hours each pay period.

Accrual of time in lieu hours must not exceed 30.4 hours (i.e. 4 days) in total, unless prior written approval has been obtained from the CEO.

4.3 An employee may be able to vary their standard starting and finishing times at the discretion of their direct line manager and depending on their responsibilities and duties so long as the employee commences and finishes between the hours of 6.00 am to 6.00 pm.

5.0 Long Service Leave

5.1 An employee must, prior to three (3) months out for Long Service Leave being due, make application to:

- a) Take all or part of their long service leave entitlement using the required leave form for consideration and endorsement of management; or
- b) Defer their long service leave entitlement for consideration by Council, but in doing so needs to detail their reasons for this request and provide a time frame for when this leave will be taken.
- c) Have all or part of their long service leave paid out. Such payment shall be transacted upon a written agreement (deed of payment) being duly executed by both the employee and the Chief Executive Officer.

5.2 Any acceptance to 5.1 b) and 5.1c) will only be accepted at the hourly rate of pay when the long service pay falls due.

6.0 Additional Leave

All employees are granted 2 additional Local Government Recreation (LGR) leave days per annum on a pro-rata basis that must be taken during the Council approved Shire closure period between Christmas and New Year each year. Or as otherwise approved by the CEO.

7.0 Community Service Leave

An employee registered as a volunteer with an emergency service organisation and actively called upon to assist with an emergency situation is entitled to be paid for the hours absent from work for up to five (5) days annually.

8.0 COVID-19 Leave

- a) A one-off payment of up to 20 days of COVID-19 leave to employees who:
 - i. Have contracted COVID-19; or
 - ii. Need to care for another person who:
 - Has COVID-19 or is required to self-isolate; or
 - Cannot access school or other care arrangements because of COVID-19; or
 - iii. Are otherwise prevented from working because of COVID-19.

- b) With this leave being:
 - i. Available after an employee's existing paid personal, carers or sick leave credits have been exhausted.
 - ii. Paid leave, with pay calculated in the same way as for annual leave, excluding loading.
 - iii. Independent and not affecting existing annual leave or long service leave accruals.
 - iv. Not accruable.
 - v. Available to all full time, part time and casual employees calculated on the preceding 14 day pay period on a pro rata basis.

Note: This Policy does not override the Local Government Industrial Award 2020, National Employment Standards, Fair Work Act 2009 or individual employment letters or contracts. Where this is a conflict between this policy and the various Awards and relevant employment legislation, the Award and relevant legislation shall apply.

2.32 EMPLOYEE REMUNERATION

Directorate:	Corporate			
Statutory Environment:	Local Government Industry Award 2020 National Employment Standards Fair Work Act 2009			
Council Adoption:	Date:	May 2018	Resolution #:	13.05.18.03
Last Amended:	Date:	March 2021	Resolution #:	OCM 03.21.12
Review Date:	June 2023			

Objective:

This Policy seeks to establish respective levels of remuneration for Shire employees through a 'banding' structure accounting for:

- Salary and other benefits commensurate with, or better than, Local Government Industry Award and Standards in an attempt to be competitive in attracting and retaining quality skilled and experienced staff;
- The need for Management to be consistent in offering employment packages, whilst also recognising varying levels of qualifications, experience and skills offered by individual employees;
- The opportunity for individual employees to advance, based on achieved professional development, delivered performance, personal dedication and loyalty to the organisation.

Definitions:

For the purpose of this policy:

Higher Duties – means the performance of additional duties performed by a more senior officer or Management within the organization.

Higher Duties Payment – means the payment of additional cash salary but does not include other remuneration benefits.

Remuneration – means the employee's gross cash salary and other benefits as prescribed in the Remuneration Schedule.

Salary - means the employee's gross cash salary.

Policy Statements:

1. This policy acknowledges that some pre-existing employment and remuneration benefits offered to some employees:
 - a) May not accord with this remuneration framework.
 - b) Will remain in place for the duration of the individual's employment, or as otherwise negotiated to align with this policy.
2. The CEO when determining the remuneration level and benefits for a position shall have regard for the Shire of Brookton Remuneration Schedule 2021 appended to this policy.

3. An employee is to be remunerated within the designated Band and associated level for their position based on their skills, qualifications, and/or experience taking in to consideration the defined responsibilities outlined in the relevant Position Description (PD).
4. Future employment within Band 2 is to be offered on a Local Government employment performance contract, if determined as a 'Senior Employee' by Council under Section 5.37 of the Local Government Act 1995, with the period of the contact to be determined by the CEO not exceeding 5 years.
5. Future employment within Bands 3 to 6 shall be offered on a fixed term appointment basis, with the term of employment to be determined by the CEO not exceeding 5 years.
6. All employees must meet three or more of criteria a) to e) below, with a rating of successful or above on the most recent employee performance appraisal within the last 12 months. Conversely, an increase in remuneration may be awarded in consideration of criteria f) or g) where satisfactory evidence is provided:
 - a) A significant increase in service or productivity through innovation.
 - b) Outstanding administrative performance or productivity as documented in the employees personnel file.
 - c) Demonstrated positive attitude and spirit of service and cooperation.
 - d) A substantial contribution to the goals of the organisation or specific area through the performance of special assignments/projects or the provision of exceptional customer service not previously included in performance objectives and where the outcome is considered successful.
 - e) The attainment of a higher level of education or professional development related to the current position or recognised as being otherwise valuable to the organisation.
 - f) To correct a salary or pay inequity or salary compression within the organisation.
 - g) To address a job market salary discrepancy for the position, provided there is consistently high performance.
7. Any movement in remuneration (salary and /or benefits) between a Band and Level under this policy must align to, and not conflict with, the Local Government Industry Award 2020 and National Employment Standards.
8. An employee shall be paid higher duties when requested to 'act' in, or assume many of the responsibilities of, a more senior position (other than the CEO position Refer to Policy 1.18) for a period exceeding two (2) days on a continuous basis.

The higher duties shall be paid at:

- a) 70% of the cash salary difference between the employee and senior position, where one employee is requested to perform higher duties;
- b) 35% of the cash salary difference between the employee and senior position, where more than one employee is requested to perform higher duties; or
- c) As may be determined by the CEO, where special circumstances warrant a higher percentage to be paid.

Applications:

- This policy applies to all permanent full time, and part-time employees on a pro-rata basis.

- The offer of employment for full and part time is to be based on appointment of up to 3 years (with the possible of extension), subject to satisfactory performance as determined by the CEO., and the need for the position to be retained.
- For casual employees, only the (cash) salary range applies inclusive of all casual loadings in accordance with the Award.
- This policy does not apply to contractors or consultants engaged to fulfil a particular task or responsibility.
- This policy must be reviewed and amended as required to account for any change to legislative standards, including (but not limited to) decisions handed down by the Fair Work Commission.

BAND	EMPLOYEE CATEGORY	SALARY RANGE (Cash Component)	SALARY LEVELS (Commence at**)	SUPER CONT. (Optional)	VEHICLE PRIVATE USE (as per Council Policy)	HOUSING SUBSIDY	UTILITIES SUBSIDY	A/LEAVE & ACCRUED TIME	MIN AWARD LEVEL
1	Chief Executive Officer (LG Contract*)	Refer Salary & Wages Tribunal schedule	Local Government Level 4 Negotiable	Negotiated	Allowance ****	Negotiated	Negotiated	5 weeks – No loading + EDOs as negotiated	N/A
2	Manager (LG Contract*)	\$93,380 - \$111,650	4 \$111,650 3 \$105,560 2 \$99,470 1 \$93,380	Up to 5% matching	Allowance ****	Staff house p/w \$75 3 Bed \$40 2 bed	\$2,000	5 weeks – no loading + 5 EDOs	10-11
3	Snr. Tech Officer/Supervisor / Coordinator	\$71,646 - \$87,290	4 \$87,290 3 \$82,029 2 \$76,838 1 \$71,646	Up to 5% matching	Commuter Use	No	No	4 weeks + 17.5% loading + RDOs***	8-9
4	Snr. Admin/ Finance/ Tech Officer	\$58,147 - \$67,492	4 \$67,492 3 \$64,377 2 \$61,262 1 \$58,147	Up to 5% matching	No	No	No	4 weeks + 17.5% loading + RDOs***	6-7
5	Admin Officer/ Finance Officer/ GSO	\$45,687 - \$55,032	4 \$55,032 3 \$51,917 2 \$48,802 1 \$45,687	Up to 5% matching	No	No	No	4 weeks + 17.5% loading + RDOs***	3-5
6	Cadet/ Trainee/ Apprentice	\$39,457 - \$44,129	4 \$44,129 3 \$42,572 2 \$41,014 1 \$39,457	Up to 5% matching	No	No	No	4 weeks + 17.5% loading + RDOs***	1-2

* 3 – 5 year performance employment contract is to apply.

** Cash Salary excludes 10.0% mandatory superannuation – CEO to determine the commencement remuneration level based on qualifications, experience and expertise.

*** Refer to Council Policy 2.31 for RDO accrual.

****Refer to Council Policy 2.30 for private use of motor vehicles.

2.33 EMPLOYEE AND COMMUNITY HOUSING

Directorate:	Corporate			
Statutory Environment:	<i>Residential Tenancies Act 1987</i>			
Council Adoption:	Date:	June 2018	Resolution #:	13.06.18.01
Last Amended:	Date:	July 2020 Sept 2021	Resolution #:	OCM 07.20.10
Review Date:	June 2023			

1.0 Introduction

This policy applies to Shire owned and managed properties, including employee and community housing dwelling ~~and permanent caravan sites, but excludes the Kalkarni Residential Aged Care Facility.~~

The purpose of this policy is to establish processes and guidelines for the use of and the charges for residential properties, and community housing dwellings ~~and permanent caravan park sites~~, owned and controlled by the Shire.

2.0 Objectives

- 2.1 To meet employee needs for suitable housing within the scope of the Shire's capacity to do so.
- 2.2 To detail the eligibility criteria and confirm the priority allocation for Shire owner/managed housing available to the community.
- 2.3 To establish processes and guidelines for the use of Shire owned and managed housing.
- 2.4 To ensure that all individuals have an understanding of minimum housing standards for Shire facilities.

3.0 Allocation of Employee (Staff) Housing

4.14.1 Pursuant to 'Delegation 1.17 – Staff Housing' the CEO is empowered to make all arrangements in regard to allocation and maintenance of all Shire staff accommodation provided by Council.

- 3.1 The Shire does not routinely provide housing to employees. The provision of housing is at the Shire's discretion and is not an entitlement under any Employment Award.
- 3.2 To meet contractual requirements, the Shire may provide specified employees housing at a subsidised rental determined by Council.
- 3.3 Preference of Employee Housing is given to the following positions at a subsidised rental determined by Council:
 - Chief Executive Officer
 - Manager Corporate and Community Services (MCC)
 - Manager Infrastructure and Assets (MIA)
 - ~~Swimming Pool Manager~~

All other employee housing will be allocated by the CEO.

4.0 Allocation of Community Housing

4.1 Eligibility Criteria – Senior Housing

For a Senior Citizen Community Housing Unit an applicant must satisfy the following criteria:

- Be listed on the Shire’s ‘Housing Requests Register’. If there is no waiting list a community housing unit will be allocated on a ‘first come/first serve’ basis.
- Be an Australian citizen or permanent resident, with proof of identity (i.e. passport, driver’s license or similar).
- Be 55 years of age or above.
- Currently residing within Western Australia
- Be able to live ‘independently’ as assessed by a qualified medical practitioner or similar qualified person.
- Subject to suitability preference may be given to local/ex-local residents of the Shire of Brookton.

4.2 Eligibility Criteria – Low Income Community Housing

For a Low-Income Community Housing Unit an applicant must also meet the following:

- Be registered with the Department of Communities – Housing (Housing Authority) and satisfy all other criteria as set by the Department.
- Be eligible at the time of application, while on the waiting list and before an offer of housing is made.

~~4.3 Eligibility Criteria – Permanent Caravan Park Site~~

~~For a Permanent Caravan Park Site, the applicant must also meet the following:~~

- ~~• Be 16 years of age or above.~~
- ~~• Be living in the Central Wheatbelt Region and receive an income here.~~
- ~~• Earn no more than the current income limits as prescribed by the Department of Communities – Housing (Housing Authority) (as amended from time to time).~~
- ~~• Satisfy all other criteria as set by the WA Housing Authority.~~

4.3 Housing Requests Register

The Executive Officer responsible for the management of Shire housing will maintain a Community Housing Requests Register.

To be listed on this register an applicant must complete and submit to the Executive Officer a ‘Housing Application Form’ that addresses the following:

- Applicant’s name

- Applicant's contact details
- Date of application
- House/unit type requested
- Stated annual income at the time of registering interest
- Satisfaction completion of the required eligibility criteria evidence
- References of previous rentals

4.4 Allocation Process

When a house or unit ~~or caravan site~~ becomes vacant, the ~~Executive Infrastructure~~ Officer will:

- a) Confirm with selected applicant(s) listed at the top of the Register their continued interest in a nominated house, ~~or unit, or caravan site~~;
- b) Seek input/assessment from the WA Housing Authority if warranted;
- c) Check references relating to previous rental history;
- d) Refer the matter to the Council's Housing Committee for review of the applications and determination of the allocation of housing based on assessment against applicable eligibility criteria, as detailed in this policy, and input from points b) and c) above.

5.0 ~~Council / Committee~~ Discretion

- 5.1 Council ~~or Housing Committee (under delegated authority)~~ reserves the right to terminate or not re-new a tenancy with the required notice served in accordance with legislation to make best use of Shire housing.

For example, where a single tenant occupies a multiple bedroom dwelling, Council or the Committee may seek to move this tenant to single bedroom unit to make the multiple bedroom dwelling available for family.

- 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.

- 5.3 The Council, as part of its annual budget process, will review the rental charges for all premises (excluding low income community housing), and may adjust the weekly rent to accord with market trends and average rental charges for the same or similar forms of accommodation in the market place.

5.4 This policy recognises Low Income Community Housing rental charges are assessed on 25% of the tenant's income and reviewed annually. The Community Housing applicants that are eligible to receive the Commonwealth Rent Assistance (CRA) and will be charged 100% of the entitled CRA in addition to the 25% of their income.

6.0 Residential Tenancy Agreements

6.1 Prior to being granted occupancy all selected tenants must:

- a) Sign a residential tenancy agreement and pay the required rent and bond monies in accordance with the provisions of the *Residential Tenancy Act, 1987*.
- b) Participate in an initial condition inspection of the rental accommodation and execute a condition report prepared by the Shire that will form part of the tenancy agreement.

6.2 The following maximum terms for a tenancy shall apply:

- a) 12 months for a community housing tenancy agreement.
- b) Periodic (monthly) for an employee (staff) housing tenancy agreement.

The CEO may exercise discretion to set a lesser tenancy term than the prescribed maximum, depending on individual circumstance and terminate a tenancy agreement by negotiation.

6.3 The tenant shall be responsible for payment of connection and supply of all utilities, unless otherwise:

- a) Agreed as part of an employment package.
- ~~b) Related to the tenancy of a designated permanent caravan site that includes all utility costs.~~
- c) There is an inability for the utility provider or the Shire to determine individual consumption/usage.

7.0 Keeping of Pets

7.1 The keeping of pets may be permitted at the discretion of the CEO depending on the circumstances (i.e. type, size and number of pets).

7.2 Any consent granted may be:

- a) Subject to an addition bond payment.
- b) Revoked should damage to the premises be evident from the keeping of a pet(s) that extends beyond what is reasonable in the opinion of the CEO.

8.0 Smoking

Smoking is prohibited in all Shire residential rental properties.

9.0 Property Inspections

- 9.1 All Shire housing is to be subject to a 'landlord' quarterly inspection in year 1 and thereafter every 6 months for continued longer term tenancies. This excludes routine or urgent maintenance and repairs to be performed by the Shire.
- 9.2 The Shire is also responsible for inspecting the condition of the residences on a regular basis for maintenance, safety, building and health code compliance issues.
- 9.3 Inspections will be conducted by the Infrastructure Officer who may be accompanied by another Officer at the direction of the CEO.

10.0 Property Maintenance and Up-keep

- 10.1 The tenant is responsible for the general condition and appearance of the premises. This includes but is not limited to general cleaning and upkeep of the interior, exterior and landscape, reasonable wear and tear excepted.
- 10.2 The Shire will perform all necessary maintenance and utility meter readings within the scope and responsibility as a 'landlord' defined under the *Residential Tenancy Act, 1987*.
- 10.3 The Shire is responsible for all major maintenance and repairs including but not limited to roofs, foundations, exterior wall structures and coverings. The CEO is to ensure all maintenance works to Shire residential property is performed in accordance its Asset Management Plan.

2.34 COMMUNITY FUNDING AND DONATIONS POLICY

Directorate:	Corporate			
Statutory Environment:				
Council Adoption:	Date:	Jun 2018	Resolution #:	13.06.18.04
Last Amended:	Date:	June 2020 Sept 2021	Resolution #:	OCM 06.20.13
Review Date:	June 2023			

Introduction:

While there are many and varied needs for funding assistance across all types of community groups and organisations, this is also a need to present a guided and consistent approach to the allocation of funding by the Local Government. Accordingly, this policy seeks to provide clarity around the types and levels of funding allocation exclusively to community groups and organisations within the Brookton municipality or are jointly associated with a neighbouring municipality.

Policy Objective:

The objectives of this policy is to ensure:

- The Shire assists with delivery of essential community events, programs, projects and services that meet the objectives of the current Strategic Community Plan and Innovations Pathway.
- Council allocates financial support to the community in the most effective and transparent manner that includes the types and levels of funding provided to the community.
- All applications received which fall within the policy and its associated guidelines are equally considered for support.
- Council maintains an equitable, transparent and consistent process in distributing funding.

Financial Implications:

The implementation of this policy is supported by funds allocated in the Shire of Brookton's annual budget process through its Community Chest fund. This allocation will be set ~~at~~ **between \$20,000 to \$40,000** inclusive of any unallocated funding being carried over from one financial year to the next financial year and 25% being taken for the Community Fund and Donations Financial Reserve until the reserve is exhausted, unless otherwise determined by Council at adoption of the annual budget each year.

Once the funding is exhausted, no further funding will be allocated until the next financial year.

Policy Content:

The Shire's Funding and Donations Policy consists of three funding programs:

- Annual Grants
- Matched Funding Grants
- Community Donations

Annual Grants:

Funding category	Funding Amount	Guidelines
Community & Strategic Partnership Grants	Maximum of 50% of the total fund (prescribed within the Shire's annual budget) to a maximum of \$10,000 per application as cash support per financial year.	<ul style="list-style-type: none"> • Only available to groups and organisations within an incorporated body framework. • Designed to increase community access to essential events, programs, capital projects and improvements to buildings and structures [refer to notation c)], and services with offering broad benefit to the local community. • Demonstrates a high level of community support or need for the event, program, capital project or service. • Organisations with existing partnerships will be required to provide proof of all acquittals for the previous funding term and an audited financial statement from the previous financial year as a part of the application. • Applications for this category are limited to <u>one</u> application per organization every year. • Applications can be made at any time throughout the year.
Community Support Grants	Maximum \$6,000 cash support per financial year. With matched funding of 1/3 – Community Group 2/3 Shire Grant.	<ul style="list-style-type: none"> • Only available to incorporated bodies. • Available to applicants to support a community project, program, or event (excludes capital works to buildings). • Applicants must demonstrate their ability to <u>match (cash/in-kind)</u> Shire of Brookton grant support. • Applications can be made at any time throughout the year.
Equipment Purchase Grant	Maximum \$1,000.00 cash support per financial year.	<ul style="list-style-type: none"> • Only available to incorporated bodies. • Can be used for the purchase of equipment, uniforms etc. • Applications must demonstrate the benefit of the equipment purchase to the wider community. • Equipment purchased must remain the property of the organization and not be for the exclusive use of any individual. • Applicants must demonstrate their ability to <u>match</u> Shire of Brookton grant support. • Applications can be made at any time throughout the year.

Community Donations:

Funding category	Funding Amount	Guidelines
Individual Donation	Maximum \$500.00 cash per financial year per individual.	<ul style="list-style-type: none"> • Funding can be used for travel program attendance fees associated with participation in State, National or International representation in sport, arts, music

	Maximum of \$500.00 per financial year for school-based individuals who are boarding away from their principle place of residence that is located in the Shire of Brookton.	<p>or cultural programs.</p> <ul style="list-style-type: none"> • Documented evidence of costs must be presented to the Shire as part of the application.
Not for Profit Community groups member donation	Maximum \$500.00 cash per financial year per group.	<ul style="list-style-type: none"> • Funding can be used for travel or program attendance fees associated with participation in State, National, or International representation in sport, arts, music or social or cultural programs or conferences. • Funding to assist the Shire in staging a civic or community event (i.e. Australia Day Celebrations) *. <p>*Requires simplified letter to CEO detailing function to be performed and funding sought.</p>
Not for Profit Community Organisation Utilities Financial Assistance Donation	Maximum \$750.00 \$1,000.00 per annum for an incorporated organization	<ul style="list-style-type: none"> • As annual donation toward offsetting the cost of Shire rates, building utilities (gas, electricity, water), and / or insurance costs incurred by the organization who own and occupy their own building within the Shire of Brookton. <p>Satisfactory evidence of such costs being incurred by the organization in the same financial year must be produced. The utilities must be in the name of the organization seeking the donation. The organization must demonstrate financial need for such support.</p>

Funding received through the above programs can consist of cash, in kind contributions and fee waivers.

Notation: No donation or grants will be issued:

- a) To any individual or organisation based outside the Shire of Brookton.
- b) For activities that constitutes the administrative function or celebration of a particular group or organisation.
- c) **Capital works and/or improvements to property (land, building or structure) that is not Brookton Community based and or operated on a not for profit basis.***

Delegated Authority:

The CEO is authorized by Council, following consultation with the Shire President to approve an application (subject to the application meeting the guidelines contained within this policy) for an amount not exceeding \$500.00 in cases where the application is of an urgent nature or where the request falls outside the normal cycle of Ordinary Council meetings and cannot be processed in the normal Council meeting cycle.

Where the CEO has approved an application, the CEO will, at the next available Ordinary Council meeting, inform the Council in writing of the application and the amount granted.

Guidelines for Funding and Donations Policy:

The information included in these guidelines applies to applications received in response to Community Funding & Donations Policy.

4. Selection Criteria

The Shire of Brookton will assess all applications for funding, grants and donations against the following criteria:

- a) The organization is a Not for Profit or Community Organisation permanently operating in the Shire of Brookton municipality.
- b) The person is an individual person permanently residing in the Shire of Brookton municipality or an individual boarding at school outside of Brookton whose family still permanently resides in the Shire of Brookton municipality.
- c) The demonstrated positive contribution the project or organization will make to the community.
- d) The applicant certified within the application that they are authorized to apply for the Shire of Brookton support and to represent the applicant organization or individual.
- e) The applicant certified that the information provided in the application is true and correct and can provide evidence upon request.
- f) Sufficient financial information has been provided to clearly identify the full project budget and the items on which the funding will be spent.
- g) Where required, sufficient financial information supporting the viability of Applicant Organisations has been provided.
- h) The applicant has the resources and capacity to carry out the activities specified in the application.
- i) The availability of equipment, services and required staff hours for in kind contribution requests.

This Policy does not Apply to the following:

- i. Capital projects that do not offer broad community benefit, as determined by Council, **and do not apply to Shire owned property.**
- ii. Commercial organisations and businesses,
- iii. Any organization (whether commercial or not for profit) whose primary activity or office is outside the Shire of Brookton Municipal boundary.
- iv. Retrospective costs.
- v. Deficit funding for organisations that are experiencing a shortfall in revenue.
- vi. Core organisation operating costs i.e. staff wages and training costs, utilities, lighting costs, lease fees, rates, levy's, and other administrative costs and conduct of meetings and celebrations etc. except where the incorporated not for profit organisation is seeking assistance under the "Not for Profit Community Organisation Utilities Financial Assistance Donation" section of tis Policy and the guidelines for this donation category are satisfied.
- vii. Applications from organisations that have confirmed Community Partnership Funding support in the same financial year.
- viii. Organisations or individuals with outstanding debts to the Shire of Brookton or outstanding funding acquittals.

- ix. Non-incorporated organisations unless they are supported by an Auspice Organisation or utilising the support to become incorporated.
- x. Applications from Commonwealth or State Government Organisations.

5. Application and Approvals Process

- a) All funding requests are to be made in writing through the completion of an application form.
- b) Applications for Community Partnership Grants and Matched Funding Grants and Community Donations can be lodged at any time throughout the year. Applications should be lodged a minimum of 6 weeks prior to the event or program commencement date.
- c) Applicants for Matched Funding Grants and Community Donations will generally be given written advice of the outcome of their application (subject to submission of all required documentation) following the next available Ordinary Council Meeting.
- d) Should an organisation act as an Auspice Organisation for individuals applying for support, this will not impede their ability to apply for support themselves. However, Auspice Organisations are responsible for acquittals being completed and will be ineligible to receive support until all acquittals for projects they are supporting are received.
- e) Organisations will not receive funding unless acquittals for previous support have been completed and received by the Shire.
- f) Organisations can submit multiple applications per financial year for Matched Funding Grants, but the maximum support they can receive is \$3,000 per financial year.
- g) Individuals can submit multiple applications per financial year for Community Donations, provided subsequent applications are for a different program (sport, arts, music, social or cultural). The maximum support individuals residing in the Shire of Brookton municipality can receive is \$500 per financial year. The maximum support an individual boarding at school can receive is \$500 per financial year.
- h) Grants and Donations will only be issued subject to funding being available.
- i) The Chief Executive Officer is to submit quarterly reports to the Audit and Risk Committee detailing all Matched Funding Grants and Community Donations that have been made since the previous quarter.
- j) Under no circumstances must the Shire of Brookton Municipal Budget allocation be exceeded.

6. 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.

7. Acquittals and Unspent Grant Funds

Successful applicants will be required to provide acquittal documentation to the Shire of Brookton within 30 days of the completion of the project.

Acquittal documentation will include:

- a) Measuring qualitative aspects, such as the success of the activity
- b) Financial information, such as receipts accounting for the expenditure of monies
- c) Examples of promotional materials applicable to the project

- d) Evidence of agreed recognition requirements
- e) Photos from the event or program (where applicable).

Funds which are unspent at the completion of the event, program, project, activity or service must be returned to the Shire of Brookton within 60 days. Further funding will not be available until an acquittal and unspent funds (if applicable) have been received.

2.35 INFORMATION COMMUNICATIONS TECHNOLOGY – SECURITY AND USE

Directorate:	Corporate			
Statutory Environment:	<i>ISO/IEC 2700 – Information Security Management Systems – requirements</i> <i>ISO/IEC 20071 – Code of Practice for Information Security management</i> <i>NIST Cybersecurity Framework</i> <i>AS/ISO – 15483 – Records & Information</i> <i>ISO – 15489</i>			
Council Adoption:	Date:	Aug 2018	Resolution #:	13.08.18.02
Last Amended:	Date:	Dec 2020	Resolution #:	OCM 12.20.10
Review Date:	June 2023			

Objective:

The key objectives of this policy are to:

1. Provide understanding and guidance on the acceptable use of the Shire of Brookton’s Information and Communication Technology (ICT) assets and resources.
2. Demonstrate the Shire’s commitment to upholding the relevant legislative and administrative requirements, whilst:
 - a) mitigating data loss and damage to the Shire’s assets and reputation.
 - b) promoting organisational productivity.

Scope:

This policy encompasses all information, ICT Services and ICT assets that are owned, managed or operated by the Council, and recognises the importance of maintaining effective controls over information security, operational guidelines and records management procedures, and applies to anyone accessing or using the Shire of Brookton’s ICT facilities, including all employees, contractors, volunteers and Elected Members.

Statement:

This policy and any procedures developed and adopted are mandatory and will support the Shire’s Risk Management Policy and Records and Information Management Policy.

The Shire of Brookton (the Council) will ensure the confidentiality, integrity and availability of Council’s information, ICT Services and ICT assets.

Policy:

- All information, including electronic records, files and communications that forms part the Shire’s computer network is considered a corporate asset and shall be treated as such.
- The following basic principles on information security must be upheld in using of Shire’s ICT facilities:
 - *Confidentiality* – Ensuring information is accessible only to suitably authorised persons.
 - *Integrity* – Maintain confidence accuracy and comprehensiveness of information and processing methods.
 - *Availability* – Making certain authorised users have access to information when required.

- *Compliance* – Confirming that the Shire meets all legislative obligations.
- *Responsibility* – Ensuring users of the Shire’s ICT resources do not adversely affect other users or systems.
- Each user is responsible and accountable for their use of the Shire’s ICT facilities and have an ethical and legal obligation not to use Shire property improperly. Specifically, access, transmission, retrieval, storage and/or display of material relating of personal expression that is defamatory, discriminatory, harassing and/or illegal in nature and/or is for political gain is strictly forbidden. A violation of misuse, depending on severity, nature and status of the user, may result in a reprimand, loss of ICT access, report to a higher authority for investigation and possible disciplinary action, or termination of employment.
- All users have a responsibility to avoid, prevent and report any unauthorised access, disclosure, duplication, modification, diversion, destruction, loss, misuse or theft of Shire information. Misuse may consist of, but is not limited to:
 - Use of ICT equipment and material inconsistent with the Shire’s values, mission, business functions or objectives.
 - Allowing another person unauthorised use or access to any resource outside the scope of user’s authority and role or is contrary to the applicable guidelines and legislation.
 - Use of the Shire ICT system and content for illegal, offensive or other inappropriate activities.
 - Use, or knowingly allowing another party, to use any Shire system and/or equipment to defraud or obtain money, property, services or other items of value, or for political gain by false representation.
 - Publishing information which violates or infringes upon the rights of any other person or group.
 - Use which could expose the Shire to unfavourable publicity or negatively impact the Shire’s reputation.
- At a minimum the CEO will: establish, endorse and maintain standards, specifications and controls for the secure design, implementation, management and disposal of ICT services, assets (including information assets) and equipment.
- All users have an obligation to understand the value and sensitivity of information they handle and to manage it accordingly.
- All users have an obligation to not release information that they know, or should reasonably know, is information that is confidential to the Council.
- The Chief Executive Officer (CEO) and Manager Corporate and Community Services (MCC) are the only employees who have the authority to:
 - determine a document is confidential.
 - accept a document under conditions of confidentiality.
 - determine a document is no longer confidential.
 - to make accessible or to disclose information that is either confidential or not confidential.

Note: In relation to the above, consultation may be entertained with the Shire President prior to any action being taken in relation to this statement.

- All users must keep secure and routinely change their personal access PASSWORD in accordance with the directives of the Shire's ICT support provider.
- All users must take reasonable care when downloading, accessing or executing files on or from internet services to prevent the introduction of viruses or harmful software.
- All software products used for Shire business must be authorised and licensed before being installed on any Shire equipment.
- Users must not open any suspicious attachments or links, and thereafter report any suspect activity (i.e. emails) to the Shire's ICT support provider for review.
- All hardware devices provided by the Shire shall:
 - Remain property of the Shire unless ownership is granted under another agreement.
 - Be used in compliance with this policy, applicable licenses, notices, contracts and agreements.
 - Be kept in a neat and tidy condition.
- All users must read, understand, and sign the Shire's ICT Use Agreement Declaration, provided as **Appendix A** to this policy.

Appendix A – ICT Use Agreement Declaration

As a user of the Shire’s ICT facilities, including electronic records, files and communications that forms part the Shire’s computer network and I respectfully:

1. Acknowledge and agree to the statements detailed in this policy.
2. Undertake to ensure that my PASSWORD is kept confidential.
3. Acknowledge that unauthorised use of my personal USER ID may result in the integrity of the system being compromised.
4. Accept that I am responsible for ensuring the Shire equipment and my personal USER ID provided to me is not shared with any other person and is only used for proper and authorised activities relating to Local Government business.
5. Accept I am accountable for any actions undertaken using my USER ID and PASSWORD.
6. Understand Shire monitors and records email and internet activity undertaken by those users who have access to resources provided by the Shire of Brookton.

I have read, understood, and will always adhere to the conditions this policy.

Name: _____

Signature: _____ Date: _____

This declaration form once signed must be submitted to the Shire appointed ICT Officer.

2.36 PROCUREMENT

Directorate:	Corporate			
Statutory Environment:	<i>Local Government Act 1995 (as amended) sections 5.42, 5.44, 6.2(4a)</i> <i>Local Government (Financial Management) Regulations 1996, Part 4</i> <i>Corruption, Crime and Misconduct Act 2003 (CCC legislation)</i> <i>Shire of Brookton Employee Code of Conduct</i>			
Council Adoption:	Date:		Resolution #:	13.11.18.02
Last Amended:	Date:	Feb 2021 Sept 2021	Resolution #:	OCM-02.21-17
Review Date:	June 2023			

Objective:

The objectives of this policy are to ensure all purchasing activities:

- Demonstrate that best value for money is attained for the Shire.
- Are compliant with relevant legislation including any Acts and Regulations that apply to procurement
- Are documented and recorded in compliance with the *State Records Act 2000* and associated records and information management policies and procedures as adopted by the Shire from time to time
- Mitigate probity risk by establishing consistent and demonstrated processes that promote openness, transparency, fairness and equity to all potential suppliers,
- Deliver sustainable benefits such as environmental, social and local economic factors in the context of overall value for money assessment and
- Are conducted in a consistent and efficient manner across the Shire and that ethical decision making is demonstrated.

Statement:

The Shire of Brookton (the Shire) is committed to delivering best practice in the procurement of goods, services and works that align with the principles of transparency, probity and good governance as promoted in the *Local Government Act, 1995* and subsidiary regulations.

The procurement processes and practices to be complied with are defined within this Policy.

Policy Scope:

This policy encompasses all procurement undertaken by the Shire.

Ethics & Integrity

Misconduct

All employees of the Shire authorised to undertake purchasing activities must:

- Apply accountable and ethical decision-making principles within the work environment.
- Behave in accordance with legislation, the Shire of Brookton Code of Conduct and the Shire of Brookton adopted policies.

- Understand and observe the definitions, guidelines and legislative obligations in the *Corruption Crime and Misconduct Act 2003* and any Auditor General (WA) recommendations or guidelines as issued from time to time.
- Report any information about actual or potentially fraudulent, corrupt or illegal activities including breaches of the Shire Code of Conduct to the CEO.

Purchasing Principles

The following principles, standards and behaviours must be observed and enforced through all stages of the purchasing process to ensure fair and equitable treatment of all parties:

- All purchases of goods and services must have an allocated Council budget prior to purchase.
- Full accountability shall be taken for all purchasing decisions and the efficient, effective and proper expenditure of public monies based on achieving value for money
- All purchasing practices shall comply with relevant legislation, regulation and requirements consistent with the Shire's policies and Code of Conduct.
- Purchasing is to be undertaken on a competitive basis where all potential suppliers are treated impartially, honesty and consistently.
- All process, evaluation and decisions shall be transparent, free from bias and fully documented in accordance with applicable policies, audit requirements and relevant legislation.
- Any actual or perceived conflict of interest are to be identified, disclosed and appropriately managed.

Value for Money

Value for money is determined when the consideration of price, risk and qualitative factors are assessed to determine the most advantageous outcome to be achieved for the Shire. As such, purchasing decisions must be made with greater consideration than obtaining lowest price, but also to incorporate qualitative and risk factors into the decision.

An assessment of the best value for money outcome for any purchasing process should consider:

- All relevant Total Costs of Ownership (TCO) and benefits including transaction costs associated with acquisition, delivery, distribution, as well as other costs such as but not limited to holding costs, consumables, deployment, maintenance, supplier changeover costs and disposal;
- The technical merits of the goods or services being offered in terms of compliance with specifications, contractual terms and conditions and any relevant methods of assuring quality, including but not limited to an assessment of levels and currency of compliances, value adds offered, warranties, guarantees, repair and replacement policies, ease of inspection, ease of after sales service, ease of communications etc.;
- Financial viability and capability and capacity to supply to the Shire without risk of default (competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history);
- A strong element of competition in the allocation of orders or the awarding of contracts. This is achieved by obtaining a sufficient number of competitive quotations wherever practicable;

- The safety requirements associated with both the product design and specification offered by suppliers and the evaluation of risk when considering purchasing goods and services from suppliers;
- Purchasing of goods and services from suppliers that demonstrate sustainable benefits and good corporate social responsibility; and
- Providing opportunities for businesses within a fifty (50) kilometre radius of the Shire of Brookton municipal boundary are to be given the opportunity to quote for providing goods and services wherever possible and where the supplier can demonstrate compliance with the principles of this policy.

Purchasing Requirements

Legislative/Regulatory Requirements

The requirements that must be complied with by the Shire, including purchasing thresholds and processes, are prescribed within the Regulations, this Policy and associated purchasing procedures in effect at the Shire.

Purchasing that is \$250,000 or below in total value for the life of the contract (excluding GST) must be in accordance with the purchasing requirements under the relevant threshold as defined in this Procurement Policy. Purchasing that exceeds \$250,000 in total value for the life of the contract (excluding GST) must be put to public Tender when it is determined that a regulatory Tender exemption is not deemed to be suitable - refer to Purchasing Value Definition below.

Purchasing Value Definition

Determining purchasing value is to be based on the following considerations:

1. Exclusive of Goods and Services Tax (GST);
2. The actual or expected value of a contract over the full contract period, including all options to extend; or the extent to which it could be reasonably expected that the Shire will continue to purchase a particular category of goods, services or works and what total value is or could be reasonably expected to be purchased. A best practice suggestion is that if a purchasing threshold is reached within three (3) years for a particular category of goods, services or works, then the purchasing requirement under the relevant threshold (including the tender threshold) must apply.

Purchasing from Existing Contracts

Where the Shire has an existing contract in place, it must ensure that goods and services required are purchased under these contracts to the extent that the scope of the contract allows. When planning the purchase, the Shire must consult its Contracts Register through the Finance Team in the first instance before seeking to obtain quotes and tenders on its own accord.

Purchasing Thresholds

The table below prescribes the purchasing process that the Shire must follow, based on the purchase value:

Purchase Value Threshold	Purchasing Requirements
<p>\$0 up to \$2,000 \$1,000</p>	<p>Purchase of a good or service using a Purchase Order or Corporate Credit Card issued by the Shire following at least one (1) <u>oral or written</u> quotation being requested, and the officer being satisfied with:</p> <ul style="list-style-type: none"> • Quality of the good or service to an adequate industry/trade standard; • Delivery of the good or service within a timely manner based on need; • Level of customer service being attentive, respectful and friendly; • Cost of the good or service is competitively priced taking into account the price preference section of this policy. <p>Where goods and services can be acquired <u>locally</u>, the officer is to request a local price and acquire the good or service from the <u>local</u> supplier providing the above criteria is met.</p>
<p>\$2,001 \$1,001 up to \$5,000 \$3,000</p>	<p>Request at least one (1) <u>written</u> quotation from a supplier after providing a brief, outlining the specified requirements, and the officer being satisfied with:</p> <ul style="list-style-type: none"> • Quality of the good or service to an adequate industry/trade standard; • Delivery of the good or service within a timely manner based on need; • Level of customer service being attentive, respectful and friendly; • Cost of the good or service is competitively priced taking into account the price preference section of this policy. <p>Where goods and services can be acquired <u>locally</u>, the officer is to request a local price and acquire the good or service from the <u>local</u> supplier providing the above criteria is met.</p>
<p>Over \$5,001 \$3,001 and up to \$15,000</p>	<p>Request at least two (2) written quotations from a supplier after providing a brief, outlining the specified requirements either through:</p> <ul style="list-style-type: none"> • An existing panel of pre-qualified suppliers administered by the Shire or • A pre-qualified supplier on the WALGA Preferred Supply Program or State Government Common Use Arrangement (CUA) or • From the open market. <p>Where the value of the procurement is considered high risk, the Officer shall seek advice from the CEO to establish if a formal contract process is required.</p> <p>Where the value of the procurement is considered high risk, the Officer shall seek advice from the CEO to establish if a formal contract process is required.</p>
<p>\$15,001 and up to \$40,000</p>	<p>Request at least three (3) written quotations from a supplier after providing a brief, outlining the specified requirements either from:</p> <ul style="list-style-type: none"> • An existing panel of pre-qualified suppliers administered by the Shire

	<p>or</p> <ul style="list-style-type: none"> • A pre-qualified supplier on the WALGA Preferred Supply Program or State Government Common Use Arrangement (CUA) or • From the open market. <p>Where the value of the procurement is considered high risk, the Officer shall seek advice from the CEO to establish if a formal contract process is required.</p> <p>Where three (3) written quotations cannot be provided, the Officer must provide written evidence of why quotations could not be provided. The Officer must also demonstrate that every attempt was made to source written or verbal quotations.</p>
<p>\$40,001 and up to \$250,000</p>	<p>Request at least three (3) <u>written</u> quotations from suppliers by formal invitation under a <u>Request for Quotation</u>, containing price and detailed specification of goods and services required.</p> <p>The procurement decision is to be based on pre-determined evaluation criteria that assesses all value for money considerations in accordance with the definition stated within this Policy. The Finance Team shall facilitate the quotation process. Quotations within this threshold may be obtained from:</p> <ul style="list-style-type: none"> • an existing panel of pre-qualified suppliers administered by the Shire; or • a pre-qualified supplier on the WALGA; • Preferred Supply Program or State Government CUA; or • from the open market utilising the electronic tendering portal and placing an advertisement in the local paper. <p>Requests for quotation from a pre-qualified panel of suppliers (whether administered by the Shire through the WALGA preferred supply program or State Government CUA) are not required to be invited using a Request for Quotation form, however at least three written quotes are still required to be requested.</p>
<p>\$250,000 and above</p>	<p>Conduct a public tender process.</p> <p>Where the purchasing requirement is not suitable to be met through a panel of pre-qualified suppliers, or any other tender exempt arrangement, conduct a public Request for Tender process in accordance with Part 4 of the Local Government (Functions and General) Regulations 1996, this policy and the Shire’s tender procedures. The procurement decision is to be based on pre-determined evaluation criteria that assesses all value for money considerations in accordance with the definition stated within this Policy.</p>

Approval Limits

- The Chief Executive Officer has delegated authority from Council to undertake purchases of goods and services which are, or expected to be, up to the value of \$250,000.
- The Chief Executive Officer may on delegate authority from Council to any employee to maintain efficient and effective purchasing operations.

Tendering Exemptions

An exemption to publicly invite tenders may apply in the following instances:

- The purchase is obtained from a pre-qualified supplier under the WALGA Preferred Supply Program or State Government Common Use Arrangement.
- The purchase is from a Regional Local Government or another Local Government;
- The purchase is acquired from a person registered on the WA Aboriginal Business Directory, as published by the Small Business Development Corporation, where the consideration under contract is worth \$250,000 or less and represents value for money;
- The purchase is acquired from an Australian Disability Enterprise and represents value for money;
- The purchase is from a pre-qualified supplier under a Panel established by the Shire; or
- Any of the other exclusions under Regulation 11 of the *Local Government (Functions and General) Regulations 1996* apply.

Inviting Tenders under the Tender Threshold

Where considered appropriate and beneficial, the Shire may consider publicly advertising Tenders in lieu of undertaking a Request for Quotation for purchases under the tender threshold. This decision should be made after considering the benefits of this approach in comparison with the costs, risks, and timeliness and compliance requirements and also whether the purchasing requirement can be met through the WALGA Preferred Supply Program or State Government CUA.

If a decision is made to undertake a public Tender for contracts expected to be \$150,000 or less in value, the Shire's tendering procedures must be followed in full.

Sole Source of Supply

Where the purchasing requirement is over the value of \$21,000 and of a unique nature that can only be supplied from one supplier, the purchase is permitted without undertaking a tender or quotation process. This is only permitted in circumstances where the Chief Executive Officer of the Shire is satisfied and can evidence that there is only one source of supply for those goods, services or works. The Shire must use its best endeavours to determine if the sole source of supply is genuine by exploring if there are any alternative sources of supply. Once determined, the justification must be endorsed by the Chief Executive Officer, prior to a contract being entered into.

From time to time, the Shire may publicly invite an expression of interest to effectively determine that one sole source of supply still genuinely exists.

CEO Discretion

Where it is not practical to obtain multiple written and/or verbal quotations for amounts between \$21,000 and less than \$250,000 the Chief Executive Officer may approve the purchase of goods and services where deemed appropriate after approving a written request from the Officer justifying the reasons for the purchase.

Anti-Avoidance

The Shire shall not enter into two or more contracts or create multiple purchase order transactions of a similar nature for the purpose of "splitting" the value of the purchase or contract to take the value of the consideration of the purchase below a particular purchasing threshold, particularly in relation to Tenders and to avoid the need to call a public Tender.

Emergency Purchases

An emergency purchase is defined as an unanticipated and unbudgeted purchase which is required in response to an emergency situation as provided for in the *Local Government Act 1995*. In such instances, quotes and tenders are not required to be obtained prior to the purchase being undertaken. An emergency purchase does not relate to purchases not planned for due to time constraints. Every effort must be made to anticipate purchases required by the Shire in advance and to allow sufficient time to obtain quotes and tenders, whichever may apply.

Records Management

Records of all purchasing activity must be retained in compliance with the *State Records Act 2000* (WA).

Buy Local

As much as practicable, the Shire will:

- Where appropriate, consider buying practices, procedures and specifications that do not unfairly disadvantage local businesses;
- Consider indirect benefits that have flow on benefits for local suppliers (i.e. servicing and support);
- Ensure that procurement plans address local business capability and local content; and
- Provide adequate and consistent information to potential suppliers.

Buy Local Eligibility

- A preference is applicable to locally based contractors and suppliers within a fifty (50) kilometre radius of the Shire of Brookton town centre; and
- To qualify as a local contractor a supplier must have had a permanent office and staff within the fifty (50) kilometre radius for a period of at least six (6) months prior to the closing date of the quotation/tender submission.

Price Preference for Local suppliers/contractors

- A 10% price preference to a maximum of \$10,000.00 in value applies to all goods and services for those supplier(s) that meet the eligibility requirements (as above);
- Where the procurement is for goods and services for a period exceeding twelve (12) months, the 5% price preference to a maximum of \$10,000.00 shall be applied per annum.

Purchasing from Disability Enterprises & Aboriginal Businesses

Pursuant to Part 4 of the Local Government (Functions and General) Regulations 1996, the Shire may purchase from Disability Enterprises and Aboriginal Business contingent upon demonstration of value for money.

Panels of Pre-Qualified Suppliers

Objectives for Panels

In accordance with Regulation 24AC of the Local Government (Functions and General) Regulations 1996, a Panel of Pre-qualified Suppliers ("Panel") may be created where most of the following factors apply:

- The Shire determines that a range of similar goods and services are required to be purchased on a continuing and regular basis;
- There are numerous potential suppliers in the local and regional procurement related market sector(s) that satisfy the test of 'value for money';
- The purchasing activity under the intended Panel is assessed as being of a low to medium risk;
- The Panel will streamline and will improve procurement processes; and
- The Shire has the capability to establish, manage the risks and achieve the benefits expected of the proposed Panel.

The Shire will endeavour to ensure that Panels will not be created unless most of the above factors are firmly and quantifiably established.

Establishing a Panel

Should the Shire determine that a Panel is beneficial to be created, it must do so in accordance with Part 4, Division 3 the Local Government (Functions and General) Regulations 1996. Panels may be established for one supply requirement, or a number of similar supply requirements under defined categories within the Panel. Panels may be established for a minimum of two (2) years and for a maximum length of time deemed appropriate by the Shire. Evaluation criteria must be determined and communicated in the application process by which applications will be assessed and accepted.

Where a Panel is to be established, the Shire will endeavour to appoint at least two (2) suppliers to each category, on the basis that best value for money is demonstrated. In each invitation to apply to become a pre-qualified supplier (through a procurement process advertised through a state-wide notice), the Shire must state the expected number of suppliers it intends to put on the panel. Should a Panel member leave the Panel, they may be replaced by the next ranked Panel member determined in the value for money assessment should the supplier agree to do so, with this intention to be disclosed in the detailed information set out under Regulation 24AD(5)(d) and (e) when establishing the Panel.

Distributing Work amongst Panel Members

To satisfy Regulation 24AD (5) of the Regulations, when establishing a Panel of prequalified suppliers, the detailed information associated with each invitation to apply to join the Panel must either prescribe whether the Shire intends to:

- i. Obtain quotations from each pre-qualified supplier on the Panel with respect to all purchases; and/or
- ii. Purchase goods and services exclusively from any pre-qualified supplier appointed to that Panel, and under what circumstances; and/or
- iii. Purchase goods and services on a rotational basis from each pre-qualified supplier and endeavour to provide an even amount of work amongst prequalified suppliers.

In considering the distribution of work among Panel members, the detailed information must also prescribe whether:

- a) Each Panel member will have the opportunity to bid for each item of work under the Panel, with pre-determined evaluation criteria forming part of the invitation to quote to assess the suitability of the supplier for particular items of work. Contracts under the pre-qualified panel will be awarded on the basis of value for money in every instance; and/or
- b) Service requests that are not possible to obtain a fixed price may be rotated between pre-qualified supplier(s) to obtain the most advantageous result for the Shire which may take into account the existing familiarity with a suppliers previous work on a specific Council asset; and/or
- c) Should the list of panel members be exhausted with no panel member accepting the offer to provide goods/services under the Panel, the Shire may then invite suppliers that are not on the panel to provide the goods/services in line with the purchasing thresholds. In every instance, a contract must not be formed with a pre-qualified supplier for an item of work beyond twelve (12) months, which includes options to extend the contract.

Purchasing from the Panel

The invitation to apply to be considered to join a panel of pre-qualified suppliers must state whether quotations are either to be invited to every member (within each category, if applicable) of the Panel for each purchasing requirement, whether a ranking system is to be established, or otherwise. Each quotation process, including the invitation to quote, communications with panel members, quotations received, evaluation of quotes and notification of award communications must all be captured on the Shire's electronic records system. A separate file is to be maintained for each quotation process made under each Panel that captures all communications between the Shire and Panel members.

Recordkeeping

Records of all communications with Panel members, with respect to the quotation process and all subsequent purchases made through the Panel, must be kept. For the creation of a Panel, this includes:

- The Procurement initiation document such as a procurement business case which justifies the need for a Panel to be created.

Procurement planning and approval documentation which describes how the procurement is to be undertaken to create and manage the Panel including (but not limited to);

- Request for Applications documentation;
- Copy of public advertisement inviting applications;

- Copies of applications received;
- Evaluation documentation, including clarifications sought;
- Negotiation documents such as negotiation plans and negotiation logs;
- Approval of award documentation;

Must be kept.

Legislation and other References:

- *Local Government Act 1995*
- *Local Government Act (Financial Management) Amended Regulations 2015*
- *Local Government (Functions and General) Regulations 1996*
- *Shire of Brookton **Employee** Code of Conduct*
- *Corruption Crime and Misconduct Act 2003*
- *State Records Act 2000*

2.37 LEASE, LICENCE AND TENANCY AGREEMENTS

Directorate:	Corporate			
Statutory Environment:	<i>Land Administration Act 1997 (Section 46)</i> <i>Local Government Act 1995 (Section 3.58)</i> <i>Local Government (Functions and General) Regulations 1996 (Regulation 30)</i>			
Council Adoption:	Date:	June 2019	Resolution #:	OCM 06.19-08
Last Amended:	Date:		Resolution #:	
Review Date:	June 2023			

Objective:

This Policy seeks to enable responsible management of community assets by use of an equitable methodology for specifying terms, calculating charges, and applying fees applicable to lease, license and tenancy agreements for community groups and other commercial organisations or individual persons by classification.

Definition:

For the purpose of this policy:

Not-for-Profit Group means a group or organisation incorporated under the *Associations Incorporation Act 2015* and has its primary base of operation located within the Shire of Brookton.

Commercial means a person, company or organisation that has intent to make or is making a profit in the course of doing business.

Policy:

1. This policy applies to the leasing, licensing tenancy of real property owned, or under the care, control and management of the Shire of Brookton, including Crown Land.
2. Where appropriate, organisations will be granted a lease or license agreement at a subsidised rate in recognition of their perceived benefit to the community, and their ability to pay.
3. All lessees, licensees, and commercial tenants irrespective of classification must have public liability insurance to the value as prescribed by the Shire's insurer and detailed in the agreement. Evidence of such is to be presented to the Shire each year during the term of the agreement.
4. Classifications of lease, licence, and tenancy agreements:

Level One

- a) Applies to a 'not-for-profit' community organisation or group incorporated under the *Associations Incorporation Act 2015*.
- b) The organisation or group is specific to the Shire of Brookton and affords significant community benefit.

- c) The organisation or group has limited revenue-raising ability (net of cost of service) e.g. community play group.
- d) The organisation or group (as lessee or licensee) will pay annual lease or license 'peppercorn' rent of \$10.00 (incl. GST).
- e) The maximum term for a lease or license agreement is 5 years, with a further 5 year option at the discretion of Council.
- f) The Council (as lessor) will pay costs applicable to preparation and registration of the lease or license agreement.
- g) The organisation or group (as lessee or licensee) will pay for utilities, general wear and tear, and garden maintenance.
- h) The organisation or group (as lessee or licensee) may qualify for annual financial subsidy for utility costs through the Shire Community Chest grant funding program – refer to Policy 2.34 - Community Funding and Donations Policy.
- i) The organisation or group (as lessee or licensee) may request a waiver of the local government's planning, building and environmental health application fees.

Level Two

- a) Applies to a 'not-for-profit' community organisation or group incorporated under the *Associations Incorporation Act 2015*.
- b) The organisation or group is specific to the Shire of Brookton and affords significant community benefit.
- c) The organisation or group has revenue-raising ability or receives external funding assistance (e.g. has a Sale of Liquor license or generates revenue from meals or receives funding from State Government or from its members as subscriptions).
- d) The organisation or group (as lessee or licensee) will pay annual lease or license rent of \$350.00 (incl. GST).
- e) The maximum term for a lease or license agreement is 5 years, with a further 5 year option at the discretion of Council.
- f) The organisation or group (as lessee or licensee) is to pay 50% of costs applicable to preparation and registration of the lease or license agreement.
- g) The organisation or group (as lessee or licensee) is to pay for all utilities, general wear and tear and garden maintenance as detailed in lease or license agreement.
- h) The organisation or group (as lessee or licensee) may qualify for annual financial subsidy for utility costs through the Shire Community Chest grant funding program – refer to Policy 2.34 - Community Funding and Donations Policy.

Level Three

- a) Applies to commercial leases, licenses and tenancy agreements with an individual person, company or organisation that holds an Australian Business Number (ABN), and where due process has been entertained under Section 3.58(3) of the *Local Government Act, 1995* unless an exemption applies under Regulation 30 of the *Local Government (Functions and General) Regulations, 1996*.
- b) Applies to residential tenancy agreements with an individual person, and a company or organisation that holds an Australian Business Number (ABN).
- c) The use must have all relevant statutory approvals, where deemed applicable.

- d) The maximum term for a commercial lease or license agreement is 5 years, with a further 5-year option at the discretion of Council.
- e) The maximum term for a residential and commercial tenancy agreement is 12 months with possible extension at the discretion of the Council, although periodical agreements may be applied at the discretion of the CEO for residential tenancy agreements.
- f) The individual person, company or organisation (as Lessee, licensee or tenant) is to pay for the rental valuation and document preparation, where applicable.
- g) The individual person, company or organisation (as Lessee, licensee or tenant) is to pay market rent as demonstrated and accepted by the CEO, unless otherwise determined by Council through its Schedule of Fees and Charges or by independent resolution.
- h) The individual person, company or organisation (as Lessee, licensee or tenant) is to pay for all utilities, general wear and tear, and garden maintenance as detailed in the lease, license or tenancy agreement.

Note - This section does not apply to tenancy agreements that form part of contract with the Shire.

2.38 LIBRARY SERVICES

Directorate:	Community			
Statutory Environment:	<i>Local Government Act 1995</i> <i>Library Board of Western Australia Act 1951</i> <i>Library Board (registered Public Libraries) Regulation 1985</i> <i>Australian Library & Information Associations (ALIA) "Statement of free access to information"</i>			
Council Adoption:	Date:	July 2019	Resolution #:	07.19-11 15.07.19.05
Last Amended:	Date:	Sept 2021	Resolution #:	
Review Date:	June 2023			

Objective:

The purpose of this policy is to provide the Shire of Brookton (the Shire) and the community with a clear and consistent framework for the management of the library and its resources.

The policy will:

- Provide a framework for the management of the Shire's library, the services and resources.
- Clarify the roles and responsibilities of stakeholders.
- Ensure consistency in the management of the library.

Policy statement:

The Shire of Brookton supports the principle of open, free and unrestricted access to information in all its forms to its community regardless of age, race, gender, religion, nationality, language, disability, geographic location, social status, economic status and educational attainment.

The Shire of Brookton library service is considered an integral part of the community through its strategic focus from the Brookton 20 in maximising its performance and knowledge and its lifestyle and community. The Shire recognises its role as an active connector by linking people to information and providing resources to assist in skill development. The Shire is committed to the ongoing development of the library as part of future integrated community hubs.

The library service provides accessible and relevant content to the community meeting the business, recreational, cultural and lifelong learning needs of the wider community.

The Shire recognises that its library has an important role in the community by giving the community and individuals access to a wide and varied range of information, ideas, opinions and skills. The Shire of Brookton recognises the role of public libraries as essential in developing an informed society through providing programs that improve literacy and information literacy and providing lifelong learning opportunities that contribute to economic prosperity by helping people improve their skills and life chances. Such programs include Better Beginnings and authors talks.

The Shire recognises that the role of public libraries is developing rapidly with a stronger focus on formal and informal learning and community development. Libraries across Western Australia also play an important role in technology, equitable access to online information as well as ensuring opportunities for creation of content and recording and preserving the identity of the community in which they are located.

Scope:

This policy applies to staff and all users of the Shire's library service. The Policy aims to further the principles of the Library Board Act that outlines the provision of a free public library service for the betterment of the community. This policy covers the principles of provision of services and resources, including technology and support for literacy and the ongoing education of the community.

Background:

This policy exists to ensure that a consistent level of access to the library service is provided to the whole community by providing guidance to staff on key principles. The policy also seeks to guide customer expectations regarding the role of the library service.

Consultation with stakeholders:

Key stakeholders include the residents of the Shire of Brookton, Shire of Brookton Elected Members, Shire of Brookton staff, and any member of the general public who is a user of the Shire of Brookton library.

This policy has been developed with reference to regulations of the Library Board Act (which are binding on the Library Service) and the Australian Library and Information Association's policies (which are endorsed voluntarily.)

Implications (Financial, Human Resources):

The Library Services Policy will guide Shire staff in ensuring fair and equitable access to the services and resources provided by the library. Service and development are to be met out of the current operating budget which is reviewed on an annual basis. This policy will be regularly reviewed to ensure that it remains relevant to community requirements and industry standards. Staff will receive ongoing training and development to ensure the provision of best practice delivery.

Stakeholder and users of the Library must hold current membership of the library to borrow items or to use the e-resources available. Library users must be registered and issued with a Library card for borrowing and access purposes. Library membership is only available to Shire of Brookton residents who can provide suitable identification.

Children under the age of 18 are encouraged to join the library with the consent of a parent or guardian.

Lost, damaged or stolen library items are charged back to the library borrower at cost price and loss or damage to a library card incurs a replacement fee as described in the Shire's Fees and Charges schedule.

Implementation:

~~The Library Services~~ This Policy will support the Shire's ongoing and legislated task of providing a public library service. The Shire **Administration** will review demand for services, developments in communication technology in order to continuously improve services. A copy of this policy will be made available to all members at time of registration on request.

Roles and Responsibilities:

Staff of the Shire of Brookton, under the direction of the Chief Executive Officer (CEO), are responsible for the implementation of and compliance with this policy. Supported by associated and documented procedures, well-managed relevant and up to date services will be provided to the community within a facility that is safe, maintained, inclusive and welcoming. The Manager Corporate and Community (MCC) will provide interpretation in the event of need for clarification or where there is a dispute. The MCC will be responsible for the review of this Policy.

Dispute Resolution:

All disputes in regard to this policy will be referred to the MCC in the first instance. In the event that an agreement cannot be reached, the matter will be submitted to the CEO for a ruling.

~~**Who needs to know about this policy?**~~

~~All staff should be aware of the policy and specifically administration and customer service staff.~~

~~**Evaluation and Review Provisions:**~~

~~The adopted policy should be evaluated as to its effectiveness in achieving its outcomes and measures will be established, including developing and listing key performance indicators to ensure that the policy is meeting objectives and accountability requirements.~~

2.39 EMPLOYEE TRAINING

Directorate:	Corporate			
Statutory Environment:	Local Government Act 1995			
Council Adoption:	Date:	Feb 2020	Resolution #:	02.20-09
Last Amended:	Date:		Resolution #:	
Review Date:	June 2023			

Objective:

The intent of this policy is to enhance Shire's operational capacity and technical knowledge through attendance of training, study and conference aligned to professional development, operational need and mutual benefit for the organisation and the employee.

Definitions:

Conference means a meeting, convention, forum, seminar, summit or symposium that affords professional development and enhancement of technical knowledge for the employee.

Employee means a fulltime and part-time employee of the Shire of Brookton.

Training/study means all internal and external courses, programs and sessions undertaken by the employee that will result in formal accreditation, certification and/or qualification in writing.

Up skilling means all internal and external courses, programs and sessions undertaken by the employee that will result in formal accreditation, certification and/or qualification in writing.

Policy:

1. The Shire encourages, supports, and will fund the training/up skilling of employees at its cost to:
 - a) Enhance team co-operation and collaboration as well as achieve compliance against legislative requirements.
 - b) Enable performance of an employee's prescribed functions and responsibilities details in their relevant Position Description and assessed as necessary (by the CEO) to effectively perform their role.
 - c) Assist in performing other duties within the organisation that related to:
 - Occupational Health and Safety (OHS)
 - First Aid
 - Emergency support and assistance (i.e. additional licences, tickets, certificates, etc.)
 - Cross training and up skilling (i.e. cover other positions when vacant or to support other functions when required)
2. The Shire will not support nor fund training/study that does not:
 - a) Directly relate to the individual employee's position description;

- b) Form part of their professional development identified in their performance appraisal;
 - c) Substantially benefit the organisation in prescribed functions or assist as in accordance with 1.0 b) above.
3. All training/study is to be validated by the Organisational Development Officer against 2.0 above prior to any enrolment/registration, and:
 - a) Must be approved by the employee's line manager for internal training/study;
 - b) Must also be approved by the CEO for external training/study.
4. Excluding 1 a) and b) above and specific allocation in an employment contract, an employee who has received approval for training study will be required to sign a 'training/study agreement form' agreeing to reimburse the cost, including all expenses incurred by the Shire (other than officer's time/study leave) should they:
 - a) Not complete/pass the full training/course with the agreed time – 100% of costs repaid.
 - b) Terminate employment within 12 months – 100% of costs repaid.
 - c) Terminate employment between 12-24 months – 50% of costs repaid.

Such cost will be repaid by the employee upon resignation and prior to the termination date of employment.
5. For the purpose of this policy all reasonable expenses (i.e. registration fees, travel, accommodation, meals) applicable to undertaking the employee training study will be funded by the Shire, other than approved professional development study – refer to Statement 6 below.
6. For external study applicable to an employee's professional development the Shire will only fund 50% of the study fees and materials to a maximum of \$7,000 based on:
 - a) Reimbursement of receipts being presented to the Organisational Development Officer; and
 - b) Qualification of a 'pass' or better for each unit of the course completed.
7. The number of employees attending external training/conferences from any one department or section at the same time is limited to two (2) employees, unless otherwise approved by the CEO.
8. Study leave (including the sitting of exams) of up to 16 hours may be granted at the discretion of the CEO depending on the type and nature of the course.
9. External training/conferences may be supported outside of Western Australia subject to Council being satisfied the training/conference is warranted and provides mutual benefit to the organisation and employee.
10. The CEO may decline or defer employee training/study and conferences should there be:
 - a) A conflict with operational requirements.
 - b) Inadequate funds within the current year budget.
 - c) Insufficient evidence to substantiate 'value' for the organisation and the employee.

11. Training for a casual employee shall be at the discretion of the CEO and should only be granted in accordance with 1b) above.

2.40 PENSIONER REBATES ON COMMERCIAL AND RURAL PROPERTIES

Policy Owners:	Corporate			
Statutory Environment:	<i>Local Government Act 1995, Part 6, Division 6, Section 6.47 Rates and Charges (Rebates & Deferments) Act 1992, Section 28 (2)</i>			
Council Adoption:	Date:	May 2020	Resolution #:	OCM 05.20-07
Last Amended:	Date:		Resolution #:	
Review Date:	June 2023			

Objective:

To set the method of calculation for pensioner and seniors' rebates on properties where there is a curtilage or dual/commercial use such as farming and agricultural properties.

Policy:

Section 28(2) of the *Rates and Charges (Rebates and Deferments) Act 1992* provides that:

"Where although land is used as the ordinary place of residence of an applicant or registered person it is not the sole use of that land, the administrative authority may apportion the prescribed charge, and any rebate allowable, according to –

- (a) The extent to which the land is so used as a place of residence; and*
- (b) Any other use on a basis proportionate to the respective uses."*

This provision enables the Shire of Brookton to allow a concession, in an equitable way, to the part of the rates levied relating to the residential use of a commercial property, if the circumstances warrant. For example, a pensioner resides in a house located on land also used for agricultural or farming purposes.

Principles

Concessional rebates are applied in a fair and equitable manner for all concessional ratepayers (i.e.. Pensioner).

Provisions

A rebate shall only be applied if the resident has demonstrated they are entitled to such rebate by completing the appropriate application form, including provision of their concession details.

Calculations

The rates levied are to be portioned based on 50% of the minimum rate for UV and GRV categories.

If the ratepayer is a pensioner, and they are entitled to a 50% rebate the amount to be claimed from the Office of State Revenue would be 50% of the calculated amount.

If the area used for residential purposes cannot be determined, then an arbitrary two (2) hectares is to be used as permitted by the Office of State Revenue.

2.41 COMMUNITY ENGAGEMENT POLICY

Policy Owners:	Corporate			
Statutory Environment:				
Council Adoption:	Date:	November 2020	Resolution #:	OCM 11.20-07
Last Amended:	Date:	Sept 2021	Resolution #:	
Review Date:	June 2023			

Objective:

This policy provides the framework and principles for undertaking community engagement to encourage participation and to strive to continuously improve its community engagement methods.

The outcomes and benefits of effect community engagement include:

1. Increased community awareness about services, planning and program delivery.
2. Increased awareness of community views and the issues that should be considered as part of the decision-making process.
3. Increased awareness of the needs, priorities, and diversity of the community, which in turn ensures that service provision and planning functions are aligned appropriately.
4. Increased levels of community ownership and acceptance of decisions.
5. Council and the community working together to address local issues where appropriate.

Statement:

Council will:

- Be open and honest about the purpose of any consultation activity to be transparent with its decision-making processes.
- Use a range of approaches to engage community views and enable everyone who is interested to contribute.
- Undertake to make balanced decisions using the outcomes of community engagement, whilst considering other influences such as budget constraints, identified risks, statutory obligations and strategic directions.

Whilst it is not always practical or appropriate to engage the community on all Council decisions, it is crucial that community members are sufficiently informed of major issues, plans, projects and all matters likely to affect them and have opportunities to participate meaningfully in community engagement processes.

Policy:

This policy applies to all facets of Council's operations including Council's corporate, land use, strategic and financial planning and ~~our day-to-day~~ daily services and activities.

This policy and the following community engagement principles underpin all of Council's community engagement processes and activities. These will guide Elected Members, employees, contractors and external consultants authorised to act on behalf of Council on best practice in engaging with the Community.

Principles:

The following principles are to be applied to all levels of community consultation:

~~1. Detail why the Shire is engaging and what the community's role is in the engagement:~~

- Use simple language explaining the purpose of engagement premised on potential level of impact on the community, so the duration and level of community engagement can be set.
- Provide all information necessary so the community can make informed statements during the engagement process.
- Encourage broad community engagement to ensure that a diverse range of views and ideas are expressed and considered.
- Maintain transparency and explain the process to be undertaken.
- Engage across a range of diverse groups using a range of communication mediums (e.g. print media, social media, on-line survey etc) depending on the proposal.

Furthermore, the Shire will commence community engagement when:

- The Council resolves to formally engage.
- Community engagement can enhance decision-making, project outcomes or future opportunities.
- There is legislation or policy requiring engagement or consultation.

Level of Engagement:

The following matrix ~~is used to assist~~ **applies** in determining the most suitable approach relative to the potential or likely “Level of Impact” of a project, plan, service, or action.

As stated in the matrix there are 4 levels of engagement:

- a) Inform
- b) Consult
- c) Involve
- d) Collaborate

More than one level of engagement is generally required.

Expected level of impact	Criteria (one or more of the following)	Engagement approach generally taken	Level of engagement generally required	Engagement methods that should be used
High Shire wide	High level of impact on all or a large part of the Shire of Brookton. Any significant impact on attributes that are considered to be of	Early engagement with community and stakeholders. Involves a broad range of stakeholders and community members. Utilises a variety of engagement	Inform Consult Involve Collaboration	Mail drop Media Release Brookton Telegraph

	<p>high value to the whole of the Shire, such as the natural environment or heritage.</p> <p>Likely high level of interest across the Shire.</p> <p>Potential high impact on state or regional strategies or directions.</p>	<p>methods to give people who want to contribute, the opportunity to do so.</p> <p>Updates are provided to local community.</p> <p>Engagement plan developed in collaboration with the relevant departments and approved by the Chief Executive Officer.</p> <p>Budget allocated to deliver community engagement.</p> <p>Process is evaluated to assess the quality and overall effectiveness of the engagement and assist the Shire’s commitment to continually improve our engagement practice.</p>		<p>Shire website</p> <p>Email</p> <p>Social Media (Facebook)</p> <p>Focus or Working Group depending on nature of proposal</p> <p>Surveys</p> <p>Feedback and submission forms</p> <p>Posters</p>
<p>High Local –</p>	<p>High level of impact on a local area, small community or user group(s) of a specific facility or service.</p> <p>Significant change to any facility or service to the local community.</p> <p>Potential for a high degree of community interest at the local level.</p>	<p>May range from seeking comment on a proposal to involving the community and stakeholders in discussion on proposed options.</p> <p>Comprehensive information is made available to the community to enable informed input.</p> <p>Uses a combination of engagement methods to encourage broad participation at different levels.</p> <p>Feedback is collated and made available (personal details: phone numbers, addresses, email addresses will not be published on the Shire’s website).</p>	<p>Inform</p> <p>Consult</p> <p>Involve</p>	<p>Mail drop</p> <p>Media Releases</p> <p>Brookton Telegraph</p> <p>Shire website</p> <p>Email</p> <p>Social Media (Facebook)</p> <p>Possible Focus or Working Group depending on nature of proposal</p> <p>Surveys</p> <p>Feedback and submission forms</p>

				Posters
Low Shire wide	<p>– Lower level of impact across the Shire.</p> <p>Level of interest among various communities or stakeholders.</p> <p>Potential for some, although not significant, impact on state or regional strategies or directions.</p>	<p>Approach may range from seeking comment on a proposal to involving the community and stakeholders in discussion and debate on proposed options.</p> <p>Ensures informed input through making comprehensive information available to the community.</p> <p>Uses a combination of engagement methods to encourage broad participation at different levels.</p> <p>Feedback is collated and made available.</p> <p>Updates are provided to the local community.</p>	<p>Inform</p> <p>Consult</p> <p>Involve</p>	<p>Mail drop</p> <p>Media Releases</p> <p>Brookton Telegraph</p> <p>Shire website</p> <p>Email</p> <p>Social Media (Facebook)</p> <p>Possible Focus or Working Group depending on nature of proposal</p> <p>Surveys</p> <p>Feedback and submission forms</p> <p>Posters</p>
Low Local	<p>- Lower level of impact on a local area, small community or user group of a specific facility or service.</p> <p>Only a small change to a facility or service at the local level.</p> <p>Low interest at the local or user group level.</p>	<p>Approach consists of advising the community or stakeholders of a situation or proposal or informing of a decision or direction.</p> <p>Communication strategy that provides high quality, accessible information to those affected by and interested in the change or decision.</p> <p>Communication channels relevant to the target audience are used.</p>	<p>Inform</p>	<p>Mail drop</p> <p>Media Releases</p> <p>Brookton Telegraph</p> <p>Website</p> <p>Email</p> <p>Social media</p> <p>Advertising</p> <p>Posters</p>

Note: The Matrix does not negate nor alter statutory advertising and consultation processes as prescribed by legislation but may be applied as additional process depending of the nature of the matter or proposal.

No Consultation:

The Shire Administration will not engage community consultation when:

- A final decision has already been made by Council or another agency.
- Council cannot influence a decision by another agency or party.
- The decision to be made concerns a minor operational matter with minimal impact on the community and/or stakeholders.
- Implementing a project or decision that has already been subject to engagement.
- There is insufficient time due to legislative or legal constraints, or urgent safety issues to be addressed.

In these events, the Shire Administration may inform the community why the decision was made without community engagement.

Consultation Form:

The community engagement form template provided as Appendix 1 to this policy is to be used in receiving input for community members.



Appendix 1.

Submission Form



(Insert: SUBJECT of Community Engagement)

(Insert: Description of subject Community Engagement proposal)

To: Chief Executive Officer
Shire of Brookton
PO Box 42
Brookton WA 6306 or email: mail@brookton.wa.gov.au

Please note – all information provided on this submission form will be published in the Shire of Brookton agenda and minutes relevant to this submission. Phone numbers and email addresses will be redacted for the Shire’s website.

Name: _____

Organisation/Company (if applicable): _____

Email: _____

Please indicate your position: Support Object Indifferent Suggest Amendment/s

Please state your interests, concerns, objections, support or suggested amendments, whether as a private citizen, or on behalf of a company or other organisation.

Signature: _____ Date: _____

Please attach additional comment/pages if required.

2.42 INTEGRATED PLANNING AND REPORTING (IPR) AND ANNUAL BUDGET PREPARATION

Directorate:	Governance			
Statutory Environment:	<i>Local Government Act, 1995 – Section 5.56 and Section 6.2</i> Local Government (Administration) Amendment Regulations (No. 2) 2011 – Regulation 19C, 19DA and 19DB			
Council Adoption:	Date:	Dec 2020	Resolution #:	OCM 12.20-11
Last Amended:	Date:		Resolution #:	
Review Date:	June 2023			

Objective:

To provide structure and guidance on:

- Review of the Shire’s Integrated Planning and Reporting (IPR) Framework, and
- Preparation of the Annual Budget for each year.

Policy:

a) Integrated Planning and Reporting (IPR) Framework review shall accord to the following program:

IPR Plan	Review	Direction
<i>Strategic Community Plan (SCP)</i>	<i>September</i> - <i>Minor Review every second year.</i> - <i>Major Review every fourth year.</i> - <i>Offset to following year of the Local Government election cycle.</i>	<i>Minor Review – Assess Community Aspirations based on a ‘desktop’ approach with Elected Members.</i> <i>Council may initiate consultive ‘check-in’ process with the Community to be conducted by Shire Administration.</i> <i>Major Review – To involve the use of an independent person or company to perform min. six weeks community consultation on Community Aspirations - Elected Members and Shire staff participation excluded from this process.</i>
<i>Corporate Business Plan (CBP)</i>	<i>November/December</i> • <i>each year.</i>	<i>Assess projected annual program of works and implement changes for the coming financial year to the CBP and Corporate Compendium.</i> <i>All amendments to CBP and Compendium to be implemented prior to preparation of annual budget for the following financial year.</i> <i>Strategic projects to be drawn from Book of Initiatives.</i>
<i>Asset Management Plan (AMP)</i>	<i>November/December</i> 1. <i>each year.</i>	<i>Assess Policy, Strategy, and Plans specific to each asset class to inform the LTFP.</i>

		<i>All amendments to be implemented prior to preparation of annual budget for following year.</i>
<i>Long Term Financial Plan (LTFP)</i>	<i>November/December</i> • <i>each year.</i>	<i>Review and amend the LTFP based on changes to the AMP and Shire’s fiscal position.</i> <i>All amendments to be implemented prior to preparation of annual budget for following year.</i>
<i>Workforce Plan (WP)</i>	<i>November/December</i> • <i>each year.</i>	<i>Assess Organisational Structure, staff resourcing, training and upskilling and together with adjustment of roles and responsibilities, as necessary.</i> <i>Ensure all amendments to Workforce Plan are implemented prior to preparation of annual budget for following year.</i>
<i>Innovations Pathway</i>	<i>November/December</i> - <i>every second year</i> <i>immediately following the Local Government election cycle.</i>	<i>Assess effectiveness of framework, including Advisory Group representation and performance, Book of Ideas and Book of Initiates.</i> <i>Reset representation on Advisory Groups and amend Terms of Reference, as required.</i>

b) Preparation of the Annual Budget shall occur each year with:

- Every endeavour to accord with the following ‘Annual Budget Preparation Guide’.
- Specific reference being applied to and the budget being informed by the Council’s IPR framework plans.

Annual Budget Preparation Guide
Annual Budget

Month	Function	Week	Responsibility
February	<ul style="list-style-type: none"> - Review salaries and wages - Review depreciation - Review plant allocations - Review ABC allocations 	Week 1 - 2 Week 2 Week 2 Week 3	CEO/Managers MCC/SFO MCC/SFO MCC/SFO
March	<ul style="list-style-type: none"> - Create budget workbook - Commence data input - Review fees and charges - Reference IPR Plans - Review financial reserves - Review capital items 	Week 1 Week 1 - 4 Week 2 - 3 Week 3 - 4 Week 3 - 4 Week 4	MCC/SFO MCC/SFO MCC/SFO MCC/SFO CEO/Managers/SFO
April	<ul style="list-style-type: none"> - Data input (Con't) - Review capital items (Con't) - Workshop - Fees & charges <ol style="list-style-type: none"> 1. Set increase – rates 2. Set increase – rubbish and sewerage - Model rates 	Week 1 - 4 Week 1 - 2 Week 2 Week 3	MCC/SFO CEO/Managers/SFO Staff/Councillors MCC/SFO/FO
May	<ul style="list-style-type: none"> - Data input (Con't) - Workshop – First review of draft 	Week 1 - 4 Week 1	MCC/SFO Staff/Councillors
June	<ul style="list-style-type: none"> - Data input (Con't) - Confirmation of grants income - Consolidate carry forward position - Workshop – Second review of draft 	Week 1 - 3 Week 1 Week 2 Week 3	MCC/SFO MCC/SFO MCC/SFO Staff/Councillors
July	<ul style="list-style-type: none"> - Council Meeting – Budget adoption 	Week 3	Staff/Councillors
August	<ul style="list-style-type: none"> - Budget notification to LG Dept. 	Week 1	MCC/SFO
CEO means Chief Executive Officer MCC means Manager Corporate and Community SFO means Senior Finance Officer FO means Finance Officer			

2.43 INTERNAL AUDIT CHARTER

Directorate:	Governance			
Statutory Environment:	Local Government (Audit) Regulations 1996; Regulation 17			
Council Adoption:	Date:	Dec 2020	Resolution #:	OCM 12.20-13
Last Amended:	Date:		Resolution #:	
Review Date:	June 2023			

Objective:

The objectives of this internal audit charter are to:

- a) Provide assurance to Council that the Shire's financial and operational controls designed to manage the organisation's risks and achieve its objectives, are operating in an efficient, effective and ethical manner.
- b) Assist management in improving and monitoring the Shire's risk management, internal control and legislative compliance functions.

Policy:

- Scope

Internal audits may cover any programs and activities of the Shire and encompass the review of all financial and non-financial policies and operations.

- Independence

Independence is essential to the effectiveness of the internal audit function.

Internal audits will be performed by dedicated employee or external contractors appointed through a transparent Expressions of Interest process.

Internal auditor is accountable to the CEO for the efficient and effective operation of the internal audit function and will report functionally to Council through the Audit and Risk Committee.

- Authority and Confidentiality

Internal auditors are authorised to:

1. Have free and unrestricted access to all Shire's records and other documentation, premises and Shire employees.
2. Obtain assistance as required from Shire employees.

Internal auditors are responsible and accountable for maintaining the confidentiality of the information they receive during the course of their work.

- Roles and Responsibilities

The internal audits shall encompass examination and evaluation of the Shire's governance, risk management and internal controls coupled with performance to achieve the Shire's strategic objectives with a structured focus on adequacy and effectiveness.

Each audit may include (but not limited to):

- a) Evaluating risk exposure relating to achievement of the Shire's strategic objectives.
- b) Evaluating the reliability and integrity of information and the means used to identify, measure, classify and report such information.
- c) Evaluating the systems established to ensure compliance with those policies, plans, procedures, laws and regulations which could have a significant impact on the organisation.
- d) Evaluating the means of safeguarding assets and verifying the existence of such assets.
- e) Evaluating the effectiveness and efficiency with which resources are engaged/employed.
- f) Evaluating operations or programs to ascertain whether results are consistent with established objectives and goals.
- g) Monitoring, evaluating and identifying improvements to governance processes.
- h) Monitoring and evaluating the effectiveness of the Shire's risk management processes.
- i) Providing advice related to governance, risk management and internal control as appropriate.
- j) Reporting significant risk exposures and internal control issues, including fraud risks and governance issues
- k) Evaluating specific operations at the request of Council, Audit and Risk Committee or the CEO.

- Program

Internal audit activities:

- a) Shall be performed on a half yearly basis with at least two activities conducted as determined by the CEO and reported to the Audit and Risk Committee.
- b) Need to be coordinated to help ensure adequacy of overall audit coverage and minimise duplication with the Shire's external auditing conducted by the Officer of the Auditor General.
- c) The methodology, assessment criteria and checklist (where practical) provided in Appendix A to this policy should be adhered to in performing an internal audit:

Appendix A

a) Methodology

The following generic approach should routinely be applied to each internal audit:

- a) **Audit Objectives and Scope** – audit subject, relevant legislation (where applicable) and intended outcomes to be documented.
- b) **Audit Schedule** – required resources, information, timeframe, method of approach (i.e. documentation review, interviewing, observation) and expected participants to be scheduled.
- c) **Audit Pre-planning** – Audit Schedule and discussion with department manager and affected employees to be entertained.
- d) **Audit Execution** – Audit process (includes sighting and examination of hard-copy or electronic records, and verification of compliance with the management systems, procedures and effective implementation of processes and internal controls) to be progressed in a fair and unbiased manner.
- e) **Audit Recording** – All evidence and notes prepared together with identified deficiencies, non-compliances, other observations, summary of findings and response from the relevant Manager is to be recorded.
- f) **Audit Reporting** - All findings with reference to supporting evidence and recommended improvement/corrective action is to be presented to the CEO and then Audit and Risk Committee in a concise audit report.

b) Assessment Criteria

The internal audit to consist of the following assessment categories/ratings:

- 2.0 Achieves Compliance (MC)** – Achieves compliance with the International Organization for Standardization (ISO) 9001 where all requirements have been effectively met.
- 3.0 Basic Improvement (BI)** – Identifies a small issue or flaw that requires some adjustment or basic improvement to be implemented.
- 4.0 Minor Non-Compliance (MI)**- Indicates issues exist of minor nature but not complete failure and requires some process improvements to be instigated.
- 5.0 Major Non-Compliance (MA)** – Identifies significant flaws and requires many changes to be addressed as a priority.

2.44 RATES EXEMPTION FOR CHARITABLE PURPOSES

Directorate:	Corporate			
Statutory Environment:	<i>Section 6.26(2) of the Local Government Act 1995 Charities Act 2013 (Commonwealth)</i>			
Council Adoption:	Date:	Feb 2021	Resolution #:	OCM 02.21.21
Last Amended:	Date:		Resolution #:	
Review Date:	June 2023			

Objective:

The purpose of this policy is to identify a process to be followed when an organisation wishes to apply for an exemption of rates pursuant to Section 6.26 (2) (g) of the *Local Government Act 1995* (the Act), where it is claimed the land is used exclusively for charitable purposes.

This policy provides an equitable basis and administrative framework to assess applications for rates exemptions that is compliant with legislation and guided by best practice.

Scope

This policy applies to charitable and not-for-profit organisations that own land with the Shire of Brookton and are liable for payment of rates.

Policy Statement

Section 6.26 (2) of the Act identifies several situations where land is not rateable. Most are clearly defined and straightforward to apply. However, Section 6.26 (2) (g) is open to some interpretation and therefore this policy seeks to clearly define under what basis, this section of the Act is to be applied by Council.

By providing support and guidance to applicants who provide assistance to members of the public as such, a benefit to the community. Claimants are required to evidence their right to an exemption, and demonstrate the land is used exclusively for charitable purposes.

Council is committed to adhering to the Act and providing support and guidance to applicants who provide assistance to members of the public and as such, a benefit to the community. Claimants are required to evidence their right to an exemption, and demonstrate the land is used exclusively for charitable purposes.

The Act does not define what a charitable purpose is therefore, the definition under Commonwealth Law must be applied. Under section 12 (1) of the *Charities Act 2013*, a charitable purpose means any of the following;

- *the purpose of advancing health;*
- *the purpose of advancing education;*
- *the purpose of advancing social or public welfare;*
- *the purpose of advancing religion;*
- *the purpose of advancing culture;*

- *the purpose of promoting reconciliation, mutual respect and tolerance between groups of individuals that are in Australia;*
- *the purpose of promoting or protecting human rights;*
- *(h)the purpose of advancing the security or safety of Australia or the Australian public;*
- *the purpose of preventing or relieving the suffering of animals;*
- *the purpose of advancing the natural environment;*
- *any other purpose beneficial to the general public that may reasonably be regarded as analogous to, or within the spirit of, any of the purposes mentioned in paragraphs (a) to (j);*
- *the purpose of promoting or opposing a change to any matter established by law, policy or practice in the Commonwealth, a State, a Territory or another country, if:*
 - *in the case of promoting a change—the change is in furtherance or in aid of one or more of the Purposes mentioned in paragraphs (a) to (k); or*
 - *in the case of opposing a change—the change is in opposition to, or in hindrance of, one or more of the purposes mentioned in those paragraphs.*

It must not be a disqualifying purpose under Section 11 of the *Charities Act 2013*.

The key considerations when assessing an application for exemption pursuant to Section 6.26(2)(g) of the Act are:

- The use of the land, not the purpose of the applicant.
- The use must come under the provisions of the *Charities Act 2013*.
- The land must be used exclusively for a charitable purpose.
- The land use must be for a public benefit, where the benefit is available to members of the public generally or a particular section of the public.

When considering Australian case law, the proper test for determining whether land is used exclusively for charitable purposes is:

- *if land is used for a dual purpose, then it is not used exclusively for charitable purposes although one of the purposes is charitable; and*
- *if the use of the land for a charitable purpose produces a profitable by-product as a mere incident of that use, the exclusiveness of the charitable purpose is not thereby destroyed.*

Principles

Rates exemptions are applied in a clear, transparent and equitable way to all eligible claimants, with relevant consideration given to the impact on other ratepayers and the sustainability of the Shire's finances.

Provisions

1. Application for a rates exemption under Section 6.26(2)(g) of the Act

- 1.1 All applications must be made in writing by completing an Application for Rates Exemption Form (Appendix A) and provide any supporting documentation according to the checklist on the application form.
- 1.2. If any information has not been provided or is unclear, the applicant may be required to provide the additional information before the application will be assessed.

- 1.3. If the property is leased, a copy of the lease is required with the application to ascertain if the lessee is liable for payment of the rates in the terms of the lease.
- 1.4. Rates and charges must be paid on time until a determination is made. A refund may be made if the application is successful.
- 1.5. Applicants need to provide clear and concise information regarding the nature of their activities to illustrate eligibility for the exemption to facilitate Council's decision making.

2. Making a Determination

- 2.1. An application will be assessed by the Finance Administration Officer (Rates) and if it meets the criteria to be considered for an exemption, a report will be presented to Council with an officer recommendation to either approve or decline the request.
- 2.2. The applicant must be a registered charity with Australian Charities and Not-for-profits Commission (ACNC) or an incorporated Not-for-Profit organisation.
- 2.3. The applicant must own the property on which rates are levied or be a tenant liable for payment of the rates under a lease.
- 2.4. The land must be used exclusively for charitable purposes, as defined in the Charities Act 2013.
- 2.5. The applicant must not conduct any commercial operation from the property.
- 2.6. The applicant must not hold a liquor licence for the provision of alcohol for sale to the public for profit.
- 2.7. Council may request additional information from an organisation making application if it considers it necessary to do so.
- 2.8. Information requested under clause 2.6 may include but, is not limited to copies of the Constitution of the organisation, recent financial statements of the organisation and information demonstrating precisely how any land that is subject of the application is used.

3. Grant of a Rates Exemption

- 3.1. An exemption shall only be granted if the applicant has demonstrated they are eligible under the relevant legislation, by completing the appropriate application form and providing supporting documentation.
- 3.2. The Council decision will be actioned by the officers and a note will be made against the property assessment.
- 3.3. Applicants will be notified in writing of Council's determination, with correspondence to include details of:
 - a) the date the exemption applies from,
 - b) the relevant section of the Act,
 - c) the review period (i.e. 2 years); and,
 - d) the amount of general rates reversed.
- 3.4. An exemption is only applicable to the rates component of the annual rates and charges. Where exemption from rates is approved, the property will still be subject to the Emergency Services Levy and any other service charges.
- 3.5. If the property has been used for the stated purpose as at 1 July of the relevant financial year, the exemption can be applied from that date and a refund given if rates have been paid prior to the determination.
- 3.6. Where the land use has changed during a financial year, any exemption granted is only applicable from the date of the change.

- 3.7. A partial exemption can be applied where only part of a defined lot is used for a charitable purpose.
- 3.8. The granting of an exemption in any year does not guarantee an ongoing exemption.
- 3.9. All exemptions are to be reviewed at least every two years as part of the annual budgeting process. Where the application is based on a lease that is due to expire, it may need to be reviewed annually.

4. Rejected Applications

- 4.1. Where an application is declined, the applicant has options to challenge the determination.
 - 4.1.1. The applicant may object under Section 6.76 of the Act, on the basis that the land or part of the land was not ratable land.
 - 4.1.2. The applicant has the right to appeal a decision made under Section 6.76 to the State Administrative Tribunal (SAT).
 - 4.1.3. Apply for a concession under Section 6.47 of the Act. Such applications would be considered on a case by case basis and determined by Council.
- 4.2. Where all appeals are not successful, the final option available to the applicant is to apply to the Minister for Local Government, to make a final determination, under Section 6.26(4) of the Act.

5. Roles and Responsibilities

The Manager of Corporate and Community Services shall be responsible for referring matters to Council in regard to this policy. The Finance Administration Officer (Rates) shall be responsible for ensuring compliance and the day to day operations of this policy.

2.45 INVESTMENTS

Directorate:	Corporate			
Statutory Environment:	<i>Local Government Act 1995 S6.14</i> <i>Local Government (Financial Management) Regulations 1996</i> <i>The Trustees Amendment Act 1997 – Part III Investments</i> <i>Australian Accounting Standards</i>			
Council Adoption:	Date:	March 2021	Resolution #:	OCM 03.21-13
Last Amended:	Date:		Resolution #:	
Review Date:	June 2023			

Objective:

This Policy on Investments is intended to reflect the intention of Council to minimise the possibility of incurring capital loss on any investment whilst providing a reasonable rate of return.

The objectives of the policy is:

- To provide maximum capital security if funds.
- To provide the best available rate of interest from an approved source.
- To ensure sufficient liquidity to meet Council's cash flow requirements.
- minimise the risks associated with investing funds.
- accord with legislative requirements.

Scope:

This policy applies to all investment of all the Shire's surplus funds.

Section 6.14 of the *Local Government Act 1995* provides for monies held in the Municipal and Trust funds to be invested in accordance with Part III of the *Trustees Act 1962*. Regulation 19C of the *Local Government (Financial Management) Regulations 1996* has placed restrictions on what local governments can invest in and for how long.

This policy aims to ensure investments made by the Shire comply with these legislative requirements whilst also enabling investment performance to be optimised within the conservative, risk adverse framework. It also provides policy direction for investing with certain types of financial institutions.

Delegation of Authority

Delegation and sub-delegation applies to this policy – refer to the Shire of Brookton Delegation Register.

Prudent Person Standard

The investment will be managed with the care, diligence and skill that a prudent person would exercise.

Ethics and Conflicts of Interest

Officers shall refrain from personal activities that would conflict with the proper execution and management of Council's investment portfolio. This policy requires officers to disclose any conflict of interest to the CEO.

Approved Investments

The only types of authorised investments under *Local Government Act 1995* – section 6.14(1), and the *Local Government (Financial Management) Regulations 1996* – Regulation 19C, are as follows;

- Deposits with an authorised institution and the term is to be no more than 36 months;
- Bonds that are guaranteed by the Commonwealth Government, or a State or Territory government with a term to maturity of up to 3 years, and;
- Australian currency only.

Authorised Institutions

Investments are limited to authorised institutions, in accordance with *Local Government (Financial Management) Regulations 1996* section 19c, being:

- Authorised deposit taking institution as defined in the *Banking Act 1959* (Commonwealth) section 5; or
- The Western Australian Treasury Corporation established by the *Western Australian Treasury Corporation 1986*.

Prohibited Investments

This Investment Policy prohibits any investment carried out for speculative purposes including:

- Derivative based instruments;
- Principal only investments or securities that provide potentially nil or negative cash flow; and
- Stand alone securities issued that have underlying futures, options, forward contracts, and swaps of any kind.

This policy also prohibits the use of leveraging (borrowing to invest) of an investment.

Risk Management Guidelines

Investments obtained are to comply with three key criteria relating to:

- Portfolio Credit Framework: Limit overall exposure of the portfolio as a whole, according to credit rating.
- Counterparty Credit Framework: Limit exposure to individual counterparties/institutions, based on credit rating.
- Term to Maturity Framework: limits based upon maturity of securities to ensure adequate working capital needs are met.

If any of the Council's investments are downgraded such that they no longer fall within the investment policy, they will be divested as soon as practicable. Investments fixed for greater than 12 months are to be reviewed on a regular term and invested for no longer than 3 years.

Portfolio Credit Framework

To control the credit quality on the entire portfolio, the following credit framework limits the percentage of the portfolio exposed to any credit rating category.

S & P Long Term	S & P Short Term	Fitch Ratings	Maximum % in
AAA	A-1+	AAA	100%
AA	A-1	AA	100%
A	A-2	A	60%
BBB	A-3	BBB	40%

Counterpart Credit Limit

Exposure to an individual counterparty/institution will be restricted by its credit rating so that single entity exposure is limited, as detailed in the table below.

S & P Long Term	S & P Short Term	Fitch Ratings	Maximum % in one
AAA	A-1+	AAA	45%
AA	A-1	AA	35%
A	A-2	A	20%
BBB	A-3	BBB	10%

Term to Maturity Framework

The investment portfolio is to be invested within the following maturity constraints:

Investment Type	0 to 3		3 to 6		6 to 12		1 to 2 Years		2 to 3 Years	
	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.
Deposit with ADI – Maximum 36 Months	15%	100%	0%	60%	0%	40%	0%	20%	0%	10%
Government Bonds	0%	20%	0%	20%	0%	20%	0%	20%	0%	10%

Reporting to Council

A monthly report is to be provided to Council that details the investment portfolio in terms of holdings and impact of changes in market value since the previous report. The monthly report will also detail the investments income earned versus budget year to date and confirm compliance of Council's investments within legislative and policy limits.

Legislative and Strategic Context

Legislation covering investments of surplus funds include:

- g) *Local Government Act 1995* Section 6.14
- h) The *Trustees Act 1962* – Part III Investments as amended by the *Trustees Amendment Act*
- i) *Local Government (Financial Management) Regulations 1996* – Regulation 19, Regulation 19C, Regulation 28 and Regulation 29
- j) Australian Accounting Standards

Definitions

Standard & Poor's Rating Guide

- **'AAA'** Extremely strong capacity to meet financial commitments. Highest rating
- **'AA'** Very strong capacity to meet financial commitments.
- **'A'** Strong capacity to meet financial commitments, but somewhat susceptible to adverse economic conditions and changes in circumstances.
- **'BBB'** Adequate capacity to meet financial commitments, but more subject to adverse economic conditions.
- **'BBB'** Considered lowest investment grade by market participants

Fitch Ratings

- **AAA:** Highest fundamental credit quality
- **'AAA ratings'** denote the best prospects for ongoing viability and lowest expectation of failure risk. They are assigned only to banks with extremely strong and stable fundamentals characteristics, such that they are most unlikely to have to rely on extraordinary support to avoid default. This capacity is highly unlikely to be adversely affected by foreseeable events.
- **AA:** very high fundamental credit quality
- **'AA ratings'** denotes very strong prospects for ongoing viability. Fundamental characteristics are very strong and stable; such that it is considered highly unlikely that the bank would have to rely on extraordinary support to avoid default. This capacity is not significantly vulnerable to foreseeable events.
- **A:** High fundamental credit quality
- **'A' rating** denote strong prospects for ongoing viability. Fundamental characteristics are strong and stable, such that it is unlikely that the bank would have to rely on extraordinary support to avoid default. This capacity may, nevertheless, be more vulnerable to adverse business or economic conditions than is the case for higher ratings.
- **BBB:** Good Fundamental credit quality
- **'BB ratings'** denote good prospects for ongoing viability. The bank's fundamentals are adequate, such that there is a low risk that it would have to rely on extraordinary support to avoid default. However, adverse business or economic conditions are more likely to impair this capacity.

2.46 RECOVERY OF RATES AND SERVICE CHARGES POLICY

Directorate:	Corporate			
Statutory Environment:	<i>Local Government Act 1995, sections 6.41 (2) 6.45 (3) 6.51 (1) 6.56, 6.60 & 6.64 Rates & Charges (Rebates and Deferments) Act 1992 Local Government (Financial Management) Regulations 1996, sections 68 & 70</i>			
Council Adoption:	Date:	April 2021	Resolution #:	OCM 04.21-14
Last Amended:	Date:		Resolution #:	
Review Date:	June 2023			

Objective:

To set clear guidelines and to establish a formal procedure for the collection of outstanding rates and service charges and the charging of interest in relation to these debts.

Principle:

To ensure the collection of rates and service charges is clear, transparent and consistent, with relevant consideration given to the impact on other ratepayers and the sustainability of the Shire's finances.

Scope

This policy is applicable to all ratepayers within the Shire of Brookton.

Policy Statement

Any rates and service charges due to the Shire of Brookton that remain outstanding, unless a formal Special Payment Arrangement has been entered into, shall be recovered in accordance with this policy and any such action shall comply with the relevant legislation and regulations.

Council will:

- Take all appropriate action to ensure the maximum amount of rateable income is received in any one financial year;
- Recover all outstanding rates and service charges, utilising the relevant legislation and legal processes in accordance with the *Local Government Act 1995*, and the policy guidelines;
- Have regard to individuals "*Financial Hardship*" relating to rates and service charges, when administering this Policy (refer Policy 2.21 Financial Hardship); and
- Consider all requests from person's experiencing difficulties with making payments of rates and service charges. Such persons will be required to apply to the Chief Executive Officer to enter into a Special Payment Arrangement, to warrant the Council's consideration and leniency.

1.0 Recovery of Rate Arrears:

Rate Notices are due for payment 35 days from the date of issue as per Section 6.56 of the *Local Government Act 1995*, whereby:

- a) Interest on overdue rates and charges shall be imposed at a rate as prescribed in Section 70 of the *Local Government (Financial Management) Regulations 1996* as per section 6.51 (1) of the *Local Government Act 1995*, calculated daily.
- b) Ratepayers may elect to pay their account in full or by 2 or 4 instalments and pay the first instalment amount as indicated on the rates notice by the due date. Of note:
 - i) Interest shall be imposed on assessments opting for the instalment plan as prescribed in Section 68 of the *Local Government (Financial Management) Regulations 1996*.
 - ii) Notices for subsequent instalments will be issued not less than 28 days before each instalment is due as per Section 6.41 (2)(b) of the *Local Government Act 1995*
 - iii) Payment of a rate or service charge on any land may not be made by instalments if, at the date for payment on the first instalment, any part of a rate or service charge imposed on the land in a previous financial year (or interest accrued thereon at the date of issue of the rate notice) remains unpaid.
- c) Eligible persons registered to receive a pensioner or senior rebate under the *Rates and Charges (Rebates and Deferments) Act 1992* have until 30 June in that rating year to be eligible for the rebate of deferment of their rates and Emergency Services Levy (ESL) without incurring any late payment penalties. Of note:
 - i) Those registered pensioners who are eligible to defer their rates and ESL amount are required to pay only the waste and service charges by 30 June and the rates and ESL balances will automatically be transferred into a deferred account during the end of year procedures
 - ii) Those registered pensioners/seniors who are eligible for the rebate are required to pay the rebated amount as specified on the rates notice by 30 June of that rating year for the claim to Office of State Revenue to be successful.

Note: The *Local Government (COVID-19 Response) Order 2020* is taken into account for the provisions of payment of rates and service charges.

RATES & SERVICE CHARGES

1.1 Debt Recovery Process

The following process is to be followed for the recovery of rates and service charges. Legal proceedings will continue until outstanding rates and service charges are paid in full or otherwise determined by the Chief Executive Officer and/or the Council:

1) Final Notice

- a) Where the rates remain outstanding fourteen (14) days after the due date shown on the Annual Rates Notice and the ratepayer has not elected to pay by the instalment option or enter into a Special Payment Arrangement, a Final Notice shall be issued requesting payment in full within (14) days.

- b) Eligible pensioners registered the *Rates and Charges (Rebates and Deferments Act) 1992* are exempt as they are entitled to pay by the 30th June under legislation.

2) Notice of Intention to Summons (Demand Letter)

- a) Rates remaining unpaid after the expiry date shown on the Final Notice will be examined for the purposes of issuing a Demand Letter (Notice of Intention to Summons)
- b) The Demand Letter is to be issued within sixty (60) days of the expiry date on the Final Notice and must specify that the ratepayer has fourteen (14) days to pay in full or alternatively enter into a Special Payment Arrangement with the Shire. Failure of refusal to enter into an agreed Special Payment Arrangement will result in referral to Council's debt collection agency.
- c) Where amounts remain outstanding, three attempts to contact the ratepayer will be made by telephone, mail and email (where provided).
- d) If payment has not been made the Rates Officer will issue a Notice of Intended Legal Action letter to the ratepayer, demanding payment within seven (7) days.
- e) For debts outstanding, the Shire shall refer the debt to a debt collection agency for collection of the outstanding balance.
- f) The Manager of Corporate and Community will approve the final list to be sent to the debt collection agency.
- g) The approved Debt Collection Agency shall issue a Letter of Demand, the letter shall advise of impending legal action for recovery of the unpaid amounts, allowing seven (7) days for payment.

3) General Procedure Claim

- a) If no response is received and no Special Payment Arrangement has been entered into following the Letter of Demand, the ratepayer is to be processed by Council's debt collection agency for the lodgement of a General Procedure Claim
- b) In accordance with Section 6.56 of the *Local Government Act 1995*, the cost associated with legal action, inclusive of the lodgement of the General Procedure Claim, are recoverable from the property owner/s and are to be debited to the rates account, exclusive of any company search fees.
- c) Ratepayers are required to liaise with the Council's debt collection agency for payment of the outstanding debt.
- d) When a ratepayer has elected to enter into a Special Payment Arrangement and has not made the specified payments for three (3) consecutive payments, a Default Letter will be issued for payment in full within fourteen (14) days. Rates remaining unpaid will be referred to council's debt collection agency to be issued with a General Procedure Claim.
- e) If the General Procedure Claim is paid in full before entering into Judgement, then a *Notice of Discontinuance (NOD)* may be requested by the ratepayer and granted at the discretion of the Manager of Corporate and Community, at the cost of the ratepayer.

4) Non-Service of General Procedure Claim

- a) When a General Procedure Claim is unable to be served, the bailiff or debt collection agency may be able to provide an alternative address. In the case of a rental property, the Managing Agent may be contacted to ascertain the ratepayers new address.
- b) If a new address is supplied for the owner/s of the property, the address will be recorded and a Rates Notice re-issued for payment within fourteen (14) days. If payment is not received, the General Procedure Claim will be re-issued to the new address.
- c) Where an owner resides in a property, which can not be accessed by the Bailiff, or the property is vacant, a “skip trace” will be completed by the debt collection agency to verify the residential address of the owner. If required, a substituted service claim can be filed at court to have the General Procedure Claim issued via post to the verified residential address of the owner.

5) Property Sale and Seizure Order

- a) Where a General Procedure Claim has been issued and served and the amount remains outstanding fourteen (14) days after the issue date of the Claim, legal proceedings will continue through the debt collection agency until payment of rates are received. This includes Judgement and Enforcement of the Claim. Enforcement of the claim may include a Property Seizure Order of goods and or land.
- a) The Property Sale and Seizure Order is at first a Goods Order and if the Property Sale and Seizure is returned “Nulla Bona” (no goods), then a land warrant will be issued.
- b) If a Property Sale & Seizure Order against goods and or land is proposed to collect outstanding rates due on a property, the Council’s prior approval shall be obtained before the Property Sale and Seizure Order is lodged.

6) Seizure of Rent (Section 6.60)

In cases where the owner of a leased or rented property on which rates outstanding cannot be located, or refuses to settle rates owed, a Notice will be served on the lessee under the Provisions of the *Local Government Act 1995* – Section 6.60, requiring the lessee to pay the Shire of Brookton the rent due under the lease/tenancy agreement as it becomes due, until the amount in arrears has been fully paid.

7) Lodging a Caveat on the Title of Land

In accordance with section 6.64 (3) of the *Local Government Act 1995*, where payment of the rates or service charges is in arrears, the Shire can lodge a caveat, with this registered on the title for the land that has unpaid rates and service charges. The cost of the lodging a caveat can not be charged to the property. This option will be at the discretion of the Chief Executive Officer and/or Council.

8) Sale of Land (Section 6.64)

Where Rates and Service Charges are outstanding for a period of three (3) years or more, the Council may:

- a) From time to time lease the land;
- b) Sell the land;
- c) Have the land transferred to the Shire of Brookton;
- d) Have the land transferred to the Crown; or
- e) Sell the land as per the *Local Government Act 1995* – Section 6.64. Council approval will be obtained prior to the above course of action being undertaken.

The above action under Section 6.64 of the *Local Government Act 1995*, will be reported on a confidential basis to the Council, for approval.

1.2 Roles and Responsibilities

The Manager of Corporate and Community shall be responsible for referring matters to Council in regard to this policy. The Finance Administration Officer (Rates) shall be responsible for ensuring compliance and the daily operations of this policy.

3.0 DEVELOPMENT POLICIES

3.1 RELOCATED SECOND-HAND BUILDINGS

Directorate:	Development			
Statutory Environment:	<i>Planning and Development Act 1995</i> <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> <i>Town Planning Scheme No. 4</i> <i>Building Act 2011</i>			
Council Adoption:	Date:		Resolution #:	
Last Amended:	Date:	Aug 2019 Sept 2021	Resolution #:	
Review Date:	June 2023			

Objective:

The primary objectives of this policy are to:

1. To ensure compliance with the relevant provisions of Council's ~~Town~~ Local Planning Scheme in a manner which is realistic, and which ensures that the relocation of second-hand buildings is undertaken to an approved acceptable standard which pays regard to local amenity and aesthetics.
2. To provide clear standards as to what constitutes an acceptable type of relocated second-hand building to be used for residential purposes.
3. To ensure the style, construction and design of relocated buildings is in keeping with the character of the surrounding buildings ~~in-particular~~ and the locality in general.

Policy:

1. Preliminary

~~Relationship of a Town Planning Scheme Policy to the Scheme~~

~~Should any Town Scheme part of this Policy prepared under this part shall be inconsistent with the Local Planning Scheme, and if any inconsistency arises the Scheme provisions shall prevail.~~

~~A Town Planning Scheme Policy is not part of the Scheme and Further, this policy does not bind the Council in any respect of any application for Planning Approval, but however Council may should take into account have due regard to the objectives and provisions of the this Policy and the objectives that the Policy is designed to achieve in determining an application for planning approval.~~

2. Application ~~of the policy~~

This policy applies to all proposals for the relocation of second-hand buildings (including repurposed buildings) on land situated within the Shire of Brookton.

This policy does not apply to new prefabricated buildings or other new transportable buildings built and re-fitted within an industrial area that have not been previously installed on any other location.

~~The placement of relocated secondhand buildings within the Brookton town site shall be determined by Council based on visual, landscape and streetscape amenity considerations taking into account the standard of surrounding housing stock. All other locations will be assessed on merit against the objectives of this policy and may be determined by the CEO under delegation.~~

3. Requirement for Planning Approval

3.1. Determination

- Applications for the relocation of second-hand buildings on property within the Shire of Brookton require Council Planning Approval prior to a Building Permit being issued and relocation taking place.
- All applications for the relocation of second-hand buildings will be assessed against this policy prior to a decision being made under the provisions of the Scheme.
- Repurposed Dwelling will not be supported on residential zoned land within the Brookton townsite unless the Council is completely satisfied the final design and presentation accords as a minimum to the existing housing standard and will not be detrimental to the visual amenity and or residential property values in the area.
- In determining the application, Council (or CEO under delegated authority) may approve the application with or without conditions. The Council may also refuse the application should the proposed development not accord with the objectives of this policy.

- Planning approval is valid for a period of two (2) years from the date of approval, during which time a Building Permit must be issued, and development substantially progressed or the approval will lapse.

3.2. Information ~~to be supplied with Application~~

All applications for planning approval to relocate a second-hand building must be accompanied by the following prior to consideration:

- Signed and completed Application for Planning Approval Form;
- Photographs clearly showing the four elevations of the building;
- Site plan showing the proposed location of the building and distances from property boundaries, other buildings and any natural features on the property;
- Floor plans, elevations, cross sections, and specifications;
- Certification from a practicing structural engineer that the design and condition of the building is suitable for transportation and re-erection (where the building is a purpose-built transportable building, sufficient documentation proving this will suffice);
- Certification from a registered pest control company that the building is free from termites if of a timber frame construction;
- A statutory declaration that the building is free of hazardous material (including asbestos)
- A Bushfire Attack Level (BAL) assessment if the Building is to be located within a designed Bushfire Prone Area as illustrated on the Department of Fire and Emergency Services mapping website:

<https://www.dfes.wa.gov.au/regulationandcompliance/bushfireproneareas/Pages/default.aspx>

3.3. Need for a Building Permit

Notwithstanding that Council may grant Planning Approval, a Building Permit is generally required to be sought and issued prior to relocation of the building commencing.

3.4. Advertising

An application for a relocated second-hand building within the Brookton townsite may need to be advertised in accordance with Clause 64 of the Planning and Development (Local Planning Scheme) Regulations 2015 where surrounding properties and/or residences may be affected by the relocation of the building taking place.

3.5. Building Inspection

A suitably qualified person (i.e. Structural Engineer or Building Surveyor) is required to inspect the building prior to its relocation in order to ascertain its suitability for relocation.

4. General Provisions

4.1. Minimum Dwelling Standard

If the relocated second-hand building is to be used for residential purposes, the following minimum dwelling standard is required to be provided:

- At least one (1) bedroom separate from the other rooms in the dwelling;
- A lounge/dining area;
- A kitchen; and
- A separate toilet, bathroom & laundry facility.

To be used as a dwelling, the building will be assessed against and must comply with the requirements for Class 1 buildings under the Building Code of Australia.

Buildings that are not designed for predominant use as a dwelling and do not meet the above criteria will not be approved for use as a primary residence.

Mobile park homes will only be considered if the above criteria for minimum dwelling standard is met and the mobile home is consistent with all other relevant requirements of this policy, particularly Section 5.3 relating to amenity.

Second-hand repurposed dwellings (i.e. dongas) will not be supported within the gazetted Brookton townsite.

4.2. Non-Residential Building Standard

Relocated buildings to be used for non-residential purposes will be assessed based upon their suitability for the proposed use, the zone in which they are to be located and against all other relevant provisions of this policy relating to asbestos, amenity and design. If considered necessary, Council will prohibit the use of the building for residential purposes through a condition of approval.

If the relocated building is to be used as an outbuilding, the application will be assessed against the relevant provisions of Council's prevailing Outbuildings Policy.

4.3. Hazardous Materials

Second-hand dwellings must have all hazardous materials (i.e. asbestos) materials removed prior to relocation taking place. Council will require documentation ~~proving~~ **demonstrating** cement sheeting (walls and roof) is hazardous free where the age of the building indicates asbestos hazardous materials may have been utilised in construction.

4.4. Amenity

When giving consideration to an application for planning approval, Council may give consideration to:

- The building in its relocated position being rendered visually acceptable by the use of verandas, screening and / or landscaping;
- The design, scale and bulk of the proposed building being compatible with the type of buildings that exist in the locality in which it is to be located; and
- With respect to the relocation of second-hand buildings within the Brookton Town site, Council may not approve the relocation ~~of non-brick buildings where the predominant~~

~~building type in the locality in which it is proposed to be located is either brick and tile and / or brick and iron should the building not be in-keeping to the residential amenity premised on scale, design, materials or general condition.~~

~~Council will not grant planning approval for relocating any building if it is considered to be in 'conflict' with the age and design of buildings in the immediate vicinity of the proposed new location.~~

4.5. Earthquakes

~~The Shire area is within the Zone 2 Seismic Zone. Consequently, all relocated structures must meet the appropriate standard of construction required by the Building Code of Australia.~~

4.6. Works to be carried out 4.5 Conditions

Council may place ~~any~~ a condition(s) on ~~it's~~ the grant of planning approval if deemed appropriate to ensure the relocated second-hand building meets the objectives of this policy and preserves the amenity of the locality. These conditions may include the following if deemed appropriate by Council:

- The exterior of the building being painted in a manner that is consistent with the colours and styles of the surrounding buildings.
- The construction of verandas and / or alterations to the roof pitch and / or materials to ensure the relocated building is consistent with the design of surrounding buildings.
- Other conditions to ensure an individual building meets all relevant Council requirements and policies.

5. Bond

5.1. Payment

~~As a condition of planning approval for a relocated second hand building a \$5,000 bond may be required. Bank or other guarantees are not acceptable.~~

5.2. Return of Bond

~~A bond held in trust will be returned to the applicant once all conditions of the planning approval has been addressed within the 2 year statutory approval period to the satisfaction of the local government.~~

~~Should the applicant fail to satisfy the conditions of approval the local government may draw down on the bond to pay for the works to be performed under the direction of the local government to a satisfactory standard.~~

3.2 DEVELOPMENT REQUIREMENTS FOR RURAL SUBDIVISION

Directorate:	Development			
Statutory Environment:	<i>Planning and Development Act, 2005</i>			
Council Adoption:	Date:		Resolution #:	
Last Amended:	Date:	Aug 2019 Sept 2021	Resolution #:	
Review Date:	June 2023			

Objective:

The purpose of this Policy is to outline Council's requirements for subdivision for rural/farming and rural-residential zoned land. Council will from time to time require conditions be placed on a subdivision approval for certain works to be undertaken, particularly relating to road construction and the preparation of fire management plans. Other related matters include drainage, electricity supply and water supply.

Policy:

Road Construction

The following outlines the construction requirements for roads to either serve a subdivision of rural/farming or rural-residential zoned land, or to construct an unmade road reserve in the Shire of Brookton.

Road Types

There are five types of rural and rural residential road types that are identified in the Shire. These are:

- Rural Residential Road
- Major Rural Road
- Standard Rural Road
- Minor Rural Road Type A
- Minor Rural Road Type B

Rural Residential Road applies to new roads (either on an existing road reserve or a road reserve created as part of a subdivision) that are to be constructed to serve a Rural Residential development (Lot sizes normally 2ha – 5ha). Council will require the sealing of Rural Residential Roads serving lots of 5ha or less in area as a reflection of the relatively high traffic volumes that are created by this form of subdivision.

A Major Rural Road is a road that carries large volumes of traffic or connects significant areas of the Shire to other rural areas or the town centre. Sealing of these roads may occur should traffic volumes or use by heavy vehicles warrant this. Existing examples of major rural roads in the Shire are Corberding Road, Brookton-Kweda Road and Copping Road between the Great Southern Highway and the BALCO plant.

A Standard Rural Road generally carries moderate volumes of traffic from major roads to farming areas. The majority of existing shire roads would be classified under this category.

A Minor Rural Road Type A is a road that has the potential to serve a maximum of 10 farming locations or lots (with lot sizes normally greater than 30-40ha) and is typically a no-through road.

A Minor Rural Road Type B is a road that has the potential to serve a maximum of 5 farming locations or lots (with lot sizes greater than 30-40ha) and is typically a no-through road.

Road Reserve Requirements

Where a new road reserve is proposed to serve a subdivision, a reserve width of 25 metres will normally be required, unless topography requires a greater width. In rural areas, lot truncations of 8m will be required for lots on road corners.

Road Construction Requirements

The following outlines the normal construction requirements for each road type. Council reserves the right to determine the standard of road required for each subdivision application or application for construction of an existing road reserve.

Rural Residential Roads:

- Road pavement to have a minimum 6.0m wide bitumen seal with 2.0m wide gravel shoulders.
- Seal to be two coat bitumen and aggregate.
- Road construction to be a minimum of 150mm compacted base-course and a minimum 150mm compacted sub-base.

Major Rural Roads

- Pavement width to be a minimum of 10.0m (7.0 roadway, 2 x 1.5m shoulders).
- Can be a gravel road unless otherwise required by Council due to envisaged traffic volumes or the use of the road by heavy vehicles.
- Pavement to be a minimum of 150mm compacted gravel.

Standard Rural Roads

1. Pavement width to be a minimum of 8.0m (5.6m roadway, 2 x 1.2m shoulders).
2. Pavement to be a minimum of 150mm compacted gravel.

Minor Rural Roads Type A

3. Pavement width to be a minimum of 6.0m (4.0m roadway, 2 x 1.0m shoulders).
4. Pavement to be a minimum of 150mm compacted gravel.

Minor Rural Roads Type B

5. Pavement width to be a minimum of 6.0m (4.0m roadway, 2 x 1.0m shoulders).
6. Pavement material to be natural (in situ) where suitable.
7. Where gravel is required, pavement to be a minimum of 75mm compacted gravel.

All Roads

8. A cross fall of 4% either side of the centreline crown.
9. Through horizontal curves, one-way cross fall or super elevation shall be applied in accordance with Austroads publication 'Rural Road Design 1989'.
10. Crossovers to be constructed to each property entrance to a design that avoids property access roads draining onto the Shire road.

11. Crossovers to be located a minimum of 50m away from intersections and junctions and provide 300m clear sight distance in either direction.
12. Piped crossovers to be a minimum width of 9.6m for rural properties and 7.6m for urban properties and to include headwalls.
13. Roadside drains to be a minimum of 300mm – 500mm deep with batters having a minimum slope of 1 in 3.

Costs Associated with Road Construction

The construction of roads associated with a subdivision, either on new road reserves or those already existing but not constructed, will be at the cost of the subdivider. This requirement also relates to roads to be constructed for public road access to each new lot in a boundary realignment application (i.e. where no additional lots are created over that existing prior to the boundary realignment taking place).

The proponent may be required by Council to engage a Consulting Engineer to plan, design and supervise the road construction at their cost. The design may include a comprehensive water drainage plan.

A 3% maintenance retention amount is to be lodged with Council for a period of 12 months on roads subject to a subdivision application.

A 1.5% supervision loading is payable throughout the project on roads subject to a subdivision application.

Clearance of Subdivision Condition

Where the subdivider requests Council clear a condition of subdivision relating to road construction prior to the construction having taken place, Council may accept a cash bond that is equivalent to the full estimated construction cost of the road(s). The subdivider will be required to enter into a written agreement with Council for the operation of the bond.

The bond is to be paid to Council, ~~and~~ held in trust and ~~is to be~~ **may be** used by Council to either:

- Design and construct the road(s) itself as a private work; or
- Pay a contractor engaged by the subdivider or the Shire to undertake the works to Council's specifications.

Should there be a residual amount remaining in trust at the completion of the construction, this is to be refunded to the subdivider. Should the trust amount not be sufficient to cover all costs associated with the design and construction of the road(s), the outstanding amount is to be provided by the subdivider.

Drainage

Open drains are permitted for new subdivisions. Stormwater is to be retained on site and not allowed to drain onto a Shire **controlled** road.

Water

For new Rural-Residential subdivision with lot size of 4ha or less in area, a reticulated potable water supply is required to be provided in accordance with Clause 5.3.2 of Statement of Planning Policy No.11 'Agricultural and Rural Land Use Planning'.

On lots greater than 4ha, an on-site potable water supply will suffice, in accordance with Clause 5.1.4 of the Shire of Brookton Town Planning Scheme No. 4.

Electrical Power

Western Power sets the provision of power as a condition of subdivision. This authority will decide whether the supply is to be under ground or above ground.

Fire Management Plans

Council may require a Fire Management Plan be prepared and implemented for all subdivision of rural land depending on the circumstances in each case. As a requirement the Shire generally adhere to the provisions of WAPC Policy DC 3.7 'Fire Planning'. A notification is to be placed on the titles of each lot created informing each subsequent landowner of the existence of the Fire Management Plan where applicable.

3.3 SEWERAGE CONNECTION FOR SUBDIVISION OF LAND

Directorate:	Development			
Statutory Environment:	Town Planning Scheme No. 4			
Council Adoption:	Date:		Resolution #:	
Last Amended:	Date:	Aug 2019 Sept 2021	Resolution #:	
Review Date:	June 2023			

Objective:

The purpose of this policy is to provide direction when applying conditions to ~~conditioning~~ subdivision approval in the Brookton Town site ~~are~~ in line with the State Government Country Sewerage Policy.

Policy:

The following sewerage connection conditions apply to all approved applications for subdivision on any lots within the Brookton Town site boundary where the newly created lots ~~will have a land area of 2,000 m² or less cannot accommodate an approved onsite effluent disposal system.~~

Prior to Council clearing the conditions imposed by the Western Australian Planning Commission the proponent of the subdivision must, at their cost –

- Provide an easement approved by Council on the Certificate of Title of each lot, as part of the subdivision process, for the future extension of the sewer main. The area required for the easement to be specified by Council in accordance with the requirements of the legislative provisions relating to sewerage scheme extensions.
- Lodge a memorial on the Certificate of Title of each of the newly created lots, notifying subsequent owners that connection to the sewer will only be available when Council deems it necessary or economically feasible to extend the existing sewerage scheme main to the lot.
- Provide written acceptance that future extension of the existing sewerage scheme to the newly created lots is not guaranteed.

3.4 TOWN PLANNING FEES REFUND

Directorate:	Development		
Statutory Environment:	<i>Town Planning (Local Government Planning Fees) Regulations 2000 Local Government Act 1995 (Council adopted Schedule of Fees and Charges)</i>		
Council Adoption:	Date:		Resolution #:
Last Amended:	Date:	Aug 2019 Sept 2021	Resolution #:
Review Date:	June 2023		

Objective:

To provide clear guidelines for the refund of Town Planning Application Fees.

Policy:

REFUND OF DEVELOPMENT APPLICATION FEES

Where Council has resolved to refuse to grant Planning Approval, any fees that have been paid to Council are not refundable. The applicant is to be made aware that the fee is for the determination of an application, not its approval.

Where a development application has been lodged and is subsequently withdrawn by an applicant or not been processed by the Shire within the statutory time frame, and a request for refund of the planning fees is made, the following refund guidelines will apply:

- a) Where the application has been assessed and determined: no refund.
- b) Where an application has been assessed but not determined: 50% refund.
- c) Where an application has not assessed and determined: 100% refund.

Discretion is afforded to the CEO in interpreting a) to c) above.

OTHER MATTERS

Council will have regard to the *Town Planning (Local Government Planning Fees) Regulations 2000* and subsequent amendments for matters not covered by this Policy.

3.5 RESIDENTIAL DEVELOPMENT ON FARMING ZONED LOTS/LOCATIONS WITHOUT FRONTAGE TO DEDICATED AND CONSTRUCTED PUBLIC ROADS

Directorate:	Development			
Statutory Environment:	<i>Town Planning Scheme No. 4 – Cl. 40(2)</i>			
Council Adoption:	Date:		Resolution #:	10.03.09.04
Last Amended:	Date:	Aug 2019	Resolution #:	10.06.13.03
Review Date:	June 2023			

Objective:

This policy is to provide clarity around residential development on farming zoned lots/locations without frontage to dedicated and constructed public roads.

Policy:

To comply with Clause 40(2) of the Shire of Brookton’s Town Planning Scheme No 4, which states Council shall “require such other arrangements are made for permanent access as shall be to the satisfaction of the Council” the following are minimum acceptable access requirements:

- **Absence of a dedicated public road**

Where there is no frontage to a dedicated public road reserve, the Council will support at the applicant’s cost, a carriageway access easement being created, and registered and constructed on the neighbouring title(s) with the respective landowner’s consent for the purpose of providing permanent access to the subject property, to the satisfaction of the Shire of Brookton. Where no such formal access arrangement exists, the Council will **place a** condition, on a formal planning approval, this requirement to be met on a ‘land locked’ parcel of land.

- **Use of an unconstructed dedicated public road**

Where there is a dedicated yet unconstructed road frontage the Council will support at the applicant’s cost minimal construction for vehicle access to a 2 wheel drive all weather standard. Such access will need to be compliant with legislative requirements and standards, and be applied for, assessed, and approved by the Shire Administration prior to any construction.

Advice Notes:

- Compliance with this policy is not required where direct road frontage is achieved through the creation of a battle-axe lot via subdivision and amalgamation.

3.6 OUTBUILDINGS

Directorate:	Development			
Statutory Environment:	<i>Town Planning Scheme No. 4</i> <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> <i>State Planning Policy (SPP) 7.3 – Residential Design Codes</i>			
Council Adoption:	Date:		Resolution #:	10.03.09.04
Last Amended:	Date:	Aug 2019 Sept 2021	Resolution #:	OCM. 12.17.5
Review Date:	June 2023			

Objective:

To provide a guide for the assessment and determination of applications for planning approval for outbuildings (sheds/garages) in all zones.

1. BACKGROUND

Under the Shire of Brookton's ~~Town~~ Local Planning Scheme No. 4 ~~except where specifically exempt~~, Planning Approval is ~~required~~ ~~may be required~~ for a shed (outbuilding) in ~~all~~ some zones.

The Shire's ~~Town~~ Local Planning Scheme has no criteria under which an application for an outbuilding is to be determined. As such, the objective of this policy is to give clarity as to what the ~~Council may approve~~ development standards are in relation to outbuildings within specific land use zones.

2. OBJECTIVES OF THE POLICY

The primary objectives are to:

- 2.1** Limit the impact of outbuildings by specifying maximum areas and height, location, material colour, landscaping and the like.
- 2.2** Ensure aesthetic and amenity impacts on neighbouring properties are considered when determining outbuilding proposals.
- 2.3** Recognize "Sheds" and "Sea Containers" in the Residential and Commercial zones are defined as outbuildings where the floor area greater than 10m². Outbuildings with a floor area of 10m² or less do not require a Planning Approval or Building Permit.
- 2.4** Recognize that outbuildings that accord to the deemed-to-comply provisions of the Residential Design Codes are exempt from planning approval in accordance with Clause 61; Part 7; Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.

3. POLICY

- 3.1** Ablution facilities within outbuildings will only be approved in accordance with this policy for ‘Farming’ zoned allotments of 10 hectares or more in area to support on farm agricultural activities. In all other circumstances an application for planning approval is to be submitted with accompanying justification ~~to be considered and determined for consideration and determination~~ by Council on merit.
- ~~**3.2** Setbacks to lot boundaries shall be in accordance with the Shire of Brookton Town Planning Scheme No. 4 and the Residential Design Codes, where applicable.~~
- ~~**3.3** Under this policy “Sheds” are defined as outbuildings with a floor area greater than 10m². Outbuildings with a floor area of 10m² or less do not require a Planning Approval or Building Permit.~~
- 3.4** The construction of an outbuilding on vacant land in ~~all zones other than the Rural and Rural Smallholdings zones~~ ~~within the Residential zone will~~ is generally not ~~be~~ permitted without an application for a residence having been approved and construction having first commenced.
- 3.5** Sea containers ~~shall~~ are only ~~be approved~~ supported as outbuildings for storage purposes in the Residential, Rural Residential, Rural Enterprise, Commercial, and Special Use zones where the applicant can demonstrate the sea container will not have a detrimental impact on the amenity of the property or surrounding area and is not highly visible from the street. Sea containers for storage purposes in General Industry, Light Industry, and Rural zones do not require planning approval.
- 3.6** Within the Residential zone and on lots of less than 2ha in all other Zones, outbuildings other than a carport or garage will not be permitted in the area between the house and the front boundary of the property. Front setbacks for carports and garages in the ‘Residential’ and ‘Commercial’ zones will be subject to the *Residential Design Codes* standards.
- 3.7** This Policy does not apply to large scale agricultural, industrial, and commercial buildings that are assessed against the General Development requirements as presented in Table 5; Schedule 1 of Local Planning Scheme No.4.

Zone	CRITERIA			
	Maximum Total area for all outbuildings on the lot (m2)	Maximum individual area of proposed outbuilding (m2)	Maximum Wall Height (m)	Maximum Roof height (m)
Residential R10 and above	75	75	3.0	4.0
Residential R10 and below	10	75	3.0	4.0
Rural Residential,	200	150	3.0	4.0

Rural Enterprise Townsite and Rural smallholding				
Farming Rural (below 1 hectare)	100	75	3.0	4.0
Farming Rural (between 1 hectare and 10 hectares)	200	150	3.0	4.0

3.7 TREE CROPPING

Directorate:	Development			
Statutory Environment:	<i>Planning and Development (Local Planning Schemes) Regulations 2015 Town Planning Scheme No. 4 – Cl. 8.7</i>			
Council Adoption:	Date:		Resolution #:	10.02.09.06
Last Amended:	Date:	Aug 2019	Resolution #:	
Review Date:	June 2023			

Objective:

The objective of this Local Planning Policy to:

- Achieve a consistent, efficient and equitable system for assessing and approving tree crop applications;
- To align the grant of planning approval by Council with industry guidelines and standards as specified in relevant codes of practice and other documents and ensure a consistent approach to the establishment of Tree Cropping as an acceptable land use;

This policy aims to be consistent and complementary with existing regulations and not to place additional undue burden on landowners and investors wishing to pursue tree crop development.

Policy:

Background

Tree crops have the potential to become an important land use in medium to low rainfall agricultural areas in Western Australia (WA). Landholders and private investors are looking to capitalise on emerging opportunities for farm forestry and carbon off set in these regions, diversify income streams and to gain the on-farm environmental benefits that integrated tree cops can provide. Given the increasing opportunities and interest in tree crop development, it is timely for local governments to ensure that these developments are adequately supported and addressed in local planning.

A body of legislation, policy and guidelines relevant to tree crops already exists and a range of government agencies and other stakeholders are involved in regulating and managing tree crop issues.

Additional background information relating to tree crops is provided in the report '*Opportunities and Issues Associated with Farm Forestry in the South East Avon Low Rainfall Region*'.

Definitions

- *Applicant* means a person or entity (e.g. company or organisation) responsible for management of the tree crop. The applicant does not have to be the owner of the trees or the land on which trees are planted (e.g. the Applicant could be a third-party management agency). The applicant is responsible for ensuring adherence to this policy and other relevant legislation and regulations.

- *Tree crop* means trees:
 - Planted with the intent of producing commercial products and carbon off set benefits. Commercial products include all wood and non-wood products and benefits that can be sold to a third party. Wood products are produced when trees are harvested, such as woodchips or sawlogs, while non-wood products and benefits include products such as environmental services; and
- Under the management of one applicant with an aggregate area greater than 10 hectares in the Shire of Brookton.
 - *Landowner* means a person or entity that holds the title to the land.
 - *Management Plan* means a plan that provides details on the way in which a tree crop will be developed and managed and aims to demonstrate the means by which the principles of environmental care, cultural and fire management objectives are achieved. Management Plan **should** includes the following components:
 - Establishment plan;
 - Plantation Management plan; and
 - Fire Management plan.
 - *Code of Practice* means practices applied to Timber Plantations in Western Australia 2006, produced by Forest Industries Federation WA, Forest Products Commission Australian Forest Growers, or as revised.
 - *Guidelines* means the 'Guidelines for Plantation Fire Protection 2001' produced by the Fire and Emergency Services Authority WA, or as revised.

Areas of Application

This policy applies to land zoned "**Farming Rural**" in the Shire of Brookton Town Planning Scheme No. 4.

Application and approval requirements

1. When is an application required?

A tree crop development application must:

- a) be submitted and approved prior to the commencement of ~~a tree crop~~ the development.
- b) ~~A Development Application is required when an applicant has have~~ an aggregate area of ~~tree crops~~ **which is** 10 hectares or greater.

~~Of note, a Tree Crop Development an~~ application ~~can~~ **may** cover multiple tree crop developments, ~~which may be~~ on different titles provided they are under the management of one applicant.

2. Tree Crop Development Application requirements.

In addition to Shire requirements for development applications, ~~a Tree Crop Development an~~ application is to contain the following ~~three~~ parts:

- **Registration, which must contain the following information:**
 - Title details of the subject land;
 - Name of the Landowner(s);
 - Name of the Applicant (tree crop manager);
 - Address and contact details of the Applicant;
 - Area (hectares) to be planted and species to be planted; and
 - Signatures of the Applicant and the Landowner(s).

- **Management Plan:**
 - A checklist of information that should be included in a Management Plan is provided in Attachment 2. The checklist is based on the guidelines in the Code of Practice.
 - The Management Plan must address the policy measures described in Section 6 of this Policy.

- **Map which should show the following:**
 - Location of tree crops;
 - Access roads;
 - Structures and buildings;
 - Natural features including native vegetation and water courses; and
 - Other relevant information such as hazards or significant features.

3. **Modification to Tree Crop Development Application**

An Applicant ~~with an existing Tree Crop Development Application approval~~ may modify the existing application, ~~including the to include the~~ addition of new tree crops or expansion of existing tree crops. Additional areas of tree crops may therefore be managed under existing Management Plans, without the need for the Applicant to prepare a new Management Plan for every new tree crop development. However, the Applicant must ensure that the management measures in an existing Management Plan are relevant to new tree crops and the sites on which they will be developed and meet the requirements of this policy.

If this is not the case the Applicant is required to submit a modified or new Management Plan.

If an Applicant transfers management responsibilities to another organisation they are required to notify the Shire and provide details of the new managing entity.

~~4. **Assessment of applications**~~

~~Tree Crop Development Applications should be submitted to the Shire and will be assessed against the Shire of Brookton Town Planning Scheme No. 4, this policy and the relevant industry standards and guidelines — refer to Policy Statement 4.2 above.~~

Additional policy measures

The following policy measures must be addressed in the Management Plan.

A. General tree crop management

The Shire encourages all tree crop developments to be undertaken with appropriate consideration to the specifications and guidelines in the Code of Practice and Guidelines for Plantation Fire Protection.

The Code of Practice provides management goals and operational guidelines to tree managers to “ensure tree crop operations in WA are conducted in a manner that is in accordance with accepted principles for good plantation management, while recognising that a primary aim of tree crops is to be economically competitive and sustainable”.

B. Access and roading

When planning tree crop developments, applicant’s should consider how tree crops will be accessed for management, harvesting and removal of products (if applicable). Potential access roads should be identified on a map to be lodged with the development application.

The harvest and haulage of tree crop products results in ‘wear and tear’ of local roads and other transport infrastructure and the Shire is seeking to minimise adverse effects on local roads within its control, and therefore may impose a financial road contribution to be applied at the time of harvest as a condition of development approval.

C. Fire management

A fire management plan must be included as part of the overall Management Plan.

Any Fire Management Plan must be consistent with Guidelines for Plantation Fire Protection 2011, produced by the Fire and Emergency Services Authority of WA, or as revised. Should the Fire Management Plan not be consistent with the guidelines then the application for development approval may be refused.

D. Subdivision

Any established tree crop development will not be accepted as justification for an application for subdivision, nor any proposed tree cropping or an approved application for tree cropping on any land be deemed a precursor to subdivision of ‘Farming’ zoned land.

3.8 SIGNAGE ~~WITHIN ZONED AND/OR RESERVED LAND~~

Directorate:	Development			
Statutory Environment:	<i>Town Planning Scheme No. 4 – Cl. 8.7 – Control of Advertisements Schedule 3 – Exempted Classes of Signage Advertisement</i>			
Council Adoption:	Date:		Resolution #:	10.02.11.01
Last Amended:	Date:	Aug 2019 Sept 2021	Resolution #:	
Review Date:	June 2023			

Objective:

To enhance the amenity and character of all areas within the Shire of Brookton through the provision of acceptable standards of development for advertisements.

Policy:

Signage is considered to have a major impact on the amenity of the Shire, particularly in relation to roadside advertising. Except where specifically exempt under the Shire of Brookton's ~~Town~~ Local Planning Scheme No. 4 (LPS 4) ~~or lawfully erected prior to the gazettal of the Scheme, under Clause 6.2 of TPS 4~~, all advertisements within the Shire ~~of Brookton~~ require the prior approval of Council. This policy is to provide guidance for the location and desired standards when applications for planning approval are being considered.

1. This policy is for all signage that is visible from outside the property, complex or facility concerned, either from private land or from public places or streets.
2. Should the application be on or adjacent to a Main Road reserve, approval from Main Roads WA is also required.
3. Signs denoting property and/or owner name and/or property address do not require approval.
4. Exempted advertisements, as detailed in ~~Appendix No. 6 of TPS 3 Schedule 3 of LPS 4~~ do not require Planning Approval.
5. Where an advertisement proposal requires approval, ~~including those that form a component of a development application form shall be used. ,the applicant shall complete and lodge a control of advertisements form contained in Appendix No. 5 of TPS 3 in addition to an application for Planning Approval.~~
6. All advertisements shall comply with the criteria contained in Table 1 of this policy.
7. Approval for the continuation of approved signage requires that a request shall be made to the Shire in writing, prior to planning approval expiring.
8. Temporary candidate signage associated with a local, state or federal election is exempt from this policy and the provisions of the Shire of Brookton ~~Town~~ Local Planning Scheme No. 4.

Location	Sign Purpose	Maximum Allowable Signage
All Locations	All Advertising	<ul style="list-style-type: none"> • Signage must be complementary to its surroundings. • Any signage which in the opinion of Council is distracting to motorists will not be approved.

Within Main Roads Road Reserve	Local Government or Community Organisation	<ul style="list-style-type: none"> Maximum surface of 4.5m². Additional approval is required from MRWA. Should the organisation cease to operate, all relevant signage must be removed.
	Commercial Advertising	<ul style="list-style-type: none"> Not supported
Adjacent to Main Roads Road Reserve	All Advertising	<ul style="list-style-type: none"> Maximum surface of 4.5m². All signage must comply with the setback requirements contained in Table 2 of TPS-3 LPS 4. Consideration must be given to the grouping of signage. Should the business cease to operate, all relevant signage must be removed by the applicant or landowner.
Road Reserve (Non Main Road)	Private and commercial advertising.	<ul style="list-style-type: none"> Signage must be specific to an event and time period. Ongoing approval shall not be granted.
	Local Government or Community Organisation	<ul style="list-style-type: none"> Signage must be specific to an event and/or time period.
Residential Zone	Home Business – Signage does not require approval if compliant with policy	<ul style="list-style-type: none"> Flashing or illuminated signs shall not be approved. Maximum surface of 1m². Signage must relate to the business being conducted from the same property. Should the business cease to operate, all relevant signage must be removed by the applicant or landowner.
	Domestic Advertising (Garage Sale Etc.) –	<ul style="list-style-type: none"> Maximum surface of 1m². Advertising must relate to the property upon which the signage is placed. All signage approval shall be limited to a maximum of two months after which a new approval must be sought and granted.

Rural Residential Zone	All Advertising	<ol style="list-style-type: none"> Flashing or illuminated signs shall not be approved. Maximum surface of 4.5m². Advertising must relate to the property upon which the signage is placed.
Rural Town Enterprise Zone	All Advertising	<ul style="list-style-type: none"> Flashing or illuminated signs shall not be approved. Maximum surface of 1m². Advertising must relate to the property upon which the signage is placed. Should the business cease to operate, all relevant signage must be removed by the applicant or landowner.
Rural Farming Zone	All Advertising	<ol style="list-style-type: none"> Maximum surface of 4.5m². Consideration must be given to the grouping of signage.

Commercial Zone	All Advertising	<ul style="list-style-type: none"> • Maximum surface of free-standing signs to be 5m². • Advertising must relate to the property upon which the signage is placed. • Consideration must be given to the grouping of signage. • All signage approval shall be limited to the business for which approval has been granted. For any change of business, a new approval must be sought and granted.
Industrial Zone	All Advertising	<ul style="list-style-type: none"> • Maximum individual surface of 6m². • Maximum total area of signage 15m². • Advertising must relate to the property upon which the signage is placed. • Consideration must be given to the grouping of signage. • All signage approval shall be limited to the business for which approval has been granted. For any change of business, a new approval must be sought and granted.

3.9 DEVELOPER CONTRIBUTIONS FOR ROAD AND FOOTPATH UPGRADING RELATING TO SUBDIVISION OF LAND

Directorate:	Development			
Statutory Environment:	<i>Planning and Development Act 2005</i>			
Council Adoption:	Date:		Resolution #:	10.02.11.01
Last Amended:	Date:	Aug 2019 Sept 2021	Resolution #:	
Review Date:	June 2023			

Objective:

- To provide a basis for seeking financial contributions to the upgrading of the road and footpath network as a result of the subdivision process.
- ~~To provide a basis for seeking financial contributions to the upgrading of the road and footpath network as a result of development proposals.~~
- To ensure consistency in the recommendations made to the Western Australian Planning Commission on subdivision applications.
- To provide clear and consistent advice to the community on the Shire's expectations for road and footpath upgrading.

Purpose:

This policy sets the basis for seeking contributions for the upgrading of the Shire road and footpath network as a result of the subdivision ~~and where possible development of the land~~. The policy will allow a consistent approach to be applied to all subdivisions and associated land development

Definitions:

'Road' shall have the definition applied to it under the *Road Traffic Act 1974*, which includes any highway, road or street open to, or used by, the public and includes every carriageway, footpath, reservation, median strip and traffic island thereon.

"Footpath" shall mean any land or thoroughfare used by pedestrians and/or cyclists and shall include pathways, dual use paths and any other walkway designed for this use.

Statutory powers:

This Policy relates to determinations made by the Western Australian Planning Commission under the *Planning and Development Act 2005*. This Act gives the Commission the power to require developer contributions as part of the subdivision of land.

The objectives of the policy are:

- To promote the efficient and effective provision of public infrastructure and facilities to meet the demands arising from new growth and development.

- To ensure that development contributions are necessary and relevant to the development to be permitted and are charged equitably among those benefiting from the infrastructure and facilities to be provided through the subdivision of land.
- To ensure consistency and transparency in the system for apportioning, collecting, and spending development contributions in line with conditions of subdivision approval.
- To ensure standard of social infrastructure and well-being of communities arising from or affected by new sub divisional development.

This Policy adopts and implements these principles for seeking developer contributions as part of the subdivision process.

Policy:

- All applications for subdivision made within the Shire of Brookton, where there is an identified nexus between the requirements for a road and/or footpath upgrade, will be subject to the provisions of this policy. This policy does not supersede or influence any other requirement for developer contributions as part of the subdivision approval process toward other facilities or infrastructure, such as public open space, community facilities, etc.
- In making recommendations to the Western Australian Planning Commission on applications for residential, commercial or industrial subdivision where at least two additional lots will be created from the parent lot/s, the Council will consider seeking a financial contribution to be made towards the upgrading of the footpath network.
- In making recommendations to the Western Australian Planning Commission on applications for residential, commercial or industrial subdivision where there is more than five additional lots to be created from the parent lot/s, the Council will consider seeking a financial contribution to be made towards the upgrading of the road and footpath network.
- Contributions towards the upgrading of the road and footpath network will be based on the standards contained in Table No 1 of this policy. The standards will be reviewed as part of Council's periodic review of the Shire of Brookton's Policy Manual. Thereby allowances can be made for changing community expectations.
- The road and footpath upgrading contribution will be a pro-rata calculation of 50% of the road/footpath as contained in Table No 1, based on the per kilometre / per metre frontage of the parent lot/s to the road. Where a secondary street exists, the Council reserves the right to seek a contribution for the secondary street in addition to the primary street frontage, however the Council will take into account traffic movements and existing rights of entry.
- If a subdivision required that the created lots be provided with constructed road access that does not currently exist, this policy shall not supersede any requirements for the developer to pay the full construction costs to provide this road access.
- Nothing in this policy shall prohibit Council from seeking the construction of a footpath network within a subdivision at the developer's expense.

- In terms of the expenditure of the financial contributions made as part of the subdivision of land, the following principles shall apply:
 - The upgrading of the road network shall comply with the Shire's Works Program; and
 - The upgrading of any footpath network shall occur within three (3) years following the completion of all subdivisions affecting a particular area, or prior to this date as determined by Council.
- The Council may vary the requirements of this policy, where it is considered that full compliance with the policy is not practical, or such variation is warranted in the circumstances of the subdivision.
- This Policy does not apply to roads under the care and control of Main Roads WA.

Table no. 1		Standard		
Zone	Minimum Road Width Pavement (metres)	Road Surface	Kerbing/ Drainage	Comment
Residential R5 and above	6	Prime and seal	Yes	The sealing coat will be laid one year after the laying of the prime coat
Residential R2.5 and below	6	Prime and seal	No kerbing – open spoon drains	The sealing coat will be laid one year after the laying of the prime coat
Rural Town-site Enterprise	6	Prime and seal	No kerbing – open spoon drains	The sealing coat will be laid one year after the laying of the prime coat
Commercial	As appropriate	Asphalt	Yes	
Industrial	7	Asphalt	Yes	Kerbing to be provided if appropriate
Rural Residential	7	Prime and seal	Yes	Kerbing to be provided if appropriate
Farming Rural	9.6	Gravel – Standard Roads 150mm thick Heavy Routes 300mm thick	No kerbing – open spoon drains	A sealed road standard may be required in specific circumstances.
Footpaths where identified in	1.6	Concrete – 75mm		

strategy or structure plan		Road Base Hot Mix – 100mm Road Base		
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All construction shall be to Austroads standards or in compliance with drawings submitted by an appropriately qualified engineer and approved by the Shire.

3.10 STOCKING RATES – RURAL ~~TOWNSITE~~ ENTERPRISE, RURAL RESIDENTIAL AND RURAL SMALLHOLDING ZONE LAND

Directorate:	Development			
Statutory Environment:	Town Local Planning Scheme No. 4 Planning and Development (Local Planning Schemes) Regulations 2015			
Council Adoption:	Date:		Resolution #:	
Last Amended:	Date:	Aug 2017 Sept 2021	Resolution #:	
Review Date:	June 2023			

Purpose:

The purpose of this policy is to provide a guide for the assessment and determination of applications for Planning Approval involving the keeping of livestock on properties zoned *Rural Enterprise ~~Townsite~~*, *Rural Residential* and *Rural Smallholding*, within the Shire of Brookton.

It is not intended that this policy be applied rigidly, but that each application be examined on its merits, with the objectives and intent of the policy the key for assessment.

Objectives:

The objectives of the policy are to ensure that the keeping of livestock:

- ~~Ensure that livestock keeping~~ is undertaken in a sustainable manner.
- ~~Ensure that the keeping of livestock~~ does not have a significant negative impact on the natural environment.
- ~~Ensure that the keeping of livestock~~ does not impact detrimentally on the health and/or amenity of adjoining landowners.

Background:

As a result of their size, certain types of properties necessarily invite rural lifestyle and associated land uses inclusive of low-key stabling and training of horses, rearing and agistment of animals, etc. An assessment of these types of land uses in the subject area meet the definition of a '*rural pursuit/hobby farm*' as per the Shire of Brookton ~~Town~~ Local Planning Scheme No. 4.

The Shire recognises that the majority of landowners manage their properties in a sustainable manner, however, the keeping of livestock on smaller properties requires a higher level of management than broad acre farming due to the higher density of animals and closer proximity of neighbouring landowners which results in a higher potential for both environmental and amenity impacts. The Shire recognises that unsustainable land management practices often lead to land degradation problems such as soil erosion, dust nuisance, odour, water pollution and damage to vegetation.

This *Stocking Rates Policy* endeavours to guide Council when considering applications for planning approval when livestock is going to be kept, as part of a *rural pursuit/hobby farm* land use on properties in the specific zones. It also enables Council to appropriately condition planning approvals for '*rural pursuit/hobby farm*' land uses so as to protect the amenity of the locality.

Application of Policy:

The policy is only applicable to land zoned *Rural Townsite Enterprise*, *Rural Residential* and *Rural Smallholding* within the Shire of Brookton.

In terms of the Shire of Brookton ~~Town~~ Local Planning Scheme No 4, a 'rural pursuit/hobby farm' land use is not permitted on any *Residential* zoned property.

Basis for Policy:

The Stocking Rates Guidelines of the Department of Agriculture and Food of Western Australia (*Stocking Rate Guidelines for Rural Small Holdings, 2000*), has been used as the basis for this policy. These guidelines provide a scientifically sound and practical means by which the appropriate stocking rate for land within the subject area can be determined and provide guidelines for the assessment of applications for the stocking of land.

Stocking Rates

Definition of Stocking Rate:

For the purposes of this Policy, stocking rates are defined and shown as Dry Sheep Equivalent (DSE) which is the number of adult sheep (wether) that can be sustained on each hectare all year round.

Stocking rates are the number of stock, e.g. sheep, cattle, horses, emus or other type of animal that can consistently be kept on a piece of pastured land all year round with minor additional feed and without causing environmental degradation. Environmental degradation can include wind and water erosion, tree decline, increasing levels of nutrients in groundwater and waterways, the spread of weeds into adjoining bushland and soil structure decline.

Stocking rates are largely based on the amount of pasture that each particular type of animal will consume, but are also influenced by feeding patterns, animal weight, foot structure and activity.

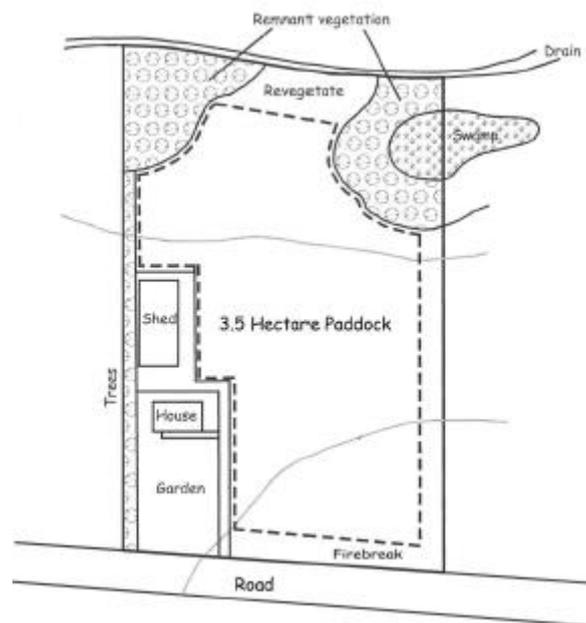
Base stocking rate & Animal Equivalent

The base stocking rate is the number of DSE that would apply to a property with the lowest level of pasture management in an average year. The recommended base stocking rate should:

1. Provide enough feed to maintain animals in good condition.
2. Avoid soil erosion by providing enough pasture cover to protect the soil throughout the year (at least 30% ground cover – hay, sawdust, etc.).
3. Be sustainable through average years.

In consultation with the *Department of Agriculture and Food of Western Australia*, a Base Stocking Rate for the Shire of Beverley (and by extension the Shire of Brookton), has been determined to be **5 DSE per hectare**. This Base Stocking Rate has been determined taking due cognisance of amongst others the annual average rainfall and length of the growing season.

Figure 1. Example Site Plan (not to scale)



Key Elements of example site plan – calculating the DSE for the above property:

- Parent Lot = 4.5 ha;
- Fencing the remnant vegetation, including a small swamp;
- Revegetating a 30 metre buffer to a seasonally flowing stream;
- Exclusion of house, shed, tracks and garden area (inclusive of fire break for shed and house);
- Leaves 3.5 ha of useable paddocks.

Calculated DSE:

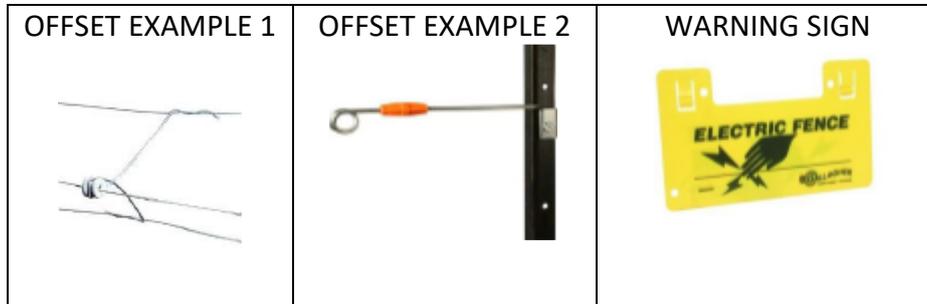
5 DSE (Base Stocking Rate) x 3.5 ha (available paddock area) = **17.5 DSE**

Fencing

Appropriate fencing shall be made a Condition of Planning Approval for the keeping of livestock, with the following standards given as a guideline:

1. SHEEP AND SMALL STOCK: 5 - 7 strand/line ring-lock, or similar
2. CATTLE: 7 strand/line with electric fence*
3. HORSE: 7 strand/line ring-lock or similar with “sighter” strands or electric*

** Non-lethal electric fencing systems shall be installed and operated as per the relevant Australian Standard (ASNZ 3014) and shall be installed so as to be on the inside of the subject property, and offset from the fence, with appropriately spaced warning signs, as shown in the samples in Figure 2.*

Figure 2**SAMPLE OFFSET ELECTRIC FENCE CONFIGURATION & WARNING SIGN****Managing Wind Erosion Risk**

Responsible grazing management is required, especially over summer, to maintain sufficient ground cover to reduce the risk of wind erosion. The ideal level of ground cover to minimize wind erosion is for about 50% of the soil surface to be covered by grass and pasture plant residues. At least 30% of the ground cover needs to be anchored to prevent soil being moved downwind during strong wind events. Grazing has to be managed so that it does not detach all of the pasture residues and the critical level of ground cover percentage is 30%. Once the amount of ground cover falls below 30% then wind erosion is likely to occur. Livestock should be removed from all paddocks once ground cover falls to 30%. In the case of horses, they should then be kept in a stable or small yard and hand fed to substitute for paddock feed. These paddocks should not be grazed again until new green pasture starts growing and ground cover is more than 30%.

Requirement for a Property Management Plan

Council will only consider applications for Planning Approval for a *rural pursuit/hobby farm* land use in excess of the Base Stocking Rate, where applicants submit a Property Management Plan which demonstrates that pasture improvement, nutrient and waste management methods are addressed.

Where it is proposed to keep livestock in excess of the base stocking rate, the following measures should be incorporated into the property management plan (where applicable):

- Drainage management practices that prevent direct runoff to watercourses or dams;
- Yards or pens should be sheeted with compacted soil, sand or sawdust if located on clay soils and should be regularly cleaned;
- Adequately fenced vegetation belts capable of effectively separating environmental features such as watercourses, from areas of intensive stocking; - Manure should be regularly collected;
- Supplementary feeding as a means of reducing grazing pressure;
- Areas of remnant vegetation, wetlands and watercourses should be fenced to exclude livestock;
- Where stables or other structures are proposed to be constructed for the housing of livestock, they must be located and managed so as not to detrimentally impact on the amenity of neighbouring residences;

Further to the above, the following information is required in the Property Management Plan:

Site plan of the property drawn to scale, indicating:

- Location of pasture areas, stables and yard areas/arenas;
- Fencing (including fencing of environmentally sensitive areas);

- Watercourses, wetlands, dams and areas prone to waterlogging;
- Existing vegetation;
- Manure Storage/composting area.

A written statement shall be provided that addresses the following (where applicable):

- The number and type of stock;
- Stabling practices;
- Collection, storage and disposal of manure, including fly management and odour control;
- Nutrient management plan;
- Pasture management techniques, including type and condition of pasture, rotation of pasture;
- Fertiliser application rates;
- Irrigation;
- Dust control;
- Weed control;
- Water availability and use;
- Soil type.

Conclusion

Where the keeping of animals results in challenges due to land degradation, nutrient enrichment/leaching, animal welfare or public nuisance, Council may require further reduction in the number of stock kept on a particular property. When Planning Approval is granted, the period of planning approval might be limited, at the Shire's discretion.

ANIMAL EQUIVALENTS FOR THE CALCULATION OF STOCKING RATES

Type of livestock	Weight (kg) and animal type	Dry Sheep Equivalent (DSE)
Sheep	50 kg Wether, ewe	1.0
	40-45 kg Lambing ewe (ewe and lamb)	1.5
	75 kg Rams	1.5
Cattle	425 kg Milking cow	10.0
	425 kg Dry cows, yearling, steer or heifer	8.0
	300 kg Yearling, heifer	6.0
	200 kg Smaller cattle (Dexter, Lowline)	4.0
	750 kg Bull, cow with calf	15.0
	Cow with young calf	10.0
Horses	450 kg Light	10.0
	1000 kg Draught	20.0
	250 kg Pony	5.0
Goats	30-35 kg Dry Angora	0.7

	35-40 kg Cashmere goat	1.0
	50-60 kg Dry milk goat	1.5
	Milking goat	2.0
Deer	120 kg Red deer	2.2
	50 kg Fallow deer	1.0
Other	55-120 kg Ostrich average (assumes half introduced feed)	1.4
	55 kg Emu average (assumes half introduced feed)	0.7
	150-210 kg Llama	3.0
	60-70 kg Alpaca	0.8

Note: Where a particular livestock is not mentioned in the table Council will determine the DSE.

CALCULATION OF DSE FOR A PROPERTY

The following section describes how the DSE for a specific property can be calculated for the purposes of applying for Planning Approval for a 'Rural Pursuit' land use.

4.0 INFRASTRUCTURE POLICIES

4.1 DRUMMUSTER PROCESS

Directorate:	Infrastructure			
Statutory Environment:				
Council Adoption:	Date:	Aug 2017	Resolution #:	
Last Amended:	Date:	Sept 2021	Resolution #:	
Review Date:	June 2023			

Objective:

To ensure equity and consistency for community groups involved in fundraising through the DrumMuster.

Procedure:

In recognition of their past efforts to revitalise the DrumMuster program in the Shire of Brookton, Council nominates Kweda Golf Club as its DrumMuster inspectors by default and for every second collection.

Therefore, every alternate collection shall be advertised by the Shire Administration calling for other Community groups ~~can apply~~ to provide inspectors for ~~the remaining these~~ collections, with all nominated inspectors ~~must have attended the~~ having to attend an accredited Agsafe training course.

4.2 PRIVATE PROPERTY ACCESS AND CROSSOVERS

Directorate:	Infrastructure			
Statutory Environment:	<i>Shire of Brookton Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2012</i>			
Council Adoption:	Date:	Aug 2017	Resolution #:	
Last Amended:	Date:		Resolution #:	
Review Date:	June 2023			

Objective:

To provide direction to staff when receiving requests for access to private property.

Policy:

A. Access to property on land outside ~~the a~~ townsite boundary:

Council will provide culvert access or other appropriate access to property within the Shire and outside of ~~the a~~ town site boundary, where it is considered necessary, appropriate, or practicable, subject to:

- ~~Such access being take from a public road to provide owner with access from a Council owned road or property to the owner's property.~~
- Only one access per rateable property location will be provided at the Shire's cost.
- Any additional access required ~~on a location or on locations that are contiguous to a location where Council has provided access, to~~ shall be at the owner's expense.

B. Access to property on land within ~~the a~~ town boundary:

Council will provide culvert access or other appropriate access to property within ~~the a~~ town site, where it is considered necessary, appropriate, or practicable to do so, subject to:

- ~~Such access being take from a public road Access to provide owner with access from a Council owned road or property to the owner's property.~~
Only one access per rateable property location will be provided with contribution from the Shire upon an approved building being constructed on the lot or planning approval and building licence being issued for the construction of an approved building on the lot.
- Any additional access (or access to vacant land) ~~to be being approved by the Shire and constructed to its specifications~~ at the owner's expense.

~~C. Townsite lot crossovers:~~

- ~~On application by~~ The owner of land adjoining a Council road/street/way ~~Council will contribute~~ contributing a minimum of 50 % toward the construction of a standard crossover, ~~subject to the following based on:~~
 - ~~A standard crossover is deemed to be constructed to~~ a maximum width of 6m to a hot mix seal standard or equivalent. Crossover to be constructed from the edge, or as near as practicable to the edge of a

sealed road (or the anticipated edge in the event the road is unsealed) and to the owner's property boundary.

- Any extra width required on the crossover to be at the owner's expense.
- Additional cost for crossovers being constructed in brick paving, concrete or other similar material to be at the cost of the owner.
- ~~Only one crossover per lot will be contributed to where there is an approved building on it. Crossovers on vacant land to be at the owner's expense.~~
- ~~Additional crossovers to be at the owner's expense.~~

4.3 SLASHER AND ROTARY MOWER BAN

Directorate:	Regulatory			
Statutory Environment:	<i>Bush Fires Act 1954</i>			
Council Adoption:	Date:	Oct 2016	Resolution #:	13.10.16.01A
Last Amended:	Date:	July 2020 Sept 2021	Resolution #:	OCM 07.20-10
Review Date:	June 2023			

Objective:

The objective of this policy is to provide for the safety of residents and firefighters during the prohibited burning period.

Policy:

1. A ban on the use of slashers and rotary mowers shall apply from 1 December to 28 February **each year between ~~during~~** the hours of 6:00am to 6:00pm and from 6:00pm on the day before an extreme or above, fire danger rating is forecast from Bureau of Meteorology, unless the use is:
 - a) On a property within a townsite of any size that is reticulated or irrigated; or
 - b) On a property outside of the townsite that ~~needs to be slashed or mowed and~~ is:
 - less than 1.0 hectare in area;
 - irrigated or reticulated;
 - regularly slashed or mowed.
2. The ban ~~will~~ **shall** be advertised as part of the Shire's Notes in the Brookton Telegraph, on the Shire's website, Facebook page and WhatsApp during **the months of** November, December, January, and February **each year**.
3. The Shire's Chief Bush Fire Control Officer be advised immediately on the decision to impose the ban for the 4-month period.

4.4 USE OF COUNCIL EQUIPMENT AND MACHINERY FOR BUSHFIRE CONTROL

Directorate:	Infrastructure			
Statutory Environment:	<i>Bush Fires Act, 1954</i>			
Council Adoption:	Date:		Resolution #:	
Last Amended:	Date:	July 2020 Sept 2021	Resolution #:	OCM 07.20-10
Review Date:	June 2023			

Objective:

To guide the use of Council equipment when fighting bushfires.

Policy:

1. All Council equipment and machinery is available for usage in controlling bushfires within or bordering the district **conditional on** equipment and machinery ~~are to~~ **may only** be utilised by regular Shire operators, competent and capable operators from other Local Governments, or those registered with a Brookton Fire Brigade ~~and that~~ currently holds the relevant qualification and **has** experience to operate such equipment or machinery to ensure appropriate insurance cover is maintained.
2. The application of this policy ~~is at~~ **rests with** the discretion of the Shire President, Chief Executive Officer or Chief Bush Fire Control Officer once satisfied a person is suitably qualified as an operator.

4.5 EXPENDITURE LIMIT – BUSH FIRE CONTROL OFFICERS

Directorate:	Regulatory			
Statutory Environment:	Shire of Brookton Municipal Budget			
Council Adoption:	Date:		Resolution #:	
Last Amended:	Date:	July 2020 Sept 2021	Resolution #:	OCM 07.20-10
Review Date:	June 2023			

Objective:

To authorise Shire expenditure relating to the control of bushfires in the Shire of Brookton.

Policy:

The Chief Bush Fire Control Officer and registered Bush Fire Control Officers in charge of combating bush fires **within the Shire** may commit up to ~~\$1,000~~ **\$1,200** of Shire funds for sustenance and fuel as considered necessary when attending to a bush fire under their control, without first having to obtain authorisation from the Shire President or the Chief Executive Officer, and subject to the following:

- The expenditure is limited to purchases from the following retail businesses:
 - Brookton IGA
 - Stumpy's Gateway (BP) Roadhouse
 - Brookton (Liberty) Roadhouse
 - Brookton Rural Traders
 - Brookton Deli
- The Chief Bush Fire Control Officer or registered Bush Fire Control Officer **or CESM under direction** is to sign for the goods in a legible manner or conversely obtain receipt from the retailer to be presented to the Shire Administration within the week following the bush fire incident.
- The purchase of food is limited to bottled water, fruit and soft drinks, sandwiches and/or bread rolls, finger and reheated foods, tea bags, instant coffee, sugar, hydrolytes/sport beverages and milk, biscuits and the like. The purchase of alcohol, power, and milk drinks along with other food stuffs **such a confectionary** is not covered by this policy.
- Expenditure exceeding the prescribe limit of \$1,200 will require authorization from the Shire President or the Chief Executive Officer.**
- The Shire will not accept purchases that do not accord with provisions of this policy, unless otherwise authorised by the Shire President or the Chief Executive Officer.

4.6 UNDEVELOPED ROAD RESERVES

Directorate:	Infrastructure			
Statutory Environment:	<i>Local Government Act 1995, Part 3 – Functions of Local Governments, Division 1 – General, Section 3.1 General function.</i>			
Council Adoption:	Date:		Resolution #:	226/06
Last Amended:	Date:	Aug 2019 Sept 2021	Resolution #:	
Review Date:	June 2023			

Objective:

This policy is designed to clarify the Shire’s position in relation to the provision of road access.

Policy:

1. The Shire of Brookton will not construct a road in an undeveloped road reserve where all adjoining land is owned or controlled by the one entity or farming enterprise.
2. Where a property is owned as a single entity that requires a road to be constructed in an undeveloped road reserve then the property owner shall:
 - Make a request in writing to Council.
 - ~~Pay the cost of construction to the Shire or~~ Engage an approved contractor to undertake the **endorsed road** works.
 - Construct the road to a minimum 2wd access (driveway) standard to the Shire’s satisfaction, subject to regulatory approvals (such as vegetation clearing permit) being granted.

4.7 ~~UNDEVELOPED ROAD RESERVES TEMPORARY ROAD CLOSURES~~

Directorate:	Infrastructure			
Statutory Environment:	<i>Local Government Act 1995, Part 1 – Introductory matters, Section 1.7; Part 3 – Functions of Local Governments, Division 1 – General, Subdivision 5 – Certain Provisions about Thoroughfares, Section 3.50; Local Government (Functions and General) Regulations 1996, Part 2 – Thoroughfares.</i>			
Council Adoption:	Date:		Resolution #:	10.08.08.02
Last Amended:	Date:	Aug 2019 Sept 2021	Resolution #:	
Review Date:	June 2023			

Objective:

To restrict the winter use of unsealed roads by certain vehicles to avoid unnecessary damage and preserve the Shire's asset.

Policy:

~~Unless otherwise stated, Council shall practice its rights and obligations to partially or wholly and delegate to the CEO to close, and subsequently re-open, any road under its responsibility in accordance with provisions of the Local Government Act 1995, and the Local Government (Functions and General) Regulations 1996.~~

Specifically,

1. The CEO may (under delegated authority) close unsealed roads to all vehicles greater than 4.5 tonne gross weight when conditions arise and damage to the structure and or surface of the road is likely to occur. This would usually occur in winter after grading and when 10mm or more of rain is forecast.

~~Rain events greater than 10mm may require unsealed roads to be closed until road conditions are suitable, as determined by the Chief Executive Officer or Manager Infrastructure and Assets under Delegated Authority.~~

2. Notifications of weather-related road closures will must be made to adjoining Shires, and notices will be posted at the Shire Administration Offices, the notice board of the Brookton Community Resource Centre and broadcast via SMS to registered residents and businesses, and posted on the Shire/s website and Facebook page (as per Notice of Road Closure proformas).

~~Restricted Access Vehicle (RAV) permit holders with current Letters of Approval from the Shire, local carriers and any other interested parties will also be notified of weather related road closures by SMS text message. A media release will be posted on the Shire Website and Facebook and sent to media outlets, if deemed necessary.~~

3. ~~Where Council is required to issue a local public notice, this shall be done~~ All notifications shall be in accordance with Section 1.7 of the Local Government Act, 1995 and where a road closure

inadvertently exceeds a period of twenty-eight (28) days, the ~~Council~~ Shire Administration shall ~~meet its obligations~~ adhere to the provisions under Sections 1.7 and 3.50(4) of the *Local Government Act, 1995* and Section 4, Part 2 of the *Local Government (Function and General) Regulations, 1996*.

4.8 RESTRICTED ACCESS VEHICLES

Directorate:	Infrastructure			
Statutory Environment:	<i>Road Traffic Act 1974</i> <i>Road Traffic (Vehicle Standards) Rules and Regulations 2002</i>			
Council Adoption:	Date:		Resolution #:	
Last Amended:	Date:	Aug 2017	Resolution #:	
Review Date:	June 2023			

Objective:

To regulate Restricted Access Vehicles (RAV's) movements on local roads in the Shire of Brookton.

Main Roads WA (MRWA) to take over full responsibility for managing and enforcing all RAV approvals on Shire roads.

Policy:

- MRWA to assess and upgrade all current RAV 3 local roads to RAV 4.
- MRWA to retain all Type A and B Low Volume (LV) conditions as they currently apply to local roads.
- Applicants seeking to operate (RAV) on local roads are to be advised as follows:
 - Approval is only valid on the Shire of Brookton local roads listed on the Permit Network 4 Permitted Road Table published on the MRWA website.
 - Applicants are required to view the MRWA website to familiarize themselves with the LV conditions and abides by them.

4.9 WASTE MANAGEMENT

Directorate:	Infrastructure			
Statutory Environment:	EPA (Rural Landfill) Regulations 2002			
Council Adoption:	Date:	Jun 2016	Resolution #:	13.06.15.02
Last Amended:	Date:	Dec 2016 Sept 2021	Resolution #:	13.12.16.01
Review Date:	June 2023			

Objective:

An increase in the proportion of material recovered from the waste stream and a reduction in the proportion of waste destined for landfill.

Objective:

- To facilitate, encourage and promote economically sound, environmentally safe and efficient waste management practices, endorsed and supported by the community.
- To maintain waste management services for public and private property that supports the policy directions of the State Government and other relevant agencies to reduce, re-use, recycle and safe disposal.
- To communicate the message for behaviour change and promote its adoption and acknowledge the success of individuals and organisations.
- To encourage an increase in recycling activities while still maintaining a landfilling operation.

Scope:

- Refuse Facility (Reserve 24588, Lot 7857)
- Domestic Waste Collection
- Recycling
- Green Waste Disposal
- Street Litter

Policy Statement:

~~Waste Management is a major responsibility of the Shire and is significant from both a social and environmental perspective for the community.~~

~~The Shires waste management practices and recycling initiatives attempt to reduce the environmental impact of waste production by encouraging recycling and attempting to measure our progress in terms of the increase in recycling rates.~~

~~The Shire is supportive of the requirement for producers to take a greater responsibility for their commodities, so that there will be less waste to deal with and the environmental impacts of waste will be reduced. This is often called 'Extended Producer Responsibility' (EPR) or 'Life Cycle Responsibility'.~~

~~Other waste management initiatives that Council will support, include:~~

- ~~• Container Deposit Legislation (CDL).~~
- ~~• A state and industry funded e-waste scheme.~~
- ~~• Brookton Townsite Residential Bulk Rubbish Pickup Service (with operational conditions for the service and / or fees and charges determined from time to time by the CEO / Council respectively).~~

~~Rules determined by the CEO effective 1 January 2017 include;~~

- ~~1. The Shire Administration is to provide a~~ The Brookton Townsite Residential Bulk Rubbish Pickup Service ~~is provided~~ free of charge to residents ~~only~~ and delivered to their residence upon request for a week and then removed. Staff ~~are required~~ to maintain a register of which residents utilise the service.
- ~~The~~ This service is ~~to be~~ advertised in the Brookton Telegraph and ~~on the Shire's~~ Facebook page from time to time and placed on the Council's Website ~~and~~ as a service that residents can avail themselves of, and includes ~~There are~~ two different types of bins ~~available;~~
 - 1 x Green Waste Bin (1 available)
 - 1 x Bulk Waste Bin (2 available)
- The ~~waste~~ bins are:
 - only available to properties within the Brookton Townsite and to properties zoned Residential, or Rural Residential and / or utilised for Residential purposes or Community Groups.
 - ~~The bins are~~ not to be used for general household (putrescible) waste.
 - ~~The bin will~~ generally ~~only~~ be placed at the relevant house for a week at a time however for operational reasons it may need to be ~~there left for a longer~~ period of time.
 - ~~Council maintains a waiting list~~ allocated on a first come, first serve basis for the relevant bin type.
- Residents are only permitted to utilise the free service once per financial year per type of bin – additional request in each financial year are only permitted if a \$50 plus GST payment in advance is made.
 - The provision or removal of bins ~~will is~~ not ~~to~~ interfere with ~~daily~~ operational ~~works~~ requirements ~~of the Outside Crew requiring the loader.~~
- The Council adopted fee and charge for the service ~~in 2017/18~~ is \$Nil for the first service in any financial year and \$50 plus GST for any subsequent request in that year.***

~~In addition to the above, the Council will also focus on waste education and other initiatives to reduce the impact of waste on the environment and to reduce the financial burden of waste management.~~

~~Related Corporate Documents:~~

- ~~• Shire of Brookton Refuse Facility – Waste Management Plan 2014~~
- ~~• Brookton Townsite Residential Bulk Waste Bin Service Flyer~~

4.10 ROAD MAINTENANCE CONTRIBUTION

Directorate:	Infrastructure		
Policy Origin:	WALGA		
Statutory Environment:	<i>Road Traffic (Administration) Act 2008 Part 7, s. 132 & s. 136 Local Government Act 1995 Part 6 – Financial Management Planning and Development Act 2005, Section 26 and SSP 3.6.</i>		
Council Adoption:	Date:	Jun 2018	Resolution #: 13.06.18.03
Last Amended:	Date:		Resolution #:
Review Date:	June 2023		

Background:

The serviceable life of a road is dependent on the quantity and type of heavy vehicle passes. A road is usually designed to last for a defined period (typically between 20 to 50 years) during which time it is subjected to volume of vehicle traffic, often consisting of heavy vehicle passes on rural roads.

Ordinarily a road is designed and constructed to fit its intended purpose. If an industry or mining operation proposes a transport task that increases the volume of heavy vehicles that well exceeds the quantity of passes it was designed and constructed to carry, then the life of the road is likely to be consumed at a much higher rate than initially anticipated.

Should this occur, the road will require additional maintenance and may fail prematurely leaving the Shire with the cost to reconstruct the road at additional financial burden placed on the ratepayer.

This in the Council's view is unreasonable and onerous. Conversely, the view is also held that the proponent if gaining financially from the increased usage of the road should be charged at a fair rate to offset the cost of additional maintenance and reduction in the life of the road.

Objective:

The objectives of this policy are to present a methodology and framework for heavy vehicle charging for a defined task on a sealed and unsealed Local Government Road.

This includes the calculation of heavy vehicle charges, qualifying scenarios, funding administration and development of agreements based on a fair and equitable arrangement accounting for all party's interests.

Definitions:

Agreement: means an agreement between the Shire of Brookton and a proponent defining the conditions of access, including charges for a defined transport task.

Annual Design ESA (ADESA): means the predicted annual ESA used to design a road pavement structure. If unknown the design may be estimated based on an average annual ESA from historic traffic counts or the annual ESA reasonably expected for a particular Category of road under normal circumstances.

Equivalent Standard Axle (ESA): means the number of standard axle loads which are equivalent in damaging effect on a pavement to a given vehicle or axle loading. Every vehicle combination can be expressed as a number of ESA.

Extraordinary Load: means a freight task generating significant increase in the ADESA that can cause damage to the road pavement and reduction in the structural design life of a road with possible failure.

Preservation: means planned maintenance and rehabilitation designed to preserve or extend the serviceable design life of a road e.g. crack sealing, resealing with a bituminous sprayed seal, rehabilitation of gravel shoulders and replacing culverts and kerbs.

Proponent: means the party that is requesting to use of a Local Government road for a defined freight task.

Routine maintenance: means unplanned (reactive) activities applied to maintain serviceability of a road e.g. repairing potholes, cleaning drainage structures, repairing edge breaks and sweeping pavements.

Shire: means the Shire of Brookton.

Statutory Power:

- *Road Traffic (Administration) Act 2008* Part 7, s.132 & s.136; Road authority may recover expenses of damage caused by heavy traffic.
In particular; s.132 (2) states:

“Where it appears to the road authority that has functions in relation to the repair of road infrastructure that, having regard to the average expense of repairing road infrastructure in the vicinity, extraordinary expenses have been incurred by the road authority in repairing the road infrastructure because of damage caused by heavy traffic, the road authority may recover the amount of the expenses as may be proved to the satisfaction of the court to have been incurred by the road authority because of damage caused by heavy traffic.” and s.132(4) states: “A person against whom expenses are or may be recoverable under this section may enter into an agreement with the road authority for payment to it in respect of heavy traffic, and on making the payment as agreed the person is not to be subject to any proceedings under this section.”

- Revised State Planning Policy 3.6 – Development Contributions for Infrastructure, developed under the authority of *Planning and Development Act 2005*, Section 26.
- *Local Government Act 1995* Part 6 – Financial Management, Div 5 – Financing Local Government Activities, Subdivision 2 – Fees and charges, 6.16 –Imposition of fees and charges.

Application:

This policy applies to a party that plans to run a defined vehicle freight task on a Local Government Road(s). The task must be deemed to be of such volume (extraordinary load) that it is likely to cause damage resulting in “extraordinary expenses”, which is damage deemed well beyond normally wear expected and calculated for a specific category of a road.

Extraordinary Load

An Extraordinary Load is assigned a nominal value of an annual ESA that is greater than 50% of the ADESA for the category of road concerned.

The Shire may decide a different percentage is warranted depending on the individual circumstances. A lower percentage or a sliding scale may be deemed appropriate in circumstances where it is clear the task is likely to cause damage resulting in extraordinary expenses incurred by the Shire.

The ADESA shall be determined using one of the following methods:

1. Historical pavement design information.
2. Engineering assessment based on traffic counts, pavement structure and condition performance.
3. From figures provided in Table 1 below:

Table 1: Nominal 50% ADESA for sprayed sealed Local Government roads¹

Road Category	50% ADESA
Access road	400
Local distributor	2000
Regional distributor	12000
District distributor	40000

¹WALGA & ARRB 2015, adapted from Table c.1

Negotiation:

The following conditions may necessitate negotiation between the Shire and the Proponent to adjust the calculated charge, or to use an alternative methodology:

- a) If the Category of road has been purposely constructed to a level that is markedly different to the ADESA in Table 1, then an appropriate ADESA shall be determined using available engineering data and judgement. The road category shall also be appropriately adjusted for the determination of cost from the WALGA User Guide.
- b) If the road is in a very poor condition and likely to fail in the longer term, then the Shire will seek to negotiate with the proponent on a strategy and cost to bring the road to a serviceable condition before calculating an annual charge.
- c) If the magnitude of the freight task is of such a volume that the road is likely to experience structural failure in a short period, then the Shire will require an appropriate strategy and charge to upgrade the structural capacity of the road in advance. This will result in an increased ADESA, which will then be used to calculate ongoing charges.
- d) The rates in the WALGA User Guide are current for 2015. The Shire and the proponent may agree on a suitable method to calculate escalation.
- e) If the proposed ESA is excessively above the limits in the User Guide, or if for any other reason this method is deemed inappropriate, then the Shire may elect to calculate the charge using an alternative method.

Funding and Service

Funds collected from the Proponent shall be placed into a dedicated fund and shall only be used for routine maintenance, preservation and structural strengthening activities on the section of road

concerned. The Shire will keep records of all works and costs. The Shire will also contribute a portion to the cost of works out of its own funds according to what Council would have reasonably allocated to the road if the proponents activities were not present.

Funds collected from the Proponent shall be placed into a dedicated fund and shall only be used for routine maintenance, preservation and structural strengthening activities on the section of road concerned. The Shire will keep records of all works and costs. The Shire will also contribute a portion to the cost of works out of its own funds according to what Council would have reasonably allocated to the road if the proponents activities were not present.

Agreement

The proponent shall enter into an Agreement that includes the following:

- The type and axle configuration of the vehicles to be used for the task.
- The annual quantity of vehicle passes and the payload tonnage. If seasonal then this must be described.
- The routing including return journeys.
- The duration of the task.
- The annual and unit rate charge and method of calculation.
- Payment terms and conditions.
- The obligations of the parties, including works records, expenditure, evidence and audit requirements in relation to the determination of actual payload tonnages and notifications of changes to vehicles, payload or routing.
- Conditions on expiry of the agreement.
- Hours and conditions of operation.
- Breaches and terms of remedy for the Local Government and Proponent.
- Duties of the Shire and the Proponent.

Duties of the Shire of Brookton

The Shire will take all reasonable steps to keep the road in a serviceable condition for the duration of the agreement. This includes the maintenance of proper records to ensure transparency of expenditure of all collected charges.

Duties of the proponent

The proponent will be required to adhere to the conditions of agreement, including:

- obtaining the Shire's acceptance and approval to any change in the type of vehicles and axle configurations, annual payload or transport routing;
- the timely payment of financial contributions.

Authority:

Any agreement must be formally endorsed by Council.

Review:

This policy shall be reviewed by Council at least every two years.

References:

- WALGA Heavy Vehicle Cost Recovery Policy – Guidelines FOR Sealed Roads

- WALGA & ARRB 2015, User Guide – Estimating the Incremental Cost Impact on Sealed Local Roads from Additional Freight Tasks, WALGA, Perth, Western Australia.
- ARRB Group 2015, Technical Basis for Estimating the Incremental Cost Impact on Sealed Local Roads from Additional Freight Tasks, ARRB Group Project 009335 for WALGA, Perth, Western Australia

4.11 ASSET MANAGEMENT POLICY

Directorate:	Infrastructure			
Policy Origin:				
Statutory Environment:				
Council Adoption:	Date:	October 2020	Resolution #:	OCM 10.20-13
Last Amended:	Date:		Resolution #:	
Review Date:	June 2023			

Background:

The community relies on the Shire of Brookton to deliver services. The Shire has finite resources and limited income streams to fund the delivery of these services which need to be aligned with the Community's aspirations identified via the Strategic Community Plan.

To ensure that resources are optimally allocated, decisions need to be made in an informed manner considering the acquisition, ongoing ownership, management and disposal of assets. The Shire also needs to continuously consider whether it needs to provide and/or own assets in order to deliver services or whether it can simply facilitate the provision of the service by a third party.

Scope:

This policy covers all service delivery of the Shire of Brookton and relates to the management of assets under the care, control and responsibility of the Shire. The Policy applies to all physical assets and their components with a useful life of more than one year, and a replacement value of greater than \$5,000 which require management by the Shire.

Physical assets include:

- Land
- Buildings
- Infrastructure
- Furniture and equipment
- Plant and equipment
- Cultural collections

Objective:

The key objective of this policy is to ensure that there is an organisation-wide commitment to Asset Management which enables the Shire to meet its service delivery objectives efficiently and effectively, in a way that ensures:

- Assets are managed in accordance with relevant legislation;
- Assets are managed in accordance with recognised best practice;
- An asset "whole-of-life" or life cycle costing approach is taken in the management of the Shire's assets;
- Risk is considered in the development of asset strategies;

- Asset performance is measured against defined levels of service outlined in the Asset Management Plan;
- Assets are brought to account in accordance with the requirements of the appropriate accounting standards and reporting requirements;
- Informed decision-making is based on reliable data; and
- Asset management is sustainable.

The policy also assists the Shire in compliance with the provisions of the State Government's Integrated Planning and Reporting Framework by having an integrated approach to planning for the future.

Procedure

The Shire is committed to the following principles and actions to achieve the objectives of this policy:

- Develop and review annually the Shire's Asset Management Strategy and Plans;
- Ensure the integration of the Asset Management Strategies and Plans with the Shire's Strategic Community Plan and informing strategies, particularly the Long-Term Financial Plan;
- Allow the Strategic Community Plan to inform asset requirements to reflect community priorities;
- Ensure that the asset management system complies with relevant Australian Accounting Standards, relevant Legislation and Regulations, Australian Standards, recognised best practice principles and other Shire of Brookton policies;
- Consider options for the Shire to facilitate delivery of services by a third party;
- Develop documented service level agreements with key stakeholders to ensure the sustainability of assets and the Shire's services;
- Use life cycle costs as the basis for decision-making regarding asset acquisition, replacement, maintenance and disposal;
- Monitor asset utilisation and predict future demand changes;
- Identify, through risk management and condition assessments, initiatives to reduce exposure to injury, liability and asset and service failure;
- Develop and maintain operational plans for each asset class, identifying full life cycle costs, service level requirements, maintenance requirements, risks, refurbishment, replacement and disposal requirements;
- Provide relevant information to support asset management, including the effective collection, collation and analysis of asset data;
- Keep informed on issues relating to asset management best practice;
- The optimisation and rationalisation of assets in order to provide community services at the best possible value-for-money; and
- Measure and report on the efficiency and effectiveness of asset performance, including functionality, suitability, location, accessibility, utilisation and cost.

Asset Management Responsibility and Accountability

Responsibility for asset service delivery and asset management, including accountability and reporting requirements of day-to-day operations, will be clearly established and clearly communicated through the Asset Management Strategy and Asset Management Plans. This will ensure that both Elected Members and Shire staff are acutely aware of their roles and responsibilities in relation to asset management.

To manage assets effectively, responsibility for their control must be defined and assigned. Asset registers are to be kept up-to-date and provide timely and meaningful information that meets the decision-making requirements of the Shire's management.

At a minimum, the following broad roles and responsibilities are assigned through this policy:

Elected Members

1. Responsible and accountable for the stewardship of the Shire's assets;
2. Approve the Asset Management Policy;
3. Endorse Asset Management Strategies and Plans; and
4. Ensure that appropriate resources are allocated and funded in the Shire's financial planning process in order to achieve the strategic asset management objectives and implementation of asset plans.

Chief Executive Officer (CEO)

1. Ensure that systems are in place to develop, maintain and regularly review Council's Asset Management Policy, Asset Management Strategy and Asset Management Plans.

Management Group (CEO, Manager Infrastructure and Assets, Manager Corporate and Community)

1. Maintain and review the Asset Management Policy in accordance with the Strategic Community Plan and the Corporate Business Plan;
2. Ensure that sound business principles are adopted in the preparation of Asset Management Plans in accordance with Asset Management Strategy;
3. Ensure the integration and compliance with the Asset Management Policy, Strategies and Plans with other policies and business processes of the Shire;
4. Ensure relevant Asset Management Plans are developed;
5. Ensure Asset Management Strategy and Asset Management Plans are maintained and reviewed every year; and
6. Ensure that strategies and resources are in place to train Councillors and Officers in key aspects of asset management and long-term financial planning.

Manager Infrastructure and Assets (MIA)

1. Responsible for resource allocation from Council approved resources associated with achieving Council's Asset Management Strategy;
2. Responsible for the monitoring of the implementation of asset management across the organisation; and
3. Maintain and review the Asset Management Strategy every year in accordance with the Asset Management Policy.

Responsible Officers (applicable to each asset class)

1. Implement the Asset Management Policy, Strategies and Plans in accordance with this policy's objectives and commitments;
2. Ensure that resources under their control are appropriately allocated to the management of their asset class responsibilities;
3. Maintain and review every year Asset Management Plans relevant to their asset class in line with the Management Strategy;
4. Engage current and up-to-date technologies, methodologies and continuous improvement processes;
5. Facilitate acknowledged best practice in asset management.

Outcomes

Adherence to this policy will ensure that the Shire will continue to deliver or facilitate the delivery of financially sustainable services aligned with the aspirations of the community.

5.0 REGIONAL POLICIES