



ORDINARY MEETING OF COUNCIL

PUBLIC

MINUTES

18 February 2021

These minutes were confirmed by Council as a true and correct record of proceedings by the Ordinary Council Meeting held on 16/3/21.

Presiding Member: *[Signature]* Date: 18 March 2021

Disclaimer

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

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

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Shire of Brookton
Ordinary Meeting of Council held 18 February 2021
Commenced at 6.00 pm

TABLE OF CONTENT

1.02.21	USE OF COMMON SEAL – DECEMBER 2020 AND JANUARY 2021	4
2.02.21	DELEGATED AUTHORITY – ACTIONS PERFORMED – DECEMBER 2020 AND JANUARY 2021 ...	4
3.02.21	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS	4
4.02.21	RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE.....	4
5.02.21	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	5
6.02.21	PUBLIC QUESTION TIME	5
7.02.21	APPLICATIONS FOR LEAVE OF ABSENCE.....	6
8.02.21	PETITIONS/DEPUTATIONS/PRESENTATIONS.....	6
9.02.21	CONFIRMATION OF MINUTES OF PREVIOUS MEETING.....	7
10.02.21	ANNOUNCEMENTYS BY THE PRESIDING MEMBER WITHOUT DISCUSSION	7
11.02.21	DISCLOSURE OF INTERESTS	7
12.02.21	TECHNICAL & DEVELOPMENT SERVICES REPORTS.....	8
12.02.21.01	PROPOSED TRADE DISPLAY BUILDING AND OPEN-AIR DISPLAY AREA.....	8
12.02.21.02	PROPOSED SUBDIVISION AND CHANGE OF VESTING – PORTION OF BROOKTON RAILWAY RESERVES 10325 AND 14197 ROBINSON ROAD, BROOKTON	22
13.02.21	COMMUNITY SERVICES REPORTS	30
13.02.21.01	2021 CSRFF SMALL GRANTS APPLICATION – BROOKTON COUNTRY CLUB INC.	30
14.02.21	CORPORATE SERVICES REPORTS.....	45
14.02.21.01	REQUEST TO WAIVE PLANNING APPLICATION FEE – ALDERSYDE HALL REFURBISHMENT.	45
14.02.21.02	LIST OF ACCOUNTS FOR PAYMENT FOR THE PERIODS ENDED 31 DECEMBER 2020 AND 31 JANUARY 2021	51
14.02.21.03	STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIODS ENDED 31 DECEMBER 2020 AND 31 JANUARY 2021.....	55
14.02.21.04	REQUEST FOR REDUCTION OF CAMPING FEES – CYCLE TOURING ASSOCIATION OF WESTERN AUSTRALIA.....	96
14.02.21.05	REFUND OF TRUST PAYMENTS	100
14.02.21.06	BUDGET VARIATIONS 2020/2021	109
14.02.21.07	RECORDS KEEPING PLAN 2020 - 2025.....	116
15.02.21	GOVERNANCE	126
15.02.21.01	PROPOSED AMENDMENT TO COUNCIL POLICY 2.36 - PROCUREMENT	126

15.02.21.02	AMENDMENT OF COUNCIL POLICY 2.21 – FINANCIAL HARDSHIP.....	138
15.02.21.03	CONTRACT RANGER SERVICES AGREEMENT AND APPOINTMENT OF AUTHORISED PERSONS – MUNICIPAL RANGER	173
15.02.21.04	DRAFT NEW POLICY – RATES EXEMPTION FOR CHARITABLE PURPOSES POLICY	178
16.02.21	ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	190
17.02.21	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING	190
18.02.21	CONFIDENTIAL REPORTS	191
18.02.21.01	PROPOSED RESIDENTIAL TENANCY – UNIT 4/40 WHITE STREET, BROOKTON.....	191
19.02.21	NEXT MEETING & CLOSURE	192

1.02.21 USE OF COMMON SEAL – DECEMBER 2020 AND JANUARY 2021

The Table below details the Use of Common Seal under delegated authority for the month of December 2020 and January 2021.

Use of Common Seal Register		
File Ref:	Purpose	Date Granted
Nil.		

2.02.21 DELEGATED AUTHORITY – ACTIONS PERFORMED – DECEMBER 2020 AND JANUARY 2021

The Table below details the actions of Council performed under delegated authority for the month December 2020 and January 2021.

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

BUILDING			
Application No.	Lot & Street	Type of Building Work	Date Granted
08.20-21	Lot 275 Fancote Road, Brookton	Septic Application	1 Dec 2020
11.20-21	1 Koornong Drive, Brookton	Porch	18 Jan 2021
12.20-21	Lot 7685 Brookton Highway, Brookton	Seacontainer-Abultions	13 Jan 2021
13.20-21	57 Richardson Street, Brookton	Patio	19 Jan 2021

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

PLANNING				
File Ref	Application Ref	Subject Land (incl. Scheme No.)	Purpose	Date Granted
A2685	P2020/010	Lot 510 (25) Brookton Highway – Caravan Park	Short-term accommodation units	9 Dec 2020
A2855	P2020-012	Lot 35 Railway Terrace, Aldersyde	Building upgrades	5 Jan 2021

3.02.21 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at 6.00pm.

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

4.02.21 RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCEElected Members (Voting)

Cr KL Crute	(Shire President)
Cr NC Walker	(Deputy Shire President)
CR CE Hartl	
Cr RT Fancote	
Cr TD Lilly	
Cr BK Watts	

Staff (Non-Voting)

Ian D'Arcy	Chief Executive Officer
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Kellie Bartley
Mikel Haramborne
Danni Chard

Manager Corporate and Community
Manager Infrastructure and Emergency
Executive Governance Officer

Apologies

Nil.

Leave of absence

Cr MG Macnab

Members of the Public

Nil.

5.02.21	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE
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Nil.

6.02.21	PUBLIC QUESTION TIME
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Ms. Rosalie Pech Eva –

Questions received via email – Monday 15th February 2021.

Question 1:

Can you provide me with the following information relating to the list of accounts for payment for December 2020 and January 2021:

1. Percentage of expenditures (excluding refunds and payroll related costs) relating to local (Shire of Brookton) businesses?
2. Percentage of expenditures (excluding refunds and payroll related costs) relating to Wheatbelt regional businesses?

Response to Question 1

This information was provided previously to you at the expense of valuable Shire officer's time that comes at a cost to the ratepayers. With this said the CEO will arrange for the percentage break down to be forward to you within a week, however this will not be a regular occurrence unless sufficient explanation and justification can be provided that demonstrates broad community benefit.

Question 2:

I refer to the response to my equivalent question from the November 2020 meeting, which advised that the percentages were 12% (local businesses) and 5% (Wheatbelt businesses) meaning that in November 2020, a total of 83% of all Shire funds spent were expended outside of our local and regional area, (one can only presume in the metropolitan area).

Can you explain to me how the small quantum of these amounts reflects 'value for money' for our community under a definition of 'value for money' which permits assessment of **local economic development** as a legitimate criteria for consideration. The WALGA Guide to Sustainable Procurement (a copy is attached and tabled) notes that this is a legitimate objective amongst the range of others pertaining to 'value for money' purchasing.

Response to Question 2

While the percentages of the Shire's monthly purchasing appear low for local and regional expenditure, these are notional. For the most part the Shire must abide by the legislative framework of local government procurement, and account for availability, competitive pricing, or timeliness of delivery. These measures, imbedded in the Council's Procurement Policy 2.36, largely determine 'value for money' and where the ratepayers funds are spent. A copy of Policy 2.36 is provided as an attachment to Agenda Item 15.02.21.01 on page 123 of this Council Meeting Agenda.

I can also confirm the Shire routinely reviews its Procurement Policy against the WALGA guidelines, but more importantly take measures to ensure the policy aligns to the Local Government Act, 1995 and relevant regulations that set direction for the procurement policy framework for Local Government.

Question 3:

A small boost in Shire of Brookton local purchasing from 17% (November 2020) to say 25-30% would make an enormous difference to local economic sustainability, microeconomic development, increased employment opportunities, and general local economic growth, and would make a strong statement that the Shire of Brookton truly has local economic development as a current and ongoing priority of the Shire. Over 50% of money spent locally continues to circulate locally, while money spent out of the region returns at a rate of only about 14% to the local economy, according to industry studies. Further, doing so has sustainability benefits, as vehicle travel is greatly reduced, especially when the community, such as ours, is regionally based.

Would the Shire of Brookton consider nominating purchasing targets for local goods and services, similar to the requirements for purchasing under State Government contracts for indigenous and regional businesses (reference the State Government Public Accounts Committee Report 13 Knowing What Good Looks Like Chapter 6: More needs to be done to expand notions of value-for-money, also attached and tabled), so that economic growth and development were boosted in our community?

Response to Question 3

This matter requires formal consideration by Council and therefore I cannot provide a definitive answer to your question at this time. However, I can confirm the current policy already identifies areas for purchasing from Disability Enterprises and Aboriginal Businesses within its policy guidelines.

7.02.21	APPLICATIONS FOR LEAVE OF ABSENCE
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Nil.

8.02.21	PETITIONS/DEPUTATIONS/PRESENTATIONS
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Nil.

9.02.21 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**OCM 02.21-01****COUNCIL RESOLUTION****MOVED Cr Walker SECONDED Cr Watts**

That the minutes of the Ordinary meeting of Council held in the Shire of Brookton Council Chambers, on 17 December 2020, be confirmed as a true and correct record of the proceedings.

CARRIED BY SIMPLE MAJORITY VOTE 6/0

10.02.21 ANNOUNCEMENTYS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

I would like to publicly thank Mr Len Simmons for his assistance in attending the Wooroloo fire. Council and the Community highly appreciate your assistance.

11.02.21 DISCLOSURE OF INTERESTS

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

Disclosure of Financial & Proximity Interests

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

Disclosure of Interest Affecting Impartiality

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

Financial, Proximity and Impartiality Interests

Item no.	Members/Officers	Type of Interest	Nature of Interest
12.02.21.01	Cr Crute	Impartiality	Have served on many committees with applicants
13.02.21.01	Cr Crute	Financial	Employee of applicant
13.02.21.01	Cr Walker	Impartiality	Chairperson of applicant
14.02.21.01	Cr Crute	Impartiality	Close personal friend of chairperson and serve on committees with chair.

12.02.21 TECHNICAL & DEVELOPMENT SERVICES REPORTS

Cr Crute declared an impartial interest in item 12.02.21.01, and remained in the meeting, and voted on the item.

12.02.21.01 PROPOSED TRADE DISPLAY BUILDING AND OPEN-AIR DISPLAY AREA

File No:	A301/A809
Date of Meeting:	18 February 2021
Location/Address:	Lot 391 Robinson Road and Lots 11 and 12 Brookton Highway, Brookton
Name of Applicant:	Mr Barry Coote (Coote Motors)
Name of Owner:	As above
Author/s:	Ian D'Arcy – Chief Executive Officer
Authorising Officer:	As above
Declaration of Interest:	The author does not have an interest in this item
Voting Requirements:	Simple Majority
Previous Report:	N/A

Summary of Item:

The Council is in receipt of a planning application seeking Council approval to extend the existing Coote Motors trade display area located on Lot 391 Robinson Road and Lots 11 and 12 Brookton Highway Brookton.

The subject property is depicted in the aerial photo provided as **Figure 1** to this report.



Figure 1 – Location Plan (not to scale)

In summary, the officer recommendation is for Council to approve the proposed development.

Description of Proposal:

This proposal is for construction of a new open shed like structure on Lot 391, the demolition of an existing dwelling on Lot 11 and reorientation of open-air display across Lots 11 and 12 fronting Brookton Highway with new access off Richardson Street, as illustrated in **Figure 2** below.



Figure 2 – Proposed Site Layout (not to scale)

The proposed new assembly/display structure is to be constructed of steel and clad with zincalume on the roof, rear wall and in part at the front adjacent to Robinson Road. The building will measure 48.0 metres in length and 20.0 metres in width, with a wall height of 7.5 metres and floor area of 960 m². The slope of the amounts to 3.8 degrees, which presents as relatively flat. A copy of the floor plan and 3D elevation is presented in **Figure 3** and **Figure 4** below.

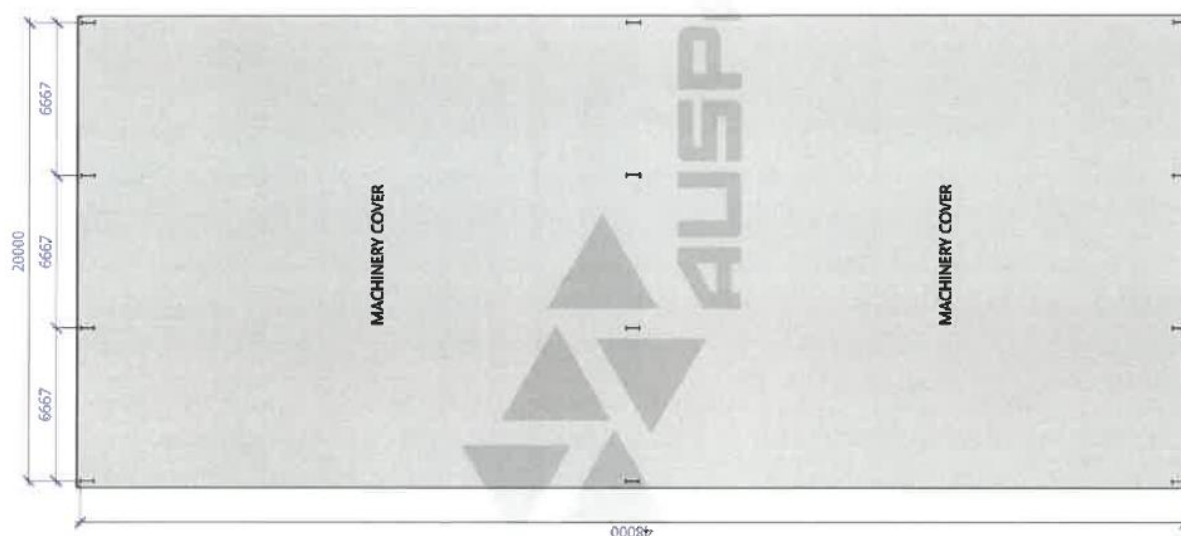


Figure 3 – Floor Plan of open trade display structure

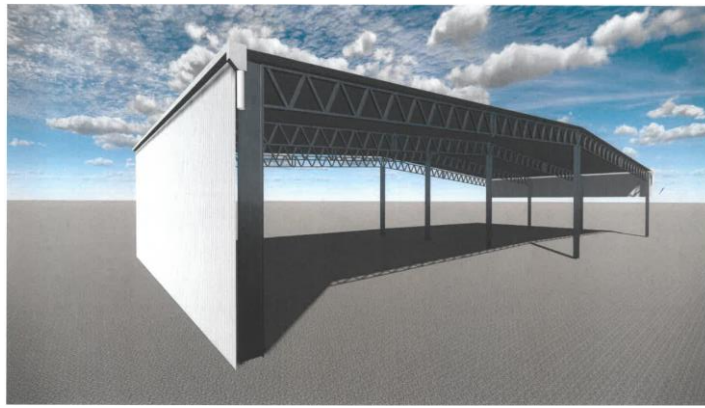


Figure 4 – Illustrative photo of open trade display structure

The complete application is appended to this report as **Attachment 12.02.21.01A**.

Background:

On assessment, including a site inspection and review of aerial photography, confirms the following:


Site Assessment	
Existing Development	<i>Office, workshop and under cover display area, as well as house and open display/machinery assembly area.</i>
Existing Services	<i>Reticulated power, mains water, telecommunications, and sewerage connections.</i>
Vehicular Access	<i>Bitumen vehicle access from Robinson Road and Brookton Highway – Internal manoeuvring areas are not sealed.</i>
Slope	<i>Relatively flat with slight fall from west (Robinson Road) to east (Richardson Street).</i>
Vegetation	<i>Vegetation around the existing house on Lot 11.</i>
Surrounding Land-Use	<i>Property is bordered by another commercial trade display development and church to the south. The opposite side of Brookton Highway (north) is commercial development, and railway reserve to the west.</i>
Bushfire Attach Level (BAL) Assessment	<p>Figure 5 depicts the portion of property (purple colour) within the Bushfire Prone Area.</p> 

Figure 5 – DEFS Bushfire Prone Area mapping

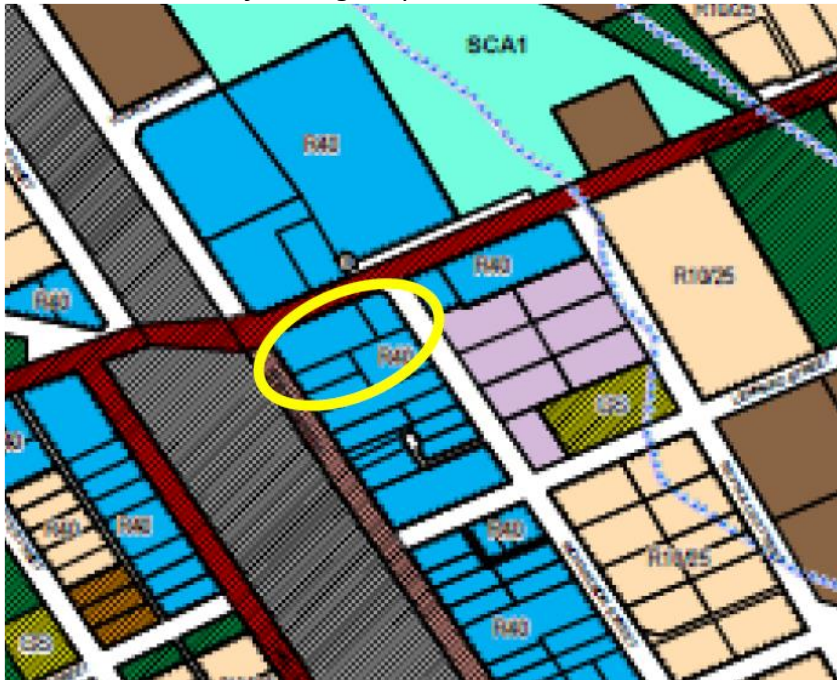
Consultation:

There has not been any formal consultation on this development proposal.

Statutory Environment:

As to the planning framework a 'Trade Display' is assessed and determined under the provisions of the Shire of Brookton Local Planning Scheme No.4. Accordingly, the following table provides a summary of legal and other requirements in relation to this proposal:

Shire of Brookton Local Planning Scheme (LPS) No.4
(Statutory instrument)

<p>Current Zoning</p>	<p><i>'Commercial' – See extract of Zoning Map below – colour blue.</i></p>  <p align="center"><i>Figure 6 – Extract of Zoning Map 4</i></p>
<p>Permissibility (Table 1 – Zoning Table)</p>	<p><i>Table 1 – Zoning Table of LPS 4 qualifies a Trade Display as an 'D' use. This means Council has discretion to approve the respective use with or without relevant planning conditions or refuse the proposal with valid planning reasons.</i></p>
<p>Definitions</p>	<p><i>The draft LPS 4 defines:</i></p> <ul style="list-style-type: none"> <i>a) Trade Display as meaning premises used for the display of trade goods and equipment for the purpose of advertisement.</i> <i>b) Trade Supplies to mean premises used to sell by wholesale or retail, or to hire, assemble or manufacture any materials, tools, equipment, machinery or other goods used for the following purposes including goods which may be assembled or manufactured off the premises -</i> <ul style="list-style-type: none"> <i>• automotive repairs and servicing;</i> <i>• building including repair and maintenance;</i> <i>• industry;</i> <i>• landscape gardening;</i> <i>• provision of medical services;</i> <i>• primary production;</i> <i>• use by government departments or agencies, including local government."</i>
<p>Objectives</p>	<p><i>The Council's LPS 4 nominates the objectives of the Commercial Zone to:</i></p> <ul style="list-style-type: none"> <i>• Provide for a range of shops, offices, restaurants, and other commercial outlets in defined townsites or activity centres.</i> <i>• Maintain the compatibility with the general streetscape, for all new buildings in terms of scale, height, style, materials, street alignment and design of facades.</i> <i>• Ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality.</i>
<p>Development Standards</p>	<p><i>LPS 4 stipulates the following standards for development in the Commercial Zone:</i></p> <ul style="list-style-type: none"> <i>• Table 5 details the minimum setback distance for all boundaries is set at</i>

	<p><i>'nil', landscaping at 10% of the site area, and maximum site coverage at 50%.</i></p> <ul style="list-style-type: none"> <i>• Table 6 of the LPS 4 specifies for a Motor Vehicle, Boat or Caravan display; a ratio of 1 car parking bay for every 100 m² of open display area and 1 car parking bay for every 45 m² enclosed gross display floor area.</i>
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Planning and Development (Local Planning Scheme) Regulations 2015 <i>(Statutory instrument)</i>	
Schedule 2; Part 9; Clause 68(2)	<i>This clause empowers Council to determine Development Applications under the planning legislation having regard to the zoning and other Scheme provisions pertinent to the application under consideration.</i>
Schedule 2; Part 9; Clause 76 (1) and (2)	<i>This part of the Planning Regulations affords the applicant the right to apply to the State Administration Tribunal (SAT) for a review of the Council's decision in relation to the decision on the proposed use and or development of the land.</i>

State Planning Policy 3.7 – Planning in Bushfire Prone Areas <i>(Statutory instrument – tied to Planning Regulations)</i>	
Generally	<i>State Planning Policy 3.7 Planning in Bushfire Prone Areas (SPP 3.7) directs how land use should address bushfire risk management across WA. It applies to all land which has been designated as bushfire prone by the Fire and Emergency Services (FES) Commissioner as highlighted on the Map of Bush Fire Prone Areas. SPP 3.7 is a guide to implementing effective risk-based land use planning to preserve life and reduce the impact of bushfire on property and infrastructure.</i>
6.2 Strategic planning proposals, subdivision and development applications	<p><i>Section 6.2 of SPP 3.7 a) states:</i></p> <ul style="list-style-type: none"> <i>a) Strategic planning proposals, subdivision and <u>development applications</u> within designated bushfire prone areas relating to land that has or will have a Bushfire Hazard Level (BHL) above low and/or where a Bushfire Attack Level (BAL) rating above BAL-LOW apply, are to comply with policy measures.</i> <i>b) Any strategic planning proposal, subdivision or <u>development application</u> in an area to which policy measure 6.2 a) applies, that has or will, on completion, have a moderate BHL and/or where BAL-12.5 to BAL-29 applies, may be considered for approval where it can be undertaken in accordance with policy measures 6.3, 6.4 or 6.5.</i> <i>c) This policy also applies where an area is not yet designated as a bushfire prone area but is proposed to be developed in a way that introduces a bushfire hazard, as outlined in the Guidelines.</i>

Planning Bulletin 111/2016 - Planning in Bushfire Prone Areas <i>(Guidance document – tied to SPP 3.7)</i>	
5. Exemptions	<p><i>Planning Bulletin 111/2016 states exemptions from the requirements of SPP 3.7 includes renovations, alterations, extensions, improvements, or repair of a building, and incidental uses (including outbuildings, verandas, unenclosed swimming pools, carports, patios, and storage sheds for example). SPP 3.7 does not specify these exemptions, however where the proposal is exempt under the deemed provisions or local planning scheme and does not:</i></p> <ul style="list-style-type: none"> <i>• result in the intensification of development (or land use);</i> <i>• result in an increase of residents or employees;</i> <i>• involve the occupation of employees on site for any considerable amount of time; or</i> <i>• result in an increase to the bushfire threat; the proposal may also be exempt from the provisions of SPP 3.7.</i>

Relevant Plans and Policy:

There are no specific Council plans or policy documents that apply to this proposal. Consideration is only required to State Planning Policy 3.7, which is addressed in the Statutory Environment Section of this report.

Financial Implications:

Other than receipt of the statutory planning application fee of \$480.00, and future building application fees the only other financial consideration could be a possible cost should an appeal be lodged by the applicant with the State Administration Tribunal (SAT). At this stage no such cost is known.

Risk Assessment:

The risk in relation to this matter is assessed as 'Low' as it largely centres on a right of appeal being lodged with the State Administration Tribunal (SAT) should the application be refused, or the applicant is not satisfied with a condition(s) imposed on a planning approval.

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

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

Community & Strategic Objectives:

This proposal relates to delivery of core business and services detailed in the Shire of Brookton Corporate Compendium – October 2020, duly appended to the Next Generation BROOKTON Corporate Business Plan <2024.

Specifically, the proposed Grain Receival and Storage Facility aligns to:

Function 2 – Land Use Planning

Action 2.3 – Process Development Applications

Comment

Although assessment of this application is based on the current planning framework and applicable provisions/standards for a Trade Display land use classification, Council is advised that consideration has

also be given to:

1. The existing trade display and trade supply business, which encompasses all three lots as one entity from a land use perspective.
2. The new display structure is mostly about providing protection from the weather elements for an area (Lot 391) that is already used for display and assembly purposes.
3. The existing trade display is premised on agricultural farm machinery that does not attract high level of customer visitation, as opposed to car, boat and caravan sales.
4. The adjoining commercial property to the south is another trade display business that accommodates a similar open-ended display structure.
5. The general standards of development for other Commercial properties in the Brookton Town Centre.

Therefore, given the above it is considered reasonable that Council apply a relaxed approach to the prescribed development standards under LPS 4. This is particularly relevant to the car parking ratios, acknowledging the proposed improvements to the property will not materially change or intensify the land use, but rather are intended to improved functionality, occupational safety, and vehicles access.

To this end, the planning assessment has been identified the following considerations:

- (a) BAL Assessment – Although the western portion of the proposed development falls within a defined Bushfire Prone Area (as illustrated in **Figure 5**), the nature of the development defaults to an exemption as the new structure and open-air display is not expected to:
 - result in the intensification of development (or land use).
 - result in an increase of residents or employees.
 - involve the occupation of employees on site for any considerable amount of time.
 - result in an increase to the bushfire threat; the proposal may also be exempt from the provisions of SPP 3.7.
- (b) Site Coverage – As mentioned, accounting all three lots as one entity, as well as the proposed demolition of the existing dwelling on Lot 11, the site coverage of the existing and proposed buildings for Coote Motors equates to 2,162 m². This is well under the allowed 50% maximum coverage, given all three lots amount to a total area of 4,985 m².
- (c) Boundary Setbacks – The setback for all boundaries in the Commercial Zone are set at nil. This means the building (subject to fire rating standards) can be constructed on the boundaries for Lot 391, as proposed. With the display structured being steel and predominantly open on three sides, and the adjacent buildings to the south also being constructed of similar materials on the common boundary, it is assessed there will be no amenity issue for this neighbouring property. Similarly, the existing Church to the rear (east) of Lot 391 is well setback from the common property boundary and partly screened by existing vegetation that will assist in softening the rear clad wall of the new display building.
- (d) Vehicle Access – The proposal to demolish the existing dwelling on Lot 11, remove vehicle access from Brookton Highway and provide thru access to Richardson Road is supported, subject to a concrete or bitumen crossover being constructed on Richardson Road. It is viewed that this will enhance safety in relation to Brookton Highway. As to the internal access and manoeuvring areas as a minimum this should be constructed to a compacted gravel or cracker dust standard.

- (e) Stormwater drainage – With the proposed Trade Display structure spanning of approx. 1,000 m², it is recommended that stormwater runoff from this development be piped along the common boundary between Lot 11 and Lot 932 to the Richardson Street road reserve, as reflected in **Figure 7**, that forms part of the storm water drainage system for the town centre.
- (f) Landscaping – The LPS prescribes as a minimum a 5% landscaping component for the overall site being required, which equates to 249 m² of area. Presently, some vegetation exists on Lot 11, although this is expected to be removed to make way for an open-air display area. Therefore, it is recommended as a minimum that a 1.0 m wide landscaping strip be established along the open-air display area fronting Brookton Highway and around the corner fronting Richardson Street. This will satisfy the landscaping development requirement. This will amount to 175 m² of landscaping and value add visually to the streetscape as well as assist in discouraging vehicle access onto Brookton Highway.

Additionally, a landscape strip could also be established along the common boundary between Lot 11 and Lot 392 to the south that together with the 175 m² will satisfy this requirement and enhance the overall presentation of the Coote Motors development. Below is **Figure 7** that includes an illustrative understanding of this recommendation.



Figure 7 – Development Requirements

- (a) Streetscape – For the most part the proposed trade display structure and open-air area will assist in enhancing visual presentation of property from a streetscape perspective, with all three road frontages to Brookton Highway, Robinson Road and Richardson Street being used to display a range of agricultural machinery that will provide interest to the streetscape.

As to scale of the new building, given its open sided design, the bulk is not expected to present a visual amenity issue from Robinson Road. Furthermore, the open sided structure will be consistent in presentation with the adjacent buildings on the neighbouring property.

In conclusion, it is recommended the Council grant conditional planning approval for the proposed trade display building and open-air display area.

OFFICER'S RECOMMENDATION

That Council grant planning approval for a trade display building and open-air display area on Lot 391 Robinson Road and Lots 11 and 12 Brookton Highway, Brookton pursuant to Schedule 2 Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015, subject to the following:

Conditions

1. Should the development, the subject of this approval, not be SUBSTANTIALLY COMMENCED within a period of two (2) years from the date of this approval being granted, the approval shall lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the responsible authority having first been sought and obtained.
2. Development of the approved trade display building and open-air display area shall be carried out in accordance with the terms of the application as approved herein, and the respective plans inclusive of site plan, floor plans and elevations that form part of this approval.
3. Primary vehicle access/egress to trade display building and open-air display area shall be limited to Robinson Street and Richardson with the crossover for Richardson Road being constructed in accordance with Australian Standards to minimum two coat bitumen seal (or similar) - refer to advice note d.
4. All vehicle access, manoeuvring, and parking within the property boundaries of Lot 391 Robinson Road and Lots 11 and 12 Brookton Highway shall be constructed to a minimum compacted gravel or cracker dust standard (or similar) to the satisfaction of the Local Government - refer to advice note d.
5. Stormwater drainage and run-off from the approved trade display building shall be piped along the common boundary between Lot 11 and Lot 932 to the Richardson Street road reserve that forms part of the storm water drainage system for the Brookton town centre.
6. A 1.0 meter wide reticulated landscape/tree planting program shall be implemented within six (6) months of this approval aligned along the open-air display area fronting Brookton Highway and around the corner fronting Richardson Street, and along the common boundary between Lot 11 and Lot 392 Richardson Street to the satisfaction of the Local Government.

Advice Notes

The following advice notes are offered in addition to the notes provided in Form 4 of Clause 86 of the Deemed Provisions on the approval granted in condition(s) above:

- a. This approval does not confer approval under other relevant legislation, including but not limited to, the Building Act 2011. It is the responsibility of the Applicant to determine any necessary approvals required and obtain such approvals prior to the commencement of development and

use. However, to assist in understanding the necessary requirements and approvals, further information can be obtained by contacting the Shire's Building section on (08) 9642 1106.

- b. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
- c. The applicant is advised a Building Permit is required for the approved trade display building prior to commencement of any building works.
- d. With reference to Conditions 3 and 4 the applicant is encouraged to contact the Shire's Manager Infrastructure and Regulatory Services on (08) 9642 1106 to gain clarity on the standard of construction required.
- e. Should the applicant be aggrieved by the conditions of this planning approval, a right of appeal exists to the State Administrative Tribunal (SAT) subject to Part 14 of the Planning and Development Act 2005. Appeals must be lodged to SAT within 28 days. Further information can be obtained from the SAT website – www.sat.justice.wa.gov.au.

Attachments

Attachments 12.02.21.01A

OCM 02.21-02

COUNCIL RESOLUTION

MOVED Cr Fancote

SECONDED Cr Hartl

That Council grant planning approval for a trade display building and open-air display area on Lot 391 Robinson Road and Lots 11 and 12 Brookton Highway, Brookton pursuant to Schedule 2 Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015, subject to the following:

Conditions

- 1. Should the development, the subject of this approval, not be SUBSTANTIALLY COMMENCED within a period of two (2) years from the date of this approval being granted, the approval shall lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the responsible authority having first been sought and obtained.***
- 2. Development of the approved trade display building and open-air display area shall be carried out in accordance with the terms of the application as approved herein, and the respective plans inclusive of site plan, floor plans and elevations that form part of this approval.***
- 3. Primary vehicle access/egress to trade display building and open-air display area shall be limited to Robinson Street and Richardson with the crossover for Richardson Road being constructed in accordance with Australian Standards to minimum two coat bitumen seal (or similar) - refer to advice note d.***
- 4. All vehicle access, manoeuvring, and parking with the property boundaries of Lot 391 Robinson Road and Lots 11 and 12 Brookton Highway shall be constructed to a minimum compacted gravel or cracker dust standard (or similar) to the satisfaction of the Local Government - refer to advice note d.***

- 5. Stormwater drainage and run-off from the approved trade display building shall be piped along the common boundary between Lot 11 and Lot 932 to the Richardson Street road reserve that forms part of the storm water drainage system for the Brookton town centre.**
- 6. A 1.0 meter wide reticulated landscape/tree planting program shall be implemented within six (6) months of this approval aligned along the open-air display area fronting Brookton Highway and around the corner fronting Richardson Street, and along the common boundary between Lot 11 and Lot 392 Richardson Street to the satisfaction of the Local Government.**

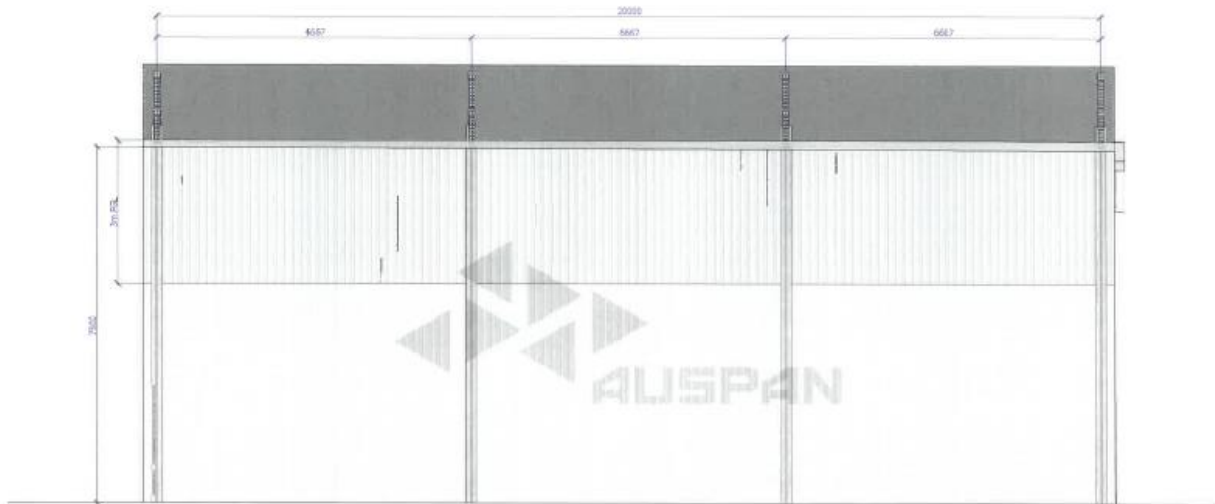
Advice Notes

The following advice notes are offered in addition to the notes provided in Form 4 of Clause 86 of the Deemed Provisions on the approval granted in condition(s) above:

- a. This approval does not confer approval under other relevant legislation, including but not limited to, the Building Act 2011. It is the responsibility of the Applicant to determine any necessary approvals required and obtain such approvals prior to the commencement of development and use. However, to assist in understanding the necessary requirements and approvals, further information can be obtained by contacting the Shire's Building section on (08) 9642 1106.**
- b. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.**
- c. The applicant is advised a Building Permit is required for the approved trade display building prior to commencement of any building works.**
- d. With reference to Conditions 3 and 4 the applicant is encouraged to contact the Shire's Manager Infrastructure and Regulatory Services on (08) 9642 1106 to gain clarity on the standard of construction required.**
- e. Should the applicant be aggrieved by the conditions of this planning approval, a right of appeal exists to the State Administrative Tribunal (SAT) subject to Part 14 of the Planning and Development Act 2005. Appeals must be lodged to SAT within 28 days. Further information can be obtained from the SAT website – www.sat.justice.wa.gov.au.**

CARRIED BY SIMPLE MAJORITY VOTE 6/0





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CLIENT
BARRY COOTE

PROJECT ADDRESS
81 ROBINSON ROAD BROOKTON WA, 6300

DATE MOORED
JANUARY 21, 2021

PROJECT NO.
5335(1)

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BG

DRAWING TITLE
A106

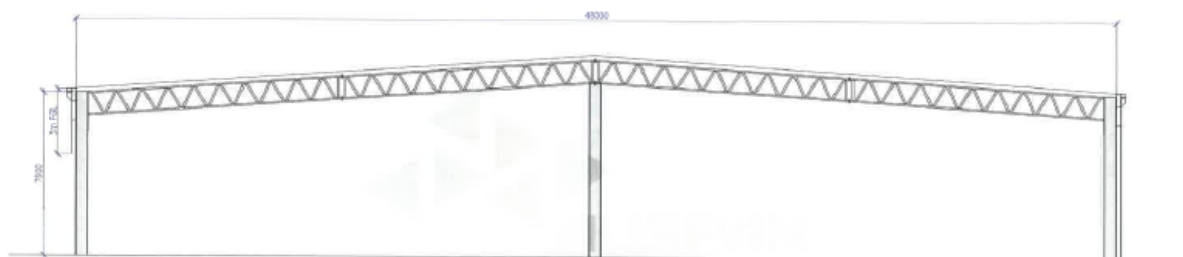
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PROJECT NAME
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CLIENT
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PROJECT ADDRESS
81 ROBINSON ROAD BROOKTON WA, 6300

DATE MOORED
JANUARY 21, 2021

PROJECT NO.
5335(1)

DRAWN
BG

DRAWING TITLE
A105

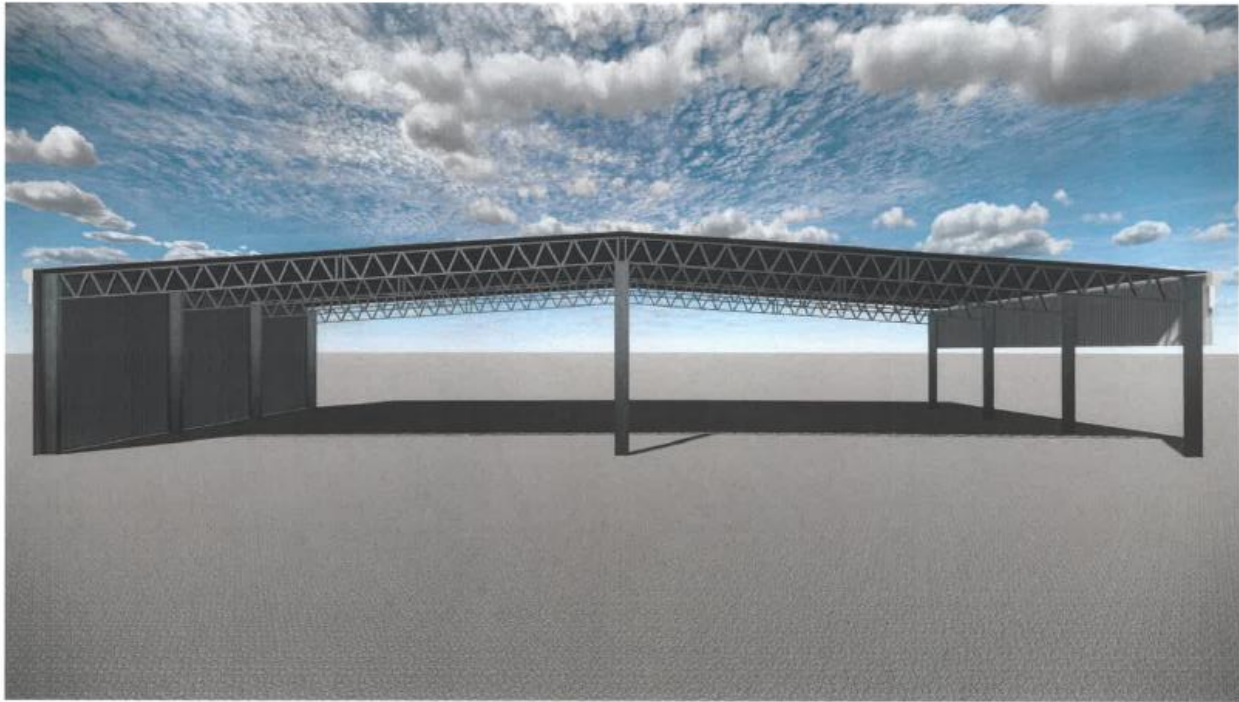
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12.02.21.02 PROPOSED SUBDIVISION AND CHANGE OF VESTING – PORTION OF BROOKTON RAILWAY RESERVES 10325 AND 14197 ROBINSON ROAD, BROOKTON

File No:	ADM0150
Date of Meeting:	18 February 2021
Location/Address:	Portion of Crown Reserves 10325 (Lot 143) and 14197 (Lot 306) Robinson Road, Brookton
Name of Applicant:	Shire of Brookton
Name of Owner:	Public Transport Authority (PTA)
Author/s:	Ian D'Arcy – Chief Executive Officer
Authorising Officer:	As above
Declaration of Interest:	The author has no interest in this item
Voting Requirements:	Recommendation 1 and 3 – Simple Majority Recommendation 2 – Absolute Majority
Previous Report:	21 March 2019

Summary of Item:

This report relates to the creation of a new Crown Reserve that encompasses the existing lease area of the Brookton Railway Reserve that predominantly falls under an existing 'Licence to Occupy' agreement with the Shire of Brookton. Discussion via correspondence with the Managing Director of the Public Transport Authority (PTA) has offered support for excision of the subject land from existing Crown Reserves 10325 (Lot 143) and 14197 (Lot 306), with this land being vested in the Shire subject to approval from the Minister for Lands. **Figure 1** below provides an illustration of this proposal with the subject area shaded in yellow.



Figure 1 – Plan of the proposed Railway Reserve Excision Area

Description of Proposal:

As above.

Background:

The Brookton Railway Reserve is Crown Land vested with the WA Public Transport Authority (PTA) that incorporates the main rail corridor, together with the peripheral land area that historically accommodated the Station and signal buildings, passenger boarding platform, cargo lay down and storage areas, and workshop facilities.

In 1988 the Shire accepted responsibility for maintaining and using a central portion of this land (other than the main rail corridor) that is located between Brookton Highway, Robinson Road, William Street and the second 'level crossing' to the south, for community benefit.

This had seen the Council entertain rolling 10 year licence agreements with the PTA, which has provided impetus for Council to focus on preserving the Railway Station's history and presence through a beautification project of Robinson Road (the Main Street) incorporating the main station building, platform and surrounds to:

- a) Reflect an importance of rail as part of the Shire's agricultural history; and
- b) Serve as the central feature for Robinson Road streetscape, being predominantly recognized as the Brookton Town Centre.

With the Licence to Occupy expiring on the 30th June 2018, the Council proceeded to renew the agreement for a further 10 years. At the time of renewal an enquiry was also made on the possibility of acquiring some the Railway Reserve land. This enquiry received the following response via return email:

"However, PTA can only offer under its Act a maximum of a 10 year lease term – and freehold is out of the question."

Figure 2 below provides an understanding of 3.95 hectares licence area of the Railway Reserve under the current 10 year licence agreement.



Figure 2 – Plan of Current Railway Reserve Licence Area

In part, the current agreement stipulates:

- The licence is for a maximum period of 10 years (governed by legislation);
- The Licensee (Shire) is to indemnify the Licensors (PTA) through execution of the licence on all matters pertinent to the licence area;
- The rail line/corridor is to be fenced at the Licensee's cost;
- The Licensee is responsible for maintaining, managing and carrying suitable public liability insurance (min. \$20m) for the licence area;
- The licence area can only accommodate community use/benefit (that is no commercial activity or leasing is permitted, including that of the railway station rooms);
- Additional works (ie electrical, lighting, tree planting) requires the prior consent of the PTA.

Given concerns over the structural integrity of the Railway Station building, an engineer was commissioned to perform an assessment of the building. This was completed in September 2019 with following recommendation being included in the Engineer's assessment.

“Comprehensive assessment of the entire Railway Station building was not completed, therefore the structural integrity of every structural post and other structural components are unknown. Without a

more comprehensive assessment the entire building should be closed and cordoned off denying public access.”

Subsequently, barrier fencing around the Station building was erected to ensure safety to the general public with the Shire (and PTA) needing to uphold its duty of care.

Advice was then sought from LGIS, the Shire’s insurers, particularly on the public liability in relation to the Station building and more broadly the licence area and agreement with the PTA. In addressing Council on this matter, LGIS representatives advised that the current licence agreement imposes on Council all liability in relation to duty of care, including that of the PTA not covered under the Shire’s insurance cover. This presents an issue. It also prompted assistance from LGIS to perform an assessment on the public safety risk, and consequently a liability risk to the Shire. This assessment concluded in March 2020 with a risk assessment report being submitted to Council in April 2020. Amongst other things the report states:

“It is not the role of the Shire to eliminate all risk of personal injury to visitors. That said, as licensee, the Shire is obliged to ensure that the site is fit for purpose and where visitors access the site they would expect to be able to do so without suffering a foreseeable risk injury. Based on our site observation of 26 March 2020, our view is that it is reasonably foreseeable that a person may sustain an injury and consequently make a claim against the Shire because of the condition of the site.”

Considering this advice, a further approach was made to Burgess Rawson Property Managers and then directly with the PTA to revisit the licence agreement regarding the footprint of the licence area, condition of the Railway Station building, and conditions applied to the licence agreement. This subsequently coincided with an approach by the Friends of the Brookton Railway Station Committee to the PTA regarding a community petition to save the Railway Station building. The response on the 24th November 2021 via email from the Managing Director of the PTA (copied in to the Shire) in part stated:

“The PTA would support the Shire formally taking over the management of the building and land it currently leases from PTA (excluding any portions within the rail freight corridor). If the Shire is interested in this option, it requires the Shire to write to the PTA requesting the subdivision of the building and land from the railway reserve. Upon receipt of this request from the Shire the PTA would then, subject to the appropriate approvals being obtained, write to DPLH supporting the subdivision of the land from the railway reserve and transferring the management of the land to the Shire.”

Clarification was immediately sought given this information had not completely been explained by Burgess Rawling Property Consultants previously. The PTA responded on the 11th December 2020 to the Shire, stating:

“I confirm the agent’s response is correct regarding the length of lease term being a maximum of 10 years (unless PTA obtains its Minister’s specific approval for a longer term) and the land is held as a crown reserve for railway purposes, not freehold. Therefore, PTA is not in a position to agree freehold transfer of the land. If the Shire wants to take over the management of the Brookton Station building and surrounding land, the PTA would support, subject to all required approvals, the excision of this land from the rail reserve by subdivision, transfer the land back to the State c/DPLH to create a management order for the Shire to take over management of the Brookton Station and associated land.”

Based on this response Council’s position is now sought on formally subdividing the subject land (as illustrated in **Figure 1**) from the Railway Reserves 10325 and 14197 to create a new Crown Reserve with a designated purpose of ‘Railway Heritage and Community Use’ (or similar) that includes the power to lease under a standard Management Order granted to the Shire by the Minister for Lands.

Statutory Environment:

Pursuant to sections 41, 46, 50 and 51 of the *Land Administration Act, 1997* the Minister for Lands may set aside Crown land as a Reserve for a particular purpose that is deemed in the public interest.

Specifically, Section 51 states:

51. *Cancelling, changing etc. reserves, Minister's powers as to*

Subject to sections 42, 43 and 45, the Minister may by order cancel, change the purpose of or amend the boundaries of, or the locations or lots comprising, a reserve.

As to an allocation of additional funding for this purpose in the 2020-21 annual budget, this can be performed in accordance with Section 6.2 (1) of the *Local Government Act, 1995*.

Relevant Plans and Policy:

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

Financial Implications:

It is possible that subdivision costs such as survey fees and transfer charges may apply to this proposal. Additional costs may also be incurred if installation of any services is required, but this will not be known until the subdivision progresses.

On estimate an allocation of \$7,500 is initially advisable, with these costs being taken from the Railway Station Financial Reserve that has a current balance of \$296,266.

As to the Railway Reserve more broadly there is considerable recurrent cost in maintaining and upgrading the licence area, where the Council had previously spent approximately of \$30,000 each year on the existing buildings, infrastructure and gardens, and inclusive of general maintenance, insurance, utility costs, etc. In addition, Council in accepting management of a new Crown Reserve will still need to address as a minimum, and in the near future:

- The integrity of the Railway Station building (structurally and aesthetically) and surrounds, with an estimate that this could cost between \$250,000 and \$500,000 depending on the extent of foundation works and possible demolition costs, if applicable.
- Erection of suitable barrier fencing, signage and lighting, as well as improved delineation of walk trails to mitigate risk, and as address liability issues as identified by LGIS. While accurate costings is yet to be determined, it is broadly estimated these works could amount to approximately \$60,000. Notably, these are not annual recurrent costs, although ongoing maintenance and ultimately replacement costs will need to be a consideration over the longer term.

Additionally, there may need to be a budget allocation for the provision of long vehicle parking to the south the existing public toilets on Robinson Road, with again the cost being a variable depending on the standard pavement, and provision of signage, kerbing, line-marking and drainage provided.

Risk Assessment:

Presently, the risk to the Shire is assessed between 'High' and 'Severe', as reflected in the risk matrix table below. This is due to:

1. The third-party liability imposed on the Shire under the current 'Licence to Occupy' agreement.

2. A very dilapidated Railway Station building that presents a public safety risk and also detracts from the Robinson Road streetscape due to the temporary barrier fence currently in place.
3. A need for further works to be performed within the 'Licence to Occupy' area to address liability concerns in relation to the active train line adjacent.

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

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

Community & Strategic Objectives:

This proposal relates to the Brookton 20, specifically aspirations:

- 14 – History, Heritage, Recreation and Culture
- 18 – Town Precinct
- 19 – Buildings

It also aligns to the delivery of core business and services detailed in the Shire of Brookton Corporate Compendium – 2020, duly appended to the Next Generation BROOKTON Corporate Business Plan <2024 with reference to:

Function 9 Asset Management

Action 9.6 – Review Asset Management Plan – Brookton Railway Station and Surrounds

Comment

It is suggested the subdivision of the existing Crown Reserves will go a considerable way to addressing current risk and liability concerns, while increasing autonomy for Council to progress future redevelopment of the Railway Station building and accompanying Reserve land.

However, in supporting a new Crown Reserve the Council needs to be mindful this process may take some 12 – 18 months. During this time, the existing temporary barrier fencing will need to remain in place, although the Council may also choose to progress:

- a) Other works (ie fencing, lighting, signage, and improved definition of walkways) to reduce current liability and enhance usability.
- b) A similar public consultation process on the Railway Station building consistent with the

Community Hall. This can be further discussed with Councillors at the March or April 2021 Corporate Briefing Forum (CBF).

OFFICER'S RECOMMENDATION 1

That Council requests:

1. The Minister for Land's approval pursuant to Section 51 of the Land Administration Act, 1997 to subdivide Crown Reserves 10325 (Lot 143) and 14197 (Lot 306) Robinson Road Brookton, as generally depicted in Figure 1 of this report, to create a new Crown Reserve with a designated purpose of 'Railway Heritage and Community Use' (or similar) and power to lease under a standard Management Order granted to the Shire of Brookton.
2. The Public Transport Authority's written support for the proposed subdivision of Crown Reserve 10325 (Lot 143) and 14197 (Lot 306) Robinson Road Brookton, as generally depicted in Figure 1 of this report, to create a new Crown Reserve with a designated purpose of 'Railway Heritage and Community Use' (or similar) and power to lease under a standard Management Order granted to the Shire of Brookton.

OFFICER'S RECOMMENDATION 2

That Council allocates in accordance with Section 6.2 (1) of the Local Government Act, 1995 an amount of \$10,000 to be taken for the Brookton Railway Financial Reserve to cover all relevant costs associated with the subdivision of Crown Reserve 10325 (Lot 143) and 14197 (Lot 306) Robinson Road Brookton and the creation of a new Crown Reserve to be vested with the Shire of Brookton.

OFFICER'S RECOMMENDATION 3

That Council in relation to the Brookton Railway Reserve requests the CEO progresses:

1. Other works (ie. fencing, lighting, signage, and improved definition of walkways) to reduce current liability and enhance usability within the allocated funding under the 2020-21 budget.
2. Discussion at the March or April 2021 Corporate Briefing Forum (CBF) on a public consultation process for the Railway Station building.

OCM 02.21-03**COUNCIL RESOLUTION****MOVED Cr Hartl SECONDED Cr Lilly*****That Council requests:***

- 1. The Minister for Land's approval pursuant to Section 51 of the Land Administration Act, 1997 to subdivide Crown Reserves 10325 (Lot 143) and 14197 (Lot 306) Robinson Road Brookton, as generally depicted in Figure 1 of this report, to create a new Crown Reserve with a designated purpose of 'Railway Heritage and Community Use' (or similar) and power to lease under a standard Management Order granted to the Shire of Brookton.***
- 2. The Public Transport Authority's written support for the proposed subdivision of Crown Reserve 10325 (Lot 143) and 14197 (Lot 306) Robinson Road Brookton, as generally depicted in Figure 1 of this report, to create a new Crown Reserve with a designated purpose of 'Railway Heritage and Community Use' (or similar) and power to lease under a standard Management Order granted to the Shire of Brookton.***

CARRIED BY SIMPLE MAJORITY VOTE 6/0**OCM 02.21-04****COUNCIL RESOLUTION****MOVED Cr Hartl SECONDED Cr Fancote*****That Council allocates in accordance with Section 6.2 (1) of the Local Government Act, 1995 an amount of \$10,000 to be taken for the Brookton Railway Financial Reserve to cover all relevant costs associated with the subdivision of Crown Reserve 10325 (Lot 143) and 14197 (Lot 306) Robinson Road Brookton and the creation of a new Crown Reserve to be vested with the Shire of Brookton.******CARRIED BY ABSOLUTE MAJORITY VOTE 6/0*****OCM 02.21-05****COUNCIL RESOLUTION****MOVED Cr Lilly SECONDED Cr Hartl*****That Council in relation to the Brookton Railway Reserve requests the CEO progresses:***

- 1. Other works (ie. fencing, lighting, signage, and improved definition of walkways) to reduce current liability and enhance usability within the allocated funding under the 2020-21 budget.***
- 2. Discussion at the March or April 2021 Corporate Briefing Forum (CBF) on a public consultation process for the Railway Station building.***

CARRIED BY SIMPLE MAJORITY VOTE 6/0

13.02.21 COMMUNITY SERVICES REPORTS

Cr Crute (Shire President) declared a financial interest in Item 13.02.21.01.

Cr Walker (Deputy Shire President) declared an impartial interest in item 13.02.21.01.

With the Shire President and Deputy Shire President seeking to leave the room, a motion was called for another elected member to preside over the meeting for Item 13.02.21.01.

OCM 02.21-06

COUNCIL RESOLUTION

MOVED Cr Fancote SECONDED Cr Hartl

That Council elect's Cr Lilly to preside as the Chair over Item 13.02.21.01.

CARRIED BY SIMPLE MAJORITY VOTE 6/0

Cr Lilly assumed the chair and both Cr Crute and Cr Walker left the meeting at 6.08pm.

13.02.21.01 2021 CSRFF SMALL GRANTS APPLICATION – BROOKTON COUNTRY CLUB INC.

File No:	ADM0322
Date of Meeting:	18 February 2021
Location/Address:	11207 Great Southern Highway, Brookton
Name of Applicant:	Administration Officer – Katrina Crute
Name of Owner:	Brookton Country Club (Inc)
Author/s:	Kellie Bartley – Manager Corporate and Community
Authorising Officer:	Ian D'Arcy – Chief Executive Officer
Declaration of Interest:	The author has no financial interest in this matter.
Voting Requirements:	Simple Majority
Previous Report:	N/A

Summary of Item:

For Council to consider endorsement of an application to the Community Sporting and Recreational Facilities Fund Small Grants (CSRFF) program of the Department of Local Government, Sport and Cultural Industries (DLGSCI) that has been received from the Brookton Country Club (Inc) (BCC).

Description of Proposal:

A request has been received from the BCC for endorsement the project of the removal and replacement of 34 'T' Boxes on the Brookton Golf Course.

A copy of the letter of request is appended to this report as **Attachment 13.02.21.01B**.

For clarification, a 'T' box consists of coloured markers that signifies where different categories of players must Tee off on each fairway of the golf course – see **Figure 1** below.



Figure 1 – Illustration of a 'T' Box

A copy of the CSRFF application is appended to this report as **Attachment 13.02.20.01A**.

Background:

The DLGSCI has an established CSRFF to assist sporting associations to improve their facilities. The DLGSCI encourages shared use of facilities and seeks to fund priority projects that can demonstrate completion that will lead to increased participation in physical activity by new participants.

Under the terms of the CSRFF, projects must receive endorsement by their local authority as part of the application process. There is no requirement through this process that the local authority provide any financial support or in-kind contribution to projects that it endorses. Where more than one application is received for any funding round, the DLGSCI requires the local government authority to prioritise the projects.

With this current round of CSRFF funding, subject to Council endorsement the applications must be submitted to the Wheatbelt Office of the DLGSC by the 4pm on 31 March 2021.

If the grant is supported, the BCC is anticipating an increased number of visitors using the facility, for either Competition Rounds or simply the “Day Drive” along the Great Southern or Brookton Highways heading into Brookton.

The site is supported by Brookton Country Club, which has two (2) sports, Golf and Bowling. Membership has been at a steady number over the last 3 years, with this in mind, the COVID-19 Pandemic has affected all sporting, community and volunteer groups.

The proposed timeframe is to commence site works in October 2021 and to have the completion of the project by 31 March 2022. This will co-inside with the Golf Clubs 2021 Season.

Consultation:

Consultation has occurred between the BCC and the Shire Officers. Shire Officers have had further consultation that has been undertaken with the Department of Sport and Recreation (Ms. Jennifer Collins) to verify support in principle from the Department.

Statutory Environment:

There is no other existing plans or policies that apply to this matter. However, **Figure 2** below provides an understanding of the Brookton Golf Course recognizing the new 'T' Boxes will be position at the beginning of each fairway.

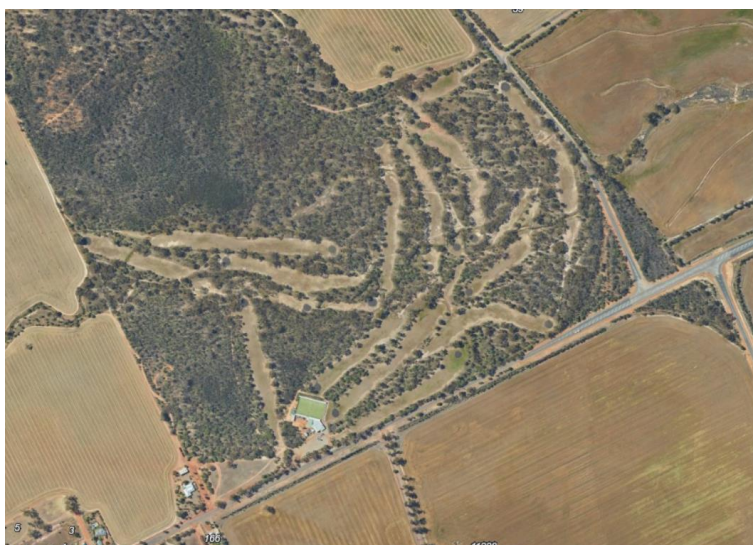


Figure 2 – Aerial of Brookton Golf Course

Relevant Plans and Policy:

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

Financial Implications:

There are no provisions in the 2020/21 Annual Budget for this item. However, the BCC is not seeking any financial support from Council with the BCC accepting to pay all the relevant costs associated with this grant application.

The total project expenditure is quoted at approximately under \$29,000.00 including GST.

Risk Assessment:

The risk in relation to this matter is assessed as 'LOW' on the basis that if Council is not liable for any cost and the 'T' Boxes are standard low-key equipment for a golf course. There is no reason for Council not to support this request.

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

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

Community & Strategic Objectives:

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

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

- 23. *Facilities Management*
 - 23.4 *Manager Community lease agreements*
- 24. *Community Support*
 - 24.1 *Support community group activities*

Comment

From an officer perspective the application is worthy of endorsement. The BCC grant proports that the replacement of the original 'T' Boxes, more than 50 years old, are no longer functional and fit for purpose. The request to replace the existing with synthetic 'T' Boxes is a small step in upgrading the golf course and reducing maintenance.

OFFICER'S RECOMMENDATION

That Council endorses the application received from the Brookton Country Club (Inc) for the Department of Sport and Recreation Community Sporting and Recreational Facilities Fund Small Grants funding, as contained in Attachment 13.02.21.01A to this report.

OCM 02.21-07

COUNCIL RESOLUTION

MOVED Cr Fancote SECONDED Cr Watts

That Council endorses the application received from the Brookton Country Club (Inc) for the Department of Sport and Recreation Community Sporting and Recreational Facilities Fund Small Grants funding, as contained in Attachment 13.02.21.01A to this report.

CARRIED BY SIMPLE MAJORITY VOTE 4/0

Attachments

Attachment 13.01.21.01A – Brookton Country Club (Inc) – CSRFF Small Grants Application 2021
 Attachments 13.01.21.01B – Letter of Support – Brookton Country Club – CSRFF Grants support



Department of
Local Government, Sport
and Cultural Industries

Office Use Only

TRIM: _____

Grant No: _____

Project Coordinator: _____

CSRFF Small Grants Application Form

For projects up to \$300,000 to be acquitted by 15 June 2022

You **MUST** discuss your project with an officer from your nearest Department of Local Government, Sport and Cultural Industries office before completing and submitting your application. Failure to do so will render your project ineligible.

All applications **MUST** be submitted to your local government. Contact your local government to determine the cut-off date for the submission of applications.

DLGSC Contact: Jenifer Collins

Date: 11/01/2021

Office: Northam

Applicant's Details:

Organisation Name:	Brookton Country Club (Inc.)				
Postal Address:	PO Box 190				
Suburb:	Brookton	State:	WA	Postcode:	6306
Street Address:	11207 Great Southern Highway				
Suburb:	Brookton	State:	WA	Postcode:	6306

Preferred Contact Person:

All application correspondence will be directed to this person

Name:	Katrina Crute		Title:	Dr <input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input checked="" type="checkbox"/> Ms <input type="checkbox"/>
Position Held:	Administration Officer			
Business Phone:	96421190	Facsimile:		
Mobile Phone:	0439373282	Email:	mail@brooktoncountryclub.com.au	

Organisation Business Details:

Does your organisation have an ABN?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	ABN: 23705669833
Is your organisation registered for GST?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	* Note, in order to be eligible for funding you must attach a copy of the Incorporation Certificate. LGA's exempt
Is your organisation not-for-profit?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Is your organisation incorporated?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Bank details:	Bank: Bendigo Bank	BSB: 633000 A/c: 144971769

Local Government Authority Details:

LGA:	Shire of Brookton			
Contact:	Ian D'arcy	Title:	Dr <input type="checkbox"/> Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/>	
Position Held:	Chief Executive Officer			
Business Phone:	96421108	Facsimile:		
Mobile Phone:		Email:	mail@brookton.wa.gov.au	

PROJECT DETAILS

Project Title (brief and specific): Golf Course T Box installation

Project Description:

The removal and replacement of 34 T Boxes on the Golf Course

How did you establish a need for your project?

The T Boxes are the original boxes put in place by members over 50 years ago, they are no longer functional and fit for purpose. They require full refurbishment and best practice is to make them synthetic T Boxes.

What alternatives were considered and why were they rejected (e.g cost, suitability, feasibility)?

There was some initial discussion about removing the T Boxes all together and having them flush with the fairways; this would then require additional turf maintenance and water to maintain a grass coverage over them. It was viewed by the club that the synthetic T Boxes would require minimal ongoing maintenance and would be easier to replace in time.

Have the full lifecycle costs of the project been considered and can you afford the ongoing costs of managing, maintaining and replacing the facility? Will a specific asset replacement fund be created?

The Country Club already has an Asset Replacement Reserve that has a maintained balance of \$25,000; the installation of the new T Boxes, will become part of the Asset Deprecation Schedule and sufficient funds will be set aside according to the life expectancy of the T Boxes, to ensure that funds are available when the synthetic tops need replacing. If the assumption of the Bowling Surface is taken as the same for the T Boxes, we can expect the synthetic surface to last somewhere between 13 – 15 years. The Synthetic top of the T Boxes is the cheapest part of the new boxes.

Project location:	11207 Great Southern Highway Brookton		
Land ownership:	Who owns the land on which your facility will be located? Shire of Brookton through a vesting order with the State Government Lease Expiry (if applicable): 30 th June 2027		
Planning approvals	None required	If no, provide the date it will be applied for:	
Where applicable, has planning permission been granted? (LGA)	Yes <input type="checkbox"/> No <input type="checkbox"/>	___/___/___	
Aboriginal Heritage Act?	Yes <input type="checkbox"/> No <input type="checkbox"/>	___/___/___	
Department of Biodiversity, Conservation and Attractions? (Environmental, Swan River)	Yes <input type="checkbox"/> No <input type="checkbox"/>	___/___/___	
Native Vegetation Clearing Permit?	Yes <input type="checkbox"/> No <input type="checkbox"/>	___/___/___	
Please list any other approvals that are required?	Yes <input type="checkbox"/> No <input type="checkbox"/>	___/___/___	

How will your project increase physical activity? We anticipate that by having T Boxes that are nicer to play on, will increase the number of visitors using our facility, whether for a Competition Round, or simply to call in on their way past for a round of Golf.

Do you share your facility with other groups? Yes ☒ No ☐ If so, who: The Brookton Country Club is a collocated club, that has Golf & Bowls played on site.

List the main sport and recreation activities (maximum of 3) which will benefit from your proposal. Please indicate the approximate % usage of the facility (or part of the facility relating to this proposal).

Sport/community organisation	% use of the facility	Hours per week
Golf (Winter)	90	14
Golf (Summer)	10	3

Activity/sport membership numbers over the past three years relevant to your project. For example, if a bowls project, golf members not relevant; social membership numbers not applicable.

Note: if membership is not applicable, ie recreation facility or aquatic centre, enter the number of users of the facility.

2017/18	60	2018/19	69	2019/20	63 (51 M/ 12 F)
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State Sporting Associations are involved in the assessment of applications and may be able to provide valuable information when planning your project, particularly in relation to technical design issues. They should be consulted as part of the application process. A complete list of State Sporting Associations and their contact details are available on the department's website: <https://www.dlgsc.wa.gov.au/sport-and-recreation/state-sporting-associations>

What is the name of the State Sporting Association for your activity/sport?	
Golf WA	
Have you discussed your project with your State Sporting Association?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Contact Name: Gary Thomas	Date of contact: 27 th December 2020

PROJECT DELIVERY

Please indicate key milestones of your project. The key milestones need to be realistic and demonstrate that the project can be delivered in the timeframe.

Task	Date
Attainment of Council approvals	Nil
Preparation of tender/quotes for the major works contract	Nil
Issuing of tender for major works	Nil
Signing of major works contract	Nil
Site works commence	10 th October 2021
Construction of project starts	10 th October 2021
Project 50% complete	31 st December 2021
Project Completed	31 st March 2022
Project hand over and acquittal	May 2022

Are there any operational constraints that would impact on the construction phase of your project? (such as your sporting season, major annual event or inclement weather) – provide details. Projects that are delayed due to undeclared known constraints are not eligible for a deferral.

The old T Boxes can not be removed until the end of the 2021 Golf Season, which usually finishes around the 10th October and the new T Boxes will need to be fully installed prior to the start of the 2022 Golf Season which is usually around the 10th April. Summer Golf, will make alternate arrangements for T Boxes for the duration of the refurbishment.

GST

Grant payments are payable to the applicant/grantee only. This may have taxation implications for grantees. If grantees wish specific advice relating to their grant, this can be obtained from the Australian Taxation Office (ATO). Please note depending upon the value of the project and/or grant, the ATO may require an organisation be registered for GST. If the applicant is registered for GST, the grant is grossed up with the GST amount.

PRIVACY STATEMENT AND STATEMENT OF DISCLOSURE

The Organisation acknowledges and agrees that this Application and information regarding it is subject to the *Freedom of Information Act 1992* and that the Grantor may publicly disclose information in relation to this Application, including its terms and the details of the Organisation.

Any information provided by you to DLGSC can be accessed by you during standard office hours and updated by writing to DLGSC or calling (08) 9492 9700. All information provided on this form and gathered throughout the assessment process will be stored on a database that will only be accessed by authorised departmental personnel and is subject to privacy restrictions.

DLGSC may wish to provide certain information to the media for promotional purposes. The information will only include the applicant's club name, sport, location, grant purpose and grant amount.

APPLICANT'S CERTIFICATION

I certify that the information supplied is to the best of my knowledge, true and correct.

Katrina Crute

Name:

Position Held: **Secretary/Treasurer**

Signature:



Date: **1st February 2021**

LODGEMENT OF YOUR APPLICATION

- Applications including all attachments are to be received electronically and officially submitted to csrff@dlgsc.wa.gov.au by the cut off date. A hard copy can also be provided and should be clipped at the top left-hand corner, please do not bind.
- It is recommended that you **retain your completed application form**, including attachments for your own records and future audit purposes.
- All **attachments** and supporting documentation (see next section) should be **clearly named and identified** and submitted with the application form.
- **Applications must be submitted to your Local Government Authority** by the Local Government's advertised cut-off date to ensure inclusion at the relevant Council Meeting.

The following documentation must be included with your application. Applicants may wish to supply additional RELEVANT information.

<input checked="" type="checkbox"/>	Application form.
<input checked="" type="checkbox"/>	Incorporation Certificate.
<input checked="" type="checkbox"/>	Two written quotes.
<input checked="" type="checkbox"/>	If your project involves the upgrade of an existing facility, include photograph/s of this facility.
<input checked="" type="checkbox"/>	Locality map, site map and building plans (in relevant constructions projects), including where the proposed facility is located in relation to other sport and recreation infrastructure.
<input checked="" type="checkbox"/>	Income and expenditure statements for the current and next financial years. (LGAs exempted).
<input checked="" type="checkbox"/>	Written confirmation of financial commitments from other sources including copies of council minutes . (If a club is contributing financially then evidence of their cash at hand must be provided).
<input type="checkbox"/>	For resurfacing projects, a written guarantee from the supplier of the product that clearly identifies the product's life expectancy.
<input type="checkbox"/>	Itemised project cost for components and identified on the relevant quote for each (including cost escalation).
<input type="checkbox"/>	For floodlighting projects, a lighting plan must be supplied showing lux, configuration and sufficient power supply

Your application will be considered not eligible if:

- You have not discussed your project with the Department of Local Government, Sport and Cultural Industries and your State Sporting Association.
- You do not meet the eligibility criteria for the grant category to which you are applying.
- You have not included with your application all the relevant required supporting documentation. **There is no onus on Department staff to pursue missing documentation.**
- Applicants/projects that have received a CSRFF grant in the past and have not satisfactorily acquitted that grant. In some cases this may apply to localities where other significant projects have not been progressed or have not completed a previous project in accordance with the conditions of the grant provided. An assessment will be made in October and if no physical progress has occurred, new applications may not be recommended.
- It is not on the correct application form.
- The project for which application is made is specifically excluded from receiving CSRFF support.

DEVELOPMENT BONUS APPLICANTS ONLY

If you applied for a CSRFF grant for more than one third of the cost of the project, please provide evidence of meeting at least one of the following criteria.

You MUST contact your local DLGSC office to determine eligibility before applying.

Category	Details
Geographical location	<input type="checkbox"/> Regional/remote location <input type="checkbox"/> Growth local government
Co-location	<input type="checkbox"/> New <input type="checkbox"/> Existing
Sustainability initiative	<input type="checkbox"/> Water saving <input type="checkbox"/> Energy reduction <input type="checkbox"/> Other
Increased participation	<input type="checkbox"/> New participants <input type="checkbox"/> Existing participants – higher level <input type="checkbox"/> Special interest <input type="checkbox"/> Other

ESTIMATED EXPENDITURE

PROJECT BUDGET

Please itemise the components of your project in the table below, indicating their cost and which quote or part of quote was used to estimate this. Quantity Surveyor costs will be accepted however the responsibility lies with the applicant to ensure the validity of the information. A contingency allowance is considered an acceptable component. **PLEASE ITEMISE BY COMPONENT** (e.g changerooms, storage, kitchen) rather than materials (electrician, plumber, finishings).

Project Description (detailed breakdown of project to be supplied)	\$ Cost ex GST	\$ Cost inc GST	Quote Used (list company name and quote no)
ie Electrical Works	25,000	27,500	B & S Electrical
Limestone Blocks (for the T Box Surround)	3749.10	4124.00	MeteorStone – Only one supplier for the limestone blocks could be sourced (where we could pick them up direct)
Synthetic Turf	6836.36	7520.00	Rexturf (Artificial Lawn) – Only one supplier for the turf could be identified
Rubber fill (For Synthetic Turf) (ex Melbourne)	3550.00	3905.00	Tyre Crumb – Couldn't source another supplier. Freight component \$2900 ex gst, is uncertain due to changing nature of freight into WA due to the pandemic.
Freight of Limestone Blocks & Rubber (Perth to Brookton)	1032.40	1135.64	Tianco Transport – Only one Transport company in Brookton that can freight these products, would prefer to use local businesses where possible
Donated materials (Please provide cost breakdown)	4930	4930	1 Loader @ ½ hr per box x 34 boxes @ \$150/hr = \$2550 1 Truck @ ½ hr per box x 34 boxes @ \$140/hr = \$2380
Volunteer labour (Please provide cost breakdown)	5100	5100	3 Volunteers @ 2 hrs per box x 34 boxes @ \$25/hr = \$1700 Volunteers will be installing new boxes, old boxes will be removed by Loader & Truck.
Sub Total	25,197.86	26,714.65	
Cost escalation	1516.78	1668.45	10% cost escalation has been assumed on purchased materials, due to the time between quotes & project commencement.
a) Total project expenditure	26,714.64	28,383.10	

- At least **two written quotes** are required for each component.
- If your project is a floodlighting installation or upgrades, please ensure that the power supply is sufficient and no upgrade will be required. If upgrade is required and not budgeted for, the grant will immediately be withdrawn. A **lighting plan** must be supplied showing lux and configuration.
- Projects that do not meet **Australian Standards** are ineligible for funding.

PROJECT FUNDING

Source of funding	\$Amount ex GST	\$ Amount inc GST		Funding confirmed Y / N	Comments to support claim (please attach relevant support)
Local government	0		LGA cash and in-kind		
Applicant cash	7,868.81	8,655.69	Organisation's cash		
Volunteer labour	5100.00	5100	Cannot exceed applicant cash and LGA contribution – max \$50,000		
Donated materials	4930.00	4930	Cannot exceed applicant cash and LGA contribution		
Other State Government funding					
Federal Government funding					
Other funding – to be listed			Loans, sponsorship etc		
CSRFF request (No Development Bonus)	8,815.83	9,697.41	up to 1/3 project cost	N	
or CSRFF request (Development Bonus)			Up to ½ project cost	N	
b) Total project funding	26,714.64	26,802.84	<i>This should equal project expenditure as listed on the previous page</i>		

REQUIRED: If the funding approved is less than funding requested for this project, or the project is more expensive than indicated, where would the extra funds be sourced from? Is this funding confirmed? If the project scope would be reduced, which components would be revisited?

The Management Committee of the Brookton Country Club are committed to the replacement of the T Boxes, the Club will be commencing the project in October 2021 and completing it by June 2022 irrespective of the outcome of the CSRFF grant application. The Country Club has funds in reserves that will cover any shortfall in funding that may arise.

NB: The Brookton Country Club is a shared facility hosting Bowls & Golf in a shared clubhouse, with separate 12 Rink Bowling surface, surrounded by a 18 hole Golf Course.

GST

Grant payments are payable to the applicant/grantee only. This may have taxation implications for grantees. If grantees wish specific advice relating to their grant, this can be obtained from the Australian Taxation Office (ATO). Please note depending upon the value of the project and/or grant, the ATO may require an organisation be registered for GST. If the applicant is registered for GST, the grant is grossed up with the GST amount.

PROJECT ASSESSMENT SHEET

This page is for the use of the relevant Local Government Authority to be used for both community and LGA projects. Please **attach copies of council minutes** relevant to the project approval.

Name of Local Government Authority:
Name of Applicant:

Note: The applicant's name cannot be changed once the application is lodged at DLGSC.

Section A

The CSRFF principles have been considered and the following assessment is provided:
(Please include below your assessment of how the applicant has addressed the following criteria)

All applications

	Satisfactory	Unsatisfactory	Not relevant
Project justification	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Planned approach	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Community input	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Management planning	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Access and opportunity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Design	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Financial viability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Co-ordination	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Potential to increase Physical activity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sustainability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Section B

Priority ranking of no of applications received	of applications received
Is this project consistent with the	<input type="checkbox"/> Local Plan <input type="checkbox"/> Regional Plan
Have all planning and building approvals been given for this project?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If no, what approvals are still outstanding?	

Project Rating (Please tick the most appropriate box to describe the project)

- | | | |
|---|--|--------------------------|
| A | Well planned and needed by municipality | <input type="checkbox"/> |
| B | Well planned and needed by applicant | <input type="checkbox"/> |
| C | Needed by municipality, more planning required | <input type="checkbox"/> |
| D | Needed by applicant, more planning required | <input type="checkbox"/> |
| E | Idea has merit, more planning work needed | <input type="checkbox"/> |
| F | Not recommended | <input type="checkbox"/> |

Please complete the questions attached. This assessment is an important part of the CSRFF process and your answers to these questions assist the committee make their recommendations, even if you are the applicant. Please provide a summary of any attachments in your assessment, rather than referring to attachments or external documents such as Council Minutes.

<p>1. Please confirm your contribution to the project, whether it has been formally approved (including financial year for which it is approved) and any conditions on the funding. If no funding has been provided, why not?</p>
<p>2. A) <i>If a community group application:</i> Do you believe the project is financially viable, including the applicant's ability to provide upfront contributions, ongoing payments and contributions to an asset replacement fund. Does council commit to underwriting any shortfalls as the ultimate asset owner?</p> <p>B) <i>If a council application:</i> Is Council fully aware of the ongoing cost of operating and maintaining this facility and does your organisation have the capacity to service it into the future? How are the user groups contributing to the ongoing cost of operating the facility?</p>
<p>3. Please provide any additional comments regarding this applications merit against the assessment criteria to support your project rating and ranking.</p>

Signed

Position

Date

Applications for CSRFF funding must be submitted to the Department of Local Government, Sport and Cultural Industries by **4pm on 31 March 2021**. Late applications cannot be accepted in any circumstances.

DLGSC OFFICES

PERTH OFFICE

246 Vincent Street
Leederville WA 6007
GPO Box 8349
Perth Business Centre WA 6849
Tel: (08) 9492 9700
CSRFF@dlgsc.wa.gov.au

MID-WEST

Level 1, 268-270
Foreshore Drive
PO Box 135
Geraldton WA 6531
Tel: (08) 9956 2100
midwest@dlgsc.wa.gov.au

PILBARA

Karratha Leisure plex
Dampier Hwy, Karratha
PO Box 941
Karratha WA 6714
Tel: (08) 9182 2100
pilbara@dlgsc.wa.gov.au

GASCOYNE

4 Francis Street
PO Box 140
Carnarvon WA 6701
Tel: (08) 9941 0900
Gascoyne@dlgsc.wa.gov.au

KIMBERLEY – Broome

Unit 2, 23 Coghlan Street
PO Box 1476
Broome WA 6725
Telephone (08) 9195 5750
Mobile 0438 916 185
kimberley@dlgsc.wa.gov.au

SOUTH WEST

80A Blair Street
PO Box 2662
Bunbury WA 6230
Tel: (08) 9792 6900
southwest@dlgsc.wa.gov.au

GOLDFIELDS

106 Hannan Street
PO Box 1036
Kalgoorlie WA 6430
Tel: (08) 9022 5800
goldfields@dlgsc.wa.gov.au

KIMBERLEY – Kununurra

Telephone 08 9195 5750
Mobile 0427 357 774
kimberley@dlgsc.wa.gov.au

WHEATBELT - Northam

298 Fitzgerald Street
PO Box 55
Northam WA 6401
Tel: (08) 9690 2400
wheatbelt@dlgsc.wa.gov.au

GREAT SOUTHERN

22 Collie Street
Albany WA 6330
Tel: (08) 9892 0100
greatsouthern@dlgsc.wa.gov.au

PEEL

Suite 94
16 Dolphin Drive
PO Box 1445
Mandurah WA 6210
Tel: (08) 9550 3100
peel@dlgsc.wa.gov.au

WHEATBELT – Narrogin

50 Clayton Road
Narrogin WA 6312
Telephone 9690 2400
wheatbelt@dlgsc.wa.gov.au



Brookton Country Club

Incorporating Bowls, Golf & Function Centre

PO Box 190, BROOKTON WA 6306

mail@brooktoncountryclub.com.au

ABN:23 705 669 833

8th February 2021

Ian D'Arcy
Shire Of Brookton
PO Box 42
BROOKTON WA 6306

Dear Ian,

The Management Committee of the Brookton Country Club are seeking Councils support for a CSRFF grant application to replace 34 T Boxes around the Golf Course.

We are not seeking any support from Council to undertake this project.

Kind regards,

Mr. Neil Walker
President

Country Club Chairperson
Mr. Neil Walker
Tel: 0408 424 018

Bowls Chairperson
Mr. Lindsay Eva
Tel: 9642 2357

Golf Chairperson
Mr. Colin Mills
Tel: 0408 919 381

Cr Crute and Cr Walker returned to meeting, with Cr Lilly vacating and Cr Crute resuming the chair, at 6.09pm.

14.02.21 CORPORATE SERVICES REPORTS

Cr Crute (Shire President) declared an impartiality interest in Item 14.02.21.01, and remained in the room, and voted on the item.

14.02.21.01 REQUEST TO WAIVE PLANNING APPLICATION FEE – ALDERSYDE HALL REFURBISHMENT

File No:	ADM 0025
Date of Meeting:	18 February 2021
Location/Address:	Lot 35 Railway Terrace Aldersyde
Name of Applicant:	Aldersyde Agricultural Hall Incorporated
Name of Owner:	As above
Author/s:	Ian D’Arcy – Chief Executive Officer
Authorising Officer:	As above
Declaration of Interest:	The author has no interest in this item
Voting Requirements:	Absolute Majority
Previous Report:	N/A

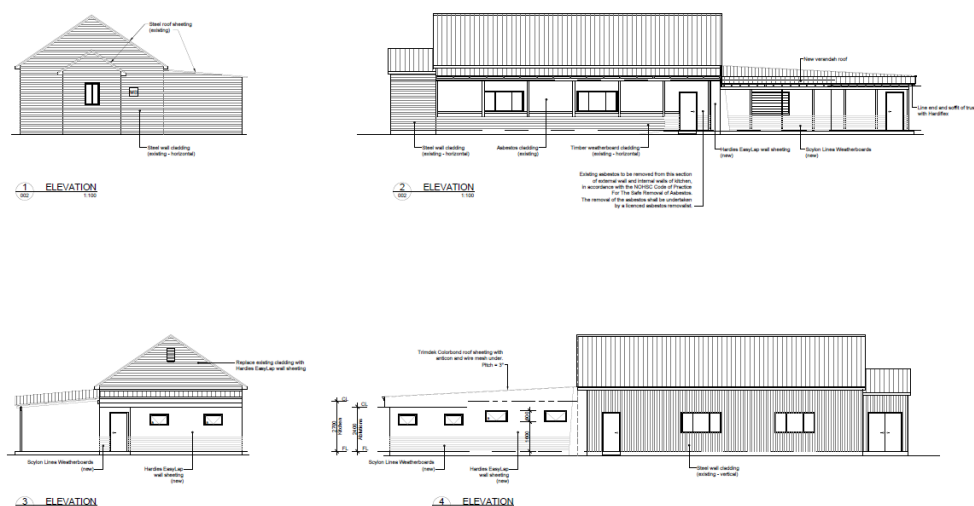
Summary of Item:

Council is in receipt of a request from Mrs Julie Jefferson of the Aldersyde Agricultural Hall Committee respectfully seeking a waiver of local government fees, including planning, building, onsite effluent and demolition application costs, applicable to the approvals for refurbishment and improvement works on the existing Aldersyde Hall.

A copy of the covering application letter that incorporates this request is presented as **Attachment 14.02.21.01A** to this report.

Description of Proposal:

The application from the Aldersyde Agricultural Hall Committee is seeking approval to predominantly refurbish the existing kitchen, and construct new ablution facilities, with the old toilets to be demolished. Additionally, disabled access is to be incorporated in the building together with new roof and wall cladding installed, and asbestos material removed. The elevations and floor plan for the renovated/refurbished building are provided in **Figures 1 and 2** below.



[illegible]

RAILWAY TERRACE

Background:

For some years the Aldersyde Community have desired an upgrade to the Aldersyde Hall with the following events having transpired and needing to be resolved in the first instance:

- 2017 - Members of the Aldersyde Agricultural Hall Committee enquired about a possible upgrade to the Hall kitchen and amenities. This prompted a check of the land tenure revealing the Hall and associated land was not owned/vested with the Shire. Given this, Council informally agreed to donate money (approx. \$27,000) held in Reserve for future renovations on the Hall providing these funds were used as leverage funding to secure other grants moneys.
- 2018 – Confirmation was sought and received from Landgate on the land tenure where it detailed

the land and buildings were vested with the initial Aldersyde Hall Committee that no longer existed. In response, the current Aldersyde Agricultural Hall Committee requested custodianship, which was granted by the Minister for Lands in the form of 'free-hold' tenure to be acquired from the State Government.

- 2019 – Free-hold title was created with the Aldersyde Agricultural Hall Committee proceed with purchasing the land.
- 2020 – Settlement of the land purchased was finalized, the Council donation of \$27,000 was allocated in the 2020-21 Shire budget and paid to the Aldersyde Committee and external grant funding was successfully sought and secured by the Aldersyde Agricultural Hall Committee to support the proposed refurbishment of the Aldersyde Hall.

The last point has prompted this request for a waiver of development application fees as the Aldersyde Agricultural Hall Committee seeks to maximise its expenditure on the hall and minimize, where possible, the payment of fees and charges.

Consultation:

There has been no consultation on this matter.

Statutory Environment:

Section 6.12 (1)(b) of the *Local Government Act 1995* grants authority to Council to waive or grant concessions in relation to hire fees.

Relevant Plans and Policy:

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

Financial Implications:

Under the Council's Schedule of Fees and Charges, the following Local Government fees apply and will result in a minor loss of revenue should Council support this request:

Planning Application Fee	=	\$ 149.00
Building Application Fee	=	\$ 105.00
Demolition Application Fee	=	\$ 105.00

		\$ 359.00

Risk Assessment:

The predominant risk associated with a waiver of development application fees is an undesirable precedent being set where other applicants may seek to claim the same level of benefit.

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

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

Community & Strategic Objectives:

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

Specifically, request aligns to:

Function 2 Land Use Planning

Action 2.3 Process Development Applications

Function 5 Building Services

Action Process building applications/issue building permits

Function 24 Community Support

Action 24.1 Support community group activities

Comment

Given the Aldersyde Hall performs a civic function for the betterment of the local community, and the Aldersyde Agricultural Hall Committee is a 'not for profit' community group that has largely removed a financial burden from the Shire in having to maintain the Hall and surrounds on an annual basis, there is specific merit to giving favourable consideration to the Committee's request.

OFFICER'S RECOMMENDATION

That Council pursuant to Section 6.12 (1)(b) of the Local Government Act, 1995 waive the applicable Local Government Planning, Building and Health fees applicable to demolition, renovation and refurbishment works for the Aldersyde Agricultural Hall including all associated outbuildings and infrastructure.

COUNCIL RESOLUTION

MOVED Cr Watts

SECONDED Cr Fancote

That Council pursuant to Section 6.12 (1)(b) of the Local Government Act, 1995 waive the applicable Local Government Planning, Building and Health fees applicable to demolition, renovation and refurbishment works for the Aldersyde Agricultural Hall including all associated outbuildings and infrastructure.

CARRIED BY ABSOLUTE MAJORITY VOTE 6/0

Attachments

14.02.21.01A – Request from Aldersyde Hall



Aldersyde Agricultural Hall Incorporated
158 Mills Road
BROOKTON WA 6306

Shire of Brookton
PO Box 42
Brookton WA 6306

16th December 2020

Dear Ian,

Aldersyde Agricultural Hall Incorporated would like to apply for building approval for renovations to upgrade our kitchen and toilet facilities.

The Aldersyde Hall Committee has worked tirelessly to bring the project to this stage and we value the support given by the Shire of Brookton. We would therefore request your consideration to waiving the Development Approval fees for this application. As a not-for-profit organisation we would prefer our funds to go towards the ongoing development and improvements to our communities assets for the benefit of all community members.

I have attached the relevant documentation for your perusal. Thank you for your consideration of our application, please do not hesitate in contacting me if you have any queries.

Kind Regards

Julie Jefferson
Secretary

14.02.21.02 LIST OF ACCOUNTS FOR PAYMENT FOR THE PERIODS ENDED 31 DECEMBER 2020 AND 31 JANUARY 2021
--

File No:	N/A
Date of Meeting:	18 February 2021
Location/Address:	N/A
Name of Applicant:	N/A
Name of Owner:	N/A
Author/s:	Charlotte Cooke – Finance Administration Officer
Authorising Officer:	Kellie Bartley – Manager Corporate and Community
Declaration of Interest:	The author has no financial interest in this matter.
Voting Requirements:	Simple Majority
Previous Report:	17 December 2020

Summary of Item:

The purpose of this report is to present to Council the list of accounts paid for the months of end of 31 December 2020 and 31 January 2021, as required under the *Local Government (Financial Management) Regulations 1996*.

Description of Proposal:

As above.

Background:

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

Consultation:

There are no community engagement implications that have been identified as a result of this report or recommendation.

Statutory Environment:

Regulation 13 of the *Local Government (Financial Management) Regulations 1996* states:

13. Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.

- (1) *If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —*
 - (a) *the payee's name; and*
 - (b) *the amount of the payment; and*
 - (c) *the date of the payment; and*
 - (d) *sufficient information to identify the transaction.*
- (2) *A list of accounts for approval to be paid is to be prepared each month showing —*
 - (a) *for each account which requires council authorisation in that month —*
 - (i) *the payee's name; and*
 - (ii) *the amount of the payment; and*
 - (iii) *sufficient information to identify the transaction; and*
 - (b) *the date of the meeting of the council to which the list is to be presented.*

- (3) A list prepared under sub regulation (1) or (2) is to be —
- (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
 - (b) recorded in the minutes of that meeting.

Relevant Plans and Policy:

The Chief Executive Officer, under relevant delegation, is authorised to arrange purchases of specific items in the budget, which do not require calling tenders, providing that it is within the approved and adopted budget.

Financial Implications:

There are no financial implications that have been identified as a result of this report or recommendation.

Risk Assessment:

The risk in relation to this matter is assessed as 'Medium' on the basis that if Council does not accept the payments. The risk identified would be failure to fulfil statutory regulations or compliance requirements. Shire Officer's provide a full detailed listing of payments made in a timely manner.

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

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

Community & Strategic Objectives:

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

Specifically, the contract services support the following Business Unit and Functions:

- 18. Financial Control
 - 18.2 Conduct external/internal audits and reporting
 - 18.5 Process rates, other revenues, timely payments

Comment

Council has delegated, to the Chief Executive Officer, the exercise of its power to make payments from Shire of Brookton, Minutes Ordinary Meeting of Council, 18 February 2021

the Shire's Municipal and Trust funds. In accordance with Regulation 13 of the *Local Government (Financial Management) Regulations 1996*, a list of accounts paid is to be provide to Council, where such delegation is made.

Due to no Ordinary Meeting of Council being held in the month of January 2021, there is a requirement to report on the monthly payments for December 2020 and January 2021.

The payment schedule is provided to Councilors' separately and not published on the Shire of Brookton website to mitigate against the potential of fraudulent activity that can arise from this practice.

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

The following table summaries the payments for the period by payment type, with full details of the accounts paid contained within **Attachments 14.02.21.02A and 14.02.21.02B** and are only available to members of the public upon request.

Payments up to 31 December 2020

Payment Type	Account Type	Amount (\$)
Automatic Payment Deductions (Direct Debits)	Municipal	\$238,794.42
Cheque Payments (cheque numbers issued) Nil issued	Municipal	\$0.00
EFT Payments #11716 to #11821	Municipal	\$270,624.46
Sub Total	Municipal	\$509,418.88
EFT Payments – Nil issued	Trust	\$0.00
Sub Total	Trust	\$0.00
EFT Payments #11712 to #11715 & #11822 to #11823	Bond	\$1,120.00
Sub Total	Bond	\$1,120.00
Totals		\$510,538.90

Payments up to 31 January 2021

Payment Type	Account Type	Amount (\$)
Automatic Payment Deductions (Direct Debits)	Municipal	\$192,298.54
Cheque Payments (18505)	Municipal	\$550.00
EFT Payments #11825 to #11872, #11875	Municipal	\$105,796.04
Sub Total	Municipal	\$298,644.58
EFT Payments – Nil issued	Trust	\$0.00
Sub Total	Trust	\$0.00
EFT Payments – #11824, 11873, 11874	Bond	\$780.00
Sub Total	Bond	\$780.00
Totals		\$299,424.58

Contained within **Attachments 14.02.21.02A and 14.02.21.02B** are detailed transaction listings of credit card expenditure paid for the period ended 31 December 2020 and 31 January 2021. This amount is included within the total payments, listed above.

OFFICER'S RECOMMENDATION

That Council:

1. Accepts the list of accounts, totalling \$510,538.90, paid under delegated authority in accordance with Regulation 13(1) of the Local Government (Financial Management)

Regulations 1996 for the period ended 31 December 2020, as contained within Attachment 14.02.21.02A; and

2. Accepts the list of accounts, totalling \$299,424.58, paid under delegated authority in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996 for the period ended 31 January 2021, as contained within Attachment 14.02.21.02B.

OCM 02.21-09

COUNCIL RESOLUTION

MOVED Cr Fancote

SECONDED Cr Hartl

That Council:

- 1. Accepts the list of accounts, totalling \$510,538.90, paid under delegated authority in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996 for the period ended 31 December 2020, as contained within Attachment 14.02.21.02A; and***
- 2. Accepts the list of accounts, totalling \$299,424.58, paid under delegated authority in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996 for the period ended 31 January 2021, as contained within Attachment 14.02.21.02B.***

CARRIED BY SIMPLE MAJORITY VOTE 6/0

Attachments

Attachment 14.02.21.01A – List of Accounts for December 2020

Attachment 14.02.21.01B – List of Accounts for January 2021

Members of the public can obtain a copy of the list of accounts attachment by contacting the Shire Administration office.

14.02.21.03 STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIODS ENDED 31 DECEMBER 2020 AND 31 JANUARY 2021

File No:	N/A
Date of Meeting:	18 February 2021
Location/Address:	N/A
Name of Applicant:	Shire of Brookton
Name of Owner:	Shire of Brookton
Author/s:	Kelly D’Arcy – Senior Finance Officer
Authorising Officer:	Kellie Bartley – Manager Corporate & Community
Declaration of Interest:	The authors have no financial interest in this matter
Voting Requirements:	Simple Majority
Previous Report:	There is no previous meeting reference

Summary of Item:

The Statement of Financial Activity for period ending 31 December 2020 and 31 January 2021 together with associated commentaries are present for Council’s consideration.

Description of Proposal:

That Council receives the Statement of Financial Activity for the periods ended 31 December 2020 and 31 January 2021, as presented.

Background:

In accordance with regulation 34 of the *Local Government (Financial Management) Regulations 1996*, the Shire is to prepare a monthly Statement of Financial Activity for approval by Council. December and January’s reports are presented in February as Council did not meet in January 2021.

Consultation:

Reporting officers receive monthly updates to track expenditure and income.

Statutory Environment:

Section 6.4 of the *Local Government Act 1995* requires a Local Government to prepare an annual financial statement for the preceding year and other financial reports as they prescribed.

Regulation 34(1) of the *Local Government (Financial Management) Regulations 1996* as amended requires the Local Government to prepare monthly financial statements and report on actual performance against what was set out in the annual budget.

Relevant Plans and Policy:

There is no Council Policy relevant to this item.

Financial Implications:

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

Any material variances that have an impact on the outcome of the budgeted closing surplus position are detailed in the Monthly Financial Report contained within **Attachment 14.02.21.03A**.

Risk Assessment:

The risk in relation to this matter is assessed as 'Low' on the basis that if Council does not receive the Monthly Financial Reports for the month reported leading to the Shire not meeting legislative requirements on financial reporting. The risk identified would be failure to fulfil statutory regulations or compliance requirements.

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

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

Community & Strategic Objectives:

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

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

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

Specifically, the contract services support the following Business Unit and Functions:

19. *Financial Control*
 - 18.2 *Conduct external/internal audits and reporting*
 - 18.4 *Review/Manage financial investments*
 - 18.5 *Process rates, other revenues, timely payments*

Comment

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

OFFICER'S RECOMMENDATION

That Council Receives the Monthly Statements of Financial Activity for the periods ending 31 December 2020 and 31 January 2021, in accordance with Section 6.4 of the Local Government Act 1995 and Regulation 34 of the Local Government (Financial Management) Regulations 1995 as presented in Attachment 14.02.21.03A and Attachment 14.02.21.03B.

OCM 02.21-10

COUNCIL RESOLUTION

MOVED Cr Watts

SECONDED Cr Walker

That Council receives the Monthly Statements of Financial Activity for the periods ending 31 December 2020 and 31 January 2021, in accordance with Section 6.4 of the Local Government Act 1995 and Regulation 34 of the Local Government (Financial Management) Regulations 1995 as presented in Attachment 14.02.21.03A and Attachment 14.02.21.03B.

CARRIED BY SIMPLE MAJORITY VOTE 6/0

Attachments

Attachment 14.02.21.03A – Monthly Financial Statement - December 2020

Attachment 14.02.21.03B – Monthly Financial Statement – January 2021

Shire of Brookton
MONTHLY FINANCIAL REPORT
For the Period Ended 31 December 2020

TABLE OF CONTENTS

Statement of Financial Activity by Function & Activity
Statement of Financial Activity by Nature & Type
Note 1 - Major Variances
Note 2 - Graphical Representation of Statement of Financial Activity
Note 3 - Net Current Funding Position
Note 4 - Receivables
Note 5 - Cash Backed Reserves
Note 6 - Capital Disposals and Acquisitions
Note 7 - Information on Borrowings
Note 8 - Cash and Investments
Note 9 - Budget Amendments
Note 10 - Trust Fund
Note 11 - Sewerage Operating Statement
Note 12 - WB Eva Pavilion and Gymnasium Operating Statement
Note 13 - Brookton Caravan Park & Aquatic Centre Financial Reports
Note 14 - Road Program
Note 15 - Capital Works Program

Shire of Brookton
STATEMENT OF FINANCIAL ACTIVITY
(Statutory Reporting Program)
For the Period Ended 31 December 2020

	Note	Adopted Annual Budget	Current Budget	YTD Budget (a)	This Month	YTD Actual (b)	Var. \$ (b)-(a) (c)	Var. % (b)-(a)/(b) 9	Var.
Operating Revenues		\$		\$		\$	\$	%	
Governance		43,050	43,050	12,376	750	15,634	3,258	26.32%	
General Purpose Funding		1,196,326	2,147,191	752,909	379,811	707,396	(45,513)	(6.04%)	
Law, Order and Public Safety		288,876	288,876	164,686	0	166,939	2,253	1.37%	
Health		300	300	150	205	205	55	36.37%	
Education and Welfare		68,982	68,982	34,488	3,221	31,753	(2,735)	(7.93%)	
Housing		87,278	87,278	43,632	9,689	46,249	2,617	6.00%	
Community Amenities		423,838	423,838	404,666	2,496	384,180	(20,486)	(5.06%)	
Recreation and Culture		39,131	39,131	19,548	3,819	40,578	21,030	107.58%	▲
Transport		684,343	684,343	381,724	139,499	224,509	(157,215)	(41.19%)	▼
Economic Services		53,150	53,150	26,568	3,304	26,970	402	1.51%	
Other Property and Services		45,700	45,700	22,842	1,443	27,830	4,988	21.84%	
Total (Excluding Rates)		2,930,974	3,881,839	1,863,589	544,236	1,672,243	(191,346)	(10.27%)	
Operating Expense									
Governance		(534,766)	(534,766)	(303,795)	(69,114)	(264,606)	39,189	12.90%	▲
General Purpose Funding		(347,370)	(236,417)	(112,331)	(17,960)	(94,600)	17,731	15.78%	▲
Law, Order and Public Safety		(508,549)	(508,549)	(267,217)	(32,960)	(165,291)	101,926	38.14%	▲
Health		(22,031)	(22,031)	(11,252)	898	(9,319)	1,933	17.18%	
Education and Welfare		(169,146)	(169,146)	(76,092)	(10,909)	(66,750)	9,342	12.28%	
Housing		(198,455)	(197,861)	(98,527)	(12,515)	(78,474)	20,053	20.35%	▲
Community Amenities		(558,565)	(570,460)	(312,073)	(27,577)	(241,986)	70,087	22.46%	▲
Recreation and Culture		(914,001)	(946,726)	(481,098)	(85,574)	(441,925)	39,173	8.14%	
Transport		(2,975,508)	(3,016,508)	(1,664,550)	(237,175)	(1,747,536)	(82,986)	(4.99%)	
Economic Services		(183,296)	(183,296)	(82,275)	(16,843)	(72,530)	9,745	11.84%	
Other Property and Services		(476,035)	(476,035)	(278,440)	(61,319)	(301,394)	(22,954)	(8.24%)	
Total		(6,887,722)	(6,861,795)	(3,687,650)	(571,049)	(3,484,411)	203,240	5.51%	
Funding Balance Adjustment									
Add back Depreciation		2,781,490	2,781,490	1,390,745		1,534,449	143,704	10.33%	
Adjust (Profit)/Loss on Asset Disposal	6	91,789	91,789	45,895		113,755	67,860	147.86%	▲
Net Operating (Ex. Rates)		(1,083,469)	(106,677)	(387,422)		(163,964)	223,458	(57.68%)	
Capital Revenues									
Proceeds from Disposal of Assets	6	145,000	145,000	133,000		133,000	0	0.00%	
Proceeds from New Debentures	5	0	0	0		0	0	0.00%	
Self-Supporting Loan Principal		22,801	22,801	(11,400)		0	11,400	(100.00%)	
Transfer from Reserves	5	3,887,306	3,887,306	1,943,653		306,306	(1,637,347)	(84.24%)	▼
Total		4,055,107	4,055,107	2,065,253		439,306	(1,625,947)		
Capital Expenses									
Land and Buildings	6	(226,000)	(280,540)	(79,000)		(16,750)	62,250	78.80%	▲
Plant and Equipment	6	(559,500)	(559,500)	(528,496)		(499,743)	28,753	5.44%	
Furniture and Equipment	6	(12,000)	(12,000)	(6,000)		0	6,000	100.00%	
Infrastructure Assets - Roads & Bridges	6	(1,123,247)	(1,208,247)	(612,234)		(225,444)	386,790	63.18%	▲
Infrastructure Assets - Sewerage	6	(373,000)	(1,023,000)	(34,000)		(31,775)	2,225	6.54%	
Repayment of Debentures	7	(125,429)	(125,429)	(62,713)		(61,716)	997	1.59%	
Principal elements of finance lease payments	7	(1,372)	(1,372)	0		0			
Transfer to Reserves	5	(3,287,089)	(3,287,089)	(1,643,545)		(69,151)	1,574,394	95.79%	▲
Total		(5,707,637)	(6,497,177)	(2,965,988)		(904,579)	2,061,409	(69.50%)	
Net Capital		(1,652,530)	(2,442,070)	(900,735)		(465,273)	435,462	(48.35%)	
Total Net Operating + Capital		(2,735,999)	(2,548,747)	(1,288,156)		(629,236)	658,920	51.15%	
Rate Revenue		2,323,415	2,323,565	2,324,637		2,325,893	1,256	0.05%	
Opening Funding Surplus(Deficit)		412,583	412,583	412,583		412,583	0	0.00%	
Closing Funding Surplus(Deficit)	3	0	187,401	1,449,064		2,109,240	660,176		

Shire of Brookton
STATEMENT OF FINANCIAL ACTIVITY
Program by Nature and Type
For the Period Ended 31 December 2020

NOTE	2020/21 Adopted Budget \$	2020/21 Current Budget \$	2020/21 YTD Budget \$	2020/21 YTD Actual \$	Variance YTD Budget vs YTD Actual \$
REVENUES FROM ORDINARY ACTIVITIES					
Rates	2,323,565	2,323,715	2,324,637	2,325,893	1,256
Operating Grants, Subsidies and Contributions	1,167,520	2,118,385	679,427	329,379	(350,048)
Fees and Charges	682,778	682,778	535,562	516,500	(19,062)
Interest Earnings	130,111	130,111	89,553	83,360	(6,193)
Other Revenue	197,836	91,396	32,167	51,121	18,954
	4,501,810	5,346,385	3,661,346	3,306,253	(355,093)
EXPENSES FROM ORDINARY ACTIVITIES					
Employee Costs	(1,911,012)	(1,890,516)	(986,293)	(888,228)	98,065
Materials and Contracts	(1,531,907)	(1,584,505)	(826,395)	(684,530)	141,865
Utilities	(177,631)	(174,173)	(81,345)	(67,738)	13,607
Depreciation	(2,781,490)	(2,781,490)	(1,480,674)	(1,534,449)	(53,775)
Interest Expenses	(76,411)	(76,411)	(35,901)	(20,996)	14,905
Insurance	(193,031)	(193,031)	(193,013)	(174,637)	18,376
Other Expenditure	(112,453)	(1,500)	(1,001)	(79)	922
	(6,783,935)	(6,701,626)	(3,604,622)	(3,370,656)	233,966
	(2,282,125)	(1,355,241)	56,724	(64,403)	(121,126)
Non-Operating Grants, Subsidies & Contributions	740,579	740,579	520,880	691,883	171,003
Profit on Asset Disposals	12,000	12,000	6,000	-	(6,000)
Loss on Asset Disposals	(103,789)	(103,789)	(1,100)	(113,755)	(114,855)
NET RESULT	(1,633,335)	(706,451)	582,504	513,725	(70,979)

Note 1: MAJOR VARIANCES

Comments/Reason for Variance

OPERATING REVENUE (EXCLUDING RATES)

4 Governance

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

3 General Purpose Funding

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

5 Law, Order and Public Safety

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

7 Health

Timing issue will correct over time.

8 Education and Welfare

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

9 Housing

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

10 Community Amenities

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

11 Recreation and Culture

Greater than anticipated usage of Shire facilities. Grant funding from NADC Australia Day Celebrations not included in budget. Grant funding from Bendigo Bank - xmas party

12 Transport

R2R road funding not yet claimed, will correct over time.

13 Economic Services

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

14 Other Property and Services

Property refund from 2019/2020 year due to sale of Kalkarni.

OPERATING EXPENSES

4 Governance

Wages under due to vacant positions

3 General Purpose Funding

Less expenditure than anticipated in the ABC allocations due to underspend in operations

5 Law, Order and Public Safety

Timing issue, will correct over time.

7 Health

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

8 Education and Welfare

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

9 Housing

Less expenditure than anticipated in the ABC allocations due to underspend in operations and a timing issue that will correct over time.

10 Community Amenities

Less expenditure than anticipated in sewerage and waste portfolios and less ABC allocations due to underspend in operations

11 Recreation and Culture

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

12 Transport

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

13 Economic Services

Timing issue, will correct over time.

14 Other Property and Services

Timing issue, will correct over time.

CAPITAL REVENUE

Proceeds from Disposal of Assets

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

Self-Supporting Loan Principal

Invoice not issued to recoup self supporting loan

Transfer from Reserves

Timing issue, will correct over time. Transfers are only carried out when capital projects fully expended.

Note 1: MAJOR VARIANCES

Comments/Reason for Variance

OPERATING REVENUE (EXCLUDING RATES)

4 Governance

CAPITAL EXPENSES

Land and Buildings

Works commenced, variance is a timing issue and will correct over time

Plant and Equipment

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

Furniture and Equipment

Timing issue, will correct over time.

Infrastructure Assets - Roads & Bridges

Works commenced, variance is a timing issue and will correct over time

Infrastructure Assets - Sewerage

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

Repayment of Debentures

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

Transfer to Reserves

Timing issue, will correct over time.

OTHER ITEMS

Rate Revenue

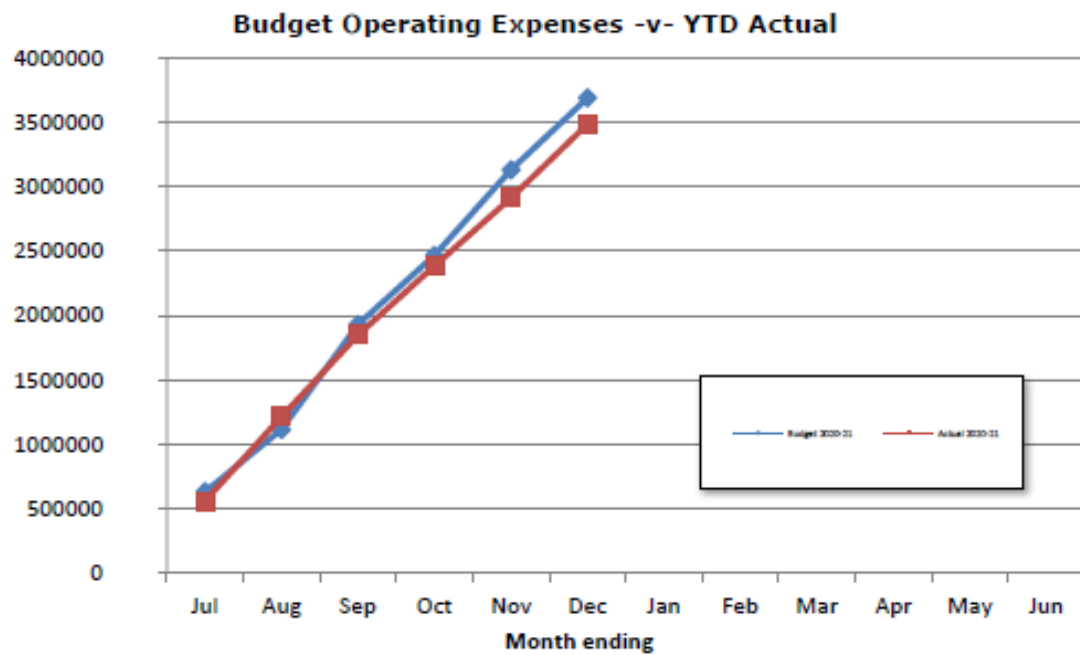
Will adjust as payments are made.

Closing Funding Surplus (Deficit)

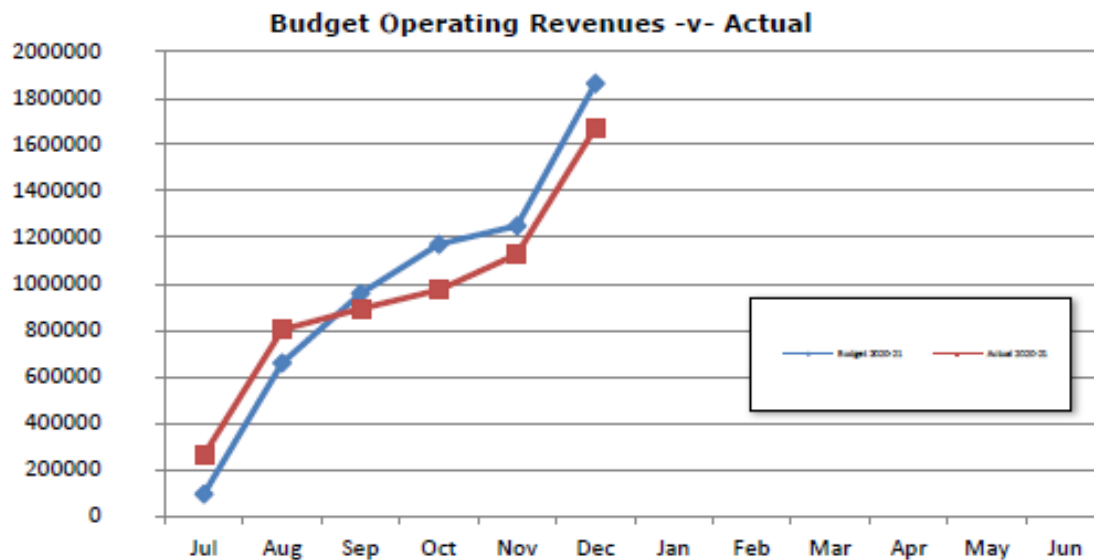
Will adjust as income and expenditure occur over the year

Shire of Brookton
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 December 2020

Note 2 - Graphical Representation - Source Statement of Financial Activity



Comments/Notes - Operating Expenses

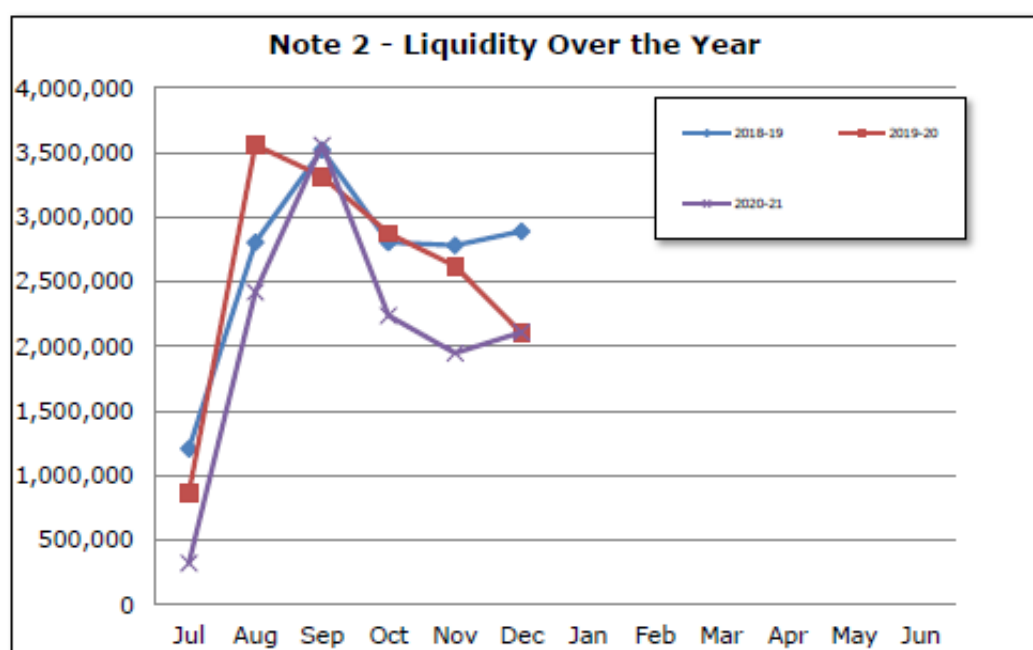


Comments/Notes - Operating Revenues

Shire of Brookton
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 December 2020

Note 3: NET CURRENT FUNDING POSITION

Positive=Surplus (Negative=Deficit)				
2020-21				
Note	This Period	Same Period	Same Period	Surplus C/F 1
	\$	2019/20	2018/19	July 2020
	Dec 2020	Dec 2019	Dec 2018	\$
Current Assets				
Cash Unrestricted	1,872,745	1,444,175	2,613,151	810,922
Cash Restricted	11,896,095	5,280,644	4,834,942	12,133,251
Receivables	464,385	4,702,813	4,496,072	125,586
Non-Cash provision movement	0	0	0	0
Inventories	18,608	24,101	24,043	16,298
	14,251,833	11,451,733	11,968,208	13,086,057
Less: Current Liabilities				
Payables and Provisions	(246,499)	(4,068,842)	(4,244,027)	(540,223)
	(246,499)	(4,068,842)	(4,244,027)	(540,223)
Less: Cash Restricted	(11,896,095)	(5,280,644)	(4,834,942)	(12,133,251)
Net Current Funding Position	2,109,240	2,102,247	2,889,240	412,583



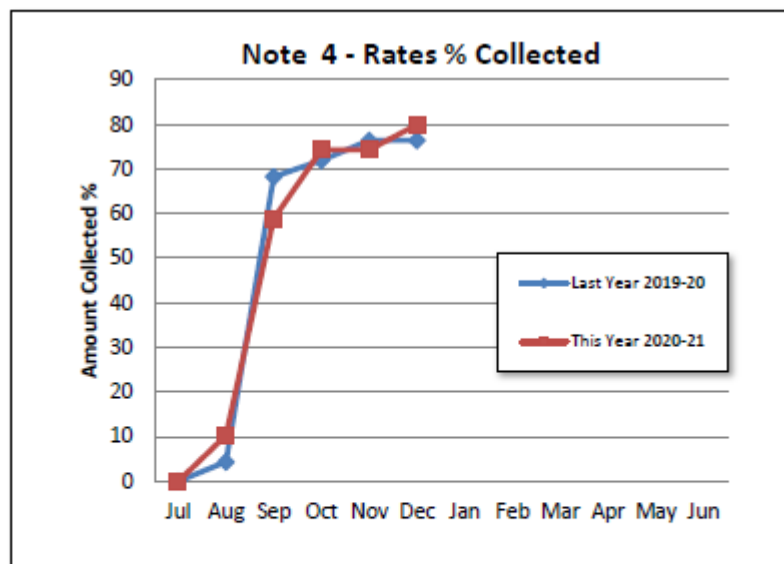
Comments - Net Current Funding Position

Shire of Brookton
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 December 2020

Note 4: RECEIVABLES

Receivables - Rates, Sewerage and Rubbish

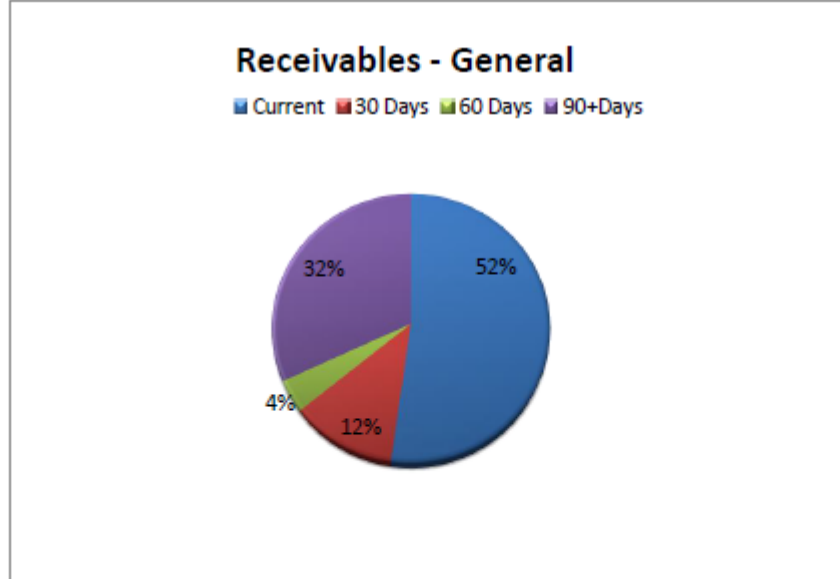
	Current 2020-21	Previous Year 2019-20
Opening Arrears Previous Years	\$ 85,829	\$ 86,273
Rates, Sewerage & Rubbish Levied this year	2,699,336	2,639,434
Less Collections to date	(2,226,709)	(2,083,375)
Equals Current Outstanding	558,456	642,332
Net Rates Collectable	558,456	642,332
% Collected	79.95%	76.43%



Comments/Notes - Receivables Rates, Sewerage and Rubbish

Receivables - General	Current	30 Days	60 Days	90+Days
	\$	\$	\$	\$
	4,265	972	320	2,605
Total Outstanding				8,162

Amounts shown above include GST (where applicable)



Comments/Notes - Receivables General

Shire of Brookton
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 December 2020

Note 5: Cash Backed Reserves

Name	Opening Balance	Budget Interest Earned	Actual Interest Earned	Adopted Budget Transfers In (+)	Current Budget Transfers In (+)	Actual Transfers In (+)	Adopted Budget Transfers Out (-)	Current Budget Transfers Out (-)	Actual Transfers Out (-)	Adopted Budget Closing Balance	Actual YTD Closing Balance
	\$	\$	\$	\$		\$	\$		\$	\$	\$
Leave Reserve	138,778	1,407	91	30,000		0		0		170,185	138,869
Plant and Vehicle Reserve and Community Bus Reserve	751,938	8,033	385	0		0	(414,500)		(280,500)	345,471	471,823
Land & Housing Development Reserve/Independent Living Units	1,391,205	14,201	913	0		0	0		0	1,405,406	1,392,118
Furniture and Equipment Reserve	21,194	369	14	0		0	0	0	0	21,563	21,208
Municipal Buildings & Facilities Reserve	330,737	3,800	217	269,000		0	(37,000)			566,537	330,954
Townscape and Footpath Reserve	125,068	1,277	82	0		0				126,345	125,150
Sewerage Scheme Reserve	410,425	4,394	269	35,000		0	(15,000)			434,819	410,694
Road and Bridge Infrastructure Reserve	327,787	6,408	215	0		0	(200,000)			134,195	328,002
Health & Wellbeing reserve	553,863	6,675	363	0		0	0	0		560,538	554,226
Sport & Recreation Reserve	31,625	323	21	0						31,948	31,646
Rehabilitation & Refuse Reserve	169,841	1,733	111	41,000						212,574	169,952
Caravan Park Reserve	153,899	1,571	101	200,000						355,470	154,000
Brookton Heritage/Museum Reserve	47,148	481	31	0						47,629	47,179
Kweda Hall Reserve	18,026	184	12	0						18,210	18,038
Aldersyde Hall Reserve	25,806	0	0				(25,806)		(25,806)	0	(0)
Railway Station Reserve	129,940	1,326	85	200,000			(35,000)			296,266	130,025
Madison Square Units Reserve	30,653	313	20	0						30,966	30,673
Cemetery Reserve	43,863	448	29	0			(25,000)			19,311	43,892
Water Harvesting Reserve	48,116	491	32	80,000			(55,000)		0	73,607	48,148
Developer Contribution	2,740	28	2							2,768	2,742
Cash Contingency Reserve	140,336	1,433	92	0						141,769	140,428
Brookton Aquatic Reserve	156,130	1,594	102	300,000						457,724	156,232
Future Fund Reserve	7,084,132	75,600	65,964	0		0	(3,080,000)		0	4,079,732	7,150,096
Innovations Fund Reserve	0	0		2,000,000						2,000,000	0
	12,133,250	132,089	69,150.60	3,155,000	0	0	(3,887,306)	0	(306,306)	11,533,033	11,896,094

Shire of Brookton
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 December 2020

Note 6: CAPITAL DISPOSALS AND ACQUISITIONS

Original Budgeted Profit(Loss) of Asset Disposal			Disposals	Actual Profit(Loss) of Asset Disposal			
Net Book Value	Proceeds	Profit (Loss)		Net Book Value		Proceeds	Profit (Loss)
222,543	133,000	(89,543)	PG7 Volvo Grader	\$ 222,543		\$ 133,000	\$ (89,543)
0	10,000	10,000	Side Winder Reel Mower				0
0	2,000	2,000	Single Cab Ute				0
14,246	0	(14,246)	Acer Server 2007				0
		0					0
		0					0
236,789	145,000	(91,789)		222,543		133,000	(89,543)

Comments - Capital Disposal

Summary Acquisitions				
	Budget	Current Budget	Actual	Variance
Property, Plant & Equipment	\$		\$	\$
Land and Buildings	226,000	280,540	16,750	263,790
Plant & Equipment	559,500	559,500	499,743	59,757
Furniture & Equipment	12,000	12,000	0	12,000
Infrastructure				
Roadworks & Bridge Works & Footpaths	1,123,247	1,208,247	225,444	982,803
Footpath Construction - Richardson Street	0	0	0	0
Sewerage & Drainage	373,000	1,023,000	31,775	991,225
Totals	2,293,747	3,083,287	773,712	2,309,575

Comments - Capital Acquisitions

Shire of Brookton
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 December 2020

Note 7: INFORMATION ON BORROWINGS

Particulars	Loan Purpose	Due Date	Term (yrs)	Rate (%)	Principal 1-Jul-20 \$	New Loans \$	Principal Repayments		Principal Outstanding		Interest Repayments	
							Actual \$	Budget \$	Actual \$	Budget \$	Actual \$	Budget \$
Self Supporting Loans												
*Loan 82 Country Club	Extension and Refurbishment of the Club House	15/11/2027	20	6.95	215,828	-	11,206	22,801	204,622	201,217	5,584	14,611
Education & Welfare												
Loan 80 Kalkami Residency	Kalkami Residence	1/02/2026	25	5.63	63,602	-	4,529	9,185	59,073	60,149	305	3,453
Housing												
Loan 80 Staff Housing	Staff Housing	1/02/2026	25	5.63	104,944	-	7,473	15,156	97,471	99,246	503	5,698
Community Amenities												
Loan 80 Sewerage	Sewerage Extension	1/02/2026	25	5.63	44,521	-	3,170	6,430	41,351	42,104	213	2,417
Transport												
Loan 80 Grader	New Grader	1/02/2026	25	5.63	104,944	-	7,473	15,156	97,471	99,246	503	5,698
Recreation and Culture												
Loan 81 Sport & Recreation	Recreation Plan	1/11/2027	20	6.95	536,706	-	27,866	56,701	508,840	492,286	13,887	44,420
					1,070,545	-	61,716	125,429	1,008,829	994,248	20,996	76,297

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

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Shire of Brookton
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 December 2020

Note 8: CASH AND INVESTMENTS

	Interest Rate	Unrestricted \$	Restricted \$	Trust \$	Investments \$	Total Amount \$	Institution	Maturity Date
(a) Cash Deposits								
Municipal Cash at Bank - Operating Account	0.00%	218,752				218,752	Bendigo	
Municipal Cash at Bank - Cash Management Account	0.15%	1,645,963				1,645,963	Bendigo	
Bond Fund	0.00%	8,030				8,030	Bendigo	
Trust Cash at Bank	0.00%			20,540		20,540	Bendigo	
(b) Term Deposits								
Savings Account	0.15%		4,745,999			4,745,999	Bendigo	
Reserves	0.75%		7,150,096			7,150,096	Bendigo	20/03/2021
(c) Investments								
Bendigo Bank Shares					10,000	10,000	Bendigo	
Total		1,872,745	11,896,095	20,540	10,000	13,799,380		

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Comments/Notes - Investments

Note 9: BUDGET AMENDMENTS

[illegible]

Classifications Pick List
Operating Revenue
Operating Expenses
Capital Revenue
Capital Expenses
Budget Review
Opening Surplus(Deficit)
Non Cash Item

Shire of Brookton
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 December 2020

Note 10: TRUST FUND

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

Description	Opening Balance For the Period 1 July 2019	Amount Received	Amount Paid	Closing Balance For the Period Ended 31 December 2020
	\$	\$	\$	\$
Housing Bonds	0	0	0	0
Other Bonds	6,140	0	(140)	6,000
Rates Incentive Prize	0	0	0	0
Staff AFL Tipping	0	0	0	0
Les McMullen Sporting Grants	0	0	0	0
Gnulla Child Care Facility	0	0	0	0
Wildflower Show Funds	0	0	0	0
Kalkarni Resident's Accounts	0	0	0	0
Public Open Space Contributions	13,820	0	0	13,820
Developer Road Contributions	0.00	0	0	0.00
Unclaimed Money	830	0	(110)	720
	20,790	0	(250)	20,540

Shire of Brookton
STATEMENT OF FINANCIAL ACTIVITY
Sewerage Programm by Nature and Type
For the Period Ended 31 December 2020

Note 11 Sewerage Operating Statement

NOTE	2020/21 Adopted Budget \$	2020/21 YTD Budget \$	2020/21 YTD Actual \$	Variance YTD Budget vs YTD Actual \$
REVENUES FROM ORDINARY ACTIVITIES				
Sewerage Connection Fees and Charges	650	650	944	294
Annual Sewerage Rates	203,265	203,265	194,636	(8,629)
	203,915	203,915	195,580	(8,335)
EXPENSES FROM ORDINARY ACTIVITIES				
Employee Costs	(16,350)	(8,175)	(1,222)	6,953
Materials and Contracts	(86,110)	(43,055)	(62,270)	(19,215)
Utilities	(5,600)	(2,800)	(1,101)	1,699
Depreciation	(42,067)	(21,034)	(21,545)	(512)
Interest Expenses	(2,723)	(1,362)	(213)	1,148
Insurance	(268)	(134)	(237)	(103)
General Operating Expenses	(13,907)	(6,954)	(1,237)	5,716
Allocation of Adminstration Expense	(45,800)	(22,900)	(19,741)	3,159
	(212,825)	(106,413)	(107,567)	(1,155)
	(8,910)	97,503	88,013	(9,489)
Add Back Depreciation	42,067	21,034	21,545	512
Non-Operating Grants, Subsidies & Contributions	-	-	-	-
Profit on Asset Disposals	-	-	-	-
Loss on Asset Disposals	-	-	-	-
Transfer to Sewerage and Drainage Reserve	(35,000)	(17,500)	-	(17,500)
Transfer from Sewerage and Drainage Reserve	15,000	15,000	-	15,000
NET RESULT	13,157	116,036	109,558	(11,478)
Capital Loan Repayments			(3,170)	

Shire of Brookton
STATEMENT OF FINANCIAL ACTIVITY
WB Eva Pavilion by Nature and Type
For the Period Ended 31 December 2020

Note 12 WB Eva Pavilion Operating Statement

NOTE	2020/21 Adopted Budget \$	2020/21 YTD Budget \$	2020/21 YTD Actual \$	Variance YTD Budget vs YTD Actual \$
REVENUES FROM ORDINARY ACTIVITIES				
Hire Fees - WB Eva Pavilion	2,980	1,490	2,311	821
124 Sporting Club Fees	5,500	2,750	2,723	(27)
139 Gymnasium Income	7,500	3,750	3,241	(509)
	15,980	7,990	8,275	285
EXPENSES FROM ORDINARY ACTIVITIES				
Employee Costs	-	-	-	-
Materials and Contracts	-	-	-	-
Utilities	-	-	-	-
Interest Expenses	(40,047)	(20,024)	(13,887)	6,137
Insurance	-	-	-	-
General Operating Expenses	-	-	-	-
Gymnasium Operating	(8,977)	(4,482)	(3,086)	1,396
	(40,047)	(20,024)	(16,973)	6,137
	(24,067)	(12,034)	(8,698)	6,421
NET RESULT	(24,067)	(12,034)	(8,698)	6,421
Capital Loan Repayments			(27,866)	

Shire of Brookton
STATEMENT OF FINANCIAL ACTIVITY
Brookton Caravan Park and Brookton Aquatic Centre
For the Period Ended 31 December 2020

	Note	Adopted Annual Budget 2019/20	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a) 9	Var. % (b)-(a)/(b) 9
Note 13 (a): Brookton Caravan Park		\$	\$	\$	\$	%
Operating Revenue						
Caravan Park Fees		33,000	16,500	18,989	2,489	15.08%
Total Revenue		33,000	16,500	18,989	2,489	15.08%
Operating Expenses						
Brookton Caravan Park	CARAOP	(22,888)	(11,444)	(16,149)	(4,705)	41.12%
Brookton Caravan Park	MARKOP	(8,000)	(4,000)	(270)		
Caravan Park Depreciation		(1,037)	(519)	(524)	(5)	0.97%
Caravan Park Abc Administration Expenses		(27,480)	(13,740)	(11,845)	1,895	(13.79%)
Total		(59,405)	(29,703)	(28,787)	(2,815)	(9.48%)
Operating Surplus (Deficit)		(26,405)	(13,203)	(9,798)	(326)	-2%
Excluding Non Cash Adjustments						
Add back Depreciation		1,037	519	524	5	0.97%
Net Operating Surplus (Deficit)		(25,368)	(12,684)	(9,275)	(321)	2.53%
Note 13 (b): Brookton Aquatic Centre						
Operating Revenue						
POOL FEES & CHARGES		14,500	7,250	7,601	351	4.85%
POOL GRANTS & SUBSIDIES		0	0	0	0	0.00%
Total Revenue		14,500	7,250	7,601	351	4.85%
Operating Expenses						
POOL EMPLOYEE COSTS		(48,057)	(24,029)	(15,470)	8,559	0.00%
POOL GENERAL OPERATING EXPENSES		(25,500)	(17,750)	(22,263)	(4,513)	25.42%
POOL BUILDING MAINTENANCE		(16,998)	(12,249)	(8,012)	4,237	(34.59%)
POOL DEPRECIATION		(11,854)	(5,927)	(6,007)	(80)	1.35%
POOL ABC ADMINISTRATION EXPENSES		(27,480)	(13,740)	(11,845)	1,895	(13.79%)
Total		(129,889)	(73,695)	(63,596)	10,098	13.70%
Operating Surplus (Deficit)		(115,389)	(66,445)	(55,995)	10,450	15.73%
Excluding Non Cash Adjustments						
Add back Depreciation		11,854	5,927	6,007	80	1.35%
Net Operating Surplus (Deficit)		(103,535)	(60,518)	(49,988)	10,530	17.40%

Shire of Brookton
STATEMENT OF FINANCIAL ACTIVITY
Road Program
For the Period Ended 31 December 2020

Note 14

Description	Adopted Annual Budget	Amended Budget	YTD Actual	% Completed	Federal Funding		State Funding				Own Source Funding		
					R2R	Other	RRG	RRG Carryover	Direct Grant	FAGS	Reserve	Contributions	Muni
Town Street Maintenance	\$ 188,102	\$ 188,102	\$ 70,845	38%	\$	\$	\$	\$	\$	\$	\$	\$	\$ 188,102
Rural Road Maintenance	379,536	379,536	271,623	72%					84,910				294,626
Bridge Maintenance	63,016	104,016	27,974	27%									104,016
R2R Work Schedule													
Brookton - Kweda Road	218,633	218,633	1,598	1%	218,633								0
Other Construction													
Brookton-Kweda Road	162,080	162,080	4,313	3%							100,000		62,080
York-Williams Road	45,420	45,420	982	2%									45,420
Bartram Road	148,575	148,575	0	0%							50,000		98,575
Dale Kokeby Road	148,575	148,575	0	0%							50,000		98,575
Install & upgrade Headwalls to Culverts	24,964	24,964	0	0%									24,964
RRG Approved Projects													
Brookton-Kweda Road	324,150	324,150	194,679	60%			324,150						0
York-Williams Road	50,850	50,850	523	1%			50,850						
	1,753,901	1,794,901	572,537	33%	218,633	0	375,000	0	84,910	0	200,000	0	916,358

Note 15

Shire of Brookton
STATEMENT OF FINANCIAL ACTIVITY
Capital Works Program
For the Period Ended 31 December 2020

Description	Adopted Annual Budget	Amended Budget	YTD Actual	% Completed	Capital Funding					
					Muni	Grants	Reserves	Sale of Assets	Loan	Total Funding
	\$	\$	\$		\$	\$	\$	\$		\$
Chambers & Reception Area Upgrade	30,000	30,000	0	0%	30,000					30,000
Robinson Road - StreetBins	10,000	10,000	0	0%	10,000					10,000
Effluent Dosing Building/Shed	15,000	15,000	0	0%			15,000			15,000
Ablution Facility at Cemetery	25,000	25,000	0	0%			25,000			25,000
Railway Station Fencing and Lighting	35,000	35,000	0	0%			35,000			35,000
Youth Precinct - Fencing & Nature Play Area	50,000	94,540	0	0%	13,000		37,000			50,000
Aquatic Centre Improvements (new roof to Ablution)	24,000	34,000	16,750	49%	34,000					34,000
Memorial Park Gazebo and Disable access	22,000	22,000	0	0%	22,000					22,000
Tourist Information Bay	15,000	15,000	0	0%	15,000					15,000
Display Cabinet & Memorabilia Board	12,000	12,000	0	0%	12,000					12,000
John Deere 670GP Grader per RFQ05/2020	413,500	413,500	413,500	100%			280,500	133,000		413,500
Side Winder Reel Mower	52,000	52,000	0	0%			42,000	10,000		52,000
Single Cab Ute	10,000	10,000	0	0%			8,000	2,000		10,000
Dual Cab Ute - BRMPO & CESM	84,000	84,000	86,243	103%			84,000			84,000
Brookton-Kweda Road	324,150	324,150	194,679	60%		324,150				324,150
York-Williams Road	50,850	50,850	523	1%		50,850				50,850
Brookton-Kweda Road	218,633	218,633	1,598	1%		218,633				218,633
Brookton-Kweda Road	162,080	162,080	4,313	3%	100,873		61,207			162,080
York-Williams Road	45,420	45,420	982	2%	28,268		17,152			45,420
Bartram Road	148,575	148,575	0	0%	92,468		56,107			148,575
Dale Kokeby Road	148,575	148,575	0	0%	92,468		56,107			148,575
Youraling Road Seal	0	85,000	23,348	27%		85,000				85,000
Install & upgrade Headwalls to Culverts	24,964	24,964	0	0%	15,537		9,427			24,964
Happy Valley Bore Field	55,000	55,000	17,340	32%			55,000			55,000
Upgrade Inflow Meter with Electromagnetic Metre	18,000	668,000	14,435	2%	18,000					18,000
Upgrade- Refurb/Refining Pipe Network	300,000	300,000	0	0%					300,000	300,000
	2,293,747	3,083,287	773,712	258%	483,614	678,633	781,500	145,000	300,000	2,388,747

Shire of Brookton
MONTHLY FINANCIAL REPORT
For the Period Ended 30 January 2021

TABLE OF CONTENTS

Statement of Financial Activity by Function & Activity

Statement of Financial Activity by Nature & Type

Note 1 - Major Variances

Note 2 - Graphical Representation of Statement of Financial Activity

Note 3 - Net Current Funding Position

Note 4 - Receivables

Note 5 - Cash Backed Reserves

Note 6 - Capital Disposals and Acquisitions

Note 7 - Information on Borrowings

Note 8 - Cash and Investments

Note 9 - Budget Amendments

Note 10 - Trust Fund

Note 11 - Sewerage Operating Statement

Note 12 - WB Eva Pavilion and Gymnasium Operating Statement

Note 13 - Brookton Caravan Park & Aquatic Centre Financial Reports

Note 14 - Road Program

Note 15 - Capital Works Program

Shire of Brookton
STATEMENT OF FINANCIAL ACTIVITY
(Statutory Reporting Program)
For the Period Ended 30 January 2021

	Note	Adopted Annual Budget	Current Budget	YTD Budget (a)	This Month	YTD Actual (b)	Var. \$ (b)-(a) (c)	Var. % (b)-(a)/(b) 9	Var.
Operating Revenues									
Governance		\$ 43,050	43,050	\$ 12,396	4,536	\$ 20,170	\$ 7,774	62.72%	
General Purpose Funding		1,196,326	2,147,191	755,024	9,477	716,873	(38,151)	(5.05%)	
Law, Order and Public Safety		288,876	288,876	172,966	10,283	177,222	4,256	2.46%	
Health		300	300	175	0	205	30	16.89%	
Education and Welfare		68,982	68,982	40,236	10,048	41,801	1,565	3.89%	
Housing		87,278	87,278	50,904	14,250	60,499	9,595	18.85%	
Community Amenities		423,838	423,838	405,261	450	384,630	(20,631)	(5.09%)	
Recreation and Culture		39,131	39,131	22,806	2,870	43,448	20,642	90.51%	▲
Transport		684,343	684,343	431,193	0	224,509	(206,684)	(47.93%)	▼
Economic Services		53,150	53,150	30,996	5,206	32,175	1,179	3.80%	
Other Property and Services		45,700	45,700	26,649	0	27,830	1,181	4.43%	
Total (Excluding Rates)		2,930,974	3,881,839	1,948,606	57,120	1,729,364	(219,242)	(11.25%)	
Operating Expense									
Governance		(534,766)	(534,766)	(311,067)	(11,086)	(275,691)	35,376	11.37%	▲
General Purpose Funding		(347,370)	(236,417)	(130,330)	(15,030)	(109,631)	20,699	15.88%	▲
Law, Order and Public Safety		(508,549)	(508,549)	(304,497)	(25,763)	(191,499)	112,998	37.11%	▲
Health		(22,031)	(22,031)	(13,044)	(1,309)	(10,628)	2,416	18.52%	
Education and Welfare		(169,146)	(169,146)	(89,331)	(15,017)	(81,766)	7,565	8.47%	
Housing		(198,455)	(197,861)	(113,256)	(13,635)	(92,109)	21,147	18.67%	▲
Community Amenities		(558,565)	(570,460)	(350,584)	(30,835)	(272,821)	77,763	22.18%	▲
Recreation and Culture		(914,001)	(946,726)	(538,650)	(61,185)	(503,110)	35,540	6.60%	
Transport		(2,975,508)	(3,016,508)	(1,906,613)	(244,575)	(1,992,111)	(85,498)	(4.48%)	
Economic Services		(183,296)	(183,296)	(97,115)	(8,761)	(81,291)	15,824	16.29%	▲
Other Property and Services		(476,035)	(476,035)	(307,828)	(21,959)	(323,353)	(15,525)	(5.04%)	
Total		(6,887,722)	(6,861,795)	(4,162,315)	(449,154)	(3,934,010)	228,305	5.49%	
Funding Balance Adjustment									
Add back Depreciation		2,781,490	2,781,490	1,622,536		1,798,438	175,902	10.84%	
Adjust (Profit)/Loss on Asset Disposal	6	91,789	91,789	91,789		113,755	21,966	23.93%	▲
Net Operating (Ex. Rates)		(1,083,469)	(106,677)	(499,384)		(292,454)	206,930	(41.44%)	
Capital Revenues									
Proceeds from Disposal of Assets	6	145,000	145,000	133,000		133,000	0	0.00%	
Proceeds from New Debentures	5	0		0		0	0	0.00%	
Self-Supporting Loan Principal		22,801	22,801	(11,400)		11,206	22,606	(198.30%)	
Transfer from Reserves	5	3,887,306	3,887,306	2,267,595		3,386,306	1,118,711	49.33%	▲
Total		4,055,107	4,055,107	2,389,195		3,530,512	1,141,317		
Capital Expenses									
Land and Buildings	6	(226,000)	(280,540)	(123,540)		(21,516)	102,024	82.58%	▲
Plant and Equipment	6	(559,500)	(559,500)	(533,662)		(499,743)	33,919	6.36%	
Furniture and Equipment	6	(12,000)	(12,000)	(6,000)		0	6,000	100.00%	
Infrastructure Assets - Roads & Bridges	6	(1,123,247)	(1,295,247)	(736,259)		(328,179)	408,081	55.43%	▲
Infrastructure Assets - Sewerage	6	(373,000)	(1,023,000)	(73,000)		(31,775)	41,225	56.47%	▲
Repayment of Debentures	7	(125,429)	(125,429)	(62,713)		(84,998)	(22,285)	(35.53%)	▼
Principal elements of finance lease payments	7	(1,372)	(1,372)	0		0	0		
Transfer to Reserves	5	(3,287,089)	(3,287,089)	(1,917,469)		(3,149,553)	(1,232,085)	(64.26%)	▼
Total		(5,707,637)	(6,584,177)	(3,452,643)		(4,115,764)	(663,121)	19.21%	
Net Capital		(1,652,530)	(2,529,070)	(1,063,447)		(585,252)	478,196	(44.97%)	
Total Net Operating + Capital		(2,735,999)	(2,635,747)	(1,562,832)		(877,706)	685,126	43.84%	
Rate Revenue		2,323,415	2,323,565	2,324,649		2,325,893	1,244	0.05%	
Opening Funding Surplus/(Deficit)		412,583	412,583	412,583		412,583	0	0.00%	
Closing Funding Surplus/(Deficit)	3	0	100,401	1,174,400		1,860,770	686,369		

Shire of Brookton
STATEMENT OF FINANCIAL ACTIVITY
Program by Nature and Type
For the Period Ended 30 January 2021

NOTE	2020/21 Adopted Budget \$	2020/21 Current Budget \$	2020/21 YTD Budget \$	2020/21 YTD Actual \$	Variance YTD Budget vs YTD Actual \$
REVENUES FROM ORDINARY ACTIVITIES					
Rates	2,323,565	2,323,715	2,324,649	2,325,893	1,244
Operating Grants, Subsidies and Contributions	1,167,520	2,118,385	736,881	339,162	(397,719)
Fees and Charges	682,778	682,778	557,473	550,701	(6,772)
Interest Earnings	130,111	130,111	90,511	91,422	911
Other Revenue	197,836	91,396	35,861	56,196	20,335
	4,501,810	5,346,385	3,745,375	3,363,374	(382,001)
EXPENSES FROM ORDINARY ACTIVITIES					
Employee Costs	(1,911,012)	(1,897,516)	(1,119,306)	(1,010,239)	109,067
Materials and Contracts	(1,531,907)	(1,584,505)	(915,303)	(731,119)	184,184
Utilities	(177,631)	(174,173)	(92,461)	(72,614)	19,847
Depreciation	(2,781,490)	(2,781,490)	(1,712,453)	(1,798,438)	(85,985)
Interest Expenses	(76,411)	(76,411)	(35,968)	(33,129)	2,839
Insurance	(193,031)	(193,031)	(193,013)	(174,637)	18,376
Other Expenditure	(112,453)	(1,500)	(1,001)	(79)	922
	(6,783,935)	(6,708,626)	(4,069,505)	(3,820,256)	249,250
	(2,282,125)	(1,362,241)	(324,130)	(456,882)	(132,752)
Non-Operating Grants, Subsidies & Contributions	740,579	740,579	520,880	691,883	171,003
Profit on Asset Disposals	12,000	12,000	7,000	-	(7,000)
Loss on Asset Disposals	(103,789)	(103,789)	(103,789)	(113,755)	(9,966)
NET RESULT	(1,633,335)	(713,451)	99,961	121,246	21,285

Note 1: MAJOR VARIANCES

Comments/Reason for Variance

OPERATING REVENUE (EXCLUDING RATES)

4 Governance

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

3 General Purpose Funding

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

5 Law, Order and Public Safety

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

7 Health

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

8 Education and Welfare

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

9 Housing

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

10 Community Amenities

Timing issue will correct over time.

11 Recreation and Culture

Greater than anticipated useage of Shire facilities. Grant funding from NADC Australia Day Cebtrations not included in budget. Grant funding from Bendigo Bank - xmas party

12 Transport

R2R road funding not yet claimed, will correct over time.

13 Economic Services

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

14 Other Property and Services

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

OPERATING EXPENSES

4 Governance

Wages under due to vacant positions

3 General Purpose Funding

Less expenditure than anticipated in the ABC allocations due to underspend in operations

5 Law, Order and Public Safety

Timing issue, will correct over time.

7 Health

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

8 Education and Welfare

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

9 Housing

Less expenditure than anticipated in the ABC allocations due to underspend in operations and a timing issue that will correct over time.

10 Community Amenities

Less expenditure than anticipated in sewerage and waste portfolios and less ABC allocations due to underspend in operations

11 Recreation and Culture

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

12 Transport

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

13 Economic Services

Timing issue, will correct over time.

14 Other Property and Services

Timing issue, will correct over time.

CAPITAL REVENUE

Proceeds from Disposal of Assets

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

Self-Supporting Loan Principal

Invoice not issued to recoup self supporting loan

Transfer from Reserves

Timing issue, will correct over time. Transfers are only carried out when capital projects fully expended.

Note 1: MAJOR VARIANCES

Comments/Reason for Variance

OPERATING REVENUE (EXCLUDING RATES)

4 Governance

CAPITAL EXPENSES

Land and Buildings

Works commenced, variance is a timing issue and will correct over time

Plant and Equipment

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

Furniture and Equipment

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

Infrastructure Assets - Roads & Bridges

Works commenced, variance is a timing issue and will correct over time

Infrastructure Assets - Sewerage

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

Repayment of Debentures

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

Transfer to Reserves

Timing issue, will correct over time.

OTHER ITEMS

Rate Revenue

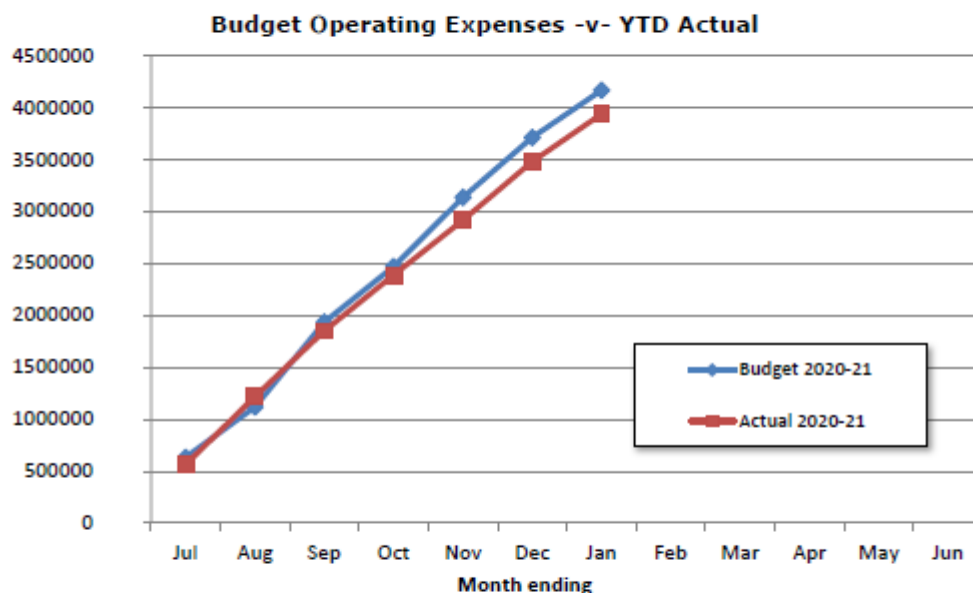
Will adjust as payments are made.

Closing Funding Surplus (Deficit)

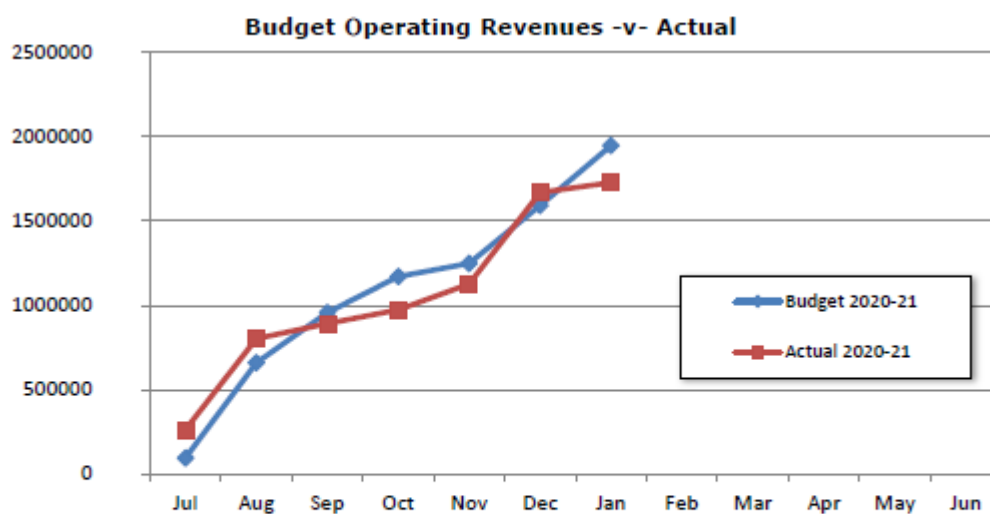
Will adjust as income and expenditure occur over the year

Shire of Brookton
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 January 2021

Note 2 - Graphical Representation - Source Statement of Financial Activity



Comments/Notes - Operating Expenses

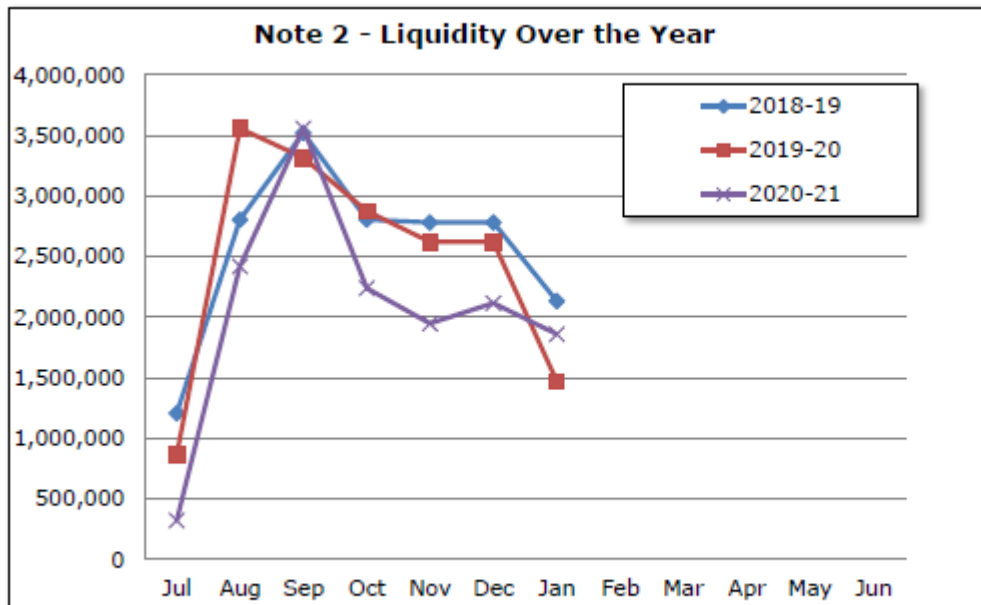


Comments/Notes - Operating Revenues

Shire of Brookton
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 January 2021

Note 3: NET CURRENT FUNDING POSITION

Positive=Surplus (Negative=Deficit)				
2020-21				
Note	This Period	Same Period 2019/20	Same Period 2018/19	Surplus C/F 1 July 2020
	\$	\$	\$	\$
	Jan 2021	Jan 2020	Jan 2019	
Current Assets				
Cash Unrestricted	1,687,005	1,109,116	2,325,762	810,922
Cash Restricted	11,896,498	12,509,880	5,025,777	12,133,251
Receivables	488,775	4,387,252	4,238,413	125,586
Non-Cash provision movement	0	0	0	0
Inventories	27,288	27,628	28,432	16,298
	14,099,565	18,033,875	11,618,384	13,086,057
Less: Current Liabilities				
Payables and Provisions	(342,298)	(4,051,491)	(4,459,150)	(540,223)
	(342,298)	(4,051,491)	(4,459,150)	(540,223)
Less: Cash Restricted	(11,896,498)	(12,509,880)	(5,025,777)	(12,133,251)
Net Current Funding Position	1,860,770	1,472,504	2,133,457	412,583



Comments - Net Current Funding Position

Shire of Brookton
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 January 2021

Note 4: RECEIVABLES

Receivables - Rates, Sewerage and Rubbish

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

Net Rates Collectable

% Collected

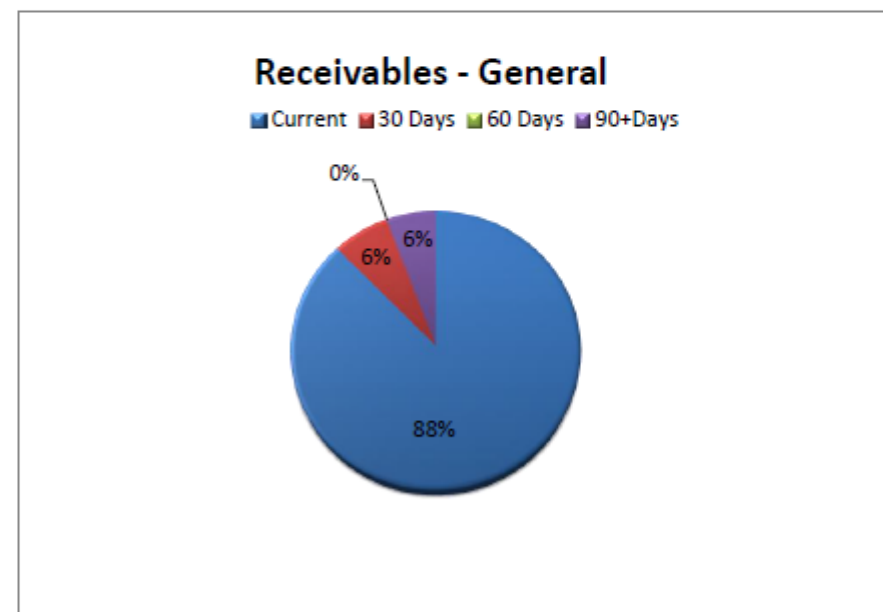
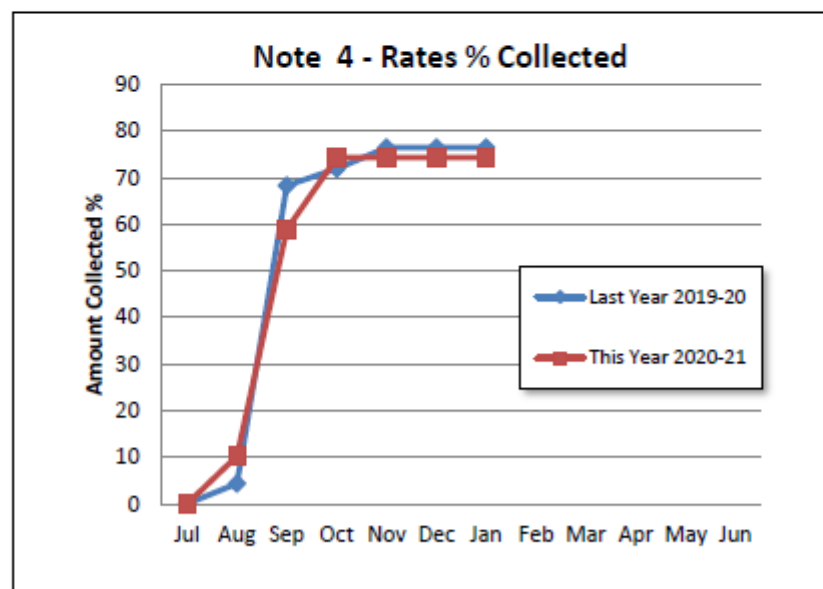
	Current 2020-21	Previous Year 2019-20
	\$	\$
Opening Arrears Previous Years	234,381	86,273
Rates, Sewerage & Rubbish Levied this year	2,699,336	2,639,434
<u>Less</u> Collections to date	(2,179,820)	(2,083,375)
Equals Current Outstanding	753,897	642,332
Net Rates Collectable	753,897	642,332
% Collected	74.30%	76.43%

Receivables - General

Total Outstanding

Amounts shown above include GST (where applicable)

	Current	30 Days	60 Days	90+Days
	\$	\$	\$	\$
	26,099	1,959	0	1,705
Total Outstanding				29,763



Comments/Notes - Receivables Rates, Sewerage and Rubbish

Comments/Notes - Receivables General

Shire of Brookton
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 January 2021

Note 5: Cash Backed Reserves

Name	Opening Balance	Budget Interest Earned	Actual Interest Earned	Adopted Budget Transfers In (+)	Current Budget Transfers In (+)	Actual Transfers In (+)	Adopted Budget Transfers Out (-)	Current Budget Transfers Out (-)	Actual Transfers Out (-)	Adopted Budget Closing Balance	Actual YTD Closing Balance
	\$	\$	\$	\$		\$	\$		\$	\$	\$
Leave Reserve	138,778	1,407	103	30,000		0		0	0	170,185	138,881
Plant and Vehicle Reserve and Community Bus Reserve	751,938	8,033	425	0		0	(414,500)		(280,500)	345,471	471,863
Land & Housing Development Reserve/Independent Living Units	1,391,205	14,201	1,031	0		0	0		0	1,405,406	1,392,236
Furniture and Equipment Reserve	21,194	369	16	0		0	0	0	0	21,563	21,210
Municipal Buildings & Facilities Reserve	330,737	3,800	245	269,000		300,000	(37,000)		0	566,537	630,982
Townscape and Footpath Reserve	125,068	1,277	93	0		0			0	126,345	125,161
Sewerage Scheme Reserve	410,425	4,394	304	35,000		0	(15,000)		0	434,819	410,729
Road and Bridge Infrastructure Reserve	327,787	6,408	243	0		0	(200,000)		0	134,195	328,030
Health & Wellbeing reserve	553,863	6,675	410	0		0	0	0	0	560,538	554,273
Sport & Recreation Reserve	31,625	323	23	0		0			0	31,948	31,648
Rehabilitation & Refuse Reserve	169,841	1,733	126	41,000		0			0	212,574	169,967
Caravan Park Reserve	153,899	1,571	114	200,000		200,000			0	355,470	354,013
Brookton Heritage/Museum Reserve	47,148	481	35	0		0			0	47,629	47,183
Kweda Hall Reserve	18,026	184	13	0		0			0	18,210	18,039
Aldersyde Hall Reserve	25,806	0	0			0	(25,806)		(25,806)	0	(0)
Railway Station Reserve	129,940	1,326	96	200,000		200,000	(35,000)		0	296,266	330,036
Madison Square Units Reserve	30,653	313	23	0		0			0	30,966	30,676
Cemetery Reserve	43,863	448	32	0		0	(25,000)		0	19,311	43,895
Water Harvesting Reserve	48,116	491	36	80,000		80,000	(55,000)		0	73,607	128,152
Developer Contribution	2,740	28	2			0			0	2,768	2,742
Cash Contingency Reserve	140,336	1,433	104	0		0			0	141,769	140,440
Brookton Aquatic Reserve	156,130	1,594	116	300,000		300,000			0	457,724	456,246
Future Fund Reserve	7,084,132	75,600	65,964	0		0	(3,080,000)		(3,080,000)	4,079,732	4,070,096
Innovations Fund Reserve	0	0		2,000,000		2,000,000			0	2,000,000	2,000,000
	12,133,250	132,089	69,553.14	3,155,000	0	3,080,000	(3,887,306)	0	(3,386,306)	11,533,033	11,896,497

Shire of Brookton
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 January 2021

Note 6: CAPITAL DISPOSALS AND ACQUISITIONS

Original Budgeted Profit(Loss) of Asset Disposal			Disposals	Actual Profit(Loss) of Asset Disposal			
Net Book Value	Proceeds	Profit (Loss)		Net Book Value		Proceeds	Profit (Loss)
222,543	133,000	(89,543)	PG7 Volvo Grader	\$ 222,543		\$ 133,000	\$ (89,543)
0	10,000	10,000	Side Winder Reel Mower				0
0	2,000	2,000	Single Cab Ute				0
14,246	0	(14,246)	Acer Server 2007				0
		0					0
		0					0
236,789	145,000	(91,789)		222,543		133,000	(89,543)

Comments - Capital Disposal

Summary Acquisitions				
	Budget	Current Budget	Actual	Variance
Property, Plant & Equipment	\$		\$	\$
Land and Buildings	226,000	280,540	21,516	259,024
Plant & Equipment	559,500	559,500	499,743	59,757
Furniture & Equipment	12,000	12,000	0	12,000
Infrastructure				
Roadworks & Bridge Works & Footpaths	1,123,247	1,295,247	328,179	967,069
Footpath Construction - Richardson Street	0	0	0	0
Sewerage & Drainage	373,000	1,023,000	31,775	991,225
Totals	2,293,747	3,170,287	881,213	2,289,074

Comments - Capital Acquisitions

Shire of Brookton
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 January 2021

Note 7: INFORMATION ON BORROWINGS

Particulars	Loan Purpose	Due Date	Term (yrs)	Rate (%)	Principal 1-Jul-20 \$	New Loans \$	Principal Repayments		Principal Outstanding		Interest Repayments	
							Actual \$	Budget \$	Actual \$	Budget \$	Actual \$	Budget \$
Self Supporting Loans												
*Loan 82 Country Club	Extension and Refurbishment of the Club House	15/11/2027	20	6.95	215,828	-	11,206	22,801	204,622	201,217	6,355	14,611
Education & Welfare												
Loan 80 Kalkami Residency	Kalkami Residence	1/02/2026	25	5.63	63,602	-	9,185	9,185	54,417	60,149	2,195	3,453
Housing												
Loan 80 Staff Housing	Staff Housing	1/02/2026	25	5.63	104,944	-	15,156	15,156	89,788	99,246	3,621	5,698
Community Amenities												
Loan 80 Sewerage	Sewerage Extension	1/02/2026	25	5.63	44,521	-	6,430	6,430	38,091	42,104	1,536	2,417
Transport												
Loan 80 Grader	New Grader	1/02/2026	25	5.63	104,944	-	15,156	15,156	89,788	99,246	3,621	5,698
Recreation and Culture												
Loan 81 Sport & Recreation	Recreation Plan	1/11/2027	20	6.95	536,706	-	27,866	56,701	508,840	492,286	15,801	44,420
					1,070,545	-	84,998	125,429	985,547	994,248	33,129	76,297

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

Shire of Brookton
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 January 2021

Note 8: CASH AND INVESTMENTS

	Interest Rate	Unrestricted \$	Restricted \$	Trust \$	Investments \$	Total Amount \$	Institution	Maturity Date
(a) Cash Deposits								
Municipal Cash at Bank - Operating Account	0.00%	32,409				32,409	Bendigo	
Municipal Cash at Bank - Cash Management Account	0.15%	1,647,446				1,647,446	Bendigo	
Bond Fund	0.00%	7,150				7,150	Bendigo	
Trust Cash at Bank	0.00%			20,540		20,540	Bendigo	
(b) Term Deposits								
Savings Account	0.15%		4,746,401			4,746,401	Bendigo	
Reserves	0.75%		7,150,097			7,150,097	Bendigo	20/03/2021
(c) Investments								
Bendigo Bank Shares					10,000	10,000	Bendigo	
Total		1,687,005	11,896,498	20,540	10,000	13,614,043		
		-	-	0	-			

Comments/Notes - Investments

Shire of Brookton
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 January 2021

Note 10: TRUST FUND

Description	Opening Balance For the Period 1 July 2019	Amount Received	Amount Paid	Closing Balance For the Period Ended 30 January 2021
	\$	\$	\$	\$
Other Bonds	6,140	0	(140)	6,000
Election Nomination Bonds	0	0	0	0
Rates Incentive Prize	0	0	0	0
Public Open Space Contributions	13,820	0	0	13,820
Unclaimed Money	830	0	(110)	720
Development Bonds	0	0	0	0
	20,790	0	(250)	20,540

Shire of Brookton
STATEMENT OF FINANCIAL ACTIVITY
Sewerage Programm by Nature and Type
For the Period Ended 30 January 2021

Note 11 Sewerage Operating Statement

NOTE	2020/21	2020/21	2020/21	Variance
	Adopted Budget	YTD Budget	YTD Actual	YTD Budget vs
	\$	\$	\$	YTD Actual
				\$
REVENUES FROM ORDINARY ACTIVITIES				
Sewerage Connection Fees and Charges	650	650	944	294
Annual Sewerage Rates	203,265	203,265	194,636	(8,629)
	203,915	203,915	195,580	(8,335)
EXPENSES FROM ORDINARY ACTIVITIES				
Employee Costs	(16,350)	(9,538)	(1,257)	8,280
Materials and Contracts	(86,110)	(50,231)	(63,194)	(12,963)
Utilities	(5,600)	(3,267)	(1,101)	2,166
Depreciation	(42,067)	(24,539)	(25,169)	(630)
Interest Expenses	(2,723)	(1,588)	(1,536)	52
Insurance	(268)	(156)	(237)	(81)
General Operating Expenses	(13,907)	(8,112)	(1,272)	6,841
Allocation of Administration Expense	(45,800)	(26,717)	(23,014)	3,702
	(212,825)	(124,148)	(116,780)	7,368
	(8,910)	79,767	78,800	(967)
Add Back Depreciation	42,067	24,539	25,169	630
Non-Operating Grants, Subsidies & Contributions	-	-	-	-
Profit on Asset Disposals	-	-	-	-
Loss on Asset Disposals	-	-	-	-
Transfer to Sewerage and Drainage Reserve	(35,000)	(20,417)	-	(20,417)
Transfer from Sewerage and Drainage Reserve	15,000	15,000	-	15,000
NET RESULT	13,157	98,890	103,970	(5,753)
Capital Loan Repayments			(6,430)	

Shire of Brookton
STATEMENT OF FINANCIAL ACTIVITY
WB Eva Pavilion by Nature and Type
For the Period Ended 30 January 2021

Note 12 WB Eva Pavilion Operating Statement

NOTE	2020/21	2020/21	2020/21	Variance
	Adopted Budget	YTD Budget	YTD Actual	YTD Budget vs YTD Actual
	\$	\$	\$	\$
REVENUES FROM ORDINARY ACTIVITIES				
Hire Fees - WB Eva Pavilion	2,980	1,738	2,311	573
Sporting Club Fees	5,500	3,208	2,724	(485)
Gymnasium Income	7,500	4,375	3,650	(725)
	15,980	9,322	8,685	(637)
EXPENSES FROM ORDINARY ACTIVITIES				
Employee Costs	-	-	-	-
Materials and Contracts	-	-	-	-
Utilities	-	-	-	-
Interest Expenses	(40,047)	(23,361)	(15,801)	7,560
Insurance	-	-	-	-
General Operating Expenses	-	-	-	-
Gymnasium Operating	(8,977)	(5,104)	(3,356)	1,748
	(40,047)	(23,361)	(19,157)	7,560
	(24,067)	(14,039)	(10,472)	6,923
NET RESULT	(24,067)	(14,039)	(10,472)	6,923

Shire of Brookton
STATEMENT OF FINANCIAL ACTIVITY
Brookton Caravan Park and Brookton Aquatic Centre
For the Period Ended 30 January 2021

	Note	Adopted Annual Budget 2019/20	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a) 9	Var. % (b)-(a)/(b) 9
Note 13 (a): Brookton Caravan Park						
Operating Revenue		\$	\$	\$	\$	%
Caravan Park Fees		33,000	19,250	23,470	4,220	21.92%
Total Revenue		33,000	19,250	23,470	4,220	21.92%
Operating Expenses						
Brookton Caravan Park	CARAOP MARKOP	(22,888)	(13,351)	(17,060)	(3,709)	27.78%
Brookton Caravan Park		(8,000)	(4,667)	(270)		
Caravan Park Depreciation		(1,037)	(605)	(612)	(7)	1.09%
Caravan Park Abc Administration Expenses		(27,480)	(16,030)	(13,809)	2,221	(13.86%)
Total		(59,405)	(34,653)	(31,750)	(1,494)	(4.31%)
Operating Surplus (Deficit)		(26,405)	(15,403)	(8,280)	2,725	18%
Excluding Non Cash Adjustments						
Add back Depreciation		1,037	605	612	7	1.09%
Net Operating Surplus (Deficit)		(25,368)	(14,798)	(7,669)	2,732	(18.46%)
Note 13 (b): Brookton Aquatic Centre						
Operating Revenue						
POOL FEES & CHARGES		14,500	8,458	9,839	1,381	16.32%
POOL GRANTS & SUBSIDIES		0	0	0	0	0.00%
Total Revenue		14,500	8,458	9,839	1,381	16.32%
Operating Expenses						
POOL EMPLOYEE COSTS		(48,057)	(28,033)	(21,007)	7,026	0.00%
POOL GENERAL OPERATING EXPENSES		(25,500)	(20,708)	(22,743)	(2,035)	9.83%
POOL BUILDING MAINTENANCE		(16,998)	(14,291)	(10,314)	3,976	(27.82%)
POOL DEPRECIATION		(11,854)	(6,915)	(7,019)	(105)	1.51%
POOL ABC ADMINISTRATION EXPENSES		(27,480)	(16,030)	(13,809)	2,221	(13.86%)
Total		(129,889)	(85,977)	(74,893)	11,084	12.89%
Operating Surplus (Deficit)		(115,389)	(77,519)	(65,054)	12,465	16.08%
Excluding Non Cash Adjustments						
Add back Depreciation		11,854	6,915	7,019	105	1.51%
Net Operating Surplus (Deficit)		(103,535)	(70,604)	(58,034)	12,569	17.80%

Note 14

**Shire of Brookton
STATEMENT OF FINANCIAL ACTIVITY
Road Program
For the Period Ended 30 January 2021**

Description	Adopted Annual Budget	Amended Budget	YTD Actual	% Completed	Federal Funding		State Funding				Own Source Funding		
					R2R	Other	RRG	RRG Carryover	Direct Grant	FAGS	Reserve	Contributions	Muni
	\$	\$	\$		\$	\$	\$	\$	\$	\$	\$	\$	\$
Town Street Maintenance	188,102	188,102	76,427	41%									188,102
Rural Road Maintenance	379,536	379,536	275,494	73%					84,910				294,626
Bridge Maintenance	63,016	104,016	27,974	27%									104,016
R2R Work Schedule													
Brookton - Kweda Road	218,633	218,633	1,598	1%	218,633								0
Other Construction													
Brookton-Kweda Road	162,080	162,080	30,798	19%							100,000		62,080
York-Williams Road	45,420	45,420	982	2%									45,420
Bartram Road	148,575	148,575	0	0%							50,000		98,575
Dale Kokeby Road	148,575	148,575	0	0%							50,000		98,575
Install & upgrade Headwalls to Culverts	24,964	24,964	0	0%									24,964
RRG Approved Projects													
Brookton-Kweda Road	324,150	324,150	260,061	80%			324,150						0
York-Williams Road	50,850	50,850	523	1%			50,850						
	1,753,901	1,794,901	673,858	38%	218,633	0	375,000	0	84,910	0	200,000	0	916,358

Note 15

Shire of Brookton
STATEMENT OF FINANCIAL ACTIVITY
Capital Works Program
For the Period Ended 30 January 2021

Description	Adopted Annual Budget	Amended Budget	YTD Actual	% Completed	Capital Funding					
					Muni	Grants	Reserves	Sale of Assets	Loan	Total Funding
	\$	\$	\$		\$	\$	\$	\$		\$
Chambers & Reception Area Upgrade	30,000	30,000	0	0%	30,000					30,000
Robinson Road - StreetBins	10,000	10,000	0	0%	10,000					10,000
Effluent Dosing Building/Shed	15,000	15,000	0	0%			15,000			15,000
Ablution Facility at Cemetery	25,000	25,000	0	0%			25,000			25,000
Railway Station Fencing and Lighting	35,000	35,000	0	0%			35,000			35,000
Youth Precinct - Fencing & Nature Play Area	50,000	94,540	4,766	5%	13,000		37,000			50,000
Aquatic Centre Improvements (new roof to Ablution)	24,000	34,000	16,750	49%	34,000					34,000
Memorial Park Gazebo and Disable access	22,000	22,000	0	0%	22,000					22,000
Tourist Information Bay	15,000	15,000	0	0%	15,000					15,000
Display Cabinet & Memorabilia Board	12,000	12,000	0	0%	12,000					12,000
John Deere 670GP Grader per RFQ05/2020	413,500	413,500	413,500	100%			280,500	133,000		413,500
Side Winder Reel Mower	52,000	52,000	0	0%			42,000	10,000		52,000
Single Cab Ute	10,000	10,000	0	0%			8,000	2,000		10,000
Dual Cab Ute - BRMPO & CESM	84,000	84,000	86,243	103%			84,000			84,000
Brookton-Kweda Road	324,150	324,150	260,061	80%		324,150				324,150
York-Williams Road	50,850	50,850	523	1%		50,850				50,850
Brookton-Kweda Road	218,633	218,633	1,598	1%		218,633				218,633
Brookton-Kweda Road	162,080	162,080	30,798	19%	100,873		61,207			162,080
York-Williams Road	45,420	45,420	982	2%	28,268		17,152			45,420
Bartram Road	148,575	148,575	0	0%	92,468		56,107			148,575
Dale Kokeby Road	148,575	148,575	0	0%	92,468		56,107			148,575
Install & upgrade Headwalls to Culverts	24,964	24,964	0	0%	15,537		9,427			24,964
Happy Valley Bore Field	55,000	55,000	17,340	32%			55,000			55,000
Upgrade Inflow Meter with Electromagnetic Metre	18,000	668,000	14,435	2%	18,000					18,000
Upgrade- Refurb/Refining Pipe Network	300,000	300,000	0	0%					300,000	300,000
	2,293,747	2,998,287	846,997	282%	483,614	593,633	781,500	145,000	300,000	2,303,747

14.02.21.04 REQUEST FOR REDUCTION OF CAMPING FEES – CYCLE TOURING ASSOCIATION OF WESTERN AUSTRALIA

File No:	ADM 0613
Date of Meeting:	18 February 2021
Location/Address:	N/A
Name of Applicant:	N/A
Name of Owner:	N/A
Author/s:	Sandie Spencer - Community Liaison Officer
Authorising Officer:	Kellie Bartley – Manager of Corporate and Community
Declaration of Interest:	The author has no interest in this item
Voting Requirements:	Absolute majority
Previous Report:	N/A

Summary of Item:

This item is for Council to consider the request from Cycle Touring Association of WA (CTAWA) to a reduction of camping fees whilst club members tour the Grain Silo Art Tour with a stopover in the Shire of Brookton.

Description of Proposal:

Consideration is sought from Council to reduce the camping fees for the Cycle Touring Association of WA.

Background:

The CTAWA approached the Shire in November 2020 to request a waiver of fees and charges to stay over-night at the Brookton Caravan Park as part of the tour around the state to take in the public silo trail. The event will span over a three-week period structured on the following itinerary below.

Overnight Destination Venues	
Saturday, 17 April 2021	Brookton
Sunday, 18 April 2021	Narrogin
Monday, 19 April 2021	Wagin
Tuesday, 20 April 2021	Katanning
Wednesday, 21 April 2021	Katanning
Thursday, 22 April 2021	Nyabing
Friday, 23 April 2021	Pingrup
Saturday, 24 April 2021	Ongerup
Sunday, 25 April 2021	Jerramungup
Monday, 26 April 2021	Ravensthorpe
Tuesday, 27 April 2021	Ravensthorpe
Wednesday, 28 April 2021	Lake King
Thursday, 29 April 2021	Newdegate
Friday, 30 April 2021	Lake Grace
Saturday, 1 May 2021	Kulin
Sunday, 2 May 2021	Narembreen
Monday, 3 May 2021	Narembreen
Tuesday, 4 May 2021	Merredin
Wednesday, 5 May 2021	Bruce Rock
Thursday, 6 May 2021	Quairading
Friday, 7 May 2021	Northam

The majority of members are retirees and intend to camp at the un-powered sites for one night on Saturday 17th April 2021.

At the Council Briefing Forum (CBF) of 17 December 2020, Council in-principle expressed support with further background information to be provided for this request.

Consultation:

This matter has been discussed with the Elected Members at the CBF (17 December 2020), Chief Executive Officer and the Manager Corporate and Community.

Statutory Environment:

Pursuant to Sections 6.12 and 5.43 of the *Local Government Act, 1995*, the waiving of fees and charges may be determined through an absolute majority decision of Council and cannot be waived under delegated authority.

Relevant Plans and Policy:

Council 'Policy 2.24 - Fees and Charges for Community Facilities and Active Reserves' together with Council's 'Schedule of Fees and Charges' as part of the Shire 2020-21 Budget, is applicable to this request.

Financial Implications:

The total camping fee applicable to the booking is \$640.00, premised on the current fee for an un-powered site at the Shire of Brookton Caravan Park at \$20 per night. In the fee being halved by 50%, each camper will be required to pay \$10 per night reducing the amount received by the Shire to \$320.00.

Risk Assessment:

On acceptance that all the other Local Governments listed as part of the tour itinerary have offered financial support, then there is a 'Low' reputational to the Shire of Brookton should Council not support this request.

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

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

Community & Strategic Objectives:

The delivery of core business and services detailed in the Shire of Brookton Corporate Compendium – October 2020, duly appended to the Next Generation BROOKTON Corporate Business Plan <2021.

Specifically, the request for a reduction in the hire fee aligns to:

Function 23 Facilities Management

Action 23.1 – Perform venue/facilities bookings

Comment:

In support of the reduced fee, this allows Cycle Touring Association of WA to choose the Shire of Brookton Caravan Park as a suitable place to stay, at the commencement of their three-week tour, and may well see the expenditure of monies in town for food and beverages resulting in an enjoyable experience that encourages promotion of Brookton and other people to visit the Shire.

OFFICER RECOMMENDATION

That Council, pursuant to sections 6.16 and 5.43 of the Local Government Act 1995 endorses to reduce the rate of the un-powered camp site at the Shire of Brookton Caravan Park to the amount of \$10 per person for the Cycle Touring Association of WA Grain Silo Art Tour on the night of Saturday 17th April 2021.

(Absolute majority vote required)

OCM 02.21-11

COUNCIL RESOLUTION

MOVED Cr Lilly SECONDED Cr Hartl

That Council, pursuant to sections 6.16 and 5.43 of the Local Government Act 1995 endorses to reduce the rate of the un-powered camp site at the Shire of Brookton Caravan Park to the amount of \$10 per person for the Cycle Touring Association of WA Grain Silo Art Tour on the night of Saturday 17th April 2021.

CARRIED BY ABSOLUTE MAJORITY VOTE 6/0

Attachments

Attachment 14.02.21.04A – Email request

From: Trevor Knox
Sent: Wednesday, 25 November 2020 1:38 PM
To: mail@brookton.wa.gov.au
Subject: 2021 CTAWA GRAIN SILO ART TOUR

Hi Allie

My name is Trevor Knox, a member of the Cycle Touring Association of Western Australia <http://ctawa.asn.au/> who is planning a bicycle tour for our Club members following a route in our State to take in the PUBLIC SILO TRAIL.

Thanks for talking with me today regarding camping options for our tour participants at the Brookton Caravan Park.

The majority of our members are retirees and we will be requiring camping over various un-powered sites for 1 night only on Saturday 17 April 2021.

For ease of collecting pre-payment from participants on our Registration Form, can you please confirm a rate of \$10 per person per night is satisfactory?

At this early planning stage I have no idea of how many members will participate, however numbers will eventually be decided by whichever caravan park along the way has the lowest ability to cater for campers.

It is encouraging to hear your caravan park and camping ground has plenty of room.

Your acknowledgement of this advice and confirmation of a suitable rate as discussed would be appreciated.

Thanks
Trevor Knox
Event Organiser

14.02.21.05 REFUND OF TRUST PAYMENTS

File No:	N/A
Date of Meeting:	18 February 2021
Location/Address:	N/A
Name of Applicant:	N/A
Name of Owner:	N/A
Author/s:	Kellie Bartley – Manager Corporate and Community
Authorising Officer:	Ian D’Arcy – Chief Executive Officer
Declaration of Interest:	The author has no financial interest in this matter.
Voting Requirements:	Absolute Majority
Previous Report:	N/A

Summary of Item:

The purpose of this report is to present to Council the receipt of (2) two trust accounts that are required to be refunded as per the requirements section 6.9(1) of the *Local Government Act 1995* and a recommendation from the Office of Auditor General (OAG).

Description of Proposal:

To approve the (2) two trust accounts to be refunded to the respective debtors.

Background:

The Office of Auditor General (OAG) recently conducted the 2019/2020 audit, in which it identified that the trust funds previously held with the Shire were not held in accordance with section 6.9 of the *Local Government Act 1995*.

The findings were original noted in 2019 and raised again in the 2020 audit review as contained in **Attachment 14.02.21.05B**.

The OAG has recommended that any money not required to be held in trust is transferred to the Shire’s Municipal Fund. However, on review of the trust accounts, officers have identified the following two items to be refunded:

Name	Comments	Amount
Vincent D’Souza Bond Number: T438	Mr D’Souza paid a trust bond on 12 February 2015. The amount collected through the development approval condition issued 18 December 2014, for a relocated secondhand building at Lot 411, 11 Falls Street, Brookton. The bond was required to be paid prior to the issue of a building permit. A building permit was issued on 20 February 2015.	\$5,000
Tianco Transport – Sand Extraction Bond Bond Number: T7	Rehabilitation Bond collected for \$3,000 per hectare extraction. Money to be refunded after each stage. Location: Loc 5336 Brookton Highway, Brookton OCM 17 September 2009, Minute Number: 10.09.09.02D The amounts of \$2,000 has been previously refunded.	\$1,000
Total to be refunded		\$6,000

The OAG issued to local governments “Accounting for work bonds, building bonds and hire bonds” paper on 1 July 2019, as contained in **Attachment 14.02.21.05A**. The purpose of the discussion paper was to inform local governments that money held in bonds, such as work bonds, building bonds and hire

bonds should not be, for accounting purposes, kept in the trust funds.

During the 2018-2019 Annual Financial Audits, the OAG reviewed 112 local governments and identified significant variations with the accounting treatment of bond moneys, such as work bonds, building bonds, and hire bonds. These included:

- Some entities held bond monies in the Municipal Fund and therefore retained any interest income on those monies.
- A small number of entities held bond monies in the Trust Fund and, in accordance with section 6.9(3)(a) of the LG Act, repaid interest together, with the principal amount, to the developer/hirer.
- Some entities held bond monies in the Trust Fund but retained any interest earnings as revenue of the entity.
- Some entities held bond moneys in the Trust Fund, and in a non-interest-bearing bank account.

Section 6.9(1) of the LG Act states:

A local government is to hold in the trust fund all money or the value of assets —
(a) that are required by this Act or any other written law to be credited to that fund;
and
(b) held by the local government in trust.

Section 6.9(3)(a) states:

Where money or other property is held in the trust fund, the local government is to —
(a) in the case of money, pay it to the person entitled to it together with, if the money has been invested, any interest earned from that investment.

The AOG report also explains *“To help achieve an appropriate, consistent accounting approach, we carefully considered the matter and sought independent legal advice. We concluded that:*

- *there are no provisions in the Act or any other written law that specify that work bonds, building bonds and hire bonds are to be credited to, or held in, the Trust Fund, and*
- *unless agreements between developers/hirers and the local government entity require bond moneys to be held in the Trust Fund, they should not be held in the Trust Fund.”*

Consultation:

Consultation has been held with the Office of the Auditor General, Chief Executive Officer, Manager Corporate and Community. The management report from the OAG was tabled and presented to the Audit and Risk Committee on 10 December 2020.

Statutory Environment:

Section 6.9 of the *Local Government Act 1995* states:

6.9. Trust fund

- (1) A local government is to hold in the trust fund all money or the value of assets —*
(a) that are required by this Act or any other written law to be credited to that fund; and
(b) held by the local government in trust.

- (2) *Money or other property held in the trust fund is to be applied for the purposes of, and in accordance with, the trusts affecting it.*
- (3) *Where money or other property is held in the trust fund, the local government is to —*
 (a) *in the case of money, pay it to the person entitled to it together with, if the money has been invested, any interest earned from that investment;*
 (b) *in the case of property, deliver it to the person entitled to it.*
- (4) *Where money has been held in the trust fund for 10 years it may be transferred by the local government to the municipal fund but the local government is required to repay the money, together with any interest earned from its investment, from that fund to a person claiming and establishing a right to the repayment.*

Relevant Plans and Policy:

The Chief Executive Officer, under relevant delegation, is authorised to arrange purchase of specific items in the budget, which do not require calling tenders, providing that it is within the approved and adopted budget.

Financial Implications:

There are no financial implications that have been identified as a result of this report or recommendation.

Risk Assessment:

The risk in relation to this matter is assessed as 'Medium' on the basis that if Council does not accept the request to refund. The risk identified would be failure to fulfil statutory regulations or compliance requirements as identified with the OAG.

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

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

Community & Strategic Objectives:

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

Specifically, the contract services support the following Business Unit and Functions:

20. Financial Control

18.2 Conduct external/internal audits and reporting

18.5 Process rates, other revenues, timely payments

Comment

The recommendation is to refund the (2) two trust payments identified within this report. It is questionable whether the respective bonds should have been applied from a legal perspective, but in any event, enforcement on the conditions of planning approval should have occurred within 12 months of completion of each development to ensure compliance through possible expenditure of the funds being held as a bond. As this hasn't occurred within sufficient time having passed, there is no longer a justification for these moneys to be retained by the Shire.

OFFICER'S RECOMMENDATION

That Council pursuant to section 6.9 of the Local Government Act 1995 accepts the refund totalling \$6,000.00 currently held in the Shire of Brookton's Trust Account as outlined as the following:

Name	Details	Amount
Vincent D'Souza Bond Number: T438	Mr D'Souza paid a trust bond on 12 February 2015. The amount collected through the development approval condition issued 18 December 2014, for a relocated secondhand building at Lot 411, 11 Falls Street, Brookton. The bond was required to be paid prior to the issues of a building permit. A building permit was issued on 20 February 2015.	\$5,000
Tianco Transport – Sand Extraction Bond Bond Number: T7	Rehabilitation Bond collected for \$3,000 per hectare extraction. Money to be refunded after each stage. Location: Loc 5336 Brookton Highway, Brookton OCM 17 September 2009, Minute Number: 10.09.09.02D The amounts of \$2,000 has been previously refunded.	\$1,000
Total to be refunded		\$6,000

OCM 02.21-12**COUNCIL RESOLUTION****MOVED Cr Walker****SECONDED Cr Lilly**

That Council pursuant to section 6.9 of the Local Government Act 1995 accepts the refund totalling \$6,000.00 currently held in the Shire of Brookton's Trust Account as outlined as the following:

Name	Details	Amount
Vincent D'Souza Bond Number: T438	<i>Mr D'Souza paid a trust bond on 12 February 2015. The amount collected through the development approval condition issued 18 December 2014, for a relocated secondhand building at Lot 411, 11 Falls Street, Brookton. The bond was required to be paid prior to the issues of a building permit. A building permit was issued on 20 February 2015.</i>	\$5,000
Tianco Transport – Sand Extraction Bond Bond Number: T7	<i>Rehabilitation Bond collected for \$3,000 per hectare extraction. Money to be refunded after each stage. Location: Loc 5336 Brookton Highway, Brookton OCM 17 September 2009, Minute Number: 10.09.09.02D The amounts of \$2,000 has been previously refunded.</i>	\$1,000
Total to be refunded		\$6,000

CARRIED BY ABSOLUTE MAJORITY VOTE 6/0

Attachments

Attachment 14.02.21.05A – Accounting for work bonds, building bonds, and hire bonds

Attachment 14.02.21.05B – OAG Findings Item 9

Accounting for work bonds, building bonds and hire bonds

Western Australia local government position paper 1

1 July 2019



The purpose of this OAG position paper is to inform local government entities that moneys held as bonds, such as work bonds, building bonds and hire bonds should not, for accounting purposes, be regarded as Trust Fund moneys in terms of the *Local Government Act 1995* (Act). Consequently, these moneys should be held in the Municipal Fund, recognised on the statement of financial position in the annual financial report and interest, if any, earned on those moneys would therefore not need to be paid to the person entitled to the moneys in accordance with section 6.9(3)(a) of the Act.

Summary of the issue

Since assuming responsibility for the annual financial audits of local government entities in accordance with the Local Government Amendment (Auditing) Act 2017, we have noted significant variation in the accounting treatment for bond moneys. These include:

- Some entities hold bond moneys in the Municipal Fund and therefore retain any interest income on those moneys.
- A small number of entities hold bond moneys in the Trust Fund and, in accordance with section 6.9(3)(a) of the Act, repay interest together with the principal amount to the developer/hirer.
- Some entities hold bond moneys in the Trust Fund but retain any interest earnings as revenue of the entity.
- Some entities hold bond moneys in the Trust Fund, and in a non-interest bearing account.

Section 6.9(1) of the Act states:

A local government is to hold in the trust fund all money or the value of assets —

- (a) that are required by this Act or any other written law to be credited to that fund; and
- (b) held by the local government in trust.

Section 6.9(3)(a) states:

Where money or other property is held in the trust fund, the local government is to —

- (a) in the case of money, pay it to the person entitled to it together with, if the money has been invested, any interest earned from that investment.

OAG position

We have obtained independent legal advice that, unless agreements between developers/hirers and the entity require bond moneys to be held in the Trust Fund, they should not be held in the Trust Fund.

There are no provisions in the Act or any other written law that specify that work bonds, building bonds and hire bonds are to be credited to, or held in, the Trust Fund, and these moneys are not held in trust. Consequently, section 6.9 of the Act is not applicable to these funds, and they should be held in the Municipal Fund.

We recommend however that separate accounting records should be maintained for these moneys, as one of the control measures to ensure they are used for the correct purpose.

As section 6.9(3)(a) of the Act is only applicable to moneys held in the Trust Fund, any interest earned while the moneys are in the Municipal Fund, can be retained by the entity.



Office of the Auditor General Western Australia

However, if entities have in the past held bond moneys (or any other moneys) in the Trust Fund, section 6.9(3)(a) of the Act applies. Therefore, if an entity has held moneys in the Trust Fund, invested it and not paid interest to the person entitled to it, the entity should assess:

1. whether it can practically identify past interest earned on the moneys, and who is owed that interest
2. whether it can practically pay those persons entitled to the interest, as required by section 6.9(3)(a) of the Act.

Cash in Lieu of Public Open Space

By contrast to bonds, we have noted for example that section 154 of the *Planning and Development Act 2005* requires Cash in Lieu of Public Open Space to be held in the Trust Fund. Consequently, section 6.9 of the Act is applicable to any such moneys held by a local government. As a result, any interest earned on those moneys should be paid to the person entitled to it, in accordance with section 6.9(3)(a) of the Act.

Recognition in the annual financial report

Because moneys held as bonds, such as work bonds, building bonds and hire bonds should be held in the Municipal Fund, they should be recognised as an asset (Cash and Cash Equivalents) in the Statement of Financial Position, with a corresponding liability to recognise that the moneys are owed to developers/hirers.

Interest earned on the work bonds, building bonds and hire bonds while the moneys are in the Municipal Fund, should be recognised as revenue in the Statement of Comprehensive Income.



ATTACHMENT A

SHIRE OF BROOKTON

PERIOD OF AUDIT: YEAR ENDED 30 JUNE 2020

FINDINGS IDENTIFIED DURING THE AUDIT

9. Trust Funds

Finding 2020

We noted that whilst the majority of funds have now been removed from trust, there are still some residual housing and other bonds being held in trust.

Finding 2019

We noted that the Shire is holding money in its trust fund for the Gnulla Child Care Facility and Wildflower Show Funds. However, we were unable to ascertain if requirements exist for these moneys to be held in trust.

We also noted that the Shire has included housing and other bonds as trust moneys in its annual financial report. This is inconsistent with the OAG position paper on 'Accounting for Work Bonds, Building Bonds and Hire Bonds'. An advantage of having bonds included within the Municipal Fund is that the Shire is able to earn interest on the bonds.

Rating: Significant

Implication

If there is no requirement for money or assets to be credited to the trust fund in accordance with s6.9(1) of the *Local Government Act 1995*, they should not be held in the Shire's trust fund.

In addition, as these moneys are not in the Shire's Municipal Fund, assets and liabilities for the Shire are understated.

Recommendation

We recommend that any money not required to be held in trust is transferred to the Shire's Municipal Fund. These funds should be recognised as assets in the Statement of Financial Position, with a corresponding liability to recognise the moneys that are owed.

Where agreements exist requiring moneys to be held in trust, the Shire should retain records of the agreements to ensure that these moneys are correctly accounted for and are used for the correct purpose.

Management Comment

The recommendation is accepted. The moneys presently held in trust, being planning/building bonds, do not adequately to cover conditioned works on respective approvals and arguably should not have been applied and be held in trust by the Shire. A request will be tabled with Council to refund these moneys to the respective property owners.

Prior-year Management Comment

The Child Centre and Wildflower show monies are to be transferred to the Community Chest Fund as the current investigations show the Shire holding this money for an extended period of time (more than 20 years in one instance) and the owners of the monies cannot be identified. Investigation into a non interest earning bank account for the deposit of "bonds" and other monies held for another person is currently under investigation. Putting the money into the Muni Fund will create issues with interest earned and the calculation and red tape for processing such small amounts. The proposed action will resolve the matter of money in the trust fund that should not be there and satisfy the OAG position paper matters.

SHIRE OF BROOKTON

PERIOD OF AUDIT: YEAR ENDED 30 JUNE 2020

FINDINGS IDENTIFIED DURING THE AUDIT

Responsible Person: Senior Finance Officer

Completion Date: March 2021

OCM 02.21-13**PROCEDURAL MOTION****MOVED Cr Hartl SECONDED Cr Walker**

That Council suspend standing orders at 6.14pm to be briefed by the CEO on further budget amendments added to Item 14.02.21.06.

CARRIED BY SIMPLE MAJORITY VOTE 6/0

*The CEO presented an overview on the request for additional funding for a second-hand light vehicle and fuel tank to be towed behind the motor graders and a gravel shoring system to be used for the digging of graves at the Brookton Cemetery. Further information on these items is included in the body of the report and are listed as the last two-line items in **Attachment 14.02.21.06A**.*

OCM 02.21-14**PROCEDURAL MOTION****MOVED Cr Hartl SECONDED Cr Watts**

That Council suspend standing orders at 6.19pm.

CARRIED BY SIMPLE MAJORITY VOTE 6/0

14.02.21.06 BUDGET VARIATIONS 2020/2021

File No:	ADM 0175
Date of Meeting:	19 February 2021
Location/Address:	Shire of Brookton
Name of Applicant:	N/A
Name of Owner:	N/A
Author/s:	Kelly D’Arcy – Senior Finance Officer
Authorising Officer:	Kellie Bartley – Manager Corporate and Community
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority
Previous Report:	N/A

Summary of Item:

This item is prepared and presented to Council to amend the 2020/2021 adopted budget to reflect various adjustments to the General Ledger with nil effect to the budgeted surplus position as presented in **Attachment 14.02.21.06A**.

Description of Proposal:

As above.

Background:

Changes to the Annual Budget are required during the year as circumstances changes from when the Annual Budget was adopted by Council at the beginning of the financial year. Amendments to the Annual Budget will ensure that tight fiscal control is maintained on the Shire’s Finances.

Consultation:

Consultation was undertaken with the Chief Executive Office, Responsible Officers and Manager Corporate and Community.

Statutory Environment:
Local Government Act 1995

6.8. Expenditure from municipal fund not included in annual budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
- (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
 - (b) is authorised in advance by resolution*; or
 - (c) is authorised in advance by the mayor or president in an emergency.

* Absolute majority required.

Relevant Plans and Policy:
Nil.

Financial Implications:

Any material variances that have an impact on the outcome of the budgeted closing surplus position are detailed in this report.

Risk Assessment:

If the Shire does not manage its finances adequately and allows budget expenditure to exceed allocations and the Shire, then finds itself unable to fund its services that have been approved through the budget process.

Failure to fulfil statutory regulations or compliance will place the Shire as non-compliant to legislation. To reduce the risk, it is required to submit budget variation requests to Council as they arise, identifying financial implications and ensure there is nil effect on the budget adopted.

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

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

Community & Strategic Objectives:

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

Specifically, this funding payment aligns to:

Function 18 – Financial Management

Action 18.1 – Prepare annual budget/conduct statutory budget review

Comment

The Schedule of Budget Variations listed in **Attachment 14.02.21.06A** is being presented to ensure works can effectively be completed this financial year, whilst maintaining integrity of the current Budget through a proper and accountable approval process.

Note to minute: The CEO tabled a revised Attachment 14.02.21.06A with 2 additional budget variations. The background and comment to these items is presented below.

Background and Comment:

Additional to this item there are two more budget variations for consideration by Council resulting in a possible amendment to **Attachment 14.02.21.06A**.

1. Replacement Light Vehicle – The 2020-21 budget presently has an allocation of \$8,000 for the replacement of a manual tray back ute that is towed behind the grader. With the existing vehicle no longer serviceable the Works Coordinator has sourced a low kilometre second hand Foton diesel vehicle available from Narrogin Auto Centre. **Figure 1** provides an understanding of the vehicle for sale.



Figure 1

As noted, the sale price is \$13,990 including GST, but excluding transfer costs.

Additionally, the Works Coordinator has also requested a new lockable 400 litre fuel tank with pump and flow metre to be fitted to the tray of the ute with a retail value of \$1,090 including GST. This is illustrated in **Figure 2** below.



Figure 2

Accordingly, to proceed with the acquisition of both items a further allocation of \$7,000 is required to be drawn from the Plant and Vehicle Reserve that has a current balance of \$345,471.

2. Grave Shoring System – Over the past 6 months difficulties have been experience with the digging and shoring of graves at the Brookton Cemetery. This has presented a significant safety issue with the remedy being the acquisition and use of a standard grave shoring system that is typically used by many other local governments. An understanding of purpose and built structure is presented as **Figure 3** below. The complete system together with safety lid, decking and freight has been quoted at \$13,166.30 excluding GST.

LITE guard

GRAVE SHORING SYSTEM

Standard Grave Shoring

The Lite Guard cemetery shield meets the safety requirements of AS 4744.1-2000 (Australian Standard), BSEN 1331.142 (British European Standard) and 29CFR Part 1926 OSHA Sup Part P (USA Standard).

The panels are very light, approximately 30 kgs each made of structural grade aluminium. The standard panels are 2400mm long x 600mm high x 45mm thick, painted green or any colour on request. Other sizes are available.

There are lifting lugs on all panels. Panels can be stacked to a depth of 3000mm using extension joiners and can be handled by small machinery often used within cemeteries.

The base unit has 4 spreader bars whereas the stacking panels only require 2 spreader bars per set. The base unit has built in cutting edges but we can supply 600mm high legs for use in normal soil giving an additional working depth of 600mm below the base of the shield.

The spreader bars can be adjustable or a fixed length. The standard spreader bars are 600mm-900mm

LITE industries Visit our website www.liteindustries.com.au for the complete range of products

7 Chapel Street
Lynbrook VIC 3975

Phone: (03) 8768 8670
Fax: (03) 8768 8671

Email: info@liteindustries.com.au

Figure 3

According, Council's approval is sought for this amount to be drawn from the Cemetery Reserve that has a present balance of \$19,311 acknowledging \$25,000 is already assigned in the current budget for construction of an ablution facility.

Both of the proposed budget amendments are list as the last two line-items in **Attachment 14.02.21.06A**.

OFFICER'S RECOMMENDATION

That Council pursuant to section 6.8 of the Local Government Act 1995, authorise the Schedule of Variations to the 2020/21 Budget, as presented in Attachment 14.02.21.06A to this report.

OCM 02.21-15

COUNCIL RESOLUTION

MOVED Cr Watts

SECONDED Cr Hartl

That Council pursuant to section 6.8 of the Local Government Act 1995, authorise the Schedule of Variations to the 2020/21 Budget, as presented in THE REVISED Attachment 14.02.21.06A to this report.

CARRIED BY ABSOLUTE MAJORITY VOTE 6/0

REVISED Attachment

Attachment 14.02.21.06A– Schedule of Variations to 2020/2021 Adopted Budget

					Budget Variations			
GL Codes	Job Codes		IE Code		Original 20/21 Budget	Amended 20/21 Budget	Changes in Net Assets	
E043020			394	ADMIN BOND ADMINISTRATION	\$3,000.00	\$7,000.00	\$4,000.00	Additional bonds received and refunded. The budget was set as an estimate as unsure what value was required.
I043010			134	ADMIN BOND ADMINISTRATION	(\$3,000.00)	(\$7,000.00)	(\$4,000.00)	
E132512			500	CARAVAN PARK UPGRADE - STAGE 1	\$515,000.00	\$550,000.00	\$35,000.00	Upgrade Caravan Park Effluent Disposal System to an Aerobic Treatment Unit to enable the stage 1 & stage 2 refurbishment
OL01841			230	TRANSFER TO MUNI - CARAVAN PARK RESERVE	(\$35,000.00)	(\$70,000.00)	(\$35,000.00)	
E104030				TPB GENERAL OPERATING EXPENSES	\$20,000.00	\$6,200.00	(\$13,800.00)	Expenditure unlikely to occur due to covid restriction placed on planning and the Reserve Management Plan completed inhouse.
I104010			129	TOWN PLANNING FEES	(\$14,500.00)	(\$3,732.00)	\$10,768.00	Income unlikely to be achieved due to COVID 19 restriction and changes in the Planning Regulations pertaining to what need a development approval.
E114020			379	LIBR GENERAL OPERATING EXPENSES GEN	\$1,500.00	\$3,200.00	\$1,700.00	Amlib annual licence not included in adopted budget
E116020	AUSTDAY		379	AUSTRALIA DAY GRANT FUNDS	\$0.00	\$20,000.00	\$20,000.00	National Australia Day Council Limited - Australia Day Grant 2021. Covid Safe Grants Program - Events
E116020				SHIRE OF BROOKTON BIKE EVENT	\$0.00	\$800.00	\$800.00	Cyclewest and Department of Transport Bike Event Grant obtained for the opening of the pump track
I116020			151	REC GRANTS & SUBSIDIES GEN	\$0.00	(\$20,799.00)	(\$20,799.00)	National Australia Day Council Limited - Australia Day Grant 2021. Covid Safe Grants Program - Events Cyclewest & DoT Bike Event Grant
I031015			104	RATE - INTERIM/BACK RATES GEN	(\$150.00)	(\$1,000.00)	(\$850.00)	More interim and back rates than originally budgeted
I052010				ANIM FEES & CHARGES	(\$3,500.00)	(\$4,500.00)	(\$1,000.00)	Greater than anticipated income due to additional fines for animal attacks
I111011			116	HALLS FEES & CHARGES - MEMORIAL HALL GEN	(\$1,400.00)	(\$2,000.00)	(\$600.00)	Greater than anticipated income due to extra usage of Memorial Hall
E115040				OTH-CULT COMMUNITY EVENTS GEN	\$9,000.00	\$12,000.00	\$3,000.00	Expenditure for the Bendigo Bank Grant - Community Christmas party and the National Australia Day Council - Australia Day messaging and branding grant
I115020			150	OTH-CULT GRANTS & SUBSIDIES	\$0.00	(\$1,819.00)	(\$1,819.00)	Bendigo Bank Community Grant for Brookton Community Christmas Party Event
I115030			151	OTH-CULT REIMBURSEMENTS & DONATIONS GEN	\$0.00	(\$1,000.00)	(\$1,000.00)	National Australia Day Council Australia Day messaging and branding grant
E087020	SENIOP		380	SENIOR CITIZEN HOMES - COMMON AREA	\$500.00	\$2,800.00	\$2,300.00	Greater than anticipated electricity usage. Staff investigating.
E112480	POOLOP		379	SWIMMING POOL MAINTENANCE	\$10,735.00	\$12,035.00	\$1,300.00	Need to replace signage. Signs are faded and non compliant.
E143530	LIGHTV			SINGLE CAB UTE	\$8,000.00	\$16,000.00	\$8,000.00	Replacement light vehicle, fuel tank, fitting and transfer costs for light vehicle associated with grader. Cost of vehicles has increased due to COVID 19. Budget increase is up to this amount.
OL01621				TRANSFER TO MUNI - PLANT & VEHICLE RESERVE	(\$414,500.00)	(\$422,500.00)	(\$8,000.00)	
E105510	CEMABLU			ABLUTION FACILITY AT THE CEMETERY	\$25,000.00	\$39,000.00	\$14,000.00	Grave shoring system required for digging retaining of graves sites – OHS issue. The budget increase is up to this amount.
OL01901				TRANSFER TO MUNI - CEMETERY RESERVE	(\$25,000.00)	(\$39,000.00)	(\$14,000.00)	

14.02.21.07 RECORDS KEEPING PLAN 2020 - 2025

File No:	COR007
Date of Meeting:	18 February 2021
Location/Address:	N/A
Name of Applicant:	N/A
Name of Owner:	N/A
Author/s:	Kellie Bartley – Manager Corporate and Community
Authorising Officer:	Ian D’Arcy – Chief Executive Officer
Declaration of Interest:	The author has no financial interest in this matter.
Voting Requirements:	Simple Majority
Previous Report:	N/A

Summary of Item:

The Shire is required to have a current Record Keeping Plan (RKP) in place for all its records (digital and hard copy). The Shire has been advised by the State Records Office of the State Government that the Shires current RKP expired in March 2019, with a number of extensions having been granted by the State Records Office until February 2021. The last review of the RKP was conducted in 2014.

This report is to adopt the Shire’s Recordkeeping Plan 2020 – 2025 and endorse the Recordkeeping Report to be sent to the State Records Office to achieve relative compliance notwithstanding it is overdue by some 2 years.

Description of Proposal:

As above.

Background:

Under the provisions of the *State Records Act 2000*, the Shire is required to undertake a periodical review and submit a RKP to the State Records Office by the 28 February 2021.

The purpose of the RKP is to set out the minimum requirements for the keeping of records created by the Shire and how it is to manage those records. RKPs are to provide an accurate reflection of the record keeping program within the organisation, including information regarding the Shire’s record keeping system(s), disposal arrangements, policies, practices and processes. The RKP is the primary means of providing evidence of compliance with the *State Records Act 2000*.

History

The last RKP was developed in 2008 and reviewed in 2014. Subsequently, new electronic document management system (Magiq) was introduced into the Shire in 2016, with no amendments made to the RKP and the State Records Office not being notified of the changes.

In early 2017, when the system (Magiq) was removed due to inadequacy, again no-one notified the State records Office of the changes and the RKP was not updated. However, since the removal of Magiq, the Shire staff had been working to source other suitable platforms for the Shire’s records, including investigation of the IT Synergy Records that visit to the Shire of Chittering to see the system in a live environment. Further, money was also allocated in the Shire’s 2018/2019 budget for the purchase of a replacement EDRMS, with the Shire having purchased the IT Vision’s software ALTUS.

There has been limited training, processes and procedures with the new ATLUS system that was implemented in October 2020, and it will take the Shire officers a period of 12 months to embed this program and create better practices that have been identified within the RKP assessment.

The RKP applies to all of the following:

- Employees;
- Contractors;
- Organisations performing outsourced services on behalf of the Shire; and
- Elected Members.

The RKP also applies to all records created or received by any of the above parties, regardless of:

- Physical format;
- Storage location; and
- Date created.

Consultation:

There are no community engagement implications that have been identified as a result of this report or recommendation. Relevant staff and contractors have been in consult since mid-2020 when this program was implemented in the organization.

Statutory Environment:

Section 28 of the *State Records Act 2000* states:

28. Review of plans

- (1) A government organization may review its record keeping plan at any time.*
- (2) A government organization must review its record keeping plan whenever there is any significant change to the organization's functions.*
- (3) The Commission may require a government organization, other than a Schedule 3 organization, to review its record keeping plan.*
- (4) The relevant Minister may require a Schedule 3 organization to review its record keeping plan.*
- (5) Not more than 5 years is to elapse between the approval of a government organization's record keeping plan and a review of it or between one review and another.*
- (6) When a government organization, other than the Commission or a Schedule 3 organization, has reviewed its record keeping plan it must submit a report of the review to the Commission.*
- (7) When a Schedule 3 organization has reviewed its record keeping plan it must submit a report of the review to its relevant Minister.*

Relevant Plans and Policy:

There are several existing policies that apply to the RKP, listed as follows:

- 1.8 – Elected Members Records
- 2.9 – Access to Administration Records
- 2.27 – Records Information Management
- 2.35 – Information Communications Technology – Security and Use
- 2.36 – Procurement
- 2.43 – Internal Audit Charter

Financial Implications:

There are no financial provisions or implications in the 2020/21 Annual Budget for this item.

Risk Assessment:

The risk in relation to this matter is assessed as 'MEDIUM' on the basis that if Council does not endorse the RKP. This risk identified would be a failure to fulfil statutory regulations and compliance requirements. Shire Officers have further improvements with processes, training, procedures, overview of the overarching guidelines. This will take a period of time; the anticipated period may take 12 months to become a benefit to the organisation.

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

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

Community & Strategic Objectives:

This item relates to delivery of core business and services detailed in the Shire of Brookton Corporate Compendium – October 2020, duly appended to the Next Generation BROOKTON Corporate Business Plan <2021.

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

17. Records Management

- 17.1 Review Records Keeping Plan
- 17.2 Establish integrated electronic records keeping system
- 17.3 Capture/Maintain corporate records/achieving

20. Contract Management

- 20.2 Review Ranger Services contract
- 20.3 Review ITC support contract

21. IT Management

- 21.1 Review computer hardware and software operating systems
- 21.2 Review ITC back up system

Comment

The Shire currently has a Records Information Management policy that sets out the accountabilities and responsibilities for the implementation and ongoing development of records and information management across the Shire. The RKP is a formal compliance requirement for Local Government and aligned with the State Records Act 2000.

OFFICER'S RECOMMENDATION

That Council, pursuant to section 28 of the State Records Act 2000;

1. Adopts the Shire of Brookton Records Keeping Plan 2020 - 2025, as contained in Attachment 14.02.21.07A to this report;
2. Authorises the Chief Executive Officer to send the Recordkeeping Report and Recordkeeping Plan 2020 – 2025 to State Records Office by 28 February; and
3. Endorses the Recordkeeping Review Form as contained in Attachment 14.02.21.07B to this report.

(Simple majority vote)

OCM 02.21-16

COUNCIL RESOLUTION

MOVED Cr Lilly SECONDED Cr Fancote

That Council pursuant to section 28 of the State Records Act, 2000;

- 1. Adopts the Shire of Brookton Records Keeping Plan 2020 - 2025, as contained in Attachment 14.02.21.07A to this report;***
- 2. Authorises the Chief Executive Officer to send the Recordkeeping Report and Recordkeeping Plan 2020 – 2025 to State Records Office by 28 February; and***
- 3. Endorses the Recordkeeping Review Form as contained in Attachment 14.02.21.07B to this report.***

CARRIED BY SIMPLE MAJORITY VOTE 6/0

Attachments

Attachment 14.02.21.07A – Shire of Brookton Records Keeping Plan 2020 – 2025 *(provided under separate cover)*

Attachment 14.02.21.07B – Recordkeeping Review Form

**Shire of Brookton
Recordkeeping Plan Review Report – RKP 2020-2025**

RECORDKEEPING PLAN REVIEW REPORT

Instructions for Use

Your organisation's existing Recordkeeping Plan (RKP) must be reviewed within five years of approval by the State Records Commission. To conduct a review, you must address four main questions:

- Do recordkeeping practices within your organisation meet business and legislative requirements?
- Have your recordkeeping practices changed since your RKP was approved?
- Have your records storage arrangements changed since your RKP was approved?
- Are you implementing an approved and updated Disposal Authority/ies?

You must review your RKP and submit this review report to the State Records Commission in accordance with the requirements of the *State Records Act 2000* (the Act).

How to Use the Template

1. Where <Name of Organisation> appears, insert the name of your agency
2. Amend any suggested wording to suit your organisation's program and circumstances.
3. *<Instructions are shown in italics inside angle brackets, indicating that information should be inserted/deleted/amended as appropriate>.*
4. You are NOT required to attach documents or excerpts of documents to this review report. The State Records Office (SRO) may request access to documentation as part of any assessment of your report on behalf of the Commission, or in preparation for submission to the Commission.

For enquiries regarding your RKP contact the State Records Office:
Phone: (08) 9427 3661
Email: sro@sro.wa.gov.au

This page is not to be included with your Report

Shire of Brookton
Recordkeeping Plan Review Report – RKP 2020-2025

CEO CERTIFICATION

Tick as appropriate

- a) Shire of Brookton's business or functions or legislative requirements have changed in the past five years and therefore, an amendment to the RKP is required

☐

OR

- b) The RKP *does not* accurately reflect current recordkeeping practices within Shire of Brookton and therefore, an amendment to the RKP is required

☒

OR

- c) The RKP does not reflect the current record storage arrangements and therefore an amendment to the RKP is required.

☐

AND / OR

- d) Shire of Brookton *is not* implementing an approved and up-to-date Disposal Authority/ies, in accordance with its RKP and therefore, an amendment to the RKP is required

☒

If you have indicated that an amendment to the RKP is required, please provide the date that the amended RKP will be submitted to the State Records Office:

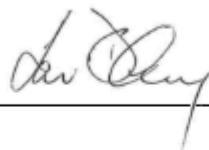
AMENDED RKP SUBMISSION DATE: Monday 22nd February 2021

I confirm, to the best of my knowledge and belief, the information provided about the Review is complete and accurate.

Signature Chief Executive Officer or Principal Officer, or delegate

Ian D'Arcy

Name



Chief Executive Officer

Position

Shire of Brookton

Name of organisation

22 February 2021

Date

Please submit this review report to the Director State Records for referral to the State Records Commission.

Mr Damian Shepherd
Director State Records
Alexander Library Building
Perth Cultural Centre
PERTH WA 6000

Shire of Brookton

Recordkeeping Plan Review Report – RKP 2020-2025

1 – Business Functions under RKP

Compare the information documented in your organisation's approved RKP with the current operating environment.

No	Section	Compliance Requirement	Yes	No
1.1	Business Activities	Have any business activities, including outsourced activities, or functions changed?		✓
1.2	Major Stakeholders	Are there any changes to major stakeholders?		✓
1.3	Enabling Legislation	Has the organisation's enabling legislation changed?		✓
1.4	Other Legislation	Are there any changes to (major) legislation administered by or affecting the functions and operations of the organisation?		✓

If you have answered 'YES' to any of the above, please briefly explain in the table below:

<Add more table rows as necessary or Delete table if no changes are required>

Section	Explanatory Notes	Planned Actions

Shire of Brookton

Recordkeeping Plan Review Report – RKP 2020-2025

2 – Changes to Policies and Procedures

Compare the policy and procedure documentation in your organisation's approved RKP with current practices.

No	Section	Compliance Requirement	Yes	No
2.1	Recordkeeping Systems	Are all recordkeeping systems that create and keep records described in the RKP?	✓	
2.2		Are all business systems that create and keep records described in the RKP?	✓	
2.3	Policies and Procedures	Do the policy/ies and procedures for recordkeeping included in the RKP reflect current practice?	✓	
2.4		Are your policies and procedures approved by your organisation's CEO?	✓	
2.5		Are recordkeeping policies and procedures disseminated to all staff?	✓	

If you have answered 'NO' to any of the above, please briefly explain in the table below:

<Add more table rows as necessary or Delete table if no changes are required>

Section/Activity	Explanatory Notes	Planned Actions

Shire of Brookton
Recordkeeping Plan Review Report – RKP 2020-2025

3. Storage of digital and hard copy records

Identify whether an assessment of the risks to records has been conducted for any new storage arrangements.

No	Section	Compliance Requirement	Yes	No
3.1	Assessment of Risks to records	Have you conducted a risk assessment for your storage of hard copy AND digital information?	✓	
3.2	Records Disaster Recovery Plan (RDRP)	Has the RDRP, or similar, been revised to reflect any changes to storage conditions, approved and implemented throughout the organisation for hard copy AND digital information?	✓	

If you have answered 'NO' to any of the above, please briefly explain in the table below:

<Add more table rows as necessary or Delete table if no changes are required>

Section/Activity	Explanatory Notes	Planned Actions

Shire of Brookton
Recordkeeping Plan Review Report – RKP 2020-2025

4 –Retention and Disposal

Identify whether retention and disposal authorities have been implemented within your organisation.

No	Section	Compliance Requirement	Yes	No
4.1	Disposal Authorities	Do you have an SRC approved Disposal Authority in place? These include: <ul style="list-style-type: none"> • General Disposal Authorities • Sector Disposal Authorities • Retention and Disposal Schedules 	✓	
4.2	Disposal Program	Are you implementing a disposal program using an approved Disposal Authority?	✓	

If you have answered 'NO' to any of the above, please briefly explain in the table below:

<Add more table rows as necessary or Delete table if no changes are required>

Section/Activity	Explanatory Notes	Planned Actions

15.02.21 GOVERNANCE

15.02.21.01 PROPOSED AMENDMENT TO COUNCIL POLICY 2.36 - PROCUREMENT

File No:	ADM 0660
Date of Meeting:	18 February 2021
Location/Address:	N/A
Name of Applicant:	N/A
Name of Owner:	N/A
Author/s:	Ian D'Arcy - Chief Executive Officer
Authorising Officer:	As above
Declaration of Interest:	The author as the CEO has an interest in Policy 2.36 from an operational perspective.
Voting Requirements:	Simple majority
Previous Report:	N/A

Summary of Item:

This item seeks Council's endorsement to amending Policy 2.36 – Procurement to align with the Local Government (Functions and General) Regulations, 1996.

Description of Proposal:

As above.

Background:

In response to the COVID -19 pandemic the State Government in 2020 moved to introduce a number of changes to the existing Local Government legislation in the effort to streamline processes and address community needs.

This included an increase to the minimum tender threshold from \$150,000.00 up to \$250,000.00 and allowing existing contracts for supply of good and services to be extended by 12 months at Council's discretion without the need to re-tender.

Accordingly, this report seeks Council's support to align Policy 2.36 to the current Regulations.

For reference, a copy of Policy 2.36 with amendments highlighted in red text is provided as **Attachment 15.02.21.01A** to this report.

Consultation:

There has been no consultation on this matter.

Statutory Environment:

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

Furthermore, alignment of the Procurement Policy is performed pursuant to Section 3.57 of the *Local Government Act, 1995* and Division 2 - Tenders for providing goods or services under the Local Government (Functions and General) Regulations, 1996.

The specific reference under the legislation is Regulations 11, where it states:

11. When tenders have to be publicly invited

- (1) Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$250 000 unless subregulation (2) states otherwise.

Relevant Plans and Policy:

The proposed change to the tender threshold from \$150,000.00 to \$250,000.00 does not have any adverse effect on another plan or other policy of Council.

However, the change of policy does assist in streamlining expenditure of Commonwealth Grant Funding, associated with drought relief and COVID-19 stimulus, where restricted timelines for expenditure and acquittal of funds have been imposed.

Financial Implications:

There should be no financial impacts in Council endorsing the suggested changes to this policy.

Risk Assessment:

The risk associated with amending this policy is assessed as 'Medium' premised on ensuring reasonable clarity and alignment to best practice and applicable legislation.

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

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

Community & Strategic Objectives:

The suggested policy updates aligns to the Shire of Brookton Corporate Compendium – May 2020, duly appended to the Next Generation BROOKTON Corporate Business Plan <2024.

Specifically, these policy amendments are in accordance with:

Business Function 1 - Governance

Action 1.1 - Review policy manual

Comment:

The proposed amendment to Policy 2.36 is predominantly seen as 'house-keeping', although importantly it is significant in the current circumstance of COVID-19, where the reduction of administrative function is beneficial to the progression of capital projects in a timely manner.

OFFICER RECOMMENDATION

That Council pursuant to Section 2.7(2)(b) of the Local Government Act 1995 amends Policy 2.36 – Procurement as presented in Attachment 15.02.21.01A of this report.

OCM 02.21-17

COUNCIL RESOLUTION

MOVED Cr Hartl SECONDED Cr Lilly

That Council pursuant to Section 2.7(2)(b) of the Local Government Act 1995 amends Policy 2.36 – Procurement as presented in Attachment 15.02.21.01A of this report.

CARRIED BY SIMPLE MAJORITY VOTE 6/0

Attachment

15.02.21.01A – Policy 2.36 - Procurement

2.36 PROCUREMENT

Directorate:	Corporate			
Statutory Environment:	<i>Local Government Act 1995 (as amended) sections 5.42, 5.44, 6.2(4a) Local Government (Financial Management) Regulations 1996, Part 4 Corruption, Crime and Misconduct Act 2003 (CCC legislation) Shire of Brookton Code of Conduct</i>			
Council Adoption:	Date:		Resolution #:	13.11.18.02
Last Amended:	Date:	Feb 2021	Resolution #:	
Review Date:	June 2021			

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 within the Shire Administration.

Purchasing that is \$~~150,000~~ 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 \$~~150,000~~ 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 Threshold	Value	Purchasing Requirements
\$0 up to \$2,000		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

	<p>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; • Price 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>
\$2,001 up to \$5,000	<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; • Price 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>
Over \$5,001 and up to \$15,000	<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>
\$15,000 and up to \$40,000	<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 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 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>
\$40,001 and up to \$149,999 250,000	<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>
\$ 150,000 250,000 and above	<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 \$~~149,999~~ 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.
- 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 \$2,000 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 in to.

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 \$2,000 and less than ~~\$150,000~~ 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 Code of Conduct*
- *Corruption Crime and Misconduct Act 2003*
- *State Records Act 2000*

15.02.21.02 AMENDMENT OF COUNCIL POLICY 2.21 – FINANCIAL HARDSHIP

File No:	ADM0564
Date of Meeting:	18 February 2021
Location/Address:	Whole of Shire
Name of Applicant:	Shire of Brookton
Name of Owner:	N/A
Author/s:	Trish Brown – Finance Administration Officer Kellie Bartley – Manager Corporate and Community
Authorising Officer:	Kellie Bartley – Manager Corporate and Community
Declaration of Interest:	The author has no financial interest in this matter.
Voting Requirements:	Simple Majority
Previous Report:	21 May 2020

Summary of Item:

This item relates to an amendment to Council Policy 2.21 – Financial Hardship, to enhance the provisions of the application process that has now been included due to the recent review of rating procedures under the outcomes identified with the Office of the Auditor General (OAG).

Description of Proposal:

As above.

Background:

The Chief Executive Officer presented to Council in May 2020 an amendment to this policy due to the provisions that were issued to all local governments due to the COVID-19 Pandemic.

A Ministerial Order, gazette on 8 May 2020, was introduced in accordance with Part 10 of the *Local Government Act 1995*, prohibits application of interest or penalty charges on an excluded person's rate and service charge debts in the 2020/21 financial year or until the Order is revoked or expires.

The policy assists ratepayers suffering genuine financial hardship.

Consultation:

This matter has been discussed and reviewed with the Rates Officer and Manager Corporate and Community under the review of the internal procedures for rating practices due to the OAG outcomes.

Statutory Environment:

The *Local Government Act 1995* states the following provisions in relation to this policy:

2.7. Role of council

- (1) *The council —*
 - (a) *governs the local government's affairs; and*
 - (b) *is responsible for the performance of the local government's functions.*
- (2) *Without limiting subsection (1), the council is to —*
 - (a) *oversee the allocation of the local government's finances and resources; and*
 - (b) *determine the local government's policies.*

5.42. Delegation of some powers and duties to CEO

- (1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under —
- (a) this Act other than those referred to in section 5.43; or
 - (b) the Planning and Development Act 2005 section 214(2), (3) or (5).

* Absolute majority required.

- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

6.49. Agreement as to payment of rates and service charges

A local government may accept payment of a rate or service charge due and payable by a person in accordance with an agreement made with the person.

6.55. Recovery of rates and service charges

- (1) Subject to subsection (2) and the Rates and Charges (Rebates and Deferments) Act 1992 rates and service charges on land are recoverable by a local government from —

- (i) the owner at the time of the compilation of the rate record; or
- (ii) a person who whilst the rates or service charges are unpaid becomes the owner of the land.

- (2) A person who, by virtue of an Act relating to bankruptcy or insolvency or to the winding up of companies, has become the owner of land in the capacity of a trustee or liquidator, is not on that account personally liable to pay, out of the person's own money, rates or service charges which are already due on, or become due on that land while that person is the owner in that capacity.

Please refer to the **Attachment 15.01.21.02A** for the *Local Government (COVID-19 Response) Order 2020*.

Relevant Plans and Policy:

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

Financial Implications:

In adopting this amendment there is no requirement for funds to be set aside in the current or future budget as the cost to Council can only be determined upon the receipt of individual applications received for financial hardship.

Risk Assessment:

The risk in relation to this matter is assessed as 'Low' on the basis that Council does not accept the changes. It is not anticipated there will be any significant adverse effect on the Shire's capacity to support those ratepayers in genuine financial hardship. The Shire Officers are also mitigating the risks identified with the recent report and presented to Council from OAG.

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

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

Community & Strategic Objectives:

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

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

1. Governance

1.1 Review Policy manual

17 Financial Control

18.5 Process rates, other revenues, timely payments

Comment

Reviewed Council Policy – 2.21 Financial Hardship

Officers have undertaken a review of Council Policy 2.21 – Financial Hardship and are proposing a range of changes as outlined in **Attachment 15.02.21.02B**.

These proposed changes are described below:

- **Correction of Statutory Environment**

The Water Services Code of Conduct has been removed and the legislation added is in relation to the rates debtor recovery under the identified legislation.

- **Scope**

Points 3 and 4 have been added identifying all ratepayers to the scope of the associated policy.

- **Definitions**

A list of definitions has been added to identify what is a rates debtor, small business, financial hardship and financial hardship payment arrangement.

This gives a clear understanding of who is eligible and what constitutes financial hardship including payment arrangement considerations.

- **Interest Charges**

Paragraph added to identify the Ministerial Order issued and gazette on 8 May 2020 and can be found in **Attachment 15.02.21.02A**.

- **Added and Removed - Deferment of Rates**

Previous wording has been removed and replaced with reference to the provisions under the *Rates and Charges (Rebates and Deferments) Act 1992*. This legislation outlines the requirements under the State Government Rebates allowable for eligible ratepayers who must hold one of the following concession cards: Pensioner Concession Card, WA State Concession Card, Commonwealth Seniors Health Card with a WA Seniors Card or WA Seniors Card only.

- **Added - Applying for Financial Hardship**

A new Financial Hardship Application has been developed for the ratepayer to submit to the Shire for consideration. The application form is provided in this report as **Attachment 15.02.21.02C**. This will help shire officer's and/or the Chief Executive Officer to access the application and the financial hardship assistance the Shire may offer to the ratepayer. This form has been based on the WALGA based model introduced for local governments to utilise.

- **Added - Review and Assessment Process**

An assessment checklist has been created and added to the internal processes required for Shire Officer's to assess the applications. This also provides a strengthening of sound rating and debtor recovery processes as recently identified by the OAG. This checklist can be reviewed and is provided as **Attachment 15.02.21.02D**.

- **Added – Application Approval**

To ensure all applications are submitted, considered, and notified on the same basis and to provide consistent outcomes.

- **Communication and Confidentiality**

Rates Officer added to the policy for purposes of the role of the position, in relation to debtor recovery process and procedures within the financial rating year.

OFFICER'S RECOMMENDATION

That Council:

1. Pursuant to Section 2.7 (2)(b) of the Local Government Act 1995 accepts the amended Council Policy 2.21 – Financial Hardship, as presented in Attachment 15.02.21.02B in this report;
2. Notes the Financial Hardship Application Form as contained in Attachment 15.02.21.02C; and
3. Notes the Financial Hardship Application Assessment checklist as contained in Attachment 14.01.21.03D.

OCM 02.21-18

COUNCIL RESOLUTION

MOVED Cr Walker

SECONDED Cr Watts

That Council:

1. ***Pursuant to Section 2.7 (2)(b) of the Local Government Act 1995 accepts the amended Council Policy 2.21 – Financial Hardship, as presented in Attachment 15.02.21.02B in this report;***
2. ***Notes the Financial Hardship Application Form as contained in Attachment 15.02.21.02C; and***
3. ***Notes the Financial Hardship Application Assessment checklist as contained in Attachment 14.01.21.03D.***

CARRIED BY SIMPLE MAJORITY VOTE 6/0

Attachments

Attachment 14.01.21.03A – Local Government (COVID-19 Response) Order 2020

Attachment 14.01.21.03B – Amended Council Policy – 2.21 Financial Hardship Policy

Attachment 14.01.21.03C – Financial Hardship Application Form

Attachment 14.01.21.03D – Financial Hardship Application Assessment Checklist



Local Government Act 1995

**Local Government (COVID-19 Response) Order
2020**

As at 04 Nov 2020

Version 00-b0-00
Published on www.legislation.wa.gov.au

Local Government (COVID-19 Response) Order 2020

Contents

1.	Citation	1
2.	Commencement	1
3.	Terms used	1
4.	Section 5.27 modified (electors' general meetings)	3
5.	Section 5.28 modified (electors' special meetings)	3
6.	Section 5.94 modified (public can inspect certain local government information)	3
7.	Section 6.2 modified (local government to prepare annual budget)	4
8.	Section 6.13 modified (interest on money owing to local governments)	4
9.	Section 6.33 modified (differential general rates)	5
10.	Section 6.34 modified (limit on revenue or income from general rates)	6
11.	Section 6.35 modified (minimum payment)	6
12.	Section 6.36 modified (local government to give notice of certain rates)	7
13.	Section 6.45 modified (options for payment of rates or service charges)	8
14.	Section 6.51 modified (accrual of interest on overdue rates or service charges)	8
15.	Section 9.51 modified (giving documents to local government)	9
	Notes	
	Compilation table	10

Defined terms

Local Government (COVID-19 Response) Order 2020

1. Citation

This order is the *Local Government (COVID-19 Response) Order 2020*.

2. Commencement

This order comes into operation on the day on which it is published in the *Gazette*.

3. Terms used

- (1) In this order, unless the contrary intention appears —
- 2019/20 financial year* means the financial year ending on 30 June 2020;
- 2020/21 annual budget*, in relation to a local government, means the annual budget adopted by the local government under section 6.2 for the 2020/21 financial year;
- 2020/21 financial year* means the financial year ending on 30 June 2021;
- cessation day* means the day on which the *Local Government (COVID-19 Response) Amendment Order 2020* clause 4 comes into operation;
- commencement day* means the day on which this order comes into operation;
- COVID emergency period* means the period beginning on commencement day and ending on cessation day;

excluded person means a person who —

- (a) is a residential ratepayer or small business ratepayer of a local government; and
- (b) is considered by the local government to be suffering financial hardship as a consequence of the COVID-19 pandemic;

proposed differential general rate, in relation to a local government, means a differential general rate that is to be imposed by the local government in the 2020/21 financial year;

proposed minimum payment, in relation to a local government, means a minimum payment that is to be imposed by the local government in the 2020/21 financial year;

residential ratepayer, in relation to a local government, means a person who under section 6.44 is liable to pay a rate or service charge that is imposed by the local government on land on the basis that the land is used for residential purposes;

section means a section of the Act;

small business has the meaning given in the *Small Business Development Corporation Act 1983* section 3(1);

small business ratepayer, in relation to a local government, means a person who under section 6.44 is liable to pay a rate or service charge that is imposed by the local government on land used by the person for the purposes of carrying out a small business owned or operated by the person.

- (2) A term has the same meaning in this order as it has in section 6.1.

[Clause 3 amended: SL 2020/211 cl. 4.]

4. Section 5.27 modified (electors' general meetings)

- (1) Section 5.27 is modified as set out in this clause in relation to a general meeting of the electors of a district that —
 - (a) under section 5.27 is required to be held in the 2019/20 financial year; and
 - (b) on commencement day has not been held.
- (2) The requirements in section 5.27(1) and (2) do not apply to the general meeting and are replaced with the requirements in subclauses (3) and (4).
- (3) The general meeting is not to be held during the COVID emergency period.
- (4) The general meeting is to be held on a day selected by the local government but not more than 56 days after cessation day.

5. Section 5.28 modified (electors' special meetings)

- (1) Section 5.28 is modified as set out in this clause in relation to a special meeting of the electors of a district that under section 5.28(4) is required or permitted to be held during the COVID emergency period.
- (2) The requirements in section 5.28(4) do not apply to the special meeting and are replaced with the requirements in subclauses (3) and (4).
- (3) The special meeting is not to be held during the COVID emergency period.
- (4) The special meeting is to be held on a day selected by the mayor or president but not more than 35 days after cessation day.

6. Section 5.94 modified (public can inspect certain local government information)

- (1) Section 5.94 is modified as set out in this clause.

cl. 7

- (2) If the office of a local government is closed as a consequence of the COVID-19 pandemic, the entitlement under section 5.94 of a person to attend the office to inspect a document and the requirements in that section are replaced with the entitlement and requirements in subclause (3).
 - (3) A person may request that a local government provide the person with a copy of a document referred to in section 5.94 and, unless it would be contrary to section 5.95, the local government is to, free of charge, and whether or not the document is current at the time of the request —
 - (a) if the document is published on the local government's official website — inform the person of the website address where the document is published; or
 - (b) email a copy of the document to an email address provided by the person; or
 - (c) mail a copy of the document to a postal address provided by the person.
- 7. **Section 6.2 modified (local government to prepare annual budget)**
 - (1) Section 6.2(2) is modified as set out in this clause in relation to the preparation of the 2020/21 annual budget of a local government.
 - (2) The reference to the contents of the plan for the future of the district made in accordance with section 5.56 is replaced with a reference to the consequences of the COVID-19 pandemic.
- 8. **Section 6.13 modified (interest on money owing to local governments)**
 - (1) Section 6.13 is modified as set out in this clause in relation to a resolution of a local government under section 6.13(1) that is to be included in its 2020/21 annual budget.

-
- (2) The resolution —
- (a) cannot require a person who is considered by the local government to be suffering financial hardship as a consequence of the COVID-19 pandemic to pay interest; and
 - (b) is to specify that the requirement to pay interest does not apply to a person who is considered by the local government to be suffering financial hardship as a consequence of the COVID-19 pandemic.
- (3) The rate of interest that may be set by the local government under section 6.13 in its 2020/21 annual budget is not to exceed 8%.
- (4) Subclause (3) applies despite the *Local Government (Financial Management) Regulations 1996* regulation 19A.
9. **Section 6.33 modified (differential general rates)**
- (1) In this clause —
- relevant rate*, of a local government, means a proposed differential general rate of the local government that under section 6.33(3) cannot be imposed without the approval of the Minister.
- (2) Section 6.33(3) is modified as set out in this clause in relation to a relevant rate of a local government if —
- (a) as a consequence of the COVID-19 pandemic, the local government resolves (whether before or after commencement day) that no proposed differential general rate of the local government will exceed the corresponding differential general rate that was imposed by the local government in the 2019/20 financial year; and
 - (b) the local government obtained the Minister's approval under section 6.33(3) to impose in the 2019/20 financial

year a differential general rate corresponding to the relevant rate.

- (3) The local government is not required to obtain the approval of the Minister under section 6.33(3) to impose the relevant rate.

10. Section 6.34 modified (limit on revenue or income from general rates)

- (1) Section 6.34(b) is modified as set out in this clause in relation to the 2020/21 annual budget of a local government.
- (2) The reference to 90% is replaced with a reference to 80%.

11. Section 6.35 modified (minimum payment)

- (1) In this clause —

relevant minimum payment, of a local government, means a proposed minimum payment of the local government that under section 6.35(5) cannot be imposed without the approval of the Minister.

- (2) Section 6.35(5) is modified as set out in this clause in relation to a relevant minimum payment of a local government if —

- (a) as a consequence of the COVID-19 pandemic, the local government resolves (whether before or after commencement day) that —

- (i) no proposed differential general rate of the local government will exceed the corresponding differential general rate that was imposed by the local government in the 2019/20 financial year; and

- (ii) no proposed minimum payment of the local government will exceed the corresponding minimum payment that was imposed by the local government in the 2019/20 financial year;

and

- (b) the local government obtained the Minister's approval under section 6.35(5) to impose in the 2019/20 financial year a minimum payment corresponding to the relevant minimum payment.
 - (3) The local government is not required to obtain the approval of the Minister under section 6.35(5) to impose the relevant minimum payment.
- 12. Section 6.36 modified (local government to give notice of certain rates)**
- (1) Section 6.36 is modified as set out in this clause in relation to a local government if, as a consequence of the COVID-19 pandemic, the local government resolves (whether before or after commencement day) that —
 - (a) no proposed differential general rate of the local government will exceed the corresponding differential general rate that was imposed by the local government in the 2019/20 financial year; and
 - (b) no proposed minimum payment of the local government of the kind referred to in section 6.36(1) will exceed the corresponding minimum payment that was imposed by the local government in the 2019/20 financial year.
 - (2) The requirements in section 6.36(1) to (4) do not apply to the local government and are replaced with the requirements in subclauses (3) and (4).
 - (3) The local government must publish on the local government's official website details of each proposed differential general rate and each proposed minimum payment of the local government.
 - (4) The details referred to in subclause (3) must be published by the local government within 10 days after the later of the following —
 - (a) the day on which the local government makes the resolution referred to in subclause (1);

(b) commencement day.

13. Section 6.45 modified (options for payment of rates or service charges)

(1) In this clause —

financial hardship policy, in relation to a local government, means a policy addressing the manner in which the local government will deal with financial hardship that may be suffered by ratepayers and other persons who are required to make payments to the local government.

(2) Section 6.45 is modified as set out in this clause in relation to payment by instalments of a rate or service charge imposed by a local government in the 2020/21 financial year.

(3) The local government cannot impose an additional charge (including an amount by way of interest) under section 6.45(3) in respect of payment by instalments made by an excluded person.

(4) If the local government has not adopted a financial hardship policy, the maximum rate of interest that may be imposed by the local government under section 6.45(3) is 3%.

(5) Subclause (4) applies despite the *Local Government (Financial Management) Regulations 1996* regulation 68.

14. Section 6.51 modified (accrual of interest on overdue rates or service charges)

(1) Section 6.51 is modified as set out in this clause in relation to a resolution made under section 6.51(1) by a local government at the time of imposing a rate or service charge for the 2020/21 financial year.

(2) The resolution —

(a) cannot impose interest in respect of a rate or service charge payable by an excluded person; and

- (b) is to specify that the imposition of interest does not apply in respect of a rate or service charge payable by an excluded person.
 - (3) The rate of interest that may be set by the local government under section 6.51 is not to exceed 8%.
 - (4) Subclause (3) applies despite the *Local Government (Financial Management) Regulations 1996* regulation 70.
15. **Section 9.51 modified (giving documents to local government)**
- (1) Section 9.51 is modified as set out in this clause.
 - (2) In addition to the methods in section 9.51(a) and (b), a document may be given to a local government by sending it by email to the local government at its email address.
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Notes

This is a compilation of the *Local Government (COVID-19 Response) Order 2020* and includes amendments made by other written laws. For provisions that have come into operation see the compilation table.

Compilation table

Citation	Published	Commencement
<i>Local Government (COVID-19 Response) Order 2020</i>	SL 2020/57 8 May 2020	8 May 2020 (see cl. 2)
<i>Local Government (COVID-19 Response) Amendment Order 2020</i>	SL 2020/211 3 Nov 2020	cl. 1 and 2: 3 Nov 2020 (see cl. 2(a)); Order other than cl. 1 and 2: 4 Nov 2020 (see cl. 2(b))

Defined terms

*[This is a list of terms defined and the provisions where they are defined.
The list is not part of the law.]*

Defined term	Provision(s)
2019/20 financial year.....	3(1)
2020/21 annual budget.....	3(1)
2020/21 financial year.....	3(1)
cessation day.....	3(1)
commencement day.....	3(1)
COVID emergency period.....	3(1)
excluded person.....	3(1)
financial hardship policy.....	13(1)
proposed differential general rate.....	3(1)
proposed minimum payment.....	3(1)
relevant minimum payment.....	11(1)
relevant rate.....	9(1)
residential ratepayer.....	3(1)
section.....	3(1)
small business.....	3(1)
small business ratepayer.....	3(1)

2.21 FINANCIAL HARDSHIP

Directorate:	Corporate			
Statutory Environment:	Water Services Code of Conduct (Customer Service Standards) 2013 <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:	May 2020 February 2021	Resolution #:	
Review Date:	June 2021			

Objective:

To give effect to the Council's commitment to support:

- Shire of Brookton ratepayers experiencing financial hardship **or difficulty in meeting their commitments regarding payment of rates and/or charges.**
- 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.

~~Also,~~ 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

1. 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.

2. 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:

- Recent unemployment or under-employment
- Sickness or recovery from sickness
- Low income or loss of income
- 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**.

~~schedule.~~ The Council will be considerate of all circumstances, applying the principles of fairness, integrity and confidentiality whilst complying with relevant statutory responsibilities.

3. Payment Arrangements

If the Shire accepts a situation of financial hardship a payment ~~plan~~ 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:

- That a ratepayer has made genuine effort to meet rate and service charge obligations in the past.
- The payment arrangement/schedule will establish a known end date that is realistic and achievable.
- 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).

4. 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).

5. 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.

~~A ratepayer who has a Pensioner Card, State Concession Card or Seniors Card and Commonwealth Seniors Health Care Card registered against their property may apply for deferment in paying their rates.~~

~~Should this option be exercised the deferred rates balance:~~

- ~~• Will remain as a debt on the property until paid.~~
- ~~• Will become payable in full if the property is sold or if the pensioner ceases to reside at the property.~~
- ~~• May be paid at any time, although the concession will not apply when the rates debt is subsequently paid, acknowledging that any deferral of payment automatically forfeits the right to any concession entitlement being applied.~~
- ~~• Will not incur penalty interest charges.~~

6. 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.

7. Applying for Financial Hardship

The ratepayer is required to submit a Financial Hardship Application provided by the Shire of Brookton.

8. 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.

9. Application Approval

The following concessions may be applied on a case-by-case basis:

- a) Acceptance of temporarily reduced payments; or
- b) Acceptance of an agreed Payment Arrangement.

Ratepayers will be notified in writing of the result of their application.

10. Review

The Council remains open to a review of all circumstances and decisions made under this policy at the request of the ratepayer.

11. 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.



FINANCIAL HARDSHIP APPLICATION

The Shire of Brookton (the Shire) has adopted a Financial Hardship Policy as Council understands that members of the community may be suffering financial hardship as a result of the Coronavirus (COVID-19) or other life events that impact a person's capacity to pay their Rates. The Shire wants to ensure that eligible Ratepayers can apply and be considered for assistance to meet their Rates payment responsibilities. The Minister of Local Government issued on 8 May 2020 a *Local Government (COVID-19 Response) Order 2020*, to allow local governments to activate a financial hardship policy.

A successful application will result in a rates payment plan agreed between you and the Shire of Brookton and if there is extreme financial hardship, penalty interest may be written off or not applied to the rates debt for a period of time.

The Shire of Brookton expects that Ratepayers will make reasonable efforts to make payments in accordance with their agreed payment plan, however the Shire does understand that things can change and the ratepayer can contact us at any time to request an adjustment the agreed payment plan.

Are you eligible to apply?

Any Ratepayer experiencing difficulties in meeting their financial commitments is eligible to apply.

How is a decision made about my application?

Decisions about financial hardship applications will be assessed based on the information provided in the application form and attachments submitted. This information will be assessed against the requirements of the Shire of Brookton's Financial Hardship Policy. You can read the Financial Hardship Policy on our website or request a copy from our Rates Department.

After you submit an application, the Shire will contact you if we need more information.

Do you need help to make an application?

Contact our Rates Section on (08) 9642 1106 and our friendly staff will be able to assist you. Shire Officer's can assist you over the phone, in a face to face appointment or we can connect you with other financial counselling or community support agencies to meet your needs.

Privacy and Confidentiality

The Shire understands that the information requested in this application is sensitive and we will treat it as confidential and only use this information for making decisions regarding your rates debt.

Right to have the decision reviewed

If you are not happy with our decision about your application, you can ask for the decision to be reviewed. Decision review requests can be submitted to the Chief Executive Officer, who will consider your request and advise you of the outcome. Email your request to ceo@brookton.wa.gov.au mail to PO Box 42, Brookton WA 6306.

If you are still unhappy with the decision and outcome of your appeal, you can seek advice from Ombudsman WA – check the website www.ombudsman.wa.gov.au or Phone 08 9220 7555, Freecall 1800 117 000 or email mail@ombudsman.wa.gov.au

RATEABLE PROPERTY DETAILS			
Address:			
	Suburb:		Postcode:
Assessment Number (if known)			
Outstanding Rate Account Balance (if known)	\$		
Is the property owner / occupied or is it rented?	<input type="checkbox"/> Owner/Occupied		
	<input type="checkbox"/> Tenanted Rental		
	<input type="checkbox"/> Untenanted Rental		
If the property is rented, how is it managed?	<input type="checkbox"/> Managing Agent (provide agent's name)		
	<input type="checkbox"/> Privately managed		
If you are the lessee of the rateable property, what type of lease do you hold?	<input type="checkbox"/> Peppercom		<input type="checkbox"/> Mining tenement
	<input type="checkbox"/> Commercial		<input type="checkbox"/> Crown
APPLICANT DETAILS			
Ratepayer 1			
Company Name			
Surname:		First Name:	
Residential Address:			
	Suburb:		Postcode:
Postal Address			
	Suburb:		Postcode:
Email:			
Telephone:		Mobile:	
If we need to phone you, what time of day is most convenient for you?			
<input type="checkbox"/> Business Hours 9am – 5pm <input type="checkbox"/> Early Morning 6am – 9am <input type="checkbox"/> Evening 5pm to 7pm			
Ratepayer 2			
Company Name			
Surname:		First Name:	
Residential Address:			
	Suburb:		Postcode:
Postal Address			
	Suburb:		Postcode:
Email:			
Telephone:		Mobile:	
If we need to phone you, what time of day is most convenient for you?			
<input type="checkbox"/> Business Hours 9am – 5pm <input type="checkbox"/> Early Morning 6am – 9am <input type="checkbox"/> Evening 5pm to 7pm			

FAMILY CIRCUMSTANCES	
Are you supporting dependents?	
<input type="checkbox"/>	Spouse / Partner
<input type="checkbox"/>	Children How many dependent children do you support? <input type="text"/>
<input type="checkbox"/>	Other (please provide details)

NOMINATE AN AUTHORISED AGENT			
You can authorise another person to deal with the Shire of Brookton regarding your financial hardship application and rates debt:			
Agency Name:	<input type="text"/>		
Contact Surname:	<input type="text"/>	First Name:	<input type="text"/>
Contact Address:	<input type="text"/>		
	Suburb:	<input type="text"/>	Postcode: <input type="text"/>
Email:	<input type="text"/>		
Telephone:	<input type="text"/>	Mobile:	<input type="text"/>

PREVIOUS RATE PAYMENT ARRANGEMENTS	
Please tell us what option you chose to pay your rates in the last financial year.	
<input type="checkbox"/>	Paid in Full
<input type="checkbox"/>	Instalments x 2 payments Paid in Full <input type="checkbox"/> Yes / <input type="checkbox"/> No
<input type="checkbox"/>	Instalments x 4 payments Paid in Full <input type="checkbox"/> Yes / <input type="checkbox"/> No
<input type="checkbox"/>	Special Payment Plan <input type="checkbox"/> Plan still active OR <input type="checkbox"/> Plan cancelled (defaulted)
<input type="checkbox"/>	Unknown (The Shire of Brookton can find this information in our records if you are unable to provide it here.)
<input type="checkbox"/>	Other (please provide details)

RATE CONCESSION ENTITLEMENT		
You may be entitled to a Rates concession or deferment.		
Applicant 1	Applicant 2	Do currently you hold any of the following cards?
<input type="checkbox"/>	<input type="checkbox"/>	Seniors Card ONLY
<input type="checkbox"/>	<input type="checkbox"/>	WA Seniors Card AND a Commonwealth Health Care Card (you must have both cards)
<input type="checkbox"/>	<input type="checkbox"/>	Pensioner Concession Card OR State Concession Card

FINANCIAL HARDSHIP INFORMATION			
Please tell us about the reasons your financial circumstances have changed.			
		Ratepayer 1	Ratepayer 2
Have you petitioned for bankruptcy? <i>If yes, you are <u>not</u> eligible under the Financial Hardship Policy.</i>		<input type="checkbox"/> Yes / <input type="checkbox"/> No	<input type="checkbox"/> Yes / <input type="checkbox"/> No
<i>Please select all applicable reasons from the list below:</i>			
<input type="checkbox"/>	Is your financial hardship caused by the impacts of the Coronavirus (COVID-19)? 'Yes' or 'No' won't affect your application, but will help to understand the impact of the pandemic.	<input type="checkbox"/> Yes / <input type="checkbox"/> No	<input type="checkbox"/> Yes / <input type="checkbox"/> No
<input type="checkbox"/>	Unemployed Date employment ceased:		
<input type="checkbox"/>	Under-employed Average hours worked p/week:		
<input type="checkbox"/>	Temporarily stood-down Date of stand-down:		
<input type="checkbox"/>	Income has been reduced <i>Please provide details in the Financial Information section below.</i>		
<input type="checkbox"/>	Unable to work due to responsibilities as a carer	<i>Please attach copy of letter from medical practitioner</i>	
<input type="checkbox"/>	Unable to work due to physical or mental health diagnosis		
<input type="checkbox"/>	Diagnosed with Coronavirus (COVID-19) and unable to work		
<input type="checkbox"/>	Unable to work due to self-isolation	Start Date:	
		End Date:	
<input type="checkbox"/>	Death in the family		
<input type="checkbox"/>	Family or domestic violence		
<input type="checkbox"/>	Other <i>(Please provide details)</i>		

CURRENT FINANCIAL INFORMATION			
Accurate financial information is important so you do not commit to an unrealistic payment plan			
INCOME <i>Please provide <u>monthly</u> Net Income</i>		Ratepayer 1	Ratepayer 2
<input type="checkbox"/>	Wages / Salary	\$	\$
<input type="checkbox"/>	Pension or other Government Benefit	\$	\$
<input type="checkbox"/>	JobKeeper	\$	\$
<input type="checkbox"/>	JobSeeker	\$	\$
<input type="checkbox"/>	Interest or earnings from banks, financial institutions or dividends	\$	\$
<input type="checkbox"/>	Compensation, superannuation, insurance or retirement benefits	\$	\$
<input type="checkbox"/>	Child Support Payments	\$	\$
<input type="checkbox"/>	Rental income	\$	\$
<input type="checkbox"/>	Other income? (Please describe)	\$	\$

Office Use ONLY	Calculate Total Monthly Income	\$	
If Reduced Income is a reason for this Financial Hardship Application, please complete:		Ratepayer 1	Ratepayer 2
Previous monthly income:		\$	\$
Date that reduced income occurred:		/ /	/ /
Current monthly income:		\$	\$
Office Use ONLY	Calculate Monthly Income Reduction	\$	

EXPENSES			\$ Amount per month
Please provide monthly household expenditure as a total for all applicants :			
<input type="checkbox"/>	Mortgage / Home Loan		\$
<input type="checkbox"/>	Other Mortgages / business loans		\$
<input type="checkbox"/>	Other loans		\$
<input type="checkbox"/>	Credit Card/s		\$
<input type="checkbox"/>	Utilities	Power	\$
		Water	\$
		Internet	\$
		Phone/s	\$
<input type="checkbox"/>	Insurances		\$
<input type="checkbox"/>	Food and living expenses		\$
<input type="checkbox"/>	Motor vehicle expenses (licensing, repairs, fuel)		\$
<input type="checkbox"/>	Entertainment (streaming services / eating out, etc)		\$
<input type="checkbox"/>	Other expenditure? (Please provide details)		\$
Office Use ONLY			Calculate Total Monthly Expenditure \$

SUPPORTING DOCUMENTS	
Please provide copies of documents you may have to support this application.	
<input type="checkbox"/>	Letter from financial counsellor, confirm financial hardship circumstances
<input type="checkbox"/>	Letter from medical practitioner
<input type="checkbox"/>	Centrelink payment evidence
<input type="checkbox"/>	Letter from your employer / recent payslips
<input type="checkbox"/>	Letter from another agencies that has deemed you to be in financial hardship <i>i.e. your bank, superannuation fund or utility provider</i>
<input type="checkbox"/>	Statutory declaration from a professional familiar with your financial circumstances <i>i.e. family doctor, accountant</i>

<input type="checkbox"/>	Other (please list)
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PAYMENT PROPOSAL

Please provide a payment proposal that, if approved, will be your commitment to make payments toward your rates debt.

Before selecting an option below, please consider all your financial commitments so that your payment proposal will not limit your ability to meet basic living expenses for you and your dependents.

<input type="checkbox"/>	OPTION 1 Regular Payment Plan		
	Nominate how much you want to pay and how frequently you want to pay this amount. This option is preferred as it will help you to reduce your rates debt through regular payments. This option helps to avoid having to make a large single payment that may impact your ability to meet basic living expenses for you and your dependents.		
	Proposed Payment Amount:	\$	
	Proposed Payment Frequency	<input type="checkbox"/> Weekly	<input type="checkbox"/> Fortnightly
		<input type="checkbox"/> Bi-monthly	<input type="checkbox"/> Monthly
	Proposed Start Date:		

<input type="checkbox"/>	OPTION 2 Defer Payment in Full	
	Nominate a date on which you will pay your rates debt in full. This option may be suitable if you are <u>temporarily</u> unable to work or <u>temporarily</u> have reduced income and you <u>know</u> when your circumstances will return to normal. DO NOT select this option if you are not certain that you can pay your rates debt in full on or before the nominated date, as if you fail to do so, the Shire of Brookton may initiate debt collection proceedings.	
	Please defer my rates debt DUE DATE to:	(Write date here)

DECLARATION

I declare that the information provided in this Financial Hardship Application is accurate and I will advise the Shire of Brookton if there is any change to my / our financial circumstances.

Ratepayer 1 Signature		Date:	
Ratepayer 2 Signature		Date	



FINANCIAL HARDSHIP APPLICATION ASSESSMENT CHECKLIST

Rateable Property Details			
Address:			
	Suburb:		Postcode:
Assessment Number			
Is the property owner / occupied?	<input type="checkbox"/> Yes / <input type="checkbox"/> No		
Is the property currently tenanted?	<input type="checkbox"/> Yes / <input type="checkbox"/> No		
Any other considerations relevant to this property?	<input type="checkbox"/> Yes / <input type="checkbox"/> No		
FINANCIAL HARDSHIP ELIGIBILITY CRITERIA			
<i>Consider eligibility in context of the adopted Financial Hardship Policy principles</i>			
Insolvent / Bankruptcy?	<input type="checkbox"/> Yes / <input type="checkbox"/> No		<i>If YES, the applicant is ineligible. No further assessment required. (Contact is to be made with Ratepayer)</i>
Rates Concession Entitlement?	<input type="checkbox"/> Yes / <input type="checkbox"/> No		<i>If YES, check status and where necessary, assist applicant to apply.</i>
COVID-19 related application	<input type="checkbox"/> Yes / <input type="checkbox"/> No		<i>Data only to assist in understanding the pandemic's economic impact</i>
Select reason/s given by applicant?	Assumptions	Assessment Consideration	
<input type="checkbox"/> Unemployed	<input type="checkbox"/> Long-term	<i>Community unemployment rates are highly likely to be a long term factor.</i>	
	<input type="checkbox"/> Short-term		
<input type="checkbox"/> Under-employed	<input type="checkbox"/> Covid-19 related	<i>Community under-employment rates are highly likely to be a long term factor.</i>	
	<input type="checkbox"/> Other		
<input type="checkbox"/> Temporarily stood-down		<i>Likely to be a short term factor.</i>	<i>May have capacity for regular payments; may defer until working again.</i>
<input type="checkbox"/> Income has been reduced <i>Total household income reduced by:</i>	<input type="checkbox"/> Less than 30%	<i>Consider applicant's income / expense information disclosed in the application form.</i>	<i>If temporary or low level reduced income – may have capacity for regular payments; may defer until working again. Higher level reduced income - Likely to require lower \$value / longer term payment plan.</i>
	<input type="checkbox"/> Between 30% - 60%		
	<input type="checkbox"/> Greater than 60%		
	<input type="checkbox"/> Medical practitioner letter provided	<i>Long term carer, likely to have long term financial impacts</i>	<i>Likely to require lower \$value / longer term payment plan.</i>

<input type="checkbox"/> Unable to work due to carer responsibilities	<input type="checkbox"/> Long term carer <input type="checkbox"/> Short term carer	Short term carer, likely to have short term financial impacts.	May have capacity for regular payments; may defer until working again.
<input type="checkbox"/> Unable to work due to physical or mental health diagnosis	<input type="checkbox"/> Medical practitioner letter provided	Chronic or severe illness is likely to have long term financial impact.	Likely to require lower \$value / longer term payment plans.
	<input type="checkbox"/> Chronic / severe illness <input type="checkbox"/> Short term illness	Recovery expected in the short term; likely to have short term financial impact.	May have capacity for regular payments; may defer payment until working again.
<input type="checkbox"/> Diagnosed with Coronavirus (COVID-19) and unable to work	<input type="checkbox"/> Medical practitioner letter provided	Severe COVID-19 disease; potential long term health impact; long term financial impact.	Likely to require lower \$value / longer term payment plan.
		Mild COVID -19 disease may be a short term financial impact.	May have capacity for regular payments; may defer payment until working again.
<input type="checkbox"/> Unable to work due to self-isolation		Short term financial impact.	May have capacity for regular payments; may defer payment until working again.
<input type="checkbox"/> Death in the family		Short term financial impact.	May have capacity for regular payments; may defer payment until working again.
<input type="checkbox"/> Family or domestic violence		Long term financial impact; circumstances have potential to change rapidly.	Likely to have limited capacity to commit / adhere to regular payments. Provide flexible lower \$value / long term payment plan.
<input type="checkbox"/> Other	<input type="checkbox"/> Evidence from another entity confirming financial hardship exists <input type="checkbox"/> Letter from other professional confirming financial hardship exists. <input type="checkbox"/> Other reasons / evidence	Consider "other" reasons in context with the principles of the adopted Financial Hardship Policy and the likelihood that the reason will impact financial capacity to commit and adhere to a payment plan.	
Application is assessed as ELIGIBLE?			<input type="checkbox"/> YES / <input type="checkbox"/> NO

Rates and Service Charge Debt History			
Option selected by the Ratepayer for 2019/20 rates:			
Paid in full by due date?	<input type="checkbox"/> Yes / <input type="checkbox"/> No	If NO, Amount o/s:	\$
2 x Instalments option & paid in full	<input type="checkbox"/> Yes / <input type="checkbox"/> No	If NO, Amount o/s:	\$
4 x Instalments option & paid in full	<input type="checkbox"/> Yes / <input type="checkbox"/> No	If NO, Amount o/s:	\$
Approved payment plan & paid in full	<input type="checkbox"/> Yes / <input type="checkbox"/> No	If NO, Amount o/s:	\$
Additional Rates debts outstanding?			
2018/19 Rates paid in full	<input type="checkbox"/> Yes / <input type="checkbox"/> No	If NO, Amount o/s:	\$
2017/18 Rates paid in full	<input type="checkbox"/> Yes / <input type="checkbox"/> No	If NO, Amount o/s:	\$
Older Rates Debts paid in full	<input type="checkbox"/> Yes / <input type="checkbox"/> No	If NO, Amount o/s:	\$
Ratepayer's commitment to paying rates debt:			Assessment Consideration
Did the Ratepayer default on their selected rate payment option?	<input type="checkbox"/> Yes / <input type="checkbox"/> No	Ratepayer adhered to payment plan commitments.	Likely to adhere to payment plan as proposed.
		Ratepayer somewhat adhered to payment plan commitments	May require LG to monitor and actively provide payment reminders.
		Ratepayer did NOT adhere to payment plan commitments	May require LG to implement payment reminders / regular contact with the Ratepayer.

Financial Capacity for a Payment Plan		
Use the financial information disclosed in the application form.		
Total household monthly income	<input type="checkbox"/> Evidence provided	\$
Less the Total household monthly expenses	<input type="checkbox"/> Evidence provided OR reasonably detailed	\$
Applicant's Available Monthly Income		\$
Calculate <u>30%</u> of the Available Monthly Income: <i>Likely amount that a person in financial hardship is capable of regularly paying</i>		\$
Applicant's Proposed Payment (calculated as if it were a monthly payment)		\$

Guidance for Assessing Financial Capacity for the Proposed Payment Plan

- Consider information provided in the application and consider if the proposed payment amount is likely or is not likely to impact their ability to meeting basic living expenses.
- Consider that over longer periods of time any person is likely to have unexpected expenses i.e. emergency repair bills, unexpected medical expenses, unexpected school expenses. The payment plan should provide some level of financial capacity for unexpected expenses.
- If there is any concern that the applicant has been too ambitious in nominating a payment amount then, in consultation with the applicant, an alternative lower payment amount should be considered.
- Option 2 Defer Payment in Full, should primarily only be considered if the applicant's past rates debt payment history demonstrates they are a low risk of defaulting. However, if the person has no available monthly income capacity to make payments, then a short term deferral may be appropriate to allow the person to obtain financial counselling, followed by a subsequent re-assessment to consider if the persons circumstances have changed or are likely to change in the short to medium term to allow them to then commence a payment plan.
- Consider the Financial Hardship Policy principles and the Eligibility Criteria assumptions and assessment considerations (above).

Consultation with Applicant

Any proposal to approve a Proposed Payment Plan with variations OR to refuse an application, must be consulted with the Applicant before a decision is made.

		Date/s	Contact Method:	Outcome:
<input type="checkbox"/>	Requested additional information		<input type="checkbox"/> Phone <input type="checkbox"/> Email <input type="checkbox"/> Letter <input type="checkbox"/> In person	
<input type="checkbox"/>	Negotiated variation of proposed Payment Plan with the Ratepayer		<input type="checkbox"/> Phone <input type="checkbox"/> Email <input type="checkbox"/> Letter <input type="checkbox"/> In person	
<input type="checkbox"/>	Advised Applicant of proposal to refuse application		<input type="checkbox"/> Phone <input type="checkbox"/> Email <input type="checkbox"/> Letter <input type="checkbox"/> In person	

Applicant Assessed as having Financial Capacity for the Payment Plan Proposal				<input type="checkbox"/> YES / <input type="checkbox"/> NO	
Estimated Date the rates debts will be paid in full:				(Month YYYY)	
Comments					
Financial Hardship Recommendation					
<input type="checkbox"/>	Approve Payment Plan as proposed	Current Outstanding as at _____		\$ _____	
		Payment Amount:		\$ _____	
		<input type="checkbox"/> Weekly	<input type="checkbox"/> Fortnightly	<input type="checkbox"/> Monthly	
<input type="checkbox"/>	Approve Payment Plan – Varied as agreed with Applicant	<input type="checkbox"/> Bi-monthly	<input type="checkbox"/> Quarterly	<input type="checkbox"/> Other agreed payment schedule attached	
		1 st Payment Due:		Current debt to be cleared by:	
<input type="checkbox"/>	Refuse Application	<input type="checkbox"/> Ineligible Applicant:	(Details)		
		<input type="checkbox"/> Other Reasons:	(Details)		
<input type="checkbox"/>	Assessment Deferred	Applicant assessed as NOT having the financial capacity to enter into a payment plan at this time. Application to be re-assessed following the applicant obtaining advice and support from a financial counselling service.			
		Applicant to be contacted to initiate reassessment after (insert date):			

15.02.21.03 CONTRACT RANGER SERVICES AGREEMENT AND APPOINTMENT OF AUTHORISED PERSONS – MUNICIPAL RANGER
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File No:	ADM 0402
Date of Meeting:	18 February 2021
Location/Address:	N/A
Name of Applicant:	N/A
Name of Owner:	N/A
Author/s:	Kellie Bartley – Manager Corporate and Community
Authorising Officer:	Ian D’Arcy – Chief Executive Officer
Declaration of Interest:	The author and authorising officer do not have an interest in this item
Voting Requirements:	Simple Majority
Previous Report:	N/A

Summary of Item:

This item seeks Council’s endorsement of a 1 year extension for the Ranger Services Agreement for the Shire of Brookton (the Shire) and the need for a officers of WA Contract Ranger Services: Matthew Sharpe, Morné Pfister, Samantha Di Candilo, and Brad Miller, to be appointed as a Authorised Persons under various legislation applicable to the function and jurisdiction of the Shire of Brookton.

A copy of the existing Ranger Services Contract Agreement is provided as **Attachment 15.02.21.03A** under separate confidential cover for Councillor’s information.

Description of Proposal:

As above.

Background:

Contract Agreement

The Shire’s existing Ranger Services Agreement (RSA) provisions expired on 31 December 2020. The agreement was for a term of 2 years, commencing on 3 January 2018, and ending on 31 December 2020. This report seeks Council approval to authorise the Chief Executive Officer to enter into a contract for an additional 1 year (1 January 2021 - 31 December 2021).

The current service provides for a professional Local Government Ranger service of, 1 rostered day a fortnight, or more often, if requested by the Shire, in addition to an emergency on-call service. The services may include (but are not limited to):

- Dog and cat management;
- Bushfire hazard reduction;
- Off road vehicle management;
- Litter and illegal dumping management;
- Abandoned vehicle management;
- Animal control including reptile handling;
- Caravan and camping control;
- All other areas of State legislation pertaining to a Local Government Ranger service;
- All other management of local laws; and
- All other law enforcement within the Shire of Brookton.

Authorised Officer(s)

Local Government is bound to enforce certain legislation, and as a result is required that officers be authorised to undertake various roles and responsibilities in relation to the legislation. It is essential that these officers are properly authorised under the appropriate legislation to undertake their duties.

WA Contract Ranger Services have been contracted to provide Ranger Services on behalf of the Shire, listed below are the officers who have been employed by WA Contract Ranger Services. Providing delegations to Mr Matthew Sharpe, Morné Pfister, Samantha Di Candillo, and Brad Miller will enable them to carry out their role under the relevant legislation on behalf of the Shire.

Council has previously appointed each officer to enforce the legislation, as outlined in the Statutory Environment.

Consultation:

Consultation has been discussed with the Chief Executive Officer, Manager Corporate and Community and Mr. Matt Sharpe, WA Rangers Services.

Statutory Environment:

The authorisation for extension of the Ranger Services contract is enacted under Section 9.49(A) and 9.49(b) of the *Local Government Act 1995*.

Specifically, section 9.49 (A)(4) states:

“A local government may, by resolution, authorise the CEO, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.”

The authorisations will enable: Matthew Sharpe, Morné Pfister, Samantha Di Candillo, and Brad Miller when working on behalf of the Shire, to administer law enforcement under a range of legislation, including:

- *Road Traffic Act 1974 (Road Traffic Code 2000) – Part 12*
- *Cat Act 2011 and Regulations*
- *Dog Act 1976 and Regulations*
- *Litter Act 1979 and Regulations*
- *Animal Welfare Act 2002*
- *Control of Vehicle (Off Road Areas) 1978 and Regulations*
- *Caravan and Camping Grounds Act 1995 and Regulations*
- *Dogs (Restricted Breeds) Regulations 2002*
- *Local Government Act 1995 and Regulations*
- *Local Government (Parking for Disabled Persons) Regulations 1988*
- *Local Government (Miscellaneous Portions) Act 1960*
- *Shire of Brookton Local Laws (various)*
- *Bushfires Act 1954*

Relevant Plans and Policy:

There are no existing plans or policies that apply to this matter. The Delegation Register identifies as delegation number 1.35 - Authorised Officers.

Financial Implications:

The financial costs for the provisions of services is currently within the adopted Annual Financial Budget 2020/2021 for contracted Ranger Services.

Risk Assessment:

The risk in relation to this matter is assessed as 'High' on the basis that:

- (a) With the myriad of legislation (see statutory section above) needing to be administered, and enforced by the Local Government, and without a dedicated, authorised, and suitably qualified, and trained officer, the Local Government would not be able to effectively fulfil its statutory obligation under the various legislation.
- (b) Without appropriate authorisation the Rangers cannot effectively, and lawfully perform their duties, placing the Local Government at risk of breaching its statutory responsibilities. The failure of providing necessary ranger services can lead to concerns within the community, with regards to the areas identified specific in legislation related to service delivery.

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

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

Community & Strategic Objectives:

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

Specifically, the contract services support the following Business Units and Functions:

7. Ranger Services

- 7.1 Perform cat/dog registrations
- 7.2 Conduct fire break inspections
- 7.3 Perform animal control and management

20. Contract Management

20.2 Review Ranger Services Contract

Comment

This report seeks Council to accept the recommendation for a 1-year extension for Ranger Services until 31 December 2020 and to authorise the Chief Executive Officer to finalise the contract.

It is considered imperative that authorisations be granted to enable the WA Contract Ranger Services Officers to administer law enforcement under the various pieces of legislation, as listed in the Statutory Section of this report.

OFFICER'S RECOMMENDATION 1

That Council pursuant to Section 9.49(A)(4) of the Local Government Act, 1995 authorises the Chief Executive Officer to enter in to a one (1) year extension for contracted Ranger Services Agreement with WA Ranger Services for the period of 1 January 2021 to 31 December 2021.

OFFICER'S RECOMMENDATION 2

That Council:

1. Endorses WA Contract Ranger Services employee Matthew Sharpe, Morné Pfister, Samantha Di Candilo and Brad Miller as an Authorised Officers for the Shire of Brookton pursuant to the following Acts:
 - Road Traffic Act 1974 (Road Traffic Code 2000) – Part 12
 - Cat Act 2011 and Regulations
 - Dog Act 1976 and Regulations
 - Litter Act 1979 and Regulations
 - Animal Welfare Act 2002
 - Control of Vehicle (Off Road Areas) 1978 and Regulations
 - Caravan and Camping Grounds Act 1995 and Regulations
 - Dogs (Restricted Breeds) Regulations 2002
 - Local Government Act 1995 and Regulations
 - Local Government (Parking for Disabled Persons) Regulations 1988
 - Local Government (Miscellaneous Portions) Act 1960
 - Shire of Brookton Local Laws (various)
 - Bushfires Act 1954
2. Authorises the Chief Executive Officer to proceed to publish a notice in the local newspaper for this authorisation to take effect from Monday 22nd February 2021.

OCM 02.21-19

COUNCIL RESOLUTION

MOVED Cr Walker SECONDED Cr Lilly

That Council pursuant to Section 9.49(A)(4) of the Local Government Act, 1995 authorises the Chief Executive Officer to enter in to a one (1) year extension for contracted Ranger Services Agreement with WA Ranger Services for the period of 1 January 2021 to 31 December 2021.

CARRIED BY SIMPLE MAJORITY VOTE 6/0

OCM 02.21-20

COUNCIL RESOLUTION

MOVED Cr Walker SECONDED Cr Fancote

That Council:

- 1. Endorses WA Contract Ranger Services employee Matthew Sharpe, Morné Pfister, Samantha Di Candilo and Brad Miller as an Authorised Officers for the Shire of Brookton pursuant to the following Acts:**
 - **Road Traffic Act 1974 (Road Traffic Code 2000) – Part 12**
 - **Cat Act 2011 and Regulations**
 - **Dog Act 1976 and Regulations**
 - **Litter Act 1979 and Regulations**
 - **Animal Welfare Act 2002**
 - **Control of Vehicle (Off Road Areas) 1978 and Regulations**
 - **Caravan and Camping Grounds Act 1995 and Regulations**
 - **Dogs (Restricted Breeds) Regulations 2002**
 - **Local Government Act 1995 and Regulations**
 - **Local Government (Parking for Disabled Persons) Regulations 1988**
 - **Local Government (Miscellaneous Portions) Act 1960**
 - **Shire of Brookton Local Laws (various)**
 - **Bushfires Act 1954**
- 2. Authorises the Chief Executive Officer to proceed to publish a notice in the local newspaper for this authorisation to take effect from Monday 22nd February 2021.**

CARRIED BY SIMPLE MAJORITY VOTE 6/0

Attachments (provided under separate confidential cover)

Attachment 15.02.21.03A – Ranger Services Contract

15.02.21.04 DRAFT NEW POLICY – RATES EXEMPTION FOR CHARITABLE PURPOSES POLICY

File No:	ADM 0564
Date of Meeting:	18 February 2021
Location/Address:	Whole of Shire
Name of Applicant:	Shire of Brookton
Name of Owner:	N/A
Author/s:	Trish Brown – Finance Administration Officer Kellie Bartley – Manager Corporate and Community
Authorising Officer:	Kellie Bartley – Manager Corporate and Community
Declaration of Interest:	The author has no financial interest in this matter.
Voting Requirements:	Simple Majority
Previous Report:	N/A

Summary of Item:

The purpose of this report is to present to Council for consideration and to endorse a new Rates Exemptions for Charitable Purposes Policy.

Description of Proposal:

The objective of the proposed policy is to provide guidance on how Council will consider applications for exemptions from rates on the grounds of the land being used exclusively, for charitable purposes. Exemptions must be applied in a clear, transparent and equitable way, and relevant consideration given to the impact on other ratepayers and the sustainability of the Shire's public finances.

Background:

Currently there is no existing policy relating to rates exemptions.

Therefore, this draft policy has been prepared to help improve the framework for the Shire Administration and the Council. It will also help define what is an exemption, versus a concession, or write off. A rates exemption based on charitable purpose is only valid where the use of the land is for a charitable purpose, and not the status of the applicant.

It is noted the Council and Shire Administration are both committed to supporting community groups with their activities and provide opportunities for not-for-profit organisations to apply for community sponsorship. Groups that are not eligible for a rates exemption can apply for sponsorship and financial utility support through the Community Chest Fund, which may assist with the payment of rates and other outgoings.

Applications are usually considered using the guidelines provided by WALGA and the Rates Association, as well as any existing case law. Unless, under section 6.26, the *Local Government Act 1995* has been amended to better define what a charitable purpose is, it is up to individual Councils to make their own informed decisions. A policy is considered important to the Shire of Brookton to ensure each case is considered equitably and minimise risk to the Shire and other ratepayers.

Options

Council could choose not to adopt the new policy and instead, assess each application on a case by case basis. However, this may lead to applications not being considered holistically, or consistently and therefore this poses an element of risk relating to potential legal challenge.

Council could accept the officer recommendation to adopt the proposed policy and provide delegated powers to the CEO to approve or reject applications. Whilst this may improve efficiency of the process, it

would prevent Council having essential input into the decision-making process, and considering whether the purpose is of benefit to the community.

Conversely, Council could again accept the recommendation and adopt the proposed policy which includes referring each application to Council for consideration, once reviewed by Shire of Brookton Officers. Officers consider this to be the most transparent and equitable process, particularly as Council's awareness of the community's needs are a key factor in determining the outcome of applications.

Consultation:

Minimal consultation has been entertained at an officer level.

Statutory Environment:

The draft Policy aligns to Section 6.26 of the *Local Government Act 1995*, which states:

6.26. Rateable land

- (1) *Except as provided in this section all land within a district is rateable land.*
- (2) *The following land is not rateable land —*
 - (a) *land which is the property of the Crown and —*
 - (i) *is being used or held for a public purpose; or*
 - (ii) *is unoccupied, except —*
 - (I) *where any person is, under paragraph (e) of the definition of **owner** in section 1.4, the owner of the land other than by reason of that person being the holder of a prospecting licence held under the Mining Act 1978 in respect of land the area of which does not exceed 10 ha or a miscellaneous licence held under that Act; or*
 - (II) *where and to the extent and manner in which a person mentioned in paragraph (f) of the definition of **owner** in section 1.4 occupies or makes use of the land;*
 - and*
 - (b) *land in the district of a local government while it is owned by the local government and is used for the purposes of that local government other than for purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the local government; and*
 - (c) *land in a district while it is owned by a regional local government and is used for the purposes of that regional local government other than for the purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the regional local government; and*
 - (d) *land used or held exclusively by a religious body as a place of public worship or in relation to that worship, a place of residence of a minister of religion, a convent, nunnery or monastery, or occupied exclusively by a religious brotherhood or sisterhood; and*
 - (e) *land used exclusively by a religious body as a school for the religious instruction of children; and*
 - (f) *land used exclusively as a non-government school within the meaning of the School Education Act 1999; and*
 - (g) *land used exclusively for charitable purposes; and*

- (h) *land vested in trustees for agricultural or horticultural show purposes; and*
 - (i) *land owned by Co-operative Bulk Handling Limited or leased from the Crown or a statutory authority (within the meaning of that term in the Financial Management Act 2006) by that co-operative and used solely for the storage of grain where that co-operative has agreed in writing to make a contribution to the local government; and*
 - (j) *land which is exempt from rates under any other written law; and*
 - (k) *land which is declared by the Minister to be exempt from rates.*
- (3) *If Co-operative Bulk Handling Limited and the relevant local government cannot reach an agreement under subsection (2)(i) either that co-operative or the local government may refer the matter to the Minister for determination of the terms of the agreement and the decision of the Minister is final.*
- (4) *The Minister may from time to time, under subsection (2)(k), declare that any land or part of any land is exempt from rates and by subsequent declaration cancel or vary the declaration.*
- (5) *Notice of any declaration made under subsection (4) is to be published in the Gazette.*
- (6) *Land does not cease to be used exclusively for a purpose mentioned in subsection (2) merely because it is used occasionally for another purpose which is of a charitable, benevolent, religious or public nature.*

Furthermore, the *Charities Act 2013 (Federal Legislation)* provides:

Part 3—Definition of charitable purpose

Division 1—Definition of charitable purpose

12 Definition of charitable purpose

(1) *In any Act:*

charitable purpose means any of the following:

- (a) *the purpose of advancing health;*
- (b) *the purpose of advancing education;*
- (c) *the purpose of advancing social or public welfare;*
- (d) *the purpose of advancing religion;*
- (e) *the purpose of advancing culture;*
- (f) *the purpose of promoting reconciliation, mutual respect and tolerance between groups of individuals that are in Australia;*
- (g) *the purpose of promoting or protecting human rights;*
- (h) *the purpose of advancing the security or safety of Australia or the Australian public;*
- (i) *the purpose of preventing or relieving the suffering of animals;*
- (j) *the purpose of advancing the natural environment;*
- (k) *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);*

Note: In the case of a purpose that was a charitable purpose before the commencement of this Act and to which the other paragraphs of this definition

do not apply, see item 7 of Schedule 2 to the Charities (Consequential Amendments and Transitional Provisions) Act 2013.

- (l) *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:*
- (i) 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*
 - (ii) 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.*
- (2) *Paragraph (l) of the definition of **charitable purpose** in subsection (1) is the only paragraph of that definition that can apply to 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.*
- (3) *For the purposes of this section, it does not matter whether a purpose is directed to something in Australia or overseas.*

Relevant Plans and Policy:

There are no existing policy relating to rating exemptions.

Financial Implications:

The financial implications relate to any future grants of rates exemptions. Depending on the magnitude of the exemption there may be an impact on the annual revenue raised from rates. However, consideration should also be given to the potential cost of legal action that may be taken against the Shire resulting from rejected applications. Individual applications will require assessment and possible presentation to Council for consideration.

Risk Assessment:

The risk in relation to this matter is assessed as “Low”. The risk factors may increase if more rated land becomes not rateable under the Act, depending on ownership, and use of the land. Should the policy be adopted, any applications for a rates exemption will carry financial risk and these will be addressed in the relevant reports to Council.

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

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

Community & Strategic Objectives:

This item relates to delivery of core business and services detailed in the Shire of Brookton Corporate Compendium – October 2020, duly appended to the Next Generation BROOKTON Corporate Business Plan <2014.

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

2. Governance

2.1 Review Policy manual

18 Financial Control

18.5 Process rates, other revenues, timely payments

Comment

Implementation of the new policy will install a level of consistency and enable officers to effectively process existing and new applications, including preparing informed reports for consideration by Council.

However, Council does need to be mindful there will be an increased demand on the workforce to complete a proposed review of existing exemptions upon adoption of the draft policy.

OFFICER'S RECOMMENDATION

That Council:

1. Pursuant to Section 6.26 (2)(g) of the Local Government Act 1995 endorses the draft Council Policy 2.44 - Rates Exemption for Charitable Purposes, as presented in Attachment 15.02.21.04A in this report;
2. Notes the Rates Exemption Application Form as contained in Attachment 15.02.21.04B;

OCM 02.21-21

COUNCIL RESOLUTION

MOVED Cr Lilly SECONDED Cr Watts

That Council:

- 1. Pursuant to Section 6.26 (2)(g) of the Local Government Act 1995 endorses the draft Council Policy 2.44 - Rates Exemption for Charitable Purposes, as presented in Attachment 15.02.21.04A in this report;**
- 2. Notes the Rates Exemption Application Form as contained in Attachment 15.02.21.04B;**

CARRIED BY SIMPLE MAJORITY VOTE 6/0

Attachments

Attachment 15.02.21.04A – New Council Policy– Rates Exemption for Charitable Purposes

Attachment 14.02.21.04B – Rates Exemption Application Form

2.44 - RATES EXEMPTION POLICY 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:		Resolution #:	
Last Amended:	Date:	February 2021	Resolution #:	
Review Date:	June 2022			

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;

- a) *the purpose of advancing health;*
- b) *the purpose of advancing education;*
- c) *the purpose of advancing social or public welfare;*
- d) *the purpose of advancing religion;*
- e) *the purpose of advancing culture;*
- f) *the purpose of promoting reconciliation, mutual respect and tolerance between groups of individuals that are in Australia;*
- g) *the purpose of promoting or protecting human rights;*

- h) the purpose of advancing the security or safety of Australia or the Australian public;*
- i) the purpose of preventing or relieving the suffering of animals;*
- j) the purpose of advancing the natural environment;*
- k) 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);*
- l) 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:*
 - i. 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*
 - ii. 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:

1. The use of the land, not the purpose of the applicant.
2. The use must come under the provisions of the *Charities Act 2013*.
3. The land must be used exclusively for a charitable purpose.
4. 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:

- (a) 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*
- (b) 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:
 - the date the exemption applies from,
 - the relevant section of the Act,
 - the review period (i.e. 2 years); and,
 - 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 rateable 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.

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.



APPLICATION FOR RATE EXEMPTION

Applicant Name

Address of Business

Telephone

Facsimile

Contact Name

Mobile

ABN

	YES	NO
1. Is the organisation an incorporated body? (1)		
2. Is the organisation not-for-profit?		
3. Is the organisation a Public Benevolent Institution for taxation purposes? (2)		
4. Does the organisation own or lease the rateable land?		
(if leased, is the lessee responsible for rates under the lease agreement?) (3)		
5. Is the organisation exempt from payment of rates under Legislation?		
(Other than the Local Government Act) (4)		
6. Does the organisation run any commercial activities? (5)		

- (1) If yes: please provide certificate of incorporation.
 (2) If yes: please provide relevant taxation information.
 (3) If yes: please provide certificate of lease.
 (4) If yes: please provide details of Legislation.
 (5) If yes: please provide further information as outlined below.

Please attach copies of the organisation's constitution and evidence of other exemptions being received by the organisation.



PO Box 42, 14 White Street, Brookton WA 6306



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Organisations are required to provide financial information, including:

- Profit & Loss Statement (2 years)
- Balance Sheet (2 years)
- Sources of income, i.e. donations, business income, grants etc.
- Rents received if housing organisation.

Such information should be accompanied by the attached Statutory Declaration signed by two authorized persons or office bearers of the organisation verifying the accuracy of the information.

Organisations are required to outline the nature of their operation, providing information such as:

- Client group for service provision
- Type of service provided, e.g. food, accommodation, shelter etc.
- Frequency of service provision, i.e. on a full time basis or daily, weekly, monthly etc.
- Whether payment is received for service.

Organisations are required to provide a full list of land or lease holdings that are owned or occupied and attach a description of the purpose applied to each holding.

Such information should be accompanied by the attached Statutory Declaration signed by two authorized persons or office bearers of the organisation verifying the accuracy of the information.

Applicants are advised that in order to illustrate full eligibility to claim a rate exemption and to facilitate Local Government decision making, as much information as possible about the nature of their operation should be provided.



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STATUTORY DECLARATION
Statutory Declarations Act 1959

We, _____ [insert name of office bearer #1]
and _____ [insert name of office bearer #2] of
_____ [insert name of organisation]
in the State of Western Australia hereby solemnly and sincerely declare as follows:

1. The financial information as provided presents fairly in accordance with relevant legislation, applicable accounting standards and other professional mandatory reporting requirements, the financial position, the results of operations and cash flows.
2. The nature and extent of non-charitable activities has been fully disclosed.
3. The description and purpose of each land or lease holding has been fully disclosed.

AND WE MAKE this solemn declaration by virtue of the *Statutory Declarations Act 1959* and, subject to the penalties provided by the Act for the making of false statements in statutory declarations, conscientiously believing the statement contained in this declaration to be true in every particular.

Declared at _____
[Insert name of location]

This [] day of [] month 20

Signature of office bearer #1 _____

Print name and Position of office bearer _____

Signature of office bearer #2 _____

Print name and Position of office bearer #2 _____



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16.02.21	ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN
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Nil.

17.02.21	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING
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OCM 02.21-22

COUNCIL RESOLUTION

MOVED Cr Fancote SECONDED Cr Walker

That Council consider urgent business as raised by Cr Fancote.

CARRIED BY SIMPLE MAJORITY VOTE 6/0

Cr Fancote expressed sympathy over the sudden passing of a young mother in Brookton and concern regarding additional burden being placed on the School Chaplain in dealing with the aggrieved family and friends distraught by the current circumstances. To this end, Cr Fancote sought Council's assistance through a financial donation to the chaplaincy service.

OCM 02.21-23

COUNCIL RESOLUTION

MOVED Cr Fancote SECONDED Cr Lilly

That Council pursuant to Section 2.7(2)(a) of the Local Government Act (1995) approves and authorises the CEO to pay a donation to the Brookton District School Chaplaincy Service an amount of \$10,000.00 to support counselling of local families affected by recent distressing circumstances, with these funds to be drawn from the Council's Community Chest fund that presently has a balance of \$40,000 (COA E115050).

OCM 02.21-24

PROCEDURAL MOTION

MOVED Cr Watts SECONDED Cr Walker

That Standing Orders be suspended at 6.24pm.

CARRIED BY SIMPLE MAJORITY VOTE 6/0

OCM 02.21-25

PROCEDURAL MOTION

MOVED Cr Watts SECONDED Cr Fancote

That Standing Orders be resumed at 6.30pm.

CARRIED BY SIMPLE MAJORITY VOTE 6/0

OCM 02.21-26**AMENDMENT TO MOTION****MOVED Cr Crute SECONDED Cr Hartl**

That Council pursuant to Section 2.7(2)(a) of the Local Government Act (1995) approves and authorises the CEO to pay a donation to the Brookton District School Chaplaincy Service an amount of \$5,000.00 to support counselling of local families affected by recent distressing circumstances, with these funds to be drawn from the Council's Community Chest fund that presently has a balance of \$40,000 (COA E115050).

CARRIED BY ABSOLUTE MAJORITY VOTE 4/2

The amended motion then became the substantive motion and was put to the vote.

CARRIED BY ABSOLUTE MAJORITY VOTE 6/0

18.02.21 CONFIDENTIAL REPORTS**OCM 02.21-27****PROCEDURAL MOTION****MOVED Cr Hartl SECONDED Cr Lilly**

That Council close the meeting to the public at 6.33pm in accordance with Section 5.23 (2)(b) of the Local Government Act as Item 18.02.21.01 relates to a matter that if disclosed could reveal information of a matter affecting the person affairs of another person.

CARRIED BY SIMPLE MAJORITY VOTE 6/0

18.02.21.01 PROPOSED RESIDENTIAL TENANCY – UNIT 4/40 WHITE STREET, BROOKTON

File No:	ADM 0015
Date of Meeting:	18 February 2021
Location/Address:	Unit 4/Lot 420 White Street Brookton – Senior Citizen Housing
Name of Applicant:	Mr. George Linton
Name of Owner:	Shire of Brookton
Author/s:	Ian D'Arcy – Chief Executive Officer
Authorising Officer:	As above
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previous Report:	N/A

Summary of Item:

This item relates to the availability of Unit 4/Lot 420 White Street, Brookton and receipt of an 'application to rent' for determination by Council.

OCM 02.21-28

COUNCIL RESOLUTION

MOVED Cr Walker SECONDED Cr Fancote

That Council in relation to the letting of Unit 4/Lot 420 White Street Brookton approves the application for rental of this Independent Living Unit to Mr. George Linton subject to the:

- a) Execution of a periodical Residential Tenancy Agreement at the rental set by Council for this unit.*
- b) A condition assessment report being completed and accepted prior to occupancy occurring.*
- c) Payment of the required bond monies of 4 weeks rent to be held with the Department of Mines, Industry Regulation and Safety; and*
- d) Payment of 2 weeks rent in advance being paid to the Shire of Brookton.*
- e) The payment of rent being electronically deducted from the tenant's bank account to the Shire of Brookton in accordance with the provisions of the Residential Tenancy Agreement.*

CARRIED BY SIMPLE MAJORITY VOTE 6/0

Attachments

Attachment 18.02.21.01A

OCM 02.21-29

COUNCIL RESOLUTION

MOVED Cr Lilly SECONDED Cr Hartl

That Council reopen the meeting to the public at 6.34pm.

CARRIED BY SIMPLE MAJORITY VOTE 6/0

19.02.21	NEXT MEETING & CLOSURE
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The next ordinary meeting of the Council will be held on Thursday 18th March 2021 commencing at 6.00 pm.

There being no further business the meeting was closed at 6.35pm.