



ORDINARY COUNCIL MEETING

PUBLIC

MINUTES

19 March 2020

These minutes were confirmed by Council as a true and correct record of proceedings by the Ordinary Council Meeting held on 16/4/2020

Presiding Member: *[Signature]* Date: 16 April 2020

Disclaimer

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

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

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Shire of Brookton
Ordinary Meeting of Council held 19 March 2020
Commenced at 5.00 pm

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1.03.20 USE OF COMMON SEAL

The Table below details the Use of Common Seal under delegated authority for the month of February 2020.

Use of Common Seal Register		
File Ref:	Purpose	Date Granted
A454	Land Transfer/Purchase – Lot 324 White Street, Brookton	20/02/2020

2.03.20 DELEGATED AUTHORITY – ACTIONS PERFORMED – FEBRUARY 2020

The Table below details the actions of Council performed under delegated authority for the month February 2020.

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

BUILDING			
Application No.	Lot & Street	Type of Building Work	Date Granted
09.19-20	1737 Brookton-Kweda Road	Swimming Pool	30/01/2020
10.19-20	2980 Boyagarra Road	Machinery Shed	30/01/2020
11.19-20	117 Robinson Road	Tile Roof Replacement	18/02/2020

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

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

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

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

Welcome to Country

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

4.03.20 RECORD OF ATTENDANCE/APPOLOGIES/APPROVED LEAVE OF ABSENCE

Elected Members (Voting)

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

Staff (Non-Voting)

Ian D'Arcy	Chief Executive Officer
Danni Chard	Executive Governance Officer
Amy Eva	Community Liaison Officer

Leave of absence

Nil.

Members of the Public

Nil.

5.03.20 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

6.03.20 PUBLIC QUESTION TIME

7.03.20 APPLICATIONS FOR LEAVE OF ABSENCE

OCM 03.20-01

COUNCIL RESOLUTION

MOVED Cr Hartl SECONDED Cr Walker

That Cr Crute be granted a leave of absence for the August 2020 Ordinary Meeting of Council.

CARRIED BY SIMPLE MAJORITY VOTE 7-0

8.03.20 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil.

9.03.20 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

OCM 03.20-02

COUNCIL RESOLUTION

MOVED Cr Watts SECONDED Cr Lilly

That Council consider items 9.03.20.01, 9.03.20.02 and 9.03.20.03 be moved en-bloc.

CARRIED BY SIMPLE MAJORITY VOTE 7-0

OCM 03.20-03

COUNCIL RESOLUTION

MOVED Cr Macnab SECONDED Cr Fancote

That Council move items 9.03.20.01, 9.03.20.02 and 9.03.20.03 en-bloc.

CARRIED BY SIMPLE MAJORITY VOTE 7-0

9.03.20.01 ORDINARY MEETING OF COUNCIL – 20 FEBRUARY 2020

That the minutes of the Ordinary meeting of Council held in the Shire of Brookton Council Chambers, on 20 February 2020, be confirmed as a true and correct record of the proceedings.

9.03.20.02 ANNUAL ELECTORS MEETING – 13 FEBRUARY 2020

That the minutes of the Annual Electors Meeting held at the WB Eva Pavilion, on 13 February 2020, be received by Council.

9.03.20.03 EMPLOYMENT COMMITTEE

That the minutes of the Employment Committee meeting held in the Shire of Brookton Council Chambers, on 13 February 2020, be received by Council.

CARRIED BY SIMPLE MAJORITY VOTE 7-0

10.03.20 ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

Nil.

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
12.03.20.02	Cr Crute	Financial	Employee of competing business
12.03.20.03	Cr Crute	Financial	Employee of competing business
13.03.20.01	Cr Lilly	Financial	President of BCI
13.03.20.01	Cr Fancote	Financial	Executive Member of BCI

12.03.20.01 PROPOSED ROAD CLOSURE – PORTION OF SEWELL STREET, BROOKTON

File No:	ADM0315 & RD104
Date of Meeting:	19 March 2020
Location/Address:	Sewell Street, Brookton
Name of Applicant:	Co-operative Bulk Handling Ltd (CBH Group)
Name of Owner:	State of Western Australia
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:	Nil

Summary of Item:

For Council to consider a resolution to close a portion of the Sewell Street road reserve and amalgamate this land into the adjoining CBH Group properties.

Description of Proposal:

This proposal involves a request from the CBH Group to formal close a significant portion of the Sewell Street road reserve south of existing railway line spur to Yeo Road to be amalgamated with adjoining Lot 550, which is owned by CBH.

Figure 1 below illustrates the location and portion of Road requested to be closed.



Figure 1 – Location of proposed Road Closure – Sewell Street Brookton

Background:

Council at its August 2019 ordinary meeting considered and subsequently granted planning approval for expansion of the CBH Grain Receival Facility on Lot 550 Sewell Street. Included with the notice of

planning approval to CBH was advice from Council that it is prepared to favourably entertain the closure of Sewell Street (as reflected in **Figure 2** below) to aid in safe and free flowing movement of vehicles and heavy plant between the existing and new CBH Grain Receive Facilities.



Figure 2 – Suggested Closure of Sewell Street in relation to CBH grain receive sites

Also proposed (as evident in **Figure 2**) was:

- Informal closure of Bartram Street to vehicle traffic, with this road reserve to be converted a pedestrian/cycle path with some tree planting;
- Lefroy Street eastern end being converted to a cul-de-sac with installation of swing barrier gates for emergency access/egress at the termination of Lefroy Street with Sewell Street; and
- A similar treatment at railway end of Sewell Street to cul-de-sac and limit access to emergency use only.

To this end **Figure 3** below illustrates the type of barrier fencing.

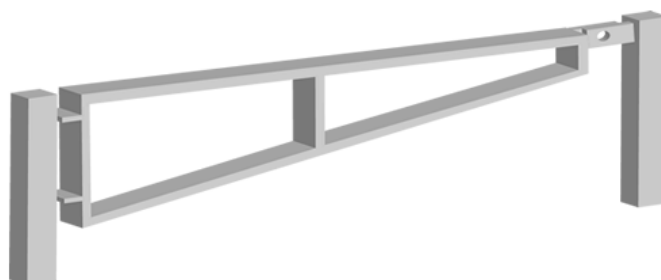


Figure 3 – Graphical illustration of typical swing gate

In light of the Council offer, correspondence was received from CBH seeking Council's support to initiate the closure of Sewell Street. This culminated in the Council moving a motion at its December 2019 Ordinary Meeting to progress the closure process, with letters being sent to utility providers and local residents that may be affected should the road be closed, as well as more broader advertising of the proposal, including notices being placed in the Shire Administration Office and published on the Shire Website and Facebook page.

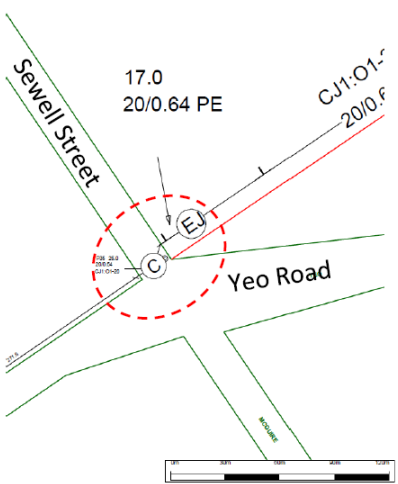
Consultation:

Letters were sent to utility providers and residents on the 23 December 2019 and public notification occurred on 8th January 2020 call be submissions to be received on the proposed road closure by Wednesday 16th February 2020.

At conclusion of the public notice period a total of one submission has been received from Telstra.

A copy of this submission is presented as **Attachment 12.03.20.01A** to this report, together with three other submissions from Telstra, Western Power and Water Corporation obtained from a 'dial before you dig' enquiry.

The following table provides a summary of the respective dial before you dig submissions in relation to the proposed road closure and officer comment:

Agency	Position	Officer comment
Telstra	<p>There are assets in the vicinity (Yeo Road and Sewell Street) – See below - no objection to the proposed road closure.</p> 	<p>Future improvement works will need to take into consideration of the telecommunications infrastructure through dial before dig process.</p>
Western Power	No assets within the vicinity of the proposed road closure	Noted.
Water Corporation	One or more water pipeline(s) are located with the Sewell Street Road Reserve	The sale and amalgamation of the closed portion of Sewell Street road reserve may need an easement placed on the new Certificate of Title in favour of the Water Corporation.

Statutory Environment:

Council is obliged to conduct a road closure process in accordance with Section 58 of the *Land Administration Act 1997*, which states:

58. *Closing roads*

- (1) When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.*
- (2) When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.*
- (3) A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.*

Relevant Plans and Policy:

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

Financial Implications:

Road Closure

The costs applicable to this proposal is mainly in officer time and public notice by letter and advertising in the Brookton Telegraph, both of which are accommodated in the 2019/20 budget through staff wages and annual payment to Telegraph.

Other Works

The proposed conversion of Bartram Street and termination works for Sewell Street and Lefroy Streets with cul-de-sac construction, emergency barrier gates and no thru road signage will require budget consideration for the 2020-21 financial year with a suggested allocation of \$15,000. However, these works will ultimately be offset by:

- Sewell Street no longer requiring road maintenance and upgrade works in the future;
- Bartram Street being converted to a low-key gravel path with minimal maintenance over the longer term;
- Lefroy Street being maintained to a higher standard with reduced maintenance due to reduced domestic traffic using this road.

Risk Assessment:

As previously reported, given the CBH facility as a whole will generate significantly more haulage traffic, and the alignment of Sewell Street as a public road straddles the two storage sites, there is some concern in relation to public as well as internal safety in relation to traffic movement. By closing Sewell Street as a public thoroughfare and therefore allowing the two sites to operate contiguously, this will alleviate concern and afford opportunity for efficient operation across the two sites.

Similarly, the conversion of Bartram Street to pedestrian/dual use and termination of Lefroy Street as a 'no thru road' will assist in managing/directing the traffic flow for the betterment of local residential amenity public safety.

However, should Sewell Street closure and other associated works not be entertained there remains a 'High' risk of vehicle conflict between the CBH operations, local residents and general public.

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 broadly aligns with the Shire of Brookton Corporate Business Plan Corporate Compendium in relation to:

Function 9: Infrastructure

Action 9.15: Review Asset Management Plan – Townsite road network conditions assessment and capital works

Function 19: Risk Management

Action 19.3 Implement risk mitigation measures

Comment

As already mentioned, the closure of Sewell Street and other associated works as proposed will deliver:

1. A heightened level of public safety around the CBH operations as a result of reduced conflict between the CBH facility and domestic/residential traffic;
2. The safe movement of vehicles and efficient operation of plant between the existing and new CBH grain loading and storage facilities on Lot 100 and Lot 550;
3. The limiting of local domestic traffic on Lefroy Street, with haulage traffic being compelled to use Yeo Road for access, thus improving amenity and reducing maintenance costs; and
4. The long term saving to the Shire on road maintenance and upgrade costs for Sewell, and Bartram Streets.

From the type and level of submission received there is no apparent objection or significant constraint to the closure of Sewell Street proceeding. Therefore, it is recommended Council endorse the closure of

Sewell Street and request the Minister for Lands proceed with the Road Closure in accordance with Section 58 (1) and (2) of the *Land Administration Act, 1997*.

OFFICER RECOMMENDATION

That Council:

1. Pursuant to Section 58(1) and 58(2) of the Land Administration Act, 1977:
 - a) Endorse the proposed closure of portion of Sewell Street from Yeo Road through to the Railway Spur crossing; and
 - b) Proceed to forward a copy of this report to the Minister for Lands requesting the subject portion of Sewell Street be formally closed.
2. Inform the CBH Group of Council's decision in relation point 1, above.
3. Allocate in the draft 2020-21 budget an amount of \$15,000 for:
 - a) Informal closure of Bartram Street to vehicle traffic, with this road reserve to be converted a pedestrian/cycle path with some tree planting;
 - b) Lefroy Street eastern end being converted to a cul-de-sac with installation of swing barrier gates for emergency access/egress at the termination of Lefroy Street with Sewell Street; and
 - c) A similar treatment at railway end of Sewell Street to a cul-de-sac with installation of swing barrier gates for emergency access/egress use only.

OCM 03.20-04

COUNCIL RESOLUTION

MOVED Cr Walker

SECONDED Cr Fancote

That Council:

1. ***Pursuant to Section 58(1) and 58(2) of the Land Administration Act, 1977:***
 - a) Endorse the proposed closure of portion of Sewell Street from Yeo Road through to the Railway Spur crossing; and***
 - b) Proceed to forward a copy of this report to the Minister for Lands requesting the subject portion of Sewell Street be formally closed.***
2. ***Inform the CBH Group of Council's decision in relation point 1, above.***
3. ***Allocate in the draft 2020-21 budget an amount of \$15,000 for:***
 - a) Informal closure of Bartram Street to vehicle traffic, with this road reserve to be converted a pedestrian/cycle path with some tree planting;***
 - b) Lefroy Street eastern end being converted to a cul-de-sac with installation of swing barrier gates for emergency access/egress at the termination of Lefroy Street with Sewell Street; and***
 - c) A similar treatment at railway end of Sewell Street to a cul-de-sac with installation of swing barrier gates for emergency access/egress use only.***

CARRIED BY SIMPLE MAJORITY VOTE 7-0

Attachments

12.03.20.01A



Telstra Plan Services

Level 7, 275 George Street
Brisbane, QLD 4000

Postal Address:
Locked Bag 3820
Brisbane, QLD 4000

Email: F0501488@team.telstra.com

Date : **23/02/2020**

Your Ref: RD 107
Our Ref: **PF295946-1**

Ian D'Arcy
ceo@brookton.wa.gov.au

Dear Ian,

Re: Proposed Road Closure - Portion of Sewell Street, Brookton

Thank you for your original communication dated **6/01/2020** in relation to the location specified above.

Telstra's plant records indicate that there are **Telstra assets in the vicinity**. Subject to your compliance with the below conditions, **Telstra have NO OBJECTIONS** to the road closure.

We note that our plant records merely indicate the approximate location of the Telstra assets and should not be relied upon as depicting a true and accurate reflection of the exact location of the assets. **Accordingly, if you haven't already done so please contact Dial Before You Dig for a detailed site plan and a list of Telstra Accredited Plant Locators (APL) to establish the exact location of Telstra assets (phone 1100 or visit www.1100.com.au).**

The network located by a Telstra Accredited Plant Locators may ensure the network is located within the proposed closure.

In the event Telstra's assets require relocation, please engage **Telstra's Asset Relocation** team to obtain a quote to relocate the assets from the location in question. The relocation of the assets would be carried out at your cost, however the relocation would ensure that the land/s and its projected use would not be hindered or restricted by easements. The existing network on this road cannot be built over.

Please phone 1800 810 443 (opt 1) or email F1102490@team.telstra.com to arrange for asset relocation at the property.

As these assets comprise an essential component of the Telstra network, we take this opportunity to highlight Telstra's rights and requirements to ensure that they are understood. The following is stated for your information:

- (1) Telstra's existing facilities are grandfathered under the 1997 Telecommunications Act. This enables such facilities to legally occupy land in perpetuity for the duration of that facilities use.
- (2) Part 1 of Schedule 3 of the Telecommunications Act 1997 authorises a carrier to enter land and exercise any of the following powers:
 - inspect the land
 - install a facility
 - maintain a facility

In the case of installation and planned maintenance a notification will be afforded and such work will generally proceed during business hours. However, from time to time, certain activities need to be carried out without delay in order to protect the integrity of the network. Such activities may require vehicular access without notice and at any time of the day or night. 24/7 access for maintenance must be maintained.

(3) If at any time in the future it becomes necessary, in the opinion of the carrier because of a subdivision of any land to remove, or alter the position of a facility, the carrier may enter the land and do anything necessary or desirable for that purpose. The person who proposes to subdivide the land is liable to pay the carrier the reasonable cost of anything reasonably done by the carrier in this regard.

(4) If at any time in the future it becomes necessary, in the opinion of the carrier or the land owner to remove, or alter the position of any Telstra assets, the carrier may enter the land and do anything necessary or desirable for that purpose. If the land owner is contemplating carrier relocation of these assets, then the land owner is liable to pay the carrier the reasonable cost of anything done in this regard.

(5) All individuals have a legal "Duty of Care" that must be observed when working in the vicinity of Telstra's communication plant. It is the constructors/land owner's responsibility to anticipate and request the nominal location of Telstra plant in advance of any construction activities in the vicinity of Telstra's assets. **All enquires for plant locations should be made through Dial Before You Dig's freecall "1100" enquiry number. On receipt of plans, notwithstanding the recorded location of Telstra's plant, the constructor/land owner is responsible for potholing and physical exposure to confirm the actual plant location before site civil work begins.** Telstra reserves all rights to recover compensation for loss or damage caused by interference to its cable network or other property.

Telstra would also appreciate due confirmation when this proposed acquisition proceeds so as to update its **Cadastre** records. Information regarding acquisition of the land would be of benefit to us and should be directed to the following location:

Western Australia

Telstra - Cadastre Updates
PO Box 102
Toormina NSW 2452
Attention: - Ross Robertson
F1103453@team.telstra.com
F1103452@team.telstra.com

Please pass all information contained in this communication to all parties involved in this proposed process. Any difficulties in meeting the above conditions, or questions relating to them, please do not hesitate to contact Telstra Plan Services; email F0501488@team.telstra.com

Yours sincerely,



Cr Crute (Shire President) declared a financial interest in items 12.03.20.02 and 12.03.20.03 and left the room at 5.03pm.

Cr Walker (Deputy Shire President) took the chair to preside over the meeting.

12.03.20.02 PROPOSED UPGRADE TO GRAIN RECEIVAL AND STORAGE FACILITY – LOT 100 RICHARDSON STREET, BROOKTON
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File No:	A338/P2642
Date of Meeting:	19 March 2020
Location/Address:	Lot 100 Richardson Street Brookton
Name of Applicant:	CBH Group
Name of Owner:	As above
Author/s:	Ian D'Arcy - CEO
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 upgrade the existing Grain Receival and Storage Facility on Lot 100 Richardson Street Brookton, involving:

- An increase in storage capacity for existing bulkhead from a wall height of 1.2 metres to 1.8 metres.
- Re-alignment of the internal road access.

Lot 100 as depicted in the aerial photo provided as **Figure 1** to this report is 12.193 hectares (28.0 acres) in area.

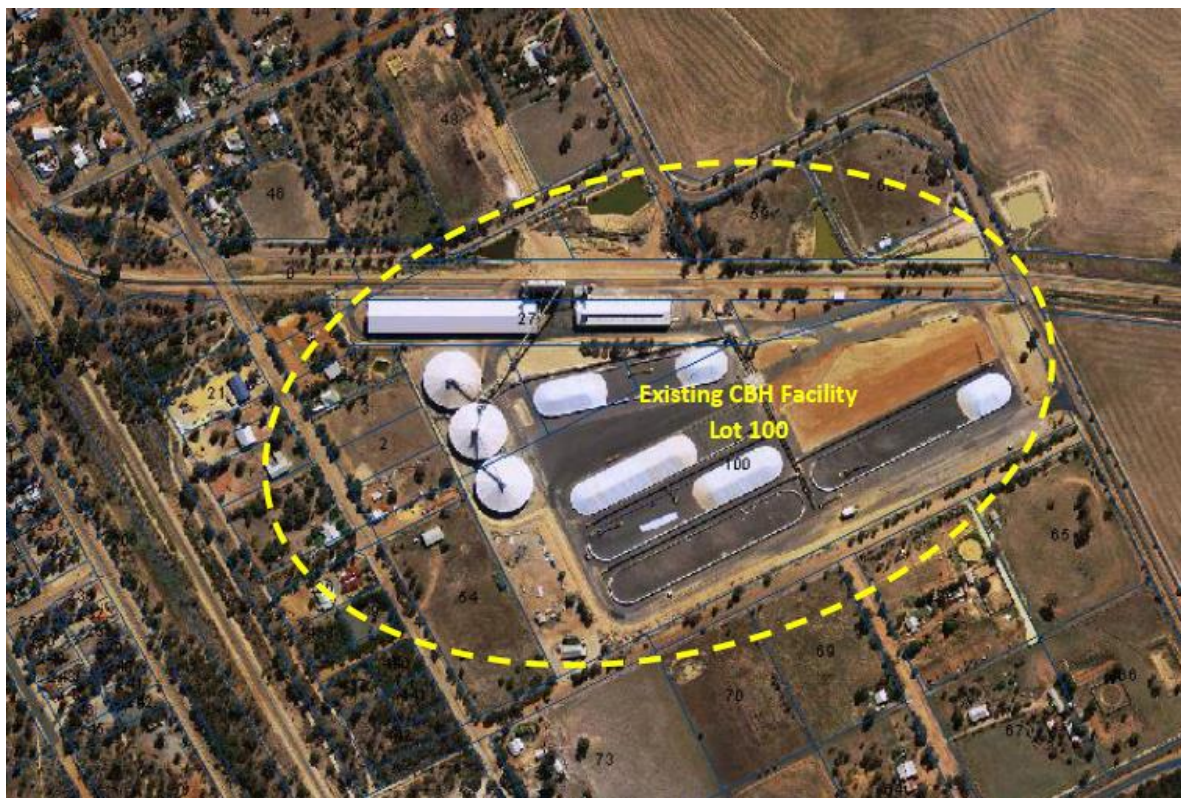


Figure 1 – Location Plan

Figure 2 below illustrates the proposed changes to the CBH site.

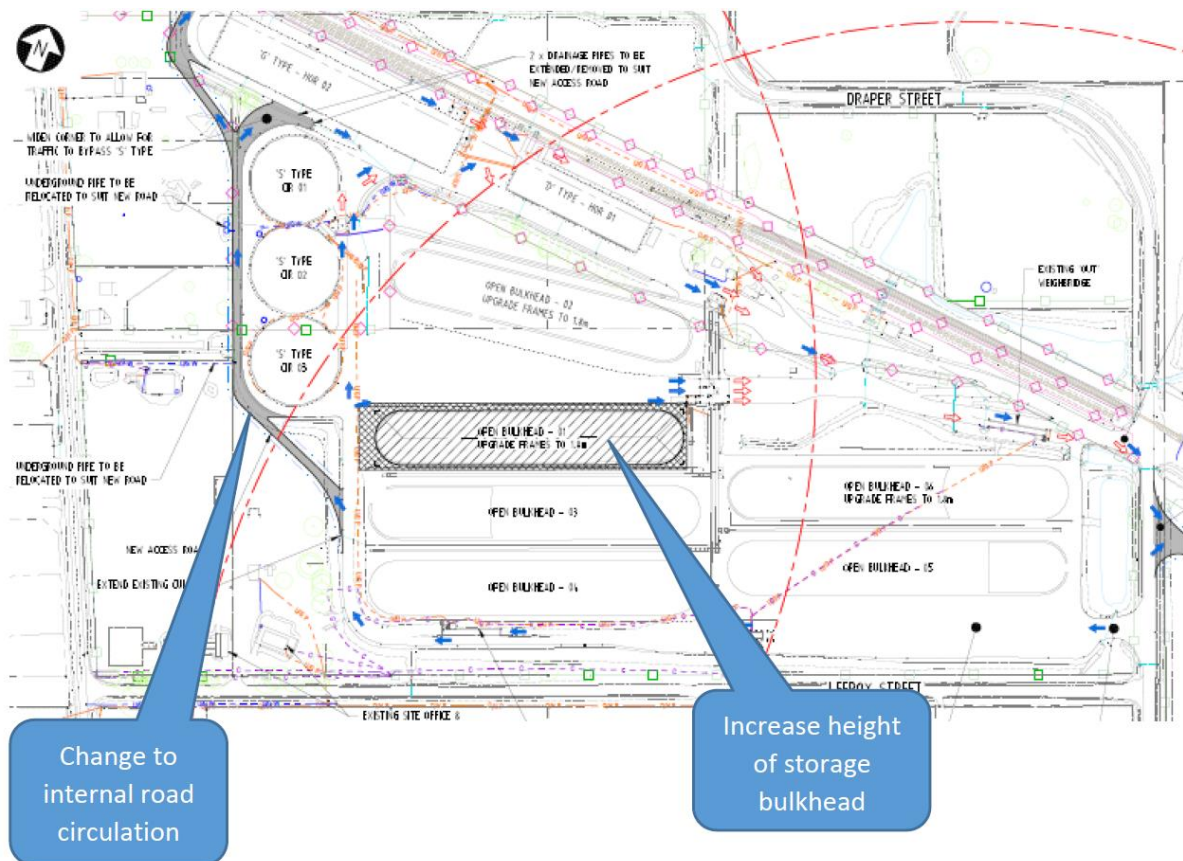


Figure 2 – Proposed Site Layout

A copy of the Planning Application is provided as **Attachment 12.03.20.02A**.

In summary the officer recommendation is to conditionally support the proposed upgrade works aligned to an existing 'Industry' land-use.

Description of Proposal:

As above.

Background:

As provided in the application CBH is seeking to expand its receival depot in Brookton as part of its rationalisation program to achieve greater efficiencies. This has culminated in the acquisition and development of Lot 550 (presently under construction) and enhancement to the existing Grain Receival Facility.

From a planning perspective, given the existing facility is an established and operational land use, the Council's primary focus should be on assessing the following under the 'General Industry' zone provisions in Shire of Brookton's Local Planning Scheme No.4:

- The proposed height increase of the bulkhead storage bin from 1.2 metres to 1.8 metres in consideration of amenity (ie dust and visually); and
- The vehicle circulation through the site in relation to dust and safety.

Consultation:

There has been no consultation on this proposal as the proposed works are deemed incidental to the existing industrial land use, with management measures already in place.

Statutory Environment:

Local Planning Scheme (LPS) No.4 specifies the use class of 'Industry' within the 'General Industry' zone is 'permitted'. This means Council cannot refuse the application but can apply valid conditions to the planning approval.

More specifically, the LPS No.4 details the following standards for 'Industry':

Table 5 - General development requirements

Zone	Minimum setback (m)			Maximum plot ratio	Maximum site coverage (% of site area)	Minimum landscaping (% of site area)
	Front	Side	Rear			
Residential	As per the R-Codes					
Rural Residential	20	10	10	-	-	-
Rural Smallholdings	20	10	10	-	-	-
Rural	35	10	10	-	-	-
Rural Enterprise	20	10	10	-	-	10
Commercial	-	-	-	1.5	75	10
Light Industry	7.5	0	7.5	0.5	50	5
General Industry	7.5	0	7.5	0.5	75	5

Relevant Plans and Policy:

There are no specific plans or policy documents that apply to this proposal.

Financial Implications:

There are no financial implications that apply to this proposal other than receipt of the statutory planning application fee.

Risk Assessment:

The proposed upgrade works does not present any significant risk above what already exists in relation to societal impacts of noise and dust. In consideration of the former, the proposed works are unlikely to generate any additional noise of consequence. As to the latter, the standards of air quality is now being monitored through a sophisticated monitoring system established under a previous condition of planning approval to ensure the air is maintained to satisfactory levels. However, it is suggested this approval should also require all new internal roads to be sealed to assist in dust being kept to a minimum. It is therefore assessed that the risk in relation to this proposal is 'Medium' as reflected in the Risk Matrix below.

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

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

Community & Strategic Objectives:

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

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

Function 2 – Land Use Planning

Action 2.3 – Process Development Applications

Comment

The increase in height for the existing storage bulkhead aligns to the new bulkheads on adjoining Lot 550 and is therefore in balance with the scale of CBH Receival facility more broadly.

Further, it is assessed the proposed upgrade works accords to the standards of development as prescribed in LPS No.4, including the minimum prescribed setbacks from property boundaries, site coverage, plot ratio and minimum landscaping. Accordingly, it is recommended that planning approval be granted for the proposed works, subject to conditions that involves sealing of the internal road works and continued monitoring and management of dust to achieve a compliant level of air quality commensurate to prescribed standards.

OFFICER RECOMMENDATION

That Council grant planning approval for Upgrade Works (Increase to Bulkhead Height and re-alignment of internal road network) to the Grain Receival and Storage Facility on Lot 100 Robinson Street, 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. The increased height to the existing Bulkhead /Grain Receival Bin shall be carried out in accordance with the terms of the application as approved herein, and the respective plans inclusive of elevations and structural that form part of this approval.
3. The new internal vehicle access road, inclusive manoeuvring, and parking around and between the grain storage facilities shall be constructed to a minimum two coat bitumen standard (or similar) to the satisfaction of the Local Government.
4. The increase in grain storage capacity shall require monitoring of air quality on a daily basis, with results to be lodged with the Local Government monthly.
5. The new internal road of the Grain Receival Facility shall be line marked to clearly delineate:
 - direction and circulation for heavy vehicles;
 - dedicated loading/unloading areas, and clear ways;
 - dedicated areas for heavy vehicle queuing and/or parking, and storage of plant/equipment;
6. Site drainage shall be installed in accordance with the McDowall Affleck Consulting Engineers Stormwater Design Report to manage the flow of water run-off and filtration before discharge into the natural environment.

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 sections 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. 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

OCM 03.20-05

COUNCIL RESOLUTION

MOVED Cr Fancote

SECONDED Cr Hartl

That Council grant planning approval for Upgrade Works (Increase to Bulkhead Height and re-alignment of internal road network) to the Grain Receival and Storage Facility on Lot 100 Robinson Street, 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. The increased height to the existing Bulkhead /Grain Receival Bin shall be carried out in accordance with the terms of the application as approved herein, and the respective plans inclusive of elevations and structural that form part of this approval.***
- 3. The new internal vehicle access road, inclusive manoeuvring, and parking around and between the grain storage facilities shall be constructed to a minimum two coat bitumen standard (or similar) to the satisfaction of the Local Government.***
- 4. The increase in grain storage capacity shall require monitoring of air quality on a daily basis, with results to be lodged with the Local Government monthly.***
- 5. The new internal road of the Grain Receival Facility shall be line marked to clearly delineate:***
 - direction and circulation for heavy vehicles;***
 - dedicated loading/unloading areas, and clear ways;***
 - dedicated areas for heavy vehicle queuing and/or parking, and storage of plant/equipment;***
- 6. Site drainage shall be installed in accordance with the McDowall Affleck Consulting Engineers Stormwater Design Report to manage the flow of water run-off and filtration before discharge into the natural environment.***

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 sections 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. 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

Attachments

Attachment 12.03.20.02A



ENQ: Tim Dolling
DIRECT LINE: 08 9216 6094

12 February 2020

Mr Ian D'Arcy
Chief Executive Officer
Shire of Brookton
PO Box 42
Brookton WA 6306

Dear Ian

APPLICATION FOR DEVELOPMENT APPROVAL

I refer to the requirement to improve access within and increase the capacity of the existing -grain storage facilities at the Brookton grain receival site.

Proposed development includes the following:

- Construction of an internal road on the western side of the three circular silos to the end of the larger horizontal silo parallel to the rail siding
- Repair the existing open bulkhead pavement
- Removal of the 1.2 m high wall frames of three open bulkheads and replacing with 1.8 m high wall frames.

Please find attached the following documentation and drawings for assessment:

- Completed Shire of Brookton application for development approval forms
- Conceptual Layout Option No. 9 site plan 426-ENG-CI-DCO-0014_G showing overall development on lot 550 and the existing site
- Site layout No. 2 site plan 426-ENG-CI-DLP-0003_C showing development on the existing site only
- GA drawing S119-ENG-ST-DGA-0001-R3 for a 1.8 m high open bulkhead wall frame
- Stormwater design report 426-2608-CI-RPT-0003_A
- Traffic impact assessment report R2050 MAPL TIA REPORT REVC.

If you have any enquiries, please contact me on 9216 6094, 0439 969 835 or by email at tim.dolling@bh.com.au.

Yours sincerely

For: Co-operative Bulk Handling Limited

A handwritten signature in black ink, appearing to read "Tim Dolling", is written over a light grey rectangular background.

Tim Dolling
Planning and Approvals Coordinator

Enc

Co-operative Bulk Handling Ltd
ABN 29 256 604 947

Level 6, 240 St Georges Terrace
Perth WA 6000 Australia

GPO Box L886
Perth WA 6842 Australia

Telephone
+61 8 9237 9600

Grower Service Centre
1800 199 083

cbh.com.au

12.03.20.03 PROPOSED EXTRACTIVE INDUSTRY (GRAVEL) LOT 27647 DAVIS ROAD, BROOKTON

File No:	P2020/003
Date of Meeting:	19 March 2020
Location/Address:	Lot 27647 Davis Road Brookton
Name of Applicant:	MJ and KP Davis
Name of Owner:	As above
Author/s:	Ian D'Arcy - CEO
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 approval for an extractive industry (gravel pit) to be established on Lot 27647 Davis Road Brookton, involving the extraction of gravel over approximately area of 1.8 hectares.

The officer recommendation is for Council to approve the proposed land use, subject to conditions.

Description of Proposal:

This application for planning consent is seeking approval for the extraction of up to 50,000 m³ of gravel of an approximate 5-month period for site works to be performed as part of the CBH expansion on Lot 550 Sewell Street Brookton. Accordingly, **Figure 1** below illustrates the Location of Lot 27647, with **Figure 2** offering an understanding of the proposed extraction area.

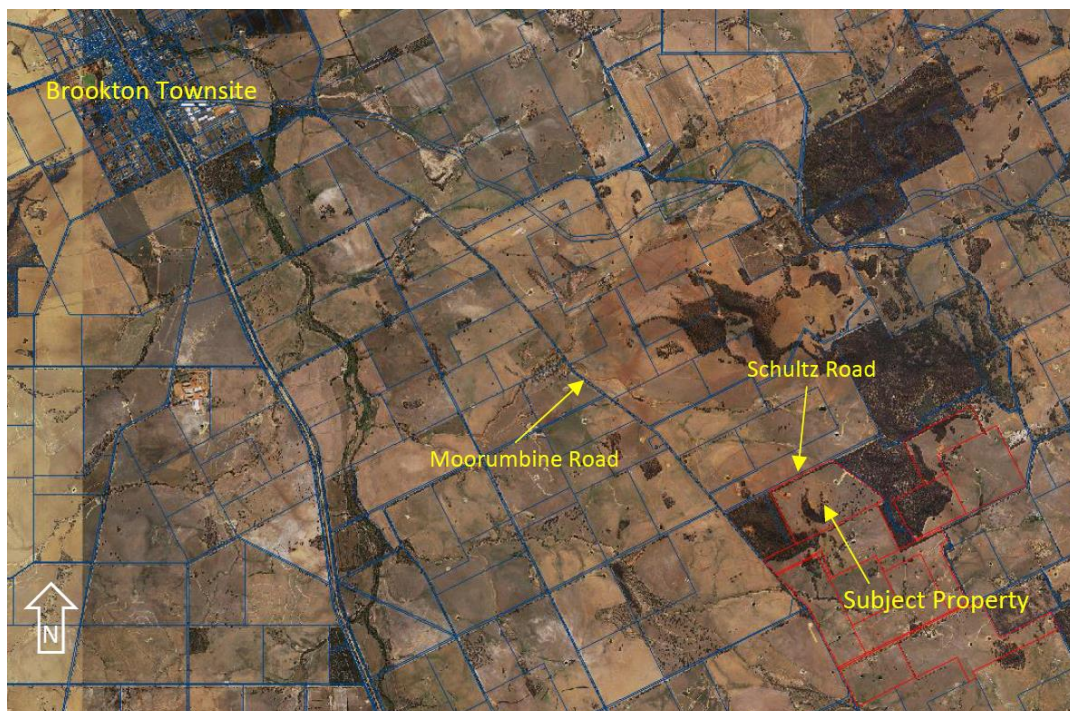


Figure 1 – Location Plan



Figure 2 – Proposed Site Layout

The application states the extraction will remove the top of a natural hill that is presently cleared pasture to the depth of approximately 2.0 metres. A copy of the Planning Application is provided as **Attachment 12.03.20.03A** excluding the Geotechnical Report which can be provided to Councillors on request.

Background:

Typically, the extraction site at approximately 1.8 hectares is a small portion of a large broad acre farm. This is reflected in **Figure 3** below that graphically illustrates the area of geotechnical assessment to determine the quantity and quality of gravel.

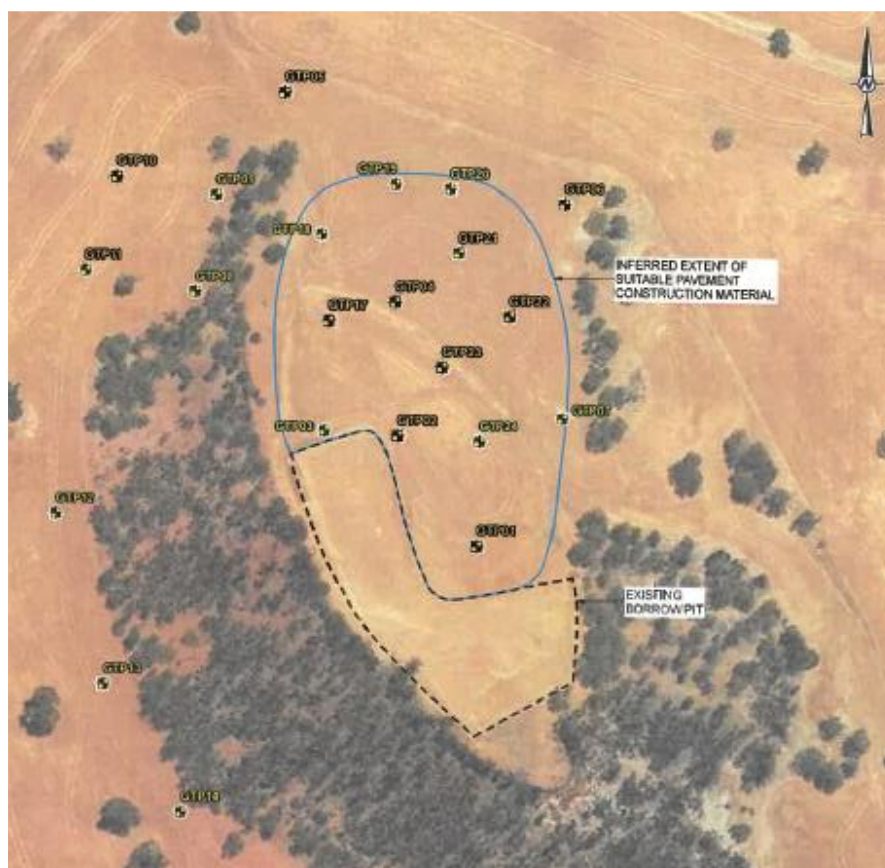


Figure 3 – Extract – geotechnical core drilling

The findings/conclusions also extracted from the geotechnical assessment are:

5.0 SUBSURFACE CONDITIONS

Subsurface conditions at the Schultz Road gravel borrow pit varied across the site. Gravel considered suitable for use in pavements was only encountered in the central portion of the site adjacent an existing borrow pit. The subsurface conditions encountered in other areas of the site are not included in the below summary, as gravel considered suitable for use as basecourse was not encountered.


Subsurface conditions within the gravel borrow area at Schultz Road can be summarised as follows:

- **TOPSOIL: Sandy GRAVEL (GP);** fine to medium grained, rounded to sub-rounded, laterite, orange-brown, approximately 30% fine to medium grained sand, with silt, trace organics, moist, extending to about 0.05 m depth, overlying
- **GRAVEL (GP);** fine to coarse, rounded to sub-rounded, orange-brown, trace to with fine to coarse grained sand, trace to with non-plastic to low plasticity fines, moist, extending to depths typically ranging from about 1.0 m to 1.8 m, overlying
- **GRAVEL (GP);** fine to coarse, rounded to sub-rounded, pale grey to pale orange-brown, trace to with fine to coarse grained sand, trace non-plastic to low plasticity fines, moist, extending to the maximum depth investigated of 3.5 m.

Generally, the upper portion of the gravel encountered had a marginally higher fines content, with low plasticity fines. The lower portion of the gravel typically had a very low non-plastic fines content.

An increase in cementation and coarser material (cobbles and boulder-size cemented fragments) were encountered in test pits conducted further down the slope to the east of the existing borrow pit (towards a fence which runs in a north-south direction through the site).

Furthermore, a review of aerial photography and a site visit of Lot 27647 has identified the following site characteristics:

Site Assessment	
Existing Development/Use	<i>The property consists of arable farming pasture previously used for grazing, strands of remnant vegetation approximately 8,000 m³ of gravel already push up for the Shire to perform pending and future road works.</i>
Existing Services	<i>There were no utilities evident within the vicinity of the extraction site.</i>
Vehicular Access	<p><i>Access is taken from Schultz Road that is predominantly gravel formed to approximately 4.0 – 4.5 metres in width, with the balance of the road reserve either side of the road formation being mostly mature vegetation as reflected in Figure 4 below.</i></p>  <p style="text-align: center;">Figure 4 – Schultz Road</p>
Topography	<i>The property presents with undulation with the extraction site forming the top</i>

	<i>of a hillside that is cleared pasture. The general incline consists of a traversable gradient.</i>
Vegetation	<i>As mentioned, the extraction is buffered by remnant vegetation – refer to Figure 2 above.</i>
Soil Type/s	<i>See geotechnical assessment information above.</i>
Surrounding Land-use	<i>The land adjoining is all farming property with a mix of pasture and strands of vegetation.</i>
Bushfire Attack Level (BAL) Assessment	<i>Not Applicable in consideration of the Extractive Industry Use.</i>

Consultation:

Consultation on this proposal has only been entertained at an officer level.

Statutory Environment:

Local Planning Scheme (LPS) No.4 - specifies the use class of 'Extractive Industry' within the 'Rural' zone is determined at the Council's 'discretion'. This means Council may approve and apply valid conditions to the planning approval or refuse the application based on valid reasons.

Typically, the matters pertinent to granting consent for an extractive industry in the 'Rural' zone includes:

- A surveyed plan of the site showing the proposed area of extraction in relation to topographical features, areas of remnant vegetation, existing and proposed access and internal roads, existing buildings and minimum setback distances from property boundaries consisting of 35 metres from the front, and 10 metres from the side and rear boundaries of the property;
- A cross section of the proposed extraction area showing the depth of extraction, height and battering of the pit walls and face, and access ramp/area;
- A rehabilitation plan for the area of extraction prepared in accordance with DWER guidelines showing the re-contouring of the land and areas of re-planting or return to pasture (where applicable);
- Written submission detailing the type and quantity of material to be mined, stages of extraction (if applicable), depth of extraction, life expectancy of the resource, specific hours of operation; number of vehicular movements per week and machinery to be used.

Shire of Brookton Extractive Industry Local Law 2011

Part 2 of the Council's Local Law for an Extractive Industry states:

PART 2 - LICENSING REQUIREMENTS FOR AN EXTRACTIVE INDUSTRY

2.1 Extractive industries prohibited without licence

A person must not carry on an extractive industry—

- unless the person is the holder of a valid and current licence; and*
- otherwise than in accordance with any terms and conditions set out in, or applying in respect of, the licence.*

2.2 Applicant to advertise proposal

- Unless the local government first approves otherwise, a person seeking the issue of a licence shall, before applying to the local government for a licence—***

- (a) *forward by registered mail a notice in the form determined by the local government from time to time to–*
 - (i) *the owners and occupiers of all land adjoining the land upon which it is proposed to excavate, or within an area determined by the local government as likely to be affected by the granting of a licence, advising of the application and specifying that they may, within twenty-one days from the date of service of the letter, object to or make representations in writing in respect of the issue of a licence by the local government;*
 - (ii) *every authority or person having control or jurisdiction over any of the things referred to in clause 2.3(1)(a)(vii) and (viii) within 500 metres from the boundaries of the land, or within an area determined by the local government as likely to be affected by the granting of a licence; and*
- (b) *as soon as practicable after complying with the requirements of paragraph (a)–*
 - (i) *forward a copy of the notice to the CEO; and*
 - (ii) *publish the notice in a newspaper circulating in the area in which the proposed excavation is located.*
- (2) *The local government may, within 14 days after receiving a copy of a notice referred to in subclause (1), cause to be displayed, or require the proposed applicant to display, in a prominent position on the land one or more notices–*
 - (a) *in the form determined by the local government from time to time;*
 - (b) *the content, size and construction of which have been approved by the CEO;*
 - (c) *specifying particulars of the proposed excavation; and*
 - (d) *inviting objections or comments within 21 days from the placement of the notice.*

2.3 Application for licence

- (1) *Subject to subclause (3), a person seeking the issue of a licence in respect of any land shall apply in the form determined by the local government from time to time and must forward the application duly completed and signed by each of the applicant, the owner of the land and any occupier of the land to the CEO together with–*
 - (a) *3 copies of a plan of the excavation site to a scale of between 1:500 and 1:2000 showing–*
 - (i) *where the proposed excavation surface area is–*
 - (I) *not to exceed 5ha, the existing and proposed land contours based on the Australian Height Datum and plotted at 1 metre contour intervals;*
 - (II) *to be greater than 5ha, the existing and proposed land contours based on the Australian Height Datum and plotted at 5 metre contour intervals;*
 - (ii) *the land on which the excavation site is to be located;*
 - (iii) *the external surface dimensions of the land;*
 - (iv) *the location and depth of the existing and proposed excavation of the land;*
 - (v) *the location of existing and proposed thoroughfares or other means of vehicle access to and egress from the land and to public thoroughfares in the vicinity of the land;*
 - (vi) *the location of buildings, treatment plant, tanks and other improvements and developments existing on, approved for or proposed in respect of the land;*

- (vii) *the location of existing power lines, telephone cables and any associated poles or pylons, sewers, pipelines, reserves, bridges, railway lines and registered grants of easement or other encumbrances over, on, under or adjacent to or in the vicinity of the land;*
- (viii) *the location of all existing dams, watercourses, drains or sumps on or adjacent to the land;*
- (ix) *the location and description of existing and proposed fences, gates and warning signs around the land; and*
- (x) *the location of the areas proposed to be used for stockpiling excavated material, treated material, overburden and soil storage on the land and elsewhere;*
- b) *3 copies of a works and excavation programme containing -*
 - (i) *the nature and estimated duration of the proposed excavation for which the licence is applied;*
 - (ii) *the stages and the timing of the stages in which it is proposed to carry out the excavation;*
 - (iii) *details of the methods to be employed in the proposed excavation and a description of any on-site processing works;*
 - (iv) *details of the depth and extent of the existing and proposed excavation of the site;*
 - (v) *an estimate of the depth of and description of the nature and quantity of the overburden to be removed;*
 - (vi) *a description of the methods by which existing vegetation is to be cleared and topsoil and overburden removed or stockpiled;*
 - (vii) *a description of the means of access to the excavation site and the types of thoroughfares to be constructed;*
 - (viii) *details of the proposed number and size of trucks entering and leaving the site each day and the route or routes to be taken by those vehicles;*
 - (ix) *a description of any proposed buildings, water supply, treatment plant, tanks and other improvements;*
 - (x) ***details of drainage conditions applicable to the land and methods by which the excavation site is to be kept drained;***
 - (xi) *a description of the measures to be taken to minimise sand drift, dust nuisance, erosion, watercourse siltation and dangers to the general public;*
 - (xii) *a description of the measures to be taken to comply with the Environmental Protection (Noise) Regulations 1997;*
 - (xiii) ***a description of the existing site environment and a report on the anticipated effect that the proposed excavation will have on the environment in the vicinity of the land;***
 - (xiv) *details of the nature of existing vegetation, shrubs and trees and a description of measures to be taken to minimise the destruction of existing vegetation; and*
 - (xv) *a description of the measures to be taken in screening the excavation site, or otherwise minimising adverse visual impacts, from nearby thoroughfares or other areas;*
- (c) *3 copies of a rehabilitation and decommissioning programme indicating -*

- (i) *the objectives of the programme, having due regard to the nature of the surrounding area and the proposed end-use of the excavation site;*
- (ii) *whether restoration and reinstatement of the excavation site is to be undertaken progressively or upon completion of excavation operations;*
- (iii) *the method by which topsoil is to be replaced and revegetated;*
- (iv) *the numbers and types of trees and shrubs to be planted and other landscaping features to be developed;*
- (v) *how rehabilitated areas are to be maintained;*
- (vi) *the programme for the removal of buildings, plant, waste and final site clean up; and*
- (vii) *how any face is to be made safe and batters sloped.*
- (d) *evidence that a datum peg has been established on the land related to a point approved by the local government on the surface of a constructed public thoroughfare or such other land in the vicinity;*
- (e) *a certificate from a licensed surveyor certifying the correctness of-*
 - (i) *the plan referred to in paragraph (a); and*
 - (ii) *the datum peg and related point referred to in paragraph (d);*
- (f) *evidence that the requirements of clause 2.2(1) and (2) have been carried out;*
- (g) *copies of all land use planning approvals required under any planning legislation;*
- (h) *the consent in writing to the application from the owner of the excavation site;*
- (i) *any other information that the local government may reasonably require;*
- (j) *the licence application fee specified by the local government from time to time;*
- (k) *copies of any environmental approval required under any environmental legislation; and*
- (l) *copies of any geotechnical information relating to the excavation site;*
- (2) *All survey data supplied by an applicant for the purpose of sub clause (1) shall comply with Australian Height Datum and Australian Map Grid standards.*
- (3) *Where in relation to a proposed excavation–*
 - (a) *the surface area is not to exceed 5000 square metres; and*
 - (b) *the extracted material is not to exceed 5000 cubic metres;**the local government may exempt a person making application for a licence under subclause (1) from supplying any of the data specified in paragraphs (b), (d), (e) and (l) of subclause (1).*

Relevant Plans and Policy:

There are no specific Shire plans or policy documents that apply to this proposal.

Financial Implications:

Aside from receipt of the statutory planning application fee, the most prominent financial consideration is the possible impact on Shire roads. To alleviate this matter, conditions can be imposed on the planning approval requiring the proponent to upgrade and/or reinstate roads and manage the volume and flow of traffic as required. Further dialog on this matter is covered in the Comment Section of this report.

Risk Assessment:

As mentioned, the risk to the Shire primarily relates to the local road network which is assessed as a 'High' risk, reflected in the Risk Matrix below and further explained in the Comment Section of this report.

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

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

Community & Strategic Objectives:

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

Specifically, the extractive industry proposal aligns to:

Function 2 – Land Use Planning

Action 2.3 – Process Development Applications

Comment**Local Planning Scheme No.4**

On assessment this proposal does not appear to present any significant concerns from a planning or environmental perspective, given the extractive industry site conforms with the minimum setback distances from property boundaries, does not involve significant land clearing, and has no residential development or water courses in close proximity that is likely to be adversely affected from an amenity or environmental perspective.

However, as already mentioned, the prominent issue is vehicle access given the current formation width of Schultz Road and its associated intersection with Moorumbine Road is not constructed for significant haulage traffic.

Presently, Schultz Road is constructed for local traffic mainly serving the proponent's farming operations. At approximately 4.0 - 4.5 metres of formed width it is principally limited to one-way traffic and is further constrained by mature vegetation on either side that will not allow two large haulage vehicles (ie B Double trucks) to pass in a safe manner on this road. While there is some opportunity for widening of up to 1.0 metre without the need for vegetation clearing – see **Figure 5** below, this road will still remain limited to one large vehicle using the road at any one time. This can be managed by a communication and signage strategy to ensure one vehicle is using Schultz Road at a time at regulated speed.

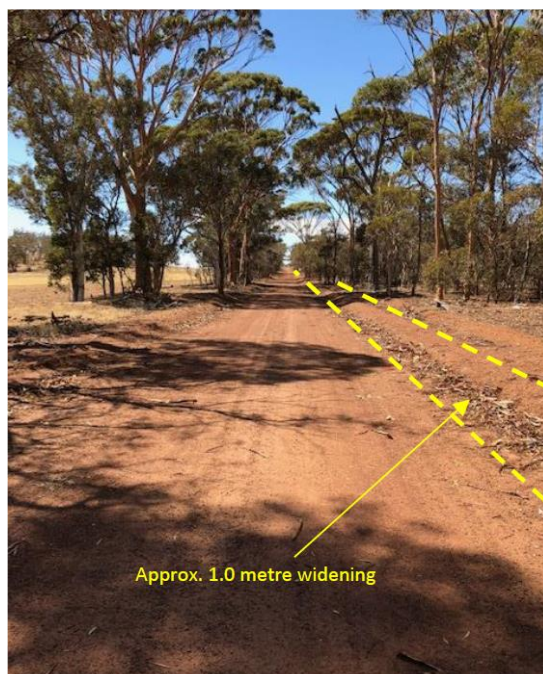


Figure 5 – Suggested Road Widening – Schultz Road

As for the intersection with Moorumbine Road some minor improvements may be required to ensure sufficient turning circle and line of sight together with a waiting lane/bay just off the intersection on the northwest side of Schultz Road, as shown in **Figure 6** below.



Figure 6 – Suggested Road Improvements – Schultz Road

Shire of Brookton Extractive Industry Local Law 2011

With reference to the Extractive Industry Local Law it is viewed that this application process is a duplication and therefore recommended Council exercise discretion and set aside this process in favour of assessing the application under the Local Planning Scheme No.4 only.

OFFICER RECOMMENDATION

That Council grant planning approval for an extractive Industry (Gravel) Lot 27647 Davis Road 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 Extractive Industry Use, 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. The Extractive Industry shall be carried out in accordance with the terms of the application as approved herein, and the respective plans inclusive of site plan and geotechnical assessment report that forms part of this approval.
3. The topsoil of the extraction area shall be removed, stock-piled and re-used in rehabilitating the area to upon the gravel resource being exhausted.
4. The quantity, depth and area of extraction shall not exceed 50,000 m³, 2.0 metres deep and 1.8 hectares in area, unless otherwise approved by the Local Government through further application for planning approval.
5. The extraction activity shall be limited to the hours of 6.00 am to 6.00 pm 7 days per week.
6. The crossover and internal vehicle access road to a minimum 7.0 metres in width from Schultz Road, inclusive turning circle and manoeuvring shall be constructed to compacted gravel standard to the satisfaction of the Local Government.
7. The proponent shall perform road improvement works to Schultz Road, and the associated intersection with Moorumbine Road, prior to commencing cartage of gravel with the required works to include:
 - a) Gravel sheeting and widening of Schultz Road to achieve a minimum 5.5 metres width without the removal of significant/mature vegetation.
 - b) Improvement to the intersection of Schultz Road and Moorumbine Road intersection to achieve safe sight lines and turning circle adequate to accommodate large haulage vehicles (ie B Double Trucks) entering and existing Schultz Road.
 - c) Provision of a compacted gravel 'pull over/waiting bay' of sufficient width and length within the Schultz Road Reserve just of the intersection with Moorumbine Road to accommodate a large haulage vehicle (ie B Double Truck).

8. The proponent shall prepare, submit and apply a communications and signage strategy that limits the use of Schultz Road to one large vehicle at any one time, and manages to guide the entry to and exit from Schultz Road in a safe manner.
9. The proponent shall be responsible for the repair/re-instatement of the local road network where damage has been caused from the haulage vehicle associated with the Extractive Industry activity.

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. It is the responsibility of the Applicant to determine any necessary approvals or licences required and obtain such approvals prior to the commencement of use.
- b. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the use.
- c. With reference to Conditions 6 to 9 of this approval the proponent is to liaise with the Shire of Brookton Works Co-ordinator, Mr Rod Evenis – 0428 972 968 on the standard of works to be performed.
- d. 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.

That Council grant planning approval for an extractive Industry (Gravel) Lot 27647 Davis Road Brookton pursuant to Schedule 2 Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015, subject to the following:

Conditions

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- 2. The Extractive Industry shall be carried out in accordance with the terms of the application as approved herein, and the respective plans inclusive of site plan and geotechnical assessment report that forms part of this approval.*
- 3. The topsoil of the extraction area shall be removed, stock-piled and re-used in rehabilitating the area to upon the gravel resource being exhausted.*
- 4. The quantity, depth and area of extraction shall not exceed 50,000 m³, 2.0 metres deep and 1.8 hectares in area, unless otherwise approved by the Local Government through further application for planning approval.*
- 5. The extraction activity shall be limited to the hours of 6.00 am to 6.00 pm 7 days per week.*
- 6. The crossover and internal vehicle access road to a minimum 7.0 metres in width from Schultz Road, inclusive turning circle and manoeuvring shall be constructed to compacted gravel standard to the satisfaction of the Local Government.*
- 7. The proponent shall perform road improvement works to Schultz Road, and the associated intersection with Moorumbine Road, prior to commencing cartage of gravel with the required works to include:*
 - a) Gravel sheeting and widening of Schultz Road to achieve a minimum 5.5 metres width without the removal of significant/mature vegetation.*
 - b) Improvement to the intersection of Schultz Road and Moorumbine Road intersection to achieve safe sight lines and turning circle adequate to accommodate large haulage vehicles (ie B Double Trucks) entering and existing Schultz Road.*
 - c) Provision of a compacted gravel 'pull over/waiting bay' of sufficient width and length within the Schultz Road Reserve just of the intersection with Moorumbine Road to accommodate a large haulage vehicle (ie B Double Truck).*
- 8. The proponent shall prepare, submit and apply a communications and signage strategy that limits the use of Schultz Road to one large vehicle at any one time, and manages to guide the entry to and exit from Schultz Road in a safe manner.*

- 9. The proponent shall be responsible for the repair/re-instatement of the local road network where damage has been caused from the haulage vehicle associated with the Extractive Industry activity.**

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. It is the responsibility of the Applicant to determine any necessary approvals or licences required and obtain such approvals prior to the commencement of use.**
- b. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the use.**
- c. With reference to Conditions 6 to 9 of this approval the proponent is to liaise with the Shire of Brookton Works Co-ordinator, Mr Rod Evenis – 0428 972 968 on the standard of works to be performed.**
- d. 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

Attachments

Attachment 12.03.20.03A

Chief Executive Officer
Mr Ian D'Arcy
Shire of Brookton
14 White Street
Brookton WA 6306

28th February 2020

Dear Ian

The rehabilitation plan for Avon Location 27647 will involve the removal of top soil to a depth of 30cm over the proposed area of extraction and re-located to the western side of pit.

As the pit is on the top of the landscape once gravel has been extracted the site will be levelled with no decline from natural contour to be noted.

Once levelled the top soil will then be re applied to site.

There is no vegetation needed to be removed from extraction site and at this stage we will not be replanting vegetation to this area.

The material mined will be gravel to put a base in the CBH extension area. It is proposed at this stage that 20,000 – 50,000 cubic metres will be removed.

The time frame for this is expected to be within the next five months. The extraction is anticipated to remove approximately up to two metres of gravel from the top of the natural hill that is there at present.

As the tender has not yet been awarded we are unable to answer the question on truck movements. However would Council like us to stipulate anything on Council behalf, if we are selected to supply the gravel to CBH.

Yours sincerely



Merv Davis
For MJ & KP Davis
PO Box 149
BROOKTON WA 6306



CERTIFICATE OF TITLE

UNDER THE "TRANSFER OF LAND ACT, 1893" AS AMENDED

I certify that the person described in the First Schedule hereto is the registered proprietor of the undermentioned estate in the undermentioned land subject to the easements and encumbrances shown in the Second Schedule hereto.

Dated 4th December, 1978

Lincoln
REGISTRAR OF TITLES



ESTATE AND LAND REFERRED TO

Estate in fee simple in Avon Location 27647, delineated and coloured green on the map in the Third Schedule hereto, limited however to the natural surface and therefrom to a depth of 60.96 metres.

FIRST SCHEDULE (continued overleaf)

R.E.Davis Nominees Pty. Ltd., of 8 Parade Street, Pingelly.

SECOND SCHEDULE (continued overleaf)

NIL

Hubbrough
REGISTRAR OF TITLES

THIRD SCHEDULE

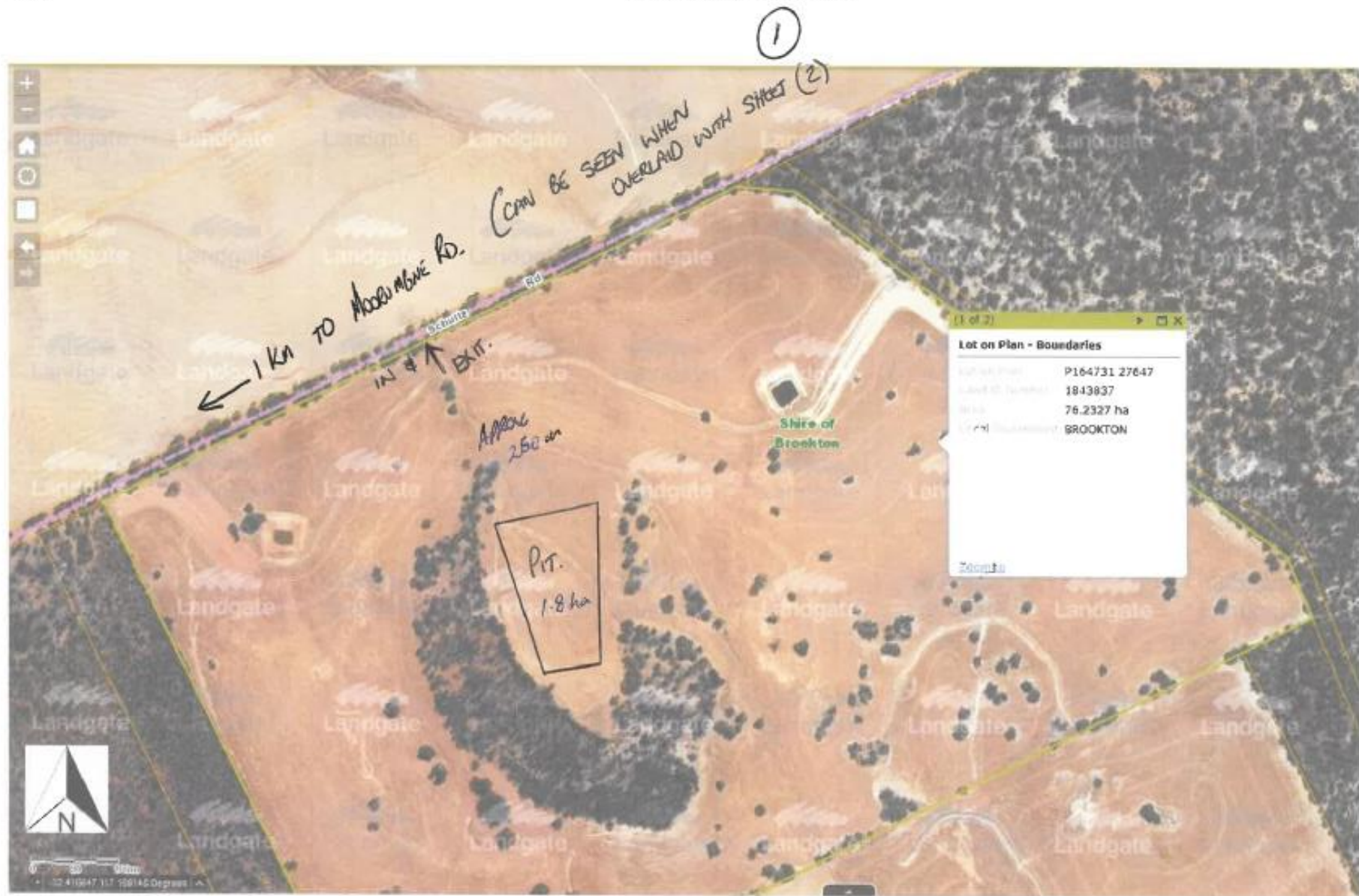


NOTE: RULING THROUGH AND SEALING WITH THE OFFICE SEAL INDICATES THAT AN ENTRY NO LONGER HAS EFFECT.
ENTRIES NOT RULED THROUGH MAY BE AFFECTED BY SUBSEQUENT ENDORSEMENTS.

SEES UNUS ARE CAUTIONED AGAINST ALTERING OR ADDING TO THIS CERTIFICATE OR ANY NOTIFICATION HEREON

2/28/2020

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1/1

②.



Cr Crute returned to the meeting at 5.07pm, Cr Walker vacated the chair and Cr Crute resumed the chair.

Cr Fancote and Cr Lilly declared a financial interest in item 13.03.20.01 and left the room at 5.08pm

13.03.20 COMMUNITY SERVICES REPORTS

13.03.20.01 BROOKTON COMMUNITY INCORPORATED – REQUEST FOR COMMUNITY GARDEN AND MEN’S SHED LEASE

File No:	ADM0678 & A578
Date of Meeting:	19 March 2020
Location/Address:	<i>fmr</i> Brookton Tennis Club Premises – Part Reserve 43158 (Lot 510) Whittington Street Brookton
Name of Applicant:	Brookton Community Inc.
Name of Owner:	Shire of Brookton
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:	Simple Majority
Previous Report:	N/A

Summary of Item:

This report relates to a request from the recently formed Brookton Community Inc. (BCI) to lease the former Tennis Club courts and building for the Brookton Community Garden and Men’s Shed Group. The current request is for an initial period of 5 years, with the option to extend for a further 5 years at Council’s discretion.

Description of Proposal:

In summary the proposal is to consist of the following stages:

- Stage 1 Part A – Old Tennis Club building repurposed
- Stage 1 Part B – Community Garden established
- Stage 1 Part C – Purposed Shared Building fit out and occupation
- Stage 2 Part A – Wicking Tote Veggie Garden established
- Stage 2 part b – Sensory garden with rotunda picnic area established
- Stage 3 Part A – Markets, Gatherings and Events area established
- Stage 3 Part B – Community Garden Plot Allotments enlarged

A complete copy of the BCI letter of request and project is provided at **Attachment 13.03.20.01A** to this report. Further, **Figure 1** and **Figure 2** below provide an understanding of the community garden profile. **Figure 3** consists of the ‘Revised Plan’ - 2020 that illustrates the conceptual layout within the requested lease area.



Figure 1 – Typical Raised Garden beds



Figure 2 – Typical Garden Totes

PROJECT A— Old Brookton Tennis Courts -

“Revised Plan” - 2020

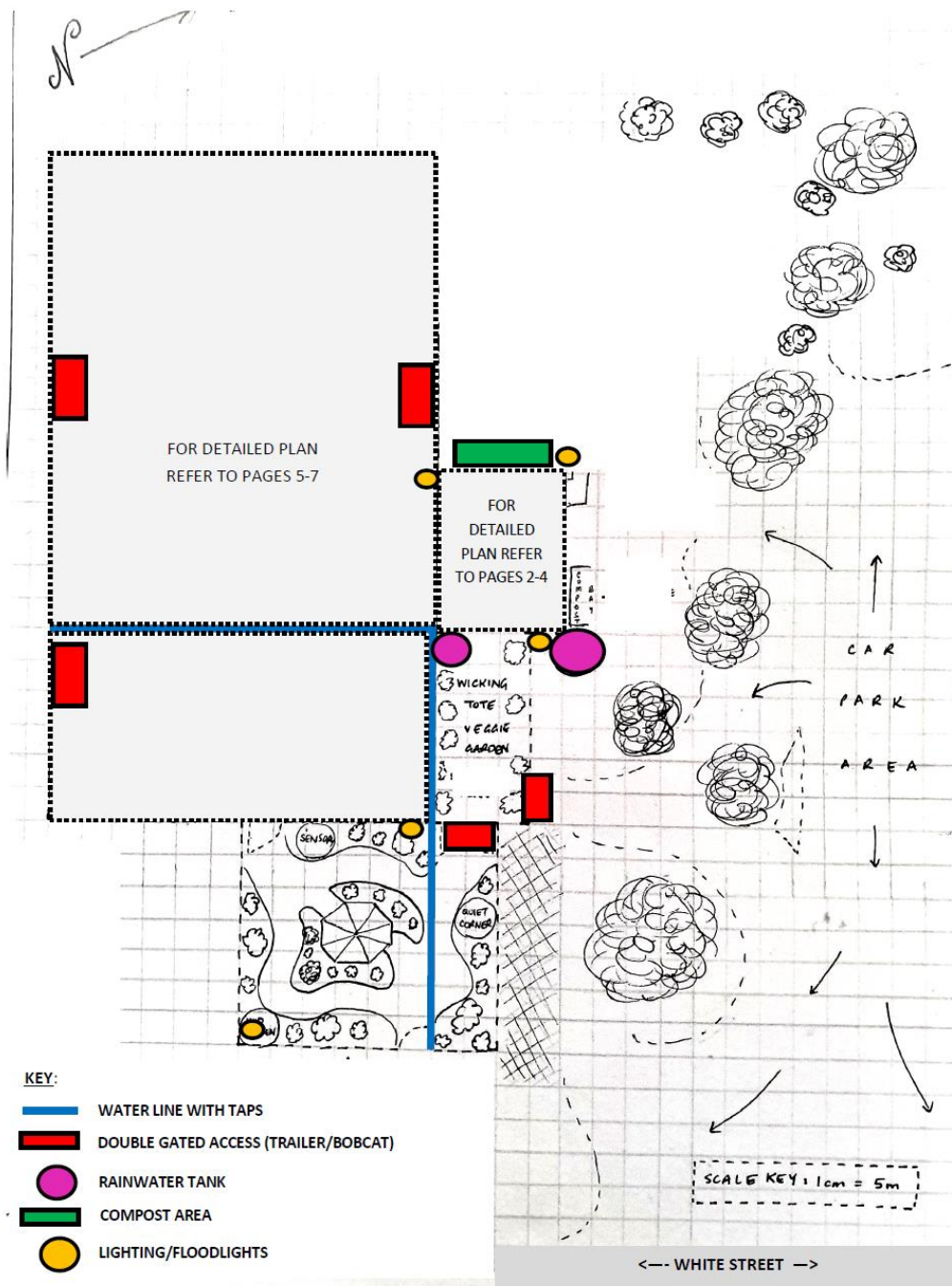


Figure 3 – ‘Revised Plan’ – 2020 for proposed Community Garden

Figure 4 provides an understanding of the lease area the subject of this request.



Figure 4 – Aerial Photo of *fmr* Tennis Club Building and Courts and Requested Lease Area

Background:

The idea of a Community Garden had been randomly floated by members of the Community for a number of years, including Cr Fancote having raised it with Council through the Corporate Briefing Session (CBF) some years back, without any traction.

However, this changed in 2018/19 when the idea was considered through the Council's 'Book of Ideas' initiative and 'Innovations Pathway', and subsequently picked up by a select group of passionate community members eager to progress the idea. This culminated with the Brookton Men's Shed Group having difficulty in sustaining membership and the Brookton Patchwork Quilting Group's and Brookton Nyoongah Youth Group's need to become more formalized that resulted the Shire President suggesting and then assisting the respective groups to form an incorporated umbrella group, now formally registered as BCI (Brookton Community Inc.).

With this contemporary change in community structure the Brookton Community Garden Group and Brookton Men's Shed Group have under the auspice of BCI agreed to co-locate in the lease of a designated area, being the former tennis courts and club building, from the Shire. Included in their request, is the erection of a purpose co-located building provided by the Council, as well as gutting the *former* club building, to assist in progressing their respective projects.

To this end, the Brookton Men's Shed and Brookton Community Garden through BCI are now seeking favourable consideration to a formal lease from Council, as reflected in **Figure 4** above.

Consultation:

Various discussions has been entertained between the Community Garden and Brookton Men's Shed Group with Shire representatives providing guidance of the way forward to both leasing and progressing their respective projects.

Statutory Environment:

This matter can be entertained by Council pursuant to:

- *Land Administration Act, 1997* (Section 46 – Care, Control and Management of Reserves)
- *Local Government Act, 1995* (Section 3.58 – Disposal of Property)
- *Local Government (Functions and General) Regulations, 1996* (Regulation 30 - Dispositions of property excluded from Act s. 3.58)

Specifically, Regulation 30(2)(b) of the Functions and General Regulations states:

- (2) A disposition of land is an exempt disposition if —*
- (b) the land is disposed of to a body, whether incorporated or not —*
- (i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and*
 - (ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions.*

Relevant Plans and Policy:

This request aligns to Council Policy 2.37 – Lease, Licence and Tenancy Agreements where the Level 1 classification would typically apply to this request. Level 1 states:

Level One

- a) *Applies to a 'not-for-profit' community organisation or group incorporated under the Associations Incorporation Act 2015.*
- b) *The organisation or group is specific to the Shire of Brookton and affords significant community benefit.*
- c) *The organisation or group has limited revenue-raising ability (net of cost of service) e.g. community play group.*
- d) *The organisation or group (as lessee or licensee) will pay annual lease or license 'peppercorn' rent of \$10.00 (incl. GST).*
- e) *The maximum term for a lease or license agreement is 5 years, with a further 5 year option at the discretion of Council.*
- f) *The Council (as lessor) will pay costs applicable to preparation and registration of the lease or license agreement.*
- g) *The organisation or group (as lessee or licensee) will pay for utilities, general wear and tear, and garden maintenance.*
- h) *The organisation or group (as lessee or licensee) may qualify for annual financial subsidy for utility costs through the Shire Community Chest grant funding program – refer to Policy 2.34 - Community Funding and Donations Policy.*
- i) *The organisation or group (as lessee or licensee) may request a waiver of the local government's planning, building and environmental health application fees.*

Financial Implications:

As reflected in Policy 2.37, Level 1 supports a lease agreement being offered at \$10 per year with Council absorbing the lease preparation and lodgment/registration costs. Predominantly, this will consist of officer time for drafting of the agreement and up to \$1,000 in lodgment expenses. This cost can be accommodated in the current 2019-20 budget.

Thereafter the lease will require the BCI to pay for utilities (with some financial assistance available

through the Council's Community Chest Fund), perform general maintenance tasks based on normal wear and tear, establishment/fit-out and other improvements aligned to the respective groups projects should the Council support this request.

Conversely, the Shire will additionally be responsible for:

- Erecting a new co-located building, including connection to utilities, based on it being fit for purpose for fit-out by the respective groups;
- Gutting of the existing former tennis club building in preparation for fit-out by the Brookton Community Garden Group;
- Maintaining the buildings as a typical community asset to conform to the Health (Public Buildings) Regulations, 1992.

In light of the above, it is estimated a new co-located building may require a budgeted amount of up to \$150,000 and the 'gutting' of the existing building to be in the order of \$10,000 as it is understood the ceiling is lined with asbestos, with more precise costings to be provided through the budget preparation process. Therefore, Council will need to allocate an amount of up to \$160,000 in the 2020-21 budget should it support this request. These funds can be sourced from the Municipal Building and Facility Reserve that has a current allocation of \$328,955.

Risk Assessment:

In consideration of the Risk Matrix below, it is assessed that this request constitutes a 'low' risk for the reasons detailed in the Comment Section of this report.

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

Specifically, the termination of the Brookton Men's Shed lease agreement aligns to:

Function 23 Facilities Management

Action 23.5 – Manage Community Lease Agreements

Function 24 Community Support

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

Comment

Previous discussion on planning for the broader Crown Reserve 43158 has initially promoted assignment of the *former* Tennis Courts and Club Building (being west of an Aged Care and Senior Citizen Precinct) for a future Community Garden and Men's Shed. While the final drafting of a broader management plan is yet to be completed and presented to the Community for comment, preliminary discussions on this location with the respective Innovation Pathway Advisory Groups has yielded positive support. In this regard, **Figure 5** provides an indicative understanding of what is tentatively mapped for this portion of Crown Reserve 43158.



Figure 5 – Aerial Photo of south east portion of Crown Reserve 43158

As to the detailed submission received from BCI, it is apparent that much discussion has been held by the members of the two Community Groups to pragmatically identify and conceptually map out their lease area. This includes a staged approach in realistically progressing their respective projects and how both groups can support each other in doing so. This includes attention to:

- Affordable and sustained provision of power and water supplies of both Groups, but in particular the Community Garden that intends to rely where possible of solar power lighting and pumps, and rainwater catchment with support potable scheme water.
- Installation of raised garden beds with underground trickle reticulation, and production of compost on site to keep cost to a minimum.
- Incorporating provision for disability access and being open to all age demographics of the community to become involved in some way.
- Retention and enhancement of existing fencing for security whilst improving the visual amenity of the old fencing through planting and greenery.
- Charging a nominal membership fee for members of both Groups to cover operational costs under BCI and leverage grant finding where possible, including some reliance on the Council's Community Chest Fund for payment of utilities and progressing respective stages of development.

Overall the BCI submission illustrates considerable thought on the Community Garden, but not so much the Men's Shed, although this should not detract from consideration of a lease agreement.

With respect to the co-located building, it is promoted that Council construct the basic building to a suitable standard for occupation and subsequent fit-out by the respective Groups, with the opportunity to adapt the building for alternative use long term. On this understanding each of the Community Groups will need to source grant funding to address their individual needs and the building would be designed and constructed as light weight construction and low maintenance materials, such as a barn style shed with roller-doors, meeting and amenity rooms and a mezzanine floor. Overall the building would have a floor area of approximately 160 m², including mezzanine. The following **Figure 6** provides an indicative understanding of the proposed building.



Figure 6 – Proposed Co-located Building

OFFICER RECOMMENDATION

That Council:

1. Pursuant to Regulation 30(2)(b) of the Local Government (Functions and General) Regulations 1996 consents to a lease agreement with the Brookton Community Inc. for the fmr Tennis Courts and Club Building located on a portion of Crown Reserve 43158 (Lot 510) Whittington Street Brookton to be used by the Brookton Community Garden and Men's Shed Groups for a period of 5 years (with possible extension upon application and at the Council's discretion), in accordance with level one of Council Policy 2.37 – Lease, Licence and Tenancy Agreements.
2. Indicatively allocate up to \$160,000 in the draft 2020-21 budget for:
 - a) Construction of a new co-located building (as reflected in Figure 5 of this report) for use by the Community Garden and Men's Shed Groups, with this building to be incorporated in the new lease agreement.
 - b) Gutting of the existing former club house building for repurpose to accommodate plant propagation, seedling development, and gardening library as well as seating and shelter as part of the overall Community Garden development.

OCM 03.20-07

COUNCIL RESOLUTION

MOVED Cr Watts

SECONDED Cr Hartl

That Council:

1. ***Pursuant to Regulation 30(2)(b) of the Local Government (Functions and General) Regulations 1996 consents to a lease agreement with the Brookton Community Inc. for the fmr Tennis Courts and Club Building located on a portion of Crown Reserve 43158 (Lot 510) Whittington Street Brookton to be used by the Brookton Community Garden and Men's Shed Groups for a period of 5 years (with possible extension upon application and at the Council's discretion), in accordance with level one of Council Policy 2.37 – Lease, Licence and Tenancy Agreements.***
2. ***Indicatively allocate up to \$160,000 in the draft 2020-21 budget for:***
 - a) Construction of a new co-located building (as reflected in Figure 5 of this report) for use by the Community Garden and Men's Shed Groups, with this building to be incorporated in the new lease agreement.***
 - b) Gutting of the existing former club house building for repurpose to accommodate plant propagation, seedling development, and gardening library as well as seating and shelter as part of the overall Community Garden development.***

CARRIED BY SIMPLE MAJORITY VOTE 5-0

Attachments

Attachment 13.03.20.01A



Community Building Community

BROOKTON

C O M M U N I T Y Inc

5th March 2020

C/O: BCI_Secretary@outlook.com

BROOKTON COMMUNITY INC

21 Whittington Street

BROOKTON WA 6306

Mr Ian D'Arcy
Shire of Brookton
White St
Brookton WA 6306
C/O: ceo@brookton.wa.gov.au

Dear Ian

Re: Brookton Community Garden Proposal

Please find attached the updated and amended Brookton Community Garden (BCG) design plan that we propose to the Shire of Brookton Council for review. We consider this to be a long-term plan and at the same time to be a live document. We propose this document to be considered in conjunction with the letter requesting the proposed shared building from Brookton Community Inc (BCI) on behalf of the Men's Shed.

The plan includes 3 stages and we have focused the details on stage 1 as the "bones" of the garden in order to set the garden up for long-term success.

We hope this plan meets with your approval and is sufficient to receive a lease to BCI on behalf of the Brookton Community Garden for the proposed Brookton Community Garden space. This includes the proposed area in and around the Old Tennis Courts as well as the proposed shared building and the renovation of the Old Tennis Club.

If you have any questions please don't hesitate to contact myself or Tamara.

Yours faithfully,

Joy Reiter
Secretary
Brookton Community Inc
+61 411 448 143
BCI_Secretary@outlook.com

Cc: Tamara Lilly, President Brookton Community Inc



Community Building Community

BROOKTON
COMMUNITY Inc

C/O: BCI_Secretary@outlook.com
BROOKTON COMMUNITY INC
21 Whittington Street
BROOKTON WA 6306

5th March 2020

Mr Ian D'Arcy
Shire of Brookton
White St
Brookton WA 6306
C/O: ceo@brookton.wa.gov.au

Dear Ian

Re: Men's Shed Acceptance of the proposed shared building

The Men's Shed would like to accept the design and plan for the proposed shared building under Brookton Community Inc. (BCI) in conjunction with the Brookton Community Garden.

The proposed shared building desired is the plan and layout as provided to the Brookton Community Garden by the Shire of Brookton at our informal meeting at the Council Chambers September 2019 meeting. The Men's Shed requests that all basic amenities are to be included with the new building. Mains single phase power is needed together with extra power points, including overhead hanging power points in the main Men's Shed area of the space.

The Men's Shed is also in agreement with the Brookton Community Garden with regards to the request for external floodlights and the building to be fitted for rainwater collection as well as potential future solar power.

This letter has been drafted on behalf the Brookton Men's Shed as per their request that was passed at our most recent BCI meeting on Thursday 27 February 2020.

We hope this request meets with your approval and is enough to begin the negotiations for a draft lease for the new proposed shared building.

Thank you for your consideration and action.

Yours faithfully,

Joy Reiter
Secretary
Brookton Community Inc
+61 411 448 143
BCI_Secretary@outlook.com

BROOKTON COMMUNITY GARDEN

Use, Care & Development Plan For the proposed areas of

- Old Brookton Tennis Courts -

(Project A)

and

- Future New Shared Building -

(Project B)

Version 1.1—10 March 2020

Proposal prepared by:

Brookton Community Garden Committee

Supported by: Brookton Community Inc

PROJECT A—- Old Brookton Tennis Courts -

STAGE 1 - Part A

“Old Tennis Club Building”



PROJECT A—- Old Brookton Tennis Courts -

STAGE 1 - Part A

“Old Tennis Club Building”

Old Tennis Club Building Repurposed for Storage and Propagation

Request for the building to be gutted and updated to suit BCG purposes as detailed below.

The Building

1. Fully functioning roof with gutters to collect rainwater at two corners on the White street end of the building
2. Water and electricity to remain connected to the building.
3. Working internal power points, light fixtures and an outside power point for running the pump for rainwater tanks.
4. The only internal plumbing required is the cold water to the kitchen sink area.
5. Functioning external and internal lights. Externally 3 flood lights, 1 on the White street end facing towards White St, 2 on the South side of the building lighting the large court area (these are planned to be used for Stage 2 and 3 of the garden project which will include a function area for events such as Gourmet in the Garden and Night Markets).
6. All roller doors remain in working order and lockable.
7. Middle door towards pool to remain as accessible entrance with lock.
8. Existing kitchen door to be turned into a fixed window with glass blocks for lights. (Glass blocks to be provided by Inez Northover)
8. Existing windows requested to remain as long as they are in good working order.
9. Request single porta toilet with disabled access to be on site provided by the Shire until the shared BGI building is up and running with toilet access.
10. Request a water meter or access to the existing meter to keep track of water usage used by the garden

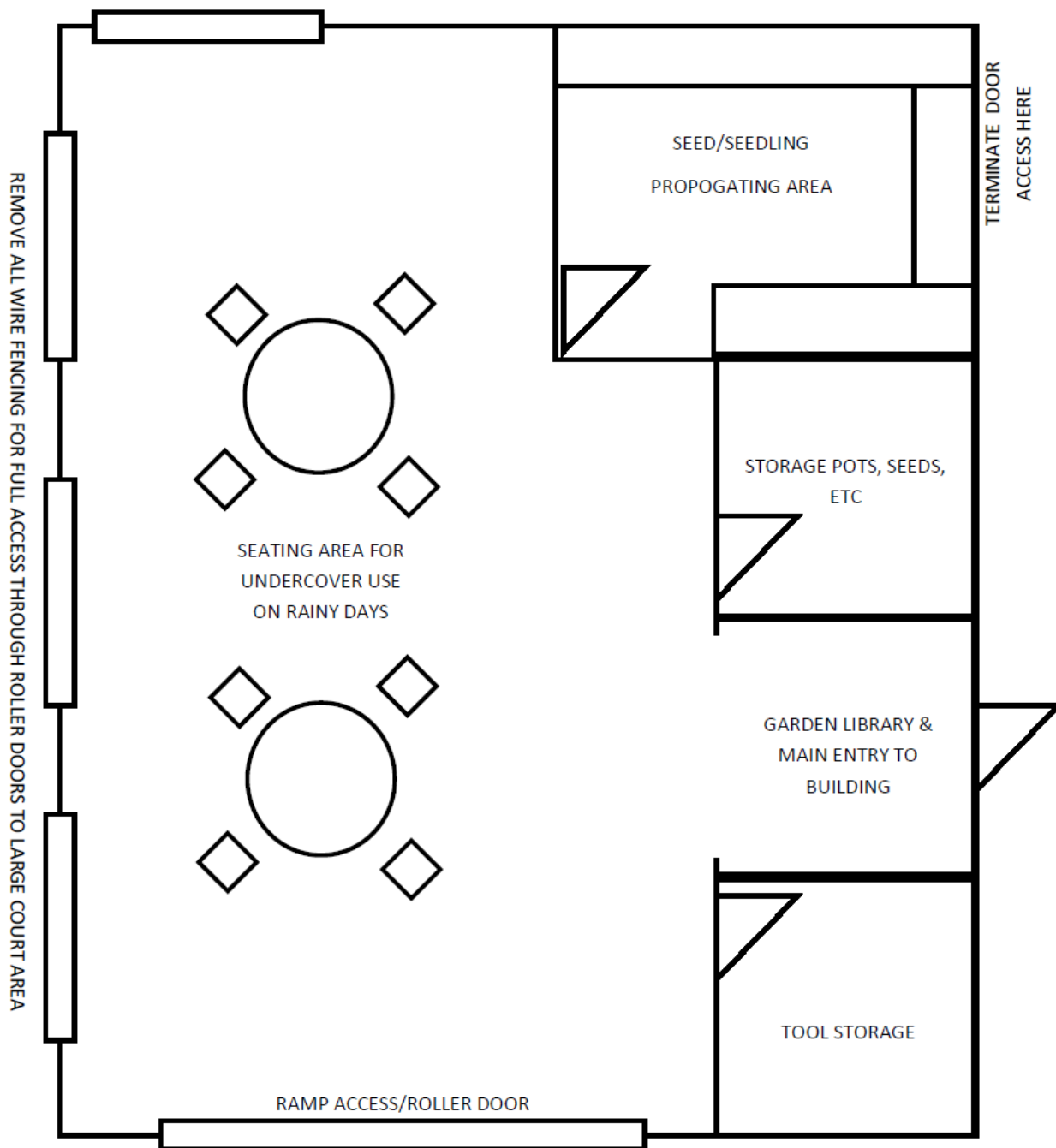
Internal Space to be fitted out by BCG (possibly a map of building spaces, planned uses)

1. Sink and bench space (repurposed from Old Tennis Club or new) to use for water access, washing hands and propagation.
2. Bench space for storage and propagation.
3. General use of building for storage of materials, seedlings and other garden needs.

PROJECT A—- Old Brookton Tennis Courts -

STAGE 1 - Part A

“Old Tennis Club Building”



NB: IMAGE/DRAWING PROVIDED - NOT TO SCALE

PROJECT A— Old Brookton Tennis Courts -

STAGE 1 - Part B

“The Garden”



5

PROJECT A—- Old Brookton Tennis Courts -

STAGE 1 - Part B

“The Garden”

Request for use of the space as for planting and creating a shared community garden for and by the people of Brookton.

All power and water lines into the site enter on the north east corner of the Old Tennis Building (White Street end, swimming pool side) so the proposed garden area will not impact on these.

The Garden Foundations

1. All fencing within the proposed area of use to be left up with the exception of new, larger access points with lockable fences/gates for bobcats, trailers or other gardening/event purposes.
2. New larger access points proposed in at least 4 places. Two next to the Proposed Shared Building and one at the top of the sensory garden between it and the veggie garden. See drawing for placement ideas. Access points will also provide disabled access into the garden.
3. Water scheme access is needed and will be supplemented with rainwater collection from the Proposed Shared Building and the Old Tennis Club. A diversion system will be setup for the Rainwater and scheme water and quotes have been sort from Brookton Plumbing for this system.
4. Water irrigation pipes to be installed from the Old Tennis Club down to the Sensory Garden Area to provide water from scheme and eventual rain tanks. And also irrigation pipes with tap access to be installed from the Old Tennis Club across the large tennis court. See drawing for placement. All underground pipe work is to be laid in Stage 1 and provision for future taps in areas which will not be utilized until Stage 2 and 3
5. Compost area to be located behind the Old Tennis Club (Oval end of building) with tubs and pallets used to determine what works best for the garden.
6. Old brick BBQ to be removed by BCG and relocated within the larger garden area. Pizza oven and BBQ area, most likely to be created where they are more easily accessible to the amenities of the Proposed Shared Building.
7. Individual solar lights to be installed and used to light the garden spaces or for fairy lights during future events.

PROJECT A—- Old Brookton Tennis Courts -

STAGE 1 - Part B

“Beginning the Garden”

NB: To begin once approval is given for use of the land and/or in conjunction with BCI at the Old Bowling Club Building

Proposed big picture plan for growing and organizing the garden space.

1. Gardening to be done in totes and above ground beds. These can be moved and rearranged as the garden grows. Above ground beds also use less water.
2. Water tanks to be bought and arranged to collect rainwater and then used to water the garden beds by hand. No retic needed or planned.
3. All funds needed to pay for water, electricity, insurance, materials, seeds and the proposed work that falls outside of the Shire’s responsibilities will be provided by community gifts, grants, garden member dues and other community fundraisers.
4. Accessibility and public access to be discussed and amended along the way. Fences are to be left up to create some enclosed spaces but also have the ability to have some public, open garden space as well.

PROJECT A—- Old Brookton Tennis Courts -

STAGE 1 - Part C

“Purposed Shared Building”

BCG to share use and occupation of the large Purposed Shared Building.

1. Use roof and gutters to collect rainwater and have access points to use that water within the garden. (Set up a similar diversion system to that on the Old Tennis building site and connected to the underground pipe system laid in Stage 1)
2. Two large floodlights to be located on the outside of the building towards the garden space to provide event and nighttime lighting when needed.
3. The possibility of larger solar power system installed in the future. (With the system also powering the Old Tennis Club via underground line)
4. Use shared internal space for other storage, meetings and toilet facilities.

PROJECT A—- Old Brookton Tennis Courts -

STAGE 2 - Part A

“Wicking Tote Veggie Garden”



PROJECT A—- Old Brookton Tennis Courts -

STAGE 2 - Part A

“Wicking Tote Veggie Garden”

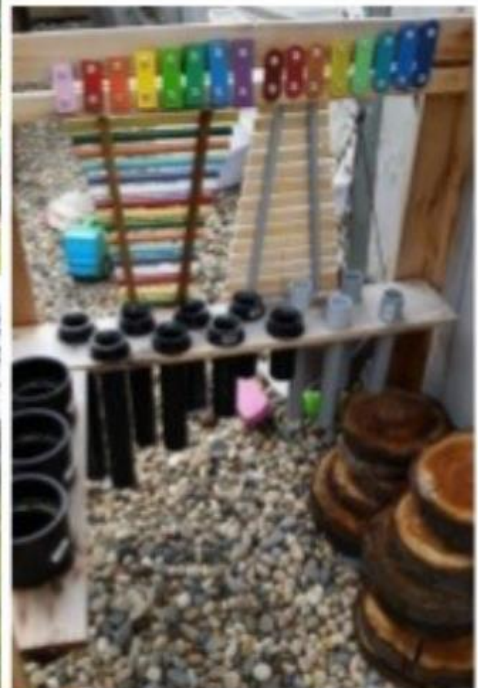
NB: Stage 2- Once approval has been given for land use and the infrastructure is in place to support the growth and upkeep of the garden.

1. Planting and care of the veggie garden in above ground wicking tote beds to begin to have local produce grown during this years growing season.
2. External lights from the Old Tennis Club Building should be sufficient for this space, otherwise solar lights would be used.
3. Enough space will be left between garden beds for wheel chair and pram access.

PROJECT A—- Old Brookton Tennis Courts -

STAGE 2 - Part B

“Sensory Garden with Rotunda Picnic Area”



PROJECT A—- Old Brookton Tennis Courts -

STAGE 2 - Part B

“Sensory Garden with Rotunda Picnic Area”

NB: Stage 2- Once approval has been given for land use and the infrastructure is in place to support the growth and upkeep of the garden.

1. Some trees may be planted directly in the ground but the garden would be mainly in above ground beds.
2. Mud kitchen, sensory area and quiet area all included for children’s play and engagement with the garden.
3. Large shaded picnic area with wooden rotunda.
4. Solar lights would be installed and used to light this area.
5. Enough space will be left between garden beds for wheel chair and pram access.
6. Area to include garden art such as sculptures and installations on the existing fence to enhance the aesthetics and mood of the garden

PROJECT A—- Old Brookton Tennis Courts -

STAGE 3 - Part A

“Markets, Gatherings & Events”



PROJECT A—- Old Brookton Tennis Courts -

STAGE 3 - Part A

“Markets, Gatherings & Events”

NB: Stage 2- Once approval has been given for land use and the infrastructure is in place to support the growth and upkeep of the garden.

1. Planning for a beautiful but open space within the garden for future events such as community markets, garden meals using local produce and other community events.
2. Portable toilet facilities to be rented when the current toilet facilities are not adequate for the event size.
3. Main lighting from floodlights off of the Proposed Shared Building, and the existing Old Tennis Club. Extra lighting along garden paths and fairy lights or other lights for nighttime/evening events would be provided with individual smaller solar lights.

PROJECT A—- Old Brookton Tennis Courts -

STAGE 3 - Part B

“Large Community Garden Plot Allotments”



PROJECT A—- Old Brookton Tennis Courts -

STAGE 3 - Part B

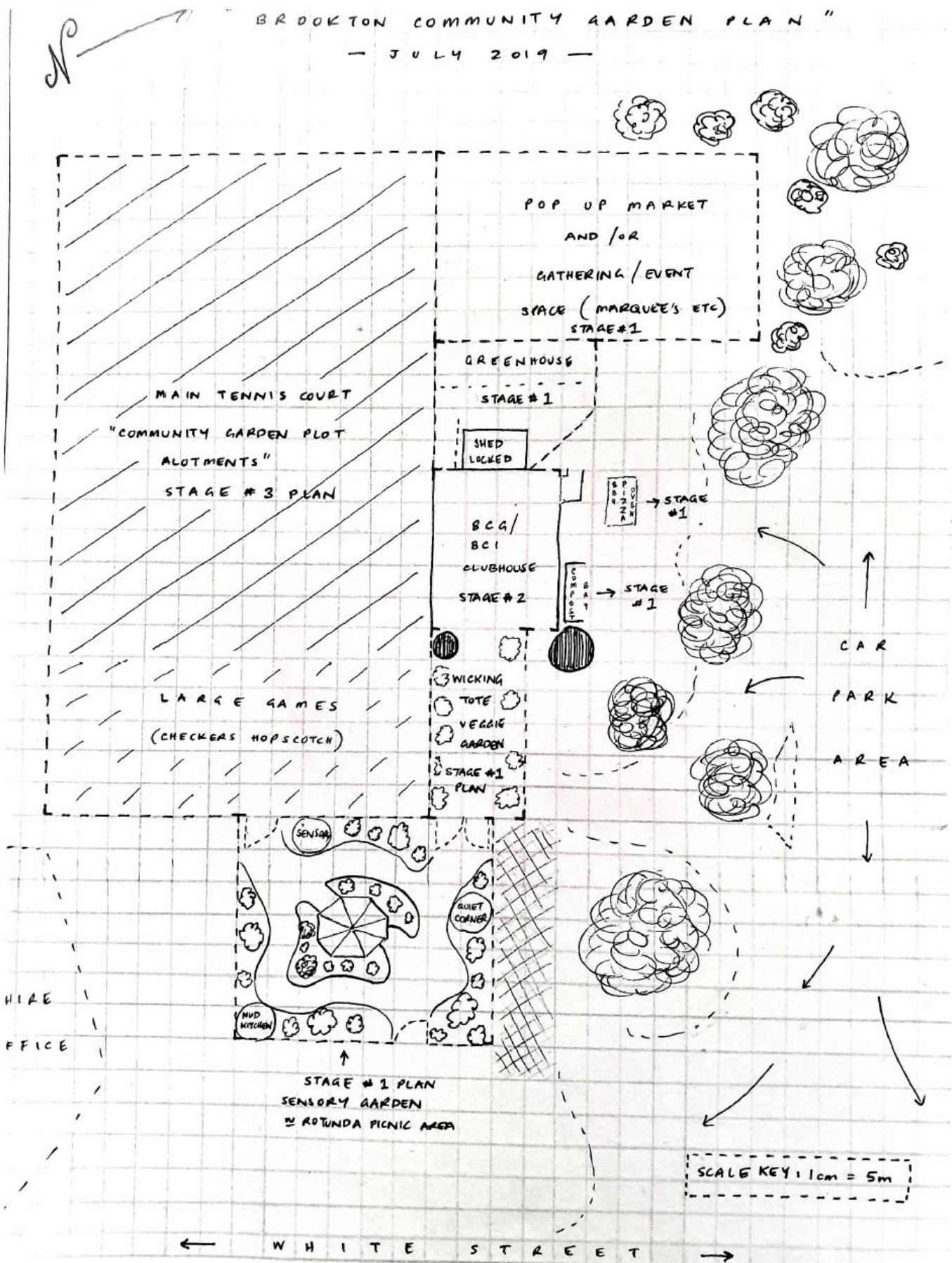
“Large Community Garden Plot Allotments”

NB: Stage 2- Once approval has been given for land use and the infrastructure is in place to support the growth and upkeep of the garden.

1. Creating above ground spaces for individuals, families or community groups to have their own veggie or flower garden within the community garden.
2. Encouraging more community groups to use the communal space but also to have spaces for their own use and purposes.

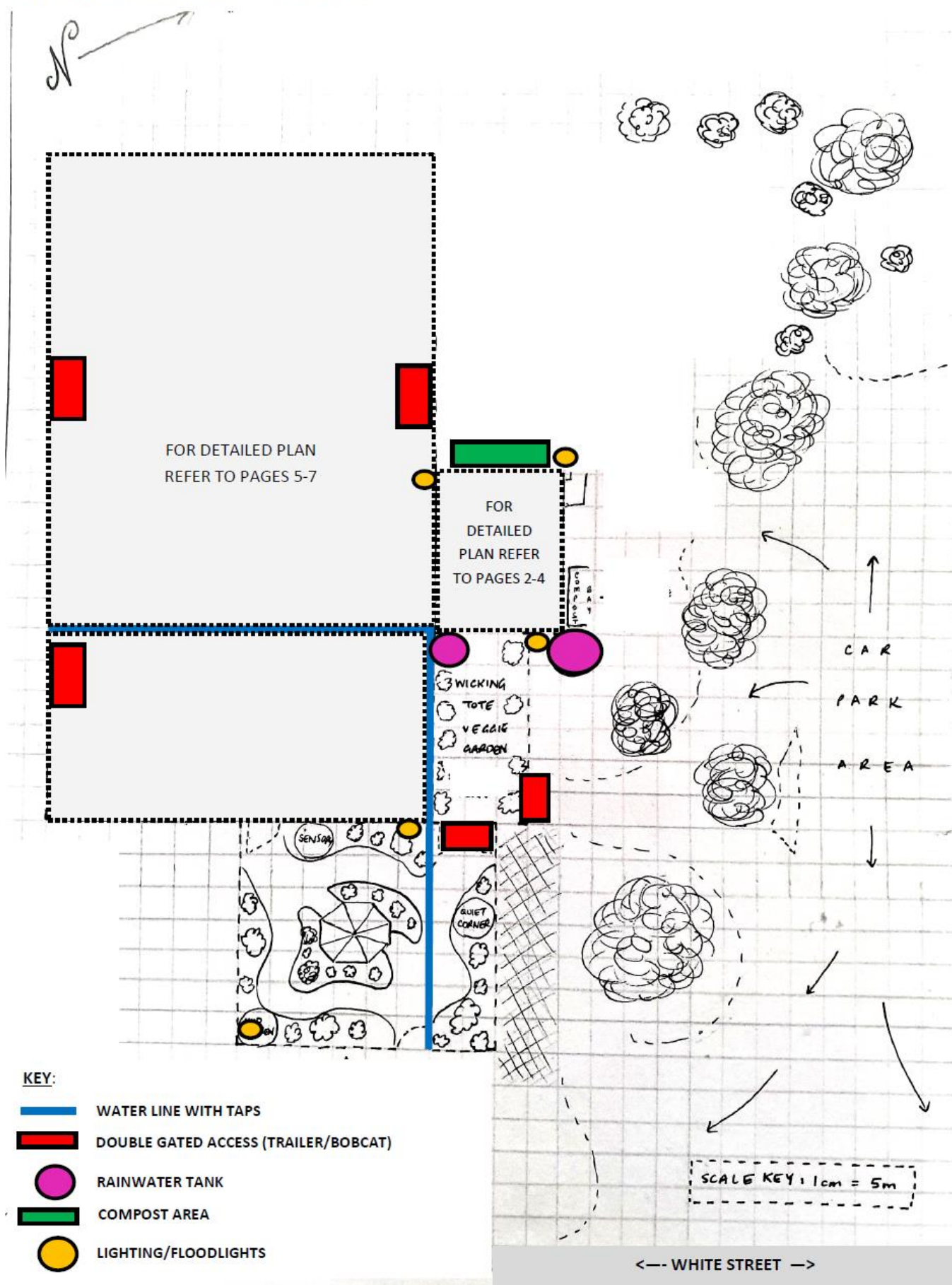
PROJECT A—- Old Brookton Tennis Courts -

“Original Plan” - 2019



PROJECT A— Old Brookton Tennis Courts -

“Revised Plan” - 2020



Cr Fancote and Cr Lilly returned to the meeting at 5.09pm.

14.03.20 CORPORATE SERVICES REPORT

14.03.20.01 STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED 29 FEBRUARY 2020

File No:	N/A
Date of Meeting:	19 March 2020
Location/Address:	N/A
Name of Applicant:	Shire of Brookton
Name of Owner:	Shire of Brookton
Author/s:	Lois Salkilld – Corporate Business Officer (Finance)
Authorising Officer:	Vicki Morris – Manager Corporate and Community
Declaration of Interest:	The authors have no financial interest in this matter
Voting Requirements:	Simple majority
Previous Report:	N/A

Summary of Item:

The Statement of Financial Activity for the period ended 29th February 2020 is presented to Council.

Description of Proposal:

That Council receives the Statement of Financial Activity for the period ended 29th February 2020, as presented.

Background:

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

Consultation:

Reporting officers receive monthly updates to track expenditure and income.

Statutory Environment:

Section 6.4 of the *Local Government Act 1995*.

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

Section 6.8 of the *Local Government Act 1995*

Relevant Plans and Policy:

There is no Council Policy relevant to this issue.

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

Financial Implications:

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

Risk Assessment:

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

Community & Strategic Objectives:

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

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

Comment

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

OFFICER'S RECOMMENDATION

That Council Receives the Monthly Statements of Financial Activity for the period ending 29th February 2020, as presented in Attachment 14.03.20.01A.

OCM 03.20-08

COUNCIL RESOLUTION

MOVED Cr Macnab SECONDED Cr Hartl

That Council Received the Monthly Statements of Financial Activity for the period ending 29th February 2020, as presented in Attachment 14.03.20.01A.

CARRIED BY SIMPLE MAJORITY VOTE 7-0

Attachments

Attachment 14.03.20.01A

Shire of Brookton

MONTHLY FINANCIAL REPORT

For the Period Ended 29th February 2020

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Note 15 - Road Program
Note 16 - Capital Works Program
Note 17 - Grants Register

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

General User Input

Local Government Name
Last Year (-2)
Last Year (-1)
Current Year

Current Reporting Period

Start of Current Financial Year
End of Financial Year

Data to appear in the Report

Shire of Brookton
2017-18
2018-19
2019-20
For the Period Ended 29th February 2020
01-Jul-19
30-Jun-20

Material Threshold

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

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

Material Variances Symbol

Above Budget Expectations
Below Budget Expectations

▲
▼

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

Statement of Financial Activity

Month	Operating Expenses		Operating Revenue		Capital Expenses		Capital Revenue	
	Budget 2019-20	Actual 2019-20	Budget 2019-20	Actual 2019-20	Budget 2019-20	Actual 2019-20	Budget 2019-20	Actual 2019-20
Jul	935,182	806,784	483,459	376,336	275,701	36,222	85,148	0
Aug	1,862,509	1,656,425	1,241,739	1,318,414	538,069	56,364	170,296	0
Sep	2,856,977	2,500,171	1,741,427	1,695,346	807,104	82,664	256,869	5,700
Oct	3,728,194	3,406,789	2,230,129	2,051,246	1,076,138	213,118	342,492	5,700
Nov	4,724,692	4,117,136	2,968,800	2,585,039	1,345,173	242,287	428,115	-277,496
Dec	5,629,539	5,017,806	3,478,441	3,099,293	1,624,208	738,350	557,388	-166,630
Jan	6,493,911	5,782,054	3,966,474	3,399,843	1,894,909	2,167,284	650,285	886,761
Feb	7,368,886	6,311,160	4,708,578	3,598,689	2,200,137	2,612,555	743,183	900,333
Mar								
Apr								
May								
Jun								

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

Note 3 - Net Funding Current Position

Month	Actual 2017-18 \$('000s)	Actual 2018-19 \$('000s)	Actual 2019-20 \$('000s)
Jul	907,333	1,207,105	864,554
Aug	1,794,385	2,086,564	3,557,512
Sep	3,637,304	3,520,526	3,316,579
Oct	2,372,296	2,805,542	2,874,238
Nov	2,381,438	2,781,753	2,620,852
Dec	2,034,219	2,887,488	2,102,247
Jan	1,808,505	2,133,457	1,472,505
Feb	1,794,385	2,086,564	926,533
Mar	2,034,219	1,810,439	
Apr	2,034,219	1,383,009	
May	2,034,219	1,251,832	
Jun	2,034,219	1,133,017	

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

Note 4 - Rates and Rubbish Collection History

Month	Last Year 2018-19 %	This Year 2019-20 %
Jul	0.25	0.00
Aug	0.91	4
Sep	28	68
Oct	78	72
Nov	83	76
Dec	84	78
Jan	91	82
Feb	92	87
Mar	96	
Apr	97	
May	97	
Jun	97	

Shire of Brookton
STATEMENT OF FINANCIAL ACTIVITY
(Statutory Reporting Program)
For the Period Ended 29th February 2020

	Note	Current Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a) 9	Var. % (b)-(a)/(b) 9	Var.
Operating Revenues			\$	\$	\$	%	
Governance		13,250	13,588	44,934	31,346	230.69%	▲
General Purpose Funding		1,188,844	860,980	457,326	(403,654)	(46.88%)	▼
Law, Order and Public Safety		29,743	21,890	26,519	4,629	21.15%	
Health		1,100	1,000	928	(72)	(7.16%)	
Education and Welfare		4,466,911	2,984,584	2,123,764	(860,820)	(28.84%)	▼
Housing		87,209	58,128	68,682	10,554	18.16%	▲
Community Amenities		424,478	282,960	390,470	107,510	37.99%	▲
Recreation and Culture		39,682	26,416	45,585	19,169	72.57%	▲
Transport		609,666	402,712	325,099	(77,613)	(19.27%)	▼
Economic Services		47,950	31,952	38,453	6,501	20.35%	
Other Property and Services		36,560	24,368	76,928	52,560	215.69%	▲
Total (Excluding Rates)		6,945,393	4,708,578	3,598,689	(1,109,889)	(23.57%)	
Operating Expense							
Governance		(585,418)	(356,481)	(459,796)	(103,315)	(28.98%)	▼
General Purpose Funding		(218,146)	(143,074)	(109,548)	33,526	23.43%	▲
Law, Order and Public Safety		(225,507)	(150,160)	(105,930)	44,230	29.46%	▲
Health		(74,104)	(49,388)	(30,942)	18,446	37.35%	▲
Education and Welfare		(4,559,009)	(3,058,357)	(2,284,043)	774,314	25.32%	▲
Housing		(207,571)	(139,853)	(103,524)	36,329	25.98%	▲
Community Amenities		(513,464)	(347,358)	(289,451)	57,907	16.67%	▲
Recreation and Culture		(1,010,979)	(670,406)	(586,508)	83,898	12.51%	▲
Transport		(3,450,540)	(2,300,805)	(2,100,061)	200,744	8.72%	
Economic Services		(188,441)	(127,140)	(114,596)	12,544	9.87%	
Other Property and Services		(22,729)	(25,864)	(126,762)	(100,898)	(390.11%)	▼
Total		#####	(7,368,886)	(6,311,160)	1,057,726	14.35%	
Funding Balance Adjustment							
Add back Depreciation		2,910,437	1,940,291	1,953,270	12,978	0.67%	
Adjust (Profit)/Loss on Asset Disposal	6	1,100	733	(40,504)	(41,237)	(5623.29%)	▼
Adjust (Profit)/Loss on Asset Revaluation		0	0				
Movement in Non Cash Provisions		0	0		0		
Net Operating (Ex. Rates)		(1,198,978)	(719,283)	(799,705)	(80,422)	11.18%	
Capital Revenues							
Proceeds from Disposal of Assets	6	93,000	62,000	121,898	59,898	(96.61%)	
Proceeds from New Debentures	5		0	0	0	0.00%	
Self-Supporting Loan Principal		21,296	14,197	8,240	(5,957)	(41.96%)	
Transfer from Reserves	5	1,000,479	666,986	770,196	103,210	15.47%	▲
Total		1,114,775	743,183	900,333	157,150		
Capital Expenses							
Land and Buildings	6	(201,000)	(134,000)	(64,782)	69,218	51.66%	▲
Plant and Equipment	6	(491,440)	(327,627)	(374,297)	(46,670)	(14.24%)	▼
Furniture and Equipment	6	(95,000)	(63,333)	(67,906)	(4,572)	(7.22%)	
Infrastructure Assets - Roads & Bridges	6	(1,100,262)	(733,508)	(817,249)	(83,741)	(11.42%)	▼
Infrastructure Assets - Sewerage	6	(82,000)	(54,667)	(78,682)	(24,016)	(43.93%)	▼
Infrastructure Assets - Richardson St Footpath	6	(30,000)	(20,000)	(28,535)	(8,535)	(42.68%)	
Repayment of Debentures	7	(94,529)	(63,019)	(238,637)	(175,618)	(278.67%)	▼
Transfer to Reserves	5	(1,205,975)	(803,983)	(942,467)	(138,484)	(17.22%)	▼
Total		(3,300,206)	(2,200,137)	(2,612,555)	(412,418)	18.75%	
Net Capital		(2,185,431)	(1,456,954)	(1,712,222)	(255,268)	17.52%	
Total Net Operating + Capital		(3,384,409)	(2,176,237)	(2,511,927)	(335,690)	(15.43%)	
Rate Revenue		2,325,818	2,320,774	2,305,443	(15,331)	(0.66%)	
Opening Funding Surplus(Deficit)		1,133,017	1,133,017	1,133,017	0	0.00%	
Closing Funding Surplus(Deficit)	3	74,426	1,277,554	926,533	(351,020)		

Shire of Brookton
STATEMENT OF FINANCIAL ACTIVITY
Program by Nature and Type
For the Period Ended 29th February 2020

NOTE	2019/20 Adopted Budget	2019/20 Projected Year End Actual	2019/20 YTD Budget	2019/20 YTD Actual	Variance YTD Budget vs YTD Actual
	\$	\$	\$	\$	\$
REVENUES FROM ORDINARY ACTIVITIES					
Rates	2,325,818	2,325,818	2,320,774	2,305,443	(15,331)
Operating Grants, Subsidies and Contributions	5,214,354	5,214,354	3,640,771	2,029,393	(1,611,378)
Fees and Charges	1,639,916	1,639,916	1,099,856	1,101,348	1,492
Interest Earnings	220,264	220,264	128,024	77,612	(50,412)
Other Revenue	79,643	79,643	58,111	96,093	37,982
	9,479,995	9,479,995	7,247,536	5,609,890	(1,637,647)
EXPENSES FROM ORDINARY ACTIVITIES					
Employee Costs	(1,737,532)	(1,685,287)	(1,096,040)	(1,032,134)	63,906
Materials and Contracts	(5,947,026)	(5,999,271)	(3,993,935)	(3,007,851)	986,084
Utilities	(174,264)	(174,264)	(108,495)	(110,767)	(2,272)
Depreciation	(2,910,437)	(2,910,437)	(1,940,176)	(1,953,270)	(13,094)
Interest Expenses	(91,715)	(91,715)	(62,207)	(38,470)	23,737
Insurance	(167,142)	(167,142)	(161,777)	(160,263)	1,514
Other Expenditure	(5,792)	(5,792)	(4,928)	(1,194)	3,734
	(11,033,908)	(11,033,908)	(7,367,558)	(6,303,949)	1,063,609
	(1,553,913)	(1,553,913)	(120,022)	(694,060)	(574,038)
Non-Operating Grants, Subsidies & Contributions	(218,784)	(218,784)	(218,784)	246,528	465,312
Profit on Asset Disposals	-	-	-	47,625	47,625
Loss on Asset Disposals	(1,100)	(1,100)	(728)	(7,121)	(7,849)
NET RESULT	(1,773,797)	(1,773,797)	(339,534)	(407,027)	(68,949)

Shire of Brookton
STATEMENT OF FINANCIAL ACTIVITY (Excluding Kalkarni Residential Facility)
Program by Nature and Type
For the Period Ended 29th February 2020

	2019/20 Adopted Budget \$	2019/20 YTD Budget \$	2019/20 YTD Actual \$	Variance YTD Budget vs YTD Actual \$	Actuals as % of Total
REVENUES FROM ORDINARY ACTIVITIES					
Rates	2,325,818	2,320,774	2,305,443	(15,331)	62%
Operating Grants, Subsidies and Contributions	1,598,328	864,055	493,258	(370,798)	13%
Fees and Charges	878,909	592,518	772,344	179,826	21%
Interest Earnings	220,264	128,024	77,612	(50,412)	2%
Other Revenue	50,752	58,111	96,093	37,982	3%
	5,074,071	3,963,482	3,744,750	(218,732)	100%
EXPENSES FROM ORDINARY ACTIVITIES					
Employee Costs	(1,737,532)	(1,096,040)	(1,032,134)	63,906	25%
Materials and Contracts	(1,804,662)	(1,052,357)	(928,688)	123,669	22%
Utilities	(174,264)	(108,495)	(110,767)	(2,272)	3%
Depreciation	(2,803,758)	(1,097,113)	(1,882,952)	(785,839)	46%
Interest Expenses	(87,224)	(33,349)	(35,715)	(2,366)	1%
Insurance	(153,012)	(143,592)	(146,083)	(2,491)	4%
Other Expenditure	132,208	(150,776)	(1,126)	149,650	0%
	(6,628,244)	(3,681,723)	(4,137,465)	(455,743)	100%
	(1,554,173)	281,760	(392,716)	(674,475)	
Non-Operating Grants, Subsidies & Contributions	(218,784)	347,248	246,528	593,776	-6%
Profit on Asset Disposals	-	-	47,625	47,625	-1%
Loss on Asset Disposals	(1,100)	(728)	(7,121)	(7,849)	0%
NET RESULT	(1,774,057)	628,280	(105,683)	(40,923)	3%

Shire of Brookton
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 29th February 2020

Note 1: MAJOR VARIANCES

Comments/Reason for Variance

OPERATING REVENUE (EXCLUDING RATES)

4 Governance

LGIS Membership Rebate significantly more than expected

3 General Purpose Funding

GPC Grants Commission - Road - Not yet received

5 Law, Order and Public Safety

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

7 Health

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

8 Education and Welfare

Kalkarni Sale - Budget amendments to be applied

9 Housing

Income to date exceeding budget profile

10 Community Amenities

Budget profile calculated over 12 mths Refuse & Sewerage rates - will self correct over time

11 Recreation and Culture

\$15,000 received over and above budget

12 Transport

Roads to Recovery Funds not yet received

13 Economic Services

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

14 Other Property and Services

Profit on Sale of Asset - Loader & Unclass Reimbursements & Fees & Charges received over budget

OPERATING EXPENSES

4 Governance

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

3 General Purpose Funding

Expenses to date, lower than anticipated

5 Law, Order and Public Safety

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

7 Health

Saddleback General Operating Expenses - Drs contract invoices not yet paid

8 Education and Welfare

Kalkarni Sale - Budget amendments to be applied

9 Housing

Timing Issue - will self correct

10 Community Amenities

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

11 Recreation and Culture

Underspend to date will self correct over time

12 Transport

Underspend to date will self correct over time

13 Economic Services

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

14 Other Property and Services

Employee costs up and loss on sale of asset significantly reflected here

CAPITAL REVENUE

Proceeds from Disposal of Assets

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

Self-Supporting Loan Principal

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

Transfer from Reserves

Reserve Transfers will be completed at maturity.

CAPITAL EXPENSES

Land and Buildings

Timing Issue - will self correct

Plant and Equipment

Timing Issue - will self correct

Furniture and Equipment

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

Infrastructure Assets - Roads & Bridges

Timing issue, work underway.

Infrastructure Assets - Sewerage

Increased costs of CCTV assessment

Infrastructure Assets - Concrete Footpath (Richardson St)

Timing Issue - will self correct

Repayment of Debentures

Early Payout of Loans

Transfer to Reserves

Reserve Transfers completed at maturity.

OTHER ITEMS

Rate Revenue

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

Opening Funding Surplus(Deficit)

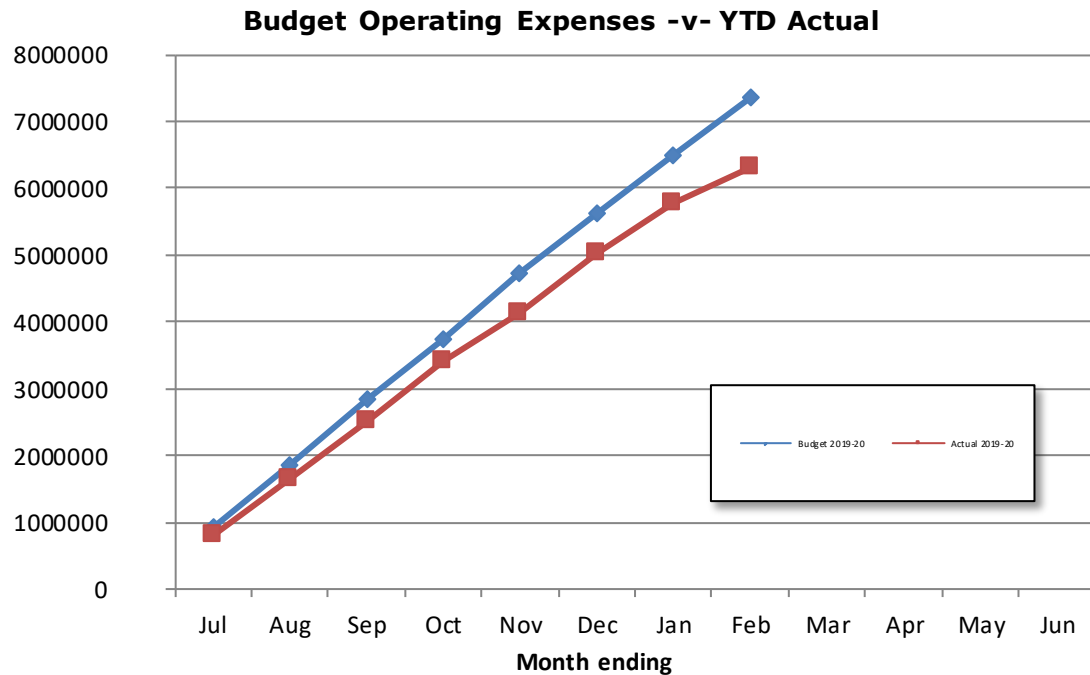
Within variance threshold of \$10,000 or 10%

Closing Funding Surplus (Deficit)

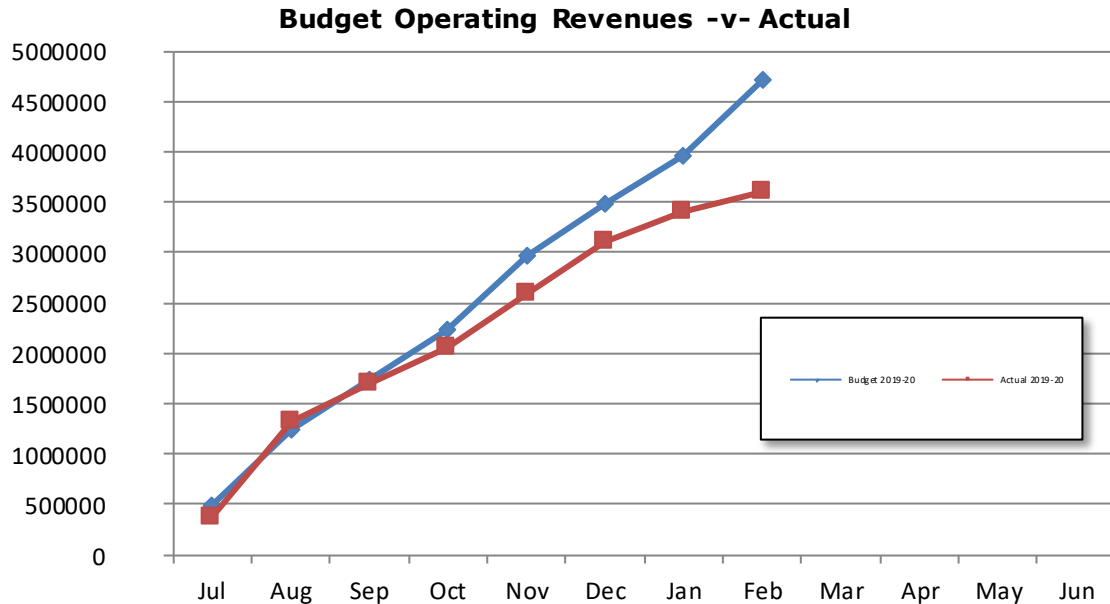
Within variance threshold of \$10,000 or 10%

Shire of Brookton
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 29th February 2020

Note 2 - Graphical Representation - Source Statement of Financial Activity



Comments/Notes - Operating Expenses



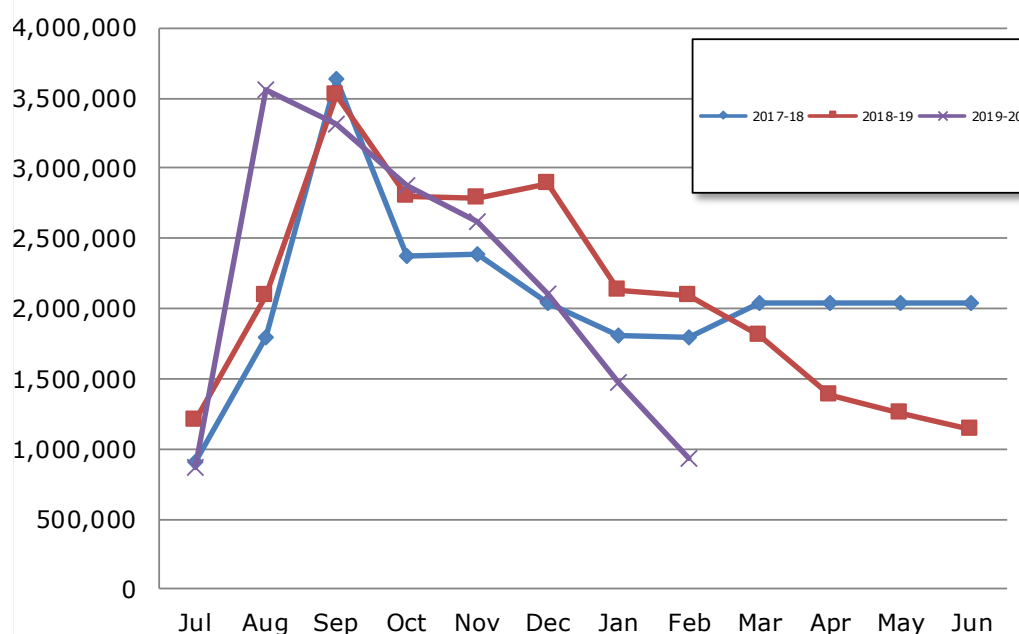
Comments/Notes - Operating Revenues

Shire of Brookton
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 29th February 2020

Note 3: NET CURRENT FUNDING POSITION

Positive=Surplus (Negative=Deficit)				
2019-20				
Note	This Period	Same Period 2018/19	Same Period 2017/18	Surplus C/F 1 July 2019
	\$	\$	\$	\$
Current Assets	FEB 2020	FEB 2019	FEB 2018	
Cash Unrestricted	666,713	2,026,021	1,732,176	1,263,900
Cash Restricted	12,509,880	5,025,777	4,259,065	5,253,475
Receivables	441,750	4,223,437	3,558,959	4,146,803
Prepayments & Accruals	0	0	0	0
Inventories	25,811	22,447	17,429	16,487
	13,644,154	11,297,682	9,567,629	10,680,665
Less: Current Liabilities				
Payables and Provisions	(207,741)	(4,185,341)	(3,514,179)	(4,294,173)
	(207,741)	(4,185,341)	(3,514,179)	(4,294,173)
Less: Cash Restricted	(12,509,880)	(5,025,777)	(4,259,065)	(5,253,475)
Net Current Funding Position	926,533	2,086,564	1,794,385	1,133,017

Note 2 - Liquidity Over the Year



Comments - Net Current Funding Position

Shire of Brookton
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 29th February 2020

Note 4: RECEIVABLES

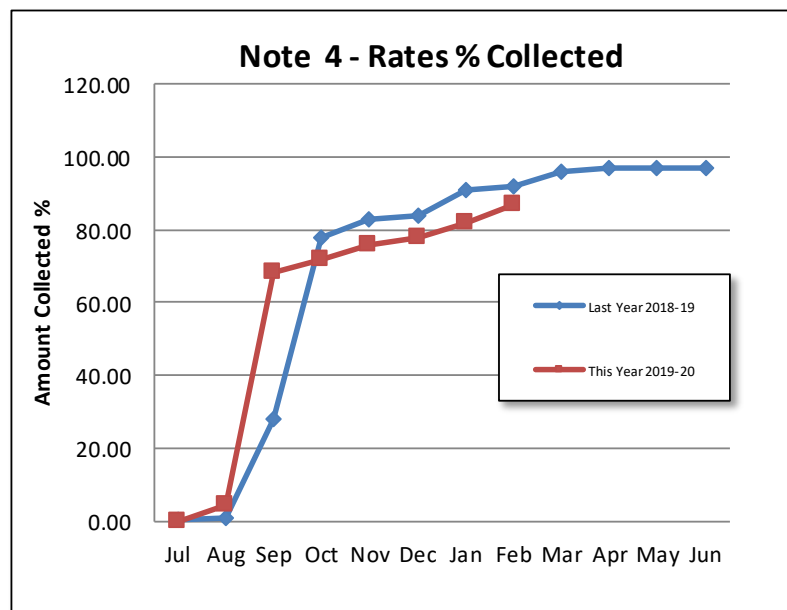
Receivables - Rates, Sewerage and Rubbish

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

Current 2019-20	Previous Year 2018-19
\$ 86,273	\$ 53,825
2,663,163	2,645,135
(2,391,893)	(2,464,579)
357,542	234,381
 Net Rates Collectable	
357,542	234,381
% Collected	87.00%
	91.32%

Net Rates Collectable

% Collected

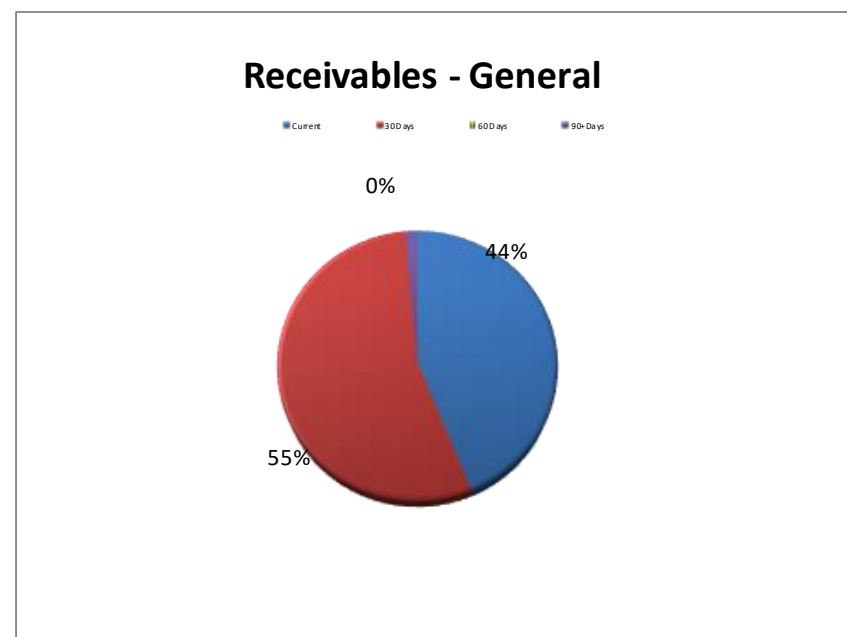


Comments/Notes - Receivables Rates, Sewerage and Rubbish

Receivables - General

Current	30 Days	60 Days	90+Days
\$ 6,555	\$ 8,175	\$ 0	\$ 223
Total Outstanding			14,953

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 29th February 2020

Note 5: Cash Backed Reserves

Name	Opening Balance	Budget Interest Earned	Actual Interest Earned	Adopted Budget Transfers In (+)	Actual Transfers In (+)	Adopted Budget Transfers Out (-)	Actual Transfers Out (-)	Adopted Budget Closing Balance	Actual YTD Closing Balance
	\$	\$	\$	\$	\$	\$	\$	\$	\$
Leave Reserve	116,698	2,180	1,154.26	20,000	20,000			138,878	137,852.26
Plant and Vehicle Reserve and Community Bus Reserve	972,025	14,220	8,157.82	302,506	292,506	(502,506)	(491,001)	786,245	781,687.41
Land & Housing Development Reserve/Independent Living Units	1,335,350	24,956	12,431.16	205,781	180,781	(174,381)	(146,640)	1,391,706	1,381,922.35
Furniture and Equipment Reserve	80,392	1,502	560.67	20,000		(45,000)	(45,000)	56,894	35,952.67
Municipal Buildings & Facilities Reserve	329,433	4,522	3,232.67	50,000	50,000	(55,000)		328,955	382,665.67
Townscape and Footpath Reserve	103,203	989	1,030.01	20,000	20,000			124,192	124,233.01
Land Development Reserve	0	0	0.00					0	0.00
Sewerage Scheme Reserve	368,937	6,895	3,616.33	55,000	55,000			430,832	427,553.33
Road and Bridge Infrastructure Reserve	399,046	8,267	4,551.80	220,000	220,000			627,313	623,597.80
Health & Wellbeing reserve	588,020	13,231	5,925.57	56,592	55,554	(100,000)		557,843	649,499.86
Sport & Recreation Reserve	26,206	490	241.29	5,000				31,696	26,447.29
Rehabilitation & Refuse Reserve	117,955	2,204	1,086.04	50,000				170,159	119,041.04
Saddleback Building Reserve	55,554	1,038	0.00			(56,592)	(55,554)	0	(0.29)
Caravan Park Reserve	141,635	2,647	1,304.06	10,000				154,282	142,939.06
Brookton Heritage/Museum Reserve	45,421	850	418.21	1,000				47,271	45,839.21
Kweda Hall Reserve	16,758	613	154.29	1,000				18,371	16,912.29
Aldersyde Hall Reserve	25,806	0	0.00					25,806	25,806.00
Railway Station Reserve	118,053	2,206	1,086.96	10,000		(35,000)		95,259	119,139.96
Madison Square Units Reserve	25,249	472	232.49	5,000				30,721	25,481.49
Cemetery Reserve	33,330	623	306.88	10,000				43,953	33,636.88
Water Harvesting Reserve	44,744	808	284.30	35,000		(32,000)	(32,000)	48,552	13,028.30
Developer Contribution	2,697	50	24.84					2,747	2,721.84
Cash Contingency Reserve	177,499	3,317	1,634.28	24,596				205,412	179,133.28
Brookton Aquatic Reserve	129,464	2,420	1,192.00	10,000				141,884	130,656.00
Saddleback Vehicle & Equipment Reserve	0	0						0	0.00
Staff Vehicle Reserve	0	0						0	0.00
Unspent Grants & Contributions	0	0						0	0.00
	5,253,475	94,500	48,625.93	1,111,475	893,841	(1,000,479)	(770,196)	5,458,971	5,425,746.71

Shire of Brookton
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 29th February 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)
55,000	65,000	10,000	PL6 Cat Loader	\$ 55,000		\$ 102,500	\$ 47,500
26,100	18,000	(8,100)	PT13 Single Axle Truck				0
13,000	10,000	(3,000)	PM8 John Deere Mower	13,000		5,700	(7,300)
	0	0	Sale of Surplus items Depot	0		125	125
13,238	0	0	PT11 ISUZU NH NPR 200 TIPPER - BO5367	13,238		13,573	13,573
0	0	0		0		0	0
0	0	0		0		0	0
0	0	0		0		0	0
0	0	0		0		0	0
0	0	0		0		0	0
107,338	93,000	(1,100)		81,238		121,898	53,898

Comments - Capital Disposal

Summary Acquisitions				
	Budget	Current Budget	Actual	Variance
Property, Plant & Equipment	\$		\$	\$
Land and Buildings	201,000	201,000	64,782	136,218
Plant & Equipment	491,440	491,440	374,297	117,143
Furniture & Equipment	100,000	95,000	67,906	27,094
Infrastructure				
Roadworks & Bridge Works & Footpaths	1,043,471	1,100,262	817,249	283,013
Footpath Construction - Richardson Street	30,000	30,000	28,535	1,465
Sewerage & Drainage	32,000	82,000	78,682	3,318
Totals	1,897,911	1,999,702	1,431,451	568,251

Comments - Capital Acquisitions

Shire of Brookton
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 29th February 2020

Note 7: INFORMATION ON BORROWINGS

					Principal 1-Jul-19 \$	New Loans \$	Principal Repayments		Principal Outstanding		Interest	
							Actual \$	Budget \$	Actual \$	Budget \$	Actual \$	Budget \$
Particulars	Loan Purpose	Due Date	Term (yrs)	Rate (%)								
Self Supporting Loans												
*Loan 78 Senior Citizen's Homes	Construction of Mokine Cottages	17/06/2024	15	6.74	89,416	-	103,756	89,416	(14,340)	82,931	(263)	6,485
*Loan 79 Multifunctional Family Centre	Purchase of the Building	1/08/2020	15	5.82	-	-	-	-	-	-	-	-
	Extension and Refurbishment of the Club House											
*Loan 82 Country Club		15/11/2027	20	6.95	237,124	-	10,466	21,296	226,658	219,260	7,229	17,864
Governance												
Loan 75 Administration	Shire Office Renovations	3/08/2026	25	6.46	47,061	-	56,133	47,061	(9,072)	43,754	389	3,307
Education & Welfare												
Loan 80 Kalkarni Residency	Kalkarni Residence	1/02/2026	25	5.63	72,291	-	8,451	8,689	63,840	67,800	2,754	4,491
Housing												
Loan 80 Staff Housing	Staff Housing	1/02/2026	25	5.63	119,280	-	13,944	14,337	105,336	111,871	4,545	7,409
Community Amenities												
Loan 80 Sewerage	Sewerage Extension	1/02/2026	25	5.63	50,604	-	5,916	6,082	44,688	47,460	1,928	3,144
Transport												
Loan 80 Grader	New Grader	1/02/2026	25	5.63	119,280	-	13,944	14,337	105,336	111,871	4,545	7,409
Recreation and Culture												
Loan 81 Sport & Recreation	Recreation Plan	1/11/2027	20	6.95	589,663	-	26,026	52,956	563,637	545,243	17,332	44,420
					1,324,719	-	238,637	254,174	1,086,082	1,230,190	38,459	94,529

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

Shire of Brookton
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 29th February 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%	28,987				28,987	Bendigo	
Municipal Cash at Bank - Cash Management Account	0.00%	604,433				604,433	Bendigo	
Municipal Cash at Bank - Independent Living Units	0.00%	26,963				26,963	Bendigo	
Bond Fund	0.00%	6,330				6,330	Bendigo	
Trust Cash at Bank	0.00%			21,490		21,490	Bendigo	
(b) Term Deposits								
Reserves	1.55%		5,172,187			5,172,187	Bendigo	02/03/2020
Reserves	0.90%		253,560			253,560	WA Treasury	02/04/2020
Reserves	1.60%		7,084,132			7,084,132	Bendigo	20/08/2020
(c) Investments								
Bendigo Bank Shares					10,000	10,000	Bendigo	
Total		666,713	12,509,880	21,490	10,000	13,208,083		

Comments/Notes - Investments

Shire of Brookton
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 29th February 2020

Note 9: BUDGET AMENDMENTS

Amendments to original budget since budget adoption. Surplus/(Deficit)

GL Account Code ▼	Description ▼	Council Resolution ▼	Classification ▼	No Change - (Non Cash Items) Adju. ▼	Increase in Available Cas ▼	Decrease in Available Cas ▼	Amended Budget Running Balance ▼
	Adopted Budget Net Asset Surplus 30 June 2019		Opening Surplus(Deficit)	\$	\$	\$	\$
							1,133,017
							1,133,017
							1,133,017
							1,133,017
	Closing Funding Surplus (Deficit)			0	0	0	1,133,017

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 29th February 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 29th February 2020
	\$	\$	\$	\$
Housing Bonds	1,200	0	(1,200)	0
Other Bonds	12,960	8,950	(14,630)	7,280
Rates Incentive Prize	200	0	(200)	0
Staff AFL Tipping	0	0	0	0
Les McMullen Sporting Grants	0	0	0	0
Gnulla Child Care Facility	3,073	0	(3,073)	0
Wildflower Show Funds	1,240	0	(1,240)	0
Kalkami Resident's Accounts	0	0	0	0
Public Open Space Contributions	13,820	0	0	13,820
Developer Road Contributions	(0.50)	0	0	(0.50)
Unclaimed Money	30	360	0	390
	32,523	9,310	(20,343)	21,490

\$0.00

1. Developer Road Contributions are:

T129 Allington - Grosser Street -\$1.00 Rounding

Road Contributions are required to be transferred out of Trust into Reserve/Muni for designated purpose.

2. Public Open Space Contribution:

T148 - Paul Webb \$13,820

Contribution to be retained in Trust as required under the Planning and Development Act 2005.

It is to be investigated whether funds can be applied against POS projects such as the Robinson Street Development.

3. Gnulla Child Care Facility

This is an aged transaction. Consider transferring funds to Muni once a designated project has been identified.

4. Housing Bond

Bond is to either be refunded, expended or transferred to the Bonds Authority.

Shire of Brookton
STATEMENT OF FINANCIAL ACTIVITY
Kalkarni Aged Care Facility
For the Period Ended 29th February 2020

Note 11: Kalkarni Aged Care Facility

	Note	Adopted Annual Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a) 9	Var. % (b)-(a)/(b) 9	Var.
Operating Revenue		\$	\$	\$	\$	%	
Fees & Charges		761,007	507,338	329,004	(178,334)	(35.15%)	
Other Income		20,000	13,333	20,115	6,782	50.86%	
Reimbursement Received		8,891	5,927	0	(5,927)	(100.00%)	
Grants & Subsidies		3,316,026	2,210,684	1,536,136	(674,548)	(30.51%)	
Total Revenue		4,105,924	2,737,283	1,885,255	(852,028)	(31.13%)	
Operating Expenses							
General Operating Expenses - Admin		(38,000)	(25,333)	0	25,333	(100.00%)	
General Operating Expenses		(100,000)	(66,667)	(50,039)	16,627	(24.94%)	
Interest Expenses		(4,491)	(2,994)	(2,754)	240	(8.00%)	
Insurance Expenses		(14,130)	(9,420)	(14,180)	(4,760)	50.53%	
Building Maintenance		(62,490)	(41,660)	(23,328)	18,332	(44.00%)	
Loss on Sale of Asset		0	0	0	0	0.00%	
Depreciation	**	(106,679)	(71,119)	(70,318)	802	(1.13%)	▼
ABC Administration Expenses		(56,662)	(37,775)	(32,463)	5,312	(14.06%)	
Contract Expenses		(4,023,212)	(2,682,141)	(1,988,220)	693,921	(25.87%)	▼
Total Expenses		(4,405,664)	(2,937,109)	(2,181,303)	755,807	25.73%	
Operating Surplus (Deficit)		(299,740)	(199,827)	(296,048)	(96,221)	-48%	▼
Excluding Non Cash Adjustments							
Add back Depreciation	**	106,679	71,119	70,318	(802)	(1.13%)	▼
Adjust (Profit)/Loss on Asset Disposal		0	0	0	0	0.00%	
Net Operating Surplus (Deficit)		(193,061)	(128,707)	(225,730)	(97,023)	75.38%	▼
Capital Revenues							
KBC Capital Income		300,000	200,000	193,075	(6,925)	(3.46%)	
Transfer from Reserves	5	100,000	66,667	0	(66,667)	(100.00%)	
Total		400,000	266,667	193,075	(73,592)	(1)	
Capital Expenses							
Land and Buildings		(90,000)	(60,000)	(14,200)	45,800	(76.33%)	
Plant and Equipment		0	0	0	0	0.00%	
Furniture and Equipment		(10,000)	(6,667)	0	6,667		
Repayment of Debentures	7	(8,689)	(5,793)	(8,451)	(2,659)	45.89%	
Transfer to Reserves	5	(69,823)	(46,549)	(61,480)	(14,931)	32.08%	
Total		(178,512)	(119,008)	(84,131)	34,877		
Net Capital		221,488	147,659	108,944	(38,715)	(26.22%)	
Closing Funding Surplus(Deficit)		28,427	18,951	(116,786)	(135,738)		
TOTAL OPERATING		\$ 260.00					

Shire of Brookton
STATEMENT OF FINANCIAL ACTIVITY
WB Eva Pavilion by Nature and Type
For the Period Ended 29th February 2020

Note 12 WB Eva Pavilion Operating Statement

NOTE	2019/20	2019/20	2019/20	Variance
	Adopted Budget	YTD Budget	YTD Actual	YTD Budget vs YTD Actual
	\$	\$	\$	\$
REVENUES FROM ORDINARY ACTIVITIES				
Hire Fees - WB Eva Pavilion	2,980	1,987	2,278	291
Sporting Club Fees	5,500	3,667	2,632	(1,035)
Gymnasium Income	11,060	7,373	6,832	(542)
	19,540	13,027	11,741	(1,285)
EXPENSES FROM ORDINARY ACTIVITIES				
Employee Costs	(3,230)	(2,153)	(1,124)	1,029
Materials and Contracts	(34,410)	(22,940)	(28,375)	(5,435)
Utilities	(3,750)	(2,500)	(1,868)	632
Interest Expenses	(44,420)	(29,613)	(17,332)	12,281
Insurance	(4,777)	(3,185)	(4,700)	(1,515)
General Operating Expenses	(5,277)	(3,518)	(1,362)	2,156
Gymnasium Operating	(16,220)	(10,808)	(3,025)	7,783
	(95,864)	(63,909)	(57,786)	9,149
	(76,324)	(50,883)	(46,044)	7,863
NET RESULT	(76,324)	(50,883)	(46,044)	7,863

Shire of Brookton
STATEMENT OF FINANCIAL ACTIVITY
Sewerage Programm by Nature and Type
For the Period Ended 29th February 2020

Note 13 Sewerage Operating Statement

NOTE	2019/20 Adopted Budget \$	2019/20 YTD Budget \$	2019/20 YTD Actual \$	Variance YTD Budget vs YTD Actual \$
REVENUES FROM ORDINARY ACTIVITIES				
Sewerage Connection Fees and Charges	1,590	1,590	472	(1,118)
Annual Sewerage Rates	203,265	203,265	192,913	(10,352)
	204,855	204,855	193,385	(11,470)
EXPENSES FROM ORDINARY ACTIVITIES				
Employee Costs	(1,119)	(746)	(1,760)	(1,014)
Materials and Contracts	(60,100)	(40,067)	(44,012)	(3,945)
Utilities	(8,050)	(5,367)	(2,405)	2,962
Depreciation	(39,788)	(26,525)	(26,739)	(213)
Interest Expenses	(3,144)	(2,096)	(1,928)	168
Insurance	(243)	(162)	(244)	(82)
General Operating Expenses	(1,434)	(956)	(2,373)	(1,417)
Allocation of Administration Expense	(38,985)	(25,990)	(22,335)	3,655
	(152,863)	(101,909)	(101,796)	113
	51,992	102,946	91,589	(11,357)
Add Back Depreciation	39,788	26,525	26,739	213
Non-Operating Grants, Subsidies & Contributions	-	-	-	-
Profit on Asset Disposals	-	-	-	-
Loss on Asset Disposals	-	-	-	-
Transfer to Sewerage and Drainage Reserve	55,000	36,667	(55,000)	91,667
Transfer from Sewerage and Drainage Reserve	-	-	-	-
NET RESULT	146,780	166,138	63,328	80,523

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

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

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

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

Shire of Brookton
STATEMENT OF FINANCIAL ACTIVITY
Brookton Caravan Park and Brookton Aquatic Centre
For the Period Ended 29th February 2020

	Note	Adopted Annual Budget 2019/20	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a) 9	Var. % (b)-(a)/(b) 9
Note 14 (a): Brookton Caravan Park		\$	\$	\$	\$	%
Operating Revenue						
Caravan Park Fees		35,000	23,333	25,694	2,360	10.12%
Total Revenue		35,000	23,333	25,694	2,360	10.12%
Operating Expenses						
Brookton Caravan Park	CARAOP	(26,245)	(17,497)	(13,289)	4,208	(24.05%)
Brookton Caravan Park	MARKOP	(4,000)	(2,667)	0		
Caravan Park Depreciation		(1,042)	(695)	(694)	0	(0.04%)
Caravan Park Abc Administration Expenses		(41,822)	(27,881)	(23,961)	3,920	(14.06%)
Total		(73,109)	(48,739)	(37,944)	8,128	16.68%
Operating Surplus (Deficit)		(38,109)	(25,406)	(12,251)	10,489	41%
Excluding Non Cash Adjustments						
Add back Depreciation		1,042	695	694	(0)	(0.04%)
Net Operating Surplus (Deficit)		(37,067)	(24,711)	(11,556)	10,488	(42.44%)
Note 14 (b): Brookton Aquatic Centre						
Operating Revenue						
POOL FEES & CHARGES		10,500	7,000	10,900	3,900	55.71%
POOL GRANTS & SUBSIDIES		0	0	0	0	0.00%
Total Revenue		10,500	7,000	10,900	3,900	55.71%
Operating Expenses						
POOL EMPLOYEE COSTS		0	0	0	0	0.00%
POOL GENERAL OPERATING EXPENSES		(97,850)	(65,233)	(51,911)	13,322	(20.42%)
POOL BUILDING MAINTENANCE		(15,756)	(10,504)	(11,971)	(1,467)	13.96%
POOL Depreciation		(11,839)	(7,893)	(7,886)	6	(0.08%)
POOL Abc Administration Expenses		(32,411)	(21,607)	(18,569)	3,038	(14.06%)
Total		(157,856)	(105,237)	(90,337)	14,900	14.16%
Operating Surplus (Deficit)		(147,356)	(98,237)	(79,437)	18,800	19.14%
Excluding Non Cash Adjustments						
Add back Depreciation		11,839	7,893	7,886	(6)	(0.08%)
Net Operating Surplus (Deficit)		(135,517)	(90,345)	(71,551)	18,794	20.80%

Shire of Brookton
STATEMENT OF FINANCIAL ACTIVITY
Road Program
For the Period Ended 29th February 2020

Adopted Annual Budget	YTD Actual	% Completed	Federal Funding		State Funding				Own Source Funding		
			R2R	Other	RRG	RRG Carryover	Direct Grant	FAGS	Reserve	Contributions	Muni
\$	\$		\$	\$	\$	\$	\$	\$	\$	\$	\$
213,058	136,722	64%									213,058
568,329	241,243	42%									568,329
121,966	31,591	26%									121,966
52,796	2,714	5%	\$218,633.00								-165,837
109,662	91,486	83%					\$83,201.00				26,461
124,035	0	0%									124,035
29,030	6,736	23%									29,030
173,000	13,275	8%									173,000
110,294	86,087	78%									110,294
10,188	12,152	119%									10,188
434,466	510,702	118%			\$302,247.00						132,219
				\$5,585.00							-5,585
1,946,824	1,132,707	58%	218,633	5,585	302,247	0	83,201	0	0	0	1,337,158

Shire of Brookton
STATEMENT OF FINANCIAL ACTIVITY
Capital Works Program
For the Period Ended 29th February 2020

Note 16

Description	Adopted Annual Budget	Amended Budget	YTD Actual	% Completed	Capital Funding				
					Muni	Grants	Reserves	Sale of Assets	Total Funding
	\$	\$	\$		\$	\$	\$	\$	\$
Admin Reception Remodel	55,000	55,000	3,499	6%			55,000		55,000
Weld Crack Kitchen Floor	10,000	10,000	14,200	142%			10,000		10,000
Staff Housing Lot 324 White Street	0	0	33,641	0%					0
Railway Barrier Fence	35,000	35,000	0	0%			35,000		35,000
Cemetery New Niche Wall And Shelter	10,000	10,000	6,790	68%	10,000				10,000
Aquatic Centre Masonary Repair	11,000	11,000	6,652	60%	11,000				11,000
Upgrade Air Conditioning System	80,000	80,000	0	0%			80,000		80,000
Curtains Passageways and Activities area	10,000	10,000	0	0%			10,000		10,000
Admin Synergy Records Module	35,000	30,000	1,160	4%	30,000				30,000
Admin Server Upgrade	45,000	45,000	49,514	110%			45,000		45,000
Chairs for Pavillion	10,000	10,000	17,232	172%	10,000				10,000
Crew Cab 3 Tonne Truck	70,000	70,000	0	0%			70,000		70,000
Loader	290,000	290,000	295,000	102%			290,000		290,000
Fibreglass Tank (AFPT)	\$0.00	\$0.00	8,500	0%			0		0
Skid Mounted Fibreglass Water Tank(JMAC)	27,000	27,000	9,575	35%	27,000				27,000
Truck mounted Vacuum Mulcher	18,000	18,000	11,000	61%	18,000				18,000
Road Broom	50,000	50,000	0	0%			50,000		50,000
3" Diesel Pump	0	0	1,539	0%	0		0		0
62" Zero Turn Mower	25,000	25,000	24,195	97%	25,000				25,000
Metro Traffic Counters	11,440	11,440	7,255	63%	11,440				11,440
Generators	\$30,000.00	\$30,000.00	17,234	57%	30,000				30,000
York-Williams Road	434,466	434,466	510,702	118%					0
Brookton-Kweda Road	52,796	52,796	2,714	5%					0
Yeo Road	109,662	109,662	91,486	83%					0
Noack Street	10,188	10,188	12,152	119%					0
Yeo Road	0	56,791	46,094						0
Brookton-Kweda Road	124,035	124,035	48,004	39%					0
King Street	29,030	29,030	6,736	23%					0
Reynolds Street	173,000	173,000	13,275	8%					0
Boyagarra Road	110,294	110,294	86,087	78%	278,766	464,705	300,000		1,043,471
Richardson Street	30,000	30,000	28,535	95%	30,000				30,000
Happy Valley Bore Field	32,000	82,000	78,682	96%			82,000		82,000
	1,927,911	2,029,702	1,431,451	1305%	481,206	464,705	1,027,000	0	1,972,911

Shire of Brookton
STATEMENT OF FINANCIAL ACTIVITY
Grants, Subsidies and Contributions Register
For the Period Ended 29th February 2020

Note 17

Funding Provider	Project	Operating/Non-Operating	Adopted Annual Budget	Amended Budget OCM	Amount Applied For	Amount Approved	Amount Invoiced/Received	% Received
			\$	\$	\$	\$	\$	
Federal	KBC Grants & Subsidies	Subsidy	(3,316,026)	(3,316,026)	Recurrent	(3,316,026)	(1,536,136)	46%
Main Roads WA	Regional Road Group	Non Operating	(302,247)	(302,247)	Recurrent	(302,247)	(241,798)	0%
Federal	Roads to Recovery	Non Operating	(218,633)	(218,633)	Recurrent	(218,633)	-	0%
WA Grants Commission	GPG Grants Commission - General	Operating	(668,176)	(668,176)	Recurrent	(668,176)	(259,294)	39%
WA Grants Commission	GPG Grants Commission - Roads	Operating	(382,494)	(382,494)	Recurrent	(382,494)	(120,421)	31%
WA Grants Commission	GPG Grants Commission - Bridges	Operating	-	-	-	-	-	0%
DFES	ESL Grant - Emergency Services Levy - Operating	Operating	(24,793)	(24,793)	Recurrent	(24,793)	(24,012)	97%
Main Roads WA	Direct Grant	Operating	(83,201)	(83,201)	Recurrent	(83,201)	(83,201)	100%
			(4,995,570)	(4,995,570)		(4,995,570)	(2,264,861)	45%

14.03.20.02 LIST OF ACCOUNTS FOR PAYMENT

File No:	N/A
Date of Meeting:	19 March, 2020
Location/Address:	N/A
Name of Applicant:	N/A
Name of Owner:	N/A
Author/s:	Lois Salkilld - Corporate Business Officer - Finance
Authorising Officer:	Vicki Morris – Manager Corporate and Community
Declaration of Interest:	The author has no financial interest in this matter.
Voting Requirements:	Simple Majority
Previous Report:	20 February, 2020

Summary of Item:

The list of accounts for payment to 29th February 2020 are presented to Council for inspection.

Description of Proposal:

To approve the accounts for payment.

Background:

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

Consultation:

N/A

Statutory Environment:

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

Relevant Plans and Policy:

The Chief Executive Officer, under relevant delegation, is authorized 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 relevant to this report.

Risk Assessment:

No risks identified as this is an operational reporting requirement.

Community & Strategic Objectives:

This activity is contained in the Corporate Compendium.

Comment

Totals of all payments from each of Councils bank accounts are listed below. 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.

To 29th February 2020

Municipal Account

Direct Debits	\$129,554.50
EFT	\$ 638,880.02

Trust Account \$ 5,450.00

Bond Account \$ 90.00

OFFICER'S RECOMMENDATION

That with respect to the list of accounts for payment, Council note the payments authorised under delegated authority, detailed below and presented in the List of Accounts 29th February 2020 under Attachment 14.03.20.02A to this report.

Municipal Account

Direct Debits	\$129,554.50
EFT	\$ 638,880.02

Trust Account \$ 5,450.00

Bond Account \$ 90.00

OCM 03.20-09

COUNCIL RESOLUTION

MOVED Cr Watts SECONDED Cr Lilly

That with respect to the list of accounts for payment, Council note the payments authorised under delegated authority, detailed below and presented in the List of Accounts 29th February 2020 under Attachment 14.03.20.02A to this report.

Municipal Account

<i>Direct Debits</i>	<i>\$129,554.50</i>
<i>EFT</i>	<i>\$ 638,880.02</i>

Trust Account ***\$ 5,450.00***

Bond Account ***\$ 90.00***

CARRIED BY SIMPLE MAJORITY VOTE 7-0

Attachments

Attachment 14.03.20.02A

Members of the public can obtain a copy of the List of Accounts from the Shire Administration Office.

14.03.20.03 SEAVROC – DISTRIBUTION OF SURPLUS FUNDS

File No:	ADM 0141
Date of Meeting:	19 March 2020
Location/Address:	N/A
Name of Applicant:	N/A
Name of Owner:	N/A
Author/s:	Vicki Morris – Manager Corporate and Community Ian D’Arcy - Chief Executive Officer
Authorising Officer:	Ian D’Arcy – Chief Executive Officer
Declaration of Interest:	The author & authorising officer have no interest in this matter.
Voting Requirements:	Absolute majority
Previous Report:	N/A

Summary of Item:

The Shire has received the final distribution agreement for the funds held by the Shire of York as part of the Memorandum of Understanding (MOU) set up by South East Avon Voluntary Regional Organisation (SEAVROC) that comprised the Shires of Beverley, Brookton, Cunderdin, Quairading, Tammin and York in 2006.

The SEAVROC group disbanded in 2014 and at the time there were unspent funds for various projects that were still held by the Shire of York on behalf of the SEAVROC members. With SEAVROC no longer active, this report recommends the Shire of Brookton sign and seal a Distribution Agreement prepared by McLeods Barristers and Solicitors for the surplus funds to be transferred to the relevant SEAVROC local government members.

Description of Proposal:

This report recommends that the Shire of Brookton formally agree to the discontinuance of the SEAVROC and resolves to sign and seal the Distribution Agreement so that the remaining funds can be distributed to the relevant local governments, including the Shire of Brookton.

A copy of the Distribution Agreement – SEAVROC Funds is presented as **Attachment 15.03.20.03A** for the Council’s information.

Background:

In 2007, the Shire’s of Beverley, Brookton, Cunderdin, Quairading and York entered into a MOU to establish the South East Avon Voluntary Regional Organisation of Council’s (SEAVROC). The Shire of Tammin joined in 2010.

The objective of the SEAVROC was to undertake collaborative regional projects with the member Shires. The SEAVROC sought funding from various sources for different projects and initiatives including funding from the (then) Department of Local Government. Such projects included awareness training, workforce planning, zero waste planning and so on.

The Shire of York was the nominated banker for the SEAVROC and has been custodian of the funds in its Tied Reserve Fund 40 since inception.

In 2014 the Shires of Cunderdin, Quairading and Tammin withdrew from the SEAVROC resulting in the collaborative group subsequently disbanding and leaving an outstanding balance of unused funds amounting to \$104,451.

Then, in 2019 the respective Local Governments were approached by the Shire of York regarding possible distribution of the left-over funds, with agreement being reached in principle for equal distribution amongst the former members.

It is understood the Shire's of York, Beverley, and Cunderdin have already signed and sealed the attached agreement, leaving other member Local Governments to formally sign off on the final distribution of funds.

The Shire of York would like to finalise this matter in the current financial year.

Relevant Plans and Policy:

This matter falls under the Shire of Brookton Corporate Compendium.

Financial Implications:

The Shire has been allocated unspent funds in the SEAVROC organisation and is required to sign and seal the distribution agreement for the release of the Shire's portion of the remaining funds.

If the Shire elects not to sign and seal the document, the funds cannot be released to the Shire. All the parties are required to sign the document.

Risk Assessment:

It is assessed there is minimal risk to this matter with it unlikely the funds will be requested to be repaid by the State Government. Therefore, the division of surplus funding is considered is effectively a windfall for all six former Local Government members of SEAROC.

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 1 - Governance

Action 1.13 – Support regional relationships / attend meetings

Comment

This is largely an administrative matter that requires a Council resolution to sign and affix the Shire of Brookton seal to the Distribution Agreement (as prepared by McLeod Barristers and Solicitors) for the funds to be allocated to this organisation. The resolution is required to be absolute as the Council must affix the seal to the document.

Once the Shire has determined this matter the document can be forward to the Shire of York for collation.

OFFICER RECOMMENDATION

That Council:

1. Resolves to sign the Distribution Agreement – SEAVROC Funds (prepared by McLeod's Barristers and Solicitors) as presented in Attachment 14.03.20.03A to this report.
2. Authorise the Shire President and the Chief Executive Officer to execute the relevant documentation and affix the common seal of the Shire of Brookton on this documentation.

OCM 03.20-10**COUNCIL RESOLUTION**

MOVED Cr Walker SECONDED Cr Hartl

That Council:

1. ***Resolves to sign the Distribution Agreement – SEAVROC Funds (prepared by McLeod's Barristers and Solicitors) as presented in Attachment 14.03.20.03A to this report.***
2. ***Authorise the Shire President and the Chief Executive Officer to execute the relevant documentation and affix the common seal of the Shire of Brookton on this documentation.***

CARRIED BY ABSOLUTE MAJORITY VOTE 7-0

Attachments

Attachment 14.03.20.03A

Distribution Agreement – SEAVROC Funds

Shire of York

Shire of Beverley

Shire of Brookton

Shire of Cunderdin

Shire of Quairading

Shire of Tammin



McLEODS

Barristers & Solicitors

Stirling Law Chambers | 220 Stirling Highway | CLAREMONT WA 6010

Tel: (08) 9383 3133 | Fax: (08) 9383 4935

Email: mcleods@mcleods.com.au

Ref: JL-YORK-45001

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Details

Parties

Shire of York

of PO Box 22, York, Western Australia
(Shire of York)

Shire of Beverley

of PO Box 20, Beverley, Western Australia
(Shire of Beverley)

Shire of Brookton

of PO Box 42, Brookton, Western Australia
(Shire of Brookton)

Shire of Cunderdin

of PO Box 100, Cunderdin, Western Australia
(Shire of Cunderdin)

Shire of Quairading

of PO Box 38, Quairading, Western Australia
(Shire of Quairading)

Shire of Tammin

of PO Box 53, Tammin, Western Australia
(Shire of Tammin)

Background

- A On 22 June 2007, the Shires of Beverley, Brookton, Cunderdin, Quairading and York entered into a memorandum of understanding (MOU) to establish the principles, objectives and rules of the South East Avon Voluntary Regional Organisation of Councils (SEAVROC), an organisation initiated by those Shires in July 2006.
- B The Shire of Tammin was joined as a party to SEAVROC on 18 November 2010.
- C Funding was sought from various sources including the former Department of Local Government (DLG) to deliver collaborative projects through SEAVROC.
- D On 4 September 2014, the Shires of Cunderdin, Quairading and Tammin withdrew as parties to SEAVROC and SEAVROC was subsequently disbanded.
- E At the time SEAVROC was disbanded, there were outstanding projects with unexpended funds.
- F The current balance of the unused SEAVROC funds is \$104,451.00, comprising –
- | | |
|------------------------------|-------------|
| (1) Awareness Training Grant | \$11,373.55 |
|------------------------------|-------------|

(2)	You're Welcome Grant	\$11,602.69
(3)	Connecting Local Governments	\$44,054.00
(4)	Business Case Funds	\$13,117.00
(5)	Workforce Plan	\$18,185.00
(6)	Zero Waste Plan	\$6,118.76

(Current SEAVROC Funds).

- G The SEAVROC Funds are held on SEAVROC's behalf by the Shire of York in its Tied Funds Reserve 40.
- H The Shire of York contacted the DLG (now known as the Department of Local Government, Sport and Cultural Industries (DLGSC)) on 21 March 2017 and 21 March 2019, to obtain the Department's advice on how to deal with the SEAVROC Funds.
- I On 17 May 2017, the Shire of York repaid \$11,000.00 of the SEAVROC Funds (specifically related to amalgamation proceedings) to DLGSC, under DLGSC's instruction.
- J The DLGSC has not provided any other advice or guidance on how the Parties should deal with the SEAVROC Funds.
- K The Parties have now agreed in principle to distribute the SEAVROC Funds equally between the Parties, subject to –
- “(a) An agreement being prepared and presented to each of the local governments involved, for consideration and approval of Council.*
 - (b) The Shire President and Chief Executive Officer of each local government signing the agreement (if approved to do so by their Council).*
 - (c) Each local government being provided with a copy of the agreement when signed by every representative.*
 - (d) A copy being sent to the DLGSC for information.”*
- L The Parties enter into this Agreement to record the terms and conditions of their agreement for the distribution of the SEAVROC Funds.

Agreed Terms

1. Definitions and Interpretation

1.1 Defined Terms

In this Agreement -

Agreement means this document, as varied, novated or replaced from time to time;

Commencement Date means the date that the last of the Parties executes this Deed;

Current SEAVROC Funds is defined in **Recital G** of this Agreement;

DLG is defined in **Recital C** of this Agreement;

DLGSC is defined in **Recital I** of this Agreement;

MOU is defined in **Recital A** of this Agreement;

Original Parties means the Shires referred to in Recital A of this Agreement;

Parties means the parties to this Agreement;

Remaining SEAVROC Funds mean the amount of the SEAVROC Funds that remain after the deduction of legal fees under clause 5(1) of this Agreement;

SEAVROC is defined in **Recital A** of this Agreement; and

SEAVROC Funds means the funds held on SEAVROC's behalf by the Shire of York in its Tied Funds Reserve 40, as adjusted by interest and bank charges and fees.

1.2 Interpretation

In this Agreement, unless inconsistent with the context -

- (1) words denoting -
 - (a) the singular includes the plural and vice versa; and
 - (b) a gender or genders include each other gender;
- (2) if a word or phrase is assigned a particular meaning, other grammatical forms of that word or phrase have a corresponding meaning;
- (3) a reference to -
 - (a) a person includes a firm, an unincorporated association, an incorporated association, a corporation and a government or statutory body or authority;
 - (b) a person includes their legal personal representatives, successors and assigns;

- (c) a statute, regulation, local law or any other written law, code or policy includes subsidiary legislation or an instrument made under it, and consolidations, amendments, re-enactments or replacements of any of them;
- (d) a right includes a benefit, remedy, discretion, authority or power;
- (e) an obligation includes a warranty or representation, and a reference to a failure to observe or perform an obligation includes a breach of warranty or representation;
- (f) provisions or terms of this Agreement, or another document, agreement, understanding or arrangement, include a reference to both express and implied provisions and terms;
- (g) time is to local time in Perth, Western Australia;
- (h) \$ or dollars is a reference to the lawful currency of Australia;
- (i) this Agreement or any other document includes this Agreement or other document as amended or replaced and despite any change in the identity of the parties;
- (j) writing includes any mode of representing or reproducing words in tangible and permanently visible form, and includes facsimile transmissions or other electronic mail or transmissions;
- (k) any thing (including any amount) is a reference to the whole or any part of it and a reference to a group of things or persons is a reference to any one or more of them;
- (l) a clause, paragraph, schedule or annexure is a reference to a clause, paragraph, schedule or annexure to this Agreement; and
- (m) the meaning of general words or phrases is not limited by specific examples introduced by 'including', 'for example' or similar expressions.

1.3 Headings

Headings do not affect the interpretation of this Agreement.

2. Distribution of SEAVROC Funds

The Parties agree that the Remaining SEAVROC Funds are to be distributed between the Parties in equal shares under clause 3 of this Agreement.

3. Shire of York's obligations

As soon as reasonably practicable after the Commencement Date, the Shire of York must transfer and distribute the Remaining SEAVROC Funds to each of the Parties in equal shares.

4. Limitation of liability and indemnity

- (1) Each Party acknowledges and agrees that it will receive and accept its share of the Remaining SEAVROC Funds at its own risk and without any reliance on any representation made by the Shire of York, or any employee of the Shire of York, and that it cannot make any claim against the Shire of York, or any employee of the Shire of York, in connection with any such reliance or representation.

- (2) Each Party further acknowledges and agrees that it is the responsibility of each local government to make its own investigations and enquiries into the permitted use of the SEAVROC Funds.
- (3) Each Party (other than the Shire of York) agrees to indemnify the Shire of York against any claim, demand or liability of any kind arising from the receipt, acceptance or use of the SEAVROC Funds.

5. Costs of this Agreement

- (1) The legal costs in relation to the preparation, negotiation and execution of this Agreement are to be deducted from the SEAVROC Funds prior to the distribution of those funds under clause 3.
- (2) Each Party is to bear its own legal costs (if any) in relation to the review of this Agreement.

6. Authority

Each Party enters into this Agreement under the authority of its Council.

7. Dispute resolution

- (1) If a dispute arises between any of the Parties in connection with this Agreement, the affected Party must give notice of the dispute to the other Party identifying the dispute and providing details of it.
- (2) The Parties to a dispute must endeavour to settle the dispute by mediation conducted by a independent mediator appointed by agreement of the Parties or, failing agreement, by a person appointed by the Chair of Resolution Institute or her or his nominee.
- (3) The Resolution Institute Mediation Rules are to apply to the mediation.
- (4) It is a condition precedent to the right of any Party to arbitrate or litigate the dispute that it has first complied with the mediation process in this **clause 7(1)**.

8. General provisions

8.1 Further assurance

Each Party must promptly execute all documents and do all things that any other Party from time to time reasonably requires of it to effect, perfect or complete under the provisions of this Agreement and any transaction contemplated by it.

8.2 No fetter on discretion

Nothing in this Agreement is to fetter or limit, or is to be construed as an attempt to fetter or limit, the discretion or the powers of the Shire of York under any written law.

8.3 Notices

- (1) Any notice, direction or other communication which must or may be given in connection with this Agreement -
 - (a) must be in writing in order to be valid;

- (b) is sufficient if executed by the Party giving the notice or on its behalf by any director, secretary, duly authorised officer or solicitor of that Party;
 - (c) in order to be valid must be given to a Party by -
 - (i) delivering or sending it by prepaid post to, or leaving it at, the 'notice details' address of that Party as set out in subclause (2);
 - (ii) sending it to the email address or facsimile number of that Party as set out in subclause (2);
 - (iii) delivering or sending it to another address, email address or facsimile number as is notified in writing by that Party to the other Party from time to time; and
 - (d) if given in accordance with paragraph (c), will be deemed to take effect -
 - (i) in the case of prepaid post, on the second business day after the date of posting;
 - (ii) in the case of facsimile, on receipt of a transmission report from the sending machine confirming successful transmission;
 - (iii) in the case of delivery by hand, on delivery; and
 - (iv) in the case of email at the time or receipt as defined in section 14 of the *Electronics Transactions Act 2011*.
- (2) The following notice details apply for the purposes of subclause (1) -

Shire of York

Postal address PO Box 22, York, Western Australia

Facsimile number (08) 9641 2202

Email address records@york.wa.gov.au

Shire of Beverley

Postal address PO Box 20, Beverley, Western Australia

Facsimile number (08) 9646 1409

Email address admin@beverley.wa.gov.au

Shire of Brookton

Postal address PO Box 42, Brookton, Western Australia

Facsimile number N/A

Email address mail@brookton.wa.gov.au

Shire of Cunderdin

Postal address PO Box 100, Cunderdin, Western Australia

Facsimile number (08) 9635 1464
Email address admin@cunderdin.wa.gov.au

Shire of Quairading

Postal address PO Box 38, Quairading, Western Australia
Facsimile number (08) 9645 1126
Email address shire@quairading.wa.gov.au

Shire of Tammin

Postal address PO Box 53 Tammin, Western Australia
Facsimile number N/A
Email address shire@tammin.wa.gov.au

8.4 Relationship between the Parties

The Parties acknowledge and agree that no relationship of partnership, agency or employment is expressly intended or to be implied into this Agreement.

8.5 Entire agreement

- (1) The Parties acknowledge that they have entered into this Agreement in full reliance on their own enquiries, investigations, examinations and advice and not in reliance on or as a result of any statement, claim, representation or warranty (expressed or implied) made or given by the Shire of York or any employee, agent or other person on behalf of the Shire of York in respect of any matter whatsoever affecting this Agreement.
- (2) The Parties agree that this Agreement constitutes the whole and entire agreement between them with respect to the distribution of Remaining SEAVROC Funds and supersedes all previous negotiations and agreements written or oral.

8.6 Severability

In the event of part of this Agreement being or becoming void or unenforceable then that part is to be severed from this Agreement with the intention that the balance of this Agreement is to remain in full force and effect, unaffected by the severance.

8.7 Amendment and waiver

- (1) This Agreement may not be modified, amended or varied except by a document in writing signed by or on behalf of each of the Parties.
- (2) Any modification to a term or condition of this Agreement, or waiver or relinquishment of the performance of any term or condition of this Agreement, will be effective only if made in writing and executed by or on behalf of the Parties granting the waiver.
- (3) No waiver of any one breach of any term or condition of this Agreement is to operate as a waiver of any other breach of the same or other term or condition of this Agreement.

8.8 Laws of Western Australia apply

This Agreement is to be construed and interpreted in accordance with the laws of the State of Western Australia and the Parties agree to submit to the jurisdiction of the courts of that State and of courts competent to hear appeals from them.

Signing page

EXECUTED by the Parties as a Deed on

2019.

THE COMMON SEAL of **SHIRE OF YORK** was affixed by authority of a resolution of the Council in the presence of -

Shire President

(Print Full Name)

Chief Executive Officer

(Print Full Name)

THE COMMON SEAL of the **SHIRE OF BEVERLEY** was affixed by authority of a resolution of Council in the presence of -

Shire President

(Print Full Name)

Chief Executive Officer

(Print Full Name)

THE COMMON SEAL of the **SHIRE OF BROOKTON** was affixed in the presence of -)
)
)

Shire President

(Print Full Name)

Chief Executive Officer

(Print Full Name)

The **COMMON SEAL** of the **SHIRE OF**)
CUNDERDIN was affixed in the presence)
of -)

Shire President _____

(Print Full Name) _____

Chief Executive Officer _____

(Print Full Name) _____

THE COMMON SEAL of the **SHIRE OF**
QUAIRADING was affixed by authority of a
resolution of Council in the presence of -

Shire President _____

(Print Full Name) _____

Chief Executive Officer _____

(Print Full Name) _____

THE COMMON SEAL of the **SHIRE OF**
TAMMIN was affixed by authority of a
resolution of Council in the presence of -

Shire President _____

(Print Full Name) _____

Chief Executive Officer _____

(Print Full Name) _____

14.03.20.04 TRANSFER OF FRIENDS OF KALKARNI BUS TO BAPTISTCARE WA

File No:	ADM 0235
Date of Meeting:	19 March 2020
Location/Address:	N/A
Name of Applicant:	N/A
Name of Owner:	N/A
Author/s:	Vicki Morris – Manager Corporate and Community Ian D’Arcy – Chief Executive Officer
Authorising Officer:	Ian D’Arcy – Chief Executive Officer
Declaration of Interest:	The authors have no interest in this item
Voting Requirements:	Absolute Majority
Previous Report:	N/A

Summary of Item:

The Shire in January 2020 disposed of the Kalkarni Aged Care and Saddleback Medical through a public sale process to Baptistcare WA. The sale included all assets inclusive of furniture.

It was assumed that all equipment currently used by Baptistcare to provide aged care services at Kalkarni would be transferred as part of the sale. However, the ownership status of the Friends of Kalkarni Bus and trailer was in doubt. The reason for the lack of clarity in relation to the Friends of Kalkarni bus is that although the bus is used almost exclusively by Kalkarni (Baptistcare), the insurance and registration costs fall to the Shire.

Description of Proposal:

The transfer of the Friends of Kalkarni bus to Baptistcare (WA) Inc. as part of the sale of the Kalkarni Residential Aged Care Facility.

Background:

The Friends of Kalkarni successfully applied for and received a LotteryWest grant for the purchase of a community bus in 2005. The bus is a 2005 Ford transit that can seat up to 11 people. It is also fitted with a wheelchair lift and can accommodate 2 wheelchairs, but then reduces the numbers of standard passenger seats to 6 in total.

Shortly after the Friends of Kalkarni bus was purchased, the licencing and insurance costs were accepted and continued to be maintained by the Shire to this day. The maintenance costs for the running of the bus have been covered by Baptistcare since the bus was acquired.

The bus has been used by Kalkarni on a regular basis (2-3 times per week) for transporting residents and carers, and at times is privately hired out.

This report is to validate the bus as being part of the equipment sold with the property and bed licences to Baptistcare.

Consultation:

There has been consultation with the Secretary of the Friends of Kalkarni Committee, Carol Bond and June Harwood (Manager Kalkarni), where both have confirmed support for the transfer.

Statutory Environment:

The sale of Lot 511, inclusive of all property and business interests, was performed in accordance with Section 3.59 of the *Local Government Act, 1995*, and Regulation 8A(1)(b) of the Local Government

(Functions and General) Regulations, 1996.

Relevant Plans and Policy:

There is applicable plan or policy that applies to this matter.

Financial Implications:

Currently, the Shire pays approximately \$160 for insurance and \$560 for the registration of the Bus each year. The current value of the bus estimated to be \$10-\$12,000.

Further, there are no major financial implications in removing the bus from the Shire asset listing and transferring the registration and insurance costs to Baptistcare for the continued use by the Kalkarni residents.

Risk Assessment:

The risk of this proposal is negligible and therefore assessed as 'Low' given the Friends of Kalkarni bus is used almost exclusively for aged care residents and has done so for many years.

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, disposal of the bus aligns to:

Function 24 – Community Support

Action 2.3 – Manage Kalkarni Aged Care service contract and compliance

Comment

See comment under Risk Assessment section above.

OFFICER RECOMMENDATION

That Council:

1. Confirms the Friends of Kalkarni Bus forms part of the Sale of Lot 511 Whittington Street Brookton, inclusive of the sale of property, business interests and licences, and plant and equipment that was settled on 17th January 2020.
2. Request the CEO arrange of transfer of the registration (ownership) of the bus to Baptistcare (WA) Inc. with the Shire to absorb all applicable statutory costs for:
 - a) renewal of the bus registration for three months.
 - b) transfer of the bus.
3. Removes the asset listed as the 'Friends of Kalkarni Community Bus' from the Shire's insurance and asset registers recognising that the Bus more closely aligns with Kalkarni and the provision of transport services to resident and the broader Brookton community more generally.

OCM 03.20-11

COUNCIL RESOLUTION

MOVED Cr Walker

SECONDED Cr Macnab

That Council:

1. ***Confirms the Friends of Kalkarni Bus forms part of the Sale of Lot 511 Whittington Street Brookton, inclusive of the sale of property, business interests and licences, and plant and equipment that was settled on 17th January 2020.***
2. ***Request the CEO arrange of transfer of the registration (ownership) of the bus to Baptistcare (WA) Inc. with the Shire to absorb all applicable statutory costs for:***
 - a) renewal of the bus registration for three months.***
 - b) transfer of the bus.***
3. ***Removes the asset listed as the 'Friends of Kalkarni Community Bus' from the Shire's insurance and asset registers recognising that the Bus more closely aligns with Kalkarni and the provision of transport services to resident and the broader Brookton community more generally.***

CARRIED BY ABSOLUTE MAJORITY VOTE 7-0

15.03.20 GOVERNANCE

15.03.20.01 2019 COMPLIANCE AUDIT RETURN

File No:	ADM 0333
Date of Meeting:	19 March 2020
Location/Address:	N/A
Name of Applicant:	N/A
Name of Owner:	Shire of Brookton
Author/s:	Kelly D'Arcy – Senior Finance Officer
Authorising Officer:	Vicki Morris – Manager Corporate and Community
Declaration of Interest:	The author & authorising officer have no interest in this matter.
Voting Requirements:	Absolute majority
Previous Report:	Nil

Summary of Item:

This report relates to the Councils adoption of the Shire of Brookton's annual Compliance Audit Return for 2019.

Description of Proposal:

To present to the Council the annual Compliance Audit Return (CAR) 2019 for consideration and adoption. The CAR is to assist Council in monitoring its organisational functions and report to the Department of Local Government, Sport and Cultural Industries on its level of compliance.

Background:

On an annual basis respective Western Australia Local Governments are required under legislation to complete an annual CAR that largely represents a self-audit of the Shire's compliance against specific regulations and standards. These statutory obligations are listed in Regulation 13 of the Local Government (Audit) Regulations. The compliance audit review considers the business of Council for a full calendar year, in this instance being from 1 January 2019 to 31 December 2019.

Pursuant to regulation 14, each Local Government must complete a CAR against the checklist of statutory compliance issues included in the 2019 return. Once completed, the Compliance Audit Return is to be;

- (a) presented at a meeting of the Audit and Risk Committee;
- (b) presented to Council at the next available meeting;
- (c) subsequently adopted by the Council as an acceptance of the organisation's compliance; and
- (d) the adoption recorded in the minutes of the meeting at which it is adopted;

After the Compliance Audit Return has been presented to the Council at the March Ordinary Council Meeting, a certified copy of the Return along with the relevant section of the minutes and any additional information explaining or qualifying the compliance audit is to be submitted to the Director General, Department of Local Government, Sport and Cultural Industries by 31st March 2020.

In consideration of the above process, the Audit and Risk Committee has considered the CAR 2019, which now forms the basis of this report and recommendation to Council.

A copy of the Compliance Audit Return 2019 is provided at **Attachment 15.03.20.01A**.

Consultation:

Consultation has been undertaken in house with confirmation from various officers in regards to compliance requirements being met, or not.

Statutory Environment:

The Council is obliged to complete and submit the Brookton Compliance Audit Return 2019 in accordance with the *Local Government Act 1995* - s7.13(1)(i), and the Local Government (Audit) Regulations 1996, Regulations 13, 14 and 15.

Relevant Plans and Policy:

Nil

Financial Implications:

Nil

Risk Assessment:

There is a risk that Council will be in breach of its statutory obligations should it not complete and adopt the Brookton - Compliance Audit Return 2019. Accordingly, it has been assessed that the level of risk is high.

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

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

Community & Strategic Objectives:

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

Specifically, the CAR aligns to the following Business Unit and Function:

1. Governance

1.9 Maintain statutory compliance registers

Comment

The Compliance Audit Return is seen as an internal control monitoring process and as such is a useful tool for the Chief Executive Officer to report the Audit Committee, to Council and the Department of Local Government, Sport and Cultural Industries on performance against the Shire's statutory obligations.

In general, it has been assessed that the performance of the Shire of Brookton generally accords with the statutory compliance requirements under the *Local Government Act, 1995* and subsidiary legislation.

OFFICER'S AND AUDIT COMMITTEES RECOMMENDATION

That Council:

1. Pursuant to Regulation 14(3) of the Local Government (Audit) Regulations 1996 it adopts the Brookton – Compliance Audit Return 2019 as presented in Attachment 15.03.20.01A of this report
2. Forward a certified copy of the Shire of Brookton– Compliance Audit Return 2019 to the 'Executive Director' of the Department of Local Government, Sport and Cultural Industries in accordance with Regulation 15(1) of the Local Government (Audit) Regulations 1996.

OCM 03.20-12

COUNCIL RESOLUTION

MOVED Cr Watts

SECONDED Cr Lilly

That Council:

1. ***Pursuant to Regulation 14(3) of the Local Government (Audit) Regulations 1996 it adopts the Brookton – Compliance Audit Return 2019 as presented in Attachment 15.03.20.01A of this report***
2. ***Forward a certified copy of the Shire of Brookton– Compliance Audit Return 2019 to the 'Executive Director' of the Department of Local Government, Sport and Cultural Industries in accordance with Regulation 15(1) of the Local Government (Audit) Regulations 1996.***

CARRIED BY ABSOLUTE MAJORITY VOTE 7-0

Attachments

Attachment 15.03.20.01A

Department of Local Government, Sport and Cultural Industries - Compliance Audit Return



Department of
Local Government, Sport
and Cultural Industries

Brookton - Compliance Audit Return 2019

Certified Copy of Return

Please submit a signed copy to the Director General of the Department of Local Government, Sport and Cultural Industries together with a copy of section of relevant minutes.

Commercial Enterprises by Local Governments					
No	Reference	Question	Response	Comments	Respondent
1	s3.59(2)(a)(b)(c) F&G Reg 7,9	Has the local government prepared a business plan for each major trading undertaking in 2019?	N/A		Kelly D'Arcy
2	s3.59(2)(a)(b)(c) F&G Reg 7,10	Has the local government prepared a business plan for each major land transaction that was not exempt in 2019?	Yes	Business Plan written for the Sale of Kalkarni Agecare Facility	Kelly D'Arcy
3	s3.59(2)(a)(b)(c) F&G Reg 7,10	Has the local government prepared a business plan before entering into each land transaction that was preparatory to entry into a major land transaction in 2019?	N/A		Kelly D'Arcy
4	s3.59(4)	Has the local government complied with public notice and publishing requirements of each proposal to commence a major trading undertaking or enter into a major land transaction for 2019?	Yes	Advertised The West Australian newspaper, local print and electronic media.	Kelly D'Arcy
5	s3.59(5)	Did the Council, during 2019, resolve to proceed with each major land transaction or trading undertaking by absolute majority?	Yes	Original minute Ref OCM11.18-11. Additional minute Ref: SCM 05.19-02	Kelly D'Arcy



Delegation of Power / Duty					
No	Reference	Question	Response	Comments	Respondent
1	s5.16, 5.17, 5.18	Were all delegations to committees resolved by absolute majority?	Yes	Employment Committee granted delegations	Kelly D'Arcy
2	s5.16, 5.17, 5.18	Were all delegations to committees in writing?	Yes		Kelly D'Arcy
3	s5.16, 5.17, 5.18	Were all delegations to committees within the limits specified in section 5.17?	Yes		Kelly D'Arcy
4	s5.16, 5.17, 5.18	Were all delegations to committees recorded in a register of delegations?	Yes		Kelly D'Arcy
5	s5.18	Has Council reviewed delegations to its committees in the 2018/2019 financial year?	Yes	November Ordinary Council Meeting Min Ref: OCM 11.19-17	Kelly D'Arcy
6	s5.42(1),5.43 Admin Reg 18G	Did the powers and duties of the Council delegated to the CEO exclude those as listed in section 5.43 of the Act?	Yes		Kelly D'Arcy
7	s5.42(1)(2) Admin Reg 18G	Were all delegations to the CEO resolved by an absolute majority?	Yes		Kelly D'Arcy
8	s5.42(1)(2) Admin Reg 18G	Were all delegations to the CEO in writing?	Yes	Delegation Register reviewed January 2020 Ordinary Council Meeting Min Ref: OCM 01.20-17	Kelly D'Arcy
9	s5.44(2)	Were all delegations by the CEO to any employee in writing?	Yes		Kelly D'Arcy
10	s5.45(1)(b)	Were all decisions by the Council to amend or revoke a delegation made by absolute majority?	Yes		Kelly D'Arcy
11	s5.46(1)	Has the CEO kept a register of all delegations made under the Act to him and to other employees?	Yes		Kelly D'Arcy
12	s5.46(2)	Were all delegations made under Division 4 of Part 5 of the Act reviewed by the delegator at least once during the 2018/2019 financial year?	Yes		Kelly D'Arcy
13	s5.46(3) Admin Reg 19	Did all persons exercising a delegated power or duty under the Act keep, on all occasions, a written record as required?	Yes		Kelly D'Arcy
Disclosure of Interest					
No	Reference	Question	Response	Comments	Respondent
1	s5.67	If a member disclosed an interest, did he/she ensure that they did not remain present to participate in any discussion or decision-making procedure relating to the matter in which the interest was disclosed (not including participation approvals granted under s5.68)?	Yes		Kelly D'Arcy



No	Reference	Question	Response	Comments	Respondent
2	s5.68(2)	Were all decisions made under section 5.68(1), and the extent of participation allowed, recorded in the minutes of Council and Committee meetings?	Yes	also entered on the Declaration of Interest Register	Kelly D'Arcy
3	s5.73	Were disclosures under section 5.65 or 5.70 recorded in the minutes of the meeting at which the disclosure was made?	Yes		Kelly D'Arcy
4	s5.73	Where the CEO had an interest relating to a gift under section 5.71A(1), was written notice given to the Council?	Yes	Nil gifts received	Kelly D'Arcy
5	s5.73	Where the CEO had an interest relating to a gift in a matter in respect of a report another employee is providing advice on under section 5.71A (3), was the nature of interest disclosed when the advice or report was provided?	Yes	Nil gifts received	Kelly D'Arcy
6	s5.75(1) Admin Reg 22 Form 2	Was a primary return lodged by all newly elected members within three months of their start day?	Yes		Kelly D'Arcy
7	s5.75(1) Admin Reg 22 Form 2	Was a primary return lodged by all newly designated employees within three months of their start day?	Yes		Kelly D'Arcy
8	s5.76(1) Admin Reg 23 Form 3	Was an annual return lodged by all continuing elected members by 31 August 2019?	Yes		Kelly D'Arcy
9	s5.76(1) Admin Reg 23 Form 3	Was an annual return lodged by all designated employees by 31 August 2019?	Yes		Kelly D'Arcy
10	s5.77	On receipt of a primary or annual return, did the CEO, (or the Mayor/ President in the case of the CEO's return) on all occasions, give written acknowledgment of having received the return?	Yes		Kelly D'Arcy
11	s5.88(1)(2) Admin Reg 28	Did the CEO keep a register of financial interests which contained the returns lodged under section 5.75 and 5.76?	Yes		Kelly D'Arcy
12	s5.88(1)(2) Admin Reg 28	Did the CEO keep a register of financial interests which contained a record of disclosures made under sections 5.65, 5.70 and 5.71, in the form prescribed in Administration Regulation 28?	Yes		Kelly D'Arcy
13	s5.89A Admin Reg 28A	Did the CEO keep a register of gifts which contained a record of disclosures made under section 5.71A, in the form prescribed in Administration Regulation 28A?	Yes		Kelly D'Arcy
14	s5.88 (3)	Has the CEO removed all returns from the register when a person ceased to be a person required to lodge a return under section 5.75 or 5.76?	Yes		Kelly D'Arcy



No	Reference	Question	Response	Comments	Respondent
15	s5.88(4)	Have all returns lodged under section 5.75 or 5.76 and removed from the register, been kept for a period of at least five years, after the person who lodged the return ceased to be a council member or designated employee?	Yes		Kelly D'Arcy
16	s5.103 Admin Reg 34C & Rules of Conduct Reg 11	Where an elected member or an employee disclosed an interest in a matter discussed at a Council or committee meeting where there was a reasonable belief that the impartiality of the person having the interest would be adversely affected, was it recorded in the minutes?	Yes		Kelly D'Arcy
17	s5.70(2)	Where an employee had an interest in any matter in respect of which the employee provided advice or a report directly to the Council or a Committee, did that person disclose the nature of that interest when giving the advice or report?	Yes		Kelly D'Arcy
18	s5.70(3)	Where an employee disclosed an interest under s5.70(2), did that person also disclose the extent of that interest when required to do so by the Council or a Committee?	Yes		Kelly D'Arcy
19	s5.103(3) Admin Reg 34B	Has the CEO kept a register of all notifiable gifts received by Council members and employees?	Yes		Kelly D'Arcy

Disposal of Property

No	Reference	Question	Response	Comments	Respondent
1	s3.58(3)	Was local public notice given prior to disposal for any property not disposed of by public auction or tender (except where excluded by Section 3.58(5))?	Yes	advertised in the West Australian, local print media and electronic media	Kelly D'Arcy
2	s3.58(4)	Where the local government disposed of property under section 3.58(3), did it provide details, as prescribed by section 3.58(4), in the required local public notice for each disposal of property?	Yes	advertised in the West Australian, local print media and electronic media	Kelly D'Arcy



Elections					
No	Reference	Question	Response	Comments	Respondent
1	Elect Reg 30G (1) (2)	Did the CEO establish and maintain an electoral gift register and ensure that all 'disclosure of gifts' forms completed by candidates and received by the CEO were placed on the electoral gift register at the time of receipt by the CEO and in a manner that clearly identifies and distinguishes the candidates?	Yes	Nil gifts received	Kelly D'Arcy
2	Elect Reg 30G(3) & (4)	Did the CEO remove any 'disclosure of gifts' forms relating to an unsuccessful candidate or a successful candidate that completed the term of office from the electoral gift register, and retain those forms separately for a period of at least 2 years?	Yes	Nil gifts received	Kelly D'Arcy
Finance					
No	Reference	Question	Response	Comments	Respondent
1	s7.1A	Has the local government established an audit committee and appointed members by absolute majority in accordance with section 7.1A of the Act?	Yes	Council minute Ref: OCM 11.19-17	Kelly D'Arcy
2	s7.1B	Where a local government determined to delegate to its audit committee any powers or duties under Part 7 of the Act, did it do so by absolute majority?	N/A	Advisory only	Kelly D'Arcy
3	s7.3(1)	Was the person(s) appointed by the local government under s7.3(1) to be its auditor, a registered company auditor?	Yes	Office of the Auditor General	Kelly D'Arcy
4	s7.3(1), 7.6(3)	Was the person or persons appointed by the local government to be its auditor, appointed by an absolute majority decision of Council?	N/A	Appointed by Legislation	Kelly D'Arcy
5	Audit Reg 10	Was the Auditor's report(s) for the financial year(s) ended 30 June received by the local government within 30 days of completion of the audit?	Yes		Kelly D'Arcy
6	s7.9(1)	Was the Auditor's report for the financial year ended 30 June 2019 received by the local government by 31 December 2019?	Yes		Kelly D'Arcy
7	S7.12A(3)	Where the local government determined that matters raised in the auditor's report prepared under s7.9 (1) of the Act required action to be taken, did the local government, ensure that appropriate action was undertaken in respect of those matters?	Yes		Kelly D'Arcy



No	Reference	Question	Response	Comments	Respondent
8	S7.12A (4)	Where the auditor identified matters as significant in the auditor's report (prepared under s7.9(1) of the Act), did the local government prepare a report stating what action had been taken or it intended to take with respect to each of the matters and give a copy to the Minister within 3 months after receipt of the audit report?	N/A	No significant matters identified in the auditors report.	Kelly D'Arcy
9	S7.12A (5)	Within 14 days after the local government gave a report to the Minister under s7.12A(4)(b), did the CEO publish a copy of the report on the local government's official website?	N/A	No significant matters identified in the auditors report.	Kelly D'Arcy
10	Audit Reg 7	Did the agreement between the local government and its auditor include the objectives of the audit?	N/A	No agreement, auditors appointed by legislation	Kelly D'Arcy
11	Audit Reg 7	Did the agreement between the local government and its auditor include the scope of the audit?	N/A	No agreement, auditors appointed by legislation	Kelly D'Arcy
12	Audit Reg 7	Did the agreement between the local government and its auditor include a plan for the audit?	N/A	No agreement, auditors appointed by legislation	Kelly D'Arcy
13	Audit Reg 7	Did the agreement between the local government and its auditor include details of the remuneration and expenses to be paid to the auditor?	N/A	No agreement, auditors appointed by legislation	Kelly D'Arcy
14	Audit Reg 7	Did the agreement between the local government and its auditor include the method to be used by the local government to communicate with, and supply information to, the auditor?	N/A	No agreement, auditors appointed by legislation	Kelly D'Arcy



Integrated Planning and Reporting					
No	Reference	Question	Response	Comments	Respondent
1	s5.56 Admin Reg 19DA (6)	Has the local government adopted a Corporate Business Plan. If Yes, please provide adoption date of the most recent Plan in Comments?	Yes	CBP adopted by Council 19 April 2018 OCM 04.18-13	Kelly D'Arcy
2	s5.56 Admin Reg 19DA (4)	Has the local government reviewed the Corporate Business Plan in the 2018-2019 Financial Year. If Yes, please provide date of Council meeting the review was adopted at?	No		Kelly D'Arcy
3	s5.56 Admin Reg 19C	Has the local government adopted a Strategic Community Plan. If Yes, please provide adoption date of the most recent Plan in Comments?	Yes	SCP adopted by Council 19 April 2018 OCM 04.18-13	Kelly D'Arcy
4	s5.56 Admin Reg 19C (4)	Has the local government reviewed the current Strategic Community Plan. If Yes, please provide date of most recent review by Council in Comments. Note: If the current Strategic Community Plan was adopted after 1/1/2016, please respond N/A and provide adoption date in Comments?	No		Kelly D'Arcy
5	S5.56 Admin Reg 19DA (3)	Has the local government developed an Asset Management Plan(s) that covers all asset classes. If Yes, please provide the date of the most recent Plan adopted by Council in Comments?	Yes	The Asset Management Plan 2016 - 2027 not adopted by Council. Council is in the process of writing a new AMP	Kelly D'Arcy
6	S5.56 Admin Reg 19DA (3)	Has the local government developed a Long Term Financial Plan. If Yes, please provide the adoption date of the most recent Plan in Comments?	Yes	Plan no longer current, Council in the process of creating a new LTFP. Have engage Moore Stephen to write the LTFP.	Kelly D'Arcy
7	S5.56 Admin Reg 19DA (3)	Has the local government developed a Workforce Plan. If Yes, please provide adoption date of the most recent Plan in comments?	No		Kelly D'Arcy



Local Government Employees					
No	Reference	Question	Response	Comments	Respondent
1	Admin Reg 18C	Did the local government approve the process to be used for the selection and appointment of the CEO before the position of CEO was advertised?	N/A		Kelly D'Arcy
2	s5.36(4) s5.37(3), Admin Reg 18A	Were all vacancies for the position of CEO and other designated senior employees advertised and did the advertising comply with s.5.36(4), 5.37(3) and Admin Reg 18A?	N/A		Kelly D'Arcy
3	Admin Reg 18F	Was the remuneration and other benefits paid to a CEO on appointment the same remuneration and benefits advertised for the position of CEO under section 5.36(4)?	N/A		Kelly D'Arcy
4	Admin Regs 18E	Did the local government ensure checks were carried out to confirm that the information in an application for employment was true (applicable to CEO only)?	N/A		Kelly D'Arcy
5	s5.37(2)	Did the CEO inform Council of each proposal to employ or dismiss a designated senior employee?	N/A		Kelly D'Arcy



Official Conduct					
No	Reference	Question	Response	Comments	Respondent
1	s5.120	Where the CEO is not the complaints officer, has the local government designated a senior employee, as defined under s5.37, to be its complaints officer?	N/A	CEO complaints officer	Kelly D'Arcy
2	s5.121(1)	Has the complaints officer for the local government maintained a register of complaints which records all complaints that result in action under s5.110(6)(b) or (c)?	Yes		Kelly D'Arcy
3	s5.121(2)(a)	Does the complaints register maintained by the complaints officer include provision for recording of the name of the council member about whom the complaint is made?	Yes		Kelly D'Arcy
4	s5.121(2)(b)	Does the complaints register maintained by the complaints officer include provision for recording the name of the person who makes the complaint?	Yes		Kelly D'Arcy
5	s5.121(2)(c)	Does the complaints register maintained by the complaints officer include provision for recording a description of the minor breach that the standards panel finds has occurred?	Yes		Kelly D'Arcy
6	s5.121(2)(d)	Does the complaints register maintained by the complaints officer include the provision to record details of the action taken under s5.110(6)(b) or (c)?	Yes		Kelly D'Arcy



Optional Questions					
No	Reference	Question	Response	Comments	Respondent
1	Financial Management Reg 5 (2)(c)	Did the CEO review the appropriateness and effectiveness of the local government's financial management systems and procedures in accordance with Local Government (Financial Management) Regulation 5 (2)(c) within the 3 years prior to 31 December 2019? If yes, please provide date of Council resolution in comments?	N/A	Included in the Office of Auditor Generals annual and interim audits	Kelly D'Arcy
2	Audit Reg 17	Did the CEO review the appropriateness and effectiveness of the local government's systems and procedures in relation to risk management, internal control and legislative compliance in accordance with Local Government (Audit) Regulation 17 within the 3 years prior to 31 December 2019? If yes, please provide date of Council resolution in comments?	N/A	Included in the Office of Auditor Generals annual and interim audits	Kelly D'Arcy
3	Financial Management Reg 5A.	Did the local government provide AASB 124 related party information in its annual report(s) tabled at an electors meeting(s) during calendar year 2019?	Yes		Kelly D'Arcy
4	S6.4(3)	Did the local government submit to its auditor by 30 September 2019 the balanced accounts and annual financial report for the year ending 30 June 2019?	Yes		Kelly D'Arcy

Tenders for Providing Goods and Services					
No	Reference	Question	Response	Comments	Respondent
1	s3.57 F&G Reg 11	Did the local government invite tenders on all occasions (before entering into contracts for the supply of goods or services) where the consideration under the contract was, or was expected to be, worth more than the consideration stated in Regulation 11(1) of the Local Government (Functions & General) Regulations (Subject to Functions and General Regulation 11(2))?	N/A	WALGA prequalified suppliers (Equotes)	Kelly D'Arcy
2	F&G Reg 12	Did the local government comply with F&G Reg 12 when deciding to enter into multiple contracts rather than inviting tenders for a single contract?	N/A		Kelly D'Arcy
3	F&G Reg 14(1) & (3)	Did the local government invite tenders via Statewide public notice?	N/A	WALGA prequalified suppliers (Equotes system)	Kelly D'Arcy
4	F&G Reg 14 & 15	Did the local government's advertising and tender documentation comply with F&G Regs 14, 15 & 16?	N/A	WALGA prequalified suppliers (Equotes)	Kelly D'Arcy



No	Reference	Question	Response	Comments	Respondent
5	F&G Reg 14(5)	If the local government sought to vary the information supplied to tenderers, was every reasonable step taken to give each person who sought copies of the tender documents or each acceptable tenderer, notice of the variation?	N/A	WALGA prequalified suppliers (Equotes)	Kelly D'Arcy
6	F&G Reg 16	Did the local government's procedure for receiving and opening tenders comply with the requirements of F&G Reg 16?	N/A	WALGA prequalified suppliers (Equotes)	Kelly D'Arcy
7	F&G Reg 18(1)	Did the local government reject the tenders that were not submitted at the place, and within the time specified in the invitation to tender?	N/A	WALGA prequalified suppliers (Equotes)	Kelly D'Arcy
8	F&G Reg 18 (4)	In relation to the tenders that were not rejected, did the local government assess which tender to accept and which tender was most advantageous to the local government to accept, by means of written evaluation criteria?	N/A	WALGA prequalified suppliers (Equotes)	Kelly D'Arcy
9	F&G Reg 17	Did the information recorded in the local government's tender register comply with the requirements of F&G Reg 17 and did the CEO make the tenders register available for public inspection?	N/A	WALGA prequalified suppliers (Equotes)	Kelly D'Arcy
10	F&G Reg 19	Did the CEO give each tenderer written notice advising particulars of the successful tender or advising that no tender was accepted?	N/A	WALGA prequalified suppliers (Equotes)	Kelly D'Arcy
11	F&G Reg 21 & 22	Did the local governments advertising and expression of interest documentation comply with the requirements of F&G Regs 21 and 22?	N/A		Kelly D'Arcy
12	F&G Reg 23(1)	Did the local government reject the expressions of interest that were not submitted at the place and within the time specified in the notice?	N/A		Kelly D'Arcy
13	F&G Reg 23(4)	After the local government considered expressions of interest, did the CEO list each person considered capable of satisfactorily supplying goods or services?	N/A		Kelly D'Arcy
14	F&G Reg 24	Did the CEO give each person who submitted an expression of interest, a notice in writing in accordance with Functions & General Regulation 24?	N/A		Kelly D'Arcy
15	F&G Reg 24AC (1) & (2)	Has the local government established a policy on procurement of goods and services from pre-qualified suppliers in accordance with the regulations?	N/A	No pre-qualified suppliers list established	Kelly D'Arcy
16	F&G Reg 24AD(2)	Did the local government invite applicants for a panel of pre-qualified suppliers via Statewide public notice?	N/A	No pre-qualified suppliers list established	Kelly D'Arcy
17	F&G Reg 24AD(4) & 24AE	Did the local government's advertising and panel documentation comply with F&G Regs 24AD(4) & 24AE?	N/A	No pre-qualified suppliers list established	Kelly D'Arcy



No	Reference	Question	Response	Comments	Respondent
18	F&G Reg 24AF	Did the local government's procedure for receiving and opening applications to join a panel of pre-qualified suppliers comply with the requirements of F&G Reg 16 as if the reference in that regulation to a tender were a reference to a panel application?	N/A	No pre-qualified suppliers list established	Kelly D'Arcy
19	F&G Reg 24AD(6)	If the local government sought to vary the information supplied to the panel, was every reasonable step taken to give each person who sought detailed information about the proposed panel or each person who submitted an application, given notice of the variation?	N/A		Kelly D'Arcy
20	F&G Reg 24AH(1)	Did the local government reject the applications to join a panel of pre-qualified suppliers that were not submitted at the place, and within the time specified in the invitation for applications?	N/A		Kelly D'Arcy
21	F&G Reg 24AH(3)	In relation to the applications that were not rejected, did the local government assess which application (s) to accept and which application(s) were most advantageous to the local government to accept, by means of written evaluation criteria?	N/A		Kelly D'Arcy
22	F&G Reg 24AG	Did the information recorded in the local government's tender register about panels of pre-qualified suppliers, comply with the requirements of F&G Reg 24AG?	N/A		Kelly D'Arcy
23	F&G Reg 24AI	Did the CEO send each person who submitted an application, written notice advising if the person's application was accepted and they are to be part of a panel of pre-qualified suppliers, or, that the application was not accepted?	N/A		Kelly D'Arcy
24	F&G Reg 24E	Where the local government gave a regional price preference, did the local government comply with the requirements of F&G Reg 24E including the preparation of a regional price preference policy?	N/A		Kelly D'Arcy
25	F&G Reg 24F	Did the local government comply with the requirements of F&G Reg 24F in relation to an adopted regional price preference policy?	N/A		Kelly D'Arcy
26	F&G Reg 11A	Does the local government have a current purchasing policy that comply with F&G Reg 11A(3) in relation to contracts for other persons to supply goods or services where the consideration under the contract is, or is expected to be, \$150,000 or less?	Yes		Kelly D'Arcy



Department of
Local Government, Sport
and Cultural Industries

No	Reference	Question	Response	Comments	Respondent
27	F&G Reg 11A	Did the local government comply with its current purchasing policy in relation to the supply of goods or services where the consideration under the contract is, or is expected to be \$150,000 or less or worth \$150,000 or less?	Yes		Kelly D'Arcy

I certify this Compliance Audit return has been adopted by Council at its meeting on _____

Signed Mayor / President, Brookton

Signed CEO, Brookton

15.03.20.02 AUDIT AND RISK COMMITTEE APPOINTMENT OF EXTERNAL REPRESENTATIVES

File No:	ADM 0117
Date of Meeting:	19 March 2020
Location/Address:	N/A
Name of Applicant:	N/A
Name of Owner:	Shire of Brookton
Author/s:	Danni Chard – Executive Governance Officer
Authorising Officer:	Ian D’Arcy – Chief Executive Officer
Declaration of Interest:	The author and authorising officer have no interest in this item
Voting Requirements:	Simple majority
Previous Report:	N/A

Summary of Item:

This report is to appoint external representatives to the Shire of Brookton Audit and Risk Committee to ensure the Committee is well equipped to perform its role.

Description of Proposal:

As above.

Background:

At the October 2019 Ordinary Council Meeting a Terms of Reference for the Audit and Risk Committee was endorsed by Council, with representation on the Committee to consist of three elected members and two external members, one being suitably qualified with a finance or commerce background.

With the Terms of Reference being set, the Council appointed the three Elected Members at its November 2019 Ordinary Meeting, leaving the two external representative positions to be filled through an Expressions of Interest (EOI) process.

Accordingly, the two vacant positions were advertised with one formal submission being received and an informal enquiry being fielded by the Shire CEO.

A copy of the formal submission received is provided under separate cover as **Attachment 15.03.20.02A** to this report.

In consideration of the above, the Audit and Risk Committee has considered the external representatives, which now forms the basis of this report and recommendation to Council.

Consultation:

The EOI process was advertised locally for a period of three weeks, which concluded on the 24th February 2020. As mentioned only one submission was received, although some verbal interest was expressed by at least one other prominent member of the community but did not eventuate in a formal submission being lodged.

Statutory Environment:

The Audit and Risk Committee has been established in accordance with Part 7 of the *Local Government Act, 1995* and constitutes an Advisory Committee formally appointed by and responsible to the Shire Council.

This Committee does not have any:

- Executive powers;
- Authority to implement actions in areas over which management has responsibility;
- Financial responsibility; nor
- Management functions.

It is independent of the Shire's Administration with fundamental oversight and a need to focus on matters relating to internal and external audit, and risk exposure and mitigation pertinent to the Shire of Brookton.

Relevant Plans and Policy:

The following policies broadly apply to Audit and Risk Committee:

- Policy 1.13 – Council Committees – Terms of Reference
- Policy 1.17 – Standing Orders and Meeting Protocol Local Government (Council Meetings)

Financial Implications:

At this stage there are no financial implications in relation to the appointment of Committee members as an allocation of sitting fees is already provided for in the 2019-20 budget.

Risk Assessment:

In unable to fill both external representatives to the Audit and Risk Committee, the risk is assessed as "Medium" as there is reflected in the Matrix Table below. However, it is important that at least one position be filled with a suitable candidate who is not integrally involved in the workings of the Shire to provide an independent perspective of the organisations performance, accountability and compliance.

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 report 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 appointment of representatives to Committees and Advisory Groups aligns to:

Business Function 1 – Governance

Comment

In review of the formal application received from Mrs. Belinda Mitchell, it is apparent Mrs. Mitchell holds a Master of Commerce qualification and has extensive experience in corporate accounting roles as well as experience in governance and Occupational Health and Safety functions, and is therefore ideally suited to being an external member of the Audit and Risk Committee.

As to the other position an informal discussion occurred between Mr. Eric Pech and the CEO. During this discussion Mr. Pech indicated he may entertain sitting of the Audit and Risk Committee should there be insufficient applicants to fill both external positions.

The CEO is of the opinion that Mr. Pech would be ideally suited to an external position of the Committee given his extensive experience in successfully operating his own farming business, as well as his time as a Councillor with considerable knowledge and understanding of Local Government, and the way it operates as a government entity.

OFFICER AND AUDIT AND RISK COMMITTEE'S RECOMMENDATION

That Council in accordance with Section 5.8 of the Local Government Act (1995) endorses the appointment of the following external representatives to the Audit and Risk Committee until October 2021:

- Mrs Belinda Mitchell
- Mr Eric Pech (subject to his acceptance of appointment)

OCM 03.20-13

COUNCIL RESOLUTION

MOVED Cr Fancote SECONDED Cr Macnab

That Council in accordance with Section 5.8 of the Local Government Act (1995) endorses the appointment of the following external representatives to the Audit and Risk Committee until October 2021:

- ***Mrs Belinda Mitchell***
- ***Mr Eric Pech (subject to his acceptance of appointment)***

CARRIED BY SIMPLE MAJORITY VOTE 7-0

Attachments provided under separate cover

Attachment 15.03.20.02A – Expression of Interest Belinda Mitchell

16.03.20 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

17.03.20 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**OCM 03.20-14****COUNCIL RESOLUTION****MOVED Cr Watts****SECONDED Cr Crute**

That Council move to accept the late item presented at 17.03.20.01.

CARRIED BY SIMPLE MAJORITY VOTE 7-0

17.03.20.01 PROPOSED COVID-19 LEAVE PROVISION

File No:	ADM 0222
Date of Meeting:	19 March 2020
Location/Address:	N/A
Name of Applicant:	Australian Services Union – WA Branch
Name of Owner:	N/A
Author/s:	Ian D’Arcy – Chief Executive Officer
Authorising Officer:	As above
Declaration of Interest:	The author has a direct financial interest/benefit in this item as an employee
Voting Requirements:	Absolute majority
Previous Report:	Nil

Summary of Item:

This item relates to a request from the Australian Services Union – WA Branch to follow the State Governments lead in endorsing provision of addition COVID-19 leave for employees, given the circumstances that are rapidly unfolding with spread of the Coronavirus.

A reflected in **Attachments 17.03.20.01A** and **17.03.20.01B** to this report the request involves Council endorsing payment of up to 20 days of COVID-19 leave to employees who:

- a) Have contracted COVID-19; or
- b) Need to care for another person who:
 - has COVID-19 or is required to self-isolate, or
 - cannot access school or other care arrangements because of COVID-19; or
- c) Are otherwise prevented from working because of COVID-19.

The criteria applied by the State Government is that it is:

- i. Available after an employee’s existing paid personal, carers or sick leave credits have been exhausted.
- ii. Paid leave, with pay calculated in the same way as for annual leave, excluding loading.
- iii. Independent and not affecting existing annual leave or long service leave accruals.
- iv. Not accruable.
- v. Available to all full time, part time and casual employees.

Financial Implications

From a financial perspective the current sick leave accruals for each staff member as at the 29 February 2020 are provided below, this those highlighted in yellow having less than 2 weeks available sick leave accrued:

Employee Number	Sick Hours
226	573.44
314	377.70
320	19.57
343	23.68
346	0.08
350	28.46
363	186.10
364	128.00
365	148.24
366	17.52
370	20.55
372	115.40
373	108.84
374	61.86
375	16.76
377	11.68
378	87.68
381	8.12
384	20.44
385	2.92
388	2.92
389	15.68
TOTAL	1975.64

While it's expected that not all employees will contract the COVID-19 virus within the next 3 months, based on 5 fulltime employees having to call in this leave at a calculated rate of \$35.00 per hour over 20 days, an allocation of \$26,600 would be needed. Should Council support this request, the required funds can be taken from the Cash Contingency Reserve which has a current balance of \$177,498.

Consultation:

There has not been any consultation on this matter.

Relevant Plans and Policy:

This matter relates to Council 'Policy 2.31 – Employee Leave' and if supported will constitute an amendment to this policy.

It also relates to Council 'Policy 2.19 – Financial Reserves' where the purpose of the Cash Contingency Reserve has largely been established as an operation overdraft should the organisation incur unforeseen or unexpected expenses not accommodated in the financial year budget.

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*.

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

6.8. Expenditure from municipal fund not included in annual budget

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

(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.*

Risk:

This matter is paramount to the wellbeing of Shire staff and as reflected in the sick leave records many of the staff have diminished accrued sick leave. Therefore, should they fall sick with the COVID-19 virus many may struggle financially during a period of contracted illness.

Accordingly, the Risk can be assessed as 'High'.

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

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

Comment:

For the most part the State Government has set a precedent for the public sector, where it is anticipated that most, if not all, Local Governments will follow in offer the same leave.

It is also viewed if this leave is supported it should only apply as a once off for the period of the virus.

OFFICER RECOMMENDATION

That Council:

1. Pursuant to Section 2.7(2)(b) of the Local Government Act, 1995 endorse an amendment to Policy 2.31 – Employee Leave to incorporate a one-off payment of up to 20 days of COVID-19 leave to employees who:
 - a) Have contracted COVID-19; or
 - b) Need to care for another person who:
 - has COVID-19 or is required to self-isolate, or
 - cannot access school or other care arrangements because of COVID-19; or
 - c) Are otherwise prevented from working because of COVID-19.

With this leave being:

- i. Available after an employee's existing paid personal, carers or sick leave credits have been exhausted.
 - ii. Paid leave, with pay calculated in the same way as for annual leave, excluding loading.
 - iii. Independent and not affecting existing annual leave or long service leave accruals.
 - iv. Not accruable.
 - v. Available to all full time, and part time employees on pro rata basis.
2. Pursuant to Section 6.8(1) of the Local Government Act, 1995 allocate \$26,000 from the Cash Contingency Reserve to be allocated to the Leave Reserve 0L01610 for payment of COVID-19 leave as prescribed above.

OCM 03.20-15

COUNCIL RESOLUTION

MOVED Cr Crute SECONDED Cr Watts

That Council:

1. ***Pursuant to Section 2.7(2)(b) of the Local Government Act, 1995 endorse an amendment to Policy 2.31 – Employee Leave to incorporate a one-off payment of up to 20 days of COVID-19 leave to employees who:***
 - a) Have contracted COVID-19; or***
 - b) Need to care for another person who:***
 - has COVID-19 or is required to self-isolate, or***
 - cannot access school or other care arrangements because of COVID-19; or***
 - c) Are otherwise prevented from working because of COVID-19.***

With this leave being:

- i. Available after an employee's existing paid personal, carers or sick leave credits have been exhausted.***
- ii. Paid leave, with pay calculated in the same way as for annual leave, excluding loading.***
- iii. Independent and not affecting existing annual leave or long service leave accruals.***
- iv. Not accruable.***

v. Available to all full time, part time and casual employees calculated on the preceding 14 day pay period on pro rata basis.

- 2. Pursuant to Section 6.8(1) of the Local Government Act, 1995 allocate \$26,000 from the Cash Contingency Reserve to be allocated to the Leave Reserve 0L01610 for payment of COVID-19 leave as prescribed above.**

AMENDMENT TO MOTION

MOVED Cr Walker

SECONDED Cr Macnab

- v. Available to all full time, part time and casual employees that have been employed for a minimum of 3 weeks.*

LOST 2-5

The substantive motion was put to the vote by the presiding member.

CARRIED BY ABSOLUTE MAJORITY 6-1

(Note to minute: Council did not support the Officer's Recommendation as it is of the view that casual employees should also benefit from this form of leave on a pro rata basis following 14 days of service.)

Attachments

17.03.20.01A

17.03.20.01B



Australian Services Union WESTERN AUSTRALIAN BRANCH



Our ref: C220860_828973/MADDISON

18 March 2020

Shire of Brookton
PO Box 42
BROOKTON WA 6306

102 East Parade
East Perth 6004
PO Box 8208
Perth Business Centre
Perth WA 6849
Tel: (08) 9427 7777
Country Callers: 1800 064 657
branch.secretary@asuwa.org
www.asuwa.org

Dear Sir/Madam,

As the principal Union in Local Government we are experiencing a very high volume of enquiries from Local Government workers across the state in relation to COVID-19.

As you would be aware the issue around COVID-19 changes on a daily basis and this affects how the situation is being managed by the State and Federal Governments. What is evident from the enquiries from our Members, is that there are many aspects in relation to the workplace and COVID-19 which are not clear. The issue we get the most enquiries about is around leave entitlements.

The Western Australian Government has now announced COVID-19 leave for public sector workers. We understand this is designed to provide relief to WA workers and their families amid the coronavirus uncertainty.

Public Sector employers may grant up to 20 days of COVID-19 leave to employees who:

- have contracted COVID-19;
- need to care for another person who:
 - has COVID-19 or is required to self-isolate, or
 - cannot access school or other care arrangements because of COVID-19; or
- are otherwise prevented from working because of COVID-19.

COVID-19 leave is available after an employee's existing paid personal, carers or sick leave credits have been exhausted.

COVID-19 leave:

- is paid leave, with pay calculated in the same way as for annual leave, excluding loading;
- does not affect existing annual leave or long service leave accruals;
- is not accruable; and
- is available to all public sector employees including casuals.

The full circular is attached for your information.

Australian Municipal, Administrative, Clerical and Services Union – Western Australian Branch
Branch Secretary: Wayne Wood Assistant Branch Secretary: Jill Hugo

This COVID-19 leave allows people who have contracted the virus themselves, have to self-isolate, need to care for a dependent or cannot attend work because of transport or other disruptions to take time off without having financial worries.

We understand WA Industrial Relations Minister Bill Johnston said "as we continue to manage the spread of COVID-19, it's vital that those displaying symptoms do not feel any pressure to continue to work, particularly due to financial concerns". "This is a responsible arrangement that will ensure workers' health is prioritised and we continue to reduce the spread of COVID-19 throughout the community."

On that basis we are urging your organization to adopt the same leave provisions in its entirety as set in the attached circular, so that local government employees do not feel any pressure to continue to work, particularly due to financial concerns

Your urgent consideration of this request and response is sought by COB Monday, 23 March 2020.

Please send your response to branch.secretary@asuwa.org

Yours Sincerely,

A handwritten signature in blue ink, appearing to read 'Wayne Wood', is written over the printed name.

Wayne Wood
Branch Secretary



Public Sector Labour Relations

Shaping a contemporary public sector workforce

Circular

Circular 5/2020 – COVID-19 leave and other employment flexibilities

Background

Many things about COVID-19 and how it will affect the Western Australian community are uncertain. The State Government is monitoring the situation and responding accordingly.

This Circular sets out workforce flexibilities available to public sector employers. Employers should take a pragmatic and precautionary approach to managing work absences related to COVID-19, with a view to promoting health and safety for individuals, others in the workplace, and the public.

This Circular replaces PSLR Circular 4/2020 – COVID-19 and employment flexibilities.

Application

This Circular applies to Western Australian public sector employers and employees.

Self-isolation for COVID-19

The Australian Government is identifying groups of people required to self-isolate at home because of COVID-19. The advice will change as the situation develops. Employers and employees should monitor wa.gov.au to ascertain who is affected at any particular time.

Employees are urged to reconsider any international travel plans in light of the global pandemic.

Employment flexibilities for public sector employers

1. COVID-19 leave

Employers may grant up to 20 days of COVID-19 leave to employees who:

- have contracted COVID-19;
- need to care for another person who:
 - has COVID-19 or is required to self-isolate, or
 - cannot access school or other care arrangements because of COVID-19; or
- are otherwise prevented from working because of COVID-19.

COVID-19 leave is only available after an employee's existing paid personal, carers or sick leave credits have been exhausted.

COVID-19 leave:

- is paid leave, with pay calculated in the same way as for annual leave, excluding loading;
- does not affect existing annual leave or long service leave accruals;
- is not accruable; and
- is available to all public sector employees including casuals.

Pay for casual employees is to be calculated according to the preceding four-week average of shifts worked or the individual employee's rostered future shifts.

Employers are to keep records of COVID-19 leave granted for reporting purposes.

Each 'day' of COVID-19 leave is to be calculated according to the rostered or ordinary hours an employee would have worked on that day.

Public Sector Labour Relations (PSLR) will publish guidelines for access to and reporting on COVID-19 leave. Employers should contact PSLR to discuss implementation arrangements for specific occupational groups or work sites.

2. Employees required to self-isolate

An employee, including a casual employee, required to self-isolate because of Australian Government advice, but who is well, is to be paid the salary he or she would ordinarily be paid during their absence from work.

Pay for casual employees is to be calculated according to the preceding four-week average of shifts worked or the individual employee's rostered future shifts.

Working from home arrangements can be accommodated consistent with agency policies.

3. Employees absent from work because of reasonable concern about exposure

Some employees may seek not to attend work because of reasonable concern about exposure to COVID-19, even though the employee is not required to self-isolate.

Employers should take a pragmatic and precautionary approach, informed by current information about health risks.

Following an individual assessment of risk, an employer may decide to:

- maintain the employee's salary for the duration of their absence;
- allow the employee to access available leave or COVID-19 leave, or elect to take leave without pay; or
- accommodate working from home arrangements, consistent with agency policies.

4. Employees who have contracted COVID-19

An employee who has contracted COVID-19 can access:

- existing personal or sick leave credits (however those leave types are described in the applicable industrial instrument); or
- COVID-19 leave if the employee has no personal or sick leave credits.

5. Evidence

Employers may:

- before granting COVID-19 leave, providing salary maintenance, or exercising other flexibilities under this Circular, require employees to show reasonable evidence of their entitlement or to substantiate their concerns about exposure to COVID-19;

- choose to waive any requirement for leave evidence if satisfied an absence is justified in response to the COVID-19 situation.
- 6. Working from home
Existing working from home arrangements can be accessed to manage absences from work due to COVID-19, subject to applicable agency procedures.
- 7. Temporary change of worksite
Employees may need to work elsewhere if an existing worksite becomes unavailable or inaccessible. Employers' existing business continuity plans should identify alternative arrangements for key employees in instances of this kind. PSLR can advise individual employers on the applicability of notification of change provisions and other industrial relations and workforce implications of temporary worksite change.
- 8. Temporary change of duties
Employers may temporarily deploy or relocate employees to priority work within or between agencies. Some employers have power to redirect employees in various ways under their statutes. Others may need to rely on the capacity to second officers under section 66 of the *Public Sector Management Act 1994* and applicable Public Sector Commissioner's Instructions.
In such a situation:
 - employees are not to be disadvantaged in relation to their existing pay and conditions; and
 - employers are to monitor temporary deployments and recall employees when priorities change.
- 9. Staff not attending work without notice
Employees are expected to attend work or notify the employer of reasons for not attending.
Employees not attending work without notification will be deemed to be on leave without pay.

Further advice

To discuss how this circular applies in individual circumstances, employers can contact their [Labour Relations Adviser](#) or email publicsectorlabourrelations@dmirs.wa.gov.au.



Alex Lyon | Executive Director
Public Sector Labour Relations

Issue date: 16 March 2020

18.03.20 CONFIDENTIAL REPORTS**OCM 03.20-16****COUNCIL RESOLUTION****MOVED Cr Fancote SECONDED Cr Lilly**

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

CARRIED BY SIMPLE MAJORITY VOTE 7-0

Mr. Ian D'Arcy – Chief Executive Officer, Mrs. Amy Eva – Manager Corporate and Community, and Ms. Danni Chard – Executive Governance Officer left the meeting at 5.39pm.

18.03.20.01 CEO ANNUAL PERFORMANCE REVIEW – KPI AND CONTRACTURAL ARRANGEMENTS

File No:	Employee No. 363
Date of Meeting:	19 March 2020
Location/Address:	N/A
Name of Applicant:	Ian D'Arcy - CEO
Name of Owner:	N/A
Author/s:	Katrina Crute – Shire President
Authorising Officer:	As above
Declaration of Interest:	Nil
Voting Requirements:	Absolute majority
Previous Report:	N/A

Summary of Item:

This report relates to a draft set of Key Performance Indicators (KPI's) for the CEO position and a consideration of the CEO employment contract moving forward.

Attachments

18.03.20.01A – CEO Key Performance Indicators 2020 – 21

18.03.20.01B – Schedule 2 – Contract Details

OCM 03.20-17**COUNCIL RESOLUTION****MOVED Cr Fancote SECONDED Cr Lilly**

That Council endorses the Key Performance Indicators for the CEO as presented in Attachment 18.03.20.01A to apply over the coming 12-month period.

CARRIED BY ABSOLUTE MAJORITY VOTE 7-0

OCM 03.20-18

COUNCIL RESOLUTION

MOVED Cr Fancote SECONDED Cr Lilly

That Council pursuant to Section 5.39 of the Local Government Act, 1995 endorses a new Employment Contract to the incumbent CEO based on the Remuneration Package (inclusive of term) as presented in Attachment 18.03.20.01B, with the Shire President authorised to execute the new contract agreement on behalf of Council.

CARRIED BY ABSOLUTE MAJORITY VOTE 7-0

OCM 03.20-19

COUNCIL RESOLUTION

MOVED Cr Watts SECONDED Cr Fancote

That Council reopens the meeting to the public at 5.45 pm.

CARRIED BY SIMPLE MAJORITY VOTE 7-0

Mr. Ian D'Arcy – Chief Executive Officer, Mrs. Amy Eva – Manager Corporate and Community and Ms. Danni Chard – Executive Governance Officer returned to the meeting at 5.46pm

19.03.20	NEXT MEETING & CLOSURE
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The next Ordinary meeting of the Council will be held on Thursday 16 April 2020 commencing at 5.00 pm.

There being no further business the meeting was closed at 5.48pm.