



SPECIAL MEETING OF COUNCIL

PUBLIC

AGENDA

04 March 2021



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NOTICE OF MEETING

04 March 2021

14 White Street
Brookton, WA 6306

Dear Councillor, Resident or Ratepayer,

Notice is hereby given that the Ordinary Meeting of the Brookton Shire Council will be held on Thursday 04 March 2021 in the Council Chambers at the Shire Administration Centre commencing at 6.00 pm.

The order of business includes:

1. Shire of Brookton Annual Report 2019/20
2. Appointment of Complaint Officer and Approval of Complaints Form and Procedure
3. Appointment of the Western Australia Electoral Commission - 2021 Local Governments Ordinary Election
4. Community Hall Designs Options, and Public Submissions
5. **CONFIDENTIAL** - Chief Executive Officer (CEO) Annual Performance Review

Ian D'Arcy
CHIEF EXECUTIVE OFFICER
25 February 2021

DISCLAIMER

The recommendations contained in the Agenda are subject to confirmation by Council. The Shire of Brookton warns that anyone who has any application lodged with Council must obtain and should only rely on written confirmation of the outcomes of the application following the Council meeting, and any conditions attaching to the decision made by the Council in respect of the application. No responsibility whatsoever is implied or accepted by the Shire of Brookton for any act, omission or statement or intimation occurring during a Council meeting.

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1.03.21 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

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

2.03.21 RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE**3.03.21 PUBLIC QUESTION TIME****4.03.21 APPLICATIONS FOR LEAVE OF ABSENCE****5.03.21 PETITIONS/DEPUTATIONS/PRESENTATIONS****6.03.21 ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION****7.03.21 DISCLOSURE OF INTERESTS**

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

Disclosure of Financial & Proximity Interests

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

Disclosure of Interest Affecting Impartiality

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

8.03.21 SHIRE OF BROOKTON ANNUAL REPORT 2019/2020

File No:	ADM 0117
Date of Meeting:	17 December 2020
Location/Address:	Not Applicable
Name of Applicant:	Shire of Brookton
Name of Owner:	Shire of Brookton
Author/s:	Ian D'Arcy – Chief Executive Officer
Authorising Officer:	As above
Declaration of Interest:	Nil
Voting Requirements:	Absolute Majority
Previous Report:	Nil

Summary of Item:

The 2019-20 Annual Report summarises the Shire's performance in relation finance and governance responsibilities.

This item seeks the Council's acceptance and adoption the 2019-20 Annual Report, inclusive of the audited financials, and recommends a date for the annual general meeting of electors as required by the *Local Government Act, 1995*.

The Annual Report is presented in **Attachment 8.03.21A** and the Management Letter provided as **Attachment 8.03.21B**. Both documents are provided under separate cover.

Description of Proposal:

The Annual Report contains information as required under Section 5.53 of the *Local Government Act, 1995*. This consists of:

- A report from the President
- A report from the Chief Executive Officer
- A report made under section 29 (2) of the *Disability Services Act, 1993*
- Details of Elected Member training and gifts received
- Details of entries made under section 5.121, in the register of complaints
- An overview of the plan for the future of the Shire (in accordance with Section 5.56 of the *Local Government Act, 1995*)
- The financial report for the financial year

Background:

The Office of the Auditor General (OAG) conducts an interim and final audit for each year on the Shire performance across its governance and financial management functions.

For the 2019-20 financial year this has involved an onsite presence in May 2020 for a period of two weeks and again in October 2020 amounting to four weeks in total, plus follow up communications with the Shire finance staff over an additional 3 weeks. In all the audit process was conducted over an approximate 7 weeks with a number of findings being identified and recommendations tabled with the Council's Audit and Risk Committee and the Shire CEO. Of these findings some have been assessed as severe requiring attention over the coming months.

Should the Council endorse the 2019-20 Annual Report a local public notice is to be published advising of its availability together with the date set for the Annual Electors Meeting that needs to be determined by Council.

Consultation:

Consultation was undertaken with the AOG Auditors, Senior Finance Officer the Shire President, the Chief Executive Officer and the Audit and Risk Committee prior to this item being presented to Council.

Statutory Environment:

Section 5.53 of the *Local Government Act, 1995* outlines the minimum requirements of an Annual Report while Section 5.54 states that a local government must accept an annual report by 31st December of each year by an absolute majority vote of Council.

The annual financial report is prepared in accordance with Australian Accounting Standards, the *Local Government Act, 1995* and the Local Government (Financial Management) Regulations, 1996.

Sections 5.27 and 5.29 of the *Local Government Act, 1995* outlines the procedure for convening an Annual Electors Meeting, including this meeting having to be conducted within 56 days from when the Annual Report was adopted.

Relevant Plans and Policy:

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

Financial Implications:

There are no financial implications particular to this item.

Risk Assessment:

There is a risk that should the Annual Report not be adopted within the timeframes outlined, Council may be in breach of the *Local Government Act, 1995* and applicable subsidiary legislation. Accordingly, the risk associated with this matter is 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.

Community & Strategic Objectives:

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

Specifically, the Annual Report relates to:

Business Function 1 – Governance

Action – 1.7 Prepare Annual Report

Comment

The Audit and Risk Committee has received an exist briefing (summary of the audit) and copy of the management letter on the final audit from the AOG Auditors.

Based on the Auditor’s opinion the Shire’s financial report complies with the *Local Government Act, 1995* together with the Local Government (Financial Management) Regulations, 1996 and further:

- a) gives a true and fair view of the Shire’s financial position as of 30th June 2020 and of its financial performance and its cash flows for the year ended on that date; and
- b) complies with the Australian Accounting Standards.

However, it is noted and accepted that the Auditor’s findings require further improvement in various operational areas, particularly in relation to governance requirements, including:

- The adherence to procurement practices in accordance with the Council’s Procurement Policy to ensure transparency, accountability, and value for money.
- A procedural process being implemented to ensure regular review of the rating system and required performance and appropriate authorisation before changes are implemented.
- A review of the Shire remote ICT access by Market Creations (Shire contractor) to determine the most appropriate solution to enhancing the Shire Information Technology security, including the possibility of implementing a multi-factor authentication in relation to remote access.
- Completion of the risk management register within the coming months.
- Adjustment to holding of bond moneys in the municipal account as opposed to the trust account, and the possible refund for some long-standing planning bonds.

These recommendations are accepted at an officer level and will be addressed in the first quarter of 2021.

In relation to the failings of the Asset Management performance and associated ratios, as Council has been previously briefed and as has been explained to the Audit and Risk Committee, it is important the Asset Management be completed through a structured and meaningful approach that reflects the condition, required maintenance and retention or replacement of each asset that can then accurately inform the Long Term Financial Plan. This process is unfortunately taking considerably longer than initially expected but is progressing. Recurrent review, update and reporting of the asset management framework is partially canvased in a draft IPR policy that was presented to the Audit and Risk Committee on the 10th December 2020, and is presented as a separate agenda item at this Council meeting.

Furthermore, it should be acknowledged that compliance has not be achieved in relation to endorsement of the 2019-20 Annual Report and Financial Statement by the due date of the 31st December 2020. This matter of non-compliance is attributed to an abnormal year with the auditing process being affected by the sale of a multi-million dollar asset and aged care business, change to the Australia Accounting standards mid-year, COVID-19 lockdowns and a major bushfire affecting key OAG staff.

AUDIT AND RISK COMMITTEE RECOMMENDATION

That Council:

- 1. Pursuant to Sections 5.53 and 5.54 of the Local Government Act 1995, endorses and accepts the Shire of Brookton Annual Report 2019-20, presented as Attachment 8.03.21A to this report.***
- 2. Authorises the Chief Executive Officer to give public notice of the availability of the Annual Report in accordance with Section 5.55 of the Local Government Act, 1995.***
- 3. Receives the Management Report from the Office of the Auditor General for the Year Ended 30 June 2020.***
- 4. Advertise the Annual General Meeting of Electors to be held on Thursday 25th March 2021 commencing at 6.00pm, at the Shire Administration Office, 14 White Street Brookton in Council Chambers.***

(Absolute majority vote required)

Attachments *(Provided under separate cover)*

Attachment 8.03.21A - 2019-20 Annual Report

Attachment 8.03.21B – 2019-20 Management Letter

9.03.21	APPOINTMENT OF COMPLAINT OFFICER AND APPROVAL OF COMPLAINTS FORM AND PROCEDURE
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File No:	N/A
Date of Meeting:	04 March 2021
Location/Address:	N/A
Name of Applicant:	N/A
Name of Owner:	N/A
Author/s:	Kellie Bartley – Manager Corporate and Community
Authorising Officer:	Ian D’Arcy – Chief Executive Officer
Declaration of Interest:	The author has no financial interest in this matter.
Voting Requirements:	Simple Majority
Previous Report:	N/A

Summary of Item:

This report seeks to inform the Council on recent changes made to legislation and enact some of the mandatory changes in accordance with the guidelines provided by the State Government.

The first step is to appoint a complaints officer(s) for the Shire of Brookton that is able to receive and action complaints made under the Elected Member Code of Conduct, and to approve a standard form to be used by in a complaint being lodged regarding a Council Member, Committee Member or candidate who may have allegedly breached the Code of Conduct.

Description of Proposal:

Nil.

Background:

Following the gazettal of new Regulations on 2nd February 2021, and coming into effect on 3rd February 2021, the Department of Local Government, Sport and Cultural Industries (DLGSCI) has issued instructions to all local governments that the Local Government (Model Code of Conduct) Regulations 2021 amendments (refer to **Attachment 9.03.21A**) must be implemented by 3 May 2021.

Therefore, over the coming months Council will be required to adopt a new Code of Conduct for council members, committee members and candidates, that is compliant with the mandatory Model Code in the regulations.

The Department of Local Government has also advised that until such time as the new Code of Conduct is adopted, the Model Code (Regulation as written) applies. To begin the process of implementing the Model Code, local governments must as soon as possible, and ideally by 24 February 2021:

- Appoint a person to receive complaints by either reaffirming the current complaint officer(s) or appointing new or additional officer(s);
- Approve a form for complaints to be lodged; and
- Endorse a Complaint Procedure as contained in **Attachment 9.03.21C**.

Consultation:

Consultation on the subject Regulations has been discussed with Elected Members at the February 2021, Council Briefing Forum.

Statutory Environment:

The new *Local Government (Model Code of Conduct) Regulations 2021* that came into effect on 3rd February 2021 in part states:

11. Complaint about alleged breach

- (1) A person may make a complaint, in accordance with subclause (2), alleging a breach of a requirement set out in this Division.
- (2) A complaint must be made —
 - (a) in writing in the form approved by the local government; and
 - (b) to a person authorised under subclause (3); and
 - (c) within 1 month after the occurrence of the alleged breach.
- (3) The local government must, in writing, authorise 1 or more persons to receive complaints and withdrawals of complaints.

12. Dealing with complaint

- (1) After considering a complaint, the local government must, unless it dismisses the complaint under clause 13 or the complaint is withdrawn under clause 14(1), make a finding as to whether the alleged breach the subject of the complaint has occurred.

15. Other provisions about complaints

- (1) A complaint about an alleged breach by a candidate cannot be dealt with by the local government unless the candidate has been elected as a council member.
- (2) The procedure for dealing with complaints may be determined by the local government to the extent that it is not provided for in this Division.

The *Local Government Act 1995* also stipulates under Sections 5.103, 5.104 and 5.105:

5.103. Model code of conduct for council members, committee members and candidates

- (1) *Regulations must prescribe a model code of conduct for council members, committee members and candidates.*
- (2) *The model code of conduct must include —*
 - (a) *general principles to guide behaviour; and*
 - (b) *requirements relating to behaviour; and*
 - (c) *provisions specified to be rules of conduct.*
- (3) *The model code of conduct may include provisions about how the following are to be dealt with —*
 - (a) *alleged breaches of the requirements referred to in subsection (2)(b);*
 - (b) *alleged breaches of the rules of conduct by committee members.*
- (4) *The model code of conduct cannot include a rule of conduct if contravention of the rule would, in addition to being a minor breach under section 5.105(1)(a), also be a serious breach under section 5.105(3).*
- (5) *Regulations may amend the model code of conduct.*

5.104. Adoption of model code of conduct

- (1) *Within 3 months after the day on which regulations prescribing the model code come into operation, a local government must prepare and adopt* a code of conduct to be observed by council members, committee members and candidates that incorporates the model code.*
** Absolute majority required.*
- (2) *Within 3 months after the day on which regulations amending the model code come into operation, the local government must amend* the adopted code of conduct to incorporate the amendments made to the model code.*
** Absolute majority required.*

- (3) *A local government may include in the adopted code of conduct requirements in addition to the requirements referred to in section 5.103(2)(b), but any additional requirements —*
 - (a) *can only be expressed to apply to council members or committee members; and*
 - (b) *are of no effect to the extent that they are inconsistent with the model code.*
- (4) *A local government cannot include in the adopted code of conduct provisions in addition to the principles referred to in section 5.103(2)(a) or the rules of conduct.*
- (5) *The model code is taken to be a local government’s adopted code of conduct until the local government adopts a code of conduct.*
- (6) *An alleged breach of a local government’s adopted code of conduct by a candidate cannot be dealt with under this Division or the adopted code of conduct unless the candidate has been elected as a council member.*
- (7) *The CEO must publish an up-to-date version of a local government’s adopted code of conduct on the local government’s official website.*

5.105. Breaches by council members

- (1) *A council member commits a minor breach if the council member —*
 - (a) *contravenes a rule of conduct; or*
 - (b) *contravenes a local law under this Act, contravention of which the regulations specify to be a minor breach.*
- (1A) *Subsection (1) extends to the contravention of a rule of conduct that occurred when the council member was a candidate.*
- (1B) *Regulations cannot specify that contravention of a local law under this Act is a minor breach if contravention of the local law would, in addition to being a minor breach under subsection (1), also be a serious breach under subsection (3).*
- (2) *A minor breach is a recurrent breach if it occurs after the council member has been found under this Division to have committed 2 or more other minor breaches.*
- (3) *A council member who commits any offence under a written law, other than a local law made under this Act, of which it is an element that the offender is a council member or is a person of a description that specifically includes a council member commits a serious breach.*

Relevant Plans and Policy:

There is no other existing plans or policies that apply to this matter. However, a new Code of Conduct for council members, committee members and candidates and a new Code of Conduct for employees (to be drafted by the CEO) will replace the current Code of Conduct by 3 May 2021.

Financial Implications:

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

Risk Assessment:

The risk in relation to this matter is assessed as ‘LOW’ on the basis that if Council does not implement the new rules in a timely manner. There is no reason for Council not to support this request.

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

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

Community & Strategic Objectives:

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

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

1. *Governance*
 - 1.11 *Attend grievances/resolve complaints*

Comment

The DLGSCI advises that “if action is not taken to affirm or appoint a complaints officer (by 24 February 2021) under the provisions of the regulations, a complaint made on or soon after the date of effect (3 February 2021) may lapse before it can be formally lodged. This would be considered inconsistent with the principles of procedural fairness and community expectations of local government.”

In accordance with section 5.120 of the *Local Government Act 1995*, the CEO is by default the designated complaints officer for minor breach complaints, unless another employee has been designated. At the Shire of Brookton, the CEO has always been the default complaints officer.

It will therefore recommend that Council reaffirms the CEO as the complaints officer and adopts the statutory complaints form to be lodged for minor breach complaints.

OFFICER RECOMMENDATION

That Council;

1. ***Notes the Local Government (Model Code of Conduct) Regulations 2021 has been enacted and replaces the Shire of Brookton Code of Conduct for Elected Members – December 2019 with all complaints to be addressed in accordance with the prescribed Regulations.***
2. ***Appoints the Chief Executive Officer to be an authorised person (complaint officer) to receive complaints and withdrawals of complaints pursuant to Regulation 11 of the Local Government (Model Code of Conduct) Regulations 2021 for alleged breaches of the Model Code or an adopted Code of Conduct to be observed by Council Members, Committee Members and Candidates;***
3. ***Approves the Complaint Form as contained in Attachment 9.03.21B to be the form for***

lodgement of a formal complaint about an alleged breach of the Model Code or an adopted Code of Conduct to be observed by Council Members, Committee Members and Candidates, pursuant to Regulation 11 (2)(a) of the Local Government (Model Code of Conduct) Regulations 2021;

- 4. Approves the Complaint Procedure as contained in Attachment 9.03.21C to be the procedure on receipt of a complaint lodged with the complaint officer for an alleged breach of the Model code or an adopted Code of Conduct to be observed by Council Members, Committee Members and Candidates;***
- 5. Approves for the Chief Executive Officer to engage (if and as required), a suitably qualified independent external consultant to review complaints received (and not withdrawn) and in conjunction with the Chief Executive Officer prepare reports for Council to consider and deal with, in the order received, alleged breaches of the Model Code or adopted Code of Conduct pursuant to section 5.104 of the Local Government Act 1995 to be observed by Council Members, Committee Members and Candidates;***
- 6. Provides a further report prior to 3 May 2021 to consider and formally adopt (by absolute majority) a Code of Conduct to be observed by Council Members, Committee Members and Candidates (if subsequently elected) that incorporates the prescribed Model Code of Conduct; and***
- 7. Reaffirms that the Chief Executive Officer is the complaint officer under section 5.120 of the Local Government Act 1995 for complaints lodged under section 5.107 of the Local Government Act 1995 relating to an allegation of a minor breach and then deal with the complaints lodged pursuant to Part 5 of Division 9 of the Local Government Act 1995.***

(Simple majority vote)

Attachments

Attachment 9.03.21A – Local Government (Model Code of Conduct) Regulations 2021 *(provided under separate cover)*

Attachment 9.03.21B – Complaint Lodgement Form

Attachments 9.03.21C – Complaint Procedure



Regulation 11(2)(a)
Local Government (Model Code of Conduct) Regulations 2021

Compliant About Alleged Breach Form

Code of Conduct for Council Members, Committee Members and Candidates

NOTE: A complaint about an alleged breach must be made –

- (a) writing in the form approved by the local government
- (b) to an authorised person
- (c) within one month after the occurrence of the alleged breach.

Full name of person who is making the complaint:
Name: _____ <u>Given Name(s)</u> <u>Family Name</u>

Contact details of person making the complaint:
Address: _____
Email: _____
Contact Number: _____

Name of the local government concerned:
Shire of Brookton

Name of council member, committee member, candidate alleged to have committed the breach:

State the full details of the alleged breach. Attach any supporting evidence to your complaint form:

Date of alleged breach:
_____ / _____ /20_____

SIGNED:
Complainant's Signature:
Date of signing: _____ / _____ /20_____

Received by Authorised Officer
Authorised Office's Name: Ian D'Arcy
Authorised Officer's Signature:
Date received: _____ / _____ /20_____

NOTE TO PERSON MAKING THE COMPLAINT:

This form must be completed, dated and signed by the person making a complaint of an alleged breach of Schedule 1, Division 3 of the *Local Government (Model Code of Conduct) Regulations 2021* (Model Code) or a subsequent Code of Conduct to be observed by council members, committee members, and candidates that incorporates the Model Code, which has been formally adopted by the Local Government, pursuant to s.5.104 of the *Local Government Act 1995*.

The complaint is to be specific about the alleged breach and include the relevant section/subsection of the alleged breach.

The complaint must be made to the complaint officer detailed below, within one month after the occurrence of the alleged breach. The completed complaint form is to be forwarded to:

Chief Executive Officer
Shire of Brookton
P O Box 42
Brookton WA 6306

Or email completed form to: ceo@brookton.wa.gov.au



Complaint Procedure

Alleged Breach of Code of Conduct for Council Members, Committee Members and Candidates

Definitions

The Model Code defines key terms to aid understanding and compliance. Where a term is not defined in either the Regulations or the Act, then the generally accepted meaning of the term applies. Some additional guidance is provided as follows:

Candidate: an individual is considered a candidate when their nomination for election is accepted by a Returning Officer under section 4.494 of the Act. The Model Code applies to the individual from that point. Any alleged breach of the Model Code may only be addressed if and when the individual is elected as a council member.

Council member: references to 'council member' in the Regulations mean an individual who has been elected as a council member under the Act. The requirements of the Regulations also apply to a council member who is a committee member on a council committee.

Committee member: under the Regulations, a 'committee member' includes any council member, local government employee or unelected member of the community who has been engaged by the council to participate in a council committee.

Evidence: references to 'evidence' in the Regulations means that available facts of information indicating whether an allegation is true or valid. Local governments must use evidence provided by the complainant and by the person to whom the complaint relates, as well as other relevant information, to decide whether an alleged breach of the Model Code has occurred.

Local government(s): per the approach in the Act, references to 'local government' in the Regulations mean the body corporate that is the local governing body made up of the council, Chief Executive Officer (CEO) and administrative staff appointed and managed by the CEO.

Valid: means a complaint that has been completed in full and lodged with the complaint officer.

Procedure

A complaint received about an alleged breach of the Model Code of Conduct or a Code of Conduct adopted pursuant s5.104 of the *Local Government Act 1995* shall on receipt be recorded in the Shire's record keeping system in a container that has the appropriate level of restricted access.

The Complaint Officer –

- (a) is to acknowledge receipt of written valid complaint lodged on the prescribed form within 5 working days.

- (b) if a complaint is not deemed valid (such as incorrect form, outside of the statutory one-month period from the alleged breach or not specific in nature about the alleged breach which includes the relevant section/subsection of the alleged breach) the complaint officer is to advise the person making the complaint in writing that it cannot be accepted and the reasons are to be outlined.
- (c) nothing in clause (b) prevents the complainant relodging a complaint about a specific breach, other than the statutory time frame of one month from the alleged breach being exceeded.
- (d) following the receipt of a valid complaint and sending an acknowledgement an in-person interview is to be arranged with the complainant.
- (e) concurrently a copy of the complaint lodged shall be provided to the council member, committee member and/or candidate (if elected) that alleged breach relates to.
- (f) following a copy of the complaint lodged shall be provided in point (e) the complaint officer is to arrange an in-person interview with the council member, committee member and/or candidate (if elected) that alleged breach relates to.

Note: The complaint officer may choose to engage a suitably qualified and experienced independent external consultant to assist with the interview process and the preparation of any necessary reports to Council to consider an alleged breach, make findings, determine actions or the dismissal of a complaint.

Guidance Notes (DLGSCI)

Clause 12(2) of the Regulations require that the person to whom the complaint relates is given a reasonable opportunity to be heard. This should include providing a copy of the complaint to that person in a timely manner and allowing them an opportunity to respond to the allegations in writing. The information provided by that person will assist the local government in forming a view as to whether a breach has occurred.

Making a finding Clause 12 (1) requires council to consider whether the alleged matter, which is the subject of a complaint, did occur and make a finding on whether the matter constituted a breach of the Code of Conduct.

The council should use the same approach as the Standards Panel in their deliberations and decision-making; that is, based on the complaint and other evidence received by the council, the council must be satisfied that, on the balance of probabilities, it is more likely than not that a breach occurred.

Information provided by the complainant and information provided by the person to who the complaint relates will assist the council to make a finding.

Action Plans, clause 12(4) provide that if the local council makes a finding that a breach of the Code of Conduct did occur, the council may determine that no further action is required; or that an action plan must be prepared and implemented.

An action plan should be designed to provide the member with the opportunity and support to demonstrate the professional and ethical behaviour expected of elected representatives.

The action plan does not need to be complex. The plan should outline:

- The behaviour(s) of concern;
- The actions to be taken to address the behaviour(s);
- Who is responsible for the actions; and
- An agreed timeframe for the actions to be completed.

An action plan should not include measures that are intended to be a punishment, and instead should focus on mechanisms to encourage positive behaviour and prevent negative behaviour from occurring again in the future.

The Code requires that in preparing the action plan, consultation must be undertaken with the elected member to whom the plan relates. This is designed to provide the member with the opportunity to be involved in matters such as the timing of meetings or training.

Note: some members may not be willing to engage with the opportunity to participate in the process. The council or a delegated person should monitor the actions and timeframes set out in the action plan. This is important because if the member does not comply with the 10 action/s within the agreed timeframe, then under the Regulations it is considered a contravention of a rule of conduct.

Dismissal of complaints

While local governments are required to consider all complaints, they can be dismissed if:

- The behaviour occurred at a council or committee meeting and the behaviour was dealt with at the meeting (clause 13), or
- The complaint is withdrawn (clause 14).

Clause 13, allows a complaint to be dismissed if the behaviour occurred at a council or committee meeting, and that behaviour was addressed at the time. This could have been by the presiding member, or remedial action was taken in accordance with the local government's standing orders or local law.

Where agreement cannot be reached

Circumstances may arise when a local council cannot agree on the resolution of a complaint or whether the complaint can be dismissed under clause 13. In these situations, the local government may decide to engage an independent person to review the complaint and make recommendations on appropriate actions.

Withdrawal of a complaint

Clause 14, provides the option for a complaint to be withdrawn before it is considered by the council. Local governments may elect to include in their complaints policy the option for mediation between the complainant and the member. Mediation may resolve any specific issues before the council is required to make a finding and may lead to the complainant withdrawing the complaint.

Clause 14 requires a withdrawal to be made in writing, and provided to the person(s) authorised to receive complaints.

10.03.21	APPOINTMENT OF THE WESTERN AUSTRALIAN ELECTORAL COMMISSION – 2021 LOCAL GOVERNMENT ORDINARY ELECTION
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File No:	ADM 0669
Date of Meeting:	04 March 2021
Location/Address:	N/A
Name of Applicant:	Western Australian Electoral Commission
Name of Owner:	N/A
Author/s:	Danni Chard – Executive Governance Officer
Authorising Officer:	Ian D’Arcy – Chief Executive Officer
Declaration of Interest:	The authorising officer has an impartiality interest in this matter as default Returning Officer by legislation
Voting Requirements:	Absolute Majority
Previous Reports:	N/A

Summary of Item:

The purpose of this report is to seek Council’s consideration and endorsement to conduct the Local Government Ordinary Election on the 16th October 2021 through a contract service with the Western Australian Electoral Commission (WAEC), pursuant to Section 4.11 of the *Local Government Act, 1995*.

Description of Proposal:

The proposal is for the WACE to conduct the October 2021 election process for the Shire of Brookton to fill as a minimum three vacant Elected Member positions of Council.

Background:

The WAEC previously conducted the Ordinary Local Government Elections in October 2019 through a Returning Officer appointed by the WAEC, and support provided by Shire staff in performing the nomination and election processes.

With 2021 being an election year for Local Government the Shire is now in receipt of a quotation from the WAEC to perform the same service for the October Local Government Ordinary Election. A copy this quote is provided as **Attachment 10.03.21A**.

Consultation:

No consultation has been undertaken on this matter.

Statutory Environment:

This matter relates to Sections 4.20 and 4.61 *Local Government Act, 1995* where the Council must determine the appointment of the Returning Officer at least 80 days prior to an election being conducted.

In the absence of the Council determining this matter, the Chief Executive Officer is automatically appointed to perform the role pursuant to Section 4.20 (1) of the *Local Government Act, 1995*.

Policy Implications:

There are no relevant nor proposed Council Policies that relate to this matter.

Financial Implications:

If Council supports the 2021 Election being facilitated by the Electoral Commission, it is estimated cost is \$15,000 (incl. GST) as per the WAEC quote that will need to be included in the 2021-22 Municipal Budget.

In addition, the Council will need to meet all associated costs for any additional non-statutory advertising, and possibly the provision of one staff member to work at the polling place on the day of the election.

Should Council not proceed to accept the WAEC quote, the staff time allocated to the process and advertising cost is estimated be of a similar amount.

Risk Assessment:

It is argued the existing Shire staff do not have the knowledge nor the skill to effectively deliver a compliant and impartial Local Government Election that is reliant of procedural accuracy and can be onerous from a legislative and time perspective. Therefore, for this and the other reasons (see dot points) detailed in the Comment Section below it is assessed that the level of risk in relation to performance and accountability 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.

Strategic Implications:

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

Specifically, the 2021 Local Government Election aligns to:

Function 1 - Governance

Action 1.14 – Arrange ordinary and extraordinary Local Government elections

Comment:

From an officer perspective there is considerable merit in accepting the WAEC quote for the 2021 Local Government Election, as opposed to being performed in-house by Shire staff. In general, it is understood that most local governments have gravitated to using the WAEC to conduct postal elections on the basis that:

- Postal voting is more convenient, and therefore has a higher rate of engagement and participation by electors.
- The WAEC has intimate knowledge and understanding on delivering election processes in an accountable and professional manner, without the likelihood of error - effectively their core business.
- The broader community places considerable weight on conduct and accountability in relation to an election process.
- The WAEC presents as impartial and negates any perception of interference, in-appropriate conduct, and/or conflict of interest by the Shire, and effectively allows Shire staff to be at 'arms length'.
- The external process does not significantly impede the core business of the Shire, allowing staff to concentrate on primary duties and responsibilities.

Therefore, it is recommended the Council accept the WAEC offer to conduct the 2021 Local Government Ordinary Election with sufficient funds being allocated in the 2021-22 budget.

OFFICER RECOMMENDATION

That Council in relation to the conduct of the 2021 Shire of Brookton Ordinary Local Government Election:

- 1. Accepts the quotation provided by the Western Australian Electoral Commission of \$15,000 (incl. GST) to conduct the election for three (3) Councillor positions and provide for this amount in the 2021/22 Budget.***
- 2. Declare, in accordance with section 4.20(4) of the Local Government Act 1995, that the Electoral Commissioner to be responsible for the conduct of the Shire of Brookton 2021 Ordinary Elections together with any other subsequent extraordinary elections or polls which may be required.***
- 3. Decide, in accordance with section 4.61(2) of the Local Government Act, 1995 that the method of conducting the election will be as a postal election.***

(Absolute majority vote required)

Attachments

Attachment 10.03.21A



WESTERN AUSTRALIAN
Electoral Commission

LGE 028

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

Dear Mr D'Arcy

Local Government Ordinary Election: 2021

The next local government ordinary elections are being held on 16 October 2021. While this is still some distance in the future, I have enclosed an estimate for your next ordinary election to assist in your 2021/2022 budget preparations.

The estimated cost for the 2021 election if conducted as a postal ballot is \$15,000 inc GST, which has been based on the following assumptions:

- 700 electors
- response rate of approximately 50%
- 3 vacancies
- count to be conducted at the offices of the Shire of Brookton
- appointment of a local Returning Officer
- regular Australia Post delivery service to apply for the lodgement of the election packages.

An additional amount of \$140 will be incurred if your Council decides to opt for the Australia Post Priority Service for the lodgement of election packages.

Costs not incorporated in this estimate include:

- any legal expenses other than those that are determined to be borne by the Western Australian Electoral Commission in a Court of Disputed Returns
- one local government staff member to work in the polling place on election day
- any additional postage rate increase by Australia Post
- any unanticipated costs arising from public health requirements for the COVID-19 pandemic.

164466

Level 2, 111 St Georges Terrace PERTH WA 6000
GPO Box F316 PERTH WA 6841

T | (08) 9214 0400
F | (08) 9226 0577

E | waec@waec.wa.gov.au
W | www.elections.wa.gov.au



The Commission is required by the *Local Government Act* to conduct local government elections on a full cost recovery basis and you should note that this is an estimate only and may vary depending on a range of factors including the cost of materials or number of replies received. The basis for charges is all materials at cost and a margin on staff time only. Should a significant change in this figure become evident prior to or during the election you will be advised as early as possible.

The current procedure required by the Act is that my written agreement has to be obtained before the vote by Council is taken. To facilitate the process, you can take this letter as my agreement to be responsible for the conduct of the ordinary elections in 2021 for the Shire of Brookton in accordance with section 4.20(4) of the *Local Government Act 1995*, together with any other elections or polls that may also be required. My agreement is subject to the proviso that the Shire of Brookton also wishes to have the election undertaken by the Western Australian Electoral Commission as a postal election.

In order to achieve this, your council would need to pass the following two motions by absolute majority:

- Declare, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the 2021 ordinary elections together with any other elections or polls which may be required
- Decide, in accordance with section 4.61(2) of the *Local Government Act 1995* that the method of conducting the election will be as a postal election.

I look forward to conducting this election for the Shire of Brookton in anticipation of an affirmative vote by Council. If you have any further queries please contact Phil Richards Manager, Election Events on 9214 0400.

Yours sincerely



Robert Kennedy
ELECTORAL COMMISSIONER

16 December 2020

11.03.21 COMMUNITY HALL DESIGN OPTIONS, AND PUBLIC SUBMISSIONS

File No:	PRO010C
Date of Meeting:	04 March 2021
Location/Address:	N/A
Name of Applicant:	N/A
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 item relates to the public submissions received on the various concept design options and associated costs for a rejuvenated, or new, Community Hall, together with the Architects assessment on the respective feedback.

A copy of the respective concept hall designs, the Architect’s assessment and summarized schedule of public submissions is presented in:

- ***Attachment 11.03.21A– Brookton Memorial Hall Conservation – Option 1***
- ***Attachment 11.03.21B – Brookton Memorial Hall Adaption – Option 2***
- ***Attachment 11.03.21C – Brookton New Multi-Use Hall – Option 3***
- ***Attachment 11.03.21D – Architects Assessment – Memorial Hall Design Options Feedback***
- ***Attachment 11.03.21.E – Schedule and copy of Public Submissions – provided under separate cover***

The intent of this report is for Council to determine, notionally, a preferred design concept (option) upon which ‘fine tuning’ of the design can be entertained by Council in collaboration with the Architect.

Proposal:

The aim of this exercise was to canvas the Brookton community on concept design options for a Community Hall, with the results to inform and aid Council on the preferred direction, to restoring, or renovation the existing Memorial Hall, or building a new Hall on a green field site. The options offered to the Community through public consultation included:

- Option 1 – Memorial Hall Heritage Conservation
- Option 2 – Memorial Hall Adaption
- Option 3 – New Multi-Use Hall

Background:

As previously reported, the Shire of Brookton is at the ‘crossroads’ in addressing community need for a Hall, with the existing Memorial (Town) Hall buildings being presently underutilised and requiring structural rejuvenation and aesthetic enhancement. These buildings have traditionally been central to the community’s social fabric for decades, but are now aged, and through a lack of attentive maintenance, present as tired, outdated, and detracting, from their meaningful purpose and earlier popularity.

Given this, an eight (8) week public consultation process to gain an understanding of community views and sentiment toward restoring, refurbishing, or replacing, the existing Brookton Memorial Hall has

recently concluded.

This report now presents an understanding on the Community's views on preference across all three design options, and finer points together, with suggested amendments to the respective designs, and seeks Council direction on the best way forward to delivering a Community Hall that best meets of the needs of the Community, for the foreseeable future, acknowledging further refinement in design, taking into consideration community feedback is required.

Consultation:

As reflected, an eight (8) week public consultation process involving two (2) public presentations and an address to Council by the Architect, has been performed together with a household letter drop, and promotion of the concept designs through various print and electronic mediums.

The consultation process has yielded 139 submissions with following support expressed across the three options:

- Design Option 1 - 20 votes
- Design Option 2- received 115 of the votes
- Design Option 3- received 4 votes

A copy of the respective submissions are available for viewing under **Attachment 11.03.21E**.

Statutory Environment:

There is no statutory framework in relation to this matter.

Relevant Plans and Policy:

The public consultation was conducted in accordance Policy 2.41 – Community Engagement.

Financial Implications:

The architectural services for this process are already included in the 2020-21 Budget at a cost \$26,400.

Further financial consideration on this matter will also be needed by Council once the preferred design is selected for a Community Hall. Indicatively, the following financial figures were presented as part of the public consultation process for the respective three design options to provide a reasonable understanding of the construction costs for each.

Option	Building Construction Cost	Ancillary Allowances	Total Allocation
1. Memorial Hall Heritage Conservation	\$1,478,000	\$297,800	\$1,775,800
2. Memorial Hall Adaption	\$2,159,000	\$365,900	\$2,524,900
3. New Multit-Use Hall	\$2,926,000	\$422,600	\$3,368,600

From discussion with the architects, the recurrent operational, and maintenance costs, as well as longevity of the building, it is suggested a variance in costs will exist based on the selected option taking into account the types of materials used, incorporation of technology (ie solar panels), and level of use for the building. An accurate projection of costs is difficult to quantify at this stage. However, it is acknowledged affordable hire fees set through the annual budget process will not be enough to adequately cover the operational and maintenance costs, and ultimately replacement cost in the future.

Council is also advised that Option 3 may also incur a cost for demolition of the existing Memorial Halls

which could be in the order of \$200,000, as stated by the quantity surveyor.

Importantly, the qualification of ‘value for money’ in selecting the preferred option should be premised on what the ratepayers can afford weighted against long term regular use of the building by current and future generations.

Risk Assessment:

The risk associated with this matter is still assessed as ‘High’. It is important the Council arrive at the best outcome for the provision of a fully functional Community Hall that addresses Community long term need – see further commentary in the Comment Section 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 Council’s Next Generation BROOKTON Corporate Business Plan <2024 – Major Projects that lists ‘Brookton Multipurpose Function Centre – refurbish, Restored or new’ and Corporate Compendium public consultation on the Community Hall designs and costings also aligns to:

Business Function 9 – Asset Management

Action – 9.5 Prepare Asset Management Plan – Memorial Town Hall

Comment:

Any decision on a future Community Hall should be considerate of:

- Broad community sentiment and expectations across all demographics.
- A design that encompasses functionality, practicality, adaptability, durability, and longevity, premised on accommodating variable use, both now and into the future.
- Long term affordability accounting for initial capital investment, ongoing maintenance and recurrent operational costs, and replacement long term.
- Visual appeal and amenity both internal and externally.

To adequately address these considerations and arrive at an informed decision it is important the Council appreciate the views of the community with accompanying guidance received from the Architect. To this end, the following has been extracted from the Architect’s response on assessment of

the submissions received:

Design Option 1-

Generally, community members acknowledged the heritage significance of the Memorial Hall and recognised that conservation works were necessary to retain the building.

Some community members outlined that simply completing conservation works would be insufficient to attract further use of the hall and suggested that some comments described in option 2 could be also completed as part of this option. These suggestions include:

- *Air conditioning.*
- *Bringing the kitchen up to code and installing a new cool room facility.*
- *Providing toilet and change room access off the stage.*
- *Refurbishing the projection room to show films at the venue.*

Design Option 2-

Recognised as the preferred option, Option 2 received the most feedback for suggested changes and comments. These comments did however have similar themes which are summarised below:

- *Community members were concerned about the size of the existing kitchen being reduced and recommended that the chair store and bar are relocated elsewhere. A consistent suggestion was to relocate the chair store and bar to the location of the existing female toilets. A new female toilet block was proposed off the other male and UAT toilet areas. The Lesser Hall building was also considered as an option for the bar and chair store to be relocated to.*
- *The proximity of the kitchen to the catering bay and bin store was a concern to some community members.*
- *Under stage storage was suggested for the chair store.*
- *A mobile bar was also an option raised instead of reducing the existing kitchen size.*
- *The need for a cool room, either permanent or transportable.*
- *Several community members highlighted that the projector room should be refurbished, with a community cinema recognised as a popular use to reintroduce.*
- *A thoroughfare between the station, the hotel, the Memorial Hall and park was commented on and that this potentially should be pushed further. The closing of Whittington Street was raised.*
- *Some community members wanted reassurance on the considerations for universal access.*
- *Several suggestions were provided on the opportunity for the Hall to open up to White Street, providing a stronger presence to White Street.*
- *An alfresco option with chairs and tables to Whittington Street was suggested.*
- *A number of community members disliked the inclusion of the flagpoles as they are in front of the Shire Building.*
- *The need for a plaque or other forms of recognition for Traditional Owners was raised.*
- *Black out curtains or screens are suggested for the Hall.*
- *The proposed landscaping may be able to have a greater connection with the new community garden.*
- *The existing kitchen is considered noisy and greater noise cancelling options were suggested by members of the community.*
- *The under utilisation of the ticket office was raised.*
- *The proposed use of the Agricultural Hall for a cafe, meeting room and community space was disliked by some residents as it was seen as an unnecessary option for the community when there are other places that already provide these services. Feedback suggested that*

this could be hired out for visiting professionals including medical practitioners. Kitchenette facilities were suggested to be included in the Agricultural Hall.

- *A parenting room was raised as being required.*
- *Further exploring the history of the place in the foyer entry was suggested.*

Design Option 3-

Specific comments for changes to Option 3 were limited as this was considered the least preferred option by the majority of people responding with feedback. General comments on the design was as follows:

- *Concern about the material selections for acoustic performance.*
- *Concern about the use of horizontal custom orb cladding as there are issues with this material on the pavilion building.*
- *The need for shower facilities at the New Hall (potentially for performers).*
- *Consideration that the proposed Hall is too small in comparison to the existing Memorial Hall.*
- *The need for black out capabilities for performances.*
- *A dislike for the contemporary 'box like' design.*
- *A dislike of the proposal's distance from town and its proximity to the sporting oval being too close.*

Design Outcomes-

We suggest that the following design outcomes are explored and included for Option 1 and Option 2. Our view is that no further consideration of Option 3 is undertaken as there is little support for this option.

Option 1-

The conservation response is to remain largely as it is but the following upgrades are considered as necessary for the buildings on going use:

- *Integrate air conditioning services to the building.*
- *Update the existing kitchen to meet code.*
- *Refurbish the projector room and projectors for showing community cinema.*
- *Install toilet/ change room facilities off the stage area for performers.*

Option 2-

- *Retain the existing kitchen size and update (including acoustic insulation options).*
- *Explore options for the chair store (either under stage, in Lesser Hall, or relocating to current female toilet space).*
- *Explore options for the bar (either a transportable bar, designing an addition to the kitchen area, relocating to the Lesser Hall or designing the current female toilet area).*
- *Find options for transportable cool rooms, ease of access from catering bay and bin area.*
- *Provide black out options for hall to assist with performances.*
- *Explore options to open up further to White Street.*
- *Include the refurbishment of the projection room.*
- *Include kitchenette facilities to the Agricultural Hall and consider options for hiring of space to professionals.*
- *Include information about interpreting the heritage of the place in the building's foyer. Include interpretation and information recognising the Traditional Land Owners.*
- *Suggest that the flagpoles are used to raise awareness of special community events.*

- *Explore connections to the train station, park, hotel, and community garden (reinforcing the thorough fare even just for a number of community events held during the year).*

It is evident the submissions received overwhelmingly preference Design Option 2 - Adaptability that would see the Halls restored and refurbished with further outdoor development to the rear. Furthermore, the advice from the Architect that Design Option 3 - New Multi-Use Hall did not receive a positive response from the Community is noted and accepted.

Therefore, it is recommended Council acknowledge the public submissions and proceed to endorse Design option 2 further review and refinement of this hall design guided by the Architect, taking into consideration suggested changes from the community (as summarised by the Architect) and Councillors to ensure the Memorial Hall is both an engaging and activated space for the community and visitors to Brookton.

Furthermore, it is also promoted that Council establish a project delivery plan and indicative timeframe based on funding availability to achieve maximum cost efficiency for ratepayers, minimal disruption to the Community, and an informative understanding of the process to be followed.

OFFICER RECOMMENDATION

That Council:

- 1. Notes the very positive and constructive feedback received from the community on all options through the public submission process.***
- 2. Endorses 'Option 2 - Memorial Hall Adaption' as the selected option for a community hall moving forward.***
- 3. Acknowledges the importance of Memorial Hall and agrees to progress further review and refinement to the hall design to arrive at a final plan with guidance from the Architect and taking into consideration suggested changes from the Community and Councillors received through this process.***
- 4. Upon finalising the hall design, agrees to establish and adhere to a project delivery plan and indicative timeframe premised on:***
 - a) Funding availability and budgetary considerations.***
 - b) Statutory approval processes and regulatory compliance requirements.***
 - c) Achieving cost efficiencies where possible and practical.***
 - d) Minimising disruption to the Community.***
 - e) Instilling an informative understanding of the process to be followed.***

(Simple Majority Vote required)

Attachments

11.03.21A - Brookton Memorial Hall Conservation – Option 1

11.03.21B - Brookton Memorial Hall Adaption – Option 2

11.03.21.C - Brookton New Multi-Use Hall – Option 3

11.03.21D – Architect's Assessment – Memorial Hall Design Options Feedback

11.03.21E – Schedule and copy of Public Submissions – *(provided under separate cover)*

BROOKTON MEMORIAL HALL CONSERVATION OPTION 1

THE FOCUS FOR THIS OPTION IS THE CONSERVATION OF ALL STAGES OF THE BROOKTON MEMORIAL HALL, INTERNALLY AND EXTERNALLY. CONSERVATION IS GUIDED BY THE POLICIES IN THE CONSERVATION PLAN.

STRUCTURAL AND BUILDING WORKS WILL BE GUIDED BY THE STRUCTURAL REPORT AND THE CONSERVATION PLAN. EXISTING USES ARE RETAINED.

TOILETS ARE DESIGNED AND UPGRADED TO MEET COMPLIANCE STANDARDS. THE KITCHEN IS REFURBISHED TO MEET CURRENT COMPLIANCE STANDARDS.

WHITTINGTON STREET IS PROPOSED TO HAVE TRAFFIC CALMING TO INCREASE THE CONNECTIVITY BETWEEN BROOKTON MEMORIAL HALL TO MADDISON SQUARE PARK. THE CONNECTION WITH THE SHIRE ADMINISTRATION OFFICES IS REINFORCED THROUGH A FORMALIZED CROSSING AND TRAFFIC CALMING TO WHITE STREET.

LANDSCAPING TO THE STREET ELEVATIONS IS PROPOSED TO PROVIDE A MORE SYMPATHETIC SETTING FOR THE MEMORIAL HALL.

CONSERVATION POLICIES

1 NEW USES

NEW USES CAN BE INTRODUCED. ANY NEW USE SHOULD NOT RESULT IN HARMFUL ALTERATIONS TO THE BUILDINGS OR LOSS OF ORIGINAL FABRIC.

2 RETAIN + CONSERVE

ALL THE BUILDINGS AND SITE FEATURES ASSESSED AS BEING OF HERITAGE SIGNIFICANCE SHOULD BE RETAINED AND CONSERVED ON THEIR ORIGINAL SITE.

3 RESPECT ALL PERIODS OF DEVELOPMENT

THE CONTRIBUTIONS OF ALL PERIODS TO THE PLACE MUST BE RESPECTED.

4 COMPATIBLE USE

COMPATIBLE USE MAY BE ACCEPTABLE: CAFE/TEA ROOMS; CINEMA/COMMUNITY USE; SMALL BUSINESS INCUBATOR/SMALL OFFICES; LOTTERIES HOUSE; LOCAL MARKETS.

5 STREETSCAPE PRESENTATION

STREETSCAPE PRESENTATION IS AN INTEGRAL ASPECT OF THE SIGNIFICANCE OF THE PLACE. THE BUILDING DEMONSTRATES AESTHETIC VALUE IN THE STREETSCAPE.

6 VIEWS TO REAR

VIEWS TO THE REAR ARE OF LITTLE IMPORTANCE.

7 INTERPRETATION

INTERPRETATION INVOLVES THE WAY IN WHICH THE SIGNIFICANCE IS CONVEYED TO THE USERS OF THE PLACE INCLUDING VISITORS AND THE GENERAL PUBLIC. THE HISTORY OF THE PLACE IN THE CONTEXT OF THE DEVELOPMENT OF THE TOWN OF BROOKTON AND THE USE OF THE BUILDING FOR CIVIC AND SOCIAL PURPOSES ARE IMPORTANT COMPONENTS OF ITS INTERPRETATION.

8 CONSERVE FUNDAMENTAL COMPONENTS

ENSURE THE CONSERVATION OF THE BUILDING THAT COMPRISES THE BROOKTON MEMORIAL HALL IS A FUNDAMENTAL COMPONENT OF ITS INTERPRETATION.

9 ENCOURAGE COMMUNITY USE

FUTURE OWNERS AND USERS SHOULD ENCOURAGE THE CONTINUING USE OF THE PLACE AS A COMMUNITY RESOURCE.

10 ENCOURAGE PUBLIC USE

THE CONTINUING USE OF THE HALL FOR PUBLIC PURPOSES IS ENCOURAGED.

17 CONSERVATION IS PART OF INTERPRETATION

IMPORTANT COMPONENT OF THE INTERPRETATION IS THE CONSERVATION OF ALL THE VARIOUS COMPONENTS WHICH CONTRIBUTE TO ITS SIGNIFICANCE. THE RELATIONSHIP BETWEEN THE VARIOUS ELEMENTS WHICH CONTRIBUTE TO THE FORM AND IDENTITY OF THE PLACE IS AN IMPORTANT ASPECT.

18 RETAIN DOORS + WINDOWS + VENTS

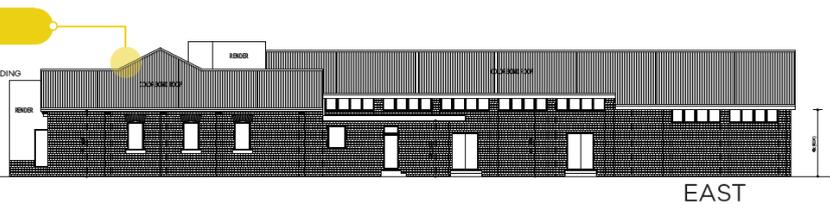
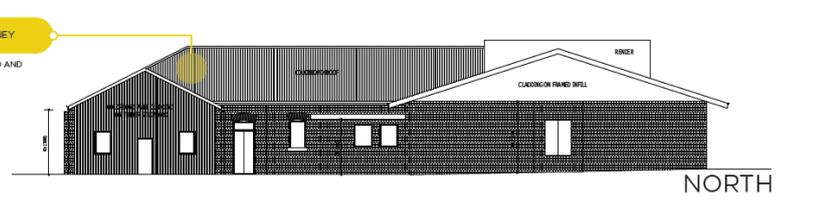
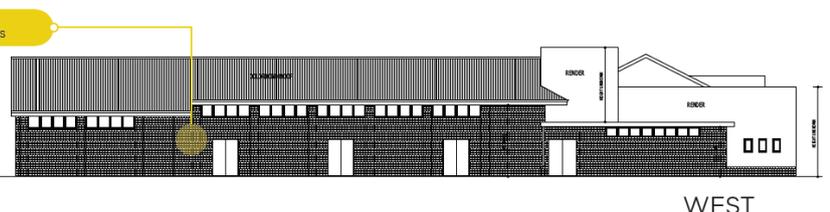
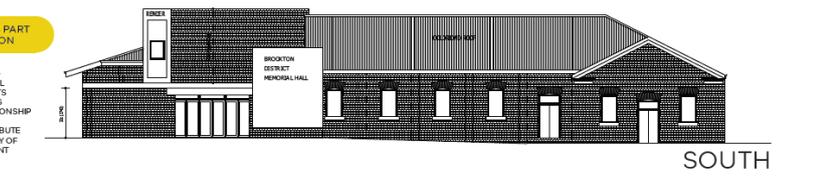
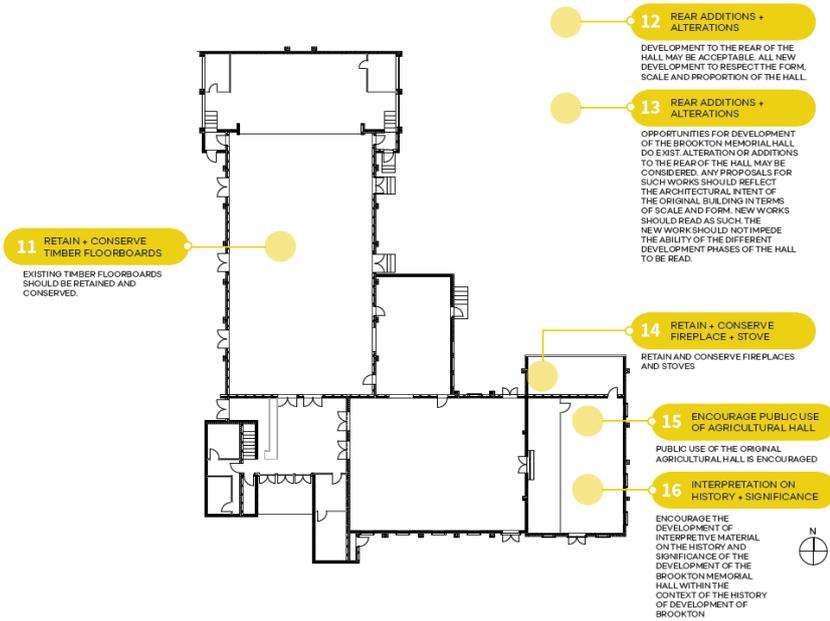
DOORS, WINDOWS AND VENT OPENINGS SHOULD BE RETAINED. NO NEW DOOR OR WINDOW OPENINGS TO BE MADE TO FRONT ELEVATION. JOINERY TO BE RESTORED. REPLACING WINDOWS TO REINSTATE TIMBER FRAMING TO MATCH ORIGINAL DESIGN.

19 CONSERVE CHIMNEY

CHIMNEYS TO BE RETAINED AND CONSERVED.

20 NEW ROOF

THE EXISTING ROOF TO BE REPLACED WITH SIMILAR CORRUGATED STEEL CLADDING WITH THE SAME PROFILE.

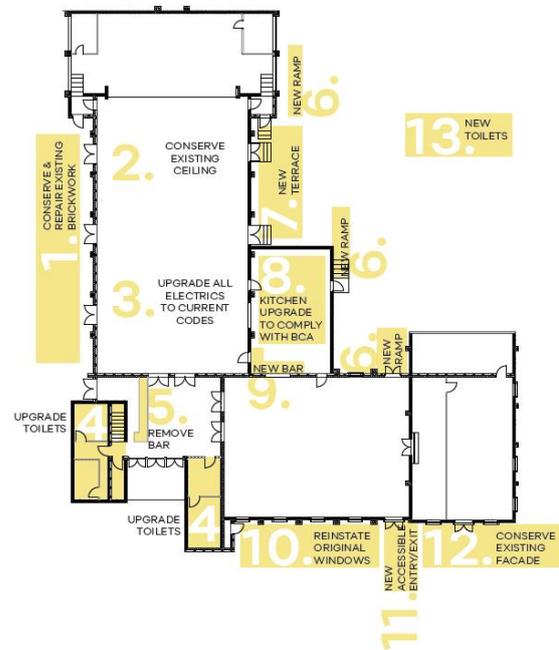




LANDSCAPING PRECEDENTS



CONSERVATION & COMPLIANCE



LANDSCAPE PLAN



BROOKTON MEMORIAL HALL ADAPTATION OPTION 2

PROPOSAL PLAN

THIS OPTION SEEKS TO ADDRESS USER AND BUILDING ISSUES WITH A CONTEMPORARY ADAPTATION OF THE BUILDING AND SITE. CONTEMPORARY ADAPTATION IS GUIDED BY THE POLICIES AND PRINCIPLES IN THE CONSERVATION PLAN.

KEY FEATURES OF THIS OPTION ARE:

STREETSCAPE PRESENCE

THE PRESENCE OF THE BROOKTON MEMORIAL HALL IN THE STREETSCAPE IS ENHANCED THROUGH AN IMPROVED LANDSCAPED SETTING. CONSERVATION OF THE BUILDING WILL IMPROVE THE APPEARANCE. SUBTLE ENTRY CANOPY IMPROVEMENTS WILL IMPROVE THE PROMINENCE OF THE ENTRY TO THE MAIN HALL. THE AGRICULTURAL HALL AND LESSER HALL WILL HAVE THEIR ENTRIES IMPROVED TO ENGAGE WITH THE STREET.

UP LIGHTING TO THE FACADES WILL SHOWCASE THE BUILDING AND LIGHTING TO THE ENTRY POINTS WILL PROVIDE CLEAR DIRECTION TO PEOPLE.

CIVIC REINFORCEMENT

THE BUILDING'S CIVIC PRESENCE WILL BE IMPROVED THROUGH LINKS TO MADDISON SQUARE AND THE SHIRE ADMINISTRATION OFFICES. LANDSCAPING, HARD AND SOFT, WILL ALSO STRENGTHEN THE CIVIC CONNECTION. ELEMENTS SUCH AS FLAG POLES, BANNERS, SIGNAGE AND INTERPRETATION WILL ADD INTEREST AND COLOUR.

NEW EXTERNAL SPACES

NEW EXTERNAL TERRACE ACCESSED FROM THE MAIN HALL AND A NEW COVERED AREA EXTENDING FROM THE BACK OF THE AGRICULTURAL HALL OFFER EXTERNAL SPACES FOR THE COMMUNITY FOR A VARIETY OF FUNCTIONS AND CELEBRATIONS. LANDSCAPING WILL SOFTEN THE IMMEDIATE EXTERNAL SPACE TO THE NORTH. A SMALL PLAYGROUND AND OPEN STYLE FENCING WILL PROVIDE A SAFE AND SECURE AREA FOR CHILDREN ATTENDING EVENTS. EXTRA TOILETS ARE PROPOSED TO SERVICE THIS EXTERNAL AREA.

ENGAGEMENT WITH EXTERNAL SPACES

NEW OPENINGS ARE PROPOSED TO THE MAIN HALL & LESSER HALL TO ENCOURAGE AN ENGAGEMENT WITH THE NEW EXTERNAL AREA.

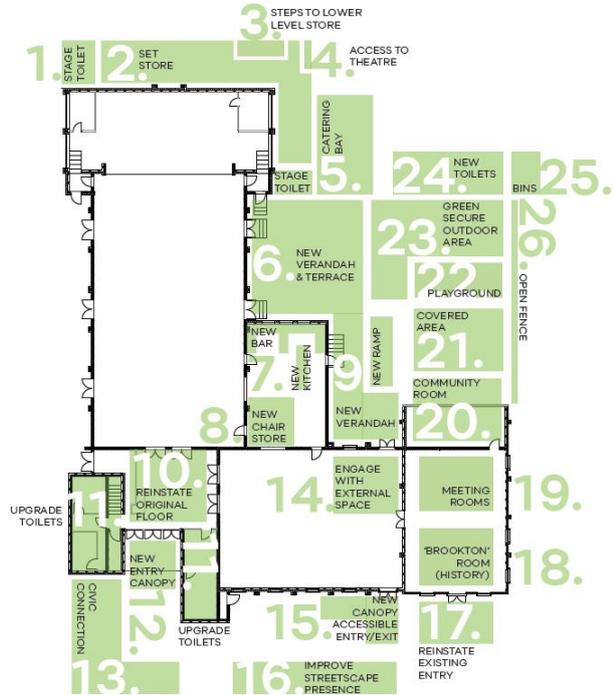
BROOKTON HISTORY & INTERPRETATION - AGRICULTURAL HALL PROPOSED FOR COMMUNITY USE THIS SPACE IS ABOUT CELEBRATING BROOKTON SPACES FOR MEETINGS AND COMMUNITY ACTIVITIES WOULD BE INTEGRATED WITH A CONTEMPORARY INTERPRETATION DISPLAY THAT HIGHLIGHTS AND CELEBRATES THE BROOKTON DISTRICT AS WELL AS THE BROOKTON MEMORIAL HALL.

IMPROVED INTERNAL SPACES

TO ADDRESS USER REQUIREMENTS AS SERIES OF IMPROVEMENTS ARE PROPOSED BUILDING A NEW STORE FOR STAGE PROPS WILL ALLOW THE AGRICULTURAL HALL TO BE USED FOR COMMUNITY PURPOSES. FUNCTIONAL ITEMS SUCH AS A NEW INTERNAL STORE WILL HOUSE CHAIRS AND TABLES. THE KITCHEN WILL BE REDUCED IN AREA AND FITTED OUT TO MEET USER REQUIREMENTS. A NEW BAR WILL SERVICE THE MAIN HALL BUT ALSO ACT AS A SERVER TO THE EXTERNAL TERRACE.

THE LESSER HALL IS PROPOSED TO HAVE AUDIO VISUAL PROJECTOR AND SCREEN FACILITIES FITTED TO ALLOW FOR CONFERENCE STYLE USES.

OPTION 2. NEW COMMUNITY CENTRE



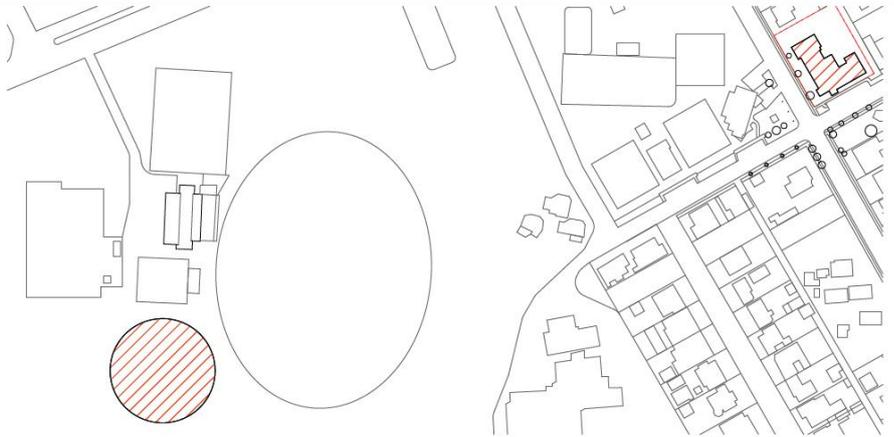
BROOKTON MEMORIAL HALL NEW MULTI-USE HALL OPTION 3

OPTION 3 IS A NEW BUILDING THAT IS LOCATED ON A GREENFIELD SITE TO THE SOUTH OF THE EXISTING WB EVA PAVILION BUILDING ON RESERVE 43158. IT IS SITED ADJACENT TO THE BROOKTON OVAL.

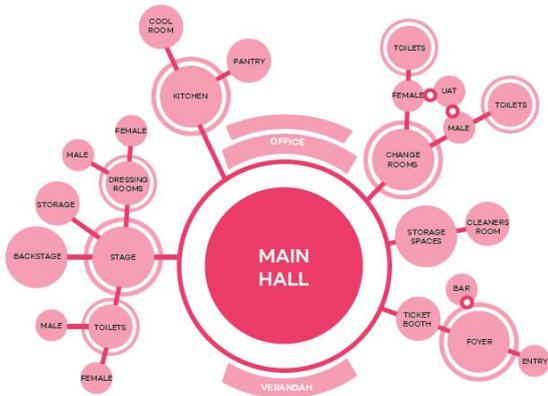
THE DESIGN IS A SIMPLE AND CONTEMPORARY FORM. THE USE OF STONE AND CORRUGATED STEEL PROVIDES A CONNECTION TO THE EXISTING WB EVA PAVILION. A COST EFFECTIVE COMPOSITE ALUMINUM PANEL HAS ALSO BEEN USED AS A CLADDING MATERIAL. POLYCARBONATE HAS ALSO BEEN USED TO PROVIDE LIGHTING.

THE HALL IS EQUIVALENT TO THE BROOKTON MEMORIAL HALL IN PHYSICAL DIMENSIONS AND IS A MULTI USE SPACE WITH A STAGE FOR PERFORMANCES AND CAN BE ADAPTED AS A CONFERENCE FACILITY.

THE HALL OPENS TO A VERANDAH WITH A GRASS TERRACE AND ALFRESCO AREA. LANDSCAPING FEATURES NATIVE PLANTINGS.



CONCEPT DEVELOPMENT







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w stephencarrickarchitects.com.au

18 February 2021

Danni Chard
Executive Governance Officer
Shire of Brookton
14 White Street
BROOKTON WA 6306

Dear Danni,

SHIRE OF BROOKTON MEMORIAL HALL DESIGN OPTIONS FEEDBACK

Thank you for providing the community feedback submissions to us on 6 February. We have reviewed the community comments regarding the three (3) design propositions and have now prepared summaries on the key findings. We have outlined our findings to you in this letter so that the Shire can review and confirm the main changes to be made to the existing designs.

General Review of Submissions-

The community feedback forms nominated a preferred design option. We understand that there were a few double ups with the submissions and some group nominations. Our general analysis of the feedback is as follows:

- Approximately 139 community members participated in the feedback
- Design Option 1- received 20 votes
- Design Option 2- received 115 of the votes
- Design Option 3- received 4 votes

Design Option 1-

Generally, community members acknowledged the heritage significance of the Memorial Hall and recognised that conservation works were necessary to retain the building. Some community members outlined that simply completing conservation works would be insufficient to attract further use of the hall and suggested that some comments described in option 2 could be also completed as part of this option. These suggestions include:

- Air conditioning
- Bringing the kitchen up to code and installing a new cool room facility
- Providing toilet and change room access off the stage
- Refurbishing the projection room to show films at the venue



Design Option 2-

Recognised as the preferred option, Option 2 received the most feedback for suggested changes and comments. These comments did however have similar themes which are summarised below:

- Community members were concerned about the size of the existing kitchen being reduced and recommended that the chair store and bar are relocated elsewhere. A consistent suggestion was to relocate the chair store and bar to the location of the existing female toilets. A new female toilet block was proposed off the other male and UAT toilet areas. The Lesser Hall building was also considered as an option for the bar and chair store to be relocated to.
- The proximity of the kitchen to the catering bay and bin store was a concern to some community members.
- Under stage storage was suggested for the chair store
- A mobile bar was also an option raised instead of reducing the existing kitchen size.
- The need for a cool room, either permanent or transportable.
- Several community members highlighted that the projector room should be refurbished, with a community cinema recognised as a popular use to reintroduce.
- A thoroughfare between the station, the hotel, the Memorial Hall and park was commented on and that this potentially should be pushed further. The closing of Whittington Street was raised.
- Some community members wanted reassurance on the considerations for universal access.
- Several suggestions were provided on the opportunity for the Hall to open up to White Street, providing a stronger presence to White Street.
- An alfresco option with chairs and tables to Whittington Street was suggested.
- A number of community members disliked the inclusion of the flagpoles as they are in front of the Shire Building.
- The need for a plaque or other forms of recognition for Traditional Owners was raised.
- Black out curtains or screens are suggested for the Hall.
- The proposed landscaping may be able to have a greater connection with the new community garden.
- The existing kitchen is considered noisy and greater noise canceling options were suggested by members of the community.
- The under utilisation of the ticket office was raised.
- The proposed use of the Agricultural Hall for a cafe, meeting room and community space was disliked by some residents as it was seen as an unnecessary option for the community when there are other places that already provide these services. Feedback suggested that this could be hired out for visiting professionals including medical practitioners. Kitchenette facilities were suggested to be included in the Agricultural Hall.
- A parenting room was raised as being required.
- Further exploring the history of the place in the foyer entry was suggested.

Design Option 3-

Specific comments for changes to Option 3 were limited as this was considered the least preferred option by the majority of people responding with feedback. General comments on the design was as follows:

- Concern about the material selections for acoustic performance.
- Concern about the use of horizontal custom orb cladding as there are issues with this material on the pavilion building.
- The need for shower facilities at the New Hall (potentially for performers).
- Consideration that the proposed Hall is too small in comparison to the existing Memorial Hall.
- The need for black out capabilities for performances.
- A dislike for the contemporary 'box like' design.
- A dislike of the proposal's distance from town and its proximity to the sporting oval being too close.

Design Outcomes-

We suggest that the following design outcomes are explored and included for Option 1 and Option 2. Our view is that no further consideration of Option 3 is undertaken as there is little support for this option.

Option 1-

The conservation response is to remain largely as it is but the following upgrades are considered as necessary for the buildings on going use:

- Integrate air conditioning services to the building.
- Update the existing kitchen to meet code.
- Refurbish the projector room and projectors for showing community cinema.
- Install toilet/ change room facilities off the stage area for performers.

Option 2-

- Retain the existing kitchen size and update (including acoustic insulation options).
- Explore options for the chair store (either under stage, in Lesser Hall, or relocating to current female toilet space).
- Explore options for the bar (either a transportable bar, designing an addition to the kitchen area, relocating to the Lesser Hall or designing the current female toilet area).
- Find options for transportable cool rooms, ease of access from catering bay and bin area.
- Provide black out options for hall to assist with performances.
- Explore options to open up further to White Street.
- Include the refurbishment of the projection room.
- Include kitchenette facilities to the Agricultural Hall and consider options for hiring of space to professionals.
- Include information about interpreting the heritage of the place in the building's foyer. Include interpretation and information recognising the Traditional Land Owners.
- Suggest that the flagpoles are used to raise awareness of special community events.
- Explore connections to the train station, park, hotel and community garden (re-inforcing the thorough fare even just for a number of community events held during the year).

We would appreciate the Shire's comments and direction with regard to the suggested Design Outcomes prior to SCA completing the design changes.

Please do not hesitate to contact me to discuss the feedback and the suggested changes.

We look forward to finalising the design options that integrates the community feedback.

Yours Sincerely,



Stephen Carrick
Director

12.03.21 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**13.03.21 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING****14.03.21 CONFIDENTIAL REPORTS**

That Council close the meeting to the public in accordance with Section 5.23 (2) (a) of the Local Government Act as Item 13.03.21.01 relates to a matter affecting an employee of the Local Government.

14.03.21.01 CHIEF EXECUTIVE OFFICER (CEO) ANNUAL PERFORMANCE REVIEW

File No:	Employee No. 363
Date of Meeting:	04 March 2021
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:	Although not the author, the CEO has a financial interest in this item as it affects change to his Employment Contract and Remuneration Package
Voting Requirements:	Absolute majority
Previous Report:	N/A

Summary of Item:

This report relates to:

- Endorsement of the CEO's performance over the past 12 months (Feb 2020 – 2021) based on assessment against the agreed Key Performance Indicators (KPI's).
- Endorsement of the draft Key Performance Indicators (KPI's) for the CEO position over the next 12 months.
- Amendment to the CEO employment contract that is designed to reduce the Fringe Benefit Tax (FBT) payment incurred by the Shire each year.

SHIRE PRESIDENT RECOMMENDATION

That Council endorses:

- 1. The Brainbox Advisory's Summary of the CEO Performance Review – February 2021, as presented in Attachment 14.03.21.01A to this report.*
- 2. The draft Key Performance Indicators for the CEO position to apply over the coming 12-month period as presented in Attachment 14.03.21.01B to this report.*
- 3. As Amended Schedule 2 of the CEO Employment Contract as presented in Attachment 14.03.21.01D to this report.*

(Absolute majority vote required)

Attachments

Schedule 14.03.21.01A - Brainbox Advisory's Summary of the CEO Performance Review – February 2021

Schedule 14.03.21.01B - draft CEO Key Performance Indicators 2020 – 21

Schedule 14.03.21.01C - WALGA Vehicle Values 2020

Schedule 14.03.21.01D - Schedule 2 – Contract Details

15.03.21 NEXT MEETING & CLOSURE

The next Ordinary meeting of the Council will be held on Thursday 18th March 2021 commencing at 6.00 pm.