

SPECIAL MEETING OF COUNCIL AGENDA

30 October 2017

14 White Street Brookton, WA 6306

Dear Councillor, Resident or Ratepayer,

Notice is hereby given that the Special Meeting of the Brookton Shire Council will be held on Monday 30th October 2017 in the Council Chambers at the Shire Administration Centre commencing at 4.00 pm.

The business to be transacted is shown in the Agenda.

Ian D'Arcy CHIEF EXECUTIVE OFFICER 24/10/2017

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

	TABLE OF CONTENT	
1.10.17	DECLARATION OF OPENING/ATTENDANCE	3
2.10.17	SWEARING IN OF COUNCILLORS	3
3.10.17	ELECTION OF SHIRE PRESIDENT AND DEPUTY SHIRE PRESIDENT	4
4.10.17	DISCLOSURE OF INTERESTS	7
5.10.17	INTERNAL COUNCIL COMMITTEES/WORKING GROUPS FOR 2017-2019 TERM	8
6.10.17	EXTERNAL COMMITTES/WORKING GROUPS FOR 2017-2019 TERM	13
7.10.17	ENDORSEMENT OF COUNCIL MEETING SCHEDULE FOR ORDINARY COUNCIL MEETINGS	
	DURING 2018	16
8.10.17	CLOSURE OF MEETING	17

1.10.17 DECLARATION OF OPENING/ATTENDANCE

The Chief Executive Officer to declare the meeting open and act as temporary chair.

2.10.17 SWEARING IN OF COUNCILLORS

The Chief Executive Officer or designated person under the local Government Act 1995 is to swear in the newly elected Councillors.

Each newly elected person is required to make a declaration before they can act in the capacity of a Councillor in the following alphabetical order:

- CRUTE Katrina
- FANCOTE Theresa
- MILLS Kim

The declaration of the office states that the Council member will faithfully perform their duties and will obey the *Local Government (Rules of Conduct) Regulations 2007*.

The declaration is also made verbally and a document signed in front of an Authorised Person as prescribed by the Oath, Affidavits and Statutory Declarations Act 2005 who will witness the signature of the Council Member.

3.10.17 ELECTION OF SHIRE PRESIDENT AND DEPUTY SHIRE PRESIDENT

1. Following the Ordinary Local Government Elections conducted on 21st October 2017 there is a need to elect a new Shire President and Deputy Shire President to the next two years.

In light of the above, nominations for the office of Shire President are now being called.

The process for determining the result of any election for the position of Shire President (in the event of there being more than one accepted nomination) needs to be in accordance with Schedule 2.3 of the *Local Government Act*, 1995.

Desirably, a nomination should be made in writing on the designated 'Nomination of Shire President Form' - see **Attachment 3.10.17A**, which can be submitted to the CEO at any time prior to the meeting or during the meeting up until the nominations are declared closed. It should also be noted that nominations can also be made orally to the CEO at the call for any other nominations during the meeting. The nomination form for Deputy Shire President is offered at **Attachment 3.10.17B**.

The Councillor nominated must advise the CEO, either orally (to be recorded in the minutes) or in writing by signing the nomination form that he or she is accepting of the nomination for the position.

Voting for the position is to be by secret ballot and all Councillors in attendance must vote.

The Councillor elected as the Shire President will be announced by the CEO and will then sworn in and assume the role of Chair (being the Presiding Officer) upon being declared elected and having completed the Declaration of Office.

- 2. Following election of the Shire President the process is to be repeated by calling for nomination of Deputy Shire President as the next order of business.
- 3. The Councillors are to now take their assigned places in the Council Chamber as determined by the Shire President.

SHIRE OF BROOKTON Nomination Form

ELECTION OF SHIRE PRESIDENT

Local Government District – Brookton Election Date – 30th October 2017

Date	
Chief Executive Officer Shire of Brookton PO Box 42 BROOKTON WA 6303	
I Councillor President for the Shire of Bro	hereby nominate Councillor for the position of Shire pokton.
Si	gnature
ACCEPTANCE OF NOMINATI	ON
I Councillor	hereby accept the nomination for the position of Shire President.
Si	gnature of Nominee

SHIRE OF BROOKTON Nomination Form

ELECTION OF DEPUTY SHIRE PRESIDENT

Local Government District – Brookton Election Date – 30th October 2017

Date	
Chief Executive Officer Shire of Brookton P O Box 42 BROOKTON WA 6303	
I CouncillorShire President for the S	hereby nominate Councillor for the position of Deputy Shire of Brookton.
	Signature
ACCEPTANCE OF NOMII	NATION
l Councillor President.	hereby accept the nomination for the position of Deputy Shire
	Signature of Nominee

4.10.17 DISCLOSURE OF INTERESTS

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

Disclosure of Financial & Proximity Interests

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

Disclosure of Interest Affecting Impartiality

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

Financial, Proximity and Impartiality Interests

Item no.	Members/Officers	Type of Interest	Nature of Interest

5.10.17 INTERNAL COUNCIL COMMITTEES/WORKING GROUPS FOR 2017-2019 TERM

File No: N/A

Date of Meeting: 30/10/2017

Location/Address: 14 White Street, Brookton WA 6306

Name of Applicant: N/A
Name of Owner: N/A

Author/s: Courtney Fulwood – Executive Officer
Authorising Officer: Ian D'Arcy – Chief Executive Officer

Declaration of Interest: Nil

Voting Requirements: Absolute Majority

Previous Report: Nil

Summary of Item:

To establish and appoint elected members to a number of Committees of Council for the two year term of Council.

Description of Proposal:

As above.

Background:

Following the Local Government elections on 21st October 2017 all previous Committee member and Council delegate positions become vacant. Accordingly, nominations are now required for the these vacancies.

Audit (Finance) Committee (OCM 278/06 May 2006)

The Audit (Finance) Committee is authorised to review accounts for payment and Council's financial position and make recommendations or representations to Council in respect of each year's current budget, forward planning (excluding road works & plant), Council Policy and Council's finances.

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

Employment Committee

The role of the Employment Committee is to:

- Recruit and review the performance and salary of the Chief Executive Officer; and
- Assist the Chief Executive Office in the selection of Senior Employees.

Council also has a policy for one of the members of this Committee (usually the Shire President) to participate in the review of Senior Employee, as nominated.

Community Housing Committee (OCM 13.06.08.03 June 2008)

The Community Housing Committee has <u>delegated authority</u> to select suitable tenants when vacancies arise in the Madison Square Units complex.

Bush Fire Advisory Committee

The Bush Fire Advisory Committee advises Council on all matters relating to:

- the prevention, controlling and extinguishing of bush fires;
- prosecutions for breaches of the Bush Fires Act;

- the formation of Bush Fire Brigades;
- the co-ordination of the efforts and activities of the Bush Fire Brigades; and
- any other matter relating to bush fire control.

Local Emergency Management Committee

The purpose of this Committee is to advise and assist the local government in ensuring that local emergency management arrangements are established for the Shire, and to liaise with public authorities and other persons in the development, review and testing of local emergency management arrangements, as well as carry out other emergency management activities as directed by the State Emergency Management Committee (SEMC) or as prescribed by legislation and regulations.

The Local Emergency Management Committee is established in accordance with section 38 of the *Emergency Management Act 2005*, which obligates local government to establish this Committee. The operational requirements for the Local Emergency Management Committee is not prescribed within the legislation nor the requirements of the *Local Government Act, 1995* do not apply.

The Shire has therefore managed the operations of the Local Emergency Management Committee in general accordance with the following requirements:

- Meetings to be called and convened by the Shire of Brookton
- Quorum to be a minimum of 5 members
- Decisions to be made by simple majority
- Notice of meeting, agenda and minutes to be distributed in a timely manner to members. There
 is no requirement for publication in accordance with the Local Government Act, 1995 s.5.25,
 Admin Regulations 13 and 14.
- Declaration of interest to accord with *Local Government Act, 1995* s.5.60 s5.73.
- Council Code of Conduct shall apply
- The Local Emergency Management Committee has no decision making authority and may only make recommendations to Council.

Other Committees

The following Committees have been identified as no longer being required on the basis that their purpose has largely been fulfilled:

- Kalkarni Consultive Committee
- Les McMullen Memorial recreation Grants Committee
- Plant and Works Committee

Working/Advisory Groups

The Council in the past month has also endorsed the formation of an Integrated Planning and Reporting (IPR) Working Group to guide the review of its IPR Framework.

Consultation:

Nil.

Statutory Environment:

In accordance with Section 5.8 of the Local Government Act 1995, Council may convene Committees of 3 or more persons, for the purposes of assisting the Council and to exercise the powers and discharge of the duties of the local government that can be delegated to Committees. In addition, Council may be compelled or may determine to convene a Committee for the purpose of fulfilling obligations prescribed by the other statutes relevant to the operations of a local government.

A Committee convened by the Council of the Shire of Brookton as a committee for the purpose of Section 5.8 of the Local Government Act 1995, is required to operate in accordance with the relevant requirements of:

- Local Government Act 2005;
- Local Government (Administration) Regulations 1996;
- Local Government (Rules of Conduct) Regulations 2007;
- Shire of Brookton Policy 1.17 Standing Orders and Meeting Protocol Local Government (Council Meetings)
- Shire of Brookton Code of Conduct

Relevant Plans and Policy:

The following Policies apply the establishment and operation of Council Commitees:

- Policy 1.13 Council Committees Terms of Reference
- Policy 1.12 CEO Performance and Salary Review
- Shire of Brookton Policy 1.17 Standing Orders and Meeting Protocol Local Government (Council Meetings)

Financial Implications:

Council is reminded that meeting sitting fees apply to Committee meetings, listed as follows:

•	Councillor Meeting Fees	\$200.00
•	Committee Meeting Fees	\$100.00
•	President's Meeting Fees	\$400.00

For external Committees a payment of \$50 per meeting applies with Travel only from within the Shire boundary calculated at 0.76 cents km.

These costs are accommodated in the 2017/18 municipal budget.

Risk Assessment:

There is no risk to Council as this item refers to Council fulfilling its obligations to appoint representatives to its various statutory Committees.

Community & Strategic Objectives:

This proposal generally aligns with the Shire of Brookton Strategic Community Plan 2013 – 2023 under:

Strategy 5.1.4: Strengthen the governance role of Councillors by informing, resourcing, skilling and supporting their role.

Comment:

The use of Council Committees to undertake Council functions and provide advice to Council is an important means of progressing projects and issues without the need for full Council representation.

Additionally, Council representation on community and industry groups is an important link for the awareness of the Council on issues that may impact upon the community or Council business. As such it is essential the Council members commit their time to these various groups.

In the main, Council Committees are either Management or Advisory in nature, as is Council Working Groups with an advisory purpose only.

Importantly, it should be noted the Council may at any time exercise its authority to:

- change the composition of an existing Committee or Advisory Group;
- create a new Committee or Advisory Group; or
- delete an existing Committee or Advisory Group if there is no further purpose or need to attend.

Furthermore, Council is not bound to a minimum of 3 elected members of a Committee of Council under the Local Government Act, and may proceed to appoint more than 3 should it choose.

OFFICER'S RECOMMENDATION

That Council, in accordance with Section 5.8 of the Local Government Act (1995), endorse the following Committees and Advisory Group of Council, as listed in the table below, with Elected Members appointed:

1 Audit (Finance) Committee (Advisory) Financial position and make recommendations or representations to Council in respect of each year's current budget, forward planning, Council Policy and Council's finances. 2 Employment Committee (Advisory) Recruit and review the performance and salary of (Advisory) the Chief Executive Officer; and assist the Chief	
(Advisory) financial position and make recommendations or representations to Council in respect of each year's current budget, forward planning, Council Policy and Council's finances. Employment Recruit and review the Committee (Advisory) Recruit end salary of (Advisory) Recruit end salary of the Chief Executive Officer; Cr	
recommendations or representations to Council in respect of each year's current budget, forward planning, Council Policy and Council's finances. 2 Employment Recruit and review the Committee performance and salary of (Advisory) the Chief Executive Officer; Cr	
representations to Council in respect of each year's current budget, forward planning, Council Policy and Council's finances. 2 Employment Recruit and review the Committee performance and salary of (Advisory) the Chief Executive Officer; Cr	
respect of each year's current budget, forward planning, Council Policy and Council's finances. 2 Employment Committee performance and salary of (Advisory) Recruit and review the performance of Members Cr	
current budget, forward planning, Council Policy and Council's finances. 2 Employment Recruit and review the Committee performance and salary of (Advisory) the Chief Executive Officer; Current budget, forward Planting A x Elected Cr Members Cr Cr	
planning, Council Policy and Council's finances. 2 Employment Recruit and review the Committee performance and salary of (Advisory) the Chief Executive Officer; Cr	
Council's finances. 2 Employment Recruit and review the Committee performance and salary of (Advisory) the Chief Executive Officer; Cr	
2 Employment Recruit and review the Committee performance and salary of (Advisory) Recruit and review the performance and salary of the Chief Executive Officer; Cr	
Committee performance and salary of (Advisory) performance and salary of the Chief Executive Officer; Cr	
(Advisory) the Chief Executive Officer; Cr	
and assist the Chief	
Executive Office in the	
selection and review the	
performance of Senior	
Employees.	
3 Community Housing The Community Housing 4 x Elected Cr	
Committee Committee has delegated Members Cr	
(Delegated Authority) authority to select suitable Cr	
tenants when vacancies	
arise in the Madison Square	
Units complex. 4 Bushfire Advisory The prevention, controlling 1 x Elected Cr	
Committee and extinguishing of bush Member Proxy Cr	
(Advisory) fires; prosecutions for 1 x Elected	
breaches of the Bush Fires Member Proxy	
Act; the formation of Bush	
Fire Brigades; the co-	
ordination of the efforts and	
activities of the Bush Fire	
Brigades; and any other	
matter relating to bush fire	

		control.		
5	Local Emergency Management Committee (Advisory)	Acts in accordance with the Emergency Management Act 2005 to manage the community's bush fire prevention and emergency response.	1 x Elected Member 1 x Elected Member Proxy	Cr Proxy Cr
	Council Advisory Group	Purpose	Representation	Member
1	Integrated Planning and Reporting (IPR) Working Group (Advisory)	To oversee and guide the review of its IPR Framework working with the Shire Project Management Team and appointed consultant	3 x Elected Members	Cr Cr Cr

6.10.17 EXTERNAL COMMITTES/WORKING GROUPS FOR 2017-2019 TERM

File No: N/A

Date of Meeting: 30/10/17

Location/Address: N/A

Name of Applicant: N/A

Name of Owner: N/A

Author/s: Courtney Fulwood – Executive Officer
Authorising Officer: Ian D'Arcy – Chief Executive Officer

Declaration of Interest: Nil

Voting Requirements: Absolute Majority

Previous Report: Nil

Summary of Item:

To appoint elected members as delegates to various committee/advisory groups/organisation run or managed by external organisations or organisations where the Shire has a social, economic or financial interest.

Description of Proposal:

As above.

Background:

Following the Local Government elections on 21st October 2017 all previous Committee member and Council delegate positions become vacant and nominations are now required for the these vacancies:

The following are the external Committees/Organisations that Council continues to haves an interest in:

- WALGA Central Country Zone Wheatbelt
- WALGA AGM (Voting Delegate)
- WALGA Central Country Zone Local Government Act Working Group
- MRWA Wheatbelt South Regional Road Group & Hotham-Dale Subgroup (RRG)
- Brookton School Board

Conversely, it is suggest the following groups are no longer pertinent to having representation, and therefore have been omitted for the Officer Recommendation at the request of the CEO:

- Yenyenning Lakes Management Group
- School Bus Runs

Furthermore, the following external Group has been amended with the removal of reference to Age Support and Care Solutions. This is due to an indication from the three local governments at the last BBP meeting there is a need to review the Group's purpose and terms of reference.

Brookton Beverley Pingelly (BBP) Alliance Age Support and Care Solutions

Consultation:

Nil.

Statutory Environment:

A Councillor appointed as a delegate of an external committee/advisory group/organisation is required to adhere to the record keeping requirements as set out in the State Records Act 2000 and Councillors are required to report to Council on a regular basis about the activities of the committee/advisory group/organization.

Relevant Plans and Policy:

There are not relevant plans or polices in relation to this item.

Financial Implications:

Council resolved at the Ordinary Meeting of Council on 16th February 2017 item 14.02.17.01 the below;

- 1. Note the resolution of 21 July 2016, to make payments to elected members for eligible mileage claims, meetings fees for attending Council Meetings and or Council Committee Meetings and;
- 2. Approve, pursuant to section 5.98 (2A) of the Local Government Act 1995, and regulation 30 (3A) of the Local Government (Administration) Regulations 1996, effective from the date of this resolution, to also make payments to Council appointed representatives or delegates, or in lieu of that elected member, the Council appointed proxy as follows;
 - a. WALGA Zone Meetings \$150 per attendance.
 - b. Regional road Group \$150 per attendance.
 - c. External (not Council controlled or established) Committees, Working Groups or similar meetings as long as they are minuted, which also confirms attendance \$50 per attendance.

In addition, there may be minor financial implications in that travel costs may be incurred to attend various meetings held outside the Shire of Brookton.

Risk Assessment:

There are no risks identified in relation to this item.

Community & Strategic Objectives:

This proposal generally aligns with the Shire of Brookton Strategic Community Plan 2013 – 2023 under:

Outcome 1.4: A vibrant and inclusive community.

Strategy 1.4.2: Promote and support community groups, volunteerism and promote increased participation.

Comment

Nil.

OFFICER'S RECOMMENDATION

That Council, in accordance with Section 5.8 of the Local Government Act (1995), endorse participation in non-Council Committees and Groups, as listed in the table below, with elected members appointed:

	Name of Group/Organisation	Purpose	Representation	Member
1	WALGA Central Country Zone	To represent the Council's interests at meetings of the WALGA Central Country Zone where recommendations are formed for consideration by the WALGA Executive Committee	2 x Elected Members	Cr Cr
2	WALGA AGM (Voting)	To vote on behalf of Council on formal recommendations being presented the WALGA Annual General Meeting held in August each year	Shire President and 1 x Elected Member	Cr Cr
3	WALGA Central Country Zone - Local Government Act Review Working Group	To assist in forming recommendations for consideration by the WALGA Central Country Zone on review of the Local Government Act and subsidiary legislation	2 x Elected Members	Cr Cr
4	MRWA Wheatbelt South Regional Road Group & Hotham- Dale Subgroup	To represent the Council's interests on Regional Road matters	1 x Elected Member	Cr
5	Brookton Beverley Pingelly (BBP) Alliance	To represent the Council's interests in exploring, in collaboration with the Shires of Beverley and Pingelly, various opportunities and matters of mutual benefit for the betterment of our local communities	2 x Elected Members	Cr Cr
6	Brookton School Board	To represent the Council's interests and perform a 'conduit' role for information flow between the School Board and Council	1 x Elected Member	Cr
7	Joint Development Assessment Panel (JDAP)	To assess and determine development applications that exceeds \$3-7 million in value.	2 x Elected Member 2 x Proxy	Cr Cr Proxy Cr Proxy Cr

7.10.17 ENDORSEMENT OF COUNCIL MEETING SCHEDULE FOR ORDINARY COUNCIL MEETINGS DURING 2018

File No: N/A

Date of Meeting: 30/10/2017

Location/Address: 14 White Street, Brookton WA 6306

Name of Applicant: Shire of Brookton
Name of Owner: Shire of Brookton

Author/s: Courtney Fulwood – Executive Officer
Authorising Officer: Ian D'Arcy – Chief Executive Officer

Declaration of Interest: Nil

Voting Requirements: Simple Majority

Previous Report: Nil

Summary of Item:

Council is requested to adopt the dates on which Ordinary Council meetings are to be held during the 2018 calendar year.

Background:

The Local Government Act, 1995 compels Council to set its ordinary meeting dates in advance of each calendar year, with the requirement to advertise in the local newspaper/newsletter (and other mediums) to inform the public of the opportunity to attend and observe.

In light of this Council has traditionally set its meeting time in October for the coming year, and conduct its Ordinary Council meetings on the third Thursday of each month, excluding January when no meeting is held due to the post-harvest/school holiday period.

Consultation:

No specific consultation was undertaken in relation to this report, however, the Council decision will be publish for public interest.

Statutory Environment:

The statutory and legal considerations in relation to this matter are undertaken pursuant to Division 2 — Council meetings, committees and their meetings and electors' meetings; Subdivision 1 — Council meetings of the *Local Government Act*, 1995.

Relevant Plans and Policy:

The meeting days, times and venue has been determined by Council through the adoption of a Council Policy 1.2, which prescribes that Ordinary Council Meetings are to be held on the third Thursday of the month in the Council Chambers (14 White Street, Brookton) commencing at 5.00 pm.

Financial Implications:

There are no financial implications related to this report other than the costs of advertising in the local newsletter.

Risk Assessment:

There are no risk identified in relation to this report.

Community & Strategic Objectives:

There are no Strategic Community Plan or Corporate Business Plan activities relevant to this report.

Comment

As mentioned, Council Policy 1.12 stipulates that Ordinary Council Meetings are to be convened on the third Thursday of each month, other than January. With this noted, there is a pending issue with the 2018 December Ordinary Meeting, as this will fall on the 20th December 2018. In light of this, any actions arising from the December Ordinary, including preparation and distribution of minutes, will prove difficult to action, and all relevant correspondence or advice is unlikely can be sent to customers in advance of the Christmas break. It also means that staff will not have sufficient time to deal with any other emerging or arising issues in the week before the Christmas break.

Therefore, it is recommended that Council agree to move the meeting date forward by one week to Thursday 13th December 2018.

OFFICER'S RECOMMENDATION

That Council adopts the following Ordinary Meeting dates, venues and starting times for the 2018 calendar year and the meeting schedule be advertised accordingly:

<u>Month</u>	Time	Date	Туре
February	5.00 PM	Thursday 15 February 2018	Ordinary
March	5.00 PM	Thursday 15 March 2018	Ordinary
April	5.00 PM	Thursday 19 April 2018	Ordinary
May	5.00 PM	Thursday 17 May 2018	Ordinary
June	5.00 PM	Thursday 21 June 2018	Ordinary
July	5.00 PM	Thursday 19 July 2018	Ordinary
August	5.00 PM	Thursday 16 August 2018	Ordinary
September	5.00PM	Thursday 20 September 2018	Ordinary
October	5.00 PM	Thursday 18 October 2018	Ordinary
November	5.00 PM	Thursday 15 November 2018	Ordinary
December	5.00 PM	Thursday 13 December 2018	Ordinary

Note: All Council meetings are held at the Shire of Brookton Administration Office, 14 White Street Brookton WA 6306.

8.10.17	CLOSURE OF MEETING	
---------	--------------------	--