



Shire of Brookton

ORDINARY COUNCIL MEETING

MINUTES

Thursday 18 August 2016

These minutes were confirmed by Council as a true and correct record of the Ordinary Council meeting held on 18 August 2016.

Presiding Member:.....**Date:**.....

Disclaimer

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

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

Persons should be aware that the provisions of the Local Government Act 1995 (Section 5.25(e)) establish procedures for revocation or revision of a Council decision. No person should rely on the decisions made by Council until formal advice of the Council decision is received by that person.

The Shire of Brookton expressly disclaims liability for any loss or damage suffered by any person as a result or relying on or acting on the basis of any resolution of Council, or any advice or information provided by a Member or Officer, or the content of any discussion occurring, during the course of the Council Meeting.

Shire of Brookton
Ordinary Meeting of Council held 18 August 2016.
Commencing at 12.30pm.

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1.08.16 DECLARATION OF OPENING / ATTENDANCE / APOLOGIES

The Presiding Member opened the meeting at 12.30pm and welcomed Councillors and staff.

Attendance

Elected Members

Cr KT Wilkinson

Shire President (Presiding Member)

Cr KL Crute

Cr LS Allington

Cr TM Eva

Cr RT Fancote

Cr NC Walker

Cr KH Mills

Staff

Evelyn Arnold

Acting Chief Executive Officer

Carina Whittington

Community Services Manager

Stefan De Beer

Shire Planner

Courtney Fulwood

Works Administration Technical Officer

Members of the Public

Dennis Loakes, Noelene Schilling, Elizabeth Brice, Keith Bryce, Guy Teede and Anne Banks-McAllister.

Apologies

Nil

Leave of Absence

Nil

2.08.16 ANNOUNCEMENT OF VISITORS

3.08.16 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4.08.16 PUBLIC QUESTION TIME

Dennis Loaks

- Advised that he and other neighbours are having ongoing disputes with a neighbour and asked what the Shire can do to help resolve these issues.

Guy Teede

- Thank you to Shire for burying the deceased horse on Buckingham Road.
- Thank you to Shire for approving the recent Pony Express motorcycle event.
- Raised concern for horse kept on Leftroy St (15 horses in small area)
- Buy Local Policy – believes the Shire is not being fair to local businesses.

5.08.16 APPLICATIONS FOR LEAVE OF ABSENCE

Council Resolution

5.08.16

Moved Cr Mills Seconded Cr Fancote

That Cr Allington be granted leave of absence for the September 2016 Council Meeting.

CARRIED 7-0

6.08.16 PETITIONS/ DEPUTATIONS / PRESENTATION

Mr Graham Wearne representing the Brookton Men's Shed – Visitor Bike Trail

- Questioning the Shire's response to the Men's Shed Bike proposal which appears to question Mr Wearne's integrity.
- Requesting feedback from the Shire regarding the proposal.
- The Shire President advised that Council will be discussing the bike proposal in the Council Briefing Forum immediately following the Council meeting.

Members of the Brookton Men's shed left the meeting at 12.47pm

7.08.16 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Council Resolution

7.08.16.01

Moved Cr Allington Seconded Cr Eva

That the minutes of the Ordinary Council meeting held in the Shire of Brookton Council Chambers on Thursday 21 July be confirmed as a true and correct records of proceedings.

CARRIED 7-0

Council Resolution

7.08.16.02

Moved Cr Walker Seconded Cr Mills

That the minutes of the Special Council Meeting held in the Shire of Brookton Council Chambers on Wednesday 10 August 2016 be confirmed as a true and correct records of proceedings.

CARRIED 6-0

Cr Wilkinson Abstained

8.08.16 ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

Congratulations to Cr Fancote on the arrival of her granddaughter.

Condolences

Mr Frank Bassett

Mrs Moira Fishlock

9.08.16 DECLARATIONS BY MEMBERS & OFFICERS

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

Financial, Proximity and Impartiality Interests

Item no.	Members	Type of Interest	Nature of Interest
16.08.16.01	Cr K Wilkinson	Indirect Financial	Spouse is a closely associated person due to employment with the Shire of Brookton

10.08.16 TECHNICAL & DEVELOPMENT SERVICES REPORT
NIL

11.08.16 COMMUNITY SERVICES REPORT
NIL

12.08.16 FINANCE & ADMINISTRATION REPORT

12.08.16.01 LIST OF ACCOUNTS FOR PAYMENT

FILE REFERENCE:

AUTHORS NAME AND POSITION: Corinne Kemp
Finance Officer

NAME OF APPLICANT/RESPONDENT: Shire of Brookton

DATE REPORT WRITTEN: 9th August 2016

DISCLOSURE OF INTEREST: The author has no financial interest in this matter.

PREVIOUS MEETING REFERENCE: There is no previous meeting reference.

SUMMARY:

The List of Accounts for payment to 31 July 2016 are presented to Council for inspection.

Background:

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

Detail:

Totals of all payments from each of Council's bank accounts are listed below and detailed within Attachment 12.08.16.01A.

To 31 July 2016

Municipal Account

Direct Debits	\$	98,072.78
EFT	\$	621,070.09
Cheques	\$	40,387.54
<i>Trust Account</i>	\$	910.00

Statutory and Legal Considerations:

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

Policy Considerations:

Policy No. 4.4 of the Council Policy Manual states that the Chief Executive Officer is authorised to arrange purchase of specific items in the budget, which do not require calling tenders, providing that it is within the approved budget.

Financial Implications:

There are no financial implications relevant to this report.

Strategic Community Plan (2013 – 2023)

No reference

Corporate Business Plan (2016-2020)

No reference

Voting Requirements:

Simple Majority.

Officer's Recommendation:

That Council note the payments authorised under delegated authority and detailed below and in the List of Accounts 31 July 2016, per the summaries included in Attachment 12.08.16.01A in accordance with the Local Government (Financial Management) Regulations 1996:

To 31 July 2016:

Municipal Account

Direct Debits	\$	98,072.78
EFT	\$	621,070.09
Cheques	\$	40,387.54
<i>Trust Account</i>	\$	910.00

Council Resolution

12.08.16.01

Moved CR Mills Seconded CR Allington

That Council note the payments authorised under delegated authority and detailed below and in the List of Accounts 31 July 2016, per the summaries included in Attachment 12.08.16.01A in accordance with the Local Government (Financial Management) Regulations 1996:

To 31 July 2016:

Municipal Account

Direct Debits	\$	98,072.78
EFT	\$	621,070.09
Cheques	\$	40,387.54
<i>Trust Account</i>	\$	910.00

CARRIED 7-0

JULY 2016 LIST OF ACCOUNTS DUE & SUBMITTED TO COUNCIL 18 AUGUST 2016

ATTACHMENT 12.08.16.01A

Chq/EFT	Date	Name	Description	Amount
1011	21/07/2016	ANDY WILLIAMSON	BOND REFUND GYM KEY	\$ 30.00
1013	21/07/2016	SEAN DAMIAN WOOD	BOND REFUND HIRE OF COMMUNITY BUS	\$ 330.00
1014	21/07/2016	SUZANNE WINMAR	BOND REFUND HIRE OF MEMORIAL HALL	\$ 110.00
1015	21/07/2016	VENTIA MRD	BOND REFUND HIRE OF PAVILION	\$ 110.00
1016	27/07/2016	BROOKTON MENSSED	BOND REFUND HIRE OF COMMUNITY BUS	\$ 330.00
			TOTAL TRUST	\$ 910.00

Chq/EFT	Date	Name	Description	Amount
EFT7437	13/07/2016	ABCO PRODUCTS	CLEANING PRODUCTS	\$ 463.04
EFT7438	13/07/2016	AMAZING 50'S CATERING	CITIZENSHIP DINNER	\$ 660.00
EFT7439	13/07/2016	AMPAC DEBT RECOVERY	RATES DEBT RECOVERY JUNE 2016	\$ 198.00
EFT7440	13/07/2016	ARM SECURITY	ALARM MONITORING CHARGES 01/07/16	\$ 185.90
EFT7441	13/07/2016	AVON PAPER SHRED	PAPER SHREDDING	\$ 154.00
EFT7442	13/07/2016	B & N EYRE BROOKTON	PAPERS & STATIONERY JUNE 2016	\$ 410.75
EFT7443	13/07/2016	BOC GASES	ARGOSHIELD UNIVERSAL E2 SIZE	\$ 86.27
EFT7444	13/07/2016	BROOKTON SUPERMARKET	COFFEE, BISCUITS, SUGAR, TEA WATER &	\$ 353.20
EFT7445	13/07/2016	BURGESS RAWSON (WA) PTY LTD	WATER USAGE 15/03/16 18/05/16	\$ 227.99
EFT7446	13/07/2016	CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS	\$ 287.32
EFT7447	13/07/2016	CONTRACT AQUATIC SERVICES	ADDITIONAL OPENING HOURS & OFF	\$ 5,060.00
EFT7448	13/07/2016	COUNTRY COPIERS	MONTHLY COPIER READING JUNE 2016	\$ 296.06
EFT7449	13/07/2016	COURIER AUSTRALIA	FREIGHT	\$ 139.94
EFT7450	13/07/2016	EXTERIA	WRANGLE SHELTERS	\$ 8,652.60
EFT7451	13/07/2016	GAIL PATRICIA LILLY	REIMBURSEMENT FOR GIFT PURCHASED	\$ 56.00
EFT7452	13/07/2016	GILL RURAL TRADERS	HARDWARE & RURAL SUPPLIES	\$ 9,136.78
EFT7453	13/07/2016	GREAT SOUTHERN FUEL SUPPLIES	DIESEL & PETROL PURCHASES JUNE 2016	\$ 10,561.05
EFT7454	13/07/2016	GREAT SOUTHERN WASTE	RUBBISH BIN PICKUP, BULK RECYCLE &	\$ 11,895.04
EFT7455	13/07/2016	ISWEEP TOWN & COUNTRY	SWEEPING OF ROBINSON RD 31/05/16 &	\$ 1,188.00
EFT7456	13/07/2016	IXOM	CHLORINE CYLINDER SERVICE FEE	\$ 84.57
EFT7457	13/07/2016	JH COMPUTER SERVICES	ACER VERITON X464G COMPUTER	\$ 1,265.03
EFT7458	13/07/2016	KATRINA LOUISE CRUTE	COUNCILLOR ALLOWANCE 2015/16	\$ 3,875.00
EFT7459	13/07/2016	KYM TERENCE WILKINSON	COUNCILLOR ALLOWANCE 2015/16	\$ 10,751.12
EFT7460	13/07/2016	LANDGATE (DOLA)	URBAN UV REVALUATION 2015/16	\$ 163.18
EFT7461	13/07/2016	LESLIE ROBERT EYRE	SHIRE OVAL CONTRACT JUNE 2016	\$ 382.99
EFT7462	13/07/2016	LG ASSIST	ADVERTISING DCEO POSITION	\$ 275.00
EFT7463	13/07/2016	LGRCEU	PAYROLL DEDUCTIONS	\$ 77.95
EFT7464	13/07/2016	LM PAVING	PAVING LAYED CUT & FINISHED	\$ 1,650.00
EFT7465	13/07/2016	MARIKA EVA	REIMBURSEMENT OF EASTER EGGS FROM	\$ 79.61
EFT7466	13/07/2016	MARKETFORCE	ADVERTISING	\$ 2,075.91
EFT7467	13/07/2016	MERCURY FIRE SAFETY	FIRE BUG & TYRE DEFLATOR KIT	\$ 526.25
EFT7468	13/07/2016	OFFICEWORKS BUSINESS DIRECT	PINUP BOARD TP	\$ 385.00
EFT7469	13/07/2016	SEEK LIMITED	ADVERTISING DCEO POSITION	\$ 713.90
EFT7470	13/07/2016	SERVICEWEST	CYBER ATTACK REBUILD AND REPORT	\$ 5,192.00

EFT7471	13/07/2016	SHIRE OF BROOKTON	MASTERCARD PURCHASES JUNE 2016	\$ 883.70
EFT7472	13/07/2016	SHIRE OF BROOKTON	MASTERCARD PURCHASES JUNE 2016	\$ 321.99
EFT7473	13/07/2016	SHIRE OF BROOKTON SOCIAL	PAYROLL DEDUCTIONS	\$ 225.00
EFT7474	13/07/2016	STUMPY'S GATEWAY ROADHOUSE	UNLEADED PETROL PURCHASES JUNE 2016	\$ 100.00
EFT7475	13/07/2016	THE WEST AUSTRALIAN	ADVERTISING ADMINISTRATION OFFICER	\$ 679.65
EFT7476	13/07/2016	THERESA FANCOTE	COUNCILLOR ALLOWANCE 2015/16	\$ 3,869.46
EFT7477	13/07/2016	TOTALLY CONFIDENTIAL RECORDS	ARCHIVE BOX STORAGE	\$ 196.54
EFT7478	13/07/2016	WA CONTRACT RANGER SERVICES	RANGER SERVICES 14/06/16 TO 23/06/16	\$ 1,051.87
EFT7479	13/07/2016	WINDSOR D & J	REPAIR & REINSTALL CLOTHES LINES AT	\$ 616.00
EFT7480	20/07/2016	CONTRACT AQUATIC SERVICES	CHLORINE GAS SHUTDOWN, POOL	\$ 11,796.00
EFT7481	20/07/2016	LGIS INSURANCE BROKING	INSURANCE MOTOR VEHICLE, PERSONAL	\$ 42,003.76
EFT7482	20/07/2016	LYN KAY	CIRCUIT CLASSES & GYM INDUCTIONS	\$ 330.00
EFT7483	20/07/2016	WA TREASURY CORPORATION	LOAN REPAYMENTS 75,79 & 80	\$ 46,690.66
EFT7484	27/07/2016	ALAN ATKINS	REPAIR TOILET FLOOR 10 MARSH AVE	\$ 236.50
EFT7485	27/07/2016	BAPTISTCARE	KALKARNI RESIDENCY OPERATING &	\$ 245,507.54
EFT7486	27/07/2016	BROOKTON PLUMBING	REPAIRS & MAINTENANCE U2/4	\$ 883.30
EFT7487	27/07/2016	BROOKTON TELEGRAPH	ADVERTISING	\$ 455.00
EFT7488	27/07/2016	CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS	\$ 287.32
EFT7489	27/07/2016	COUNTRY COPIERS	MONTHLY METER READING JUNE 2016	\$ 260.87
EFT7490	27/07/2016	COURIER AUSTRALIA	FREIGHT	\$ 38.12
EFT7491	27/07/2016	GIRL GUIDES WA INC	KISPORT VOUCHERS	\$ 1,100.00
EFT7492	27/07/2016	GO GO ONHOLD	ON HOLD MESSAGES SERVICE	\$ 828.00
EFT7493	27/07/2016	H RUSHTON & CO	SERVICE & REPAIRS G6, U1, CB1 & PT10	\$ 1,687.75
EFT7494	27/07/2016	HOWSON MANAGEMENT	PLANT AND EQUIPMENT VALUATION	\$ 2,612.50
EFT7495	27/07/2016	IT VISION	ANNUAL LICENSE FEES SYNERGYSOFT	\$ 23,062.60
EFT7496	27/07/2016	IT VISION USER GROUP	IT VISION USER GROUP MEMBERSHIP	\$ 715.00
EFT7497	27/07/2016	IXOM	CHLORINE CYLINDER RENTAL FEE 01/06/16	\$ 81.84
EFT7498	27/07/2016	JASON SIGNMAKERS	RURAL STREET SIGNS WHITE ON DARK	\$ 85.80
EFT7499	27/07/2016	JH COMPUTER SERVICES	PORTABLE HARD DRIVES	\$ 594.00
EFT7500	27/07/2016	JR & A HERSEY PTY LTD	PERSONAL PROTECTIVE EQUIPMENT	\$ 752.36
EFT7501	27/07/2016	LANDGATE	CONSOLIDATED MINING TENEMENT ROLL,	\$ 235.85
EFT7502	27/07/2016	LGIS INSURANCE	INSURANCE PROPERTY, LIABILITY,	\$ 100,438.48
EFT7503	27/07/2016	LGRCEU	PAYROLL DEDUCTIONS	\$ 26.35
EFT7504	27/07/2016	LOCAL GOVERNMENT	REGISTRATION TO 2016 LGSA	\$ 2,189.00
EFT7505	27/07/2016	LYN KAY	CIRCUIT CLASS AT BROOKTON ALL HOURS	\$ 240.00
EFT7506	27/07/2016	MAGIQ SOFTWARE LTD	MAGIQ DOCUMENTS SOFTWARE SUITE 3	\$ 4,719.00
EFT7507	27/07/2016	MARKETFORCE	ADVERTISING	\$ 244.18
EFT7508	27/07/2016	MCINTOSH & SON	GAS STRUT & FREIGHT	\$ 116.47
EFT7509	27/07/2016	PACIFIC BRANDS WORKWEAR	STAFF UNIFORMS ORDERED JUNE	\$ 565.40
EFT7510	27/07/2016	PINGELLY TIMES	ADVERTISING JUNE 2016	\$ 30.00
EFT7511	27/07/2016	QUALITY TRANSPORT	FREIGHT	\$ 37.18
EFT7512	27/07/2016	RAMM	RAMM ANNUAL SUPPORT AND	\$ 6,079.30
EFT7513	27/07/2016	SAFEROADS	ZONE CARE PACKAGE	\$ 877.80
EFT7514	27/07/2016	SERVICEWEST	MAGIQ BACKUPS, WESTNET DATA USAGE	\$ 176.00
EFT7515	27/07/2016	SHIRE OF BROOKTON SOCIAL	PAYROLL DEDUCTIONS	\$ 404.00
EFT7516	27/07/2016	SHIRE OF PINGELLY	MECHANICAL REPAIRS AND PARTS	\$ 6,908.50
EFT7517	27/07/2016	SIGNS PLUS	EMPLOYEE BADGES	\$ 44.00
EFT7518	27/07/2016	WA CONTRACT RANGER SERVICES	RANGER SERVICES PERFORMED 29/06/16	\$ 631.12
EFT7519	27/07/2016	WA LOCAL GOVERNMENT ASSN	WALGA SUBSCRIPTIONS 1/07/16 TO	\$ 23,913.73
EFT7520	27/07/2016	WESFARMERS KLEENHEAT GAS	GAS CYLINDER SERVICE CHARGES	\$ 207.90

SHIRE OF BROOKTON
CREDIT CARD PURCHASES CEO
 Creditor Number: 96286

DATE	DESCRIPTION	AMOUNT
1/06/16	WESTNET - DEPOT	\$ 49.95
1/06/16	WESTNET - ADMINISTRATION	\$ 109.95
1/6/16	SURVEY MONKEY	\$ 24.00
2/6/16	RURAL HEALTH WEST	\$ 100.00
7/6/16	TANGLEFOOT WINERY	\$ 222.00
16/6/16	ZHANGZHENG - SOLAR LIGHTS FOR ROBINSON ROAD	\$ 373.80
	CARD FEE	\$ 4.00
	TOTAL	\$ 883.70

SHIRE OF BROOKTON
CREDIT CARD PURCHASES DCEO
 Creditor Number: 96286

DATE	DESCRIPTION	AMOUNT
5/6/16	GULL KARRAGULLEN - PETROL	\$ 38.00
26/6/16	AUSTRALIAN FLAGS	\$ 279.99
	CARD FEE	\$ 4.00
	TOTAL	\$ 321.99

12.08.16.02 FINANCIAL STATEMENTS – STATEMENTS OF FINANCIAL ACTIVITY FOR THE PERIODS 31 JULY 2016

FILE REFERENCE:

AUTHORS NAME AND POSITION: Evelyn Arnold
Deputy Chief Executive Officer

NAME OF APPLICANT/RESPONDENT: Shire of Brookton

DATE REPORT WRITTEN: 10th August 2016

DISCLOSURE OF INTEREST: The author has no financial interest in this matter.

PREVIOUS MEETING REFERENCE: There is no previous meeting reference.

SUMMARY:

The Statement of Financial Activity for the periods 31 July 2016 are presented to council.

Background:

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

Detail:

Councillors have been provided with completed Statement of Financial Activity for the periods ended 31 July 2016 (Attachment 12.08.16.02A).

The comments on any significant budget variances are provided within Note 9 of the financial statements.

Statutory and Legal Considerations:

Section 6.4 of the *Local Government Act 1995*.
Regulation 34 of the *Local Government (Financial Management) Regulations 1996*.

Policy Considerations:

There is no Council Policy relative to this issue.

Consultation:

There has been no consultation in this matter.

Financial Implications:

There are no financial implications relevant to this report.

Strategic Community Plan (2013 – 2023)

No reference

Corporate Business Plan (2016-2020)

No reference

Voting Requirements:

Simple Majority.

Officer's Recommendation:

That Council receive the Statement of Financial Activity for the period ended 31 July 2016 attachment 12.08.16.02A.

Council Resolution

12.08.16.02

Moved CR Crute Seconded CR Allington

That Council receive the Statement of Financial Activity for the period ended 31 July 2016 attachment 12.08.16.02A.

CARRIED 7-0

Shire of Brookton

MONTHLY FINANCIAL REPORT

For the Period Ended 31 July 2016

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Statement of Financial Activity by Function & Activity

Statement of Financial Activity by Nature & Type

Note 1 - Major Variances

Note 2 - Graphical Representation of Statement of Financial Activity

Note 3 - Net Current Funding Position

Note 4 - Receivables

Note 5 - Cash Backed Reserves

Note 6 - Capital Disposals and Acquisitions

Note 7 - Information on Borrowings

Note 8 - Cash and Investments

Note 9 - Budget Amendments

Note 10 - Trust Fund

Note 11 - Kalkarni Financial Report

Shire of Brookton
STATEMENT OF FINANCIAL ACTIVITY
(Statutory Reporting Program)
For the Period Ended 31 July 2016

	Note	Adopted Annual Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(b)	Var. 9
Operating Revenues		\$	\$	\$	\$	%	
Governance		36,054	3,002	4,248	1,246	41.50%	
General Purpose Funding		1,118,337	944	889	(55)	(5.87%)	
Law, Order and Public Safety		34,763	2,894	50	(2,844)	(98.27%)	
Health		2,509	208	127	(81)	(38.81%)	
Education and Welfare		3,719,654	309,970	306,359	(3,611)	(1.16%)	
Housing		82,562	6,879	6,457	(422)	(6.14%)	
Community Amenities		520,003	7,972	2,147	(5,825)	(73.07%)	
Recreation and Culture		177,790	5,396	4,027	(1,369)	(25.38%)	
Transport		978,168	1,250	0	(1,250)	(100.00%)	
Economic Services		87,775	7,313	3,535	(3,778)	(51.66%)	
Other Property and Services		165,475	3,787	2,214	(1,573)	(41.55%)	
Total (Excluding Rates)		6,923,090	349,615	330,052	(19,563)	(5.60%)	
Operating Expense							
Governance		(680,722)	(56,697)	(119,564)	(62,867)	110.88%	▼
General Purpose Funding		(230,073)	(19,167)	2,606	21,773	(113.59%)	▼
Law, Order and Public Safety		(218,386)	(18,188)	(15,761)	2,427	(13.34%)	
Health		(51,035)	(4,250)	(1,456)	2,794	(65.74%)	
Education and Welfare		(3,856,839)	(321,399)	(289,722)	31,677	(9.86%)	▼
Housing		(126,435)	(10,505)	(6,305)	4,200	(39.98%)	
Community Amenities		(617,463)	(51,427)	(18,185)	33,242	(64.64%)	▼
Recreation and Culture		(805,635)	(67,088)	(15,728)	51,360	(76.56%)	▼
Transport		(3,870,659)	(322,548)	(81,327)	241,221	(74.79%)	▼
Economic Services		(158,894)	(13,232)	(6,910)	6,322	(47.78%)	▼
Other Property and Services		(90,158)	(4,423)	11,627	16,050	(362.89%)	▼
Total		(10,706,299)	(888,924)	(540,725)	348,199	39.17%	
Funding Balance Adjustment							
Add back Depreciation		4,023,244	335,270	0	(335,270)	(100.00%)	▼
Adjust (Profit)/Loss on Asset Disposal	6	(9,248)	0	0	0		
Movement in Non Cash Provisions		0	0	0	0		
Net Operating (Ex. Rates)		230,787	(204,039)	(210,673)	(6,635)	3.25%	
Capital Revenues							
Proceeds from Disposal of Assets	6	264,000	0	50,000	50,000		
Self-Supporting Loan Principal		38,036	0	0	0		
Transfer from Reserves	5	1,099,300	0	0	0		
Total		1,401,336	0	50,000	50,000		
Capital Expenses							
Land and Buildings	6	(1,376,243)	0	0	0		
Plant and Equipment	6	(540,500)	0	0	0		
Furniture and Equipment	6	(112,600)	0	0	0		
Infrastructure Assets - Roads & Bridges	6	(1,266,600)	(35,000)	(35,307)	(307)	0.88%	
Infrastructure Assets - Sewerage	6	(63,680)	0	0	0		
Infrastructure Assets - Parks	6	(30,000)	0	0	0		
Repayment of Debentures	7	(122,136)	(24,086)	(24,086)	0	(0.00%)	
Transfer to Reserves	5	(586,657)	0	0	0		
Total		(4,098,416)	(59,086)	(59,393)	(307)	0.52%	
Net Capital		(2,697,080)	(59,086)	(9,393)	49,693	(84.10%)	
Total Net Operating + Capital		(2,466,293)	(263,125)	(220,066)	43,059	(16.36%)	
Rate Revenue		1,917,236	22,304	22,228	(76)	(0.34%)	
Opening Funding Surplus(Deficit)		549,058	46,264	450,515	98,543	213.00%	
Closing Funding Surplus(Deficit)	2	0	(194,557)	252,677	141,526		

Shire of Brookton
STATEMENT OF FINANCIAL ACTIVITY
Program by Nature and Type
For the Period Ended 31 July 2016

	NOTE	2016/17 Adopted Budget \$	2016/17 YTD Budget \$	2016/17 YTD Actual \$	Variance YTD Budget vs YTD Actual \$
REVENUES FROM ORDINARY ACTIVITIES					
Rates		1,917,236	22,221	22,228	7
Operating Grants, Subsidies and Contributions		3,812,835	233,604	227,876	(5,728)
Fees and Charges		1,499,148	97,893	93,501	(4,392)
Interest Earnings		199,619	16,632	3,865	(12,767)
Other Revenue		309,101	23,085	4,811	(18,274)
		<u>7,737,938</u>	<u>393,435</u>	<u>352,281</u>	<u>(41,154)</u>
EXPENSES FROM ORDINARY ACTIVITIES					
Employee Costs		(1,184,512)	(95,562)	(76,025)	19,537
Materials and Contracts		(4,968,682)	(413,992)	(352,671)	61,321
Utilities		(158,895)	(13,222)	(10,224)	2,998
Depreciation		(4,023,244)	-	-	-
Interest Expenses	7	(122,249)	-	6,630	6,630
Insurance		(213,229)	-	(108,227)	(108,227)
Other Expenditure		(14,202)	(1,181)	(208)	973
		<u>(10,685,014)</u>	<u>(523,957)</u>	<u>(540,725)</u>	<u>(16,768)</u>
		<u>(2,947,076)</u>	<u>(130,522)</u>	<u>(188,445)</u>	<u>(57,923)</u>
Non-Operating Grants, Subsidies & Contributions		1,071,854	441	-	(441)
Profit on Asset Disposals	6	30,534	2,543	-	(2,543)
Loss on Asset Disposals	6	(21,285)	(1,772)	-	1,772
NET RESULT		<u>(1,865,973)</u>	<u>(129,310)</u>	<u>(188,445)</u>	<u>(59,135)</u>

Shire of Brookton
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 July 2016

Note 1: MAJOR VARIANCES

Comments/Reason for Variance

OPERATING REVENUE (EXCLUDING RATES)

Governance

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

General Purpose Funding

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

Law, Order and Public Safety

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

Health

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

Education and Welfare

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

Housing

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

Community Amenities

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

Recreation and Culture

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

Transport

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

Economic Services

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

Other Property and Services

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

OPERATING EXPENSES

Governance

Month End allocations and depreciation have not been run. Once these are completed this program is expected to be on budget.

General Purpose Funding

Month End allocations and depreciation have not been run. Once these are completed this program is expected to be on budget.

Law, Order and Public Safety

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

Health

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

Education and Welfare

Month End allocations and depreciation have not been run. Once these are completed this program is expected to be on budget.

Housing

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

Community Amenities

Month End allocations and depreciation have not been run. Once these are completed this program is expected to be on budget.

Recreation and Culture

Month End allocations and depreciation have not been run. Once these are completed this program is expected to be on budget.

Transport

Month End allocations and depreciation have not been run. Once these are completed this program is expected to be on budget.

Economic Services

Month End allocations and depreciation have not been run. Once these are completed this program is expected to be on budget.

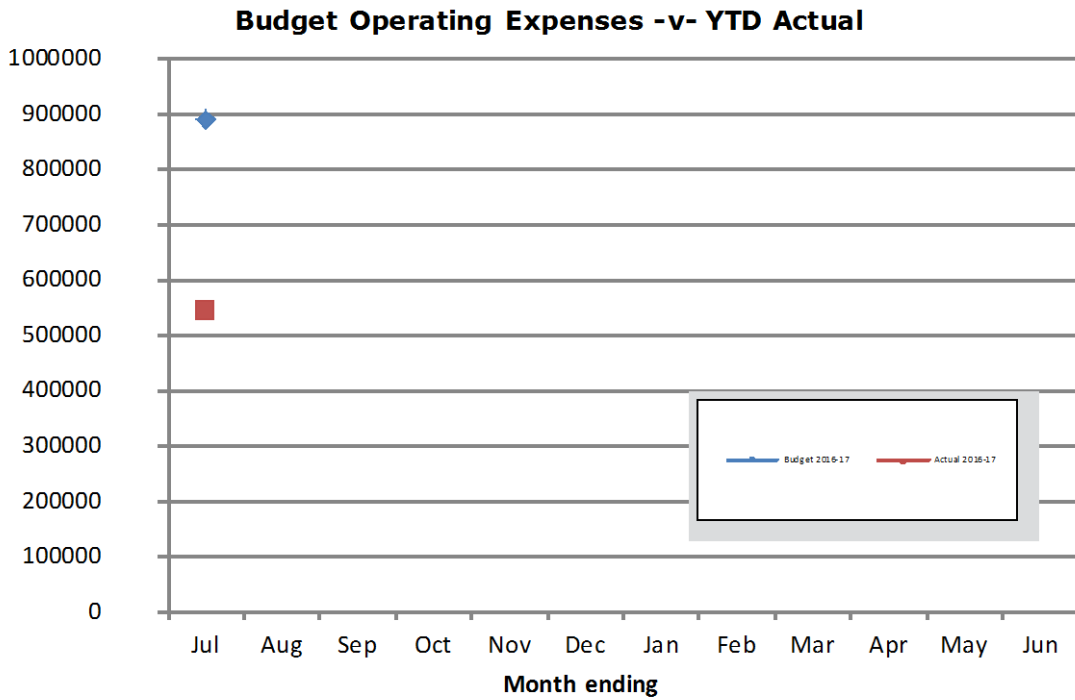
Other Property and Services

Month End allocations and depreciation have not been run. Once these are completed this program is expected to be on budget.

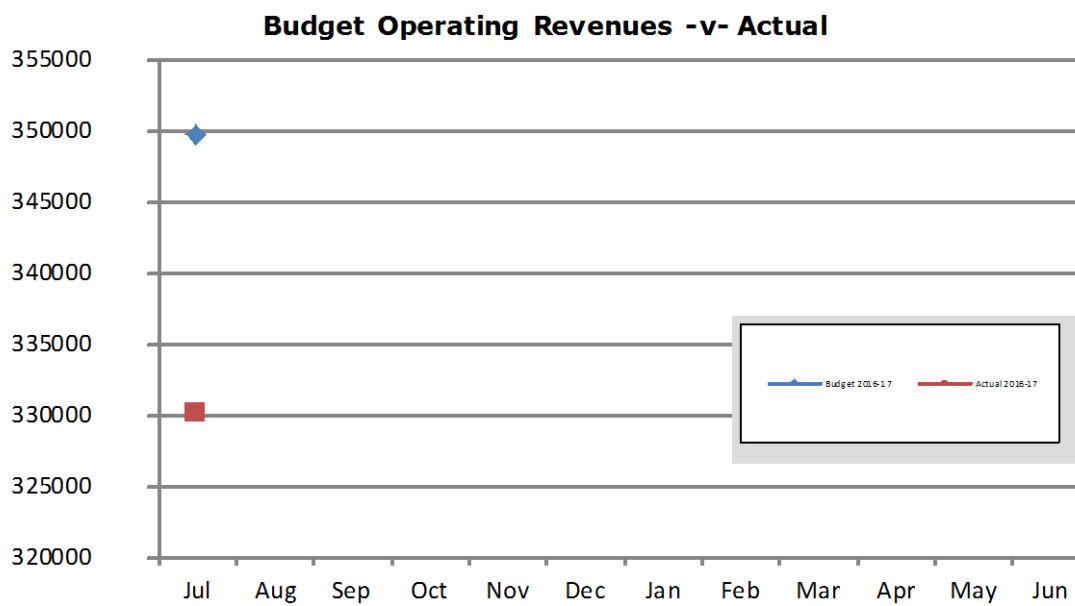
CAPITAL REVENUE		
Proceeds from Disposal of Assets		
Within variance threshold of \$10,000 or 10%		
Self-Supporting Loan Principal		
Within variance threshold of \$10,000 or 10%		
Transfer from Reserves		
Within variance threshold of \$10,000 or 10%		
CAPITAL EXPENSES		
Land and Buildings		
Within variance threshold of \$10,000 or 10%		
Plant and Equipment		
Within variance threshold of \$10,000 or 10%		
Furniture and Equipment		
Within variance threshold of \$10,000 or 10%		
Infrastructure Assets - Roads & Bridges		
Within variance threshold of \$10,000 or 10%		
Infrastructure Assets - Sewerage		
Within variance threshold of \$10,000 or 10%		
Infrastructure Assets - Parks		
Within variance threshold of \$10,000 or 10%		
Repayment of Debentures		
Within variance threshold of \$10,000 or 10%		
Transfer to Reserves		
Within variance threshold of \$10,000 or 10%		
OTHER ITEMS		
Rate Revenue		
Within variance threshold of \$10,000 or 10%		
Opening Funding Surplus(Deficit)		
Within variance threshold of \$10,000 or 10%		
Closing Funding Surplus (Deficit)		
Within variance threshold of \$10,000 or 10%		

Shire of Brookton
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 July 2016

Note 2 - Graphical Representation - Source Statement of Financial Activity



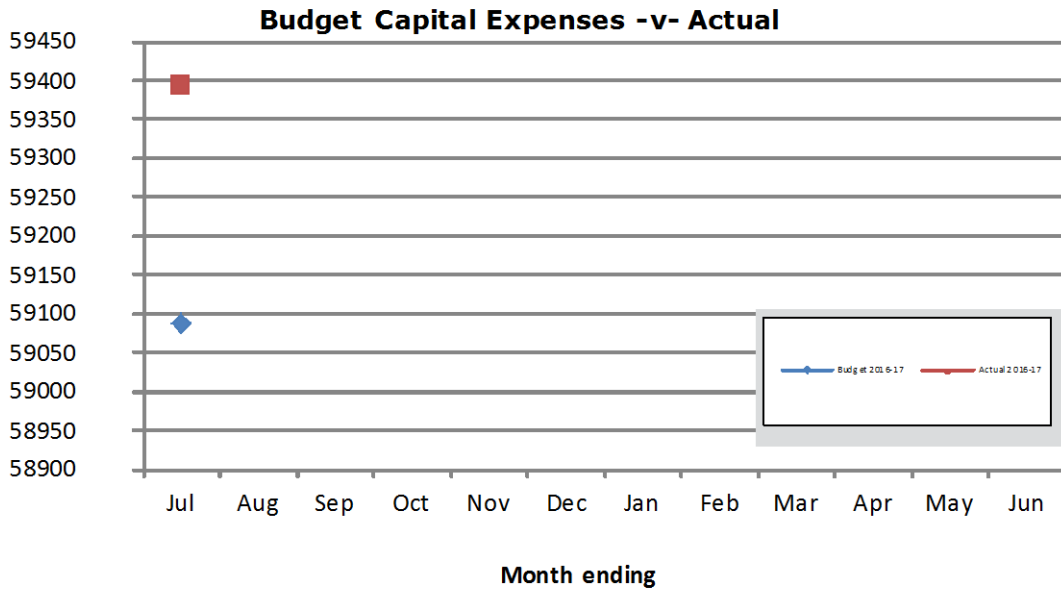
Comments/Notes - Operating Expenses



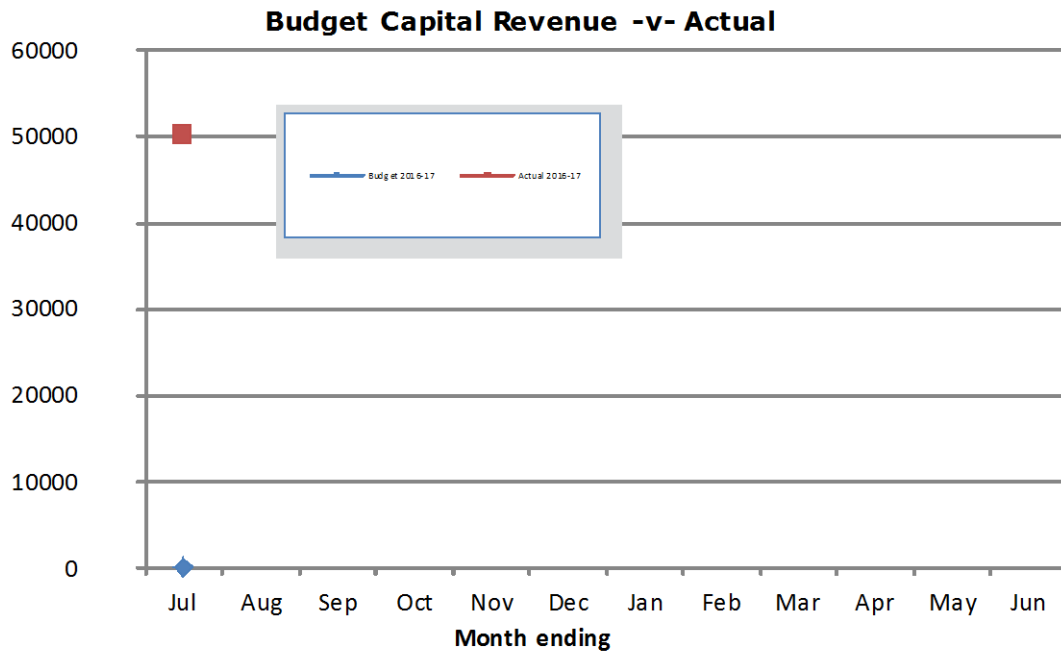
Comments/Notes - Operating Revenues

Shire of Brookton
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 July 2016

Note 1 - Graphical Representation - Source Statement of Financial Activity



Comments/Notes - Capital Expenses



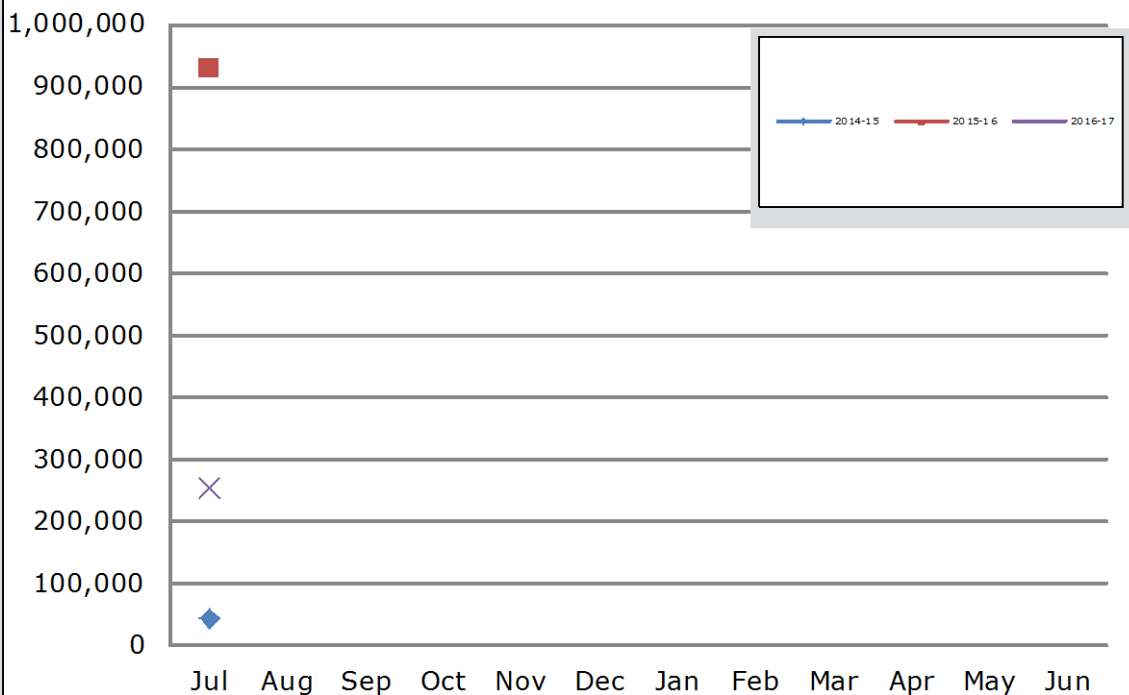
Comments/Notes - Capital Revenues

Shire of Brookton
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 July 2016

Note 3: NET CURRENT FUNDING POSITION

	Note	Positive=Surplus (Negative=Deficit)		
		2016-17		
		This Period	Same Period 2015/16	Same Period 2014/15
		\$	\$	\$
Current Assets				
Cash Unrestricted		349,789	853,445	343,104
Cash Restricted		3,221,937	2,559,953	2,441,892
Receivables		1,579,247	1,110,337	722,286
Prepayments & Accruals		0	0	0
Inventories		16,373	5,517	15,870
		5,167,346	4,529,252	3,523,152
Less: Current Liabilities				
Payables and Provisions		(1,692,732)	(1,040,744)	(1,038,504)
		(1,692,732)	(1,040,744)	(1,038,504)
Less: Cash Restricted		(3,221,937)	(2,559,953)	(2,441,892)
Net Current Funding Position		252,677	928,555	42,756

Note 2 - Liquidity Over the Year



Comments - Net Current Funding Position

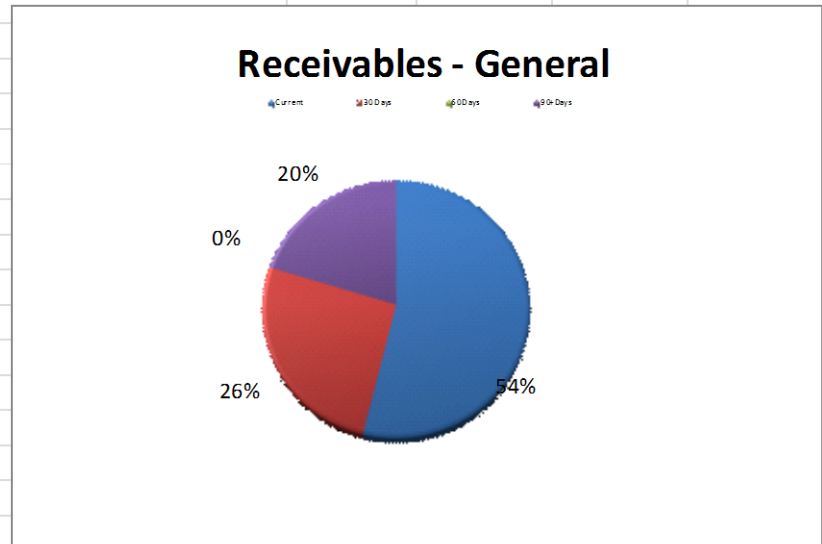
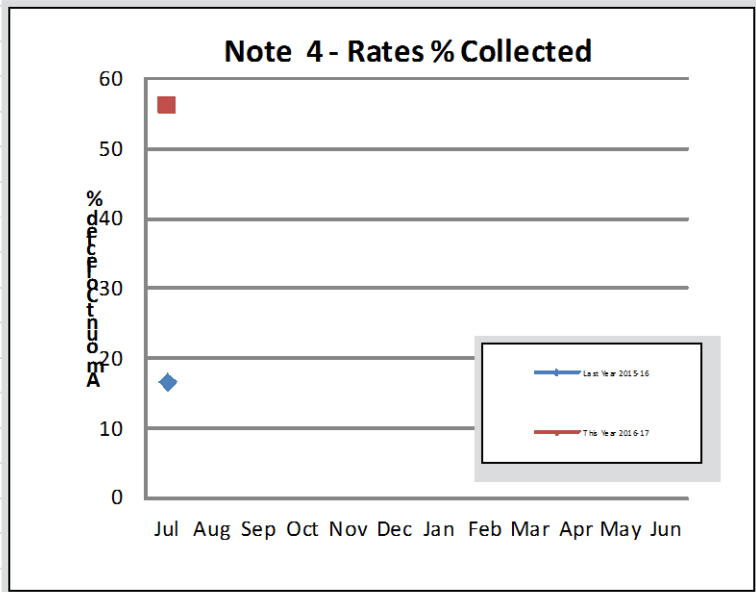
Shire of Brookton
STATEMENT OF FINANCIAL ACTIVITY
ended 31 July 2016

Note 4: RECEIVABLES

Receivables - Rates, Sewerage and Rubbish	Current 2016-17	Previous 2015-16
	\$	\$
Opening Arrears Previous Years Rates, Sewerage & Rubbish Levied this year	12,339	48,284
Less Collections to date	0	0
Equals Current Outstanding	(6,947)	(7,743)
Net Rates Collectable	5,392	40,541
% Collected	56.30%	16.04%

Receivables - General	Current	30 Days	60 Days	90+Days
	\$	\$	\$	\$
	32,982	15,833	0	12,406
Total Outstanding				61,221

Amounts shown above include GST (where applicable)



Comments/Notes - Receivables Rates, Sewerage and Rubbish

Comments/Notes - Receivables General

Shire of Brookton
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 July 2016

Note 5: Cash Backed Reserves

Name	Opening Balance	Budget Interest Earned	Actual Interest Earned	Adopted Budget Transfers In (+)	Actual Transfers In (+)	Adopted Budget Transfers Out (-)	Actual Transfers Out (-)	Adopted Budget Closing Balance	Actual YTD Closing Balance
	\$	\$	\$	\$	\$	\$	\$	\$	\$
Plant and Vehicle Reserve	494,514	14,835	0	100,000	0	0	0	609,349	494,514
Housing Reserve	754,115	22,623	0	15,000	0	(780,000)	0	11,738	754,115
Furniture and Equipment Reserve	23,982	719	0	40,000	0	0	0	64,701	23,982
Municipal Buildings & Facilities Reserve	115,626	3,469	0	100,000	0	0	0	219,095	115,626
Townscape and Footpath Reserve	142,080	4,262	0	0	0	(100,000)	0	46,342	142,080
Land Development Reserve	126,049	3,781	0	0	0	0	0	129,830	126,049
Sewerage and Drainage Scheme Reserve	125,338	3,760	0	65,000	0	0	0	194,098	125,338
Road and Bridge Infrastructure Reserve	187,018	5,611	0	100,000	0	0	0	292,629	187,018
Health & Aged Care Reserve	777,991	23,340	0	50,000	0	(165,000)	0	686,331	777,991
Community Bus Reserve	57,160	1,715	0	5,000	0	0	0	63,875	57,160
Sport & Recreation Reserve	10,124	304	0	0	0	0	0	10,428	10,124
Rehabilitation & Refuse Reserve	40,355	1,211	0	5,000	0	0	0	46,566	40,355
Saddleback Building Reserve	48,828	1,465	0	0	0	0	0	50,293	48,828
Caravan Park Reserve	127,936	3,838	0	0	0	(15,300)	0	116,474	127,936
Brookton Heritage/Museum Reserve	34,353	1,031	0	2,500	0	0	0	37,884	34,353
Kweda Hall Reserve	22,548	676	0	2,500	0	0	0	25,724	22,548
Aldersyde Hall Reserve	22,548	676	0	2,500	0	0	0	25,724	22,548
Railway Station Reserve	22,548	676	0	2,500	0	(18,000)	0	7,724	22,548
Madison Square Units Reserve	17,235	517	0	0	0	0	0	17,752	17,235
Cemetery Reserve	20,921	628	0	0	0	0	0	21,549	20,921
Water Harvesting Reserve	50,665	1,520	0	0	0	(21,000)	0	31,185	50,665
	3,221,936	96,657	0	490,000	0	(1,099,300)	0	2,709,293	3,221,936

Shire of Brookton
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 July 2016

Note 6: CAPITAL DISPOSALS AND ACQUISITIONS

Original Budgeted Profit(Loss) of Asset Disposal			Disposals	Actual Profit(Loss) of Asset Disposal		
Net Book Value	Proceeds	Profit (Loss)		Net Book Value	Proceeds	Profit (Loss)
\$	\$	\$		\$	\$	\$
24,582	25,000	418	CEO Vehicle			0
23,025	22,000	(1,027)	DCEO Vehicle			0
30,075	55,000	24,925	Lot 100 Kormong Drive			0
28,918	22,000	(6,918)	Shire Planner Vehicle			0
102,744	100,000	(2,744)	Grader D Series			0
30,597	20,000	(10,597)	Works Supervisors Ute			0
14,809	20,000	5,191	Dual Cab Utility - Foreman			0
254,750	264,000	9,248	Totals	0	0	0

Comments - Capital Disposal

	Summary Acquisitions	Adopted Budget		
		Budget	Actual	Variance
		\$	\$	\$
	Property, Plant & Equipment			
	Land and Buildings	1,376,243	0	1,376,243
	Plant & Equipment	540,500	0	540,500
	Furniture & Equipment	112,600	0	112,600
	Infrastructure			
	Roadworks & Bridge Works	1,266,600	35,307	1,231,293
	Parks & Gardens	30,000	0	30,000
	Sewerage & Drainage	63,680	0	63,680
	Totals	3,389,623	35,307	3,354,316

Comments - Capital Acquisitions

Shire of Brookton
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 July 2016

Note 7: INFORMATION ON BORROWINGS

Particulars	Loan Purpose	Due Date	Term (yrs)	Rate (%)	Principal 1-Jul-16 \$	New Loans \$	Principal Repayments		Principal Outstanding		Interest Repayments		
							Actual \$	Budget \$	Actual \$	Budget \$	Actual \$	Budget \$	
Self Supporting Loans													
*Loan 78 Senior Citizen's Homes	Construction of Mokine Cottages	17/06/2024	15	6.74	130,452	-	0	12,783	130,452	117,669	-	384	9,458
*Loan 79 Multifunctional Family Centre	Purchase of the Building	1/08/2020	15	5.82	39,429	-	3,895	7,904	35,534	31,525	-	195	2,445
*Loan 82 Country Club	Extension and Refurbishment of the Club House	15/11/2027	20	6.95	292,939	-	0	17,349	292,939	275,590	-	2,600	22,032
Governance													
Loan 75 Administration	Shire Office Renovations	3/08/2026	25	6.46	60,436	-	2,056	4,178	58,380	56,258	-	333	4,239
Education & Welfare													
Loan 80 Kalkarni Residency	Kalkarni Residence	1/02/2026	25	5.63	95,642	-	3,627	7,356	92,015	88,286	-	459	5,858
Housing													
Loan 80 Staff Housing	Staff Housing	1/02/2026	25	5.63	157,810	-	5,984	12,137	151,826	145,673	-	757	9,666
Community Amenities													
Loan 80 Sewerage	Sewerage Extension	1/02/2026	25	5.63	66,950	-	2,539	5,149	64,411	61,801	-	321	4,101
Transport													
Loan 80 Grader	New Grader	1/02/2026	25	5.63	157,810	-	5,984	12,137	151,826	145,673	-	757	9,666
Recreation and Culture													
Loan 81 Sport & Recreation	Recreation Plan	1/11/2027	20	6.95	728,458	-	0	43,143	728,458	685,315	-	6,466	54,784
					1,729,926	0	24,086	122,136	1,705,840	1,607,790	-6,630	122,249	

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

Shire of Brookton
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 July 2016

Note 8: CASH AND INVESTMENTS

	Interest Rate	Unrestricted \$	Restricted \$	Trust \$	Investments \$	Total Amount \$	Institution	Maturity Date
(a) Cash Deposits								
Municipal Cash at Bank - Operating Account	1.50%	121,555				121,555	Bendigo	
Municipal Cash at Bank - Cash Management Account	0.50-4.0%	228,234				228,234	Bendigo	
Trust Cash at Bank	1.50%			34,338		34,338	Bendigo	
(b) Term Deposits								
Reserves	2.85%		3,221,937			3,221,937	Bendigo	02/07/2016
Les McMullen Trust	2.70%			6,760		6,760	Bendigo	26/07/2016
(c) Investments								
Bendigo Bank Shares					5,000	5,000		
Total		349,789	3,221,937	41,098	5,000	3,617,823		

Comments/Notes - Investments

Investment Management Strategy for Kalkarni Bonds

The total bond/RAD amounts are invested with Bankwest for a term of 271 days at the rate of 3.08% with a maturity date of 3rd January 2017.

Shire of Brookton
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 July 2016

Note 10: TRUST FUND

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

Description	Opening Balance	Amount	Amount	Closing Balance
	For the Period 1 July 2015	Received	Paid	For the Period Ended 31 July 2016
	\$	\$	\$	\$
Housing Bonds	180	0	0	180
Other Bonds	10,120	1,700	(910)	10,910
Rates Incentive Prize	200	0	0	200
Staff AFL Tipping	0	0	0	0
Les McMullen Sporting Grants	6,760	0	0	6,760
Gnulla Child Care Facility	3,073	0	0	3,073
Wildflower Show Funds	1,240	0	0	1,240
Kalkarni Resident's Accounts	0	0	0	0
Public Open Space Contributions	13,820	0	0	13,820
Developer Road Contributions	4,915	0	0	4,915
Unclaimed Money	0	0	0	0
	40,308	1,700	(910)	41,098

12.08.16.03 ASSET MANAGEMENT PLAN - ADOPTION

FILE REFERENCE:

AUTHORS NAME AND POSITION: Evelyn Arnold
Deputy Chief Executive Officer

NAME OF APPLICANT/RESPONDENT: Shire of Brookton

DATE REPORT WRITTEN: 9th August 2016

DISCLOSURE OF INTEREST: The author has no financial interest in this matter

PREVIOUS MEETING REFERENCE: There is no previous meeting reference

SUMMARY:

Council is requested to consider the adoption of the Shire of Brookton Asset Management Plan 2016-2026 as part of the review of the Integrated Strategic Planning Framework Reports.

Background:

As part of the annual review budgeting process the Asset Management Plan (AMP) has also been reviewed.

Details:

The Asset Management Plan (AMP) details the activities and services Council will undertake over a ten year period to achieve the objectives of the Strategic Community Plan.

The Annual Budget and the Long Term Financial Plan (LTFP) also integrate the financial requirements of the Asset Management Plan and the Work Force Plan to produce a robust forecast of the next ten years.

Statutory and Legal Considerations:

Local Government Act (1995) sect. 5.56

Local Government (Administration) Regulations (1996) Reg. 19D (a)

Policy Considerations:

There are no policy implications relevant to this recommendation.

Consultation:

Council and Staff as part to the budget preparation process.

Financial Implications:

The associated costs to deliver the activities and services, are shown in the LTFP along with the Operating and Capital revenues.

Strategic Community Plan (2013 – 2023):
No specific implication relative to this report..

Corporate Business Plan (2016 – 2020):
No specific implication relative to this report..

Officer's Comment:
The AMP identifies and prioritises the principal strategies and activities the Council will undertake in response to the goals and outcomes stated in the Strategic Community Plan.

Voting Requirements:
Simple Majority

Officer's Recommendation:
That Council adopts the attached Shire of Brookton Asset Management Plan 2016-2026

ATTACHMENT 12.08.16.03A - Separate

Council Resolution

12.08.16.03

Moved CR Crute Seconded CR Eva

That Council adopts the attached Shire of Brookton Asset Management Plan 2016-2026.

CARRIED 7-0

13.08.16 GOVERNANCE

13.08.16.01 MAKING OF ANIMALS, ENVIRONMENT AND NUISANCE LOCAL LAW 2016

FILE REFERENCE:

AUTHORS NAME AND POSITION: Evelyn Arnold
Acting Chief Executive Officer

NAME OF APPLICANT/RESPONDENT: Shire of Brookton

DATE REPORT WRITTEN: 9th August 2016

DISCLOSURE OF INTEREST: The author has no financial interest in this matter

PREVIOUS MEETING REFERENCE: There is no previous meeting reference

SUMMARY:

For Council to:

- (1) Consider the submissions (if any) received on the proposed *Animals, Environment and Nuisance Local Law 2016* and determine if any amendment(s) are required to the proposed local law as a result of the submissions received;
- (2) Make the *Shire of Brookton Animals, Environment and Nuisance Local Law 2016*, incorporating all amendments;
- (3) Obtain the Executive Director, Public Health, consent to make the local law;
- (4) Authorise the local law's gazettal in the *Government Gazette*;
- (5) Give public notice (after gazettal), of the date the *Shire of Brookton Animals, Environment and Nuisance Local Law 2016* will come into effect;
- (6) Submit the local law to the Joint Standing Committee on Delegated Legislation for review; and
- (7) Authorise the affixing of the Common Seal to the *Shire of Brookton Animals, Environment and Nuisance Local Law 2016*.

Background:

At its ordinary meeting of 16th March 2016, Council resolved to commence the process to make an Animals, Environment and Nuisance local law.

The Local Law deals with matters regulated under the *Health Act 1911*, and therefore must be made in accordance with section 342 of the *Health Act 1911*.

The procedure for making local laws under the *Health Act 1911* requires Council to advertise state-wide, advising of its intention to make a local law, and invite submissions to be made on the proposed local law for a six-week period. At the closure of the submission period, Council is to consider all submissions before making a local law. After resolving to make the local law, it is to obtain consent from the Executive Director Public Health for the local law, before the local law is published in the *Government Gazette*. Copies are then to be provided to the relevant Ministers. Copies of the local law along with the completed Explanatory Memorandum are to be forwarded to the Joint Standing Committee on Delegated Legislation for review. Public notice of the title and summary of the purpose and effect of the local law is to occur after its gazettal.

The submission period for public comment closed on 20 May 2016.

Details:

The proposed *Shire of Brookton Animals, Environment and Nuisance Local Law 2016* is set out in the attachment to this report.

Council advertised, both locally and state-wide, for public comment on the draft Animals, Environment and Nuisance Local Law 2016. At the close of the submission period, two submissions had been received:

1. from the Department of Health; and
2. from the Department of Local Government and Communities.

The comments contained in the submissions, along with the proposed action to be taken are detailed in the table below:

ITEM NO.	CLAUSE NO.	HEADING	PROPOSED AMENDMENT	SHIRE'S POSITION
Department of Health				
1	2.1	Interpretation	In subclause 2.1 , there is a definition of ' manure bin '. "Manure bin" is not a term used in Part 2 of the local law. Only "manure receptacle", which is already defined in subclause 1.4 (1), is used in Part 2. Therefore, delete the superfluous definition of ' manure bin ' from subclause 2.1 .	Agreed. Clause 2.1 amended as suggested.
Department of Local Government and Communities				
1	1.5	Definitions	It is suggested that the Shire insert definitions for the following terms which are used in the local law: 1. bee hive 2. premises 3. Residential Design Codes of WA 4. Schedule 5. Special Rural; and	Agreed. New definitions have been included as suggested in clause 1.5.

ITEM NO.	CLAUSE NO.	HEADING	PROPOSED AMENDMENT	SHIRE'S POSITION
			6. Vehicle.	
2	1.5	Definitions	In the definition of “afflicted person”, there is a reference to the <i>Associations Incorporation Act 1987</i> . The Shire should be aware that the new <i>Associations Incorporation Act 2015</i> is expected to come into effect on the 1 July 2016 and replace the 1987 version. Depending on when the Shire Gazettes this local law, it is suggested that the Shire ensure the relevant Act is cited.	Agreed. Definition of ‘affiliated person’ has been amended.
3	1.5	Definitions	In the definition of “pigeon”, delete the reference to “Department of Environment and Conservation” and replace with “Department of Environment Regulation”.	Agreed. Definition of ‘pigeon’ has been amended.
4	2.4(1)(a) and (b)	Cats	<p>It is suggested that the Shire amend subclause (1)(a) and (b) to ensure it is consistent with the Cat (Uniform Provisions) Regulations 2013. The Shire should also amend Schedule 1 accordingly.</p> <p>Under regulation 7 of the Cat (Uniform Local Provisions) Regulations 2013, a member of a cat organisation may keep “3 times the number of cats that could be kept at the premises under the local law”.</p> <p>If the Shire does amend this clause, it should mention the limit imposed on cat organisations by the Regulations or mention that the clause is subject to the Regulations.</p>	<p>Agreed. Subclause (1)(a) and subclause (b) has been amended as suggested.</p> <p>A new subclause (8) has been included, and subclause (1) has been made subject to the requirements of subclause (8).</p> <p>A new definition for cat organisations has been included under clause 1.5.</p>
5	2.17(1)	Conditions of approval	Clause 2.17 currently makes an incorrect clause reference. It is suggested that “2.17(1)(b)” is deleted and replaced with “2.16(1)(b)”	Agreed. Clause reference amended.
6	2.27	Variation or	In clause 2.27, there appears to	Agreed. Relevant

ITEM NO.	CLAUSE NO.	HEADING	PROPOSED AMENDMENT	SHIRE'S POSITION
		cancellation of licence to keep farm animals and conditions of licence	be little difference between subclause (2) and (3). For example, subclause (3)(c) is the same as subclause (2)(c), and part of subclause (3)(b) is the same as (2)(b). The Shire may wish to merge these subclauses to avoid repetition.	subclauses have been incorporated into clause 2.27(2) and subclause (3) has been deleted.
7	2.30	Keeping a miniature pig	<p>Currently, subclause (1) prohibits the keeping of pigs on land zoned commercial or industrial or in a residential area, subject to subclause (2). Subclause (2) prohibits the keeping of pigs everywhere, except on premises registered as an abattoir or piggery.</p> <p>Subclause (1) and (2) can be interpreted in two ways:</p> <ul style="list-style-type: none"> • Pigs cannot be kept on residential, commercial or industrial areas, but can be kept in other areas if they are in a registered abattoir or piggery. • Pigs can be kept on residential, commercial or industrial areas as long as they are in a registered abattoir or piggery. <p>The Shire should review subclause (1) and (2) to ensure they are consistent and reflect the intention of the Shire.</p>	Agreed. Subclauses (1) and (2) have been replaced with a new subclause (1), and the remaining subclauses have been renumbered.
8	3.2(1)(c)	Control of refuse	The Delegated Legislation Committee has previously raised issues with clauses similar to 3.2. This is because the term "maintain" can imply that the owner is responsible for keeping the verge in good repair and fixing any damage that occurs. This interpretation would be unreasonable, since maintenance and repair of street verges are generally a local government responsibility.	Agreed. The word 'maintain' has been replaced with the word 'keep' in clause 3.2(1)(c).

ITEM NO.	CLAUSE NO.	HEADING	PROPOSED AMENDMENT	SHIRE'S POSITION
			In past cases, the Committee has requested that "maintain" be replaced with "keep".	
9	3.2, 3.4(1) and 4.5	Control of refuse, prohibited activities and Escape of smoke, fumes, odours and other emissions	<p>Clauses 3.2, 3.4(1) and 4.5 are intended to prevent nuisance caused by refuse, smoke, fumes, odours, dust, and liquid waste. In some cases, the owner and occupier of premises may not be able to completely control the circumstances that lead to nuisance. Such a clause tends to attract the attention of the Delegated Legislation Committee.</p> <p>In previous cases, the Committee has requested that terms such as "reasonable steps" or "reasonable measures" be inserted into such clauses. The Shire should review the nuisance clauses in the local law and insert these terms where appropriate.</p>	Agreed. Clauses 3.2, 3.4 and 4.5 have been amended as suggested.
10	3.4(2)	Prohibited activities	<p>In subclause (2), it is suggested that the following sentence be moved to a new line and aligned with the words of subclause "(2)":</p> <p>"the local government may serve on the owner and/ or occupier of the land, a notice requiring the owner and/ or occupier to do one or more of the following –"</p> <p>In subclause (2)(c), the clause reference should be changed from "paragraph (2)(a)" to "subclause (2)".</p>	<p>Agreed. Subclause (2)(b) has been amended as suggested.</p> <p>Subclause (2)(c) has been amended as suggested.</p>
11	3.5(a)	Dust management	In subclause (a), delete the reference to "Department of Environment and Conservation" and replace with "Department of Environment Regulation".	Agreed. Clause 3.5(a) amended as suggested.
12	3.9	Storage of vehicles,	Subclause (c) provides that a person must not store or allow to	Agreed. Clause 3.9(c) amended to include the

ITEM NO.	CLAUSE NO.	HEADING	PROPOSED AMENDMENT	SHIRE'S POSITION
		vessels and machinery	remain in public view any vehicle or vessel on a lot. As this clause is currently written, anyone who parks a car, caravan or boat on any premises may commit an offence if the vehicle is capable of being viewed by the public. Depending on how the clause is read, the mere act of storing the vehicle or vessel on the lot may qualify as an offence. The Shire should review this clause to ensure that it only applies in circumstances contemplated by the Shire	word 'parts' after the words 'vehicle' and 'vessel'.
13	4.4(3)(c)	Burning rubbish, refuse or other material	It is suggested that the Shire delete the reference to "green garden materials" in clause 4.4(3)(c). The Committee has previously made an undertaking requiring the term be removed from Shire of Kalamunda's Keeping and Control of Animals and Nuisance Local Law 2011.	Agreed. The words 'green garden materials' have been deleted from clause 4.4(3)(c).

In addition to the above amendments, the Department of Local Government and Communities have suggested a series of minor drafting changes throughout the local law. These suggested drafting changes have been incorporated into the final local law.

The attached local law incorporating all identified amendments is not considered significantly different than the proposed local law that was advertised for public comment, permitting Council to proceed with adopting the local law.

The purpose of the Shire of Brookton Animals, Environment and Nuisance Local Law 2016 is to provide for the regulation, control and management of animals and the prevention of environmental damage and nuisances within the district.

The effect of the Shire of Brookton Animals, Environment and Nuisance Local Law 2016 is to establish the requirements with which any person keeping animals, or undertaking activities that have the potential to impact the environment or create nuisance must comply with.

Statutory and Legal Considerations:

Local Government Act 1995

Section 3.12(2) of the Local Government Act 1995 and the Local Government (Functions and General) Regulations (Regulation 3) which states that for the

purpose of Section 3.12(2) of the Local Government Act the person presiding at a council meeting is to give notice of the purpose of the local law by ensuring that the purpose and effect of the proposed local law is included in the agenda for that purpose and the minutes of the meeting of the council include the purpose and effect of the proposed local law.

Section 342 of the Health Act 1911
Food Act 2008

Policy Considerations:

There are no policy implications relevant to this recommendation.

Consultation:

A public consultant period was undertaken for a period of 42 days.

In addition, comments were sought from the relevant Ministers for comment (Local Government and Health).

Financial Implications:

Advertising costs of approximately \$600 associated with state-wide advertising.
Gazettal costs are approximately \$249 per page.

Strategic Community Plan (2013 – 2023):

No specific implication relative to this report.

Corporate Business Plan (2016 – 2020):

No specific implication relative to this report.

Officer's Comment:

Nil.

Voting Requirements:

Absolute Majority

Officer's Recommendation:

1. **Notes the comments from the Department of Health in relation to the proposed *Shire of Brookton Animals, Environment and Nuisance Local Law 2016*;**
2. **Notes the comments from the Department of Local Government and Communities in relation to the proposed *Shire of Brookton Animals, Environment and Nuisance Local Law 2016*;**
3. **Resolves to make the *Shire of Brookton Animals, Environment and Nuisance Local Law 2016*, as contained in the Attachment, in accordance with Section 342 of the *Health Act 1911* and Section 3.12 of the *Local Government Act 1995*;**

- (a) the purpose of which is to provide for the regulation, control and management of animals and the prevention of environmental damage and nuisances within the district; and
 - (b) the effect is to establish the requirements with which any person keeping animals, or undertaking activities that have the potential to impact the environment or create nuisance must comply with.
4. Provide a copy of the adopted *Shire of Brookton Animals, Environment and Nuisance Local Law 2016* to the Executive Director, Public Health, for Consent.
 5. Upon consent being received from the Executive Director, Public Health, publish the *Shire of Brookton Animals, Environment and Nuisance Local Law 2016* in the *Government Gazette* and provide copies of the local law to the Minister for Local Government and Communities, and the Minister for Health.
 6. Give state wide public notice after gazettal of the local law advising the title and summary purpose and effect of the gazetted local law.
 7. Submit a copy of the gazetted local law, explanatory memoranda and associated documentation to the Joint Standing Committee on Delegated Legislation for review.
 8. Authorise the affixing of the Common Seal to the *Shire of Brookton Animals, Environment and Nuisance Local Law 2016*.

ATTACHMENT 13.08.16.01A - Separate

Council Resolution

13.08.16.01

Moved Cr Crute Seconded Cr Mills

That Council suspend standing orders to facilitate discussion.

CARRIED 7-0

Council Resolution

13.08.16.01

Moved Cr Crute Seconded Walker

That Council resume standing orders.

CARRIED 7-0

Council Resolution

13.08.16.01

Moved CR Fancote

Seconded CR Mills

- 1. Notes the comments from the Department of Health in relation to the proposed *Shire of Brookton Animals, Environment and Nuisance Local Law 2016*;**
- 2. Notes the comments from the Department of Local Government and Communities in relation to the proposed *Shire of Brookton Animals, Environment and Nuisance Local Law 2016*;**
- 3. Resolves to make the *Shire of Brookton Animals, Environment and Nuisance Local Law 2016*, as contained in the Attachment, in accordance with Section 342 of the *Health Act 1911* and Section 3.12 of the *Local Government Act 1995*;**
 - (a) the purpose of which is to provide for the regulation, control and management of animals and the prevention of environmental damage and nuisances within the district; and**
 - (b) the effect is to establish the requirements with which any person keeping animals, or undertaking activities that have the potential to impact the environment or create nuisance must comply with.**
- 4. Provide a copy of the adopted *Shire of Brookton Animals, Environment and Nuisance Local Law 2016* to the Executive Director, Public Health, for Consent.**
- 5. Upon consent being received from the Executive Director, Public Health, publish the *Shire of Brookton Animals, Environment and Nuisance Local Law 2016* in the *Government Gazette* and provide copies of the local law to the Minister for Local Government and Communities, and the Minister for Health.**
- 6. Give state wide public notice after gazettal of the local law advising the title and summary purpose and effect of the gazetted local law.**
- 7. Submit a copy of the gazetted local law, explanatory memoranda and associated documentation to the Joint Standing Committee on Delegated Legislation for review.**
- 8. Authorise the affixing of the Common Seal to the *Shire of Brookton Animals, Environment and Nuisance Local Law 2016*.**

Amendment

13.08.16.01

Moved Cr Walker Seconded Cr Mills

That section 2.14 Licence of the *Shire of Brookton Animals, Environment and Nuisance Local Law 2016* be amended to read as follows:

(2)

(b) the bees are kept—

(i) at least 10 metres from a thoroughfare; or

(ii) less than 10 metres from a thoroughfare but the vegetation or a screen or other barrier on the land is such as to encourage the bees to fly at a height over the thoroughfare as will not create a nuisance to users of the thoroughfare.

CARRIED 7-0

Council Resolution

13.08.16.01

Moved CR Fancote Seconded CR Mills

That the substantive motion with the amendment be put.

CARRIED 7-0

14.08.16 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

15.08.16 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING (Late Reports)

16.08.16 CONFIDENTIAL REPORT

Under the Local Government Act 1995, Part 5, and Section 5.23, states in part:

(2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following:

(a) a matter affecting an employee or employees;

(b) the personal affairs of any person;

(c) a contract entered into, or which may be entered into, by

the local government and which relates to a matter to be discussed at the meeting;

(d) legal advice obtained, or which may be obtained by the local government and which relates to a matter to be discussed at the meeting:

(e) a matter that if disclosed, would reveal

(i) a trade secret

(ii) information that has a commercial value to a person or

(iii) information about the business, professional, commercial or financial affairs of a person,

Where the trade secret or information is held by, or is about, a person other than the local government.

(f) a matter that if disclosed, could be reasonably expected to:

(i) Impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;

(ii) Endanger the security of the local government's property; or

(iii) Prejudice the maintenance or enforcement of any lawful measure for protecting public safety;

(g) information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1981; and

(h) such other matters as may be prescribed.

Council Resolution

16.08.16.0

Moved Cr Crute Seconded Cr Mills

That the meeting move behind closed doors to discuss a confidential employee matter pursuant to s. 5.23 (2) (a) of the Local Government Act.

CARRIED 7-0

Doors closed at 1.08pm – Staff and members of the public left the meeting.

Council Resolution

16.08.16.0

Moved Cr Mills Seconded Cr Fancote

That the meeting move out from behind closed doors.

CARRIED 7-0

Council Resolution

16.08.16.0

Moved Cr Crute Seconded Cr Allington

That Council endorse the confidential schedules relating to the employee matters.

CARRIED 7-0

Council Resolution

16.08.16.0

Moved Cr Fancote Seconded Cr Allington

That Council:

- 1. Appoint Anne Banks McAllister as Acting Chief Executive Officer of the Shire of Brookton from Monday 22nd August 2016 until Friday 2nd September 2016;**
- 2. Is satisfied that Ms Banks McAllister is suitably qualified for the position of Acting Chief Executive Officer and is satisfied with the contract of employment; and**
- 3. Agree to the confidential schedule detailing the remuneration arrangements negotiated for the position of Acting Chief Executive Officer that are in accordance with the Salaries and Allowances Tribunal's Band 4 determination for 2016/2017.**

CARRIED 7-0

Council Resolution

16.08.16.0

Moved Cr Walker Cr Eva

That Council:

- 1. Appoint Dale Stewart as Acting Chief Executive Officer of the Shire of Brookton from Monday 5th September until the completion of the Chief Executive Officer recruitment process and commencement of the preferred applicant;**
- 2. Is satisfied that Mr Stewart is suitably qualified for the position of Acting Chief Executive Officer and is satisfied with the WALGA Model Contract of Employment; and**
- 3. Agree to the confidential schedule detailing the remuneration arrangements negotiated for the position of Acting Chief Executive Officer that are in accordance with the Salaries and Allowances Tribunal's Band 4 determination for 2016/17**

CARRIED 7-0

Members of staff re-joined the meeting at 2.05pm. Members of the public did not return to the meeting.

17.08.16 NEXT MEETING

The next Ordinary meeting of Council will be on Thursday 15 September 2016 at 12.30 pm.

18.08.16 CLOSURE

There being no further business the Presiding Member closed the meeting at 2.08 pm.