



## ORDINARY COUNCIL MEETING

### MINUTES

**18 May 2017**

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

**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.

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**Shire of Brookton**  
**Ordinary Meeting of Council held 18 May 2017**  
**with a scheduled commencement at 12.30 pm**

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## **1.05.17 DECLARATION OF OPENING/ATTENDANCE**

### **Attendance**

The Presiding Member opened the meeting at 12.32pm and welcomed Councillors and Staff.

#### Elected Members (Voting)

Cr KL Crute	Shire President (Presiding Member)
Cr NC Walker	Deputy Shire President
Cr KT Wilkinson	
Cr KH Mills	

#### Staff (Non Voting)

Ian D'Arcy	Chief Executive Officer
Vicki Morris	Deputy Chief Executive Officer
Courtney Fulwood	Executive Support

#### Public

Jean Caldwell

#### Apologies

Cr RT Fancote  
Cr TM Eva

#### Leave of Absence

Cr L Allington

## **2.05.17 ANNOUNCEMENT OF VISITORS**

## **3.05.17 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

## **4.05.17 PUBLIC QUESTION TIME**

Nil

## **5.05.17 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

## **6.05.17 PETITIONS/DEPUTATIONS/PRESENTATIONS**

Nil

## **7.05.17 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

### **OCM 05.17 - 01**

**ORDINARY COUNCIL MEETING MINUTES – 20 APRIL 2017**

**MOVED CR WILKINSON      SECONDED CR WALKER**

***That the minutes of the Ordinary Council meeting held in the Shire of Brookton Council Chambers, on Thursday 20 April 2017, be confirmed as a true and correct record of the proceedings.***

**CARRIED BY SIMPLE MAJORITY VOTE 4-0**

**8.05.17 ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION**

(Includes Condolences)

Nil

**9.05.17 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**

<b>Item no.</b>	<b>Members/Officers</b>	<b>Type of Interest</b>	<b>Nature of Interest</b>
13.05.17.02	Cr Wilkinson	Financial	Share holder in CBH
13.05.17.02	Cr Walker	Financial	Share holder in CBH
13.05.17.02	Cr Mills	Financial	Share holder in CBH

**10.05.17 TECHNICAL & DEVELOPMENT SERVICES REPORTS****10.05.17.01 BUSH FIRE ADVISORY COMMITTEE MEETING HELD 30 MARCH 2017**

<b>File No:</b>	ADM 0360
<b>Date of Meeting:</b>	08/05/2017
<b>Location/Address:</b>	N/A
<b>Name of Applicant:</b>	N/A
<b>Name of Owner:</b>	N/A
<b>Author/s:</b>	Courtney Fulwood – Executive Officer
<b>Authorising Officer:</b>	Ian D’Arcy – Chief Executive Officer
<b>Declaration of Interest:</b>	The author does not have an interest in this item
<b>Voting Requirements:</b>	Simple Majority
<b>Previous Report:</b>	N/A

**Summary of Item:**

This item relates to specific matters and recommendations arising from the Shire of Brookton Bush Fire Advisory Committee (BFAC) for Council for its consideration and determination. The respect matters are listed as follows:

1. Adopt the proposed changes to the Shire of Brookton’s Fire Break Order 2017-2018
2. Establish a local law to restrict the burning of garden refuse and open camping or cooking fires during the prohibited burning season
3. Allocate an amount of \$200 in the 2017/2018 budget for the acquisition of 50 Fire Response Identification Stickers.

**Description of Proposal:**

With reference to the summary above, the BFAC minutes OF THE 30<sup>th</sup> March, 2017 promoted the following recommendations:

**1. COMMITTEE RECOMMENDATION**

**MOVED:** TRAVIS EVA **SECONDED:** JAMIE BLIGHT

*That Council endorsed the revised Shire of Brookton Firebreak Order 2017/2018 as amended by the Bushfire Advisory Committee and presented in Attachment 4.03.17(c).*

**BFAC 3.03.17  
CARRIED**

**2. COMMITTEE RECOMMENDATION**

**MOVED:** TRAVIS EVA **SECONDED:** JAMIE BLIGHT

*That Council create a local law to restrict the burning garden refuse and open camping or cooking fires during prohibited burning season.*

**BFAC 4.03.17  
CARRIED**

**3. COMMITTEE RECOMMENDATION**

**MOVED:** MURRAY HALL **SECONDED:** TRAVIS EVA

*To action item number 6.09.16.02 of the pervious Bush Fire Advisory Committee meeting minutes to request to Council to order 50 Fire Response Identification Stickers.*

**BFAC 6.03.17  
CARRIED**

**Background:**

The BFAC at its meeting held 29 September 2016 created a working group for the purpose of improving the effectiveness of the Shire of Brookton Fire Break Order.

The working group subsequently met on the 8 March 2017 to review the Fire Break Order that resulted in a number of recommended changes being presented to the BAFC at its meeting held on the 30 March 2017. The BFAC further discussed the Fire Break Order and the working group's proposed amendments, and proceed to make additional changes as outlined in **Attachment 10.05.17.01** to this report.

In addition, the BAFC also discussed the matter of open camp and cooking fires and burning of garden refuse during a prohibitive Burning period, and recommended that Council create a local law to restrict these activities during the prohibited burning season.

A final point of discussion at the BFAC meeting was the purchase of 50 Fire Response Identification Stickers. The Committee formed the view that these stickers can be distributed to bushfire volunteers and would be extremely useful when involved in fighting a bushfire and moving around or through an incident area. This discussion has also formed the basis of a recommendation to Council.

**Consultation:**

Council representative have been in attendance at the BFAC meeting and contributed to the discussion on BFAC recommendations.

Furthermore, the minutes of the BFAC held of the 30<sup>th</sup> March 2017 were presented to Council for information on the 18<sup>th</sup> April 2017 at the Ordinary Meeting of Council.

**Statutory Environment:**

The matters raised in this report are regulated under the Bushfires Act, 1954 with exception to the making of a Local law that is undertake in accordance with Section 3.12 of the *Local Government Act, 1995*.

**Relevant Plans and Policy:**

There is no Council Policy applicable to this report.

**Financial Implications:**

To generate a Local Law it is suggested Council will need to set aside approximately \$2,000 to cover drafting and process costs, including publication in the Government Gazette.

Furthermore, it is estimated the cost purchase 50 Fire Response Identification Stickers will be \$200.

Therefore it is recommended the Council allocate an amount of \$2,200 for consideration in the draft 2017/18 budget.

**Risk Assessment:**

Generally, the risk associated with bush fire management is high, propelling the importance of measures outlined in the Shire of Brookton's Bush Fire Notice to be practical and effective in implementation to assist addressing the genuine risk of bushfire.

**Community & Strategic Objectives:**

This initiative aligns with the following outcome and strategy outlined the Council's Strategic Community Plan 2013 – 2023, detailed below:

## **Outcome 1.5: A safe community**

*Strategy 1.5.2: Support the community in emergency and fire management planning and preparedness.*

### **Comment**

With Shire Officers having been offered the opportunity to contribute to the rewording of the Shire of Brookton's Bush Fire Order, it is confirmed the draft Order (as presented in **Attachment 10.05.17.01**) has improved in its wording to be more informative and practical in implementation for the 2017/18 bushfire session.

Also, It is viewed the request for Local Law on the burning of garden refuse and open camping or cooking fires during the prohibited burning season will greatly benefit in managing irresponsible behaviour.

### **OFFICER'S RECOMMENDATION**

*That Council:*

- 1. Endorse the revised Shire of Brookton Firebreak Order 2017/2018 as amended by the Bushfire Advisory Committee and presented in Attachment 10.05.17.01;*
- 2. In accordance with Section 3.12 of the Local Government Act, 1995 request the CEO prepare a draft Bushfire Control Local Law to be brought back to Council for its consideration.*
- 3. Allocate an amount of \$200 in the 2017/2018 budget for the acquisition of 50 Fire Response Identification Stickers.*

### **OCM 05.17 - 02**

#### **OFFICER'S RECOMMENDATION AND COUNCIL RESOLUTION**

**MOVED CR WILKINSON      SECONDED CR MILLS**

*That Council:*

- 1. Endorse the revised Shire of Brookton Firebreak Order 2017/2018 as amended by the Bushfire Advisory Committee and presented in Attachment 10.05.17.01;*
- 2. In accordance with Section 3.12 of the Local Government Act, 1995 request the CEO prepare a draft Bushfire Control Local Law to be brought back to Council for its consideration.*
- 3. Allocate an amount of \$200 in the 2017/2018 budget for the acquisition of 50 Fire Response Identification Stickers.*

**CARRIED BY SIMPLE MAJORITY VOTE 4-0**

**11.05.17 COMMUNITY SERVICES REPORTS**

Nil

**12.05.17 FINANCE & ADMINISTRATION REPORT****12.05.17.01 LIST OF ACCOUNTS FOR PAYMENT**

<b>File No:</b>	N/A
<b>Date of Meeting:</b>	18/05/17
<b>Location/Address:</b>	N/A
<b>Name of Applicant:</b>	N/A
<b>Name of Owner:</b>	N/A
<b>Author/s:</b>	Corinne Kemp – Finance Officer
<b>Authorising Officer:</b>	Ian D’Arcy – Chief Executive Officer
<b>Declaration of Interest:</b>	The author has no financial interest in this matter.
<b>Voting Requirements:</b>	Simple Majority
<b>Previous Report:</b>	20/04/17

**Summary of Item:**

The list of accounts for payment to 30<sup>th</sup> April 2017 are presented to Council for inspection.

**Description of Proposal:**

N/A

**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 the separate attachment.

**Consultation:**

N/A

**Statutory Environment:**

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

**Relevant Plans and Policy:**

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.

**Risk Assessment:**

No risk identified

**Community & Strategic Objectives:**

No reference



**Comment**

Totals of all payments from each of Council’s bank accounts are listed below and detailed within Attachment 12.05.17.01A.

To 30<sup>th</sup> April 2017

**Municipal Account**

Direct Debits	\$93,015.78
EFT	\$405,531.80
Cheques	\$34,531.71
<b>Trust Account</b>	<b>\$330.00</b>

**OFFICER’S RECOMMENDATION**

*That with respect to the list of accounts for payment, Council: note the payments authorised under delegated authority and detailed below and in the List of Accounts 30 April 2017, per the summaries included in Attachment 12.05.17.01.*

To 30 April 2017

**Municipal Account**

Direct Debits	\$93,015.78
EFT	\$405,531.30
Cheques	\$34,531.71
Trust Account	\$330.00

**OCM 05.17 - 03**

**OFFICER’S RECOMMENDATION AND COUNCIL RESOLUTION**

**MOVED CR WILKINSON      SECONDED CR WALKER**

*That with respect to the list of accounts for payment, Council: note the payments authorised under delegated authority and detailed below and in the List of Accounts 30 April 2017, per the summaries included in Attachment 12.05.17.01.*

To 30 April 2017

**Municipal Account**

Direct Debits	\$93,015.78
EFT	\$405,531.30
Cheques	\$34,531.71
Trust Account	\$330.00

**CARRIED BY SIMPLE MAJORITY VOTE 4-0**

<b>File No:</b>	N/A
<b>Date of Meeting:</b>	N/A
<b>Location/Address:</b>	lot/street/ locality
<b>Name of Applicant:</b>	N/A
<b>Name of Owner:</b>	N/A
<b>Author/s:</b>	Deanne Sweeney – Senior Finance Officer
<b>Authorising Officer:</b>	Ian D’Arcy – Chief Executive Officer
<b>Declaration of Interest:</b>	The author has no financial interest in this matter
<b>Voting Requirements:</b>	Simple Majority
<b>Previous Report:</b>	There is no previous meeting reference

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**Summary of Item:**

The Statement of Financial Activity for the period ended 30 April 2017 are presented to council.

**Description of Proposal:**

That Council receive the Statement of Financial Activity for the period ended 30 April 2017.

**Background:**

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

**Consultation:**

Reporting officers receive monthly updates as to tracking of expenditure and income.

**Statutory Environment:**

Section 6.4 of the *Local Government Act 1995*.

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

**Relevant Plans and Policy:**

There is no Council Policy relative to this issue.

**Financial Implications:**

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

**Risk Assessment:**

No risk identified

**Community & Strategic Objectives:**

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

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

**Comment**

The Monthly Financial Report has been prepared in accordance with statutory requirements. A Schedule of Budget Variations is not required for this month.

**OFFICER'S RECOMMENDATION**

*That Council receives the Statement of Financial Activity for the period ending 30 April 2017.*

**OCM 05.17 - 04****OFFICER'S RECOMMENDATION AND COUNCIL RESOLUTION****MOVED CR WILKINSON      SECONDED CR MILLS**

*That Council receives the Statement of Financial Activity for the period ending 30 April 2017.*

**CARRIED BY SIMPLE MAJORITY VOTE 4-0**

<b>File No:</b>	ADM 0564
<b>Date of Meeting:</b>	18 May 2017
<b>Location/Address:</b>	N/A
<b>Name of Applicant:</b>	N/A
<b>Name of Owner:</b>	Shire of Brookton
<b>Author/s:</b>	Ian D'Arcy – Chief Executive Officer
<b>Authorising Officer:</b>	As above
<b>Declaration of Interest:</b>	The author has an interest in relation private use of a Shire vehicle as part of CEO Employment Package
<b>Voting Requirements:</b>	Simple Majority
<b>Previous Report:</b>	N/A

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**Summary of Item:**

In summary, this report seeks Council's consideration to adopt a draft Light Vehicle Policy that establishes a framework and sets clear guidelines for the use and change-over of the Shire's light vehicle fleet, including recognition of private use afforded to some employees as part of their conditions of employment.

**Description of Proposal:**

The draft Light Vehicle Policy primarily seeks to:

- Ensure all light vehicles are managed in a cost effective manner providing maximum benefit to employees and the organisation.
- Provide framework for the allocation, operation, management and change-over of light vehicles.
- Outline the assigned level of private use of a Shire motor vehicle to an employee.
- Ensure the organisation's Fringe Benefits Tax obligations are met.

**Background:**

As a matter of course, local governments routinely purchase light vehicles as 'tools of trade' to aid employees in performing their roles in an effective and efficient manner.

Additionally, Local Governments also:

1. Offer some employees private use of a Shire vehicle (subject to conditions) as part of their employment package;
2. Attempt to hold their light vehicles for a defined period in order to minimize depreciation and maintenance costs;
3. Establish a policy that details and addresses how the Shire's light vehicles are to be used, maintained and changed.

Therefore, with the absence of a current Light Vehicle Policy for the Shire of Brookton, this report promotes Council consider the draft policy as presented in **Attachment 13.05.17.01**

**Consultation:**

There has been limited consultation with internal staff that presently it benefit from private use of a Shire vehicle.

**Statutory Environment:**

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

**Relevant Plans and Policy:**

Nil.

**Financial Implications:**

In part the intent of the draft Policy is to limit costs on the Shire by prescribing the efficient use, care, and change-over of respective light vehicles at the most opportune time to minimize cost on the organization and rate payer generally.

**Risk Assessment:**

It is assessed the absence of a Light Vehicle Policy presents as a low risk. However the adoption of such a policy affords clarity in regard to permissibility of use, standard of maintenance and replacement of vehicles premised on 'fit for purpose' and optimal change-over periods.

**Community & Strategic Objectives:**

Broadly, the preparation of this Policy accords with the following outcome of the Council's Strategic Community Plan 2013 – 2023:

***Outcome 5.3: Effective and efficient corporate and administrative services.***

**Comment**

From an operational perspective, it is desired that standards are prescribed by Council in relation to the use of light vehicles through a defined policy. This will then instill a consistent standard and approach to the Shire's light vehicles, acknowledging these are community assets.

**OFFICER'S RECOMMENDATION**

*That Council pursuant to section 2.7(2)(b) of the Local Government Act (1995) adopt draft Light Vehicle Policy 1.37, as presented in Attachment 13.05.17.01 to this report.*

The CEO informed Council that an amendment is proposed to the draft Policy that incorporates the following:

*"1.5 The driving of a motor vehicle by a person on 'learner (L) plates' or 'Probation (P) plates' in relation to private use is not permitted.*

*1.6 Smoking is prohibited in all Shire vehicles."*

**OCM 05.17 - 05****OFFICER'S RECOMMENDATION AND COUNCIL RESOLUTION****MOVED CR WILKINSON SECONDED CR MILLS**

***That Council pursuant to section 2.7(2)(b) of the Local Government Act (1995) adopt draft Light Vehicle Policy 1.37, as presented in Attachment 13.05.17.01 to this report and incorporating the amendment as tabled by the CEO.***

***CARRIED BY SIMPLE MAJORITY VOTE 4-0***

(Note to Minute: The Council acknowledged the proposed wording amendment tabled by the CEO and proceeded with adoption of the Policy incorporating the recommended addition.)

Cr Walker, Cr Wilkinson and Cr Mills each declared a financial interest in Item 13.05.17.02, and left the room at 12.43 pm.

As a result of these declarations, the Shire President announced that Council cannot determine Item 13.05.17.02 to due to the lack of a quorum, and confirmed an exemption will be sought from the Minister for Local Government and Communities to allow all elected members to consider and vote on the item at the next available Council meeting.

Cr Walker, Cr Wilkinson and Cr Mills returned to the meeting at 12.45 pm.

<b>13.05.17.02 PROPOSED LEASE OF LOT 464 (CROWN RESERVE 47072) AND LOT 254 (CROWN RESERVE 9635) YEO AND TAYLOR ROADS BROOKTON</b>
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<b>File No:</b>	ADM 0300
<b>Date of Meeting:</b>	18 May 2017
<b>Location/Address:</b>	Lot 464 (Crown Reserve 47072) and Lot 254 (Crown Reserve 9635) Yeo and Taylor Roads Brookton
<b>Name of Applicant:</b>	CBH Group
<b>Name of Owner:</b>	Shire of Brookton
<b>Author/s:</b>	Kelly D’Arcy – Governance Officer
<b>Authorising Officer:</b>	Ian D’Arcy – Chief Executive Officer
<b>Declaration of Interest:</b>	The author of the report has no interest in this item
<b>Voting Requirements:</b>	Simple majority
<b>Previous Report:</b>	N/A

**Summary of Item:**

This item relates to a proposal by CBH Group to expand its existing Brookton grain storage and handling facility through the lease and possible future acquisition of Lot 464 (Crown Reserve 47072) and Lot 254 (Crown Reserve 9635) Yeo and Taylor Roads Brookton. Both parcels of land are vested with the Shire of Brookton.

Upon assessment of a formal request from the CBH Group, it is recommended Council support the proposal by CBH to lease the subject land from the Shire initially, subject to:

- Consent from the Minister for Lands to entertain the requested to lease;
- A formal process of disposal of land being administered by the Shire in accordance with provisions of the *Local Government Act, 1995*;
- All statutory applications being lodged by CBH and approvals granted by relevant government agencies in relation to both parcels of land.

**Description of Proposal:**

As outlined in the summary above and the letter received from the CBH Group (refer to **Attachment 13.05.17.02(a)**), this proposal involves a request to lease the majority of Lot 464 (approx. 11.3 ha) and whole of 254 (approx. 4.3 ha) to accommodate future expansion of the CBH grain storage and handling facility in Brookton.

To illustrate, **Figure 1** below affords an understanding of location of the respective allotments in relation to the existing CBH facility.



**Figure 1 – Proposed Lease Area by CBH Group**

**Background:**

Reserve Management Orders

Presently, the Shire holds the Management Orders over both Lots/Reserves, with the power to lease to a third party for a period of up to 21 years with the approval from the Minister for Lands.

With this acknowledged Lot 254 (Reserve 9635) has reserve purpose of ‘Use and Requirements of the Shire of Brookton’, which includes the storage of hazardous materials and chemicals on site. In light of this, the Council has previously leased Lot 254 to accommodate various ‘Rural Industry’ activities.

Conversely, Lot 464 (Reserve 47072) is a revegetated *former* landfill site, with the same designated purpose under the Management Order granted to the Shire.

Current and Proposed Land Use Zoning

Currently Lot 254 is zoned ‘Public Purposes’ under the Shire of Brookton Town Planning Scheme (TPS) No. 3, while the Council’s Local Planning Strategy and draft Local Planning Scheme (LPS) No. 4 promotes

this lot to be rezoned 'General Industry'.

As for Lot 464 (Reserve 47072), this parcel of land is currently zoned 'Rural Townsite' and 'Recreation' under the Shire TPS No.3, and similarly is proposed to be rezoned to 'General Industry' under the new draft LPS No.4.

It should be noted the proposed change in zoning aligns with the Shire Local Planning Strategy 2014 direction and designation.

In consideration of proposed expansion of the CBH Grain Storage Facilities, both the existing and amended zoning can accommodate this form of development under the land use classification of 'Industry', which is designated as a permitted land use.

#### Surrounding Land Use

Adjoining to the north of the proposed lease area is ten residential properties that are presently zoned 'Rural Townsite'. All of these properties (bounded by Richardson, Lefroy, and Sewel Streets, and Taylor Road) appear to be well established for lifestyle purposes and are proposed to be rezoned to 'General Industry' in the new LPS No.4. The existing CBH facility adjoins these lots to the north and current experience the commercial activities of CBH year round.

#### Development Interests

Over time, and more recently, there has been a number of parties interested in acquiring Lot 254. This includes previous use for fumigation and storage of chemicals, interest in establishing an intermodal transport hub, and the Shire having recently written to the Minister of Lands in March 2016 expressing an interest in purchasing Lot 254. A response to this request was received on the 5<sup>th</sup> April 2017 detailing the State Government's willingness to progress a land sale subject to extinguishment of Native Title at the Shire's cost, including Council indemnifying the State Government, Department and Minister for Lands against any financial claim for compensation. With this acknowledged and there being private interest in securing the subject land through lease and/or purchase, a letter has been sent to the Minister withdrawing the Shire's interest in purchasing Lot 254. A copy of this letter is provided at **Attachment 13.05.17.02 (b)**.

To this end, the Council is now in receipt of the formal request from CHB Group (as already outlined) that forms the basis of this report.

#### **Consultation:**

Consultation has been entertained at the officer level only. This has involved an enquiry on the availability and suitability of the subject land from the CBH Group in October 2016, and subsequently responded to in March 2017.

Notwithstanding, there is a need to receive comments from the adjoining landowners, specifically from those who own lifestyle properties located between the existing and proposed expanded CBH facility. This can occur at any time before a formal lease agreement is executed, including as part of the Land Disposal process under Section 3.58(3)(a) of the *Local Government Act, 1995* – see Statutory Environment below.

#### **Statutory Environment:**

Under the respective Reserve Management Orders the Shire has the power to lease both lots for a term not exceeding 21 years.



Additionally, Section 3.58 of the *Local Government Act, 1995* prescribes the conditions applicable to entertaining a formal lease agreement, as follows:

### **3.58 Disposal of Property**

- (1) *In this section —  
**dispose** includes to sell, lease, or otherwise dispose of, whether absolutely or not;  
**property** includes the whole or any part of the interest of a local government in property, but does not include money.*
  
- (2) *Except as stated in this section, a local government can only dispose of property to —  
(a) the highest bidder at public auction; or  
(b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*
  
- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —  
(a) it gives local public notice of the proposed disposition —  
(i) describing the property concerned; and  
(ii) giving details of the proposed disposition; and  
(iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*

*And*

- (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
  
- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —  
(a) the names of all other parties concerned; and  
(b) the consideration to be received by the local government for the disposition; and  
(c) the market value of the disposition —  
(i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or  
(ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*

#### **Relevant Plans and Policy:**

There is no existing Council Policy affected by this proposal.

Further, the Council's Local Planning Strategy advocates Lots 254 and 464 to be set aside and rezoned to 'General Industry', which is proposed in the Council's draft LPS No. 4.

#### **Financial Implications:**

It is viewed that all costs associated with the disposal/lease process, including valuation and legal agreements, should be borne by the applicant and not by the ratepayers given the commercial nature of the request. Therefore the cost to the Shire should be limited to officer's time in facilitation and administering the formal process to be followed by the Local Government.

**Risk Assessment:**

It is assessed there is a low level of risk to this organization in relation to this request, providing Council adheres to the disposal process as prescribed by legislation, and gives due consideration to possible impacts that could arise accounting for existing residential landuse.

**Community & Strategic Objectives:**

This proposal aligns with the following outcomes and strategies identified in the Shire's Community Strategic Plan 2013 – 2023:

**Outcome 4.3: Viable businesses with opportunities for local employment**

*Strategy 4.3.1: Develop, maintain and strengthen relationships with local and regional businesses.*

*Strategy 4.3.2: Promote and encourage existing and new businesses and industries.*

**Outcome 4.4: Availability of land for housing and industrial development.**

*Strategy 4.4.1: Promote and facilitate the release of land for industrial purposes.*

**Comment**

From a planning perspective the CBH Group's request to lease Lots 254 and 464 clearly aligns with advice from officers and respective amendments endorsed by Council to change the land use zoning to 'General Industry'.

Furthermore, it is recognized the Shire does not appear to have a need for either Lot 254 or Lot 464 for the foreseeable future. This is confirmed by the Shire's records that reflect a trend of leasing Lot 254 to commercial users, and its strategic planning that promotes a change in zoning to accommodate future industrial development.

In light of this, it is viewed that the CHB Group's request can potentially be entertained.

However, it is recommended any support be conditional on the following requirements being met, listed as follows:

1. Further written confirmation from CBH accepting all costs associated with:
  - a) The land disposal process enacted by Council under Section 3.58 (3)(a) and (4) of the *Local Government Act, 1995*. This may include a licenced valuation, preparation of lease agreement and statutory advertising costs;
  - b) Due diligence in relation to obtaining all relevant and necessary approvals, permits and clearances pertinent to both allotments to accommodate its future expansion plans. This includes environmental, contamination, land clearing, planning and building approvals/permits and vehicle access, including applicable fees;
  - c) Initial construction and/or upgrading of the local road network and vehicle access pertinent to the existing, and future development of Lots 254 and 464 , and a willingness to contribute to road maintenance through a formal deed of agreement or similar. It is noted such an agreement will need to be negotiated to ensure an equitable arrangement for both parties;
  - d) Preparation of a Management Plan that addresses potential impacts and management strategies applicable to dust, noise, and traffic/transport movement, as well as truck/trailer parking.
2. The Council being satisfied the future expansion of the Grain Storage Facility (including transport linkages) will not present a significant adverse impact of the local amenity. This is particularly pertinent to the 10 residential properties between the existing and proposed grain storage bins,

and the local road/transport network.

3. The Minister for Lands approving of the proposed lease arrangement as required by the respective Management Orders.

Following discussion with the Shire President, it is also desired for the CBH Group to be invited to informally meet with Council at Corporate Briefing Session to provide an overview of its future plans for Brookton as a strategic grain storage facility.

OFFICER'S RECOMMENDATION

*That Council:*

1. *Advise the CBH Group it is prepared to support a formal lease agreement of Lot 464 (Crown Reserve 47072) and Lot 254 (Crown Reserve 9635) Yeo and Taylor Roads Brookton , subject to the following requirements being met:*
  - a) *Written confirmation from CBH confirming acceptance all costs associated with:*
    - i. *The land disposal process to be enacted by Council under Section 3.58 (3)(a) and (4) of the Local Government Act, 1995.*
    - ii. *Due diligence including all relevant and necessary approvals, permits and clearances pertinent to both lots, including payment of all applicable fees.*
    - iii. *Initial construction and/or upgrading of the local road network and vehicle access pertinent to the existing, and future development of lots 254 and 464to the Shire's specifications, and a willingness to contribute to road maintenance through a formal deed of agreement, or similar.*
    - iv. *Preparation of a management plan that addresses potential impacts and management strategies applicable to dust, noise, and traffic/transport movement, as well as truck/trailer parking.*
  - b) *The Council being satisfied the future expansion of the Grain Storage Facility (including transport linkages) will not present a significant adverse impact on the local amenity of the area.*
  - c) *The Minister for Lands granting approval to the proposed lease arrangement prior to a formal agreement being executed.*
2. *Invite the CBH Group to attend a Council Corporate Briefing Session to provide an overview of its future plans for Brookton as a strategic grain storage facility.*

<b>File No:</b>	ADM 0564/ADM 0427
<b>Date of Meeting:</b>	18/05/2017
<b>Location/Address:</b>	N/A
<b>Name of Applicant:</b>	N/A
<b>Name of Owner:</b>	N/A
<b>Author/s:</b>	Vicki Morris – Deputy CEO
<b>Authorising Officer:</b>	Ian D’Arcy - CEO
<b>Declaration of Interest:</b>	Both the author and authorizing office are recipients of delegated authority from Council
<b>Voting Requirements:</b>	Simple Majority
<b>Previous Report:</b>	June 2015

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**Summary of Item:**

The Shire of Brookton is required under the *Local Government Act 1995* to review the Shire’s policy manual and the register of delegations to staff on a regular basis.

Both the Policy register and the Delegation manual are generally published each June to the Council website.

This report is to advise Council that the review of the Policy Manual and the review of the Delegations Register will be completed and presented to the July 2017 meeting of Council.

**Description of Proposal:**

N/A

**Background:**

The *Local Government Act 1995* (the Act) allows for a Local Government to delegate to the Chief Executive Officer (the CEO) the exercise of its powers or the discharge of any of its duties under the Act. All delegations made by the Council must be by absolute majority decisions.

However, there are a number of decisions that cannot be delegated to the CEO. These include:

- Any power or duty that requires a decision of an absolute majority or 75% of the local government.
- Accepting a tender which exceeds an amount determined by the Council.
- Appointing an auditors.
- Acquiring or disposing of any property valued by the Council at an amount determined.
- Any of the local government powers under Sections 5.98, 5.99 and 5.100 of the Act.
- Borrowing money on behalf of the Council.
- Hearing or determining an objection of a kind referred to in Section 9.5 of the Act.
- Any power or duty that requires the approval of the Minister or Governor.
- Such other duties or powers that may be prescribed by the Act.

The Act also prescribes:

- The CEO may delegate any of his powers to another employee with this being done in writing.
- The CEO may place conditions on any delegation if he desires.

- A register of delegations relevant to the CEO and any other employees must be kept and reviewed at least once every financial year.

Therefore, the aim of the review is to assist with identifying any changes in legislation and in any procedural changes that may have happened over the past year.

In addition, the Council Policy Manual is another corporate compliance manual that is a collection of policies that have been adopted by Council, as outlined in section 2.7 of the Act.

To fulfil the Council's requirements, the Shire's Policy Manual enables the documentation and maintenance of all current policies. Regular reviews of the Shire's policies are required to ensure their continued relevance and application. In addition, policies are reviewed for potential duplication and operational content.

Like the Delegation register, the Policy Manual should be reviewed on an annual basis or as required.

**Consultation:**

Consultation on this item has been undertaken with the CEO.

**Statutory Environment:**

As mentioned, the review of both these documents falls within the *Local Government Act 1995*. The relevant sections have been referenced in the background section of this report.

An exception is the Council's Planning Policies that generally fall within the *Planning and Development (Local Planning Schemes) Regulations 2015*.

**Relevant Plans and Policy:**

N/A

**Financial Implications:**

N/A

**Risk Assessment:**

While this report is to inform Council of a short deferment in reviewing of the Delegation Register and Policy Manual, and therefore does not present as a considered risk, the Council is reminded that in not undertaking a review in the coming months would likely be assessed as a non-compliance and constitute a reportable breach of the legislation by the Shire's Auditors.

**Community & Strategic Objectives:**

Broadly, the preparation of this Policy accords with the following outcome of the Council's Strategic Community Plan 2013 – 2023:

***Outcome 5.3: Effective and efficient corporate and administrative services.***

**Comment**

In light of other governance matters it has not been possible to a review of both of these documents at this time.

Therefore this report is to inform Council of the proposed review timeframe and to advise Council that this matter is identified to be attended to over the next two months.

OFFICER'S RECOMMENDATION

*That Council note review of the Shire of Brookton Policy Manual and the Shire of Brookton Delegation Register will be completed and presented to Council for endorsement at its July 2017 Ordinary Meeting.*

**OCM 05.17 - 06**

**OFFICER'S RECOMMENDATION AND COUNCIL RESOLUTION**

**MOVED CR MILLS      SECONDED CR WILKINSON**

*That Council note review of the Shire of Brookton Policy Manual and the Shire of Brookton Delegation Register will be completed and presented to Council for endorsement at its July 2017 Ordinary Meeting.*

**CARRIED BY SIMPLE MAJORITY VOTE 4-0**

<b>14.05.17</b>	<b>ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN</b>
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<b>15.05.17</b>	<b>NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING</b>
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<b>16.05.17</b>	<b>CONFIDENTIAL REPORTS</b>
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**OCM 05.17 - 07**

**COUNCIL RESOLUTION**

**MOVED CR WILKINSON      SECONDED CR WALKER**

*That Council, pursuant to the Local Government Act 1995, Part 5, and Section 5.23 (2) (c) relating to commercial confidentiality, close the meeting to the public at 12.52 pm and proceed behind closed doors to consider the following items:*

- *Item Number 16.05.17.01 Award Of Quotation 02\_16/17 - Management For The Brookton Landfill Facility; and*
- *Item 16.05.17.02 Award Of Quotation 03\_16/17 - Waste And Recycling Kerbside Collection Service.*

**CARRIED BY SIMPLE MAJORITY VOTE 4-0**

**16.05.17.01 AWARD OF QUOTATION 02\_16/17 - MANAGEMENT FOR THE BROOKTON LANDFILL FACILITY**

<b>File No:</b>	ADM 0266
<b>Date of Meeting:</b>	18/05/2017
<b>Location/Address:</b>	Reserve 24588 Brookton Highway, Brookton
<b>Name of Applicant:</b>	Great Southern Waste Disposal
<b>Name of Owner:</b>	Shire of Brookton
<b>Author/s:</b>	Kelly D’Arcy – Governance Officer
<b>Authorising Officer:</b>	Ian D’Arcy – Chief Executive Officer
<b>Declaration of Interest:</b>	The author has no interest in this item
<b>Voting Requirements:</b>	Simple Majority
<b>Previous Report:</b>	16/03/2017

**Summary of Item:**

Submissions were invited on management services for the Brookton Landfill Facility (RFQ 02\_16/17) through the WALGA preferred supplier list with one submission being received.

In light of this, this report summarises the quotation responses and recommends Council award the contract to Great Southern Waste Disposal for the supply of this service for a further 5 year period.

**OCM 05.17 - 08**

**OFFICER’S RECOMMENDATION AND COUNCIL RESOLUTION  
MOVED CR WALKER SECONDED CR MILLS**

***That Council pursuant to Regulation 11(2)(b Local Government (Functions and General) Regulations, 1996:***

- 1. Accept the RFQ 02\_16/17 - Management for the Brookton Landfill Facility Evaluation Report (including summary of the respective quotation submission) as presented in Attachment 16.05.17.01 to this report;***
- 2. Award a five (5) year contract for Management of the Brookton Landfill Facility to Great Southern Waste Disposal in accordance with RFQ 02\_16/17, and their corresponding submission dated 11 May 2017 that specifies an annual lump sum price of \$69,498.00 (incl. GST), to take effect from 1<sup>st</sup> July 2017.***

**CARRIED BY SIMPLE MAJORITY VOTE 4-0**

**16.05.17.02 AWARD OF QUOTATION 03\_16/17 - WASTE AND RECYCLING KERBSIDE COLLECTION SERVICE**

**File No:** ADM 0266  
**Date of Meeting:** 18/05/2017  
**Location/Address:** Brookton Townsite and Surrounds  
**Name of Applicants:** 1. Greenaway Waste  
 2. Great Southern Waste Disposal  
**Name of Owner:** Shire of Brookton  
**Author/s:** Kelly D’Arcy – Governance Officer  
**Authorising Officer:** Ian D’Arcy – Chief Executive Officer  
**Declaration of Interest:** The author has no interest in this item  
**Voting Requirements:** Simple Majority  
**Previous Report:** 16/03/2017

**Summary of Item:**

The Shire invited submissions for RFQ 03\_16/17 for the provision of Waste and Recycling Kerbside Collection Service in April 2017 using the WALGA prequalified suppliers list. As a result two submissions have been received.

This report and attached evaluation provides a summary of each quotation and makes recommendation to award the contract to Great Southern Waste Disposal for the supply of this service for a further 5 year period.

**OCM 05.17 - 09**

**OFFICER’S RECOMMENDATION AND COUNCIL RESOLUTION**

**MOVED CR WILKINSON      SECONDED CR MILLS**

***That Council pursuant to Regulation 11(2)(b Local Government (Functions and General) Regulations, 1996:***

- 1. Accept the RFQ 03\_16/17 - Waste And Recycling Kerbside Collection Service Evaluation Report (including summaries of the respective quotation submissions) as presented in Attachment 16.05.17.02 to this report;***
- 2. Award a five (5) year contract for the Brookton Waste and Recycling Kerbside Collection Service to Great Southern Waste Disposal in accordance with RFQ 03\_16/17, and their corresponding submission dated 11 May 2017 and structured on the following pricing to take effect from 1 July 2017.***

<b>Description</b>	<b>Unit Cost (Ex GST)</b>	<b>Units per wk</b>	<b>Annual Cost (Ex GST)</b>
<b>240 ltr Green Bin Collection</b>	<b>1.00</b>	<b>438</b>	<b>22,776.00</b>
<b>240 ltr Recycling Bin Collection</b>	<b>2.70</b>	<b>327</b>	<b>22,955.40</b>
<b>Bulk Waste Pick Up</b>	<b>80.00</b>	<b>Each</b>	
<b>Replacement 240 ltr Bins</b>	<b>100.00</b>	<b>Each</b>	

**CARRIED BY SIMPLE MAJORITY VOTE 4-0**



**OCM 05.17 - 10**

**COUNCIL RESOLUTION**

**MOVED CR MILLS      SECONDED CR WILKINSON**

*That Council reopen the meeting from behind closed doors, the time being 12.56pm, and advise the public component of any resolutions passed behind closed doors.*

**CARRIED BY SIMPLE MAJORITY VOTE 4-0**

**17.05.17      NEXT MEETING & CLOSURE**

The next Ordinary meeting of the Council will be held on Thursday 15<sup>th</sup> June 2017, commencing at 12.30 pm.

There being no further business this meeting was closed at 12.57 pm.