



ORDINARY COUNCIL MEETING

MINUTES

15 June 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.

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Shire of Brookton
Ordinary Meeting of Council held 15 June 2017
with a scheduled commencement at 12.30 pm

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1.06.17 DECLARATION OF OPENING/ATTENDANCE

Attendance

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

Elected Members (Voting)

Cr KL Crute	Shire President (Presiding Member)
Cr NC Walker	Deputy Shire President (Entered the meeting at 12.34 pm)
Cr KT Wilkinson	
Cr KH Mills	
Cr TM Eva	
Cr L Allington	

Staff (Non Voting)

Ian D’Arcy	Chief Executive Officer
Vicki Morris	Deputy Chief Executive Officer
Courtney Fulwood	Executive Officer

Public

Sharyn Olsen

Apologies

Cr RT Fancote

Leave of Absence

2.06.17 ANNOUNCEMENT OF VISITORS

3.06.17 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4.06.17 PUBLIC QUESTION TIME

Nil

5.06.17 APPLICATIONS FOR LEAVE OF ABSENCE

OCM 06.17-1

COUNCIL RESOLUTION

5.06.17

MOVED CR ALLINGTON SECONDED CR MILLS

That Cr Fancote be granted leave of absence from Council for the July 2017 meeting.

CARRIED BY SIMPLE MAJORITY VOTE 5-0

6.06.17 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

7.06.17 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**OCM 06.17-2****COUNCIL RESOLUTION****MOVED CR WILKINSON SECONDED CR EVA**

That the minutes of the Ordinary Council meeting held in the Shire of Brookton Council Chambers, on Thursday 18 May 2017, be confirmed as a true and correct record of the proceedings.

CARRIED BY SIMPLE MAJORITY VOTE 5-0

8.06.17 ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

(Includes Condolences)

1. Mick McManus

9.06.17 DISCLOSURE OF INTERESTS

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

Disclosure of Financial & Proximity Interests

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

Disclosure of Interest Affecting Impartiality

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

Financial, Proximity and Impartiality Interests

Item no.	Members/Officers	Type of Interest	Nature of Interest
13.06.17.01	Cr Eva	Financial	Owner/shareholder to business that holds a \$2.00 share with CBH. In addition, the business sells grain to CBH for profit
13.06.17.01	Cr Mills	Financial	Owner/shareholder to business that holds a \$2.00 share with CBH. In addition, the business sells grain to CBH for profit
13.06.17.01	Cr Wilkinson	Financial	Owner/shareholder to business that holds a \$2.00 share with CBH. In addition, the business sells grain to CBH for profit
13.06.17.01	Cr Walker	Financial	Director of two businesses that both hold a \$2.00 share with CBH. In addition, both businesses sell grain to CBH for profit.
10.06.17.01	Cr Crute	Impartiality	Employed by a company that is a local cartage contractor and may seek to participate in the tender process.
13.06.17.02	Cr Crute	Financial	Secretary/treasurer of the Brookton Country Club as a paid employee

10.06.17 TECHNICAL & DEVELOPMENT SERVICES REPORTS

Cr Walker entered the meeting at 12.34pm.

Cr Crute declared an impartiality interest in item 10.06.17.01.

10.06.17.01 REQUEST FOR TENDER (RFT) 01-2017– CARTAGE TRUCK HIRE

Date of Meeting:	15/06/2017
Location/Address:	N/A
Name of Applicant:	Shire of Brookton
Name of Owner:	Shire of Brookton
Author/s:	Ian D’Arcy – Chief Executive Officer
Authorising Officer	Ian D’Arcy – Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previous Reports:	N/A

Summary of Item:

For Council to consider a formal request for tender submissions to provide a contractual cartage service for a period of 3 years involving road building and earth works materials associated with the Shire’s operations and activities.

Description of Proposal:

The intent of this report is to initiate a process for the provision of truck cartage services in relation to carting of road building and earth works materials, and supply of water for the Shire of Brookton to largely support:

- Road construction and maintenance;
- Footpath construction and maintenance;
- Building construction and maintenance;
- Parks and garden operations and maintenance; and
- Other cartage as required by the Shire’s Works Department.

Additionally, it is expected the materials to be carted under contractual agreement will include, but not be limited to:

- General earth fill material;
- Rock;
- Sand;
- Gravels and road base material;
- Building and demolition rubble;
- Aggregates;
- Non-potable water for road construction and dust suppression; and
- Over burden material.

The tender documentation prescribes cartage services using the following truck combinations based on an hourly or tonnage rate, and delivery of service within a prescribe time frame:

- semi side tipper trucks consisting of a prime mover and side tipping trailers;

- rigid body trucks for cartage of water with a minimum 12,000 litre holding capacity with rear discharge bar and side spray boom;
- Prime Mover and trailer to a configuration of 27 metres in length (Pocket Road Train) for the cartage of bulk materials.

Additionally, the awarded contract will also include provision for the Shire to use its own cartage trucks and equipment at the sole and absolute discretion of the Shire CEO.

A copy of the tender specification particular to the above mentioned works can be provided to Councillors on request.

Background:

It has come to the attention of officers that the Shire's use of Cartage Truck Hire provided by local contractors, together with the supply of other goods and services, has exceeded an expenditure threshold of \$150,000 over the past ten years (see Comment Section of this report).

As reflected in the Statutory Environment Section below, the Council is compelled to conduct a formal tender process for the cartage of materials.

Consultation:

Consultation has been limited to in-house discussion between relevant officers on the basis of needing to achieve compliance with the Shire's statutory obligations.

Statutory Environment:

The Council is required to conform to Section 3.57 of the *Local Government, Act 1995* (the Act). This section of the Act stipulates the local government is to obtain quotes, or alternatively call for tenders, before it can enter into a contract for the supply of goods or services.

This is detailed further under Regulation 11(1) of the Local Government (Functions and General) Regulations 1996, which states that goods or services exceeding \$150,000 in value must be awarded through a formal tender process. In calling for a public tender the Council is required to adhere to Regulation 14 of this legislation.

An exception in the regulations is that Council can use the WALGA pre-qualified list of suppliers and avoid calling tenders, however this would exclude local cartage truck hire companies.

Relevant Plans and Policy:

There are no relevant plans or policies that apply to this matter.

Financial Implications:

There are no adverse financial implications for the Shire in relation to this proposal.

Rather, a competitive tender process leading to a three (3) year contract is likely to secure the best possible price within the current market, coupled with quality and reliability of service that should amount to 'value for money' for the Brookton rate payers.

Risk Assessment:

The level of risk is assessed as high, and Council could be in breach of the legislative standards should it not proceed with a formal tender process.

Further, in light of recent occurrences by other Local Governments in not adhering to and achieving

compliance against the statutory procurement processes (as prescribed under the *Local Government Act, 1995*), it is understood the State Government together with the Crime and Corruption Commission is presently showing particular interest in organisations that are found not to be compliant in the area of Local government operations.

Community & Strategic Objectives

This proposal aligns with the broad intent of the Shire of Brookton Strategic Community Plan 2013 - 2023, although primarily it relates to achieving

- Value for money for the Brookton rate payers; and
- Statutory compliance by performing a fair and equitable process.

Comment

From an officer perspective the legislation is considered ambiguous. This is due to there being no specified timeframe upon which the \$150,000 purchasing threshold applies.

The Department of Local Government and Communities has advocated that all Local Governments need to conduct competitive purchasing processes, and enter into contracts for continued supply of goods and services based what is deemed a 'reasonable' period of time as Council will appreciate the word 'reasonable' is subjective and open to legal interpretation.

Therefore, most Local Governments exercise discretion in a cautionary manner by opting for contract arrangements through formal procurement processes. Usually, this applies to large single purchases in excess of the prescribed threshold or for the continued supply of goods or services anticipated (accumulatively in cost) to surpass the threshold over a period of time of between 10 – 15 years, which (arguably) is considered 'reasonable'.

Based on this understanding, this Council will need to consider contract arrangements for not only Cartage Truck Hire, but also other goods/services, including the supply of road building materials and acquisition of plumbing and electrical services over the coming months.

In this instance the contract will be exclusive to the successful tenderer based on fixed hourly or tonnage rates and delivery of performance, but will not prevent:

- The Shire from using an alternative truck hire company, should the successful Contractor not be able to supply or meet performance expectations or timeframes.
- The successful Contractor from sub-contracting to another supplier as or when required, providing the price and performance/delivery standards align to the contract conditions. In this context the Shire Administration will need to sanction the nominated sub-contractor.

OFFICER'S RECOMMENDATION

That Council call for tender submissions under a formal 'Request for Tender (RFT) 01-2017' to be conducted in accordance with Section 3.57 of the Local Government Act, 1995 and Regulation 14 of the Local Government (Functions and General) Regulations, 1996 for Cartage Truck Hire, based on:

1) *A formal contractual arrangement being executed for:*

- a) An initial three (3) year period, with the option to extend for a further twelve (12) months at the discretion of Council (or delegate).*
- b) Provision of the following truck and trailer combinations calculated on an hourly or tonnage basis, excluding GST:*

- *semi side tipper trucks consisting of a prime mover and side tipping trailers;*
- *rigid body trucks for cartage of water with a minimum 12,000 litre holding capacity with rear discharge bar and side spray boom;*
- *Prime Mover and trailer to a configuration of 27 metres in length (Pocket Road Train) for the cartage of bulk materials.*

2) *Conformity with the Compliance Criteria of the formal tender documentation, and the following Selection Criteria being used to assess the RFT 01-2017 submissions:*

Qualitative Selection Criteria	Weighting
<i>Relevant Experience in completing/supplying similar services, including a minimum of two (2) referees.</i>	30%
<i>Respondent's Resources including:</i> <i>a) The provision of qualified personnel;</i> <i>b) Truck and Trailer configurations and age/condition of such ; and</i> <i>c) Contingency measures to address interruption of service delivery</i>	40%
<i>Pricing, including:</i> <i>a) Price structure for various truck/trailer configurations</i> <i>b) Hourly hire prices without GST</i>	30%

OCM 06.17-3

OFFICER'S RECOMMENDATION AND COUNCIL RESOLUTION

MOVED CR ALLINGTON SECONDED CR WILKINSON

That Council call for tender submissions under a formal 'Request for Tender (RFT) 01-2017' to be conducted in accordance with Section 3.57 of the Local Government Act, 1995 and Regulation 14 of the Local Government (Functions and General) Regulations, 1996 for Cartage Truck Hire, based on:

1) *A formal contractual arrangement being executed for:*

- An initial three (3) year period, with the option to extend for a further twelve (12) months at the discretion of Council (or delegate).***
- Provision of the following truck and trailer combinations calculated on an hourly or tonnage basis, excluding GST:***
 - *semi side tipper trucks consisting of a prime mover and side tipping trailers;*
 - *rigid body trucks for cartage of water with a minimum 12,000 litre holding capacity with rear discharge bar and side spray boom;*
 - *Prime Mover and trailer to a configuration of 27 metres in length (Pocket Road Train) for the cartage of bulk materials.*

2) *Conformity with the Compliance Criteria of the formal tender documentation, and the following Selection Criteria being used to assess the RFT 01-2017 submissions:*

Qualitative Selection Criteria	Weighting
Relevant Experience in completing/supplying similar services, including a minimum of two (2) referees.	30%
Respondent's Resources including: ; <ul style="list-style-type: none"> a) The provision of qualified personnel; b) Truck and Trailer configurations and age/condition of such ; and c) Contingency measures to address interruption of service delivery 	40%
Pricing, including: <ul style="list-style-type: none"> a) Price structure for various truck/trailer configurations b) Hourly hire prices without GST 	30%

CARRIED BY SIMPLE MAJORITY VOTE 6-0

11.06.17 COMMUNITY SERVICES REPORTS

11.06.17.01 FLYING OF FLAGS POLICY

File No:	ADM 0342
Date of Meeting:	15/06/2017
Location/Address:	N/A
Name of Applicant:	N/A
Name of Owner:	N/A
Author/s:	Carina Whittington, Community Services Manager
Authorising Officer:	Ian D'Arcy, Chief Executive Officer
Declaration of Interest:	Neither the Officer nor Authorising Officer has any impartiality, financial or proximity interest that requires disclosure.
Voting Requirements:	Simple Majority
Previous Report:	N/A

Summary of Item:

It is recommended that Council adopt an updated policy to guide the flying of flags at Council facilities.

Description of Proposal:

Council currently has a simple policy that covers the flying of the Australian flag from the Administration Centre flag-pole. It is recommended that a new policy be adopted that covers other Council facilities, and is updated to reflect the addition of extra flag poles at the Administration Centre.

Background:

In late February 2017 correspondence was received from a Brookton resident requesting consideration for the addition of two more flag poles to allow the flying of the State and Aboriginal flags.

The correspondence was tabled and discussed at the March Council Briefing Forum where Council directed staff to prepare a draft policy, and submit quotes for capital purchase of the additional flag poles to the 2018-19 budget process. The matter was further discussed at the May 2017 briefing forum where Council indicated a preference for the Australian flag to be flown on all business days, and additional flags, including the State and Aboriginal Flag, to be flown on significant occasions or as requested. The draft policy also included direction for other Council facilities not included in Council's existing Administration Centre Flag Pole policy.

The draft policy included as **Attachment 11.06.17.01** reflects this direction from Council.

Consultation:

There has been no broad community consultation specifically in relation to this item.

On the 1 June 2017, Community Services Manager Carina Whittington met with Seabrook Aboriginal Corporation chairperson Faye Slater with regards to the proposed policy. It was indicated at that meeting that Mrs Slater felt their members would have a preference for the Aboriginal flag to be flown on all business days, not just Reconciliation Week. The next meeting of Seabrook is not scheduled until the 14 June 2017. There may be further correspondence to table subsequent to that meeting where the proposed policy will be discussed.

Information is provided below on other Wheatbelt Shires (those who responded) along with other Brookton community and council owned venues.

SHIRE	SHIRE ADMINISTRATION CENTRE
Quairading	Yes Council flies the Aboriginal flag daily along with the Australian Flag
Pingelly	Yes. Australian & Aboriginal Flag (not the WA)
Corrigin	The Shire of Corrigin does not fly the Aboriginal Flag at the Shire office nor at special occasions.
Wongan-Ballidu	Yes Flies both the Aboriginal and Australian flags at the Shire offices
Goomalling	Yes The Shire permanently displays the Aboriginal flag on the main street with the Australian and Western Australian flag.
Northam	Admin office – yes
Merredin	Shire of Merredin does not fly the Aboriginal flag at the Administration Centre - only on special occasions
West Arthur	Only have one flagpole at the Shire Office so only fly the Australian flag.
Narrogin	Yes The Shire of Narrogin, during office hours, flies the Aboriginal flag alongside the Australian flag immediately outside the Shire offices.

SHIRE VENUE	FLAG STATUS
Shire Admin	One flag pole that is dated and could do with replacement. Unlit. Australian flag raised and lowered each business day.
Memorial Park	One flag pole recently purchased by RSL and installed by Shire. Vandalproof. Illuminated at night. Australian flag remains raised year round. Flag replaced each Australia Day.
WB Eva Pavilion	One flag pole (old telegraph pole). Users raise flag at their own discretion.
Brookton Aquatic Centre	No flag pole.
Brookton Memorial Hall	No flag pole.
Depot	No flag pole.
Brookton Country Club	Has 3 flagpoles located around the outside of the bowling greens.
Saddleback Medical Centre	No flag pole
Kalkarni Residency	No flag pole
Caravan Park	Flag pole at caretakers van.
CRC (Library)	No flag pole.

COMMUNITY VENUE	COMMENT
Police Station	One flag pole.
Brookton DHS	One flag pole, with another purchased but not yet installed, with the intention of flying the Aboriginal flag alongside on days of significance.
Brookton Post Office	No flag pole
Seabrook Aboriginal Corporation	A flag pole has been purchased with intention of flying the Aboriginal Flag, however it has not yet been installed.
RSL Hall	One flag pole – Australian flag flown on Australia Day, Anzac Day, Vietnam Veterans Day, Remembrance Day,
CWA	No flag pole.

Statutory Environment:

Flag raising protocol and order of precedence of flags is guided by the Australian National Flag protocol. (<https://www.dpmc.gov.au/government/australian-national-flag/australian-national-flag-protocols>)

Relevant Plans and Policy:

There is a current Council policy that covers the flying of flags from the Administration Centre flag pole. (Policy 1.3)

Objective:

To provide direction on the use of the Australian Flag at the Administration Office.

Procedure:

The flagpole located at the Administration Centre is reserved for the flying of the Australian flag.

The Australian flag is to be flown each day during office hours.

Flag protocol will be in accordance with the Australian Government "It's an Honour" guidelines.

Financial Implications:

There are no implications for the Council's Budget or Long Term Financial Plan.

Council had initially indicated during briefing forum discussions that the capital costs of installing additional flag poles be considered in the 2018-19 budget. A grant funding opportunity was identified, and subsequently an application was successful, to secure funding via the Department of Prime Minister and Cabinet under National Reconciliation Week 2017 program. This funding will cover the purchase costs of three new flagpoles for the Administration Centre, with work due to be completed this month, and funding acquitted by the end of June 2017.

Risk Assessment:

It is not recommended this item be added to the Shire's Risk Register, nor that a Risk Treatment Plan be required.

Community & Strategic Objectives:

While there is no specific reference to this matter, the Shire of Brookton Strategic Community Plan 2015-2023 includes *Outcome 1.4 – a vibrant and inclusive community*.

Comment

The draft policy included as **Attachment 11.06.17** was drafted consistent with the guidance provided by Council during briefing forum discussion. Subsequent to those discussions Shire staff has secured funding to cover the financial impact of additional flagpoles under a National Reconciliation Week grant. In that grant application, it was noted "*Recognising these flags by raising them alongside the Australian flag each day offers acceptance and reconciliation to the local Aboriginal and Torres Strait Islander people.*" It was indicated through the application that the intention was to fly the Aboriginal flags alongside the Australian flag each day.

A further condition of the grant was to work closely with our local Aboriginal population in organising a community flag raising event. While meeting with Seabrook Aboriginal Corporation chair Faye Slater, she indicated that their members would likely have a preference for the flag to flown each business day.

While Council's original direction was to fly the additional flags on significant occasions, taking into account these last two points, an alternate recommendation is provided for Council's consideration.

OFFICER'S RECOMMENDATION

That Council:-

1. Rescind current Council Policy 1.3 Administration Centre Flag Pole.
2. Adopt Flying of Flags Policy as included as Attachment 11.06.17.01.

ALTERNATE RECOMMENDATION

That Council:-

1. Rescind current Council Policy 1.3 Administration Centre Flag Pole.
2. Adopt Flying of Flags Policy as included as Attachment 11.06.17.01 with the following alternate text:

Administration Building

Flags at the Administration Building will be flown during normal business hours. Flag flying will be in accordance with the National Flag protocol. The Australian flag, Western Australian flag and Aboriginal flag will be flown each business day.

Attachments

Attachment 11.06.17.01 – Flying of Flags Policy

OCM 06.17-4

OFFICER'S RECOMMENDATION

MOVED CR MILL SECONDED CR ALLINGTON

That Council suspend standing orders to facilitate discussion.

CARRIED BY SIMPLE MAJORITY VOTE 6-0

OCM 06.17-5

OFFICER'S RECOMMENDATION

MOVED CR WILKINSON SECONDED CR ALLINGTON

That Council resume standing orders.

CARRIED BY SIMPLE MAJORITY VOTE 6-0

OCM 06.17-6

OFFICER'S RECOMMENDATION AND COUNCIL RESOLUTION

MOVED CR WILKINSON SECONDED CR WALKER

That Council:-

1. Rescind current Council Policy 1.3 Administration Centre Flag Pole.
2. Adopt Flying of Flags Policy as included as Attachment 11.06.17.01.

Cr Eva foreshadowed the Alternative Recommendation to be considered by Council should the substantive motion be lost.

VOTE LOST 2-4

The Foreshadowed Motion was elevated to become the substantive motion and was then considered by Council.

OCM 06.17-7

FORESHADOWED MOTION

MOVED CR EVA SECONDED CR ALLINGTON

That Council:-

- 1. Rescind current Council Policy 1.3 Administration Centre Flag Pole.***
- 2. Adopt Flying of Flags Policy as included as Attachment 11.06.17.01 with the following alternate text:***

Administration Building

Flags at the Administration Building will be flown during normal business hours. Flag flying will be in accordance with the National Flag protocol. The Australian flag, Western Australian flag and Aboriginal flag will be flown each business day.

CARRIED BY SIMPLE MAJORITY VOTE 6-0

11.06.17.02 LES MCMULLEN MEMORIAL RECREATION GRANTS

File No:	ADM 0176
Date of Meeting:	15/06/2017
Location/Address:	N/A
Name of Applicant:	N/A
Name of Owner:	N/A
Author/s:	Carina Whittington, Community Services Manager
Authorising Officer:	Ian D'Arcy, Chief Executive Officer
Declaration of Interest:	Neither the Officer nor Authorising Officer has any impartiality, financial or proximity Interest that requires disclosure.
Voting Requirements:	Simple Majority
Previous Report:	13.09.16.02 Amendment from one to two rounds per year

Summary of Item:

It is recommended that the Les McMullen Memorial Recreation Grants be open to applications at any time.

Description of Proposal:

It is proposed that the Les McMullen Memorial Recreation Grants be an open or 'rolling' grant process where clubs may apply at any time throughout the year.

The annual amount available would remain at \$1000 per club in any financial year, with the total available set on review of the annual statement and balance available.

The current committee is comprised of nominated Councillors as well as two community members. The committee meetings to consider applications generally last under 15 minutes, so is quite feasible to convene in conjunction with existing Council commitments so as not to impose unduly on the committee members.

Background:

The Les McMullen Memorial Recreation Grants Committee was established by Council in 1995 and has delegated authority to administer the bequest of the late Mr Leslie McMullen to the sporting community of Brookton.

The Committee has been operating under these terms since establishment. In recent times the annual grant round has been opening usually in February, with applications closing in either April or May with the Committee meeting in May to consider applications.

The annual grant allocation has been fully subscribed once since establishment. In 2015 there were no applications received by closing date, with a late application considered in June. The Les McMullen Memorial Recreation Grants Committee recommended to Council in May 2016 that a second round of grants be offered annually. This was implemented in September 2016. There were no applications for the April/May round in 2017.

Consultation:

Staff have previously consulted with local sporting club members informally as to possible reasons for lack of uptake of the Les McMullen Grants. It was suggested by several people that perhaps the clubs

that are out of season when the grants are open are not in an active position to pursue grant opportunities. At the recent WB Eva Pavilion User Group Committee meeting, those present thought that a rolling round would be more practicable.

Statutory Environment:

Local Government Act 1995 s. 5.8 to s. 5.25 details the establishment, composition and conduct of committees. The recommendation included in this report is consistent with the requirements of the Act and does not alter the conduct or composition of this Committee.

Relevant Plans and Policy:

The Terms of Reference of the Committee has been established under *Council Policy 1.2 Council Committee's Terms of Reference*. This was updated in 2016, and reads as follows:

d) *Les McMullen Memorial Recreation Grants Committee (CM 220/96 – May 1996)*

Council delegates its authority and power to the Les McMullen Memorial Recreation Grants Committee to award grants to eligible sporting bodies in accordance with the provisions of the estate of the late Mr Les McMullen.

The delegated authority appears in the Delegations Register as below:

1.36 Committee – Les McMullen Memorial Recreation Grants

Date Adopted	-	May 1996
Date Reviewed	-	May 2016
Authority	-	Local Government Act 1995 S5.17
References	-	Local Government Act 1995 S3.18 Council Policy 1.2 Council Committees

Delegation

Council delegates its authority and power to the Les McMullen Memorial Recreation Grants Committee to award grants to eligible sporting bodies in accordance with the provisions of the estate of the late Mr Les McMullen.

Conditions

Compliance with the provisions of the estate of the late Mr Les McMullen.

The change in policy and delegations adopted in September 2016 removed the word annual, allowing for multiple grant rounds, or rolling grant rounds under the amended policy.

Financial Implications:

There are no financial implications relative to this issue. It is considered that the additional time in administering a rolling round is not significant, being a minor and established programme.

Risk Assessment:

It is not recommended this item be added to the Shire's Risk Register, nor that a Risk Treatment Plan be required.

Community & Strategic Objectives:

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

Shire of Brookton, Confirmed Minutes Ordinary Meeting of Council, 15 June 2017

Comment

The Les McMullen Memorial Recreation Grants are a minor grant programme that requires minimal administration. It is an accessible and convenient grant for our community groups to access, consistent with the wishes of the benefactor. It is generally accessed by some of our smaller clubs without capacity for income generation enabling their projects to proceed.

The proposal of rolling grants will further enhance the accessibility of the grant programme, without undue impost on administration or the committee.

OFFICER'S RECOMMENDATION

That Council:

1. Open the Les McMullen Memorial Recreation Grants programme to allow for applications throughout the year.

Attachments

11.06.17.02 - Les McMullen Memorial Recreation Grants Application Form

OCM 06.17-8

OFFICER'S RECOMMENDATION AND COUNCIL RESOLUTION

MOVED CR WALKER SECONDED CR WILKINSON

That Council:

1. ***Open the Les McMullen Memorial Recreation Grants programme to allow for applications throughout the year.***

CARRIED BY SIMPLE MAJORITY VOTE 6-0

12.06.17 FINANCE & ADMINISTRATION REPORT

12.06.17.01 LIST OF ACCOUNTS FOR PAYMENT

File No:	N/A
Date of Meeting:	15/06/17
Location/Address:	N/A
Name of Applicant:	N/A
Name of Owner:	N/A
Author/s:	Corinne Kemp – Finance Officer
Authorising Officer:	Ian D’Arcy – Chief Executive Officer
Declaration of Interest:	The author has no financial interest in this matter.
Voting Requirements:	Simple Majority
Previous Report:	18/05/17

Summary of Item:

The list of accounts for payment to 31st May 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 12.06.17.01.

To 31st May 2017

Municipal Account

Direct Debits	\$101,839.68
EFT	\$487,183.15
Cheques	\$9,701.38
Trust Account	\$330.00

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 31st May 2017, per the summaries included in Attachment 12.06.17.01.

To 31 May 2017

Municipal Account

Direct Debits	\$101,839.68
EFT	\$487,183.15
Cheques	\$9,701.83
Trust Account	\$330.00

Attachments

Attachment 12.06.17.01

OCM 06.17-9

OFFICER'S RECOMMENDATION AND COUNCIL RESOLUTION

MOVED CR ALLINGTON SECONDED CR EVA

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 31st May 2017, per the summaries included in Attachment 12.06.17.01.

To 31 May 2017

Municipal Account

Direct Debits	\$101,839.68
EFT	\$487,183.15
Cheques	\$9,701.83
Trust Account	\$330.00

CARRIED BY SIMPLE MAJORITY VOTE 6-0

12.06.17.02 STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED 31 MAY 2017

File No:	N/A
Date of Meeting:	08/06/2017
Location/Address:	N/A
Name of Applicant:	N/A
Name of Owner:	N/A
Author/s:	Deanne Sweeney – Senior Finance Officer Kelly D’Arcy – Governance Officer
Authorising Officer:	Ian D’Arcy – Chief Executive Officer
Declaration of Interest:	The author has no financial interest in this matter
Voting Requirements:	Simple Majority
Previous Report:	There is no previous meeting reference

Summary of Item:

The Statement of Financial Activity for the period ended 31 May 2017 is presented to council.

Description of Proposal:

That Council receive the Statement of Financial Activity for the period ended 31 May 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 being presented prior to the formal end- of-year budget process to ensure that Budget integrity is maintained and expenditure is authorised.

OFFICER'S RECOMMENDATION

That Council

1. *Receive the Monthly Statement of Financial Activity for the period ending 31 May 2017 as presented in Attachment 12.06.17.02(a).*
2. *Pursuant to section 6.8 of the Local Government Act 1995, authorise the schedule of variations to the 2016/17 Budget, as presented in Attachment 12.06.17.02(b).*

Attachments

Attachments 12.06.17.02(a)

Attachments 12.06.17.02(b)

OCM 06.17-10

OFFICER'S RECOMMENDATION AND COUNCIL RESOLUTION

MOVED CR WALKER SECONDED CR ALLINGTON

That Council

1. *Receive the Monthly Statement of Financial Activity for the period ending 31 May 2017 as presented in Attachment 12.06.17.02(a).*
2. *Pursuant to section 6.8 of the Local Government Act 1995, authorise the schedule of variations to the 2016/17 Budget, as presented in Attachment 12.06.17.02(b).*

CARRIED BY ABSOLUTE MAJORITY VOTE 6-0

13.06.17 GOVERNANCE

Cr Wilkinson, Cr Walker, Cr Mills and Cr Eva declared a financial interest in item 13.06.17.01.

Application was made to the Minister for Local Government in part under section 5.69(3)(a) of the Local Government Act 1995 for an approval to participate in the discussion and decision making to item 13.06.17.01.

Cr Mills and Cr Eva were granted approval by the Executive Director Local Government Regulation and Support under authority delegated by the Minister of Local Government to fully participate in the discussion and decision making relating to the item 13.06.17.01.

The approval granted is based solely on the interest disclosed by the Cr Mills and Cr Eva, made in accordance with the application.

Cr Wilkinson and Cr Walker left the meeting at 12.52pm. Cr Mills and Cr Eva remained to participate in the consideration of this item.

13.06.17.01 PROPOSED LEASE OF LOT 464 (CROWN RESERVE 47072) AND LOT 254 (CROWN RESERVE 9635) YEO AND TAYLOR ROADS BROOKTON

File No:	ADM 0300
Date of Meeting:	15/06/2017
Location/Address:	Lot 464 (Crown Reserve 47072) and Lot 254 (Crown Reserve 9635) Yeo and Taylor Roads Brookton
Name of Applicant:	CBH Group
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 authors of the report has no interest in this item
Voting Requirements:	Simple majority
Previous Report:	18/05/2017

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 13.06.17.01(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:

Conflict of Interest

The Council will recall this item was presented at the May 2017 Ordinary Meeting, where the proposal was not considered due to three of the four Councillors present individually declaring a financial interest as a shareholder in the CBH Group, and subsequently leaving the meeting.

As a result, the Shire President announced there was the lack of a quorum and confirmed the item would need to be re-presented to Council at the next available meeting, conditional on the Minister for Local Government allowing elected members to freely vote on the proposal.

Following the Council meeting, the CEO:

- Advised a CBH Group representative of the pending issue and subsequent deferment until the matter can be resolved with the Minister.
- Sought the required exemption for the Minister under Sections 5.69(3) of the *Local Government Act, 1995* for Councillors Walker, Mills, Wilkinson and Eva to be able to vote on the matter.

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 currently experience the commercial activities of CBH year round.

At present these landowners may not be aware of the proposed change in land use zoning, as promoted under LPS No. 4, or the intent by CBH to secure and possibly develop the adjoining land as outlined in **Attachment 13.06.17.01(a)** and in this report.

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 5th 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 13.06.17.01(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 464 to 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.*

Attachments

Attachment 13.06.17.01(a)

Attachment 13.06.17.01(b)

OCM 06.17-11

COUNCIL RESOLUTION

MOVED CR ALLINGTON SECONDED CR EVA

That Council Suspend Standing Orders to facilitate discussion.

CARRIED BY SIMPLE MAJORITY VOTE 4-0

OCM 06.17-12

COUNCIL RESOLUTION

Moved Cr Mills Seconded Cr Eva

That Council resume standing orders.

CARRIED BY SIMPLE MAJORITY VOTE 4-0

OCM 06.17-13

COUNCIL RESOLUTION

MOVED CR MILLS SECONDED CR ALLINGTON

That Council advise the CBH Group it is supportive of leasing the land, being Lot 464 and 254 Yeo and Taylor Roads, but is not prepared to enter into a formal lease agreement until the following matters have been addressed to the Council's satisfaction;

- 1. Conceptual proposal of the future development of Lots 464 and 254 Yeo and Taylor Roads being submitted.*
- 2. Details being provided on 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 to the Shire's specifications, and a willingness to contribute to road maintenance through a formal deed of agreement, or similar.*
- 3. The preparation of a management plan that addresses potential impacts and management strategies applicable to dust, water, noise, and traffic/transport movement, as well as truck/trailer parking.*
- 4. Actions being undertaken that addresses the current impacts on Local residences within a minimum radius of 500 meters from the existing residential properties.*

CBH Group is invited to address Council with regards to their future plans.

CARRIED BY SIMPLE MAJORITY VOTE 4-0

(Note to minute: The Council was not satisfied with the grant of a lease agreement prior to detailed information being submitted in relation to the CBH Groups proposal for future development and measures to mitigate social impacts on surrounds residents, and therefore did not support the officer's recommendation.)

Cr Wilkinson and Cr Walker returned to the meeting at 1.23 pm and the Shire President informed them of the decision made by Council.

Cr Crute declared a financial interest in item 13.03.17.02 and left the meeting at 1.24pm. Cr Walker (Deputy Shire President) took the chair as the presiding member.

13.06.17.02 BROOKTON COUNTRY CLUB – LICENCE AGREEMENT

File No:	ADM 0583
Date of Meeting:	15/06/2017
Location/Address:	Reserve 50860 Great Southern Highway
Name of Applicant:	Brookton Country Club
Name of Owner:	Shire of Brookton
Author/s:	Kelly D’Arcy – Governance Officer
Authorising Officer:	Ian D’Arcy – CEO
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previous Report:	23/05/2015 and 20/08/2015

Summary of Item:

Council has been requested to consider entering into a Licence agreement with the Brookton Country Club in accordance with the terms and conditions contained in the attached draft licence document.

This report now seeks final authorisation from Council to execution of the licence agreement for Reserve 50860 Great Southern Highway to allow for continued cropping by the Brookton Country Club.

Description of Proposal:

This report relates to formalising a Licence Agreement with the Brookton Country Club Inc. for the cropping of Reserve 50860 (Lot 502), which is currently vested in the Shire of Brookton.

A copy of the draft Licence Agreement is included as **Attachment 13.06.17.02** to this report.

This licencing of the Reserve 50860 will need to be advertised as per the disposal of property under Section 3.58 of the *Local Government Act, 1995*.

Background:

Following the co-location of the Brookton Bowling Club and Brookton Golf Club, it was intended a Lease Agreement would be entered into with the new managing body, being the Brookton Country Club Inc.

On this understanding, the Council endorsed the preparation of a draft Lease Agreement in 2008, however, the document was not progressed at the time.

The draft Lease was raised again in 2015 and presented to Council for approval at its July 2015 meeting, but was laid on the table due to the lack of a quorum being achieved. Again, the document was presented to Council at its August 2015 meeting for consideration where the Council endorsed the grant of the Lease Agreement with the County Club. This document was recently executed in March 2017 by the Shire President and CEO. Although, due to the extended timeframe and land dealings, Reserve 50860 needed to be excised from the lease document. This occurred because of the changes to Reserve 50860 (Lot 502), which is vested in the Shire for the purposes of “Cropping and Research” with a power to Licence for any term not exceeding five years. To progress the Licence Agreement, approval will need to be sought from the Minister of Lands following Council endorsement. The balance of the reserve will remain covered by the original lease document, with retained power to lease for a period of up to 21 years, also subject to approval from the Minister of Lands.

Therefore, in the context of this report the Council only needs to consider the grant of a formal Licence in favour of the Brookton Country Club for cropping purposes on Lot 502.

Consultation:

Ongoing consultation has been undertaken with members of the Brookton Country Club Committee on this matter.

Statutory Environment:

The matter of granting a Licence may be entertained by Council under the *Land Administrating Act, 1997* acknowledging Ministerial approval is also required under Section 91 of this legislation.

Council also needs to be mindful the Licence Agreement needs to be considered under Section 3.58 of the *Local Government Act, 1995* – disposal of property. Specifically, Clause 30 of the *Local Government (Functions and General) Regulations, 1996* applies, which basically qualifies this matter as an exempt disposition as the Country Club is an incorporated community group.

Relevant Plans and Policy:

There are no plans or policies applicable to this proposal.

Financial Implications:

If Council endorses the proposed draft Licence there will be a small cost associated with staff time to finalise the Licence. This cost is absorbed into employee wages.

Risk Assessment:

There is a risk to the Brookton Country Club that should a Licence Agreement not be supported by Council then the Club will need to cease cropping activities, and identify an alternative source of income.

Community & Strategic Objectives:

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

Outcome 3.1 –

Assets and infrastructure that support long term community needs.

Outcome 3.3 –

Shire buildings and facilities that meet current and future community needs.

Comment

As already mentioned, the purpose of the Licence Agreement is to provide the Brookton Country Club with formal tenure over the land that they manage for the purpose of providing funds to supplement the recreation and social activities for the community.

It is viewed that Community Groups, such as the Brookton Country Club, investigate and secure ways in which they can be independent and sustainable over the long term. The opportunity to crop land to derive an income is one such measure that aids in achieving this outcome.

Importantly, it is acknowledged the licence terms and conditions sets out each party's responsibilities in relation to the management and operation of the land within the leased area, and on this basis it is recommended the Council agree to execution of the Licence.

OFFICER'S RECOMMENDATION

That Council:

- 1. Endorse the grant and execution of the Licence Agreement (as provided at Attachment 13.06.17.02 to this report) in favour of the Brookton Country Club Inc. for the sole purpose of*

cropping Lot 502 Brookton Highway, Brookton for a period of five (5) years; and

- 2. Refer the Licence Agreement to the Minister for Lands for final approval in accordance with Section 91 of the Land Administration Act, 1997.*

Attachments

Attachment 13.06.17.02 – Draft Brookton Country Club Licence Agreement

OCM 06.17-14

OFFICER'S RECOMMENDATION AND COUNCIL RESOLUTION

MOVED CR ALLINGTON SECONDED CR WILKINSON

That Council:

- 1. Endorse the grant and execution of the Licence Agreement (as provided at Attachment 13.06.17.02 to this report) in favour of the Brookton Country Club Inc. for the sole purpose of cropping Lot 502 Brookton Highway, Brookton for a period of five (5) years; and***
- 2. Refer the Licence Agreement to the Minister for Lands for final approval in accordance with Section 91 of the Land Administration Act, 1997.***

CARRIED BY SIMPLE MAJORITY VOTE 5-0

Cr Crute re-entered the meeting at 1.24pm and resumed the chair as the presiding member.

13.06.17.03 PROPOSED OFFROAD MOTORCYCLE EVENT – BROOKTON OVAL

File No:	ADM 0622
Date of Meeting:	15/06/2017
Location/Address:	Lot 456, Brookton Highway - Brookton Town Oval
Name of Applicant:	Decima Johns, Dirt High Promotions
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 authorising officer and author of this report has no interest in this item
Voting Requirements:	Officer Recommendation 1 - Simple Majority Officer Recommendation 2 - Absolute Majority
Previous Report:	3/06/2017

Summary of Item:

An application has been received to conduct a non-commercial Off-road Motorcycle Event at the Brookton Oval Reserve 43158 (Lot 456 Brookton Highway), and various other private farm locations.

Whilst Planning Approval is no longer required for this type of public event (refer to Statutory Section below), Council as the Management Authority for the Brookton Oval Reserve is required to consent to respective use of the land, and may set any conditions it deems reasonable in ensuring the event is conducted in a professional and safe manner.

Description of Proposal:

This proposal entails one stage of the ‘Pony Express Motorcycle Event’ to be held on Saturday 8 and Sunday 9 July 2017 on the Brookton Oval Reserve and adjoining farmland. The application states the event will be run under permit from Motorcycling Australia and conducted in accordance with the Australian Rules of Competition, with a Public Liability Cover of \$50,000,000.

In summary, the motocross racing will span across juniors to adults, and be conducted during the day and early evening commencing. Other activities proposed, includes:

- over-night camping on the oval for approximately 200 people on the Saturday night, with use of the WB Eva Pavilion facilities;
- a one man band playing in the evening;;
- use of the pavilion canteen to serve food.

Figures 1 and 2 below provides an understanding of the track layout and overnight camping.

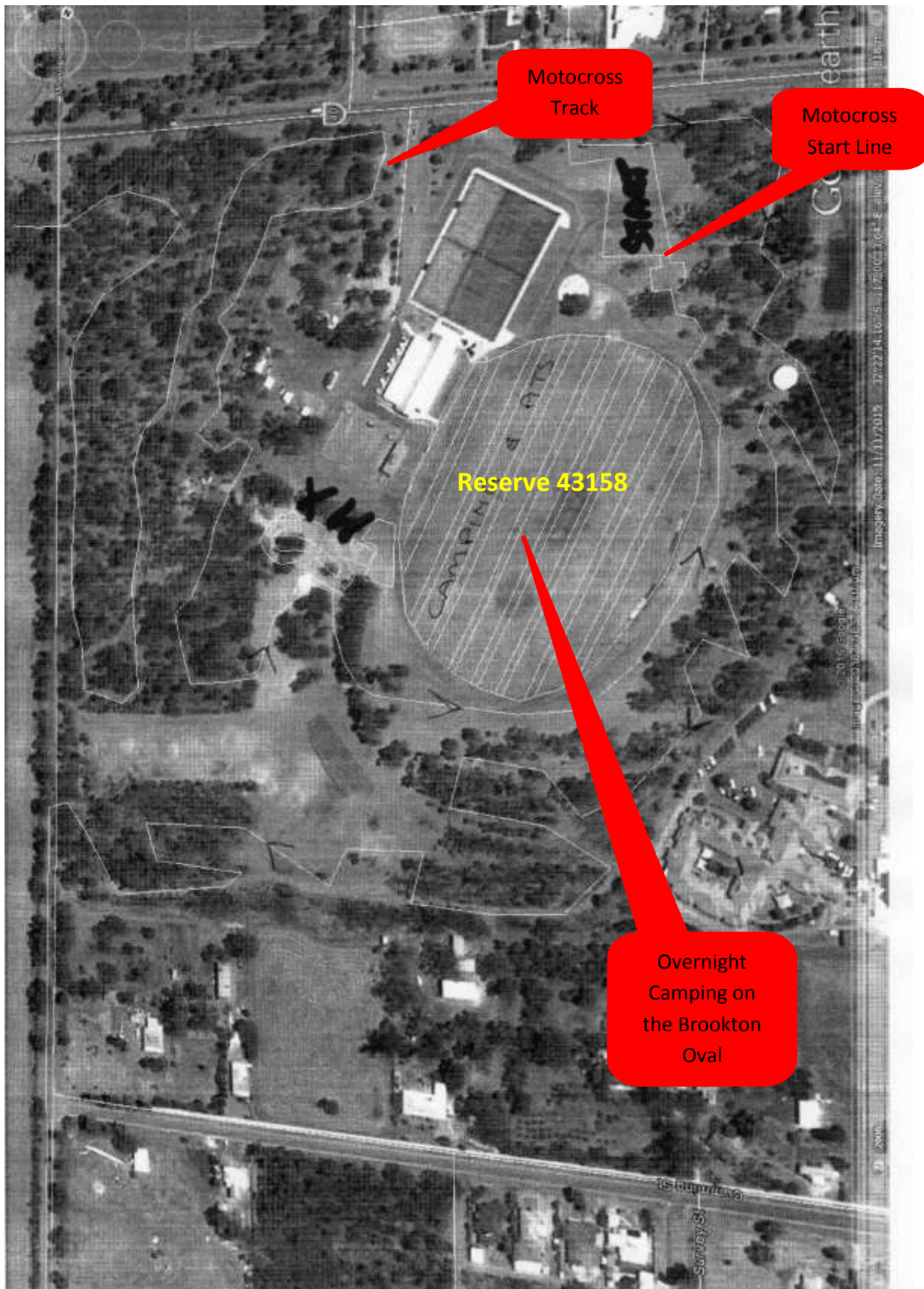


Figure 1 – Aerial Photo of Brookton Oval Reserve 43158 with track layout and oval camping



Figure 2 – Aerial Photo of Complete Track Layout

Background:

As the Council will recall this event was conducted in 2016 with this proposal mimicking the first stage of the ‘Pony Express Motorcycle Event’.

Given its success, it is proposed to again hold the non-commercial Motorcycle Event at the same venues in this Shire.

To this end, the Brookton townsite stage of the Motorcycle Event is proposed to occur on the 8 and 9 July 2017.

A copy of the Application letter, Emergency and Risk Management Plan and the track area map are attached for reference and labeled “**Attachment 13.06.17.03(a) and 13.06.17.03(b)**” respectively.

Consultation:

At the time of writing this report there has been no public consultation.

Importantly, should Council support progression of this stage of the event the organisers at a minimum should notify the surrounding residents in writing at least 7 days out from the event weekend of the pending activities. This should include the permanent residents at the Brookton Caravan Park, as well as the Baptistcare Management at Kalkarni, the Brookton Senior Citizens Homes Committee, and individual residents along Brookton Highway and Whittington Street.

Statutory Environment:

The Brookton Oval Reserve 43158 is Crown Land vested in the Shire for the primary purpose of recreational pursuits and activities under the *Land Administration Act, 1997*. Specifically, Section 46(7) of this legislation, together with the assigned Management Order for the Reserve, empowers the Council to determine the type of activities and set conditions. It is for this reason the event application is presented to Council for consideration.

As for the new Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2, Part 7, cl. 61 (2) (d) stipulates that events of less than 48 hours no longer require planning approval.

In regards to a reducing the camping fees (see Financial Implications Section below) the Council may consider at concession pursuant to Section 6.2(b) of the *Local Government Act, 1995* that affords Council the ability to waive payments as outlined below:

6.12. Power to defer, grant discounts, waive or write off debts

(1) *Subject to subsection (2) and any other written law, a local government may —*

(a) *when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or*

(b) *waive or grant concessions in relation to any amount of money; or*

(c) *write off any amount of money,*

which is owed to the local government.

** Absolute majority required.*

Relevant Plans and Policy:

There are no Plans or Policy that applies to this matter.

Financial Implications:

In order to camp on the oval it is recommended that Council allow for use of the showers and ablution facilities at both the Caravan Park and Pavilion, with the cost of \$5.00 per head being imposed on the estimated 200 over-night campers for the Saturday night. This equates to an up-front charge/payment of \$1,000 from the event organiser for camping.

Presently the charge for an un-powered site at the caravan Park is \$22.00 per night, which generally equates to \$11.00 per person. This largely represents a significant discount, which can be entertained by Council.

This will cover the Shire's cost of cleaning, utility charges, provision of addition rubbish bins and inspection time by officers following the event.

Further, there may be a small financial implication for officer's time for traffic management, such as road closures.

Risk Assessment:

The applicant has submitted an Emergency and Risk Management Plan (ERMP) for the event addressing possible identified risks and proposed mitigation measures. These include, amongst others:

- Emergency Evacuation;
- Fire Management;
- First Aid and Ambulance Services;
- Toilet Facilities, etc.

Community & Strategic Objectives:

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

Outcome 1.1: Community well-being through quality sports, recreation and leisure opportunities.

Strategy 1.1.1: Update and implement the Sport and Recreation Plan.

Strategy 1.1.2: Support and promote sporting and recreational activities in collaboration with clubs and groups to attract participants and increase the utilisation of facilities.

Outcome 1.4: A vibrant and inclusive community.

Strategy 1.4.1: Promote community and cultural events.

Comment

Given the temporary nature of the proposed activity and the previous event held at this location last year that did not yield significant complaint, it is unlikely there will be a considerable and lasting disturbance to the character or amenity of the area.

With this acknowledged, the Council needs to be satisfied the event is run in a professional manner, and the Shire and community are not exposed to a high level of risk given the nature of this event.

Therefore, in Council consenting to the use of the Brookton Oval Reserve, including the use for overnight camping, it is recommended conditions be imposed that mitigates the potential risks and places responsibility on the event organiser to manage and maintain the facility.

OFFICER'S RECOMMENDATION 1

That Council pursuant to Section 46(7) of the Land Administration Act, 1997 grant consent to Dirt High Promotions to use of the Brookton Oval Reserve 43158 (Lot 456 Brookton Highway) for the 'Pony Express Motorcycle Event' to be conducted on Saturday 8 and Sunday 9 July 2017, inclusive of overnight camping on the Brookton Oval for the Saturday night, subject to the following requirements being met:

- 1. Letter being submitted prior to the event being conducted indemnifying the Shire of Brookton against all liability and any claim arising from the event;*
- 2. The warm up, practice and completion times to occur between the following hours:

Saturday 8 July 2017 – 8.00 am to 7.00 pm
Sunday 9 July 2017 – 8.00 am to 5.00 pm*
- 3. Written notification of the event to adjoining and nearby residents, including those residents at the Caravan Park, Kalkarni and Senior Citizen homes and those residences along Brookton Highway and Whittington Street that adjoin Reserve 43158, at least 7 days prior providing a copy of the event program;*
- 4. Adherence to the submitted Risk Management Plan and all measures and actions contained therein, including an onsite ambulance or other medical facility with qualified/trained staff, dust control measures, clear delineation of the track and spectator viewing points with marshalling, and;*
- 5. Event organizer being responsible for clean-up, and restoring the oval to initial condition, including responsibility for any repairs to the oval reticulation and grassed surface.*

(Simple majority required)

OFFICER'S RECOMMENDATION 2

That Council in accordance with Section 6.2(b) of the Local Government Act, 1995 grant a financial concession to the overnight camping fee, from \$22.00 for an unpowered site to a fixed upfront payment of \$1,000 (incl. GST) for use of the Brookton Oval (including use of the Caravan Park and Pavilion shower and ablution facilities) for up to 200 people calculated on \$5.00 per person, with such payment being made prior to the Offroad Motorcycle Event.

(Absolute majority required)

Attachments

Attachment 13.06.17.03(a) - Letter of Application

Attachment 13.06.17.03(b) - Risk Management Plan

The CEO informed Council that Reserve 17220 was inadvertently omitted from the Officer's recommendation and accordingly presented a revised Officer recommendation for consideration by Council.

OCM 06.17-15

REVISED OFFICER'S RECOMMENDATION AND COUNCIL RESOLUTION

MOVED CR WILKINSON SECONDED CR ALLINGTON

That Council pursuant to Section 46(7) of the Land Administration Act, 1997 grant consent to Dirt High Promotions to use of the Brookton Oval Reserve 43158 (Lot 456 Brookton Highway) and Reserve 17220 for the 'Pony Express Motorcycle Event' to be conducted on Saturday 8th and Sunday 9th July 2017, inclusive of overnight camping on the Brookton Oval for the Saturday night, subject to the following requirements being met:

- 1. Letter being submitted prior to the event being conducted indemnifying the Shire of Brookton against all liability and any claim arising from the event;***
- 2. The warm up, practice and completion times to occur between the following hours:***

Saturday 8th July 2017 – 8.00 am to 7.00 pm
Sunday 9th July 2017 – 8.00 am to 5.00 pm
- 3. Written notification of the event to adjoining and nearby residents, including those residents at the Caravan Park, Kalkarni and Senior Citizen homes and those residences along Brookton Highway and Whittington Street that adjoin Reserve 43158, at least 7 days prior providing a copy of the event program;***
- 4. Adherence to the submitted Risk Management Plan and all measures and actions contained therein, including an onsite ambulance or other medical facility with qualified/trained staff, dust control measures, clear delineation of the track and spectator viewing points with marshalling, and;***
- 5. Event organizer being responsible for clean-up, and restoring the oval to initial condition, including responsibility for any repairs to the oval reticulation and grassed surface.***

CARRIED BY SIMPLE MAJORITY VOTE 6-0

OCM 06.17-16

OFFICER'S RECOMMENDATION AND COUNCIL RESOLUTION

MOVED CR WILKINSON SECONDED CR EVA

That Council in accordance with Section 6.2(b) of the Local Government Act, 1995 grant a financial concession to the overnight camping fee, from \$22.00 for an unpowered site to a fixed upfront payment of \$1,000 (incl. GST) for use of the Brookton Oval (including use of the Caravan Park and Pavilion shower and ablution facilities) for up to 200 people calculated on \$5.00 per person, with such payment being made prior to the Offroad Motorcycle Event.

CARRIED BY ABSOLUTE MAJORITY VOTE 6-0

14.06.17 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

15.06.17 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

16.06.17 CONFIDENTIAL REPORTS

Nil

17.06.17 NEXT MEETING & CLOSURE

The next Ordinary meeting of the Council will be held on Thursday 20th July 2017 commencing at 12.30 pm.

There being no further business this meeting was closed at 1.33pm.