



ORDINARY COUNCIL MEETING

MINUTES

20 July 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.

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

**Shire of Brookton
Ordinary Meeting of Council held 20 July 2017
with a scheduled commencement at 12.30 pm**

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1.07.17 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	
Cr TM Eva	
Cr L Allington	
Cr RT Fancote	

Staff (Non Voting)

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

PublicApologiesLeave of Absence**2.07.17 ANNOUNCEMENT OF VISITORS**

Nil

3.07.17 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4.07.17 PUBLIC QUESTION TIME

Nil

5.07.17 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6.07.17 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

7.07.17 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

OCM 07.17-1

COUNCIL RESOLUTION

MOVED CR WILKINSON SECONDED CR ALLINGTON

7.07.07.01

ORDINARY COUNCIL MEETING MINUTES – 15 JUNE 2017

That the minutes of the Ordinary Council meeting held in the Shire of Brookton Council Chambers, on Thursday 15 June 2017, be confirmed as a true and correct record of the proceedings with the amendment that Cr Allington be recorded as present in item 1.06.17.

SIMPLE MAJORITY VOTE REQUIRED 7-0

OCM 07.17-2

COUNCIL RESOLUTION

MOVED CR WILKINSON SECONDED CR EVA

That Council agreed to move items 7.07.07.02, 7.07.07.03, 7.07.07.04 and 7.07.07.05 on en-bloc.

7.07.07.02

EMPLOYMENT COMMITTEE MEETING MINUTES – 15 JUNE 2017

That the minutes of the Employment Committee meeting held in the Shire of Brookton Council Chambers, on Thursday 15 June 2017, be confirmed as a true and correct record of the proceedings.

7.07.07.03

HOUSING COMMITTEE MEETING MINUTES – 15 JUNE 2017

That the minutes of the Housing Committee meeting held in the Shire of Brookton Council Chambers, on Thursday 15 June 2017, be confirmed as a true and correct record of the proceedings.

7.07.07.04

LOCAL EMERGENCY MANAGEMENT COMMITTEE MEETING MINUTES – 27 JUNE 2017

That the minutes of the Local Emergency Management Committee meeting held on the 29 June 2017 be received and endorsed by Council.

7.07.07.05

WB EVA PAVILION USER GROUP COMMITTEE MEETING MINUTES – 29 JUNE 2017

That the minutes of the WB Eva Pavilion User Group Committee meeting held on the 29 June 2017 be received and endorsed by Council.

SIMPLE MAJORITY VOTE REQUIRED 7-0

8.07.17 ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

(Includes Condolences)

1. Janet Hayden
2. Mark Jones

9.07.17 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
11.07.17.01	Cr Crute	Impartiality	Employed by the Brookton Country Club and wrote the application

10.07.17 TECHNICAL & DEVELOPMENT SERVICES REPORTS

10.07.17.01 PROPOSED BED AND BREAKFAST/FARM STAY ACCOMMODATION

File No:	ADM 2814
Date of Meeting:	20/07/2017
Location/Address:	Lot 7685 Brookton Highway, Brookton
Name of Applicant:	Donna McLean
Name of Owner:	RDCJ Superannuation Fund
Author/s:	Ian D'Arcy - CEO
Authorising Officer:	Ian D'Arcy - CEO
Declaration of Interest:	The author has no an interest in this item
Voting Requirements:	Simple Majority
Previous Report:	N/A

Summary of Item:

This report has been prepared in response to an application for planning consent seeking approval from Council to operate a Bed and Breakfast/Farm Stay use on Lot 7685 Brookton Highway, Brookton.

On assessment of the application and in consideration previous the approval granted by the former Shire Planner (under delegated authority) for a Single House, the Officer Recommendation is to support a proposed Bed and Breakfast use, subject to conditions.

Description of Proposal:

As mentioned, this planning application seeks to establish a low key Bed and Breakfast use on Lot 7685 Brookton Highway, Brookton.

This property, which is presently zoned 'Farming' under the Shire of Brookton Town Planning Scheme No. 3, is located just to the west the Brookton Townsite. In summary the application states:

1. The existing house (presently under construction) on the property will be used to house up to 4 guests for between 1 – 3 nights;
2. An on-site caretaker will be present at all times, particularly on weekends;
3. The activity will not have an adverse impact on the primary use of farming.

A copy of the proposal coupled with previously approved plans of the dwelling is offered at **Attachment 10.07.17.01**.

Figure 1 below also affords an understanding of the location of house on the subject property.



Figure 1 – Aerial Photo – Lot 7685

Background:

From a land-use perspective Lot 7685 is presently zoned ‘Farming’ under the Shire of Brookton Town Planning Scheme No. 3. Further, as illustrated in **Figure 1** above, Lot 7685 is located just to the west the Brookton Townsite.

On the property is a Single House in the form of a ‘Shed’ design, approved by the former Shire Planner (under delegated authority) in October 2017. The conditions imposed on the Planning Approval for the Single House includes:

- a) Connection to an approved effluent disposal system;
- b) Connection to an independent potable supply for domestic use; and
- c) An easement being placed on the certificate of title to formalise road access prior to commence of the development. However, this condition has been deferred.

Upon inspection of the property it is noted the dwelling is erected to lock-up (but not yet habitable, water appears to be sourced from a nearby dam and 5,000 litre rain water tank adjacent to a sea container storage unit with lean-to, and vehicle access to the property from Brookton Highway is constructed to ‘farm track’ gravel driveway standard that doubles as the boundary fire break for the neighbouring allotment, also owned by the applicant.

The following **Figure 2** below illustrates the existing development.



Figure 2 – Photos of partially constructed development

Consultation:

There has not been any consultation in relation to this proposal.

Statutory Environment:

This proposal needs to be considered under the Shire of Brookton Town Planning Scheme (TPS) 3.

In this context:

Bed and Breakfast/Farm Stay: means a building in which provision is made for lodging or boarding of not more than four persons exclusive of the family of the keeper, for hire or reward.

And, Objective 3.4.1(d) applicable to the 'Farming' Zone in the Town Planning Scheme states:

(d) to consider non-rural uses, such as low key tourism where they can be shown to be of benefit to the district and not detrimental to primary production activity, natural resources or the environment.

Additionally, Table 1 of the Town Planning Scheme also designates 'Bed and Breakfast/ Farm Stay' as an 'AA' use in the 'Farming' zone, which means the Council has discretion to approve or refuse the application.

Further, Council is empowered to determine the application pursuant to Schedule 2, Clause 68 of the Planning and Development (Local Planning Schemes) Regulations, 2015.

Relevant Plans and Policy:

There are no plans or policies applicable to this matter.

Financial Implications:

There is no impost on the Shire's finances in relation to this matter.

Risk Assessment:

There is no considered risk in relation to this matter.

Community & Strategic Objectives:

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

Outcome 4.1: A diverse and strong economic base.

4.1.3: Support planning and design that encourages economic growth.

Comment

From a Planning perspective, it is accepted the proposed use aligns with the objectives of the 'Farming' zone, specifically Objective 3.4.1(d), and is unlikely to present any adverse impact or effect on the neighbouring land use. Therefore, it is recommended the Council approve the proposed use, subject to conditions being imposed that addresses the following:

- A limit of four guests at any one time;
- The use is not to commence until all construction works have been completed;
- A potable water supply being provided to minimum health and storage standards;
- The access driveway being maintained to a two wheel drive gravel standard.

OFFICER'S RECOMMENDATION

That Council grant planning approval for a Bed and Breakfast/Farm Stay use on Lot 7685 Brookton Highway, Brookton pursuant to Schedule 2, Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015, subject to the following:

Conditions

1. *The Bed and Breakfast/Farm Stay use shall not exceed four (4) paying guests at any one time.*
2. *This approved Bed and Breakfast/Farm Stay use shall not commence until construction of the dwelling has been completed and a certificate of occupation has been granted by Shire's EHO/Building Surveyor.*
3. *The Bed and Breakfast/Farm Stay use shall be serviced by:*
 - a) *A potable water supply that accords to the Australian Drinking Water Guidelines and Standards;*
 - b) *A minimum on-site storage capacity of 92,000 litres sourced from the dam or impervious roof catchment.*
4. *The access driveway aligned along the inside boundary of the adjoining Lot 1 shall be maintained to a two wheel drive gravel standard to the satisfaction of the Local Government.*

Advice

- *The applicant is advised in relation to Condition 3.a) that a copy and further information on the Australian Drinking Water Guidelines and Standards can be obtained from the Western Australian Department of Health at:*
http://ww2.health.wa.gov.au/Articles/A_E/Drinking-water-guidelines-and-standards

- *The applicant is advised that signage associated with the Bed and Breakfast/Farm Stay use is subject to a separate application to the Shire. Information on signage can be obtained from Council Policy 3.14 - Signage within Zoned and/or Reserved Land.*
- *Should the Bed and Breakfast/Farm Stay use have not commenced within a 2 year period, this approval will be deemed to have lapsed with further application required and approval granted by Council.*

Attachments

Attachment 10.07.17.01 – Copy of Planning Application and Previously Approved Plans

OCM 07.17-3

COUNCIL RESOLUTION

MOVED CR WILKINSON

SECONDED CR MILLS

That Council grant planning approval for a Bed and Breakfast/Farm Stay use on Lot 7685 Brookton Highway, Brookton pursuant to Schedule 2, Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015, subject to the following:

Conditions

- 1. The Bed and Breakfast/Farm Stay use shall not exceed four (4) paying guests at any one time.***
- 2. This approved Bed and Breakfast/Farm Stay use shall not commence until construction of the dwelling has been completed and a certificate of occupation has been granted by Shire's EHO/Building Surveyor.***
- 3. The Bed and Breakfast/Farm Stay use shall be serviced by:***
 - a) A potable water supply that accords to the Australian Drinking Water Guidelines and Standards;***
 - b) A minimum on-site storage capacity of 92,000 litres sourced from the dam or impervious roof catchment.***
- 4. The access driveway aligned along the inside boundary of the adjoining Lot 1 shall be maintained to a two wheel drive gravel standard to the satisfaction of the Local Government.***

Advice

- ***The applicant is advised in relation to Condition 3.a) that a copy and further information on the Australian Drinking Water Guidelines and Standards can be obtained from the Western Australian Department of Health at:***
http://ww2.health.wa.gov.au/Articles/A_E/Drinking-water-guidelines-and-standards
- ***The applicant is advised that signage associated with the Bed and Breakfast/Farm Stay use is subject to a separate application to the Shire. Information on signage can be obtained from Council Policy 3.14 - Signage within Zoned and/or Reserved Land.***
- ***Should the Bed and Breakfast/Farm Stay use have not commenced within a 2 year period, this approval will be deemed to have lapsed with further application required and approval granted by Council.***

CARRIED BY SIMPLE MAJORITY VOTE 7-0

11.07.17 COMMUNITY SERVICES REPORTS**11.07.17.01 LES MCMULLEN MEMORIAL RECREATION GRANT APPLICATION – BROOKTON COUNTRY CLUB**

File No:	ADM 0176
Date of Meeting:	20/07/2017
Location/Address:	N/A
Name of Applicant:	Brookton Country Club
Name of Owner:	N/A
Author/s:	Ian D’Arcy - CEO
Authorising Officer:	Ian D’Arcy - CEO
Declaration of Interest:	The author does not have an interest in this item.
Voting Requirements:	Simple Majority
Previous Report:	N/A

Summary of Item:

Council is in receipt of a application from the Brookton Country Club seeking funding from the Les McMullen Memorial Recreation Grant for the purpose of hosting the 2017 WA Golf State Sand Green Championships in August of this year.

The matter is presented to Council due to the limited timeframe, with the Officer Recommendation to endorse the application.

Description of Proposal:

This application respectfully seeks the maximum funding allowed (\$1,000) under the Les McMullen Memorial Recreation Grant Scheme to assist with costs in hosting the 2017 WA Golf State Sand Green Championships between 10th and 13th August 2017.

Specifically, the funds will be used for the hire of equipment associated with event, including toilet facilities.

A copy of the application is provided at **Attachment 11.07.17.01**.

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. Applications were traditionally called from local recreation groups and organisations in February of each year, however, due to a poor response in recent years, the Council in June of this year resolved to vary the submission requirements allowing applications to be lodged at any time throughout the year.

As mentioned, applications would ordinarily be referred to the Les McMullen Memorial Recreation Grants Committee to be assessed and determined. However, due to time constraints with the 2017 WA Golf State Sand Green Championships occurring in mid-August 2017, this application is being referred to Council for endorsement so that the Brookton Country Club can progress with organising the event.

As the grant application reflects, the criteria set to receive funding includes a matching dollar for dollar contribution. Additionally, the funds are only allocated on:

- Purchase of sporting equipment
- Perpetual trophies
- Professional Coaching and training
- Sporting events of a significant nature
- Improvements to sporting facilities

Consultation:

There has been no consultation in relation to this matter.

Statutory Environment:

The Council is charged with the responsibility to administer the Les McMullen Memorial Recreation Grant program in accordance with the provisions of the Estate of the Late Les McMullen.

Section 5.16 and 5.17 of the *Local Government Act, 1995* affords Council the power to delegate its authority to a designated Committee of Council.

Relevant Plans and Policy:

There are no plans or policies applicable to this proposal.

Financial Implications:

There is no impost on the Shire's finances in relation to this matter, with the grant funding allocation held in Trust Account E990050 for this purpose.

Risk Assessment:

There is no perceived risk to the Shire in relation to this matter.

Community & Strategic Objectives:

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

Outcome 1.4: A vibrant and inclusive community.

Strategy 1.4.1: Promote community and cultural events.

Comment

It is apparent the application from the Brookton Country Club accords with a matching financial contribution and qualifies as a significant sporting event.

In regard Council determining the application, instead of the Les McMullen Memorial Recreation Grant Committee, it is suggested Sections 5.16 and 5.17 of the *Local Government Act, 1995* does not diminish the Council's authority to determine this application.

OFFICER'S RECOMMENDATION 1

That Council approve the Brookton Country Club application for \$1,000 (excl. GST) from the Les McMullen Memorial Recreation Grant Scheme (Trust Account E990050) to assist in hosting the 2017 WA Golf State Sand Green Championships between 10th and 13th August 2017, subject to:

- 1. The funds to be utilised for the hire of equipment for this event;*
- 2. Evidence being submitted to the Shire within 30 days following conclusion of the event demonstrating expenditure of the grant funds in accordance with Point 1 above.*

COUNCIL RESOLUTION

MOVED CR EVA SECONDED CR WALKER

That Council approve the Brookton Country Club application for \$1,000 (excl. GST) from the Les McMullen Memorial Recreation Grant Scheme (Trust Account E990050) to assist in hosting the 2017 WA Golf State Sand Green Championships between 10th and 13th August 2017, subject to:

- 1. The funds to be utilised for the hire of equipment for this event;***

- 2. Evidence being submitted to the Shire within 30 days following conclusion of the event demonstrating expenditure of the grant funds in accordance with Point 1 above.***

CARRIED BY SIMPLE MAJORITY VOTE 7-0

12.07.17 FINANCE & ADMINISTRATION REPORT

12.07.17.01 LIST OF ACCOUNTS FOR PAYMENT

File No:	N/A
Date of Meeting:	20/07/17
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:	15/06/17

Summary of Item:

The list of accounts for payment to 30th June 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 authorized 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 Councils bank accounts are listed below and detailed within Attachment 12.07.01A.

To 30th June 2017

Municipal Account

Direct Debits	\$106,400.31
EFT	\$551,942.43
Cheques	\$58,258.03
Trust Account	\$1,890.00

OFFICER'S RECOMMENDATION

That with respect to the list of accounts for payment, Council: note the payments authorized under delegated authority and detailed below and in the List of Accounts 30th June 2017, per the summaries included in Attachment 12.07.17.01.

To 30th June 2017

Municipal Account

Direct Debits –	\$106,400.31
EFT	\$551,942.43
Cheques	\$58,258.03
Trust Account	\$330.00

Attachments

Attachment 12.07.17.01

OCM 07.17-5

COUNCIL RESOLUTION

MOVED CR WILKINSON SECONDED CR ALLINGTON

That with respect to the list of accounts for payment, Council: note the payments authorized under delegated authority and detailed below and in the List of Accounts 30th June 2017, per the summaries included in Attachment 12.07.17.01.

To 30th June 2017

Municipal Account

Direct Debits –	\$106,400.31
EFT	\$551,942.43
Cheques	\$58,258.03
Trust Account	\$330.00

CARRIED BY SIMPLE MAJORITY VOTE 7-0

12.07.17.02 SUNDRY DEBTOR WRITE-OFF

File No:	N/A
Date of Meeting:	20/07/17
Location/Address:	N/A
Name of Applicant:	N/A
Name of Owner:	N/A
Author/s:	Deanne Sweeney – Senior Finance Officer
Authorising Officer:	Ian D’Arcy – Chief Executive Officer
Declaration of Interest:	The author has no financial interest in this matter.
Voting Requirements:	Absolute Majority
Previous Report:	N/A

Summary of Item:

Council is asked to write-off sundry debtor debts totaling \$694.38, for private works on assessment 2607 and 426

Description of Proposal:

A schedule of arrears to be written off is presented for Council’s approval:

Debtor Number	Date	Reason	Amount
46	20/04/2011	Private Works	\$354.38
230	19/04/2013	Private Works	\$340.00

Private works were completed for the above sundry debtors back in 2011 and 2013. Council has issued correspondence on several occasions requesting payment of outstanding debts, with no response to date. We anticipate that payment for the outstanding debt is unlikely.

Given these offences occurred more than three years ago a prosecution is costly and may not be cost recovered.

The above debts are well overdue and are considered to be unrecoverable.

Background:

N/A

Consultation:

Consultation with the Chief Executive Officer has occurred in regards to the write-off request.

Statutory Environment:

Section 6.12 (1) (c) of the *Local Government Act 1995* applies to sundry debtor write-offs.
Section 6.8 of the *Local Government Act 1995* applies to Budget Variations.

Relevant Plans and Policy:

There are no Council policy implications relative to this issue.

Financial Implications:

Account E148010 Unclas Write-Offs Prior Years, has a budget of \$0.00. Should Council approve the write-offs, an additional budget variation of \$694.38 will be required, reducing the net current asset position (closing surplus).

Risk Assessment:

It is not recommended this item be added to the Shire's Risk Register, however it is to be noted that this may set a precedent for future decision making in relation to sundry debtor write-offs.

Community & Strategic Objectives:

There are no community or strategic plan implications.

Comment

The report for sundry debtor write-offs is presented to Council for consideration. Approval will conclude outstanding debts from 2011 and 2013 for private works.

OFFICER'S RECOMMENDATION

That with respect to Sundry Debtor Write-Off, Council:

1. *Approves the sundry debtor write-off for debtor 46 and 230 totaling \$694.38*
2. *Approve a budget variation of \$694.38 FOR 2017/2018 budget once adopted, increasing budget expenditure on account number E148010 Unclas Write-Offs Prior Years from \$0.00 to \$694.38*

(Absolute Majority Vote Required)

OCM 07.17-6**COUNCIL RESOLUTION**

MOVED CR WILKINSON SECONDED CR ALLINGTON

That with respect to Sundry Debtor Write-Off, Council:

1. *Approves the sundry debtor write-off for debtor 46 and 230 totaling \$694.38*
2. *Approve a budget variation of \$694.38 FOR 2017/2018 budget once adopted, increasing budget expenditure on account number E148010 Unclas Write-Offs Prior Years from \$0.00 to \$694.38*

CARRIED BY ABSOLUTE MAJORITY VOTE 7-0

12.07.17.03 WRITE-OFF SMALL BALANCES – END OF YEAR RATES

File No:	N/A
Date of Meeting:	20/07/17
Location/Address:	N/A
Name of Applicant:	N/A
Name of Owner:	N/A
Author/s:	Deanne Sweeney – Senior Finance Officer
Authorising Officer:	Ian D’Arcy – Chief Executive Officer
Declaration of Interest:	The author has no financial interest in this matter.
Voting Requirements:	Absolute Majority
Previous Report:	N/A

Summary of Item:

This report recommends a write-off of small balances totaling \$105.66 to be written off in accordance with section 6.12 (1) (c) of the *Local Government Act 1995*.

Description of Proposal:

As part of the Rates end of year process it is recommended to write-off small balances \$5.00 and under per rates assessment. Details of the small balance write offs are supplied in the attached schedule titled 12.07.17.04 – Small Balance Write-Off’s.

Background:

N/A

Consultation:

Consultation with the Chief Executive Officer has occurred in regards to the write-off request.

Statutory Environment:

Section 6.12 (1) (c) of the *Local Government Act 1995* applies to small balance write-offs.

Relevant Plans and Policy:

There are no Council policy implications relative to this issue.

Financial Implications:

The financial implications are minor and covered in a standard budget provision for write offs of this nature.

Risk Assessment:

It is not recommended this item be added to the Shire’s Risk Register.

Community & Strategic Objectives:

There are no community or strategic plan implications.

Comment

The report for write-off small balances is presented to Council for consideration.

OFFICER'S RECOMMENDATION

That with respect to Write-Off Small Balances, Council:

Approves the schedule of small balance write-off's totalling \$105.66 as per attachment 12.07.17.03 as part of Rates end of year processing.

(Absolute Majority Vote Required)

Attachments

Attachment 12.07.17.03

OCM 07.17-7

COUNCIL RESOLUTION

MOVED CR WILKINSON SECONDED CR WALKER

That with respect to Write-Off Small Balances, Council:

Approves the schedule of small balance write-off's totalling \$105.66 as per attachment 12.07.17.03 as part of Rates end of year processing.

CARRIED BY ABSOLUTE MAJORITY VOTE 7-0

13.07.17 GOVERNANCE

13.07.17.01 AUTHORISATION OF OFFICERS

File No:	ADM 0191
Date of Meeting:	20 July 2017
Location/Address:	N/A
Name of Applicant:	N/A
Name of Owner:	N/A
Author/s:	Ian D'Arcy - CEO
Authorising Officer:	Ian D'Arcy - CEO
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previous Report:	N/A

Summary of Item:

In accordance with legislative requirements the Council is required to formally appoint its Municipal Law Enforcement Officers (commonly referred to as Shire Rangers) and Bushfire Control Officers. This is done to ensure compliance and lawfully legitimise their authorisation under various statutes to enforcing local and state laws, and fulfilling their primary duties.

Description of Proposal:

This report seeks Council's consideration to:

1. Appointing a new Shire Ranger from WA Contract Ranger Services to represent the Shire of Brookton in the performance of Ranger Services for the local community;
2. Appointing Dual Fire Control Officers from the Shire of Corrigin.

Background:

The Shire of Brookton presently uses WA Contract Ranger Services to perform many of its statutory obligations from a law enforcement perspective. As Council would be aware this includes, but is not limited to, a broad range of responsibilities and enforcement actions under the following legislation;

- *Dog Act 1976*
- *Cat Act 2011*
- *Litter Act 1979*
- *Control of Vehicles (Off Road Areas) Act 1978*
- *Bush Fires Act 1954*
- *Caravan Parks and Camping Grounds Act 1995*, among others.

Similarly, the Council has been requested by the Shire of Corrigin to also appoint Dual Fire Control Officers under the *Bush Fires Act, 1954* to empower these volunteers to act in their appointed roles across the municipal boundary.

A copy of this letter of request is provided at **Attachment 13.07.17.01**.

Importantly, the Council is obliged to appoint authorised officers acting of the Shire's behalf, including Shire Rangers and Fire Control Officers to ensure they are lawfully empowered and can be effective in the performance of their duties.

In acknowledging the above, WA Contract Ranger Services has appointed a new Ranger in Mr Shane Fewster, a former Ranger who worked for the Shire of York for a number of years.

Additionally, the Shire of Corrigin is seeking Council's appointment of Mr Ray Hathaway and Mr Braden Grylls in the capacity of Dual Fire Control Officer.

Consultation:

There has been no consultation in relation to this matter.

Statutory Environment:

The following legislation applies to the authorisation of a Shire Ranger:

- **Cat Act, 2011**- s. 42 to s. 48 and s. 50 to s. 52
- **Dog Act, 1976** – s. 3, s.10AA to s.17 ; s.28 to s.30A; and s.44
- **Control of Vehicles (Off Road Areas) Act 1978** - s.3; s.5 and s.38
- **Caravan Parks and Camping Grounds Act, 1995** – s. 5 and s.17
- **Litter Act, 1979** – s.5 and s.26
- **Local Government Act , 1995** – s.3.1; s.3.24 and s.5.46
- **Bush Fires Act, 1954** – s.38
- **Interpretation Act, 1984** – s.58 and s.59

Relevant Plans and Policy:

There are no plans or policies applicable to this proposal.

Financial Implications:

There is no impost on the Shire's finances in relation to this matter.

Risk Assessment:

Without the required authorisation from Council there is a perceived high level risk in relation to the duties performed by the newly appointed Ranger and Dual Fire Control Officers which could be deemed unlawful and potentially invalid should their actions be challenged through judicial process.

Community & Strategic Objectives:

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

Outcome 5.3: Effective and efficient corporate and administrative services.

Comment

Nil.

OFFICER'S RECOMMENDATION 1

That Council appoints Mr Shane Fewster from WA Contract Ranger Services as an authorised officer under the following legislation:

- **Cat Act, 2011**- s. 42 to s. 48 and s. 50 to s. 52
- **Dog Act, 1976** – s. 3, s.10AA to s.17 ; s.28 to s.30A; and s.44
- **Control of Vehicles (Off Road Areas) Act 1978** - s.3; s.5 and s.38
- **Caravan Parks and Camping Grounds Act, 1995** – s. 5 and s.17
- **Litter Act, 1979** – s.5 and s.26

- *Local Government Act , 1995 – s.3.1; s.3.24 and s.5.46*
- *Bush Fires Act, 1954 – s.38*
- *Interpretation Act, 1984 – s.58 and s.59*

OFFICER’S RECOMMENDATION 2

That Council appoints Mr Ray Hathaway and Mr Braden Grylls from the Shire of Corrigin as authorised officers in the capacity of Duel Fire Control Officer under Section 38 of the Bush Fires Act, 1954.

Attachments

Attachment 13.07.17.01

OCM 07.17-8

COUNCIL RESOLUTION

MOVED CR WILKINSON

SECONDED CR MILLS

1. ***That Council appoints Mr Shane Fewster from WA Contract Ranger Services as an authorised officer under the following legislation:***
 - ***Cat Act, 2011- s. 42 to s. 48 and s. 50 to s. 52***
 - ***Dog Act, 1976 – s. 3, s.10AA to s.17 ; s.28 to s.30A; and s.44***
 - ***Control of Vehicles (Off Road Areas) Act 1978 - s.3; s.5 and s.38***
 - ***Caravan Parks and Camping Grounds Act, 1995 – s. 5 and s.17***
 - ***Litter Act, 1979 – s.5 and s.26***
2. ***That Council appoints Mr Ray Hathaway and Mr Braden Grylls from the Shire of Corrigin as authorised officers in the capacity of Duel Fire Control Officer under Section 38 of the Bush Fires Act, 1954.***

CARRIED BY SIMPLE MAJORITY VOTE 7-0

13.07.17.02 WALGA CENTRAL COUNTRY ZONE – ESTABLISHMENT OF WORKING GROUP/ADVISORY GROUP LOCAL GOVERNMENT ACT REVIEW

File No:	ADM 0294
Date of Meeting:	20/07/2017
Location/Address:	N/A
Name of Applicant:	N/A
Name of Owner:	N/A
Author/s:	Ian D’Arcy - CEO
Authorising Officer:	Ian D’Arcy - CEO
Declaration of Interest:	The author has an interest as an employee directly affected by changes to the Local Government Act and Regulations
Voting Requirements:	Simple Majority
Previous Report:	N/A

Summary of Item:

This report involves:

1. The establishment of an Advisory Group under the auspice of WALGA Central Country Zone Executive to consider and provide comment/recommendations on the proposed new Local Government Act to be drafted over the next 18 months; and
2. An invitation to Central Country Zone members to nominate Council representatives to be part of the Working/Advisory Group make-up.

In consideration of the above, it is recommended Council nominate representatives to participate on this Advisory Group on behalf of the Shire.

Description of Proposal:

This matter relates to a holistic review the Local Government Act, 1995 by the State Government and the opportunity for the Local Government sector to provide input.

Background:

At the WALGA Central Country Zone meeting in Pingelly on 23rd June 2017 one of the items presented for *consideration by delegates involved a pending review of the Local Government Act, 1995*. This review is to be conducted by the Department of Local Government, Sport and Cultural Industries.

The following is a summary of the matters to be considered as part of this legislative review process, with this information being extracted from the Zone Meeting agenda item on this matter:

“The State Council agenda item lists a number of issues that have previously been identified [to be considered as part of the review process] including the following:

- a) *Gifts*
- b) *Regional Subsidiaries*
- c) *Rating Exemptions:*
 - *Charitable Purposes provisions,*
 - *Rate Equivalency Payments of Government Trading entities.*

d) *Financial Management Issues:*

- *Borrowings,*
- *Investments*,*
- *Fees and Charges,*
- *Financial ratios*

(Noting that Regulation 19C(2)(b) of the Financial Management Regulations, permitting fixed term deposits to be invested for up to 3 years, was amended on 12 May 2017)*

e) *Administration:*

- *Electors' General Meetings to be optional,*
- *Designated Senior Officer section to be reviewed,*
- *Public Notices (modernisation of the Act to acknowledge electronic means).*

f) *Functions of Local Governments:*

- *Tender Thresholds,*
- *Establish Council Controlled Organisations (Local Government Enterprises),*
- *Regional Council provisions (review of compliance requirements).*

g) *Poll Provisions relating to amalgamations and boundary adjustments.*

- *The poll provisions contained in Schedule 2.1 of the Local Government Act should be extended to provide any community whose Local Government is undergoing a boundary change or amalgamation with the opportunity to demand a binding poll of with the opportunity to demand a binding poll of electors."*

In addition to the above, the matter of working relationships between Elected Members and Chief Executive Officers was raised, with it agreed this matter also needs to be addressed as part of the review process.

In light of this, the following motion was passed at the Zone meeting with the highlighted section most applicable to this matter:

RESOLUTION: Moved: Cr Blight Seconded: Cr Crute

That:

1. *the WALGA Recommendation be supported;*
2. *a working/advisory group be formed by the Central Country Zone Executive Committee to review in detail proposed changes applicable to (but not limited to) those issues listed in the Comment Section of the above Report, including the working relationships between CEO and Council, with recommendations being presented back to the Central Country Zone for its consideration;*
3. *the Central Country Zone Executive Committee be authorised, once the formal consultation schedule has been released, to call a Special Zone Meeting should that be the most appropriate way to ensure collective Zone input into the WALGA consultation process.*

CARRIED

The Council is now in receipt of a request from the Zone Executive Officer seeking representation from member Local Governments on the Advisory Group, with nomination to be submitted by 28th July 2017 to be considered by the Zone Executive.

Further information on this matter will also be tabled at the Council's July 2017 Corporate Briefing Forum (CBF) as part of the CEO report.

Consultation:

Consultation has occurred on this matter with between the Shire President and CEO.

Statutory Environment:

There is no statutory requirement to be represented on the Advisory Group.

Relevant Plans and Policy:

There are no plans or policies applicable to this matter.

Financial Implications:

There is no impost on the Shire's finances in relation to this matter.

Risk Assessment:

There is no considered risk in relation to this matter.

Community & Strategic Objectives:

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

Outcome 5.1: Effective leadership and governance.

Strategy 5.1.1: Represent and promote the Shire in Regional, State and National forums.

Comment

The request to participate on the Central Country Zone Advisory Group for review of the Local Government legislation is seen as a great opportunity to contribute to this process at the 'grass roots' level, and afford practical insight from Shire's experience and perspective in delivering services to a typical Wheatbelt rural community under the existing Local Government framework. Additionally, the Shire of Brookton can also be seen as being pro-active in offering advice and recommendations on where the legislation can be enhanced for the betterment of improved service delivery and accountability across the industry.

However, more significantly, it is viewed that direct participation on the Advisory Group by this Shire will provide insight into some of the short comings experienced regarding the recruitment, working relationship and management issues between the CEO and Council (or individual Elected Members), and the direct impact on the administration and operational functions of the organisation.

Therefore, it is viewed that Council give favourable consideration to nominating representatives from this organisation to participate on Advisory Group, with it suggested the existing Central Country Zones representative's names/positions be put forward for consideration by the Zone Executive.

OFFICER'S RECOMMENDATION

That Council endorse the nomination of the Shire President, Deputy Shire President and CEO as representatives from the Shire of Brookton to participate on the WALGA Central Country Zone Advisory Group to review and prepare draft recommendations on changes to the Local Government Act and Regulations for consideration by the WALGA Central Country Zone.

COUNCIL RESOLUTION

MOVED CR WILKINSON SECONDED CR ALLINGTON

That Council endorse the nomination of the Shire President, Deputy Shire President and CEO as representatives from the Shire of Brookton to participate on the WALGA Central Country Zone Advisory Group to review and prepare draft recommendations on changes to the Local Government Act and Regulations for consideration by the WALGA Central Country Zone.

CARRIED BY SIMPLE MAJORITY VOTE 7-0

13.07.17.03 RECREATIONAL VEHICLE (RV) FRIENDLY TOWN DESIGNATION

File No:	A604
Date of Meeting:	20/07/2017
Location/Address:	Lot 35, Lennard St and Brookton Hwy, Brookton (Reserve 2762)
Name of Applicant:	N/A
Name of Owner:	Shire of Brookton
Author/s:	Courtney Fulwood – Executive Officer Ian D’Arcy – Chief Executive Officer
Authorising Officer:	Ian D’Arcy – Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements:	Simple Majority
Previous Report:	16/02/2017

Summary of Item:

This report relates to the designation of a Recreational Vehicle (RV) friendly (RV Friendly™) site at Reserve 2762 (Lions Park) for periods up to 48 hours, free of charge as previously reported to Council at its February 2017 Ordinary Meeting.

The following **Figure 1** illustrates the location of the proposed camping site.



Figure 1 – Existing Lions Park/Proposed RV Camping Site

Description of Proposal:

This proposal involves;

1. Establishment of the existing Lions Park as a free camping site, mainly for caravans and

motorhomes; and

2. Accreditation of Brookton as a Recreational Vehicle Friendly Town (RV Friendly Town™) from the Campervan and Motorhome Club of Australia Limited (CMCA).

Background:

Council will recall this item was presented at the February 2017 Ordinary Meeting where it was resolved as follows:

MOVED CR CRUTE SECONDED CR EVA

That with respect to seeking for Brookton Townsite to be recognised as a Recreational Vehicle Friendly Town (RV Friendly Town™), the Council, prior to considering adoption of the below proposal, advertise the concept (and referencing the content of the informing report) for a minimum period of 30 days to the public in general and, specifically to the business community and adjoining and adjacent landowners, seeking their comments.

Proposal

That the Council;

1. ***Request accreditation and designation as a Recreational Vehicle Friendly Town (RV Friendly Town™), from the Campervan and Motorhome Club of Australia Limited (CMCA) and;***
2. ***Request provision of RV Friendly Town™ signs from CMCA for erection within the town entrances / precinct and;***
3. ***Note that the Town currently provides signed, dedicated and accessible long vehicle parking within the town centre, with close access to the general shopping area, for groceries and fresh produce and also the Saddleback Medical Centre and Brookton Pharmacy for health and medical needs and;***
4. ***Agrees to provide free access to the potable water supply for RVs and Caravans immediately adjacent to the Dump Point adjoining the Brookton Caravan Park and;***
5. ***Agrees to provide free access to the Dump Point adjoining the Brookton Caravan Park and;***
6. ***Note that long term parking (under three months) for self-contained RVs is encouraged and permissible at the Brookton Caravan Park, paying the scheduled fee and;***
7. ***Ensure that the proposed town map at the Rotunda on Robinson Rd and the existing one on the Northam Cranbrook Rd, opposite the Brookton Fire & Rescue and St Johns Ambulance, shows essential facilities, including the locations of short and long term parking areas, the RV Friendly™ site, the Dump Point and potable water and;***
8. ***Provide short term, low cost overnight parking (no longer than 48 hours) for self-contained RVs, within close proximity to the Brookton Town Centre (CBD) at Lions Park, on the Banks of the Avon River on Brookton Highway (the RV Friendly™ site) and;***
9. ***Review the activity and sites operations after 12 months and;***
10. ***Adopt a fee of \$Nil per night for the RV Friendly™ site for the remainder of the 2016/17 Financial Year, following publication (notification) of the fee in the Brookton Telegraph.***

CARRIED BY ABSOLUTE MAJORITY VOTE 4-0

In line with the above motion, the proposal was advertised (see Consultation Section below) and is again presented to Council for further consideration.

Consultation:

As mentioned, Council moved at its 6th February 2017 Ordinary meeting that the concept (and referencing the content of the informing report) be advertised for a minimum period of 30 days to the public in general and, specifically to the business community and adjoining and adjacent landowners, seeking their comments.

This advertising occurred through publication in the local telegraph and Shire of Brookton website for a period of 30 days, ending on the 2nd June 2017.

As a result, the comment received has amounted to seven (7) submissions, six (6) from the general public and one (1) from an adjoining landowner. All submitters have expressed support of the overnight camping proposal. Their respective comments are provided in **Attachment 13.07.02**, which includes reference to the provision of adequate signage and ablution facilities.

Statutory Environment:

Land Administration Act 1997

Reserve 2762, which comprises an area of 2.0234 ha, is vested with the Shire of Brookton for the purposes of recreation additionally the Shire's Local Planning Scheme also designates the zoning for this Reserve as 'recreation'.

The Local Government Act 1995

This legislation empowers Council to set fees and charges under Sections 6.16 and 6.17. Accordingly, Council is able to set a nil charge for camping through the current Budget process.

Caravan Park and Camping Grounds Act 1995

As the proposed camping area is not likely to be licenced the maximum length of stay will need to be capped at 72 hours, as prescribed under this legislation.

Relevant Plans and Policy:

There are no Policies or Plans relevant to this matter.

Financial Implications:

As provided in the previous report, the cost of creating an RV Friendly™ site will amount to approximately \$1,000 (for purchase and erection of signage and rubbish bins), with this expenditure to be drawn from COA 136090 once the 2017/18 Budget is adopted by Council.

In return, it is expected this small investment will encourage increased visitation and recognition of Brookton as an RV Friendly town.

The cost of the outlay can be included in the coming budget should Council support progression of this initiative.

Risk Assessment:

There is no risk identified in relation to this matter.

Community & Strategic Objectives:

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

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.

Comment

In light of the support received through the public consultation it is recommended the Council proceed with the RV Friendly campsite proposal at Lions Park with a review of the activity after 12 months.

OFFICER'S RECOMMENDATION

That Council proceed with its initial motion (as outlined in the Background Section of this Report) in becoming an RV Friendly Town™ that involves;

- 1. Establishment of a short term, low cost overnight parking (no longer than 48 hours) for self-contained RVs, on Reserve 2762 (Lions Park), with an allocation of \$1,000 for the provision of signage and two wheeled bins to be allocated from Charter of Account (COA) 136090 once the 2017/18 Budget has been adopted;*
- 2. Adoption of a \$Nil fee per night for the RV Friendly™ site for the 2017/18 Financial Year to be included in the 2017/18 Schedule of Fees as part of the municipal 2017/18 Budget;*
- 3. Requesting accreditation as a Recreational Vehicle Friendly Town from the Campervan and Motorhome Club of Australia Limited (CMCA);*
- 4. Requesting provision of RV Friendly Town™ signs from CMCA for erection within the town entrances / precinct;*
- 5. Providing free access to the potable water supply and Dump Point adjoining the Brookton Caravan Park for RVs and Caravans; and*
- 6. A review of the RV Friendly™ site after 12 months of operation.*

Attachments

Attachment 13.07.17.02

OCM 07.17-10

COUNCIL RESOLUTION

MOVED CR MILLS SECONDED CR WALKER

That Council proceed with its initial motion (as outlined in the Background Section of this Report) in becoming an RV Friendly Town™ that involves;

- 1. Establishment of a short term, low cost overnight parking (no longer than 48 hours) for self-contained RVs, on Reserve 2762 (Lions Park), with an allocation of \$1,000 for the provision of signage and two wheeled bins to be allocated from Charter of Account (COA) 136090 once the 2017/18 Budget has been adopted;*
- 2. Adoption of a \$Nil fee per night for the RV Friendly™ site for the 2017/18 Financial Year to be included in the 2017/18 Schedule of Fees as part of the municipal 2017/18 Budget;*

3. *Requesting accreditation as a Recreational Vehicle Friendly Town from the Campervan and Motorhome Club of Australia Limited (CMCA);*
4. *Requesting provision of RV Friendly Town™ signs from CMCA for erection within the town entrances / precinct;*
5. *Providing free access to the potable water supply and Dump Point adjoining the Brookton Caravan Park for RVs and Caravans; and*
6. *A review of the RV Friendly™ site after 12 months of operation.*

CARRIED BY SIMPLE MAJORITY VOTE 7-0

14.07.17	ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN
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Nil

15.07.17	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING
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Nil

16.07.17	CONFIDENTIAL REPORTS
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OCM 07.17-11

COUNCIL RESOLUTION

MOVED CR WILKINSON SECONDED CR MILLS

Council close the meeting to the public in accordance with Section 5.23 (2) (e) as this items relates to a matter that if disclosed would reveal information about the business, professional, commercial or financial affairs of Brookton Senior Citizens Homes Inc.

CARRIED BY SIMPLE MAJORITY VOTE 7-0

16.07.17.01 BROOKTON SENIOR CITIZENS HOMES

File No:	ADM 0345
Date of Meeting:	20/07/2017
Location/Address:	Lot 420 White Street and Part of Lot 242 Whittington Street Brookton
Name of Applicant:	Brookton Senior Citizens Homes Inc.
Name of Owner:	As Above
Author/s:	Ian D'Arcy - CEO
Authorising Officer:	Ian D'Arcy - CEO
Declaration of Interest:	The author has no interest in this Item
Voting Requirements:	Absolute Majority
Previous Report:	N/A

Summary of Item:

This report relates to correspondence received from the Brookton Senior Citizens Homes Committee Inc. requesting Council's consideration in respect to future ownership and management of the existing Senior Citizens Independent Living Units (ILUs) to the Shire of Brookton in accordance with the current Brookton Senior Citizens Homes Inc. constitution.

Accordingly, it is recommended Council undertake a thorough review of this matter through the preparation of a Business Plan, to be presented back to Council before the end of November 2017.

OCM 07.17-12**COUNCIL RESOLUTION****MOVED CR MILLS SECONDED CR FANCOTE****That Council:**

- 1. Acknowledge the request from the Brookton Senior Citizens Homes Committee Inc. in regard to reviewing the future ownership and management of Brookton Senior Citizens Homes that encompasses existing Independent Living Units located at Lot 420 White Street and Lot 242 Whittington Street, Brookton;**
- 2. In consideration of Section 3.59 of the Local Government Act, 1995 progress the preparation of a Business Plan that addresses in some detail Point 1. above (inclusive of the range of matters outlined in the Comment Section of this report), with the completed Business Plan to be presented back to Council for its consideration on or before its November 2017 Ordinary meeting;**
- 3. Fund the preparation of the Business Plan form Charter of Account (COA) 136090 once the 2017/18 Budget has been adopted.**

CARRIED BY ABSOLUTE MAJORITY VOTE 7-0**OCM 07.17-13****COUNCIL RESOLUTION****MOVED CR WILKINSON SECONDED CR ALLINGTON**

That Council reopen the meeting from behind closed doors, the time being 12.54 pm, and advise the public component of any resolutions passed behind closed doors.

CARRIED BY SIMPLE MAJORITY VOTE 7-0

17.07.17 NEXT MEETING & CLOSURE

The next Ordinary meeting of the Council will be held on Thursday 17 August 2017 commencing at 12.30 pm.

There being no further business this meeting was closed at 12.55pm.